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SENATE—*Thursday, May 10, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Paul Rowold of Good Shepherd Lutheran Church in Polson, MT.

PRAYER

The guest Chaplain offered the following prayer:

We pray.

You call us, O Lord our God, to respond today to Your saving actions throughout history. In Micah 6, You call us to justice and humility and loving kindness. In Matthew 23, You call us again to justice and mercy and faith. Move within us, encouraging us to boldly live for the sake of others.

Give to our leaders the courage of those who do justice, the humility of those who value faith, the honesty of those who have received mercy, and the joy of those who show love. This is Your call to all true leaders.

Give to our Nation compassionate strength, faithful perseverance, and open ears and eyes and hearts, ready to respond to Your call.

Let Your wisdom guide us and Your hope fill us with new resolve and Your love send us to all who look to us for lasting justice, humble mercy, and bold faith.

You call us, O Lord our God, to respond today to Your saving actions in our lives, our Nation, and Your world. Move within us all, that we may answer Your call.

In Your mighty Name, we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 10, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I yield to the Senator from Montana.

The ACTING PRESIDENT pro tempore. The senior Senator from Montana is recognized.

THANKING THE GUEST CHAPLAIN

Mr. BAUCUS. Mr. President, I wish to take a moment to thank Rev. Paul Rowold, pastor of Good Shepherd Lutheran Church in Polson, MT.

The prophet Isaiah wrote:

> The Lord has given me the tongue of a teacher, that I may know how to sustain the weary with a word.

Thank you, Pastor Paul, for being here to sustain us today and opening our Senate in prayer.

Pastor Paul served Lutheran congregations in several other places in the country—Rockford, IL, and Englewood, CO—prior to his call to Polson, MT, in 1977.

Polson—for those of you who don't know, and I am sure more of you do—is a small community on the Flathead Indian Reservation in Montana. It sits at the south end of Flathead Lake, one of the largest natural freshwater—actually, to be precise, we have to get our adjectives lined up here—Flathead is the largest freshwater lake west of the Mississippi and, I might say, near some of the most pristine wilderness on the planet.

Pastor Paul is an expert on the Holy Land, and he has traveled there more than 20 times, both as an archaeologist and as a tour guide. We were just earlier talking about his experience as a tour guide and just how wonderfully warm he and his family have been received as tour guides when they have been in Palestine. It was very warm and encouraging just listening to him describe that.

He is here today with his wife Donna and two of his daughters, Katie and Stephanie, as well as with many of his extended family. They are all enjoying this moment with Pastor Paul, and we welcome all of you here today, too.

So, Paul, thank you for your life of faith, your leadership of the Good Shepherd Lutheran Church, and for your service to the community of Polson, MT, and to many others who I know attend your church.

Thank you very much.

The PRESIDING OFFICER (Mr. CASEY). The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I have not had an opportunity to speak to the distinguished Republican leader about this, but I ask unanimous consent that the vote, rather than starting at 9:45, start at 9:55 a.m. This will still allow those who are attending hearings to get there immediately after casting their vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I ask consent that all other elements of the previous order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the effect of this consent agreement is that the

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

rollcall vote will occur at 9:55. We will proceed then to the water resources bill. Since this is a very bipartisan bill, I hope cloture is invoked on the motion and shortly thereafter we can proceed to the bill so the managers, Senators BOXER and INHOFE, can work toward completing that action.

MEASURES PLACED ON THE CALENDAR—S. 1348 AND H.R. 2080

Mr. REID. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. Without objection, the clerk will report the bills en bloc for the second time.

The legislative clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform and for other purposes.

A bill (H.R. 2080) to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.

Mr. REID. Mr. President, I object to any further proceedings on these matters.

The PRESIDING OFFICER. Objection is heard.

The bills will be placed on the calendar en bloc.

JUDICIAL NOMINEES

Mr. REID. Mr. President, I am concerned about comments made by a Republican Senator yesterday suggesting that I have made a commitment that the Senate will confirm a specific number of judges in this Congress.

Senator McCONNELL and I have a lot of private conversations on a lot of different subjects. Senator McCONNELL has told me that the number of judges confirmed and the way judges are handled in this Congress is very important to him. If that, in fact, is the case, that it is important to him, it is important to me, and I have told him that.

The only way this Senate is going to run well is if the Republican leader and the Democratic leader have an understanding as to how things should proceed. There are certain things I feel strongly about. He knows what they are. I feel that he understands how I feel about those things. And I think the converse is true: If I think something is important, he thinks it is important.

I reiterate, he believes the way judges are handled in this Congress is important to him. It is important to me. It is important to both of us for a number of reasons.

He and I are both lawyers, and we both revere the Federal judiciary. We have worked with present members of the Supreme Court to work on increasing their pay. We have worked with them on a number of issues that are important to the administration of justice in this country. The Federal judiciary, really, is the third branch of our Federal Government, and it is entitled to great respect.

Senator McCONNELL and I believe that the process for considering judicial nominees has become too partisan over the years. The way the Republican-controlled Senate treated President Clinton's judicial nominees was wrong. And, of course, Republicans have their grievances about the way Republican nominees have been handled. We could weigh them and say: You treated us worse than we treated you, and vice versa, but that does not solve the problem. In this regard, there is no need we look back to yesterday. We should focus on today and tomorrow, and that is what I intend to do.

I do agree, without any reservation, with Senator McCONNELL that we should work to improve the confirmation process for a number of reasons, part of which is selfish; that is, I understand how the Senate works. Everyone is contemplating the election a year from this November. We are going to have a new President. It may be a Democrat, it may be a Republican. Those elections may tilt the balance of this Senate so that Democrats have more than just the one-vote majority we have now. But, Mr. President, I have been around here a long time. You never know what is going to happen in an election. We may find ourselves in the minority.

So I think one reason we should put all this stuff behind us is we want to handle the judges the same way, no matter who is President or who is in control of the Senate. The House has nothing to do with judges as far as confirmation.

I told Senator McCONNELL we would work hard to process judicial nominees in due course and in good faith, and I will continue to do that. To Senator McCONNELL, due course would mean 15 to 17 circuit court confirmations in this Congress because that is the historical average for Presidents during the last 2 years a President is in office. I cannot commit to a specific number. We should measure quality, not quantity. There is no reason we cannot confirm 15 nominees if, in fact, they are seen to be, on both sides, mainstream, capable, experienced nominees who are the product of bipartisan cooperation. But we should not confirm nominees who are out of the mainstream, who are unacceptable, for example, to home State senators.

Now, I say, Mr. President, I think we started off this year in a good light. The President decided not to resubmit names he knew were problematic, and I say publicly, as I have said to Senator McCONNELL privately, that showed good faith. I appreciate that.

We have confirmed three circuit court nominees in this Congress, including Debra Livingston of New York yesterday. There is a hearing for Judge Southwick that starts in 20 minutes. He is from Mississippi. That has been a seat which has been very difficult to fill. We have been through at least two nominees that I know of. I would hope this hearing goes well.

I will continue to work in good faith. We presently have pending two judges on the appellate level. We have a number of district court judges, but we will focus today on circuit court judges—Mississippi, Southwick, whom I just talked about, and one who was sent up late last month from Texas. We are going to make sure we work to move these as quickly as possible. But I do not have a specific numerical goal, other than the outline the Republican leader has given. The Senate should fulfill its constitutional duty with care and confirm nominees who deserve a lifetime appointment to the Federal bench.

Finally, let me say something about the two who are responsible for this Judiciary Committee, Senators LEAHY and SPECTER. It is no secret—it has already been written about—that Senator LEAHY and Senator HATCH, when they were running this committee, had a difficult relationship. It did not work out well. It has also been written about—and very clear—that the relationship between Senator SPECTER and Senator LEAHY is one of respect. They have done a lot of work together, good work together, and they get along extremely well, including with their work on judges.

I do not want the situation on the floor today to show any disrespect to the two men running that committee, LEAHY and SPECTER. They are doing the best they can. But I would hope that—in the Senate, PAT LEAHY has been here a lot longer than I have. He has a distinguished career—the only Democratic Senator ever elected from the State of Vermont. He had a distinguished career as a prosecutor before he came here. He has a wonderful family. I care a great deal about him, and I have worked very closely with him over these many years, trying to help when I could with the work he has in the Judiciary Committee. And I will continue to do that. So I can only say positive things about Senator LEAHY and Senator SPECTER as a result of what they are doing in that committee.

I do want the record to reflect that—maybe it was a misunderstanding of one of the Senators on the other side of the aisle to say I was not living up to my word in not moving forward on judges. At least that is what I was told he said. If that is the case, I am sure he did not understand all the facts. The record should be very clear that I am going to do everything I can as the majority leader, working with Senator LEAHY, to move these judges as quickly as we can. If, in fact, there are problems that arise during the confirmation process, I cannot make myself the

Committee of the Judiciary. I am only one Senator. I am not a member of that committee. That will be up to Senators LEAHY and SPECTER to run as they see fit and to bring the nominations forward. I will do what I can, working with Senator LEAHY, to expedite the judicial process, but I do not want to interfere with their work other than to say what I have said. I hope people understand the relationship Senator McCONNELL and I have as to how the Senate runs is extremely important. There are times, I can tell my colleagues without any reservation, when I wish I were the Speaker of the House. The Speaker of the House doesn't have to worry about the minority; they run over everybody. That is the way it is set up. But here, the Founding Fathers those many years ago when they came up with this unique experiment called the Congress, a bicameral legislature, these wise men set up this situation so that one House, if you are in control—if one party is in control, they can do anything they want, and in the other House—the Senate—if one party is in control, they can do some things they want but not everything, because the minority has tremendous power in the Senate. I know. I have been in the minority quite a bit.

So I want the RECORD to reflect I will continue to work with Senator McCONNELL to move these judges as quickly as we can, and I hope this statement reflects my position on judges. I will do my very best, and if any problems arise regarding judges and people don't understand my position, if I haven't explained it clearly enough today, I will try to do so again if any questions arise.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

JUDICIAL NOMINEES

Mr. McCONNELL. Mr. President, seeing the occupant of the Chair and realizing he is new to the Senate and learning the process here, I think the majority leader had it right. One thing that is important for everyone to remember is that in the Senate, if you are here for a while, sooner or later the shoe is on the other foot. The position you are in today is the position your adversary may be in very soon in the future. So the precedents we set in the Senate are extremely important.

The majority leader and I, as he indicated this morning, talked about this issue at the beginning of the session and we agreed that the process of confirming circuit court judges had become entirely too contentious, and it was largely a waste of time to try to cast blame as to who was most at fault in that situation developing. To the maximum extent possible, we agreed we wanted to have a clean, fresh start that would honor the traditions of the Senate.

A good way to look at it is to look at the last three Presidents. Each of them in the last 2 years of their tenure in office had a Senate controlled by the opposition party. So the question is, how did the opposition party in the Senate treat the President on circuit court nominees? Looking at the statistics, President Bush, 41; President Clinton and President Bush, 43; and we will see how he comes out, President Bush, President Clinton, and President Reagan, there were an average of 17 circuit court judges confirmed in similar situations.

The majority leader, in one of our discussions on the floor back in February, said:

> This is not our last circuit court judge, but the first of a significant number who can at least meet the standards of Congresses similarly situated as ours.

That was an accurate public reflection by the majority leader back in February of the numerous conversations he and I have had, both publicly and privately, about the standard we ought to achieve here in this Congress. I think that is a standard that can still be met. Three circuit judges have been confirmed this year—a little slower process than frankly I had thought, particularly since we are in the early part of the Congress where presumably it would be more easily done than later. The majority leader was entirely correct, and I commend him, for referring to the gesture the President made at the beginning of this Congress about not resubmitting four or five highly contentious nominees that it is clear the new Democratic majority, as well as the Democratic minority in the past, did not want to see confirmed. The President took those off the table, sent up new nominees, and most of them are completely without controversy. One of them will have a hearing beginning at 10 o'clock this morning, and how that turns out and how that individual is treated will tell us a lot about where we are going to be able to go from here to achieve the standard the majority leader referred to that he and I wish to meet for this Congress.

I thank my friend from Nevada for his observations. I agree with them. I think they accurately reflect our mutual desire here to have this Congress do no worse than the last three Congresses—this Senate—in the last 2 years with Presidents of the opposite party. It is a standard that can be met. It is a standard that should be met.

One day, in spite of the best efforts of people like myself, there will be a Democratic President. One of the things we know around here is that precedents established and lessons learned are hard to undo. So I say to our good friends on the other side, heed the advice of the majority leader. It is in your best interests for us to have a less contentious and more successful treatment of circuit judges during this Congress.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. REID. Mr. President, how much time is left prior to the vote?

The PRESIDING OFFICER. There is 5 minutes remaining prior to the vote.

Mr. REID. I ask that the time be divided equally between Senators BOXER and INHOFE, and that the vote occur immediately after their statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

WATER RESOURCES DEVELOPMENT ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 1495, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 9:55 a.m. shall be equally divided and controlled between the chair and the ranking member of the Environmental and Public Works Committee.

Mrs. BOXER. Mr. President, Senator INHOFE and I wish to be heard for 3 minutes each, if we could have the vote at the end of that. We ask unanimous consent to please accommodate us so we would have the vote 6 minutes from now and divide the time for 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, will you tell me when my 3 minutes has expired so I can then yield the remainder to my friend?

The PRESIDING OFFICER. The Senator will be informed.

Mrs. BOXER. Mr. President, around here we have a lot of tough issues. We have a lot of disagreements. We try to work together. I have to say on this bill, this Water Resources Development Act, we have a bill that is the product of major bipartisan cooperation. Senator INHOFE and I are very proud of the work that has been done on both sides of the aisle. We have had tremendous help from our committee. The chair and ranking member of the subcommittee that oversees this, Chairman BAUCUS and Ranking Member ISAKSON, have been extraordinarily helpful, and all colleagues have as well.

It is rare to have a bill that is supported by the National Association of Manufacturers and the Laborers Union, the American Farm Bureau and the Carpenters Union, the National Waterways Conference, the Associated General Contractors, and the Operating Engineers. So we are here today to tell the Senate that this bill is a win-win for everyone in this country. We urge our colleagues who have amendments to consider them carefully, because we have worked so hard to balance this bill. It is a delicate balance. I know I have colleagues on my side who have ideas that I support, but I have an agreement, as does Senator BAUCUS, as do Senator ISAKSON and Senator INHOFE, that we will oppose all amendments that are not unanimously agreed to by the four of us in order to keep the balance in this bill. If we have amendments all four of us can agree to, they will be placed in a managers' package.

We want colleagues to please come to this floor as soon as possible with their amendments so we can see how we can dispose of them. Even though we will probably not be voting tomorrow or Monday, we will be working here on this bill.

This bill makes a huge commitment to the people of Louisiana. It puts Louisiana's coast on a category 5 protection path. It is fiscally responsible.

At this time I ask unanimous consent to do something very important, which is to have printed in the RECORD the CBO cost estimate associated with the substitute text that will be considered by the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 8, 2007.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: As you requested, CBO has reviewed a proposed amendment in the nature of a substitute to S. 1248, the Water Resources Development Act of 2007, as ordered reported by the Senate Committee on Environment and Public Works on March 29, 2007. The amendment was provided to CBO by your office on May 7, 2007. Based on a preliminary review of the amendment, CBO estimates that implementing S. 1248 with the proposed amendment would increase discretionary outlays by $7.1 billion over the 2008–2012 period and by an additional $6.8 billion over the 10 years after 2012, assuming appropriation of the necessary sums. In addition, CBO estimates that enacting the bill with the proposed amendment would increase direct spending by $6 million in 2008, by $4 million over the 2008–2012 period, and by $5 million over the 2008–2017 period. Enacting the bill would not affect federal revenues.

The bill with the proposed amendment contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). Federal participation in the levee safety program and in water resource projects and programs authorized by this bill would benefit state, local, and tribal governments. Any costs incurred by those governments to comply with the conditions of this federal assistance would be incurred voluntarily.

Based on a preliminary review of the bill, CBO found no new private-sector mandates as defined in UMRA.

The estimated budgetary impact of the legislation with the proposed amendment is shown in the following table.

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated authorization level	1,649	1,725	1,648	1,571	1,454
Estimated outlays	909	1,448	1,651	1,599	1,501
CHANGES IN DIRECT SPENDING [1]					
Estimated budget authority	6	−2	*	*	*
Estimated outlays	6	−2	*	*	*

NOTE: * = less than $500,000.

[1] Annual changes in direct spending after 2012 would sum to less than $500,000 a year.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Tyler Kruzich.

Sincerely,

PETER R. ORSZAG,
Director.

WATER RESOURCES DEVELOPMENT ACT OF 2007

Summary: The Water Resources Development Act of 2007 would authorize the Army Corps of Engineers (Corps) to conduct water resource studies and undertake specified projects and programs for flood control, inland navigation, shoreline protection, and environmental restoration. The bill would authorize the agency to conduct studies on water resource needs, to complete feasibility studies for specified projects, and to convey ownership of certain federal properties. Finally, the bill would extend, terminate, or modify existing authorizations for various water projects and would authorize new programs to develop water resources and protect the environment.

Assuming appropriation of the necessary amounts, including adjustments for increases in anticipated inflation, CBO estimates that implementing the legislation would cost about $5.5 billion over the 2008–2012 period and an additional $26 billion over the 10 years after 2012. In particular, section 1003(0) would effectively authorize the Corps to construct projects in southern Louisiana to protect the region from a hurricane storm surge that results from a category 5 hurricane. Cost estimates to provide that level of protection in the New Orleans region are not available. However, based on the anticipated cost of flood protection projects envisioned for this region, CBO expects that additional flood protection efforts would cost at least $15 billion during the decade following 2012 and perhaps much more. (Some construction costs and operations and maintenance would continue or commence after those first 15 years.)

The bill would convey parcels of land to various nonfederal entities and would forgive the obligation of some local government agencies to pay certain project costs. The bill also would allow the Corps to collect and spend fees charged for training courses offered by the Corps and for processing certain permits issued by the Corps. CBO estimates that enacting those provisions would increase net direct spending by $6 million in 2008, by $4 million over the 2008–2012 period, and by $5 million over the 2008–2017 period. Enacting the bill would not affect revenues.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Federal participation in the levee safety program and in water resource projects and programs authorized by this bill would benefit state, local, and tribal governments. Any costs incurred by those governments to comply with the conditions of this federal assistance would be incurred voluntarily.

Estimated cost to the Federal Government: The estimated budgetary impact of the legislation is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated authorization level	1,224	1,350	1,265	1,209	1,197
Estimated outlays	674	1,112	1,272	1,233	1,197
CHANGES IN DIRECT SPENDING [1]					
Estimated budget authority	6	−2	*	*	*
Estimated outlays	6	−2	*	*	*

Note: * = less than $500,000.

[1] Annual changes in direct spending after 2012 would sum to less than $500,000 a year.

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted before the start of fiscal year 2008 and that the necessary amounts will be appropriated for each fiscal year.

SPENDING SUBJECT TO APPROPRIATION

The bill would authorize new projects related to environmental restoration, shoreline protection, and navigation. It also would modify many existing Corps projects and programs by increasing the amounts authorized to be appropriated to construct or maintain them or by increasing the federal share of project costs. Assuming appropriation of the necessary funds, CBO estimates that implementing the bill would cost $5.5 billion over the 2008–2012 period and an additional $26 billion over the 10 years after 2012, including at least $15 billion that would be authorized by section 1003(0).

For newly authorized water projects specified in the bill, the Corps provided CBO with estimates of the annual budget authority needed to meet project design and construction schedules. CBO adjusted those estimates to reflect the impact of anticipated inflation during the time between project authorization and the appropriation of construction costs. Estimated outlays are based on historical spending rates for Corps projects.

Significant New Authorizations. The legislation would authorize the Corps to conduct water resource studies and undertake specified projects and programs for flood control, inland navigation, shoreline protection, and environmental restoration. For example, the bill would authorize the construction of enhanced navigation improvements for the Upper Mississippi River at an estimated federal cost of $1.8 billion and an ecosystem restoration project, also on the Upper Mississippi River, at an estimated federal cost of $1.6 billion. Another large project that would be authorized by this bill is the Indian River Lagoon project in the Florida Everglades at an estimated federal cost of $683 million. Construction of those projects would likely take more than 15 years.

Hurricane Damage. Several provisions in title I would authorize coastal restoration projects and water control infrastructure in Louisiana that are needed to correct hurricane damage. For example, the Morganza to the Gulf of Mexico Hurricane Protection Project would seek to reduce hurricane and flood damages across 1,700 square miles of coastal Louisiana at an estimated federal cost of $576 million. Other projects would improve flood protection infrastructure within New Orleans and its vicinity. The cost of those provisions would approach $2 billion. CBO expects that most of those projects would be built over the next five to 10 years. Improvements resulting from the completion of those projects could reduce the costs of damages from future storms and the amount of federal funds needed for recovery from such events.

Section 1003(o) of the bill would authorize the Secretary to construct projects in southern Louisiana that would provide protection for a storm surge equivalent to a category 5 hurricane (or a 500-year storm, which is a storm that has a 1-in-500 chance of hitting the city in any given year) if the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure each pass a resolution approving those projects.

Very preliminary cost estimates from Corps officials indicate that the cost of protecting New Orleans from a hurricane storm surge that has a 1-in-100 chance of flooding the city in any given year could reach a total of $15 billion. No preliminary cost estimates are available for the resources that would be needed to protect southern Louisiana from the storm surge that would result from a category 5 hurricane. CBO estimates that at least $15 billion would be needed to provide storm-surge protection under section 1003(o) from much more severe storms.

Federal Share of Project Costs. Most projects undertaken by the Corps are required to have a specific portion of costs covered by local interests, and the remaining costs are considered the federal share of the total project cost. Section 2001 would allow local interests that have provided in-kind contributions for the construction of water resources projects to have the value of such contributions credited toward the local share of the total construction cost of such projects. Under the bill, the Corps would be authorized to credit in-kind contributions of local participants on projects. Based on information from the Corps, CBO expects that any credit toward in-kind contributions would not significantly affect the federal share of total project costs.

Deauthorizations. The bill would withdraw the authority for the Corps to build more than 50 projects authorized in previous legislation. Based on information from the Corps, however, CBO does not expect that the agency would begin any significant work under current law for most of those projects during the next five years (or longer). Some of those projects do not have a local sponsor to pay nonfederal costs, others do not pass certain tests for economic viability, and still others do not pass certain tests for environmental protection. Consequently, CBO estimates that cancelling the authority to build those projects would provide no significant savings over the next several years.

DIRECT SPENDING

CBO estimates that enacting the legislation would increase net direct spending by $6 million in 2008, by $4 million over the 2008–2012 period, and by $5 million total over the 2008–2017 period. Components of this estimate are described below.

Various Land Conveyances. The bill would authorize the conveyance at fair market value of 650 acres of federal land at the Richard B. Russell Lake in South Carolina to the state. The bill also would authorize the conveyance at fair market value of 900 acres of federal land located in Grayson County, Texas, to the town of Denison, Texas. Based on information from the Corps, CBO estimates that the federal government would receive about $3 million in each of 2008 and 2009 from those sales.

The bill also would convey certain federal land in Arkansas, Missouri, Georgia, Kansas, and Oregon. CBO estimates that those conveyances would have no significant impact on the federal budget.

Arcadia Lake, Oklahoma. Section 3078 would eliminate the obligation of the city of Edmond, Oklahoma, to pay outstanding interest due on its water storage contract with the Corps. CBO estimates that this provision would result in a loss of receipts of about $9 million in 2008. The city has no further obligations to pay the federal government under this storage contract after 2008.

Waurika Lake Project. Section 3082 would eliminate the obligation of the Waurika Project Master Conservancy District in Oklahoma to pay its outstanding debt related to the construction of a water conveyance project. Because of an accounting error, the Corps inadvertently undercharged the district for costs associated with a land purchase related to the water project in the early 1980s. Under terms of the construction contract, the district is required to pay all costs associated with building the project, including the full cost of the land purchases. The section would eliminate the requirement for the district to pay the difference between the full cost of the property and the initial (undercharged) amounts. CBO estimates that enacting this section would cost less than $200,000 a year over the 2008–2017 period.

Fees for Training and Processing Permits. Title II would allow the Corps to accept and spend fees collected in conjunction with its training courses. Title II also would make permanent the Corps' current authority to accept and spend funds contributed by private firms to expedite the evaluation of permit applications submitted to the Corps. CBO estimates that the Corps would collect and spend less than $500,000 during each year under those provisions and that the net budgetary impact would be negligible.

Intergovernmental and private-sector impact: The legislation contains no intergovernmental or private-sector mandates as defined in UMRA. Grant funds authorized in the bill would benefit state governments that participate in a national program to improve levee safety. State, local, and tribal governments also would benefit from water resource projects and other programs authorized in the bill. Governments that choose to participate in those programs and projects would incur costs to comply with the conditions of the federal assistance, including cost-sharing requirements, but such costs would be incurred voluntarily. In addition, some state and local governments participating in ongoing water resources projects would benefit from provisions in the bill that would alter existing cost-sharing obligations. Many of those provisions would make it easier for non federal participants to meet their obligations by giving them credit for expenses they have already incurred or by expanding the types of expenditures counted towards the nonfederal share.

Previous CBO estimate: On March 29, 2007, CBO transmitted a cost estimate for H.R. 1495, the Water Resources Development Act of 2007, as ordered reported by the House Committee on Transportation and Infrastructure on March 15, 2007. Assuming appropriation of the necessary amounts, CBO estimated that implementing H.R. 1495 would cost about $6.7 billion over the 2008–2012 period and an additional $6.5 billion over the 10 years after 2012. In addition, CBO estimated that enacting H.R. 1495 would decrease net direct spending by $6 million in 2008, $9 million over the 2008–2012 period, and $8 million over the 2008–2017 period. The differences in the cost estimates stem from different levels of authorized funding and from differences in direct spending provisions. In particular, the House bill does not contain the provision regarding Arcadia Lake, Oklahoma.

Estimate prepared by: Federal Costs: Tyler Kruzich; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum; Impact on the Private Sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mrs. BOXER. Mr. President, what we are very proud of, both Senator INHOFE and I, is that the CBO comes in with a cost estimate that is $13.9 billion, which is about $2 billion less than the House-passed bill.

So for all of those reasons, we urge a "yes" vote on this motion to proceed on this bill.

I yield the remaining time to my friend and colleague Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I thank the leader and the chairman of the committee. Let me make one comment which I think is very important. We had such a short period of time to talk before this, and I hope anyone who has any concern over this bill at least will go ahead on the motion to proceed.

Let me make one comment that surprises a lot of people. It is true I used to chair this committee before the Democrats took the majority, and now Senator BOXER is the chairman. Senator BOXER is a very proud liberal Democrat and I am a very proud conservative Republican. I think it is important for people to understand that, because there are areas where we agree. We understand we have a crisis in this country on infrastructure.

I have often said—and I am ranked No. 1 as the most conservative Member of the Senate—I feel we need to spend in areas of national defense and infrastructure, and this bill is the second most important infrastructure bill that is out there. We are far beyond the time we should have had this. It has been some 7 years since we have had an infrastructure bill.

Let me say to my conservative friends, it was misreported that this is going to be a $30.5 billion bill. It is less than half of that. It is less than the House has sent over. I can tell my colleagues this: If we don't pass this—this is not a spending bill; this is a reauthorization bill. This is not an appropriations bill. So if we don't do this, then it will be done without any guidelines. We followed guidelines. Perhaps they are not quite as good as they were a year ago, but still, they are guidelines in terms of what we will consider and what we won't. But if we don't pass this, then we will be doing it without any type of discipline at all. So I think it is very important that we agree to move on to the bill.

I yield my last minute to the Senator from Georgia, who is the ranking member of the subcommittee.

Mr. ISAKSON. Mr. President, I thank the ranking member and I commend the chairman on great work on this bill. I want to make one point. This is not a spending bill; this is an investment bill. It is an investment in safe drinking water. It is an investment in storm water management. It is an investment in flood control and water resources of the United States of America. It is fiscally responsible and it is accountable. We have worked together in an absolutely bipartisan way to accomplish that.

I encourage each of our Members to come and vote for the motion to proceed. If they have an amendment, bring it early, and let's go forward with the most important bill we may do in this session of the Congress of the United States.

I want to add to that it is bipartisan, it is fiscally responsible, and it is the first time we have reauthorized it in 7 years. It is long overdue and important for us to do it now.

Mrs. BOXER. Mr. President, even though the disclosure requirements of S. 1 have not been enacted, Senator INHOFE and I believe we should comply with the intent of that legislation, so I ask unanimous consent to have printed in the RECORD a listing of all the project-related provisions of the substitute text and the proponents of those provisions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WATER RESOURCES DEVELOPMENT ACT OF 2007

Section 4003-A								
Section 1001- Project Authorizations								
	HAINES HARBOR, ALASKA	Stevens	Murkowski					
	TANQUE VERDE CREEK, ARIZONA	Kyl						
	SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA	Kyl						
	MAY BRANCH, FORT SMITH, ARKANSAS	Lincoln	Pryor					
	HAMILTON CITY, CALIFORNIA	Boxer						
	IMPERIAL BEACH, CALIFORNIA	Boxer						
	MATILIJA DAM, VENTURA COUNTY, CALIFORNIA	Boxer						
	MIDDLE CREEK, LAKE COUNTY, CALIFORNIA	Boxer						
	NAPA RIVER SALT MARSH, CALIFORNIA	Boxer						
	SOUTH PLATTE RIVER, DENVER, COLORADO	Allard	Salazar					
	COMPREHENSIVE EVERGLADES RESTORATION PLAN, CENTRAL AND SOUTHERN FLORIDA	Nelson (FL)	Martinez					
	INDIAN RIVER LAGOON, SOUTH FLORIDA	Nelson (FL)	Martinez					
	MIAMI HARBOR, MIAMI, FLORIDA	Nelson (FL)	Martinez					
	PICAYUNE STRAND, FLORIDA	Nelson (FL)	Martinez					
	EAST ST. LOUIS AND VICINITY, ILLINOIS	Durbin	Obama					
	PEORIA RIVERFRONT, ILLINOIS	Durbin	Obama					
	WOOD RIVER LEVEE SYSTEM, ILLINOIS	Durbin	Obama					
	DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA	Grassley	Harkin					
	BAYOU SORREL LOCK, LOUISIANA	Landrieu	Vitter					
	MORGANZA TO THE GULF OF MEXICO, LOUISIANA	Landrieu	Vitter					
	PORT OF IBERIA, LOUISIANA	Landrieu	Vitter					
	POPLAR ISLAND EXPANSION, MARYLAND	Mikulski	Cardin					
	SMITH ISLAND, MARYLAND	Mikulski	Cardin					
	ROSEAU RIVER, ROSEAU, MINNESOTA	Coleman	Klobuchar					
	MISSISSIPPI COASTAL IMPROVEMENT PROJECT, HANCOCK, HARRISON, AND JACKSON COUNTIES, MISSISSIPPI	Cochran	Lott					
	ARGENTINE, EAST BOTTOMS, FAIRFAX JERSEY CREEK, AND NORTH KANSAS LEVEES UNITS, MISSOURI RIVER AND TRIBUTARIES AT KANSAS CITIES, MISSOURI AND KANSAS	Bond	Brownback	Roberts	McCaskill			
	SWOPE PARK INDUSTRIAL AREA, MISSOURI	Bond	McCaskill					
	GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NEW JERSEY	Lautenberg	Menendez					
	HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY	Lautenberg	Menendez					
	MANASQUAN TO BARNEGAT INLETS, NEW JERSEY	Lautenberg	Menendez					
	RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY	Lautenberg	Menendez					
	SOUTH RIVER, NEW JERSEY	Lautenberg	Menendez					
	SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO	Domenici	Bingaman					
	MONTAUK POINT, NEW YORK	Clinton						
	HOCKING RIVER BASIN, MONDAY CREEK, OHIO	Voinovich						
	BLOOMSBURG, PENNSYLVANIA	Specter	Casey					
	PAWLEYS ISLAND, SOUTH CAROLINA	Graham						
	CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS	Hutchison	Cornyn					
	GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY RE-ROUTE, TEXAS	Hutchison	Cornyn					
	GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS	Hutchison	Cornyn					
	LOWER COLORADO RIVER BASIN PHASE I, TEXAS	Hutchison	Cornyn					
	CRANEY ISLAND EASTWARD EXPANSION, VIRGINIA	Warner	Webb					
	DEEP CREEK, CHESAPEAKE, VIRGINIA	Warner	Webb					
	CHEHALIS RIVER, CENTRALIA, WASHINGTON	Murray	Cantwell					
Section 1002 - ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM		Grassley	Harkin	Bond	Durbin	Obama	McCaskill	Klobuchar
Section 1003 - LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA		Durbin	Landrieu	Vitter	Obama			
Section 1004 - SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION								
	CACHE RIVER BASIN, GRUBBS, ARKANSAS	Lincoln	Pryor					
	BIBB COUNTY AND THE CITY OF MACON LEVEE, GEORGIA	Chambliss	Isakson					
	FORT WAYNE AND VICINITY, INDIANA	Lugar	Bayh					
	SALEM, MASSACHUSETTS	Kennedy	Kerry					

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	CROW RIVER, ROCKFORD, MINNESOTA	Coleman	Klobuchar
	SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA	Coleman	Klobuchar
	CHEYENNE, WYOMING	Thomas	
Section 1005 - SMALL PROJECTS FOR NAVIGATION			
	BARROW HARBOR, ALASKA	Stevens	Murkowski
	NOME HARBOR, ALASKA	Stevens	Murkowski
	OLD HARBOR, ALASKA	Stevens	Murkowski
	LITTLE ROCK PORT, ARKANSAS	Lincoln	Pryor
	EAST BASIN, MASSACHUSETTS	Kennedy	Kerry
	LYNN HARBOR, MASSACHUSETTS	Kennedy	Kerry
	MERRIMACK RIVER, MASSACHUSETTS	Kennedy	Kerry
	OAK BLUFFS HARBOR, MASSACHUSETTS	Kennedy	Kerry
	WOODS HOLE GREAT HARBOR, MASSACHUSETTS	Kennedy	Kerry
	AU SABLE RIVER, MICHIGAN	Stabenow	
	CLINTON RIVER, MICHIGAN	Levin	Stabenow
	ONTONAGON RIVER, MICHIGAN	Levin	Stabenow
	TRAVERSE CITY, MICHIGAN	Levin	Stabenow
	SEBEWAING RIVER, MICHIGAN	Levin	Stabenow
	TOWER HARBOR, MINNESOTA	Coleman	Klobuchar
	OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN	Stabenow	
	MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO	Voinovich	
	MILWAUKEE HARBOR, WISCONSIN	Kohl	
Section 1006 - SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION			
	BLACK LAKE, ALASKA	Stevens	Murkowski
	SAN DIEGO RIVER, CALIFORNIA	Boxer	
	SUISON MARSH, SAN PABLO BAY, CALIFORNIA	Boxer	
	CHATTAHOOCHEE FALL-LINE, GEORGIA	Chambliss	Isakson
	MILL POND, LITTLETON, MASSACHUSETTS	Kennedy	Kerry
	MILFORD POND, MILFORD, MASSACHUSETTS	Kennedy	Kerry
	PINE TREE BROOK, MILTON, MASSACHUSETTS	Kennedy	Kerry
	CLINTON RIVER, MICHIGAN	Levin	Stabenow
	CALDWELL COUNTY, NORTH CAROLINA	Burr	
	MECKLENBERG COUNTY, NORTH CAROLINA	Burr	
	JOHNSON CREEK, GRESHAM, OREGON	Wyden	Smith
	BLACKSTONE RIVER, RHODE ISLAND	Reed	Whitehouse
	COLLEGE LAKE, LYNCHBURG, VIRGINIA	Warner	
Section 1007 - SMALL PROJECTS TO PREVENT OR MITIGATE DAMAGE CAUSED BY NAVIGATION PROJECTS			
	TYBEE ISLAND, GEORGIA	Chambliss	Isakson
	BURNS WATERWAY HARBOR, INDIANA	Lugar	Bayh
Section 1008 - SMALL PROJECTS FOR AQUATIC PLANT CONTROL		Nelson (NE)	
Title II - General Provisions			
Subtitle A - Provisions			
Section 2011 - CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS			
	THORNTON RESERVOIR, COOK COUNTY, ILLINOIS	Durbin	Obama
	BUFFALO BAYOU, TEXAS	Hutchison	Cornyn
	HALLS BAYOU, TEXAS	Hutchison	Cornyn
	MENOMONEE RIVER WATERSHED, WISCONSIN	Kohl	
Section 2012 - REGIONAL SEDIMENT MANAGEMENT			
	FIRE ISLAND INLET, SUFFOLK COUNTY, NEW YORK	Clinton	
	FLETCHER COVE, CALIFORNIA	Boxer	
	DELAWARE RIVER ESTUARY, NEW JERSEY AND PENNSYLVANIA	Lautenberg	Menendez
	TOLEDO HARBOR, LUCAS COUNTY, OHIO	Voinovich	
Section 2016 - ECOSYSTEM RESTORATION BENEFITS			
	GRAYSON'S CREEK, CALIFORNIA	Boxer	
	SEVEN OAKS, CALIFORNIA	Boxer	

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	OXFORD, CALIFORNIA	Boxer		
	WALNUT CREEK, CALIFORNIA	Boxer		
	WILDCAT PHASE II, CALIFORNIA	Boxer		
Section 2037 - SMALL PROJECTS FOR THE REHABILITATION AND REMOVAL OF DAMS				
	MOUNTAIN PARK, GEORGIA	Chambliss	Isakson	
	KEITH CREEK, ROCKFORD, ILLINOIS	Durbin	Obama	
	MOUNT ZION MILL POND DAM, FULTON COUNTY, INDIANA	Lugar	Bayh	
	HAMILTON DAM, FLINT RIVER, MICHIGAN	Levin	Stabenow	
	INGHAM SPRING DAM, SOLEBURY TOWNSHIP, PENNSYLVANIA	Specter	Casey	
	STILLWATER LAKE DAM, MONROE COUNTY, PENNSYLVANIA	Specter	Casey	
Title III - Project-Related Provisions				
Section 3001	ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA	Stevens	Murkowski	
Section 3002	SITKA, ALASKA	Stevens	Murkowski	
Section 3003	BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA	Shelby		
Section 3004	NOGALES WASH AND TRIBUTARIES FLOOD CONTROL PROJECT, ARIZONA	Kyl		
Section 3005	RIO DE FLAG, FLAGSTAFF, ARIZONA	Kyl		
Section 3006	TUCSON DRAINAGE AREA (TUCSON ARROYO), ARIZONA	Kyl		
Section 3007	AUGUSTA AND CLARENDON, ARKANSAS	Lincoln	Pryor	
Section 3008	EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS	Lincoln	Pryor	
Section 3009	RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA	Lincoln	Pryor	
Section 3010	ST. FRANCIS BASIN, ARKANSAS AND MISSOURI	Lincoln	Pryor	
Section 3011	ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI	Lincoln	Pryor	
Section 3012	MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA	Inhofe	Lincoln	Pryor
Section 3013	CACHE CREEK BASIN, CALIFORNIA	Boxer		
Section 3014	CALFED LEVEE STABILITY PROGRAM, CALIFORNIA	Boxer		
Section 3015	HAMILTON AIRFIELD, CALIFORNIA	Boxer		
Section 3016	LA-3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA	Boxer		
Section 3017	LARKSPUR FERRY CHANNEL, CALIFORNIA	Boxer		
Section 3018	LLAGAS CREEK, CALIFORNIA	Boxer		
Section 3019	MAGPIE CREEK, CALIFORNIA	Boxer		
Section 3020	PETALUMA RIVER, PETALUMA, CALIFORNIA	Boxer		
Section 3021	PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA	Boxer		
Section 3022	REDWOOD CITY NAVIGATION PROJECT, CALIFORNIA	Boxer		
Section 3023	SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA	Boxer	Feinstein	
Section 3024	SACRAMENTO RIVER BANK PROTECTION PROJECT, CALIFORNIA	Boxer	Feinstein	
Section 3025	CONDITIONAL DECLARATION OF NONNAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA	Boxer		
Section 3026	SALTON SEA RESTORATION, CALIFORNIA	Boxer		
Section 3027	SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA	Boxer		
Section 3028	UPPER GUADALUPE RIVER, CALIFORNIA	Boxer		
Section 3029	YUBA RIVER BASIN PROJECT, CALIFORNIA	Boxer		
Section 3030	CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT	Dodd	Lieberman	
Section 3031	ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT	Dodd	Lieberman	
Section 3032	NORWALK HARBOR, CONNECTICUT	Dodd	Lieberman	
Section 3033	ST. GEORGE'S BRIDGE, DELAWARE	Biden	Carper	
Section 3034	ADDITIONAL PROGRAM AUTHORITY, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA	Nelson (FL)	Martinez	
Section 3035	BREVARD COUNTY, FLORIDA	Nelson (FL)	Martinez	
Section 3036	CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA	Nelson (FL)	Martinez	
Section 3037	LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA	Nelson (FL)	Martinez	
Section 3038	LIDO KEY, SARASOTA COUNTY, FLORIDA	Nelson (FL)	Martinez	
Section 3039	PORT SUTTON CHANNEL, TAMPA HARBOR, FLORIDA	Nelson (FL)	Martinez	
Section 3040	TAMPA HARBOR, CUT B, TAMPA, FLORIDA	Nelson (FL)	Martinez	
Section 3041	ALLATOONA LAKE, GEORGIA	Chambliss	Isakson	
Section 3042	DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO	Craig	Crapo	
Section 3043	LITTLE WOOD RIVER, GOODING, IDAHO	Craig	Crapo	

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Section 3044	PORT OF LEWISTON, IDAHO	Craig	Crapo				
Section 3045	CACHE RIVER LEVEE, ILLINOIS	Durbin	Obama				
Section 3046	CHICAGO, ILLINOIS	Durbin	Obama				
Section 3047	CHICAGO RIVER, ILLINOIS	Durbin	Obama				
Section 3048	ILLINOIS RIVER BASIN RESTORATION	Durbin	Obama				
Section 3049	MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM	Bond	Durbin	Obama	McCaskill		
Section 3050	SPUNKY BOTTOM, ILLINOIS	Durbin	Obama				
Section 3051	STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS	Brownback	Roberts				
Section 3052	MILFORD LAKE, MILFORD, KANSAS	Brownback	Roberts				
Section 3053	OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA	Specter	Durbin	Voinovich	Casey		
Section 3054	HICKMAN BLUFF STABILIZATION, KENTUCKY	McConnell					
Section 3055	MCALPINE LOCK AND DAM, KENTUCKY AND INDIANA	McConnell					
Section 3056	PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA	Landrieu	Vitter				
Section 3057	REGIONAL VISITOR CENTER, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA	Landrieu	Vitter				
Section 3058	CALCASIEU RIVER AND PASS, LOUISIANA	Landrieu	Vitter				
Section 3059	EAST BATON ROUGE PARISH, LOUISIANA	Landrieu	Vitter				
Section 3060	MISSISSIPPI RIVER GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA	Landrieu	Vitter				
Section 3061	RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA	Landrieu	Vitter				
Section 3062	CAMP ELLIS, SACO, MAINE	Snowe	Collins				
Section 3063	ROCKLAND HARBOR, MAINE	Snowe					
Section 3064	ROCKPORT HARBOR, MAINE	Snowe					
Section 3065	SACO RIVER, MAINE	Snowe					
Section 3066	UNION RIVER, MAINE	Snowe					
Section 3067	BALTIMORE HARBOR AND CHANNELS, MARYLAND AND VIRGINIA	Mikulski	Cardin				
Section 3068	CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA	Warner	Specter	Mikulski	Cardin	Casey	Webb
Section 3069	CUMBERLAND, MARYLAND	Mikulski	Cardin				
Section 3070	AUNT LYDIA'S COVE, MASSACHUSETTS	Kennedy	Kerry				
Section 3071	FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND	Kennedy	Kerry				
Section 3072	NORTH RIVER, PEABODY, MASSACHUSETTS	Kennedy	Kerry				
Section 3073	ECORSE CREEK, MICHIGAN	Levin	Stabenow				
Section 3074	ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN	Levin	Stabenow				
Section 3075	DULUTH HARBOR, MINNESOTA	Coleman	Klobuchar				
Section 3076	PROJECT FOR ENVIRONMENTAL ENHANCEMENT, MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA	Cochran	Lott	Landrieu			
Section 3077	LAND EXCHANGE, PIKE COUNTY, MISSOURI	Bond	McCaskill				
Section 3078	L-15 LEVEE, MISSOURI	Bond	McCaskill				
Section 3079	UNION LAKE, MISSOURI	Bond	McCaskill				
Section 3080	LOWER YELLOWSTONE PROJECT, MONTANA	Baucus	Tester				
Section 3081	YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA	Baucus	Tester				
Section 3082	WESTERN SARPY AND CLEAR CREEK, NEBRASKA	Hagel	Nelson (NE)				
Section 3083	LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA	Ensign					
Section 3084	COOPERATIVE AGREEMENTS, NEW MEXICO	Domenici	Bingaman				
Section 3085	MIDDLE RIO GRANDE RESTORATION, NEW MEXICO	Domenici	Bingaman				
Section 3086	LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT	Clinton	Dodd	Lieberman			
Section 3087	MAMARONECK AND SHELDRAKE RIVERS WATERSHED MANAGEMENT, NEW YORK	Schumer	Clinton				
Section 3088	ORCHARD BEACH, BRONX, NEW YORK	Clinton					
Section 3089	NEW YORK HARBOR, NEW YORK, NEW YORK	Clinton	Lautenberg	Menendez			
Section 3090	NEW YORK STATE CANAL SYSTEM	Clinton					
Section 3091	SUSQUEHANNA RIVER AND UPPER DELAWARE RIVER WATERSHED MANAGEMENT, NEW YORK	Clinton					
Section 3092	MISSOURI RIVER RESTORATION, NORTH DAKOTA	Conrad					
Section 3093	OHIO	Voinovich					
Section 3094	LOWER GIRARD LAKE DAM, GIRARD, OHIO	Voinovich					
Section 3095	TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO	Voinovich					
Section 3096	ARCADIA LAKE, OKLAHOMA	Inhofe					

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Section 3097	LAKE EUFAULA, OKLAHOMA	Inhofe										
Section 3098	RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS, OKLAHOMA	Inhofe										
Section 3099	OKLAHOMA LAKES DEMONSTRATION PROGRAM, OKLAHOMA	Inhofe										
Section 3100	OTTAWA COUNTY, OKLAHOMA	Inhofe										
Section 3101	RED RIVER CHLORIDE CONTROL, OKLAHOMA AND TEXAS	Inhofe										
Section 3102	WAURIKA LAKE, OKLAHOMA	Inhofe										
Section 3103	LOOKOUT POINT PROJECT, LOWELL, OREGON	Wyden	Smith									
Section 3104	UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION	Wyden	Smith									
Section 3105	UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK	Specter	Clinton	Casey								
Section 3106	NARRAGANSETT BAY, RHODE ISLAND	Reed	Whitehouse									
Section 3107	SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B RUSSELL LAKE, SOUTH CAROLINA	Graham										
Section 3108	MISSOURI RIVER RESTORATION, SOUTH DAKOTA	Thune										
Section 3109	MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT	Grassley	Bond	McCaskill								
Section 3110	NONCONNAH WEIR, MEMPHIS, TENNESSEE	Alexander										
Section 3111	OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE	Alexander										
Section 3112	SANDY CREEK, JACKSON COUNTY, TENNESSEE	Alexander										
Section 3113	CEDAR BAYOU, TEXAS	Hutchison	Cornyn									
Section 3114	DENISON, TEXAS	Hutchison	Cornyn									
Section 3115	CENTRAL CITY, FORT WORTH, TEXAS	Hutchison	Cornyn									
Section 3116	FREEPORT HARBOR, TEXAS	Hutchison	Cornyn									
Section 3117	HARRIS COUNTY, TEXAS	Hutchison	Cornyn									
Section 3118	CONNECTICUT RIVER RESTORATION, VERMONT	Sanders										
Section 3119	DAM REMEDIATION, VERMONT	Sanders										
Section 3120	LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT	Sanders										
Section 3121	UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE	Sanders										
Section 3122	UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE	Sanders										
Section 3123	LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK	Sanders	Clinton									
Section 3124	CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND	Warner	Mikulski	Cardin	Webb							
Section 3125	JAMES RIVER, VIRGINIA	Warner	Webb									
Section 3126	TANGIER ISLAND SEAWALL, VIRGINIA	Warner	Webb									
Section 3127	EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON	Murray	Wyden	Cantwell								
Section 3128	LOWER GRANITE POOL, WASHINGTON	Murray	Cantwell									
Section 3129	MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO	Craig	Murray	Crapo	Cantwell							
Section 3130	SNAKE RIVER PROJECT, WASHINGTON AND IDAHO	Craig	Murray	Crapo	Cantwell							
Section 3131	WHATCOM CREEK WATERWAY, BELLINGHAM, WASHINGTON	Murray	Cantwell									
Section 3132	LOWER MUD RIVER, MILTON, WEST VIRGINIA	Byrd										
Section 3133	MCDOWELL COUNTY, WEST VIRGINIA	Byrd										
Section 3134	GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN	Kohl										
Section 3135	MANITOWAC HARBOR, WISCONSIN	Kohl										
Section 3136	OCONTO HARBOR, WISCONSIN	Kohl										
Section 3137	MISSISSIPPI RIVER HEADWATERS RESERVOIRS	Klobuchar										
Section 3138	LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE	Cochran	Lott									
Section 3139	UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM	Harkin										
Section 3140	UPPER BASIN OF MISSOURI RIVER	Baucus	Hagel	Nelson (N	Thune	Tester						
Section 3141	GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM	Levin	Specter	Kohl	Durbin	Voinovich	Bayh	Schumer	Stabenow	Clinton	Brown	Casey
Section 3142	GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION	Levin	Specter	Kohl	Durbin	Voinovich	Bayh	Schumer	Stabenow	Clinton	Brown	Casey
Section 3143	GREAT LAKES TRIBUTARY MODELS	Levin	Specter	Kohl	Durbin	Voinovich	Bayh	Schumer	Stabenow	Clinton	Brown	Casey
Section 3144	UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM NEW TECHNOLOGY PILOT PROGRAM	Specter	Casey									
Title IV - Studies												
Section 4001	SEWARD BREAKWATER, ALASKA	Stevens	Murkowski									
Section 4002	NOME HARBOR IMPROVEMENTS, ALASKA	Stevens	Murkowski									
Section 4003	MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA	Inhofe	Lincoln	Pryor								
Section 4004	FRUITVALE AVENUE RAILROAD BRIDGE, ALAMEDA, CALIFORNIA	Boxer										
Section 4005	LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA	Boxer										

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Section 4006	NICHOLAS CANYON, LOS ANGELES, CALIFORNIA	Boxer										
Section 4007	OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY	Boxer										
Section 4008	COMPREHENSIVE FLOOD PROTECTION PROJECT, ST HELENA, CALIFORNIA	Boxer										
Section 4009	SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA	Boxer										
Section 4010	SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA	Boxer										
Section 4011	SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA	Boxer										
Section 4012	FOUNTAIN CREEK, NORTH OF PUEBLO, COLORADO	Salazar										
Section 4013	SELENIUM STUDY, COLORADO	Allard	Salazar									
Section 4014	DELAWARE INLAND BAYS AND TRIBUTARIES AND ATLANTIC COAST, DELAWARE	Biden	Carper									
Section 4015	HERBERT HOOVER DIKE SUPPLEMENTAL MAJOR REHABILITATION REPORT, FLORIDA	Martinez	Nelson (FL)									
Section 4016	BOISE RIVER, IDAHO	Crapo										
Section 4017	PROMONTORY POINT THIRD-PARTY REVIEW, CHICAGO SHORELINE, CHICAGO, ILLINOIS	Obama										
Section 4018	VIDALIA PORT, LOUISIANA	Landrieu	Vitter									
Section 4019	LAKE ERIE AT LUNA PIER, MICHIGAN	Levin	Stabenow									
Section 4020	WILD RICE RIVER, MINNESOTA	Coleman	Klobuchar									
Section 4021	ASIAN CARP DISPERSAL BARRIER DEMONSTRATION PROJECT, UPPER MISSISSIPPI RIVER	Coleman	Klobuchar									
Section 4022	FLOOD DAMAGE REDUCTION, OHIO	Voinovich										
Section 4023	MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO	Voinovich										
Section 4024	OHIO RIVER, OHIO	Voinovich										
Section 4025	TOLEDO HARBOR DREDGED MATERIAL PLACEMENT, TOLEDO, OHIO	Voinovich										
Section 4026	TOLEDO HARBOR, MAUMEE RIVER, AND LAKE CHANNEL PROJECT, TOLEDO, OHIO	Voinovich										
Section 4027	WOONSOCKET LOCAL PROTECTION PROJECT, BLACKSTONE RIVER BASIN, RHODE ISLAND	Reed	Whitehouse									
Section 4028	JASPER COUNTY PORT FACILITY STUDY, SOUTH CAROLINA	Graham										
Section 4029	JOHNSON CREEK, ARLINGTON, TEXAS	Hutchison	Cornyn									
Section 4030	ECOSYSTEM AND HYDROPOWER GENERATION DAMS, VERMONT	Sanders										
Section 4031	EURASIAN MILFOIL	Sanders										
Section 4032	LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK	Clinton	Sanders									
Section 4033	BAKER BAY AND ILWACO HARBOR, WASHINGTON	Murray	Cantwell									
Section 4034	ELLIOT BAY SEAWALL REHABILITATION STUDY, WASHINGTON	Murray	Cantwell									
Section 4035	JOHNSONVILLE DAM, JOHNSONVILLE, WISCONSIN	Kohl										
Section 4036	DEBRIS REMOVAL	Landrieu	Vitter									
Title V - Miscellaneous Provisions												
Section 5001 - LAKES PROGRAM												
	Lake Sakakawea, North Dakota	Conrad										
	Lake Morley, Vermont	Sanders										
	Lake Fairlee, Vermont	Sanders										
	Lake Rogers, Creedmoor, North Carolina	Dole										
Section 5003 - ENVIRONMENTAL INFRASTRUCTURE												
	Jackson County, Mississippi	Cochran	Lott									
	DeSoto County, Mississippi	Cochran	Lott									
	(77) Chattooga County, Georgia	Chambliss	Isakson									
	(78) Albany, Georgia	Chambliss	Isakson									
	(79) Moultrie, Georgia	Chambliss	Isakson									
	(80) Stephens County/City of Toccoa, Georgia	Chambliss	Isakson									
	(81) Dahlonega, Georgia	Chambliss	Isakson									
	(82) Banks County, Georgia	Chambliss	Isakson									
	(83) Berrien County, Georgia	Chambliss	Isakson									
	(84) City of East Point, Georgia	Chambliss	Isakson									
	(85) Armuchee Valley: Chattooga, Floyd, Gordon, Walker, and Whitfield Counties, Georgia	Chambliss	Isakson									
	(86) Atchison, Kansas	Roberts										
	(87) Lafourche Parish, Louisiana	Landrieu	Vitter									
	(88) South Central Planning and Development Commission, Louisiana	Landrieu	Vitter									
	(89) Rapides Area Planning Commission, Louisiana	Landrieu	Vitter									
	(90) Northwest Louisiana Council of Governments, Louisiana	Landrieu	Vitter									
	(91) Lafayette, Louisiana	Landrieu	Vitter									

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	(92) Lake Charles, Louisiana	Landrieu	Vitter									
	(93) Ouachita Parish, Louisiana	Landrieu	Vitter									
	(94) Union-Lincoln Regional Water Supply Project, Louisiana	Landrieu	Vitter									
	(95) Central Lake Region Sanitary District, Minnesota	Coleman										
	(96) Goodview, Minnesota	Coleman										
	(97) Grand Rapids, Minnesota	Coleman										
	(98) Willmar, Minnesota	Coleman										
	(99) City of Corinth, Mississippi	Cochran	Lott									
	(100) Clean Water Coalition, Nevada	Ensign	Reid									
	(101) Town of Mooresville, North Carolina	Dole										
	(102) City of Winston-Salem, North Carolina	Dole										
	(103) Neuse Regional Water and Sewer Authority, North Carolina	Dole	Burr									
	(104) Town of Cary/Wake County, North Carolina	Dole	Burr									
	(105) City of Fayetteville, North Carolina	Dole										
	(106) Washington County, North Carolina	Dole	Burr									
	(107) City of Charlotte, North Carolina	Dole										
	(108) City of Ada, Oklahoma	Inhofe										
	(109) Norman, Oklahoma	Inhofe										
	(110) Eastern Oklahoma State University, Wilberton, Oklahoma	Inhofe										
	(111) City of Weatherford, Oklahoma	Inhofe										
	(112) City of Bethany, Oklahoma	Inhofe										
	(113) Woodward, Oklahoma	Inhofe										
	(114) City of Disney and Langley, Oklahoma	Inhofe										
	(115) City of Durant, Oklahoma	Inhofe										
	(116) City of Midwest City, Oklahoma	Inhofe										
	(117) City of Ardmore, Oklahoma	Inhofe										
	(118) City of Guymon, Oklahoma	Inhofe										
	(119) Lugert-Altus Irrigation District, Altus, Oklahoma	Inhofe										
	(120) City of Chickasha, Oklahoma	Inhofe										
	(121) Oklahoma Panhandle State University, Guymon, Oklahoma	Inhofe										
	(122) City of Bartlesville, Oklahoma	Inhofe										
	(123) City of Konawa, Oklahoma	Inhofe										
	(124) City of Mustang, Oklahoma	Inhofe										
	(125) City of Alva, Oklahoma	Inhofe										
	(126) Vinton County, Ohio	Voinovich										
	(127) Burr Oak Regional Water District, Ohio	Voinovich										
	(128) Fremont, Ohio	Voinovich										
	(129) Fostoria, Ohio	Voinovich										
	(130) Defiance County, Ohio	Voinovich										
	(131) Akron, Ohio	Voinovich										
	(132) Meigs County, Ohio	Voinovich										
	(133) City of Cleveland, Ohio	Voinovich										
	(134) Cincinnati, Ohio	Voinovich										
	(135) Dayton, Ohio	Voinovich										
	(136) Lawrence County, Ohio	Voinovich										
	(137) City of Columbus, Ohio	Voinovich										
	(138) Beaver Creek Reservoir, Pennsylvania	Specter	Casey									
	(139) Myrtle Beach, South Carolina	Graham										
	(140) Charleston and West Ashley, South Carolina	Graham										
	(141) Charleston, South Carolina	Graham										
	(142) North Myrtle Beach, South Carolina	Graham										
	(143) Surfside, South Carolina	Graham										
	(144) Cheyenne River Sioux Reservation (Dewey and Ziebach Counties) and Perkins and Meade Counties, South Dakota	Johnson	Thune									
	(145) City of Oak Ridge, Tennessee	Alexander	Corker									
	(146) Nashville, Tennessee	Alexander										

(147) Counties of Lewis, Lawrence and Wayne, Tennessee	Alexander			
(148) County of Giles, Tennessee	Alexander			
(149) City of Knoxville, Tennessee	Alexander			
(150) Shelby County, Tennessee	Alexander			
(151) Johnson County, Tennessee	Alexander			
(152) Plateau Utility District, Morgan County, Tennessee	Alexander			
(153) City of Harrogate, Tennessee	Alexander			
(154) Hamilton County, Tennessee	Alexander			
(155) Grainger County, Tennessee	Alexander			
(156) Claiborne County, Tennessee	Alexander			
(157) Blaine, Tennessee	Alexander			
(158) Chesapeake Bay	Warner	Mikulski	Cardin	Webb
(159) Arkansas Valley Conduit, Colorado	Salazar			
(160) Boulder County, Colorado	Salazar			
(161) Plainville, Connecticut	Lieberman			
(162) Southington, Connecticut	Lieberman			
(163) Norwalk, Connecticut	Lieberman			
(164) Enfield, Connecticut	Lieberman			
(165) New Haven, Connecticut	Lieberman			
(166) Miami-Dade County, Florida	Nelson (FL)			
(167) Hillsborough County, Florida	Nelson (FL)			
(168) Palm Beach County, Florida	Nelson (FL)			
(169) Chesapeake Bay Region, Maryland and Virginia	Warner	Mikulski	Cardin	Webb
(170) Michigan Combined Sewer Overflows	Levin	Stabenow		
(171) Middletown Township, New Jersey	Lautenburg	Menendez		
(172) Rahway Valley, New Jersey	Lautenburg	Menendez		
(173) Cranford Township, New Jersey	Lautenburg	Menendez		
(174) Yates County, New York	Schumer	Clinton		
(175) Village of Patchogue, New York	Schumer	Clinton		
(176) Elmira, New York	Schumer	Clinton		
(177) Essex Hamlet, New York	Schumer	Clinton		
(178) Niagara Falls, New York	Schumer	Clinton		
(179) Village of Babylon, New York	Schumer	Clinton		
(180) Fleming, New York	Schumer	Clinton		
(181) Village of Kyrias-Joel, New York	Schumer	Clinton		
(182) Devils Lake, North Dakota	Conrad			
(183) North Dakota	Conrad			
(184) Clark County, Nevada	Reid			
(185) Washoe County, Nevada	Reid	Ensign		
(186) Glendale Dam Diversion Structure, Nevada	Reid	Ensign		
(187) Reno, Nevada	Reid	Ensign		
(188) Los Angeles County, California	Boxer			
(189) Montebello, California	Boxer			
(190) La Mirada, California	Boxer			
(191) East Palo Alto, California	Boxer			
(192) Port of Stockton, Stockton, California	Boxer			
(193) Perris, California	Boxer			
(194) Amador County, California	Boxer			
(195) Calaveras County, California	Boxer			
(196) Santa Monica, California	Boxer			
(197) Malibu, California	Boxer			
Section 5004 - ALASKA	Stevens	Murkowski		
Section 5005 - CALIFORNIA	Boxer			
Section 5006 - CONVEYANCE OF OAKLAND INNER HARBOR TIDAL CANAL PROPERTY	Boxer			
Section 5007 - STOCKTON, CALIFORNIA	Boxer			

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Section 5008 - RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS	Domenici	Bingaman	Hutchison	Cornyn	Salazar						
Section 5009 - DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND	Biden	Carper									
Section 5010 - SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA	Biden	Warner	Specter	Carper	Casey						
Section 5011 - ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND	Warner	Mikulski	Cardin								
Section 5012 - BIG CREEK, GEORGIA WATERSHED MANAGEMENT AND RESTORATION PROGRAM	Chambliss	Isakson									
Section 5013 - METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT	Chambliss	Isakson									
Section 5014 - IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, RURAL UTAH, AND WYOMING	Reid	Craig	Bennett	Thomas	Crapo	Ensign					
Section 5016 - MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY, AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA	Baucus	Harkin	Conrad	Hagel	Nelson (NE)	Thune	Tester				
Section 5017 - SOUTHEAST LOUISIANA REGION, LOUISIANA	Vitter										
Section 5018 - MISSISSIPPI	Cochran	Lott									
Section 5019 - ST. MARY PROJECT, BLACKFEET RESERVATION, MONTANA	Baucus	Tester									
Section 5020 - LOWER PLATTE RIVER WATERSHED RESTORATION, NEBRASKA	Hagel	Nelson (NE)									
Section 5021 - NORTH CAROLINA	Burr										
Section 5022 - OHIO RIVER BASIN ENVIRONMENTAL MANAGEMENT	Lugar										
Section 5023 - STATEWIDE COMPREHENSIVE WATER PLANNING, OKLAHOMA	Inhofe										
Section 5024- CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA	Thune										
Section 5025 - TEXAS	Hutchison	Cornyn									
Section 5026 - CONNECTICUT RIVER DAMS, VERMONT	Sanders										

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 128, H.R. 1495, Water Resources Development Act.

Harry Reid, Robert P. Casey, Jr., Byron L. Dorgan, Patty Murray, Barbara Boxer, Dick Durbin, Claire McCaskill, Bernard Sanders, Tom Carper, Max Baucus, Frank R. Lautenberg, Ben Cardin, Robert Menendez, Ken Salazar, Edward Kennedy, H.R. Clinton, Amy Klobuchar.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 1495, an act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. OBAMA). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 89, nays 7, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—89

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—7

Allard
Bunning
Coburn
DeMint
Ensign
Gregg
Sununu

NOT VOTING—4

Crapo
Johnson
McCain
Rockefeller

The motion was agreed to.

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 7. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be able to speak in morning business under the time that is allotted to me postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ FUNDING

Mr. BIDEN. Mr. President, last week, the Congress sent the President an emergency supplemental spending bill for Iraq. That bill provided every dollar our troops need and every dollar the President requested and then some.

It also provided what a majority of Americans expect and that is they expect a plan to start to bring home American troops, to bring this war to a responsible end, and to not escalate it indefinitely as this President is doing.

In vetoing the bill, the President not only denied our troops the funding they needed, but he denied the American people what they have clearly stated they want: a responsible path out of Iraq. That is what the 2006 election was about. That is what every poll is about. That is what the Senator from West Virginia, whom I see on the floor, and I and others have been saying for some time now. I might add, that is also what I think an awful lot of our Republican colleagues want.

I raised a few eyebrows when I said a month ago that I don't think there are more than a dozen members of the opposition who truly believe this policy of unrelenting escalation with no end in sight in Iraq is one they support. The question is: What do we do in the face of the President's recalcitrance?

We all know, and again I refer to my friend from West Virginia, the most learned person in the Senate—I don't go back as far as he does, but I go back to trying to end the war in Vietnam. I remember how painfully long that process was. Once the whole Nation and the Senate had turned against the war, it was still painfully difficult to end.

So if it were up to me, I would send the same emergency spending bill back to the President and have the votes, with the money for our troops and the plan that is in that legislation to end the war, which the people expect. I would send it back to him again and again and again and again and let him veto it again and again and again and again. Any reasonable person listening to my speaking might ask: Why would you do that, not a fool's errand? I believe the more we keep this front and center, the more we relentlessly push on this President to abandon his flawed policy, the more pressure will be brought upon our colleagues who, in their hearts, know this is not the right policy but are voting with the President instead of with the troops.

I must admit straight up, this is about building pressure. We are going to need 67 votes to end this war—67 votes in the Senate. So that means, although I had a great conversation with TIM JOHNSON last night—I might say, he sounded wonderful—although that means until Senator JOHNSON comes back, we need 17 Republican Senators to change their minds. That is why we have to keep pushing. We have to let the President demonstrate time and again that he is totally out of touch with what our troops need, what the American people want, and where America's interests lie. In a sense, this reminds me a little bit of Richard Nixon. He seems divorced from reality. He seems divorced from what is going on around him. I don't quite understand it. I have been here 34 years. It reminds me of Nixon during Watergate.

Here we had the Attorney General testify before our Judiciary Committee with a terrible appearance, and the President says he did wonderfully. The President says the war is going well. The President said the response to Katrina initially was great. There seems to be a disconnect here. So the only thing I know to do is to continually force him to demonstrate again and again, until he changes his mind, how out of touch he is, to build pressure in the Congress.

The truth is, votes matter. We need the votes to stop this war because I am convinced this President has made a decision with his Vice President to keep this from completely blowing up and hand it off to the next President. The problem is, in the meantime, a lot of people are going to lose their lives—a lot of Americans and a whole lot more Iraqis. But I recognize, as I said, the reality that it takes 60 votes to send the same supplemental back to the President, as it would take 60 votes to formally deauthorize the war, as my friend from West Virginia is attempting to do, as I and Carl Levin talked about, and we introduced legislation similar to that, to deauthorize the war and reauthorize a more limited mission. We need, though, 60 votes. It is just as people talk about cutting off funding, we still need 60 votes. It would take, obviously, 67 votes then to overcome a Presidential veto.

The reason I say this is we all are frustrated on this floor. Right now, we don't have those votes. We don't have the votes right now to send back the same supplemental.

What should we do next? In my view, first, anything we send back to the President must and will provide every dollar the troops need. As long as we are on the frontlines, I will vote for the money to protect them. That money must include funding for additional Mine Resistant Ambush Protected Vehicles, so-called MRAPs.

The amendment I offered was overwhelmingly adopted. The vast majority of deaths and injuries are from roadside bombs. They are responsible for 70 percent of our casualties in Iraq. These new V-shaped hull vehicles that will take the place of heavily armored humvees have a four to five times greater prospect of protecting troops inside those vehicles. They can literally cut our casualty rates by two-thirds.

As a matter of fact, depending on what we do send back to the President, it is my intention, if somehow we make no progress, to take this money out for those vehicles and move it separately because it literally, literally, literally can change the lives of our soldiers in the field. Our military wants them; our soldiers need them.

Defense Secretary Gates said MRAPs are "the highest priority acquisition program. Any and all options to accelerate the production and fielding of this capability should be identified, assessed, and applied." I am happy to hear him say that because originally they didn't ask for this money to fast-forward the funding of these vehicles. The Secretary is right. I think it would be unconscionable not to get as many of these new vehicles as possible in the field as fast as possible.

Second, if we don't have the votes now for a hard timetable, which is what is in the bill that was vetoed, a hard timetable that came out of the language Senator LEVIN and I worked on putting in the bill, if, in fact, we don't have the votes now for that hard timetable to start getting our troops out of Iraq, any bill we send back to the President must limit dramatically the mission of the troops in Iraq.

We must get our troops out of the middle of this sectarian civil war that we cannot end militarily. Having 15,000, 20,000, 30,000 troops in a city of 6,200,000 people knocking on doors in the middle of a civil war is just foolhardy. Instead, we should focus our military on a much more limited mission that is in the national interest, that we can achieve with fewer troops, and that is doable; that is, training the Iraqi Army, preventing al-Qaida from occupying territory in parts of Anbar Province, and—and—force protection.

If we limit the mission in that way, the President will not be able to justify keeping 160,000 troops in Iraq, especially at a time when our military is dangerously overstretched, threatening the readiness of our troops and the ability to retain those now serving, to recruit those who may wish to serve in the future, and—and—to provide a National Guard at home that is needed for natural disasters at home, as we have recently seen in Kansas.

Just this week, we have seen how overstretching is hurting us at home. When a tornado wiped 80 square blocks of Greensburg, KS, off the map, the State's National Guard was slow in responding. Why? Because much of its manpower and equipment is in Iraq.

Across the country, our Governors have been warning for months that their National Guards are not prepared for the next local disaster because they are tied down overseas; or, even if they are home, because they took their equipment overseas when they were deployed and were unable to bring it back, they are ill prepared in terms of manpower and/or equipment. So if we limit the mission of our troops in Iraq to a more rational mission, the President will have to start bringing troops home now, with or without a hard timetable.

He will have to start listening to our Governors. He will have to start listening to our troops and their families who have told so many of us about the strain of going back to Iraq on third and fourth tours, about being ordered to stay longer each time they go, about not having the year at home between deployments that they were promised. He will have to start listening because he won't have an excuse not to.

Third, if we can't get a hard timeline into this emergency spending bill, we should add it to the next bill we vote on, and to the one after that, and to the one after that. We have to be relentless. Sooner or later, our colleagues will stop voting with the President and start backing what the American people want: a responsible end to this war.

Until we have the votes to force the President to change course, we have to keep the pressure on for change every single day. That is what I have been doing, and that is what I will continue to do until this policy levee that the President has erected breaks.

The fact is, the fundamental strategy under which the President has operated is flawed. The idea that through force we are going to be able to establish a strong central democratic government in Baghdad is simply not possible. It is simply not possible. It is not going to happen in the lifetime of any Member of this Senate.

Starting to get our troops out of Iraq, and getting most of them out by early next year, is the first step toward bringing this war to a responsible end. Just as important, we have to have a plan for what we leave behind so we do not trade a dictator for chaos in Iraq and the region that undermines our interests for decades.

I don't want my son going to Iraq, but I also don't want my grandson going to that part of the world in the next 15 years. How we leave and what we leave behind will impact on that second question. We have to have a plan to bring stability to Iraq as we leave, and that requires a political solution. Everyone—everyone—from the President on, says there is no military solution to Iraq; there is a political solution only. But he hasn't offered a political solution.

I know my colleagues have heard me talk about my plan for a political settlement in Iraq for more than a year now. It calls for separating the warring factions, giving them breathing room in their own regions, as their constitution provides, with control over the fabric of their daily lives—such as police protection, education, marriage, jobs, religion—and a limited central government that would be responsible for distributing oil revenues, which should be the glue that holds this country together, responsible for the army and responsible for the borders.

Every passing day makes my plan, the Biden-Gelb plan, more urgent and more relevant. Look at what is happening in Ramadi, where al-Qaida has a stronghold. The administration rightly points to some successes in getting Sunni tribal leaders to turn on al-Qaida in Iraq and getting thousands of young Sunni men to sign up for the Ramadi police force and protection forces. Listen carefully to how this happened, as described by the Los Angeles Times:

> Fed up with the insurgents' killings and their acts of intimidation in Ramadi, the Sunni sheiks came to the coalition in September to tell the U.S.-led force that they were ready to cooperate and would urge their tribes to supply recruits for the Iraqi army and police. Even the most optimistic U.S. colonel was not prepared for the flood of recruits once the sheiks got the word out that joining the Army, police, and provincial forces had their approval. Recently, 1,500 Iraqi youths showed up to enlist in the police, more than the recruiters could take.

Continuing to quote.

> Another change that helped recruiting was a policy introduced in February promising recruits from Al Anbar that they would be based close to home if they enlisted. Within 2 days of that switch, 400 youths had signed up.

So you have Sunnis joining the police and army in their own regions, staying in their regions to deal with Sunni extremists in the midst of their own region, and becoming part of the anti-al-Qaida solution.

What is that all about? It is what I have been saying for a long time: give them local control and they will have the prospect of bringing this country to a peaceful settlement. That is a whole lot better than having them take the fight to the Shiites and becoming part of the sectarian nightmare.

It makes sense for our troops to be in Anbar, helping local Sunnis defeat al-Qaida. That is what we should limit their mission to. It does not make sense for them to be going door to door in Baghdad, a city of 6.2 million people, and getting caught in the crossfire of a self-sustaining civil war. It makes sense for us to focus on a political settlement by bringing problems and responsibilities down to the local level, giving each group an opportunity to advance its interests peacefully, not with bombs and death squads but with a political compromise.

It does not make sense to send more and more troops into Iraq in pursuit of a strategy that has virtually no prospect for success. The administration hopes the surge will buy time for Prime Minister Maliki's government to get its act together. But there is no trust within that government, no trust of the government by the people it purports to serve, and no capacity on the part of the government to deliver the services or security that is needed. There is little prospect that the government will build that trust and capacity any time soon.

In short, the most basic premise of the President's approach, and that of some of my colleagues on this side of the aisle, is that the Iraqi people will rally behind a strong central government that looks out for their interests equally and is fundamentally fair. That whole notion, I have been saying for over 4 years, is fundamentally flawed. It is not achievable. So instead of escalating this war with no end in sight, we have to start bringing our troops home with the goal of getting most of them out by early next year.

As the President rails against those of us who have been proposing that, I remind him his former Secretary of State Baker, his father's former Secretary of State Eagleburger, were part of a commission that said we should get our troops out by March of 2008. The British, in Basra, did essentially what I am suggesting. They redeployed their troops out of the cities, did not engage in the civil war, and began to draw them down. Are they abandoning?

Instead of escalating this war, we have to start to bring our troops home, and we have to help Iraq make the transition to the decentralized federal system that is called for in their constitution. Making federalism work for all Iraqis is a strategy that can still succeed and allow our troops to leave without leaving chaos behind.

This war must end, but it is still within our power to end it responsibly. That is a mission that can unite Americans and protect our interests, and that is a mission that is long overdue.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I am going to again invite Members to come to the floor. The order is H.R. 1495, the Water Resources Development Act. We have had a chance now to act on a motion to proceed. We are on that right now. I know there are several Members who have said they want to come to the floor with statements and amendments. I join Senator BOXER, the chairman of our committee, in encouraging people to bring their amendments down and give us a chance to look at them.

I have to say, I was a little disappointed that we did not have a unanimous vote on the motion to proceed. Let me again say this, and I say this to my conservative friends, the Water Resources Development Act that is under consideration now is very similar to the one we acted on a year ago. In fact, it started out to be the same thing. I wanted to use the same criteria on the current bill that we used last year. However, on environmental infrastructure projects, there are a lot of people who wanted some of those to be considered. Frankly, I would have preferred not to. But nonetheless, that is now part of the criteria. There is a limited number of those projects.

We have criteria that go along the line of making sure there is local support. We do not have any waivers for local support of these efforts, so the participation has to be there from the local governments to demonstrate clearly these are important projects to be considered.

Speaking as a conservative, let me emphasize there are certain things conservatives believe Government should be doing. The top two in my category are armed services—we have to defend America; that is our function; that is what we are supposed to be doing—and second is infrastructure. Way back in the Eisenhower administration, we started a system of national highways. It has been very successful. But we have a problem in the way we have been funding them with user fees, with a Federal gasoline excise tax. It has worked fairly well. However, we are to the point now where the last bill we passed 2 years ago, the Transportation reauthorization bill, was one where, even though it was a very large bill in terms of spending that amount of money, it did nothing more than maintain what we currently have. That is not adequate.

You might say that has nothing to do with the Water Resources Development Act. It does. Right now, looking into the future, I see nothing but serious problems. We know 10 years from now the traffic on our highway system throughout America is going to double and probably triple in 20 years. If something is not done to increase the road capacity, it is going to be chaotic. The two things that have the most favorable effect on surface transportation are our rail and waterway system. That is what this is all about, our waterway system.

We are going to be talking in a lot more detail about this, but I want to say, particularly to those out there who believe there may be projects they don't like: These projects meet a criteria. If we were not to pass the Water Resources Development Act, if we were to say we are not going to pass it—maybe people are fabricating some reason, they don't like one or two projects that are in there—No. 1, as it is now, those projects have met the criteria, and, No. 2, if we do not pass this bill, we will have no spending discipline on these projects. They will simply go and get appropriations, and they can be things that have nothing to do with meeting important criteria.

Look at this as a criterion bill to reduce spending, runaway spending; to reduce money being spent on things that do not meet the criteria in terms of the Corps of Engineers' reports to make sure they meet environmental and other requirements.

It may surprise a lot of people to know that in my State of Oklahoma, we actually have a navigational waterway. A lot of people are not aware of that. In fact, it was the best kept secret for many years. But we carry grain and oil products and petroleum products back and forth all the way from my city of Tulsa, OK, it is called the Port of Catoosa, down through the Arkansas and Mississippi Rivers and distributed throughout the water system. It is something absolutely necessary. If we did not have that, if we were not able to pass legislation to expand that capacity, then that traffic is going to fall on our highways.

I can assure you right now the same committee considering the water bill now is going to be considering the highway reauthorization, probably in a couple of years. It is going to make it that much more traumatic if we do not get this done.

I will give an example. In the State of Oklahoma, 98 percent of the way we have a 12-foot channel. However, if it is only 2 percent that is a 9-foot channel, that restricts the entire channel. I think we all understand that.

While that is not in this bill—I don't have anything self-serving about this comment because that has already been authorized, that has been authorized for years—it is that type of thing that, if we are to shut down for any reason or dramatically restrict our waterways, all that is going to fall on our highways. It is a serious problem.

I reemphasize to those who are my conservative friends—we have rankings around here. One of the unique things about the Senate and House of Representatives is that if people want to know how their Members are voting, if you are concerned about overtaxation, you have a number of organizations—the National Taxpayers Union, the National Tax Limitation Committee, and others—that rank us as to how we vote on tax increases. If you are concerned about overregulation of small business—I spent 35 years in small business so I know a little bit about overregulation—if you are concerned about that, the National Federation of Independent Businesses ranks all Members, Democrats and Republicans, House and Senate, as to how they vote on regulatory issues that might inhibit the expansion of small businesses.

The same thing is true with how people vote on defending America. The Center for Security Policy ranks all Democrats and Republicans, House and Senate, on how they vote on defense issues, which is a real critical thing that we are dealing with right now.

The same is true in terms of people who are conservatives. The American Conservative Union ranks all Members of the House and Senate. I have to say to my conservative friends, I am, as of 2 weeks ago, again, considered and ranked as the No. 1 most conservative Member of the Senate. I am proud of that. So I don't want anyone to run around saying we are passing a bill that is somehow going out and doing projects that should not be done.

Sure, there are some projects in here that I don't like as well as others. I might not have had the same criteria as someone on the other side of the aisle might. But I have to say this, with the chairman of our committee, Senator BOXER, she and I have worked for a long time on this. She, as I said before, is a proud liberal Democrat. I am a proud conservative Republican. We agree on these things. We know Government has the function of making sure we do certain things. Certainly, the greatest Nation in the world has to have an infrastructure system that will accommodate transportation.

This is a very important part of that. When we deploy units for training out of Oklahoma, we send the heavy equipment via channels.

I have not told this story in a long time, but since I see Senator BOXER, I will tell it. Many years ago when I was in the State Senate, it occurred to me that our navigation way that makes us navigable in the State of Oklahoma was something nobody knew about. They said: We know about the Intercoastal Waterway, we know about the Arkansas River, we know about the Mississippi River and the Great Lakes, but they didn't know anything about the State of Oklahoma and the fact you can get all the way up there with barge traffic into my hometown of Tulsa, OK.

A guy came to me with an idea. This is years ago. He was from Kellyville, OK. His name was Kelly. That must tell you something. He was the head of the World War II submarine veterans. He came to me and said: If you want to get the message across that we are navigable in Oklahoma, I can raise money to get a World War II surplus submarine from Orange, TX. With volunteers we can, together, if you will do the legislation in the State of Oklahoma and come help us on this, we can bring that submarine all the way from Orange, TX, up their waterway, up the Mississippi, over the Arkansas, to the Port of Catoosa—actually, the Port of Muskogee is where it ended up—and we can let the whole world know we have this navigation way. We did.

All my political adversaries were against it. They said, in the State Senate, we are going to sink Inhofe with the submarine. It didn't work. The submarine is there now. It is proudly displayed in Muskogee, OK, letting all the world know we are able to barge material in and out of the State of Oklahoma.

I have to say it is the Nation's most inland port. I invite you to come out and take a trip, I say to my friend Senator BOXER.

The bottom line is this. We have to get the heavy stuff moved around. If it is not going to be on rail, if it is not going to be on the channel system, the waterway system we are talking about today, then it will have to be on the other surface transportation or highway system that is going to be so congested.

That is what this is all about. I renew our request for Members who have amendments they want to bring to the floor, bring them now. We have lots of time. We have all day to be looking at these. We want to consider them. We want to give them our best consideration.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I say thank you to Senator INHOFE. People see us tangling on a host of issues. I think it gives them a good feeling to know there are times when we see eye to eye. I would say, when those times occur, it should mean we can get our legislation through pretty quickly because we have worked hard to accommodate the views of both sides of the aisle.

I am pleased the Senate voted overwhelmingly to start the process of considering the Water Resources Development Act of 2007. I hope, in short order, we will find out we can actually move to the bill. We are technically on a motion to proceed to the bill, which is slowing us up a bit, but we think there are other issues causing that. We hope they will be resolved.

This important legislation authorizes projects and policies of the Civic Works Program of the Army Corps of Engineers and, as I said, it has tremendous support both from my ranking member, Senator INHOFE, the entire Environment and Public Works Committee—which runs the gamut of philosophies and geographies and all the rest.

Colleagues asked to see the substitute bill we worked so hard on, that has a very good score from the Congressional Budget Office—less than the House-passed bill; fiscally responsible. A good chunk of it is aimed at Hurricane Katrina—which both Senator INHOFE and I feel very good about. We believe certainly Louisiana is in desperate need of help, and we have answered their call in a very strong way. I would say about 25 percent of the bill is actually dedicated to making sure Louisiana is made whole and is protected in the future.

We hope our colleagues from Louisiana will feel good about this. If there are other things they want to offer, we ask them to come down and show us what they are. Senator INHOFE, Senator ISAKSON, Senator BAUCUS, and I have an agreement that unless the four of us agree on these amendments, we are going to oppose them. That is hard for us to do. We don't like to give up our freedom. But on this we are going to do it. Why? This bill is 7 years overdue—7 long years. There is enough blame to go around as to why it happened. We don't need to get into it. It is not important. Right now we have an opportunity to make up for lost time and get to where we are back on a track that makes sense. This is a great economy in this country. We need an infrastructure that matches our ambitions and our future dreams for a thriving business community, a place where workers can get good jobs. So we need this bill.

What we are saying to colleagues is, first of all, some of you want to see the bill. Of course. The bill is available to you.

The bill is available in both cloakrooms. The bill will be printed in the RECORD tonight. You have all been part of it. I think you all will be pleased with it. There is a CBO score that has been placed in the RECORD for you to see. There is huge support out here in America for this bill. We have letters coming in from disparate groups in this country which include farmers, which include workers' unions, contractors, all kinds of businesses. This is a very powerful message to the Senate to move forward. The House has passed the bill. Let's get to conference. Let's get a bill to the President's desk.

Again, I say thank you to Senator INHOFE. I will say this a lot. But it has been a pleasure to work with him and his staff. My staff feels the same way. We have made great progress. This bill is a project of commitment, of bipartisan and partnership.

I mentioned Senators BAUCUS and ISAKSON. They have been very important in terms of working with us on this package. Many members of the committee went to Louisiana to see the problem there. Senators LANDRIEU and VITTER were determined to show us their needs, and they did. Again, a lot of the work in this bill is directed toward Louisiana.

I do want to thank members of the staff. Sometimes chairmen wait until the bill is finished to do that. But I want to do it now: My staff director, Bettina Poirier, and my deputy staff director, Ken Kopocis; Jeff Rosato and Tyler Rushforth for all their work. On Senator INHOFE's staff, I wanted to thank Andrew Wheeler, Ruth Van Mark, Angie Giancarlo, and Letmon Lee. Additionally, I thank Jo-Ellen Darcy and Paul Wilkins with Senator BAUCUS and Mike Quiello with Senator ISAKSON.

We have had many late-hour, emergency, stressful phone calls getting to this stage. We hope those phone calls will not have been in vain and that we have come up with a product everyone will be proud of.

In so many ways this is the start of a new day because I believe we are now on track to restore the regular process of meeting the Nation's water resources needs as they arise. But we will not get done with this bill if colleagues do not come to the floor and let us see their amendments.

I echo what Senator INHOFE said. Let's not play hide and seek with amendments. Let's get those amendments out. I have already been very open. I have told everybody there is an agreement with the big four on the committee; that we need to agree to them, to support them. It may well be there is an amendment on Senator INHOFE's side that he wouldn't vote for because one of us said it is not acceptable. The same thing could well happen on our side. That does not diminish anyone's right to offer these amendments. They have the right to do it. We support their right to do it because if they come soon, maybe we can work on these amendments together and get them included in the managers' package. So that would be the best of all worlds.

I thank Senator FEINGOLD because he and I had a chat. He is going to offer an amendment I do not agree with on prioritization of Corps projects. But he is going to come over here at noon. He is going to take his time then, and then he is not going to talk about this anymore until we have a vote. And he will do it in 2 minutes on Tuesday so that we can get the debate on these amendments over with now.

So I ask other Senators with amendments, within the sound of our voices: Please come over with your amendments. We have all day, all day here with an open microphone for you. You can take as much time as you want. You can put your amendment out there. You can talk about it, and then Senator INHOFE and I can look it over, share it with Senators ISAKSON and BAUCUS.

We want to accommodate everybody. We really do. If you meet the criteria we have set out—I think the criteria is well thought out. We want to make sure every project in this bill can be defended. That is important because we have precious few dollars to waste. So we want you to come over with your amendments. We are going to try to help everyone. We have already done so much to help you. We want to do more. We both agree, Senator INHOFE and I, that WRDA is an important bill, and it is overdue 7 years—too long to wait for a bill that authorizes essential flood control, navigation, ecosystem restoration; 7 years of projects being ready to go and unable to begin because, for whatever reason.

Again, we did not—we could not get the political will, or we could not just push it over the finish line, as I like to say. So we had 7 years of communities in your State and mine and Oklahoma and other places, people waiting to shore up their infrastructure needs, many of them vital to protecting homes and families from catastrophic flooding.

Believe me, I can tell you, in my State flood control is one of the major priorities of Senator FEINSTEIN and I, as well as Governor Schwarzenegger. It is quite bipartisan in the State legislature as well.

So, yes, there are a lot of projects in the bill. It is the cost of waiting so long to act. So I think it is remarkable that given all the time that has gone on, we were able to put together a bill that is fiscally responsible. The bill before the Senate is less expensive than the bill passed by the House. The original bill had some ambiguous language that drove up the score. But I believe Senator INHOFE and I and others, we have corrected this problem. It was not easy. It took discipline, but we worked cooperatively in a bipartisan way.

We have a bill that meets our communities' and our Nation's acute and unmet water infrastructure needs. It does it in a fiscally responsible way. Let me tell you what the bill does. Title I would authorize 47 projects consistent with completed chief of engineers reports. Now, that is very important because these reports lay out what we have to do, what the cost will be.

Those chief of engineers reports deal with flood control, navigation, and ecosystem restoration projects. These chief reports are the result of years of engineering science, economic analysis, environmental assessment, hours of Corps of Engineers work and expertise going into preparing these documents, concluding with the final review of the chief.

Title I would also authorize new locks on the upper Mississippi River, Illinois waterway system, and the current ecosystem restoration plan for those waters. This project is important to waterway goods movement, particularly grains from the heartland of America. That is why the farmers support this bill. We have an amazing coalition of people supporting this bill.

If you cannot move goods, grain, from the heartland, we are in a lot of trouble. We will be in a lot of trouble if this bill does not get done. Senator INHOFE and I are committed to getting this done. We have our differences in this Chamber, and by the way, that is the way it should be. There are differences in this Chamber, but when it comes to this bill, it seems to me we have to set them aside. Those differences should be set aside.

Title I also includes authorization for the Louisiana Coastal Area Ecosystem Restoration Program, to revert wetland loss and provide hurricane and storm damage reduction benefits.

I will discuss this issue in depth at a later time. But we know the loss of wetlands is a major cause of flooding. Not even to get into the fact that our species need these wetlands, put that aside; the wetlands are flood control, natural flood control. We have lost so many wetlands that the Corps came to us and told us they believe it is a major cause of trouble now. We did not realize what we had until they were gone. So now we are restoring wetlands.

Finally, title I includes small projects for flood damage reduction, navigation, aquatic ecosystem restoration, under the continuing authority programs of the Corps.

Title II will make changes in Corps of Engineers authorities in how it carries out its programs. Title II contains the administrative provisions that are commonly referred to as Corps reform. These important provisions include updating the Corps' planning process, the water resources planning coordinating committee, independent peer review, and improvements to the Corps' mitigation program.

Now, a lot of this language was new to the last bill. I thank my colleague, Senator INHOFE. When he was in charge of the committee, he took the lead on this section, and we kept that section intact. We made progress with Corps reform. These provisions will help ensure the Corps does its job more effectively and soundly, require in many cases an extra pair of eyes on its projects.

Senator INHOFE worked with Senator FEINGOLD and me and others. The language stands. We should be proud. Yes, there is Corps reform in this bill.

Now, I wanted to make it clear that Senator FEINGOLD wants to do more. One of his ideas is prioritization. Frankly, I think it is off the mark, and we are going to have a debate about it to see where the chips fall on that particular amendment. But I thank him for his cooperation. He is going to come down in a little while. He is going to take his time. He is going to debate this bill. Senator INHOFE and I, I am sure, will have a response, and then we will be able to have a very short continuation of the debate just a couple of minutes per side, hopefully, on Monday or Tuesday, and we will finish this bill.

Title II also contains the authorization for the National Levee Safety Program, a new program that helps identify failing levees and provides Corps resources and expertise to help improve and repair those levees.

Title III includes provisions that would affect existing, ongoing, or completed projects. These sections include making modifications to project cost ceilings, modifying project purposes, changing project boundaries, extending authorizations for annual programs, and correcting original deficiencies. Why is this important? Because so much time has passed that these projects need another look. Sometimes there is new technologies that can come in and meet the needs. Sometimes there is new cost estimates that need to be reflected. So Title III affects existing, ongoing, or completed projects.

I have just about 3 more minutes or 4 more minutes, then I will have to yield to whoever would like to speak at that time.

Title IV includes authorizations for new project studies. It also makes modifications to ongoing studies. Title V includes modifications to the Estuary Restoration Act, an existing restoration program of the Corps. It includes programmatic authorities for regional approaches to water resources problems.

Title VI would deauthorize all or portions of 52 previously authorized Corps projects. The deauthorization represents projects or portions of projects that are no longer supported by local interests. This does happen. Sometimes you have a plan, and after years and years people say: There is a better way to do it, or we don't need it. That is reflected here.

So that is a brief overview of the bill. But it only begins to express the bill's importance to our communities, our families, our Nation, our farmers, our workers, our businesses. The bill is about authorizing projects our communities need to help protect thousands of homes and millions of lives from catastrophic floods. The bill is about authorizing projects our communities need to help restore the great wetlands, estuaries, and rivers of our Nation. These are places in which wildlife thrives and our families can enjoy for generations to come.

Indeed, as hunting, fishing, boating, camping, and our outdoor industries boom, this bill is an important part of keeping America's recreation economy thriving.

The bill makes other very important contributions to our Nation's economy. It authorizes projects our communities need to help increase our port and waterway capacity and makes shipping easier, safer, more efficient.

It literally keeps America's economy moving. We are in a global economy. Ships come into port, and they go out of port. They move goods in, they move goods out. Workers are at the ports, businesses are at the ports.

I will tell you, when we get to our next highway bill, we have to do a lot more for our ports in terms of cleaner air and goods movement. I look forward to working with Senator INHOFE perhaps as early as next year, and the other colleagues who chair and rank on that subcommittee, to begin looking at that next bill that is so important to our goods movement.

But this is part of it. We need to pass this bill to keep America's economy moving because so much of our economy is dependent on our water resources. In just the next 2 minutes, I am going to give you a couple of examples of what I am talking about.

America's ports and harbors are our gateway to the world. Our manufacturers' goods, automobiles, computer chips, agriculture goods such as grains, wines, and fruit pass through our ports and harbors around the world. Goods worth $5.5 billion pass through our ports every day and more than 2.5 billion tons of trade move through our ports and waterways. That volume is expected to double over the next 15 years. In the next 15 years, goods movement is going to double in our country. So we have to get down passing this bill, because thousands of jobs are on the line. Many businesses are expecting us to take action, and our farmers want action. Five million jobs are at America's ports. WRDA is essential.

Outdoor recreation, I talked about that. The Corps of Engineers operates more than 2,500 recreation areas at 463 projects, and leases an additional 1,800 sites to States or locals. The Corps hosts 360 million visits a year at its lakes, beaches, and other areas. It is estimated that 1 in 10 Americans visits Corps projects once a year, 25 million people. We need to pass this bill. That generates 600,000 jobs to support visitors.

Public health and safety, economic growth, environmental protection are the goals of this bill.

This is the first bill—I think Senator INHOFE and I are very proud of this—that takes into effect ethics reform, even though the bill has not been signed into law. We have asked colleagues to submit letters answering the question: Do you have a conflict of interest in any of your projects? Those letters are open for the public to see. They are at the committee offices. We have printed in large print the results of those letters and each of the projects Members have asked for. We are proud of that.

One of the lessons of Hurricane Katrina is we ignore water infrastructure at our own peril. We are going to be moving new WRDA bills right after this one. We are going to be looking at our levees. We are not resting after this bill passes.

I look forward to moving along on this bill. I know at this point we have a bit of a slowdown on the bill by my Republican colleagues. I understand their issues have nothing to do with the legislation. I respect that. It is a tool being used. But I urge both sides, let's put aside our differences on whatever they are. Whether it is judges, whether it is Iraq, God knows we have differences; they are tough. I respect those differences. Senator INHOFE does as well. But we need to move this legislation. This bill can't wait much longer.

Again, we are going to work in a cooperative way. We urge Members from both sides to get their amendments to the floor. Even though we can't at this point put those amendments in the RECORD, we can debate them today.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I appreciate the remarks made by the chairman of the committee, Senator BOXER. I do agree. It is very unusual that we agree so much on one bill, and we do on this one. It is important that everyone understands, this bill is actually less than the House bill is. This bill is less than the bill when I was chairman of the committee a year ago. But the most important part is, it offers discipline. When you say you need a chief's report, you are saying a project has to be economically justified, environmentally sound, and technically feasible. Without this bill, there is no discipline. That is what I keep saying to my conservative friends.

One of the Members who has been very helpful was the chairman of the subcommittee—and I was ranking member—out of which this bill emerged, the Senator from Georgia, Mr. ISAKSON. So we can lock in the next two speakers, if there is no objection, I ask unanimous consent that Senator ISAKSON be recognized for up to 8 minutes, followed by Senator GRASSLEY from Iowa for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I also ask unanimous consent for Senator FEINGOLD to be recognized at noon today for up to 1 hour. Then at 1 o'clock, we will have an opportunity to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I reiterate my commitment to the chairman and ranking member, and to Senator BAUCUS, that we will remain united to support this bill to the end. We will be united on amendments whether we are for them or against them. This is in the best interest of the United States.

I thank Ruth Van Mark, Angie Ciancarlo, Letmon Lee, Jeff Rosato, Ken Kopocis, Tyler Rushforth and Jo-Ellen Darcy for their work on this bill. I particularly thank my staff member Mike Quiello.

The bill before us is an investment in infrastructure. It is not a spending bill. It ensures safe drinking water, clean drinking water, storm water management, and navigable waterways will be a reality. They will be workable and they will be improved. To use my State as an example, I cite three things included in this bill that are important to the infrastructure of the Southeast.

First, I wish to take a minute to talk about the Water Resources Development Act of 1986. This committee has considered that legislation to authorize four projects on a biennial basis. Unfortunately, we have gone 7 years without a reauthorization. Now is without question the time to make that reauthorization. I am proud of the work the committee has done.

Specifically, for the State of Georgia, there are a number of important provisions included in this legislation: a fund for the construction of conveyance systems to connect both existing and planned wastewater infrastructure and facilities for the Metro North Georgia Water Planning District. What is so important about this is, it represents what Congress and the Corps have said is the future of quality, good management water. That is a regional approach. Water does not recognize political jurisdictions. It does not recognize politicians. It flows downstream and downhill and intersects regions as it goes. It is important to fund projects such as this to deal with water on a regional and comprehensive basis.

Also included in this legislation is the Big Creek watershed in North Fulton County. The Mayor of Roswell, the city of Roswell, the County of Fulton, have worked critically on this watershed management and have increased the flow of water into the Chattahoochee and improved its quality and used new high technology for flood and water control management. It is essential we invest in that type of infrastructure in the future for good quality water, good quality runoff, and good quality storm management.

I also wish to take a moment to talk about an historic event that took place in my State at 2 p.m. on 12 March 2007. Governor Sonny Purdue of Georgia and Governor Mark Sandord of South Carolina met on the banks of Jasper County in South Carolina and announced a bistate proposal to build a joint port operation in Jasper County. It is historic because for the better part of two decades, Georgia and South Carolina have fought over the use of that land. It has been used as an environmental dump, if you will. The two States operate the Port of Charleston, the Port of Savannah, and the Port of Brunswick. All are reaching capacity. The two States wanted to go together, build a port, and operate that port jointly to ensure the future of commerce to the Southeast and, in fact, the rest of the Nation, so much so that the two States are putting up the money to pay for the feasibility study. The WRDA bill only authorizes the study to be made. It does not cost the taxpayers of America a dime. The taxpayers of Georgia and South Carolina are paying for it.

During the debate, there is going to be an amendment offered to clarify language in section 4028 of the bill which will more accurately reflect that agreement.

I ask unanimous consent to have printed in the RECORD a copy of this historic transcript as well as a copy of the transcript of Assistant Secretary of the Army for Civil Works John Paul Woodley talking about this agreement and acknowledging it in the EPW Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TERM SHEET

Whereas, Governor Sanford and Governor Perdue, as the chief executive officers of their respective states, recognize that the capacity at the existing ports in Charleston and Savannah is finite and that their states' businesses and industries have a need for increased access to marine terminal facilities to import and export goods associated with their activities for the benefit of each of the states, the United States and for international commerce generally; and

Whereas, Governor Sanford and Governor Perdue believe that the most practical means of increasing each state's capacity for marine-related transportation facilities is to: (a) Build a new maritime terminal on the Savannah River in Jasper County, South Carolina, and (b) improve access to both the new terminal in Jasper County and the existing and potential new or expanded terminals in Garden City and Savannah, Georgia; and

Whereas, in order to expedite and facilitate the building of the new terminal in Jasper County and to improve access to this new terminal and the existing and potential new or expanded terminals in Garden City and Savannah, Governor Sanford and Governor Perdue are desirous of setting forth herein their mutual intent to cooperate and coordinate in all appropriate respects and to promote and advocate in good faith the taking and occurrence of any and all actions necessary to those ends, including, without limitation, those set forth herein;

Whereas, Governor Sanford and Governor Perdue recognize the importance of the environmental resources in the Savannah River and the surrounding areas, and the need for wise use and long-term sustainability of these resources through planning and cooperation on resource management in a regional and cooperative manner, and are proposing the actions herein in a manner that balances the need for economic development and protection of sustainable natural resources to the maximum extent feasible;

Now, therefore, to promote and advocate the taking of actions necessary to build a new maritime terminal on the Savannah River in Jasper County and to improve access to both this new terminal and the existing and potential new or expanded terminals in Garden City and Savannah, and to establish a framework from which their respective state legislatures can draft and adopt a formal compact to accomplish those objectives, Governor Sanford and Governor Perdue set forth this Term Sheet.

THE JASPER COUNTY MARITIME TERMINAL

1. Governor Sanford and Governor Perdue will use their best efforts as the Governors of their respective states to promote the development of a maritime terminal, by the two states on an equal basis through an appropriate entity (the Bi-State Port Authority) and pursuant to a compact (the Bi-State Compact) approved by the two states' legislatures and ratified by the United States Congress (the Congress), on an appropriate portion of the land (the Jasper Terminal Site) situate in Jasper County, owned by the Georgia Department of Transportation (the Georgia DOT) and currently subject to litigation between the states.

2. Independent of the pursuit of the Bi-State Compact to develop a maritime terminal on the Jasper Terminal Site (see paragraph 3 below), Governor Sanford and Governor Perdue recognize that, as a threshold matter, in order for a maritime terminal to be developed on the Jasper Terminal Site by any entity, the easements (the Easements) used by the United States Army Corps of Engineers (the Corps) for placement of dredged fill materials for the Savannah Harbor Federal Navigation Project (the Savannah Harbor Project) on the Jasper Terminal Site must be removed, released, or modified. In this regard, Governor Sanford and Governor Perdue further recognize that the Georgia DOT as the current owner of the Jasper Terminal Site is the appropriate party to initiate and pursue the release, removal or modification of the Easements, and they will use their best efforts as the Governors of their respective states to cooperatively pursue the timely release, removal or modification of the Easements by requesting:

(a) That the Georgia DOT, as soon as possible after execution of this Term Sheet, make a formal application to the Corps for the release, removal or modification of the Easements and that the State of South Carolina submit a letter of support to the Corps;

(b) that the Congress authorize the necessary studies to permit such release, removal or modification (the Federal Feasibility Study) and that each state take whatever action may be required, including if necessary an appropriation by its legislature during the 2007 legislative session, to ensure that each state has the requisite funds dedicated as soon as possible after execution of this Term Sheet for the payment of one-half of the estimated cost of the Federal Feasibility Study; and

(c) that each state's legislature appropriate during the 2008 legislative session, if necessary, funds dedicated for the payment of one-half of the state or local share of costs associated acquiring replacement spoil disposal sites.

Governor Sanford and Governor Perdue further acknowledge that these efforts to release, remove or modify the Easements must immediately proceed on a track independent of the Bi-State Compact process and declare that these efforts shall represent the necessary tangible commitment by the two states to act in good faith toward ensuring that a new maritime terminal on the Savannah River in Jasper County becomes a reality. Additionally, Governor Sanford and Governor Perdue acknowledge that, in the event the Bi-State Compact process fails and title to the Jasper Terminal Site remains reposed with the Georgia DOT (and thus continues to remain the subject of the condemnation litigation pending between the SCSPA and the Georgia DOT), then it would be equitable for the State of Georgia to recompense the State of South Carolina for funds expended by it in connection with the Federal Feasibility Study and acquiring replacement disposal sites to compensate for the areas no longer encumbered by the Easements, and therefore Governor Perdue will use his best efforts as Governor of Georgia to have the Georgia legislature make the appropriate equitable reimbursement arrangements.

3. Independent of their immediate effort to pursue the release, removal or modification of the Easements from the Jasper Terminal Site (see paragraph 2 above), Governor Sanford and Governor Perdue will also use their best efforts as the Governors of their respective states to promote the passage of the Bi-State Compact in their respective state's legislatures, on or before March 31, 2008, to:

(a) Create the Bi-State Port Authority to be owned on a 50–50 basis by the two states and governed by a board comprised of directors appointed in equal numbers by the two states, provided, however, that there are adequate provisions for the resolution of deadlocks and specific assurances that the Bi-State Port Authority would be completely committed to the timely development of a new maritime terminal on the Jasper Terminal Site, with specific milestones to be achieved, so that the Bi-State Port Authority would not be in any way biased toward the protection of existing or future maritime terminal facilities owned and/or operated by the South Carolina State Ports Authority (the SCSPA) at the Port of Charleston or the Georgia Ports Authority (the GPA) at the Port of Savannah;

(b) authorize the Georgia DOT's sale of the Jasper Terminal Site to the Bi-State Port Authority for its fair market value, with matters of record that prohibit the development of a maritime terminal being removed prior to the sale, with costs of such removal to be shared by the two states 50–50, such sale to close immediately after the United States Congress ratifies the Bi-State Compact;

(c) appropriate funds (with each state bearing one-half of the funding) for the Bi-State Port Authority land acquisition and costs related to its accomplishment of its responsibilities;

(d) direct the SCSPA to dismiss its condemnation action against the Georgia DOT and release the Georgia DOT from such claims simultaneous with the Bi-State Port Authority's acquisition of the Jasper Terminal Site; and

(e) direct the Bi-State Authority to issue Requests for Proposal for private companies to submit proposals to participate in the development the first phase of the Jasper Terminal Site using private capital.

THE SAVANNAH HARBOR PROJECT

4. After the release, modification or removal of the Easements from the Terminal Site, the Georgia DOT's sale of its right, title and interest in and to the Jasper Terminal Site to the Bi-State Port Authority, and the required approval and ratification of the Bi-State Compact by the state legislatures and the Congress, then Governor Perdue and Governor Sanford agree to cooperate and to use their best efforts to cause the respective Georgia and South Carolina agencies and public interest parties to cooperate each with the other and with other interested parties, including but not three limited to the Corps, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the U.S. Environmental Protection Agency, in the deepening of the Savannah River navigation channel as conditionally authorized in the federal 1999 Water Resources Development Act and set forth as the Savannah Harbor Project further described at www.sav-harbor.com. and in the permitting of the development of the Jasper Terminal Site, with the understanding that any local sponsor or other nonfederal costs associated with the Federal Feasibility Study and the deepening of the Savannah River navigation channel to at least 48 feet from the Atlantic Ocean to and including the Jasper Terminal Site will be divided equally between the states of Georgia and South Carolina, or their respective agencies or departments, and provided that neither the State of South Carolina nor any of its agencies and departments shall bear any local sponsor or other nonfederal costs of deepening the Savannah River navigation channel beyond the westernmost terminus of the Jasper Terminal Site.

THE SAVANNAH RIVER COMMITTEES

5. By executive orders issued in June 2005, Governor Sanford and Governor Perdue created committees to identify and discuss issues of mutual interest related to the water resources of the Savannah River Basin, and pursuant to those orders the Governor's Water Law Review Committee, appointed by Governor Sanford, and the Governor's Savannah River Committee, appointed by Governor Perdue (collectively, the Savannah River Committees), have corresponded and met to discuss those issues, including, without limitation, the following:

(a) The potential that fresh groundwater supplies in the Upper Floridan Aquifer are being contaminated by salt water intrusion from the Port Royal Sound and other areas;

(b) the impact of the Total Maximum Daily Load (TMDL) regulation for the Lower Savannah River recently issued by the EPA;

(c) the use of the Savannah River below the Thurmond Dam as a receptacle for treated wastewater from municipalities and industries; and

(d) the need for a long-term strategy between the two states to manage the use of the Savannah River.

Governor Sanford and Governor Perdue declare that nothing in this Term Sheet shall undermine the importance of the issues being considered by the Savannah River Committees and reaffirm that these committees have been and continue to be charged with the responsibility of investigating those issues, with due consideration as to how such may impact the other objectives discussed in this Term Sheet, and with the task of reporting their findings and recommendations to the two governors in a timely manner.

MISCELLANEOUS

6. Governor Sanford and Governor Perdue shall appoint a six-member task force (the Task Force) chaired jointly by a member from each state with each Governor having an equal number of appointments and direct it to present to them, within 180 days (the 180-Day Task Force Due Diligence Period) of the date hereof, a proposed Bi-State Compact that incorporates the material provisions of paragraph 3 above and that, once it has been passed by the two state legislatures and then ratified by the Congress, would create binding legal obligations in furtherance of the objectives referenced herein. Governor Perdue and Governor Sanford further agree to direct the Task Force to establish a deliberative compact development process in which the draft compact is made available to state officers, stakeholders and the public for comment and revision prior to introduction in the respective legislatures during the 2008 sessions.

7. Nothing in this Term Sheet shall delay or in any way influence the legal options available to either state relative to the prosecution or defense of litigation related to any condemnation of the Jasper Terminal Site nor shall this Term Sheet be admissible in such litigation; provided, however, that Governor Sanford and Governor Perdue will ask the SCSPA and the Georgia DOT to: (a) Take such actions as may be reasonably necessary to have a final adjudication in the pending condemnation action deferred by the South Carolina state circuit court judge until after the expiration of 180-Day Task Force Due Diligence Period, with the understanding, however, that the two litigants during such time would still be able to engage in activities preparatory to such final adjudication; and (b) enter into a six-month tolling agreement confirming that the right of either party to petition the United States Supreme Court to accept jurisdiction of the condemnation action shall not be negatively affected by this request for a delay of final adjudication. In this latter regard, it is recognized that, notwithstanding this Term Sheet, the SCSPA expressly reserves any and all arguments and positions that it would be improper for the litigation it has with the Georgia DOT to be removed to the original jurisdiction of the United States Supreme Court and the Georgia DOT expressly reserves any and all arguments and positions that such removal would be proper.

8. Market studies conducted both by the SCSPA and the GPA indicate that a window of opportunity now exists for maritime terminals in the Southeast to increase their volume of imports and exports, and Governor Sanford and Governor Perdue will use their best efforts as the Governors of their respective states to promote regional cooperation between the State of South Carolina and the State of Georgia to take advantage of this opportunity—not only in regard to the new maritime terminal planned for the Jasper Terminal Site, but also between the existing operations at the Port of Charleston and the Port of Savannah—so that the two states are able to take advantage of this opportunity, said cooperation to include, without limitation, the development of a coordinated and improved network of rail access to and rail delivery and distribution from terminal operations in Jasper County, the Port of Savannah and the Port of Charleston.

9. This Term Sheet is a statement of the mutual understanding of the parties. Neither this Term Sheet nor any provision hereof constitutes, or shall constitute, a legal and binding obligation, contract or agreement between either of the parties. Even though this Term Sheet is not binding in any way, the parties agree that: (a) If, within 180 days of the creation of the Task Force referred to in paragraph 6 above, a proposed Bi-State Compact is not presented to Governor Sanford and Governor Perdue by such Task Force, then this Term Sheet shall terminate automatically; and (b) if by March 31, 2008, the legislatures of the two states have not formally approved the Bi-State Compact,

then this Term Sheet and the Bi-State Compact, if any, shall terminate automatically.

STATEMENT OF THE HONORABLE JOHNNY ISAKSON, A UNITED STATES SENATOR FROM THE STATE OF GEORGIA

Senator ISAKSON. Thank you, Mr. Chairman. I have enjoyed working with you on many projects in the past, and look forward to working with you on this Committee. I pledge to Chairman Boxer that I absolutely will do everything I can to help expedite and facilitate the WRDA bill and I associate myself with her remarks.

I would like to welcome Senator Mack Mattingly from Georgia, who is in the audience today, and Doug Marchand, who will testify later, who since 1994 has overseen the expansion of the Port of Savannah and the Port of Brunswick. I express my appreciation to the Corps of Engineers for the investment and the work they have done at both those facilities.

I particularly welcome General Strock, and tell you how much I appreciate all you have done and how much you will be missed. You have done an outstanding job.

Mr. Chairman, on Monday of this week at 2:00 p.m., the Governors of South Carolina and Georgia met on the banks of the Savannah River and held an historic press conference which announced a bi-State compact to propose the building of a new port in Jasper County, South Carolina to be jointly operated by the State of Georgia and the State of South Carolina.

Historically, the two States have been at odds over Jasper County on many issues, and they joined hands today and even offered to pay the financial cost of the feasibility studies necessary to move forward on that event. I would like to submit that entire agreement between Georgia and South Carolina for the record.

Senator BAUCUS. Without objection.

Senator ISAKSON. Speaking of cooperation, Mr. Chairman, I am pleased to tell you that the Governors of Alabama and Georgia, you would think we were having a new civil war with all my testimony here, but the Governors of Alabama and Georgia have also worked together in the last eight months to bring about a tri-State water compact in the Chattahoochee Basin. We have been in court for the better part of 17 years without a tri-State water agreement. It has hurt the States of Florida, Georgia and Alabama. The Corps was to begin early this year, has not yet, but I am going to encourage them to hurry up and facilitate the completion of the water control plan, which is the essential framework to formalize the tri-State water compact and make that in fact happen.

I also am looking forward to the testimony of the members of the Corps with regard to the fiscal year 2008 budget request, as to its sufficiency. In my personal judgment, it is probably insufficient to meet the challenges that we need. I hope they will make suggestions as to what we can do in the Senate and the Congress to improve that.

I again want to end where I began, with my sincere appreciation to the Corps of Engineers for the investment of capital and time in the State of Georgia and our resources. Our ports of Brunswick and Savannah are two of the great facilities on the East Coast of the United States. The proposal to build a third port jointly by Georgia and South Carolina is because those two ports have finite capabilities: Brunswick, Savannah and the Port of Charleston. The States have realized the importance of meeting the needs of the people of the United States of America and our commerce in the 21st century, and believe that facility to be an essential part of it.

I thank the Ports Authority representatives for attending today. I thank the Corps for their investment in Georgia. I look forward to hearing from the Corps with regard to the water control plan on the Chattahoochee River.

Thank you, Mr. Chairman.

Mr. ISAKSON. In conclusion, this water resources bill represents a long overdue step forward in the investment to protect our water resources, enhance our environmental restoration, and spur economic development. It is an investment in the future of our drinking water, an investment in the future of our navigable waterways, and an investment in the future of our commerce. For Congress to fail today or the Senate to fail today to act on this bill responsibly and move forward will be doing a disservice to commerce, to our citizens, and we will, in fact, be abandoning our responsibility to meet the needs of the people of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 20 minutes.

Mr. GRASSLEY. I thank the Chair.

Mr. President, it is a pleasure to see this bill out here again as it was last year, passing the Senate, I think unanimously. I had thoughts that maybe we would never see this bill again in this new Congress, such a needed bill as it is. We have not passed a water resource development bill since 2000. Usually Congress, before that period of time, had been reauthorizing every 2 years or authorizing for the first time on a regular basis.

This bill is important to the entire country, but we each represent our respective States. So I see the necessity of this bill from how it enhances the economy of the upper Midwest, Iowa being in the upper Midwest, benefiting very much from it, not only because of where we are geographically located, but we are such a breadbasket for the world as well. For Iowa, the Enhanced Navigation Capacity Improvement and Ecosystem Restoration plan for the upper Mississippi and the Illinois water systems being included in this Water Resources Development Act is vital to the economy and to the ecology of the upper Midwest and particularly to the Mississippi River, with its triple purpose of environment, recreation, and commerce.

Of course, Iowa has the Mississippi River as our eastern boundary. Iowa and the Nation rely on the river to move many of our goods, both domestically and internationally, moving goods into our State that are needed for production as well as moving finished product and raw product out of Iowa, not only agricultural products, which maybe you think about most often, but other products beyond agriculture.

For the United States as a whole, our inland waterway system plays a major role in our Nation's economy. More than a billion tons of commerce is moved domestically through our inland waterways with a value of $300 billion. Of the $300 billion, the upper Mississippi and the Illinois River system contribute significantly. The value of that part of our inland waterway system is $12 billion per year. Approximately 60 percent of that $12 billion a year is involved with bulk agricultural exports moving from the farms to the river, down the river, both upper Mississippi and Illinois River, out into international commerce. Navigation on these rivers supports over 400,000 jobs, including 90,000 high-paying manufacturing jobs.

The United States enjoys a comparative advantage in corn production worldwide. My State of Iowa is the leading corn-producing State of the Nation. But the United States as a whole has a comparative advantage to the rest of the world. The per-ton cost for transporting corn in the United States is lower than in lots of other countries. That gives us a tremendous advantage beyond our productive capability. Our Nation must not allow its transportation infrastructure to continue to deteriorate. I believe one of the most important reasons for this legislation, at least as it relates to the Mississippi and Illinois, is there has been deterioration of the system on the one hand and, on the other hand, it has not been expanded in the most efficient way handle the enhanced commerce, the enhanced tonnage that goes up and down the river today compared to decades ago when this system was first set up. Because of that, we have to be concerned not only with this deterioration and maintenance but with the expansion of it because our international competitors are making major investments in their transportation systems.

I had the good fortune, a year ago about now, to travel to Brazil with a codel I headed, to look at the transportation of agricultural products from the inland of Brazil to the ocean into world commerce. As far as some of their infrastructure is concerned, it is very inferior to ours because when traveling in rural Brazil, last year, we ran over more potholes—and I suppose in that area, like in rural Iowa, you would call them mud holes—than you can count.

But Brazil has made significant investments in river infrastructure as compared to their surface transportation. They are realizing they have to get the stuff to the river if they are going to get it into world commerce, so they are spending a lot in resources now on surface transportation to move it from the farm to the ocean. When that happens, I am telling you, we are really going to be at an economic disadvantage with Brazil because of what they are doing on the Amazon, because Brazil already has made significant investments in its river infrastructure.

In the Chamber, I have a map of Brazil, and it happens that where the two arrows are depicted on the map is where we stopped—at those locations on the Amazon River. At the eastern location, you can see there is a city called Santarem. It is 400 miles in from the Atlantic Ocean, which is about the same distance from New Orleans to Memphis. They have a brandnew facility there for loading oceangoing ships—not using barges, the way we do, and then taking them out to the ocean and loading from the barges onto oceangoing ships. They have oceangoing ships going all the way up the Amazon River to that point—400 miles. They get the efficiency of loading right onto the oceangoing ships, to give them an advantage. It is a very modern loading facility.

Now, there are also new facilities for barges farther up the river—another 200 miles up the river—where they can load onto barges and move their production into the world commerce. Barges traveling that far into the mainland are going to help Brazil become very competitive with our own farmers.

Then again, let me repeat, once they figure out how to get their railroad—they do not have much of a railroad system for commerce to move bulk—when they get railroads in place, when they get their highways in place, they are going to be a real challenge to us.

Let me say, I ought to give them more credit than I have. From the standpoint of what they can produce, at least with soybeans, they are outproducing the United States, as of a couple years ago, when, for the first time, we were no longer the world's leading producer of soybeans. So they have that capacity to produce. Where we are more competitive at this point is getting our stuff to market. But you can see they are concentrating on that. That is why we need to concentrate on this legislation to get our dam-and-lock situation on the upper Mississippi and the Illinois River in a position so we can do that.

Now, South America has more virgin land that has not been under production, and they are converting 17 million acres of virgin land into agricultural production. The long-term results of these efforts on producers in the United States, if we do not keep our transportation system on the Mississippi River and Illinois River up to date and expanded, would be to reduce farm income by $562 million a year, increase the foreign trade imbalance by $245 million, and to have a loss of sensitive global environmental habitat.

Therefore, we must invest in major improvements to all of our transportation infrastructure. Currently, every mode of transportation is near or at maximum capacity. If we do not make these investments in our roads, in our rail, in our water, U.S. agriculture, U.S. industry, and the working men and women are going to pay the price.

According to the Congressional Research Service, in 2005, U.S. exports of goods and services totaled $1.2 trillion, compared to $1.1 trillion in 2004 and just a little over $1 trillion in 2003. Also, our Nation relies on many imported goods that come to the United States. Many of these goods travel by our inland waterways. It is also forecast that both our exports and imports will continue to grow in the coming years. We must be able, then, to efficiently and economically move these goods.

Nearly two-thirds of all grain and soybean exports are moved through the Mississippi and Illinois Rivers. According to one study, unless the Army Corps of Engineers modernizes the lock-and-dam system on the upper Mississippi and Illinois Rivers, the cost of transporting corn would rise 17 cents per bushel. As a result, corn and soybean exports would decline by 68 million and 10 million bushels per year respectively. The decline in corn and soybean exports would reduce farm income by $246 million. Loss from lower prices and decreased interstate corn demand would equal $316 million. So these figures highlight how important barge transportation is to farmers and to the overall U.S. economy.

In addition, there are many environmental benefits to river transportation. According to the EPA, towboats emit 35 to 60 percent fewer pollutants than locomotives or trucks. Barges operate at 10 percent of the cost of trucks and 40 percent the cost of trains, while releasing 20 times less nitrous oxide, 9 times less carbon monoxide, 7 times less hydrocarbons, and burning 10 times less fuel. And you can see this comparison right here, shown on this chart—with barges on the left, hopper cars or trains in the middle, and then trucks and semis on the right—you can see the massive number of semis it takes to do what one 15-barge tow would do. This chart shows 15 railcars or 58 semitrucks being needed to replace each barge loaded, diverted off the upper Mississippi river system. A 15-barge tow equates to 870 semitrucks. EPA also estimates that the Nation currently saves $100 million to $300 million in air pollution abatements by moving bulk commodities by barge on the upper Mississippi river system.

In these times of high fuel prices, and with the need to conserve energy, 1 gallon of fuel in a towboat can carry 1 ton of freight 2½ times farther than rail and 9 times farther than trucks.

The Minnesota Department of Transportation estimates shifting from barge to rail results in fuel usage, emissions, and probable accident increases of 331 percent, 470 percent, and 290 percent respectively—for fuel usage, emissions, and probable accidents. Shifting traffic from barges to trucks increases fuel use by 826 percent, emissions by 709 percent, and probable accidents by almost 6,000 percent. Furthermore, shifting the 245 million tons from our rivers would add an additional 9.4 million trucks each year. That would add more than 169 million tires in our landfills.

For these reasons, I have been working with several of my Senate colleagues for so many years now on getting the initial authorization for lock-and-dam modernization and enhanced environmental restoration on these rivers signed into law. So I am very pleased this committee included these important initiatives in the Water Resources Development Act and that a bipartisan group of Senators is advocating for this very important modernization.

The lock system on the upper Mississippi River was built in the late 1930s. Many of the lock chambers are only 600 feet long and cannot accommodate 1,100-foot barge tows. These structures require modern tow configuration to "double lock" in order to make the pass-through. This adds up to mounting delay times, increased costs to shippers, increased harm to our environment by higher emissions and higher sediment suspension in the river channels, loss of jobs, and lower wages.

By the year 2020, if we do not make the much needed improvements in these locks, $562 million will be lost in farm income per year. This amount does not even take into account the huge cost of increased delays and congestion on our rail system and our road system. Also, keep in mind that $1 invested in this navigation project yields $6 in national benefit. That is a pretty good return on the investment of taxpayers' money.

We realize the authorization for the lock-and-dam improvements is just a first step in a lengthy process of improving the lock-and-dam system on the upper Mississippi, but it is an important and necessary project for our Nation. So I urge all of my colleagues to vote for this balanced legislation for the good of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank Senator GRASSLEY so much for his endorsement of this important bill.

It was interesting, I say to the Senator, that just as you came to the floor, I was handed the letter from the Corn Growers saying how much they support our legislation. And we add to that the letters from the American Public Works Association, the Associated General Contractors of America, the National Waterways Conference, the American Farm Bureau Federation. We have the Carpenters Union. We have many unions.

This is one of those bills that have broad support. But I am just very glad the Senator came down to express his support.

Mr. GRASSLEY. Mr. President, will the Senator yield for a second?

Mrs. BOXER. I am happy to yield.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, let me verify, not only from the National Corn Growers Association, as you read from their letter, but I can tell you, from the town meetings I had during the Easter break and also during the February break, from the grassroots of my State, farmers, including members of the Corn Growers Association, came to my meetings and on an individual basis backed up what their national organization stands for. So I think it is very much a national consensus of an organization, but it is also an understanding with the family farmers as to the importance of this legislation.

I thank the Senator for inserting those letters in the Record.

Mrs. BOXER. I thank the Senator very much.

Mr. President, I ask unanimous consent that those letters be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

National Corn
Growers Association,
May 8, 2007.

Hon. Harry Reid,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. Mitch McConnell,
Minority Leader, U.S. Senate,
Washington, DC.

Dear Senators Reid and McConnell: The National Corn Growers Association (NCGA) appreciates your time, effort and steadfast commitment to bring the Water Resources Development Act (WRDA) to the Senate floor for consideration. Additionally, we applaud the Senate Environment and Public Works Committee and associated staff for their determination to see this long over-due legislation completed.

Corn growers have been long-time advocates for improvements to our inland waterway system. We have sought partners with industry, labor organizations, and environmental advocates building a broad coalition of support for WRDA. Our country's inland navigation system plays a critical role in our nation's economy, moving more than a billion tons of domestic commerce valued at more than $300 billion. More than 1 billion bushels of grain (about 60 percent of all grain exports) move to export markets via the inland waterways each year, accounting for $8.5 billion in exports.

Furthermore, inland waterways relieve congestion on our already over-crowded highways and railways that run through cities. One jumbo barge has the same capacity as 58 trucks or 15 rail cars. For a typical 15-barge tow on our nation's rivers, that is equal to 870 trucks in just one barge movement. One gallon of fuel in a towboat can carry one ton of freight 2.5 times farther than rail and nine times farther than truck.

The Mississippi River and its tributaries serve as one of our nation's major transportation corridors. Yet, the infrastructure on the Mississippi and Illinois Rivers was built in the 1930's when the total corn crop for the country was two billion bushels. In 2006, corn production eclipsed 10 billion bushels for the fourth consecutive year.

For continued success, U.S. farmers need efficient transportation networks. Investment in the Upper Mississippi and Illinois Rivers has not kept pace with demands. The antiquated system is slowly being starved resulting in operational failures that hinder barge movement and dramatically impact corn prices. Problems along the Mississippi and Illinois Rivers will continue to persist year after year if long-term investments are not made to improve our transportation infrastructure.

Specifically, WRDA would authorize a fifteen year project that includes the construction of seven new locks on the Upper Mississippi and Illinois Rivers as well as immediate implementation of small-scale measures. This legislation would authorize a fifteen year project that includes the construction of seven new locks on the Upper Mississippi and Illinois Rivers as well as immediate implementation of small-scale measures and the creation of a major ecosystem restoration program. As with our highways and interchanges, the purpose of modernization on the Upper Mississippi and Illinois Rivers is to make the entire system more efficient.

The continued development of our water resources in an environmentally sound manner will contribute mightily to our nation's well-being. The Congress needs to act now to address issues such as environmental restoration, navigation, flood control, hurricane protection, water supply, irrigation, beach nourishment and recreation.

Corn growers appreciate your support and stand ready to work with you in passing this important piece of legislation to the nation.

Sincerely,

Ken McCauley,
President.

American Public
Works Association,
May 10, 2007.

Hon. Barbara Boxer,
Chairwoman, Environment and Public Works Committee, Washington, DC.

Dear Madam Chairwoman: The American Public Works Association applauds your leadership in moving the Senate Water Resources Development Act of 2007 through committee and readying it for floor action! This bill will authorize vital inland and coastal public works projects needed for transportation, flood control, shore protection and environmental restoration. Passage of WRDA is long overdue and the time for action is now.

Our water resource systems are integral to our nation's well-being. With adequate dredging, our ports and waterways are the backbone of our transportation system—ensuring domestic and international trade opportunities and low-cost, environmentally sensitive goods movements. Our flood damage reduction program saves lives and prevents almost $8 in damages for each dollar spent. Corps hydropower facilities provide electricity to 24% of citizens. Shore protection projects provide safety from hurricanes and other storm events for transportation, petroleum and agriculture infrastructure around our coastal waterways and deltas. They also provide recreational benefits, returning $4 in benefits for each dollar invested. Projects for water supply, irrigation, recreation and wildlife habitat provide innumerable benefits.

APWA's members are uniquely positioned to collaborate with municipal and county agencies, engineers and local community leaders on these issues. APWA's 29,000 members design, build, operate and maintain transportation, water supply, sewage and refuse disposal systems, public buildings and other structures and facilities essential to our nation's economy and way of life. Public works professionals serve a diverse range of local communities, municipalities, counties, townships, villages and districts, whether large or small, urban or rural. As stewards of public infrastructure, APWA members are dedicated to managing and operating public works departments that provide safe and reliable service to their communities.

We thank you for your efforts to ensure that our water resources infrastructure, from our coastlines to our inland rivers and Great Lakes, will continue to be viable. We look forward to celebrating with you the enactment of a sound Water Resources Development Act of 2007 that furthers the goals of providing the nation with an economically and environmentally sustainable future.

Sincerely,

Peter B. King,
Executive Director.

The Associated General
Contractors of America,
Arlington, VA, May 9, 2007.

U.S. Senate,
Washington, DC.

Dear Senator: On behalf of The Associated General Contractors of America (AGC), I urge you to vote in favor of S. 1248, the Water Resources Development Act of 2007 (WRDA).

The enactment of a strong WRDA is of critical importance to the nation's environmental and economic well being. For every $1 billion expended on water resources development activities, approximately 40,000 direct and indirect jobs are created. In addition, an estimated $706 billion in damages have been prevented through flood damage reduction projects—most within the past 25 years—representing a six-to-one return on investment.

Over the past five years, the U.S. Army Corps of Engineers has voluntarily implemented new policies designed to improve analysis, accountability, regulatory compliance and environmental protection for the nation's Civil Works program.

The Water Resources Development Act of 2007 will finally set the Nation back on the track of reaping substantial returns on investment. Congress must commit to infrastructure investment now to leave behind a legacy of economic security and opportunity for future generations. WRDA is a key vote for AGC members and we urge you to vote YES for final passage of S. 1248.

Sincerely,

Jeffrey D. Shoaf,
Senior Executive Director,
Government and Public Affairs.

National Waterways
Conference, Inc.,
Arlington, VA, May 10, 2007.

Hon. Barbara Boxer,
Chairwoman, Senate Environment and Public Works Committee, U.S. Senate, Washington, DC.

Dear Madam Chairwoman: It is vitally important that America's water resources infrastructure be reliable and productive. Therefore we applaud your efforts to end the stalemate over water resources project authorization by bringing H.R. 1495, the Water Resources Development Act of 2007 (WRDA) to the Senate floor. We firmly believe that it is time to end the impasse over passage of WRDA.

A Water Resources Development Act is vitally needed to accommodate the many important projects awaiting authorization, including the modernization of the locks on the Upper Mississippi and Illinois Rivers. Projects with a Chief of Engineers' report have undergone years of study and analysis to determine if they are in the best interest of the Federal government. In addition, stakeholders have already indicated their willingness to cost-share the price-tags. Water resources projects are the very foundation upon which citizens can be productive in their daily lives. As outlined in the letter sent by the National Waterways Alliance on May 3, it is equally important that policy provisions enhance the process by which the Corps of Engineers formulates project solutions. Finally addressing the "Corps reform" issue in a balanced way can lead to stability for the Corps of Engineers and reassure the nation that the Corps is a world-class engineering organization for the future.

Our water resources system contributes mightily to America's well-being. With adequate dredging, our ports and waterways are the backbone of our transportation system—ensuring domestic and international trade opportunities and a safe, cheap and eco-friendly transportation alternative for products such as steel, coal, fertilizer, energy products and byproducts, salt, sand and gravel, cement, petroleum, chemicals, etc. In addition, the U.S. maritime transportation system moves more than 60 percent of the Nation's grain exports. Our flood damage reduction program saves lives and prevents, on average, almost $8 in damages for each dollar spent. Corps hydropower facilities supply 24% of the hydropower generated in the United States. Projects for water supply, irrigation, recreation, beach nourishment and wildlife habitat provide innumerable benefits. These water-related assets have the potential to help grow our economy, help ease our Nation's growing congestion problem and provide a finer quality of life.

As you know, the National Waterways Conference is the Nation's "umbrella" water resources policy organization. Its members include those who ship goods domestically and around the world, the carriers of those goods, waterway service firms such as engineering companies, fleeting services and dredging concerns, public entities such as coastal and inland ports, levee districts, water supply districts and state governmental units, and associations, both regional and national in scope—representing a wide variety of interests. The members of the National Waterways Conference, Inc., look forward to working with you to ensure that our water resources infrastructure remains a monument to the greatness of the United States.

Sincerely,

WORTH HAGER,
President.

AMERICAN FARM BUREAU
FEDERATION,
Washington, DC, May 4, 2007.

Hon. BARBARA BOXER,
Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: The American Farm Bureau Federation urges you to support S. 1248, the Water Resources Development Act of 2007 (WRDA), when it is considered on the floor. The bill authorizes important, long overdue flood control, dam safety, storm damage reduction and environmental restoration projects across the country. It includes critical provisions to update and modernize the locks and dams on the Upper Mississippi and Illinois rivers.

Modernizing the locks and dams on the Upper Mississippi and Illinois Rivers is essential for U.S. commerce and the agricultural sector. One medium-size tow on the river can carry the same weight as 870 trucks. However, the structures now in use were built many decades ago and were not designed to accommodate today's longer barge tows that are absolutely necessary in order to compete in a global market. While these outdated locks and dams make our transportation system less efficient, our competitors in countries such as Argentina and Brazil are aggressively modernizing their own infrastructure.

Farm Bureau urges you to support S. 1248 and oppose any amendment that would hinder progress on infrastructure improvements.

Sincerely,

BOB STALLMAN,
President.

Mrs. BOXER. Mr. President, I ask unanimous consent to allocate time, and that would be for Senator MARTINEZ to immediately follow my remarks and to have the floor for up to 10 minutes; then Senator SALAZAR for 10 minutes; Senator ALEXANDER for 10 minutes; and at the end of their time, the time be reserved for Senator FEINGOLD for 1 hour, followed by myself at the end of that hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I yield to my colleague from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 minutes.

Mr. MARTINEZ. Mr. President, I express my thanks to Chairman BOXER and Ranking Member INHOFE for bringing this important bill to the floor, which sets a high priority for my State, and for giving it such strong support. I also note how important it is that we have a strong bipartisan effort. At a time when our country could rightly wonder if the Congress can get anything done or if, in fact, it is possible for bipartisan cooperation to exist, here is a good example of where Republicans and Democrats are working together for something that is very important for our country and significantly important for the State of Florida. This bill is something Senator NELSON and I have worked on side by side trying to bring to fruition. It is long overdue. It is time.

My State of Florida is home to beautiful beaches, coastal estuaries, and 14 deepwater ports. No piece of legislation moving through Congress will have as much lasting improvement on Florida's fragile ecosystem as this bill. After a long delay, it is my hope my colleagues will support this bill and begin the Federal partnership for restoring the Everglades.

For too long in our Nation's past, the Federal Government's water resources policies seemed to be in conflict with nature. In the not so distant past, the Army Corps of Engineers and even the elected congressional and State leadership of Florida were determined to drain the Everglades.

One of our most colorful former governors, Napoleon Bonaparte Broward, famously proclaimed: "Water will run downhill!" At that time, draining and improving what was then thought to be "useless swampland" was the epitome of true conservation because opening the wetlands and marshes of Florida to farming and development was considered a better use of land because it could feed people, it could employ people, it was good for development, it was good for Florida.

There is also a popular story of a man who moved to south Florida to make his fortune farming the rich soils around Lake Okeechobee. He was quoted as saying:

> I have bought land by the acre, I have bought land by the foot, but I have never before bought land by the bucket.

There was still a large amount of what we called "Old Florida" back then with numerous hardwood hummocks and cypress domes that were prone to flooding.

The idea that places should be protected for their environmental value, their intrinsic beauty, as a water resource, and for public enjoyment was an alien concept. Fortunately for our Nation and more importantly for Florida, the idea of conservation and restoration has an entirely different and more sophisticated meaning today than in the past.

In the year 2000, Congress authorized the landmark Comprehensive Everglades Restoration Plan, otherwise known as CERP, to repair and restore the natural sheet flow of water across the park and into Florida Bay. CERP projects will capture and store a great deal of the nearly 1.7 billion gallons of fresh water a day which is currently released into the Atlantic Ocean and into the Gulf of Mexico. This water will be stored in aboveground and underground reservoirs. When needed, it will be directed to wetlands, lakes, rivers, and estuaries in south Florida, providing abundant, clean, fresh water while also ensuring future urban and agricultural water supplies.

Even though we get more rain than nearly anywhere else in the country, Florida is currently experiencing a severe drought. Evidence of that drought is the wildfires we are experiencing today as we speak, out-of-control wildfires because of drought, but also because what normally would be wetlands and marshes have been drained over years of development—careless development. So it is vital that we capture this fresh water so it can be used to meet our growing conservation and water use needs.

Restoring the Everglades, this incredible undertaking, is the largest environmental restoration project in the world. I am proud to say the State of Florida has made historic and prolific financial commitments of over $3 billion to honor their commitment to the Everglades. The State of Florida has done its part. When I meet with our former Governor, when he was Governor, or our current Governor, or members of our legislature, I am reminded by them: Where is the Federal partnership? We have done our part. The Federal Government, on the other hand, has contributed around $3 million of their commitment. WRDA will help to address this inequity by authorizing major CERP projects such as the Indian River Lagoon and the Picayune Strand, which is such an important restoration effort, so they can begin to take shape.

The Indian River Lagoon South Restoration Project in WRDA is critical to the success of the CERP and returning the St. Lucie estuary to a healthy status. Approximately 2,200 species have been identified in the lagoon system, with 35 of these species listed as threatened or endangered. According to the South Florida Water Management District, it has the greatest species diversity of any estuary in North America.

Implementation of the South Restoration Project will feature more than 12,000 acres of aboveground water reservoirs, 9,000 acres of manmade wetlands, and 90,000 acres of natural storage and water quality acres, including 53,000 acres of restored wetlands. All of these areas provide additional water storage and management capabilities for approximately 44 billion gallons of runoff water storage. Also included is the removal of more than 7 million cubic yards of muck sediments from the St. Lucie River, with a corresponding restoration of 2,650 acres of habitat, 922 acres of sea grass, and 889 acres of oyster habitat. All of these project features will cooperatively achieve a targeted reduction of 41 percent of the phosphorus and 26 percent of the overall nitrogen loadings in the estuary from these basins in the long term, restoring the system to a more balanced and natural state.

Another very important Everglades restoration project included in WRDA is the authorization of the Picayune Strand project. This area was originally planned as the largest subdivision in the United States. It was called Golden Gate Estates. In the early 1960s, the Gulf American Corporation dredged 48 miles of canals, built 290 miles of roads, and sold thousands of lots before going bankrupt. At that time there were no Federal or State laws setting drainage standards or regulating the development of wetlands. WRDA will help the State of Florida in restoring this degraded area back to the cypress wetland it was before by removing the harmful drainage canals that have made this area prone to wildfires and invasive species such as Old World climbing fern, maleluca, and Brazilian pepper. In addition, the project will restore and enhance habitat for fish and wildlife resources, including threatened or endangered species such as the Florida panther, the Florida black bear, red-cockaded woodpecker, and wood stork, as well as rare habitat such as tropical hummocks and plant species, including orchids and bromeliads.

The habitat and water recharge benefits will provide a boon for the Big Cypress National Preserve. Also, it will provide a boon to the 10,000 Islands National Wildlife Refuge and the Florida Panther Wildlife Refuge.

This bill also contains an important study approved by the EPW Committee to direct the Army Corps of Engineers to examine the structural integrity of the Hoover Dike. This is a critically important step in trying to ensure the structural integrity of this dike. The dike around Lake Okeechobee was constructed in response to the 1928 hurricane which struck and caused Lake Okeechobee to overflow, killing over 2,500 people in the Belle Glade area. A study was performed in 2006 by the Florida Water Management District, and this study found the dike's protective capability had been severely eroded in several areas. This study will direct the Corps to examine the findings and make recommendations for the State of Florida.

The WRDA bill also means greater jobs and improved transportation for coastal communities and ports in Florida. It authorizes additional passing lanes, increased safety at Florida's largest port, the Port of Tampa, which is where half of the State's seaborne tonnage moves through. In addition, WRDA provides navigation improvements for the Miami Harbor, which is widely regarded as one of the world's major cruise and shipping destinations. It will also help with beach renourishment, which will also help restore some of the critically eroded beach areas from the devastating storms of 2004 and 2005.

In conclusion, I thank Chairman BOXER, Senator INHOFE, Senator BOND, and Senator ISAKSON for including these vital restoration and economic development projects in WRDA. This legislation is long overdue. I urge my colleagues to support it. I hope for the swift conclusion of this legislation so the people of Florida can begin to see the benefits that are going to come to our State as a result of this farsighted legislation that will have impacts on our State long after most of us have parted from these halls of Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

IRAQ STUDY GROUP RECOMMENDATIONS IMPLEMENTATION ACT OF 2007

Mr. SALAZAR. I come to the floor today with my distinguished colleague and friend, the Senator from Tennessee, to talk about a new way forward in Iraq. I ask unanimous consent that legislation which we have put together working with the Iraq Study Group entitled, The Iraq Study Group Recommendations Implementation Act of 2007, be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iraq Study Group Recommendations Implementation Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On March 15, 2006, the Iraq Study Group was created at the request of a bipartisan group of members of Congress.

(2) The United States Institute of Peace was designated as the facilitating organization for the Iraq Study Group with the support of the Center for the Study of the Presidency, the Center for Strategic and International Studies, and the James A. Baker III Institute for Public Policy at Rice University.

(3) The Iraq Study Group was composed of a bipartisan group of senior individuals who have had distinguished careers in public service. The Group was co-chaired by former Secretary of State James A. Baker, III and former chairman of the House Foreign Affairs Committee Lee H. Hamilton, and the other members were former Secretary of State Lawrence S. Eagleburger; Vernon E. Jordan, Jr, the Senior Managing Director of Lazard, Freres and Company; former Attorney General Edwin Meese III; former Supreme Court Associate Justice Sandra Day O'Connor; former White House Chief of Staff Leon E. Panetta; former Secretary of Defense William J. Perry; United States Senator Charles S. Robb; and United States Senator Alan K. Simpson.

(4) On June 15, 2006, President George W. Bush signed into law the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234), which provided $1,000,000 to the United States Institute of Peace for activities in support of the Iraq Study Group.

(5) The Iraq Study Group consulted nearly 200 leading officials and experts, including the senior members of the Government of Iraq, the United States Government, and key coalition partners and received advice from more than 50 distinguished scholars and experts from a variety of fields who conducted working groups in the areas of economy and reconstruction, military and security, political development, and the strategic environment in Iraq and the Middle East.

(6) While the Iraq Study Group recommended shifting the primary mission of United States military forces in Iraq from combat to training, and while the Iraq Study Group described actions and conditions that could allow for a redeployment of troops not necessary for force protection out of Iraq by the first quarter of 2008, the Iraq Study Group did not set a fixed timetable for withdrawal and said it could support a short-

term redeployment of United States combat forces, complemented by comprehensive political, economic, and diplomatic efforts, to stabilize Baghdad or to speed up the mission of training and equipping Iraqis if the United States commander in Iraq determines that such steps would be effective.

(7) The report of the Iraq Study Group includes a letter from the co-chairs of the Iraq Study Group, James A. Baker, III and Lee H. Hamilton, which states, "Our political leaders must build a bipartisan approach to bring a responsible conclusion to what is now a lengthy and costly war. Our country deserves a debate that prizes substance over rhetoric, and a policy that is adequately funded and sustainable. The President and Congress must work together. Our leaders must be candid and forthright with the American people in order to win their support."

(8) The Republicans and Democrats who comprised the Iraq Study Group reached compromise and consensus and unanimously concluded that their recommendations offer a new way forward for the United States in Iraq and the region, and are comprehensive and need to be implemented in a coordinated fashion.

SEC. 3. SENSE OF CONGRESS ON IMPLEMENTATION OF IRAQ STUDY GROUP RECOMMENDATIONS.

It is the sense of Congress that the President and Congress should agree that the way forward in Iraq is to implement the comprehensive set of recommendations of the Iraq Study Group, particularly those specifically described in this Act, and the President should formulate a comprehensive plan to do so.

SEC. 4. SENSE OF CONGRESS ON DIPLOMATIC EFFORTS IN IRAQ.

It is the sense of Congress that, consistent with the recommendations of the Iraq Study Group, the United States Government should—

(1) establish a "New Diplomatic Offensive" to deal with the problems of Iraq and of the region;

(2) support the unity and territorial integrity of Iraq;

(3) encourage other countries in the region to stop the destabilizing interventions and actions of Iraq's neighbors;

(4) secure the borders of Iraq, including through the use of joint patrols with neighboring countries;

(5) prevent the expansion of the instability and conflict beyond the borders of Iraq;

(6) promote economic assistance, commerce, trade, political support, and, if possible, military assistance for the Government of Iraq from non-neighboring Muslim nations;

(7) energize the governments of other countries to support national political reconciliation in Iraq;

(8) encourage the governments of other countries to validate the legitimate sovereignty of Iraq by resuming diplomatic relations, where appropriate, and reestablishing embassies in Baghdad;

(9) assist the Government of Iraq in establishing active working embassies in key capitals in the region;

(10) help the Government of Iraq reach a mutually acceptable agreement on the future of Kirkuk;

(11) assist the Government of Iraq in achieving certain security, political, and economic milestones, including better performance on issues such as national reconciliation, equitable distribution of oil revenues, and the dismantling of militias;

(12) encourage the holding of a meeting or conference in Baghdad, supported by the United States and the Government of Iraq, of the Organization of the Islamic Conference or the Arab League, both to assist the Government of Iraq in promoting national reconciliation in Iraq and to reestablish their diplomatic presence in Iraq;

(13) seek the creation of the Iraq International Support Group to assist Iraq in ways the Government of Iraq would desire, attempting to strengthen Iraq's sovereignty;

(14) engage directly with the Governments of Iran and Syria in order to obtain their commitment to constructive policies toward Iraq and other regional issues;

(15) provide additional political, economic, and military support for Afghanistan including resources that might become available as United States combat forces are redeployed from Iraq;

(16) remain in contact with the Iraqi leadership, conveying the clear message that there must be action by the Government of Iraq to make substantial progress toward the achievement of the milestones described in section 11, and conveying in as much detail as possible the substance of these exchanges in order to keep the American people, the Iraqi people, and the people of countries in the region well informed of progress in these areas;

(17) make clear the willingness of the United States Government to continue training, assistance, and support for Iraq's security forces, and to continue political, military, and economic support for the Government of Iraq until Iraq becomes more capable of governing, defending, and sustaining itself;

(18) make clear that, should the Government of Iraq not make substantial progress toward the achievement of the milestones described in section 11, the United States shall reduce its political, military, or economic support for the Government of Iraq;

(19) make clear that the United States Government does not seek to establish permanent military bases in Iraq;

(20) restate that the United States Government does not seek to control the oil resources of Iraq;

(21) make active efforts to engage all parties in Iraq, with the exception of al Qaeda;

(22) encourage dialogue between sectarian communities and press religious leaders inside and outside of Iraq to speak out on behalf of peace and reconciliation;

(23) support the presence of neutral international experts as advisors to the Government of Iraq on the processes of disarmament, demobilization, and reintegration of militias and other armed groups not under the control of the Government of Iraq; and

(24) ensure that reconstruction efforts in Iraq consist of great involvement by and with international partners that actively participate in the design and construction of projects.

SEC. 5. STATEMENT OF POLICY ON SECURITY AND MILITARY FORCES.

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) gives the highest priority to the training, equipping, advising, and support for security and military forces in Iraq and to supporting counterterrorism operations in Iraq; and

(2) supports the providing of more and better equipment for the Iraqi Army by encouraging the Government of Iraq to accelerate its requests under the Foreign Military Sales program and, as United States combat brigades redeploy from Iraq, provides for the transfer of certain United States military equipment to Iraqi forces.

SEC. 6. STATEMENT OF POLICY ON STRENGTHENING THE UNITED STATES MILITARY.

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) directs the Secretary of Defense to build healthy relations between the civilian and military sectors, by creating an environment where senior military leaders feel free to offer independent advice to the civilian leadership of the United States Government;

(2) emphasizes training and education programs for the forces that have returned to the United States in order to restore the United States Armed Forces to a high level of readiness for global contingencies;

(3) provides sufficient funds to restore military equipment to full functionality over the next 5 years; and

(4) assesses the full future budgetary impact of the war in Iraq and its potential impact on—

(A) the future readiness of United States military forces;

(B) the ability of the United States Armed Forces to recruit and retain high-quality personnel;

(C) needed investments in military procurement and in research and development; and

(D) the budgets of other Federal agencies involved in the stability and reconstruction effort in Iraq.

SEC. 7. STATEMENT OF POLICY ON POLICE AND CRIMINAL JUSTICE IN IRAQ.

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) transfers the Iraqi National Police to the Ministry of Defense, where the police commando units will become part of the new Iraqi Army;

(2) transfers the Iraqi Border Police to the Ministry of Defense, which would have total responsibility for border control and external security;

(3) establishes greater responsibility for the Iraqi Police Service to conduct criminal investigations and expands its cooperation with other elements in the judicial system in Iraq in order to better control crime and protect Iraqi civilians;

(4) establishes a process of organizational transformation, including efforts to expand the capability and reach of the current major crime unit, to exert more authority over local police forces, and to give sole authority to the Ministry of the Interior to pay police salaries and disburse financial support to local police;

(5) proceeds with efforts to identify, register, and control the Facilities Protection Service;

(6) directs the Department of Defense to continue its mission to train Iraqi National Police and the Iraqi Border Police, which shall be placed within the Iraqi Ministry of Defense;

(7) directs the Department of Justice to proceed with the mission of training the police forces remaining under the Ministry of the Interior;

(8) provides for funds from the Government of Iraq to expand and upgrade communications equipment and motor vehicles for the Iraqi Police Service;

(9) directs the Attorney General to lead the work of organizational transformation in the

Ministry of the Interior and creates a strategic plan and standard administrative procedures, codes of conduct, and operational measures for Iraqis; and

(10) directs the Attorney General to establish courts, train judges, prosecutors, and investigators, and create strongly supported and funded institutions and practices in Iraq to fight corruption.

SEC. 8. STATEMENT OF POLICY ON OIL SECTOR IN IRAQ.

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) provides technical assistance in drafting legislation to implement the February 27, 2007, agreement by Iraq's Council of Ministers on principles for the equitable sharing of oil resources and revenues;

(2) encourages the Government of Iraq to accelerate contracting for the comprehensive oil well work-overs in the southern fields needed to increase oil production, while ensuring that the United States no longer funds such infrastructure projects;

(3) supports the Iraqi military and private security forces in their efforts to protect oil infrastructure and contractors;

(4) implements metering at both ends of the oil supply line to immediately improve accountability in the oil sector;

(5) in conjunction with the International Monetary Fund, encourages the Government of Iraq to reduce subsidies in the energy sector;

(6) encourages investment in Iraq's oil sector by the international community and by international energy companies;

(7) assists Iraqi leaders to reorganize the national oil industry as a commercial enterprise, in order to enhance efficiency, transparency, and accountability;

(8) encourages the Government of Iraq to post all oil contracts, volumes, and prices on the Internet so that Iraqis and outside observers can track exports and export revenues;

(9) supports the efforts of the World Bank to ensure that best practices are used in contracting; and

(10) provides technical assistance to the Ministry of Oil for enhancing maintenance, improving the payments process, managing cash flows, improving contracting and auditing, and updating professional training programs for management and technical personnel.

SEC. 9. STATEMENT OF POLICY ON IMPROVING ASSISTANCE PROGRAMS IN IRAQ.

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) provides for the United States to take the lead in funding assistance requests from the United Nations High Commissioner for Refugees and other humanitarian agencies;

(2) creates a new Senior Advisor for Economic Reconstruction in Iraq reporting to the President, with the authority to bring interagency unity of effort to the policy, budget, and implementation of economic reconstruction programs in Iraq and the authority to serve as the principal point of contact with United States partners in the overall reconstruction effort;

(3) gives the chief of mission in Iraq the authority to spend significant funds through a program structured along the lines of the Commander's Emergency Response Program, with the authority to rescind funding from programs and projects—

(A) in which the Government of Iraq is not demonstrating effective partnership; or

(B) that do not demonstrate substantial progress toward achievement of the milestones described in section 11;

(4) authorizes and implements a more flexible security assistance program for Iraq, breaking down the barriers to effective interagency cooperation; and

(5) grants authority to merge United States assistance with assistance from international donors and Iraqi participants for the purpose of carrying out joint assistance projects.

SEC. 10. STATEMENT OF POLICY ON BUDGET PREPARATION, PRESENTATION, AND REVIEW.

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) directs the President to include the costs for the war in Iraq in the annual budget request;

(2) directs the Secretary of State, the Secretary of Defense, and the Director of National Intelligence to provide United States military and civilian personnel in Iraq the highest possible priority in obtaining professional language proficiency and cultural training;

(3) directs the United States Government to provide for long-term training for Federal agencies that participate in complex stability operations like those in Iraq and Afghanistan;

(4) creates training for United States Government personnel to carry out civilian tasks associated with complex stability operations; and

(5) directs the Director of National Intelligence and the Secretary of Defense to devote greater analytic resources to understanding the threats and sources of violence in Iraq and institute immediate changes in the collection of data and violence and the sources of violence to provide a more accurate picture of events on the ground in Iraq.

SEC. 11. CONDITIONS FOR CONTINUED UNITED STATES SUPPORT IN IRAQ.

(a) IN GENERAL.—It shall be the policy of the United States to condition continued United States political, military and economic support for Iraq upon the demonstration by the Government of Iraq of sufficient political will and the making of substantial progress toward achieving the milestones described in subsection (b), and to base the decision to transfer command and control over Iraqi security forces units from the United States to Iraq in part upon such factors.

(b) MILESTONES.—The milestones referred to in subsection (a) are the following:

(1) Promptly establishing a fair process for considering amendments to the constitution of Iraq that promote lasting national reconciliation in Iraq.

(2) Enacting legislation or establishing other mechanisms to revise the de-Baathification laws in Iraq to encourage the employment in the Government of Iraq of qualified professionals, irrespective of ethnic or political affiliation, including ex-Baathists who were not leading figures of the Saddam Hussein regime.

(3) Enacting legislation or establishing other binding mechanisms to ensure the sharing of all Iraqi oil revenues among all segments of Iraqi society in an equitable manner.

(4) Holding free and fair provincial elections in Iraq at the earliest date practicable.

(5) Enacting legislation or establishing other mechanisms to ensure the rights of women and the rights of all minority communities in Iraq are protected.

SEC. 12. SENSE OF CONGRESS ON REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

It is the sense of Congress that—

(1) with the implementation of the policies specified in sections 5 through 11 and the engagement in the increased diplomatic efforts specified in section 4, and as additional Iraqi brigades are being deployed, and subject to unexpected developments in the security situation on the ground, all United States combat brigades not necessary for force protection could be redeployed from Iraq by the first quarter of 2008, except for those that are essential for—

(A) protecting United States and coalition personnel and infrastructure;

(B) training, equipping, and advising Iraqi forces;

(C) conducting targeted counterterrorism operations;

(D) search and rescue; and

(E) rapid reaction and special operations; and

(2) the redeployment should be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

SEC. 13. REPORT ON POLICY IMPLEMENTATION.

Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report on the actions that have been taken to implement the policies specified in sections 4 through 11.

Mr. SALAZAR. Mr. President, back in December when the Iraq Study Group first came out with its recommendations, the recommendations were heralded by many people around the country as a new way forward—a new way forward for us to deal with this very difficult and impractical problem in which we find ourselves in Iraq. Those recommendations—some of which have been implemented and some of which have not—I believe still create the centerpiece for how we can find a bipartisan way forward for how we deal with the Iraq issue.

I have walked around with the report of the Iraq Study Group for the last 4 months. I am very much appreciative of the fact that the people who put together the report were some of the best statesmen and women we have in the United States of America: James A. Baker, Lee Hamilton, Lawrence Eagleburger, Vernon Jordan, Ed Meese, Sandra Day O'Connor, Leon Panetta, William Perry, Charles Robb, and Alan Simpson. Those are some of the best and brightest people we have in America and who are working on one of the most difficult issues that confronts our country today. So it is in the vein of their work that I come to the floor today with my colleague from Tennessee to suggest that their recommendations create the opportunity for us to provide the basis for some agreement among Democrats and Republicans on how we might move forward in dealing with the very difficult national security issue we face in Iraq.

As we debate this issue here in Washington, with veto pens and dueling press conferences, I come back to the reality of our brave American men and women and the dangers they face every day in the streets of Baghdad and al Anbar Province and in countless other places in that Nation which today we find in turmoil. It is for them, for our men and women in uniform, we must find common ground. It is for them we must bridge our differences here on the Senate floor to create a path to success in Iraq. It is for them we must develop a policy that is worthy of their sacrifices and the sacrifices of their families.

I come to the floor today with my colleague from Tennessee to offer my view on how we can reach our common goal and how we can work to heal the deep divisions this war has caused here at home.

Not since the Vietnam war has the American public been so divided. I am concerned that the bitterness and the harshness of this debate is a debate that clouds good judgment on one of the most fundamental issues we deal with in the Congress: the issue of war and peace. It is important for us to remember that no matter how contentious this debate may become, every Senator shares the same goal, and that goal is peace and stability in the Middle East and a safe return home of our troops. While we may disagree on the best path to that end, we must continue to work together for a constructive change in our policy.

It is important to remember what binds us together as a nation is something we must honor so we will not be torn so far apart that we cannot bring our Nation back together. The Iraq Study Group report, I believe, embodies the best wisdom we have seen as to how we ought to move forward with the issue of Iraq. I believe the work of the Iraq Study Group is a model for how we can come together in good faith. The group, as I have said before, is comprised of some of the finest and best public servants we have in America. They worked together for months and they did it in a nonpartisan, nonpolitical way. They are from both parties. That group and their work consulted over 250 officials and experts, including senior leaders of the Government of Iraq, the United States Government, and key coalition partners. They received advice from more than 50 distinguished scholars and experts in a variety of fields.

I am honored, therefore, to join Senator LAMAR ALEXANDER in appealing to our colleagues in the Senate to take a fresh look at the group's report and to consider how we can use it as our guide to create a successful policy for the war in Iraq.

The group proposed a new diplomatic offensive—a new diplomatic offensive—to deal with the problems of Iraq and the region.

I am pleased that recently the administration has moved forward in embracing some of the recommendations set forth in that "new diplomatic offensive."

The report provided a roadmap for transitioning our troops from a combat role to the training, equipping, advising and support of the Iraqi military.

The Iraq Study Group recommended how we can strengthen and restore our own military, which has been put under such strain by the wars in Iraq and Afghanistan.

In addition, the report details new policies for the Iraqi police and criminal justice system, the Iraqi oil sector, and for improving economic and security assistance programs in Iraq.

Finally, the Iraq Study Group recommended specific milestones for the Government of Iraq to meet. They include establishing a fair process for amending the constitution, revising de-Baathification laws, ensuring the equitable sharing of Iraqi oil revenues, holding free and fair provincial elections at the earliest possible date, and enacting legislation to ensure the rights of women and the rights of all minority communities in Iraq.

The Iraq Study Group concluded that with the implementation of these policies, all United States combat forces could be out of Iraq by the first quarter of 2008, except those necessary for protecting personnel and infrastructure, for training, equipping, and advising of Iraqi forces, for conducting targeted counterterrorism activities, and for engaging in rapid reaction and special operations.

Senator ALEXANDER and I intend to propose legislation that will effectively embody this comprehensive set of recommendations.

Our bill would state the sense of the Congress that the Iraq Study Group's recommendations should be implemented and that the President should formulate a comprehensive plan to do so. It would require the establishment of policies and plans that implement the core recommendations of the group. And it states that the United States should condition political, military, and economic support on the Iraqi Government making substantial progress in meeting those milestones detailed in the report.

The Iraq Study Group did not set a deadline for the redeployment of our troops, and neither would our bill. But the group did, and our bill would, state the policies and actions that can and should lead to the successful and rapid conclusion to this war.

I believe we all share that goal. I believe the distinguished members of the Iraq Study Group have given us the means to achieve it.

I don't believe the report of the Iraq Study Group should simply become another study on the shelf that gathers dust.

I will conclude with two remarks. First, here in Washington, DC, it seems there is a lot of poison in the air, and most issues are decided on a partisan basis. It is my view, as a Senator from Colorado, that the issues of war and peace, when we have our men and women in uniform in harm's way, should not be decided on the basis of Republicans versus Democrats. No matter what has happened in Iraq up to this time, and no matter what kind of finger-pointing will take place in terms of the wisdom or lack of wisdom on how the war has been prosecuted, the fact is, we are there now. Also, we have 140,000 men and women in harm's way.

For us in the Senate, I believe it is our responsibility to come together, as Democrats and Republicans, to fashion a new way forward to success. I believe this new way forward to success has been laid out by the Iraq Study Group, which didn't just look at this for an hour or a day or two but spent a year, under the authorization of the Congress, and they came up with what they thought was the best way for the United States to move forward in Iraq.

I am hopeful both Democrats and Republicans will join Senator LAMAR ALEXANDER and myself as we move forward with the introduction of this legislation, which we hope to do after the Memorial Day recess.

Finally, I think the working relationship Senator ALEXANDER and I have on so many issues, including land and water conservation and other areas, is the kind of bipartisan spirit we can bring to so many issues that face us today. But of all the issues, the one that cries out the most for unity today is the 800-pound gorilla issue of the war in Iraq.

I am very pleased and honored that Senator ALEXANDER has joined us in this effort today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I salute the Senator from Colorado for his leadership, initiative, and patriotism, and the way he is approaching the foremost issue facing our country: Where do we go from here in Iraq?

There is too much partisan game playing on the issue of Iraq. We owe it to our country and our troops to find a bipartisan consensus to support where we go from here. We need a political solution in Washington, DC, as much as we need one in Baghdad. We need to get out of the combat business in Iraq and into the support, training, and equipment business as soon as we honorably can.

That is why Senator SALAZAR and I have drafted legislation to implement the recommendations of the bipartisan Baker-Hamilton Iraq Study Group.

As the Senator said, we will introduce our legislation after Congress and the President have worked out the Iraq supplemental appropriations bill. We invite our colleagues—both Democrats and Republicans—to join us. We believe the recommendations of the Iraq Study Group offer the best opportunity for a bipartisan consensus on a new course in Iraq.

In fact, these recommendations seem to already be guiding the President's efforts and the efforts of those on the other side who were calling for change.

For example, the administration has begun to act on these recommendations by increasing the number of troops embedded with Iraqi forces, using milestones to help chart progress, and by meeting with Iraq's neighbors, including Iran and Syria. The President's national security adviser has pointed to the Baker-Hamilton report as authority for the surge of troops in Baghdad.

Just last week, the President himself told the Associated General Contractors of America at their convention that he liked what Baker and Hamilton had to say. "It is something we should seriously consider. Their idea was that, at some point in time, it makes sense to have a U.S. presence configured this way," the President said. "It is an interesting idea."

At the same time, Democratic proposals in Congress have also been guided by the ISG report, for example, working on milestones for improvement in Iraq, limiting the role of the United States to one of training, equipping, and counterterrorism operations, and stating as a goal a drawdown of combat forces by March of next year.

In short, the seeds of bipartisan consensus about how the United States should go forward in Iraq are best found in the Iraq Study Group report.

Former Secretary of State Jim Baker and former Congressman Lee Hamilton prefaced their report by saying this:

> Success depends on the unity of the American people in a time of political polarization. Americans can and must enjoy the right of robust debate within a democracy. Yet, U.S. foreign policy is doomed to failure—as is any course of action in Iraq—if not supported by a broad, sustained consensus. The aim of our report is to move our country toward such a consensus.

Yesterday and today, I talked with Secretary Baker and Congressman Hamilton. Each said the Salazar-Alexander legislation accurately reflects the recommendations of their report.

I have learned that sometimes a Senator has to say something two or three or more times on the Senate floor before anybody pays much attention.

For example, on March 14, I said that it was time for the President to take the Iraq Study Group report down off the shelf and use it for something other than a bookend.

I ask unanimous consent to have my statement of that date printed in the RECORD at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Today, I am making that same suggestion again, and I am going one step further. The Senator from Colorado and I are offering to our colleagues on both sides of the aisle—and to our country—a way to go forward on a bipartisan basis.

I was surprised and disappointed that the President didn't take advantage of this opportunity during his State of the Union Address in January. He knew then that a majority of Americans didn't support his strategy. Fewer do today. He knew then his strategy cannot be long sustained without that support. That is still true today.

The President could have invited the distinguished members of the Iraq Study Group to sit in the gallery during his speech and, as Presidents often do, introduced them, 10 of America's most distinguished citizens from the Reagan, Carter, and George H.W. Bush administrations, and the U.S. Supreme Court. One of these is now the Secretary of Defense. They are ideologically and politically diverse. They spent nine months, met nine times, went to Baghdad, interviewed 171 individuals, and made 79 recommendations. They are all in this book. They didn't shy away from the unpleasant facts.

They told us 79 percent of Iraqis have a mostly negative view of U.S. involvement in their country. Then they said 2,900 American lives were lost, and another 21,000 wounded; $400 billion was spent, with estimates as high as $2 trillion for the final cost. They said this is not a perfect option, but it is the best option.

The President could have said in January: This isn't my recommendation, it is theirs, and I accept it for the good of our country, and I ask the American people to accept it.

That is not Presidential weakness, that is Presidential leadership. The President's job is not only to see urgent issues and lay out a strategy. It is the rest of his job—at least for a sustained military strategy—to persuade half of the people he is right. It is not too late.

The President has the option before him today, and we are trying to make it easier for him. What we are respectfully saying in our legislation is, if the President should choose to develop a way forward based upon the Iraq Study Group's recommendations, we will support that plan and we will encourage our colleagues and our country to do so on a bipartisan basis, so that Iraq, the Middle East, our troops, and the world will know that in the United States we are unified in our purpose.

Such a plan will not satisfy everybody. It will not pull out our troops tomorrow. It will not get us out of the combat business immediately. It won't add 100,000 or 200,000, or 300,000 troops for "victory" in Iraq. It will get us out of the combat business in Iraq and into the support, training, and equipping business, in a prompt and honorable way. It will reduce the number of forces in Iraq. Because there will still be a significant but limited military presence in Iraq, it will signal to the rest of the Middle East to stay out of Iraq. It will give support to General Petraeus and his troops, who are in the midst of a surge. It will expand diplomatic efforts to build support for Iraq national reconciliation and sovereignty. It will recognize, as Prime Minister Blair said, it is time for the next chapter of Iraq's history to be written largely by the Iraqis themselves.

As a Republican Senator, my message with respect to the President is that I hope he and the White House seriously consider this.

We are not introducing this bill today. It will be introduced in 2 or 3 weeks. Then, we hope other Senators will support it. I hope the President will embrace it. There is plenty within this report that gives him the opportunity to continue our mission in Iraq. The difference is that this is not the President's report, and that is its advantage. It has a better chance of success, in terms of developing bipartisan support here and in our country.

Finally, there are some issues that are simply too big for one party to solve. Iraq is, as the Senator from Colorado has said, the foremost among these.

Here we are, the oldest democracy, lecturing Baghdad, an infant democracy, for not coming up with a political solution, when we ourselves cannot come up with one.

Until we do come up with one, we should spend less time lecturing Baghdad and more time working together to fashion a way forward on the foremost issue facing our country. Coming together in support of the plan based upon the recommendations of the Iraq Study Group offers that best opportunity. We invite our colleagues to join us.

EXHIBIT 1

PRESIDENT BUSH SHOULD TAKE THE IRAQ STUDY GROUP REPORT DOWN OFF THE SHELF

My purpose today is to say that it is time for President Bush to take the Iraq Study Group report down off the shelf and use it for something other than a bookend.

There is a reason why we don't have 535 commanders-in-chief or 100 commanding generals each saying charge down this street or over that hill.

The founders of our country made the President Commander-in-Chief and gave to Congress the power to declare war and to pay for it.

That is why I will vote against any of the resolutions that seek to micromanage this war. Once a war is authorized, as this one was by a bi-partisan vote of 77–23 in 2002, it is the president's job to manage the war.

As an example of why we don't need 535 Members of Congress micromanaging this war, consider this: since last January, the new Democratic majority has offered 17 different bills and resolutions outlining what to do in Iraq. Undoubtedly there will be more in the coming weeks.

And I am not about to cut off funds for General Petraeus' troops in the middle of the current military exercise, which congress clearly does have the power to do but should not do.

I do have the responsibility as a United States Senator, to say what I believe is the right way forward for our country in Iraq, and my belief is this: the President would be wise to take down off the shelf the recommendations of the bipartisan Baker-Hamilton Iraq Study Group, to develop a strategy based upon those recommendations, and to ask Americans to accept that strategy as the way forward in Iraq.

The President would have been wise to do this in January during his State of the Union address. The country was then looking for a new way forward in Iraq. The Iraq Study Group, after nine months of careful, bipartisan work, offered such a plan.

Instead, the day after the report was announced in December, some who wanted another 100,000 or 200,000 troops to "win the war" said the report was a "recipe for defeat."

On the other side, those who wanted the U.S. out of Iraq immediately dismissed the report as more of the same.

So the report was put on the shelf. Not much was heard about it.

That is, until lately.

Lately, the President's national security adviser has cited the Baker-Hamilton report as authority for the surge of troops in Baghdad which, in fact, on page 73, the report did say might be necessary.

Over the weekend, the United States participated in meetings with Syria and Iran, perhaps the most controversial recommendation in the report.

Now, the timetable and strategy for reducing U.S. combat strength in Iraq contained in the newest Democratic senate resolution sounds very much like the Iraq Study Group report, calling for combat troops to be largely withdrawn from Iraq by March of next year. But the Iraq Study Group specifically opposed setting timetables or deadlines for withdrawal, noting that its recommendation should be "subject to unexpected developments on the ground."

At the same time, like one of the Republican-sponsored resolutions, the Iraq Study Group recommended that the U.S. work closely with Iraq's leaders to support the achievement of specific "milestones" on national reconciliation, security, and governance.

In short, if there is any bipartisan consensus emerging about how the United States should go forward in Iraq, the best blueprint of that consensus can be found in the Iraq Study Group report.

The membership and process of the Iraq Study Group is as important as the substance of what it said. It included 10 of America's most distinguished citizens from the Reagan and Carter and George H.W. Bush administrations, from the Congress and from the Supreme Court. One of its former members is now the Secretary of Defense. On its face, it was ideologically as well as politically diverse. The group spent nine months, met nine times, including a trip to Baghdad, and interviewed 171 individuals in the U.S. and in Iraq. Its report is comprehensive, with 79 specific recommendations.

Its assessment of the "dire" current conditions in Iraq is honest and sobering. It did not shy away from reporting unpleasant facts—that 79 percent of Iraqis have a mostly negative view of the influence that the United States has in their country, that 2,900 (at that time) Americans had lost their lives and another 21,000 wounded, that we have spent roughly $400 billion on the Iraq war and that estimates run as high as $2 trillion for the final cost. The group acknowledged that its recommendations were not perfect options but seemed to be the best options.

As much as America needs a new strategy in Iraq, we also need a consensus in support of that strategy. To put it bluntly, a majority of the American people do not now have confidence in the President's course in Iraq. The Iraq Study Group offered the President an opportunity to say, "Okay, here is a different approach suggested by a bipartisan group of distinguished Americans. It is not my strategy. It is theirs. I accept it and, for the good of our country and the armed forces fighting for us, I ask you to accept it."

Such a statement would not exhibit presidential weakness. This would be presidential leadership—recognizing that the president's job is not only to choose the right strategy but to successfully persuade at least half the people he is right.

The president still has this option before him.

He would be wise to exercise it today—this week. Come back to Congress. Report on the last few weeks' progress in Iraq. Invite the Iraq Study Group members to sit in the gallery. Compliment their work. Accept their recommendations. Ask the Congress and the country also to accept their recommendations.

This course will not satisfy those who want 100,000 more troops for victory in Iraq.

Neither will it satisfy those who want all troops out on a specific timetable.

But it will get U.S. troops quickly out of the combat business in Iraq, and into the support business.

It will reduce the number of American forces in Iraq over the next year.

It will leave American special forces in Iraq to go after al Qaeda and troops to help guard the borders.

Because there will still be a limited U.S. military presence, it will send a signal to the rest of the Middle East to stay out of Iraq.

It will give support to General Petraeus and his troops who are in the midst of a surge to make Baghdad safer.

It will expand diplomatic efforts to build support for Iraqi national reconciliation and sovereignty, including with Iraq's neighbors.

And it will begin to recognize that America has done most of what it can do to help Iraq. As Prime Minister Blair has said, it is time for the next chapters in Iraq's history to be written by the Iraqis themselves.

Finally, this course will recognize that while the United States can and should be a shining example of democracy and does have the mightiest military force in the world, that a conservative view of human nature and our own national interest places limits on what we can do to make it possible for others to adopt our democracy and our way of life.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, as we all know, time has been reserved for Senator FEINGOLD for up to an hour. He says he is going to take less time, but he has that time, at which time I will respond to him. What I wish to do is lock in some time for Senator PRYOR immediately following my remarks so he may speak on the issue of Iraq.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I ask unanimous consent to speak for less than 1 minute.

Mrs. BOXER. I have no objection to that request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank the Senator from Tennessee for his eloquence in his statement and his plea for Americans to come together as we move forward on the biggest issue that faces our country today, Iraq.

I appreciate the hard work he has put in, together with my staff and working with the Iraq Study Group, to come up with language that is included in the legislation.

I also thank the chairperson of the Environment and Public Committee, Senator BOXER, for arranging for us to spend some time this morning discussing our bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the Water Resources Development Act being considered today includes important language to reform the Corps of Engineers which I have long championed. I especially thank my colleague Senator BOXER in particular, but also Senator INHOFE, Senator BAUCUS, and Senator ISAKSON for reporting a Water Resources Development Act that includes many important Corps of Engineers reforms that were so hard fought in last year's Congress, both in negotiations and on the floor.

While we still have far to go in improving Corps planning, such as, for example, passing the Feingold-McCain prioritization amendment, reform provisions in the underlying bill are absolutely essential for improving the Nation's water resources planning, and they should be the baseline for reforms that come out of Congress.

These reform provisions include independent peer review of costly or controversial Corps projects, dramatic improvement to the Corps' mitigation process, modernizing the Corps' woefully out-of-date planning guidelines, establishing a new national policy that directs the Corps to avoid impacts to floodplains, requiring an interagency assessment of the Nation's vulnerability to flood and related storm damage, and recommendations to improve the Nation's various flood prevention programs.

These reforms are essential for improving the Corps' ability to properly plan and construct projects. Over the past decade, dozens of studies have highlighted stunning flaws in Corps project planning. Problems with the

Corps project planning are so great that the GAO recently told Congress that Corps projects "did not provide a reasonable basis for decisionmaking because they were fraught with errors, mistakes, and miscalculations, and used invalid assumptions and outdated data."

We can no longer afford to build projects based on flawed engineering, flawed science, or flawed economics. These reforms are essential for preventing costly and potentially deadly mistakes, such as the levee failures that occurred in the aftermath of Hurricane Katrina.

The Corps, the American Society of Civil Engineers, and the National Academy of Sciences have all said faulty design and construction by the Corps resulted in the levee failures. So these reforms are essential for protecting the Nation's natural resources.

The Nation's rivers, streams, floodplains, and wetlands provide vital services for all Americans. They help attenuate floods, they improve water quality, they provide vital fish and wildlife habitat, and they provide exceptional recreational opportunities. They are vital to the health, safety, welfare, and economic well-being of all of us.

I am very pleased Senators BOXER and REID agreed to join me in a colloquy with respect to the provisions in sections 2006, 2007 and 2008(c) and (e) of the Water Resources Development Act of 2007. We have reached an understanding that these are fundamental elements of meaningful reform. Chairman BOXER has stated it is the committee's intent to retain these elements, and that she will strenuously support them in conference.

I understand the Senate is now debating the motion to proceed to H.R. 1495, the Water Resources Development Act. So at this point, while I cannot formally offer my prioritization amendment to that bill, I wish to take the time to speak in favor of it.

I will be offering this amendment to the Water Resources Development Act on behalf of myself and Senators MCCAIN, COBURN, CARPER, GREGG, and SUNUNU. Senator MCCAIN and I have worked together for years to modernize the U.S. Army Corps of Engineers, and I am pleased to be working with him again on this issue.

I also appreciate the strong support of Senators COBURN, CARPER, GREGG, and SUNUNU. This important amendment recognizes we must address our current flawed planning process and also respond to the tragedy of Hurricane Katrina by working to make sure that limited taxpayers' dollars go to the most worthy water resource projects.

That doesn't seem like a lot to ask. As we all know, our Nation is staring down deficits that only a few years ago were unimaginable. We also have a backlog of $58 billion in Corps projects that are authorized but not built, and that number will be closer to $70 billion when this bill passes.

Clearly, we have to get some kind of a way of identifying projects that are most needed. Right now, Congress does not have any information about the relative priority of the current massive backlog of authorized projects, and we don't have any way of evaluating the relative priority of new projects. What we do have is individual Members arguing for projects in their States or district, but no information about which projects are most important to the country's economic development or transportation systems or to our ability to protect our citizens and property from natural disasters. Clearly, the status quo is not serving the public well.

This amendment would simply help Congress develop the tools to more wisely invest limited resources while also increasing public transparency in decisionmaking. This amendment would do that by creating a temporary bipartisan water resources commission to do two things: one, make recommendations on a process for prioritizing Corps projects and, two, analyze projects authorized in the last 10 years or that are under construction and put similar types of projects into tiers that reflect their importance. This would be done with a clear direction to seek balance, meeting the needs of all States.

My amendment would place Corps projects into three categories that correspond to the three main mission areas of the Corps: flood damage reduction, navigation, and ecosystem restoration. The commission will establish broad national priorities to apply to those projects. The amendment sets out minimum requirements that projects in each category have to meet so that, for example, flood reduction projects must be evaluated in part on whether they reduce the risk of loss of life. But the commission is free to consider other factors as long as it is clear which factors it is, in fact, considering. Projects in each of the three project types will be placed in tiers based on how great a priority they represent.

This information will then simply be provided to Congress and the public in a nonbinding report—a nonbinding report. That is it. The Congress and the public will get information to help them make decisions involving millions and even billions of dollars. Surely, that isn't too much to ask. Don't we want the benefit of objective, impartial advice when we decide how to allocate scarce taxpayers' dollars?

As my colleagues may recall, Senator MCCAIN and I offered a prioritization amendment last Congress. This year's amendment has been revised to address some of the concerns raised on the floor last year, in particular those raised by my friend and now-Chairman BOXER.

In response to criticism that the amendment gave too much authority to the administration, this year's new amendment creates a temporary commission comprised of eight non-Federal individuals appointed by Senate and House leaders of both parties and the President.

Also, instead of requiring regular updating of a prioritization report, the bipartisan commission created by this year's new amendment would only issue one nonbinding report that would include recommendations for reevaluating priorities in the future and when new projects are authorized.

I am pleased to have the support of a number of outside groups, including Taxpayers for Common Sense Action, the National Taxpayers Union, the Citizens Against Government Waste, American Rivers, National Wildlife Federation, Earth Justice, Clean Water Action, Defenders of Wildlife, Environmental Defense, Friends of the Earth, the League of Conservation Voters, Republicans for Environmental Protection, the Sierra Club, and the Union of Concerned Scientists.

A number of editorial writers weighed in last year on behalf of prioritization. Here is what the New York Times had to say:

> The Army Corps of Engineers must learn, or be compelled, to place a higher priority on safety projects than on Congressional pork . . . it would shine more light on an often opaque process, a reform we support.

The New Orleans Times-Picayune said:

> The best chance for changing the way the corps operates is through reforms sought by Sens. John McCain and Russ Feingold. They're offering two amendments to the water resources bill. One would establish independent review of corps projects from planning and design to construction. The other would require corps projects to be ranked in importance based on three national priorities: flood and storm damage reduction, navigation and environmental restoration.

The Philadelphia Inquirer opined that "with 50 States demanding services, the Corps needs better direction than the whims of competing politicians."

And the Washington Post said:

> Hurricane Katrina was a crisis that has created a real opportunity: to bring some rationality to the way we spend tens of billion of dollars on water projects in this country so we can protect millions of Americans—

Millions of Americans—

> whose lives are at risk.

Clearly, based on that mere series of endorsements and statements, this amendment has broad interest and impact. The public clearly believes the Congress should do a better job spending billions of dollars on water projects. The Feingold-McCain-Coburn-Carper-Gregg-Sununu prioritization amendment would help Congress in evaluating options for how to prioritize Corps projects.

I also wish to remind my colleagues that modernizing all aspects of water resources policy will help restore credibility to a Federal agency that is plagued by public skepticism in the wake of Hurricane Katrina. The Corps has admitted serious design flaws in the levees it built in New Orleans, and it is clear the Corps' mistakes contributed significantly to the devastation in that city.

I can tell my colleagues when I was down in New Orleans last summer, I heard even more complaints about the Corps than I did about FEMA. As we worked as a body to improve FEMA, we must also work to improve the Corps. Our constituents and the people of this country deserve no less.

Of course, the Corps does important work. The real problem this amendment seeks to address is us in Congress. Congress has too long used the Army Corps of Engineers to facilitate favored porkbarrel projects while periodically expressing a desire to change its ways. If we want to change our ways, we can start by passing the Feingold-McCain-Coburn-Carper-Gregg-Sununu prioritization amendment to help us make sure the Corps continues to contribute to our safety, environment, and economy without wasting taxpayers' dollars.

I will conclude my initial remarks and again thank Senator BOXER and also Senator INHOFE, Senator BAUCUS, and Senator ISAKSON for retaining the reform provisions we worked so hard to get included in last year's Senate bill. However, this bill authorizes an additional $15 billion worth of projects which, coupled with an additional backlog of $58 billion, would take 40 years to complete. I hope by adopting this amendment we can also move this bill in a direction that will truly benefit the American taxpayers. I urge my colleagues to support our amendment.

I retain the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator FEINGOLD for his kind remarks. He and I are close colleagues. We have worked very closely together on so many issues. On Corps reform, we worked closely together, and working together we did get very important peer review into the bill. I am very proud of his work on this bill and praise him for it.

It is very rare we find ourselves on differing sides, but I am in strong opposition to his amendment, and I want to lay out the reasons.

I describe the Senator's amendment as "we have met the enemy and it is us." I reject the fact that Members of the Senate have to give us their judgment and their views on what is important in our own States to some politically appointed panel, probably politicians, because they will be appointed by politicians. I have other objections to this amendment because I think it creates a bias toward large projects. It reduces the ability of the Corps to pursue small ecosystem restoration programs. It reduces their ability to pursue small but vital flood control projects. It could preclude navigation projects that serve small communities, recreational interests, and subsistence fishermen. Because, as it is drafted, it sets up a tier system of priority recommendations, but each tier is limited to 5 billion dollars' worth of projects, or 100 total projects. That means a worthy flood control project in my State, or any State, could end up stuck in a lower tier simply because it is more expensive, if equally more important projects in other States were ranked in a higher tier. I think it is an arbitrary system that can label a project second tier despite critical local public safety needs.

How does a project become second tier if it is the only way to protect a community? Such an arbitrary label will inappropriately undermine an important project's chances of receiving appropriations, and I believe people's lives could be in jeopardy because of it. I don't think that is the kind of prioritization we need when we have to fight tooth and nail every year to get critical funding for very important and needy flood control projects.

The Senator named a lot of groups I support and that support me, and I respect that fact. But to be candid, a lot of these groups don't like water projects in general, and I think sometimes they will just say: Fine. Anything to slow down these projects.

I believe Congress, not political appointees or a commissioner, should retain this responsibility. I understand the legislation has been changed to an advisory situation, but it only slows us down. It slows us down with political appointees, and I have a basic problem with that. It is adding layers of delay. We have already delayed this bill 7 long years. We need it, Mr. President. We need it.

We need it because the farmers say we need it and the corn growers say we need it and the labor unions say we need it and the chambers of commerce say we need it and we have colleagues supporting it—from Senator INHOFE to Senator BOXER. If my colleagues don't think that is something to point to, it is. It means things are working around here.

My colleague and friend, Senator FEINGOLD, is a strong supporter of fiscal responsibility. We took this bill down from $33 billion to a score of $13.9 billion. How did we do it? We were careful. We did scrutinize these projects. And, by the way, we have standards built into this bill. I want my colleague to understand—and it is very important because this is kind of a trash-the-Senate amendment, taking away, casting doubt on our judgment—that we worked hard by setting up these objective criteria by which I have had to, frankly, turn against my own Members and say: You know I can't take care of that for you because it doesn't fit the criteria.

So I think there is a sense of fiscal responsibility that is permeating this place. We took a bill from $33 billion down to $13 billion—$13.9 billion to be exact—and we did it without some appointed people telling us what to do. We did it because we care about fiscal responsibility and we care about keeping this economy moving, and I just don't think we need this commission. We went through an exhaustive process to determine which projects and studies would be authorized. They have to have chief of engineers or other completed Corps reports for construction. They have to meet a benefit-cost test, or have environmental benefits. So I think we have a lot of built-in safety features as we go through this process.

We have a very broad committee that has different ideologies. We represent broad areas of the country. Frankly, I think we all want to protect Americans. We have seen what happens when we look at Katrina, so we want to do our best.

I laud my colleague for his absolute commitment and dedication to finding ways to make this process work better, but I say this bill proves, in my opinion, that we are listening.

We did incorporate the fine Corps language that my friend worked on so hard, and he knows how strongly I feel about this particular amendment. But he insists on it because, in his heart, he thinks it is important. I know he has some things he will say now about my comments, so I will yield to him with the understanding that I will be able to respond in due course.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the chair of the committee. Of course, I have enjoyed working with her on so many issues, and I again compliment her for retaining key reforms in the underlying bill. She has provided a great deal of leadership on Corps reform, and for that I am truly appreciative.

In the past, the chairman has offered to work together on the issue of prioritization in the future, and I hope that is still something in which she is interested. I don't think we should wait to enact commonsense reform. This is not a new idea I just thought of; rather, it is a critical reform that many of my colleagues and I have been calling for since 2002. In fact, it was the former Senator from New Hampshire, Mr. Smith, who first called for prioritizing Corps projects. I cosponsored Senator Smith's Corps bill in the 107th Congress, along with Senators MCCAIN, ENSIGN, and Daschle.

I certainly commend Senators BOXER, INHOFE, BAUCUS, and ISAKSON for limiting the number of additional projects added to this bill. I recognize some of the efforts they have made with regard to fiscal responsibility in the committee process, and I commend them for that. I also commend them for their effort to move this bill quickly. However, the desire to move a bill quickly should not override the need to ensure that Congress enacts the full suite of reforms necessary to respond to over a decade of evidence calling for reforms.

I strongly believe prioritization is one of these key pieces, which is why I am offering an amendment during consideration of WRDA on behalf of this group of Senators. We need to get these ideas on the table, and I think my colleagues agree a report, with recommendations to Congress, is a good, commonsense approach.

I was interested in the Senator's remark that we have met the enemy and it is us. I think that is not the case unless we are foolish enough not to back up our decisions and our judgment with the benefit of people who know what they are taking about. The Senator from California says these are political appointees, but, in fact, these folks have to be water resource experts. That is who we will put together on this group to take a look at these 70 billion dollars' worth of projects.

Of course, despite the way in which the Senator described the impact of this report, all this does is set priorities. This is not mandatory in any way. It is nonbinding. It is simply a report that gives us information. Yes, it ranks things in different tiers, but we still have the power—and, of course, we fully retain the power—to change those priorities if, in our judgment, we believe it is the right thing to do.

We do that all the time. There are all kinds of government reports that tell us to do X or Y and, in our judgment and our responsibility as Members of Congress, we exercise our own independent judgment. Not to have the benefit of these experts saying these projects are more important than others—I can't understand the downside of that. In fact, when the Senator says this somehow casts doubt on the Senate, or trashes the Senate, I think it is just the opposite. It will make us look good if, for once, it looks as if we are basing our priorities on something other than pure political pull.

When we were out here together, the Senator from California and I were arm in arm, literally, on ethics reform and lobbying reform, and some said that was trashing the Senate. Some said that was somehow saying we weren't capable of regulating ourselves; that somehow we didn't need these laws and we should be trusted. Well, this is an area just like the ethnics and lobbying reform, where people have concerns. Anything we can do to enhance our credibility, anything we can do to say, hey, look, we didn't agree with every part of this report, but in large part we agree with these priorities, I think strengthens our hand. I think it enhances the reputation of the Senate, particularly in the eyes of the taxpayer who now see that, after this bill, we are talking about $70 billion in projects.

I think this is a win-win proposition. Of course, I respect the chair's disagreement on this particular point. I know she agrees with reform in almost every single context. She just doesn't see this particular reform. But I urge her, once again, to consider the fact this is nonbinding, informational. I don't think it is binding in any way that would cause a problem for the Congress.

Mr. President, I yield the floor.

Mrs. BOXER. Mr. President, I want the Senator to know he can have as much time as he wants. As he knows, I am not rushing the bill in terms of hearing from people. As a matter of fact, I thank him for coming today because we don't see anybody else talking about their amendments, and we do want to get this bill done.

I will use this as another opportunity to call on my colleagues, who may well support the Senator's amendment or oppose it or have other amendments, to please join us on the Senate floor. It is very pleasant here. It gets you away from other debates that are a little harder in many ways. So I urge my colleagues to come down, show us your amendments, please. We want to get this moving. We are going to be here today, we could be here tomorrow, we could be here Monday debating amendments and, hopefully, disposing of this bill on Tuesday.

Did my colleague want to respond?

Mr. FEINGOLD. Mr. President, I just wanted to ask that the time be reserved on my side so that, should other Senators want to talk on this, they could. But I am prepared, if the Senator is, to move on at this point.

Mrs. BOXER. Absolutely. I would like to say to anybody wishing to speak on the Feingold amendment, please, I will make sure you get adequate time.

I also want to say to my friend, as he leaves, because he has asked me to think about it, that I am going to ask him to think about it also. I want him to think about this: there are so many checks and balances on this WRDA bill. I want to go through a couple for him, just so that maybe he doesn't believe we are without checks and balances.

First of all, we have the local people who decide what it is they need and want to protect their communities. We have the State people, who come in and have to issue a water quality certificate. So they are involved in it. We have the Corps that has to do the study based on a cost-benefit analysis and other issues. There are matching funds in every case—almost every case. So we have a big check there, if a local community is willing to put up the money. So that is matching funds.

There is the executive branch that comes in. The executive branch comes in and they decide what they want to fund. We have the Appropriations Committee, after the authorizers get done with it, deciding what they want to fund. And we have every one of us Senators standing for reelection at some point who have to face up and say, we fought for this particular project.

Also, I thank my colleague for something right now on ethics reform, and I want him to know something which he may not know. As a result of all his work on ethics reform, and so many other colleagues here and our leader and the rest, even though the ethics reform isn't law yet—we hope it will soon be—the committee decided to act as if it were law. We asked every Senator to put in writing the fact that they did or did not have any real or perceived conflict of interest that went along with their requests for these particular projects. Those letters are available for everyone to see in the office. We have also printed in the RECORD, in large type—because at first it came out in small type—what each of us has asked for. So I want to thank my colleague for that. I want my colleague to understand that this bill is not only half the size that it was last year, not only is it a couple of billion less than the House, not only did we follow the ethics proposal, which isn't law yet because we want people to feel good about this, but we have done all these things. And, of course, I have included my friend's ethics Corps reform from last year.

So even though we do have strong disagreement, and I don't want to sugarcoat it because it is pretty strong—we disagree on this—there is so much progress that has been made, and my friend is responsible for a lot of that, and I feel really good about that. I hope he doesn't take my opposition to this particular amendment, my strong opposition to it, in any way as diminishing the amazing work he has done so that this bill comes to us in a form that, really, I think we can all be proud of.

I thank my colleague very much for coming. And, of course, the record is open and the floor is open to all colleagues who want to speak, pro or con, on this particular amendment or any other amendment that people would like to offer.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I rise to support the Senate substitute for H.R. 1495, which I hope we will be getting to, the Water Resources Development Act. This legislation has been delayed for many years. I thank Senator BOXER and Senator INHOFE for bringing together a bill that is critically important to our future in regard to water infrastructure improvement and the ecosystem's restoration. I think this legislation is carefully balanced, it is responsible as far as its budget, but it is very important for us to move forward and consider this legislation and move it to, I hope, enactment and signature by the President.

The bill contains a number of provisions that are vital to Maryland, which relies heavily upon the Army Corps of Engineers for water resource programs. The bill contains an important project that protects Cumberland, MD, and Ridgeley, WV, against flooding. Like so many other projects contained in this bill, the Cumberland effort will have multiple benefits. In addition to the increased public safety that comes from flood control, this project will serve as an essential component of the restoration efforts underway in Cumberland, including the rewatering of the Chesapeake and Ohio Canal and the reconstruction of the turning basin there.

For the first time, the Army Corps will supplement the Environmental Protection Agency's efforts to repair and improve the wastewater treatment facility plants that benefit the Chesapeake Bay. The Corps will be able to support sewage treatment upgrades, such as the one at Blue Plains. That plant is the largest advanced treatment facility in America, serving customers in the District of Columbia, northern Virginia, and the Maryland jurisdictions of Prince George's County and Montgomery County.

The new EPA permit for Blue Plains requires that the nitrogen load from the plant be reduced by more than 4 million pounds annually. This bill will be the largest single nutrient-reduction project in the bay watershed in a decade. Slashing the nitrogen load to the bay is a key step in the Chesapeake restoration efforts, and this bill will help get it done. It takes the participation of the Federal Government in the Chesapeake Bay restoration to a new level. By allowing the Corps of Engineers to help us with the tremendous backlog of sewage treatment plant repairs and improvements, this bill takes us to a much stronger partnership in the Chesapeake Bay restoration efforts.

We have a geography and topography which make the Chesapeake Bay particularly susceptible to erosion. The bay shoreline and many of its historic islands are literally being washed away. The erosion contributes millions of cubic yards of sediment annually to the bay, adversely affecting water quality and clogging navigational channels.

The bill extends the authorization of the 50-foot dredging of the Baltimore harbor and its channels. This project has been vital to the economic strength of the Port of Baltimore.

The bill contains authorization for two important island environmental restoration efforts. Tiny Smith Island in Somerset County has lost over 3,300 acres of wetlands over the past 150 years, threatening the population that lives there and degrading the Chesapeake Bay in the process. The project authorized in this bill consists of constructing 2 miles of offshore sediment breakwaters to provide protection to over 2,100 acres of wetlands and underwater grass beds.

I am particularly pleased the bill we are considering now contains funding for the Poplar Island project. This is a model project. We have been able to restore an island that had been almost washed away. There used to be a hunting lodge there. People would use the island. It had eroded almost to being nonexistent. What we have been able to do at Poplar Island is have a site where we could take the dredge materials from the dredging of the harbor, put it on the island, restore the island from an environmental point of view, and it has been a win-win process.

The Port of Baltimore is one of the largest ports on the east coast and a vital engine of economic activity, contributing $2 billion to the State economy and employing 18,000 Marylanders directly and tens of thousands more indirectly. There are approximately 15 miles of channel leading to the Port of Baltimore. Each year, approximately 4 to 5 million cubic yards of material must be removed from the channels to keep them at the existing depth and width. Poplar Island allows us to comply with that dredging need.

We have been able to take the dredged materials and put them onto Poplar Island. It was once a home to residents and hunting lodges. Since the project's authorization in 1996, the Corps has restored over 1,100 acres of remote island habitat. Popular Island has risen again, Phoenix-like, from the waters of the Chesapeake Bay. Eight miles of dikes protect the island from severe wave action. There are over 570 acres of upland habitat at an elevation that sometimes exceeds 20 feet. An additional 570 acres of wetland habitat has been created.

Today, even as the project continues, the island is once again home to migratory shorebirds, mammals, reptiles, and even serves as a nesting area for Maryland's famous terrapins. The expansion of the project authorized in this bill will build upon this success. It will add an additional 575 acres, half uplands and half wetlands, to the restored island.

The Nation has become increasingly aware of the important role wetlands and barrier islands play. We all witnessed the increased devastation that struck the coast of Louisiana, due in part to loss of what I like to refer to as nature's speed bumps, the wetlands and coastal islands that help absorb the shock from these horrific storms.

The Poplar Island expansion project authorized in this bill is important to the Port of Baltimore and to the ecology of the Chesapeake Bay. It is also a model for the Nation, showing us how the Army Corps projects can be engines of economic success, while at the same time serving beneficial ecological functions.

This vital project points the way to the future of the Army Corps of Engineers. It is one of the main reasons I support this legislation. This is a well-balanced bill. It is a bill that, yes, will help Maryland, but also help Maryland with projects which I think are important to show the Nation what you can do in moving forward on the economic needs of our communities, such as the dredging of our ports, but also moving forward on the environmental issues such as restoring vital wetlands and islands that would have disappeared.

It is important as far as dealing with storm damage. It is important to the restoration of our wildlife. It is important in so many different areas. I urge us to move forward with this legislation. Let's move it forward to consider the amendments, let's get it done, let's take it to the other body, and let's get it to the President as soon as possible. It has been delayed for years, we all know that. Thanks to the hard work of our leadership on the Environment and Public Works Committee, we have been able now to come forward with a bill that I think has the best chance for enactment. I urge my colleagues to carefully consider this legislation, support this legislation, but, more importantly, let's get it moving.

It is well past time that we enact the WRDA bill.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I want to speak on the bill, and I wanted to congratulate Senator BOXER and Senator INHOFE for their combined leadership, their working together to bring this legislation to the floor. It has been a long time coming. We passed it here last year thanks to the leadership of both of them. Senator INHOFE was chairman. Now Senator BOXER is the Chair.

It is now time for us to pass it again. It has only been 7 years since we have had a Water Resources and Development Act. We desperately need it for all of these water projects across the country that need to be authorized.

Of course, one of the ones I want to speak to not only affects our State of Florida, the Everglades restoration, but it clearly affects a lot of the ecosystems of planet Earth. We violated Mother Nature over the course of the last half century. As a result of massive hurricanes in the early part of the last century, particularly the hurricane of 1928 that killed over 2,000 people in the Lake Okeechobee region—many of them drowned—the emphasis back then was, when the floods came: Get the water off.

So over the course of the years, through then, up through the mid-1900s, you had all of this diking and draining that went on, to the point at which the mindset was: Get the water away when the floods come.

But, of course, what everybody was ignoring was Mother Nature and what she had created in this incredible system that starts south of Orlando in the center part of the State, and starts meandering water south into the Kissimmee River, meandering through its oxbows where all of the marsh grasses were cleansing the water, and then it reaches the big lake, Lake Okeechobee, which then Mother Nature had the water absolutely proceed south through very rich muck lands, in a slow sheet flow that flowed into what we now know as the Everglades.

Ultimately that water then flowed on out, in through the southwest part of Florida, and in the south part of Florida, into what is known as Florida Bay, which is that area south of the tip of the peninsula of Florida and inside the bow created by the Florida Keys.

What mankind did was disrupt that natural flow of the water. As a result, when the floods came: Get the water off. So we were now sending fresh water into tidewater in these very delicate brackish water situations that were so important to wildlife and marine life, and making it much too much fresh water, not brackish water, as a result, also dumping water that contained excessive nutrients, so that as this water flowed out, the tidewater in places like the Loxahatchee River and to the east the St. Lucie River, you suddenly have these rivers that had way too much fresh water and way too many nutrients.

What you got was the growing of algae, the sucking out of the oxygen, and creating nearly dead rivers. Everybody got concerned about this along about the 1980s and into the 1990s. The legislature and the Federal Government started realizing we have to go back and redo things. The problem was, it was a lot different then in Florida than what Mother Nature first had created, because now there was a huge agricultural industry just to the south of Lake Okeechobee on all of that rich muck land, and now there were 6 million people living in South Florida who had to have a source of water.

So that is what was developed, the Comprehensive Everglades Restoration Project. It is a project that will span over 20 years, and it is a project that needs funding, half from the Federal Government and half from the State Government and its entities, including the water management district, the local governments, and so forth. That half and half is how we are ultimately going to be able to restore the Everglades and still provide water for the agriculture industry as well as the 6 million people who live there.

Now, I must say, it is pretty tough right now because we have a drought. It simply has not rained. Back in 2005, with Florida smarting from the four hurricanes in 2004, hurricanes that filled up the lake to the point of being concerned about breaching the dike and killing a lot of people from flooding, in anticipation of a 2005 very active hurricane season, they lowered the lake. Well, 2005 ended up not being, for Florida, an active hurricane year. Therefore, the rains were not there, and that started reducing the lake more to the point at which Lake Okeechobee is 5 feet down from what is its normal average.

When you combine that with the drought that is occurring now, then you have a real problem. That is why all of the local governments in south Florida have gone to a restriction on water use, which includes now once-a-week watering of lawns. You see the problem.

There is a problem in some of the well fields in south Florida. If they do not replenish them with fresh water, you are going to have saltwater intrusion from the Atlantic Ocean. Of course, the Corps of Army Engineers is working on that right now.

That is all the background, which is why this WRDA bill is all the more important for us, because there are several projects that will address this issue of Everglades restoration we have been trying to get authorized since the last authorization bill 7 years ago.

One of them is what is called the Indian River Lagoon, and it is that part on the east coast of Florida, the St. Lucie River estuary, where instead of dumping all of that fresh water, all of that nutrient-laden water, you are going to be able to cleanse that water through various Corps projects back closer over to Lake Okeechobee in the center of the State.

Another project in here is called the Picayune Strand. It is a project over on the southwest coast, which is going to help restore the flow of water going into the Ten Thousand Islands. It is going to restore 72,000 acres of habitat and ecological connections that will directly affect the Florida Panthers National Wildlife Refuge, the Belle Meade State Conservation and Recreation Lands Project Area, and the Fakahatchee Strand State Preserve.

With all of this, it is so important that we pass this bill and we get a conference agreement with the House of Representatives so we can get this bill to the President for signature.

Now, I have spoken of a couple affecting Florida. There are several more projects in here, but I have picked the two biggest ones that are critical for the environmental sensitivities, and a major ecological asset for planet Earth. And it is that. It does not just affect Florida, it affects the entire planet. It is like the Amazon River. That certainly just does not affect Brazil; that has global climate effects.

I want to thank again the leadership for having brought out this bill. It cannot be soon enough for us to get it passed and to get a conference agreement with the House and to get it signed into law. Then we can start fleshing this out with the appropriations bills to fund these specific water projects.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the remainder of the hour allocated to me in debate postcloture and which I have not used be allocated to Senator BOXER, the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. LIEBERMAN. Mr. President, in the days ahead, this Congress and the President of the United States face a choice on the critical question of funding our operations in Iraq and Afghanistan. It is a choice between brinksmanship and statesmanship, a choice between continuing to stalemate, largely along partisan lines, or uniting across partisan lines in support of our troops.

We all know what our most important responsibility is. Our forces in

Iraq and Afghanistan are looking to us. They need the funding that only we in Congress can provide them. The money is running out.

I understand that many in this Chamber saw the supplemental appropriations bill as an opportunity to force a withdrawal of our troops from Iraq and that many of us argued vigorously against the amendments that attempted to do that. Each side has now had an opportunity to make its case. The result is clear: There are not enough votes in Congress to enact a mandatory date for withdrawal of American forces from Iraq. The time for having debates, therefore, and sending messages on this troop funding bill should be over. It is now time to get our troops the equipment, the training, the supplies they need—and without delay. We in this Chamber have a responsibility to make certain that no matter what disagreements and differences we have here in Washington, our men and women in uniform in Iraq and Afghanistan are not caught in the political crossfire.

Only a couple months ago, this Senate confirmed the new commander to implement a new strategy in Iraq, GEN David Petraeus. That new strategy is now being implemented, and it is achieving some encouraging, if early, signs of success. Indeed, progress has been won, even though the full complement of troops has not yet arrived in Iraq. Yet now many in Congress would pull the plug on this new strategy and thwart the work of our troops before they are given a fair chance to succeed.

I am aware public opinion has turned against the war in Iraq. The American people are deeply frustrated by the multiplicity of mistakes and errors that have been made. Progress has been too slow. The savagery of our enemy, which the American people witness on television every night, has been demoralizing. Many simply want to leave and wash our hands of what they perceive as a mess—a deadly mess. But leadership requires sometimes that we defy public opinion if that is what is necessary to do what is right for our country. In fact, at a time such as this, we are required to do what each of us believes is right, and that might not be what is popular.

What is right, I firmly believe, is that we cannot allow our Nation to be defeated in Iraq by the same terrorist enemy with which we are now engaged in worldwide conflict. The global war on terrorism which we are waging is a worldwide struggle against a barbaric totalitarian foe that is al-Qaida. And today, it is al-Qaida that we are fighting in Iraq. Al-Qaida itself has declared Iraq to be the central front of their larger war against our way of life.

So all of us who are privileged to serve this great country in positions of leadership have a very serious choice to make. Our judgment can be guided by the public opinion polls, and we can withdraw in defeat. We can rationalize our action with reassuring but, I believe, falsely hopeful words such as "redeployment." No matter what we say, our enemy will know that America's will has been broken by the barbarity of their blood lust, the very barbarity we declare we are fighting but from which we would actually be running.

My main point is this: Now is not the time for delay, for prolonged legislative posturing and bargaining over this supplemental appropriations bill. It is the time to do our duty, to fund our troops, stand by our allies, and do everything we can to help them win the war against al-Qaida in Iraq, rather than inventing new ways to vent our frustration with the war in Iraq or with the President of the United States, by handcuffing General Petraeus and undermining his strategy. Let us give him and his troops our support as they and their Iraqi allies fight to win for us.

Thank you. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I rise today to speak in support of the Water Resources Development Act of 2007. I first congratulate the new chairman of the committee, Senator BOXER, for taking her first bill to the floor. She is doing a great job. It is out of committee virtually unanimously. She brought out a bill that was worked out in advance and she is doing a terrific job. I highly commend her.

Benjamin Franklin once wrote:

> When the well is dry, we know the worth of water.

Westerners, including the current occupant of the chair, have learned this painful lesson many times. Recently, several years of drought have plagued farmers and ranchers across my State of Montana and many other parts of the country. Weatherworn switch grass and crops bring a terrible cost to producers in the West.

The West's battle with drought highlights the pressing need to ensure our water resources are used efficiently. I remind my colleagues, it doesn't rain a lot in the West. The annual rainfall west of the 100th meridian, down from Minnesota and across the country, is much less than in the eastern part of the country. In Montana, the average precipitation—rain, snow, all of it—in our towns is roughly about 13 inches a year. In Washington, DC, it is about 44 inches a year. That is a big difference, and that is in ordinary years. We have had a lot of drought in the West in the last several years.

Therefore, this Water Resources Development Act is long overdue. Although the Senate passed this legislation last year, the conference with the House fell short of resolution, so we are here today to get this bill over the goal line. I think we will finally get there. The bill provides authority for the Corps of Engineers to move forward on many long overdue water resources projects.

In 1986, Congress enacted the Water Resources Development Act, or WRDA. Every 2 years since then, Congress received proposals from the administration seeking authorization for water resources projects—every 2 years, since 1986. Why? It is clearly because there are new needs every 2 years. This pattern of requests provided the Corps and local sponsors with a regular planning schedule, helped them know what was on the drawing boards, which projects would be developed first and second, with some regularity, the planning for the development of needed resource projects in our country.

This administration, however, has yet to request one update of this legislation. Why is that? Well, I ask the question: Have all the water resources needs of the country been met? Clearly, the answer is no. Scores of water resources projects are awaiting authorization.

Second, does this administration think this legislation costs too much? Perhaps, but remember, investing in our water resources infrastructure is a cost we cannot put off. This is not an annual recurring operating expense; it is an investment that pays huge dividends.

Levees are crumbling. People are living in harm's way, waiting for this legislation to help provide them with protection. This bill authorizes projects that will provide needed flood and storm damage protection, navigation improvements and environmental restoration. All three are very important. There is authority for rebuilding and restoring the coast of Louisiana generally, but this legislation provides specific authority for that rebuilding and restoration, devastated by Hurricanes Katrina and Rita.

Authority for modernizing the lock and dam system on the Mississippi River is contained in here, and authority for ecosystem restoration projects, all the way from New Jersey, to Florida, to Colorado. There is a lot in this legislation.

The Corps of Engineers is charged with the management of America's water resources. The Corps of Engineers built levees and floats barges. In my State of Montana, we see the Corps as restorers of the ecosystem. We see the Corps as guardians of America's recreational assets, such as the Missouri River, Yellowstone River, and the Fort Peck Reservoir.

We in Montana have 11,000 miles of blue ribbon trout streams. Montana is home to the mighty Missouri River and the beautiful Yellowstone River. The Yellowstone is the longest remaining free-flowing river in our country. Montana's Fort Peck Reservoir provides outstanding recreation for the eastern part of my State. There is a huge fishing tournament in the Fort Peck Reservoir. The Corps helps make that happen.

We value the Corps' expertise and their partnership in many of our water resources projects. I might name several projects that are important and will continue that tradition in Montana: the Yellowstone River and Tributaries Recovery project; the lower Yellowstone project at Intake, MT; the Missouri River and Tributaries Recovery project; the upper basin of the Missouri River project. These projects will all provide improvements and provide valuable protection for the valuable resources in our State and, with all the tourism coming to our States, for a lot of Americans as well.

There is also an important authorization for the rehabilitation and improvement of a very important large aging water project on the Blackfeet Reservation in Glacier County called St. Mary Diversion. This system is rusting, cracking, and crumbling before our eyes. It is deteriorating, and 17,000 Montanans on the highline—the northern part of the State—depend on this system. It is a Federal system, but it is falling apart.

Without St. Mary, the lower Milk River would go dry 6 out of every 10 years, imperiling the water source for thousands of Montana families. This is irrigation and also drinking water. I cannot believe that in the United States we don't have good drinking water in large parts of my State. That is an outrage.

These important water projects, and their importance to the communities the projects serve, underline the need to move this legislation forward. Our first priority, therefore, is to authorize the long overdue projects in the WRDA bill this year. I hope we can get the administration's support to do that this year. We passed a bill last year. Let's get it enacted this year. Let's do our part to ensure that our water resources needs are met and let's get back to the biennial practice of enacting a water development resources bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I am very pleased to rise following my good friend from Montana, with whom I served last year as the subcommittee leaders of the Environment and Public Works Committee. We worked in a bipartisan way, and I appreciate that working relationship this year again. The EPW has worked on a bipartisan basis on this very important bill, and we have shown it by the number of people who signed letters asking that they move the bill. We have seen it in the vote on cloture. I thank the leadership in this body, particularly Chairman BOXER and Ranking Member INHOFE.

This bill before us today and next week, the Water Resources Development Act, or WRDA, is long overdue and badly needed. As has already been said, it authorizes projects under the jurisdiction——

Mr. BAUCUS. Will the Senator yield briefly?

Mr. BOND. Yes, I am happy to.

Mr. BAUCUS. Mr. President, I confirm a point made by our good friend from Missouri that there has been close cooperation in putting the bill together. I commend the Senator from Missouri. He has done a super job and so has Chairman BOXER, who is our leader. She sets the tone and gets us working together, and Senator INHOFE is right there with her. I thank the Senator for being helpful.

Mr. BOND. Mr. President, I appreciate the kind comments of my friend from Montana. I wish there were more issues on which we could work so closely, but this one I view as a vital investment in our Nation's future. This is something we ought to be able to come together on as Republicans and Democrats, conservatives and liberals, and say we need to build for the future.

As my colleague from Montana has said, the programs administered by the Corps are of tremendous value to the entire Nation. They provide drinking water, electric power production, river transportation, recreation, flood protection, environmental protection and restoration, and emergency response.

Few agencies in the Federal Government touch as many citizens as the Corps does. The Corps provides one-quarter of our Nation's total hydropower output. If you are looking for pollution-free power, it is hydropower. The Corps operates 463 lake recreation areas; moves 630 million tons of cargo, valued at over $73 billion annually through our inland system; manages over 12 million acres of land and water; provides 3 trillion gallons of water for use by local communities and businesses; and has prevented an estimated $706 billion in flood damage within the past 25 years with an investment one-seventh of that value. During the 1993 flood alone, an estimated $19.1 billion in flood damage was prevented by flood control facilities in place at that time.

Regrettably, I must tell my colleagues that as we debate this bill on the floor, a flood is currently striking Missouri. I talked with a top Corps official from Missouri yesterday, who said the flood and its impact now may be as great as the disaster of the 1993 floods. I will be going there tomorrow to survey the damage. Floods are a fact of nature, and a good levee system can reduce the damage.

The WRDA bill is a bipartisan bill traditionally produced by Congress every 2 years. As a matter of fact, you could say this is the 2002 WRDA bill about 5 years late. Better late than never.

The bill makes possible all of America's major flood control projects, coastal protection, environmental protection and restoration, transportation and recreation on our major waterways.

Despite its importance, however, we have not passed a WRDA bill since 2000. The longer we wait, the more unmet needs pile up and the more complicated the demands upon the bill become. I think the public voice is loud, clear, and spoken often regarding how they feel about our long overdue and much-needed WRDA legislation.

We believe the bill before the Senate is a good one, balancing the needs of our States for environmental restoration of key waterways and for navigation projects that create economic growth and keep our economy going.

The bill before us will create jobs, spur economic development and trade competitiveness, and improve the environment. It is financially responsible. To say it is widely supported is an understatement. It passed the Senate Environment and Public Works Committee last year by a voice vote and, in the 109th Congress, 80 colleagues signed a letter urging floor action.

A few weeks ago, the House cleared a companion bill with a vote of 394 to 25, and in the 109th Congress, they passed it with 406 votes. Last year, we merely ran out of time in conference. That is why I am glad the bill was passed out of committee and brought to the floor in a timely manner. We cannot afford to let the time run out on the bill in this Congress.

In the last 20 years, environmental protection has become a primary Corps mission. Our water resources perform a variety of functions simultaneously. They can provide transportation and protection from floods and protect habitat for many species.

Similarly, when it comes to Corps projects, navigational and flood control projects can and should be environmentally sound. Environmental restoration can help prevent or minimize flooding during the next major storm.

The Corps is leading some of the world's largest ecosystem restoration projects. The commanding feature of this bill is its landmark environmental and ecosystem restoration authorities. More than half the bill consists of authorization for environmental restoration projects.

Think of all the major waterways that are important to America, to our environmental heritage, to recreation, and to commerce. This bill affects all of them.

Among the projects, this bill restores wetlands in the upper Connecticut

River basin in Vermont and New Hampshire, restores oyster habitats in the Chesapeake Bay, restores fisheries in the Great Lakes, implements an environmental management program for the Rio Grande River, continues restoration of the Florida Everglades, restores areas of coastal Louisiana damaged by Hurricanes Katrina and Rita, restores habitat on the upper Mississippi and Illinois water systems, and restores oyster habitats on the Long Island Sound.

Flood control obviously is important. If we learned anything about Mother Nature in the last 15 years, it is that we very often need protection from her storms. Hurricanes Katrina and Rita obviously are devastating examples.

The good news is that Corps projects have prevented an estimated $706 billion in flood damage within the last 25 years with an investment of one-seventh that amount.

During the 1993 flood alone, an estimated $19.1 billion in flood damage was prevented by flood control facilities in place at the time.

This legislation authorizes flood control projects in California, Louisiana, New Jersey, New York, Pennsylvania, Maryland, West Virginia, Minnesota, Kentucky, South Carolina, Idaho, Washington, Missouri, Iowa, New Mexico, and Arkansas, to name a few.

Transportation efficiency is another benefit. While the majority of this legislation is for environmental protection and restoration, a key bipartisan economic commission we include provides transportation efficiency and environmental sustainability on the Mississippi and Illinois Rivers.

As the world becomes more competitive, America must also. From 1970 to 2003, the value of U.S. trade increased twenty-fourfold and 70 percent since 1994, an average annual growth rate of over 10 percent. We can expect demand for U.S. exports to dramatically increase over 34 years. We must ask ourself, or that part of our exports that are commodities: Will there be growth in transportation in the next 20 to 50 years to accommodate the growth in demand for commercial transportation?

If we listen to the Department of Transportation, they are already predicting the congestion on our roads will double in the next quarter of a century.

From where I sit, capacity on the rails is at a maximum. It is a lot tougher to build a new railroad than it is to maintain the locks on an existing waterway system. If we think our roads are congested now, think of what will happen if we cannot relieve the pressure on our highways. Water transportation is an inadequately tapped capacity, and it is good news because water transportation is efficient, it is safe, it conserves fuel, and it protects the air and the environment. One medium-size barge tow can carry the same amount of freight as 870 trucks. That fact alone speaks volumes to the benefits of water transport. With oil prices at a record $72 per barrel, consider the advantage of a twin engine barge that can carry the equivalent of 870 trucks.

Over the past 35 years, waterborne commerce on the upper Mississippi River has more than tripled. It currently carries 60 percent of our Nation's corn exports and 45 percent of our Nation's soybean exports. It does so at two-thirds the cost of rail when and if rail is available.

In Missouri alone, we ship 34.7 million tons of commodities, with a combined value of more than $4 billion, and it isn't just agricultural products. It includes coal, petroleum, aggregates, grain, chemicals, iron, steel, minerals, fertilizers, and other commodities.

The sad fact is our navigable waterways are in environmental and economic decline. Jobs, markets, and the availability of habitat for fish and wildlife are at stake. The American Society of Civil Engineers grades navigable waterways infrastructure with a D-minus, with over 50 percent of the locks functionally obsolete despite increased demand. These locks were built 75 years ago with a life expectancy of 50 years. If you look at the locks when they are locking through a tow, they don't just leak, they shed tons of water. They are past the stage where continued application of chewing gum and duct tape are going to protect the water transportation infrastructure we need.

This bill is a plan that gets the Corps back in the business of building for the future rather than haggling about predicting it. The legislation contains authorization for funding to improve navigation on a number of our waterways in several States—Louisiana, Texas, Alaska, Virginia, Delaware, Maine, Oklahoma, and South Carolina. My interest is a key piece of the bill that modernizes locks and dams on the upper Mississippi and Illinois Rivers.

We authorize capacity on locks 20 to 25 on the Missouri River in Peoria and LaGrange on the Illinois. New 1,200-foot locks on the Mississippi will provide equal capacity in the bottleneck region downstream of the 1,200-foot lock 19 at Keokuk and upstream locks 26 and 27 near St. Louis.

What happens with the 600-foot lock as now exists today? All the modern tows are 1,200 feet long, so we have to double lock through them, push half the barges in, lock them down, bring the water down, push the other half of the barge in, lock it down. That is a tremendous bottleneck, and even though 600-foot locks are in very degraded condition, half the cost of the new locks will be paid by private users who pay into the inland waterways trust fund. Additional funds would be provided for mitigation and small-scale and nonstructural measures to improve efficiency.

There is lots of talk around here about wanting to increase trade. All the productive farmers, commercial family farms in Missouri know that trade is essential, not only for their well-being, but for the strength of the economy to bring revenue to rural communities and the rest of the world. But we can't have those without the basic transportation infrastructure necessary to move goods from buyers to sellers. New efficiency helps give our producers an edge that can make or break opportunities in the international marketplace.

As we look 50 years into the future, we have to ask ourselves a fundamental question: Should we have a system that promotes growth or should we be confined to a transportation straitjacket designed not for 2050 but for 1950 or earlier with paddle wheel boats?

Further, we can ask ourselves if dramatic investments should be made to address environmental problems and opportunities that exist on these great waterways. In both cases, the answer to me, and I hope a majority of this body, must be, of course, we must modernize and improve.

Seventy years ago, some argued that a transportation system on the Mississippi River was not justified. But Congress bravely stepped forward and decided it would not try to predict the future but to shape the future and decide to invest in a system despite the naysayers. Over 84 million tons per year later, clearly the decision was wise.

A couple years ago, a veteran chief economist at the USDA, talking about transportation efficiency and the ability of farmers to win markets and higher prices, said that transportation is fundamentally related. He predicted that corn exports should rise over the next 10 years by 45 percent, and 70 percent of that will travel down the Mississippi River.

This decision to improve the waterways has not been taken lightly. All decisions have been documented and coordinated with an interagency Federal principles group, independent technical reviews and stakeholders and have been made available for public review and comment.

The Corps of Engineers spent $70 million completing an anticipated 6-year study that actually took 14 years to complete. That was only three times over budget. During that period, there have been no less than 35 meetings of Governors' committees, 28 meetings of economic coordinating committees among the States, and a minimum of 44 meetings of the Navigation and Environmental Coordination Committee; additionally, 130 briefings for special interest groups, 25 newsletters, at least 6 sets of public meetings in 46 locations with over 4,000 people in attendance.

There are some who say we ought to study it some more. Give me a break. To say the least, this has been a very long transparent and representative process, and while we have been studying, our competitors have been building.

One of the saddest sights I have seen recently is a picture of exports from New Orleans. Rather than exporting American commodities, do you know what they are exporting? Barges. They are exporting barges and tow boats that couldn't operate efficiently on the existing lock system to Brazil and other areas so they can have modern transportation means that will eat our lunch both literally and figuratively.

Given the extraordinary delay so far and given the reality that large-scale construction takes not weeks, not months but decades, further delay is no longer an option. That is why I am very pleased to join a bipartisan group of Senators who agree we must improve the efficiency and the environmental sustainability of our great resources.

The transportation efficiency provisions are supported by a broad-based group of States, farm groups, shippers, labor, and those who pay taxes into the trust fund.

Of particular note, I appreciate the strong support from the carpenters, corn growers, farm bureau, soybean growers, energy and construction materials industry.

Additionally, I thank Senators MCCASKILL, DURBIN, OBAMA, GRASSLEY, and HARKIN for their strong bipartisan support as well.

As for the budget, for some, this bill is too small; for others, it is too big. It is important to understand the budget implications of this legislation in the real world. We are contending with difficult budget realities. It is critical that we be mindful of those realities as we make investments in the infrastructure that supports those who manufacture, grow, buy, and sell products so we can expand our economy, create jobs, secure our future, and pay the taxes our Government needs to continue providing support for the infrastructure.

This is an authorization bill. It does not spend $1—not $1. It makes projects eligible within budget constraints. With the allocation provided the Appropriations Committee, the Congress and the President will fund projects deemed to be of the highest priority. The remaining will not be funded because of budget issues. This WRDA process simply allows for projects to be considered during the process of appropriations. Some will measure up, some will not, although the ones in this bill have gone through rigorous examination to get this far.

I believe we strike a balance that disciplines the new projects to criteria fairly applied while addressing a great number of water resource priorities.

This legislation is supported by the National Waterways Alliance, the American Shore and Beach Preservation Association, the California Coastal Coalition, AASHTO, and 250 other organizations.

My thanks to the Environment and Public Works Committee, its leadership, its staff, the staff of the Subcommittee on Transportation and Infrastructure for their hard work and the commitment to bring WRDA to the floor in a timely manner.

Again, I particularly thank Chairman BOXER and Ranking Member INHOFE for their forbearance. I look forward to debate and final passage.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, we have made some good progress on the bill today. A number of our colleagues have come forward. I particularly wanted to thank Senator FEINGOLD for coming and debating his amendment on prioritization with me. We are going to have a vote on that, if all goes well, on Tuesday. That has not been finalized, but it looks as if that is what is going to happen.

I would say to colleagues that we did have a good, fair debate so far today, and we are going to continue this tomorrow and on Monday. I hope that those who have not come forward with their amendments would be so kind as to do that. We don't have very many because we did take care of many issues between both sides of the committee, but if there are amendments, we urge our colleagues to please come forward and talk about those amendments. This way, they can have as much time as they want and we can hopefully get this bill done.

We keep adding to the letters of support. I was just handed a letter from the National Association of Manufacturers in favor of this bill, so it is one of these rare moments in history where we have the manufacturers association, the labor unions, we have the farmers, we have the corn growers, and we have the water people. We just have a huge amount of support for this bill. It is one of those times that everybody is coming together, setting aside other matters, other issues that are so terribly contentious, such as Iraq, which tears at our heartstrings whenever we are on it, and other tough matters we deal with every day. This is one which does bring us together, I am happy to say.

Mr. President, I ask unanimous consent to have the letter I just referred to printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF MANUFACTURERS,
May 10, 2007.

Hon. BARBARA BOXER,
Chairwoman, Senate Environment and Public Works Committee, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRWOMAN: On behalf of more than 14 million manufacturing employees in the U.S., we would like to thank you for your leadership in moving forward with the Water Resources Development Act of 2007, WRDA. It is vitally important that America's water resources infrastructure be reliable and productive. Therefore we applaud your efforts to end the stalemate over water resources project authorization by bringing H.R. 1495, WRDA, to the Senate floor. We firmly believe that it is time to end the impasse over passage of WRDA.

A Water Resources Development Act is vitally needed to accommodate the many important projects awaiting authorization, including the modernization of the locks, harbors, canals and other key infrastructure that are vital to the competitiveness of the U.S. economy. A sound national transportation system for the 21st century needs modem water projects, and WRDA will authorize many of those needs.

We look forward to working with you and your staff and issues of importance to the nation's economy and environment. Again, thank you for your leadership.

Sincerely,
THE NATIONAL ASSOCIATION OF MANUFACTURERS.

Mrs. BOXER. Mr. President, without the physical infrastructure in this country in good shape, we can't move goods, we can't move people, and we can't move services. So we need all this. And this bill is 7 years old. So we are very pleased.

We are also very pleased that this bill complies with the spirit of the ethics reform we passed here in the very early days of the session. Although that ethics bill hasn't yet become law—we expect it will—this committee, on both sides, decided we wanted to comply with it. So we got letters from colleagues stating whether they had any type of perceived conflict of interest or a conflict of interest in relation to the projects that are in the bill.

At this point, I do not see any colleagues coming here to speak, but we will keep the floor open for a period of time.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mrs. BOXER. Mr. President, I now ask unanimous consent there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

SUDAN

Mr. DURBIN. Madam President, I try to come to the floor each week to address the issue of the ongoing genocide in Darfur. I am troubled that so much time has passed and so little has been done. When a great nation such as the United States declares a genocide in some part of the world, I think we have a moral responsibility to do something.

Imagine, transport yourself back in time to the genocides that have occurred in the past. Imagine a declaration by the United States of a genocide involving Jewish people and others during the Holocaust of World War II. Imagine that we had recognized that was going on and announced that our Government knew it was going on and ask yourself, if we had done nothing at that point, having made the announcement, what it says about the United States.

President Bush and his administration have done the right thing in declaring a genocide in Darfur. The President, a few weeks ago, gave a speech in which he said we have to go beyond this declaration to do something. Yet it has not happened.

I want to give the President and the Secretary General of the United Nations adequate time to respond in a way that will save lives, but as we wait and negotiate and think about it, people suffer. Millions remain displaced, unable to return home. Humanitarian assistance coming into Darfur continues to hang by a thread. It could be snapped at any moment by escalating violence or chaos in the region.

There were several developments this past week that reflect the turmoil and complexity of the Darfur situation.

The shareholders at Berkshire Hathaway, in Omaha, NE, at their annual meeting, rejected a proposal that would have required this giant investment firm to sell its investment in PetroChina, the large oil company in the Sudan owned by the Chinese. PetroChina is a subsidiary of a Chinese Government firm known as the China National Petroleum Corporation. It is the largest company operating in the Sudan, drilling and exporting much of China's oil. Berkshire Hathaway is the largest independent shareholder in PetroChina in America.

The second development was the release of a new report by Amnesty International detailing the transfer of arms to the Sudanese Government. Many of these arms have been supplied by Russia and China.

Another thing happened this week: China announced that it was sending a unit of military engineers to assist the African Union peacekeeping mission in Darfur.

I would like to speak for a moment about these three developments.

First, the vote at Berkshire Hathaway was a disappointment. Warren Buffett is my friend. I respect him very much. I think he is one of the nicest people I have ever met and is certainly one of America's great business leaders. I used to look forward, when I owned one share of his class B stock, to his annual report. I thought it was probably the most honest analysis of business and business decisions that one could read in the course of a year in America. I had hoped, when the shareholders came together in Omaha, they would decide to make an issue of this ownership of PetroChina.

The Los Angeles Times, last Friday, detailed how Berkshire's investments in PetroChina are particularly challenging for the Gates Foundation. Berkshire chairman, Warren Buffett, has pledged $31 billion—that is $31 billion—worth of Berkshire stock as a donation to the Gates Foundation. That is an amazingly generous donation to an organization that is doing life-changing work for the world's poor and suffering.

According to the L.A. Times, in its own investments, the Gates Foundation also currently holds about $22 million in firms operating in Sudan that benefit the Sudanese Government.

A Gates Foundation spokesperson stated that:

> Bill and Melinda [Gates] have initiated a process to assess the asset trust investments in Sudan.

These numbers really illustrate the complexities of this situation, when even mammoth foundations that do enormous good work across the world have to take an honest look at their own investments. I believe each of us should do the same. It is not an easy process. Subsidiaries may be hidden from open view, and it is difficult to know what exactly lies beneath the mutual fund statements we might receive.

My mutual fund statements certainly have far fewer pages than Mr. Buffett's or Mr. Gates'. I have still wrestled with how to ensure that my investments do not include funds related in some way to companies operating in Sudan. I am trying to make this process honest but easier for all Americans.

The second development I mentioned that took place this week was the release of a new report by Amnesty International. The report states:

> [In 2005, the most recent year for which data is available] Sudan imported $24 million worth of arms and ammunition from the People's Republic of China, as well as nearly $57 million worth of parts and aircraft equipment and $2 million worth of parts of helicopters and airplanes from China. . . . During a meeting in Beijing, the Defense Minister of China reportedly told Sudan's joint chief of staff that military relations had been "developing smoothly" and said: "[We] are willing to further develop military co-operation between our two countries in all areas." . . . [A Chinese company] recently delivered six K–8 military training/attack aircraft to the Sudanese Air Force and a further six will follow soon, according to a military magazine. . . . Amnesty International is concerned that the Sudan Air Force . . . is highly likely to use these newly acquired jets, as it has other aircraft . . . for indiscriminate attacks in Darfur in violation of the UN arms embargo and international humanitarian law.

This report from Amnesty International details the ways in which the Sudanese Government violates the United Nations' arms embargo and disguises some of its military operations in Darfur. It offers a number of recommendations to close loopholes in the arms embargo and to better monitor the flow of goods into Sudan. The report also calls on all states to immediately suspend the transfer of all weapons, ammunition, and military equipment and "dual use" equipment likely to be used in the commission of human rights violations in Darfur. The report concludes that a global arms trade treaty is needed to prevent the flow of arms from fueling such catastrophic conflicts in the future.

We must see what we can do to prevent future disasters like the one playing out in Darfur.

Finally, I would like to mention the third development of the week. The Chinese Foreign Ministry announced to the press and in a letter to Members of Congress that it was sending a unit of military engineers to participate in the peacekeeping operation in Darfur and assist the African Union. This unit is expected to number perhaps 300 engineers. It is a welcome gesture.

China has taken other positive steps as well, such as helping to convince Khartoum to agree to the deployment of 3,000 U.S. peacekeepers.

Those steps must be juxtaposed, however, against some realities: China helping Sudanese President Bashir build a new Presidential palace; against China investing billions of dollars in the Sudanese oil industry; against China reportedly transferring arms to Sudan and seeking expanded military cooperation; and against China's opposition to sanctions against Sudan.

The international community has to do more to stop the killing in Darfur. China has to do more, and so do we as American individuals and as a nation.

On April 18, President Bush stated in his speech at the Holocaust Museum that Sudan had a short time to end its obstructions and accept a full-scale peacekeeping mission or face serious consequences. I applauded that statement.

I have spoken to the President personally about this statement, and I told him I believe those words were important for the world to hear. I understand President Bush did not impose a new sanction on that day because he wanted to give the Secretary General of the United Nations several weeks to seek a diplomatic solution.

A short period of time is coming to a close. I am ready to work with the President and my colleagues in Congress to find new tools to bring to bear in order to stop the violence in Darfur.

Along with several colleagues, I am preparing to introduce legislation to provide some of those additional tools in this effort.

The most effective policy instruments will be multilateral, meaning many nations involved in achieving this goal. But in the meantime, the United States must act. We cannot let more months pass while people continue to suffer.

I hope by next week the President of the United States will have reached a conclusion that the Secretary General has had his opportunity, that the United Nations may not be able to broker some diplomatic resolution. I hope at that time the President of the United States—and I will urge him to—will make a decision that we should step out in terms of sanctions against the Sudanese Government.

What is at stake? Two hundred thousand to four hundred thousand innocent people who were killed—men, women, and children whose villages were destroyed, whose homes were destroyed, children were killed, terrible atrocities against humanity. Over 2 million people were displaced, forced to trudge across the desert to try to stay alive to make it to a refugee camp. Why? Because the Government of their country in Sudan has, frankly, ignored the obvious, that the jingaweit militia and other forces are killing their own people. That is clearly genocide, and it is a situation we can no longer tolerate.

I hope we can find bipartisan support for decisive action. I hope we can say to the Chinese: Yes, we applaud your sending 300 engineers into this region that is as large as the State of Texas. Yes, we applaud the public statements you have made encouraging the Sudanese to accept the U.N. peacekeeping force. But the Chinese can and must do more.

China is the biggest customer in the world for Sudanese oil. If the Chinese make it clear they are not going to continue their relationship with Sudan unless something is done to end this genocide, it can make a big difference. I think it is important they do these things. Certainly, to condemn violence on one hand and then sell the arms and ammunition to the Sudanese that is being used against their own people is duplicitous. It is not consistent. The Chinese should think long and hard about whether they can serve both roles and try to convince the world they are doing something meaningful.

In the meantime, I think we need a divestment strategy. I think it is time for the United States, first, to change the law so State and local governments can make decisions to divest in mutual funds, in investment funds that relate to companies doing business in Sudan. Right now the courts have stopped that kind of divestment. We can change that law, and I have pending legislation to do that. We need to have our own policy in this country to put pressure on the Sudanese to accept the U.N. peacekeepers—not American soldiers but U.N. peacekeepers—who will come to the rescue of these poor people who are suffering in Darfur. This is a situation which calls on the United States to keep its word. When the President announced the genocide in Darfur, he reminded us of what happened in Rwanda. Under the previous administration in Rwanda, the genocide occurred which claimed as many as 800,000 innocent lives. The administration at that time, under President Clinton, was warned and took no action, would not declare a genocide. As a consequence, the massacre occurred. We know it could have been averted with very few soldiers, maybe even as few as 5,000 soldiers. Supplementing the U.N. peacekeeping force could have saved 800,000 lives. It is unimaginable that we did not respond, or at least help others to respond.

President Clinton, reflecting on this, has said it is one of the real disappointments and failures in foreign policy during the terms he served as President. Let's not repeat that mistake.

I have urged President Bush, with a year and a half left of his term, and so many other things that he has to consider, to remember a promise he made when he announced the genocide in Darfur. He said: Not on my watch.

Well, Mr. President, your watch is drawing to a close, and you have a chance, you have the power, unlike any other person in the world, to make a difference in Darfur. If the Secretary General of the United Nations will not respond in a timely way, we must respond. Some may argue it might fail. Maybe we won't succeed, but at least we will have tried.

I always think, when we come to these discussions about this kind of challenge, about one of my favorite movies: "Schindler's List." At the end of "Schindler's List," Oskar Schindler, if you will remember, was a businessman who started off with the goal of making money and then decided that he had a bigger goal in life, and that was to save as many Jewish people as he could by declaring that they were workers and employees in his plant. He managed to save so many lives.

At the end of the movie there was this graphic scene where the workers—the war was over and the workers were finally free, and they wanted to show their gratitude to Mr. Schindler. So they asked the workers to give up the gold fillings in their teeth, and they knocked out the gold fillings in their teeth and melted it into a ring that they gave him as a gift for saving their lives.

There was this touching scene at the end of the movie where Liam Neeson, who was playing the role of Oskar Schindler, was standing by this car about to leave the factory, and they presented him with this ring. He broke down, and his words are unforgettable. He said: I should have done more. I should have done more.

I think about that in the context of Darfur. When it is all over, and history is written, I don't want to have to stand here and ask any Senator to say: I should have done more. We need to do something, and we need to do it now. If it is not successful in ending the genocide in Darfur, at least we can say we have given it our best effort. But today we can't say that. We haven't done nearly as much as we should or could do to help these suffering people.

When history is written, it will perhaps applaud our declaration of genocide, but there won't be much applause for the little action that has followed. It is not too late.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSISTING THE ARMED FORCES

Mr. FEINGOLD. Madam President, this week I introduced two bills to assist members of the armed services and veterans. S. 1314, the Veterans Outreach Improvement Act, will help to ensure that all of our veterans know about Federal benefits to which they may be entitled by improving outreach programs conducted by the Department of Veterans Affairs. S. 1313, the Servicemembers' Cellular Phone Contract Fairness Act, will ensure that deployed servicemembers are not subjected to unfair penalties for cancelling their cell phone contracts.

I would also like to thank my good friend, the junior Senator from Hawaii, for holding a hearing yesterday that considered both of these bills along with many other important pieces of legislation to improve the treatment of veterans, servicemembers and their families. Senator AKAKA is a strong leader on these vitally important issues as chairman of the Veterans Affairs Committee and I commend him on his efforts and look forward to working with him to enact veterans' benefits legislation that includes my two proposals.

I am pleased to be joined in the effort to improve outreach by the Department of Veterans Affairs by the Senator from North Carolina, Mr. BURR. I introduced identical legislation in the 108th and 109th Congresses. I am also pleased to note that there is a companion bill in the House, H.R. 67, sponsored by Representative MCINTYRE. On Tuesday, the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs approved the bill by a voice vote.

I was extremely troubled by revelations of gaps in care as servicemembers transition to the VA that emerged as a result of investigations of the Walter Reed Army Medical Center. I appreciate the Department of Defense and Department of Veterans Affairs' attempts to remedy these gaps, but more work remains to be done. It can be extremely difficult for veterans to navigate the VA's health care and benefits systems. This bill will increase congressional oversight of the VA's outreach activities and authorize the Secretary of Veterans Affairs to work with States to perform outreach.

Several years ago, the Wisconsin Department of Veterans Affairs, WDVA, launched a statewide program called "I Owe You." Under the direction of Secretary Ray Boland, the program encourages veterans to apply, or to reapply, for benefits that they earned from their service in the U.S. military.

As part of this program, WDVA has sponsored several events around Wisconsin called "Supermarkets of Veterans Benefits" at which veterans can begin the process of learning whether they qualify for Federal benefits from the Department of Veterans Affairs, VA. These events, which are based on a similar program in Georgia, supplement the work of Wisconsin's County Veterans Service Officers and veterans service organizations by helping our veterans to reconnect with the VA and to learn more about services and benefits for which they may be eligible. More than 11,000 veterans and their families have attended the supermarkets, which include information booths with representatives from WDVA, VA, and veterans service organizations, as well as a variety of Federal, State, and local agencies. I was proud to have members of my staff speak with veterans and their families at a number of these events. These events have helped veterans and their families to learn about numerous topics, including health care, how to file a disability claim, and preregistration for internment in veterans cemeteries.

The Institute for Government Innovation at Harvard University's Kennedy School of Government recognized the "I Owe You" program by naming it a semi-finalist for the 2002 Innovations in American Government Award. The program was also featured in the March/April 2003 issue of Disabled American Veterans Magazine.

The State of Wisconsin is performing a service that is clearly the obligation of the VA. These are Federal benefits that we owe to our veterans and it is the Federal Government's responsibility to make sure that they receive them. The VA has a statutory obligation to perform outreach, and current budget pressures should not be used as an excuse to halt or reduce these efforts.

The legislation that I introduced was spurred by the overwhelming response to the WDVA's "I Owe You" program and the supermarkets of veterans benefits. If more than 11,000 Wisconsin veterans are unaware of benefits that may be owed to them, it is troubling to think how many veterans around our country are also unaware of them. We can and should do better for our veterans, who selflessly served our country and protected the freedoms that we all cherish. And it is important to address gaps in the VA's outreach program as we welcome home and prepare to enroll into the VA system the tens of thousands of dedicated military personnel who are serving in Afghanistan, Iraq, and other places around the globe.

In order to help to facilitate consistent implementation of VA's outreach responsibilities around the country, my bill would create a statutory definition of the term "outreach."

My bill also would help to improve outreach activities performed by the VA in three ways. First, it would create separate funding line items for outreach activities within the budgets of the VA and its agencies, the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration. Currently funding for outreach is taken from the general operating expenses for these agencies. These important programs should have a dedicated funding source instead of being forced to compete for scarce funding with other crucial VA programs.

I have long supported efforts to adequately fund VA programs. We can and should do more to provide the funding necessary to ensure that our brave veterans are getting the health care and other benefits that they have earned in a timely manner and without having to travel long distances or wait more than a year to see a doctor or to have a claim processed.

Secondly, the bill would create an intra-agency structure to require the Office of the Secretary, the Office of Public Affairs, the VBA, the VHA, and the NCA to coordinate outreach activities. By working more closely together, the VA components would be able to consolidate their efforts, share proven outreach mechanisms, and avoid duplication of effort that could waste scarce funding.

Finally, the bill would ensure that the VA can enter into cooperative agreements with State Departments of Veterans Affairs regarding outreach activities and would give the VA grantmaking authority to award funds to State Departments of Veterans Affairs for outreach activities such as the WDVA's "I Owe You Program." Grants that are awarded to State departments under this program could be used to enhance outreach activities and to improve activities relating to veterans claims processing, which is a key component of the VA benefits process. State departments that receive grants under this program may choose to award portions of their grants to local governments, other public entities, or private or nonprofit organizations that engage in veterans outreach activities.

I am pleased that this bill has the support of a number of organizations that are committed to improving the lives of our Nation's veterans, including the American Legion; Veterans of Foreign Wars; Paralyzed Veterans of America; Vietnam Veterans of America; Wounded Warrior Project; and National Association of State Directors of Veterans Affairs.

The second bill that I introduced seeks to make life a little easier for our servicemembers and their families when they are called up to duty or transferred. We all recognize the heroic service the men and women in our armed services provide the Nation each day. So when I heard stories about servicemembers and their families in Wisconsin having trouble canceling their cell phone contracts after being called up, I looked for a way to help. With the prospect of a combat assignment, the last thing our men and women in uniform should have to worry about are early termination fees or being forced to pay for a service they cannot use. I tried to have this provision adopted as an amendment to the Defense authorization bill last June and, while I was unsuccessful, I will continue to push for the adoption of this commonsense measure.

These problems with canceling cellular phone service have not been just isolated incidents. In fact, the issue has been raised by the Wisconsin National Guard. I will ask that the full testimony of 1LT Melissa Inlow of the Wisconsin Army National Guard at a hearing on a Wisconsin State Assembly bill in April be made part of the RECORD.

I just want to highlight one part of that testimony that makes the point that this is a real issue facing our servicemembers. She testified: "It's becoming increasingly difficult to get cell phone service providers to suspend the contract. Even with suspension the soldiers are still paying up to $25 a month for a service they cannot reap the benefits of. These fees can accumulate to more than the termination fee which on average is $200." First Lieutenant Inlow went on to specifically recommend that the Servicemembers' Civil Relief Act be amended to include a section on cellular phones.

First Lieutenant Inlow and the Wisconsin National Guard are not alone in this opinion either. The National Guard Association of the United States, the Enlisted Association of the National Guard of the United States, and the Military Officers Association of America have supported my proposal since the original amendment was offered last June. I was glad to add the support of the Paralyzed Veterans of America, the Disabled Veterans of America, the American Legion, and the Veterans of Foreign Wars to this list when they expressed support at a recent Veterans Affairs hearing. This practically universal support among the current armed services and the veterans communities clearly show that this commonsense provision should be enacted.

It is common now for cellular phone contracts to require a contract term of up to 2 years. Along with these long contracts, there are often early termination fees of several hundred dollars. When National Guard members are called up to active duty or soldiers are transferred overseas or to a base that isn't covered by their current provider, they often face the prospect of either paying these significant fees or paying monthly fees for the remainder of the contract for a service they cannot use. While many servicemembers and their families have been able to work with telecommunications companies to eventually get the early termination fee canceled, the account suspended, or the fees reduced, they have enough to deal with after being called up that they should not have this added burden as well.

My legislation proposes that we bring these cellular phone contracts in line with what we have already done for residential and automotive leases in the Servicemembers' Civil Relief Act—let the servicemembers cancel the contract. Under my proposal, if servicemembers are called up for more than 90 days, transferred overseas, or transferred to a U.S. duty station where they could not continue their service at the same rate, they could cancel their contract without a termination fee.

While my legislation helps to prevent servicemembers from being financially punished for volunteering to protect this country, I have also tried to make sure that the telecommunications providers are treated fairly as well. That is why I have included a provision that would allow the providers to request the return of cell phones provided as part of the contract. If the company requests the return under this provision, it would also have to give the servicemember the option of paying a prorated amount for the cell phone should he or she wish to keep it. Moreover, if the provider and servicemember mutually agree to suspend instead of terminate the contract, the bill makes sure that the reactivation fee is waived.

Several States, including Wisconsin, have already given servicemembers this protection. While these State laws are positive steps, a national law will make sure all servicemembers are afforded this protection and give the industry a baseline standard.

While this is a modest addition to the rights of servicemembers, it is important that we remove as many unfair burdens facing this country's men and women in uniform as we can. I hope my colleagues will share this view and quickly adopt this nonpartisan proposal.

Both of these two bills I introduced earlier in the week and that were considered in yesterday's Veteran's Affairs Committee hearing have widespread support. I hope this support will translate into the Veterans Affairs Committee including them as part of its package of veterans' benefits legislation later this year. I again, want to thank Chairman AKAKA and the Veterans Affairs Committee for considering my bills to improve outreach activities and allow servicemembers to cancel cellular phone contracts in yesterday's hearing.

Madam President, I ask unanimous consent that the aforementioned testimony of 1LT Melissa Inlow be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY FOR THE RECORD OF FIRST LIEUTENANT MELISSA INLOW AT A HEARING ON WISCONSIN ASSEMBLY BILL 1174 ON APRIL 17, 2006

Thank you, chairman and members of the committee, for the opportunity to speak. The Department of Military Affairs and the Wisconsin National Guard is in support of Senate bill 1174. I am First Lieutenant Melissa Inlow, a Judge Advocate General Officer with the Wisconsin Army National Guard. By granting servicemembers the right to terminate their cell phone contracts upon mobilization, you are ensuring further protections and peace of mind for our servicemembers. In August of 2005, I was brought on to provide legal assistance to our deployed servicemembers and their families. Since that time, about 3-5 percent of my time has been dedicated to assisting servicemembers in resolving issues with their cell phone service contracts. It's becoming increasingly difficult to get cell phone service providers to suspend the contract. Even with suspension the soldiers are still paying up to $25 a month for a service they cannot reap the benefits of. These fees can accumulate to more than the termination fee which on average is $200. I've found it very difficult and sometimes impossible to reach a live person and very difficult to reach a person with decision making authority. Each time I have had to call a cellular phone service provider, I have talked to a different customer service representative, and each has given me a different resolution to the cell phone issue. The companies are lacking significantly in internal consistency when it comes to resolving cell phone contract issues. It has been my experience that the customer service representatives of cell phone companies experience high turnover rate and are not aware of the wireless provider's policy on military suspension. It is extremely frustrating for me; I can only imagine the undue stress and strain it causes our deploying servicemembers and their families that are left behind to deal with these issues. This change will likely help ease the stress deployment places on our servicemembers allowing them to focus on their mission. I hope that the Federal Government will follow suit and amend the Servicemember's Civil Relief Act to incorporate a section on cell phone contracts.

OXFORD COUNTY VIETNAM WAR MEMORIAL

Ms. SNOWE. Madam President, it is truly a solemn honor to join in recognizing these exceptional soldiers extraordinary enough to have worn our Nation's uniform as you gather for the unveiling of the Oxford County Vietnam War Memorial

It is fitting and just that on this Armed Services Day, as we express our gratefulness to soldiers in service to our Nation, we commemorate those who saw service in Vietnam—especially the 37 Mainers who perished or are considered missing in action, whose revered names are remembered for all time on this Vietnam War Memorial. This tribute to their valor and their enduring dedication to duty reminds us that all the blessings of liberty we cherish today, the protection of our families, and the strength of our democracy represent our inheritance from generations past that we are obligated to safeguard and carry forth into the future.

This shining example of their contribution will serve not only to inspire—but also to heal. It will ensure that we always regard with the highest respect the inexpressible debt of gratitude we owe all soldiers and their families which we can never repay, but must never forget. And to faithfully and appropriately honor those who have fallen, we must nurture and protect the founding democratic principles we treasure, for which they so bravely made the ultimate sacrifice.

Every name etched on this wall corresponds to a unique story, but all are bound together, each to each, comrade to comrade, and soldier to soldier, by a universal, selfless devotion a commitment eloquently memorialized by President John Adams when he wrote, "if we do not lay out ourselves in the service of mankind whom should we serve?

Two servicemen, SGT James B. Bartlett, U.S. Army, 1st Infantry Division, Bethel and SSG John H. R. Brooks, U.S. Army, 129th Assault Helicopter, Peru, are both missing in action, and so this monument must also stand as a testament that we will honorably keep the faith with those who so valiantly kept their faith with us.

Each person we celebrate on this wall dignifies this memorial and makes it the sacred destination that it is intended to be, and that dignity is passed on to each of us when we pay rightful homage to the nobility of their deeds and the legacy of their love for this country.

May God bless you all, and may God bless the United States of America.

CAR AND CHILD SAFETY

Mrs. CLINTON. Madam President, it is with deep regret that I share the following story of a constituent of mine. On April 24, Kristen McCrea, a woman from Amherst, NY, lost her daughter in a nontraffic, noncrash incident. Collett McCrea was only 22 months old. The incident occurred when Kristen left her daughter in their home briefly while backing her car out of the garage. Little did Kristen know that Collett had gotten out of the house and was behind the vehicle. Kristen did not realize she had backed over Collett until her child came into view in front of the car.

Sadly, Collett's tragedy is not an isolated incident. In April 2007, the child safety advocacy group, Kids and Cars, has documented 17 fatal backover incidents across the country—from Rochester, NY, and South Bend, IN, to San Francisco and Dallas. Six more incidents of fatal frontovers were reported in April, as well as a brake-shift interlock fatality.

While all these tragedies occurred in the last month, the danger of nontraffic, noncrash incidents is not a new trend. On average, a child dies in the United States nearly every other day from a completely preventable accident—backed over by a driver who couldn't see behind his or her vehicle, strangled in a power window, or killed when an automobile inadvertently shifts into gear.

Since 2000, over 1,150 children have died in nontraffic, noncrash incidents, and this number has been steadily rising. The average age of victims is between 12 and 23 months. This year alone, according to the research by the child safety group, Kids and Cars, 261 children have been involved in 235 of these incidents, resulting in 17 fatalities. At least 21 children in New York State have been victims of these incidents since 1990.

It is time we stopped these tragedies from happening to more families. And that is why I introduced, the Cameron Gulbransen Kids and Cars Safety Act, a bill to improve the child safety features in new vehicles.

This bill is named in honor of a 2-year-old Long Island boy who was killed when his father accidentally backed over him in his driveway.

The Cameron Gulbransen Kids and Cars Safety Act would make new passenger motor vehicles safer in three important ways. First, it requires a detection system to alert drivers to the presence of a child behind the vehicle. Second, it calls on the Secretary of Transportation to examine power windows technology that reverses panel direction when it detects an obstruction—preventing children from being trapped, injured, or killed. And, finally, the bill will require the vehicle service break to be engaged in order to prevent vehicles from unintentionally rolling away.

The bill also establishes a child safety information program administered by the Secretary of Transportation to collect nontraffic, noncrash incident data and disseminate information to parents about these hazards and ways to mitigate them.

This bill proves that with modest, cost-effective steps, we can prevent many tragic car-related accidents from occurring. Power window sensors, for example, cost around $10 a window. Brakeshift interlocks are already standard in most passenger vehicles but will cost only $5 where needed. Backover warning systems cost approximately $300 a car, far cheaper than DVD and stereo systems. This inexpensive technology could save thousands of children's lives.

I fought long and hard into the last hours of the 109th Congress to get this bill through, and I am proud to be working with families, advocates, and many of my colleagues in the fight to get this bill passed.

I am proud to champion the Cameron Gulbransen Kids and Cars Safety Act of 2007 and urge all my colleagues to join me in supporting this bill. Together, we can ensure that we have safer cars and safer kids across our country.

ADDITIONAL STATEMENTS

MURPHY OIL AND THE EL DORADO PROMISE PROGRAM

• Mrs. LINCOLN. Madam President, today I wish to pay tribute to one of the top companies in the Nation and one that calls Arkansas home, Murphy Oil. In the May 2007 issue of Reader's Digest, Murphy Oil was named one of "America's 100 Best" in recognition of the El Dorado Promise scholarship program. Reader's Digest called the program the "Best Class Act" and nothing could be more true.

El Dorado Promise was created through a $50 million gift from Murphy Oil Company. The advent of the program guarantees that all local high school graduates in the El Dorado community will be able to go to college. To be eligible for the program, students must, at minimum, graduate from El Dorado High School, live in the school district, and attend El Dorado High between the 9th and 12th grades. Depending on how long a student has lived in the school district, eligible students will receive tuition and mandatory fees assistance for up to 5 years and equal to the highest yearly rate charged by an Arkansas public university. Students must enroll in a community college or a 4-year university—public or private, in Arkansas or out of State—and maintain a 2.0 grade point average to remain eligible.

What a gift this is for this South Arkansas community and the families that live there. According to the Washington Post, it is one of the most generous scholarship programs in the Nation. When the program was announced in January at a school assembly, many in attendance were brought to tears.

I want to commend Claiborne Deming, the president and CEO of Murphy Oil, and the Murphy Oil board of directors for their vision and investment in the children of El Dorado. The commitment they are making to their community will provide wonderful opportunities for many Arkansas families. Murphy Oil's unselfish gift also will elevate the lives of so many young people and allow them to fully participate in our global economy.

Many colleges are offering to participate in the program, and El Dorado Promise is already sparking interest as other communities attempt to find ways to offer similar programs. I am also hopeful that this scholarship program will set an example for other corporate citizens to make investments in their communities. It can go beyond dollars and cents, too. The donation of technology or even time in the form of mentoring programs can have a meaningful impact on students and communities in ways that cannot be measured.

Education is a national investment in our most precious resource, our children. The knowledge and training they receive will provide them with the tools they will carry with them for the rest of their lives. The Nation's ability to lead responsibility in the world, to effectively confront emerging threats, and to complete in the global economy will depend on providing all our future leaders with a quality education. The El Dorado Promise is a quality investment in those children who will, no doubt, reap Murphy Oil its greatest return for years to come.•

TRIBUTE TO TROY BUCK

• Mr. PRYOR. Madam President, tonight the students who belong to the Future Farmers of America chapter at Centerpoint High School located between Amity and Glenwood, AR, are having their annual banquet. Some of these students will graduate next week and begin new chapters in their lives. While every teacher there has contributed to the education of each student I rise to today to honor one teacher there, Troy W. Buck.

Troy Buck is a native of Alpine, which is located in Clark County in the southwest part of my State. He earned his bachelor's and master's degrees in agriculture at the University of Arkansas-Fayetteville and has spent 47 years in vocational agriculture impacting the lives of countless students along the way.

Troy Buck taught for 21 years at Hope High School and built the Hope FFA chapter into the largest in the State. He then moved to Amity, which merged with Glenwood in 1995 to create the Centerpoint School District. Today under Troy Buck's leadership, Centerpoint's FFA chapter has almost 300 students, making it one of the State's largest. It operates the only school-supported meats lab in the State and recently 98 acres was purchased for a school farm. In addition to his educational activities, Troy also farms 400 acres, most of which is in pasture or hay. He runs 100 head of cattle, operates 2 breeder hen houses, and produces Bermuda hay sold primarily to the racehorse market in nearby Hot Springs.

Troy Buck is also a volunteer in his community. The Rockefeller Foundation has recognized him as a leader in small communities. He helped establish and build a building to house an ambulance service in Amity. Troy has also helped establish volunteer fire departments and a community water system. He serves as president of Alpine Water Association and the Alpine Fire Department. He is a member of the Farm Credit Board, and serves on the State board of Arkansas Farm Bureau. Additionally, he is a certified first responder.

My home State of Arkansas is fortunate to have men and women of Troy Buck's caliber who devote their lives to providing excellent education for our children and improving the quality of life in our communities. I ask my colleagues to join me in thanking Troy Buck for his commitment and service to the State of Arkansas.•

TRIBUTE TO DEACON JOSEPH T. LAZO

• Mr. VITTER. Madam President, I rise today to recognize Deacon Joseph T. Lazo for receiving the 2007 Connie M. Hulsey Community Volunteer award presented at the Angels Among Us banquet. I would like to take some time to talk about this great honor.

Deacon Joe Lazo is the director of the Covington Food Bank/St. Vincent de Paul Society. He has been known throughout the community as someone who works vigorously to provide many services day and night to those in need. In 2001, Deacon Joe and the St. Vincent de Paul Society worked tirelessly to set up a free medical and dental clinic in the Covington area. Through all of these programs, Deacon Joe Lazo has tremendously helped the needy citizens of the Saint Tammany, Tangipahoa, and Washington Parishes.

I applaud Deacon Joseph Lazo on receiving this well-deserved recognition, and I wish him continued success in helping the citizens of the Northshore.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:33 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 890. An act to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 28. Concurrent resolution congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 890. An act to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 2080. An act to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.

S. 1348. A bill to provide for comprehensive immigration reform and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1876. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Corrections to Regional Office Information" (72 FR 16269) received on May 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1877. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Thuringiensis Vip3Aa19 Protein in Cotton; Exemption from the Requirement of a Tolerance" (FRL No. 8124-6) received on May 8, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1878. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clethodim; Pesticide Tolerance" (FRL No. 8127-2) received on May 8, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1879. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenpyroximate; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8127–3) received on May 8, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1880. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flufenacet; Pesticide Tolerance" (FRL No. 8124–2) received on May 8, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1881. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Foramsulfuron; Exemption from the Requirement of a Tolerance" (FRL No. 8125–5) received on May 8, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1882. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a violation of the Antideficiency Act in the Educational, Technical Assistance and Training revolving fund; to the Committee on Appropriations.

EC–1883. A communication from the Assistant Secretary of the Army (Acquisition, Logistics and Technology), transmitting, pursuant to law, an annual report relative to the Department's Chemical Demilitarization Program; to the Committee on Armed Services.

EC-1884. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of the authorization of Colonel Michael S. Repass to wear the authorized insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-1885. A communication from the Acting General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on May 8, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-1886. A communication from the Assistant Chief Counsel, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials Transportation; Miscellaneous Revisions to Registration and Fee Assessment Program" (RIN2137-AE11) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1887. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-199)) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1888. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Superior Air Parts, Inc., Cylinder Assemblies Part Numbers Series: SA47000L, SA47000S, SA52000, SA55000, SL32000W, SL32000WH, SL32006W, SL36000TW, SL36000W, and SL36006W" ((RIN2120-AA64)(Docket No. 2006-NE-32)) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1889. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes Equipped with General Electric CF6-50 Engines" ((RIN2120-AA64)(Docket No. 2006-NM-127)) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1890. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB-135BJ Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-200)) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1891. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments" ((RIN2120-AA65)(Amdt. No. 3214)) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1892. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Valdez, AK" ((RIN2120-AA66)(Docket No. 06-AAL-41)) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1893. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Nucla, CO" ((RIN2120-AA66)(Docket No. 06-ANM-3)) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1894. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" ((RIN2120-AA65)(Amdt. No. 3215)) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1895. A communication from the Acting Assistant Secretary for Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the inventories of commercial and inherently governmental positions in the Department; to the Committee on Commerce, Science, and Transportation.

EC-1896. A communication from the Secretary, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Annual Report for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC-1897. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa" (FRL No. 8312-5) received on May 8, 2007; to the Committee on Environment and Public Works.

EC-1898. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of Allen and Stark Counties to Attainment of the 8-Hour Ozone Standard" (FRL No. 8312-9) received on May 8, 2007; to the Committee on Environment and Public Works.

EC-1899. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of Belmont County to Attainment of the 8-Hour Ozone Standard" (FRL No. 8312-8) received on May 8, 2007; to the Committee on Environment and Public Works.

EC-1900. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of Jefferson County to Attainment of the 8-hour Ozone Standard" (FRL No. 8312-7) received on May 8, 2007; to the Committee on Environment and Public Works.

EC-1901. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of Washington County to Attainment of 8-Hour Ozone Standard" (FRL No. 8313-1) received on May 8, 2007; to the Committee on Environment and Public Works.

EC-1902. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dioxin and Dioxin-like Compounds; Toxic Equivalency Information; Community Right-to-Know Toxic Chemical Release Reporting" (FRL No. 8311-6) received on May 8, 2007; to the Committee on Environment and Public Works.

EC-1903. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from October 1, 2006 through March 31, 2007; ordered to lie on the table.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GREGG:

S. 1350. A bill to amend title II of the Immigration and Nationality Act to reform the diversity visa program and create a program that awards visas to aliens with an advanced degree; to the Committee on the Judiciary.

By Mr. GREGG:

S. 1351. A bill to amend the Immigration and Nationality Act to improve the competitiveness of the United States in the global economy and to protect against potential visa fraud and abuse; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 1352. A bill to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself and Mr. BROWNBACK):

S. 1353. A bill to nullify the determinations of the Copyright Royalty Judges with respect to webcasting, to modify the basis for making such a determination, and for other purposes; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself, Mrs. CLINTON, and Mr. LEAHY):

S. 1354. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MARTINEZ (for himself, Mr. BINGAMAN, Mr. NELSON of Florida, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mrs. DOLE, and Mr. DOMENICI):

S. 1355. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. JOHNSON, Mr. ALLARD, and Mr. FEINGOLD):

S. 1356. A bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MIKULSKI (for herself and Mr. WARNER):

S. 1357. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRASSLEY (for himself and Mr. JOHNSON):

S. 1358. A bill to amend the Clean Air Act to require all gasoline sold for use in motor vehicles to contain 10 percent renewable fuel in the year 2010 and thereafter, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself, Mr. BENNETT, Mr. BROWN, and Mr. AKAKA):

S. 1359. A bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. DOLE (for herself, Mr. BAUCUS, Mr. LOTT, and Mr. LIEBERMAN):

S. 1360. A bill to provide for higher education affordability, access, and opportunity; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself and Mr. KYL):

S. 1361. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for the depreciation of certain leasehold improvements and to modify the depreciation rules relating to such leasehold improvements for purposes of computing earnings and profits; to the Committee on Finance.

By Mr. DURBIN:

S. 1362. A bill to establish a Strategic Gasoline and Fuel Reserve; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself and Mr. DURBIN):

S. 1363. A bill to improve health care for severely injured members and former members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. DURBIN:

S. 1364. A bill to amend titles XIX and XXI of the Social Security Act to extend the State Children's Health Insurance Program (SCHIP) and streamline enrollment under SCHIP and Medicaid, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1365. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary of the Interior to enter into cooperative agreements with any of the management partners of the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BUNNING (for himself, Mr. CONRAD, Mr. KERRY, and Mr. SMITH):

S. 1366. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Finance.

By Mr. HARKIN:

S. 1367. A bill to amend the Public Health Services Act to provide methamphetamine prevention and treatment services; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Ms. MIKULSKI):

S. Res. 192. A resolution recognizing National Nurses Week on May 6 through May 12, 2007; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. ISAKSON, Mr. OBAMA, and Mr. KENNEDY):

S. Res. 193. A resolution designating the week of May 6 through May 12, 2007, as "North American Occupational Safety and Health Week" and May 9, 2007, as "Occupational Safety and Health Professional Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 122

At the request of Mr. BAUCUS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 122, a bill to amend the Trade Act of 1974 to extend benefits to service sector workers and firms, enhance certain trade adjustment assistance authorities, and for other purposes.

S. 156

At the request of Mr. WYDEN, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 430

At the request of Mr. BOND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 430, supra.

S. 479

At the request of Mr. HARKIN, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 513

At the request of Mr. LEAHY, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 513, a bill to amend title 10, United States Code, to revive previous authority on the use of the Armed Forces and the militia to address interference with State or Federal law, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 579

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 617

At the request of Mr. SMITH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 747

At the request of Mr. ISAKSON, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Ohio (Mr. VOINOVICH), the Senator from Texas (Mrs. HUTCHISON), the Senator from Florida (Mr. MARTINEZ), the Senator from Oklahoma (Mr. COBURN), the Senator from Alabama (Mr. SESSIONS), the Senator from New Hampshire (Mr. GREGG), the Senator from Utah (Mr. HATCH), the Senator from Idaho (Mr. CRAIG), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Wyoming (Mr. THOMAS) and the Senator from Mississippi (Mr.

LOTT) were added as cosponsors of S. 747, a bill to terminate the Internal Revenue Code of 1986, and for other purposes.

S. 764

At the request of Mrs. CLINTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 764, a bill to amend title XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP).

S. 773

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 777

At the request of Mr. CRAIG, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 800

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 800, a bill to establish the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

S. 829

At the request of Ms. MIKULSKI, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 829, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 838

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 838, a bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

S. 844

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 844, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 940

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 940, a bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income.

S. 970

At the request of Mr. SMITH, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 974

At the request of Ms. COLLINS, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 974, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries, and for other purposes.

S. 1040

At the request of Mr. SHELBY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1040, a bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans.

S. 1092

At the request of Mr. HAGEL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1092, a bill to temporarily increase the number of visas which may be issued to certain highly skilled workers.

S. 1113

At the request of Mr. BAYH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1113, a bill to facilitate the provision of care and services for members of the Armed Forces for traumatic brain injury, and for other purposes.

S. 1132

At the request of Ms. MURKOWSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1132, a bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of apparently wholesome food.

S. 1147

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1147, a bill to amend title 38, United States Code, to terminate the administrative freeze on the enrollment into the health care system of the Department of Veterans Affairs of veterans in the lowest priority category for enrollment (referred to as "Priority 8").

S. 1159

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1190

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1190, a bill to promote the deployment and adoption of telecommunications services and information technologies, and for other purposes.

S. 1205

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1205, a bill to require a pilot program on assisting veterans service organizations and other veterans groups in developing and promoting peer support programs that facilitate community reintegration of veterans returning from active duty, and for other purposes.

S. 1237

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1237, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1262

At the request of Mr. ENZI, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1262, a bill to protect students receiving student loans, and for other purposes.

S. 1271

At the request of Mr. OBAMA, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1271, a bill to provide for a comprehensive national research effort on the physical and mental health and other readjustment needs of the members of the Armed Forces and veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom and their families.

S. 1277

At the request of Mr. NELSON of Nebraska, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1277, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the Medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 1324

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1324, a bill to amend the Clean Air Act to reduce greenhouse gas emissions from transportation fuel sold in the United States.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1346

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1346, a bill to amend conservation and biofuels programs of the Department of Agriculture to promote the compatible goals of economically viable agricultural production and reducing nutrient loads in the Chesapeake Bay and its tributaries by assisting agricultural producers to make beneficial, cost-effective changes to cropping systems, grazing management, and nutrient management associated with livestock and poultry production, crop production, bioenergy production, and other agricultural practices on agricultural land within the Chesapeake Bay watershed, and for other purposes.

S. 1349

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1349, a bill to ensure that the Department of Defense and the Department of Veterans Affairs provide to members of the Armed Forces and veterans with traumatic brain injury the services that best meet their individual needs, and for other purposes.

S. CON. RES. 29

At the request of Mr. BUNNING, his name was added as a cosponsor of S. Con. Res. 29, a concurrent resolution encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 1352. A bill to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, today I am pleased to introduce legislation to designate the U.S. Post Office at 127 East Locust Street in Fairbury, IL, as the "Dr. Francis Townsend Post Office Building." I am grateful to Senator BARACK OBAMA, Mayor Robert Walter, Jr. and the Fairbury City Council for their support of this legislation.

This legislation honors Dr. Francis Townsend, the creator of the Townsend old-age revolving pension plan, and his hometown of Fairbury, IL, a town which will celebrate its sesquicentennial anniversary this June.

Dr. Francis E. Townsend, the son of a farmer, was born in January 1867. He became a physician and served in the Army Medical Corps during World War I. Following his retirement from medicine, Dr. Townsend developed an old-age pension plan for seniors during the Depression. The Townsend Plan created a Federal pension of $200 a month paid to every citizen age 60 and older, on the condition that the pensioner spend the entire sum within 30 days of receipt, in order to stimulate the economy.

Dr. Townsend advocated tirelessly around the country on behalf of his plan and encouraged 25 million Americans to sign petitions to the White House and to Congress demanding that the Federal Government institute a revolving old-age pension fund. It is likely that Townsend's efforts expedited passage of President Franklin D. Roosevelt's Social Security Act, a major New Deal initiative. The Social Security Act included matching payments from the Federal Government, known as Old Age Assistance, and a national old-age annuity program. Though the initiative fell short of Dr. Townsend's vision, he continued to press for increased benefits to the elderly. Dr. Townsend's persistence helped to sustain the movement for increased elder benefits.

Dr. Francis Townsend, an innovator and social activist, was a pivotal figure in the antipoverty movement and became the leader of a social movement. I am pleased to introduce this legislation to permanently and publicly recognize Dr. Townsend by naming this post office in Fairbury in his honor. Given Dr. Townsend's dedication to his community and his commitment towards the improvement of society, the renaming of this post office would be a most appropriate way for us to express our appreciation to Dr. Townsend and to celebrate his contributions to our Nation's pension programs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. FRANCIS TOWNSEND POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, shall be known and designated as the "Dr. Francis Townsend Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. Francis Townsend Post Office Building".

By Mr. WYDEN (for himself and Mr. BROWNBACK):

S. 1353. A bill to nullify the determinations of the Copyright Royalty Judges with respect to webcasting, to modify the basis for making such a determination, and for other purposes; to the Committee on the Judiciary.

Mr. WYDEN. Mr. President, today, I come back to the floor to introduce legislation to keep the Internet free of discrimination. For over a decade, people have tried to get their grubby hands all over the Internet and I have sprung into action to stop them. I have fought hard to prevent discrimination in the taxation of Internet commerce. I have fought hard to prevent discrimination on the content and applications layer of the Internet. Now, I am back here one more time, to prevent discriminatory treatment against Internet radio companies and consumers of their product in how copyright royalties are collected.

Make no bones about it, the recent decision on copyright royalty fees by the Copyright Royalty Board is discrimination. The fees that webcasters will have to pay will discriminate in favor of traditional radio broadcasting and satellite radio broadcasting, which pay a much lower percentage of their revenues in royalties.

The decision of the Copyright Royalty Board would increase royalties on webcasters to levels between 300 and 1200 percent of their current royalty fees. For most webcasters, the royalties will exceed their gross revenues. There are not many people who are going to stay in business long when their costs exceed their revenues. This is certainly the case for webcasters. That is why I am introducing the Internet Radio Equality Act today.

The Bipartisan Internet Radio Equality Act, that I am introducing today with my friend from Kansas, Senator BROWNBACK, will prevent this discrimination. It does so by invalidating the decision of the Copyright Royalty Board and instead puts Internet radio on par with Satellite Radio, jukeboxes, and cable radio. Additionally, it has special protections in place for noncommercial webcasters, like National Public Radio and college radio, to ensure that they can take advantage of webcasting as well.

Unfortunately, time is of the essence in saving Internet radio. On July 15, if Congress does not intervene, collection of these new royalty fees will begin. It is no coincidence that on the same day, if Congress does not intervene, that hundreds of thousands of Internet radio stations will be turned off for good. It is imperative that we act within the next 2 months to prevent this from happening.

I want to thank my friend from Kansas, Senator BROWNBACK, for joining me in introducing this important legislation. I look forward to working with him and Congressman INSLEE, my friend from Washington, who has introduced companion legislation in the House, to get the job done.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Radio Equality Act of 2007".

SEC. 2. NULLIFICATION OF DECISION OF COPYRIGHT ROYALTY JUDGES.

The March 2, 2007, Determination of Rates and Terms of the United States Copyright Royalty Judges regarding rates and terms for the digital performance of sound recordings and ephemeral recordings, including that determination as modified by the April 17, 2007, Order Denying Motions for Rehearing and any subsequent modification to that determination by the Copyright Royalty Judges that is published in the Federal Register and the April 23, 2007, Final Determination of Rates and Terms of the United States Copyright Royalty Judges regarding rates and terms for the digital performance of sound recordings and ephemeral recordings and any subsequent modification to that determination by the Copyright Royalty Judges that is published in the Federal Register, are not effective, and shall be deemed never to have been effective.

SEC. 3. COMPUTATION OF ROYALTY FEES FOR COMMERCIAL INTERNET RADIO SERVICES OFFERING DIGITAL PERFORMANCES OF SOUND RECORDINGS.

(a) STANDARD FOR DETERMINING RATES AND TERMS.—Section 114(f)(2)(B) of title 17, United States Code, is amended by striking "Such rates and terms shall distinguish" and all that follows through the end of clause (ii) and inserting the following: "The Copyright Royalty Judges shall establish rates and terms in accordance with the objectives set forth in section 801(b)(1). Such rates and terms may include a minimum annual royalty of not more than $500 for each provider of services that are subject to such rates and terms, which shall be the only minimum royalty fee and shall be assessed only once annually to that provider.".

(b) TRANSITION RULE.—Except for services covered by section 118 of title 17, United States Code, each provider of digital audio transmissions that otherwise would have been subject to the rates and terms of the determination of the Copyright Royalty Judges made ineffective by section 2 of this Act shall instead pay royalties for each year of the 5-year period beginning on January 1, 2006, at 1 of the following rates, as selected by the provider for that year:

(1) 0.33 cents per hour of sound recordings transmitted to a single listener.

(2) 7.5 percent of the revenues received by the provider during that year that are directly related to the provider's digital transmissions of sound recordings.

SEC. 4. COMPUTATION OF ROYALTY FEES FOR NONCOMMERCIAL STATIONS OFFERING DIGITAL PERFORMANCES OF SOUND RECORDINGS.

(a) AMENDMENTS TO SECTION 118 OF TITLE 17, UNITED STATES CODE.—Section 118 of title 17, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking "and published pictorial" and inserting ", sound recordings, and published pictorial";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "and published pictorial" and inserting ", sound recordings, and published pictorial"; and

(B) in paragraph (1), by inserting "or nonprofit institution or organization" after "broadcast station"; and

(3) in subsection (f), by striking "paragraph (2)" and inserting "paragraph (1) or (2)".

(b) TRANSITION RULES.—

(1) IN GENERAL.—Except as provided under paragraph (2), for each calendar year (or portion thereof) beginning after December 31, 2004, until an applicable voluntary license agreement is filed with the Copyright Royalty Judges under section 118 of title 17, United States Code (as amended by subsection (a) of this section), or an applicable determination is issued by the Copyright Royalty Judges under section 118 of such title (as so amended)—

(A) except as provided under subparagraphs (B) and (C), the annual royalty that a public broadcast entity shall pay to owners of copyrights in sound recordings for the uses provided under section 118(c) of such title (as so amended) shall be an amount equal to 1.05 times the amount paid by that entity (or in the case of a group of related entities, the fees paid by such group) under section 114(f)(2) of title 17, United States Code, for such uses during the calendar year ending December 31, 2004;

(B) the annual royalty that a public broadcasting entity that is a noncommercial webcaster and did not owe royalties under section 114(f)(2) of title 17, United States Code, during the calendar year ending December 31, 2004, shall pay to owners of copyrights in sound recordings for the uses provided under section 118(c) of such title (as so amended) shall be the amount that would have been owed under the agreement entered into under section 114(f)(5) of that title for such uses applicable to noncommercial webcasters as in effect during calendar year 2004; and

(C) the annual royalty that public broadcasting entities constituting National Public Radio, Inc., its member stations and public radio stations qualified to receive funding from the Corporation for Public Broadcasting, shall collectively pay to owners of copyrights in sound recordings for the uses provided under section 118(c) of such title (as so amended) shall be an amount equal to 1.05 times the amount paid on the behalf of these entities under section 114(f)(2) of title 17, United States Code, for such uses during the calendar year ending December 31, 2004.

(2) LIMITATION.—No entity shall be required under paragraph (1)(A) or (B) to pay more than $5,000 for any calendar year.

SEC. 5. CREDIT OF ROYALTY FEES.

Any royalties received under the March 2, 2007, Determination of Rates and Terms of the United States Copyright Royalty Judges regarding rates and terms for the digital performance of sound recordings and ephemeral recordings, including that determination as modified by the April 17, 2007, Order Denying Motions for Rehearing and any subsequent modification to that determination by the Copyright Royalty Judges that is published in the Federal Register and the April 23, 2007, Final Determination of Rates and Terms of the United States Copyright Royalty Judges regarding rates and terms for the digital performance of sound recordings and ephemeral recordings and any subsequent modification to that determination by the Copyright Royalty Judges that is published in the Federal Register shall be credited against royalties required to be paid under section 3 or 4 of this Act.

By Mr. MARTINEZ (for himself, Mr. BINGAMAN, Mr. NELSON of Florida, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mrs. DOLE, and Mr. DOMENICI):

S. 1355. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

Mr. MARTINEZ. Mr. President, today I rise with my colleagues, Senators BINGAMAN, NELSON of Florida, HUTCHISON, DOMENICI, FEINSTEIN, and DOLE, to introduce the Spaceport Equality Act of 2007, a bill to help bring additional investment to the space transportation industry.

Last summer, Kazakhstan launched its first satellite, catapulting them into the space transportation industry. Also joining the race for space launch capacity are Singapore, Australia, Canada, and the United Arab Emirates, with seven new commercial spaceports proposed between the four countries. With new entrants being added to the space transportation marketplace, is the U.S. falling behind in the race for access to space?

The U.S. once dominated the commercial satellilte-manufacturing field with an average market share of 83 percent; however, that market share has since declined to below 50 percent. The U.S. satellite industry faces increasing pressure to consider the use of foreign launch vehicles and launch sites, due to the lack of sufficient domestic launch capability. An even smaller share of U.S. manufactured satellites is actually launched from U.S. spaceports.

This past year, only 2 of the 21 commercial launches worldwide were launched from locations in the United States, that is less than 10 percent of the market share. This comes at a loss of billions of dollars to the U.S. economy.

These are just some of the many reasons why my colleagues and I are introducing the Spaceport Equality Act.

The space economy is made up of manufacturers, service providers, and technologists in both the government and private sector that deploy and operate launch vehicles, satellites, and space platforms. Many everyday goods and services rely on space infrastructure, including: broadcast, cable, and satellite television; global Internet services; satellite radio; and cellular and international phone calls.

Satellites are also used global positioning systems, known as GPS, which enables us to have hands-on directions in our cars and other vehicles. GPS is also influential in the trucking, aviation, and maritime industries for day-to-day operations, and for our Nation's military operations. Thousands of gas stations use inexpensive small satellite dishes to connect to credit card networks so customers can pay instantly at the pump. Satellites also generate 90 percent of the weather forecasting data in the U.S., and are used to track hurricanes, tsunamis, and other weather phenomenon.

These satellites are launched vertically atop of rockets, propelling them into orbit in space. Because most U.S. space-launch facilities are operated by NASA and the Air Force, priority for launches at these facilities is given to government projects. This means our commercial satellite needs take a backseat to Government operations. This often leaves U.S. commercial satellite ventures without reliable launch availability.

This in turn has forced many companies seeking manufacturing and launch services toward our international competitors.

Commercial spaceports are subdivisions of State governments that provide additional launch infrastructure than that which is available at Federal facilities. They attract and promote the U.S. commercial space transportation industry. Spaceport authorities function much like airport and port authorities by providing economic and transportation incentives to the industry, which in turn benefits the surrounding communities. Many States are forming space authorities to pursue ways of developing space transportation infrastructure.

The Florida Space Authority, now known as "Space Florida," was the first such entity, and was created as a subdivision of the Florida State Government by Florida's Governor and State legislature in 1989. Space Florida focuses on expanding and strengthening my state's space industry through partnering with the commercial space industry to improve space transportation and to provide innovative, forward-thinking solutions to the challenges facing this evolving industry.

The last few years have begun a new phase in space exploration. Spaceports presently operate in Florida, California, Virginia, and Alaska, and efforts are currently underway in New Mexico and Oklahoma to establish spaceports for the new emerging space tourism industry. Still additional commercial spaceports have been considered in the following states: Alabama, California, Montana, Nevada, Oklahoma, South Dakota, Texas, Utah, Washington, and Wisconsin.

The commercial space transportation industry includes not only spaceports themselves, but also companies that develop the needed infrastructure for testing and servicing launch vehicles. When including these industry partners with spaceports, at least 23 States are directly affected by the commercial space transportation industry. Both spaceports and industry partners face increasing pressure from Government sponsored or subsidized competitors in various countries across Europe, and also in China, Japan, India, and Russia. And soon they will face new competitors in Australia, Canada, Singapore, and the United Arab Emirates.

Commercial space transportation is a growing part of the U.S. economy. In 2004, this industry alone generated a total of nearly $98.1 billion in economic activity, more than $25 billion in earnings, and over 550,000 jobs. The Federal Aviation Administration, FAA, recently issued a report on 2006 launch activities, in that report, it was noted that in 2006, U.S. launches generated approximately $140 million in revenues.

A 2004 Gallup poll shows overwhelming public support for space exploration. Roughly 80 percent of Americans agree that "America's space program helps give America the scientific and technological edge it needs to compete in the international marketplace," and 76 percent agree that our space program "benefits the nation's economy" and inspires "students to pursue careers in technical fields."

The space industry has also led to a number of "spin-off" technologies, those influenced by space technology research and development.

Home roof insulation and air filtration, anti-lock brakes, athletic shoes, vehicle protective airbags, cellular phones, and Lasik surgery all owe their development to space-based research and technology. The list of space "spin-off" technologies is estimated to exceed 40,000. These related technologies have helped employ tens of millions of Americans. Encouraging commercial investment in the space industry and increasing U.S. market share in this industry will certainly lead to additional innovation and technology that will positively influence other fields.

As you can see, this once Government-dominated industry is now becoming a diverse mix of Government and commercial entities, also leading the way into future avenues of commercial space transportation, such as space tourism.

The increase in recent commercial launches includes the debut of the first commercial crewed suborbital launches of SpaceShipOne, the beginnings of public space travel. "Space tourism," as public space travel is now referred to, has the potential to become a major growth industry. Recent market studies have shown that, within 20 years, space tourism has the potential to become a multibillion-dollar industry.

Even though the average American may not be able to participate in public space travel, its potential impact on our economy and international competitiveness is something to be appreciated. Space tourism industry players expect there to be a market demand of at least 15,000 Americans per year to travel into suborbit and orbital flights. This would require an estimated 665 launches per year by 2010.

If the U.S. continues as is, we will only be able to capture a 10-percent market share, at best, of this emerging industry. If needed infrastructure is added, however, the U.S. could potentially pick up 60 to 70 percent of space flight demand by 2010. Every launch that we do not provide for in the U.S. means a loss to our economy, and a gain for our international competitors. The Federal Aviation Administration's Commercial Space Transportation division expects a $3 billion dollar loss to our economy if we do not meet the rising demand for space tourism.

Currently, U.S. launch facilities are few and most are owned and operated by the Federal Government, putting commercial users in direct competition with the U.S. military, NASA, and other Government entities that, as I mentioned earlier, receive priority over commercial projects.

Recently, the U.S. Air Force provided license to Space Exploration Technologies, known as SpaceX, to utilize one of the decommissioned launch complexes at Cape Canaveral Air Force Station for its commercial launch ventures.

The utilization of existing Federal resources by commercial ventures will open up opportunity for further commercial launches, but this alone will not afford America the resources it needs to remain competitive internationally. If the U.S. is to remain competitive in the commercial space industry, added and improved infrastructure will be needed to support this growing industry.

On a more local note, my own State of Florida could stand to gain much by way of economic development from increased investment in Spaceport infrastructure.

According to recent studies, increased spaceport infrastructure and activity in Florida could mean as much as $29.7 million in additional economic activity by the year 2015, this does not include the economic activity generated from increased tourism, secondary contracts, and spin-off technologies.

Other modes of transportation, highways, airports, and seaports, currently enjoy a tax incentive for meeting their infrastructure needs, so why not spaceports? Perhaps this policy made sense in the past, when space did not have the enormous potential for commercial growth that it now does. Our ability to utilize space is more apparent than ever before; we need to acknowledge this emerging reality.

This Spaceport Equality Act of 2007 would provide spaceports with the same tax incentives granted to airports, seaports, rail, and other transit projects under the exempt facility bond rules. With international competition on the rise, our Nation's spaceports are a vital component of the infrastructure needed to expand and enhance the U.S. role in the international space arena.

The Spaceport Equality Act is an important step to increasing our competitiveness in this field, because it will stimulate investment in expanding and modernizing our space launch facilities and lower the costs of financing spaceport projects.

Since 1968, tax-exempt bonds have played a crucial role in meeting airport investment needs, with 50 percent or more of major airport projects being financed through municipal tax-exempt bonds. By extending this favorable tax treatment to spaceports, this bill will help meet spaceport needs and increase our Nation's ability to compete with expanded international interests in space exploration and technology. Similar legislation has been considered since the 1980s, and we cannot afford to wait any longer to address the needs of this important sector.

This proposal does not provide direct Federal spending to our commercial space transportation industry, but rather, it creates the conditions necessary to stimulate private capital investment in industry infrastructure. By issuing tax-free bonds to finance spaceport infrastructure, space authorities could provide site-specific and vehicle-specific tailoring to promote the competition and innovation necessary to maintain the U.S. competitive edge in the space transportation industry.

This is an efficient means for achieving our space transportation needs, and I urge my colleagues in the Senate to join us in this most important effort by cosponsoring this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spaceport Equality Act of 2007".

SEC. 2. SPACEPORTS TREATED LIKE AIRPORTS UNDER EXEMPT FACILITY BOND RULES.

(a) In General.—Paragraph (1) of section 142(a) of the Internal Revenue Code of 1986 (relating to exempt facility bonds) is amended to read as follows:

"(1) airports and spaceports,".

(b) Treatment of Ground Leases.—Paragraph (1) of section 142(b) of the Internal Revenue Code of 1986 (relating to certain facilities must be governmentally owned) is amended by adding at the end the following new subparagraph:

"(C) Special rule for spaceport ground leases.—For purposes of subparagraph (A), spaceport property which is located on land owned by the United States and which is used by a governmental unit pursuant to a lease (as defined in section 168(h)(7)) from the United States shall be treated as owned by such unit if—

"(i) the lease term (within the meaning of section 168(i)(3)) is at least 15 years, and

"(ii) such unit would be treated as owning such property if such lease term were equal to the useful life of such property.".

(c) Definition of Spaceport.—Section 142 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(n) Spaceport.—

"(1) In general.—For purposes of subsection (a)(1), the term 'spaceport' means—

"(A) any facility directly related and essential to servicing spacecraft, enabling spacecraft to launch or reenter, or transferring passengers or space cargo to or from spacecraft, but only if such facility is located at, or in close proximity to, the launch site or reentry site, and

"(B) any other functionally related and subordinate facility at or adjacent to the launch site or reentry site at which launch services or reentry services are provided, including a launch control center, repair shop, maintenance or overhaul facility, and rocket assembly facility.

"(2) Additional terms.—For purposes of paragraph (1)—

"(A) Space cargo.—The term 'space cargo' includes satellites, scientific experiments, other property transported into space, and any other type of payload, whether or not such property returns from space.

"(B) Spacecraft.—The term 'spacecraft' means a launch vehicle or a reentry vehicle.

"(C) Other terms.—The terms 'launch', 'launch site', 'launch services', 'launch vehicle', 'payload', 'reenter', 'reentry services', 'reentry site', and 'reentry vehicle' shall have the respective meanings given to such terms by section 70102 of title 49, United States Code (as in effect on the date of enactment of this subsection).".

(d) Exception From Federally Guaranteed Bond Prohibition.—Paragraph (3) of section 149(b) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by adding at the end the following new subparagraph:

"(E) Exception for spaceports.—Paragraph (1) shall not apply to any exempt facility bond issued as part of an issue described in paragraph (1) of section 142(a) to provide a spaceport in situations where—

"(i) the guarantee of the United States (or an agency or instrumentality thereof) is the result of payment of rent, user fees, or other charges by the United States (or any agency or instrumentality thereof), and

"(ii) the payment of the rent, user fees, or other charges is for, and conditioned upon, the use of the spaceport by the United States (or any agency or instrumentality thereof).".

(e) Conforming Amendment.—The heading for section 142(c) of the Internal Revenue Code of 1986 is amended by inserting "Spaceports," after "Airports,".

(f) Effective Date.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

By Mr. GRASSLEY (for himself and Mr. Johnson):

S. 1358. A bill to amend the Clean Air Act to require all gasoline sold for use in motor vehicles to contain 10 percent renewable fuel in the year 2010 and thereafter, and for other purposes; to the Committee on Environment and Public Works.

Mr. GRASSLEY. Mr. President, I am introducing legislation today along with Senator Johnson that will take a bold step in reducing our dependence on fossil fuel and foreign oil. It is the 10 by 10 Act.

The 10 by 10 Act will require that 10 percent of each gallon of motor fuel sold beginning January 1, 2010, contain at least 10 percent renewable fuel. The 10 by 10 Act is a signal that Congress remains interested and adamant in seeking energy independence by promoting the development of renewable fuels in the United States.

Because the U.S. imports more than 60 percent of the crude oil we need, we have become dangerously reliant on foreign sources of energy. It is a threat to our national security for the United States to be dependent upon countries like Iran and Venezuela for our energy needs. It's also a threat to our economic security to be dependent on foreign countries for the energy that drives our economy.

It is up to our farmers and ranchers to help liberate our consumers and our economy from the stranglehold of OPEC and other foreign countries on our energy needs. I am here to say to America's agriculture community that we are serious and we are going to do something about it.

This legislation will demonstrate to consumers, in a common sense way, that each and every gallon of gasoline will contain at least 10 percent of domestically produced renewable fuel. It'll show that we're serious about reducing our dependence on foreign oil, and it will show in a tangible way that we're working to reduce that dependence.

The 10 by 10 Act is a commitment to our constituents that we're working to lower that dependence, and reduce our consumption of foreign oil in every gallon of fuel they pump. With this legislation, Americans would know with certainty that 10 percent of each gallon of motor fuel was home-grown by farmers and ranchers right here in America.

Today, ethanol, a renewable fuel produced primarily from corn, is blended in nearly 50 percent of the gasoline sold in the United States. There are currently 116 biorefineries producing nearly 6 billion gallons of ethanol annually. By the end of 2009, it is projected that we will have the capacity to produce over twelve billion gallons annually.

It is important for consumers to recognize that for the vast majority of cars on the road today, no modifications are necessary to operate on a 10-percent renewable fuel blend. No significant changes are required to the fuel distribution network to allow for a 10-percent blend. The only thing standing in the way of reduced dependence on foreign oil is a signal from Congress that we recognize the virtue of home-grown alternatives to foreign oil.

With this legislation, we would ensure the use of approximately 14 billion gallons of renewable fuels in our Nation's automobiles. The ethanol use would be distributed around the country in each gallon of gasoline. In this way, we will ensure the use of the fuel even if an extensive E–85 market is not yet in place. This effort could very well be a stepping stone if it's determined that ethanol could be blended in higher ratios, such as 15 or 20 percent. By blending in each gallon of gasoline, we ensure the benefits of homegrown, renewable fuels reach all consumers without the immediate need for additional fueling infrastructure or alternative fuel vehicles.

We owe it to the American people to pursue aggressive policies to free our country from our foreign oil dependence. I hope my colleagues will join me in this effort to replace 10 percent of each gallon of gasoline with homegrown, environmentally friendly, renewable fuel.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "10 by 10 Act".

SEC. 2. 10 PERCENT RENEWABLE FUEL REQUIRED FOR MOTOR VEHICLES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by inserting after subsection (o) the following:

"(p) 10 Percent Renewable Fuel Requirement.—

"(1) In general.—After December 31, 2009, it shall be unlawful for any person to sell or offer for sale, supply or offer for supply, dispense, transport, or introduce into commerce, for use in any motor vehicle (as defined in section 216) any gasoline containing less than 10 percent renewable fuel by volume.

"(2) Fuel blends.—For the purpose of enforcing this subsection, a blend of gasoline and renewable fuel shall be considered to be sold or offered for sale, supplied or offered for supply, dispensed, transported, or introduced into commerce in accordance with this subsection if the renewable fuel content, exclusive of denaturants and permitted contaminants, comprises not less than 9.2 percent by volume and not more than 10 percent by volume of the blend, as determined by the Administrator.

"(3) Manifests and labeling.—By regulation effective January 1, 2010, the Administrator shall require that each bill of lading or transportation manifest for all gasoline containing renewable fuel and all gasoline not containing renewable fuel indicate the renewable fuel content of the gasoline.

"(4) Notices on gasoline pumps; exemption for collector vehicles.—The Administrator shall provide, by regulation, for—

"(A) appropriate notices to be displayed on gasoline pumps—

"(i) indicating the renewable fuel content of the gasoline dispensed by the pump; and

"(ii) notifying the public of the prohibition under this subsection; and

"(B) an exemption from the requirements of this subsection in the case of gasoline for use in collector motor vehicles, as defined by the Administrator."; and

(2) by redesignating the second subsection (r) (as added by section 1512 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1088)) as subsection (t) and moving the subsection so as to appear at the end of the section.

By Mr. DURBIN:

S. 1362. A bill to establish a Strategic Gasoline and Fuel Reserve; to the Committee on Energy and Natural Resources.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strategic Gasoline and Fuel Reserve Act of 2007".

SEC. 2. STRATEGIC GASOLINE AND FUEL RESERVE.

(a) In General.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) is amended—

(1) by redesignating part E (42 U.S.C. 6251 et seq.) as part F;

(2) by redesignating section 191 (42 U.S.C. 6251) as section 199; and

(3) by inserting after part D (42 U.S.C. 6250 et seq.) the following:

"PART E—STRATEGIC GASOLINE AND FUEL RESERVE

"SEC. 191. DEFINITIONS.

"In this part:

"(1) Gasoline.—The term 'gasoline' means regular unleaded gasoline.

"(2) Reserve.—The term 'Reserve' means the Strategic Gasoline and Fuel Reserve established under section 192(a).

"SEC. 192. ESTABLISHMENT.

"(a) In General.—Notwithstanding any other provision of this Act, the Secretary shall establish, maintain, and operate a Strategic Gasoline and Fuel Reserve.

"(b) Not Component of Strategic Petroleum Reserve.—The Reserve is not a component of the Strategic Petroleum Reserve established under part B.

"(c) Capacity.—The Reserve shall contain not more than—

"(1) 50,000,000 barrels of gasoline; and

"(2) 7,500,000 barrels of jet fuel.

"(3) 21,000,000 barrels of diesel fuel.

"(d) Reserve Sites.—

"(1) Siting.—Not later than 1 year after the date of enactment of this Act, the Secretary shall determine not less than 3 Reserve sites, and not more than 5 Reserve sites, throughout the United States that are regionally strategic.

"(2) Operation.—The Reserve sites described in paragraph (1) shall be operational not later than 2 years after the date of enactment of this Act.

"(e) Security.—In establishing the Reserve under this section, the Secretary shall obtain the concurrence of the Secretary of Homeland Security with respect to physical design security and operational security.

"(f) Authority.—In carrying out this part, the Secretary may—

"(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities and storage services;

"(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

"(3) acquire by purchase, exchange, lease, or other means gasoline and fuel for storage in the Reserve;

"(4) store gasoline and fuel in facilities not owned by the United States; and

"(5) sell, exchange, or otherwise dispose of gasoline and fuel from the Reserve, including to maintain—

"(A) the quality or quantity of the gasoline or fuel in the Reserve; or

"(B) the operational capacity of the Reserve.

"(g) Fill Date.—

"(1) In general.—Except as provided in paragraph (2), the Secretary shall complete the process of filling the Reserve under this section by March 1, 2008.

"(2) Extensions.—The President may extend the deadline established under paragraph (1) if—

"(A) the President determines that filling the Reserve within that deadline would cause an undue economic burden on the United States; and

"(B) the President receives approval from Congress.

"SEC. 193. RELEASE OF GASOLINE AND FUEL.

"(a) In General.—The Secretary shall release gasoline or fuel from the Reserve only if—

"(1) the President finds that there is a severe fuel supply disruption by finding that—

"(A) a regional or national supply shortage of gasoline or fuel of significant scope and duration has occurred;

"(B) a substantial increase in the price of gasoline or fuel has resulted from the shortage;

"(C) the price increase is likely to cause a significant adverse impact on the national economy; and

"(D) releasing gasoline or fuel from the Reserve would assist directly and significantly in reducing the adverse impact of the shortage; or

"(2)(A) the Governor of a State submits to the Secretary a written request for a release from the Reserve that contains a finding that—

"(i) a regional or statewide supply shortage of gasoline or fuel of significant scope and duration has occurred;

"(ii) a substantial increase in the price of gasoline or fuel has resulted from the shortage; and

"(iii) the price increase is likely to cause a significant adverse impact on the economy of the State; and

"(B) the Secretary concurs with the findings of the Governor under subparagraph (A) and determines that—

"(i) a release from the Reserve would mitigate gasoline or fuel price volatility in the State;

"(ii) a release from the Reserve would not have an adverse effect on the long-term economic viability of retail gasoline or fuel markets in the State and adjacent States; and

"(iii) a release from the Reserve would not suppress prices below long-term market trend levels.

"(b) Procedure.—

"(1) Response of secretary.—The Secretary shall respond to a request submitted under subsection (a)(2) not later than 5 days after receipt of the request by—

"(A) approving the request;

"(B) denying the request; or

"(C) requesting additional supporting information.

"(2) Release.—The Secretary shall establish procedures governing the release of gasoline or fuel from the Reserve in accordance with this subsection.

"(3) REQUIREMENTS.—

"(A) ELIGIBLE ENTITY.—In this paragraph, the term 'eligible entity' means an entity that is customarily engaged in the sale or distribution of gasoline or fuel.

"(B) SALE OR DISPOSAL FROM RESERVE.—The procedures established under this subsection shall provide that the Secretary may—

"(i) sell gasoline or fuel from the Reserve to an eligible entity through a competitive process; or

"(ii) enter into an exchange agreement with an eligible entity under which the Secretary receives a greater volume of gasoline or fuel as repayment from the eligible entity than the volume provided to the eligible entity.

"(c) CONTINUING EVALUATION.—The Secretary shall conduct a continuing evaluation of the drawdown and sales procedures established under this section.

"SEC. 194. REPORTS.

"(a) GASOLINE AND FUEL.—Not later than 45 days after the date of enactment of this section, the Secretary shall submit to Congress and the President a plan describing—

"(1) the acquisition of storage and related facilities or storage services for the Reserve, including the use of storage facilities not currently in use or not currently used to capacity;

"(2) the acquisition of gasoline and fuel for storage in the Reserve;

"(3) the anticipated methods of disposition of gasoline and fuel from the Reserve;

"(4) the estimated costs of establishment, maintenance, and operation of the Reserve;

"(5) efforts that the Department will take to minimize any potential need for future drawdowns from the Reserve; and

"(6) actions to ensure the quality of the gasoline and fuel in the Reserve are maintained.

"(b) NATURAL GAS AND DIESEL.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit to Congress a report describing the feasibility of creating a natural gas and diesel reserve similar to the Reserve under this part.

"SEC. 195. STRATEGIC GASOLINE AND FUEL RESERVE FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the 'Strategic Gasoline and Fuel Reserve Fund' (referred to in this section as the 'Fund'), consisting of—

"(1) such amounts as are appropriated to the Fund under subsection (b);

"(2) such amounts as are appropriated to the Fund under section 196; and

"(3) any interest earned on investment of amounts in the Fund under subsection (d).

"(b) TRANSFERS TO FUND.—There are appropriated to the Fund amounts equivalent to amounts collected as receipts and received in the Treasury from the sale, exchange, or other disposition of gasoline or fuel from the Reserve.

"(c) EXPENDITURES FROM FUND.—On request by the Secretary and without the need for further appropriation, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to carry out activities under this part, to remain available until expended.

"(d) INVESTMENT OF AMOUNTS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

"(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

"(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

"(A) on original issue at the issue price; or

"(B) by purchase of outstanding obligations at the market price.

"(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

"(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

"(e) TRANSFERS OF AMOUNTS.—

"(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

"(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"SEC. 196. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary to carry out this part, to remain available until expended.".

SEC. 3. CONFORMING AMENDMENTS.

The table of contents for title I of the Energy Policy and Conservation Act (42 U.S.C. 6201 note) is amended by striking the matter relating to part D and inserting the following:

"PART D—NORTHEAST HOME HEATING OIL RESERVE

"Sec. 181. Establishment.
"Sec. 182. Authority.
"Sec. 183. Conditions for release; plan.
"Sec. 184. Northeast home heating oil reserve account.
"Sec. 185. Exemptions.
"Sec. 186. Authorization of appropriations.

"PART E—STRATEGIC GASOLINE AND FUEL RESERVE

"Sec. 191. Definitions.
"Sec. 192. Establishment.
"Sec. 193. Release of gasoline and fuel.
"Sec. 194. Reports.
"Sec. 195. Strategic Gasoline and Fuel Reserve Fund.
"Sec. 196. Authorization of appropriations.

"PART F—EXPIRATION

"Sec. 199. Expiration.".

By Mrs. CLINTON (for herself and Mr. DURBIN):

S. 1363. A bill to improve health care for severely injured members and former members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

Mrs. CLINTON. Mr. President, today, I am introducing the Bridging the Gap for Wounded Warriors Act to provide comprehensive solutions to problems that have arisen from military bureaucracy's failure to meet the medical needs of this generation's wounded warriors as they transition from the Armed Services to civilian life.

This is a moment of profound challenge for our country, for our military, and for our men and women in uniform. And while there are often strong disagreements here in Washington, I hope we can unite around our common values and patriotism when it comes to how we treat our servicemembers and veterans.

If you serve your country your country should serve you. That is the promise our country must keep to the men and women who enlist, who fight, and who return home often bearing the visible and invisible scars of sacrifice. Sadly, too often in the past several years, that promise has been broken: whether it's a lack of up-armored vehicles on the ground in Iraq or a lack of appropriate care in outpatient facilities at Walter Reed.

Last year, I authored and passed into law the Heroes at Home initiative to assist returning servicemembers experiencing the complex, diffuse, and life-altering symptoms of traumatic brain injury and other mental health difficulties.

This past March, I followed up with the introduction of the Heroes at Home Act of 2007, S. 1065, the Restoring Disability Benefits for Injured and Wounded Warriors Act of 2007, S. 1064, and the Protecting Military Family Financial Benefits Act of 2007, S. 1063, to serve our servicemembers and send a message: you will be treated as heroes before deployment, during deployment, and upon returning home. You didn't offer excuses and do not deserve to be offered excuses by your country.

Finally, Senator EVAN BAYH and I introduced the Traumatic Brain Injury Access to Options Act, S. 1113, in order to provide a temporary and immediate solution to the discrepancy in health care services and benefits encountered by TBI patients.

However, a broader and permanent solution is needed to assist all members and former members of the Armed Services who have incurred any type of combat-related injury. The mistreatment of servicemembers at Walter Reed and testimony from recent hearings in both the Senate Armed Services and Veterans Affairs Committees have revealed major gaps affecting servicemembers, including discrepancies in benefits for active duty and medically retired servicemembers; difficulties in obtaining needed care for wounded servicemembers transitioning from the Armed Services to civilian life; and disparities between the DoD and VA disability rating systems.

Although the military, more often than not, offers quality health care services, wounded servicemembers often encounter barriers to receiving the optimal health benefit. The two major barriers are: (1) a confusing array of benefits; and (2) discrepancies between benefits for those on active duty versus those who are medically retired.

Recent events at Walter Reed have highlighted the longstanding need to overhaul the DoD and VA disability rating systems, which are unnecessarily complex and result in delays in payment that hinder efforts of wounded servicemembers to support themselves and their families. On March 6, 2007, the Chief of Staff of the Army General Peter Schoomaker and then-Army Surgeon General Lieutenant General Kevin C. Kiley testified before the Senate Armed Services Committee that soldiers appearing before the Physical Evaluation Board were "short-changed" and had not received appropriate disability benefits. According to the Congressional Research Service, since the enactment of the Traumatic Servicemembers Group Life Insurance program at least 45 percent of claims have been denied. In March 2006 the Comptroller General issued GAO Report 06-362: Military Disability System: Improved Oversight Needed to Ensure Consistent and Timely Outcomes for Reserve and Active Duty Service Members—the Department of Defense did not heed the recommendations provided in this report and as a result injured and wounded warriors continue to languish in an inefficient and adversarial disability system. We must stop short-changing our wounded warriors.

Finally, a blanket overlap of benefits and disability rating reform are necessary but not sufficient for addressing the needs of those who are wounded. In order to support an all-volunteer force and meet the needs of this generation's wounded warriors, it is critical to achieve efficient DoD and VA collaboration and coordination of assistance to members of the Armed Forces in their transition from Active Duty to civilian life. Thus, the duties of the existent VA Office of Seamless Transition must be terminated and transferred to a new organizational structure that will achieve the long-sought goals of seamless transition between the DoD and VA and improved coordination between these agencies.

That's why I am introducing the Bridging the Gap for Wounded Warriors Act today, to ensure a continuum of care for severely injured servicemembers and fix the problems that stymie the transition process. I am grateful to have developed this proposal with the Wounded Warrior Project, the National Military Family Association, and the Military Officers Association of America.

We should provide our wounded warriors with the best care options available. This legislation would establish a 2 year blanket overlap of active duty and veterans health services and benefits for severely injured service members to facilitate their recovery and help resolve administrative problems like those found at Walter Reed. All costs of health care, for both active duty and medically retired servicemembers, will be paid for by the DoD. The provisions of this section shall take effect for those injured on or after October 7, 2001, but eligibility shall not include retroactive compensation for payments already made.

We should also create a joint DoD-VA Office of Transition for the coordination of assistance to members of the Armed Forces in their transition from service in the Armed Forces to civilian life. The Office of Transition would absorb the duties of the existent VA Office of Seamless Transition as well as the functions and responsibilities of applicable offices within the Office of the Secretary of Defense, OSD. Leadership of the Office of Transition would consist of a Director and Deputy Director, who would both have seats on the Joint Executive Committee, JEC. The Secretaries of DoD and VA would have oversight of the Office of Transition, although the office would also be required to submit mandatory annual reports and biannual briefings to Congress. The GAO would also submit a biennial report on the Office of Transition's activities, in order to ensure that the Office's progress is not being stymied by the DoD or VA.

Further, we should reform the current disability rating system to ensure that there is continuity of medical care and no disruption in compensation payments made to wounded service members. My legislation would change the roles of the agencies, so that DoD would no longer assign the actual disability rating but would still determine fitness for duty and document such a decision in writing, while VA would assign final ratings for all service-connected injuries. Further, the legislation would repeal the provision in the Omnibus Reconciliation Act of 1982 that requires the delay in payment of VA benefits until the first day of the second month after they are entitled. This provision would eliminate the gap in payments and allow servicemembers to continue to support themselves and their families.

Finally, we should do what we can to ensure that both DoD and VA medical facilities have the appropriate trained professionals to deal with the range of injuries that our wounded servicemembers now incur, including traumatic brain injury, burns, amputations, vision problems, spinal cord injuries, and broken and fractured bones. In order to move in that direction, my legislation would require the GAO to submit a preliminary assessment and final report on the extent to which medical facilities of the DoD and VA offer interdisciplinary medical treatment for wounded members of the Armed Forces.

Let us all join together in accepting our responsibility as a nation to those who serve and resolve to achieve efficient DoD and VA collaboration and coordination that is critical for supporting an all-volunteer force and meeting the needs of this generation's wounded warriors.

I ask unanimous consent letters of support for this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY OFFICERS
ASSOCIATION OF AMERICA,
Alexandria, VA, May 9, 2007.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the 362,000 members of the Military Officers Association of America (MOAA), I am writing to express MOAA's appreciation for your leadership in sponsoring the Bridging the Gap for Wounded Warriors Act. This piece of legislation will ensure a continuum of care for all the severely injured servicemembers from OIF and OEF.

The bill's three elements address the most significant problems that currently stymie transition for our servicemembers between DoD and VA programs. The two-blanket overlap of health services addresses their health care concerns. The transition office would institutionalize a joint team of permanent DoD and VA personnel working together to develop and implement solutions to long-standing, unresolved transition issues. Finally, your bill would reform the disability rating system to ensure fair and consistent long-term compensation and benefits for wounded servicemembers.

We are proud of and grateful for the sacrifices our military members and their families are willing to make for our country. The extreme sacrifices of the wounded have earned and deserve our special attention, which your bill would deliver. We look forward to working closely with you in seeking timely enactment of this legislation in the 110th Congress.

Sincerely,

NORB RYAN,
President.

NATIONAL MILITARY
FAMILY ASSOCIATION, INC.,
Alexandria, VA, May 9, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington DC.

DEAR SENATOR CLINTON: The National Military Family Association (NMFA) is the only national organization whose sole focus is the military family and whose goal is to influence the development and implementation of policies that will improve the lives of the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration. For more than 35 years, its staff and volunteers, comprised mostly of military members, have built a reputation for being the leading experts on military family issues. On behalf of NMFA and the families it serves, we commend your sponsorship of the Bridging the Gap for Wounded Warriors Act.

NMFA thanks you for recognizing the problems wounded service members face as they recover from their injuries. In addition to the family stress and the often-lengthy recovery process in multiple medical facilities, wounded service members must also navigate a complex maze through two distinct disability benefit processes, that of the Department of Defense (DoD) and the Department of Veterans' Affairs (VA). NMFA believes this legislation acknowledges the need for more coordination between the DoD and VA to create a truly seamless transition for these service members and ease the care burden on their families. NMFA endorses this legislation as a first step in addressing the need for a standardized approach to the DoD Medical Evaluation Board (MEB), and Physical Evaluation Board (PEB) plus determination for VA Disability Compensation. The legislation would also respond to the need for wounded service members to receive consistent quality care in both health care systems and for the establishment of a "joint office" to address these concerns.

Thank you for your support of military service members and veterans diagnosed with TBI, and the families who care for them. If you have any questions you may contact Barbara Cohoon in our Government Relations department.

Sincerely,

TANNA K. SCHMIDLI,
Chairman, Board of Governors.

WOUNDED WARRIOR PROJECT,
New York, NY, May 9, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The Wounded Warrior Project (WWP) strongly supports your legislation entitled the Bridging the Gap for our Wounded Warriors Act. As a result of WWP's direct, daily contact with the severely injured and their families, we have identified three consistent issues causing confusion and frustration among those most in need of assistance. A discrepancy in benefits between the Departments of Defense and Veterans Affairs, confusion during the actual transition process, and the inconsistent and redundant disability ratings system are all problems cited by the wounded as obstacles they face as they attempt to recover. The comprehensive provisions included in your bill will address many of these issues and provide access to the care and compensation our nation's heroes need as they continue in their recovery.

The first provision would establish a two-year overlap of active duty and veterans benefits and services for severely injured servicemembers. By removing the artificial barrier between active duty service and veterans status, the bill would allow those who are injured to enjoy the differing benefits and health care services offered by each agency regardless of their duty status.

The second provision would establish a joint DoD-VA Office of Transition to improve assistance from the two agencies as members of the Armed Forces move from the Department of Defense to the Department of Veterans Affairs. While there are currently many entities within each agency charged with assisting transitioning servicemembers, the creation of a joint office with oversight over these programs and policies will ensure a more coordinated effort on behalf of our wounded servicemembers.

Finally, the legislation would reform the current disability ratings system to ensure consistency and fairness in the ratings while providing immediate compensation for those leaving the service.

These provisions will go far towards insuring the long term health and well-being of wounded service members. Again, WWP thanks you for your leadership on these issues, and we stand committed to assisting you in seeing this legislation through to passage and enactment.

Sincerely,

MEREDITH BECK,
National Policy Director.

By Mr. DURBIN:

S. 1364. A bill to amend titles XIX and XXI of the Social Security Act to extend the State Children's Health Insurance Program (SCHIPS) and stremline enrollment under SCHIP and Medicaid, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, over 25 years ago, a member of the Select Panel for the Promotion of Child Health said in a statement to Congress, "Children are one-third of our population and all of our future." We must protect the health and welfare of our nation's children if we are to secure the future of our country. This year we have a tremendous opportunity to ensure that security. With the reauthorization of the State Children's Health Insurance Program, SCHIP, we can improve the health and health care of our Nation's future, for the over 70 million children in America and, in particular, the 9 million children who have no health coverage.

Since the creation of SCHIP 10 years ago, more than 6.2 million children have been covered by this vital program, including over 290,000 children in Illinois. As the first State to provide coverage for all children, Illinois has been a leader in the movement to change the course of health care in this country. Since 1993, SCHIP, its relationship to Medicaid, and the flexibility that this administration has permitted the programs to have, have made it possible for Illinois to provide health care to the more than 313,000 children who did not have access to it before.

Nearly 1 million Illinois families have at least one uninsured family member, and the face of the uninsured is changing. The uninsured are not only the mother and daughter living in downtown Chicago. The uninsured includes the family who runs a small business in the suburbs, the family farm in central Illinois, and the single father working at a factory downstate.

The majority of kids without health care coverage come from working families, families like Mr. and Mrs. Buss and their three young sons. Lisa Buss and her husband own a small home inspection company. They paid over $9,000 last year alone on regular medical care, without any catastrophic events or emergencies. That's a lot of money for a family living in the suburbs of Chicago. There is also the Hickey family of Godfrey, Illinois. After an unfortunate accident, their son broke a couple of bones in his hand. Without insurance, they were hesitant to see the specialist at the suggestion of the emergency room physicians, but for the health of their son, they did so. For a 5 minute visit, they paid close to $1,000. Mr. Hickey works in the construction trade and work had been slow. Susan is a teacher for the Alton School District. They were given no financial assistance except to be offered a payment plan. Now, the Hickeys have to find a way to pay for their house payment and their utilities, rising gas prices, and this medical treatment.

The unnecessary burden and anxiety caused by health care is an unfortunate reality for too many, and children often bear the brunt of this hardship. Kids should not have to wait until their fever is 103 degrees to see a doctor. Kids should be able to obtain glasses when they are straining to see the chalkboard. Kids should be able to obtain antibiotics when that "cold" just won't go away. Our parents should not have to worry about whether they can afford to take their son to a bone specialist.

As is often the case, States are leading the way with children's health coverage initiatives. In 2005, my State of Illinois was the first State to ensure health care coverage for all children. Since then, many States have taken on the challenge of expanding health care coverage. The State of the States 2007 report by AcademyHealth indicates that more than a dozen States have enacted innovative policies to expand coverage. These range from comprehensive health care reform in States such as Massachusetts, Vermont, and Maine; to public-private partnerships in States such as Arkansas, Montana, New Mexico, Oklahoma, Rhode Island, Tennessee, and Utah; to initiatives to cover all children in Illinois and Pennsylvania.

Democratic and Republican governors alike are exploring ways to reach the uninsured, proving that children's health and health care coverage are American issues, not partisan issues. One important way to insure more children is through a strong reauthorization of SCHIP.

Today, with the introduction of the Healthy Kids Act, I propose SCHIP reauthorization legislation that builds on the progress made in these States. First, the bill provides States with more funding to enroll children who are eligible but not enrolled in SCHIP. These kids account for more than half of all uninsured children.

Second, the Healthy Kids Act will eliminate obvious barriers to coverage and simplify enrollment procedures. For example, seven States have reported declines in Medicaid enrollments because of new citizenship requirements. Approximately 65 percent of internists report serving patients with Limited English Proficiency; for children living in these families, making language assistance services available is a critical precursor to quality care. My bill proposes options for States to reach the neediest children through SCHIP by reducing some of these barriers. For example, the bill provides for funds for language assistance services.

Third, the bill also supports the establishment of medical homes, a network of providers for children that helps prevent them from falling through the cracks. The bill puts forth an effort to create pediatric quality and performance measures. The Healthy Kids Act also establishes a disease prevention and treatment demonstration project for ethnic and racial minority children, using research that specifically examines disparities in minority children enrolled in Medicaid/SCHIP. We can reduce health disparities and improve health outcomes for this population.

Finally, the bill creates a commission to study children's health coverage. The Commission on Children's Health Coverage will develop policy recommendations and track the program's overall performance. Feedback and analysis of SCHIP's performance is critical to improving the program in the future.

SCHIP has been an unparalleled success and a model for health insurance coverage that both Democrats and Republicans can be proud of. Ensuring health care coverage for children in need is a priority for both sides of the aisle. The reauthorization of SCHIP is a rare opportunity for the Federal Government to expand its support for policies in States like Illinois and others. Let's take a step forward and work to provide basic health insurance for all children. Healthy children grow into healthy adults, in turn, these individuals are happier and spend less money on health care in the long run. The SCHIP program is critical for our Nation's health and economic future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Healthy Kids Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF SCHIP

Sec. 101. Extension of SCHIP program; increase in allotments to take into account growth in child population and health care costs.
Sec. 102. 2-year initial availability of SCHIP allotments.
Sec. 103. Redistribution of unused allotments to address State funding shortfalls.

TITLE II—STATE OPTIONS FOR INCREASING COVERAGE OF CHILDREN AND PREGNANT WOMEN UNDER MEDICAID AND SCHIP

Sec. 201. Bonus payments for States that implement administrative policies to streamline enrollment process.
Sec. 202. State option to provide for "express lane" and simplified determinations of a child's financial eligibility for medical assistance under Medicaid or child health assistance under SCHIP.
Sec. 203. Information technology connections to improve health coverage determinations.
Sec. 204. State option to expand or add coverage of certain pregnant women under Medicaid and SCHIP.
Sec. 205. Optional coverage of legal immigrants under Medicaid and SCHIP.
Sec. 206. Authorizing adjustment of SCHIP allotment due to increased outreach.
Sec. 207. Model of Interstate coordinated enrollment and coverage process.
Sec. 208. Authority for qualifying States to use portion of SCHIP allotment for any fiscal year for certain Medicaid expenditures.
Sec. 209. Application of Medicaid outreach procedures to all pregnant women and children.
Sec. 210. No impact on section 1115 waivers.
Sec. 211. Elimination of counting Medicaid child presumptive eligibility costs against title XXI allotment.
Sec. 212. Prohibiting limitations on enrollment.

TITLE III—ELIMINATION OF CERTAIN BARRIERS TO COVERAGE

Sec. 301. State option to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid.
Sec. 302. Increased Federal matching rate for language services provided under Medicaid or SCHIP.

TITLE IV—GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT UNDER MEDICAID AND SCHIP

Sec. 401. Grants to promote innovative outreach and enrollment under Medicaid and SCHIP.

TITLE V—IMPROVING THE QUALITY OF PEDIATRIC CARE

Sec. 501. Requiring coverage of EPSDT services, including dental services, State option to provide supplemental coverage of dental services.
Sec. 502. Pediatric quality and performance measures program.
Sec. 503. Grants to States for demonstration projects transforming delivery of pediatric care.
Sec. 504. Report by the comptroller general on design and implementation of a demonstration project evaluating existing quality and performance measures for children's inpatient hospital services.
Sec. 505. Medical home demonstration project.
Sec. 506. Disease prevention and treatment demonstration projects for ethnic and racial minority children.

TITLE VI—COMMISSION ON CHILDREN'S HEALTH COVERAGE

Sec. 601. Commission on Children's Health Coverage.

TITLE I—EXTENSION OF SCHIP

SEC. 101. EXTENSION OF SCHIP PROGRAM; INCREASE IN ALLOTMENTS TO TAKE INTO ACCOUNT GROWTH IN CHILD POPULATION AND HEALTH CARE COSTS.

(a) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (9);

(B) by striking the period at the end of paragraph (10) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(11) for each fiscal year 2008 and each subsequent fiscal year, $7,500,000,000 multiplied by the population and cost inflation factor for that fiscal year, as determined under subsection (i)."; and

(2) by adding at the end the following new subsection:

"(i) POPULATION AND COST INFLATION FACTOR.—For purposes of subsection (a)(11), the population and cost inflation factor for a fiscal year is equal to the product of the following:

"(1) CHILD POPULATION GROWTH FACTOR.—One plus the percentage increase in the population of children under 20 years of age in the United States from July 1, 2007, to July 1 during the fiscal year involved, as projected by the Secretary based on the most recent published estimates of the Bureau of the Census before the beginning of the fiscal year involved.

"(2) PER CAPITA HEALTH CARE GROWTH FACTOR.—One plus the percentage increase in the projected per capita amount of National Health Expenditures from fiscal year 2007 to the fiscal year involved, as most recently published by the Secretary before the beginning of the fiscal year involved.".

(b) ADDITIONAL ALLOTMENTS TO TERRITORIES.—Section 2104(c)(4)(B) of such Act (42 U.S.C. 1397dd(c)(4)(B)) is amended by striking "and $40,000,000 for fiscal year 2007" and inserting "$40,000,000 for fiscal year 2007, and for each of fiscal years 2008 through 2017, the amount appropriated under this subparagraph for the preceding fiscal year increased by the population and cost inflation factor for that fiscal year, as determined under subsection (i)".

SEC. 102. 2-YEAR INITIAL AVAILABILITY OF SCHIP ALLOTMENTS.

Section 2104(e) of the Social Security Act (42 U.S.C. 1397dd(e)) is amended to read as follows:

"(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), amounts allotted to a State pursuant to this section—

"(A) for each of fiscal years 1998 through 2007, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

"(B) for fiscal year 2008 and each fiscal year thereafter, shall remain available for expenditure by the State through the end of the succeeding fiscal year.

"(2) AVAILABILITY OF AMOUNTS REALLOTTED.—Subject to paragraph (3), amounts reallotted to a State under subsection (f) shall be available for expenditure by the State through the end of the fiscal year in which they are reallotted.

"(3) PERMANENT AVAILABILITY OF UNUSED FUNDS.—Reallotted funds that are not used by the end of the fiscal year described in paragraph (2) shall be subject to reallotment under subsection (f) in subsequent fiscal years subject to such paragraph and shall remain available for subsequent reallotment until expended.".

SEC. 103. REDISTRIBUTION OF UNUSED ALLOTMENTS TO ADDRESS STATE FUNDING SHORTFALLS.

Section 2104(f) of the Social Security Act (42 U.S.C. 1397dd(f)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) by striking "States that have fully expended the amount of their allotments under this section" and inserting "States that the Secretary determines with respect to the fiscal year for which unused allotments are available for redistribution under this subsection, are shortfall States described in paragraph (2) for such fiscal year"; and

(3) by adding at the end the following new paragraph:

"(2) SHORTFALL STATES DESCRIBED.—

"(A) IN GENERAL.—For purposes of paragraph (1), with respect to a fiscal year, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates on the basis of the most recent data available to the Secretary, that the projected expenditures under such plan for the State for the fiscal year will exceed the sum of—

"(i) the amount of the State's allotments for any preceding fiscal years that remain available for expenditure and that will not be expended by the end of the immediately preceding fiscal year; and

"(ii) the amount of the State's allotment for the fiscal year (taking into account any increase made in such allotment under section 2104(j), as added by section 205(a) of the Healthy Kids Act of 2007).

"(B) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) for a fiscal year are less than the total amounts of the estimated shortfalls determined for the year under subparagraph (A), the amount to be reallotted under such paragraph for each shortfall State shall be reduced proportionally.

"(C) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made under paragraph (1) and this paragraph with respect to a fiscal year as necessary on the basis of the amounts reported by States not later than November 30 of the succeeding fiscal year, as approved by the Secretary.".

TITLE II—STATE OPTIONS FOR INCREASING COVERAGE OF CHILDREN AND PREGNANT WOMEN UNDER MEDICAID AND SCHIP

SEC. 201. BONUS PAYMENTS FOR STATES THAT IMPLEMENT ADMINISTRATIVE POLICIES TO STREAMLINE ENROLLMENT PROCESS.

(a) BONUS IN FMAP AND ENHANCED FMAP FOR APPLICATION OF STREAMLINE ENROLLMENT PROCEDURES UNDER MEDICAID AND SCHIP.—Section 2102 of the Social Security Act (42 U.S.C. 1397bb) is amended by adding at the end the following new subsection:

"(d) STREAMLINE ENROLLMENT PROCEDURES.—

"(1) INCREASE IN FEDERAL MATCHING RATE.—

"(A) IN GENERAL.—In the case of a State that meets the conditions described in subparagraph (B) (relating to agreeing to implement administrative enrollment policies under this title and title XIX) for a fiscal year, the Federal medical assistance percentage (for purposes of title XIX only) and the enhanced FMAP (for purposes of this title, but determined without regard to the application of this subsection to the Federal medical assistance percentage under title XIX) otherwise computed for such fiscal year as applied to medical assistance for children and child health assistance, respectively, shall be increased by such number of percentage points as the Secretary determines is necessary to provide an incentive for the State to satisfy the conditions described in subparagraph (B) (but not to exceed such number of percentage points that would result in a Federal medical assistance percentage or enhanced FMAP for the State that would exceed 83 or 85 percent, respectively).

"(B) AGREEING TO REMOVE ENROLLMENT AND ACCESS BARRIERS.—The conditions described in this subparagraph, for a State for a fiscal year are that the State agrees to do the following:

"(i) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State agrees—

"(I) to provide presumptive eligibility for children under this title and title XIX in accordance with section 1920A; and

"(II) to treat any items or services that are provided to an uncovered child (as defined in section 2110(c)(8)) who is determined ineligible for medical assistance under title XIX as child health assistance for purposes of paying a provider of such items or services, so long as such items or services would be considered child health assistance for a targeted low-income child under this title.

"(ii) 12-MONTH CONTINUOUS ELIGIBILITY.—The State agrees to provide that eligibility of children for assistance under this title and title XIX shall not be regularly redetermined more often than once every year.

"(iii) AUTOMATIC RENEWAL.—The State agrees to provide for the automatic renewal of the eligibility of children for assistance under this title and under title XIX if the child's family does not report any changes to family income or other relevant circumstances, subject to verification of information from databases available to the State for such purpose.

"(iv) ELIMINATION OF ASSET TEST.—The State has amended its plans under this title and title XIX so that no asset or resource test is applied for eligibility under this title or title XIX with respect to children.

"(v) ADMINISTRATIVE VERIFICATION OF INCOME.—The State agrees to permit the family of a child applying for child health assistance under this title or medical assistance under title XIX to declare and certify, by signature under penalty of perjury, the family income for purposes of collecting financial eligibility information.".

(b) CONFORMING MEDICAID AMENDMENTS.—

(1) IN GENERAL.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by inserting "and section 2102(d)(1)" after "section 1933(d)".

(2) INCREASE IN MEDICAID CAP FOR TERRITORIES.—Section 1108(g) of such Act (42 U.S.C. 1308(g)) is amended—

(A) in paragraph (2), by striking "paragraph (3)" and inserting "paragraphs (3) and (4)"; and

(B) by adding at the end the following new paragraph:

"(4) DISREGARD OF INCREASED EXPENDITURES DIRECTLY ATTRIBUTABLE TO INCREASE IN FMAP FOR APPLICATION OF STREAMLINED ENROLLMENT PROCEDURES.—The limitation of paragraph (2) shall not apply to payment under title XIX to a territory insofar as such payment is attributable to an increase in the Federal medical assistance percentage under subparagraph (A) of section 2102(d)(1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply beginning with fiscal year 2007.

SEC. 202. STATE OPTION TO PROVIDE FOR "EXPRESS LANE" AND SIMPLIFIED DETERMINATIONS OF A CHILD'S FINANCIAL ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER MEDICAID OR CHILD HEALTH ASSISTANCE UNDER SCHIP.

(a) MEDICAID.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

"(13)(A) At the option of the State, the plan may provide that eligibility requirements (including such requirements applicable to redeterminations or renewals of eligibility) for medical assistance relating to income, assets (or resources), or citizenship status are met for a child who is under an age specified by the State (not to exceed 21 years of age) by using a determination made within a reasonable period (as determined by the State) before its use for this purpose, of the child's family or household income, or if applicable for purposes of determining eligibility under this title or title XXI, assets or resources, or citizenship status, respectively, (notwithstanding any other provision of law, including sections 1902(a)(46)(B), 1903(x), and 1137(d)), by a Federal or State agency, or a public or private entity making such determination on behalf of such agency, specified by the plan, including an agency administering the State program funded under part A of title IV, the Food Stamp Act of 1977, the Richard B. Russell National School Lunch Act, or the Child Nutrition Act of 1966, notwithstanding any differences in budget unit, disregard, deeming, or other methodology, but only if—

"(i) the agency has fiscal liabilities or responsibilities affected by such determination; and

"(ii) the agency or entity notifies the child's family—

"(I) of the information which shall be disclosed in accordance with this subparagraph;

"(II) that the information disclosed will be used solely for purposes of determining eligibility for medical assistance under this title or for child health assistance under title XXI; and

"(III) that interagency agreements limit the use of such information to that purpose; and

"(iii) the requirements of section 1939 are satisfied.

"(B) Nothing in this paragraph shall be construed to relieve a State of the obligation to determine, on another basis, eligibility for medical assistance under this title or for child health assistance under title XXI if a child is determined ineligible for such assistance on the basis of information furnished pursuant to this paragraph.

"(C) If a State applies the eligibility process described in subparagraph (A) to individuals eligible under this title and to individuals eligible under title XXI, the State may, at its option, implement its duties under subparagraphs (A) and (B) of section 2102(b)(3) using either or both of the following approaches:

"(i) The State may—

"(I) establish a threshold percentage of the Federal poverty level (that shall exceed the income eligibility level applicable for a population of individuals under this title by 30 percentage points (as a fraction of the Federal poverty level) or such other higher number of percentage points as the State determines reflects the typical application of income methodologies by the non-health program and the State plan under this title); and

"(II) provide that, with respect to any individual within such population whom a non-health agency determines has income that does not exceed such threshold percentage for such population, such individual is eligible for medical assistance under this title (regardless of whether such individual would otherwise be determined to be eligible to receive such assistance).

In exercising the approach under this clause, a State shall inform families whose children are enrolled in a State child health plan under title XXI based on having family income above the threshold described in subclause (I) that they may qualify for medical assistance under this title and, at their option, can seek a regular eligibility determination for such assistance for their child.

"(ii) Regardless of whether a State otherwise provides for presumptive eligibility under section 1920A, a State may provide presumptive eligibility under this title, consistent with subsection (e) of section 1920A, to a child who, based on a determination by a non-health agency, would qualify for child health assistance under a State child health plan under title XXI. During such presumptive eligibility period, the State may determine the child's eligibility for medical assistance under this title, pursuant to subparagraph (A) of section 2102(b)(3), based on telephone contact with family members, access to data available in electronic or paper form, and other means of gathering information that are less burdensome to the family than completing an application form on behalf of the child. The procedures described in the previous sentence may be used regardless of whether the State uses similar procedures under other circumstances for purposes of determining eligibility for medical assistance under this title.

"(D) At the option of a State, the eligibility process described in subparagraph (A) may apply to an individual who is not a child.

"(E)(i) At the option of a State, an individual determined to be eligible for medical assistance or child health assistance pursuant to subparagraph (A), (C), or (D) or other procedures through which eligibility is determined based on data obtained from sources other than the individual may receive medical assistance under this title if such individual (or, in the case of an individual under age 19 (or if the State elects the option under subparagraph (A), age 20 or 21) who is not authorized to consent to medical care, the individual's parent, guardian, or other caretaker relative) has acknowledged notice of such determination and has consented to such eligibility determination. The State (at its option) may waive any otherwise applicable requirements for signatures by or on behalf of an individual who has so consented.

"(ii) In the case of an individual enrolled pursuant to clause (i), the State shall inform the individual (or, in the case of an individual under age 19 (or if the State elects the option under subparagraph (A), age 20 or 21), the individual's parent, guardian, or other caretaker relative) about the significance of such enrollment, including appropriate methods to access covered services.

"(F) For purposes of this paragraph—

"(i) the term 'non-health agency' means an agency or entity described in subparagraph (A); and

"(ii) the term 'non-health benefits' means the benefits or assistance provided by a non-health agency.".

(b) SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F) and by inserting after subparagraph (B) the following new subparagraph:

"(C) Section 1902(e)(13) (relating to the State option to base a determination of a child's eligibility for assistance on determinations made by a program providing nutrition or other public assistance (except that the State option under subparagraph (D) of such section shall apply under this title only if an individual is pregnant)).".

(c) PRESUMPTIVE ELIGIBILITY.—Section 1920A of such Act (42 U.S.C. 1396r–1a) is amended—

(1) in subsection (b)(3)(A)(i), is amended by striking "or (IV)" and inserting "(IV) is an agency or entity described in section 1902(e)(13)(A), or (V)"; and

(2) by adding at the end the following:

"(e) In the case of a State with a child health plan under title XXI that provides for presumptive eligibility under such plan for children, the State shall make a reasonable effort to place each presumptively eligible child in the program under this title or title XXI for which the child appears most likely to qualify. During the child's period of presumptive eligibility, the State shall receive Federal matching funds under section 1903 or section 2105, depending on the program in which the child has been placed. If at the conclusion of such period, the child is found to qualify for, and is enrolled in, the program established under this title or title XXI when the child was enrolled in the program under the other such title during such period, the State's receipt of Federal matching funds shall be adjusted both retroactively and prospectively so that Federal matching funds are provided, both during and following such period of presumptive eligibility, based on the program in which the child is enrolled.".

(d) SIGNATURE REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended by adding at the end the following: "Notwithstanding any other provision of law, a signature under penalty of perjury shall not be required on an application form for medical assistance as to any element of eligibility for which eligibility is based on information received from a source other than applicant, rather than on representations from the applicant. Notwithstanding any other provision of law, any signature requirement for an application for medical assistance may be satisfied through an electronic signature, as defined in section 1710(1) of the Government Paperwork Elimination Act (44 U.S.C. 3504 note).".

SEC. 203. INFORMATION TECHNOLOGY CONNECTIONS TO IMPROVE HEALTH COVERAGE DETERMINATIONS.

(a) ENHANCED FEDERAL FUNDING FOR IMPROVEMENTS RELATED TO IMPLEMENTATION OF CERTAIN MODEL OUTREACH AND ENROLLMENT PRACTICES.—

(1) IN GENERAL.—Section 1903(a)(3)(A) of the Social Security Act (42 U.S.C. 1396b(a)(3)(A)) is amended—

(A) by striking "and" at the end of clause (i); and

(B) by adding at the end the following new clause:

"(iii) 75 percent of so much of the sums expended during such quarter as are attributable to the design, development, or installation of such mechanized claims processing and information retrieval systems and the implementation of administrative systems and processes (including modification of eligibility computer systems to permit the exchange of electronic information with other Federal or State programs) as the Secretary determines are directly related to the implementation of a model outreach and enrollment practice described in subparagraph (B), (C), (D), (E), or (F) of section 1905(y)(3), and".

(2) CONFORMING AMENDMENT TO ENSURE AVAILABILITY FOR TERRITORIES.—Section 1108(g) of such Act (42 U.S.C. 1308(g)), as amended by section 201(b)(2)(B), is amended—

(A) in paragraph (2), by striking "and (4)" and inserting ", (4), and (5)"; and

(B) by adding at the end the following new paragraph:

"(5) ADDITIONAL INCREASE FOR CERTAIN EXPENDITURES.—With respect to fiscal year 2008 and each fiscal year thereafter, if Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa qualify for a payment under section 1903(a)(3)(A)(iii) for a calendar quarter of such fiscal year, the additional Federal financial participation under such section shall not be counted towards the limitation on expenditures under title XIX for such commonwealth or territory otherwise determined under subsection (f) and this subsection for such fiscal year.".

(b) AUTHORIZATION OF INFORMATION DISCLOSURE.—

(1) IN GENERAL.—Title XIX of such Act (42 U.S.C. 1396 et seq.) is amended—

(A) by redesignating section 1939 as section 1940; and

(B) by inserting after section 1938 the following:

"AUTHORIZATION TO RECEIVE PERTINENT INFORMATION

"SEC. 1939. (a) IN GENERAL.—Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data potentially pertinent to eligibility determinations under this title or title XXI (including eligibility files maintained by programs described in section 1902(e)(13)(A), information described in paragraph (2) or (3) of section 1137(a), vital records information about births in any State, and information described in sections 453(i) and 1902(a)(25)(I)) is authorized to convey such data or information to a State agency administering a State plan under this title or title XXI, if—

"(1) such data or information are used only to establish or verify eligibility or provide coverage under this title or title XXI; and

"(2) an interagency or other agreement, consistent with standards developed by the Secretary, prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security.

"(b) REQUIREMENTS FOR CONVEYANCE.—Data or information may be conveyed pursuant to this section only if the following requirements are met:

"(1) The individual whose circumstances are described in the data or information (or such individual's parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

"(2) Such data or information are used solely for the purposes of—

"(A) identifying individuals who are eligible or potentially eligible for assistance under this title or title XXI and enrolling such individuals in the State plans established under such titles; and

"(B) verifying the eligibility of individuals for assistance under the State plans established under this title or title XXI.

"(3) An interagency or other agreement, consistent with standards developed by the Secretary—

"(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security; and

"(B) requires the State agencies administering the State plans established under this title and title XXI to use the data and information obtained under this section to seek to enroll individuals in such plans.

"(c) CRIMINAL PENALTY.—A person described in the subsection (a) who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section shall be fined not more than $1,000 or imprisoned not more than 1 year, or both for each such unauthorized activity.

"(d) RULE OF CONSTRUCTION.—The limitations and requirements that apply to disclosure pursuant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section).".

(2) CONFORMING AMENDMENT TO ASSURE ACCESS TO NATIONAL NEW HIRES DATABASE.—Section 453(i)(1) of such Act (42 U.S.C. 653(i)(1)) is amended by striking "and programs funded under part A" and inserting ", programs funded under part A, and State plans approved under title XIX or XXI".

(3) CONFORMING AMENDMENT TO PROVIDE SCHIP PROGRAMS WITH ACCESS TO NATIONAL INCOME DATA.—Section 6103(l)(7)(D)(ii) of the Internal Revenue Code of 1986 is amended by inserting "or title XXI" after "title XIX".

(4) CONFORMING AMENDMENT TO PROVIDE ACCESS TO DATA ABOUT ENROLLMENT IN INSURANCE FOR PURPOSES OF EVALUATING APPLICATIONS AND FOR SCHIP.—Section 1902(a)(25)(I)(i) of the Social Security Act (42 U.S.C. 1396a(a)(25)(I)(i)) is amended—

(A) by inserting "(and, at State option, individuals who are potentially eligible or who apply)" after "with respect to individuals who are eligible"; and

(B) by inserting "under this title (and, at State option, child health assistance under title XXI)" after "the State plan".

SEC. 204. STATE OPTION TO EXPAND OR ADD COVERAGE OF CERTAIN PREGNANT WOMEN UNDER MEDICAID AND SCHIP.

(a) MEDICAID.—

(1) AUTHORITY TO EXPAND COVERAGE.—Section 1902(l)(2)(A)(i) of the Social Security Act (42 U.S.C. 1396a(l)(2)(A)(i)) is amended by inserting "(or such higher percentage as the State may elect for purposes of expenditures for medical assistance for pregnant women described in section 1905(u)(4)(A))" after "185 percent".

(2) ENHANCED MATCHING FUNDS AVAILABLE IF CERTAIN CONDITIONS MET.—Section 1905 of such Act (42 U.S.C. 1396d) is amended—

(A) in the fourth sentence of subsection (b), by striking "or subsection (u)(3)" and inserting ", (u)(3), or (u)(4)"; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following new paragraph:

"(4) For purposes of the fourth sentence of subsection (b) and section 2105(a), the expenditures described in this paragraph are the following:

"(A) CERTAIN PREGNANT WOMEN.—If the conditions described in subparagraph (B) are met, expenditures for medical assistance for pregnant women described in subsection (n) or in section 1902(l)(1)(A) in a family the income of which exceeds 185 percent of the poverty line, but does not exceed the income eligibility level established under title XXI for a targeted low-income child.

"(B) CONDITIONS.—The conditions described in this subparagraph are the following:

"(i) The State plans under this title and title XXI do not provide coverage for pregnant women described in subparagraph (A) with higher family income without covering such pregnant women with a lower family income.

"(ii) The State does not apply an effective income level for pregnant women that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under the State plan under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, on the date of enactment of this paragraph to be eligible for medical assistance as a pregnant woman.

"(C) DEFINITION OF POVERTY LINE.—In this subsection, the term 'poverty line' has the meaning given such term in section 2110(c)(5).".

(3) PAYMENT FROM TITLE XXI ALLOTMENT FOR MEDICAID EXPANSION COSTS.—Section 2105(a)(1) of such Act (42 U.S.C. 1397ee(a)(1)), as amended by section 211, is amended by striking subparagraph (B) and inserting the following new subparagraph:

"(B) for the portion of the payments made for expenditures described in section 1905(u)(4)(A) that represents the additional amount paid for such expenditures as a result of the enhanced FMAP being substituted for the Federal medical assistance percentage of such expenditures;".

(b) CHIP.—

(1) COVERAGE.—Title XXI of such Act(42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

"SEC. 2111. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN.

"(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State may provide for coverage, through an amendment to its State child health plan under section 2102, of pregnancy-related assistance for targeted low-income pregnant women in accordance with this section, but only if—

"(1) the State has established an income eligibility level for pregnant women under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 that is at least 185 percent of the income official poverty line; and

"(2) the State meets the conditions described in section 1905(u)(4)(B).

"(b) DEFINITIONS.—For purposes of this title:

"(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term 'child health assistance' in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women.

"(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means a woman—

"(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

"(B) whose family income exceeds the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, on January 1, 2008, to be eligible for medical assistance as a pregnant woman under title XIX but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

"(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b) in the same manner as a child applying for child health assistance would have to satisfy such requirements.

"(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of pregnancy-related assistance to targeted low-income pregnant women under subsection (a), the following special rules apply:

"(1) Any reference in this title (other than in subsection (b)) to a targeted low-income child is deemed to include a reference to a targeted low-income pregnant woman.

"(2) Any such reference to child health assistance with respect to such women is deemed a reference to pregnancy-related assistance.

"(3) Any such reference to a child is deemed a reference to a woman during pregnancy and the period described in subsection (b)(2)(A).

"(4) In applying section 2102(b)(3)(B), any reference to children found through screening to be eligible for medical assistance under the State Medicaid plan under title XIX is deemed a reference to pregnant women.

"(5) There shall be no exclusion of benefits for services described in subsection (b)(1) based on any preexisting condition and no waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) shall apply.

"(6) In applying section 2103(e)(3)(B) in the case of a pregnant woman provided coverage under this section, the limitation on total annual aggregate cost sharing shall be applied to such pregnant woman.

"(7) The reference in section 2107(e)(1)(F) to section 1920A (relating to presumptive eligibility for children) is deemed a reference to section 1920 (relating to presumptive eligibility for pregnant women).

"(d) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).".

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) NO COST SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) (42 U.S.C. 1397cc(e)(2)) is amended—

(i) in the heading, by inserting "OR PREGNANCY-RELATED SERVICES" after "PREVENTIVE SERVICES"; and

(ii) by inserting before the period at the end the following: "or for pregnancy-related services".

(B) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(i) in clause (i), by striking ", and" at the end and inserting a semicolon;

(ii) in clause (ii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman.".

(c) OTHER AMENDMENTS TO MEDICAID.—

(1) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking "so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance".

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) (42 U.S.C. 1396r–1(b)) is amended by adding after paragraph (2) the following new flush sentence:

"The term 'qualified provider' includes a qualified entity as defined in section 1920A(b)(3).".

SEC. 205. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER MEDICAID AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

"(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(ii) CHILDREN.—Individuals under 21 years of age, including optional targeted low-income children described in section 1905(u)(2)(B).

"(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.".

(b) SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section 202(b), is amended by redesignating subparagraphs (D) and (E) as subparagraph (E) and (F), respectively, and by inserting after subparagraph (C) the following new subparagraph:

"(D) Section 1903(v)(4) (relating to optional coverage of categories of lawfully residing immigrant children), but only if the State has elected to apply such section to the category of children under title XIX.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007, and apply to medical assistance and child health assistance furnished on or after such date.

(d) CONSTRUCTION.—Nothing in this section shall be construed as affecting eligibility of aliens who are not lawfully residing in the United States to benefits under the Medicaid program under title XIX of the Social Security Act or under the State children's health insurance program (SCHIP) under title XXI of such Act.

SEC. 206. AUTHORIZING ADJUSTMENT OF SCHIP ALLOTMENT DUE TO INCREASED OUTREACH.

(a) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd), as amended by section 101, is further amended by adding at the end the following new subsection:

"(j) AUTHORIZING ALLOTMENT ADJUSTMENT DUE TO INCREASED OUTREACH.—

"(1) IN GENERAL.—Notwithstanding the previous provisions of this section, if the Secretary determines that—

"(A) a State has an increase in the average number of children enrolled under its State child health plan in a fiscal year that exceeds the enrollment of children projected under paragraph (2) for the State for such fiscal year, and

"(B) the total Federal expenditures under the State child health plan (or waiver) under this title exceeds the amount of the allotment made available to the State for the fiscal year,

the Secretary shall increase the allotment under this section for the State for the fiscal year by the amount specified in paragraph (3). There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to provide for such increase in allotment.

"(2) PROJECTED ENROLLMENT OF CHILDREN.—The projected enrollment of children for a State under this paragraph for a fiscal year is equal to the average number of children enrolled under the State child health plan in fiscal year 2007 increased, for each subsequent fiscal year through the fiscal year involved, by a factor equal to the population growth of children in the State for such fiscal year, as projected by the Secretary before the beginning of the fiscal year involved.

"(3) AMOUNT OF ALLOTMENT INCREASE.—

"(A) IN GENERAL.—Subject to subparagraph (B), the amount of the allotment increase under this subsection for a State for a fiscal year shall be an amount equal to the product of—

"(i) the number by which the average number of children enrolled under the State child health plan in the fiscal year exceeds the enrollment of children projected under paragraph (2) for such State for such fiscal year; and

"(ii) the per capita expenditures for children under the State child health plan for the previous year, increased by the average annual rate of increase (for the three previous fiscal years) in the amount of such per capita expenditures.

The amount of the allotment increase under this subsection shall not be subject to administrative or judicial review.

"(B) LIMITATION.—

"(i) IN GENERAL.—Subject to clause (ii), in no case shall the sum of the allotment increases for all States under this subsection for a fiscal year exceed an amount equal to 20 percent of the total Federal payments to all of the States otherwise made under this title for the fiscal year. If such sum exceeds such amount, subject to clause (ii), the allotment increase for each State under this subsection for the fiscal year shall be reduced in a pro rata manner in order that such sum does not exceed such amount.

"(ii) CONGRESSIONAL APPROVAL OF ADDITIONAL AMOUNTS.—If the Secretary estimates that the allotment increases that should be provided under this subsection, but for clause (i), would exceed the limitation established under such clause, the Secretary shall submit to Congress a request for supplemental appropriations for the purpose of meeting such shortfall.

"(4) CLARIFICATION.—An adjustment in an allotment shall not be made under this subsection due to excess State expenditures resulting from a growth in per capita costs, increased reimbursement to providers, or other factors not directly related to outreach to eligible, but previously unenrolled children.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect beginning with allotments for fiscal year 2008.

SEC. 207. MODEL OF INTERSTATE COORDINATED ENROLLMENT AND COVERAGE PROCESS.

In order to assure continuity of coverage of low-income children under the Medicaid program and the State Children's Health Insurance Program (SCHIP), the Secretary of Health and Human Services, in consultation with State Medicaid and SCHIP directors, shall develop and disseminate a model process for the coordination of the enrollment and coverage under such programs of children who, because of migration of families, emergency evacuations, educational needs, or otherwise, frequently change their State of residency or otherwise are temporarily present outside of the State of their residency.

SEC. 208. AUTHORITY FOR QUALIFYING STATES TO USE PORTION OF SCHIP ALLOTMENT FOR ANY FISCAL YEAR FOR CERTAIN MEDICAID EXPENDITURES.

Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)), as amended by section 201(b) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482) is amended by striking "fiscal year 1998, 1999, 2000, 2001, 2004, 2005, 2006, or 2007" and inserting "a fiscal year".

SEC. 209. APPLICATION OF MEDICAID OUTREACH PROCEDURES TO ALL PREGNANT WOMEN AND CHILDREN.

(a) IN GENERAL.—Section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) is amended by striking "individuals for medical assistance under subsection (a)(10)(A)(i)(IV), (a)(10)(A)(i)(VI), (a)(10)(A)(i)(VII), or (a)(10)(A)(ii)(IX)" and inserting "child and pregnant women for medical assistance (including under clauses (i)(IV), (i)(VI), (i)(VII), and (ii)(IX) of paragraph (10)(A))".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—

(2) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act, which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendment made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such Act solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

SEC. 210. NO IMPACT ON SECTION 1115 WAIVERS.

Nothing in this Act shall be construed to affect State flexibility on eligibility and waivers approved by the Federal government under section 1115 of the Social Security Act (42 U.S.C. 1315).

SEC. 211. ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.

Section 2105(a)(1) of the Social Security Act (42 U.S.C. 1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))"; and

(2) by amending subparagraph (B) to read as follows:

"(B) [reserved]".

SEC. 212. PROHIBITING LIMITATIONS ON ENROLLMENT.

(a) In General.—Section 2102(b)(3)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(3)(B)) is amended—

(1) by striking "and" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; and"; and

(3) by adding at the end the following new clause:

"(iii) shall not impose, with respect to enrollment of targeted low-income children under the State child health plan, any enrollment cap or other numerical limitation on enrollment, any waiting list, any procedures designed to delay the consideration of applications for enrollment, or similar limitation with respect to enrollment.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to State child health plans as of October 1, 2007.

TITLE III—ELIMINATION OF CERTAIN BARRIERS TO COVERAGE

SEC. 301. STATE OPTION TO REQUIRE CERTAIN INDIVIDUALS TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE OF PROOF OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID.

(a) In General.—Section 1902(a)(46) of the Social Security Act (42 U.S.C. 1396a(a)(46)) is amended—

(1) by inserting "(A)" after "(46)";

(2) by adding "and" after the semicolon; and

(3) by adding at the end the following new subparagraph:

"(B) at the option of the State and subject to section 1903(x), require that, with respect to an individual (other than an individual described in section 1903(x)(1)) who declares to be a citizen or national of the United States for purposes of establishing initial eligibility for medical assistance under this title (or, at State option, for purposes of renewing or redetermining such eligibility to the extent that such satisfactory documentary evidence of citizenship or nationality has not yet been presented), there is presented satisfactory documentary evidence of citizenship or nationality of the individual (using criteria determined by the State, which shall be no more restrictive than the criteria used by the Social Security Administration to determine citizenship, and which shall accept as such evidence a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood, and, with respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, such other forms of documentation (including tribal documentation, if appropriate) that the Secretary, after consulting with such tribes, determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subparagraph));".

(b) Limitation on Waiver Authority.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(c) Conforming Amendments.—Section 1903 of such Act (42 U.S.C. 1396b) is amended—

(1) in subsection (i)—

(A) in paragraph (20), by adding "or" after the semicolon;

(B) in paragraph (21), by striking "; or" and inserting a period; and

(C) by striking paragraph (22); and

(2) in subsection (x) (as amended by section 405(c)(1)(A) of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432))—

(A) by striking paragraphs (1) and (3);

(B) by redesignating paragraph (2) as paragraph (1);

(C) in paragraph (1), as so redesignated, by striking "paragraph (1)" and inserting "section 1902(a)(46)(B)"; and

(D) by adding at the end the following new paragraphs:

"(2) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.

"(3)(A) In addition to the criteria established by the State for purposes of section 1902(a)(46)(B), a State shall deem presentation of the following documents to be 'satisfactory documentary evidence of citizenship or nationality' (and shall not favor presentation of 1 type of document described over another):

"(i) Any document described in subparagraph (B).

"(ii) Any document described in subparagraph (C) when presented with any document described in subparagraph (D).

"(iii) Any document described in subparagraph (E) if the requirements of that subparagraph are met.

"(B) The following are documents described in this subparagraph:

"(i) A United States passport.

"(ii) Form N-550 or N-570 (Certificate of Naturalization).

"(iii) Form N-560 or N-561 (Certificate of United States Citizenship).

"(iv) A valid State-issued driver's license or other identity document described in section 274A(b)(1)(D) of the Immigration and Nationality Act, but only if the State issuing the license or such document requires proof of United States citizenship before issuance of such license or document or obtains a social security number from the applicant and verifies before certification that such number is valid and assigned to the applicant who is a citizen.

"(v) Such other document as the Secretary may specify, by regulation, that provides proof of United States citizenship or nationality and that provides a reliable means of documentation of personal identity.

"(C) The following are documents described in this subparagraph:

"(i) A certificate of birth in the United States.

"(ii) Form FS-545 or Form DS-1350 (Certification of Birth Abroad).

"(iii) Form I-197 (United States Citizen Identification Card).

"(iv) Form FS-240 (Report of Birth Abroad of a Citizen of the United States).

"(v) Such other document (not described in subparagraph (B)(iv)) as the Secretary may specify that provides proof of United States citizenship or nationality.

"(D) The following are documents described in this subparagraph:

"(i) Any identity document described in section 274A(b)(1)(D) of the Immigration and Nationality Act.

"(ii) Any other documentation of personal identity of such other type as the Secretary finds, by regulation, provides a reliable means of identification.

"(E) A document described in this subparagraph is an affidavit of citizenship or identity, or both, which need not be notarized or witnessed, but only if the individual has been unable to acquire other satisfactory documentary evidence within the reasonable opportunity period established by the State, despite a good faith effort to do so. An individual shall be deemed unable to acquire such documentary evidence—

"(i) if there is good reason to believe that such documentary evidence does not exist;

"(ii) if, after a timely request for such documentary evidence, it has not been received by the State or the individual within the reasonable opportunity period established by the State;

"(iii) if such documentary evidence cannot be acquired at a nominal cost to the individual; or

"(iv) in such additional situations as the Secretary may describe.

"(F)(i) A reference in this paragraph to a form includes a reference to any successor form.

"(ii) Any legible copy of a form described in this paragraph shall be accepted as if it were the original of such form.".

(d) Clarification of Rules for Children Born in the United States to Mothers Eligible for Medicaid.—Section 1903(x) of such Act (42 U.S.C. 1396b(x)), as amended by subsection (c)(2), is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking "or" at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or"; and

(2) by adding at the end the following new paragraph:

"(4) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.".

(e) Effective Date.—

(1) Retroactive application.—The amendments made by this section shall take effect as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 4).

(2) Restoration of eligibility.—In the case of an individual who, during the period that began on July 1, 2006, and ends on the date of enactment of this Act, was determined to be ineligible for medical assistance under a State Medicaid program solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by this section, had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

SEC. 302. INCREASED FEDERAL MATCHING RATE FOR LANGUAGE SERVICES PROVIDED UNDER MEDICAID OR SCHIP.

(a) In General.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended—

(1) in subparagraph (E)(ii), by striking "plus" at the end; and

(2) by adding at the end the following:

"(3) 85 percent of the sums expended with respect to costs incurred during such quarter as are attributable to the provision of language services on behalf of individuals with limited English proficiency who apply for or receive medical assistance under the State plan (including any provisions of the plan implemented pursuant to any waiver authority of the Secretary) or child health assistance under title XXI; plus".

(b) Effective Date.—The amendments made by subsection (a) take effect on October 1, 2007, and apply to language services provided on or after that date.

TITLE IV—GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT UNDER MEDICAID AND SCHIP

SEC. 401. GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT UNDER MEDICAID AND SCHIP.

Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), as amended by section 204(b), is amended by adding at the end the following:

"SEC. 2112. EXPANDED OUTREACH AND ENROLLMENT ACTIVITIES.

"(a) Grants to Conduct Innovative Outreach and Enrollment Efforts.—

"(1) In general.—The Secretary shall award grants to eligible entities to—

"(A) conduct innovative outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX; and

"(B) promote understanding of the importance of health insurance coverage for prenatal care and children.

"(2) Performance bonuses.—The Secretary may reserve a portion of the funds appropriated under subsection (g) for a fiscal year for the purpose of awarding performance bonuses during the succeeding fiscal year to eligible entities that meet enrollment goals or other criteria established by the Secretary.

"(b) Priority for Award of Grants.—

"(1) In general.—In making grants under subsection (a)(1), the Secretary shall give priority to—

"(A) eligible entities that propose to target geographic areas with high rates of—

"(i) eligible but unenrolled children, including such children who reside in rural areas; or

"(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

"(B) eligible entities that plan to engage in outreach efforts with respect to individuals described in subparagraph (A) and that are—

"(i) Federal health safety net organizations; or

"(ii) faith-based organizations or consortia.

"(2) 10 percent set aside for outreach to Indian children.—An amount equal to 10 percent of the funds appropriated under subsection (g) for a fiscal year shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

"(c) Application.—An eligible entity that desires to receive a grant under subsection (a)(1) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

"(1) quality and outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section to ensure that the activities are meeting their goals; and

"(2) an assurance that the entity shall—

"(A) conduct an assessment of the effectiveness of such activities against such performance measures; and

"(B) cooperate with the collection and reporting of enrollment data and other information determined as a result of conducting such assessments to the Secretary, in such form and manner as the Secretary shall require.

"(d) Dissemination of Enrollment Data and Information Determined From Effectiveness Assessments; Annual Report.—The Secretary shall—

"(1) disseminate to eligible entities and make publicly available the enrollment data and information collected and reported in accordance with subsection (c)(2)(B); and

"(2) submit an annual report to Congress on the outreach activities funded by grants awarded under this section.

"(e) Supplement, Not Supplant.—Federal funds awarded under this section shall be used to supplement, not supplant, non-Federal funds that are otherwise available for activities funded under this section.

"(f) Definitions.—In this section:

"(1) Eligible entity.—The term 'eligible entity' means any of the following:

"(A) A State or local government.

"(B) A Federal health safety net organization.

"(C) A national, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

"(D) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x–65) relating to a grant award to non-governmental entities.

"(E) An elementary or secondary school.

"(2) Federal health safety net organization.—The term 'Federal health safety net organization' means—

"(A) an Indian tribe, tribal organization, or an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider;

"(B) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

"(C) a hospital defined as a disproportionate share hospital for purposes of section 1923;

"(D) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

"(E) any other entity or a consortium that serves children under a federally-funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the head start and early head start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

"(3) Indians; Indian tribe; tribal organization; urban Indian organization.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(g) Appropriation.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $50,000,000 for each of fiscal years 2008 through 2012 for the purpose of awarding grants under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsection (a)(1)(D)(iii) of such section.".

TITLE V—IMPROVING THE QUALITY OF PEDIATRIC CARE

SEC. 501. REQUIRING COVERAGE OF EPSDT SERVICES, INCLUDING DENTAL SERVICES; STATE OPTION TO PROVIDE SUPPLEMENTAL COVERAGE OF DENTAL SERVICES.

(a) Additional Required Services.—

(1) Required coverage of EPSDT services, including dental services.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4), the following:

"(5) Other required services.—The child health assistance provided to a targeted low-income child shall include coverage of early and periodic screening, diagnostic, and treatment services described in subsections (a)(4)(B) and (r) of section 1905 and provided in accordance with section 1903(a)(43) (including dental services that are necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions).".

(2) State child health plan requirement.—Section 2102(a)(7)(B) of such Act (42 U.S.C. 1397bb(c)(2)) is amended by inserting "and services described in section 2103(c)(5)" after "emergency services".

(3) Conforming amendment.—Section 2103(a) of such Act (42 U.S.C. 1397cc(a)) is amended, in the matter preceding paragraph

(1), by striking "subsection (c)(5)" and inserting "paragraphs (5) and (6) of subsection (c)".

(b) STATE OPTION TO PROVIDE SUPPLEMENTAL COVERAGE OF DENTAL SERVICES UNDER SCHIP TO CHILDREN WITH OTHER HEALTH COVERAGE.—

(1) IN GENERAL.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(A) in paragraph (1)(C), by inserting ", subject to paragraph (5)," after "under title XIX or"; and

(B) by adding at the end the following:

"(5) STATE OPTION TO PROVIDE SUPPLEMENTAL COVERAGE OF DENTAL SERVICES TO CHILDREN WITH OTHER HEALTH COVERAGE.—

"(A) IN GENERAL.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage in order to provide dental services that are not covered, or are only partially covered, under such plan or coverage. Nothing in subsection (c)(5) of section 2103 shall be construed as prohibiting a State from limiting the supplemental coverage of dental services provided in accordance with this paragraph and nothing in paragraph (2) or (3) of subsection (e) of such section shall be construed as prohibiting a State from imposing premiums, deductibles, cost-sharing, or similar charges for such coverage without regard to the requirements of either such paragraph.

"(B) ELIGIBILITY.—In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, which may not exceed the maximum income level otherwise established for other children under the State child health plan.

"(C) CONTINUED APPLICATION OF DUTY TO PREVENT SUBSTITUTION OF EXISTING COVERAGE.—Nothing in this paragraph shall be construed as modifying the application of section 2102(b)(3)(C) to a State.".

(2) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 of such Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the fourth sentence, by striking "subsection (u)(3)" and inserting "(u)(3), or (u)(4)"; and

(B) in subsection (u), by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following:

"(4) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for supplemental coverage of dental services for children described in section 2110(b)(5).".

(3) APPLICATION OF SECONDARY PAYOR PROVISIONS.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) Section 1902(a)(25) (relating to coordination of benefits and secondary payor provisions) with respect to children provided supplemental coverage of dental services under a waiver described in section 2110(b)(5).".

SEC. 502. PEDIATRIC QUALITY AND PERFORMANCE MEASURES PROGRAM.

Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1939 as section 1941; and

(2) by inserting after section 1938 the following:

"PEDIATRIC QUALITY AND PERFORMANCE MEASURES PROGRAM

"SEC. 1939. (a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services and in consultation with the Director of the Agency for Healthcare Research and Quality, shall establish a program to encourage and support the development of new and emerging quality and performance measures for providers of pediatric care through the activities described in subsection (c). In establishing the program, gaps in existing evidence-based measures and priority areas for advancement shall be identified.

"(b) PURPOSE.—The purpose of the program is to ensure that—

"(1) evidence-based pediatric quality and performance measures are developed; and

"(2) such measures are available for States, other purchasers of pediatric health care services, health care providers, and consumers to use.

"(c) PROGRAM ACTIVITIES.—

"(1) IDENTIFYING QUALITY AND PERFORMANCE MEASURES FOR PROVIDERS OF PEDIATRIC SERVICES AND OPPORTUNITIES FOR NEW MEASURES.—Not later than 3 months after the date of enactment of this section, the Secretary shall identify quality and performance measures for providers of pediatric services and opportunities for the development of new measures, taking into consideration existing evidence-based measures. In conducting this review, the Secretary shall—

"(A) ensure the inclusion of at least 1 measure related to children's dental and oral health; and

"(B) convene and consult with representatives of—

"(i) States;

"(ii) pediatric hospitals, pediatricians, and other pediatric health professionals;

"(iii) national organizations representing—

"(I) consumers of children's health care; and

"(II) purchasers of children's health care;

"(iv) experts in pediatric quality and performance measurement; and

"(v) a voluntary consensus standards setting organization and other organizations involved in the advancement of consensus on evidence-based measures of health care.

"(2) DEVELOPING, VALIDATING, AND TESTING NEW MEASURES.—The Secretary shall award grants or contracts to eligible entities (as defined in subsection (d)(1)) for the development, validation, and testing of new and emerging quality and performance measures, including at least 1 measure related to children's dental and oral health, for providers of pediatric services. Such measures shall—

"(A) provide consumers and purchasers (including States and beneficiaries under the program under this title and title XXI) with information about provider performance and quality; and

"(B) assist health care providers in improving the quality of the items and services they provide and their performance with respect to the provision of such items and services.

"(3) ACHIEVING CONSENSUS ON EVIDENCE-BASED MEASURES.—The Secretary shall award grants or contracts to eligible consensus entities (as defined in subsection (d)(2)) for the development of consensus on evidence-based measures for pediatric care, including at least 1 measure related to children's dental and oral health, that have broad acceptability in the health care industry.

"(d) ELIGIBLE ENTITIES.—

"(1) DEVELOPMENT, VALIDATION, AND TESTING.—For purposes of paragraph (2) of subsection (c), the term 'eligible entity' means—

"(A) organizations with demonstrated expertise and capacity in the development and evaluation of pediatric quality and performance measures;

"(B) an organization or association of health care providers with demonstrated experience in working with accrediting organizations in developing pediatric quality and performance measures; and

"(C) a collaboration of national pediatric organizations working to improve pediatric quality and performance measures.

"(2) ACHIEVEMENT OF CONSENSUS.—For purposes of paragraph (3) of such subsection, the term 'eligible consensus entity' means an organization, including a voluntary consensus standards setting organization involved in the advancement of consensus on evidence-based measures of health care.

"(e) ONGOING AUTHORITY TO UPDATE AND ADJUST PEDIATRIC MEASURES.—The Secretary may update and adjust measures developed and advanced under the program under this section in accordance with—

"(1) any changes that a voluntary consensus standards setting organization determines should be made with respect to such measures; or

"(2) new evidence indicating the need for changes with respect to such measures.

"(f) ADDITION OF PEDIATRIC CONSUMER ASSESSMENT MEASURES TO CAHPS HOSPITAL SURVEY CONDUCTED BY AHRQ.—The Director of the Agency for Healthcare Research and Quality shall ensure that consumer assessment measures for hospital services for children are added to the Consumer Assessment of Healthcare Providers and Systems (CAHPS) Hospital survey conducted by such Agency.

"(g) APPROPRIATION.—There are authorized to be appropriated and there are appropriated, for the purpose of carrying out this section, $10,000,000, for each of fiscal years 2008 through 2012, to remain available until expended.".

SEC. 503. GRANTS TO STATES FOR DEMONSTRATION PROJECTS TRANSFORMING DELIVERY OF PEDIATRIC CARE.

Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), as amended by section 502, is amended by inserting after section 1939 the following:

"GRANTS TO STATES FOR DEMONSTRATION PROJECTS TRANSFORMING DELIVERY OF PEDIATRIC CARE

"SEC. 1940. (a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall establish demonstration projects, including demonstration projects in each of the 4 categories described in subsection (d), to award grants to States to improve the delivery of health care services provided to children under this title and title XXI.

"(b) DURATION.—The demonstration projects shall be conducted for a period of 4 years.

"(c) ELIGIBILITY.—A State shall not be eligible to receive a grant under this section unless the State has demonstrated experience or commitment to the concept of transformation in the delivery of pediatric care.

"(d) CATEGORIES OF PROJECTS.—The following categories of projects are described in this subsection:

"(1) HEALTH INFORMATION TECHNOLOGY SYSTEMS.—Projects for developing health information technology systems, including technology acquisition, electronic health record development, data standards development, and software development, for pediatric hospital and physician services and other community-based services; implementing model systems; and evaluating their impact on the quality, safety, and costs of care.

"(2) DISEASE MANAGEMENT.—Projects for providing provider-based care disease management for children with chronic conditions (including physical, developmental, behavioral, and psychological conditions), demonstrating the effectiveness of provider-based management models in promoting better care, reducing adverse health outcomes, and preventing avoidable hospitalizations.

"(3) EVIDENCE-BASED QUALITY IMPROVEMENTS.—Projects for implementing evidence-based approaches to improving efficiency, safety, and effectiveness in the delivery of hospital care for children across hospital services, evaluating the translation of successful models of such evidence-based approaches to other institutions, and the impact of such changes on the quality, safety, and costs of care.

"(4) QUALITY AND PERFORMANCE MEASURES FOR PROVIDERS OF CHILDREN'S HEALTH CARE SERVICES.—Projects to pilot test evidence-based pediatric quality and performance measures for inpatient hospital services, physician services, or services of other health professionals, determining the reliability, feasibility, and validity of such measures, and evaluating their potential impact on improving the quality and delivery of children's health care. To the extent feasible, such measures shall have been approved by consensus standards setting organizations.

"(e) UNIFORM METRICS.—The Secretary shall establish uniform metrics (adjusted, as appropriate, for patient acuity), collect data, and conduct evaluations with respect to each demonstration project category described in subsection (d). In establishing such metrics, collecting such data, and conducting such evaluations, the Secretary shall consult with—

"(1) experts in each such demonstration project category;

"(2) participating States;

"(3) national pediatric provider organizations;

"(4) health care consumers; and

"(5) such other entities or individuals with relevant expertise as the Secretary determines appropriate.

"(f) EVALUATION AND REPORT.—The Secretary shall evaluate the demonstration projects conducted under this section and submit a report to Congress not later than 3 months before the completion of each demonstration project that includes the findings of the evaluation and recommendations with respect to—

"(1) expansion of the demonstration project to additional States and sites; and

"(2) the broader implementation of approaches identified as being successful in advancing quality and performance in the delivery of medical assistance provided to children under this title and title XXI.

"(g) WAIVER.—The Secretary may waive the requirements of this title and title XXI to the extent necessary to carry out the demonstration projects under this section.

"(h) AMOUNTS PAID TO A STATE.—Amounts paid to a State under this section—

"(1) shall be in addition to Federal payments made to the State under section 1903(a);

"(2) shall not be used for the State share of any expenditures claimed for payment under such section; and

"(3) shall be used only for expenditures of the State for participating in the demonstration projects, or for expenditures of providers in participating in the demonstration projects, including—

"(A) administrative costs of States and participating providers (such as costs associated with the design and evaluation of, and data collection under, the demonstration projects); and

"(B) such other expenditures that are not otherwise eligible for reimbursement under this title or title XXI as the Secretary may determine appropriate.

"(i) APPROPRIATION.—There are authorized to be appropriated and there are appropriated, for the purpose of carrying out this section, to remain available until expended $10,000,000 for each of fiscal years 2008 through 2012.".

SEC. 504. REPORT BY THE COMPTROLLER GENERAL ON DESIGN AND IMPLEMENTATION OF A DEMONSTRATION PROJECT EVALUATING EXISTING QUALITY AND PERFORMANCE MEASURES FOR CHILDREN'S INPATIENT HOSPITAL SERVICES.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States (in this section referred to as the "Comptroller General") shall submit a report to Congress containing recommendations for the design and implementation of a demonstration project to evaluate the suitability of existing quality and performance measures for children's inpatient hospital services for public reporting, differentiating quality, identifying best practices, and providing a basis for payment rewards.

(b) DEVELOPMENT OF RECOMMENDATIONS.—In developing the recommendations submitted under subsection (a), the Comptroller General shall accomplish the following:

(1) Consider which agency within the Department of Health and Human Services should have primary responsibility and oversight for such a demonstration project.

(2) Determine a sufficient number of participating hospitals and volume of children's cases, given existing measures that might be chosen for evaluation under such a demonstration project.

(3) Determine the number of States and variety of geographic locations that may be required to conduct such a demonstration project.

(4) Describe alternatives for administering and directing funding for such a demonstration project, taking into consideration the potential involvement of multiple States, State plans under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and State child health plans under title XXI of such Act (42 U.S.C. 1397aa et seq.). Such description shall be included in the recommendations submitted under subsection (a).

(5) Determine requirements for consistency in measures, metrics, and risk adjustment for such a demonstration project, across hospitals and across State lines.

(6) Consider the infrastructure requirements involved in public reporting of quality and performance measures for children's inpatient hospital services at the national and State levels, including the requirements involved with respect to maintaining such measures and data.

(7) Estimate the cost of undertaking such a demonstration project.

(c) SUGGESTION OF EXISTING MEASURES FOR EVALUATION UNDER THE DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The report submitted under subsection (a) shall include suggestions for existing measures to be evaluated under the demonstration project recommended in such report, including, to the extent feasible, measures with respect to—

(A) high volume pediatric inpatient conditions;

(B) high cost pediatric inpatient services;

(C) pediatric conditions with predicted high morbidities; and

(D) pediatric cases at high risk of patient safety failures.

(2) SUGGESTED MEASURES.—The measures suggested under paragraph (1) shall be measures representing process, structure, patient outcomes, or patient and family experience—

(A) that are evidence-based;

(B) that are feasible to collect and report;

(C) that include a mechanism for risk adjustment when necessary; and

(D) for which there is a consensus within the pediatric hospital community or a consensus determined by a voluntary consensus standards setting organization involved in the advancement of evidence-based measures of health care.

(3) CONSULTATION.—In determining the existing measures suggested under paragraph (1), the Comptroller General shall consult with representatives of the following:

(A) National associations of pediatric hospitals and pediatric health professionals.

(B) Experts in pediatric quality and performance measurement.

(C) Voluntary consensus standards setting organizations and other organizations involved in the advancement of consensus on evidence-based measures.

(D) The Department of Health and Human Services, States, and other purchasers of health care items and services.

SEC. 505. MEDICAL HOME DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish a medical home demonstration project (in this section referred to as the "project") under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 1397aa et seq.) to redesign the health care delivery system by providing targeted, accessible, continuous, coordinated, and family-centered care to eligible individuals.

(2) ELIGIBLE INDIVIDUALS DEFINED.—In this section, the term "eligible individual" means an individual who—

(A) is receiving child health assistance under a State child health plan implemented under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), title XIX of such Act (42 U.S.C. 1396 et seq.), or both such titles; and

(B) is a member of a high need population (as determined by the Secretary).

(3) PROJECT GOALS.—The project shall be designed in order to determine whether, and if so, the extent to which, medical homes accomplish the following:

(A) Increase—

(i) cost efficiencies of health care delivery;

(ii) access to appropriate health care services;

(iii) patient satisfaction;

(iv) school attendance; and

(v) the quality of health care services provided, as determined based on measures of quality the Secretary determines are broadly accepted in the health care community.

(B) Decrease—

(i) inappropriate emergency room utilization; and

(ii) duplication of health care services provided.

(C) Provide appropriate—

(i) preventive care; and

(ii) referrals to multidisciplinary services.

(b) PROJECT DESIGN.—

(1) DURATION.—The project shall be conducted for a 5 year period.

(2) SITES.—

(A) IN GENERAL.—The project shall be conducted in 8 States on a State-wide basis.

(B) APPLICATION.—A State seeking to participate in the project shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(3) CONDUCT OF PROJECT.—

(A) AGREEMENTS WITH ACADEMIC INSTITUTIONS.—A participating State may enter into an agreement with an academic institution in order to have the institution conduct the project, provide technical assistance and monitoring, and to participate in the evaluation of the project under subsection (e)(1).

(B) CHOICE OF PARTICIPATING PHYSICIAN PRACTICES.—

(i) IN GENERAL.—A participating State shall establish procedures for physician practices to participate in the project by providing coordinated care to eligible individuals. Such participation shall be on a voluntary basis.

(ii) STANDARDS FOR PARTICIPATING PHYSICIAN PRACTICES.—The procedures established under clause (i) shall encourage physician practices participating in the project to demonstrate that they have—

(I) identified care coordinators, family resource guides, family advisors, and a family advisory committee;

(II) developed care plans for eligible individuals; and

(III) taken such other actions as the State determines appropriate in order to provide coordinated care to eligible individuals.

(c) PROJECT REQUIREMENTS.—Each participating State shall establish procedures in order to ensure that the following requirements are met:

(1) Each eligible individual in the State who is enrolled in the project is provided a medical home with access to appropriate medical care.

(2) Each medical home in the State that is participating in the project—

(A) provides for physician-directed care coordination;

(B) uses health information technology (including patient registry systems, clinical decision support tools, remote monitoring, and electronic medical record systems);

(C) communicates with physician practices participating in the project, eligible individuals receiving health care through the medical home, and other health care providers (as appropriate) with respect to health matters, including through electronic mail and telephone consultations;

(D) makes arrangements with teams of other health professionals, including care coordinators, and facilitates linkages to community resources to extend access to the full spectrum of health care services that eligible individuals require;

(E) establishes networks with community practices, hospitals, and community health care providers to facilitate the exchange of ideas and resources in order to improve project outcomes; and

(F) acts as a facilitator in order to ensure that eligible individuals enrolled in the medical home under the project receive high-quality care at the appropriate time and place in a cost-effective manner.

(3) The State provides payment (in accordance with subsection (d)) and appropriate support for physician-directed care coordination services provided to eligible individuals under the project.

(d) PAYMENT.—

(1) IN GENERAL.—The Secretary shall establish a structure for payments to participating States for the cost of services provided under the project. Such structure shall provide payments based on the performance of medical homes located in the State in achieving quality and efficiency goals (as defined by the Secretary).

(2) PAYMENTS FOR HEALTH INFORMATION TECHNOLOGY.—

(A) IN GENERAL.—The Secretary shall establish a prospective, bundled, and risk adjusted structural practice payment to cover health information technology expenses incurred by medical homes under the project.

(B) IN GENERAL.—Such payments shall take into account any expenses the medical home incurs in order to acquire and utilize health information technology, such as clinical decision support tools, patient registries, and electronic medical records.

(3) PAYMENTS FOR PHYSICIAN WORK OUTSIDE OF OFFICE VISITS.—The Secretary shall establish a prospective, bundled, and risk adjusted structural care coordination payment that represents the value of physician work provided to eligible individuals under the project that is done outside of any office visits.

(e) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary, in consultation with appropriate pediatric medical associations, shall evaluate the project in order to determine the effectiveness of medical homes in terms of quality improvement, patient and provider satisfaction, and the improvement of health outcomes.

(2) REPORT.—Not later than 12 months after completion of the project, the Secretary shall submit to Congress a report on the project containing the results of the evaluation conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines to be appropriate.

(f) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated, such sums as may be necessary to carry out this section.

(2) PROHIBITION.—Amounts paid to a State under the project shall not be used for purposes of claiming a Federal matching payment under section 1903(a) or 2105(a) of the Social Security Act (42 U.S.C. 1396b(a); 1397ee(a)).

(g) WAIVER.—The Secretary shall waive compliance with such requirements of titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 1397aa et seq.) to the extent and for the period the Secretary finds necessary to conduct the project.

SEC. 506. DISEASE PREVENTION AND TREATMENT DEMONSTRATION PROJECTS FOR ETHNIC AND RACIAL MINORITY CHILDREN.

(a) DEFINITIONS.—In this section:

(1) CHILD.—The term "child" has the meaning given such term in section 2110(c)(1) of the Social Security Act (42 U.S.C. 1397jj(c)(1)).

(2) MEDICAID.—The term "Medicaid" means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) PROJECTS.—The term "projects" means the demonstration projects established under subsection (b)(1).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(5) SCHIP.—The term "SCHIP" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(6) TARGET INDIVIDUAL.—

(A) IN GENERAL.—The term "target individual" means a child—

(i) who is a member of a racial and ethnic minority group; and

(ii) who is enrolled in a State Medicaid program or a State child health plan under SCHIP.

(B) RACIAL AND ETHNIC MINORITY GROUP.—The term "racial and ethnic minority group" has the meaning given such term in section 1707(g)(1) of the Public Health Service Act (42 U.S.C. 300u-6(1)).

(b) DEMONSTRATION PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish demonstration projects for the purpose of developing models and evaluating methods that—

(A) improve the quality of medical assistance and child health assistance provided to target individuals under Medicaid and SCHIP in order to reduce disparities in the provision of health care services;

(B) improve clinical outcomes, satisfaction, quality of life, and the appropriate use of services covered and referral patterns under Medicaid and SCHIP among target individuals;

(C) eliminate disparities in the rate of preventive measures, such as well child visits and immunizations, among target individuals; and

(D) promote collaboration with community-based organizations to ensure cultural competency of health care professionals and linguistic access for persons with limited English proficiency.

(2) DESIGN.—

(A) INITIAL DESIGN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(i) evaluate best practices in the private sector, community programs, and academic research with respect to methods for reducing health care disparities among target individuals; and

(ii) design the projects based on such evaluation.

(B) NUMBER AND PROJECT AREAS.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement not less than 9 projects, including the following:

(I) Two projects for each of the 4 following racial and ethnic minority groups:

(aa) American Indians, including Alaskan Natives, Eskimos, and Aleuts.

(bb) Asian Americans and Pacific Islanders.

(cc) Blacks.

(dd) Hispanics (as defined in section 1707(g)(2) of the Public Health Service Act (42 U.S.C. 300u-6(g)(2)).

(II) One project within Puerto Rico.

(ii) SUBPOPULATIONS.—The 2 projects implemented for the groups described in clause (i)(I) shall each target different ethnic subpopulations within such groups.

(iii) RURAL AND INNER-CITY AREAS.—Not less than 1 of the projects implemented under clause (i)(I) shall be conducted in a rural area and not less than 1 of such projects shall be conducted in an inner-city area.

(c) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date on which the Secretary initially implements the projects, and biannually thereafter for the duration of the projects, the Secretary shall submit to Congress a report on the projects.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the projects.

(B) An evaluation of—

(i) the cost and benefits of the projects, including whether the projects have reduced expenditures under Medicaid and SCHIP;

(ii) the quality of the health care services provided to target individuals under the projects, including whether the projects have reduced racial and ethnic health disparities in the quality of health care services provided to such individuals;

(iii) beneficiary and health care provider satisfaction under the projects; and

(iv) whether, based on the factors evaluated under clauses (i) through (iii), the projects should be continued or conducted on an expanded basis.

(C) Any other information with respect to the projects the Secretary determines appropriate.

(3) EXPANSION OF PROJECTS; IMPLEMENTATION OF RESULTS.—If the initial report submitted under paragraph (1) includes an evaluation under paragraph (2)(B)(iv) that the projects initially established under subsection (b)(1) should be continued or conducted on an expanded basis, the Secretary—

(A) shall continue to conduct such projects; and

(B) may conduct such additional projects as the Secretary determines appropriate.

(d) FUNDING FOR PROJECTS.—

(1) IN GENERAL.—There are authorized to be appropriated, such sums as may be necessary to carry out projects under this section.

(2) PROHIBITION.—Amounts paid to a State or territory under the projects shall not be used for purposes of claiming a Federal matching payment under section 1903(a) or 2105(a) of the Social Security Act (42 U.S.C. 1396b(a); 1397ee(a)).

(e) WAIVER.—The Secretary shall waive compliance with such requirements of titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 1397aa et seq.) to the extent and for the period the Secretary finds necessary to conduct the projects.

TITLE VI—COMMISSION ON CHILDREN'S HEALTH COVERAGE

SEC. 601. COMMISSION ON CHILDREN'S HEALTH COVERAGE.

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the "Commission on Children's Health Coverage" (referred to in this section as the "Commission").

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Committee shall be composed of 10 members with academic training and practical experience in—

(i) the areas of—

(I) child health and development;

(II) maternal health and development;

(III) pediatric care;

(IV) health care financing;

(V) community-based participatory research;

(VI) public health;

(VII) data collection, analysis, and reporting; and

(VIII) health and health care disparities; and

(ii) such other areas as the Secretary of Health and Human Services (in this section referred to as the "Secretary") determines appropriate.

(B) SELECTION.—The Secretary shall appoint members of the Committee. No candidate for appointment on the Committee shall be asked to provide non-relevant information, such as voting record, political party affiliation, or position on particular policies.

(3) TERM; VACANCIES.—

(A) TERM.—A member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(4) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(5) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(6) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(b) DUTIES.—

(1) STUDY.—The Commission shall conduct a study of all matters relating to children's health coverage.

(2) RECOMMENDATIONS.—The Commission shall develop recommendations on policy improvements at the State and national levels, and in the private sector, with respect to children's health coverage.

(3) REPORT.—

(A) ANNUAL REPORTS.—During the 2 year period beginning on the date of enactment of this Act, the Commission shall submit to the President and Congress annual reports evaluating the status of children's health coverage, together with recommendations for such legislation and administrative administrative actions as the Commission determines would result in improvements in such health coverage at the State and national levels, and in the private sector.

(B) FINAL REPORT.—Not later than 3 years after such date of enactment, the Commission shall submit to the President and Congress a report that contains the recommendations of the Commission for such legislation and administrative actions as the Commission determines would result in comprehensive health coverage of all children in the United States.

(c) POWERS.—.

(1) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(f) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the final report of the Commission under subsection (b)(3)(B).

By Mr. HARKIN:

S. 1367. A bill to amend the Public Health Services Act to provide methamphetamine prevention and treatment services; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am honored today to introduce the Methamphetamine Abuse Treatment and Prevention Act. Meth is one of the most deadly, addictive, rapidly spreading drugs in history. It is ravaging rural and urban communities alike. And it is leaving a path of destruction, human, financial, and environmental, that is staggering.

We've seen violent crime increase significantly for the first time in more than a decade. This increase was most evident in the meth-plagued Midwest. We must realize meth abuse is not only a State problem, but a national problem that is threatening communities across the country.

Law enforcement efforts to curb the distribution of dangerous meth making chemicals and locking up fertilizers have been successful. In Iowa, we've reduced the number of meth labs by nearly 80 percent. But our effort to fight meth is not over. Unfortunately, many States have seen dramatic increases in the amount of crystal meth or "ice" smuggled into the State. Ice is a much purer and more dangerous form of the illegal stimulant. Addicts who no longer have access to meth manufactured through home labs are using this more dangerous form. This drug puts a heavy toll on our communities, our justice and health care system, and tears apart families.

We need to remember that the meth epidemic is a double scourge. It is a public safety crisis. And it is also a public health crisis. Even if we shut down every home-based lab, we would still have a meth problem in this country. It will not go away until we do a better job of preventing people from using meth in the first place and giving addicts the treatment they need to kick the habit for good.

Bear in mind that meth is more addictive than crack cocaine or heroin. More than 50 percent of meth users started when they were under age 18. Law enforcement officers across Iowa tell me that prevention and treatment are the keys to stopping this epidemic.

Yet this is exactly where we are falling short. There are 22 million Americans in need of treatment for substance addiction. Less than 3 million are able to get help. The bill I am introducing today would aggressively step up efforts to prevent meth addiction and provide more treatment options.

Given the highly addictive nature of methamphetamine, prevention is crucial. Over 50 percent of meth users started when they were under age 18. We must target our efforts to ensure that people do not ever start using meth. My bill provides grants to schools and communities for meth prevention programs. It creates a telephone helpline and an online parent resource center. When parents or family members want information on keeping their children safe from drugs, or they fear a young person is experimenting or in trouble with drugs, this telephone helpline and Internet resource will give live, real-time support and information, as well as referrals to community resources.

At the same time, the bill takes a comprehensive approach to treatment. We know that with proper treatment, meth addicts can recover and live productive lives. Every dollar spent on treatment saves taxpayers seven dollars, largely by reducing crime, incarceration, and health care costs. The bill that I am introducing today is designed to realize these savings by promoting a comprehensive approach to meth treatment.

This legislation promotes range of treatment options. First, it includes family-based treatment. Parental substance use is the culprit in at least 70 percent of all child welfare spending, yet only 10 percent of child welfare agencies are able to successfully find substance abuse programs for mothers and children. Comprehensive treatment specifically for parents can assist them in recovering and providing safe and nurturing environments for their children. This legislation provides critical resources for adolescent and family-based treatment services to ensure that young people and parents are able to access the treatment they need.

Second, this legislation includes grants to offer treatment services for nonviolent adults and juveniles as an alternative to jail and detention. Nearly 80 percent of those in jail have been identified as having a substance abuse problem and one-third of inmates reported being under the influence at the time of their offense. We must provide treatment in order to prevent recidivism and cycling through the justice system.

My bill also improves services to help recovering addicts make the transition from treatment to the community, including housing assistance and help finding work, education, and mental health services. These things are critical to long-term abstinence and recovery.

I ask for your help now in joining me to fighting the meth epidemic that is plaguing our country. This drug tears apart families and is a heavy burden on our communities, our justice and health care system. We must dedicate the time and resources to getting this problem under control and we must do it now.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 192—RECOGNIZING NATIONAL NURSES WEEK ON MAY 6 THROUGH MAY 12, 2007

Mr. DURBIN (for himself and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 192

Whereas, since 2003, National Nurses Week is celebrated annually from May 6, also known as National Nurses Day, through May 12, the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is the time each year when nurses are recognized for the critical role they play in providing safe, high quality, and preventative health care;

Whereas nurses are the cornerstone of the Nation's complex health care system, representing the largest single component of the health care profession, with an estimated 2,900,000 registered nurses in the United States;

Whereas, according to a study published in the New England Journal of Medicine in May 2002, a higher proportion of nursing care provided by registered nurses and a greater number of hours of care by registered nurses per day are associated with better outcomes for hospitalized patients;

Whereas nurses are experienced researchers and their work encompasses a wide scope of scientific inquiry including clinical research, health systems and outcomes research, and nursing education research;

Whereas nurses are currently serving the Nation admirably in the conflicts in Iraq and Afghanistan;

Whereas nurses help inform and educate the public to improve the practice of all nurses and, more importantly, the health and safety of the patients they care for;

Whereas our Nation continues to face a nursing shortage unprecedented in its depth and duration, with a projected 1,200,000 new and replacement nurses needed by 2014;

Whereas the nationwide nursing shortage has caused dedicated nurses to work longer hours and care for more acutely ill patients;

Whereas nurses are strong allies to Congress as they help inform, educate, and work closely with legislators to improve the education, retention, recruitment, and practice of all nurses and, more importantly, the health and safety of the patients they care for; and

Whereas nurses are an integral part of the health care delivery team and provide quality care, support, and education to patients and their families, conduct essential research, and serve as strong patient advocates: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significant contributions of nurses to the health care system of the United States;

(2) supports the goals and ideals of National Nurses Week, as founded by the American Nurses Association; and

(3) encourages the people of the United States to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients.

Mr. DURBIN. Mr. President, I rise today to express my sincere appreciation for the more than 2.9 million nurses in our country. In recognition of National Nurses Week, May 6 through 12, I am pleased to introduce a resolution with Senators MIKULSKI and SNOWE to commemorate this week and the valuable role of nurses nationwide.

Our resolution honors the contributions that nurses make day—after day—on the front lines of patient care. We do not thank nurses as often as we should. Nurses are an invaluable resource not only to our health care system but also to medical research—in health systems and outcomes, in nursing education, and in clinical settings. They serve our Nation admirably in our communities and in our military, including the current conflicts in Iraq and Afghanistan.

Nurses do so much for our country, yet one of the biggest challenges facing our health care system today is a shortage of nurses. According to an April 2006 report by the American Hospital Association, we need approximately 118,000 registered nurses to fill vacant positions nationwide. By 2020, there will be a shortfall of more than 1 million nurses.

The problem is not a lack of interest by capable people willing to be trained. The issue is a lack of faculty to educate future nurses. Last year, nursing colleges across the Nation denied admission to more than 40,000 qualified applicants from entry-level and graduate nursing education programs, including almost 2,000 in my State of Illinois alone. Over 71 percent of the schools surveyed cited the lack of faculty as the primary reason that qualified students were turned away. Nursing schools need the resources to teach and train a new generation of nurses and nurse educators.

This is why I introduced the Nurse Education, Expansion, and Development, or NEED, Act. This act would provide schools of nursing with grants to hire and retain new faculty, purchase educational equipment, enhance clinical laboratories, and repair and expand infrastructure—some of the very problems that keep nursing schools from enrolling additional students today.

The Illinois Nurses Association's theme for National Nurses Week this year is Working Together to Make a Difference, and when it comes to the nursing shortage, we all should adopt this theme. Strengthening nursing schools, increasing the number of graduates, and driving up the quality of care with an adequate supply of nurses depends on all of us working together.

Nurses care for us and our loved ones when we are at our most vulnerable. The difference they make in our lives, their dedication, and their enormous contributions are an important part of our country's strength.

This week—and always—we honor their efforts and thank them for all their work in keeping our Nation healthy and strong.

SENATE RESOLUTION 193—DESIGNATING THE WEEK OF MAY 6 THROUGH MAY 12, 2007, AS "NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK" AND MAY 9, 2007, AS "OCCUPATIONAL SAFETY AND HEALTH PROFESSIONAL DAY"

Mr. DURBIN (for himself, Mr. ISAKSON, Mr. OBAMA, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 193

Whereas every year more than 5,700 people die from job-related injuries and 4,400,000 more suffer occupational injuries and illnesses;

Whereas transportation crashes continue to be the number 1 cause of on-the-job deaths, and overall in 2005 there were 6,159,000 transportation accidents resulting in 43,433 deaths, 2,700,000 injuries, and an estimated $230,600,000,000 in tangible costs;

Whereas every day millions of people go to and return home from work safely due, in part, to the efforts of many unsung heroes, such as occupational safety, health, and environmental practitioners, who work day in and day out identifying hazards and implementing safety and health advances in all industries and at all workplaces, aimed at eliminating workplace fatalities, injuries, and illnesses;

Whereas these occupational safety, health, and environmental professionals and members of the American Society of Safety Engineers work to prevent accidents, injuries, and occupational diseases, create safer work and leisure environments, and develop safer products, and are committed to protecting people, property, and the environment;

Whereas the work of these professionals in the areas of occupational safety, health promotion, disease prevention, and wellness programs has contributed greatly to the improvement of overall employee health, increased productivity, and reduction in health care costs, and yields significant returns on investments in occupational safety and health for the employer;

Whereas our society has long recognized that a safe and healthy workplace positively impacts employee morale, health, and productivity;

Whereas the more than 30,000 members of the American Society of Safety Engineers, along with the more than 150,000 combined members of the Academy of Certified Hazardous Materials Managers (ACHMM), the American Association of Occupational Health Nurses, Inc., (AAOHN), the American Industrial Hygiene Association (AIHA), and the American National Standards Institute (ANSI), are occupational safety, health, and environmental practitioners dedicated to keeping people safe at work and protecting property and the environment;

Whereas the purpose of North American Occupational Safety and Health Week (NAOSH) is to increase understanding of the benefits of investing in occupational safety and health, to demonstrate the positive impact that integrating effective safety and health programs in the workplace and the community has on the economy and business, to raise awareness of the role and contribution of safety, health, and environmental professionals in all areas, and to reduce workplace injuries and illnesses by increasing awareness and implementation of safety and health programs;

Whereas the theme of NAOSH Week 2007 is all modes of transportation safety, particularly stressing that motor vehicle drivers should drive wisely to save lives; and

Whereas on May 9 occupational safety and health professionals will be recognized during the second annual Occupational Safety and Health Professional Day for the work they do to keep people safe at work: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 6 through May 12, 2007, to be "North American Occupational Safety and Health Week" (NAOSH) and May 9, 2007, to be "Occupational Safety and Health Professional Day";

(2) commends occupational safety, health, and environmental practitioners for their ongoing commitment to protecting people, property, and the environment;

(3) commends those businesses that encourage a strong safety culture and incorporate occupational safety and health into their business strategies;

(4) encourages all industries, organizations, community leaders, employers, and employees to join with the American Society of Safety Engineers to support activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace, during the week of May 6 through May 12, 2007, and throughout the year;

(5) recognizes the commitment of occupational safety and health professionals in their ongoing work to protect people, property, and the environment on May 9, 2007, Occupational Safety and Health Professional Day;

(6) urges everyone to observe the theme of NAOSH Week and drive responsibly; and

(7) encourages the people of the United States to observe "North American Occupational Safety and Health Week" and "Occupational Safety and Health Professional Day" with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1065. Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table.

SA 1066. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1067. Mr. KERRY (for himself, Mr. FEINGOLD, Ms. COLLINS, Mr. SANDERS, Mr. CARPER, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1068. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1069. Mr. GRAHAM (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1070. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1071. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1072. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1073. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1074. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1075. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1076. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1077. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1078. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1079. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1080. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1081. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1082. Mr. WHITEHOUSE (for Mr. BUNNING) proposed an amendment to the concurrent resolution S. Con. Res. 29, encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year.

TEXT OF AMENDMENTS

SA 1065. Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.
Sec. 1002. Enhanced navigation capacity improvements and ecosystem restoration plan for Upper Mississippi River and Illinois Waterway System.
Sec. 1003. Louisiana Coastal Area ecosystem restoration, Louisiana.
Sec. 1004. Small projects for flood damage reduction.
Sec. 1005. Small projects for navigation.
Sec. 1006. Small projects for aquatic ecosystem restoration.
Sec. 1007. Small projects to prevent or mitigate damage caused by navigation projects.
Sec. 1008. Small projects for aquatic plant control.

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

Sec. 2001. Credit for in-kind contributions.
Sec. 2002. Interagency and international support authority.
Sec. 2003. Training funds.
Sec. 2004. Fiscal transparency report.
Sec. 2005. Planning.
Sec. 2006. Water Resources Planning Coordinating Committee.
Sec. 2007. Independent peer review.
Sec. 2008. Mitigation for fish and wildlife losses.
Sec. 2009. State technical assistance.
Sec. 2010. Access to water resource data.
Sec. 2011. Construction of flood control projects by non-Federal interests.
Sec. 2012. Regional sediment management.
Sec. 2013. National shoreline erosion control development program.
Sec. 2014. Shore protection projects.
Sec. 2015. Cost sharing for monitoring.
Sec. 2016. Ecosystem restoration benefits.
Sec. 2017. Funding to expedite the evaluation and processing of permits.
Sec. 2018. Electronic submission of permit applications.
Sec. 2019. Improvement of water management at Corps of Engineers reservoirs.
Sec. 2020. Federal hopper dredges.
Sec. 2021. Extraordinary rainfall events.
Sec. 2022. Wildfire firefighting.
Sec. 2023. Nonprofit organizations as sponsors.
Sec. 2024. Project administration.
Sec. 2025. Program administration.
Sec. 2026. Extension of shore protection projects.
Sec. 2027. Tribal partnership program.

Subtitle B—Continuing Authorities Projects

Sec. 2031. Navigation enhancements for waterborne transportation.
Sec. 2032. Protection and restoration due to emergencies at shores and streambanks.
Sec. 2033. Restoration of the environment for protection of aquatic and riparian ecosystems program.
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Sec. 2036. Remediation of abandoned mine sites.
Sec. 2037. Small projects for the rehabilitation and removal of dams.
Sec. 2038. Remote, maritime-dependent communities.
Sec. 2039. Agreements for water resource projects.
Sec. 2040. Program names.

Subtitle C—National Levee Safety Program

Sec. 2051. Short title.
Sec. 2052. Definitions.
Sec. 2053. National Levee Safety Committee.
Sec. 2054. National Levee Safety Program.
Sec. 2055. Authorization of appropriations.

TITLE III—PROJECT-RELATED PROVISIONS

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Sec. 3002. Sitka, Alaska.
Sec. 3003. Black Warrior-Tombigbee Rivers, Alabama.
Sec. 3004. Nogales Wash and tributaries flood control project, Arizona.
Sec. 3005. Rio de Flag, Flagstaff, Arizona.
Sec. 3006. Tucson drainage area (Tucson Arroyo), Arizona.
Sec. 3007. Augusta and Clarendon, Arkansas.
Sec. 3008. Eastern Arkansas Enterprise Community, Arkansas.
Sec. 3009. Red-Ouachita River Basin levees, Arkansas and Louisiana.
Sec. 3010. St. Francis Basin, Arkansas and Missouri.
Sec. 3011. St. Francis Basin land transfer, Arkansas and Missouri.
Sec. 3012. McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma.
Sec. 3013. Cache Creek Basin, California.
Sec. 3014. CALFED levee stability program, California.
Sec. 3015. Hamilton Airfield, California..
Sec. 3016. LA–3 dredged material ocean disposal site designation, California.
Sec. 3017. Larkspur Ferry Channel, California.
Sec. 3018. Llagas Creek, California.
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Sec. 3020. Petaluma River, Petaluma, California.
Sec. 3021. Pine Flat Dam fish and wildlife habitat, California.
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Sec. 3025. Conditional declaration of nonnavigability, Port of San Francisco, California.
Sec. 3026. Salton Sea restoration, California.
Sec. 3027. Santa Barbara Streams, Lower Mission Creek, California.
Sec. 3028. Upper Guadalupe River, California.
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Sec. 3030. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
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Sec. 3034. Additional program authority, comprehensive Everglades restoration, Florida.
Sec. 3035. Brevard County, Florida.
Sec. 3036. Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida.
Sec. 3037. Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida.
Sec. 3038. Lido Key, Sarasota County, Florida.
Sec. 3039. Port Sutton Channel, Tampa Harbor, Florida.
Sec. 3040. Tampa Harbor, Cut B, Tampa, Florida.
Sec. 3041. Allatoona Lake, Georgia.
Sec. 3042. Dworshak Reservoir improvements, Idaho.
Sec. 3043. Little Wood River, Gooding, Idaho.
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Sec. 3046. Chicago, Illinois.
Sec. 3047. Chicago River, Illinois.
Sec. 3048. Illinois River Basin restoration.
Sec. 3049. Missouri and Illinois flood protection projects reconstruction pilot program.
Sec. 3050. Spunky Bottom, Illinois.
Sec. 3051. Strawn Cemetery, John Redmond Lake, Kansas.
Sec. 3052. Milford Lake, Milford, Kansas.
Sec. 3053. Ohio River Basin comprehensive plan.
Sec. 3054. Hickman Bluff stabilization, Kentucky.
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Sec. 3056. Public access, Atchafalaya Basin Floodway System, Louisiana.
Sec. 3057. Regional visitor center, Atchafalaya Basin Floodway System, Louisiana.
Sec. 3058. Calcasieu River and Pass, Louisiana.
Sec. 3059. East Baton Rouge Parish, Louisiana.
Sec. 3060. Mississippi River Gulf Outlet relocation assistance, Louisiana.
Sec. 3061. Red River (J. Bennett Johnston) Waterway, Louisiana.
Sec. 3062. Camp Ellis, Saco, Maine.
Sec. 3063. Rockland Harbor, Maine.
Sec. 3064. Rockport Harbor, Maine.
Sec. 3065. Saco River, Maine.
Sec. 3066. Union River, Maine.
Sec. 3067. Baltimore Harbor and Channels, Maryland and Virginia.
Sec. 3068. Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia.
Sec. 3069. Flood protection project, Cumberland, Maryland.
Sec. 3070. Aunt Lydia's Cove, Massachusetts.
Sec. 3071. Fall River Harbor, Massachusetts and Rhode Island.
Sec. 3072. North River, Peabody, Massachusetts.
Sec. 3073. Ecorse Creek, Michigan.
Sec. 3074. St. Clair River and Lake St. Clair, Michigan.
Sec. 3075. Duluth Harbor, Minnesota.
Sec. 3076. Project for environmental enhancement, Mississippi and Louisiana estuarine areas, Mississippi and Louisiana.
Sec. 3077. Land exchange, Pike County, Missouri.
Sec. 3078. L–15 levee, Missouri.
Sec. 3079. Union Lake, Missouri.
Sec. 3080. Lower Yellowstone project, Montana.
Sec. 3081. Yellowstone River and tributaries, Montana and North Dakota.
Sec. 3082. Western Sarpy and Clear Creek, Nebraska.
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Sec. 3087. Mamaroneck and Sheldrake Rivers watershed management, New York.
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Sec. 3090. New York State Canal System.
Sec. 3091. Susquehanna River and Upper Delaware River watershed management, New York.
Sec. 3092. Missouri River restoration, North Dakota.
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Sec. 3094. Lower Girard Lake Dam, Girard, Ohio.
Sec. 3095. Toussaint River Navigation Project, Carroll Township, Ohio.
Sec. 3096. Arcadia Lake, Oklahoma.
Sec. 3097. Lake Eufaula, Oklahoma.
Sec. 3098. Release of reversionary interest, Oklahoma.
Sec. 3099. Oklahoma lakes demonstration program, Oklahoma.
Sec. 3100. Ottawa County, Oklahoma.
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Sec. 3102. Waurika Lake, Oklahoma.
Sec. 3103. Lookout Point project, Lowell, Oregon.
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Sec. 3105. Upper Susquehanna River Basin, Pennsylvania and New York.
Sec. 3106. Narragansett Bay, Rhode Island.
Sec. 3107. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.
Sec. 3108. Missouri River restoration, South Dakota.
Sec. 3109. Missouri and Middle Mississippi Rivers enhancement project.
Sec. 3110. Nonconnah Weir, Memphis, Tennessee.
Sec. 3111. Old Hickory Lock and Dam, Cumberland River, Tennessee.
Sec. 3112. Sandy Creek, Jackson County, Tennessee.
Sec. 3113. Cedar Bayou, Texas.
Sec. 3114. Denison, Texas.
Sec. 3115. Central City, Fort Worth, Texas.
Sec. 3116. Freeport Harbor, Texas.
Sec. 3117. Harris County, Texas.
Sec. 3118. Connecticut River restoration, Vermont.
Sec. 3119. Dam remediation, Vermont.
Sec. 3120. Lake Champlain Eurasian milfoil, water chestnut, and other nonnative plant control, Vermont.
Sec. 3121. Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire.
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Sec. 3125. James River, Virginia.
Sec. 3126. Tangier Island Seawall, Virginia.
Sec. 3127. Erosion control, Puget Island, Wahkiakum County, Washington.
Sec. 3128. Lower granite pool, Washington.
Sec. 3129. McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho.
Sec. 3130. Snake River project, Washington and Idaho.
Sec. 3131. Whatcom Creek Waterway, Bellingham, Washington.
Sec. 3132. Lower Mud River, Milton, West Virginia.
Sec. 3133. McDowell County, West Virginia.
Sec. 3134. Green Bay Harbor project, Green Bay, Wisconsin.
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Sec. 3137. Mississippi River headwaters reservoirs.
Sec. 3138. Lower Mississippi River Museum and Riverfront Interpretive Site.
Sec. 3139. Upper Mississippi River system environmental management program.
Sec. 3140. Upper basin of Missouri River.
Sec. 3141. Great Lakes fishery and ecosystem restoration program.
Sec. 3142. Great Lakes remedial action plans and sediment remediation.
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TITLE IV—STUDIES

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Sec. 4002. Nome Harbor improvements, Alaska.
Sec. 4003. McClellan-Kerr Arkansas River Navigation Channel.
Sec. 4004. Fruitvale Avenue Railroad Bridge, Alameda, California.
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Sec. 4006. Nicholas Canyon, Los Angeles, California.
Sec. 4007. Oceanside, California, shoreline special study.
Sec. 4008. Comprehensive flood protection project, St. Helena, California.
Sec. 4009. San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California.
Sec. 4010. South San Francisco Bay shoreline study, California.
Sec. 4011. San Pablo Bay Watershed restoration, California.
Sec. 4012. Fountain Creek, North of Pueblo, Colorado.
Sec. 4013. Selenium study, Colorado.
Sec. 4014. Delaware inland bays and tributaries and Atlantic Coast, Delaware.
Sec. 4015. Herbert Hoover Dike supplemental major rehabilitation report, Florida.
Sec. 4016. Boise River, Idaho.
Sec. 4017. Promontory Point third-party review, Chicago shoreline, Chicago, Illinois.
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Sec. 4019. Lake Erie at Luna Pier, Michigan.
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Sec. 4025. Toledo Harbor dredged material placement, Toledo, Ohio.
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Sec. 4030. Ecosystem and hydropower generation dams, Vermont.
Sec. 4031. Eurasian milfoil.
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Sec. 5004. Alaska.
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Sec. 5006. Conveyance of Oakland Inner Harbor Tidal Canal property.
Sec. 5007. Stockton, California.
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Sec. 5011. Anacostia River, District of Columbia and Maryland.

Sec. 5012. Big Creek, Georgia, watershed management and restoration program.
Sec. 5013. Metropolitan North Georgia Water Planning District.
Sec. 5014. Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming.
Sec. 5015. Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois.
Sec. 5016. Missouri River and tributaries, mitigation, recovery and restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.
Sec. 5017. Southeast Louisiana region, Louisiana.
Sec. 5018. Mississippi.
Sec. 5019. St. Mary Project, Blackfeet Reservation, Montana.
Sec. 5020. Lower Platte River watershed restoration, Nebraska.
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Sec. 5022. Ohio River Basin environmental management.
Sec. 5023. Statewide comprehensive water planning, Oklahoma.
Sec. 5024. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and terrestrial wildlife habitat restoration, South Dakota.
Sec. 5025. Texas.
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TITLE VI—PROJECT DEAUTHORIZATIONS
Sec. 6001. Little Cove Creek, Glencoe, Alabama.
Sec. 6002. Goleta and Vicinity, California.
Sec. 6003. Bridgeport Harbor, Connecticut.
Sec. 6004. Inland Waterway from Delaware River to Chesapeake Bay, Part II, installation of fender protection for bridges, Delaware and Maryland.
Sec. 6005. Shingle Creek Basin, Florida.
Sec. 6006. Illinois Waterway, South Fork of the South Branch of the Chicago River, Illinois.
Sec. 6007. Brevoort, Indiana.
Sec. 6008. Middle Wabash, Greenfield Bayou, Indiana.
Sec. 6009. Lake George, Hobart, Indiana.
Sec. 6010. Green Bay Levee and Drainage District No. 2, Iowa.
Sec. 6011. Muscatine Harbor, Iowa.
Sec. 6012. Big South Fork National River and recreational area, Kentucky and Tennessee.
Sec. 6013. Eagle Creek Lake, Kentucky.
Sec. 6014. Hazard, Kentucky.
Sec. 6015. West Kentucky Tributaries, Kentucky.
Sec. 6016. Bayou Cocodrie and Tributaries, Louisiana.
Sec. 6017. Bayou LaFourche and LaFourche Jump, Louisiana.
Sec. 6018. Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.
Sec. 6019. Fort Livingston, Grand Terre Island, Louisiana.
Sec. 6020. Gulf Intercoastal Waterway, Lake Borgne and Chef Menteur, Louisiana.
Sec. 6021. Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas.
Sec. 6022. Casco Bay, Portland, Maine.
Sec. 6023. Northeast Harbor, Maine.
Sec. 6024. Penobscot River, Bangor, Maine.
Sec. 6025. Saint John River Basin, Maine.
Sec. 6026. Tenants Harbor, Maine.
Sec. 6027. Falmouth Harbor, Massachusetts.
Sec. 6028. Island End River, Massachusetts.
Sec. 6029. Mystic River, Massachusetts.
Sec. 6030. Grand Haven Harbor, Michigan.
Sec. 6031. Greenville Harbor, Mississippi.
Sec. 6032. Platte River flood and related streambank erosion control, Nebraska.
Sec. 6033. Epping, New Hampshire.
Sec. 6034. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.
Sec. 6035. Eisenhower and Snell Locks, New York.
Sec. 6036. Olcott Harbor, Lake Ontario, New York.
Sec. 6037. Outer Harbor, Buffalo, New York.
Sec. 6038. Sugar Creek Basin, North Carolina and South Carolina.
Sec. 6039. Cleveland Harbor 1958 Act, Ohio.
Sec. 6040. Cleveland Harbor 1960 Act, Ohio.
Sec. 6041. Cleveland Harbor, uncompleted portion of Cut #4, Ohio.
Sec. 6042. Columbia River, Seafarers Memorial, Hammond, Oregon.
Sec. 6043. Tioga-Hammond Lakes, Pennsylvania.
Sec. 6044. Tamaqua, Pennsylvania.
Sec. 6045. Narragansett Town Beach, Narragansett, Rhode Island.
Sec. 6046. Quonset Point-Davisville, Rhode Island.
Sec. 6047. Arroyo Colorado, Texas.
Sec. 6048. Cypress Creek-Structural, Texas.
Sec. 6049. East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas.
Sec. 6050. Falfurrias, Texas.
Sec. 6051. Pecan Bayou Lake, Texas.
Sec. 6052. Lake of the Pines, Texas.
Sec. 6053. Tennessee Colony Lake, Texas.
Sec. 6054. City Waterway, Tacoma, Washington.
Sec. 6055. Kanawha River, Charleston, West Virginia.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) HAINES HARBOR, ALASKA.—The project for navigation, Haines Harbor, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $14,040,000, with an estimated Federal cost of $11,232,000 and an estimated non-Federal cost of $2,808,000.

(2) TANQUE VERDE CREEK, ARIZONA.—The project for ecosystem restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $5,906,000, with an estimated Federal cost of $3,836,000 and an estimated non-Federal cost of $2,070,000.

(3) SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA.—

(A) IN GENERAL.—The project for ecosystem restoration, Salt River (Va Shlyay Akimel), Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $162,100,000, with an estimated Federal cost of $105,200,000 and an estimated non-Federal cost of $56,900,000.

(B) COORDINATION WITH FEDERAL RECLAMATION PROJECTS.—The Secretary, to the maximum extent practicable, shall coordinate the development and construction of the project described in subparagraph (A) with each Federal reclamation project located in the Salt River Basin to address statutory requirements and the operations of those projects.

(4) MAY BRANCH, FORT SMITH, ARKANSAS.—The project for flood damage reduction, May Branch, Fort Smith, Arkansas: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $30,850,000, with an estimated Federal cost of $15,010,000 and an estimated non-Federal cost of $15,840,000.

(5) HAMILTON CITY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $52,400,000, with an estimated Federal cost of $34,100,000 and estimated non-Federal cost of $18,300,000.

(6) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $13,700,000, with an estimated Federal cost of $8,521,000 and an estimated non-Federal cost of $5,179,000, and at an estimated total cost of $42,500,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $21,250,000 and an estimated non-Federal cost of $21,250,000.

(7) MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for ecosystem restoration, Matilija Dam and Ventura River Watershed, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $144,500,000, with an estimated Federal cost of $$89,700,000 and an estimated non-Federal cost of $54,800,000.

(8) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $45,200,000, with an estimated Federal cost of $29,500,000 and an estimated non-Federal cost of $15,700,000.

(9) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $134,500,000, with an estimated Federal cost of $87,500,000 and an estimated non-Federal cost of $47,000,000.

(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(10) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for ecosystem restoration, Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers dated May 16, 2003, at a total cost of $20,100,000, with an estimated Federal cost of $13,065,000 and an estimated non-Federal cost of $7,035,000.

(11) COMPREHENSIVE EVERGLADES RESTORATION PLAN, CENTRAL AND SOUTHERN FLORIDA, SITE 1.—The project for ecosystem restoration, Comprehensive Everglades restoration plan, central and southern Florida, Site 1 impoundment project, Palm Beach County, Florida: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $80,840,000, with an estimated Federal cost of $40,420,000 and an estimated non-Federal cost of $40,420,000.

(12) INDIAN RIVER LAGOON, SOUTH FLORIDA.—

(A) IN GENERAL.—The Secretary may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Indian River Lagoon, south Florida, at a total cost of $1,365,000,000, with an estimated first Federal cost of $682,500,000 and an estimated first non-Federal cost of $682,500,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers dated August 6, 2004.

(B) DEAUTHORIZATIONS.—As of the date of enactment of this Act, the following projects are not authorized:

(i) The uncompleted portions of the project authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), C-44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, at a total cost of $147,800,000, with an estimated Federal cost of $73,900,000 and an estimated non-Federal cost of $73,900,000.

(ii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90-483; 82 Stat. 740), Martin County, Florida, modifications to Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session, at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000 and an estimated non-Federal cost of $7,398,000.

(iii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90-483; 82 Stat. 740), East Coast Backpumping, St. Lucie-Martin County, Spillway Structure S-311 of the Central and South Florida Project, as contained in House Document 369, 90th Congress, 2d Session, at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000 and an estimated non-Federal cost of $21,994,000.

(13) MIAMI HARBOR, MIAMI, FLORIDA.—The project for navigation, Miami Harbor, Miami, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of $125,270,000, with an estimated Federal cost of $75,140,000 and an estimated non-Federal cost of $50,130,000.

(14) PICAYUNE STRAND, FLORIDA.—The project for ecosystem restoration, Picayune Strand, Florida: Report of the Chief of Engineers dated September 15, 2005, at a total cost of $375,330,000 with an estimated Federal cost of $187,665,000 and an estimated non-Federal cost of $187,665,000.

(15) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for ecosystem restoration and recreation, East St. Louis and Vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $208,260,000, with an estimated Federal cost of $134,910,000 and an estimated non-Federal cost of $73,350,000.

(16) PEORIA RIVERFRONT, ILLINOIS.—The project for ecosystem restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers dated July 28, 2003, at a total cost of $18,220,000, with an estimated Federal cost of $11,840,000 and an estimated non-Federal cost of $6,380,000.

(17) WOOD RIVER LEVEE SYSTEM, ILLINOIS.—The project for flood damage reduction, Wood River, Illinois: Report of the Chief of Engineers dated July 18, 2006, at a total cost of $17,220,000, with an estimated Federal cost of $11,193,000 and an estimated non-Federal cost of $6,027,000.

(18) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $10,780,000, with an estimated Federal cost of $6,967,000 and an estimated non-Federal cost of $3,813,000.

(19) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $9,680,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(20) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of $886,700,000 with an estimated Federal cost of $576,355,000 and an estimated non-Federal cost of $310,345,000.

(B) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212; Public Law 99-662).

(21) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana: Report of the Chief of Engineers dated December 31, 2006, at a total cost of $131,250,000, with an estimated Federal cost of $105,315,000 and an estimated non-Federal cost of $25,935,000, except that the Secretary, in consultation with Vermillion and Iberia Parishes, Louisiana, is directed to use available dredged material and rock placement on the south bank of the Gulf Intracoastal Waterway and the west bank of the Freshwater Bayou Channel to provide incidental storm surge protection.

(22) POPLAR ISLAND EXPANSION, MARYLAND.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), and modified by section 318 of the Water Resources Development Act of 2000 (114 Stat. 2678), is further modified to authorize the Secretary to construct the expansion of the project in accordance with the Report of the Chief of Engineers dated March 31, 2006, at an additional total cost of $260,000,000, with an estimated Federal cost of $195,000,000 and an estimated non-Federal cost of $65,000,000.

(23) SMITH ISLAND, MARYLAND.—The project for ecosystem restoration, Smith Island, Maryland: Report of the Chief of Engineers dated October 29, 2001, at a total cost of $15,580,000, with an estimated Federal cost of $10,127,000 and an estimated non-Federal cost of $5,453,000.

(24) ROSEAU RIVER, ROSEAU, MINNESOTA.—The project for flood damage reduction, Roseau River, Roseau, Minnesota: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $25,100,000, with an estimated Federal cost of $13,820,000 and an estimated non-Federal cost of $11,280,000.

(25) MISSISSIPPI COASTAL IMPROVEMENT PROJECT, HANCOCK, HARRISON, AND JACKSON COUNTIES, MISSISSIPPI.—The project for hurricane and storm damage reduction and ecosystem restoration, Mississippi coastal improvement project, Hancock, Harrison, and Jackson Counties, Mississippi: Report of the Chief of Engineers dated December 31, 2006, at a total cost of $107,690,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,690,000.

(26) ARGENTINE, EAST BOTTOMS, FAIRFAX-JERSEY CREEK, AND NORTH KANSAS LEVEES UNITS, MISSOURI RIVER AND TRIBUTARIES AT KANSAS CITIES, MISSOURI AND KANSAS.—The project for flood damage reduction, Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees units, Missouri River and tributaries at Kansas Cities, Missouri and Kansas: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $65,430,000, with an estimated Federal cost of $42,530,000 and an estimated non-Federal cost of $22,900,000.

(27) SWOPE PARK INDUSTRIAL AREA, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Missouri: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $16,980,000, with an estimated Federal cost of $11,037,000 and an estimated non-Federal cost of $5,943,000.

(28) GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Great Egg Harbor Inlet to Townsends Inlet, New Jersey: Report of the Chief of Engineers dated October 24, 2006, at a total cost of $54,360,000, with an estimated Federal cost of $35,069,000 and an estimated non-Federal cost of $19,291,000, and at an estimated total cost of $202,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $101,250,000 and an estimated non-Federal cost of $101,250,000.

(29) HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—The project for environmental restoration, Hudson Raritan Estuary, Liberty State Park, New Jersey: Report of the Chief of Engineers dated August 25, 2006, at a total cost of $34,100,000, with an estimated Federal cost of $22,200,000 and an estimated non-Federal cost of $11,900,000.

(30) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlets, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $71,900,000, with an estimated Federal cost of $46,735,000 and an estimated non-Federal cost of $25,165,000, and at an estimated total cost of $119,680,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $59,840,000 and an estimated non-Federal cost of $59,840,000.

(31) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey: Report of the Chief of Engineers dated January 4, 2006, at a total cost of $115,000,000, with an estimated Federal cost of $74,800,000 and an estimated non-Federal cost of $40,200,000, and at an estimated total cost of $6,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $3,250,000 and an estimated non-Federal cost of $3,250,000.

(32) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and ecosystem restoration, South River, New Jersey: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $122,300,000, with an estimated Federal cost of $79,500,000 and an estimated non-Federal cost of $42,800,000.

(33) SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Albuquerque, New

Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $24,840,000, with an estimated Federal cost of $16,150,000 and an estimated non-Federal cost of $8,690,000.

(34) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, New York: Report of the Chief of Engineers dated March 31, 2006, at a total cost of $14,600,000, with an estimated Federal cost of $7,300,000 and an estimated non-Federal cost of $7,300,000.

(35) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—

(A) IN GENERAL.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio: Report of the Chief of Engineers dated August 24, 2006, at a total cost of $20,980,000, with an estimated Federal cost of $13,440,000 and an estimated non-Federal cost of $7,540,000.

(B) WAYNE NATIONAL FOREST.—

(i) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, may construct other project features on property that is located in the Wayne National Forest, Ohio, owned by the United States and managed by the Forest Service as described in the report of the Corps of Engineers entitled "Hocking River Basin, Ohio, Monday Creek Sub-Basin Ecosystem Restoration Project Feasibility Report and Environmental Assessment".

(ii) COST.—Each project feature carried out on Federal land shall be designed, constructed, operated, and maintained at full Federal expense.

(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $1,270,000.

(36) BLOOMSBURG, PENNSYLVANIA.—The project for flood damage reduction, Bloomsburg, Pennsylvania: Report of the Chief of Engineers dated January 25, 2006, at a total cost of $44,500,000, with an estimated Federal cost of $28,925,000 and an estimated non-Federal cost of $15,575,000

(37) PAWLEYS ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawleys Island, South Carolina: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $8,980,000, with an estimated Federal cost of $5,840,000 and an estimated non-Federal cost of $3,140,000, and at an estimated total cost of $21,200,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $10,600,000 and an estimated non-Federal cost of $10,600,000.

(38) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—

(A) IN GENERAL.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $188,110,000, with an estimated Federal cost of $87,810,000 and an estimated non-Federal cost of $100,300,000.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subparagraph (A), the Secretary shall enforce navigational servitude in the Corpus Christi Ship Channel, including, at the sole expense of the owner of the facility, the removal or relocation of any facility obstructing the project.

(39) GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY REROUTE, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers dated December 24, 2002, at a total cost of $17,280,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(40) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Sabine River to Corpus Christi, Texas: Report of the Chief of Engineers dated April 16, 2004, at a total cost of $14,450,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(41) LOWER COLORADO RIVER BASIN PHASE I, TEXAS.—The project for flood damage reduction and ecosystem restoration, Lower Colorado River Basin Phase I, Texas: Report of the Chief of Engineers dated December 31, 2006, at a total cost of $110,730,000, with an estimated Federal cost of $69,640,000 and an estimated non-Federal cost of $41,090,000.

(42) CRANEY ISLAND EASTWARD EXPANSION, VIRGINIA.—The project for navigation, Craney Island Eastward Expansion, Virginia: Report of the Chief of Engineers dated October 24, 2006, at a total cost of $712,103,000, with an estimated Federal cost of $31,229,000 and an estimated non-Federal cost of $680,874,000.

(43) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers dated March 3, 2003, at a total cost of $37,200,000.

(44) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—The project for flood damage reduction, Centralia, Washington, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4126)—

(A) is modified to be carried out at a total cost of $123,770,000, with a Federal cost of $74,740,000, and a non-Federal cost of $49,030,000; and

(B) shall be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated September 27, 2004.

SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

(a) DEFINITIONS.—In this section:

(1) PLAN.—The term "Plan" means the project for navigation and ecosystem improvements for the Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers dated December 15, 2004.

(2) UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.—The term "Upper Mississippi River and Illinois Waterway System" means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

(b) AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.—

(1) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan—

(i) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock;

(ii) provide switchboats at Locks 20 through 25; and

(iii) conduct development and testing of an appointment scheduling system.

(B) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $256,000,000. The costs of construction of the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(2) NEW LOCKS.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan, construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(B) MITIGATION.—The Secretary shall conduct mitigation for the new locks and small scale and nonstructural measures authorized under paragraphs (1) and (2).

(C) CONCURRENCE.—The mitigation required under subparagraph (B) for the projects authorized under paragraphs (1) and (2), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests for the projects authorized under paragraphs (1) and (2), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

(D) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $1,948,000,000. The costs of construction on the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) ECOSYSTEM RESTORATION AUTHORIZATION.—

(1) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(B) PROJECTS INCLUDED.—Ecosystem restoration projects may include, but are not limited to—

(i) island building;

(ii) construction of fish passages;

(iii) floodplain restoration;

(iv) water level management (including water drawdown);

(v) backwater restoration;

(vi) side channel restoration;

(vii) wing dam and dike restoration and modification;

(viii) island and shoreline protection;

(ix) topographical diversity;

(x) dam point control;

(xi) use of dredged material for environmental purposes;

(xii) tributary confluence restoration;

(xiii) spillway, dam, and levee modification to benefit the environment;

(xiv) land easement authority; and

(xv) land acquisition.

(C) COST SHARING.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the cost of carrying out an ecosystem restoration project under this paragraph shall be 65 percent.

(ii) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this subparagraph for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(I) is located below the ordinary high water mark or in a connected backwater;

(II) modifies the operation or structures for navigation; or

(III) is located on federally owned land.

(iii) SAVINGS CLAUSE.—Nothing in this paragraph affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(iv) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5(b)), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(D) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing owner through conveyance of—

(i) fee title to the land; or

(ii) a flood plain conservation easement.

(3) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(A) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(i) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(ii) establish the without-project condition or baseline for each performance indicator; and

(iii) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(B) OUTCOMES.—Performance measures identified under subparagraph (A)(i) should comprise specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(C) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under subparagraph (A)(i), including—

(i) a timeline to achieve the identified target goals; and

(ii) a timeline for the demonstration of project completion.

(4) SPECIFIC PROJECTS AUTHORIZATION.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $1,717,000,000, of which not more than $245,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than $48,000,000 shall be available for projects described in paragraph (2)(B)(x). Such sums shall remain available until expended.

(B) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under subparagraph (A), not more than $35,000,000 for each fiscal year shall be available for land acquisition under paragraph (2)(D).

(C) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in clauses (ii) and (x) of paragraph (2)(B), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.

(5) IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Not later than June 30, 2008, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(i) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(ii) measures the progress in meeting the goals.

(B) ADVISORY PANEL.—

(i) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under subparagraph (A).

(ii) PANEL MEMBERS.—Panel members shall include—

(I) 1 representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(II) 1 representative of the Department of Agriculture;

(III) 1 representative of the Department of Transportation;

(IV) 1 representative of the United States Geological Survey;

(V) 1 representative of the United States Fish and Wildlife Service;

(VI) 1 representative of the Environmental Protection Agency;

(VII) 1 representative of affected landowners;

(VIII) 2 representatives of conservation and environmental advocacy groups; and

(IX) 2 representatives of agriculture and industry advocacy groups.

(iii) CHAIRPERSON.—The Secretary shall serve as chairperson of the advisory panel.

(iv) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Panel or any working group established by the Advisory Panel.

(6) RANKING SYSTEM.—

(A) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(B) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in paragraph (2)(B).

(d) COMPARABLE PROGRESS.—

(1) IN GENERAL.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this section, the Secretary shall—

(A) select appropriate milestones; and

(B) determine, at the time of such selection, whether the projects are being carried out at comparable rates.

(2) NO COMPARABLE RATE.—If the Secretary determines under paragraph (1)(B) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects will be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA.

(a) IN GENERAL.—The Secretary may carry out a program for ecosystem restoration, Louisiana Coastal Area, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated January 31, 2005.

(b) PRIORITIES.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary shall give priority to—

(A) any portion of the program identified in the report described in subsection (a) as a critical restoration feature;

(B) any Mississippi River diversion project that—

(i) protects a major population area of the Pontchartrain, Pearl, Breton Sound, Barataria, or Terrebonne Basin; and

(ii) produces an environmental benefit to the coastal area of the State of Louisiana; and

(C) any barrier island, or barrier shoreline, project that—

(i) is carried out in conjunction with a Mississippi River diversion project; and

(ii) protects a major population area.

(c) MODIFICATIONS.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to make modifications as necessary to the 5 near-term critical ecosystem restoration features identified in the report referred to in subsection (a), due to the impact of Hurricanes Katrina and Rita on the project areas.

(2) INTEGRATION.—The Secretary shall ensure that the modifications under paragraph (1) are fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(3) CONSTRUCTION.—

(A) IN GENERAL.—The Secretary is authorized to construct the 5 near-term critical ecosystem restoration features, as modified under this subsection.

(B) REPORTS.—Before beginning construction of the projects, the Secretary shall submit a report documenting any modifications to the 5 near-term critical projects, including cost changes, to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(4) APPLICABILITY OF OTHER PROVISIONS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall not apply to the 5 near-term critical projects authorized by this subsection.

(d) DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to conduct a demonstration program within the applicable project area to evaluate new technologies and the applicability of the technologies to the program.

(2) COST LIMITATION.—The cost of an individual project under this subsection shall be not more than $25,000,000.

(e) BENEFICIAL USE OF DREDGED MATERIAL.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to use such sums as are necessary to conduct a program for the beneficial use of dredged material.

(2) CONSIDERATION.—In carrying out the program under subsection (a), the Secretary shall consider the beneficial use of sediment from the Illinois River System for wetlands restoration in wetlands-depleted watersheds.

(f) REPORTS.—

(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall submit to Congress feasibility reports—

(A) on the features included in table 3 of the report referred to in subsection (a); and

(B) that are consistent with the estimates in the table.

(2) PROJECTS IDENTIFIED IN REPORTS.—

(A) CONSTRUCTION.—The Secretary is authorized to construct the projects identified in the reports substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, if a favorable report of the Chief is completed by not later than December 31, 2010.

(B) REQUIREMENT.—No appropriations shall be made to construct any project under this subsection if the report under paragraph (1) has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(g) NONGOVERNMENTAL ORGANIZATIONS.—

(1) IN GENERAL.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this section.

(2) USE OF FUNDS FROM OTHER PROGRAMS.—The non-Federal interest for a study or project conducted under this section may use, and the Secretary shall accept, funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the study or project, if the head of the Federal agency certifies that the funds may be used for that purpose.

(h) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—The Secretary, in coordination with the Governor of the State of Louisiana, shall—

(A) develop a plan for protecting, preserving, and restoring the coastal Louisiana ecosystem;

(B) not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, submit to Congress the plan, or an update of the plan; and

(C) ensure that the plan is fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(2) INCLUSIONS.—The comprehensive plan shall include a description of—

(A) the framework of a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including the Barataria-Terrebonne estuary), barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of a critical resource, habitat, or infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(B) the means by which a new technology, or an improved technique, can be integrated into the program under subsection (a);

(C) the role of other Federal agencies and programs in carrying out the program under subsection (a); and

(D) specific, measurable ecological success criteria by which success of the comprehensive plan shall be measured.

(3) CONSIDERATION.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program under subsection (a)—

(A) a related Federal or State project carried out on the date on which the plan is developed;

(B) an activity in the Louisiana Coastal Area; or

(C) any other project or activity identified in—

(i) the Mississippi River and Tributaries program;

(ii) the Louisiana Coastal Wetlands Conservation Plan;

(iii) the Louisiana Coastal Zone Management Plan;

(iv) the plan of the State of Louisiana entitled "Coast 2050: Toward a Sustainable Coastal Louisiana"; or

(v) the Comprehensive Master Coastal Protection Plan authorized and defined by Act 8 of the First Extraordinary Session of the Louisiana State Legislature, 2005.

(i) TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to be known as the "Coastal Louisiana Ecosystem Protection and Restoration Task Force" (referred to in this subsection as the "Task Force").

(2) MEMBERSHIP.—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Secretary of Homeland Security.

(I) 3 representatives of the State of Louisiana appointed by the Governor of that State.

(3) DUTIES.—The Task Force shall make recommendations to the Secretary regarding—

(A) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(B) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(i) that identify funds from current agency missions and budgets; and

(ii) for coordinating individual agency budget requests; and

(C) the comprehensive plan under subsection (h).

(4) WORKING GROUPS.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(5) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force or any working group of the Task Force.

(j) SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Secretary shall establish a coastal Louisiana ecosystem science and technology program.

(2) PURPOSES.—The purposes of the program established by paragraph (1) shall be—

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana;

(B) to improve knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana; and

(C) to identify and develop technologies, models, and methods to carry out this subsection.

(3) WORKING GROUPS.—The Secretary may establish such working groups as the Secretary determines to be necessary to assist the Secretary in carrying out this subsection.

(4) CONTRACTS AND COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into a contract or cooperative agreement with an individual or entity (including a consortium of academic institutions in Louisiana) with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal restoration and enhancement through science and technology.

(k) ANALYSIS OF BENEFITS.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out an activity to conserve, protect, restore, or maintain the coastal Louisiana ecosystem, the Secretary may determine that the environmental benefits provided by the program under this section outweigh the disadvantage of an activity under this section.

(2) DETERMINATION OF COST-EFFECTIVENESS.—If the Secretary determines that an activity under this section is cost-effective, no further economic justification for the activity shall be required.

(l) STUDIES.—

(1) DEGRADATION.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to identify—

(A) the cause of any degradation of the Louisiana Coastal Area ecosystem that occurred as a result of an activity approved by the Secretary; and

(B) the sources of the degradation.

(2) FINANCING.—On completion, and taking into account the results, of the study conducted under paragraph (1), the Secretary, in consultation with the non-Federal interest, shall study—

(A) financing alternatives for the program under subsection (a); and

(B) potential reductions in the expenditure of Federal funds in emergency responses that would occur as a result of ecosystem restoration in the Louisiana Coastal Area.

(m) PROJECT MODIFICATIONS.—

(1) REVIEW.—The Secretary, in cooperation with any non-Federal interest, shall review each federally-authorized water resources project in the coastal Louisiana area in existence on the date of enactment of this Act to determine whether—

(A) each project is in accordance with the program under subsection (a); and

(B) the project could contribute to ecosystem restoration under subsection (a) through modification of the operations or features of the project.

(2) MODIFICATIONS.—Subject to paragraphs (3) and (4), the Secretary may carry out the modifications described in paragraph (1)(B).

(3) PUBLIC NOTICE AND COMMENT.—Before completing the report required under paragraph (4), the Secretary shall provide an opportunity for public notice and comment.

(4) REPORT.—

(A) IN GENERAL.—Before modifying an operation or feature of a project under paragraph (1)(B), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the modification.

(B) INCLUSION.—A report under subparagraph (A) shall include such information relating to the timeline and cost of a modification as the Secretary determines to be relevant.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000.

(n) Louisiana Water Resources Council.—The Secretary shall establish a council, to be known as the "Louisiana Water Resources Council", which shall serve as the exclusive peer review panel for activities conducted by the Corps of Engineers in the areas in the State of Louisiana declared as major disaster areas in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in response to Hurricane Katrina or Rita of 2005, in accordance with the requirements of section 2007.

(o) External Review.—The Secretary shall enter into a contract with the National Academy of Science to perform an external review of the demonstration program under subsection (d), and the results of the review shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(p) New Orleans and Vicinity.—

(1) In general.—The Secretary is authorized—

(A) to raise levee heights as necessary, and to otherwise enhance the Lake Pontchartrain and Vicinity Project and the West Bank and Vicinity Project to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of the construction;

(B) to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals, including installing pumps and closure structures at or near the lakefront at Lake Pontchartrain;

(C) to armor critical elements of the New Orleans hurricane and storm damage reduction system;

(D) to improve and otherwise modify the Inner Harbor Navigation Canal to increase the reliability of the flood protection system for the city of New Orleans;

(E) to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the New Orleans to Venice Hurricane Protection Project;

(F) to reinforce or replace flood walls in the existing Lake Pontchartrain and Vicinity Project and the existing West Bank and Vicinity Project to improve performance of the flood protection systems;

(G) to perform onetime storm-proofing of interior pump stations to ensure the operability of the stations during hurricanes, storms, and high-water events;

(H) to repair, replace, modify, and improve non-Federal levees and associated protection measures in Terrebonne Parish; and

(I) to reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands through—

(i) measures to begin to reverse wetland losses in areas affected by navigation, oil and gas exploration and extraction, and other channels; and

(ii) modification of the Caernarvon Freshwater Diversion structure or its operations.

(2) Funding authority.—An activity under paragraph (1) shall be carried out in accordance with the cost-sharing requirements of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(3) Conditions.—

(A) In general.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a notice in any case in which an estimate for the expenditure of funds on any project or activity described in paragraph (1) exceeds the amount specified for that project or activity in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(B) Appropriations limitation.—No appropriation in excess of an amount equal to 25 percent more than the amount specified for a project or activity in that Act shall be made until an increase in the level of expenditure has been approved by resolutions adopted by the Committees referred to in subparagraph (A).

(q) Larose to Golden Meadow.—

(1) Report.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing any modification required to the project for flood damage reduction, Larose to Golden Meadow, Louisiana, to achieve the certification necessary for participation in the National Flood Insurance Program.

(2) Modifications.—The Secretary is authorized to carry out a modification described in paragraph (1) if—

(A) the Secretary submits a recommendation for authorization of the modification in the report under paragraph (1); and

(B) the total cost of the modification does not exceed $90,000,000.

(3) Requirement.—No appropriation shall be made to construct any modification under this subsection if the report under paragraph (1) has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(r) Consolidation.—

(1) In general.—The Secretary may consolidate the flood damage reduction projects in Lower Jefferson Parish, Louisiana, that have been identified for implementation under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) as of the date of enactment of this Act.

(2) Total cost.—The Secretary may implement the consolidated project referred to in paragraph (1) if the total cost of the consolidated project does not exceed $100,000,000.

(s) Mississippi River Gulf Outlet.—

(1) Deauthorization.—

(A) In general.—The navigation channel portion of the project for navigation, Mississippi River Gulf outlet, authorized by the Act of March 29, 1956 (70 Stat. 65, chapter 112; 100 Stat. 4177; 110 Stat. 3717), which extends from the Gulf of Mexico to Mile 60 at the southern bank of the Gulf Intracoastal Waterway, is not authorized.

(B) Scope.—Subparagraph (A) does not modify or deauthorize the Inner Harbor Navigation Canal Replacement Project authorized by the Act referred to in that subparagraph.

(2) Plan for closure and restoration.—

(A) In general.—The Secretary shall carry out a study and implement a project to physically modify the Mississippi River Gulf outlet and to restore the areas affected by the Mississippi River Gulf outlet, subject to the conditions and recommendations in a final report of the Chief of Engineers, if a favorable report of the Chief is completed by not later than 180 days after the date of enactment of this Act.

(B) Incorporation of recommendations.—The plan shall incorporate the recommendations of the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006.

(3) Report to congress.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the project described in paragraph (2).

(4) Authorization of appropriations.—There is authorized to be appropriated $5,000,000 for the costs of carrying out the study and developing the report of the Chief of Engineers required by this subsection, which shall be carried out at Federal expense.

(t) Hurricane and Storm Damage Reduction.—With respect to the projects identified in the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), the Secretary shall—

(1) to the maximum extent practicable, submit specific project recommendations in any report developed under that Act; and

(2) submit the reports to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) Cache river basin, Grubbs, Arkansas.—Project for flood damage reduction, Cache River Basin, Grubbs, Arkansas.

(2) Bibb county and the city of Macon levee, Georgia.—Project for flood damage reduction, Bibb County and the City of Macon Levee, Georgia.

(3) Fort Wayne and vicinity, Indiana.—Project for flood control, St. Mary's River, Fort Wayne and Vicinity, Indiana.

(4) Salem, Massachusetts.—Project for flood damage reduction, Salem, Massachusetts.

(5) Crow river, Rockford, Minnesota.—Project for flood damage reduction, Crow River, Rockford, Minnesota.

(6) South branch of the wild rice river, Borup, Minnesota.—Project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota.

(7) Cheyenne, Wyoming.—Project for flood control, Capitol Basin, Cheyenne, Wyoming.

SEC. 1005. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) Barrow harbor, Alaska.—Project for navigation, Barrow Harbor, Alaska.

(2) Nome harbor, Alaska.—Project for navigation, Nome Harbor, Alaska.

(3) Old harbor, Alaska.—Project for navigation, Old Harbor, Alaska.

(4) Little rock port, Arkansas.—Project for navigation, Little Rock Port, Arkansas River, Arkansas.

(5) East basin, Massachusetts.—Project for navigation, East Basin, Cape Cod Canal, Sandwich, Massachusetts.

(6) LYNN HARBOR, MASSACHUSETTS.—Project for navigation, Lynn Harbor, Lynn, Massachusetts.

(7) MERRIMACK RIVER, MASSACHUSETTS.—Project for navigation, Merrimack River, Haverhill, Massachusetts.

(8) OAK BLUFFS HARBOR, MASSACHUSETTS.—Project for navigation, Oak Bluffs Harbor, Oak Bluffs, Massachusetts.

(9) WOODS HOLE GREAT HARBOR, MASSACHUSETTS.—Project for navigation, Woods Hole Great Harbor, Falmouth, Massachusetts.

(10) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

(11) CLINTON RIVER, MICHIGAN.—Project for navigation, Clinton River, Michigan.

(12) ONTONAGON RIVER, MICHIGAN.—Project for navigation, Ontonagon River, Ontonagon, Michigan.

(13) TRAVERSE CITY, MICHIGAN.—Project for navigation, Traverse City, Michigan.

(14) SEBEWAING RIVER, MICHIGAN.—Project for navigation, Sebewaing River, Michigan.

(15) TOWER HARBOR, MINNESOTA.—Project for navigation, Tower Harbor, Tower, Minnesota.

(16) OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

(17) MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.—Project for navigation, Middle Bass Island State Park, Middle Bass Island, Ohio.

(18) MILWAUKEE HARBOR, WISCONSIN.—Project for navigation, Milwaukee Harbor, Milwaukee, Wisconsin.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) BLACK LAKE, ALASKA.—Project for aquatic ecosystem restoration, Black Lake, Alaska, at the head of the Chignik Watershed.

(2) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

(3) SUISON MARSH, SAN PABLO BAY, CALIFORNIA.—Project for aquatic ecosystem restoration, San Pablo Bay, California.

(4) CHATTAHOOCHEE FALL-LINE, GEORGIA.—Project for aquatic ecosystem restoration, Chattahoochee Fall-Line, Georgia.

(5) MILL POND, LITTLETON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Mill Pond, Littleton, Massachusetts.

(6) MILFORD POND, MILFORD, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Milford Pond, Milford, Massachusetts.

(7) PINE TREE BROOK, MILTON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Pine Tree Brook, Milton, Massachusetts.

(8) CLINTON RIVER, MICHIGAN.—Project for aquatic ecosystem restoration, Clinton River, Michigan.

(9) CALDWELL COUNTY, NORTH CAROLINA.—Project for aquatic ecosystem restoration, Caldwell County, North Carolina.

(10) MECKLENBERG COUNTY, NORTH CAROLINA.—Project for aquatic ecosystem restoration, Mecklenberg County, North Carolina.

(11) JOHNSON CREEK, GRESHAM, OREGON.—Project for aquatic ecosystem restoration, Johnson Creek, Gresham, Oregon.

(12) BLACKSTONE RIVER, RHODE ISLAND.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

(13) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—Project for aquatic ecosystem restoration, College Lake, Lynchburg, Virginia.

SEC. 1007. SMALL PROJECTS TO PREVENT OR MITIGATE DAMAGE CAUSED BY NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i):

(1) Tybee Island, Georgia.

(2) Burns Waterway Harbor, Indiana.

SEC. 1008. SMALL PROJECTS FOR AQUATIC PLANT CONTROL.

The Secretary is authorized to carry out a project for aquatic nuisance plant control in the Republican River Basin, Nebraska, under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610).

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

SEC. 2001. CREDIT FOR IN-KIND CONTRIBUTIONS.

Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by striking "SEC. 221" and inserting the following:

"SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.";

and

(2) by striking subsection (a) and inserting the following:

"(a) COOPERATION OF NON-FEDERAL INTEREST.—

"(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.

"(2) LIQUIDATED DAMAGES.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform.

"(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

"(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

"(A) IN GENERAL.—An agreement under paragraph (1) shall provide that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented under general continuing authority, the value of in-kind contributions made by the non-Federal interest, including—

"(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project;

"(ii) the value of materials or services provided before execution of an agreement for the project, including efforts on constructed elements incorporated into the project; and

"(iii) materials and services provided after an agreement is executed.

"(B) CONDITION.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the property or service provided as an in-kind contribution is integral to the project.

"(C) LIMITATIONS.—Credit authorized for a project—

"(i) shall not exceed the non-Federal share of the cost of the project;

"(ii) shall not alter any other requirement that a non-Federal interest provide land, an easement or right-of-way, or an area for disposal of dredged material for the project; and

"(iii) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.".

SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary may engage in activities (including contracting) in support of other Federal agencies, international organizations, or foreign governments to address problems of national significance to the United States.";

(2) in subsection (b), by striking "Secretary of State" and inserting "Department of State"; and

(3) in subsection (d)—

(A) by striking "$250,000 for fiscal year 2001" and inserting "$1,000,000 for fiscal year 2007 and each fiscal year thereafter"; and

(B) by striking "or international organizations" and inserting ", international organizations, or foreign governments".

SEC. 2003. TRAINING FUNDS.

(a) IN GENERAL.—The Secretary may include individuals from the non-Federal interest, including the private sector, in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines that it is in the best interest of the Federal Government to include those individuals as participants.

(b) EXPENSES.—

(1) IN GENERAL.—An individual from a non-Federal interest attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) PAYMENTS.—Payments made by an individual for training received under subsection (a), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriation or account used for paying training costs; and

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) EXCESS AMOUNTS.—Any payments received under paragraph (2) that are in excess

of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

SEC. 2004. FISCAL TRANSPARENCY REPORT.

(a) In General.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the expenditures for the preceding fiscal year and estimated expenditures for the current fiscal year.

(b) Contents.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95-502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

SEC. 2005. PLANNING.

(a) Matters to Be Addressed in Planning.—Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended—

(1) by striking "Enhancing" and inserting the following:

"(a) In General.—Enhancing"; and

(2) by adding at the end the following:

"(b) Assessments.—For all feasibility reports completed after December 31, 2005, the Secretary shall assess whether—

"(1) the water resource project and each separable element is cost-effective; and

"(2) the water resource project complies with Federal, State, and local laws (including regulations) and public policies.".

(b) Planning Process Improvements.—The Chief of Engineers—

(1) shall, not later than 2 years after the date on which the feasibility study cost sharing agreement is signed for a project, subject to the availability of appropriations—

(A) complete the feasibility study for the project; and

(B) sign the report of the Chief of Engineers for the project;

(2) may, with the approval of the Secretary, extend the deadline established under paragraph (1) for not to exceed 4 years, for a complex or controversial study; and

(3)(A) shall adopt a risk analysis approach to project cost estimates; and

(B) not later than 1 year after the date of enactment of this Act, shall—

(i) issue procedures for risk analysis for cost estimation; and

(ii) submit to Congress a report that includes suggested amendments to section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

(c) Calculation of Benefits and Costs for Flood Damage Reduction Projects.—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(1) a calculation of the residual risk of flooding following completion of the proposed project;

(2) a calculation of the residual risk of loss of human life and residual risk to human safety following completion of the proposed project; and

(3) a calculation of any upstream or downstream impacts of the proposed project.

(d) Centers of Specialized Planning Expertise.—

(1) Establishment.—The Secretary may establish centers of expertise to provide specialized planning expertise for water resource projects to be carried out by the Secretary in order to enhance and supplement the capabilities of the districts of the Corps of Engineers.

(2) Duties.—A center of expertise established under this subsection shall—

(A) provide technical and managerial assistance to district commanders of the Corps of Engineers for project planning, development, and implementation;

(B) provide peer reviews of new major scientific, engineering, or economic methods, models, or analyses that will be used to support decisions of the Secretary with respect to feasibility studies;

(C) provide support for external peer review panels convened by the Secretary; and

(D) carry out such other duties as are prescribed by the Secretary.

(e) Completion of Corps of Engineers Reports.—

(1) Alternatives.—

(A) In general.—Feasibility and other studies and assessments of water resource problems and projects shall include recommendations for alternatives—

(i) that, as determined by the non-Federal interests for the projects, promote integrated water resources management; and

(ii) for which the non-Federal interests are willing to provide the non-Federal share for the studies or assessments.

(B) Scope and purposes.—The scope and purposes of studies and assessments described in subparagraph (A) shall not be constrained by budgetary or other policy as a result of the inclusion of alternatives described in that subparagraph.

(C) Reports of chief of engineers.—The reports of the Chief of Engineers shall be based solely on the best technical solutions to water resource needs and problems.

(2) Report completion.—The completion of a report of the Chief of Engineers for a project—

(A) shall not be delayed while consideration is being given to potential changes in policy or priority for project consideration; and

(B) shall be submitted, on completion, to—

(i) the Committee on Environment and Public Works of the Senate; and

(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

(f) Completion Review.—

(1) In general.—Except as provided in paragraph (2), not later than 90 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resource project, the Secretary shall—

(A) review the report; and

(B) provide any recommendations of the Secretary regarding the water resource project to Congress.

(2) Prior reports.—Not later than 90 days after the date of enactment of this Act, with respect to any report of the Chief of Engineers recommending a water resource project that is complete prior to the date of enactment of this Act, the Secretary shall complete review of, and provide recommendations to Congress for, the report in accordance with paragraph (1).

SEC. 2006. WATER RESOURCES PLANNING COORDINATING COMMITTEE.

(a) Establishment.—The President shall establish a Water Resources Planning Coordinating Committee (referred to in this subsection as the "Coordinating Committee").

(b) Membership.—

(1) In general.—The Coordinating Committee shall be composed of the following members (or a designee of the member):

(A) The Secretary of the Interior.

(B) The Secretary of Agriculture.

(C) The Secretary of Health and Human Services.

(D) The Secretary of Housing and Urban Development.

(E) The Secretary of Transportation.

(F) The Secretary of Energy.

(G) The Secretary of Homeland Security.

(H) The Secretary of Commerce.

(I) The Administrator of the Environmental Protection Agency.

(J) The Chairperson of the Council on Environmental Quality.

(2) Chairperson and executive director.—The President shall appoint—

(A) 1 member of the Coordinating Committee to serve as Chairperson of the Coordinating Committee for a term of 2 years; and

(B) an Executive Director to supervise the activities of the Coordinating Committee.

(3) FUNCTION.—The function of the Coordinating Committee shall be to carry out the duties and responsibilities set forth under this section.

(c) NATIONAL WATER RESOURCES PLANNING AND MODERNIZATION POLICY.—It is the policy of the United States that all water resources projects carried out by the Corps of Engineers shall—

(1) reflect national priorities;

(2) seek to avoid the unwise use of floodplains;

(3) minimize vulnerabilities in any case in which a floodplain must be used;

(4) protect and restore the functions of natural systems; and

(5) mitigate any unavoidable damage to natural systems.

(d) WATER RESOURCE PRIORITIES REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Coordinating Committee, in collaboration with the Secretary, shall submit to the President and Congress a report describing the vulnerability of the United States to damage from flooding and related storm damage, including—

(A) the risk to human life;

(B) the risk to property; and

(C) the comparative risks faced by different regions of the United States.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the extent to which programs in the United States relating to flooding address flood risk reduction priorities;

(B) the extent to which those programs may be unintentionally encouraging development and economic activity in floodprone areas;

(C) recommendations for improving those programs with respect to reducing and responding to flood risks; and

(D) proposals for implementing the recommendations.

(e) MODERNIZING WATER RESOURCES PLANNING GUIDELINES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary and the Coordinating Committee shall, in collaboration with each other, review and propose updates and revisions to modernize the planning principles and guidelines, regulations, and circulars by which the Corps of Engineers analyzes and evaluates water projects. In carrying out the review, the Coordinating Committee and the Secretary shall consult with the National Academy of Sciences for recommendations regarding updating planning documents.

(2) PROPOSED REVISIONS.—In conducting a review under paragraph (1), the Coordinating Committee and the Secretary shall consider revisions to improve water resources project planning through, among other things—

(A) requiring the use of modern economic principles and analytical techniques, credible schedules for project construction, and current discount rates as used by other Federal agencies;

(B) eliminating biases and disincentives to providing projects to low-income communities, including fully accounting for the prevention of loss of life under section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281);

(C) eliminating biases and disincentives that discourage the use of nonstructural approaches to water resources development and management, and fully accounting for the flood protection and other values of healthy natural systems;

(D) promoting environmental restoration projects that reestablish natural processes;

(E) assessing and evaluating the impacts of a project in the context of other projects within a region or watershed;

(F) analyzing and incorporating lessons learned from recent studies of Corps of Engineers programs and recent disasters such as Hurricane Katrina and the Great Midwest Flood of 1993;

(G) encouraging wetlands conservation; and

(H) ensuring the effective implementation of the policies of this Act.

(3) PUBLIC PARTICIPATION.—The Coordinating Committee and the Secretary shall solicit public and expert comments regarding any revision proposed under paragraph (2).

(4) REVISION OF PLANNING GUIDANCE.—

(A) IN GENERAL.—Not later than 180 days after the date on which a review under paragraph (1) is completed, the Secretary, after providing notice and an opportunity for public comment in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act"), shall implement such proposed updates and revisions to the planning principles and guidelines, regulations, and circulars of the Corps of Engineers under paragraph (2) as the Secretary determines to be appropriate.

(B) EFFECT.—Effective beginning on the date on which the Secretary implements the first update or revision under paragraph (1), subsections (a) and (b) of section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17) shall not apply to the Corps of Engineers.

(5) REPORT.—

(A) IN GENERAL.—The Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, and to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, a report describing any revision of planning guidance under paragraph (4).

(B) PUBLICATION.—The Secretary shall publish the report under subparagraph (A) in the Federal Register.

SEC. 2007. INDEPENDENT PEER REVIEW.

(a) DEFINITIONS.—In this section:

(1) CONSTRUCTION ACTIVITIES.—The term "construction activities" means development of detailed engineering and design specifications during the preconstruction engineering and design phase and the engineering and design phase of a water resources project carried out by the Corps of Engineers, and other activities carried out on a water resources project prior to completion of the construction and to turning the project over to the local cost-share partner.

(2) PROJECT STUDY.—The term "project study" means a feasibility report, reevaluation report, or environmental impact statement prepared by the Corps of Engineers.

(b) DIRECTOR OF INDEPENDENT REVIEW.—The Secretary shall appoint in the Office of the Secretary a Director of Independent Review. The Director shall be selected from among individuals who are distinguished experts in engineering, hydrology, biology, economics, or another discipline related to water resources management. The Secretary shall ensure, to the maximum extent practicable, that the Director does not have a financial, professional, or other conflict of interest with projects subject to review. The Director of Independent Review shall carry out the duties set forth in this section and such other duties as the Secretary deems appropriate.

(c) SOUND PROJECT PLANNING.—

(1) PROJECTS SUBJECT TO PLANNING REVIEW.—The Secretary shall ensure that each project study for a water resources project shall be reviewed by an independent panel of experts established under this subsection if—

(A) the project has an estimated total cost of more than $40,000,000, including mitigation costs;

(B) the Governor of a State in which the water resources project is located in whole or in part, or the Governor of a State within the drainage basin in which a water resources project is located and that would be directly affected economically or environmentally as a result of the project, requests in writing to the Secretary the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency with authority to review the project determines that the project is likely to have a significant adverse impact on public safety, or on environmental, fish and wildlife, historical, cultural, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines on his or her own initiative, or shall determine within 30 days of receipt of a written request for a controversy determination by any party, that the project is controversial because—

(i) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(ii) there is a significant dispute regarding the economic, or environmental costs or benefits of the project.

(2) PROJECT PLANNING REVIEW PANELS.—

(A) PROJECT PLANNING REVIEW PANEL MEMBERSHIP.—For each water resources project subject to review under this subsection, the Director of Independent Review shall establish a panel of independent experts that shall be composed of not less than 5 nor more than 9 independent experts (including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist) who represent a range of areas of expertise. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that members have no conflict with the project being reviewed, and shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this subsection. An individual serving on a panel under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(B) DUTIES OF PROJECT PLANNING REVIEW PANELS.—An independent panel of experts established under this subsection shall review the project study, receive from the public written and oral comments concerning the project study, and submit a written report to the Secretary that shall contain the panel's conclusions and recommendations regarding project study issues identified as significant by the panel, including issues such as—

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

(vii) models used in evaluation of economic or environmental impacts of proposed projects; and

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW RECORD.—

(i) IN GENERAL.—After receiving a report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet.

(ii) RECOMMENDATIONS.—The Secretary shall prepare a written explanation of any recommendations of the independent panel of experts established under this subsection not adopted by the Secretary. Recommendations and findings of the independent panel of experts rejected without good cause shown, as determined by judicial review, shall be given equal deference as the recommendations and findings of the Secretary during a judicial proceeding relating to the water resources project.

(iii) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—The report of the independent panel of experts established under this subsection and the written explanation of the Secretary required by clause (ii) shall be included with the report of the Chief of Engineers to Congress, shall be published in the Federal Register, and shall be made available to the public on the Internet.

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

(i) IN GENERAL.—Independent review of a project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(ii) DEADLINE FOR PROJECT PLANNING REVIEW PANEL STUDIES.—An independent panel of experts established under this subsection shall complete its review of the project study and submit to the Secretary a report not later than 180 days after the date of establishment of the panel, or not later than 90 days after the close of the public comment period on a draft project study that includes a preferred alternative, whichever is later. The Secretary may extend these deadlines for good cause.

(iii) FAILURE TO COMPLETE REVIEW AND REPORT.—If an independent panel of experts established under this subsection does not submit to the Secretary a report by the deadline established by clause (ii), the Chief of Engineers may continue project planning without delay.

(iv) DURATION OF PANELS.—An independent panel of experts established under this subsection shall terminate on the date of submission of the report by the panel. Panels may be established as early in the planning process as deemed appropriate by the Director of Independent Review, but shall be appointed no later than 90 days before the release for public comment of a draft study subject to review under subsection (c)(1)(A), and not later than 30 days after a determination that review is necessary under subsection (c)(1)(B), (c)(1)(C), or (c)(1)(D).

(E) EFFECT ON EXISTING GUIDANCE.—The project planning review required by this subsection shall be deemed to satisfy any external review required by Engineering Circular 1105–2–408 (31 May 2005) on Peer Review of Decision Documents.

(d) SAFETY ASSURANCE.—

(1) PROJECTS SUBJECT TO SAFETY ASSURANCE REVIEW.—The Secretary shall ensure that the construction activities for any flood damage reduction project shall be reviewed by an independent panel of experts established under this subsection if the Director of Independent Review makes a determination that an independent review is necessary to ensure public health, safety, and welfare on any project—

(A) for which the reliability of performance under emergency conditions is critical;

(B) that uses innovative materials or techniques;

(C) for which the project design is lacking in redundancy, or that has a unique construction sequencing or a short or overlapping design construction schedule; or

(D) other than a project described in subparagraphs (A) through (C), as the Director of Independent Review determines to be appropriate.

(2) SAFETY ASSURANCE REVIEW PANELS.—At the appropriate point in the development of detailed engineering and design specifications for each water resources project subject to review under this subsection, the Director of Independent Review shall establish an independent panel of experts to review and report to the Secretary on the adequacy of construction activities for the project. An independent panel of experts under this subsection shall be composed of not less than 5 nor more than 9 independent experts selected from among individuals who are distinguished experts in engineering, hydrology, or other pertinent disciplines. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that panel members have no conflict with the project being reviewed. An individual serving on a panel of experts under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(3) DEADLINES FOR SAFETY ASSURANCE REVIEWS.—An independent panel of experts established under this subsection shall submit a written report to the Secretary on the adequacy of the construction activities prior to the initiation of physical construction and periodically thereafter until construction activities are completed on a publicly available schedule determined by the Director of Independent Review for the purposes of assuring the public safety. The Director of Independent Review shall ensure that these reviews be carried out in a way to protect the public health, safety, and welfare, while not causing unnecessary delays in construction activities.

(4) SAFETY ASSURANCE REVIEW RECORD.—After receiving a written report from an independent panel of experts established under this subsection, the Secretary shall—

(A) take into consideration recommendations contained in the report, provide a written explanation of recommendations not adopted, and immediately make the report and explanation available to the public on the Internet; and

(B) submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) EXPENSES.—

(1) IN GENERAL.—The costs of an independent panel of experts established under subsection (c) or (d) shall be a Federal expense and shall not exceed—

(A) $250,000, if the total cost of the project in current year dollars is less than $50,000,000; and

(B) 0.5 percent of the total cost of the project in current year dollars, if the total cost is $50,000,000 or more.

(2) WAIVER.—The Secretary, at the written request of the Director of Independent Review, may waive the cost limitations under paragraph (1) if the Secretary determines appropriate.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(g) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Secretary to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SEC. 2008. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

"(3) COMPLETION OF MITIGATION.—In any case in which it is not technically practicable to complete mitigation by the last day of construction of the project or separable element of the project because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.".

(b) USE OF CONSOLIDATED MITIGATION.—Section 906(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(b)) is amended by adding at the end the following:

"(3) USE OF CONSOLIDATED MITIGATION.—

"(A) IN GENERAL.—If the Secretary determines that other forms of compensatory mitigation are not practicable or are less environmentally desirable, the Secretary may purchase available credits from a mitigation bank or conservation bank that is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigations Banks (60 Fed. Reg. 58605) or other applicable Federal laws (including regulations).

"(B) SERVICE AREA.—To the maximum extent practicable, the service area of the mitigation bank or conservation bank shall be in the same watershed as the affected habitat.

"(C) RESPONSIBILITY RELIEVED.—Purchase of credits from a mitigation bank or conservation bank for a water resources project relieves the Secretary and the non-Federal interest from responsibility for monitoring or demonstrating mitigation success.".

(c) MITIGATION REQUIREMENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "to the Congress unless such report contains" and inserting "to Congress, and shall not select a project alternative in any final record of decision, environmental impact statement, or environmental assessment, unless the proposal, record of decision, environmental impact statement, or environmental assessment contains"; and

(B) in the second sentence, by inserting ", and other habitat types are mitigated to not less than in-kind conditions" after "mitigated in-kind"; and

(2) by adding at the end the following:

"(3) MITIGATION REQUIREMENTS.—

"(A) IN GENERAL.—To mitigate losses to flood damage reduction capabilities and fish and wildlife resulting from a water resources project, the Secretary shall ensure that the mitigation plan for each water resources project complies fully with the mitigation standards and policies established pursuant to section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

"(B) INCLUSIONS.—A specific mitigation plan for a water resources project under paragraph (1) shall include, at a minimum—

"(i) a plan for monitoring the implementation and ecological success of each mitigation measure, including a designation of the entities that will be responsible for the monitoring;

"(ii) the criteria for ecological success by which the mitigation will be evaluated and determined to be successful;

"(iii) land and interests in land to be acquired for the mitigation plan and the basis for a determination that the land and interests are available for acquisition;

"(iv) a description of—

"(I) the types and amount of restoration activities to be conducted; and

"(II) the resource functions and values that will result from the mitigation plan; and

"(v) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that mitigation measures are not achieving ecological success in accordance with criteria under clause (ii).

"(4) DETERMINATION OF SUCCESS.—

"(A) IN GENERAL.—A mitigation plan under this subsection shall be considered to be successful at the time at which the criteria under paragraph (3)(B)(ii) are achieved under the plan, as determined by monitoring under paragraph (3)(B)(i).

"(B) CONSULTATION.—In determining whether a mitigation plan is successful under subparagraph (A), the Secretary shall consult annually with appropriate Federal agencies and each State in which the applicable project is located on at least the following:

"(i) The ecological success of the mitigation as of the date on which the report is submitted.

"(ii) The likelihood that the mitigation will achieve ecological success, as defined in the mitigation plan.

"(iii) The projected timeline for achieving that success.

"(iv) Any recommendations for improving the likelihood of success.

"(C) REPORTING.—Not later than 60 days after the date of completion of the annual consultation, the Federal agencies consulted shall, and each State in which the project is located may, submit to the Secretary a report that describes the results of the consultation described in (B).

"(D) ACTION BY SECRETARY.—The Secretary shall respond in writing to the substance and recommendations contained in each report under subparagraph (C) by not later than 30 days after the date of receipt of the report.

"(5) MONITORING.—Mitigation monitoring shall continue until it has been demonstrated that the mitigation has met the ecological success criteria.".

(d) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the submission of the President to Congress of the request of the President for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283) and the status of that mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of—

(A) all projects that are under construction as of the date of the report;

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(e) MITIGATION TRACKING SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a recordkeeping system to track, for each water resources project undertaken by the Secretary and for each permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344)—

(A) the quantity and type of wetland and any other habitat type affected by the project, project operation, or permitted activity;

(B) the quantity and type of mitigation measures required with respect to the project, project operation, or permitted activity;

(C) the quantity and type of mitigation measures that have been completed with respect to the project, project operation, or permitted activity; and

(D) the status of monitoring of the mitigation measures carried out with respect to the project, project operation, or permitted activity.

(2) REQUIREMENTS.—The recordkeeping system under paragraph (1) shall—

(A) include information relating to the impacts and mitigation measures relating to projects described in paragraph (1) that occur after November 17, 1986; and

(B) be organized by watershed, project, permit application, and zip code.

(3) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

SEC. 2009. STATE TECHNICAL ASSISTANCE.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) by striking "SEC. 22. (a) The Secretary" and inserting the following:

"SEC. 22. PLANNING ASSISTANCE TO STATES.

"(a) FEDERAL-STATE COOPERATION.—

"(1) COMPREHENSIVE PLANS.—The Secretary";

(2) in subsection (a), by adding at the end the following:

"(2) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to the agency or non-Federal interest in managing water resources.

"(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.";

(3) in subsection (b)(1), by striking "this section" each place it appears and inserting "subsection (a)(1)";

(4) in subsection (b)(2), by striking "up to ½ of the" and inserting "the";

(5) in subsection (c)—

(A) by striking "(c) There is" and inserting the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) FEDERAL AND STATE COOPERATION.—There is";

(B) in paragraph (1) (as designated by subparagraph (A)), by striking "the provisions of this section except that not more than $500,000 shall be expended in any one year in any one State." and inserting "subsection (a)(1)."; and

(C) by adding at the end the following:

"(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated to carry out subsection (a)(2) $5,000,000 for each fiscal year, of which not more than $2,000,000 for each fiscal year may be used by the Secretary to enter into cooperative agreements with nonprofit organizations and State agencies to provide assistance to rural and small communities."; and

(6) by adding at the end the following:

"(e) ANNUAL SUBMISSION.—For each fiscal year, based on performance criteria developed by the Secretary, the Secretary shall list in the annual civil works budget submitted to Congress the individual activities proposed for funding under subsection (a)(1) for the fiscal year.".

SEC. 2010. ACCESS TO WATER RESOURCE DATA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall carry out a program to provide public access to water resource and related water quality data in the custody of the Corps of Engineers.

(b) DATA.—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resource project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) PARTNERSHIPS.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each fiscal year.

SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) IN GENERAL.—Section 211(e)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(6)) is amended by adding at the end following:

"(E) BUDGET PRIORITY.—

"(i) IN GENERAL.—Budget priority for projects under this section shall be proportionate to the percentage of project completion.

"(ii) COMPLETED PROJECT.—A completed project shall have the same priority as a project with a contractor on site.".

(b) CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.—Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

"(9) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

"(10) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas, authorized by the first section of the Act of June 20, 1938 (52 Stat. 804, chapter 535) (commonly known as the 'River and Harbor Act of 1938') and modified by section 3a of the Act of August 11, 1939 (53 Stat. 1414, chapter 699) (commonly known as the 'Flood Control Act of 1939'), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

"(11) HALLS BAYOU, TEXAS.—The Halls Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (33 U.S.C. 2201 note), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

"(12) MENOMONEE RIVER WATERSHED, WISCONSIN.—The project for the Menomonee River Watershed, Wisconsin, including—

"(A) the Underwood Creek diversion facility project (Milwaukee County Grounds); and

"(B) the Greater Milwaukee Rivers watershed project.".

SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended to read as follows:

"SEC. 204. REGIONAL SEDIMENT MANAGEMENT.

"(a) IN GENERAL.—In connection with sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project, the Secretary, acting through the Chief of Engineers, shall develop Regional Sediment Management plans and carry out projects at locations identified in the plan prepared under subsection (e), or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects, for—

"(1) the protection of property;

"(2) the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands; and

"(3) the transport and placement of suitable sediment

"(b) SECRETARIAL FINDINGS.—Subject to subsection (c), projects carried out under subsection (a) may be carried out in any case in which the Secretary finds that—

"(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost of the project; and

"(2) the project would not result in environmental degradation.

"(c) DETERMINATION OF PLANNING AND PROJECT COSTS.—

"(1) IN GENERAL.—In consultation and cooperation with the appropriate Federal, State, regional, and local agencies, the Secretary, acting through the Chief of Engineers, shall develop at Federal expense plans and projects for regional management of sediment obtained in conjunction with construction, operation, and maintenance of Federal water resources projects.

"(2) COSTS OF CONSTRUCTION.—

"(A) IN GENERAL.—Costs associated with construction of a project under this section or identified in a Regional Sediment Management plan shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of an authorized Federal water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.

"(B) COST SHARING.—The determination of any non-Federal share of the construction cost shall be based on the cost sharing as specified in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for the type of Federal water resource project using the dredged resource.

"(C) TOTAL COST.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.

"(3) OPERATION, MAINTENANCE, REPLACEMENT, AND REHABILITATION COSTS.—Operation, maintenance, replacement, and rehabilitation costs associated with a project are a non-Federal sponsor responsibility.

"(d) SELECTION OF SEDIMENT DISPOSAL METHOD FOR ENVIRONMENTAL PURPOSES.—

"(1) IN GENERAL.—In developing and carrying out a Federal water resources project involving the disposal of material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of the disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion.

"(2) FEDERAL SHARE.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

"(e) STATE AND REGIONAL PLANS.—The Secretary, acting through the Chief of Engineers, may—

"(1) cooperate with any State in the preparation of a comprehensive State or regional coastal sediment management plan within the boundaries of the State;

"(2) encourage State participation in the implementation of the plan; and

"(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

"(f) PRIORITY AREAS.—In carrying out this section, the Secretary shall give priority to regional sediment management projects in the vicinity of—

"(1) Fire Island Inlet, Suffolk County, New York;

"(2) Fletcher Cove, California;

"(3) Delaware River Estuary, New Jersey and Pennsylvania; and

"(4) Toledo Harbor, Lucas County, Ohio.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 during each fiscal year, to remain available until expended, for the Federal costs identified under subsection (c), of which up to $5,000,000 shall be used for the development of regional sediment management plans as provided in subsection (e).

"(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) EXISTING PROJECTS.—The Secretary, acting through the Chief of Engineers, may complete any project being carried out under section 145 on the day before the date of enactment of this Act.

SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), is amended to read as follows:

"SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

"(a) CONSTRUCTION OF SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.—

"(1) IN GENERAL.—The Secretary may carry out construction of small shore and beach restoration and protection projects not specifically authorized by Congress that otherwise comply with the first section of this Act if the Secretary determines that such construction is advisable.

"(2) LOCAL COOPERATION.—The local cooperation requirement under the first section of this Act shall apply to a project under this section.

"(3) COMPLETENESS.—A project under this section—

"(A) shall be complete; and

"(B) shall not commit the United States to any additional improvement to ensure the successful operation of the project, except for participation in periodic beach nourishment in accordance with—

"(i) the first section of this Act; and

"(ii) the procedure for projects authorized after submission of a survey report.

"(b) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall conduct a national shoreline erosion control development and demonstration program (referred to in this section as the 'program').

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—The program shall include provisions for—

"(i) projects consisting of planning, design, construction, and adequate monitoring of prototype engineered and native and naturalized vegetative shoreline erosion control devices and methods;

"(ii) detailed engineering and environmental reports on the results of each project carried out under the program; and

"(iii) technology transfers, as appropriate, to private property owners, State and local entities, nonprofit educational institutions, and nongovernmental organizations.

"(B) DETERMINATION OF FEASIBILITY.—A project under this section shall not be carried out until the Secretary, acting through the Chief of Engineers, determines that the project is feasible.

"(C) EMPHASIS.—A project carried out under the program shall emphasize, to the maximum extent practicable—

"(i) the development and demonstration of innovative technologies;

"(ii) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

"(iii) new and enhanced shore protection project design and project formulation tools the purposes of which are to improve the physical performance, and lower the lifecycle costs, of the projects;

"(iv) natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the shoreline;

"(v) the avoidance of negative impacts to adjacent shorefront communities;

"(vi) the potential for long-term protection afforded by the technology; and

"(vii) recommendations developed from evaluations of the program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962-5 note; 88 Stat. 26), including—

"(I) adequate consideration of the subgrade;

"(II) proper filtration;

"(III) durable components;

"(IV) adequate connection between units; and

"(V) consideration of additional relevant information.

"(D) SITES.—

"(i) IN GENERAL.—Each project under the program shall be carried out at—

"(I) a privately owned site with substantial public access; or

"(II) a publicly owned site on open coast or in tidal waters.

"(ii) SELECTION.—The Secretary, acting through the Chief of Engineers, shall develop criteria for the selection of sites for projects under the program, including criteria based on—

"(I) a variety of geographic and climatic conditions;

"(II) the size of the population that is dependent on the beaches for recreation or the protection of private property or public infrastructure;

"(III) the rate of erosion;

"(IV) significant natural resources or habitats and environmentally sensitive areas; and

"(V) significant threatened historic structures or landmarks.

"(3) CONSULTATION.—The Secretary, acting through the Chief of Engineers, shall carry out the program in consultation with—

"(A) the Secretary of Agriculture, particularly with respect to native and naturalized vegetative means of preventing and controlling shoreline erosion;

"(B) Federal, State, and local agencies;

"(C) private organizations;

"(D) the Coastal Engineering Research Center established by the first section of Public Law 88–172 (33 U.S.C. 426–1); and

"(E) applicable university research facilities.

"(4) COMPLETION OF DEMONSTRATION.—After carrying out the initial construction and evaluation of the performance and lifecycle cost of a demonstration project under this section, the Secretary, acting through the Chief of Engineers, may—

"(A) at the request of a non-Federal interest of the project, amend the agreement for a federally-authorized shore protection project in existence on the date on which initial construction of the demonstration project is complete to incorporate the demonstration project as a feature of the shore protection project, with the future cost of the demonstration project to be determined by the cost-sharing ratio of the shore protection project; or

"(B) transfer all interest in and responsibility for the completed demonstration project to the non-Federal or other Federal agency interest of the project.

"(5) AGREEMENTS.—The Secretary, acting through the Chief of Engineers, may enter into an agreement with the non-Federal or other Federal agency interest of a project under this section—

"(A) to share the costs of construction, operation, maintenance, and monitoring of a project under the program;

"(B) to share the costs of removing a project or project element constructed under the program, if the Secretary determines that the project or project element is detrimental to private property, public infrastructure, or public safety; or

"(C) to specify ownership of a completed project that the Chief of Engineers determines will not be part of a Corps of Engineers project.

"(6) REPORT.—Not later than December 31 of each year beginning after the date of enactment of this paragraph, the Secretary shall prepare and submit to the Committee on Environment and Public works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

"(A) the activities carried out and accomplishments made under the program during the preceding year; and

"(B) any recommendations of the Secretary relating to the program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than $30,000,000 during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under the program.

"(2) LIMITATION.—The total amount expended for a project under this section shall—

"(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

"(B) be not more than $3,000,000.".

(b) REPEAL.—Section 5 the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is repealed.

SEC. 2014. SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—In accordance with the Act of July 3, 1930 (33 U.S.C. 426), and notwithstanding administrative actions, it is the policy of the United States to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) PREFERENCE.—In carrying out the policy, preference shall be given to—

(1) areas in which there has been a Federal investment of funds; and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

(c) APPLICABILITY.—The Secretary shall apply the policy to each shore protection and beach renourishment project (including shore protection and beach renourishment projects in existence on the date of enactment of this Act).

SEC. 2015. COST SHARING FOR MONITORING.

(a) IN GENERAL.—Costs incurred for monitoring for an ecosystem restoration project shall be cost-shared—

(1) in accordance with the formula relating to the applicable original construction project; and

(2) for a maximum period of 10 years.

(b) AGGREGATE LIMITATION.—Monitoring costs for an ecosystem restoration project—

(1) shall not exceed in the aggregate, for a 10-year period, an amount equal to 5 percent of the cost of the applicable original construction project; and

(2) after the 10-year period, shall be 100 percent non-Federal.

SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.

For each of the following projects, the Corps of Engineers shall include ecosystem restoration benefits in the calculation of benefits for the project:

(1) Grayson's Creek, California.

(2) Seven Oaks, California.

(3) Oxford, California.

(4) Walnut Creek, California.

(5) Wildcat Phase II, California.

SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND PROCESSING OF PERMITS.

Section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594, 117 Stat. 1836, 119 Stat. 2169, 120 Stat. 318, 120 Stat. 3197) is amended by striking subsection (c).

SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a program to allow electronic submission of permit applications for permits under the jurisdiction of the Corps of Engineers.

(b) LIMITATIONS.—This section does not preclude the submission of a hard copy, as required.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT CORPS OF ENGINEERS RESERVOIRS.

(a) IN GENERAL.—As part of the operation and maintenance, by the Corps of Engineers, of reservoirs in operation as of the date of enactment of this Act, the Secretary shall carry out the measures described in subsection (c) to support the water resource needs of project sponsors and any affected State, local, or tribal government for authorized project purposes.

(b) COOPERATION.—The Secretary shall carry out the measures described in subsection (c) in cooperation and coordination with project sponsors and any affected State, local, or tribal government.

(c) MEASURES.—In carrying out this section, the Secretary may—

(1) conduct a study to identify unused, underused, or additional water storage capacity at reservoirs;

(2) review an operational plan and identify any change to maximize an authorized project purpose to improve water storage capacity and enhance efficiency of releases and withdrawal of water;

(3) improve and update data, data collection, and forecasting models to maximize an authorized project purpose and improve water storage capacity and delivery to water users; and

(4) conduct a sediment study and implement any sediment management or removal measure.

(d) REVENUES FOR SPECIAL CASES.—

(1) COSTS OF WATER SUPPLY STORAGE.—In the case of a reservoir operated or maintained by the Corps of Engineers on the date of enactment of this Act, the storage charge for a future contract or contract renewal for the first cost of water supply storage at the reservoir shall be the lesser of the estimated cost of purposes foregone, replacement costs, or the updated cost of storage.

(2) REALLOCATION.—In the case of a water supply that is reallocated from another project purpose to municipal or industrial water supply, the joint use costs for the reservoir shall be adjusted to reflect the reallocation of project purposes.

(3) CREDIT FOR AFFECTED PROJECT PURPOSES.—In the case of a reallocation that adversely affects hydropower generation, the Secretary shall defer to the Administrator of the respective Power Marketing Administration to calculate the impact of such a reallocation on the rates for hydroelectric power.

(e) SAVINGS CLAUSE.—Nothing in this section affects any authority in existence on the date of enactment of this Act under—

(1) the Water Supply Act of 1958 (72 Stat 319);

(2) the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 887, chapter 665);

(3) the Water Resources Development Act of 1986 (100 Stat. 4082); or

(4) section 322 of the Water Resource Development Act of 1990 (33 U.S.C. 2324).

SEC. 2020. FEDERAL HOPPER DREDGES.

Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: "This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.".

SEC. 2021. EXTRAORDINARY RAINFALL EVENTS.

In the State of Louisiana, extraordinary rainfall events such as Hurricanes Katrina and Rita, which occurred during calendar year 2005, and Hurricane Andrew, which occurred during calendar year 1992, shall not be considered in making a determination with respect to the ordinary high water mark for purposes of carrying out section 10 of the Act of March 3, 1899 (33 U.S.C. 403) (commonly known as the "Rivers and Harbors Act").

SEC. 2022. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102-154 (42 U.S.C. 1856a-1; 105 Stat. 1034) is amended by inserting "the Secretary of the Army," after "the Secretary of Energy,".

SEC. 2023. NONPROFIT ORGANIZATIONS AS SPONSORS.

Section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)) is amended—

(1) by striking "A non-Federal interest shall be" and inserting the following:

"(1) In General.—In this section, the term 'non-Federal interest' means"; and

(2) by adding at the end the following:

"(2) Inclusions.—The term 'non-Federal interest' includes a nonprofit organization acting with the consent of the affected unit of government.".

SEC. 2024. PROJECT ADMINISTRATION.

(a) Project Tracking.—The Secretary shall assign a unique tracking number to each water resources project under the jurisdiction of the Secretary, to be used by each Federal agency throughout the life of the project.

(b) Report Repository.—

(1) In general.—The Secretary shall maintain at the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, record of decision, and report to Congress prepared by the Corps of Engineers.

(2) Availability to public.—

(A) In general.—Each document described in paragraph (1) shall be made available to the public for review, and an electronic copy of each document shall be made permanently available to the public through the Internet website of the Corps of Engineers.

(B) Cost.—The Secretary shall charge the requestor for the cost of duplication of the requested document.

SEC. 2025. PROGRAM ADMINISTRATION.

Sections 101, 106, and 108 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2252-2254), are repealed.

SEC. 2026. EXTENSION OF SHORE PROTECTION PROJECTS.

(a) In General.—Before the date on which the applicable period for Federal financial participation in a shore protection project terminates, the Secretary, acting through the Chief of Engineers, is authorized to review the shore protection project to determine whether it would be feasible to extend the period of Federal financial participation relating to the project.

(b) Report.—The Secretary shall submit to Congress a report describing the results of each review conducted under subsection (a).

SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.

Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting "carry out water-related planning activities and" after "the Secretary may"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

"(B) watershed assessments and planning activities."; and

(2) in subsection (e), by striking "2006" and inserting "2012".

Subtitle B—Continuing Authorities Projects

SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATERBORNE TRANSPORTATION.

Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) by striking "Sec. 107. (a) That the Secretary of the Army is hereby authorized to" and inserting the following:

"SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBORNE TRANSPORTATION.

"(a) In General.—The Secretary of the Army may";

(2) in subsection (b)—

(A) by striking "(b) Not more" and inserting the following:

"(b) Allotment.—Not more"; and

(B) by striking "$4,000,000" and inserting "$7,000,000";

(3) in subsection (c), by striking "(c) Local" and inserting the following:

"(c) Local Contributions.—Local";

(4) in subsection (d), by striking "(d) Non-Federal" and inserting the following:

"(d) Non-Federal Share.—Non-Federal";

(5) in subsection (e), by striking "(e) Each" and inserting the following:

"(e) Completion.—Each"; and

(6) in subsection (f), by striking "(f) This" and inserting the following:

"(f) Applicability.—This".

SEC. 2032. PROTECTION AND RESTORATION DUE TO EMERGENCIES AT SHORES AND STREAMBANKS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking "$1,000,000" and inserting "$1,500,000".

SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.";

(2) in subsection (a), by striking "an aquatic" and inserting "a freshwater aquatic"; and

(3) in subsection (e), by striking "$25,000,000" and inserting "$30,000,000".

SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.

Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.";

and

(2) in subsection (h), by striking "$25,000,000" and inserting "$30,000,000".

SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COASTAL HABITATS.

(a) In General.—The Secretary may carry out an estuary habitat restoration project if the Secretary determines that the project—

(1) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902));

(2) is in the public interest; and

(3) is cost-effective.

(b) Cost Sharing.—The non-Federal share of the cost of construction of any project under this section—

(1) shall be 35 percent; and

(2) shall include the costs of all land, easements, rights-of-way, and necessary relocations.

(c) Agreements.—Construction of a project under this section shall commence only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required under subsection (b); and

(2) in accordance with regulations promulgated by the Secretary, 100 percent of the costs of any operation, maintenance, replacement, or rehabilitation of the project.

(d) Limitation.—Not more than $5,000,000 in Federal funds may be allocated under this section for a project at any 1 location.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2011.

SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336; 113 Stat. 354-355) is amended—

(1) by striking subsection (f);

(2) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

"(a) Definition of Non-Federal Interest.—In this section, the term 'non-Federal interest' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).";

(4) in subsection (b) (as redesignated by paragraph (2))—

(A) by inserting ", and construction" before "assistance"; and

(B) by inserting ", including, with the consent of the affected local government, nonprofit entities," after "non-Federal interests";

(5) in paragraph (3) of subsection (c) (as redesignated by paragraph (2))—

(A) by inserting "physical hazards and" after "adverse"; and

(B) by striking "drainage from";

(6) in subsection (d) (as redesignated by paragraph (2)), by striking "50" and inserting "25"; and

(7) by adding at the end the following:

"(g) Operation and Maintenance.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

"(h) No Effect on Liability.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, for each of fiscal years 2008 through 2011, $20,000,000, to remain available until expended.".

SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION AND REMOVAL OF DAMS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary may carry out a small dam removal or rehabilitation project if the Secretary determines that the project will improve the quality of the environment or is in the public interest.

(2) PRIORITY PROJECTS.—In carrying out this section, the Secretary shall give priority to carrying out the following small dam removal or rehabilitation projects:

(A) Mountain Park, Georgia.

(B) Keith Creek, Rockford, Illinois.

(C) Mount Zion Mill Pond Dam, Fulton County, Indiana.

(D) Hamilton Dam, Flint River, Michigan.

(E) Ingham Spring Dam, Solebury Township, Pennsylvania.

(F) Stillwater Lake Dam, Monroe County, Pennsylvania.

(b) COST SHARING.—A non-Federal interest shall provide 35 percent of the cost of the removal or remediation of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall be commenced only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required by this section; and

(2) 100 percent of any operation and maintenance cost.

(d) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single location.

(e) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2011.

SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.

(a) IN GENERAL.—The Secretary shall develop eligibility criteria for Federal participation in navigation projects located in economically disadvantaged communities that are—

(1) dependent on water transportation for subsistence; and

(2) located in—

(A) remote areas of the United States;

(B) American Samoa;

(C) Guam;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Commonwealth of Puerto Rico; or

(F) the United States Virgin Islands.

(b) ADMINISTRATION.—The criteria developed under this section—

(1) shall—

(A) provide for economic expansion; and

(B) identify opportunities for promoting economic growth; and

(2) shall not require project justification solely on the basis of National Economic Development benefits received.

SEC. 2039. AGREEMENTS FOR WATER RESOURCE PROJECTS.

(a) PARTNERSHIP AGREEMENTS.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

"(e) PUBLIC HEALTH AND SAFETY.—If the Secretary determines that a project needs to be continued for the purpose of public health and safety—

"(1) the non-Federal interest shall pay the increased projects costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily-determined cost share; and

"(2) notwithstanding the statutorily-determined Federal share, the Secretary shall pay all increased costs remaining after payment of 20 percent of the increased costs by the non-Federal interest under paragraph (1).

"(f) LIMITATION.—Nothing in subsection (a) limits the authority of the Secretary to ensure that a partnership agreement meets the requirements of law and policies of the Secretary in effect on the date of execution of the partnership agreement.".

(b) LOCAL COOPERATION.—Section 912(b) of the Water Resources Development Act of 1986 (100 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by striking "shall" and inserting "may"; and

(B) by striking the second sentence; and

(2) in paragraph (4)—

(A) in the first sentence—

(i) by striking "injunction, for" and inserting "injunction and payment of liquidated damages, for"; and

(ii) by striking "to collect a civil penalty imposed under this section,"; and

(B) in the second sentence, by striking "any civil penalty imposed under this section," and inserting "any liquidated damages,".

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall apply only to partnership agreements entered into after the date of enactment of this Act.

(2) EXCEPTION.—Notwithstanding paragraph (1), the district engineer for the district in which a project is located may amend the partnership agreement for the project entered into on or before the date of enactment of this Act—

(A) at the request of a non-Federal interest for a project; and

(B) if construction on the project has not been initiated as of the date of enactment of this Act.

(d) REFERENCES.—

(1) COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be considered to be a reference to a partnership agreement or a project partnership agreement, respectively.

(2) PARTNERSHIP AGREEMENTS.—Any reference to a partnership agreement or project partnership agreement in this Act (other than in this section) shall be considered to be a reference to a cooperation agreement or a project cooperation agreement, respectively.

SEC. 2040. PROGRAM NAMES.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking "SEC. 205. That the" and inserting the following:

"SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOODING AND OBTAIN RISK MINIMIZATION.

"The".

Subtitle C—National Levee Safety Program

SEC. 2051. SHORT TITLE.

This subtitle may be cited as the "National Levee Safety Program Act of 2007".

SEC. 2052. DEFINITIONS.

In this subtitle:

(1) ASSESSMENT.—The term "assessment" means the periodic engineering evaluation of a levee by a registered professional engineer to—

(A) review the engineering features of the levee; and

(B) develop a risk-based performance evaluation of the levee, taking into consideration potential consequences of failure or overtopping of the levee.

(2) COMMITTEE.—The term "Committee" means the National Levee Safety Committee established by section 2053(a).

(3) INSPECTION.—The term "inspection" means an annual review of a levee to verify whether the owner or operator of the levee is conducting required operation and maintenance in accordance with established levee maintenance standards.

(4) LEVEE.—The term "levee" means an embankment (including a floodwall) that—

(A) is designed, constructed, or operated for the purpose of flood or storm damage reduction;

(B) reduces the risk of loss of human life or risk to the public safety; and

(C) is not otherwise defined as a dam by the Federal Guidelines for Dam Safety.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(6) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(7) STATE LEVEE SAFETY AGENCY.—The term "State levee safety agency" means the State agency that has regulatory authority over the safety of any non-Federal levee in a State.

(8) UNITED STATES.—The term "United States", when used in a geographical sense, means all of the States.

SEC. 2053. NATIONAL LEVEE SAFETY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a National Levee Safety Committee, consisting of representatives of Federal agencies and State, tribal, and local governments, in accordance with this subsection.

(2) FEDERAL AGENCIES.—

(A) IN GENERAL.—The head of each Federal agency and the head of the International Boundary Waters Commission may designate a representative to serve on the Committee.

(B) ACTION BY SECRETARY.—The Secretary shall ensure, to the maximum extent practicable, that—

(i) each Federal agency that designs, owns, operates, or maintains a levee is represented on the Committee; and

(ii) each Federal agency that has responsibility for emergency preparedness or response activities is represented on the Committee.

(3) TRIBAL, STATE, AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—The Secretary shall appoint 8 members to the Committee—

(i) 3 of whom shall represent tribal governments affected by levees, based on recommendations of tribal governments;

(ii) 3 of whom shall represent State levee safety agencies, based on recommendations of Governors of the States; and

(iii) 2 of whom shall represent local governments, based on recommendations of Governors of the States.

(B) REQUIREMENT.—In appointing members under subparagraph (A), the Secretary shall ensure broad geographic representation, to the maximum extent practicable.

(4) CHAIRPERSON.—The Secretary shall serve as Chairperson of the Committee.

(5) OTHER MEMBERS.—The Secretary, in consultation with the Committee, may invite to participate in meetings of the Committee, as appropriate, 1 or more of the following:

(A) Representatives of the National Laboratories.

(B) Levee safety experts.

(C) Environmental organizations.

(D) Members of private industry.

(E) Any other individual or entity, as the Committee determines to be appropriate.

(b) DUTIES.—

(1) IN GENERAL.—The Committee shall—

(A) advise the Secretary in implementing the national levee safety program under section 2054;

(B) support the establishment and maintenance of effective programs, policies, and guidelines to enhance levee safety for the protection of human life and property throughout the United States; and

(C) support coordination and information exchange between Federal agencies and State levee safety agencies that share common problems and responsibilities relating to levee safety, including planning, design, construction, operation, emergency action planning, inspections, maintenance, regulation or licensing, technical or financial assistance, research, and data management.

(c) POWERS.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Committee may secure directly from a Federal agency such information as the Committee considers to be necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Committee, the head of a Federal agency shall provide the information to the Committee.

(2) CONTRACTS.—The Committee may enter into any contract the Committee determines to be necessary to carry out a duty of the Committee.

(d) WORKING GROUPS.—

(1) IN GENERAL.—The Secretary may establish working groups to assist the Committee in carrying out this section.

(2) MEMBERSHIP.—A working group under paragraph (1) shall be composed of—

(A) members of the Committee; and

(B) any other individual, as the Secretary determines to be appropriate.

(e) COMPENSATION OF MEMBERS.—

(1) FEDERAL EMPLOYEES.—A member of the Committee who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

(2) OTHER MEMBERS.—A member of the Committee who is not an officer or employee of the United States shall serve without compensation.

(f) TRAVEL EXPENSES.—

(1) REPRESENTATIVES OF FEDERAL AGENCIES.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a Federal agency shall be reimbursed with appropriations for travel expenses by the agency of the member, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of services for the Committee.

(2) OTHER INDIVIDUALS.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a State levee safety agency, a member of the Committee who represents the private sector, and a member of a working group created under subsection (d) shall be reimbursed for travel expenses by the Secretary, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter 1 of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in performance of services for the Committee.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 2054. NATIONAL LEVEE SAFETY PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Committee and State levee safety agencies, shall establish and maintain a national levee safety program.

(b) PURPOSES.—The purposes of the program under this section are—

(1) to ensure that new and existing levees are safe through the development of technologically and economically feasible programs and procedures for hazard reduction relating to levees;

(2) to encourage appropriate engineering policies and procedures to be used for levee site investigation, design, construction, operation and maintenance, and emergency preparedness;

(3) to encourage the establishment and implementation of effective levee safety programs in each State;

(4) to develop and support public education and awareness projects to increase public acceptance and support of State levee safety programs;

(5) to develop technical assistance materials for Federal and State levee safety programs;

(6) to develop methods of providing technical assistance relating to levee safety to non-Federal entities; and

(7) to develop technical assistance materials, seminars, and guidelines to improve the security of levees in the United States.

(c) STRATEGIC PLAN.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall prepare a strategic plan—

(1) to establish goals, priorities, and target dates to improve the safety of levees in the United States;

(2) to cooperate and coordinate with, and provide assistance to, State levee safety agencies, to the maximum extent practicable;

(3) to share information among Federal agencies, State and local governments, and private entities relating to levee safety; and

(4) to provide information to the public relating to risks associated with levee failure or overtopping.

(d) FEDERAL GUIDELINES.—

(1) IN GENERAL.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall establish Federal guidelines relating to levee safety.

(2) INCORPORATION OF FEDERAL ACTIVITIES.—The Federal guidelines under paragraph (1) shall incorporate, to the maximum extent practicable, any activity carried out by a Federal agency as of the date on which the guidelines are established.

(e) INCORPORATION OF EXISTING ACTIVITIES.—The program under this section shall incorporate, to the maximum extent practicable—

(1) any activity carried out by a State or local government, or a private entity, relating to the construction, operation, or maintenance of a levee; and

(2) any activity carried out by a Federal agency to support an effort by a State levee safety agency to develop and implement an effective levee safety program.

(f) INVENTORY OF LEVEES.—The Secretary shall develop, maintain, and periodically publish an inventory of levees in the United States, including the results of any levee assessment conducted under this section and inspection.

(g) ASSESSMENTS OF LEVEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), as soon as practicable after the date of enactment of this Act, the Secretary shall conduct an assessment of each levee in the United States that protects human life or the public safety to determine the potential for a failure or overtopping of the levee that would pose a risk of loss of human life or a risk to the public safety.

(2) EXCEPTION.—The Secretary may exclude from assessment under paragraph (1) any non-Federal levee the failure or overtopping of which would not pose a risk of loss of human life or a risk to the public safety.

(3) PRIORITIZATION.—In determining the order in which to assess levees under paragraph (1), the Secretary shall give priority to levees the failure or overtopping of which would constitute the highest risk of loss of human life or a risk to the public safety, as determined by the Secretary.

(4) DETERMINATION.—In assessing levees under paragraph (1), the Secretary shall take into consideration the potential of a levee to fail or overtop because of—

(A) hydrologic or hydraulic conditions;

(B) storm surges;

(C) geotechnical conditions;

(D) inadequate operating procedures;

(E) structural, mechanical, or design deficiencies; or

(F) other conditions that exist or may occur in the vicinity of the levee.

(5) STATE PARTICIPATION.—On request of a State levee safety agency, with respect to any levee the failure of which would affect the State, the Secretary shall—

(A) provide information to the State levee safety agency relating to the construction, operation, and maintenance of the levee; and

(B) allow an official of the State levee safety agency to participate in the assessment of the levee.

(6) REPORT.—As soon as practicable after the date on which a levee is assessed under this section, the Secretary shall provide to the Governor of the State in which the levee is located a notice describing the results of the assessment, including—

(A) a description of the results of the assessment under this subsection;

(B) a description of any hazardous condition discovered during the assessment; and

(C) on request of the Governor, information relating to any remedial measure necessary to mitigate or avoid any hazardous condition discovered during the assessment.

(7) SUBSEQUENT ASSESSMENTS.—

(A) IN GENERAL.—After the date on which a levee is initially assessed under this subsection, the Secretary shall conduct a subsequent assessment of the levee not less frequently than once every 5 years.

(B) STATE ASSESSMENT OF NON-FEDERAL LEVEES.—

(i) IN GENERAL.—Each State shall conduct assessments of non-Federal levees located within the State in accordance with the applicable State levee safety program.

(ii) AVAILABILITY OF INFORMATION.—Each State shall make the results of the assessments under clause (i) available for inclusion in the national inventory under subsection (f).

(iii) NON-FEDERAL LEVEES.—

(I) IN GENERAL.—On request of the Governor of a State, the Secretary may assess a non-Federal levee in the State.

(II) COST.—The State shall pay 100 percent of the cost of an assessment under subclause (I).

(III) FUNDING.—The Secretary may accept funds from any levee owner for the purposes of conducting engineering assessments to determine the performance and structural integrity of a levee.

(h) STATE LEVEE SAFETY PROGRAMS.—

(1) ASSISTANCE TO STATES.—In carrying out the program under this section, the Secretary shall provide funds to State levee safety agencies (or another appropriate State agency, as designated by the Governor of the State) to assist States in establishing, maintaining, and improving levee safety programs.

(2) APPLICATION.—

(A) IN GENERAL.—To receive funds under this subsection, a State levee safety agency shall submit to the Secretary an application in such time, in such manner, and containing such information as the Secretary may require.

(B) INCLUSION.—An application under subparagraph (A) shall include an agreement between the State levee safety agency and the Secretary under which the State levee safety agency shall, in accordance with State law—

(i) review and approve plans and specifications to construct, enlarge, modify, remove, or abandon a levee in the State;

(ii) perform periodic evaluations during levee construction to ensure compliance with the approved plans and specifications;

(iii) approve the construction of a levee in the State before the date on which the levee becomes operational;

(iv) assess, at least once every 5 years, all levees and reservoirs in the State the failure of which would cause a significant risk of loss of human life or risk to the public safety to determine whether the levees and reservoirs are safe;

(v) establish a procedure for more detailed and frequent safety evaluations;

(vi) ensure that assessments are led by a State-registered professional engineer with related experience in levee design and construction;

(vii) issue notices, if necessary, to require owners of levees to perform necessary maintenance or remedial work, improve security, revise operating procedures, or take other actions, including breaching levees;

(viii) contribute funds to—

(I) ensure timely repairs or other changes to, or removal of, a levee in order to reduce the risk of loss of human life and the risk to public safety; and

(II) if the owner of a levee does not take an action described in subclause (I), take appropriate action as expeditiously as practicable;

(ix) establish a system of emergency procedures and emergency response plans to be used if a levee fails or if the failure of a levee is imminent;

(x) identify—

(I) each levee the failure of which could be reasonably expected to endanger human life;

(II) the maximum area that could be flooded if a levee failed; and

(III) necessary public facilities that would be affected by the flooding; and

(xi) for the period during which the funds are provided, maintain or exceed the aggregate expenditures of the State during the 2 fiscal years preceding the fiscal year during which the funds are provided to ensure levee safety.

(3) DETERMINATION OF SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives an application under paragraph (2), the Secretary shall approve or disapprove the application.

(B) NOTICE OF DISAPPROVAL.—If the Secretary disapproves an application under subparagraph (A), the Secretary shall immediately provide to the State levee safety agency a written notice of the disapproval, including a description of—

(i) the reasons for the disapproval; and

(ii) changes necessary for approval of the application, if any.

(C) FAILURE TO DETERMINE.—If the Secretary fails to make a determination by the deadline under subparagraph (A), the application shall be considered to be approved.

(4) REVIEW OF STATE LEVEE SAFETY PROGRAMS.—

(A) IN GENERAL.—The Secretary, in conjunction with the Committee, may periodically review any program carried out using funds under this subsection.

(B) INADEQUATE PROGRAMS.—If the Secretary determines under a review under subparagraph (A) that a program is inadequate to reasonably protect human life and property, the Secretary shall, until the Secretary determines the program to be adequate—

(i) revoke the approval of the program; and

(ii) withhold assistance under this subsection.

(i) REPORTING.—Not later than 90 days after the end of each odd-numbered fiscal year, the Secretary, in consultation with the Committee, shall submit to Congress a report describing—

(1) the status of the program under this section;

(2) the progress made by Federal agencies during the 2 preceding fiscal years in implementing Federal guidelines for levee safety;

(3) the progress made by State levee safety agencies participating in the program; and

(4) recommendations for legislative or other action that the Secretary considers to be necessary, if any.

(j) RESEARCH.—The Secretary, in coordination with the Committee, shall carry out a program of technical and archival research to develop and support—

(1) improved techniques, historical experience, and equipment for rapid and effective levee construction, rehabilitation, and assessment or inspection;

(2) the development of devices for the continued monitoring of levee safety;

(3) the development and maintenance of information resources systems required to manage levee safety projects; and

(4) public policy initiatives and other improvements relating to levee safety engineering, security, and management.

(k) PARTICIPATION BY STATE LEVEE SAFETY AGENCIES.—In carrying out the levee safety program under this section, the Secretary shall—

(1) solicit participation from State levee safety agencies; and

(2) periodically update State levee safety agencies and Congress on the status of the program.

(l) LEVEE SAFETY TRAINING.—The Secretary, in consultation with the Committee, shall establish a program under which the Secretary shall provide training for State levee safety agency staff and inspectors to a State that has, or intends to develop, a State levee safety program, on request of the State.

(m) EFFECT OF SUBTITLE.—Nothing in this subtitle—

(1) creates any Federal liability relating to the recovery of a levee caused by an action or failure to act;

(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability relating to the ownership or operation of the levee; or

(3) except as provided in subsection (g)(7)(B)(iii)(III), preempts any applicable Federal or State law.

SEC. 2055. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $20,000,000 to establish and maintain the inventory under section 2054(f);

(2) $42,000,000 to carry out levee safety assessments under section 2054(g);

(3) to provide funds for State levee safety programs under section 2054(h)—

(A) $15,000,000 for fiscal year 2007; and

(B) $5,000,000 for each of fiscal years 2008 through 2011;

(4) $2,000,000 to carry out research under section 2054(j);

(5) $1,000,000 to carry out levee safety training under section 2054(l); and

(6) $150,000 to provide travel expenses to members of the Committee under section 2053(f).

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

SEC. 3002. SITKA, ALASKA.

The Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as is necessary to correct design deficiencies in the Sitka Harbor Breakwater, at full Federal expense. The estimated cost is $6,300,000.

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

(a) IN GENERAL.—The Secretary shall construct a new project management office located in the city of Tuscaloosa, Alabama, at a location within the vicinity of the city, at full Federal expense.

(b) TRANSFER OF LAND AND STRUCTURES.—The Secretary shall sell, convey, or otherwise transfer to the city of Tuscaloosa, Alabama, at fair market value, the land and structures associated with the existing project management office, if the city agrees to assume full responsibility for demolition of the existing project management office.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $32,000,000.

SEC. 3004. NOGALES WASH AND TRIBUTARIES FLOOD CONTROL PROJECT, ARIZONA.

The project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606; 110 Stat. 3711; 114 Stat. 2600), is modified to authorize the Secretary to construct the project at a total cost of $25,410,000, with an estimated Federal cost of $22,930,000 and an estimated non-Federal cost of $2,480,000.

SEC. 3005. RIO DE FLAG, FLAGSTAFF, ARIZONA.

The project for flood damage reduction, Rio De Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary to construct the project at a total cost of $54,100,000, with an estimated Federal cost of $35,000,000 and a non-Federal cost of $19,100,000.

SEC. 3006. TUCSON DRAINAGE AREA (TUCSON ARROYO), ARIZONA.

The project for flood damage reduction, environmental restoration, and recreation, Tucson Drainage Area (Tucson Arroyo), Arizona, authorized by section 101(a)(5) of the Water Resources Development Act of 1999 (113 Stat. 274), is modified to authorize the Secretary to construct the project at a total cost of $66,700,000, with an estimated Federal cost of $43,350,000 and an estimated non-Federal cost of $23,350,000.

SEC. 3007. AUGUSTA AND CLARENDON, ARKANSAS.

The Secretary may carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

SEC. 3008. EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.

Federal assistance made available under the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project described in section 219(c)(20) of the Water Resources Development Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219), if the funds are authorized to be used for the purpose of that project.

SEC. 3009. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA.

(a) IN GENERAL.—Section 204 of the Flood Control Act of 1950 (64 Stat. 170) is amended in the matter under the heading "RED-OUACHITA RIVER BASIN" by striking "at Calion, Arkansas" and inserting "improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)".

(b) MODIFICATION.—Section 3 of the Act of August 18, 1941 (55 Stat. 642, chapter 377), is amended in the second sentence of subsection (a) in the matter under the heading "LOWER MISSISSIPPI RIVER" by inserting before the period at the end the following: "*Provided*, That the Ouachita River Levees, Louisiana, authorized by the first section of the Act of May 15, 1928 (45 Stat. 534, chapter 569), shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as directed in section 3 of that Act (45 Stat. 535)".

SEC. 3010. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The project for flood control, St. Francis River Basin, Arkansas, and Missouri, authorized the Act of June 15, 1936 (49 Stat. 1508, chapter 548), as modified, is further modified to authorize the Secretary to undertake channel stabilization and sediment removal measures on the St. Francis River and tributaries as an integral part of the original project.

(b) NO SEPARABLE ELEMENT.—The measures undertaken under subsection (a) shall not be considered to be a separable element of the project.

SEC. 3011. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to subsection (b), all right, title, and interest to land within the State acquired by the Federal Government as mitigation land for the project for flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the Act of May 15, 1928 (33 U.S.C. 702a et seq.) (commonly known as the "Flood Control Act of 1928").

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyance by the United States under this section shall be subject to—

(A) the condition that the State of Arkansas (including the successors and assigns of the State) agree to operate, maintain, and manage the land at no cost or expense to the United States and for fish and wildlife, recreation, and environmental purposes; and

(B) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(2) REVERSION.—If the State (or a successor or assign of the State) ceases to operate, maintain, and manage the land in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

SEC. 3012. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

(a) NAVIGATION CHANNEL.—The Secretary shall continue construction of the McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma, to operate and maintain the navigation channel to the authorized depth of the channel, in accordance with section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1842).

(b) MITIGATION.—

(1) IN GENERAL.—As mitigation for any incidental taking relating to the McClellan-Kerr Navigation System, the Secretary shall determine the need for, and construct modifications in, the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma, including the construction of low water dams and islands to provide nesting and foraging habitat for the interior least tern, in accordance with the study entitled "Arkansas River Corridor Master Plan Planning Assistance to States".

(2) COST SHARING.—The non-Federal share of the cost of a project under this subsection shall be 35 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. 3013. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the storm drainage system of the city of Woodland, including all appurtenant features, erosion control measures, and environmental protection features.

(b) OBJECTIVES.—Mitigation under subsection (a) shall restore the pre-project capacity of the city (1,360 cubic feet per second) to release water to the Yolo Bypass, including—

(1) channel improvements;

(2) an outlet work through the west levee of the Yolo Bypass; and

(3) a new low flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. 3014. CALFED LEVEE STABILITY PROGRAM, CALIFORNIA.

In addition to funds made available pursuant to the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361) to carry out section 103(f)(3)(D) of that Act (118 Stat. 1696), there is authorized to be appropriated to carry out projects described in that section $106,000,000, to remain available until expended.

SEC. 3015. HAMILTON AIRFIELD, CALIFORNIA.

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to include the diked bayland parcel known as "Bel Marin Keys Unit V" at an estimated total cost of $221,700,000, with an estimated Federal cost of $166,200,000 and an estimated non-Federal cost of $55,500,000, as part of the project to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated July 19, 2004.

SEC. 3016. LA–3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended in the third sentence by striking "January 1, 2003" and inserting "January 1, 2011".

SEC. 3017. LARKSPUR FERRY CHANNEL, CALIFORNIA.

(a) REPORT.—The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible.

(b) AUTHORIZATION OF PROJECT.—If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

SEC. 3018. LLAGAS CREEK, CALIFORNIA.

The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to complete the project, in accordance with the requirements of local cooperation as specified in section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), at a total remaining cost of $105,000,000, with an estimated remaining Federal cost of $65,000,000 and an estimated remaining non-Federal cost of $40,000,000.

SEC. 3019. MAGPIE CREEK, CALIFORNIA.

The project for Magpie Creek, California, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements of section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

SEC. 3020. PETALUMA RIVER, PETALUMA, CALIFORNIA.

The project for flood damage reduction, Petaluma River, Petaluma, California, authorized by section 112 of the Water Resources Development Act of 2000 (114 Stat.

2587), is modified to authorize the Secretary to construct the project at a total cost of $41,500,000, with an estimated Federal cost of $26,975,000 and an estimated non-Federal cost of $14,525,000.

SEC. 3021. PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA.

(a) COOPERATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary shall participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in Pine Flat Reservoir and in the 14-mile reach of the Kings River immediately below Pine Flat Dam, California, in a manner that—

(A) provides for long-term aquatic resource enhancement; and

(B) avoids adverse effects on water storage and water rights holders.

(2) GOALS AND PRINCIPLES.—The cooperative program described in paragraph (1) shall be carried out—

(A) substantially in accordance with the goals and principles of the document entitled "Kings River Fisheries Management Program Framework Agreement" and dated May 29, 1999, between the California Department of Fish and Game and the Kings River Water Association and the Kings River Conservation District; and

(B) in cooperation with the parties to that agreement.

(b) PARTICIPATION BY SECRETARY.—

(1) IN GENERAL.—In furtherance of the goals of the agreement described in subsection (a)(2), the Secretary shall participate in the planning, design, and construction of projects and pilot projects on the Kings River and its tributaries to enhance aquatic habitat and water availability for fisheries purposes (including maintenance of a trout fishery) in accordance with flood control operations, water rights, and beneficial uses in existence as of the date of enactment of this Act.

(2) PROJECTS.—Projects referred to in paragraph (1) may include—

(A) projects to construct or improve pumping, conveyance, and storage facilities to enhance water transfers; and

(B) projects to carry out water exchanges and create opportunities to use floodwater within and downstream of Pine Flat Reservoir.

(c) NO AUTHORIZATION OF CERTAIN DAM-RELATED PROJECTS.—Nothing in this section authorizes any project for the raising of Pine Flat Dam or the construction of a multilevel intake structure at Pine Flat Dam.

(d) USE OF EXISTING STUDIES.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the document entitled "Final Feasibility Report and Report of the Chief of Engineers for Pine Flat Dam Fish and Wildlife Habitat Restoration" and dated July 19, 2002.

(e) COST SHARING.—

(1) PROJECT PLANNING, DESIGN, AND CONSTRUCTION.—The Federal share of the cost of planning, design, and construction of a project under subsection (b) shall be 65 percent.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit toward the non-Federal share of the cost of construction of any project under subsection (b) the value, regardless of the date of acquisition, of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for use in carrying out the project.

(B) FORM.—The non-Federal interest may provide not more than 50 percent of the non-Federal share required under this clause in the form of services, materials, supplies, or other in-kind contributions.

(f) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3022. REDWOOD CITY NAVIGATION PROJECT, CALIFORNIA.

The Secretary may dredge the Redwood City Navigation Channel, California, on an annual basis, to maintain the authorized depth of -30 mean lower low water.

SEC. 3023. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) CREDIT FOR NON-FEDERAL WORK.—

(1) IN GENERAL.—The Secretary shall provide credit to the Sacramento Area Flood Control Agency, in the amount of $20,503,000, for the nonreimbursed Federal share of costs incurred by the Agency in connection with the project for flood control and recreation, Sacramento and American Rivers, California (Natomas Levee features), authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(2) ALLOCATION OF CREDIT.—The Secretary shall allocate the amount to be credited under paragraph (1) toward the non-Federal share of such projects as are requested by the Sacramento Area Flood Control Agency.

(3) NO REIMBURSEMENT.—An amount credited under this subsection shall not be available for reimbursement.

(b) PROJECT FOR FLOOD CONTROL.—

(1) IN GENERAL.—The project for flood control, American and Sacramento Rivers, California, authorized by section 101(a)(6)(A) of the Water Resources Development Act of 1999 (113 Stat. 274), as modified by section 128 of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2259), is further modified to authorize the Secretary to construct the auxiliary spillway generally in accordance with the Post Authorization Change Report, American River Watershed Project (Folsom Dam Modification and Folsom Dam Raise Projects), dated March 2007, at a total cost of $683,000,000, with an estimated Federal cost of $444,000,000 and an estimated non-Federal cost of $239,000,000.

(2) DAM SAFETY.—Nothing in this section limits the authority of the Secretary of the Interior to carry out dam safety activities in connection with the auxiliary spillway in accordance with the Bureau of Reclamation Safety of Dams Program.

(3) TRANSFER OF FUNDS.—

(A) IN GENERAL.—The Secretary and the Secretary of the Interior are authorized to transfer between the Department of the Army and the Department of the Interior appropriated amounts and other available funds (including funds contributed by non-Federal interests) for the purpose of planning, design, and construction of the auxiliary spillway.

(B) TERMS AND CONDITIONS.—Any transfer made pursuant to this subsection shall be subject to such terms and conditions as may be agreed on by the Secretary and the Secretary of the Interior.

SEC. 3024. SACRAMENTO RIVER BANK PROTECTION PROJECT, CALIFORNIA.

Section 202 of the River Basin Monetary Authorization Act of 1974 (88 Stat. 49) is amended by striking "and the monetary authorization" and all that follows through the end of the section and inserting "except that the lineal feet in the second phase shall be increased from 405,000 lineal feet to 485,000 lineal feet.".

SEC. 3025. CONDITIONAL DECLARATION OF NONNAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA.

(a) CONDITIONAL DECLARATION OF NONNAVIGABILITY.—If the Secretary determines, in consultation with appropriate Federal and non-Federal entities, that projects proposed to be carried out by non-Federal entities within the portions of the San Francisco, California, waterfront described in subsection (b) are in the public interest, the portions shall be declared not to be navigable water of the United States for the purposes of section 9 of the Act of March 3, 1899 (33 U.S.C. 401), and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(b) PORTIONS OF WATERFRONT.—The portions of the San Francisco, California, waterfront referred to in subsection (a) are those that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures and that are located as follows: beginning at the intersection of the northeasterly prolongation of the portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet from the existing southern boundary of Pier 40 to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32, thence westerly along last said parallel line to its intersection with the United States Government pier-head line; to the northwesterly line of Bryan Street northwesterly; thence southwesterly along said northwesterly line of Bryant Street to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—If, by the date that is 20 years after the date of enactment of this Act, any portion of the San Francisco, California, waterfront described in subsection (b) has not been bulkheaded, filled, or otherwise occupied by 1 or more permanent structures, or if work in connection with any activity carried out pursuant to applicable Federal law requiring a permit, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401), is not commenced by the date that is 5 years after the date of issuance of such a permit, the declaration of nonnavigability for the portion under this section shall cease to be effective.

SEC. 3026. SALTON SEA RESTORATION, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) SALTON SEA AUTHORITY.—The term "Salton Sea Authority" means the Joint Powers Authority established under the laws of the State of California by a joint power agreement signed on June 2, 1993.

(2) SALTON SEA SCIENCE OFFICE.—The term "Salton Sea Science Office" means the Office established by the United States Geological Survey and currently located in La Quinta, California.

(b) PILOT PROJECTS.—

(1) IN GENERAL.—

(A) REVIEW.—The Secretary shall review the preferred restoration concept plan approved by the Salton Sea Authority to determine whether the pilot projects are economically justified, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105-372).

(B) IMPLEMENTATION.—If the Secretary determines that the pilot projects meet the requirements of subparagraph (A), the Secretary may enter into an agreement with the Salton Sea Authority and, in consultation with the Salton Sea Science Office, carry out pilot projects for improvement of the environment in the area of the Salton Sea, except that the Secretary shall be a party to each contract for construction under this subsection.

(2) LOCAL PARTICIPATION.—In prioritizing pilot projects under this section, the Secretary shall—

(A) consult with the Salton Sea Authority and the Salton Sea Science Office; and

(B) consider the priorities of the Salton Sea Authority.

(3) COST SHARING.—Before carrying out a pilot project under this section, the Secretary shall enter into a written agreement with the Salton Sea Authority that requires the non-Federal interest to—

(A) pay 35 percent of the total costs of the pilot project;

(B) provide any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the pilot project; and

(C) hold the United States harmless from any claim or damage that may arise from carrying out the pilot project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $30,000,000, of which not more than $5,000,000 may be used for any 1 pilot project under this section.

SEC. 3027. SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.

The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, authorized by section 101(b)(8) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

SEC. 3028. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project generally in accordance with the Upper Guadalupe River Flood Damage Reduction, San Jose, California, Limited Reevaluation Report, dated March, 2004, at a total cost of $244,500,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $113,900,000.

SEC. 3029. YUBA RIVER BASIN PROJECT, CALIFORNIA.

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project at a total cost of $107,700,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,700,000.

SEC. 3030. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.

The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the first section of the Act of September 19, 1890 (26 Stat. 426), shall be known and designated as the "Charles Hervey Townshend Breakwater".

SEC. 3031. ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel described in subsection (b), is deauthorized.

(b) DESCRIPTION OF CHANNEL.—The channel referred to in subsection (a) may be described as beginning at a point along the western limit of the existing project, N. 188, 802.75, E. 779, 462.81, thence running northeasterly about 1,373.88 feet to a point N. 189, 554.87, E. 780, 612.53, thence running southeasterly about 439.54 feet to a point N. 189, 319.88, E. 780, 983.98, thence running southwesterly about 831.58 feet to a point N. 188, 864.63, E. 780, 288.08, thence running southeasterly about 567.39 feet to a point N. 188, 301.88, E. 780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin.

SEC. 3032. NORWALK HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portions of a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1276) and described in subsection (b), are not authorized.

(b) DESCRIPTION OF PORTIONS.—The portions of the channel referred to in subsection (a) are as follows:

(1) RECTANGULAR PORTION.—An approximately rectangular-shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as commencing at a point N. 104,165.85, E. 417,662.71, thence running south 24°06′55″ E. 395.00 feet to a point N. 103,805.32, E. 417,824.10, thence running south 00°38′06″ E. 87.84 feet to a point N. 103,717.49, E. 417,825.07, thence running north 24°06′55″ W. 480.00 feet, to a point N. 104,155.59, E. 417,628.96, thence running north 73°05′25″ E. 35.28 feet to the point of origin.

(2) PARALLELOGRAM-SHAPED PORTION.—An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in paragraph (1), approximately 20 feet wide and 260 feet long, and further described as commencing at a point N. 103,855.48, E. 417,849.99, thence running south 33°07′30″ E. 133.40 feet to a point N. 103,743.76, E. 417,922.89, thence running south 24°07′04″ E. 127.75 feet to a point N. 103,627.16, E. 417,975.09, thence running north 33°07′30″ W. 190.00 feet to a point N. 103,786.28, E. 417,871.26, thence running north 17°05′15″ W. 72.39 feet to the point of origin.

(c) MODIFICATION.—The 10-foot channel portion of the Norwalk Harbor, Connecticut navigation project described in subsection (a) is modified to authorize the Secretary to realign the channel to include, immediately north of the area described in subsection (b)(2), a triangular section described as commencing at a point N. 103,968.35, E. 417,815.29, thence running S. 17°05′15″ east 118.09 feet to a point N. 103,855.48, E. 417,849.99, thence running N. 33°07′30″ west 36.76 feet to a point N. 103,886.27, E. 417,829.90, thence running N. 10°05′26″ west 83.37 feet to the point of origin.

SEC. 3033. ST. GEORGE'S BRIDGE, DELAWARE.

Section 102(g) of the Water Resources Development Act of 1990 (104 Stat. 4612) is amended by adding at the end the following: "The Secretary shall assume ownership responsibility for the replacement bridge not later than the date on which the construction of the bridge is completed and the contractors are released of their responsibility by the State. In addition, the Secretary may not carry out any action to close or remove the St. George's Bridge, Delaware, without specific congressional authorization.".

SEC. 3034. ADDITIONAL PROGRAM AUTHORITY, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

"(C) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).".

SEC. 3035. BREVARD COUNTY, FLORIDA.

(a) IN GENERAL.—The project for shoreline protection, Brevard County, Florida, authorized by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637), is amended by striking "7.1-mile reach" and inserting "7.6-mile reach".

(b) REFERENCES.—Any reference to a 7.1-mile reach with respect to the project described in subsection (a) shall be considered to be a reference to a 7.6-mile reach with respect to that project.

SEC. 3036. CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in clause (i), by striking "$75,000,000" and all that follows and inserting "$95,000,000."; and

(2) by striking clause (ii) and inserting the following:

"(ii) FEDERAL SHARE.—

"(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of carrying out a project under subparagraph (A) shall not exceed $25,000,000.

"(II) SEMINOLE WATER CONSERVATION PLAN.—The Federal share of the cost of carrying out the Seminole Water Conservation Plan shall not exceed $30,000,000.".

SEC. 3037. LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended by adding at the end the following:

"(v) HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.—The pilot projects for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for the purposes of this section as being in the Plan and carried out in accordance with this section, except that costs of operation and maintenance of those projects shall remain 100 percent non-Federal.".

SEC. 3038. LIDO KEY, SARASOTA COUNTY, FLORIDA.

The Secretary shall carry out the project for hurricane and storm damage reduction in

Lido Key, Sarasota County, Florida, based on the report of the Chief of Engineers dated December 22, 2004, at a total cost of $14,809,000, with an estimated Federal cost of $9,088,000 and an estimated non-Federal cost of $5,721,000, and at an estimated total cost $63,606,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $31,803,000 and an estimated non-Federal cost of $31,803,000.

SEC. 3039. PORT SUTTON CHANNEL, TAMPA HARBOR, FLORIDA.

The project for navigation, Port Sutton Channel, Tampa Harbor, Florida, authorized by section 101(b)(12) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to carry out the project at a total cost of $12,900,000.

SEC. 3040. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.

SEC. 3041. ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for land on the north side of Allatoona Lake that is required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal to ensure that land exchanged is of equal value.

(b) DISPOSAL AND ACQUISITION OF LAND, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may—

(A) sell land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1); and

(B) use the proceeds of the sale, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—

(A) WILLING SELLERS.—Land acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) BASIS.—The basis for all transactions under this subsection shall be a fair market value appraisal acceptable to the Secretary.

(C) SHARING OF COSTS.—Each purchaser of land under this subsection shall share in the associated environmental and real estate costs of the purchase, including surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) OTHER CONDITIONS.—The Secretary may impose on the sale and purchase of land under this subsection such other conditions as the Secretary determines to be appropriate.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

SEC. 3042. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.

(a) IN GENERAL.—The Secretary shall carry out additional general construction measures to allow for operation at lower pool levels to satisfy the recreation mission at Dworshak Dam, Idaho.

(b) IMPROVEMENTS.—In carrying out subsection (a), the Secretary shall provide for appropriate improvements to—

(1) facilities that are operated by the Corps of Engineers; and

(2) facilities that, as of the date of enactment of this Act, are leased, permitted, or licensed for use by others.

(c) COST SHARING.—The Secretary shall carry out this section through a cost-sharing program with Idaho State Parks and Recreation Department, with a total estimated project cost of $5,300,000, with an estimated Federal cost of $3,900,000 and an estimated non-Federal cost of $1,400,000.

SEC. 3043. LITTLE WOOD RIVER, GOODING, IDAHO.

The project for flood control, Gooding, Idaho, as constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.), is modified—

(1) to direct the Secretary to rehabilitate the Gooding Channel Project for the purposes of flood control and ecosystem restoration, if the Secretary determines that the rehabilitation and ecosystem restoration is feasible;

(2) to authorize and direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000;

(3) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(4) to authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if the use of the funds is permitted under the other Federal program; and

(5) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the ability to pay of the non-Federal interest.

SEC. 3044. PORT OF LEWISTON, IDAHO.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;

(2) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

(3) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(4) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's Instrument No. 399218 of Nez Perce County, Idaho, 2.07 acres.

(2) Auditor's Instrument No. 487437 of Nez Perce County, Idaho, 7.32 acres.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes with respect to property covered by deeds described in subsection (b).

SEC. 3045. CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee created for flood control at the Cache River, Illinois, and authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to add environmental restoration as a project purpose.

SEC. 3046. CHICAGO, ILLINOIS.

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting "Lake Michigan and" before "the Chicago River".

SEC. 3047. CHICAGO RIVER, ILLINOIS.

The Federal navigation channel for the North Branch Channel portion of the Chicago River authorized by section 22 of the Act of March 3, 1899 (30 Stat. 1156, chapter 425), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois, is redefined to be no wider than 66 feet.

SEC. 3048. ILLINOIS RIVER BASIN RESTORATION.

Section 519 of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended—

(1) in subsection (c)(3), by striking "$5,000,000" and inserting "$20,000,000"; and

(2) by adding at the end the following:

"(h) COOPERATION.—In carrying out this section, the Secretary may enter into cooperative agreements, including with the State of Illinois, academic institutions, units of local governments, and soil and water conservation districts, to facilitate more efficient partnerships in developing and implementing the Illinois River Basin Restoration Program.".

SEC. 3049. MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM.

(a) DEFINITION OF RECONSTRUCTION.—In this section:

(1) IN GENERAL.—The term "reconstruction" means any action taken to address 1 or more major deficiencies of a project caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with the authorized purposes of the project.

(2) INCLUSIONS.—The term "reconstruction" includes the incorporation by the Secretary of current design standards and efficiency improvements in a project if the incorporation does not significantly change the authorized scope, function, or purpose of the project.

(b) PARTICIPATION BY SECRETARY.—The Secretary may participate in the reconstruction of flood control projects within Missouri and Illinois as a pilot program if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance by the non-Federal interest.

(c) COST SHARING.—

(1) IN GENERAL.—Costs for reconstruction of a project under this section shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) OPERATION, MAINTENANCE, AND REPAIR COSTS.—The costs of operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility.

(d) CRITICAL PROJECTS.—In carrying out this section, the Secretary shall give priority to the following projects:

(1) Clear Creek Drainage and Levee District, Illinois.

(2) Fort Chartres and Ivy Landing Drainage District, Illinois.

(3) Wood River Drainage and Levee District, Illinois.

(4) City of St. Louis, Missouri.

(5) Missouri River Levee Drainage District, Missouri.

(e) ECONOMIC JUSTIFICATION.—Reconstruction efforts and activities carried out under this section shall not require economic justification.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000, to remain available until expended.

SEC. 3050. SPUNKY BOTTOM, ILLINOIS.

(a) IN GENERAL.—The project for flood control, Illinois and Des Plaines River Basin, between Beardstown, Illinois, and the mouth of the Illinois River, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1583, chapter 688), is modified to authorize ecosystem restoration as a project purpose.

(b) MODIFICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding the limitation on the expenditure of Federal funds to carry out project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), modifications to the project referred to in subsection (a) shall be carried out at Spunky Bottoms, Illinois, in accordance with subsection (a).

(2) FEDERAL SHARE.—Not more than $7,500,000 in Federal funds may be expended under this section to carry out modifications to the project referred to in subsection (a).

(3) POST-CONSTRUCTION MONITORING AND MANAGEMENT.—Of the Federal funds expended under paragraph (2), not less than $500,000 shall remain available for a period of 5 years after the date of completion of construction of the modifications for use in carrying out post-construction monitoring and adaptive management.

(c) EMERGENCY REPAIR ASSISTANCE.—Notwithstanding any modifications carried out under subsection (b), the project described in subsection (a) shall remain eligible for emergency repair assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), without consideration of economic justification.

SEC. 3051. STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, acting through the Tulsa District of the Corps of Engineers, shall transfer to Pleasant Township, Coffey County, Kansas, for use as the New Strawn Cemetery, all right, title, and interest of the United States in and to the land described in subsection (c).

(b) REVERSION.—If the land transferred under this section ceases at any time to be used as a nonprofit cemetery or for another public purpose, the land shall revert to the United States.

(c) DESCRIPTION.—The land to be conveyed under this section is a tract of land near John Redmond Lake, Kansas, containing approximately 3 acres and lying adjacent to the west line of the Strawn Cemetery located in the SE corner of the NE¼ of sec. 32, T. 20 S., R. 14 E., Coffey County, Kansas.

(d) CONSIDERATION.—

(1) IN GENERAL.—The conveyance under this section shall be at fair market value.

(2) COSTS.—All costs associated with the conveyance shall be paid by Pleasant Township, Coffey County, Kansas.

(e) OTHER TERMS AND CONDITIONS.—The conveyance under this section shall be subject to such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. 3052. MILFORD LAKE, MILFORD, KANSAS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value by quitclaim deed to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the description of the real property referred to in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 3053. OHIO RIVER BASIN COMPREHENSIVE PLAN.

The Secretary is authorized to conduct a comprehensive, basin-wide plan of the Ohio River Basin to identify the investments and reinvestments in system components that would be necessary and advisable—

(1) to ensure protection of lives and property in the area of the Basin; and

(2) to sustain the purposes (including flood damage reduction, ecosystem restoration and protection, water supply, recreation, and related purposes) for which the Basin system was developed.

SEC. 3054. HICKMAN BLUFF STABILIZATION, KENTUCKY.

The project for Hickman Bluff, Kentucky, authorized by chapter II of title II of the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (109 Stat. 85), is modified to authorize the Secretary to repair and restore the project, at full Federal expense, with no further economic studies or analyses, at a total cost of not more than $250,000.

SEC. 3055. MCALPINE LOCK AND DAM, KENTUCKY AND INDIANA.

Section 101(a)(10) of the Water Resources Development Act of 1990 (104 Stat. 4606) is amended by striking "$219,600,000" each place it appears and inserting "$430,000,000".

SEC. 3056. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) IN GENERAL.—The public access feature of the Atchafalaya Basin Floodway System, Louisiana project, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest (exclusive of oil, gas, and minerals) of an additional 20,000 acres of land in the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, Louisiana project.

(b) MODIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), effective beginning November 17, 1986, the public access feature of the Atchafalaya Basin Floodway System, Louisiana project, is modified to remove the $32,000,000 limitation on the maximum Federal expenditure for the first costs of the public access feature.

(2) FIRST COST.—The authorized first cost of $250,000,000 for the total project (as defined in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142)) shall not be exceeded, except as authorized by section 902 of that Act (100 Stat. 4183).

(c) TECHNICAL AMENDMENT.—Section 315(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2603) is amended by inserting before the period at the end the following: "and may include Eagle Point Park, Jeanerette, Louisiana, as 1 of the alternative sites".

SEC. 3057. REGIONAL VISITOR CENTER, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) PROJECT FOR FLOOD CONTROL.—Notwithstanding paragraph (3) of the report of the Chief of Engineers dated February 28, 1983 (relating to recreational development in the Lower Atchafalaya Basin Floodway), the Secretary shall carry out the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by chapter IV of title I of the Act of August 15, 1985 (Public Law 99–88; 99 Stat. 313; 100 Stat. 4142).

(b) VISITORS CENTER.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers and in consultation with the State of Louisiana, shall study, design, and construct a type A regional visitors center in the vicinity of Morgan City, Louisiana.

(2) COST SHARING.—

(A) IN GENERAL.—The cost of construction of the visitors center shall be shared in accordance with the recreation cost-share requirement under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

(B) COST OF UPGRADING.—The non-Federal share of the cost of upgrading the visitors center from a type B to type A regional visitors center shall be 100 percent.

(3) AGREEMENT.—The project under this subsection shall be initiated only after the Secretary and the non-Federal interests enter into a binding agreement under which the non-Federal interests shall—

(A) provide any land, easement, right-of-way, or dredged material disposal area required for the project that is owned, claimed, or controlled by—

(i) the State of Louisiana (including agencies and political subdivisions of the State); or

(ii) any other non-Federal government entity authorized under the laws of the State of Louisiana;

(B) pay 100 percent of the cost of the operation, maintenance, repair, replacement, and rehabilitation of the project; and

(C) hold the United States free from liability for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project, except for damages due to the fault or negligence of the United States or a contractor of the United States.

(4) DONATIONS.—In carrying out the project under this subsection, the Mississippi River Commission may accept the donation of cash or other funds, land, materials, and services from any non-Federal government entity or nonprofit corporation, as the Commission determines to be appropriate.

SEC. 3058. CALCASIEU RIVER AND PASS, LOUISIANA.

The project for the Calcasieu River and Pass, Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), is modified to authorize the Secretary to provide $3,000,000 for each fiscal year, in a total amount of $15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16 as the Chief of Engineers determines to be advisable to reduce maintenance dredging needs and facilitate protection of valuable disposal areas for the Calcasieu River and Pass, Louisiana.

SEC. 3059. EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), as amended by section 116 of the Consolidated Appropriations Resolution, 2003 (117 Stat. 140), is modified to authorize the Secretary to carry out the project substantially in accordance with the Report of the Chief of Engineers dated December 23, 1996, and the subsequent Post Authorization Change Report dated December 2004, at a total cost of $178,000,000.

SEC. 3060. MISSISSIPPI RIVER GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA.

(a) Port Facilities Relocation.—

(1) Authorization of Appropriations.—There is authorized to be appropriated $75,000,000, to remain available until expended, to support the relocation of Port of New Orleans deep draft facilities from the Mississippi River Gulf Outlet (referred to in this section as the "Outlet"), the Gulf Intercoastal Waterway, and the Inner Harbor Navigation Canal to the Mississippi River.

(2) Administration.—

(A) In general.—Amounts appropriated pursuant to paragraph (1) shall be administered by the Assistant Secretary for Economic Development (referred to in this section as the "Assistant Secretary") pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233).

(B) Requirement.—The Assistant Secretary shall make amounts appropriated pursuant to paragraph (1) available to the Port of New Orleans to relocate to the Mississippi River within the State of Louisiana the port-owned facilities that are occupied by businesses in the vicinity that may be impacted due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(b) Revolving Loan Fund Grants.—There is authorized to be appropriated to the Assistant Secretary $85,000,000, to remain available until expended, to provide assistance pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233) to 1 or more eligible recipients to establish revolving loan funds to make loans for terms up to 20 years at or below market interest rates (including interest-free loans) to private businesses within the Port of New Orleans that may need to relocate to the Mississippi River within the State of Louisiana due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(c) Coordination With Secretary.—The Assistant Secretary shall ensure that the programs described in subsections (a) and (b) are fully coordinated with the Secretary to ensure that facilities are relocated in a manner that is consistent with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(d) Administrative Expenses.—The Assistant Secretary may use up to 2 percent of the amounts made available under subsections (a) and (b) for administrative expenses.

SEC. 3061. RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2604), is further modified—

(1) to authorize the Secretary to carry out the project at a total cost of $33,200,000;

(2) to permit the purchase of marginal farmland for reforestation (in addition to the purchase of bottomland hardwood); and

(3) to incorporate wildlife and forestry management practices to improve species diversity on mitigation land that meets habitat goals and objectives of the Corps of Engineers and the State of Louisiana.

SEC. 3062. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $25,000,000.

SEC. 3063. ROCKLAND HARBOR, MAINE.

As of the date of enactment of this Act, the portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act of June 3, 1896 (29 Stat. 202, chapter 314), consisting of a 14-foot channel located in Lermond Cove and beginning at a point with coordinates N. 99977.37, E. 340290.02, thence running easterly about 200.00 feet to a point with coordinates N. 99978.49, E. 340490.02, thence running northerly about 138.00 feet to a point with coordinates N. 100116.49, E. 340289.25, thence running westerly about 200.00 feet to a point with coordinates N. 100115.37, E. 340289.25, thence running southerly about 138.00 feet to the point of origin, is not authorized.

SEC. 3064. ROCKPORT HARBOR, MAINE.

(a) In General.—The portion of the project for navigation, Rockport Harbor, Maine, authorized by the first section of the Act of August 11, 1888 (25 Stat. 400), located within the 12-foot anchorage described in subsection (b) is not authorized.

(b) Description of Anchorage.—The anchorage referred to in subsection (a) is more particularly described as—

(1) beginning at the westernmost point of the anchorage at N. 128800.00, E. 349311.00;

(2) thence running north 12 degrees, 52 minutes, 37.2 seconds, east 127.08 feet to a point at N. 128923.88, E349339.32;

(3) thence running north 17 degrees, 40 minutes, 13.0 seconds, east 338.61 feet to a point at N. 129246.51, E/ 349442.10;

(4) thence running south 89 degrees, 21 minutes, 21.0 seconds, east 45.36 feet to a point at N. 129246.00, E. 349487.46;

(5) thence running south 44 degrees, 13 minutes, 32.6 seconds, east 18.85 feet to a point at N. 129232.49, E. 349500.61;

(6) thence running south 17 degrees, 40 minutes 13.0 seconds, west 340.50 feet to a point at N. 128908.06, E. 349397.25;

(7) thence running south 12 degrees, 52 minutes, 37.2 seconds, west 235.41 feet to a point at N. 128678.57, E. 349344.79; and

(8) thence running north 15 degrees, 32 minutes, 59.3 seconds, west 126.04 feet to the point of origin.

SEC. 3065. SACO RIVER, MAINE.

The portion of the project for navigation, Saco River, Maine, authorized under section 107 of the River and Harbor Act of 1960 (74 Stat. 486), and described as a 6-foot deep, 10-acre maneuvering basin located at the head of navigation, is redesignated as an anchorage area.

SEC. 3066. UNION RIVER, MAINE.

The project for navigation, Union River, Maine, authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N. 315,975.13, E. 1,004,424.86, thence running N. 61° 27′ 20.71″ W. about 132.34 feet to a point N. 316,038.37, E. 1,004,308.61.

SEC. 3067. BALTIMORE HARBOR AND CHANNELS, MARYLAND AND VIRGINIA.

(a) In General.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Baltimore Harbor and Channels, Maryland and Virginia, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), shall remain authorized to be carried out by the Secretary.

(b) Limitation.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act, unless, during that period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 3068. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) Authorization of Appropriations.—Section 510 of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended—

(1) in subsection (a)(1), by striking "pilot";

(2) in subsection (d)(2), by adding at the end the following:

"(C) In-kind services.—The non-Federal share of the project costs of a partnership agreement entered into under this section may include in-kind services.";

(3) by striking subsection (f) and inserting the following:

"(f) Projects.—The Secretary may carry out projects under this section in the States of Delaware, New York, Maryland, Pennsylvania, Virginia, and West Virginia, and the District of Columbia."; and

(4) in subsection (i), by striking "$10,000,000" and inserting "$30,000,000".

(b) Nonnative Oyster Species.—The matter under the heading "construction, general" under the heading "Corps of Engineers–Civil" under the heading "Department of the Army" of title I of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1828) is amended in the twenty-first proviso by striking "$2,000,000" and inserting "$3,500,000".

SEC. 3069. FLOOD PROTECTION PROJECT, CUMBERLAND, MARYLAND.

Section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) is amended—

(1) by striking "$15,000,000" and inserting "$25,750,000";

(2) by striking "$9,750,000" and inserting "$16,378,000"; and

(3) by striking "$5,250,000" and inserting "$9,012,000".

SEC. 3070. AUNT LYDIA'S COVE, MASSACHUSETTS.

(a) Deauthorization.—The portion of the project for navigation, Aunt Lydia's Cove, Massachusetts, authorized August 31, 1994, pursuant to section 107 of the Act of July 14, 1960 (33 U.S.C. 577) (commonly known as the "River and Harbor Act of 1960"), consisting of the 8-foot deep anchorage in the cove described in subsection (b) is deauthorized.

(b) Description.—The portion of the project described in subsection (a) is more particularly described as the portion beginning at a point along the southern limit of the existing project, N. 254332.00, E. 1023103.96, thence running northwesterly about 761.60 feet to a point along the western limit of the existing project N. 255076.84, E. 1022945.07, thence running southwesterly about 38.11 feet to a point N. 255038.99, E. 1022940.60, thence running southeasterly about 267.07 feet to a point N. 254772.00, E. 1022947.00, thence running southeasterly about 462.41 feet to a point N. 254320.06, E. 1023044.84, thence running northeasterly about 60.31 feet to the point of origin.

SEC. 3071. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.

(a) In General.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), shall remain authorized to be carried out by the Secretary, except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet.

(b) Feasibility.—The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge Fall River and Somerset, Massachusetts.

(c) Limitation.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act unless, during that period, funds have been obligated for construction (including planning and design) of the project.

SEC. 3072. NORTH RIVER, PEABODY, MASSACHUSETTS.

The Secretary shall expedite completion of the report for the project North River, Peabody, Massachusetts, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 3073. ECORSE CREEK, MICHIGAN.

(a) In General.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for flood control, Ecorse Creek, Wayne County, Michigan, authorized by section 101(a)(14) of the Water Resources Development Act of 1990 (104 Stat. 4607) shall remain authorized to be carried out by the Secretary.

(b) Limitation.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act, unless, during that period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 3074. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

Section 426 of the Water Resources Development Act of 1999 (113 Stat. 326) is amended to read as follows:

"SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

"(a) Definitions.—In this section:

"(1) Management plan.—The term 'management plan' means the management plan for the St. Clair River and Lake St. Clair, Michigan, that is in effect as of the date of enactment of this section.

"(2) Partnership.—The term 'Partnership' means the partnership established by the Secretary under subsection (b)(1).

"(b) Partnership.—

"(1) In general.—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

"(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

"(B) develop and implement projects consistent with the management plan.

"(2) Coordination with actions under other law.—

"(A) In general.—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

"(B) No effect on other law.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

"(c) Implementation of St. Clair River and Lake St. Clair Management Plan.—

"(1) In general.—The Secretary shall—

"(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

"(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

"(C) plan, design, and implement projects consistent with the management plan; and

"(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

"(2) Specific measures.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

"(d) Supplements to Management Plan and Strategic Implementation Plan.—In consultation with the Partnership and after providing an opportunity for public review and comment, the Secretary shall develop information to supplement—

"(1) the management plan; and

"(2) the strategic implementation plan developed under subsection (c)(1)(A).

"(e) Cost Sharing.—

"(1) Non-Federal share.—The non-Federal share of the cost of technical assistance, or the cost of planning, design, construction, and evaluation of a project under subsection (c), and the cost of development of supplementary information under subsection (d)—

"(A) shall be 25 percent of the total cost of the project or development; and

"(B) may be provided through the provision of in-kind services.

"(2) Credit for land, easements, and rights-of-way.—The Secretary shall credit the non-Federal sponsor for the value of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided for use in carrying out a project under subsection (c).

"(3) Nonprofit entities.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity.

"(4) Operation and maintenance.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be non-Federal responsibilities.

"(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000.".

SEC. 3075. DULUTH HARBOR, MINNESOTA.

(a) In General.—Notwithstanding the cost limitation described in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry out the project for navigation, Duluth Harbor, Minnesota, pursuant to the authority provided under that section at a total Federal cost of $9,000,000.

(b) Public Access and Recreational Facilities.—Section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605) is amended by inserting ", and to provide public access and recreational facilities" after "including any required bridge construction".

SEC. 3076. PROJECT FOR ENVIRONMENTAL ENHANCEMENT, MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA.

(a) Violet Diversion Project.—The Secretary shall redesign and implement the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, authorized by section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4014), in lieu of diversion of freshwater at the Bonnet Carre Spillway using a diversion of water at or near Violet, Louisiana, if the following criteria can be met by the redesign:

(1) Achieve the salinity targets to at least the same extent as the diversion of freshwater at the Bonnet Carre Spillway for the Mississippi Sound identified in the feasibility study entitled "Mississippi and Louisiana Estuarine areas: Freshwater Diversion to Lake Pontchartrain Basin and Mississippi Sound" and dated 1984.

(2) Not delay the completion of the design and construction of the project beyond the dates identified in subsections (e) and (f).

(3) Not change the cost-share attributable to the Bonnet Carre Freshwater Diversion Project.

(b) Definition.—For the purposes of this section, the term "Bonnet Carre Freshwater Diversion Project" is defined as the recommended alternative as described in the report of the Chief of Engineers for the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, May, 1986, and referenced in Public Law 104–303 and described in the Report to Congress on the Bonnet Carre Freshwater Diversion Project Status and Potential Options and Enhancement of December 1996.

(c) Bonnet Carre Freshwater Diversion Project.—If the redesign in subsection (a) does not meet the criteria therein, the Secretary shall implement the Bonnet Carre Freshwater Diversion Project.

(d) Non-Federal Financing Requirements.—

(1) The States of Mississippi and Louisiana shall provide the funds needed during any fiscal year for meeting each State's respective non-Federal cost sharing requirements for the project for environmental enhancement, Mississippi and Louisiana Estuarine

Areas, Mississippi and Louisiana, that fiscal year by making deposits of the necessary funds into an escrow account or into such other account as the Secretary determines to be acceptable. Any deposits required pursuant to this paragraph shall be made by the affected State within 30 days after receipt of notification from the Secretary that such funds are due.

(2) In the case of deposits required to be made by the State of Louisiana, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out in the State of Louisiana pursuant to section 1003 if the State of Louisiana is not in compliance with paragraph (1).

(3) In the case of deposits required to be made by the State of Mississippi, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out as a part of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana if the State of Mississippi is not in compliance with paragraph (1).

(4) The non-Federal share of project costs shall be allocated between the States of Mississippi and Louisiana as described in the Report to Congress on the Bonnet Carre Freshwater Diversion Project Status and Potential Options and Enhancement of December 1996.

(5) The modification of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, by this section shall not reduce the percentage of the cost of the project that shall be paid by the Federal government as it was determined upon enactment of section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4014).

(e) DESIGN SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete the design of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, not later than 2 years after the date of enactment of this Act.

(2) MISSED DEADLINE.—If the Secretary does not complete the design described in paragraph (1) by such date, the Secretary shall assign such resources as available and necessary to complete the design and the Secretary's authority to expend funds for travel, official receptions, and official representations is suspended until such design is complete.

(f) CONSTRUCTION SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete construction of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, not later than September 30, 2012.

(2) MISSED DEADLINE.—If the Secretary does not complete the construction described in paragraph (1) by such date, the Secretary shall assign such resources as available and necessary to complete the construction and the Secretary's authority to expend funds for travel, official receptions, and official representations is suspended until such construction is complete.

SEC. 3077. LAND EXCHANGE, PIKE COUNTY, MISSOURI.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means the 2 parcels of Corps of Engineers land totaling approximately 42 acres, located on Buffalo Island in Pike County, Missouri, and consisting of Government Tract Numbers MIS–7 and a portion of FM–46.

(2) NON-FEDERAL LAND.—The term "non-Federal land" means the approximately 42 acres of land, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

(b) LAND EXCHANGE.—Subject to subsection (c), on conveyance by S.S.S., Inc., to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to S.S.S., Inc., all right, title, and interest of the United States in and to the Federal land.

(c) CONDITIONS.—

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the non-Federal land to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The conveyance of the Federal land to S.S.S., Inc., shall be—

(i) by quitclaim deed; and

(ii) subject to any reservations, terms, and conditions that the Secretary determines to be necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(C) LEGAL DESCRIPTIONS.—The Secretary shall, subject to approval of S.S.S., Inc., provide a legal description of the Federal land and non-Federal land for inclusion in the deeds referred to in subparagraphs (A) and (B).

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—The Secretary may require the removal of, or S.S.S., Inc., may voluntarily remove, any improvements to the non-Federal land before the completion of the exchange or as a condition of the exchange.

(B) NO LIABILITY.—If S.S.S., Inc., removes any improvements to the non-Federal land under subparagraph (A)—

(i) S.S.S., Inc., shall have no claim against the United States relating to the removal; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvements.

(3) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the exchange.

(4) CASH EQUALIZATION PAYMENT.—If the appraised fair market value, as determined by the Secretary, of the Federal land exceeds the appraised fair market value, as determined by the Secretary, of the non-Federal land, S.S.S., Inc., shall make a cash equalization payment to the United States.

(5) DEADLINE.—The land exchange under subsection (b) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 3078. L–15 LEVEE, MISSOURI.

The portion of the L–15 levee system that is under the jurisdiction of the Consolidated North County Levee District and situated along the right descending bank of the Mississippi River from the confluence of that river with the Missouri River and running upstream approximately 14 miles shall be considered to be a Federal levee for purposes of cost sharing under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).

SEC. 3079. UNION LAKE, MISSOURI.

(a) IN GENERAL.—The Secretary shall offer to convey to the State of Missouri all right, title, and interest in and to approximately 205.50 acres of land described in subsection (b) purchased for the Union Lake Project that was deauthorized as of January 1, 1990 (55 Fed. Reg. 40906), in accordance with section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is described as follows:

(1) TRACT 500.—A tract of land situated in Franklin County, Missouri, being part of the SW¼ of sec. 7, and the NW¼ of the SW¼ of sec. 8, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 112.50 acres.

(2) TRACT 605.—A tract of land situated in Franklin County, Missouri, being part of the N½ of the NE, and part of the SE of the NE of sec. 18, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 93.00 acres.

(c) CONVEYANCE.—On acceptance by the State of Missouri of the offer by the Secretary under subsection (a), the land described in subsection (b) shall immediately be conveyed, in its current condition, by Secretary to the State of Missouri.

SEC. 3080. LOWER YELLOWSTONE PROJECT, MONTANA.

The Secretary may use funds appropriated to carry out the Missouri River recovery and mitigation program to assist the Bureau of Reclamation in the design and construction of the Lower Yellowstone project of the Bureau, Intake, Montana, for the purpose of ecosystem restoration.

SEC. 3081. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA.

(a) DEFINITION OF RESTORATION PROJECT.—In this section, the term "restoration project" means a project that will produce, in accordance with other Federal programs, projects, and activities, substantial ecosystem restoration and related benefits, as determined by the Secretary.

(b) PROJECTS.—The Secretary shall carry out, in accordance with other Federal programs, projects, and activities, restoration projects in the watershed of the Yellowstone River and tributaries in Montana, and in North Dakota, to produce immediate and substantial ecosystem restoration and recreation benefits.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall—

(1) consult with, and consider the activities being carried out by—

(A) other Federal agencies;

(B) Indian tribes;

(C) conservation districts; and

(D) the Yellowstone River Conservation District Council; and

(2) seek the full participation of the State of Montana.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with the non-Federal interest for the restoration project under which the non-Federal interest shall agree—

(1) to provide 35 percent of the total cost of the restoration project, including necessary land, easements, rights-of-way, relocations, and disposal sites;

(2) to pay the non-Federal share of the cost of feasibility studies and design during construction following execution of a project cooperation agreement;

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of enactment of this Act that are associated with the restoration project; and

(4) to hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government in carrying out the restoration project.

(e) Form of Non-Federal Share.—Not more than 50 percent of the non-Federal share of the cost of a restoration project carried out under this section may be provided in the form of in-kind credit for work performed during construction of the restoration project.

(f) Non-Federal Interests.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), with the consent of the applicable local government, a nonprofit entity may be a non-Federal interest for a restoration project carried out under this section.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 3082. WESTERN SARPY AND CLEAR CREEK, NEBRASKA.

The project for ecosystem restoration and flood damage reduction, Western Sarpy and Clear Creek, Nebraska, authorized by section 101(b)(21) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified to authorize the Secretary to construct the project at a total cost of $21,664,000, with an estimated Federal cost of $14,082,000 and an estimated non-Federal cost of $7,582,000.

SEC. 3083. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA.

The maximum amount of Federal funds that may be expended for the project being carried out, as of the date of enactment of this Act, under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for environmental restoration of McCarran Ranch, Nevada, shall be $5,775,000.

SEC. 3084. COOPERATIVE AGREEMENTS, NEW MEXICO.

The Secretary may enter into cooperative agreements with any Indian tribe any land of which is located in the State of New Mexico and occupied by a flood control project that is owned and operated by the Corps of Engineers to assist in carrying out any operation or maintenance activity associated with the flood control project.

SEC. 3085. MIDDLE RIO GRANDE RESTORATION, NEW MEXICO.

(a) Restoration Projects.—

(1) Definition.—The term "restoration project" means a project that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration and recreation benefits.

(2) Projects.—The Secretary shall carry out restoration projects in the Middle Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(b) Project Selection.—The Secretary shall select restoration projects in the Middle Rio Grande.

(c) Local Participation.—In carrying out subsection (b), the Secretary shall consult with, and consider the activities being carried out by—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) Cost Sharing.—

(1) Projects on federal land.—Each restoration project under this section located on Federal land shall be carried out at full Federal expense.

(2) Other projects.—For any restoration project located on non-Federal land, before carrying out the restoration project under this section, the Secretary shall enter into an agreement with non-Federal interests that requires the non-Federal interests to—

(A) provide 35 percent of the total cost of the restoration projects including provisions for necessary lands, easements, rights-of-way, relocations, and disposal sites;

(B) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of the enactment of this Act that are associated with the restoration projects; and

(C) hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government.

(e) Non-Federal Interests.—Not withstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest for any project carried out under this section may include a nonprofit entity, with the consent of the local government.

(f) Recreational Features.—

(1) In general.—Subject to paragraph (2), any recreational feature included as part of a restoration project shall comprise not more than 30 percent of the cost of the restoration project.

(2) Requirement.—The cost of any recreational feature included as part of a restoration project in excess of the amount described in paragraph (1) shall be paid by the non-Federal interest.

(g) Authorization of Appropriations.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3086. LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT.

(a) In General.—The Secretary shall plan, design, and construct projects to increase aquatic habitats within Long Island Sound and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat.

(b) Cost Sharing.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(c) Authorization of Appropriations.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3087. MAMARONECK AND SHELDRAKE RIVERS WATERSHED MANAGEMENT, NEW YORK.

(a) Watershed Management Plan Development.—

(1) In general.—The Secretary, in consultation with the State of New York and local entities, shall develop watershed management plans for the Mamaroneck and Sheldrake River watershed for the purposes of evaluating existing and new flood damage reduction and ecosystem restoration.

(2) Existing plans.—In developing the watershed management plans, the Secretary shall use existing studies and plans, as appropriate.

(b) Critical Restoration Projects.—

(1) In general.—The Secretary may participate in any eligible critical restoration project in the Mamaroneck and Sheldrake Rivers watershed in accordance with the watershed management plan developed under subsection (a).

(2) Eligible projects.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the watershed management plan developed under subsection (a); and

(B) with respect to the Mamaroneck and Sheldrake Rivers watershed in New York, consists of flood damage reduction or ecosystem restoration—

(i) bank stabilization of the mainstem, tributaries, and streams;

(ii) wetland restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) structural and nonstructural flood damage reduction measures; or

(vii) any other project or activity the Secretary determines to be appropriate.

(c) Cost Sharing.—The Federal share of the cost of implementing any project carried out under this section shall be 65 percent.

(d) Non-Federal Interest.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) Cooperative Agreements.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $30,000,000, to remain available until expended.

SEC. 3088. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking "$5,200,000" and inserting "$18,200,000".

SEC. 3089. NEW YORK HARBOR, NEW YORK, NEW YORK.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) Dredged Material Facility.—

"(1) In general.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

"(2) Performance.—One or more of the parties to the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

"(3) Multiple federal projects.—If appropriate, the Secretary may combine portions of separate Federal projects with appropriate combined cost-sharing between the various projects, if the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

"(4) Public financing.—

"(A) Agreements.—

"(i) Specified federal funding sources and cost sharing.—The cost-sharing agreement used shall clearly specify—

"(I) the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects; and

"(II) the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

"(ii) Management of sediments.—

"(I) In general.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of

Federal navigation projects that do not have partnerships agreements.

"(II) PAYMENTS.—The cost-sharing agreement may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

"(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

"(B) CREDIT.—

"(i) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any other non-Federal interest for the cost-sharing, construction, and operation and maintenance of a Federal navigation project.

"(ii) CREDIT FOR FUNDS.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project.

"(iii) NON-FEDERAL INTEREST RESPONSIBILITIES.—The non-Federal interest shall—

"(I) be responsible for providing all necessary land, easement rights-of-way, or relocations associated with the facility; and

"(II) receive credit for those items."; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as redesignated by paragraph (1))—

(A) by inserting "and maintenance" after "operation" each place it appears; and

(B) by inserting "processing, treatment, or" after "dredged material" the first place it appears in each of those paragraphs.

SEC. 3090. NEW YORK STATE CANAL SYSTEM.

Section 553 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking subsection (c) and inserting the following:

"(c) DEFINITION OF NEW YORK STATE CANAL SYSTEM.—In this section, the term 'New York State Canal System' means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany, Rochester, and Buffalo.".

SEC. 3091. SUSQUEHANNA RIVER AND UPPER DELAWARE RIVER WATERSHED MANAGEMENT, NEW YORK.

(a) WATERSHED MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the State of New York, the Delaware or Susquehanna River Basin Commission, as appropriate, and local entities, shall develop watershed management plans for the Susquehanna River watershed in New York State and the Upper Delaware River watershed for the purposes of evaluating existing and new flood damage reduction and ecosystem restoration.

(2) EXISTING PLANS.—In developing the watershed management plans, the Secretary shall use existing studies and plans, as appropriate.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any eligible critical restoration project in the Susquehanna River or Upper Delaware Rivers in accordance with the watershed management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the watershed management plan developed under subsection (a); and

(B) with respect to the Susquehanna River or Upper Delaware River watershed in New York, consists of flood damage reduction or ecosystem restoration through—

(i) bank stabilization of the mainstem, tributaries, and streams;

(ii) wetland restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) structural and nonstructural flood damage reduction measures; or

(vii) any other project or activity the Secretary determines to be appropriate.

(c) COST SHARING.—The Federal share of the cost of implementing any project carried out under this section shall be 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000, to remain available until expended.

SEC. 3092. MISSOURI RIVER RESTORATION, NORTH DAKOTA.

Section 707(a) of the Water Resources Act of 2000 (114 Stat. 2699) is amended in the first sentence by striking "$5,000,000" and all that follows through "2005" and inserting "$25,000,000".

SEC. 3093. OHIO.

Section 594 of the Water Resources Development Act of 1999 (113 Stat. 381) is amended by adding at the end the following:

"(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

SEC. 3094. LOWER GIRARD LAKE DAM, GIRARD, OHIO.

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended—

(1) by striking "$2,500,000" and inserting "$16,000,000"; and

(2) by striking "Repair and rehabilitation" and inserting "Correct structural deficiencies".

SEC. 3095. TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO.

Increased operation and maintenance activities for the Toussaint River Federal Navigation Project, Carroll Township, Ohio, that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance, shall be carried out at full Federal expense.

SEC. 3096. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56–79–C–0072 shall satisfy the obligations of the city under that contract.

SEC. 3097. LAKE EUFAULA, OKLAHOMA.

(a) PROJECT GOAL.—

(1) IN GENERAL.—The goal for operation of Lake Eufaula shall be to maximize the use of available storage in a balanced approach that incorporates advice from representatives from all the project purposes to ensure that the full value of the reservoir is realized by the United States.

(2) RECOGNITION OF PURPOSE.—To achieve the goal described in paragraph (1), recreation is recognized as a project purpose at Lake Eufaula, pursuant to the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 887, chapter 665).

(b) LAKE EUFAULA ADVISORY COMMITTEE.—

(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the Lake Eufaula, Canadian River, Oklahoma project authorized by the Act of July 24, 1946 (commonly known as the "River and Harbor Act of 1946") (Public Law 79–525; 60 Stat. 634).

(2) PURPOSE.—The purpose of the committee shall be advisory only.

(3) DUTIES.—The committee shall provide information and recommendations to the Corps of Engineers regarding the operations of Lake Eufaula for the project purposes for Lake Eufaula.

(4) COMPOSITION.—The Committee shall be composed of members that equally represent the project purposes for Lake Eufaula.

(c) REALLOCATION STUDY.—

(1) IN GENERAL.—Subject to the appropriation of funds, the Secretary, acting through the Chief of Engineers, shall perform a reallocation study, at full Federal expense, to develop and present recommendations concerning the best value, while minimizing ecological damages, for current and future use of the Lake Eufaula storage capacity for the authorized project purposes of flood control, water supply, hydroelectric power, navigation, fish and wildlife, and recreation.

(2) FACTORS FOR CONSIDERATION.—The reallocation study shall take into consideration the recommendations of the Lake Eufaula Advisory Committee.

(d) POOL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, to the extent feasible within available project funds and subject to the completion and approval of the reallocation study under subsection (c), the Tulsa District Engineer, taking into consideration recommendations of the Lake Eufaula Advisory Committee, shall develop an interim management plan that accommodates all project purposes for Lake Eufaula.

(2) MODIFICATIONS.—A modification of the plan under paragraph (1) shall not cause significant adverse impacts on any existing permit, lease, license, contract, public law, or project purpose, including flood control operation, relating to Lake Eufaula.

SEC. 3098. RELEASE OF REVERSIONARY INTEREST, OKLAHOMA.

(a) RELEASE.—Any reversionary interest relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled "An Act to authorize the sale of certain lands to the State of Oklahoma" (67 Stat. 63, chapter 118), shall terminate on the date of enactment of this Act.

(b) Instrument of Release.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or another appropriate instrument to release each reversionary interest described in subsection (a).

(c) Preservation of Reserved Rights.—A release of a reversionary interest under this section shall not affect any other right of the United States in any deed of conveyance pursuant to the Act entitled "An Act to authorize the sale of certain lands to the State of Oklahoma" (67 Stat. 63, chapter 118).

SEC. 3099. OKLAHOMA LAKES DEMONSTRATION PROGRAM, OKLAHOMA.

(a) Implementation of Program.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement an innovative program at the lakes located primarily in the State of Oklahoma that are a part of an authorized civil works project under the administrative jurisdiction of the Corps of Engineers for the purpose of demonstrating the benefits of enhanced recreation facilities and activities at those lakes.

(b) Requirements.—In implementing the program under subsection (a), the Secretary shall, consistent with authorized project purposes—

(1) pursue strategies that will enhance, to the maximum extent practicable, recreation experiences at the lakes included in the program;

(2) use creative management strategies that optimize recreational activities; and

(3) ensure continued public access to recreation areas located on or associated with the civil works project.

(c) Guidelines.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for the implementation of this section, to be developed in coordination with the State of Oklahoma.

(d) Report.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the program under subsection (a).

(2) Inclusions.—The report under paragraph (1) shall include a description of the projects undertaken under the program, including—

(A) an estimate of the change in any related recreational opportunities;

(B) a description of any leases entered into, including the parties involved; and

(C) the financial conditions that the Corps of Engineers used to justify those leases.

(3) Availability to public.—The Secretary shall make the report available to the public in electronic and written formats.

(e) Termination.—The authority provided by this section shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 3100. OTTAWA COUNTY, OKLAHOMA.

(a) In General.—There is authorized to be appropriated $30,000,000 for the purposes set forth in subsection (b).

(b) Purposes.—Notwithstanding any other provision of law, funds appropriated under subsection (a) may be used for the purpose of—

(1) the buy-out of properties and permanently relocating residents and businesses in or near Picher, Cardin, and Hockerville, Oklahoma, from areas determined by the State of Oklahoma to be at risk of damage caused by land subsidence and remaining properties; and

(2) providing funding to the State of Oklahoma to buyout properties and permanently relocate residents and businesses of Picher, Cardin, and Hockerville, Oklahoma, from areas determined by the State of Oklahoma to be at risk of damage caused by land subsidence and remaining properties.

(c) Limitation.—The use of funds in accordance with subsection (b) shall not be considered to be part of a Federally assisted program or project for purposes of Public Law 91–646 (42 U.S.C. 4601 et seq.), consistent with section 2301 of Public Law 109–234 (120 Stat. 455–456).

(d) Consistency With State Program.—Any actions taken under subsection (b) shall be consistent with the relocation program in the State of Oklahoma under 27A O.S. Supp. 2006, sections 2201 et seq.

(e) Amendment.—Section 111 of Public Law 108–137 (117 Stat. 1835) is amended—

(1) by adding the following language at the end of subsection (a): "Such activities also may include the provision of financial assistance to facilitate the buy out of properties located in areas identified by the State as areas that are or will be at risk of damage caused by land subsidence and associated properties otherwise identified by the State; however, any buyout of such properties shall not be considered to be part of a Federally assisted program or project for purposes of Public Law 91–646 (42 U.S.C. 4601 et seq.), consistent with section 2301 of Public Law 109–234 (120 Stat. 455–456)."; and

(2) by striking the first sentence of subsection (d) and inserting the following: "Non-Federal interests shall be responsible for operating and maintaining any restoration alternatives constructed or carried out pursuant to this section.".

SEC. 3101. RED RIVER CHLORIDE CONTROL, OKLAHOMA AND TEXAS.

Section 203 of the Flood Control Act of 1966 (80 Stat. 1420; 100 Stat. 4229) is further modified to direct the Secretary to provide operation and maintenance for the Red River Chloride Control project, Oklahoma and Texas, at full Federal expense.

SEC. 3102. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules—

(1) is set at the amounts, rates of interest, and payment schedules that existed on June 3, 1986; and

(2) may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States.

SEC. 3103. LOOKOUT POINT PROJECT, LOWELL, OREGON.

(a) In General.—Subject to subsection (c), the Secretary shall convey at fair market value to the Lowell School District No. 71, all right, title, and interest of the United States in and to a parcel consisting of approximately 0.98 acres of land, including 3 abandoned buildings on the land, located in Lowell, Oregon, as described in subsection (b).

(b) Description of Property.—The parcel of land to be conveyed under subsection (a) is more particularly described as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded on page 56 of volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; and thence east 250.0 feet to the true point of beginning of this description in sec. 14, T. 19 S., R. 1 W. of the Willamette Meridian, Lane County, Oregon.

(c) Condition.—The Secretary shall not complete the conveyance under subsection (a) until such time as the Forest Service—

(1) completes and certifies that necessary environmental remediation associated with the structures located on the property is complete; and

(2) transfers the structures to the Corps of Engineers.

(d) Effect of Other Law.—

(1) Applicability of property screening provisions.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) Liability.—

(A) In general.—Lowell School District No. 71 shall hold the United States harmless from any liability with respect to activities carried out on the property described in subsection (b) on or after the date of the conveyance under subsection (a).

(B) Certain activities.—The United States shall be liable with respect to any activity carried out on the property described in subsection (b) before the date of conveyance under subsection (a).

SEC. 3104. UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION.

(a) In General.—The Secretary shall conduct studies and ecosystem restoration projects for the upper Willamette River watershed from Albany, Oregon, to the headwaters of the Willamette River and tributaries.

(b) Consultation.—The Secretary shall carry out ecosystem restoration projects under this section for the Upper Willamette River watershed in consultation with the Governor of the State of Oregon, the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Bureau of Land Management, the Forest Service, and local entities.

(c) Authorized Activities.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(d) Cost Sharing Requirements.—

(1) Studies.—Studies conducted under this section shall be subject to cost sharing in accordance with section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) Ecosystem restoration projects.—

(A) In general.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) Items provided by non-federal interests.—

(i) In general.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section.

(ii) Credit toward payment.—The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under paragraph (1) shall be credited toward the payment required under subsection (a).

(C) In-kind contributions.—100 percent of the non-Federal share required under subsection (a) may be satisfied by the provision of in-kind contributions.

(3) Operations and maintenance.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 3105. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) Cooperation Agreements.—

"(1) In general.—In conducting the study and implementing the strategy under this section, the Secretary shall enter into cost-sharing and project cooperation agreements with the Federal Government, State and local governments (with the consent of the State and local governments), land trusts, or nonprofit, nongovernmental organizations with expertise in wetland restoration.

"(2) Financial assistance.—Under the cooperation agreement, the Secretary may provide assistance for implementation of wetland restoration projects and soil and water conservation measures."; and

(2) by striking subsection (d) and inserting the following:

"(d) Implementation of Strategy.—

"(1) In general.—The Secretary shall carry out the development, demonstration, and implementation of the strategy under this section in cooperation with local landowners, local government officials, and land trusts.

"(2) Goals of projects.—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.".

SEC. 3106. NARRAGANSETT BAY, RHODE ISLAND.

The Secretary may use amounts in the Environmental Restoration Account, Formerly Used Defense Sites, under section 2703(a)(5) of title 10, United States Code, for the removal of abandoned marine camels at any Formerly Used Defense Site under the jurisdiction of the Department of Defense that is undergoing (or is scheduled to undergo) environmental remediation under chapter 160 of title 10, United States Code (and other provisions of law), in Narragansett Bay, Rhode Island, in accordance with the Corps of Engineers prioritization process under the Formerly Used Defense Sites program.

SEC. 3107. SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.

(a) In General.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, all right, title, and interest of the United States in and to the parcels of land described in subsection (b)(1) that are managed, as of the date of enactment of this Act, by the South Carolina Department of Commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(b) Land Description.—

(1) In general.—Subject to paragraphs (2) and (3), the parcels of land referred to in subsection (a) are the parcels contained in the portion of land described in Army Lease Number DACW21-1-92-0500.

(2) Retention of interests.—The United States shall retain—

(A) ownership of all land included in the lease referred to in paragraph (1) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

(B) such other land as is determined by the Secretary to be required for authorized project purposes, including easement rights-of-way to remaining Federal land.

(3) Survey.—The exact acreage and legal description of the land described in paragraph (1) shall be determined by a survey satisfactory to the Secretary, with the cost of the survey to be paid by the State.

(c) General Provisions.—

(1) Applicability of property screening provisions.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(2) Additional terms and conditions.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) Costs of conveyance.—

(A) In general.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance under this section.

(B) Form of contribution.—As determined appropriate by the Secretary, in lieu of payment of compensation to the United States under subparagraph (A), the State may perform certain environmental or real estate actions associated with the conveyance under this section if those actions are performed in close coordination with, and to the satisfaction of, the United States.

(4) Liability.—The State shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed under this section.

(d) Additional Terms and Conditions.—

(1) In general.—The State shall pay fair market value consideration, as determined by the United States, for any land included in the conveyance under this section.

(2) No effect on shore management policy.—The Shoreline Management Policy (ER-1130-2-406) of the Corps of Engineers shall not be changed or altered for any proposed development of land conveyed under this section.

(3) Federal statutes.—The conveyance under this section shall be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public review under that Act) and other Federal statutes.

(4) Cost sharing.—In carrying out the conveyance under this section, the Secretary and the State shall comply with all obligations of any cost sharing agreement between the Secretary and the State in effect as of the date of the conveyance.

(5) Land not conveyed.—The State shall continue to manage the land not conveyed under this section in accordance with the terms and conditions of Army Lease Number DACW21-1-92-0500.

SEC. 3108. MISSOURI RIVER RESTORATION, SOUTH DAKOTA.

(a) Membership.—Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) in clause (vii), by striking "and" at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

"(viii) rural water systems; and".

(b) Reauthorization.—Section 907(a) of the Water Resources Development Act of 2000 (114 Stat. 2712) is amended in the first sentence by striking "2005" and inserting "2010".

SEC. 3109. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514 of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

(1) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(2) in subsection (h) (as redesignated by paragraph (1)), by striking paragraph (1) and inserting the following:

"(1) Non-Federal share.—

"(A) In general.—The non-Federal share of the cost of projects may be provided—

"(i) in cash;

"(ii) by the provision of land, easements, rights-of-way, relocations, or disposal areas;

"(iii) by in-kind services to implement the project; or

"(iv) by any combination of the foregoing.

"(B) Private ownership.—Land needed for a project under this authority may remain in private ownership subject to easements that are—

"(i) satisfactory to the Secretary; and

"(ii) necessary to assure achievement of the project purposes.";

(3) in subsection (i) (as redesignated by paragraph (1)), by striking "for the period of fiscal years 2000 and 2001." and inserting "per year, and that authority shall extend until Federal fiscal year 2011."; and

(4) by inserting after subsection (e) the following:

"(f) Nonprofit Entities.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a regional or national nonprofit entity with the consent of the affected local government.

"(g) Cost Limitation.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality."

SEC. 3110. NONCONNAH WEIR, MEMPHIS, TENNESSEE.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modified by the section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), is modified to authorize the Secretary—

(1) to reconstruct, at full Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek; and

(2) to make repairs and maintain the weir in the future so that the weir functions properly.

SEC. 3111. OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.

(a) Release of Retained Rights, Interests, Reservations.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as "Easter

Seals Tennessee") at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(b) Instrument of Release.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by subsection (a).

(c) No Effect on Other Rights.—Nothing in this section affects any remaining right or interest of the Corps of Engineers with respect to an authorized purpose of any project.

SEC. 3112. SANDY CREEK, JACKSON COUNTY, TENNESSEE.

(a) In General.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy Creek, Jackson County, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) Relationship to West Tennessee Tributaries Project, Tennessee.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Sandy Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Sandy Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. 3113. CEDAR BAYOU, TEXAS.

Section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632) is amended by striking "except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide" and inserting "except that the project is authorized for construction of a navigation channel that is 10 feet deep by 100 feet wide".

SEC. 3114. DENISON, TEXAS.

(a) In General.—The Secretary shall offer to convey at fair market value to the city of Denison, Texas (or a designee of the city), all right, title, and interest of the United States in and to the approximately 900 acres of land located in Grayson County, Texas, which is currently subject to an Application for Lease for Public Park and Recreational Purposes made by the city of Denison, dated August 17, 2005.

(b) Survey to Obtain Legal Description.—The exact acreage and description of the real property referred to in subsection (a) shall be determined by a survey paid for by the city of Denison, Texas (or a designee of the city), that is satisfactory to the Secretary.

(c) Conveyance.—On acceptance by the city of Denison, Texas (or a designee of the city), of an offer under subsection (a), the Secretary may immediately convey the land surveyed under subsection (b) by quitclaim deed to the city of Denison, Texas (or a designee of the city).

SEC. 3115. CENTRAL CITY, FORT WORTH, TEXAS.

For the purposes of achieving efficiencies, enhanced benefits, and complementary implementation, as compared with construction of the projects separately, the project for flood control and other purposes authorized by section 116 of division C of title I of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2944), is modified to include the project for ecosystem restoration, as generally defined in the report of the report of the Chief of Engineers entitled "Riverside Oxbow, Fort Worth, Texas" and dated May 29, 2003, at a total cost of $247,110,000, with an estimated Federal cost of $121,210,000 and a non-Federal cost of $125,900,000.

SEC. 3116. FREEPORT HARBOR, TEXAS.

(a) In General.—The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat, 1818), is modified to provide that—

(1) all project costs incurred as a result of the discovery of the sunken vessel COMSTOCK of the Corps of Engineers are a Federal responsibility; and

(2) the Secretary shall not seek further obligation or responsibility for removal of the vessel COMSTOCK, or costs associated with a delay due to the discovery of the sunken vessel COMSTOCK, from the Port of Freeport.

(b) Cost Sharing.—This section does not affect the authorized cost sharing for the balance of the project described in subsection (a).

SEC. 3117. HARRIS COUNTY, TEXAS.

Section 575(b) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding the following:

"(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).".

SEC. 3118. CONNECTICUT RIVER RESTORATION, VERMONT.

Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with respect to the study entitled "Connecticut River Restoration Authority", dated May 23, 2001, a nonprofit entity may act as the non-Federal interest for purposes of carrying out the activities described in the agreement executed between The Nature Conservancy and the Department of the Army on August 5, 2005.

SEC. 3119. DAM REMEDIATION, VERMONT.

Section 543 of the Water Resources Development Act of 2000 (114 Stat. 2673) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b)."; and

(2) in subsection (b), by adding at the end the following:

"(11) Camp Wapanacki, Hardwick.
"(12) Star Lake Dam, Mt. Holly.
"(13) Curtis Pond, Calais.
"(14) Weathersfield Reservoir, Springfield.
"(15) Burr Pond, Sudbury.
"(16) Maidstone Lake, Guildhall.
"(17) Upper and Lower Hurricane Dam.
"(18) Lake Fairlee
"(19) West Charleston Dam.".

SEC. 3120. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT.

Under authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall revise the existing General Design Memorandum to permit the use of chemical means of control, when appropriate, of Eurasian milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

SEC. 3121. UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) In General.—The Secretary, in cooperation with the States of Vermont and New Hampshire, shall carry out a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Upper Connecticut River watershed.

(b) Cost Sharing.—

(1) Federal share.—The Federal share of the cost of the study and development of the strategy under subsection (a) shall be 65 percent.

(2) Non-federal share.—The non-Federal share of the cost of the study and development of the strategy may be provided through the contribution of in-kind services and materials.

(c) Non-Federal Interest.—A nonprofit organization with wetland restoration experience may serve as the non-Federal interest for the study and development of the strategy under this section.

(d) Cooperative Agreements.—In conducting the study and developing the strategy under this section, the Secretary may enter into 1 or more cooperative agreements to provide technical assistance to appropriate Federal, State, and local agencies and nonprofit organizations with wetland restoration experience, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(e) Implementation.—The Secretary shall carry out development and implementation of the strategy under this section in cooperation with local landowners and local government officials.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SEC. 3122. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) General Management Plan Development.—

(1) In general.—The Secretary, in cooperation with the Secretary of Agriculture and in consultation with the States of Vermont and New Hampshire and the Connecticut River Joint Commission, shall conduct a study and develop a general management plan for ecosystem restoration of the Upper Connecticut River ecosystem for the purposes of—

(A) habitat protection and restoration;
(B) streambank stabilization;
(C) restoration of stream stability;
(D) water quality improvement;
(E) invasive species control;
(F) wetland restoration;
(G) fish passage; and
(H) natural flow restoration.

(2) Existing plans.—In developing the general management plan, the Secretary shall depend heavily on existing plans for the restoration of the Upper Connecticut River.

(b) Critical Restoration Projects.—

(1) In general.—The Secretary may participate in any critical restoration project in the Upper Connecticut River Basin in accordance with the general management plan developed under subsection (a).

(2) Eligible projects.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the general management plan developed under subsection (a); and

(B) with respect to the Upper Connecticut River and Upper Connecticut River watershed, consists of—

(i) bank stabilization of the main stem, tributaries, and streams;

(ii) wetland restoration and migratory bird habitat restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) implementation of an intergovernmental agreement for coordinating ecosystem restoration, fish passage installation, streambank stabilization, wetland restoration, habitat protection and restoration, or natural flow restoration;

(vii) water quality improvement;

(viii) invasive species control;

(ix) wetland restoration and migratory bird habitat restoration;

(x) improvements in fish migration; and

(xi) conduct of any other project or activity determined to be appropriate by the Secretary.

(c) COST SHARING.—The Federal share of the cost of any project carried out under this section shall not be less than 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) CREDITING.—

(1) FOR WORK.—The Secretary shall provide credit, including credit for in-kind contributions of up to 100 percent of the non-Federal share, for work (including design work and materials) if the Secretary determines that the work performed by the non-Federal interest is integral to the product.

(2) FOR OTHER CONTRIBUTIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, dredged material disposal areas, and relocations necessary to implement the projects.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **$20,000,000**, to remain available until expended.

SEC. 3123. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking "or" at the end;

(B) by redesignating subparagraph (E) as subparagraph (G); and

(C) by inserting after subparagraph (D) the following:

"(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

"(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or";

(2) in subsection (e)(2)—

(A) in subparagraph (A)—

(i) by striking "The non-Federal" and inserting the following:

"(i) IN GENERAL.—The non-Federal"; and

(ii) by adding at the end the following:

"(ii) APPROVAL OF DISTRICT ENGINEER.—Approval of credit for design work of less than **$100,000** shall be determined by the appropriate district engineer."; and

(B) in subparagraph (C), by striking "up to 50 percent of"; and

(3) in subsection (g), by striking "**$20,000,000**" and inserting "**$32,000,000**".

SEC. 3124. CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) in paragraph (1)—

(A) in the second sentence, by striking "**$30,000,000**" and inserting "**$50,000,000**"; and

(B) in the third sentence, by striking "Such projects" and inserting the following:

"(2) INCLUSIONS.—Such projects";

(3) by striking paragraph (2)(D) (as redesignated by paragraph (2)(B)) and inserting the following:

"(D) the restoration and rehabilitation of habitat for fish, including native oysters, in the Chesapeake Bay and its tributaries in Virginia and Maryland, including—

"(i) the construction of oyster bars and reefs;

"(ii) the rehabilitation of existing marginal habitat;

"(iii) the use of appropriate alternative substrate material in oyster bar and reef construction;

"(iv) the construction and upgrading of oyster hatcheries; and

"(v) activities relating to increasing the output of native oyster broodstock for seeding and monitoring of restored sites to ensure ecological success.

"(3) RESTORATION AND REHABILITATION ACTIVITIES.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

"(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

"(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery."; and

(4) by adding at the end the following:

"(5) DEFINITION OF ECOLOGICAL SUCCESS.—In this subsection, the term 'ecological success' means—

"(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

"(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.".

SEC. 3125. JAMES RIVER, VIRGINIA.

The Secretary shall accept funds from the National Park Service to provide technical and project management assistance for the James River, Virginia, with a particular emphasis on locations along the shoreline adversely impacted by Hurricane Isabel.

SEC. 3126. TANGIER ISLAND SEAWALL, VIRGINIA.

Section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by striking "at a total cost of **$1,200,000**, with an estimated Federal cost of **$900,000** and an estimated non-Federal cost of **$300,000**." and inserting "at a total cost of **$3,000,000**, with an estimated Federal cost of **$2,400,000** and an estimated non-Federal cost of **$600,000**.".

SEC. 3127. EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON.

(a) IN GENERAL.—The Lower Columbia River levees and bank protection works authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178) is modified with regard to the Wahkiakum County diking districts No. 1 and 3, but without regard to any cost ceiling authorized before the date of enactment of this Act, to direct the Secretary to provide a 1-time placement of dredged material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47, and the shoreline of Westport Beach, Clatsop County, Oregon, between river miles 43 to 45, to protect economic and environmental resources in the area from further erosion.

(b) COORDINATION AND COST SHARING REQUIREMENTS.—The Secretary shall carry out subsection (a)—

(1) in coordination with appropriate resource agencies;

(2) in accordance with all applicable Federal law (including regulations); and

(3) at full Federal expense.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **$1,000,000**.

SEC. 3128. LOWER GRANITE POOL, WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required for the use of fill material.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's File Numbers 432576, 443411, 499988, and 579771 of Whitman County, Washington.

(2) Auditor's File Numbers 125806, 138801, 147888, 154511, 156928, and 176360 of Asotin County, Washington.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining rights and interests of the Corps of Engineers for authorized project purposes in or to property covered by a deed described in subsection (b).

SEC. 3129. MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the United States Fish and Wildlife Service under Cooperative Agreement Number DACW68–4–00–13 with the Corps of Engineers, Walla Walla District, is transferred from the Secretary to the Secretary of the Interior.

(b) EASEMENTS.—The transfer of administrative jurisdiction under subsection (a) shall be subject to easements in existence as of the date of enactment of this Act on land subject to the transfer.

(c) RIGHTS OF SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall retain rights described in paragraph (2) with respect to the land for which administrative jurisdiction is transferred under subsection (a).

(2) RIGHTS.—The rights of the Secretary referred to in paragraph (1) are the rights—

(A) to flood land described in subsection (a) to the standard project flood elevation;

(B) to manipulate the level of the McNary Project Pool;

(C) to access such land described in subsection (a) as may be required to install, maintain, and inspect sediment ranges and carry out similar activities;

(D) to construct and develop wetland, riparian habitat, or other environmental restoration features authorized by section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(E) to dredge and deposit fill materials; and

(F) to carry out management actions for the purpose of reducing the take of juvenile salmonids by avian colonies that inhabit, before, on, or after the date of enactment of this Act, any island included in the land described in subsection (a).

(3) COORDINATION.—Before exercising a right described in any of subparagraphs (C) through (F) of paragraph (2), the Secretary shall coordinate the exercise with the United States Fish and Wildlife Service.

(d) MANAGEMENT.—

(1) IN GENERAL.—The land described in subsection (a) shall be managed by the Secretary of the Interior as part of the McNary National Wildlife Refuge.

(2) CUMMINS PROPERTY.—

(A) RETENTION OF CREDITS.—Habitat unit credits described in the memorandum entitled "Design Memorandum No. 6, LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION PLAN, Wildlife Compensation and Fishing Access Site Selection, Letter Supplement No. 15, SITE DEVELOPMENT PLAN FOR THE WALLULA HMU" provided for the Lower Snake River Fish and Wildlife Compensation Plan through development of the parcel of land formerly known as the "Cummins property" shall be retained by the Secretary despite any changes in management of the parcel on or after the date of enactment of this Act.

(B) SITE DEVELOPMENT PLAN.—The United States Fish and Wildlife Service shall obtain prior approval of the Washington State Department of Fish and Wildlife for any change to the previously approved site development plan for the parcel of land formerly known as the "Cummins property".

(3) MADAME DORIAN RECREATION AREA.—The United States Fish and Wildlife Service shall continue operation of the Madame Dorian Recreation Area for public use and boater access.

(e) ADMINISTRATIVE COSTS.—The United States Fish and Wildlife Service shall be responsible for all survey, environmental compliance, and other administrative costs required to implement the transfer of administrative jurisdiction under subsection (a).

SEC. 3130. SNAKE RIVER PROJECT, WASHINGTON AND IDAHO.

The Fish and Wildlife Compensation Plan for the Lower Snake River, Washington and Idaho, as authorized by section 101 of the Water Resources Development Act of 1976 (90 Stat. 2921), is modified to authorize the Secretary to conduct studies and implement aquatic and riparian ecosystem restorations and improvements specifically for fisheries and wildlife.

SEC. 3131. WHATCOM CREEK WATERWAY, BELLINGHAM, WASHINGTON.

That portion of the project for navigation, Whatcom Creek Waterway, Bellingham, Washington, authorized by the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the "River and Harbor Act of 1910") and the River and Harbor Act of 1958 (72 Stat. 299), consisting of the last 2,900 linear feet of the inner portion of the waterway, and beginning at station 29+00 to station 0+00, shall not be authorized as of the date of enactment of this Act.

SEC. 3132. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood damage reduction at Lower Mud River, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790; 114 Stat. 2612), is modified to authorize the Secretary to carry out the project in accordance with the recommended plan described in the Draft Limited Reevaluation Report of the Corps of Engineers dated May 2004, at a total cost of $57,100,000, with an estimated Federal cost of $42,825,000 and an estimated non-Federal cost of $14,275,000.

SEC. 3133. MCDOWELL COUNTY, WEST VIRGINIA.

(a) IN GENERAL.—The McDowell County nonstructural component of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide protection, throughout McDowell County, West Virginia, from the reoccurrence of the greater of—

(1) the April 1977 flood;

(2) the July 2001 flood;

(3) the May 2002 flood; or

(4) the 100-year frequency event.

(b) UPDATES AND REVISIONS.—The measures under subsection (a) shall be carried out in accordance with, and during the development of, the updates and revisions under section 2006(e)(2).

SEC. 3134. GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN.

The portion of the inner harbor of the Federal navigation channel of the Green Bay Harbor project, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 5, 1884 (commonly known as the "River and Harbor Act of 1884") (23 Stat. 136, chapter 229), from Station 190+00 to Station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

SEC. 3135. MANITOWOC HARBOR, WISCONSIN.

(a) IN GENERAL..—The portion of the project for navigation, Manitowoc Harbor, Wisconsin, authorized by the first section of the River and Harbor Act of August 30, 1852 (10 Stat. 58), consisting of the channel in the south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176), may be carried out by the Secretary.

(b) LIMITATION.—No construction on the project may be initiated until the Secretary determines that the project is feasible.

SEC. 3136. OCONTO HARBOR, WISCONSIN.

(a) IN GENERAL.—The portion of the project for navigation, Oconto Harbor, Wisconsin, authorized by the Act of August 2, 1882 (22 Stat. 196, chapter 375), and the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the "River and Harbor Act of 1910"), consisting of a 15-foot-deep turning basin in the Oconto River, as described in subsection (b), is no longer authorized.

(b) PROJECT DESCRIPTION.—The project referred to in subsection (a) is more particularly described as—

(1) beginning at a point along the western limit of the existing project, N. 394,086.71, E. 2,530,202.71;

(2) thence northeasterly about 619.93 feet to a point N. 394,459.10, E. 2,530,698.33;

(3) thence southeasterly about 186.06 feet to a point N. 394,299.20, E. 2,530,793.47;

(4) thence southwesterly about 355.07 feet to a point N. 393,967.13, E. 2,530,667.76;

(5) thence southwesterly about 304.10 feet to a point N. 393,826.90, E. 2,530,397.92; and

(6) thence northwesterly about 324.97 feet to the point of origin.

SEC. 3137. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking "1276.42" and inserting "1278.42";

(B) by striking "1218.31" and inserting "1221.31"; and

(C) by striking "1234.82" and inserting "1235.30"; and

(2) by striking subsection (b) and inserting the following:

"(b) EXCEPTION.—

"(1) IN GENERAL.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established under subsection (a) in accordance with water control regulation manuals (or revisions to those manuals) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users.

"(2) EFFECTIVE DATE OF MANUALS.—The water control regulation manuals referred to in paragraph (1) (and any revisions to those manuals) shall be effective as of the date on which the Secretary submits the manuals (or revisions) to Congress.

"(3) NOTIFICATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not less than 14 days before operating any headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a), the Secretary shall submit to Congress a notice of intent to operate the headwaters reservoir.

"(B) EXCEPTION.—Notice under subparagraph (A) shall not be required in any case in which—

"(i) the operation of a headwaters reservoir is necessary to prevent the loss of life or to ensure the safety of a dam; or

"(ii) the drawdown of the water level of the reservoir is in anticipation of a flood control operation.".

SEC. 3138. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.

Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking "property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge" and inserting "riverfront property".

SEC. 3139. UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.

(a) IN GENERAL.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any Upper Mississippi River fish and wildlife habitat rehabilitation and enhancement project carried out under section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)), with the consent of the affected local government, a nongovernmental organization may be considered to be a non-Federal interest.

(b) CONFORMING AMENDMENT.—Section 1103(e)(1)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by inserting before the period at the end the following: ", including research on water quality issues affecting the Mississippi River, including elevated nutrient levels, and the development of remediation strategies".

SEC. 3140. UPPER BASIN OF MISSOURI RIVER.

(a) USE OF FUNDS.—Notwithstanding the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2247), funds made available for recovery or mitigation activities in the lower basin of the Missouri River may be used for recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota.

(b) CONFORMING AMENDMENT.—The matter under the heading "**MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA**" of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), as modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is amended by adding at the end the following: "The Secretary may carry out any recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota, using funds made available under this heading in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and consistent with the project purposes of the Missouri River Mainstem System as authorized by section 10 of the Act of December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 897).".

SEC. 3141. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM.

(a) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

"(2) RECONNAISSANCE STUDIES.—Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study—

"(A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and

"(B) to determine whether planning of a project under paragraph (3) should proceed."; and

(3) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking "paragraph (2)" and inserting "paragraph (3)".

(b) COST SHARING.—Section 506(f) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(f)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by inserting after paragraph (1) the following:

"(2) RECONNAISSANCE STUDIES.—Any reconnaissance study under subsection (c)(2) shall be carried out at full Federal expense.";

(3) in paragraph (3) (as redesignated by paragraph (1)), by striking "(2) or (3)" and inserting "(3) or (4)"; and

(4) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking "subsection (c)(2)" and inserting "subsection (c)(3)".

SEC. 3142. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended by striking "through 2006" and inserting "through 2011".

SEC. 3143. GREAT LAKES TRIBUTARY MODELS.

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking "through 2006" and inserting "through 2011".

SEC. 3144. UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM NEW TECHNOLOGY PILOT PROGRAM.

(a) DEFINITION OF UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM.—In this section, the term "Upper Ohio River and Tributaries Navigation System" means the Allegheny, Kanawha, Monongahela, and Ohio Rivers.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to evaluate new technologies applicable to the Upper Ohio River and Tributaries Navigation System.

(2) INCLUSIONS.—The program may include the design, construction, or implementation of innovative technologies and solutions for the Upper Ohio River and Tributaries Navigation System, including projects for—

(A) improved navigation;

(B) environmental stewardship;

(C) increased navigation reliability; and

(D) reduced navigation costs.

(3) PURPOSES.—The purposes of the program shall be, with respect to the Upper Ohio River and Tributaries Navigation System—

(A) to increase the reliability and availability of federally-owned and federally-operated navigation facilities;

(B) to decrease system operational risks; and

(C) to improve—

(i) vessel traffic management;

(ii) access; and

(iii) Federal asset management.

(c) FEDERAL OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is federally owned.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall enter into local cooperation agreements with non-Federal interests to provide for the design, construction, installation, and operation of the projects to be carried out under the program.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall include the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a navigation improvement project, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project.

(3) COST SHARING.—Total project costs under each local cooperation agreement shall be cost-shared in accordance with the formula relating to the applicable original construction project.

(4) EXPENDITURES.—

(A) IN GENERAL.—Expenditures under the program may include, for establishment at federally-owned property, such as locks, dams, and bridges—

(i) transmitters;

(ii) responders;

(iii) hardware;

(iv) software; and

(v) wireless networks.

(B) EXCLUSIONS.—Transmitters, responders, hardware, software, and wireless networks or other equipment installed on privately-owned vessels or equipment shall not be eligible under the program.

(e) REPORT.—Not later than December 31, 2008, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether the program or any component of the program should be implemented on a national basis.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,100,000, to remain available until expended.

TITLE IV—STUDIES

SEC. 4001. SEWARD BREAKWATER, ALASKA.

The Secretary shall review the Seward Boat Harbor element of the project for navigation, Seward Harbor, Alaska, authorized by section 101(a)(3) of the Water Resources Development Act of 1999 (113 Stat. 274), to determine whether the failure of the outer breakwater to protect the harbor from heavy wave damage resulted from a design deficiency.

SEC. 4002. NOME HARBOR IMPROVEMENTS, ALASKA.

The Secretary shall review the project for navigation, Nome Harbor improvements, Alaska, authorized by section 101(a)(1) of the Water Resources Development Act of 1999 (113 Stat. 273), to determine whether the project cost increases, including the cost of rebuilding the entrance channel damaged in a September 2005 storm, resulted from a design deficiency.

SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION CHANNEL.

(a) IN GENERAL.—To determine with improved accuracy the environmental impacts of the project on the McClellan-Kerr Arkansas River Navigation Channel (referred to in this section as the "MKARN"), the Secretary shall carry out the measures described in subsection (b) in a timely manner.

(b) SPECIES STUDY.—

(1) IN GENERAL.—The Secretary, in conjunction with Oklahoma State University, shall convene a panel of experts with acknowledged expertise in wildlife biology and genetics to review the available scientific information regarding the genetic variation of various sturgeon species and possible hybrids of those species that, as determined by the United States Fish and Wildlife Service, may exist in any portion of the MKARN.

(2) REPORT.—The Secretary shall direct the panel to report to the Secretary, not later than 1 year after the date of enactment of this Act and in the best scientific judgment of the panel—

(A) the level of genetic variation between populations of sturgeon sufficient to determine or establish that a population is a measurably distinct species, subspecies, or population segment; and

(B) whether any pallid sturgeons that may be found in the MKARN (including any tributary of the MKARN) would qualify as such a distinct species, subspecies, or population segment.

SEC. 4004. FRUITVALE AVENUE RAILROAD BRIDGE, ALAMEDA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall prepare a comprehensive report that examines the condition of the existing Fruitvale Avenue Railroad Bridge, Alameda County, California (referred to in this section as the "Railroad Bridge"), and determines the most economic means to maintain that rail link by either repairing or replacing the Railroad Bridge.

(b) REQUIREMENTS.—The report under this section shall include—

(1) a determination of whether the Railroad Bridge is in immediate danger of failing or collapsing;

(2) the annual costs to maintain the Railroad Bridge;

(3) the costs to place the Railroad Bridge in a safe, "no-collapse" condition, such that the Railroad Bridge will not endanger maritime traffic;

(4) the costs to retrofit the Railroad Bridge such that the Railroad Bridge may continue to serve as a rail link between the Island of Alameda and the Mainland; and

(5) the costs to construct a replacement for the Railroad Bridge capable of serving the current and future rail, light rail, and homeland security needs of the region.

(c) SUBMISSION OF REPORT.—The Secretary shall—

(1) complete the Railroad Bridge report under subsection (a) not later than 180 days after the date of enactment of this Act; and

(2) submit the report to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives.

(d) LIMITATIONS.—The Secretary shall not—

(1) demolish the Railroad Bridge or otherwise render the Railroad Bridge unavailable or unusable for rail traffic; or

(2) reduce maintenance of the Railroad Bridge.

(e) EASEMENT.—

(1) IN GENERAL.—The Secretary shall provide to the city of Alameda, California, a nonexclusive access easement over the Oakland Estuary that comprises the subsurface land and surface approaches for the Railroad Bridge that—

(A) is consistent with the Bay Trail Proposal of the City of Oakland; and

(B) is otherwise suitable for the improvement, operation, and maintenance of the Railroad Bridge or construction, operation, and maintenance of a suitable replacement bridge.

(2) COST.—The easement under paragraph (1) shall be provided to the city of Alameda without consideration and at no cost to the United States.

SEC. 4005. LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in coordination with the city of Los Angeles, shall—

(1) prepare a feasibility study for environmental ecosystem restoration, flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals of the Los Angeles River Revitalization Master Plan published by the city of Los Angeles; and

(2) consider any locally-preferred project alternatives developed through a full and open evaluation process for inclusion in the study.

(b) USE OF EXISTING INFORMATION AND MEASURES.—In preparing the study under subsection (a), the Secretary shall use, to the maximum extent practicable—

(1) information obtained from the Los Angeles River Revitalization Master Plan; and

(2) the development process of that plan.

(c) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Secretary is authorized to construct demonstration projects in order to provide information to develop the study under subsection (a)(1).

(2) FEDERAL SHARE.—The Federal share of the cost of any project under this subsection shall be not more than 65 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000.

SEC. 4006. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.

The Secretary shall carry out a study for bank stabilization and shore protection for Nicholas Canyon, Los Angeles, California, under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

SEC. 4007. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking "32 months" and inserting "44 months".

SEC. 4008. COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA.

(a) FLOOD PROTECTION PROJECT.—

(1) REVIEW.—The Secretary shall review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with Enhanced Minimum Plan A, as described in the final environmental impact report prepared by the city of St. Helena, California, and certified by the city to be in compliance with the California Environmental Quality Act on February 24, 2004.

(2) ACTION ON DETERMINATION.—If the Secretary determines under paragraph (1) that the project is economically justified, technically sound, and environmentally acceptable, the Secretary is authorized to carry out the project at a total cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000.

(b) COST SHARING.—Cost sharing for the project described in subsection (a) shall be in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 4009. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA.

The Secretary shall carry out a study of the feasibility of a project to use Sherman Island, California, as a dredged material rehandling facility for the beneficial use of dredged material to enhance the environment and meet other water resource needs on the Sacramento-San Joaquin Delta, California, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 4010. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal interests, shall conduct a study of the feasibility of carrying out a project for—

(1) flood protection of South San Francisco Bay shoreline;

(2) restoration of the South San Francisco Bay salt ponds (including on land owned by other Federal agencies); and

(3) other related purposes, as the Secretary determines to be appropriate.

(b) INDEPENDENT REVIEW.—To the extent required by applicable Federal law, a national science panel shall conduct an independent review of the study under subsection (a).

(c) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include recommendations of the Secretary with respect to the project described in subsection (a) based on planning, design, and land acquisition documents prepared by—

(A) the California State Coastal Conservancy;

(B) the Santa Clara Valley Water District; and

(C) other local interests.

SEC. 4011. SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall complete work as expeditiously as practicable on the study for the San Pablo watershed, California, authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1196) to determine the feasibility of opportunities for restoring, preserving, and protecting the San Pablo Bay Watershed.

(b) REPORT.—Not later than March 31, 2008, the Secretary shall submit to Congress a report that describes the results of the study.

SEC. 4012. FOUNTAIN CREEK, NORTH OF PUEBLO, COLORADO.

Subject to the availability of appropriations, the Secretary shall expedite the completion of the Fountain Creek, North of Pueblo, Colorado, watershed study authorized by a resolution adopted by the Committee on Public Works and Transportation of the House of Representatives on September 23, 1976.

SEC. 4013. SELENIUM STUDY, COLORADO.

(a) IN GENERAL.—The Secretary, in consultation with State water quality and resource and conservation agencies, shall conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado, including studies—

(1) to measure selenium on specific sites; and

(2) to determine whether specific selenium measures studied should be recommended for use in demonstration projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 4014. DELAWARE INLAND BAYS AND TRIBUTARIES AND ATLANTIC COAST, DELAWARE.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Indian River Inlet and Bay, Delaware.

(b) FACTORS FOR CONSIDERATION AND PRIORITY.—In carrying out the study under subsection (a), the Secretary shall—

(1) take into consideration all necessary activities to stabilize the scour holes threatening the Inlet and Bay shorelines; and

(2) give priority to stabilizing and restoring the Inlet channel and scour holes adjacent to the United States Coast Guard pier and helipad and the adjacent State-owned properties.

SEC. 4015. HERBERT HOOVER DIKE SUPPLEMENTAL MAJOR REHABILITATION REPORT, FLORIDA.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall publish a supplemental report to the major rehabilitation report for the Herbert Hoover Dike system approved by the Chief of Engineers in November 2000.

(b) INCLUSIONS.—The supplemental report under subsection (a) shall include—

(1) an evaluation of existing conditions at the Herbert Hoover Dike system;

(2) an identification of additional risks associated with flood events at the system that are equal to or greater than the standard projected flood risks;

(3) an evaluation of the potential to integrate projects of the Corps of Engineers into an enhanced flood protection system for Lake Okeechobee, including—

(A) the potential for additional water storage north of Lake Okeechobee; and

(B) an analysis of other project features included in the Comprehensive Everglades Restoration Plan; and

(4) a review of the report prepared for the South Florida Water Management District dated April 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. 4016. BOISE RIVER, IDAHO.

The study for flood control, Boise River, Idaho, authorized by section 414 of the Water Resources Development Act of 1999 (113 Stat. 324), is modified to include ecosystem restoration and water supply as project purposes to be studied.

SEC. 4017. PROMONTORY POINT THIRD-PARTY REVIEW, CHICAGO SHORELINE, CHICAGO, ILLINOIS.

(a) REVIEW.—

(1) IN GENERAL.—The Secretary is authorized to conduct a third-party review of the Promontory Point project along the Chicago Shoreline, Chicago, Illinois, at a cost not to exceed $450,000.

(2) JOINT REVIEW.—The Buffalo and Seattle Districts of the Corps of Engineers shall jointly conduct the review under paragraph (1).

(3) STANDARDS.—The review shall be based on the standards under part 68 of title 36, Code of Federal Regulations (or successor regulation), for implementation by the non-Federal sponsor for the Chicago Shoreline Chicago, Illinois, project.

(b) CONTRIBUTIONS.—The Secretary shall accept from a State or political subdivision of a State voluntarily contributed funds to initiate the third-party review.

(c) TREATMENT.—While the third-party review is of the Promontory Point portion of the Chicago Shoreline, Chicago, Illinois, project, the third-party review shall be separate and distinct from the Chicago Shoreline, Chicago, Illinois, project.

(d) EFFECT OF SECTION.—Nothing in this section affects the authorization for the Chicago Shoreline, Chicago, Illinois, project.

SEC. 4018. VIDALIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation improvement at Vidalia, Louisiana.

SEC. 4019. LAKE ERIE AT LUNA PIER, MICHIGAN.

The Secretary shall study the feasibility of storm damage reduction and beach erosion protection and other related purposes along Lake Erie at Luna Pier, Michigan.

SEC. 4020. WILD RICE RIVER, MINNESOTA.

The Secretary shall expedite the completion of the general reevaluation report authorized by section 438 of the Water Resources Development Act of 2000 (114 Stat. 2640) for the project for flood protection, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), to develop alternatives to the Twin Valley Lake feature of that project.

SEC. 4021. ASIAN CARP DISPERSAL BARRIER DEMONSTRATION PROJECT, UPPER MISSISSIPPI RIVER.

(a) IN GENERAL.—The Secretary is authorized to carry out a study to determine the feasibility of constructing a fish barrier demonstration project to delay, deter, impede, or restrict the invasion of Asian carp into the northern reaches of the Upper Mississippi River.

(b) REQUIREMENT.—In conducting the study under subsection (a), the Secretary shall take into consideration the feasibility of locating the fish barrier at the lock portion of the project at Lock and Dam 11 in the Upper Mississippi River Basin.

SEC. 4022. FLOOD DAMAGE REDUCTION, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction in Cuyahoga, Lake, Ashtabula, Geauga, Erie, Lucas, Sandusky, Huron, and Stark Counties, Ohio.

SEC. 4023. MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.

The Secretary shall carry out a study of the feasibility of a project for navigation improvements, shoreline protection, and other related purposes, including the rehabilitation the harbor basin (including entrance breakwaters), interior shoreline protection, dredging, and the development of a public launch ramp facility, for Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. 4024. OHIO RIVER, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction on the Ohio River in Mahoning, Columbiana, Jefferson, Belmont, Noble, Monroe, Washington, Athens, Meigs, Gallia, Lawrence, and Scioto Counties, Ohio.

SEC. 4025. TOLEDO HARBOR DREDGED MATERIAL PLACEMENT, TOLEDO, OHIO.

The Secretary shall study the feasibility of removing previously dredged and placed materials from the Toledo Harbor confined disposal facility, transporting the materials, and disposing of the materials in or at abandoned mine sites in southeastern Ohio.

SEC. 4026. TOLEDO HARBOR, MAUMEE RIVER, AND LAKE CHANNEL PROJECT, TOLEDO, OHIO.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of constructing a project for navigation, Toledo, Ohio.

(b) FACTORS FOR CONSIDERATION.—In conducting the study under subsection (a), the Secretary shall take into consideration—

(1) realigning the existing Toledo Harbor channel widening occurring where the River Channel meets the Lake Channel from the northwest to the southeast side of the Channel;

(2) realigning the entire 200-foot wide channel located at the upper river terminus of the River Channel southern river embankment towards the northern river embankment; and

(3) adjusting the existing turning basin to accommodate those changes.

SEC. 4027. WOONSOCKET LOCAL PROTECTION PROJECT, BLACKSTONE RIVER BASIN, RHODE ISLAND.

The Secretary shall conduct a study, and, not later than June 30, 2008, submit to Congress a report that describes the results of the study, on the flood damage reduction project, Woonsocket, Blackstone River Basin, Rhode Island, authorized by the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 887, chapter 665), to determine the measures necessary to restore the level of protection of the project as originally designed and constructed.

SEC. 4028. JASPER COUNTY PORT FACILITY STUDY, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary may determine the feasibility of providing improvements to the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, near the vicinity of mile 6 of the Savannah Harbor Entrance Channel.

(b) CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area for maintenance of the ongoing Savannah Harbor Navigation project; and

(3) the results of a consultation with the Governor of the State of Georgia and the Governor of the State of South Carolina.

SEC. 4029. JOHNSON CREEK, ARLINGTON, TEXAS.

The Secretary shall conduct a feasibility study to determine the technical soundness, economic feasibility, and environmental acceptability of the plan prepared by the city of Arlington, Texas, as generally described in the report entitled "Johnson Creek: A Vision of Conservation, Arlington, Texas", dated March 2006.

SEC. 4030. ECOSYSTEM AND HYDROPOWER GENERATION DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall conduct a study of the potential to carry out ecosystem restoration and hydropower generation at dams in the State of Vermont, including a review of the report of the Secretary on the land and water resources of the New England-New York region submitted to the President on April 27, 1956 (published as Senate Document Number 14, 85th Congress), and other relevant reports.

(b) PURPOSE.—The purpose of the study under subsection (a) shall be to determine the feasibility of providing water resource improvements and small-scale hydropower generation in the State of Vermont, including, as appropriate, options for dam restoration, hydropower, dam removal, and fish passage enhancement.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section $500,000, to remain available until expended.

SEC. 4031. EURASIAN MILFOIL.

Under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall carry out a study, at full Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

SEC. 4032. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK.

(a) DISPERSAL BARRIER PROJECT.—The Secretary shall determine, at full Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal.

(b) CONSTRUCTION, MAINTENANCE, AND OPERATION.—If the Secretary determines that the project described in subsection (a) is feasible, the Secretary shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at full Federal expense.

SEC. 4033. BAKER BAY AND ILWACO HARBOR, WASHINGTON.

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine whether the siltation is the result of a Federal navigation project.

SEC. 4034. ELLIOT BAY SEAWALL REHABILITATION STUDY, WASHINGTON.

The study for the rehabilitation of the Elliot Bay Seawall, Seattle, Washington, is modified to direct the Secretary to determine the feasibility of reducing future damage to the seawall from seismic activity.

SEC. 4035. JOHNSONVILLE DAM, JOHNSONVILLE, WISCONSIN.

The Secretary shall conduct a study of the Johnsonville Dam, Johnsonville, Wisconsin, to determine whether the structure prevents ice jams on the Sheboygan River.

SEC. 4036. DEBRIS REMOVAL.

(a) REEVALUATION.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, in coordination with the Administrator of the Environmental Protection Agency and in consultation with affected

communities, shall conduct a complete reevaluation of Federal and non-Federal demolition, debris removal, segregation, transportation, and disposal practices relating to disaster areas designated in response to Hurricanes Katrina and Rita (including regulated and nonregulated materials and debris).

(2) INCLUSIONS.—The reevaluation under paragraph (1) shall include a review of—

(A) compliance with all applicable environmental laws;

(B) permits issued or required to be issued with respect to debris handling, transportation, storage, or disposal; and

(C) administrative actions relating to debris removal and disposal in the disaster areas described in paragraph (1).

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes the findings of the Secretary with respect to the reevaluation under subsection (a);

(2)(A) certifies compliance with all applicable environmental laws; and

(B) identifies any area in which a violation of such a law has occurred or is occurring;

(3) includes recommendations to ensure—

(A) the protection of the environment;

(B) sustainable practices; and

(C) the integrity of hurricane and flood protection infrastructure relating to debris disposal practices;

(4) contains an enforcement plan that is designed to prevent illegal dumping of hurricane debris in a disaster area; and

(5) contains plans of the Secretary and the Administrator to involve the public and non-Federal interests, including through the formation of a Federal advisory committee, as necessary, to seek public comment relating to the removal, disposal, and planning for the handling of post-hurricane debris.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) in paragraph (18), by striking "and" at the end;

(2) in paragraph (19), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(20) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(21) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(22) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

"(23) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.".

SEC. 5002. ESTUARY RESTORATION.

(a) PURPOSES.—Section 102 of the Estuary Restoration Act of 2000 (33 U.S.C. 2901) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: "by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage";

(2) in paragraph (2), by inserting "and implement" after "to develop"; and

(3) in paragraph (3), by inserting "through cooperative agreements" after "restoration projects".

(b) DEFINITION OF ESTUARY HABITAT RESTORATION PLAN.—Section 103(6)(A) of the Estuary Restoration Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by striking "Federal or State" and inserting "Federal, State, or regional".

(c) ESTUARY HABITAT RESTORATION PROGRAM.—Section 104 of the Estuary Restoration Act of 2000 (33 U.S.C. 2903) is amended—

(1) in subsection (a), by inserting "through the award of contracts and cooperative agreements" after "assistance";

(2) in subsection (c)—

(A) in paragraph (3)(A), by inserting "or State" after "Federal"; and

(B) in paragraph (4)(B), by inserting "or approach" after "technology";

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "Except" and inserting the following:

"(i) IN GENERAL.—Except"; and

(ii) by adding at the end the following:

"(ii) MONITORING.—

"(I) COSTS.—The costs of monitoring an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

"(II) GOALS.—The goals of the monitoring shall be—

"(aa) to measure the effectiveness of the restoration project; and

"(bb) to allow adaptive management to ensure project success.";

(B) in paragraph (2), by inserting "or approach" after "technology"; and

(C) in paragraph (3), by inserting "(including monitoring)" after "services";

(4) in subsection (f)(1)(B), by inserting "long-term" before "maintenance"; and

(5) in subsection (g)—

(A) by striking "In carrying" and inserting the following:

"(1) IN GENERAL.—In carrying"; and

(B) by adding at the end the following:

"(2) SMALL PROJECTS.—

"(A) DEFINITION OF SMALL PROJECT.—In this paragraph, the term 'small project' means a project carried out under this title at a Federal cost of less than $1,000,000.

"(B) SMALL PROJECT DELEGATION.—In carrying out this title, the Secretary, upon the recommendation of the Council, may delegate implementation of a small project to—

"(i) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service);

"(ii) the Under Secretary for Oceans and Atmosphere of the Department of Commerce;

"(iii) the Administrator of the Environmental Protection Agency; or

"(iv) the Secretary of Agriculture.

"(C) FUNDING.—The implementation of a small project delegated to the head of a Federal department or agency under this paragraph may be carried out using—

"(i) funds appropriated to the department or agency under section 109(a)(1); or

"(ii) any other funds available to the department or agency.

"(D) AGREEMENTS.—The Federal department or agency to which implementation of a small project is delegated shall enter into an agreement with the non-Federal interest generally in conformance with the criteria in subsections (d) and (e). Cooperative agreements may be used for any delegated project.".

(d) ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.—Section 105(b) of the Estuary Restoration Act of 2000 (33 U.S.C. 2904(b)) is amended—

(1) in paragraph (4), by striking "and" after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(6) cooperating in the implementation of the strategy developed under section 106;

"(7) recommending standards for monitoring for restoration projects and contribution of project information to the database developed under section 107; and

"(8) otherwise using the respective agency authorities of the Council members to carry out this title.".

(e) MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.—Section 107(d) of the Estuary Restoration Act of 2000 (33 U.S.C. 2906(d)) is amended by striking "compile" and inserting "have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under this section, including compilation of".

(f) REPORTING.—Section 108(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2907(a)) is amended by striking "third and fifth" and inserting "sixth, eighth, and tenth".

(g) FUNDING.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "to the Secretary"; and

(B) by striking subparagraphs (A) through (D) and inserting the following:

"(A) to the Secretary, $25,000,000 for each of fiscal years 2007 through 2011;

"(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), $2,500,000 for each of fiscal years 2007 through 2011;

"(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2007 through 2011;

"(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2007 through 2011; and

"(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2007 through 2011."; and

(2) in the first sentence of paragraph (2)—

(A) by inserting "and other information compiled under section 107" after "this title"; and

(B) by striking "2005" and inserting "2011".

(h) GENERAL PROVISIONS.—Section 110 of the Estuary Restoration Act of 2000 (33 U.S.C. 2909) is amended—

(1) in subsection (b)(1)—

(A) by inserting "or contracts" after "agreements"; and

(B) by inserting ", nongovernmental organizations," after "agencies"; and

(2) by striking subsections (d) and (e).

SEC. 5003. ENVIRONMENTAL INFRASTRUCTURE.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 113 Stat. 1494; 114 Stat. 2763A–219) is amended—

(1) in subsection (c)(5), by striking "a project for the elimination or control of combined sewer overflows" and inserting "projects for the design, installation, enhancement or repair of sewer systems";

(2) in subsection (e)(1), by striking "$20,000,000" and inserting "$32,500,000"; and

(3) in subsection (f)—

(A) in paragraph (30), by striking "$55,000,000" and inserting "$75,000,000"; and

(B) by adding at the end the following:

"(77) CHATTOOGA COUNTY, GEORGIA.—$8,000,000 for waste and drinking water infrastructure improvement, Chattooga County, Georgia.

"(78) ALBANY, GEORGIA.—$4,000,000 storm drainage system, Albany, Georgia.

"(79) MOULTRIE, GEORGIA.—$5,000,000 for water supply infrastructure, Moultrie, Georgia.

"(80) STEPHENS COUNTY/CITY OF TOCCOA, GEORGIA.—$8,000,000 water infrastructure improvements, Stephens County/City of Toccoa, Georgia.

"(81) DAHLONEGA, GEORGIA.—$5,000,000 for water infrastructure improvements, Dahlonega, Georgia.

"(82) BANKS COUNTY, GEORGIA.—$5,000,000 for water infrastructure improvements, Banks County, Georgia.

"(83) BERRIEN COUNTY, GEORGIA.—$5,000,000 for water infrastructure improvements, Berrien County, Georgia.

"(84) CITY OF EAST POINT, GEORGIA.—$5,000,000 for water infrastructure improvements, City of East Point, Georgia.

"(85) ARMUCHEE VALLEY: CHATTOOGA, FLOYD, GORDON, WALKER, AND WHITIFIELD COUNTIES, GEORGIA.—$10,000,000 for water infrastructure improvements, Armuchee Valley: Chattooga, Floyd, Gordon, Walker, and Whitifield Counties, Georgia.

"(86) ATCHISON, KANSAS.—$20,000,000 for combined sewer overflows, Atchison, Kansas.

"(87) LAFOURCHE PARISH, LOUISIANA.—$2,300,000 for measures to prevent the intrusion of saltwater into the freshwater system, Lafourche Parish, Louisiana.

"(88) SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION, LOUISIANA.—$2,500,000 for water and wastewater improvements, South Central Planning and Development Commission, Louisiana.

"(89) RAPIDES AREA PLANNING COMMISSION, LOUISIANA.—$1,000,000 for water and wastewater improvements, Rapides, Louisiana.

"(90) NORTHWEST LOUISIANA COUNCIL OF GOVERNMENTS, LOUISIANA.—$2,000,000 for water and wastewater improvements, Northwest Louisiana Council of Governments, Louisiana.

"(91) LAFAYETTE, LOUISIANA.—$1,200,000 for water and wastewater improvements, Lafayette, Louisiana.

"(92) LAKE CHARLES, LOUISIANA.—$1,000,000 for water and wastewater improvements, Lake Charles, Louisiana.

"(93) OUACHITA PARISH, LOUISIANA.—$1,000,000 water and wastewater improvements, Ouachita Parish, Louisiana.

"(94) UNION-LINCOLN REGIONAL WATER SUPPLY PROJECT, LOUISIANA.—$2,000,000 for the Union-Lincoln Regional Water Supply project, Louisiana.

"(95) CENTRAL LAKE REGION SANITARY DISTRICT, MINNESOTA.—$2,000,000 for sanitary sewer and wastewater infrastructure for the Central Lake Region Sanitary District, Minnesota to serve Le Grande and Moe Townships, Minnesota.

"(96) GOODVIEW, MINNESOTA.—$3,000,000 for water quality infrastructure, Goodview, Minnesota.

"(97) GRAND RAPIDS, MINNESOTA.—$5,000,000 for wastewater infrastructure, Grand Rapids, Minnesota.

"(98) WILLMAR, MINNESOTA.—$15,000,000 for wastewater infrastructure, Willmar, Minnesota.

"(99) CITY OF CORINTH, MISSISSIPPI.—$7,500,000 for a surface water program, Corinth, Mississippi.

"(100) CLEAN WATER COALITION, NEVADA.—$20,000,000 for the Systems Conveyance and Operations Program, Clark County, Henderson, Las Vegas, and North Las Vegas, Nevada.

"(101) TOWN OF MOORESVILLE, NORTH CAROLINA.—$4,000,000 for water and wastewater infrastructure improvements, Mooresville, North Carolina.

"(102) CITY OF WINSTON-SALEM, NORTH CAROLINA.—$3,000,000 for storm water upgrades, Winston-Salem, North Carolina.

"(103) NEUSE REGIONAL WATER AND SEWER AUTHORITY, NORTH CAROLINA.—$4,000,000 for the Neuse regional drinking water facility, Neuse, North Carolina.

"(104) TOWN OF CARY/WAKE COUNTY, NORTH CAROLINA.—$4,000,000 for a water reclamation facility, Cary, North Carolina.

"(105) CITY OF FAYETTEVILLE, NORTH CAROLINA.—$6,000,000 for water and sewer upgrades, Fayetteville, North Carolina.

"(106) WASHINGTON COUNTY, NORTH CAROLINA.—$1,000,000 for water and wastewater infrastructure, Washington County, North Carolina.

"(107) CITY OF CHARLOTTE, NORTH CAROLINA.—$3,000,000 for the Briar Creek Relief Sewer project, Charlotte, North Carolina.

"(108) CITY OF ADA, OKLAHOMA.—$1,700,000 for sewer improvements and other water infrastructure, City Of Ada, Oklahoma.

"(109) NORMAN, OKLAHOMA.—$10,000,000 for carrying out the Waste Water Master Plan and water related infrastructure, Norman, Oklahoma.

"(110) EASTERN OKLAHOMA STATE UNIVERSITY, WILBERTON, OKLAHOMA.—$1,000,000 for sewer and utility upgrades and water related infrastructure, Eastern Oklahoma State University, Wilberton, Oklahoma.

"(111) CITY OF WEATHERFORD, OKLAHOMA.—$500,000 for arsenic program and water related infrastructure, City of Weatherford, Oklahoma.

"(112) CITY OF BETHANY, OKLAHOMA.—$1,500,000 for water improvements and water related infrastructure, City of Bethany, Oklahoma.

"(113) WOODWARD, OKLAHOMA.—$1,500,000 for water improvements and water related infrastructure, Woodward, Oklahoma.

"(114) CITY OF DISNEY AND LANGLEY, OKLAHOMA.—$2,500,000 for water and sewer improvements and water related infrastructure, City of Disney and Langley, Oklahoma.

"(115) CITY OF DURANT, OKLAHOMA.—$3,300,000 for bayou restoration and water related infrastructure, City of Durant, Oklahoma.

"(116) CITY OF MIDWEST CITY, OKLAHOMA.—$2,000,000 for improvements to water related infrastructure, City of Midwest City, Oklahoma.

"(117) CITY OF ARDMORE, OKLAHOMA.—$1,900,000 for water and sewer infrastructure improvements, City of Ardmore, Oklahoma.

"(118) CITY OF GUYMON, OKLAHOMA.—$16,000,000 for water related waste water treatment related infrastructure projects.

"(119) LUGERT-ALTUS IRRIGATION DISTRICT, ALTUS, OKLAHOMA.—$5,000,000 for water related infrastructure improvement project.

"(120) CITY OF CHICKASHA, OKLAHOMA.—$650,000 for industrial park sewer infrastructure project.

"(121) OKLAHOMA PANHANDLE STATE UNIVERSITY, GUYMON, OKLAHOMA.—$275,000 for water testing facility and water related infrastructure development.

"(122) CITY OF BARTLESVILLE, OKLAHOMA.—$2,500,000 for waterline transport infrastructure project.

"(123) CITY OF KONAWA, OKLAHOMA.—$500,000 for water treatment infrastructure improvements.

"(124) CITY OF MUSTANG, OKLAHOMA.—$3,325,000 for water improvements and water related infrastructure.

"(125) CITY OF ALVA, OKLAHOMA.—$250,000 for waste water improvement infrastructure.

"(126) VINTON COUNTY, OHIO.—$1,000,000 to construct water lines in Vinton and Brown Townships, Ohio.

"(127) BURR OAK REGIONAL WATER DISTRICT, OHIO.—$4,000,000 for construction of a water line to extend from a well field near Chauncey, Ohio, to a water treatment plant near Millfield, Ohio.

"(128) FREMONT, OHIO.—$2,000,000 for construction of off-stream water supply reservoir, Fremont, Ohio.

"(129) FOSTORIA, OHIO.—$2,000,000 for wastewater infrastructure, Fostoria, Ohio.

"(130) DEFIANCE COUNTY, OHIO.—$1,000,000 for wastewater infrastructure, Defiance County, Ohio.

"(131) AKRON, OHIO.—$5,000,000 for wastewater infrastructure, Akron, Ohio

"(132) MEIGS COUNTY, OHIO.—$1,000,000 to extend the Tupper Plains Regional Water District water line to Lebanon Township, Ohio.

"(133) CITY OF CLEVELAND, OHIO.—$2,500,000 for Flats East Bank water and wastewater infrastructure, Cleveland, Ohio.

"(134) CINCINNATI, OHIO.—$1,000,000 for wastewater infrastructure, Cincinnati, Ohio.

"(135) DAYTON, OHIO.—$1,000,000 for water and wastewater infrastructure, Dayton, Ohio.

"(136) LAWRENCE COUNTY, OHIO.—$5,000,000 for Union Rome wastewater infrastructure, Lawrence County, Ohio.

"(137) CITY OF COLUMBUS, OHIO.—$4,500,000 for wastewater infrastructure, Columbus, Ohio.

"(138) BEAVER CREEK RESERVOIR, PENNSYLVANIA.—$3,000,000 for projects for water supply and related activities, Beaver Creek Reservoir, Clarion County, Beaver and Salem Townships, Pennsylvania.

"(139) MYRTLE BEACH, SOUTH CAROLINA.—$10,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach, South Carolina.

"(140) CHARLESTON AND WEST ASHLEY, SOUTH CAROLINA.—$6,000,000 for wastewater tunnel replacement, Charleston and West Ashley, South Carolina.

"(141) CHARLESTON, SOUTH CAROLINA.—$3,000,000 for stormwater control measures and storm sewer improvements, Spring Street/Fishburne Street drainage project, Charleston, South Carolina.

"(142) NORTH MYRTLE BEACH, SOUTH CAROLINA.—$3,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

"(143) SURFSIDE, SOUTH CAROLINA.—$3,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

"(144) CHEYENNE RIVER SIOUX RESERVATION (DEWEY AND ZIEBACH COUNTIES) AND PERKINS AND MEADE COUNTIES, SOUTH DAKOTA.—$40,000,000 for water related infrastructure, Cheyenne River Sioux Reservation (Dewey and Ziebach counties) and Perkins and Meade Counties, South Dakota.

"(145) CITY OF OAK RIDGE, TENNESSEE.—$4,000,000 for water supply and wastewater infrastructure, City of Oak Ridge, Tennessee.

"(146) NASHVILLE, TENNESSEE.—$5,000,000 for water supply and wastewater infrastructure, Nashville, Tennessee.

"(147) COUNTIES OF LEWIS, LAWRENCE, AND WAYNE, TENNESSEE.—$2,000,000 for water supply and wastewater infrastructure projects in the Counties of Lewis, Lawrence and Wayne, Tennessee.

“(148) COUNTY OF GILES, TENNESSEE.—$2,000,000 for water supply and wastewater infrastructure projects in the County of Giles, Tennessee.

“(149) CITY OF KNOXVILLE, TENNESSEE.—$5,000,000 for water supply and wastewater infrastructure projects in the City of Knoxville, Tennessee.

“(150) SHELBY COUNTY, TENNESSEE.—$4,000,000 for water-related environmental infrastructure projects in County of Shelby, Tennessee.

“(151) JOHNSON COUNTY, TENNESSEE.—$600,000 for water supply and wastewater infrastructure projects in Johnson County, Tennessee.

“(152) PLATEAU UTILITY DISTRICT, MORGAN COUNTY, TENNESSEE.—$1,000,000 for water supply and wastewater infrastructure projects in Morgan County, Tennessee.

“(153) CITY OF HARROGATE, TENNESSEE.—$2,000,000 for water supply and wastewater infrastructure projects in City of Harrogate, Tennessee.

“(154) HAMILTON COUNTY, TENNESSEE.—$500,000 for water supply and wastewater infrastructure projects in Hamilton County, Tennessee.

“(155) GRAINGER COUNTY, TENNESSEE.—$1,250,000 for water supply and wastewater infrastructure projects in Grainger County, Tennessee.

“(156) CLAIBORNE COUNTY, TENNESSEE.—$1,250,000 for water supply and wastewater infrastructure projects in Claiborne County, Tennessee.

“(157) BLAINE, TENNESSEE.—$500,000 for water supply and wastewater infrastructure projects in Blaine, Tennessee.

“(158) CHESAPEAKE BAY.—$30,000,000 for environmental infrastructure projects to benefit the Chesapeake Bay, including the nutrient removal project at the Blue Plains Wastewater Treatment facility in Washington, DC.

“(159) ARKANSAS VALLEY CONDUIT, COLORADO.—$10,000,000 for the Arkansas Valley Conduit, Colorado.

“(160) BOULDER COUNTY, COLORADO.—$10,000,000 for water supply infrastructure, Boulder County, Colorado.

“(161) PLAINVILLE, CONNECTICUT.—$6,280,000 for wastewater treatment, Plainville, Connecticut.

“(162) SOUTHINGTON, CONNECTICUT.—$9,420,000 for water supply infrastructure, Southington, Connecticut.

“(163) NORWALK, CONNECTICUT.—$3,000,000 for the Keeler Brook Storm Water Improvement Project, Norwalk, Connecticut.

“(164) ENFIELD, CONNECTICUT.—$1,000,000 for infiltration and inflow correction, Enfield, Connecticut.

“(165) NEW HAVEN, CONNECTICUT.—$300,000 for storm water system improvements, New Haven, Connecticut.

“(166) MIAMI-DADE COUNTY, FLORIDA.—$6,250,000 for water reuse supply and a water transmission pipeline, Miami-Dade County, Florida.

“(167) HILLSBOROUGH COUNTY, FLORIDA.—$6,250,000 for water infrastructure and supply enhancement, Hillsborough County, Florida.

“(168) PALM BEACH COUNTY, FLORIDA.—$7,500,000 for water infrastructure, Palm Beach County, Florida.

“(169) CHESAPEAKE BAY REGION, MARYLAND AND VIRGINIA.—$40,000,000 for water pollution control projects, Chesapeake Bay Region, Maryland and Virginia.

“(170) MICHIGAN COMBINED SEWER OVERFLOWS.—$35,000,000 for correction of combined sewer overflows, Michigan.

“(171) MIDDLETOWN TOWNSHIP, NEW JERSEY.—$1,100,000 for storm sewer improvements, Middletown Township, New Jersey.

“(172) RAHWAY VALLEY, NEW JERSEY.—$25,000,000 for sanitary sewer and storm sewer improvements in the service area of the Rahway Valley Sewerage Authority, New Jersey.

“(173) CRANFORD TOWNSHIP, NEW JERSEY.—$6,000,000 for storm sewer improvements in Cranford Township, New Jersey.

“(174) YATES COUNTY, NEW YORK.—$5,000,000 for drinking water infrastructure, Yates County, New York.

“(175) VILLAGE OF PATCHOGUE, NEW YORK.—$5,000,000 for wastewater infrastructure, Village of Patchogue, New York.

“(176) ELMIRA, NEW YORK.—$5,000,000 for wastewater infrastructure, Elmira, New York.

“(177) ESSEX HAMLET, NEW YORK.—$5,000,000 for wastewater infrastructure, Essex Hamlet, New York.

“(178) NIAGARA FALLS, NEW YORK.—$5,000,000 for wastewater infrastructure, Niagara Falls, New York.

“(179) VILLAGE OF BABYLON, NEW YORK.—$5,000,000 for wastewater infrastructure, Village of Babylon, New York.

“(180) FLEMING, NEW YORK.—$5,000,000 for drinking water infrastructure, Fleming, New York.

“(181) VILLAGE OF KYRIAS-JOEL, NEW YORK.—$5,000,000 for drinking water infrastructure, Village of Kyrias-Joel, New York.

“(182) DEVILS LAKE, NORTH DAKOTA.—$15,000,000 for water supply infrastructure, Devils Lake, North Dakota.

“(183) NORTH DAKOTA.—$15,000,000 for water-related infrastructure, North Dakota.

“(184) CLARK COUNTY, NEVADA.—$50,000,000 for wastewater infrastructure, Clark County, Nevada.

“(185) WASHOE COUNTY, NEVADA.—$14,000,000 for construction of water infrastructure improvements to the Huffaker Hills Reservoir Conservation Project, Washoe County, Nevada.

“(186) GLENDALE DAM DIVERSION STRUCTURE, NEVADA.—$10,000,000 for water system improvements to the Glendale Dam Diversion Structure for the Truckee Meadows Water Authority, Nevada.

“(187) RENO, NEVADA.—$13,000,000 for construction of a water conservation project for the Highland Canal, Mogul Bypass in Reno, Nevada.

“(188) LOS ANGELES COUNTY, CALIFORNIA.—$12,000,000 for the planning, design and construction of water-related environmental infrastructure for Santa Monica Bay and the coastal zone of Los Angeles County, California.

“(189) MONTEBELLO, CALIFORNIA.—$4,000,000 for water infrastructure improvements in south Montebello, California.

“(190) LA MIRADA, CALIFORNIA.—$4,000,000 for the planning, design, and construction of a stormwater program in La Mirada, California.

“(191) EAST PALO ALTO, CALIFORNIA.—$4,000,000 for a new pump station and stormwater management and drainage system, East Palo Alto, California.

“(192) PORT OF STOCKTON, STOCKTON, CALIFORNIA..—$3,000,000 for water and wastewater infrastructure projects for Rough and Ready Island and vicinity, Stockton, California.

“(193) PERRIS, CALIFORNIA.—$3,000,000 project for recycled water transmission infrastructure, Eastern Municipal Water District, Perris, California.

“(194) AMADOR COUNTY, CALIFORNIA.—$3,000,000 for wastewater collection and treatment, Amador County, California.

“(195) CALAVERAS COUNTY, CALIFORNIA.—$3,000,000 for water supply and wastewater improvement projects in Calaveras County, California, including wastewater reclamation, recycling, and conjunctive use projects.

“(196) SANTA MONICA, CALIFORNIA.—$3,000,000 for improving water system reliability, Santa Monica, California.

“(197) MALIBU, CALIFORNIA.—$3,000,000 for municipal waste water and recycled water, Malibu Creek Watershed Protection Project, Malibu, California.

“(198) EASTERN UNITED STATES.—$29,450,000 for water supply and wastewater infrastructure in the Eastern United States.

“(199) WESTERN UNITED STATES.—$29,450,000 for water supply and wastewater infrastructure in the Western United States.”.

SEC. 5004. ALASKA.

Section 570(h) of the Water Resources Development Act of 1999 (113 Stat.369) is amended by striking “25,000,000” and inserting “40,000,000”.

SEC. 5005. CALIFORNIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in California.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in California, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of the project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work on a project completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land), but the credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) NONPROFIT ENTITY.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity.

(g) EXPENSES OF CORPS OF ENGINEERS.—Not more than 10 percent of amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 5006. CONVEYANCE OF OAKLAND INNER HARBOR TIDAL CANAL PROPERTY.

Section 205 of the Water Resources Development Act of 1990 (104 Stat. 4633; 110 Stat. 3748) is amended to read as follows:

"SEC. 205. CONVEYANCE OF OAKLAND INNER HARBOR TIDAL CANAL PROPERTY.

"(a) IN GENERAL.—The Secretary may convey, without consideration, by separate quitclaim deeds, as soon as the conveyance of each individual portion is practicable, the title of the United States in and to all or portions of the approximately 86 acres of upland, tideland, and submerged land, commonly referred to as the 'Oakland Inner Harbor Tidal Canal,', California (referred to in this section as the 'Canal Property'), as follows:

"(1) To the City of Oakland, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the City of Oakland.

"(2) To the City of Alameda, or to an entity created by or designated by the City of Alameda that is eligible to hold title to real property, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the City of Alameda.

"(3) To the adjacent land owners, or to an entity created by or designated by 1 or more of the adjacent landowners that is eligible to hold title to real property, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the city in which the adjacent land owners reside.

"(b) REQUIREMENTS.—

"(1) RESERVATIONS.—The Secretary may reserve and retain from any conveyance under this section a right-of-way or other rights as the Secretary determines to be necessary for the operation and maintenance of the authorized Federal channel in the Canal Property.

"(2) COST.—The conveyances under this section, and the processes involved in the conveyances, shall be at no cost to the United States, except for administrative costs.

"(c) ANNUAL REPORTS.—Until the date on which each conveyance described in subsection (a) is complete, the Secretary shall submit, by not later than 60 days after the end of each fiscal year, to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives an annual report that describes the efforts of the Secretary to complete the conveyances during the preceding fiscal year.".

SEC. 5007. STOCKTON, CALIFORNIA.

(a) IN GENERAL.—Unless the Secretary determines, by not later than 30 days after the date of enactment of this Act, that the relocation of the project described in subsection (b) would be injurious to the public interest, a non-Federal interest may reconstruct and relocate that project approximately 300 feet in a westerly direction.

(b) PROJECT DESCRIPTION.—

(1) IN GENERAL.—The project referred to in subsection (a) is the project for flood control, Calaveras River and Littlejohn Creek and tributaries, California, authorized by section 10 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 902).

(2) SPECIFIC DESCRIPTION.—The portion of the project to be reconstructed and relocated is that portion consisting of approximately 5.34 acres of dry land levee beginning at a point N. 2203542.3167, E. 6310930.1385, thence running west about 59.99 feet to a point N. 2203544.6562, E. 6310870.1468, thence running south about 3,874.99 feet to a point N. 2199669.8760, E. 6310861.7956, thence running east about 60.00 feet to a point N. 2199668.8026, E. 6310921.7900, thence running north about 3,873.73 feet to the point of origin.

(c) COST SHARING.—The non-Federal share of the cost of reconstructing and relocating the project described in subsection (b) shall be 100 percent.

SEC. 5008. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.

(a) SHORT TITLE.—This section may be cited as the "Rio Grande Environmental Management Act of 2007".

(b) DEFINITIONS.—In this section:

(1) RIO GRANDE COMPACT.—The term "Rio Grande Compact" means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155), and ratified by the States.

(2) RIO GRANDE BASIN.—The term "Rio Grande Basin" means the Rio Grande (including all tributaries and their headwaters) located—

(A) in the State of Colorado, from the Rio Grande Reservoir, near Creede, Colorado, to the New Mexico State border;

(B) in the State of New Mexico, from the Colorado State border downstream to the Texas State border; and

(C) in the State of Texas, from the New Mexico State border to the southern terminus of the Rio Grande at the Gulf of Mexico.

(3) STATES.—The term "States" means the States of Colorado, New Mexico, and Texas.

(c) PROGRAM AUTHORITY.—The Secretary shall carry out, in the Rio Grande Basin—

(1) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(2) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(d) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs described in subsection (c), the Secretary shall consult with the States and other appropriate entities in the States the rights and interests of which might be affected by specific program activities.

(e) COST SHARING.—

(1) IN GENERAL.—

(A) PROJECTS ON FEDERAL LAND.—Each project under this section located on Federal land shall be carried out at full Federal expense.

(B) OTHER PROJECTS.—For each project under subsection (c)(1) located on non-Federal land, the non-Federal share of the cost of the project—

(i) shall be 35 percent;

(ii) may be provided through in-kind services or direct cash contributions; and

(iii) shall include the provision of necessary land, easements, relocations, and disposal sites.

(f) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the affected local government, a nonprofit entity may be included as a non-Federal interest for any project carried out under subsection (c)(1).

(g) EFFECT ON OTHER LAW.—

(1) WATER LAW.—Nothing in this section preempts any State water law.

(2) COMPACTS AND DECREES.—In carrying out this section, the Secretary shall comply with the Rio Grande Compact, and any applicable court decrees or Federal and State laws, affecting water or water rights in the Rio Grande Basin.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $15,000,000 for each of fiscal years 2008 through 2011.

SEC. 5009. DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND.

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the States on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

SEC. 5010. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and sections 2.2 of the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be the ex officio United States member under the Susquehanna River Basin Compact, the Delaware River Basin Compact, and the Potomac River Basin Compact;

(2) shall serve without additional compensation; and

(3) may designate an alternate member in accordance with the terms of those compacts.

(b) Authorization to Allocate.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91–407)) to fulfill the equitable funding requirements of the respective interstate compacts.

(c) Water Supply and Conservation Storage, Delaware River Basin.—

(1) In general.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) Limitation.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(d) Water Supply and Conservation Storage, Susquehanna River Basin.—

(1) In general.—The Secretary shall enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Susquehanna River Basin, during any period in which the Commission has determined that a drought warning or drought emergency exists.

(2) Limitation.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(e) Water Supply and Conservation Storage, Potomac River Basin.—

(1) In general.—The Secretary shall enter into an agreement with the Potomac River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Potomac River Basin for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) Limitation.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5011. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.

(a) Comprehensive Action Plan.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the county executives of Montgomery County and Prince George's County, Maryland, and other stakeholders, shall develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

(b) Public Availability.—On completion of the comprehensive action plan under subsection (a), the Secretary shall make the plan available to the public.

SEC. 5012. BIG CREEK, GEORGIA, WATERSHED MANAGEMENT AND RESTORATION PROGRAM.

(a) In General.—The Secretary, acting through the Chief of Engineers, is authorized to cooperate with, by providing technical, planning, and construction assistance to, the city of Roswell, Georgia, as local sponsor and coordinator with other local governments in the Big Creek watershed, Georgia, to assess the quality and quantity of water resources, conduct comprehensive watershed management planning, develop and implement water efficiency technologies and programs, and plan, design, and construct water resource facilities to restore the watershed.

(b) Federal Share.—The Federal share of the cost of the project under this section—

(1) shall be 65 percent; and

(2) may be provided in any combination of cash and in-kind services.

(c) Authorization of Appropriations.—here is authorized to be appropriated to the Secretary $5,000,000 to carry out this section.

SEC. 5013. METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT.

(a) Establishment of Program.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the Metropolitan North Georgia Water Planning District.

(b) Form of Assistance.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in north Georgia, including projects for wastewater treatment and related facilities, elimination or control of combined sewer overflows, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) Public Ownership Requirement.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) Local Cooperation Agreement.—

(1) In general.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) Requirements.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) Plan.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) Legal and institutional structures.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) Cost sharing.—

(A) In general.—The Federal share of project costs under each local cooperation agreement entered into under this subsection—

(i) shall be 75 percent; and

(ii) may be in the form of grants or reimbursements of project costs.

(B) Credit for design work.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of the project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) Credit for interest.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) Credit for land, easements, and rights-of-way.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land), but not to exceed 25 percent of total project costs.

(E) Operation and maintenance.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) Applicability of Other Federal and State Laws.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 5014. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, RURAL UTAH, AND WYOMING.

Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383; 117 Stat. 139; 117 Stat. 142; 117 Stat. 1836; 118 Stat. 440) is amended—

(1) in the section heading, by striking "**AND RURAL UTAH**" and inserting "**RURAL UTAH, AND WYOMING**";

(2) in subsections (b) and (c), by striking "and rural Utah" each place it appears and inserting "rural Utah, and Wyoming"; and

(3) by amending subsection (h) to read as follows:

"(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2001 $150,000,000 for rural Nevada, and $25,000,000 for each of Montana and New Mexico, $55,000,000 for Idaho, $50,000,000 for rural Utah, and $30,000,000 for Wyoming, to remain available until expended.".

SEC. 5015. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) Treatment as Single Project.—The Chicago Sanitary and Ship Canal Dispersal Barrier Project (Barrier I) (as in existence on the date of enactment of this Act), constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and Barrier II, as authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108-335; 118 Stat. 1352), shall be considered to constitute a single project.

(b) Authorization.—

(1) In general.—The Secretary, acting through the Chief of Engineers, is authorized and directed, at full Federal expense—

(A) to upgrade and make permanent Barrier I;

(B) to construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;

(C) to operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) to conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a full range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) to provide to each State a credit in an amount equal to the amount of funds contributed by the State toward Barrier II.

(2) USE OF CREDIT.—A State may apply a credit received under paragraph (1)(E) to any cost sharing responsibility for an existing or future Federal project with the Corps of Engineers in the State.

(c) FEASIBILITY STUDY.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall conduct a feasibility study, at full Federal expense, of the range of options and technologies available to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins and through the Chicago Sanitary and Ship Canal and other aquatic pathways.

(d) CONFORMING AMENDMENTS.—

(1) NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking ", to carry out this paragraph, $750,000" and inserting "such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph".

(2) BARRIER II AUTHORIZATION.—Section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), is amended to read as follows:

"SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, ILLINOIS.

"There are authorized to be appropriated such sums as are necessary to carry out the Barrier II project of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note; 100 Stat. 4251).".

SEC. 5016. MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA, AND WYOMING.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Missouri River Recovery and Implementation Committee established by subsection (b)(1), shall conduct a study of the Missouri River and its tributaries to determine actions required—

(A) to mitigate losses of aquatic and terrestrial habitat;

(B) to recover federally listed species under the Endangered Species Act (16 U.S.C. 1531 et seq.); and

(C) to restore the ecosystem to prevent further declines among other native species.

(2) FUNDING.—The study under paragraph (1) shall be funded under the Missouri River Fish and Wildlife Mitigation Program.

(b) MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE.—

(1) ESTABLISHMENT.—Not later than June 31, 2006, the Secretary shall establish a committee to be known as the "Missouri River Recovery Implementation Committee" (referred to in this section as the "Committee").

(2) MEMBERSHIP.—The Committee shall include representatives from—

(A) Federal agencies;

(B) States located near the Missouri River Basin; and

(C) other appropriate entities, as determined by the Secretary, including—

(i) water management and fish and wildlife agencies;

(ii) Indian tribes located near the Missouri River Basin; and

(iii) nongovernmental stakeholders.

(3) DUTIES.—The Commission shall—

(A) with respect to the study under subsection (a), provide guidance to the Secretary and any other affected Federal agency, State agency, or Indian tribe;

(B) provide guidance to the Secretary with respect to the Missouri River recovery and mitigation program in existence on the date of enactment of this Act, including recommendations relating to—

(i) changes to the implementation strategy from the use of adaptive management; and

(ii) the coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the program;

(C) exchange information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation program;

(D) establish such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues;

(E) facilitate the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation program;

(F) coordinate scientific and other research associated with the Missouri River recovery and mitigation program; and

(G) annually prepare a work plan and associated budget requests.

(4) COMPENSATION; TRAVEL EXPENSES.—

(A) COMPENSATION.—Members of the Committee shall not receive compensation from the Secretary in carrying out the duties of the Committee under this section.

(B) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Committee in carrying out the duties of the Committee under this section shall be paid by the agency, Indian tribe, or unit of government represented by the member.

(c) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 5017. SOUTHEAST LOUISIANA REGION, LOUISIANA.

(a) DEFINITION OF SOUTHEAST LOUISIANA REGION.—In this section, the term "Southeast Louisiana Region" means any of the following parishes and municipalities in the State of Louisiana:

(1) Orleans.
(2) Jefferson.
(3) St. Tammany.
(4) Tangipahoa.
(5) St. Bernard.
(6) St. Charles.
(7) St. John.
(8) Plaquemines.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Southeast Louisiana Region.

(c) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the Southeast Louisiana Region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development (including projects to improve water quality in the Lake Pontchartrain Basin).

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement of a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—The Federal share of the cost of the project under this section—

(A) shall be 75 percent; and

(B) may be provided in the form of grants or reimbursements of project costs.

(C) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of the project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(D) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(E) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land), but not to exceed 25 percent of total project costs.

(F) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITY.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity.

(h) EXPENSES OF CORPS OF ENGINEERS.—Not more than 10 percent of amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $17,000,000, to remain available until expended.

SEC. 5018. MISSISSIPPI.

Section 592(g) of the Water Resources Development Act of 1999 (113 Stat. 380; 117 Stat. 1837) is amended by striking "$100,000,000" and inserting "$110,000,000".

SEC. 5019. ST. MARY PROJECT, BLACKFEET RESERVATION, MONTANA.

(a) IN GENERAL.—The Secretary, in consultation with the Bureau of Reclamation, shall conduct all necessary studies, develop an emergency response plan, provide technical and planning and design assistance, and rehabilitate and construct the St. Mary Diversion and Conveyance Works project located within the exterior boundaries of the Blackfeet Reservation in the State of Montana, at a total cost of $140,000,000.

(b) FEDERAL SHARE.—The Federal share of the total cost of the project under this section shall be 75 percent.

(c) PARTICIPATION BY BLACKFEET TRIBE AND FORT BELKNAP INDIAN COMMUNITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), no construction shall be carried out under this section until the earlier of—

(A) the date on which Congress approves the reserved water rights settlements of the Blackfeet Tribe and the Fort Belknap Indian Community; and

(B) January 1, 2011.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to construction relating to—

(A) standard operation and maintenance; or

(B) emergency repairs to ensure water transportation or the protection of life and property.

(3) REQUIREMENT.—The Blackfeet Tribe shall be a participant in all phases of the project authorized by this section.

SEC. 5020. LOWER PLATTE RIVER WATERSHED RESTORATION, NEBRASKA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, may cooperate with and provide assistance to the Lower Platte River natural resources districts in the State of Nebraska to serve as local sponsors with respect to—

(1) conducting comprehensive watershed planning in the natural resource districts;

(2) assessing water resources in the natural resource districts; and

(3) providing project feasibility planning, design, and construction assistance for water resource and watershed management in the natural resource districts, including projects for environmental restoration and flood damage reduction.

(b) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity described in subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity described in subsection (a)—

(A) shall be 35 percent; and

(B) may be provided in cash or in-kind.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $12,000,000.

SEC. 5021. NORTH CAROLINA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of North Carolina.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for environmental infrastructure and resource protection and development projects in North Carolina, including projects for—

(1) wastewater treatment and related facilities;

(2) combined sewer overflow, water supply, storage, treatment, and related facilities;

(3) drinking water infrastructure including treatment and related facilities;

(4) environmental restoration;

(5) storm water infrastructure; and

(6) surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PROJECT COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each project cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of the project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of the project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land).

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $13,000,000.

SEC. 5022. OHIO RIVER BASIN ENVIRONMENTAL MANAGEMENT.

(a) DEFINITIONS.—In this section:

(1) OHIO RIVER BASIN.—The term "Ohio River Basin" means the Ohio River, its backwaters, its side channels, and all tributaries (including their watersheds) that drain into the Ohio River and encompassing areas of any of the States of Indiana, Ohio, Kentucky, Pennsylvania, West Virginia, Illinois, New York, and Virginia.

(2) COMPACT.—The term "Compact" means the Ohio River Watershed Sanitation Commission flood and pollution control compact between the States of Indiana, West Virginia, Ohio, Kentucky, Pennsylvania, New York, Illinois, and Virginia, approved by Congress in 1936 pursuant to the first section of the Act of June 8, 1936 (33 U.S.C. 567a), and chartered in 1948.

(b) ASSISTANCE.—The Secretary may provide planning, design, and construction assistance to the Compact for the improvement of the quality of the environment in and along the Ohio River Basin.

(c) PRIORITIES.—In providing assistance under this section, the Secretary shall give priority to reducing or eliminating the presence of organic pollutants in the Ohio River Basin through the renovation and technological improvement of the organic detection system monitoring stations along the Ohio River in the States of Indiana, Ohio, West Virginia, Kentucky, and Pennsylvania.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

SEC. 5023. STATEWIDE COMPREHENSIVE WATER PLANNING, OKLAHOMA.

(a) IN GENERAL.—The Secretary shall provide technical assistance for the development of updates of the Oklahoma Comprehensive Water Plan.

(b) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (a) may include—

(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(2) expansion of surface water and groundwater monitoring networks;

(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(5) participation in State planning forums and planning groups;

(6) coordination of Federal water management planning efforts; and

(7) technical review of data, models, planning scenarios, and water plans developed by the State.

(c) ALLOCATION.—The Secretary shall allocate, subject to the availability of appropriations, $6,500,000 to provide technical assistance and for the development of updates of the Oklahoma Comprehensive water plan.

(d) COST SHARING REQUIREMENT.—The non-Federal share of the total cost of any activity carried out under this section—

(1) shall be 25 percent; and

(2) may be in the form of cash or any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

SEC. 5024. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) DISBURSEMENT PROVISIONS OF STATE OF SOUTH DAKOTA AND CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting "and the Secretary of the Treasury" after "Secretary"; and

(B) by striking clause (ii) and inserting the following:

"(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized."; and

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

"(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.".

(b) INVESTMENT PROVISIONS OF STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) INVESTMENTS.—

"(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

"(2) INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with all of the requirements of this paragraph.

"(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

"(i) PRINCIPAL ACCOUNT.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

"(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

"(iii) CREDITING.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

"(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

"(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

"(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

"(D) INVESTMENT OF INTEREST ACCOUNT.—

"(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

"(ii) AFTER FULL CAPITALIZATION.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

"(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

"(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

"(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

"(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.

"(4) AUDITS.—

"(A) IN GENERAL.—The activities of the State of South Dakota (referred to in this subsection as the 'State') in carrying out the plan of the State for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the State is required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

"(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

"(i) determine whether funds received by the State under this section during the period covered by the audit were used to carry out the plan of the State in accordance with this section; and

"(ii) include the determination under clause (i) in the written findings of the audit.

"(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

"(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the State regarding the proposed modification.";

(2) in subsection (d)(2), by inserting "of the Treasury" after Secretary"; and

(3) by striking subsection (f) and inserting the following:

"(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury, to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

"(1) up to $500,000 for each of fiscal years 2006 and 2007; and

"(2) such sums as are necessary for each subsequent fiscal year.".

(c) INVESTMENT PROVISIONS FOR CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) INVESTMENTS.—

"(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

"(2) INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest each of the Funds in accordance with all of the requirements of this paragraph.

"(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

"(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

"(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

"(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

"(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

"(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

"(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) Discontinuation of issuance of obligations.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

"(D) Investment of the interest account.—

"(i) Before full capitalization.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

"(ii) After full capitalization.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

"(E) Par purchase price.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

"(F) Highest yield.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

"(G) Holding to maturity.—Eligible obligations purchased shall generally be held to their maturities.

"(3) Annual review of investment activities.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe (referred to in this subsection as the 'Tribes') the results of the investment activities and financial status of the Funds during the preceding 12-month period.

"(4) Audits.—

"(A) In general.—The activities of the Tribes in carrying out the plans of the Tribes for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the Tribes are required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

"(B) Determination by auditors.—An auditor that conducts an audit under subparagraph (A) shall—

"(i) determine whether funds received by the Tribes under this section during the period covered by the audit were used to carry out the plan of the appropriate Tribe in accordance with this section; and

"(ii) include the determination under clause (i) in the written findings of the audit.

"(5) Modification of investment requirements.—

"(A) In general.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

"(B) Consultation.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the Tribes regarding the proposed modification."; and

(2) by striking subsection (f) and inserting the following:

"(f) Administrative Expenses.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

"(1) up to $500,000 for each of fiscal years 2006 and 2007; and

"(2) such sums as are necessary for each subsequent fiscal year.".

SEC. 5025. TEXAS.

(a) Establishment of Program.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of Texas.

(b) Form of Assistance.—Assistance under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects in Texas, including projects for water supply, storage, treatment, and related facilities, water quality protection, wastewater treatment, and related facilities, environmental restoration, and surface water resource protection, and development, as identified by the Texas Water Development Board.

(c) Public Ownership Requirement.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) Partnership Agreements.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest.

(e) Cost Sharing.—

(1) In general.—The Federal share of the cost of the project under this section—

(A) shall be 75 percent; and

(B) may be provided in the form of grants or reimbursements of project costs.

(2) In-kind services.—The non-Federal share may be provided in the form of materials and in-kind services, including planning, design, construction, and management services, as the Secretary determines to be compatible with, and necessary for, the project.

(3) Credit for design work.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(4) Credit for land, easements, and rights-of-way.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs.

(5) Operation and maintenance.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) Applicability of Other Federal and State Laws.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 5026. CONNECTICUT RIVER DAMS, VERMONT.

(a) In General.—The Secretary shall evaluate, design, and construct structural modifications at full Federal cost to the Union Village Dam (Ompompanoosuc River), North Hartland Dam (Ottauquechee River), North Springfield Dam (Black River), Ball Mountain Dam (West River), and Townshend Dam (West River), Vermont, to regulate flow and temperature to mitigate downstream impacts on aquatic habitat and fisheries.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $30,000,000.

TITLE VI—PROJECT DEAUTHORIZATIONS

SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

The project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized by the Supplemental Appropriations Act, 1985 (99 Stat. 312), is not authorized.

SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

The project for flood control, Goleta and Vicinity, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826), is not authorized.

SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

(a) In General.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described in subsection (b), is not authorized.

(b) Description of Project.—The project referred to in subsection (a) is described as beginning at a point along the eastern limit of the existing project, N. 123,649.75, E. 481,920.54, thence running northwesterly about 52.64 feet to a point N. 123,683.03, E. 481,879.75, thence running northeasterly about 1,442.21 feet to a point N. 125,030.08, E. 482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N. 125,133.87, E. 482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

SEC. 6004. INLAND WATERWAY FROM DELAWARE RIVER TO CHESAPEAKE BAY, PART II, INSTALLATION OF FENDER PROTECTION FOR BRIDGES, DELAWARE AND MARYLAND.

The project for the construction of bridge fenders for the Summit and St. Georges Bridge for the Inland Waterway of the Delaware River to the C & D Canal of the Chesapeake Bay, authorized by the River and Harbor Act of 1954 (68 Stat. 1249), is not authorized.

SEC. 6005. SHINGLE CREEK BASIN, FLORIDA.

The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is not authorized.

SEC. 6006. ILLINOIS WATERWAY, SOUTH FORK OF THE SOUTH BRANCH OF THE CHICAGO RIVER, ILLINOIS.

(a) In General.—The portion of the Illinois Waterway project authorized by the Act of January 21, 1927 (commonly known as the "River and Harbor Act of 1927") (44 Stat. 1013), in the South Fork of the South Branch of the Chicago River, as identified in subsection (b) is not authorized.

(b) Description of Project Portion.—The portion of the project referred to in subsection (a) is the portion of the SW ¼ of sec.

29, T. 39 N., R. 14 E., Third Principal Meridian, Cook County, Illinois, and more particularly described as follows:

(1) Commencing at the SW corner of the SW ¼.

(2) Thence north 1 degree, 32 minutes, 31 seconds west, bearing based on the Illinois State Plane Coordinate System, NAD 83 east zone, along the west line of that quarter, 1810.16 feet to the southerly line of the Illinois and Michigan Canal.

(3) Thence north 50 degrees, 41 minutes, 55 seconds east along that southerly line 62.91 feet to the easterly line of South Ashland Avenue, as widened by the ordinance dated November 24, 1920, which is also the east line of an easement to the State of Illinois for highway purposes numbered 12340342 and recorded July 13, 1939, for a point of beginnings.

(4) Thence continuing north 50 degrees, 41 minutes, 55 seconds east along that southerly line 70.13 feet to the southerly line of the South Branch Turning Basin per for the plat numbered 3645392 and recorded January 19, 1905.

(5) Thence south 67 degrees, 18 minutes, 31 seconds east along that southerly line 245.50 feet.

(6) Thence north 14 degrees, 35 minutes, 13 seconds east 145.38 feet.

(7) Thence north 10 degrees, 57 minutes, 15 seconds east 326.87 feet.

(8) Thence north 17 degrees, 52 minutes, 44 seconds west 56.20 feet.

(9) Thence north 52 degrees, 7 minutes, 32 seconds west 78.69 feet.

(10) Thence north 69 degrees, 26 minutes, 35 seconds west 58.97 feet.

(11) Thence north 90 degrees, 00 minutes, 00 seconds west 259.02 feet to the east line of South Ashland Avenue.

(12) Thence south 1 degree, 32 minutes, 31 seconds east along that east line 322.46 feet.

(13) Thence south 00 degrees, 14 minutes, 35 seconds east along that east line 11.56 feet to the point of beginnings.

SEC. 6007. BREVOORT, INDIANA.

The project for flood control, Brevoort, Indiana, authorized by section 5 of the Flood Control Act of 1936 (49 Stat. 1587), is not authorized.

SEC. 6008. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.

The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649), is not authorized.

SEC. 6009. LAKE GEORGE, HOBART, INDIANA.

The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), is not authorized.

SEC. 6010. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO. 2, IOWA.

The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a)(1) of the Water Resources Development Act of 1992 (106 Stat. 4821), is not authorized.

SEC. 6011. MUSCATINE HARBOR, IOWA.

The project for navigation at the Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166), is not authorized.

SEC. 6012. BIG SOUTH FORK NATIONAL RIVER AND RECREATIONAL AREA, KENTUCKY AND TENNESSEE.

The project for recreation facilities at Big South Fork National River and Recreational Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43), is not authorized.

SEC. 6013. EAGLE CREEK LAKE, KENTUCKY.

The project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is not authorized.

SEC. 6014. HAZARD, KENTUCKY.

The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (102 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621), is not authorized.

SEC. 6015. WEST KENTUCKY TRIBUTARIES, KENTUCKY.

The project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129), is not authorized.

SEC. 6016. BAYOU COCODRIE AND TRIBUTARIES, LOUISIANA.

The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the of the Act of August 18, 1941 (55 Stat. 644, chapter 377), and section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12), is not authorized.

SEC. 6017. BAYOU LAFOURCHE AND LAFOURCHE JUMP, LOUISIANA.

The uncompleted portions of the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831), and the River and Harbor Act of 1960 (74 Stat. 481), are not authorized.

SEC. 6018. EASTERN RAPIDES AND SOUTH-CENTRAL AVOYELLES PARISHES, LOUISIANA.

The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), is not authorized.

SEC. 6019. FORT LIVINGSTON, GRAND TERRE ISLAND, LOUISIANA.

The project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Act of August 13, 1946 (commonly known as the "Flood Control Act of 1946") (33 U.S.C. 426e et seq.), is not authorized.

SEC. 6020. GULF INTERCOASTAL WATERWAY, LAKE BORGNE AND CHEF MENTEUR, LOUISIANA.

The project for the construction of bulkheads and jetties at Lake Borgne and Chef Menteur, Louisiana, as part of the Gulf Intercoastal Waterway authorized by the first section of the River and Harbor Act of 1946 (60 Stat. 635), is not authorized.

SEC. 6021. RED RIVER WATERWAY, SHREVEPORT, LOUISIANA TO DAINGERFIELD, TEXAS.

The project for the Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6022. CASCO BAY, PORTLAND, MAINE.

The project for environmental infrastructure, Casco Bay in the Vicinity of Portland, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6023. NORTHEAST HARBOR, MAINE.

The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12, chapter 19), is not authorized.

SEC. 6024. PENOBSCOT RIVER, BANGOR, MAINE.

The project for environmental infrastructure, Penobscot River in the Vicinity of Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6025. SAINT JOHN RIVER BASIN, MAINE.

The project for research and demonstration program of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized by section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230), is not authorized.

SEC. 6026. TENANTS HARBOR, MAINE.

The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275, chapter 95), is not authorized.

SEC. 6027. FALMOUTH HARBOR, MASSACHUSETTS.

The portion of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172), beginning at a point along the eastern side of the inner harbor N200,415.05, E845,307.98, thence running north 25 degrees 48 minutes 54.3 seconds east 160.24 feet to a point N200,559.20, E845,377.76, thence running north 22 degrees 7 minutes 52.4 seconds east 596.82 feet to a point N201,112.15, E845.602.60, thence running north 60 degrees 1 minute 0.3 seconds east 83.18 feet to a point N201.153.72, E845.674.65, thence running south 24 degrees 56 minutes 43.4 seconds west 665.01 feet to a point N200,550.75, E845,394.18, thence running south 32 degrees 25 minutes 29.0 seconds west 160.76 feet to the point of origin, is not authorized.

SEC. 6028. ISLAND END RIVER, MASSACHUSETTS.

The portion of the project for navigation, Island End River, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), described as follows: Beginning at a point along the eastern limit of the existing project, N507,348.98, E721.180.01, thence running northeast about 35 feet to a point N507.384.17, E721.183.36, thence running northeast about 324 feet to a point N507.590.51, E721.433.17, thence running northeast about 345 feet to a point along the northern limit of the existing project, N507,927.29, E721.510.29, thence running southeast about 25 feet to a point N507,921.71, E721.534.66, thence running southwest about 354 feet to a point N507,576.65, E721,455.64, thence running southwest about 357 feet to the point of origin, is not authorized.

SEC. 6029. MYSTIC RIVER, MASSACHUSETTS.

The portion of the project for navigation, Mystic River, Massachusetts, authorized by the first section of the River and Harbor Appropriations Act of July 13, 1892 (27 Stat. 96), between a line starting at a point N515,683.77, E707.035.45 and ending at a point N515.721.28, E707,069.85 and a line starting at a point N514.595.15, E707.746.15 and ending at a point N514.732.94, E707,658.38 shall be relocated and reduced from a 100-foot wide channel to a 50-foot wide channel after the date of enactment of this Act described as follows: Beginning at a point N515.721.28, E707,069.85, thence running southeasterly about 840.50 feet to a point N515.070.16, E707,601.27, thence running southeasterly about 177.54 feet to a point N514,904.84, E707,665.98, thence running southeasterly about 319.90 feet to a point with coordinates N514.595.15, E707.746.15, thence running northwesterly about 163.37 feet to a point N514,732.94, E707,658.38, thence running northwesterly about 161.58 feet to a point N514.889.47, E707,618.30, thence running northwesterly about 166.61 feet to a point matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

"(D) INVESTMENT OF THE INTEREST ACCOUNT.—

"(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

"(ii) AFTER FULL CAPITALIZATION.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

"(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

"(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

"(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

"(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe (referred to in this subsection as the 'Tribes') the results of the investment activities and financial status of the Funds during the preceding 12-month period.

"(4) AUDITS.—

"(A) IN GENERAL.—The activities of the Tribes in carrying out the plans of the Tribes for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the Tribes are required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

"(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

"(i) determine whether funds received by the Tribes under this section during the period covered by the audit were used to carry out the plan of the appropriate Tribe in accordance with this section; and

"(ii) include the determination under clause (i) in the written findings of the audit.

"(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

"(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the Tribes regarding the proposed modification."; and

(2) by striking subsection (f) and inserting the following:

"(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

"(1) up to $500,000 for each of fiscal years 2006 and 2007; and

"(2) such sums as are necessary for each subsequent fiscal year.".

SEC. 5025. TEXAS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of Texas.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects in Texas, including projects for water supply, storage, treatment, and related facilities, water quality protection, wastewater treatment, and related facilities, environmental restoration, and surface water resource protection, and development, as identified by the Texas Water Development Board.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest.

(e) COST SHARING.—

(1) IN GENERAL.—The Federal share of the cost of the project under this section—

(A) shall be 75 percent; and

(B) may be provided in the form of grants or reimbursements of project costs.

(2) IN-KIND SERVICES.—The non-Federal share may be provided in the form of materials and in-kind services, including planning, design, construction, and management services, as the Secretary determines to be compatible with, and necessary for, the project.

(3) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(4) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs.

(5) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 5026. CONNECTICUT RIVER DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall evaluate, design, and construct structural modifications at full Federal cost to the Union Village Dam (Ompompanoosuc River), North Hartland Dam (Ottauquechee River), North Springfield Dam (Black River), Ball Mountain Dam (West River), and Townshend Dam (West River), Vermont, to regulate flow and temperature to mitigate downstream impacts on aquatic habitat and fisheries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

TITLE VI—PROJECT DEAUTHORIZATIONS

SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

The project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized by the Supplemental Appropriations Act, 1985 (99 Stat. 312), is not authorized.

SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

The project for flood control, Goleta and Vicinity, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826), is not authorized.

SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described in subsection (b), is not authorized.

(b) DESCRIPTION OF PROJECT.—The project referred to in subsection (a) is described as beginning at a point along the eastern limit of the existing project, N. 123,649.75, E. 481,920.54, thence running northwesterly about 52.64 feet to a point N. 123,683.03, E. 481,879.75, thence running northeasterly about 1,442.21 feet to a point N. 125,030.08, E. 482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N. 125,133.87, E. 482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

SEC. 6004. INLAND WATERWAY FROM DELAWARE RIVER TO CHESAPEAKE BAY, PART II, INSTALLATION OF FENDER PROTECTION FOR BRIDGES, DELAWARE AND MARYLAND.

The project for the construction of bridge fenders for the Summit and St. Georges Bridge for the Inland Waterway of the Delaware River to the C & D Canal of the Chesapeake Bay, authorized by the River and Harbor Act of 1954 (68 Stat. 1249), is not authorized.

SEC. 6005. SHINGLE CREEK BASIN, FLORIDA.

The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is not authorized.

SEC. 6006. ILLINOIS WATERWAY, SOUTH FORK OF THE SOUTH BRANCH OF THE CHICAGO RIVER, ILLINOIS.

(a) IN GENERAL.—The portion of the Illinois Waterway project authorized by the Act of January 21, 1927 (commonly known as the "River and Harbor Act of 1927") (44 Stat. 1013), in the South Fork of the South Branch of the Chicago River, as identified in subsection (b) is not authorized.

(b) DESCRIPTION OF PROJECT PORTION.—The portion of the project referred to in subsection (a) is the portion of the SW ¼ of sec.

29, T. 39 N., R. 14 E., Third Principal Meridian, Cook County, Illinois, and more particularly described as follows:

(1) Commencing at the SW corner of the SW ¼.

(2) Thence north 1 degree, 32 minutes, 31 seconds west, bearing based on the Illinois State Plane Coordinate System, NAD 83 east zone, along the west line of that quarter, 1810.16 feet to the southerly line of the Illinois and Michigan Canal.

(3) Thence north 50 degrees, 41 minutes, 55 seconds east along that southerly line 62.91 feet to the easterly line of South Ashland Avenue, as widened by the ordinance dated November 24, 1920, which is also the east line of an easement to the State of Illinois for highway purposes numbered 12340342 and recorded July 13, 1939, for a point of beginnings.

(4) Thence continuing north 50 degrees, 41 minutes, 55 seconds east along that southerly line 70.13 feet to the southerly line of the South Branch Turning Basin per for the plat numbered 3645392 and recorded January 19, 1905.

(5) Thence south 67 degrees, 18 minutes, 31 seconds east along that southerly line 245.50 feet.

(6) Thence north 14 degrees, 35 minutes, 13 seconds east 145.38 feet.

(7) Thence north 10 degrees, 57 minutes, 15 seconds east 326.87 feet.

(8) Thence north 17 degrees, 52 minutes, 44 seconds west 56.20 feet.

(9) Thence north 52 degrees, 7 minutes, 32 seconds west 78.69 feet.

(10) Thence north 69 degrees, 26 minutes, 35 seconds west 58.97 feet.

(11) Thence north 90 degrees, 00 minutes, 00 seconds west 259.02 feet to the east line of South Ashland Avenue.

(12) Thence south 1 degree, 32 minutes, 31 seconds east along that east line 322.46 feet.

(13) Thence south 00 degrees, 14 minutes, 35 seconds east along that east line 11.56 feet to the point of beginnings.

SEC. 6007. BREVOORT, INDIANA.

The project for flood control, Brevoort, Indiana, authorized by section 5 of the Flood Control Act of 1936 (49 Stat. 1587), is not authorized.

SEC. 6008. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.

The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649), is not authorized.

SEC. 6009. LAKE GEORGE, HOBART, INDIANA.

The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), is not authorized.

SEC. 6010. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO. 2, IOWA.

The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a)(1) of the Water Resources Development Act of 1992 (106 Stat. 4821), is not authorized.

SEC. 6011. MUSCATINE HARBOR, IOWA.

The project for navigation at the Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166), is not authorized.

SEC. 6012. BIG SOUTH FORK NATIONAL RIVER AND RECREATIONAL AREA, KENTUCKY AND TENNESSEE.

The project for recreation facilities at Big South Fork National River and Recreational Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43), is not authorized.

SEC. 6013. EAGLE CREEK LAKE, KENTUCKY.

The project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is not authorized.

SEC. 6014. HAZARD, KENTUCKY.

The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (102 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621), is not authorized.

SEC. 6015. WEST KENTUCKY TRIBUTARIES, KENTUCKY.

The project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129), is not authorized.

SEC. 6016. BAYOU COCODRIE AND TRIBUTARIES, LOUISIANA.

The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the of the Act of August 18, 1941 (55 Stat. 644, chapter 377), and section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12), is not authorized.

SEC. 6017. BAYOU LAFOURCHE AND LAFOURCHE JUMP, LOUISIANA.

The uncompleted portions of the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831), and the River and Harbor Act of 1960 (74 Stat. 481), are not authorized.

SEC. 6018. EASTERN RAPIDES AND SOUTH-CENTRAL AVOYELLES PARISHES, LOUISIANA.

The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), is not authorized.

SEC. 6019. FORT LIVINGSTON, GRAND TERRE ISLAND, LOUISIANA.

The project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Act of August 13, 1946 (commonly known as the "Flood Control Act of 1946") (33 U.S.C. 426e et seq.), is not authorized.

SEC. 6020. GULF INTERCOASTAL WATERWAY, LAKE BORGNE AND CHEF MENTEUR, LOUISIANA.

The project for the construction of bulkheads and jetties at Lake Borgne and Chef Menteur, Louisiana, as part of the Gulf Intercoastal Waterway authorized by the first section of the River and Harbor Act of 1946 (60 Stat. 635), is not authorized.

SEC. 6021. RED RIVER WATERWAY, SHREVEPORT, LOUISIANA TO DAINGERFIELD, TEXAS.

The project for the Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6022. CASCO BAY, PORTLAND, MAINE.

The project for environmental infrastructure, Casco Bay in the Vicinity of Portland, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6023. NORTHEAST HARBOR, MAINE.

The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12, chapter 19), is not authorized.

SEC. 6024. PENOBSCOT RIVER, BANGOR, MAINE.

The project for environmental infrastructure, Penobscot River in the Vicinity of Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6025. SAINT JOHN RIVER BASIN, MAINE.

The project for research and demonstration program of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized by section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230), is not authorized.

SEC. 6026. TENANTS HARBOR, MAINE.

The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275, chapter 95), is not authorized.

SEC. 6027. FALMOUTH HARBOR, MASSACHUSETTS.

The portion of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172), beginning at a point along the eastern side of the inner harbor N200,415.05, E845,307.98, thence running north 25 degrees 48 minutes 54.3 seconds east 160.24 feet to a point N200,559.20, E845,377.76, thence running north 22 degrees 7 minutes 52.4 seconds east 596.82 feet to a point N201,112.15, E845,602.60, thence running north 60 degrees 1 minute 0.3 seconds east 83.18 feet to a point N201,153.72, E845,674.65, thence running south 24 degrees 56 minutes 43.4 seconds west 665.01 feet to a point N200,550.75, E845,394.18, thence running south 32 degrees 25 minutes 29.0 seconds west 160.76 feet to the point of origin, is not authorized.

SEC. 6028. ISLAND END RIVER, MASSACHUSETTS.

The portion of the project for navigation, Island End River, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), described as follows: Beginning at a point along the eastern limit of the existing project, N507,348.98, E721,180.01, thence running northeast about 35 feet to a point N507,384.17, E721,183.36, thence running northeast about 324 feet to a point N507,590.51, E721,433.17, thence running northeast about 345 feet to a point along the northern limit of the existing project, N507,927.29, E721,510.29, thence running southeast about 25 feet to a point N507,921.71, E721,534.66, thence running southwest about 354 feet to a point N507,576.65, E721,455.64, thence running southwest about 357 feet to the point of origin, is not authorized.

SEC. 6029. MYSTIC RIVER, MASSACHUSETTS.

The portion of the project for navigation, Mystic River, Massachusetts, authorized by the first section of the River and Harbor Appropriations Act of July 13, 1892 (27 Stat. 96), between a line starting at a point N515,683.77, E707,035.45 and ending at a point N515,721.28, E707,069.85 and a line starting at a point N514,595.15, E707,746.15 and ending at a point N514,732.94, E707,658.38 shall be relocated and reduced from a 100-foot wide channel to a 50-foot wide channel after the date of enactment of this Act described as follows: Beginning at a point N515,721.28, E707,069.85, thence running southeasterly about 840.50 feet to a point N515,070.16, E707,601.27, thence running southeasterly about 177.54 feet to a point N514,904.84, E707,665.98, thence running southeasterly about 319.90 feet to a point with coordinates N514,595.15, E707,746.15, thence running northwesterly about 163.37 feet to a point N514,732.94, E707,658.38, thence running northwesterly about 161.58 feet to a point N514.889.47, E707,618.30, thence running northwesterly about 166.61 feet to a point

N515.044.62, E707,557.58, thence running northwesterly about 825.31 feet to a point N515,683.77, E707,035.45, thence running northeasterly about 50.90 feet returning to a point N515,721.28, E707,069.85.

SEC. 6030. GRAND HAVEN HARBOR, MICHIGAN.

The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093), is not authorized.

SEC. 6031. GREENVILLE HARBOR, MISSISSIPPI.

The project for navigation, Greenville Harbor, Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is not authorized.

SEC. 6032. PLATTE RIVER FLOOD AND RELATED STREAMBANK EROSION CONTROL, NEBRASKA.

The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (100 Stat. 4149), is not authorized.

SEC. 6033. EPPING, NEW HAMPSHIRE.

The project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835), is not authorized.

SEC. 6034. NEW YORK HARBOR AND ADJACENT CHANNELS, CLAREMONT TERMINAL, JERSEY CITY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is not authorized.

SEC. 6035. EISENHOWER AND SNELL LOCKS, NEW YORK.

The project for navigation, Eisenhower and Snell Locks, New York, authorized by section 1163 of the Water Resources Development Act of 1986 (100 Stat. 4258), is not authorized.

SEC. 6036. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.

The project for navigation, Olcott Harbor, Lake Ontario, New York, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), is not authorized.

SEC. 6037. OUTER HARBOR, BUFFALO, NEW YORK.

The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817), is not authorized.

SEC. 6038. SUGAR CREEK BASIN, NORTH CAROLINA AND SOUTH CAROLINA.

The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121), is not authorized.

SEC. 6039. CLEVELAND HARBOR 1958 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is not authorized.

SEC. 6040. CLEVELAND HARBOR 1960 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is not authorized.

SEC. 6041. CLEVELAND HARBOR, UNCOMPLETED PORTION OF CUT #4, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion of Cut #4), Ohio, authorized by the first section of the Act of July 24, 1946 (60 Stat. 636, chapter 595), is not authorized.

SEC. 6042. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAMMOND, OREGON.

The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by title I of the Energy and Water Development Appropriations Act, 1991 (104 Stat. 2078), is not authorized.

SEC. 6043. TIOGA-HAMMOND LAKES, PENNSYLVANIA.

The project for flood control and recreation, Tioga-Hammond Lakes, Mill Creek Recreation, Pennsylvania, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 313), is not authorized.

SEC. 6044. TAMAQUA, PENNSYLVANIA.

The project for flood control, Tamaqua, Pennsylvania, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 14), is not authorized.

SEC. 6045. NARRAGANSETT TOWN BEACH, NARRAGANSETT, RHODE ISLAND.

The project for navigation, Narragansett Town Beach, Narragansett, Rhode Island, authorized by section 361 of the Water Resources Development Act of 1992 (106 Stat. 4861), is not authorized.

SEC. 6046. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788), is not authorized.

SEC. 6047. ARROYO COLORADO, TEXAS.

The project for flood damage reduction, Arroyo Colorado, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is not authorized.

SEC. 6048. CYPRESS CREEK-STRUCTURAL, TEXAS.

The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6049. EAST FORK CHANNEL IMPROVEMENT, INCREMENT 2, EAST FORK OF THE TRINITY RIVER, TEXAS.

The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), is not authorized.

SEC. 6050. FALFURRIAS, TEXAS.

The project for flood damage reduction, Falfurrias, Texas, authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6051. PECAN BAYOU LAKE, TEXAS.

The project for flood control, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is not authorized.

SEC. 6052. LAKE OF THE PINES, TEXAS.

The project for navigation improvements affecting Lake of the Pines, Texas, for the portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), as amended by the Act of July 24, 1946 (60 Stat. 635, chapter 595), the Act of May 17, 1950 (64 Stat. 163, chapter 188), and the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6053. TENNESSEE COLONY LAKE, TEXAS.

The project for navigation, Tennessee Colony Lake, Trinity River, Texas, authorized by section 204 of the River and Harbor Act of 1965 (79 Stat. 1091), is not authorized.

SEC. 6054. CITY WATERWAY, TACOMA, WASHINGTON.

The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the Waterway beginning at Station 70+00 and ending at Station 80+00, is not authorized.

SEC. 6055. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.

The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153), is not authorized.

SA 1066. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3043 and insert the following:

SEC. 3043. LITTLE WOOD RIVER, GOODING, IDAHO.

(a) DEFINITION OF PROJECT.—In this section, the term "project" means the project for flood control, Little Wood River, Gooding, Idaho, as constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.).

(b) MODIFICATION OF PROJECT.—The project is modified—

(1) to direct the Secretary to rehabilitate the Gooding Channel Project for the purposes of flood control and ecosystem restoration, if the Secretary determines that the rehabilitation and ecosystem restoration is feasible;

(2) to authorize and direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000; and

(3) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions.

(c) COST SHARING.—

(1) IN GENERAL.—Costs for reconstruction of the project, as modified under subsection (b), shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) OPERATION, MAINTENANCE, AND REPAIR COSTS.—The costs of operation, maintenance, repair, and rehabilitation of the project, as modified under subsection (b), shall be a non-Federal responsibility.

(d) ECONOMIC JUSTIFICATION.—Reconstruction efforts and activities relating to the project, as modified under subsection (b), shall not require economic justification.

SA 1067. Mr. KERRY (for himself, Mr. FEINGOLD, Ms. COLLINS, Mr. SANDERS, Mr. CARPER, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2 . GLOBAL CLIMATE CHANGE.

(a) Planning Considerations.—To account for the potential long- and short-term effects of global climate change, the Secretary shall ensure that each water resources project planned and carried out by the Corps of Engineers—

(1) takes into consideration, and accounts for, the impacts of global climate change on flood, storm, and drought risks in the United States;

(2) takes into consideration, and accounts for, potential future impacts of global climate change-related weather events, such as increased hurricane activity, intensity, storm surge, sea level rise, and associated flooding;

(3) uses the best-available climate science in assessing flood and storm risks;

(4) employs, to the maximum extent practicable, nonstructural approaches and design modifications to avoid or prevent impacts to streams, wetlands, and floodplains that—

(A) provide natural flood and storm buffers;

(B) improve water quality;

(C) serve as recharge areas for aquifers;

(D) reduce floods and erosion; and

(E) provide valuable plant, fish, and wildlife habitat;

(5) in projecting the benefits and costs of any water resources project that requires a benefit-cost analysis, quantifies and, to the maximum extent practicable, accounts for—

(A) the costs associated with damage or loss to wetlands, floodplains, and other natural systems (including the habitat, water quality, flood protection, and recreational values associated with the systems); and

(B) the benefits associated with protection of those systems; and

(6) takes into consideration, as applicable, the impacts of global climate change on emergency preparedness projects for ports.

(b) Additional Considerations for Flood Damage Reduction Projects.—For purposes of planning and implementing flood damage reduction projects in accordance with this section and section 73 of the Water Resources Development Act of 1974 (33 U.S.C. 701b–11), the term "nonstructural approaches and design modifications" includes measures to manage flooding through—

(1) wetland, stream, and river restoration;

(2) avoiding development or increased development in frequently-flooded areas;

(3) adopting flood-tolerant land uses in frequently-flooded areas; or

(4) acquiring from willing sellers floodplain land for use for—

(A) flood protection uses;

(B) recreational uses;

(C) fish and wildlife uses; or

(D) other public benefits.

SA 1068. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title II, insert the following:

SEC. 2____. TREATMENT OF CERTAIN FUNCTIONS AS INHERENTLY GOVERNMENTAL.

(a) Definition of Operation and Maintenance.—In this section, the term "operation and maintenance", with respect to a lock or lock and dam facility, includes—

(1) any activity associated with the operation, maintenance, or repair of—

(A) a lock or lock and dam facility;

(B) an area adjacent to a lock or lock and dam facility; and

(C) any facility or equipment associated with a lock or lock and dam facility, including—

(i) embankments;

(ii) floodgates;

(iii) spillways;

(iv) outlet works;

(v) levees;

(vi) pumping structures; and

(vii) moveable bridge spans over navigable waterways necessary for the transit of vessels;

(2) any activity relating to—

(A) the opening and closing of a lock gate to permit the transit of vessels; or

(B) the provision of directions to a vessel pilot transiting a lock;

(3) any activity relating to the release of water from a lock and dam facility, such as the operation of spillway gate or other outlet works, for flood control or maintenance of a navigation pool;

(4) any activity relating to enforcement of laws (including regulations) onsite at a lock or lock and dam facility; and

(5) contract management and oversight.

(b) Treatment of Functions.—

(1) In general.—For purposes of section 2(a) of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note; 112 Stat. 2382)—

(A) each water and navigational resource project and facility, including the operation and maintenance of a lock or lock and dam facility, shall be considered to be national critical infrastructure; and

(B) the operation and maintenance of a lock or lock and dam facility shall be considered to be an inherently governmental function that requires performance by a Federal employee.

(2) Effect of transfer.—The transfer to another department or agency of any function described in paragraph (1) shall not affect the applicability of paragraph (1), including the requirement of that paragraph of performance by a Federal employee.

(c) No Effect on Contracts.—

(1) In general.—Notwithstanding subsection (b), the Corps of Engineers may—

(A) continue in effect any contract for performance by an entity in the private sector of any function relating to the operation and maintenance of a lock or lock and dam facility, if the contract was in effect on May 1, 2007; and

(B) offer to enter into any contract with an entity in the private sector after the date of enactment of this Act to construct a new lock or lock and dam facility.

(2) Effect of subsection.—Nothing in this subsection prevents the Corps of Engineers from carrying out a function that is carried out by an entity in the private sector pursuant to a contract described in paragraph (1)(A) on the date of enactment of this Act.

SA 1069. Mr. GRAHAM (for himself, Mr. Isakson, and Mr. Chambliss) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5 . PROJECTS FOR IMPROVEMENT, SAVANNAH RIVER, SOUTH CAROLINA AND GEORGIA.

(a) In General.—The Secretary shall determine the feasibility of carrying out projects—

(1) to improve the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, in the vicinity of Mile 6 of the Savannah Harbor entrance channel; and

(2) to remove from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project.

(b) Factors for Consideration.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area as a consequence of removing from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project; and

(3) the results of the proposed bistate compact between the State of Georgia and the State of South Carolina to own, develop, and operate port facilities at the proposed Jasper County port site, as described in the term sheet executed by the Governor of the State of Georgia and the Governor of the State of South Carolina on March 12, 2007.

SA 1070. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike paragraph (1) of section 5010(a) (relating to the Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia) and insert the following:

(1) shall be—

(A) the ex officio United States member under the Susquehanna River Basin Compact and the Delaware River Basin Compact; and

(B) 1 of the 3 members appointed by the President under the Potomac River Basin Compact;

SA 1071. Mr. CARDIN (for himself and Ms. Mikulski) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes;

which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5____. SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.

Section 10 of the Act of March 3, 1899 (33 U.S.C. 403), is amended—

(1) by striking the section heading and designation and all that follows through "creation" and inserting the following:

"SEC. 10. OBSTRUCTION OF NAVIGABLE WATERS; WHARVES AND PIERS; EXCAVATIONS AND FILLING IN.

"(a) In General.—The creation"; and

(2) by adding at the end the following:

"(b) Siting, Construction, Expansion, and Operation of LNG Terminals.—The Secretary shall not approve or disapprove an application for the siting, construction, expansion, or operation of a liquefied natural gas terminal pursuant to this section without the express concurrence of each State affected by the application.".

SA 1072. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In paragraph (1) of section 5010(e) (relating to the Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia), strike "Potomac River Basin Commission" and insert "Interstate Commission on the Potomac River Basin".

SA 1073. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 5011(a) (relating to the Anacostia River, District of Columbia and Maryland), strike "1 year" and insert "2 years".

SA 1074. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, between lines 23 and 24, insert the following:

(4) Credit.—The Secretary shall credit to the non-Federal share of the cost of the project under this subsection any amount otherwise eligible to be credited under section 221 of the Flood Control Act of 970 (42 U.S.C. 1962d-5b) (as amended by section 2001).

SA 1075. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3____. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA.

The project for navigation, Atchafalaya River, Bayous Chene, Boeuf, and Black, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to authorize the Secretary to deepen a section of not more than 1,000 feet of the area on the Gulf Intracoastal Waterway located west of the Bayou Boeuf Lock and east of the intersection of the Atchafalaya River at a cost of not more than $200,000 during the 10-year period beginning on the date of enactment of this Act to provide for ingress and egress to the Port of Morgan City, at a depth of not more than 20 feet.

SA 1076. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, strike lines 7 through 22 and insert the following:

(1) In general.—Not later than December 31, 2008, the Secretary shall submit to Congress a report documenting any modifications to the features included in table 3 of the report referred to in subsection (a) due to the impact of Hurricanes Katrina and Rita on the project areas.

(2) Projects identified in reports.—

(A) Construction.—The Secretary is authorized to construct the features identified in the report under paragraph (1) substantially in accordance with the descriptions included in the report referred to in subsection (a) if the Secretary determines, pursuant to subsection (k), that the features are cost-effective, environmentally acceptable, and technically feasible.

SA 1077. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, strike lines 1 through 19 and insert the following:

(A) to raise levee heights, as necessary, and otherwise enhance authorized flood damage reduction projects, hurricane storm damage projects, and related works in the vicinity of New Orleans to provide the level of protection necessary to achieve the certification required for the 100-year level of flood protection, in accordance with the National Flood Insurance Program under the base flood elevations in existence at the time the activities are carried out;

(B) to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals to increase the reliability of the flood protection system for the city of New Orleans and Jefferson Parish;

(C) to armor critical elements of the New Orleans area hurricane and storm damage reduction system;

(D) to improve and otherwise modify the Inner Harbor Navigation Canal to increase the reliability of the flood protection system for the city of New Orleans and St. Bernard Parish;

SA 1078. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 58, strike line 11 and all that follows through page 60, line 3, and insert the following:

(s) Mississippi River Gulf Outlet.—

(1) Deauthorization.—

(A) In general.—Effective beginning on the date of submission of the plan required under subparagraph (C), the navigation channel portion of the project for navigation, Mississippi River Gulf outlet, authorized by the Act of March 29, 1956 (70 Stat. 65, chapter 112;100 Stat. 4177; 110 Stat. 3717), which extends from the Gulf of Mexico to Mile 60 at the southern bank of the Gulf Intracoastal Waterway, is not authorized.

(B) Scope.—Nothing in this paragraph modifies or deauthorizes the Inner Harbor navigation canal replacement project authorized by that Act.

(C) Closure and restoration plan.—

(i) In general.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the deauthorization of the Mississippi River Gulf outlet, as described under the heading "Investigations" under chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 453).

(ii) Inclusions.—At a minimum, the report under subparagraph (A) shall include—

(I) a comprehensive plan to deauthorize deep draft navigation on the Mississippi River Gulf outlet;

(II) a plan to physically modify the Mississippi River Gulf outlet and restore the areas affected by the navigation channel;

(III) a plan to restore natural features of the ecosystem that will reduce or prevent damage from storm surge;

(IV) a plan to prevent the intrusion of saltwater into the waterway;

(V) efforts to integrate the recommendations of this report with the program authorized under subsection (a) and the analysis and design authorized by title I of the Energy and Water Develop Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2247).

(D) CONSTRUCTION.—The Secretary shall carry out a plan to close the Mississippi River Gulf outlet and restore and protect the ecosystem substantially in accordance with the plan required under subparagraph (C), if the Secretary determines that the project is cost-effective, environmentally acceptable, and technically feasible.

SA 1079. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, between lines 16 and 17, insert the following:

(u) DETERMINATION OF VALUE.—The Secretary may use a valuation based on predisaster conditions in determining compensation to be provided for land and interests in land—

(1) adversely affected by Hurricane Katrina; or

(2) acquired before the date of enactment of this Act for—

(A) Hurricane Katrina-related rehabilitation assistance provided under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n); or

(B) any activity authorized by the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680), or any other law.

SA 1080. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, strike lines 22 through 25 and insert the following:

(4) WORKING GROUPS.—

(A) IN GENERAL.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(B) INTEGRATION TEAM.—

(i) IN GENERAL.—The Task Force shall establish, for the purposes described in clause (ii), an integration team comprised of—

(I) independent experts with experience relating to—

(aa) coastal estuaries;

(bb) diversions;

(cc) coastal restoration;

(dd) wetlands protection;

(ee) ecosystem restoration;

(ff) hurricane protection;

(gg) storm damage reduction systems; and

(hh) navigation and ports; and

(II) representatives of—

(aa) the State of Louisiana; and

(bb) local governments in southern Louisiana.

(ii) PURPOSES.—The purposes referred to in clause (i) are—

(I) to advise the Task Force and the Secretary regarding opportunities to integrate the planning, engineering, design, implementation, and performance of Corps of Engineers projects for hurricane and storm damage reduction, flood damage reduction, ecosystem restoration, and navigation in areas of Louisiana declared to be a major disaster as a result of Hurricane Katrina or Rita;

(II) to review reports relating to the performance of, and recommendations relating to the future performance of, the hurricane, coastal, and flood protection systems in southern Louisiana, including the reports issued by the Interagency Performance Evaluation Team, the National Science Foundation, the American Society of Civil Engineers, and Team Louisiana to advise the Task Force and the Secretary on opportunities to improve the performance of the protection systems; and

(III) to carry out such other duties as the Task Force or the Secretary determine to be appropriate.

SA 1081. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, between lines 9 and 10, insert the following:

(C) HOUMA NAVIGATION CANAL.—The Secretary shall spend not more than $200,000 to maintain, pursuant to an exclusive partnership agreement with the State of Louisiana, the Houma Navigation Canal at dimensions consistent with the dimensions of the lock as recommended in the reports referred to in subparagraph (A).

SA 1082. Mr. WHITEHOUSE (for Mr. BUNNING) proposed an amendment to the concurrent resolution S. Con. Res. 29, encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year; as follows:

On page 3, strike the 4th whereas and insert "Whereas Minnie Minoso, the "Cuban Comet," played on the New York Cubans when they won the Negro League World Series, broke the color barrier on the Chicago White Sox when he joined the team in 1951, and was the first black Latino to play in the Major Leagues;

On page 3, in the 5th whereas strike "but" and all that follows to the end of the whereas and insert ";"

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 10, 2007, at 3 p.m., to conduct a hearing on the nominations of Mr. David George Nason, of Rhode Island, to be Assistant Secretary of the Treasury for Financial Institutions; Mr. Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration; Mr. Michael W. Tankersley, of Texas, to be Inspector General of the Export-Import Bank of the United States; The Honorable Bijan Rafiekian, of California, to be a member of the Board of Directors of the Export-Import Bank of the United States; Mr. Scott A. Keller, of Florida, to be Assistant Secretary of Housing and Urban Development for Congressional and Intergovernmental Affairs; Mr. Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development; Ms. Janis Herschkowitz, of Pennsylvania, to be a member of the Board of Directors of the National Consumer Cooperative Bank; Mr. David George Nason, of Rhode Island, to be a member of the Board of Directors of the National Consumer Cooperative Bank; and Mr. Nguyen Van Hanh, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, May 10, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to discuss the effects of climate change and ocean acidification on living marine resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, May 10, 2007, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building. The purpose of this hearing is to consider the nominations of Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission; and R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the Session of the Senate on Finance will meet on Thursday, May 10, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Can the Middle Class Make Ends Meet? Economic Issues for America's Working Families."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, May 10, 2007, at 2:30 p.m. for a " hearing titled "Violent Islamist Extremism: Government Efforts to Defeat It."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, May 10, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" for Thursday, May 10, 2007, at 10 a.m. in Dirksen Senate Office Building room 226.

Witness list

Panel I: The Honorable Thad Cochran, United States Senator [R-MS]; The Honorable John Warner, United States Senator [R-VA]; The Honorable Carl Levin, United States Senator [D-MI]; The Honorable Trent Lott, United States Senator [R-MS]; and The Honorable Jim Webb, United States Senator [D-VA].

Panel II: Leslie Southwick to be United States Circuit Judge for the Fifth Circuit.

Panel III: Janet T. Neff to be United States District Judge for the Western District of Michigan and Liam O'Grady to be United States District Judge for the Eastern District of Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Thursday, May 10, 2007, at 9 a.m. for a hearing entitled, "Managing the Department of Homeland Security: A Status Report on Reform Efforts by the Under Secretary for Management."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Let Mon Lee, a fellow from the U.S. Corps of Engineers, be allowed floor privileges for the duration of the Senate's consideration of the Water Resources Development Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. I ask unanimous consent that Mike Quiello of my staff be granted the privileges of the floor for the duration of the debate on WRDA.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that Mike Burke, a fellow in my office, be accorded the privileges of the floor for the duration of H.R. 1495.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENCOURAGING THE RECOGNITION OF THE NEGRO BASEBALL LEAGUES

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 29, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 29) encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the concurrent resolution be agreed to; that the amendment to the preamble, which is at the desk, be agreed to; that the preamble, as amended, be agreed to; that the motions to reconsider be laid upon the table; and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 29) was agreed to.

The amendment (No. 1082) was agreed to, as follows:

On page 3, strike the 4th whereas and insert "Whereas Minnie Minoso, the "Cuban Comet," played on the New York Cubans when they won the Negro League World Series, broke the color barrier on the Chicago White Sox when he joined the team in 1951, and was the first black Latino to play in the Major Leagues;"

On page 3, in the 5th "Whereas" strike "but" and all that follows to the end of the whereas and insert ";"

The preamble, as amended, was agreed to.

The concurrent resolution, with its preamble, as amended, reads as follows:

S. CON. RES. 29

Whereas even though African-Americans were excluded from playing in the Major Leagues of their time with their white counterparts, the desire of many African-Americans to play baseball could not be repressed;

Whereas Major League Baseball did not fully integrate its leagues until July 1959;

Whereas African-Americans began organizing their own professional baseball teams in 1885;

Whereas the skills and abilities of Negro League players eventually made Major League Baseball realize the need to integrate the sport;

Whereas 7 separate baseball leagues, known collectively as the "Negro Baseball Leagues", were organized by African-Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players who played the game at its highest level;

Whereas on May 20, 1920, the Negro National League, the first successful Negro League, played its first game;

Whereas Andrew "Rube" Foster founded the Negro National League on February 13, 1920, at the Paseo YMCA in Kansas City, Missouri, and also managed and played for the Chicago American Giants, and was later inducted into the Baseball Hall of Fame;

Whereas Leroy "Satchel" Paige, who began his long career in the Negro Leagues and did not make his Major League debut until the age of 42, is considered one of the greatest pitchers the game has ever seen, and during his long career thrilled millions of baseball fans with his skill and legendary showboating, helping the Cleveland Indians win the pennant in his first big league victory beginning with his first game on July 15, 1948, and was later inducted into the Baseball Hall of Fame;

Whereas Josh Gibson, who was the greatest slugger of the Negro Leagues, tragically died months before the integration of baseball, and was later inducted into the Baseball Hall of Fame;

Whereas Jackie Robinson, whose career began with the Negro League Kansas City Monarchs, became the first African-American to play in the Major Leagues in April 1947, was named Major League Baseball Rookie of the Year in 1947, subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship, and was later inducted into the Baseball Hall of Fame;

Whereas Larry Doby, whose career began with the Negro League Newark Eagles, became the first African-American to play in the American League in July 1947, was an All-Star 9 times in Negro League and Major League Baseball, and was later inducted into the Baseball Hall of Fame;

Whereas John Jordan "Buck" O'Neil was a player and manager of the Negro League Kansas City Monarchs, became the first African-American coach in the Major Leagues with the Chicago Cubs in 1962, served on the Veterans Committee of the National Baseball Hall of Fame, chaired the Negro Leagues Baseball Museum Board of Directors, and worked tirelessly to promote the history of the Negro Leagues;

Whereas James "Cool Papa" Bell played, coached, and managed in the Negro Leagues from 1922 to 1950, discovered, trained, and assisted numerous Negro League players into the Major Leagues, and was later inducted into the Baseball Hall of Fame;

Whereas Minnie Minoso, the "Cuban Comet," played on the New York Cubans when they won the Negro League World Series, broke the color barrier on the Chicago White Sox when he joined the team in 1951, and was the first black Latino to play in the Major Leagues;

Whereas the talents of such players as Josh Gibson, James "Cool Papa" Bell, and Oscar Charleston earned them recognition in the Baseball Hall of Fame as well as the Sporting News List of Baseball Greatest Players;

Whereas Autozone Park in Memphis, Tennessee, hosted the inaugural Civil Rights Game between the defending World Champion St. Louis Cardinals and the Cleveland Indians in commemoration of the civil rights movement, on March 31, 2007; and

Whereas by achieving success on the baseball field, African-American baseball players helped break down color barriers and integrate African-Americans into all aspects of society in the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation; and

(2) encourages the observation of Negro Leaguers Recognition Day on May 20 of each year.

NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH AND OCCUPATIONAL SAFETY AND HEALTH PROFESSIONAL DAY

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 193, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 193) designating the week of May 6 through May 12, 2007, as "North American Occupational Safety and Health Week" and May 9, 2007, as "Occupational Safety and Health Professional Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 193) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 193

Whereas every year more than 5,700 people die from job-related injuries and 4,400,000 more suffer occupational injuries and illnesses;

Whereas transportation crashes continue to be the number 1 cause of on-the-job deaths, and overall in 2005 there were 6,159,000 transportation accidents resulting in 43,433 deaths, 2,700,000 injuries, and an estimated $230,600,000,000 in tangible costs;

Whereas every day millions of people go to and return home from work safely due, in part, to the efforts of many unsung heroes, such as occupational safety, health, and environmental practitioners, who work day in and day out identifying hazards and implementing safety and health advances in all industries and at all workplaces, aimed at eliminating workplace fatalities, injuries, and illnesses;

Whereas these occupational safety, health, and environmental professionals and members of the American Society of Safety Engineers work to prevent accidents, injuries, and occupational diseases, create safer work and leisure environments, and develop safer products, and are committed to protecting people, property, and the environment;

Whereas the work of these professionals in the areas of occupational safety, health promotion, disease prevention, and wellness programs has contributed greatly to the improvement of overall employee health, increased productivity, and reduction in health care costs, and yields significant returns on investments in occupational safety and health for the employer;

Whereas our society has long recognized that a safe and healthy workplace positively impacts employee morale, health, and productivity;

Whereas the more than 30,000 members of the American Society of Safety Engineers, along with the more than 150,000 combined members of the Academy of Certified Hazardous Materials Managers (ACHMM), the American Association of Occupational Health Nurses, Inc., (AAOHN), the American Industrial Hygiene Association (AIHA), and the American National Standards Institute (ANSI), are occupational safety, health, and environmental practitioners dedicated to keeping people safe at work and protecting property and the environment;

Whereas the purpose of North American Occupational Safety and Health Week (NAOSH) is to increase understanding of the benefits of investing in occupational safety and health, to demonstrate the positive impact that integrating effective safety and health programs in the workplace and the community has on the economy and business, to raise awareness of the role and contribution of safety, health, and environmental professionals in all areas, and to reduce workplace injuries and illnesses by increasing awareness and implementation of safety and health programs;

Whereas the theme of NAOSH Week 2007 is all modes of transportation safety, particularly stressing that motor vehicle drivers should drive wisely to save lives; and

Whereas on May 9 occupational safety and health professionals will be recognized during the second annual Occupational Safety and Health Professional Day for the work they do to keep people safe at work: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 6 through May 12, 2007, to be "North American Occupational Safety and Health Week" (NAOSH) and May 9, 2007, to be "Occupational Safety and Health Professional Day";

(2) commends occupational safety, health, and environmental practitioners for their ongoing commitment to protecting people, property, and the environment;

(3) commends those businesses that encourage a strong safety culture and incorporate occupational safety and health into their business strategies;

(4) encourages all industries, organizations, community leaders, employers, and employees to join with the American Society of Safety Engineers to support activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace, during the week of May 6 through May 12, 2007, and throughout the year;

(5) recognizes the commitment of occupational safety and health professionals in their ongoing work to protect people, property, and the environment on May 9, 2007, Occupational Safety and Health Professional Day;

(6) urges everyone to observe the theme of NAOSH Week and drive responsibly; and

(7) encourages the people of the United States to observe "North American Occupational Safety and Health Week" and "Occupational Safety and Health Professional Day" with appropriate programs and activities.

HONORING THE LIFE AND ACCOMPLISHMENTS OF GIAN CARLO MENOTTI AND RECOGNIZING THE SUCCESS OF THE SPOLETO FESTIVAL USA

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 68, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 68) honoring the life and accomplishments of Gian Carlo Menotti and recognizing the success of the Spoleto Festival USA in Charleston, South Carolina, which he founded.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 68) was agreed to.

The preamble was agreed to.

RECOGNIZING 70TH ANNIVERSARY OF IDAHO POTATO COMMISSION

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate Judiciary Committee be discharged from further consideration and that the Senate now proceed to S. Res. 180.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 180) recognizing the 70th anniversary of the Idaho Potato Commission and designating May 2007 as "Idaho Potato Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 180) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 180

Whereas the State of Idaho produces roughly one-third of all the potatoes grown in the United States, harvesting an average of 12,000,000,000 to 14,000,000,000 pounds annually;

Whereas the State of Idaho's unique climate of warm days, cool nights, mountain-fed irrigation, and rich volcanic soil is conducive to growing world-renowned potatoes;

Whereas Idaho potatoes are top-selling and highly recognized potatoes in the United States due to their consistently great taste, versatility, and nutritional content;

Whereas the Idaho potato "brand" is recognized throughout the world for its high quality and is an identifying characteristic of the great State of Idaho;

Whereas May 2007 marks the 70th consecutive year that Idaho potatoes have been promoted by the Idaho Potato Commission, an Idaho potato industry group responsible for generating attention for the numerous attributes of Idaho potatoes;

Whereas the Idaho Potato Commission is recognized nationally and internationally as a top promotional authority for Idaho's potatoes and potato products;

Whereas the Idaho Potato Commission's requirement, since 1959, that only potatoes grown in the State of Idaho are allowed to wear the "Grown in Idaho" Federal certification mark contributed toward the creation of a distinctive, enduringly successful, and popular brand for the Russet Burbank potato variety; and

Whereas Idaho's potato industry contributes approximately $2,700,000,000 to the State economy and employs 39,000 residents: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 70th anniversary of the Idaho Potato Commission; and

(2) designates May 2007 as "Idaho Potato Month".

ORDERS FOR FRIDAY, MAY 11, 2007

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, May 11; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 4:26 p.m., adjourned until Friday, May 11, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 10, 2007:

SECURITIES INVESTOR PROTECTION CORPORATION

MARK S. SHELTON, OF KANSAS, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2008, VICE THOMAS WATERS GRANT, TERM EXPIRED.

WILLIAM S. JASIEN, OF VIRGINIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2009, VICE NOE HINOJOSA, JR., TERM EXPIRED.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

ROBERT BOLDREY, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING MAY 26, 2013. (REAPPOINTMENT)

DEPARTMENT OF STATE

RAVIC ROLF HUSO, OF HAWAII, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

NED L. SIEGEL, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

LEZLEE J. WESTINE, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2009, VICE MARIE SOPHIA AGUIRRE, TERM EXPIRED.

JOHN E. OSBORN, OF DELAWARE, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2009, VICE CHARLES WILLIAM EVERS III, TERM EXPIRED.

DEPARTMENT OF LABOR

HOWARD RADZELY, OF MARYLAND, TO BE DEPUTY SECRETARY OF LABOR, VICE STEVEN J. LAW, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL A. VANE, 9890

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID P. FRIDOVICH, 6568

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. ERIC T. OLSON, 6412

HOUSE OF REPRESENTATIVES—*Thursday, May 10, 2007*

The House met at 9 a.m.

The Reverend Ronald L. Calkins, Mary Queen of Peace Catholic Church, Mandeville, Louisiana, offered the following prayer:

Almighty God, source of all wisdom, fill the Members of the House of Representatives with Your divine wisdom. They face many issues in serving the people of this Nation. May their decisions always be for the well-being of all our citizens.

Loving God, people of goodwill will have disagreements. May these not be a source of division but an opportunity to reflect more deeply on the issues that confront us.

May Your peace be in our hearts, our homes, our communities, our Nation, and our world. Protect those who serve to protect us, both here and abroad.

We pray to You, who are Lord and God, forever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Louisiana (Mr. JINDAL) come forward and lead the House in the Pledge of Allegiance.

Mr. JINDAL led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND RONALD L. CALKINS

The SPEAKER. Without objection, the gentleman from Louisiana (Mr. JINDAL) is recognized for 1 minute as the sponsor of our Guest Chaplain today.

There was no objection.

Mr. JINDAL. Thank you, Madam Speaker.

Madam Speaker, I'm delighted to have Father Ronald Calkins here today to offer our opening prayer.

Father Calkins, a constituent from my district, is the pastor of Mary Queen of Peace Catholic Church in Mandeville, Louisiana. Appointed in July 1995, Father Calkins has led Mary Queen of Peace through a period of rapid growth and overseen the opening of Mary Queen of Peace Catholic School, which turned 10 years old this past August.

We are honored to have Father Calkins with us here today. He has shown remarkable leadership, especially as his parish and as our State has struggled through and is recovering from Hurricanes Katrina and Rita. I thank him for his dedication, his service to his parish, and to the residents of southeast Louisiana.

We welcome Father Calkins as well as the students and their chaperones from Mary Queen of Peace Catholic Church and School.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, May 3, 2007, the House will stand in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 9 o'clock and 6 minutes a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The Speaker of the House presided.

The SPEAKER. On behalf of the House, I consider it a high honor and a distinct personal privilege to have the opportunity to welcome so many of our former Members and colleagues as may be present here for this occasion. We all pause to welcome you. I am particularly pleased that we have the former Speaker of the House, Tom Foley, with us today.

As we all know, Speaker Foley is a principled leader and a true statesman who presided over the House in a spirit of bipartisanship. Welcome. We are honored by your presence, Mr. Speaker.

I want to acknowledge the leadership of Congressman Jim Slattery, the President, and Congressman Jay Rhodes, the Vice President, and your leadership of the Former Members Association. You have shown the service to our country. We know it didn't begin when you first set foot on the floor but want to acknowledge that it certainly did not end when you left the Congress. Thank you all for your many years of public service and great leadership in the Congress.

As I look around, I wish to acknowledge also the distinguished former minority leader of the House, Bob Michel. What an honor for us to have you here, Bob. It's wonderful to see you. As we all know, he is a dedicated public servant, as have you all been and are. All of your hard work, the legislation you created, the lives you impacted, your legacy is still reflected in the halls of this magnificent Capitol, and not only that, more importantly, in communities around the country. Many of you were friends and mentors to those of us who are here now and we acknowledge that. We learned so much from all of you.

I am pleased to also acknowledge that in welcoming you, I am joined by our distinguished majority leader, the gentleman from Maryland (Mr. HOYER). He and I know, as do our colleagues, that the knowledge, experience and wisdom you shared in your time here has helped guide our work. I have said to the Members on many occasions, when we come here, we are not only colleagues to each other, we are colleagues to everyone who ever served here before, because this, the People's House, is a place where the continuity of ideas and commitment and patriotism to our country has a oneness to it. In that spirit, I feel a colleague to my own father who served in the Congress of the United States.

Do we have a Senator here, as well? Senator SPECTER, welcome. Thank you for being here.

Thank you all for your work and your leadership on behalf of the American people. On behalf of the current Members again, thank you for your leadership. Please enjoy your day back in the People's House.

I now have the privilege of turning the gavel over to a Republican, a wonderful, wonderful leader in the Congress when he served here, respected on both sides of the aisle. He, too, a principled leader who served with a spirit of bipartisanship and patriotism in the Congress. I am pleased to acknowledge the Vice President of the Association and hand the gavel to Mr. Rhodes to take the chair. The Honorable Jay Rhodes.

Mr. RHODES (presiding). Thank you so much for lending us the Chamber of the People's House. We appreciate it very much.

It occurred to me last night that Ms. PELOSI and I were elected in the same year, 1986, the 100th Congress, and that Congress has produced two Speakers of the House, Mr. HASTERT and Ms. PELOSI. Now, I don't know if that's historical or not, but it's at least interesting. Thank you so much.

The regular order of business would be for me now to ask the Clerk to call

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the roll, but I believe that in the interest of recognizing Mr. HOYER's time limitations, I would ask that the distinguished majority leader, the gentleman from Maryland, utilize such time as he may consume.

Mr. HOYER. Thank you very much, Mr. Speaker.

He says he yields me so much time as I may consume. One of the great benefits of being majority leader, or minority leader, for that matter, although no one seeks the benefit of being minority leader, I understand that, but is that you are unlimited in time. You're yielded 1 minute and you take such time as you want. You become very arrogant in the use of verbiage at that point in time. But I am very, very pleased to be here with all of you. I try to make these events every time you come, because as Speaker PELOSI, and what an historic event you have just participated in. You are the first group of former Members in over 200 years of our Republic that has been greeted by a woman Speaker. The President was so gracious the first time that NANCY and I went down and had lunch with the Speaker. It was just 2 days after the election. President Bush could not have been more gracious and more generous in his comments about the historical aspect and his congratulations for NANCY's accomplishment. It is an extraordinary accomplishment. As you have noticed, she is as strong and focused and competent a Speaker as I have served with. And I know there is a wonderful friend here, who I also want to greet, and that is my friend Tom Foley. When I came to the Congress of the United States, Tom was the whip. I had the great honor of being the whip at one point in time, as you know.

I am now in the office that Tom Foley peopled. He was ensconced in the first floor of the Capitol, we had many whip meetings there, and he taught me how to be a Member of Congress. And I could have had no better teacher than Tom Foley, no more principled, decent person than Tom Foley.

I will tell you this, and you have heard me say it before. I would not have chosen to be in the minority. And in 1994 with this hostile takeover as I refer to it of the institution of which I was a Member, I became a minority stockholder in, one of the sadnesses, I think, of the 1994 transfer of authority was not so much it was a transfer of authority, that's what happens in democracies, but that an extraordinary American did not become the Speaker of the House, somebody that I love and respect and honor who I think is one of the most decent people with whom I have served in 40 years in a legislative body and that is, of course, the very distinguished, wonderful American first as well as, of course, a distinguished Republican leader, my friend Bob Michel. Bob, thank you for what you have done.

When the American people think of what they would like to see in the Congress of the United States and the kind of collegiality and respect for one another and civility that they would like to see, they think of Bob Michel and Tom Foley in my opinion. They may not think of them by name, but they think of who they are and what they represent.

I am also pleased to see ARLEN SPECTER who was masquerading as a former Member sitting with the Speaker. As a matter of fact, RAY LAHOOD traveled with me overseas. We went to Darfur, we were in Sudan, and we were in Egypt. In Egypt, we had a cocktail party, a reception at the Ambassador's residence and I introduced RAY LAHOOD as the former staffer of the Speaker. Kathy, his wife, came up to me and said, "Bob Michel was never Speaker." I said, "I know, but in my mind he should have been."

Jack Kemp is here, also my friend. We had the opportunity to serve on the Appropriations Committee as well. Jack, of course, a distinguished Vice Presidential candidate, now who continues as so many of you do in your own public lives to be so involved in trying to make our country better. Jack, thank you for all you have done.

I could mention each and every one of you, but Speaker Rhodes would say you're pressing on that 1 minute a little much. But let me say that those of you who are former Members, some, of course, are former Members by choice. Some, as you reflect upon a democracy that sometimes makes mistakes, are former Members by mistake of your constituencies. But in any event it occurs to me that all of you are financially far better off than us poor people you left behind, and I congratulate you for that.

I want to congratulate Mr. Slattery, who's our leader on the Democratic side, and Jay Rhodes. I saw Jay in the hallway just the other day. I had the opportunity of serving briefly with his dad and then with him and both reflect the decency of which I have spoken earlier.

Let me also say that I am now the majority leader, and thwarting the will of the majority is something that we criticize very severely and properly so. In a democracy, you do not want to thwart the will of the majority. But as majority leader, I want you to know that I work very hard at thwarting the will of the minority. Sometimes they get upset by it. I don't understand that, Bob, but it happens.

Let me thank all of you. Let me thank all of you for holding high the institutional values that the Founding Fathers and Americans want to establish, a body that brings together the various differences within our society, the various interest groups within our society, and tries to synthesize those differences into rational consensus for progress for our country. If we continue to do that, we will continue to merit the respect of our fellow citizens. If we do not, then they will properly have us all become former Members.

God bless what you have done, are doing and continue to do on behalf of our country and on behalf of the House of Representatives. Thank you very much.

Mr. RHODES. Thank you, Mr. Leader. One of the worst kept secrets in the House of Representatives is that Mr. HOYER is one of my two Congressmen. He doesn't know that yet. I will write him about the pothole fairly soon.

Thank you, Mr. HOYER. I appreciate it very much.

And now if the Clerk will call the roll of the former Members of Congress.

The Clerk called the roll of the former Members of Congress, and the following former Members answered to their names:

FORMER MEMBERS OF CONGRESS PARTICIPATING IN 37TH ANNUAL SPRING MEETING THURSDAY, MAY 10, 2007

Mr. Bowen of Mississippi
Mr. Browder of Alabama
Mr. Buechner of Missouri
Mrs. Byron of Maryland
Mr. Coyne of Pennsylvania
Mr. DioGuardi of New York
Mr. Foley of Washington
Mr. Forbes of New York
Mr. Frey of Florida
Mr. Frost of Texas
Mr. Gilman of New York
Mr. Glickman of Kansas
Ms. Heckler of Massachusetts
Mr. Hertel of Michigan
Mr. Hockbrueckner of New York
Mr. Hughes of New Jersey
Mr. Johnson of Wisconsin
Mr. Kastenmeier of Wisconsin
Mr. Kemp of New York
Mr. Klein of New Jersey
Mr. Konnyu of California
Mr. Kramer of Colorado
Mr. Kyros of Maine
Mr. Lancaster of North Carolina
Mr. Lent of New York
Ms. Long of Louisiana
Mr. Mazzoli of Kentucky
Mr. Michel of Illinois
Mr. Moore of Alabama
Mr. Moore of Louisiana
Mr. Nichols of Kansas
Mr. Parker of Mississippi
Mr. Parris of Virginia
Mr. Pollock of Alaska
Mr. Rhodes of Arizona
Mr. Sarasin of Connecticut
Mr. Sarpalius of Texas
Mr. Slattery of Kansas
Mr. Smith of Oregon
Mr. Sundquist of Florida
Mr. Symms of Idaho

Mr. RHODES. The Chair announces that 41 former Members of Congress have responded to their names as being present.

At this point, it is my pleasure to introduce to you a very good friend and a distinguished colleague, the President of the Former Members, Mr. Slattery from Kansas.

Mr. SLATTERY. Thank you, Mr. Speaker.

It's a pleasure to see you all this morning and it's great to welcome you back to this institution that we love. First of all, let me say that it's a special privilege for us to be greeted by the Speaker so warmly.

Thank you, Speaker PELOSI and Majority Leader HOYER, for those wonderful greeting remarks. I would like to just associate myself with STENY HOYER's remarks about all of the distinguished Members that are here this morning. I won't be redundant in recognizing all of you again except to say that it is particularly wonderful to see Minority Leader Bob Michel here, Jack Kemp, and former Speaker Foley, who all of these people inspired so many of us when we first came to this institution. We are particularly grateful to see you. It's great to see Secretary Glickman here, Secretary Henson Moore, and also Governor Sundquist here. It's great to welcome all of you back. Thank you very much for coming.

It is always an honor and a privilege to return to this magnificent institution which we revere and where we shared so many memorable experiences. Service in Congress is both a joy and a heavy responsibility. Whatever your party affiliation, we have great admiration for those who continue to serve their country in this unique institution. We thank them all for once again giving us the opportunity to report on the activities of the U.S. Association of Former Members of Congress. This is our 37th annual report to Congress, and, Mr. Speaker, I ask unanimous consent that all Members be permitted to revise and extend their remarks.

Mr. RHODES. Without objection, so ordered.

Mr. SLATTERY. Our association is nonpartisan. It was chartered by Congress but receives no funding from Congress. All the activities which we are about to describe are financed either from membership dues, program-specific grants and sponsors, or at our fund-raising dinner. We have a wide variety of domestic and international programs which several other Members and I will discuss briefly. Our membership numbers almost 600, and our purpose is to continue the service to country which for many began during our terms in the House of Representatives and the United States Senate.

I have had the privilege to serve as President of our association for almost 1 year and I would like to take this opportunity to thank my predecessor for passing this organization on to me in great condition. Jack Buechner was our President for 2 years and although great personal tragedy befell his family during his tenure, he steadfastly implemented a vision which I share and that is that the Former Members Association be known and respected for the substantive programs we undertake, be it in legislative strengthening work abroad or teaching American college students about the role of democracy in the United States.

We again have had a very successful, active and rewarding year. We have continued our work serving as a liaison between the current Congress and legislatures overseas. We have created partnerships with highly respected institutions in the area of democracy building and election monitoring. We have created new projects, most notably a webcasting program which reaches thousands of college students on a weekly basis. And we again sent dozens of bipartisan teams of former Members of Congress to university campuses here in the United States and abroad as part of our Congress to Campus Program. I am, therefore, very pleased to now report on the program work of the U.S. Association of Former Members of Congress.

Less than 2 years ago, our association approached the Canadian Association of Former Members of Congress and the Association of Former Members of the European Parliament to create an entity that would train former legislators in democracy building work, most notably election monitoring. The resulting organization, the International Election Monitors Institute, has become the cornerstone of our democracy building work.

I now would like to ask one of the founders of this institute, Dennis Hertel of Michigan, to report on this aspect of our programming.

Mr. HERTEL. I thank the gentleman from Kansas.

Mr. RHODES. The Chair recognizes Mr. Hertel for such time as he may consume, so long as it's not too much.

Mr. HERTEL. Thank you, Jim, for giving me the opportunity to report on the International Election Monitors Institute and other advances our association has made in this field. The institute has created a board of directors made up of former legislators from the United States, Canada and Europe. I am pleased to see so many of them with us here today from Canada and Europe. I especially want to thank Doug Rowland and his wife Helen for their great leadership in our efforts. We work together to train our former colleagues in accepted election observation conduct, particularly the Code of Conduct created by the United Nations, and we collaborate with several renowned organizations in this field to send our members on election monitoring missions across the globe. We have an invitation from OSCE to add our trained observers to their missions, primarily in eastern Europe. In addition, we are coordinating with the OAS to have former legislators play a role in their delegations. Thanks to the Canadian International Development Agency, we now have a 5-year grant to create a training course and other initial programs to get the institution off the ground, to begin this very month. We are extremely honored to be one of a few organizations that were invited to participate in an election monitoring convention in Strasbourg, France, earlier this year.

But the concept goes beyond election monitoring. We envision that our members can become permanently instrumental in democracy building work, such as training newly elected legislators, or aiding in a peaceful transition of government. We, therefore, are working closely with organizations such as NDI, IRI, IFES, and the U.S. Department of State so that the unique expertise we have can be used to maximum benefit. For example, last year we had the opportunity to bring our members together with elected officials from countries such as Kenya and Afghanistan. We were able to share our experience and aid those nations as they try to establish a democratic form of government. In addition to all of these projects, we are thrilled to continue our working relationship with the House Democracy Assistance Commission, so ably chaired by DAVID PRICE, Congressman from North Carolina. We will work with them as they bring visiting delegations to the United States, and we will have our members travel abroad to help implement their program in its overseas legislative strengthening missions.

I am very excited that our association has embarked on these types of missions and I believe that we are making a real difference in strengthening democracy worldwide. Please see our Web site at www.usafmc.org for a much more detailed description of these projects.

I really want to thank the members who have been so active in sacrificing their time, including those members who went to oversee the Ukraine election over the Christmas holidays, to show how they have stood up for democracy around the world and making the great sacrifice in their own personal lives. Thank you.

Mr. SLATTERY. Thank you, Dennis, for the report.

Mr. RHODES. Will the gentleman suspend for a moment.

The Republican leader, Mr. BOEHNER, is in the Chamber and out of deference to what I know is a busy schedule for him, I would like to recognize the Republican leader.

Mr. BOEHNER. Good morning to all of you and welcome back for the 37th annual Former Members Day. I look around the audience and see a lot of familiar faces. I just want to say thank you. Thank you for your service to the institution and thank you for what you are continuing to do.

I presume that some of you know, but of your colleagues, Bob Walker's, wife passed away several days ago. Our prayers are with Bob and his family. Bob and I served together. His wife was a great influence on him and on his career, and it's sad to see her go over a fight with cancer that had gone on since last summer.

I had to come today, one, to see all of you, but to see my good friend Bob Dole. Bob and I got to know each other in 1994, when I was this bomb-throwing new Member, relatively new Member—Sarpalius remembers—and then in 1995 after Republicans took the majority, Bob and I sat in many bicameral leadership meetings together. And for some young whippersnapper who didn't know the ways around here, not that I always agreed with Senator Dole, but I always had great respect for him. Especially now, looking back those 12, 13 years ago, I realize how much I learned from Bob. I think Bob represents all that we would expect of ourselves in his demeanor, the way he did his business here. He represents an entire generation of Americans, the World War II generation, and I couldn't miss this opportunity to come and say hello to him.

Now, all of you know that Bob would tend to sit on his porch and work on his tan. Then he would run off to Florida on the weekends and work on his tan. And one night when we could still fly airplanes, private airplanes out of National, I ran into Bob one day as we were going somewhere, he was coming back, and he looked over at me and says, "Hey, tan man." And so this has been a running joke between the two of us, because if there was somebody who always had a better tan than I did, it was Dole.

I could tell other stories, Bob, but I think I'll stop there. Let me just say welcome. Welcome back to all of you. Thank you for what you did for this institution to keep it alive and healthy for our generation. I just hope that those of us who have some guiding hand in where this institution is going today can do as good a job as all of you have in terms of leaving the institution in a stronger way for the next generation of leaders. Thank you and welcome.

Mr. RHODES. On behalf of the association, Mr. BOEHNER, thank you very much for your time and your thoughts and for the work you do for all of us.

Mr. Slattery.

Mr. SLATTERY. Thank you, Leader BOEHNER, for coming by and greeting us. We appreciate it. I also appreciate your service to our country and to this institution.

In addition to the international work that Dennis just highlighted, our association also focuses on creating a dialogue involving current Members of Congress and their colleagues in legislatures abroad. We administer four congressional study groups involving Germany, Turkey, Mexico and Japan. We have arranged almost 500 special events at the U.S. Capitol for international delegations from over 80 countries and the European Parliament. We hosted meetings for individual Members of Parliament and parliamentary staff, and organized approximately 50 foreign policy seminars in about a dozen countries involving more than 1,500 former and current legislators.

To report in more detail about the Congressional Study Groups, I yield the floor to the former President of the Association, Jack Buechner from Missouri.

Mr. BUECHNER. Thank you, Jim.

The association actually operates as the secretariat for four very special programs where we share legislative ideas with parliamentarians, our staff to their staffs, in Germany, which is the flagship of our program, and the longest standing one, Turkey, Japan and Mexico. The study group on Germany serves as a model for all the other study groups under the umbrella of the association and it has been in existence for 20 years. It has allowed communication of really an extraordinary status. The study group was founded in 1983 as an informal group and became formal in 1987. Ongoing study group activities include a Distinguished Visitors Program at the U.S. Capitol for guests from Germany; sponsoring annual seminars involving Members of Congress and the Bundestag; providing information about participants in the Congress-Bundestag Youth Exchange Program; and organizing a senior congressional staff study tour to Germany. The 2007 annual Congress-Bundestag seminar took nine current Members of the House to Hamburg and Berlin for meetings with their peers in the Bundestag. In addition, we arranged a meeting for the group with German Chancellor Angela Merkel and were thrilled that she participated in a follow-up to that meeting here on Capitol Hill just last week. The Congressional Study Group on Germany would like to thank Craig Kennedy of the German Marshall Fund, the primary supporter of activities related to the study group. Additional funding comes from a group of corporations who have been very supportive, including Lufthansa, Daimler Benz, BASF, Deutsche Telekom and DHL Americas.

Emulating Germany and the other study groups, the association established a Congressional Study Group on Turkey at the beginning of 2005, one of our strategic allies and is at the crossroads of many challenges of the 21st century. Current Members of Congress have been brought together with their legislative peers in Turkey and serves as a platform for participants to learn about relations between our two countries. Thanks to funding from the Turkish Coalition of America, the Economic Policy Research Institute and other groups, including the German Marshall Fund, this is becoming a very, very special relationship. We also want to thank Turkish Prime Minister Erdogan who also came over and met with our members and the congressional Members.

The association serves as the secretariat for the Congressional Study Group on Japan and on Mexico. We have been lucky enough to have Foreign Minister Taro Aso as a visitor twice and then just recently Ambassador Chris Hill, head of the U.S. Delegation to the Six-Party Talks on the North Korea nuclear issue, spoke to a very special group of sitting Members of the Congress.

Last but not least we have got the study group on Mexico which has really been special in taking together senior staffers and exchanging them. I have had the pleasure of moderating a follow-up to this trip when our organization hosted a webcast focused on immigration, obviously an issue that is of great concern to both parties.

Let me also add that the association has had a highly productive working relationship with the French Ambassador, his Excellency Jean-David Levitte which has led to the creation of the Former Members Committee on France.

There are so many things that the association has done and we thank the Congress for allowing us to work with them and have them exchange with their counterparts throughout the world. We hope it will continue that way. I think that the Members can be very proud of the work they do to make these groups possible. I look forward to being an active participant in the activities of the study groups for years to come.

Thank you.

Mr. RHODES. Thank you, Mr. Chairman.

Mr. Slattery.

Mr. SLATTERY. Jack, thanks again for the report.

We can be proud, I think, of the excellent programming offered by these study groups. Of course not all of our activities are international in nature. One of the most gratifying programs involving our association's members is the Congress to Campus Program. This is a bipartisan effort to share with college students throughout the country our unique insight on the work of the Congress and the political process. We have collaborated on this program for many years with the Stennis Center for Public Service and we appreciate the invaluable assistance they render to make this program so successful.

Since 2003, this program was managed by our colleague David Skaggs in conjunction with the Council for Excellence in Government. David has returned to public service and is now executive director of Colorado's Department of Higher Education. But he did a tremendous job managing the Congress to Campus Program and under his leadership it expanded year after year. During this last academic year which just concluded, we visited 28 schools and interacted with approximately 13,000 students. We thank David for his efforts.

To further report on this program is Mike Parker of Mississippi. Mike, it is good to see you and look forward to a brief report here on the Congress to Campus Program.

Mr. PARKER. Mr. Chairman, in the interest of time I would like to just submit my report for the record, we're running a little short of time today, but encourage everyone to get involved in the Congress to Campus Program. It is an extremely effective program for our organization.

Thank you, Jim, for the opportunity to report on this outstanding program. The Congress to Campus Program addresses a significant shortfall in civic learning and engagement among the country's young people of college age. It combines traditional educational content about American government and politics (especially Congress) with a strong message about public service, all delivered by men and women who have "walked the walk." The Program sends bipartisan pairs of former Members of Congress to visit college, university and community college campuses around the country. During each visit, the Members conduct classes, hold community forums, meet informally with students and faculty, visit high schools and civic organizations, and do interviews and talk show appearances with local press and media.

This year, Congress to Campus has expanded to include former Member participation in Washington, DC area meetings with student groups wishing to learn about public service, the U.S. Congress and Federal Government, and important political and policy issues. All told, this academic year former Members spoke to more than 13,000 college and high schools students under the auspices of the Congress to Campus Program. We have to thank the Council for Excellence in Government and the Stennis Center for Public Service without whom this great program could not have been conducted this year.

In the 2006–2007 academic year, the program sponsored twenty-four events involving twenty-eight colleges and universities around the country and the world. These visits took thirty former Members to universities, service academies, and colleges in fourteen states and three countries. Eleven former Members made more than one campus visit.

We continue to fine-tune the content and substance of program visits based on feedback from Members and host professors. The program asks visiting Members and host professors to complete an evaluation of each visit. We encourage host schools to include nearby colleges and universities in Congress to Campus visits and to schedule a broad scope of classes and activities for the former Members. We will continue to make changes in response to the suggestions of participating former Members and host faculty.

A draft schedule of events is prepared in advance of each campus visit and reviewed by staff to assure variety as well as substance. There is a conference call before each trip with Members and the responsible campus contact person to review the revised schedule and iron out any remaining problems. Members also receive CRS briefing materials on current issues and background information on government service opportunities prior to each visit.

This year the Congress to Campus Program greatly expanded its working relationship with the People to People Ambassador Program (PTP). PTP brings groups of Junior High students from around the country to the Washington, DC area to participate in "World Leadership Forum" events. Students are nominated by teachers to attend and are selected based on their academic achievement, interest in government and international affairs, and leadership potential. This academic year former Members participated in twenty-seven PTP events by speaking to students about public service and character in political and legislative leadership.

The Congress to Campus Program's association with PTP furthers the Program's goals of promoting public service and understanding of the U.S. Congress and federal government. Several former Members were more than generous with their time and efforts as they participated in several of these early-morning PTP events. Those participating in PTP events this year were Bob Carr (MI), Bill Clinger (PA), Orval Hansen (ID), Matt McHugh (NY), Bruce Morrison (CT), Ron Sarasin (CT), and David Skaggs (CO). I also participated in some of these meetings and can highly recommend the experience to my colleagues. It is just great to interact with these kids!

Congress to Campus made its first international visit in October 2003 to the United Kingdom. Since that time campus visits have taken former Members to universities in Canada, China, Germany, and back to the United Kingdom. This year former Members made four visits outside of the U.S. which included stops at eight universities in Canada and the United Kingdom.

The success of the Program obviously depends on Members' participation. With travel back and forth, Members end up devoting about three days to each campus visit. This is a priceless contribution of an extremely valuable resource. This year Members of the Association will again be surveyed to solicit information regarding their availability for and interest in a program campus visit. We will use responses to these surveys and personal contact with the membership to update the roster of those available to make campus visits. Association Members are encouraged to complete and return the survey they will receive this summer and then to be ready to accept assignments to one of the fine institutions of higher education the Program will serve next year.

Interest in Congress to Campus remains strong in the academic community. Association Members participating in campus visits are enthusiastic about the value of the Program and the rewards it brings to all who are involved in those visits. The Program could be expanded even further on domestic levels if funding uncertainties can be addressed and Member participation is broadened. Thank you.

Mr. SLATTERY. Mike, thanks so much. Again, we thank David Skaggs for his leadership on this. We are running short on time here today, so we will move along quickly.

There are numerous other activities of the Association of Former Members which deserve to be highlighted today, but in the interest of time we are going to be very brief in this.

I would like to yield to my friend and colleague Lou Frey of Florida who conceived this idea of a webcasting program. Lou, if you could give us a brief report on the webcasting project which I think holds great potential in terms of our ability to communicate especially with college students all across the country and we are already reaching thousands with this webcasting program, thanks to your initiative.

Mr. FREY. Thank you, Mr. President.

I have an institute at the University of Central Florida and we have about 500 to 1,000 kids come every 6 months. It was rather frustrating because lot of young people couldn't get there. We said maybe we can put this on the Internet and somebody will look at it. We started doing that and next thing you know, we had about 60,000 or 70,000 young people over the Internet looking at it.

So I went to Jim and I said, Jim, there is no better place for programming than the former Members of Congress. There's more intelligence here, there's more knowledge, and it's really needed across the country. And why don't we see if we can take this idea and use it for the former Members.

So we started that process. We have had, oh, five, six or seven Internet programs already. We have reached about 60,000 people. We just signed an agreement with an Internet radio station that has up to 13 million subscribers, and we were very pleased to see Staples has agreed to come on as our chief sponsor. So now we've got a base of maybe 60 colleges, a school district in California, a number of high schools, and I think by the time we get to this place next year, we seriously should have somewhere between a half a million people and a million people on our Internet system. It really will get the former Members out across the country and it is something that's really needed.

I want to mention, too, that Brook Smith, who is the head of it, the network, itself, has been a great help, Jim, in working with us. I will submit my remarks for the RECORD.

Thank you, Jim. You are absolutely right, in addition to the election monitor venture Dennis Hertel described earlier, the webcasting project is certainly the most exciting new development for our Association in many years. I became involved in creating programming for the Internet via the Lou Frey Institute of Politics and Government at the University of Central Florida. We have a symposium every six months and it always seemed to me that the panels and expert discussions we hosted ought to reach an audience greater than the five hundred to a thousand people we could fit into an auditorium. So about 2 years ago we put one of our events on the internet and hooked up a couple of universities to participate. The response was tremendous and it very quickly became obvious that we had discovered a real need for substantive and issue-specific programming to go out to a community of universities and high schools. Picture a three-hour program focused on the environment. It goes out to numerous schools via the Internet and students from all over the country can view it and, more importantly, engage in a live dialogue by asking questions and e-mailing comments to the panelists.

The obvious next step was to expand the list of content providers while also expanding the list of viewers. Given all the important and fascinating work our Association does, I immediately thought of the former Members as a regular webcast producer. Our Association staff, particularly Pete Weichlein and Rebecca Zylberman, have put tremendous effort and imagination into this idea and they have really run with it. We've worked together for many months on the webcasting project and we have created some very impressive programming and discussions. This in turn has driven university subscribers and we now have over 60 institutions of higher learning, along with over 20 high schools and an entire California school district, subscribing to the program. That's a potential audience of over 500,000 students! We also have an agreement with an internet radio station that reaches 13 million subscribers. And the list keeps on growing. The first webcast of the Association was in early November of last year. Our staff put together three separate panels consisting of almost 20 of our Association members to analyze every aspect of the mid-term elections. The webcast lasted three hours and was viewed by over 60,000 students. We have since then put together a slew of very impressive and informative programming, focusing for example on President Bush's State of the Union Address or on the immigration debate in the Congress. Just yesterday we hosted a one hour webcast involving our Canadian and European colleagues to discuss the importance of election monitoring and the mechanics of observing both a campaign and an election. This program is a great way of reaching out to thousands of college and high school students. It gives them the chance to have a real discussion with our members about topics they read about in the newspapers or hear about on TV. And it gives our members the chance to interact with the next generation of America's leaders. Given the great work we do with the Congress to Campus Program, the webcasting project is a natural extension of that effort.

To make the webcasting project a permanent addition to our programming, we had to find some partners who could support this endeavor. We are working with the Educational Webcasting Network (EWN) and its President Brook Smith and they provide to us the technological know-how to present a professional broadcast to our students. Also, via the EWN, we have found a corporate sponsor to make the program a reality. I am very pleased to announce today that Staples will support our webcasting project and give it the necessary backing to continue this active and exciting endeavor. We are thrilled about this new partnership and I would like to thank Staples for the trust they have placed in us.

Virtually everyone of our Association's many programs lends itself to being discussed via a webcast. For example, I am working right now on completing a follow-up to the Association's very successful publication: Inside the House, Former Members Reveal How Congress Really Works. This second volume will compile the rules of the road of politics and life former and current Members of Congress have sent to me over the past 2 years. For instance, less than a year before he passed away, President Ford sent me a five-page summary of his rules. What were your basic rules of thumb, both in politics and in life? How did they play out once you got to Capitol Hill? We have received a tremendous number of responses to our last call for submissions, but it is not too late to send me your rules of the road, just do it as soon as possible. You can contact our Association office and they'll let you know how to get it to me. We are hoping to finish the book later this year and will have a book presentation via our webcast once the 2nd volume is published.

Our Association has taken great strides toward becoming a well-known and highly respected think tank nationally and internationally for a wide range of tremendously important issues. We all have such a unique skill-set and experience, and I am thrilled to see that via the U.S. Association of Former Members of Congress there is a vehicle to share that expertise with the public, particularly students, both here in the United States and abroad. Thank you.

Mr. SLATTERY. Thank you, Lou.

Mr. Speaker, in the interest of time, I will insert the rest of our report in the RECORD.

DINNER, NEW ORLEANS

Thank you, Lou, for that report and thank you also for pioneering this webcasting opportunity for our Association. I agree with you that this is a very exciting development with tremendous potential for our organization and its members. Our Association also owes Lou Frey a debt of gratitude for his 10th year as chairman of our Annual Statesmanship Award Dinner. This is the Association's only fundraising event and without Lou Frey we would not have had 10 years of financial growth for our organization. He is tireless, some say merciless, in whipping our dinner committee into shape and working until the very last minute to make the evening a success. The 10th annual dinner was held in March and we were very pleased that we could honor not one, but two of our former colleagues. We bestowed upon former Member Dirk Kempthorne of Idaho—as you well know he currently serves as Secretary of the Interior—our Distinguished Service Award. And, we took the occasion of this being our 10th dinner, to create a new award: the Excellence in Public Service Award. We recognized former Member Rob Portman of Ohio for his tremendous work since leaving Congress, most recently as the Director of OMB. Mr. Speaker, allow me to just briefly highlight some of the other activities of our Association during 2006. For example, in October of last year the Association hosted a Fall Meeting in New Orleans. The purpose of the Fall Meeting is to bring our membership together in a place other than Washington, DC. A little more than one year had passed since the devastation of Hurricane Katrina, and we wanted to give our members the opportunity to see for themselves how far the rebuilding effort had come along and how much work still needs to be done. At this point we should thank Senator MARY LANDRIEU and her fantastic staff for helping us put together a very intense and impressive program. Our members met with city officials, including the Superintendent of Police, as well as the Army Corps of Engineers. We toured the lower 9th Ward and the 17th Street Canal Breach. It is an understatement to say that our group was unprepared for the devastation still rampant in that beautiful city. Even today, there are whole neighborhoods that remain uninhabitable. But we should also highlight that the reconstruction efforts the city and its people have undertaken are amazing and inspiring. New Orleans is one of the jewels of this country and we need to be mindful that the city deserves all the help we can give it.

OFFICERS AND BOARD

Mr. Speaker, the Association benefits tremendously from the efforts and leadership of many people. I wish to thank my fellow officers of the Association for their energy, dedication and invaluable counsel during my first year as President. They are Jay Rhodes, Dennis Hertel, Mike Parker, and Jack Buechner. Let me also thank the members of our Board of Directors and our Counselors for providing excellent guidance and support throughout the year. In addition, we benefit greatly from the wonderful work of Auxiliary, led so ably by Debi Alexander.

Mr. Speaker, to administer all these programs takes a staff of dedicated and enthusiastic professionals. We expanded our team from four to five full-time employees since our last report, which is another sign of how active and successful a year it has been for the Association.

VISITING FOREIGN FORMER MEMBERS

Mr. Speaker, we already reported on the work of the International Election Monitors Institute which we created in conjunction with our colleagues from Canada and from the European Union. We are very pleased to have with us today several former legislators as our guests. The Canadian Association of Former Parliamentarians is represented by its Chair, Doug Rowland, as well as former Members Don Boudria and Doug Frith. Mr. John Parker is with us representing the Ontario Association of Former Parliamentarians. From the Association of Former Members of the European Parliament we welcome Anna Pietrasik and Richard Balfe. And from the New Zealand Parliament we are joined by Maurice McTigue. We are honored that you are here and thank you for the great relationship our organizations enjoy.

Mr. RHODES. I would like to just add what I know you would like to add in terms of thanks to Lou Frey for his service to this association.

Mr. SLATTERY. Absolutely.

Mr. RHODES. He does a lot of work for us and it always turns out well. It always adds to his ulcers, but in the end everything comes out just fine, Lou. We appreciate you very, very much. Thank you.

Mr. SLATTERY. Amen, Lou. Appreciate you and appreciate all you do and have done for the association.

Mr. Speaker, I would like to just take 1 minute to acknowledge the incredible staff that we have over at the Association: Pete Weichlein, our executive director, who's doing an incredible job; Sudha David-Wilp who manages our international programs is just wonderful; Rebecca Zylberman, the senior program officer; Meredith McNeil, the international program officer; and Tracy Fine, our executive assistant. This staff that we have put together over there thanks to my predecessors is just doing a tremendous job. I encourage all of you to be in touch with them as you attempt to engage in the work of the association.

At this time, Mr. Speaker, it is now my sad duty to inform the House of those people who served in Congress and have passed away since our report last year. They are:

William Robert Anderson of Tennessee
Lloyd Bensten of Texas
Joel Broyhill of Virginia
Clair Burgener of California
Helen Chenoweth-Hage of Idaho
Harold Collier of Illinois
N. Neiman Craley, Jr., of Pennsylvania
Steven B. Derounian of New York
Reverend Robert F. Drinan of Massachusetts
Thomas Eagleton of Missouri
President Gerald R. Ford of Michigan
Robert Giaimo of Connecticut
Ralph Harding of Idaho
Chic Hecht of Nevada
Jim Jontz of Indiana
Thomas S. Kleppe of North Dakota
Thomas Manton of New York
Robert Mathias of California
Jack Metcalf of Washington
Juanita Millender-McDonald of California
Sonny Montgomery of Mississippi
Charles W. Norwood, Jr., of Georgia
James Olin of Virginia
Charlotte Reid of Illinois
Theodore Risenhoover of Oklahoma
J.T. Rutherford of Texas
George A. Smathers of Florida
Virginia Smith of Nebraska
Marion Gene Snyder of Kentucky
Gerry Studds of Massachusetts

I ask all of you, including the visitors in the gallery, to rise for a moment of silence as we pay our respect to their memory.

Thank you.

Mr. Speaker, as you know, each year the Association presents a Distinguished Service Award to an outstanding public servant and former Member of Congress. The award rotates between parties, as do our officers. This year, we are very pleased to be honoring a remarkable Republican, former Senate Majority Leader Bob Dole from Kansas, my home State.

General Colin Powell once described him as "a plainspoken man of strength, maturity and integrity." I know him as a fellow Kansan with an unconventional candor and prairie wit who loves his State and loves our country. We all know him as one of the most prominent political figures of our time and one of the legislative giants in our Nation's history.

Senator Robert Dole was born July 22, 1923 in Russell, Kansas. He has been quoted as saying, "Anyone who wants to understand me must first understand Russell, Kansas. It is my home, where my roots lie, and a constant source of strength. In Russell, I came to understand there are things worth living for, and, if need be, dying for."

Senator Dole served in World War II as a platoon leader in the legendary 10th Mountain Division in Italy. In 1945, he was gravely wounded on the battlefield, spent 39 months in the hospital, and was twice decorated for heroic achievement. His decorations including two Purple Hearts and a Bronze Star with Oak Leaf Cluster.

Senator Dole graduated from Washburn University in 1952 with a law degree and went on to represent then the Third District of Kansas, later what became known as the Big First, from 1961 to 1969. Elected to the U.S. Senate in 1968, Senator Dole served as either majority leader or minority leader from 1985 to 1996. He was chairman of the Committee on Finance during the 97th and 98th Congresses, as well as chairman of the Republican National Committee in 1971–72.

While serving in the Senate, Senator Dole earned national acclaim for his leadership on behalf of the disadvantaged and Americans with disabilities. He left his mark on many pieces of major legislation, ranging from farm bills to Social Security and food stamps. He was always a conservative and strong voice for fiscal responsibility.

In 1976, he was the GOP candidate for Vice President alongside President Gerald Ford. In 1996, Senator Dole was the Republican Party's candidate for President. In 1997, President Clinton recognized Senator Dole's remarkable career of public service by granting him a Presidential Medal of Freedom, our Nation's highest civilian honor.

Since his retirement from the Senate, Senator Dole has reestablished his law career here in Washington; has written a book called "One Soldier's Story: A Memoir"; served as chairman of the National World War II Memorial; and joined forces with President Bill Clinton to serve as cochair of the Families of Freedom Scholarship Fund, assisting the educational needs of the families of the World Trade Center, the Pentagon and United Flight 93. Most recently, President Bush appointed Dole as chairman of the commission to investigate problems at Walter Reed Army Medical Center.

The Robert J. Dole Institute of Politics housed at the University of Kansas in Lawrence, Kansas, was established to encourage public service and promote bipartisanship and statesmanship in American politics.

I have often said that when the doors were closed and the tough work of governing had to be done, Bob Dole could be counted on to make the hard decisions that he believed were in the best interest of the country that he loves. That makes him in my mind a statesman and a great patriot.

On behalf of the U.S. Association of Former Members of Congress, it is a great pleasure and honor for me to present our 2007 Distinguished Service Award to former Senate Majority Leader Bob Dole. Let me read the plaque as it is inscribed:

"Presented by the United States Association of Former Members of Congress to Senator Robert J. Dole of Kansas for a lifetime of dedicated and exceptional service to his country. Whether as an officer in World War II or as the highest ranking Republican in the U.S. Senate, Bob Dole has always exemplified strong and courageous leadership. He has received his Nation's highest honors, including the Presidential Medal of Freedom, two Purple Hearts, and the Bronze Star. He served as Senate majority leader and as his party's nominee for Vice President and for President. Bob Dole is a true American hero and his former colleagues from both sides of the political aisle salute him. Washington, DC, May 10, 2007."

Mr. RHODES. The Chair is pleased to recognize the Honorable Senator Robert Dole for such time as he wishes to consume.

Mr. DOLE. Well, I am pleased to have somebody with Kansas roots presiding. So thank you.

Mr. RHODES. The blood is there, Senator.

Mr. DOLE. Well, I never had this many people show up when I was in the House, so this is a big improvement over the 8 years I spent here.

I've been trying to get Slattery to use Grecian Formula. Once you get used to the taste, it works very well. I'll send him another bottle.

I've been thinking about this place and all the people here and some of whom I've served with. There are not many left anymore, but I see my friend Bob Michel here.

It will be 11 years on June 11 since I left the Capitol and 38 years this past January that I left this Chamber. Forty-six years ago I walked into this Chamber and didn't have a clue. I didn't know anything about anything.

Maybe that happens even now, but I doubt it. Before I go any further, I want to recognize my wife, ELIZABETH. Thank you for being here.

I just jotted down a few things. I always spoke on the 1-minute rule. Speaker McCormack was always very kind to give us a little time, but it was to say the least exciting to have a front row seat for somebody from Russell, Kansas, in the Congress of the United States. My hero, of course, was President Eisenhower. He was leaving Washington just as I was arriving. I remember shortly after he left, he invited our freshman class, all the Democrats and Republicans in our freshman class, to come to Gettysburg where he spent about 3 hours giving us a personal tour of the Gettysburg battlefield, and then we had lunch and he put us on a bus and waved good-bye. That is still one of the most memorable moments in my career, because whether you're a Democrat or Republican, Eisenhower was revered by people of all generations.

I came to Washington when John Kennedy was elected President, and I remember it very well, because there was a big, big snowstorm the night before the inaugural, and I was trapped in my office in the Cannon Building and I didn't have any clean shirt to wear and there was a drug store at that time right across the street, they even handled shirts, so I went over and bought me a fresh shirt and it was a very, very bitter cold day. I remember when President Kennedy gave his inaugural address, he challenged the Nation, all of us, Republicans, Democrats and led by a new generation because he was a new generation, as he said, "Tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage and unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world."

He went on, declaring, and this is a very famous quote that we all know about, that we would "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty." It is much the same today though we have maybe different ideas on how it is to be done.

I was thinking back about what really happened as far as legislative achievements in the 8 years and many things when I was here did happen, many things were important. I remember amendments to the national school lunch program and the food for peace program that was initiated by President Eisenhower. It was a nonpartisan program. I was here when I heard President Johnson proclaim, "We shall overcome." Here I was a conservative Republican, President Johnson a liberal southern Democrat, but we were as one on the defining issue of our times and the defining issue of our times was civil rights. I was here and proudly voted "aye" in 1964 when the first civil rights legislation was passed.

I remember Speaker Rayburn. I remember I used to grip the chair and he was very quiet, very reserved. I never had a long conversation with him. I don't think many people did. But I served longer with John McCormack of Massachusetts, who was Speaker from 1962 to 1971. And then when I left the House and went to the Senate, I knew Carl Albert very well. He was a great guy and from Oklahoma. Tip O'Neill, Jim Wright, Tom Foley, Newt Gingrich.

I think of all the Speakers I knew, the one that I had the best rapport with was Tip O'Neill. I think Bob Michel might agree, because he would sit in his office and roll that cigar back and forth and have a conversation. He was just one of the finest politicians—and I use that word in the right sense—finest politicians I ever met. Politicians take a lot of beating which they don't deserve, but that's another topic.

But Tip O'Neill was a friend of another leader of this body, Gerald Ford. As many of you know, Gerald Ford's ambition was to become Speaker of the House. Well, he never made it, but he became Vice President and President of the United States which probably to him was a second prize. And I think we were all reminded earlier this year that history chose a good and decent man to heal the wounds of Watergate when President Ford was there.

I remember being asked, I can't remember by who, what I would do in the House. Well, my answer was to follow the advice of a late Senator from Kansas, Senator Frank Carlson, who told me to sit back and listen and then stand up for what you believe in. The truth is while I served here, I did what my parents taught me: You work hard, you keep your word, you treat others the way you want to be treated, and, of course, you do your best.

As Jim Slattery pointed out, I'm proud of my Kansas roots and I would not have made it here had it not been for my friends in Russell who sort of rallied around me after World War II. They taught me that the greatness of America lies not in the power of her government but in the goodness of her people. I owe my life to my family, to a lot of doctors and nurses in and out of Army hospitals, and many, many others.

Finally, age may or may not bestow wisdom, but it does carry certain privileges, among them the right to remember and perhaps distill whatever perspective comes with experience. As I reflect on my years in Congress and in Washington, what comes to mind first are not the legislative battles won or lost but the friendships forged for life. Thomas Jefferson said that "a friendship is precious not only in the shade but in the sunshine of life. And thanks to a benevolent arrangement of things, the greater part of life is sunshine." Much of the sunshine in my life stems from the privilege of serving in Congress and working with men and women of both parties.

I am very proud to receive this award. I have learned that if you live long enough, you get a lot of awards, they're coming in pretty fast at my age, but I consider this a very distinct honor because I know how hard you all worked.

I would just close with, some of us at least, it may be a confession on my part. First I want to thank you for all you do. But somebody handed me a little poem called Around the Corner. Sometimes we get so busy and so maybe self-centered sometimes, this is what it is:

Around the corner I have a friend,
In this great city that has no end.
Yet the days go by and weeks rush on,
And before I know it, a year is gone.
And I never see my old friend's face,
For life is a swift and terrible race.
He knows I like him just as well,
As in the days when I rang his bell.
And he rang mine but we were younger then,
And now we are busy, tired men.
Tired of playing a foolish game,
Tired of trying to make a name.
Tomorrow, I say, I will call on Jim,
Just to show that I'm thinking of him.
But tomorrow comes and tomorrow goes,
And distance between us grows and grows.
Around the corner, yet miles away,
"Here's a telegram, sir." "Jim died today."
And that's what we get and deserve in the end,
Around the corner a vanished friend.

Thank you.

Mr. SLATTERY. Senator Dole, one other thing we wanted to give you. This is two little booklets of congratulatory letters from your friends. We wanted to just present that to you, also.

Mr. RHODES. Our thanks to the Senator from the United States of America, Mr. Dole.

There are a couple of things I need to mention. We would be remiss if we did not recognize that we have several foreign visitors, Members of Parliament from Canada, Australia, New Zealand, the European Union and Great Britain. We appreciate your being with us and hope you'll enjoy the rest of the day with us.

Members who did not record their presence can come forward and record their presence verbally with the Reading Clerk. I need to mention to you that our buses are out on Independence Avenue. It would be helpful if you would proceed to those buses as if you were civilians rather than Congressmen.

Last, I want to recognize a voice that has not been heard here today. That is the voice of Paul Hays. Paul was the Reading Clerk in this House when each and every one of us was here. Paul has retired. I understand that there is to be a reception in Paul's honor this evening at 5 o'clock in the Rayburn Room.

I want to thank all of you for being here. Good luck to you.

The House of Representatives will reconvene in 15 minutes.

Accordingly (at 10 o'clock and 8 minutes a.m.), the House continued in recess.

☐ 1023

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. McNULTY) at 10 o'clock and 23 minutes a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1082. An act to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to reauthorize drug and device user fees and ensure the safety of medical products, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. Con. Res. 21) entitled "Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012", agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CONRAD, Mrs. MURRAY, Mr. WYDEN, Mr. GREGG, and Mr. DOMENICI, to be the conferees on the part of the Senate.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. SESTAK. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 one-minute speeches on each side.

IT IS TIME TO ENACT A COMPREHENSIVE ENERGY POLICY

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, it seems that every year as we close in on Memorial Day, gas prices sky-rocket to new record highs. Unfortunately, this year there is no exception.

For 6 years under Republican leadership, Congress has failed to enact a comprehensive energy strategy needed to help stabilize the price of gas and make America more energy independent. Under the Republican leadership, energy policy was little more than corporate welfare, handing over billions of dollars in tax breaks to oil companies and gas companies experiencing record profits. As a result of those policies, American families are paying a higher price every time they go to the pump.

Under the new leadership, this House has already supported a rollback of those multi-billion dollar taxpayer subsidies to big oil companies so that we can invest in efficiency and renewable forms of energy.

Mr. Speaker, it is time to help the working families struggle to pay the prices at the pump. We must bring down prices and make America energy independent. With a comprehensive energy policy we can and should and will accomplish this goal.

MENTAL HEALTH SECURITY FOR AMERICA'S FAMILIES IN EDUCATION

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, it has been a few short weeks since the tragedies of Virginia Tech, which we cannot forget. Nor should we forget the fact that there are three suicides each day on college campuses and each year hundreds of thousands of acts of violence, many committed by those who have serious mental illness.

But under the Family Educational Rights and Privacy Act, passed into law in 1974, school personnel, administrators, and teachers who have little or no training in mental health are burdened with the task of defining and determining if a student is at risk. These educational personnel are also reluctant to release information for fear of legal action.

That is why I have introduced H.R. 2220, the Mental Health Security for America's Families in Education Act, to break down these barriers to allow our schools to communicate with parents after consultation with a licensed mental health professional.

I ask my colleagues to join the Association of American Universities, the American Council on Education, and the National Association of State Universities and Land Grant Colleges to help support this bill.

THE WAR IN IRAQ

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Mr. Speaker, we are at the point where no one should call the war in Iraq "Bush's war." It is ours, America's war. We are in this together. We Democrats need the Republicans if we are to end it without a failed Iraqi state.

It is not just about "getting out of Iraq." It should be about redeploying out of Iraq so that we can better ensure U.S. security elsewhere, as we leave Iraq with relative stability.

The resolution we will soon vote on is today's stalking horse, with merit, but with less of a strategic plan for a successful end than the last Iraqi resolution, despite times that are now more dire in Iraq and, therefore, also for us. We need both the Republicans and a new strategy so that we can successfully end this conflict for our betterment. I see the key as President Bush's statement that our commitment is not open-ended. We, therefore, now need to define how to end it, together.

I will vote for this resolution, but I am expressing my reservations because it lacks defining how to achieve the end of an open-ended commitment by a winning strategy.

That is why we need the Republicans, and they us, to resolve the war successfully by a strategy that deliberately defines the end of our open-ended commitment so that we can then use it to exact success, diplomatically, regionally, ensuring our, and Iraqis', greater security.

HELPING TERRORISTS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, there is a fundamental disagreement in this House of Representatives over how to protect our Nation and our approach to national security. And these differences are no more blatant than in the Department of Homeland Security authorization bill that passed this House just yesterday.

While law enforcement officials were arresting six potential terrorists who planned to attack a military base in New Jersey, this Democrat majority was already working hard to strip commonsense immigration reforms from the authorization bill. Never mind that three of the would-be terrorists were in the country illegally, never mind that stronger enforcement and better resources for our Customs and Border agents could have very well kept these men from getting across the border.

It is outrageous that this majority would proactively undermine an opportunity to strengthen our Nation's defenses, support our first responders, and track who is coming into our country.

American common sense appears not to have extended to the majority party. There are fundamental differences in how we plan to protect America. Our enemies are watching and so are the American people.

☐ 1030

EMERGENCY SUPPLEMENTAL

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, today this House is again going to consider legislation that would heed the will of the American people by changing course in Iraq and paving the way for responsible redeployment of our troops.

Although the President claims that he is interested in cooperation with Congress, his most recent veto threat shows that to him cooperation still means, "I'm the decider, you will do what I say." Well, the American people feel differently. The President is going to have to acknowledge that his course in Iraq is the wrong course, and that it is time to abandon this approach and work with Congress.

The bill we are considering today funds our troops, enhances our ability to go after al Qaeda and ensures benchmarks for the Iraqi Government that will ensure we are not on a road to nowhere in Iraq.

This bill sets the stage for responsible winding down of our military involvement in Iraq, and I urge my colleagues to support it and the President to sign it.

DEMOCRATS' PLAN DOESN'T CUT IT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the supplemental bill we are set to consider today only partially funds our troops. This leaves the possibility that Democratic leaders will again seek to undercut the efforts of General Petraeus before August. The plan is equivalent of an oil change when the car needs new tires.

President Bush pledged yesterday to veto the new Democrat funding bill. The President's veto supports our troops to complete the mission. Secretary of Defense Robert Gates has made clear the impact on the military of partial funding. He has said, "In essence, the bill asks me to run the Department of Defense like a skiff, and I'm trying to drive the biggest supertanker in the world."

Following their failed attempt to micromanage our military leaders and hamstring our troops in the battlefield, I am saddened that many Democrats are not facing up to the threats to our security. Al Qaeda spokesman Zawahiri has declared Iraq the central front in the global war on terrorism.

In conclusion, God bless our troops, and we will never forget September 11.

IN SUPPORT OF UNITED STATES COMMITMENT TO GLOBAL CHILD SURVIVAL ACT

(Ms. McCOLLUM Minnesota asked and was given permission to address the House for 1 minute.)

Ms. McCOLLUM of Minnesota. Mr. Speaker, today I will introduce a bipartisan piece of legislation that will keep newborn babies and young children alive and healthy in the world's poorest countries. I urge my colleagues to cosponsor the United States Commitment to the Global Child Survival Act.

Every year, more than 10 million newborns and children under 5 die. That is 28,000 babies and toddlers dying every day. Pneumonia, diarrhea and malnutrition needlessly kill millions. Sixty percent of newborns and young children die needlessly from treatable or preventable problems just because they are poor.

This bill expands access to the basics, antibiotics, vaccines, vitamins, antimalaria drugs, which will save lives.

I urge my colleagues to cosponsor the United States Commitment to the Global Child Survival Act and to invest in keeping newborns and young children and their mothers healthy.

DON'T WITHDRAW FROM IRAQ

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, yesterday a petition signed by nearly 3,000 men and women currently serving in Iraq was accepted by the House of Representatives by Leader BOEHNER. The appeal simply states, "As an American currently serving my nation in uniform, I respectfully urge my political leaders in Congress to fully support our mission in Iraq and halt any calls for retreat. The war in Iraq is a necessary and just effort to bring freedom to the Middle East and protect America from further attacks."

This petition was organized by two U.S. servicemen serving in Iraq, Lieutenant Jason Nichols and Staff Sergeant David Thul. In a statement released yesterday, they said, "We are respectfully asking for full support in finishing the mission you assigned us here in Iraq. Patience and resolve will result in a stable democratic country in the Middle East. Early withdrawal will result in a stronger enemy, a weaker America and a demoralized united armed forces. We need your support to finish the job."

Mr. Speaker, these are the thoughts of men and women fighting this war. We owe it to them to listen. They've earned it.

2008 BUDGET

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute.)

Ms. SCHWARTZ. As a Member of the Budget Committee, I am proud of the 2008 budget that we sent to conference committee this week. Our budget is a responsible one, and it is attentive to America's priorities.

First, our budget honors our commitment to our service men and women. It provides funding that will enable our veterans' health system to meet increasing needs.

Second, our budget recognizes the priorities of hard-working Americans. It provides tax relief to middle-income families by fixing the AMT, extending lower tax rates, and continuing the earned income and child tax credits. And it expands SCHIP to provide health coverage to 7 million children of middle-income families who are currently uninsured.

Third, our budget enhances our Nation's economic competitiveness. It makes key investments to ensure our future workforce has the education and skills needed to compete in the global economy. Our budget is fiscally disciplined. It ends the unsustainable "borrow-and-spend" policies of the last 6 years. And it balances the budget in 5 years, setting us on a course to pay down our debt while meeting our obligations.

We should all be proud of this budget. It is a new direction; it is the right direction for America.

COMMEMORATING THE 100TH BACH CHOIR FESTIVAL

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, I rise today to commemorate the distinguished Bach choir of Bethlehem, Pennsylvania, our Nation's oldest choir dedicated to the performance and celebration of musical masterpieces composed by Johann Sebastian Bach. Founded in 1898 under the direction of J. Fred Wolle, the organist of the Bethlehem Moravian Church, the choir is celebrating the 100th anniversary of the annual Bach Festival this month.

In 1900, the Bach choir presented their first performance of "The Mass in B Minor" in the Moravian Church in Bethlehem during the Bach Festival. Although the next Bach Festival was not held again until 1912, the Festival has blossomed into a long-standing cultural tradition in Bethlehem, attracting visitors from all around the Nation and the world each year. During the festival, the choir will once again breathe life into Bach's Mass in B Minor.

Since its inception, the choir has been a shining star in the city of Bethlehem. Today, the choir is comprised of 95 volunteer members and performs under the leadership and direction of Greg Funfgeld. This unique ensemble has gained international acclaim for their artistry. The choir has been welcomed to perform on some of the most renowned stages in the world, including the Kennedy Center, Carnegie Hall, Munich's Royal Residence, as well as London's Royal Albert Hall as part of a concert tour in the United Kingdom.

Furthermore, countless listeners have tuned in across the globe to listen to the choir on National Public Radio and the BBC World Service. The discipline and talent that ushers this choir around the world is also shared with children and the young musicians in Lehigh Valley through music education programs.

I would just like to commend all the good people at the Bach choir and congratulate them on this 100th anniversary of the Bach Festival.

IRAQI HYDROCARBON LAW

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. The administration sets several benchmarks for the Iraqi Government, including the passage of the hydrocarbon law by the parliament. The administration misled this Congress by emphasizing only a small part of this law, the so-called "fair" distribution of oil revenues.

Consider the fact that the Iraqi hydrocarbon law contains a mere three sentences that generally discuss the "fair" distribution of oil. Except for these three scant lines, the entire 33-page hydrocarbon bill is about creating a complex legal structure to facilitate the privatization of Iraqi oil. As a matter of fact, yesterday, Vice President CHENEY was in Baghdad specifically to tell the Iraqi legislature they must stay in session to pass this hydrocarbon bill which hands Iraqi oil over to foreign oil companies.

It is imperative that all of us look at this carefully before we cast our vote today.

Mr. Speaker, this war will never end if the Iraqi people believe the U.S. government is trying to deliver its oil over to U.S. oil companies.

HONORING ASTRONAUT WALTER "WALLY" SCHIRRA

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, I rise today in honor of a life of accomplishment of astronaut Walter "Wally" Schirra and express the condolences of a grateful Nation to his entire family.

Wally passed away last Thursday at the age of 84, leaving behind a wife, Josephine, and daughter, Suzanne, and Walter Schirra III.

In a world where we place a premium on innovation and discovery, Wally was a pioneer in both.

Mr. Speaker, the history of man is measured on a timeline of exploration, and for Walter Schirra, it was his life. Pushing the limits of discovery, determined to work harder and go farther than anyone before him, Wally had the distinction of being the fifth American in space and the third American in orbit on an adventure that includes six circlings of the globe that lasted more than 9 hours.

He led a lifetime built on breaking barriers, laying the groundwork for future lunar landings. On December 15, 1965, he piloted the Gemini 6 in what was to be the first attempted rendezvous by two-manned spacecraft in space. Three years later, in October of 1968, he concluded his third and final mission when he was launched as commander of Apollo 7, the first manned Apollo mission. This flight made Commander Schirra the only Mercury astronaut to fly aboard Mercury, Gemini and Apollo spacecrafts.

His lifetime of achievement also included a decorated record of service in the United States military. In Korea, he flew 90 combat missions and was credited with downing at least one MIG fighter. His courage and valor was eventually recognized with three distinguished flying crosses, two air medals and two NASA Distinguished Service Medals and induction into the National Aviation Hall of Fame.

While he was remembered most for his contributions in the United States space program, Wally also made tremendous strides in advancing the efforts of the Reuben H. Fleet Aerospace Museum in San Diego.

While he was no longer to venture out into outer space, Wally took off on his 35-foot sailboat. I guess he figured if the skies were no longer available to him, he would instead canvass the oceans.

Astronaut "Wally" Schirra will always have a place in our Nation's history, an inspiring figure of humble beginnings with daring dreams, a pioneer of our space program who helped the United States win the race against the Soviet Union in the space race.

While we mourn the loss of this remarkable man, we should celebrate his great life of achievements. We can rest assured that his legacy will be long felt by many generations yet to come.

DEMOCRATS ARE WILLING TO WORK WITH THE PRESIDENT BUT WE ARE NOT GOING TO RUBBER-STAMP HIS WAR

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, Iraq must be held responsible. No one can be forced to have a democracy; they must want to themselves.

The Iraqi government must meet the security, political and economic benchmarks that they have set for themselves. I would think that every Member of this Congress would want to hold the Iraqi Government accountable for the promises it has made earlier this year.

On our supplemental, the bill fully funds the troops for the next 2 to 3 months, ensuring that they have everything they need to conduct their mission. The bill includes additional funding to include improve military readiness above the President's request. The bill includes additional $1.8 billion for veterans' health care above the President's request. The bill also includes additional funding for the troops above what the President has requested. It is time for us to hold the Iraqi government responsible and ask them to come up to the plate as we have done ourselves.

ALLOW AMERICANS TO KEEP THEIR MONEY

(Mr. CAMPBELL of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL of California. Mr. Speaker, we learned this week that in April of this year, the Federal Government received more tax revenue in that month than in any month ever in the history of the Republic. It results in an over 11 percent increase in revenue to the government this year, on top of over an 11 percent increase last year and an almost 15 percent increase the year before that. But, yet, the budget that the Democrats propose includes the largest tax increase in American history as they continue to impose tax increase after tax increase after tax increase. The question is, why? When Federal Government revenues have increased over 37 percent in the last 3 years, why do we want to increase spending by 40 percent in 3 years, 50 percent, 60 percent? Why? We should not be confiscating more money from the people in order to increase government. We should be allowing the people to keep more of their own money so that the economy can continue to grow.

SUPPORT OUR TROOPS AND BRING THEM HOME

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, more than 4 years ago the House of Representatives authorized a war in Iraq based on misrepresentations that were false, $2 billion a week and climbing. Today, we have an opportunity to support our troops and bring them home when the House will vote to fully fund the safe and timely withdrawal of U.S. troops from Iraq. Last November, the American people gave Congress an overwhelming mandate to end the occupation of Iraq.

On this day, Mr. Speaker, we can decide whether we stand with the President to continue to support a failed policy with no end, or stand with the American people and our generals, who understand there is no military solution to this civil war and occupation in Iraq.

H.R. 2237 reflects the goal of the Lee amendment to fully fund the safe and timely withdrawal of our troops from Iraq. It is responsible, it is practical, it does not cut the funding. But it designates what the supplemental can be used for, and that is to fully fund a safe withdrawal and redeployment and help the Iraqis stabilize their country with a diplomatic, social, and reconstruction effort.

This occupation cannot be won militarily. I urge my colleagues to support the goals of H.R. 2237 and to vote for it, because those of us who worked so hard on the Lee amendment prior to today support this and want to see a strong vote for it.

□ 1045

CONGRESS SUPPORTS EDUCATION IN TEACHER APPRECIATION WEEK

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute.)

Mr. ETHERIDGE. Mr. Speaker, as a former school chief serving in Congress, I rise today to commemorate National Teacher Appreciation Week.

All across America this week, our Nation's school children, parents, PTAs and others are gathering to show their appreciation to the professional educators who work every day to make their futures brighter. Teacher Appreciation Week is a great opportunity to stop and pay tribute to the profession that shapes the world of tomorrow.

Mr. Speaker, I think it is important to note that this new Democratic Congress is doing its part to support education in our communities. Democrats rejected President Bush's misguided educational budget cuts. Earlier this year, the House passed a balanced budget resolution that provides billions of dollars more for the non-neglected priorities like Head Start, secondary education, the Individuals With Disability Act and important initiatives.

In addition, my colleagues and I have crafted bipartisan legislation to provide critical investment in our school construction and modernization across this country. The Rangel-Ramstad-Etheridge America Better Classrooms Act will provide $25 billion in interest-free bonds for local schools. This bill will make a difference in our communities, our children and our teachers.

Mr. Speaker, I urge my colleagues to join me in this piece of legislation on National Teacher Appreciation Week.

CELEBRATING THE LIFE AND MEMORY OF KATIE M. SOENKSEN

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute.)

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to celebrate the life and the memory of PFC Katie Soenksen, who graduated from Davenport North High School in 2005 and died in an explosion on May 2 in West Baghdad, Iraq, while conducting a security mission in Operation Iraqi Freedom.

Katie was a 19-year-old woman from Davenport, Iowa, who was a member of the 410th Military Police Company from Fort Hood, Texas. She left behind a loving family, including her parents, Ron and Mary Ann Soenksen, a brother, Matthew, from Davenport, and a sister, Sarah, from Blue Springs, Missouri.

Katie's friends and family remember her as a fun-loving, energetic young woman who loved bowling, playing softball and spending time with her friends.

Mr. Speaker, as we come to the floor every day and decide important public policy issues that affect the lives of people like Katie Soenksen, I hope we all remember that this is something we are all in together, and the lives of future generations of Americans are affected by the policies that we set on this floor.

CONGRATULATING THE CITY OF CHICAGO FOR BEING CHOSEN TO REPRESENT THE UNITED STATES TO HOST THE 2016 OLYMPIC AND PARALYMPIC GAMES

Mr. SIRES. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 28) congratulating the City of Chicago for being chosen to represent the United States in the international competition to host 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 28

Whereas the City of Chicago has been selected by the United States Olympic Committee to represent the United States in its bid to host the 2016 Summer Olympic and Paralympic Games;

Whereas by 2016, 20 years will have passed since the Summer Olympics were held in a city in the United States;

Whereas Chicago is a world-class city with remarkable diversity, culture, history, and people;

Whereas the citizens of Chicago take great pride in all aspects of their city and have a deep love for sports;

Whereas Chicago already holds a place in the international community as a city of immigrants from around the world, who are eager to be ambassadors to visiting Olympic athletes;

Whereas the Olympic and Paralympic Games will be played in the heart of Chicago so that athletes and visitors can appreciate the beauty of the downtown parks and lakefront;

Whereas Chicago is one of the transportation hubs of the world and can provide accessible transportation to international visitors through extensive rail, transit, and motorways infrastructure, combined with the world-class O'Hare and Midway International Airports;

Whereas the motto of the 2016 Olympic and Paralympic Games in Chicago would be "Stir the Soul," and the games would inspire citizens around the world, both young and old:

Whereas a Midwestern city has not hosted the Olympic Games since the 1904 games in St. Louis, Missouri, and the opportunity to host the Olympics would be an achievement not only for Chicago and for the State of Illinois, but also for the entire Midwest;

Whereas hosting the 2016 Olympic and Paralympic Games would provide substantial local, regional, and national economic benefits;

Whereas Mayor Richard M. Daley, Patrick Ryan, and members of the Chicago 2016 Committee have campaigned tirelessly to secure Chicago's bid to host the Olympic and Paralympic Games;

Whereas through the campaign to be selected by the United States Olympic Committee, Chicago's citizens, officials, workers, community groups, and businesses have demonstrated their ability to come together to exemplify the true spirit of the Olympic Games and the City of Chicago; and

Whereas the Olympic and Paralympic Games represent the best of the human spirit and there is no better fit for hosting this event than one of the world's truly great cities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the City of Chicago on securing the bid to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games; and

(2) encourages the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

The SPEAKER pro tempore. Pursuant to House Resolution 383 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1873.

□ 1050

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1873) to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes, with Mr. CROWLEY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 9, 2007, amendment No. 8 printed in House Report 110–137 by the gentlewoman from Texas (Ms. JACKSON-LEE) had been disposed of.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 4, as modified, by Mr. SESTAK of Pennsylvania.

Amendment No. 2 by Mr. SHULER of North Carolina.

Amendment No. 3 by Ms. BEAN of Illinois.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4, AS MODIFIED, OFFERED BY MR. SESTAK

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. SESTAK), as modified, on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment, as modified, is as follows:

Amendment No. 4, as modified, offered by Mr. SESTAK:

Strike section 101 and insert the following:

SEC. 101. DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by amending subsection (o) to read as follows:

"(o) DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.—For purposes of this Act:

"(1) BUNDLED CONTRACT.—

"(A) IN GENERAL.—The term 'bundled contract' means a contract or order that is entered into to meet procurement requirements that are consolidated in a bundling of contract requirements, without regard to its designation by the procuring agency or whether a study of the effects of the solicitation on civilian or military personnel has been made.

"(B) EXCEPTIONS.—The term does not include—

"(i) a contract or order with an aggregate dollar value below the dollar threshold specified in paragraph (4); or

"(ii) a contract or order that is entered into to meet procurement requirements, all of which are exempted requirements under paragraph (5).

"(2) BUNDLING OF CONTRACT REQUIREMENTS.—

"(A) IN GENERAL.—The term 'bundling of contract requirements' means the use of any bundling methodology to satisfy 2 or more procurement requirements for goods or services previously supplied or performed under separate smaller contracts or orders, or to satisfy 2 or more procurement requirements for construction services of a type historically performed under separate smaller contracts or orders, that is likely to be unsuitable for award to a small business concern due to—

"(i) the diversity, size, or specialized nature of the elements of the performance specified;

"(ii) the aggregate dollar value of the anticipated award;

"(iii) the geographical dispersion of the contract or order performance sites; or

"(iv) any combination of the factors described in clauses (i), (ii), and (iii).

"(B) INCLUSION OF NEW FEATURES OR FUNCTIONS.—A combination of contract requirements that would meet the definition of a bundling of contract requirements but for the addition of a procurement requirement with at least one new good or service shall be considered to be a bundling of contract requirements unless the new features or functions substantially transform the goods or services and will provide measurably substantial benefits to the government in terms of quality, performance, or price.

"(C) EXCEPTIONS.—The term does not include—

"(i) the use of a bundling methodology for an anticipated award with an aggregate dollar value below the dollar threshold specified in paragraph (5); or

"(ii) the use of a bundling methodology to meet procurement requirements, all of which are exempted requirements under paragraph (6).

"(3) BUNDLING METHODOLOGY.—The term 'bundling methodology' means—

"(A) a solicitation to obtain offers for a single contract or order, or a multiple award contract or order; or

"(B) a solicitation of offers for the issuance of a task or a delivery order under an existing single or multiple award contract or order.

"(4) SEPARATE SMALLER CONTRACT.—The term 'separate smaller contract', with respect to bundling of contract requirements, means a contract or order that has been performed by 1 or more small business concerns or was suitable for award to 1 or more small business concerns.

"(5) DOLLAR THRESHOLD.—The term 'dollar threshold' means $65,000,000, if solely for construction services.

"(6) EXEMPTED REQUIREMENTS.—The term 'exempted requirement' means a procurement requirement solely for items that are not commercial items (as the term 'commercial item' is defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

"(7) PROCUREMENT REQUIREMENT.—The term 'procurement requirement' means a determination by an agency that a specified good or service is needed to satisfy the mission of the agency.".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 14, as follows:

[Roll No. 319]

AYES—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette

Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Bishop (UT)
Brady (PA)
Butterfield
Engel
Fattah
Gingrey
Johnson (IL)
Jones (OH)
Larson (CT)
McMorris Rodgers
Meek (FL)
Rogers (AL)
Souder
Watson

☐ 1116

Ms. WOOLSEY and Mr. McKEON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHNSON of Illinois. I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MR. SHULER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. SHULER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SHULER:

After section 201 insert the following (and redesignate succeeding sections accordingly):

SEC. 202. INCLUDE OVERSEAS CONTRACTS IN SMALL BUSINESS GOAL.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

"(3) The procurement goals required by this subsection apply to all procurement contracts, without regard to whether the contract is for work within or outside the United States.".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 398, noes 29, not voting 10, as follows:

[Roll No. 320]

AYES—398

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—29

Biggert
Bilbray
Blunt
Brown-Waite, Ginny
Burgess
Cannon
Cantor
Conaway
Davis, Tom
Deal (GA)
Doolittle
Dreier
Flake
Foxx
Gingrey
Hensarling
Lamborn
Lungren, Daniel E.
McHenry
Myrick
Petri
Poe
Price (GA)
Royce
Sali
Sensenbrenner
Shadegg
Stearns
Westmoreland

NOT VOTING—10

Brady (PA)
Engel
Fattah
Jones (NC)
Larson (CT)
McMorris
Rodgers
Meek (FL)
Rogers (AL)
Souder
Watson

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes left in the vote.

□ 1126

Mr. GINGREY changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MS. BEAN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Illinois (Ms. BEAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

> Amendment No. 3 offered by Ms. BEAN:
>
> Section 201(a), strike "25 percent" and insert "30 percent".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 371, noes 55, not voting 11, as follows:

[Roll No. 321]

AYES—371

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman
Schultz
Waters
Watt
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—55

Akin
Bachmann
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Blunt
Boehner
Brady (TX)
Burgess
Campbell (CA)
Cannon
Cantor
Carter
Conaway
Culberson
Davis (KY)
Davis, Tom
Doolittle
Dreier
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Hall (TX)
Hensarling
Herger
Hoekstra
Lamborn
Lungren, Daniel
E.
Mack
Marchant
McHenry
Miller (FL)
Myrick
Neugebauer
Nunes
Pence
Petri
Poe
Radanovich
Renzi
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Stark
Stearns
Sullivan
Tancredo
Thornberry
Walberg
Waxman
Weldon (FL)

NOT VOTING—11

Bachus
Brady (PA)
Engel
Fattah
Larson (CT)
Lewis (CA)
McMorris
Rodgers
Meek (FL)
Rogers (AL)
Souder
Watson

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1134

Mr. GINGREY changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Ms. BORDALLO. Mr. Chairman, I rise today in strong support of H.R. 1873, the Small Business Fairness in Contracting Act. I commend my good friend from New York (Ms. VELÁZQUEZ) the Chairwoman of the Committee on Small Business for her leadership on this important legislation, and our colleague from Iowa (Mr. BRALEY), the bill's sponsor, for his work in crafting this legislation.

This legislation would amend the Small Business Act to, among other things, revise and add to Small Business Administration (SBA) requirements concerning contract bundling; increase the government-wide goal for participation by small businesses in federal procurement and service contracts; include overseas contracts in such goal; and require certain small businesses to annually recertify compliance with maximum small business size standards for eligibility for SBA-awarded contracts and subcontracts. These changes will make needed improvements to the contracting activities of federal departments and agencies with respect to America's small businesses.

This legislation also contains provisions that would direct the SBA Administrator to develop and maintain a database to assist small businesses in marketing to large corporations that have not achieved their small business goals; contact registered small businesses regarding the likelihood of federal contracting opportunities; prescribe regulations governing SBA review of subcontracting plans; ensure that whenever a small business loses a protest over its size, a notification is placed adjacent to the listing for that business in the Central Contractor Registry (CCR); and ensure a biannual review of the CCR to purge businesses no longer considered small businesses. The SBA Administrator, as a result of this legislation, will be more able to advocate on behalf of and support America's small businesses.

The federal marketplace today is worth upwards of $380 billion. That is, the federal government is the world's largest buyer of goods and services. Unfortunately, year after year, many federal agencies fall short of meeting mandated small business contracting goals. As a result, the numbers of and overall dollar amounts for contracts awarded to small businesses by departments and agencies of the

Federal government are not keeping pace with the overall growth of the federal marketplace. This legislation would go far toward addressing this disturbing trend.

Small businesses constitute nearly ninety percent of the businesses in my district. Supporting them is a top priority for me. Small businesses are the engine of America's economy, representing roughly ninety-nine percent of all employers, creating half of our gross domestic product, and creating up to eighty percent of the new jobs today.

Of particular importance to me, my constituents, and Guam's business community is Department of Defense small business contracting performance. The Department of Defense controls approximately seventy percent of the federal government's contracting dollars. But it controls the vast majority of the federal marketplace in my district, Guam. The amount of contracts issued by the Department of Defense for work on Guam will increase significantly in the years ahead as a result of the planned increase in the military presence on the island.

Ensuring that small businesses are prepared to and can successfully compete for contracts awarded by the Department of Defense is of particular importance to me. This is why I was very concerned last year when the Committee on Small Business issued its Scorecard VII Report. This report detailed federal government performance toward meeting small business contracting goals and found that approximately $8 billion of Department of Defense contracting money reported as going to small businesses was, in fact, provided to large businesses. I was further concerned to learn from that report the Department of Defense from 2004 to 2005 has reduced its small business contract actions by sixty-five percent, despite the department having experienced a thirteen percent increase in total volume of contracts during the same period of time. I am particularly encouraged by the provisions contained in this bill that provide small businesses a better opportunity to compete for government contracts by making it harder for government agencies to bundle contracts into billion dollar super-contracts. This will put small businesses on a more level playing field with large corporations.

Nothing in this bill would change the fact that America's small business owners and operators must remain the hardworking innovators that they are and that they always have been in order for them to remain competitive and successful in the modern economy. This is particularly the case on Guam. Guam's small businesses will have to compete with bigger and better resourced companies that have significant capacity and that want to do business on Guam in support of the planned military build-up. The pace of business on Guam will increase significantly. Guam's small firms need to prepare today to be ready to succeed in a more competitive environment. To do this, I continue to encourage Guam's small business owners and operators to, among other things, identify what their business does well today; what it can do better tomorrow; and what it can do better than others over the course of the military build-up on Guam.

But this much is true: America's small businesses deserve fairer treatment in the federal marketplace than they currently receive. This is why I support H.R. 1873. It is a bipartisan measure that represents a vital step toward leveling the playing field for America's twenty-six million small businesses. In doing so, H.R. 1873 will help improve America's economy. Moreover, this legislation is critical toward improving the accountability in government contracting to America's small businesses. I urge my colleagues support for this bill.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I rise today in support of H.R. 1873—the Small Business Fairness in Contracting Act.

The 10th Edition of Merriam-Webster's Collegiate Dictionary defines fairness as being: impartial, honest; free from self-interest, prejudice, or favoritism. For too long small businesses have been overlooked, short changed and under-funded. For the first time in over a decade this House voted on a bill to open the $380 billion federal marketplace to small businesses across the country.

Mr. Chairman, this bill will not only bring about strong economic growth but also create jobs. This bill does that by: Ensuring that new regulations and databases are added to encourage and promote fairness in the use of small businesses in government contracting; increasing the overall national goal of using contracts with small businesses; and increasing the goal for contracts with disadvantaged and women-owned businesses. These changes are vital to small businesses all over this country.

For the past 6 years, the government has failed to meet its 23 percent small business contracting goal. This has cost small business $10 billion in lost contracting opportunities.

In the 3rd district of Florida, small business owner Lisa Wolf of Wolf Technologies informed me that she faces many contracting problems and loss of business due to the bundling of small projects into large mega contracts. Ms. Wolf owns a geotechnical engineering firm and has gained a reputation for helping clients exceed their goals; she cannot effectively do this without small Federal contracts.

Entrepreneurs and small businesses like Lisa Wolf's are key players in the economy of Florida.

Florida has an estimated total of 1,837,800 small businesses and 29 percent of them are women-owned firms.

According to the Florida Small Business Development Center:

> The stability and growth of Florida's economy depends largely on the vitality of our state's small businesses who are a diverse group of entrepreneurs and innovators. This large and growing group keeps the Florida economy productive.

This bill ensures that more Federal contracts are available to small firms like Lisa's and also increases the procurement opportunities for the small, disadvantaged and women-owned businesses.

Mr. Chairman, this bill is not only a great investment to my home State of Florida but most importantly to our nation's small businesses and I strongly support it.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. CROWLEY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1873) to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes, pursuant to House Resolution 383, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ENGLISH OF PENNSYLVANIA

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ENGLISH of Pennsylvania. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. English of Pennsylvania moves to recommit the bill, H.R. 1873, to the Committee on Small Business, with instructions to report back the same forthwith with the following amendment:
>
> In section 201, add at the end the following:
>
> (c) ECONOMICALLY DISADVANTAGED BUSINESSES.—For purposes of section 15(g) of that Act, the Administrator shall consider to be economically disadvantaged any small business concern that can demonstrate it is adversely affected by expiring tax incentives, and other modifications to the Internal Revenue Code of 1986 which could result in small business tax increases, including but not limited to the 2006 expiration of the increased exemption amount under the alternative minimum tax for taxpayers other than corporations, the 2010 expiration of section 179 of the Internal Revenue Code of 1986 (regarding the ability of small businesses to deduct business expenses), the 2011 expiration of related capital gains, dividends, and death taxes, and the 2011 increase in all marginal income tax rates.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, the motion to commit is very simple and self-explanatory, but at the same time, it is also very timely. It comes at a time when there are legitimate and growing concerns about the pending change in tax policy in America and how it might affect the most dynamic sector of the American economy, and that is, after all, small business.

We know that literally 80 percent of the small businesses, 80 percent of the jobs that are created in the economy in America are created in small business, as has been defined under statute. We are anticipating that as this body moves forward and has passed a budget from the majority that implies the largest tax increase in American history, implies the phaseout of tax policies that have grown the economy since 2001, implies that in order to deal with the pending challenge of the AMT, that there is going to be a massive increase in personal rates, particularly at the high end, that affects subchapter S small businesses.

We think that it is very important now to require the SBA administrator, under this motion, to consider small businesses as economically disadvantaged if they demonstrate an adverse impact due to the expiration of this tax relief. After all, who in this body could possibly be against accounting for and recognizing through an SBA designation the impact on such a vital portion of our economy before haphazardly increasing taxes through what we anticipate is going to be the father of all tax increases. This is, I think, a huge challenge for us, and it is a challenge which we should adjust this program to acknowledge.

I am concerned that if we see a change in our tax policies on this scale, that it is going to have a huge impact on small businesses in districts like mine. For example, the potential change in tax policy could dramatically downsize the section 179 small business expensing provision. This allows small businesses to immediately expense critical capital investment, allowing them to remain competitive in the global economy, allowing them to put money back into the their hands, back into their production line, back into the hands of small business, an immediate write-off that demonstrably creates jobs right here in America.

Without the help of section 179, many of our small businesses are at an enormous competitive disadvantage. Section 179 was once described to me by an economist as one of the most progrowth features currently in the Tax Code. The notion that we would allow it to lapse to its previous level is particularly troubling and I think requires us to prepare the SBA for the impact that these tax policy changes could have.

All this motion to recommit is seeking to do is to give small businesses a tool to enhance their success in the marketplace, despite the potential for being hammered by a Brobdingnagian set of tax increases required by the budget that we are going to be facing.

By offering this motion to recommit, we feel that the underlying bill ought to also lay before Congress a way to determine whether or not the tax increases that will be proposed by this budget will move small business backwards and also provide for a tool, but in a very small way, to counteract that. Every Member of this body should join me in supporting this motion to recommit if they care about the future ability of small businesses in their districts to grow, to survive, to compete and add new jobs.

I urge the adoption of this motion.

Mr. Speaker, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in opposition to this motion.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. I would just like to say to the gentleman from Pennsylvania that I am a little confused, because if he cares so much about extending section 179, where was he last week when we voted to override the veto of the President where section 179 was part of it?

Further, the gentleman from Pennsylvania seems to me that he is going to vote against his own motion.

□ 1145

Let me just say that this bill is not about taxes. What I can tell you that I am glad to say, that this new Congress is committed to meeting the needs of the entrepreneurs. This Congress just sent a bill to the President cutting taxes for small businesses. While the President passed a bill for tax breaks for large companies, the President just vetoed the one that helped small businesses, like section 179; not only extending section 179, but expanding section 179. Republicans passed $2 trillion in tax cuts, yet small business priorities were never taken care of.

This motion is not about small businesses and taxes. Entrepreneurs have seen the record on that issue from Republicans. It is about ensuring small businesses are not shut out of the Federal contracts. I ask a "no" vote on this motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of the passage of the bill.

The vote was taken by electronic device, and there were—ayes 209, noes 216, not voting 8, as follows:

[Roll No. 322]

AYES—209

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)

Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer

Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne

Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Bachus
Brady (PA)
Engel
Fattah

Larson (CT)
McMorris Rodgers
Souder

Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining to vote.

☐ 1205

Messrs. SALAZAR, SKELTON, COHEN and ALTMIRE changed their vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. VELÁZQUEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 409, noes 13, not voting 10, as follows:

[Roll No. 323]

AYES—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer

Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller

Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)

McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy

Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)

Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—13

Campbell (CA)
Flake
Hensarling
Lamborn

Lungren, Daniel E.
McCollum (MN)
McHenry
Miller, George

Royce
Sali
Sensenbrenner
Shadegg
Whitfield

NOT VOTING—10

Bachus
Brady (PA)
Brown, Corrine
Cardoza

Engel
Fattah
Larson (CT)

McMorris Rodgers
Souder
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining to vote.

☐ 1215

Mr. ENGLISH of Pennsylvania changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CARDOZA. Mr. Chairman, on rollcall No. 323, I inserted by vote card but was not recorded. My intention was to vote "yes." Had I been present, I would have voted "aye."

PROVIDING FOR CONSIDERATION OF H.R. 2237, PROVIDING FOR REDEPLOYMENT OF UNITED STATES ARMED FORCES AND DEFENSE CONTRACTORS FROM IRAQ; PROVIDING FOR CONSIDERATION OF H.R. 2206, U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007; AND PROVIDING FOR CONSIDERATION OF H.R. 2207, AGRICULTURAL DISASTER ASSISTANCE AND WESTERN STATES EMERGENCY UNFINISHED BUSINESS APPROPRIATIONS ACT, 2007

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 387 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 387

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2237) to provide for the redeployment of United States Armed Forces and defense contractors from Iraq. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2206) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

SEC. 3. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2207) making supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in part B of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

SEC. 4. (a) In the engrossment of H.R. 2206, the Clerk shall—

(1) await the disposition of H.R. 2237 and H.R. 2207;

(2) add the respective texts of H.R. 2237 and H.R. 2207, as passed by the House, as new matter at the end of H.R. 2206;

(3) conform the title of H.R. 2206 to reflect the addition of H.R. 2237 and H.R. 2207, as passed by the House, to the engrossment;

(4) assign appropriate designations to provisions within the engrossment; and

(5) conform cross-references and provisions for short titles within the engrossment.

(b) Upon the addition of H.R. 2237 and H.R. 2207, as passed by the House, to the engrossment of H.R. 2206, H.R. 2237 and H.R. 2207 shall be laid on the table.

SEC. 5. During consideration of H.R. 2237, H.R. 2206, or H.R. 2207 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of any such bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume and ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 387.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, H. Res. 387 provides for consideration of three bills, including the supplemental appropriations for the Iraq war.

It is striking to realize that for 4 years the war in Iraq has been funded by supplemental appropriations measures. From the beginning the White House has refused to plan ahead. Instead it has counted on Congress to accept its demands and pass one supplemental bill and then another time and time again, with no end in sight and no accountability required in return.

The American people have rejected a House that blindly accepts the administration's predictions about Iraq, all the while ceding its role in deciding matters of war and peace, the most solemn responsibility given to the Congress.

My fellow Democrats and I promised a new way forward. And so the first funding bill that we delivered to the President reconciled our party's conscience with the brutal realities the war presented to us, realities that we, unlike some in the administration, are willing to acknowledge.

We sought then, as we do now, to end this war but to do so responsibly, without adding to the suffering the Iraqi people and our soldiers have already experienced.

Our first bill provided the President with all of the funding he requested but attached conditions to it. We asked for the President to stand before the Nation and justify the war. We asked him to show how it was meeting the objectives that he himself had set out: the promotion of political progress in the country and the increase of internal security in Iraq, all of which is his responsibility. And we said the war would not go on forever, that it must have an end, not an irresponsible end but an end.

The President rejected our offer out of hand. He told us that while he would never compromise, we had to.

Mr. Speaker, stubbornness is not the same as strength. Being obstinate is not equivalent to having conviction. This President famously told the world that he would refuse to alter his policy in Iraq even if, as he put it, nobody stood by him except his wife and his dog.

But he is not making decisions that impact only himself. The weight of his decisions are being borne by the American people and the people of Iraq. His decisions are costing American lives and they are costing Iraqi lives. They are overstretching our military. They are undermining the national security of this Nation. And they are not improving the wretched conditions of the Iraqis the war is theoretically helping.

The President must not be allowed to ignore everyone: the majority of the generals, the majority of the House, the majority of the Senate, the majority of the Nation, and the overwhelming majority of the world. He must not be allowed to ignore everyone when it is they who are bearing the burden of his war and suffering the consequences of his administration's mistakes. He must understand that his opinion, as sincere as it may be, is not the only one that matters. He must yield.

The bill we are considering today will, once again, give him the chance to acknowledge the demands of the citizens of this country. They are demanding a change of direction in Iraq, and this bill delivers it.

This legislation will fund military operations in Iraq between now and July. By then the President's surge plan will be in full effect, and its impact, either positive or negative, will be obvious. The President will report to Congress on the state of political and military progress in Iraq, and then we will vote on whether or not to provide the remaining funds that have been requested. Our degree of financial support at that point will be based not on endless promises or rosy scenarios, but on concrete reality on the ground in Iraq. Accountability is being introduced into the conduct of this war.

Mr. Speaker, let me also add that during the last debate on this supplemental, the President and his supporters told us the measure was "unclean," that it contained spending unrelated to the war effort.

That spending, Mr. Speaker, was for critical projects the last Congress failed to fund by not passing any budget at all for the year 2007, which included funding for veterans care, recovery from Hurricane Katrina, health insurance for children, home heating oil for low-income families, and much more. In other words, there is nothing dirty about it. My fellow Democrats and I refuse to abandon it. We are going to fund these vital and important projects because people are counting on them. What is more, we campaigned on increasing the minimum wage, and this supplemental spending legislation will do that as well. And I hope we don't hear anything more about so-called "unrelated spending."

Mr. Speaker, it is long past time for this body to abandon the destructive rhetoric that has labeled this plan a form of "surrender." It is time to stop branding the Democrats, and a growing number of Republicans, who seek to end this brutal conflict as "defeatists."

We want our country to be secure. We want our military to be sound. We want the Iraqi people to be able to live with dignity. But we see that this war fought in this way is undermining all of those goals. And we are not alone. We speak for a clear and vocal majority of the American people, and we represent their wishes. For the sake of our citizens, for our soldiers, and the people of Iraq, we will be heard.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and I rise to express my appreciation to my very good friend from Rochester, the distinguished Chair of the Committee on Rules (Ms. SLAUGHTER), for yielding me the customary 30 minutes.

I have to say that this is somewhat unusual for me. Mr. Speaker, I rise in strong opposition to the rule, but I rise in even stronger opposition to the underlying legislation.

Here we go again, Mr. Speaker. These bills bring us to round three, round three of the Democratic leadership's Iraq charade.

First they brought up a bill that they knew the President would veto. Then they called for a veto override that they knew would fail. And today we are once again considering the same defeatist policy that failed in the first two rounds plus, plus, Mr. Speaker, a call for redeployment, basically withdrawal, within 90 days, to begin withdrawal within 90 days.

Mr. Speaker, they may think that they made progress, but in truth we have, in fact, gone backwards. Kicking the pullout vote a few months down the road is not a solution.

Mr. Speaker, the closing remarks that were just offered by the distinguished Chair of the Rules Committee, Ms. SLAUGHTER, I think were right on target in describing the exact goal that we have here. We want to make sure that the American people are secure. We want to make sure that our troops can be successful. We want to make sure that our troops come home. And we want to make sure that the Iraqi people can live with dignity. The one thing that I will add with that statement that Ms. SLAUGHTER just made, Mr. Speaker, is that not only simply live with dignity but with the kind of self-determination that led to a 70 percent voter turnout in Iraq. So obviously we share the exact same goal that Ms. SLAUGHTER just outlined.

But I am very, very troubled with the plans that we have before us. Frankly, Mr. Speaker, withdrawal that would begin in 90 days would undermine every single one of those goals to which Ms. SLAUGHTER just referred. And this time, Mr. Speaker, it is not just the President's opposition that stands in their way of what it is that they are trying to do. Their own colleagues in the Senate have said that the House Democratic leadership's approach won't work on their side of the Capitol.

□ 1230

Senate Majority Leader REID has criticized their punting strategy and acknowledged he has serious doubts that the House plan could actually get through the Senate.

Now, Mr. Speaker, this policy of defeat couldn't prevail in April. It won't prevail in May. So it would appear the idea is to wait and hope for the best in July.

Now, Mr. Speaker, the war in Iraq is not a game. Funding our troops who are in harm's way is not a game. These votes may make my friends on the other side of the aisle feel good, but they aren't doing anything to get our troops what they need to protect themselves and to fight effectively against terrorists around the world. Mr. Speaker, that's what matters here.

Again, going back to the words of the very distinguished Chair of the Committee on Rules, Ms. SLAUGHTER, we want to make sure that we are secure at home. The way to do that is to ensure that the troops have what they need.

Mr. Speaker, we have an obligation to have a serious, substantive debate to supply our troops with the funds they need to do their job and to demonstrate to the American people that we are doing what is necessary to win in Iraq and to bring our troops home. But rather than fulfilling our duties as responsible legislators, Democratic leadership has simply scheduled one more empty political vote under yet another totally closed process. In fact, Mr. Speaker, the Democrats go so far as to have three closed rules, two of them on appropriations bills. Now, we will consider four appropriations bills this year, and all of them, Mr. Speaker, will have been under a completely closed process. And we all know, under both Democrats and Republicans, the tradition is that when it comes to wartime supplementals, they be considered under an open amendment process, but that's been thrown out the door.

This is a far cry, Mr. Speaker, from the open and fair Congress that was promised to the American people. Worse yet, buried in the appropriations bill is yet another totally closed rule, completely and prospectively shutting out Republicans 2 months from now. And they even go so far as to totally deny us a motion to recommit, something that we never did in the 12 years that we were in the majority. And those were tame restrictions when compared to what they tried to do to the Senate.

It has been said by my very good friend from Massachusetts (Mr. MCGOVERN) for whom I have the highest regard. I served with him for many years on the Rules Committee. I had the privilege for the past 8 years of chairing the Rules Committee, and during that period of time, Mr. MCGOVERN would regularly say that the Rules Committee is the place where democracy goes to die. Mr. Speaker, I think that it is only fitting that it is the rule which provides for this bill, for his bill, that we will use to pronounce the time of death. And while this tactic fails to achieve a legislative success here at home, it is already producing disastrous results in Iraq.

Ryan Crocker, the very highly regarded new ambassador to Iraq, I've heard a number of leading Democrats, a number of leading outspoken foes of what it is that we are doing in Iraq speak very highly of Ryan Crocker. Ambassador Crocker said last week in an interview with Morton Kondracke of The Roll Call, that the Iraqis are watching the Democratic leadership's political games play out in Congress. They hear the calls to abandon our mission, and it is taking away any will to negotiate among political factions and achieve an effective government capable of bringing about a political solution to the crisis.

Mr. Speaker, as Kondracke puts it in his piece, and I quote, "What is going on in Congress is hurting Crocker's ability to get the sides in Iraq to make agreements with one another." He goes on to say, Mr. Speaker, "It hardens the sectarian divisions. They think we are going to leave, and instead of reaching across lines and making agreements with the adversary, they are getting ready to go to the mat."

Now, that is what Mr. Kondracke writes following his discussion with Ambassador Crocker, and it's very troubling.

What we do here and say here, Mr. Speaker, has consequences. And the report back from the new Ambassador to Iraq is that those consequences are not good. Those who would declare this war lost before the new strategy of, again, the very highly regarded General David Petraeus, who enjoyed unanimous support of the United States Senate, that means Democrats and Republicans on a recorded vote provided unanimous support confirming General David Petraeus. We are now basically, with what we are trying to do here with this effort, not even giving his new strategy a chance to succeed, and I believe that it is a huge mistake.

Now, Mr. Speaker, like everyone in this institution and people around this country, I read the newspapers, and I watch the news. I watch the pictures on television. And I know that the terrible images of violence that are broadcast every day permeate. And as we see those horrible pictures, I don't blame the American people for becoming extremely discouraged by what is being reported out of Iraq. And I will say that I am horrified by the pictures and the things that we see coming out of Iraq. But there is real and significant progress that is being achieved by our military.

Mr. Speaker, the Chicago Tribune editorialized just yesterday on one of the great success stories, that success story being the al Anbar province, which is the large province just to the west of Baghdad. Its capital city, Ramadi, was once described by the New York Times as the most dangerous city in Iraq and potentially the most dangerous city on the face of the earth. Today, Mr. Speaker, this former outpost for the insurgency is not only a secure city, it is a model for Sunni, Shia and American cooperation in the fight against the organization that was responsible for what happened on September 11, 2001, that being al Qaeda.

Mr. Speaker, the Chicago Tribune editorial said, "al Qaeda's terrorists in Iraq now face a new enemy, Sunni tribesmen in the al Anbar province." Their editorial goes on, and I quote, "These tribal leaders in the heart of the insurgency are now backing coalition and Iraqi forces against the terrorists." "You want good news from Iraq," the Chicago Tribune editorial goes on to say, "there it is, flashing in neon."

Now, Mr. Speaker, this editorial goes on to quote the New York Times report saying, "The progress has inspired an optimism in the American command that among some officials borders on giddiness." "There are some people who would say we have won the war out here," one Marine officer said. I am simply quoting, I would say to my friend, the chair of the Rules Committee, not something that a Republican said, but the editorial that appeared just yesterday. I would encourage all of our Members to look at that editorial in the Chicago Tribune.

Now, Mr. Speaker, through the Joint Services stations that have been established, local Sunni police, Shia Army officers and U.S. military have worked hand in hand to take back the city and the province and drive al Qaeda out. With the full support and cooperation of the local Sunni leaders, the Shia Army has earned the confidence of the local population. Through their alliance, they are achieving our objective for the entire country, peace sustained by the Iraqis themselves through national unity.

Mr. Speaker, General Petraeus came here, as we all know, just 2 weeks ago to provide Members of the House of Representatives with a classified briefing on Iraq. Unfortunately, the Speaker of the House, Ms. PELOSI, was unable to attend that briefing, but for those of us who were there, we were given a realistic picture from General Petraeus of what was taking place. He did not, and I don't know all of the Members who were there, Mr. Speaker, but I will say, General Petraeus did not sugarcoat the tremendous challenges that lie ahead in this war in Iraq. But, Mr. Speaker, he also described tremendous successes, such as this great success that I just reported on in Ramadi, what was one of the most dangerous cities on the face of the Earth and has now been stabilized in the al Anbar province.

General Petraeus described the Sunni Arabs who have turned against al Qaeda and have joined the Iraqi Security Forces. Our American and Iraqi forces have succeeded in detaining a number of key network leaders, getting critical intelligence on how various elements of al Qaeda operate in Iraq, taking apart a car bomb network that killed 650 citizens in Baghdad and destroying several significant car bomb factories. These are the kinds of joint efforts that are taking place at this very moment in Iraq, Mr. Speaker.

Now, Mr. Speaker, General Petraeus has spoken publically about these successes, about the reduction in sectarian murders in Baghdad by two-thirds so far this year, about the tripling of seizures of weapons cashes this year, about the revival of markets and the return of displaced families to neighborhoods and cities that were previously totally uninhabitable because of violence. Mr. Speaker, these success stories are not meant to paint a rosy picture of Iraq. And I will say that again, Mr. Speaker. I'm not attempting to sugarcoat the situation in Iraq. I'm not attempting to paint a rosy picture of what is taking place in Iraq. I know how horrendous and what a difficult situation this is.

We all know the enormous challenges that our military still faces there and will continue to face for some time to come, not just to be solved by September; it will extend longer than that, we all know that. The other night I was with Ambassador John Negroponte who reminded me of the public statement that he made just as he left his ambassadorial post in Baghdad; he said it would be at least 5 years. So we all know that this battle and this struggle is going to continue.

But what these successes do demonstrate very, very clearly is that we have not lost this war. They demonstrate that our men and women, when they have the necessary resources, can achieve victory. We must give General Petraeus adequate time and adequate resources to build upon these successes and make his new strategy work. Setting a day for defeat, whether it is today, next week or at the end of July or September is simply not an acceptable policy. Rationing funding for our troops is not an acceptable policy.

Now, Mr. Speaker, I offered two amendments yesterday in the Rules Committee that would have stricken two of the most egregious elements of this legislation. First, I proposed to remove the July cutoff date for the troops' funding. Our generals in the field have said that this limitation ties their hands and keeps them from doing even their near-term planning, which is absolutely essential if the successes that we have seen are going to continue. Wars aren't won in 2-month increments, and military victories aren't achieved by congressional decree.

Now, Mr. Speaker, my second amendment would eliminate the requirement that the President make his reports to Congress on the Internet. Even in its unclassified form, this highly sensitive information would provide information to our enemies and the enemies of the Iraqi people. It would provide them with their blueprint for victory. The notion of providing this report from the President to the Congress, not in any kind of confidential way but on the Internet, is absolutely outrageous. There is no justifiable reason for us to give the people who are wanting to kill us and are responsible for the violence in Iraq this kind of information.

Now, Mr. Speaker, unfortunately, neither of the amendments that I offered was made in order. They would have provided an opportunity to consider a troop funding bill that would actually be enacted and would actually fund the troops rather than simply staging one more meaningless vote allowing Members to posture.

Now, Mr. Speaker, I understand very well, having been in the majority for a while, I understand that the Democratic leadership is in a very tough spot. They want to be able to say that they are funding the troops. At the same time, they have to accommodate their Members who want to get out yesterday. They want to get out immediately, regardless of the consequences. So their political situation is to schedule vote after meaningless vote. They get their weekly opportunity, Mr. Speaker, to say, "I support the troops," out of one side of their mouth, and "Let's retreat" and get out immediately out of the other side of their mouth.

□ 1245

But, Mr. Speaker, our troops and the American people deserve more than political gimmicks. We must stop playing dangerous games with the lives of the American people, our men and women in uniform, and the Iraqi people who have been struggling for freedom. We must get our troops the funding that they need and give our military commanders the means to win and to do what we all want, Mr. Speaker, to bring our troops home.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ARCURI), a member of the Rules Committee.

Mr. ARCURI. Mr. Speaker, I would like to just respond to my colleague from California saying that we can't win the war on 2-month funding intervals. I would submit we have now been at this Iraq war longer than it took us to win World War II when we were fighting both Japan and Germany, and still we are no closer, and, I would submit, further from what they define as "victory."

I, like so many Americans, have tried to be patient with this administration in extricating us from the difficulties we find ourselves in in Iraq. They first told us there were weapons of mass destruction. None were found, yet we were still patient. Then they told us we were there to remove a tyrant. We removed Saddam Hussein, yet we are still there, and we continue to be patient. They told us we were there to fight terrorism, and we have been fighting terrorism, and we still remain patient.

Now they tell us that we are there to make our families safer. Well, I don't feel that my family is any safer as a result of our being in Iraq. And like the American people, I am losing patience with the hollow promises that this administration has made about getting us out of Iraq.

I rise today in support of this rule because I think that it is time that we change the course, we change the direction. How many strategies is this administration going to adopt before they arrive at success?

Last night in the Rules Committee I got to thinking as we were discussing this rule about my own children, about my family, and I thought about how would my children look at me later in life, how would my grandchildren look at me later on, in terms of how we tried to stop this conflict in Iraq. Then I thought about a situation that I talked about a lot during my campaign.

During my campaign, when I was trying to decide whether or not I would run, my son and my daughter, who are both teenagers, were not supportive of that. One day my son said to me, Dad, what is it that a Congressman does? I started telling my son what a Congressman does.

He said, Dad, are you saying that if you get to Congress, you will be able to stop the war in Iraq?

I said, Not alone, but certainly with the other Members of Congress.

He said then, I really think that you should run for Congress, because the war in Iraq is a bad thing and too many people are dying.

My son, then 15 years old, got it. He understood what it was about. He understood that we are in Iraq for the wrong reason. He understood that it was time to change the course and change the direction.

That is why I rise today. I rise because I support the rule that will get us out of Iraq, but, more importantly, because my children know that it is the right thing to do.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3½ minutes to the gentlewoman from Ohio (Ms. SUTTON), a member of the Rules Committee.

Ms. SUTTON. Mr. Speaker, I thank the honorable chairwoman for the time.

Mr. Speaker, our troops are brave and capable. They have fought heroically. But, Mr. Speaker, today we have an opportunity to tell our President that he can no longer ignore the American people, this Congress or the reality of the situation we face in Iraq.

We have the responsibility to provide oversight, to ensure that our brave and honorable troops are provided a mission based on a realistic assessment and an achievable goal before we ask them to risk life and limb to implement it. We must end the strain that we have put on our brave military men and women and their families, and we must act today.

Mr. Speaker, we know we must get our troops out of the crossfire and the violence of the raging civil war in Iraq. We know what must be done for our soldiers in Iraq to ensure the protection of them and our families here at home. Our military and our National Guard are stretched thin. We must rebuild and re-equip both. Our National Guard in Ohio is training and working on gear that is obsolete. So not only are our military men and women at risk in Iraq; we have our homeland exposed to national emergencies and other threats that we may face. But our President has refused to acknowledge the reality of the situation that we face as a Nation, and I and many other Members of this Congress will not allow the status quo to continue.

For this reason, I cosponsored and will cast a powerful "yes" vote in support of H.R. 2237. This bill, authored by Mr. MCGOVERN, whom I respect tremendously for his courage and leadership, is responsible and will ensure the safe redeployment of our troops from Iraq. Our bill calls for the redeployment of our troops and allows Congress to take back from the President the reckless decisionmaking that we have seen.

Our bill also very importantly ensures a number of things: it protects the ability of our military to go after al Qaeda and other terrorist organizations in Iraq; it provides for the protection of diplomatic and other related U.S. personnel in Iraq; and, finally, it will truly shift our role in Iraq to training and equipping the Iraqi security forces.

Mr. Speaker, the time has come to end this war; and, unfortunately, the failed policies of this administration and lack of oversight from past Congresses have left us with few options. 3,372 of our troops, including 157 brave military men and women from Ohio, have died in this war. It is time we did the responsible thing for our heroic soldiers, for their families and for our Nation.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. WELCH), a member of the Rules Committee.

Mr. WELCH of Vermont. Mr. Speaker, we must end this war. On November 7, when the American people spoke in the last election, from Washington State to Florida, from Vermont to California, they made a very clear decision that they want to bring our troops home. Their challenge to us is to implement that policy.

Americans want a new direction in Iraq. The citizens of America know that the time has come to change direction, to bring our troops home with their heads held high in honor of a job well done.

Mr. Speaker, many of our finest, most highly decorated members of the military, now retired, can say publicly what in the past they could only say privately. It is this: Iraq is engaged in a civil war. It is not the proper job of our men and women in uniform to referee an Iraqi civil war.

The citizens of our country also recognize the obvious: if the Iraqi leadership is unwilling to help itself, how can we expect the American people and the American military to do that job for them? Iraqi leaders will not spend $10 billion in funds available to improve electricity and water, yet expect Americans to spend our taxpayer dollars to do that.

Commonsense citizens in our country are asking an obvious question: If the Iraqi Parliament has work to do, why is it taking a 2-month vacation this summer, a vacation, when they haven't reached agreement on oil sharing, when they haven't allowed former

Baathists, low level with no blood on their hands, to resume a place in that society, when they won't crack down on sectarian violence, and, Mr. Speaker, when they interfere with the efforts of the American military when they attempt to do so?

Mr. Speaker, there is a very clear recognition on the part of the American people, and it is this: our men and women in uniform have done their job. They toppled Saddam, they reported back that there were no weapons of mass destruction, and they did provide stability in Iraq so that they could have three elections.

What we face now is a White House that has dug its heels in and a President who refuses to change and adjust and provide leadership to the facts as they exist. Those facts: Iraq is engaged in a civil war, something the White House denies. Those facts: it is the job of the Iraqi political leadership and the people of Iraq to create a civil society. It is not the job of the military to do nation-building.

The legislation we have is going to allow us to change the direction of our policy from escalating militarily, as the President stubbornly pursues that policy, to a strategy of Iraqi self-control and stability in the region. I support the rule and the underlying bill.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I listened to my very good friend from Vermont, my Rules Committee colleague, Mr. WELCH, for whom I have the highest regard, he talked about the fact that the President was sticking his heels into the ground and was not willing to make any modifications whatsoever.

Well, I will acknowledge that the President has in fact, I would say to my friend from Vermont, Mr. WELCH, stuck his heels in the ground when it has come to his quest for victory, to ensure that we keep the battle against al Qaeda and those forces that would want to do us in in Iraq. What he has done in recognizing that mistakes have been made, in recognizing that there have been challenges, as has historically been the case in war, we have seen a dramatic change.

I don't know if my friends have noticed, but there is a new Secretary of Defense, his name is Robert Gates; and there have in fact been a number of changes made. I don't know if people have noticed, there is in fact a new commanding general on the ground in Iraq. His name is David Petraeus. As I said in my opening remarks, he has enjoyed strong bipartisan support.

Obviously, these military leaders, the Secretary of Defense and other military leaders, are insistent upon giving a very sober assessment of what is taking place and not providing an unrealistic, rosy picture of what is happening in Iraq. And they have reported, they have reported that we have in fact seen success, especially, as I said in my remarks, in Ramadi, what was determined to be one of the most dangerous cities on the face of the Earth; and we have now seen stability there, and this alliance which exists, Sunni, Shia and American forces working together to bring about this kind of peace and stability.

So while I am not saying there aren't difficult days, weeks, months, and, Mr. Speaker, I hope not, but possibly difficult years ahead in Iraq, the fact of the matter is this President has made it very clear that he is willing to make modifications so that we can in fact ensure victory over those who want to do us in.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

□ 1300

Mr. INSLEE. Who are the real experts on the question of whether the lack of a timeline actually fuels the insurgency, the lack of a timeline actually making the violence worse?

One of them is named Muhammad al-Dini. He is an elected member of the Iraqi parliament. He was here yesterday, and I met with him. He told me that a majority, 144 members, of the elected Iraqi parliament 2 days ago signed a petition that basically said that the lack of a timeline is fueling attacks against our troops. The lack of a timeline is fueling this insurgency. The lack of a timeline is playing into the hands of al Qaeda. And the reason he told us this is that it allows them to go out and recruit and say, Look, America is going to be here forever. And they recruit people that go out and attack us.

The other thing he told us is that the Maliki government is using our taxpayer dollars to run sectarian militias that go out and attack Americans. He urged us to adopt a timeline. An elected official in the parliament of the state of Iraq; now there is an expert.

It amazes me that people who have been wrong on Iraq for 4 years come down and lecture us, lecture us about whether a timeline is going to work or not. I think it might be handy in Congress to have a penalty box. If you have been wrong for 4 years on the right strategy in Iraq, maybe you should to go into the penalty box for a while and allow the people who were against this war from the beginning to have a say on what we do in Iraq.

What we are saying is, a lack of a timeline hurts. We need to bleed the insurgency of the fuel they use, and the fuel they use is the lack of a timeline.

One more thing, I read this headline: "Bush Told War is Harming the GOP." I don't care about the GOP or the parties. The GOP members went and told the President this is hurting the GOP. It doesn't matter who is getting hurt politically here. I will tell you what matters: Our sons and daughters are being killed in Iraq.

I hope some of my GOP colleagues, the next time they go to the White House, I hope they say, we don't care about the GOP or the DEM; we care about the Army and the Navy and the soldiers who are being killed in Iraq, and let's get a timetable and get us out of there.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I thank the gentlewoman for allowing me the opportunity to speak this afternoon.

I strongly support the rule. I strongly support our men and women in uniform who are courageously fighting to defend our freedoms. In my own district, we lost 14 soldiers. My recent trip to Iraq confirmed that to support our troops is to support their redeployment. Our troops told me they were overextended and underequipped. Many are on their second, third and fourth tour. They face increased risk without proper equipment and longer stays. In fact, not enough equipment was available for those new incoming soldiers that were just deployed by this President. That is what I heard from our troops when I visited there about a month ago.

Extending the tours of all active-duty personnel is unacceptable, a price our families shouldn't have to pay, nor our troops. As Members of Congress, we have the responsibility to protect and provide for the best interests of all of our troops. That includes the redeployment out of Iraq and a safe return home.

I urge my colleagues to support the rule and vote for these bills to support our troops.

One last comment. I want to thank the Speaker of this House for having the courage to allow us to vote on these very important pieces of legislation this day. It is indeed a historic day.

Mr. DREIER. Mr. Speaker, at this time I would like to yield 2 minutes to my very good friend from Dallas, the distinguished chair of the Republican Study Committee, Mr. HENSARLING.

Mr. HENSARLING. Mr. Speaker, I rise in strong opposition to this rule. What happened to the most open and transparent and fair process that was supposed to occur in the history of Congress? We have a closed rule on top of a closed rule on top of a closed rule.

And now what we see is, yet again, the Democrats bringing a bill to the floor that our Secretary of Defense says is even worse than the last one they brought to the floor as far as tying the hands of our troops as they attempt to protect our freedom.

Once again we have a slow-bleed strategy for our troops in Iraq. Once again we still have a pork-laden supplemental.

Let's talk for a second about the ag bill. Now there is legitimate debate, and there may be legitimate reasons, and I agree that drought assistance may be necessary in certain parts of the country. But this is supposedly the PAYGO Congress? I have looked at this. Number one, where is the emergency? The drought took place last year. That is when the emergency was. Why isn't this going in regular order? Where is the offset?

Had there been an open rule, I would have been happy to offer an offset amendment. Once again, I don't know how anyone on this side of the aisle, Mr. Speaker, can call this the PAYGO Congress. There are so many holes in this PAYGO it looks beyond Swiss cheese. This is one of the worse rules that I have seen brought to the floor, and every Member should rise in opposition and defeat this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to another gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, year five of blunders, that is a true slow-bleed policy in Iraq.

Defeatism? Well, that is an Administration that lacks the courage to admit its failures and which pays for those failures with the blood of the brave, the blood of someone else, and with $10 billion of your tax money every single month.

Gimmicks? Gimmicks are what got us into Iraq in the first place. It certainly wasn't the "war on terrorism."

You can make all of the excuses that you want for continuing to embed our troops in a civil war, but a vote today for the Iraq Redeployment Act is a vote to end endless war. It is a vote for a fully funded, safe, and orderly redeployment that allows us to refocus on the war on terrorism, which is a threat to our families, rather than the civil war in Iraq, which is not.

It is not the enemy that has us pinned down in Iraq today; it is this Administration's unwillingness to admit its mistakes and its lies.

The intervention in Iraq was this country's largest foreign policy blunder. Now it is time for Congress to intervene. With this war in its fifth year, for Congress not to act now is for Congress to become an enabler and an accomplice to the Administration's errors.

Vice President CHENEY rightly complains about the Iraqis proposing to take a two-month vacation. But what is really at fault here is Mr. CHENEY and this Administration's four-year vacation from reality.

"Victory" is improving our families' security. Pursuing policies contrary to that objective, committing the same error over and over again, that is defeatist.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time to close.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 7½ minutes to the gentleman from Wisconsin (Mr. OBEY), who will explain why we didn't deal with agricultural disasters last year.

Mr. OBEY. Mr. Speaker, let me simply say in response to the previous speaker on that side of the aisle, he claims that efforts on our part to withdraw our troops or redeploy our troops out of a combat situation represents a slow-bleed policy. I would suggest that the existing policy is a bleed-forever policy, and it needs to be changed.

The second question the gentleman asked referred to agriculture. He said, "Gee, these agriculture disasters occurred last year; why weren't they handled then?" That is a very good question. We weren't in charge last year. The other side was.

In fact, we have had agriculture disaster legislation pending for 2 years. The President declared 70 percent of the counties in this country to be disaster areas, and yet the last Congress couldn't put together a two-car funeral when it came to addressing that problem. So we are simply cleaning up in a separate bill; mind you, we are cleaning up last year's agriculture disaster problem. It is just another one of the leftover items from the previous Congress that we are now charged with the responsibility to finish.

Now let me get to what the real issue is in this bill.

The Washington Post carries a story this morning describing the efforts of the administration to use Iraqi government officials to try to get the Democratic lawmakers to ease the pressure on the White House to have a timetable for the withdrawal of troops. Mr. al-Rubaie is quoted as saying the following: "Now, nobody is talking about sliding into a civil war, as we've been able to avoid it."

He added, "Portraying the scene there as Shiite killing Sunni and Sunnis killing Shiites is totally untrue."

What are they smoking? What do we see on television every day, despite the effort of the administration to shut down as much access on the part of the public to the carnage as is possible?

I strongly support this rule today for one simple reason: The President has asked the Congress to give him $100 billion in additional funding to fight this war, no strings attached. The Congress passed a proposal and put it on the President's desk suggesting that there ought to be certain limitations on the President's conduct in return for getting the money. He vetoed that. He believes he is "the decider."

Well, under the Constitution, we are all supposed to be deciders. So now we have before us, in response to the President's action, a proposal to do three things: First of all, it would provide an opportunity to have an up-or-down vote on the issue of whether or not troops ought to be redeployed over the next year. I think that is what a democratic institution is supposed to do, to make choices like that.

Secondly, what we are proposing under this rule today will allow the Congress to require the President to report to the Congress on three things: First of all, since the President has said that, as Iraqi military units stand up, we should stand down, we have a sense of the Congress provision in this legislation which says that, as the President certifies that battalions have achieved full combat capability, that a certain number of corresponding U.S. units ought to stand down. It is not mandatory. It is a sense of the Congress that that ought to happen.

Secondly, we ask the President to report to the Congress on the progress that Iraq is making on the benchmarks that the President himself set out last fall as being the criteria by which we should judge Iraqi progress.

And then thirdly, so that it isn't a softball report, we are also asking that the President report to the Congress spelling out which of those benchmarks have actually been achieved. Has the Iraqi parliament actually passed an adequate oil revenue-sharing law which shares that oil equitably with Sunni, Shiites and Kurds alike, because if they don't do that, the Sunnis will never stop fighting?

And then, lastly, what we do is to set up a separate bill that deals with some of the domestic emergencies that we face that the President described as "pork." Among those is the agriculture disaster bill. And so we are considering that as a separate bill to demonstrate to the White House and to demonstrate to our critics that they are wrong when they say that we are afraid to let these programs stand on their own. So we are going to vote on them alone, and I happen to think they are in a stronger position when we vote on them alone.

It is going to be very interesting to see how many of our Republican friends from agricultural districts are actually going to support us in trying to provide that assistance.

□ 1315

After all, we did not declare those counties disaster areas. A fellow by the name of Bush did, and he's the guy that lives in that big white house, and when he makes a declaration like that, there ought to be certain consequences that flow from it, and we're simply meeting those obligations. So that's basically what we are trying to do.

As the gentleman from Washington said earlier, we simply happen to believe, those of us who are going to be supporting this proposition, we simply happen to believe that it would be nice if we were fighting the right war in the right place rather than the wrong war in the wrong place, and the right place to be taking al Qaeda on is in Afghanistan.

Now, we also provide in our proposition, we say that 60 days after or 60 days from now roughly, by July 13, by the time this bill is passed, by July 13, we guarantee the administration that the Congress will have an up-or-down vote on its own request for all the money. I don't know what more we can do.

What we are simply doing is we are letting the President report, letting him give his judgments to us. We then give the Congress about 10 days to absorb what the President has said, and then we vote, up or down, on two issues: number one, whether the President should get all the remaining money; and, number two, there's another amendment that would simply have us instead use that money to redeploy our troops out of combat.

It's a fair, square deal. The administration gets a straight shot at what it wants and war critics get a straight shot at what they want. That, to me, is eminently fair.

Mr. DREIER. Mr. Speaker, I had one Member who was hoping to come over, and I do not see him here. So I'm going to yield myself the balance of the time.

Mr. Speaker, we all know how painful the war in Iraq has been. As I said in my opening remarks and throughout this debate, no one is trying to paint a rosy picture of the situation there.

My very good friend from Wisconsin, distinguished Chair of the Appropriations Committee, has just told us that we should be fighting the war in the right place. Well, Mr. Speaker, one of the things that we have found tragically over the past several years is that al Qaeda can be found almost anyplace on the face of the Earth.

It was just a few months ago that we saw a successful effort by the Ethiopians going into Mogadishu, Somalia, to liberate that capital from the forces of al Qaeda. We know very well that on September 11, 2001, al Qaeda attacked us here in the United States, and we regularly go through the litany of the actions of al Qaeda, Hamas, Hezbollah: the bombing of the two embassies, Dar es Salaam, Tanzania and Nairobi, Kenya; the USS Cole; the Khobar Towers; the World Trade Center in 1993.

We can go on and on and on about al Qaeda and other terrorist organizations. And guess what, Mr. Speaker, virtually everyone has acknowledged that the front line in the battle against al Qaeda is where they are mostly, and that is in Iraq.

Now, I just reported the great statement that came from our new ambassador, Ryan Crocker, in Iraq who has talked along with General Petraeus about the success that we have seen in the al Anbar province, in Ramadi in particular, one of the most dangerous spots on the face of the Earth until we saw this alliance develop among Sunni, Shia and American forces standing up against al Qaeda because, Mr. Speaker, al Qaeda is there in Iraq.

Mr. Speaker, I truly believe that fighting al Qaeda in Iraq plays a big role in preventing them from attacking us right here in the United States of America, which is obviously their goal. They have done it before, and they would love to do it again.

This process around which we are considering this measure is very unusual to say the least. In fact, my good friend from Rochester, distinguished Chair of the Rules Committee, described this rule as one of the most complicated that we have ever seen.

Now, my good friend again, the chairman of the Appropriations Committee, just talked about the fact that we are going to give the President his chance to see this. Well, here is what we are going to give the President. We are going to give the President a bill that potentially calls for cut-and-run and immediate withdrawal within 90 days, beginning a pullout of our troops in Iraq; number two, a supplemental appropriations bill that has all of this redeployment that creates fits and starts, beginning and reduction, just incrementally putting it out, which has been harshly criticized by the Secretary of Defense, Mr. Gates; General Petraeus; Ambassador Crocker and others. So that is included in this measure, and then the agricultural appropriations provision.

Now, my friend from Wisconsin just asked how many Members will stand up and be supportive of the effort that I laud in dealing with something that we were not able to deal with in the last Congress as we struggled with the appropriations process, that, among others, being this agricultural appropriations issue, with the disasters that we have faced. And of course, there will be Members on our sides of the aisle who will support that.

But, Mr. Speaker, I think we need to recognize that this is the most convoluted process because we are not allowing it to stand on its own. What we are doing with this rule is we are taking all three of these very separate items, linking them up, and sending them to our colleagues on the other side of the Capitol in the United States Senate, where the majority leader, Senator HARRY REID, the one who's already announced that we've lost the war in Iraq, he said there's very little chance of success there.

That's why I have always considered myself, I like to have that Jeffersonian spirit of a healthy skepticism, as opposed to a corrosive cynicism, which sometimes we have seen more than a few people slip to around here. But I can't help but be skeptical. I'm not going to be cynical, Mr. Speaker, but I can't help but be a little skeptical as we look at the one, two, three punch of vote after vote after vote when we know full well it will most likely die in the Senate; and if it by chance, as this last bill did, ends up getting to the President, it's going to be vetoed by the President.

So as I said earlier, it allows our colleagues to stand up, as so many have, during this debate saying they support the troops, but at the same time they want to get out immediately and not provide the troops with the kind of consistency and support that they need for us to be victorious.

Again, one of the interesting things that we hear, as we juxtapose the debate that emanates from our colleagues on the other side of the aisle and ours, is that we regularly talk about victory. We regularly talk about being victorious in this battle against Islamic extremism, the battle which we all united to fight on September 11, 2001. It is tragic that we have gotten to the point where we are not united on this.

And I will acknowledge that there were some who tried to exude the image that Iraq was involved on September 11, and I never said that and most people I know never claimed that Saddam Hussein was involved in command and control of what happened on September 11, 2001; but, Mr. Speaker, I will say this: Saddam Hussein had the exact same goal for the future of the United States as al Qaeda and Osama bin Laden, and that's why we need to be prepared to fight them at any spot whatsoever.

I am going to offer when, I say "when" because I am going to be an eternal optimist, when we defeat the previous question, I am going to offer the amendment that I was speaking about earlier.

Mr. Speaker, I ask unanimous consent that just before the vote on the previous question that the text of my amendment that I am going to be submitting when we defeat the previous question be made in order, and I ask unanimous consent that that be included in the RECORD, Mr. Speaker.

The SPEAKER pro tempore (Mr. LYNCH). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. And let me just briefly say that that amendment says that when the President of the United States reports to the Congress that on the success in training or lack of success in training the Iraqi security forces, that that report not be made available to the leadership of al Qaeda by way of the Internet.

The amendment that I am going to offer when we defeat the previous question, Mr. Speaker, is an amendment that will allow us to say that we will strike the provision that says that the report from the President to the Congress is provided on the Internet for the world to see. We should not be feeding our enemies, those who want to kill us, with this kind of information.

And so, Mr. Speaker, I'm going to urge defeat of the previous question, and when we defeat that, I urge support of my quest to make the amendment in order that will allow us to prevent the President's report from getting on to the Internet for our enemy to see, and if by chance I am not successful, I urge defeat of the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I do not want to contradict my colleague from California, but we do not know the pain of this war. Members of Congress know it a little better than most people because we try to comfort the bereaved and visit the ones who are maimed, but we don't really know the pain of this war. We can't know about the 35,000 or more young people with life-altering wounds, people 18 and 19 years old who will live with them for the very rest of their lives.

We don't know the loss other people have sustained because nothing much is required of us except to pay the bill of $10 billion a month, mostly borrowed from China, so we can finance this war.

There is no compelling reason why we should go on forever with this. Nothing that we are asking the President to put on the Internet is anything but classified and who is going to believe it anyway.

If the President is running out of money for the troops, it is simply because he vetoed the money that he asked us for that we sent to him. The fault, the blame lies exclusively with him.

And with that I ask all of my colleagues to vote for this rule on both sides of the House. Obviously, numbers of them didn't want to come down and talk today. Please vote for this rule. Cleanse your conscience. Let's do a good thing today for those people who count on us in Iraq.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 387 OFFERED BY MR. DREIER OF CALIFORNIA

(1) Amend section 2 to read as follows:

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2206) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority the Committee member of Appropriations; (2) the amendment printed in section 6, if offered by Representative Dreier of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(2) At the end of the resolution, add the following:

SEC. 6. The amendment referred to in section 2 is as follows:

Strike section 1326(f) (relating to the public availability of information regarding the combat proficiency of Iraqi security forces).

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

COMMUNICATION FROM THE HONORABLE FRED UPTON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable FRED UPTON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 9, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you pursuant to rule VIII of the Rules of the House of Representatives, that a judicial subpoena for trial testimony, issued by the United States Court of Federal Claims, has been delivered to my District Office.

After consulting with the Office of General Counsel, I will make the determinations required by rule VIII.

Sincerely,

FRED UPTON,
Member of Congress.

PROVIDING FOR CONSIDERATION OF H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 388 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 388

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2082 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

□ 1330

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the Clerk just read, House Resolution 388 provides for consideration of the Intelligence Authorization Act for Fiscal Year 2008 under a structured rule.

The rule makes in order a total of ten amendments, almost half of which will be offered by Members of the minority, including one which will be offered by the ranking member of the House Permanent Select Committee on Intelligence, Representative HOEKSTRA.

The rule also makes in order an amendment that I offered, along with my colleague on the Intelligence Committee, Representative ROGERS of Michigan, and our bipartisan amendment is a commonsense solution to holding the Office of National Director of intelligence accountable for its actions.

The House will have a chance to debate our amendment later today, and I hope my colleagues will support it.

I would like to point out that Members who wish to do so, as the Chair of the Intelligence Committee has pointed out previously, can go to the Intelligence Committee office to examine the classified schedule of authorizations for the programs and activities of the intelligence and intelligence-related activities of the national and military intelligence programs.

The importance of the intelligence community touches all Americans as our Nation's first line of defense against increasing world threats. Effective intelligence is the first method to protect our citizens and prevent debacles like the war in Iraq.

The underlying legislation authorizes funding for all United States intelligence agencies, including the national and military intelligence programs. It is the largest intelligence authorization bill ever considered by the House and takes significant steps to eliminate duplication and ineffectiveness in our intelligence agencies.

The bill increases funding to improve human intelligence, training and send additional intelligence analysts overseas to maximize their abilities. It also requires additional intelligence reports on North Korea and Iranian efforts to become nuclear capable. We also take significant steps to improve the collecting, deciphering and understanding of intelligence.

The effectiveness of our intelligence community is significantly jeopardized when the diversity of the intelligence community does not reflect the diverse world in which we live. Women and minorities continue to be disproportionately underrepresented in the senior ranks and the core mission areas of analysis, human intelligence collection, and science and technology.

Simply put, we still do not have an intelligence community that looks like our country or the world. Minorities make up 37 percent of the American population, yet only 21 percent of the intelligence community, and the numbers for African-Americans and Latinos is woefully below that number. This is a problem that is addressed in the underlying bill, which requires the development of a strategic plan to increase diversity within the intelligence community and mandates increased diversity among the rank and file of the community.

I am fond of saying in the Intelligence Committee hearings that it doesn't take more degrees than the thermometer to be a spy, but somebody back there decided that that must have been the case.

Another significant concern exacerbated by this lack of diversity is a deficiency of linguist abilities in the intelligence community. There are countless stories of intelligence tapes that had piled up in the months leading up to September 11 when the terrorist attacks occurred here. That was done because we didn't have anyone to translate them.

Experts and administrators lament the fact that we don't have enough Arabic, Farsi, Urdu or Dari speakers, and we always go in that direction, but we don't have enough Asian language speakers, either, in the intelligence community and the military.

How can we expect to completely correct that course without thoroughly modernizing the recruitment, selection and security clearance processes to quickly bring on board people with these critical skills? The underlying bill provides for the commonsense modernization of our security clearance procedures to address this growing problem, requiring that the system make more efficient use of those who are proficient in foreign languages or with cultural, linguistic or other subject matter expertise that is critical to national security. We must make these necessary modernizations to adapt to the ever-changing threats around us.

Finally, following the recommendations of 11 three- and four-star generals, the bill requests that the National Intelligence Council produce a National Intelligence Estimate on the national security impact of global climate change. Some of my colleagues on the other side of the aisle have expressed discontent with this provision, because they believe that enough research is currently under way about climate change. In doing so, in my judgment, they failed to recognize that climate change is impacting global security.

Just look at the Middle East, the battle for scarce resources among those who have been displaced, particularly in Iraq, has the potential to generate sociopolitical environments that foster the creation of terrorist cells. If we can't even agree on the implications of climate change, it is obvious that more research is necessary, especially observing the impact of climate change on the movement of people and resources, and how that connects to terrorism.

Footnote right there, I pointed out in the Rules Committee that Iraq would be the classic example of what I am talking about. There are 2 million refugees, and it is almost like it is kind of hidden, that are displaced from their homes in Iraq. There are 400,000 to 500,000 internally displaced in Iraq. Yet, what we find is they are being pushed into Syria, Jordan and Egypt where there are already significant water resource problems. Someone tell me how that doesn't equate to an environment where terrorists will be produced.

If we can't agree on this, I can assure you that we are going to have significant problems in the future. Even the National Defense University has recognized these implications by prioritizing response to large-scale national disasters in some of its most recent training simulations. As scientists explore the connection between such disasters and climate change, it is imperative that the national security implications of such events be thoroughly understood.

I am glad that our committee addresses this issue in the bill. If we have learned anything from the failures of the war in Iraq, it is that reliable intelligence is critical to ensuring America's national security.

I am pleased to support this rule and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. I want to thank the gentleman from Florida (Mr. HASTINGS) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in opposition to this restrictive rule.

The Intelligence Authorization Act generally receives strong bipartisan support. But let me be clear that the underlying bill does contain bipartisan provisions that are important to protecting our national security, make no bones about that.

However, the bill also contains a number of provisions that are of concern and could weaken our national security and intelligence capabilities by providing less than adequate resources and placing restrictions on our intelligence operations.

I am concerned that the Democratic leadership chose to include section 407 in the underlying bill. My friend from Florida talked at length about that provision, which would require our Nation's intelligence community to direct its limited resources to a National Intelligence Estimate on global climate change.

I have to ask, what message are we sending to our allies and our enemies when Congress instructs our intelligence experts to stop what they are doing on issues that threaten American lives and, instead, focus on theoretical risks from global warming.

Furthermore, earlier this year, this House created a new Select Committee on Energy Independence and Global Warming to focus on the risks of global warming. This is in addition to several Federal agencies that are already analyzing climate change. Congress should let this panel that was created, and existing Federal agencies, focus on climate change so that our intelligence analysts can focus on materials of classified information and work to prevent threats against American lives.

But I am pleased, I have to say, with the Rules Committee last night because they made in order an amendment to be offered by the ranking member, Mr. HOEKSTRA, of the Permanent Select Committee on Intelligence, that will strike section 407 and allow our spies to be spies. I think we can have a very good debate on that. I think we ought to have that debate. I am pleased that the Rules Committee made that amendment in order.

However, the Democratic leadership did deny several thoughtful amendments offered by Mr. CASTLE, Mr. FLAKE, Mr. ROGERS of Michigan and Mrs. WILSON of New Mexico.

I urge my colleagues to oppose this restrictive rule, which only allows 10 out of 433 Members of the House to offer their ideas on how to better strengthen our intelligence community.

Mr. Speaker, I reserve the balance of my time.

☐ 1345

Mr. HASTINGS of Florida. At this time, I am very pleased to yield 2 minutes to the distinguished chairman of the Permanent Select Committee on Intelligence, my good friend from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank my colleague and good friend from Florida for yielding me time on this very important rule.

I rise in support of this rule. The terrorist plot that was recently uncovered in New Jersey this past week shows that we cannot let our guard down in the effort to learn the plans and intentions of people who would do us grave harm.

The underlying bill, H.R. 2082, provides funding for the brave women and men of our intelligence community. I have visited with them in every corner of the world, and I am constantly amazed by their patriotism, their dedication to mission, and their commitment to doing our Nation's most sensitive and dangerous business, often without public acknowledgement or recognition.

Today, the United States faces a dynamic set of threats, challenges, and opportunities. We are at war in Iraq and Afghanistan. We face a growing terrorist threat. Countries like Iran and North Korea are working towards a nuclear bomb. And we face a number of other key challenges in Africa, Latin America, and from rising powers like Russia and China. These major challenges require a major effort by our government to collect, to analyze, and to disseminate intelligence, and to do so within the legal bounds of our Constitution and our national values.

This bill invests in human intelligence. It invests in analysis and analysts. It funds key counterterrorism operations and sensitive collection programs. And it improves critical oversight in key areas such as the overuse of contractors and the lack of qualified linguists in the intelligence business.

This bill was developed on a bipartisan basis. And although there may not be agreement on every single point, there is agreement on all the major points. This rule will allow a full debate on many of the key issues before us, and I, along with my colleagues, should welcome this debate. So I urge my colleagues to vote "yes" on the rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the gentlelady from New Mexico, a member of the Intelligence Committee, Mrs. WILSON.

Mrs. WILSON of New Mexico. Mr. Speaker, I am here to urge my colleagues to oppose the rule and to oppose the previous question on the rule for the Intelligence authorization bill today.

I offered an amendment in the Rules Committee that was similar to one that I offered in the Intelligence Committee that would modernize our foreign intelligence surveillance laws so that we can listen to the terrorists trying to kill us, while protecting Americans' civil liberties.

Every member of the House Intelligence Committee knows that the Foreign Intelligence Surveillance Act is not working, and so does the Speaker of the House. In fact, she has been briefed on this earlier than any of us have, since shortly after 9/11.

Last week, in unclassified session in front of the Senate Intelligence Committee, Admiral Mike McConnell, the Director of National Intelligence, urged the Congress to modernize our intelligence surveillance laws. He told us and the world, "We are actually missing a significant portion of what we should be getting." We are missing a significant portion of what we should be getting.

In January of this year, the Attorney General of the United States wrote to the Congress and said there were new Foreign Intelligence Surveillance Court orders that were innovative, that would put the President's terrorist surveillance program underneath the auspices of a judge in the Foreign Intelligence Surveillance Court. They are innovative, because the court is stretching the law like a twin sheet over a king-sized bed. And every member of the Intelligence Committee knows just how fragile the legal framework is in this arrangement. Yet, a single judge in a nonadversarial secret setting has said it is okay to go forward on this basis because it is important to the country, and the Congress has failed to act. Will the next judge go along?

Every one of us knows there is a problem. Here is the problem:

In 1978, almost all local calls were on wire and almost all long distance calls were transmitted by microwave over the air. The FISA law distinguishes between collection over a wire and collection over the air. You don't need a FISA warrant to collect signals over the air. And that is where long-haul communications were in 1978.

Now, in 21st-century communications, the situation is completely reversed. Most long-haul communications are on wire and most local calls are over the air. 230 million Americans have cell phones, but the FISA law we operate under is stuck in the 1970s, while we are trying to protect this country from terrorists who are exploiting the 21st-century technology that was invented by this great country. We are tying the hands of our intelligence agencies while our enemies are using these communication systems to plot to kill Americans.

But the rule is even worse than that. The committee has ruled in order an amendment by Mr. FLAKE and Mr. SCHIFF that insists, insists that our intelligence agencies must use this outdated 1978 law. What do you think the FISA judges are going to think when they see that pass the House of Representatives?

We are actually missing a significant portion of what we should be getting. What did we miss today? What are the terrorists plotting today? What are they talking about that is flowing over the wires that America built today? Who is going to die tomorrow because you won't let our Intelligence Committees listen to the foreign communications on a wire and you will not allow a debate on this floor on this very important issue?

I pray to God that we don't need another 9/11 Commission to look at what our failures were in intelligence. Because if we have to look at failures, if we have to look at whether we should have done something when we had a chance, then mark this vote on this day in history, when the Democrat majority in this House chose to tie our hands in the face of a determined enemy.

If we defeat the previous question on this rule, we will offer the amendment to modernize our intelligence surveillance laws to update them for 21st-century technology. A vote in favor of the previous question on this rule is a vote to keep the FISA law frozen in time in 1978, while our enemies use 21st-century communications to plot to kill Americans.

I urge my colleagues to vote "no" on the previous question and "no" on the rule.

Mr. Speaker, I urge my colleagues to oppose the Rule for debate and the previous question on the Intelligence Authorization Bill today.

This vote is more important than most procedural things we do around here.

I offered an amendment in the Rules Committee that would modernize our Foreign Intelligence Surveillance Laws so that we can listen to the terrorists trying to kill us and protect the civil liberties of Americans.

Every member of the House Intelligence Committee knows that the FISA law is not working, and so does the Speaker of the House. She has been briefed on these matters since shortly after 9/11—long before any of us were.

Last week, in unclassified session in front of the Senate Intelligence Committee, Admiral Mike McConnell, the Director of National Intelligence urged the Congress to modernize this law. He told us and the world, "We are actually missing a significant portion of what we should be getting."

In classified session, the details of the problems are even worse.

On January 17, 2007 the Attorney General told the Congress that there were new Foreign Intelligence Surveillance Court orders that are "innovative".

They are "innovative" because the court is stretching the law like a twin sized sheet to cover a king sized bed.

And every member of the Intelligence Committee knows just how fragile this legal arrangement is.

Yet, a single judge in a non-adversarial secret session allowed it is important to the security of the country and because the Congress has failed to act.

Will the next judge continue to stretch the law?

THE PROBLEM

In 1978 almost all local calls were on wire and almost all long-haul calls were over the air.

The FISA law distinguishes between collection on a wire and collection out of the air.

You don't need a FISA warrant to collect foreign intelligence over the air.

Now, in 21st century communications, the situation is completely reverse.

Most long-haul communications are on a wire and local calls are in the air.

But the calls we want, for foreign intelligence information, are on the wires and fiber optic cables.

The FISA law we operate under is stuck in the 1970s while we are trying to protect this country from enemies that use 21st century communications.

We're tying the hands of our intelligence agencies while our enemies are using the communications systems we built to plot to kill us.

BUT IT GETS WORSE

But the rule is even worse than that.

The committee has ruled in order an amendment by Mr. FLAKE and Mr. SCHIFF that says our agencies must use this outdated 1978 law.

The Democrat leadership will insist that we turn our backs on 21st century terrorists, using 21st century communications and pretend we can be frozen in a 1978 world.

"We are actually missing a significant portion of what we should be getting," said our Director of National Intelligence.

What did we miss today?

What are the terrorists plotting today?

Who is going to die tomorrow because you won't let our intelligence agencies listen to foreign communications on a wire?

I pray to God we never need another "9/11 Commission" that looks at how we failed to protect ourselves when we could have done something.

If we do, mark this vote, this day in history, when the Democrat majority in this House chose to tie our hands in the face of a determined enemy.

A vote in favor of the previous question on this rule is a vote to keep the FISA law frozen in time in 1978 while our enemies use 21st century communications to plot to kill Americans.

I urge my colleagues to vote "no" on the previous question and "no" on the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 5 minutes to the distinguished gentlewoman from California, my friend Ms. HARMAN, who is the previous ranking member of the Select Committee on Intelligence, and is a member of the newly appointed Special Intelligence Oversight Panel.

Ms. HARMAN. Mr. Speaker, I thank Mr. HASTINGS for yielding to me and commend him for his continued service both on the Intelligence Committee and on the Rules Committee.

As you heard, I served the past 8 years on the Intelligence Committee, the last 4 as ranking member. I loved that opportunity, and I remain passionate about the issues. I believe that there is nothing more central to our roles in Congress than to keep our country safe. And that committee has crucial jurisdiction.

I would respectfully disagree with the comments of the last speaker, Mrs. WILSON. I have been briefed longer than she has on how the so-called NSA program operates. I believed then and I believe now that it can and must fully comply with FISA, a law that has been modernized 12 times since 9/11 through changes we have made which I supported in the PATRIOT Act.

Mr. Speaker, I rise in support of the rule and of H.R. 2082. In my current role as Chair of the Homeland Security Intelligence Information Sharing and Terrorism Risk Assessment Subcommittee, I continue to review intelligence reports and to talk to our key security professionals. And, Mr. Speaker, I am concerned. We have surged our intelligence resources into Iraq, where they are necessarily focused on the tactical needs of warfighters. Meanwhile, al Qaeda has gained strength and is inspiring new cells worldwide. We have taken our eye off the ball. That ball is al Qaeda.

Mr. Speaker, we should all be worried that terrorist cells are here in the United States, right now, waiting for the right moment to strike. We have yet to develop a truly effective system for sharing time-sensitive intelligence about terror plots with first responders, whom I would like to believe could be first preventers.

Even at the Federal level, a variety of data bases, classifications, and pseudo-classification systems could still, 5½ years after 9/11, prevent us from connecting the dots. We have yet to develop an adequate strategy to counter radicalization in our prisons and in our communities. The events at Cherry Hill, New Jersey, earlier this week are the latest example. And we have not yet broken into the inner circle of the senior al Qaeda leadership even though we have been at this for more than 5 years. These problems are urgent as we could be attacked at any time.

I recently reviewed the classified annex to this bill and continue to pay special attention to our technical satellite programs. Changes to these programs cannot be discussed in an unclassified setting such as this; but I want to reiterate my long-held view that the women and men who build these systems constitute a major strategic asset of the United States. Rocket scientists do not grow on trees, and we must keep them highly trained and highly motivated. Without their help, we could literally lose our ability to see, hear, and communicate.

Finally, I strongly support the effort to develop a National Intelligence Estimate on climate change. Changes in our climate will affect critical resources such as water, food, and arable land, as we are seeing now in Darfur and in many parts of Africa. Droughts affect the stability of governments, and the stability of governments is one of the key things we need to know about through our intelligence. This isn't bugs and bunnies, or even Bugs Bunny. It is survival or destruction. And if we make responsible moves now, our grandchildren will benefit.

Mr. Speaker, by supporting this legislation, the Congress stands with the extraordinary women and men of our intelligence community who often serve in austere locations on unaccompanied assignments. I am one of the few here who know these people and know where they serve. I say to them, our Nation owes you our gratitude; hopefully, this bill provides the support and tools you need as well as honors your sacrifice.

I urge support of the rule. I urge support of the underlying legislation, and

I thank the gentleman for yielding to me.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H. Res. 388, the rule for consideration of the fiscal year 2008 Intelligence Authorization Act.

As a former member of the House Select Committee on Intelligence, I strongly believe we must enact all of the 9/11 Commission's intelligence recommendations, even those that apply to our own congressional committees.

In its final report, the 9/11 Commission concluded that: "Of all our recommendations, strengthening congressional oversight may be among the most difficult and important. So long as oversight is governed by the current congressional rules and resolutions, we believe the American people will not get the security they want and need."

The bipartisan 9/11 Commission Report and the subsequent 9/11 Public Disclosure Project recommended three alternatives for reforming congressional oversight of intelligence. These options include: one, establishing a Joint Committee on Intelligence modeled after the old Joint Committee on Atomic Energy; two, establishing House and Senate Committees on Intelligence with authorizing and appropriating authority; or, three, establishes a new Appropriations Subcommittee on Intelligence.

□ 1400

In the wake of the terrorist attacks of 2001, Congress enacted a large majority of the Commission's recommendations. However, as it turns out, it has been those recommendations that apply directly to the tangled rules and procedures here in the United States Congress that have been left unfinished.

Earlier this year the Democratic leadership attempted to apply a Band-Aid to this problem by creating a powerless Intelligence Oversight Panel that has very little control over actual funding decisions. This is clearly not what the 9/11 Commission recommended. In fact, its report plainly states that, "tinkering with the existing committee structure is not sufficient."

This week I offered a simple amendment to the bill before us, calling for a sense of Congress that this House should act to implement these crucial 9/11 recommendations, but it was denied under this rule.

Mr. Speaker, the American people have insisted that we implement all of these important recommendations, even those that are difficult. We will be doing this country a disservice until we put in place an effective committee structure capable of giving our national intelligence agencies the oversight, support and leadership they need.

I urge the defeat of the rule.

Mr. HASTINGS of Florida. Mr. Speaker, would you be so kind as to inform each side of the remaining amount of time?

The SPEAKER pro tempore. The gentleman from Florida has 14½ minutes, and the gentleman from Washington has 19 minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 4 minutes to my good friend from New Jersey, with whom I serve on the Select Committee on Intelligence, and he is the Chair of the Special Intelligence Oversight Panel, Mr. HOLT.

Mr. HOLT. Mr. Speaker, I thank my friend and colleague from Florida. It is indeed a pleasure and an education to serve with him on the Intelligence Committee.

And I rise today in support of this rule and the underlying bill. Although this bill is not the full reform that I think is needed, it does contain many features that, if enacted, will improve the operation and oversight of the intelligence community.

I'd like to address one amendment that has been made in order, and I thank the Rules Committee for accepting for consideration an amendment that I offer that seeks to address an issue that's been one of the highest concerns for both this committee and the Congress, and that is, protecting the security and the cover of intelligence officers.

This grows out, in part, of the well publicized outing of a former CIA officer. For nearly 4 years, I have led the effort within the committee and in this body to determine the facts surrounding this case, as well as its consequences for the security of our Nation.

In previous Congresses, on eight separate occasions, in committee and on this floor, the then majority voted down every effort to obtain information on the matter. As I repeatedly noted at the time, Mr. Fitzgerald's criminal inquiry could never address some of the key questions that we sought to have answers for.

For example, how and why did Ms. Plame's cover status become known to those with no legitimate need to know?

How much damage was done to our intelligence collection efforts as a result of the outing of Ms. Plame?

What measures has the CIA and has the now Director of National Intelligence taken to prevent similar compromises in the future?

We still need answers to these and other questions. The amendment I am offering today that I will offer, would require the President, through the Director of National Intelligence, to report annually to the Congress on the need for any modification to the Intelligence Identities Protection Act to improve the legal protections for covert agents. This report, along with other oversight that the committee will undertake, and that I hope to undertake through the Select Intelligence Oversight Panel, will help us establish exactly what measures need to be taken to minimize the chances of such compromises of the identities of covert operatives in the future.

These men and women take enormous risks on our behalf. We owe it to them to ensure their identities are protected from the exposure, both from hostile intelligence services but even from those within our own government who would seek to retaliate against them for speaking truth to power.

This reporting requirement would be an amended version of what the President is already required to do, but has failed to do every year. We seek to have the President show more diligence in protecting the cover of these employees.

Let me reiterate that this amendment represents only one step in the process. The chairman of the committee has assured me that there will be oversight and legislative action on this issue in addition to that which we are taking today.

I would also like to comment that it is astonishing in the debates leading up to this in committee and here on the floor today that there would be so much attention being paid to the request for a national intelligence estimate on climate change. A preliminary assessment is already in the works. We should want the intelligence community to be considering everything that affects our national security, be it demographics or climate or droughts. I am astonished that there would be any resistance to having such a national intelligence estimate. So I am pleased that the committee has put that in this bill, and I look forward to its passage.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding.

I rise to commend the majority for including, under the rule, the amendment that will be offered later by Mr. HOEKSTRA, the ranking minority member, former chairman of the committee, to strike section 407 of the bill. This is the section of the bill that so many people have commented on so far today that will now task our national intelligence resources to start looking at the issue of climate change.

To me there is a great irony in this happening here today because for many years we have heard criticism from Democrats over and over again on the so-called inefficiencies, inadequacies of our national intelligence capabilities.

specially as it related to WMD in Iraq and their failure to get an accurate picture of that. And now we see today an expansion of their duties and responsibilities.

I believe most Americans look for our intelligence agencies not to be engaged on the issue of climate change but more directly to be involved in the business of protecting American safety and security, protecting our national assets, protecting the American people.

Furthermore, one of the other things that strikes me as greatly ironic about this is, we have an extensive array of Federal agencies currently studying this issue. We have NOAA, the National Oceanic and Atmospheric Administration, which has a wide array of satellites and scientists that are constantly studying both short-term and long-term implications of climate change.

We have, additionally, NASA engaged on this issue, with three major Earth-observing satellites on orbit studying the issue of the Earth's climate.

And as well, there are multiple programs run by the National Science Foundation; they have the Geosciences Directorate (GEO), the Office of Polar Programs (OPP), the Atmospheric Science Subactivity, the ATM. And, ladies and gentlemen, I haven't even touched on the EPA and all the work that they are doing on this issue.

To me, this issue is controversial. There is a sizeable number of Americans who feel that the severity of the problem of climate change does not justify some of the extreme actions that many people in the radical environmental community are trying to propose today, and I just can't help but feel this is a political issue to try to hijack our intelligence assets to get them on the global warming bandwagon so we could have draconian changes in American policy that could adversely affect our economy and our Nation.

So I thank the majority for putting the Hoekstra amendment in order. Mr. HOEKSTRA, the former chairman, now ranking member, is very knowledgeable on intelligence policy.

I intend on supporting the Hoekstra amendment. I encourage all my colleagues to listen carefully to that debate.

Mr. HASTINGS of Florida. Mr. Speaker, I now yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in extending time.

I, too, am perplexed by the debate that is being advanced in terms of being able to focus on the national security implications of the threat of global warming. I sat on the committee, the Special Committee on Global Warming and Energy Independence, as we listened to three and four star admirals and generals, as we listened to the former head of the CIA talking about the defense implications for the United States of Global Warming.

These men were not radical environmentalists. These are respected experts who have led a lifetime of service to protecting the integrity, the defense, the security of the United States. They are deeply concerned that our dependence on foreign oil from unstable areas of the world. The overwhelming scientific consensus that climate change, global warming is a reality, led them to argue in the most strong terms that we need to be serious about it. Item after item, about the strategic implications, about what happens to defenses of the United States, to instability around the world of water-stressed areas, to new disease patterns, these are not arcane, philosophical issues. This isn't environmental fringe. This is the nuts, and bolts of the future, of our country.

It has already been made clear that we already have a great deal of work that is underway. What this would require is assembling it under the guise and guidance of people who are experts in national security to put it in the national security context.

Other major countries around the world are grappling with this. I think the Rules Committee was entirely appropriate to put what I think is a misguided amendment on the floor because I think it is time for people who care about the future of the country, who are looking at the evidence, to have an honest and thoughtful debate.

But to somehow dismiss this as the province of radical environmentalism or a detraction from the hard work of planning for America's security future is, I think, sadly misplaced.

I appreciate what the Rules Committee has done. I support the rule and look forward to the debate later.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, we have a process here with regard to legislation and how it moves through the Congress. In particular, the rules were changed in January, some very welcome changes to the rules with regard to earmarks.

We said that if you are going to have an earmark in a bill, or in a report, that you need to state that you do not have a financial interest in that earmark, and then you need to submit that earmark, or it has to be submitted with the report so that Members can actually see that and see that there is no financial interest, see if it has merit or warrant.

This process is not being followed here. We were told initially that there were no earmarks in the bill, and then those of us who went up to view the classified annex did not see a list. There was no list available there. We were told later that it was with the Clerk's Office. Then with the Parliamentarians.

It turned out that we finally did get the list, and here it is, 26 earmarks in the bill. But the list was not made public. It was not given to us until 5 hours after the deadline that the Rules Committee had established to submit your amendments.

So somebody who wanted to amend the bill or actually challenge or to highlight or to discuss the earmarks that are mentioned here and listed here did not have an opportunity to craft an amendment.

Again, this list was received, it was made public 5 hours after the Rules Committee already shut down the amendment process. This rule cannot go forward like this. We cannot continue to do business like this.

☐ 1415

We all know the problems that we have had with the appropriations process with the earmarking, the scandals that have gone on. The earmarking process is secretive enough, it seems, in the Congress without adding the layer of the Intelligence Committee. Then there are things that you can't even discuss on the floor, that we can't discuss openly; so it makes it even more difficult.

Members need not be reminded that Duke Cunningham now sits in prison because of earmarks he largely got in the intelligence process, in the Intelligence Committee. We cannot allow that to happen again. We have to have a process that makes sure that that cannot happen. And that process is not happening right now, when you don't get lists until long after the process, when you can't challenge them on the floor. And then we have the problem here in open session where you can't even challenge the earmark and talk about what the earmark is actually about because you are in open session and you might be talking about classified things.

So for that reason I am announcing now that I will offer a motion to move into secret session after these votes are concluded.

Let me just remind the Members, if you want a process where you know what is going on, we have to move into secret session. If you vote against the motion to go into secret session, you are, in essence, saying let's just let it go; I don't care what is in there.

I would challenge those who want to see what is going on to go up and view the classified annex. You may or may not be able to find out what these earmarks are about. But with this process, the way it is, we will never know, and we can't continue this.

I applauded the majority's move to new earmark rules in January. They were, I felt, stronger than what we did when we were in the majority. I think they should have been stronger, but they were better than what we did, and I said so. But we aren't following those rules.

We have already highlighted a few times that if the majority submits a list of earmarks, incomplete or complete, or simply states there are no earmarks in a bill, there is no parliamentary recourse for the minority or for anyone on the floor. We have to accept at face value that there are no earmarks or that the list is complete. That is wrong. That is something that has to change.

But when we are dealing with the Intelligence Committee on something this important, we can't let this process go forward without adopting some of the reforms that we have said that we are going to adopt.

So for that reason I will offer a motion for a secret session at the appropriate time, and I would urge a vote against this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I say through the Chair to my friend from Washington that I thought that we were having our last speakers but I didn't know the nature and substance of his last speaker's remarks toward that end.

Mr. Speaker, I yield 4 minutes now to the distinguished Chair of the Select Committee on Intelligence, who has comments regarding Mr. FLAKE's comments.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

I just wanted to assure my friend and colleague from Arizona that, being sensitive to the issues that he mentioned about one of our former colleagues that, regrettably, now sits in prison, the Intelligence Committee worked very closely with the Parliamentarians, the Committee on Standards and Official Conduct, and other committees of the House on earmark disclosures.

I am at a loss as to who informed the gentleman that there would be no earmarks, but I think the gentleman now knows that the Government Printing Office made an error in omitting the earmarks and that is why the delay in putting them up on their Web site.

Be that as it may, this committee followed the requirements of the House for each Member receiving an earmark to certify that neither he or she nor his or her spouse would benefit financially from any kind of action. We complied with all the requirements, all the rules, and all the regulations.

As I said, we did this in a very transparent and bipartisan way because we did not want to leave any impressions that things were not done according to the rules that had been set out. Everything that we did with this process followed the rules and the process. Where the glitch came was where the printing was done. There was an error committed by the Government Printing Office, and that is why there was a delay in posting the earmarks.

Again, I am at a loss as to who informed the gentleman that there were no earmarks, because it certainly wasn't anyone from the committee that I am aware of.

Mr. FLAKE. Mr. Speaker, will the gentleman yield?

Mr. REYES. I would be glad to yield to the gentleman.

Mr. FLAKE. Mr. Speaker, I believe the requirement in the House rules is that the report be filed 72 hours before it is brought up. Actually, those of us who went up to view the classified annex, I asked for the list, if there was a list of earmarks, and I was told there was none.

Mr. REYES. Reclaiming my time just to explain to you that our process in the committee is that you would be provided support from the Republican staff.

If they misinformed the gentleman about the issue of earmarks, I don't know why they would do that because clearly staff on both sides knew that there were earmarks.

I will continue to yield.

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding.

Yes, I reviewed and asked during that time if there were. I would say if it is the case that a computer glitch led to no printing of the list, then you would think that the Rules Committee would say, okay, maybe we should move the process back and allow Members to offer amendments on specific earmarks.

Mr. REYES. Mr. Speaker, reclaiming my time, it is my understanding that the gentleman was offered an opportunity to do that and rejected it.

Mr. FLAKE. An unspecified opportunity. If the gentleman will continue to yield, Mr. Speaker, I actually offered an amendment that was rejected by the Rules Committee just encompassing all earmarks that might be in the bill because I wasn't given a list. I had no idea if there were any earmarks. And that was rejected.

The problem we have here in open session and the reason I will be calling to move into secret session is that in open session it is difficult to actually discuss what the earmark might be about.

Mr. REYES. I am being again reassured by staff, reclaiming my time, Mr. Speaker, that the gentleman was offered, less than an hour ago, unanimous consent to allow him to have an amendment.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, what I was offered about 30 minutes ago was an opportunity to offer perhaps a few amendments with regard to specific earmarks. It was never clear how many amendments I would be allowed to offer or on which of these earmarks. Until that is clarified, there is no reason to move forward.

And, also, let me point out again unless you are in secret session, you can't discuss exactly what the earmark might be about; so you might run afoul of any statements that you have signed or any confidentiality agreements that we are under in terms of classified information. And when I actually went up with the list to look at the classified annex again and pointed at certain earmarks, I was told that we are not sure what that was about. That was requested by a Member who is not on the committee. We don't know. And until we can have that Member actually stand up and be able to say what that earmark is about, whether it goes to a private company, whether it goes to an agency, we just don't know.

Mr. REYES. Mr. Speaker, will the gentleman yield?

Mr. FLAKE. Yes.

Mr. REYES. Mr. Speaker, let me again reassure the gentleman that every single earmark here followed the House rules. Every Member that has an earmark certified, like every Member is required to in the House, that they had no specific interest, that the spouse had no specific interest with the company or companies where the money was going.

Mr. FLAKE. I don't sit on the Intelligence Committee; so there may be some disagreement there about whether the ranking member was informed or not, and I think that will probably come to light later.

But in this case, if we had followed the rules, we would have had the list before the Rules Committee shut down the amendment process because you need to be able to offer amendments on specific earmarks. And in this case, unless a Member can go up and view the classified annex and come away with an assurance or some kind of comfort level that the earmark under question is for the intended purpose or it should be in the intelligence bill, then we are at a loss when we come to vote. I think our constituents expect us to be informed, and when we can't even go up and view the classified annex and be informed, then there is a problem.

Mr. REYES. Will the gentleman yield?

Mr. FLAKE. Yes, I will yield.

Mr. REYES. Once again, Mr. Speaker, let me reassure my good friend and colleague from Arizona that the report, along with all the listing of earmarks, was filed appropriately, timely with the Rules Committee. Where the glitch occurred was in the printing.

But be that as it may, I want to tell you again, reassure you, that we did not handle the process in the Intelligence Committee any different than any other committee in the House, and I would hope the gentleman would understand that.

Mr. FLAKE. My office has a timeline, actually, if anyone is interested, and when we requested the list of earmarks, when we finally got it, what we were told by which office, and I can tell you this is no way to run a process, particularly given the recent history of problems that we have had in this regard. And that is why I am concerned, and that is why I feel we can't do that in an open session like this. We have to go to secret session.

Mr. HASTINGS of Florida. Will the gentleman yield?

Mr. FLAKE. Yes, I will.

Mr. HASTINGS of Florida. Mr. Speaker, does the gentleman have now an amendment prepared that he is ready to offer?

Perhaps it would be that we could ask unanimous consent that your amendment be allowed to go forward.

Mr. FLAKE. Reclaiming my time, I would not, given that I cannot discuss some of what I need to discuss in open session, given what has transpired. I don't think that we can. That is why we need a closed session.

I will offer the motion, and if you don't feel that we need to go into closed session, then you can vote against it.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will be asking for a "no" vote on the previous question so that I can amend this rule to allow the House to consider an amendment offered by Representative HEATHER WILSON of New Mexico and provide the appropriate waivers for that amendment.

The Wilson amendment would modernize the Foreign Intelligence Surveillance Act to enhance the ability of our Nation to protect itself in times of war and elevated national security threats. And I think that point was made very, very eloquently by the gentlewoman from New Mexico.

Yesterday, the Rules Committee met and rejected on a party-line vote the Wilson amendment.

Mr. Speaker, I want to advise my friend from Florida that I just got a request for time here, and that is being discussed right now, that I was not aware of.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Washington has 7½ minutes remaining. The gentleman from Florida has 4 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I continue to reserve the balance of my time.

□ 1430

Mr. HASTINGS of Washington. Let me say, then, Mr. Speaker, I will be asking for my colleagues to defeat the previous question so we will have an opportunity to vote on the merits of this amendment.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the ranking member of the Intelligence Committee (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank the gentleman for yielding.

Mr. Speaker, I just need to clarify that the process that was used for the earmarks on this bill did not follow all of the rules that we had agreed upon in the committee and perhaps inconsistent with the Rules of the House. But I do know that they were inconsistent with the agreement that we have in the Intelligence Committee, which is that on a bipartisan basis the chairman and the ranking member would review earmarks, their content, the Member, and would sign off on the appropriateness of each of those earmarks.

With the filing of the bill to the Rules Committee, there was at least one earmark that was never brought to my attention and for which I never received a copy of the request from the Member identifying the earmark or a statement from the Member indicating that there was no financial interest along with the earmark. Now, that does not say the earmark is bad. It does not say it was wrong. It is just a process foul in terms of what we had agreed to.

Mr. REYES. Will the gentleman yield?

Mr. HOEKSTRA. I yield to the chairman.

Mr. REYES. I thank you for yielding, because one of the fundamental points I want to make is that we wanted to err on the side of transparency. Staff tells me that the issue of that particular earmark, weeks before we marked up the bill, was fully discussed on a bipartisan basis. I know it was discussed when we marked it up because there were a number of amendments that were brought to the markup.

Mr. HOEKSTRA. It is clear that there may be some confusion as to exactly what was or what was not discussed, but the process between staff, the process that is outlined in the committee is clearly that the chairman and the ranking member will go through and review those items that are identified as earmarks, and we will agree on them, and we will agree upon their inclusion in the bill.

The bill that was submitted and filed with Rules had at least one, I don't know about the full details, but had at least one earmark that the chairman and myself never discussed and also that, as a ranking member, I had never received what would have been identified as the paperwork that went along with it. The chairman knows that that particular earmark was one that was not discussed as an earmark. I don't think the inclusion and the identification of it as being an earmark in committee when we debated this specific provision was brought up.

And so it is a cause of concern. And building on what happened with my colleague from Arizona (Mr. FLAKE), where the Rules Committee did not identify the earmarks that were part of that bill until 5 hours after the deadline for the Rules Committee, for Members to submit amendments.

Mr. REYES. Will the gentleman yield?

Mr. HOEKSTRA. I will yield.

Mr. REYES. Those are two different issues. The time was an issue of Government Printing Office error. That is a different issue.

I would just hope that my good friend and colleague and ranking member would agree that we sat down and agreed to bring transparency so that the issues that came up when the gentleman was the chair of the committee would not recur.

Mr. HOEKSTRA. That is exactly the point, that whatever abuses, whatever we wanted transparency, these were guidelines and rules that we agreed upon in the previous Congress, where I am glad that they were carried over into this Congress. I am disappointed that they were not followed the way that they were outlined in the committee process.

Mr. REYES. If the gentleman would yield.

Mr. HOEKSTRA. I will yield.

Mr. REYES. I would just again take issue with that point because we followed the process. Staff consulted on a bipartisan basis.

Mr. HOEKSTRA. Reclaiming my time.

Mr. Chairman, no, that does not follow. The measure that we had, you and I sat in a conference room; we went through the list with staff discussing specifically each and every earmark. And that earmark was not part of that process. When we got the report that accompanied this bill to the Rules Committee, all of a sudden there was a new earmark that you and I had not gone through. You can talk to staff and those types of things. I was never aware and neither were they that it was an earmark.

Mr. HASTINGS of Washington. Mr. Speaker, I am going to once again urge my colleagues to vote "no" on the previous question so the House can consider the amendment that I submitted from Heather Wilson of New Mexico.

Mr. Speaker, with that, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remaining portion of my time.

I am fascinated by my colleagues' arguments on the other side. We did have a Rules Committee hearing on this matter, and there are four members of the Rules Committee on the minority, none of whom raised any of the issues that we have heard here today on the floor; understanding full well that Mr. FLAKE comes now and says that we should have a special session.

I also know that here on the floor I offered to Mr. FLAKE an opportunity, by unanimous consent, to offer any amendment he may have, and he didn't have an amendment at that time. I assume his argument is that we would need to be in what he says a "secret session."

But one thing I do know, being one of the few Members that does serve on the Rules Committee and on the Intelligence Committee, and that is that everyone knew the funding level of the issue that is being discussed. Mr. FLAKE may not have, but I can assure you that the remaining Members on the Intelligence Committee knew that the mark was included in our draft and the Community Management Account making that minority staff certainly aware at the time between the chairman and Mr. HOEKSTRA.

Now, today more than ever, we must make the creation of a strong and flexible intelligence apparatus one of the highest, highest priorities of this body. The terrorist attacks of September 11, combined with the continuing threat of further attacks, underscore the importance of this legislation.

When the American people elected Democrats to the majority, they sent a very clear message that "business as usual" is no longer accepted. They said to all of us, Republican and Democrat alike, that there are problems in the way we operate, and we need to change how we do business. We must, in my opinion, congratulate our intelligence community for its successes, but we also must hold them accountable for their failures. Rubber-stamping the administration's every action is not acceptable. Democrats are working every day, as are Republicans, to make America a safer place for all.

I genuinely urge my colleagues to support this measure.

I heard arguments about the climate change requirements put forward for there to be a national intelligence estimate in that regard. And there are arguments against it. I do not quite understand those arguments. We made it clear that much of the information is collectable by analysts at this time and that it would help prevent future terrorist developments. And the way the argument has been couched on the minority is as if this largest ever intelligence budget, largest in the history of the Congress, is not doing everything that is needed to be done because someone requested that there be a national intelligence estimate with reference to climate change. One day, some people in this body are going to get their head out of the sand and understand that something is changing in this climate of ours, in this world and that we all owe it as much as we can afford to make sure that we pass on a safe environment to all our children.

With that, Mr. Speaker, I urge my colleagues to support the rule. I urge a "yes" vote on the previous question.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 388

OFFERED BY REP. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

Sec. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Wilson of New Mexico or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

Sec. 4. The amendment referred to in section 3 is as follows:

At the end of the bill, add the following new title:

TITLE VI—ELECTRONIC SURVEILLANCE MODERNIZATION

SEC. 601. SHORT TITLE.

This title may be cited as the "Electronic Surveillance Modernization Act".

SEC. 602. FISA DEFINITIONS.

(a) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) is amended—

(1) in subparagraph (B), by striking "; or" and inserting ";"; and

(2) by adding at the end the following:

"(D) is reasonably expected to possess, control, transmit, or receive foreign intelligence information while such person is in the United States, provided that the official making the certification required by section 104(a)(7) deems such foreign intelligence information to be significant; or".

(b) ELECTRONIC SURVEILLANCE.—Subsection (f) of such section is amended to read as follows:

"(f) 'Electronic surveillance' means—

"(1) the installation or use of an electronic, mechanical, or other surveillance device for acquiring information by intentionally directing surveillance at a particular known person who is reasonably believed to be in the United States under circumstances in which that person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes; or

"(2) the intentional acquisition of the contents of any communication under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, if both the sender and all intended recipients are reasonably believed to be located within the United States.".

(c) MINIMIZATION PROCEDURES.—Subsection (h) of such section is amended—

(1) in paragraph (2), by striking "importance;" and inserting "importance; and";

(2) in paragraph (3), by striking "; and" and inserting "."; and

(3) by striking paragraph (4).

(d) WIRE COMMUNICATION AND SURVEILLANCE DEVICE.—Subsection (l) of such section is amended to read as follows:

"(l) 'Surveillance device' is a device that allows surveillance by the Federal Government, but excludes any device that extracts or analyzes information from data that has already been acquired by the Federal Government by lawful means.".

(e) CONTENTS.—Subsection (n) of such section is amended to read as follows:

"(n) 'Contents', when used with respect to a communication, includes any information concerning the substance, purport, or meaning of that communication.".

SEC. 603. AUTHORIZATION FOR ELECTRONIC SURVEILLANCE AND OTHER ACQUISITIONS FOR FOREIGN INTELLIGENCE PURPOSES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is further amended by striking section 102 and inserting the following:

"AUTHORIZATION FOR ELECTRONIC SURVEILLANCE FOR FOREIGN INTELLIGENCE PURPOSES

"SEC. 102. (a) IN GENERAL.—Notwithstanding any other law, the President, acting through the Attorney General, may authorize electronic surveillance without a court order under this title to acquire foreign intelligence information for periods of up to one year if the Attorney General certifies in writing under oath that—

"(1) the electronic surveillance is directed at—

"(A) the acquisition of the contents of communications of foreign powers, as defined in paragraph (1), (2), or (3) of section 101(a), or an agent of a foreign power, as defined in subparagraph (A) or (B) of section 101(b)(1); or

"(B) the acquisition of technical intelligence, other than the spoken communications of individuals, from property or premises under the open and exclusive control of a foreign power, as defined in paragraph (1), (2), or (3) of section 101(a); and

"(2) the proposed minimization procedures with respect to such surveillance meet the definition of minimization procedures under section 101(h);

if the Attorney General reports such minimization procedures and any changes thereto to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate at least 30 days prior to the effective date of such minimization procedures, unless the Attorney General determines immediate action is required and notifies the committees immediately of such minimization procedures and the reason for their becoming effective immediately.

"(b) MINIMIZATION PROCEDURES.—An electronic surveillance authorized by this subsection may be conducted only in accordance with the Attorney General's certification and the minimization procedures. The Attorney General shall assess compliance with such procedures and shall report such assessments to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate under the provisions of section 108(a).

"(c) SUBMISSION OF CERTIFICATION.—The Attorney General shall immediately transmit under seal to the court established under section 103(a) a copy of his certification. Such certification shall be maintained under security measures established by the Chief

Justice with the concurrence of the Attorney General, in consultation with the Director of National Intelligence, and shall remain sealed unless—

"(1) an application for a court order with respect to the surveillance is made under section 104; or

"(2) the certification is necessary to determine the legality of the surveillance under section 106(f).

"AUTHORIZATION FOR ACQUISITION OF FOREIGN INTELLIGENCE INFORMATION

"SEC. 102A. (a) IN GENERAL.—Notwithstanding any other law, the President, acting through the Attorney General may, for periods of up to one year, authorize the acquisition of foreign intelligence information concerning a person reasonably believed to be outside the United States if the Attorney General certifies in writing under oath that—

"(1) the acquisition does not constitute electronic surveillance;

"(2) the acquisition involves obtaining the foreign intelligence information from or with the assistance of a wire or electronic communications service provider, custodian, or other person (including any officer, employee, agent, or other specified person of such service provider, custodian, or other person) who has access to wire or electronic communications, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;

"(3) a significant purpose of the acquisition is to obtain foreign intelligence information; and

"(4) the proposed minimization procedures with respect to such acquisition activity meet the definition of minimization procedures under section 101(h).

"(b) SPECIFIC PLACE NOT REQUIRED.—A certification under subsection (a) is not required to identify the specific facilities, places, premises, or property at which the acquisition of foreign intelligence information will be directed.

"(c) SUBMISSION OF CERTIFICATION.—The Attorney General shall immediately transmit under seal to the court established under section 103(a) a copy of a certification made under subsection (a). Such certification shall be maintained under security measures established by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence, and shall remain sealed unless the certification is necessary to determine the legality of the acquisition under section 102B.

"(d) MINIMIZATION PROCEDURES.—An acquisition under this section may be conducted only in accordance with the certification of the Attorney General and the minimization procedures adopted by the Attorney General. The Attorney General shall assess compliance with such procedures and shall report such assessments to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate under section 108(a).

"DIRECTIVES RELATING TO ELECTRONIC SURVEILLANCE AND OTHER ACQUISITIONS OF FOREIGN INTELLIGENCE INFORMATION

"SEC. 102B. (a) DIRECTIVE.—With respect to an authorization of electronic surveillance under section 102 or an authorization of an acquisition under section 102A, the Attorney General may direct a person to—

"(1) immediately provide the Government with all information, facilities, and assistance necessary to accomplish the acquisition of foreign intelligence information in such a manner as will protect the secrecy of the electronic surveillance or acquisition and produce a minimum of interference with the services that such person is providing to the target; and

"(2) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the electronic surveillance or acquisition or the aid furnished that such person wishes to maintain.

"(b) COMPENSATION.—The Government shall compensate, at the prevailing rate, a person for providing information, facilities, or assistance pursuant to subsection (a).

"(c) FAILURE TO COMPLY.—In the case of a failure to comply with a directive issued pursuant to subsection (a), the Attorney General may petition the court established under section 103(a) to compel compliance with the directive. The court shall issue an order requiring the person or entity to comply with the directive if it finds that the directive was issued in accordance with section 102(a) or 102A(a) and is otherwise lawful. Failure to obey an order of the court may be punished by the court as contempt of court. Any process under this section may be served in any judicial district in which the person or entity may be found.

"(d) REVIEW OF PETITIONS.—(1) IN GENERAL.—(A) CHALLENGE.—A person receiving a directive issued pursuant to subsection (a) may challenge the legality of that directive by filing a petition with the pool established under section 103(e)(1).

"(B) ASSIGNMENT OF JUDGE.—The presiding judge designated pursuant to section 103(b) shall assign a petition filed under subparagraph (A) to one of the judges serving in the pool established by section 103(e)(1). Not later than 24 hours after the assignment of such petition, the assigned judge shall conduct an initial review of the directive. If the assigned judge determines that the petition is frivolous, the assigned judge shall deny the petition and affirm the directive or any part of the directive that is the subject of the petition. If the assigned judge determines the petition is not frivolous, the assigned judge shall, within 72 hours, consider the petition in accordance with the procedures established under section 103(e)(2) and provide a written statement for the record of the reasons for any determination under this subsection.

"(2) STANDARD OF REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that such directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall affirm such directive, and order the recipient to comply with such directive.

"(3) DIRECTIVES NOT MODIFIED.—Any directive not explicitly modified or set aside under this subsection shall remain in full effect.

"(e) APPEALS.—The Government or a person receiving a directive reviewed pursuant to subsection (d) may file a petition with the court of review established under section 103(b) for review of the decision issued pursuant to subsection (d) not later than 7 days after the issuance of such decision. Such court of review shall have jurisdiction to consider such petitions and shall provide for the record a written statement of the reasons for its decision. On petition by the Government or any person receiving such directive for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

"(f) PROCEEDINGS.—Judicial proceedings under this section shall be concluded as expeditiously as possible. The record of proceedings, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures established by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(g) SEALED PETITIONS.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

"(h) LIABILITY.—No cause of action shall lie in any court against any person for providing any information, facilities, or assistance in accordance with a directive under this section.

"(i) USE OF INFORMATION.—Information acquired pursuant to a directive by the Attorney General under this section concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures required by section 102(a) or 102A(a). No otherwise privileged communication obtained in accordance with, or in violation of, the provisions of this section shall lose its privileged character. No information from an electronic surveillance under section 102 or an acquisition pursuant to section 102A may be used or disclosed by Federal officers or employees except for lawful purposes.

"(j) USE IN LAW ENFORCEMENT.—No information acquired pursuant to this section shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived from such information, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

"(k) DISCLOSURE IN TRIAL.—If the Government intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, against an aggrieved person, any information obtained or derived from an electronic surveillance conducted under section 102 or an acquisition authorized pursuant to section 102A, the Government shall, prior to the trial, hearing, or other proceeding or at a reasonable time prior to an effort to disclose or use that information or submit it in evidence, notify the aggrieved person and the court or other authority in which the information is to be disclosed or used that the Government intends to disclose or use such information.

"(l) DISCLOSURE IN STATE TRIALS.—If a State or political subdivision of a State intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of a State or a political subdivision of a State, against an aggrieved person, any information obtained or derived from an electronic surveillance authorized pursuant to section 102 or an acquisition authorized pursuant to section 102A, the State or political subdivision of such State shall notify the aggrieved person, the court, or other authority in which the information is to be disclosed or used and the Attorney General that the State or political subdivision intends to disclose or use such information.

"(m) MOTION TO EXCLUDE EVIDENCE.—(1) IN GENERAL.—Any person against whom evidence obtained or derived from an electronic surveillance authorized pursuant to section 102 or an acquisition authorized pursuant to section 102A is to be, or has been, used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, may move to suppress the evidence obtained or derived from such electronic surveillance or such acquisition on the grounds that—

"(A) the information was unlawfully acquired; or

"(B) the electronic surveillance or acquisition was not properly made in conformity with an authorization under section 102(a) or 102A(a).

"(2) TIMING.—A person moving to suppress evidence under paragraph (1) shall make the motion to suppress the evidence before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the person was not aware of the grounds of the motion.

"(n) REVIEW OF MOTIONS.—If a court or other authority is notified pursuant to subsection (k) or (l), a motion is made pursuant to subsection (m), or a motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State—

"(1) to discover or obtain an Attorney General directive or other materials relating to an electronic surveillance authorized pursuant to section 102 or an acquisition authorized pursuant to section 102A, or

"(2) to discover, obtain, or suppress evidence or information obtained or derived from an electronic surveillance authorized pursuant to section 102 or an acquisition authorized pursuant to section 102A,

the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority, shall, notwithstanding any other law, if the Attorney General files an affidavit under oath that disclosure or an adversary hearing would harm the national security of the United States, review in camera and ex parte the application, order, and such other materials relating to such electronic surveillance or such acquisition as may be necessary to determine whether such electronic surveillance or such acquisition authorized under this section was lawfully authorized and conducted. In making this determination, the court may disclose to the aggrieved person, under appropriate security procedures and protective orders, portions of the directive or other materials relating to the acquisition only where such disclosure is necessary to make an accurate determination of the legality of the acquisition.

"(o) DETERMINATIONS.—If, pursuant to subsection (n), a United States district court determines that the acquisition authorized under this section was not lawfully authorized or conducted, it shall, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived or otherwise grant the motion of the aggrieved person. If the court determines that such acquisition was lawfully authorized and conducted, it shall deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

"(p) BINDING ORDERS.—Orders granting motions or requests under subsection (m), decisions under this section that an electronic surveillance or an acquisition was not lawfully authorized or conducted, and orders of the United States district court requiring review or granting disclosure of directives, orders, or other materials relating to such acquisition shall be final orders and binding upon all courts of the United States and the several States except a United States court of appeals and the Supreme Court.

"(q) COORDINATION.—(1) IN GENERAL.—Federal officers who acquire foreign intelligence information may consult with Federal law enforcement officers or law enforcement personnel of a State or political subdivision of a State, including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision, to coordinate efforts to investigate or protect against—

"(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(B) sabotage, international terrorism, or the development or proliferation of weapons of mass destruction by a foreign power or an agent of a foreign power; or

"(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(2) CERTIFICATION REQUIRED.—Coordination authorized under paragraph (1) shall not preclude the certification required by section 102(a) or 102A(a).

"(r) RETENTION OF DIRECTIVES AND ORDERS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 102 the following:

"102A. Authorization for acquisition of foreign intelligence information.
"102B. Directives relating to electronic surveillance and other acquisitions of foreign intelligence information.".

SEC. 604. JURISDICTION OF FISA COURT.

Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

"(g) Applications for a court order under this title are authorized if the President has, by written authorization, empowered the Attorney General to approve applications to the court having jurisdiction under this section, and a judge to whom an application is made may, notwithstanding any other law, grant an order, in conformity with section 105, approving electronic surveillance of a foreign power or an agent of a foreign power for the purpose of obtaining foreign intelligence information.".

SEC. 605. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "detailed description" and inserting "summary description";

(B) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking "or officials designated" and all that follows through "consent of the Senate" and inserting "designated by the President to authorize electronic surveillance for foreign intelligence purposes";

(ii) in subparagraph (C), by striking "techniques;" and inserting "techniques; and";

(iii) by striking subparagraph (D); and

(iv) by redesignating subparagraph (E) as subparagraph (D);

(C) in paragraph (8), by striking "a statement of the means" and inserting "a summary statement of the means";

(D) in paragraph (9)—

(i) by striking "a statement" and inserting "a summary statement"; and

(ii) by striking "application;" and inserting "application; and";

(E) in paragraph (10), by striking "thereafter; and" and inserting "thereafter."; and

(F) by striking paragraph (11).

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3), by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

SEC. 606. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (c)(1)—

(A) in subparagraph (D), by striking "surveillance;" and inserting "surveillance; and";

(B) in subparagraph (E), by striking "approved; and" and inserting "approved."; and

(C) by striking subparagraph (F);

(3) by striking subsection (d);

(4) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(5) in subsection (d), as redesignated by paragraph (4), by amending paragraph (2) to read as follows:

"(2) Extensions of an order issued under this title may be granted on the same basis as an original order upon an application for an extension and new findings made in the same manner as required for an original order and may be for a period not to exceed one year.";

(6) in subsection (e), as redesignated by paragraph (4), to read as follows:

"(e) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

"(1) determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

"(2) determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

"(3) informs a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

"(4) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not more than 168 hours after the Attorney General authorizes such surveillance.

If the Attorney General authorizes such emergency employment of electronic surveillance, the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed. In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest. In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person. A denial of the application made under this subsection may be reviewed as provided in section 103.'';

(7) in subsection (h), as redesignated by paragraph (4)—

(A) by striking ''a wire or'' and inserting ''an''; and

(B) by striking ''physical search'' and inserting ''physical search or in response to a certification by the Attorney General or a designee of the Attorney General seeking information, facilities, or technical assistance from such person under section 102B''; and

(8) by adding at the end the following new subsection:

''(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, the judge shall also authorize the installation and use of pen registers and trap and trace devices to acquire dialing, routing, addressing, and signaling information related to such communications and such dialing, routing, addressing, and signaling information shall not be subject to minimization procedures.''.

SEC. 607. USE OF INFORMATION.

Section 106(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(i)) is amended—

(1) by striking ''radio communication'' and inserting ''communication''; and

(2) by striking ''contents indicates'' and inserting ''contents contain significant foreign intelligence information or indicate''.

SEC. 608. CONGRESSIONAL OVERSIGHT.

(a) Electronic Surveillance Under FISA.—Section 108 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) the authority under which the electronic surveillance is conducted.''; and

(2) by striking subsection (b) and inserting the following:

''(b) On a semiannual basis, the Attorney General additionally shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on electronic surveillance conducted without a court order.''.

(b) Intelligence Activities.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 501 (50 U.S.C. 413)—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following new subsection:

''(f) The Chair of each of the congressional intelligence committees, in consultation with the ranking member of the committee for which the person is Chair, may inform—

''(1) on a bipartisan basis, all members or any individual members of such committee, and

''(2) any essential staff of such committee,

of a report submitted under subsection (a)(1) or subsection (b) as such Chair considers necessary.'';

(2) in section 502 (50 U.S.C. 414), by adding at the end the following new subsection:

''(d) Informing of Committee Members.—The Chair of each of the congressional intelligence committees, in consultation with the ranking member of the committee for which the person is Chair, may inform—

''(1) on a bipartisan basis, all members or any individual members of such committee, and

''(2) any essential staff of such committee,

of a report submitted under subsection (a) as such Chair considers necessary.''; and

(3) in section 503 (50 U.S.C. 415), by adding at the end the following new subsection:

''(g) The Chair of each of the congressional intelligence committees, in consultation with the ranking member of the committee for which the person is Chair, may inform—

''(1) on a bipartisan basis, all members or any individual members of such committee, and

''(2) any essential staff of such committee,

of a report submitted under subsection (b), (c), or (d) as such Chair considers necessary.''.

SEC. 609. INTERNATIONAL MOVEMENT OF TARGETS.

(a) Electronic Surveillance.—Section 105(d) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(d)), as redesignated by section 606(4), is amended by adding at the end the following new paragraph:

''(4) An order issued under this section shall remain in force during the authorized period of surveillance notwithstanding the absence of the target from the United States, unless the Government files a motion to extinguish the order and the court grants the motion.''.

(b) Physical Search.—Section 304(d) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)) is amended by adding at the end the following new paragraph:

''(4) An order issued under this section shall remain in force during the authorized period of surveillance notwithstanding the absence of the target from the United States, unless the Government files a motion to extinguish the order and the court grants the motion.''.

SEC. 610. COMPLIANCE WITH COURT ORDERS AND ANTITERRORISM PROGRAMS.

(a) In General.—Notwithstanding any other provision of law, and in addition to the immunities, privileges, and defenses provided by any other provision of law, no action, claim, or proceeding shall lie or be maintained in any court, and no penalty, sanction, or other form of remedy or relief shall be imposed by any court or any other body, against any person for an activity arising from or relating to the provision to an element of the intelligence community of any information (including records or other information pertaining to a customer), facilities, or assistance during the period of time beginning on September 11, 2001, and ending on the date that is 60 days after the date of the enactment of this Act, in connection with any alleged communications intelligence program that the Attorney General or a designee of the Attorney General certifies, in a manner consistent with the protection of State secrets, is, was, or would be intended to protect the United States from a terrorist attack. This section shall apply to all actions, claims, or proceedings pending on or after the effective date of this Act.

(b) Jurisdiction.—Any action, claim, or proceeding described in subsection (a) that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable pursuant to section 1441 of title 28, United States Code.

(c) Definitions.—In this section:

(1) Intelligence community.—The term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) Person.—The term ''person'' has the meaning given the term in section 2510(6) of title 18, United States Code.

SEC. 611. REPORT ON MINIMIZATION PROCEDURES.

(a) Report.—Not later than two years after the date of the enactment of this Act, and annually thereafter until December 31, 2012, the Director of the National Security Agency, in consultation with the Director of National Intelligence and the Attorney General, shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on the effectiveness and use of minimization procedures applied to information concerning United States persons acquired during the course of a communications activity conducted by the National Security Agency.

(b) Requirements.—A report submitted under subsection (a) shall include—

(1) a description of the implementation, during the course of communications intelligence activities conducted by the National Security Agency, of procedures established to minimize the acquisition, retention, and dissemination of nonpublicly available information concerning United States persons;

(2) the number of significant violations, if any, of such minimization procedures during the 18 months following the effective date of this Act; and

(3) summary descriptions of such violations.

(c) Retention of Information.—Information concerning United States persons shall not be retained solely for the purpose of complying with the reporting requirements of this section.

SEC. 612. AUTHORIZATION OF ELECTRONIC SURVEILLANCE DUE TO IMMINENT THREAT.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is further amended—

(1) by adding at the end of title I the following new section:

"AUTHORIZATION DUE TO IMMINENT THREAT

"Sec. 113. (a) In General.—Notwithstanding any other provision of law, but subject to the provisions of this section, the President, acting through the Attorney General, may authorize electronic surveillance without an order under this title to acquire foreign intelligence information for a period not to exceed 90 days if the President submits to the congressional leadership, the congressional intelligence committees, and the Foreign Intelligence Surveillance Court a written notification that the President has determined that there exists an imminent threat of attack likely to cause death, serious injury, or substantial economic damage to the United States. Such notification—

"(1) shall be submitted as soon as practicable, but in no case later than 5 days after the date on which the President authorizes electronic surveillance under this section;

"(2) shall specify the entity responsible for the threat and any affiliates of the entity;

"(3) shall state the reason to believe that the threat of imminent attack exists;

"(4) shall state the reason the President needs broader authority to conduct electronic surveillance in the United States as a result of the threat of imminent attack;

"(5) shall include a description of the foreign intelligence information that will be collected and the means that will be used to collect such foreign intelligence information; and

"(6) may be submitted in classified form.

"(b) Subsequent Certifications.—At the end of the 90-day period described in subsection (a), and every 90 days thereafter, the President may submit a subsequent written notification to the congressional leadership, the congressional intelligence committees, the other relevant committees, and the Foreign Intelligence Surveillance Court that the circumstances of the threat for which the President submitted a written notification under subsection (a) require the President to continue the authorization of electronic surveillance under this section for an additional 90 days. The President shall be authorized to conduct electronic surveillance under this section for an additional 90 days after each such subsequent written notification.

"(c) Electronic Surveillance of Individuals.—The President, or an official designated by the President to authorize electronic surveillance, may only conduct electronic surveillance of a person under this section if the President or such official determines that—

"(1) there is a reasonable belief that such person is communicating with an entity or an affiliate of an entity that is reasonably believed to be responsible for imminent threat of attack; and

"(2) the information obtained from the electronic surveillance may be foreign intelligence information.

"(d) Minimization Procedures.—The President may not authorize electronic surveillance under this section until the Attorney General approves minimization procedures for electronic surveillance conducted under this section.

"(e) United States Persons.—Notwithstanding subsections (a) and (b), the President may not authorize electronic surveillance of a United States person under this section without an order under this title for a period of more than 60 days unless the President, acting through the Attorney General, submits a certification to the congressional intelligence committees that—

"(1) the continued electronic surveillance of the United States person is vital to the national security of the United States;

"(2) describes the circumstances that have prevented the Attorney General from obtaining an order under this title for continued surveillance;

"(3) describes the reasons for believing the United States person is affiliated with or in communication with an entity or an affiliate of an entity that is reasonably believed to be responsible for imminent threat of attack; and

"(4) describes the foreign intelligence information derived from the electronic surveillance conducted under this section.

"(f) Use of Information.—Information obtained pursuant to electronic surveillance under this subsection may be used to obtain an order authorizing subsequent electronic surveillance under this title.

"(g) Definitions.—In this section:

"(1) Congressional intelligence committees.—The term 'congressional intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(2) Congressional leadership.—The term 'congressional leadership' means the Speaker and minority leader of the House of Representatives and the majority leader and minority leader of the Senate.

"(3) Foreign intelligence surveillance court.—The term 'Foreign Intelligence Surveillance Court' means the court established under section 103(a).

"(4) Other relevant committees.—The term 'other relevant committees' means the Committees on Appropriations, the Committees on Armed Services, and the Committees on the Judiciary of the House of Representatives and the Senate."; and

(2) in the table of contents in the first section, by inserting after the item relating to section 111 the following new item:

"Sec. 112. Authorization due to imminent threat.".

SEC. 613. TECHNICAL AND CONFORMING AMENDMENTS.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is further amended—

(1) in section 105(a)(4), as redesignated by section 606(1)(B)—

(A) by striking "104(a)(7)(E)" and inserting "104(a)(7)(D)"; and

(B) by striking "104(d)" and inserting "104(c)";

(2) in section 106(j), in the matter preceding paragraph (1), by striking "105(e)" and inserting "105(d)"; and

(3) in section 108(a)(2)(C), by striking "105(f)" and inserting "105(e)".

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting

House Resolution 388, if ordered; ordering the previous question on House Resolution 387; and adopting House Resolution 387, if ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 199, not voting 10, as follows:

[Roll No. 324]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brady (PA)
Engel
Fattah
Frank (MA)
McCrery
McMorris Rodgers
Rangel
Souder
Waters
Watson

☐ 1506

Mrs. CUBIN changed her vote from "yea" to "nay."

Mr. CONYERS and Mr. RUSH changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 198, not voting 8, as follows:

[Roll No. 325]

AYES—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)

Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Brady (PA)
Engel
Fattah
McMorris Rodgers
Sensenbrenner
Souder
Waters
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1518

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2237, PROVIDING FOR REDEPLOYMENT OF UNITED STATES ARMED FORCES AND DEFENSE CONTRACTORS FROM IRAQ; PROVIDING FOR CONSIDERATION OF H.R. 2206, U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007; AND PROVIDING FOR CONSIDERATION OF H.R. 2207, AGRICULTURAL DISASTER ASSISTANCE AND WESTERN STATES EMERGENCY UNFINISHED BUSINESS APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 387, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 201, not voting 9, as follows:

[Roll No. 326]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—201

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Brady (PA)
Buyer
Cramer
Engel
Fattah
McMorris Rodgers
Souder
Waters
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1527

Mr. MITCHELL changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 219, nays 199, not voting 14, as follows:

[Roll No. 327]

YEAS—219

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Berman
Brady (PA)
Cannon
Carney
Engel
Fattah
McMorris Rodgers
Petri
Pomeroy
Rogers (MI)
Scott (GA)
Souder
Watson
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1534

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO RESOLVE INTO SECRET SESSION

Mr. FLAKE. Mr. Speaker, pursuant to clause 9 of rule XVII, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Pursuant to clause 9 of rule XVII of the rules of the House of Representatives, Mr. Flake moves that the House be cleared of all persons except the Members, Delegates, Resident Commissioner, and officers of the House to consider communications which he believes should be kept secret for the present.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FLAKE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 217, not voting 8, as follows:

[Roll No. 328]

AYES—207

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood

Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Brady (PA)
DeLauro
Engel
Fattah
Herger
McMorris Rodgers
Souder
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1553

So the motion to resolve into secret session was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

(Mr. McGOVERN asked and was given permission to address the House for 1 minute.)

Mr. McGOVERN. Mr. Speaker, the Rules Committee is expected to meet Tuesday, May 15, 2007, to grant a rule which may structure the amendment process for floor consideration of H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 5 p.m. on Monday, May 14. Members are strongly advised to adhere to the amendment deadline to ensure the amendments receive consideration.

Amendments should be drafted to the bill as ordered reported by the Committee on Armed Services. A copy of that bill will be posted on the Web site of the Rules Committee tomorrow, May 11.

Amendments should be drafted by Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 1419

Mr. POMEROY. Mr. Speaker, there was a mistake by which some Members were inadvertently added as cosponsors to a bill, and now I would ask unanimous consent to remove these cosponsors from H.R. 1419:

Mr. HINOJOSA
Mr. CONAWAY
Mr. LINCOLN DIAZ-BALART of Florida
Mr. BACHUS
Mr. HOLT
Ms. MATSUI
Mr. ROHRABACHER
Mr. SKELTON
Mr. PETRI
Mr. WILSON of South Carolina
Mr. REHBERG
Mr. FEENEY

The SPEAKER pro tempore (Mr. TIERNEY). Is there objection to the request of the gentleman from North Dakota?

There was no objection.

PROVIDING FOR REDEPLOYMENT OF UNITED STATES ARMED FORCES AND DEFENSE CONTRACTORS FROM IRAQ

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 387, I called up the bill (H.R. 2237) to provide for the redeployment of United States Armed Forces and defense contractors from Iraq, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDEPLOYMENT OF UNITED STATES ARMED FORCES AND DEFENSE CONTRACTORS FROM IRAQ.

(a) COMMENCEMENT OF REDEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall commence the redeployment of units and members of the Armed Forces deployed in Iraq as part of Operation Iraqi Freedom and contractors operating in Iraq and funded using amounts appropriated to the Department of Defense.

(b) COMPLETION OF REDEPLOYMENT.—The Secretary of Defense shall complete the redeployment of the Armed Forces and defense contractors from Iraq within 180 days beginning on the date of the commencement of the redeployment required under subsection (a).

(c) PROHIBITION ON USE OF FUNDS TO INCREASE ARMED FORCES SERVING IN IRAQ.—Funds appropriated or otherwise made available to the Department of Defense under any provision of law may not be obligated or expended to increase the number of members of the Armed Forces serving in Iraq in excess of the number of members serving in Iraq as of January 1, 2007, unless the increase has been specifically authorized in advance by an Act of Congress.

(d) AUTHORITY TO DETERMINE LOCATIONS OUTSIDE OF IRAQ FOR REDEPLOYMENT.—Nothing in this section shall be construed to restrict the locations outside of Iraq to which units and members of the Armed Forces redeployed from Iraq may be transferred, including redeployment to an adjacent or nearby country at the invitation of the government of the country or redeployment to bolster military forces deployed in Afghanistan as part of Operation Enduring Freedom.

(e) AUTHORITY TO RETAIN ARMED FORCES IN IRAQ FOR LIMITED PURPOSES.—The Secretary of Defense may retain in Iraq members of the Armed Forces for the purpose of providing security for the United States Embassy and other United States diplomatic missions in Iraq; protecting American citizens, including members of the Armed Forces; serving in roles consistent with customary diplomatic positions; engaging in targeted special actions limited in duration and scope to killing or capturing members of al-Qaeda and other terrorist organizations with global reach; and training and equipping members of the Iraqi Security Forces. At the request of the Government of Iraq, the Secretary of Defense may retain in Iraq members of the Army Corps of Engineers and defense contractors engaged in reconstruction projects in Iraq, to the extent necessary to complete such projects.

(f) AVAILABILITY OF FUNDS FOR SAFE AND ORDERLY REDEPLOYMENT.—Notwithstanding any other provision of law, funds appropriated or otherwise made available in any Act are immediately available for obligation and expenditure to plan and execute a safe and orderly redeployment of the Armed Forces and defense contractors from Iraq, as required by this section.

(g) TRANSFER OF UNITED STATES MILITARY FACILITIES IN IRAQ.—The President of the United States shall transfer to the Government of Iraq all right, title, and interest held by the United States in any military facility in Iraq that was constructed, repaired, or improved using amounts appropriated to the Department of Defense and occupied by a unit of the Armed Forces.

(h) PROHIBITION ON USE OF FUNDS TO FURTHER DEPLOY UNITED STATES ARMED FORCES TO IRAQ.—Beginning on the date of the completion of the redeployment of the Armed Forces from Iraq under subsection (b), funds appropriated or otherwise made available under any provision of law may not be obligated or expended to further deploy units or members of the Armed Forces to Iraq, including through participation in any multinational force in Iraq, except as provided under subsection (e) or unless such deployment of units or members of the Armed Forces is specifically authorized in advance by an Act of Congress.

(i) ASSISTANCE TO IRAQI SECURITY FORCES AND MULTINATIONAL FORCES IN IRAQ.—Nothing in this section shall be construed to prohibit or otherwise restrict the use of funds available to the Department of Defense for the purpose of providing financial assistance or equipment to the Iraqi Security Forces or multinational forces providing security or training in Iraq at the request of the Government of Iraq.

(j) CONTINUATION OF DIPLOMATIC, SOCIAL, AND ECONOMIC RECONSTRUCTION ACTIVITIES IN IRAQ.—Nothing in this section shall be construed to prohibit or otherwise restrict the use of funds available to any department or agency of the United States (other than the Department of Defense) to carry out diplomatic, social, and economic reconstruction activities in Iraq at the request of the Government of Iraq.

(k) ASYLUM OR OTHER MEANS OF PROTECTION FOR IRAQI CITIZENS.—Nothing in this section shall be construed to prohibit or otherwise restrict the authority of the President to arrange asylum or other means of protection for Iraqi citizens who might be physically endangered by the redeployment of the Armed Forces from Iraq.

(l) DEFINITION.—In this section, the term "Armed Forces" has the meaning given the term in section 101(a)(4) of title 10, United States Code.

The SPEAKER pro tempore. Pursuant to House Resolution 387, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 2237.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Massachusetts, the sponsor of the bill (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, this war is a terrible tragedy, and it is time to bring it to an end. This is a straightforward bill to redeploy our military forces from Iraq and to end the war in Iraq, and I want to thank the leadership for bringing it to the floor today.

This bill would allow the administration and joint chiefs 3 months to plan a safe and orderly redeployment process, and then an additional 6 months to carry it out. It provides for the orderly transfer to Iraqi authorities the military bases and facilities we have constructed and occupied on their national territory, as General Petraeus himself has always insisted would happen when we depart from Iraq.

The bill permits U.S. Armed Forces to remain deployed in Iraq in order to protect U.S. embassy and diplomatic personnel. It also allows limited special operations to pursue members of al Qaeda and other global terrorist organizations, and it continues the training and equipping of Iraqi security forces.

Mr. Speaker, this bill does not walk away from Iraq or the Iraqi people. It specifically continues diplomatic, social, economic, and reconstruction aid; and it allows the President to provide asylum or other means of protection to those Iraqi citizens who might be physically endangered by our leaving Iraq because of services they provided to our military personnel.

Finally, this bill leaves all the decisions on the locations outside of Iraq to which our troops will be redeployed wholly in the hands of our military commanders. They may be deployed to neighboring countries or transferred to Afghanistan. Many, I hope, would be sent home by commanders, grateful that their service is now completed. And many of our proud Guard and Reserve units would, I hope, return to their stateside duties to protect our homeland.

Mr. Speaker, there is no nice, neat, easy way to leave Iraq. Every Member in this Chamber understands that. But it is the right thing to do. The American people have chosen us to act on this matter, and we must act.

Redeployment of our troops will set a new dynamic into motion in Iraq and the region. It will force the Iraqis, their neighbors, and the international community to finally confront the tough issues of reconciliation. Until we leave, no one has to make the hard choices about how Iraqis are going to live together or die together.

Like all of my colleagues on both sides of the aisle, I stand in awe of our uniformed men and women, who have performed fearlessly and tirelessly in Iraq. But we should no longer demand that their sweat, blood, and lives be sacrificed on the altar of Iraqi sectarian violence. They are needed elsewhere, in Afghanistan, in the region, and here back home. Their duties, their global mission and purpose continue, but Iraq must find its own way.

Mr. Speaker, enough is enough. For four long deadly years, this administration and their allies in Congress have been flat wrong about Iraq. The time has come for us to begin redeploying our troops from Iraq in a safe and orderly manner.

Now, every one of us, whether we voted for or against the war, has a responsibility for the men and women who have been put in harm's way. It is easy to say stay the course; but I would remind my colleagues, none of us will wake up tomorrow in the midst of a civil war in Iraq. None of us will have to go on patrol in Fallujah or Baghdad. We owe our troops better than rhetoric; we owe them honesty and action.

For me, this is a vote of conscience. For me, this is a way to restore the good and decent name of the United States. For me, this is a way to best serve our men and women in uniform, by bringing them home to their families.

I urge my colleagues to vote for this bill and vote to end the war.

☐ 1600

Mr. LEWIS of California. Mr. Speaker, if today's actions by the House are any indication, it appears that the Out of Iraq Caucus within the Democratic majority is now running the legislative agenda of the Congress.

How else can one explain that the rule governing consideration of debate of funding of our troops in Iraq and Afghanistan provides only two legislative options with regard to U.S. troops in Iraq and Afghanistan?

The first, which we are now debating, is an immediate withdrawal of troops from Iraq. The second, which we will debate shortly, rations funding to our troops over a 60-day period. Both options are short-sighted, and they are also dangerous.

My colleagues, where did this bill come from?

I gather it was hastily written and introduced last night in an attempt to obtain votes for the Obey Iraq supplemental we will be considering a little later.

Indeed, the consideration of this withdrawal legislation is nothing more than an attempt by the Speaker and the majority leader to appease members of the Out of Iraq Caucus so they will support the second version offered by Chairman OBEY.

Once again, the majority has brought legislation to the House floor under a closed rule without an opportunity for amendment or meaningful debate. Not only is this an abuse of the legislative process, it is an overt violation of the longstanding traditions of the House. The majority is making a mockery of the time-honored customs of this body. That, in and of itself, is shameful. It is the People's House and the people of our country who suffer when open debate is stifled in order to preordain a legislative outcome.

Fortunately, this legislation, which embraces surrender and defeat, will not pass today. Most Members of the House, both Republican and Democrats, have grave reservations about the manner in which this legislation undermines our troops and the authority of the President and the commander in chief.

Members on both sides of the aisle have expressed concern about the effects of an ill-conceived military withdrawal. And Members are rightfully concerned about any legislation that places military decisions in the hands of politicians rather than the military commanders in the field.

The last thing our country or our troops need is to have 535 Members of the House and Senators micromanaging the war in Iraq. Recent history reminds us that the enemy we face in Iraq, Afghanistan and other countries that harbor terrorists, will stop at nothing to attack the United States and our allies. They view the consideration of this measure and the Obey bill we will consider shortly, as a sign of weakness.

Al Qaeda and other terrorist organizations are watching us closely, hoping this lack of resolve will prevail. We must not let that happen.

My colleagues, now is not the time for the United States to back down from its commitment to the war on terror. Now is not the time for America to signal retreat and surrender. Indeed, now is not the time for the House of Representatives to throw in the towel, wave the white flag or signal retreat and surrender in Iraq.

How could this Congress walk away from our men and women in uniform? How could we walk away from them now? We must, we must support our troops. Our failure to learn the lessons of history, our failure to lead will result in devastating consequences, including an even greater loss of lives in the future.

It is absolutely essential that America, the last remaining superpower on earth, continue to be a voice for peace and a beacon for freedom in our shrinking world.

I urge my colleagues to vote "no" on the McGovern/Out of Iraq Caucus bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Speaker, I speak in support of this bill because it would change our strategy in Iraq towards the successful outcome, while ensuring that America will be more secure. It does so by providing, most importantly, a date certain by which we will not be in Iraq, approximately 9 months from its enactment, that serves as the sole remaining leverage we have to change the structure of incentives in that country and in the region toward stability.

Presently, the Iraqi ministries are personal fiefdoms where the leaders pursue their personal ambitions while we provide them political and military cover in what is now principally a civil war.

Political reconciliation. How? When their very top Shia and Kurdish leaders recently told Senator HAGEL and me that the re-Baathification law is only appeasement to the Sunnis. But our U.S. leaders in Iraq say it is critical to success and stabilization.

A date certain finally forces the Iraqis to make the difficult political compromises they are presently avoiding; more importantly, it changes the incentives and therefore the behavior of Iran and Syria from being involved destructively in this war because we are bleeding towards working for stability.

As our top political leader in Iraq said, Iran does not want a failed state if we depart.

The SPEAKER pro tempore. Without objection, the gentleman from Kentucky will control the time of the gentleman from California.

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I hope the American public sees the irony in the votes that we are going to take this afternoon and evening. Before us now we are going to take a vote to pull out of Iraq immediately. Then, right after that, we are going to take a vote to fund the troops so they can stay a while.

So I guess the only difference between the House Democrats today and Senator KERRY a year ago, where he voted for Iraq before he voted against Iraq, is that our friends get to do it all in the same day.

Now, the other irony that I thought was interesting today is that we had a visitor, the deputy prime minister of Iraq, that was coming here with a message of what is really going on in Iraq. And he met with a group of us this morning in HC–9, separated only by a thin wall to the caucus that was occurring with our friends from the other side of the aisle where they were plotting the strategy of how to get out of Iraq.

I think it shows one of the differences between the two parties where we are meeting with the government officials on how to get them stood up, how do we strengthen the government there so they can take over their own operations without falling to the al Qaeda; at the same time, our friends are plotting on the other side to pull out and abandon them.

I think the day is just full of ironies, and I hope that the general public gets to see those today.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in strong support of this bill and of our troops. The tragedy in Iraq has gone on far too long. For 4 years, this administration and its supporters have put forth arguments based on misinformation and fear. I would urge my colleagues to remember this during today's debate.

This administration and the Republican leadership in Congress have presided over perhaps the biggest foreign policy and national security blunder in our Nation's history. They have ignored, shouted down and attempted to intimidate anyone who has dared to disagree.

And now, after 4 years, we see the thousands of brave Americans killed or seriously injured, untold numbers of Iraqis dead and the country in chaos.

Our troops have done everything, and I mean everything, that has been asked of them. But they have been let down by the administration that dishonors their tremendous service and sacrifice with its incompetence and arrogance.

Let us, please, finally make a change in Iraq. Let us end the war and bring our troops home.

I urge my colleagues to support this bill and support our troops.

I rise in strong support of this bill and of our troops.

The tragedy in Iraq has gone on far too long.

This legislation would bring our involvement there to an end.

I have listened now for more than 4 years as the administration and its supporters up here have come forward with one reason after another for: why we have to invade, why we have to stay, and what will happen if we "fail."

They've never made sense to me. Their arguments have been based either on misinformation or fear.

The Bush administration has stumbled and bumbled, dissembled and distorted on Iraq so much that no one—no one—believes a word it says.

Last night, NBC News quoted a Republican Congressman telling the President that "word about the war and its progress cannot come from the White House or even you, Mr. President. There is no longer any credibility."

That is the reality.

So I would urge my colleagues, as they listen to this debate and hear from the Republican leadership and White House why the McGovern bill or the Supplemental Appropriations bill are so wrong, to remember this history.

Mr. Speaker, this administration and the Republican leadership in Congress have presided over perhaps the biggest foreign policy and national security blunder in our Nation's history. They've ignored, shouted down and attempted to intimidate anyone who has dared disagree.

After 4 years we are left with thousands of brave Americans killed or seriously injured, an untold number of Iraqis dead, and the country in chaos. Most tragically, the cost for all these mistakes has been borne by the men and women who wear the uniform, and their families.

Our troops have done everything—everything—that has been asked of them. But they have been let down by an administration that dishonors their tremendous sacrifice with its incompetence and arrogance.

Let us please, finally, make a change in Iraq. Let us end the war and bring our troops home.

I urge my colleagues to support this bill and to support our troops.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 4 minutes to the distinguished ranking member on the Armed Services Subcommittee on Appropriations, Mr. YOUNG of Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me the time. I didn't intend to speak on this until I read the bill, and I didn't have much chance to read the bill because it didn't go through any committee, and it was only introduced last night.

But this bill is an illusion. It is not what it is proposed to be. It is one of those situations where you giveth on one hand, and you take away with the other hand.

I am looking specifically at subsection (e). After saying that we have to remove our troops out of Iraq within so many days, subsection (e) says, "the Secretary of Defense may retain"—in other words, keep troops in Iraq—"for the purpose of providing security for the embassy, the U.S. embassy"; we do that now. And "other United States diplomatic missions in Iraq"; other diplomatic missions in Iraq; we do that now. "Protecting American citizens"; we do that now. "Including members of the Armed Services serving in roles consistent with customary diplomatic positions"; we do that now.

Listen to this one: "engaging in targeted special actions limited in duration and scope to killing or capturing members of al Qaeda and other terrorist organizations". My goodness, that is what we are doing now. "Training and equipping members of the Iraqi Security Forces." That is what we are doing now. "And may retain in Iraq members of the Army Corps of Engineers and Defense contractors engaged in reconstruction projects in Iraq." We are doing that now.

Subsection (h) on page 4. "Prohibition on the use of funds to further deploy United States Armed Forces to Iraq." The funds may not be obligated or expended to further deploy units or members of the Armed Forces to Iraq, including through participation in any multinational force, except as provided under subsection (e), which is the subsection that I just referred to.

And then it goes to subsection (i), assistance to Iraqi security forces. "Nothing in this section shall be construed to prohibit or otherwise restrict the use of funds available to the Department of Defense for the purpose of providing financial assistance or equipment to the Iraqi Security Forces or multinational forces providing security or training in Iraq." We do that now.

You have to get out of Iraq, but you are allowed to stay to do all of these things that we are already doing.

Vote yes if you want to. Vote no if you want to. That is not up to me. But I just wanted to point out the fact that, if you think this bill gets you out of Iraq, think again. Read subsection (e), because it doesn't accomplish what we are told that it does.

So I say again, this is an illusion. It gives with one hand, but it takes away with the other.

Mr. OBEY. In that case, I assume the administration is going to support the bill.

I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Democrats in the House voted four times to end this war in Iraq, yet the President and most of my colleagues on the other side of the aisle refuse to acknowledge the realities on the ground and continue to ignore the pleas of the American people.

Sadly, the President is dealing with an Iraq that exists only in his imagination. It is time for the President to understand that this House will not endorse a blank check for an endless war. Our resolve remains unwavering because we know the American people have our back.

Under the leadership of Speaker PELOSI, we are united in our efforts to bring an end to this war. Congressman MCGOVERN's bill moves us closer to achieving that goal.

The phones in my office are ringing off the hook with constituents, as I am sure they are across the Capitol, asking me to vote, begging me to vote for this bill to put an end to the war in Iraq.

Listen to the mothers of America on this Mother's Day weekend. They are saying, support our children in uniform by bringing them home.

This bill does that. I urge strong support for it.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding, and I commend the gentleman from Massachusetts for offering this important piece of legislation.

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I voted against the war in Iraq, but I have since voted to give our troops the resources to succeed in their mission. They have done exceptional work. But they are now being asked to take sides in a civil war. This is not what we sent them to do, and it is time to bring our troops home.

Let us be clear. Removing our troops from the midst of a civil war does not mean we are abandoning Iraq. We will continue to train Iraqi security forces, support political reconciliation and economic reconstruction, and engage the international community to promote a lasting peace. Most importantly, we will continue to hunt down al Qaeda wherever they may hide. What we will not do is blindly follow the President's failed strategy, which has damaged our military without improving national security.

The situation on the ground has changed, and our plan should too. I urge my colleagues to support this legislation to demand a new direction and end the conflict in Iraq and bring our troops home.

I thank the gentleman for offering this important piece of legislation.

Mr. Speaker, this measure will allow us to begin redeploying our combat forces in Iraq and pursuing a new strategy for success. I voted against giving the President authority to go to war, but I have since voted to give our troops the resources to succeed in their mission. They have done exceptional work, but they are now being asked to take sides in a civil war—resolving conflicts that stretch back for centuries. That is not what we sent them to do, and it is time to bring them home.

Let us be very clear about what this bill does, because there is a lot of rhetoric clouding this debate. Removing our troops from the middle of a civil war does NOT mean we're abandoning Iraq. We will continue to train the Iraqi Security Forces. We will continue to support political reconciliation and economic reconstruction. We will continue to engage the international community to promote a lasting peace. Most importantly, we will continue to hunt down al Qaeda wherever in the world they may try to hide. What we will not do is blindly follow the President's failed strategy—a strategy that has damaged the readiness of our military without improving our national security. The situation on the ground has changed, and our plan should be adjusted accordingly. Sadly, the President has decided to trust his own judgment over that of our military commanders, millions of Iraqis, and, most importantly, the American people. I urge my colleagues to support this legislation to demand a new direction that strengthens our military and ends the conflict in Iraq.

Mr. ROGERS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, let me thank Chairman OBEY, first of all, for his strong and determined effort and his diligent effort to end this war. And, also, I want to thank the gentleman from Massachusetts (Mr. MCGOVERN) for offering this bill.

H.R. 2237 does reflect the goals of what we call the Lee amendment, which was sponsored by Congresswomen WATERS, WOOLSEY, WATSON, and CLARKE. But let me tell you the goal of this bill, as the goal of the Lee amendment really is an effort to fully fund the safe and timely redeployment of our troops from Iraq. It is responsible. It is practical. It does not cut the funding. But it designates what the supplemental can be used for, and that is to fully fund a safe withdrawal and redeployment and help the Iraqis stabilize their country with a diplomatic, social, and reconstruction effort.

Members of Congress now can choose between standing with the President or the American people who want an end to this occupation, or the President, as I said, who wants an open-ended commitment to this failed policy.

History will record that this war was a deadly mistake. History will document the damage that it has already done to our security and the security of the world, just as it already records the case for the war as fraudulent, something that we all would have known had the House approved my amendment in 2002 that would have allowed the United Nations inspectors to finish their job.

One day history will record that this unnecessary occupation ended. What remains to be seen is when it will end and at what cost in lives and treasure and what cost to our security and the security of the world.

For those Members who recognize that the President's policy is a failure but are concerned about voting to end this failed policy and to redeploy our troops. I have a question for you: At what point will you be comfortable with that vote? When the death toll hits 5,000 or 10,000?

Please vote for this. Please vote to end this occupation and bring our young men and women home. Please stop the deaths.

We have already paid close to half a trillion dollars pursuing this failed policy.

Mr. Speaker, you cannot "win" an occupation, just as the United States cannot "win" an Iraqi civil war.

We know that there is no military solution to the situation in Iraq. Our generals have told us that. The fact is that, the presence of our troops, who are seen as an occupying force, enflames the very insurgency that they are asked to deal with.

In listening to this desperate rhetoric about "surrender," and about "defeat" I am confident that history will look upon such remarks with the same ridicule that it reserves for the Vietnam war supporters discredited "domino theory" or the President's "mission accomplished" speech on the decks of the USS *Abraham Lincoln*, more than 4 years ago.

Today, members of Congress will decide what side of history they will be on. I urge them to stand with the American people and all those who recognize that there is no military solution to the situation in Iraq, and to vote for H.R. 2237, legislation to fully fund the safe and timely withdrawal of our troops from Iraq.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, this is not the first time that I have come down to this well to demand that our troops come home and that we end the occupation of Iraq. In fact, I have come to the floor over 200 times. And as the first Member of Congress to call on the President to bring our troops home and the author of the first amendment on the floor requiring the President to bring a plan to the House on how he will end this debacle that he started, you can know that I am very pleased that this vote is before us today. Finally, after 4 years here we are.

Many of the provisions in the bill were included in H.R. 508, the Bring the Troops Home and Iraq Sovereignty Restoration Act, a bill that I introduced with Representative LEE and Representative WATERS. These provisions will fully fund bringing the troops home, prohibit permanent bases, give the Iraqi people sovereignty and a sense of hope for their future.

My colleagues, I urge you to support H.R. 2237. The American people are asking that we stand up for our troops, and we do that by fully funding them to bring them home. Bring them home to their families. Bring them home so that we can end this misguided occupation. By passing H.R. 2237, we will bring our troops and our military contractors out of Iraq safely.

Mr. ROGERS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am thinking about a teddy bear that is in my office, and I think about it because I remember going to a funeral when a mother placed a teddy bear and a red fire truck in the coffin of her young fallen hero, a member of the United States military that lost his life in Iraq.

No, it is not the Iraq Caucus that is running this very poor and devastating agenda of this White House. Rather, I would like to say that I am proudly a member of the Iraq Caucus. And I thank Mr. MCGOVERN, the Speaker of the House, Mr. OBEY, and Mr. MURTHA for understanding that our children are dying and that we must do something that faces the fact that our troops have won the victory. So I hope that we will debate H.R. 930 that says there has been a military success but this is a devastatingly wrong political mission that we are on.

The President has to listen. This is 90 days plus 180 days, 9 months to redeploy. That's fair. We will fund our troops. That's fair. It is time now to bring our troops home because we love our children and we love America.

Mr. Speaker, I rise in strong support of H.R. 2237, the "Iraq Redeployment Act." I rise in strong support of this legislation because I am listening, and responding to the will of the American people. Last November, Americans went to polls by the millions united in their resolve to vote for change. They voted for a new direction and a change in the Bush administration's disastrous policy in Iraq. The new Democratic majority heard them and responded by passing H.R. 1591, the Iraq Accountability Act. The President vetoed the bill, demanding instead a continuation of the ancient regime under which the Republican-led Congress gave him a blank check to mismanage the occupation and reconstruction of Iraq.

Those days are over. No matter how many veto threats the President issues, this Congress is not going to give him a blank check to escalate and continue the war ad infinitum. It is long past time for change in Iraq. It is time for the people and government of Iraq to take primary responsibility for their own country. It is time for the President to recognize the reality on the ground in Iraq. The time when a surge in troops is useful and necessary is past. It is now time to redeploy our troops and launch a diplomatic surge for national and political reconciliation in Iraq. H.R. 2237 will help achieve this goal and that is why I support the measure.

Mr. Speaker, there is no more important issue facing the Congress, the President, and the American people than the war in Iraq. It is a subject upon which no one is indifferent, least of all members of Congress. The Framers understood that while the military does the fighting, a nation goes to war. That is why the Framers lodged the power to declare war in the Congress, the branch of government closest to the people. They knew that the decision to go to war was too important to be left to the whim of a single person, no matter how wise or well-informed he or she might be.

Four years ago, President Bush stood under a banner that proclaimed "Mission Accomplished." If the mission was to further place our troops in harm's way at the hands of insurgents and sectarian violence, then it is mission accomplished. After spending more than $400 billion dollars sacrificing the lives of 3,381 of America's finest citizen-soldiers, what have we accomplished and where are we headed?

I cannot support the President's waging of a war that has no clear direction, does not meet the benchmarks that the President set, and has no visible target.

Four years after launching the invasion, conquest, and occupation of Iraq, the evidence is clear and irrefutable: the preemptive invasion of Iraq, while a spectacularly executed military operation, was a strategic blunder without parallel in the history of American foreign policy. This is what can happen when the Congress allows itself to be stampeded into authorizing a president to launch a preemptive war of choice.

It is time to change our strategy in Iraq. It is time to engage the key stakeholders in the Middle East and make real strides towards securing a just and lasting peace in Iraq and for the Iraqi people. And most important, bring our troops home so they can be reunited with their families, friends, and neighbors.

That is why, Mr. Speaker, in February of this year I introduced H.R. 930, the "Military Success in Iraq and Diplomatic Surge for National and Political Reconciliation in Iraq Act of 2007." Title I of my legislation, the "Military Success in Iraq Act of 2007" (M–S–I–A) or "Messiah," offers an honorable deliverance from Iraq. Let me explain.

In October 2002, the Congress authorized the President to use military force against Iraq to achieve the following objectives:

1. To disarm Iraq of any weapons of mass destruction that could threaten the security of the United States and international peace in the Persian Gulf region;

2. To change the Iraqi regime so that Saddam Hussein and his Baathist party no longer posed a threat to the people of Iraq or its neighbors;

3. To bring to justice any members of al Qaeda known or found to be in Iraq bearing responsibility for the attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001;

4. To ensure that the regime of Saddam Hussein would not provide weapons of mass destruction to international terrorists, including al Qaeda; and

5. To enforce all relevant United Nations Security Council resolutions regarding Iraq.

Every one of these objectives has long been accomplished. Iraq does not possess weapons of mass destruction. Saddam Hussein has been deposed, captured, and dealt with by the Iraqi people. The American military has caught or killed virtually every member of al Qaeda in Iraq that was even remotely responsible for the 9/11 attack on our country. Last, all relevant U.N. resolutions relating to Iraq have been enforced. In other words, every objective for which the use of force in Iraq was authorized by the 2002 resolution has been achieved.

Mr. Speaker, since the objectives which led Congress to pass the 2002 Authorization to Use Military Force (AUMF) have been achieved, I believe the authorization to use that military force expires automatically. My legislation affirms this proposition. Additionally, I believe, and my legislation provides, that it is the Congress that is the ultimate arbiter as to whether the objectives set forth in a congressional AUMF have been achieved.

Mr. Speaker, where a Congressional authorization to use military force has expired, the President must obtain a new authorization to continue the use force. My legislation requires the President to do that as well. Finally, my bill requires that if the Congress does not vote to reauthorize the use of force in Iraq within 90 days after determining that the objectives set forth in the 2002 AUMF have been achieved, all American armed forces in Iraq must be redeployed out of Iraq. Thus, under my legislation, an up-or-down vote must be held by the House and Senate to continue waging war in Iraq.

I am not talking about "cutting and running," or surrendering to terrorists. And I certainly am not talking about staying in Iraq forever or the foreseeable future. The Armed Forces won the war they were sent to fight. Their civilian leadership has not succeeded in winning the peace. That is why the United States should surge diplomatically and politically.

Title II of H.R. 930, the "Diplomatic Surge for Political and National Reconciliation in Iraq Act," implements 12 of the most important recommendations of the Iraq Study Group. Significantly, it creates a high-level Special Envoy for National and Political Reconciliation in Iraq (SENPRI). This Special Envoy would consist of individuals like former Secretary of State Colin Powell, Madeleine Albright, or James Baker who would undertake the peaceful reconciliation of the major stakeholders in a free and democratic Iraq, particularly the Sunnis, Shiites, and Kurds.

All 6 of Iraq's neighbors—Iran, Turkey, Syria, Jordan, Saudi Arabia, and Kuwait—have an interest in a stabilized Iraq because as the Iraq Study Group report makes clear, none of these countries wants to live with an Iraq that, after our redeployment, becomes a failed state or a humanitarian catastrophe that could become a haven for terrorists or hemorrhages millions more refugees who will stream into neighboring countries.

Mr. Speaker, every day when I walk into my office I am reminded of the courageous young men and women who have given their lives in service to our Nation. Outside my office I have displayed a poster-board that displays the names and faces of those who made the ultimate sacrifice. The poster-board is nearly full. I do not want to start another board.

That is why I rise in strong support of H.R. 2237. This legislation significantly reduces the U.S. military presence in Iraq over a 9 month period. The legislation does not abandon the Iraqi people. On the contrary, it recognizes the need to complete our mission by training Iraqi military forces and providing Special Forces to continue to pursue al-Qaeda, Osama bin Laden, and destroy terrorist networks working out of Iraq. The bill also provides the full array of non-military assistance for Iraq's economic and political reconstruction.

This legislation recognizes and respects Iraqi sovereignty. This bill also respects the decision-making judgment of the Joint Chiefs of Staff and U.S. military commanders in the field in determining where forces leaving Iraq might next be deployed. Finally, this legislation provides balance between the security priorities of the United States and Iraq to complete key military missions, and the political imperative to reduce the presence of U.S. military forces inside Iraq.

For all of these reasons, I strongly support H.R. 2237 and urge all members to do likewise.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia, a member of the committee (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Kentucky for yielding.

Mr. Speaker, let's just say that the critics of the war, and I don't mean the Members of the House, but the critics in the general public who often say "Bush lied" and put up posters to that effect and they bring in Halliburton and Blackwater and bumper stickers that say "No War for Oil," let's say all that is true, absolutely true, that everything was a trick to get us there, and just say we can agree with that, and HILLARY CLINTON and JOHN KERRY never made the statements that Saddam Hussein had weapons of mass destruction, which, of course, they did make those statements.

But if all that was the case, regardless, we are there and we are there now.

I met with the Deputy Prime Minister of Iraq today, and he said, in fact, the surge is working. And maybe he has a view that might be suspect by some. But I have also spent a lot of time this week looking at a report of indexes in Iraq put out by the Brookings Institute, which, as you know, is left of center. But they track the number of civilian deaths, the number of IED attacks. They track the number of newspapers and radios, economic and political progress. They track the benchmarks, revenue sharing, oil sharing, and elections and so forth. And in that there is a glimmer of hope that is important to know that there is some progress that is being made.

But I think between the Brookings Institute and the Prime Minister's report, there is a very bleak picture; but it is a picture nonetheless that progress is being made.

If you pass this legislation today, you wouldn't just erode that progress. You would sign a death sentence to people like this Prime Minister and his family. Now, I agree that the Republican Party probably lost the majority in the House because of the war as much as anything else, but for us that is just politics. It is a political death. For the people over there that we are helping, this is real death. What would happen to this Deputy Prime Minister if we pulled out, and what would happen to all the other Iraqis who have been there trying to take a step forward as Sunnis, as Shiites, as Kurds, trying to work together in a cooperative agreement? Do the proponents of this bill believe that Iraq would suddenly say to them, Okay, you all can go home; we are going to switch governments? If this passed, there would be more chaos and a civil war that we have never seen before in the Middle East, and it would spill over to other countries in the Middle East.

One of the things the Prime Minister said that Americans have failed to understand is there is a cultural shift going on in the Middle East right now, and it is not unique to Iraq, and that is that al Qaeda is becoming a mainstream group. Al Qaeda and an Islamic radical fundamentalist movement with sights on the West is growing.

If we withdraw from Iraq, it is victory to them. A defeat means it is not just going to stay in Iraq, but the momentum probably would go to Israel next. It would probably encourage the Iranians to get nuclear. Saudi Arabia would follow suit. They would need to have nuclear weapons, and Jordan. The good, the bad, and the ugly in the Middle East would happen.

The previous speaker said the troops did win the war. I agree. But we have not finished the war. We should vote this down and give Petraeus time, which is very much needed.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Speaker, I rise today in support of a course correction in foreign policy. The bills before us today reflect the will of the American people and the reality on the ground.

We have invested 4 years in a war that was predicated upon the fantasy that Iraq would, Iraq could, become a bastion of democracy without a massive investment of time, talent, and treasure. This President had no plan to win the war he wanted to fight. He had no strategy to finish the job he started.

We must bind the wounds of a Nation that has lost over 3,300 men and women in a war precipitated by the arrogance of an administration that made decisions based upon the world they wanted instead of the world that is. We must extract ourselves from what has become a civil war in Iraq. We must stand up to a President that is so insulated that members of his own party cannot even persuade him to change course.

I have stood in this Chamber to mourn the passing of fallen heroes. Sadly, but most assuredly, I will stand here again to mourn more.

But today I stand here asking you to explore your own conscience and stand up for our country, our families, and our troops. Let us renew our commitment to making the difficult choices we were sent here to make, and let us begin today.

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to control the balance of the time of the gentleman from Kentucky (Mr. ROGERS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker and Members, I take this opportunity to thank the leadership for honoring the work and the request of the progressives of this House to place a bill before this body that we could feel good about supporting.

Some of us have been against this war. We have come to the floor. We have done interviews. We have worked the floor. We have done everything that we possibly can to communicate what we believe are the feelings of the American public about this war. The November vote indicated to us, and should have to others, that Americans are sick and tired of this war. They want to bring our soldiers home. They want to stop the loss of lives. They want to stop the money that is being spent, over $400 billion on Iraq and Afghanistan; 3,200 or more lives that have been lost; over 25,000 soldiers who have been seriously injured.

□ 1630

Some of us are not willing to spend other another dime on this war. And this bill that is before us, thanks to BARBARA LEE and Mr. MCGOVERN and to LYNN WOOLSEY and I, we have this bill that represents the thinking of the progressives of this House that simply says, we will give no more money to continue fighting this war, but rather, any money that is expended would simply be funds to help wind down this war and to bring our soldiers out; no permanent bases left in Iraq; and basically that no money would be spent on a surge. This surge that the President has initiated is placing our soldiers at great risk. As a matter of fact, there is no safety in the Green Zone. As a matter of fact, we do not have friends in Iraq. The Sunnis are against us. The Shias are against us. The Kurds are against us. And those Iraqi soldiers that are embedded are undermining our soldiers. I would ask for an "aye" vote on this very progressive piece of legislation.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I would like to read excerpts from a letter about Iraq. It reads as follows:

"I am deeply concerned about Iraq. The task you have given me is becoming really impossible . . . incompetent Arab officials are disturbing some of the provinces in failing to collect revenue. We have overpaid almost half a million [dollars] on last year's account, which it is almost certain Iraq will not be able to pay this year, thus entailing a Supplementary Estimate in regard to a matter never sanctioned by [the legislative body]; a further deficit, in spite of large economies, is nearly certain this year on the civil expenses owing to the drop in revenue. I have had to maintain . . . troops at Mosul all through the year in consequence of the Angora quarrel: This has upset the programme of reliefs and will certainly lead to further expenditures . . . In my own heart, I do not see what we are getting out of it.

"I think we should now put definitely . . . to the Constituent Assembly the position that, unless they beg us to stay and stay on our own terms in regard to efficient control, we shall actually evacuate before the close of the financial year. I would put this issue in the most brutal way, and if they are not prepared to urge us to stay and to cooperate in every manner, I would actually clear out.

"Surveying all the above, I think I must ask you for definite guidance at this stage as to what you wish and what you are prepared to do. The victories of the [opposition] will increase our difficulties throughout the [region]. At present, we are paying . . . millions a year for the privilege of living on an ungrateful volcano out of which we are in no circumstances to get anything worth having."

That is a letter written by Winston Churchill in 1922 to David Lloyd George. I would suggest not very much has changed since then.

I do not know if the timetable in this bill is exactly the correct timetable or not. What I do know is that I intend to vote for every responsible action that I can take that will increase pressure on this administration and on the government of Iraq and the politicians of Iraq so that they both finally understand there must be a change in policy; there must be a recognition that our troops do not have the capacity to produce the political compromises that are necessary to end this carnage. That power is only in the hands of American politicians and Iraqi politicians. It is about time we get about the business of using it and insisting that the Iraqis use it.

I would urge support for this proposition.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. I ask unanimous consent to control the balance of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, for months Democratic leaders have tried to dictate military strategy by press release with little regard for the service men and women putting their lives on the line every day.

Perhaps my colleagues on the other side of the aisle did not realize that the privileges of the majority come with an actual responsibility to govern. Let me say to them, the time for tantrums is over. At long last, we are presented with an opportunity to vote yes or no on abandoning our mission in Iraq. But let's not mistake this newfound direction for some kind of profile in courage.

After months of factual disarray, the Democratic Party has not suddenly found its spine; it has simply realized that the liberal agents who drive this majority, MoveOn.org, the labor unions, they have run out of patience. And it is them that demand a vote on abandoning our mission and abandoning it ASAP. Sadly, the Democrats have little concern for the demands of our military or for its waning patience for the funding that they so desperately need.

More than 3 months, Mr. Speaker, have passed since the President requested emergency funding for our troops. Over the past 94 days, the Democrats have succeeded only in putting politics over policy and trying to substitute their judgment for that of the combatant commanders. For the past 94 days, they have chosen to beat their chest at press conferences, and yes, on this floor, rather than finding ways to actually get our troops the funding that they need to achieve victory.

But, astoundingly, over the past 94 days, Democrats have never once grasped the consequences of resigning ourselves to defeat in Iraq. The void created by our departure would be filled by religious extremists and terrorists. Iran's path to develop nuclear weapons would be cleared. Violence in Iraq would grow exponentially. Shiite death squads and al Qaeda terrorists would further destabilize the democratically elected government. Another rogue regime could take root, leading to genocide. The terrorists, freshly emboldened by our surrender, would then be able to export terrorism around the world.

Today, each of us has a critical decision to make: Do we stand by the side of victory or on the side of defeat? Do we stand with our troops or with those who would want to abandon them? Do we rise to the challenge of fostering freedom, or do we capitulate to the political pressure of special interests? The choice, Mr. Speaker, is ours. For the sake of our soldiers and our Nation, I implore my colleagues to choose wisely.

Mr. LEWIS of California. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman for yielding.

Mr. Speaker, this is one of those debates that you just have to take a deep breath and say, is this our finest hour or one of our worst, or somewhere in between? With this new Democratic majority, I thought there would be a reaching out to both sides of the aisle. I thought, on something so important, they would say, we went into Iraq on a bipartisan basis, two-thirds of the House, including Mr. MURTHA and others, and three-quarters of the Senate voted to go into Iraq.

We did not find weapons of mass destruction. And this administration made some terrible mistakes early on in disbanding the army, the police and the border patrol and allowing the looting. I understand the tremendous discontent. And this war has not turned out the way many had hoped. And certainly when we look back we can say a lot of it was predictable. But we attacked them; they did not attack us. I want to say it again: We attacked them; they did not attack us. We abolished their entire security force. I think of New York State. New York State had 19 million people. Imagine if a hundred thousand prisoners had been let out from Rikers Island and Attica, and then we said, no police in New York City, no police in Albany, no police in Syracuse, no police in Buffalo, no police in any of the towns in between. But do not worry, we are going to have 150,000 Arabic speakers spread out across all of New York, and they will keep the peace. Well, we did that to Iraq, but it is much larger than New York, and it has 26 million people instead of 19 million. So a lot of what has happened is predictable.

But now, when you talk with the Iraqis and you talk with the neighbors of Iraq, they say, we did not want you to go in, but we sure as heck do not want you to leave until you leave this a better place.

We could, on a bipartisan basis, work this out. And there will be a point where bills like this will not be considered because we will come up with a bill that says, well, there are some of you on this side of the aisle that do believe in timelines, but timelines that actually work, not timelines that guarantee defeat of any chance of success.

We expect that maybe you would say to us, well, we call you an occupying Nation, that is what you say we are. Well, fine. Then let's negotiate with the Iraqis like we negotiated with the South Koreans. That is a possibility. Why aren't we negotiating with them?

The Iraqis, if they want, could ask us to leave. They have their own government. They have their own leadership. Why not have a plebiscite in that Nation? Why not have the Iraqi Council of Representatives vote? Why aren't we talking about those things? Why aren't we talking about the Iraqi Study Group, which Republicans and Democrats have both agreed have merits to it? We could potentially have a resolution that many of us could support. Why aren't we having an approach on the other side of the aisle that says, we need to find common ground and work it out together? I believe this: I believe two-thirds of the Iraqis want us to leave, and I believe two-thirds want us to stay. That is what the polls say. They do not want us to leave until we leave it a better place.

I believe the Iraqis are a proud people, and they want to be treated with dignity. What this resolution does is simply pull the rug out from under our new Secretary of Defense, which all of you said you wanted, pulls the rug out from General Petraeus, who received 100 percent support in the Senate. Our general has said, give me a chance to show that we can win back Baghdad. That is what he has asked.

What this resolution does is say that one part of the equation, the military, disappears. And we all have agreed you cannot win it militarily, but you cannot win it without the military. You cannot win it just with a change in politics, but you cannot win it without it. You cannot win it just with economics, but you cannot win it without it. It takes all three. And it is almost like, in a way, you want us to lose. It is almost like we are going to tie one hand behind our back and then say there is a failure because we have not given them all three parts.

I cannot tell you how objectionable I find this. I find it objectionable that we would not allow the Iraqis to stand up on their own. They need us to train their military, their police and their border patrol. They need our troops embedded in there because they do not have any sergeants and corporals. We are embedded in there to help identify who among all those privates that we are training can be leaders among those troops.

This is an unwise resolution. It is a partisan resolution. It is a bad message for us to send the Iraqi people. They do not know what to think about this Congress, but they do know this: We are more divided than they are, and we do not even have bombs blowing up.

Mr. OBEY. I yield myself 1 minute.

Mr. Speaker, I do not know why we should be surprised that we are divided as a Nation when in fact we have an administration whose governing principle has been to govern by dividing.

I would simply observe that there are some Members of this body evidently and some members of the administration who are willing to fight to the last drop of somebody else's blood. We are not, and that is why we are here with this proposal today.

I now yield 5 minutes to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, 3 years ago, I would not have voted for this resolution. Two years ago, I would not have voted for this resolution. One year ago, I would have voted for this resolution. But after seeing no progress in Iraq, none, zero, having misrepresentation coming from even the Pentagon, I am beginning to believe it is time that we have to send a very strong message to this administration.

□ 1645

The total number of U.S. troops killed in Iraq is 3,382. Killed since President Bush announced his surge is 366. We have lost more people in the last 4 months than we lost in any other period of the war, and that doesn't count the number that have been wounded, and all of us have been out there and seen the ones that have been wounded.

The foreign minister of Saudi Arabia in The New York Times last week said, "We don't see anything happening in Iraq in implementation. Our American friends say there is improvement; improvement in violence, improvement in the level of understanding, improvement in disarming the militia. We don't see it."

Admiral Fallon, he is the new commander in Iraq, the central commander. Admiral Fallon said last week in the Senate Armed Services Committee, "Prime Minister Maliki's progress thus far has been disappointing. They are not moving, in my opinion, fast enough to support what we are trying to do. The number one question in my mind is the ability as well as the willingness to do this."

Now, I said to the Iraqi National Security Adviser when he was here visiting me, I said, Look. I said, Originally we need a diplomatic effort, an international diplomatic effort. I urged him to change the Constitution. I urged him to pass a bill to spread out the oil revenues.

He said, Well, it's a slow procedure, and he started talking about how we needed to stay, and he talked about the war, he didn't call it a civil war, the insurgency and the al Qaeda.

I said, There is 2,000 al Qaeda. You don't think you can take care of 2,000 al Qaeda when you have in your country 26 million people? I said, Let me tell you a story. My great-grandfather's Civil War hat sits on that shelf there. And I took it out and I showed him that. We fought our own civil war. And then I said, My ancestors fought in the Revolutionary War. They were ragtag. They didn't have shoes. They fought in cold weather without cold-weather gear. They fought the greatest army in the history at that time, the greatest navy in the history at that time, the greatest empire in history at that time, and we beat them. We beat them by ourselves, with a little help from the French.

You have to do this yourself, I said to the National Security Adviser for Iraq. You have to win this yourself. We can't do it for you. I said, Your Parliament takes a 2-month vacation in the middle of a time when it is crucial to the history.

The American people, three-fourths of them, are unhappy with what is going on. The Congress more and more. Even some of our Republican friends need to help us convince this President that we need to move in the right direction, we need to change the direction of this war. I see in a news release that the President is now, after all this time, considering benchmarks. After all this time, the President of the United States is saying I'll consider benchmarks. He finally is starting to compromise. He has come off the pedestal and the President is starting to begin to realize that something has to be done to change the direction of this country.

All of us want to solve this. All of us want stability in the Middle East. All of us want to do the right thing. But it is not working. Electricity production, below pre-war level. Oil production, below pre-war level. It has been that way for the last 4½ years. Incidents are up. If you look at the way the incidents have gone, every month they have gone up. They have gone down a little bit, but they have gone up the whole time. And more Americans were killed in the last 4 months than any other period during this war.

We need to change direction. We need to send a message. We need to go to conference and have some kind of a conversation with the White House so that they understand. I am glad to see some Republicans went to the White House and spoke the truth to this President and said to him, Mr. President, we need a change. You are destroying the Republican Party.

Well, that is one of those things where I won't go there.

But let me say this: we need to have a strong vote. We need to vote for this resolution, and then we need to pass the other bill and get on with our business.

Mr. LEWIS of California. Mr. Speaker, I am very pleased to yield 4 minutes to the former chairman of the Armed Services Committee, my colleague, the gentleman from California, DUNCAN HUNTER.

Mr. HUNTER. Mr. Speaker, I want to thank my friend from California for giving me some time.

You know, in Iraq it is tough, it is difficult, it is dusty and it is dangerous; but we are following the same pattern that we followed for the last 60 years in bringing freedom to other parts of the world. It is not a smooth road.

First, you stand up a free government. We have done that. It is an inept government. It bumbles along, as most new governments do. But it is a free government, and it represents the people.

The second thing that you do is stand up a military capable of protecting that free government.

Thirdly, the Americans leave, because we don't covet anything that another country has.

We are right now in the second phase of standing up a military capable of protecting this government. My good friend who just spoke talked about the difficulty of standing up the Iraqi military. I know a couple of years ago in the first battle of Fallujah when we rushed green Iraqi troops to that battle and we thought they were going to help the United States Marines, the next day they were gone. They didn't show up for roll call. But this time when you go out there and you are in Fallujah and Ramadi, the Iraqi military is standing and fighting.

We sat there about a month ago with the Sunni leaders of the national police in Ramadi and Fallujah, and they sat there side-by-side with the Shiite leaders of the Iraqi Army and talked about how they are working together, this time to push back against al Qaeda, whose rough edge has made enemies in the Anbar province.

Now, we got 129 battalions in the Iraqi Army, and, personally, I think that the standup of the Iraqi Army and the reliability of the Iraqi Army is the key to America's success in Iraq and our successful turnover of the security burden.

We have got to make sure that every one of those 129 Iraqi battalions moves into an operation where they do two or three months in a military operation where they have to work out, exercise their logistic chain, their chain of command, the commander has got to coordinate with the guy on the right and the guy on the left. At that time they can rotate into the battlefield and displace American heavy combat forces. That is the right way to leave Iraq. Not this way.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Massachusetts (Mr. MCGOVERN).

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me the time, and I thank all of those who participated in this debate today.

Mr. Speaker, my friends on the other side of the aisle apparently believe in and want to continue the status quo. That is their right. But I believe they are wrong. They have been wrong for 4 long, deadly years. So it is time for new leadership, for a new direction, for a new policy, a policy based on reality, not spin, not press release, not intimidation.

My friends say that we can't leave Iraq until the Iraqis ask us to leave. I saw a story that appeared on the Associated Press wire today which states that a majority of Iraqi lawmakers endorsed a draft bill calling for a timetable for the withdrawal of foreign troops and demanding a freeze on the number already in the country.

Well, Mr. Speaker, we just heard from the gentleman from California that the Iraqi Government represents the Iraqi people, and apparently the Iraqi Government is telling us they want us to have a time certain when we leave.

Mr. Speaker, enough is enough. Our friends on the other side of the aisle argue that the best way to support the troops is to ask them to participate in a failed policy. Well, I disagree.

The question before us is simple: Do you want to end this war? If you do, then you will vote for the bill before us.

Mr. Speaker, let me end this debate the way I began it, by reminding everyone in this Chamber, Republican and Democrat, reminding everybody, whether you supported the war initially or whether you opposed the war, that we all have a responsibility. We have a responsibility to those men and women who we have put in harm's way, and that responsibility is to act responsibly, to make sure that we are giving every consideration before we put them in harm's way.

We are now entering the fifth year of this war. We have a President who refuses to admit one error, one misjudgment. The fact of the matter is, there are two ways to end this war: one, with the cooperation and the help of the President, which we all want. The other way is for Congress to do its job, to take its responsibility seriously and to do what is necessary to bring this war to an end.

I urge all of my colleagues to vote for the underlying bill.

Mr. CONYERS. Mr. Speaker, I rise in strong support of H.R. 2237, the legislation offered by Mr. MCGOVERN that would provide for the redeployment of United States Armed Forces and defense contractors from Iraq.

H.R. 2237 would significantly reduce the U.S. military presence in Iraq over a 9-month period. It requires that the Department of Defense begin redeployment of armed forces and military contractors no later than 90 days after the date of enactment, allowing the Department the time necessary to plan, prepare and execute the process of drawing down troops. The redeployment would be completed within 6 months, at which point further funding for an increased presence in Iraq would be prohibited.

H.R. 2237 respects the decision-making powers of the Joint Chiefs of Staff and U.S. military commanders in the field. It specifically leaves decisions about where U.S. troops should be redeployed in the hands of the Pentagon. Troops drawn down from Iraq may be redeployed to neighboring countries, to Afghanistan, to other U.S. bases abroad, or back to the United States in support of homeland security and other national needs.

This legislation also recognizes and respects Iraqi sovereignty by ensuring that the present conflict will not provide for the establishment of permanent American military bases in Iraq. H.R. 2237 provides for the orderly transfer of bases and facilities constructed or occupied by the U.S. military to Iraqi control. Nothing in this bill precludes the United States from negotiating base rights or shared use in the future, as is our practice with other sovereign nations.

H.R. 2237 provides strong support for the Iraqi people by continuing assistance for social, political and diplomatic reconstruction. Additionally, aid is permitted, at the request of the Iraqi government, for assistance or equipment to the Iraqi Security Forces or multinational forces providing security or training in Iraq. U.S. military forces would be authorized to remain in Iraq to complete the training and equipping of Iraqi security forces, pursue foreign terrorist networks operating inside Iraq, and provide protection to U.S. citizens and embassy and diplomatic personnel.

Recent news reports indicate that two days ago, a majority of Iraqi parliamentarians signed a petition calling on the United States to establish a timeline for our military to withdraw from their country. Poll after poll indicates that a large majority of Iraqis believe the large-scale presence of U.S. military forces inside Iraq is fueling, rather than abating, both the Iraqi insurgency and an increasing presence of foreign jihadists. Reducing our footprint in Iraq provides that country, its neighbors, and the international community with a new opportunity and a new environment in which to pursue reconciliation and a political solution to the violence currently devastating Iraqi society.

I applaud Speaker PELOSI for allowing this bill to come to the floor, and join with members of the Out of Iraq and Progressive Caucuses in supporting it.

Mr. STARK. Mr. Speaker, I rise today in strong support of Democratic efforts to end the War in Iraq.

We are considering two bills today, both of which are significant improvements over legislation passed by Rubber Stamp Republican Congresses over the last four years. The Iraq Accountability Act provides funding for the war, but only until July. After receiving a report on the progress in Iraq—or lack thereof—Congress would then decide whether or not to extend funding through September. Unlike the legislation President Bush demanded, this bill holds him and his administration accountable for concrete economic, political and security benchmarks in Iraq.

Though I appreciate the attempt to keep President Bush on a "short leash," I cannot vote to continue funding a tragic war that has already taken the lives of thousands of American troops and tens of thousands of Iraqis. Every time I hear the President lie to the American people about the situation in Iraq and about the patriotism of those who dare criticize his many foreign policy failings, I can't help but think he needs a muzzle, not a leash.

It's past time for us to get out of this mess and for our troops to come home from Iraq.

That's why I'm excited to join my colleagues in supporting the Iraq Redeployment Act. This bill requires the withdrawal of American troops to begin in the next three months and be completed in the next nine. It also prohibits funding for the "surge" and permanent United States military bases in Iraq. My constituents have been calling for withdrawal for years and I'm proud for vote for it on the House floor today.

Mr. UDALL of Colorado. Mr. Speaker, like H.R. 2237, this bill has serious flaws. However, while I could not vote for H.R. 2237, which would have required rapid withdrawal of troops from Iraq, I will vote for this emergency supplemental appropriations bill.

I could not support H.R. 2237 for two reasons:

First, I do not support the idea of rigidly insisting on a date certain for withdrawing U.S. combat troops from Iraq. I remain convinced that we should steer clear of arbitrary public deadlines for military actions and focus instead on realistic diplomatic and political goals.

Second, I am very troubled by the provision that would prohibit funding for troops described as being part of the "surge."

My concerns do not reflect support for the administration's strategy. On the contrary, I still think an open-ended escalation—and that is the reality behind the Administration talk about a "surge"—is no substitute for what is really needed, which is a strategy for containing civil war and a wider regional war.

That is why in January, I voted against President Bush's plan to increase the number of troops deployed in Iraq—a course he took against the best advice of the bipartisan Iraq Study Group, military leaders, and other policy experts who have warned against extending our military commitment in Iraq.

But now nearly 14,000 additional troops have been deployed, and I think it would be irresponsible to vote to cut funding for their weapons and equipment and for all they need to keep them alive and fighting for our country in the midst of Iraq's civil war.

In short, while I remain convinced that it was a strategic mistake to go to war in Iraq in the way that the Bush administration did, the fact is that we are still deeply engaged there—and while our troops are in the field, we must provide them what they need.

On the other hand, I will vote for H.R. 2206, the revised Supplemental Appropriations bill, primarily for the same reason that I voted for the previous supplemental appropriations bill.

I believe we must vote to provide America's men and women in uniform with the equipment and resources they need and with the best health care they may require when they come home. I think it would be grossly irresponsible not to provide these resources.

And we must hold the president accountable to the benchmarks set by his own administration and the Iraqi government—including enactment of a hydro-carbon law; conducting of provincial and local elections; reform of current laws governing the de-Baathification process; amendment of the Constitution of Iraq; and allocation of Iraqi revenues for reconstruction projects.

The bill seeks to hold the president accountable by "fencing" half the funds until the Secretary of Defense reports on meeting the benchmarks and Congress votes again to release the remaining funds.

I am not convinced that is a workable approach. But, I do not think its effectiveness will be tested, because I do not think it will become law in its present form—partly because the president has said he will veto it if it should reach his desk and partly because every indication is that the Senate will take a different approach.

Under these circumstances, I think the most important thing is for the House to pass a supplemental appropriations bill today and then to proceed to a conference with the Senate without further delay. I hope that the result will be a bill that will both provide essential funding for our troops and also hold the president accountable—but for that hope to be realized, it is necessary for the House to act today, and so I will vote for the supplemental appropriations bill now before us.

Mr. VAN HOLLEN. Mr. Speaker, I rise to support H.R. 2237 with certain reservations. Very few bills that pass this House are written exactly as each of us would like. My own plan for the redeployment of U.S. forces would not take this exact form. However, the general thrust of this plan is in the right direction. It establishes a timetable to extricate U.S. forces from a bloody, sectarian civil war while providing the flexibility to carry out other missions both inside and outside Iraq for the purpose of going after al Qaeda and other terrorist organizations with global reach. It also provides for U.S. forces to train and equip the Iraqi Security Forces, and to protect the U.S. Embassy and diplomatic missions.

Mr. Speaker, I preferred the approach taken by the House in the Supplemental Appropriations bill we recently passed. Unfortunately, the President vetoed that measure. He wants the funds without any accountability. We cannot give the President a blank check. While I do not agree with every provision in this bill, it sends the right message—it is time to end the President's failed policies in Iraq and change direction.

Mr. SMITH of Washington. Mr. Speaker, I strongly support this measure before us today because it provides a clearly needed change in course in Iraq. The President has placed roughly 160,000 of our troops in a highly vulnerable position—refereeing a civil war—while the various factions in Iraq have not made adequate progress toward reconciliation. The needed political reconciliation among these groups will not happen until we make it clear to the Iraqis that our occupation is coming to an end.

But our open-ended occupation of Iraq is not only not working; it's working against us. It undermines our fight against al-Qaeda and provides extremists a rallying point. We have every indication that al-Qaeda is resurgent in Pakistan, that bin Laden finds himself stronger than ever, and that al-Qaeda-linked groups are growing in number and audacity. We need to responsibly redeploy our troops from Iraq so we can better fight this growing threat.

I initially had concerns with some of the language in this measure regarding funds for troops deployed to Iraq since January of this year. But after examining the bill more closely, I do not believe any provision in this bill would alter funding in a way that would put troops currently in the field at risk. The bottom line is that we must send a clear message to the President that we must change direction in Iraq and redeploy our troops.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 387, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SAXTON

Mr. SAXTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SAXTON. In its present form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Saxton moves to recommit the bill H.R. 2237 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. REDEPLOYMENT OF UNITED STATES ARMED FORCES AND DEFENSE CONTRACTORS FROM IRAQ.

(a) FACTORS APPLICABLE TO ANY REDEPLOYMENT DECISION.—A determination to withdraw or redeploy units and members of the Armed Forces deployed in Iraq as part of Operation Iraqi Freedom and contractors operating in Iraq and funded using amounts appropriated to the Department of Defense shall be based, among any other relevant factors, on the following factors:

(1) The protection of members of the Armed Forces deployed in Iraq.

(2) The protection of members of the Army Corps of Engineers and defense contractors engaged in reconstruction projects in Iraq.

(3) The protection of American citizens in Iraq and the security of the United States Embassy and other United States diplomatic missions in Iraq.

(4) The ability to engage in actions to kill or capture members of al-Qaeda and other terrorist organizations with global reach.

(5) The training and equipping of members of the Iraqi Security Forces to achieve stability and security in Iraq.

(6) The regional security of the Middle East, including the security of the State of Israel.

(7) The national security of the United States.

(b) REPORT TO CONGRESS.—The Secretary of Defense, the Commander, Multi-National Forces-Iraq, and the combatant commander of the United States Central Command shall report to Congress periodically, but not later than September 30, 2007, and periodically thereafter, on the factors specified in subsection (a).

(c) DEFINITION.—In this section, the term "Armed Forces" has the meaning given the term in section 101(a)(4) of title 10, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey is recognized for 5 minutes in support of his motion.

Mr. SAXTON. Mr. Speaker, I rise to ask my colleagues to resist the urge to begin a withdrawal of our forces from Iraq within 90 days as this bill requires. Doing so would have a devastating impact on our ability to fight terrorism here and abroad and would have severe security impacts, not only in Iraq but throughout the Middle East and the entire region. My motion to recommit will ensure that when we withdraw from Iraq, we do so based on the conditions on the ground by requiring we take into account our national security assessments and the regional security implications, as outlined by the National Intelligence Estimate for Iraq.

We are not in the position to determine when U.S. forces should redeploy from Iraq. Only the commanders on the ground have that information. Only our commanders and diplomatic representatives on the ground can determine effectively when conditions are in place to warrant a troop withdrawal. It would be irresponsible for us to assign such an arbitrary timeline and impose it upon our leadership in theater.

We have to consider the conditions that we would leave the Iraqi Government to deal with going forward if we were to precipitously withdraw our personnel.

In my view, there are two significant threats that would remain behind, and the Iraqi Government would not be prepared to effectively counter either one. The al Qaeda threat in Iraq is significant. Al Qaeda's deputy commented a few days ago that the establishment of an Islamic state of Iraq is an important milestone on the way to reviving the Islamic caliphate. He noted that the defeat of American forces in Iraq is a key to this objective.

Securing control over Iraq is the strategic objective for al Qaeda that will enable it to conduct operations against their targets in the Middle East, particularly against Israel, in addition to Europe and other U.S. global interests. Al Qaeda is particularly interested in the Persian Gulf oil fields, and Iraq would serve as a valuable staging area for such attacks.

□ 1700

Right now the Iraqi forces, security forces working in partnership with U.S. forces, are building momentum to erode al Qaeda's influence over Sunni insurgent groups in Iraq. A premature withdrawal would derail those efforts.

Al Qaeda in Iraq has been conducting indiscriminate attacks on Iraqi civilians. Sunni Arabs reject this tactic, and there is a growing backlash among the population. Sunni communities have encouraged thousands to join the local police forces and improve security. This is real progress.

A few days ago, al Qaeda's deputy warned Iraqi citizens that have supported the U.S. to consider what will happen to them after the Americans leave. If we abandon them now, we will be hard-pressed to gain their trust any time again in the future.

Iran also has an interest in seeing us fail and leave Iraq early. We know that Iran has been arming militia groups within Iraq. We know that Iran has infiltrated various levels of Iraqi government and its security forces.

If we redeployed from Iraq before the Maliki government has the capability to contain this threat, we would leave Iraq vulnerable to becoming an Iranian surrogate.

The porous Iraqi-Syrian border would provide Iran with contiguous, unfettered access to the coast of Lebanon. Through its support of Hamas and Hezbollah, Iran would then become even more a danger to the prospect of security and stability in the Middle East.

It would be irresponsible for us to even consider withdrawing from Iraq before the Maliki government has the capacity to deter these two threats. We must be conscious of the dangerous message we are sending with an early withdrawal.

First, we would lose the trust and will of the Iraqi people and the democratically elected government we worked so hard to create. The extremists associated with al Qaeda will hear a message that will tell them that Americans acknowledged defeat, and do not have the stomach for this war or any other war with al Qaeda. Our defeat would only inspire like-minded jihadists to take up their cause.

One need only look as far as yesterday to see the headlines of what could happen here in this country. A couple of days ago, we were reminded how close to home the terror threat is. The Fort Dix, New Jersey, individuals are just one example.

I ask everyone on both sides of the aisle to support this motion to recommit.

Mr. OBEY. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, this recommittal motion is something that we have seen for approximately 5 minutes. I think it is a dubious proposition to be voting on something this serious with less than 10 minutes of consideration.

But upon a cursory reading of it, it is apparent that the purpose of this proposition is simply to prevent people from voting on the underlying bill. It is designed to gut the bill by adding two additional conditions that would enable our troops to stay in Iraq indefinitely. Those conditions make reference to the regional security of the Middle East and the national security interest of the United States. That language is so broad that virtually any deployment of any armed force could be justified under that language.

It is obvious that would in fact essentially gut the proposal, and so I would urge a "no" vote on the motion to recommit.

Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. I thank the gentleman for yielding, and I would simply say that obviously this is yet another cynical attempt to try to avoid dealing with the issue that I think both Democrats and Republicans want to deal with, and that is whether or not we should have a timetable for withdrawal and redeployment from Iraq.

This is a procedural motion that, as the gentleman from Wisconsin pointed out, is so broad, this could justify keeping us in Iraq forever and ever and ever. And for the "regional security of the Middle East," what does that mean? This is an open-ended invitation for our military involvement and for our permanent occupation of Iraq forever. This in and of itself is not particularly well thought out.

I understand what you are trying to do, and that is to avoid giving people the opportunity to vote on this. But essentially what you are doing is gutting this legislation.

I would strongly urge my colleagues to vote "no" on this motion. We are on our fifth year, our fifth year of this war, no accountability and no admission that perhaps we need to take a different course: and the best you can do is come before us with this motion that would, again, if passed, would allow us to stay and occupy Iraq indefinitely.

I think this is a bad idea. I think it is a cynical idea. I think the people on the other side should have the guts to vote "no" on the timetable if you don't want to withdraw our troops. If you want a never-ending war, then have the guts to vote for it, but this is not the way to do it. I urge rejection of this motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SAXTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair may reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 210, nays 218, not voting 5, as follows:

[Roll No. 329]

YEAS—210

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ellison
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin

Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—5

Brady (PA)
Engel
Fattah
McMorris Rodgers
Souder

□ 1731

Messrs. BISHOP of Georgia, FILNER, PALLONE, LARSON of Connecticut, MITCHELL, McNERNEY and WATT changed their vote from "yea" to "nay."

Messrs. LAHOOD, SHADEGG, FERGUSON, KIRK and GOODE changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEWIS of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 255, not voting 7, as follows:

[Roll No. 330]

AYES—171

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berry
Bishop (NY)
Blumenauer
Braley (IA)
Butterfield
Capps
Capuano
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Ellison
Emanuel
Eshoo
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Solis
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—255

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Cardoza
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Brady (PA)
Brown, Corrine
Cantor
Engel
Fattah
McMorris Rodgers
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 1739

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. CORRINE BROWN of Florida. Mr. Speaker, due to unforeseen circumstances I failed to vote on rollcall No. 330, which provided for the redeployment of United States Armed Forces and defense contractors from Iraq.

Had I been able to vote, I would have voted "yea."

MOTION TO RESOLVE INTO SECRET SESSION

Mr. ISSA. Mr. Speaker, pursuant to clause 9 of rule XVII, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Pursuant to clause 9 of rule XVII of the rules of the House of Representatives, Mr. ISSA moves that the House be cleared of all persons except the Members, Delegates, Resident Commissioner, and officers of the House to consider communications which he believes should be kept secret for the present.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ISSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 198, nays 216, not voting 18, as follows:

[Roll No. 331]

YEAS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—18

Brady (PA)
Castle
Engel
Fattah
Feeney
Giffords
Linder
Lowey
Marshall
McMorris Rodgers
McNerney
Miller (NC)
Rangel
Roskam
Ruppersberger
Sali
Serrano
Souder

☐ 1757

So the motion to resolve into secret session was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. GIFFORDS. Mr. Speaker, on rollcall No. 331, I placed my voting card in the machine and pushed the button. I don't know if it locked me out or if I didn't press hard enough. Had I been present, I would have voted "nay."

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 387, I call up the bill (H.R. 2206) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—FUNDING FOR MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN
TITLE II—OTHER INTERNATIONAL AND SECURITY-RELATED FUNDING
TITLE III—ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY
TITLE IV—OTHER EMERGENCY APPROPRIATIONS
TITLE V—OTHER MATTERS
TITLE VI—ELIMINATION OF SCHIP SHORTFALL AND OTHER HEALTH MATTERS
TITLE VII—FAIR MINIMUM WAGE AND TAX RELIEF

SEC. 3. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007.

TITLE I—FUNDING FOR MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN

CHAPTER 1—IMMEDIATE FUNDING NEEDS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $4,528,215,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $754,347,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $802,391,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $689,944,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $73,622,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $44,623,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $5,660,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $7,573,000.

National Guard Personnel, Army

For an additional amount for "National Guard Personnel, Army", $314,091,000.

National Guard Personnel, Air Force

For an additional amount for "National Guard Personnel, Air Force", $19,533,000.

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for "Operation and Maintenance, Army", $15,400,000,000.

Operation and Maintenance, Navy

For an additional amount for "Operation and Maintenance, Navy", $2,338,335,000.

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $573,297,000.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $3,325,441,000.

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide", $1,357,244,000.

Operation and Maintenance, Army Reserve

For an additional amount for "Operation and Maintenance, Army Reserve", $37,025,000.

Operation and Maintenance, Navy Reserve

For an additional amount for "Operation and Maintenance, Navy Reserve", $55,533,000.

Operation and Maintenance, Marine Corps Reserve

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $6,796,000.

Operation and Maintenance, Air Force Reserve

For an additional amount for "Operation and Maintenance, Air Force Reserve", $5,080,000.

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $41,785,000.

Operation and Maintenance, Air National Guard

For an additional amount for "Operation and Maintenance, Air National Guard", $19,215,000.

Afghanistan Security Forces Fund

For an additional amount for "Afghanistan Security Forces Fund", $2,953,200,000.

Iraq Security Forces Fund

For an additional amount for "Iraq Security Forces Fund", $1,921,150,000.

Joint Improvised Explosive Device Defeat Fund

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $1,216,400,000, to remain available until September 30, 2008.

PROCUREMENT

Other Procurement, Army

For an additional amount for "Other Procurement, Army", $1,217,000,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

Other Procurement, Navy

For an additional amount for "Other Procurement, Navy", $130,040,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

Procurement, Marine Corps

For an additional amount for "Procurement, Marine Corps", $1,263,360,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

Other Procurement, Air Force

For an additional amount for "Other Procurement, Air Force", $139,040,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $258,860,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Defense Health Program", $3,251,853,000; of which $2,802,153,000 shall be for operation and maintenance, including $600,000,000 which shall be available for the treatment of traumatic brain injury and post-traumatic stress disorder and remain available until September 30, 2008; of which $118,000,000 shall be for procurement, to remain available until September 30, 2009; and of which $331,700,000 shall be for research, development, test and evaluation, to remain available until September 30, 2008: *Provided*, That the funds provided under this heading shall be allocated in accordance with the direction given in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110-107): *Provided further*, That if the Secretary of Defense determines that funds made available in this paragraph for the treatment of traumatic brain injury and post-traumatic stress disorder are in excess of the requirements of the Department of Defense, the Secretary may transfer amounts in excess of that requirement to the Department of Veterans Affairs to be available only for the same purpose.

CHAPTER 2—ADDITIONAL FUNDING

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

Military Personnel, Army

For an additional amount for "Military Personnel, Army", $4,325,135,000.

Military Personnel, Navy

For an additional amount for "Military Personnel, Navy", $346,063,000.

Military Personnel, Marine Corps

For an additional amount for "Military Personnel, Marine Corps", $693,436,000.

Military Personnel, Air Force

For an additional amount for "Military Personnel, Air Force", $528,643,000.

Reserve Personnel, Army

For an additional amount for "Reserve Personnel, Army", $98,163,000.

Reserve Personnel, Navy

For an additional amount for "Reserve Personnel, Navy", $41,400,000.

Reserve Personnel, Air Force

For an additional amount for "Reserve Personnel, Air Force", $4,000,000.

National Guard Personnel, Army

For an additional amount for "National Guard Personnel, Army", $231,195,000.

National Guard Personnel, Air Force

For an additional amount for "National Guard Personnel, Air Force", $24,500,000.

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for "Operation and Maintenance, Army", $4,973,379,000.

Operation and Maintenance, Navy

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $2,313,794,000, of which up to $120,293,000 shall be transferred to Coast Guard, "Operating Expenses", for reimbursement for activities which support activities requested by the Navy.

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $573,297,000.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $3,325,441,000.

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide", $1,357,244,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

Operation and Maintenance, Army Reserve

For an additional amount for "Operation and Maintenance, Army Reserve", $37,025,000.

Operation and Maintenance, Navy Reserve

For an additional amount for "Operation and Maintenance, Navy Reserve", $55,533,000.

Operation and Maintenance, Marine Corps Reserve

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $6,796,000.

Operation and Maintenance, Air Force Reserve

For an additional amount for "Operation and Maintenance, Air Force Reserve", $5,080,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $41,785,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $19,215,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for "Afghanistan Security Forces Fund", $2,953,200,000, to remain available until September 30, 2008.

IRAQ SECURITY FORCES FUND

For an additional amount for "Iraq Security Forces Fund", $1,921,150,000, to remain available until September 30, 2008.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $355,600,000, to remain available for transfer until September 30, 2008: *Provided*, That up to $50,000,000 may be obligated and expended for purposes of the Task Force to Improve Business and Stability Operations in Iraq.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $1,216,400,000, to remain available until September 30, 2009.

STRATEGIC RESERVE READINESS FUND

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided in this or any other Act, for training, operations, repair of equipment, purchases of equipment, and other expenses related to improving the readiness of non-deployed United States military forces, $2,000,000,000, to remain available until September 30, 2009; of which $1,000,000,000 shall be transferred to "National Guard and Reserve Equipment" for the purchase of equipment for the Army National Guard; and of which $1,000,000,000 shall be transferred by the Secretary of Defense only to appropriations for military personnel, operation and maintenance, procurement, and defense working capital funds to accomplish the purposes provided herein: *Provided*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary of Defense shall, not fewer than thirty days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfers made pursuant to this authority: *Provided further*, That funds shall be transferred to the appropriation accounts not later than 120 days after the enactment of this Act: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $619,750,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $111,473,000, to remain available until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $3,404,315,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $681,500,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $9,859,137,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $1,090,287,000, to remain available until September 30, 2009.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $163,813,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $159,833,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $618,709,000, to remain available until September 30, 2009.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $989,389,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $2,106,468,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $94,900,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $6,000,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,957,160,000, to remain available until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $721,190,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $100,006,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $298,722,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $187,176,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $512,804,000, to remain available until September 30, 2008.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,315,526,000.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $5,000,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $254,665,000, to remain available until expended.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for "Intelligence Community Management Account", $71,726,000.

CHAPTER 3—GENERAL PROVISIONS, THIS TITLE

SEC. 1301. Appropriations provided in this title are available for obligation until September 30, 2007, unless otherwise provided in this title.

(TRANSFER OF FUNDS)

SEC. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,500,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1257), except for the fourth proviso: *Provided further*, That funds previously transferred to the "Joint Improvised Explosive Device Defeat Fund" and the "Iraq Security Forces Fund" under the authority of section 8005 of Public Law 109–289 and transferred back to their source appropriations accounts shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005.

SEC. 1303. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1304. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

(TRANSFER OF FUNDS)

SEC. 1305. During fiscal year 2007, the Secretary of Defense may transfer not to exceed $6,300,000 of the amounts in or credited to the

Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this title under the heading, "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $60,000,000 may be used for support for counter-drug activities of the Governments of Afghanistan and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, and 109–364) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

SEC. 1307. (a) From funds made available for operation and maintenance in this title to the Department of Defense, not to exceed $456,400,000 may be used, notwithstanding any other provision of law, to fund the Commanders' Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 1308. Section 9010 of division A of Public Law 109–289 is amended by striking "2007" each place it appears and inserting "2008".

SEC. 1309. During fiscal year 2007, supervision and administration costs associated with projects carried out with funds appropriated to "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" in this title may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1310. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364) is amended by striking "$310,277,000" and inserting "$376,446,000".

SEC. 1311. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 1312. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984)—

(1) section 2340A of title 18, United States Code;

(2) section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 1313. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2008. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund" on a project-by-project basis, for which the obligation of funds is anticipated during the three-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund".

SEC. 1314. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

SEC. 1315. Not more than 85 percent of the funds appropriated in chapter 2 for operation and maintenance shall be available for obligation unless and until the Secretary of Defense submits to the congressional defense committees a report detailing the use of Department of Defense funded service contracts conducted in the theater of operations in support of United States military and reconstruction activities in Iraq and Afghanistan: *Provided*, That the report shall provide detailed information specifying the number of contracts and contract costs used to provide services in fiscal year 2006, with sub-allocations by major service categories: *Provided further*, That the report also shall include estimates of the number of contracts to be executed in fiscal year 2007: *Provided further*, That the report shall include the number of contractor personnel in Iraq and Afghanistan funded by the Department of Defense: *Provided further*, That the report shall be submitted to the congressional defense committees not later than August 1, 2007.

SEC. 1316. Section 1477 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "A death gratuity" and inserting "Subject to subsection (d), a death gratuity";

(2) by redesignating subsection (d) as subsection (e) and, in such subsection, by striking "If an eligible survivor dies before he" and inserting "If a person entitled to all or a portion of a death gratuity under subsection (a) or (d) dies before the person"; and

(3) by inserting after subsection (c) the following new subsection (d):

"(d) During the period beginning on the date of the enactment of this subsection and ending on September 30, 2007, a person covered by section 1475 or 1476 of this title may designate another person to receive not more than 50 percent of the amount payable under section 1478 of this title. The designation shall indicate the percentage of the amount, to be specified only in 10 percent increments up to the maximum of 50 percent, that the designated person may receive. The balance of the amount of the death gratuity shall be paid to or for the living survivors of the person concerned in accordance with paragraphs (1) through (5) of subsection (a).".

SEC. 1317. Section 9007 of Public Law 109–289 is amended by striking "20" and inserting "287".

SEC. 1318. (a) INSPECTION OF MILITARY MEDICAL TREATMENT FACILITIES, MILITARY QUARTERS HOUSING MEDICAL HOLD PERSONNEL, AND MILITARY QUARTERS HOUSING MEDICAL HOLDOVER PERSONNEL.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall inspect each facility of the Department of Defense as follows:

(A) Each military medical treatment facility.

(B) Each military quarters housing medical hold personnel.

(C) Each military quarters housing medical holdover personnel.

(2) PURPOSE.—The purpose of an inspection under this subsection is to ensure that the facility or quarters concerned meets acceptable standards for the maintenance and operation of medical facilities, quarters housing medical hold personnel, or quarters housing medical holdover personnel, as applicable.

(b) ACCEPTABLE STANDARDS.—For purposes of this section, acceptable standards for the operation and maintenance of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel are each of the following:

(1) Generally accepted standards for the accreditation of medical facilities, or for facilities used to quarter individuals with medical conditions that may require medical supervision, as applicable, in the United States.

(2) Where appropriate, standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(c) ADDITIONAL INSPECTIONS ON IDENTIFIED DEFICIENCIES.—

(1) IN GENERAL.—In the event a deficiency is identified pursuant to subsection (a) at a facility or quarters described in paragraph (1) of that subsection—

(A) the commander of such facility or quarters, as applicable, shall submit to the Secretary a detailed plan to correct the deficiency; and

(B) the Secretary shall reinspect such facility or quarters, as applicable, not less often than once every 180 days until the deficiency is corrected.

(2) CONSTRUCTION WITH OTHER INSPECTIONS.—An inspection of a facility or quarters under this subsection is in addition to any inspection of such facility or quarters under subsection (a).

(d) REPORTS ON INSPECTIONS.—A complete copy of the report on each inspection conducted under subsections (a) and (c) shall be submitted in unclassified form to the applicable military medical command and to the congressional defense committees.

(e) REPORT ON STANDARDS.—In the event no standards for the maintenance and operation of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel exist as of the date of the enactment of this Act, or such standards as do exist do not meet acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be, the Secretary shall, not later than 30 days after that date, submit to the congressional defense committees a report setting forth the plan of the Secretary to ensure—

(1) the adoption by the Department of standards for the maintenance and operation of military medical facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel, as applicable, that meet—

(A) acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be; and

(B) where appropriate, standards under the Americans with Disabilities Act of 1990; and

(2) the comprehensive implementation of the standards adopted under paragraph (1) at the earliest date practicable.

SEC. 1319. From funds made available for the "Iraq Security Forces Fund" for fiscal year 2007, up to $155,500,000 may be used, notwithstanding any other provision of law, to provide assistance, with the concurrence of the Secretary of State, to the Government of Iraq to support the disarmament, demobilization, and reintegration of militias and illegal armed groups.

SEC. 1320. (a) INDEPENDENT ASSESSMENT OF CAPABILITIES OF IRAQI SECURITY FORCES.—Of the amount appropriated or otherwise made available for the Department of Defense, $750,000 is provided to commission an independent, private-sector entity, which operates as a 501(c)(3) with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(1) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12–18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(2) The training; equipping; command, control and intelligence capabilities; and logistics capacity of the ISF.

(3) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued support of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (1).

(b) REPORT.—Not later than 120 days after passage of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations, and Intelligence.

SEC. 1321. (a) AWARD OF MEDAL OF HONOR TO WOODROW W. KEEBLE FOR VALOR DURING KOREAN WAR.—Notwithstanding any applicable time limitation under section 3744 of title 10, United States Code, or any other time limitation with respect to the award of certain medals to individuals who served in the Armed Forces, the President may award to Woodrow W. Keeble the Medal of Honor under section 3741 of that title for the acts of valor described in subsection (b).

(b) ACTS OF VALOR.—The acts of valor referred to in subsection (a) are the acts of Woodrow W. Keeble, then-acting platoon leader, carried out on October 20, 1951, during the Korean War.

(TRANSFER OF FUNDS)

SEC. 1322. Of the amount appropriated under the heading "Other Procurement, Army", in title III of division A of Public Law 109-148, $6,250,000 shall be transferred to "Military Construction, Army".

SEC. 1323. The Secretary of the Navy shall, notwithstanding any other provision of law, transfer to the Secretary of the Air Force, at no cost, all lands, easements, Air Installation Compatible Use Zones, and facilities at NASJRB Willow Grove designated for operation as a Joint Interagency Installation for use by the Pennsylvania National Guard and other Department of Defense components, government agencies, and associated users to perform national defense, homeland security, and emergency preparedness missions.

(TRANSFER OF FUNDS)

SEC. 1324. Notwithstanding any other provision of law (except section 1331 of this Act), not to exceed $110,000,000 may be transferred to the "Economic Support Fund", Department of State, for use in programs in Pakistan from amounts appropriated in chapter 2 as follows:

"Military Personnel, Army", $70,000,000.

"National Guard Personnel, Army", $13,183,000.

"Defense Health Program", $26,817,000.

SEC. 1325. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment or the Office of Dependents Education of the Department of Defense, shall use not less than $10,000,000 of funds made available in this title under the heading "Operations and Maintenance, Defense-Wide" to make grants and supplement other Federal funds to provide special assistance to local education agencies in districts adversely affected by significant changes in the military population.

SEC. 1326. (a) FINDINGS.—Congress finds the following:

(1) Congress has appropriated over $15 billion to train and equip the security forces of Iraq since April 2004.

(2) The Administration has reported in the March 2007 report entitled "Measuring Stability and Security in Iraq" that the number of Iraqi security forces nearing combat proficiency is 328,700.

(3) The Iraqi security forces continue to be trained to achieve the highest level of combat efficiency in order to provide for the security and stability of the Iraqi people.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) as battalions of the Iraqi security forces achieve a level of combat proficiency such that they can conduct independent combat operations without support from Coalition forces in Iraq, units of the United States Armed Forces should be redeployed from Iraq; and

(2) regular, accurate accounts of the combat proficiency of battalions of the Iraqi security forces are necessary for the American public to gauge the development of the Iraqi security forces.

(c) REPORT ON COMBAT PROFICIENCY OF IRAQI SECURITY FORCES.—The President shall transmit to the appropriate congressional committees each month a report in classified and unclassified form that contains an accounting of the number of battalions of the security forces of Iraq at each level of combat proficiency described in subsection (d).

(d) LEVELS OF COMBAT PROFICIENCY.—The levels of combat proficiency referred to in subsection (c) are the following:

(1) Level 1 means a battalion that can conduct independent combat operations without support from Coalition forces in Iraq.

(2) Level 2 means a battalion that can conduct independent combat operations, but only with logistical support, or non-combat-related support from Coalition forces in Iraq.

(3) Level 3 means a battalion that can participate in combat operations alongside Coalition forces, but cannot conduct independent combat operations without direct combat support from Coalition forces in Iraq.

(4) Level 4 means a battalion that cannot participate in combat operations, even with support from Coalition forces in Iraq.

(e) COMPARISON OF DATA.—The report shall include a comparison of data from each previous report with respect to each battalion of the security forces of Iraq.

(f) PUBLIC NOTIFICATION.—The President shall ensure that the unclassified form of each report required by this section is made available on the main public Internet Web site of the Department of Defense not later than 10 days after the date on which the report is transmitted to the appropriate congressional committees, and that a link to the accounting in the report is made available on the homepage of such Internet Web site.

(g) DEFINITION.—As used in this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

(h) EFFECTIVE DATE.—The requirement to transmit and make available reports under this section shall apply with respect to the first month beginning after the date of the enactment of this Act and to each subsequent month thereafter until the President determines and certifies to the appropriate congressional committees that the security forces of Iraq have achieved combat proficiency to the extent necessary to combat the insurgency in Iraq.

SEC. 1327. (a) Congress finds that it is Defense Department policy that units should not be deployed for combat unless they are rated "fully mission capable".

(b) None of the funds appropriated or otherwise made available in this or any other Act may be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services at least 15 days in advance of the deployment that the unit is fully mission capable.

(c) For purposes of subsection (b), the term "fully mission capable" means capable of performing assigned mission essential tasks to prescribed standards under the conditions expected in the theater of operations, consistent with the guidelines set forth in the Department of Defense readiness reporting system.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the deployment to Iraq of a unit that is not assessed fully mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary, may waive the limitation prescribed in subsection (b) on a unit-by-unit basis.

SEC. 1328. (a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq prior to January 10, 2007.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the extension of a unit's deployment in Iraq beyond the periods specified in subsection (b) is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's extended deployment is necessary, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

SEC. 1329. (a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days or that Marine Corps and Marine Corps Reserve units should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq prior to January 10, 2007.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the redeployment of a unit to Iraq in advance of the periods specified in subsection (b) is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's redeployment is necessary, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

SEC. 1330. The President shall transmit to the Congress a report in classified and unclassified form, on or before July 13, 2007, detailing—

(1) the progress the Government of Iraq has made in—

(A) giving the United States Armed Forces and Iraqi Security Forces the authority to pursue all extremists, including Sunni insurgents and Shiite militias;

(B) delivering necessary Iraqi Security Forces for Baghdad and protecting such Forces from political interference;

(C) intensifying efforts to build balanced security forces throughout Iraq that provide even-handed security for all Iraqis;

(D) ensuring that Iraq's political authorities are not undermining or making false accusations against members of the Iraqi Security Forces;

(E) eliminating militia control of local security;

(F) establishing a strong militia disarmament program;

(G) ensuring fair and just enforcement of laws;

(H) establishing political, media, economic, and service committees in support of the Baghdad Security Plan;

(I) eradicating safe havens;

(J) reducing the level of sectarian violence in Iraq; and

(K) ensuring that the rights of minority political parties in the Iraqi Parliament are protected; and

(2) whether the Government of Iraq has—

(A) enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis;

(B) adopted legislation necessary for the conduct of provincial and local elections, taken steps to implement such legislation, and set a schedule to conduct provincial and local elections;

(C) reformed current laws governing the de-Baathification process to allow for more equitable treatment of individuals affected by such laws;

(D) amended the Constitution of Iraq consistent with the principles contained in article 137 of such Constitution; and

(E) allocated and begun expenditure of $10 billion in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.

SEC. 1331. (a) LIMITATION ON AVAILABILITY OF FUNDS.—None of the funds provided by chapter 2 shall be available for obligation or expenditure unless—

(1) the President submits to the Congress, on or before July 13, 2007, the report required by section 1330; and

(2) a joint resolution of approval is enacted into law.

(b) JOINT RESOLUTION OF APPROVAL.—For purposes of this section, the term "joint resolution of approval" means a joint resolution that is introduced by the chairman of the Committee on Appropriations of the House of Representatives or the Senate on the first legislative day following the date on which the report of the President required by section 1330 is received by the Congress, does not contain a preamble, and the sole matter after the resolving clause of which (other than as a result of the adoption of an amendment permitted under subsection (f)) is as follows: "That the Congress approves the obligation and expenditure of funds provided by chapter 2 of title I of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.".

(c) REFERRAL TO COMMITTEES.—A joint resolution of approval introduced in the House of Representatives shall be referred to the Committee on Appropriations of the House, and a joint resolution of approval introduced in the Senate shall be referred to the Committee on Appropriations of the Senate.

(d) CONSIDERATION BY COMMITTEES.—A joint resolution of approval shall not be subject to amendment during consideration by the Committee on Appropriations of the House of Representatives or the Senate.

(e) DISCHARGE OF COMMITTEES.—If the committee of either House to which a joint resolution of approval has been referred has not reported the joint resolution at the end of 4 legislative days after its introduction, the committee shall be discharged from further consideration of the joint resolution, and the joint resolution shall be placed on the appropriate calendar of the House involved.

(f) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—For purposes of the House of Representatives:

(1) IN GENERAL.—Not later than the second legislative day following the date on which the Committee on Appropriations has reported (or has been discharged from further consideration of) a joint resolution of approval, the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the joint resolution. The first reading of the joint resolution shall be dispensed with. All points of order against the joint resolution and against its consideration shall be waived. General debate shall be confined to the joint resolution and shall not exceed 2 hours equally divided and controlled by the

chairman and ranking minority member of the Committee on Appropriations. After general debate, the joint resolution shall be considered for amendment under the 5-minute rule. No amendment to the joint resolution shall be in order, except the amendment specified in paragraph (2). Such amendment shall be considered as read, shall be debatable for 2 hours equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendment are waived. At the conclusion of consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the joint resolution and amendment thereto to final passage without intervening motion.

(2) Permitted amendment.—The amendment specified in paragraph (1) is an amendment the sole matter of which is as follows: providing that defense funding related to Iraq may only be used to plan and execute the redeployment of troops within 180 days of enactment of the joint resolution of approval, with the exception of troops who are protecting American diplomatic facilities and American citizens (including members of the United States Armed Forces), serving in roles consistent with customary diplomatic positions, engaging in targeted special actions limited in duration and scope to killing or capturing members of al-Qaeda and other terrorist organizations with global reach, or training and equipping members of the Iraqi Security Forces.

(3) Permitted motions.—During consideration of a joint resolution of approval—

(A) the Chairman of the Committee of the Whole may entertain a motion that the Committee rise only if offered by the chairman of the Committee on Appropriations or a designee; and

(B) the Chairman of the Committee of the Whole may not entertain any motion to strike out the resolving words of the joint resolution (as described in clause 9 of rule XVIII).

(4) Further consideration.—If the Committee of the Whole rises and reports that it has come to no resolution on a joint resolution of approval, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee on the Whole for further consideration of the joint resolution.

(5) Appeals.—Appeals from the decisions of the Chair relating to the application of the rules of the House to the procedures relating to a joint resolution of approval shall be decided without debate.

(g) Floor Consideration in Senate.—For purposes of the Senate:

(1) In general.—When the Committee on Appropriations has reported (or has been discharged from further consideration of) a joint resolution of approval, it shall be in order (even though a previous motion to the same effect has been disagreed to) for any Senator to move to proceed to the consideration of the joint resolution. All points of order against the joint resolution (and against consideration of the joint resolution) shall be waived. The motion shall be privileged and not debatable. The motion shall not be subject to amendment, a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(2) Debate.—Debate on a joint resolution of approval, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. A motion to further limit debate shall be in order and shall not be debatable, but such motion shall not be in order until after 5 hours of debate. An amendment to the joint resolution shall not be in order. A motion to table, postpone, proceed to other business, or recommit the joint resolution shall not be in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to shall not be in order.

(3) Final passage.—Immediately following the conclusion of the debate on a joint resolution of approval, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(4) Appeals.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate relating to the procedures relating to a joint resolution of approval shall be decided without debate.

(h) Consideration by Senate After Passage by House of Representatives.—

(1) Prior to senate passage.—If, before passage by the Senate of a joint resolution of approval of the Senate, the Senate receives from the House of Representatives a joint resolution of approval, then the following procedures shall apply:

(A) The joint resolution of the House shall not be referred to a committee.

(B) With respect to a joint resolution of approval of the Senate—

(I) the procedure in the Senate shall be the same as if no joint resolution had been received from the House; but

(ii) the vote on final passage shall be on the joint resolution of the House.

(C) Upon disposition of the joint resolution received from the House, it shall no longer be in order to consider the joint resolution that originated in the Senate.

(2) Following senate passage.—If the Senate receives from the House of Representatives a joint resolution of approval after the Senate has disposed of a Senate originated joint resolution, and the matter after the resolving clauses of the 2 joint resolutions are identical, the action of the Senate with regard to the disposition of the Senate originated joint resolution shall be deemed to be the action of the Senate with regard to the House originated joint resolution.

(i) Rules of House of Representatives and Senate.—Subsections (b) through (h) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

TITLE II—OTHER INTERNATIONAL AND SECURITY-RELATED FUNDING

CHAPTER 1

DEPARTMENT OF JUSTICE

Legal Activities

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $1,648,000, to remain available until September 30, 2008.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2008.

United States Marshals Service

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,450,000, to remain available until September 30, 2008.

National Security Division

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,736,000, to remain available until September 30, 2008.

Federal Bureau of Investigation

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $268,000,000, of which $258,000,000 is to remain available until September 30, 2008 and $10,000,000 is to remain available until expended to implement corrective actions in response to the findings and recommendations in the Department of Justice Office of Inspector General report entitled, "A Review of the Federal Bureau of Investigation's Use of National Security Letters", of which $500,000 shall be transferred to and merged with "Department of Justice, Office of the Inspector General".

Drug Enforcement Administration

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $12,166,000, to remain available until September 30, 2008.

Bureau of Alcohol, Tobacco, Firearms and Explosives

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2008.

Federal Prison System

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $17,000,000, to remain available until September 30, 2008.

CHAPTER 2

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

National Nuclear Security Administration

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $150,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(TRANSFER OF FUNDS)

Sec. 2201. The Administrator of the National Nuclear Security Administration is authorized to transfer up to $1,000,000 from Defense Nuclear Nonproliferation to the Office of the Administrator during fiscal year 2007 supporting nuclear nonproliferation activities.

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

ANALYSIS AND OPERATIONS

For an additional amount for "Analysis and Operations", $15,000,000, to remain available until September 30, 2008, to be used for support of the State and Local Fusion Center program.

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $115,000,000, to remain available until September 30, 2008, to be used to increase the number of officers, intelligence analysts and support staff responsible for container security inspections, and for other efforts to improve supply chain security: *Provided*, That up to $5,000,000 shall be transferred to Federal Law Enforcement Training Center "Salaries and Expenses", for basic training costs.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", for air and marine operations on the Northern Border, including the final Northern Border air wing, $120,000,000, to remain available until September 30, 2008.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $10,000,000, to remain available until September 30, 2008.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for "Aviation Security", $970,000,000; of which $815,000,000 shall be for procurement and installation of checked baggage explosives detection systems, to remain available until expended; of which $45,000,000 shall be for expansion of checkpoint explosives detection pilot systems, to remain available until expended; and of which $110,000,000 shall be for air cargo security, to remain available until September 30, 2009.

FEDERAL AIR MARSHALS

For an additional amount for "Federal Air Marshals", $8,000,000, to remain available until September 30, 2008.

NATIONAL PROTECTION AND PROGRAMS

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For an additional amount for "Infrastructure Protection and Information Security", $37,000,000, to remain available until September 30, 2008.

OFFICE OF HEALTH AFFAIRS

For an additional amount for "Office of Health Affairs" for nuclear event public health assessment and planning and other activities, $15,000,000, to remain available until September 30, 2008.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For expenses for management and administration of the Federal Emergency Management Agency, $25,000,000, to remain available until September 30, 2008: *Provided*, That none of such funds made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: *Provided further*, That unobligated amounts in the "Administrative and Regional Operations" and "Readiness, Mitigation, Response, and Recovery" accounts shall be transferred to "Management and Administration" and may be used for any purpose authorized for such amounts and subject to limitation on the use of such amounts.

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", $552,500,000; of which $190,000,000 shall be for port security grants pursuant to section 70107(l) of title 46, United States Code; of which $325,000,000 shall be for intercity rail passenger transportation, freight rail, and transit security grants; of which $35,000,000 shall be for regional grants and regional technical assistance to high risk urban areas for catastrophic event planning and preparedness; and of which $2,500,000 shall be for technical assistance: *Provided*, That none of the funds made available under this heading may be obligated for such regional grants and regional technical assistance until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: *Provided further*, That funds for such regional grants and regional technical assistance shall remain available until September 30, 2008.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for "Emergency Management Performance Grants", $100,000,000.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for expenses of "United States Citizenship and Immigration Services" to address backlogs of security checks associated with pending applications and petitions, $10,000,000, to remain available until September 30, 2008: *Provided*, That none of the funds made available under this heading shall be available for obligation until the Secretary of Homeland Security, in consultation with the United States Attorney General, submits to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for "Research, Development, Acquisition, and Operations" for air cargo security research, $10,000,000, to remain available until expended.

DOMESTIC NUCLEAR DETECTION OFFICE

RESEARCH, DEVELOPMENT, AND OPERATIONS

For an additional amount for "Research, Development, and Operations" for non-container, rail, aviation and intermodal radiation detection activities, $39,000,000, to remain available until expended.

SYSTEMS ACQUISITION

For an additional amount for "Systems Acquisition", $223,500,000, to remain available until expended: *Provided*, That none of the funds appropriated under this heading shall be obligated for full scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security has certified through a report to the Committees on Appropriations of the Senate and the House of Representatives that a significant increase in operational effectiveness will be achieved.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. (a) AMENDMENTS.—Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by—

(1) in subsection (c), by striking "consistent with similar" and inserting "identical to the protections given";

(2) in subsection (c), by striking ", site security plans, and other information submitted to or obtained by the Secretary under this section, and related vulnerability or security information, shall be treated as if the information were classified material" and inserting "and site security plans shall be treated as sensitive security information (as that term is used in section 1520.5 of title 49, Code of Federal Regulations, or any subsequent regulations relating to the same matter)"; and

(3) by adding at the end of the section the following:

"(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State.".

(b) REGULATORY CLARIFICATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall update the regulations administered by the Secretary that govern sensitive security information, including 49 CFR 1520, to ensure the protection of all information required to be protected under section 550(c) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note), as amended by paragraph (a).

SEC. 2302. None of the funds provided in this Act, or Public Law 109–295, shall be available to carry out section 872 of Public Law 107–296.

SEC. 2303. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

CHAPTER 4

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,437,000, as follows:

ALLOWANCES AND EXPENSES

For an additional amount for allowances and expenses as authorized by House resolution or law, $6,437,000 for business continuity and disaster recovery, to remain available until expended.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" of the Government Accountability Office, $374,000, to remain available until September 30, 2008.

CHAPTER 5

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $1,255,890,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $173,700,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds made available under this heading, $369,690,000 shall not be obligated or expended until the Secretary of Defense submits a detailed report explaining how military road construction is coordinated with NATO and coalition nations: *Provided further*, That of the funds made available under this heading, $401,700,000 shall not be obligated or expended until the Secretary of Defense submits a detailed stationing plan to support Army end-strength growth to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That of the funds provided under this heading, $274,800,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $370,990,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $49,600,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds made available under this heading, $324,270,000 shall not be obligated or expended until the Secretary of Defense submits a detailed stationing plan to support Marine Corps end-strength growth to the Committees on Appropriations of the House of Representatives and Senate.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $43,300,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $3,000,000 shall be available for study, planning, design, and architect and engineer services.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $3,136,802,000, to remain available until expended: *Provided*, That within 30 days of the enactment of this Act, the Secretary of Defense shall submit a detailed spending plan to the Committees on Appropriations of the House of Representatives and Senate.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2501. Notwithstanding any other provision of law, none of the funds in this or any other Act may be used to close Walter Reed Army Medical Center until equivalent medical facilities at the Walter Reed National Military Medical Center at Naval Medical Center, Bethesda, Maryland, and/or the Fort Belvoir, Virginia, Community Hospital have been constructed and equipped: *Provided*, That to ensure that the quality of care provided by the Military Health System is not diminished during this transition, the Walter Reed Army Medical Center shall be adequately funded, to include necessary renovation and maintenance of existing facilities, to maintain the maximum level of inpatient and outpatient services.

SEC. 2502. Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to reorganize or relocate the functions of the Armed Forces Institute of Pathology (AFIP) until the Secretary of Defense has submitted, not later than December 31, 2007, a detailed plan and timetable for the proposed reorganization and relocation to the Committees on Appropriations and Armed Services of the Senate and House of Representatives. The plan shall take into consideration the recommendations of a study being prepared by the Government Accountability Office (GAO), provided that such study is available not later than 45 days before the date specified in this section, on the impact of dispersing selected functions of AFIP among several locations, and the possibility of consolidating those functions at one location. The plan shall include an analysis of the options for the location and operation of the Program Management Office for second opinion consults that are consistent with the recommendations of the Base Realignment and Closure Commission, together with the rationale for the option selected by the Secretary.

CHAPTER 6

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", $870,658,000, to remain available until September 30, 2008, of which $96,500,000 for World Wide Security Upgrades is available until expended: *Provided*, That of the funds appropriated under this heading, not more than $20,000,000 shall be made available for public diplomacy programs: *Provided further*, That prior to the obligation of funds pursuant to the previous proviso, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive public diplomacy strategy, with goals and expected results, for fiscal years 2007 and 2008: *Provided further*, That of the amount available under this heading, $258,000 shall be transferred to, and merged with, funds available in fiscal year 2007 for expenses for the United States Commission on International Religious Freedom: *Provided further*, That 20 percent of the amount available for Iraq operations shall not be obligated until the Committees on Appropriations receive and approve a detailed plan for expenditure, prepared by the Secretary of State, and submitted within 60 days after the date of enactment of this Act: *Provided further*, That within 15 days of enactment of this Act, the Office of Management and Budget shall apportion $15,000,000 from amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109–148 under the heading "Emergencies in the Diplomatic and Consular Service" for emergency evacuations: *Provided further*, That of the amount made available under this heading for Iraq, not to exceed $20,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for terrorism rewards.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $36,500,000, to remain available until December 31, 2008: *Provided*, That $35,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $20,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $50,000,000, to remain available until September 30, 2008.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $288,000,000, to remain available until September 30, 2008.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for activities related to broadcasting to the Middle East, $10,000,000, to remain available until September 30, 2008.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Child Survival and Health Programs Fund", $161,000,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, if the President determines and reports to the Committees on Appropriations that the human-to-human transmission of the avian influenza virus is efficient and sustained, and is spreading internationally, funds made available under the heading "Millennium Challenge Corporation" and "Global HIV/AIDS Initiative" in prior Acts making appropriations for foreign operations, export financing, and related programs may be transferred to, and merged with, funds made available under this heading to combat avian influenza: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", $165,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $8,700,000, to remain available until September 30, 2008.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $3,500,000, to remain available until September 30, 2008.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $2,649,300,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, $57,400,000 shall be made available to nongovernmental organizations in Iraq for economic and social development programs and activities in areas of conflict: *Provided further*, That the responsibility for policy decisions and justifications for the use of funds appropriated by the previous proviso shall be the responsibility of the United States Chief of Mission in Iraq: *Provided further*, That none of the funds appropriated under this heading in this Act or in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available for the Political Participation Fund and the National Institutions Fund: *Provided further*, That of the funds made available under the heading "Economic Support Fund" in Public Law 109–234 for Iraq to promote democracy, rule of law and reconciliation, $2,000,000 should be made available for the United States Institute of Peace for programs and activities in Afghanistan to remain available until September 30, 2008.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for "Assistance for Eastern Europe and the Baltic States", $229,000,000, to remain available until September 30, 2008, for assistance for Kosovo.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $260,000,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, not less than $190,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, and not less than $60,000,000 shall be made available for the United States Agency for International Development, for democracy, human rights and rule of law programs in Iraq: *Provided further*, That not later than 60 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive, long-term strategy, with goals and expected results, for strengthening and advancing democracy in Iraq.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "International Narcotics Control and Law Enforcement", $257,000,000, to remain available until September 30, 2008.

Of the amounts made available for procurement of a maritime patrol aircraft for the Colombian Navy under this heading in Public Law 109–234, $13,000,000 are rescinded.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $130,500,000, to remain available until September 30, 2008, of which not less than $5,000,000 shall be made available to rescue Iraqi scholars.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $55,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $57,500,000, to remain available until September 30, 2008.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for "International Affairs Technical Assistance", $2,750,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $265,000,000, to remain available until September 30, 2008.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $230,000,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, not less than $40,000,000 shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance for Liberia for security sector reform: *Provided further*, That not later than 30 days after enactment of this Act and every 30 days thereafter until September 30, 2008, the Secretary of State shall submit a report to the Committees on Appropriations detailing the obligation and expenditure of funds made available under this heading in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs.

GENERAL PROVISIONS—THIS CHAPTER

AUTHORIZATION OF FUNDS

SEC. 2601. Funds appropriated by this title may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

EXTENSION OF OVERSIGHT AUTHORITY

SEC. 2602. Section 3001(o)(1)(B) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397) and section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), is amended by inserting "or fiscal year 2007" after "fiscal year 2006".

LEBANON

SEC. 2603. (a) LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR LEBANON.—None of the funds made available in this Act under the heading "Economic Support Fund" for cash transfer assistance for the Government of Lebanon may be made available for obligation until the Secretary of State reports to the Committees on Appropriations on Lebanon's economic reform plan and on the specific conditions and verifiable benchmarks that have been agreed upon by the United States and the Government of Lebanon pursuant to the Memorandum of Understanding on cash transfer assistance for Lebanon.

(b) LIMITATION ON FOREIGN MILITARY FINANCING PROGRAM AND INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT ASSISTANCE FOR LEBANON.— None of the funds made available in this Act under the heading "Foreign Military Financing Program" or "International Narcotics Control and Law Enforcement" for military or police assistance to Lebanon may be made available for obligation until the Secretary of State submits to the Committees on Appropriations a report on procedures established to determine eligibility of members and units of the armed forces and police forces of Lebanon to participate in United States training and assistance programs and on the end use monitoring of all equipment provided under such programs to the Lebanese armed forces and police forces.

(c) CERTIFICATION REQUIRED.—Prior to the initial obligation of funds made available in this Act for assistance for Lebanon under the headings "Foreign Military Financing Program" and "Nonproliferation, Anti-Terrorism, Demining and Related Programs", the Secretary of State shall certify to the Committees on Appropriations that all practicable efforts have been made to ensure that such assistance is not provided to or through any individual, or private or government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

(d) REPORT REQUIRED.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on the Government of Lebanon's actions to implement section 14 of United Nations Security Council Resolution 1701 (August 11, 2006).

(e) SPECIAL AUTHORITY.—This section shall be effective notwithstanding section 534(a) of Public Law 109–102, which is made applicable to funds appropriated for fiscal year 2007 by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5).

DEBT RESTRUCTURING

SEC. 2604. Amounts appropriated for fiscal year 2007 for "Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring" may be used to assist Liberia in retiring its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.

GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 2605. To facilitate effective oversight of programs and activities in Iraq by the Government Accountability Office (GAO), the Department of State shall provide GAO staff members the country clearances, life support, and logistical and security support necessary for GAO personnel to establish a presence in Iraq for periods of not less than 45 days.

HUMAN RIGHTS AND DEMOCRACY FUND

SEC. 2606. The Assistant Secretary of State for Democracy, Human Rights, and Labor shall be responsible for all policy, funding, and programming decisions regarding funds made available under this Act and prior Acts making appropriations for foreign operations, export financing and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor.

INSPECTOR GENERAL OVERSIGHT OF IRAQ AND AFGHANISTAN

SEC. 2607. (a) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Department of State and the Broadcasting Board of Governors (referred to in this section as the "Inspector General") may use personal services contracts to engage citizens of the United States to facilitate and support the Office of the Inspector General's oversight of programs and operations related to Iraq and Afghanistan. Individuals engaged by contract to perform such services shall not, by virtue of such contract, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary of State may determine the applicability to such individuals of any law administered by the Secretary concerning the performance of such services by such individuals.

(b) CONDITIONS.—The authority under paragraph (1) is subject to the following conditions:

(1) The Inspector General determines that existing personnel resources are insufficient.

(2) The contract length for a personal services contractor, including options, may not exceed 1 year, unless the Inspector General makes a finding that exceptional circumstances justify an extension of up to 1 additional year.

(3) Not more than 10 individuals may be employed at any time as personal services contractors under the program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under this section shall terminate on December 31, 2007. A contract entered into prior to the termination date under this paragraph may remain in effect until not later than December 31, 2009.

(d) OTHER AUTHORITIES NOT AFFECTED.—The authority under this section is in addition to any other authority of the Inspector General to hire personal services contractors.

FUNDING TABLES

SEC. 2608. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107):

"Diplomatic and Consular Programs".

"Economic Support Fund".

"Democracy Fund".

"International Narcotics Control and Law Enforcement".

"Migration and Refugee Assistance".

(b) Any proposed increases or decreases to the amounts contained in the tables in the accompanying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 2609. Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in this chapter, except for funds appropriated under the heading "International Disaster and Famine Assistance": *Provided*, That funds appropriated under the headings in this chapter, except for funds appropriated under the heading named in this section, shall be subject to the regular notification procedures of the Committees on Appropriations.

CONDITIONS ON ASSISTANCE FOR PAKISTAN

SEC. 2610. None of the funds made available for assistance for the central Government of Pakistan under the heading "Economic Support Fund" in this title may be made available for non-project assistance until the Secretary of State submits to the Committees on Appropriations a report on the oversight mechanisms, performance benchmarks, and implementation processes for such funds: *Provided*, That notwithstanding any other provision of law, funds made available for non-project assistance pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds made available for assistance for Pakistan under the heading "Economic Support Fund" in this title, $5,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, for political party development and election observation programs.

CIVILIAN RESERVE CORPS

SEC. 2611. Of the funds appropriated by this Act under the heading "Diplomatic and Consular Programs", up to $50,000,000 may be made available to support and maintain a civilian reserve corps: *Provided*, That none of the funds for a civilian reserve corps may be obligated without specific authorization in a subsequent Act of Congress: *Provided further*, That funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

COORDINATOR FOR IRAQ ASSISTANCE

SEC. 2612. (a) COORDINATOR FOR IRAQ ASSISTANCE.—Not later than 30 days after the date of the enactment of this Act, the President shall appoint a Coordinator for Iraq Assistance (hereinafter in this section referred to as the "Coordinator"), by and with the advice and consent of the Senate, who shall report directly to the President.

(b) DUTIES.—The Coordinator shall be responsible for—

(1) developing and implementing an overall strategy for political, economic, and military assistance for Iraq;

(2) coordinating and ensuring coherence of Iraq assistance programs and policy among all departments and agencies of the Government of the United States that are implementing assistance programs in Iraq, including the Department of State, the United States Agency for International Development, the Department of Defense, the Department of the Treasury, and the Department of Justice;

(3) working with the Government of Iraq in meeting the benchmarks described in section 1904(a) of this Act in order to ensure Iraq continues to be eligible to receive United States assistance described in such section;

(4) coordinating with other donors and international organizations that are providing assistance for Iraq;

(5) ensuring adequate management and accountability of United States assistance programs for Iraq;

(6) resolving policy and program disputes among departments and agencies of the United States Government that are implementing assistance programs in Iraq; and

(7) coordinating United States assistance programs with the reconstruction programs funded and implemented by the Government of Iraq.

(c) RANK AND STATUS.—The Coordinator shall have the rank and status of ambassador.

TITLE III—ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

GENERAL PROVISION—THIS CHAPTER

SEC. 3101. Section 1231(k)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(2)) is amended by striking "During calendar year 2006, the" and inserting "The".

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, notwithstanding the provisions of section 511 of said Act, $50,000,000, to remain available until expended: *Provided*, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricanes Katrina and Rita: *Provided further*, That these funds shall be apportioned among the States in quotient to their level of violent crime as estimated by the Federal Bureau of Investigation's Uniform Crime Report for the year 2005.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", for necessary expenses related to the consequences of Hurricanes Katrina and Rita on the shrimp and fishing industries, $110,000,000, to remain available until September 30, 2008.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for "Exploration Capabilities" for necessary expenses related to the consequences of Hurricane Katrina, $35,000,000, to remain available until September 30, 2009.

GENERAL PROVISION—THIS CHAPTER

SEC. 3201. Up to $48,000,000 of amounts made available to the National Aeronautics and Space Administration in Public Law 109–148 and Public Law 109–234 for emergency hurricane and other natural disaster-related expenses may be used to reimburse hurricane-related costs incurred by NASA in fiscal year 2005.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $25,300,000, to remain available until expended, which may be used to continue construction of projects related to interior drainage for the greater New Orleans metropolitan area.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricanes Katrina and Rita and for other purposes, $1,407,700,000, to remain available until expended: *Provided*, That $1,300,000,000 of the amount provided may be used by the Secretary of the Army to carry out projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity, Louisiana, projects, as described under the heading "Flood Control and Coastal Emergencies", in chapter 3 of Public Law 109–148: *Provided further*, That $107,700,000 of the amount provided may be used to implement the projects for hurricane storm damage reduction, flood damage reduction, and ecosystem restoration within Hancock, Harrison, and Jackson Counties, Mississippi substantially in accordance with the Report of the Chief of Engineers dated December 31, 2006, and entitled "Mississippi, Coastal Improvements Program Interim Report, Hancock, Harrison, and Jackson Counties, Mississippi": *Provided further*, That projects authorized for implementation under this Chief's report shall be carried out at full Federal expense, except that the non-Federal interests shall be responsible for providing for all costs associated with operation and maintenance of the project: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3301. The Secretary is authorized and directed to determine the value of eligible reimbursable expenses incurred by local governments in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area that the Secretary determines to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

SEC. 3302. (a) The Secretary of the Army is authorized and directed to utilize funds remaining available for obligation from the amounts appropriated in chapter 3 of Public Law 109–234 under the heading "Flood Control and Coastal Emergencies" for projects in the greater New Orleans metropolitan area to prosecute these projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property.

(b) The expenditure of funds as provided in subsection (a) may be made without regard to individual amounts or purposes specified in chapter 3 of Public Law 109–234.

(c) Any reallocation of funds that are necessary to accomplish the goal established in subsection (a) are authorized, subject to the approval of the House and Senate Committees on Appropriation.

SEC. 3303. The Chief of Engineers shall investigate the overall technical advantages, disadvantages and operational effectiveness of operating the new pumping stations at the mouths of the 17th Street, Orleans Avenue and London Avenue canals in the New Orleans area directed for construction in Public Law 109–234 concurrently or in series with existing pumping stations serving these canals and the advantages, disadvantages and technical operational effectiveness of removing the existing pumping stations and configuring the new pumping stations and associated canals to handle all needed discharges; and the advantages, disadvantages and technical operational effectiveness of replacing or improving the floodwalls and levees adjacent to the three outfall canals: *Provided*, That the analysis should be conducted at Federal expense: *Provided further*, That the analysis shall be completed and furnished to the Congress not later than three months after enactment of this Act.

SEC. 3304. Using funds made available in Chapter 3 under title II of Public Law 109–234, under the heading "Investigations", the Secretary of the Army, in consultation with other agencies and the State of Louisiana shall accelerate completion as practicable the final report of the Chief of Engineers recommending a comprehensive plan to deauthorize deep draft navigation on the Mississippi River Gulf Outlet: *Provided*, That the plan shall incorporate and build upon the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006 pursuant to Public Law 109–234.

CHAPTER 4

SMALL BUSINESS ADMINISTRATION

Disaster Loans Program Account

(INCLUDING TRANSFER OF FUNDS)

Of the unobligated balances under the heading "Small Business Administration, Disaster Loans Program Account", $25,069,000, to remain available until expended, shall be used for administrative expenses to carry out the disaster loan program, which may be transferred to and merged with "Small Business Administration, Salaries and Expenses".

Of the unobligated balances under the heading "Small Business Administration, Disaster Loans Program Account", $25,000,000 shall be used for loans under section 7(b)(2) of the Small Business Act for businesses located in an area for which the President declared a major disaster because of the hurricanes in the Gulf of Mexico in calendar year 2005, of which not to exceed $8,750,000 is for direct administrative expenses and may be transferred to and merged with "Small Business Administration, Salaries and Expenses" to carry out the disaster loan program of the Small Business Administration.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Relief", $4,610,000,000, to remain available until expended: *Provided*, That $4,000,000 shall be transferred to "Office of Inspector General".

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. (a) IN GENERAL.—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance, provided for the States of Louisiana, Mississippi, Florida, Alabama, and Texas in connection with Hurricanes Katrina, Wilma, Dennis, and Rita under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) shall be 100 percent of the eligible costs under such sections.

(b) APPLICABILITY.—The Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.

SEC. 3502. (a) COMMUNITY DISASTER LOAN ACT.—

(1) IN GENERAL.—Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88) is amended by striking "*Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Community Disaster Loan Act of 2005 (Public Law 109–88).

(b) EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT.—

(1) IN GENERAL.—Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended under Federal Emergency Management Agency, "Disaster Assistance Direct Loan Program Account" by striking "*Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

SEC. 3503. (a) IN GENERAL.—Section 2401 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended by striking "12 months" and inserting "24 months".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

CHAPTER 6

DEPARTMENT OF THE INTERIOR

National Park Service

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000, to remain available until September 30, 2008: *Provided*, That the funds provided under this heading shall be provided to the State Historic Preservation Officer, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana impacted by Hurricanes Katrina or Rita: *Provided further*, That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: *Provided further*, That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 3601. Of the disaster relief funds from Public Law 109–234, 120 Stat. 418, 461, (June 30, 2006), chapter 5, "National Park Service—Historic Preservation Fund", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season that were allocated to the State of Mississippi by the National Park Service, $500,000 is hereby transferred to the "National Park Service—National Recreation and Preservation" appropriation: *Provided*, That these funds may be used to reconstruct destroyed properties that at the time of destruction were listed in the National Register of Historic Places and are otherwise qualified to receive these funds: *Provided further*, That the State Historic Preservation Officer certifies that, for the community where that destroyed property was located, the property is iconic to or essential to illustrating that community's historic identity, that no other property in that community with the same associative historic value has survived, and that sufficient historical documentation exists to ensure an accurate reproduction.

CHAPTER 7

DEPARTMENT OF EDUCATION

Higher Education

For an additional amount under part B of title VII of the Higher Education Act of 1965 ("HEA") for institutions of higher education (as defined in section 101 or section 102(c) of that Act) that are located in an area in which a major disaster was declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to Hurricanes Katrina or Rita, $30,000,000: *Provided*, That such funds shall be available to the Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close, relocate or significantly curtail their activities as a result of damage directly caused by such hurricanes and for payments to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2006: *Provided further*, That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA.

Hurricane Education Recovery

For carrying out activities authorized by subpart 1 of part D of title V of the Elementary and Secondary Education Act of 1965, $30,000,000, to remain available until expended, for use by the States of Louisiana, Mississippi, and Alabama primarily for recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators, who commit to work for at least three years in school-based positions in public elementary and secondary schools located in an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness, with priority given to teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators who previously worked or lived in one of the affected areas, are currently employed (or become employed) in such a school in any of the affected areas after those disasters, and commit to continue that employment for at least 3 years, *Provided*, That funds available under this heading to such States may also be used for 1 or more of the following activities: (1) to build the capacity, knowledge, and skill of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (2) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school-based school principals, assistant principals, principal resident directors, and assistant directors; and (3) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: *Provided further*, That the Secretary of Education shall allocate amounts available under this heading among such States that submit applications; that such allocation shall be based on the number of public elementary and secondary schools in each State that were closed for 19 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita; and that such States shall in turn allocate funds to local educational agencies, with priority given first to such agencies with the highest percentages of public elementary and secondary schools that are closed as a result of such hurricanes as of the date of enactment of this Act and then to such agencies with the highest percentages of public elementary and secondary schools with a student-teacher ratio of at least 25 to 1, and with any remaining amounts to be distributed to such agencies with demonstrated need, as determined by the State Superintendent of Education: *Provided further*, That, in the case of any State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act, and in collaboration with local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, the State educational agency shall develop a plan for a rating system for performance bonuses, and if no agreement has been reached that is satisfactory to all consulting entities by such deadline, the State educational agency shall immediately send a letter notifying Congress and shall, not later than 30 days after such notification, establish and implement a rating system that shall be based on classroom observation and feedback more than once annually, conducted by multiple sources (including, but not limited to, principals and master teachers), and evaluated against research-based rubrics that use planning, instructional, and learning environment standards to measure teacher performance, except that the requirements of this proviso shall not apply to a State that has enacted a State law in 2006 authorizing performance pay for teachers.

Programs to Restart School Operations

Funds made available under section 102 of the Hurricane Education Recovery Act (title IV of division B of Public Law 109–148) may be used by the States of Louisiana, Mississippi, Alabama, and Texas, in addition to the uses of funds described in section 102(e), for the following costs: (1) recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators for school-based positions in public elementary and secondary schools impacted by Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness; (2) activities to build the capacity, knowledge, and skills of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (3) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and school-based school principals, assistant principals, principal resident directors, and assistant directors; and (4) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3701. Section 105(b) of title IV of division B of Public Law 109–148 is amended by adding at the end the following new sentence: "With respect to the program authorized by section 102 of this Act, the waiver authority in subsection (a) of this section shall be available until the end of fiscal year 2008.".

SEC. 3702. Notwithstanding section 2002(c) of the Social Security Act (42 U.S.C. 1397a(c)), funds made available under the heading "Social Services Block Grant" in division B of Public Law 109–148 shall be available for expenditure by the States through the end of fiscal year 2009.

SEC. 3703. (a) In the event that Louisiana, Mississippi, Alabama, or Texas fails to meet its match requirement with funds appropriated in fiscal years 2006 or 2007, for fiscal years 2008 and 2009, the Secretary of Health and Human Services may waive the application of section 2617(d)(4) of the Public Health Service Act for Louisiana, Mississippi, Alabama, and Texas.

(b) The Secretary may not exercise the waiver authority available under subsection (a) to allow a grantee to provide less than a 25 percent matching grant.

(c) For grant years beginning in 2008, Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas shall comply with each of the applicable requirements under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $682,942,000, to remain available until expended: *Provided*, That section 125(d)(1) of title 23, United States Code, shall not apply to emergency relief projects that respond to damage caused by the 2005–2006 winter storms in the State of California: *Provided further*, That of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $682,942,000 are rescinded: *Provided further*, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to be allocated by the Secretary to recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricanes Katrina and Rita, $35,000,000, for the operating and capital costs of transit services, to remain available until expended: *Provided*, That the Federal share for any project funded from this amount shall be 100 percent.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of Inspector General, for the necessary costs related to the consequences of Hurricanes Katrina and Rita, $7,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3801. The third proviso under the heading "Department of Housing and Urban Development—Public and Indian Housing—Tenant-Based Rental Assistance" in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779) is amended by striking "for up to 18 months" and inserting "until December 31, 2007".

SEC. 3802. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the third proviso: "*: Provided further*, That notwithstanding the previous proviso, except for applying the 2007 Annual Adjustment Factor and making any other specified adjustments, public housing agencies specified in category 1 below shall receive funding for calendar year 2007 based on the higher of the amounts the agencies would receive under the previous proviso or the amounts the agencies received in calendar year 2006, and public housing agencies specified in categories 2 and 3 below shall receive funding for calendar year 2007 equal to the amounts the agencies received in calendar year 2006, except that public housing agencies specified in categories 1 and 2 below shall receive funding under this proviso only if, and to the extent that, any such public housing agency submits a plan, approved by the Secretary, that demonstrates that the agency can effectively use within 12 months the funding that the agency would receive under this proviso that is in addition to the funding that the agency would receive under the previous proviso: (1) public housing agencies that are eligible for assistance under section 901 in Public Law 109–148 (119 Stat. 2781) or are located in the same counties as those eligible under section 901 and operate voucher programs under section 8(o) of the United States Housing Act of 1937 but do not operate public housing under section 9 of such Act, and any public housing agency that otherwise qualifies under this category must demonstrate that they have experienced a loss of rental housing stock as a result of the 2005 hurricanes; (2) public housing agencies that would receive less funding under the previous proviso than they would receive under this proviso and that have been placed in receivership or the Secretary has declared to be in breach of an Annual Contributions Contract by June 1, 2007; and (3) public housing agencies that spent more in calendar year 2006 than the total of the amounts of any such public housing agency's allocation amount for calendar year 2006 and the amount of any such public housing agency's available housing assistance payments undesignated funds balance from calendar year 2005 and the amount of any such public housing agency's available administrative fees undesignated funds balance through calendar year 2006".

SEC. 3803. Section 901 of Public Law 109–148 is amended by deleting "calendar year 2006" and inserting "calendar years 2006 and 2007".

TITLE IV—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for "Investigations" for flood damage reduction studies to address flooding associated with disasters covered by Presidential Disaster Declaration FEMA–1962–DR, $8,165,000, to remain available until expended.

CONSTRUCTION

For an additional amount for "Construction" for flood damage reduction activities associated with disasters covered by Presidential Disaster Declaration FEMA–1962–DR, $500,000 to remain available until expended.

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" to dredge navigation channels related to the consequences of hurricanes of the 2005 season, $3,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), to support emergency operations, repairs and other activities in response to flood, drought and earthquake emergencies as authorized by law, $153,300,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources", $18,000,000, to remain available until expended for drought assistance: *Provided*, That drought assistance may be provided under the Reclamation States Drought Emergency Act or other applicable Reclamation authorities to assist drought plagued areas of the West.

CHAPTER 2

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $7,398,000, to remain available until September 30, 2008.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, $525,000, to remain available until September 30, 2008.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $5,270,000, to remain available until September 30, 2008.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for the implementation of a nationwide initiative to increase protection of national forest lands from drug-trafficking organizations, including funding for additional law enforcement personnel, training, equipment and cooperative agreements, $12,000,000, to remain available until expended.

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH AND TRAINING

For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out section 501 of the Federal Mine Safety and Health Act of 1977 and section 6 of the Mine Improvement and New Emergency Response Act of 2006, $13,000,000 for research to develop mine safety technology, including necessary repairs and improvements to leased laboratories: *Provided*, That progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on a quarterly basis: *Provided further*, That the amount provided under this heading shall remain available until September 30, 2008.

For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out activities under section 5011(b) of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109–148), $50,000,000, to remain available until expended.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low-Income Home Energy Assistance" under section 2604(a) through (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a) through (d)), $200,000,000.

For an additional amount for "Low-Income Home Energy Assistance" under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $200,000,000.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund" to prepare for and respond to an influenza pandemic, $625,000,000, to remain available until expended: *Provided*, That this amount shall be for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided further*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic vaccine and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

COVERED COUNTERMEASURE PROCESS FUND

For carrying out section 319F–4 of the Public Health Service Act (42 U.S.C. 247d-6e) to compensate individuals for injuries caused by H5N1 vaccine, in accordance with the declaration regarding avian influenza viruses issued by the Secretary of Health and Human Services on January 26, 2007, pursuant to section 319F–3(b) of such Act (42 U.S.C. 247d–6d(b)), $25,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING RESCISSIONS)

SEC. 4301. (a). From unexpended balances available for the Training and Employment Services account under the Department of Labor, the following amounts are hereby rescinded—

(1) $3,589,000 transferred pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38);

(2) $834,000 transferred pursuant to the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211); and

(3) $71,000 for the Consortium for Worker Education pursuant to the Emergency Supplemental Act, 2002 (Public Law 107–117).

(b) From unexpended balances available for the State Unemployment Insurance and Employment Service Operations account under the Department of Labor pursuant to the Emergency Supplemental Act, 2002 (Public Law 107–117), $4,100,000 are hereby rescinded.

SEC. 4302. (a) For an additional amount under "Department of Education, Safe Schools and Citizenship Education", $8,594,000 shall be available for Safe and Drug-Free Schools National Programs for competitive grants to local educational agencies to address youth violence and related issues.

(b) The competition under subsection (a) shall be limited to local educational agencies that operate schools currently identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act of 1965.

CHAPTER 4

LEGISLATIVE BRANCH

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for "Capitol Police, General Expenses", $15,000,000 for a radio modernization program, to remain available until expended.

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

For an additional amount for "Capitol Power Plant", $50,000,000, for utility tunnel repairs and asbestos abatement, to remain available until September 30, 2011: *Provided*, That the Architect of the Capitol may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and House of Representatives.

CHAPTER 5

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", $466,778,000, to remain available until expended, of which $30,000,000 shall be for the establishment of at least one new Level I comprehensive polytrauma center; $9,440,000 shall be for the establishment of polytrauma residential transitional rehabilitation programs; $10,000,000 shall be for additional transition caseworkers; $20,000,000 shall be for substance abuse treatment programs; $20,000,000 shall be for readjustment counseling; $10,000,000 shall be for blind rehabilitation services; $100,000,000 shall be for enhancements to mental health services; $8,000,000 shall be for polytrauma support clinic teams; $5,356,000 shall be for additional polytrauma points of contact; $228,982,000 shall be for treatment of Operation Enduring Freedom and Operation Iraqi Freedom veterans; and $25,000,000 shall be for prosthetics.

MEDICAL ADMINISTRATION

For an additional amount for "Medical Administration", $250,000,000, to remain available until expended.

MEDICAL FACILITIES

For an additional amount for "Medical Facilities", $595,000,000, to remain available until expended, of which $45,000,000 shall be used for facility and equipment upgrades at the Department of Veterans Affairs polytrauma network sites; and $550,000,000 shall be for non-recurring maintenance as identified in the Department of Veterans Affairs Facility Condition Assessment report: *Provided*, That the amount provided under this heading for non-recurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan, by project, for non-recurring maintenance prior to obligation: *Provided further*, That semi-annually, on October 1 and April 1, the Secretary shall submit to the Committees on Appropriations of both Houses of Congress a report on the status of funding for non-recurring maintenance, including obligations and unobligated balances for each project identified in the expenditure plan.

MEDICAL AND PROSTHETIC RESEARCH

For an additional amount for "Medical and Prosthetic Research", $32,500,000, to remain available until expended, which shall be used for research related to the unique medical needs of returning Operation Enduring Freedom and Operation Iraqi Freedom veterans.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "General Operating Expenses", $83,200,000, to remain available until expended, of which $1,250,000 shall be for digitization of military records; $60,750,000 shall be for expenses related to hiring and training new claims processing personnel; up to $1,200,000 for an independent study of the organizational structure, management and coordination processes, including seamless transition, utilized by the Department of Veterans Affairs to provide health care and benefits to active duty personnel and veterans, including those returning Operation Enduring Freedom and Operation Iraqi Freedom veterans; and $20,000,000 shall be for disability examinations: *Provided*, That not to exceed $1,250,000 of the amount appropriated under this heading may be transferred to the Department of Defense for the digitization of military records used to verify stressors for benefits claims.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $35,100,000, to remain available until expended, of which $20,000,000 shall be for information technology support and improvements for processing of Operation Enduring Freedom and Operation Iraqi Freedom veterans benefits claims, including making electronic Department of Defense medical records available for claims processing and enabling electronic benefits applications by veterans; and $15,100,000 shall be for electronic data breach remediation and prevention.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, Minor Projects", $326,000,000, to remain available until expended, of which up to $36,000,000 shall be for construction costs associated with the establishment of polytrauma residential transitional rehabilitation programs.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4501. The Director of the Congressional Budget Office shall, not later than November 15, 2007, submit to the Committees on Appropriations of the House of Representatives and the Senate a report projecting appropriations necessary for the Departments of Defense and Veterans Affairs to continue providing necessary health care to veterans of the conflicts in Iraq and Afghanistan. The projections should span several scenarios for the duration and number of forces deployed in Iraq and Afghanistan, and more generally, for the long-term health care needs of deployed troops engaged in the global war on terrorism over the next ten years.

SEC. 4502. Notwithstanding any other provision of law, appropriations made by Public Law 110-5, which the Secretary of Veterans Affairs contributes to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund under the authority of section 8111(d) of title 38, United States Code, shall remain available until expended for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 4503. (a)(1) Notwithstanding any other provision of law, the Secretary of Veterans Affairs (referred to in this section as the "Secretary") may convey to the State of Texas, without consideration, all right, title, and interest of the United States in and to the parcel of real property comprising the location of the Marlin, Texas, Department of Veterans Affairs Medical Center.

(2) The property conveyed under paragraph (1) shall be used by the State of Texas for the purposes of a prison.

(b) In carrying out the conveyance under subsection (a), the Secretary—

(1) shall not be required to comply with, and shall not be held liable under, any Federal law (including a regulation) relating to the environment or historic preservation; but

(2) may, at the discretion of the Secretary, conduct environmental cleanup on the parcel to be conveyed, at a cost not to exceed $500,000, using amounts made available for environmental cleanup of sites under the jurisdiction of the Secretary.

TITLE V—OTHER MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

Farm Service Agency

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" of the Farm Service Agency, $37,500,000, to remain available until September 30, 2008: *Provided*, That this amount shall only be available for network and database/application stabilization.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5101. Of the funds made available through appropriations to the Food and Drug Administration for fiscal year 2007, not less than $4,000,000 shall be for the Office of Women's Health of such Administration.

SEC. 5102. None of the funds made available to the Department of Agriculture for fiscal year 2007 may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

CHAPTER 2

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5201. Hereafter, federal employees at the National Energy Technology Laboratory shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 5202. None of the funds made available under this or any other Act shall be used during fiscal year 2007 to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the "Administrator") or for an appropriated Federal Columbia River Power System investment, if the payment is both—

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on October 1, 2006; and

(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.

CHAPTER 3

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5301. (a) Section 102(a)(3)(B) of the Help America Vote Act of 2002 (42 U.S.C. 15302(a)(3)(B)) is amended by striking "January 1, 2006" and inserting "March 1, 2008".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

SEC. 5302. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006. None of the funds appropriated or otherwise made available in the Continuing Appropriations Resolution, 2007 (Public Law 110-5) may be used to implement a reorganization of offices within the Office of National Drug Control Policy without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 5303. From the amount provided by section 21067 of the Continuing Appropriations Resolution, 2007 (Public Law 110-5), the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.

SEC. 5304. Notwithstanding the notice requirement of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, 119 Stat. 2509 (Public Law 109-115), as continued in section 104 of the Continuing Appropriations Resolution, 2007 (Public Law 110-5), the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided for fiscal year 2007 under the Federal Payment to the District of Columbia Courts for facilities among the items and entities funded under that heading for operations.

SEC. 5305. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in coordination with the Securities and Exchange Commission and in consultation with the Departments of State and Energy, shall prepare and submit to the Senate Committee on Appropriations, the House Committee on Appropriations, the Senate Committee on Banking, Housing, and Urban Affairs, the House Committee on Financial Services, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee a written report, which may include a classified annex, containing the names of companies which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, are known to conduct significant business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals. The reporting provision shall not apply to companies operating under licenses from the Office of Foreign Assets Control or otherwise expressly exempted under United States law from having to obtain such licenses in order to operate in Sudan.

(b) Not later than 45 days following the submission to Congress of the list of companies conducting business operations in Sudan relating to natural resource extraction as required above, the General Services Administration shall determine whether the United States Government has an active contract for the procurement of goods or services with any of the identified companies, and provide notification to the appropriate committees of Congress, which may include a classified annex, regarding the companies, nature of the contract, and dollar amounts involved.

(INCLUDING RESCISSION)

SEC. 5306. (a) Of the funds provided for the General Services Administration, "Office of Inspector General" in section 21061 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Law 110-5), $4,500,000 are rescinded.

(b) For an additional amount for the General Services Administration, "Office of Inspector General", $4,500,000, to remain available until September 30, 2008.

SEC. 5307. Section 21073 of the Continuing Appropriations Resolution, 2007 (Public Law 110-5) is amended by adding a new subsection (j) as follows:

"(j) Notwithstanding section 101, any appropriation or funds made available to the District of Columbia pursuant to this division for 'Federal Payment for Foster Care Improvement in the District of Columbia' shall be available in accordance with an expenditure plan submitted by the Mayor of the District of Columbia not later than 60 days after the enactment of this section which details the activities to be carried out with such Federal Payment.".

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5401. Not to exceed $30,000,000 from unobligated balances remaining from prior appropriations for United States Coast Guard, "Retired Pay", shall remain available until expended in the account and for the purposes for which the appropriations were provided, including the payment of obligations otherwise chargeable to lapsed or current appropriations for this purpose. .

SEC. 5402. (a) IN GENERAL.—Any contract, subcontract, task or delivery order described in subsection (b) shall contain the following:

(1) A requirement for a technical review of all designs, design changes, and engineering change proposals, and a requirement to specifically address all engineering concerns identified in the review before the obligation of further funds may occur.

(2) A requirement that the Coast Guard maintain technical warrant holder authority, or the equivalent, for major assets.

(3) A requirement that no procurement subject to subsection (b) for lead asset production or the implementation of a major design change shall be entered into unless an independent third party with no financial interest in the development, construction, or modification of any component of the asset, selected by the Commandant, determines that such action is advisable.

(4) A requirement for independent life-cycle cost estimates of lead assets and major design and engineering changes.

(5) A requirement for the measurement of contractor and subcontractor performance based on the status of all work performed. For contracts under the Integrated Deepwater Systems program, such requirement shall include a provision that links award fees to successful acquisition outcomes (which shall be defined in terms of cost, schedule, and performance).

(6) A requirement that the Commandant of the Coast Guard assign an appropriate officer or employee of the Coast Guard to act as

chair of each integrated product team and higher-level team assigned to the oversight of each integrated product team.

(7) A requirement that the Commandant of the Coast Guard may not award or issue any contract, task or delivery order, letter contract modification thereof, or other similar contract, for the acquisition or modification of an asset under a procurement subject to subsection (b) unless the Coast Guard and the contractor concerned have formally agreed to all terms and conditions or the head of contracting activity for the Coast Guard determines that a compelling need exists for the award or issue of such instrument.

(b) Contracts, Subcontracts, Task and Delivery Orders Covered.—Subsection (a) applies to—

(1) any major procurement contract, first-tier subcontract, delivery or task order entered into by the Coast Guard;

(2) any first-tier subcontract entered into under such a contract; and

(3) any task or delivery order issued pursuant to such a contract or subcontract.

(c) Expenditure of Deepwater Funds.—Of the funds available for the Integrated Deepwater Systems program, $650,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan directly from the Coast Guard that—

(1) defines activities, milestones, yearly costs, and life-cycle costs for each procurement of a major asset, including an independent cost estimate for each;

(2) identifies life-cycle staffing and training needs of Coast Guard project managers and of procurement and contract staff;

(3) identifies competition to be conducted in each procurement;

(4) describes procurement plans that do not rely on a single industry entity or contract;

(5) contains very limited indefinite delivery/indefinite quantity contracts and explains the need for any indefinite delivery/indefinite quantity contracts;

(6) complies with all applicable acquisition rules, requirements, and guidelines, and incorporates the best systems acquisition management practices of the Federal Government;

(7) complies with the capital planning and investment control requirements established by the Office of Management and Budget, including circular A-11, part 7;

(8) includes a certification by the head of contracting activity for the Coast Guard and the Chief Procurement Officer of the Department of Homeland Security that the Coast Guard has established sufficient controls and procedures and has sufficient staffing to comply with all contracting requirements, and that any conflicts of interest have been sufficiently addressed;

(9) includes a description of the process used to act upon deviations from the contractually specified performance requirements and clearly explains the actions taken on such deviations;

(10) includes a certification that the Assistant Commandant of the Coast Guard for Engineering and Logistics is designated as the technical authority for all engineering, design, and logistics decisions pertaining to the Integrated Deepwater Systems program; and

(11) identifies progress in complying with the requirements of subsection (a).

(d) Reports.—(1) Not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: (i) a report on the resources (including training, staff, and expertise) required by the Coast Guard to provide appropriate management and oversight of the Integrated Deepwater Systems program; and (ii) a report on how the Coast Guard will utilize full and open competition for any contract that provides for the acquisition or modification of assets under, or in support of, the Integrated Deepwater Systems program, entered into after the date of enactment of this Act.

(2) Within 30 days following the submission of the expenditure plan required under subsection (c), the Government Accountability Office shall review the plan and brief the Committees on Appropriations of the Senate and the House of Representatives on its findings.

Sec. 5403. None of the funds provided in this Act or any other Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, the Coast Guard Academy and the Coast Guard Research and Development Center, except as specifically authorized by a statute enacted after the date of enactment of this Act.

(INCLUDING RESCISSIONS OF FUNDS)

Sec. 5404. (a) Rescissions.—The following unobligated balances made available pursuant to section 505 of Public Law 109–90 are rescinded: $1,200,962 from the "Office of the Secretary and Executive Management"; $512,855 from the "Office of the Under Secretary for Management"; $461,874 from the "Office of the Chief Information Officer"; $45,080 from the "Office of the Chief Financial Officer"; $968,211 from Preparedness "Management and Administration"; $1,215,486 from Science and Technology "Management and Administration"; $450,000 from United States Secret Service "Salaries and Expenses"; $450,000 from Federal Emergency Management Agency "Administrative and Regional Operations"; and $25,595,532 from United States Coast Guard "Operating Expenses".

(b) Additional Appropriations.—

(1) For an additional amount for United States Coast Guard "Acquisition, Construction, and Improvements", $30,000,000, to remain available until September 30, 2009, to mitigate the Service's patrol boat operational gap; and

(2) For an additional amount for the "Office of the Under Secretary for Management", $900,000, for an independent study to compare the Department of Homeland Security senior career and political staffing levels and senior career training programs with those of similarly structured cabinet-level agencies.

Sec. 5405. (a) In General.—With respect to contracts entered into after June 1, 2007, and except as provided in subsection (b), no entity performing lead system integrator functions in the acquisition of a major system by the Department of Homeland Security may have any direct financial interest in the development or construction of any individual system or element of any system of systems.

(b) Exception.—An entity described in subsection (a) may have a direct financial interest in the development or construction of an individual system or element of a system of systems if—

(1) the Secretary of Homeland Security certifies to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Commerce, Science and Transportation of the Senate that—

(A) the entity was selected by the Department of Homeland Security as a contractor to develop or construct the system or element concerned through the use of competitive procedures; and

(B) the Department took appropriate steps to prevent any organizational conflict of interest in the selection process; or

(2) the entity was selected by a subcontractor to serve as a lower-tier subcontractor, through a process over which the entity exercised no control.

(c) Construction.—Nothing in this section shall be construed to preclude an entity described in subsection (a) from performing work necessary to integrate two or more individual systems or elements of a system of systems with each other.

(d) Regulations Update.—Not later than June 1, 2007, the Secretary of Homeland Security shall update the acquisition regulations of the Department of Homeland Security in order to specify fully in such regulations the matters with respect to lead system integrators set forth in this section. Included in such regulations shall be: (1) a precise and comprehensive definition of the term "lead system integrator", modeled after that used by the Department of Defense; and (2) a specification of various types of contracts and fee structures that are appropriate for use by lead system integrators in the production, fielding, and sustainment of complex systems.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

Sec. 5501. Section 20515 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting before the period: "; and of which, not to exceed $143,628,000 shall be available for contract support costs under the terms and conditions contained in Public Law 109–54".

Sec. 5502. Section 20512 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after the first dollar amount: ", of which not to exceed $7,300,000 shall be transferred to the 'Indian Health Facilities' account; the amount in the second proviso shall be $18,000,000; the amount in the third proviso shall be $525,099,000; the amount in the ninth proviso shall be $269,730,000; and the $15,000,000 allocation of funding under the eleventh proviso shall not be required".

Sec. 5503. Section 20501 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after "$55,663,000" the following: "of which $13,000,000 shall be for Save America's Treasures".

Sec. 5504. Funds made available to the United States Fish and Wildlife Service for fiscal year 2007 under the heading "Land Acquisition" may be used for land conservation partnerships authorized by the Highlands Conservation Act of 2004.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for "National Institute of Allergy and Infectious Diseases", $49,500,000 shall be transferred to "Public Health and Social Services Emergency Fund" to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

OFFICE OF THE DIRECTOR

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for "Office of the Director", $49,500,000 shall be transferred to "Public Health and Social Services Emergency Fund" to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $300,000, to remain available until expended, for necessary expenses related to the requirements of the Post-Katrina Emergency Management Reform Act of 2006, as enacted by the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFERS OF FUNDS AND RESCISSION)

SEC. 5601. Section 20602 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting the following after "$5,000,000": "(together with an additional $7,000,000 which shall be transferred by the Pension Benefit Guaranty Corporation as an authorized administrative cost), to remain available through September 30, 2008,".

SEC. 5602. Section 20607 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting "of which $9,666,000 shall be for the Women's Bureau," after "for child labor activities,".

SEC. 5603. Of the amount provided for "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services" in the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $23,000,000 shall be for Poison Control Centers.

SEC. 5604. From the amounts made available by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for the Office of the Secretary, General Departmental Management under the Department of Health and Human Services, $1,000,000 are rescinded.

SEC. 5605. Section 20625(b)(1) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by—

(1) striking "$7,172,994,000" and inserting "$7,176,431,000";

(2) amending subparagraph (A) to read as follows: "(A) $5,454,824,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA), of which up to $3,437,000 shall be available to the Secretary of Education on October 1, 2006, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census;"; and

(3) amending subparagraph (C) to read as follows: "(C) not to exceed $2,352,000 may be available for section 1608 of the ESEA and for a clearinghouse on comprehensive school reform under part D of title V of the ESEA;".

SEC. 5606. The provision in the first proviso under the heading "Rehabilitation Services and Disability Research" in the Department of Education Appropriations Act, 2006, relating to alternative financing programs under section 4(b)(2)(D) of the Assistive Technology Act of 1998 shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007.

SEC. 5607. Notwithstanding sections 20639 and 20640 of the Continuing Appropriations Resolution, 2007, as amended by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), the Chief Executive Officer of the Corporation for National and Community Service may transfer an amount of not more than $1,360,000 from the account under the heading "National and Community Service Programs, Operating Expenses" under the heading "Corporation for National and Community Service", to the account under the heading "Salaries and Expenses" under the heading "Corporation for National and Community Service".

SEC. 5608. (a) Section 1310.12(a) of title 45, Code of Federal Regulations, shall take effect 30 days after the date of enactment of this Act.

(b)(1) Notwithstanding subsection (a), any vehicle used to transport children for a Head Start program as of January 1, 2007, shall not be subject to a requirement under such section (including a requirement based on the definitions set forth or referenced in section 1310.3 or any other provision set forth or referenced in part 1310 of such title, or any corresponding similar regulation or ruling) regarding rear emergency exit doors, for 1 year after that date of enactment.

(2) Not later than 60 days after the National Highway Traffic Safety Administration of the Department of Transportation submits its study on occupant protection on Head Start transit vehicles (related to Government Accountability Office report GAO–06–767R), the Secretary of Health and Human Services shall review and shall revise as necessary the allowable alternate vehicle standards described in that part 1310 (or any corresponding similar regulation or ruling) relating to allowable alternate vehicles used to transport children for a Head Start program. In making any such revision, the Secretary shall revise the standards to be consistent with the findings contained in such study, including making a determination on the exemption of such a vehicle from Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, if such vehicle meets all other applicable Federal motor vehicle safety standards, including standards for seating systems, occupant crash protection, seat belt assemblies, and child restraint anchorage systems consistent with that part 1310 (or any corresponding similar regulation or ruling).

(3) Notwithstanding subsection (a), until such date as the Secretary of Health and Human Services completes the review and any necessary revision specified in paragraph (2), the provisions of section 1310.12(a) relating to Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, for allowable alternate vehicles used to transport children for a Head Start program, shall not apply to such a vehicle if such vehicle meets all other applicable Federal motor vehicle safety standards, as described in paragraph (2).

SEC. 5609. (a)(1) Section 3(37)(G) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)(G)) (as amended by section 1106(a) of the Pension Protection Act of 2006) is amended—

(A) in clause (i)(II)(aa), by striking "for each of the 3 plan years immediately before the date of the enactment of the Pension Protection Act of 2006," and inserting "for each of the 3 plan years immediately preceding the first plan year for which the election under this paragraph is effective with respect to the plan ,";

(B) in clause (ii), by striking "starting with the first plan year ending after the date of the enactment of the Pension Protection Act of 2006" and inserting "starting with any plan year beginning on or after January 1, 1999, and ending before January 1, 2008, as designated by the plan in the election made under clause (i)(II)"; and

(C) by adding at the end the following new clause:

"(vii) For purposes of this Act and the Internal Revenue Code of 1986, a plan making an election under this subparagraph shall be treated as maintained pursuant to a collective bargaining agreement if a collective bargaining agreement, expressly or otherwise, provides for or permits employer contributions to the plan by one or more employers that are signatory to such agreement, or participation in the plan by one or more employees of an employer that is signatory to such agreement, regardless of whether the plan was created, established, or maintained for such employees by virtue of another document that is not a collective bargaining agreement.".

(2) Paragraph (6) of section 414(f) of the Internal Revenue Code of 1986 (relating to election with regard to multiemployer status) (as amended by section 1106(b) of the Pension Protection Act of 2006) is amended—

(A) in subparagraph (A)(ii)(I), by striking "for each of the 3 plan years immediately before the date of enactment of the Pension Protection Act of 2006," and inserting "for each of the 3 plan years immediately preceding the first plan year for which the election under this paragraph is effective with respect to the plan ,";

(B) in subparagraph (B), by striking "starting with the first plan year ending after the date of the enactment of the Pension Protection Act of 2006" and inserting "starting with any plan year beginning on or after January 1, 1999, and ending before January 1, 2008, as designated by the plan in the election made under subparagraph (A)(ii)"; and

(C) by adding at the end the following new subparagraph:

"(F) MAINTENANCE UNDER COLLECTIVE BARGAINING AGREEMENT.—For purposes of this title and the Employee Retirement Income Security Act of 1974, a plan making an election under this paragraph shall be treated as maintained pursuant to a collective bargaining agreement if a collective bargaining agreement, expressly or otherwise, provides for or permits employer contributions to the plan by one or more employers that are signatory to such agreement, or participation in the plan by one or more employees of an employer that is signatory to such agreement, regardless of whether the plan was created, established, or maintained for such employees by virtue of another document that is not a collective bargaining agreement.”.

(b)(1) Clause (vi) of section 3(37)(G) of the Employee Retirement Income Security Act of 1974 (as amended by section 1106(a) of the Pension Protection Act of 2006) is amended by striking “if it is a plan—” and all that follows and inserting the following: “if it is a plan sponsored by an organization which is described in section 501(c)(5) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which was established in Chicago, Illinois, on August 12, 1881.”.

(2) Subparagraph (E) of section 414(f)(6) of the Internal Revenue Code of 1986 (as amended by section 1106(b) of the Pension Protection Act of 2006) is amended by striking “if it is a plan—” and all that follows and inserting the following: “if it is a plan sponsored by an organization which is described in section 501(c)(5) and exempt from tax under section 501(a) and which was established in Chicago, Illinois, on August 12, 1881.”.

(c) The amendments made by this section shall take effect as if included in section 1106 of the Pension Protection Act of 2006.

SEC. 5610. (a) Subclause (III) of section 420(f)(2)(E)(i) of the Internal Revenue Code of 1986 is amended by striking “subsection (c)(2)(E)(ii)(II)” and inserting “subsection (c)(3)(E)(ii)(II)”.

(b) Section 420(e)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “funding shortfall” and inserting “funding target”.

(c) The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 5611. (a) Subparagraph (A) of section 420(c)(3) of the Internal Revenue Code of 1986 is amended by striking “transfer.” and inserting “transfer or, in the case of a transfer which involves a plan maintained by an employer described in subsection (f)(2)(E)(i)(III), if the plan meets the requirements of subsection (f)(2)(D)(i)(II).”.

(b) The amendment made by subsection (a) shall apply to transfers after the date of the enactment of this Act.

SEC. 5612. (a) Section 402(i)(1) of the Pension Protection Act of 2006 is amended by striking “December 28, 2007” and inserting “January 1, 2008”.

(b) The amendment made by subsection (a) shall take effect as if included in section 402 of the Pension Protection Act of 2006.

CHAPTER 7

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Gloria W. Norwood, widow of Charles W. Norwood, Jr., late a Representative from the State of Georgia, $165,200.

For payment to James McDonald, Jr., widower of Juanita Millender-McDonald, late a Representative from the State of California, $165,200.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

TECHNICAL AMENDMENT

SEC. 5801. (a) Notwithstanding any other provision of law, subsection (c) under the heading “Assistance for the Independent States of the Former Soviet Union” in Public Law 109–102, shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007 (Public Law 109–289, division B) as amended by Public Laws 109–369, 109–383, and 110–5.

(b) Section 534(k) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) is amended, in the second proviso, by inserting after “subsection (b) of that section” the following: “and the requirement that a majority of the members of the board of directors be United States citizens provided in subsection (d)(3)(B) of that section”.

(c) Subject to section 101(c)(2) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), the amount of funds appropriated for “Foreign Military Financing Program” pursuant to such Resolution shall be construed to be the total of the amount appropriated for such program by section 20401 of that Resolution and the amount made available for such program by section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) which is made applicable to the fiscal year 2007 by the provisions of such Resolution.

SEC. 5802. Notwithstanding any provision of title I of division B of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 109–369, 109–383, and 110–5), the dollar amount limitation of the first proviso under the heading, “Administration of Foreign Affairs, Diplomatic and Consular Programs”, in title IV of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2319) shall not apply to funds appropriated under such heading for fiscal year 2007.

CHAPTER 9

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $6,150,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund and to be subject to the same terms and conditions pertaining to funds provided under this heading in Public Law 109–115: *Provided*, That not to exceed the total amount provided for these activities for fiscal year 2007 shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5901. Hereafter, funds limited or appropriated for the Department of Transportation may be obligated or expended to grant authority to a Mexican motor carrier to operate beyond United States municipalities and commercial zones on the United States-Mexico border only to the extent that—

(1) granting such authority is first tested as part of a pilot program;

(2) such pilot program complies with the requirements of section 350 of Public Law 107–87 and the requirements of section 31315(c) of title 49, United States Code, related to pilot programs; and

(3) simultaneous and comparable authority to operate within Mexico is made available to motor carriers domiciled in the United States.

SEC. 5902. Funds provided for the “National Transportation Safety Board, Salaries and Expenses” in section 21031 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) include amounts necessary to make lease payments due in fiscal year 2007 only, on an obligation incurred in 2001 under a capital lease.

SEC. 5903. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the second proviso: “: *Provided further*, That paragraph (2) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $149,300,000, but additional section 8 tenant protection rental assistance costs may be funded in 2007 by using unobligated balances, notwithstanding the purposes for which such amounts were appropriated, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ‘Annual Contributions for Assisted Housing’, the heading ‘Housing Certificate Fund’, and the heading ‘Project-Based Rental Assistance’ for fiscal year 2006 and prior fiscal years: *Provided further*, That paragraph (3) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $47,500,000: *Provided further*, That paragraph (4) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $5,900,000: *Provided further*, That paragraph (5) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $1,281,100,000, of which $1,251,100,000 shall be allocated for the calendar year 2007 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2006, and of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $20,000,000 to be for fees associated with section 8 tenant protection rental assistance”.

SEC. 5904. Section 232(b) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106–377) is amended to read as follows:

“(b) APPLICABILITY.—In the case of any dwelling unit that, upon the date of the enactment of this Act, is assisted under a housing assistance payment contract under section 8(o)(13) as in effect before such enactment, or under section 8(d)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(2)) as in effect before the enactment of the Quality Housing and Work Responsibility Act of 1998 (title V of Public Law 105–276), assistance may be renewed or extended under such section 8(o)(13), as amended by subsection (a), provided that the initial contract term and rent of such renewed or extended assistance shall be determined pursuant to subparagraphs (F) and (H), and subparagraphs (C) and (D) of such section shall not apply to such extensions or renewals.”.

CHAPTER 10

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 5951. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DESIGNATION FOR TITLES I AND II

SEC. 5952. Amounts in titles I and II are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and as making appropriations for contingency operations directly related to the global war on terrorism and other unanticipated defense-related operations pursuant to section 402 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

EMERGENCY DESIGNATION FOR OTHER TITLES

SEC. 5953. Amounts in titles III, IV, and VI are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

TITLE VI—ELIMINATION OF SCHIP SHORTFALL AND OTHER HEALTH MATTERS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES STATE CHILDREN'S HEALTH INSURANCE FUND

For an additional amount to provide additional allotments to remaining shortfall States under section 2104(h)(4) of the Social Security Act, as inserted by section 6001, such sums as may be necessary, but not to exceed $650,000,000 for fiscal year 2007, to remain available until expended.

GENERAL PROVISIONS—THIS TITLE

SEC. 6001. (a) ELIMINATION OF REMAINDER OF SCHIP FUNDING SHORTFALLS, TIERED MATCH, AND OTHER LIMITATION ON EXPENDITURES.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)), as added by section 201(a) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482), is amended—

(1) in the heading for paragraph (2), by striking "REMAINDER OF REDUCTION" and inserting "PART"; and

(2) by striking paragraph (4) and inserting the following:

"(4) ADDITIONAL AMOUNTS TO ELIMINATE REMAINDER OF FISCAL YEAR 2007 FUNDING SHORTFALLS.—

"(A) IN GENERAL.—From the amounts provided in advance in appropriations Acts, the Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State for fiscal year 2007.

"(B) REMAINING SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a remaining shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this paragraph, that the projected Federal expenditures under such plan for the State for fiscal year 2007 will exceed the sum of—

"(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006;

"(ii) the amount of the State's allotment for fiscal year 2007; and

"(iii) the amounts, if any, that are to be redistributed to the State during fiscal year 2007 in accordance with paragraphs (1) and (2).".

(b) CONFORMING AMENDMENTS.—Section 2104(h) of such Act (42 U.S.C. 1397dd(h)) (as so added), is amended—

(1) in paragraph (1)(B), by striking "subject to paragraph (4)(B) and";

(2) in paragraph (2)(B), by striking "subject to paragraph (4)(B) and";

(3) in paragraph (5)(A), by striking "and (3)" and inserting "(3), and (4)"; and

(4) in paragraph (6)—

(A) in the first sentence—

(i) by inserting "or allotted" after "redistributed"; and

(ii) by inserting "or allotments" after "redistributions"; and

(B) by striking "and (3)" and inserting "(3), and (4)".

SEC. 6002. (a) PROHIBITION.—

(1) LIMITATION ON SECRETARIAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to the date that is 1 year after the date of enactment of this Act, take any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to—

(A) finalize or otherwise implement provisions contained in the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations);

(B) promulgate or implement any rule or provisions similar to the provisions described in subparagraph (A) pertaining to the Medicaid program established under title XIX of the Social Security Act or the State Children's Health Insurance Program established under title XXI of such Act; or

(C) promulgate or implement any rule or provisions restricting payments for graduate medical education under the Medicaid program.

(2) CONTINUATION OF OTHER SECRETARIAL AUTHORITY.—The Secretary of Health and Human Service shall not be prohibited during the period described in paragraph (1) from taking any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to enforce a provision of law in effect as of the date of enactment of this Act with respect to the Medicaid program or the State Children's Health Insurance Program, or to promulgate or implement a new rule or provision during such period with respect to such programs, other than a rule or provision described in paragraph (1) and subject to the prohibition set forth in that paragraph.

(b) REQUIREMENT FOR USE OF TAMPER-RESISTANT PRESCRIPTION PADS UNDER THE MEDICAID PROGRAM.—

(1) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking "or" at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting "; or"; and

(C) by inserting after paragraph (22) the following new paragraph:

"(23) with respect to amounts expended for medical assistance for covered outpatient drugs (as defined in section 1927(k)(2)) for which the prescription was executed in written (and non-electronic) form unless the prescription was executed on a tamper-resistant pad.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to prescriptions executed after September 30, 2007.

(c) EXTENSION OF CERTAIN PHARMACY PLUS WAIVERS.—

(1) AUTHORITY TO CONTINUE TO OPERATE WAIVERS.—Notwithstanding any other provision of law, any State that is operating a Pharmacy Plus waiver described in paragraph (2) which would otherwise expire on June 30, 2007, may elect to continue to operate the waiver through December 31, 2009.

(2) PHARMACY PLUS WAIVER DESCRIBED.—For purposes of paragraph (1), a Pharmacy Plus waiver described in this paragraph is a waiver approved by the Secretary of Health and Human Services under the authority of section 1115 of the Social Security Act (42 U.S.C. 1315) that provides coverage for prescription drugs for individuals who have attained age 65 and whose family income does not exceed 200 percent of the poverty line (as defined in section 2110(c)(5) of such Act (42 U.S.C. 1397jj(c)(5)).

TITLE VII—FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 7101. SHORT TITLE.

This subtitle may be cited as the "Fair Minimum Wage Act of 2007".

SEC. 7102. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 7103. APPLICABILITY OF MINIMUM WAGE TO AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—Notwithstanding subsection (a)—

(1) the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this paragraph is equal to the minimum wage set forth in such section; and

(2) the minimum wage applicable to American Samoa under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) the applicable wage rate in effect for each industry and classification under section 697 of title 29, Code of Federal Regulations, on the date of enactment of this Act;

(B) increased by $0.50 an hour, beginning on the 60th day after the date of enactment of this Act; and

(C) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to American Samoa under this paragraph is equal to the minimum wage set forth in such section.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended—

(A) by striking sections 5 and 8; and

(B) in section 6(a), by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 60 days after the date of enactment of this Act.

SEC. 7104. STUDY ON PROJECTED IMPACT.

(a) STUDY.—Beginning on the date that is 26 months after the date of enactment of this Act, the Secretary of Labor shall, through the Bureau of Labor Statistics, conduct a study to—

(1) assess the assess the impact of the wage increases required by this Act through such date; and

(2) to project the impact of any further wage increase,

on living standards and rates of employment in American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) REPORT.—Not later than the date that is 32 months after the date of enactment of this Act, the Secretary of Labor shall transmit to Congress a report on the findings of the study required by subsection (a).

Subtitle B—Small Business Tax Incentives

SEC. 7201. SHORT TITLE; AMENDMENT OF CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the "Small Business and Work Opportunity Tax Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:

Sec. 7201. Short title; amendment of Code; table of contents.

PART 1—SMALL BUSINESS TAX RELIEF PROVISIONS

SUBPART A—GENERAL PROVISIONS

Sec. 7211. Extension and modification of work opportunity tax credit.
Sec. 7212. Extension and increase of expensing for small business.
Sec. 7213. Determination of credit for certain taxes paid with respect to employee cash tips.
Sec. 7214. Waiver of individual and corporate alternative minimum tax limits on work opportunity credit and credit for taxes paid with respect to employee cash tips.
Sec. 7215. Family business tax simplification.

SUBPART B—GULF OPPORTUNITY ZONE TAX INCENTIVES

Sec. 7221. Extension of increased expensing for qualified section 179 Gulf Opportunity Zone property.
Sec. 7222. Extension and expansion of low-income housing credit rules for buildings in the GO Zones.
Sec. 7223. Special tax-exempt bond financing rule for repairs and reconstructions of residences in the GO Zones.
Sec. 7224. GAO study of practices employed by State and local governments in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005.

SUBPART C—SUBCHAPTER S PROVISIONS

Sec. 7231. Capital gain of S corporation not treated as passive investment income.
Sec. 7232. Treatment of bank director shares.
Sec. 7233. Special rule for bank required to change from the reserve method of accounting on becoming S corporation.
Sec. 7234. Treatment of the sale of interest in a qualified subchapter S subsidiary.
Sec. 7235. Elimination of all earnings and profits attributable to pre-1983 years for certain corporations.
Sec. 7236. Deductibility of interest expense on indebtedness incurred by an electing small business trust to acquire S corporation stock.

PART 2—REVENUE PROVISIONS

Sec. 7241. Increase in age of children whose unearned income is taxed as if parent's income.
Sec. 7242. Suspension of certain penalties and interest.
Sec. 7243. Modification of collection due process procedures for employment tax liabilities.
Sec. 7244. Permanent extension of IRS user fees.
Sec. 7245. Increase in penalty for bad checks and money orders.
Sec. 7246. Understatement of taxpayer liability by return preparers.
Sec. 7247. Penalty for filing erroneous refund claims.
Sec. 7248. Time for payment of corporate estimated taxes.

PART 1—SMALL BUSINESS TAX RELIEF PROVISIONS

Subpart A—General Provisions

SEC. 7211. EXTENSION AND MODIFICATION OF WORK OPPORTUNITY TAX CREDIT.

(a) EXTENSION.—Section 51(c)(4)(B) (relating to termination) is amended by striking "December 31, 2007" and inserting "August 31, 2011".

(b) INCREASE IN MAXIMUM AGE FOR DESIGNATED COMMUNITY RESIDENTS.—

(1) IN GENERAL.—Paragraph (5) of section 51(d) is amended to read as follows:

"(5) DESIGNATED COMMUNITY RESIDENTS.—

"(A) IN GENERAL.—The term 'designated community resident' means any individual who is certified by the designated local agency—

"(i) as having attained age 18 but not age 40 on the hiring date, and

"(ii) as having his principal place of abode within an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(B) INDIVIDUAL MUST CONTINUE TO RESIDE IN ZONE, COMMUNITY, OR COUNTY.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(C) RURAL RENEWAL COUNTY.—For purposes of this paragraph, the term 'rural renewal county' means any county which—

"(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

"(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.".

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

"(D) a designated community resident,".

(c) CLARIFICATION OF TREATMENT OF INDIVIDUALS UNDER INDIVIDUAL WORK PLANS.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.".

(d) TREATMENT OF DISABLED VETERANS UNDER THE WORK OPPORTUNITY TAX CREDIT.—

(1) DISABLED VETERANS TREATED AS MEMBERS OF TARGETED GROUP.—

(A) IN GENERAL.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking "agency as being a member of a family" and all that follows and inserting "agency as—

"(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

"(ii) entitled to compensation for a service-connected disability, and—

"(I) having a hiring date which is not more that 1 year after having been discharged or released from active duty in the Armed Forces of the United States, or

"(II) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.".

(B) DEFINITIONS.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

"(C) OTHER DEFINITIONS.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.".

(2) INCREASE IN AMOUNT OF WAGES TAKEN INTO ACCOUNT FOR DISABLED VETERANS.—Paragraph (3) of section 51(b) is amended—

(A) by inserting "($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))" before the period at the end, and

(B) by striking "ONLY FIRST $6,000 OF" in the heading and inserting "LIMITATION ON".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 7212. EXTENSION AND INCREASE OF EXPENSING FOR SMALL BUSINESS.

(a) EXTENSION.—Subsections (b)(1), (b)(2), (b)(5), (c)(2), and (d)(1)(A)(ii) of section 179 (relating to election to expense certain depreciable business assets) are each amended by striking "2010" and inserting "2011".

(b) INCREASE IN LIMITATIONS.—Subsection (b) of section 179 is amended—

(1) by striking "$100,000 in the case of taxable years beginning after 2002" in paragraph (1) and inserting "$125,000 in the case of taxable years beginning after 2006", and

(2) by striking "$400,000 in the case of taxable years beginning after 2002" in paragraph (2) and inserting "$500,000 in the case of taxable years beginning after 2006".

(c) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(5) is amended—

(1) by striking "2003" and inserting "2007",

(2) by striking "$100,000 and $400,000" and inserting "$125,000 and $500,000", and

(3) by striking "2002" in clause (ii) and inserting "2006".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7213. DETERMINATION OF CREDIT FOR CERTAIN TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) IN GENERAL.—Subparagraph (B) of section 45B(b)(1) is amended by inserting "as in effect on January 1, 2007, and" before "determined without regard to".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to tips received for services performed after December 31, 2006.

SEC. 7214. WAIVER OF INDIVIDUAL AND CORPORATE ALTERNATIVE MINIMUM TAX LIMITS ON WORK OPPORTUNITY CREDIT AND CREDIT FOR TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking "and" at the end of clause (i), by inserting a comma at the end of clause (ii), and by adding at the end the following new clauses:

"(iii) the credit determined under section 45B, and

"(iv) the credit determined under section 51.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined under sections 45B and 51 of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2006, and to carrybacks of such credits.

SEC. 7215. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) IN GENERAL.—Section 761 (defining terms for purposes of partnerships) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) QUALIFIED JOINT VENTURE.—

"(1) IN GENERAL.—In the case of a qualified joint venture conducted by a husband and wife who file a joint return for the taxable year, for purposes of this title—

"(A) such joint venture shall not be treated as a partnership,

"(B) all items of income, gain, loss, deduction, and credit shall be divided between the spouses in accordance with their respective interests in the venture, and

"(C) each spouse shall take into account such spouse's respective share of such items as if they were attributable to a trade or business conducted by such spouse as a sole proprietor.

"(2) QUALIFIED JOINT VENTURE.—For purposes of paragraph (1), the term 'qualified joint venture' means any joint venture involving the conduct of a trade or business if—

"(A) the only members of such joint venture are a husband and wife,

"(B) both spouses materially participate (within the meaning of section 469(h) without regard to paragraph (5) thereof) in such trade or business, and

"(C) both spouses elect the application of this subsection.".

(b) NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) Subsection (a) of section 1402 (defining net earnings from self-employment) is amended by striking ", and" at the end of paragraph (15) and inserting a semicolon, by striking the period at the end of paragraph (16) and inserting "; and", and by inserting after paragraph (16) the following new paragraph:

"(17) notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) in determining net earnings from self-employment of such spouse.".

(2) Subsection (a) of section 211 of the Social Security Act (defining net earnings from self-employment) is amended by striking "and" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; and", and by inserting after paragraph (15) the following new paragraph:

"(16) Notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) of the Internal Revenue Code of 1986 in determining net earnings from self-employment of such spouse.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Subpart B—Gulf Opportunity Zone Tax Incentives

SEC. 7221. EXTENSION OF INCREASED EXPENSING FOR QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.

Paragraph (2) of section 1400N(e) (relating to qualified section 179 Gulf Opportunity Zone property) is amended—

(1) by striking "this subsection, the term" and inserting

"this subsection—

"(A) IN GENERAL.—The term", and

(2) by adding at the end the following new subparagraph:

"(B) EXTENSION FOR CERTAIN PROPERTY.—In the case of property substantially all of the use of which is in one or more specified portions of the GO Zone (as defined by subsection (d)(6)), such term shall include section 179 property (as so defined) which is described in subsection (d)(2), determined—

"(i) without regard to subsection (d)(6), and

"(ii) by substituting '2008' for '2007' in subparagraph (A)(v) thereof.".

SEC. 7222. EXTENSION AND EXPANSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN THE GO ZONES.

(a) TIME FOR MAKING LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Subsection (c) of section 1400N (relating to low-income housing credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) TIME FOR MAKING LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Section 42(h)(1)(B) shall not apply to an allocation of housing credit dollar amount to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone, if such allocation is made in 2006, 2007, or 2008, and such building is placed in service before January 1, 2011.".

(b) EXTENSION OF PERIOD FOR TREATING GO ZONES AS DIFFICULT DEVELOPMENT AREAS.—

(1) IN GENERAL.—Subparagraph (A) of section 1400N(c)(3) is amended by striking "2006, 2007, or 2008" and inserting "the period beginning on January 1, 2006, and ending on December 31, 2010".

(2) CONFORMING AMENDMENT.—Clause (ii) of section 1400N(c)(3)(B) is amended by striking "such period" and inserting "the period described in subparagraph (A)".

(c) COMMUNITY DEVELOPMENT BLOCK GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING IF BUILDINGS ARE FEDERALLY SUBSIDIZED.—Subsection (c) of section 1400N (relating to low-income housing credit), as amended by this Act, is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6) COMMUNITY DEVELOPMENT BLOCK GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING IF BUILDINGS ARE FEDERALLY SUBSIDIZED.—For purpose of applying section 42(i)(2)(D) to any building which is placed in service in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone during the period beginning on January 1, 2006, and ending on December 31, 2010, a loan shall not be treated as a below market Federal loan solely by reason of any assistance provided under section 106, 107, or 108 of the Housing and Community Development Act of 1974 by reason of section 122 of such Act or any provision of the Department of Defense Appropriations Act, 2006, or the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.".

SEC. 7223. SPECIAL TAX-EXEMPT BOND FINANCING RULE FOR REPAIRS AND RECONSTRUCTIONS OF RESIDENCES IN THE GO ZONES.

Subsection (a) of section 1400N (relating to tax-exempt bond financing) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR REPAIRS AND RECONSTRUCTIONS.—

"(A) IN GENERAL.—For purposes of section 143 and this subsection, any qualified GO Zone repair or reconstruction shall be treated as a qualified rehabilitation.

"(B) QUALIFIED GO ZONE REPAIR OR RECONSTRUCTION.—For purposes of subparagraph (A), the term 'qualified GO Zone repair or reconstruction' means any repair of damage caused by Hurricane Katrina, Hurricane Rita, or Hurricane Wilma to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone (or reconstruction of such building in the case of damage constituting destruction) if the expenditures for such repair or reconstruction are 25 percent or more of the mortgagor's adjusted basis in the residence. For purposes of the preceding sentence, the mortgagor's adjusted basis shall be determined as of the completion of the repair or reconstruction or, if later, the date on which the mortgagor acquires the residence.

"(C) TERMINATION.—This paragraph shall apply only to owner-financing provided after the date of the enactment of this paragraph and before January 1, 2011.".

SEC. 7224. GAO STUDY OF PRACTICES EMPLOYED BY STATE AND LOCAL GOVERNMENTS IN ALLOCATING AND UTILIZING TAX INCENTIVES PROVIDED PURSUANT TO THE GULF OPPORTUNITY ZONE ACT OF 2005.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the practices employed by State and local governments, and subdivisions thereof, in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005 and this Act.

(b) SUBMISSION OF REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit a report on the findings of the study conducted under subsection (a) and shall include therein recommendations (if any) relating to such findings. The report shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(c) CONGRESSIONAL HEARINGS.—In the case that the report submitted under this section includes findings of significant fraud, waste or abuse, each Committee specified in subsection (b) shall, within 60 days after the date the report is submitted under subsection (b), hold a public hearing to review such findings.

Subpart C—Subchapter S Provisions

SEC. 7231. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) In General.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraphs:

"(B) Gross receipts from the sales of certain assets.—For purposes of this paragraph—

"(i) in the case of dispositions of capital assets (other than stock and securities), gross receipts from such dispositions shall be taken into account only to the extent of the capital gain net income therefrom, and

"(ii) in the case of sales or exchanges of stock or securities, gross receipts shall be taken into account only to the extent of the gains therefrom.

"(C) Passive investment income defined.—

"(i) In general.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(ii) Exception for interest on notes from sales of inventory.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

"(iii) Treatment of certain lending or finance companies.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(iv) Treatment of certain dividends.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(v) Exception for banks, etc.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

"(I) interest income earned by such bank or company, or

"(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7232. TREATMENT OF BANK DIRECTOR SHARES.

(a) In General.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(f) Restricted Bank Director Stock.—

"(1) In general.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

"(2) Restricted bank director stock.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

"(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

"(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

"(3) Cross reference.—

"For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f).".

(b) Distributions.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

"(f) Restricted Bank Director Stock.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

"(1) shall be includible in gross income of the director, and

"(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.".

(c) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) Special rule for treatment as second class of stock.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 7233. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) In General.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

"(g) Special Rule for Bank Required To Change From the Reserve Method of Accounting on Becoming S Corporation.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7234. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) In General.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking "For purposes of this title," and inserting the following:

"(i) In general.—For purposes of this title,", and

(2) by inserting at the end the following new clause:

"(ii) Termination by reason of sale of stock.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

"(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

"(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006 .

SEC. 7235. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 7236. DEDUCTIBILITY OF INTEREST EXPENSE ON INDEBTEDNESS INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK.

(a) In General.—Subparagraph (C) of section 641(c)(2) (relating to modifications) is amended by inserting after clause (iii) the following new clause:

"(iv) Any interest expense paid or accrued on indebtedness incurred to acquire stock in an S corporation.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

PART 2—REVENUE PROVISIONS

SEC. 7241. INCREASE IN AGE OF CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) In General.—Subparagraph (A) of section 1(g)(2) (relating to child to whom subsection applies) is amended to read as follows:

"(A) such child—

"(i) has not attained age 18 before the close of the taxable year, or

"(ii)(I) has attained age 18 before the close of the taxable year and meets the age requirements of section 152(c)(3) (determined without regard to subparagraph (B) thereof), and

"(II) whose earned income (as defined in section 911(d)(2)) for such taxable year does not exceed one-half of the amount of the individual's support (within the meaning of section 152(c)(1)(D) after the application of section 152(f)(5) (without regard to subparagraph (A) thereof)) for such taxable year,".

(b) Conforming Amendment.—Subsection (g) of section 1 is amended by striking "Minor" in the heading thereof.

(c) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7242. SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) In General.—Paragraphs (1)(A) and (3)(A) of section 6404(g) are each amended by striking "18-month period" and inserting "36-month period".

(b) Effective Date.—The amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate, after the date which is 6 months after the date of the enactment of this Act.

SEC. 7243. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) In General.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking "; or" at the end of paragraph (1) and inserting a comma,

(2) by adding "or" at the end of paragraph (2), and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary has served a disqualified employment tax levy,".

(b) Disqualified Employment Tax Levy.—Section 6330 of such Code (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(h) Disqualified Employment Tax Levy.—For purposes of subsection (f), a disqualified employment tax levy is any levy in connection with the collection of employment taxes for any taxable period if the person subject to the levy (or any predecessor thereof) requested a hearing under this section with respect to unpaid employment taxes arising in the most recent 2-year period before the beginning of the taxable period with respect to which the levy is served. For purposes of the preceding sentence, the term 'employment taxes' means any taxes under chapter 21, 22, 23, or 24.".

(c) Effective Date.—The amendments made by this section shall apply to levies served on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 7244. PERMANENT EXTENSION OF IRS USER FEES.

Section 7528 (relating to Internal Revenue Service user fees) is amended by striking subsection (c).

SEC. 7245. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) In General.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) Effective Date.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 7246. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.

(a) Application of Return Preparer Penalties to All Tax Returns.—

(1) Definition of tax return preparer.—Paragraph (36) of section 7701(a) (relating to income tax preparer) is amended—

(A) by striking "income" each place it appears in the heading and the text, and

(B) in subparagraph (A), by striking "subtitle A" each place it appears and inserting "this title".

(2) Conforming amendments.—

(A)(i) Section 6060 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(ii) Section 6060(a) is amended—

(I) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(II) by striking "each income tax return preparer" and inserting "each tax return preparer", and

(III) by striking "another income tax return preparer" and inserting "another tax return preparer".

(iii) The item relating to section 6060 in the table of sections for subpart F of part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(iv) Subpart F of part III of subchapter A of chapter 61 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(v) The item relating to subpart F in the table of subparts for part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(B) Section 6103(k)(5) is amended—

(i) by striking "income tax return preparer" each place it appears and inserting "tax return preparer", and

(ii) by striking "income tax return preparers" each place it appears and inserting "tax return preparers".

(C)(i) Section 6107 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**".

(II) by striking "an income tax return preparer" each place it appears in subsections (a) and (b) and inserting "a tax return preparer",

(III) by striking "Income Tax Return Preparer" in the heading for subsection (b) and inserting "Tax Return Preparer", and

(IV) in subsection (c), by striking "income tax return preparers" and inserting "tax return preparers".

(ii) The item relating to section 6107 in the table of sections for subchapter B of chapter 61 is amended by striking "Income tax return preparer" and inserting "Tax return preparer".

(D) Section 6109(a)(4) is amended—

(i) by striking "an income tax return preparer" and inserting "a tax return preparer", and

(ii) by striking "INCOME RETURN PREPARER" in the heading and inserting "TAX RETURN PREPARER".

(E) Section 6503(k)(4) is amended by striking "Income tax return preparers" and inserting "Tax return preparers".

(F)(i) Section 6694 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) in subsection (c)(2), by striking "the income tax return preparer" and inserting "the tax return preparer",

(IV) in subsection (e), by striking "subtitle A" and inserting "this title", and

(V) in subsection (f), by striking "income tax return preparer" and inserting "tax return preparer".

(ii) The item relating to section 6694 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income tax return preparer" and inserting "tax return preparer".

(G)(i) Section 6695 is amended—

(I) by striking "**INCOME**" in the heading, and

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer".

(ii) Section 6695(f) is amended—

(I) by striking "subtitle A" and inserting "this title", and

(II) by striking "the income tax return preparer" and inserting "the tax return preparer".

(iii) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income".

(H) Section 6696(e) is amended by striking "subtitle A" each place it appears and inserting "this title".

(I)(i) Section 7407 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) by striking "income tax preparer" both places it appears in subsection (a) and inserting "tax return preparer", and

(IV) by striking "income tax return" in subsection (a) and inserting "tax return".

(ii) The item relating to section 7407 in the table of sections for subchapter A of chapter 76 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(J)(i) Section 7427 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**", and

(II) by striking "an income tax return preparer" and inserting "a tax return preparer".

(ii) The item relating to section 7427 in the table of sections for subchapter B of chapter 76 is amended to read as follows:

"Sec. 7427. Tax return preparers.".

(b) Modification of Penalty for Understatement of Taxpayer's Liability by Tax Return Preparer.—Subsections (a) and (b) of section 6694 are amended to read as follows:

"(a) Understatement Due to Unreasonable Positions.—

"(1) In general.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $1,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) Unreasonable position.—A position is described in this paragraph if—

"(A) the tax return preparer knew (or reasonably should have known) of the position,

"(B) there was not a reasonable belief that the position would more likely than not be sustained on its merits, and

"(C)(i) the position was not disclosed as provided in section 6662(d)(2)(B)(ii), or

"(ii) there was no reasonable basis for the position.

"(3) Reasonable cause exception.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

"(b) Understatement Due to Willful or Reckless Conduct.—

"(1) In general.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $5,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) WILLFUL OR RECKLESS CONDUCT.—Conduct described in this paragraph is conduct by the tax return preparer which is—

"(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

"(B) a reckless or intentional disregard of rules or regulations.

"(3) REDUCTION IN PENALTY.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 7247. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

"SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

"(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

"(b) EXCESSIVE AMOUNT.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

"(c) COORDINATION WITH OTHER PENALTIES.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit which is subject to a penalty imposed under part II of subchapter A of chapter 68.".

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

"Sec. 6676. Erroneous claim for refund or credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim filed or submitted after the date of the enactment of this Act.

SEC. 7248. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "106.25 percent" and inserting "114.25 percent".

The SPEAKER pro tempore. Pursuant to House Resolution 387, the amendment printed in part A of House Report 110–143 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—FUNDING FOR MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN
TITLE II—OTHER INTERNATIONAL AND SECURITY-RELATED FUNDING
TITLE III—ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY
TITLE IV—OTHER EMERGENCY APPROPRIATIONS
TITLE V—OTHER MATTERS
TITLE VI—ELIMINATION OF SCHIP SHORTFALL AND OTHER HEALTH MATTERS
TITLE VII—FAIR MINIMUM WAGE AND TAX RELIEF

SEC. 3. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007.

TITLE I—FUNDING FOR MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN

CHAPTER 1—IMMEDIATE FUNDING NEEDS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $4,528,215,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $754,347,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $802,391,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $689,944,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $73,622,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $44,623,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $5,660,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $7,573,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $314,091,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $19,533,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $15,400,000,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $2,338,335,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $573,297,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $3,325,441,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $1,357,244,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $37,025,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $55,533,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $6,796,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $5,080,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $41,785,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $19,215,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for "Afghanistan Security Forces Fund", $2,953,200,000.

IRAQ SECURITY FORCES FUND

For an additional amount for "Iraq Security Forces Fund", $1,921,150,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $1,216,400,000, to remain available until September 30, 2008.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,217,000,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $130,040,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $1,263,360,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $139,040,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $258,860,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Defense Health Program", $3,251,853,000; of which $2,802,153,000 shall be for operation and maintenance, including $600,000,000 which shall be available for the treatment of traumatic brain injury and post-traumatic stress disorder and remain available until September 30, 2008; of which $118,000,000 shall be for procurement, to remain available until September 30, 2009; and of which $331,700,000 shall be for research, development, test and evaluation, to remain available until September 30, 2008: *Provided*, That the funds provided under this heading shall be allocated in accordance with the direction given in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107): *Provided further*, That if the Secretary of Defense determines that funds made available in this paragraph for the treatment of traumatic brain injury and post-traumatic stress disorder are in excess of the requirements of the Department of Defense, the Secretary may transfer amounts in excess of that requirement to the Department of Veterans Affairs to be available only for the same purpose.

CHAPTER 2—ADDITIONAL FUNDING

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

Military Personnel, Army

For an additional amount for "Military Personnel, Army", $4,325,135,000.

Military Personnel, Navy

For an additional amount for "Military Personnel, Navy", $346,063,000.

Military Personnel, Marine Corps

For an additional amount for "Military Personnel, Marine Corps", $693,436,000.

Military Personnel, Air Force

For an additional amount for "Military Personnel, Air Force", $528,643,000.

Reserve Personnel, Army

For an additional amount for "Reserve Personnel, Army", $98,163,000.

Reserve Personnel, Navy

For an additional amount for "Reserve Personnel, Navy", $41,400,000.

Reserve Personnel, Air Force

For an additional amount for "Reserve Personnel, Air Force", $4,000,000.

National Guard Personnel, Army

For an additional amount for "National Guard Personnel, Army", $231,195,000.

National Guard Personnel, Air Force

For an additional amount for "National Guard Personnel, Air Force", $24,500,000.

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for "Operation and Maintenance, Army", $4,973,379,000.

Operation and Maintenance, Navy

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $2,313,794,000, of which up to $120,293,000 shall be transferred to Coast Guard, "Operating Expenses", for reimbursement for activities which support activities requested by the Navy.

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $573,297,000.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $3,325,441,000.

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide", $1,357,244,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

Operation and Maintenance, Army Reserve

For an additional amount for "Operation and Maintenance, Army Reserve", $37,025,000.

Operation and Maintenance, Navy Reserve

For an additional amount for "Operation and Maintenance, Navy Reserve", $55,533,000.

Operation and Maintenance, Marine Corps Reserve

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $6,796,000.

Operation and Maintenance, Air Force Reserve

For an additional amount for "Operation and Maintenance, Air Force Reserve", $5,080,000.

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $41,785,000.

Operation and Maintenance, Air National Guard

For an additional amount for "Operation and Maintenance, Air National Guard", $19,215,000.

Afghanistan Security Forces Fund

For an additional amount for "Afghanistan Security Forces Fund", $2,953,200,000, to remain available until September 30, 2008.

Iraq Security Forces Fund

For an additional amount for "Iraq Security Forces Fund", $1,921,150,000, to remain available until September 30, 2008.

Iraq Freedom Fund

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $355,600,000, to remain available for transfer until September 30, 2008: *Provided*, That up to $50,000,000 may be obligated and expended for purposes of the Task Force to Improve Business and Stability Operations in Iraq.

Joint Improvised Explosive Device Defeat Fund

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $1,216,400,000, to remain available until September 30, 2009.

Strategic Reserve Readiness Fund

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided in this or any other Act, for training, operations, repair of equipment, purchases of equipment, and other expenses related to improving the readiness of non-deployed United States military forces, $2,000,000,000, to remain available until September 30, 2009; of which $1,000,000,000 shall be transferred to "National Guard and Reserve Equipment" for the purchase of equipment for the Army National Guard; and of which $1,000,000,000 shall be transferred by the Secretary of Defense only to appropriations for military personnel, operation and maintenance, procurement, and defense working capital funds to accomplish the purposes provided herein: *Provided*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary of Defense shall, not fewer than thirty days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfers made pursuant to this authority: *Provided further*, That funds shall be transferred to the appropriation accounts not later than 120 days after the enactment of this Act: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

PROCUREMENT

Aircraft Procurement, Army

For an additional amount for "Aircraft Procurement, Army", $619,750,000, to remain available until September 30, 2009.

Missile Procurement, Army

For an additional amount for "Missile Procurement, Army", $111,473,000, to remain available until September 30, 2009.

Procurement of Weapons and Tracked Combat Vehicles, Army

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $3,404,315,000, to remain available until September 30, 2009.

Procurement of Ammunition, Army

For an additional amount for "Procurement of Ammunition, Army", $681,500,000, to remain available until September 30, 2009.

Other Procurement, Army

For an additional amount for "Other Procurement, Army", $9,859,137,000, to remain available until September 30, 2009.

Aircraft Procurement, Navy

For an additional amount for "Aircraft Procurement, Navy", $1,090,287,000, to remain available until September 30, 2009.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $163,813,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $159,833,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $618,709,000, to remain available until September 30, 2009.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $989,389,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $2,106,468,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $94,900,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $6,000,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,957,160,000, to remain available until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $721,190,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $100,006,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $298,722,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $187,176,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $512,804,000, to remain available until September 30, 2008.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,315,526,000.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $5,000,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $254,665,000, to remain available until expended.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for "Intelligence Community Management Account", $71,726,000.

CHAPTER 3—GENERAL PROVISIONS, THIS TITLE

SEC. 1301. Appropriations provided in this title are available for obligation until September 30, 2007, unless otherwise provided in this title.

(TRANSFER OF FUNDS)

SEC. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,500,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1257), except for the fourth proviso: *Provided further*, That funds previously transferred to the "Joint Improvised Explosive Device Defeat Fund" and the "Iraq Security Forces Fund" under the authority of section 8005 of Public Law 109–289 and transferred back to their source appropriations accounts shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005.

SEC. 1303. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1304. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

(TRANSFER OF FUNDS)

SEC. 1305. During fiscal year 2007, the Secretary of Defense may transfer not to exceed $6,300,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this title under the heading, "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $60,000,000 may be used for support for counter-drug activities of the Governments of Afghanistan and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, and 109–364) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

SEC. 1307. (a) From funds made available for operation and maintenance in this title to the Department of Defense, not to exceed $456,400,000 may be used, notwithstanding any other provision of law, to fund the Commanders' Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 1308. Section 9010 of division A of Public Law 109–289 is amended by striking "2007" each place it appears and inserting "2008".

SEC. 1309. During fiscal year 2007, supervision and administration costs associated with projects carried out with funds appropriated to "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" in this title may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1310. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364) is amended by striking "$310,277,000" and inserting "$376,446,000".

SEC. 1311. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 1312. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984)—

(1) section 2340A of title 18, United States Code;

(2) section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and

part 95 of title 22, Code of Federal Regulations; and

(3) sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 1313. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2008. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund" on a project-by-project basis, for which the obligation of funds is anticipated during the three-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund".

SEC. 1314. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

SEC. 1315. Not more than 85 percent of the funds appropriated in chapter 2 for operation and maintenance shall be available for obligation unless and until the Secretary of Defense submits to the congressional defense committees a report detailing the use of Department of Defense funded service contracts conducted in the theater of operations in support of United States military and reconstruction activities in Iraq and Afghanistan: *Provided*, That the report shall provide detailed information specifying the number of contracts and contract costs used to provide services in fiscal year 2006, with sub-allocations by major service categories: *Provided further*, That the report also shall include estimates of the number of contracts to be executed in fiscal year 2007: *Provided further*, That the report shall include the number of contractor personnel in Iraq and Afghanistan funded by the Department of Defense: *Provided further*, That the report shall be submitted to the congressional defense committees not later than August 1, 2007.

SEC. 1316. Section 1477 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "A death gratuity" and inserting "Subject to subsection (d), a death gratuity";

(2) by redesignating subsection (d) as subsection (e) and, in such subsection, by striking "If an eligible survivor dies before he" and inserting "If a person entitled to all or a portion of a death gratuity under subsection (a) or (d) dies before the person"; and

(3) by inserting after subsection (c) the following new subsection (d):

"(d) During the period beginning on the date of the enactment of this subsection and ending on September 30, 2007, a person covered by section 1475 or 1476 of this title may designate another person to receive not more than 50 percent of the amount payable under section 1478 of this title. The designation shall indicate the percentage of the amount, to be specified only in 10 percent increments up to the maximum of 50 percent, that the designated person may receive. The balance of the amount of the death gratuity shall be paid to or for the living survivors of the person concerned in accordance with paragraphs (1) through (5) of subsection (a).".

SEC. 1317. Section 9007 of Public Law 109–289 is amended by striking "20" and inserting "287".

SEC. 1318. (a) INSPECTION OF MILITARY MEDICAL TREATMENT FACILITIES, MILITARY QUARTERS HOUSING MEDICAL HOLD PERSONNEL, AND MILITARY QUARTERS HOUSING MEDICAL HOLDOVER PERSONNEL.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall inspect each facility of the Department of Defense as follows:

(A) Each military medical treatment facility.

(B) Each military quarters housing medical hold personnel.

(C) Each military quarters housing medical holdover personnel.

(2) PURPOSE.—The purpose of an inspection under this subsection is to ensure that the facility or quarters concerned meets acceptable standards for the maintenance and operation of medical facilities, quarters housing medical hold personnel, or quarters housing medical holdover personnel, as applicable.

(b) ACCEPTABLE STANDARDS.—For purposes of this section, acceptable standards for the operation and maintenance of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel are each of the following:

(1) Generally accepted standards for the accreditation of medical facilities, or for facilities used to quarter individuals with medical conditions that may require medical supervision, as applicable, in the United States.

(2) Where appropriate, standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(c) ADDITIONAL INSPECTIONS ON IDENTIFIED DEFICIENCIES.—

(1) IN GENERAL.—In the event a deficiency is identified pursuant to subsection (a) at a facility or quarters described in paragraph (1) of that subsection—

(A) the commander of such facility or quarters, as applicable, shall submit to the Secretary a detailed plan to correct the deficiency; and

(B) the Secretary shall reinspect such facility or quarters, as applicable, not less often than once every 180 days until the deficiency is corrected.

(2) CONSTRUCTION WITH OTHER INSPECTIONS.—An inspection of a facility or quarters under this subsection is in addition to any inspection of such facility or quarters under subsection (a).

(d) REPORTS ON INSPECTIONS.—A complete copy of the report on each inspection conducted under subsections (a) and (c) shall be submitted in unclassified form to the applicable military medical command and to the congressional defense committees.

(e) REPORT ON STANDARDS.—In the event no standards for the maintenance and operation of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel exist as of the date of the enactment of this Act, or such standards as do exist do not meet acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be, the Secretary shall, not later than 30 days after that date, submit to the congressional defense committees a report setting forth the plan of the Secretary to ensure—

(1) the adoption by the Department of standards for the maintenance and operation of military medical facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel, as applicable, that meet—

(A) acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be; and

(B) where appropriate, standards under the Americans with Disabilities Act of 1990; and

(2) the comprehensive implementation of the standards adopted under paragraph (1) at the earliest date practicable.

SEC. 1319. From funds made available for the "Iraq Security Forces Fund" for fiscal year 2007, up to $155,500,000 may be used, notwithstanding any other provision of law, to provide assistance, with the concurrence of the Secretary of State, to the Government of Iraq to support the disarmament, demobilization, and reintegration of militias and illegal armed groups.

SEC. 1320. (a) INDEPENDENT ASSESSMENT OF CAPABILITIES OF IRAQI SECURITY FORCES.—Of the amount appropriated or otherwise made available for the Department of Defense, $750,000 is provided to commission an independent, private-sector entity, which operates as a 501(c)(3) with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(1) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12–18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(2) The training; equipping; command, control and intelligence capabilities; and logistics capacity of the ISF.

(3) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued support of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (1).

(b) Report.—Not later than 120 days after passage of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations, and Intelligence.

Sec. 1321. (a) Award of Medal of Honor to Woodrow W. Keeble for Valor During Korean War.—Notwithstanding any applicable time limitation under section 3744 of title 10, United States Code, or any other time limitation with respect to the award of certain medals to individuals who served in the Armed Forces, the President may award to Woodrow W. Keeble the Medal of Honor under section 3741 of that title for the acts of valor described in subsection (b).

(b) Acts of Valor.—The acts of valor referred to in subsection (a) are the acts of Woodrow W. Keeble, then-acting platoon leader, carried out on October 20, 1951, during the Korean War.

(TRANSFER OF FUNDS)

Sec. 1322. Of the amount appropriated under the heading "Other Procurement, Army", in title III of division A of Public Law 109–148, $6,250,000 shall be transferred to "Military Construction, Army".

Sec. 1323. The Secretary of the Navy shall, notwithstanding any other provision of law, transfer to the Secretary of the Air Force, at no cost, all lands, easements, Air Installation Compatible Use Zones, and facilities at NASJRB Willow Grove designated for operation as a Joint Interagency Installation for use by the Pennsylvania National Guard and other Department of Defense components, government agencies, and associated users to perform national defense, homeland security, and emergency preparedness missions.

(TRANSFER OF FUNDS)

Sec. 1324. Notwithstanding any other provision of law (except section 1331 of this Act), not to exceed $110,000,000 may be transferred to the "Economic Support Fund", Department of State, for use in programs in Pakistan from amounts appropriated in chapter 2 as follows:

"Military Personnel, Army", $70,000,000.

"National Guard Personnel, Army", $13,183,000.

"Defense Health Program", $26,817,000.

Sec. 1325. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment or the Office of Dependents Education of the Department of Defense, shall use not less than $10,000,000 of funds made available in this title under the heading "Operations and Maintenance, Defense-Wide" to make grants and supplement other Federal funds to provide special assistance to local education agencies in districts adversely affected by significant changes in the military population.

Sec. 1326. (a) Findings.—Congress finds the following:

(1) Congress has appropriated over $15 billion to train and equip the security forces of Iraq since April 2004.

(2) The Administration has reported in the March 2007 report entitled "Measuring Stability and Security in Iraq" that the number of Iraqi security forces nearing combat proficiency is 328,700.

(3) The Iraqi security forces continue to be trained to achieve the highest level of combat efficiency in order to provide for the security and stability of the Iraqi people.

(b) Sense of Congress.—It is the sense of Congress that—

(1) as battalions of the Iraqi security forces achieve a level of combat proficiency such that they can conduct independent combat operations without support from Coalition forces in Iraq, units of the United States Armed Forces should be redeployed from Iraq; and

(2) regular, accurate accounts of the combat proficiency of battalions of the Iraqi security forces are necessary for the American public to gauge the development of the Iraqi security forces.

(c) Report on Combat Proficiency of Iraqi Security Forces.—The President shall transmit to the appropriate congressional committees each month a report in classified and unclassified form that contains an accounting of the number of battalions of the security forces of Iraq at each level of combat proficiency described in subsection (d).

(d) Levels of Combat Proficiency.—The levels of combat proficiency referred to in subsection (c) are the following:

(1) Level 1 means a battalion that can conduct independent combat operations without support from Coalition forces in Iraq.

(2) Level 2 means a battalion that can conduct independent combat operations, but only with logistical support, or non-combat-related support from Coalition forces in Iraq.

(3) Level 3 means a battalion that can participate in combat operations alongside Coalition forces, but cannot conduct independent combat operations without direct combat support from Coalition forces in Iraq.

(4) Level 4 means a battalion that cannot participate in combat operations, even with support from Coalition forces in Iraq.

(e) Comparison of Data.—The report shall include a comparison of data from each previous report with respect to each battalion of the security forces of Iraq.

(f) Public Notification.—The President shall ensure that the unclassified form of each report required by this section is made available on the main public Internet Web site of the Department of Defense not later than 10 days after the date on which the report is transmitted to the appropriate congressional committees, and that a link to the accounting in the report is made available on the homepage of such Internet Web site.

(g) Definition.—As used in this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

(h) Effective Date.—The requirement to transmit and make available reports under this section shall apply with respect to the first month beginning after the date of the enactment of this Act and to each subsequent month thereafter until the President determines and certifies to the appropriate congressional committees that the security forces of Iraq have achieved combat proficiency to the extent necessary to combat the insurgency in Iraq.

Sec. 1327. (a) Congress finds that it is Defense Department policy that units should not be deployed for combat unless they are rated "fully mission capable".

(b) None of the funds appropriated or otherwise made available in this or any other Act may be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services at least 15 days in advance of the deployment that the unit is fully mission capable.

(c) For purposes of subsection (b), the term "fully mission capable" means capable of performing assigned mission essential tasks to prescribed standards under the conditions expected in the theater of operations, consistent with the guidelines set forth in the Department of Defense readiness reporting system.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the deployment to Iraq of a unit that is not assessed fully mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary, may waive the limitation prescribed in subsection (b) on a unit-by-unit basis.

Sec. 1328. (a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq prior to January 10, 2007.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the extension of a unit's deployment in Iraq beyond the periods specified in subsection (b) is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's extended deployment is necessary, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

Sec. 1329. (a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days or that Marine Corps and Marine Corps Reserve units should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq prior to January 10, 2007.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the redeployment of a unit to Iraq in advance of the periods specified in subsection (b) is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's redeployment is necessary, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

Sec. 1330. The President shall transmit to the Congress a report in classified and unclassified form, on or before July 13, 2007, detailing—

(1) the progress the Government of Iraq has made in—

(A) giving the United States Armed Forces and Iraqi Security Forces the authority to pursue all extremists, including Sunni insurgents and Shiite militias;

(B) delivering necessary Iraqi Security Forces for Baghdad and protecting such Forces from political interference;

(C) intensifying efforts to build balanced security forces throughout Iraq that provide even-handed security for all Iraqis;

(D) ensuring that Iraq's political authorities are not undermining or making false accusations against members of the Iraqi Security Forces;

(E) eliminating militia control of local security;

(F) establishing a strong militia disarmament program;

(G) ensuring fair and just enforcement of laws;

(H) establishing political, media, economic, and service committees in support of the Baghdad Security Plan;

(I) eradicating safe havens;

(J) reducing the level of sectarian violence in Iraq; and

(K) ensuring that the rights of minority political parties in the Iraqi Parliament are protected; and

(2) whether the Government of Iraq has—

(A) enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis;

(B) adopted legislation necessary for the conduct of provincial and local elections, taken steps .to implement such legislation, and set a schedule to conduct provincial and local elections;

(C) reformed current laws governing the de-Baathification process to allow for more equitable treatment of individuals affected by such laws;

(D) amended the Constitution of Iraq consistent with the principles contained in article 137 of such Constitution; and

(E) allocated and begun expenditure of $10 billion in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.

Sec. 1331. (a) Limitation on Availability of Funds.—None of the funds provided by chapter 2 shall be available for obligation or expenditure unless—

(1) the President submits to the Congress, on or before July 13, 2007, the report required by section 1330; and

(2) a joint resolution of approval is enacted into law.

(b) Joint Resolution of Approval.—For purposes of this section, the term "joint resolution of approval" means a joint resolution that is introduced by the chairman of the Committee on Appropriations of the House of Representatives or the Senate on the first legislative day following the date on which the report of the President required by section 1330 is received by the Congress, does not contain a preamble, and the sole matter after the resolving clause of which (other than as a result of the adoption of an amendment permitted under subsection (f)) is as follows: "That the Congress approves the obligation and expenditure of funds provided by chapter 2 of title I of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.".

(c) Referral to Committees.—A joint resolution of approval introduced in the House of Representatives shall be referred to the Committee on Appropriations of the House, and a joint resolution of approval introduced in the Senate shall be referred to the Committee on Appropriations of the Senate.

(d) Consideration by Committees.—A joint resolution of approval shall not be subject to amendment during consideration by the Committee on Appropriations of the House of Representatives or the Senate.

(e) Discharge of Committees.—If the committee of either House to which a joint resolution of approval has been referred has not reported the joint resolution at the end of 4 legislative days after its introduction, the committee shall be discharged from further consideration of the joint resolution, and the joint resolution shall be placed on the appropriate calendar of the House involved.

(f) Floor Consideration in House of Representatives.—For purposes of the House of Representatives:

(1) In general.—Not later than the second legislative day following the date on which the Committee on Appropriations has reported (or has been discharged from further consideration of) a joint resolution of approval, the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the joint resolution. The first reading of the joint resolution shall be dispensed with. All points of order against the joint resolution and against its consideration shall be waived. General debate shall be confined to the joint resolution and shall not exceed 2 hours equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate, the joint resolution shall be considered for amendment under the 5-minute rule. No amendment to the joint resolution shall be in order, except the amendment specified in paragraph (2). Such amendment shall be considered as read, shall be debatable for 2 hours equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendment are waived. At the conclusion of consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the joint resolution and amendment thereto to final passage without intervening motion.

(2) Permitted amendment.—The amendment specified in paragraph (1) is an amendment the sole matter of which is as follows: providing that defense funding related to Iraq may only be used to plan and execute the redeployment of troops within 180 days of enactment of the joint resolution of approval, with the exception of troops who are protecting American diplomatic facilities and American citizens (including members of the United States Armed Forces), serving in roles consistent with customary diplomatic positions, engaging in targeted special actions limited in duration and scope to killing or capturing members of al-Qaeda and other terrorist organizations with global reach, or training and equipping members of the Iraqi Security Forces.

(3) Permitted motions.—During consideration of a joint resolution of approval—

(A) the Chairman of the Committee of the Whole may entertain a motion that the Committee rise only if offered by the chairman of the Committee on Appropriations or a designee; and

(B) the Chairman of the Committee of the Whole may not entertain any motion to strike out the resolving words of the joint resolution (as described in clause 9 of rule XVIII).

(4) Further consideration.—If the Committee of the Whole rises and reports that it has come to no resolution on a joint resolution of approval, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee on the Whole for further consideration of the joint resolution.

(5) Appeals.—Appeals from the decisions of the Chair relating to the application of the rules of the House to the procedures relating to a joint resolution of approval shall be decided without debate.

(g) Floor Consideration in Senate.—For purposes of the Senate:

(1) In general.—When the Committee on Appropriations has reported (or has been discharged from further consideration of) a joint resolution of approval, it shall be in order (even though a previous motion to the same effect has been disagreed to) for any Senator to move to proceed to the consideration of the joint resolution. All points of order against the joint resolution (and against consideration of the joint resolution) shall be waived. The motion shall be privileged and not debatable. The motion shall not be subject to amendment, a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(2) Debate.—Debate on a joint resolution of approval, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. A motion to further limit debate shall be in order and shall not be debatable, but such motion shall not be in order until after 5 hours of debate. An amendment to the joint resolution shall not be in order. A motion to table, postpone, proceed to other business, or recommit the joint resolution shall not be in

order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to shall not be in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on a joint resolution of approval, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(4) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate relating to the procedures relating to a joint resolution of approval shall be decided without debate.

(h) CONSIDERATION BY SENATE AFTER PASSAGE BY HOUSE OF REPRESENTATIVES.—

(1) PRIOR TO SENATE PASSAGE.—If, before passage by the Senate of a joint resolution of approval of the Senate, the Senate receives from the House of Representatives a joint resolution of approval, then the following procedures shall apply:

(A) The joint resolution of the House shall not be referred to a committee.

(B) With respect to a joint resolution of approval of the Senate—

(i) the procedure in the Senate shall be the same as if no joint resolution had been received from the House; but

(ii) the vote on final passage shall be on the joint resolution of the House.

(C) Upon disposition of the joint resolution received from the House, it shall no longer be in order to consider the joint resolution that originated in the Senate.

(2) FOLLOWING SENATE PASSAGE.—If the Senate receives from the House of Representatives a joint resolution of approval after the Senate has disposed of a Senate originated joint resolution, and the matter after the resolving clauses of the 2 joint resolutions are identical, the action of the Senate with regard to the disposition of the Senate originated joint resolution shall be deemed to be the action of the Senate with regard to the House originated joint resolution.

(i) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsections (b) through (h) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

TITLE II—OTHER INTERNATIONAL AND SECURITY-RELATED FUNDING

CHAPTER 1

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $1,648,000, to remain available until September 30, 2008.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,450,000, to remain available until September 30, 2008.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,736,000, to remain available until September 30, 2008.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $268,000,000, of which $258,000,000 is to remain available until September 30, 2008 and $10,000,000 is to remain available until expended to implement corrective actions in response to the findings and recommendations in the Department of Justice Office of Inspector General report entitled, "A Review of the Federal Bureau of Investigation's Use of National Security Letters", of which $500,000 shall be transferred to and merged with "Department of Justice, Office of the Inspector General".

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $12,166,000, to remain available until September 30, 2008.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2008.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $17,000,000, to remain available until September 30, 2008.

CHAPTER 2

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $150,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 2201. The Administrator of the National Nuclear Security Administration is authorized to transfer up to $1,000,000 from Defense Nuclear Nonproliferation to the Office of the Administrator during fiscal year 2007 supporting nuclear nonproliferation activities.

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

ANALYSIS AND OPERATIONS

For an additional amount for "Analysis and Operations", $15,000,000, to remain available until September 30, 2008, to be used for support of the State and Local Fusion Center program.

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $115,000,000, to remain available until September 30, 2008, to be used to increase the number of officers, intelligence analysts and support staff responsible for container security inspections, and for other efforts to improve supply chain security: *Provided*, That up to $5,000,000 shall be transferred to Federal Law Enforcement Training Center "Salaries and Expenses", for basic training costs.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", for air and marine operations on the Northern Border, including the final Northern Border air wing, $120,000,000, to remain available until September 30, 2008.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $10,000,000, to remain available until September 30, 2008.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for "Aviation Security", $970,000,000; of which $815,000,000 shall be for procurement and installation of checked baggage explosives detection systems, to remain available until expended; of which $45,000,000 shall be for expansion of checkpoint explosives detection pilot systems, to remain available until expended; and of which $110,000,000 shall be for air cargo security, to remain available until September 30, 2009.

FEDERAL AIR MARSHALS

For an additional amount for "Federal Air Marshals", $8,000,000, to remain available until September 30, 2008.

NATIONAL PROTECTION AND PROGRAMS

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For an additional amount for "Infrastructure Protection and Information Security", $37,000,000, to remain available until September 30, 2008.

OFFICE OF HEALTH AFFAIRS

For an additional amount for "Office of Health Affairs" for nuclear event public health assessment and planning and other activities, $15,000,000, to remain available until September 30, 2008.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For expenses for management and administration of the Federal Emergency Management Agency, $25,000,000, to remain available until September 30, 2008: *Provided*, That none of such funds made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: *Provided further*, That unobligated amounts in the "Administrative and Regional Operations" and "Readiness, Mitigation, Response, and Recovery" accounts shall be transferred to "Management and Administration" and may be used for any purpose authorized for such amounts and subject to limitation on the use of such amounts.

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", $552,500,000; of which $190,000,000 shall be for port security grants pursuant to section 70107(l) of title 46, United States Code; of which $325,000,000 shall be for intercity rail passenger transportation, freight rail, and transit security grants; of which $35,000,000 shall be for regional grants and regional technical assistance to high risk urban areas for catastrophic event planning and preparedness; and of which $2,500,000 shall be for technical assistance: *Provided*, That none of the funds made available under this heading may be obligated for such regional grants and regional technical assistance until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: *Provided further*, That funds for such regional grants and regional technical assistance shall remain available until September 30, 2008.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for "Emergency Management Performance Grants", $100,000,000.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for expenses of "United States Citizenship and Immigration Services" to address backlogs of security checks associated with pending applications and petitions, $10,000,000, to remain available until September 30, 2008: *Provided*, That none of the funds made available under this heading shall be available for obligation until the Secretary of Homeland Security, in consultation with the United States Attorney General, submits to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for "Research, Development, Acquisition, and Operations" for air cargo security research, $10,000,000, to remain available until expended.

DOMESTIC NUCLEAR DETECTION OFFICE

RESEARCH, DEVELOPMENT, AND OPERATIONS

For an additional amount for "Research, Development, and Operations" for non-container, rail, aviation and intermodal radiation detection activities, $39,000,000, to remain available until expended.

SYSTEMS ACQUISITION

For an additional amount for "Systems Acquisition", $223,500,000, to remain available until expended: *Provided*, That none of the funds appropriated under this heading shall be obligated for full scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security has certified through a report to the Committees on Appropriations of the Senate and the House of Representatives that a significant increase in operational effectiveness will be achieved.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. (a) AMENDMENTS.—Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by—

(1) in subsection (c), by striking "consistent with similar" and inserting "identical to the protections given";

(2) in subsection (c), by striking ", site security plans, and other information submitted to or obtained by the Secretary under this section, and related vulnerability or security information, shall be treated as if the information were classified material" and inserting "and site security plans shall be treated as sensitive security information (as that term is used in section 1520.5 of title 49, Code of Federal Regulations, or any subsequent regulations relating to the same matter)"; and

(3) by adding at the end of the section the following:

"(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State.".

(b) REGULATORY CLARIFICATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall update the regulations administered by the Secretary that govern sensitive security information, including 49 CFR 1520, to ensure the protection of all information required to be protected under section 550(c) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note), as amended by paragraph (a).

SEC. 2302. None of the funds provided in this Act, or Public Law 109–295, shall be available to carry out section 872 of Public Law 107–296.

SEC. 2303. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

CHAPTER 4

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,437,000, as follows:

ALLOWANCES AND EXPENSES

For an additional amount for allowances and expenses as authorized by House resolution or law, $6,437,000 for business continuity and disaster recovery, to remain available until expended.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" of the Government Accountability Office, $374,000, to remain available until September 30, 2008.

CHAPTER 5

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $1,255,890,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $173,700,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds made available under this heading, $369,690,000 shall not be obligated or expended until the Secretary of Defense submits a detailed report explaining how military road construction is coordinated with NATO and coalition nations: *Provided further*, That of the funds made available under this heading, $401,700,000 shall not be obligated or expended until the Secretary of Defense submits a detailed stationing plan to support Army end-strength growth to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That of the funds provided under this heading, $274,800,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $370,990,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $49,600,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds made available under this heading, $324,270,000 shall not be obligated or expended until the Secretary of Defense submits a detailed stationing plan to support Marine Corps end-strength growth to the Committees on Appropriations of the House of Representatives and Senate.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $43,300,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $3,000,000 shall be available for study, planning, design, and architect and engineer services.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $3,136,802,000, to remain available until expended: *Provided*, That within 30 days of the enactment of this Act, the Secretary of Defense shall submit a detailed spending plan to the Committees on Appropriations of the House of Representatives and Senate.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2501. Notwithstanding any other provision of law, none of the funds in this or any other Act may be used to close Walter Reed Army Medical Center until equivalent medical facilities at the Walter Reed National Military Medical Center at Naval Medical Center, Bethesda, Maryland, and/or the Fort Belvoir, Virginia, Community Hospital have been constructed and equipped: *Provided*, That to ensure that the quality of care provided by the Military Health System is not diminished during this transition, the Walter Reed Army Medical Center shall be adequately funded, to include necessary renovation and maintenance of existing facilities, to maintain the maximum level of inpatient and outpatient services.

SEC. 2502. Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to reorganize or relocate the functions of the Armed Forces Institute of Pathology (AFIP) until the Secretary of Defense has submitted, not later than December 31, 2007, a detailed plan and timetable for the proposed reorganization and relocation to the Committees on Appropriations and Armed Services of the Senate and House of Representatives. The plan shall take into consideration the recommendations of a study being prepared by the Government Accountability Office (GAO), provided that such study is available not later than 45 days before the date specified in this section, on the impact of dispersing selected functions of AFIP among several locations, and the possibility of consolidating those functions at one location. The plan shall include an analysis of the options for the location and operation of the Program Management Office for second opinion consults that are consistent with the recommendations of the Base Realignment and Closure Commission, together with the rationale for the option selected by the Secretary.

CHAPTER 6

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", $870,658,000, to remain available until September 30, 2008, of which $96,500,000 for World Wide Security Upgrades is available until expended: *Provided*, That of the funds appropriated under this heading, not more than $20,000,000 shall be made available for public diplomacy programs: *Provided further*, That prior to the obligation of funds pursuant to the previous proviso, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive public diplomacy strategy, with goals and expected results, for fiscal years 2007 and 2008: *Provided further*, That of the amount available under this heading, $258,000 shall be transferred to, and merged with, funds available in fiscal year 2007 for expenses for the United States Commission on International Religious Freedom: *Provided further*, That 20 percent of the amount available for Iraq operations shall not be obligated until the Committees on Appropriations receive and approve a detailed plan for expenditure, prepared by the Secretary of State, and submitted within 60 days after the date of enactment of this Act: *Provided further*, That within 15 days of enactment of this Act, the Office of Management and Budget shall apportion $15,000,000 from amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109–148 under the heading "Emergencies in the Diplomatic and Consular Service" for emergency evacuations: *Provided further*, That of the amount made available under this heading for Iraq, not to exceed $20,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for terrorism rewards.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $36,500,000, to remain available until December 31, 2008: *Provided*, That $35,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $20,000,000, to remain available until expended.

International Organizations

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $50,000,000, to remain available until September 30, 2008.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $288,000,000, to remain available until September 30, 2008.

RELATED AGENCY

Broadcasting Board of Governors

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for activities related to broadcasting to the Middle East, $10,000,000, to remain available until September 30, 2008.

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Child Survival and Health Programs Fund", $161,000,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, if the President determines and reports to the Committees on Appropriations that the human-to-human transmission of the avian influenza virus is efficient and sustained, and is spreading internationally, funds made available under the heading "Millennium Challenge Corporation" and "Global HIV/AIDS Initiative" in prior Acts making appropriations for foreign operations, export financing, and related programs may be transferred to, and merged with, funds made available under this heading to combat avian influenza: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", $165,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $8,700,000, to remain available until September 30, 2008.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $3,500,000, to remain available until September 30, 2008.

Other Bilateral Economic Assistance

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $2,649,300,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, $57,400,000 shall be made available to nongovernmental organizations in Iraq for economic and social development programs and activities in areas of conflict: *Provided further*, That the responsibility for policy decisions and justifications for the use of funds appropriated by the previous proviso shall be the responsibility of the United States Chief of Mission in Iraq: *Provided further*, That none of the funds appropriated under this heading in this Act or in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available for the Political Participation Fund and the National Institutions Fund: *Provided further*, That of the funds made available under the heading "Economic Support Fund" in Public Law 109–234 for Iraq to promote democracy, rule of law and reconciliation, $2,000,000 should be made available for the United States Institute of Peace for programs and activities in Afghanistan to remain available until September 30, 2008.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for "Assistance for Eastern Europe and the Baltic States", $229,000,000, to remain available until September 30, 2008, for assistance for Kosovo.

Department of State

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $260,000,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, not less than $190,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, and not less than $60,000,000 shall be made available for the United States Agency for International Development, for democracy, human rights and rule of law programs in Iraq: *Provided further*, That not later than 60 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive, long-term strategy, with goals and expected results, for strengthening and advancing democracy in Iraq.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "International Narcotics Control and Law Enforcement", $257,000,000, to remain available until September 30, 2008.

Of the amounts made available for procurement of a maritime patrol aircraft for the Colombian Navy under this heading in Public Law 109–234, $13,000,000 are rescinded.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $130,500,000, to remain available until September 30, 2008, of which not less than $5,000,000 shall be made available to rescue Iraqi scholars.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $55,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $57,500,000, to remain available until September 30, 2008.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for "International Affairs Technical Assistance", $2,750,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $265,000,000, to remain available until September 30, 2008.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $230,000,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, not less than $40,000,000 shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance for Liberia for security sector reform: *Provided further*, That not later than 30 days after enactment of this Act and every 30 days thereafter until September 30, 2008, the Secretary of State shall submit a report to the Committees on Appropriations detailing the obligation and expenditure of funds made available under this heading in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs.

GENERAL PROVISIONS—THIS CHAPTER

AUTHORIZATION OF FUNDS

Sec. 2601. Funds appropriated by this title may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

EXTENSION OF OVERSIGHT AUTHORITY

Sec. 2602. Section 3001(o)(1)(B) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397) and section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), is amended by inserting "or fiscal year 2007" after "fiscal year 2006".

LEBANON

Sec. 2603. (a) Limitation on Economic Support Fund Assistance for Lebanon.—None of the funds made available in this Act under the heading "Economic Support Fund" for cash transfer assistance for the Government of Lebanon may be made available for obligation until the Secretary of State reports to the Committees on Appropriations on Lebanon's economic reform plan and on the specific conditions and verifiable benchmarks that have been agreed upon by the United States and the Government of Lebanon pursuant to the Memorandum of Understanding on cash transfer assistance for Lebanon.

(b) Limitation on Foreign Military Financing Program and International Narcotics Control and Law Enforcement Assistance for Lebanon.— None of the funds made available in this Act under the heading "Foreign Military Financing Program" or "International Narcotics Control and Law Enforcement" for military or police assistance to Lebanon may be made available for obligation until the Secretary of State submits to the Committees on Appropriations a report on procedures established to determine eligibility of members and units of the armed forces and police forces of Lebanon to participate in United States training and assistance programs and on the end use monitoring of all equipment provided under such programs to the Lebanese armed forces and police forces.

(c) Certification Required.—Prior to the initial obligation of funds made available in this Act for assistance for Lebanon under the headings "Foreign Military Financing Program" and "Nonproliferation, Anti-Terrorism, Demining and Related Programs", the Secretary of State shall certify to the Committees on Appropriations that all practicable efforts have been made to ensure that such assistance is not provided to or through any individual, or private or government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

(d) Report Required.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on the Government of Lebanon's actions to implement section 14 of United Nations Security Council Resolution 1701 (August 11, 2006).

(e) Special Authority.—This section shall be effective notwithstanding section 534(a) of Public Law 109–102, which is made applicable to funds appropriated for fiscal year 2007 by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5).

DEBT RESTRUCTURING

Sec. 2604. Amounts appropriated for fiscal year 2007 for "Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring" may be used to assist Liberia in retiring its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.

GOVERNMENT ACCOUNTABILITY OFFICE

Sec. 2605. To facilitate effective oversight of programs and activities in Iraq by the Government Accountability Office (GAO), the Department of State shall provide GAO staff members the country clearances, life support, and logistical and security support necessary for GAO personnel to establish a presence in Iraq for periods of not less than 45 days.

HUMAN RIGHTS AND DEMOCRACY FUND

Sec. 2606. The Assistant Secretary of State for Democracy, Human Rights, and Labor shall be responsible for all policy, funding, and programming decisions regarding funds made available under this Act and prior Acts making appropriations for foreign operations, export financing and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor.

INSPECTOR GENERAL OVERSIGHT OF IRAQ AND AFGHANISTAN

Sec. 2607. (a) In General.—Subject to paragraph (2), the Inspector General of the Department of State and the Broadcasting Board of Governors (referred to in this section as the "Inspector General") may use personal services contracts to engage citizens of the United States to facilitate and support the Office of the Inspector General's oversight of programs and operations related to Iraq and Afghanistan. Individuals engaged by contract to perform such services shall not, by virtue of such contract, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary of State may determine the applicability to such individuals of any law administered by the Secretary concerning the performance of such services by such individuals.

(b) Conditions.—The authority under paragraph (1) is subject to the following conditions:

(1) The Inspector General determines that existing personnel resources are insufficient.

(2) The contract length for a personal services contractor, including options, may not exceed 1 year, unless the Inspector General makes a finding that exceptional circumstances justify an extension of up to 1 additional year.

(3) Not more than 10 individuals may be employed at any time as personal services contractors under the program.

(c) Termination of Authority.—The authority to award personal services contracts under this section shall terminate on December 31, 2007. A contract entered into prior to the termination date under this paragraph may remain in effect until not later than December 31, 2009.

(d) Other Authorities Not Affected.—The authority under this section is in addition to any other authority of the Inspector General to hire personal services contractors.

FUNDING TABLES

Sec. 2608. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107):

"Diplomatic and Consular Programs".

"Economic Support Fund".

"Democracy Fund".

"International Narcotics Control and Law Enforcement".

"Migration and Refugee Assistance".

(b) Any proposed increases or decreases to the amounts contained in the tables in the accompanying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLAN AND NOTIFICATION PROCEDURES

Sec. 2609. Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in this chapter, except for funds appropriated under the heading "International Disaster and Famine Assistance": *Provided*, That funds appropriated under the headings in this chapter, except for funds appropriated under the heading named in this section, shall be subject to the regular notification procedures of the Committees on Appropriations.

CONDITIONS ON ASSISTANCE FOR PAKISTAN

Sec. 2610. None of the funds made available for assistance for the central Government of Pakistan under the heading "Economic Support Fund" in this title may be made available for non-project assistance until the Secretary of State submits to the Committees on Appropriations a report on the oversight mechanisms, performance benchmarks, and implementation processes for such funds: *Provided*, That notwithstanding any other provision of law, funds made available for non-project assistance pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds made available for assistance for Pakistan under the heading "Economic Support Fund" in this title, $5,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, for political party development and election observation programs.

CIVILIAN RESERVE CORPS

SEC. 2611. Of the funds appropriated by this Act under the heading "Diplomatic and Consular Programs", up to $50,000,000 may be made available to support and maintain a civilian reserve corps: *Provided*, That none of the funds for a civilian reserve corps may be obligated without specific authorization in a subsequent Act of Congress: *Provided further*, That funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

COORDINATOR FOR IRAQ ASSISTANCE

SEC. 2612. (a) COORDINATOR FOR IRAQ ASSISTANCE.—Not later than 30 days after the date of the enactment of this Act, the President shall appoint a Coordinator for Iraq Assistance (hereinafter in this section referred to as the "Coordinator"), by and with the advice and consent of the Senate, who shall report directly to the President.

(b) DUTIES.—The Coordinator shall be responsible for—

(1) developing and implementing an overall strategy for political, economic, and military assistance for Iraq;

(2) coordinating and ensuring coherence of Iraq assistance programs and policy among all departments and agencies of the Government of the United States that are implementing assistance programs in Iraq, including the Department of State, the United States Agency for International Development, the Department of Defense, the Department of the Treasury, and the Department of Justice;

(3) working with the Government of Iraq in meeting the benchmarks described in section 1904(a) of this Act in order to ensure Iraq continues to be eligible to receive United States assistance described in such section;

(4) coordinating with other donors and international organizations that are providing assistance for Iraq;

(5) ensuring adequate management and accountability of United States assistance programs for Iraq;

(6) resolving policy and program disputes among departments and agencies of the United States Government that are implementing assistance programs in Iraq; and

(7) coordinating United States assistance programs with the reconstruction programs funded and implemented by the Government of Iraq.

(c) RANK AND STATUS.—The Coordinator shall have the rank and status of ambassador.

CHAPTER 7

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest theron, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $460,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 2701. There is hereby appropriated $40,000,000 to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used to replenish the Bill Emerson Humanitarian Trust.

TITLE III—ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

GENERAL PROVISION—THIS CHAPTER

SEC. 3101. Section 1231(k)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(2)) is amended by striking "During calendar year 2006, the" and inserting "The".

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, notwithstanding the provisions of section 511 of said Act, $50,000,000, to remain available until expended: *Provided*, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricanes Katrina and Rita: *Provided further*, That these funds shall be apportioned among the States in quotient to their level of violent crime as estimated by the Federal Bureau of Investigation's Uniform Crime Report for the year 2005.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", for necessary expenses related to the consequences of Hurricanes Katrina and Rita on the shrimp and fishing industries, $110,000,000, to remain available until September 30, 2008.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for "Exploration Capabilities" for necessary expenses related to the consequences of Hurricane Katrina, $35,000,000, to remain available until September 30, 2009.

GENERAL PROVISION—THIS CHAPTER

SEC. 3201. Up to $48,000,000 of amounts made available to the National Aeronautics and Space Administration in Public Law 109–148 and Public Law 109–234 for emergency hurricane and other natural disaster-related expenses may be used to reimburse hurricane-related costs incurred by NASA in fiscal year 2005.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $25,300,000, to remain available until expended, which may be used to continue construction of projects related to interior drainage for the greater New Orleans metropolitan area.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricanes Katrina and Rita and for other purposes, $1,407,700,000, to remain available until expended: *Provided*, That $1,300,000,000 of the amount provided may be used by the Secretary of the Army to carry out projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity, Louisiana, projects, as described under the heading "Flood Control and Coastal Emergencies", in chapter 3 of Public Law 109–148: *Provided further*, That $107,700,000 of the amount provided may be used to implement the projects for hurricane storm damage reduction, flood damage reduction, and ecosystem restoration within Hancock, Harrison, and Jackson Counties, Mississippi substantially in accordance with the Report of the Chief of Engineers dated December 31, 2006, and entitled "Mississippi, Coastal Improvements Program Interim Report, Hancock, Harrison, and Jackson Counties, Mississippi": *Provided further*, That projects authorized for implementation under this Chief's report shall be carried out at full Federal expense, except that the non-Federal interests shall be responsible for providing for all costs associated with operation and maintenance of the project: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3301. The Secretary is authorized and directed to determine the value of eligible reimbursable expenses incurred by local governments in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area that the Secretary determines to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

SEC. 3302. (a) The Secretary of the Army is authorized and directed to utilize funds remaining available for obligation from the amounts appropriated in chapter 3 of Public Law 109–234 under the heading "Flood Control and Coastal Emergencies" for projects in the greater New Orleans metropolitan area to prosecute these projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property.

(b) The expenditure of funds as provided in subsection (a) may be made without regard to individual amounts or purposes specified in chapter 3 of Public Law 109–234.

(c) Any reallocation of funds that are necessary to accomplish the goal established in subsection (a) are authorized, subject to the approval of the House and Senate Committees on Appropriation.

SEC. 3303. The Chief of Engineers shall investigate the overall technical advantages, disadvantages and operational effectiveness of operating the new pumping stations at the mouths of the 17th Street, Orleans Avenue and London Avenue canals in the New Orleans area directed for construction in Public Law 109–234 concurrently or in series with existing pumping stations serving these canals and the advantages, disadvantages and technical operational effectiveness of removing the existing pumping stations and configuring the new pumping stations and associated canals to handle all needed discharges; and the advantages, disadvantages and technical operational effectiveness of replacing or improving the floodwalls and levees adjacent to the three outfall canals: *Provided*, That the analysis should be conducted at Federal expense: *Provided further*, That the analysis shall be completed and furnished to the Congress not later than three months after enactment of this Act.

SEC. 3304. Using funds made available in Chapter 3 under title II of Public Law 109–234, under the heading "Investigations", the Secretary of the Army, in consultation with other agencies and the State of Louisiana shall accelerate completion as practicable the final report of the Chief of Engineers recommending a comprehensive plan to deauthorize deep draft navigation on the Mississippi River Gulf Outlet: *Provided*, That the plan shall incorporate and build upon the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006 pursuant to Public Law 109–234.

CHAPTER 4

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Of the unobligated balances under the heading "Small Business Administration, Disaster Loans Program Account", $25,069,000, to remain available until expended, shall be used for administrative expenses to carry out the disaster loan program, which may be transferred to and merged with "Small Business Administration, Salaries and Expenses".

Of the unobligated balances under the heading "Small Business Administration, Disaster Loans Program Account", $25,000,000 shall be used for loans under section 7(b)(2) of the Small Business Act for businesses located in an area for which the President declared a major disaster because of the hurricanes in the Gulf of Mexico in calendar year 2005, of which not to exceed $8,750,000 is for direct administrative expenses and may be transferred to and merged with "Small Business Administration, Salaries and Expenses" to carry out the disaster loan program of the Small Business Administration.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Relief", $4,610,000,000, to remain available until expended: *Provided*, That $4,000,000 shall be transferred to "Office of Inspector General".

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. (a) IN GENERAL.—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance, provided for the States of Louisiana, Mississippi, Florida, Alabama, and Texas in connection with Hurricanes Katrina, Wilma, Dennis, and Rita under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) shall be 100 percent of the eligible costs under such sections.

(b) APPLICABILITY.—The Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.

SEC. 3502. (a) COMMUNITY DISASTER LOAN ACT.—

(1) IN GENERAL.—Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88) is amended by striking "*Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Community Disaster Loan Act of 2005 (Public Law 109–88).

(b) EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT.—

(1) IN GENERAL.—Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended under Federal Emergency Management Agency, "Disaster Assistance Direct Loan Program Account" by striking "*Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

SEC. 3503. (a) IN GENERAL.—Section 2401 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended by striking "12 months" and inserting "24 months".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

CHAPTER 6

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000, to remain available until September 30, 2008: *Provided*, That the funds provided under this heading shall be provided to the State Historic Preservation Officer, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana impacted by Hurricanes Katrina or Rita: *Provided further*, That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: *Provided further*, That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 3601. Of the disaster relief funds from Public Law 109–234, 120 Stat. 418, 461, (June 30, 2006), chapter 5, "National Park Service—Historic Preservation Fund", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season that were allocated to the State of Mississippi by the National Park Service, $500,000 is hereby transferred to the "National Park Service—National Recreation and Preservation" appropriation: *Provided*, That these funds may be used to reconstruct destroyed properties that at the time of destruction were listed in the National Register of Historic Places and are otherwise qualified to receive these funds: *Provided further*, That the State Historic Preservation Officer certifies that, for the community where that destroyed property was located, the property is iconic to or essential to illustrating that community's historic identity, that no other property in that community with the same associative historic value has survived, and that sufficient historical documentation exists to ensure an accurate reproduction.

CHAPTER 7

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

For an additional amount under part B of title VII of the Higher Education Act of 1965 ("HEA") for institutions of higher education (as defined in section 101 or section 102(c) of that Act) that are located in an area in which a major disaster was declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to Hurricanes Katrina or Rita, $30,000,000: *Provided*, That such funds shall be available to the Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close, relocate or significantly curtail their activities as a result of damage directly caused by such hurricanes and for payments to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2006: *Provided further*, That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA.

HURRICANE EDUCATION RECOVERY

For carrying out activities authorized by subpart 1 of part D of title V of the Elementary and Secondary Education Act of 1965, $30,000,000, to remain available until expended, for use by the States of Louisiana, Mississippi, and Alabama primarily for recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators, who commit to work for at least three years in school-based positions in public elementary and secondary schools located in an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness, with priority given to teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators who previously worked or lived in one of the affected areas, are currently employed (or become employed) in such a school in any of the affected areas after those disasters, and commit to continue that employment for at least 3 years, *Provided*, That funds available under this heading to such States may also be used for 1 or more of the following activities: (1) to build the capacity, knowledge, and skill of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (2) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school-based school principals, assistant principals, principal resident directors, and assistant directors; and (3) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: *Provided further*, That the Secretary of Education shall allocate amounts available under this heading among such States that submit applications; that such allocation shall be based on the number of public elementary and secondary schools in each State that were closed for 19 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita; and that such States shall in turn allocate funds to local educational agencies, with priority given first to such agencies with the highest percentages of public elementary and secondary schools that are closed as a result of such hurricanes as of the date of enactment of this Act and then to such agencies with the highest percentages of public elementary and secondary schools with a student-teacher ratio of at least 25 to 1, and with any remaining amounts to be distributed to such agencies with demonstrated need, as determined by the State Superintendent of Education: *Provided further*, That, in the case of any State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act, and in collaboration with local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, the State educational agency shall develop a plan for a rating system for performance bonuses, and if no agreement has been reached that is satisfactory to all consulting entities by such deadline, the State educational agency shall immediately send a letter notifying Congress and shall, not later than 30 days after such notification, establish and implement a rating system that shall be based on classroom observation and feedback more than once annually, conducted by multiple sources (including, but not limited to, principals and master teachers), and evaluated against research-based rubrics that use planning, instructional, and learning environment standards to measure teacher performance, except that the requirements of this proviso shall not apply to a State that has enacted a State law in 2006 authorizing performance pay for teachers.

PROGRAMS TO RESTART SCHOOL OPERATIONS

Funds made available under section 102 of the Hurricane Education Recovery Act (title IV of division B of Public Law 109–148) may be used by the States of Louisiana, Mississippi, Alabama, and Texas, in addition to the uses of funds described in section 102(e), for the following costs: (1) recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators for school-based positions in public elementary and secondary schools impacted by Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness; (2) activities to build the capacity, knowledge, and skills of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (3) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and school-based school principals, assistant principals, principal resident directors, and assistant directors; and (4) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3701. Section 105(b) of title IV of division B of Public Law 109–148 is amended by adding at the end the following new sentence: "With respect to the program authorized by section 102 of this Act, the waiver authority in subsection (a) of this section shall be available until the end of fiscal year 2008.".

SEC. 3702. Notwithstanding section 2002(c) of the Social Security Act (42 U.S.C. 1397a(c)), funds made available under the heading "Social Services Block Grant" in division B of Public Law 109–148 shall be available for expenditure by the States through the end of fiscal year 2009.

SEC. 3703. (a) In the event that Louisiana, Mississippi, Alabama, or Texas fails to meet its match requirement with funds appropriated in fiscal years 2006 or 2007, for fiscal years 2008 and 2009, the Secretary of Health and Human Services may waive the application of section 2617(d)(4) of the Public Health Service Act for Louisiana, Mississippi, Alabama, and Texas.

(b) The Secretary may not exercise the waiver authority available under subsection (a) to allow a grantee to provide less than a 25 percent matching grant.

(c) For grant years beginning in 2008, Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas shall comply with each of the applicable requirements under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $682,942,000, to remain available until expended: *Provided*, That section 125(d)(1) of title 23, United States Code, shall not apply to emergency relief projects that respond to damage caused by the 2005–2006 winter storms in the State of California: *Provided further*, That of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $682,942,000 are rescinded: *Provided further*, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to be allocated by the Secretary to recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricanes Katrina and Rita, $35,000,000, for the operating and capital costs of transit services, to remain available until expended: *Provided*, That the Federal share for any project funded from this amount shall be 100 percent.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of Inspector General, for the necessary costs related to the consequences of Hurricanes Katrina and Rita, $7,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3801. The third proviso under the heading "Department of Housing and Urban Development—Public and Indian Housing—Tenant-Based Rental Assistance" in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779) is amended by striking "for up to 18 months" and inserting "until December 31, 2007".

SEC. 3802. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the third proviso: ": *Provided further*, That notwithstanding the previous proviso, except for applying the 2007 Annual Adjustment Factor and making any other specified adjustments, public housing agencies specified in category 1 below shall receive funding for calendar year 2007 based on the higher of the amounts the agencies would receive under the previous proviso or the amounts the agencies received in calendar year 2006, and public housing agencies specified in categories 2 and 3 below shall receive funding for calendar year 2007 equal to the amounts the agencies received in calendar year 2006, except that public housing agencies specified in categories 1 and 2 below shall receive funding under this proviso only if, and to the extent that, any such public housing agency submits a plan, approved by the Secretary, that demonstrates that the agency can effectively use within 12 months the funding that the agency would receive under this proviso that is in addition to the funding that the agency would receive under the previous proviso: (1) public housing agencies that are eligible for assistance under section 901 in Public Law 109–148 (119 Stat. 2781) or are located in the same counties as those eligible under section 901 and operate voucher programs under section 8(o) of the United States Housing Act of 1937 but do not operate public housing under section 9 of such Act, and any public housing agency that otherwise qualifies under this category must demonstrate that they have experienced a loss of rental housing stock as a result of the 2005 hurricanes; (2) public housing agencies that would receive less funding under the previous proviso than they would receive under this proviso and that have been placed in receivership or the Secretary has declared to be in breach of an Annual Contributions Contract by June 1, 2007; and (3) public housing agencies that spent more in calendar year 2006 than the total of the amounts of any such public housing agency's allocation amount for calendar year 2006 and the amount of any such public housing agency's available housing assistance payments undesignated funds balance from calendar year 2005 and the amount of any such public housing agency's available administrative fees undesignated funds balance through calendar year 2006".

SEC. 3803. Section 901 of Public Law 109–148 is amended by deleting "calendar year 2006" and inserting "calendar years 2006 and 2007".

TITLE IV—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for "Investigations" for flood damage reduction studies to address flooding associated with disasters covered by Presidential Disaster Declaration FEMA–1692–DR, $8,165,000, to remain available until expended.

CONSTRUCTION

For an additional amount for "Construction" for flood damage reduction activities associated with disasters covered by Presidential Disaster Declaration FEMA–1692–DR, $500,000 to remain available until expended.

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" to dredge navigation channels related to the consequences of hurricanes of the 2005 season, $3,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), to support emergency operations, repairs and other activities in response to flood, drought and earthquake emergencies as authorized by law, $153,300,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources", $18,000,000, to remain available until expended for drought assistance: *Provided*, That drought assistance may be provided under the Reclamation States Drought Emergency Act or other applicable Reclamation authorities to assist drought plagued areas of the West.

CHAPTER 2

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $7,398,000, to remain available until September 30, 2008.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, $525,000, to remain available until September 30, 2008.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $5,270,000, to remain available until September 30, 2008.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for the implementation of a nationwide initiative to increase protection of national forest lands from drug-trafficking organizations, including funding for additional law enforcement personnel, training, equipment and cooperative agreements, $12,000,000, to remain available until expended.

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH AND TRAINING

For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out section 501 of the Federal Mine Safety and Health Act of 1977 and section 6 of the Mine Improvement and New Emergency Response Act of 2006, $13,000,000 for research to develop mine safety technology, including necessary repairs and improvements to leased laboratories: *Provided*, That progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on a quarterly basis: *Provided further*, That the amount provided under this heading shall remain available until September 30, 2008.

For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out activities under section 5011(b) of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109–148), $50,000,000, to remain available until expended.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low-Income Home Energy Assistance" under section 2604(a) through (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a) through (d)), $200,000,000.

For an additional amount for "Low-Income Home Energy Assistance" under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $200,000,000.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund" to prepare for and respond to an influenza pandemic, $625,000,000, to remain available until expended: *Provided*, That this amount shall be for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided further*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic vaccine and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

COVERED COUNTERMEASURE PROCESS FUND

For carrying out section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e) to compensate individuals for injuries caused by H5N1 vaccine, in accordance with the declaration regarding avian influenza viruses issued by the Secretary of Health and Human Services on January 26, 2007, pursuant to section 319F–3(b) of such Act (42 U.S.C. 247d–6d(b)), $25,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING RESCISSIONS)

SEC. 4301. (a). From unexpended balances available for the Training and Employment Services account under the Department of Labor, the following amounts are hereby rescinded—

(1) $3,589,000 transferred pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to

Terrorist Attacks on the United States (Public Law 107–38);

(2) $834,000 transferred pursuant to the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211); and

(3) $71,000 for the Consortium for Worker Education pursuant to the Emergency Supplemental Act, 2002 (Public Law 107–117).

(b) From unexpended balances available for the State Unemployment Insurance and Employment Service Operations account under the Department of Labor pursuant to the Emergency Supplemental Act, 2002 (Public Law 107–117), $4,100,000 are hereby rescinded.

Sec. 4302. (a) For an additional amount under "Department of Education, Safe Schools and Citizenship Education", $8,594,000 shall be available for Safe and Drug-Free Schools National Programs for competitive grants to local educational agencies to address youth violence and related issues.

(b) The competition under subsection (a) shall be limited to local educational agencies that operate schools currently identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act of 1965.

CHAPTER 4

LEGISLATIVE BRANCH

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for "Capitol Police, General Expenses", $15,000,000 for a radio modernization program, to remain available until expended.

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

For an additional amount for "Capitol Power Plant", $50,000,000, for utility tunnel repairs and asbestos abatement, to remain available until September 30, 2011: *Provided*, That the Architect of the Capitol may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and House of Representatives.

CHAPTER 5

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", $466,778,000, to remain available until expended, of which $30,000,000 shall be for the establishment of at least one new Level I comprehensive polytrauma center; $9,440,000 shall be for the establishment of polytrauma residential transitional rehabilitation programs; $10,000,000 shall be for additional transition caseworkers; $20,000,000 shall be for substance abuse treatment programs; $20,000,000 shall be for readjustment counseling; $10,000,000 shall be for blind rehabilitation services; $100,000,000 shall be for enhancements to mental health services; $8,000,000 shall be for polytrauma support clinic teams; $5,356,000 shall be for additional polytrauma points of contact; $228,982,000 shall be for treatment of Operation Enduring Freedom and Operation Iraqi Freedom veterans; and $25,000,000 shall be for prosthetics.

MEDICAL ADMINISTRATION

For an additional amount for "Medical Administration", $250,000,000, to remain available until expended.

MEDICAL FACILITIES

For an additional amount for "Medical Facilities", $595,000,000, to remain available until expended, of which $45,000,000 shall be used for facility and equipment upgrades at the Department of Veterans Affairs polytrauma network sites; and $550,000,000 shall be for non-recurring maintenance as identified in the Department of Veterans Affairs Facility Condition Assessment report: *Provided*, That the amount provided under this heading for non-recurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan, by project, for non-recurring maintenance prior to obligation: *Provided further*, That semi-annually, on October 1 and April 1, the Secretary shall submit to the Committees on Appropriations of both Houses of Congress a report on the status of funding for non-recurring maintenance, including obligations and unobligated balances for each project identified in the expenditure plan.

MEDICAL AND PROSTHETIC RESEARCH

For an additional amount for "Medical and Prosthetic Research", $32,500,000, to remain available until expended, which shall be used for research related to the unique medical needs of returning Operation Enduring Freedom and Operation Iraqi Freedom veterans.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "General Operating Expenses", $83,200,000, to remain available until expended, of which $1,250,000 shall be for digitization of military records; $60,750,000 shall be for expenses related to hiring and training new claims processing personnel; up to $1,200,000 for an independent study of the organizational structure, management and coordination processes, including seamless transition, utilized by the Department of Veterans Affairs to provide health care and benefits to active duty personnel and veterans, including those returning Operation Enduring Freedom and Operation Iraqi Freedom veterans; and $20,000,000 shall be for disability examinations: *Provided*, That not to exceed $1,250,000 of the amount appropriated under this heading may be transferred to the Department of Defense for the digitization of military records used to verify stressors for benefits claims.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $35,100,000, to remain available until expended, of which $20,000,000 shall be for information technology support and improvements for processing of Operation Enduring Freedom and Operation Iraqi Freedom veterans benefits claims, including making electronic Department of Defense medical records available for claims processing and enabling electronic benefits applications by veterans; and $15,100,000 shall be for electronic data breach remediation and prevention.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, Minor Projects", $326,000,000, to remain available until expended, of which up to $36,000,000 shall be for construction costs associated with the establishment of polytrauma residential transitional rehabilitation programs.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 4501. The Director of the Congressional Budget Office shall, not later than November 15, 2007, submit to the Committees on Appropriations of the House of Representatives and the Senate a report projecting appropriations necessary for the Departments of Defense and Veterans Affairs to continue providing necessary health care to veterans of the conflicts in Iraq and Afghanistan. The projections should span several scenarios for the duration and number of forces deployed in Iraq and Afghanistan, and more generally, for the long-term health care needs of deployed troops engaged in the global war on terrorism over the next ten years.

Sec. 4502. Notwithstanding any other provision of law, appropriations made by Public Law 110–5, which the Secretary of Veterans Affairs contributes to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund under the authority of section 8111(d) of title 38, United States Code, shall remain available until expended for any purpose authorized by section 8111 of title 38, United States Code.

Sec. 4503. (a)(1) Notwithstanding any other provision of law, the Secretary of Veterans Affairs (referred to in this section as the "Secretary") may convey to the State of Texas, without consideration, all right, title, and interest of the United States in and to the parcel of real property comprising the location of the Marlin, Texas, Department of Veterans Affairs Medical Center.

(2) The property conveyed under paragraph (1) shall be used by the State of Texas for the purposes of a prison.

(b) In carrying out the conveyance under subsection (a), the Secretary—

(1) shall not be required to comply with, and shall not be held liable under, any Federal law (including a regulation) relating to the environment or historic preservation; but

(2) may, at the discretion of the Secretary, conduct environmental cleanup on the parcel to be conveyed, at a cost not to exceed $500,000, using amounts made available for environmental cleanup of sites under the jurisdiction of the Secretary.

TITLE V—OTHER MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" of the Farm Service Agency, $37,500,000, to remain available until September 30, 2008: *Provided*, That this amount shall only be available for network and database/application stabilization.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 5101. Of the funds made available through appropriations to the Food and Drug Administration for fiscal year 2007, not less than $4,000,000 shall be for the Office of Women's Health of such Administration.

Sec. 5102. None of the funds made available to the Department of Agriculture for fiscal year 2007 may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

CHAPTER 2

GENERAL PROVISIONS—THIS CHAPTER

Sec. 5201. Hereafter, federal employees at the National Energy Technology Laboratory shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 5202. None of the funds made available under this or any other Act shall be used during fiscal year 2007 to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the "Administrator") or for an appropriated Federal Columbia River Power System investment, if the payment is both—

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on October 1, 2006; and

(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.

CHAPTER 3

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5301. (a) Section 102(a)(3)(B) of the Help America Vote Act of 2002 (42 U.S.C. 15302(a)(3)(B)) is amended by striking "January 1, 2006" and inserting "March 1, 2008".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

SEC. 5302. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006. None of the funds appropriated or otherwise made available in the Continuing Appropriations Resolution, 2007 (Public Law 110–5) may be used to implement a reorganization of offices within the Office of National Drug Control Policy without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 5303. From the amount provided by section 21067 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.

SEC. 5304. Notwithstanding the notice requirement of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, 119 Stat. 2509 (Public Law 109–115), as continued in section 104 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided for fiscal year 2007 under the Federal Payment to the District of Columbia Courts for facilities among the items and entities funded under that heading for operations.

SEC. 5305. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in coordination with the Securities and Exchange Commission and in consultation with the Departments of State and Energy, shall prepare and submit to the Senate Committee on Appropriations, the House Committee on Appropriations, the Senate Committee on Banking, Housing, and Urban Affairs, the House Committee on Financial Services, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee a written report, which may include a classified annex, containing the names of companies which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, are known to conduct significant business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals. The reporting provision shall not apply to companies operating under licenses from the Office of Foreign Assets Control or otherwise expressly exempted under United States law from having to obtain such licenses in order to operate in Sudan.

(b) Not later than 45 days following the submission to Congress of the list of companies conducting business operations in Sudan relating to natural resource extraction as required above, the General Services Administration shall determine whether the United States Government has an active contract for the procurement of goods or services with any of the identified companies, and provide notification to the appropriate committees of Congress, which may include a classified annex, regarding the companies, nature of the contract, and dollar amounts involved.

(INCLUDING RESCISSION)

SEC. 5306. (a) Of the funds provided for the General Services Administration, "Office of Inspector General" in section 21061 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $4,500,000 are rescinded.

(b) For an additional amount for the General Services Administration, "Office of Inspector General", $4,500,000, to remain available until September 30, 2008.

SEC. 5307. Section 21073 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) is amended by adding a new subsection (j) as follows:

"(j) Notwithstanding section 101, any appropriation or funds made available to the District of Columbia pursuant to this division for 'Federal Payment for Foster Care Improvement in the District of Columbia' shall be available in accordance with an expenditure plan submitted by the Mayor of the District of Columbia not later than 60 days after the enactment of this section which details the activities to be carried out with such Federal Payment.".

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5401. Not to exceed $30,000,000 from unobligated balances remaining from prior appropriations for United States Coast Guard, "Retired Pay", shall remain available until expended in the account and for the purposes for which the appropriations were provided, including the payment of obligations otherwise chargeable to lapsed or current appropriations for this purpose.

SEC. 5402. (a) IN GENERAL.—Any contract, subcontract, task or delivery order described in subsection (b) shall contain the following:

(1) A requirement for a technical review of all designs, design changes, and engineering change proposals, and a requirement to specifically address all engineering concerns identified in the review before the obligation of further funds may occur.

(2) A requirement that the Coast Guard maintain technical warrant holder authority, or the equivalent, for major assets.

(3) A requirement that no procurement subject to subsection (b) for lead asset production or the implementation of a major design change shall be entered into unless an independent third party with no financial interest in the development, construction, or modification of any component of the asset, selected by the Commandant, determines that such action is advisable.

(4) A requirement for independent life-cycle cost estimates of lead assets and major design and engineering changes.

(5) A requirement for the measurement of contractor and subcontractor performance based on the status of all work performed. For contracts under the Integrated Deepwater Systems program, such requirement shall include a provision that links award fees to successful acquisition outcomes (which shall be defined in terms of cost, schedule, and performance).

(6) A requirement that the Commandant of the Coast Guard assign an appropriate officer or employee of the Coast Guard to act as chair of each integrated product team and higher-level team assigned to the oversight of each integrated product team.

(7) A requirement that the Commandant of the Coast Guard may not award or issue any contract, task or delivery order, letter contract modification thereof, or other similar contract, for the acquisition or modification of an asset under a procurement subject to subsection (b) unless the Coast Guard and the contractor concerned have formally agreed to all terms and conditions or the head of contracting activity for the Coast Guard determines that a compelling need exists for the award or issue of such instrument.

(b) CONTRACTS, SUBCONTRACTS, TASK AND DELIVERY ORDERS COVERED.—Subsection (a) applies to—

(1) any major procurement contract, first-tier subcontract, delivery or task order entered into by the Coast Guard;

(2) any first-tier subcontract entered into under such a contract; and

(3) any task or delivery order issued pursuant to such a contract or subcontract.

(c) EXPENDITURE OF DEEPWATER FUNDS.—Of the funds available for the Integrated Deepwater Systems program, $650,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan directly from the Coast Guard that—

(1) defines activities, milestones, yearly costs, and life-cycle costs for each procurement of a major asset, including an independent cost estimate for each;

(2) identifies life-cycle staffing and training needs of Coast Guard project managers and of procurement and contract staff;

(3) identifies competition to be conducted in each procurement;

(4) describes procurement plans that do not rely on a single industry entity or contract;

(5) contains very limited indefinite delivery/indefinite quantity contracts and explains the need for any indefinite delivery/indefinite quantity contracts;

(6) complies with all applicable acquisition rules, requirements, and guidelines, and incorporates the best systems acquisition management practices of the Federal Government;

(7) complies with the capital planning and investment control requirements established by the Office of Management and Budget, including circular A–11, part 7;

(8) includes a certification by the head of contracting activity for the Coast Guard and the Chief Procurement Officer of the Department of Homeland Security that the Coast Guard has established sufficient controls and procedures and has sufficient staffing to comply with all contracting requirements, and that any conflicts of interest have been sufficiently addressed;

(9) includes a description of the process used to act upon deviations from the contractually specified performance requirements and clearly explains the actions taken on such deviations;

(10) includes a certification that the Assistant Commandant of the Coast Guard for

Engineering and Logistics is designated as the technical authority for all engineering, design, and logistics decisions pertaining to the Integrated Deepwater Systems program; and

(11) identifies progress in complying with the requirements of subsection (a).

(d) REPORTS.—(1) Not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: (i) a report on the resources (including training, staff, and expertise) required by the Coast Guard to provide appropriate management and oversight of the Integrated Deepwater Systems program; and (ii) a report on how the Coast Guard will utilize full and open competition for any contract that provides for the acquisition or modification of assets under, or in support of, the Integrated Deepwater Systems program, entered into after the date of enactment of this Act.

(2) Within 30 days following the submission of the expenditure plan required under subsection (c), the Government Accountability Office shall review the plan and brief the Committees on Appropriations of the Senate and the House of Representatives on its findings.

SEC. 5403. None of the funds provided in this Act or any other Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, the Coast Guard Academy and the Coast Guard Research and Development Center, except as specifically authorized by a statute enacted after the date of enactment of this Act.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 5404. (a) RESCISSIONS.—The following unobligated balances made available pursuant to section 505 of Public Law 109–90 are rescinded: $1,200,962 from the "Office of the Secretary and Executive Management"; $512,855 from the "Office of the Under Secretary for Management"; $461,874 from the "Office of the Chief Information Officer"; $45,080 from the "Office of the Chief Financial Officer"; $968,211 from Preparedness "Management and Administration"; $1,215,486 from Science and Technology "Management and Administration"; $450,000 from United States Secret Service "Salaries and Expenses"; $450,000 from Federal Emergency Management Agency "Administrative and Regional Operations"; and $25,595,532 from United States Coast Guard "Operating Expenses".

(b) ADDITIONAL APPROPRIATIONS.—

(1) For an additional amount for United States Coast Guard "Acquisition, Construction, and Improvements", $30,000,000, to remain available until September 30, 2009, to mitigate the Service's patrol boat operational gap; and

(2) For an additional amount for the "Office of the Under Secretary for Management", $900,000, for an independent study to compare the Department of Homeland Security senior career and political staffing levels and senior career training programs with those of similarly structured cabinet-level agencies.

SEC. 5405. (a) IN GENERAL.—With respect to contracts entered into after June 1, 2007, and except as provided in subsection (b), no entity performing lead system integrator functions in the acquisition of a major system by the Department of Homeland Security may have any direct financial interest in the development or construction of any individual system or element of any system of systems.

(b) EXCEPTION.—An entity described in subsection (a) may have a direct financial interest in the development or construction of an individual system or element of a system of systems if—

(1) the Secretary of Homeland Security certifies to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Commerce, Science and Transportation of the Senate that—

(A) the entity was selected by the Department of Homeland Security as a contractor to develop or construct the system or element concerned through the use of competitive procedures; and

(B) the Department took appropriate steps to prevent any organizational conflict of interest in the selection process; or

(2) the entity was selected by a subcontractor to serve as a lower-tier subcontractor, through a process over which the entity exercised no control.

(c) CONSTRUCTION.—Nothing in this section shall be construed to preclude an entity described in subsection (a) from performing work necessary to integrate two or more individual systems or elements of a system of systems with each other.

(d) REGULATIONS UPDATE.—Not later than June 1, 2007, the Secretary of Homeland Security shall update the acquisition regulations of the Department of Homeland Security in order to specify fully in such regulations the matters with respect to lead system integrators set forth in this section. Included in such regulations shall be: (1) a precise and comprehensive definition of the term "lead system integrator", modeled after that used by the Department of Defense; and (2) a specification of various types of contracts and fee structures that are appropriate for use by lead system integrators in the production, fielding, and sustainment of complex systems.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5501. Section 20515 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting before the period: "; and of which, not to exceed $143,628,000 shall be available for contract support costs under the terms and conditions contained in Public Law 109–54".

SEC. 5502. Section 20512 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after the first dollar amount: ", of which not to exceed $7,300,000 shall be transferred to the 'Indian Health Facilities' account; the amount in the second proviso shall be $18,000,000; the amount in the third proviso shall be $525,099,000; the amount in the ninth proviso shall be $269,730,000; and the $15,000,000 allocation of funding under the eleventh proviso shall not be required".

SEC. 5503. Section 20501 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after "$55,663,000" the following: "of which $13,000,000 shall be for Save America's Treasures".

SEC. 5504. Funds made available to the United States Fish and Wildlife Service for fiscal year 2007 under the heading "Land Acquisition" may be used for land conservation partnerships authorized by the Highlands Conservation Act of 2004.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for "National Institute of Allergy and Infectious Diseases", $49,500,000 shall be transferred to "Public Health and Social Services Emergency Fund" to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

OFFICE OF THE DIRECTOR

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for "Office of the Director", $49,500,000 shall be transferred to "Public Health and Social Services Emergency Fund" to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $300,000, to remain available until expended, for necessary expenses related to the requirements of the Post-Katrina Emergency Management Reform Act of 2006, as enacted by the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFERS OF FUNDS AND RESCISSION)

SEC. 5601. Section 20602 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting the following after "$5,000,000": "(together with an additional $7,000,000 which shall be transferred by the Pension Benefit Guaranty Corporation as an authorized administrative cost), to remain available through September 30, 2008,".

SEC. 5602. Section 20607 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting "of which $9,666,000 shall be for the Women's Bureau," after "for child labor activities,".

SEC. 5603. Of the amount provided for "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services" in the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $23,000,000 shall be for Poison Control Centers.

SEC. 5604. From the amounts made available by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for the Office of the Secretary, General Departmental Management under the Department of Health and Human Services, $1,000,000 are rescinded.

SEC. 5605. Section 20625(b)(1) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by—

(1) striking “$7,172,994,000” and inserting “$7,176,431,000”;

(2) amending subparagraph (A) to read as follows: “(A) $5,454,824,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA), of which up to $3,437,000 shall be available to the Secretary of Education on October 1, 2006, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census;”; and

(3) amending subparagraph (C) to read as follows: “(C) not to exceed $2,352,000 may be available for section 1608 of the ESEA and for a clearinghouse on comprehensive school reform under part D of title V of the ESEA;”.

SEC. 5606. The provision in the first proviso under the heading “Rehabilitation Services and Disability Research” in the Department of Education Appropriations Act, 2006, relating to alternative financing programs under section 4(b)(2)(D) of the Assistive Technology Act of 1998 shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007.

SEC. 5607. Notwithstanding sections 20639 and 20640 of the Continuing Appropriations Resolution, 2007, as amended by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), the Chief Executive Officer of the Corporation for National and Community Service may transfer an amount of not more than $1,360,000 from the account under the heading “National and Community Service Programs, Operating Expenses” under the heading “Corporation for National and Community Service”, to the account under the heading “Salaries and Expenses” under the heading “Corporation for National and Community Service”.

SEC. 5608. (a) Section 1310.12(a) of title 45, Code of Federal Regulations, shall take effect 30 days after the date of enactment of this Act.

(b)(1) Notwithstanding subsection (a), any vehicle used to transport children for a Head Start program as of January 1, 2007, shall not be subject to a requirement under such section (including a requirement based on the definitions set forth or referenced in section 1310.3 or any other provision set forth or referenced in part 1310 of such title, or any corresponding similar regulation or ruling) regarding rear emergency exit doors, for 1 year after that date of enactment.

(2) Not later than 60 days after the National Highway Traffic Safety Administration of the Department of Transportation submits its study on occupant protection on Head Start transit vehicles (related to Government Accountability Office report GAO-06–767R), the Secretary of Health and Human Services shall review and shall revise as necessary the allowable alternate vehicle standards described in that part 1310 (or any corresponding similar regulation or ruling) relating to allowable alternate vehicles used to transport children for a Head Start program. In making any such revision, the Secretary shall revise the standards to be consistent with the findings contained in such study, including making a determination on the exemption of such a vehicle from Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, if such vehicle meets all other applicable Federal motor vehicle safety standards, including standards for seating systems, occupant crash protection, seat belt assemblies, and child restraint anchorage systems consistent with that part 1310 (or any corresponding similar regulation or ruling).

(3) Notwithstanding subsection (a), until such date as the Secretary of Health and Human Services completes the review and any necessary revision specified in paragraph (2), the provisions of section 1310.12(a) relating to Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, for allowable alternate vehicles used to transport children for a Head Start program, shall not apply to such a vehicle if such vehicle meets all other applicable Federal motor vehicle safety standards, as described in paragraph (2).

SEC. 5609. (a)(1) Section 3(37)(G) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)(G)) (as amended by section 1106(a) of the Pension Protection Act of 2006) is amended—

(A) in clause (i)(II)(aa), by striking “for each of the 3 plan years immediately before the date of the enactment of the Pension Protection Act of 2006,” and inserting “for each of the 3 plan years immediately preceding the first plan year for which the election under this paragraph is effective with respect to the plan ,”;

(B) in clause (ii), by striking “starting with the first plan year ending after the date of the enactment of the Pension Protection Act of 2006” and inserting “starting with any plan year beginning on or after January 1, 1999, and ending before January 1, 2008, as designated by the plan in the election made under clause (i)(II)”; and

(C) by adding at the end the following new clause:

“(vii) For purposes of this Act and the Internal Revenue Code of 1986, a plan making an election under this subparagraph shall be treated as maintained pursuant to a collective bargaining agreement if a collective bargaining agreement, expressly or otherwise, provides for or permits employer contributions to the plan by one or more employers that are signatory to such agreement, or participation in the plan by one or more employees of an employer that is signatory to such agreement, regardless of whether the plan was created, established, or maintained for such employees by virtue of another document that is not a collective bargaining agreement.”.

(2) Paragraph (6) of section 414(f) of the Internal Revenue Code of 1986 (relating to election with regard to multiemployer status) (as amended by section 1106(b) of the Pension Protection Act of 2006) is amended—

(A) in subparagraph (A)(ii)(I), by striking “for each of the 3 plan years immediately before the date of enactment of the Pension Protection Act of 2006,” and inserting “for each of the 3 plan years immediately preceding the first plan year for which the election under this paragraph is effective with respect to the plan ,”;

(B) in subparagraph (B), by striking “starting with the first plan year ending after the date of the enactment of the Pension Protection Act of 2006” and inserting “starting with any plan year beginning on or after January 1, 1999, and ending before January 1, 2008, as designated by the plan in the election made under subparagraph (A)(ii)”; and

(C) by adding at the end the following new subparagraph:

“(F) MAINTENANCE UNDER COLLECTIVE BARGAINING AGREEMENT.—For purposes of this title and the Employee Retirement Income Security Act of 1974, a plan making an election under this paragraph shall be treated as maintained pursuant to a collective bargaining agreement if a collective bargaining agreement, expressly or otherwise, provides for or permits employer contributions to the plan by one or more employers that are signatory to such agreement, or participation in the plan by one or more employees of an employer that is signatory to such agreement, regardless of whether the plan was created, established, or maintained for such employees by virtue of another document that is not a collective bargaining agreement.”.

(b)(1) Clause (vi) of section 3(37)(G) of the Employee Retirement Income Security Act of 1974 (as amended by section 1106(a) of the Pension Protection Act of 2006) is amended by striking “if it is a plan—” and all that follows and inserting the following: “if it is a plan sponsored by an organization which is described in section 501(c)(5) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which was established in Chicago, Illinois, on August 12, 1881.”.

(2) Subparagraph (E) of section 414(f)(6) of the Internal Revenue Code of 1986 (as amended by section 1106(b) of the Pension Protection Act of 2006) is amended by striking “if it is a plan—” and all that follows and inserting the following: “if it is a plan sponsored by an organization which is described in section 501(c)(5) and exempt from tax under section 501(a) and which was established in Chicago, Illinois, on August 12, 1881.”.

(c) The amendments made by this section shall take effect as if included in section 1106 of the Pension Protection Act of 2006.

SEC. 5610. (a) Subclause (III) of section 420(f)(2)(E)(i) of the Internal Revenue Code of 1986 is amended by striking “subsection (c)(2)(E)(ii)(II)” and inserting “subsection (c)(3)(E)(ii)(II)”.

(b) Section 420(e)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “funding shortfall” and inserting “funding target”.

(c) The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 5611. (a) Subparagraph (A) of section 420(c)(3) of the Internal Revenue Code of 1986 is amended by striking “transfer.” and inserting “transfer or, in the case of a transfer which involves a plan maintained by an employer described in subsection (f)(2)(E)(i)(III), if the plan meets the requirements of subsection (f)(2)(D)(i)(II).”.

(b) The amendment made by subsection (a) shall apply to transfers after the date of the enactment of this Act.

SEC. 5612. (a) Section 402(i)(1) of the Pension Protection Act of 2006 is amended by striking “December 28, 2007” and inserting “January 1, 2008”.

(b) The amendment made by subsection (a) shall take effect as if included in section 402 of the Pension Protection Act of 2006.

CHAPTER 7

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Gloria W. Norwood, widow of Charles W. Norwood, Jr., late a Representative from the State of Georgia, $165,200.

For payment to James McDonald, Jr., widower of Juanita Millender-McDonald, late a Representative from the State of California, $165,200.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

TECHNICAL AMENDMENT

SEC. 5801. (a) Notwithstanding any other provision of law, subsection (c) under the heading "Assistance for the Independent States of the Former Soviet Union" in Public Law 109–102, shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007 (Public Law 109–289, division B) as amended by Public Laws 109–369, 109–383, and 110–5.

(b) Section 534(k) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) is amended, in the second proviso, by inserting after "subsection (b) of that section" the following: "and the requirement that a majority of the members of the board of directors be United States citizens provided in subsection (d)(3)(B) of that section".

(c) Subject to section 101(c)(2) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), the amount of funds appropriated for "Foreign Military Financing Program" pursuant to such Resolution shall be construed to be the total of the amount appropriated for such program by section 20401 of that Resolution and the amount made available for such program by section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) which is made applicable to the fiscal year 2007 by the provisions of such Resolution.

SEC. 5802. Notwithstanding any provision of title I of division B of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 109–369, 109–383, and 110–5), the dollar amount limitation of the first proviso under the heading, "Administration of Foreign Affairs, Diplomatic and Consular Programs", in title IV of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2319) shall not apply to funds appropriated under such heading for fiscal year 2007.

CHAPTER 9

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $6,150,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund and to be subject to the same terms and conditions pertaining to funds provided under this heading in Public Law 109–115: *Provided*, That not to exceed the total amount provided for these activities for fiscal year 2007 shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5901. Hereafter, funds limited or appropriated for the Department of Transportation may be obligated or expended to grant authority to a Mexican motor carrier to operate beyond United States municipalities and commercial zones on the United States-Mexico border only to the extent that—

(1) granting such authority is first tested as part of a pilot program;

(2) such pilot program complies with the requirements of section 350 of Public Law 107–87 and the requirements of section 31315(c) of title 49, United States Code, related to pilot programs; and

(3) simultaneous and comparable authority to operate within Mexico is made available to motor carriers domiciled in the United States.

SEC. 5902. Funds provided for the "National Transportation Safety Board, Salaries and Expenses" in section 21031 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) include amounts necessary to make lease payments due in fiscal year 2007 only, on an obligation incurred in 2001 under a capital lease.

SEC. 5903. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the second proviso: ": *Provided further*, That paragraph (2) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $149,300,000, but additional section 8 tenant protection rental assistance costs may be funded in 2007 by using unobligated balances, notwithstanding the purposes for which such amounts were appropriated, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading 'Annual Contributions for Assisted Housing', the heading 'Housing Certificate Fund', and the heading 'Project-Based Rental Assistance' for fiscal year 2006 and prior fiscal years: *Provided further*, That paragraph (3) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $47,500,000: *Provided further*, That paragraph (4) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $5,900,000: *Provided further*, That paragraph (5) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $1,281,100,000, of which $1,251,100,000 shall be allocated for the calendar year 2007 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2006, and of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $20,000,000 to be for fees associated with section 8 tenant protection rental assistance".

SEC. 5904. Section 232(b) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106–377) is amended to read as follows:

"(b) APPLICABILITY.—In the case of any dwelling unit that, upon the date of the enactment of this Act, is assisted under a housing assistance payment contract under section 8(o)(13) as in effect before such enactment, or under section 8(d)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(2)) as in effect before the enactment of the Quality Housing and Work Responsibility Act of 1998 (title V of Public Law 105–276), assistance may be renewed or extended under such section 8(o)(13), as amended by subsection (a), provided that the initial contract term and rent of such renewed or extended assistance shall be determined pursuant to subparagraphs (F) and (H), and subparagraphs (C) and (D) of such section shall not apply to such extensions or renewals.".

CHAPTER 10

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 5951. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DESIGNATION FOR TITLES I AND II

SEC. 5952. Amounts in titles I and II are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and as making appropriations for contingency operations directly related to the global war on terrorism and other unanticipated defense-related operations pursuant to section 402 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

EMERGENCY DESIGNATION FOR OTHER TITLES

SEC. 5953. Amounts in titles III, IV, and VI are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

TITLE VI—ELIMINATION OF SCHIP SHORTFALL AND OTHER HEALTH MATTERS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES STATE CHILDREN'S HEALTH INSURANCE FUND

For an additional amount to provide additional allotments to remaining shortfall States under section 2104(h)(4) of the Social Security Act, as inserted by section 6001, such sums as may be necessary, but not to exceed $650,000,000 for fiscal year 2007, to remain available until expended.

GENERAL PROVISIONS—THIS TITLE

SEC. 6001. (a) ELIMINATION OF REMAINDER OF SCHIP FUNDING SHORTFALLS, TIERED MATCH, AND OTHER LIMITATION ON EXPENDITURES.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)), as added by section 201(a) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482), is amended—

(1) in the heading for paragraph (2), by striking "REMAINDER OF REDUCTION" and inserting "PART"; and

(2) by striking paragraph (4) and inserting the following:

"(4) ADDITIONAL AMOUNTS TO ELIMINATE REMAINDER OF FISCAL YEAR 2007 FUNDING SHORTFALLS.—

"(A) IN GENERAL.—From the amounts provided in advance in appropriations Acts, the Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State for fiscal year 2007.

"(B) REMAINING SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a remaining shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this paragraph, that the projected Federal expenditures under such plan for the State for fiscal year 2007 will exceed the sum of—

"(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006;

"(ii) the amount of the State's allotment for fiscal year 2007; and

"(iii) the amounts, if any, that are to be redistributed to the State during fiscal year 2007 in accordance with paragraphs (1) and (2).".

(b) CONFORMING AMENDMENTS.—Section 2104(h) of such Act (42 U.S.C. 1397dd(h)) (as so added), is amended—

(1) in paragraph (1)(B), by striking "subject to paragraph (4)(B) and";

(2) in paragraph (2)(B), by striking "subject to paragraph (4)(B) and";

(3) in paragraph (5)(A), by striking "and (3)" and inserting "(3), and (4)"; and

(4) in paragraph (6)—

(A) in the first sentence—

(i) by inserting "or allotted" after "redistributed"; and

(ii) by inserting "or allotments" after "redistributions"; and

(B) by striking "and (3)" and inserting "(3), and (4)".

SEC. 6002. (a) PROHIBITION.—

(1) LIMITATION ON SECRETARIAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to the date that is 1 year after the date of enactment of this Act, take any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to—

(A) finalize or otherwise implement provisions contained in the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations);

(B) promulgate or implement any rule or provisions similar to the provisions described in subparagraph (A) pertaining to the Medicaid program established under title XIX of the Social Security Act or the State Children's Health Insurance Program established under title XXI of such Act; or

(C) promulgate or implement any rule or provisions restricting payments for graduate medical education under the Medicaid program.

(2) CONTINUATION OF OTHER SECRETARIAL AUTHORITY.—The Secretary of Health and Human Service shall not be prohibited during the period described in paragraph (1) from taking any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to enforce a provision of law in effect as of the date of enactment of this Act with respect to the Medicaid program or the State Children's Health Insurance Program, or to promulgate or implement a new rule or provision during such period with respect to such programs, other than a rule or provision described in paragraph (1) and subject to the prohibition set forth in that paragraph.

(b) REQUIREMENT FOR USE OF TAMPER-RESISTANT PRESCRIPTION PADS UNDER THE MEDICAID PROGRAM.—

(1) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking "or" at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting "; or"; and

(C) by inserting after paragraph (22) the following new paragraph:

"(23) with respect to amounts expended for medical assistance for covered outpatient drugs (as defined in section 1927(k)(2)) for which the prescription was executed in written (and non-electronic) form unless the prescription was executed on a tamper-resistant pad.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to prescriptions executed after September 30, 2007.

(c) EXTENSION OF CERTAIN PHARMACY PLUS WAIVERS.—

(1) AUTHORITY TO CONTINUE TO OPERATE WAIVERS.—Notwithstanding any other provision of law, any State that is operating a Pharmacy Plus waiver described in paragraph (2) which would otherwise expire on June 30, 2007, may elect to continue to operate the waiver through December 31, 2009.

(2) PHARMACY PLUS WAIVER DESCRIBED.—For purposes of paragraph (1), a Pharmacy Plus waiver described in this paragraph is a waiver approved by the Secretary of Health and Human Services under the authority of section 1115 of the Social Security Act (42 U.S.C. 1315) that provides coverage for prescription drugs for individuals who have attained age 65 and whose family income does not exceed 200 percent of the poverty line (as defined in section 2110(c)(5) of such Act (42 U.S.C. 1397jj(c)(5)).

TITLE VII—FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 7101. SHORT TITLE.

This subtitle may be cited as the "Fair Minimum Wage Act of 2007".

SEC. 7102. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 7103. APPLICABILITY OF MINIMUM WAGE TO AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—Notwithstanding subsection (a)—

(1) the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this paragraph is equal to the minimum wage set forth in such section; and

(2) the minimum wage applicable to American Samoa under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) the applicable wage rate in effect for each industry and classification under section 697 of title 29, Code of Federal Regulations, on the date of enactment of this Act;

(B) increased by $0.50 an hour, beginning on the 60th day after the date of enactment of this Act; and

(C) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to American Samoa under this paragraph is equal to the minimum wage set forth in such section.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended—

(A) by striking sections 5 and 8; and

(B) in section 6(a), by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 60 days after the date of enactment of this Act.

SEC. 7104. STUDY ON PROJECTED IMPACT.

(a) STUDY.—Beginning on the date that is 26 months after the date of enactment of this Act, the Secretary of Labor shall, through the Bureau of Labor Statistics, conduct a study to—

(1) assess the impact of the wage increases required by this Act through such date; and

(2) to project the impact of any further wage increase,

on living standards and rates of employment in American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) REPORT.—Not later than the date that is 32 months after the date of enactment of this Act, the Secretary of Labor shall transmit to Congress a report on the findings of the study required by subsection (a).

Subtitle B—Small Business Tax Incentives

SEC. 7201. SHORT TITLE; AMENDMENT OF CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the "Small Business and Work Opportunity Tax Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:

Sec. 7201. Short title; amendment of Code; table of contents.

PART 1—SMALL BUSINESS TAX RELIEF PROVISIONS

SUBPART A—GENERAL PROVISIONS

Sec. 7211. Extension and modification of work opportunity tax credit.
Sec. 7212. Extension and increase of expensing for small business.
Sec. 7213. Determination of credit for certain taxes paid with respect to employee cash tips.
Sec. 7214. Waiver of individual and corporate alternative minimum tax limits on work opportunity credit and credit for taxes paid with respect to employee cash tips.
Sec. 7215. Family business tax simplification.

SUBPART B—GULF OPPORTUNITY ZONE TAX INCENTIVES

Sec. 7221. Extension of increased expensing for qualified section 179 Gulf Opportunity Zone property.
Sec. 7222. Extension and expansion of low-income housing credit rules for buildings in the GO Zones.
Sec. 7223. Special tax-exempt bond financing rule for repairs and reconstructions of residences in the GO Zones.

Sec. 7224. GAO study of practices employed by State and local governments in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005.

SUBPART C—SUBCHAPTER S PROVISIONS

Sec. 7231. Capital gain of S corporation not treated as passive investment income.
Sec. 7232. Treatment of bank director shares.
Sec. 7233. Special rule for bank required to change from the reserve method of accounting on becoming S corporation.
Sec. 7234. Treatment of the sale of interest in a qualified subchapter S subsidiary.
Sec. 7235. Elimination of all earnings and profits attributable to pre-1983 years for certain corporations.
Sec. 7236. Deductibility of interest expense on indebtedness incurred by an electing small business trust to acquire S corporation stock.

PART 2—REVENUE PROVISIONS

Sec. 7241. Increase in age of children whose unearned income is taxed as if parent's income.
Sec. 7242. Suspension of certain penalties and interest.
Sec. 7243. Modification of collection due process procedures for employment tax liabilities.
Sec. 7244. Permanent extension of IRS user fees.
Sec. 7245. Increase in penalty for bad checks and money orders.
Sec. 7246. Understatement of taxpayer liability by return preparers.
Sec. 7247. Penalty for filing erroneous refund claims.
Sec. 7248. Time for payment of corporate estimated taxes.

PART 1—SMALL BUSINESS TAX RELIEF PROVISIONS

Subpart A—General Provisions

SEC. 7211. EXTENSION AND MODIFICATION OF WORK OPPORTUNITY TAX CREDIT.

(a) Extension.—Section 51(c)(4)(B) (relating to termination) is amended by striking "December 31, 2007" and inserting "August 31, 2011".

(b) Increase in Maximum Age for Designated Community Residents.—

(1) In general.—Paragraph (5) of section 51(d) is amended to read as follows:

"(5) Designated community residents.—

"(A) In general.—The term 'designated community resident' means any individual who is certified by the designated local agency—

"(i) as having attained age 18 but not age 40 on the hiring date, and

"(ii) as having his principal place of abode within an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(B) Individual must continue to reside in zone, community, or county.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(C) Rural renewal county.—For purposes of this paragraph, the term 'rural renewal county' means any county which—

"(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

"(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.".

(2) Conforming amendment.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

"(D) a designated community resident,".

(c) Clarification of Treatment of Individuals Under Individual Work Plans.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.".

(d) Treatment of Disabled Veterans Under the Work Opportunity Tax Credit.—

(1) Disabled veterans treated as members of targeted group.—

(A) In general.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking "agency as being a member of a family" and all that follows and inserting "agency as—

"(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

"(ii) entitled to compensation for a service-connected disability, and—

"(I) having a hiring date which is not more that 1 year after having been discharged or released from active duty in the Armed Forces of the United States, or

"(II) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.".

(B) Definitions.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

"(C) Other definitions.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.".

(2) Increase in amount of wages taken into account for disabled veterans.—Paragraph (3) of section 51(b) is amended—

(A) by inserting "($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))" before the period at the end, and

(B) by striking "ONLY FIRST $6,000 OF" in the heading and inserting "LIMITATION ON".

(e) Effective Date.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 7212. EXTENSION AND INCREASE OF EXPENSING FOR SMALL BUSINESS.

(a) Extension.—Subsections (b)(1), (b)(2), (b)(5), (c)(2), and (d)(1)(A)(ii) of section 179 (relating to election to expense certain depreciable business assets) are each amended by striking "2010" and inserting "2011".

(b) Increase in Limitations.—Subsection (b) of section 179 is amended—

(1) by striking "$100,000 in the case of taxable years beginning after 2002" in paragraph (1) and inserting "$125,000 in the case of taxable years beginning after 2006", and

(2) by striking "$400,000 in the case of taxable years beginning after 2002" in paragraph (2) and inserting "$500,000 in the case of taxable years beginning after 2006".

(c) Inflation Adjustment.—Subparagraph (A) of section 179(b)(5) is amended—

(1) by striking "2003" and inserting "2007",

(2) by striking "$100,000 and $400,000" and inserting "$125,000 and $500,000", and

(3) by striking "2002" in clause (ii) and inserting "2006".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7213. DETERMINATION OF CREDIT FOR CERTAIN TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) In General.—Subparagraph (B) of section 45B(b)(1) is amended by inserting "as in effect on January 1, 2007, and" before "determined without regard to".

(b) Effective Date.—The amendment made by this section shall apply to tips received for services performed after December 31, 2006.

SEC. 7214. WAIVER OF INDIVIDUAL AND CORPORATE ALTERNATIVE MINIMUM TAX LIMITS ON WORK OPPORTUNITY CREDIT AND CREDIT FOR TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) Allowance Against Alternative Minimum Tax.—Subparagraph (B) of section 38(c)(4) is amended by striking "and" at the end of clause (i), by inserting a comma at the end of clause (ii), and by adding at the end the following new clauses:

"(iii) the credit determined under section 45B, and

"(iv) the credit determined under section 51.".

(b) Effective Date.—The amendments made by this section shall apply to credits determined under sections 45B and 51 of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2006, and to carrybacks of such credits.

SEC. 7215. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) In General.—Section 761 (defining terms for purposes of partnerships) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Qualified Joint Venture.—

"(1) In general.—In the case of a qualified joint venture conducted by a husband and wife who file a joint return for the taxable year, for purposes of this title—

"(A) such joint venture shall not be treated as a partnership,

"(B) all items of income, gain, loss, deduction, and credit shall be divided between the spouses in accordance with their respective interests in the venture, and

"(C) each spouse shall take into account such spouse's respective share of such items as if they were attributable to a trade or business conducted by such spouse as a sole proprietor.

"(2) Qualified joint venture.—For purposes of paragraph (1), the term 'qualified joint venture' means any joint venture involving the conduct of a trade or business if—

"(A) the only members of such joint venture are a husband and wife,

"(B) both spouses materially participate (within the meaning of section 469(h) without regard to paragraph (5) thereof) in such trade or business, and

"(C) both spouses elect the application of this subsection.".

(b) Net Earnings From Self-Employment.—

(1) Subsection (a) of section 1402 (defining net earnings from self-employment) is amended by striking ", and" at the end of paragraph (15) and inserting a semicolon, by

striking the period at the end of paragraph (16) and inserting "; and", and by inserting after paragraph (16) the following new paragraph:

"(17) notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) in determining net earnings from self-employment of such spouse.".

(2) Subsection (a) of section 211 of the Social Security Act (defining net earnings from self-employment) is amended by striking "and" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; and", and by inserting after paragraph (15) the following new paragraph:

"(16) Notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) of the Internal Revenue Code of 1986 in determining net earnings from self-employment of such spouse.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Subpart B—Gulf Opportunity Zone Tax Incentives

SEC. 7221. EXTENSION OF INCREASED EXPENSING FOR QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.

Paragraph (2) of section 1400N(e) (relating to qualified section 179 Gulf Opportunity Zone property) is amended—

(1) by striking "this subsection, the term" and inserting

"this subsection—

"(A) IN GENERAL.—The term", and

(2) by adding at the end the following new subparagraph:

"(B) EXTENSION FOR CERTAIN PROPERTY.—In the case of property substantially all of the use of which is in one or more specified portions of the GO Zone (as defined by subsection (d)(6)), such term shall include section 179 property (as so defined) which is described in subsection (d)(2), determined—

"(i) without regard to subsection (d)(6), and

"(ii) by substituting '2008' for '2007' in subparagraph (A)(v) thereof.".

SEC. 7222. EXTENSION AND EXPANSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN THE GO ZONES.

(a) TIME FOR MAKING LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Subsection (c) of section 1400N (relating to low-income housing credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) TIME FOR MAKING LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Section 42(h)(1)(B) shall not apply to an allocation of housing credit dollar amount to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone, if such allocation is made in 2006, 2007, or 2008, and such building is placed in service before January 1, 2011.".

(b) EXTENSION OF PERIOD FOR TREATING GO ZONES AS DIFFICULT DEVELOPMENT AREAS.—

(1) IN GENERAL.—Subparagraph (A) of section 1400N(c)(3) is amended by striking "2006, 2007, or 2008" and inserting "the period beginning on January 1, 2006, and ending on December 31, 2010".

(2) CONFORMING AMENDMENT.—Clause (ii) of section 1400N(c)(3)(B) is amended by striking "such period" and inserting "the period described in subparagraph (A)".

(c) COMMUNITY DEVELOPMENT BLOCK GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING IF BUILDINGS ARE FEDERALLY SUBSIDIZED.—Subsection (c) of section 1400N (relating to low-income housing credit), as amended by this Act, is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6) COMMUNITY DEVELOPMENT BLOCK GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING IF BUILDINGS ARE FEDERALLY SUBSIDIZED.—For purpose of applying section 42(i)(2)(D) to any building which is placed in service in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone during the period beginning on January 1, 2006, and ending on December 31, 2010, a loan shall not be treated as a below market Federal loan solely by reason of any assistance provided under section 106, 107, or 108 of the Housing and Community Development Act of 1974 by reason of section 122 of such Act or any provision of the Department of Defense Appropriations Act, 2006, or the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.".

SEC. 7223. SPECIAL TAX-EXEMPT BOND FINANCING RULE FOR REPAIRS AND RECONSTRUCTIONS OF RESIDENCES IN THE GO ZONES.

Subsection (a) of section 1400N (relating to tax-exempt bond financing) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR REPAIRS AND RECONSTRUCTIONS.—

"(A) IN GENERAL.—For purposes of section 143 and this subsection, any qualified GO Zone repair or reconstruction shall be treated as a qualified rehabilitation.

"(B) QUALIFIED GO ZONE REPAIR OR RECONSTRUCTION.—For purposes of subparagraph (A), the term 'qualified GO Zone repair or reconstruction' means any repair of damage caused by Hurricane Katrina, Hurricane Rita, or Hurricane Wilma to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone (or reconstruction of such building in the case of damage constituting destruction) if the expenditures for such repair or reconstruction are 25 percent or more of the mortgagor's adjusted basis in the residence. For purposes of the preceding sentence, the mortgagor's adjusted basis shall be determined as of the completion of the repair or reconstruction or, if later, the date on which the mortgagor acquires the residence.

"(C) TERMINATION.—This paragraph shall apply only to owner-financing provided after the date of the enactment of this paragraph and before January 1, 2011.".

SEC. 7224. GAO STUDY OF PRACTICES EMPLOYED BY STATE AND LOCAL GOVERNMENTS IN ALLOCATING AND UTILIZING TAX INCENTIVES PROVIDED PURSUANT TO THE GULF OPPORTUNITY ZONE ACT OF 2005.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the practices employed by State and local governments, and subdivisions thereof, in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005 and this Act.

(b) SUBMISSION OF REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit a report on the findings of the study conducted under subsection (a) and shall include therein recommendations (if any) relating to such findings. The report shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(c) CONGRESSIONAL HEARINGS.—In the case that the report submitted under this section includes findings of significant fraud, waste or abuse, each Committee specified in subsection (b) shall, within 60 days after the date the report is submitted under subsection (b), hold a public hearing to review such findings.

Subpart C—Subchapter S Provisions

SEC. 7231. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraphs:

"(B) GROSS RECEIPTS FROM THE SALES OF CERTAIN ASSETS.—For purposes of this paragraph—

"(i) in the case of dispositions of capital assets (other than stock and securities), gross receipts from such dispositions shall be taken into account only to the extent of the capital gain net income therefrom, and

"(ii) in the case of sales or exchanges of stock or securities, gross receipts shall be taken into account only to the extent of the gains therefrom.

"(C) PASSIVE INVESTMENT INCOME DEFINED.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(ii) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

"(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

"(I) interest income earned by such bank or company, or

"(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7232. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(f) Restricted Bank Director Stock.—

"(1) In general.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

"(2) Restricted bank director stock.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

"(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

"(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

"(3) Cross reference.—

"For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f).".

(b) Distributions.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

"(f) Restricted Bank Director Stock.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

"(1) shall be includible in gross income of the director, and

"(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.".

(c) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) Special rule for treatment as second class of stock.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 7233. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) In General.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

"(g) Special Rule for Bank Required To Change From the Reserve Method of Accounting on Becoming S Corporation.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7234. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) In General.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking "For purposes of this title," and inserting the following:

"(i) In general.—For purposes of this title,", and

(2) by inserting at the end the following new clause:

"(ii) Termination by reason of sale of stock.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

"(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

"(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7235. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 7236. DEDUCTIBILITY OF INTEREST EXPENSE ON INDEBTEDNESS INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK.

(a) In General.—Subparagraph (C) of section 641(c)(2) (relating to modifications) is amended by inserting after clause (iii) the following new clause:

"(iv) Any interest expense paid or accrued on indebtedness incurred to acquire stock in an S corporation.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

PART 2—REVENUE PROVISIONS

SEC. 7241. INCREASE IN AGE OF CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) In General.—Subparagraph (A) of section 1(g)(2) (relating to child to whom subsection applies) is amended to read as follows:

"(A) such child—

"(i) has not attained age 18 before the close of the taxable year, or

"(ii)(I) has attained age 18 before the close of the taxable year and meets the age requirements of section 152(c)(3) (determined without regard to subparagraph (B) thereof), and

"(II) whose earned income (as defined in section 911(d)(2)) for such taxable year does not exceed one-half of the amount of the individual's support (within the meaning of section 152(c)(1)(D) after the application of section 152(f)(5) (without regard to subparagraph (A) thereof)) for such taxable year,".

(b) Conforming Amendment.—Subsection (g) of section 1 is amended by striking "Minor" in the heading thereof.

(c) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7242. SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) In General.—Paragraphs (1)(A) and (3)(A) of section 6404(g) are each amended by striking "18-month period" and inserting "36-month period".

(b) Effective Date.—The amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate, after the date which is 6 months after the date of the enactment of this Act.

SEC. 7243. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) In General.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking "; or" at the end of paragraph (1) and inserting a comma,

(2) by adding "or" at the end of paragraph (2), and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary has served a disqualified employment tax levy,".

(b) Disqualified Employment Tax Levy.—Section 6330 of such Code (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(h) Disqualified Employment Tax Levy.—For purposes of subsection (f), a disqualified employment tax levy is any levy in connection with the collection of employment taxes for any taxable period if the person subject to the levy (or any predecessor thereof) requested a hearing under this section with respect to unpaid employment taxes arising in the most recent 2-year period before the beginning of the taxable period with respect to which the levy is served. For purposes of the preceding sentence, the term 'employment taxes' means any taxes under chapter 21, 22, 23, or 24.".

(c) Effective Date.—The amendments made by this section shall apply to levies served on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 7244. PERMANENT EXTENSION OF IRS USER FEES.

Section 7528 (relating to Internal Revenue Service user fees) is amended by striking subsection (c).

SEC. 7245. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) In General.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) Effective Date.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 7246. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.

(a) Application of Return Preparer Penalties to All Tax Returns.—

(1) Definition of tax return preparer.—Paragraph (36) of section 7701(a) (relating to income tax preparer) is amended—

(A) by striking "income" each place it appears in the heading and the text, and

(B) in subparagraph (A), by striking "subtitle A" each place it appears and inserting "this title".

(2) CONFORMING AMENDMENTS.—

(A)(i) Section 6060 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(ii) Section 6060(a) is amended—

(I) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(II) by striking "each income tax return preparer" and inserting "each tax return preparer", and

(III) by striking "another income tax return preparer" and inserting "another tax return preparer".

(iii) The item relating to section 6060 in the table of sections for subpart F of part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(iv) Subpart F of part III of subchapter A of chapter 61 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(v) The item relating to subpart F in the table of subparts for part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(B) Section 6103(k)(5) is amended—

(i) by striking "income tax return preparer" each place it appears and inserting "tax return preparer", and

(ii) by striking "income tax return preparers" each place it appears and inserting "tax return preparers".

(C)(i) Section 6107 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears in subsections (a) and (b) and inserting "a tax return preparer",

(III) by striking "INCOME TAX RETURN PREPARER" in the heading for subsection (b) and inserting "TAX RETURN PREPARER", and

(IV) in subsection (c), by striking "income tax return preparers" and inserting "tax return preparers".

(ii) The item relating to section 6107 in the table of sections for subchapter B of chapter 61 is amended by striking "Income tax return preparer" and inserting "Tax return preparer".

(D) Section 6109(a)(4) is amended—

(i) by striking "an income tax return preparer" and inserting "a tax return preparer", and

(ii) by striking "**INCOME RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**".

(E) Section 6503(k)(4) is amended by striking "Income tax return preparers" and inserting "Tax return preparers".

(F)(i) Section 6694 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) in subsection (c)(2), by striking "the income tax return preparer" and inserting "the tax return preparer",

(IV) in subsection (e), by striking "subtitle A" and inserting "this title", and

(V) in subsection (f), by striking "income tax return preparer" and inserting "tax return preparer".

(ii) The item relating to section 6694 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income tax return preparer" and inserting "tax return preparer".

(G)(i) Section 6695 is amended—

(I) by striking "**INCOME**" in the heading, and

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer".

(ii) Section 6695(f) is amended—

(I) by striking "subtitle A" and inserting "this title", and

(II) by striking "the income tax return preparer" and inserting "the tax return preparer".

(iii) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income".

(H) Section 6696(e) is amended by striking "subtitle A" each place it appears and inserting "this title".

(I)(i) Section 7407 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) by striking "income tax preparer" both places it appears in subsection (a) and inserting "tax return preparer", and

(IV) by striking "income tax return" in subsection (a) and inserting "tax return".

(ii) The item relating to section 7407 in the table of sections for subchapter A of chapter 76 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(J)(i) Section 7427 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**", and

(II) by striking "an income tax return preparer" and inserting "a tax return preparer".

(ii) The item relating to section 7427 in the table of sections for subchapter B of chapter 76 is amended to read as follows:

"Sec. 7427. Tax return preparers.".

(b) MODIFICATION OF PENALTY FOR UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.—Subsections (a) and (b) of section 6694 are amended to read as follows:

"(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

"(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $1,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) UNREASONABLE POSITION.—A position is described in this paragraph if—

"(A) the tax return preparer knew (or reasonably should have known) of the position,

"(B) there was not a reasonable belief that the position would more likely than not be sustained on its merits, and

"(C)(i) the position was not disclosed as provided in section 6662(d)(2)(B)(ii), or

"(ii) there was no reasonable basis for the position.

"(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

"(b) UNDERSTATEMENT DUE TO WILLFUL OR RECKLESS CONDUCT.—

"(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $5,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) WILLFUL OR RECKLESS CONDUCT.—Conduct described in this paragraph is conduct by the tax return preparer which is—

"(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

"(B) a reckless or intentional disregard of rules or regulations.

"(3) REDUCTION IN PENALTY.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 7247. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

"SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

"(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

"(b) EXCESSIVE AMOUNT.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

"(c) COORDINATION WITH OTHER PENALTIES.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit which is subject to a penalty imposed under part II of subchapter A of chapter 68.".

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

"Sec. 6676. Erroneous claim for refund or credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim filed or submitted after the date of the enactment of this Act.

SEC. 7248. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "106.25 percent" and inserting "114.25 percent".

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include tabular and extraneous material on H.R. 2206.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 6 minutes. Let me start by saying what is not in this bill. There is no money in this bill for agriculture, there is no money for western wildfires, there is no money for western schools. All of that will be in the next bill, which will be considered separately.

Mr. Speaker, this bill is our response to the President's request for $100 billion in additional funding for the civil war in Iraq, after he vetoed the Congress's first attempt to deal with that problem.

□ 1800

What the bill does is to provide roughly $40 billion in funds that are needed for the troops. We provide $30.5 billion for operations in Iraq and Afghanistan. We provide additional funding for training of Afghan and Iraqi soldiers.

We provide $3.5 billion for defense health, a number of these items we are providing the President has not asked for. We are providing, for instance, for the full $3.1 billion for base realignment. That is money which he asked for last year, but not in this bill.

We are also asking for $1.8 billion for veterans health care, which he did not ask for. We are asking for $2.2 billion for homeland security to strengthen our ports, our border and our cargo security.

We are providing $660 million to defend this country against the flu pandemic, which could kill many more Americans than have died in Iraq if we get hit with that flu. This is money the administration itself asked for 2 years ago.

We are also, in addition to that, asking to finish a number of jobs left over from the last Congress. We are asking to finish the construction, the job of cleaning up the mess after Hurricane Katrina.

We are also trying to restore 40 percent of the cut that the previous Congress, last year, made in the Low-Income Heating Assistance Program in light of the higher energy prices that are rising every day. And we are providing, roughly $400 million in order to keep some of America's poorest kids from losing their access to health care.

In addition to that, we are fencing the remaining funds that the President has asked for, for Iraq, and we are fencing that money, just as we did in 1984 when the MX missile issue was in dispute. And that money is being held until the President issues three reports.

By July 13, he needs to issue a report defining the progress Iraq is making in meeting the benchmarks which the President himself laid out several months ago.

And we also ask him to submit a second report outlining whether or not any of those benchmarks have actually been achieved.

And then, in addition to that, we are requiring a monthly report on the combat-ready status of Iraqi military units.

When the Congress receives those reports, it will then have about a week and a half before it has to consider, under expedited procedures provided in this bill, it would have to consider, essentially, two questions.

The pending question before the House would be whether or not the remaining funds should be released so that the President, essentially, gets all of his money with no strings.

The second proposition to be voted on is whether or not that money should instead be used to simply reposition our troops out of a combat role in Iraq.

We make certain exceptions, the same exceptions that we had in the bill the last time it was before the House. And I would simply say, Mr. Speaker, that I think we guarantee that the administration has a fair, clean shot at getting the result it wants; and I think those in this Chamber who want a different result and want to see a new policy in Iraq, will get a clean shot at their preference.

What we are, in essence, doing is giving the President about 60 more days to make his case before those votes occur. I think that is eminently fair to him, and I think it is eminently fair to those of us in the Congress who disagree with his position.

We are trying to find a way to reach a final decision on these matters, even though many of us in this body very strongly disagree with the President's package. With this package, we will have compromised, now, on three very major items. We will have compromised on the initial Murtha principles with respect to military unit readiness by providing a waiver for the President.

We have also compromised with respect to the time line, because we have kept in our national bill that he vetoed, we retained the initial date by which troop repositioning was supposed to begin. But the final close-out date was left very much an open-ended affair. That was a huge concession to the White House.

And now, in a third concession, we are offering a way for the President to get the rest of his money. All he has to do is issue these three reports and then go to the Congress and try to persuade the Congress that his case is better than those who have a different view. That is a straight, fair way to deal with the problem.

And I would urge a "yes" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, Will Rogers once said, "If you find yourself in a hole, the first thing to do is to stop digging."

My colleagues, the majority now finds itself in a hole, and contrary to Will Rogers' advice, it continues to dig. Indeed, this ill conceived emergency supplemental is evidence of a majority party in complete disarray, unable to develop consensus on supporting American troops, and unwilling to work in a bipartisan manner with the minority and the President to develop a way forward.

This legislation rations funding to our troops over a 60-day period and dishonors the long-term sacrifice and service of our men and women in uniform. It is legislation that says to the troops, we support you conditionally today, but don't expect Congress to support you 2 months from now.

I ask my colleagues, is this the message Congress wants to send to our troops?

Is this the message we want to send to al Qaeda?

Is this the best a divided majority can do?

This legislation has caused me and others to question the majority's commitment to our troops. No political party has a corner on virtue, but the majority's reluctance to fully fund our troops clearly calls into question its commitment to our men and women in uniform.

It is no secret that Chairman OBEY is a strong supporter of the Corporation for Public Broadcasting, a program that receives broad bipartisan support. In recent years, Mr. OBEY has supported advanced appropriations for the Corporation for Public Broadcasting.

Is it an accident that Chairman OBEY, who advocates funding Kermit the Frog and Clifford the Big Red Dog 2 years at a time, now wants to fund our troops in Iraq and Afghanistan 2 months at a time?

What does that say about the majority's commitment to our troops during a time of war?

Why is the majority setting our troops up for failure?

Mr. Speaker, it is time that we take funding our troops seriously and move beyond the gamesmanship and the partisanship on display today. Supporting our men and women in uniform is not a joke or a game. It is among the most important responsibilities each of us has as elected officials.

I was hopeful when the Speaker emerged from the White House last week signaling her willingness to work with Republicans and the President to craft a troop funding bill worthy of bipartisan support. Instead, Speaker PELOSI has chosen confrontation over cooperation and has demonstrated unwillingness to compromise.

Chairman OBEY and his leadership have dramatically rewritten the Iraqi supplemental bill without any input from the minority, and unfortunately, the result will be the same as the last supplemental.

One more time it appears that the majority is more interested in appeasing the left than supporting our troops. One more time the House is being asked to consider a bill that is going nowhere fast. Even the Senate is opposed to this piecemeal approach to funding our troops. One more time, the House is preparing to approve a supplemental that the President will veto.

Today I am left scratching my head trying to determine which bill is worse, the one before us now or the one vetoed by the President last week.

Frankly, I believe the bill before us today is considerably worse than the measure vetoed last week. I will take a moment or two to explain why I think that. Under this proposal, the President is required to report by July 13 on the specific progress the Iraqi government has made in meeting 16 specific goals.

Once this report is received, only the chairman, only the chairman of the Appropriations Committee can introduce a joint resolution to release the funds. He is not required to introduce the joint resolution, and no other Member can do it.

Secondly, in an almost unprecedented move, this supplemental includes the rule under which the joint resolution will be brought to the floor. And under this rule, the only amendment made in order is the one that mandates the withdrawal of troops from Iraq within 6 months.

Further, this legislation includes a new reporting requirement that the President provide a detailed monthly accounting of the combat readiness status of Iraqi forces. The supplemental dictates that this report be made publicly available at the Department of Defense's Web site with a link to the detailed data. As a result, we will provide, not only to the public but also our enemies, the detailed readiness report and potential vulnerability of Iraqi security forces. We do not release this kind of information to our own troops. In fact, we keep it classified. Why would we ever mandate that the United States provide al Qaeda a blueprint for targeting Iraqi vulnerabilities?

Lastly, this supplemental includes a number of questionable legislative provisions otherwise known as earmarks, including a land transfer in Pennsylvania and a flood control earmark in New York.

Before closing, I want to express my profound disappointment over these emergency supplemental appropriations bills coming to the floor again under a closed rule. This is yet another violation of the longstanding tradition of the committee and the House.

Mr. OBEY's first two bills as chairman, the fiscal year 2007 continuing resolution and the first Iraqi supplemental, were both considered under a closed rule. These will be the third and fourth appropriations bills under Mr. OBEY's chairmanship brought to the floor with a closed rule. It is pretty obvious we do not have very much input from the general membership regarding these bills when they are on the floor.

I have spoken with Chairman OBEY about this concern, and expressed my belief that these bills, and all other committee bills, should be considered in regular order under an open rule. I say these supplemental bills, because my friend, Chairman OBEY, and his leadership have decided to split the ag, disaster, wild fire, rural schools and salmon relief funding into another bill that will be considered either later this evening or maybe even tomorrow.

Following consideration of both bills, the majority is apparently planning to wave a magic wand in a feat that would make even Houdini proud to merge them into one single package as it heads over to the other body.

Albert Einstein was correct when he said, and I quote, "You cannot simultaneously prevent and prepare for war."

The bottom line is this, the majority cannot have it both ways. The majority cannot say it supports the troops as it pulls the plug on funding. You either support the troops or you do not.

My colleagues, let us not signal that America is preparing to walk away. Let us not send the wrong message to America, to our troops, let alone to al Qaeda.

We must provide our full and unconditional support to our troops during this time of war. We must support our commanders in the field. We must support the President, our commander in chief.

I strongly urge my colleagues to vote "no" on this piecemeal, ill-conceived approach to funding our troops.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, it is not the majority party that is in a hole. It is the U.S. policy toward Iraq that is in a hole. It is not the majority party that is in disarray. Last time I looked, the headlines said that there was a bunch of Republicans going down to the White House yesterday to tell the President that the jig is almost up on his Iraqi policy.

☐ 1815

The gentleman says we should fully fund the troops. We have provided $4 billion more for the troops than the President asked for. We are fully funding the troops. What we are not fully funding is a bankrupt policy in Iraq.

Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank the gentleman for yielding.

And, Mr. Speaker, I want to say that I fully respect the views of the gentleman from California, but I do get troubled when I hear anybody on this floor questioning the commitment of any other Member of this floor to our troops.

I did not suggest for a moment that the other side was not supportive of our troops when they underfunded our troops, when they didn't provide enough up-armor for their Humvees, when they didn't provide enough armor for their vests, when they allowed Water Reed Hospital to deteriorate.

When these things happened, I never questioned the commitment of the other side to our troops. And I think we would all appreciate it if we confine our differences to honest policy debate and not suggest that any Member of this body does not support the brave men and women who are fighting for our country.

I support this resolution because it is another attempt at good-faith, honest compromise with the President of the United States. Two weeks ago we offered a compromise to the President. We said we will give you everything that you have asked for, for operations in Iraq, and we will give you more for operations in Afghanistan, where the war on terror began. We will give you more money for Walter Reed, for post-traumatic stress disorder, for traumatic brain injuries. And the President said, no thanks. I want a blank check and I want to be able to spend a blank check eternally.

And now we are back offering a new compromise which says we will fund operations in Iraq. We will strengthen our capabilities in Afghanistan. But we want accountability for the first time, Mr. President. And all we are saying is this: report to the United States Congress, certify our progress, and in 2 months we will have a choice. Some people can say the status quo is working fine, progress has been made, the management of the administration is going well, and vote to continue operations in Iraq. And others will have the opportunity to draw a different conclusion and suggest a strategic redeployment. That is a commonsense compromise. And, frankly, if the President of the United States vetoes this compromise, he is saying to the American people I don't want accountability. I don't want oversight. I want it my way. I want it myself.

I just want to thank the gentleman for including language that was originated by the gentleman from Missouri

(Mr. SKELTON) that codified the President's own language that for every Iraqi soldier that reaches combat proficiency, an American is redeployed. The President has been saying that for 4 years.

If 378,000 Iraqis have reached combat proficiency, why did we need a surge of 20,000? Why do we need another 13,000 that the President called for? All we are doing is codifying the President's own language: for every Iraqi soldier that is trained, an American is redeployed.

I thank the chairman for including that language. I thank the gentleman from Missouri for originating it.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding.

President Ronald Reagan said, "We must realize that no arsenal or no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women. It is a weapon our adversaries in today's world do not have."

This courage and this commitment are most clearly evident with our men and women serving our Nation in Iraq. I see it in my stepson Doug and my daughter-in-law Lindsay, who were Marine officers flying missions in Iraq. Lindsay is now serving in Afghanistan. I see it in a valued member of my committee staff, Matt Zweig, who just returned from a 1-year tour of duty in Iraq. They believe in, and have fought for, our mission. And their courage is palpable.

And I think of the Parsons brothers in my congressional district. You have heard me speak about them before. All three of them were my West Point nominees. I have known them since they were just young boys. Bill Parsons is serving his second tour in Iraq. The youngest boy, Charlie, is on his first deployment in Iraq. Huber Parsons is on his third deployment to Iraq.

But today Huber, and his Stryker Brigade, was hit by a deeply buried IED. The Stryker caught on fire, and Huber thought that he was going to burn to death as the Stryker fully caught on fire. They were battling small arms fire as they pulled him away. Their driver was killed. Huber suffered a broken leg and a broken ankle, but his spirits are high. He will soon be in a military hospital in Germany. But his commitment to the mission, unwavering.

The father, in deep pain, wrote to me in an e-mail just a few hours ago, and he said, "We are but man and only know in part. But we know that we have a great God, and we give Him praise in all things." He said, "Yes, even in this."

He adds, "Please pray for the families of those who have paid the greatest price, for Huber's complete and speedy recovery . . . and for the men whom they command and lead and for all the men and women who serve our Nation." And he says, "And pray for the wisdom of our President, all policymakers, and all commanders."

Yet we stand here today, Mr. Speaker, faced with a supplemental that seeks to put these valiant efforts on an installment plan as they face a brutal, ruthless enemy that seeks to kill Americans wherever they are, as this supplemental ties the hands of our military commanders, as it doles out funds in pieces, and yet it provides millions to the United Nations and other international organizations through next September. This cannot, this must not, stand.

For the Parsons brothers and for all who serve our Nation and risk their lives every day, let's succeed and let's vote against this supplemental.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Armed Services Committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I thank the distinguished chairman of the Appropriations Committee and compliment him on his efforts in this very, very difficult situation.

What is wrong with doing what we are doing? Yesterday in the Armed Services Committee, or I should say early this morning in the Armed Services Committee, we passed a bill out that had as its pole star the readiness of our military. That is what this effort is about. The readiness, the funding, more than the White House has requested of us, and that is what this is all about. The young men and young women are entitled to have the funding come to them, and that is what this does.

I find no fault with having our looking at it as a benchmark for us, as a benchmark for those of us who fund the troops. We are not rubber stamps; we are a co-equal branch of the government. And as such, our voices should be heard and there should be an agreement with what we are trying to do: readiness and benchmarks. And that is just what we are asking this body to vote upon.

In addition thereto, there is a proposal in this measure I suggested some time ago, actually in late 2005, to the President that there be a measurement of redeployment for the American troops. I suggested to him that for every three brigades of the Iraqi Army brought to level one that one American brigade be redeployed. I got an answer back from the President, and when I brought it to his attention, he said it was too rigid. When truth, in fact, it ought to be, and as it is in this legislation, this bill, for every one soldier or battalion or brigade that is brought to level one in the Iraqi Army, there would be a redeployment of the American soldier, platoon, battalion, brigade at any level. It should be soldier for soldier. It is their country. We have been there over 4 years, and I think it is time to pass that baton on for the security of that country to be taken over by the Iraqis themselves. That is what the formula does, one on one. And I strongly endorse it.

I urge the passage of this bill.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the ranking member of the Budget Committee, Mr. RYAN.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the distinguished ranking member for yielding.

Mr. Speaker, typically I would talk about all the spending problems in this bill. I want to talk about that for a moment.

This bill includes $16 billion in nonwar, non-emergency spending. It blows through the $6.45 billion reserve fund that the incumbent budget resolution has for emergencies. It completely puts aside the rules that govern whether or not and how we fund emergency spending.

We put in these rules last year, which to the majority's credit continued this year, that said you can't just tuck anything in an emergency spending bill. It actually has to really be an emergency. Well, they have put those rules aside. We have got $16 billion of this stuff in here.

But the real problem I have with this bill, Mr. Speaker, the real concern I have is the signals it sends. We are telling our troops, we are telling our men and women in uniform in harm's way in Iraq, you have got 2 months, 2 months of funding, but we are letting any Member of Congress open up the bidding war and put $16 billion of stuff in here to fund them for a lot longer than 2 months. We are giving NASA more money than they need. We are putting LIHEAP money in here even after the winter has passed. We are putting money for the Architect of the Capitol for tunnel maintenance. We are putting the minimum wage in here. We are saying yes to every other constituency, yes to every other spending request, whether it has anything to do with Iraq or not, whether it is a true emergency or not.

Some of these things may have merit, but why are they in this bill? And, more importantly, why are we telling our troops 2 months and you're up?

Mr. Speaker, our troops need better than that. They need to know we are going to be there for them. The Iraqi people need to know we are going to be there for them.

I was there just a couple months ago. Millions of Iraqis are sitting on the fence, trying to determine whether they join us or join the insurgency. If we tell them we are leaving in 2 months, we are cutting off the funding in 2 months, guess what. Those millions of Iraqis aren't going to join us. They aren't going to democracy. They are going to be pressured for fear to join the insurgency.

This sends the wrong message to the Iraqis. It sends the wrong message to our enemies. And it sure sends the wrong message to our troops.

I urge defeat of this bill.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

What the gentleman is telling the House is that he thinks his accounting principles are more important than providing additional veterans medical care. He is saying his accounting principles are more important than providing the funding for base closure. He is saying his accounting principles are more important than port security, cargo security, and border security. He is saying his accounting principles are more important than defending this country from a pandemic flu epidemic. He is saying his accounting principles are more important than providing a bunch of kids in this country with the health care they need.

And then he squawks about the tunnel in the Capitol. The fact is what we are doing is protecting workers who were exposed to life-threatening asbestos. That is what we are doing.

So the gentleman may like the ad that we hear for the accounting company. He may have a passion for accounting. I would much prefer if he had a passion for people.

☐ 1830

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. KING).

Mr. KING of New York. I thank the gentleman for yielding.

Mr. Speaker, I strongly urge the defeat of this supplemental appropriation. It is wrong in so many ways. And I say that as someone who strongly believes that the war in Iraq is the central front in the war against terrorism. I say that, and I see my colleague here, Mr. FOSSELLA, someone who lost hundreds of friends and neighbors and constituents on September 11. And I also say that as someone who says this supplemental is sending all the wrong possible signals. It is sending the wrong signal to General Petraeus. It is sending the wrong signal to our troops. And probably most importantly of all, it is sending the wrong signal to the enemy. It is telling them that we in the Congress think there should be 535 commanders in chief, 535 commanders in the field; telling the enemy that they have 60 days to create whatever chaos and carnage and confusion they can to influence the media, to influence those here in the House who are looking for an excuse to cut off funding for the troops.

If we have a Commander in Chief, a commander in the field, they should be given the ultimate power and authority to prosecute the war. If the Democrats want to make this their war, that is one thing, but this should be above politics. It is not a political issue. It is not something that should be gauged on public opinion polls. It should be based on what is right for America. And whether it is a Democrat President or a Republican President, the President is the Commander in Chief.

The United States Senate approved General Petraeus by a unanimous vote. To send him over there and then to undercut him, to cut off his legs when he is trying to carry out a policy which is showing signs of work. I am not a general. I am not the commander, but if you look at what is happening in Anbar province, what is happening in Ramadi, what is happening in parts of Baghdad, give General Petraeus the opportunity. Give our troops the opportunity. Don't be grandstanding. Don't be playing to the crowd. Don't be caving into your left wing base which is right now driving you. You have gotten yourselves into a hole, and you cannot get out of it. Our troops should be above that.

Have concerns for our troops, but most importantly, respect the Constitution. Allow the President and his commanders to prosecute the war. He was elected; General Petraeus was confirmed by the Senate. Everyone knew that he had to plan for a surge. To undercut him now is wrong. It is morally wrong. It is politically wrong, and it is going to bring shame on the House of Representatives.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Speaker, having worn the cloth of this Nation for 31 years, I am at the point where I just needed to say that no one can call this war in Iraq Bush's war, for it is ours, America's war. We are in this together. We Democrats need the Republicans if we are to end it without a failed Iraqi state, and they us. It is not just about getting out of Iraq; it should be about redeploying out of Iraq so that we can better ensure U.S. security elsewhere as we leave Iraq with relative stability.

This resolution has merit, but with less of a strategic plan for a successful end than the last Iraqi resolution, despite times that are now more dire in Iraq and, therefore, for us. But it is hopefully a step towards one, and therefore, it pushes us to know that we do need the Republicans and a new strategy so that together we can successfully end this conflict for our betterment.

I see the key as President Bush's statement that our commitment is not open-ended. We therefore now need to define how to end it together.

I will vote for this resolution, but express my reservation that it does lack defining how to achieve the end of an open-ended commitment by a winning strategy. That is why we ultimately need the Republicans and they, us, to resolve the war successfully by a strategy to bring us to the end of an open-ended commitment.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 1 minute to the Republican leader, Mr. BOEHNER.

Mr. BOEHNER. Mr. Speaker, 94 days ago, the President of the United States sent to the Congress an emergency supplemental spending request to fund our activities in Afghanistan and Iraq. He asked for, in round numbers, $100 billion, which has now turned into some $20 to $23 billion more than that. But we have been through that fight. The President vetoed the bill, made it clear what he would sign and what he would not sign.

I was at the White House last week after the bill had been vetoed by the President, and there was an agreement in the room, bipartisan, bicameral agreement in the room that we would sit down together and try to resolve the differences that we have over funding our effort to take on al Qaeda and other terrorists in Iraq and in Afghanistan.

What we have seen over the last 10 days or so have been token meetings. There has been no honest attempt to work together, as we all committed to. There have been no meetings where we can actually sit down and discuss our differences and try to bring some resolution to those differences.

So when I heard earlier this week about this plan that was going to be brought to the floor today, I thought to myself, why? Why do we have to play more political games? The President of the United States has made it clear that he will veto this bill. The Senate leaders, Democrat and Republican, have made it clear that this plan has no chance in the other Chamber, but yet here we are playing political games while our troops are fighting for our freedom and our safety in Iraq.

Now, I am not going to go through all the reasons why Iraq is important; I have been through them before. I think every Member of this Chamber understands that Iraq is important to the safety and security of the United States. But I want to remind all of my colleagues that all of our Members in this Chamber, except one, all of our Members in this Chamber, Democrat and Republican, except one, voted to send our troops to Iraq. There they have been locked in a battle for the safety and security of Americans, helping to try to build democracy to bring more stability to the Middle East. And here we are tonight divided, once again, about whether we should support our troops that are out there fighting for our safety.

Mr. Speaker and my colleagues, our soldiers are doing their duty in Iraq and Afghanistan and around the world, a duty that we have sent them on. And yet we sit here playing political games. That is not what the American people sent us here to do. Now they asked us to come here, Democrats and Republicans, to work through our differences and to make sure that we are helping our troops. And I think every Member here understands that we have to support our troops. And I think every Member here knows that, at the end of the day, we are going to pass a clean supplemental that doesn't have all this excess spending riding on the backs of our soldiers, that will in fact fund the activities in Iraq. The question I ask tonight is, how long are the games going to go on?

Ninety-four days we have been at this; 94 days since the President asked for this money and we are still playing games. That is not what the American people expect of us. They understand that Iraq is important. They understand that their safety and security is dependent upon what happens there because the consequences of failure in Iraq, which this bill will bring about, are too ominous to think about.

This bill is designed to bring failure to Iraq. Failure in Iraq means chaos in Iraq. It means genocide in Iraq, and it means we are jeopardizing the safety and security of the American people. It is not what the American people want. We should reject this bill.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Let me simply point out to the gentleman that in the last session of Congress, it took the Congress almost 110 days to respond to the President's request. Let me also point out that the first 30 days of this session were occupied because, while he was majority leader, we never managed to pass a single domestic appropriation bill, and we had to finish his unfinished business, which took the first 30 days of this session.

Let me also point out that we have had two meetings with the administration. We have laid out a number of compromises. I have laid out, frankly, to the administration that we are pursuing a two-track strategy. We asked them what concessions they would put on the table. They still have not put a single concession on the table in their conversations with us on this side of the Capitol. So absent that, we have no choice to proceed except sit here like a bunch of potted palms waiting for a miracle. Not many miracles on this House floor.

Mr. Speaker, I now yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank my friend from Wisconsin.

Mr. Speaker, 4 years ago, President Bush used soldiers and sailors as stage props to declare that major combat operations in Iraq have ended. Well, indeed those combat operations should have ended, in fact, they never should have begun. This combat is constitutionally and strategically unjustifiable, operationally poorly executed with regard to armoring and deploying the troops, and politically and diplomatically disastrous.

This war is not making anyone more safer or more free, and it cannot be won militarily. As retired General Odom said, the challenge we face today is not how to win in Iraq but how to recover from a strategic mistake, invading Iraq in the first place.

The President continues to squander American influence, blood and treasure. It is the President's intransigence that forces us to pass this bill to force a change in the course in Iraq. The President needs to know that the days of congressional blank checks in support of a failed policy are over. We cannot continue to buy time with American lives.

Mr. Speaker, I rise today in support of our troops and for ending President Bush's war in Iraq.

This bill gives the President all the money he needs to ensure our troops have the equipment, ammunition, fuel, food, spare parts, and anything else they need to ensure their safety and security. What this bill does not give the President is the blank check with no questions and no accountability that he's come to expect over the last 4 years. Those days are over.

Yesterday's Washington Post front page story on the President's "surge" strategy was entitled "Commanders in Iraq See 'Surge' Into '08." While General Petreaus told the Congress earlier this year that we could determine the effectiveness of the troop increase within several months, General Odierno is trying to "get until April (2008, that is) so we can decide whether to keep it going or not."

If the Post's report is accurate—that the surge that was supposed to last several months will now last for well over a year—then it is more imperative than ever that we place clear limits on our future involvement in Iraq. We cannot continue to buy time with American lives and taxpayer dollars to support a fundamentally flawed policy.

Nor should we continue down this road when the Iraqis themselves fail to take the steps necessary to heal the divisions in their own country. Americans deserve to know that Iraq's government is about to take a 2-month vacation—while Baghdad burns and American troops continue to die daily amid the crossfire of Iraq's civil war. As the current U.S. troop "surge" reaches completion around mid-June, Iraq's parliament will adjourn for 2 months.

If Iraq's government is prepared to go AWOL in the middle of their civil war, why should we stay? Why should more of our troops die to help protect a government that leaves town with the battle raging on the streets of Baghdad?

I want to thank my friend, the gentleman from Massachusetts, Mr. MCGOVERN, for offering his own blueprint for redeploying our forces from Iraq. I'm pleased to be able to support this measure, and I commend Mr. MCGOVERN for his relentless commitment to help this House get it right on Iraq—to demand accountability for those responsible for the situation in Iraq.

That's what this debate is really about: getting Iraq's leaders to take responsibility for their country's security and its future. We can't end their civil war—only they can, but only if their political leaders cancel their 2-month vacation and get down to the hard work of building a new Iraq.

If enacted, this bill would incentivize them to do exactly that—it would force them to focus their full energies on reaching a political solution to Iraq's civil war, or face the prospect of a cut off in U.S. aid.

Mr. Speaker, President Bush announced his intention to veto this bill before it ever came to the House floor. His veto threat proves that he's more interested in continuing his war with Congress than he is in finding a bipartisan solution to the war in Iraq. That threat is all the more reason why we need to pass this bill so we can do what the American people have asked us to do: to end America's tragic misadventure in Iraq.

Mr. LEWIS of California. Mr. Speaker, I will yield 2 minutes to my colleague from the committee, Mr. TIAHRT.

Mr. TIAHRT. I thank the gentleman from California.

Mr. Speaker, on February 5, the President sent a request to fund our troops in Afghanistan and Iraq to the House. This week, Majority Leader HOYER said to a C–SPAN audience, the Speaker's plan was to get this supplemental funding to the President by Memorial Day. That means it will take 120 days to fund the President's request. In the meantime, not one penny is going to make its way to the troops. Why? Well, the President has said, in its current form, this bill is going to be vetoed. He will veto this bill because it funds the troops on a contingency basis for only 60 days; 120 days to get the request funded, and then it only funds it for 60 days. It will be vetoed also because Secretary Gates says the Pentagon cannot manage a 60-day appropriations bill. The bureaucracy simply will not move that fast.

This bill will also be vetoed because it has too many strings attached. They are attached in the form of benchmarks. And there are more than a dozen of them, 17 to be exact. It will take more than 60 days just to see if the benchmarks have been accomplished.

In the 120 days we have spent haggling over this bill that funds the troops for only 60 days, we know it is going to be vetoed. In the meantime, the troops are waiting for the mine-resistant equipment that is funded in this bill to be manufactured and to be sent to Iraq. They are waiting on the equipment that they need. They are waiting on the equipment they need. The majority should withdraw this bill and send back a clean appropriations supplemental bill that funds the troops without the 60-day contingency, without the strings attached so we can meet the needs of our troops. This bill does not do it.

I urge my colleagues to vote "no."

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, the President of the United States had a chance to fully fund the troops just a few weeks ago, he chose not to take it, I tell my friend, Mr. TIAHRT, from Kansas. We fully funded the troops. In fact, we gave more money for the fight against terrorism. We want to see success.

Mr. Speaker, let every Member here and all those watching this debate at home be perfectly clear, this legislation fully funds our troops in harm's way in Iraq and Afghanistan, ensuring that they have the resources they need to conduct their missions. Not only that, this bill includes additional funding, as the last bill did, not requested by the President, to fight the war on terror, to improve America's military readiness and to meet our veterans' unmet health needs.

However, while this legislation funds our troops, it insists, as we tried to last time, for the first time in more than 4 years that the Bush Administration and the Iraqi government be accountable. The American public expects accountability.

Plain and simple, this legislation responds to the will of the people, who are dismayed by the failed implementation of American foreign policy, perhaps more failed than in any in the generation.

On Tuesday, a CNN poll found that two-thirds of Americans oppose the war, and 61 percent support benchmarks like the ones in this bill that would measure Iraqi progress.

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Let me say to my friends on the other side of the aisle, Vice President CHENEY was deployed by this administration. What for? To tell the Iraqis they had to perform, that they had to meet benchmarks; that the American public was running thin on its support, and in fact is not supporting this war.

But, frankly, the Congress has taken the position that we won't say that, and the President vetoes a bill that said that, a bill that required performance so that the millions that the American public, the billions that the American public, the $500 billion-plus that the American public has dug from their pockets, will be responsibly met by the Iraqi Government.

Thus, Mr. Speaker, this legislation holds the President and the Iraqi Government accountable by fencing off 52-plus of the $95.5 billion provided to the Defense Department until released by subsequent legislation.

What is there to fear from this Congress as we oversee whether or not there is a turn from an unsuccessful implementation of a policy to a successful policy? Perhaps that fear is that that corner will not be turned, and therefore this vote may be at risk.

Before this additional funding is released, however, the President must report to Congress by July 13 regarding the success of the Iraqi Government in meeting security and political benchmarks. General Petraeus has said there is no solution but a political solution, and the only people who can accomplish a political solution are the Iraqis themselves.

What do we ask for? Disarming militias who are killing our men and women, enacting legislation to equitably share oil revenues. There will be no resolution without that. Reforming the debaathification process, which says to literally tens of thousands of people, we know you were Baath members, but you really weren't in politics, so you can come back and do the work to build this society. Without that, we will not succeed and our men and women will pay the price, as they are paying the price every day.

Lastly, providing for provisional elections. We are fighting for democracy. We are investing in democracy. That is what we are told. But we haven't amended the constitution and we are not providing for the provincial elections that were promised. If that is the case, the Iraqi people are not going to think democracy is on its way.

Mr. Speaker, the President of the United States himself has stated that our commitment in Iraq is not open-ended. That is what this legislation says. If you think it is open-ended, if you think there should be no benchmarks, if you think the American taxpayers' money ought to be spent without seeing results and without the carnage to our troops decreasing, then vote against this.

To this we say, no more. No more blank checks. Not after more than 3,370 Americans have lost their lives in Iraq and more than 25,000 have been injured. Ten percent of those lives have been lost in the last 4 months. Not after the American taxpayer spent nearly half a trillion dollars. And not after 4 years of egregious misjudgments by this administration, from "mission accomplished," to "the insurgency is in its last throes," to "Iraq will fund its own reconstruction."

Every Member in this body, every Member, hopes and prays that the current troop escalation succeeds, that the Iraqis stabilize and secure their country and that our troops can return home safely. Why should you fear waiting 60 days and making another judgment as to whether that is occurring? That is our responsibility.

We swore an oath to defend the Constitution of the United States which says that we are the policymakers. But there is little reason for optimism when the violence in Iraq continues unabated and progress on the ground is somewhere between illusive and nonexistent.

The two-step funding approach in this legislation effected by Mr. OBEY and Mr. MURTHA is not only appropriate, it is imperative. Even the Senate minority leader, MITCH MCCONNELL, has stated, "I think the time to look at where we are is late summer." This is a few days before that, and we will continue consideration into that late summer that Senator MCCONNELL talks about.

We cannot want to succeed more than the Iraqis. They must take the lead in restoring stability and securing their nation. And the Iraqi Parliament must not go on vacation while American men and women are fighting and dying for them.

I urge my colleagues on both sides of the aisle, support this bill. Let us forge a new direction in Iraq and implement a policy and design to succeed.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 2 minutes to my colleague, the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding.

Mr. Speaker, I always find the majority leader's comments compelling and moving. He is among the best communicators I think in this generation of leaders in this House. And let me say as a conservative Member of this House who was in Baghdad 1 month ago, I believe that it is imperative that we express to the Iraqi Government an urgency about performing on all the issues that the majority leader just addressed.

But the reason why I rise in opposition to this bill is because under the Constitution of the United States, Congress can declare war, Congress can choose to fund or not to fund war, but Congress cannot conduct war. And the latest Democratic plan to micromanage our war in Iraq is "war on the installment plan," and it should be rejected on the basis of proof on the ground and common sense and history.

The proof on the ground is this: Baghdad is not safe, but it is safer as I saw a month ago. Due to more than 2 dozen U.S. and Iraqi installations set up throughout the city, insurgent violence is down. Thanks to the fact that 20 of 22 tribal leaders have stepped forward to support U.S. and Iraqi governmental forces, violence in the al-Anbar province is coming down.

Now is not the time for us to say we will do war on the installment plan and come back in 60 days and evaluate.

My Democrat colleagues heard General Petraeus on the Hill 10 days ago. He said by late summer we will have a better idea whether the surge is taking hold. He pledged to report to this Congress in September. So why this? Why do we come here tonight with a 60-day timetable for another vote?

As our troops do their duty on the ground in Iraq, our duty is clear. Let's set aside the politics of the moment.

Let's find a common ground and build legislation that is constitutionally sound and fiscally responsible. Let's give our soldiers the resources they need to get the job done and then come home safe.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished Democratic Caucus chairman, the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, first of all I would like to thank my colleague from Indiana who takes seriously his public service and his time and his trips to Iraq.

As you comment on the installment plan we have, I don't mean to do this, but we've tried the "blank check approach." You may not like this installment plan, but we have tried for 4 years an approach of being a blank check. No oversight, no accountability, no questions asked. And that has resulted here.

Our men and women, and I know this is true for everybody here, we have great respect for what they have done. We asked our Armed Forces to seize a country. We asked our Armed Forces to take down an enemy's army. We asked our Armed Forces to seize the capital. We asked our Armed Forces to capture a dictator. They've done all of that. They have been unbelievably successful.

So tell me why we've got the problems we have in Iraq. It is because there has never been a political strategy associated with the success of the Armed Forces' military effort. And General Petraeus is right: you can't solve this militarily. You can only solve this with a political solution.

So here we are, our Armed Forces are up to 160,000 troops. We have over $600 billion that has been appropriated for this. We have lost 3,300 lives and 25,000 wounded fellow citizens. So the need for a political solution, and the Iraqi answer? We're taking the summer off. Going fishing.

This bill says, no way. You have got to be accountable for your country and get off the sidelines and get onto the playing field and taking ownership of your country's future. If the men and women in our Armed Forces are supposed to give the Iraqis the political space to come together, we do not do that by taking the summer off and not finding common ground.

We have plenty of differences here, but we have common ground here. It is the Iraqis that need to find the common ground, not us. We have the right approach. We have asked our folks to do everything.

Just a month ago we celebrated the 4-year anniversary of "mission accomplished." We know there is a lot to be done in Iraq, and what we are trying to do is provide our troops the resources they need, the equipment they need, the training they need, and when they come home, the veterans, the health care they need, and, most importantly, the policy that has been absent. The reason we never lost a single soldier in our efforts in Bosnia and in the Balkans is because the policy that a President implements is as important to the protection of those soldiers as the Kevlar vests they wear.

What has been missing from this policy and what has been missing from this endeavor is a policy that is equal to the endeavor of our Armed Forces. We have a policy that has been reduced to one simple thing, more troops, more money, more time, more of the same, and you cannot continue a status quo-plus policy.

It is time for a new direction, and I am proud that we have offered a new direction to our Iraqi policy.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON), a member of the committee.

Mr. KINGSTON. I thank the chairman.

We just heard from the majority leader that this bill fully funds the troops. He is correct, it fully funds the troops; but it doesn't freely fund the troops. It is like giving a soldier a brand-new uniform and then shackling his foot to an anvil. And that anvil, Mr. Speaker, is politics. Our soldiers fight wars. They cannot take care of Iraqi politics. And yet this bill puts 17 different stipulations on that funding for our soldiers, to say that if these aren't taken care of, then you lose your funding. So it is not fully funding them, because it doesn't freely fund them.

We went to Iraq. We made some mistakes. We all on a bipartisan basis, from JOHN KERRY to HILLARY CLINTON to George Bush, thought there were WMDs over there. There were not. We also thought that once they were liberated, that because of American presence and ingenuity and Saddam Hussein being deposed, that democracy would rise from the ashes. It obviously did not, much to the disappointment of everybody in the world community.

And I can say this as a member of the Defense Committee, we have had 4 years of almost "happy talk" from representatives of the Pentagon. It has been very disappointing. Representatives not of defense as much as from the political side of things.

But I know one thing that is true: since the surge, there has been a glimmer of hope that we have rounded a corner. But I want to say this: it is very important that Members understand that failure in Iraq means that it devolves into a civil war. It means that perhaps it emerges as an anti-Western nation state of terrorists with their hands on the second largest oil reserve in the world, and surely those revenues will not be spent promoting democracy around the globe.

It would also mean a decline in U.S. credibility, because if we lose, as the Senate Democrat majority leader HARRY REID has said, who wins? Well, al Qaeda wins. The nation isn't going to just quietly go on about their business.

It is imperative for us to support the Petraeus plan and vote this bill down.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished Speaker of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding. Once again, as I have done over and over again, I thank him for yielding, for bringing this important legislation to the floor, and for his extraordinary leadership.

I also want to commend Mr. MURTHA for his leadership as well in shaping this path to stability in the Middle East and bringing an end to the war and bringing our troops home safely and soon.

I also want to acknowledge Mr. SKELTON, the Chair of the Armed Services Committee. He has been busy at work on his authorization bill, but he very much helped shape this proposal. I commend him and many other Members here who have made this path to stability in the Middle East possible.

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Since January, a majority of the Members of this House have been working to change course and change the mission in Iraq. Our goals are clear: Strengthen our military; bring stability to the region; and make the American people safer by ending the war, allowing our attention to be refocused on defeating international terrorism, and at the same time, honoring our commitment to our veterans which, as we have seen unfold in recent months, has been sadly neglected.

Today, we will take the next step in that effort in this legislation by: Providing for our troops fighting a war in Iraq that the President initiated, but for which he has refused to pay in his annual budget requests; honoring our commitment to our wounded veterans of Iraq, Afghanistan and other wars who struggle to get the medical care and benefits they deserve from a system overwhelmed, underfunded and unable to respond effectively; demanding accountability from the Iraqi government on whose efforts a national reconciliation depends, but whose accomplishments in this area have been negligible, disappointing and unworthy of the sacrifice of our troops on the ground in Iraq.

And this legislation ends the blank check for the President's war without end. It does provide a path to stability in the Middle East by changing our mission in Iraq and enables us to focus on the threat of terrorism.

Chairman OBEY's bill satisfies each of these requirements and meets the immediate needs of our troops, but allows Congress to decide in a few months whether the situation on the ground in Iraq justifies using the remaining money to redeploy our forces or continue the war.

The President's own benchmarks, these are the President's own benchmarks for measuring progress in Iraq, will be the centerpiece of that evaluation. You would think that the President would embrace this legislation. It has his benchmarks. It asks for a progress report. Perhaps he thinks there will be no progress so he is afraid of that report. And then a vote in the House as to whether to continue the war. The President's own benchmarks for measuring progress in Iraq again will be the centerpiece. His benchmark. This is the kind of regular and responsible review of the war Congress should have been conducting since the mission began more than 4 years ago.

Regrettably, but not surprisingly, the President has threatened to veto the Obey bill. Unfortunately, the President has taken us down this road before. The President has brought us to this point by vetoing the first Iraq Accountability Act and refusing to pay for this war responsibly. He has grown accustomed to the free hand on Iraq that he had before January 4. Those days are over.

The American people have made it clear that they want a new direction in Iraq, one that is going to bring this war to an end. They have lost confidence that the President can or will produce a plan to do that. Even some members of the President's own party have finally realized he has lost credibility with the American people.

The President said today that he would accept benchmarks. But what he fails to accept is accountability for failing to meet those benchmarks. Benchmarks without consequences are meaningless.

It is interesting to me that in the President's No Child Left Behind legislation, he establishes standards for America's school children. If those children do not meet those standards, there are serious consequences for them, for their families, for their schools and for their school districts. And yet, while holding America's school children accountable with consequences, the President refuses to hold the Iraqi government responsible with consequences while our young people in Iraq are dying.

The President said again today he would accept these benchmarks, we hope that he will and reconsider the thought of veto. This is a bill he should like. It has his benchmarks. It asks for a progress report. He must have some confidence in what he is doing and then leave it up to the Congress to make a judgment in July. What could be fairer than that.

Congress has offered the President recommendations for change in Iraq. In rejecting them, he has offered nothing in return except a demand for more of the same, a blank check for a war without end.

The American people expect more and deserve better. A war which has ended so many lives, weakened our military at a great risk to our security and costs so much money, costs so much in reputation for America throughout the world, cannot continue indefinitely. I don't know why the President doesn't understand. This war cannot proceed indefinitely, and that is the course he has us on.

Any engagement that we have militarily should meet the test of: Does it make our country safer? Does it strengthen our military? And does it bring stability to the region that we are engaged in? The President's policy fails on all three scores.

This bill offers more ideas for winding down this war. I urge the President to consider these ideas and those which may be proposed by the Senate and work with us in conference to produce a bill that meets the needs of our troops and the expectation of our country. We owe it to the American people to try to find our common ground so we can end this war, and we will do that. But we will stand our ground if it is a blank check for a war without end.

We look forward to continuing our conversations with the White House, with the Senate, to again draw down this war and bring home our troops safely and soon.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as has been said many times this evening and for the last days and weeks and months, indeed for years, we have Americans in harm's way in Iraq, in Afghanistan, in the Horn of Africa. Around the world, these Americans need our help, and they deserve our help.

It has been over 3 months since the President sent to us his request for emergency supplemental funding for our troops. It is time for us to stop playing politics and step up and do our part. We need to appropriate all of the funds our troops need, and we need to do it now.

The distinguished chairman of the Armed Services Committee said this afternoon that our young men and women are entitled to have the funding that they need. Unfortunately, Mr. Speaker, this bill does not give them the funding that they need. It has been made very clear that the President will veto this legislation, and I believe that he should. He showed us that he would veto legislation that shackled our generals and made it impossible for our troops to do the job. This piecemeal approach, the 60-day funding, is unacceptable.

We have men and women not only in harm's way, but men and women here who are already starting to feel the pain of the restriction in funds. Secretary Gates said they are shifting funds now. It is not fair for our young men and women to serve overseas and come back here and not have what they need even here in the States. We need to move forward on legislation that genuinely funds the troops and allows us a chance for success.

I would like to close with just a couple of comments. General Petraeus said to his troops when he took over that the way there was going to be hard, but hard was not hopeless. As I said on this floor weeks ago, this legislation makes hard hopeless. In fact, this legislation is hopeless because it will not become law. We need to step up and take care of these troops.

Mr. OBEY. Could I inquire of the gentleman from California how many speakers he has remaining?

Mr. LEWIS of California. We have two speakers remaining.

Mr. OBEY. We have only one remaining speaker, so why don't you proceed?

PARLIAMENTARY INQUIRY

Mr. FLAKE. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Arizona is recognized for a parliamentary inquiry.

Mr. FLAKE. Mr. Speaker, is it true that, on page H4754, there is a statement that this bill contains no congressional earmarks, tariff benefits or tax benefits?

The SPEAKER pro tempore. Members may examine the RECORD and make that determination for themselves.

Mr. FLAKE. I thank the Chair, and I will examine the RECORD.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. The CONGRESSIONAL RECORD today makes a statement, "H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, does not contain any congressional earmarks, limited tax benefits or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI."

I am just trying to reconcile. I am a bit confused because there is a press release today, and I would ask and would gladly yield time to the chairman if he can explain, there was a press release from a Democrat office today saying so-and-so inserts funds in emergency supplemental appropriations bill for critical flood mitigation projects. It goes on to say so-and-so today announced that $8,665,000 is included in the House emergency supplemental appropriation bill to fund flood mitigation projects in New York necessitated by the recent nor'easter.

That seems an awful lot like an earmark to me, if a Member actually does a victory lap afterwards and says that Member actually inserted in the bill.

I yield to the chairman to respond or explain.

Mr. OBEY. I have no idea what any Member put out by way of press release, and I claim no responsibility for any statement made by any Member.

Mr. FLAKE. I thank you.

The problem that we have pointed out over and over is that the earmark rules that have been adopted allow the majority simply to state in the RECORD that there are no earmarks, regardless of whether that is true or not. In this case, clearly it is not.

Yet when the time is right to challenge, when a point of order can be lodged against consideration of the bill, the minority or anybody who wants to challenge in the majority or minority is without recourse. So clearly this needs to be addressed. Clearly this bill does have earmarks.

I would appeal to the majority to please tighten up the rules so we can actually have an honest debate.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Thank you for the time, Jerry, I really appreciate it.

I have talked about this before with my colleagues over there. Al Qaeda is the enemy. They are the ones that attacked us on 9/11, attacked the USS Cole, our embassies in Africa, and they have said they want to destroy us.

The military leader of the terrorist group in Iraq today is the al Qaeda leader. They want to drive us out of Iraq and defeat us. They want us to turn tail and run so they can continue their attacks on the free world, especially the United States of America.

I just don't understand this. You say you want to redeploy. That means withdraw. You say that you want a fair end to this war. You say that you want a timetable for withdraw.

We didn't do that in World War II. It was a world war against terrorism. Adolph Hitler killed 6 million Jews in the ovens. This is a world war. They have told us in no uncertain terms what they want to do. They are the enemy, and we are going to withdraw?

I just don't understand it. I don't understand my colleagues. We cannot do that. They aren't going to go away. They will blow themselves up holding a baby in their arms. They will do anything to defeat us.

Al Qaeda, remember? This President said this war may go on for a long time because they want to destroy us. He didn't put a timetable on it; nor should we.

Al Qaeda, they blew up the World Trade Center; remember? They killed over 3,000 people and flew into the Pentagon; remember? They want to destroy us; remember? They are in charge of the military operation over in Iraq now; remember?

And you want to withdraw? If you don't fight them there, where are you going to fight them? Are you going to fight them in New York? Are you going to fight them in L.A.? Are you going to wait until they blow up Indianapolis? Where? If not now, when?

Mr. LEWIS of California. Mr. Speaker, in closing, let me repeat that one more time it appears that the majority is more interested in appeasing their left, that is the left in their caucus, than in supporting the troops.

One more time, the House is preparing to approve a supplemental that the President will veto in no small part because it tells our enemy we are ready to wave the white flag.

I strongly urge my colleagues to vote "no" on this piecemeal, ill-conceived approach to funding our troops.

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Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. Nine minutes.

Mr. OBEY. Mr. Speaker, I yield the remaining time to the gentleman from Pennsylvania (Mr. MURTHA), the distinguished chairman of the Defense Appropriations Subcommittee.

Mr. MURTHA. Mr. Speaker, it's not working. This policy is not working. That's why we want to change direction. I mean, it is one thing to stand here and rhetorically say it's working, say there's progress to make statements. Because the White House says it? Because the Pentagon says it?

Let me tell you, the Pentagon wrote and said, "Further, the lack of timely supplemental funds has limited the Department's ability to properly contract for the reconstitution of equipment for both the active and reserve forces."

We put extra money in the budget, $17 billion last year. There wouldn't have been any money in the budget to reset. We have no strategic reserve. Our National Guard has only 40 percent of the equipment they need. They can't respond to a national disaster. As a matter of fact, the National Guard in this country couldn't be deployed overseas. The active duty American Armed Forces could not be deployed overseas because we have no strategic reserve.

This war has been mishandled. We need accountability. We had a hearing on contracting today, and I have been studying this contracting. Some of the accusations are that the contractors, there's 126,000 contractors in Iraq. We have approximately 140,000 troops there and 126,000 contractors. Now, imagine this. Some of them are making or being paid $600 a day, the contractors, and no accountability. It took us 2 weeks to find out who those contractors were, what they were doing. We still haven't gotten the details of what they're doing or who they are. This is unacceptable.

I saw in the book about Blackwater. It said in this book that Ambassador Bremer had 26 Praetorian Guards and those Praetorian Guards made $600 a day. Now, you can imagine them pushing through an area where the Iraqis lived, with their sunglasses on, you know, those little sunglasses that wrap around your eyes, with their khaki uniforms with their AK-47s or whatever weapons they carry. That does not make friends.

When I went to Iraq the first time, you could drive around anyplace in the city. Today, you can't drive anyplace. Matter of fact, they fly you from the airport to the Green Zone.

We are occupying Saddam Hussein's palaces. We are in the very area where Saddam Hussein occupied and there's no accountability.

We need to redeploy to stabilize this situation. We need to get our troops out of the killing zone. We have lost more people in the last 4 months than we lost any other 4 months in the entire war.

Now, let me tell you what you're voting against if you vote against this bill.

Well, first of all, let me tell you why I say it's not working. Oil production, below pre-war level; oil exports, below pre-war level; electricity production, below pre-war level. Hours of electricity in Baghdad, they had to shut down the Parliament the other day because they didn't have enough electricity. The microphones wouldn't work, and they had no air conditioning inside; and, of course, they have air conditioning in the Green Zone. Potable water, people with potable water, below pre-war level; unemployment rate between 25 and 40 percent; inflation rate in Iraq, 50 percent.

Now, here's what you're voting if you vote against this bill. There's $95.5 billion for the troops. There's $12.3 billion for military personnel pay and benefits program. $1.15 billion to cover the full cost of housing allowances, something that was left out last year.

We are adding $2 billion to address the training and equipping shortfalls in the forces not deployed. We actually have $4 billion more in this bill than was asked for.

We have $2 billion dedicated to the strategic reserve readiness fund. We recommend adding $1 billion for Afghanistan, where the real war should be fought.

We have $25.6 billion in this bill, and if you vote against it, you're voting against $25.6 billion purchases to increase the President's request by $800 million. That's the acquisition. The proposal allocates $3 billion. Let me tell you, the Pentagon asked for $1.3 billion. We added $1.2 billion for MRAPs. What are MRAPs? MRAPs are the V-shaped vehicles that resist IEDs.

Now, some of your children have been there. Some of your sons and daughters have been there. This the Pentagon says is their most important equipment, and we added twice as much money as they asked for in the budget, and if you vote against this, you are voting against that very equipment.

We passed legislation that fully funded everything at $4 billion more and the President vetoed it. He should have signed that bill.

For the Army procurement accounts, we approved a total of $15.8 billion, more for Humvees, more for Strykers. Somebody mentioned Strykers. Let me tell you something, if it hadn't been for the Subcommittee on Defense, there wouldn't have been any Strykers for the Army because they wanted them, but they weren't willing to ask for the money.

The defense health programs, somebody mentioned Walter Reed. All of us have been to Walter Reed. All of us have seen the young people who have been shattered by this war. All of us have seen the people who go to Walter Reed and are taken care of so well. None of us knew about Building 18, but we put money in the budget for three or four years in a row, and it was mishandled. It didn't go to fixing up the places that should have been fixed up.

I just went out there a week ago, and I met with the doctors. The doctors said we don't have enough doctors. They said we don't have enough nurses, we don't have enough administrative people, at Walter Reed today. Why? Because they can't afford to pay them as much as they would on the outside. We put $2.1 billion above the budget request for Walter Reed.

Four hundred fifty million dollars for post-traumatic stress. Of all the other injuries that are suffered in Iraq, this is going to be the most damaging, the things that people will have to live with the most. I have seen young people that came back from Iraq that are having a hard time adjusting, and they were not in the heaviest contact. The psychologists that appeared before the committee said to me, 3 months in this situation is a long time, 3 months they start getting post-traumatic stress. Predictions are we will have 65,000 Americans, not Iraqis, Americans that are going to have post-traumatic stress.

You wonder why we want to bring this to an end? We want to change the direction? You wonder why we want to convince the President that it's not working? Why we have to have a diplomatic surge instead of a military surge?

We put $450 million in for brain damage to see if we can't find ways to help the people with brains that have been damaged. If you vote against this, you're voting against that.

Amputee care, $62 million for amputee care; $12 million for care givers. The care givers at Walter Reed, at Landstuhl are suffering because they see this all the time. They see these young people coming in, and they are shattered.

Let me tell you this, finally. I went down to Fort Hood, Fort Bragg, Fort Stewart; and I saw at those bases these families who inspire me, these families who I can't say enough about them. And they gathered around me and we talked about their problems. It had just been announced they are going to extend the troops for 15 months. Now, Secretary Gates made the right decision because he wasn't going to leave them at home. Because of what we have done here in the Congress, he is now leaving people at home for at least a year, and let me tell you that's essential for these people who have to go back.

Some of these troops in the 82nd Airborne will be deployed for the fourth and the fifth time. They're individuals. They're people. They're people suffering from the horrendous impact of this war, and I ask you to vote for this because we want to hold this President accountable for this war, hold him accountable and convince him we need compromises.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a proud member of the Progressive and the Out of Iraq Caucuses, I rise to announce that I will proudly cast my vote in favor of H.R. 2206, the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Act." By vetoing the bipartisan Iraq Accountability Act last week, the President vetoed the will of the American people. The President vetoed a responsible funding bill for the troops that would have provided more funding for our troops and military readiness than even the President requested.

By vetoing the Iraq Accountability Act, the President rejected a bill that reflects the will of the American people to wind down this war. By vetoing the Iraq Accountability Act, the President turned a deaf ear to the loud message sent by the American people last November.

The President demands a blank check to escalate the war in Iraq against the will of the Congress and the American people. The Constitution does not require it, he certainly has not earned it, and I am not prepared to give it to him. That is why I will proudly vote for H.R. 2206.

The legislation crafted by the chairman of the Appropriations Committee in consultation with the leadership and the members of the Democratic Caucus offers us a real chance to end the misguided invasion, war, and occupation of Iraq. It puts us on the glide path to the day when our troops come home in honor and triumph and where we can "care for him who has borne the battle, and for his widow and orphan." This legislation helps to repair the damage to America's international reputation and prestige. It brings long overdue oversight, accountability, and transparency to defense and reconstruction contracting and procurement. Finally, it places the responsibility for bringing peace and security where it clearly belongs and that is squarely on the shoulders of the Iraqi government.

Mr. Speaker, in threatening to veto this legislation, the President claims it will "undermine our troops and threaten the safety of the American people here at home." Coming from an administration that has been wrong on every important question relating to the decision to launch the Iraq war as well the conduct of it, this claim is laughable. It is nearly as ridiculous as the President's often stated claim of "progress" in Iraq. The facts, of course, are otherwise. The U.S. death toll in Iraq reached 104 for April—making it the deadliest month of the year and one of the deadliest of the entire war. It is therefore little wonder that nearly 70 percent of Americans disapprove of the way the President is handling the war. But more important, the President's claim that the Iraq Accountability Act undermines our troops and threatens the safety of the American people here at home is simply not true.

Republican Senator CHUCK HAGEL recently returned from Iraq and paints a bleak picture: "This thing is coming undone quickly, and [Prime Minister] Maliki's government is weaker by the day. The police are corrupt top to bottom. The oil problem is a huge problem. They still can't get anything through the parliament—no hydrocarbon law, no de-Baathification law, no provincial elections."

Mr. Speaker, many of the Nation's most highly respected generals and several leading Republicans have endorsed the House Democratic majority's approach; all of them oppose the President's plan to escalate the war in Iraq. Take, for example, MG John Batiste, U.S. Army (Ret.):

> This important legislation sets a new direction for Iraq. It acknowledges that America went to war without mobilizing the nation, that our strategy in Iraq has been tragically flawed since the invasion in March 2003, that our Army and Marine Corps are at the breaking point with little to show for it, and that our military alone will never establish representative government in Iraq. The administration got it terribly wrong and I applaud our Congress for stepping up to their constitutional responsibilities.

MG Paul Eaton, USA, Ret. supports this legislation because it "gives General Petraeus great leverage for moving the Iraqi government down the more disciplined path laid out by the Iraq Study Group." According to General Eaton, the real audience for the timeline language is Prime Minister al-Maliki and the elected government of Iraq:

> The argument that this bill aides the enemy is simply not mature—nobody on the earth underestimates the United States' capacity for unpredictability. It may further create some sense of urgency in the rest of our government, beginning with the State Department.

LTG William E. Odom, U.S. Army (Ret.), President Reagan's Director of the National Security Agency, supports the bill because it "gives the president a chance to pull back from a disastrous course, re-orient U.S. strategy to achieve regional stability, and win help from many other countries—the only way peace will eventually be achieved."

Mr. Speaker, to date, the war in Iraq has lasted longer than America's involvement in World War II, the greatest conflict in all of human history. But there is a difference. The Second World War ended in complete and total victory for the United States and its allies. But then again, in that conflict America was led by FDR, a great Commander-in-Chief, who had a plan to win the war and secure the peace, listened to his generals, and sent troops in sufficient numbers and sufficiently trained and equipped to do the job.

As a result of the colossal miscalculation in deciding to invade Iraq, the loss of public trust resulting from the misrepresentation of the reasons for launching that invasion, and the breathtaking incompetence in mismanaging the occupation of Iraq, the Armed Forces and the people of the United States have suffered incalculable damage.

The war in Iraq has claimed the lives of 3,381 brave service men and women, 64 in the first 30 days of this month. More than 24,912 Americans have been wounded, many suffering the most horrific injuries. American taxpayers have paid nearly $400 billion to sustain this misadventure.

Mr. Speaker, I support H.R. 2206 because it holds President Bush and the Iraqi government accountable—by fencing $52.8 billion of the $95.5 billion provided to the Defense Department until released by subsequent legislation. This bill requires the President to confront the realities of the Iraq war and take account of the facts on the ground.

First, the bill requires the President to submit a report to Congress by July 13 regarding the success of the Iraqi Government in meeting security and political benchmarks. The President must report progress by the Iraqi Government in meeting key security benchmarks, articulated by Iraqi Prime Minister Maliki himself in January, including eliminating militia control of local security, I disarming the militias, and giving Iraqi Security Forces the authority to pursue all extremists, including Shiite militias.

The legislation also requires the President to report on whether key political benchmarks, announced by President Bush himself in January have actually been accomplished by the Iraqi Government, relating to such issues as enacting a bill to equitably share oil revenue among all Iraqis, reforming current laws governing the de-Baathircation process, providing for provincial elections, and amending the constitution.

Second, within 7 legislative days after receiving the report in July, both the House and Senate would vote on whether to release the remaining defense funds. Thus, the bill guarantees two votes by Congress in July.

The first guaranteed vote is a vote on an amendment to the measure releasing the remaining defense funding, which would provide that this funding could only be used for planning and executing the redeployment of U.S. troops from Iraq within 180 days of the bill's enactment, with only limited exceptions to this redeployment for troops for training and equipping Iraqi troops, targeted counterterrorism operations, and force protection.

The second guaranteed vote is a vote on the underlying measure releasing the remaining defense funds. The bill contains expedited procedures to guarantee that the votes take place in both the House and Senate by the end of July.

Mr. Speaker, it is time to hold the Bush administration and the Iraqi Government accountable. This bill's timetable and benchmarks finally hold the Iraqis accountable. As retired MG Paul Eaton has stated, "This bill gives General Petraeus great leverage for moving the Iraqi government down the more disciplined path laid out by the Iraq Study Group. The real audience for the timeline language is Prime Minister al-Maliki and the elected government of Iraq.

Even Defense Secretary Robert Gates has noted that the timetable is helpful—and sends the message that "the clock is ticking." Gates said "The strong feelings expressed in the Congress about the timetable probably have had a positive impact . . . in terms of communicating to the Iraqis that this is not an open-ended commitment."

Mr. Speaker, in passing H.R. 2206, this House will be doing the business and expressing the will of the American people. In the latest CBS News/New York Times poll, 64 percent of Americans favor a timetable that provides for the withdrawal of U.S. troops from Iraq in 2008. In the same poll, 57 percent of Americans believe that Congress, not the President, should have the last say when it comes to setting troop levels in Iraq.

Mr. Speaker, in passing H.R. 2206, Congress is fulfilling its constitutional responsibilities and exercising the first check on the President's power in 6 years. As Iraq Study Group Co-Chairman Lee Hamilton has pointed out, "The founders of our nation never envisioned an unfettered president making unilateral decisions about American lives and military power. They did indeed make the president the commander in chief, but they gave to Congress the responsibility for declaring war, for making rules governing our land and naval forces, for overseeing policy, and of course the ability to fund war or to cease funding it."

Mr. Speaker, I urge all Members to join me in voting for H.R. 2206. This is the best way to ensure accountability to our soldiers who have been sent into battle without proper training or equipment or a clear mission. It is the best way to keep faith with our veterans who are not getting the best medical care when they come home. Passing this legislation is essential to restoring our military that is being stretched to the limits by the Bush policy. Last, it is absolutely necessary to regain the confidence of the American people who demand a new direction in Iraq.

Mr. BECERRA. Mr. Speaker, I rise in support of H.R. 2206, the revised Iraq Accountability Act.

This legislation fully funds the troops in Iraq and Afghanistan, provides health care to our active duty soldiers and veterans, holds the Iraqi Government accountable, and continues to pressure President George W. Bush to change the course and responsibly end our military involvement in Iraq.

The American people have spoken clearly time and again that the United States must find an end to its commitment in Iraq. Last month, Congress responded to the American people by sending President Bush a bill that required him to be accountable in his execution of the Iraq war. He responded to that legislation by vetoing it and asking for a blank check for his Iraqi misadventure. How symbolic that the President vetoes the Iraq Accountability Act on May 1, 2007, the 4-year anniversary of his "Mission Accomplished" speech.

In an attempt to compromise with President Bush, the House of Representatives has revised its legislation. H.R. 2206 provides over $42 billion immediately to fund the operations and equipment needs of our troops in Iraq and Afghanistan.

To ensure real accountability over execution of the war, the bill requires the President to submit a report to Congress by July 13 regarding the success of the Iraqi Government in meeting security and political benchmarks. Iraqi Prime Minister Nouri al-Maliki and President Bush proposed these very benchmarks in January 2007. These benchmarks include provisions such as eliminating militia control of local security, disarming the militias, and enacting a bill to equitably share oil revenue among all Iraqis.

After the submission of this report, both houses of Congress would vote on whether to release an additional $52.8 billion for military operations and equipment in Iraq. Before such a vote, H.R. 2206 would require an important vote on an amendment to use these funds only to plan and execute a redeployment of troops from Iraq in 180 days. This is the crucial vote: will we finally change course in Iraq and represent the aspirations and the best interests of the American people?

This legislation requires the President to confront the realities of the Iraq War and take account of the facts on the ground. Since President Bush has shown a tin ear by failing to listen to the American public's discontent concerning the Iraq War, it is the responsibility of Congress to lead America out of this war. By sending this strong piece of legislation to the president, we are one step closer to reaching that goal.

I urge my colleagues to support this legislation to bring accountability in Iraq and provide the necessary help to our troops and veterans at home.

Ms. VELÁZQUEZ. Mr. Speaker, today is a landmark day in our efforts to end the war in Iraq. There is nothing more offensive to a democracy than a war being waged against the people's will. Yet that is the situation our soldiers face every day.

Tonight, the House has a chance to reflect the will of the people on the most important issue of our time. We have the opportunity to vote to reunite our soldiers with their families. Let this body speak with one booming voice that cannot be denied. Mr. President—no more surges. Bring them home.

I have opposed this war from day one. But now is not the time to talk about the past. It's time to talk about the future of this country. Under the legislation proposed by my friend from Massachusetts, Mr. McGOVERN, most of our soldiers and contractors in Iraq will be back with us in 9 months.

The Iraq war has ended the lives of nearly 150 New Yorkers, and nearly 3,400 Americans. The young people we have lost in Iraq are as diverse as America itself—they are people of color, teenagers, women, immigrants of many faiths, and many are from my own home in Brooklyn. Tens of thousands more are severely injured and will need our care for the rest of their lives.

We do not serve Iraq by staying there. While our military can help the Iraqi Government with security, no surge can resolve Iraq's bitter political differences. Our diplomatic efforts will carry more weight after we leave. We can better ask Iraq's neighbors to help when we are Iraq's partner, not its occupier.

It's time to bring our troops home to their families. By supporting Speaker PELOSI's package of H.R. 2237, H.R. 2206, and H.R. 2207, we can achieve critical domestic priorities, fund our soldiers and veterans, and begin a swift withdrawal from Iraq. I urge the support of my colleagues.

Mr. CONYERS. Mr. Speaker, I rise today in support of H.R. 2206, the U.S. Troops Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007. The revised Iraq Accountability Act supports our troops while holding President Bush and the Iraqi Government accountable.

After vetoing the April supplemental bill that was supported by a majority of the American people, President Bush is once more asking for a blank check to continue his escalation of our military involvement in Iraq. Once again, the President has chosen confrontation over cooperation by threatening to veto the bill we are considering today. After a meeting during which lawmakers from his own party told him he had lost the confidence of the American people, the President issued a statement claiming to support "benchmarks" for progress in Iraq. But, unlike congressional Republicans, the President will not support consequences for failure to meet those benchmarks. It should be obvious to all that benchmarks without consequences are nothing but meaningless window dressing.

This Congress will not provide the President the blank check that he has requested. In last November's election, the American people demanded a new direction in Iraq, and we will continue to fight to responsibly wind down this war. Our revised bill will fully fund the troops, honor our commitment to veterans, hold the Iraqi Government accountable, and continue to press the President to change course and stop the bloodshed in Iraq. It also provides funding for urgent domestic needs that are emergencies in their own right and appropriate to include in this emergency supplemental legislation. These include a minimum wage/small business tax relief package, $6.8 billion for Hurricane Katrina recovery, $3.5 billion more than the President's request, $400 million for the Low Income Heating Assistance Program, LIHEAP, and $396 million for the State Children's Health Insurance Program, S–CHIP.

I voted earlier today in favor of Congressman MCGOVERN's bill providing for the redeployment of United States Armed Forces and American defense contractors from Iraq. That measure was defeated, but attracted far more support than many observers had predicted, indicating a growing momentum inside Congress for redeployment. I remain confident that as the tragedy in Iraq wears on, even more Members of Congress will join in demanding withdrawal of our troops from Iraq and prohibiting the further use of funds to continue President Bush's war. In the meantime, however, I will join with my colleagues in the Democratic Caucus to send the President a supplemental funding bill that demands accountability and guarantees further congressional consideration of war funding in just a few short months.

H.R. 2206 fully funds the troops over the next 2 to 3 months, ensuring that they have everything they need to conduct their mission. The bill also includes additional funding for the troops not requested by the President, including increased funding for military health care and Mine Resistant Ambush Protected, MRAP, vehicles in Iraq. It includes funds to improve military readiness as well as $1.8 billion to meet our veterans' health care needs.

The bill would fence off $52.8 billion of the $95.5 billion provided to the Defense Department until it is released by subsequent legislation. It requires the President to submit a report to Congress by July 13 of this year regarding the success of the Iraqi Government in meeting key security and political benchmarks. Within 7 legislative days of receipt of the report, Congress would have the opportunity to evaluate the situation in Iraq and vote on whether or not to continue to fund the war. Expedited procedures are included in the bill to guarantee that this vote will take place in both the House and Senate by the end of July.

I would have preferred not to be taking this vote today, but the President has brought us to this point with his stubborn refusal to accept the will of the American people. I will continue to support any Iraq-related legislation that holds the President's feet to the fire. The inferno raging in Iraq is one of his own making, and he should be forced to feel the heat.

Mr. CARNAHAN. Mr. Speaker, I rise today to express my support for H.R. 2206, the U.S. Troops Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability appropriations Act. This legislation will fund our troops, protect our veterans, and give the much needed relief to the Gulf region while sending a clear message to the Iraqi government that they will not receive a blank check.

However, I would like to express my displeasure that the bill includes a rescission of nearly $683 million in unobligated highway funds. The cost of the Iraq war has already taken too many lives and costs way too much money. Our nation's infrastructure is at a breaking point, and cannot afford to be subjected to further cuts. At a time when increased investment in our roadways is critical, this rescission hurts our Federal-aid highway program. Some roads in my District have been rated among the most dangerous in the country and it is critical that we fully fund highway improvements to ensure the safety of our constituents. I look forward to soon having the opportunity to vote to restore these funds.

Mr. LARSON of Connecticut. Mr. Speaker, last week President Bush marked the fourth anniversary his proclaimed "Mission Accomplished" in Iraq with a veto. He refused to heed the will of the American people and disregarded the work of this Congress by vetoing the Iraq Accountability Act that called for a new direction in Iraq.

Earlier tonight, I supported a bill offered by the gentleman from Massachusetts, Mr. MCGOVERN that would have provided for the redeployment of U.S. Armed Forces and defense contractors from Iraq. I have believed for some time now that we must begin the safe and strategic withdrawal of our troops. While this measure was defeated, I remain resolved we must change the current course in Iraq.

Before the House is a revised Iraq Accountability bill. This bill continues to keep our commitment to our servicemen and women and to the American people. It fully funds our troops, improves military readiness and holds the Bush Administration and the Iraqi government accountable. The bill would provide $95.5 billion to the Department of Defense, but would fence off $52.8 billion, more than half of the funds. This funding would be held by Congress until the Bush Administration accounts for progress on the ground. President Bush would have to report to Congress the progress of the Iraqi Government in meeting key security benchmarks by July 13, 2007. Only with this accountability and another vote by Congress would the remaining funds be appropriated.

The era of "stay the course" and blank checks without accountability is over. I call upon my colleagues and the President to search their conscience and join me in supporting the underlying bill—a balanced and reasonable approach to Iraq.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of H.R. 2206, the "U.S. Troop Readiness, Veterans' Health, Katrina Recovery, and Iraq Accountability Act." This legislation includes the important funding that has already passed this chamber to provide resources for servicemen and women, for military and veterans' health care, and for valuable programs like LIHEAP and SCHIP.

This bill ensures accountability. H.R. 2206 provides 3 months of funding for the war in Iraq but requires the president to report back to Congress about whether certain goals are met before the rest of the funds will be released by subsequent legislation.

It is time for the president to listen to the American people and support this reasonable legislation to help bring an end to this war.

Ms. DELAURO. Mr. Speaker, I rise in support of beginning the process to redeploy our troops in the coming months.

I first began calling for troop redeployment early last year when—despite the removal of Saddam Hussein, significant training of Iraqi police and army units, and the opening for a potential democracy in the Middle East—it became clear, it was time for a new direction in Iraq. I called for our troops to be redeployed within the year as it had become all too evident that they would be caught in the middle of escalating sectarian violence if they stayed. I urged the administration to adopt the recommendations of the Iraq study group to get the most stable result, but the administration rejected that advice and escalated the war.

Yet today, as violence in Iraq has only gotten worse with the number of U.S. dead and wounded continuing to grow and countless numbers of Iraqis dying in what has become a full blown civil war, this Administration tries to impose a military solution that cannot work. The escalation, which this administration now says will last until next spring, is simply the wrong way to go. Let us serve our men and women fighting overseas and recognize their sacrifices by charting a new course in Iraq.

Over the coming months, we must begin a responsible withdrawal of our troops. Only by moving forward with a redeployment of our troops can we provide the teeth necessary to force the Bush Administration and the Iraqi government to implement the benchmarks they set themselves, including debathification, minority rights, and sharing oil revenue.

I fully support funding for our troops as we scale down our operations in Iraq. I also believe the United States must stay engaged, leaving a limited number of forces to hunt down Al Qaeda and other terrorist operatives, help train Iraqi forces, and maintain a presence in neighboring countries.

It is just as important for this administration to start getting serious about a diplomatic offensive. I believe it must work harder in coordination with Iraq's neighbors and other leading countries to help the Iraqis settle their political differences and provide support for the reconstruction efforts.

By bringing the vast majority of our troops home in the coming months we will show both the Iraqis and the world that we are serious, that we believe the military mission is done, and that it is time for the Iraqis to take accountability for their country.

Mr. Speaker, by voting to redeploy in the coming months, I vote for accountability in Iraq. We can delay no longer. As a Congress we have a responsibility to support the troops, to honor our commitment to veterans, hold the Iraqi government accountable, and continue to press the President to change course and end this war.

I have made this clear before, and I will repeat it again here, today. Too many lives are at stake: I have crossed the Rubicon on this war.

Yet the President has chosen another path. While the American people continue to throw their hands in the air, this administration continues to ignore the painful consequences of its disastrous strategy. With his own veto last week, the President made clear his strategy will not change—unless we do something about it, here today.

We all know our troops will do anything their country asks—but let us not ask them to sacrifice everything for the wrong mission. We have a responsibility to get it right.

Ms. McCOLLUM of Minnesota. Mr. Speaker, we are here today because last week President Bush vetoed legislation supported by a majority of the members of the House and the Senate. The vetoed supplemental appropriations bill, H.R. 1591, would have provided funding for our troops in Iraq and Afghanistan, cared for the needs of our veterans and put forth commonsense benchmarks and timelines to hold Iraq's politicians accountable for achieving needed political results. President Bush rejected that modest requirement to the foreign policy disaster he has created in Iraq. Once again it would appear he has forgotten that the rubber stamp Congress he had grown accustomed to is no longer in power and the American people, along with the new Congress, expect cooperation, compromise and an exit strategy from Iraq, not more "stay the course" rhetoric that has cost our Nation so many lives.

Today's bill, H.R. 2206, unfortunately does not set a timetable for bringing U.S. troops home, but it does provide President Bush with an opportunity to demonstrate his commitment to holding Iraq's political leadership accountable while providing the Department of Defense with $42.8 billion in immediate funding for our troops in Iraq. This legislation also provides Congress the ability to ensure that the President and the Pentagon are taking meaningful steps to achieve success in Iraq by "protecting" an additional $52.8 billion in military spending. This spending would be released when the President reports to Congress in mid-July that his stated benchmarks and goals in Iraq are being met. This legislation is not the blank check the President wants. But, it is a responsible, measured approach for a White House that has proven itself incapable of honest, forthright leadership in managing this war.

H.R. 2206 is necessary legislation that puts the needs of U.S. troops and responsible accountability for a policy that now threatens U.S. military preparedness and our national security. Congress has every right, and in fact every obligation, to hold President Bush and Iraq's political leadership accountable for their lack of results and complete lack of urgency while U.S. troops patrol in the midst of an Iraqi civil war.

Mr. Speaker, I strongly support H.R. 2206 and I urge my colleagues—especially my Republican colleagues—to take this appropriate and tempered step towards protecting our troops while demanding political accountability from President Bush and his Iraqi counterparts.

The SPEAKER pro tempore. The gentleman's time has expired.

All time for debate has expired.

Pursuant to House Resolution 387, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lewis of California moves to recommit the bill, H.R. 2206, to the Committee on Appropriations to report the same back to the House forthwith with the following amendment:

In chapter 3 of title I, strike section 1331.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes on his motion.

Mr. LEWIS of California. Mr. Speaker, I rise to offer this very simple and straightforward motion to recommit.

Included within Mr. OBEY's emergency supplemental proposal is legislative language that requires the President to report by July 13 on the specific progress the Iraqi Government has made in meeting 16 specific goals. Once this report is received, only the chairman of the Appropriations Committee can introduce a joint resolution of approval to release any additional funds to our troops in Iraq.

The chairman of the House Appropriations Committee is not required to introduce the joint resolution of approval, and no other Member can do it. The authority that this gives the chairman of the committee to introduce or not introduce legislation is unprecedented.

Further, in an almost unprecedented move, this supplemental includes the rule under which the joint resolution will be brought to the floor. And under this rule, the only amendment made in order is one that mandates the withdrawal of troops from Iraq within 6 months.

Mr. Speaker, this legislative language sets dangerous precedents that should be of great concern to Members on both sides of the aisle.

My motion to recommit strikes this legislative language in section 1331, the so-called fence language, limiting the availability of funds for our troops. This ill-conceived language not only grants the chairman of the House Appropriations Committee extraordinary authority, but also preordains the rule by which the joint resolution will be brought to the floor.

I strongly urge a "yes" vote on this motion to recommit.

Mr. OBEY. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, let me simply say that this motion is very simple.

It simply removes the provision in this bill which fences almost $50 billion pending the three reports from the President that we have talked about for the last hour. The effect of it is to give the President every dollar he wants, no questions asked, no oversight, no review, no nothing. It is a blank check, and it guts the bill, and I would urge a "no" vote.

Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, let me say, I see the Vice President has gone to Iraq to urge the Iraqis not to take a 2-month vacation. I mean, we have got to put some pressure on them. It hasn't been working. I mean, I see the Vice President also said, he said they seem to be more enthused than they used to be. Let me tell you something, we have got to do something more than be enthused when the Americans are in the killing zone. That's the problem.

If this amendment were adopted, we would lose all our leverage on the Iraqis. The Iraqis could go on as they have, and one of the biggest problems we have right now is that every time the Iraqis don't do something, the Americans are put in a killing zone.

So I would urge the Members to reject this motion to recommit.

Mr. OBEY. Mr. Speaker, if you remove the fencing, you remove all pressure for policy change. That's the last thing we ought to want to do. If you vote for this motion, it is an endorsement of the status quo. I urge a "no" vote.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair may reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 195, nays 229, not voting 9, as follows:

[Roll No. 332]

YEAS—195

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—9

Bachus
Boehner
Brady (PA)
Davis, Jo Ann
Engel
Fattah
McMorris Rodgers
Reynolds
Souder

□ 1951

Mr. SNYDER and Mr. DOGGETT changed their vote from "yea" to "nay."

Mr. TANCREDO, Mr. WALSH of New York, and Mrs. CUBIN changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. ROGERS of Michigan. Mr. Speaker, on this evening's rollcall vote number 333 I was detained and did not cast my ballot. If I had cast a ballot I would have voted "nay."

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 205, not voting 7, as follows:

[Roll No. 333]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy

Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—205

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stark
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Watson
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—7

Brady (PA)
Davis, Jo Ann
Engel
Fattah
McMorris Rodgers
Rogers (MI)
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1959

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO RESOLVE INTO SECRET SESSION

Mr. ISSA. Mr. Speaker, pursuant to clause 9 of rule XVII, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. Issa moves, pursuant to clause 9 of rule XVII, that the House be cleared of all persons except the Members, Delegates, Resident Commissioner, and officers of the House to consider communications which he believes should be kept secret for the present.

MOTION TO TABLE OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I move to table the motion at the desk.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ISSA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 199, not voting 14, as follows:

[Roll No. 334]

AYES—219

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
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Wu
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Yarmuth

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Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
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Capito
Capps
Carney
Carter
Castle
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Davis, Tom
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Diaz-Balart, M.
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Dreier
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Fallin
Feeney
Ferguson
Flake
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Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
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Gerlach
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Gingrey
Gohmert
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King (IA)
King (NY)
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Kuhl (NY)
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Latham
LaTourette
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Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
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Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi

Reynolds
Rogers (AL)
Rogers (KY)
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Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bachmann
Brady (PA)
Davis, Jo Ann
Dicks
Emerson
Engel
Fattah
Gutierrez
Hastert
McMorris Rodgers
Peterson (PA)
Shadegg
Souder
Watson

☐ 2016

Mr. MORAN of Virginia changed his vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. PUTNAM. Mr. Speaker, by direction of the House Republican Conference, I offer a privileged resolution (H. Res. 393) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 393

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON APPROPRIATIONS.—Mr. Calvert.

(2) COMMITTEE ON ARMED SERVICES.—Mr. Shuster, to rank after Mr. Franks of Arizona.

(3) COMMITTEE ON FINANCIAL SERVICES.—Mr. McCotter.

(4) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Bilirakis.

(5) COMMITTEE ON NATURAL RESOURCES.—Ms. Fallin and Mr. McCarthy of California.

(6) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Jordan of Ohio.

Mr. PUTNAM (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AGRICULTURAL DISASTER ASSISTANCE AND WESTERN STATES EMERGENCY UNFINISHED BUSINESS APPROPRIATIONS ACT, 2007

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 387, I call up the bill (H.R. 2207) making supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 2207 is as follows:

H.R. 2207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Disaster Assistance and Western States Emergency Unfinished Business Appropriations Act, 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AGRICULTURAL ASSISTANCE
TITLE II—EMERGENCY APPROPRIATIONS FOR WESTERN STATES

SEC. 3. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007.

TITLE I—AGRICULTURAL ASSISTANCE

SEC. 1001. CROP DISASTER ASSISTANCE.

(a) ASSISTANCE AVAILABLE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make emergency financial assistance available to producers on a farm that incurred qualifying quantity or quality losses for the 2005 or 2006 crop, or that part of the 2007 crop year before February 28, 2007, due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed planting), as determined by the Secretary. However, to be eligible for assistance, the crop subject to the loss must have been planted before February 28, 2007 or, in the case of prevented planting or other total loss, would have been planted before February 28, 2007 in the absence of the damaging weather or any related condition.

(b) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than one of the 2005, 2006, or 2007 crop years, the producer shall elect to receive assistance under this section for losses incurred in only one of such crop years. The producer may not receive assistance under this section for more than one crop year.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Agriculture shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (a), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(d) QUALITY LOSSES.—

(1) IN GENERAL.—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (a) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 50 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary of Agriculture to determine quantity losses for the crop of the commodity under subsection (a).

(3) PAYMENT RATE.—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) ELIGIBILITY.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (a), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) MARKETING CONTRACTS.—In the case of any production of a commodity that is sold pursuant to one or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the one or more prices specified in the contracts.

(6) OTHER PRODUCTION.—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) QUALITY ADJUSTMENTS AND DISCOUNTS.—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) ELIGIBLE PRODUCTION.—The Secretary of Agriculture shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent

of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary of Agriculture.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(f) ELIGIBILITY REQUIREMENTS AND LIMITATIONS.—The producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses; or

(3) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(g) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

(h) DEFINITIONS.—In this section:

(1) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) NONINSURABLE COMMODITY.—The term "noninsurable commodity" means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 1002. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to carry out the livestock compensation program established under subpart B of part 1416 of title 7, Code of Federal Regulations, as announced by the Secretary on February 12, 2007 (72 Fed. Reg. 6443), to provide compensation for livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007). However, the payment rate for compensation under this subsection shall be 70 percent of the payment rate otherwise applicable under such program. In addition, section 1416.102(b)(2)(ii) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444) shall not apply.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A) conducts a livestock operation that is located in a disaster county with eligible livestock specified in paragraph (1) of section 1416.102(a) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444), an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)), or other animals designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of paragraphs (3) and (4) of section 1416.102(a) of title 7, Code of Federal Regulations, and all other eligibility requirements established by the Secretary for the program.

(3) ELECTION OF LOSSES.—

(A) If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years, and such losses must have been incurred in a county declared or designated as a disaster county in that same calendar year.

(B) Producers may elect to receive compensation for losses in the calendar year 2007 grazing season that are attributable to wildfires occurring during the applicable period, as determined by the Secretary.

(4) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term "disaster county" means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term "natural disaster declaration" means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007, under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make livestock indemnity payments to producers on farms that have incurred livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007) in a disaster county. To be eligible for assistance, applicants must meet all eligibility requirements established by the Secretary for the program.

(2) ELECTION OF LOSSES.—If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years. The producer may not receive payments under this subsection for more than one calendar year.

(3) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(4) LIVESTOCK DEFINED.—In this subsection, the term "livestock" means an animal that—

(A) is specified in clause (i) of section 1416.203(a)(2) of title 7, Code of Federal Regulations (72 Fed. Reg. 6445), or is designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of clauses (iii) and (iv) of such section.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term "disaster county" means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term "natural disaster declaration" means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

SEC. 1003. EMERGENCY CONSERVATION PROGRAM.

There is hereby appropriated to the Secretary of Agriculture $20,000,000, to remain available until expended, to provide assistance under the Emergency Conservation Program under title IV of the Agriculture Credit Act of 1978 (16 U.S.C. 2201 et seq.) for the cleanup and restoration of farm and agricultural production lands.

SEC. 1004. PAYMENT LIMITATIONS.

(a) REDUCTION IN PAYMENTS TO REFLECT PAYMENTS FOR SAME OR SIMILAR LOSSES.—The amount of any payment for which a producer is eligible under sections 5101 and 5102 shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006; or

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418).

(b) Adjusted Gross Income Limitation.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall apply with respect to assistance provided under sections 5101, 5102, and 5103.

SEC. 1005. ADMINISTRATION.

(a) Regulations.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement sections 5101 and 5102.

(b) Procedure.—The promulgation of the implementing regulations and the administration of sections 5101 and 5102 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) Congressional Review of Agency Rulemaking.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) Use of Commodity Credit Corporation; Limitation.—In implementing sections 5101 and 5102, the Secretary of Agriculture may use the facilities, services, and authorities of the Commodity Credit Corporation. The Corporation shall not make any expenditures to carry out sections 5101 and 5102 unless funds have been specifically appropriated for such purpose.

SEC. 1006. MILK INCOME LOSS CONTRACT PROGRAM.

Section 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—

(1) in subparagraph (A), by adding "and" at the end;

(2) in subparagraph (B), by striking "August" and all that follows through the end and inserting "September 30, 2007, 34 percent."; and

(3) by striking subparagraph (C).

SEC. 1007. DAIRY ASSISTANCE.

There is hereby appropriated $20,000,000 to make payments to dairy producers for dairy production losses in disaster counties, as defined in section 1002 of this title, to remain available until expended.

SEC. 1008. NONINSURED CROP ASSISTANCE PROGRAM.

For states in which there is a shortage of claims adjustors, as determined by the Secretary, the Secretary shall permit the use of one claims adjustor certified by the Secretary in carrying out 7 CFR 1437.401.

SEC. 1009. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

There is hereby appropriated $21,000,000 to carry out section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a), to remain available until expended.

SEC. 1010. CONSERVATION SECURITY PROGRAM.

Section 20115 of Public Law 110–5 is amended by striking "section 726" and inserting in lieu thereof "section 726; section 741".

SEC. 1011. ADMINISTRATIVE EXPENSES.

There is hereby appropriated $30,000,000 for the "Farm Service Agency, Salaries and Expenses", to remain available until September 30, 2008.

SEC. 1012. CONTRACT WAIVER.

In carrying out crop disaster and livestock assistance in this title, the Secretary shall require forage producers to have participated in a crop insurance pilot program or the Non-Insured Crop Disaster Assistance Program during the crop year for which compensation is received.

SEC. 1013. EMERGENCY DESIGNATION.

Amounts in this title are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

TITLE II—EMERGENCY APPROPRIATIONS FOR WESTERN STATES

CHAPTER 1—FISHERIES DISASTER ASSISTANCE

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", $60,400,000, to remain available until September 30, 2008: *Provided*, That the National Marine Fisheries Service shall cause such amounts to be distributed among eligible recipients of assistance for the commercial fishery failure designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006.

CHAPTER 2—WILDLAND FIREFIGHTING AND RURAL SCHOOLS

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $100,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

DEPARTMENT OF AGRICULTURE

Forest Service

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $400,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISION, THIS CHAPTER

SEC. 2201. SECURE RURAL SCHOOLS.

(a) For fiscal year 2007, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $425,000,000, to remain available until December 31, 2007, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.

(c) Titles II and III of Public Law 106–393 are amended, effective September 30, 2006, by striking "2006" and "2007" each place they appear and inserting "2007" and "2008", respectively.

CHAPTER 3—GENERAL PROVISION, THIS TITLE

SEC. 2301. EMERGENCY DESIGNATION.

Amounts in this title are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

The SPEAKER pro tempore. Pursuant to House Resolution 387, the amendment printed in part B of House Report 110–143 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Disaster Assistance and Western States Emergency Unfinished Business Appropriations Act, 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AGRICULTURAL ASSISTANCE
TITLE II—EMERGENCY APPROPRIATIONS FOR WESTERN STATES

SEC. 3. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007.

TITLE I—AGRICULTURAL ASSISTANCE

SEC. 1001. CROP DISASTER ASSISTANCE.

(a) Assistance Available.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make emergency financial assistance available to producers on a farm that incurred qualifying quantity or quality losses for the 2005 or 2006 crop, or that part of the 2007 crop year before February 28, 2007, due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed planting), as determined by the Secretary. However, to be eligible for assistance, the crop subject to the loss must have been planted before February 28, 2007 or, in the case of prevented planting or other total loss, would have been planted before February 28, 2007 in the absence of the damaging weather or any related condition.

(b) Election of Crop Year.—If a producer incurred qualifying crop losses in more than one of the 2005, 2006, or 2007 crop years, the producer shall elect to receive assistance under this section for losses incurred in only one of such crop years. The producer may not receive assistance under this section for more than one crop year.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Agriculture shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (a), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(d) QUALITY LOSSES.—

(1) IN GENERAL.—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (a) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 50 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary of Agriculture to determine quantity losses for the crop of the commodity under subsection (a).

(3) PAYMENT RATE.—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) ELIGIBILITY.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (a), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) MARKETING CONTRACTS.—In the case of any production of a commodity that is sold pursuant to one or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the one or more prices specified in the contracts.

(6) OTHER PRODUCTION.—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) QUALITY ADJUSTMENTS AND DISCOUNTS.—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) ELIGIBLE PRODUCTION.—The Secretary of Agriculture shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary of Agriculture.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(f) ELIGIBILITY REQUIREMENTS AND LIMITATIONS.—The producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses; or

(3) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(g) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

(h) DEFINITIONS.—In this section:

(1) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) NONINSURABLE COMMODITY.—The term "noninsurable commodity" means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 1002. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to carry out the livestock compensation program established under subpart B of part 1416 of title 7, Code of Federal Regulations, as announced by the Secretary on February 12, 2007 (72 Fed. Reg. 6443), to provide compensation for livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007). However, the payment rate for compensation under this subsection shall be 70 percent of the payment rate otherwise applicable under such program. In addition, section 1416.102(b)(2)(ii) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444) shall not apply.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A) conducts a livestock operation that is located in a disaster county with eligible livestock specified in paragraph (1) of section 1416.102(a) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444), an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)), or other animals designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of paragraphs (3) and (4) of section 1416.102(a) of title 7, Code of Federal Regulations, and all other eligibility requirements established by the Secretary for the program.

(3) ELECTION OF LOSSES.—

(A) If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years, and such losses must have been incurred in a county declared or designated as a disaster county in that same calendar year.

(B) Producers may elect to receive compensation for losses in the calendar year 2007 grazing season that are attributable to wildfires occurring during the applicable period, as determined by the Secretary.

(4) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term "disaster county" means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term "natural disaster declaration" means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007, under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make livestock indemnity payments to producers on farms that have incurred livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007) in a disaster county. To be eligible for assistance, applicants must meet all eligibility requirements established by the Secretary for the program.

(2) ELECTION OF LOSSES.—If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years. The producer may not receive payments under this subsection for more than one calendar year.

(3) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(4) LIVESTOCK DEFINED.—In this subsection, the term "livestock" means an animal that—

(A) is specified in clause (i) of section 1416.203(a)(2) of title 7, Code of Federal Regulations (72 Fed. Reg. 6445), or is designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of clauses (iii) and (iv) of such section.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term "disaster county" means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term "natural disaster declaration" means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

SEC. 1003. EMERGENCY CONSERVATION PROGRAM.

There is hereby appropriated to the Secretary of Agriculture $20,000,000, to remain available until expended, to provide assistance under the Emergency Conservation Program under title IV of the Agriculture Credit Act of 1978 (16 U.S.C. 2201 et seq.) for the cleanup and restoration of farm and agricultural production lands.

SEC. 1004. PAYMENT LIMITATIONS.

(a) REDUCTION IN PAYMENTS TO REFLECT PAYMENTS FOR SAME OR SIMILAR LOSSES.—The amount of any payment for which a producer is eligible under sections 1001 and 1002 shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006; or

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(b) ADJUSTED GROSS INCOME LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall apply with respect to assistance provided under sections 1001, 1002, and 1003.

SEC. 1005. ADMINISTRATION.

(a) REGULATIONS.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement sections 1001 and 1002.

(b) PROCEDURE.—The promulgation of the implementing regulations and the administration of sections 1001 and 1002 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) USE OF COMMODITY CREDIT CORPORATION; LIMITATION.—In implementing sections 1001 and 1002, the Secretary of Agriculture may use the facilities, services, and authorities of the Commodity Credit Corporation. The Corporation shall not make any expenditures to carry out sections 1001 and 1002 unless funds have been specifically appropriated for such purpose.

SEC. 1006. MILK INCOME LOSS CONTRACT PROGRAM.

Section 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—

(1) in subparagraph (A), by adding "and" at the end;

(2) in subparagraph (B), by striking "August" and all that follows through the end and inserting "September 30, 2007, 34 percent."; and

(3) by striking subparagraph (C).

SEC. 1007. DAIRY ASSISTANCE.

There is hereby appropriated $20,000,000 to make payments to dairy producers for dairy production losses in disaster counties, as defined in section 1002 of this title, to remain available until expended.

SEC. 1008. NONINSURED CROP ASSISTANCE PROGRAM.

For states in which there is a shortage of claims adjustors, as determined by the Secretary, the Secretary shall permit the use of one claims adjustor certified by the Secretary in carrying out 7 CFR 1437.401.

SEC. 1009. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

There is hereby appropriated $21,000,000 to carry out section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a), to remain available until expended.

SEC. 1010. CONSERVATION SECURITY PROGRAM.

Section 20115 of Public Law 110–5 is amended by striking "section 726" and inserting in lieu thereof "section 726; section 741".

SEC. 1011. ADMINISTRATIVE EXPENSES.

There is hereby appropriated $30,000,000 for the "Farm Service Agency, Salaries and Expenses", to remain available until September 30, 2008.

SEC. 1012. CONTRACT WAIVER.

In carrying out crop disaster and livestock assistance in this title, the Secretary shall require forage producers to have participated in a crop insurance pilot program or the Non-Insured Crop Disaster Assistance Program during the crop year for which compensation is received.

SEC. 1013. EMERGENCY DESIGNATION.

Amounts in this title are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

TITLE II—EMERGENCY APPROPRIATIONS FOR WESTERN STATES

CHAPTER 1—FISHERIES DISASTER ASSISTANCE

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", $60,400,000, to remain available until September 30, 2008: *Provided*, That the National Marine Fisheries Service shall cause such amounts to be distributed among eligible recipients of assistance for the commercial fishery failure designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006.

CHAPTER 2—WILDLAND FIREFIGHTING AND RURAL SCHOOLS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $100,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $400,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISION, THIS CHAPTER

SEC. 2201. SECURE RURAL SCHOOLS.

(a) For fiscal year 2007, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $425,000,000, to remain available until December 31, 2007, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.

(c) Titles II and III of Public Law 106-393 are amended, effective September 30, 2006, by striking "2006" and "2007" each place they appear and inserting "2007" and "2008", respectively.

CHAPTER 3—GENERAL PROVISION, THIS TITLE

SEC. 2301. EMERGENCY DESIGNATION.

Amounts in this title are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2207.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, in the bill which the President vetoed last week, in addition to funding for the troops in Iraq, we provided funding for a number of other high-priority purposes. We provided additional funding above the President's request for veterans' health care, something which the President did not want. We added additional funding to defend the country against a potential epidemic from the pandemic flu virus that our scientists are concerned about. The President asked for that money 3 years ago, but this time around said he didn't want it in the bill. The President said he did not want to see the money that we put in the bill for homeland security and a variety of other programs.

It seemed to me the administration took special pleasure in also objecting to the fact that we had agricultural disaster funding in the bill and that we had the funding in the bill to respond to the court decision on western salmon and we also had funding in the bill to deal with Western school programs that had been allowed to lapse by the previous Congress and several other provisions like that. The President said that those programs didn't belong in this bill because they weren't emergencies.

Well, in fact, I think the President had it backwards because what the President seemed to suggest is that the only legitimate funding for an emergency appropriation would be for the war in Iraq. In fact, the war in Iraq should not be funded at all as an emergency appropriation. After all, it has been around for more than 4 years, despite the President's landing on that aircraft carrier. And the fact is that the President, in order to hide the full cost of the war, asked for that war to be funded in 11 different slices. Those funds should have been provided in regular appropriation bills, not in supplementals. So it is the President who has the usual practice figured out just backwards. We didn't object to dealing with the Iraqi problem, and we would appreciate it if he would not object to dealing with other legitimate emergency problems.

The President seemed to suggest, in his veto message, that we didn't have the courage to deal with the agriculture and other related issues alone, that we had to slip them in, so to speak, in the Iraq bill. And, frankly, that got my dander up. And so now that we are back in the second bill, I have insisted that when the House votes on this matter tonight that we vote on it separately to demonstrate to the President that there is support in both parties, I believe, for dealing with some of these issues, especially with the agriculture problem.

Now, I didn't declare 70 percent of the counties in this country to be disaster areas. The President did. The Congress has an obligation not to ignore those declarations and act accordingly, and that is what we are trying to do. So very simply, we are going to have these votes tonight, and I am glad that we are.

There are two items that are not in the bill that should be in the bill. One is spinach. When the President vetoed the bill, his administration made a lot of fun of the fact that we had funding for spinach in the bill. Well, there is no spinach in my district, but let me tell you why we had that funding. Nobody was laughing a year ago when people were deathly sick because they had consumed spinach that was contaminated with E. coli, and then the Federal Government went to spinach growers and asked that they take their products off the shelf voluntarily, and when they did that, that cost those spinach growers a lot of money. Now, I have heard a lot of conservatives and liberals alike in this House complain and cry and whine all over the floor when the government engages in an uncompensated taking from a private citizen. Well, if you tell an industry that they can't collect for their product after they have been asked by the government to take it off the market even though 99 percent of that spinach was perfectly safe, then what have you done? You have engaged in an uncompensated taking. Now, that may not bother many people in a city like Washington, D.C., where a lot of people look down their noses at anything rural, but the fact is that farmers are entitled and spinach growers are entitled to the same kind of consideration any other economic group would have in this country.

The second thing that isn't in here is funding for Great Lakes fishery problems. We had several Members of the minority party make fun of the bill 2 weeks ago because they claimed we had money in the bill for tropical fish. Well, I want to tell you what we had in the bill. The Federal Government discovered last year that fisheries in the Great Lakes, especially in Lake Michigan, that fish were being found with a disease called viral hemorrhagic septicemia. It does to fish what ebola does to human beings. It is a bloody problem. And that problem, if left unchecked, has the potential to destroy the entire Great Lakes fisheries. That is an $8 to $9 billion annual business. So what we tried to do was to simply recognize the plight of a few commercial fish growers who were told by the government they could not ship their product across State lines because it would endanger the entire fisheries, and so they complied. The irony was under the law if the fish produced by those farmers had been diseased, they could have collected from the government, but because those fish were healthy, they couldn't. So they were stuck in a catch-22 situation.

We tried to fund that, and we got laughed off the screen because the demogogues in this institution and demogogues on the other end of the avenue made fun of a problem that is a very serious environmental problem. We have taken that item out of the bill, too, simply because there is only so much bowl gravy that you can counter in a political debate. So we are left with the bare bones proposition that deals with legitimate problems faced by farmers and faced by Western States with respect to wildfires and the other problems funded in this bill.

So I am happy we finally are going to have an opportunity to vote on these items standing alone. I urge an "aye" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are continuing our debate on the emergency supplemental with a discussion of a separate measure that includes billions of dollars of spending completely unrelated to the global war on terror or legitimate emergencies in the gulf coast region.

This is an extraordinary amount of unauthorized spending, spending that is not offset in any way, contained under the emergency designation. As the ranking member of the House Appropriations Committee, and the committee's former chairman, I believe the House must firmly hold the line and reject this unnecessary spending.

Members on both sides of the aisle can, and will, argue that some of this spending is justified. Members can correctly point out the need for additional funds to address wildfire suppression or agricultural assistance in various regions of the United States. However, I would urge that many of the needs addressed in this bill could, and they should, be addressed in regular order through the fiscal year 2008 funding bills.

Sadly, many items are being designated as emergencies for no other reason than to make more room for additional spending under the fiscal year 2008 caps, which, incidentally, we still do not have.

When the new majority assumed power earlier this year, it committed to restoring pay-as-you-go, the practice of offsetting spending increases with spending decreases. As I mentioned earlier, none of the proposed spending included in this package has been offset in any way.

Lastly, Mr. Speaker, our colleagues should be aware that the President has indicated that he will veto this legislation due to the excessive non-emergency spending it contains. I urge our colleagues to show spending restraint by opposing this package.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished chairwoman of the Agriculture Appropriations Subcommittee, Ms. DELAURO.

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Ms. DELAURO. Mr. Speaker, with this supplemental appropriations bill, we continue to confront urgent business which the 109th Congress left unfinished last year and which the President continues to want to leave unfinished. Today, that includes an important relief package for agricultural disasters which occurred in 2005, 2006 and 2007.

I do not have to remind my colleagues about so many instances of devastation that have struck every corner of our Nation. And the President's response to these disasters is, "You are on your own." With severe drought in the Midwest, wildfire in the Southwest and floods in the Upper Plains, the United States Department of Agriculture designated nearly three-quarters of all U.S. counties as primary or contiguous disaster areas over the past 2 years. Hardworking farmers struggling just to get by, struggling to deal with each disaster's painful consequences, struggling to understand their deeply felt impact on our businesses, our communities, on our everyday lives. What is the President's response? "You are on your own."

These events are described by many as "slow-motion disasters," but they are disasters nonetheless. And we cannot turn our backs on those who are hit hardest. Indeed, we have a responsibility to look honestly at all of the hard choices which have been put off far too long by this Congress and our President.

Outside the gulf region, there has been no disaster assistance in the past 2 years, even though natural disasters hit our farmers hard. In 2000 and 2001, we had disaster assistance bills that cost over $11 billion in one year and $14 billion in the other. Our proposal is a fraction of those.

While some time has passed since these natural disasters occurred, it does not mean that they have ceased to be emergencies, and it does not mean that we no longer have an obligation to help those in need.

What the Democrats tonight are telling those who are struggling in the face of these disasters is that you are not alone. We are on your side. I urge my colleagues to support the bill.

Mr. LEWIS of California. Mr. Speaker, because he is constantly talking to me about the challenges of rural schools, it is my pleasure to recognize GREG WALDEN of Oregon for 3 minutes.

Mr. WALDEN of Oregon. I thank the ranking member of the committee, my friend and colleague from California.

Mr. Speaker, tonight I must rise to strongly urge my colleagues on both sides of the aisle to help us deal with a very real emergency in the West and across the country by supporting this measure to fund rural schools and roads, and to help make sure that our farmers and ranchers and those who fish get the disaster aid that they have needed for some time.

And I have to forcefully disagree with the statement of administration policy issued by this administration which threatens a Presidential veto. To say that the closing of jails and schools and libraries, as is occurring right now in my district and in others, is not somehow an emergency is to simply ignore the reality of what is happening in the rural West. It is outrageous. Enough is enough.

First, the Federal courts and the government shut down the timber industry and timber harvest on Federal lands and took away our jobs in rural communities. Then the Federal Government quit effectively managing those forests. And last year, we again paid the price with 10 million acres of Federal land that burned at a cost of a billion and a half for taxpayers to extinguish those fires. But it gets worse. The Federal Government has failed to replant a million acres of Federal forest lands, America's forest lands that have burned over the years. And now it has broken a hundred-year promise to the rural communities who used to depend on the revenues from these forests that now aren't even managed.

And now the President threatens to veto this emergency funding bill designed to pay for firefighting, designed to pay for fishermen whose season was shut down last year, and to pay for keeping schools open and jails open and roads open, and providing disaster aid to farmers and ranchers. If we don't do this advanced funding for firefighting, they will dip into the accounts of the Forest Service and they won't do the very kind of work that needs to be done in the forest to prevent these kind of catastrophic fires that we are seeing over and over and over again. It is the same process that we decry is occurring in the military if we don't properly fund our troops. They will rip into these accounts. They will cancel the contracts, and they will set us behind. That is what happened to the Forest Service.

Enough is enough. The President should not veto this bill, and this Congress should pass it.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the chairman for yielding.

Mr. Speaker and Members, this bill contains emergency disaster funding that is needed because of a commercial fishing disaster that happened last year and was not dealt with last year. It has devastated fishing families and related businesses up and down the California and the Oregon coast. Moreover, this disaster was the result of this administration's failed and illegal water policy. This water policy caused a virtual shutdown of the entire commercial fishing, salmon fishing season last year. And their water policy has been unanimously ruled arbitrary and capricious and a violation of the Endangered Species Act by not one, not two, but three different courts.

Sadly, fishing families throughout my district and other parts of the coast have lost their boats. They have lost their homes. And they can't wait, as the ranking member suggested, for the 2008 funding cycle. The ones who still have their boats can't afford to buy fuel to go fishing if they do get a fishing season this year.

Marinas throughout my district have gone out of business. The few that are left open have had to lay off up to 80 percent of their employees. Fishing lodges throughout the coastal area are near bankruptcy. And all of this because of a failed water policy and the previous majority's failure to deal with this disaster declaration last year, a disaster declaration that was made by the Secretary of Commerce. These folks can't wait.

Also, as previously mentioned, this important bill contains rural school funding that is critical to school districts throughout rural America. And they are entitled to this funding because the Federal Government owns the property that would otherwise generate taxes that would fund these schools. This funding goes for schools and for the road maintenance in these areas.

I have one county that has 80 percent federally owned property. And to talk about rubbing salt on a wound, not only do they get their school funding and their road maintenance funding taken away, but they are still required to maintain the roads throughout this federally owned property. This is an incredibly important bill that needs to be passed and should not be vetoed by this administration.

I urge an "aye" vote.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 5 minutes to my colleague from the committee, Mike Simpson.

Mr. SIMPSON. I appreciate the gentleman yielding time, and I appreciate the leadership of the ranking member from California on this committee.

Mr. Speaker, one of the difficulties we often have is you are tasked if you are a member of the party of the administration to sometimes defend the administration. But sometimes the administration, quite frankly, does things that are undefendable. If you read the statement of administration policy and what they would do and why they would veto this bill, I have got to tell you, I believe it is undefendable.

I want to thank Chairman OBEY for recognizing that even in a time of war, not all emergencies are war-related, that unanticipated circumstances occur that require our attention. Unanticipated floods and droughts and hurricanes occur that require our attention. Unanticipated wildfires occur that require our attention. Unanticipated actions that are taken that would impact our county schools and road budgets need to be taken into account.

If you read the administration's statement of administration policy, I want to read from it, if I could.

The Office of Management and Budget, Statement of Administration Policy.

The administration strongly supports efforts to increase opportunities for America's farmers and ranchers in rural communities. However, H.R. 2207 would allow almost $7 billion in unrequested spending that is unjustified and not appropriate for an emergency spending bill.

Mr. Speaker, I will tell you that if you look at the funding in this bill, it is exactly what emergency spending is for. As an example, if you look at what we have done in the agricultural section of this bill; we have had droughts, we have had problems in the agricultural community. And while the administration talks about how good the ag economy is and how good the 2001 farm bill worked, and that the ag economy is up like $16 billion in income this year, the fact is that, in isolated cases and in isolated situations, you have disasters, you have floods, you have droughts. We have a responsibility to help those people. That's what an emergency is. I don't think the administration recognizes that.

When you have wildfires that occur throughout this country that are more than we anticipate, and if you will look at the news any given night, wildfires are occurring now in California and other places, we have to put out those wildfires. If we don't, the costs grow and become enormous.

If you look at the Secure Rural Schools and Community Self-Determination Act, I don't know if most people understand what that is. Counties used to get a part of the timber sales to help fund their roads and their schools. Timber sales were being reduced so much that those funds were drying up and it was affecting those counties that were predominantly rural counties and had many public lands in them. Mr. THOMPSON said he has one that is 80 percent Federal land. I've got one that is 96 percent Federal land.

What we did was we put this into place 10 years ago. The problem was it said that we will wean the schools off of this and find a way to replace those funds. How do you replace those funds if you are a county that is 96 percent Federal land? You have no private land for taxes. How are they going to find the resources to replace that funding?

So we did it in the Secure Rural Schools and Community Self-Determination Act. Now, the administration says they have come up with a perfectly reasonable alternative to fund this, an offset, if you will. They want to sell public lands. They proposed that last year, selling nearly 250,000 acres in Idaho. The people of this country stood up and rejected that idea. The people of this country do not want to willy-nilly sell public lands.

We have a responsibility, when the Federal Government owns an overwhelmingly majority of public lands in a lot of the western States, 64 percent in Idaho, we have a responsibility to help those counties with some of the funds where they don't have the tax base to address these needs themselves. Otherwise, you are going to have schools that, quite frankly, don't have a budget next year. Is it an emergency? Can we wait until 2008? I don't think so. They start school before that, and we have to address it.

Mr. Speaker, I appreciate the fact that the administration is trying to address the deficit, but to suggest that these needs are nonemergency, that we should be able to anticipate them, I think is just wrong.

I hope my colleagues will vote for this bill. And again, I thank the chairman of the committee. I thank the ranking member of the committee for the work that they do. It is always difficult when you are trying to address both the deficit and the needs of this country, and they do a very, very good job of it.

Ms. DELAURO. Mr. Speaker, I ask unanimous consent to control the remaining time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Ms. DELAURO. I would like to recognize the gentleman from Minnesota, the Chair of the Agriculture Committee (Mr. PETERSON) for 2 minutes.

Mr. PETERSON of Minnesota. I want to thank the gentlelady and Mr. OBEY and others for working to put together this bill.

The Agriculture Committee is very interested, obviously, in the disaster provisions in this bill. It's something that we've been working on for a long time and we've been trying to get accomplished the last couple of years.

In my particular district, we had our agriculture disaster back in May of 2005, and the guys are still having a tough time keeping their head above water. We've been waiting a long time for this.

As has been said by other people, this is something that affects just about every part of the country. And it is a true emergency because this is something that is beyond the control of producers, and it is something that we ought to, as a government, be responding to. We do it for homeowners and businesses, when we have a hurricane or a flood or a tornado or some kind of event like that, with FEMA. We have a process where we take care of this. A lot of times we put emergency money into that to take care of the disaster, and it is only fit and proper that we do the same kind of thing for folks in agriculture.

We, on the committee, have been working with the ranking member of the Agriculture Subcommittee and the full committee on this language. I just want people to know that this is the tightest language that has ever been written on a disaster bill. It has really been focused in on the folks that had the problem.

□ 2045

One of the most important things, for the first time, and this has not been something that has been able to be accomplished in the past, we are going to require that people have crop insurance in order for them to be able to be paid under this disaster bill. That is a big reform, and it gets us a long ways in the right direction. What we are hoping to do this year in the farm bill is put in a provision so that we can have this covered in the regular order as part of our regular farm program.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Montana (Mr. REHBERG), a member of our committee.

Mr. REHBERG. Mr. Speaker, I would like to associate myself with Mr. WALDEN and Mr. SIMPSON when I say the President is dead wrong. In fact, he is almost to the level of being cruel, when an administration doesn't clearly understand a sense of urgency, when you only have 3 minutes to talk about something as serious as the lives of family members within places like Montana.

Rural schools, it hits 33 of my counties of the 56. The disaster with the farmers and ranchers hits the rest of the State. Virtually our entire State has been under a disaster since 2005.

It is always interesting to me when we debate on the floor the seriousness of Hurricane Katrina, or we talk about the hurricanes and we talk about floods. Drought sneaks up on you. It occurs during a period of years.

I can tell you in Montana we have seriously had to consider setting up crisis counseling for farmers and ranchers because of the emotionalism of not being able to pay for your children's food, their clothing, their shoes, their college education or even your own retirement, because it continually eats away at you.

It doesn't happen overnight like a flood or a tornado. It creeps up on you like a cancer. And to have an administration that doesn't have any more sense of urgency to understand that 2005 still has not been addressed, 2006 has not been addressed, and now we are in 2007 and we are arguing about the fact we want to veto this bill? That's cruel.

Clearly the administration needs to understand that there are emergencies beyond. Now, it's not without some criticism I level on the majority party when they tied it to the timelines in the Iraq supplemental. That's cruel as well, because essentially it held them hostage. And not one farmer or ranch group in Montana came up and said I want you to vote for the timelines in the Iraq supplemental because we need our money.

They were smarter than that. They can't be bribed. They don't want to be held hostage. They did not apply pressure. I thought it was unfair to tie it together in the first place.

So we finally come to where we need to be, and I want to thank the majority party for recognizing that. I hope they won't tie it again, because ultimately this is too important. We are in fact talking about lives and families and futures. The future of the State of Montana, it is an agricultural State. We need the opportunity to become whole by being able to go to the bank and to borrow the money to stay in business.

Please support this bill.

Ms. DELAURO. Mr. Speaker, the gentleman from Montana's words are eloquent.

Mr. Speaker, I yield 1¾ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentlelady for the time.

Mr. Speaker, the ranking Republican on the other side said there is no other reason for this than to make room for the fiscal year 2008 spending.

No, this is the unfinished business of the 109th Congress, the Republican Congress led by the Republican President in the White House, who allowed county and school payments to lapse without lifting a finger. Nothing was done. 780 counties are on the brink of losing essential services, closing jails, laying off deputy sheriffs, no rural law enforcement, no public health, other essential services jeopardized, thousands of jobs. 4,400 rural schools, already underfunded, struggling to make ends meet for their kids, are going to lose money if these payments aren't renewed. And the President says that does not meet any reasonable definition of an emergency.

Well, I guess if you live in the White House and you ride in motorcades protected by the Secret Service and you fly in a private 747, you're not too worried about cops in rural areas. You're not too worried about public health. You get free health care up at Walter Reed. You're not too worried about educating the Nation's kids and the kids in rural areas. But I am, and I represent that district. This is long overdue. This is an emergency.

And then for them to denigrate the emergency assistance to the fishermen? We had to drag the administration kicking and screaming last year to finally declare an emergency when they closed down the season and people couldn't work and they are losing their boats. Now they say it is unwarranted funding for the fishermen.

How distant from the reality of the American people can you get? Twice in one day we have tried to bring this President back to Earth, on a new course in Iraq and on the needs of the American people here at home.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the distinguished gentleman from California for yielding.

Mr. Speaker, I rise tonight in support, strong support, of the legislation that is before us this evening. In fact, my number one agriculture priority for 2007 is the passage of legislation similar to what we are addressing this evening.

We are going to deal with the farm bill later this year, but the reality is that many farmers in America and certainly the farmers I know in Kansas will not be around to take advantage of the provisions of the 2007 farm bill, absent some kind of assistance, due to no fault of their own.

In Kansas, we have struggled through five and six years of drought followed by this year's December 31, 2006, winter storms that caused 44 of Kansas' 105 counties to be declared natural disasters, followed by a winter freeze, three nights in April in which the temperatures were in the teens and much of what we thought was going to be a wonderful wheat harvest is now destroyed due to the cold weather. And as you have all seen most recently here just a few nights ago, tornadoes, hail and floods have now affected this part as well as the rest of the State of Kansas.

So, Mr. Speaker, if we care about an agricultural economy, this disaster assistance is so important. The average age of a farmer today in Kansas is 59 years old. There is almost no next generation. If we want young family farmers, we have got to make certain that the economic opportunities are there.

People will look to crop insurance. It doesn't work in the circumstances that we are talking about, multiyear disasters. Many crops, including livestock, are not covered. And we look to the farm bill. It is there for purposes of when the price of the commodity that the farmer sells is lower than the cost of production. So it is only through this type of agricultural assistance that we can see our farmers through from day to day.

If you care about life in rural America, if you care about the future of farmers, if you care about the future of the communities they live in, this is an important piece of legislation. In fact, you don't have to be a farmer to gain benefits from agriculture disaster. This is about whether or not in rural America we have people who shop on our

Main Streets, whether or not we have kids in our schools.

So, Mr. Speaker, this is an important piece of legislation, and I ask my colleagues, both Republicans and Democrats, to support this legislation.

I thank the majority for allowing it to be brought to the floor tonight.

Ms. DELAURO. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentlelady for yielding.

Mr. Speaker, I represent farm families in desperate need of the disaster assistance in this bill, and that is why I am so offended by this Statement of Administration Policy threatening veto on this bill. Consider some of the words in the veto threat of the President: "The farm economy is strong. Both crop and livestock receipts are forecast to be record high in 2007."

You know, I don't think they get it. National numbers. National averages. These are of no value whatsoever to the individual farm family that gets wiped out in a disaster.

Most of the country on Labor Day of 2005 had a perfectly delightful Labor Day weekend. But part of the country got hammered to bits with Hurricane Katrina. I represent people living more than 1,000 miles from there, but we think we need to help those people. When it comes to the North Dakota farmers, who have been devastated, well, they need our help too. These are natural disasters certified by the President.

Take a look at this corn. You've heard of "knee high by the 4th of July"? Well, this was taken in early July. When the wind starts blowing, the temperature soars and the rain stops and the drought takes hold, the families' income goes away. Family farmers lose their crops. Family farmers forced to sell their cattle. Family farmers lose their income. And without our help, without our help tonight, family farmers are going to lose their farms.

In North Dakota, this was the third worst drought on record, only following the thirties and the fifties. But we are not alone. Look at this figure. We had farmers through the great heartland, an area by the way providing some of the President's staunchest support, deeply hurting from these droughts and in need of this disaster bill.

We need to send a strong bipartisan signal and send it right now, tonight, help is on its way. Please vote for this bill.

Mr LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, I yield 3 minutes to the gentlewoman from South Dakota (Ms. HERSETH SANDLIN).

Ms. HERSETH SANDLIN. I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in strong support of this legislation to provide desperately needed disaster assistance to farmers and ranchers across this country who are suffering from natural disasters.

Over the past several years, large swaths of my home State of South Dakota have experienced persistent, severe, devastating drought. It has been particularly hard on livestock producers in my State. Its epicenter has been across central and western South Dakota, some of the Nation's prime cattle and sheep grazing land.

The drought worsened dramatically early last summer. Customary spring rains never came. By June, we were seeing temperature records being broken weekly and water holes going dry. The landscape was brown. By August it was black; bare, parched Earth where we usually have lush green grass.

Ranchers in my State had two options, purchase and haul feed and water at substantial cost to their cattle, or sell or dramatically cull their herds. Many of them chose the latter because of the persistence of this drought. Livestock auction markets across the region reported record sale numbers. Many producers were, in essence, selling their factories.

This is particularly hard on younger ranchers. So many of these ranchers now don't have adequate breeding stock to produce the calves today that they would have sold this fall. Thus, many of the real economic impacts are still to come. Once a ranch family leaves the land, they are gone forever. Small towns and local businesses suffer, schools and churches suffer, the very fabric of our communities is torn apart.

As devastating as this drought has been to our economy, the lack of appreciation for its seriousness among some who don't come from rural America has been equally frustrating. Many of my colleagues and I have been trying for almost 2 years to get this done. The administration has threatened to veto the assistance for the past 2 years through today. We filed a discharge petition at the end of the last Congress which nearly every Democratic Member and a handful of Republican Members signed, but Republican leadership failed to take action.

Supporters of this necessary relief have been criticized by some for trying to attach it to the emergency supplemental. Well, because the last Congress couldn't get its work done last year, this is all we have. We make no apologies for it. We have been forced to wait until today, and suffering U.S. farmers and ranchers have been forced to wait until today too.

The economic and psychological damage that these droughts cause is just as real as that caused by hurricanes, tornadoes and floods. This bill can alleviate some of that pain. Let's pass it tonight and get this assistance out to those throughout rural America, those who are quietly suffering on the land.

Ms. DELAURO. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentlelady for yielding this precious time.

Mr. Speaker, I heard our colleagues from Oregon, from Idaho and Montana speak about the disasters that are striking their area and the need for funding and assistance from this legislation.

As we speak, there is a 22,000-acre segment of the Boundary Waters Canoe Area Wilderness in the Superior National Forest in the heart of my district on fire; 470 firefighters are out there trying to put the blaze out.

We need help every bit as much as do the people in Iraq for water and sewer and infrastructure investment. We need that help right here at home. If we don't have a strong and vibrant economy at home, we can't support our troops overseas. We can't support other countries and their needs. We have got to rebuild America. We have got to protect our land here at home. And this is only today's fire. We had just a year-and-a-half ago a huge blaze that ripped through the Boundary Areas Canoe Area.

We need this assistance, we need it now, and we need it in this bill.

□ 2100

Ms. DELAURO. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I would like to take up where my good friend from Minnesota left off in terms of dealing with the money that is in this legislation that would help us deal with the crisis that is occurring in our Nation's forests.

One of the legacies, unfortunately, of the last Congress where we had a meltdown of the budget process is that these issues were left unresolved. We have eviscerated the budgets for the Department of the Interior, shifting money out of operating budgets for purposes of firefighting. This is going to help us move back in the right direction.

One of the other casualties was the county payments program. In the last session, the implosion of the budget process where the Republican majority and the administration could not follow through, left 4,600 school districts across the west, including a number in my State in Oregon in a lurch.

This legislation steps up and meets the needs. It is not extraneous. I sincerely hope the President changes his tune and withdraws his veto threat.

Ms. DELAURO. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Speaker, it is interesting that when we talk about Hurricane Katrina, a horrible disaster that affected hundreds of thousands of lives, left people homeless; we talk about the recent tornado or hurricane wiping away a city, people ask me, particularly those from the urban areas, why they should vote for this. What is in it for them?

Well, this is just as much a disaster, but it is a different kind of disaster. This has salmon money. We have fishermen who can no longer pay for their boat. They can't pay for their crew or housing, and they are hurting. That is what supplemental budgets are for.

We have rural schools laying off teachers, disappearing sheriff departments, rural roads not being able to be fixed. This is a bill that impacts every single person in this room. This is a disaster. That is what supplemental budgets are all about. Please vote "yes."

Ms. DELAURO. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentlelady.

When parts of Texas endure an extreme drought, the burden is felt most heavily by our farm families. A devastating lack of water left many of our counties parched. Sam Berry, a rancher from Lavaca County wrote me to say: "After back-to-back bad seasons and with all my reserve hay gone, how much worse could it get"?

Well, as bad as that drought was down in Texas, it is nothing like the drought of understanding for the plight of farmers and ranchers here in Washington. They have faced indifference on top of indifference.

Federal disaster assistance dried up. I received similar pleas from farmers and ranchers like David Wagner in Lavaca County and others from Bastrop County and Caldwell County and Fayette and Colorado counties. The last Congress, with $10 billion to burn every month in Iraq, had nothing to offer these ranchers here at home. When our new Congress finally passed emergency help this March, that help was vetoed by the President.

The bill that we pass today is another attempt to provide much-needed assistance to these farmers and ranchers.

I know that ranching looks mighty easy over in the Oval Office when some over there seem to think that clearing out brush in August is vacation work. But for those for whom ranching is not a hobby, who have found that their fields turned fallow; for those like Pat Peterson of Red Rock whom high-priced hay means selling their best livestock, disaster endangers a life and a livelihood.

This spring, Texas has had some relief. But who is to say this wet spring will last, and it is not enough to make up for the last two really bad seasons that our farmers and ranchers have endured. Helping our farmers and ranchers now cannot guarantee them success, but it will go a long way in helping restore what has been lost and protect what remains.

I hope the House tonight will approve this bill and that the President will finally get behind the relief that his fellow Texans need so very much.

Mr. LEWIS of California. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

I wanted to say, Mr. Speaker, as I listen to this debate tonight, I am reminded of my old alley cat, Hercules. When I was growing up in Athens, Georgia, I had a mean, tough cat. He was an alley cat who basically adopted me. You know, we humans don't really adopt cats. Athens, Georgia, kind of a hilly, foothills Appalachian town with ivy bank. In the ivy bank, we had lots of cute little chipmunks.

Hercules, being tough and could be the bully, could be somewhat like the majority party in some respects in that he was the alpha cat of the neighborhood. He would catch chipmunks at will. He would usually kill them and eat them, dispensing of them quickly. But every now and then, and it is an interesting thing about cats, it is not unique to my cat, but he would catch a chipmunk and he would toy with it awhile. He would just play with it.

You would think: Did he have a change of heart? Is he going to let this chipmunk go? No, he would just play with it awhile.

Well, that is what is going on tonight. We are hearing a lot of discussion, a lot of administration bashing about how cruel the White House is and a lot of lamenting about the Republican Party, and a lot of talk about compassion for the farmers and the rural communities and schools. There has been talk about the horrors of fire, drought and windstorm.

And yet as we look at the rule that is governing this bill, which would be known as H. Res. 387 in the House Calendar No. 59, introduced by Ms. SLAUGHTER, of New York, if we turn to page 3, section 4, we read the fine print. And it says: "Sec. 4.(a) In the engrossment of H.R. 2206, the Clerk shall—

"(1) await the disposition of H.R. 2237 and H.R. 2207;

"(2) add the respective texts of H.R. 2237 and H.R. 2207, as passed by the House, as new matter at the end of H.R. 2206;

"(3) confirm the title of H.R. 2206 to reflect the addition of H.R. 2237 and H.R. 2207, as passed by the House, to the engrossment," which as the Speaker knows and followed very closely, what this means is this is Hercules toying with the chipmunk.

It means there is not a disaster bill at all. It just means the majority party is toying with a disaster bill, because what happens, this goes right back to the President attached to the war funding bill.

Here is my point, Mr. Speaker. If all these things are true, why is the majority party toying with a disaster? We are right back where we started from. We have just jumped out from the war funding bill only temporarily for I guess some purpose of voting here, and I understand politics, you can't remove that from the House of Representatives, but the reality is we are toying with a disaster bill because we already know two things: All the gobbledygook on page 4 that the Clerk shall do means this bill gets rejoined with the military funding bill. That is a fact.

Number two, the President has already said he is going to veto the military funding bill, and one of the reasons is because of the extracurricular, nonmilitary items that are being added to it.

So what I would say to Hercules, if you were worried about that little old chipmunk, you really would let it go. And I would say to the majority party, if you really were sincere about disaster relief, you would separate it from this rule, this H. Res. 367 introduced by Ms. SLAUGHTER of New York and say, you know, we are going to have an up-or-down vote on a straight, free-standing separate disaster bill so that the farmers and ranchers and people out west can get the relief that we have heard over and over again on a bipartisan basis that they need so badly.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Let me keep it short and sweet, Mr. Speaker. Let me simply point out that the items contained in this bill are not new add-ons. They are essentially items that clean up and finish last year's unfinished business. That is certainly the case with agriculture disaster. It is certainly the case with rural schools, a program which the previous Congress allowed to lapse. It is certainly the case with western wildfire, and it is certainly the case with the western fisheries' issues which the Congress of last year should have dealt with but didn't.

I ask for an "aye" vote on the bill.

Mr. UDALL of Colorado. Mr. Speaker, I support this supplemental appropriations bill.

Among other things, it will provide critically important funding for farmers and ranchers in southeastern Colorado who were hit hard by storms last winter. Thousands of cattle were killed.

While I have not seen a final total of the damage resulting from this winter's storms, it seems evident that they will be even worse than those resulting from an October 1997 storm that killed approximately 30,000 cattle and cost farmers and ranchers an estimated $28 million.

The struggles that family agriculture producers and small counties face are significant and are having a negative impact on the livelihood of hundreds of farmers and ranchers and their communities.

Besides heavy crop and livestock losses and increased production costs associated with rapidly escalating input costs, many producers also face infrastructure losses that pose serious, long-term challenges to economic recovery.

So, I am pleased that the bill includes financial assistance for our beleaguered farmers and ranchers, as well as for many others in other parts of the country who need and deserve assistance.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 387, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Lewis of California moves to recommit the bill, H.R. 2207, to the Committee on Appropriations to report the same promptly with an amendment to make the bill deficit neutral.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion to recommit.

Mr. LEWIS of California. Mr. Speaker, this is a simple motion to recommit that sends the bill back to committee and instructs the committee to find offsets.

Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, this motion is really quite interesting. What it says is that the same folks who want to spend $57 billion on tax cuts on millionaires this year, all paid for with borrowed money, the same folks who are comfortable with the idea that we have got over a trillion dollars in unfunded tax cuts, all paid for with borrowed money, the same folks that want us to spend, no questions asked, at least $600 billion in a sad, sad war in Iraq, these folks have suddenly gotten religion, and they now have a motion that says they would like to see this bill be deficit neutral.

What that mean is they are going to ask the farmers of America to bear the full weight of deficit reduction in this bill. This is simply a device to kill the bill because instead of asking that the bill be reported forthwith, it asks that the bill be reported promptly. That, as you know, is code language for killing the bill. I don't think I need to say anything further.

If you want to provide the funding in this bill, you will vote against this motion to recommit. If you care about the farmers, if you care about the western wildfire problem, if you want to meet our obligation to the parts of the country that generally get stiffed and ignored, then you vote against the motion to recommit. If you care about these folks, you will vote against the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair may reduce to 5 minutes the minimum time for any electronic vote on the question of passing the bill.

The vote was taken by electronic device, and there were—yeas 184, nays 233, not voting 15, as follows:

[Roll No. 335]

YEAS—184

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—233

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Cleaver
Clyburn
Cohen
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Farr
Filner
Fortenberry
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter

Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Baca
Blunt
Brady (PA)
Clay
Conyers
Davis, Jo Ann
Drake
Engel
Fattah
Hastert
Johnson, Sam
McMorris Rodgers
Peterson (PA)
Pickering
Souder

☐ 2137

Mr. MITCHELL and Mr. WELCH changed their vote from "yea" to "nay."

Messrs. LATHAM, SHIMKUS and TAYLOR of Mississippi changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DRAKE. Mr. Speaker, on rollcall No. 335, the Lewis motion to recommit H.R. 2207, I am not recorded. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 302, nays 120, not voting 10, as follows:

[Roll No. 336]

YEAS—302

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Clarke
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Filner
Fortenberry
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Pickering
Poe
Pomeroy
Porter
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—120

Akin
Bachmann
Baker
Barrett (SC)
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Calvert
Campbell (CA)
Cantor
Castle
Chabot
Coble
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Hensarling
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Jordan
Keller
King (NY)
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Murphy, Patrick
Murphy, Tim
Myrick
Paul
Pence
Petri
Pitts
Platts
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NJ)
Smith (TX)
Stark
Stearns
Tancredo
Terry
Tiberi
Turner
Upton
Walberg
Wamp
Waxman
Weldon (FL)
Weller
Westmoreland
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brady (PA)
Clay
Davis, Jo Ann
Engel
Fattah
Hastert
Johnson, Sam
McMorris Rodgers
Peterson (PA)
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

☐ 2145

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. REYES. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 2082 pursuant to House Resolution 388, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 387, H.R. 2207 is laid upon the table.

POINT OF ORDER

Mr. WESTMORELAND. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WESTMORELAND. I make a point of order under clause 9(a) of rule XXI regarding the earmarks in this bill, H.R. 2082. The list of earmarks in this bill fails to meet the requirements of clause 9(a) in that the list is deficient. One of the earmarks listed was included in the bill even though it failed to meet the requirement that the requesting Member notify in writing the chairman and ranking minority member of the committee.

The SPEAKER pro tempore. Under clause 9(a) of rule XXI, the Chair is constrained to ask a threshold question relating to the cognizability of the point of order.

Is the gentleman from Georgia alleging the absence of an entry in the report of the Permanent Select Committee on Intelligence in compliance with clause 9(a) of rule XXI?

Mr. WESTMORELAND. Mr. Speaker, I am saying that under clause 9(a) of rule XXI, that the list is deficient and did not include a notice to the ranking minority member on the committee of the earmark.

The SPEAKER pro tempore. The Chair finds the entry on pages 50 and 51 of the Report of the Permanent Select Committee on Intelligence constitutes compliance with clause 9(a) of rule XXI.

The point of order is overruled.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the Chair saying that the mere existence of a list is sufficient, even though it includes an earmark where the requesting Member failed to notify the ranking minority member of his request, as required under clause 17 of rule XXIII?

The SPEAKER pro tempore. The Chair cannot render advisory opinions or respond on hypothetical premises.

Mr. WESTMORELAND. Mr. Chairman, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the Chair saying that the mere existence of a list is sufficient, even though the list fails to include an earmark contained in the bill?

The SPEAKER pro tempore. Again, the Chair does not purport to issue such an advisory opinion.

Mr. WESTMORELAND. Mr. Speaker, I don't believe this is a hypothetical situation, but I want to make further parliamentary inquiry, if I could.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the Chair saying that the mere existence of a list is sufficient, even though it includes an earmark where the requesting Member failed to certify he has no financial interest in the earmark?

The SPEAKER pro tempore. The Chair's response must remain the same.

Mr. WESTMORELAND. Finally, one last parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Finally, is the Chair saying that the mere printing of a list of earmarks, or a statement that the bill contains no earmarks, is sufficient to render the point of order against the bill as not recognized by the Chair?

The SPEAKER pro tempore. The Chair can affirm that clause 9 of rule XXI contemplates that the presence of earmarks and limited tax and tariff benefits be disclosed or disclaimed. Complying statements, listing such provisions or disclaiming their presence, must appear either in the report of a committee or conference committee or in a submission to the CONGRESSIONAL RECORD.

Paragraph (a) of clause 9 establishes a point of order. Paragraph (c) of clause 9 requires that such a point of order be predicated only on the absence of a complying statement.

Clause 9 of rule XXI does not contemplate a question of order relating to the content of the statement offered in compliance with the rule. Argument concerning the adequacy of a list or the probity of a disclaimer is a matter that may be addressed by debate on the merits of the measure or by other means collateral to the review of the Chair.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. So, Mr. Speaker, is it my understanding, from your last comments, that even though the rule specifically state that these procedures should be followed, and that they were not followed in this particular instance, that you are going to rule that the list, even though deficient not containing all the earmarks, just the mere fact that there was a list presented, no matter how accurate, that that will stand?

The SPEAKER pro tempore. The Chair would not deign to say what the gentleman understands, but the Chair's statement speaks for itself.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Under the rules, is there any limit to the number of times a Member may ask the identical parliamentary inquiry?

The SPEAKER pro tempore. Recognition is within the discretion of the Chair, and the gentleman clearly did not understand.

PARLIAMENTARY INQUIRY

Mr. MCHUGH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MCHUGH. I thank the gentleman. I have deep respect for the Speaker. He is a great American, in spite of the fact he is a fan of the Boston Red Sox. But I would ask, is it appropriate under the House rules for the Speaker, as a member of the committee, to be ruling on points of order against the bill of which he is a member?

The SPEAKER pro tempore. The gentleman has a point of order. The Chair of course was about to turn the gavel over to another Member and did not anticipate this point of order.

Mr. MCHUGH. Mr. Speaker, if the gentleman will step down, I have another point of order.

The SPEAKER pro tempore. Is the gentleman's point of order with respect to the bill that is before the House?

Mr. MCHUGH. It is to this bill. I think the point of order speaks for itself.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. MCHUGH. Mr. Speaker, is it not against the rules of the House for a member of a committee of a bill before the House to be ruling on that bill and those questions?

The SPEAKER pro tempore. No, it is not.

GENERAL LEAVE

Mr. REYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill, H.R. 2082.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Pursuant to House Resolution 388 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2082.

☐ 2156

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mrs. TAUSCHER in the chair.

Mr. MCHENRY. Madam Chair, I raise a question of consideration against the legislation before us.

The CHAIRMAN. The question of consideration is not available in the Committee of the Whole.

Mr. MCHENRY. I thank the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

□ 2200

Mr. REYES. Madam Chairwoman, I yield myself such time as I may consume.

Intelligence is our Nation's first line of defense. In a world of asymmetrical threats, it is critical that we detect and disrupt the plans and intentions of those who would do us harm. And it is critical that we conduct intelligence operations in a way that conforms to our laws and to our values as a Nation.

This bill was the product of bipartisan work, and I am pleased that the ranking member, Mr. HOEKSTRA, worked with me over the past several weeks and months to draft this bill. We do not agree on every provision in this bill, but we agree on the larger points, and we agree that intelligence officers in the field deserve our support.

Let me address up front one area where I think there has been some confusion, and that is section 407 of the bill, which asks for a national intelligence estimate on the national security impact of climate change.

We heeded the advice of 11 former 3- and 4-star admirals and generals who have studied this issue and specifically recommended an NIE. They believe that significant changes in global climate may act as a "threat multiplier for instability in some of the most volatile regions of our world."

The ranking member has argued that this work should not divert resources from higher priority items. Our committee staff has spoken with senior Intelligence Community leaders in the administration, and we have been assured that this will not, I repeat, will not divert resources.

The data needed is already available. The administration is already drafting a community assessment on this very issue. And I want to assure the ranking member that we will work with the administration to ensure that nothing will divert resources away from higher priority efforts.

But I also want to be clear; targeted discussion on this topic is a distraction from the key points of this bill. This bill provides funding for the men and women in the field. Opposition to this bill sends the wrong signal to them.

We are at war, and we face many threats over the horizon. This bill contains robust funding for critical intelligence programs to penetrate the hard targets, such as terrorist networks and countries developing WMD capabilities.

We add funds to both CIA and military elements for human intelligence training. We invest in language training for collectors and analysts and in language translation capabilities. We add funding for sending additional analysts overseas, and we strengthen counterintelligence field operations.

We have added funds to broaden our view so that we are spending, not just on Iraq, but on some of the other global challenges that we face, such as Iran, Russia, East Africa, Latin America and countries in Asia.

We have several provisions that enhance critical oversight. We require quarterly intelligence reports to Congress on the nuclear weapons programs of Iran and North Korea.

We also require that the CIA Inspector General conduct an audit of covert activities no less than once every 3 years. And we require the administration to provide the Intelligence Committees with a full list of all special access programs.

We also require detailed reports to Congress on the use of contractors in the Intelligence Community because their use has grown without adequate oversight, both by Congress and even by the executive branch.

We also require a strategy for implementing a multi-level security clearance system. This will allow patriotic Americans with much needed foreign language skills to serve as translators or linguists in the Intelligence Community.

And we also promote diversity in the Intelligence Community by requiring a strategic plan for implementing the recommendations of a highly regarded diversity panel.

I am of the strong view that diversity is a major strategic asset of the United States, and we have to leverage that asset to our full advantage.

In sum, Madam Chairman, this bill strengthens U.S. intelligence capabilities. This bill, if passed and signed into law, will help the courageous women and men of our Intelligence Community accomplish their mission. They are counting on our support, and tonight I hope we respond.

I urge all my colleagues to support this critical legislation.

With that, Madam Chairwoman, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chairwoman, I would like to yield myself 4 minutes.

I would like to begin by thanking my colleague, Chairman REYES, for the cooperative working relationship that we have had as we have gone through this process and as we have developed and built this bill. There are a number of things in this piece of legislation that I do support, so I appreciate the cooperative working relationship we have had. I appreciate the hard work by the committee on both staffs.

You know, it is absolutely important that we provide the Intelligence Community with the information or with the resources, the commitment and the framework with which they can be the tip of the spear to keep us free. We all owe the men and women of the community a deep sense of gratitude for the work that they do each and every day, as they risk their lives to keep us safe.

As they well know, let me quote, "we are in a state of war. And if we have not yet realized that we are in a state of war, when will we realize that"?

Some folks may say, well, PETE, what's new? You have been saying that for a long period of time.

Actually, I don't believe that, and I don't like to use the term "war." We shouldn't elevate the people that pose this threat to the United States as being soldiers or representing a nation-state. They are thugs. They are murderers, and they are terrorists.

These are the words of Ayman al-Zawahiri from an interview that he just gave last week, a video. Those are the words that he says. He says that they are at war. We need to recognize that that is how they view the U.S. and how they view the West.

We have continued a number of initiatives that were begun in the last Congress. I feel good about that. Building global collection capabilities, rebuilding HUMINT capabilities, working on the overhaul of the Intelligence Community.

But I think we do need to affect and address the weaknesses in this bill. This bill significantly cuts from the President's budget request in a very important area, human intelligence at the Central Intelligence Agency, and cuts that directly affect our efforts in Iraq.

I agree with the chairman. Passing the wrong bill sends exactly the wrong message to our troops. Just like saying we are going to pull out of Iraq on a definite date sends the wrong message, sending a bill that cuts the funding for our Intelligence Community in Iraq sends exactly the wrong message.

And telling the community that we want to move their priorities from radical Islam, North Korea, Syria, Iran, restructuring the community, rebuilding HUMINT to focusing on a national intelligence estimate on climate change sends exactly the wrong message. As a matter of fact, what the community will tell you is this hearkens back to the exact things that they experienced in the 1990s, a very depressing decade for the Intelligence Community, a dark decade, a decade where budgets were cut, where human intelligence was cut, where we changed rules for human intelligence and said, we are only going to have good-guy spies. It was known as the "Deutsch doctrine." It said, if we have people on the payroll or we are working with people who have human rights records, criminal violations, we are not going to work with them anymore.

And the other thing that we did is we did the politically correct thing, is we moved resources to spy on the environment. George Tenet mentions it in his book. He refers to it as those were the days that the community said we were focused on bugs and bunnies. And we are going right back to that. We are doing the politically correct priorities. We are cutting HUMINT, and we are cutting the resources that are directly supporting our efforts in Iraq against a very deadly and a very dangerous enemy. That is the message that we are sending to the agency that says, we are going back to the 1990s.

The community doesn't want to go back to the 1990s. They recognize what had happened at that time.

Madam Chairman, I reserve the balance of my time.

Mr. REYES. Madam Chairman, it is my privilege to yield to the chairman of the Armed Services Committee, the gentleman from Missouri (Mr. Skelton), 3 minutes.

Mr. SKELTON. Madam Chairman, this evening I rise in strong support of H.R. 2082, the Intelligence Authorization Act For Fiscal Year 2008. Let me take this opportunity to thank and congratulate the chairman, the gentleman from Texas, Silver Reyes, on the work that he does.

It is especially important, Madam Chairman, that he is a member of the Armed Services Committee, and he is the chairman of the Intelligence Committee, and it is one of those rare moments where the two very important committees are glued together, and he does that. And from our perspective, it is a good, good piece of evidence that he is the chairman and is doing such an excellent job in both respects.

Every day American men and women are deployed into harm's way and depend on the military intelligence capabilities authorized by this bill. It is important for them to achieve their missions. And this legislation assures continued delivery of our intelligence to our warfighters. It will lead to important improvements in the future.

I am also pleased to report that this bill reflects a new more cooperative relationship, as I mentioned, between the Intelligence Committee and the Armed Services Committee in guiding and overseeing the Nation's military intelligence program.

Chairman Reyes and I have been working together to craft common approaches on key issues by our shared jurisdiction. For example, both this bill and the National Defense Authorization bill that we marked up late last night in committee contain provisions requiring reports on the national security implications of global warming. And that is no small thing.

And the committees, we are working together on significant changes in key space programs to ensure that both the intelligence analysts and the warfighter receive critical information in a timely manner, and that is so important.

Again, let me take this opportunity to congratulate Chairman Reyes for bringing this to the floor. Intelligence is the key to so many areas, in particular the military and security forums of our country. So I congratulate the gentleman from Texas.

Mr. HOEKSTRA. Madam Chairman, at this time I would like to yield 3 minutes to a senior member of the committee, Mr. Everett.

Mr. EVERETT. Madam Chairman, I thank my ranking member, and I thank the chairman for the work they have done on this bill. And for many years, the chairman of the committee and I have worked closely together.

But, regretfully, I rise today in opposition to the Intelligence Authorization bill for Fiscal Year 2008, H.R. 2082. Actions taken in the bill regarding human operations, the irresponsible use of our intelligence professionals and the short-sighted steps to critical space systems justify a "no" vote on this legislation.

☐ 2215

The bill slashes funding to HUMINT, or Human Operations, one of our most important intelligence collection functions in the global war on terrorism. Regardless of your position on the war, we cannot cut a primary intelligence function that is critical to protecting our troops in combat.

Like many, I have visited the front line, and we owe our brave American military the support they need to be successful in Iraq and Afghanistan. I also note that the Under Secretary of Defense for Intelligence has stated that HUMINT is his number one priority.

Remarkably, rather than focus on national security, this bill places an emphasis on global warming. In the middle of a war which has our intelligence community overloaded with real-world intelligence missions, this intelligence authorization bill carves out scarce intelligence resources for an environmental matter that should be the purview of another committee.

Madam Chairman, we have already had 13 Federal agencies looking at the effects of climate change. The administration has requested nearly $7.4 billion this year for climate change-related activities. Since 2001 the Federal Government has devoted $37 billion for climate change-related activities. We are in the middle of a war against radical jihadists, and the terrorist plot of the radical Islamists at Fort Dix earlier this week should be a sobering reminder for all of us. It is wrong and misguided for Congress to overburden our highly skilled intelligence professionals by shouldering them with this unnecessary science project.

Lastly, this measure gives our strategic threat little attention. While engaging in the global war on terror, the strategic threat has grown. Having the ability to peer into areas that would cause us harm is vital to advanced warning, known as "Persistent Stare." We need to pay more attention to the architecture of "stare" and "persistence"; yet this bill provides inadequate resources.

For example, substantial funds have been added to a space-based infrared program, SBIRS, that cannot be wisely used. In fact, if these additional funds were obligated, the program would be sent into procurement before it is ready, likely to cause schedule delays and cost overruns. This funding add was poorly conceived and would cause the Defense Department to literally bite off more than it can chew.

I urge a "no" vote on the bill.

Mr. REYES. Madam Chair, it is now my pleasure to yield 3 minutes to the gentleman from Alabama (Mr. Cramer), one of our subcommittee Chairs.

Mr. CRAMER. Madam Chair, I rise today in strong support of H.R. 2082, and I want to compliment the chairman of the Intelligence Committee, the ranking member of the Intelligence Committee, and my colleagues on both sides of the aisle that I have worked with for a number of years to make sure that we give the intelligence agencies the resources and the balance that they need to do the job that we want them to do.

I am sorry that my colleagues from across the aisle can't support this bill.

I am proud to represent an area of the country that has given much to the defense of this country including to the intelligence agencies. My district is the home of the Missile and Space Intelligence Center, known as MSIC, and MSIC is a key DIA facility that helps our country understand and prepare against the threat from missiles from foreign nations.

Now, this bill today, H.R. 2082, is a well-crafted bill. It strengthens our national security by authorizing the largest amount of funding ever for the intelligence community. Let me say that again. This bill authorizes the largest amount ever for the intelligence community.

But it is not just the amount that is important. We have got to make sure that we perform oversight of the agencies that we give these resources to, make sure that the distribution is balanced between the needs to be addressed today and the needs that will be faced in the future.

Specifically, this bill provides our intelligence professionals with the resources to deal with the immediate threats that we face in Iraq and Afghanistan, as well as the emerging challenges from dangerous regimes around the world, particularly in Iran and North Korea.

I also support this bill because it recognizes that simply giving the intelligence community considerable resources and hoping for the best is not enough. Congress must conduct effective oversight, and this bill accomplishes that.

Now, Chairman REYES, as you know, we have worked hard to make sure that we continue the bipartisan approach that this committee has a history of being the best at, and I think this bill is a product of a bipartisan effort to fund our intelligence priorities and strengthen our oversight.

To the ranking member, in the last Congress, we established, I believe, set up, the Oversight Subcommittee that Mr. THORNBERRY chaired and I was the ranking member of. I think that subcommittee did an excellent job, drafting reports, holding informal hearings, making visits out in the field both in this country and out of this country, to make sure that together we got off to a better start of performing oversight. And I think this bill today continues with that effort.

We drafted a report on the standup of the DNI in the last Congress. We made sure that we let them know that we were there to give them the resources that they needed but to hold them accountable for what they did as well, and I think this bill strikes that appropriate balance between strengthening national security and performing effective oversight.

I urge support of the bill.

Mr. HOEKSTRA. Madam Chairman, at this time I would like to yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Madam Chair, I would agree with my colleague Mr. CRAMER that much of this bill was developed in a bipartisan way. And one of the reasons that I like the Intelligence Committee is we don't have the C–SPAN effect. The cameras are off, and we get down to doing some very serious and important business on behalf of the country.

While we fixed a lot of things in the initial draft of the bill in committee, particularly with respect to technical intelligence and overhead systems, there are two very serious concerns that I still have that cause me to stand here today and oppose the bill.

The first is that there is a significant reduction in human intelligence in some very important special accounts, and they are reductions that are marked and serious and will impact our ability to conduct human intelligence in an area of the world where it is absolutely critical, not only for current operations but for our long-term security in the region.

We can't cut human intelligence. That was one of the number one recommendations of the 9/11 Commission. We have to strengthen human intelligence after a decade of neglect.

The second problem is that this bill fails to address in any way one of the most important problems that we face in the intelligence community, and that is the Foreign Intelligence Surveillance Act. The Director of National Intelligence came to the committee with written recommendations on how we need to update and modernize the Foreign Intelligence Surveillance Act, and this bill does nothing. He said to us we are actually missing a significant portion of what we should be getting. Because of the way the Foreign Intelligence Surveillance Act is written, we are not collecting critical intelligence important to this country.

We should have addressed that in this bill. The DNI asked us to address that in this bill because we were operating with one hand tied behind our back. That is dangerous for this country and causes me to oppose this bill.

Mr. REYES. Madam Chairman, I would remind the gentlewoman that we will be having hearings and addressing the issue of FISA in regular order, which is the proper way to handle very serious issues that the American people want us to handle.

Madam Chairman, I now yield 3 minutes to the gentlewoman from California, Ms. ANNA ESHOO, who chairs our Subcommittee on Intelligence Community Management.

Ms. ESHOO. Madam Chairman, I thank the distinguished chairman of the House Intelligence Committee for yielding.

I rise in support of H.R. 2082.

First, I want to make a comment about a requirement that is in the bill that has been made fun of, made fun of by our friends on the other side of the aisle, and that is that the bill requires a National Intelligence Estimate on the national security implications of global climate change. I take issue with their diminishment of this issue.

The American people are ahead of us on this and so are people in the intelligence community, including three and four star admirals and generals who recently issued a report on the national security impacts of global climate change. I will submit their names for the RECORD.

* General Gordon R. Sullivan, USA (Ret.)

* Admiral Frank "Skip" Bowman, USN (Ret.)

* Lieutenant General Lawrence P. Farrell Jr., USAF (Ret.)

* Vice Admiral Paul G. Gaffney II, USN (Ret.)

* General Paul J. Kern, USA (Ret.)

* Admiral T. Joseph Lopez, USN (Ret.)

* Admiral Donald L. "Don" Pilling, USN (Ret.)

* Admiral Joseph W. Prueher, USN (Ret.)

* Vice Admiral Richard H. Truly, USN (Ret.)

* General Charles F. "Chuck" Wald, USAF (Ret.)

* General Anthony C. "Tony" Zinni, USMC (Ret.)

As they noted, the geopolitical effects of global warming are likely to intensify instability in some of the most volatile regions of the world as people fight over access to water and food, creating humanitarian disasters and failed states that facilitate the establishment of terrorist safe havens.

The intelligence community agrees, and they are already preparing an assessment on how our enemies could use global climate change to degrade our security interests. This NIE will not divert collection assets from other priorities. That's hogwash.

I would also like to note that we have a growing crisis in our overhead architecture. Over the past several years, the intelligence community has chosen to take more risk in its management structures that have failed. The consequences of these failures are extremely serious, threatening our overhead capability and wreaking havoc on the industrial base. Some of these risky decisions were made without the appropriate congressional notification, and now we have to clean up the mess.

Finally, last September the President acknowledged that the intelligence community had kept prisoners in undisclosed detention sites and reserved the right to do so in the future. I, as one Member of Congress, strongly object to any policy which does so. Generations of people, Americans, have come to this Nation to escape regimes that make people disappear. We have commitments under the Geneva Conventions, international laws and treaties. If we don't live up to these standards, we weaken protections for U.S. citizens abroad. I think our Nation stands for a higher standard of treatment, and I don't think we should ever engage in such practices.

I am proud to support this bill, Madam Chairman. This is the largest single intelligence authorization in the history of our country. And for anyone to say that we are shortchanging the people that are working so hard to protect our national security is simply and plainly wrong.

Mr. HOEKSTRA. Madam Chairman, at this time I would like to yield 3 minutes to a gentleman on the committee, Mr. THORNBERRY from Texas.

Mr. THORNBERRY. Madam Chairman, I thank the ranking member for yielding.

Madam Chairman, there are many good provisions of this bill, and I appreciate the hard work of the staff and the sincerity of the Members in attempting to tackle complex, vital issues before this committee. And yet I also have concerns with this bill.

Last July the Oversight Subcommittee of the Intelligence Committee issued a unanimous report about the progress of implementing the Intelligence Reform Act so far. And what we found was that there was some good, there were some disappointments, but yet there was overall a lack of a sense of appropriate urgency in doing the things that needed to be done to reform intelligence and to make this country safer.

And that is kind of the sense I get from this bill. There is a lot of good in it. There are some significant disappointments. But I worry about a lack of urgency in a sense because as 9/11 drifts further in the past, we have to face up to these very serious threats that are before us. And yet in this bill certain efforts and resources are diverted from higher priorities to lower priorities.

And I might point out in the case of one particular lower priority that the gentlewoman from California (Ms. ESHOO) mentioned, there has never been a hearing or, as I understand it, even a question at a hearing about intelligence implications of global climate change. And yet it is so important, it is a mandatory item in this bill for the intelligence community.

This bill takes significant efforts that the intelligence community is making and cuts back or places restriction on them, and yet it delays making reforms in essential areas as Mrs. WILSON was talking about. So I worry that we are on a path where we will return to mistakes of the past and do so at a time when we face a ruthless, determined, adaptable adversary.

□ 2230

I would like to make one other point. In many respects, I think it is a test for Congress as an institution whether we can pass an intelligence authorization bill.

The Intelligence Committees of both Houses were set up in the 1970s as the oversight entities for the broad Intelligence Community. The fact is, if we don't do it in these two committees in the House and the Senate, it will not get done. No one else has insight into the programs. No other committees have the time and resources and expertise to delve down into the many, many activities that the Intelligence Community performs that are essential to our country's security.

And yet, if we use these intelligence authorization bills to promote a political agenda, I think it makes the effectiveness of that oversight less so, and particularly if it results in their failure to be a bill. I think we can do better, and I hope we do.

Mr. REYES. Madam Chairman, I now yield 3 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), who serves as our chairman on the Subcommittee on Technical and Tactical Intelligence.

Mr. RUPPERSBERGER. Madam Chairwoman, I want to first say that I rise in support of H.R. 2082, the Intelligence Authorization Act.

Our Nation is at war. We are fighting in Iraq, Afghanistan, and we are battling terrorists worldwide. We are also witnessing the rise of nuclear powers in Iran and North Korea. We are facing major challenges from China and Russia, who want to gain a technological edge on the United States.

America has to stay on the offensive, and the way to do that is with stronger technology. This bill will strengthen our intelligence capabilities and invest much needed resources in new research and development.

I am the chairman of the Technical and Tactical Subcommittee, which is responsible for overseeing technical intelligence assets, including the National Security Agency. The subcommittee has been working hard to ensure that this bill provides the necessary resources so that the Intelligence Community has the latest cutting-edge research and technology. This is the foundation for good intelligence.

Other countries are gaining the ability to take out intelligence assets, such as orbiting satellites. Al Qaeda is finding innovative ways to communicate over the internet to plan attacks.

We need to develop smarter tools to collect this information about threats to the U.S. and our allies. This bill refocuses the Intelligence Community on these new and emerging threats. The number one priority is preserving our technical workforce. This bill invests in our scientists and engineers.

This bill also addresses the future of research and development across the Intelligence Community. Let me emphasize; we must invest more heavily in research and development. The committee is looking to the Director of National Intelligence to establish an aggressive R&D investment strategy that promotes cooperation among various agencies while allowing each agency to conduct research that fulfills its specific needs. During this time of growth, we need to maintain the good working relationships the Intelligence Community has with our Nation's research centers.

In closing, we need to maintain our technology. We should vote for this bill.

I have been on the Intelligence Committee for 4 years. I feel very strongly that this committee should be USA first. What we have to deal with is very important. I am very distressed and concerned that the minority at this point, who I have worked with and are excellent friends and I respect, the first bill that we have coming out of as a majority are voting "no."

We need to bring consensus together. We need to work as a team. There are some things that we have and some that we don't, but I hope that we will be able to work together in the future and go beyond this tonight.

Mr. HOEKSTRA. At this time, I would like to yield 3 minutes to another member of the committee, Mr. MCHUGH of New York.

Mr. MCHUGH. I thank the distinguished ranking member for yielding to me.

Madam Chair, I would say that I want to begin by expressing my deep appreciation and great respect to the bipartisan leadership of the committee. To the distinguished ranking member who has provided such a steady hand and, certainly during his time as chair, for great guidance and leadership. And a particular tip of the hat, Madam Chair, to the current chairman. Chairman REYES I consider to be a personal friend, and he is a man of a good heart and great leadership. I would suggest respectfully through that good heart and great leadership, this bill certainly has some positive aspects. It increases needed counterintelligence assets to protect our Nation's military secrets. As well, it initiates the movement of supplemental funding to the base budget for the better use and planning of those funds. And it establishes the requirement to develop an integrated space-based collection architect.

In addition, it places limitation on the termination of the U-2 program. It also gives added emphasis on language training and additional accountability on intelligence contracting. As I said, Madam Chair, these are all very positive steps in improving our intelligence capabilities, and I commend the chairman and Members on both sides of the aisle for working together to make that happen.

I have to say, regretfully, however, there is much that distresses me in this bill. Let me just cite a few examples.

I am very, very concerned that the legislation before us begins to retrace the failed policies of the 1990s that were based on underfunding and overtasking of our limited intelligence resources. It inadvertently, or not, establishes politically correct restrictions on intelligence operations.

Additionally, at least in my judgment, the bill does not adequately support key Intelligence Community activities that directly protect our national security. It calls for cuts to human intelligence programs which is counter to the recommendations of the 9/11 Commission. It fails to support the Intelligence Community and our national defense by rejecting an amendment that our side offered to include important legislation to modernize the Foreign Intelligence Surveillance Act, even though this identical language, Madam Chair, was passed unanimously by a bipartisan vote previously last year in the House.

There is no question that our Nation is locked in a struggle with radical jihadists and facing continued uncertainty and threats around the globe. As well, there is no question that before us lie critical questions. And we know what is needed right now is a well-trained, well-equipped and capable Intelligence Community. Instead, this bill unnecessarily, again in my judgment, diverts the resources of the Intelligence Community, as we have heard, to produce unnecessary legislation and initiatives.

I would hope we could go back, reject this bill and begin anew to work together on a bipartisan basis to produce a better product.

Mr. REYES. Could I inquire of the Chair how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Texas has 13 minutes; the gentleman from Michigan has 15 minutes.

Mr. REYES. Madam Chairman, it is my pleasure now to yield 3 minutes to the gentleman from California (Mr. THOMPSON), who is the chairman of our Subcommittee on Terrorism, Human Intelligence Analysis and Counterintelligence.

Mr. THOMPSON of California. I thank the chairman for yielding.

Madam Chairman, I am pleased to stand in strong support of this authorization bill tonight. I believe that this bill strengthens our capabilities to recognize and counter threats to the United States, both terrorist threats from groups like al Qaeda and the strategic challenges present in regions all over the world, including the Middle East, Asia and Latin America. This bill ensures that U.S. troops in Iraq and Afghanistan will continue to receive the intelligence support they need to conduct their missions.

The bill authorizes the largest intelligence budget ever. It also provides full funding for the intelligence programs related to Afghanistan and for U.S. efforts to counter terrorist threats.

Madam Chairman, terrorism and the war in Iraq are critical issues, and they have required intelligence agencies to divert resources away from other strategic challenges. This bill funds initiatives to collect better intelligence on those that pose threats to our country. It also adds funds to enhance coverage of other challenges, such as emerging threats in Africa and Latin America, and to ensure that America is not caught by surprise in the future.

The bill makes significant investments to improve the quality of intelligence analysts. It provides resources to send more analysts overseas so they can gain the real world experiences in the countries that they study. It provides funds for expanded foreign language training that we all agree is needed, and the development of advanced technical tools so both analysts and collectors can better do their jobs.

The bill makes us safer by adding resources for counterintelligence investigations, and these provisions will help mitigate efforts by our adversaries to steal classified information and advanced technologies, keeping the U.S. policy options open and preserving our military edge.

Despite these additions, the bill promotes efficiency and accountability by cutting programs that lack clear objectives and measurable results. It also requires the CIA Inspector General to audit covert action programs, ensuring regular oversight.

Madam Chair, this legislation helps us fight terrorists; it supports our troops; and it enhances U.S. intelligence capabilities throughout the world.

I support this bill, and I strongly recommend that our colleagues do as well.

Mr. HOEKSTRA. Madam Chair, at this time I would like to yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the committee.

Mr. TIAHRT. I thank the gentleman from Michigan.

Madam Chairman, this bill reduces our human intelligence capabilities. Human intelligence is one of the primary tools used to keep us informed about the plans and intentions of our adversaries. Human intelligence keeps our families and our military personnel safe.

Today, we are faced by many threats around the world, from radical jihadists to the emerging threat from rogue nations. One of our primary ways to combat these threats is with human intelligence, but this bill distracts us from that. And we have been in this predicament before. It is entirely probable that the downsizing of our Intelligence Community, and specifically the Central Intelligence Agency, during the decade of the 1990s contributed to the intelligence breakdown often associated with 9/11. We should have learned that lesson, but instead of putting more resources into human intelligence, this bill redirects resources to a new top priority.

The bill requires that the Intelligence Community determine the impacts of global warming. How could we have overlooked this? I thought the enemy was al Qaeda, who claimed responsibility for September 11, 2001. I thought it was Iran, who calls us "the Great Satan" and is actively pursuing nuclear weapons. I thought it was the Islamic terrorists that are attacking our young men and women every day. Now we find out it is global warming.

Now, I know that the world is warming. Kansas used to be covered by a sheet of ice 14,000 years ago; now it's not. But for the record, I would like to point out that the United States has 13 Federal agencies currently studying the effects of climate change. In fact, the President's 2008 budget request has nearly $7.4 billion associated with studying climate change. And according to the Congressional Research Service, since 2001, the Federal Government has devoted $37 billion to study climate change activities.

Why is this an intelligence priority? Is it really responsible to shift our resources, currently focused on North Korea and Iran and other threats, to the impacts of global warming?

Madam Chairman, this bill is not the right approach, and it does not provide the tools to protect our Nation's security. Intelligence is the first line of defense. Now is not the time to let down our guard.

I urge my colleagues to vote against H.R. 2082.

Mr. REYES. Madam Chair, it is now my pleasure to yield 2 minutes to a gentleman from Iowa, an American hero, fellow Vietnam veteran (Mr. BOSWELL), a member of the committee.

Mr. BOSWELL. Madam Chairman, I rise in support of this bill. I feel it is a step in the right direction. I have to take note that there is almost a self-righteousness of those that have been in charge for all these years and want to criticize, you have only had the driving of this ship for 4 months. You're doing a good job. Keep your head up and keep going forward and the country will be safer.

This bill does a number of things. One thing for sure that we recognize, all of us that have served in this capacity, that the people that go out there and gather intelligence, they put it on the line. The things they do, if the Nation understood the risks they take, the things they will do to try to make us safe, they would be very appreciative.

☐ 2245

This bill also recognizes something that we have been overlooking now for several years, that there is a need to increase the gathering of information or opportunities for people to learn languages. Around the world, this world we live in, there is much need to have innovative ways to explore new language opportunities. The need is there. This bill will require that, and that is a good step forward at least.

It also recognizes the need to take an aggressive approach to the gaps in our knowledge about Korea and Iran and around the world. We know there is a threat there and we are going to have to do more about it. We have tried before; we are trying again. This bill will do it and require the DNI to report back to us on a quarterly basis so we can assess and give oversight and do a better job of recognizing this need.

So, Mr. Chairman, I appreciate your hard work. Keep it up. Support the bill.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to my colleague from the great State of Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Chairman, I want to congratulate the chairman on mostly good work. And a big budget doesn't necessarily mean a good budget. We have had some great discussions. There are some really good things in this bill. But there are some serious departures on the direction in which we take intelligence that I think are so important that we need to stand up and oppose this bill.

This bill jeopardizes our ability to listen to terrorists. It puts it at risk. This bill cuts very specific human intelligence programs. They will get less money this year than they got last year.

I just want to talk for a minute about global climate change. As mentioned earlier, the President's budget proposes over $7 billion for climate change activities. This bill should be about securing America. Instead, it is being used to secure a political agenda on these items.

Climate change is an important issue, and it should be taken seriously. Thankfully it is. Fourteen Federal agencies already have active climate change programs. Let me go through them: Agriculture, Commerce, State, Health and Human Services, Interior, Transportation, EPA, NASA, NSF, Defense, Treasury, USAID, the Smithsonian, the Army, the Navy, the Air Force, DARPA and NASA all have active research, development, testing and evaluation programs. NASA's program already makes satellite images available to government researchers.

This legislation assigns intelligence agencies that have limited experience in this area the job of researching climate change. We are going to take analysts away from looking for Osama bin Laden and we are going to put them on the "March of the Penguins."

This bill requires intelligence agencies to use intelligence satellites to monitor environmental issues. Many of my colleagues have been in the field. You know that imagery is so important and so high in demand. This is the wrong direction for their mission accomplishment.

If you want to break the spirits of our intelligence agencies, if you want to destroy their morale, go ahead and give them this assignment. Tell them they should spend their day watching the grass grow, and see how it works. George Tenet referred to these kinds of assignments as "bugs and bunnies assignments."

We are making a mockery of the seriousness of climate change and a mockery of the important work our intelligence agencies do. If you liked building the rain forest in Iowa, you are going to love the Department of Environmental Espionage.

Vote against this legislation. The stakes are too high. The people in the field mean too much to us. Their mission is too crucial to have it diverted for a political agenda.

Mr. REYES. Madam Chairman, sometimes I feel like we are living in a parallel universe here, when I hear the Members of the minority quote the "slam-dunk expert."

Madam Chairman, it is my privilege to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a member of our committee who serves as the chairman of the Select Intelligence Oversight Panel.

Mr. HOLT. Madam Chairman, although the bill before us today does not produce the overhaul of intelligence I seek, it does address a number of critical deficiencies in the operation and oversight of the intelligence community, and I support this important legislation.

I commend the committee staff. They do excellent work without help from outside. And I commend the Chair, the gentleman from Texas, for his sensible, considerate approach to his work as Chair.

There are several specific provisions in this bill that I would like to highlight. For example, the bill requires the compilation of a comprehensive inventory of special access programs, as well as measures to improve the contracting accountability. These provisions will give the committee additional tools to hold the intelligence community accountable for its actions and the use or misuse of taxpayer funds.

Again this year we demand more attention to the foreign language facility of employees in the intelligence community.

Of course, we would want the intelligence community to look at international and global issues that affect our national security. And who could oppose the attention to climate change?

There are a number of areas where we have had added or reduced resources. Overall, the agencies have ample support, the largest budget ever. By the way, I would say to my colleague from Kansas, there is no reduction in human intelligence collectors. This legislation adds resources for their training, it adds analytic capability, it adds technologies to help them do their job.

Let me close by thanking the chairman again for the admirable manner that he shows in running this committee. I support this legislation, and I urge my colleagues to do so.

Mr. HOEKSTRA. Madam Chairman, I yield 3 minutes to my colleague, the gentleman from California (Mr. ISSA).

Mr. ISSA. Madam Chairman, I thank the ranking member, and I thank the chairman for what we were able to accomplish during the markup. But I come to the House floor knowing that in fact in a few short minutes, an hour or so, our Members will vote not knowing what is in this bill. Oh, they will hear us talking in unclassified terms about the fact that HUMINT, contrary to the last speaker, is being cut in absolute dollars. The eyes and ears of human beings is being cut in this bill.

Certainly, with inflation, other things are going up. But as everyone knows that has read the Iraq Study Report or the 9/11 report, it is the absence of the human resources that we have been investing in that led to our vulnerability on 9/11. And I will say that if the people on the other side of the aisle want to say we are losing this war, then they have to be willing to make a much greater commitment in the diplomatic and especially in the human resources and the above-sky resources that allow us to know what our enemy is thinking and planning before he attacks.

This bill doesn't do it. This bill does, as many of the speakers have said, deal with "bugs and bunnies." Now, I happen to be an advocate for global warming research. I happen to believe that the Earth is warming, and I happen to believe that CO_2 is something we have to address. I serve on a committee that has overseen it, that has looked at it, that has costed it; and I will continue to do so.

But I am beyond words, furious, that with no new funding we are diverting resources from finding out what bad people want to do to us, to a vague, beyond vague, an open-ended statement of over the next 30 years what is global warming maybe going to do.

It is a worst case, all-possible-negatives study. It will cost ten or hundreds of millions of dollars to begin with. It will cause us to divert satellites to do the research. To be honest, the CIA doesn't just throw together a report, especially when it is this vague.

We urged in committee that in fact they put reasonable amendments to this. We asked something simple: task them with the U.N.'s finding on global warming. Any committee, any group's finding. It is an open-ended go-study report. It is going to cost a lot of money, and it is going to cost American lives.

But last but not least, there are unconscionable earmarks in this bill which I three times participated and voted for going to closed session so the Members would understand that pork and "unfounded" earmarks are in this bill; that American lives will be lost because we divert needed moneys from the human resources we need to invest in to pork projects and special interests of Members of the majority.

Mr. REYES. Madam Chairman, so we move from a parallel universe to the Twilight Zone.

Madam Chairman, I would like to yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of our committee.

Ms. SCHAKOWSKY. Madam Chairman, I rise today to address two matters in the intelligence authorization bill.

For too long, the intelligence community has been increasing its use of contractors without internal or congressional oversight. For the first time, the Director of National Intelligence has conducted a contractor survey to begin to get a handle on the situation. A simple survey, however, is not sufficient to understand how we are using contractors and whether the use of such contractors is appropriate.

This bill takes an important step towards understanding the use of contractors. It requires the DNI Inspector

General to report on intelligence contractors committing waste, fraud or abuse. It also requires a report on contractor accountability and their effect on the workforce, all positive steps toward better oversight.

But there is one issue this bill does not address that I firmly believe raises a fundamental question as to who we are as a Nation. The President has acknowledged that the intelligence community kept prisoners in undisclosed detention sites and has reserved the right to do so in the future. We should reject this policy.

In Nazi Germany, millions of people were sent to camps, never to be heard from again. During the Cold War, thousands of people disappeared into gulags. Saddam Hussein's secret prisons still strike fear into the hearts of Iraqis. Each time, our Nation stood as a beacon of human rights and strongly objected to those practices. If we endorse any policy that allows undisclosed detention, we undermine our moral authority to stand against such atrocities in the future.

The United States should be beyond reproach in its treatment of detainees. In the first Gulf War, the International Committee of the Red Cross called U.S. compliance with the Geneva Conventions the best of any nation in any conflict in the history of the convention.

If we lower that standard for how we treat prisoners, we weaken our ability to insist on the highest standards of treatment for our own military personnel and civilians abroad, thus endangering their safety and undermining our standing in the world. More importantly, we sacrifice the principles on which this country is based.

I want to thank the chairman for considering all these important matters in the intelligence bill and for his leadership on this good bill.

Mr. HOEKSTRA. Madam Chairman, I yield 1 minute to my colleague and classmate from the State of Maryland, Mr. ROSCOE BARTLETT.

Mr. BARTLETT of Maryland. Madam Chairman, I hold here a major study done by the Center for Naval Analysis entitled "National Security and the Threat of Climate Change." Their Military Advisory Board contains five admirals and four generals, including Sullivan, Lopez and Zinni.

In their recommendations, "Recommendation No. 1," they say the national security consequences of climate change should be fully integrated with national security and national defense strategies. Two of the specifics of this have been included in the National Defense Authorization Act, including the National Security Strategy, the National Defense Strategy and the Quadrennial Defense Review, all of which, they say, should consider climate change. A specific related to the intelligence community should incorporate climate consequences into its National Intelligence Estimate.

A letter from the chairman of this board said that "we made that call because we are concerned that climate change may affect our military."

This conservative Republican proudly joined Mr. MARKEY in requesting that this become a part of the base bill; and thank you, Mr. Chairman, for making it so.

Mr. REYES. Madam Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chairman, I yield 1 minute to my colleague from the State of Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Chairman, I just want to quickly respond to my colleague, who I have the greatest amount of respect for. Climate change is an important issue, and I think the point we are trying to make here is that there are 14 agencies, $7 billion already being spent on it. The time to train an analyst and a case officer to their optimum performance level is between 5 and 7 years. Five and 7 years. That is an incredible investment. And I want them looking for Osama bin Laden, for the next nuclear program that we don't know about around the world. It takes a tremendous amount of effort to get them where they need to be. This is the wrong direction for it.

We have, I am going to read them again, the Army, Navy, Air Force, DARPA, NASA, EPA, NSF, Defense, Treasury, USAID, the Smithsonian, Transportation, Interior, HHS, State, Energy, Commerce and Agriculture all looking at climate change. Don't waste these very precious resources.

Mr. REYES. Madam Chairman, it is my pleasure to yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a member of our committee.

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Mr. LANGEVIN. I thank the gentleman for yielding.

Madam Chair, I rise in strong support of the Intelligence Authorization Act for FY 2008. I particularly want to commend Chairman REYES for his outstanding leadership, vision and work on this bill and getting us to where we are today. Equally important, I want to recognize the staff for their hard work as well.

Madam Chair, I have always believed that good intelligence is the pointy tip of the spear. This bill provides intelligence support for troops in Iraq and Afghanistan and strengthens information-sharing among Federal, State and local agencies. Most importantly, it enhances the full range of intelligence collection capabilities, tactical and strategic, near term and long term.

The United States relies heavily on satellites to gather intelligence. Our intelligence agencies, working with industry, have developed extraordinary capabilities that build upon proven technologies. And to ensure that we maintain our technological edge, this bill refocuses the Intelligence Community on evolving satellite technology while ensuring that our industrial base also remains strong.

And because nothing beats having eyes on the ground, this bill strengthens human intelligence collection capabilities by adding funds to both CIA and military collectors to receive training and operational skills in critical foreign languages while providing advanced technological tools that support intelligence collection.

This measure further strengthens intelligence analysis by investing in the people of the Intelligence Community. By establishing challenging career paths for intelligence professionals at FBI and DHS, it rewards good work and encourages America's best and brightest to serve. Many of these Americans, because of their personal backgrounds, possess a wealth of expertise on foreign cultures, societies and languages. But for the Intelligence Community to harness their potential, its staff must reflect the myriad experiences, talents and perspectives of the American people.

This bill takes important steps to enhance diversity in the Intelligence Community. For example, it requires the DNI to implement a multi-level security clearance system to ensure that Americans who are ineligible for the highest clearances because they have relatives overseas and cannot be investigated, for instance, can still offer expertise in their roles.

It is a good bill, and I urge its passage.

Mr. REYES. Madam Chairman, I yield 1½ minutes to a former ranking member of this committee, the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Madam Chair, I thank the gentleman for yielding and commend him for his leadership as chairman of the committee.

Madam Chair, I spoke earlier during the rule about the specifics in this bill, a bill I strongly support. But as the debate closes, I thought I might offer just two thoughts from my vantage point as someone who has served on this committee for so long and who passionately cares about the issues.

The first is I believe al Qaeda is here and waiting to attack us. I believe America is in danger, and if we don't get our intelligence right both internationally and domestically, we will be attacked. We will fail to prevent or disrupt the harm that is coming our way. That is why it is so critical that we pass the best bill that we can.

My second point is that I have never seen, and I have sat through these debates for many years, the kind of partisanship we are now seeing in debate on the intelligence authorization bill. It breaks my heart.

And if there is someone out there in an austere, unaccompanied post watching C-SPAN, if C-SPAN is available, and looking at this debate, that person must wonder: Why can't Congress come together and protect America at a time of urgent need? And I have to say, I am wondering, too. It is very disappointing to see the partisanship. It is very disappointing to hear that members I served with are going to oppose this bill. I hope they will reconsider. It is very important to reach consensus and pass the strongest bill possible.

Mr. HOEKSTRA. Madam Chair, I yield myself the balance of my time.

Madam Chair, I have a great deal of respect for my colleague, but I believe last year, and she can correct me if I'm wrong, but I believe she voted against the bill on the floor. And to characterize our disagreement with this bill as partisan, and to, I assume perhaps in another way, characterize her vote against our base bill last year as something else, her vote as something else, is disappointing.

We had a good partnership when I was chairman and you were ranking member. I am disappointed by that. I believe this is a well-founded difference of opinion on the content of this bill. There are clear differences in priorities. As the gentlelady said and others have said, we are a Nation that faces a great threat.

We saw earlier this week that threat may have evolved and found its way once again to our shores, in New Jersey. We believe we need to strengthen HUMINT and face the threats that are out there. We believe that we can't be working in the politically correct environment.

The message that people are looking for in the field is, what direction is this new majority going to take our Intelligence Community? They are seeing cuts in key activities that support the war, the effort against the threat that we face from radical jihadists, and not applying the resources that we need against targets that we don't know enough about.

I think we would all agree on a bipartisan basis, we don't know enough about al Qaeda and how it works and where it is and what its resources are and what its plans and intentions are. We don't know enough about Iran, Syria, North Korea and the people that are proliferating and making this world a much more dangerous place.

We will see amendments later on from both sides of the aisle that acknowledge that we are not where we want to be with the reorganization of the Intelligence Community. We have lots of questions about where the DNI, the office of the DNI is headed and whether this structure is going to work the way that some of us worked in a very bipartisan way to reform it with a certain expectation and hope, and what we would get as a result of that: An enhanced Intelligence Community that would be quicker, more nimble and more effective than the threats that we face today. And we need to rebuild HUMINT.

And at the same time, we see in this bill a commitment that says we are going to task the Intelligence Community, and the question that has not been answered is what specific skills does the Intelligence Community add to the study of climate change when we are already spending $7 billion projected for the next fiscal year on climate change? What secrets are we going to steal? What are we going to task our HUMINT folks for? What are we going to task our limited resources with spy satellites to do? To assess the political, social, agricultural and economic risk during the 30-year period beginning on date of enactment? And don't say it is not going to take resources. This is a massive undertaking. It is not a throw-away. This is Congress coming and saying the most important national intelligence assessment that the community can complete next year, and you need to do it in 180 days; 180 days with no input from the community on whether they have the resources, the capabilities to carry out this task. We are saying that it needs to be done in 180 days. You need to do it on a global basis, and you need to do it over 30 years, and you need to cover all of these different areas. And by the way, we are not going to give you a benchmark from where to start.

Are you going to take the U.N.'s assessment of what may be happening with climate change? Are you going to take a university's assessment on climate change? Where do you start?

This is a massive undertaking. It will shift resources because when you tell the Director of National Intelligence Congress wants this done, and Congress we know has been dissatisfied with the national intelligence estimates that we have been given on Iraq and Iran and on a number of other issues, they know they need to get this one right or it better be a very, very good piece of work. They will take this very, very seriously. They will divert resources to get this done, and they will divert resources from the things that we need them to be doing.

This bill sends the wrong message to our men and women in the field. I ask my colleagues to vote "no."

Mr. REYES. Madam Chairman, I yield myself the balance of my time.

Madam Chair, I am very proud of this bill, and I am proud of the work we all put into it. I realize there are some political differences. You have heard the minority go from characterizing bugs and bunnies. Well, I think bogeyman politics doesn't work with the American people. It doesn't work with the challenge that we are facing in Iraq, and it is not going to fly with what we are doing with this intelligence bill.

This bill does not make cuts. It adds funds to both CIA and military elements for human intelligence training. It adds funding for sending additional analysts overseas.

Yes, I agree with the former ranking member, we should be concerned about al Qaeda. The ranking member mentioned the potential attacks against Fort Dix last week. So this is serious business. We know it is.

This is an important piece of legislation that I hope everyone knows it is imperative that they support. The men and women of the Intelligence Community don't care about mischaracterizations. They don't care about talking about slam dunking and bugs and bunnies and all of these other rhetorical phrases that the minority likes to engage in. They care about support from Congress.

This bill gives the Intelligence Community the support that they need. All you have to do is travel around the world and listen to them. I am proud of this legislation.

By strengthening our Nation's Intelligence Community, we will be able to detect and disrupt the plans of those that are threatening our national security. I urge my colleagues to support this critical piece of legislation.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise in strong support of H.R. 2082, the Intelligence Authorization Act of 2007. H.R. 2082 authorizes the largest amount for intelligence ever considered in a single bill, which just goes to show you how important intelligence has become to our national security and how serious the new Democratic majority is about protecting the homeland and defending the nation.

H.R. 2082 promotes responsible budgeting and oversight by shifting resources from the supplemental to the base budget—allowing officers in the field to plan their operations properly, particularly in the counterterrorism arena, and allowing Congress to review funding requests.

The bill makes key investments to strengthen intelligence by adding funds to both CIA and military elements for Human Intelligence (HUMINT) training. We increase our investments in language training for collectors and analysts and in language translation capabilities. We also add funding for sending additional analysts overseas. The bill also strengthens counterintelligence field operations.

Madam Chairman, H.R. 2082 promotes efficiency and effectiveness of intelligence programs by streamlining acquisition, trimming the fat from ineffective programs, eliminating redundant activities, requiring greater strategic focus in some key areas.

Madam Chairman, this bill does not, as some claim, make deep cuts in any intelligence programs. In one area, related to supplemental funding for Iraq, the bill reflects bipartisan concerns about excessive spending on programs that lack a strategy or metrics for evaluating its effectiveness. These funds are shifted to enhance coverage of other global challenges, such as Iran, Russia, East Africa, and Asia.

The bill promotes accountability by requiring quarterly intelligence updates to Congress on nuclear programs of Iran and North Korea. And it requires the CIA Inspector General to conduct an audit of each covert action program not less than once every three years.

Finally, Madam, Chairman, H.R. 2082 requires reports to Congress on the use of contractors in the Intelligence Community. It requires a strategy for implementing a multi-level security clearance system—to allow patriotic Americans to serve as translators or linguists in the intelligence community. I think it important also that H.R. 2082 promotes diversity in the intelligence community by requiring a strategic plan for implementing the recommendations of a key diversity panel.

Last, the H.R. 2082 follows the recommendations of several former military commanders in requesting that the National Intelligence Council produce a National Intelligence Estimate on national security impact of global climate change.

Madam Chairman, I strongly support H.R. 2082 and the rule.

Mr. LARSON of Connecticut. Madam Chairman, I rise in strong opposition to the amendment offered by Mr. HOEKSTRA that would strike language requesting an assessment of the national security challenges posed by global warming. As a member of the House Select Committee on Energy Independence and Global Warming and an original cosponsor to H.R. 1961, the Global Climate Change Security Oversight Act, I support the inclusion of this language in the Intelligence Authorization bill.

There are serious political, social, economic and national security risks associated with climate change. It is only appropriate that our nation have a National Intelligence Estimate assessing its global warming threat. The National Intelligence Council is already a producing a community assessment on this issue, this provision would simply require that assessment be elevated to a formal National Intelligence Estimate.

This type of review is supported by a group of 11 retired three-star and four-star generals and admirals, who on April 16, 2007, issued a report entitled, "National Security and the Threat of Climate Change." This report concludes that global warming presents significant national security challenges the United States. The effects of climate change are projected to have grave consequences for some of the poorest areas of the world—already volatile areas, the instability of these regions would be multiplied. Projected climate change will seriously exacerbate already marginal living standards in many Asian, African, and Middle Eastern nations, causing widespread political instability and the likelihood of failed states. As retired U.S. General Gordon R. Sullivan described before the Select Global Warming Committee, the potential national security threat of global warming in certain regions of the world could potentially be a Petri dish for terror.

Climate change is yet another front in the war on terror and now is the time for the United States to fully understand the implications it has on our national security. I urge my colleagues to join me in opposing this amendment.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 105. Incorporation of reporting requirements.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.
Sec. 202. Technical amendment to mandatory retirement provision.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Clarification of definition of intelligence community under the National Security Act of 1947.
Sec. 304. Extension to the intelligence community of authority to delete information about receipt and disposition of foreign gifts.
Sec. 305. Modification of requirements for reprogramming of funds for intelligence activities.
Sec. 306. Delegation of authority for travel on common carriers for intelligence collection personnel.
Sec. 307. Report on proposed pay for performance intelligence community personnel management system.
Sec. 308. Plan to increase diversity in the intelligence community.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Clarification of limitation on co-location of the Office of the Director of National Intelligence.
Sec. 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
Sec. 403. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.
Sec. 404. Leadership and location of certain offices and officials.
Sec. 405. Eligibility for incentive awards of personnel assigned to the Office of the Director of National Intelligence.
Sec. 406. Multi-level security clearances.
Sec. 407. National intelligence estimate on global climate change.
Sec. 408. Plan to implement recommendations of the data center efficiency reports.
Sec. 409. Comprehensive inventory of special access programs.
Sec. 410. Quarterly intelligence reports to Congress on Iran and North Korea.
Sec. 411. Accountability in intelligence contracting.
Sec. 412. Annual report on foreign language proficiency in the intelligence community.
Sec. 413. Intelligence community reports on foreign language proficiency.

Subtitle B—Central Intelligence Agency

Sec. 421. Deputy Director of the Central Intelligence Agency.
Sec. 422. General authorities of the Central Intelligence Agency.
Sec. 423. Review of covert action programs by Inspector General of the Central Intelligence Agency.
Sec. 424. Report on audited financial statements progress.

Subtitle C—Other Elements

Sec. 431. Clarifying amendments relating to Section 105 of the Intelligence Authorization Act for Fiscal Year 2004.
Sec. 432. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
Sec. 433. Clarification of inclusion of Coast Guard and Drug Enforcement Administration elements in the intelligence community.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

Sec. 501. Aerial reconnaissance platforms.
Sec. 502. Extension of National Commission for Review of Research and Development Programs of the United States Intelligence Community.

Subtitle B—Technical Amendments

Sec. 511. Technical amendments relating to the multiyear National Intelligence Program.
Sec. 512. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.
Sec. 513. Technical amendments to the National Security Act of 1947.
Sec. 514. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 515. Technical amendments to the Executive Schedule.
Sec. 516. Technical amendments relating to titles of Central Intelligence Agency positions.
Sec. 517. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term "congressional intelligence committees" means—

(A) the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Select Committee on Intelligence of the Senate.

(2) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) Specifications of Amounts and Personnel Ceilings.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2008, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 2082 of the One Hundred Tenth Congress.

(b) Availability of Classified Schedule of Authorizations.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) Authority for Adjustments.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2008 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) Notice to Intelligence Committees.—The Director of National Intelligence shall promptly notify the congressional intelligence committees whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) Authorization of Appropriations.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2008 the sum of $737,876,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2009.

(b) Authorized Personnel Levels.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1035 full-time personnel as of September 30, 2008. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) Classified Authorizations.—

(1) Authorization of Appropriations.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2008 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2009.

(2) Authorization of Personnel.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2008, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) Reimbursement.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2008 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

(e) National Drug Intelligence Center.—

(1) In general.—Of the amount authorized to be appropriated in subsection (a), $39,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2009, and funds provided for procurement purposes shall remain available until September 30, 2010.

(2) Transfer of funds.—The Director of National Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) Limitation.—Amounts available for the National Drug Intelligence Center may not be used for purposes of exercising police, subpoena, or law enforcement powers or internal security functions.

(4) Authority.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

SEC. 105. INCORPORATION OF REPORTING REQUIREMENTS.

Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill H.R. 2082 of the One Hundred Tenth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2008 the sum of $262,500,000.

SEC. 202. TECHNICAL AMENDMENT TO MANDATORY RETIREMENT PROVISION.

Section 235(b)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)(A)) is amended to read as follows:

"(A) upon reaching age 65, in the case of a participant in the system serving in a position with a Senior Intelligence Service rank of level 4 or above;".

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking "other" the second place it appears.

SEC. 304. EXTENSION TO THE INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS.

Section 7342(f)(4) of title 5, United States Code, is amended to read as follows:

"(4) In transmitting such listings for an element of the intelligence community (as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), the head of such element of the intelligence community may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element of the intelligence community certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.".

SEC. 305. MODIFICATION OF REQUIREMENTS FOR REPROGRAMMING OF FUNDS FOR INTELLIGENCE ACTIVITIES.

Section 504(a)(3)(B) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)(B)) is amended to read as follows:

"(B) the activity to be funded supports an emergent need, improves program effectiveness, or increases efficiency; and".

SEC. 306. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) Delegation of Authority.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting "(1)" before "The Director";

(2) in paragraph (1), by striking "may only delegate" and all that follows and inserting "may delegate the authority in subsection (a) to the head of any other element of the intelligence community."; and

(3) by adding at the end the following new paragraph:

"(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.".

(b) SUBMISSION OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

SEC. 307. REPORT ON PROPOSED PAY FOR PERFORMANCE INTELLIGENCE COMMUNITY PERSONNEL MANAGEMENT SYSTEM.

(a) PROHIBITION ON PAY FOR PERFORMANCE UNTIL REPORT.—The Director of National Intelligence and the head of each element of the intelligence community may not implement a plan that provides compensation to personnel of an element of the intelligence community based on performance until the date that is 45 days after the date on which the Director of National Intelligence submits a report under subsection (b).

(b) REPORT.—The Director of National Intelligence shall submit to the congressional intelligence committees a report on performance-based compensation for the intelligence community, including—

(1) an implementation time line, by phase and by element of the intelligence community, which includes target dates for completion of—

(A) the development of performance appraisal plans;

(B) establishment of oversight and appeal mechanisms;

(C) deployment of information technology systems;

(D) management training;

(E) employee training;

(F) compensation transition; and

(G) full operational capacity;

(2) an estimated budget, by phase of implementation and element of the intelligence community, for the implementation of the performance-based compensation system;

(3) an evaluation plan to monitor the implementation of the performance-based compensation system and to improve and modify such system;

(4) written standards for measuring the performance of employees;

(5) a description of the performance-based compensation system, including budget oversight mechanisms to ensure sufficient funds to pay employees for bonuses;

(6) a description of internal and external accountability mechanisms to ensure the fair treatment of employees;

(7) a plan for initial and ongoing training for senior executives, managers, and employees;

(8) a description of the role of any advisory committee or other mechanism designed to gather the input of employees relating to the creation and implementation of the system; and

(9) an assessment of the impact of the performance-based compensation system on women, minorities, persons with disabilities, and veterans.

SEC. 308. PLAN TO INCREASE DIVERSITY IN THE INTELLIGENCE COMMUNITY.

(a) STRATEGIC PLAN REQUIRED.—The Director of National Intelligence shall submit to the congressional intelligence committees a plan to increase diversity across the intelligence community. Such plan shall include—

(1) a description of the long term and short term goals for the intelligence community;

(2) a description of how the plan will be implemented by each element of the intelligence community, taking into account the unique nature of individual elements of the intelligence community;

(3) training and education programs for senior officials and managers; and

(4) performance metrics.

(b) RESTRICTION ON COMMUNITY MANAGEMENT FUNDS UNTIL SUBMISSION OF PLAN.—The Director of National Intelligence may only obligate or expend 80 percent of the funds appropriated to the Intelligence Community Management Account pursuant to section 104(a) until the date on which the report required under subsection (a) is submitted.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403-3(e)) is amended—

(1) in the heading, by striking "WITH" and inserting "OF HEADQUARTERS WITH HEADQUARTERS OF" ;

(2) by inserting "the headquarters of" before "the Office"; and

(3) by inserting "the headquarters of" before "any other element".

SEC. 402. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

"(F) The Director of National Intelligence, or the Director's designee.".

SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403-3e) is amended—

(1) in paragraph (3)(A), by inserting "and prioritize" after "coordinate"; and

(2) by adding at the end the following new paragraph:

"(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be executed by elements of the intelligence community.".

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—Such section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking "and" at the end;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community; and"; and

(2) by adding at the end the following new subsection:

"(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

"(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

"(2) examine options to enhance the responsiveness of research programs; and

"(3) ensure that programs are designed to meet the technical requirements of the intelligence community.".

(c) REPORT.—(1) Not later than June 30, 2008, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2018.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for basic, advanced, and applied research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to transition technology from research and development projects into National Intelligence Program acquisition programs.

(3) The report may be submitted in classified form.

SEC. 404. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking "ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the" and inserting "(1) ESTABLISHMENT.—The"; and

(2) by adding at the end the following new paragraphs:

"(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

"(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.".

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

"(9) The Chief Information Officer of the intelligence community.

"(10) The Inspector General of the intelligence community.

"(11) The Director of the National Counterterrorism Center.

"(12) The Director of the National Counter Proliferation Center.".

SEC. 405. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e–1) is amended to read as follows:

"(a) AUTHORITY FOR PAYMENT OF AWARDS.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

"(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.".

(b) REPEAL OF OBSOLETE AUTHORITY.—Such section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking "to the Central Intelligence Agency or to the Intelligence

Community Staff" and inserting "to the Office of the Director of National Intelligence or to the Central Intelligence Agency"; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking "Director of Central Intelligence" and inserting "Director of National Intelligence or Director of the Central Intelligence Agency".

(d) TECHNICAL AND STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b)—

(A) by inserting "PERSONNEL ELIGIBLE FOR AWARDS.—" after "(b)";

(B) by striking "subsection (a) of this section" and inserting "subsection (a)"; and

(C) by striking "a date five years before the date of enactment of this section" and inserting "December 9, 1978"; and

(2) in subsection (c), as so redesignated, by inserting "PAYMENT AND ACCEPTANCE OF AWARDS.—" after "(c)".

SEC. 406. MULTI-LEVEL SECURITY CLEARANCES.

(a) IN GENERAL.—Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

"(s) MULTI-LEVEL SECURITY CLEARANCES.—The Director of National Intelligence shall establish a multi-level security clearance system for the intelligence community to enable the intelligence community to more efficiently make use of persons proficient in foreign languages or with cultural, linguistic, or other subject matter expertise that is critical to national security.".

(b) ESTABLISHMENT DATE.—The Director of National Intelligence shall establish a multi-level security clearance system under section 102A(s) of the National Security Act of 1947, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 407. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL CLIMATE CHANGE.

(a) NATIONAL INTELLIGENCE ESTIMATE.—Not later than 270 days after the date of enactment of this Act, the Director of National Intelligence shall submit to Congress a national intelligence estimate on the anticipated geopolitical effects of global climate change and the implications of such effects on the national security of the United States.

(b) CONTENT.—In preparing the national intelligence estimate required by this section, the Director of National Intelligence shall—

(1) assess the political, social, agricultural, and economic risks during the 30-year period beginning on the date of enactment of this Act posed by global climate change for countries or regions that are—

(A) of strategic national security importance to the United States and at risk of significant impact due to global climate change; or

(B) at significant risk of large-scale humanitarian suffering with cross-border implications as predicted on the basis of the assessments;

(2) assess the capabilities of the countries or regions described in subparagraph (A) or (B) of paragraph (1) to respond to adverse national security impacts caused by global climate change;

(3) assess the strategic challenges and opportunities posed to the United States by the risks described in paragraph (1); and

(4) assess the impact of global climate change on the activities of the United States intelligence community throughout the world.

(c) COORDINATION.—In preparing the national intelligence estimate under this section, the Director of National Intelligence shall consult with representatives of the scientific community, and, as appropriate, multilateral institutions and allies of the United States that have conducted significant research on global climate change.

(d) FORM.—The national intelligence estimate required by this section (including key judgments) shall be submitted in unclassified form, but may include a classified annex.

SEC. 408. PLAN TO IMPLEMENT RECOMMENDATIONS OF THE DATA CENTER EFFICIENCY REPORTS.

(a) PLAN.—The Director of National Intelligence shall develop a plan to implement the recommendations of the report submitted to Congress under section 1 of the Act entitled "An Act to study and promote the use of energy efficient computer servers in the United States" (Public Law 109–431; 120 Stat. 2920) across the intelligence community.

(b) REPORT.—

(1) IN GENERAL.—Not later then February 1, 2008, the Director of National Intelligence shall submit to Congress a report containing the plan developed under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 409. COMPREHENSIVE INVENTORY OF SPECIAL ACCESS PROGRAMS.

Not later than January 15, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a classified report providing a comprehensive inventory of all special access programs under the National Intelligence Program (as defined in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6))).

SEC. 410. QUARTERLY INTELLIGENCE REPORTS TO CONGRESS ON IRAN AND NORTH KOREA.

(a) IN GENERAL.—

(1) REPORT.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

"QUARTERLY INTELLIGENCE REPORTS TO CONGRESS ON IRAN AND NORTH KOREA

"SEC. 508. (a) REPORT.—

"(1) IN GENERAL.—On a quarterly basis, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the current intentions and capabilities of the Islamic Republic of Iran and Democratic People's Republic of Korea (North Korea) with regard to the nuclear programs of Iran and North Korea, respectively, including—

"(A) an assessment of nuclear weapons programs;

"(B) an evaluation, consistent with existing reporting standards and practices, of the sources upon which the intelligence is based, including the number of sources and the reliability of each source;

"(C) a summary of any new intelligence gathered or developed since the previous report, including intelligence collected from both open and clandestine sources; and

"(D) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the overall assessment.

"(2) FORM.—Each report submitted under paragraph (1) may be submitted in classified form.

"(b) ACCESS TO REPORT.—Each report submitted under subsection (a)(1) shall be made available to all members of the congressional intelligence committees and to all staff of the congressional intelligence committees with appropriate security clearance. Other members of the Senate or the House of Representatives may review the reports in accordance with security procedures established by each of the congressional intelligence committees.".

(2) CONFORMING AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 507 the following new item:

"Sec. 508. Quarterly intelligence reports to Congress on Iran and North Korea.".

(b) EFFECTIVE DATE.—The first report required to be submitted under section 508(a)(1) of the National Security Act of 1947, as added by subsection (a)(1), shall be submitted not later than 30 days after the date of the enactment of this Act.

SEC. 411. ACCOUNTABILITY IN INTELLIGENCE CONTRACTING.

(a) OVERSIGHT REPORT ON IC CONTRACTORS.—

(1) REPORT.—

(A) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is further amended by adding at the end the following new section:

"REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS

"SEC. 509. Not later each year than the date provided in section 507, the Director of National Intelligence shall submit to the congressional intelligence committees a report on contractors funded under the National Intelligence Program. Such report shall include—

"(1) a list of all contractors that—

"(A) have been the subject of an investigation completed by the Inspector General of any element of the intelligence community during the preceding fiscal year,

"(B) are the subject of an investigation by such an Inspector General during the current fiscal year, or

"(C) will be the subject of an investigation that may affect the ability of the contractor to deliver contracted services to the intelligence community by such an Inspector General during the current fiscal year,

either as a corporate entity or an individual employee, for financial waste, fraud, abuse of government resources, failure to perform a contract, or criminal violations; and

"(2) the number of contractors performing services for each element of the intelligence community.".

(B) REPORT DATE.—Section 507(a)(1) of such Act (50 U.S.C. 415b(a)(1)) is amended by—

(i) redesignating subparagraph (N) as subparagraph (J);

(ii) adding at the end the following new subparagraph:

"(K) The annual report on intelligence community contractors required by section 509.".

(2) CONFORMING AMENDMENT.—The table of contents in the first section of such Act is further amended by inserting after the item relating to section 508, as added by section 410, the following new item:

"Sec. 509. Report on intelligence community contractors.".

(b) REPORT ON REGULATIONS AND ACCOUNTABILITY MECHANISMS GOVERNING INTELLIGENCE COMMUNITY CONTRACTORS.—

(1) REPORT REQUIREMENT.—Not later than February 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a report on accountability mechanisms that govern the ongoing performance of contractors for personal services contracts under the National Intelligence Program.

(2) MATTERS COVERED.—The report submitted under paragraph (1) shall include—

(A) a list of statutes and regulations that govern the ongoing performance of contractors for services contracts entered into by each element of the intelligence community;

(B) an analysis of accountability mechanisms within services contracts awarded for intelligence activities by each element of the intelligence community during fiscal years 2006 and 2007;

(C) an analysis of procedures in use in the intelligence community for conducting oversight of contractors to ensure identification and prosecution of criminal violations, financial waste, fraud, or other abuses committed by contractors or contract personnel; and

(D) an identification of best practices of accountability mechanisms within services contracts.

(3) Form.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(c) Impact of Contractors on the Intelligence Community Workforce.—

(1) Report requirement.—Not later than March 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the impact of contractors on the intelligence community workforce under the National Intelligence Program.

(2) Matters covered.—The report submitted under paragraph (1) shall include—

(A) an identification of contracts where the contractor is providing a substantially similar functions to a government employee;

(B) a comparison of the compensation of contract employees and government employees performing substantially similar functions;

(C) an analysis of the attrition of government personnel for contractor positions that provide substantially similar functions; and

(D) an estimate of the value of the infrastructure provided to contract employees for government furnished equipment, facilities, or other support, by agency and expenditure center.

SEC. 412. ANNUAL REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

(a) Report.—

(1) In general.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is further amended by adding at the end the following new section:

"REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY

"Sec. 510. Not later each year than the date provided in section 507, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the foreign language proficiency of each element of the intelligence community, including—

"(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

"(2) the number of positions authorized for such element that require foreign language proficiency that are filled by—

"(A) military personnel; and

"(B) civilian personnel;

"(3) the number of applicants for positions in such element in the previous fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

"(4) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

"(5) the number of personnel of such element currently attending foreign language training, including the provider of such training;

"(6) a description of such element's efforts to recruit, hire, train, and retain personnel that are proficient in a foreign language; and

"(7) an assessment of methods and models for basic, advanced, and intensive foreign language training.".

(2) Report date.—Section 507(a)(1) of such Act (50 U.S.C. 415b(a)(1)) is further amended by adding at the end the following new subparagraph:

"(L) The annual report on foreign language proficiency in the intelligence community required by section 510.".

(b) Conforming Amendment.—The table of contents in the first section of such Act is further amended by inserting after the item relating to section 509, as added by section 411, the following new item:

"Sec. 510. Report on foreign language proficiency in the intelligence community.".

SEC. 413. INTELLIGENCE COMMUNITY REPORTS ON FOREIGN LANGUAGE PROFICIENCY.

(a) Annual Reports.—

(1) In general.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"ANNUAL REPORTS ON FOREIGN LANGUAGE PROFICIENCY

"Sec. 120. (a) In General.—The head of each element of the intelligence community shall annually submit to the Director of National Intelligence a report on the foreign language proficiency of the personnel of such element.

"(b) Contents.—

"(1) In general.—Each report submitted under subsection (a) shall include, for each foreign language and, where appropriate, dialect of a foreign language—

"(A) the number of positions of such element that require proficiency in the foreign language or dialect;

"(B) the number of personnel of such element that are serving in a position that—

"(i) requires proficiency in the foreign language or dialect to perform the primary duty of the position; and

"(ii) does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

"(C) the number of personnel that are proficient in the foreign language or dialect that—

"(i) are authorized for the element of the intelligence community for which the report is submitted; and

"(ii) the head of such element considers necessary for such element for each of the five years following the date of the submission of the report;

"(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

"(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

"(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

"(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

"(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

"(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States;

"(J) the percentage of work requiring linguistic skills that is fulfilled by contractors; and

"(K) the percentage of work requiring linguistic skills that is fulfilled by members of the Armed Forces.

"(2) Military personnel.—Except as provided in paragraph (1)(K), a report submitted under subsection (a) shall not include personnel that are members of the Armed Forces on active duty assigned to the element for which the report is submitted.

"(c) DNI Report to Congress.—The Director of National Intelligence shall annually submit to the Permanent Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the Senate a report containing—

"(1) each report submitted to the Director of National Intelligence for a year under subsection (a);

"(2) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole; and

"(3) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant.".

(2) Table of contents.—Such Act is further amended in the table of contents in the first section by inserting after the item relating to section 119B the following new item:

"Sec. 120. Annual reports on foreign language proficiency.".

(b) Effective Date.—

(1) Report by heads of elements of the intelligence community.—The first report required to be submitted by the head of each element of the intelligence community under section 120(a) of the National Security Act of 1947, as added by subsection (a)(1), shall be submitted not later than 180 days after the date of the enactment of this Act.

(2) Report by DNI.—The first report required to be submitted by the Director of National Intelligence under section 120(c) of the National Security Act of 1947, as added by subsection (a)(1), shall be submitted not later than 240 days after the date of the enactment of this Act.

Subtitle B—Central Intelligence Agency

SEC. 421. DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) Establishment and Duties of the Position of Deputy Director of Central Intelligence Agency.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 104A the following new section:

"DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

"Sec. 104B. (a) Deputy Director of the Central Intelligence Agency.—There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) Duties.—The Deputy Director of the Central Intelligence Agency shall—

"(1) assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director; and

"(2) act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency, or during a vacancy in the position of Director of the Central Intelligence Agency.".

(2) Conforming Amendment.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 104A the following new item:

"Sec. 104B. Deputy Director of the Central Intelligence Agency.".

(b) Executive Schedule Level III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence and inserting the following new item:

"Deputy Director of the Central Intelligence Agency.".

SEC. 422. GENERAL AUTHORITIES OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking "any of the functions or activities authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)," and inserting "any functions or activities authorized by law to be conducted by the Central Intelligence Agency".

SEC. 423. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CIA.

(a) In General.—Section 503 of the National Security Act of 1947 (50 U.S.C. 413b) is amended by—

(1) redesignating subsection (e) as subsection (g) and transferring such subsection to the end;

(2) by inserting after subsection (d) the following new subsection:

"(e) INSPECTOR GENERAL AUDITS OF COVERT ACTIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Central Intelligence Agency shall conduct an audit of each covert action at least every three years.

"(2) TERMINATED, SUSPENDED PROGRAMS.—The Inspector General of the Central Intelligence Agency is not required to conduct an audit under paragraph (1) of a covert action that has been terminated or suspended if such covert action was terminated or suspend prior to the last audit of such covert action conducted by the Inspector General and has not been restarted after the date on which such audit was completed.

"(3) REPORT.—Not later than 60 days after the completion of an audit conducted pursuant to paragraph (1), the Inspector General of the Central Intelligence Agency shall submit to the congressional intelligence committees a report containing the results of such audit.".

(b) CONFORMING AMENDMENTS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended—

(1) in section 501(f) (50 U.S.C. 413(f)), by striking "503(e)" and inserting "503(g)";

(2) in section 502(a)(1) (50 U.S.C. 413b(a)(1)), by striking "503(e)" and inserting "503(g)"; and

(3) in section 504(c) (50 U.S.C. 414(c)), by striking "503(e)" and inserting "503(g)".

SEC. 424. REPORT ON AUDITED FINANCIAL STATEMENTS PROGRESS.

Section 114A of the National Security Act of 1947 (50 U.S.C. 404i–1) is amended by striking "the Director of the Central Intelligence Agency,".

Subtitle C—Other Elements

SEC. 431. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) by inserting "or in section 313 of such title," after "subsection (a)),".

SEC. 432. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j);

(2) in subsection (g), by striking paragraphs (3) and (4); and

(3) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively.

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking "subsection (f)" each place it appears in paragraphs (1) and (2) and inserting "subsection (e)"; and

(2) in subsection (e)(2), as so redesignated, by striking "subsection (e)(2)" and inserting "subsection (d)(2)".

SEC. 433. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION ELEMENTS IN THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting "the Coast Guard," after "the Marine Corps,"; and

(B) by inserting "the Drug Enforcement Administration," after "the Federal Bureau of Investigation,"; and

(2) in subparagraph (K), by striking ", including the Office of Intelligence of the Coast Guard".

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

SEC. 501. AERIAL RECONNAISSANCE PLATFORMS.

(a) LIMITATION ON TERMINATION OF U–2 AIRCRAFT PROGRAM.—The Secretary of Defense may not begin the process to terminate the U–2 aircraft program until the Secretary certifies in accordance with subsection (b) that there would be no loss of national or Department of Defense intelligence, surveillance, and reconnaissance (ISR) capabilities in transitioning from the U–2 aircraft program to the Global Hawk RQ–4 unmanned aerial vehicle platform.

(b) REPORT AND CERTIFICATION.—

(1) STUDY.—The Secretary of Defense shall conduct a study of aerial reconnaissance platforms to determine whether the Global Hawk RQ–4 unmanned aerial vehicle has reached mission capability and has attained collection capabilities on a par with the collection capabilities of the U–2 Block 20 aircraft program as of April 1, 2006.

(2) REPORT.—The Secretary shall submit to the congressional committees specified in subsection (c) a report containing the results of the study. The Secretary shall include in the report the Secretary's determination as to whether the Global Hawk RQ–4 unmanned aerial vehicle—

(A) has reached mission capability; and

(B) has attained collection capabilities on a par with the collection capabilities of the U–2 Block 20 aircraft program as of April 1, 2006.

(3) CERTIFICATION.—The Secretary shall include with the report the Secretary's certification, based on the results of the study, as to whether or not there would be a loss of national or Department of Defense intelligence, surveillance, and reconnaissance capabilities with a transition from the U–2 aircraft program to the Global Hawk RQ–4 unmanned aerial vehicle platform.

(c) SPECIFIED COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 502. EXTENSION OF NATIONAL COMMISSION FOR REVIEW OF RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) EXTENSION.—

(1) IN GENERAL.—Section 1007(a) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 50 U.S.C. 401 note) is amended by striking "September 1, 2004" and inserting "September 1, 2008".

(2) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect as if included in the enactment of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003.

(b) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated by this Act for the Intelligence Community Management Account, the Director of National Intelligence shall make $2,000,000 available to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community (in this subsection referred to as the "Commission") established under section 1002(a) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2438; 50 U.S.C. 401 note) to carry out title X of such Act.

(2) AVAILABILITY.—Amounts made available to the Commission under paragraph (1) shall remain available until expended.

Subtitle B—Technical Amendments

SEC. 511. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection heading, by striking "FOREIGN"; and

(2) by striking "foreign" each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) in subsection (b), by inserting "of National Intelligence" after "Director".

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

"SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.".

SEC. 512. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking "annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities" and inserting "annual budget for the Military Intelligence Program or any successor program or programs"; and

(2) in subsection (d)(1)(B), by striking "Joint Military Intelligence Program" and inserting "Military Intelligence Program or any successor program or programs".

SEC. 513. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking "section" and inserting "subsection";

(B) in subsection (d)—

(i) in paragraph (3), by striking "subparagraph (A)" in the matter preceding subparagraph (A) and inserting "paragraph (1)(A)"; and

(ii) in paragraph (5)(A), by striking "or personnel" in the matter preceding clause (i);

(C) in subsection (l)(2)(B), by striking "section" and inserting "paragraph"; and

(D) in the heading of subsection (n), by striking "ACQUISITION AUTHORITIES" and inserting "ACQUISITION AND OTHER AUTHORITIES"; and

(2) in section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking "subsection (h)" and inserting "subsection (i)".

SEC. 514. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 485(e)(10)(B)), by striking "Attorney General" the second place it appears and inserting "Department of Justice".

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking "National Intelligence Director" and inserting "Director of National Intelligence"; and

(B) in subsection (h), by striking "National Intelligence Director" and inserting "Director of National Intelligence".

(3) In section 1071(e), by striking "(1)".

(4) In section 1072(b), by inserting "AGENCY" after "INTELLIGENCE".

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting "of" before "an institutional culture";

(B) in subsection (e)(2), by striking "the National Intelligence Director in a manner consistent with section 112(e)" and inserting "the Director of National Intelligence in a manner consistent with applicable law"; and

(C) in subsection (f), by striking "shall," in the matter preceding paragraph (1) and inserting "shall".

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking "the Federal" and inserting "Federal"; and

(B) in paragraph (3), by striking "the specific" and inserting "specific".

SEC. 515. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

"Director of the Central Intelligence Agency.".

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

"General Counsel of the Office of the Director of National Intelligence.".

SEC. 516. TECHNICAL AMENDMENTS RELATING TO TITLES OF CENTRAL INTELLIGENCE AGENCY POSITIONS.

Section 17(d)(3)(B)(ii) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)(B)(ii)) is amended—

(1) in subclause (I), by striking "Executive Director" and inserting "Associate Deputy Director";

(2) in subclause (II), by striking "Deputy Director for Operations" and inserting "Director of the National Clandestine Service"; and

(3) in subclause (IV), by striking "Deputy Director for Administration" and inserting "Director for Support".

SEC. 517. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears in a provision as follows and inserting "National Geospatial-Intelligence Agency":

(A) Section 2302(a)(2)(C)(ii).

(B) Section 3132(a)(1)(B).

(C) Section 4301(1) (in clause (ii)).

(D) Section 4701(a)(1)(B).

(E) Section 5102(a)(1) (in clause (x)).

(F) Section 5342(a)(1)(K).

(G) Section 6339(a)(1)(E).

(H) Section 7323(b)(2)(B)(i)(XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking "National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency".

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking "National Imagery and Mapping Agency" both places it appears and inserting "National Geospatial-Intelligence Agency".

(B) The heading of such section is amended to read as follows:

"§ 1336. National Geospatial-Intelligence Agency: special publications".

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

"1336. National Geospatial-Intelligence Agency: special publications.".

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency".

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(f) OTHER ACTS.—(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

The CHAIRMAN. No amendment to the committee amendment is in order except the amendments printed in House Report 110–144. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 110–144.

AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–144.

Mr. HOEKSTRA. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOEKSTRA:

Strike section 407 (page 24, line 17 through page 26, line 8).

The CHAIRMAN. Pursuant to House Resolution 388, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Madam Chair, I yield myself 2 minutes.

As we have already talked about a number of times in general debate, the base bill includes a provision that directs the Director of National Intelligence to complete a national intelligence estimate on climate change where they shall assess the political, social, agricultural and economic risk during the 30-year period beginning at the date of enactment of this act posed by global climate change.

This is a global study. 30 years, and it is very clear what we want to do with this amendment. We want to make sure that the Intelligence Community stays focused on its priorities which is the threat from radical jihadists, the proliferation and the threats posed by Iran, Syria, North Korea and other countries that over this 30-year period may participate in proliferation, the restructuring of the Intelligence Community, and the rebuilding of HUMINT.

These are the key priorities that the Intelligence Community and the Intelligence Committees have been focused on over the last number of years. We need to continue that focus rebuilding this community, rebuilding the resources and the capabilities while. as it was discussed. the information that is going to be used is public information. The direction in the bill says it will be a public report, so the real question comes: What specific value does the Intelligence Community add to this process that makes it so important that we will divert resources from other key priorities to climate change?

□ 2315

Why can't this be done in other areas of the government where it is already being done, areas that have already been allocated and been spending dollars in these areas over a number of years in what is projected to be over $7 billion of expenditure in these areas in 2008?

Madam Chairman, I reserve the balance of my time.

Ms. ESHOO. I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. Madam Chairman, as I said when I was speaking a little bit ago. and I am going to make some comments about this amendment, I want to set something else down which I think is really important, and that is. that it's not debatable that this is the largest single intelligence authorization in the history of our country.

Now, we are hearing a lot from the other side. hearing a lot from the other side, not enough money. not enough money, not enough money. When did you make any amendments to increase anything in this authorization, with the exception of an earmark with three States specified? That's what you offered, and that's the only thing that you offered.

So I think it's important for the people of our country to know what's going on.

Now, on this amendment that Mr. HOEKSTRA offers, this is not a study of climate change. This is a directive to the intelligence community to assess the impacts of climate change; and most frankly, I would go with the former Army chief of staff, Retired General Gordon Sullivan, who said the national security consequences of global climate change should be fully integrated into the national security and national defense strategies, including a National Intelligence Estimate. Climate change is a national security issue.

Madam Chairman, I yield the balance of my time to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Chairman, I thank the gentlelady for her leadership on this issue.

As the Chairman of the Select Committee on Global Warming, I conducted a hearing 3 weeks ago in which Retired General Gordon Sullivan, speaking for eleven senior retired three- and four-star admirals and generals, released and testified on a report entitled "National Security and the Threat of Climate Change," which called for global warming to be fully integrated into the military and defense planning.

Here's what General Sullivan testified to. He said that he was the Army chief of staff when we lost 19 men in Mogadishu. He testified before the Select Committee on Global Warming that with more drought we will see more disasters such as Black Hawk Down. Drought caused famine, famine caused food relief, food relief caused warlords to fight over it, the warlords fighting caused the U.S. to intervene, and 19 U.S. fighting men were killed. He added, and I quote, that the same thing is what is driving Darfur and there has to be some recognition that these issues are at the heart environmentally related.

These are men who have dedicated their lives to protecting our country. They are asking us to do a National Intelligence Estimate about what the impact is of climate leading to drought, leading to famine, leading to conflicts, leading to the American military or other of our allies having been dedicated to preserving the peace. That is no small request from 11 retired three-star generals and admirals.

Ms. ESHOO. Madam Chairman, I believe our time has expired?

The CHAIRMAN. The gentlewoman has 1½ minutes remaining.

Ms. ESHOO. Madam Chairwoman, let me just close out this very important debate, and it is important to have a debate. It's very important to have a debate.

In listening to it, I see two things: one, a rearview mirror, looking to the past, people that are sincere, but nonetheless I think are sticking their heads in the sand. When we see whole populations, massive movement of populations, moving across borders because of drought, moving across borders because of disruption, they cause national security issues. We know that.

This debate is about the future, and I understand why some have trouble seeing the future and even embracing it, much less harnessing it.

Mr. MARKEY. Madam Chairman, will the gentlewoman yield?

Ms. ESHOO. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Madam Chairman, I thank the gentlelady for yielding.

It is not inappropriate for the CIA to tell us how the increasing scarcity of water could exacerbate the very failed state conditions which breed terrorism. It is not politically correct to want the military services to know how polar ice melt could alter the patrols of our submarines or how rising sea levels could threaten not only our naval facilities but also our crucial shipbuilding infrastructure.

It is not pre-9/11 mindset that wants to study how our ability to project power from the Pacific would be damaged if our crucial air base at Diego Garcia, average elevation 4 feet above sea level, changes from a land-based stationary aircraft carrier to a sub-sea ruin.

That is in the interest of the national security of our country.

Mr. HOEKSTRA. Madam Chairman, I yield myself the balance of my time.

I think as you listen to the discussion, the question almost answers itself because the primary question hasn't been answered: Exactly what are we going to task our spy satellites to do? Exactly what are we going to task our human collectors to do?

The statistics are very, very obvious in terms of climate change, and there's lots of different, competing ones. Exactly what secrets, with limited resources, are we going to task the intelligence community to go out and collect? And precious analysts that are taking a look at northern Africa and trying to determine exactly what the footprint is of al Qaeda in Algeria and Morocco, Nigeria, other parts of Africa, are we going to ask the CIA stations in those areas to take their time and dedicate it to studying climate change for the next 6 months? It's a totally new task.

We have a community that at this point is not even a global community. So we are going to dedicate precious resources instead of expanding the reach of our intelligence community into places where we are not at today, the bigger emphasis is going to be giving them a totally new and different assignment?

Instead of tasking our satellites to take a look at exactly what the proliferation capabilities are in China or North Korea, we are going to task them to look somewhere else even though that same kind of capabilities may be available from commercial imagery? Exactly what information does the intelligence community, I mean, it's our business to steal secrets, to find out what the plans and intentions are of those who want to attack the United States. This is information.

There are hundreds and probably thousands of people that are very skilled at investigating climate change, predicting what may happen in certain regions of the country and certain regions of the planet, and they are not in the intelligence community. These people have their plate full. The threats are real. We should not diminish the threats. The information is in the public. These are two missions that do not come together.

Studying climate change can be done by other government agencies. Stealing the secrets of al Qaeda and North Korea, Iran, other parts of the world, that is the job of the intelligence community. Let them focus on the job that we need them to do. Support this amendment and strike this National Intelligence Estimate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOEKSTRA. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. HOLT

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–144.

Mr. HOLT. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HOLT:

At the end of title III (page 16, after line 25), add the following new section:

SEC. 309. MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.

The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting ", including an assessment of the need for any modification of this title for the purpose of improving legal protections for covert agents" after "measures to protect the identities of covert agents".

The CHAIRMAN. Pursuant to House Resolution 388, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Madam Chairman, I yield myself such time as I may consume.

The amendment I am offering would require the President, through the Director of National Intelligence, to report annually to Congress on the need for any modification to the Intelligence Identity Protection Act to improve legal protection for covert agents. This report, along with other oversight work the committee will undertake, will help us establish what measures need to be taken to minimize the chances in the future of compromising the identities of covert operatives.

These men and women take enormous risks on our behalf. Their covers are their only protection when they are working overseas. We owe them everything we can do to ensure that their identities are protected from exposure both from hostile intelligence services or even from exposure within our own government by those who would seek to retaliate against them for speaking truth to power.

This grew out of my consideration, trying to draw lessons from what has become a well-publicized example of the outing of a former CIA officer. In previous Congresses, on eight separate occasions in committees and on this floor, the then-majority voted down every effort to obtain information on this matter; and as I repeatedly noted at those times, Mr. Fitzgerald's criminal inquiry could never address some of the key questions that we sought answers to: How and why did Ms. Valerie Plame's cover status come to be known to those with no legitimate need to know? How much damage was done to our intelligence collection efforts as a result of the outing of Ms. Plame? What measures has the Central Intelligence Agency and now the Director of National Intelligence taken to prevent similar compromises in the future?

It appears that nothing has changed. So this sort of thing could happen again. It's important that we take steps to protect, as I say, the only protection that these covert agents have if they are in dangerous positions overseas.

So that is the point of this amendment, and I seek the approval of the House.

Madam Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chairman, I would ask unanimous consent to claim the 5 minutes in opposition to this amendment, although I will not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. HOEKSTRA. Madam Chairman, as I indicated, I agree with the gentleman's amendment, and I will vote for his amendment. However, I wish that as we were talking about leaks that we were discussing this in a much broader context.

The issue of leaks has been something that has been plaguing the community for an extended period of time, so we were not just talking about the leaks of personal identities. We would be talking about the leaks of programs and tactics and strategies that were being used by the intelligence community and used effectively to keep America safe.

We have had far too many leaks of highly classified information, and some of us would believe that as you take a look at some of these leaks, some would say that they perhaps have been made for political purposes.

The gentleman's focus on the identities of covert CIA officers is commendable, but should include the loss of capabilities because of other leaks as well.

□ 2330

Madam Chairman, I reserve the balance of my time.

Mr. HOLT. Madam Chairman, I yield back the balance of my time.

Mr. HOEKSTRA. Madam Chairman, I yield myself the balance of my time.

I support the gentleman's amendment. I am glad that we are able to work through this one. I am hoping that, as we move forward into the rest of this year, we will be able to develop a process that will enable us to more effectively go after all of the different kinds of leaks that the community and the country have suffered from over the last number of years.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. THOMPSON OF CALIFORNIA

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-144.

Mr. THOMPSON of California. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. THOMPSON of California:

At the end of subtitle A of title IV (page 39, after line 16), add the following new section:

SEC. 414. REPORT ON PERSONNEL OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing—

(1) the number of intelligence collectors and analysts employed or contracted by each element of the intelligence community; and

(2) a plan to maximize the number of intelligence collectors employed or contracted by the intelligence community.

(b) LIMITATION ON PERSONNEL.—

(1) LIMITATION.—Subject to paragraph (2), but notwithstanding any other provision of this Act (including the classified Schedule of Authorizations referred to in section 102(a)), the Office of the Director of National Intelligence is authorized not more than—

(A) the number of personnel employed or contracted by such Office as of May 9, 2007; and

(B) an additional 15 percent of such number of personnel employed or contracted by such Office as of May 9, 2007.

(2) TERMINATION OF LIMITATION.—The limitation on the number of personnel authorized for the Office of the Director of National Intelligence under paragraph (1) shall no longer apply on or after the date on which the report required under subsection (a) is submitted.

The CHAIRMAN. Pursuant to House Resolution 388, the gentleman from California (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMPSON of California. Madam Chairman, I yield myself as much time as I may consume.

This Congress created the Director of National Intelligence so he and a core staff could manage the activities of the different intelligence agencies. Congress did not intend to create a new bureaucracy.

Nevertheless, the office has expanded in size. Many members of the Intelligence Committee, myself included, as well as other colleagues in the House, are concerned that this growth will complicate, rather than streamline, the activities of the intelligence communities. Some Members have proposed limiting the number of people who can work for the DNI in order to stem this growth.

But I believe that such a measure, while satisfying on the surface, would have harmful consequences. It would eliminate a large number of analysts and planners, the experts who actually perform the core intelligence functions, not middle managers and bureaucrats.

The harshest impact would fall on DNI elements like the National Counterterrorism Center, which analyzes terrorism information and plans counterterrorism operations. This would happen because there are plans in play to shift personnel to this specific task. If this other amendment were to pass, it would truncate these very important efforts. These are the people who play critical roles in our efforts to combat terrorism, and our operators around the world cannot do their jobs without this critical backstopping. Preventing the DNI from adding staff to these missions would gut key counterterrorism capabilities.

The real issue, though, is not simply the number of people who appear on the DNI's balance sheet, the challenge is to have fewer people sitting behind desks in Washington and to place more intelligence officers in the field. This is a goal that I think we all share, even those with a competing amendment. They need to be in the field where they can collect needed intelligence and where they can catch terrorists.

The Intelligence Authorization Act will fund increases in the number of intelligence collectors at many agencies, but there is still not enough. To push the Intelligence Committee to get its staff out of the office and into the field, the amendment that I am offering would freeze the number of people working for the DNI at the level specified in the fiscal year 2007 Intelligence Authorization Act that was passed by this House.

The freeze wouldn't be lifted until the Director of National Intelligence provides the committee, the Intelligence Committees, one, a report on the number of analysts and collectors in each element of the Intelligence Community, and two, a plan to maximize the number of collectors across the community. This plan must be provided within 120 days of enactment.

With this information, the Intelligence Committee will be able to work with the DNI to ensure that he has the right mix of collectors, analysts, technical experts and other staff, and we will be able to press the DNI and the individual intelligence agencies to accelerate the recruitment, the training and the deployment of core collectors.

This amendment will enhance congressional oversight of intelligence activities and result in improvements to the Intelligence Community's ability to collect critical intelligence.

I am willing to work with, and we have worked with my colleague and friend from the committee on this issue. I believe that this amendment is the one that will allow us to best collect the information so we can, in fact, put together the best policy for America.

Madam Chairman, I reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. ROGERS of Michigan. Madam Chairman, I yield myself such time as I may consume.

I have the utmost respect for the gentleman. We have had long conversations or at least short interrupted conversations over the past several days and in committee. I thought we had a fairly spirited debate in the Intelligence Committee about this very issue.

The good thing is we agree this thing has exponentially grown, not the direction Congress intended. It was supposed to be a small, efficient organization that was coordinating and not inhibiting agencies from doing their work.

I reluctantly, as we talked earlier, oppose this amendment, because really all it does is say give me another report, and you can grow as much as you want in 2008. This is what the staggering number is here. The number itself is classified, but it is over 37 percent growth from where they are right now to 2008, in headquarters.

Now, they are not catching one spy. They are not recruiting one asset. They are not out analyzing any particular image from the sky. They are getting more in boxes. They are getting more in computers. They are getting more bureaucracies and personnel staff and all of the other things that go along with growing your headquarters. That is all happening.

When you travel around the world, the folks who are out there at the front end of this store, the analysts and the case officers, will tell you, please, enough already, because they took all of those analysts out of that community.

Remember, it takes 5 to 7 years to get somebody to where they are really effective in this community. It's very difficult work.

Mr. HASTINGS of Florida. Would my colleague yield?

Mr. ROGERS of Michigan. I would gladly yield.

Mr. HASTINGS of Florida. I thank you, and I have enormous respect for a colleague who has offered an amendment where it appears we are competing.

But I agree our amendment, after his, does, I believe, what is necessary, and that is to answer the question that a lot of us have with reference to the efficiency and effectiveness of the National Director of Intelligence.

If I could just share one brief anecdote. When the war on poverty began in the area that I live in, I was the attorney and original scrivener of the development of the program. When that program came into existence, within a year they had seven employees. They were extremely effective.

They grew in 6 years to 1,500 employees, and they became much less effective, totally disrespected and in disarray. I am fearful that the same thing will happen here.

I thank my colleague for yielding.

Mr. ROGERS of Michigan. Reclaiming my time. I don't know if I can say it any better. I hope to work with the gentleman in committee. I wish you would consider this.

One point I think it is very important to make, this does not cut one analyst. They didn't even make all the hires they requested in 2007. Then they came back and asked for a significant increase in 2008, didn't even hire all the people from 2007. So the notion that they put forward that this somehow cuts the analyst doing counterterrorism work is wrong.

It scares me more that this bureaucracy is so hell bent on protecting itself that it would make that claim. That's why I think we need to send this message, work with them to make this right sized, so we provide value added to the people risking their lives around the world.

Madam Chairman, I yield back the balance of my time.

Mr. THOMPSON of California. Madam Chairman, again, I just want to reiterate the fact that we all share the same goal, and that's to get these folks out from behind the desk and into the field. I have tremendous respect for my colleague and friend, Mr. ROGERS. He actually has real time in the field doing this work. He knows how important that is to have folks out in the field.

As he and my other good friend and colleague, Mr. HASTINGS, has said, we all have the same goal, it's just, how do we get there?

We believe that by putting this freeze in place, requiring this information be provided to the committee, will allow us to best analyze this, know where these folks are and force the DNI to put them in the right spots.

The only other thing I would like to add is that it's important to note that the majority of this growth consists of transferring personnel who already work or should work for the DNI on to their books for better management and oversight.

I ask for your support of this amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. THOMPSON).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. ROGERS OF MICHIGAN

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–144.

Mr. ROGERS of Michigan. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ROGERS of Michigan:

Page 5, line 19, strike "The amounts" and insert "Subject to section 106, the amounts".

Page 6, line 9, strike "With the approval" and insert "Subject to section 106, with the approval".

Page 7, line 11, strike "The elements" and insert "Subject to section 106, the elements".

Page 8, line 5, strike "In addition" and insert "Subject to section 106, in addition".

At the end of title I (page 10, after line 2), add the following new section:

SEC. 106. LIMITATION ON NUMBER OF PERSONNEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Notwithstanding any other provision of this Act, the Office of the Director of National Intelligence is authorized only the number of personnel as were serving in such Office on May 1, 2007.

The CHAIRMAN. Pursuant to House Resolution 388, the gentleman from Michigan (Mr. Rogers) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. ROGERS of Michigan. Madam Chairman, I yield myself such time I may consume.

I want to thank Mr. Hastings for working with me on this amendment. We have watched this thing for 3 years, and we have watched it pretty closely. We all want it to succeed. There are some really dedicated and committed people really trying to make this thing work.

But one thing I have learned here in watching it in Washington, D.C., and going out to the field, where these case officers, the young ones, the middle-ranged ones and the older ones in the field, you can get a lot of insight about what happens between the difference of between there and back here.

We have seen, I thought, a very poor performance. I have had this conversation with many of my colleagues here about their briefings, about this increase, and what they really performed, and what their mission set was. There are some things that they do and do well and are value-added.

But this exponential growth, at the expense of analysts and officers in the field, I think is the wrong direction. I think it's so important that we make this statement to them that enough is enough.

They brought in, remember, everyone of those analysts came from an agency that's doing targeted work, the counterterrorism center at the CIA. They were doing real work, targeting bad guys, identifying, putting them on lists, trying to get our guys to bring them to justice.

What happened then is they disrupted some of those operations, brought those people in, and started tasking back to the people in the field. That's not value-added; it's just not.

We can live with this if we can work out the kinks. As a matter of fact, Senator McConnell said, he thought the thing was getting a little bit too big. He didn't really influence this budget, 37 percent increase. We must do better by the people in the field, 5 to 7 years to train a case analyst and an officer.

Madam Chairman, I yield to my good friend from Florida (Mr. Hastings).

Mr. HASTINGS of Florida. I thank my friend from Michigan and am pleased to sponsor this amendment with him.

Madam Chairman, when Congress established the National Director of Intelligence, it fulfilled one of the 9/11 Commission recommendations to centralize and concentrate the filtering of intelligence. Since its inception, however, the Office of the Director never realized its potential, growing in size with indication of limited long-term planning. As a result, many of us who are familiar with the office question its efficiency and effectiveness.

Capping the size of the ONDI is a responsible manner by which Congress can and should go about holding the administration accountable for its decisions and actions. This is not, as some might suggest, an anti-NDI amendment.

On the contrary, my friend, Mr. Rogers, and my amendment, is the much-needed solution for Congress to reassert its oversight authority over the Office of the Director of National Intelligence. For too long, Congress has abdicated its oversight authority and responsibility when it comes to American intelligence.

This amendment says to the administration that, while we support your efforts, we will not give you a blank check with which you could continue to grow a new bureaucracy before we know what you are doing with what you already have. A bigger bureaucracy does not make better intelligence.

I ask my colleagues for their support of the Rogers-Hastings amendment and ask them to join us in holding America's Intelligence Community accountable for its work.

Mr. ROGERS of Michigan. Reclaiming my time, I just thank the gentleman for his work and effort on this, and kind of us coming together on this conclusion over the past 3 years watching this process. Again, this is not anti-DNI. We think it serves a valuable purpose, but it is getting too big too fast.

Again, this does not cut one analyst from doing work in this country, not one. They couldn't even fill the slots we have for 2007 before they came back and said we have to get even bigger next year.

I reserve the balance of my time.

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Mr. REYES. Madam Chair, I claim the time in opposition to this amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. REYES. Madam Chair, I have tremendous respect for both of my colleagues, and they know that they have my commitment that we will continue to do aggressive oversight, because I do understand the concerns that they have about Office of the DNI and the way that it has grown and become too large. And while I support the goal of the amendment, I don't necessarily think this is the best way to proceed.

The amendment, I believe, will have unintended consequences. For example, though the intent of this amendment is to limit the layers of unnecessary bureaucracy, this cap would actually eliminate large numbers of analysts and planners, with the harshest impact falling on the National Counterterrorism Center, which analyzes terrorism information and plans counterterrorism operations. It would also have the unintended consequence that it would eliminate personnel from the National Counterproliferation Center and the Office of Privacy and Civil Liberties.

In addition, this amendment would force the DNI to fire anyone hired between May 1 and the date of the enactment of this bill, preventing the DNI from increasing capacity in priority areas.

It is important, I believe, to note that this amendment would not cap the number of billets; it would cap the total number of people. Any currently unfilled billets would have to remain unfilled. This could negatively impact the DNI's ability to perform vital functions.

Finally, I would ask my colleagues to consider that we do have, as Mr. Rogers said, a new DNI, and he deserves an opportunity to do the kinds of things that he has articulated to our committee. He is reorganizing his office, and I believe that we need to give him the flexibility needed to make those changes, while at the same time aggressively pursuing the oversight that is the responsibility of our committee.

So, for those reasons, I reluctantly would oppose this amendment.

Mr. HASTINGS of Florida. Madam Chairman, will the gentleman yield?

Mr. REYES. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. I know the chairman knows of my immense respect for his perspective, and I appreciate very much what you have said with regard to how you would carry forth the intent of mine and Mr. Rogers' amendment, as well as Mr. Thompson's, in capping this.

What I say to you, Mr. Chairman, is I don't know in all of my experience of any bureaucrat, I respect the new DNI director, but I don't know of any bureaucrat that has ever said, I don't need no more people. And I also know for a fact that, in this particular case, in the standing up of this particular directorate what has happened is it has impacted already the infrastructure by virtue of the persons that have already moved to that agency. The now-CIA Director came from NSA to that deputy position. And I could go on and on and on without giving forth that. And that is what we are trying to stop.

What you do when you want to cut bureaucracy is you say to them, stop right where you are. Now, they will be back, and we will then do the oversight necessary in order to give them an opportunity to grow the way that they should rather than the way that they have been exponentially.

Mr. REYES. I thank my good friend and colleague. And reclaiming my time, again, we want to accomplish the same goal. We just have a difference of opinion on how we are going to do it. But it will get done, and it will get done by this committee this year. So, again, I have deep respect and admiration for both my colleagues.

Mr. ROGERS of Michigan. Madam Chair, I just want to clarify again, there is no one to be cut, with all due respect to my chairman. What they are talking about is what they have future planned, which would be pulled from the community as it stands now. It would actually allow the DNI to reprioritize the folks that he has in that shop. And many of my colleagues will remember that the number that the DNI gave was lower than the number that is even in Mr. HASTINGS' and my amendment. He thinks it is too big.

So there won't be any cuts, there won't be any jeopardizing of security, there won't be any analysts that get home once they are employed and fully engaged. They may go back to doing counterterrorism work, but they will not be sent home.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROGERS of Michigan. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. FOSSELLA

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–144.

Mr. FOSSELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FOSSELLA:

At the end of the bill, add the following new title:

TITLE VI—COMMUNICATION OF INFORMATION CONCERNING TERRORIST THREATS

SEC. 601. IDENTIFICATION OF BEST PRATICES.

(a) STUDY.—The Secretary of Homeland Security and the Director of National Intelligence shall conduct jointly, or contract with an entity to conduct, a study of the operations of Federal, State, and local government entities to identify best practices for the communication of information concerning a terrorist threat.

(b) CONTENTS.—

(1) IDENTIFICATION OF BEST PRACTICES.—The study conducted under this section shall be focused on an analysis and identification of the best practices of the information sharing processes of the following government entities:

(A) Joint Terrorism Task Forces, which are operated by the Federal Bureau of Investigations with the participation of local law enforcement agencies.

(B) State Homeland Security Fusion Centers, which are established by a State and share information with Federal departments.

(C) The Homeland Security Operations Center, which is operated by the Department of Homeland Security for the purposes of coordinating information.

(D) State and local law enforcement agencies that collect, utilize, and disseminate information on potential terrorist attacks.

(E) The appropriate elements of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) involved in the sharing of counter-terrorism information.

(F) The Interagency Threat Assessment Coordination Group at the National Counterterrorism Center.

(2) COORDINATION OF GOVERNMENT ENTITIES.—The study conducted under this section shall include an examination of methods for coordinating the activities of Federal, State, and local entities in responding to a terrorist threat, and specifically the communication to the general public of information concerning the threat. The study shall not include an examination of the sources and methods used in the collection of the information.

(c) OBTAINING OFFICIAL DATA.—In conducting the study, the Secretary, in conjunction with the Director, with due regard for the protection of classified information, may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out this section. Classified information shall be handled through established methods for controlling such information.

(d) TEMPORARY DUTY OF FEDERAL PERSONNEL.—The Secretary, in conjunction with the Director, may request the head of any department or agency of the United States to detail to temporary duty personnel within the administrative jurisdiction of the head of the department or agency that the Secretary may need to carry out this section, each detail to be without loss of seniority, pay, or other employee status.

(e) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary, in conjunction with the Director, shall submit to Congress a report that contains—

(A) a detailed statement of the findings and conclusions of the study, including identification of the best practices for the processing, analysis, and dissemination of information between the government entities referred to in subsection (b)(1); and

(B) recommendations for a formalized process of consultation, communication, and confidentiality between Federal, State, and local governments, incorporating the best practices of the various entities studied, to facilitate communication and help prevent the unauthorized dissemination of information and criticism of decisions concerning terrorist threats.

(2) CLASSIFIED INFORMATION.—To the extent determined appropriate by the Secretary, in conjunction with the Director, the Secretary may submit a portion of the report in classified form.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2008.

SEC. 602. CENTERS OF BEST PRACTICES.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Director of National Intelligence, shall make grants for the establishment and operation of 3 centers to implement the best practices, identified by the study conducted under section 601, for the processing, analysis, and dissemination of information concerning a terrorist threat (in this section, each referred to as a "Center").

(b) LOCATION OF CENTERS.—In carrying out subsection (a), the Secretary, in consultation with the Director, shall make grants to—

(1) the State of New York for the establishment of a Center to be located in New York City;

(2) the State of Michigan for the establishment of a Center to be located in Detroit; and

(3) the State of California for the establishment of a Center to be located in Los Angeles.

(c) PURPOSE OF CENTERS.—Each Center shall—

(1) implement the best practices, identified by the study conducted under section 601, for information sharing concerning a terrorist threat;

(2) coordinate the communication of these best practices with other metropolitan areas;

(3) coordinate with the Secretary and the Director to develop a training curriculum to implement these best practices;

(4) provide funding and technical assistance to other metropolitan areas to assist the metropolitan areas in the implementation of the curriculum developed under paragraph (3); and

(5) coordinate with the Secretary and the Director to establish a method to advertise and disseminate these best practices.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under this section—

(1) $10,000,000 for fiscal year 2008 for the establishment of the Centers; and

(2) $3,000,000 for each of fiscal years 2009 through 2013 for the operation of the Centers.

(e) REPORT TO CONGRESS.—Not later than March 31, 2010, the Secretary, in consultation with the Director, shall submit to Congress a report evaluating the operations of the Centers and making recommendations for future funding.

The CHAIRMAN. Pursuant to House Resolution 388, the gentleman from New York (Mr. FOSSELLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. FOSSELLA. Madam Chair, I yield myself such time as I may consume.

On October 6, 2005, New York City was once again the site of a potential terrorist attack, an apparent plot to hide bombs in baby strollers, briefcases, and packages and set them off in the city's subways. Unfortunately, New Yorkers who tuned in to the news that day for information received conflicting messages.

On one hand, local officials announced that a credible threat was aimed at the city's subway system; on the other hand, Federal officials downplayed the severity of the threat, even describing it as "specific yet noncredible."

The incident in New York was not isolated. Just weeks later, Federal officials responded to a bomb threat in the

I–95 tunnel in the Baltimore Harbor, a threat that local officials learned about from the news media. The information was either credible or not credible, but it certainly wasn't both.

I strongly support efforts by antiterrorism forces at the Federal, State, and local levels; but it disturbed me, and I am sure others, to watch the confusion that unfolded in these situations.

Where improvement is needed is how different levels of government interact with each other when terrorist threats are elevated. Everyone needs to be on the same page and, when credible threats occur, the public needs to be informed in a coordinated manner. In short, what is needed is a 911 call center for first responders.

To achieve that, my amendment works as follows: authorizing a study to be conducted by the Secretary of Homeland Security and the Director of National Intelligence to identify the problems and the successes of terrorist threat information sharing among the different levels of government;

Recommends a formalized process for that sharing;

And authorizes centers of best practices spread throughout the country, and would allow local governments, State and others, to interact and to share that information.

Because not every city, as we know, can dedicate resources to developing advanced techniques to fight terrorism, the Centers for Best Practices would be on the front lines providing advice to every city and State in our Nation on the most effective strategies to protect their citizens from new attacks.

This amendment would ensure an enhanced level of coordination on communicating terrorist threats to the public. But while it comes to matters of national security, our government must speak with one voice, a knowledgeable voice that can provide accurate information to the American people. Government cannot send conflicting messages at such critical times.

Last year during debate of this bill, the House approved this amendment by voice vote; and I notice the gentlelady from California who is here, Ms. HARMAN, said it probably best. She said at the time, We not only need to share information better horizontally, a point we have been making in this committee and one of the reasons we set up the Director of National Intelligence, but we need to share it better vertically. Some of the best ideas are in our hometowns and some of the best people to try to keep us safe are in our hometowns.

I support the Fossella amendment. It will help us through the establishment of Centers of Excellence to develop best practices to share information horizontally and vertically, and give best information to those in our hometowns trying to protect us.

Madam Chair, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. LEE

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–144.

Ms. LEE. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. LEE:

At the end of subtitle A of title V (page 48, after line 5), add the following new section:

SEC. 503. REPORT ON AUTHORIZATION TO OVERTHROW DEMOCRATICALLY ELECTED GOVERNMENTS.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to the congressional intelligence committees a report describing any authorization granted during the 10-year period ending on the date of the enactment of this Act to engage in intelligence activities related to the overthrow of a democratically elected government.

The CHAIRMAN. Pursuant to House Resolution 388, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Madam Chair, first let me thank the Chair of the Intelligence Committee and my friend from my hometown of El Paso, Texas (Mr. REYES) for his support of this amendment and also for his tremendous leadership as Chair of this committee. And I know the hour is late, so I will keep this short.

Madam Chair, this amendment is simple and noncontroversial. It merely requires the President to submit a report to the House and Senate Intelligence Committees describing any authorization granted over the last 10 years to engage in intelligence activities related to the overthrow of democratically elected governments.

We all recognize that democracy promotion is at the top of this administration's agenda; and I believe that there is no question that supporting democracy is and should be a nonpartisan issue that we all can agree on. It is, quite simply, fundamental to who we are as a people and what we stand for as a Nation.

But we must be vigilant and safeguard against any actions that would undermine or threaten our abilities to really practice what we preach, and it is clear that actions that undermine democracies also undermine our credibility in the world. Furthermore, it affects our ability to be viewed as a serious and legitimate agent of democracy.

So if the support of people seeking democratic governance and democracy is to really remain a critical pillar of our foreign policy, we must ensure that we do not interfere with democratically elected governments. Who will believe us if our actions are inconsistent with our words? And how successful will we be as a Nation in achieving our goals?

So tonight I offer this amendment to support and protect our efforts in upholding democracy and to help ensure that our actions are really consistent with our values.

Madam Chair, I want to conclude by thanking you again for your support, and I want to strongly urge all of my colleagues here today to continue to stand up for democracy and for transparency by supporting this amendment.

Madam Chair, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chair, while I will not oppose the amendment, I ask unanimous consent to control the 5 minutes in opposition to the amendment.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. HOEKSTRA. Madam Chair, I yield myself such time as I may consume.

I would like to thank my colleague Ms. LEE for working over the last couple of years to get to the point where we have got an amendment that I still have a little bit of unease with, but I will not oppose the amendment, and look forward to continuing to work with her and my colleagues on the other side of the aisle as we do the oversight necessary of what goes on in the intelligence community.

Madam Chair, I yield back the balance of my time.

Ms. LEE. Madam Chair, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. Madam Chair, I just want to thank the gentlelady for offering this amendment and offer my support. I think it is an important amendment.

Ms. LEE. Madam Chair, if there are no additional speakers, I close by once again thanking all of our leadership on both sides of the aisle. And I want to especially thank Congresswoman HARMAN for her past leadership and support of these efforts to make sure that we were able to get to this point today.

Madam Chair, I yield back the balance of my time.

The CHAIRMAN: The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. PRICE OF NORTH CAROLINA

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–144.

Mr. PRICE of North Carolina. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. PRICE of North Carolina:

Page 33, after line 13 insert the following new subsections:

(d) USE OF CONTRACTORS FOR INTELLIGENCE ACTIVITIES.—

(1) REPORT.—Not later than April 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a report on personal services activities performed by contractors under the National Intelligence Program and, at the discretion of the Director of National Intelligence, the Military Intelligence Program. Such report shall include—

(A) an inventory of the types of functions and activities performed by contractors in fulfillment of contracts for each element of the intelligence community;

(B) a description of any relevant regulations or guidance issued by the Director of National Intelligence or the head of an element of the intelligence community relating to minimum standards required regarding the hiring, training, security clearance, and assignment of contract personnel;

(C) an assessment of costs incurred or savings achieved by awarding contracts for the performance of such functions referred to in subparagraph (A) instead of using full-time employees of the elements of the intelligence community to perform such functions;

(D) a description of the types of functions or activities that the Director of National Intelligence considers appropriate to be carried out by contractors;

(E) a description of the types of functions or activities that the Director of National Intelligence considers inappropriate to be carried out by contractors;

(F) an assessment of the appropriateness of using contractors to perform the activities described in paragraph (2); and

(G) an estimate of the number of contracts, and the number of personnel working under such contracts, related to the performance of activities described in paragraph (2).

(2) ACTIVITIES.—Activities described in this paragraph are the following:

(A) Intelligence collection.

(B) Intelligence analysis.

(C) Covert actions.

(D) Interrogation of a person detained, imprisoned, or otherwise held in the custody or under the control of the United States Government.

(E) Support for the detention, imprisonment, or holding of a person under the custody or control of the United States Government, including activities relating to the detention, transfer, or transportation of such person across international borders.

(F) Conduct of electronic or physical surveillance or monitoring of United States citizens in the United States.

(3) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

The CHAIRMAN. Pursuant to House Resolution 388, the gentleman from North Carolina (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PRICE of North Carolina. Madam Chair, I rise to offer an amendment on behalf of Ms. SCHAKOWSKY and myself that would complement the provisions already in this bill related to the use of private contractors by intelligence agencies.

I applaud Chairman REYES for his leadership in addressing many key questions associated with the use of contractors. Last year, I stood at this podium and proposed an amendment that would have required an extensive look at these questions: How extensively are contractors being used? What types of activities are appropriate for contractors? How are they held accountable? Are they achieving savings for the American people? And what are the impacts of contracting on the intelligence workforce?

My amendment passed the House, but the other body did not act on the bill. This year, Chairman REYES has included language in his bill that addresses many of these questions, and I am grateful for his leadership.

I also want to acknowledge the efforts of the new Director of National Intelligence, Michael McConnell, who has begun an examination of the questions raised by my amendments last year. He and his staff have just completed a community-wide survey of contracting and are reportedly working on a strategic workforce plan. These efforts are important first steps.

Our amendment today focuses on additional aspects of this situation that have not yet been addressed, aspects that are absolutely critical.

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There's a legitimate debate in the Intelligence Community about how contractors should be used. Our amendment simply asks the Intelligence Community to respond to three basic questions underlying this debate.

First, what functions may contractors appropriately perform for the intelligence communities, and what tasks should be viewed as inherently governmental? For example, should they be involved in intelligence collection? Should they be involved in analysis? What about interrogation? What about covert operations? Are there some activities that are so sensitive that they should only be performed by highly trained Intelligence Community professionals?

Secondly, how should contractors be vetted and trained?

And thirdly, how can we ensure that contractors are as accountable for their actions as Federal intelligence professionals are?

Madam Chairman, service contracts, in some instances, represent an acceptable and efficient use of taxpayer dollars. But a decision to use contractors should be made deliberately based on a careful analysis of the issues raised by this amendment. This is true for any use of private contractors. But it is particularly necessary in the context of sensitive Intelligence Community activities.

I urge my colleagues to support our amendment.

Madam Chairman, I yield 2 minutes to my colleague from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding to me, and I thank him for his leadership on this important amendment.

After the Cold War, the use of contractors began to grow, and their use exploded after September 11, 2001. Contractors now do more than just build military equipment and satellites. They also provide security, collect and analyze intelligence, provide technical support, and even perform planning and management tasks.

Mr. PRICE's amendment requires a review of what contractors are doing and, importantly, whether contractors are performing inherently governmental functions. There are some activities so sensitive that, if and when they are done, we must determine whether or not it is appropriate to contract these activities out.

In some cases, U.S. contractors' actions have caused great controversy. The Lincoln Group's contract to plant positive news stories in Iraq raised questions about manipulation of the Iraqi media. Dave Passaro, a CIA contractor was convicted of four counts of assaulting an Afghan detainee who later died. Contractors were implicated in the detainee abuse cases at Abu Ghraib.

These activities are controversial enough on their own, and if the U.S. engages in them, we should do so while accepting full responsibility and not hide behind contractors.

The Price-Schakowsky amendment would ask the DNI to review whether it is appropriate for contractors to engage in intelligence collection, analysis, covert actions, interrogations, detentions, rendition or electronic surveillance.

This is an important amendment, and I urge its adoption.

Mr. PRICE of North Carolina. Madam Chairman, I thank my colleague for her leadership on this amendment and on this issue. For a long time now she has helped this House focus on the use of private contractors.

Madam Chairman, I reserve the balance of our time.

Mr. HOEKSTRA. Madam Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. HOEKSTRA. I reluctantly rise in opposition to the amendment, recognizing that it's very similar to an amendment that we actually accepted last year. And the reason we reluctantly accepted it last year, we had a high degree of confidence that if we got into a conference, we would be able to work with the author of the amendment to take a look at it and to make sure that what was finally in a conference report in a bill that we were looking forward to sending to the President would make sure that we took care of some the redundancies and some of the burdensome elements of the amendment. And without necessarily having that same assurance this year, I reluctantly oppose the amendment.

I think that it is absolutely critical that we do measure the accountability and the performance of our contractors, but much like last year, we are concerned about the redundancy, the bureaucracy that may result if this amendment becomes law in its present form. It could add significant cost to the contractors as they serve and provide services to the Intelligence Community.

So I hope as we go through this process that we will be able to make sure that we work on a bipartisan basis, that we work with the community, that we work with the ODNI to structure this in such a way that both of the requirements are met, that we see and get the performance and, at the same time, that we don't burden contractors or the ODNI with additional bureaucracy.

With that, I'll yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, as a matter of fact, this amendment is drafted very carefully to avoid redundancy. It's crafted to deal with a separate area, a different area from those areas covered in the bill itself. And it mandates a reporting requirement, not to add work to the Executive Branch; to ensure that we get the information we need to do our job. Surely, no one would argue that Congress shouldn't be able to assess whether our approach to intelligence is effective or to conduct oversight on the way billions of dollars in taxpayer funds are expended each year. We're not establishing new regulations. We are simply requiring contractors to report on their activity.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. PRICE).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MS. BERKLEY

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110-144.

Ms. BERKLEY. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. BERKLEY:

At the end of subtitle A of title IV (page 39, after line 16), add the following new section:

SEC. 414. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—

(1) IN GENERAL.—The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) The recommendations of the Director regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) VIEWS OF DCIA.—The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term "Air America" means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term "associated company" means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

The CHAIRMAN. Pursuant to House Resolution 388, the gentlewoman from Nevada (Ms. BERKLEY) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. BERKLEY. Good morning, Madam Chairman.

I rise today in support of an amendment that would require the CIA to issue a report on providing retirement benefits to former employees of Air America.

From 1950 to 1976, employees of Air America faithfully served their country doing their part to help win the Cold War. Air America was a government corporation covertly owned and operated by the Central Intelligence Agency. Under the guise of a civilian airline, these pilots conducted flight operations in various countries, including China, Laos, Korea and Vietnam on behalf of the Department of Defense and the CIA.

Unfortunately, since it was a closely held secret that Air America was a government-owned corporation, these men and women have never been credited for their government service. That means they can not receive government benefits, retirement benefits for their efforts.

The amendment I am offering today would require the Director of National Intelligence to submit a report to Congress on advisability of providing Federal retirement benefits to U.S. citizens employed by Air America while it was covertly owned and operated by the CIA. These brave men and women should receive the long denied benefits they earned for their service to their country.

I urge you to support this amendment that will bring attention to the overlooked dilemma of Air America employees.

Thank you, Madam Chairman, and I thank the chairman of the Intelligence Committee, Mr. REYES.

I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I will not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. HOEKSTRA. Madam Chairman, I will yield myself as much time as I shall consume.

There's no doubt that the Air America's personnel deserve the recognition for the service that they provided during these critical times in our country in Southeast Asia during the Vietnam war.

But it's very interesting to me that, at this time, as we're considering other amendments, and much of the debate that I hear about contractors and our use of contractors today, contractors are getting hammered each and every day. And then we step back and say, well, you know, we ought to take a look at the contractors of 50 years ago, and we maybe now ought to provide them with government benefits.

And I just wonder whether, in 50 years, we'll look back at the service that is being provided by contractors today that in many different areas is not being very well received, and whether we will then recognize the service that they're providing. I hope that we do.

But, under this, under the terms of Air America, legally these individuals did not qualify for government benefits. We need to make sure that we deal in a way that is fair, especially to the people that are serving as contractors today. And we need to make sure that we have a consistent pattern of how we deal with contractors in this way, recognizing that their pay comes from a private sector entity, and be very careful about when and where we are going to involve the Federal Government in picking up responsibilities of private corporations.

Madam Chairman, I will reserve the balance of my time.

Ms. BERKLEY. Madam Chairman, I yield 1½ minutes to the gentlelady from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the sponsor of this legislation.

Human resources and human intelligence are a key element to the security of this Nation. Air America employees represent the human resources aspect.

This is a thoughtful amendment that suggests that we should study the question of whether or not these individuals in the service of their country should be given these kinds of benefits.

From the perspective of the Department of Homeland Security and Homeland Security Committee, human intelligence is important. And I want to thank the Chairperson of the full committee for this very important bill that focuses on funding intelligence and also funding human intelligence.

Might I also say in closing, as I support the gentlelady's amendment, I think it would also be important that we look closely at professionals as they leave the CIA, and question whether or not tell-all books are in the best interest of this Nation, whether language such as "slam dunk" should be investigated. And I hope, as we pursue the idea of oversight, that we'll look into the utilization of such information in tell-all books that provide such prosperity for people who've been in the service of this country. I hope we will investigate that. But when we have good employees like those of Air America, we should support them.

Ms. BERKLEY. In closing, I'd like to once again urge adoption of this amendment, and I yield back the balance of my time.

Mr. HOEKSTRA. Madam Chairman, just in response to my colleague, if we investigate "slam dunk," I hope we investigate the term "bugs and bunnies" as well.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada (Ms. BERKLEY).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. SCHIFF

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110-144.

Mr. SCHIFF. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SCHIFF:

At the end of subtitle A of title V (page 48, after line 5), add the following new section:

SEC. 503. REITERATION OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 AS THE EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE MAY BE CONDUCTED FOR GATHERING FOREIGN INTELLIGENCE INFORMATION.

(a) EXCLUSIVE MEANS.—Notwithstanding any other provision of law, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance may be conducted for the purpose of gathering foreign intelligence information.

(b) SPECIFIC AUTHORIZATION REQUIRED FOR EXCEPTION.—Subsection (a) shall apply until specific statutory authorization for electronic surveillance, other than as an amendment to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), is enacted. Such specific statutory authorization shall be the only exception to subsection (a).

(c) DEFINITIONS.—In this section:

(1) ELECTRONIC SURVEILLANCE.—The term "electronic surveillance" has the meaning given the term in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)).

(2) FOREIGN INTELLIGENCE INFORMATION.—The term "foreign intelligence information" has the meaning given the term in section 101(e) of such Act (50 U.S.C. 1801(e)).

The CHAIRMAN. Pursuant to House Resolution 388, the gentleman from California (Mr. SCHIFF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. SCHIFF. Madam Chair, I yield myself 3 minutes.

Madam Chair, today I offer an amendment with my Republican colleague JEFF FLAKE from Arizona that would respond to the President's unilateral assertion of power with regard to the electronic surveillance of Americans on U.S. soil and reassert that our existing statutes govern the operation of such surveillance.

Madam Chair, the Federal Government has a duty to pursue al Qaeda and other enemies of the United States with all available tools, including the use of electronic surveillance, to thwart future attacks on the United States and to destroy the enemy.

While the President possesses the inherent authority to engage in electronic surveillance of the enemy outside the country, Congress possesses the authority to regulate such surveillance within the United States.

When Congress passed the Foreign Intelligence Surveillance Act, it intended for this statute to provide the sole authority for surveillance of Americans on American soil for the purpose of gathering foreign intelligence information. Our amendment reiterates this important principle.

The President has argued that the authorization for the use of military force provided him with the authority to engage in warrantless electronic surveillance of Americans.

☐ 0015

It is hard to believe that any of us contemplated, when we voted to authorize the use of force to root out the terrorists who attacked us on September 11, that we were also voting to nullify FISA. Our amendment makes clear that in the absence of explicit statutory authority, FISA is the exclusive authority for the conduct of domestic electronic surveillance of Americans. While the administration appears to have finally agreed that electronic surveillance occurring as part of the Terrorist Surveillance Program, or TSP, should cease to operate without the approval of the FISA court, the administration has not conceded that it cannot conduct such electronic surveillance of Americans unilaterally outside of FISA with no judicial oversight either now or in the future.

While we have been told that surveillance in this program was limited to phone calls where one of the parties is outside of the United States, there appears to be no limiting principle to the Executive's claim of authority provided by the military force resolution. In fact, when we questioned the Attorney General on this point in the last session, he would not rule out the proposition that the Executive has the authority to wiretap purely domestic calls between two Americans without seeking a warrant.

No one in Congress would deny the need to tap certain calls under court order, but if the government can tap purely domestic phone calls between Americans without court approval, there is no limit to executive power. Congress cannot be silent in the face of this assertion of authority.

In working to meet the real national security needs of the country, we must also ensure that Congress does not abdicate its responsibility to ensure that fundamental liberties are not compromised. Absent congressional action, law-abiding U.S. citizens may continue to have reasonable fear of being the subject of extra-judicial surveillance.

Madam Chairman, I reserve the balance of my time.

Mrs. WILSON of New Mexico. Madam Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. WILSON of New Mexico. Madam Chairman, I yield myself such time as I may consume.

When the President acknowledged the existence of the Terrorist Surveillance Program, he claimed the inherent authority, under article II of the Constitution, as the Commander in Chief to be able to conduct that surveillance. Now, whether you agree or don't agree with his interpretation of the Constitution, this amendment, and a bill with this amendment in it, does not change the Constitution.

I will admit to the gentleman from California I personally believe that the legal arguments that were presented in favor of the Terrorist Surveillance Program were not strong. They weren't strong at all. And that is why I demanded more rigorous oversight to the program and proposed legislation to change the Foreign Intelligence Surveillance Act so that we can listen to our enemies and protect the civil liberties of Americans.

The sad thing is that the bipartisan leadership of this body, Democrat and Republican, knew for 5 years this program was going on and did nothing to update the laws or even propose that perhaps this was wrong to do this this way. They remained silent. The failure is in the Congress.

We now know that the Foreign Intelligence Surveillance Act, as it is currently written, is not getting us critical information about our enemies and also, frankly, not protecting the civil liberties of Americans. It is broken and not working.

The Director of National Intelligence testified last week in the Senate Select Committee on Intelligence, saying that we are missing important information because this law is trapped in 1970s technology.

In January of this year, the Attorney General wrote to the Congress and said that we now have innovative orders from the Foreign Intelligence Surveillance Court. By "innovative" what he really meant is that we are on very fragile legal ground. I describe it as putting a twin-size sheet on a king-size bed, and everybody on the Intelligence Committee knows exactly what I mean. We have one judge, in a nonadversarial proceeding, in secret session, who has approved some innovative orders. He is way out on a legal limb. So what will the next judge do? And after this amendment passes saying, by golly, we are determined to stay in the 1970s, the Congress is happy with a 1970s law governing 1970s technology, what is the next judge going to do? And how does that compromise our national security? We have a problem.

In 1978 almost all local communications went over a wire and almost all long-haul communications went over the air. The statute sets up different regimes for what to do for over-the-wire communications that you need a warrant for to collect foreign intelligence information. Over the air the sky is the limit. We now, in the 21st century, have things completely reversed. Now almost all local calls are over the air. 230 million Americans have cell phones, and yet almost all long-distance calls are over wires. The information that we critically need is on the wires.

This law is outdated, and we are stuck with our heads in the sand in 1970s law. And your amendment insists that we stay there.

I will oppose this amendment and urge my colleagues to do the same.

Madam Chairman, I reserve the balance of my time.

Mr. SCHIFF. Madam Chairman, as my colleague from California (Ms. HARMAN) points out, FISA has been amended 12 times, and, moreover, we have proposed to amend FISA to modernize it at present, and Mr. FLAKE and I propose to amend it as well.

The argument of my colleague seems to be that FISA needs to be amended, it hasn't been amended yet; so we should allow the President to simply ignore it. That, I submit, is not constitutional and not desirable.

Madam Chairman, I yield 1½ minutes to my colleague from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Chairman, I thank Mr. SCHIFF for yielding, and I appreciate working with him on this important amendment and on this issue for a long time.

Madam Chairman, this amendment would reiterate that FISA is the exclusive means by which domestic electronic surveillance can be conducted for the purpose of gathering foreign intelligence information.

As has been stated before, we have, on the Judiciary Committee, for years been asking the administration what can we not do within FISA, do we need to change FISA in order to be able to conduct surveillance we need within FISA. We have never been given compelling information or evidence why we can't do what we need to do within FISA. As Mr. SCHIFF mentioned, if we do need to change FISA to update it again, as it has been changed and updated multiple times, then we should do it. However, we simply can't say FISA is insufficient; so go around it, and we don't want to know what goes on outside of it. Go ahead with the Terrorist Surveillance Program. We will have no congressional oversight. That is simply unacceptable. If we do need to change FISA, if we do need to modernize it, let's modernize it again, again, and again. But let's make sure that Congress maintains its prerogative to regulate the surveillance that goes on to make sure that it is done with civil liberties in mind. That is what this amendment seeks to do, and I am pleased to work with Mr. SCHIFF on it.

The CHAIRMAN. The gentleman from California's time has expired.

Mrs. WILSON of New Mexico. Madam Chairman, I yield myself the balance of my time.

The Foreign Intelligence Surveillance Act has been amended since 1978 several times. But what has not changed is the basic structure of the law, that it treats wire communications differently than it treats over-the-air communications.

You do not need a warrant to gather foreign intelligence information that is flowing through the air by radio waves or cell tower or microwave or anything else. We do it. You do need it over a wire. The law needs to be technology neutral and it is not. What you are doing by your amendment is reaffirming that this House tonight is determined to stay with the 1970s law and 1970s technology. And this House also rejected an amendment that would have updated these statutes.

My colleague from Arizona says do we need to change FISA? We really don't know.

We have a written submission from the Director of National Intelligence telling us the changes that need to be made.

I urge my colleagues to look to the 21st-century technology to protect this country and reject the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mrs. WILSON of New Mexico. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. HOEKSTRA of Michigan.

Amendment No. 5 by Mr. ROGERS of Michigan.

Amendment No. 10 by Mr. SCHIFF of California.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 230, not voting 22, as follows:

[Roll No. 337]

AYES—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Faleomavaega
Farr
Ferguson
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Gutiérrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—22

Bordallo
Brady (PA)
Carson
Christensen
Cleaver
Conyers
Cuellar
Davis, Jo Ann
Doolittle
Dreier
Engel
Fattah
Fortuño
Grijalva
Hinojosa
Jefferson
Mahoney (FL)
McMorris Rodgers
Norton
Peterson (PA)
Radanovich
Souder

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain on this vote.

☐ 0046

Mrs. LOWEY and Messrs. ELLSWORTH, SHULER and JOHNSON of Illinois changed their vote from "aye" to "no."

Mr. McHENRY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. DREIER. Madam Chairman, on rollcall No. 337 I was inadvertently detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 5 OFFERED BY MR. ROGERS OF MICHIGAN

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. ROGERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 297, noes 122, not voting 18, as follows:

[Roll No. 338]

AYES—297

Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Emerson
English (PA)
Everett
Faleomavaega
Fallin
Farr
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Grijalva
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hodes
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Keller
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)

Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Obey
Paul
Payne
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Sali
Sarbanes
Saxton
Schakowsky
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Solis
Space
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Watson
Watt
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOES—122

Abercrombie
Allen
Baird
Baldwin
Barrow
Becerra
Berman
Berry
Bishop (NY)
Boswell
Boyda (KS)
Capps
Capuano
Cardoza
Chandler
Cooper
Courtney
Cramer
Davis (CA)
DeGette
DeLauro
Dicks
Doggett
Donnelly
Doyle
Ellsworth
Emanuel
Eshoo
Etheridge
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Gene
Hall (NY)
Harman
Higgins
Hinchey
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Kagen
Kanjorski
Kaptur
Kennedy
Kind
Kirk
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McIntyre
McNulty
Meehan
Meeks (NY)
Miller (NC)
Miller, George
Mitchell
Murphy (CT)
Murphy, Patrick
Murtha
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Schwartz
Sestak
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Tauscher
Thompson (CA)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Waters
Waxman
Welch (VT)
Woolsey
Young (AK)

NOT VOTING—18

Bordallo
Brady (PA)
Christensen
Cleaver
Davis (IL)
Davis, Jo Ann
Engel
Fattah
Fortuño
Gutierrez
Hinojosa
McKeon
McMorris Rodgers
Norton
Peterson (PA)
Radanovich
Souder
Sullivan

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains on this vote.

☐ 0050

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. SCHIFF

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. SCHIFF) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 178, not voting 14, as follows:

[Roll No. 339]

AYES—245

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Faleomavaega
Farr
Filner
Flake
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Edwards
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Sullivan

Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh (NY)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bordallo
Brady (PA)
Christensen
Cleaver
Davis, Jo Ann
Engel
Fattah
Fortuño
Hinojosa
McMorris Rodgers
Norton
Peterson (PA)
Radanovich
Souder

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains on this vote.

□ 0055

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mrs. TAUSCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 388, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ROGERS of Michigan. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Rogers of Michigan moves to recommit the bill, H.R. 2082, to the Permanent Select Committee on Intelligence with instructions to report the same back to the House forthwith with the following amendments:

Page 8, line 25, strike "$39,000,000" and insert "$16,000,000".

Page 9, after line 20 insert the following new subsection:

(f) HUMAN INTELLIGENCE ACTIVITIES OF THE CIA.—In addition to amounts authorized to be appropriated for the human intelligence activities of the Central Intelligence Agency under this Act (including those specified in the classified Schedule of Authorizations referred to in section 102(a)), there is also authorized to be appropriated for the human intelligence activities of the Central Intelligence Agency $23,000,000.

At the end of subtitle A of title V (page 48, after line 5), add the following new section:

SEC. 503. AUDIT OF THE NATIONAL DRUG INTELLIGENCE CENTER.

(a) AUDIT.—The Inspector General of the Department of Justice shall conduct an audit of the effectiveness and role of the National Drug Intelligence Center, including any problems with duplication of effort and lack of coordination with other intelligence providers and consumers.

(b) REQUIREMENTS.—The audit conducted under subsection (a) shall include—

(1) an examination of whether the National Drug Intelligence Center duplicates functions carried out by the Drug Enforcement Administration, the El Paso Intelligence Center, the Federal Bureau of Investigation, or other components of the Department of Justice;

(2) an examination of the overall effectiveness of the National Drug Intelligence Center;

(3) an examination of whether current activities of the National Drug Intelligence Center dealing with international drug intelligence are consistent with the provisions of the General Counterdrug Intelligence Plan designating it as the principal center for strategic domestic counterdrug intelligence; and

(4) an examination of whether the document exploitation functions of the National Drug Intelligence Center could effectively be transferred to a component of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) or the Department of Justice.

(c) SUBMISSION DATE.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary a report containing the results of the audit conducted under subsection (a).

Mr. ROGERS of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan is recognized for 5 minutes in support of his motion to recommit.

Mr. ROGERS of Michigan. Mr. Speaker, I know the hour is late, but this is such an important issue. There are some good things in this bill, and my colleagues have rightly said this is the biggest expenditure we have ever seen in a very long time, as a matter of fact, ever, in our intelligence bill. But bigger isn't always better, because the priorities in the bill are what is important.

The folks who are on the front lines, our analysts, our case officers, our soldiers who are being protected by the feed of information that flows to them, are incredibly important. And make no doubt about it, my friends, this is a huge shift philosophically from where we have been in the past.

Nothing in here, nothing in here fixes the problem that we have today in not being able to listen to certain phone calls that might lead to an attack on the United States of America. Nothing. That lack of urgency should scare us all.

The fact that we cut human intelligence programs in this bill, they will get less money this year, some of them very sensitive, very classified, specifically cut out of this bill, jeopardizes soldiers in the field in not getting the proper assistance and information that they need.

We also take a political bent. There are also some disturbing things, things that we all sometimes don't like about the House that we serve in. Sometimes it was said because we did things that way for a long time, we should continue to do it. Those are the things that we can change tonight. Those are the things that we can at least tell the American people with this motion to recommit we believe in getting that information, we believe in human intelligence. Certainly the 9/11 Commission did. We believe in regular order and the rules, so that when earmarks go into very sensitive bills like this, and we have seen what happens when we don't follow the rules, it can cause trouble.

Think about what we are talking about. Right before Afghanistan, we dropped seven CIA officers in very remote places in a very difficult neighborhood, and on their own they committed to get around with this Northern Alliance that was together, but not really. They had tribal problems. They had cultural problems among themselves. And their duty, these seven CIA officers, was to pull things together. Human intelligence got us where we needed to be.

□ 0100

Many would say it saved thousands and thousands of lives of U.S. soldiers because of their brave actions in the mountains of Afghanistan in very difficult territory because we had human-on-human contact that gave us the information and the operations that we needed to be successful.

And in this bill, in this bill, they take away precious resources for those kind of human collection activities. When we have soldiers in the field, that is a philosophical departure from where we have been in the past.

We can't stand for that. We can't stand for the fact that we may lose our ears on terrorist activities being planned today. And we also can't take wasteful programming in something that is this important.

You know, for a time of war, the priorities of this bill are completely misplaced in critical areas. The motion to recommit would readjust those priorities by increasing human intelligence funding for the Central Intelligence Agency by $23 million. That money would come from an earmark funding for the National Drug Intelligence Center which a formal oversight report of the House Committee said: "An expensive and duplicative use of scarce Federal drug enforcement resources." And the U.S. News & World Report called it a "boondoggle."

The motion to recommit would also direct the Department of Justice Inspector General to conduct an audit of the National Drug Intelligence Center to determine if this center was wasteful and duplicative.

For all of the talk about reform, the majority has blocked an audit by a party-line vote in committee with no substantive explanation. My amendment requiring the audit also was blocked by the Rules Committee. It shouldn't be controversial that these funds could be put to far better use in human intelligence. In numerous important respects, this bill fails to provide adequate support to the Intelligence Community's activities on the forefront of its ability to protect our national security.

In a classified annex, the majority cuts human intelligence programs, counter to the recommendations of the 9/11 Commission; and significantly cuts certain specific initiatives related to American efforts to counter radical jihadists and to support our Nation's objectives in Iraq.

A review of just this center, and why this $23 million is so important, it is going to human collection. A review of the NDIC, U.S. News & World Report in 2005 concluded: "It is a boondoggle," and "rocked by scandal and subject to persistent criticism that it should never have been created at all."

You know, sometimes, and God love us all, we get pretty myopic on our districts. This is the time that we need to look outward to the rest of the country. We are United States Members of Congress. What is good for our backyard may not be good for the rest of the country.

There is a Marine right now that is counting on human intelligence to tell us if there is an IED on the road, if al Qaeda is around the corner. If we don't want to stand up for this motion to recommit, we will endorse the boondoggles of the past at the expense of our soldiers in the field. I would urge support of the motion to recommit.

Mr. REYES. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. REYES. Mr. Speaker, I oppose this motion to recommit because it would cut a program that makes valuable contributions to the war on drugs and to homeland security, first and foremost.

This motion is also misleading because the underlying bill provides our intelligence officers everything they need. It adds funds to the CIA and Defense Department for human intelligence training so that our operators can be more effective. It invests in language training for case officers so they can operate effectively overseas.

My colleague talks about following the rules. One of the premier rules that we have is we never mention a number in classified programs; $23 million telegraphs our enemies what we are doing.

The motion to recommit asks for a study. This program has been studied before. I just want to quote the White House drug czar. When the White House drug czar toured the NDIC in 2003, he said: "The National Drug Intelligence Center provides us with vital information we need to disrupt the market for illegal drugs in America."

Also, a White House press release asserted that the drug czar's office uses NDIC-produced intelligence to help guide its ongoing counterdrug policy agenda as outlined in the President's national drug control strategy. NDIC information bulletins every day warn law enforcement officers around our country and intelligence agencies around the world of emerging threats in drug trafficking and trends in use.

But the motion to recommit would silence this added and vital voice, a voice that the minority was more than happy to fund when they were in charge of this body. The Republican-led Congress appropriated more than $160 million for NDIC over the past 4 years. It funded the National Drug Intelligence Center with $39 million in fiscal years 2005, 2006 and 2007, and more than $44 million in 2004.

If it was such a good idea then, if it was such a good idea back when you were in charge, why in the heck is it such a bad idea now when we see the trends we are seeing around the country?

Mr. Speaker, I urge all of my colleagues to defeat this motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROGERS of Michigan. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passing of the bill.

The vote was taken by electronic device, and there were—ayes 181, noes 241, not voting 10, as follows:

[Roll No. 340]

AYES—181

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—241

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Costa
Costello
Courtney

Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—10

Brady (PA)
Cleaver
Davis, Jo Ann
Engel
Fattah
Hinojosa
McMorris Rodgers
Peterson (PA)
Radanovich
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

☐ 0123

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. REYES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 197, not voting 10, as follows:

[Roll No. 341]

AYES—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NOES—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lee
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Payne
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stark
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—10

Brady (PA)
Cleaver
Davis, Jo Ann
Engel
Fattah
Hinojosa
McMorris Rodgers
Peterson (PA)
Radanovich
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

☐ 0130

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, MAY 14, 2007

Mr. ELLISON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore (Mr. WEINER). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ELLISON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Chairman, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. PRICE of Georgia. Would this be considered the dead of night?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Mr. PRICE of Georgia. I thank the Speaker.

PERMISSION TO TAKE SPECIAL ORDER

Mr. GOHMERT. Mr. Speaker, I ask unanimous consent to take a 1-hour special order tonight for the Republicans.

The SPEAKER pro tempore. The Chair cannot entertain that request.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, MAY 9, 2007 AT PAGE 11896

CONTINUATION OF THE NATIONAL EMERGENCY BLOCKING PROPERTY OF CERTAIN PERSONS AND PROHIBITING THE EXPORT OF CERTAIN GOODS TO SYRIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–33)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice, stating that the national emergency declared in Executive Order 13338 of May 11, 2004, and expand in scope in Executive Order 13399 of April 25, 2006, authorizing the blocking of property of certain persons and prohibiting the exportation and reexportation of certain goods to Syria, is to continue in effect beyond May 11, 2007.

The actions of the Government of Syria in supporting terrorism, interfering in Lebanon, pursuing weapons of mass destruction and missile programs, and undermining United States and international efforts with respect to the stabilization and reconstruction of Iraq pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions I have ordered to address this national emergency.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 8, 2007.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PETERSON of Pennsylvania (at the request of Mr. BOEHNER) for today after 8:00 p.m. on account of a family medical situation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ELLISON) to revise and extend their remarks and include extraneous material:)

Mr. McDERMOTT, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. McCARTHY of New York, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. ZOE LOFGREN of California, for 5 minutes, today.

Ms. McCOLLUM of Minnesota, for 5 minutes, today.

ADJOURNMENT

Mr. SCOTT of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 33 minutes a.m.), under its previous order, the House adjourned until Monday, May 14, 2007, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1637. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting a Report on Activities and Programs for Countering Proliferation and NBC Terrorism, pursuant to Public Law 107-314, section 1208; to the Committee on Armed Services.

1638. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1639. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1640. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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1681. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1682. A letter from the Assistant Administrator for Human Capital Mgt., National Aeronautics and Space Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1683. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2007-32] received April 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1684. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.601: Rules and Regulations. (Rev. Proc. 2007-31) received April 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1685. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — LMSB TIER II ISSUE — FIELD DIRECTIVE ON THE EXAMINATION OF IRC SECTION 165 CASUALTY LOSSES #1 — received April 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1686. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Concise General Statement Concerning 2007 Census Count [Notice 2007-] received March 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1687. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding the Simplified Service Cost Method and the Simplified Production Method [TD 9318] (RIN: 1545-BE57) received April 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1688. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Section 1256.-Contracts Marked to Market (Rev. Rul. 2007-26) received April 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1689. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — GO Zone Bonus Depreciation Additional Guidance [Notice 2007-36] received April 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1690. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — United States Dollar Approximate Separate Transactions Method [TD 9320] (RIN: 1545-BF67) received April 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1691. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Renewable Diesel [Notice 2007-37] received April 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1692. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Like-Kind Exchanges Involving Federal Communications Commission Licenses (RIN: UIL: 1031.02-00) received April 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1693. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Statute of Limitations and Exchange of Information Concerning Certain Individuals Filing Income Tax Returns with the U.S. Virgin Islands [Notice 2007-31] received April 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1694. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out inventories. (Rev. Rul. 2007-27) received April 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1695. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding the Application of Section 409A to Split-Dollar Life Insurance Arrangements [Notice 2007-34] received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1696. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — IRC 1503(d) Mirror Legislation and the United Kingdom (RIN: UIL: 1503.06-00) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1697. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Anti-avoidance and anti-loss reimportation rules applicable following a loss on disposition of stock of consolidated subsidiaries [TD 9322] (RIN: 1545-BG26) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1698. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Proc. 2007-28) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1699. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 280F Automobile Inflation Adjustment (Rev. Proc. 2007-30) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1700. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revisions to Regulations Relating to Repeal of Tax on Interest of Nonresident Alien Individuals and Foreign Corporations received from Certain Portfolio Debt Investments. [TD 9323] (RIN: 1545-BF64) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1701. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Prospective Payment System for Long-Term Care Hospitals RY 2008: Annual Payment Rate Updates, and Policy Changes; and Hospital Direct and Indirect Graduate Medical Education Policy Changes. [CMS-1529-F] (RIN: 0938-A030) received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

1702. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Payment Update for Rate Year Beginning July 1, 2007 (RY 2008) [CMS-1479-N] (RIN: 0938-A040) received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1036. A bill to authorize the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation (Rept. 110–145). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SULLIVAN (for himself and Mr. McDermott):

H.R. 2260. A bill to prohibit misleading and deceptive advertising or representation in the provision of health care services, and to require the identification of the license of certain health care providers; to the Committee on Energy and Commerce.

By Mr. LUCAS:

H.R. 2261. A bill to increase the diversity and independence of the United States energy supply by providing encouragement of energy sources from rural America, including biofuels and wind energy, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Ways and Means, Financial Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL (for himself and Mr. Costa):

H.R. 2262. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Natural Resources.

By Mr. MICHAUD (for himself and Mr. Allen):

H.R. 2263. A bill to establish a commercial truck highway safety demonstration program in the State of Maine, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS (for himself, Mr. Chabot, and Ms. Zoe Lofgren of California):

H.R. 2264. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Mr. BLUMENAUER (for himself, Ms. Schakowsky, and Mr. Shays):

H.R. 2265. A bill to provide special immigrant status for certain Iraqis, to assist Iraqi refugees, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. McCOLLUM of Minnesota (for herself, Mr. Shays, Mr. Payne, Mr. Reichert, Mr. Blumenauer, Mr. Crowley, Mr. Ellison, Mr. Grijalva, Mr. Honda, Ms. Jackson-Lee of Texas, Mr. Jefferson, Mr. McDermott, Mr. McGovern, Mr. Olver, Mr. Snyder, Ms. Watson, and Ms. Woolsey):

H.R. 2266. A bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes; to the Committee on Foreign Affairs.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 2267. A bill to expand retroactive eligibility of the Army Combat Action Badge to include members of the Army who participated in combat during which they personally engaged, or were personally engaged by, the enemy at any time on or after December 7, 1941; to the Committee on Armed Services.

By Mrs. CAPITO (for herself, Mr. Camp of Michigan, Mr. Brady of Texas, Mr. Kuhl of New York, Mrs. Musgrave, Ms. Ros-Lehtinen, Mr. Burgess, Mr. Bishop of Utah, Mr. Hayes, Mr. Sam Johnson of Texas, Mr. Gingrey, Mr. Boswell, Mr. Bilirakis, Mr. Turner, Ms. Pryce of Ohio, Mrs. Bachmann, Mr. Walden of Oregon, Mr. Reichert, Mr. Crenshaw, Mr. Wolf, Mr. Grijalva, Mr. Blunt, Mr. McHenry, Mr. Coble, Mr. Forbes, Mr. Cantor, Mrs. Miller of Michigan, Mr. Shuster, Mr. Garrett of New Jersey, Mrs. Boyda of Kansas, Mr. Rothman, Mr. Barton of Texas, Mr. Ferguson, Mrs. Maloney of New York, Mrs. McCarthy of New York, Mr. McCotter, Ms. Matsui, Mr. Fossella, Mr. McGovern, Ms. Fallin, Ms. Carson, Mr. Moran of Virginia, Mr. Cleaver, Mr. Sessions, Ms. Jackson-Lee of Texas, Mr. Gonzalez, Mrs. Schmidt, Mr. Gary G. Miller of California, Mr. Rogers of Michigan, Mr. Brown of South Carolina, Mrs. Jo Ann Davis of Virginia, Mrs. Drake, Mr. Tom Davis of Virginia, Mr. LaHood, Mrs. Wilson of New Mexico, Mr. Kingston, Mr. Walberg, Mrs. Biggert, Ms. Ginny Brown-Waite of Florida, Mr. Udall of Colorado, Mr. Price of Georgia, Mr. Gillmor, Mr. Peterson of Pennsylvania, Mrs. Blackburn, Mr. Thornberry, Mr. Costa, Mr. Wamp, Mr. Alexander, Mr. Jindal, Mr. Goode, Mr. Carter, Mrs. Emerson, and Mr. Rahall):

H.R. 2268. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; to the Committee on Financial Services.

By Mr. CAPUANO:

H.R. 2269. A bill to amend the Federal Election Campaign Act of 1971 to reduce the limit on the amount of certain contributions which may be made to a candidate with respect to an election for Federal office; to the Committee on House Administration.

By Mr. CAPUANO (for himself, Mrs. CAPITO, Mr. COURTNEY, Mr. PLATTS, Mr. GILLMOR, Mr. MCNULTY, Mr. ENGLISH of Pennsylvania, Mr. SHAYS, and Mr. RENZI):

H.R. 2270. A bill to amend the Public Health Service Act to extend Federal Tort Claims Act coverage to all federally qualified community health centers; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ:

H.R. 2271. A bill to amend the Immigration and Nationality Act to improve enforcement of restrictions on employment in the United States of unauthorized aliens and to reimburse State and local governments for costs associated with serving illegal aliens; to the Committee on the Judiciary, and in addition to the Committees on Agriculture, Oversight and Government Reform, Education and Labor, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON (for himself, Mr. HALL of Texas, Mr. WU, Mr. EHLERS, Mr. BAIRD, Mrs. BIGGERT, Mr. LIPINSKI, and Mr. GINGREY):

H.R. 2272. A bill to invest in innovation through research and development, and to improve the competitiveness of the United States; to the Committee on Science and Technology.

By Mr. HINCHEY (for himself, Mr. STUPAK, and Mr. GRIJALVA):

H.R. 2273. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the deposit in the general fund of the Treasury of fees that are collected from manufacturers of drugs and devices under chapter VII of such Act, to terminate the authority of the Food and Drug Administration to negotiate with the manufacturers on particular uses of the fees, to establish a Center for Postmarket Drug Safety and Effectiveness, to establish additional authorities to ensure the safe and effective use of drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ISRAEL (for himself and Ms. BEAN):

H.R. 2274. A bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a pilot program to determine the feasibility and desirability of equipping turbojet aircraft in the Civil Reserve Air Fleet with a missile defense system; to the Committee on Armed Services.

By Mr. JONES of North Carolina:

H.R. 2275. A bill to restore the Free Speech and First Amendment rights of churches and exempt organizations by repealing the 1954 Johnson Amendment; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 2276. A bill to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN (for himself and Mr. TANCREDO):

H.R. 2277. A bill to authorize the Secretary of the Interior to conduct a feasibility study relating to long-term water needs for the area served by the Fryingpan-Arkansas Project, Colorado, and for other purposes; to the Committee on Natural Resources.

By Ms. NORTON:

H.R. 2278. A bill to restore the authority of the Federal Trade Commission to issue regulations on marketing and advertising to children; to the Committee on Energy and Commerce.

By Mr. PITTS (for himself, Mr. WESTMORELAND, Mr. BUYER, Mrs. DRAKE, Mr. GOODLATTE, Mr. ENGLISH of Pennsylvania, Mr. CONAWAY, Ms. GINNY BROWN-WAITE of Florida, Mr. POE, and Mr. SOUDER):

H.R. 2279. A bill to expedite the construction of new refining capacity on closed military installations in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself, Mr. HERGER, Mr. LEWIS of Kentucky, Mr. KIND, and Mr. DAVIS of Alabama):

H.R. 2280. A bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 2281. A bill to amend title 18, United States Code, to provide Federal penalties for attempting to kill, conspiring to kill, or killing police officers, firefighters, and other federally funded public safety officers; to the Committee on the Judiciary.

By Mrs. SCHMIDT (for herself, Mr. SPACE, and Mr. WILSON of Ohio):

H.R. 2282. A bill to prohibit the use of Global Nuclear Energy Partnership funds for certain nuclear waste storage; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Mr. LARSON of Connecticut, Mr. ACKERMAN, Mr. HINCHEY, Mr. GRIJALVA, Mr. DEFAZIO, Mr. CLEAVER, Mr. SPACE, and Mr. SHAYS):

H.R. 2283. A bill to prohibit anticompetitive provisions in gasoline dealer franchise agreements that dictate the wholesale source of gasoline; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico (for himself, Mr. ABERCROMBIE, Mr. RENZI, Mr. MORAN of Virginia, Mr. MICHAUD, Mr. GRIJALVA, Ms. HERSETH SANDLIN, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. WU, and Mr. MOORE of Kansas):

H.R. 2284. A bill to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Alaska Natives, and Native Hawaiians; to the Committee on Small Business.

By Mr. WELDON of Florida:

H.R. 2285. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Ways and Means.

By Mr. WEXLER (for himself, Mr. KELLER, Mr. SENSENBRENNER, Ms. CASTOR, Mr. POE, Mr. LARSON of Connecticut, and Mr. WALBERG):

H.R. 2286. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico (for herself, Mr. DAVIS of Alabama, Mr. MARSHALL, Mr. PRICE of North Carolina, Mrs. CAPITO, Mr. KUHL of New York, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, Mr. BUCHANAN, Mr. MOORE of Kansas, Mr. MILLER of Florida, Mr. REGULA, and Mr. YOUNG of Alaska):

H.R. 2287. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for teachers and principals who work in certain low income schools; to the Committee on Ways and Means.

By Mr. KIRK (for himself and Mr. LIPINSKI):

H.R. 2288. A bill to amend title 49, United States Code, to establish a civil penalty for failure of certain employers to collect or make reasonable efforts to collect an airport security badge from an employee on the date of termination of employment, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BROWN of South Carolina (for himself, Ms. BORDALLO, Mr. INGLIS of South Carolina, and Mr. LAMPSON):

H. Con. Res. 147. Concurrent resolution recognizing 200 years of research, service to the people of the United States, and stewardship of the marine environment by the National Oceanic and Atmospheric Administration and its predecessor agencies, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN:

H. Res. 392. A resolution urging Americans and people of all nationalities to visit the American Cemeteries, Memorials and Markers; to the Committee on Veterans' Affairs.

By Mr. PUTNAM:

H. Res. 393. A resolution electing certain Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. HALL of New York:

H. Res. 394. A resolution recognizing the city of Port Jervis, New York, on its centennial; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN (for himself, Ms. DEGETTE, Mr. SALAZAR, Mr. TANCREDO, Mrs. MUSGRAVE, Mr. UDALL of Colorado, Mr. PERLMUTTER, Mr. FILNER, Mrs. GILLIBRAND, and Mr. STUPAK):

H. Res. 395. A resolution supporting the ideals and values of the Olympic movement; to the Committee on Foreign Affairs.

By Mrs. MALONEY of New York (for herself and Mr. RAHALL):

H. Res. 396. A resolution congratulating Qatar on the occasion of Qatari-American Friendship Day; to the Committee on Foreign Affairs.

By Mr. SHIMKUS (for himself, Mrs. BONO, Mr. CAMP of Michigan, Mr. NEAL of Massachusetts, Mr. FEENEY, Mr. COSTA, Mr. GALLEGLY, Mr. HOLDEN, Mr. KILDEE, Mr. KING of Iowa, Mr. MCCOTTER, Mrs. MILLER of Michigan, Mr. PASCRELL, Mr. ROGERS of Michigan, Mr. PITTS, Mr. SMITH of

New Jersey, Mr. STUPAK, Mr. UPTON, Mr. SHUSTER, and Mr. COSTELLO):

H. Res. 397. A resolution condemning violence in Estonia and attacks on Estonia's embassies in 2007, and expressing solidarity with the Government and the people of Estonia; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. REICHERT.

H.R. 65: Ms. CASTOR.

H.R. 67: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. McGOVERN.

H.R. 111: Mr. KENNEDY, Ms. CARSON, and Mr. MICA.

H.R. 171: Mr. MEEKS of New York.

H.R. 174: Mr. HIGGINS.

H.R. 176: Mr. MEEKS of New York, Mr. SIRES, Mr. FALEOMAVAEGA, Ms. WATSON, Ms. WOOLSEY, Mr. FORTUÑO, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 178: Mr. NADLER.

H.R. 180: Mr. McCOTTER.

H.R. 260: Ms. McCOLLUM of Minnesota and Mr. UDALL of Colorado.

H.R. 321: Mr. TIM MURPHY of Pennsylvania.

H.R. 333: Ms. CARSON, Mr. RODRIGUEZ, Mr. WALZ of Minnesota, and Mr. HONDA.

H.R. 371: Ms. SLAUGHTER, Mr. BLUMENAUER, Mr. KIND, Mr. McNULTY, Ms. ROYBAL-ALLARD, Ms. ESHOO, Mr. TOWNS, and Mr. McNERNEY.

H.R. 468: Mr. BERMAN and Mr. PAYNE.

H.R. 549: Mr. ROSKAM, Mr. ENGEL, and Mrs. CAPPS.

H.R. 718: Mr. PRICE of North Carolina and Mr. GERLACH.

H.R. 743: Mr. GARY G. MILLER of California.

H.R. 750: Ms. CORRINE BROWN of Florida.

H.R. 821: Mr. PLATTS, Ms. ZOE LOFGREN of California, Ms. McCOLLUM of Minnesota, and Mr. INSLEE.

H.R. 840: Mr. KAGEN and Ms. McCOLLUM of Minnesota.

H.R. 869: Mr. BUTTERFIELD and Mr. PERLMUTTER.

H.R. 871: Ms. JACKSON-LEE of Texas.

H.R. 923: Mr. DELAHUNT.

H.R. 943: Mr. ALLEN.

H.R. 947: Mr. WELCH of Vermont.

H.R. 964: Mr. FOSSELLA.

H.R. 969: Mr. HONDA, Mr. INSLEE and Ms. KILPATRICK.

H.R. 970: Mr. LATHAM.

H.R. 980: Ms. ZOE LOFGREN of California, Mr. HONDA, Ms. MATSUI, Mr. LEWIS of Kentucky, Mr. BUCHANAN, and Mr. SHERMAN.

H.R. 997: Mr. DREIER.

H.R. 1004: Mr. TOWNS, Mr. LAMPSON, Mrs. CHRISTENSEN, Mr. PRICE of North Carolina, and Mr. DAVIS of Illinois.

H.R. 1017: Mr. CARDOZA.

H.R. 1023: Mr. SIRES, Mr. WHITFIELD, Mr. WICKER, Mr. REICHERT, Mr. HENSARLING, Mrs. McMORRIS RODGERS, Mrs. CUBIN, Ms. HIRONO, Mr. HOLDEN, Mr. DOYLE, Mr. WAMP, Mr. KILDEE, Mr. ALLEN, Mrs. BONO, and Mr. GILLMOR.

H.R. 1062: Mrs. CAPITO.

H.R. 1065: Mr. HIGGINS.

H.R. 1072: Mr. MEEKS of New York and Ms. DeGETTE.

H.R. 1078: Mr. PAYNE, Mr. GENE GREEN of Texas, and Mr. ABERCROMBIE.

H.R. 1092: Mr. WAXMAN.

H.R. 1107: Mr. BUTTERFIELD.

H.R. 1125: Mr. PITTS and Mr. McNERNEY.

H.R. 1139: Mr. ISSA.

H.R. 1147: Mr. McDERMOTT.

H.R. 1157: Ms. MATSUI, Mr. COSTA, Mr. WATT, Mr. INSLEE, Mr. LARSEN of Washington, Mr. McCOTTER, Mr. MELANCON, Mr. BAKER, Mr. SAXTON, Mr. BACA,

Mr. UDALL of New Mexico, Mr. RUPPERSBERGER, Mr. BLUMENAUER, Ms. SUTTON, Mr. RYAN of Ohio, Mr. BUCHANAN, Mr. CARNAHAN, Mr. ROTHMAN, Mr. LOEBSACK, Mr. CUELLAR, Ms. CORRINE BROWN of Florida, and Ms. ROYBAL-ALLARD.

H.R. 1177: Mr. MICHAUD.

H.R. 1187: Mrs. TAUSCHER, Ms. HARMAN, Mrs. CHRISTENSEN, and Mr. McGOVERN.

H.R. 1190: Mr. SULLIVAN, Mr. BROWN of South Carolina, Mr. WICKER, Mr. ROTHMAN, Mr. BISHOP of New York, Mr. ALLEN, Ms. SCHWARTZ, Mr. ADERHOLT, Mr. WEXLER, Mr. McHUGH, and Mr. WALSH of New York.

H.R. 1230: Mr. JACKSON of Illinois.

H.R. 1244: Mr. JEFFERSON and Mr. HARE.

H.R. 1283: Mr. TERRY, Mr. PAYNE, Mr. RYAN of Ohio, Mr. HONDA, and Mr. WAMP.

H.R. 1293: Mr. HOBSON, Mr. ALEXANDER, Mr. CONAWAY, and Mr. BURGESS.

H.R. 1304: Mr. WATT and Mr. WALSH of New York.

H.R. 1308: Mr. GRIJALVA.

H.R. 1324: Ms. BERKLEY.

H.R. 1344: Mr. HONDA and Mr. PLATTS.

H.R. 1363: Mr. PRICE of North Carolina.

H.R. 1366: Mr. LAMBORN and Mr. SOUDER.

H.R. 1396: Ms. HIRONO and Ms. SCHAKOWSKY.

H.R. 1399: Mr. SMITH of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BOEHNER, Mr. AKIN, Mr. BRADY of Texas, and Mr. COLE of Oklahoma.

H.R. 1419: Mrs. Schmidt, Ms. BERKLEY, Mr. McCOTTER, Mrs. MYRICK, Mr. PITTS, Mr. HOBSON, Mr. UPTON, and Ms. KAPTUR.

H.R. 1424: Mr. MILLER of North Carolina.

H.R. 1430: Mr. BILIRAKIS.

H.R. 1435: Mr. HARE, Mr. COSTA, and Mrs. McCARTHY of New York.

H.R. 1439: Mr. TIM MURPHY of Pennsylvania.

H.R. 1459: Mr. LYNCH, Mr. CHANDLER, Ms. ROS-LEHTINEN, Mr. ALLEN, Mr. MITCHELL, Mr. PRICE of North Carolina, and Mr. CUELLAR.

H.R. 1464: Mr. SHAYS, Mr. PALLONE, Ms. LINDA T. SÁNCHEZ of California, Mr. McNERNEY, Mr. SAXTON, Mr. SERRANO, and Mr. MORAN of Virginia.

H.R. 1481: Mr. KAGEN and Mr. BOOZMAN.

H.R. 1483: Mr. LaTOURETTE.

H.R. 1498: Mr. MARSHALL.

H.R. 1508: Mr. HERGER and Mr. GOODLATTE.

H.R. 1514: Ms. ZOE LOFGREN of California, Mr. McCOTTER, Mr. BLUMENAUER, and Mr. HOEKSTRA.

H.R. 1521: Mr. BARROW, Mr. BOSWELL, Mr. SHULER, Mr. GRIJALVA, Mr. McDERMOTT, Mr. PAYNE, and Mr. MAHONEY of Florida.

H.R. 1524: Mr. ELLISON and Mr. PLATTS.

H.R. 1535: Mr. CLAY, Mr. ABERCROMBIE, Ms. WASSERMAN SCHULTZ, and Mr. ROTHMAN.

H.R. 1537: Mr. WALBERG and Mr. FILNER.

H.R. 1576: Ms. DeLAURO, Mr. ROSKAM, and Mr. SALAZAR.

H.R. 1584: Mr. YOUNG of Alaska, Mr. HERGER, Mr. BOOZMAN, Mr. WALBERG, Mr. COBLE, Mr. SIMPSON, Mr. BARTLETT of Maryland, and Mr. ETHERIDGE.

H.R. 1586: Mr. HOEKSTRA.

H.R. 1610: Mr. SCOTT of Georgia, Mr. LARSON of Connecticut, Mr. BOUSTANY, Mr. BUYER, Mr. BRADY of Texas, Mr. CRENSHAW, Mr. FOSSELLA, Mr. MARIO DIAZ-BALART of Florida, Mr. CALVERT, Ms. GINNY BROWN-WAITE of Florida, Mrs. MUSGRAVE, Mr. LINDER, Mr. HINOJOSA, Mr. CONAWAY, Mr. HOLT, Mr. MILLER of Florida, Ms. MATSUI, Mr. ROHRABACHER, Mr. SKELTON, Mr. PETRI, Mr. WILSON of South Carolina, Mr. TERRY, Mr. REHBERG, Mr. FEENEY, Mr. BACHUS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CANTOR, and Mr. WELLER.

H.R. 1636: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1645: Mr. CLAY, Mr. WYNN, Ms. CORRINE BROWN of Florida, Ms. BERKLEY, Mr. MEEKS of New York, and Mr. MEEHAN.

H.R. 1655: Mr. BILBRAY, Mrs. JONES of Ohio, Mr. SCOTT of Virginia, and Mr. CLAY.

H.R. 1673: Mrs. CAPITO.

H.R. 1688: Ms. NORTON, Mr. WALZ of Minnesota, and Mr. CUMMINGS.

H.R. 1700: Mr. HODES.

H.R. 1713: Mr. MOORE of Kansas and Mr. NADLER.

H.R. 1717: Mr. MILLER of North Carolina.

H.R. 1732: Ms. NORTON.

H.R. 1733: Mr. LAMBORN.

H.R. 1735: Mr. AKIN, Mr. CHABOT, Mr. FEENEY, Mr. CARTER, Mr. WELDON of Florida, Mr. CAMPBELL of California, Mr. GOODE, Mr. CULBERSON, Mr. WESTMORELAND, Mr. PITTS, and Mr. SAM JOHNSON of Texas.

H.R. 1740: Mr. ARCURI.

H.R. 1747: Mr. COSTA.

H.R. 1754: Mr. SPACE.

H.R. 1772: Mr. ABERCROMBIE, Mr. FATTAH, Mr. DeFAZIO, Mr. MICHAUD, and Mr. VAN HOLLEN.

H.R. 1773: Mr. MOORE of Kansas, Mr. ELLSWORTH, Mr. ROSS, Ms. SUTTON, Mr. BERRY, Mr. JOHNSON of Georgia, and Mr. ROSKAM.

H.R. 1778: Mr. PENCE, Mr. SESSIONS, Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, and Mr. LEWIS of Georgia.

H.R. 1781: Mr. KIND, Mr. CLAY, Mr. McGOVERN, Mr. GRIJALVA, Mr. PRICE of North Carolina, Mr. McHUGH, and Mr. ROTHMAN.

H.R. 1813: Mr. DAVIS of Alabama, Mr. GERLACH, and Mr. CLAY.

H.R. 1818: Mr. INSLEE.

H.R. 1845: Mr. MICHAUD, Mr. REGULA, Mr. KANJORSKI, Mr. GRAVES, and Mr. DAVIS of Illinois.

H.R. 1878: Mr. JEFFERSON, Mr. ABERCROMBIE, and Mr. PASTOR.

H.R. 1907: Mr. McINTYRE, Mr. MORAN of Virginia, and Mr. GEORGE MILLER of California.

H.R. 1913: Mr. SAXTON.

H.R. 1929: Mrs. MUSGRAVE and Mr. SIMPSON.

H.R. 1930: Mr. CANTOR.

H.R. 1947: Mr. BERMAN and Mr. BUCHANAN.

H.R. 1964: Ms. ESHOO.

H.R. 1971: Mr. McDERMOTT.

H.R. 1975: Mr. McNERNEY.

H.R. 1992: Mr. HASTINGS of Florida and Mr. WEXLER.

H.R. 2005: Ms. BERKLEY.

H.R. 2017: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2032: Mr. McHUGH, Mr. KLEIN of Florida, and Mr. McINTYRE.

H.R. 2034: Mr. FILNER.

H.R. 2036: Mrs. NAPOLITANO and Mr. HINCHEY.

H.R. 2039: Mr. CARNAHAN.

H.R. 2061: Mr. HASTINGS of Florida.

H.R. 2065: Mr. SCOTT of Virginia.

H.R. 2066: Mr. ROTHMAN.

H.R. 2091: Mr. DOYLE.

H.R. 2108: Mr. McDERMOTT, Mr. GEORGE MILLER of California, and Mr. MILLER of North Carolina.

H.R. 2111: Mr. BAIRD.

H.R. 2114: Mr. RUSH.

H.R. 2131: Mr. ADERHOLT and Mr. SMITH of New Jersey.

H.R. 2134: Mr. RENZI, Mr. MACK, Mr. HAYES, Mr. FRANKS of Arizona, Mr. PAUL, Mr. CHABOT, Mrs. BLACKBURN, Mr. SAM JOHNSON of Texas, and Mr. FEENEY.

H.R. 2137: Mr. McGOVERN.

H.R. 2138: Mr. HIGGINS and Mr. ETHERIDGE.

H.R. 2140: Mr. SCHIFF and Mr. CARNAHAN.

H.R. 2144: Mr. NEAL of Massachusetts.

H.R. 2154: Mr. DONNELLY.

H.R. 2167: Mr. DAVIS of Alabama.

H.R. 2169: Mr. OLVER.

H.R. 2179: Ms. McCOLLUM of Minnesota.

H.R. 2185: Mr. PAYNE, Mr. WEXLER, Mr. ENGLISH of Pennsylvania, Mr. CHABOT, Mr. GRIJALVA, and Mr. GILCHREST.

H.R. 2189: Mr. KAGEN.

H.R. 2192: Ms. MOORE of Wisconsin, Mr. CROWLEY, Mr. JONES of North Carolina, Mr. MATHESON, Ms. KAPTUR, Ms. DeGETTE, Ms. SCHAKOWSKY, Mr. SHULER, Mr. DOYLE, Mr. HASTINGS of Florida, Mr. ABERCROMBIE, and Mr. BUTTERFIELD.

H.R. 2199: Mr. MILLER of Florida.

H.R. 2201: Mr. ETHERIDGE.

H.R. 2221: Mr. BAIRD.

H.R. 2232: Mr. CAPUANO.

H.R. 2234: Ms. WATSON, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. SCHIFF, Ms. SOLIS, Mr. SHERMAN, Ms. ZOE LOFGREN of California, Mr. THOMPSON of California, Mr. CARDOZA, Ms. WOOLSEY, Ms. LEE, Ms. ESHOO, Mrs. CAPPS, and Mr. BECERRA.

H. Con. Res. 21: Mr. BARROW and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 80: Mr. TERRY and Mr. MILLER of North Carolina.

H. Con. Res. 85: Mr. McCOTTER and Mr. BURGESS.

H. Con. Res. 87: Ms. HIRONO.

H. Con. Res. 104: Ms. LINDA T. SÁNCHEZ of California, Mr. BLUMENAUER, and Mr. PAYNE.

H. Con. Res. 122: Mr. HONDA and Mr. BURTON of Indiana.

H. Con. Res. 125: Mr. McDERMOTT and Mr. SMITH of Washington.

H. Con. Res. 129: Ms. BERKLEY, Mr. STARK, and Mr. BURTON of Indiana.

H. Con. Res. 130: Mrs. BONO, Ms. MATSUI, Mr. PAYNE, and Ms. McCOLLUM of Minnesota.

H. Con. Res. 133: Mrs. CAPPS and Mr. BUYER.

H. Con. Res. 137: Mr. TANCREDO.

H. Con. Res. 142: Mr. SMITH of New Jersey.

H. Con. Res. 144: Ms. BORDALLO and Ms. MATSUI.

H. Res. 25: Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. PASCRELL, Mr. WEINER, Mr. MICHAUD, Mrs. MALONEY of New York, Mr. WAXMAN, Mr. McNULTY, Mr. MILLER of North Carolina, Ms. CLARKE, Ms. MOORE of Wisconsin, Mr. MEEK of Florida, Mr. JEFFERSON, Mr. TOWNS, Mr. SPRATT, Mr. FOSSELLA, Mr. SCHIFF, Ms. CARSON, Mr. WYNN, Mr. LEWIS of Georgia, Mr. WU, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. EMANUEL, Ms. HOOLEY, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. PAYNE, Ms. SCHWARTZ, Mr. ELLISON, Mr. ABERCROMBIE, Mr. PALLONE, Mr. BISHOP of New York, Mr. ANDREWS, Mr. FILNER, Mrs. JONES of Ohio, Mr. PERLMUTTER, Mr. BUTTERFIELD, Mr. BECERRA, and Mr. DAVIS of Alabama.

H. Res. 111: Mr. GORDON and Mr. YOUNG of Florida.

H. Res. 121: Mr. OLVER, Mr. PALLONE, Mr. COSTA, Mr. DELAHUNT, and Mr. GONZALEZ.

H. Res. 146: Ms. LEE.

H. Res. 216: Mr. WICKER, Mr. WILSON of South Carolina, Mr. SMITH of Nebraska, Mr. ISSA, Mr. McCARTHY of California, Mrs. CAPITO, Mr. SULLIVAN, Mr. KINGSTON, Mr. McCOTTER, and Mr. TIM MURPHY of Pennsylvania.

H. Res. 268: Mr. DONNELLY.

H. Res. 296: Mr. WOLF, Mr. LEVIN, Mr. PLATTS, Mrs. MYRICK, Mr. PRICE of North Carolina, Mr. MURPHY of Connecticut, Mr. BARTLETT of Maryland, Mr. ANDREWS, Mr. COURTNEY, Mr. MILLER of North Carolina, and MR. COHEN.

H. Res. 329: Mr. TOWNS, Mr. RUSH, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. WYNN, Mr. ROTHMAN, Mr. GUTIERREZ, Mr. CARNAHAN, Mr. AL GREEN of Texas, Mr. CLEAVER, Mr. COURTNEY, Ms. CLARKE, Ms. MOORE of Wisconsin, Ms. CARSON, Mr. CUMMINGS, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. McGOVERN, Mr. WEINER, Mr. OLVER, Mr. HODES, Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, and Mr. ETHERIDGE.

H. Res. 333: Mr. WYNN.

H. Res. 353: Mr. McINTYRE and Mr. McGOVERN.

H. Res. 356: Mr. SARBANES.

H. Res. 361: Ms. SOLIS, Mrs. CAPPS, Mr. SHERMAN, Mr. THOMPSON of California, Mrs. BONO, and Mr. BECERRA.

H. Res. 369: Mrs. McCARTHY of New York and Mr. GRIJALVA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1419: Mr. HINOJOSA, Mr. CONAWAY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BACHUS, Mr. HOLT, Ms. MATSUI, Mr. ROHRABACHER, Mr. SKELTON, Mr. PETRI, Mr. WILSON of South Carolina, Mr. REHBERG, and Mr. FEENEY.

EXTENSIONS OF REMARKS

TRIBUTE TO MR. J.C. "PEPE" TREVIÑO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor Mr. J.C. "Pepe" Treviño for his induction as the 2007 Laredoan of the Year by the Laredo Morning Times newspaper. The award demonstrates his incredible dedication to the City of Laredo, Texas.

Mr. Treviño was born on May 31st, 1930, as one of the three children of Jose C. Treviño and Victoria Salinas Treviño. He graduated from Martin High School and then attended Laredo Junior College. At just 17 years of age, he married his sweetheart, the late Rose Ella Tarvar, and had six children: J.C. III, Diana, Roberto, Anna Laura, Guillermo, and Carlos. Mr. Treviño worked hard to build a financial empire from scratch that encompasses drayage and long-haul trucking; beer and soda distribution; maquila, warehouse and residential development; and commercial waste disposal.

Mr. Treviño is truly the self-made man. He rose far above his humble beginnings yet never forgot where he came from. Those groups that benefited from his charity include the Sacred Heart Children's Home, the Laredo Boys and Girls Club, and the Laredo Community College. He served for nearly 31 years on the Laredo Community College Board. For his dedication and hard work in making the Laredo business community stronger as well as his passion for philanthropy, he will be honored by the Laredo Morning Times Newspaper as the 2007 Laredoan of the Year.

Madam Speaker, I am honored to have had this time to recognize the hard work and dedication of Mr. J.C. "Pepe" Treviño.

HONORING BISHOP EDWARD SMITH

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. WILSON of South Carolina. Madam Speaker, today I rise in honor of Bishop Edward Smith on his 20th anniversary as Presiding Bishop of the Progressive Churches and as pastor of the Progressive Church in Columbia, South Carolina.

On April 15, 2007, Bishop Smith was honored by his home church, the Progressive Church of our Lord Jesus Christ, Inc., in Columbia. The following is a summary of the tribute that appeared in the church program:

The year 2007 is a milestone in the life of Bishop Edward Smith. This year marks his 20th anniversary as pastor of the Progressive Church in Columbia, S.C., and his 50th anniversary as pastor of the Progressive Church in Denmark, S.C. During this week, we pause to honor a dedicated man of God for his many years of ministry and service, and for his commitment to winning souls for the kingdom of God.

Bishop Edward Smith was born and raised in Birmingham, AL. After graduating from high school, he enlisted in the U.S. Army and was sent to Fort Jackson Army Base in Columbia.

Having been raised from a child to attend church, Bishop Smith began attending different churches in Columbia. One day he met Sister Edna M. Friday, niece of the late Bishop J.D. Williams. She invited him to attend services at the Progressive Church of Our Lord Jesus Christ, where she was a member. After visiting the church for several months, he was baptized.

On August 6, 1952, young Brother Edward Smith was married to Sister Edna M. Friday. They were blessed with three children: Elder William E. (Sheneice) Smith, David N. (Carolyn) Smith, and Joyce D. (Lewis) Grimes. Bishop and Sister Smith also have three grandchildren: David N. Smith II, Brandon E.B. Smith, and Adrienne M. Smith.

Soon thereafter, Brother Smith had to make a decision between continuing his military career as a soldier in the U.S. Army or coming back to South Carolina and the Progressive Church. He made the choice to stay in South Carolina because of the Progressive Church.

In the years since, Bishop Williams has faithfully served the Progressive Church at the local and national level.

Bishop Smith's greatest desire is to see souls saved and delivered from sin. Known as a "no-nonsense man," he often states that he does not preach to excite people's emotions, but rather that God has called him to "provoke thought and bring conviction." In a time when many pastors are compromising God's Word, we are thankful to God for giving us a Pastor and Bishop who has the people of God at heart.

IRAQI HYDROCARBON LAW

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. KUCINICH. Madam Speaker, I submit the following for the RECORD:

READ THE IRAQI PARLIAMENT'S HYDROCARBON LAW: THE IRAQI "HYDROCARBON LAW" CONTAINS THREE SENTENCES ON OIL REVENUE SHARING AND 33 PAGES ON PRIVATIZATION

Dear Colleague: An issue of critical importance, the Iraqi "Hydrocarbon Law", was again broached yesterday for the third time in the Democratic Caucus and I want to provide you the facts and evidence to support the concerns I have expressed.

As you know, the Administration set several benchmarks for the Iraqi government, including passage of the "Hydrocarbon Law" by the Iraqi Parliament. The Administration misled Congress by emphasizing only a small part of this law, the "fair" distribution of oil revenues. Consider the fact that the Iraqi "Hydrocarbon Law" contains a mere three sentences that generally discuss the "fair" distribution of oil.

Except for three scant lines, the entire 33 page "Hydrocarbon Law" is about creating a complex legal structure to facilitate the privatization of Iraqi oil. As such, it is imperative that all of us carefully read the Iraqi Parliament's bill because the FY07 Iraq Supplemental puts Congress on the record in promoting oil privatization.

The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, released yesterday, contains Sec. 1330(2)(A) requiring a report by the President on "whether the Government of Iraq has enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis." The Iraqi "Hydrocarbon Law" is not broadly accepted and does far more than share revenues. The final 3 months of war funding are tied to the favorable completion of this report and a favorable vote by Congress.

It is also important to highlight Sec. 1311(2) of the Supplemental bill, which prohibits funds "to exercise United States control over any oil resource of Iraq." The crucial issue is not the U.S. government control of Iraqi oil resources. Rather the issue is Congress passing a measure that pressures Iraq to pass their "Hydrocarbon Act" so that multinational oil corporations (many based in the U.S.) will exercise control over Iraqi oil resources.

Here are the annotated facts, according to reliable media sources:

FOREIGN OIL COMPANY CONTROL

"The law, if passed, is expected to open the country's billions of barrels of proven oil reserves, the world's third largest, to foreign investors."

"Under the new law, the Iraq National Oil Company would have exclusive control of only about 17 of Iraq's approximately 80 known oil fields."

"The law would also allow the government to negotiate different kinds of exploration and production contracts with foreign oil companies, including Production Sharing Agreements, or PSAs. Energy lawyers favor these because they allow oil companies to secure long-term deals and book oil reserves as assets on their company balance sheets."

"The proposal would provide for production sharing agreements that would give international firms 70 per cent of the oil revenues to recover their initial investments and subsequently allow them 20 per cent of the profits without any tax or restrictions on the transferring of funds abroad.

"Energy lawyers agree. "Pretty much all the major oil companies are taking a very close interest in the future potential in Iraq," says Mathew Kidwell, a partner in the Dubai office of Fulbright & Jaworski. "We have certainly had discussions with a number of our oil industry clients about the legal framework." "

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IRAQI SELF GOVERNANCE THREATENED

The unions were kept in the dark, as were most members of Iraq's parliament, until the draft law was leaked to the media. Even then it was still out of the reach of most of Iraq's citizens.

"Iraq will not be capable of controlling the levels—the limits of production, which means that Iraq cannot be a part of OPEC anymore. And Iraq will have this very complicated institution called the Federal Oil and Gas Council, that will have representatives from the foreign oil companies on the board of it, so representatives from, let's say, ExxonMobil and Shell and British Petroleum will be on the federal board of Iraq approving their own contracts."

"Under the proposed law, foreign companies would not have to invest their earnings in Iraq, hire Iraqi workers, or partner with Iraqi companies."

"Iraq's oil unions have threatened to shutdown production if foreign companies are allowed too much control."

"The Iraq National Oil Co. would restart but compete with foreign oil companies, who could win contracts giving them partial ownership of the respective fields."

PERSUASION BY FOREIGN OCCUPIERS

"The British Government intervened to help UK and US energy giants in their attempts to secure lucrative contracts to exploit Iraq's ruined oilfields."

"The Foreign Office delivered a report by the International Tax and Investment Center (ITIC)—a Washington-based think-tank backed by a host of multinationals, including oil companies such as Shell and BP—to Iraqi officials in Baghdad, it has emerged."

"The British ambassador to Iraq formally sent the 'road-map' study on the Iraqi oil industry to the then Iraqi minister of finance, according to documents seen by The Independent on Sunday. The study recommended the Iraqi government sign long-term production-sharing agreements with foreign oil companies."

"The ITIC hosted a conference in Beirut in January 2005 to give a formal presentation to Iraqi ministers. Executives from BP, Shell, ChevronTexaco, the Italian oil company ENI and its French rival Total attended."

If the above quotes are not persuasive, then I highly encourage you to read the Iraqi "Hydrocarbon Law" yourself. It is available, not because the Iraqi government released it, but because the Kurds released it. This version passed the Iraq Cabinet, and was referred to the Parliament. http://web.krg.org/uploads/documents/Draft%20Iraq%20Oil%20and%20Gas%20Law%20English 2007 03 09 h17m2s47.pdf

The following highlights are the major concerns of the Iraqi "Hydrocarbon Law":

The legislation ensures that the "Chief Executives of important related petroleum companies" are represented on the Federal Oil and Gas Council, which approves oil and gas contracts. This is akin to the foreign oil companies approving their own contracts.

The legislation ensures the Iraq National Oil Company has no exclusive rights for exploration, development, production, transportation, and marketing. The Iraq National Oil Company must compete against foreign oil companies with rules that benefit the foreign oil companies.

The legislation gives the Iraq National Oil Company some control of developed oil fields and "rights to participate" in undeveloped oil fields in Annex I and II, but these Annexes have never been made public.

The legislation gives the Iraq National Oil Company temporary control of the oil pipelines and export terminals, but then directs the Federal Oil and Gas Council to turn these assets over to any entity with no further instructions. The opportunity for a foreign oil company to have control over the Iraqi oil pipeline and export terminals would give that company enormous control of the Iraqi oil market.

The legislation demands that "contracts must guarantee the best levels of coordination" with the Oil Ministry, Iraq National Oil Company, the regions and oil companies. The legislation mandates that undeveloped oil fields be developed quickly and oil companies are given explicit authority to "collaborate."

The legislation does not require contracts to be published for public review up to two months after the approval.

The legislation contains only three sentences in regards to the fair distribution of oil, but do not resolve any of the issues facing this challenge. The legislation simply requires that future legislation be submitted for approval. Thus, this legislation does not even meet the President's benchmark.

The legislation provides up to 35 years of exclusive control over oil fields for foreign oil companies.

The legislation provides for a preference to Iraqis for jobs and services, but only if these benefits do not place extra costs or inconveniences on the foreign oil companies.

This war was about oil. We must not be party to the Administration's blatant attempt to set the stage for multinational oil companies to take over Iraq's oil resources. The war in Iraq is a stain on American history. Let us not further besmirch our nation by participating in the outrageous exploitation of a nation which is in shambles due to U.S. intervention.

Please join me in seeking to remove any reference to the Iraqi "Hydrocarbon Law" in the war spending bill.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

TRIBUTE TO MR. HUGO A. GUTIERREZ, SR.

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor Mr. Hugo A. Gutierrez, Sr., an American hero—a soldier, a father, a husband, and a great leader in the city of Laredo, who recently passed away on March 27, 2007, after a courageous battle with cancer.

Mr. Hugo A. Gutierrez, Sr., was born on August 1, 1925, as the seventh of his parents' twelve children in Nuevo Laredo, Mexico. His family moved to Laredo, Texas, when he was a small child, and thus began his great love for the city and its people. His father passed away when he was only 14 and Hugo started working to provide for his family. Two years later, when his eldest brother, Adolfo, passed away from complications from appendicitis, Hugo began work as an electrician with the Koenig Electric Company so that he could earn more money to feed and clothe his family.

At 18, Hugo served for 2½ years in World War II. He helped detect land mines to protect his fellow soldiers. After the war, he returned to Laredo and soon met his late wife, Ofelia Alvarado. Together they started a family. In 1959, he started his own electrical company, Hugo's Electric Company, in 1959.

Mr. Gutierrez's four sons, Hugo A. Gutierrez, Jr., Ricardo, Aldolfo, and Roberto learned the value of entrepreneurship by working with their father. In 1995, Mr. Gutierrez and his sons purchased a majority interest in what was then Falcon National Bank. At this point he became chairman of the board, and his son, Adolfo, took on the role of president and CEO of Falcon International Bank. Under their leadership, the bank became one of the premier financial institutions in south Texas.

Mr. Gutierrez was loved and respected by hundreds in the city of Laredo. He is survived by his four sons, sisters Mela Sema, Esperanza Pena, Rosa Smith, brothers Arnoldo, Hector and Feliciano and his 15 grandchildren.

Madam Speaker, I am honored to have had this time to recognize Mr. Hugo A. Gutierrez, Sr.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE CENTRAL ASSEMBLY OF GOD CHURCH

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. BLUNT. Madam Speaker, I rise today to recognize an institution celebrating its centennial milestone this month. The Central Assembly of God Church in Springfield, MO, has been at the center of the Pentecostal movement in Springfield since the turn of the 20th century.

Early in 1907, a woman, who had attended a California revival, came to Springfield and spent a week with Mr. and Mrs. J. J. Corum. She related the stories from the revival in Los Angeles and told them God was sending a refreshing message. Mrs. Corum began reading material from the revival. On June 1, 1907, Mrs. Corum received a spiritual awakening.

Prayer meetings resulted from this spiritual outpouring. Hearing about a revival, a group of friends from Joplin came to Springfield to join the prayer meetings. From 1907 to 1914, this band of Spirit-filled believers met in various places, including a large tent. The first pastor, Reverend Sig Eaton, was elected on December 7, 1914.

During the spring of 1918 the Assemblies of God International headquarters moved from St. Louis, MO, to Springfield, increasing the number in the local church. Because of the larger congregation, the group erected a 40 x 60 foot building, which was completed and occupied on July 1, 1920.

In December 1929, that building burned to the ground. The new church was erected in 1930. The church complex now covers 200,000 square feet, offering an assortment of services and activities for every age group. The latest renovation, completed in 2004, includes four levels of children's ministries classrooms; construction began on a new 22,000 square foot Youth and Community

Center that includes a 350-seat youth chapel, wood floor gymnasium, cafeteria, kitchen, computer lab, game area, classrooms and an office wing. The retrofitted old sanctuary has become a spacious 16,000 square foot multipurpose hall that houses a large area for KidZone/Children's Church, as well as a facility with seating for some 700 people at round tables for other churchwide events. A large industrial kitchen and children's game area were also included in this space.

The congregation of Central Assembly has a rich tradition of not just meeting the spiritual needs of the community; but the physical needs as well. Currently, through initiatives such as a food pantry, strategic relationships with Pipkin Middle School, Boyd and Weaver Elementary Schools, and other community efforts, Central Assembly has expanded its influence beyond the walls of the church.

Central Assembly sent out its first foreign missionary, Forest Coover, on September 1, 1926 to Tibet. That international ministry continues today. The church has an impact that is global in its work and mission. Due to its strategic location in close proximity to the Assemblies of God headquarters and universities, Central has played an important role in the development of young leaders who now lead ministry and relief efforts around the world.

The group of congregants, today more than 2,000 strong, has come a long way from the early and humble beginnings of those who met in prayer meetings with the Corums. The Central family is thankful to the Lord for the evidence of His blessing through the years, keenly aware that the Church is made up not of bricks and stained glass but of born-again believers, with a desire to connect with God, with each other, and with their purpose in life.

I congratulate the Central Assemblies of God Church on their special anniversary and pray the congregation's future is filled with success in the spiritual missions that are the foundation of the church.

TRIBUTE TO RIVERSIDE COUNTY'S RECIPIENTS OF OPERATION RECOGNITION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to a group of individuals—heroes—who are receiving the recognition and honor they deserve for their service to our country. Operation Recognition is operated by the Riverside County Office of Education with assistance from the Riverside County Department of Veterans' Services. The program awards high school diplomas to veterans who missed completing high school due to military service in World War II, the Korean War, or the Vietnam War, or due to internment in WWII Japanese-American relocation camps.

A recognition ceremony will be held on Wednesday, May 16, 2007, for the following individuals who received their high school diplomas through Operation Recognition: David Gregory Aguilera, Benjamin Alcala, Walter Morton Anderson, John Angelo Jr., Ronnie D. Archer, William Armstrong, Luis Velos Aviles Sr., Herb Bacon, Thomas Louis Baier, David H. Bartash, Paul W. Bennett, Ronald C. Bissey, Alec Carson Boatman, David A. Bravo, William A. Bray, Aaron E. Bulin, James Elroy Butler, Robert Lee Chaffin, Arthur Charton, Israel Chavez, Gordon Michael Cody, Doyle L. Conklin, Ezra L. Craycraft, Donald Edward Davis, Moses F. Diaz, Howard Ellis, Scott Leslie Faust, John P. Flanagan, Frederick Lopez, Frank Garces, Benjamin Garcia, Robert George Greene, Patrick Roy Guaydacan, Gordon LeRoy Hall, Charles R. Hansen, Allen Hartley, William R. Haskin, Jimmy L. Henry, Arthur F. Hill, Ramon D. Holguin, Jerome Stephen Huggins, Barney M. Jensen, William Johnson, William L. Klaasen, Robert L. Knechtel, Edward Knight, Lonnie L. Lambeth, Joseph A. Landry, George Jefferson Lawrence Jr., Richard S. Leivas, August J. Liberino, Thomas John Martin, William Maycock Sr., Walter Maykulsky, Ray George McClintock, Eleuterio E. Medina, Forrest Leroy Mitchell, Frank R. Montejano, Curtis L. Murphy, William J. Murray, Jack I. Odell, Donald E. Pechous, Donald Edward Pedersen, Donald R. Phillips, Jerome Kern Pittman, John T.R. Pollock, John Puz, Walter S. Pynn, Gilberto Ramos, Rex Lee Reed, Richard M. Rego, Russell William Reichert, Alexander "A" Reyes, Raymond F. Reyes, William Leonard Robey, Juan M. Rodriguez, Luis Alfredo Rosado, Leo Marty Schlocker, Ernest George Schrader, Donald Clifford Secory, Robert Lewis Smith, Cecil T. Spires, Ronald Stiff, Steve P. Stone, John W. Swanson, Thomas Joseph Tarpai, Anthony R. Travers, David Scott VanNyhuis, Ralph Watkins, Michael L. Weir, Alvin Wilkiewicz, Donald Wohlt and Saturnino James Zabala.

Our country owes a debt of gratitude to all the above recipients for their service and sacrifice. I salute all the above individuals and congratulate them on receiving their high school diploma.

TRIBUTE TO HAROLD SNYDER

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mrs. LOWEY. Madam Speaker, I rise today to honor Harold Snyder on his 85th birthday.

Harold was born on April 25th, 1922, in New York City. The son of immigrants, he has lived the American dream, ascending from a poor childhood through hard work to a successful career, and continues to give back to his community.

In 1941, he proudly enlisted in the U.S. Army Air Corps and served as a gunner and radio operator of B–17s in the 301st Squadron.

After his service ended, Harold attended college on a GI Bill and received an undergraduate degree from New York University. He then pursued a Masters degree in Natural Sciences from Columbia University.

In 1963, Harold founded Biocraft Laboratories. A pioneer of the pharmaceutical industry, Harold has devoted his career to providing affordable prescription drugs to Americans. As the cost of health care has skyrocketed, Harold Snyder has fought to ensure that American consumers have access to the medications they need by leading the charge to develop less expensive, safe, effective generic pharmaceuticals.

In addition, Harold contributes to and advocates on behalf of a number of charitable causes including medical research, education and the Arts. He believes in the power to change the world for the better and has devoted himself to helping provide opportunity to others less fortunate than himself. Indeed, Harold has graciously helped to give hope to many facing all kinds of struggles, to give back to a world that he feels has provided him with exceptional opportunities. I am honored to call Harold Snyder my good friend.

Madam Speaker, I urge my colleagues to join me today in recognizing the tremendous accomplishments of Harold Snyder and to wish him a Happy 85th Birthday.

A TRIBUTE TO DIXON OSBURN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. FRANK of Massachusetts. Madam Speaker, for 14 years, Dixon Osburn has been the Executive Director of the Service Members Legal Defense Network, an extremely effective and principled organization that has fought against the unfair discrimination against gay, lesbian and bisexual people in the U.S. armed services. It is hard to combine passion and common sense in a political cause—people who feel strongly often have an understandable difficulty in controlling their strong feelings to the point where they can follow the most rational strategies, and serving as the head of an organization exacerbates this, since the head of such a group is required to preach thoughtfulness to people who are—often justifiably—far too angry to want to think about things.

Dixon Osburn as Executive Director of SLDN performed this extremely difficult task very, very well. No one ever doubted the depth of his commitment to the cause of fairness for LGBT service members, and no one could fault the analytical discipline he brought to the job. I believe that we will some day in the near future abolish this unfair "don't ask, don't tell" policy, which discriminates against individuals and deprives our military of personnel who would perform useful services at a time when we need that. When we do reach that goal, the important work that Dixon Osburn has done over these past 14 years will deserve a great deal of the credit.

INTRODUCTION OF QATARI-AMERICAN FRIENDSHIP DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mrs. MALONEY of New York. Madam Speaker, today, I am pleased to introduce a bill congratulating Qatar on the occasion of Qatari-American Friendship Day. On Monday, May 14, 2007, the United States Embassy in Doha, Qatar will observe Qatar-American Friendship Day. Over the recent years, Qatar has become an important ally of the United States. It is a major defense ally in the Middle East, with Qatari and American forces both benefitting from close cooperation.

I first visited Doha, Qatar in 1999 for the historic municipal elections where women were first granted the right to vote. It is important to note that Qatari women have always enjoyed the same political rights as men. I am most impressed by the work of His Highness the Emir, Sheikh Hamad bin Khalifa Al-Thani and Her Highness Sheikha Mozah Nasser al-Misnad and their commitment to the education of the young women and men of the Middle East. With their vision, Education City Qatar now hosts five major American universities, including Virginia Commonwealth University of the Arts in Qatar, Weill Cornell Medical College in Qatar, Texas A&M University at Qatar, Carnegie Mellon University in Qatar, and Georgetown University School of Foreign Service in Qatar.

I would like to highlight one of those programs, the Weill Cornell Medical College in Qatar. Nearly 10 years ago, Qatar, the Qatar Foundation, the people of Qatar, and the leadership of Weill Cornell Medical College entered into a partnership to establish a branch in Doha, Qatar—the first American medical school to succeed at such an endeavor.

The Weill Cornell Medical College in Qatar (WCMC–Q) celebrated its official opening on October 12, 2003 and will soon be celebrating its first graduating class. WCMC–Q aims to further Cornell University's commitment to education, research, patient care and the advancement of the art and science of medicine while supporting the Qatar Foundation's efforts to serve the local community. The College offers a complete medical education, leading to a Cornell University Doctor of Medicine (M.D.) degree, with teaching by Cornell faculty. It is the first American university to offer its M.D. degree overseas, and the first higher education institution in Qatar to be co-educational. Prospective students will be subject to the same entrance requirements as in the United States, with no geographical restrictions, and will be the first school of medicine established by an American university to award the same degree abroad that it bestows upon students in the U.S. While the State of Qatar underwrites the educational costs of Qatari students, it also offers a loan forgiveness program for foreign students if they commit to practicing medicine in Qatar for a specified period after graduation. Since 70 percent of the inaugural class are women for the Pre-medical Program, WCMC–Q is already demonstrating its ability to have an extraordinary impact in a region with few higher education options for women.

In addition to providing a superb medical education, WCMC–Q serves as a model for strong partnership and cultural understanding in the Middle East. It has served as an anchor that in turn has inspired other leading institutions of higher education, that I mentioned previously, to establish similar programs in Education City.

The leadership and the people of Qatar have clearly demonstrated their commitment to putting education and tolerance above hate and misunderstanding, one that fosters mutual respect, understanding, and peace in a very real and practical application. I am pleased to congratulate Qatar on the special occasion of Qatari-American Friendship Day and hope that our nations continue our long-lasting friendship into the future as we both strive for freedom and peace throughout the world.

HONORING DR. ZUHAIR MUNIR OF DAVIS, CALIFORNIA RECIPIENT OF THE UC DAVIS PRIZE FOR UNDERGRADUATE TEACHING AND SCHOLARLY ACHIEVEMENT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Dr. Zuhair Munir, the 2007 recipient of the UC Davis Prize for Undergraduate Teaching and Scholarly Achievement. This prize has been awarded annually since 1986 to recognize scholars who are successful not just in their research, but convey their excitement and love of scholarship to students at the university. Dr. Munir has been a leader in the field of materials science for many years, conducting research in areas which have yielded remarkable technological advances, but his hallmark at UC Davis has always been as a professor who cares deeply for students throughout their studies.

Dr. Munir was born in Baghdad, Iraq and immigrated to the United States as a teenager. He earned 3 degrees from the University of California, Berkeley: his bachelor's degree in 1956, a masters in 1958 and then his doctorate in 1963. He joined the professorial staff at UC Davis in 1972, and has worked there ever since. In 2000 he was appointed Dean of the College of Engineering and he served there until 2002. In 2003, he was promoted to Distinguished Professor in the College.

Throughout his career, Dr. Munir has worked on the cutting edge of materials science, working to understand the properties of various materials and the ways they can interact and transform under the right conditions. This has included work studying the effects of electrical fields on crystals, and as an innovator in the field of combustion synthesis.

His proficiency as a professor and mentor have long distinguished Dr. Munir, and evaluations submitted by students consistently rave that he is among the best and most engaging of their professors. Throughout his career, he has made a point of encouraging students to venture beyond his lectures and come work in the laboratory so that they can gain a better perspective on the practice of science. By encouraging students to explore problems for themselves rather than simply providing the answers, Dr. Munir has inspired generations of students to pursue in-depth study of materials science and chemical engineering, and pursue work in related fields.

Madam Speaker and colleagues, it is appropriate at this time that we thank Dr. Munir for his years of exemplary work as a scholar and educator, and congratulate him on receiving this award. His commitment to educating young students has been unwavering, and he deserves our thanks.

MINING LAW REFORM LEGISLATION

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. RAHALL. Madam Speaker, 135 years to the day after President Ulysses S. Grant signed the 1872 General Mining Law, I am introducing legislation to provide much-needed fiscal and environmental oversight for the hardrock mining industry operating on Federal lands.

This legislation would overhaul that antiquated statute penned into law by President Grant on May 10, 1872—a law that contains no environmental protection provisions governing the mining of hardrock minerals such as platinum, gold, silver, and copper on public domain lands in the western States. The 1872 Mining Law also allows extraction of these minerals from the public domain without the payment of a royalty to the American taxpayers, and it allows a mining company to purchase mineral rich public lands for no more than $2.50 or $5 an acre, irrespective of the land's true value.

This legislation would bring the hardrock mining law into the 21st century.

The lack of a royalty in the 1872 Mining Law and the absence of deterrents or penalties for irresponsible mining have caused enormous taxpayer giveaways and liabilities. Under the Mining Law the Federal Government has handed out over $245 billion in mineral rich public lands.

To be sure, Congress has attempted to reform the Mining Law at various times over its history—only to be thwarted each time by powerful mining interests. Former Congressman Mo Udall came close to achieving reform of the mining law in the 1970's. During the 102nd Congress in 1991, I introduced mining reform legislation. And we came close to enacting legislation that would have reformed this archaic law in 1994. But, at the last moment, after both the House and the Senate had passed separate bills, the Conference failed to reach a compromise, and the rest, as they say, is history. Since then, I have re-introduced reform legislation in each succeeding Congress.

Many Americans support reform and question why Congress does not address this issue. These people believe that American taxpayers are being robbed every time a multinational conglomerate breaks U.S. ground and mines our valuable minerals for free.

It is time, well past time, that the Congress replace this archaic law with one that reflects our values and goals. Ensuring a fair return to the public in exchange for the disposition of public resources and properly managing our public lands are neither Republican nor Democratic issues. They are simply goals that make sense if we are to be good stewards of America's lands and meet our responsibilities to the American people.

Madam Speaker, during the years I have labored to reform the Mining Law of 1872 those who defend its privileges—and it is indeed a privilege to be deemed the highest and best use of our public domain lands—have often alleged that reform legislation fails to take into account the contribution of hardrock mining to area economies. They claim that reform would have dire consequences on the industry, that if we do not provide the industry with unfettered access to public lands and public minerals, the industry could no longer survive.

Let me just say at the outset that there is no Member in the House of Representatives whose Congressional District is more dependent upon mining for employment and its economic benefits than this gentleman from West Virginia. And when we are talking about the effects of mining, I would suggest that there is little difference between coal mining and gold mining. The effects, whether measured in terms of employment, or in terms of the environment, are the same.

With that noted, I have engaged in the effort to reform the Mining Law of 1872 these past many years not just for the apparent reasons—valuable minerals mined for free, Federal lands available almost for free, and no comprehensive Federal mining and reclamation standards. But also because I am pro-mining, because I no longer believe that we can expect a viable hard rock mining industry to exist on public domain lands in the future if we do not make corrections to the law today. I do so because there are provisions of the existing law which impede efficient and serious mineral exploration and development. And I do so because of the unsettled political climate governing this activity, with reform coming, if not in a comprehensive fashion, certainly on a piecemeal basis.

So I say to my colleagues from the Western States who resist reform, I understand your concerns. I have been in your situation. In 1977 I served on what is now called the Natural Resources Committee as a young freshman. I was confronted by legislation being advanced by my chairman, Mo Udall. And I recall that the coal industry was dragged kicking and screaming into the debate that led to the enactment of the Surface-Mining Control and Reclamation Act of 1977.

I voted for that legislation. It was not an easy thing for me to do. But I voted for that bill because in my region of the country we were grappling with a legacy of acidified streams, highwalls, refuse piles, open mine shafts, and other hazards associated with coal mining practices. That is a legacy, I would submit, that we are faced with today on lands administered by the Forest Service and the BLM in the western States due to hardrock mining practices.

The fact of the matter is that the gloom and doom predictions made by industry against the Federal strip mining act all those years ago did not materialize. Predictions, I would note, that are almost to the word identical to those which industry has leveled at times against this Mining law of 1872 reform legislation.

Yet, today, the coalfields of this Nation are a much better place in which to live. And today, we are producing more coal than ever before.

Certainly, coal continues to have its controversies, whether they involve mountaintop removal coal mining or the problems we are having with coal waste impoundments. But at least there are laws on the books to deal with those situations.

At least there are in place basic Federal mining and reclamation performance standards. At least when one mines coal on Federal lands a royalty is paid to the Federal Government. And at least we are making provision for the restoration of lands left abandoned by past coal mining practices.

None of this exists with respect to hardrock mining under the Mining Law of 1872.

I believe that with enough courage, and fortitude, we can continue to address the problems facing mining, and dovetail our need for energy and minerals with the necessity of protecting our environment.

For at stake here in this debate over the Mining Law of 1872 is the health, welfare, and environmental integrity of our people and our Federal lands. At stake is the public interest of all Americans. And at stake is the ability of the hardrock mining industry to continue to operate on public domain lands in the future, to produce those minerals that are necessary to maintain our standard of living.

RESPONSIBILITY TO IRAQI REFUGEES ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. BLUMENAUER. Madam Speaker, today, along with Congresswoman JAN SCHAKOWSKY and Congressman CHRISTOPHER SHAYS, I am introducing the "Responsibility to Iraqi Refugees Act." Iraq is the world's fastest growing refugee crisis, yet the U.S. response has been minimal.

For one group in particular, however, our moral responsibility is unquestionable—Iraqis who are at risk because they helped the United States. Having cooperated with the United States military, the United Nations or even with a nongovernmental organization can literally mean a death sentence at the hands of any of the many sides in this civil war.

Our legislation would admit Iraqis to the United States who are at risk because they helped coalition or reconstruction efforts in Iraq, establish a Special Coordinator for Iraqi Refugees and Internally Displaced Persons and require strategies to ensure the well-being and safety of Iraqi refugees in the region; and increase the number of persecuted Iraqis who can be admitted to the United States as refugees.

I urge every Member of the House to cosponsor this broad, ambitious and comprehensive response to the Iraqi refugee crisis before it is too late for the people whose only crime was working with Americans.

PERSONAL EXPLANATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. BILIRAKIS. Madam Speaker, unfortunately, I was unavoidably detained and missed rollcall vote No. 281.

I take my voting responsibility very seriously, and if I had been present, I would have voted "yea" on rollcall No. 281.

TEACHER APPRECIATION WEEK

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. SMITH of Nebraska. Madam Speaker, for the past 15 years, communities across the United States have set aside the first full week of May as Teacher Appreciation Week.

As the school year winds down in many areas of the country, this week gives us the opportunity to thank these individuals for making a difference and for helping all of us succeed in school and in life.

As a former educator, and the son of one of the best teachers I know, I wanted to take the time to recognize the educators who give so much of their time and personal freedom to accomplish so much for the future of our country.

As Henry Adams said, "A teacher affects eternity; he can never tell where his influence stops."

Today I encourage my colleagues to remember those teachers whose influence continues in these Chambers and throughout the world.

FINANCIAL DISCLOSURE

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. SENSENBRENNER. Madam Speaker, through the following statement, I am making my financial net worth as of March 31, 2007, a matter of public record. I have filed similar statements for each of the 28 preceding years I have served in the Congress.

ASSETS

Real property	Value
Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at $1,523,982). Ratio of assessed to market value: 100% (Unencumbered)	$1,523,982.00
Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered)	148,300.00
Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of $1,659,700.	943,011.36
Total Real Property	$2,615,293.36

2007 DISCLOSURE

Common & Preferred Stock	No. of shares	$ per share	Value
Abbott Laboratories. Inc.	12200	55.80	680,760.00
Alcatel-Lucent	135	11.82	1,595.70
Allstate Corporation	370	60.06	22.222.20
AT&T	2944.044	39.43	116,083.65
JP Morgan Chase	4539	48.38	219,596.82
Benton County Mining Company	.333	0.00	0.00
BP PLC	3604	64.75	233.359.00
Centerpoint Energy	300	17.94	5,382.00
Chenequa Country Club Realty Co.	1	0.00	0.00
Comcast	634	25.95	16,452.30
Darden Restaurants, Inc.	1440	41.19	59,313.60
Delphi Automotive	212	2.90	614.80
Dunn & Bradstreet, Inc.	2500	91.20	228,000.00
E.I. DuPont de Nemours Corp.	1200	49.43	59,316.00
Eastman Chemical Co.	270	63.33	17,099.10
Eastman Kodak	1080	22.56	24,364.80
El Paso Energy	150	14.47	2,170.50
Exxon Mobil Corp.	9728	75.45	733,977.60
Gartner Group	651	23.95	15,591.45
General Electric Co.	15600	35.36	551,616.00
General Mills, Inc.	2280	58.22	132,741.60
General Motors Corp.	304	30.64	9,314.56
Hospira	1220	40.90	49,898.00
Idearc	67	35.10	2,351.70
Imation Corp.	99	40.38	3.997.62
IMS Health	5000	29.66	148,300.00
Kellogg Corp.	3200	51.43	164.576.00
Kimberly-Clark Corp.	6384	68.49	437,240.16
Merck & Co., Inc.	34078	44.17	1,505,225.26
3M Company	2000	76.43	152,860.00
Medco Health	4109	72.53	298,025.77
Monsanto Corporation	2852.315	54.96	156,763.23
Moody's	2500	62.06	155,150.00
Morgan Stanley/Dean Whitter	312	78.76	24,573.12
NCR Corp.	68	47.77	3.248.36
Newell Rubbermaid	1676	31.09	52,106.84
JP Morgan Liquid Assets Money Mkt	4533.72	1.00	4,533.72
Pactiv Corp.	200	33.74	6,748.00
PG&E Corp.	175	48.27	8.447.25
Pfizer	22211	25.26	561,049.86
Qwest	571	8.99	5,133.29
Reliant Energy	300	20.32	6,096.00
RH Donnelly Corp.	500	70.89	35,445.00
Sandusky Voting Trust	26	1.00	26.00
Solutia	1672	0.68	1.138.63
Tenneco Automotive	182	25.46	4,633.72
Unisys, Inc.	167	8.43	1,407.81
US Bank Corp.	3081	34.97	107,742.57
Verizon	1373.891	37.92	52,097.95
Vodaphone	323	26.86	8,675.78
Weenergies (Wisconsin Energy)	1022	48.52	49,587.44
Total Common & Preferred Stocks and Bonds			$7,136,650.77

Life Insurance Policies	Face $	Surrender $
Northwestern Mutual #4378000	12,000	75,412.27
Northwestern Mutual #4574061	30,000	181,284.03
Massachusetts Mutual #4116575	10,000	11,520.97
Massachusetts Mutual #4228344	100,000	286,415.27
American General Life Ins. #5–1607059L	175,000.00	40,950.00
Total Life Insurance Policies		$595,582.54

Bank & Savings & Loan Accounts	Balance
JP Morgan Chase Bank, checking account	8,098.33
JP Morgan Chase Bank, savings account	43,935.47
M&I Lake Country Bank, Hartland, WI, checking account	10,236.24
M&I Lake Country Bank, Hartland, WI, savings	368.64
Burke & Herbert Bank, Alexandria, VA, checking account	1,998.58
JP Morgan, IRA accounts	118,610.24
Total Bank & Savings & Loan Accounts	$183,247.50

Miscellaneous	Value
1994 Cadillac Deville—retail value	$3,700.00
1989 Cadillac Fleetwood—retail value	2,475.00
1996 Buick Regal—retail value	3,100.00
1991 Buick Century automobile—retail value	1,750.00
Office funiture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	180,000.00
Stamp collection (estimated)	100,000.00
Interest in Wisconsin retirement fund	377,350.61
Deposits in Congressional Retirement Fund	175,108.36
Deposits in Federal Thrift Savings Plan	273,226.53
Traveler's checks	7,800.00
17 ft. Boston Whaler boat & 70 hp Johnson outboard motor (estimated)	7,000.00
20 ft Pontoon boat & 40 hp Mercury outboard motor	13,000.00
Total miscellaneous	$1,145,510.50
Total Assets	$11,676,284.67

Liabilities	Amount
None	
Total Liabilities	$0.00

Liabilities	Amount
Net worth	$11,676,284.67

Statement of 2006 Taxes Paid	Amount
Federal income tax	$12,694.00
Wisconsin income tax	$36,794.00
Menomonee Falls, WI property tax	$2,343.00
Chenequa, WI property tax	$23,791.00
Alexandria, VA property tax	$12,177.00

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of five trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son.

Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

GRANDMOTHERS AND CHICKENS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. POE. Madam Speaker, my grandmothers were remarkable women. I enjoyed the time I spent with them up until they died late in years—one at 88; the other at 99.

They lived during times when there were few if any modern conveniences. No air conditioner. No microwaves. No electricity. They forged lives for their families out of sheer will and determination. My Grandmother Poe was of Scots-Irish decent. My mom's mother, Meme, was of German heritage. Both were wonderful cooks, and I always showed them utmost respect.

Sundays were special. When we visited them we would go to Church, and then back to one of my grandmother's house for the big Sunday lunch that was all home cooking.

The summer that I was 5 years old, I visited Grandmother Poe, and on one particular Saturday she was preparing for Sunday lunch. Fried chicken was the meal. I never made the connection between the chicken we ate on Sunday and the chickens that ran loose around my grandmother's house.

I soon learned that connection and one of those chickens was the next day's meal. Grandma Poe told me on that Saturday afternoon that we needed a chicken for Sunday lunch. So I eagerly and happily followed her out to the yard and was unaware of what was about to happen. I saw her small, petite hands latch on to the neck of a hen, and with the slightest of movements she popped the head off that chicken. I was horrified. I had never seen anything so ghastly. She calmly waited for the chicken to stop "running around with its head cut off," plucked the feathers off of it, and put it in a big 5-gallon bucket to be fried and eaten the next day. I don't think that I ate chicken on Sunday, but I learned respect and a little bit of fear of my Grandmother Poe that afternoon.

About a year later, a similar situation occurred with Grandmother Meme, when I stayed with her.

Sunday was to be another meal of fried chicken. So on Saturday, I was emotionally prepared in my youthful mind for the "chicken hunt"—ready to see the neck pop off of another unsuspecting chicken—just to be devoured by humans.

But this time, my Meme did not go wring a chicken's neck. Instead, just as calm as my Grandmother Poe had been, she picked up her 22 rifle, stepped out of the back porch, took aim at the moving, head-jerking hen, and pulled the trigger. She shot that chicken in the head and it flopped over with no movement at all. One shot—one dead hen. I was stunned. She picked up the carcass and fried it, just as my other grandmother had done.

I gained a lot of respect for my gun-totin' grandmother that Saturday.

After those two incidents occurred early in my life, I was always careful on how I treated my grandmothers—careful never to anger either one of them—and remembering in a childlike way, the fate of those chickens. I admired my grandmothers and cherished all those special lessons they taught me for numerous years.

This Mother's Day, we pay tribute to those wonderful, hard-but-soft ladies like the generation of my grandmothers.

We praise and respect all of the American mothers this Sunday that have made us who we are and taught us about respect and honor of these remarkable women. And Madam Speaker, I still don't eat chicken. And that's just the way it is.

INTRODUCING THE RAILROAD COMPETITION AND SERVICE IMPROVEMENT ACT OF 2007

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. OBERSTAR. Madam Speaker, on May 3rd, I joined with the gentleman from Louisiana, Mr. Baker, and ten of our colleagues, to introduce the "Railroad Competition and Service Improvement Act of 2007."

Twenty-six years ago, Congress voted to deregulate the Nation's railroad industry and enacted the Staggers Rail Act. The railroad industry was in crisis: Years of low profits, deferred maintenance, and ill-conceived regulatory policies had resulted in a very debilitated industry. We were assured that deregulation was the cure. We were told that economic regulation had outlived its usefulness; that it was preventing the industry from competing effectively with trucks, barges, and pipelines; and that there were a sufficient number of rail carriers to provide significant rail-to-rail competition. Congress voted to deregulate the industry.

Deregulation did produce some of the benefits predicted: America's railroads are financially much stronger today than they were in 1980. Industry rates of return that hovered in the 1–2 percent range in the 1970s were up in the 6–9 percent range in the 1990s. Today, U.S. railroads account for 42 percent of intercity freight ton-miles, more than any other mode of transportation. U.S. Class I railroads move three times more freight than all of Western Europe's freight railroads combined.

The 40 Class I railroads that existed in 1980 have consolidated into just seven Class I railroads serving the entire United States, four of which control over 95 percent of the railroad business. This unprecedented consolidation has resulted in entire States, regions, and industries becoming captive to a single Class I railroad.

Example: Laramie River Station is served by a single railroad—BNSF—that delivers 8.3 million tons of coal annually from Wyoming's Powder River Basin to Laramie River Station, a distance of approximately 175 miles. When a long-standing contract for that service expired in 2004, BNSF published new rates for the same service that more than doubled the prior rate. Without Federal intervention, these increased rail rates are estimated to cost consumers $1 billion over the next 20 years.

Example: Dairyland Power Cooperative, a generation and transmission cooperative located in LaCrosse, Wisconsin, has experienced similar problems. The Cooperative asserts that failure by the Union Pacific Railroad to deliver 25 percent of scheduled shipments of Utah coal resulted in Dairyland's overall fuel budget increasing by roughly 10 percent. Dairyland is also bracing for a 49 percent increase in rail rates later this year.

Example: Montana grain producers advise me that their counterparts in Nebraska—where a limited amount of rail competition exists—pay less in transportation costs than do Montana farmers to ship grain to Portland, Oregon, despite the 200 miles in additional distance the Nebraska grain must travel. The Montana farmers estimate that this disparity has cost them about $60 million a year.

This lack of competition has resulted in record profits for railroads. North American railroads earned $42 billion in revenue in 2006. In 2006, BNSF achieved $15 billion in revenues, a 15 percent increase over 2005, exceeded $5.10 in earnings per share, and attained $712 million in free cash flow after dividends. The railroad's net income was $1.89 billion, compared to $1.53 billion in 2005.

BNSF's 2006 intermodal revenues increased to a record $5.14 billion, an 18 percent increase from 2005's then-record levels. Consumer products revenues climbed to $5.61 billion, a 14.6 percent increase. Agricultural products revenues were up 14 percent to $2.43 billion. Industrial products revenues increased by 15 percent to $3.60 billion. And coal revenues rose $480 million—or 19 percent—to $2.92 billion.

Union Pacific Railroad achieved $14.9 billion in revenues in 2006, a 15 percent increase from 2005 revenues. The railroad's net income was $1.6 billion or $5.91 per diluted share, versus $1 billion, or $3.85 per diluted share, in 2005. Energy revenues increased by $376 million, or 15 percent, to $2.95 billion. Agricultural revenues were up 22 percent to $2.4 billion. Industrial products revenues were up 13 percent to $3.17 billion. And intermodal revenues were up 14 percent to $2.81 billion.

CSX's revenues for 2006 were $9.57 billion, a 12 percent increase over 2005 revenues. CSX's net income was $1.31 billion in 2006, a 14 percent improvement from 2005, and the $2.82 earnings per share is a 31 percent improvement over 2005. Metals revenues were up 18 percent to $673 million. Forest products revenues were up 8 percent to $773 million. Coal, coke, and iron ore revenues were up 14 percent to $2.38 billion.

Norfolk Southern's net income for 2006 was a record $1.5 billion, or $3.57 per diluted share, an increase of 15 percent compared with net income of $1.3 billion, or $3.11 per diluted share, for 2005. General merchandise revenues for 2006 climbed to a record $5.1 billion, an 11 percent increase from 2005's then-record levels. Coal revenues increased 11 percent to a record $2.33 billion. Intermodal revenues rose 9 percent to a record $1.97 billion.

All of these gains for the railroads have come at a price for captive shippers, who look to the Surface Transportation Board (STB) for help. They quickly realize that they can't afford the $178,200 filing fee or the millions of additional dollars necessary to fight their rate cases. Shippers see that the Board is more concerned about the financial health of the railroads than with the financial health of railroad customers, and they decide it's not worth the effort and cost to protest a rate case. Instead of alleviating the problems shippers face, the STB is actually discouraging captive shippers from filing rate cases.

This is hardly the competitive environment envisioned when Congress voted to deregulate the railroad industry, and when Congress tasked the STB's predecessor, the Interstate Commerce Commission, to ensure that rail rates remain reasonable when there is an absence of effective competition.

That is why I introduced legislation in the past four Congresses to reform STB's policies and procedures. Other Members of Congress, including Congressman BAKER, introduced similar legislation to reform railroad regulation. But to date Congress has failed to act upon these bills.

The "Railroad Competition and Service Improvement Act of 2007" will preserve existing rail-to-rail competition in areas of the United States where competition is working, and take action to reduce impediments to competition that adversely affects rail customers. The bill provides directives to the STB for implementing current law. It requires the STB to: (1) Ensure, to the maximum extent possible, effective competition among rail carriers at origins and destinations; (2) ensure reasonable rates for rail customers in the absence of competition; and (3) ensure consistent, efficient, and reliable rail transportation service for rail customers, including the timely provision of rail cars requested by rail customers.

The bill will also:

Eliminate "bottlenecks." Under the bill, on the request of a shipper, the carrier must establish a rate for any two points on the carrier's system where traffic originates, terminates, or can be interchanged. In addition, the reasonableness of the rate would be subject to challenge. This bill will give shippers access to competitive rail service even if a single carrier has monopoly control over a short, bottleneck portion of a route.

Create competitive rail service at switching points. The bill requires rail carriers to enter into reciprocal switching agreements where the STB finds that such agreements are in the public interest or where agreements are needed to ensure rail service is competitive. The bill also prohibits the STB from requiring that the petitioning carrier show conduct inconsistent with antitrust laws.

Eliminate "paper barriers." These barriers are contractual agreements that prevent short-line railroads that cross two or more major rail systems from providing rail customers access to competitive service on one of these systems. The agreements require the short-line railroads to deliver all or most of its traffic to the major carrier that originally owned the short line facilities. Under the bill, the STB must terminate these restrictions, upon request, unless the STB finds that the termination would be inconsistent with the public interest or materially impair the ability of an affected rail carrier to provide service to the public.

Establish a new regulatory process for "Areas of Inadequate Rail Competition." The bill allows the STB to designate a State or substantial part of a State as an Area of Inadequate Rail Competition (AIRC), upon petition of a Governor or Attorney General of a State, or the Rail Customer Advocate of the Department of Transportation. Upon the designation, the STB has 60 days to provide remedies authorized by current law to resolve the anticompetitive conduct. The bill also requires the Rail Customer Advocate to conduct an oversight study of AIRCs within 1 year of the date of enactment.

Address rail service problems. The bill clarifies the railroad's obligation to provide reliable and efficient service, and allows rail customers to hold railroads liable for damages sustained due to poor service. The bill also requires the STB to post on its website a description of each complaint from a customer about rail service, and how and when the STB ultimately resolved the complaint. The STB is also required to submit an annual report to Congress regarding rail service complaints, and the procedures the STB took to resolve them.

Create an arbitration process for certain rail disputes. The bill allows one party to submit a dispute over rail rates, rail service, and other matters involving any agricultural product, including timber, paper, and fertilizer under the jurisdiction of the S11B for "final offer" binding arbitration.

Reduce fees for filing rail rate cases. Shippers are now required to pay a $178,200 fee for filing a rate case. This rate is expected to rise again this year. Under this legislation, filing a rate case would cost the same as filing before a federal district court, about $500.

Improve the rate reasonableness standard. The bill prohibits the STB from using their current practice of requiring shippers challenging rail rates to submit estimates of the costs, or constructing and operating a new, hypothetical railroad that carries only the commodity that the shipper transports. The STB currently compares the expense of the hypothetical railroad with existing rates to determine whether the challenged rates are reasonable or not. Under the bill, the STB would be required to adopt a new method based on the railroad's actual costs, including a portion of fixed costs and an adequate return on debt and equity.

Create an Office of Rail Customer Advocacy in the Department of Transportation. The Rail Customer Advocate would accept rail customer complaints; collect, compile, and maintain information regarding the cost and efficiency of rail transportation; and participate as a party in STB proceedings. The Rail Customer Advocate may also petition the STB for action.

Direct the 5TB to investigate complaints over service. Our bill directs the STB to follow up on complaints over rail carrier service, and suspend the action in dispute if it finds the allegation has merit.

I join with my colleagues from both sides of the aisle in introducing this bill. Together, we will work to ensure passage of this important legislation.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mrs. MALONEY of New York. Madam Speaker, on May 7, 2007, I missed rollcall votes Nos. 302, 303, and 304. Had I been present, I would have voted "yea" on rollcall votes Nos. 302, 303, and 304.

RECOGNIZING HOLY TRINITY CROATIAN CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great honor and enthusiasm that I recognize Holy Trinity Croatian Church in East Chicago, Indiana, as its members celebrate the church's 90th anniversary. The festivities for the celebration begin on Sunday, June 3, 2007, with the celebration of Mass, followed by a dinner and dance reception at Villa Cesare in Schererville, Indiana to celebrate this exceptional milestone.

On February 14, 1910, a group of men met to discuss building a church for the Croatian people in East Chicago. Holy Trinity Lodge became one of the main supporters of this project, and it appears to be the reason for the church being dedicated to the Most Holy Trinity. The first church board, assembled on April 14, 1914, consisted of President Nikola Mihalic, Secretary Mate Zivcic and Treasurer Peter Skefich. It was at this time that Father Judnic, the first pastor of the parish, made arrangements to come to East Chicago on Sundays and offer the Holy Sacrifice of the Mass for the Croatian people. With the church beginning to grow, the first Baptismal celebration took place on November 12, 1916, the first burial on November 22, 1916, and the first marriage on November 26, 1916.

With the completion of the church, the next undertaking was the school. The first enrollment in 1918 was 140 children for the first six grades. In September 1918, Sisters Anges, Stanislaus, and Catherine, the Sisters Adorers of the Most Precious Blood, arrived at Holy Trinity. On June 1, 1921, Confirmation was administered for the first time in the parish by Bishop Alerding. Father Judnic continued as pastor until August 1922, when he was succeeded by Father Francis Baboric, who served the congregation until March 1924. On April 15, 1924, Reverend Francis Podgorsek took over as the new pastor of the parish. It was through his leadership that the present rectory was erected in 1925. Due to Father Podgorsek's failing health, Father Paul F. Bogovich arrived as the first assistant to the parish and served in that capacity until he was appointed Acting Pastor on February 6, 1946.

A monumental event took place at Holy Trinity in 1951, when the First Solemn High Mass was offered by the first son of the parish ordained to the Holy Priesthood, Father Benjamin Domsich. On March 17, 1963, Father Bogovich was vested the title of Very Reverend Monsignor by high recommendations from the Most Reverend Andrew G. Grutka. Another important historical event for Holy Trinity was the visit made by Cardinal Franjo Seper, Archbishop of Zagreb, Yugoslavia, on May 2, 1966.

Monsignor Bogovich lived his life for the church. His last Sunday Mass took place on May 26, 2002, and was offered in honor of his 62nd anniversary in the priesthood. Following his death, Father Matthew Kish stepped in and performed the Mass until October 2006. Holy Trinity now relies on a number of priests and senior priests to say Sunday Mass.

On November 19, 2006, the parish family came together to celebrate a First Communion Mass, the first of its kind in over a decade. Over the years, Holy Trinity has become home to a Girl Scout Troop, has actively participated in food drives for various local parishes, and at Christmas, has supported Catholic Charities helping needy families. Today, Holy Trinity follows in the footsteps of its founders. While Holy Trinity still treasures its Croatian customs, it has come to reflect the diversity of the surrounding community. Holy Trinity looks forward to a bright future and is proud of their many accomplishments.

Madam Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating Holy Trinity Croatian Church on its 90th anniversary. Throughout the years, the clergy and members of Holy Trinity have dedicated themselves to providing spirituality and guidance through the protection of the Croatian traditions and faith. Their constant dedication and commitment is worthy of our admiration.

IN CELEBRATION OF THE 25TH ANNIVERSARY OF THE INDUCTION OF THE "MIGHTY 33" INTO THE GREATER CLEVELAND ALUMNAE CHAPTER OF DELTA SIGMA THETA SORORITY

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today to honor the 33 African American women, including myself, who were initiated into the Greater Cleveland Alumnae Chapter of the Delta Sigma Theta Sorority, Inc., on April 3, 1982. This month, we celebrate 25 years of sisterhood, scholarship, and service to our beloved sorority.

Delta Sigma Theta Sorority, Inc. is a public service, non-profit organization founded at Howard University in 1913 by 22 brave and ambitious African American women. The major programs of the sorority are the organization's Five Point Thrust of: economic development, educational development, international awareness and involvement, physical and mental health, and political awareness and involvement.

The Sorors of "The Mighty 33" have professional and academic accomplishments in the areas of politics, education, law, medicine, finance, business, and government service. The Sorors include: Wanda Rembert Arnold, Esq., Saundra Austin, Saundra Berry, Vera Brooks, Phoebe Carter, Lynn Davis, Ruth Fomby, Dr. Delores Groves, Frances Hunter, Marsha Johnson, Esq., Margaret Killough, Gloria Pace King, Josie Lindsay, Glenda Lottier, Louis Lynch, Ruby McCullough (deceased), Shirley McKinney, Dr. Shirley McNair Robinson, Lucile Minor, Beverley Grace Odeleye, Jewell Painter, Renee Paige, Bernice Phillips Prewitt, Lois Bradford Roberts, Carla Shannon, Barbara Stonebarclay, Renee Pye Street, Mary Taylor, Antoinette Venable, Deborah Allen Ward, Beverly Warfield, Marva Williams, Linda Winston and myself, Stephanie Tubbs Jones.

We continue to carry high the Torch of Wisdom and Pledge to uphold the noble ideals of our sorority.

On behalf of the Congress of the United States and the people of the 11th Congressional District of Ohio, I join with my Sorors and line sisters of "The Mighty 33" in celebrating our 25th anniversary in Delta Sigma Theta Sorority Inc. I am honored to be counted among such an accomplished and talented group of women. These Sorors will always be honored for their lifetime commitment to Delta Sigma Theta Sorority Inc.

HONORING MR. QUENTIN SMITH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great admiration and immeasurable gratitude that I rise today to honor Mr. Quentin Smith for his many contributions to his community as an educator and civic leader, as well as to the entire country, as a member of the storied Tuskegee Airmen. His efforts as a veteran of the 99th Fighter Squadron, along with all of the Tuskegee Airmen, are worthy of the highest commendation.

For their efforts and their service, the surviving Tuskegee Airmen were recently recognized, though long overdue, with the Congressional Gold Medal in Washington, DC. These brave individuals had an overwhelming sense of patriotism and loyalty to their country. Unfortunately, these men, most of whom were college graduates or undergraduates, served at a time when they were not treated as equals. In a time when segregation existed in the military as well as in our communities, the Tuskegee Airmen, though not recognized at the time, are now rightfully remembered as one of the most successful units in our military's history, not only for their courage and sacrifice in the air, but for the role they played in the progress of the military and American society as a whole. It was not until 1948, when President Truman ordered the equal treatment and opportunity for all service members, that the significance of their efforts began to be realized. Though we as a nation continue to strive toward improving our society, the progress we have made is in large part due to the efforts of people like Quentin Smith and the Tuskegee Airmen.

Beyond his selfless service in the United States Military, I would be remiss if I did not speak of Mr. Smith's continued service to his community and the State of Indiana. As a civilian, Mr. Smith continued to serve his community as an educator, counselor, and principal at the elementary, middle, and high school levels, as well as Adjunct Professor at Indiana University, Northwestern University, Valparaiso University, and Calumet College of Saint Joseph. A highly regarded member of the educational community, Mr. Smith has served in many prestigious capacities, including: Chairman of the National Association of Secondary School Principals' Committee to Evaluate High Schools, President of the Gary Reading Council, and State Commissioner of Education, to name a few.

In addition, Mr. Smith has for years been a pillar of his community through his service as a member of many civic organizations. In fact, he has served as President of several organizations, such as: The Lake County Welfare Board, Gary Common Council, Lake County Community Development Committee, Gary/Chicago Airport Authority, Urban League of Northwest Indiana, and the Gary Human Relations Committee.

While he has recently been honored for his military service, Mr. Smith has been a recipient of many prestigious awards for his involvement in enriching the lives of his students and his community. These awards include: the Distinguished Hoosier award, presented by Governor Mitch Daniels, the coveted Dr. Martin Luther King, Jr. Drum Major Award, presented by the Gary Frontiers Service Club, and the Teacher of the Year award, presented by the Delta Sigma Theta sorority. In addition, Mr. Smith is also a member of the City of Gary's Hall of Fame.

Madam Speaker, Quentin Smith has dedicated his life to bettering his community and his country. From his service as a member of the 99th Fighter Squadron to his service as an educator and public servant, he has been a true role model for all Americans. I respectfully ask that you and my other distinguished colleagues join me in honoring Mr. Quentin Smith for his lifetime of loyalty, dedication, and service to his community and the entire country. For this, Quentin Smith is worthy of the highest admiration, and I am proud to represent him in Washington, DC.

CONGRATULATIONS TO PLUMBERS LOCAL UNION 210 APPRENTICE GRADUATES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great sincerity and respect that I offer congratulations to several of northwest Indiana's most talented, dedicated, and hardworking individuals. On Friday, June 8, 2007, the Plumbers Local Union 210 will honor the graduating class of 2007 at the Annual Apprentice Graduation Banquet, which will be held at the Patio Banquet Hall in Merrillville, IN.

At this year's banquet, the Plumbers Local Union 210 will recognize and honor the 2007 Apprentice Graduates. The individuals who have completed the apprentice training in 2007 are: Kraig Bailey, Daniel Borowski, Micah Dolatowski, Steven Frederick, Michael Martin, Jr., Timothy Matson, Charles Standifer, Rickey Thomas, and Dustin Werner.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These graduates are all outstanding examples of each. They have mastered their trade and have demonstrated their loyalty to both the union and the community through their hard work and selfless dedication.

Madam Speaker, I ask that you and my other distinguished colleagues join me in congratulating these dedicated and hardworking individuals. Along with the other men and women of northwest Indiana's unions, these individuals have committed themselves to making a significant contribution to the growth and development of the economy of the First Congressional District, and I am very proud to represent them in Washington, DC.

SENATE—*Friday, May 11, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of hosts, You have done great things for us, filling our hearts with gladness. You keep our eyes from tears, protect us from unseen dangers, supply us with wisdom, and direct our steps. Each breath we take is Your gift; each of our heartbeats is borrowed. Your benefits and blessings astound us, particularly Your willingness to save us.

Give our Senators today the assurance of Your presence. Inspire them with a calm faith, a steady peace, and a firm resolve to do Your will. Let no weapon formed against them prosper and let no force of evil that seeks to harm them prevail. Rather, may each lawmaker hear Your voice saying, "This is the way. Walk on this path."

We pray in Your all-powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 11, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today we are only going to be in morning business. There are no rollcall votes today, nor will there be on Monday. However, on Monday, Senators BOXER and INHOFE, the managers of the Water Resources legislation, will be here for Members to come to the floor and debate amendments.

It is my understanding that at least one Member on the majority side has agreed to be here Monday to discuss his amendment.

Yesterday, Senator FEINGOLD discussed an amendment relating to Corps project prioritization. Senator FEINGOLD is willing to have that amendment voted on Tuesday morning after a brief period of debate. Therefore, Members should expect a rollcall vote or multiple votes prior to the 12:30 recess on Tuesday morning.

If we are unable to have the debates arranged so we have the votes on WRDA Tuesday morning, we will have a Federal district judge vote Tuesday morning. So we will have a vote Tuesday morning.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ

Mr. REID. Mr. President, last night, the House of Representatives passed a new Iraq supplemental. So now it is our turn. We have to take the next step to pass our version of the bill that will go to conference. The House has done their job. We now have to do our job.

We all know reaching consensus on a new bill to send to the President will not be easy. That is what the Republican leader and I were talking about right here.

Passions run high on this issue—very high. But there is new reason this week to believe a bipartisan consensus in Iraq is emerging. It is what the American people want. A recent poll—in fact, it was from a couple days ago—shows 75 percent of Americans favor benchmarks and 60 percent favor a timetable for reducing combat forces. It is what President Bush's own military advisers say we need, including General Petraeus, who has said this war cannot be won militarily. It is what Democrats have stood for with firm resolve throughout these entire negotiations.

Now, in the last few days, we have seen our Republican colleagues move closer to our position. Over the weekend, the House majority leader, JOHN BOEHNER, said:

> By the time we get to September or October, members are going to want to know how well this is working, and if it isn't, what's Plan B.

That is a timetable. The President has objected to our timetables. He vetoed our bill with timetables in it. The Republican leader in the House—the No. 1 Republican in the House—has told the President if things are not OK in September or October, something else has to happen. That is a timetable.

Senator LOTT said:

> This fall we have to see some significant changes on the ground.

And days ago, Leader MCCONNELL echoed those sentiments as well.

Meanwhile, on Wednesday a broad coalition of Republican House Members expressed their dissent directly to the President. They went to the White House, spent an hour and 15 minutes with the President. One of them, TOM DAVIS of Virginia, called it their chance to confront a President who, as he put it, is in a bubble.

In the spirit of bipartisanship, I am inclined to agree with that assessment. The President is in a bubble. He is isolated.

Every day, the ranks of dissatisfied Republicans grow. But I wish my Republican colleagues—who now agree that President Bush's open-ended commitment has failed—would put some teeth behind their views.

We have courageous American troops in harm's way every day. We lost another Nevadan this week. There may be a State that has lost more than the Presiding Officer's State, but I do not know what State that would be. The State of Ohio has suffered significantly in the loss of life.

It is time for action. It is time to change course. It is long past due.

But I would say the shift we are hearing from the Republicans, even though a little bit quiet, each day is getting louder and louder and louder. It is a welcome shift, and it is very encouraging. It gives me hope that in the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

coming days, weeks, and months we will be able to work together with good faith and bipartisanship to give our troops and all Americans the new course they demand and deserve and the opportunity for our troops to come home.

We are going to do our very best to come up with something we can pass here in the Senate, send to the House, and confer, have a conference. We will do that to the very best of our ability. But, as I indicated earlier, it is not going to be easy.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Rhode Island is recognized.

POLITICIZATION OF THE DEPARTMENT OF JUSTICE

Mr. WHITEHOUSE. Mr. President, competence, independence, and sound judgment are the lodestar of the administration of justice in this country. Unfortunately, over the past few months, I and many Americans have been forced to question on all three counts those whom this President has appointed to lead the Department of Justice. Indeed, with each passing day, we sense more and more that something is gravely wrong.

For example, we have learned about the misuse and abuse of the Department's power to issue national security letters under the PATRIOT Act—which, even under the most legitimate and benign circumstances, represents a truly imposing authority. As you know, a national security letter, or NSL, is a Government demand for private information, issued without a warrant to third parties such as banks, phone companies, and Internet service providers. In March, the Department of Justice's inspector general reported that NSLs were being "seriously misused." Among other things, there were no clear guidelines for issuing national security letters. They were issued without proper authorization, there was sloppy recordkeeping by the FBI, and there were no procedures for purging a citizen's private information if the investigation was closed.

We have also, of course, learned about the unprecedented firings of eight U.S. attorneys—dismissals which seem to have been motivated by politics, marred by incompetence, or, more likely, both.

The details of the Department's misjudgments in this matter, and particularly the degree to which partisan politics has infiltrated this Department, become more numerous and more damaging to the Attorney General's credibility every day. But the politicization of the Department should come as no surprise when we examine how the rules governing initial contacts between the White House and the Department of Justice on non-national security-related investigations and cases—traditional criminal cases—have changed since President Bush took office.

During previous administrations, there were strict rules governing contacts between the White House and the Department of Justice on investigations and cases—and for good reason. A strong firewall is necessary to prevent undue and untoward efforts to inject politics into the administration of justice. During the Clinton administration, this firewall was articulated in a September 1994 letter from Attorney General Janet Reno to White House Counsel Lloyd Cutler. It is my understanding that credit goes to Senator HATCH, then chairman of the Judiciary Committee, for his interest in seeing this policy confirmed in this way. So this has been a continuing and bipartisan concern, this question of the firewall between the White House and the Department of justice. The Reno letter stated:

> Initial communications between the White House and the Justice Department regarding any pending Department investigation or criminal or civil case should involve only the White House counsel or deputy counsel, or the President or Vice President, and the Attorney General or Deputy or Associate Attorney General.

That policy is represented by this chart. On the White House side, the only people authorized to have these initial discussions on criminal cases are the President, Vice President, Deputy White House Counsel, and the White House Counsel. Within the Department of Justice, it is only the Attorney General, Deputy Attorney General, and the Associate Attorney General—a grand total of seven people.

As I noted during the Attorney General's testimony before the Judiciary Committee last month, that rule was changed in an April 2002 memo from Attorney General Ashcroft. The new policy permits initial communications on cases and investigations between the Office of the Deputy Attorney General and the office of the counsel to the President, and it also states that staff members of the Office of the Attorney General, if so designated by the Attorney General, may communicate directly with officials and staff of the Office of the President, the Office of the Vice President, and the office of counsel to the President.

The new rule is represented by this other chart. There are over 400 people in the White House now authorized to have those conversations with the Department of Justice, where before it was 4. Before, it was the very top administration officials in the White House—the President, Vice President, Attorney General, White House Counsel, and Deputy White House Counsel. Who knows who all these other folks are. One of these boxes is Karl Rove. That makes you wonder. Down here, these are all the staff now within the Department of Justice who are authorized to have those communications, whereas before it was limited to the Attorney General, Deputy Attorney General, and Associate Attorney General.

These charts demonstrate the extraordinary latitude now permitted the White House and Department of Justice to discuss sensitive investigations and prosecutions. With the clear exception of discussions related specifically to national security, where one can understand you might want to have discussion also with the White House when it is a national security issue that would involve the military and other agencies of Government, for regular criminal cases and for prosecutions, I am hard-pressed to imagine any reason the Clinton-era rule needed expansion. Indeed, when I put this question to Attorney General Gonzales when he was before our committee, he had no answer.

These are not just bureaucratic niceties. Rules governing conduct within organizations have an obvious and direct effect on the conduct of people within those organizations. Clearly, the politicization of the Department has been either a byproduct or a cause of this changed rule. After all, the more political people you allow to weigh in on sensitive investigations and cases, the more you run the risk—or, indeed, make it possible—that those investigations and cases become inappropriately politicized.

So this brings us to FISA, the Foreign Intelligence Surveillance Act. Given all this, perhaps I should not have been surprised when I reviewed the administration's proposed Foreign Intelligence Surveillance Act "modernization" bill and compared it to the current FISA statute.

Under the current statute, title 50 of the U.S. Code, section 1804, passed in 1978, each application for a court order approving electronic surveillance under FISA must include the approval of the Attorney General, plus a number of required statements and certifications. One of those is a certification that information sought is "foreign intelligence information" and that such information "cannot be reasonably obtained by normal investigative techniques." That certification—a critical proceeding with a FISA application—can currently be made by only a few people:

> The Assistant to the President for National Security Affairs or an executive branch official or officials designated by the President from among those executive officers employed in the area of national security or defense and appointed by the President with the advice and consent of the Senate.

That is actually a grand total of nine people, all senior level, all with a lot at stake in making sure they do the right thing. This makes perfect sense, given the importance of such a certification.

Now, let's take a look at the administration's proposed FISA "modernization." That bill will allow the following people to certify applications for court orders under FISA:

> The assistant to the President for National Security Affairs or an executive branch official or officials designated by the President to authorize electronic surveillance for foreign intelligence purposes.

So any executive branch official or officials designated by the President can now authorize—or could if this passed—electronic surveillance for foreign intelligence purposes.

According to the Congressional Research Service, the most conservative estimate of the number of people who could be called "executive branch officials" under this definition is 9,050. The number is actually probably greater than that. So, in other words, if the administration had its way, more than 9,000 people would be eligible for designation by the President to certify an application for a warrant to the FISA Court. That is what this chart demonstrates.

Just to give you an idea, over here on this chart, we are talking about individuals—each block represents a person. Here, because the numbers are so big, we have divided by nine. This block represented the existing FISA certification authority to the nine Presidentially appointed and Senate-confirmed individuals who qualified, and we reduced it to one. Each one of these blocks would also represent nine, so multiply by nine. I am probably stretching my limits on the floor by using two charts at the same time. If I had to represent this with 9 people here and 9,000 here, I would have charts up to the ceiling of this room. That is the scale they are trying to change this to. By the way, one of these people, again, would be Karl Rove.

What we have is another example of the Bush administration trying to break down established barriers that defend fair, professional, and responsible decisions in national security and in the administration of justice.

Making matters worse, the administration's FISA bill would greatly expand the powers of the Attorney General in a number of key areas.

I don't think I need to say again that this Attorney General has thoroughly and utterly lost my confidence. I think he has also lost the confidence of this Chamber and of the American people. In my view, he does not merit any greater authority, particularly where that authority involves the power of the Federal Government to invade personal privacy for the purpose of secret wiretaps. We gave him that kind of authority when we gave him the authority with the national security letters. Look what he did with it. That authority was "seriously misused." This is the man who has proven he cannot be trusted with these authorities.

The administration's bill would give the Attorney General expanded powers to hold on to information that was obtained without a warrant or obtained unintentionally. It would grant blanket immunity to any person or company that, from September 11 on, provided the intelligence community with any records, facilities, or assistance purportedly intended to protect against a terrorist attack. This blanket immunity power would allow the Attorney General to shut down a number of lawsuits and State investigations looking into whether and how companies provide detailed records about their customers' private communications.

It would allow powers to transfer any case before any court challenging the legality of classified communications intelligence activity, or any case in which the legality of such activity is even an issue, from the court it is filed in to the secret Foreign Intelligence Surveillance Court. This would be an extraordinary and unprecedented power for the Attorney General to forum-shop by grabbing cases out of open court and placing them before the secret FISA Court.

Finally, it would authorize the Attorney General to conduct surveillance directed toward foreign powers with fewer safeguards to ensure the surveillance will not capture the contents of Americans' communication.

This is just a sampling of the ways in which this bill would expand the Attorney General's authority under that FISA statute. We count at least 10 expansions of power.

Mr. President, the Department of Justice wields some of the most powerful tools held by any Federal agency.

The prosecutive power is probably the most severe power the Government holds. Among these powers is included the power to issue national security letters, the power through U.S. attorneys to prosecute criminal cases, and the power to help administer the Foreign Intelligence Surveillance Act.

These awesome powers must be used with competence, independence, and sound judgment. I am afraid the current Attorney General has not lived up to those high standards, and for that reason, I cannot support legislation that would increase this Attorney General's authority.

For that reason, I also call on him again to step down so we can begin to put this sad episode in the history—the proud history—of the Department of Justice behind us.

The Attorney General's resignation will not solve all the problems at the Department of Justice or the White House, but, regrettably, I have come to the conclusion it is a necessary first step.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, it is my understanding that we are now in morning business; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1369 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, this has been a very disappointing week from the standpoint of a discussion about international trade. Yesterday morning, at about 8:30 in the morning, we learned the trade deficit for the previous month has once again spiked up to a $63.9 billion trade deficit in 1 month. And yet, most of this town continues to say how successful it is, this strategy of free trade.

This what has happened with our trade strategy. This chart represents an ocean of red ink. You can see, going back to 1995, we have had nothing but trouble, increasing deficits year after year. We are deep in debt with respect to our combined trade deficits. This is not a trade strategy that is working.

At about the same time that I learned that our trade deficit spiked up once again to $63.9 billion in 1 month. I also learned that one of the largest employers in North Dakota, Imation, is leaving our State. They announced they are going to be closing their plant in Wahpeton, ND.

They have actually announced it well ahead of time, and they are not going to be completely gone until the year 2009. It is helpful that we received some advanced notice.

But this is a company that has 390 employees. It produces high-tech products in data storage and so on. Mr. President, 390 workers who are paid well, who have good jobs with good pay and good benefits, facing the prospect of all that disappearing.

I was on the phone yesterday with the CEO of this company, Imation, and asked questions. The company has said to its employees and to me that they are closing down this factory in North Dakota because it produces floppy disks, and that is yesterday's technology. Floppy disks are on the way out, not on the way in. The market has moved and that is just the fact. So supposedly that has required them to make a decision to close this plant.

Come to find out, though, that only 55 people in a plant of 390 people are making floppy disks. The rest of the employees, of course, are not. They are involved in the production of other things. So it doesn't really make sense that they are closing the plant because of floppy disks.

Yesterday, in a conversation with the president of the company, after a lot of probing, I found out that 168 of the jobs in this plant are in fact going to moved to Juarez, Mexico. Why? Undoubtedly because of low wages paid in Juarez, Mexico. You can produce things less expensively if you are paying people 50 cents an hour, I suppose. But at its root it is exactly what is wrong with what is happening in international trade and our participation in it.

Instead of lifting others up, our entire trade strategy has been a strategy that says it is all right to push the standards in this country down. No, the workers in Wahpeton can't compete with Mexican workers, nor should they be expected to. And by the way, I will bet some others of these jobs will be migrating to China and some other places in Asia.

I am not here to trash a corporation; that is not my point. This company has been a good employer in our State for a long time. But I am very disappointed and very troubled they have announced they are leaving. In the last 5 to 7 years we worked hard to get them Federal Government grants, almost $3 million in Federal grants, plus a guaranteed Federal loan to expand their plant in Wahpeton, ND. Then, just a few short years later, there is a U-turn in the corporate board room that says they have decided not only are they not going to want to proceed here, they are going to leave.

What about the millions of dollars of grants that we worked to get because we want to support those jobs? This, in a microcosm, is exactly what is going on all across this country. It is Wahpeton this week, but I could name almost any city and you will have the same thing.

I have been on the floor of the Senate many times talking about who is leaving and when and where and why and how. Levis—gone. They don't make any Levis in America. There is not one pair of Levis made in America. Fruit of the Loom underwear—all gone; no underwear made in America by Fruit of the Loom. Fig Newton cookies, they, too, went to Mexico. If you want to eat Mexican food, buy Fig Newton cookies. Radio Flier, Little Red Wagon—gone to China; Huffy bicycles, gone to China.

I could go on forever talking about things. But what happened in Wahpeton, ND, brings it home in a stark way to the people who dressed up in the morning to go to work, appreciating those jobs, believing those jobs were important in their lives, just to find out that one day they are gone. And at least part of the reason they are gone is they can't compete with people who will work for a whole lot less money in other parts of the world. Should they be required to? Is our strategy to say, after we have built a set of standards for a century in this country, that those standards don't matter because you have to compete against a different standard? And the different standard is what they pay in China, what they pay in Mexico? We can't live on that in this country and that ought not be the standard.

I showed a chart with the red ink in terms of international trade deficits that we have. Our trade deficit last year was $832 billion. You can make a case with the budget deficit, where the Congress spends more than it takes in—you can make the case from an economics perspective that is money we owe to ourselves. You can't make that case with the trade deficit. That is money we owe to foreigners, and we are going to repay it someday with a lower standard of living in this country. That is a fact.

I wake up and read there is apparently some sort of fiesta at the White House. It is probably appropriately following the Cinco de Mayo period. They gathered together, Republicans and Democrats, and said: We have reached a deal on trade.

So now we have a couple of trade agreements coming up—Peru, Panama, maybe also Colombia and Korea. And we have some folks who got together and said: We reached a deal on trade.

No one I know of in this Chamber has reached a deal on trade. I think there are plenty of voices in this Chamber that will rise in the coming week to say, no, the trade debate has to involve people in this Chamber who know that the current trade strategy doesn't work for this country.

It is not because we don't want to be engaged in trade. We believe in trade, and plenty of it. We support international trade. But we support international trade that is mutually beneficial to us and others. What has happened in recent trade agreements? I come back now to the issue of Mexico. We do a trade agreement with Mexico, and you turn a $2 billion surplus into an annualized trade deficit now with Mexico—in the first 3 months of this year it is going to be $70 billion a year, with Mexico. Think of that. We turned a trade surplus with Mexico, a $2 billion surplus, into a $70 billion deficit. You talk about incompetence? You talk about bad trade deals? This is the cherry on top of the sundae in bad trade deals.

Among the things they discussed yesterday is Korea. They made brief mention of that today in the paper. You have a couple of problems with Korea, aside from the fact that the agreement was generally negotiated incompetently.

Here is an example of what is wrong with Korea. Mr. President, 99 percent of the automobiles in Korea driven on the streets are made in Korea. Is that an accident? Why is that the case? Because that is the way Korea wants it. They don't want imported vehicles. They want the people of Korea to buy Koreans cars that produce Koreans jobs in the manufacturing marketplace.

Here is what has happened with Korea. Last year we sent Korea 4,200 American cars. That is our export market to Korea. Last year, Korea sent us 730,000 Korean cars to be sold in our marketplace. So Korea said: Load all these cars on ships, send them to America, sell them to American consumers and, by the way, while we send you 730,000 Korean cars, we will limit you to 4,200 American cars coming our way.

You say maybe there is not a market for American cars in Korea. Talk to the folks who try to sell Dodge Dakota pickups and learn that story, and then you will learn what happens with respect to American vehicles that are attempted to be sold in Korea.

Now, in the discussion this morning, I read of the celebration at the White House by Members of the House and the White House, making some sort of deal with respect to Panama, Peru, Colombia, I guess. They talked about labor standards, which I think is very important. In fact, the only trade agreement that has ever had labor standards is the Jordan agreement. The Clinton administration agreed that the free-trade agreement with Jordan would have labor standards.

Well, guess what. Last year there were findings of sweatshops operating underneath the umbrella of a free-trade agreement with supposedly strong labor standards is in Jordan. Laborers were brought over from Bangladesh to sweatshops in Jordan, to turn Chinese materials into garments for sale in the U.S. market. The workers were forced to endure 20-hour days; yes, 20-hour days in sweatshop conditions in a country with whom we have a trade agreement where there are labor standards. These standards mean virtually nothing unless you have enforcement. All of these are just words unless you have enforcement. And this Administration has certainly demonstrated that it has no interest in enforcing labor standards.

The Government of Jordan has taken some steps to try to fix some of these problems. Is that because our U.S. trade officials tried to enforce the labor provisions in the trade agreement? No. It's because a labor rights group called the National Labor Committee exposed these problems, and because the New York Times wrote a front page story about them. So it's not the labor standards in the trade agreement that got the Jordan government to start to do the right thing, because this Administration never tried to enforce those standards. It was the fact that these abuses were independently exposed and held to the light.

These failed trade policies are undermining our country. This is pulling the rug out from under our country.

But this is kind of a Rip Van Winkle moment again. We have an announcement of surging trade deficits, and the Congress just sleeps through it, the White House sleeps through it. Instead of deciding there is a crisis we ought to deal with, we now see a bunch of people going to the White House and embracing, saying: We have got a new agreement between House leaders and the President with respect to how we are going to proceed on certain trade agreements.

Well, let me say to them there is another voice in this Congress, a voice that will come from the Senate. There are some of us that will insist we stand up for the economic interests of this country.

I am not suggesting we are against trade. That is not the case. But we will insist there will be a new day in trade agreements that stand up for our economic interests. That has not been the case to date.

Now, let met finish by going back to the issue of what has happened this week in Wahpeton, ND.

Those workers in Wahpeton, ND, appreciated those jobs; good jobs that paid well with good benefits. I appreciated the company that was there that made those jobs possible. But I do not appreciate the circumstance where we are told one day: It is over. Just a few years after we worked to get substantial Federal grants and guaranteed Federal loans to expand the manufacturing plant, the very plant we are now told is obsolete, or at least the very plant we are now told houses the production that will be moved elsewhere; production that will be moved to Mexico because of lower labor costs.

We did not strive for a century to raise standards in this country just to find them undermined day after day, by 30-cent or 20-cent-an-hour labor in China, or 50-cent-an-hour labor in Mexico. That is not the right approach. It is not an approach that strengthens, it is an approach that weakens our country.

We expanded the middle class in this country over a century by lifting people up. I will not go into great detail about it, but I have told this story 100 times about James Fyler, who died of lead poisoning. He was shot 54 times. That is lead poisoning, I guess. He was shot 54 times. The reason he was shot was because in the early part of the last century, he insisted that people who went into a coal mine to work ought to be able to be paid a fair wage and expected to be working in a safe coal mine; for that he was killed.

Over a century, so many men and women worked to raise standards, to say: People ought to have the right to organize, they ought to have the right to a minimum wage, a safe workplace. Over a century we lifted those standards. It did something important to expand the middle class of this country. But this is being undermined by the massive trade deficits we are running, the $836 billion annual deficit we had in 2006, and the nearly $64 billion trade deficit we ran in March 2007.

I hope one day there will be enough of us in the Congress who will say: Stop. Enough. We are not going to put up with it. We are going to insist and demand that our trade agreements represent the best economic interests of our country. Yes, we want to help others. But most importantly, we want to preserve a standard of living in this country that gives us opportunity for the future.

Let me end by saying, again, I believe in trade. I believe in plenty of trade. I believe we can compete and compete successfully, but the rules have to be fair, and those who negotiate trade agreements have to do so with one eye on how it is going to affect this country.

Regrettably, most of the trade negotiations in the last two and a half decades have been incompetent and I think have pulled the rug out from under America's workers and dumbed down the standards that many have given their lives to create in this country.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk to proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMPREHENSIVE IMMIGRATION REFORM

Mr. REID. Mr. President, it is clear—we all agree—that the immigration system is broken and badly in need of a fix. We have 12 million immigrants, some of who live in constant fear. We have employers facing the quandary each day over who they can hire and who they cannot hire, while raids regularly disrupt and even shut down their businesses. Crops can't be harvested. Produce is dying on the vine because farmers cannot hire enough workers to harvest the crop. Under the current system, there are no winners but lots of losers.

Next Tuesday, right after our weekly party conferences, the Senate will have an opportunity to vote on whether to begin debate on the complex and critical challenge of immigration reform. The bill we debate and eventually pass will give us a chance to strengthen border security, put in place an effective and efficient employer verification system, design a new worker program to take the pressure off the border, and give those 12 million undocumented immigrants the opportunity to come out of the shadows and into the light of day.

Over the past several months, Senators from both sides of the aisle, Republicans and Democrats, have spent countless hours negotiating a bipartisan solution to this critical challenge. These Senators have been bargaining in good faith. I believe they are working hard to reach a compromise. I hope they can do that. But if they are not able to reach a new bipartisan agreement, we have an opportunity to move forward on a previous bipartisan piece of legislation. The bill I placed on the calendar is the same bill the Senate passed last year overwhelmingly with 23 Republicans voting in favor of the legislation. Last year's bill was far from perfect. Many of us had misgivings about it—this Senator included—but it is a solid, comprehensive package that will serve as a good start for this year's very important and vital debate. Several of my colleagues have said we should not move forward at this time; let's wait.

Over this weekend, there will be negotiations taking place—the rest of this day, Saturday, Sunday, and I hope Monday—to see if a compromise can be reached. If we put this off a week, the same thing would happen. People would be trying to work something out at the last minute. There has been ample opportunity for people to work out an arrangement. I have asked publicly and privately that the President be involved. Members have put so much time and effort into working on an immigration bill, they certainly should embrace a motion to start debate.

Those who have threatened a filibuster on the motion to proceed I hope will reconsider the threat and understand how illogical it would be not to allow us to proceed. A bill that passed this body last year with 21 Republicans voting for the legislation now saying they are not going to proceed does not make sense to me.

Let me be as clear as I can: By moving this bill, I am trying to make sure negotiations continue. There has been ample time for negotiations to bear fruit. The purpose of this legislation is to move forward on comprehensive immigration reform. I want this Congress to accomplish immigration reform, but we are running out of time to do it. We have set aside the next 2 weeks to do this. After that, we have 4 weeks, and then we have the July 4 recess. After that, 4 more weeks, and then we are into the August recess. There is no more time to do it. Today is the time. If we don't do it, starting next Tuesday, there will be no immigration reform this Congress. That would be a real shame.

The House is waiting for us to do this. As everyone knows, the schedule we have is so crowded. This next 2 weeks, in addition to doing immigration reform, we have to send a bill to the President for supplemental appropriations for the ongoing conflict in Iraq, the civil war in Iraq. We want to try to do our budget. We are going to finish WRDA. We have an energy bill we have to do. That is keeping in mind all the procedural hurdles that are always present in the Senate.

A vote to proceed is a vote to open debate, not shut the door on it. If a new agreement is reached, it can be offered as a substitute amendment to this bill on the floor at any time. If a new agreement is not reached, we can legislate the old-fashioned way—taking out what people do not like and putting in new stuff. We can offer amendments to the existing bipartisan bill to make it even better than the one we passed last year. Either path leads to progress that is long overdue.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to H.R. 1495 now be agreed to; that on Monday, May 14, at 3 p.m., the Senate begin consideration of the measure and the majority manager, Senator BOXER, then be recognized to offer an amendment.

If I could withhold that, Mr. President, and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, as happens so much, a lot of times it appears that we are not doing anything, but the work done this morning off the Senate floor has been invaluable. The distinguished Republican leader and I have had a number of conversations; the last one took place just a few minutes ago here on the Senate floor.

As I indicated in my prepared remarks today, there are a number of Senators, Democrats and Republicans, trying to work something out on immigration. Over the last week or so, they have taken a step forward and three-quarters of a step backward. Progress is being made, but it has been incremental, and it has been slow.

Some of the Senators believe there is a breakthrough that could take place, but they need all day on Tuesday to do that. Staff is going to be working over the weekend with some Senators.

So, reluctantly, but I think in anticipation of the greater good, the Republican leader and I have agreed it would be in the best interests of the Senate to put the cloture over on the immigration motion to proceed until Wednesday morning. Therefore, I will file cloture on Monday on the motion to proceed on immigration—not today.

UNANIMOUS CONSENT AGREEMENT—H.R. 2206

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, the majority leader, with the concurrence of the Republican leader, may turn to the consideration of H.R. 2206 at any time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, H.R. 2206 is the Iraq supplemental.

Mr. McCONNELL. Mr. President, I was distracted. I am confused as to which unanimous consent request was just entered.

Mr. REID. It was the one, I say to my friend, dealing with Iraq. I only indicated just for general information what we were going to do on the immigration matter. This is the House-passed version of the supplemental that we can move to when we decide it is necessary, in spite of the fact that we may be involved, but for this agreement, in the postcloture proceedings.

Mr. McCONNELL. All right.

Mr. REID. Mr. President, the prior statement before was to just alert those Senators who had called asking that we put the vote over that we are going to do that, and we will not vote on cloture on the immigration bill on Tuesday afternoon. We will be able to work all day on Monday and Tuesday on WRDA. Who knows, we may get lucky and be able to complete most of the work or all of the work on that.

Mr. McCONNELL. Mr. President, let me just say with regard to the immigration bill, the only chance to get a bill is on a bipartisan basis. I agree with the decision of the majority leader to accept the recommendation of those who have been involved in that discussion, to give us the maximum opportunity to piece back together the bipartisan agreement that we thought we almost had a week or so ago on this most important legislation.

WATER RESOURCES DEVELOPMENT ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to H.R. 1495 be agreed to; that on Monday, May 14, the Senate begin consideration of that measure, and that the manager of that bill, Senator BOXER, be recognized to offer an amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

ORDER FOR MEASURE TO BE PLACED ON CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 2206, the emergency supplemental appropriations bill, it be placed on the calendar.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

WRDA PROVISIONS

Mr. INHOFE. Mr. President, during yesterday's discussion of the motion to proceed to the Water Resources Development Act, the chairman of the Environment and Public Works Committee, Senator BOXER, inserted into the RECORD a chart that shows which Member or Members requested each project-related provision in the WRDA bill. This chart, of course, was our effort to comply with the intent of S. 1, the Legislative Transparency bill. For some of the WRDA provisions, however, it was in fact a particular Member who secured inclusion of the provision in the bill. Since the chart discloses each request, however, that distinction is not clear. With that in mid, I would like to provide the following list of provisions and the Members who secured them.

Mr. President, I ask unanimous consent that the chart to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Section 5003—Environmental infrastructure:		
Jackson County, Mississippi ($12,500,000)	Cochran	Lott.
DeSoto County, Mississippi ($20,000,000)	Cochran	Lott.
(77) Chattooga County, Georgia ($8,000,000)	Chambliss	Isakson.
(78) Albany, Georgia ($4,000,000)	Chambliss	Isakson.
(79) Moultrie, Georgia ($5,000,000)	Chambliss	Isakson.
(80) Stephens County/City of Toccoa, Georgia ($8,000,000)	Chambliss	Isakson.
(81) Dahlonega, Georgia ($5,000,000)	Chambliss	Isakson.
(82) Banks County, Georgia ($5,000,000)	Chambliss	Isakson.
(83) Berrien County, Georgia ($5,000,000)	Chambliss	Isakson.
(84) City of East Point, Georgia ($5,000,000)	Chambliss	Isakson.
(85) Armuchee Valley: Chattooga, Floyd, Gordon, Walker, and Whitifield Counties, Georgia ($10,000,000).	Chambliss	Isakson.
(86) Atchison, Kansas ($20,000,000)	Roberts	
(87) Lafourche Parish, Louisiana ($2,300,000)	Vitter	
(88) South Central Planning and Development Commission, Louisiana ($2,500,000)	Vitter	
(89) Rapides Area Planning Commission, Louisiana ($1,000,000)	Vitter	
(90) Northwest Louisiana Council of Governments, Louisiana ($2,000,000)	Vitter	
(91) Lafayette, Louisiana ($1,200,000)	Vitter	
(92) Lake Charles, Louisiana ($1,000,000)	Vitter	
(93) Ouachita Parish, Louisiana ($1,000,000)	Vitter	
(94) Union-Lincoln Regional Water Supply Project, Louisiana ($2,000,000)	Vitter	
(95) Central Lake Region Sanitary District, Minnesota ($2,000,000)	Coleman	
(96) Goodview, Minnesota ($3,000,000)	Coleman	
(97) Grand Rapids, Minnesota ($5,000,000)	Coleman	
(98) Willmar, Minnesota ($15,000,000)	Coleman	
(99) City of Corinth, Mississippi ($7,500,000)	Cochran	Lott.
(100) Clean Water Coalition, Nevada ($20,000,000)	Ensign	
(101) Town of Mooresville, North Carolina ($4,000,000)	Dole	
(102) City of Winston-Salem, North Carolina ($3,000,000)	Dole	
(103) Neuse Regional Water and Sewer Authority, North Carolina ($4,000,000)	Dole	
(104) Town of Cary/Wake County, North Carolina ($4,000,000)	Dole	
(105) City of Fayetteville, North Carolina ($6,000,000)	Dole	
(106) Washington County, North Carolina ($1,000,000)	Dole	
(107) City of Charlotte, North Carolina ($3,000,000)	Dole	
(108) City of Ada, Oklahoma ($1,700,000)	Inhofe	
(109) Norman, Oklahoma ($10,000,000)	Inhofe	
(110) Eastern Oklahoma State University, Wilberton, Oklahoma ($1,000,000)	Inhofe	
(111) City of Weatherford, Oklahoma ($500,000)	Inhofe	
(112) City of Bethany, Oklahoma ($1,500,000)	Inhofe	
(113) Woodward, Oklahoma ($1,500,000)	Inhofe	
(114) City of Disney and Langley, Oklahoma ($2,500,000)	Inhofe	
(115) City of Durant, Oklahoma ($3,300,000)	Inhofe	
(116) City of Midwest City, Oklahoma ($2,000,000)	Inhofe	
(117) City of Ardmore, Oklahoma ($1,900,000)	Inhofe	
(118) City of Guymon, Oklahoma ($16,000,000)	Inhofe	
(119) Lugert-Altus Irrigation District, Altus, Oklahoma ($5,000,000)	Inhofe	
(120) City of Chickasha, Oklahoma ($650,000)	Inhofe	
(121) Oklahoma Panhandle State University, Guymon, Oklahoma ($275,000)	Inhofe	
(122) City of Bartlesville, Oklahoma ($2,500,000)	Inhofe	
(123) City of Konawa, Oklahoma ($500,000)	Inhofe	
(124) City of Mustang, Oklahoma ($3,325,000)	Inhofe	
(125) City of Alva, Oklahoma ($250,000)	Inhofe	
(126) Vinton County, Ohio ($1,000,000)	Voinovich	
(127) Burr Oak Regional Water District, Ohio ($4,000,000)	Voinovich	
(128) Fremont, Ohio ($2,000,000)	Voinovich	
(129) Fostoria, Ohio ($2,000,000)	Voinovich	
(130) Defiance County, Ohio ($1,000,000)	Voinovich	
(131) Akron, Ohio ($5,000,000)	Voinovich	
(132) Meigs County, Ohio ($1,000,000)	Voinovich	
(133) City of Cleveland, Ohio ($2,500,000)	Voinovich	
(134) Cincinnati, Ohio ($1,000,000)	Voinovich	
(135) Dayton, Ohio ($1,000,000)	Voinovich	
(136) Lawrence County, Ohio ($5,000,000)	Voinovich	
(137) City of Columbus, Ohio ($4,500,000)	Voinovich	
(138) Beaver Creek Reservoir, Pennsylvania ($3,000,000)	Specter	
(139) Myrtle Beach, South Carolina ($10,000,000)	Graham	
(140) Charleston and West Ashley, South Carolina ($6,000,000)	Graham	
(141) Charleston, South Carolina ($3,000,000)	Graham	
(142) North Myrtle Beach, South Carolina ($3,000,000)	Graham	
(143) Surfside, South Carolina ($3,000,000)	Graham	

(144) Cheyenne River Sioux Reservation (Dewey and Ziebach Counties) and Perkins and Meade Counties, South Dakota ($20,000,000).	Thune	
(145) City of Oak Ridge, Tennessee ($4,000,000)	Alexander	Corker.
(146) Nashville, Tennessee ($5,000,000)	Alexander	
(147) Counties of Lewis, Lawrence and Wayne, Tennessee ($2,000,000)	Alexander	
(148) County of Giles, Tennessee ($2,000,000)	Alexander	
(149) City of Knoxville, Tennessee ($5,000,000)	Alexander	
(150) Shelby County, Tennessee ($4,000,000)	Alexander	
(151) Johnson County, Tennessee ($600,000)	Alexander	
(152) Plateau Utility District, Morgan County, Tennessee ($1,000,000)	Alexander	
(153) City of Harrogate, Tennessee ($2,000,000)	Alexander	
(154) Hamilton County, Tennessee ($500,000)	Alexander	
(155) Grainger County, Tennessee ($1,250,000)	Alexander	
(156) Claiborne County, Tennessee ($1,250,000)	Alexander	
(157) Blaine, Tennessee ($500,000)	Alexander	
(158) Chesapeake Bay ($30,000,000)	Warner	
Section 5004:		
Alaska ($15,000,000):	Stevens	Murkowski.
Section 5012:		
Big Creek, Georgia, Watershed Management and Restoration Program ($5,000,000)	Chambliss	Isakson.
Section 5013:		
Metropolitan North Georgia Water Planning District ($20,000,000)	Chambliss	Isakson.
Section 5014:		
Idaho, Montana, Rural Nevada, New Mexico, Rural Utah, and Wyoming (Idaho—$30,000,000; Utah—$25,000,000; Wyoming—$30,000,000).	Craig (ID), Thomas (WY)	Bennett (UT), Crapo (ID).
Section 5017:		
Southeast Louisiana Region, Louisiana ($17,000,000)	Vitter	
Section 5018:		
Mississippi ($10,000,000)	Cochran	Lott.
Section 5021:		
North Carolina ($13,000,000)	Burr	
Section 5022:		
Ohio River Basin Environmental Management ($2,500,000)	Lugar	
Section 5023:		
Statewide Comprehensive Water Planning, Oklahoma ($6,500,000)	Inhofe	
Section 5025:		
Texas ($40,000,000)	Hutchison	Cornyn.

HONORING MOTHERS

Mr. BYRD. Mr. President, Sunday, May 13, is Mother's Day. Motherhood and May are a perfect pairing of all that is warm and nurturing. The earth is soft and green, with the buds of new leaves and new life appearing everywhere. Birds fill the air with their love songs and flowers scent the breezes with their soft perfumes. All around us, if we but look, we see the signs of happy motherhood, from the ducklings in a neat line behind their mother on a pond to calves curled up asleep by their mother's feet in deep green pastures. In neighborhood parks, mothers bring their toddlers out to play in the sunshine before their afternoon naps or push sleeping newborns in strollers along shade-dappled paths. In the springtime, the great cycle of life is at its fullest flow.

On this one lovely spring Sunday, the Nation heeds the Biblical admonition to "honor thy mother." It is an opportunity to make up for those times all year that we may have overlooked our own mother's contributions to our well-being, or snapped at her well-meaning advice and loving attempts to straighten our collars and smooth our hair. Such is the lot of mothers—to be essential but so often unappreciated. Mothers are like water—without a mother, life could not exist, while not enough mothering can stunt growth like a plant in a desert, but too much mothering can be as smothering as floodwaters on a field of corn.

Motherhood is a delicate high-wire act, balancing love and discipline, care and independence, attention and self-reliance. It is time consuming, often stressful, unpaid, and with no promotion and little recognition. It is a Sisyphean task. Yet mothers persevere, rising each day to begin anew, building families with every meal they prepare, every schedule they coordinate, every book they read with their children, every dirty sock they collect and transform into clean and folded laundry. It takes strong women to do it well and to keep up the effort over the many years of childrearing, for this is not a job that one can hand in a resignation letter or shop around a resume to find a better position. It is a job that is truly what a mother makes of it, for good or for ill. "The hand that rocks the cradle is the hand that rules the world," observed W.R. Wallace.

Many great men have noted the influence of their mothers. George Washington wrote that "All I am I owe to my mother." Abraham Lincoln said that "I remember my mother's prayers and they have always followed me. They have clung to me all my life." Booker T. Washington said that ". . . If I have done anything in my life worth attention, I feel sure that I inherited the disposition from my mother." Andrew Jackson observed that "The memory of my mother and her teachings were, after all, the only capital I had to start life with, and on that capital I have made my way." Their mothers' hands surely influenced the world through their mothering.

Most mothers will tell you that childrearing does not end after their children are officially grown up, either. Mothers remain a constant in the lives of their offspring for years afterward, sometimes actively involved and sometimes waiting in the background in case they are needed. The strains of sustaining the military deployments in Iraq and Afghanistan have resulted in many more military families calling upon grandmothers and grandfathers to raise their grandchildren while their military parents are deployed overseas for long periods. Strong families and loving mothers make this possible, if not desirable.

Often mothers with children also find themselves taking up a new and unnamed role as mother to their own mother as she ages. Single women, too, can become mothers in this way, picking up more and more of the care of their aging parents. The willingness and love with which children care for their parents is a direct reflection of how good a job their parents did raising them. The writer Charlotte Gray observed that "Children and mothers never truly part—bound in the beating of each other's heart." It is just that sometimes, the roles of mother and child, caretaker and care-receiver, reverse. And while it can be sad to see one's mother failing, the burden of her care is lightened by the warm memories of all the nights her hands tucked in the bedcovers or checked a forehead for fever, and by all the prayers her lips have uttered on her child's behalf.

Mr. President, I close with a poem by an unknown author, entitled "Mother's Love":

MOTHER'S LOVE

Her love is like an island
In life's ocean, vast and wide
A peaceful, quiet shelter
From the wind, the rain, the tide.

'Tis bound on the north by Hope,
By Patience on the West,
By tender Counsel on the South,
And on the East by Rest.

Above it like a beacon light
Shine Faith, and Truth, and Prayer;
And thro' the changing scenes of life
I find a haven there.

CONGRATULATIONS TO LILY STEVENS, THE LAW SCHOOL GRADUATE

Mr. BYRD. Mr. President, last month, this Chamber celebrated a milestone day in the life of our dear colleague, Senator TED STEVENS. On April 13, the senior Senator from Alaska became the longest serving Republican Senator in history. This was an important day for him. It was an historic day for us.

But having served in this Chamber with Senator STEVENS for more than four decades, and knowing him as I do, I feel confident that, in a few days, he will be celebrating what to him will be an even more important day. This Saturday, May 12, his lovely, talented, and beloved daughter Lily will graduate from law school. She will receive her Juris Doctor degree from the University of California, Berkeley, School of Law.

I extend my heartiest congratulations to Lily, whom I know quite well. I remember her as an infant when her father carried her around the Capitol in a basket. I remember attending the birthday parties that her father gave her. I enjoyed watching her grow up. Now she is the graduate of one of our Nation's most prestigious law schools. And she is ready to embark upon what I am confident will be a rewarding, productive, and most successful career.

Knowing Lily as I do, I am sure that she will see her graduation, not as the end, but as just another step in her educational endeavors. As Solon, one of the seven wise men of Greece, observed, "I grow old in the pursuit of learning." Although Lily is a young woman, I am confident that she will grow old "in pursuit of learning."

Today, I congratulate her and wish her the best as she completes an important milestone in her education and her life, and embarks upon the next endeavor.

And I also congratulate her father, Senator TED STEVENS.

ABUSIVE LITIGATION IN AMERICA

Mr. MCCONNELL. Mr. President, I rise today to speak about abusive litigation in America. Unfortunately, many personal injury lawyers' insatiable appetites for a big payday by any theory imaginable are never satisfied, and so I come yet again to speak about tort reform—an issue I have worked on nearly every year that I have been in the Senate.

Earlier this week, as part of an ongoing effort to bring much-needed reform to our civil-justice system, I reintroduced the Commonsense Consumption Act with Senators PRYOR, GRAHAM, BAUCUS, CORNYN, LINCOLN, ALEXANDER, DOLE, and BUNNING.

When I first introduced the Commonsense Consumption Act in July of 2003, the effort by some unscrupulous personal injury lawyers to target food manufacturers and sellers was only beginning to take shape.

In fact, I noted at that time an article in the satirical newspaper "The Onion." This newspaper had gotten a big laugh through a spoof article entitled "Hershey's Ordered to Pay Obese Americans $135 Billion."

The article poked fun at the worst excesses of plaintiff's attorneys, describing a class-action suit that accused the candy company of "knowingly and willfully marketing rich, fatty candy bars, containing chocolate and other ingredients of negligible nutritional value."

That spoof was published in August of 2000. But almost 7 years later, farce has become reality.

Frivolous lawsuits against the food industry are moving forward on a number of different fronts and a growing cadre of academics, overzealous public health advocates, and of course, personal injury lawyers, are forthright about their intentions to make food manufacturers and sellers the victims of their next huge payday.

One of the more prominent members of the movement to sue the food industry is John Banzhaf, a personal injury attorney and a professor. Banzhaf appears often in the media to discuss strategies for suing food producers and sellers.

In one appearance, Banzhaf told an interviewer in regard to obesity lawsuits:

> [Y]ou may not like it . . . but we'll find a judge. And then we'll find a jury.

During another interview, Banzhaf proclaimed:

> . . . we're going to sue them and sue them and sue them, and I think ultimately, as with tobacco, we're going to win.

The comparison of this litigation to the tobacco suits is apt, because trial attorneys are eager to find another industry to bear the burden of inflating their bank accounts. As Banzhaf told National Public Radio:

> . . . when we proposed that the states would sue for the cost of health care for lung cancer, heart attack and so on, people thought the lawyers bringing those suits were crazy. They called them crazy. Today, we call them something else. We call them multimillionaires, because, as you know, they won over $250 billion.

Indeed, a great deal of time and energy is being invested into strategies to transfer huge sums from the food industry to overeating plaintiffs and, more to the point, their exceedingly active lawyers.

But these lawsuits are not only about money. They also represent attempts by a small group of lawyers and special-interest groups to subvert the legislative process and impose by litigation what they cannot achieve at the ballot box. In 1999, Robert Reich, former Secretary of Labor under President Bill Clinton, said that, "The era of big government may be over, but the era of regulation by litigation has just begun."

Last November, a group calling itself the Public Health Advocacy Institute held its fourth annual conference regarding obesity litigation.

This is the same Public Health Advocacy Institute whose 2004 Conference featured a memorable overhead projection display proclaiming "Patience, hell. Let's sue somebody." And these groups will sue, and they will sue, and they will sue, until they have imposed their special-interest policy preferences on the rest of America.

This kind of reckless litigation cannot be allowed to continue. A Gallup poll found that 89 percent of Americans oppose holding the food industry legally responsible for the diet-related health problems of people who choose to eat fast-food on a regular basis.

The economic repercussions of this sort of frivolous litigation are very real. In fact, the food industry is one of the most important engines for our Nation's economy. The food retail sector of the industry is America's largest private-sector employer, providing jobs and livelihoods for more than 12 million Americans. Estimates suggest that the food industry is responsible for 4 percent of the United States GDP.

Nor is this an industry dominated by a small number of large market participants. Numerous mom-and-pop grocery stores, family-owned and operated restaurants, specialty producers, and other small businesses will find themselves in the crosshairs of the personal injury lawyers trying to cash in on obesity-related lawsuits.

Wayne Reaves, an entrepreneur who operates seven quick-service restaurants in the Northern Alabama region, testified before the Senate Judiciary Subcommittee on Administrative Oversight and the Courts on the dangers that obesity lawsuits pose for small businesses. Mr. Reaves gave compelling testimony about the catastrophic effects that such a lawsuit could have on him and his 196 employees. He then noted an even more insidious cost of obesity lawsuits:

> But beyond the costs of defending a potential suit and the risks to my business that go along with it, there are other significant and detrimental effects. For instance, the mere threat of such a suit can have a direct impact on the cost of insuring my business. Insurance companies have acknowledged that they are watching these lawsuits very closely, and they recognize that this litigation is very much a factor in how they may price future liability products for food companies.

Mr. Reaves' testimony is especially important, because it highlights the fact that much more is at stake in the obesity lawsuit debate than the transfer of huge monetary sums from businesses to wealthy trial lawyers. If the mere threat of these lawsuits is not removed, then economic ripples will negatively impact every sector of the food industry. Even the ordinary consumer will feel this impact in the form of higher retail prices.

These lawsuits may even have the perverse effect of exacerbating the problems of overweight Americans. By trying to assign responsibility for overeating to food producers and sellers, the obesity lawsuit movement may be actively discouraging the kind of personal responsibility needed for Americans to develop healthier eating habits.

Let me be clear: This bill is not intended to minimize the problem of overeating. In fact, overweight Americans need to design healthier lifestyles for themselves and their children. America is blessed with an abundant, affordable food supply and an overwhelming number of food choices. With so many food choices, some of us overdo it.

That overindulgence, combined with an underindulgence of exercise, can have negative health consequences. But most of us take responsibility for the amount and the type of food we put in our mouth, and we accept the consequences of these decisions.

Unfortunately, some personal injury lawyers are now trying to convince Americans with expanding waistlines that someone else is to blame for their weight problem. This is precisely the wrong message to send to Americans who may be struggling with their weight.

Dr. Gerard J. Musante is an adjunct professor at Duke University and founder of Structure House, a well-known and highly respected residential weight loss center in Durham, North Carolina. Dr. Musante has testified before a Senate Judiciary subcommittee that he was concerned about the message sent to overweight Americans by litigation related to obesity.

Dr. Musante's viewpoint on this issue is worth our full attention. Specifically, he testified that:

> Lawsuits are pointing fingers at the food industry in an attempt to curb the nation's obesity epidemic. These lawsuits do nothing but enable consumers to feel powerless in a battle for maintaining one's own personal health. The truth is, we as consumers have control over the food choices we make, and we must issue our better judgment when making these decisions. Negative lifestyle choices cause obesity, not a trip to the fast food restaurant or a cookie high in trans fat. Certainly we live in a litigious society. Our understanding of psychological issues tells us that when people feel frustrated and powerless, they lash out and seek reasons for their perceived failure. They feel the victim and look for the deep pockets to pay. Unfortunately, this has become part of our culture, but the issue is far too comprehensive to lay blame on any single food marketer or manufacturer. These industries should not be demonized for providing goods and services demanded by our society.

Dr. Musante is absolutely right, and this bill is designed to ensure that an individual's eating habits do not become the province of our already overcrowded judicial system.

The bill is narrowly tailored to apply only to frivolous lawsuits seeking to shift responsibility for unhealthy lifestyle choices. It acknowledges that weight gain and its consequences have numerous interrelated causes, including genetic factors, physical activity, and other lifestyle choices unrelated to consumption of food manufactured or sold by a specific restaurant or corner store.

It is not intended to limit a plaintiff's ability to pursue legal action against food manufacturers or sellers who are found to be engaged in wrongdoing. In fact, let me be clear about what this bill will not do:

It would not affect lawsuits against food manufacturers or sellers that knowingly and willfully violate Federal or State statutes applicable to the manufacture or sale of food. This means that suits based on knowing misrepresentations regarding nutritional information or other statements would not be precluded by this bill.

It would not apply to lawsuits for breach of contract or express warranty.

It would not apply to claims relating to "adulterated" food or provide immunity to restaurants that improperly store, handle, or prepare food leading to an illness.

It would not apply to claims stemming from the use of dietary supplements.

In short, it will not provide widespread legal immunity for the food industry. It only provides protection from abusive lawsuits by people seeking to blame someone else for their poor eating habits.

I should mention that in the 109th Congress, the House voted on similar legislation. That bill, entitled the "Personal Responsibility in Food Consumption Act," passed the House on October 19, 2005, by the overwhelming margin of 306–120.

In our overly litigious society, this bill delivers an important message about personal responsibility. Americans have the freedom to make choices about the food they want to eat, and those choices cannot be litigated away. Frivolous lawsuits are not a substitute for the considered judgment of legislatures and regulatory agencies about the best ways to encourage healthy lifestyles that include a proper diet and exercise.

I hope my colleagues will join me in taking an important step to preserve common sense in the judicial system.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS KATIE SOENKSEN

Mr. GRASSLEY. Mr. President, it is with deep sadness that I announce to the Senate that one of Iowa's own, PFC Katie Soenksen of Davenport, has given her life in service to her country in Iraq. My thoughts and prayers are with her parents, Mary Ann and Ronald Soenksen, her brother and sister, and all her family and friends as they grieve her loss. Katie is one of many members of her extended family who have served their country in the military, and she felt a calling to military service. She even visited her former high school, Davenport North, to recruit for the Army. She joined the Army knowing full well what sacrifices she might be asked to make, but she believed in what she was doing and in her mission in Iraq. Katie kept in regular contact with her family and reported about the tremendous good she and her fellow soldiers were doing to make better the lives of everyday Iraqis. Certainly the Iraqi citizens whose lives she helped to improve, as well as all Americans, whose security she has helped ensure, owe her a tremendous debt of gratitude. Our Nation is truly blessed to have such citizens as Katie Soenksen who are prepared to make the ultimate sacrifice for our freedom, and I am proud to call her an Iowan. Words cannot adequately express the thanks owed to her and her family, who feel her loss so deeply. Her ashes will now rest alongside her fellow patriots at the National Cemetery on Arsenal Island, and her soul is no doubt in heaven.

GENETIC TESTING

Mr. OBAMA. Mr. President, I wish to comment about an amendment that I offered to the bill, S. 1082, that the Senate passed on Wednesday.

Researchers and clinicians continue to make significant advancements in personalized medicine. The ability to diagnose, evaluate disease susceptibility, and provide medical treatment at an individual level is made possible by powerful tools such as genetic testing, an essential component of personalized medicine. Given the complex nature of genetic testing, I am pleased that my amendment, No. 1041, to the bill was accepted. This amendment provides for a study by the highly regarded Institute of Medicine, which will give independent, renowned, and respected experts in genetics, genomics, and related fields the opportunity to provide their thoughtful recommendations on the best ways to further the promise of personalized medicine.

I thank the bill managers and their staffs for their assistance.

RISK OF GUNS ON COLLEGE CAMPUSES

Mr. LEVIN. Mr. President, in order to get a handle on today's gun violence among students, we must increase our awareness on the issue. Last week, the Brady Center to Prevent Gun Violence released a report that draws attention to the gun lobby's efforts over the past few years to change college campus rules that prohibit firearms. The report details the gun lobby's efforts in multiple States to pressure colleges to allow the possession and use of firearms by students and others on campus.

The report, "No Gun Left Behind: The Gun Lobby's Campaign to Push Guns into Colleges and Schools," reveals a letter addressed to a Maine legislator from the National Rifle Association Institute for Legislative Action on April 2, 2007, emphatically opposing legislation to "allow any college or university to regulate the possession of firearms on the property of the college or university." It also describes the gun lobby's support for a law passed in Utah that expressly prohibits public school districts, public schools, and State institutions of higher education from keeping guns off campuses. Similar legislation was proposed in Virginia last year.

"Our schools should be sanctuaries, not armed camps," stated Paul Helmke, President of the Brady Center. "Institutions of higher education already have chosen policies either banning or tightly controlling guns on campus. That is as it should be. These institutions are responsible for the safety of their students and the security of their campuses and should continue to have the right to control firearms."

No Gun Left Behind also details some of the reasons bringing guns onto campus increases the danger to students and faculty alike. Every year approximately 1,100 college students commit suicide, with an additional 24,000 attempting suicide. Roughly 90 percent of those who attempt suicide with a firearm are successful. And, there is a significant danger of guns being stolen in the dorm setting.

As Congress considers sensible gun legislation, I urge my colleagues to read this important report.

MILITARY SPOUSE APPRECIATION DAY

Mr. HAGEL. Mr. President, I rise today to honor the men and women that serve our Nation as military spouses. I greatly admire the strength, courage, and commitment of these special individuals.

In 1984, President Ronald Regan recognized the vital importance and personal sacrifice of the military spouse by declaring the Friday before Mother's Day as Military Spouse Appreciation Day. The impact that the military spouse has on the readiness and effectiveness of today's all-volunteer Armed Forces cannot be overstated.

However, military spouses are rarely thanked or recognized for the vital role that they play in maintaining our national security.

Today, more than 50 percent of our total force is married. Of the 1.12 million military spouses 92 percent are women, 78 percent are enlisted spouses, 57 percent are between the ages of 25–40 years, 73 percent have children, and 65 percent also work outside of the home.

The Armed Forces' current operational tempo has placed unique challenges and extraordinary strain on our military families. Months of waiting and late nights filled with worry about a forward deployed loved one can take a toll on the most steadfast and stouthearted man or woman. Despite this intense strain, military spouses have remained committed and loyal to their servicemember and families. These men and women know the true meaning of sacrifice and devotion.

Today, America says thank you to our loving military spouses.

NATIONAL POLICE WEEK

Mr. DOMENICI. Mr. President, I rise today to commemorate the hard work and sacrifices made daily by law enforcement officers all across our great land. Many officers have lost their lives in the line of duty so that our families and communities may remain safe. We must never forget those who have given their lives to protect us all.

In 1962, President John F. Kennedy first declared the annual celebration of Peace Officers Memorial Day and National Police Week in "recognition of the service given by the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws."

Sadly, since the turn of the last century, more than 126 law enforcement officers have been killed in the line of duty in New Mexico. This year, two New Mexico police officers will be honored and remembered by having their names added to the National Law Enforcement Officers Memorial in Washington, DC.

The first, Deputy James McGrane was tragically shot and killed on March 22, 2006 while making a traffic stop. Unknown at the time to Deputy McGrane, the driver of the vehicle Michael Paul Astorga was wanted for a 2005 murder. As he approached the vehicle, Deputy McGrane was cold bloodedly shot twice and died at the scene. A massive manhunt in New Mexico ensued. After the case was profiled on the television show Americas Most Wanted Astorga was apprehended in Juarez, Mexico and expedited to the United States. Deputy McGrane had served with the Bernalillo County Sheriff's Department for three years and had previously served with the New Mexico State Police and the U.S. Postal Inspection Service.

Also being honored this week is Patrolman James Archuleta of Espanola who was killed June 4, 2006, in an automobile accident. Patrolman Archuleta was responding to a shooting when the accident occurred. Patrolman Archuleta had served with the New Mexico State Police for 2 years and was also a member of the U.S. Marine Corps Reserves.

This week we remember the dedication of Deputy McGrane and Patrolman Archuleta and all of our fallen policemen and women who protect and serve our communities, and the tragic price they paid for that devotion. We must also remember the families of all fallen officers and the sacrifices they have incurred because of a deep-seated commitment to duty and public service. All of us from New Mexico owe a debt of gratitude to each and every officer who has lost their life in the line of duty. To those who continue to serve, we are grateful. You have my utmost admiration.

VOTE EXPLANATION

Mr. REED. Mr. President, due to my flight from Rhode Island being delayed, I was unavoidably absent for vote No. 151, the Cochran second-degree amendment No. 1010 to the Dorgan amendment No. 990.

Had I been present, I would have opposed the Cochran amendment. While I have supported the Cochran amendment in the past, the amendment this time seeks to amend a different and vastly strengthened Dorgan reimportation proposal. Senators DORGAN and SNOWE have acknowledged the safety concerns that have been raised in the past and have sought to address them. Specifically, their amendment establishes a framework for the registration and regulation of exporting pharmacies and wholesalers. It also directs the FDA to initiate a process to approve identical medications as FDA-approved products in the United States. The amendment also requires clear labeling and documentation of the drug from the point of origin to the point of sale. I believe these series of measures greatly improve the Dorgan amendment, reduce the risk of counterfeit products entering the domestic drug supply chain, and assure the safety of reimported drugs. The Dorgan-Snowe proposal also meets the second test set forth in the Cochran second degree amendment—cost savings. According to Congressional Budget Office, CBO, estimates, implementation of prescription drug importation provisions would lead to $50 million in direct savings. However, the CBO also found that imposing the Cochran amendment would reduce those potential savings to zero.

The time has come for Congress to move forward with a thoughtful and responsible framework for drug reimportation. In a free market economy such as ours, it seems unfair that we have permitted a system that only allows the manufacturers to reimport drug products. It is essential that we find ways to reduce drug prices for Americans and one approach is by allowing drug reimportation. As such, we can and should, with the appropriate safeguards, allow a more open prescription drug reimportation regime to take hold in this country. The Dorgan-Snowe proposal offers a reasonable and responsible framework for such an endeavor to begin.

LEAVE OF ABSENCE

Mr. BROWN. Mr. President, I will be unable to be in Washington from Tuesday, May 15, to Wednesday, May 16, due to the graduation of my daughter from Columbia University in New York. I therefore ask that I be granted leave from the Senate under rule VI, paragraph 2.

WACHOVIA CHAMPIONSHIP

Mr. BURR. Mr. President, I rise today to recognize the fifth anniversary of the Wachovia Championship golf tournament and its contribution to charitable causes in North Carolina.

Several years ago, a group of North Carolinians gathered to begin the planning for this first-class event. Under their leadership, the Wachovia Championship has quickly risen to the top echelon of sporting events in the country. In only 5 short years, the Wachovia Championship has become known as one of the preeminent golf tournaments in the country—second only to the major championships.

The organizers desired to create a premier sporting event that would provide a first-class experience for patrons, PGA tour players, and volunteers that at the same time would have a significant economic impact for the Carolinas, showcase our State and region to a national and international television audience, and most importantly, raise significant funds for charitable causes in the State.

On all accounts, the Wachovia Championship has been a resounding success story. This year alone, the Wachovia Championship will have an economic impact of over $45 million in the state of North Carolina.

The primary beneficiary of the success of the Wachovia Championship is Teach for America. Funds generated from the tournament are used to support the national efforts of this organization. Teach for America is the national corps of outstanding college graduates who commit 2 years to teach in low-income communities and become advocates for expanding educational opportunity. Since 1990 nearly 17,000 college graduates have joined Teach for America, impacting the lives of over 2.5 million students.

In North Carolina, Teach for America has over 250 corps members teaching in Charlotte, Durham and communities across the eastern half of the State.

Since the inception of the tournament, over $4 million has been generated for Teach for America from the success of the Wachovia Championship in Charlotte.

As you can see, this is much more than just a golf tournament. The Wachovia Championship is a community and economic success story.

I congratulate the organizers and the thousands of volunteers that make the Wachovia Championship one of the special events that makes our State of North Carolina proud.

HONORING DEE SARTON

Mr. CRAIG. Mr. President, as you know, the month of May is Foster Care Month, when we take special note of the young people served by our Nation's foster care system, and the dedicated volunteers and professionals who work with and for them.

Today, I rise to pay tribute to a fellow Idahoan who is making a tremendously positive difference in the lives of foster children in our State.

Dee Sarton is a reporter at KTVB News Channel 7. Since November 1998, she has used her talent and experience to produce segments promoting the adoption of children out of the foster care system. On Wednesday nights, just before signing off the early evening news, she introduces sibling groups or older youth who are waiting for adoptive homes, and her compelling, sensitive interviews with these young people have touched the hearts of families across the Nation. She has introduced more than 500 children and has partnered with the Idaho Department of Health and Welfare in helping them find stability and love through adoption.

Dee brings energy, intuition, and a sincere concern for the future of each child to each production day. Although these young people have troubled histories and range from the gregarious to the shy, she manages to form an immediate bond with them. Her empathy and patience come from an abiding desire to help them achieve the normalcy they have described over and over in similar ways: "I just want to be treated like a regular kid."

For her outstanding work on behalf of Idaho's youth, I nominated Dee Sarton to receive the 2006 "Angel in Adoption" award presented by the Congressional Coalition on Adoption Institute, and I am very proud to share her story with my colleagues today.

RECOGNIZING RALEIGH TIAHRT

Mr. THUNE. Mr. President, today I rise to recognize Raleigh Tiahrt, an intern in my Washington, DC office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Raleigh is a graduate of Vermillion High School in Vermillion, SD. Currently he is attending the University of Minnesota where he is pursuing majors in mathematics and philosophy. He plans to finish his education at the University of South Dakota in Vermillion. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Raleigh for all of the fine work he has done and wish him continued success in the years to come.

RECOGNIZING SARA KOCH

Mr. THUNE. Mr. President, today I rise to recognize Sara Koch, an intern in my Washington, DC office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Sara is a graduate of Custer High School in Custer, SD. Currently she is attending South Dakota State University where she is pursuing majors in business and political science. She has also been active in Teenage Republicans and College Republicans. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Sara for all of the fine work she has done and wish her continued success in the years to come.

ADDITIONAL STATEMENTS

ARMY RESERVES

• Mr. BROWNBACK. Mr. President, today I wish to pay tribute to a special group of Americans—the members of Company B, 7th Battalion, 158th Aviation Regiment. The dedication and patriotism of this Army Reserve unit from Olathe, KS, truly makes all Kansans and Americans proud.

In October 2005, Pakistan suffered a severe disaster when a 7.6-magnitude earthquake devastated the country. This unit, known as the Spartans, was in the midst of training at Fort Sill, OK, to prepare for its deployment to Afghanistan when they received orders to assist in the humanitarian relief efforts. The unit immediately responded by disassembling their entire fleet of Chinook helicopters, flying to Afghanistan where they reassembled their aircraft, and then deploying to Islamabad to participate in relief efforts. All this was accomplished in a mere 4 days—a phenomenal feat. During the 5 months of this operation, the Spartans flew 2,633 missions where they delivered more than 18 million pounds of supplies, transported almost 7,000 refugees, and medically evacuated 311 casualties. This mission proved to be the longest and largest helicopter relief mission in the history of the United States.

Following their relief mission, the unit deployed to Afghanistan to provide heavy-lift support for combat operations at Kandahar Airfield in southern Afghanistan. During their 7-month deployment, the unit contributed to three major offensive operations by transporting troops and supplies in some of the most difficult conditions for aviation operations.

In early October 2006, the unit returned to Pakistan for Operation Promise Keeping, a mission to commemorate the 1-year anniversary of the earthquake. The unit delivered more than 87 tons of steel sheets, cement, and construction materials to help with rebuilding efforts in Pakistan.

This weekend, at the Army Aviation Association of America's annual convention, the unit is being recognized as the Army Reserve Aviation Unit of the Year. The Pakistani people will forever remember the servant hearts of these military members. It is with an overwhelming sense of gratitude that I wish to recognize these fine service members and their families for their dedication to the cause of freedom and congratulate them on their much deserved award.•

RETIREMENT OF MARGARET SPRING

• Mr. INOUYE. Mr. President, I wish to pay tribute to a member of my staff who retired from service to the Senate after dedicating 8 years to the Commerce, Science, and Transportation Committee. Margaret Spring, Democratic general counsel for the Commerce Committee, left the Senate for love. In doing so, she will be leaving behind a record of accomplishment that will be difficult for anyone to match. During her 8-year tenure on the committee, more than 10 major ocean and coastal initiatives, which she was heavily involved in drafting, have been enacted into law, including the National Sea Grant College Program Reauthorization, the Oceans and Human Health Act, Coast Guard Reauthorization Acts, the Harmful Algal Bloom and Hypoxia Amendments Act, the Tsunami Preparedness Act, and the Marine Debris Research, Prevention, and Reduction Act. Probably most notable are the first and last pieces of legislation Margaret worked on. The first was the Oceans Act of 2000, and the final bill was the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act.

What is clear from the passage of all these bills is both Margaret's ability to successfully negotiate and work in a bipartisan fashion, regardless of whether she was in the minority or the majority, and her unwavering commitment to making the world we live in a better place for today and for the future. Her trustworthiness and constant striving for perfection provided a process where every staffer who worked with her believed the final product was a true reflection of negotiations and discussions, and the outside parties that had an interest in the legislation, whether environmental or industry groups, while not necessarily agreeing completely with the ultimate outcome, felt like their voices were heard. The best example of her abilities is the Magnuson-Stevens Act, which passed by unanimous consent with support from the fishing industry and environmental groups, a rarity in this day.

A hallmark of Margaret's legacy will be a cleaner and healthier environment for generations to come. The Oceans Act, which passed in 2000, created the Ocean Commission, consisting of this country's leading ocean experts. Without the legislation enacted though her efforts, Congress and the administration would be without a landmark blueprint. Margaret's work, in combination with efforts of other dedicated members and staff, has given us guideposts for what we must do to sustain the ocean environment for future generations.

While Margaret has left the Senate, she has not left her call to public service, to preserving the coastal environment, or to improving the planet for the next generation. While she and her new husband have decided to move to the West coast, she also decided to continue her passionate interest in the marine environment with a nonprofit organization whose mission is to preserve environmental diversity through the protection of lands and waters. The Commerce Committee, the Senate, and this country have benefited from Margaret's dedication during the past 8 years, and while she will be missed, the country will continue to benefit from her commitment, dedication, and tireless efforts to improve the world we live in.

On the eve of Margaret Spring's wedding to Mark Bunter, we wish her well as she embarks on a new chapter of her life.•

TRIBUTE TO GREG STEVENS

• Mr. VOINOVICH. Mr. President, today I pay tribute to the late Gregory Clark Stevens—an incredible political strategist, loyal Republican, wonderful husband and father and a terrific friend to me and my wife Janet.

Last month, our Lord took Greg from us after 58 years on Earth. Greg's last days weren't easy on him or his family as he suffered from brain cancer. But he was able to find an inner peace that I know helped him in his final days.

Looking back, Greg had a full and accomplished career—a career that led to many people, including myself, getting elected and doing immense good for our Nation.

After graduating from the University of Maine in 1971, he spent half a decade as a reporter in New Jersey, and was then hired as President Gerald Ford's reelection campaign press secretary. He was hired by former New Jersey assemblyman turned campaign manager for Ford, Thomas Kean. Kean later returned to New Jersey and, after a defeat running for the same office, he was later elected Governor and hired Greg to be his communications director. When Kean was reelected in 1981 he made Greg his chief of staff.

A fellow Ohioan, Roger Ailes, hired Greg in 1988 to work on Vice President George H.W. Bush's campaign for the Presidency. Then, 2 years later, Greg ran my successful campaign to be Governor of the great State of Ohio.

A few years later Greg opened his own consulting business in the Washington suburbs and had many clients. I remained one of them, with Greg running my multimedia campaign in 1994 for my second term as Governor, then in 1998 and 2004 for my current Senate seat. He did a marvelous job and we became good friends. And it meant a great deal to Janet and me that we had someone working with us who cared so much about us personally. We always said hiring Greg was the best decision we ever made.

But it was his genuine caring for me and my family that translated into his incredible television ads that helped get and keep me elected. Greg always "got us," we used to say, and got our values. And he communicated those values through his commercials in a way that no one else could.

Over the years Greg has worked for many famous people and been involved in numerous historic and epic political battles. But that is not how I really remember him. I remember Greg as a fine man and good friend.

As time goes on and we get older, and our families seem to grow and grow, our free time seems to shrink more and more. So there wasn't a lot of time for me to make it up to Maine to see my friend Greg. But I did take the time to send him a letter right before he passed.

In that letter I reminded him of the good work he did on behalf of me and the Nation, and about how I cherished our friendship and fighting the good fight together, but also about how worried I am about our kids and grandkids and what kind of opportunities they will have in the future. I told him I would love to talk to him about these things again soon but, unfortunately, time ran out.

Greg Stevens meant a lot to a lot of people. And he did so much good while he was with us here on Earth.

A minister's son, I know Greg found comfort knowing this life was not all there was. I concluded my letter to Greg with this: "I'm sure you are comforted by the thought that you will be with our Father, eternally happy, and that one day we all will be together again."

I look forward to seeing my good friend Greg once again.●

HONORING DEL GREENFIELD

● Mr. WYDEN. Mr. President, those of us entrusted to represent our States in the Senate are so unbelievably fortunate thanks to the wonderful people we meet and work with along the way. These encounters remind us on a regular basis of the inherent goodness of so many folks, and of their dedication to making our communities, our Nation and our world a better place in which to live and raise families. Today I pay tribute to one such person—a very special person—I was blessed to have met along the way.

Del Greenfield, who passed away just last month, was an extraordinary wife, mother, and citizen whose uncommon commitment to humankind and peace touched thousands of people and enriched our world in ways that will ripple across generations for as long as we humans will inhabit this Earth.

I met Del and her husband, Lou, long ago when I was running the Grey Panthers in Oregon. She was a well-known political activist and worked for some outstanding public servants, including Governor Bob Straub and my former colleague, Congressman Les AuCoin. In the early eighties, Del began to lead the Portland chapter of Physicians for Social Responsibility, and it was there that she made a profound and unforgettable impression on so many government leaders who played a role in deciding matters of war and peace, equality and inequality, justice and injustice.

She was well known to those of us in public office for several reasons. We all came to respect her tremendous command of grassroots politics. She harbored an unflinching belief in the power of people to effect change, and she was quite skillful at organizing her troops and using the strength of the many to overcome the sometimes unnatural advantages of the most fortunate few.

She was also unforgettable because of her unyielding, boundless passion for her beliefs and her mission. Del was full of praise for us when she approved of what we were up to—and thankfully, that was most of the time with me—but she never, ever gave up when we took an action she disagreed with. Even when that disagreement had long passed, Del continued to view those disappointments as potential teachable moments, as opportunities for our growth. On those occasions, Del could chew on you pretty good, but if she liked you, she always did it with a smile on her lips and a twinkle in her eyes. She frequently forgave, but she never forgot.

And, importantly, and this was perhaps the root of her high standing with all of us, there was never any doubt about Del's motives. If she possessed any ego, I never encountered it. The one thing I always knew about Del, even on those rare occasions where we disagreed, was that it was never about her. She was inherently decent and kind and involved in all of her causes for all the right reasons.

I am so proud to have had Del and Lou as two of my earliest supporters and am so honored to have had the opportunity to work with and learn from such a wonderful, powerful woman. She and Lou leave to us all a legacy of hope and goodness that will be carried on for generations to come by her wonderful children, their grandchildren, their great grandchildren, and the thousands of others who have been touched by their loving, good works.

Because I know she is still watching me closely, and because I know she could care less about how many nice things I have to say about her, Del, I will think of you every opportunity I get to end this misguided war in Iraq. And I will think of you every time I have an opportunity to bring about lasting peace, justice, and equality. Your lessons and love will never be forgotten.●

MESSAGE FROM THE HOUSE

At 11:01 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1684. An act to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes.

H.R. 1873. An act to reauthorize the program and activities of the Small Business Administration relating to procurement, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1684. An act to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1873. An act to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes; to the Committee on Small Business and Entrepreneurship.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1368. A bill to amend the Denali Commission Act of 1998 to modify the authority of the Commission; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Mr. KYL, and Mr. LIEBERMAN):

S. 1369. A bill to grant immunity from civil liability to any person who voluntarily notifies appropriate security personnel of suspicious activity believed to threaten transportation safety or security or takes reasonable action to mitigate such activity; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mr. SMITH, and Mr. KERRY):

S. 1370. A bill to amend the Internal Revenue Code of 1986 to ensure more investment and innovation in clean energy technologies; to the Committee on Finance.

By Mr. PRYOR:

S. 1371. A bill to establish a program to award innovation prizes to individuals and entities for researching and developing innovative technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR:

S. 1372. A bill to provide for a Center for Nanotechnology Research and Engineering; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR:

S. 1373. A bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities; to the Committee on Commerce, Science, and Transportation.

By Mr. CASEY:

S. 1374. A bill to assist States in making voluntary high quality full-day prekindergarten programs available and economically affordable for the families of all children for at least 1 year preceding kindergarten; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. DURBIN, Ms. SNOWE, Mr. BROWN, Mr. DODD, and Mr. LAUTENBERG):

S. 1375. A bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself and Mr. SMITH):

S. Res. 194. A resolution commemorating the 40th anniversary of the landmark case In re Gault, et. al., in which the Supreme Court held that all children accused of delinquent acts and facing a proceeding in which their freedom may be curtailed have a right to counsel in the proceedings against them; considered and agreed to.

By Mr. SMITH (for himself and Mr. WYDEN):

S. Res. 195. A resolution commending the Oregon State University College of Forestry on the occasion of its centennial; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 329

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 430

At the request of Mr. BOND, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from Iowa (Mr. HARKIN), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 579

At the request of Mr. REID, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Louisiana (Mr. VITTER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Montana (Mr. BAUCUS) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 700

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 727

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 773

At the request of Mr. WARNER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 839

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 839, a bill to amend the Internal Revenue Code of 1986 to exclude amounts received as a military basic housing allowance from consideration as income for purposes of the low-income housing credit and qualified residential rental projects.

S. 919

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 919, a bill to reauthorize Department of Agriculture conservation and energy programs and certain other programs of the Department, to modify the operation and administration of these programs, and for other purposes.

S. 921

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 921, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 946

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 946, a bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program, and for other purposes.

S. 994

At the request of Mr. TESTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1019

At the request of Mr. COBURN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1019, a bill to provide comprehensive reform of the health care system of the United States, and for other purposes.

S. 1047

At the request of Mr. VOINOVICH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1047, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees and members of the Armed Forces on active duty under Federal student loan repayment programs.

S. 1173

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S.

1173, a bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1204

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1224

At the request of Mr. ROCKEFELLER, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Illinois (Mr. OBAMA), the Senator from Ohio (Mr. BROWN), the Senator from Rhode Island (Mr. REED) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1224, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. 1237

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1237, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1249

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1249, a bill to require the President to close the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1323

At the request of Mr. MCCONNELL, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Kansas (Mr. ROBERTS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1323, a bill to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

S. 1334

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1334, a bill to amend section 2306 of title 38, United States Code, to make permanent authority to furnish government headstones and markers for graves of veterans at private cemeteries, and for other purposes.

S. 1349

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1349, a bill to ensure that the Department of Defense and the Department of Veterans Affairs provide to members of the Armed Forces and veterans with traumatic brain injury the services that best meet their individual needs, and for other purposes.

S. RES. 192

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 192, a resolution recognizing National Nurses Week on May 6 through May 12, 2007.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1368. A bill to amend the Denali Commission Act of 1998 to modify the authority of the Commission; to the Committee on Environment and Public Works.

Mr. STEVENS. Mr. President, I have come to the floor to introduce S. 1368, a bill to reauthorize a Federal-State partnership known as the Denali Commission. This Commission plays a crucial role in the development of basic infrastructure for communities in rural Alaska.

The Denali Commission was originally established by Congress in 1998. The unique structure of the Commission ensures the most efficient allocation of Federal funds, as it caps administrative expenses at 5 percent and capitalizes on the use of strategic partnerships. Over the course of the past decade, the Commission has partnered with Federal and State agencies, tribal organizations, and local communities to address the unique challenges associated with living in Alaska. In just a short period of time, the Commission has improved the living conditions of rural Alaska by providing job training, teacher housing and funds to improve options for handling solid waste. The bulk fuel projects undertaken by the Commission have reduced the costs of rural energy. The health clinics have increased the availability of health services to rural villages that are isolated from metropolitan areas. There are 240 Alaska Native Villages, and over 100 communities have been served by the Denali Commission.

Although the Denali Commission has made tremendous strides to ensure rural Alaska has basic living conditions, there still is work to be done. Many of the rural communities have no roads and their transportation infrastructure is deteriorating. Numerous villages can only be accessed by water, and the docks in the communities are in desperate need of repair. The projects conducted by the Denali Commission not only keep communities connected to mainstream Alaska, projects also foster economic growth. The unemployment rates in many villages remain above 50 percent. The high cost of basic needs, such as milk and oil, coupled with public infrastructure that is comparable to developing nations create difficult circumstance in rural Alaska. The Denali Commission is our best hope for properly addressing these issues and meeting the needs of Alaskans.

The continuation of the Denali Commission's presence in rural Alaska is of critical importance to the future of rural Alaska. The bill I introduce today would reauthorize the Denali Commission for 5 years, through fiscal year 2014.

Other provisions of this bill would also amend the Denali Commission Act of 1998 to make the Commission stronger and more efficient.

Senator MURKOWSKI is an original cosponsor of this legislation, and it is our hope the Senate will act quickly to reauthorize the Denali Commission.

By Ms. COLLINS (for herself, Mr. KYL, and Mr. LIEBERMAN):

S. 1369. A bill to grant immunity from civil liability to any person who voluntarily notifies appropriate security personnel of suspicious activity believed to threaten transportation safety or security or takes reasonable action to mitigate such activity; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, I rise to introduce legislation that would provide immunity to individuals who report suspicious activities that may reflect terrorist threats to our transportation system. I am very honored that Senators KYL and LIEBERMAN have joined me in introducing this important bill.

The recent arrest in New Jersey of six men charged with conspiring to murder American soldiers at Fort Dix underscores the need for this bill. Law enforcement officials have noted that their investigation was triggered by the report of an alert store clerk who said a customer had brought in a video that showed men firing weapons and shouting in Arabic. This reminded the store clerk of the 9/11 terrorists.

But for the report of this store clerk, it is unlikely this potential plot against Fort Dix—a plot that if executed would have caused the loss of lives—would have been uncovered. That store clerk's action may have saved literally hundreds of lives and represents a core truth of the dangerous times in which we live. Our safety depends on more than just police officers, intelligence analysts, and soldiers. It also depends on the alertness and civil responsibility of ordinary American citizens, including the peaceful and tolerant people who form the vast majority of America's Muslim communities.

We must encourage average citizens to be watchful and report behavior that appears to be suspicious or threatening. That imperative is especially strong in the area of mass transportation, where there is the potential for mass casualties, where vehicles and aircraft can be used as weapons, and where there is often only a brief period of time for assessing and reacting to alarming behavior. That is why the slogan "See something, say something," is used in the New York subway.

Unfortunately, we have seen that plaintiffs can misuse our legal system to chill the willingness of average citizens to come forward and report possible dangers. As was widely reported last fall, six Islamic clerics were removed from a USAirways flight after other passengers expressed concerns that some of the clerics had moved out of their assigned seats and had requested, but apparently were not using, seatbelt extenders that could possibly double as weapons.

As a result of that incident, what happened? Well, the USAirways officials decided to remove these individuals from the plane so they could further investigate. What happened to the individuals who courageously came forward and reported this suspicious behavior? Unbelievably, they were sued for voicing their fears that the clerics could be rehearsing or preparing to execute a hijacking. These honestly concerned passengers found themselves as defendants in lawsuits that were filed in March.

The existence of this lawsuit clearly illustrates how unfair it is to allow private citizens to possibly be intimidated into silence by the threat of litigation. Would that alert clerk in the store have come forward if he thought there was a chance he was going to be sued? Would the passengers have spoken up if they had anticipated there would be a lawsuit filed against them? Even if such suits fail, they can expose citizens to heavy costs in time and legal fees.

Our bill would provide civil immunity in American courts for citizens acting in good faith who report threats to our transportation systems.

The bill would encourage people to pass on information to appropriate transportation system officials and employees, to law enforcement or transportation security officials, or to the Departments of Homeland Security, Justice, or Transportation, without fear of being sued just for doing their civic duty.

Only disclosures made to those responsible officials and employees would be protected by the legislation's grant of immunity. Once a report is received, those officials would be responsible for assessing its reasonableness and determining whether further action is required. If these officials take reasonable action to mitigate the reported threat, they, too, would be protected from lawsuits. Just as we should not discourage reporting suspicious incidents, we also should not discourage reasonable responses to them.

Let me make very clear this bill does not offer any protection whatsoever if an individual makes a statement that he or she knows to be false. No one will be able to use this bill, should it become law, as I hope it will, as a cover for mischievous, vengeful, or biased falsehoods.

Our laws and legal system must not be hijacked to intimidate people into silence or to prevent our officials from responding to terrorist threats. Protecting citizens who make good-faith reports—and that is an important qualification in this bill—protecting citizens who make good-faith reports of potentially lethal activities is essential to maintaining our homeland security.

Our bill offers protection in a measured way, that discourages abuses from either side. I urge my colleagues to support it.

Senator LIEBERMAN and I have been holding a series of hearings, starting last year, in the Homeland Security Committee, to look at the threat of home-grown terrorists, domestic radicalization. We have learned a lot in the past 6 months. What we have learned has only strengthened my determination to push ahead with this bill.

The fact is, each of us has an important responsibility. The fight against domestic terrorism—or, indeed, any kind of terrorism—requires the active involvement of the citizenry of this country. It is not a fight that can be left simply to law enforcement. We simply could never have a sufficient number of law enforcement or intelligence officials to take care of every threat. Indeed, the foiled threat at Fort Dix shows us how important citizen involvement is.

I think this is a reasonable bill. It requires this immunity would be granted only for reports made in good faith. This would help encourage passengers on airlines and on trains to report suspicious activities. I think that is a necessary protection in this day and age.

By Ms. CANTWELL (for herself, Mr. SMITH, and Mr. KERRY):

S. 1370. A bill to amend the Internal Revenue Code of 1986 to ensure more investment and innovation in clean energy technologies; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce legislation that I believe is an important component of comprehensive energy policy. In order to transition away from an overreliance on fossil fuels, we must promote investments in clean energy generation using renewable resources and reduce the growth in demand for energy by stressing efficiency.

I think every Member of the Senate recognizes that while there is no single technological silver bullet for our energy problems, there are many emerging technologies that if adopted and deployed could go a long way in meeting our vexing energy security and climate challenges.

We also know that Government can play a key role setting technology standards and clean energy goals, but shifting our Nation's and the world's energy system to clean energy alternatives will take substantial private sector investment. Here, too, the Government can play a key role by enabling the market conditions that will take the technology from the laboratory and turn it into fully operational energy producing facilities.

A number of reports have suggested that private investment in energy technologies is on the rise. While estimates vary widely, New Energy Finance has reported that 1,246 private equity funds put more than $70 billion into clean energy technologies in 2006—a 43-percent increase relative to 2005. Similarly, a survey conducted late last year by the National Venture Capital Association found that more than 90 percent of respondents expect to increase investment in the energy sector in 2007.

This is a unique time. There is growing consensus that our Nation's energy demands need to be better and more smartly managed and, more importantly, consensus that those growing energy demands should be met using clean, renewable energy resources.

The Clean Energy Investment Assurance Act of 2007, which I introduce along with my colleagues, Senators GORDON SMITH and JOHN KERRY, responds to the clear message that was delivered to both the Senate Energy and Senate Finance Committees by businesses that are on the cutting edge in this area. What we heard from the renewable energy community and the investment community is that what they need most is some certainty in the Tax Code.

This type of Federal assistance will support the needed long-term investments that ultimately will drive down the costs of electricity from renewable sources. Once the market for these new technologies is up and running, such facilities will be economically self-sustaining and profitable.

Our legislation adheres to the following principles:

Certainty. We put the existing tax incentives in place long enough to drive investment dollars so these new technologies can be commercialized. The core of this bill is a 5-year extension and modification of the production tax credit. This tax credit is designed to help businesses and utilities diversify their sources of energy and promote energy production using biomass, wind power, hydropower, geothermal power, and other clean, renewable resources. In addition, we extend for 8 years the investment tax credit that is so important in encouraging the large upfront outlay of capital that is required for solar and fuel cell power plants.

Technological neutrality. This bill levels the playing field by providing an incentive to both thermal energy production and electricity production that use renewable resources. It also modifies the tax credits to increase the incentive effect for all renewable technologies that can produce energy with zero carbon emissions.

Parity between investor-owned utilities and consumer-owned public power utilities. The bill provides a powerful, complementary incentive through the Clean Renewable Energy Bond Program so that public power and consumer-owned utilities that cannot benefit from tax credits are not financially disadvantaged when they invest in renewable facilities. Public power utilities are required to meet State renewable portfolio standards in the same way as investor-owned utilities, and Government should provide comparable financial incentives so that ultimately the cost of electricity can be reduced for all customers.

Importance of efficiency. This bill includes provisions that better utilize the incentives in the Tax Code to promote energy efficiency in manufacturing, construction of "green buildings," and more efficient homes. These tax incentives help defray the additional costs associated with using new energy-efficient technologies, systems, and materials to construct and retrofit factories, commercial buildings, and houses in order to reduce energy demand. I know Senator SNOWE has done a great deal of work in this area, and I look forward to working with her on these important provisions.

Another key component in this regard is an inducement for customers and utilities to upgrade to "smart meters." A "smart meter" is a device with an electronic circuit board containing computer chips and a digital communications device. It allows a customer to interact with a utility in real time. This interaction allows the utility to better forecast and manage energy load and the customer can manage his energy use to lower the cost.

The electromechanical meter, the device that measures energy use with the little wheels turning inside it that is hooked up to almost every home and business in America, is almost the same as when it was invented in the 1930s, when FDR was President.

Inefficient use of energy forces utilities to invest millions in building plants that operate only when energy demand peaks. As a result, the power these plants generate costs far more than power from other sources. This means more expensive power when demand is high.

Our bill would allow a faster recovery period for the costs of installing these new "smart meters," which will make it easier for consumers to reduce energy use during these peak periods and shift their energy use to low-demand, low-cost times of the day.

We know that we don't have an unlimited pool of Federal resources, and I believe strongly that the Finance Committee should redirect subsidies that historically have propped up the oil and gas industry to now support this new direction in energy policy.

Our tax policy here should be driven by our energy policy goals. We cannot make a long-term difference with start-and-stop tax policy. But we must be mindful that after a reasonable period all tax incentives should be reexamined to see whether we have gotten the results we anticipated and whether the marketplace is ready to function on its own.

We should focus tax incentives where they will have the greatest impact in helping meet those goals. While this bill seeks to address renewable power and efficiency, I plan to continue working on legislation to effectively align the other incentives in the Tax Code that are designed to promote alternative fuels and vehicles.

We all witnessed how innovation in information technologies served as a forceful driver of productivity and economic growth in the recent past.

Energy technology innovations now have similar potential to fuel a new wave of economic growth and job creation.

I would like to note that this bill has already received the support of the following organizations: American Forest Resource Council; American Public Power Association; Biomass Investment Group; Energy Northwest; Large Public Power Council; Northwest Public Power Association; Southern California Public Power Authority; Solar Energy Industries Association; USA Biomass Power Producers Alliance; Chelan County PUD, Snohomish County PUD, Tacoma Power, and Seattle City Light; Washington Public Utility Districts Association; Simpson Investment Company, Tacoma; National Hydropower Association; Seattle Steam; and TechNet.

We have a tremendous opportunity in this Congress to set a new course in energy, environmental, and economic policy for the 21st century, and I hope we aggressively move forward and meet this challenge.

I ask unanimous consent that a section-by-section summary of the Clean Energy Investment Assurance Act of 2007 be printed in the RECORD.

The PRESIDING OFFICER. There being no objection, the material was ordered to be printed in the RECORD as follows:

THE CLEAN ENERGY INVESTMENT ASSURANCE ACT OF 2007

A bill to provide reliable Federal tax incentives to help ensure more private sector led investment an innovation in clean energy technologies.

SECTION-BY-SECTION SUMMARY

Sec. 1. Short Title.

Sec. 2. Expansion and modification of renewable electricity production credit (IRC Section 45).

Under current law, a qualified facility must be placed in service by December 31, 2008, in order to claim a tax credit for electricity that is produced. The bill extends the placed in service date until December 31, 2013, in order to provide an adequate incentive to have more facilities placed in service. Investors willing to bear the risks of new energy technologies should not be subject to the economic risks of start-and-stop tax policy.

The tax credit would be expanded to allow a credit for either the production of thermal energy—heat, in the form hot water or steam, or cooling in the form of chilled water, ice or other media—or the production of electricity. This would provide an incentive to invest in facilities that use renewable energy sources to create useful and valuable thermal energy, without generating electricity. Such district energy facilities can provide significant efficiency gains for heating and cooling buildings, displacing peak electricity demands on the local grid and enhancing fuel flexibility.

All qualifying facilities would be eligible to receive the full rate of credit, as adjusted for inflation. Current law reduces the credit by half for open-loop biomass, small irrigation power, landfill gas, trash combustion, and hydropower facilities.

New and existing facilities would be able to claim the credit for a period of 10 years, beginning on the date the facility is placed in service.

The goal of the credit is to encourage deployment of facilities that can produce energy from renewable sources. In order to enable new and emerging technologies to benefit from the credit, the bill grants authority to the Treasury Department to allow a facility placed in service before January 1, 2014, to qualify for the Section 45 credit even though it produces thermal energy or electricity using a renewable resource that is not enumerated in Section 45 provided that the facility produces energy with zero carbon emissions. The determination of whether a facility meets the zero carbon emissions requirement would be made in consultation with the Energy Department. New and emerging technologies that achieve the underlying goal of the incentive will not be disadvantaged by having to come through the lengthy legislative process in order to qualify.

The bill attempts to clarify existing Treasury guidance in order to facilitate electricity purchased by a co-located host facility (e.g. lumber mill) even in the case that both facilities are owned by the same taxpayer. Treasury/IRS Notice 2006–88 includes the concept of "simultaneous sale and purchase" that is being viewed as an impediment for some open-loop biomass facilities to claim the section 45 credit. This broad concept appears to require netting of electricity sold to, and purchased from, unrelated parties in order for a facility to qualify. Our proposal seeks to reverse the effect of this netting rule to allow qualified biomass facilities to obtain the PTC for gross electricity sold to the grid without any requirement to "net" electricity sold to and purchased from an unrelated party.

The bill modifies the definition of closed-loop biomass in Section 45(c)(2) to indicate that power producers that use part or the dedicated crop to produce some other type of renewable energy, for example: ethanol, etc., in addition to making electricity, are not disqualified from obtaining the closed-loop tax biomass tax credit for the electricity. Under current law, if any part of the dedicated energy material is used for any purpose other than producing electricity, the electricity produced is not eligible for the closed loop credit. Advances in energy science have led scientists and investors toward the creation of "energy plantations" that grow a dedicated crop for electricity production that also can provide a source of cellulosic ethanol. The bill would remove a disincentive to bringing such multiuse green facilities online.

Under current law, for only closed-loop biomass facilities modified to co-fire with coal, to co-fire with other biomass, or to co-fire with coal and other biomass, there is no reduction in credit by reason of grants, tax-exempt bonds, subsidized energy financing, and other credits while there is a reduction in the credit of up to 50 percent for other qualified facilities in cases where a facility benefited from grants, used proceeds from tax-exempt bonds, or was subsidized under a Federal, State or local program. Our proposal would equalize the treatment of all types of facilities by repealing this limitation in current law Section 45B(3). This will encourage States and localities to partner with private industry as part of a multi-faceted energy and environmental strategy.

Clarifies the statute to reflect additional work that may be needed to retrofit potential non-hydropower dams and make a technical correction related to incremental hydropower.

Sec. 3. Extension and expansion of credit to holders of clean renewable energy bonds (IRC Sec. 54).

Under current law, the full financial incentives provided under the tax credits are not available to certain entities such as consumer-owned utilities, yet these utilities also need to increase their investments in renewable energy sources to meet their growing demands. The Clean Renewable Energy Bond, CREB, program, enacted as part of the Energy Policy Act of 2005, was crafted to provide a comparable financial incentive for consumer-owned utilities to invest in new renewable electricity generation facilities. CREBs provide public power systems with interest free borrowing for qualified projects. State and local governments, U.S. territories and possessions, the District of Columbia, Indian tribal governments, CoBank, the National Rural Utilities Cooperative Finance Corporation, mutual or cooperative electric companies described in Internal Revenue Code Section 501(c)(12) or 1381(a)(2)(c), and a not-for-profit electric utility that has received a loan or loan guarantee under the Rural Electrification Act are all eligible to issue CREBs. Unfortunately, the 2-year authorization, the cumulative volume limit, and the smallest-to-largest project allocation of this limited authority have made it difficult for these bonds to be an effective large-scale investment incentive. Our proposal would extend the program to December 31, 2013 and convert the cumulative volume cap into an annual cap. Thus, the limitation in bonds issued would be $5 billion in each calendar year. It is intended that the higher volume cap will encourage broader allocation of the bonds to large-scale projects.

Sec. 4. Extension and modification of residential energy efficient property credit (Section 25D)

The bill extends until 2017 a 30 percent investment tax credit for the purchase of residential solar water heating and fuel cell property. In addition, the solar credit would be based on system power rather than cost and would provide $1,500 for each half-kilowatt of capacity for solar PV equipment and $1,000 for each kilowatt of capacity for fuel cells. Credits would be permitted against the alternative minimum tax to expand the incentive effect of the tax credit.

The bill allows the same credit for purchases of "qualified energy storage air conditioner property," which increases the value of intermittent energy sources, such as wind and solar, by creating, storing, and supplying cooling energy.

Sec. 5. Extension and modification of energy credit (Section 48).

The bill extends until 2017 a 30 percent business credit, for the purchase of fuel cell power plants, solar energy property, and fiber optic property used to illuminate the inside of a structure. The bill changes the maximum credit to $1,500 for each half-kilowatt of capacity for solar PV equipment and eliminates the cap on fuel cell power plant property. The bill allows credits to be taken against the alternative minimum tax.

The bill also allows the credit for purchases of "qualified energy storage air conditioner property," which increases the value of intermittent energy sources, such as wind and solar, by creating, storing, and supplying cooling energy.

Sec. 6. Extension and modification of nonbusiness energy property credit (Section 25C).

The bill extends would extend through 2012 the 10 percent investment tax credit for expenditures with respect to building envelopes using qualified energy efficient property, including qualified advanced main air circulating fans, natural gas, propane, oil furnaces or hot water boilers. The bill also would expand the deduction by removing the lifetime limit and modifies the law so that the incentives are based on performance rather than cost.

Sec. 7. Extension of new energy efficient home credit (Section 45L).

Our proposal would extend through the end of 2012 the tax credit to eligible contractors for the construction of qualified new energy-efficient homes.

Sec. 8. Extension and modification of energy efficient commercial buildings deduction (Section 179D).

Our proposal would extend through 2013 the deduction for investments in commercial buildings that reduce annual energy and power consumption. The bill also increases the amount of the deduction to $2.25 per square foot, and modifies the measurement of energy savings under the law.

Sec. 9. Five-year applicable recovery period for depreciation of qualified energy management devices (Section 168(e)).

The bill would treat qualified "smart meters" as qualified technological property eligible for 5 year cost recovery; This will ease the financial burdens that are hampering the deployment of this energy efficient technology and reflect the more appropriate tax treatment of this next generation meter technology. Under current law, smart meters are treated the same ways as electromagnetic meters with a 20 year cost recovery period. This has been a serious disincentive for taxpayers to upgrade their meters and realize the energy savings that will result.

By Mr. CASEY:

S. 1374. A bill to assist States in making voluntary high quality full-day prekindergarten programs available and economically affordable for the families of all children for at least 1 year preceding kindergarten; to the Committee on Health, Education, Labor, and Pensions.

Mr. CASEY. Mr. President, I rise today to offer my Prepare All Kids Act of 2007, a bill that represents one of my highest priorities, high quality prekindergarten education for all children, and particularly those from low income families for whom the cost of prekindergarten may be prohibitive. Investing in high quality early childhood development programs should be a national priority for our country. I look forward to speaking at length on the floor early next week about what my bill will accomplish for children and working families. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prepare All Kids Act of 2007".

SEC. 2. HIGH QUALITY FULL-DAY PREKINDERGARTEN PROGRAMS.

Chapter 8 of subtitle A of title VI of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35; 95 Stat. 357) is amended by inserting after subchapter C the following:

"Subchapter D—High Quality Full-Day Prekindergarten Programs

"SEC. 661. FINDINGS AND PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) Investments in children and early education should be a national priority.

"(2) The cost of high quality preschool is prohibitive for poor families and is a significant financial strain for many working- and middle-class families.

"(3) State-funded preschool is the most rapidly expanding segment of the United States educational system, but in many States a lack of stable funding poses an enormous threat to the provision or continuation of high quality preschool.

"(4) The provision of high quality prekindergarten is a cost-effective investment for children and for the Nation. Research shows that for every $1 invested in high quality early childhood programs, taxpayers save more than $17 in crime, welfare, education, and other costs.

"(5) Fewer than half the Nation's poor preschool-age children attend preschool. The result is a significant preparation gap between poor and middle-class children and between minority and white children.

"(6) High quality early education increases academic success for schoolchildren who received that education by—

"(A) increasing high school graduation rates;

"(B) improving children's performance on standardized tests;

"(C) reducing grade repetition; and

"(D) reducing the number of children placed in special education.

"(7) High quality early education promotes responsible behavior by teens and adults who received that education by—

"(A) reducing crime, delinquency, and unhealthy behaviors such as smoking and drug use;

"(B) lowering rates of teen pregnancy;

"(C) leading to greater employment and higher wages for adults; and

"(D) contributing to more stable families.

"(b) PURPOSE.—The purpose of this Act is to assist States in—

"(1) making voluntary high quality full-day prekindergarten programs available and economically affordable for the families of all children for at least 1 year preceding kindergarten; and

"(2) making the prekindergarten programs available to a target population of children from families with incomes at or below 200 percent of the poverty line, for whom the prekindergarten programs will be free of charge.

"SEC. 662. DEFINITIONS.

"(a) In this Act:

"(1) FULL-DAY.—The term 'full-day', used with respect to a program, means a program with a minimum of a 6-hour schedule per day.

"(2) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and includes any revision required by that section.

"(3) PREKINDERGARTEN.—The term 'prekindergarten' means a program that—

"(A) serves children who are ages 3 through 5;

"(B) supports children's cognitive, social, emotional, and physical development and approaches to learning; and

"(C) helps prepare children for a successful transition to kindergarten.

"(4) PREKINDERGARTEN TEACHER.—The term 'prekindergarten teacher' means an individual who

"(A) has a bachelor of arts degree with a specialization in early childhood education or early childhood development; or

"(B) during the 6-year period following the first date on which the individual is employed as such a teacher under this Act, is working toward that degree.

"(5) QUALIFIED PREKINDERGARTEN PROVIDER.—The term 'qualified prekindergarten provider' includes a provider of a prekindergarten program, a Head Start agency, a provider of a child care program, a school, and a for-profit or nonprofit organization that—

"(A) is in existence on the date of the qualification determination; and

"(B) has met applicable requirements under State or local law that are designed to protect the health and safety of children and that are applicable to child care providers.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"SEC. 663. PROGRAM AUTHORIZATION.

"(a) PREKINDERGARTEN INCENTIVE FUND.—The Secretary, in collaboration and consultation with the Secretary of Education, shall create a Prekindergarten Incentive Fund, to be administered by the Secretary of Health and Human Services.

"(b) GRANTS.—In administering the Fund, the Secretary shall award grants to eligible States, to pay for the Federal share of the cost of awarding subgrants to qualified prekindergarten providers to establish, expand, or enhance voluntary high quality full-day prekindergarten programs.

"SEC. 664. STATE APPLICATIONS AND REQUIREMENTS.

"(a) DESIGNATED STATE AGENCY.—To be eligible to receive a grant under this Act, a State shall designate a State agency to administer the State program of assistance for prekindergarten programs funded through the grant, including receiving and administering funds and monitoring the programs.

"(b) STATE APPLICATION.—In order for a State to be eligible to receive a grant under this Act, the designated State agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

"(1) an assurance that, for prekindergarten programs funded through the grant, the State will ensure that the qualified prekindergarten providers target children from families with incomes at or below 200 percent of the poverty line, and provide prekindergarten programs to children from those families free of charge;

"(2) an assurance that the State will award subgrants for prekindergarten programs that are sufficient to provide a high quality prekindergarten experience;

"(3) an assurance that not less than 25 percent of the qualified prekindergarten providers receiving such subgrants will be providers of community-based programs;

"(4) a description of the number of children in the State who are eligible for the prekindergarten programs and the needs that will be served through the prekindergarten programs;

"(5) a description of how the State will ensure that the subgrants are awarded to a wide range of types of qualified prekindergarten providers;

"(6) a description of how the designated State agency will collaborate and coordinate activities with State-funded providers of prekindergarten programs, providers of federally funded programs such as Head Start agencies, local educational agencies, and child care providers;

"(7) a description of how the State will ensure, through a monitoring process, that qualified prekindergarten providers receiving the subgrants continue to place priority on the target population of children described in paragraph (1), provide programs that meet the standards of high quality early education, and use funds appropriately;

"(8) a description of how the State will meet the needs of working parents; and

"(9) a description of how the State will assist in providing professional development assistance to prekindergarten teachers and teacher aides.

"(c) FEDERAL SHARE.—The Federal share of the cost described in section 663(b) shall be 50 percent. The State shall provide the non-Federal share of the cost in cash.

"(d) SUPPLEMENTARY FEDERAL FUNDING.—Funds made available under this Act may be used only to supplement and not supplant other Federal, State, local, or private funds that would, in the absence of the funds made available under this Act, be made available for early childhood programs.

"(e) MAINTENANCE OF EFFORT.—A State that receives a grant under this Act for a fiscal year shall maintain the expenditures of the State for early childhood programs at a level not less than the level of such expenditures of the State for the preceding fiscal year.

"SEC. 665. STATE SET ASIDES AND EXPENDITURES.

"(a) INFANT AND TODDLER SET ASIDE.—Notwithstanding sections 662 and 663, a State shall set aside not less than 10 percent of the funds made available through a grant awarded under this Act for the purpose of funding high quality early childhood development programs for children who are ages 0 through 3. Funds made available under this subsection may also be used for professional development for teachers and teacher aides in classrooms for children who are ages 0 through 3.

"(b) EXTENDED DAY AND EXTENDED YEAR SET ASIDE.—Notwithstanding section 663, a State shall set aside not less than 10 percent of the funds made available through a grant awarded under this Act for the purpose of extending the hours of early childhood programs to create extended day and extended year programs.

"(c) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the funds made available through such a grant may be used for administrative expenses, including monitoring.

"SEC. 666. LOCAL APPLICATIONS.

"To be eligible to receive a subgrant under this Act, a qualified prekindergarten provider shall submit an application to the designated State agency at such time, in such manner, and containing such information as the agency may reasonably require, including—

"(1) a description of how the qualified prekindergarten provider will meet the diverse needs of children in the community to be served, including children with disabilities, whose native language is not English, or with other special needs, children in the State foster care system, and homeless children;

"(2) a description of how the qualified prekindergarten provider will serve eligible children who are not served through similar services or programs;

"(3) a description of a plan for involving families in the prekindergarten program;

"(4) a description of how children in the prekindergarten program, and their parents and families, will receive assistance through supportive services provided within the community;

"(5) a description of how the qualified prekindergarten provider collaborates with providers of other programs serving children and families, including Head Start agencies, providers of child care programs, and local educational agencies, to meet the needs of children, families, and working families, as appropriate; and

"(6) a description of how the qualified prekindergarten provider will collaborate with local educational agencies to ensure a smooth transition for participating students from the prekindergarten program to kindergarten and early elementary education.

"SEC. 667. LOCAL PREKINDERGARTEN PROGRAM REQUIREMENTS.

"(a) MANDATORY USES OF FUNDS.—A qualified prekindergarten provider that receives a subgrant under this Act shall use funds received through the grant to establish, expand, or enhance prekindergarten programs for children who are ages 3 through 5, including—

"(1) providing a prekindergarten program that supports children's cognitive, social, emotional, and physical development and approaches to learning, and helps prepare children for a successful transition to kindergarten;

"(2) purchasing educational equipment, including educational materials, necessary to provide a high quality prekindergarten program; and

"(3) extending part-day prekindergarten programs to full-day prekindergarten programs.

"(b) PERMISSIBLE USE OF FUNDS.—A qualified prekindergarten provider that receives a subgrant under this Act may use funds received through the grant to—

"(1) pay for transporting students to and from a prekindergarten program; and

"(2) provide professional development assistance to prekindergarten teachers and teacher aides.

"(c) PROGRAM REQUIREMENTS.—A qualified prekindergarten provider that receives a subgrant under this Act shall carry out a high quality prekindergarten program by—

"(1) maintaining a maximum class size of 20 children, with at least 1 prekindergarten teacher per classroom;

"(2) ensuring that the ratio of children to prekindergarten teachers and teacher aides shall not exceed 10 to 1;

"(3) utilizing a prekindergarten curriculum that is research- and evidence-based, developmentally appropriate, and designed to support children's cognitive, social, emotional, and physical development, and approaches to learning;

"(4) providing a program with a minimum of a 6-hour schedule per day; and

"(5) ensuring that prekindergarten teachers meet the requirements of this Act.

"SEC. 668. REPORTING.

"(a) QUALIFIED PREKINDERGARTEN PROVIDER REPORTS.—Each qualified prekindergarten provider that receives a subgrant from a State under this Act shall submit an annual report, to the designated State agency, that reviews the effectiveness of the prekindergarten program provided. Such annual report shall include—

"(1) data specifying the number and ages of enrolled children, and the family income, race, gender, disability, and native language of such children;

"(2) a description of—

"(A) the curriculum used by the program;

"(B) how the curriculum supports children's cognitive, social, emotional, and physical development and approaches to learning; and

"(C) how the curriculum is appropriate for children of the culture, language, and ages of the children served; and

"(3) a statement of all sources of funding received by the program, including Federal, State, local, and private funds.

"(b) STATE REPORTS.—Each State that receives a grant under this Act shall submit an annual report to the Secretary detailing the effectiveness of all prekindergarten programs funded under this Act in the State.

"(c) REPORT TO CONGRESS.—The Secretary shall submit an annual report to Congress that describes the State programs of assistance for prekindergarten programs funded under this Act.

"SEC. 669. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this Act—

"(1) $5,000,000,000 for fiscal year 2008;

"(2) $6,000,000,000 for fiscal year 2009;

"(3) $7,000,000,000 for fiscal year 2010;

"(4) $8,000,000,000 for fiscal year 2011; and

"(5) $9,000,000,000 for fiscal year 2012.".

By Mr. MENENDEZ (for himself, Mr. DURBIN, Ms. SNOWE, Mr. BROWN, Mr. DODD, and Mr. LAUTENBERG):

S. 1375. A bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise today with my friends Senators DURBIN and SNOWE to reintroduce the Mom's Opportunity to Access Help, Education, Research, and Support for Postpartum Depression, MOTHERS, Act.

Senator DURBIN has been and continues to be a leader on this issue and I am grateful for the opportunity to work with him on this important legislation. I would also like to recognize Representative RUSH, who has been a champion for women battling postpartum depression, PPD, in the House for many years. I am proud to say that his bill, The Melanie Stokes Postpartum Depression Research and Care Act, shares the same goals as the MOTHERS Act.

Mr. President, in the United States, 10 to 20 percent of women suffer from a disabling and often undiagnosed condition known as postpartum depression. Unfortunately, many women are unaware of this condition and often do not receive the treatment they need. That is why I am introducing the MOTHERS Act, so that women no longer have to suffer in silence and feel alone when faced with this difficult condition.

Last year, the great State of New Jersey passed a first of its kind law requiring doctors and nurses to educate expectant mothers and their families about postpartum depression. This bill was introduced in the State legislature by State Senate President Richard Codey. The attention of Senator Codey and his wife, Mary Jo Codey, who personally battled postpartum depression, have brought to the issue is remarkable. Brooke Shields, a graduate of Princeton University, has also shared her struggle with postpartum depression publicly and should be commended for her efforts to bring awareness to this condition. Postpartum depression affects women all across the country, not just in New Jersey, and that is why I believe the MOTHERS Act is so important.

In America, 80 percent of women experience some level of depression after childbirth. This is what people often refer to as the "baby blues." However, each year, there are between 400,000 and 800,000 women across America who suffer from postpartum depression, a much more serious condition. These mothers often experience signs of depression and may lose interest in friends and family, feel overwhelming sadness or even have thoughts of harming their baby or harming themselves. People often assume that these feelings are simply the "baby blues", but the reality is much worse. Postpartum depression is a serious and disabling condition and new mothers deserve to be given information and resources on this condition so, if needed, they can get the appropriate help.

The good news is that treatment is available. Many women have successfully recovered from postpartum depression with the help of therapy, medication, and support groups. However, mothers and their families must be educated so that they understand what might occur after the birth of their child and when to get help. This legislation will require doctors and nurses to educate every new mother and their families about postpartum depression before they leave the hospital and offer the opportunity for new mothers to be screened for postpartum depression symptoms during the first year of postnatal check up visits. It also provides social services to new mothers and their families who are suffering and struggling with postpartum depression. By increasing education and early treatment of postpartum depression, mothers, husbands, and families, will be able to recognize the symptoms of this condition and help new mothers get the treatment they need and deserve.

The MOTHERS Act has another important component. While we continue to educate and help the mothers of today, we must also be prepared to help future moms. By increasing funding for research on postpartum conditions at the National Institutes of Health, we can begin to unravel the mystery behind this difficult to understand illness. The more we know about the causes and etiology of postpartum depression, the more tools we have to treat and prevent this heartbreaking condition.

We must attack postpartum depression on all fronts with education, screening, support, and research so that new moms can feel supported and safe rather than scared and alone. Many new mothers sacrifice anything and everything to provide feelings of security and safety to their innocent, newborn child. It is our duty to provide the same level of security, safety and support to new mothers in need.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 194—COMMEMORATING THE 40TH ANNIVERSARY OF THE LANDMARK CASE IN RE GAULT, ET AL., IN WHICH THE SUPREME COURT HELD THAT ALL CHILDREN ACCUSED OF DELINQUENT ACTS AND FACING A PROCEEDING IN WHICH THEIR FREEDOM MAY BE CURTAILED HAVE A RIGHT TO COUNSEL IN THE PROCEEDINGS AGAINST THEM

Mr. KENNEDY (for himself and Mr. Smith) submitted the following resolution; which was considered and agreed to:

S. Res. 194

Whereas, on May 15, 1967, the Supreme Court recognized in In re Gault, et al., 387 U.S. 1 (1967) that all children accused of delinquent acts and facing a proceeding in which their freedom may be curtailed have a right to counsel in the proceedings against them;

Whereas the Supreme Court held that proceedings against juveniles must meet the essential requirements of the due process clause of the 14th amendment to the Constitution;

Whereas the Gault decision recognized that the constitutional protections of due process extend to juveniles the right to fundamental procedural safeguards in juvenile courts, including the right to advance notice of the charges against them, the right to counsel, the privilege against self-incrimination, and the right to confront and cross-examine witnesses; and

Whereas, 40 years after the Gault decision, some children appear in court with no legal counsel at all: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the 40th anniversary of the decision in In re Gault, et al., 387 U.S. 1 (1967);

(2) encourages all people of the United States to recognize and honor the 40th anniversary of the Gault decision;

(3) supports strategies to improve the juvenile justice system that appreciate the unique nature of childhood and adolescence; and

(4) pledges to acknowledge and address the modern day disparities that remain for children after the Gault decision.

SENATE RESOLUTION 195—COMMENDING THE OREGON STATE UNIVERSITY COLLEGE OF FORESTRY ON THE OCCASION OF ITS CENTENNIAL

Mr. SMITH (for himself and Mr. Wyden) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 195

Whereas educational programs in forestry were established at the Oregon Agricultural College in 1906 and have evolved for 100 years, forming the foundation for today's Oregon State University College of Forestry;

Whereas the centennial year of the College of Forestry began in May 2006 and culminates with a celebration in May 2007, providing for year-long recognition of exceptional education, research, outreach, and service programs, and outstanding faculty, staff, and students;

Whereas the College of Forestry aspires to be the world's premier academic institution in forestry and to serve the people of Oregon, the Nation, and the world;

Whereas the College of Forestry is committed to providing the knowledge and graduates needed to sustain forests and the functions, products, and values forests provide for current and future generations;

Whereas the College of Forestry addresses complex forest resource challenges through collaboration across disciplines, institutions, and perspectives;

Whereas the College of Forestry has fostered teaching and learning about forests through its forest engineering, forest resources, forest science, and wood science and engineering educational programs;

Whereas the College of Forestry actively encourages students to engage in distinctive problem solving and to conduct fundamental research on the nature and use of forests, and to share discoveries with others;

Whereas the College of Forestry conducts research on a wide range of topics, in the disciplines of biology, botany, ecology, engineering, forest management, manufacturing and marketing of wood products, the social sciences, wood chemistry, and physiology, that affect virtually all Oregonians because of the importance of forests to the people of Oregon and the State's economic health;

Whereas the College of Forestry recognizes strength in diversity of faculty, staff, students, and ideas, and nurtures the community through communication and respect;

Whereas the College of Forestry operates 14,000 acres of forests, which serve as a living laboratory where active forest management provides teaching, research, and demonstration opportunities for all Oregonians; and

Whereas the College of Forestry has been recognized by peers as the premier forestry research college in North America: Now, therefore, be it

Resolved, That the Senate commends the Oregon State University College of Forestry on the occasion of its centennial.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1083. Mr. WYDEN (for himself, Mr. Smith, Mrs. Murray, and Ms. Cantwell) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table.

SA 1084. Mr. WYDEN (for himself, Mr. Smith, Mrs. Murray, Ms. Cantwell, Mr. Crapo, and Mr. Craig) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1085. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1086. Mr. FEINGOLD (for himself, Mr. McCain, Mr. Coburn, Mr. Carper, Mr. Gregg, Mr. Sununu, and Mr. DeMint) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1087. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1088. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1089. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1090. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1091. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1083. Mr. WYDEN (for himself, Mr. Smith, Mrs. Murray, and Ms. Cantwell) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title IV, insert the following:

SEC. 4____. WALLA WALLA RIVER BASIN, OREGON AND WASHINGTON.

In conducting the study to determine the feasibility of carrying out a project for ecosystem restoration, Walla Walla River Basin, Oregon and Washington, the Secretary shall—

(1) provide a credit toward the non-Federal share of the cost of the project for the cost of any activity carried out by the non-Federal interest before the date of the partnership agreement for the project, if the Secretary determines that the activity is integral to the project; and

(2) allow the non-Federal interest to provide the non-Federal share of the cost of the study in the form of in-kind services and materials.

SA 1084. Mr. WYDEN (for himself, Mr. Smith, Mrs. Murray, Ms. Cantwell, Mr. Crapo, and Mr. Craig) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5____. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVERS SALMON SURVIVAL.

Section 511 of the Water Resources and Development Act of 1996 (16 U.S.C. 3301 note; 110 Stat. 3761; 113 Stat. 375) is amended—

(1) in subsection (a)(6), by striking "$10,000,000" and inserting "$30,000,000"; and

(2) by striking subsection (c) and inserting the following:

"(c) Management of Predation on Columbia/Snake River System Native Fishes.—

"(1) AVIAN PREDATORS.—

"(A) IN GENERAL.—The Secretary, in conjunction with the Secretary of Commerce and the Secretary of the Interior, shall conduct research on, and plan, design, and implement, activities to reduce predation by caspian terns and doublecrested cormorants, as the Secretary determines to be biologically sound and cost-effective to improve survival of Columbia River juvenile salmonids.

"(B) INCLUSIONS.—Activities under subparagraph (A) include—

"(i) research;

"(ii) the acquisition of real estate interests from willing sellers;

"(iii) planning, design, construction activities; and

"(iv) maintenance of sites for the relocation of the avian predators within and outside of the Columbia River watershed.

"(2) COORDINATION.—The Secretary shall carry out the activities under paragraph (1) in coordination with—

"(A) appropriate Federal, State, and local agencies;

"(B) affected Indian tribes; and

"(C) the Northwest Power Planning and Conservation Council.

"(3) ADMINISTRATION.—

"(A) IN GENERAL.—The research and activities under this subsection shall be carried out—

"(i) under the Columbia River fish mitigation project of the Corps of Engineers; and

"(ii) using $30,000,000 of amounts made available to carry out that project.

"(B) APPORTIONMENT.—The cost of any avian predation management activity under this subsection shall be apportioned among the 8 Lower Columbia River and Snake River projects of the Federal Columbia River power system of the Corps of Engineers for off-site mitigation to address additional salmonid survival improvements under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).".

SA 1085. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, between lines 16 and 17, insert the following:

(u) EMERGENCY PROCEDURES.—

(1) IN GENERAL.—If the President determines that a feature recommended in the analysis and design of comprehensive hurricane protection under title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2447), could address a substantial threat to life and property, the President may submit to the Speaker of the House of Representatives and the President pro tempore of the Senate for authorization a legislative proposal relating to the feature, as the President determines to be appropriate.

(2) PRIORITIZATION.—In submitting legislative proposals under paragraph (1), the President shall give highest priority to any project that, as determined by the President, would—

(A) to the maximum extent practicable, reduce the risk—

(i) of loss of human life;

(ii) to public safety; and

(iii) of damage to property; and

(B) minimize costs and environmental impacts.

(3) EXPEDITED CONSIDERATION.—

(A) IN GENERAL.—Beginning on December 31, 2008, any legislative proposal submitted by the President under paragraph (1) shall be eligible for expedited consideration in accordance with this paragraph.

(B) INTRODUCTION.—As soon as practicable after the date of receipt of a legislative proposal under paragraph (1), the Chairperson of the Committee on Environment and Public Works of the Senate and the Chairperson of the Committee on Transportation and Infrastructure of the House of Representatives shall introduce as a bill the proposal, by request, in the Senate or the House of Representatives, as applicable.

(C) REFERRAL.—A bill introduced under subparagraph (B) shall be referred to the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives, as applicable.

(D) COMMITTEE CONSIDERATION.—

(i) IN GENERAL.—Not later than 45 legislative days after a bill under subparagraph (B) is referred to a Committee in accordance with subparagraph (C), the Committee shall act on the bill.

(ii) FAILURE TO ACT.—On a failure by a Committee to act on a bill by the date specified in clause (i), the bill shall be discharged from the Committee and placed on the calendar of the Senate or the House of Representatives, as applicable.

(E) SENATE FLOOR CONSIDERATION.—

(i) IN GENERAL.—Floor consideration in the Senate regarding a bill under subparagraph (B) shall be limited to 20 hours, to be equally divided between the Majority Leader and the Minority Leader of the Senate (or a designee).

(ii) NONGERMANE AMENDMENTS.—An amendment that is nongermane to a bill under subparagraph (B) shall not be in order.

(4) EFFECTIVE DATE.—This requirements of, and authorities under, this subsection shall expire on December 31, 2010.

SA 1086. Mr. FEINGOLD (for himself, Mr. MCCAIN, Mr. COBURN, Mr. CARPER, Mr. GREGG, Mr. SUNUNU, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title II, insert the following:

SEC. 2 . WATER RESOURCES COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission, to be known as the "Water Resources Commission" (referred to in this section as the "Commission"), to prioritize water resources projects in the United States.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 8 members, of whom—

(i) 2 members shall be appointed by the President;

(ii) 2 members shall be appointed by the Speaker of the House of Representatives;

(iii) 1 member shall be appointed by the minority leader of the House of Representatives;

(iv) 2 members shall be appointed by the majority leader of the Senate; and

(v) 1 member shall be appointed by the minority leader of the Senate.

(B) QUALIFICATIONS.—Members shall be appointed to the Commission from among individuals who—

(i) are of recognized standing and distinction with respect to water policy issues; and

(ii) while serving on the Commission, do not hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(C) DATE OF APPOINTMENTS.—The members of the Commission shall be appointed under subparagraph (A) by not later than 90 days after the date of enactment of this Act.

(3) TERM; VACANCIES.—

(A) TERM.—A member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(5) MEETINGS.—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) the majority of the members of the Commission.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(b) DUTIES OF COMMISSION.—

(1) PRIORITIZATION OF WATER RESOURCES PROJECTS.—

(A) IN GENERAL.—In accordance with this section, the Commission shall make recommendations for the means by which to prioritize water resources projects of the Corps of Engineers and prioritize water resources projects of the Corps of Engineers that are not being carried out under a continuing authorities program.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to Congress a report containing the recommendations and prioritization method required under this paragraph.

(C) RECOMMENDATIONS.—The report shall include recommendations for—

(i) a process of regularized prioritization assessments that ensures continuity in project prioritization rankings and the inclusion of newly-authorized projects;

(ii) a process to prioritize water resources projects across project type; and

(iii) a method of analysis, with respect to the prioritization process, of recreation and other ancillary benefits resulting from the construction of Corps of Engineers projects.

(D) PROJECT INCLUSIONS.—The report shall include, at a minimum, each water resources project—

(i) included in the fiscal transparency report under section 2004(b)(1); and

(ii) authorized for construction on the date of enactment of this Act and during the 10-year period prior to the date of enactment of this Act.

(E) Prioritization requirements.—

(i) In general.—Each project described in the report shall be categorized by project type and be classified into a tier system of descending priority, to be established by the Commission, in a manner that reflects the extent to which the project achieves project prioritization criteria established under subparagraph (F).

(ii) Multipurpose projects.—Each multipurpose project described in the report shall be classified by the project type that best represents the primary project purpose, as determined by the Commission and be classified into the tier system described in clause (i) within that project type.

(iii) Tier system requirements.—In establishing a tier system under clause (i), the Commission shall ensure that each tier is limited to total authorized project costs of $5,000,000,000 and includes not more than 100 projects.

(iv) Balance.—The Commission shall seek, to the maximum extent practicable, a balance between the water resource needs of all States, regardless of the size or population of a State.

(F) Project prioritization criteria.—In preparing the report, the Commission shall prioritize each water resource project of the Corps of Engineers based on the extent to which the project meets at least the following criteria and such additional criteria as the Commission may fully explain in the report:

(i) For flood damage reduction projects, the extent to which such a project addresses critical flood damage reduction needs of the United States, including by reducing the risk of loss of life; avoids increasing risks to human life or damages to property in the case of large flood events; and avoids adverse environmental impacts or produces environmental benefits.

(ii) For navigation projects, the extent to which such a project addresses priority navigation needs of the United States, including by having a high probability of producing the economic benefits projected with respect to the project and reflecting regional planning needs, as applicable, and avoids adverse environmental impacts.

(iii) For environmental restoration projects, the extent to which such a project addresses priority environmental restoration needs of the United States, including by restoring the natural hydrologic processes and spatial extent of an aquatic habitat while being, to the maximum extent practicable, self-sustaining; and is cost-effective or produces economic benefits.

(2) Availability.—The report prepared under this subsection shall be published in the Federal Register and submitted to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

(c) Powers of Commission.—

(1) Hearings.—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this section.

(2) Information from federal agencies.—

(A) In general.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) Provision of information.—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(3) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) Postal services.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) Commission Personnel Matters.—

(1) Compensation of members.—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) Staff.—

(A) In general.—The Chairperson of the Commission may, without regard to the civil service laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) Confirmation of executive director.—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(C) Compensation.—

(i) In general.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) Maximum rate of pay.—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(3) Detail of federal government employees.—

(A) In general.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) Civil service status.—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(4) Procurement of temporary and intermittent services.—On request of the Commission, the Secretary, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this section.

(e) Termination.—The Commission shall terminate on the date that is 90 days after the date on which the final report of the Commission is submitted under subsection (b).

(f) Funding.—In carrying out this section, the Commission shall use funds made available for the general operating expenses of the Corps of Engineers.

SA 1087. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5____. CREDIT FOR EXPENSES INCURRED IN HURRICANE OR FLOOD PROTECTION PROJECTS.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 30D. CREDIT FOR EXPENSES INCURRED IN HURRICANE OR FLOOD PROTECTION PROJECTS.

"(a) Allowance of Credit.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the qualified expenditures of the taxpayer for the taxable year.

"(b) Limitation Based on Amount of Tax.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowable under subpart A and sections 27 and 30A for the taxable year.

"(c) Qualified Expenditures.—For purposes of this section—

"(1) In general.—The term 'qualified expenditures' means amounts paid or incurred by the taxpayer for an unfunded authorized project, but only to the extent—

"(A) such amounts are paid or incurred after a request by the taxpayer to expend such amounts has been approved by the Federal agency administering the unfunded authorized project or after a 90-day period following such request (plus an additional 30-day period if requested by such agency within the 90-day period) during which no decision regarding such request is made by such agency, and

"(B) such amounts are applied proportionally to the Federal and non-Federal share of the total amount authorized to be appropriated for such project.

"(2) Unfunded authorized project.—The term 'unfunded authorized project' means any project—

"(A) authorized by Federal law to provide hurricane or flood protection in the United States, and

"(B) with respect to which no or only partial Federal funding has been appropriated prior to the request described in paragraph (1)(A).

"(d) Carryovers Allowed.—

"(1) In general.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (b) for such taxable year (referred to as the 'unused credit year' in this paragraph), such excess shall be allowed as a credit carryforward for each of the taxable years following the unused credit year or as a credit carryback for each of the taxable years preceding the unused credit year.

"(2) Rules.—For purposes of paragraph (1), rules similar to the rules of section 39 shall apply, except that—

"(A) subsection (a)(1) shall be applied—

"(i) by substituting '3 taxable years' for '1 taxable years' in subparagraph (A) thereof, and

"(ii) by substituting '5 taxable years' for '20 taxable years' in subparagraph (B) thereof, and

"(B) subsection (a)(2) shall be applied—

"(i) by substituting '8 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

"(ii) by substituting '7 taxable years' for '20 taxable years' in subparagraph (B).

"(e) SPECIAL RULES.—

"(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (b)).

"(2) NO DOUBLE BENEFIT.—The amount of any deduction or credit allowable under this chapter (other than the credit allowable under subsection (a)), shall be reduced by the amount of credit allowed under subsection (a) (determined without regard to subsection (b)) for the taxable year.

"(3) REDUCTION FOR ASSISTANCE.—The amount taken into account under subsection (a) with respect to any project shall be reduced by the amount of any Federal, State, or local grant or other assistance received by the taxpayer during such taxable year or any prior taxable year which was used to make qualified expenditures and which was not included in the gross income of such taxpayer.".

(b) BASIS ADJUSTMENT.—Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30D(e)(1).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Credit for expenses incurred in hurricane or flood protection projects.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 1088. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5_____. INNER HARBOR NAVIGATION CANAL LOCK PROJECT.

Not later than July 1, 2008, the Secretary shall—

(1) issue a final environmental impact statement relating to the Inner Harbor Navigation Canal Lock project; and

(2) develop and maintain a transportation mitigation program relating to that project in coordination with—

(A) St. Bernard Parish;

(B) Orleans Parish;

(C) the Old Arabi Neighborhood Association; and

(D) other interested parties.

SA 1089. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, line 1, strike "The" and insert "Subject to paragraph (5), the".

On page 210, between lines 21 and 22, insert the following:

(5) REQUIREMENT.—No Federal funds shall be used to conduct any study, or to carry out any activity relating to the design or construction, of the visitors center under this subsection until the date on which the Secretary, in consultation with the Director of the Federal Emergency Management Agency, the Secretary of Housing and Urban Development, and the State of Louisiana, certifies to Congress that all residents of the State of Louisiana who were displaced as a result of Hurricane Katrina or Rita in 2005 are no longer living in temporary housing.

SA 1090. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike line 5 and insert the following:

(6) IMPERIAL BEACH, CALIFORNIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the

On page 11, between lines 15 and 16, insert the following:

(B) REQUIREMENT.—No Federal funds shall be used for beach nourishment for Imperial Beach, California, until the date on which the Secretary certifies to Congress that the Sacramento River Bank Protection Project has been completed.

SA 1091. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following new division:

DIVISION B—EMERGENCY WAR APPROPRIATIONS

SEC. 100. EMERGENCY WAR APPROPRIATIONS.

There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I

GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $350,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $4,093,000, to remain available until September 30, 2008.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and Expenses, United States Marshals Service", $14,921,000, to remain available until September 30, 2008.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses," $1,736,000, to remain available until September 30, 2008.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $118,260,000.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $8,468,000, to remain available until September 30, 2008.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2008.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $17,000,000, to remain available until September 30, 2008.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $8,510,270,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $692,127,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,386,871,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,101,287,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $147,244,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $72,800,000.

Reserve Personnel, Air Force

For an additional amount for "Reserve Personnel, Air Force", $3,000,000.

National Guard Personnel, Army

For an additional amount for "National Guard Personnel, Army", $436,025,000.

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for "Operation and Maintenance, Army", $20,423,379,000.

Operation and Maintenance, Navy

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $5,040,482,000, of which $120,293,000 shall be transferred to Coast Guard, "Operating Expenses", for reimbursement for activities in support of activities requested by the Navy.

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $1,401,594,000.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $7,035,881,000.

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide", $3,279,307,000.

Operation and Maintenance, Army Reserve

For an additional amount for "Operation and Maintenance, Army Reserve", $74,049,000.

Operation and Maintenance, Navy Reserve

For an additional amount for "Operation and Maintenance, Navy Reserve", $111,066,000.

Operation and Maintenance, Marine Corps Reserve

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $13,591,000.

Operation and Maintenance, Air Force Reserve

For an additional amount for "Operation and Maintenance, Air Force Reserve", $10,160,000.

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $83,569,000.

Operation and Maintenance, Air National Guard

For an additional amount for "Operation and Maintenance, Air National Guard", $38,429,000.

Afghanistan Security Forces Fund

For an additional amount for "Afghanistan Security Forces Fund", $5,906,400,000, to remain available until September 30, 2008.

Iraq Security Forces Fund

For an additional amount for "Iraq Security Forces Fund", $3,842,300,000, to remain available until September 30, 2008.

Iraq Freedom Fund

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $455,600,000, to remain available for transfer until September 30, 2008.

Joint Improvised Explosive Device Defeat Fund

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $2,432,800,000, to remain available until September 30, 2009.

PROCUREMENT

Aircraft Procurement, Army

For an additional amount for "Aircraft Procurement, Army", $627,750,000, to remain available until September 30, 2009.

Missile Procurement, Army

For an additional amount for "Missile Procurement, Army", $160,173,000, to remain available until September 30, 2009.

Procurement of Weapons and Tracked Combat Vehicles, Army

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $3,502,315,000, to remain available until September 30, 2009.

Procurement of Ammunition, Army

For an additional amount for "Procurement of Ammunition, Army", $681,500,000, to remain available until September 30, 2009.

Other Procurement, Army

For an additional amount for "Other Procurement, Army", $10,946,687,000, to remain available until September 30, 2009.

Aircraft Procurement, Navy

For an additional amount for "Aircraft Procurement, Navy", $730,713,000, to remain available until September 30, 2009.

Weapons Procurement, Navy

For an additional amount for "Weapons Procurement, Navy", $171,813,000, to remain available until September 30, 2009.

Procurement of Ammunition, Navy and Marine Corps

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $159,833,000, to remain available until September 30, 2009.

Other Procurement, Navy

For an additional amount for "Other Procurement, Navy", $745,425,000, to remain available until September 30, 2009.

Procurement, Marine Corps

For an additional amount for "Procurement, Marine Corps", $2,055,715,000, to remain available until September 30, 2009.

Aircraft Procurement, Air Force

For an additional amount for "Aircraft Procurement, Air Force", $1,726,336,000, to remain available until September 30, 2009.

Missile Procurement, Air Force

For an additional amount for "Missile Procurement, Air Force", $140,300,000, to remain available until September 30, 2009.

Procurement of Ammunition, Air Force

For an additional amount for "Procurement of Ammunition, Air Force", $95,800,000, to remain available until September 30, 2009.

Other Procurement, Air Force

For an additional amount for "Other Procurement, Air Force", $2,092,754,000, to remain available until September 30, 2009.

Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $979,380,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

For an additional amount for "Research, Development, Test and Evaluation, Army", $115,976,000, to remain available until September 30, 2008.

Research, Development, Test and Evaluation, Navy

For an additional amount for "Research, Development, Test and Evaluation, Navy", $460,175,000, to remain available until September 30, 2008.

Research, Development, Test and Evaluation, Air Force

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $220,721,000, to remain available until September 30, 2008.

Research, Development, Test and Evaluation, Defense-Wide

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $650,864,000, to remain available until September 30, 2008.

REVOLVING AND MANAGEMENT FUNDS

National Defense Sealift Fund

For an additional amount for "National Defense Sealift Fund", $5,000,000.

Defense Working Capital Funds

For an additional amount for "Defense Working Capital Funds", $1,315,526,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For an additional amount for "Defense Health Program", $1,123,147,000.

Drug Interdiction and Counter-Drug Activities, Defense

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $259,115,000, to remain available until expended: *Provided*, That these funds may be used only for such activities related to Afghanistan and Central Asia: *Provided further*, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

RELATED AGENCY

Intelligence Community Management Account

For an additional amount for "Intelligence Community Management Account", $66,726,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Appropriations provided in this chapter are available for obligation until September 30, 2007, unless otherwise provided in this chapter.

(TRANSFER OF FUNDS)

SEC. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $7,000,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1257), except for the fourth proviso: *Provided further*, That funds previously transferred to the "Joint Improvised Explosive Device Defeat Fund" and the "Iraq Security Forces Fund" under the authority of section 8005 of Public Law 109–289 and transferred back to their source appropriations accounts shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005.

SEC. 1303. Funds appropriated in this chapter, or made available by the transfer of funds in or pursuant to this chapter, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1304. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 1305. During fiscal year 2007, the Secretary of Defense may transfer not to exceed $6,300,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this title under the heading, "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $60,000,000 may be used for support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, and 109–364) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring, and testing equipment to said Governments for counter-drug activities.

SEC. 1307. (a) From funds made available for operations and maintenance in this title to the Department of Defense, not to exceed $456,400,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 1308. During fiscal year 2007, supervision and administration costs associated with projects carried out with funds appropriated to "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" in this chapter may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1309. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364) is amended by striking "$310,277,000" and inserting "$376,446,000".

SEC. 1310. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 1311. None of the funds made available in this division may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 1312. Section 9007 of Public Law 109–289 is amended by striking "20" and inserting "287".

SEC. 1313. INSPECTION OF MILITARY MEDICAL TREATMENT FACILITIES, MILITARY QUARTERS HOUSING MEDICAL HOLD PERSONNEL, AND MILITARY QUARTERS HOUSING MEDICAL HOLDOVER PERSONNEL. (a) PERIODIC INSPECTION REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall inspect each facility of the Department of Defense as follows:

(A) Each military medical treatment facility.

(B) Each military quarters housing medical hold personnel.

(C) Each military quarters housing medical holdover personnel.

(2) PURPOSE.—The purpose of an inspection under this subsection is to ensure that the facility or quarters concerned meets acceptable standards for the maintenance and operation of medical facilities, quarters housing medical hold personnel, or quarters housing medical holdover personnel, as applicable.

(b) ACCEPTABLE STANDARDS.—For purposes of this section, acceptable standards for the operation and maintenance of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel are each of the following:

(1) Generally accepted standards for the accreditation of nonmilitary medical facilities, or for facilities used to quarter individuals with medical conditions that may require medical supervision, as applicable, in the United States.

(2) Standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(c) ADDITIONAL INSPECTIONS ON IDENTIFIED DEFICIENCIES.—

(1) IN GENERAL.—In the event a deficiency is identified pursuant to subsection (a) at a facility or quarters described in paragraph (1) of that subsection—

(A) the commander of such facility or quarters, as applicable, shall submit to the Secretary a detailed plan to correct the deficiency; and

(B) the Secretary shall reinspect such facility or quarters, as applicable, not less often than once every 180 days until the deficiency is corrected.

(2) CONSTRUCTION WITH OTHER INSPECTIONS.—An inspection of a facility or quarters under this subsection is in addition to any inspection of such facility or quarters under subsection (a).

(d) REPORTS ON INSPECTIONS.—A complete copy of the report on each inspection conducted under subsections (a) and (c) shall be submitted in unclassified form to the applicable military medical command and to the congressional defense committees.

(e) REPORT ON STANDARDS.—In the event no standards for the maintenance and operation of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel exist as of the date of the enactment of this Act, or such standards as do exist do not meet acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be, the Secretary shall, not later than 30 days after that date, submit to Congress a report setting forth the plan of the Secretary to ensure—

(1) the adoption by the Department of standards for the maintenance and operation of military medical facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel, as applicable, that meet—

(A) acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be; and

(B) standards under the Americans with Disabilities Act of 1990; and

(2) the comprehensive implementation of the standards adopted under paragraph (1) at the earliest date practicable.

SEC. 1314. From funds made available for the "Iraq Security Forces Fund" for fiscal year 2007, up to $155,500,000 may be used, notwithstanding any other provision of law, to provide assistance, with the concurrence of the Secretary of State, to the Government of Iraq to support the disarmament, demobilization, and reintegration of militias and illegal armed groups.

CHAPTER 4

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $63,000,000.

CHAPTER 5

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $1,289,290,000, to remain available until September 30, 2008: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, $280,300,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $390,500,000, to remain available until September 30, 2008: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $60,200,000, to remain available until September 30, 2008: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

CHAPTER 6

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $912,996,000, to remain available until September 30, 2008, of which $67,155,000 for World Wide Security Upgrades is available until expended: *Provided*, That of the funds appropriated under this heading, not more than $20,000,000 shall be made available for public diplomacy programs: *Provided further*, That prior to the obligation of funds pursuant to the previous proviso, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive public diplomacy strategy, with goals and expected results, for fiscal years 2007 and 2008: *Provided further*, That within 15 days of enactment of this Act, the Office of Management and Budget shall apportion $15,000,000 from amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109-148 under the heading "Emergencies in the Diplomatic and Consular Service" for emergency evacuations: *Provided further*, That of the amount made available under this heading for Iraq, not to exceed $20,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $35,000,000, to remain available until December 31, 2008.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $20,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $200,000,000, to remain available until September 30, 2008.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for activities related to broadcasting to the Middle East, $10,000,000, to remain available until September 30, 2008.

FOREIGN OPERATIONS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "Child Survival and Health Programs Fund", $161,000,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, funds made available under the heading "Millennium Challenge Corporation" and "Global HIV/AIDS Initiative" in prior Acts making appropriations for foreign operations, export financing and related programs may be made available to combat the avian influenza, subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", $105,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $5,700,000, to remain available until September 30, 2008.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $3,135,000,000, to remain available until September 30, 2008.

DEPARTMENT OF STATE

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for "Assistance for Eastern Europe and the Baltic States", $279,000,000, to remain available until September 30, 2008, for assistance for Kosovo.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $260,000,000, to remain available until September 30, 2008.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $71,500,000, to remain available until September 30, 2008.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $30,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $27,500,000, to remain available until September 30, 2008.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE PROGRAM

For an additional amount for "International Affairs Technical Assistance", $2,750,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $220,000,000, to remain available until September 30, 2008, for assistance for Lebanon.

PEACEKEEPING OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Peacekeeping Operations", $278,000,000, to remain available until September 30, 2008, of which up to $128,000,000 may be transferred, subject to the regular notification procedures of the Committees on Appropriations, to "Contributions to International Peacekeeping Activities", to be made available, notwithstanding any other provision of law, for assessed costs of United Nations Peacekeeping Missions.

GENERAL PROVISIONS—THIS CHAPTER

AUTHORIZATION OF FUNDS

SEC. 1601. Funds appropriated by this title may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

EXTENSION OF AVAILABILITY OF FUNDS

SEC. 1602. Section 1302(a) of Public Law 109-234 is amended by striking "one additional year" and inserting in lieu thereof "two additional years".

EXTENSION OF OVERSIGHT AUTHORITY

SEC. 1603. Section 3001(o)(1)(B) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2397) and section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109-440), is amended by inserting "or fiscal year 2007" after "fiscal year 2006".

DEBT RESTRUCTURING

SEC. 1604. Amounts appropriated for fiscal year 2007 for "Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring" may be used to assist Liberia in retiring its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.

JORDAN

(INCLUDING TRANSFER OF FUNDS)

SEC. 1605. Of the funds appropriated by this Act for assistance for Iraq under the heading "Economic Support Fund" that are available to support Provincial Reconstruction Team activities, up to $100,000,000 may be transferred to, and merged with, funds appropriated by this Act under the headings "Foreign Military Financing Program" and "Nonproliferation, Anti-terrorism, Demining and Related Programs" for assistance for Jordan: *Provided*, That funds transferred pursuant to this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LEBANON

SEC. 1606. Prior to the initial obligation of funds made available in this Act for assistance for Lebanon under the headings "Foreign Military Financing Program" and "Nonproliferation, Anti-terrorism, Demining and Related Programs", the Secretary of State shall certify to the Committees on Appropriations that all practicable efforts have been made to ensure that such assistance is not provided to or through any individual, or private or government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity: *Provided*, That this section shall be effective notwithstanding section 534(a) of Public Law 109–102, which is made applicable to funds appropriated for fiscal year 2007 by the Continuing Appropriations Resolution, 2007, as amended.

HUMAN RIGHTS AND DEMOCRACY FUND

SEC. 1607. The Assistant Secretary of State for Democracy, Human Rights and Labor shall be responsible for all policy, funding, and programming decisions regarding funds made available under this Act and prior Acts making appropriations for foreign operations, export financing and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor.

INSPECTOR GENERAL OVERSIGHT OF IRAQ AND AFGHANISTAN

SEC. 1608. (a) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Department of State and the Broadcasting Board of Governors (referred to in this section as the "Inspector General") may use personal services contracts to engage citizens of the United States to facilitate and support the Office of the Inspector General's oversight of programs and operations related to Iraq and Afghanistan. Individuals engaged by contract to perform such services shall not, by virtue of such contract, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary of State may determine the applicability to such individuals of any law administered by the Secretary concerning the performance of such services by such individuals.

(b) CONDITIONS.—The authority under paragraph (1) is subject to the following conditions:

(1) The Inspector General determines that existing personnel resources are insufficient.

(2) The contract length for a personal services contractor, including options, may not exceed 1 year, unless the Inspector General makes a finding that exceptional circumstances justify an extension of up to 2 additional years.

(3) Not more than 20 individuals may be employed at any time as personal services contractors under the program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under this section shall terminate on December 31, 2008. A contract entered into prior to the termination date under this paragraph may remain in effect until not later than December 31, 2009.

(d) OTHER AUTHORITIES NOT AFFECTED.—The authority under this section is in addition to any other authority of the Inspector General to hire personal services contractors.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 1609. Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in this chapter, except for funds appropriated under the headings "International Disaster and Famine Assistance", "Office of the United States Agency for International Development Inspector General", and "Office of the Inspector General": *Provided*, That funds appropriated under the headings in this chapter, except for funds appropriated under the headings named in this section, shall be subject to the regular notification procedures of the Committees on Appropriations.

CIVILIAN RESERVE CORPS

SEC. 1610. Of the funds appropriated by this Act under the headings "DIPLOMATIC AND CONSULAR PROGRAMS" and "Economic Support Fund" (except for the Community Action Program), up to $50,000,000 may be made available to support and maintain a civilian reserve corps. Funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE II

CHAPTER 1

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT, 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $3,136,802,000, to remain available until expended.

CHAPTER 2

GENERAL PROVISIONS—THIS DIVISION

AVAILABILITY OF FUNDS

SEC. 2201. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION FOR TITLE I

SEC. 2202. Amounts provided in title I of this division are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

EMERGENCY DESIGNATION FOR TITLE II

SEC. 2203. Amounts provided in title II of this division are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

This division may be cited as the "Support Our Troops Act of 2007".

COMMEMORATING THE 40TH ANNIVERSARY OF THE LANDMARK CASE OF IN RE GAULT, ET AL.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 194.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 194) commemorating the 40th anniversary of the landmark case In re Gault, et al., in which the Supreme Court held that all children accused of delinquent acts and facing a proceeding in which their freedom may be curtailed have a right to counsel in the proceedings against them.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, this year marks the 40th anniversary of the landmark Supreme Court decision of In re Gault in 1967, in which the Court declared that children accused of delinquent acts have a constitutional right to counsel. Before that decision, children accused of delinquency had virtually no legal rights. They were at the mercy of a legal system that often led to unjust results. Gerald Gault's experience illustrates the injustices that often took place.

When he was 15 years old, Gerald was accused of a delinquent act that involved making a nuisance phone call. He was swept up in a juvenile justice system that had almost no procedural safeguards. Basic rights available to adults were denied to him. He was sentenced by the juvenile court to 6 years in his State's Youth Industrial School, with no right to appeal the decision. Fortunately, his parents didn't give up. They filed a writ of habeas corpus for his release.

Gerald's case eventually reached the Supreme Court, which held that proceedings against juveniles must meet the essential requirements of the due process clause of the 14th amendment to the Constitution. These rights included the right to advance notice of the charges, the right to counsel, the privilege against self-incrimination, and the right to confront and cross-examine witnesses. Eventually, the charges against Gerald were dropped, and his case changed the juvenile justice system forever.

In fact, the development of the juvenile justice system was long in coming. Before the 20th century, children as young as 7 years of age could be tried as criminals, and if found guilty, could be sentenced to prison or even to death. The first juvenile court was established just over a century ago in Chicago as a result of the efforts of reformers who were appalled by the denial of rights to young offenders. By 1925, the majority of States had separate courts for juveniles in a system guided by the doctrine of parens patriae, which gave each State the authority to act as a parent for children in need of guidance and protection. Under the doctrine, States were able to provide treatment and rehabilitation or safe conditions of confinement for troubled youth, and the Gault decision guaranteed that juvenile offenders would have basic legal rights.

In the years that followed, numerous improvements have been made to the juvenile justice system. In recent years, however, there has been an alarming escalation in the willingness of States to treat children as adults. Nearly 100,000 children today are incarcerated in juvenile facilities, and they may well be the most vulnerable and defenseless group in our criminal justice system. They are routinely sent to adult prisons where they face significant dangers. Juveniles in adult facilities are five times more likely than those in juvenile facilities to report being sexually assaulted. Even more disturbing, the suicide rate of children in adult prisons is over seven times higher than those in juvenile facilities. Their plight is shameful and unacceptable. Clearly, these children deserve better.

Gerald Gault went on to have a long career in the United States Army, rising to the rank of sergeant. He has become a deeply devoted family man and will celebrate his 35th wedding anniversary 5 days after the 40th anniversary of the Supreme Court decision in his case. Who knows what would have happened to Gerald if he had not been given his due process rights and had been locked away instead in a detention center? The anniversary of the Gault decision is a time for all of us to remember that the juvenile justice system is there to protect the rights of the Nation's children, and this resolution enables us to renew our commitment to building on the legacy of that historic decision.

With this resolution, the Senate acknowledges the need for the Nation to recommit to the goals and purposes of this landmark decision to finally achieve the goals set forth in the Gault decision. I am pleased that the resolution has the support of so many organizations and individuals across the country, including the National Juvenile Defender Center, Harvard Law School, the Child Welfare League, the ACLU, the Council of Juvenile Correctional Administrators, the Center for Children's Law and Policy, the National Immigration Project of the National Lawyers Guild in Boston, the Children's Law Center of Massachusetts and so many other distinguished individuals fighting for a better justice system for all children in the United States.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the Record as if given.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 194) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 194

Whereas, on May 15, 1967, the Supreme Court recognized in In re Gault, et al., 387 U.S. 1 (1967) that all children accused of delinquent acts and facing a proceeding in which their freedom may be curtailed have a right to counsel in the proceedings against them;

Whereas the Supreme Court held that proceedings against juveniles must meet the essential requirements of the due process clause of the 14th amendment to the Constitution;

Whereas the Gault decision recognized that the constitutional protections of due process extend to juveniles the right to fundamental procedural safeguards in juvenile courts, including the right to advance notice of the charges against them, the right to counsel, the privilege against self-incrimination, and the right to confront and cross-examine witnesses; and

Whereas, 40 years after the Gault decision, some children appear in court with no legal counsel at all: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the 40th anniversary of the decision in In re Gault, et al., 387 U.S. 1 (1967);

(2) encourages all people of the United States to recognize and honor the 40th anniversary of the Gault decision;

(3) supports strategies to improve the juvenile justice system that appreciate the unique nature of childhood and adolescence; and

(4) pledges to acknowledge and address the modern day disparities that remain for children after the Gault decision.

IRAQ FUNDING

Mr. REID. Mr. President, it is my understanding, prior to my doing the closing—and I don't know if the distinguished Republican leader has anything today—it is my understanding that the Senator from Virginia wanted to make a statement. Does the Senator from Kentucky have anything to say?

Mr. McCONNELL. No. Mr. President, I don't have anything to add.

The ACTING PRESIDENT pro tempore. The senior Senator from Virginia is recognized.

Mr. WARNER. Mr. President, if I may engage our respected leaders in a colloquy regarding the passage last night of the House supplemental. I am speaking for, I think, a number of Senators on both sides of the aisle, who have some thoughts with regard to how we proceed on the funding issue. I personally—speaking for myself—believe we should have no bifurcation of the funding and that it should all be acted upon at one time. I am very anxious that the tentative schedule of the leadership is before Memorial Day. That is most important.

I hope some of us could address the Senate and the leadership regarding the subject of benchmarks. I read with great interest that the President is openminded on the question of benchmarks. I believe it is important that, in September, General Petraeus is going to give us a report, together with the U.S. Ambassador, and presumably the Secretaries of State and Defense will join in that very important report to the Congress—indeed, to the whole country—with regard to the status of things in Iraq in September. I do believe there is such a rapidly unfolding situation over there—we don't know from day to day how to anticipate certain things. Earlier this morning, General Mixon reported that he didn't have sufficient forces, U.S. forces and presumably Iraqi forces, to perform his mission in Diyala Province.

I am hopeful, speaking for myself, that we can put in some language tied to benchmarks by which the President, before we go out on the August recess, would report to the Nation and to the Congress on his judgment as to whether there is progress on the benchmarks and whether he feels that in the July timeframe some change in strategy must be brought about in order to achieve the goals of the original strategy laid down on January 10 of this year.

My language would not have any obstruction to the flow of funds, but it would simply keep the Nation and the Congress fully informed of his judgment, together with his senior advisers, at that critical time before we go out on the August recess. I believe we have a responsibility, first and foremost, to the men and women in the Armed Forces, their families, and to the country for the Congress to watch this situation very closely and not defer until the September timeframe the concentrated judgment that would be brought to bear on the receiving of the report in September.

To what extent can you advise us as to the process that might be followed in order to expeditiously get to the conference but at the same time either the conferees be informed of the views of others or we have some mechanism by which to address the issue?

Mr. REID. Mr. President, there are many issues—in fact, most issues that come before this body deal with monetary things, policy issues, which do not deal with the lives of our men and women in uniform. This issue does. I cannot speak for my Republican counterpart, Senator McCONNELL, but I can say without any question that I believe he and I are arm-locked in the recognition of how serious this is and how we have to do the very best the Senate can do. We are going to try to do that.

This is a time when we have to work on a nonpartisan basis—not bipartisan but a nonpartisan basis—to get a matter to the House of Representatives so we can do a conference. At this stage, I have to say to my friend from Virginia, who is so knowledgeable about things military, we don't know how we are going to do that yet. That is a fair statement. Everything is on the table. But how we take things off the table and put certain things back on the table, I don't know at this stage. I don't think my friend from Kentucky does, either, but we are open for suggestions and comments. It is not an easy situation. The House of Representatives is a different body than we are. The majority party there can do what they want to do. We cannot do that. This is the Senate, which is divided, as we speak, 50 to 49. So we have to work together.

I say to my friend that I understand his involvement in this. He has worked over the years very well with the Democrats. I look forward to that continuing during the supplemental appropriations bill. Speaking for me, I don't know how we are going to get there, but we are going to try. We have no choice. Failure is not an option.

Mr. WARNER. I thank the majority leader.

Mr. McCONNELL. Mr. President, nobody has done more for his country, for the defense of this country, and for the Armed Forces of this country than the distinguished Senator from Virginia. We thank him for his ongoing advice about how to deal with this most difficult problem.

The majority leader and I are in exactly the same place. I believe the Senator from Virginia is as well. It is our great desire to get to conference and get a bill signed before Memorial Day. Exactly as the majority leader indicated, how we get from here to there is a matter under serious discussion between the two of us and with our members. So we will be working to get the job completed at the earliest possible opportunity.

Mr. REID. Mr. President, I only add that I have been as critical of the President as anybody in the Senate. But I have to say that, in the last week or two, his spokesperson, his Chief of Staff, speaking with the authority of the President, has been available to Senator McCONNELL and me anytime I have asked. I appreciate that. If we are going to get this done, the President has to be part of the solution.

ORDERS FOR MONDAY, MAY 14, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, May 14; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees; that at 3 p.m., the Senate begin consideration of H.R. 1495, as provided for under a previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open today until 2 p.m. for the introduction of legislation, submission of statements, and adding cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL 2 P.M., MONDAY, MAY 14, 2007

Mr. REID. Mr. President, it is my understanding there is no further business to come before the Senate today. That being the case, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:08 p.m., adjourned until Monday, May 14, 2007, at 2 p.m.

EXTENSIONS OF REMARKS

IN CELEBRATION OF U.S. MARSHAL PETER J. ELLIOTT BEING NAMED "TOP COP"

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today to honor United States Marshal Peter J. Elliott on being named "Top Cop" of the nation by the National Association of Police Organizations.

The "Top Cop" award pays tribute to the men and women in law enforcement for their amazing services to America's communities. Marshal Elliott was chosen from hundreds of nominations from across the nation, and he was the only person selected from the State of Ohio.

Marshal Elliott grew up in Lakewood, Ohio, and graduated from St. Edward High School. He is a third generation law enforcement officer from the Northern District of Ohio. Four years ago, he was appointed by the President of the United States as the U.S. Marshal to manage the forty counties of the Northern District of Ohio. He is the youngest U.S. Marshal appointed in the history of the district.

Marshal Elliott created The Fugitive Safe Surrender (FSS) program after Cleveland Patrolman Leon Wayne was shot and killed by an individual wanted on a warrant. Under this program, U.S. Marshals Service works with local faith and community-based organizations to provide wanted fugitives a chance to surrender to authorities in a safe environment. FSS not only reduces the risk to law enforcement officers but also reduces injuries and deaths in the communities where fugitives live. I have had the pleasure of working with Marshal Elliott in creating legislation for this program. Last year this legislation was passed and signed into law by President George W. Bush. As a result, Marshal Elliott's idea has been adopted as a national program by the United States Marshals Service.

Along with FSS, in 2003, Marshal Elliott created the Northern Ohio Violent Fugitive Task Force that has worked to greatly reduce crime in the Cleveland, Ohio area. Also, in 2003, Marshal Elliott helped bring the Gang Resistance Education and Training program to the district to help prevent youth crime and gangs. This program has teamed up with professional sports teams, non-profit organizations, universities and others to help youths in northern Ohio.

It is because of his commitment and remarkable innovation in law enforcement that I wish to acknowledge "Top Cop" Marshal Peter J. Elliott. Marshal Elliott is an outstanding man who has greatly contributed to the safety of his district and the country.

SUPPORTING TEACHER APPRECIATION WEEK AND NATIONAL TEACHER DAY

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. RUSH. Madam Speaker, I rise today to express my full support for National Teacher Day and Teacher Appreciation Week. There is no calling more noble than the profession of educator, as teachers play a vital role in shaping the future of our country and they have a deep impact on every member of our great society.

Like many of my colleagues here in Congress, I can recall wonderful teachers who helped change my life for the better and who have influenced me in profound ways, which they may never fully understand.

Madam Speaker, on a daily basis teachers are tasked with educating all of our children, in some cases spending more hours with students than they spend with their parents. Besides teaching students reading and math, educators help students learn the value of responsibility, social skills, discipline, and respect for themselves and others.

Teachers have the solemn responsibility of shaping the minds of our youth and preparing them intellectually, socially, emotionally, and psychologically to become productive and responsible members of our society.

In a time when so much is asked of our teachers, when they are required to play the role of educator, parent, counselor, and friend, it is imperative that we provide them with the tools needed to accomplish their important jobs.

I will continue to support legislation to fully fund educational initiatives such as Head Start, Pell Grants, and the No Child Left Behind Act, to name a few, and I urge all of my colleagues to do the same.

We cannot continue to emphasize accountability and high-stakes testing for our teachers, who are on the frontlines working with students, without providing them with the resources to fully and effectively accomplish their objectives.

Despite the negative press that the teaching profession regularly endures, in the face of funding cuts and intense scrutiny, I know that every one of my colleagues realizes that the vast majority of our teachers are doing yeomen's work with the resources they are given.

So I would like to commend America's teachers and express my full support for National Teacher Day and Teacher Appreciation Week. As a Member of Congress, I will continue to do all that I can to support your efforts and provide you with the resources you need.

IN HONOR OF CARDINAL MOONEY HIGH SCHOOL FOOTBALL COACH MIKE DOWLING

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. BUCHANAN. Madam Speaker, I rise today to recognize an individual who has distinguished himself as a good coach, a dedicated teacher, and a family friend—coach Mike Dowling, who is retiring after 28 years as football coach at Cardinal Mooney High School in Sarasota.

Coach Dowling has led the Cougars to five undefeated regular seasons, six district championships, and one regional championship. His overall record of 189 to 102 is certainly impressive. Over 150 of his players have gone on to play college ball and his winning teams have enhanced school spirit and the educational mission of the school.

But a good coach does more than win games; he is also a positive influence on his players. Coach Dowling has helped hundreds of kids reach their full potential both on and off the field. In addition to teaching them how to catch, throw, tackle, and win, he helped teach them good sportsmanship and ethical conduct. His efforts on the field have helped his players build character and taught them how to show and earn respect, play fair, and be responsible—and our society as a whole is better for it.

Although his history students will still benefit from his efforts in the classroom, his players and many fans will miss him on the sidelines next fall. I congratulate Mike on a winning career and I look forward to seeing him in the stands.

TRIBUTE TO CORRY AREA HIGH SCHOOL

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. ENGLISH of Pennsylvania. Madam Speaker, from April 28–30, 2007, more than 1200 students from across the country visited Washington, DC to take part in the national finals of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that a class from Corry Area High School represented the Commonwealth of Pennsylvania at this prestigious

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's capitol and compete at the national level.

While in Washington, the students participated in a three-day academic competition that simulates a congressional hearing in which they "testify" before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues. It is important to note that independent studies of the We the People program indicate that alumni of this nationally acclaimed program display a greater political tolerance and commitment to the principles and values of the Constitution and Bill of Rights than do students using traditional textbooks and approaches. With various reports and surveys that reveal the lack of civic knowledge and engagement, I am pleased to support such an outstanding program that continues to produce an enlightened and responsible citizenry.

Madam Speaker, the names of these outstanding students from Corry Area High School are: Andrew Blair, Kelsie Boyd, Karen Costello, Abe Herr, Tom Jaggi, Kaisy Kafferlin, Melissa Kimmy, Maggie Mulligan, Mathias Otten, Abby Pelc, Kathryn Robbins, Kim Sperry, Kari Swart, Andrea Vandervort, Lindsey White, and Alexis Wojcicehowski.

I also wish to commend the teacher of the class, Craig Dean, who is responsible for preparing these young constitutional experts for the national finals. Also worthy of special recognition is Beth Specker, the state coordinator, and Marlene Shellito, the district coordinator, who are among those responsible for implementing the We the People program in my state.

I congratulate these students on their exceptional achievement at the We the People national finals.

RECOGNIZING MOLECULAR IMAGING WEEK

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to remind my colleagues that June 3–9 is Molecular Imaging Week. This year, Molecular Imaging Week is coinciding with SNM's (formally known as the Society of Nuclear Medicine) 54th Annual Meeting, which is taking place here in Washington, DC. Based in Reston Virginia, SNM, with over 3,900 professional attendees and 180 exhibiting companies, will hold the world's largest event focused exclusively on the fields of nuclear medicine and molecular imaging in Washington, DC this year.

Annually, more than 20 million men, women, and children need noninvasive molecular/nuclear medicine procedures. These safe, cost-effective procedures include positron emission tomography (PET) scans to diagnose and monitor treatment of cancer, diagnose neurological disease such as Alzheimer's and stroke, cardiac stress tests, bone scans and follow-up for breast and prostate cancer patients, and lung scans for blood clots.

Molecular imaging and therapy procedures provide safe, painless, and cost-effective techniques to image the body and treat disease. These procedures are crucial in the early diagnosis of cancer, renal disease, cardiac disease, and Alzheimer's. Imaging procedures often identify abnormalities very early in the progress of a disease—long before many medical problems are apparent with other diagnostic tests. The techniques that are used in molecular imaging include radiotracer imaging/nuclear medicine, magnetic resonance imaging (MRI), magnetic resonance spectroscopy (MRS), optical imaging, the PET scan, ultrasound and others.

Molecular imaging offers unique insights that allow a more targeted approach to evaluation and management of heart disease. It also plays a pivotal role in guiding the management of cancer: diagnosis, staging (extent and location), assessing therapeutic targets, monitoring therapy, and evaluating prognosis; and is playing an increasingly significant role in conditions such as tumors, dementias (Alzheimer's and other), movement disorders, seizures disorders and psychiatric disorders.

Molecular imaging delivers on the promise of "personalized medicine"—it can provide patient-specific information that allows tailored treatment of disease. It can show a precise (molecular) level of detail that provides new information for diagnosis. It is also key to the development of pharmaceuticals and genetic therapy. Molecular therapy can target molecules that deliver the therapeutic agent directly to the site of interest, bypassing normal tissue and avoiding the toxic side effects of many current therapies.

In 2005, SNM created the Molecular Imaging Center of Excellence, an organizational component within SNM, dedicated to all aspects of molecular imaging in the detection and management of disease.

I applaud SNM and its members for their efforts to educate others on this major healthcare innovation during Molecular Imaging Week (June 3–9), and I urge my Colleagues to join me in supporting policies that will continue to keep our Nation on the cutting edge of molecular imaging research.

RECOGNIZING THE 20TH ANNIVERSARY OF THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. KILDEE. Madam Speaker, this week is National Teacher Appreciation Week, a time to express our deep appreciation for the dedication of our nation's teachers.

It is therefore timely to also recognize the National Board for Professional Teaching Standards, which celebrated its 20th anniversary earlier this month, for its dedication to teacher excellence.

National Board certification is among the highest credentials in the teaching profession. Teachers speak of National Board certification with great pride.

There are 55,000 National Board certified teachers nationwide and I look forward to seeing more National Board certified teachers in our schools as we seek to improve student achievement and close the achievement gap.

COMMEMORATING THE 100TH ANNIVERSARY OF THE BUREAU OF EXPLOSIVES

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. SALAZAR. Madam Speaker, today I would like to commend the unsung heroes who go unnoticed but who get up every morning and think about how to make our lives safer. They are the men and women who make up the independent agency known as the Bureau of Explosives, headquartered in Pueblo, Colorado at the Transportation Technology Center. This month marks the 100th anniversary of the creation of the Bureau of Explosives.

The Bureau of Explosives (BOE) was formally established in 1907 by the railroad industry to serve as an independent agency to promote the safe transportation of explosives. BOE wrote the very first hazardous materials regulations, which were subsequently adopted and expanded upon by the Interstate Commerce Commission and later the U.S. Department of Transportation.

BOE was originally called the Bureau for the Safe Transportation of Explosives, and was created under the American Railway Association (ARA), predecessor of the Association of American Railroads (AAR). With a chemical laboratory and 16 inspectors, the Bureau immediately took the lead in inspecting shipments, encouraging improvements in shipping techniques, and developing rules that form the basis of all modern regulations of hazardous shipments. Although the Bureau was granted considerable enforcement powers by the ARA in its constitution, it encouraged compliance through education. This was accomplished primarily by personally visiting shippers and railroad personnel to explain why the rules were necessary for their safety. Annual reports illustrated examples of situations where the rules where not followed. In 1913, explosives manufacturers and shippers and manufacturers of shipping containers were invited to join the Bureau. Shippers quickly began using the Bureau to improve preparation of their shipments to withstand the rigors of transportation.

Today, the BOE is managed by Transportation Technology Center, Inc. (TTCI), a wholly owned subsidiary of the Association of American Railroads. BOE inspectors located throughout North America continue to work with more than 350 member North American railroads, hazardous materials shippers, and container manufacturers and repair companies to ensure safe shipping practices. Congratulations on 100 years of work that has paid off, making the transportation of hazardous shipments by rail today safer than at any other time in our Nation's history.

IN RECOGNITION OF COLORADO SPRINGS CITY MANAGER LORNE KRAMER

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. LAMBORN. Madam Speaker, I rise today in recognition of Mr. Lorne Kramer on the occasion of his retirement on June 30 after 44 years of commendable public service. Prior to his appointment as Colorado Springs City Manager in 2002, Mr. Kramer had served 28 years with the Los Angeles Police Department and more recently for 11 years as the Chief of Police for Colorado Springs.

A capable leader, Mr. Kramer has been a guiding force behind several projects in my hometown including the TOPS renewal, the renovation of Prospect Lake, the improvement of METRO and highway transportation systems, and the establishment of both Stormwater Enterprise and Airport Business Park. In addition to his commendable public service, Mr. Kramer volunteers in his private life with many organizations and serves on the Board of Directors for the Chamber of Commerce, the Colorado Springs Leadership Institute, the Pikes Peak United Way, and the Convention and Visitors Bureau.

Mr. Kramer's list of accolades is impressive. He has received the 2003 Alumni and Friends Award from the University of Colorado, Colorado Springs and the Graduate School of Public Affairs, the Public Administrator of the Year from the Graduate School of Public Administration at the University of Colorado, Colorado Springs, and was appointed by the Governor of Colorado to the Colorado Peace Officers Standards and Training Commission and the Drug Control Systems Improvement Committee.

Colorado's Fifth District is fortunate to count among its citizens a man of Mr. Kramer's accomplishments. I am certain that though he is retiring from public service, Mr. Kramer will continue to have a positive impact on the Colorado Springs Community.

IN HONOR OF THE 100TH ANNIVERSARY OF THE SANTA CRUZ BEACH BOARDWALK

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. FARR. Madam Speaker, I rise today to call attention to the 100th Anniversary of the Santa Cruz Beach Boardwalk, a storied tourist destination on California's central coast. The Boardwalk, with its 35 rides and other attractions, has provided a lifetime of memories for millions of people, establishing itself as a national landmark and as a vital component of our community. Situated on a sandy mile-long beach, it is the only remaining major seaside amusement park on the West Coast.

When the Boardwalk first opened on June 15, 1907 it immediately attracted national attention and received a telegram from President Theodore Roosevelt himself. Since then, tens of millions have visited the Boardwalk for fun and entertainment. Its rich history includes Miss California pageants, premier big bands, and daring performers.

I myself have spent many fun-filled days at the Boardwalk with friends and family, both when I was growing up and when I was raising my own child. Those are memories that I will never forget, and I am sure that millions of other families would say the same thing.

The Boardwalk is also unique in that two of its rides have been designated National Historic Landmarks, both built by members of the Looff family of Danish woodcarvers: the Giant Dipper, a wooden roller coaster built in 1924, and the Looff Carousel, built in 1911. In fact, sometime this year the Giant Dipper will carry its 55 millionth rider on an adventure they won't forget. It is the 6th oldest roller coaster in the U.S., and has been in several major motion pictures.

As the primary asset of a locally owned corporation, the Santa Cruz Seaside Company, the Boardwalk has been an important driving force for our community, employing nearly 1,600 people at the Boardwalk, hotels, and other tourist destinations operated by the Seaside Company. Its active charitable contribution program results in yearly donations of approximately $100,000 in cash and tickets to local organizations, and it has been repeatedly recognized for its support of ecotourism and its environmental efforts and policies, winning the California State Ecotourism Award in 2002.

As a steward of the environment and the local community, the Boardwalk has made itself indispensable to everyone involved with it. And although it has undergone many changes in the last hundred years, one thing remains the same: the Boardwalk has been, and will continue to be, one of California's premier tourist destinations.

Madam Speaker, it gives me great pleasure to present the congratulations of my House colleagues to this community icon on this joyous and historic occasion.

INTRODUCTION OF NATIVE ENTREPRENEURS LEGISLATION

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. UDALL of New Mexico. Madam Speaker, I rise today to introduce legislation to provide business developmental assistance to Native American entrepreneurs across the country. I am pleased to be joined in doing so by Representatives ABERCROMBIE, RENZI, MORAN, MICHAUD, GRIJALVA, HERSETH SANDLIN, HONDA, MCCOLLUM, WU, and MOORE.

While our Nation has experienced a steady economic expansion over the course of its history, the vast majority of tribal communities have not benefited or experienced similar growth. The unemployment and poverty rates for Native American and Alaska Natives are nearly double those rates for all Americans. Additionally, many tribal communities lack sufficient physical and technological infrastructure, and are hindered by low income levels.

Despite these shocking facts, there are reasons to be optimistic. Many Native American owned businesses are flourishing, while the number of Native American and Alaska Native owned businesses continues to increase. In fact, Indian tribe members and Alaska Natives own more than 201,000 businesses. These businesses employ over 190,000 employees and generate almost $27 billion in revenues.

My bill works to expand on these entrepreneurial efforts by ensuring that small business owners and budding entrepreneurs can grow their businesses by accessing counseling and technical assistance available through our nation's Small Business Development Centers. The bill does this by authorizing grants that SBDCs can apply for to provide assistance with outreach, development, and enhancement on Indian lands of small business startups and expansions that are owned by Indian tribe members, Alaska Natives, or Native Hawaiians. The business development tools offered by the SBDCs can assist Native Americans with the information and opportunity to build sustainable businesses in their communities.

This legislation also requires SBDCs receiving grants to help with these services to request the advice of the governing bodies of Native American tribes, Alaska Native Entities, and Native Hawaiian organizations on how to best provide services to their tribal members. This ensures assistance from the SBDC that is culturally sensitive and appropriate.

It is clear we must do more to assist Native American entrepreneurs in building their businesses, which will, in turn, benefit their communities. With Congress's support, this initiative can play an important role in bringing economic growth to our Nation's Native American lands. I look forward to working with my colleagues to pass this bill and help foster entrepreneurial opportunities on areas of this nation that have thus far been left behind.

TRIBUTE TO JOSEPH B. SUMMERS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. COSTA. Madam Speaker, earlier, California lost one of its great water experts with the death of Joseph B. Summers.

Joe was once deemed "Watermaster" for several water entities in central and southern California. His knowledge, skill and a lifetime of experience brought many people seeking his advice on a multitude of water issues. His wise counsel is greatly missed.

Joe was born in Iowa and served in World War II as a B–24 Bombardier in Europe. He obtained a degree in civil engineering and began his career with the Bureau of Reclamation of the Department of Interior in Denver where he met his wife, Rose. Moving to California in the 1950s, he worked for the Modesto Irrigation District and then was principal engineer for Stoddard and Karrer Engineers in Los Banos.

After establishing his own firm in Kings County, California in 1962, he was an engineering consultant for the Tulare Lake Drainage District to determine the drainage needs of the area and designing a drainage system for the Tulare Lake Bed near the town of Corcoran. At the same time, he negotiated contracts with the California Department of Water Resources for water supplies from the California Aqueduct, then under construction, for water supplies from the Sacramento-San Joaquin Delta to southern California. In addition to those duties, he was principal engineer for the Solano Irrigation District in Solano County, California.

During the 1990s Joe undertook one of the most difficult tasks in U.S. water history: chairing the oversight committee which crafted a $100 million agreement between the Southern California Metropolitan Water District, the supplier of water to much of the Los Angeles area, and the Imperial Irrigation District. It was one of the most complex water negotiations undertaken and settled a long-term and previously intractable issue. Its settlement was an achievement unparallel in California and U.S. water history.

As recently as 2003, Joe was chairman of two coordination committees to oversee the concrete lining of the Coachella Canal and All-American Canal in southern California to reduce seepage which will conserve thousands of acre feet of water annually. The projects are key components of an agreement reached on the allocation of Colorado River water among competing entities in the state and helped resolve issues among states who are parties to the Colorado River Compact.

Joe's Iowa farm experience served him when he applied his engineering expertise to develop cultivation techniques in the cultivation of his walnut farm near Hanford, California. His agriculture leadership was recognized as he was the first recipient of the Merriam Improved Irrigation Award and induction into the University of Iowa's College of Engineering's Distinguished Engineering Alumni Academy. Joe's local contributions include serving on the Hanford Community Foundation.

Joe was an inspiration and mentor to young people interested in hard work, achievement and having an impact on their chosen professions. His friendship and expertise are greatly missed.

THE 11TH ANNUAL WORLD CONGRESS ON CIVIC EDUCATION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. WAXMAN. Madam Speaker, I am proud to recognize the 11th World Congress on Civic Education, which will take place in Buenos Aires, Argentina, May 17–21. The conference, hosted by Conciencia Argentina and the U.S.-based Center for Civic Education, will welcome delegates from over 60 countries, including leaders of civic education organizations throughout the world. Participants will discuss best practices for imparting the knowledge, skills, and values necessary for democratic citizenship to students living in established and emerging democracies.

Through a national and international network of individuals, organizations, educational institutions, and governmental agencies, Civitas International Programs have responded for more than a decade to the wave of democratization sweeping through Eastern Europe, the former Soviet Union, Africa, Asia, and Latin America. Civitas International Programs are directed by the Center for Civic Education and funded by the U.S. Department of Education under the Education for Democracy Act. They are implemented by the U.S. State Department and USAID, in cooperation with nongovernmental and governmental institutions in the United States and abroad.

The goals of the Civitas International Programs are to:

Acquaint international educators with exemplary curricular and teacher training programs in civic education developed in the United States and other participating nations.

Assist international educators in creating, adapting, implementing, and institutionalizing effective civic education programs in their own countries.

Create and implement civic education programs for students in the United States that will help them better understand the history and experiences of both established and emerging democracies.

Facilitate the exchange of ideas and experiences in civic education among educational, governmental, and private sector leaders in the United States and other countries.

Encourage independent research and evaluation that will determine the effectiveness of civic education in providing students with the knowledge and character traits essential to the preservation and future progress of democracy.

I applaud the outstanding achievements of the Civitas International Programs, and wish the delegates to the 11th World Congress on Civic Education much success in their continued efforts throughout the world in developing a political culture supportive of democratic values, principles, and institutions.

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on Wednesday, May 3, 2007, I requested and received a leave of absence from May 3 to May 9, 2007, due to my presence at previous commitments in my district. Had I been present, I would have voted as follows:

Rollcall No. 315, the Tom Davis of Virginia Amendment, "no"; rollcall No. 316, the Thompson of Mississippi Amendment, "aye"; rollcall No. 317, on Motion to Recommit with Instructions, "no"; rollcall No. 318, on Passage, Homeland Security Authorization Act, "aye".

Madam Speaker, I was also unavoidably absent from the chamber from March 21, 2007 to March 22, 2007. Had I been present, I would have voted as follows: rollcall No. 167, Motion to Permit to Proceed in Order on This Day, "aye"; rollcall No. 168, the Neugebauer of Texas Amendment, "no"; rollcall No. 169, the Price of Georgia Amendment, "no"; rollcall No. 170, the Al Green of Texas Amendment, as Modified, "aye"; rollcall No. 171, on Motion to Recommit with Instructions, "no"; rollcall No. 172, on Passage, Gulf Coast Hurricane Housing Recovery Act, "aye"; rollcall No. 173, on Motion to Suspend the Rules and Pass, H.R. 835, "aye"; rollcall No. 174, on Motion to Suspend the Rules and Pass, H.R. 327, "aye"; rollcall No. 175, on Motion to Suspend the Rules and Pass, H.R. 797, "aye"; rollcall No. 176, on Motion to Suspend the Rules and Pass, H.R. 1284, "aye"; rollcall No. 177, on Motion to Suspend the Rules and Pass, H.R. 1130, "aye"; rollcall No. 178, on Motion to Suspend the Rules and Pass, H.R. 740, "aye"; rollcall No. 179, on Ordering the Previous Question, H. Res. 260, "aye"; rollcall No. 180, on Agreeing to the Resolution, "aye"; rollcall No. 181, on Motion to Suspend the Rules and Agree, H. Con. Res. 66, "aye"; rollcall No. 182, on Agreeing to the Resolution, H. Res. 261, "aye"; rollcall No. 183, on Motion to Suspend the Rules and Pass, as Amended, "aye"; rollcall No. 184, on Approving the Journal, "aye".

CONGRATULATING PAM SCHMIDT

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. TANCREDO. Madam Speaker, dedicated and passionate teachers are vital to the education and development of our future generations. Today, I am honored to recognize Ms. Pam Schmidt, an eighth grade science teacher, in Aurora, Colorado. Ms. Schmidt is a recipient of the 2007 Amgen Award for Science Teaching Excellence for her exceptional efforts and commitment to provide her students with an outstanding science curriculum.

Ms. Schmidt, the 1997 Colorado Teacher of the Year, seeks to inspire her students to explore the world around them by providing hands-on experiences such as collecting fossils in the Badlands of Wyoming or caring for one of the 47 classroom snakes. Through her efforts and example, Ms. Schmidt has helped foster a love of science and provided a better learning environment for her students.

The Award for Science Teaching Excellence is given by Amgen, an internationally known biotechnology company with branches in Colorado. The Amgen Award for Science Teaching Excellence is given to teachers in public and private schools whose dedication to imparting a love of learning and interest in science to the future generations. The recipients are selected by an independent panel that judges the applicants on effectiveness and creativity of teaching methods and how they plan to use the grant money to further science education in their schools.

PAYING TRIBUTE TO RICHARD MORGAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. PORTER. Madam Speaker, I rise today to recognize Richard Morgan for his service of 10 years as founding Dean of the William S. Boyd School of Law at the University of Nevada Los Vegas.

Dean Richard Morgan has overseen the development of the Boyd School of Law. His vision and commitment to academic excellence, as well as his talents as an academic administrator allowed the Body School of Law to receive full American Bar Association accreditation in five years, a truly incredible accomplishment.

Prior to becoming Dean of the Boyd School of Law, Morgan contributed to the legal profession in a number of different forums. From 1972 through 1980, Morgan served as an Associate, and later Partner, at the law firm of Krueger & Marsh in Los Angeles, California. In 1980, Morgan dedicated himself to the study of law and became an Associate Professor of Law at Arizona State University in Tempe, Arizona. In 1983, Morgan was named Associate Dean of Arizona State University, a position he held until being offered a position as Dean and Professor of Law at the University of Wyoming College of Law in 1987. In 1990, Morgan returned to Arizona State University as a Dean and Professor of Law and remained there until taking up the audacious task of founding the Boyd School of Law at the University of Las Vegas in 1997. The Boyd School of Law has produced over 800 graduates who have gone on to effect change in the communities in which they work as public servants, community leaders, legislators, and advocates.

Madam Speaker, I am very proud to recognize Dean Richard Morgan. His contributions to the legal profession and his leadership at the Boyd School of Law are commendable. I thank him for his service to the University of Las Vegas community and with him the best in his future endeavors.

HONORING WILLIE "BILL" IVERSON GOLDEN

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. KINGSTON. Madam Speaker, I rise today to commend and recognize Bill Golden, an outstanding Georgian who has dedicated his life to the betterment of society through his involvement in higher education and public service. Bill has been a friend and ally in working towards a brighter future for my constituents and the people of Georgia.

For the past sixteen years, Bill has served as the Director of Governmental Relations for the University of Georgia in Statesboro, Georgia. During most of this time, he also served as Georgia Southern University's Foundation President as well as the Director of Development. During his tenure there, Bill helped obtain over both public and private funding for many initiatives and spearheaded a government relations program between the university and Georgia's congressional delegation.

Before coming to Georgia Southern University, Bill worked at the University of Georgia's Cooperative Extension Service, providing administrative support for the development and implementation of a statewide program in international trade and development and provided leadership for all counties in Georgia. He also served as an Assistant County Agent for Twiggs County, Georgia and worked to improve the county's 4–H and youth program. In addition, Bill aided in the development of the consulting firm Economark, Inc. which was developed to provide technical assistance in the area of economic and community development.

Bill's extensive leadership ability has also translated into his community involvement. For instance, he has served as the Director for Bulloch County Chamber of Commerce, President of the Alumni Society for Middle Georgia College, and chair of the 13-State Advisory Committee for the Southern Rural Development Center. He has also served as President and Board Member of the Certified Public Managers Association, a member of the Board of Directors of Georgia Industrial Developers Association, and the Vice President, representing the first congressional district, Board of Managers for The University of Georgia Alumni Society.

In light of Bill's outstanding record of commitment to others and dedication to excellence, it is with great pleasure that I rise in his honor. As Bill enters retirement I wish him continued happiness and success.

CONGRATULATING CAROLYN CRAPO

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. TANCREDO. Madam Speaker, dedicated and passionate teachers are vital to the education and development of our future generations. Today, I am honored to recognize Ms. Carolyn Crapo, a high school physics teacher, in Aurora, Colorado. Ms. Crapo is a recipient of the 2007 Amgen Award for Science Teaching Excellence for her exceptional efforts and commitment to provide her students with an outstanding science curriculum.

Ms. Crapo seeks to inspire her students to explore the world around them by providing hands-on. Through her efforts and example, Ms. Crapo has helped foster a love of science and provided a better learning environment for her students.

The Award for Science Teaching Excellence is given by Amgen, an internationally known biotechnology company with branches in Colorado. The Amgen Award for Science Teaching Excellence is given to teachers in public and private schools whose dedication to imparting a love of learning and interest in science to the future generations. The recipients are selected by an independent panel that judges the applicants on effectiveness and creativity of teaching methods and how they plan to use the grant money to further science education in their schools.

IN HONOR OF WALTER PARKER

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. KINGSTON. Madam Speaker, I rise today to commend and recognize Walter Parker an outstanding Georgian and statesman. Walter has long been recognized by the citizens of Tybee Island and Chatham County for the vital role that he has played in community leadership and his deep personal commitment to the welfare of the residents of Tybee Island.

This outstanding public servant loyally served as Mayor of Tybee Island for 16 years and contributed enormously to the beautification and preservation of the island and to the refurbishment of the island's endangered beaches. As demonstration of his commitment to Tybee Island, Walter Parker was actively involved in many beach revitalization programs affecting the area and he also appointed the first Tybee Beautification Commission. Walter served as a leading advocate for state-wide support for the rebuilding of the Tybee Island Pier and Pavilion and initiated a massive cleanup and repair project dedicated to Tybee's municipal buildings. His tireless efforts resulted in a new spirit of community in preparation for Tybee's 1987 Centennial.

Walter's commitment to the residents of Tybee Island is further demonstrated by his service on and involvement with many local, state, and national associations, boards and committees affecting the development of the city, including the Savannah Area Chamber of Commerce and Governor's Comprehensive Plan for Georgia's Coasts.

As Mayor of Tybee Island he demanded excellence in public service from the city's vital service agencies. Walter's hard work and visionary spirit provided a framework upon which future generations could build and helped to preserve a strategic area of the State of Georgia for all to enjoy.

It has been my pleasure working with Walter for many years for the betterment of our common constituency and for all those who know and love Tybee. Throughout our friendship, Walter has proven to be an efficient, effective, unselfish, and dedicated public servant to his community and the citizens of this state. I extend to him my most sincere best wishes for continued success and happiness.

PERSONAL EXPLANATION

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Ms. BORDALLO. Madam Speaker, I was absent from the chamber during the morning of Friday, April 20, 2007. Had I been present for the seven rollcall votes taken on amendments to H.R. 1257, the Shareholder Vote on Executive Compensation Act, I would have voted "nay" on each one. This includes a "nay" vote on rollcalls numbered 236, 237, 238, 239, 240, 241, and 242.

HONORING MOTHER'S DAY AND SUPPORTING THE BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT OF 2007

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor my mother and all the women in my life. On behalf of these women, I demand answers to the question of what causes breast cancer. This disease has impacted virtually every American's life. More than three million women are currently living with breast cancer, and each year tens of thousands of women die from this disease.

A woman in the United States has a 1 in 7 chance of developing invasive breast cancer during her lifetime—this risk was 1 in 11 in 1975. Breast cancer remains the second leading cause of cancer death among women. While important advances have been made, we still do not know what causes this disease, or how to prevent it.

Scientific evidence about whether the environment plays a role in the development of breast cancer is scarce. There is a clear need for research on the potential relationship between environmental factors and breast cancer, and federal commitment is critical to the overall, national strategy and to the long-term research investments needed for this effort to succeed.

To further this important research, I urge my colleagues to support H.R. 1157, the Breast Cancer and Environmental Research Act. This bipartisan legislation was introduced again this Congress by Representatives LOWEY, MYRICK and CAPPS.

Madam Speaker, this bill would create a competitive, peer-reviewed research program at the National Institutes of Health to study the potential links between breast cancer and the environment. It is modeled after the successful peer-reviewed Breast Cancer Research Program at the Department of Defense. A key component of this bill is inclusion of consumer advocates in the peer review and programmatic review process.

Let's continue to fight the war on breast cancer, and invest in getting the answers to eradicating this disease, in honor of all our mothers. Pledge your support today, by joining me in co-sponsoring the Breast Cancer and Environmental Research Act, and in working towards enacting it this year.

RECOGNIZING NATIONAL UOFL DAY

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. YARMUTH. Madam Speaker, I have the distinct privilege of rising in recognition of National UofL Day, which honors the University of Louisville for its outstanding academic achievements, tremendous growth in recent years, and exceptional contributions to the Louisville community.

In the last decade we in Louisville saw unprecedented strides for our premier University, as it grew into one of the foremost research institutions in the country.

At Louisville's Jewish Hospital, doctors on the UofL faculty implanted the nation's first successful artificial heart and performed the first three hand transplants, while Louisville scientists Ben Jenson and Shin-je Ghim discovered the first cervical cancer vaccine, and three year-old Chase Ford became the first child to regain the ability to walk after a spinal cord injury using ground-breaking rehabilitative therapy, developed by UofL researcher Susan Harkema.

Due to these and other accomplishments, the school has experienced the most growth in National Institute of Health funding of any institution, and the number of endowed chairs at the University has more than doubled.

UofL's student body has seen their average A.C.T. scores increase by nearly four points and the graduation rate rise by over 10 percent.

The University's commitment to the betterment of our community manifests itself in every facet of Louisville life, from its alliance with Project Women to its work with Partnership for a Green City to the new Signature Partnership Initiative, which will provide resources to areas of the city that need them most.

The landmark Cardinal Covenant program, which made UofL the first public higher learning institution in Kentucky to promise a debt-free education to students from low-income families, reaffirms a commitment that I share with the University: providing a world-class education to all capable, hard-working students.

Though the recent achievements are astounding, President James Ramsey continues to set goals for the future that are loftier still. Under the leadership of Dr. Ramsey, the pursuit of excellence can be seen each day in the students, faculty, administration, and alumni and the competence with which they chart the school's course guarantees many more milestones in the coming years.

And so, for the great distance that has already been covered, and for displaying the vision and capability to excel in the future, I am proud to share the Cardinal spirit by recognizing National UofL Day and thanking the University of Louisville for all it has done for our community.

ON THE IMPROVING HEAD START ACT OF 2007

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Ms. DELAURO. Madam Speaker, I rise in strong support of the The Improving Head Start Act of 2007. For 40 years, Head Start has provided comprehensive child development, literacy, and family services to more than 20 million pre-schoolers from low-income and working poor families. It is unquestionably the most effective early childhood development program ever developed.

Head Start graduates are less likely to need special education services, to be left back a grade or to get into trouble with the law. They are more likely to go on to college and to have professional careers.

At a time when there is an overwhelming need in our country for quality, affordable early childhood education, we can all understand how powerful this legislation could be. I hope we can all understand our shared obligation today—not only to maintain this incredibly effective program, but to help it reach more children in need.

As time goes by, we continue to learn more and more about the development of young children—their language development, their social-emotional development, even their brain development—and it all points to the fact that quality education and early engagement, from both parents and teachers, are essential for our kids' success.

That is why this legislation is so important. It will increase funding for Head Start teacher and staff salaries and professional development, strengthening training and technical assistance. And it will re-evaluate and update Head Start's current standards and assessments based on the best science.

We are going to increase accountability by devising a new system of application review that assesses program quality and leads to re-competition of low-quality centers. We are going to boost cooperation between Head Start and state and local child care programs to increase full-day and full-year services. And we are going to allow programs to convert portions of their grant for use for Early Head Start, which serves children under three years old.

Ultimately, though, this legislation is about expanding access to Head Start for more than 10,000 additional children. Ten thousand more children who will be given the tools to perform significantly better on a range of cognitive, language, and social-emotional development measures. Ten thousand children for whom, studies show, there will be a higher degree of parental involvement in the home and at school. Ten thousand children with a real opportunity to thrive and succeed over the course of their entire lives.

I want to commend and thank Congressmen KILDEE, CASTLE, and Chairman MILLER for their leadership on this critical legislation.

Head Start is a strong and effective program. The growth and success of millions of American children and families is living proof. We have a responsibility to embrace their success, support it, and strengthen it for years to come.

PERSONAL EXPLANATION

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Ms. BORDALLO. Madam Speaker, I was unavoidably delayed in arriving to the chamber earlier today during the recorded vote on the amendment offered by the gentleman from Mississippi, Mr. THOMPSON, to H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year 2008. Had I been able to record my vote on this amendment, rollcall No. 314, I would have voted "aye."

INTRODUCTION OF H.R. 2188, THE KINSHIP CAREGIVER SUPPORT ACT

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. DAVIS of Illinois. Madam Speaker, in the words of novelist, P.D. James, "What a child doesn't receive he can seldom later give." Our children are entitled to stable, caring homes; if we deny them what they truly deserve, we can anticipate a colder, more uncertain future for our nation.

This week marks the tenth anniversary of subsidized guardianship in Illinois, an innovative program that allows foster children to exit the child welfare system into permanent families while using federal funds to provide caregivers with the level of resources provided to adoptive families of children in foster care. To recognize this milestone, my colleague TIM JOHNSON and I introduced H.R. 2188, the Kinship Caregiver Support Act.

Modeled after the adoption assistance program, innovative programs in Illinois, and recommendations from the Pew Commission on Children in Foster Care, this bill provides kinship caregivers with the necessary resources to address their children's needs. The bill addresses gaps in existing foster care laws that withhold important supports from children living with relative guardians.

By enacting the Adoption and Safe Families Act of 1997 and the Adoption Assistance and Child Welfare Act of 1980, Congress recognized the need to align Federal incentives with the desired goal of providing abused and neglected children safe, permanent homes. Nearly half a million children make up our nation's foster care population, with more than one in four of these vulnerable children living with a grandparent or other relative. Unfortunately, federal financial assistance currently is available only to foster and adoptive families, with only a few states receiving a waiver to provide subsidized guardianship. However, adoption is not a viable option for many children to exit foster care. For example, courts explicitly rule out this permanency option for approximately 20,000 children in relative care each year. Moreover, adoption is not equally availed by families of all races and ethnicities, especially those in African-American and Native-American communities. Thus, subsidized guardianship is an important path to permanency for many abused and neglected children.

The current Federal guidelines also create financial disincentives to guardianship. Almost 19% of kinship care providers live in poverty, and 30% to 40% of children in foster care have chronic medical problems. Subsidized guardianship, like the federal adoption assistance program, provides needed support to these kinship caregivers to afford appropriate care for these vulnerable children. Terminating support to families once guardianship is established presents overwhelming hardships for these children and families that discourage them from leaving foster care. The limited federal support for guardianship is a critical roadblock to permanency for thousands of children, resulting in their remaining in the foster care longer than necessary and possibly aging out of the system without a legal family of their own.

With 10 years of experience under our belts, Illinois shows that subsidized guardianship works. Unfortunately, the subsidized guardianship waiver program expired in 2006. This means that no new states can benefit from the program, and, when the existing waivers for 15 states—including 10 Illinois—expire in the next few years, our children and thousands of children others will be denied this vital permanency option if new subsidized guardianship legislation is not passed.

So, the Kinship Caregiver Support Act allows states the option to provide guardianship assistance to relatives without a waiver. It also implements additional supports for kinship caregivers, such as establishing informational navigator programs to assist grandparents and relatives in accessing appropriate services and supports. Further, it allows states to establish separate licensing standards for relative foster parents and non-relative foster parents and requires state agencies to provide prompt notice to all adult relatives when children are removed from parental custody. The bill also extends innovative Illinois programs to the national level. For example, it expands eligibility for the Foster Care Independence Program so that education and training vouchers as well as independent living services are available to young people who exit foster care after age 14 to guardianship or adoption. It includes as eligible children who live in relative homes determined by the courts and State agency as meeting all applicable State safety standards other than licensure as well.

Subsidized guardianship is a bipartisan issue. Indeed, our bill is a companion bill to that introduced in the other chamber by Senators HILLARY CLINTON and OLYMPIA SNOWE. Further, as you may recall, the reconciliation bill from the Republican-controlled 109th Congress would have extended authority for these waivers and removed the limit on the number of states eligible, providing further testament to the bipartisan nature of this issue.

As Forest Witcraft said, "A hundred years from now it will not matter what my bank account was, the sort of house I lived in, or the kind of car I drove, but the world may be different because I was important in the life of a child . . . ." As policy makers, we have the ability and responsibility to make a difference in the lives of foster children. We must use that ability to make sure the downtrodden and neglected of today are the achievers and leaders of tomorrow. I encourage my colleagues to join me and Representative JOHNSON in supporting this critical bill.

ARTISTIC DISCOVERY COMPETITION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Ms. SOLIS. Madam Speaker, I rise today to congratulate the winner of this year's California's 32nd Congressional District Congressional "Artistic Discovery" competition and the contribution of all the people that made this event possible. As a Member of Congress, I am proud to support the artistic talent of our local youth by being part of "An Artistic Discovery."

This year students from 16 high schools in California's 32nd Congressional District submitted 186 pieces of work for Artistic Discovery. The winner of the competition was Jose Curiel from Arroyo High School, a resident of El Monte, California, for his piece titled "All Alone." Jose will be invited to Washington, DC, for the ribbon-cutting ceremony, and will have his artwork displayed in the Cannon Tunnel for 1 year. I am proud of Jose, all the runners up and honorable mentions, and all the youth who participated for sharing their talent with the community.

I would also like to thank the 2007 Artistic Discovery Committee for their support for the arts, for their dedication to California's 32nd Congressional District and their young talent, and for a successful "Artistic Discovery" competition. This event could not have been possible without the time and support of the 2007 Artistic Discovery Committee. This year's committee has truly set a standard with their hard work. I would like to recognize and thank this year's committee:

Denise Tornatore from the Baldwin Park Adult and Community Education School, who served as the Chair of the Committee; Carol Facciponti from Carousel Reality; Pascual Garrido from SCE Federal Credit Union; Irene Portillo from Project Amiga; Billy Rugh from Creative Planet School of the Arts; Michael Carney from AT&T; Elizabeth Bagwell from City of Hope; Kristen Pugh from City of Hope; Marianna Lake from the Valley County Water District; Dr. Ramon Zavala from Baldwin Park Unified; Marissa Castro from Southern California Edison; Helen Romero Shaw from the Gas Company; Nadia Andrade from UPS; Shirley Batman from Bank of America; Michelle Bart from Helping Heroes Productions; Kevin McDonald from Foothill Transit; and, Debbie Guerra from AT&T Pioneers.

Just as important as the committee's dedication to California's 32nd District's "An Artistic Discovery" competition is the dedication of all the teachers of the participating schools. All our teachers deserve a big thank you for recognizing and supporting the talented students that participated in this event and encouraging them to submit their artwork. I thank all of our teachers for the work and generosity they give each and every day in the classroom. These submitted pieces of artwork are a testament to the energy, enthusiasm, encouragement and support that our teachers are providing.

The artwork that was submitted to California's 32nd District's artistic competition was awe-inspiring. I commend all the students who participated for using their talents in such a positive way and sharing those talents with others. I look forward to next year's "An Artistic Discovery" art competition and encourage all the supporters to continue with their good work.

TRIBUTE TO MR. BILL HARDISTY

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Ms. GRANGER. Madam Speaker, we often hear so much about what is wrong with America. I'd like to focus on what is right. And today throughout America, there are great teachers making a great difference in the lives of their students. As I often say, many people spend their lives building careers but teachers spend their careers building lives.

And few have done it better or longer than Mr. Bill Hardisty, the principal of Cassata High School in Fort Worth, Texas.

This year, Mr. Hardisty concludes a 37-year career in education. For two and a half decades, he served in the Fort Worth Independent School District as a coach, teacher and assistant principal. And for the past 11 years, he has served at Cassata. He started as associate director and in 2002, he was named principal.

Hardisty's service extends beyond our children's education. Before he taught in our schools, he defended our country. A marine who later served in the Army Reserve, Mr. Hardisty was the very embodiment of the noble Marine Corps motto: Semper Fi. He was always faithful.

But it is his work as an educator that has touched the lives of so many future leaders. One of his students later served on my staff. Here is what he told me about Hardisty: "He taught with his heart. He knew that kids don't care what you know until they know that you care. Mr. Hardisty cared. And so his students listened and learned from him."

This is what teachers do: they shape minds and change lives. It was Yeats who wrote that education is not the filling of a pail but the lighting of a fire. Thanks to Mr. Hardisty, countless people are today living lives fueled by a flame lit long ago in his classroom.

Cassata High School will miss Mr. Hardisty. But it will never forget him. His leadership and his legacy will live on in the many students whose lives he touched.

Thank you, Bill Hardisty, for your service to your students and your service to your country.

STATEMENT BY CONGRESSMAN SCOTT GARRETT IN HONOR OF NATIONAL NURSES WEEK

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise to praise some of the most under-valued public servants in our society: American nurses. They are ever-present at every stage of our lives—at our birth, through childhood illnesses and adult traumas, and in our final days. Yet, while people remember the doctor who delivered their children or cared for their aging parents, they rarely remember the friendly, caring individuals who stayed by their side while busy doctors made rounds.

According to the U.S. Department of Labor, registered nurses constitute the largest segment of the health care workforce, with more than 2.4 million jobs in 2006. And, they are projected to create the second largest number of new jobs amongst all occupations. Yet, the demand for nurses is far outstripping the supply and many parts of the Nation—from the most urban inner city to the most remote rural community—are experiencing extraordinary nursing shortages.

Nursing is a noble profession, but one which is too often upstaged by other health care professionals and too often given little credit for the enormous role played in sustaining the high quality of American health care. As we celebrate National Nurses Week this week, let us all take a moment to thank the nurses in our hospitals and doctors' offices, nursing homes and hospices, and all throughout our communities for all their tremendous service.

INTRODUCTION OF THE "NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2007"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. CONYERS. Madam Speaker, today I am introducing the "No Oil Producing and Exporting Cartels Act of 2001" ("NOPEC"), legislation that would effectively force OPEC to begin pricing in a competitive, free market manner or face the possibility of being prosecuted for civil or criminal antitrust violations. This legislation will establish that OPEC's activities are not protected by sovereign immunity and that the Federal courts should not decline to hear such a case based on the "act of state" doctrine. I am joined by Representatives CHABOT and LOFGREN, as original cosponsors of this bill.

For the past year, American consumers have paid exorbitant prices at the pump, as gas prices have hit their highest levels since the first gulf war. For the past several months, oil prices have remained stubbornly high, sitting above $65 at the end of last week. Since January of this year, oil prices have climbed more than 20 percent, driving gasoline prices in the United States to record levels while producing budget surpluses in nations like Saudi Arabia. And as of May 8, 2007, the average U.S. price of a gallon of gasoline was $3.036, just 2 cents short of the record high reached in September 2005 after Hurricane Katrina hit the gulf coast.

The group of 12 nations comprising OPEC represent the classic definition of a cartel, and they hold all the cards when it comes to oil and gas prices. OPEC accounts for two-thirds of the world's oil reserves, and over 40 percent of the world's oil production. Most significantly, OPEC's oil exports represent about 70 percent of the oil traded internationally. This affords them considerable control over the global market. Its net oil export revenues should reach nearly $395 billion this year, and its influence on the oil market is dominant, especially when it decides to reduce or increase its levels of production.

The OPEC nations have for years conspired to drive up prices of imported crude oil, gouging American consumers. Their price-fixing and supply-limiting conspiracy is a clear violation of U.S. antitrust laws, yet we have no recourse for action against these nations. The international oil cartel continues to avoid accountability, shielding itself behind the veil of sovereign immunity by claiming that its actions are "governmental activity"—which is protected under the Foreign Sovereign Immunities Act ("FSIA"), 28 U.S.C. § 1602 et seq.—rather than "commercial activity."

This legislation, the "No Oil Producing and Exporting Cartels Act" ("NOPEC"), is simple and effective.

It exempts OPEC and other nations from the provisions of FSIA to the extent those governments are engaged in price-fixing and other anticompetitive activities with regard to pricing, production and distribution of petroleum products.

It makes clear that the so-called "Act of State" doctrine does not prevent courts from ruling on antitrust charges brought against foreign governments and that foreign governments are "persons" subject to suit under the antitrust laws.

It authorizes lawsuits in U.S. Federal court against oil cartel members by the Justice Department and the Federal Trade Commission.

We do not have to stand by and watch OPEC dictate the price of our gas without any recourse; we can do something to combat this conspiracy among oil-rich nations. I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT OF 2007

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to express my strong support for H.R. 1157, and, in doing so, to honor my mother and all the women in my life. With Mother's Day approaching on Sunday, May 13, I urge my colleagues to join me in cosponsoring this legislation, the Breast Cancer Environmental Research Act as a tribute to each of our mothers. This bill would invest in the research still necessary to determine the potential links between breast cancer and the environment, so that we can cure it and eventually eradicate this terrible disease.

Currently, despite the efforts of numerous researchers, less than 30 percent of breast cancers are explained by known risk factors. Though studies have explored the effect of isolated environmental factors, including diet, pesticides, and electromagnetic fields, there is little conclusive evidence or consensus in the scientific community on how the environment impacts breast cancer. Scientists have also proposed a number of other potential factors which have yet to be formally studied.

Though many experts accept that the environment plays some role in the development of breast cancer, the extent of that role has not been determined. More research is needed to determine the precise impact of the environment on this disease. This bill authorizes a research program at the National Institutes of Health to do just this.

Madam Speaker, I am extremely proud to stand as one of well over 150 cosponsors of this bipartisan legislation. Because we don't know what causes breast cancer, or how to prevent it, as our Nation's leaders we have a duty to the American public to support legislation that will aid in the fight to understand and combat this devastating disease. I thank all of my colleagues who have already signed on to this bill, and I urge those who have not to, in honor of Mother's Day, join me in addressing this vital women's health concern.

GUILTY PLEA BY PURDUE FREDERICK COMPANY AND TOP EXECUTIVES TO MISBRANDING OXYCONTIN

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. ROGERS of Kentucky. Madam Speaker, 12 years ago a landmark painkilling medicine hit the doorstep of doctor's offices and local pharmacies with the promise of less addiction and less likelihood for abuse. This prescription drug provided a sustained-release mechanism with up to 12 hours of pain relief for a sore thumb or a back ache. This drug was billed as a "safe" alternative without the painful withdrawal symptoms of other opioids and enjoyed an FDA designation of "moderate-to-severe" pain, making it wildly popular among unsuspecting doctors and pharmacists. OxyContin seemed to be the answer for real pain relief.

Today, we know these were lies. The manufacturer of OxyContin, Purdue Pharma, spent $500 million marketing this deception and deceit. What began in the boardroom of Purdue Pharma executives has spread like wildfire into the living rooms, bathrooms and classrooms of families seeking pain relief. From 1996 to 2001, the number of oxycodone-related deaths nationwide increased 400 percent while the annual number of OxyContin prescriptions increased nearly 20-fold. Over the same time period, OxyContin brought in $2.8 billion in revenue for Purdue Pharma, at one point accounting for 90 percent of the company's sales. Purdue heavily promoted OxyContin to unsuspecting doctors, many of whom had little training in the treatment of serious pain or in recognizing signs of drug abuse in patients.

To this profit-making scheme came the unsuspecting victim of eastern Kentucky. The birthplace of bluegrass music and the rich story of Daniel Boone became ground zero in the war against the illegal diversion of prescription drugs. Appalachia Kentucky is home to a proud people, skilled in the crafts and arts, family-oriented and hardworking. It is also home to an aging population, war veterans and retirees, tough foresters and miners, living with above average unemployment and below average access to healthcare and medical information.

This was a perfect mix for an epidemic. On a per capita basis, our drugstores, hospitals, and other legal outlets receive more prescription pain-killers than anywhere in the nation. And at one time, my region accounted for 25 percent of all OxyContin overdoses in the country. Meanwhile, the death-toll continued to rise, topping out at nearly 500 Oxy-related deaths nationwide. Lives like Sheriff Sam Catron, one of the finest law enforcement officials in Kentucky I've ever known, who was cut short by the bullet of an OxyContin addict.

Today, the President, Chief Legal Officer, and Chief Medical Officer for the Purdue Frederick Company have plead guilty in Federal court to charges of misbranding OxyContin and will pay over $634 million in damages. This is tremendous news. I have railed against the marketing practices of Purdue in the Appropriations Committee for nearly 7 years and I am pleased to see justice served. I applaud the work of the U.S. Attorneys from the Western District of Virginia and the Virginia Attorney General for their work to bring these criminals to justice.

This landmark case is a wake-up call for the entire pharmaceutical industry, and a warning that deceptive, destructive marketing practices will not be tolerated. The ill-gotten gains and greed of drug profits will hopefully never again be prioritized over the health-care needs of our citizens. Though this sad chapter has finally closed, we must continue to be ever vigilant against the scourge of illegal drugs in our communities. With wise and robust investments in state-run prescription monitoring programs, law enforcement personnel, substance-abuse counselors, and educators, we can win this war; regain strength in our communities, and save lives.

HONORING UPPER BUCKS HEALTHY COMMUNITIES HEALTHY YOUTH COALITION

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to commend the efforts of the Upper Bucks Healthy Communities Healthy Youth Coalition.

We are all aware of the dangerous rise in teen substance abuse. It is therefore reassuring to see area youth stepping up to help each other avoid the mistakes too many have made.

The members of the Upper Bucks Healthy Communities Healthy Youth Coalition have taken it upon themselves work against teen substance and alcohol abuse.

The success of their marketing campaigns speaks for itself. Madam Speaker, they can claim credit for 15 percent reduction in tobacco use among high school seniors, a 5 percent decrease in alcohol use among high school sophomores and a 44 percent decline in tobacco use among eighth-graders. These numbers demonstrate the effectiveness of the teen-to-teen strategy that they have implemented to protect their peers—our children.

The students in the Coalition began the school year passing out thousands of small buttons with the letters OMG—a common teenage online abbreviation. Next, they distributed hundreds of t-shirts and decals saying "2outta3." Finally, they handed out more than 1,100 t-shirts and 5,000 wrist bands reading "2outta3 don't drink," completing the message that two-out-of-three Upper Bucks teenagers don't drink.

The Coalition members have also enlisted local sports coaches to train them to focus on the incorporation of youth development strategies into coaching.

Local businesses are also joining the fight. The area Burger King franchise and other local stores have raised millions of dollars in support of Project CARE, which trains adults working with young people and awards higher-education scholarships to students formerly with alcohol, drug, or mental health problems.

I am not the first to recognize their great work. The White House National Drug Control Strategy cited the Coalition as an example for groups across the United States to follow.

Madam Speaker, these students have demonstrated great initiative in working to help their peers. On behalf of the entire 8th District of Pennsylvania, I would like to congratulate them for their efforts and their success, and urge others to use these remarkable young people as an example for true community service.

HONORING THE SERVICE OF PRIVATE FIRST CLASS NICHOLAS RIEHL

HON. STEVE KAGEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. KAGEN. Madam Speaker, I would like to honor Nicholas Riehl.

Private First Class Nicholas "Nic" Riehl, from Shiocton, Wisconsin died at age 21 on April 27, 2007, while serving his country in the U.S. Army near Fallujah, Iraq.

Last Saturday, his sister, Roselyn, had this to say to the several thousand in attendance:

> When I think of my big brother Nic, many things come to mind. But coward was not one. So when he joined the army there wasn't going to be a way to stop him. His life

was a long, long road, with many turns, some for good, some for bad; but those little bumps in the road made Nic who he was. If he wanted something he would have to work for it, and he did with such pride. It was truly amazing, also he would do it all with a smile, but not just any smile, he has one of those smiles you can see with your eyes closed.

I know I was truly blessed to have him in my life, better yet as a brother. He was there to always lend me his words of wisdom, a helping hand, or to bring my ego back to the ground, and simply prove to me once again that he was the best. There were many things he attempted to teach me like guitar, how to be a "Riehl" leader on the basketball court, and never give up and also, to stay true to yourself.

I understand that the Lord needed him, not only did He take my big brother, He took my best friend. Nic, I'll see you on the court!

Please join me in a moment of silence for Nic Riehl, and for his family's courage in his loss.

IN RECOGNITION OF 2007 NATIONAL TEACHER APPRECIATION WEEK

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. SARBANES. Madam Speaker, National Teacher Appreciation Day provides us with a special opportunity to reflect on the importance of the teacher in our society and to note with deep appreciation the incalculable contribution that teachers have made to the educational and personal development of our citizenry.

It has been said that half of us is what we make of ourselves and the other half is made by others. There can be little doubt that "the rest of us" is profoundly and powerfully influenced by our teachers. Teachers affect our lives in significant ways—they guide our acquisition of knowledge, they facilitate our personal growth and they stimulate the development of our personalities and our imaginations. In short, they inspire us to be our greater selves.

Our greatest and most successful citizens and achievers have been molded and encouraged by their teachers. Conversely, where there is a failure to educate and inspire—where our young people don't have the guidance of good teachers—the consequences are clear, both in the short and long term.

In the United States today, our teachers hold the fortunes and futures of millions of children and young persons and, by extension, the fortune and future of our Nation as a whole. I am especially aware of this fact as a member of the Education and Labor Committee which is charged with examining the issues for reauthorization of the No Child Left Behind Act. As the 110th Congress moves toward reauthorizing this legislation, we have sought to involve the teachers at every stage in the development of the plan. Second to our children, our Nation's teachers are the most important stakeholders in the future of NCLB.

As we observe National Teacher Appreciation Week, 2007, I would like to congratulate all teachers for continuing to give their best in the noble task of educating the children of our Nation.

IRAQ SUPPLEMENTAL AND WITHDRAWAL BILLS

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. BLUMENAUER. Madam Speaker, today's votes on the Iraq supplemental with benchmarks and the Iraqi withdrawal bill are important steps as congressional Democrats do everything we can to reverse the President's disastrous Iraq policy.

I support the vote to withdraw troops because it is consistent with the comprehensive legislation I introduced, "The New Direction in Iraq Act" and the supplemental because it is a way to keep the pressure on the President. Support for the continued occupation of Iraq is fraying, as Republicans have started to say in private what the American people started realizing long ago.

I have opposed the war from the start, and these votes hasten the day when we bring the tragedy of the Iraq war to a close. I will continue to do everything in my power to end this tragic chapter in our history.

TRIBUTE TO THE LATE PETE TORRES, JR., 1933–2007

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. GONZALEZ. Madam Speaker, it is with great sadness that I rise today to recognize the passing of a true pioneer and champion of the common man. Pete Torres, Jr., was a great man who played a vital role in ensuring that everyone had a voice in their government. Mr. Torres passed away on Friday, April 27, 2007 at the age of 73. He was a friend, mentor, and inspiration to many in San Antonio, and he will be missed.

It was the late 1960s when Mr. Torres made history in south Texas and San Antonio. Mr. Carlos Guerra of the San Antonio Express-News best described the climate and challenges that Mr. Torres faced.

"In the 1960s, virtually every South Texas city and town was firmly in the grip of some chamber-backed clique that was neither attuned to the concerns of regular people nor particularly interested in letting minority people speak for themselves."

"San Antonio was hardly the exception," said Guerra.

It was this climate in which Mr. Torres broke down barriers for the common man and took the San Antonio City Council by storm in 1967. At a time when the city council was run by a select group of privileged citizens who in no way accurately reflected the diversity and dynamic of the city of San Antonio, Mr. Torres was an agent of change. His election to the San Antonio City Council taught all of south Texas a lesson in governing by advocating for causes that benefited the majority of San Antonio's people, not a select few.

While he served as a member of the San Antonio's City Council for 4 short years, his impact transcended generations and is still felt today. After his public service career, he continued to represent the disenfranchised and vulnerable as an attorney who was respected and beloved by all. He will forever be remembered as a pioneer and champion of causes for the common man and minorities. While he will be missed, his legacy will live on and the extraordinary contributions he made to south Texas and San Antonio will never be forgotten.

IN LASTING MEMORY OF GEORGE DUNKLIN, SR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Mr. George Dunklin, Sr., who passed away May 5, 2007, in Pine Bluff, AR, at the age of 89.

Mr. Dunklin had two passions in life—farming and tennis. After serving in the U.S. Navy during World War II, he returned to Arkansas where he helped run the family business, Planters Cotton Oil Mill, until he retired in 2005 as president after 66 years. He was the 1975 president of the National Cottonseed Association, Member of the Cotton Advisory Committee to the U.S. Agriculture Department Secretary and he received the 1990 Harvey W. McGeorge Award for Distinguished Service to Agriculture, among other honors.

When Mr. Dunklin was not working on behalf of farmers across the country, he could be found on the tennis court. His love for the sport of tennis took him around the world. Not only was he the Arkansas State Men's Tennis Champion a record nine times, but he also played in two Grand Slam tournaments, the French Open and the U.S. Open. Mr. Dunklin was elected to the Arkansas Sports Hall of Fame, the Arkansas Tennis Hall of Fame and was a past president of the Arkansas Tennis Association.

Mr. Dunklin was an active member of the First Baptist Church of Pine Bluff, where he served as deacon and Sunday School teacher. He was a member and past president of the Pine Bluff Rotary Club and past president of the Pine Bluff Chamber of Commerce. He was the director of Simmons First National Corporation in Pine Bluff and he served as chairman of the Jefferson Regional Medical Center in Pine Bluff.

My deepest condolences go to Mr. Dunklin's wife, Mary Elisabeth "Lib" Black Dunklin of Pine Bluff; his daughter Deborah Tipton of Memphis, TN; his son George Dunklin, Jr. of DeWitt; his two brothers William Dunklin of Pine Bluff and Louis Dunklin of Dallas, TX; and to his 5 grandchildren. Mr. George Dunklin, Sr., will be greatly missed in Pine Bluff, Jefferson County and throughout the State of Arkansas.

BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. MATHESON. Madam Speaker, I rise today to urge support for H.R. 1157, the Breast Cancer and Environmental Research Act. What finer tribute to our wives and mothers could we pay during this week before Mother's Day than to join as cosponsors of this important bill.

This legislation would invest in the research we need to discover the potential links between breast cancer and environmental factors. It is research that could someday lead to a cure.

Over 1,000 Utahns will be diagnosed with breast cancer this year; of those, 200 will probably die from the disease. Even though Utah has a lower incidence rate compared to other States, it's tragic that a woman in our country has a 1 in 7 chance of developing invasive breast cancer during her lifetime. That is a much greater risk than in 1975, when it was 1 in 11. We know that breast cancer remains the second-leading cause of cancer death among women. I am committed—as I know you are—to finding answers to the questions about possible links between this life-threatening disease and environmental factors.

We know we are making progress against breast cancer, but we don't yet know enough about what causes it, or how to prevent it.

Let's make this 2007 Mother's Day the time we step up our investment into the critical search for answers. A bipartisan group of 144 of our colleagues has already cosponsored H.R. 1157. I urge everyone to join that group.

I hope that this Congress will act on the Breast Cancer and Environmental Research Act. I believe it's an important piece of the puzzle as we continue the fight to defeat this potential threat to the health and well-being of mothers everywhere.

* * *

URGING SUPPORT OF THE BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to urge support for greater research into the possible link between breast cancer and the environment. I am a supporter of the Breast Cancer and Environmental Research Act and I ask my colleagues to join me in cosponsoring this important legislation, as a tribute to all of our mothers on Mother's Day. This bill would invest in the research still necessary to determine the potential links between breast cancer and the environment, so we can better treat and eventually eradicate this terrible disease.

Madam Speaker, families in the 8th District of Pennsylvania have urged me to fight for increased research into the potential links between the environment and breast cancer. It is especially important to me personally, as my own mother battled and beat breast cancer when I was a young child. I continue admire her bravery and determination, and I hope we can look to that strength as a model as we commit to doing everything in our power to find a cure.

A woman in the United States has a 1 in 7 chance of developing invasive breast cancer during her lifetime—this risk was 1 in 11 in 1975. Breast cancer remains the second leading cause of cancer death among women.

While important advances have been made, we still do not know what causes this disease, or how to prevent it. What better way to honor our mothers this year then to commit to finding answers to a disease suffered by more than 3 million women in this country? Let's declare war on breast cancer, and invest in getting the answers we need to eradicate this disease.

I urge my fellow members to support of the bipartisan Breast Cancer and Environmental Research Act.

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HOLDING CONTRACTORS ACCOUNTABLE FOR AIRPORT SECURITY

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. KIRK. Madam Speaker, today I join my colleague from Illinois, Mr. LIPINSKI, in introducing legislation (H.R. 2288) that will address a security loophole endangering millions of Americans. One lesson we learned from September 11 is the importance of airport security. The security of our airports has a glaring weakness: badges.

According to a CBS Channel 2 Chicago investigative report, 3,760 aviation security badges have gone missing from O'Hare Airport since 2004. These badges are the only identification necessary for law enforcement officials, independent contractors, baggage handlers, flight attendants, and pilots to enter O'Hare. Aside from these aviation security badges, no baggage inspections, metal detectors, or other searches are required to enter the airfield. The investigative report revealed that airport contractors are unwilling to reclaim badges from employees who quit, were fired, or otherwise reassigned.

This casual attitude towards reclaiming security badges is not acceptable. O'Hare registered more than 477,000 flights in 2005. In light of last year's liquid explosive threat, there remains a risk of terrorist attacks on domestic and international flights. Given this threat, we must know with certainty who has unrestricted access to the airport, terminals, baggage, and aircraft and if they remain trustworthy and authorized to work in a secure area.

This problem is not isolated to Chicago. According to data compiled by the Congressional Research Service, many of the Nation's airports have similar problems reclaiming security badges. In early February, officials at the Los Angeles International Airport reported more than 120 missing Transportation Security Administration uniforms and badges. In Oakland, 500 badges went missing last year. At Buffalo Airport in New York, nearly 40 security badges were reported missing or stolen in 2006. Forty-two turned up missing in Dallas.

What we need now is for the private contractors who employ airport employees to be held accountable for what should be a routine business practice. Under this legislation, contractors must make a reasonable effort to retrieve badges from employees whose term of employment ends, and must notify the local airport authority of the termination within 24 hours. Failure to do would result in a civil fine of up to $10,000 per badge per day. Mr. LIPINSKI and I crafted this bill in consultation with the Airports Council International of North America, our Nation's largest airport association.

In the post-September 11 environment, we must ensure professional vigilance to secure our Nation's airports. We need private contractors to be held accountable for what should be a routine business practice. By hitting contractors where it hurts—their pocketbooks—we can help make our Nation's airports safer.

* * *

RECOGNIZING THE RETIREMENT OF JIM CASTLEMAN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize Jim Castleman for his 38 years of faithful service teaching in the public school system.

Jim Castleman began teaching at Plew Elementary in 1969 upon receiving his Bachelor's degree from the University of West Florida and later went on to earn his Master's degree in 1972. While teaching fifth grade at Plew Elementary, Mr. Castleman has become a prominent member of the community well-known for his dedication and generosity. His contributions to excellence in education were recognized when he was honored by the Okaloosa County School Board as Teacher of the Year in 1985.

Mr. Castleman's involvement both in and out of the classroom proves his dedication and passion for teaching. In 1991, Mr. Castleman began coaching the school's tremendously successful Academic Team. The Academic Team competes in three state competitions each year and over the course of his seventeen years as coach they have earned numerous awards including eleven 1st place awards, nineteen 2nd place awards, and three 3rd place awards. For Mr. Castleman's final year as coach, the team not only earned 1st place in the state, but also 1st place in the entire Southeast Region.

He has spent much of his time becoming personally involved in the students' lives in his efforts to make learning an enjoyable adventure. Mr. Castleman could often be found on the playground engaging in a friendly game of kickball with his students. Since 1972, he has been building and launching rockets with his students, and in 1991 he developed the popular educational club, Young Astronauts. The program concludes each year with a trip to space camp in Huntsville, Alabama. Mr. Castleman is also credited with organizing the school's Safety Patrol which teaches his students the importance of service and safety for others.

As a member of the local 1960's rock band, the Thunderbeats, Jim performed gigs throughout Florida and later utilized his talent and love for percussion to teach drum lessons for 35 years. He plans to continue conducting drum lessons after his retirement from the public school system.

Out of his passion for teaching and his love for children, Jim sets high standards for all of his students and works with them to achieve their individual goals and the desired results of the overall academic performance of the class. He is the positive force behind each student's growth of mind, by giving them the confidence, knowledge, and inspiration needed to succeed.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Jim Castleman on his exemplary service in the Okaloosa County School District and wish him continued success during his retirement.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. LARSON of Connecticut. Madam Speaker, I regret that I could not be present today, Thursday, May 10, 2007 to vote on rollcall vote Nos. 319, 320, 321, 322 and 323 due to a family medical situation.

Had I been present, I would have voted: "yea" on rollcall vote No. 319 on the amendment to H.R. 1873, that would require greater economic analyses by agencies on contracting actions that displace small businesses, and close current loopholes that have allowed agencies to avoid performing analyses on new work and construction; "yea" on rollcall vote No. 320 on the amendment to H.R. 1873 that would extend small business contracting goals to overseas contracts; "yea" on rollcall vote No. 321 on the amendment to H.R. 1873 that would raise the government-wide small business procurement goal from 25 percent to 30 percent; "nay" on rollcall vote No. 322 on the motion to recommit H.R. 1873 with instructions; "yea" on rollcall vote No. 323 on final passage of H.R. 1873, the Small Business Fairness in Contracting Act.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. LARSON of Connecticut. Madam Speaker, on Wednesday, May 9, 2007, I was not present to vote due to a family medical situation. I submitted for the record my votes had I been present. The RECORD incorrectly listed an "aye" on rollcall vote No. 315 on the amendment to H.R. 1684 that would remove section 407 of the bill, which requires that identification cards, uniforms, protective gear and badges of Homeland Security personnel be manufactured in the United States. I would like the record to reflect that I submitted a "nay" vote for rollcall No. 315.

IN MEMORY OF THE PASSING OF STEPHEN BRANSDORFER

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2007

Mr. EHLERS. Madam Speaker, today I rise to pay tribute to the memory of Stephen Bransdorfer, who passed away after a courageous battle with cancer on March 15, 2007 at age 77.

Mr. Bransdorfer lived a full and rewarding life as a dedicated public servant, highly esteemed attorney and loving husband. In his illustrious career, he served as president of the State Bar of Michigan, was a deputy U.S. attorney general under President George H.W. Bush, and was a lieutenant in the U.S. Army during the Korean War. Mr. Bransdorfer was a scholarly man as well, graduating with law degrees from the University of Michigan Law School and Georgetown University. He also worked in the U.S. Justice Department following law school, and served as the public spokesman for the Department when the federal government ordered schools to integrate in Little Rock, Arkansas in 1957. His deep commitment and expertise in law left a lasting impact on our country, and his legacy is one all Americans should turn to as a model for professionalism, dedication and patriotism.

Mr. Bransdorfer was a noted lawyer in Grand Rapids, Michigan, where he practiced at the law firm of Miller, Johnson, Snell and Cummiskey. Later he formed his own firm with his sons. Mr. Bransdorfer was a devoted member of the Westminster Presbyterian Church, where he worshipped with his family for many years.

Mr. Bransdorfer was an active civic leader in many areas of public life. He was very well known in my district for his committed public service, and his work with the Kent County Republican Party. He ran as a Republican for state attorney general, and put in many years of dedicated service as a leader in his church, his community, and the Republican Party.

We have lost a model citizen from my community, and I extend my most heartfelt condolences to his loving wife Peggy and his children, their spouses, and their children.

SENATE—*Monday, May 14, 2007*

The Senate met at 2 p.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Almighty God, smile on us and lift us with Your mighty strength. Develop in us an optimism that will withstand all challenges, bear all burdens, and catapult all obstacles.

Guide the Members of this body, today, on Your path. Show them Your ways as You lead them by the power of Your truth. Help them to set priorities that will deliver captives and relieve the oppressed, causing "justice to roll down like waters and righteousness like a mighty stream." Direct our Senators with their going out and coming in, inspiring them with a resolute determination to fulfill Your purposes on Earth. We pray in Your reverent Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 14, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, shortly the Chair will announce that we are in morning business until 3 p.m. today, with the time equally divided between the two leaders.

At 3 p.m., the Senate will begin consideration of H.R. 1495, the Water Resources Development Act. Senators BOXER and INHOFE are managing the bill, and they will be here at 3 o'clock ready to conduct business. There will be no rollcall votes today.

If there are no amendments on Tuesday, the water resources bill would be ready for a vote. If there are no votes on WRDA tomorrow and they are able to complete work on the bill, then we will have the judicial nomination before the caucuses in the morning.

Also, I have had discussions with the Republican leader. We finished a conversation a short time ago. I indicated last Friday I would delay filing cloture on the motion to proceed to the immigration bill until today so that negotiations could continue. That cloture vote will occur now on Wednesday.

The Republican leader and I will continue our discussions about the best way to proceed with the supplemental. The bill is expected to be received from the House today and will be placed on the Senate calendar when it arrives. The Senate must complete action on the supplemental this week so it can be conferenced with the House and sent to the President prior to the scheduled Memorial Day recess. It will occur. That is, the conference will be completed or we will delay our recess.

In addition, the Senate can expect to receive a conference vote on the budget sometime later this week. We need to act on that also. Under the Budget Act, debate time is limited to 10 hours.

So a busy week lies ahead for us in the Senate. We have one week after this before the Memorial Day break.

HONORING 2007 NATIONAL POLICE WEEK

Mr. REID. Mr. President, this weekend I had the good fortune of having my brother in town. My brother Don is the oldest of four boys. He is 12 years older than I. He served in the Marine Corps, and during the Korean War he served in the Army. It was a wonderful time we had yesterday. Among other things, we went to Arlington National Cemetery. He wanted to go there.

I have been here a long time. I went to law school here, and I now have been in Congress for about 25 years. You don't often take the opportunity—because you are busy doing other things—to visit the wonderful attractions there are in the District of Columbia area.

Arlington Cemetery is a place that every Member of Congress should go once in a while. It is amazing to see all those graves. I went, as I have on a number of occasions, to President Kennedy's grave site. We saw the eternal flame. He is there with his two babies and his wonderful wife.

We watched the changing of the guard at the Tomb of the Unknown Soldier. We visited the Iwo Jima memorial—it is called the Marine Corps Memorial. Iwo Jima is mentioned there. I have been reading a lot about that lately. There are some books, such as Flags of Our Fathers—I don't want to hurt Clint Eastwood's feelings, but the book is much better than his movie. It is a wonderful book about the people who raised the flag over Iwo Jima. That was quite a battle on that little island. The fighting lasted 40 days. Seven thousand Americans were killed and 20,000 wounded. During the first few days, hundreds were being killed every day. Even though that battle lasted a little over a month, a significant percentage of all of the Medals of Honor that were awarded during that war were awarded to the Battle of Iwo Jima.

So, Mr. President, for me to go yesterday to the cemetery at Arlington and see the eternal flame at President Kennedy's grave, to go to the Iwo Jima monument speaks in words that cannot be described in just the setting rather than the actual words you are hearing of the uncommon valor of the courageous American men and women in uniform serving overseas.

On Saturday, we also visited the World War II monument, the relatively new monument in the area. We went to the FDR Memorial, Lincoln's monument. These are things I enjoyed doing, but I especially enjoyed them because my brother was there with me.

Our troops serve as we speak with great valor overseas. Thousands and thousands more do the same for us here at home.

Last night, National Police Week kicked off with a candlelight vigil at the National Law Enforcement Officers Memorial. President Kennedy actually designated May 15 of every year as the "National Peace Officers Memorial Day" and the week surrounding it "Police Week." Forty-five years later, our commitment to honor the memories of officers lost in the line of duty, police officers lost in the line of duty, as well as those who continue to serve us, remains as strong as ever.

At last night's candlelight vigil, the names of all 145 officers killed in the line of duty in 2006 were read. One of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

those names was Sgt. Henry Prendes of Las Vegas. He was a member of the Las Vegas Metropolitan Police Department.

On February 1, 2006, Sergeant Prendes was the first to respond to a domestic violence call involving a man brutally beating a woman. As Sergeant Prendes approached the suspect, he was fatally shot and killed by a semiautomatic rifle.

Sergeant Prendes had spent 14 years on the force protecting the people of Las Vegas.

His wife Dawn and daughters Brooke and Kylee are in Washington this week to honor their husband and father.

It is impossible to imagine the void left in Dawn, Brooke, and Kylee's hearts. Perhaps that void will be eased in some small way by the pride in knowing that their father and husband served his community and our country with extraordinary courage and uncommon valor.

During this National Police Week, the memory of Sergeant Prendes and all those who have likewise fallen in the line of duty this year and in years past are foremost in our thoughts.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each and the time equally divided between the two leaders or their designees.

The Senator from Iowa is recognized.

WHISTLEBLOWER WEEK IN WASHINGTON

Mr. GRASSLEY. Mr. President, I announced today the kickoff of whistleblower week in Washington. This week, and the events surrounding it, are designed to promote, to celebrate, and to educate Congress and the public about the courage and the patriotism of our whistleblowers. These individuals often risk their careers to expose fraud, waste, and abuse in an effort to protect not only the health and safety of the American people but also the Federal Treasury and taxpayer dollars.

This week's events promoting and celebrating whistleblowers are important for all Members of Congress and for the public as well. By highlighting what whistleblowers do, we provide insight into what it means to be a whistleblower and the important role they play in Government and society.

For over two decades, I have learned from, appreciated, and honored whistleblowers. Congress needs to make a special note of the role that whistleblowers play in helping us to fulfill our constitutional duty of conducting oversight of the executive branch of Government or what we learn in high school government classes called checks and balances.

As a Senator, I have conducted extensive oversight into virtually all aspects of the Federal bureaucracy. Despite the differences in cases from agency to agency and from department to department, one constant remains: the need for information and the need for insight from whistleblowers. This information is vital to effective congressional oversight, the constitutional responsibility of Congress, in addition to legislating.

Documents alone are insufficient when it comes to understanding a dysfunctional bureaucracy. Only whistleblowers can explain why something is wrong and provide the best evidence to prove it. Moreover, only whistleblowers can help us truly understand problems with the culture of Government agencies, because without changing the culture, business as usual is the rule.

Whistleblowers have been instrumental in uncovering $700 being spent on toilet seats in the Department of Defense. These American heroes were also critical in our learning about how the Food and Drug Administration missed the boat and approved Vioxx, how Government contracts were inappropriately steered at the General Services Administration, and how the corporation Enron was cooking the books and ripping off investors. Courageous employees blew the whistle and shed much needed sunlight on the problems that would otherwise never see the light of day.

Similar to all whistleblowers, each whistleblower in these cases demonstrated tremendous courage. They stuck their neck out for the good of all of us. They spoke the truth. They didn't take the easy way out by going along to get along or by looking the other way when they saw that things were wrong and that there was wrongdoing.

The whistleblower whom I call the grandfather of all whistleblowers, Ernie Fitzgerald, of about 30 years of Department of Defense fame as an auditor, says that the only thing that whistleblowers commit—let me say it this way: The only thing that whistleblowers do, and it ends up getting them in trouble is, in his words, "commit truth." For committing truth, then, they are about as welcome as a skunk at a Sunday afternoon picnic with the bureaucracies they are within.

I have said it for many years without avail, and it probably will not be of avail, that I would like to see the President of the United States—and I have said this to four different Presidents—have a Rose Garden ceremony honoring whistleblowers. This would send a message from the very top of the bureaucracy, which is the Presidency of the United States, and to the bottom of the bureaucracy about the importance and value of whistleblowers.

They deserve this attention, and we all ought to be grateful for what they do and appreciate the very difficult circumstances they often have to endure to do whistleblowing—or as Fitzgerald says, "committing truth"—because in the end they sacrifice their family's finances, oftentimes their employability, and the attempts by powerful interest groups to actually smear their good names and good intentions.

Earlier today, I had the opportunity to speak at a panel that gathered to discuss the plight of whistleblowers at the Federal Bureau of Investigation. These individuals discussed the hurdles they face in exposing the truth—or, according to Fitzgerald, "committing truth." Further, they discussed the lengths at which some bureaucrats will go to prevent the truth from getting out.

Unfortunately, these former agents also discussed a culture that keeps problems internal and the circling of wagons within the bureaucracy when things go wrong. Oftentimes, this culture "shoots" the whistleblower instead of addressing the problem.

Mr. President, retaliation against whistleblowers should not be tolerated. We have an obligation to ensure that those who retaliate are punished. Congress has recognized the need to protect whistleblowers, and I have used my experience working with whistleblowers to promote legislation that protects them from retaliation—legislation such as the Whistleblower Protection Act, the Sarbanes-Oxley Act, and the False Claims Act.

These acts all recognize the benefits of whistleblowers and offer protection to those seeking to uncover the truth. For example, whistleblowers have used the False Claims Act to help the Federal Government recover nearly $20 billion since Congress passed my amendments in 1986. I think the deterrent effect—if you can quantify it—would be many times the $20 billion of hard cash that has actually come back into the Federal Treasury. These laws I gave are a good step. However, our work in this field is unfinished and more can be done.

The next step in protecting whistleblowers was filed in January and is currently pending before this body. It is S. 274, the Federal Employee Protection of Disclosures Act, which will provide much needed updates to Federal whistleblower protections. I am proud to be an original cosponsor of S. 274 and believe the Senate should move this important legislation. Unfortunately, this bill was introduced but not addressed in the last Congress. It is my hope this Chamber will act on S. 274 and improve the protections for whistleblowers.

I urge all of my colleagues to join in support of S. 274 and swiftly move this important legislation to help protect whistleblowers further than present law does. I also urge all of my colleagues to attend the events that are occurring all week to help celebrate whistleblowers, point out that this is an important tool in the checks and balances of our Government, and all that whistleblowers have done to benefit the work of Congress and, more important, all they have done to make America safer, stronger, a better nation, and to make sure we get our dollars' worth for the taxpayers' dollars.

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, I have addressed my colleagues many times over the past few months to advocate for the American families who will pay the alternative minimum tax in 2007. You have all heard me say the AMT is an absolutely maddening tax that has insidiously crept into the homes of more and more families each year and that it should be repealed.

The AMT was first installed by Congress in 1969. It created a two-tiered tax system, and that tax system still exists. It essentially pieced together a backup tax to ensure that the wealthiest taxpayers among us did not evade income taxes altogether through the use of tax shelters, loopholes, and deductions—albeit all legal—in the labyrinth of the Federal Tax Code.

The road to tax fairness is paved with good intentions, but this one—the AMT—has created a giant-sized pothole that is going to drive middle-income taxpayers batty. Unlike the Federal income tax, the AMT is not indexed for inflation. That means more and more middle-income taxpayers are being slapped with higher tax rates and fewer exemptions, credits, and deductions as they fall under the creeping shadow of this 36-year-old stealth tax.

On top of the unfair tax burden is its mind-boggling complexity. No wonder the AMT is causing major heartburn among more and more families across America, especially those who live in high-tax States and have three or four children. That is because the AMT causes taxpayers to lose standard deductions for State and local tax payments and for personal exemptions, even including spouses and children.

In 2004, about 3 million taxpayers—about 2 percent of all taxpayers—were subject to the AMT. But without congressional action, up to 23 million taxpayers are, right now, subjected to the AMT during this 2007 tax year. In order to prevent this, my friend and chairman of the Finance Committee, MAX BAUCUS, and I introduced legislation on the first day of the 110th Congress to repeal the individual alternative minimum tax beginning in the 2007 tax year.

My colleagues have also heard me say the AMT has expanded beyond its original intent and that it is now a tax that Congress never intended to collect—meaning they never intended to collect it from 23 million taxpayers who are right now hit with it, who would not have been hit with it before, and were never intended to be hit with it.

Over the past 6 years, Congress has had to enact a series of what I call "patches" to prevent the AMT from hitting more and more middle-class Americans—a class of taxpayers never intended to be taxed by it. More recently, Congress acted to prevent millions of taxpayers from receiving this surprise on their 2006 tax returns by including an extension of AMT relief in the Tax Increase Prevention and Reconciliation Act of 2005. This provision extended the AMT exemption that was initiated in the Jobs and Growth Tax Relief Reconciliation Act of 2003 through the year 2006 but at a higher level. The exemption for married couples filing jointly was increased from $58,000 to $62,550.

This week, in fact, marks the 1-year anniversary of the enactment of the conference agreement of that last act. That act contained the AMT "patch" for 2006. Nearly 20 million American families who were exempt from the AMT before that because of the 2006 patch knew at this time last year that Congress was moving to relieve the AMT burden for the whole year of 2006. This year, those very families, plus several million more, have no such assurance by this Congress.

Now, to the contrary, the Democratic leadership, now the majority in this Congress, doesn't appear to be moving any legislation to address the AMT. I would be happy for them to move the Baucus-Grassley repeal bill. I know our chairman, Senator BAUCUS, is like me, concerned about the uncertainty caused by the inaction of the leadership.

The Tax Code has a thicket of problems requiring attention. But this one—the AMT—is the thorniest and must be addressed not later, but we must address it right now. Some of you may wonder why this is a pressing issue. Why can this not wait for an AMT patch at the end of the year? This is the reason: It is because 23 million American families who are subjected to the AMT in 2007 are dealing now with the uncertainty of whether, by hook or by crook, they must come up with the money to set aside to pay that tax in April of next year. Many of them—just check the instructions from the 2007 estimated tax payment forms—don't have the option of waiting until next April because they have to file their estimated tax payments quarterly this very year.

So some of them filing, on April 15, a quarterly report had to figure in that alternative minimum tax and set money aside and send it into the Treasury because the here and now is here and now for those 23 million people, or the ones who have to file quarterly returns.

Those families have already seen that first estimated tax payment come and go. Hopefully, they had some refund coming to them from last year they were able to offset against a portion of that first payment. Of course, we know many of them had to shell out the tax and send the Federal Government more of their hard-earned money with that first estimated tax payment last month.

Unfortunately, as unpopular as the AMT is among taxpayers and policymakers, it is not easy to simply erase it from the books because of the massive amount of revenue that it is set to raise over the next decade. That is funny because this is coming from taxpayers never intended to be taxed by it in the first place. That is how idiotic this can get.

Until recently, I had hoped the Senate was unified in not wanting to collect the AMT for this year or any future year. On March 23, I offered an amendment to the 2008 Senate budget resolution that would have required Congress to stop spending amounts that are scheduled to come into the Federal coffers through the AMT—from middle-income taxpayers who were never intended to pay it in the first place. This would have put some honesty back into our budgeting process.

However, not a single colleague on the other side of the aisle voted in its favor. Repealing the AMT would put lawmakers on notice to either trim Federal spending by a like amount or be transparent about the revenue base.

On the House side, we hear that the Ways and Means Committee is doing a lot of talking about the AMT, but they have yet to move to action. We are forced to wonder what their plans may be. To do that, we need only read what they have been saying and think through the conclusions on such proposals.

It has been reported that some in the other body—the majority party, the Democrats—plan to exempt everybody who earns less than $250,000 a year from the AMT. It sounds to me as if they might be on the right track to full repeal when I hear that. However, we need to follow through on what exactly they would do if they insist on providing pay-fors to cover the lost revenue under the new pay-go rules that are being adopted.

One option is reportedly being floated on the House side which is to pay for a $250,000 AMT exclusion by raising the top marginal income tax rate. Well, we have found some shocking numbers when we examine that issue further. In order to exempt folks who earn less than $250,000 from the AMT, if you insist on raising taxes to offset it, you would have to raise the top marginal tax rate to over 46 percent.

Now, we have a chart showing the top marginal tax rate. Back in the 1970s, it was 70 percent, and it gradually went down to a low of 28 percent. Now it is back at 35 percent, and the red mark would have the highest marginal tax rates that we have had since 1980. I will take a few minutes to put that regular income tax rate into a historical perspective.

In 1913, when less than 1 percent of the population was subject to the income tax, the rate ranged from 1 percent to 7 percent. Rates increased significantly during the 1920s, 1930s, and 1940s, up to a top marginal tax rate of over 90 percent. The concept of deduction for home mortgages, interest, charitable contributions, State and local taxes, to name a few, became ingrained in the code during that period of stifling high tax rates.

During the President Kennedy administration, tax rates were reduced from 91 percent to 70 percent on the highest income levels, and rates fell again during the Reagan administration, first from 70 percent to 50 percent, and then again the top marginal tax rate was 28 percent by the 1986 Tax Act. The top rate now stands at 35 percent.

It is important to remember that when we look at those historical rates, the tax base was narrower prior to 1986 than it is today. Many phaseout and phasein concepts took hold in 1986, such as PEP and Pease limits. Today, substantially all individual tax incentives are phased out and capped, and the result of this base broadening is that if the Tax Code were to approach a tax rate similar to the highest marginal rate under the more narrow pre-1986 tax base, it would result in substantially higher effective tax rates than in the pre-1986 tax rates. A marginal regular income tax rate of over 46 percent may actually exceed the top effective rate that was in place before 1986 because of the increase in the tax base.

Another option that may be working its way through the mill on the House side is to pay for that exemption by raising the top alternative minimum tax rate. Again, with that option, the tax rate increase is staggering. The top AMT rate would go up to nearly 37 percent.

There is a popular misconception that Congress can sit on its hands on tax policy before the next election and that there will be no tax increase until 2011. While that view is comforting, it is uninformed. Just enacting the alternative minimum tax patch for 2007 will cost over $50 billion. That also means that without doing the patch, Americans then will pay the $50 billion higher alternative minimum tax, and it is coming from middle-income taxpayers who were never intended to be taxed when the alternative minimum tax was put in place back in 1969. So we must act to prevent such an unfair tax increase.

The folks who voted against my amendment to take the AMT revenue off the table for the tax and spenders have some real explaining to do soon. It is possible that they will do nothing on the tax side. The result is a $50 billion tax increase on families, middle-income-tax families, who are going to be subject to the AMT for the first time and are subject to it right now, or they may propose some sort of exemption or relief that is paid for by other tax increases and face the music on proposing a massive tax increase on the neighbors of those who have been paying the AMT, or perhaps they may provide AMT relief but fiddle away the money in the budget anyway and increase the deficit.

I suggest that the tax and spenders consider learning to hum a different tune and spend within their means soon or folks may just figure out that they planned to raise their tax rates all along. So the sad reality is that while it is the new congressional majority that needs to face the music, it is likely to be the American taxpayers who will end up singing the blues.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WATER RESOURCES DEVELOPMENT ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will proceed to the consideration of H.R. 1495, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized to offer an amendment.

AMENDMENT NO. 1065

Mrs. BOXER. Mr. President, I call up amendment No. 1065.

It is an amendment in the nature of a substitute. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. INHOFE, proposes an amendment numbered 1065.

Mrs. BOXER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Thursday, May 10, 2007, under "Text of Amendments.")

AMENDMENT NO. 1086 TO AMENDMENT NO. 1065

Mrs. BOXER. Mr. President, I see my leader is here, but before he starts, I wish to also call up the Feingold amendment No. 1086, and ask that be brought up and laid aside and considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. FEINGOLD, proposes an amendment numbered 1086 to amendment No. 1065.

(The amendment is printed in the RECORD of Friday, May 11, 2007, under "Text of Amendments.")

Mrs. BOXER. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 1097

Mr. REID. Mr. President, I appreciate the manager of the bill, the chairman of the Environment and Public Works Committee, the distinguished Senator from California, allowing me to obtain the floor.

We all know 2 weeks ago President Bush vetoed the supplemental appropriations bill, a bill to fully fund the troops in Iraq and change the course of that conflict in Iraq. Late last week, the House sent a new bill to the Senate. We received that within the past hour. The ball is now in our court, the Senate's court. Democrats and Republicans agree the Senate needs to get a bill in conference as soon as possible and we need to work together to make that happen.

I have had a number of conversations with Senator MCCONNELL the last several days. I spoke to him earlier today at some length. As much as we all recognize how badly we need to get a bill to conference, we have not, on this side of the aisle, lost sight of the fact that the American people have concluded the President's Iraq policy has failed and we are now demanding a new way forward on behalf of the American people.

In an effort to ensure quick Senate passage of our conference vehicle later this week, as well as to give Senators an opportunity to express their views on the President's Iraq policy, I will offer two important amendments. The first amendment is Feingold-Reid, to safely redeploy United States troops from Iraq by March 31 of next year, and transition the mission to fighting al-Qaida and other terrorist organizations, providing security for United States infrastructure and personnel, and training Iraqi forces.

Of course, after the 1st of April of next year, our troops will be in Iraq for counterterrorism, force protection—that is to protect American assets in Iraq—and to help train the Iraqis.

I will also offer a Levin-Reid amendment which is consistent with the bipartisan legislation approved by Congress with one change: It permits the President to waive the timeline for redeployments. It has in it some things some Members want very badly, including the Presiding Officer, to deal with how our troops are taken care of, how often they have to go back to battle, how much time they have to have before being returned to the battlefield after having been deployed. We will have votes on these two amendments at the earliest possible date. I will work with the distinguished Republican leader to see when that will happen. These votes represent an opportunity for the Senate to shape the important conference we hope will begin this week upon passage of the Senate version of the supplemental.

There is probably no end of amendments that could be offered, as I have here today, but on our side of the aisle, Democrats believe we should do something very close to what was done in the bill we sent to the President which he vetoed.

Basically that is what we have here—except getting the President the ability to waive the timelines we have in the legislation.

Finally, there are those on this side who believe there should be some end in sight. That is why I indicated that as of April 1 of next year, the funding would still go on but it would be limited to the counterterrorism, force protection, and training Iraqis.

It is very important to understand that transitioning this mission to fighting al-Qaida is a part of the recognition of what we and the American people believe is important. At present, as you know, American troops are over there protecting the Shias, protecting the Sunnis, protecting the Kurds, and at all times all these different elements are shooting at the Americans. We should limit our focus to al-Qaida.

Mr. President, I call up the Levin-Reid amendment first.

That is No. 1097.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LEVIN, for himself and Mr. REID, proposes an amendment numbered 1097 to the language proposed to be stricken by amendment No. 1065.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 1097

SEC. 1. MILITARY READINESS—MISSION CAPABLE UNITS.

(a) Congress finds that it is Defense Department policy that units should not be deployed for combat unless they are rated "fully mission capable".

(b) None of the funds appropriated or otherwise made available in this or any other Act may be used to deploy any unit of the Armed Forces to Iraq unless the chief of the military department concerned has certified in writing to the Committees on Appropriations and the Committees on Armed Services at least 15 days in advance of the deployment that the unit is fully mission capable.

(c) For purposes of subsection (b), the term "fully mission capable" means capable of performing assigned mission essential tasks to prescribed standards under the conditions expected in the theater of operations, consistent with the guidelines set forth in the Department of Defense readiness reporting system.

(d) The President may waive the limitation prescribed in subsection (b) on a unit-by-unit basis by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that he has authorized the deployment to Iraq of a unit that is not assessed fully mission capable and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the chief of the military department's assessment that the unit is not fully mission capable.

SEC. 2. MILITARY READINESS—DURATION OF TOURS OF DUTY IN IRAQ.

(a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that he has authorized the extension of a unit's deployment in Iraq beyond the periods specified in subsection (b) and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's extended deployment is necessary.

SEC. 3. MILITARY READINESS—MULTIPLE DEPLOYMENTS.

(a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days or that Marine Corps and Marine Corps Reserve units should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that he has authorized the redeployment of a unit to Iraq in advance of the periods specified in subsection (b) and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's redeployment is necessary.

SEC. 4. BENCHMARKS.

(a) Beginning on July 15, 2007, and every 30 days thereafter, the Secretary of Defense and the Secretary of State, after consultation with the U.S. Ambassador to Iraq, Commander U.S. Central Command, and Commander, Multi-National Forces Iraq, shall jointly submit to Congress a report describing and assessing in detail the progress made by the Government of Iraq in meeting each of the benchmarks set forth in subsection (1), the security objectives set forth in the President's revised strategy of January 10, 2007, and answering the questions posed in subsections (2) and (3).

(1) whether the Government of Iraq has:

(i) enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis;

(ii) adopted legislation necessary for the conduct of provincial and local elections including setting a schedule to conduct provincial and local elections;

(iii) reformed current laws governing the de-Baathification process to allow for more equitable treatment of individuals affected by such laws;

(iv) amended the Constitution of Iraq consistent with the principles contained in Article 140 of such constitution, including, at a minimum, the submission of such amendments to the Iraqi Parliament for the protection of minority rights; and

(v) allocated and expended $10,000,000,000 in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.

(2) whether the Government of Iraq and United States Armed Forces has made substantial progress in reducing the level of sectarian violence in Iraq; and

(3) whether each battalion of the security forces of Iraq has achieved a level of combat proficiency such that it can conduct independent combat operations without support from Coalition forces in Iraq.

(b) Notwithstanding any other provision of law, 75 percent of the funds appropriated by this Act or any other act for assistance for Iraq under the headings "Economic Support Fund" and "International Narcotics and Law Enforcement" shall be withheld from obligation until the President certifies to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services and Foreign Affairs of the House of Representatives that the Government of Iraq is making substantial progress towards meeting each of the benchmarks set forth in subsection (a)(1).

(c) The requirement to withhold funds from obligation pursuant to subsection (b) shall not apply with respect to funds made available under the heading "Economic Support Fund" for continued support for the Community Action Program and the Community Stabilization Program in Iraq administered by the United States Agency for International Development, or for programs and activities to promote democracy and human rights in Iraq.

SEC. 5. REDUCTION OF FORCES.

(a) Subject to the waiver authority provided for in subsection (e), the Secretary of Defense shall commence the reduction of the number of United States Armed Forces in Iraq not later than October 1, 2007, with a goal of completing such reduction within 180 days. The goal of completing such reduction shall be accelerated if the President is unable to report that the Government of Iraq is making substantial progress towards meeting each of the benchmarks set forth in subsection (a)(1) of Section 4 by October 15, 2007.

(b) Notwithstanding any other provision of law, funds appropriated or otherwise made available in this or any other Act are available for obligation and expenditure to plan and execute a safe and orderly reduction of the Armed Forces in Iraq.

(c) The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(d) After the conclusion of the reduction required by this section, the Secretary of Defense may not deploy or maintain members of the Armed Forces in Iraq for any purpose other than the following:

(1) Protecting American diplomatic facilities and American citizens, including members of the U.S. armed forces;

(2) Serving in roles consistent with customary diplomatic positions;

(3) Engaging in targeted actions against members of al-Qaeda and allied parties and other terrorist organizations with global reach; and

(4) Training and equipping members of the Iraqi Security Forces.

(e) WAIVER AUTHORITY.—

(1) IN GENERAL.—The President may waive the reduction of forces requirements of this section if he submits to Congress a written certification setting forth a detailed justification for the waiver, which shall include a detailed report describing the actions being taken by the United States to bring about the meeting of the benchmarks set forth in subsections (a)(1) of section by the Iraqis. The certification shall be submitted in unclassified form, but may include a classified annex.

(2) DURATION.—The Waiver under paragraph (1) shall be effective for 90 days beginning on the date of the submittal of the certification under that paragraph.

(3) RENEWAL.—A waiver under paragraph (1) may be renewed if, before the end of the expiration of the waiver under paragraph (2), the President submits to Congress before the end of the effective period of the waiver under paragraph (2) a certification meeting the requirements of this subsection. Any waiver so renewed may be further renewed as provided in this paragraph.

AMENDMENT NO. 1098 TO AMENDMENT NO. 1097

Mr. REID. I now ask the clerk report the Feingold-Reid amendment No. 1098.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. FEINGOLD, for himself and Mr. REID, proposes an amendment numbered 1098 to amendment No. 1097.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of United States forces in Iraq to the limited purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of United States forces from Iraq that are not essential to the limited purposes set forth in subsection (d). Such redeployment shall begin not later than 120 days after the date of the enactment of this Act.

(c) PROHIBITION ON USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after March 31, 2008.

(d) EXCEPTION FOR LIMITED PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the limited purposes as follows:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and other international terrorist organizations.

(2) To provide security for United States infrastructure and personnel.

(3) To train and equip Iraqi security services.

Mr. REID. Mr. President, on these amendments, I am a cosponsor of both.

I thank the manager very much. I hope she and Senator INHOFE can move the WRDA amendment along. It is an important piece of legislation for the whole country and it is way past due when we should have had this completed.

Mrs. BOXER. Before the leader leaves, I hope I can get the attention of the floor staff, to make sure—my understanding is you have now offered the amendments on Iraq to the underlying bill, but the text that is before us is clean of the Iraq amendments? I think it is a good thing to do because we can move on here with WRDA, as the amendments were applied to the underlying text, not to the amendment we are working on.

I thank my colleague for thinking it through. I am proud he is with us in wanting to move this WRDA bill forward.

Let a message go out we are going to move this bill forward. One of the reasons I say to my friend, thank you—I don't want to keep him here. I just want to thank him.

We have received a letter from the National Construction Alliance. It is the Laborers International Union of North America, the International Union of Operating Engineers, the United Brotherhood of Carpenters & Joiners of America.

The reason I am bringing this up is they are very strong supporters of WRDA. I think their letter lays out why, so I am actually going to read it so it goes into the RECORD at this point. It says:

DEAR SENATOR BOXER AND SENATOR INHOFE: The National Construction Alliance, representing the three leading construction unions advocating for robust federal infrastructure investment, endorses the Senate version of the Water Resources Development Act reauthorization. This vital Federal infrastructure legislation should be considered and passed by the United States Senate. Our three constituent unions, the Laborers, Operating Engineers and the Carpenters, commend you both for your strong, bipartisan leadership on this legislation.

This gets to the heart of why Senator INHOFE and I and all on the committee believe so strongly about the bill.

The $13.9 billion authorization of Corps of Engineers projects is an important and necessary step in addressing our country's serious backlog of water projects. From harbor improvement to flood protection, to lock and dam construction, dredging and environmental infrastructure, your bill will immeasurably strengthen America's water resources. As labor unions representing nearly one million skilled construction workers, we recognize that this WRDA reauthorization will create tens of thousands of good paying construction jobs.

We strongly urge the Senate to pass your legislation in an expeditious manner so that America's critical water infrastructure needs can be addressed.

I say to the President—who is sitting in the chair today, as opposed to the President of the United States—he has so long been speaking about the problem of our loss of middle-class jobs. What is so important about this particular bill is that while we are doing things the Nation must have in order to grow and in order to protect itself from the ravages of Mother Nature, as we saw in Katrina—in the course of doing the right thing we are creating good jobs. It is a wonderful winner for everybody.

That is why we have more letters I want to share with colleagues. The American Society of Civil Engineers has added its voice to all these unions, to both Senator INHOFE and myself, saying they are very pleased with this bill, they are very pleased with the levee system fixes; they believe this is overdue legislation and that it ensures we have learned the lessons from Hurricane Katrina. It "goes far toward protecting human life and property in flood-prone areas."

They ask us if the American Society of Civil Engineers can be of more assistance, please call them. We may, because we want everybody to weigh in here and help us.

We have a letter from the Audubon Society. You have heard from the business side, the union side, now the environmental side. They have a million members. They say, please, let's have prompt consideration of WRDA because it restores America's natural resources. It includes:

> . . . Corps modernization provisions, including independent review of costly or controversial Corps projects and ensuring that mitigation for Corps projects is consistent with stricter State laws.

This refers to the Corps' formula in the last bill which is embedded in this bill.

Audubon also talks about:

> . . . two crucial Everglades restoration projects—Indian River lagoon and Picayune Strand—that would mitigate harmful federal drainage projects, restore more than 160,000 acres of wetlands and significant estuarine habitat, and help secure Florida's tourism and outdoor recreation economy.

They also cite the upper Mississippi River restoration program, in its first 15-year increment, will preserve 105,000 acres of habitat; protect 35,000 acres of floodplain habitat in five States along the river.

The Coastal Louisiana restoration program will begin to reverse the devastating pattern of land loss, protecting important habitat for birds and fish and other wildlife as well as the region's economy and quality of life.

The bill permanently authorizes the Asian Carp Barrier to protect the Great Lakes from this looming threat. The Audubon Society, which is so well respected on both sides of the aisle, closes and says that ecosystem restoration projects for the Everglades, the Mississippi, Louisiana's coastal wetlands, and the Great Lakes are overdue, as is Corps modernization.

Then I will add to these letters, Mr. President, a letter from the National Association of Manufacturers. I mean, this is one of those bills that gets everybody's support. It is something that is important for everyone.

They say: On behalf of more than 14 million manufacturing employees in the U.S., they are thanking us for our leadership, and they are saying: Let's move forward with WRDA. It is important. They say that: America's water resources infrastructure needs to be reliable and productive.

They applaud our efforts and they say how vitally needed WRDA is, including the modernization of locks, harbors, canals, and other key infrastructure that is vital to America's competitiveness. They say: WRDA will authorize many of these needs. So that is the National Association of Manufacturers. So it goes on and on.

The Pacific Northwest Waterways Association has a similar letter that is very important to us. The American Farm Bureau. The American Farm Bureau has entered this, and they have written us saying it is a good bill, urging us to support WRDA, and they oppose any amendment that would hinder our progress in moving forward.

The corn growers of America, they have weighed in and they say: It is important. They have sent a letter to HARRY REID and MITCH MCCONNELL, our leaders, saying we need to have this bill. They need to have efficient transportation networks and so on. This is a very important letter, I think. They say that continued development of our water resources in an environmentally sound manner will contribute mightily to our Nation's well-being.

Congress needs to act now to address issues such as environmental restoration, navigation, flood control, hurricane protection, water supply, irrigation, beach nourishment, and recreation.

So that is yet another letter. The American Public Works Association has sent us a letter. They have a similar message: With adequate dredging, our ports and waterways are the backbone of our transportation system, ensuring domestic and international trade opportunities and low-cost, environmentally sensitive goods movements. It goes on.

Now, I have already placed some of those letters in the RECORD, and I am going to do it again today because I think every day, as colleagues will look at the RECORD, they will see their importance.

I ask unanimous consent to have these letters printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. BOXER. The reason I like to share these letters is that it shows the breadth of support this bill has. We know we come to the floor with a lot of legislation that is contentious, that is contentious between the parties, that is contentious with people throughout America, one group supports it. For example, the labor unions might but the bosses do not. This is a place where everybody comes together. I think that is very important.

So colleagues know what is happening today, you know we do not have votes today. But we are going to try to debate some amendments today. We have already debated the Feingold amendment, so that is ready to be voted on tomorrow. I understand that Senator COBURN is on his way over to offer at least the one—we are hoping three amendments. He can debate today, and then we can have votes on those as we agree between the sides. The way we have decided to handle this bill, because it has been such a delicate balance, is the following: We are working across party lines to come up with amendments we can agree to. We have taken the amendments that have been submitted thus far, and we are sort of categorizing those amendments in what is easy for us to agree to, what is more difficult. We are going to try to work through the easier amendments, and the more contentious ones we will have to have votes.

Now, what we call the big four of the committee, the Chairman of the full committee, the Chairman of the subcommittee, the ranking members of both the full committee and the subcommittee, we have made an agreement that we will oppose all amendments. Why are we doing this? Believe me, that is not an easy thing for us to do. We feel we have worked so closely, in a bipartisan fashion, we want to keep this bill totally bipartisan. We are trying to keep the most contentious items out of the bill to make sure it gets to the President's desk and he signs it.

Now, the good news is we have a score on the bill. That means how much the bill is scored at. It is $13.9 billion. It makes it lower than the House bill. This is very good news because we want to be fiscally responsible.

We also want to make sure all the projects in this bill meet certain criteria, that they have been studied, they have been looked at, that there is a fair cost share, unless there is an usual circumstance.

So Senator INHOFE has been very strong on conditions. I expect him to come to the floor very soon. He actually had a weekend trip to Iraq. I do appreciate the fact that he has gone and that he is going to be here, we believe, at about 3:30—as a matter of fact, in about 10 minutes—at which point I hope he will make some of his comments on this bill.

But the way we have set the bill up is we now have the committee substitute pending in the form of an amendment. Leader REID has sent forward two amendments, but they are not to the substitute bill, they are to the underlying bill about Iraq, as a way to expedite the consideration of the Iraq supplemental. He has done that with the knowledge of Senator MCCONNELL so there are no surprises here. We have discussed this with Senator FEINGOLD in terms of offering his amendment, which he already debated. That will be ready for a vote later. I hope we can set aside all these amendments and vote on them tomorrow morning at such time as the leader agrees.

At this point, since I think I have laid out the reason why we so much need this bill, after 7 long years of not having a WRDA bill, we so much need this bill, and we are so proud of the committee that they voted this bill out in a very harmonious way and that we are still working side by side, the majority and minority side, on crafting the amendments we need to push this over the finish line.

I look forward to the comments of Senator INHOFE. We also will, of course, entertain the amendments of Senator TOM COBURN when he gets to the floor. I urge anybody else who wants to lay down amendments, please, you are absolutely welcome.

I understand Senator LANDRIEU would like the floor. So why don't I leave the floor with the understanding that if Senator INHOFE comes, would you wind down within 10 minutes so he can have the floor.

I yield the floor.

EXHIBIT 1

PACIFIC NORTHWEST
WATERWAYS ASSOCIATION,
Portland, OR, May 10, 2007.

Hon. BARBARA BOXER,
Chairman, Senate Committee on Environment and Public Works, Washington, DC.

Hon. JAMES INHOFE,
Ranking Member, Senate Committee on Environment and Public Works, Washington, DC.

DEAR CHAIRMAN BOXER AND SENATOR INHOFE: We write to urge your support for the reauthorization of the Water Resources Development Act in 2007.

WRDA is fundamentally important to the economic health of our nation and particularly important to the states of Oregon, Washington, Idaho and California. Our region depends on international trade to a greater extent than any other region in the United States. In Washington state, one in four jobs are related to international trade. Cost-effective, efficient, and environmentally sound trade and transportation corridors are imperative to secure our place in the global economy. Delay in WRDA means exacerbated backlogs which will dull our competitive edge.

The Pacific Northwest Waterways Association (PNWA) membership includes nearly 100 organizations in Oregon, Washington, Idaho and California. PNWA represents public port authorities on the Pacific Coast, Puget Sound, and Columbia Snake River System; public utility districts, investor-owned utilities, electric cooperatives and direct service industries; irrigation districts, grain growers and upriver and export elevator companies; major manufacturers in the Pacific Northwest; forest products industry manufacturers and shippers; and tug and barge operators, steamship operators, consulting engieneers, and others involved in economic development throughout the Pacific Northwest.

PNWA has a long history of working with the Committee and the U.S. Army Corps of Engineers on projects of regional and national importance, sharing the challenge to maintain and develop our transportation infrastructure. Our members wish to thank the Committee for its support of Pacific Northwest transportation programs and projects.

Issues of particular concern to the members of our Association follow:

MINIMUM DREDGE FLEET

The federally-owned hopper drege fleet and the Corps of Engineers' dredges *Essayons* and *Yaquina*, are particularly important to the maintenance of ports and harbors in the Pacific Northwest. The goals of Congressional actions in 1978, 1993 and 1996, which limited the utilization of the of the federal dredge fleet and provided increased opportunity for industry, have been meet.

Since passage of the Energy and Water Appropriations Act of 1993, designed to increase competition in the dredge industry, the number of private dredging contractors has declined. This is of concern because the Northwest has unique conditions such that, compared to other regions, Northwest ports depend to a greater degree on hopper dredging and on smaller class hopper dredges. The Government Accountability Office found in a March 2003 to Congress (GAO–03–382) that operating restrictions have imposed additional costs on the Corps' dredging program, but have not resulted in proven benefits to the taxpayer.

PNWA strongly supports the language included in your bill to lift operating restrictions from the *Essayons* and *Yaquina*, which will enable the Corps of Engineers to utilize the *Essayons* and *Yaquina* to the maximum extent possible to maintain Northwest ports, harbors and channels, consistent with the safe and efficient performance of their missions.

MAKING SECTION 214 PERMANENT

Section 214 of the Water Resources Development Act of 2000 (P.L. 106–541) provides the authority to the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits. Section 214 has allowed local governments to move forward with vital infrastructure projects. By funding additional staff to work on specific, time-intensive permits, existing Corps staff members are able to process the significant permit application backlog much more quickly. Funding for additional Corps staff has resulted in a reduction of permit wait times not only for the funding entity, but for any individual or organization that makes an application with that District of the Corps.

This authority is currently scheduled to sunset on December 31, 2008. Though PNWA has been successful in working with Congress to secure short-term extensions for several years now, the time has come to give Corps regulatory offices as well as the contributing entities the predictability that would come with a permanent authority. PNWA strongly supports language in your bill that would make Section 214 permanent.

These provisions are strongly supported by PNWA's membership, and are important to improve the efficiency and cost competitiveness of Northwest ports engaging in international trade. Additional provisions that are supported by PNWA are included in the attached document, PNWA WRDA Requests. We appreciate the Committee's and Congress' attention to these important matters.

Sincerely,

KRISTIN MEIRA,
Government Relations Director.

PNWA MEMBER DIRECTORY

Alaska Assoc. of Port Managers & Harbormasters; Almota Elevator Company; Anderson-Perry & Associates, Inc.; Ball Janik LLP; Bell Buoy Crab Co.; Benton County PUD #1; Boise Cascade LLC; BST Associates; Central Washington Grain Growers, Inc.; CH2M Hill; Clark Public Utilities; Columbia Basin Development League; Columbia County Grain Growers, Inc; Columbia River Bar Pilots; Columbia River Pilots; Columbia River Steamship Operators Assoc.; Cowlitz County Board of Commissioners; David B. Barrows Environmental Consulting; Douglas County PUD #1; Dustra Group.

East Columbia Basin Irrigation District; Foss Maritime Company; Office of Peter Friedmann; Gallatin Group; Gordon Thomas Honeywell Gov't Affairs; Harris Group Inc.; ID Wheat Commission; Jan T. Fancher, CPA, PLLC; Jefferson Government Relations; Kalama Export Company; Kleinfelder, Inc.; Lampson International, LLC; Lewis-Clark Terminal Association; Longview Fibre Company; Manson Construction; Moffatt & Nichol; Northwest Grain Growers, Inc.; Northern Star Natural Gas; OR Economic & Community Development Department (OECDD).

Oregon Int'l Port of Coos Bay; Oregon Iron Works, Inc.; OR Wheat Growers League; Pacific Merchant Shipping Assoc. (PMSA); Pacific International Engineering (PIE); Parametrix; PB Ports & Marine, Inc.; PNGC Power; Pomeroy Grain Growers; Port of Anacortes; Port of Benton; Port of Brookings Harbor; Port of Camas-Washougal; Port of Cascade Locks; Port of Chelan County; Port of Chinook; Port of Clarkston; Port of Columbia County; Port of Garibaldi; Port of Gold Beach.

Port of Hood River; Port of Humboldt Bay; Port of Ilwaco, Port of Kalama; Port of Kennewick; Port of Klickitat; Port of Lewiston; Port of Longview; Port of Morrow; Port of Newport; Port of Pasco; Port of Port Angeles; Port of Portland; Port of Ridgefield; Port of Royal Slope; Port of Seattle; Port of Suislaw; Port of Skagit County; Port of St. Helens; Port of Sunnyside; Port of Tacoma; Port of Toledo; Port of Umatilla; Port of Umpqua; Port of Vancouver; Port of Walla Walla; Port of Whitman County; Port of Woodland; Potlatch Corporation; Presnell, Gage & Company; Preston Gates & Ellis LLP; Primeland Cooperatives; Reid Middleton, Inc.; The Research Group; RETEC Group; Schwabe, Williamson & Wyatt; Seattle Public Utilities; Shaver Transportation Company; Stoel Rives LLP; Teevin Brothers.

Tidewater Barge Lines; Ukiah Engineering Inc. (UEI); USA Dry Pea & Lentil Council; WA Association of Wheat Growers; WA Public Ports Association; WA State Office of Trade and Economic Development (CTED); WA State Potato Commission; WA Wheat Commission; Weyerhaeuser Company; Whitman County Growers.

MAY 10, 2007.

Hon. BARBARA BOXER,
Chairwoman, Senate Environment and Public Works Committee, Washington, DC.

DEAR MADAM CHAIRWOMAN: On behalf of more than 4 million manufacturing employees in the U.S., we would like to thank you for your leadership in moving forward with the Water Resources Development Act of 2007 (WRDA). It is vitally important that America's water resources infrastructure be reliable and productive. Therefore we applaud your efforts to end the stalemate over water resources project authorization by bringing H.R. 1495, WRDA, to the Senate floor. We firmly believe that it is time to end the impasse over passage of WRDA.

A Water Resources Development Act is vitally needed to accommodate the many important projects awaiting authorization, including the modernization of the locks, harbors, canals and other key infrastructure that are vital to the competitiveness of the U.S. economy. A sound national transportation system for the 21st century needs modern water projects, and WRDA will authorize many of those needs.

We look forward to working with you and your staff and issues of importance to the nation's economy and environment. Again, thank you for your leadership.

Sincerely,

THE NATIONAL ASSOCIATION
OF MANUFACTURERS.

AUDUBON,
May 10, 2007.

Re Act Now to Restore America's Natural Treasures.

DEAR SENATOR: On behalf of the National Audubon Society and our more than one million members and supporters, I urge you to help restore America's natural resources by advocating for prompt consideration and passage of the Water Resources Development Act of 2007 (S. 1248). WRDA 2007 would authorize unprecedented spending for ecosystem restoration projects, including Everglades, upper Mississippi River, coastal Louisiana, and Great Lakes.

The bill should include Corps modernization provisions, including independent review of costly or controversial Corps projects and ensuring that mitigation for Corps projects is consistent with stricter State laws.

WRDA 2007 contains two crucial Everglades restoration projects—Indian River Lagoon and Picayune Strand—that would mitigate harmful federal drainage projects, restore more than 160,000 acres of wetlands and significant estuarine habitat, and help secure Florida's tourism and outdoor recreation economy. The Upper Mississippi River Restoration Program, in its first 15-year increment, will restore 105,000 acres of habitat, protect 35,000 acres of floodplain habitat in five States along the river, and will include a significant monitoring program. The Coastal Louisiana Restoration program will begin to reverse this devastating pattern of land loss, protecting important habitat for birds, fish, and other wildlife, as well as the region's economy and quality of life. The bill would also permanently authorize the Asian Carp Barrier to protect the Great Lakes from this looming threat.

Ecosystem restoration projects for the Everglades, the Mississippi River, Louisiana's coastal wetlands, and the Great Lakes are overdue, as is Corps modernization. Thank you for helping to restore some of America's greatest natural treasures.

Sincerely,

JOHN FLICKER,
President and CEO.

NATIONAL CONSTRUCTION
ALLIANCE,
Washington DC, May 10, 2007.

Hon. BARBARA BOXER,
Chairwoman, Senate Environment and Public Works Committee, Washington, DC.
Hon. JAMES M. INHOFE,
Ranking Member, Senate Environment and Public Works Committee, Washington, DC.

DEAR SENATOR BOXER AND SENATOR INHOFE: The National Construction Alliance, representing the three leading construction unions advocating for robust federal infrastructure investment, endorses the Senate version of the Water Resource Development Act reauthorization. This vital federal infrastructure legislation should be. considered and passed by the United States Senate. Our three constituent unions, the Laborers. Operating Engineers and the Carpenters, commend you both for your strong, bipartisan leadership on this legislation.

The $13.9 billion authorization of Corps of Engineers projects is an important and necessary step in addressing our country's serious backlog of water projects. From harbor improvement, to flood protection, to lock and dam construction, dredging and environmental infrastructure, your bill will immeasurably strengthen America's water resources. As labor unions representing nearly one million skilled construction workers, we recognize that this WRDA reauthorization will create tens of thousands of good paying construction jobs.

We strongly urge the Senate to pass your legislation in an expeditious manner so that America's critical water infrastructure needs can be addressed.

Sincerely,

RAYMOND J. POUPORE,
Executive Vice President.

AMERICAN SOCIETY OF
CIVIL ENGINEERS,
Washington, DC, May 10, 2007.

Hon. BARBARA BOXER,
Chair, Committee on Environment and Public Works, U.S. Senate, Washington, DC.
Hon. JAMES INHOFE,
Ranking Member, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRWOMAN AND SENATOR INHOFE: As the Senate begins its consideration of the Water Resources Development Act (WRDA) of 2007 this week, the American Society of Civil Engineers (ASCE) commends your efforts to bring a bipartisan bill to the floor. We appreciate your commitment to moving forward with responsible legislation to authorize much-needed improvements to the nation's water resources and public works infrastructure. We support WRDA's speedy passage into law.

ASCE is especially pleased to champion enactment of subtitle C of the Senate bill, which would require the U.S. Army Corps of Engineers to establish a national levee safety program. Subtitle C would authorize the Secretary to spend $100 million to inspect and inventory the nation's levee systems and fund state levee safety programs. This long overdue legislation ensures that we have learned the lessons from Hurricane Katrina and goes far toward protecting human life and property in flood-prone areas.

If ASCE can be of further assistance as this important legislation advances, please do not hesitate to contact Brian Pallasch of our Washington office.

Sincerely yours,

PATRICK J. NATALE,
Executive Director.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I come to the floor to speak for a few moments about probably one of the most important bills that this Congress will consider relative to Louisiana and our ongoing attempt to protect the 3 million people who live in south Louisiana and also to protect the great infrastructure we have in this country, in a vast and broad way, not just from the energy sector but the fisheries but, most importantly, transportation and commerce.

There was an excellent article in the Post this weekend that I would like to have printed for the RECORD, written by one of the most distinguished citizens of our State, John Barry, who is a renowned author who wrote the book "Rising Tide," also a recent book about the influenza of 1917.

But he writes, in reference to the WRDA bill and to the amendments I am going to be offering to this bill, about the importance of acting now to save this great region of the Southern part of the United States, and the fact that this delta that we are attempting to save by building the right kind of levees, the right kind of gates and locks, the right kind of navigation channels, correcting some of our past mistakes that we made before we realized the damage that would occur by some of our own actions.

He writes about the importance of this Delta, that at one time it reached from Cape Girardeau, MO. all the way up the Mississippi River, down to the present mouth of the river, that the entire delta, that it was created over thousands of years, and it was maintained as the river overflowed its banks. As the river overflowed, it carried silt. It built the Delta.

But as we have channeled the delta, channeled the river and built levees up along the river, we have caused the natural building up of the delta to stop.

Then as we cut channels through this great and amazing land, that reaches from the east of New Orleans all the way to the Texas-Louisiana border, as we crisscross it with pipelines and navigation channels to tap into the extraordinary oil and gas reserves both on land and offshore, it exacerbates an already tough situation.

Then to level on top of that the dredging of the Mississippi River, to keep the sandbars out of the mouth, the channel as we have made the water move faster, that has an impact on the way this delta is now lowering itself, if you will, into the water.

There are other contributing factors, but the bottom line is we have to take corrective action to reverse this. We cannot correct everything that we did, but we most certainly can pass this bill, the WRDA bill, the Water Resources Development Act, which has—about 22 percent of the entire bill is dedicated basically to this purpose

It is right that a large portion of this bill be dedicated to this purpose because this delta, this Mississippi River, does not just serve the 4.5 million people who call Louisiana home but it literally serves the 360 million people who call the United States of America home. It serves Canada and Mexico as well, as well as ports around the world. So it is not just for the people of Louisiana whom we act today, it is in the national interest to do so.

In the underlying bill, which Senator BOXER and Senator INHOFE have so carefully crafted, the Louisiana Coastal Area Ecosystem Restoration system has $1.133 billion. Morganza to the Gulf, a very important aspect of our protection of south Louisiana, is included in this bill at $841 million.

Some port work at the Port of New Iberia for Vermilion and Iberia Parishes, which are two of our larger southern parishes, has an authorization that is overdue and most certainly timely. There is an amount of money to help relocate facilities from the Mississippi River Gulf Outlet, both private and public, so we can close the Mississippi River Gulf Outlet, which is also, hopefully, going to be part of this bill, some work on the western side of our State, the Calcasieu River and Pass and rock bank protection, and there is a lock project around the capital city, to mention a few.

The bottom line is, there is about $2.5 billion in this bill for Louisiana projects. It sounds like a lot, and it is. We are proud of the 8 years of work that have gone into building this WRDA bill, through past Congresses and now this one. Under the leadership of Senator BOXER, she has committed to work with her colleague, Mr. OBERSTAR, on the House side to get a WRDA bill to the President's desk for him to sign. It doesn't do us any good to keep talking about a WRDA bill.

The only good that will come of this bill is if we can actually get it to the President's desk, get him to sign it, and get these projects underway. The people of Louisiana have waited for 8 years through any number of hurricanes, not the least of which in the last 2 years, we have had the unbelievable challenge of dealing with Hurricanes Katrina and Rita, the first and third largest hurricanes in terms of disaster and impact to ever hit this country. We are still fighting to rebuild and reeling from the damage of those storms. As I have said many times, it wasn't just the multiple levees that collapsed, it was really a Federal flood more than a hurricane that did us in. It was the multiple failure of levees that should have been maintained, should have been stronger, should have been higher, and were not.

It is also because of the loss of great wetlands. I would like to share what a healthy wetland looks like, with cyprus trees and land where you can do a little swimming and boating and fishing—not, of course, a lot of walking and building. This wetland stretches from east of New Orleans to the Sabine River pass, which separates Louisiana and Texas. This is a lot of what our coast looks like. This doesn't look like a Florida beach or the Biloxi beach or the North Carolina beach. We actually don't have any beaches in Louisiana. We actually only have two. That is a little bit of a fib. We do have two. One is 7 miles long, and it is called Grand Isle, and the other one is Holly Beach. The rest of our coast basically looks like this. You can't even get to it because there are only two roads, two lanes each. We don't have any interstate highways on our coast. We have two two-lane roads, one down the east side of our State and one down the west. They basically dead-end into swampland. This is not wasteland. This is beautiful land. It nurtures migratory birds. It is 40 percent of the nurseries of the gulf coast, extraordinary wetlands we are trying to preserve. Without this bill, it will be impossible.

I would like to show a poster. I see Senator COBURN here, and I will finish in just a moment. I will resume after his comments.

As Senator BOXER knows, because she came down and flew over these wetlands—I am so grateful to my colleague from California, the chairman of this committee, for coming to fly over these wetlands—we flew over New Orleans, which is right here, and out to the coast. We got to see some of these wetlands. This is the coast of Louisiana. The red spots are land loss just since Katrina and Rita, the land loss from the storm. A lot of it is St. Bernard Parish, lower Plaquemine Parish, and then over this way, which is where Hurricane Rita made landfall. So hurricanes exacerbate an already difficult situation. But because we have been putting navigation channels through these wetlands, we have been allowing for shipping, which is appropriate, but you have to have the right locks and dams and water control structures. Because mostly we have blocked the great Mississippi River, which is the largest river system on our continent, from naturally overflowing so that we could ship the grain out of the Midwest, so we could ship products from Canada down to the midsection of our country, this delta is starved for sediment. We don't have a choice.

I am going to end now by saying that this WRDA bill, as far as Louisiana is concerned, is the bill that is going to reverse this decline and start us on a path of safety for the residents, of protection for the environment, and of laying down the foundation for a great economy, which we need to do. We can't shut off this part of the Nation and call it quits. We can't shut down the refining capacity and oil and gas. We have to make it work. We can. It is going to take good science, long commitments, and more than this WRDA bill. But this legislation is a start.

In a few minutes, after Senator COBURN speaks, I will lay down an amendment that will lay the foundation for the category 5 protection we need. We do not expect, in Louisiana, this Congress to pick up the whole tab. We most certainly do not expect this Congress to pick up the tab in this bill. But we would like to lay the beginning foundation, knowing the people of Louisiana and Mississippi and Texas will pay our own way as well. The independent stream of revenue we now have from offshore oil and gas revenues can contribute to this project which is going to be several decades, and it will take anywhere from $30 to $50 billion. But there is no alternative. It is expensive, but the cost of doing nothing is even more.

Let me yield the floor for the Senator from Oklahoma who was scheduled before me. I will return to the debate at a later time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have a couple amendments I will be offering in a few minutes. I wanted to spend a moment or two talking about priorities.

The work on the WRDA bill has been very important. I am supportive of us keeping our obligations, especially in Louisiana for the tremendous problems they have encountered. There is a legitimate role for the Federal Government as a partner with the people of Louisiana, Mississippi, and Texas in terms of restoration and also prevention so that we don't see the same things again. The WRDA bill is an important bill for a lot of States on a lot of projects, many of which have come about because the Federal Government has overreached in some of its authority and demanded things of States they can no longer afford to do. That is where we sit today. That is the consequence sometimes of having a Federal Government that is a little bit bigger than what the Constitution envisioned and what our Forefathers envisioned as appropriate.

Let me talk about the process for a minute. The chairman asked me a moment ago if I was going to offer any other amendments other than amendments on this bill. I told her no, and I will not. But I think it is important for the American people to consider what we are doing here today. It is important work, but it certainly is not as important as funding our troops. We have asked American families and their children who are serving in the armed services to do a very difficult job. It is very controversial at this time. But regardless of where you are on that job, the fact that we continue to produce bills and not address their needs seems somewhat out of context for where we should be. It has been almost 60 days since the President asked for the additional funding. We have passed the COMPETES Act, spending money on the future, but we can't seem to pass the money for our troops in harm's way. We passed an FDA reauthorization with PDUFA for making sure drugs get cleared, but we can't seem to produce a consensus that our troops will be funded with the necessities they require since they are in harm's way. I find it ironic that we would do anything other than that.

When I look at the Constitution, our No. 1 priority is defense. Whether or not we agree with the foreign policy ongoing today, we all agree we don't want our troops to be in any way placed in harm's way because of our lack of action. That is a justified criticism today which may come true, that American troops are hampered because we cannot pass a bill. I won't offer that amendment, although I think that is what we should be discussing, rather than the WRDA bill.

I thank my colleagues, Senators INHOFE and BOXER, for their work on this bill. I know it means a lot to a lot of communities that don't have the resources to accomplish the things they need to. However, one of the things I am concerned about is priorities. Last year, we had a debate on the emergency status of funding the levees in Sacramento. I had offered an amendment. I talked with the Governor of California, with the two Senators from California. Ultimately, I withdrew that because I became convinced that, in fact, it was an emergency. It still is. Sacramento is the largest town in this country that is at major risk for a flood. The Corps of Engineers uses years for an event, and Sacramento sits at 85 years, the likelihood that 1 out of the next 85 years, Sacramento will be flooded, whereas New Orleans today, even post-Katrina, has a 1-in-250-year risk of being flooded again.

As we look at the WRDA bill, one of the things we ought to think about is how do we prioritize to make sure that where there is a legitimate Government role, we actually spend the money on that role. There is a lot of money in this bill. Granted, this is an authorization bill which will put forward a lot of new projects, some of which we know the cost and some we don't.

I remind my colleagues, right now we have enough work for the Corps of Engineers for the next 50 years, if we don't give them another job to do on their budget. In this bill, we are going to give them several more major projects and not the appropriate funding to do them. One of the reasons we will not give them the appropriate funding is because we don't have the money because, No. 1, we have $200 billion a year in waste, fraud, and duplication in the money we appropriate presently, which the Senate and the Congress refuse to look at, and No. 2, because of the limitations we have in terms of the magnitude of the jobs we put before the Corps.

If you look at priorities in terms of what is important, California has several projects in this, as do several other States. You ask: What are the priorities? You say: We as a family have so many things we have to do. Should we do the most important ones first? If families have a roof they need to put on the house, it is highly unlikely they will build a swimming pool. They are going to fix the roof first and then save for the swimming pool. We don't do that in terms of many of the priorities in this bill.

Myself and seven other Members voted against going ahead with this bill for two reasons. No. 1 is the intent, although the details were not followed in terms of the new earmark proposals in the bill. No. 2 is that we think the priorities are out of whack.

I do have a couple of amendments I will offer.

AMENDMENT NO. 1089 TO AMENDMENT NO. 1065

I ask unanimous consent that the pending amendment be set aside and amendment 1089 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1089 to amendment No. 1065.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prioritize Federal spending to ensure the needs of Louisiana residents who lost their homes as a result of Hurricanes Katrina and Rita are met before spending money to design or construct a nonessential visitors center)

On page 209, line 1, strike "The" and insert "Subject to paragraph (5), the".

On page 210, between lines 21 and 22, insert the following:

(5) REQUIREMENT.—No Federal funds shall be used to conduct any study, or to carry out any activity relating to the design or construction, of the visitors center under this subsection until the date on which the Secretary, in consultation with the Director of the Federal Emergency Management Agency, the Secretary of Housing and Urban Development, and the State of Louisiana, certifies to Congress that all residents of the State of Louisiana who were displaced as a result of Hurricane Katrina or Rita in 2005 are no longer living in temporary housing.

Mr. COBURN. This is a simple amendment. It says that there are 100,000 people from Louisiana today in temporary housing. We have failed to move them from temporary housing into other housing.

There are, in this bill, plans and studies for a new visitor center to be set up in Morgan City, which will be a great thing for the area of Louisiana. I do not doubt that. The purpose of this amendment is to say we should not spend any money on that until we get the people affected by Katrina back into housing instead of temporary housing.

So it is not necessarily a criticism, although I generally have criticisms of the Federal Government's role in providing visitor centers for tourism, et cetera, in the States. More importantly, it is about priorities, of whether we ought to take care of those people who have been markedly impaired in their housing opportunities, which ultimately affects their ability to earn a living in Louisiana, before we build another visitor center, before we spend any money on it. We attempted to try to find out how much this visitor center would cost, and nobody could tell us. But the point is, we probably should not spend a penny on that until we have taken care of the people in Louisiana.

If you look at the stories that continue to come out—and Senator LANDRIEU has been a champion in this body of making sure the rest of the Members of this body are aware of the continuing needs of Louisiana for housing—we should not spend any money on anything other than those critical needs for the people of Louisiana. When those are met, then we go and build a visitor center. We do not do it at the same time. To do it at the same time says there is no limit on the amount of funds we have, and we know there are. So we should not put this forward.

This amendment does not take away the visitor center, it does not eliminate the visitor center; it just says you cannot spend any money on it until we have taken care of people in Louisiana and their housing. It is very simple, very straightforward, but puts a priority, much like you and I put a priority on what our needs are. One of our big failures in this body is picking priorities. If we had unlimited funds, we would not need to do that, but we do not have unlimited funds. Our true deficit was far in excess of $300 billion last year, although we claimed it was under $200 billion by Enron-style accounting. But, in fact, we added $300 billion to our children's and grandchildren's debt.

So this is just a little, small amendment that says we should not do this until we have taken care of the obligations that are in front of us in terms of people's lives. When we have done that, then go for it, go do it, but do not do it ahead of those people. When people cannot have services, cannot have what they need, who have been displaced by a natural disaster the likes of which we have never seen before in this country, we should not spend one penny on thing other than taking care of them. Once they are taken care of—a legitimate Federal role, to make sure the environment for housing has been created so Louisiana can get back on its feet—then we ought to do that. So we are not eliminating it. We are just saying, do not spend the money, there is no authorization until you have met and it has been certified that the housing needs of those who are in temporary housing today—trailers, tens and tens of thousands of people are still living in trailers, who still do not have access to housing—do not do that until you have met that need. It is very simple.

Mrs. BOXER. Mr. President, may I ask the Senator to yield for a question?

Mr. COBURN. Certainly.

Mrs. BOXER. Mr. President, is the Senator now going to go to the second amendment?

Mr. COBURN. Mr. President, I plan on it.

Mrs. BOXER. Mr. President, would it be wise to have the Senator from Louisiana respond now, and then the floor would go back to the Senator for the next amendment?

Mr. COBURN. Mr. President, I would be fine with that.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, let me respond to my colleague. I want to begin by first thanking my colleague from Oklahoma for his time and focus. He has come down to our State. He has viewed the damage. As you can tell, Mr. President, he is most familiar with our situation. He is absolutely correct, we have a great deal of work to do.

This particular visitor center, like several others, is not just for extra recreation, I say to my colleague. This is the heart and soul of tourism in this region. We do not have big cities like New York and Chicago in this region. Maybe they are somewhat like the Senator's cities in Oklahoma. They are small communities, but they are important communities. Throughout the southern part of our State, as I have shown on the maps, we do not have large communities but communities of 15,000 or 10,000, for example, high up on a ridge, surrounded by levees.

We are proud of these great wetlands. We want people to come see them. So it is not just saving them for the birds and the fish, which is very important, but it is actually saving them for the benefit of the people who live there, who want to be able to recreate on them, and we want to share them with the world.

I say to the Senator from Oklahoma, we think the more people can actually get their eyes on this problem, the more support we can get for doing the right things to preserve them, to taper down on unnecessary and unwanted development, to scale up the investments in the right kinds of levees and structures, that will help us preserve it over time.

So while I know on first blush it may seem to the Senator as if this is a frivolous expenditure, I would say this is part of a very comprehensive approach Louisiana has to save the wetlands. I do not think—I will be happy to submit for the RECORD the total cost because I most certainly can get that for the Senator—it is going to amount to very much money, but it is an important aspect of our redevelopment that has to do with science, with engineering, with the environment, with the basic industries, and with tourism and the education of people about what wetlands are.

I say to the Senator, as I said, one of the difficulties Senator VITTER and I are having in trying to explain this to the Nation is there are virtually no other shores in the country like this. There are low-lying areas, of course, in South Carolina and North Carolina, and marshes, but there is virtually no other delta like this in the country. So people literally have not been able to see it.

When you see something like a beach in Florida, the wonderful coast in California, which many of us have been to, or to Long Island in the Hamptons, in New York, when you have seen that with your own eyes, you can appreciate it, and you can understand it. The only way to get to the coast of Louisiana is literally by boat or by air, except for those two little highways I spoke about: LA1 on the east side and Holly Beach Road on the west side.

So having this center—I would like to show you where it might be, if I can find a picture of the Atchafalaya. I am not sure I have one. Let me show you the original picture I started with. I will show it, not to make too much of this because it is just a small education center. The center would allow people to come down into this wetlands area and see some of the great Atchafalaya Basin that is sort of the last standing Cyprus swamp in the country. So again, it is a small item.

I object to the Senator taking it out of this bill, but I want him to know this is not because we do not think it is important to put people in housing and to build levees. We are doing all that and doing it as fast as we can, trying to reduce redtape, but we do think these educational centers which we are building serve a significant and important purpose. I do believe the State has already contributed in kind, as well as the local parish.

So I will leave my argument there and at the appropriate time come back to this subject.

I yield the floor, but I would like to speak sometime later this afternoon.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the Senator for yielding.

I would like to make some comments. First of all, we do not take this out. We do not eliminate it. We just say there ought to be a priority on the funds, and the funds for housing ought to come ahead of this. No. 2 is, 3 years ago, a new visitor center was opened for this very purpose for the Atchafalaya Basin, which is the focus of the new visitor center. This just opened 3 years ago.

Again, in a quote from it: Smack dab in the center of the Atchafalaya Basin is a very welcoming site for those traveling on Interstate 10. The Atchafalaya Welcome Center is open seven days a week from 8:30 to 5. The center is located off Interstate 10 at exit 121. It is a first class facility, quite impressive, with historical information within the walls. It is an Acadian-style cottage museum. Outside, wildlife and nature will take you back in time.

It was completed in June 2004. It has many of the same things the Senator wants to support. There are also two other visitor centers in Morgan City, so it is not that there is not some process out there already to do that.

Again, the point is not to eliminate this visitor center. The point is to say, shouldn't we have a priority—before we allow money to go for another visitor center where there is already one that has just opened 3 years ago, shouldn't we have the people who need housing taken care of? So I will stand with that and will not continue the debate on that.

AMENDMENT NO. 1090 TO AMENDMENT NO. 1065

Mr. President, I ask unanimous consent that the pending amendment be set aside and call up amendment No. 1090.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1090 to amendment No. 1065.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prioritize Federal spending to ensure the residents of the city of Sacramento are protected from the threat of floods before spending money to add sand to beaches in San Diego)

On page 11, strike line 5 and insert the following:

(6) IMPERIAL BEACH, CALIFORNIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the

On page 11, between lines 15 and 16, insert the following:

(B) REQUIREMENT.—No Federal funds shall be used for beach nourishment for Imperial Beach, California, until the date on which the Secretary certifies to Congress that the Sacramento River Bank Protection Project has been completed.

Mr. COBURN. This, again, is for the restoration of beaches. It is a 30- or 40-year project, which I do not object to on its face. I love beaches. I take my family to Florida. I noticed recently they restored beaches down there. Again, the question is priorities. We have a tough time setting priorities. We take authorizations bills, we don't look at them. What we do is we get them authorized and then we fight like heck when the appropriations time comes around to get our projects funded.

The Sacramento levee system, according to the Corps of Engineers, is one of the most important projects they have in terms of reducing risk for people at risk of flood. We had a debate on this floor less than a year ago with the Senators from California. I talked to the Governor of California. I had attempted to strip out some of the funding of an emergency bill for emergency funds for the Corps of Engineers for this basin and for these levees. They convinced me with their argument that was a high priority. I actually withdrew my amendment. I did not ask for a vote on it.

We have a WRDA bill that has this in it, and then we have a beach restoration project, over which there is some significant debate in terms of Imperial Beach in southern California, restoring that beach over the next 40 to 50 years, with intermittent projects every 4 to 5 years, pumping sand to restore the beach. I am not against that, either. But what I think we have to do is set a priority.

Why shouldn't the priority be that we protect the people of Sacramento and finish the levee system? The answer will be: We can do both. Well, we really cannot do both. We will do both probably, but we cannot do both. We cannot do both with the money we have. So then it comes to: Where are the priorities? We will have this debate again when the bills come forward in the appropriations process, of where the priority is. We will probably fund both these projects. But when the American taxpayers ask: Now, which one is most important, which one is a true Federal responsibility, which one is a State responsibility, they are going to want some answers. When asked about protecting a major city such as Sacramento with a levee system that the Corps of Engineers designed, which was substandard to begin with, and redoing that to make sure we protect all these people, or letting the State of California restore its own beaches from sand erosion, I believe the vast majority of Americans will say: As to the beach, probably the local community can afford to do that. They get the benefits off of it. They get the property taxes off of it. They get the tourism off of it. But Sacramento is a different story. It is something the Federal Government started. It is something the Federal Government is responsible for, and something the Federal Government should respond to and finish.

Senator FEINSTEIN, in our debate last year, noted that the bottom line is that human life and property hangs in the balance based on the sustainability of these levees. I think that is right. I do not think human life stands in the balance on restoring the beaches, which is really a State responsibility.

What we are going to do in this bill is we are going to take taxpayer money. We are actually going to borrow the money to do it. We are not going to do it out of the regular budget. We are going to pay for something that is a State responsibility. The other factor that comes into it is that every State in the Union, save one, has a surplus this year. We have a $300 billion deficit, if we are honest. So, again, it comes back: is it great if we have extra money, if we aren't borrowing the money for the future? Should we do this at the same time? I would agree.

The fact is, we don't want to make the hard choices. We don't want to tell anybody no, not now. What we want to do is be able to have both. We can satisfy people today, but the people who will be dissatisfied with the generational collar that we put around them will be our kids and grandkids as they repay the cost of out not prioritizing things, not looking at things that are most important, and otherwise not standing up to the line and doing what we should be doing, which is making the hard choices of priorities.

One of the things I think the American citizenry is upset with, as much as the war or more, is the fact that it seems as if we don't care about the future. We will throw money at anything, money we don't have.

So these two amendments I bring to the floor today are not big. They may not pass, but they are based on a principle. The principle is to be a good steward. We all, in our own personal lives, with our own money, have to make priorities. We have to put that roof on before we do something else to the house. We have to make a choice about where the first dollar should go. Unfortunately, sometimes we do a poor job of that in the Congress.

I believe, from the way this Senator sees it, securing the levees ought to be a much higher priority than restoring beach that can be restored by a local community or the State of California. It is not truly a Federal responsibility.

I have studied a great deal about the beach restoration project. They have a general plan. What has happened to them has been out of their control, the Tijuana River in terms of how it has been blockaded and dammed and the amount of sand that filters in and that is available for the beach. Several attempts at growing structures had been made in 1978. A plan was put forth that would have restored it. It did not meet the environmental impact statement. It was abandoned at that time.

What we know and what is predicted by those who have watched this—especially Orrin Pikley, the director of the program for the State Developmental Shorelines at Duke University—is that we shouldn't be nourishing the beaches. President Clinton, much to his credit, saw the need for the States to take a greater burden in financing beach nourishment, and he proposed eliminating all funding for nourishment projects and studies, and he reduced the Federal share to 35 percent on any projects that weren't ongoing.

Where is the responsibility? Who is going to pay for it? It is easy to spend your money. It is easy to not tell anybody no. But the fact is, when we get down to the long and the short of it, we can't do everything everybody wants to do. I know a lot of people were told no in this bill about things they want to do, but we do some of it, to be fair. But in the long run, lives, safety, and housing have to take precedence over convenience and recreation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I rise in strong opposition to this amendment. I would like to lay down the reasons why.

First, I do want to thank Senator COBURN because he was very accommodating to both Senator INHOFE and me by coming here on a Monday afternoon and putting these amendments down so we could begin the debate and hopefully vote on them tomorrow. I do appreciate that. It means a lot to us as managers because we worked long and hard on this bill.

Before I tell my colleagues why I call this amendment the Russian roulette amendment, let me just say I have supported Senator COBURN on many of his amendments where he is looking at the fiscally responsible thing to do, and I will continue to do so when I think those amendments make sense, and I am sure there will be more. But I do want to call to the Senator's attention, if you step back from this particular amendment, which I strongly disagree with—I think it is dangerous, and I will go into that in a minute. If you step back and look at the whole picture of this bill, we should be very proud that working together, Republicans and Democrats, we took a bill that was scored at about $31 billion down to a bill that is about $13.9 billion because we really did apply some strict standards to this bill.

There are no projects in this bill that are giveaways or handouts or make somebody's beachfront pretty. That is nonsense because neither side would approve of that.

I also want to make a point—because I think Senator FEINGOLD made this point very well, although I disagreed with him and we had a bit of a debate on it last week—that when colleagues use the word "prioritize," that we should "prioritize," and then they offer these amendments, they are putting out their priorities. That is not subjective. It is not subjective if I put out my priorities next to Senator COBURN's, next to Senator FEINGOLD's, next to Senator INHOFE's. That is objective. I think the Presiding Officer who is now sitting in the chair knows because she sits on the committee that has jurisdiction over this bill. It is hard. We battle it out for what the right priorities should be.

Now, as I told Senator FEINGOLD last week when we had a debate, because he is offering an amendment dealing with prioritization and setting up a whole new way to prioritize this project, let's look at this process in which we are engaged because I think the Senator—the reason I believe the Senator is on weak ground is because he seems to be ignoring what has gone on before he got involved.

First of all, these projects start from the local governments up, and the local governments and the communities get together and say: We have a very rough situation and we pay Federal taxes and we would like to make a partnership to protect lives and property and businesses. From there, they put up their fair share. They have to be willing to put up their fair share. So this isn't Uncle Sam paying for all this. This is a joint effort, and they have to come forward and the various committees of jurisdiction approve a study.

Now, when these studies are looked at, I say to my friend, there is a cost-benefit ratio involved, and sometimes it is very tough on colleagues because they think they are going to get a project and realize it just doesn't add up. So everything before us that has passed muster, the local government, the local people, they pick up the share, and it has to be funded with a study. And that study, as I said, has to come in and show that this makes sense, and then it goes to the various committees or the administration will fund it. There is an environmental impact statement that goes along with all this. They are considered again in WRDA. I guess this is the chance for colleagues to say: We don't like this project or that, and we are having this debate. It is the Senator's absolute right to choose and pick what he thinks are not priorities. I understand. So after we pass it here, it then has to go forward and get appropriated as well.

This bill has been 7 years in the making. We have cut it more than in half. I think it is a proud product.

I would say to my colleague, the reason I say the amendment is playing Russian roulette is this: We don't know when a hurricane, a storm, is going to come up and hit us in the face. It may come in the northern part of my State, I say to my friend. I have a coastal State. I have a State that is beautiful. We have more beauty per square inch—of course, I am not subjective on the point—than I think any other State. We have 37 million people. We have a real problem. The fact is, we can't just do one thing—Sacramento—and not take care of all the other things.

I so appreciate my friend's coming around with us on the Sacramento issue. I cannot tell my colleagues what it means to me because, as he now knows, we have to take care of Sacramento. It is low lying. It is a potential catastrophe. He is absolutely right to call attention to the levees. We have to do all that.

But the reason I say his amendment is Russian roulette is because it is essentially counting on the fact that we are not going to have this problem in Imperial Beach. I want to say this is not a beach project; this is a hurricane and storm damage reduction project. This is not about making somebody's property pretty to look at. This is serious business.

And speaking of business, if we don't do this work—the locals are going to pay, in the beginning, 30 percent and then 50 percent. If we don't take care of it, business is going to get the floods and it is going to be wiped out. So I wish I could say to my friend all I need is one flood control project in Sacramento and be done with it, but with 37 million people and an economy that if we were a separate Nation would be the fifth or sixth largest in the world, obviously California needs so much.

Now, we have stressed Louisiana and Hurricanes Katrina and Rita. Senator INHOFE and I pulled aside a lot of people and said: Look, we have to come together to help that region. But we also have a backlog of 7 years' worth of work. In the case of Imperial Beach, this project got started in 2007, and the people are waiting. The city of Imperial Beach is home to 26,000 people. Four thousand of its residents live within two to three blocks of the shoreline. It is located near San Diego, just to give everybody a picture, and the beaches and the sand dunes act as a buffer to protect residential and commercial properties. It is a defense. It is a defense against storms and storm surge. If we don't do that, we would be building walls, a very expensive way to get that hurricane damage reduction.

So nature provides our coastal communities with natural protection from violent storms and the waves they produce. In the Northeast it is the high rocky cliffs. From the Mid-Atlantic around the Gulf of Mexico, it is the wide, sandy beaches. In Louisiana, it is miles of wetlands. That is why both our colleagues, Senators VITTER and LANDRIEU, talk a lot about wetlands restoration, which we do in this, because that is the natural flood control, just as the beaches and the bluffs are natural flood control that God gave us.

The coast of my State is particularly prone to strong winter storms that blow in from the Pacific. During the El Nino years, storms can be especially dangerous. That is why I say Russian roulette. We are playing Russian roulette. This is not some project that sprung up because some individual looked out and said: You know, I want more beach in front of my house. No. It has nothing to do with that. It is a dangerous situation. The public is going to be paying for half of this.

The Army Corps of Engineers said 100,000 cubic yards per year is eroding from the beach, corresponding to a shoreline retreat rate of 6 feet per year. There is adequate protection from winter coastal storms. That is what the Army Corps of Engineers said. That is not me speaking. I am not an engineer. I respect what they say.

I know my friend says he is not striking this, he is just saying it is more important to do Sacramento first. We need to do all of it. We need to do this bill. We need to take care of our people in this bill wherever they live—east, west, the north of my State, the South, East or West of the country, Midwest—wherever they are, wherever they need help.

At the current retreat rate, the shoreline in the northern portion of the area could reach the first line of development this year—this year. That is why this bill is so needed. It is needed now—not next year, not after they finish Sacramento or after they finish Hurricane Katrina. We shouldn't be picking and choosing. We should be having an absolutely firm commitment to making sure every one of these projects fits the benchmarks we have set in a bipartisan way, meet the benchmarks, meet the criteria, and not punish people and say, gee, you people in Imperial Beach, you are paying and we are going to pay 50 percent out, but we are stopping because a lot of miles away in another part of the country, or this State, other people need help and they are more important than you. I don't think that is right.

We are Senators. We are Senators of all the people. We have to look at their needs. Absolutely, prioritizing is key. I have shown my colleague how we prioritize through this process and how we cut back the costs of this bill. The beaches, the coastline, the protective buffer is literally washing away.

(Ms. KLOBUCHAR assumed the Chair.)

Mr. COBURN. Will the Senator yield for a question?

Mrs. BOXER. Yes.

Mr. COBURN. Will the restoration project in this bill solve the problem of Imperial Beach?

Mrs. BOXER. This is considered a 50-year fix.

Mr. COBURN. It is a 50-year fix only if they continue to do the work every 5 years, correct?

Mrs. BOXER. Well, of course, all projects have to be maintained.

Mr. COBURN. According to the Corps, every 5 years we will pump the same amount of sand up there, and in 50 years we will be doing the same thing again. This isn't a long-term fix; this is a short-term fix, according to the Corps, not according to anybody else. They have to do the same thing every 5 years to maintain the status quo; is that correct?

Mrs. BOXER. No. The initial project consists of 1.214 million cubic meters of sand, resulting in a total beach with 32 meters beyond the existing beach line. That is the first phase. To get to your point, it is estimated that once every 10 years, over the 50-year life of the project, they would replenish, not every 5 years.

Mr. COBURN. Every 10 years, they are going to have to bring back the sand the ocean naturally washes away from the beach because we have not done what needs to be done, which is a long, extended growing, to help the beach replenish itself.

Mrs. BOXER. Let me say, we continue to maintain the dams in Oklahoma, too. So whether you are maintaining a dam or maintaining this kind of project, yes, you have to take care of your house, your home, your project. This isn't a free lunch for anybody. The local people have to pay for that as well.

So the reason the Corps recommended this particular project is they say it is very cost effective, it provides a lot of protection for these people, and it has a very high cost benefit. For every dollar put in, the American people get $1.70 in return, and few projects can claim such a return.

Mr. COBURN. I would not know how to argue with that. Would the Senator yield for a moment, and I will finish up?

Mrs. BOXER. Yes, I am delighted.

Mr. COBURN. The difference between this and a dam is a dam is put there to control water or generate power. They have to be maintained. The way to fix this, according to the people we have talked to, is the original Corps plan is to put the money into an extended growing until the beach redevelops and replenishes itself. We will continue to do this every 10 years. I am not saying that is not a good priority, but it is not a priority like many of the other things.

I have a letter that I received from Dr. Serge Dedina, executive director of WiLDCOAST, supporting our amendment and asking that this money be placed secondary to the efforts in Sacramento because their studies show one winter storm will wash away what this money was spent for. In fact, this isn't the best plan, although it is a plan and—again, if I was there, I would want this beach maintained and restored. But I understand the desire for it. I understand the priorities for it. I understand the decisions that have been made in terms of lessening priorities that weren't included in that bill.

I appreciate the time the chairman of the committee has given me to offer these amendments.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 14, 2007.

DEAR SENATOR COBURN: Please accept this endorsement for your amendment to the WRDA that would require that residents of Sacramento be protected from the threat of floods by the completion of the Sacramento River Bank Protection Program before federal funds are spent to add sand to beaches in San Diego (Imperial Beach).

WiLDCOAST represents the interests of Imperial Beach taxpayers who are solidly opposed to any public expenditures on beach replenishment projects in Imperial Beach. We have been informed by City of Imperial Beach staff that federally funded beach sand projects are designed to "enhance private property."

Our Beach Sand Stakeholder Advisory Group is formed of local Imperial Beach business owners and coastal engineering technical experts who all agree that the effort to have U.S. Taxpayers fund Imperial Beach sand replenishment is an absolute waste of scarce federal dollars. It has been scientifically proven that millions of dollars of sand that would be dumped on the beach of Imperial Beach would wash away in a single winter storm.

We appreciate your support for stopping wasteful expenditures of scarce federal dollars through badly planned and flawed sand replenishment projects in Imperial Beach, California.

Sincerely,

SERGE DEDINA,
Executive Director, WiLDCOAST.

Mrs. BOXER. Madam President, I ask where we are now. Senator COBURN has two pending amendments; is that correct?

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. We now have Senator FEINGOLD's amendment pending on prioritization and two Coburn amendments; is that correct?

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. OK. I feel like I want to respond for a couple of minutes more to this amendment and say that my colleague says: Oh, my goodness, every 10 years you have to do more work. As I say, the Corps found that this is the most economical and sustainable way to resolve this problem. He talks about beaches—what were his words—being washed away. Yes, beaches will be washed away. We expect that, and every 10 years we will restore the beach. But it is better that that happens than houses washing away, businesses washing away or people washing away. So we have looked at the other options, such as concrete structures, walls—all very expensive and requiring a lot of maintenance and so on.

So we have a situation where the city is paying for 35 percent of the initial part of the project, 50 percent for the rest of the project. The city of Imperial Beach is not looking for a handout, but it is sharing the burden of protecting its people.

Again, I don't quite understand the prioritization of the Senator from Oklahoma, or why he picks on this particular project. This is a project that is more cost effective than any other alternative. It is one of the most cost effective in the Nation. We feel very good about it. But just as Louisiana's wetlands restoration will lessen impacts of hurricanes, because the wetlands are that natural absorber of the water and they also lessen the power of the hurricane, we are here using the God-given beaches as a way to do this flood control or, better said, hurricane impact reduction. So we learned from Hurricane Katrina that we should address our flood threats before they materialize.

We are worried about this particular community. I am very pleased that this particular project certainly wasn't even controversial when we put together our package because it so clearly fits all the criteria we had in place. My colleague is saying don't do this until you do Sacramento, and it doesn't make any sense to me because we need to do it all. That is the point of the WRDA bill—to take care of as many people as we can, and that we can project with the most stringent criteria that we have. So this "Russian roulette" amendment plays with the fate of my community. I think Senator COBURN's other amendment, which would strike a blow at the tourism revival in Louisiana, is also an ill-fated amendment.

The reason I was so glad he came over this afternoon is I am hoping we can have votes on these three amendments tomorrow. If we send a signal that the members of the committee are sticking together on this in a bipartisan way and we are going to move this forward, I think it would be very good for the bill.

I look forward to Senator INHOFE's arrival. He has had a very grueling weekend in Iraq. I don't know exactly when he will arrive. At this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL POLICE WEEK

Ms. MURKOWSKI. Madam President, this week, the week of May 14, is National Police Week, and the streets here in Washington, DC are filled with tens of thousands of law enforcement officers, their families, and their children. This is the week we recognize 17,917 officers whose names are inscribed on the National Law Enforcement Officers Memorial here on Judiciary Square, all of them people who gave their lives to make our communities a safer place.

It is the week we recognize 145 fallen heroes of our Nation lost this past year. The people of Alaska give thanks that we did not lose a law enforcement officer in the line of duty during 2006. This is also the week we add the names of 237 additional law enforcement officers to the memorial. These are officers who lost their lives in the line of duty in generations past but whose stories did not come to light until now. One of those 237 officers is William George Pfalmer, Jr.

Officer Pfalmer's career with the Anchorage Police Department came to an end on June 9, 1953, when he was shot following a traffic stop of a stolen vehicle. He was shot in the left arm and the right shoulder, shattering his spine and causing him to spend the remainder of his life in a wheelchair. Officer Pfalmer lost his battle to survive those wounds on December 26, 1970, at the age of 45, after undergoing one of many corrective surgeries.

I rise today in tribute to Officer Pfalmer and I rise to share the remarkable story of a present-day Anchorage officer, Officer Cathy Diehl Robbins, who made sure Officer Pfalmer's contributions were not lost to history. But for Cathy's determined research, the name of William George Pfalmer, Jr. might never have been inscribed on the National Law Enforcement Officers Memorial.

When Officer Pfalmer was shot on June 9, 1953, the city of Anchorage did not even pay him a full day's pay. At the time, the city did not offer a pension to police officers, nor did it compensate them for their injuries. Officer Pfalmer, who was 27 years old at the time, turned in his badge—which so happened to be badge No. 13—and was left to fend for himself. Anchorage is a city well known for its community spirit. This was true in 1953, it is true today. Officer Pfalmer was named Anchorage's Father of the Year, and the community helped to raise $13,000 to help the family through their difficult time. But that was not enough to enable the Pfalmer family to remain in Alaska.

A World War II Coast Guard veteran, Officer Pfalmer moved his family to California where he could receive medical treatment without charge from the VA. The officer's wife Eleanor was his full-time caregiver. They were tough years financially, but love and commitment held the family together. Officer Pfalmer kept his family afloat for most of those 17 years by purchasing cars at auto auctions, reconditioning them, and reselling them. His three sons, Glenn, Garry, and Greg, helped out after school repairing the cars under their dad's supervision. The three sons were literally their dad's arms and legs. They all became mechanics, a trade their father taught them.

The Pfalmer family assumed that their father's service with the Anchorage Police Department was long forgotten, until one day, out of the blue, son Greg received a call from Cathy Diehl Robbins. Cathy, who had been researching the history of the Anchorage Police Department in her own time, came across an article of some 10 years earlier. That article led Cathy to believe there was a hero who somehow had fallen through the cracks. Cathy would not let go and was determined to run the story to the ground. After diligent research, she discovered the story was true. She tracked Greg down on the Internet and learned that his father was the Anchorage police officer she had read about. She wondered whether the officer was still alive and, sadly, learned he was not. Cathy then made it her mission to ensure that Officer Pfalmer's contributions were not forgotten.

On June 9, 2006, 53 years after the fateful incident that cost the officer his career, the Anchorage Police Department acknowledged Officer Pfalmer's loss as a line-of-duty death. He was subsequently recognized by the Alaska Peace Officers Memorial, and this year his name is inscribed on the National Law Enforcement Officers Memorial.

It is fitting that Cathy Diehl Robbins was invited by the National Law Enforcement Officers Fund to read Officer Pfalmer's name at the annual candlelight ceremony, which was held last night, Sunday, May 13. I am pleased that Garry Pfalmer, one of Officer Pfalmer's three sons, was able to travel from Fairbanks to witness the ceremony.

During this National Police Week, we remember fallen officers for the way they lived their lives, not the way they gave them. Today, we remember Officer Pfalmer not only for the events of June 9, 1953, but also for the support and the inspiration he provided to his family during the next 17 years: a hero at home and a hero in the service of our community.

During this National Police Week, we recite again and again the phrase that "heroes never die." So let us spend a moment to reflect upon the life of Officer Pfalmer, and as we do, let us acknowledge the efforts of an angel named Cathy Diehl Robbins, who brought the story of Officer Pfalmer back to life.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, it took me a few minutes to get the details I needed to respond to Senator COBURN. I am sorry for the delay. But I want to continue the debate we had just about 45 minutes ago on his amendment No. 1089 about which he spoke earlier, and we are prepared, I think, to vote on in the morning.

I am hoping my good colleague from Oklahoma will think about the possibility of withdrawing his amendment because I am going to submit some things for the RECORD that I think might have a bearing.

First of all, I think he offered his amendment in a way to be somewhat critical—although he was very respectful—somewhat critical that the Federal Government would be funding visitors centers before we build our levees and protections that we need for south Louisiana. I was a little puzzled by that. I went and found the facts.

Actually, we are not asking the Federal Government to spend a dime. What we are asking the Federal Government to do is simply to authorize a visitors center, type A as opposed to B, so we can be, as I said in the earlier debate, more interpretive—to have a real place where people can come and learn about the wetlands and the entire delta. The cost difference between B and A would be absorbed by Louisiana. So the Senator's main argument that it would cost the taxpayers of the United States, out of our budget, out of our money, is not accurate. I am not sure he understood that, but I think it has real bearing on the debate.

Again, in reference to Coburn amendment No. 1089, which is the Atchafalaya Basin Project, Eagle Point and Fosse Point Visitors Center, it is to simply authorize a larger type, more robust center, if you would, so we can have a kind of interpretive visitors center and education to go on in this part of the State, teaching not only ourselves in our State and the region but the country about the benefits and really extraordinary value of the wetlands.

Madam President, 8,000 visitors a month visit this center, which is already established. Again, it is at no cost to the Federal Government. I will speak with Senator COBURN in an effort to see if he can withdraw his amendment. If not, we will continue this debate tomorrow.

I ask unanimous consent to have this document printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOUISIANA ATCHAFALAYA BASIN PROGRAM PROJECT PROFILES

The ultimate goal at Eagle Point Park is to enhance, promote, preserve and protect the ecosystem of the lake and the precious resources of the Atchafalaya Basin.

The development of Eagle Point Park will provide a sustainable recreation park facility designed to fulfill the needs of eco-tourism and become a welcomed regional and state amenity. The park's exceptional location near the Atchafalaya Basin will continue to remind visitors of what Louisiana once looked like in its pristine splendor of unbroken forests and swamps. Ultimately, Eagle Point Park will preserve the precious resources of the basin, recover the basin's majesty while managing the human impact, and enhance economic development to surrounding communities and the entire state.

The Corps of Engineers is developing a scope of work to produce Plans and Specifications for the Phase I analysis currently underway with the Team of the Corps of Engineers, URS, GSA, Wayne Labiche Engineering, and Sidney Bourgeouis Architects. After completion of this work the Parish will be in a position to advertise and award a construction contract(s) for the Phase I development.

Additionally, the U.S. Army Corps of Engineers is currently considering an aquatic restoration project in Lake Fausse Pointe. The lake has filled in to a depth of 1.5 feet in many places and the warm shallow water is not conducive to fish life. Plans are being considered for dredging a series of sink holes and using the dredge material to build small islands which will provide animal and bird habitat and should eventually provide shade along the banks.

Aside from the Educational Value of facilities: State and Federal Agencies would be housed at Morgan City Interpretive Center; LSD will put research lab at the Morgan City Facility; and discussion is ongoing with other agencies for location.

It is important to note that Morgan City was the host of a FEMA trailer site, but the site has been closed.

8,000 visitors visit the Atchafalaya Basin Floodway each month.

Ms. LANDRIEU. In addition, Madam President, I referred earlier to a Washington Post article, an article written by John Barry. It was an opinion piece in Saturday's paper, May 12. I referred to it, but I am not sure that I technically asked for it to be printed in the Record. At this point I ask unanimous consent it be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, May 12, 2007]

Our Coast To Fix—or Lose

(By John M. Barry)

There has been much debate in the past 20 months over protecting Louisiana from another lethal hurricane, but nearly all of it has been conducted without any real understanding of the geological context. Congress and the Bush administration need to recognize six facts that define the national interest.

Fact 1: The Gulf of Mexico once reached north to Cape Girardeau, Mo. But the Mississippi River carries such an enormous sediment load that, combined with a falling sea level, it deposited enough sediment to create 35,000 square miles of land from Cape Girardeau to the present mouth of the river.

This river-created land includes the entire coast, complete with barrier islands, stretching from Mississippi to Texas. But four human interventions have interfered with this natural process; three of them that benefit the rest of the country have dramatically increased the hurricane threat to the Gulf Coast.

Fact 2: Acres of riverbank at a time used to collapse into the river system providing a main source of sediment. To prevent this and to protect lives and property, engineers stopped such collapses by paving hundreds of miles of the river with riprap and even concrete, beginning more than 1,000 miles upriver—including on the Ohio, Missouri and other tributaries—from New Orleans. Reservoirs for flood protection also impound sediment. These and other actions deprive the Mississippi of 60 to 70 percent of its natural sediment load, starving the coast.

Fact 3: To stop sandbars from blocking shipping at the mouth of the Mississippi, engineers built jetties extending more than two miles out into the Gulf of Mexico. This engineering makes Tulsa, Kansas City, Minneapolis, Cincinnati, Pittsburgh and other cities into ports with direct access to the ocean, greatly enhancing the nation's economy. The river carries 20 percent of the nation's exports, including 60 percent of its grain exports, and the river at New Orleans is the busiest port in the world. But the jetties prevent any of the sediment remaining in the river from replenishing the Louisiana and Mississippi coasts and barrier islands; instead, the jetties drop the sediment off the continental shelf.

Fact 4: Levees that prevent river flooding in Louisiana and Mississippi interfere with the replenishment of the land locally as well.

Fact 5: Roughly 30 percent of the country's domestic oil and gas production comes from offshore Louisiana, and to service that production the industry created more than 10,000 miles of canals and pipelines through the marsh.

Every inch of those 10,000-plus miles lets saltwater penetrate, and eat away at, the coast. So energy production has enormously accelerated what was a slow degradation, transforming a long-term problem into an immediate crisis. The deprivation of sediment is like moving a block of ice from the freezer to the sink, where it begins to melt; the effect of the canals and pipelines is like attacking that ice with an ice pick, breaking it up.

As a result, 2,100 square miles of coastal land and barrier islands have melted into the Gulf of Mexico. This land once served as a buffer between the ocean and populated areas in Louisiana and part of Mississippi, protecting them during hurricanes. Each land mile over which a hurricane travels absorbs roughly a foot of storm surge.

The nation as a whole gets nearly all the benefits of engineering the river. Louisiana and some of coastal Mississippi get 100 percent of the costs. Eastern New Orleans (including the lower Ninth Ward) and St. Bernard Parish—nearly all of which, incidentally, is at or above sea level—exemplify this allocation of costs and benefits. Three man-made shipping canals pass through them, creating almost no jobs there but benefiting commerce throughout the country. Yet nearly all the 175,000 people living there saw their homes flooded not because of any natural vulnerability but because of levee breaks.

Fact 6: Without action, land loss will continue, and it will increasingly jeopardize populated areas, the port system and energy production. This would be catastrophic for America. Scientists say the problem can be solved, even with rising sea levels, but that we have only a decade to begin addressing it in a serious way or the damage may be irreversible.

Despite all this and President Bush's pledge from New Orleans in September 2005 that "we will do what it takes" to help people rebuild, a draft White House cuts its own recommendation of $2 billion for coastal restoration to $1 billion while calling for an increase in the state's contribution from the usual 35 percent to 50 percent. Generating benefits to the nation is what created the problem, and the nation needs to solve it. Put simply: Why should a cab driver in Pittsburgh or Tulsa pay to fix Louisiana's coast? Because he gets a stronger economy and lower energy costs from it, and because his benefits created the problem. The failure of Congress and the president to act aggressively to repair the coastline at the mouth of the Mississippi River could threaten the economic vitality of the nation. Louisiana, one of the poorest states, can no longer afford to underwrite benefits for the rest of the nation.

Ms. LANDRIEU. Finally, Madam President, I spoke earlier and read some items into the Record. I perhaps read the wrong list. So I am going to resubmit this so the Record is clear. The $3.3 billion in the underlying WRDA bill represents about 20 percent of the total bill. As I tried to explain to some of my constituents at home, if we were talking about a desert bill we would probably have zero money in this bill. But we are talking about a water bill, and Louisiana most certainly has a great deal of water—sometimes more than we need, more than we asked for, and more than we want. But this is Congress's major water development bill. Because we sit at the mouth of the greatest river system in the country, which is the mouth of the Mississippi River, and because we have some of the greatest and last coastal wetlands in the country, of course, this would have a great many projects for us.

We really appreciate, Senator Vitter and I, the cooperation of Republicans and Democrats in being particularly supportive of us as we struggle to get many of these protection projects in this bill authorized because, of course, of our recent tragic experiences with the storms.

The $3.3 billion in projects is significant, necessary, and essential to beginning to build a kind of barrier of protection that the people of south Louisiana, and I might add south Mississippi and part of south Texas, depend on to keep them safe.

We do not live right on the coast, as people do in Mississippi, Alabama, Florida, and actually in Texas. We are the only people actually moving from the coast. We are not moving to the beaches. There are no beaches to move to.

I ask unanimous consent the list be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

WRDA 2007—Senate Floor Consideration (May 7–10, 2007)

GENERAL OVERVIEW OF WRDA

WRDA 2007 authorizes more than an estimated $13.9 billion of Corps projects.

In comparison—WRDA 2000 authorized $4.1 billion; WRDA 1999 authorized $2.5 billion.

The major authorization components of WRDA 2006 are:

Louisiana: **$3.336 billion**—24%

Florida Everglades: $1.73 billion—12%

Upper Mississippi River—Illinois Waterway: $3.77 billion—27%

All Other Authorizations: **$5.064 billion**—37%

Estimated Total: **$13.90 billion**—100%

LOUISIANA PROJECTS

Louisiana Coastal Area Ecosystem Restoration: $1.133 million

Louisiana Coastal Ecosystem next wave: $728 million

Morganza to the Gulf of Mexico Hurricane Protection: $886 million

Port of Iberia Navigation/Storm Surge Protection: $131 million

Jefferson Parish Consolidation: $100 million

Larose to Golden Meadow certification up to 100 year level: $90 million

MRGO Revolving Loan Fund for Private Facilities: $85 million

MRGO Relocation Assistance for Public Facilities: $75 million

Red River Waterway mitigation: $33 million

Southeast Louisiana development planning: $17 million

Calcasieu River and Pass Rock Bank Protection: $15 million

Various Louisiana Environmental Infrastructure: $13 million

Bayou Sorrel Lock: $10 million

MRGO de-authorization: $5 million

Total: $3.336 billion

BOLD Text represents changes from WRDA 2006

Ms. LANDRIEU. These are coastal wetlands. We are proud of that. It is a totally different environment and topography than exists in many other places. But we do have some very special and extraordinary needs, and I would be doing a great disservice to the people of our State if we didn't fight as hard as we could for the many projects in this bill—for the Louisiana Coastal Area Ecosystem Restoration; the Morganza to the Gulf of Mexico Hurricane Protection Project, which we literally have been working on for 20 years; the Port of Iberia Navigation and Vermilion Parish Hurricane Protection Project; Jefferson Parish consolidation; Larose to Golden Meadow, which is a little community down here in Lafourche Parish, but it was the only authorized Federal levee that did not collapse in the last hurricane. But it has been shrinking. This will help us to build it up, to strengthen it, and to keep that wonderful community safe and dry, as the next storms approach.

We understand people cannot live in some areas. They are prohibited from development. We are doing much more strict zoning and planning and community planning and design. In fact, some communities are picking up and moving north. Some communities are not building any more in flood zones. We are with the program when it comes to keeping our people safe.

We can do more in that regard and we will. But without these fundamental earthen barriers and levees and locks, this job will never get done. It is not going to get done overnight, but it will be done, to protect the 3.5 million people who live in the southern part of Louisiana, as well as about 1.5 million people who live in Mississippi.

As you can see, these are the great wetlands of Saint Bernard and Plaquemines Parish Project, Gulfport, and some parts of Pascagoula, and Pass Christian. The storms come from the west. It gives a tremendous buffer to Gulfport and Pascagoula. Of course, if the storms come more from the east, they are more vulnerable as they lay bare to those storm surges and high winds.

For these wetlands to stay and to be restored by the actions of this bill is incredibly important and actually essential to the preservation of this great metropolitan area. This is more than New Orleans, which is 450,000 people, or was before the storm. It is now down to about 200,000. Jefferson Parish, which is part of the metropolitan area, our suburban sister parish, is 450,000. That parish could have just as easily gone under 4 to 12 feet of water had the levees broken on the other side of the canal that sits about right here.

In addition, north of the lake—this is Lake Pontchartrain—we have 700,000 people ringing the north side of this lake, and hundreds of thousands of people who are living down in these ridges.

There is a tremendous amount of population that needs to be saved and protected and sustained. But as I said earlier, it is not just the people who are there, it is the economy, the infrastructure of the economy we are protecting and supporting. Whether it is fisheries, transportation, navigation, 10,000 miles of pipeline, to keep the lights on and provide gas and electricity and fuel to the rest of this country—that comes from here, as do petrochemicals that help to make many of the products that we manufacture in this country better and safer for human use. That happens along the southern part of this great delta.

That is why we fought so hard for this bill. I want to end by saying I commend Senator BOXER, my colleague from California, for making this a priority. I thank our leader, HARRY REID. It has been 8 long years since WRDA has passed and Louisiana cannot wait another month, let alone another year.

There is a hurricane season literally right around the corner in June. This is the middle of May. People are still on pins and needles wondering whether the levees that we have reconstructed and fixed are going to hold for this next hurricane season. They are most certainly looking with great anticipation, and some anxieties, too, if this Congress will act.

I know there are some amendments that are going to be laid down complaining about some aspects of this bill, but I thank Senator BOXER, and I thank Senator INHOFE for his attention to the needs of Louisiana, and I thank this Congress for responding so generously and so quickly. Senator VITTER and I do have several amendments we would like to discuss later tomorrow, which would improve some things from our perspective. But we most certainly understand and appreciate the great work that has gone into this underlying bill.

This bill needs to pass now. It lays a foundation for the long-term recovery and restoration of this great delta. Some expense will be borne by the Federal Government, which is absolutely appropriate since the benefits go all over the Nation from the river systems and the other infrastructure, economic infrastructure that exists. And some of the costs will be borne, as it should be, by the people who call Louisiana home and call Calcasieu Parish or Cameron or Vermilion or Iberia, Orleans, Plaquemines, Saint Bernard, Saint Tammany, et cetera, home.

We are happy to make our own contributions to this effort. We love our home. We love where we live. We have to make it safer, and we have to be able to restore these wetlands and build better levees that do not fail and do not break in the middle of these storms.

We cannot stop the storms, but we most certainly can mitigate against the damage and use better science, better engineering, and, frankly, better leadership in this Congress to make sure the tragedies that happen in Katrina and Rita do not repeat themselves.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that any cloture filed tomorrow on amendments 1097 and 1098 be considered as having been filed prior to the motion to proceed to S. 1348.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that when the Senate resumes consideration of H.R. 1495 on Tuesday, May 15, the time until 11:45 a.m. be for debate with respect to the Coburn amendment No. 1090, with the time equally divided and controlled between Senators BOXER and COBURN or their designees; that at 11:45 a.m., the Senate vote in relation to the amendment, with no intervening amendment in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL MILITARY SPOUSES APPRECIATION DAY

• Mr. CRAPO. Madam President, Friday, May 11, 2007, was National Military Spouses Day. Oftentimes, those who are, as the saying goes, "married to the military" are not recognized for the support they provide and sacrifice they endure during the time of their spouses' active duty service. Certainly when a member is deployed, but throughout a military member's career, the strength and support of a wife or husband can make the difference between success or failure for that individual and that family. Military spouses endure the hardship of separation from loved ones, frequently take on the role of a single parent, and move more often than most civilians throughout the course of a military career. They receive no commendation medals and few accolades, save the gratitude of an exhausted spouse who comes home to a warm embrace and nurturing bond after a long deployment or simply another late night at work. Military spouses are truly war's unsung heroes. In addition to a job they may have outside the home, they are teacher, chief consoler, housekeeper, accountant, taxi driver, cook, referee and nurse. They encounter their own battles bravely, with efficiency, expertise and stubborn persistence supporting our Nation in their daily challenges every bit as valiantly as our military members do.

I commend the over 1,000 military spouses in or from Idaho and U.S. military spouses worldwide and thank them for their service to our Nation, sacrifice and patriotism. Our country, but most importantly their families, need their strength. We all depend on it.●

TRIBUTE TO CLAUD R. JUDD

● Mr. CRAPO. Madam President, on April 13, 2007, Idaho grieved at the passing of one of her great men, Claud R. Judd. Claud lived most all of his life in Fraser, ID, and left behind his wife Elvita, 2 sisters, 3 sons, 1 daughter, 12 grandchildren and 11 great-grandchildren. A lifelong farmer, Claud is perhaps best known to Idahoans for his many years of public service. From local cemetery, park, school, hospital and county fair boards to Clearwater County commissioner and member of the Idaho State Legislature in both houses, he exemplified public service. His legacy is a model of civic duty and commitment to family and community.

Claud found the time in his busy schedule to write a book about his family, and compile a scrapbook about the Clearwater County Extension and 4–H spanning seven decades. He was a hard, honest worker, and committed himself fully to whatever endeavor he undertook. I had the honor and privilege of serving in the Idaho State Legislature with Claud. Fellow lawmakers and staff could always count on him to be honest, kind and thorough. Claud was known as a consensus-builder who put the needs of his constituents first. He focused on results and was known to care little for the politics that cause party line divisions. He represented the Idahoans of Clearwater County with integrity and common sense, reflecting his deep Idaho agriculture roots.

My wife and I join other Idahoans in mourning this great loss to our State, and we offer our most sincere condolences to Elvita and the family.●

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2082. An act to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 2206. An act making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2082. An act to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2206. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–83. A joint resolution adopted by the House of Representatives of the Legislature of the State of Maine urging Congress to increase funding for Community Development Block Grants; to the Committee on Banking, Housing, and Urban Affairs.

Joint Resolution

Whereas, the primary objective of the Community Development Block Grant program is the development of viable communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low income and moderate income; and

Whereas, the State of Maine and the Maine entitlement communities receive direct allocations from the Community Development Block Grant program annually for a wide variety of community and economic development activities that principally benefit low-income and moderate-income persons, including the elderly, children and those who are at risk; and

Whereas, in Maine and in communities throughout the nation, 33 years of Community Development Block Grant program funding has developed a strong network of relationships among local governments, residents, businesses and nonprofit organizations; and

Whereas, the Community Development Block Grant program has been cut every year since fiscal year 2001, and President Bush has released his fiscal year 2008 federal budget to Congress proposing only $2,986,000,000 in formula funding for the Community Development Block Grant program, a reduction of $736,000,000 from last year that would present a severe hardship to Maine communities; now, therefore, be it

Resolved, That we, your Memorialists, on behalf of the people we represent, take this opportunity to indicate that this valuable program has made a tremendous contribution to the viability of the housing stock, infrastructure, public services and economic vitality of the State and that we respectfully urge and request that the President of the United States and the Congress of the United States recognize the outstanding work being done locally and nationally by the Community Development Block Grant program by supporting increased funding for the program in fiscal year 2008; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

POM–84. A resolution adopted by the House of Representatives of the State of Michigan expressing opposition to Norfolk Southern Corporation's proposed sale of its rail lines from Ypsilanti to Kalamazoo and Grand Rapids to Kalamazoo and continuing to the Indiana border; to the Committee on Commerce, Science, and Transportation.

House Resolution No. 56

Whereas, the Norfolk Southern Corporation is considering the sale of its Michigan lines from Grand Rapids to Kalamazoo and from Ypsilanti to Kalamazoo. The Ypsilanti to Kalamazoo line carries the state's busiest high-speed Amtrak train, the Wolverine, which travels from Detroit to Chicago. The Wolverine travels on the Norfolk Southern Railroad's rail corridor from Ypsilanti to Kalamazoo until it connects with Amtrak's own line. Ridership on this line increased six percent in 2006 to 142,185 passengers; and

Whereas, the Ypsilanti to Kalamazoo portion of the Norfolk Southern line is a vital link between Detroit and Chicago. Expanding the high-speed rail capacity on this line is vital to the future development of this area. New industry, including coal energy, bio-diesel, and ethanol fuel plants are proposed for Michigan and specifically along the I–94 corridor located near the Ypsilanti to Kalamazoo rail line. Continued operation of this line by Norfolk Southern is essential to expansion of new industry in this area. Over 150 railroad employees' jobs are associated with the rail traffic along this line; and

Whereas, Norfolk Southern is a Class One railroad operator, earning revenue in excess of $250 million annually. As a Class One operator, Norfolk Southern has the capacity to maintain and promote the use of these lines. The proposed sale of the Ypsilanti to Kalamazoo and Grand Rapids to Kalamazoo lines will almost certainly place the lines under the management of a Class Three operator, a rail company earning revenue of $20 million of less annually. A Class Three operator will be far less likely to have the means to maintain the lines, thus increasing the chance of accidents. Class Three operators also rely on federal grants for line and equipment maintenance, grants that are not always guaranteed; now, therefore, be it

Resolved by the House of Representatives, That we express opposition to Norfolk Southern's proposed sale of its rail lines from Ypsilanti to Kalamazoo and Grand Rapids to Kalamazoo and continuing to the Indiana border; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate; the Speaker of the United States House of Representative; members of the Michigan congressional delegation; the United States Department of Transportation, Surface Transportation Board; the Norfolk Southern Corporation; AMTRAK; and the Michigan Department of Transportation.

POM–85. A resolution adopted by the Senate of the State of Michigan urging Congress to restore funding for the Weatherization Assistance Program in fiscal year 2008 and to consider increasing future funding for this important federal program; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 36

Whereas, the Federal Weatherization Assistance Program (WAP), created in 1976 during the nation's oil crisis and administered by the United States Department of Energy (DOE), provides funding to states to operate programs that pay for weatherization improvements for low-income homes. Weatherization refers to a wide variety of measures and technologies, such as weather stripping, caulking, insulation, and energy-efficient appliances that reduce a building's energy consumption. The WAP is the country's longest running and perhaps most successful energy-efficiency program. During the last 30 years, the WAP has provided weatherization services to more than 5.5 million low-income families; and

Whereas, the WAP is a proven and effective program that helps not only low-income households, but the nation as a whole. The WAP empowers low-income families by enabling them to reduce energy costs and take responsibility for their energy bills. Weatherization reduces heating bills by an average of 31 percent. Low-income families receiving WAP retrofits commonly save about $200 to $300 each year in energy costs. In addition to the direct benefits that low-income families receive, a recent study by Oak Ridge National Laboratory (ORNL) documents a multitude of indirect benefits to local economies, the nation's energy security, and the environment. These benefits include job creation, increased property values, reduced national energy consumption, and a reduction in carbon dioxide emissions by an average of one ton per weatherized house. The ORNL study concludes that for each $1 of investment in the WAP program, the nation receives $3.71 worth of benefits. Surely, no other program receives such bang for its buck; and

Whereas, the effectiveness of the WAP program is threatened by recent DOE funding decisions. The DOE recently cut the Fiscal Year 2007 budget for the WAP by about 16 percent or about $38 million less than it was a year ago. Local communities and state weatherization directors throughout the nation were dismayed by this decision; and

Whereas, under the Fiscal Year 2007 budget, Michigan is receiving almost $2 million less then it did a year ago, and it could not have come at a worse time. The state is suffering through disturbingly high unemployment rates and a weakened economy and is in the midst of its most devastating and prolonged economic downturn since the Great Depression. Losing about $1.9 million in WAP funds and the associated job stimulus that WAP generally provides is a hard pill for the state to swallow; and

Whereas, as the Fiscal Year 2008 federal budget is hammered out, the WAP program should be recognized and celebrated for its immense effectiveness rather than having its budget slashed. Clearly, it is fiscally wise to invest in the energy-saving WAP program; now, therefore, be it

Resolved by the Senate, That we urge the President of the United States, the United States Congress, and the United States Department of Energy to restore funding for the Weatherization Assistance Program in Fiscal Year 2008 and to consider increasing future funding for this important federal program; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Secretary of the United States Department of Energy.

POM–86. A joint resolution adopted by the Legislature of the State of Montana urging Congress to reauthorize the Secure Rural Schools and Community Self-Determination Act and work toward a permanent solution to compensate states and local governments for lost tax revenue on federal land within Montana; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 4

Whereas, the stability of Montana's economy has historically been dependent on use of our abundant natural resources; and

Whereas, the natural resource harvest has historically contributed billions of dollars to Montana's economy by providing employment opportunities to members of our communities, supporting our business communities, and contributing to the health of our schools; and

Whereas, revenue from industries related to the natural resource harvest has produced taxes for the support of local and state governments; and

Whereas, the amount of money generated by national forests has dropped more than 85% between 1986 and 2005, creating a financial crisis for rural forest communities in Montana and around the country; and

Whereas, Congress passed the Secure Rural Schools and Community Self-Determination Act of 2000 to provide a safety net for these communities, and the purpose of the Act was to stabilize payments to states and counties to help support roads and schools, provide projects that enhance forest ecosystem health, provide employment opportunities, and improve cooperative relationships among federal land management agencies and those who use and care about the lands that the agencies manage; and

Whereas, counties in Montana received more than $14 million in the last year to maintain schools and roads; and

Whereas, the Secure Rural Schools and Community Self-Determination Act has expired; and

Whereas, if the Act is not reauthorized, many counties will suffer severe financial impacts resulting in significant reduction in services, including but not limited to public safety and education: Now, therefore, be it

Resolved, by the Senate and the House of Representatives of the State of Montana:

(1) That the Legislature of the State of Montana urge the U.S. Congress to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000 and work toward a permanent solution to compensate states and local governments for lost tax revenue on federal land within Montana.

(2) That the Secretary of State send copies of this resolution to the President of the United States, the Secretary of State of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Western Governors' Association, and the Montana Congressional Delegation.

POM–87. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to establish a "Marshall Plan" for the United States automotive industry; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 31

Whereas, at a time when our country's auto sector is facing untold, and often unfair, challenges, it is in our national interest to establish a "Marshall Plan," similar to the plan instituted to jump-start the decimated post-WWII European economy, to help accelerate the domestic production of alternative fuel and advanced technology vehicles. Providing assistance to the automobile manufacturers and auto parts suppliers to dramatically accelerate the domestic production of alternative fuel and advanced technology (hybrid, clean diesel, and fuel cell) vehicles and their key components is of paramount importance to our entire economy; and

Whereas, only through action of the federal government could a comprehensive plan be developed to help retain and crate tens of thousands of jobs for American workers, and assure that American companies are producing the cars and trucks of the future right here in the United States. Providing the opportunity for the automotive sector to retool and expand existing facilities, and helping to make sure that there is a level playing field among all automotive companies with respect to corporate taxes and health care costs, will produce tremendous benefits for years to come; and

Whereas, indeed, a Marshall Plan would have any number of direct and indirect benefits. It would reduce our dependence on foreign oil, thereby reducing our dangerous reliance on foreign oil and increasing our energy security. It would also improve the environment by reducing global warming emissions. The plan would further generate additional revenue for federal, state, and local governments because of the jobs that would be created for American workers. Moreover, it would benefit consumers through lower costs for flex fuel and advanced technology vehicles, and lower overall fuel costs. Finally, the plan would help corporate profitability and help ensure that workers and retirees receive the health care and retirement benefits they have earned; now, therefore, be it

Resolved by the House of Representatives, That we hereby memorialize the Congress of the United States to establish a "Marshall Plan" for the United States automotive industry; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–88. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to reauthorize the State Children's Health Insurance Program for the State of Michigan; to the Committee on Finance.

HOUSE RESOLUTION NO. 50

Whereas, the House of Representatives regard the health of our children to be of paramount importance to families in our state. Poor child health is a threat to educational achievement as well as the social and psychological well-being of the children of our state; and

Whereas, the members of the Michigan Legislature consider protecting the health of our children to be essential to improving the lives of our youngest citizens and the quality of life in this state. The Michigan SCHIP program, which has enrolled uninsured children since its inception, is an integral part of the arrangements for health benefits for the children of the State of Michigan. We recognize the value of the Michigan SCHIP in preserving child wellness, preventing and treating childhood disease, and improving health outcomes, including overall health costs; and

Whereas, the federal funding available to the State of Michigan through SCHIP is an invaluable source of funding to provide health benefits for children of modest means. Furthermore, we encourage all components of state government to work with educators, health care providers, social workers, and parents to ensure that all available public and private assistance to provide health benefits for uninsured children be garnered and used to the maximum extent; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to ensure timely reauthorization of the State Children's Health Insurance Program (SCHIP) to assure federal funding for Michigan SCHIP; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–89. A resolution adopted by the House of Representatives of the State of Georgia urging Congress to continue to press for strong measures to end the violence in Sudan and urging the Securities and Exchange Commission to provide guidance to public pension fund managers in order to avoid investments which may be supporting nations involved in the support of terrorism or human rights violations; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 273

Whereas, Sudan's government and southern rebels have come to an historic, long-awaited agreement that ends Africa's longest civil war and brings hope to millions of exiled Sudanese yearning to return home; and

Whereas, continued violence in the troubled region of Darfur, Sudan, previously described by the Bush administration as genocide, casts a shadow over the agreement that does not cover the Darfur conflict; and

Whereas, the government of Sudan appears to have sponsored a militia composed of a loose collection of fighters, apparently of Arab background, known as the "Janjaweed"; and with the active support of the regular army, the Janjaweed have attacked villages and committed numerous human rights violations; and

Whereas, the humanitarian consequences of the situation in Darfur are grave, with an estimated over 100,000 innocent civilians brutally murdered; and according to the Office of the United Nations High Commissioner for Refugees 2004 statistics, 662,302 people have been internally displaced and 730,650 people have been forced from their homes to flee to neighboring countries; and

Whereas, the citizens of the State of Georgia abhor this violence and desire that their tax dollars neither directly nor indirectly support these human rights violations through investment in companies aiding the government of Sudan in these acts of terror; and

Whereas, the United States Congress established the Office of Global Security Risk in the Securities and Exchange Commission to provide information to United States investors, including public pension plans, to ascertain whether their funds are invested in corporations with ties to governments that support terrorism; and

Whereas, the National Conference of State Legislatures, the National Association of State Retirement Administrators, the National Association of State Auditors, Comptrollers and Treasurers, and the National Council on Teacher Retirement have joined in urging the Securities and Exchange Commission to assist investors by requiring companies to disclose business conducted in states designated by the State Department as sponsoring terrorism: Now, therefore, be it

Resolved by the House of Representatives, That the President, the United States Congress, the United Nations, and the African Union are urged to continue to work with the international community to press the government of Sudan to halt these ongoing human rights violations; and be it further

Resolved, That the Securities and Exchange Commission is urged to issue guidance to public pension fund managers so that the state may be assured that its funds are not invested in companies that are not in compliance with relevant U.S. laws and are not contributing to terrorism; be it further

Resolved, That the Clerk of the House of Representatives is authorized and directed to transmit appropriate copies of this resolution to the Clerk of the House of Representatives of the United States, the Clerk of the Senate of the United States, each member of the Georgia delegation to the Congress of the United States, Christopher Cox, Chairman, Securities and Exchange Commission, the Secretary General of the United Nations, and the President of the African Union.

POM–90. A resolution adopted by the Senate of the State of Massachusetts commending Taiwan on its contributions to promote world health; to the Committee on Foreign Relations.

RESOLUTION

Whereas, good health is essential to every person and access to the highest standards of health information and services is necessary to improve public health, especially in view of such world health crises as HIV/AIDS, severe acute respiratory syndrome, Avarian flu, Tuberculosis and Malaria; and

Whereas, public health knows neither borders nor politics; and

Whereas, there is a genuine need to improve management and surveillance, foster communications and improve laboratory capabilities among nations; and

Whereas, the World Health Organization set forth, in the first chapter of its charter, the objective of attaining the highest possible level of health for all people; and

Whereas, Taiwan's achievements in the field of health are substantial including, having one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, having eradicated diseases such as cholera, smallpox and the plague and being the first to eradicate polio and providing children with Hepatitis-B vaccinations; and

Whereas, Taiwan's population of 23.5 million is larger than that of three-quarters of the member states in the World Health Organization; and

Whereas, the great potential of cross-borderspread of diseases has made it crucial for all countries, including Taiwan, to have direct and unobstructed access to information and assistance from the World Health Organization in order to successfully limit the spread of various infectious diseases and achieve world health; and

Whereas, the United States Centers for Disease Control and Prevention and its Taiwanese counterpart have enjoyed close collaboration on a wide range of public health issues and concerns; and

Whereas, Taiwan has been eagerly and voluntarily assisting, financially and technically, in international health activities supported by the World Health Organization and donating generously to disaster areas; and

Whereas, in 2001, President George W. Bush and senior members of his administration vocalized support for Taiwan's participation in the World Health Organization; and

Whereas, in 2002, the European Parliament called on the World Health assembly to accept observer status for Taiwan, and its member states to support the application of Taiwan as an observer to the World Health Organization; and

Whereas, in 2002, the United States House of Representatives and Senate authorized the Secretary of State to endorse observer status for Taiwan at the World Health assembly; and

Whereas, in 2002, the United States House of Representatives passed H.R. 441, entitled "WHO for Taiwan", in support of Taiwan's participation as an observer in the World Health Organization: Now therefore be it

Resolved, That the Massachusetts General Court hereby commends the Republic of China, Taiwan, on its many contributions to promote world health and supports its application as an observer to the World Health Organization; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to President George W. Bush, the Secretary of Health and Human Services, the Massachusetts Congressional Delegation, President Chen Shui-Bian on behalf of the 23 million citizens of Taiwan, the Director-General of the World Health Organization and Director-General Kuo-Tung Yang of the Taipei Economic and Cultural Office in Boston.

POM–91. A resolution adopted by the House of Representatives of the State of Pennsylvania designating April 24, 2007, as "Pennsylvania's Day of Remembrance of the Armenian Genocide of 1915–1923"; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 25

Whereas, one and one-half million men, women and children of Armenian descent were victims of the brutal genocide perpetrated by the Turkish Ottoman Empire from 1915 to 1923; and

Whereas, the Armenian genocide and massacres of the Armenian people have been recognized as an attempt to eliminate all traces of a thriving and noble civilization more than 3,000 years old; and

Whereas, revisionists still inexplicably deny the existence of these horrific events; and

Whereas, modern Turkey continues to deny and distort the facts of the Armenian genocide and honors the perpetrators of that crime against humanity as national heroes; and

Whereas, before the implementation of the Holocaust of European Jews, in order to encourage his followers, Adolf Hitler asked, "Who remembers the Armenians?"; and

Whereas, by consistently remembering and openly condemning the atrocities committed against the Armenians, Pennsylvanians affirm the need for constant vigilance to prevent similar atrocities in the future; and

Whereas, the Armenian people have not received reparations for their losses; and

Whereas, recognition of the 92nd anniversary of the Armenian genocide and education about past horrors is crucial to ensuring against future genocide; and

Whereas, Armenia is now a free and independent republic, having embraced democracy following nearly 70 years of oppressive Soviet domination; and

Whereas, Armenian Americans living in Pennsylvania have greatly enriched this Commonwealth through their leadership in business, agriculture, academia, government and the arts; Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania designate April 24, 2007, as "Pennsylvania's Day of Remembrance of the Armenian Genocide of 1915–1923"; and be it further

Resolved, That the Chief Clerk of the House of Representatives transmit copies of this resolution to the Pennsylvania congressional delegation and to the Armenian National Committee of Pennsylvania.

POM–92. A resolution adopted by the House of Representatives of the State of Pennsylvania urging the Citizens' Stamp Advisory Committee of the United States Postal Service to issue a commemorative stamp honoring coal miners; to the Committee on Homeland Security and Governmental Affairs.

HOUSE RESOLUTION NO. 197

Whereas, our entire nation owes our coal miners a great deal more than we could ever repay them for the difficult and dangerous job which they perform so that we can have the fuel we need to operate our industries and to heat our homes; and

Whereas, coal mining is as much a culture as it is an industry; and

Whereas, coal miners sacrifice life and limb for little recognition, and it would be proper and fitting for our nation to recognize our coal miners, past and present, for their contributions: Therefore be it

Resolved, That the General Assembly of the Commonwealth of Pennsylvania memorialize the Citizens' Stamp Advisory Committee of the United States Postal Service to issue a commemorative stamp honoring our coal miners and their contributions to our nation and its citizens; and be it further

Resolved, That copies of this resolution be delivered to the Citizens' Stamp Advisory Committee, c/o Stamp Development, United States Postal Service, 1735 North Lynn Street, Room 5013, Arlington, VA 22209–6432, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–93. A joint resolution adopted by the Legislature of the State of Montana opposing the relaxation of mail delivery standards under consideration by the President's Commission on the U.S. Postal Service; requesting that the U.S. Postal Service maintain current levels of service; and requesting that the U.S. Postal Service maintain current overnight delivery standards and not centralize Montana's mail sorting operations; to the Committee on Homeland Security and Governmental Affairs.

HOUSE JOINT RESOLUTION NO. 4

Whereas, the United States Postal Service, founded in 1775, provides dependable, affordable mail service to Montana communities; and

Whereas, the United States Postal Service remains an important part of the nation's economic infrastructure through which nearly $1 trillion of economic activity is conducted each year and in which 9 million people are employed; and

Whereas, many Montanans, especially in rural areas, do not have easy access to the Internet or to electronic banking and bill paying and are heavily dependent on the United States Postal Service for communication and conducting business transactions; and

Whereas, Americans currently enjoy the most extensive postal service at the lowest postage rates of any major industrialized nation in the world; and

Whereas, the President's Commission on the United States Postal Service has recommended changes to postal operations that could sever postal employees from federal employee health, retirement, and workers' compensation programs and has recommended repeal of laws that could pave the way toward reducing rank-and-file wages and benefits while simultaneously eliminating the current salary cap on executive level postal positions; and

Whereas, the Commission has recommended a new Presidentially appointed, corporate-style board of directors and a new postal regulatory board and has proposed giving these new politically appointed governing bodies broad authority to set rates; and

Whereas, the Commission has proposed to refine the scope of the United States Postal Service's "universal service" obligation and uniform rate structure and change and restrict the scope of services currently protected under postal monopoly regulations; and

Whereas, the new board's broad authority could allow post offices to be closed and prices to be set with a complicated postage rate structure or could turn over postal operations to private, for-profit enterprises; and

Whereas, replacing the United States Postal Service's public service obligation with a profit-seeking mandate would undermine the United States Postal Service's historical "universal service" obligation and weaken its national infrastructure; and

Whereas, in the interim period prior to legislated postal reform, the United States Postal Service may move forward with initiatives to close postal facilities in Montana; and

Whereas, the United States Postal Service is requesting that the United States Postal Rate Commission investigate relaxation of overnight delivery standards; and

Whereas, the United States Postal Service could consolidate the processing of mail in Montana, including moving all Helena outgoing mail-sorting operatios to Great Falls; and

Whereas, this consolidation would not serve the public's best interest because of the decrease in productivity compared to the current processing of mail in Helena; and

Whereas, the consolidation could result in the elimination of the agency's current obligation to deliver local mail overnight and could relax other mail delivery standards across Montana; and

Whereas, the economy of the Helena area would be negatively impacted as a result of the relaxation of overnight delivery standards; and

Whereas, the public health and the public services provided by state agencies would be negatively impacted as a result of the relaxation of overnight delivery standards: Now, therefore, be it

Resolved, by the Senate and the House of Representatives of the State of Montana, That the Montana Legislature urges the President, the Congress of the United States, and the United States Postal Service to continue to maintain affordable, dependable mail service at current levels because of its social and economic importance to our nation; and Be it further

Resolved, That any recommendation from the President's Commission on the United States Postal Service or the United States Postal Rate Commission that curtails public services in the current postal service be rejected; and be it further

Resolved, That the Legislature of the State of Montana opposes any changes that would harm the public and workers of the United States Postal Service, including legislated or United States Postal Service initiatives to close or consolidate postal facilities, relax overnight delivery standards, centralize mail-sorting operations, take away or modify the collective bargaining system of postal workers, or change the current bargaining system for employee benefits; and be it further

Resolved, That copies of this resolution be sent by the Secretary of State to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Majority and Minority Leaders of the United States Senate and House of Representatives, the Postmaster General of the United States Postal Service, the United States Postal Rate Commission, the President's Commission on the United States Postal Service, the Committee on Ways and Means, the Committee on Rules, and the Committee on the Budget of the United States House of Representatives, the Budget Committee of the United States Senate, and each member of the Montana Congressional Delegation.

POM–94. A resolution adopted by the Senate of the State of Michigan urging Congress to enact the Second Chance Act to help juvenile and adult ex-offenders to successfully reenter their communities; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 45

Whereas, the transition from confinement to release presents both great risks and opportunities for young ex-offenders and the communities in which they live. Unsuccessful transitions into the community can result in an alarmingly high recidivism rate for offenders. Effective reentry programs can reduce recidivism rates by providing the necessary support and resources to guide ex-offenders through a successful transition from confinement to community life; and

Whereas, comprehensive reentry programs are especially effective among young people. With their development still in progress, young ex-offenders are more amenable to effective behavior modification interventions, thus saving lives, anguish, and public tax dollars. An example of an effective program that reduces recidivism is Multidimensional Treatment Foster Care (MTFC). This program provides services to youth and their families to assist in the transition from confinement to reentry into the community. MTFC includes ongoing supervision, frequent contact, and coordination of services with the youth's probation officer, teachers, and other involved adults. Studies show that youths in MTFC were less likely to turn back to crime compared to ex-offenders in residential group homes; and

Whereas, research-based reentry programs such as MTFC not only reduce crime, but they are also cost effective. Currently, many young people are released unconditionally when they "age-out" of juvenile court jurisdiction and are not provided access to family reunification or aftercare services. Such unconditional releases increase the likelihood that ex-offenders will return to crime. MTFC and similar programs could save taxpayers thousands of dollars and could save innocent people the heartache of suffering from a criminal attack; and

Whereas, the Second Chance Act calls for an authorization of around $200 million over two years to assist ex-offenders in making a successful transition from confinement to release into the community. The United States Department of Justice would administer demonstration grants to states and local governments to provide and coordinate reentry programs for juvenile and adult offenders. This legislation includes family reunification services, job training, education, housing, and substance abuse and mental health services. This legislation would establish a federal interagency task force on offender reentry, provide research on reentry, and create a national resource center to collect and disseminate information on best practices in offender reentry: Now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to enact the Second Chance Act to help juvenile and adult ex-offenders to successfully reenter their communities; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mr. THUNE):

S. 1376. A bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1377. A bill to direct the Secretary of the Interior to convey to the City of Henderson, Nevada, certain Federal land located in the City, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY:

S. 1378. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Mr. BAUCUS, and Mr. TESTER):

S. 1379. A bill to amend chapter 35 of title 28, United States Code, to strike the exception to the residency requirements for United States attorneys; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 1380. A bill to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 1381. A bill to require the Federal Trade Commission to monitor and investigate gasoline prices under certain circumstances; to the Committee on Commerce, Science, and Transportation.

By Mr. REID:

S. 1382. A bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS (for himself, Mr. PRYOR, Mr. CORNYN, and Mr. SALAZAR):

S. 1383. A bill to reduce the disparity in punishment between crack and powder cocaine offenses, to more broadly focus the punishment for drug offenders on the seriousness of the offense and the culpability of the offender, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 1384. A bill to amend title 38, United States Code, to repeal authority for adjustments to per diem payments to homeless veterans service centers for receipt of other sources of income, to extend authorities for certain programs to benefit homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NELSON of Florida:

S. 1385. A bill to designate the United States courthouse facility located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. REED:

S. 1386. A bill to amend the Housing and Urban Development Act of 1968, to provide better assistance to low- and moderate-income families, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself and Ms. SNOWE):

S. 1387. A bill to amend the Emergency Planning and Community Right-to-Know Act of 1986 to provide for greenhouse gases; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1388. A bill to establish a commercial truck highway safety demonstration program in the State of Maine, and for other purposes; to the Committee on Environment and Public Works.

By Mr. OBAMA (for himself, Ms. SNOWE, and Mr. BINGAMAN):

S. 1389. A bill to authorize the National Science Foundation to establish a Climate Change Education Program; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself and Mr. CRAIG):

S. Res. 196. A resolution commending Idaho on winning the bid to host the 2009 Special Olympics World Winter Games; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself, Mr. COCHRAN, Mr. BAUCUS, Mr. BAYH, Mrs. BOXER, Mr. CASEY, Mrs. CLINTON, Mr. COLEMAN, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Mr. MENENDEZ, Ms. MURKOWSKI, Mrs. MURRAY, Mr. OBAMA, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. STEVENS, and Ms. STABENOW):

S. Res. 197. A resolution honoring the accomplishments of AmeriCorps; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM (for himself, Mr. BROWN, Mr. CHAMBLISS, Mr. FEINGOLD, Mr. KOHL, Mrs. MURRAY, Mr. SPECTER, Mrs. DOLE, Mr. CRAPO, and Mr. STEVENS):

S. Res. 198. A resolution designating May 15, 2007, as "National MPS Awareness Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 22

At the request of Mr. WEBB, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 160

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 160, a bill to provide for compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 423, a bill to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 573

At the request of Ms. STABENOW, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 579

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 579, supra.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 673

At the request of Mr. SALAZAR, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 673, a bill to amend the Internal Revenue Code of 1986 to provide credits for the installation of wind energy property, including by rural homeowners, farmers, ranchers, and small businesses, and for other purposes.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 739

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maine (Ms. COLLINS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 739, a bill to provide disadvantaged children with access to dental services.

S. 746

At the request of Mr. ALLARD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 773

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 823

At the request of Mr. OBAMA, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 823, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes.

S. 871

At the request of Mr. LIEBERMAN, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 881

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 941

At the request of Mr. SANDERS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 941, a bill to increase Federal support for Community Health Centers and the National Health Service Corps in order to ensure access to health care for millions of Americans living in medically-underserved areas.

S. 969

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 971

At the request of Mr. BOND, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 971, a bill to establish the National Institute of Food and Agriculture, to provide funding for the support of fundamental agricultural research of the highest quality, and for other purposes.

S. 973

At the request of Mr. DORGAN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 973, a bill to amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime, and for other purposes.

S. 1026

At the request of Mr. CHAMBLISS, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1026, a bill to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center".

S. 1060

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1113

At the request of Mr. BAYH, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1113, a bill to facilitate the provision of care and services for members of the Armed Forces for traumatic brain injury, and for other purposes.

S. 1161

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1164

At the request of Mr. CARDIN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1252

At the request of Mr. AKAKA, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1252, a bill to amend title 10, United States Code, to provide for uniformity in the awarding of disability ratings for wounds or injuries incurred by members of the Armed Forces, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1267

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1267, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 1277

At the request of Mr. NELSON of Nebraska, the names of the Senator from Maine (Ms. COLLINS), the Senator from North Dakota (Mr. CONRAD), the Senator from Minnesota (Mr. COLEMAN), the Senator from Washington (Ms. CANTWELL), the Senator from Hawaii (Mr. INOUYE) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1277, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the Medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 1287

At the request of Mr. SMITH, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1287, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due.

S. 1299

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1299, a bill to establish on behalf of consumers a fiduciary duty and other standards of care for mortgage brokers and originators, and to establish standards to assess a consumer's ability to repay, and for other purposes.

S. 1313

At the request of Mr. FEINGOLD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1313, a bill to amend the Servicemembers Civil Relief Act to provide relief for servicemembers with respect to contracts for cellular phone service, and for other purposes.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1332

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1332, a bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs.

S. 1346

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1346, a bill to amend conservation and biofuels programs of the Department of Agriculture to promote the compatible goals of economically viable agricultural production and reducing nutrient loads in the Chesapeake Bay and its tributaries by assisting agricultural producers to make beneficial, cost-effective changes to cropping systems, grazing management, and nutrient management associated with livestock and poultry production, crop production, bioenergy production, and other agricultural practices on agricultural land within the Chesapeake Bay watershed, and for other purposes.

S. 1354

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1354, a bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions.

S. 1355

At the request of Mr. MARTINEZ, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1355, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. CON. RES. 3

At the request of Mr. SALAZAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 171

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. Res. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

S. RES. 191

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 191, a resolution establishing a national goal for the universal deployment of next-generation broadband networks to access the Internet and for other uses by 2015, and calling upon Congress and the President to develop a strategy, enact legislation, and adopt policies to accomplish this objective.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. THUNE):

S. 1376. A bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net providers; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation with my colleague from South Dakota, Senator THUNE, designed to address the growing burden faced by this Nation's health care safety net institutions in being able to provide adequate pharmaceutical care to the most vulnerable patient populations.

Communities across the country rely on public and nonprofit hospitals to serve as the health care "safety net" for low-income, uninsured, and underinsured patients. With the ever-increasing cost of pharmaceuticals, these institutions are struggling more and more to provide basic pharmaceutical care to those least able to afford it.

Fortunately, many safety net hospitals are currently able to participate in the Federal 340B Drug Discount Program, which enables them to purchase outpatient drugs for their patients at discounted prices. These hospitals, known as "covered entities" under the 340B statute, include high-Medicaid disproportionate share hospitals, DSH, large and small urban hospitals, and certain rural hospitals.

I am introducing legislation today, the 340B Program Improvement and Integrity Act of 2007, which would extend discounted drug prices currently mandated only for outpatient drugs to inpatient drugs purchased by covered entities under the 340B program. Although the Medicare Modernization Act, MMA, of 2003 permitted pharmaceutical manufacturers to offer 340B drug discounts to covered entities, this legislation did not include a mandate. Without a mandate we have seen very little willingness on the part of manufactures to offer 340B drug discounts for inpatient drugs. As the prices of pharmaceutical drugs continue to increase sharply, the need for these inpatient discounts grows more and more acute.

My legislation would also expand participation in the program to a subset of rural hospitals that, for a variety of reasons, cannot currently access 340B discounts. These newly eligible rural hospitals include critical access hospitals, sole community hospitals, and rural referral centers. In proposing this modest expansion to the program, we have struck an important balance between ensuring a close nexus with low-income and indigent care, ensured that a significant portion of savings is passed on to the Medicaid Program, and strengthened the integrity of the program.

Specifically, newly eligible rural hospitals would have to meet appropriate standards demonstrating their "safety net" status, as do all hospitals that currently participate in the program. For example, sole community hospitals and rural referral centers, all of which are paid under the prospective payment system, would be required under this legislation to serve a significant percentage of low-income and indigent patients, have public or nonprofit status, and, if privately owned and operated, to have a contract with State or local government to provide a significant level of indigent care. All standards are designed to reinforce the obligation of these covered entities to continue serving low-income and uninsured patients.

This legislation would also generate savings for the Medicaid Program by requiring participating hospitals to credit to their Medicaid agencies a significant percentage of their savings on inpatient drugs. It would address the overall efficiency and integrity of the 340B program through improved enforcement and compliance measures with respect to manufacturers and covered entities. This is designed to improve program administration and to prevent and remedy instances of program abuse.

In the end, this legislation would accomplish several important goals. It would help safety net providers stretch their already limited resources through increased access to discounted pharmaceuticals; it would enhance 340B program integrity by making sure participants are complying with program rules; and it would help to improve the care provided to this Nation's most vulnerable populations.

I urge my colleagues to cosponsor this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "340B Program Improvement and Integrity Act of 2007".

SEC. 2. EXPANDED PARTICIPATION IN SECTION 340B PROGRAM.

(a) EXPANSION OF COVERED ENTITIES RECEIVING DISCOUNTED PRICES.—Section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)) is amended by adding at the end the following:

"(M) A children's hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act which would meet the requirements of subparagraph (L), including the disproportionate share adjustment percentage requirement under clause (ii) of such subparagraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

"(N) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act), and that meets the requirements of subparagraph (L)(i).

"(O) An entity that is a rural referral center, as defined by section 1886(d)(5)(C)(i) of the Social Security Act, or a sole community hospital, as defined by section 1886(d)(5)(C)(iii) of such Act, and that both meets the requirements of subparagraph (L)(i) and has a disproportionate share adjustment percentage equal to or greater than 8 percent.".

(b) PROHIBITION ON GROUP PURCHASING ARRANGEMENTS.—Section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) is amended—

(1) in paragraph (4)(L), by striking clause (iii); and

(2) in paragraph (5)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E); respectively; and

(B) by inserting after subparagraph (B), the following:

"(C) PROHIBITING THE USE OF GROUP PURCHASING ARRANGEMENTS.—

"(i) IN GENERAL.—A hospital described in subparagraphs (L), (M), (N), or (O) of paragraph (4) shall not obtain covered outpatient drugs through a group purchasing organization or other group purchasing arrangement, except as permitted or provided for pursuant to clauses (ii) or (iii).

"(ii) INPATIENT DRUGS.—Clause (i) shall not apply to drugs purchased for inpatient use.

"(iii) EXCEPTIONS.—The Secretary shall establish reasonable exceptions to clause (i)—

"(I) with respect to a covered outpatient drug that is unavailable to be purchased through the program under this section due to a drug shortage problem, manufacturer noncompliance, or any other circumstance beyond the hospital's control;

"(II) to facilitate generic substitution when a generic covered outpatient drug is available at a lower price; or

"(III) to reduce in other ways the administrative burdens of managing both inventories of drugs subject to this section and inventories of drugs that are not subject to this section, so long as the exceptions do not create a duplicate discount problem in violation of subparagraph (A) or a diversion problem in violation of subparagraph (B).".

SEC. 3. EXTENSION OF DISCOUNTS TO INPATIENT DRUGS.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 340B(b) of the Public Health Service Act (42 U.S.C. 256b(b)) is amended—

(A) by striking "In this section" and inserting the following:

"(1) IN GENERAL.—In this section"; and

(B) adding at the end the following:

"(2) COVERED DRUG.—In this section, the term 'covered drug' means—

"(A) a 'covered outpatient drug' as defined in section 1927(k)(2) of the Social Security Act; and

"(B) notwithstanding the limiting definition set forth in section 1927(k)(3) of such Act, a drug used in connection with an inpatient or outpatient service provided by a hospital described in subparagraph (L), (M), (N), or (O) of subsection (a)(4), and enrolled to participate in the drug discount program under this section.".

(2) CONFORMING AMENDMENTS.—Paragraphs (2)(A), (5)(B), (5)(D), (5)(E), (7)(B), (7)(C), and (9) of section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) are amended—

(A) by striking "covered outpatient drug" each place that such appears and inserting "covered drug"; and

(B) by striking "covered outpatient drugs" each place that such appears and inserting "covered drugs".

(b) MEDICAID CREDITS ON INPATIENT DRUGS.—Section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking subsection (c) and inserting the following:

"(c) MEDICAID CREDITS ON INPATIENT DRUGS.—

"(1) IN GENERAL.—With respect to the cost reporting period covered by the most recently filed Medicare cost report, a hospital described in subparagraph (L), (M), (N), or (O) of subsection (a)(4) and enrolled to participate in the drug discount program under this section shall provide to each State with an approved State plan under title XIX of the Social Security Act—

"(A) a credit on the estimated annual costs to such hospital of single source and innovator multiple source drugs provided to Medicaid recipients for inpatient use; and

"(B) a credit on the estimated annual costs to such hospital of noninnovator multiple source drugs provided to Medicaid recipients for inpatient use.

"(2) CALCULATION OF CREDITS.—

"(A) SINGLE SOURCE AND INNOVATOR MULTIPLE SOURCE DRUGS.—For purposes of paragraph (1)(A)—

"(i) the credit under such paragraph shall be determined by multiplying—

"(I) the product of—

"(aa) the estimated annual costs of single source and innovator multiple source drugs provided by the hospital to Medicaid recipients for inpatient use; and "(bb) the average manufacturer price adjustment; and

"(II) the minimum rebate percentage described in section 1927(c)(1)(B) of the Social Security Act;

"(ii) the estimated annual costs of single source drugs and innovator multiple source drugs provided by the hospital to Medicaid recipients for inpatient use under clause (i)(I)(aa) shall be determined by multiplying—

"(I) the product of—

"(aa) the hospital's actual acquisition costs of all drugs purchased during the cost reporting period for inpatient use; and

"(bb)(AA) the Medicaid inpatient drug charges as reported on the hospital's most recently filed Medicare cost report; divided by

"(BB) the total inpatient drug charges reported on the cost report; and

"(II) the percentage of the hospital's annual inpatient drug costs described in subclause (I) that arise out of the purchase of single source and innovator multiple source drugs;

"(iii) the average manufacturer price adjustment referred to in clause (i)(I)(bb) shall be determined annually by the Secretary for single source and innovator multiple source drugs by dividing on an aggregate basis—

"(I) the average manufacturer price as defined in section 1927(k)(1)(D) of the Social Security Act, averaged across all covered drugs reported to the Secretary pursuant to section 1927(b)(3) of such Act; by

"(II) the average ceiling price under this section for covered drugs calculated pursuant to subsection (a)(1); and

"(iv) the terms 'single source drug' and 'innovator multiple source drug' have the meanings given such terms in section 1927(k)(7) of the Social Security Act.

"(B) NONINNOVATOR MULTIPLE SOURCE DRUGS.—For purposes of subparagraph (1)(B)—

"(i) the credit under such paragraph shall be calculated by multiplying—

"(I) the product of—

"(aa) the estimated annual costs to the hospital of noninnovator multiple source drugs provided to Medicaid recipients for inpatient use; and

"(bb) the average manufacturer price adjustment; and

"(II) the applicable percentage as defined in section 1927(c)(3)(B) of the Social Security Act;

"(ii) the estimated annual costs to a hospital of noninnovator multiple source drugs provided to Medicaid recipients for inpatient use under clause (i)(I)(aa) shall be determined by multiplying—

"(I) the product of—

"(aa) the hospital's actual acquisition cost of all drugs purchased during the cost reporting period for inpatient use; and

"(bb)(AA) the Medicaid inpatient drug charges as reported on the hospital's most recently filed Medicare cost report; divided by

"(BB) total inpatient drug charges reported on the cost report; and

"(II) the percentage of the hospital's annual inpatient drug costs described in subclause (I) arising out of the purchase of noninnovator multiple source drugs;

"(iii) the average manufacturer price adjustment referred to in clause (i)(I)(bb) shall be determined annually by the Secretary for noninnovator multiple source drugs by dividing on an aggregate basis—

"(I) the average manufacturer price as defined in section 1927(k)(1)(D) of the Social Security Act, averaged across all covered drugs reported to the Secretary pursuant to section 1927(b)(3) of such Act; by

"(II) the average ceiling price under this section for covered drugs calculated pursuant to subsection (a)(1); and

"(iv) the term 'noninnovator multiple source drug' has the meaning given such term in section 1927(k)(7) of the Social Security Act.

"(3) PAYMENT DEADLINE.—The credits provided by a hospital under paragraph (1) shall be paid not later than 90 days after the date of the filing of the hospital's most recently filed Medicare cost report.

"(4) OPT-OUT.—A hospital shall not be required to provide the Medicaid credit required under this subsection if the hospital is able to demonstrate to the State that the credits would be less than or equal to the loss of reimbursement under the State plan resulting from the extension of discounts to inpatient drugs under subsection (b)(2), or if the hospital and State agree to an alternative arrangement. Any dispute between the hospital and the State regarding the applicability of this paragraph shall be adjudicated through the administrative dispute resolution process described in subsection (e)(3).

"(5) OFFSET AGAINST MEDICAL ASSISTANCE.—Amounts received by a State under this subsection in any quarter shall be considered to be a reduction in the amount expended under the State plan in the quarter for medical assistance for purposes of section 1903(a)(1) of the Social Security Act.

"(6) EFFECTIVENESS NOTWITHSTANDING OTHER PROVISIONS OF LAW.—Notwithstanding any other provision of law, all references to provisions of the Social Security Act in this section shall be deemed to be references to the Social Security Act as in effect on the date of enactment of the 340B Program Improvement and Integrity Act of 2007.".

SEC. 4. IMPROVEMENTS TO 340B PROGRAM INTEGRITY.

(a) INTEGRITY IMPROVEMENTS.—Section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by adding at the end the following:

"(e) IMPROVEMENTS IN PROGRAM INTEGRITY.—

"(1) MANUFACTURER COMPLIANCE.—

"(A) IN GENERAL.—From amounts appropriated under paragraph (4), the Secretary shall carry out activities to provide for improvement in the compliance of manufacturers with the requirements of this section in order to prevent overcharges and other violations of the discounted pricing requirements specified in this section.

"(B) ACTIVITIES.—The activities described in subparagraph (A) shall include the following:

"(i) The development of a system to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities, which shall include—

"(I) developing and publishing, through an appropriate policy or regulatory issuance, precisely defined standards and methodologies for the calculation of ceiling prices under subsection (a)(1);

"(II) comparing regularly the ceiling prices calculated by the Secretary with the quarterly pricing data that is reported by manufacturers to the Secretary;

"(III) performing spot checks of sales transactions by covered entities; and

"(IV) inquiring into the cause of any pricing discrepancies that may be identified and either taking, or requiring manufacturers to take, such corrective action as is appropriate in response to such price discrepancies.

"(ii) The establishment of procedures for manufacturers to issue refunds to covered entities in the event that there is an overcharge by the manufacturers, including—

"(I) providing the Secretary with an explanation of why and how the overcharge occurred, how the refunds will be calculated, and to whom the refunds will be issued; and

"(II) oversight by the Secretary to ensure that the refunds are issued accurately and within a reasonable period of time, both in routine instances of retroactive adjustment to relevant pricing data and exceptional circumstances such as erroneous or intentional overcharging for covered drugs.

"(iii) The provision of access, through the Internet website of the Department of Health and Human Services, to the applicable ceiling prices for covered drugs as calculated and verified by the Secretary in accordance with this section, in a manner (such as through the use of password protection) that limits such access to covered entities and adequately ensures security and the protection of privileged pricing data from unauthorized redisclosure.

"(iv) The development of a mechanism by which—

"(I) rebates and other discounts provided by manufacturers to other purchasers, subsequent to the sale of covered drugs to covered entities, are reported to the Secretary; and

"(II) appropriate credits and refunds are issued to covered entities if such credits and refunds have the effect of lowering the applicable ceiling price for the relevant quarter for the drugs involved.

"(v) Selective auditing of manufacturers and wholesalers to ensure the integrity of the drug discount program under this section.

"(vi) The imposition of sanctions in the form of civil monetary penalties, which—

"(I) shall be assessed according to standards established in regulations to be promulgated by the Secretary within 180 days of the date of enactment of this subsection;

"(II) shall not exceed $5,000 for each instance of overcharging a covered entity that may have occurred; and

"(III) shall apply to any manufacturer with an agreement under this section that knowingly and intentionally charges a covered entity a price for the purchase of a drug that exceeds the maximum applicable price under subsection (a)(1).

"(2) COVERED ENTITY COMPLIANCE.—

"(A) IN GENERAL.—From amounts appropriated under paragraph (4), the Secretary shall carry out activities to provide for improvement in compliance by covered entities with the requirements of this section in order to prevent diversion and other violations of the duplicate discount requirements specified under subsection (a)(5).

"(B) ACTIVITIES.—The activities described in subparagraph (A) shall include the following:

"(i) The development of procedures to enable and require covered entities to regularly update (at least annually) the information on the Internet website of the Department of Health and Human Services relating to this section.

"(ii) The development of a system for the Secretary to verify the accuracy of information regarding covered entities that is listed on the website described in clause (i).

"(iii) The development of more detailed guidance describing methodologies and options available to covered entities for billing covered drugs to State Medicaid agencies in a manner that avoids duplicate discounts pursuant to subsection (a)(5)(A).

"(iv) The establishment of a single, universal, and standardized identification system by which each covered entity site can be identified by manufacturers, distributors, covered entities and the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered drugs under this section, including the processing of chargebacks for such drugs.

"(v) The imposition of sanctions, as determined appropriate by the Secretary, in addition to the sanctions to which covered entities are subject to under subsection (a)(5)(D), through 1 or more of the following actions:

"(I) Where a covered entity knowingly and intentionally violates subsection (a)(5)(B), the covered entity shall be required to pay a monetary penalty to a manufacturer or manufacturers in the form of interest on sums for which the covered entity is found liable under subsection (a)(5)(E), and such interest to be compounded monthly and equal to the current short-term interest rate as determined by the Federal Reserve for the time period for which the covered entity is liable.

"(II) Where the Secretary determines that a violation of subsection (a)(5)(B) was systematic and egregious as well as knowing and intentional, removing the covered entity from the program under this section and disqualifying the entity from reentry into the program for a reasonable period of time to be determined by the Secretary.

"(III) Referring matters to appropriate Federal authorities within the Food and Drug Administration, the Office of Inspector General, or other Federal agencies for consideration of appropriate action under other Federal law, such as the Prescription Drug Marketing Act.

"(3) ADMINISTRATIVE DISPUTE RESOLUTION PROCESS.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall promulgate regulations to establish and implement an administrative process for the resolution of claims by covered entities that they have been overcharged for drugs purchased under this section, and claims by manufacturers, after the conduct of audits as authorized by subsection (a)(5)(D), of violations of subsections (a)(5)(A) or (a)(5)(B), including appropriate procedures for the provision of remedies and enforcement of determinations made pursuant to such process through mechanisms and sanctions described in paragraphs (1)(B) and (2)(B) of this subsection. Such regulations shall also establish an administrative process for resolution of disputes described in subsection (c)(4).

"(B) DEADLINES AND PROCEDURES.—Regulations promulgated by the Secretary under subparagraph (A) shall—

"(i) designate or establish a decisionmaking official or decisionmaking body within the Department of Health and Human Services to be responsible for reviewing and finally resolving claims by covered entities that they have been charged prices for covered drugs in excess of the ceiling price described in subsection (a)(1), and claims by manufacturers that violations of subsection (a)(5)(A) or (a)(5)(B) have occurred;

"(ii) establish such deadlines and procedures as may be necessary to ensure that claims shall be resolved fairly, efficiently, and expeditiously;

"(iii) establish procedures by which a covered entity may discover and obtain such information and documents from manufacturers and third parties as may be relevant to demonstrate the merits of a claim that charges for a manufacturer's product have exceeded the applicable ceiling price under this section, and may submit such documents and information to the administrative official or body responsible for adjudicating such claim;

"(iv) require that a manufacturer must conduct an audit of a covered entity pursuant to subsection (a)(5)(D) as a prerequisite to initiating administrative dispute resolution proceedings against a covered entity;

"(v) permit the official or body designated in clause (i), at the request of a manufacturer or manufacturers, to consolidate claims brought by more than 1 manufacturer against the same covered entity where, in the judgment of such official or body, consolidation is appropriate and consistent with the goals of fairness and economy of resources; and

"(vi) include provisions and procedures to permit multiple covered entities to jointly assert claims of overcharges by the same manufacturer for the same drug or drugs in one administrative proceeding, and permit such claims to be asserted on behalf of covered entities by associations or organizations representing the interests of such covered entities and of which the covered entities are members.

"(C) FINALITY OF ADMINISTRATIVE RESOLUTION.—The administrative resolution of a claim or claims under the regulations promulgated under subparagraph (A) shall be a final agency decision and shall be binding upon the parties involved, unless invalidated by an order of a court of competent jurisdiction.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for fiscal year 2008, and each succeeding fiscal year.".

(b) RELATED AMENDMENTS.—Section 340B(a)(1) of the Public Health Service Act (42 U.S.C. 256b(a)) is amended by adding at the end the following: "Each such agreement shall require that the manufacturer furnish the Secretary with reports, on a quarterly basis, of the price for each covered drug subject to the agreement that, according to the manufacturer, represents the maximum price that covered entities may permissibly be required to pay for the drug (referred to in this section as the 'ceiling price'), and shall require that the manufacturer offer each covered entity covered drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price.".

SEC. 5. OTHER IMPROVEMENTS.

(a) GENERAL.—Section 340B of the Public Health Service Act (42 U.S.C. 256b), as amended by section 4, is further amended by adding at the end the following:

"(f) USE OF MULTIPLE CONTRACT PHARMACIES PERMITTED.—Nothing in this section shall be construed as prohibiting a covered entity from entering into contracts with more than 1 pharmacy for the provision of covered drugs, including a contract that supplements the use of an in-house pharmacy arrangement or requires the approval of the Secretary for entering into such a contract.

"(g) INTRAAGENCY COORDINATION.—The Secretary shall establish specific measures, policies, and procedures to ensure effective communication and coordination between the Centers for Medicare & Medicaid Services and the Health Resources and Services Administration with respect to all agency actions and all aspects of policy and administration affecting or pertaining to the drug discount program under this section and in which the functions and responsibilities of those agency components are interrelated or interdependent, including through the establishment of a permanent working group that is composed of representatives of both the Health Resources and Services Administration and the Centers for Medicare & Medicaid Services, to identify and oversee matters requiring such coordination.".

(b) EFFECTIVE DATES.—

(1) AMENDMENT.—Section 340B(d) of the Public Health Service Act (42 U.S.C. 256b(d)) is amended by striking "Veterans Health Care Act of 1992" and inserting "340B Program Improvement and Integrity Act of 2007".

(2) APPLICATION OF ACT.—The amendments made by this Act shall apply to drugs purchased on or after January 1, 2008.

(c) EFFECTIVENESS NOTWITHSTANDING OTHER PROVISIONS OF LAW.—Notwithstanding any other provision of law, the amendments made by this Act shall become effective on January 1, 2008, and shall be taken into account in determining whether a manufacturer is deemed to meet the requirements of section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)), and the requirements of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r–8(a)(5)).

SEC. 6. CONFORMING AMENDMENTS.

Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended—

(1) in subsection (a)(5)—

(A) in subparagraph (A), by striking "covered outpatient" and inserting "covered";

(B) by redesignating subparagraphs (C) through (E), as subparagraphs (D) through (F), respectively;

(C) by inserting after subparagraph (B) the following:

"(C) COVERED DRUG DEFINED.—In this subsection, the term 'covered drug' means a drug defined in section 340B(b)(2) of the Public Health Service Act.";

(D) in subparagraph (E), as so redesignated, by striking "title VI of the Veterans Health Care Act of 1992" and inserting "340B Program Improvement and Integrity Act of 2007."; and

(E) in subparagraph (F), as so redesignated—

(i) by striking "as in effect immediately after the enactment of this paragraph" and inserting "as in effect upon the effective date of the 340B Program Improvement and Integrity Act of 2007,"; and

(ii) by striking "after the date of the enactment of this paragraph" and inserting "after the date of enactment of such Act.";

(2) in subsection (c)(1)(C)(i)—

(A) by redesignating subclauses (II) through (IV) as subclauses (III) through (V), respectively; and

(B) by inserting after subclause (I) the following:

"(II) any prices charged for a covered drug as defined in section 340B(b)(2) of the Public Health Service Act;"; and

(3) in subsection (k)(1), by adding at the end the following:

"(D) CALCULATION FOR COVERED DRUGS.—Notwithstanding any other provision of this subsection, with respect to a covered drug as defined in section 340B(b)(2) of the Public Health Service Act, average manufacturer price means the average price paid to the manufacturer for the drug in the United States by wholesalers for drugs distributed to both the retail pharmacy and acute care classes of trade, after deducting customary prompt pay discounts.".

By Mr. REID (for himself and Mr. ENSIGN):

S. 1377. A bill to direct the Secretary of the Interior to convey to the City of Henderson, Nevada, certain Federal land located in the City, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today for myself and Senator ENSIGN to introduce the Southern Nevada Limited Transition Area Act. This bill will allow one of Nevada's fastest growing communities to diversify its economy, to create space for important small businesses and parks, and to encourage appropriate development around an urban airport.

This legislation was first introduced in the 108th Congress. Its purpose is to convey approximately 502 acres of land from the Bureau of Land Management to the city of Henderson, NV, for the development of an employment and business center and urban green spaces. The parcels are located just west and south of the Henderson Executive Airport.

The Bureau of Land Management has designated these parcels for disposal because of the urban surroundings, which renders them difficult for the agency to manage.

This legislation will enhance the ability of a rapidly growing community to diversify its economy, gainfully employ its residents, and encourage proper land use. The parcels are located in a fast growing area of the city, but are impacted by aircraft noise and overflights from the nearby Henderson Executive Airport. This makes the property unsuitable for residential use. But rather than shying away from it because of the limitations on its use, the city of Henderson has put together a forward-looking plan that will turn the area into a bustling business center.

Once the Bureau of Land Management conveys the land to Henderson, the city would then sell, lease or otherwise convey subdivided lots at fair market value. Consistent with the Southern Nevada Public Land Management Act, 85 percent of the proceeds would then return to the BLM's Special Account for a variety of conservation purposes in Nevada, 10 percent will go towards community water developments, and 5 percent will support the State of Nevada's general education program.

The city of Henderson's leaders are dedicated to making the city a national model of logical development, diversified employment, and fiscal sustainability. This bill helps establish the conditions needed to realize that vision. In addition to productively diversifying the land use pattern in the Las Vegas Valley, the proposed development of this land will encourage a broad range of employment opportunities for the region, while also helping to pay for public infrastructure in nearby residential areas.

I greatly appreciated the hearing that the Energy and Natural Resources Committee had on this bill last Congress. At that hearing, the Department of the Interior and others expressed strong support for our legislation. A few minor revisions were requested by the administration, and I have incorporated those changes into the bill we are introducing today. I look forward to working with the committee to move this legislation in an expeditious manner during this Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern Nevada Limited Transition Area Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the City of Henderson, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of Nevada.

(4) TRANSITION AREA.—The term "Transition Area" means the approximately 502 acres of Federal land located in Henderson, Nevada, and identified as "Limited Transition Area" on the map entitled "Southern Nevada Limited Transition Area Act" and dated March 20, 2006.

SEC. 3. SOUTHERN NEVADA LIMITED TRANSITION AREA.

(a) CONVEYANCE.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), on request of the City, the Secretary shall, without consideration and subject to all valid existing rights, convey to the City all right, title, and interest of the United States in and to the Transition Area.

(b) USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.—

(1) IN GENERAL.—After the conveyance to the City under subsection (a), the City may sell, lease, or otherwise convey any portion or portions of the Transition Area for purposes of nonresidential development.

(2) METHOD OF SALE.—

(A) IN GENERAL.—The sale, lease, or conveyance of land under paragraph (1) shall be through a competitive bidding process.

(B) FAIR MARKET VALUE.—Any land sold, leased, or otherwise conveyed under paragraph (1) shall be for not less than fair market value.

(3) COMPLIANCE WITH CHARTER.—Except as provided in paragraphs (2) and (4), the City may sell, lease, or otherwise convey parcels within the Transition Area only in accordance with the procedures for conveyances established in the City Charter.

(4) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale of land under paragraph (1) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(c) USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election.

(d) NOISE COMPATIBILITY REQUIREMENTS.—The City shall—

(1) plan and manage the Transition Area in accordance with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated in accordance with that section; and

(2) agree that if any land in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance shall contain a limitation to require uses compatible with that airport noise compatibility planning.

(e) REVERSION.—

(1) IN GENERAL.—If any parcel of land in the Transition Area is not conveyed for nonresidential development under this Act or reserved for recreation or other public purposes under subsection (c) by the date that 20 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(2) INCONSISTENT USE.—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this section—

(A) at the discretion of the Secretary, the parcel shall revert to the United States; or

(B) if the Secretary does not make an election under paragraph (1), the City shall sell the parcel of land in accordance with this section.

By Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Mr. BAUCUS, and Mr. TESTER):

S. 1379. A bill to amend chapter 35 of title 28, United States Code, to strike the exception to the residency requirements for United States attorneys; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the U.S. Attorney Local Residency Restoration Act along with Senators SCHUMER, BAUCUS, and TESTER.

Simply put, this legislation would eliminate the other language that the Department of Justice had inserted into the PATRIOT Act reauthorization dealing with U.S. attorneys.

The first provision added allowed the Attorney General to appoint interim U.S. attorneys to vacancies indefinitely without Senate confirmation, and I authored a bill to restore the law to require interim appointments by the Attorney General for only 120 days, and then the district courts can appoint the interim U.S. attorney if a permanent replacement has not been nominated and confirmed.

This bill has passed this body, and I hope will be signed into law soon.

Today, I am offering this legislation to restore the residency requirement for sitting U.S. attorneys.

Before the change, the law required that U.S. attorneys live within his district while serving. It seems logical that the U.S. attorney should live in the district that he is heading.

However, the Department of Justice added language in the PATRIOT Act reauthorization that allows a U.S. attorney to live outside of his district if the Attorney General assigns dual or additional responsibilities to him.

While U.S. attorneys in both Democratic and Republican administrations have served dual roles in the past, this administration has once again abused its new authority—this time by placing numerous U.S. attorneys in full-time positions throughout the Department of Justice, at times in a manner that allows the Department to avoid Senate confirmation.

In fact, Dennis Boyd, executive director of the National Association of Assistant U.S. Attorneys, which represents current Federal prosecutors, has said, "I can't think of a time when there's been this many U.S. attorneys doing double duty at one time."

Currently, there are several U.S. attorneys, that we know about, who are serving in a second full-time position here in Washington, while still retaining their responsibilities back in their districts. For example, Michael J. Sullivan, the U.S. attorney in Boston, has been serving as the Acting Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives in Washington for the past 6 months, a position that requires Senate confirmation;

Mary Beth Buchanan, U.S. attorney in Pittsburgh, is also the acting director of the Office of Violence Against Women, a position that requires Senate confirmation, and prior to that she served as Director of the Executive Office of U.S. Attorneys; and Kevin O'Connor, U.S. attorney in Connecticut, is also serving as an Associate Deputy Attorney General coordinating antigang policies.

Of course, the most well-known example is William Mercer, U.S. attorney in Montana. Mr. Mercer has been effectively absent for nearly 2 years from his State. First, serving as Principal Associate Deputy Attorney General, and now working as Acting Associate Attorney General, another position that requires Senate confirmation. In fact, through staff interviews we have learned that he is only in his State 3 or 4 days a month.

Moreover, his consistent absenteeism was having such a negative effect on the district that it led to the point where U.S. District Chief Judge Donald Molloy of Billings, MT, felt compelled to write to the Attorney General on October 20, 2005, to complain. In that letter, Chief Judge Molloy wrote that Mr. Mercer's dual roles have led to "a lack of leadership" in the Montana office and created "untoward difficulties for the court" and for career prosecutors. Chief Judge Molloy also wrote that Mr. Mercer was violating Federal law because he "no longer resides in Montana" and instead was living with his family in the Washington, DC, area.

These facts on their own are cause for alarm.

However, what is even more disconcerting is the way that Mr. Mercer and the Department of Justice have handled this situation.

We know that the Attorney General responded to Chief Judge Molloy in a letter on November 10, 2005, stating that Mr. Mercer "is in compliance with the residency requirement" under Federal law because he "is domiciled in Montana, returns there on a regular basis, and will live there full-time as soon as his temporary assignment is completed."

We also know through interviews of DOJ staff that Mr. Mercer worked with Will Moschella and Senate staff during November 2005 to insert the residency exemption language into the PATRIOT Act reauthorization.

In fact, according to the Washington Post, the response from the Attorney General to Chief Judge Molloy occurred on the very same day that DOJ asked for the language to be inserted into the PATRIOT Act.

All this resulted in a change in the law, thus eviscerating the conflict.

However, even beyond this turn of events, what is truly breathtaking about this administration's actions with regard to Mr. Mercer is that in trying to defend its actions to force numerous U.S. attorneys to resign from office, this same Justice Department criticized David Iglesias for being "an absentee landlord."

I firmly believe, what is sauce for the goose is sauce for the gander. You can't one day try to change the law to make it easier for U.S. attorneys to serve in 2 full-time jobs at the same time and then the next day fire someone for not being fully present in his job, especially when the absence is much more limited and based on service to the country in the naval reserves.

While there are times when U.S. attorneys may be relied upon to fill in temporarily, changing the law to ensure that they can hold two full-time jobs is unacceptable.

Serving as U.S. attorney is a full-time job, and each district throughout this country deserves to have the best qualified person in the district focused on the tasks at hand.

I am quite certain that there are many fine first assistant U.S. attorneys capable of stepping up to fill the shoes of an absent U.S. attorney; however, these are not the individuals the President has nominated and the Senate has confirmed to serve those positions.

These districts deserve nothing less than the undivided attention of their Senate-confirmed U.S. attorneys.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Attorney Local Residency Restoration Act of 2007". .

SEC. 2. REPEAL OF RESIDENCY EXCEPTION.

(a) IN GENERAL.—Section 545(a) of title 28, United States Code, is amended by striking the last sentence.

(b) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—The amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any person serving as a United States attorney or an assistant United States attorney on or after such date of enactment.

(2) ORDERS.—Any order issued under section 545(a) of title 28, United States Code, as in effect on the day before the date of enactment of this Act, shall terminate on such date of enactment.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 1380. A bill to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, today I am proud to co-sponsor legislation that will designate Rocky Mountain National Park as "wilderness."

This legislation will protect an area that was formed millions of years ago when massive glaciers carved an impressive landscape. The Rocky Mountain National Park Wilderness Act will ensure that it remains unchanged in years to come.

Today marks the beginning of a new chapter in the long history of the Park. As a fifth generation Coloradan and someone who grew up in the shadow of Rocky Mountain National Park, it is an honor to have worked on this bill. With the introduction of this legislation we continue to follow an important wilderness tradition in Colorado.

Colorado and its representatives have long played an important role in the development of Wilderness in our Nation. This dates back to the original Wilderness Act. Congressman Wayne Aspinall, who represented Colorado's 4th Congressional District and chaired the Committee on Interior and Insular Affairs, played a pivotal role in creating the Nation's wilderness system with the 1964 Wilderness Act. From the inception of the original Wilderness Act through the continued development of wilderness in Colorado one thing has remained the same: a commitment to working together to find compromise and solutions that work for everyone.

The principle of compromise has held true from the Colorado National Forest

Wilderness Act of 1980 to the Spanish Peaks Wilderness Act in 2000, and it is now true with the Rocky Mountain National Park Wilderness Act. I am especially proud of the legislation that my colleagues and I have introduced because it will preserve the natural elements of the Park while protecting water, the West's most valuable resource.

In a time when wells are being shut down just east of the park, the protection of water is more important than ever, and it is vital to preserving the agricultural heritage of this area. I am extremely pleased that we have been able protect both wilderness and water.

I would like to thank everyone that has been involved in the development of this bill, my colleagues in the United States Congress, the local officials that communicated with our offices, and the private citizens that shared their thoughts with us on the creation of this bill. I would specifically like to recognize former Senators Bill Armstrong and Hank Brown, and former Representatives Joe Johnson and David Skaggs. We would not be introducing this legislation today without these efforts.

The Rocky Mountain National Park Wilderness Act will ensure that Americans, now and in the future, have the ability to enjoy the Park.

By Mr. REID:

S. 1382. A bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise to introduce the ALS Registry Act.

Lou Gehrig brought Amyotrophic Lateral Sclerosis, ALS, to the public's attention more than 65 years ago and his courage put a human face' on this terrible disease. Each of us has a Lou Gehrig back in our home State, someone who shows great tremendous courage and grace as they wrestle with ALS.

Over the years, I have worked closely with the Nevada ALS Association and have met with many Nevadans who have been touched by this devastating illness. One of these Nevadans was a man by the name of Steve Rigazio who was invited to testify before the Labor/HHS/Education Appropriations Subcommittee in May of 2000. Steve was at the height of his career when he was diagnosed with ALS. He worked through the ranks of the Nevada Power Company, the largest utility company in the State, for 16 years until he became president. He played semi-professional baseball. He also played and coached recreational hockey.

After his diagnosis, Steve continued to show up for work at 6 a.m. for as long as he could. Sadly just 20 months after he testified so movingly before Congress, Steve Rigazio died of ALS on December 27, 2001 at the age of 47. He left behind a family that included a wife, two children and hundreds of friends. The ALS Steve Rigazio Voice of Courage Award was named in his honor as a living testimony to the life of this special man.

Every year approximately 5,600 Americans will learn they have ALS. There is no cure for ALS and there is only one FDA approved drug to specifically treat ALS. That drug only works for 20 percent of patients, and even for them, it merely extends life for a few months.

ALS has proven particularly hard for scientists and doctors to tackle for a number of reasons. One of those reasons is there is not a centralized place where data on the disease is collected. Currently, there is only a patchwork of data about ALS that does not include the entire U.S. population and only includes limited data for specific purposes, such as to determine the relationship between military service and the disease. Perhaps the most obvious example of the limitations of current surveillance systems and registries is that we do not know with certainty how many people are living with ALS in the United States today. Over 136 years after the discovery of ALS, estimates on its prevalence still vary by as much as 100 percent, from a low of about 15,000 patients to as many as thirty 30,000.

The legislation I am introducing today would create an ALS registry at the Centers for Disease Control and Prevention, CDC, and will aid in the search for a cure to this devastating disease. The registry will collect data concerning: the incidence and prevalence of ALS in the U.S.; the environmental and occupational factors that may contribute to the disease; the age, race or ethnicity, gender and family history of individuals diagnosed; and other information essential to the study of ALS.

A national registry will help arm our Nation's researchers and clinicians with the tools and information they need to make progress in the fight against ALS. The data made available by a registry will potentially allow scientists to identify causes of the disease, and maybe even lead to the discovery of new treatment, a cure for ALS, or even a way to prevent the disease in the first place.

I first introduced this legislation in 2005. Since that time, we have appropriated funding to begin work on the development of a National ALS Registry at the CDC. As a result, the CDC has begun pilot proams that will: Develop and test strategies to efficiently identify ALS patients, and (2) determine how to obtain data from existing registries and databases. These pilot programs will help to expedite the development of the registry established by this legislation. This is especially important considering the life expectancy for a person with ALS is 2 to 5 years from the time of diagnosis.

The establishment of a registry will bring new hope to tens of thousands of patients and their families that ALS will no longer be a death sentence. No one wants to wait another 136 years before a cure is found. I urge my colleagues to support the swift passage of the ALS Registry Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "ALS Registry Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Amyotrophic lateral sclerosis (referred to in this section as "ALS") is a fatal, progressive neurodegenerative disease that affects motor nerve cells in the brain and the spinal cord.

(2) The average life expectancy for a person with ALS is 2 to 5 years from the time of diagnosis.

(3) The cause of ALS is not well understood.

(4) There is only one drug currently approved by the Food and Drug Administration for the treatment of ALS, which has thus far shown only modest effects, prolonging life by just a few months.

(5) There is no known cure for ALS.

(6) More than 5,000 individuals in the United States are diagnosed with ALS annually and as many as 30,000 individuals may be living with ALS in the United States today.

(7) Studies have found relationships between ALS and environmental and genetic factors, but those relationships are not well understood.

(8) Scientists believe that there are significant ties between ALS and other motor neuron diseases.

(9) Several ALS disease registries and databases exist in the United States and throughout the world, including the SOD1 database, the National Institute of Neurological Disorders and Stroke repository, and the Department of Veterans Affairs ALS Registry.

(10) A single national system to collect and store information on the prevalence and incidence of ALS in the United States does not exist.

(11) In each of fiscal years 2006 and 2007, Congress directed $887,000 to the Centers for Disease Control and Prevention to begin a nationwide ALS registry.

(12) The Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry has established three pilot projects, beginning in fiscal year 2006, to evaluate the science to guide the creation of a national ALS registry.

(13) The establishment of a national registry will help—

(A) to identify the incidence and prevalence of ALS in the United States;

(B) to collect data important to the study of ALS;

(C) to promote a better understanding of ALS;

(D) to collect information that is important for research into the genetic and environmental factors that cause ALS;

(E) to strengthen the ability of a clearinghouse—

(i) to collect and disseminate research findings on environmental, genetic and other causes of ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS;

(ii) make available information to patients about research studies for which they may be eligible; and

(iii) maintain information about clinical specialists and clinical trials on therapies; and

(F) to enhance efforts to find treatments and a cure for ALS.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399R. AMYOTROPHIC LATERAL SCLEROSIS REGISTRY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 1 year after the receipt of the report described in subsection (b)(2)(A), the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with a national voluntary health organization with experience serving the population of individuals with amyotrophic lateral sclerosis (referred to in this section as 'ALS'), shall—

"(A) develop a system to collect data on ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS, including information with respect to the incidence and prevalence of the disease in the United States; and

"(B) establish a national registry for the collection and storage of such data to include a population-based registry of cases in the United States of ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

"(2) PURPOSE.—It is the purpose of the registry established under paragraph (1)(B) to gather available data concerning—

"(A) ALS, including the incidence and prevalence of ALS in the United States;

"(B) the environmental and occupational factors that may be associated with the disease;

"(C) the age, race or ethnicity, gender, and family history of individuals who are diagnosed with the disease;

"(D) other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS; and

"(E) other matters as recommended by the Advisory Committee established under subsection (b).

"(b) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a committee to be known as the Advisory Committee on the National ALS Registry (referred to in this section as the 'Advisory Committee'). The Advisory Committee shall be composed of at least one member, to be appointed by the Secretary, acting through the Director of the Centers for Disease Control and Prevention, representing each of the following:

"(A) National voluntary health associations that focus solely on ALS and have demonstrated experience in ALS research, care, and patient services, as well as other voluntary associations focusing on neurodegenerative diseases that represent and advocate on behalf of patients with ALS and patients with other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

"(B) The National Institutes of Health, to include, upon the recommendation of the Director of the National Institutes of Health, representatives from the National Institute of Neurological Disorders and Stroke and the National Institute of Environmental Health Sciences.

"(C) The Department of Veterans Affairs.

"(D) The Agency for Toxic Substances and Disease Registry.

"(E) The Centers for Disease Control and Prevention.

"(F) Patients with ALS or their family members.

"(G) Clinicians with expertise on ALS and related diseases.

"(H) Epidemiologists with experience in data registries.

"(I) Geneticists or experts in genetics who have experience with the genetics of ALS or other neurological diseases.

"(J) Statisticians.

"(K) Ethicists.

"(L) Attorneys.

"(M) Other individuals with an interest in developing and maintaining the National ALS Registry.

"(2) DUTIES.—The Advisory Committee shall review information and make recommendations to the Secretary concerning—

"(A) the development and maintenance of the National ALS Registry;

"(B) the type of information to be collected and stored in the Registry;

"(C) the manner in which such data is to be collected;

"(D) the use and availability of such data including guidelines for such use; and

"(E) the collection of information about diseases and disorders that primarily affect motor neurons that are considered essential to furthering the study and cure of ALS.

"(3) REPORT.—Not later than 1 years after the date on which the Advisory Committee is established, the Advisory Committee shall submit a report concerning the review conducted under paragraph (2) that contains the recommendations of the Advisory Committee with respect to the results of such review.

"(c) GRANTS.—Notwithstanding the recommendations of the Advisory Committee under subsection (b), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to, and enter into contracts and cooperative agreements with, public or private nonprofit entities for the collection, analysis, and reporting of data on ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

"(d) COORDINATION WITH STATE, LOCAL, AND FEDERAL REGISTRIES.—

"(1) IN GENERAL.—In establishing the National ALS Registry under subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

"(A) identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health and environmental infrastructure wherever possible, including—

"(i) the 3 ALS registry pilot projects initiated in fiscal year 2006 by the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry at the South Carolina Office of Research & Statistics; the Mayo Clinic in Rochester, Minnesota; and Emory University in Atlanta, Georgia;

"(ii) the Department of Veterans Affairs ALS Registry;

"(iii) the DNA and Cell Line Repository of the National Institute of Neurological Disorders and Stroke Human Genetics Resource Center;

"(iv) Agency for Toxic Substances and Disease Registry studies, including studies conducted in Illinois, Missouri, El Paso and San Antonio Texas, and Massachusetts;

"(v) State-based ALS registries, including the Massachusetts ALS Registry;

"(vi) the National Vital Statistics System; and

"(vii) any other existing or relevant databases that collect or maintain information on those motor neuron diseases recommended by the Advisory Committee established in subsection (b); and

"(B) provide for research access to ALS data as recommended by the Advisory Committee established in subsection (b) to the extent permitted by applicable statutes and regulations and in a manner that protects personal privacy consistent with applicable privacy statutes and regulations.

"(2) COORDINATION WITH NIH AND DEPARTMENT OF VETERANS AFFAIRS.—Notwithstanding the recommendations of the Advisory Committee established in subsection (b), and consistent with applicable privacy statutes and regulations, the Secretary shall ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health and the Department of Veterans Affairs.

"(e) DEFINITION.—For the purposes of this section, the term 'national voluntary health association' means a national non-profit organization with chapters or other affiliated organizations in States throughout the United States.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.".

By Mr. AKAKA:

S. 1384. A bill to amend title 38, United States Code, to repeal authority for adjustments to per diem payments to homeless veterans service centers for receipt of other sources of income, to extend authorities for certain programs to benefit homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce legislation that would enhance and improve services for homeless veterans administered by the Department of Veterans Affairs. This bill addresses a number of areas related to care and benefits for homeless veterans. It would modify the funding mechanism for community-based services to homeless veterans, expand capacity of services for women veterans, and improve outreach to servicemembers who are at risk of becoming homeless.

First, this legislation would lift a number of restrictions on VA's grant and per diem program. This program compensates community shelters for the services they provide to homeless veterans. VA currently pays $27 per day to community shelters for each veteran served. However, $27 is barely sufficient to cover existing costs, and rising energy prices are stretching resources even more.

To meet the needs of their clients, many shelters seek additional sources of funding, but their per diem payments from VA are in turn offset by the amount of this additional funding. By eliminating this offset, the bill would enable providers to expand their services to veterans, and to receive funding from other sources to accomplish these expansions.

This legislation would also address the gap in domiciliary care for homeless women veterans. Women veterans are a growing proportion of the active duty force and overall veteran population. Homelessness among female veterans is a serious problem, and many facilities do not yet have the capacity to meet this demand. Domiciliary care is an essential component of treatment and rehabilitation, especially for mental health and substance abuse conditions which afflict many homeless veterans.

This bill would require the Secretary of Veterans Affairs to ensure that domiciliary programs have the capacity to accommodate women veterans, and that their specific safety and security concerns are addressed. As women become a larger proportion of the homeless veteran population, VA must have the capacity to meet their needs.

Finally, this legislation would increase efforts to identify and assist servicemembers who are at risk of becoming homeless. It would make permanent an already established and successful program to aid incarcerated veterans in their transition back to civilian life. The program identifies at risk individuals and refers them to counseling and services, including health care, job training and placement, and housing.

Building on the success of that program, the bill would also create a similar program to identify and support at risk individuals in their transition from military to civilian life. It has been proven through smaller scale efforts that this process can reduce the incidence of homelessness and other problems among new veterans who are being separated from military service.

Over 1 million servicemembers have served in Iraq and Afghanistan, and as they transition from military service to civilian life some will be at risk of homelessness. Any effort VA can make to assist these servicemembers will improve lives and reduce the demand for VA homeless services in the years to come. We have all heard the sad and shocking statistic that one out of every three homeless persons on the street at any given time is a veteran. This bill is another step in attempting to address and solve this shameful problem.

I believe that this bill adjusts existing programs to take full advantage of existing resources and effective initiatives. I urge all of my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF AUTHORITY FOR ADJUSTMENTS TO PER DIEM PAYMENTS TO HOMELESS VETERANS SERVICE CENTERS FOR RECEIPT OF OTHER SOURCES OF INCOME.

Section 2012(a)(2) of title 38, United States Code, is amended—

(1) by striking subparagraphs (B), (C), and (D); and

(2) in subparagraph (A)—

(A) by striking “The rate” and inserting “Except as provided in subparagraph (B), the rate”;

(B) by striking “adjusted by the Secretary under subparagraph (B)”; and

(C) by designating the second sentence as subparagraph (B) and indenting the margin of such subparagraph, as so designated, two ems from the left margin.

SEC. 2. DEMONSTRATION PROGRAM ON PREVENTING VETERANS AT-RISK OF HOMELESSNESS FROM BECOMING HOMELESS.

(a) DEMONSTRATION PROGRAM.—The Secretary of Veterans Affairs shall carry out (subject to the availability of appropriations) a demonstration program for the purpose of—

(1) identifying members of the Armed Forces on active duty who are at risk of becoming homeless after they are discharged or released from active duty; and

(2) providing referral, counseling, and supportive services, as appropriate, to help prevent such members, upon becoming veterans, from becoming homeless.

(b) PROGRAM LOCATIONS.—The Secretary shall carry out the demonstration program in at least three locations.

(c) IDENTIFICATION CRITERIA.—In developing and implementing the criteria to identify members of the Armed Forces, who upon becoming veterans, are at-risk of becoming homeless, the Secretary of Veterans Affairs shall consult with the Secretary of Defense and such other officials and experts as the Secretary considers appropriate.

(d) CONTRACTS.—The Secretary of Veterans Affairs may enter into contracts to provide the referral, counseling, and supportive services required under the demonstration program with entities or organizations that meet such requirements as the Secretary may establish.

(e) SUNSET.—The authority of the Secretary under subsection (a) shall expire on September 30, 2011.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for the purpose of carrying out the provisions of this section.

SEC. 3. EXPANSION AND EXTENSION OF AUTHORITY FOR PROGRAM OF REFERRAL AND COUNSELING SERVICES FOR AT-RISK VETERANS TRANSITIONING FROM CERTAIN INSTITUTIONS.

(a) PROGRAM AUTHORITY.—Subsection (a) of section 2023 of title 38, United States Code, is amended by striking “a demonstration program for the purpose of determining the costs and benefits of providing” and inserting “a program of”.

(b) SCOPE OF PROGRAM.—Subsection (b) of such section is amended—

(1) by striking “DEMONSTRATION” in the subsection heading;

(2) by striking “demonstration”; and

(3) by striking “in at least six locations” and inserting “in at least 12 locations”.

(c) EXTENSION OF AUTHORITY.—Subsection (d) of such section is amended by striking “shall cease” and all that follows and inserting “shall cease on September 30, 2011.”.

(d) CONFORMING AMENDMENTS.—

(1) Subsection (c)(1) of such section is amended by striking “demonstration”.

(2) The heading of such section is amended to read as follows:

“§ 2023. Referral and counseling services: veterans at risk of homelessness who are transitioning from certain institutions”.

(3) Section 2022(f)(2)(C) of such title is amended by striking “demonstration”.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by striking the item relating to section 2023 and inserting the following:

“2023. Referral and counseling services: veterans at risk of homelessness who are transitioning from certain institutions.”.

SEC. 4. AVAILABILITY OF GRANT FUNDS TO SERVICE CENTERS FOR PERSONNEL.

Section 2011 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(i) AVAILABILITY OF GRANT FUNDS FOR SERVICE CENTER PERSONNEL.—A grant under this section for a service center for homeless veterans may be used to provide funding for staff as necessary in order for the center to meet the service availability requirements of subsection (g)(1).”.

SEC. 5. PERMANENT AUTHORITY FOR DOMICILIARY SERVICES FOR HOMELESS VETERANS AND ENHANCEMENT OF CAPACITY OF DOMICILIARY CARE PROGRAMS FOR FEMALE VETERANS.

Subsection (b) of section 2043 of title 38, United States Code, is amended to read as follows:

“(b) ENHANCEMENT OF CAPACITY OF DOMICILIARY CARE PROGRAMS FOR FEMALE VETERANS.—The Secretary shall take appropriate actions to ensure that the domiciliary care programs of the Department are adequate, with respect to capacity and with respect to safety, to meet the needs of veterans who are women.”.

By Mr. NELSON of Florida:

S. 1385. A bill to designate the United States courthouse facility located at 301 North Miami Avenue, Miami, Florida, as the “C. Clyde Atkins United States Courthouse”; to the Committee on Environment and Public Works.

Mr. NELSON of Florida. Mr. President, I have introduced a bill that will honor one of Florida's great jurists, the Honorable C. Clyde Atkins, by naming the Federal building at 301 North Miami Avenue in Miami, FL, the “C.

Clyde Atkins United States Courthouse." This is a fitting tribute to Judge Atkins. His public service provides a model for members of the legal profession, indeed, for all Americans, who respect the rule of law and believe in equal justice under law.

Before becoming a judge, Judge Atkins, who earned his law degree at the University of Florida, already had distinguished himself in private practice. He served as the president of both the Florida bar and the Dade County Bar Association. In 1966, President Johnson appointed Judge Atkins to serve on the U.S. District Court for the Southern District of Florida. He served until his death in 1999 at the age of 84. From 1977 until 1982, Judge Atkins was the chief judge for the Southern District, and his leadership ensured that the court remained effective through a period when Miami confronted serious problems involving refugees, violence, and drug smuggling.

Judge Atkins rendered important decisions in the areas of civil rights and civil liberties. By the luck of the draw, he was assigned to many controversial cases, earning him the nickname "Hard Luck Clyde," and it was for those rulings, often involving important civil rights and civil liberties issues, that he will be best remembered.

For example, in a decision involving Miami's homeless population, he ordered the creation of "safe zones" where the homeless could congregate without fear of arrest. This important decision had a ripple effect, helping to give rise to efforts throughout the Nation to rehabilitate the homeless through training and the creation of shelters. He also ruled in support of Cuban and Haitian refugees who were held at Guantanamo Bay, Cuba, and against the government's repatriation policy. And finally, he presided over the desegregation of Dade County's public schools for more than 20 years.

Judge Atkins was a person of faith. He was the first Catholic appointed to the bench in the Southern District, and Pope Benedict VI named him a Knight of St. Gregory. Judge Atkins also earned recognition from the National Conference of Christians and Jews, the Anti-Defamation League, and the American Judicature Society, to name a few.

The proposal to name the courthouse in Miami after Judge Atkins has been supported by leaders of the bar in the Southern District, including the Dade County Bar Association. Passage of my bill will ensure that the C. Clyde Atkins Courthouse will stand as an enduring tribute to an admired and respected Federal judge and the principles for which he stood for generations to come.

By Mr. REED:

S. 1386. A bill to amend the Housing and Urban Development Act of 1968, to provide better assistance to low- and moderate-income families, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the Homeownership Protection and Enhancement Act of 2007, HOPE Act. This legislation would reauthorize and amend Section 106 of the Housing and Urban Development Act of 1968, so that we can improve on Federal efforts to support and sustain homeownership.

As we all know, during the past several years, housing prices in cities and States around the country have far outpaced any increase in wages. Families have been stretching themselves financially to get into homeownership, and many families have started using alternative or exotic mortgages loan products to purchase their homes.

According to First American Loan Performance, in 2006, in my own State of Rhode Island, nearly 16 percent of all home-purchase loans were "interest only." However, as home prices have declined, many people who took out these exotic loans are now finding they owe more than the value of their property.

The Center for Responsible Lending estimates that nationally one in five subprime loans originated during the prior 2 years will end in foreclosure, costing homeowners $164 billion, mostly in lost equity.

It appears that we are just at the beginning of what could be a perfect storm, as many credit-stressed borrowers still face resets of these exotic adjustable-rate and payment option loans. There were 1.2 million foreclosures reported nationwide last year, up 42 percent from 2005, according to RealtyTrac, a database of foreclosed properties. RealtyTrac also reports 430,000 foreclosure filings in the first quarter of 2007, a 35 percent jump over the same period in 2006.

The increasing rate of foreclosures across the country is troubling. Not only are individual families losing their homes and their financial nest eggs, but there is a negative ripple effect across communities and the economy. That is why I am introducing the Homeownership Protection and Enhancement Act, or HOPE Act.

This bill seeks to help States establish and enhance outreach programs to proactively find homeowners at risk of losing their homes and help them avoid foreclosure. States will be rewarded for having set up effective programs to help curtail foreclosures with additional funding and resources. An incentive is provided for more States to follow suit and reach out to delinquent borrowers, offer them access to financial counseling, and, when appropriate, help them negotiate a plan to restructure their debt.

In particular, the HOPE Act provides $50 million for the creation and operation of State Homeownership Protection Centers. The centers can serve as a one-stop resource, offering consumers a broad range of services and assistance, such as financial assessments, counseling, or referrals to families in need. It authorizes $260 million in competitive grants to States who operate State Homeownership Protection Centers for revolving loan funds to offer one-time grants or subsidized loans to qualified families. It increases funding to $300 million for effective HUD-approved counseling agencies. Finally, it sets aside $5 million for the creation of a Federal database on defaults and foreclosures to improve oversight of public and private efforts to sustain homeownership.

In addition, to help prevent future borrowers from taking on unsustainable mortgages and falling into foreclosure, the HOPE Act would create an affirmative duty for lenders and servicers to engage in reasonable loss mitigation prior to foreclosure. It would also require notifications by lenders and servicers to borrowers regarding the full array of counseling services available in their State at every critical step, at application, at closing, and upon delinquency. Finally, if a State has a State Homeownership Protection Center, lenders and servicers would be required to refer borrowers who are 60 days or more delinquent to the center so that it can proactively attempt to reach distressed borrowers.

I am introducing the HOPE Act because when homes get foreclosed on, it is not just the borrowers and lenders who pay the price, whole neighborhoods suffer. Housing industry experts estimate that for every foreclosure within an eighth of a mile of a house, two and a half city blocks in every direction, the property value of surrounding homes drops by about 1 percent. I believe that the Federal Government has a responsibility to step in and ensure that millions of Americans, including neighbors who never took out a risky loan and have scrimped and saved to pay their bills on time, are not adversely affected by the subprime foreclosure crisis.

This legislation is targeted relief that will help more families keep their homes and save communities nationwide millions of dollars. We need to act swiftly before personal financial tragedies turn into a full blown national financial crisis.

The HOPE Act will set us on the path to meeting an important national goal, creating sustainable homeownership. I hope my colleagues will join me in supporting this bill and other foreclosure prevention efforts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeownership Protection and Enhancement Act of 2007".

SEC. 2. REFORM OF SECTION 106 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended—

(1) in subsection (c)—

(A) in paragraph (3)—

(i) in subparagraph (A)(ii), by striking "; and" and inserting "; or"; and

(ii) in subparagraph (A)(iii), by striking "involving principal" and all that follows through "the appraised" and inserting "in which a homeowner has total equity equal to less than 3 percent of the appraised";

(B) in paragraph (4)—

(i) in subparagraph (C)—

(I) in clause (i), by striking "; or" and inserting a semicolon;

(II) in clause (ii), by striking the period at the end and inserting a semicolon;

(III) by adding at the end the following:

"(iii) a significant reduction in the income of the household due to divorce or death; or

"(iv) a significant increase in basic expenses of the homeowner or an immediate family member of the homeowner (including the spouse, child, or parent for whom the homeowner provides substantial care or financial assistance) due to—

"(I) an unexpected or significant increase in medical expenses;

"(II) a divorce;

"(III) unexpected and significant damage to the property, the repair of which will not be covered by private or public insurance;

"(IV) a large property-tax increase; or

"(V) a large increase in condominium or cooperative fees, dues, or assessments; or"; and

(ii) by adding at the end the following:

"(D) the Secretary of Housing and Urban Development determines that the annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.";

(2) in paragraph (5)—

(i) by striking subparagraph (A) and inserting a new subparagraph (A) as follows:

"(A) NOTIFICATION OF AVAILABILITY OF PRE-PURCHASE HOMEOWNERSHIP COUNSELING, HOMEOWNERSHIP COUNSELING, AND HOMEOWNERSHIP PROTECTION CENTER SERVICES.—

"(i) NOTIFICATION TO MORTGAGE APPLICANTS AT TIME OF MORTGAGE APPLICATION.—

"(I) IN GENERAL.—A proposed mortgagee shall provide notice to any applicant for a mortgage described in paragraph (4).

"(II) CONTENT OF NOTICE.—The notice required under subclause (I) shall—

"(aa) if provided to an eligible mortgage applicant, state that completion of a counseling program is required for insurance pursuant to section 203 of the National Housing Act (12 U.S.C.1709);

"(bb) notify the mortgage applicant of the availability of homeownership counseling provided by non-profit organizations approved by the Secretary and experienced in the provision of pre-purchase homeownership counseling, or provide the toll-free telephone number established by the Secretary under subparagraph (D)(i); and

"(cc) notify the mortgage applicant or homeowner by a statement or notice, written in plain English by the Secretary of Housing and Urban Development, in consultation with the Secretary of Defense and the Secretary of the Treasury, explaining the mortgage and foreclosure rights of servicemembers, and the dependents of such servicemembers, under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.), including the toll-free military one source number to call if servicemembers, or the dependents of such servicemembers, require further assistance.

"(ii) NOTIFICATION AT TIME OF CLOSING OF AVAILABILITY OF COUNSELING UPON DELINQUENCY AND SERVICES OF STATE HOMEOWNERSHIP PROTECTION CENTERS.—

"(I) IN GENERAL.—At the time of closing, and together with the final signed loan documents, a mortgagee shall provide to the homeowner a plain language statement in conspicuous 16-point type or larger which shall include the following:

"(aa) COUNSELING STATEMENT.—A counseling statement that reads as follows:

"If you are more than 30 days late on your mortgage payments, your lender or loan servicer is required by law to notify you of agencies approved by the United States Department of Housing and Urban Development (HUD) that may be able to assist you, including the contact information for your State Homeownership Protection Center if there is one operating in your State. Before you miss another mortgage payment, you are strongly encouraged to contact your lender or loan servicer or one of the agencies on the approved list for assistance. If you are more than 60 days late on your mortgage payments, your lender or loan servicer is required by law to send you a second notification containing this information. In addition, if you are more than 60 days late on your mortgage payment and you are registered with a State Homeownership Protection Center, your lender or loan servicer also will be required to notify the Center, so that the Center can contact you regarding any assistance it may be able to provide.

"(bb) COUNSELING AGENCY LISTING.—A listing of at least 5 housing counseling agencies approved by the Department of Housing and Urban Development, at least 1 of which is located in the State in which the property to be mortgaged is located.

"(cc) TOLL-FREE NUMBER.—The listing of the toll-free telephone number established by the Secretary under subparagraph (D)(i).

"(dd) CONTACT INFORMATION FOR STATE HOMEOWNERSHIP PROTECTION CENTER.—The contact information, including telephone number, email address, and physical address of the State Homeownership Protection Center, if such a Center is operating in the State in which the property to be mortgaged is located.

"(ee) NOTICE TO SERVICEMEMBERS OR DEPENDENTS OF SERVICEMEMBERS.—A statement, written in plain English, drafted by the Secretary of Housing and Urban Development, in consultation with the Secretary of Defense and the Secretary of the Treasury, explaining the mortgage and foreclosure rights of servicemembers, and the dependents of such servicemembers, under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.), including the toll-free military one source number to call if servicemembers, or the dependents of such servicemembers, require further assistance.

"(ff) SUMMARY OF DUTY TO ENGAGE IN LOSS MITIGATION.—A brief summary of the obligation of the mortgagee to engage in reasonable loss mitigation activities for the purpose of providing an alternative to foreclosure, including language informing the homeowner that the mortgagee's failure to comply with such loss mitigation requirements constitutes a defense to the foreclosure.

"(II) MANNER OF DISCLOSURE.—

"(aa) 1 DOCUMENT.—At the discretion of the mortgagee, the mortgagee may provide all the information required under clause (I) in one single document.

"(bb) REQUIRED DESCRIPTION OF DOCUMENT AT CLOSING.—A mortgagee shall briefly describe the document in item (aa) to the homeowner during closing.

"(III) OTHER REQUIREMENTS AT TIME OF CLOSING FOR MORTGAGEES OPERATING IN A STATE WHERE A STATE HOMEOWNERSHIP PROTECTION CENTER IS LOCATED.—

"(aa) REGISTRATION WITH STATE HOMEOWNERSHIP PROTECTION CENTERS.—In addition to the required documents described in subclauses (I) and (II), at the time of closing the mortgagee shall explain in writing and verbally that the homeowner's name and contact information will be registered with a State Homeownership Protection Center so that the Center can attempt to reach the homeowner if the homeowner is 60 days or more late in making any mortgage payment.

"(bb) BROCHURES.—The mortgagee shall distribute to a homeowner any brochure, pamphlet, or other brief document prepared by the State Homeownership Protection Center that describes the services provided by the Center.

"(cc) DUTY OF MORTGAGEE TO FORWARD INFORMATION.—The mortgagee shall forward to the State Homeownership Protection Center the contact information of the mortgage applicant and shall agree to notify the Center if the mortgage payment of the homeowner is or becomes more than 60 days late so that the Center can attempt to reach the homeowner.

"(dd) REQUIRED DISCLOSURES TO THE HOMEOWNER.—Each homeowner shall be informed that being registered with a State Homeownership Protection Center under this subclause may provide easier access to assistance in case of financial difficulty and that no information that would make it possible to identify the homeowner will be given to any other entity for any reason without the prior approval of the homeowner.

"(ee) ADDITIONAL RESPONSIBILITIES OF MORTGAGEES.—The mortgagee shall note registration with the State Homeownership Protection Center with the loan information of the homeowner, however such information is stored, and shall ensure that any entity which purchases the loan of the homeowner is aware of where they are registered and the requirement that the State Homeownership Protection Center be notified if the homeowner is or becomes more than 60 days late on any mortgage payment.

"(iii) NOTICE UPON DELINQUENCY OF HOMEOWNER.—

"(I) IN GENERAL.—Except as provided in subparagraph (C)—

"(aa) if a homeowner becomes 30 or more days late on any mortgage payment, the mortgagee shall provide notice in the manner described in clause (iv) to any eligible homeowner who fails to pay any amount within 30 days of the date the amount is due under a home loan;

"(bb) if a homeowner becomes 60 or more days late on any mortgage payment, the mortgagee shall provide notice to the homeowner a second time in the manner described in clause (iv) to any eligible homeowner who fails to pay any amount within 60 days of the date the amount is due under a home loan; and "(cc) if a homeowner becomes 60 or more days late on any mortgage payment, and such homeowner is registered with a State Homeownership Protection Center, the mortgagee shall provide notice to that State Homeownership Protection Center.

"(II) FAILURE TO PROVIDE NOTICE.—Failure to provide notice to a homeowner or to a State Homeownership Protection Center required under this subsection constitutes a defense to foreclosure.

"(iv) CONTENT OF NOTICE UPON DELINQUENCY OF HOMEOWNER.—

"(I) REGISTERED HOMEOWNERS.—The notice required under clause (iii) for a homeowner registered with a State Homeownership Protection Center shall—

"(aa) notify the homeowner of the availability of any homeownership counseling provided by the mortgagee;

"(bb) provide the homeowner a current copy of the statement described in clause (ii)(I) provided to the homeowner at closing; and

"(cc) when the homeowner becomes 60 or more days late on any mortgage payment—

"(AA) notify the State Homeownership Protection Center with whom the homeowner is registered; and

"(BB) provide the Center with the contact information of the homeowner.

"(II) NON-REGISTERED HOMEOWNERS.—The notice required under clause (iii) for a homeowner not registered with a State Homeownership Protection Center shall—

"(aa) notify the homeowner of the availability of any homeownership counseling provided by the mortgagee; and

"(bb) provide the homeowner a current copy of the statement described in clause (ii)(I) provided to the homeowner at closing.

"(III) MAILINGS.—When the notice required under clause (iii) is sent, the outside of the mailing envelope shall state that such mailing contains federally required information on Federal Government-approved financial counseling agencies.";

(ii) by striking subparagraph (B) and inserting a new subparagraph (B) as follows:

"(B) DEADLINE FOR NOTIFICATION.—The notification required in subparagraph (A) shall be made in a manner approved by the Secretary.";

(iii) in subparagraph (D)(i)(I), by inserting "post-purchase" before "homeownership counseling"; and

(iv) by adding at the end the following:

"(F) NATIONWIDE AVAILABILITY.—The Secretary shall ensure that each State is served by at least one local, regional, or national agency with an office in the State that provides the services described in this paragraph.";

(D) in paragraph (6)(D), by inserting "for a primary residence" before the period;

(2) by striking subsection (d) and inserting the following:

"(d) GRANTS TO STATES FOR STATE HOMEOWNERSHIP PROTECTION CENTERS.—

"(1) IN GENERAL.—The Secretary shall award grants, on a competitive basis, to State housing finance agencies or any other designated State agency, to enable such agencies to establish and operate State Homeownership Protection Centers.

"(2) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a Notification of Funding Availability for grants awarded under this subsection for a fiscal year not later than 3 months after the date of enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for the fiscal year.

"(3) APPLICATION.—

"(A) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under this subsection, a State housing finance agency or any other designated State agency shall submit an application to the Secretary, at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary—

"(i) to determine the ability of such agency to operate a Center; and

"(ii) to establish priorities for funding based on need.

"(B) ANNOUNCEMENT OF AWARDS.—The Secretary shall announce, within 4 months after the last date for the submission of applications described in subparagraph (A) for a fiscal year, the grants conditionally awarded under this subsection for that fiscal year.

"(4) PURPOSE.—The purpose of any State Homeownership Protection Center established under paragraph (1) shall be—

"(A) to provide a centralized location for information on, and referral to, public services available to assist a homeowner who is in default on their home loan;

"(B) to provide a homeowner with referrals to counseling agencies approved by the Department of Housing and Urban Development that may be able to assist that homeowner, if that homeowner is in default on their home loan; and

"(C) to attempt to contact each homeowner who is registered with the Center who is more than 60 days late on any mortgage payment with the goal of—

"(i) determining—

"(I) if such homeowner needs assistance in avoiding foreclosure on their home; and

"(II) what kind of assistance is needed by such homeowner to avoid foreclosure on their home; and

"(ii) providing referrals to any appropriate programs or entities that may be able to provide any such assistance.

"(5) HOMEOWNERSHIP PROTECTION CENTERS.—

"(A) USE OF FUNDS.—Each State housing finance agency or any other designated State agency, who is a recipient of a grant under paragraph (1) may only use such grant amounts to establish and operate State Homeownership Protection Centers in that State.

"(B) REQUIRED ACTIVITIES.—Each State Homeownership Protection Center established under this section shall, at a minimum—

"(i) provide a toll-free number through which any homeowner in financial distress can receive—

"(I) information on—

"(aa) the Center and its services; and

"(bb) public programs that provide assistance to homeowners; and

"(II) a listing of counseling agencies approved by the Department of Housing and Urban Development;

"(ii) provide information to homeowners on available community resources relating to homeownership, including—

"(I) public assistance or benefits programs;

"(II) mortgage assistance programs;

"(III) home repair assistance programs;

"(IV) legal assistance programs;

"(V) utility assistance programs;

"(VI) food assistance programs; and

"(VII) other Federal, State, or local government funded social service;

"(iii) provide staff who—

"(I) are able to conduct a brief assessment of the situation of a homeowner; and

"(II) based on such assessment can—

"(aa) make appropriate referrals to, and provide application information regarding, programs that can provide assistance to such homeowner; and

"(bb) provide a listing of counseling agencies approved by the Department of Housing and Urban Development; and

"(iv) provide to any homeowner in financial distress access to applications for public assistance or benefits program which may be of assistance to such homeowner.

"(C) ADDITIONAL ACTIVITIES.—In addition to the services required under subparagraph (B), each State Homeownership Protection Center shall—

"(i) be technologically capable of—

"(I) accepting and recording in a secure database the contact information of any homeowner forwarded to the Center by a mortgagee pursuant to subsection (c)(5)(A)(ii)(III); and

"(II) accessing the contact information described in subclause (I), if the Center is notified by a mortgagee pursuant to subsection (c)(5)(A)(ii)(III) that the homeowner is 60 or more days late in paying any amount due under the home loan of such homeowner;

"(ii) if notified by a mortgagee pursuant to subsection (c)(5)(A)(ii)(III) that a homeowner who is registered with the Center is 60 or more days late in paying any amount due under the home loan of such homeowner, attempt to contact such homeowner to provide assistance or suggest public programs or counseling agencies that may provide assistance to the homeowner; and

"(iii) not release to the public or to any third party the name of any homeowner who is registered with the Center, or of any person who visits the Center for assistance, or any other information that would make it possible to identify such a person, without the prior written consent of such homeowner or person.

"(6) GRANTS TO STATES WITH HOMEOWNERSHIP PROTECTION CENTERS TO ASSIST HOMEOWNERS IN DEFAULT.—

"(A) GRANT AUTHORITY.—The Secretary shall award competitive grants to State housing finance agencies, or to any other designated State agency, located in a State with a State Homeownership Protection Center established under paragraph (1), to enable such agencies in partnership with State Homeownership Protection Centers to provide 1-time emergency grants or subsidized loans to eligible homeowners to assist such homeowners in satisfying any amounts past due on their home loans.

"(B) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a Notification of Funding Availability for grants awarded under this paragraph for a fiscal year not later than 3 months after the date of enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for the fiscal year.

"(C) APPLICATION.—

"(i) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under this paragraph a State housing finance agency or any other designated State agency located in a State where a State Homeownership Protection Center is located, shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary—

"(I) to determine compliance with the requirements and criteria under this paragraph; and

"(II) to establish priorities for funding based on need.

"(ii) ANNOUNCEMENT OF AWARDS.—The Secretary shall announce, within 4 months after the last date for the submission of applications described in this paragraph for a fiscal year, the grants conditionally awarded under this paragraph for that fiscal year.

"(D) OTHER REQUIREMENTS.—

"(i) SEPARATE ACCOUNTS.—To be eligible to receive any amounts awarded under this paragraph and prior to providing any emergency grants or subsidized loans, a State housing finance agency or any other designated State agency shall establish a separate account in which such amounts are to be held.

"(ii) LIMITED USE.—Any amounts made available for purposes of this paragraph in any appropriations Act shall be used only to provide 1-time emergency grants or subsidized loans to eligible homeowners to assist such homeowners in satisfying any amounts past due on their home loan as authorized under subparagraph (A).

"(iii) REPAYMENT OF LOANS.—Any amounts repaid on a subsidized loan made under this paragraph shall be deposited back into the separate account established under clause (i) from which the loan funds originated.

"(iv) OTHER FUNDING.—Amounts donated or otherwise directed to be used for purposes of this paragraph may be deposited in any separate account established under clause (i) to help capitalize such account.

"(E) PROGRAM REQUIREMENTS.—

"(i) IN GENERAL.—Each State housing finance agency or any other designated State agency that is a recipient of a grant to assist homeowners in default under this paragraph, in cooperation with the State Homeownership Protection Centers in such State, shall develop program requirements for eligible homeowners seeking a 1-time emergency grant or subsidized loan under this paragraph.

"(ii) REQUIRED CONTENT.—The program requirements developed under clause (i) shall, at a minimum, include the following:

"(I) That any loan or grant under this paragraph may be provided for up to a four-family owner-occupied residence, including one-family units in a condominium project or a membership interest and occupancy agreement in a cooperative housing project, that is used as the principal residence of the applicant seeking such grant or loan.

"(II) That each applicant for a loan or grant shall be a permanent resident of the State in which the principal residence of such applicant is located.

"(III) That each applicant—

"(aa) provide documentation that such applicant either—

"(AA) is suffering from financial hardship which is unexpected or due to circumstances beyond the control of the applicant; or

"(BB) is eligible for homeownership counseling under subsection (c)(4); and

"(bb) offer proof that such applicant is unable, without financial assistance—

"(AA) to correct any delinquency on any amounts past due on the home loan of such applicant within a reasonable time; and

"(BB) to make full payment on any home loan payment due within the next 30 days.

"(IV) That a State Homeownership Protection Center, State housing finance agency, or any other designated State agency, or its designee, has determined, in its discretion, that there is a reasonable prospect that any applicant for a grant or loan under this paragraph will be able to resume full payments on the home loan of such applicant not later than 12 months after the date on which such applicant will first receive any grant or loan amounts under this paragraph.

"(V) That the applicant has not, at any point prior, and with respect to the same real property, previously received a grant or loan under this paragraph.

"(F) LOAN REQUIREMENTS.—

"(i) RATE OF INTEREST.—Any loan under this section shall carry a simple annual percentage rate of interest which shall not exceed the prime rate of interest, as such prime rate is determined from time to time by at least 75 percent of the 30 largest depository institutions in the Nation.

"(ii) NO COMPOUNDING.—Interest on the outstanding principal balance of any loan under this section shall not compound.

"(iii) BALANCE DUE.—

"(I) IN GENERAL.—The principal of any loan made under this paragraph, including any interest accrued on such principal, shall not be due and payable unless—

"(aa) the real property securing such loan is sold or transferred; or

"(bb) the last surviving homeowner of such real property dies.

"(II) DEPOSIT OF BALANCE DUE.—If either event described in subclause (I) occurs, the principal of any loan made under this paragraph, including any interest accrued on such principal, shall immediately become due and payable to the State entity from which the loan originated.

"(iv) NO PENALTY FOR PREPAYMENT.—Any homeowner who receives a loan under this paragraph may repay the loan in full, without penalty, by lump sum or by installment payments, at any time prior to the loan becoming due and payable.

"(v) CAP ON LOAN AMOUNT.—The amount of any loan to any 1 homeowner under this section shall not exceed 20 percent of the original mortgage amount borrowed by the homeowner.

"(vi) SUBORDINATION PERMITTED.—Any loan made under this paragraph will be subordinated to any refinancing of the first mortgage, any preexisting subordinate financing, any purchase money mortgage, or subordinated for any other reason, as determined by the State.

"(G) EXISTING LOAN FUNDS.—Any State or State housing finance agency with a previously existing fund established to make loans to assist homeowners in satisfying any amounts past due on their home loan may use funds appropriated for purposes of this section for that existing loan fund, even if the eligibility, application, program, or use requirements for that loan program differ from the eligibility, application, program, and use requirements of this paragraph, unless such use is expressly determined by the Secretary to be inappropriate.";

(3) in subsection (f)(2)(A), by striking "and rental counselors." and inserting "counselors in both pre-purchase and post-purchase counseling and in training rental counselors."; and

(4) by adding at the end the following:

"(g) DUTY TO ENGAGE IN LOSS MITIGATION.—

"(1) IN GENERAL.—Upon default of any federally related mortgage, as defined in section 3(1)(B) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2202(1)(B)), a mortgagee shall engage in reasonable loss mitigation activities for the purpose of providing an alternative to foreclosure.

"(2) DEFENSE TO FORECLOSURE.—A mortgagee's failure to comply with the requirements of paragraph (1) constitutes a defense to the foreclosure.

"(3) NO FORECLOSURE IF NOTICE OF APPLICATION FOR HOME PRESERVATION LOAN.—A mortgagee shall not initiate or continue a foreclosure—

"(A) upon receipt of a written confirmation that the homeowner has applied for a home preservation loan under subsection (d)(6); and

"(B) for the period of 1 month after receipt of such written confirmation or until the mortgagee is informed, in writing, that the homeowner is not eligible for a home preservation loan, whichever occurs first.

"(4) DEFINITION OF LOSS MITIGATION ACTIVITIES.—

"(A) IN GENERAL.—As used in this subsection, the term 'loss mitigation activities' means activities that minimize the potential losses to a homeowner or investor that may result from—

"(i) a homeowner's inability to pay the mortgage payments due on a home loan; and

"(ii) any subsequent foreclosure action.

"(B) ALTERNATIVE TO FORECLOSURE.—Loss mitigation activities provide alternatives to foreclosure whenever possible and reasonably ensure the long-term affordability of any mortgage retained pursuant to such activities.

"(C) PROCESS OF MITIGATION.—

"(i) IN GENERAL.—Loss mitigation activities involve reasonably analyzing the borrower's financial situation, evaluating the property value of the property to be mortgaged, and assessing the feasibility of measures including—

"(I) waiver of any late payment charge or, if applicable, penalty interest;

"(II) forbearance pursuant to a written agreement between the borrower and the servicer providing for a temporary reduction in monthly payments followed by a reamortization and new repayment schedule including the arrearage;

"(III) waiver, modification, or variation of any term of a mortgage, including modifications that change the mortgage rate, forgive the payment of principal or interest, extend the final maturity date of such mortgage, or begin to include an escrow for taxes and insurance;

"(IV) acceptance of payment from the homeowner of an amount less than the stated principal balance in final satisfaction of such mortgage;

"(V) assumption;

"(VI) pre-foreclosure sale; and

"(VII) deed in lieu of foreclosure.

"(ii) PRIORITY.—Activities described in subclauses (V), (VI), and (VII) shall only be pursued after a reasonable evaluation of the feasibility of activities described in subclause (I), (II), (III), and (IV), based upon the homeowner's circumstances.

"(h) OVERSIGHT OF PUBLIC AND PRIVATE EFFORTS TO REDUCE MORTGAGE DEFAULTS AND FORECLOSURES.—

"(1) MONITORING OF HOME LOANS.—The Secretary, in consultation with the Department of Housing and Urban Development, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Office of Thrift Supervision, shall develop and implement a plan to monitor—

"(A) conditions and trends in the mortgage industry in order to predict, as best as possible, likely future trends in foreclosures; and

"(B) the effectiveness of public efforts to reduce mortgage defaults and foreclosures.

"(2) ANNUAL REPORT TO CONGRESS ON MONITORING OF HOME LOANS.—Not later than 1 year after the development of the plan under paragraph (1), and every year thereafter, the Secretary shall submit a report to Congress that—

"(A) summarizes and describes the findings of the monitoring required under that subparagraph; and

"(B) includes recommendations or proposals for legislative or administrative action—

"(i) to increase the authority of the Secretary to levy penalties against any mortgagee, or other person or entity, who fails to comply with the requirements described in this section; and

"(ii) to improve coordination between various public and private initiatives to reduce the overall rate of mortgage defaults and foreclosures.

"(3) COMPLIANCE PLAN AND REPORT.—The Secretary, in consultation with the Department of Housing and Urban Development, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Office of Thrift Supervision, shall—

"(A) develop a plan to monitor the compliance with the requirements established in this section by mortgagees and other persons or entities; and

"(B) report such plan to Congress.

"(4) DEVELOPMENT OF A NATIONAL DATABASE ON DEFAULTS AND FORECLOSURES.—

"(A) IN GENERAL.—The Secretary, in consultation with the Department of Housing and Urban Development, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Office of Thrift Supervision, shall develop recommendations for a national database on mortgage defaults and foreclosures.

"(B) GOALS OF NATIONAL DATABASE.—In developing the recommendations under subparagraph (A), the Secretary shall consider the goals of such a national database, which are as follows:

"(i) To provide Federal regulatory agencies with information on—

"(I) mortgagees that generate home loans which go into default or foreclosure at a rate significantly higher than the national average for such mortgagees; and

"(II) the various factors associated with those higher rates.

"(ii) To provide information to the Federal Government on loans, defaults, foreclosures, and sheriff sales—

"(I) which is not otherwise readily available;

"(II) which would allow for a better understanding of local, regional, and national trends in delinquencies, defaults, and foreclosures; and

"(III) so that public policies to reduce defaults and foreclosures may be improved.

"(C) REPORT ON OUTCOMES OF HOME LOANS.—

"(i) IN GENERAL.—In order to satisfy the requirement set forth in this paragraph and paragraph (1), the Secretary shall promulgate rules within 18 months of the date of enactment of the Homeownership Protection and Enhancement Act of 2007 requiring each lender who has originated 100 or more loans in the previous calendar year on behalf of itself or another person or entity, or each person or entity that has serviced 100 or more loans in the previous calendar year on behalf of itself or another entity, to report to the Secretary, on an annual basis, whatever data the Secretary, in consultation with the Department of Housing and Urban Development, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Office of Thrift Supervision, deems sufficient to meet the requirements set forth in subparagraph (B).

"(ii) CONTENT OF REPORT.—At a minimum, each report required under clause (i) shall include data—

"(I) using the same identification requirements for each loan for which information is submitted as are established under the Home Mortgage Disclosure Act (12 U.S.C. 2801 et seq.) for data reporting, namely—

"(aa) year of origination;

"(bb) agency code of originator;

"(cc) respondent identification number of originator; and

"(dd) the identifying number for the loan;

"(II) regarding the characteristics of each home loan originated in the preceding 12 months by the lender, person, or entity, including—

"(aa) loan-to-value ratio at the time of origination for each mortgage on the property;

"(bb) whether or not there is an escrow account for taxes and insurance;

"(cc) the type of mortgage, such as a fixed-rate or adjustable-rate mortgage; and

"(dd) any other loan or loan underwriting characteristics determined by the Secretary, and the regulators with whom the Secretary consults under the terms of subparagraph (C)(i), to be necessary in order to meet the requirements of subparagraph (B) and that are not already available to the Secretary through a national mortgage database;

"(III) regarding the performance outcomes of each home loan originated in the preceding 12 months by the lender, person, or entity, including—

"(aa) if such home loan was in delinquency at any point in such 12-month period; and

"(bb) if any foreclosure proceeding was initiated on such home loan during such 12-month period;

"(IV) sufficient to establish for each home loan that at any point during the preceding 12 months had become 60 or more days delinquent with respect to a payment on any amount due under the home loan, or for which a foreclosure proceeding was initiated, the interest rate on such home loan at the time of such delinquency or foreclosure;

"(V) regarding foreclosures, including—

"(aa) the date of all foreclosures initiated by the lender, person, or entity; and

"(bb) the combined loan-to-value ratio of all mortgages on a home at the time foreclosure proceedings were initiated; and

"(VI) indicating each home loan for which a foreclosure proceeding was completed in the preceding 12 months, including—

"(aa) foreclosure proceedings initiated in such 12-month period; and

"(bb) the date of the foreclosure completion.

"(D) REQUIREMENT OF FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL TO CREATE A CONSOLIDATED DATABASE.—The Federal Financial Institutions Examination Council shall create a consolidated database that establishes a connection between the data provided under the Home Mortgage Disclosure Act (12 U.S.C. 2801 et seq.) and the data provided under this subsection.

"(E) REPORT TO CONGRESS ON NATIONAL DATABASE.—Not later than 12 months after the date of enactment of the Homeownership Protection and Enhancement Act of 2007, the Secretary shall report to Congress the recommendations required under subparagraph (A).

"(i) RULE OF CONSTRUCTION REGARDING MORTGAGEES.—As used in this section—

"(1) the term 'mortgagee'—

"(A) means the original lender under a mortgage; and

"(B) includes—

"(i) any servicers, affiliates, agents, subsidiaries, successors, or assignees of such lender; and

"(ii) any subsequent purchaser, trustee, or transferee of any mortgage or credit instrument issued by such lender; and

"(2) the term 'servicer' means any person who collects on a home loan, whether they are the owner, the holder, the assignee, the nominee for the loan, or the beneficiary of a trust, or any person acting on behalf of such person.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $615,000,000 for fiscal year 2008, of which—

"(A) $300,000,000 shall be for grants to counseling organizations under subsection (c);

"(B) $260,000,000 shall be for competitive grants to States to establish revolving loan funds under subsection (d)(6);

"(C) $50,000,000 shall be for grants to establish and operate State Homeownership Protection Centers under subsection (d)(1); and

"(D) $5,000,000 shall be to create the Federal database under subsection (h)(4);

"(2) $635,000,000 for fiscal year 2009; and

"(3) such sums as necessary for each of fiscal years 2010 through 2012.".

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1388. A bill establish a commercial truck highway safety demonstration program in the State of Maine, and for other purposes; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, I rise today to join my colleague, Senator COLLINS, to introduce legislation that will rectify an impediment to international commerce flowing through Maine, but more importantly, will offer a measure of protection that many of my constituents in Maine do not currently possess.

As many of our colleagues know, expanding upon the current Federal truck weight limitation of 80,000 pounds is often looked upon as dangerous, flaunting the safety of drivers who may be faced with a truck weighing as much as 143,000 pounds, the limit on Interstates in Massachusetts and New York. While I certainly concur that safety of drivers is very important, and I have the record to prove it, I ask you do not overlook the safety of pedestrians as well.

In Maine, where we currently have a limited exemption along the Maine Turnpike, many trucks traveling to or from the Canadian border or into upstate Maine are not able to travel on our Interstates as a result of the 80,000 pound weight limit. This forces many of them onto secondary roads, many of which are two-lane roads running through small towns and villages in Maine. Tanker trucks carrying fuel are passing elementary schools, libraries, and weaving through traffic to reach our Air National Guard station. Not only is this an inefficient method of bringing necessary fuel guardsmen that provide our national security, but imagine if you will one of those tanker trucks rupturing on Main Street, potentially causing serious damage to property, causing traffic chaos, and most importantly, killing or injuring drivers and pedestrians.

This is not a far-fetched scenario. In fact, two pedestrians were killed in the past year in Maine as a result of overweight trucks on local roadways, one tragic instance occurring within sight of the nearby Interstate.

What is the result of such traffic? According to study conducted by the Maine Department of Transportation, traffic fatalities involving trucks weighing 100,000 pounds are 10 times greater on secondary roads in Maine than on the exempted interstates. Serious injuries are seven times more likely. Not to mention the exorbitant cost of maintaining these secondary roads, forced to handle these massive trucks. These roads were not designed to handle this kind of traffic. Our interstates were, yet these trucks are consistently prevented from traveling on them.

The argument against such trucks is that it is a "slippery slope" that if you allow one State to have such an exemption, pretty soon you'll have to give every State such an exemption. Well, I would like to remind the opponents of this amendment that we are halfway there already. A total of 27 States already have some type of exemption, and 47 States allow trucks weighing over 80,000 pounds on some roads within their State. To offer a clear picture of this, if you are driving a truck weighing 100,000 pounds, you can leave Gary, IN, just outside of Chicago, and can operate that vehicle all the way to Portland, ME. There, of course, they have to unload the additional weight to continue on the Interstate, or travel the remainder of the way through the State on these local roads, endangering the populace and other drivers.

Conversely, you can operate a truck weighing 90,000 pounds from Kansas City, MO, and travel to Seattle, WA. So I ask you, is this truly a legitimate reason for opposition while my constituents are taking their lives in their hands when merely crossing Main Street?

I would especially like to thank Senator COLLINS for her steadfast effort as, side-by-side, we continue to seek a resolution to this issue.

Ms. COLLINS. Mr. President, I rise to join with my senior colleague from Maine in sponsoring the Commercial Truck Highway Safety Demonstration Program Act, an important bill that addresses a significant safety problem in our State.

Under current law, trucks weighing 100,000 pounds are allowed to travel on the portion of Interstate 95 designated as the Maine Turnpike, which runs from Maine's border with New Hampshire to Augusta, our capital city. At Augusta, the turnpike designation ends, but I–95 proceeds another 200 miles north to Houlton. At Augusta, however, heavy trucks must exit the modern four-lane, limited-access highway and are forced onto smaller, two-lane secondary roads that pass through cities, towns, and villages.

Trucks weighing up to 100,000 pounds are permitted on interstate highways in New Hampshire, Massachusetts, and New York as well as the Canadian Provinces of New Brunswick and Quebec. The weight limit disparity on various segments of Maine's Interstate Highway System is a significant impediment to commerce, increases wear-and-tear on our secondary roads, and, most important, puts our people needlessly at risk.

Senator SNOWE and I have introduced this legislation several times in recent years. We do so this year with a renewed sense of urgency, and in sorrow. Just last week, Susan Abraham, a bright and talented 17-year-old high school student from Hampden, ME, lost her life when her car was struck by a heavy truck on Route 9. The truck driver could not see Susan's small car turning onto that two-lane road as he rounded a corner. It was an accident but one that would have been avoided had the truck remained on the interstate highway. Interstate 95 runs less than three-quarters of a mile away, but Federal law prevented the truck from using that modern, divided highway, a highway that was designed to provide ample views of the road ahead.

That preventable tragedy took place almost 1 year to the day after Lena Gray, an 80-year-old resident of Bangor, was struck and killed by a tractor-trailer as she was crossing a downtown street. Again, that accident would not have occurred had that truck been allowed to use I–95, which runs directly through Bangor.

The problem Maine faces due to the disparity in truck weight limits affects many communities, but it is clearly evident in the eastern Maine cites of Bangor and Brewer. In this region, a 2-mile stretch of Interstate 395 connects two major state highways that carry significant truck traffic across Maine. I–395 affords direct and safe access between these major corridors, but because of the existing Federal truck weight limit, many heavy trucks are prohibited from using this multilane, limited access highway.

Instead, these trucks, which sometimes carry hazardous materials, are required to maneuver through the downtown portions of Bangor and Brewer on two-lane roadways. Truckers are faced with two options; the first is a 3.5 mile diversion through downtown Bangor that requires several very difficult and dangerous turns. The second route is a 7.5 mile diversion that includes 20 traffic lights and requires travel through portions of downtown Bangor as well. Congestion is a significant issue, and safety is seriously compromised as a result of these required diversions.

In June 2004, Wilbur Smiths Associates, a nationally recognized transportation consulting firm, completed a study to examine the impact a Federal weight exemption on nonexempt portions of Maine's Interstate Highway System would have on safety, pavement, and bridges. The study found that extending the current truck weight exemption on the Maine Turnpike to all interstate highways in Maine would result in a decrease of 3.2 fatal crashes per year. A uniform truck weight limit of 100,000 pounds on Maine's interstate highways would reduce highway miles, as well as the travel times necessary to transport freight through Maine, resulting in safety, economic, and environmental benefits. Moreover, Maine's extensive network of local roads would be better preserved without the wear and tear of heavy truck traffic.

Most important, however, a uniform truck weight limit will keep trucks on the interstate where they belong, rather than on roads and highways that pass through Maine's cities, towns, and neighborhoods.

In addition to the safety of motorists and pedestrians, there is a homeland security aspect to this as well. An accident or attack involving a heavy truck carrying explosive fuel or a hazardous chemical on a congested city street would have devastating consequences. That risk can be alleviated substantially by allowing those trucks to stay on the open highway.

The legislation that Senator SNOWE and I are introducing addresses the safety issues we face in Maine because of the disparities in truck weight limits. The legislation directs the Secretary of Transportation to establish a commercial truck safety pilot program in Maine. Under the pilot program, the truck weight limit on all Maine highways that are part of the interstate highway system would be set at 100,000 pounds for three years. During the waiver period, the Secretary would study the impact of the pilot program on safety and would receive the input of a panel on which State officials, and representatives from safety organizations, municipalities, and the commercial trucking industry would serve. The waiver would become permanent if the panel determined that motorists were safer as a result of a uniform truck weight limit on Maine's Interstate Highway System.

Maine's citizens and motorists are needlessly at risk because too many heavy trucks are forced off the interstate and onto local roads. The legislation Senator SNOWE and I are introducing is a commonsense approach to a significant safety problem in my State. Our efforts are widely supported by public officials throughout Maine, including the Governor, the Maine Department of Transportation, the Maine Secretary of State, and the Maine State Police. I urge my colleagues to support this important legislation.

By Mr. OBAMA (for himself, Ms. SNOWE, and Mr. BINGAMAN):

S. 1389. A bill to authorize the National Science Foundation to establish a Climate Change Education Program; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, I rise today to introduce legislation, cosponsored by Ms. SNOWE and Mr. BINGAMAN, to better educate Americans about climate change. We are today introducing the Climate Change Education Act, to broaden Americans' understanding of global warming.

There may still be disputes about exactly how much humans contribute to the warming of our atmosphere. But there is near certainty that the air we breathe is being changed by ever increased levels of greenhouse gases, with effects on climate, resources, and habitats.

Last week, I attended a hearing of the Foreign Relations Committee, where the issue of climate change was shown to also affect our national security. A report issued by a panel of distinguished military leaders concluded that climate change will be globally destabilizing, leading to diminished access to fresh water, reduced food production as India and sub-Saharan Africa become hotter and drier, increased health crises as vector-borne diseases spread, and displacement of large populations as sea levels rise and coastal lands flood. As scarcities increase, conflicts over diminishing resources will also increase. Governments in resource-stressed countries may collapse. Environmental stresses may lead to human migration and refugees.

I mention this to emphasize that climate change has surprising ramifications, and that there is still much that we can all learn about this issue, with effects that go well beyond traditional environmental concerns. It is important that we all become better informed, that we analyze the information about climate change, so that we can learn how to more rationally respond.

We believe it is important to educate our Nation about the causes and effects of climate change and about how we might effectively respond. Reaching a solution to the challenge of climate change will require changes in both national policy and in our use of energy and resources. All of this will require a thoughtful understanding of the issue.

The Climate Change Education Act would create a program at the National Science Foundation, which would provide opportunities for students and citizens to learn more about global warming. The program would include a national information campaign to promote new approaches to addressing climate change and would also establish a competitive program to provide grants to develop education materials. Earlier this month, the House of Representatives passed the campanion, H.R. 1728, to this bill.

I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 196—COMMENDING IDAHO ON WINNING THE BID TO HOST THE 2009 SPECIAL OLYMPICS WORLD WINTER GAMES

Mr. CRAPO (for himself and Mr. CRAIG) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 196

Whereas Special Olympics is an international nonprofit organization that promotes personal development through sports training and competition;

Whereas Special Olympics advances the understanding of intellectual disabilities in the community and the Nation through participation and fellowship;

Whereas Special Olympics serves more than 2,500,000 individuals with intellectual disabilities;

Whereas Special Olympics offers more than 200 programs in over 160 countries;

Whereas Special Olympics offers 30 Olympic-type summer and winter sports to both children and adults with intellectual disabilities;

Whereas Boise, Idaho won the international bid to host the 2009 Special Olympics World Winter Games to be held February 6 through 13, 2009;

Whereas thousands of athletes are expected to compete in the 2009 Special Olympics World Winter Games; and

Whereas the 2009 Special Olympics World Winter Games will be the largest multi-sport event ever held in the State of Idaho: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the goals and principles of Special Olympics;

(2) salutes the athletes, coaches, family members, friends, and volunteers that make Special Olympics possible; and

(3) congratulates the State of Idaho on its selection as the host for the 2009 Special Olympics World Winter Games.

SENATE RESOLUTION 197—HONORING THE ACCOMPLISHMENTS OF AMERICORPS

Ms. MIKULSKI (for herself, Mr. COCHRAN, Mr. BAUCUS, Mr. BAYH, Mrs. BOXER, Mr. CASEY, Mrs. CLINTON, Mr. COLEMAN, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Mr. MENENDEZ, Ms. MURKOWSKI, Mrs. MURRAY, Mr. OBAMA, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. STEVENS, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 197

Whereas the AmeriCorps national service program, since its inception in 1994, has proven to be a highly effective way to engage Americans in meeting a wide range of local needs and to promote the ethic of service and volunteering;

Whereas the AmeriCorps program, working closely with its nationwide network of Governor-appointed State service commissions, has strengthened America's nonprofit sector by investing more than $3,000,000,000 in the efforts of community nonprofit groups in every State in our Nation;

Whereas that investment has leveraged hundreds of millions of dollars of additional funds and in-kind donations from other sources;

Whereas each year AmeriCorps provides opportunities for 75,000 citizens across the Nation to give back in an intensive way to our districts, our States, and our country;

Whereas since 1994 a total of 500,000 citizens across the nation have taken the AmeriCorps pledge to "get things done for America" by becoming AmeriCorps members;

Whereas those same individuals have served a total of more than 630,000,000 hours nationwide, helping to improve the lives of our Nation's most vulnerable citizens, protect our environment, contribute to our public safety, respond to disasters, and strengthen our educational system;

Whereas AmeriCorps members last year recruited and supervised more than 1,400,000 community volunteers, demonstrating AmeriCorps's value as a powerful volunteer catalyst and force multiplier;

Whereas AmeriCorps members nationwide, in return for their service, have earned nearly $1,300,000,000 to use to further their own educational advancement at our Nation's colleges and universities;

Whereas AmeriCorps members, after their terms of service end, remain engaged in our communities as volunteers, teachers, and nonprofit professionals in disproportionately high levels; and

Whereas the inaugural National AmeriCorps Week, May 13-20, 2007, is an opportune time for the people of the United States to salute current and former AmeriCorps members for their powerful impact, thank all of AmeriCorps' community partners in our Nation who make the program possible, and bring more Americans into service: Now, therefore, be it

Resolved, That the Senate—

(1) encourages all citizens to join in a national effort to salute AmeriCorps members and alumni and raise awareness about the importance of national and community service;

(2) acknowledges the significant accomplishments of AmeriCorps members, alumni, and community partners;

(3) recognizes the important contribution to the lives of our citizens made by AmeriCorps members; and

(4) encourages citizens of all ages to consider opportunities to serve in AmeriCorps.

Ms. MIKULSKI. Mr. President, I rise to introduce the AmeriCorps Week Resolution, which designates May 13–20, 2007, as a time to salute AmeriCorps members for their work, thank community partners who make the program possible, and encourage more people to join. I want to first say thank you to all the volunteers and service workers everywhere. They take time out of their lives to help their fellow Americans in their time of need, and they do it out of the goodness of their hearts. I love AmeriCorps. I love what they do for communities. I love what they do for America.

AmeriCorps is stronger than ever. Since its creation in 1994, 500,000 people nationwide have joined the program and taken the AmeriCorps pledge to "get things done for America." AmeriCorps members have served more than 630 million hours nationwide. To date, 9,310 Maryland residents have earned education awards totaling over $30 million. These awards help volunteers pay for college, graduate school, vocational training, or to pay back student loans. The NCCC program, which has a campus in Perry Point, MD, is a full-time residential program for 18- to 24-year-olds designed to strengthen communities and develop leaders through team-based service projects. Each year, approximately 1,100 participants reside in its 5 campuses nationwide. The Perry Point campus houses 200 AmeriCorps members every year, and since 1994 its residents have logged more than 400,000 service hours.

AmeriCorps is the embodiment of the spirit of volunteerism and service to our country. They tackle the toughest problems in our communities: tutoring teens, starting neighborhood crime watches, turning vacant lots into neighborhoods, and helping communities clean up and rebuild after natural disasters. AmeriCorps volunteers are unflagging, unflinching and determined to make a difference. I know how important AmeriCorps is to communities across the country and to the young people who want to serve. We are so grateful for all the hard work that they do.

I fought to create AmeriCorps and I will continue to fight to strengthen AmeriCorps so it can continue to help local communities meet local needs. Today's Federal investment, like these fine volunteers, are needed now more than ever.

SENATE RESOLUTION 198—DESIGNATING MAY 15, 2007, AS "NATIONAL MPS AWARENESS DAY"

Mr. GRAHAM (for himself, Mr. Brown, Mr. Chambliss, Mr. Feingold, Mr. Kohl, Mrs. Murray, Mr. Specter, Mrs. Dole, Mr. Crapo, and Mr. Stevens) submitted the following resolution; which was considered and agreed to:

S. Res. 198

Whereas mucopolysaccharidosis (referred to in this resolution as "MPS") is a genetically determined lysosomal storage disorder that renders the human body incapable of producing certain enzymes needed to break down complex carbohydrates;

Whereas complex carbohydrates are then stored in almost every cell in the body and progressively cause damage to those cells;

Whereas the cell damage adversely affects the human body by damaging the heart, respiratory system, bones, internal organs, and central nervous system;

Whereas the cellular damage caused by MPS often results in mental retardation, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span;

Whereas the nature of the disorder is usually not apparent at birth;

Whereas, without treatment, the life expectancy of an individual afflicted with MPS begins to decrease at a very early stage in the life of the individual;

Whereas recent research developments have resulted in the creation of limited treatments for some MPS disorders;

Whereas promising advancements in the pursuit of treatments for additional MPS disorders are underway;

Whereas, despite the creation of newly developed remedies, the blood brain barrier continues to be a significant impediment to effectively treating the brain, thereby preventing the treatment of many of the symptoms of MPS;

Whereas treatments for MPS will be greatly enhanced with continued public funding;

Whereas the quality of life for individuals afflicted with MPS, and the treatments available to them, will be enhanced through the development of early detection techniques and early intervention;

Whereas treatments and research advancements for MPS are limited by a lack of awareness about MPS disorders;

Whereas the lack of awareness about MPS disorders extends to those within the medical community;

Whereas the damage that is caused by MPS makes it a model for study of many other degenerative genetic disorders;

Whereas the development of effective therapies and a potential cure for MPS disorders can be accomplished by increased awareness, research, data collection, and information distribution;

Whereas the Senate is an institution than can raise public awareness about MPS; and

Whereas the Senate is also an institution that can assist in encouraging and facilitating increased public and private sector research for early diagnosis and treatments of MPS disorders: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 15, 2007, as "National MPS Awareness Day"; and

(2) supports the goals and ideals of "National MPS Awareness Day".

AMENDMENTS SUBMITTED AND PROPOSED

SA 1092. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table.

SA 1093. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1094. Mr. KERRY (for himself, Mr. Feingold, Ms. Collins, Mr. Sanders, Mr. Carper, Mr. Reed, Mr. Biden, Mr. Whitehouse, and Ms. Cantwell) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1095. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1096. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1097. Mr. REID (for Mr. Levin (for himself and Mr. Reid)) proposed an amendment to the bill H.R. 1495, supra.

SA 1098. Mr. REID (for Mr. Feingold (for himself, Mr. Reid, Mr. Dodd, Mr. Whitehouse, Mr. Kerry, Mr. Sanders, and Mr. Leahy)) proposed an amendment to amendment SA 1097 proposed by Mr. Reid (for Mr. Levin (for himself and Mr. Reid)) to the bill H.R. 1495, supra.

SA 1099. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. Boxer (for herself, Mr. Inhofe, Mr. Baucus, and Mr. Isakson) to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1100. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. Boxer (for herself, Mr. Inhofe, Mr. Bauchus, and Mr. Isakson) to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1101. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. Boxer (for herself, Mr. Inhofe, Mr. Baucus, and Mr. Isakson) to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1102. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. Boxer (for herself, Mr. Inhofe, Mr. Baucus, and Mr. Isakson) to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1103. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. Boxer (for herself, Mr. Inhofe, Mr. Baucus, and Mr. Isakson) to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1104. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. Boxer (for herself, Mr. Inhofe, Mr. Baucus, and Mr. Isakson) to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1105. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. Boxer (for herself, Mr. Inhofe, Mr. Baucus, and Mr. Isakson) to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1106. Mr. LEVIN (for himself, Ms. Stabenow, and Mr. Voinovich) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1107. Mr. LEVIN (for himself and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1108. Mr. LEVIN (for himself and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1109. Mr. LEVIN (for himself, Ms. STABENOW, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1110. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1111. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 1495, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1092. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5   . COST SHARING PROVISIONS FOR THE TERRITORIES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended—

(1) by striking "The Secretary" and inserting the following:

"(a) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(b) USE OF FEDERAL FUNDS BY NON-FEDERAL INTERESTS.—A non-Federal interest may use Federal funds to provide the non-Federal share of the costs of a study or project carried out at a location referred to in subsection (a).".

SA 1093. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5____. SERVICES PROVIDED SUBSTANTIALLY PURSUANT TO CONTRACTS WITH PRIVATE SECTOR.

Section 211 of the Water Resources Development Act of 2000 (31 U.S.C. 6505 note; 114 Stat. 2592) is amended by adding at the end the following:

"(f) SERVICES PROVIDED SUBSTANTIALLY PURSUANT TO CONTRACTS WITH PRIVATE SECTOR.—

"(1) IN GENERAL.—The Corps of Engineers may provide services to a State or local government pursuant to section 6505 of title 31, United States Code, in carrying out a contract with the private sector (including necessary contract supervision and administration associated with such a contract).

"(2) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Subsections (c)(2) and (d) shall not apply to the Corps of Engineers in carrying out this subsection.".

SA 1094. Mr. KERRY (for himself, Mr. FEINGOLD, Ms. COLLINS, Mr. SANDERS, Mr. CARPER, Mr. REED, Mr. BIDEN, Mr. WHITEHOUSE, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2   . GLOBAL CLIMATE CHANGE.

(a) PLANNING CONSIDERATIONS.—To account for the potential long- and short-term effects of global climate change, the Secretary shall ensure that each feasibility study or general reevaluation report prepared by the Corps of Engineers—

(1) takes into consideration, and accounts for, the impacts of global climate change on flood, storm, and drought risks in the United States;

(2) takes into consideration, and accounts for, potential future impacts of global climate change-related weather events, such as increased hurricane activity, intensity, storm surge, sea level rise, and associated flooding;

(3) uses the best-available climate science in assessing flood and storm risks;

(4) employs, to the maximum extent practicable, nonstructural approaches and design modifications to avoid or prevent impacts to streams, wetlands, and floodplains that provide natural flood and storm buffers, improve water quality, serve as recharge areas for aquifers, reduce floods and erosion, and provide valuable plant, fish, and wildlife habitat;

(5) in projecting the benefits and costs of any water resources project that requires a benefit-cost analysis, quantifies and, to the maximum extent practicable, accounts for—

(A) the costs associated with damage or loss to wetlands, floodplains, and other natural systems (including the habitat, water quality, flood protection, and recreational values associated with the systems); and

(B) the benefits associated with protection of those systems; and

(6) takes into consideration, as applicable, the impacts of global climate change on emergency preparedness projects for ports.

(b) ADDITIONAL CONSIDERATIONS FOR FLOOD DAMAGE REDUCTION PROJECTS.—For purposes of planning and implementing flood damage reduction projects in accordance with this section and section 73 of the Water Resources Development Act of 1974 (33 U.S.C. 701b–11), the term "nonstructural approaches and design modifications" includes measures to manage flooding through—

(1) wetland, stream, and river restoration;

(2) avoiding development or increased development in frequently-flooded areas;

(3) adopting flood-tolerant land uses in frequently-flooded areas; or

(4) acquiring from willing sellers floodplain land for use for—

(A) flood protection uses;

(B) recreational uses;

(C) fish and wildlife uses; or

(D) other public benefits.

SA 1095. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3____. ALAMOSA, COLORADO.

The project for flood damage reduction, Alamosa, Colorado, authorized by section 101(5) of the Water Resources Development Act of 1992 (106 Stat. 4802), is modified to direct the Secretary—

(1) to include, as part of the total project costs, the cost of construction activities carried out by the non-Federal interest to provide additional erosion protection to the levees; and

(2) to reimburse the appropriate local interests for the Federal share of the cost of those activities.

SA 1096. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title IV, insert the following:

SEC. 4____. MOHAWK RIVER, ONEIDA COUNTY, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a watershed study of the Mohawk River watershed, Oneida County, New York, with a particular emphasis on improving water quality and the environment.

(b) RECOMMENDATIONS.—In conducting the study under subsection (a), the Secretary shall take into consideration impacts on the Sauquoit Creek Watershed and the economy.

SA 1097. Mr. REID (for Mr. LEVIN (for himself and Mr. REID)) proposed an amendment to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

SEC. 1. MILITARY READINESS—MISSION CAPABLE UNITS.

(a) Congress finds that it is Defense Department policy that units should not be deployed for combat unless they are rated "fully mission capable".

(b) None of the funds appropriated or otherwise made available in this or any other Act may be used to deploy any unit of the Armed Forces to Iraq unless the chief of the military department concerned has certified in writing to the Committees on Appropriations and the Committees on Armed Services at least 15 days in advance of the deployment that the unit is fully mission capable.

(c) For purposes of subsection (b), the term "fully mission capable" means capable of performing assigned mission essential tasks to prescribed standards under the conditions expected in the theater of operations, consistent with the guidelines set forth in the Department of Defense readiness reporting system.

(d) The President may waive the limitation prescribed in subsection (b) on a unit-by-unit basis by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that he has authorized the deployment to Iraq of a unit that is not assessed fully mission capable and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the chief of the military department's assessment that the unit is not fully mission capable.

SEC. 2. MILITARY READINESS—DURATION OF TOURS OF DUTY IN IRAQ.

(a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that he has authorized the extension of a unit's deployment in Iraq beyond the periods specified in subsection (b) and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's extended deployment is necessary.

SEC. 3. MILITARY READINESS—MULTIPLE DEPLOYMENTS.

(a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days or that Marine Corps and Marine Corps Reserve units should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that he has authorized the redeployment of a unit to Iraq in advance of the periods specified in subsection (b) and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary.

SEC. 4. BENCHMARKS.

(a) Beginning on July 15, 2007, and every 30 days thereafter, the Secretary of Defense and the Secretary of State, after consultation with the U.S. Ambassador to Iraq, Commander U.S. Central Command, and Commander, Multi-National Forces Iraq, shall jointly submit to Congress a report describing and assessing in detail the progress made by the Government of Iraq in meeting each of the benchmarks set forth in subsection (1), the security objectives set forth in the President's revised strategy of January 10, 2007, and answering the questions posed in subsections (2) and (3).

(1) whether the Government of Iraq has:

(i) enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis;

(ii) adopted legislation necessary for the conduct of provincial and local elections including setting a schedule to conduct provincial and local elections;

(iii) reformed current laws governing the de-Baathification process to allow for more equitable treatment of individuals affected by such laws;

(iv) amended the Constitution of Iraq consistent with the principles contained in Article 140 of such constitution, including, at a minimum, the submission of such amendments to the Iraqi Parliament for the protection of minority rights; and

(v) allocated and expended $10,000,000,000 in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.

(2) whether the Government of Iraq and United States Armed Forces has made substantial progress in reducing the level of sectarian violence in Iraq; and

(3) whether each battalion of the security forces of Iraq has achieved a level of combat proficiency such that it can conduct independent combat operations without support from Coalition forces in Iraq.

(b) Notwithstanding any other provision of law, 75 percent of the funds appropriated by this Act or any other act for assistance for Iraq under the headings "Economic Support Fund" and "International Narcotics and Law Enforcement" shall be withheld from obligation until the President certifies to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services and Foreign Affairs of the House of Representatives that the Government of Iraq is making substantial progress towards meeting each of the benchmarks set forth in subsection (a)(1).

(c) The requirement to withhold funds from obligation pursuant to subsection (b) shall not apply with respect to funds made available under the heading "Economic Support Fund" for continued support for the Community Action Program and the Community Stabilization Program in Iraq administered by the United States Agency for International Development, or for programs and activities to promote democracy and human rights in Iraq.

SEC. 5. REDUCTION OF FORCES.

(a) Subject to the waiver authority provided for in subsection (e), the Secretary of Defense shall commence the reduction of the number of United States Armed Forces in Iraq not later than October 1, 2007, with a goal of completing such reduction within 180 days. The goal of completing such reduction shall be accelerated if the President is unable to report that the Government of Iraq is making substantial progress towards meeting each of the benchmarks set forth in subsection (a)(1) of Section 4 by October 15, 2007.

(b) Notwithstanding any other provision of law, funds appropriated or otherwise made available in this or any other Act are available for obligation and expenditure to plan and execute a safe and orderly reduction of the Armed Forces in Iraq.

(c) The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(d) After the conclusion of the reduction required by this section, the Secretary of Defense may not deploy or maintain members of the Armed Forces in Iraq for any purpose other than the following:

(1) Protecting American diplomatic facilities and American citizens, including members of the U.S. armed forces;

(2) Serving in roles consistent with customary diplomatic positions;

(3) Engaging in targeted actions against members of al-Qaeda and allied parties and other terrorist organizations with global reach; and

(4) Training and equipping members of the Iraqi Security Forces.

(e) WAIVER AUTHORITY.—

(1) IN GENERAL.—The President may waive the reduction of forces requirements of this section if he submits to Congress a written certification setting forth a detailed justification for the waiver, which shall include a detailed report describing the actions being taken by the United States to bring about the meeting of the benchmarks set forth in subsections (a)(1) of section by the Iraqis. The certification shall be submitted in unclassified form, but may include a classified annex.

(2) DURATION.—The Waiver under paragraph (1) shall be effective for 90 days beginning on the date of the submittal of the certification under that paragraph.

(3) RENEWAL.—A waiver under paragraph (1) may be renewed if, before the—end of the expiration of the waiver under paragraph (2), the President submits to Congress before the end of the effective period of the waiver under paragraph (2) a certification meeting the requirements of this subsection. Any waiver so renewed may be further renewed as provided in this paragraph.

SA 1098. Mr. REID (for Mr. FEINGOLD (for himself, Mr. REID, Mr. DODD, Mr. WHITEHOUSE, Mr. KERRY, Mr. SANDERS, and Mr. LEAHY)) proposed an amendment to amendment SA 1097 proposed by Mr. REID (for Mr. LEVIN (for himself and Mr. REID)) to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of United States forces in Iraq to the limited purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the Iraq that are not essential to the limited purposes set forth in subsection (d). Such redeployment shall begin not later than 120 days after the date of the enactment of this Act.

(c) PROHIBITION ON USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after March 31, 2008.

(d) EXCEPTION FOR LIMITED PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the limited purposes as follows:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and other international terrorist organizations.

(2) To provide security for United States infrastructure and personnel.

(3) To train and equip Iraqi security services.

SA 1099. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike subsections (s) and (t) of section 1003 (relating to Louisiana coastal area ecosystem restoration) and insert the following:

(s) MISSISSIPPI RIVER GULF OUTLET.—

(1) DEAUTHORIZATION.—

(A) IN GENERAL.—Effective beginning on the date of submission of the plan required under subparagraph (C), the navigation channel portion of the project for navigation, Mississippi River Gulf outlet, authorized by the Act of March 29, 1956 (70 Stat. 65, chapter 112;100 Stat. 4177; 110 Stat. 3717), which extends from the Gulf of Mexico to Mile 60 at the southern bank of the Gulf Intracoastal Waterway, is not authorized.

(B) SCOPE.—Nothing in this paragraph modifies or deauthorizes the Inner Harbor navigation canal replacement project authorized by that Act.

(C) CLOSURE AND RESTORATION PLAN.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the deauthorization of the Mississippi River Gulf outlet, as described under the heading "INVESTIGATIONS" under chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 453).

(ii) INCLUSIONS.—At a minimum, the report under subparagraph (A) shall include—

(I) a comprehensive plan to deauthorize deep draft navigation on the Mississippi River Gulf outlet;

(II) a plan to physically modify the Mississippi River Gulf outlet and restore the areas affected by the navigation channel;

(III) a plan to restore natural features of the ecosystem that will reduce or prevent damage from storm surge, including through—

(aa) use of native vegetation; and

(bb) diversions of fresh water to restore the Lake Borgne ecosystem;

(IV) a plan to prevent the intrusion of saltwater into the waterway;

(V) efforts to integrate the recommendations of this report with the program authorized under subsection (a) and the analysis and design authorized by title I of the Energy and Water Develop Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(D) CONSTRUCTION.—The Secretary shall carry out a plan to close the Mississippi River Gulf outlet and restore and protect the ecosystem substantially in accordance with the plan required under subparagraph (C), if the Secretary determines that the project is cost-effective, environmentally acceptable, and technically feasible.

(t) HURRICANE AND STORM DAMAGE REDUCTION.—

(1) DEFINITION OF LOUISIANA COASTAL PROTECTION AND RESTORATION REPORT.—In this subsection, the term "Louisiana Coastal Protection and Restoration Report" means the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(2) CONSTRUCTION OF MOST URGENT PROJECTS.—Without preparing a feasibility report, the Secretary is authorized to construct the most urgently needed, technically developed, most protective, and environmentally acceptable projects identified in the Louisiana Coastal Protection and Restoration Report, if the projects are not otherwise authorized by this or any other Act.

(3) REPORTING OF REMAINING PROJECTS.—With respect to the projects identified in the Louisiana Coastal Protection and Restoration Report that are not described in paragraph (2), the Secretary shall—

(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(i) specific project recommendations in any report developed under the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247); and

(ii) subsequent additional specific project recommendations, if applicable—

(I) as soon as practicable; and

(II) as often as the Secretary determines to be necessary;

(B) on submission of the specific project recommendations under subparagraph (A)(i), subject to subparagraph (C)(ii), begin preparation of a feasibility study relating to the specific project; and

(C) ensure that—

(i) each specific project recommendation submitted to Congress is accompanied by a budget estimate, to be provided by the Chief of Engineers, of funding requirements for the project for each fiscal year; and

(ii) each feasibility study for a project included in a report under subparagraph (A) is completed by not later than 3 years after the date of enactment of this Act.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated carry out paragraph (2) $500,000,000.

SA 1100. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . HOUMA NAVIGATION CANAL, LOUISIANA.

The Secretary is authorized to carry out the project for navigation, Houma Navigation Canal, Louisiana, at a total cost of $200,000,000, with and estimated Federal cost of $180,000,000 and an estimated non-Federal cost of $20,000,000, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers relating to the project if a favorable report of the Chief is completed not later than December 31, 2008.

SA 1101. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5 . INNER HARBOR NAVIGATION CANAL LOCK PROJECT.

Not later than July 1, 2008, the Secretary shall—

(1) issue a final environmental impact statement relating to the Inner Harbor Navigation Canal Lock project; and

(2) develop and maintain a transportation mitigation program relating to that project in coordination with—

(A) St. Bernard Parish;

(B) Orleans Parish;

(C) the Old Arabi Neighborhood Association; and

(D) other interested parties.

SA 1102. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, between lines 23 and 24, insert the following:

(4) CREDIT.—The Secretary shall credit to the non-Federal share of the cost of the project under this subsection any amount otherwise eligible to be credited under section 221 of the Flood Control Act of 970 (42 U.S.C. 1962d-5b) (as amended by section 2001).

SA 1103. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, between lines 4 and 5, insert the following:

(f) EFFECT OF SECTION.—Nothing in this section adversely effects the generation of hydroelectric power or any ratepayer in the State of Louisiana.

SA 1104. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA.

The project for navigation, Atchafalaya River, Bayous Chene, Boeuf, and Black, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to authorize the Secretary to deepen a section of not more than 1,000 feet of the area on the Gulf Intracoastal Waterway located west of the Bayou Boeuf Lock and east of the intersection of the Atchafalaya River at a cost of not more than $200,000 during the 10-year period beginning on the date of enactment of this Act to provide for ingress and egress to the Port of Morgan City, consistent with the channel depth.

SA 1105. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.

The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277) and modified by section 116 of division D of Public Law 108–7 (117 Stat. 140), is further modified—

(1) to direct the Secretary to carry out the project with the cost sharing for the project determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996;

(2) to authorize the Secretary to construct the project at a total cost of $187,000,000; and

(3) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SA 1106. Mr. LEVIN (for himself, Ms. STABENOW, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. ______. CRITERIA AND DATA RELATING TO HARBOR DREDGING PROJECTS.

In budgeting and requesting appropriations for operation and maintenance of harbor dredging projects, the Secretary—

(1) shall base budgets and requests on criteria used for those projects for fiscal year 2004;

(2) shall use all available data relating to public safety and economic impacts; and

(3) shall not use a budget standard for those projects based solely on the tonnage handled by a harbor.

SA 1107. Mr. LEVIN (for himself and Ms. STABENOW), submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . DETROIT RIVER GREENWAY, MICHIGAN.

(a) IN GENERAL.—The Secretary, in cooperation with the Detroit Riverfront Conservancy, shall design and construct the project for shore protection, environmental restoration, and recreation, Detroit River Greenway, Michigan, authorized by section 568 of the Water Resources Development Act of 1999 (113 Stat. 368), substantially in accordance with the East Riverfront Detroit RiverWalk Schematic Plan and the West Riverfront Plan prepared for the Detroit Riverfront Conservancy.

(b) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—In carrying out this section, the Secretary may enter into a cooperative agreement with the Detroit Riverfront Conservancy or any other non-Federal interest associated with the Detroit River Greenway project.

(2) NONPROFIT ORGANIZATIONS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for purposes of paragraph (1), a non-Federal interest may include a nonprofit organization.

(c) COST SHARING.—

(1) IN GENERAL.—The Federal share of the cost of the project under this section—

(A) shall be 65 percent; and

(B) may be in the form of credits or reimbursements.

(2) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall—

(A) provide any land, easement, right-of-way, relocation, or dredged material disposal area necessary for construction of the project under this section; and

(B) be provided a credit toward the non-Federal share of the project for the cost of any land, easement, right-of-way, relocation, or dredged material disposal area so provided.

(3) IN-KIND SERVICES.—

(A) IN GENERAL.—The non-Federal interest may provide up to 100 percent of the non-Federal share in the form of design and construction services, materials, supplies or other in-kind contributions.

(B) LIMITATION.—The non-Federal interest shall not be provided reimbursement for the cost of any in-kind services provided under subparagraph (A) in excess of the non-Federal share of the cost of the project.

(4) OPERATION, MAINTENANCE, REPAIR, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, repair, rehabilitation, and replacement of the project under this section shall be a non-Federal responsibility.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for each fiscal year to carry out this section.

SA 1108. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes: which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3____. ECORSE CREEK, WAYNE COUNTY, MICHIGAN.

(a) IN GENERAL.—The project for flood control, Ecorse Creek, Wayne County, Michigan, authorized by section 101(a)(14) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified—

(1) to direct the Secretary to prepare and submit to Congress a limited reevaluation report regarding the project that contains an analysis of planning and design activities to determine whether the flood damage reduction project recommended by Wayne County, or any element of the project, is—

(A) technically sound;

(B) economically feasible; and

(C) environmentally acceptable; and

(2) if the Secretary determines under paragraph (1) that the recommended project or any element of the project is in the interest of the United States, to authorize the Secretary to construct the project or element at a total estimated cost of $220,000,000, with an estimated Federal cost of $143,000,000 and an estimated non-Federal cost of $77,000,000.

(b) CREDIT.—The Secretary shall provide to the non-Federal interest of the project described in subsection (a) credit towards the non-Federal share of the cost of the project in an amount equal to the cost of any activity carried out under the project by the non-Federal interest before the date on which the non-Federal interest enters into a design agreement or project cooperation agreement regarding the project, if the Secretary determines that the activity is integral to the project.

SA 1109. Mr. LEVIN (for himself, Ms. STABENOW, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5 . GREAT LAKES NAVIGATION.

(a) DEFINITION OF GREAT LAKES AND CONNECTING CHANNELS.—In this section, the term "Great Lakes and connecting channels" includes—

(1) Lakes Superior, Huron, Michigan, Erie, and Ontario;

(2) any connecting water between or among those lakes that is used for navigation;

(3) any navigation feature in those lakes or water the operation or maintenance of which is a Federal responsibility; and

(4) any area of the Saint Lawrence River that is operated or maintained by the Federal Government for navigation.

(b) NAVIGATION.—Using available funds, the Secretary shall expedite the operation and maintenance, including dredging to authorized project depths, of the navigation features of the Great Lakes and connecting channels for the purpose of supporting navigation.

SA 1110. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3003 and insert the following:

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

Section 111 of title I of division C of the Consolidated Appropriations Act, 2005 (118 Stat. 2944), is amended by striking subsections (a) and (b) and inserting the following:

"(a) CONSTRUCTION OF NEW FACILITIES.—

"(1) DEFINITIONS.—In this subsection:

"(A) EXISTING FACILITY.—The term 'existing facility' means the administrative and maintenance facility for the project for Black Warrior-Tombigbee Rivers, Alabama, in existence on the date of enactment of the Water Resources Development Act of 2007.

"(B) PARCEL.—The term 'Parcel' means the land owned by the Federal Government in the City of Tuscaloosa, Alabama, as in existence on the date of enactment of the Water Resources Development Act of 2007.

"(2) AUTHORIZATION.—In carrying out the project for Black Warrior-Tombigbee Rivers, Alabama, the Secretary is authorized—

"(A) to purchase land on which the Secretary may construct a new maintenance facility, to be located—

"(i) at a different location from the existing facility; and

"(ii) in the vicinity of the City of Tuscaloosa, Alabama;

"(B) at any time during or after the completion of, and relocation to, the new maintenance facility—

"(i) to demolish the existing facility; and

"(ii) to carry out any necessary environmental clean-up of the Parcel, all at full Federal expense; and

"(C) to construct on the Parcel a new administrative facility.

"(b) ACQUISITION AND DISPOSITION OF PROPERTY.—The Secretary—

"(1) may acquire any real property necessary for the construction of the new maintenance facility under subsection (a)(2)(A); and

"(2) shall convey to the City of Tuscaloosa fee simple title in and to any portion of the Parcel not required for construction of the new administrative facility under subsection (a)(2)(C) through—

"(A) sale at fair market value;

"(B) exchange of other Federal land on an acre-for-acre basis; or

"(C) another form of transfer.".

SA 1111. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 1001, insert the following after paragraph (41):

(42) SABINE-NECHES WATERWAY, TEXAS.—

(A) IN GENERAL.—The project for navigation and other related purposes, Sabine-Neches Waterway, Texas, provided a favorable Report is issued by the Chief of Engineers, at a total cost of $900,000,000, with an estimated Federal cost of $675,000,000 and estimated non-Federal cost of $225,000,000.

(B) PROVISION OF NON-FEDERAL SHARE.—The non-Federal share of the cost of the project under this paragraph may be provided in the form of services, materials, supplies, or other in-kind contributions.

(C) NAVIGATIONAL SERVITUDE.—In carrying out construction and maintenance of the project under this paragraph, the Secretary shall fully enforce and enjoy the rights of the Secretary under Federal navigational servitude in the Sabine-Neches Waterway, including, at the sole expense of the owner of the facility, the removal or relocation of any facility obstructing the project.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, June 13, 2007, at 10 a.m. to conduct a hearing on Nominations to the Federal Election Commission.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224-6352.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. I move to proceed to calendar No. 144, S. 1348 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 144, S. 1348, Comprehensive Immigration Reform:

Barbara Boxer, Harry Reid, Patrick Leahy, Carl Levin, Jack Reed, Dick Durbin, Daniel K. Inouye, B.A. Mikulski, Robert Menendez, Amy Klobuchar, Daniel K. Akaka, Maria Cantwell, Jeff Bingaman, Ken Salazar, Dianne Feinstein, Christopher Dodd, Edward Kennedy.

Mr. REID. Madam President, I ask unanimous consent that the vote on the cloture motion occur on Wednesday, May 16, at a time determined by the majority leader, following consultation with the Republican leader, and that the mandatory quorum required under rule XXII be waived, and I now withdraw the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL NURSES WEEK

Mr. REID. Madam President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 192.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 192) recognizing National Nurses Week on May 6 through May 12, 2007.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 192) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 192

Whereas, since 2003, National Nurses Week is celebrated annually from May 6, also known as National Nurses Day, through May 12, the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is the time each year when nurses are recognized for the critical role they play in providing safe, high quality, and preventative health care;

Whereas nurses are the cornerstone of the Nation's complex health care system, representing the largest single component of the health care profession, with an estimated 2,900,000 registered nurses in the United States;

Whereas, according to a study published in the New England Journal of Medicine in May 2002, a higher proportion of nursing care provided by registered nurses and a greater number of hours of care by registered nurses per day are associated with better outcomes for hospitalized patients;

Whereas nurses are experienced researchers and their work encompasses a wide scope of scientific inquiry including clinical research, health systems and outcomes research, and nursing education research;

Whereas nurses are currently serving the Nation admirably in the conflicts in Iraq and Afghanistan;

Whereas nurses help inform and educate the public to improve the practice of all nurses and, more importantly, the health and safety of the patients they care for;

Whereas our Nation continues to face a nursing shortage unprecedented in its depth and duration, with a projected 1,200,000 new and replacement nurses needed by 2014;

Whereas the nationwide nursing shortage has caused dedicated nurses to work longer hours and care for more acutely ill patients;

Whereas nurses are strong allies to Congress as they help inform, educate, and work closely with legislators to improve the education, retention, recruitment, and practice of all nurses and, more importantly, the health and safety of the patients they care for; and

Whereas nurses are an integral part of the health care delivery team and provide quality care, support, and education to patients and their families, conduct essential research, and serve as strong patient advocates: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significant contributions of nurses to the health care system of the United States;

(2) supports the goals and ideals of National Nurses Week, as founded by the American Nurses Association; and

(3) encourages the people of the United States to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients.

NATIONAL MPS AWARENESS DAY

Mr. REID. I ask unanimous consent the Senate now proceed to S. Res. 198.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 198) designating May 15, 2007, as "National MPS Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 198) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 198

Whereas mucopolysaccharidosis (referred to in this resolution as "MPS") is a genetically determined lysosomal storage disorder that renders the human body incapable of producing certain enzymes needed to break down complex carbohydrates;

Whereas complex carbohydrates are then stored in almost every cell in the body and progressively cause damage to those cells;

Whereas the cell damage adversely affects the human body by damaging the heart, respiratory system, bones, internal organs, and central nervous system;

Whereas the cellular damage caused by MPS often results in mental retardation, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span;

Whereas the nature of the disorder is usually not apparent at birth;

Whereas, without treatment, the life expectancy of an individual afflicted with MPS begins to decrease at a very early stage in the life of the individual;

Whereas recent research developments have resulted in the creation of limited treatments for some MPS disorders;

Whereas promising advancements in the pursuit of treatments for additional MPS disorders are underway;

Whereas, despite the creation of newly developed remedies, the blood brain barrier continues to be a significant impediment to effectively treating the brain, thereby preventing the treatment of many of the symptoms of MPS;

Whereas treatments for MPS will be greatly enhanced with continued public funding;

Whereas the quality of life for individuals afflicted with MPS, and the treatments available to them, will be enhanced through the development of early detection techniques and early intervention;

Whereas treatments and research advancements for MPS are limited by a lack of awareness about MPS disorders;

Whereas the lack of awareness about MPS disorders extends to those within the medical community;

Whereas the damage that is caused by MPS makes it a model for study of many other degenerative genetic disorders;

Whereas the development of effective therapies and a potential cure for MPS disorders can be accomplished by increased awareness, research, data collection, and information distribution;

Whereas the Senate is an institution than can raise public awareness about MPS; and

Whereas the Senate is also an institution that can assist in encouraging and facilitating increased public and private sector research for early diagnosis and treatments of MPS disorders: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 15, 2007, as "National MPS Awareness Day"; and

(2) supports the goals and ideals of "National MPS Awareness Day".

COMMEMORATING THE 85TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to H. Con. Res. 71.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 71) commemorating the 85th Anniversary of the founding of the American Hellenic Educational Progressive Association (AHEPA), a leading association for the Nation's 1.3 million American citizens of Greek ancestry, and Philhellenes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 71) was agreed to.

The preamble was agreed to.

ORDERS FOR TUESDAY, MAY 15, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, May 15; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the final portion; that at the close of morning business, the Senate resume consideration of H.R. 1495, as provided for under a previous order; that on Tuesday, the Senate stand in recess from 12:30 to 2:15 p.m. in order to accommodate the respective party conference meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, we have so much to do the next 2 weeks. As indicated with what is going on here today, we have to do our very best to complete WRDA. We have the most important supplemental to take care of the funding of the operations in Iraq and other things. Senator MCCONNELL and I have spoken today about how to get from here to there. We do not have that totally resolved yet, but we have moved the ball down the road. We also have a budget conference to complete. That has not been done yet. And we have immigration.

So, Madam President, I want this to be the first notice—and we have done very well. We have not had to work many Fridays; certainly in the afternoons we have not had to. We have had a number of free Mondays, and we have had only one Saturday we have worked all year. But everyone should be on notice the next two weekends and the next few days and certainly next week, including Monday, people should understand—and people, if they have arrangements they have made, if they have things to do for which they cannot be here until later Monday, change that because we have to have votes—unless something comes up we do not understand—Monday morning. We have too much to do. We must complete the items I have talked about before we leave for our Memorial Day recess or we will have to delay that recess.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:30 p.m., adjourned until Tuesday, May 15, 2007, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, May 14, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. COSTA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 14, 2007.

I hereby appoint the Honorable JIM COSTA to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. MCDERMOTT) for 5 minutes.

WHAT HAPPENED ON OCTOBER 10, 2006, IN IRAQ?

Mr. MCDERMOTT. Mr. Speaker, I rise to call for an explanation and a full accounting from the Department of Defense concerning an attack on Camp Falcon last year. This much is not in dispute: Under cover of darkness on October 10, 2006, Camp Falcon, America's largest military base in Iraq, which is 10 miles south of Baghdad, was attacked by insurgents, and the base was shelled with mortars and rockets. An enemy round struck an ammunition store which triggered massive explosions and huge fireballs that lit up the night sky in Baghdad.

News footage and amateur video were shown on television in the Middle East, and a BBC reporter described the explosions as immense. In the days following the attack, U.S. military officers in Iraq repeatedly said that the damage would not degrade U.S. military capacity and that the attack did not injure or kill anyone at the base.

In a briefing on October 12, 2006, Major General William Caldwell told reporters, "Very fortunately, no coalition forces or Iraqi security forces were injured, nor civilian casualties that anyone is aware of at this point. We lost some munitions, but took no personnel casualties." That is the official line for the military.

But the questions are beginning to surface as to whether the official line is the truth. It was brought to my attention yesterday during a meeting in my congressional office with Mohammed al Deeni, an independent member of the Iraqi Parliament. He came to the U.S. to talk with Members of Congress about the realities of life in Iraq. At my invitation, other Members of Congress joined me in this face-to-face legislative exchange of information. They heard what I am about to share.

During our meeting, I asked Mr. al Deeni if Iraq was so unstable that a terrorist attack could claim a large number of Americans in one attack. As many of us remember, that is what happened in 1983 when a massive terrorist truck bomb struck and killed 241 U.S. Marines in Beirut. I wanted to know if such an attack was possible in Iraq. Without hesitation, Mr. al Deeni said such an attack had already occurred. He said—and others are saying online—that the attack on Camp Falcon killed 300 Americans, wounded another 200 Americans and killed or injured another 200 Iraqis.

The Pentagon says there were no casualties. But a member of the Iraqi Parliament and others claim there were significant casualties. Which story is true? Satellite images, aerial photographs, videos and written accounts that purport to be firsthand can be found online. I will enter into the RECORD a list of some of these sites so that people can see for themselves.

Internet sites which contains video, photographs, or written accounts of the attack on Camp Falcon on October 10, 2006:

http://www.cawa.fr/destruction-du-camp-americain-falcon-explosions-d-armes-a-l-ua-et-ou-d-armes-nucleaires-tactiques-article00913.html.

http://www.dailymotion.com/related/966319/video/xkpjv_base-falcon-irakexplosion-nucleaire/1.

http://abutamam.blogspot.com/2006/10/no-reported-casualties-at-camp-falcon.html.

http://zennobia.blogspot.com/2006/10/al-rashid-falcon-military-bases.html.

Here is one excerpt from a site written after the attack by French journalists: "Nine big carriers marked by the Red Cross sign transporting the dead and injured were seen by journalists . . . Silence still wraps the whole event from the side of the American military as well as the Bush administration, since there remains only a few weeks before the legislative elections, with a public opinion more and more against the war."

This happened just before the last elections, and it is unclear as to what happened. I don't know if these stories are credible. But these reports cannot be ignored. If we lost hundreds of U.S. soldiers and other Americans in one attack, Congress and the American people have a right to know about it.

I looked at the videos and the aerial photographs, and the damage appears quite extensive to buildings and military vehicles like tanks. Perhaps American soldiers and others miraculously escaped injury. That would be very good news. Or perhaps we don't know what really happened on the night of October 10, 2006 in an insurgent attack on Camp Falcon.

The Pentagon should open all of its files to independent journalists. I call for a full accounting as soon as possible. Some are saying there's a cover-up in the military. I say it's time to put all the evidence out in the open.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 38 minutes a.m.), the House stood in recess until noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARNAHAN) at noon.

PRAYER

The Reverend Dr. Alan Keiran, Senate Chaplain's Office, Washington, DC, offered the following prayer:

Lord Almighty, the heavens declare Your handiwork, and the majestic beauty of our world shows forth the splendor of Your creation.

We thank You for the unmerited favor You shower upon us each day. We thank You for family, friends, faith, and freedom. Most of all, we thank You for the sacrifice You made to bring us into Your family and give us eternal life.

O God, I pray today for our Nation's representatives, their families, and staffs. Grant them Your favor and wisdom as they pursue righteous ends and seek our Nation's highest good. Continue to equip them for these challenging times. Give them courageous

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

spirits and eternal insights needed in their service to a grateful Nation.

We lift to You our Nation's law enforcement officers and their families, and we thank You for their tireless service. Bless as well our own Capitol Hill Police Department with Your divine blessing and protection.

You alone, O God, are our rock and our redeemer. May You in Your loving providence move in our midst to make Yourself known. I ask all this in the name that is above every name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arizona (Mr. SHADEGG) come forward and lead the House in the Pledge of Allegiance.

Mr. SHADEGG led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 11, 2007, at 10:01 a.m.:

That the Senate agreed to S. Con. Res. 29.

That the Senate agreed to H. Con. Res. 68.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

EXTENDING DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1124) to extend the District of Columbia College Access Act of 1999.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 5-YEAR REAUTHORIZATION OF TUITION ASSISTANCE PROGRAMS.

(a) PUBLIC SCHOOL PROGRAM.—Section 3(i) of the District of Columbia College Access Act of 1999 (sec. 38-2702(i), DC Official Code) is amended by striking "each of the 7 succeeding fiscal years" and inserting "each of the 12 succeeding fiscal years".

(b) PRIVATE SCHOOL PROGRAM.—Section 5(f) of such Act (sec. 38-2704(f), DC Official Code) is amended by striking "each of the 7 succeeding fiscal years" and inserting "each of the 12 succeeding fiscal years".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1124, the District of Columbia College Access Act of 1999, will reauthorize funding for the District of Columbia Tuition Assistance Grant, the DCTAG program, which will help promote higher education for high school graduates in the District of Columbia.

DCTAG provides grants for District high school students to attend public colleges and universities nationwide at in-state tuition rates. Additionally, the bill provides smaller grants for District students to attend private institutions in the D.C. metropolitan area and to attend Historically Black Colleges and Universities nationwide.

The impact of this legislation on the community and in the lives of the students who receive the grants cannot be minimized. DCTAG reaches students and communities where there is no hope of being able to obtain a college education. This is particularly true for many of the students that participate in DCTAG. Fifty-eight percent of the students who participate in the program come from low-income households.

Furthermore, students that participate are attending educational institutions that are known to nurture students of color. Five of the top 10 schools these students attend are HBCUs: Hampton University, Morehouse College, Virginia Union University, St. Augustine's College, and Bennett College.

While students from all races participate in the program and attend over 270 institutions in 47 States, including nationally recognized public institutions like the University of Michigan at Ann Arbor, the University of Illinois, the University of California-Berkeley, and Ohio State University, this program serves a community that is lacking resources for students of color from low-income households.

Mr. Speaker, I want to commend the ranking minority member, Representative TOM DAVIS, and, of course, the distinguished gentlewoman from the District of Columbia for introducing and championing this legislation.

I urge all of my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield myself such time as I may consume.

This bill would simply reauthorize the DCTAG program for an additional 5 years and enable District residents to continue to attend certain colleges and universities at in-state rates. President Bush, in his budget submission for fiscal year 2008, has included sufficient funds to make this happen. I know that Ranking Member DAVIS, Mr. DAVIS of Illinois, and Ms. NORTON have worked very hard to bring this bill to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she may consume to the author of this legislation, the gentlewoman from the District of Columbia, Delegate ELEANOR HOLMES NORTON.

Ms. NORTON. I thank the gentleman for yielding, and I certainly thank him for his own hard work and strong support on this bill.

Mr. Speaker, I rise to speak in support of H.R. 1124, the bill that will reauthorize the District of Columbia Access Act of 1999 and extend the District of Columbia Tuition Assistance Grant program, which it authorizes, for an additional 5 years, and, of course, to thank the House for a bill that has afforded higher education to many students who would otherwise have not received it. I especially thank Chairman HENRY WAXMAN and Chairman DANNY DAVIS for facilitating early consideration of this noncontroversial bill on suspension. A very special thanks is particularly due to committee ranking member and co-author TOM DAVIS for his strong and indispensable leadership on this legislation when he was Chair of the full committee and for his continued strong support of DCTAG.

This legislation is already returning unusually large dividends for the Federal investment. DCTAG has increased college attendance of D.C. students by an astonishing 60 percent over 5 years. For the 2005–2006 school year, almost 5,000 students received funding from DCTAG to enroll in 646 universities and colleges in 47 States, the District of Columbia, and the U.S. Virgin Islands. Most of these students are the first in their families to attend college. These documented results represent the city's most important progress toward developing a workforce that can meet the increasing education requirements for employment at average wages in the region. Importantly, this legislation has been instrumental in reversing the steady flight of taxpayers from the District of Columbia, many of whom left the District in order to gain access to lower cost State colleges and universities in the region.

DCTAG acts as a proxy and a substitute for a State university system for the District, which has an open admissions State university, the University of the District of Columbia, but, unlike every State, has no unified system of several colleges and universities. UDC, supported entirely by the city and tuitions of students, is the university of choice for students who must get their education in the District and is itself indispensable to the city, and so much so that I used the opportunity provided by this bill to achieve funded historically black college status for the UDC that the city has long sought for its State university because the University of the District of Columbia is one of the oldest Historically Black Colleges and Universities in the United States. As a result, UDC has received an attractive annual HBCU payment since 1999. However, this bill provides higher education access to young people here equivalent to opportunities available in all the States, rather than only one university, and increases the number of choices necessary to meet today's D.C. student population. Maryland and Virginia, for example, each provide more than 30 different college options to residents. DCTAG provides up to $10,000 annually, which covers State college tuition at most public colleges, or provides up to $2,500 annually to attend private institutions in the city and region.

DCTAG has enjoyed strong bipartisan support since it was created in 1999. The President has shown his confidence in the program by including $35 million for DCTAG in his fiscal year 2008 budget request. The D.C. State Education Office deserves special credit for working diligently and successfully since the bill was enacted to maintain a very solid administration of the program. The District has even moved ahead of the curve to foreclose any future funding shortfalls by engaging in careful planning and calculations, measuring expected demand and costs and has made adjustments in offerings accordingly.

We are particularly grateful to business leaders in the region, led by Donald Graham, chairman of The Washington Post, who was instrumental in helping to convince Congress of the necessity for the bill. Mr. GRAHAM and the business leaders did not stop there, however. They established the College Access Program, which we call CAP, to provide additional financial support.

□ 1215

More important, CAP provides essential guidance and encouragement to students as they reach the critical time decision for college. We are also grateful to CAP for supplying a support network that has helped the District's TAG program receive excellent, excellent retention rates. For example, of the 1,091 DCTAG freshmen in 2001-2002, 72 percent returned as sophomores; of that, 79 percent returned as juniors; 82 percent as seniors, and 77 percent of the seniors graduated. This, I am sure Members recognize, is very enviable retention in college graduate rates compared with others around the country.

CAP's 100 percent private funding by business leaders, most from the region, not from the city, is nothing less than a vote of confidence in DCTAG that I believe is warranted by the legislation's documented results.

It is difficult to think of congressional legislation that has brought such immediate and positive results, or that is more appreciated by D.C. residents. To be sure, our D.C. homebuyer and business tax credits, unique to the District and reauthorized again last year, have had similar measurable and documented effects on increasing homeownership and keeping taxpaying residents and businesses in a city without a State tax base that instead must itself carry many State costs. However, if there are to be homeowners and taxpayers in the District of Columbia in the 21st century, many more of them must have college training.

The economy of this Federal city will always be tied to Federal jobs and jobs related to Federal jobs at the high end. The stability of the Federal sector here has been indispensable to many aspects of the city's economy, but too few of the public and private sector jobs go to District residents. For example, the District continues to be a virtual job machine for the region. The District created 8,500 jobs in the last 12 months, but its unemployment rate remains almost twice the rate in this region. This disparity represents an education and training mismatch that must be eliminated to assume a decent future for the city's young residents.

H.R. 1124 is one of the District's top priorities this year because of the program's proven benefits to the economy of the city and region, and especially to the city's residents and families. Families have been willing to make the necessary sacrifices to meet the costs of large annual increases in State tuition nationwide, even though the amount they receive from TAG has not increased at all and remains a maximum $10,000 annually, and this despite the modest family incomes of most of our students.

This immensely successful and popular higher education program has proven itself over and over again. It would be difficult, indeed, to think of a program that has returned so much to the city and the Federal Government for the modest amount of Federal funding. Of any measure that I will bring before the House this year, H.R. 1124 certainly ranks near the top in deserving continuing support.

I appreciate the strong bipartisan support and the support of the President of the United States that this vital Federal educational assistance program has received, and I ask for the continued support of the House. I believe the results fostered by the program have earned the support.

I strongly urge approval of 1124.

Mr. WESTMORELAND. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, simply to close, let me just suggest that with more than 500,000 individuals who live in the District of Columbia, and they've only got one public institution of higher education, the University of the District of Columbia, one could really say that this program provides a level of equity that is a level playing field, and somwhat equal opportunity given the fact that it is not a State. For the young people who live in the District, it is an excellent program. I would urge all of my colleagues to vote in favor of it.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I've traveled a long road with the District of Columbia Access Act—from March 1, 1999, when it was introduced, until the present day.

That road took us through the predecessor subcommittee I chaired at the time, to the full Government Reform Committee, to the House and Senate floor, and then to the White House, where then-President Clinton signed the measure on November 12, 1999.

In all of its legislative approvals the College Access Act—also known as the Tuition Assistance Grant Program—was passed unanimously, by voice vote. President Clinton had included sufficient money in his budget submission that year, and a statement of administration policy endorsed the approach we had taken in authorizing use of those funds.

I am deeply proud of our hard, bipartisan effort in enacting this measure and in reauthorizing it 2 years ago.

My thanks to ELEANOR HOLMES NORTON, who was ranking member of the District of Columbia Subcommittee in 1999, and who has worked tirelessly to enhance this legislation ever since.

I would also like to thank my then-counterpart in the Senate, GEORGE VOINOVICH, for his continuing support, and Senators WARNER and DURBIN for working with us to improve this legislation.

I'm also grateful to my namesake Chairman DANNY DAVIS, chairman of the subcommittee, for holding a hearing on this bill March 22, ranking subcommittee member KENNY MARCHANT for his support, and Chairman WAXMAN for marking this bill up so expeditiously.

The 5-year reauthorizing legislation before us today will enable District residents to continue to attend colleges and universities at in-State rates. President Bush, in his budget submission for fiscal year 2008, has included sufficient funds to make this happen.

Then-Mayor Anthony Williams and now D.C. Mayor Adrian Fenty have both strongly supported this law as being very important for District high school graduates. The Tuition Assistance Program has doubled the total number of District students attending college since 1999–2000, the school year before the program started. We have incentivized getting a college education.

This law is a classic "leveling of the playing field." No city or county in the country is required to supplement in-State rates with local funds, and neither should the taxpayers in the Nation's capital be saddled with this burden. Neither should the city be penalized for its own success in administering this program.

Back on March 4, 1999, when I first introduced this bill, I went to nearby Eastern High School with Ms. NORTON. I was deeply moved by the reaction of the students. I will never forget how so many took our hands, looked into our eyes, and thanked us for introducing the original bill.

I'm proud of all we have been able to do in the Nation's capital since 1995, when the city was literally bankrupt. Economic development, public safety, the real estate market, and so many other aspects of city life have changed for the better.

But nothing has given me more satisfaction than working to improve educational opportunity. Fighting for equal educational opportunity is one of the reasons I entered public life.

We need a healthy city to have a healthy Washington region.

Reauthorizing this law, which has expanded higher educational choices, is a strong part of our vision for the future.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1124.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WESTMORELAND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL DAY OF REMEMBRANCE FOR MURDER VICTIMS

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 223) supporting the goals and ideals of a National Day of Remembrance for Murder Victims.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 223

Whereas the death of a loved one is a devastating experience, and the murder of a loved one is exceptionally difficult;

Whereas the friends and families of murder victims cope with grief through a variety of support services, including counseling, crisis intervention, professional referrals, and assistance in dealing with the criminal justice system; and

Whereas the designation of a National Day of Remembrance for Murder Victims on September 25th of each year provides an opportunity for the people of the United States to honor the memories of murder victims and to recognize the impact on surviving family members: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of a National Day of Remembrance for Murder Victims; and

(2) recognizes the significant benefits of the organizations that provide services to the loved ones of murder victims.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H. Res. 223, which supports the goals of a National Day of Remembrance for Murder Victims.

H. Res. 223, which has 59 cosponsors, was introduced by Representative JOHN SHADEGG from Arizona on March 7, 2007. H. Res. 223 was reported from the Oversight Committee on May 1, 2007 by a voice vote.

Mr. Speaker, in 2005, there were 16,692 murders and nine negligent manslaughters reported in our Nation. This is obviously too many murders. And so I support the National Day of Remembrance for Murder Victims and recognize all organizations that provide services, such as support, guidance and counseling, to the loved ones and friends of murder victims.

It is important that this day is not just a remembrance of those who tragically lost their lives, but a call to action. While some of us have not experienced acts of violence, we share responsibility to people who have lost their loved ones to murder. We should always reflect the moral virtues of respect and caring and sharing with one another, regardless of one's race, creed and national origin.

Of course, we remember the recent incidents that have just occurred at the university in Virginia. I also remember in my own neighborhood, where just last week a young man was killed on a bus. He turned out to be an absolute hero because he actually put himself in front of another student who was about to be shot. And of course that community and that family still grieves. So I urge that we all remember murder victims and their families by getting involved in our homes, communities, schools and businesses to prevent violence.

Mr. Speaker, I commend my colleague, Representative SHADEGG from Arizona, for seeking to honor the memories of murder victims and recognize the impact on surviving family members.

I urge swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield myself as much time as I may consume.

With the recent tragedy of Virginia Tech fresh in our minds, we take this time to remember the many victims of needless violence in our country.

The devastation of families, victims and entire communities in which these tragedies occur is beyond calculation. Too often, victims' loved ones are left alone with their loss and feel overwhelmed with the devastating experience that has altered their lives forever.

No one should have to cope with that loss alone. In such crushing times as these, families and friends look for sources of strength to sustain themselves. They also need ongoing support in dealing with the criminal justice system, which can be especially overwhelming during this period of grief.

The need for sources of strength are often found through a variety of support services, including counseling, crisis intervention, professional referrals and assistance in dealing with the criminal justice system. These organizations play an essential role in preserving the memories of victims of murder.

After the story of the murder fades, victim's family and friends are often left to cope without their loved ones alone. Thankfully, these counseling organizations provide the necessary support to the families and friends of murder victims so they can continue with their daily lives.

These personal assaults on our citizens are also an assault on all of us. We must remain diligent in our efforts to curb violence. Our murder rate in this country is simply too high. People watch television, movies and play video games where murder is often glorified. Many of our youth engage in pastimes where they are exposed to violence at an early age. However, there is no age where it should be appropriate to introduce murder into anyone's life.

It is incumbent upon all of us to recognize the selfless support groups in our communities who work tirelessly to help the thousands of friends and families of murder victims in this country every year. For these reasons, Mr. Speaker, I urge all my colleagues to join me in supporting H. Res. 223.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding and I thank my colleague from Illinois for his strong words of support.

I rise today in support of H. Res. 223, a resolution supporting the goals and ideals of a National Day of Remembrance for Murder Victims.

I want to thank the gentleman from Illinois and the gentleman from Georgia for their support, as well as the chairman of the full committee and the ranking member of the full committee.

This legislation is in fact very important to very many Americans; indeed, to, sadly, too many Americans.

I, along with my colleague, Mr. CHABOT of Cincinnati, Ohio, introduced this resolution on behalf of murder victims and their families across our Nation. H. Res. 223 does two simple things. First, it recognizes the many organizations that provide services to the loved ones of murder victims. As the two speakers before me have acknowledged, a victim of crime suffers greatly over and over again, and there are many organizations across our country that help them. The second thing this resolution does is it supports the establishment and urges the establishment of a National Day of Remembrance for Murder Victims to be held on September 25th of each year.

I noted that in our prayer today we were called upon to thank God for our loved ones and our families. This bill is very much about those loved ones and those families who are left behind when a murder is committed and someone is taken from us as a result of violence.

On September 25, 1978, 19-year-old Lisa Hullinger was murdered by her boyfriend. Three months after her death, her parents formed the National Organization of Parents of Murdered Children, headquartered in Cincinnati, Ohio. Parents of Murdered Children earnestly advocates for the thousands of parents who have lost a child as a result of violence. Parents of Murdered Children is one of many organizations that do this work, that help the friends and that help the families to try to cope with the loss of a loved one.

Other organizations include the National Organization for Victim Assistance, Mothers Against Drunk Driving, as well as the National Crime Victim Law Institute. Each of these organizations plays a vital role, and there are so many others. This resolution not only honors Parents of Murdered Children, but all of the similar organizations providing support and assistance to the loved ones of murdered victims.

Mr. Speaker, since the introduction of this resolution I have received countless e-mails from all across the country, not just from my district, but from everywhere: From mothers, fathers, brothers, sisters, husbands, wives and children of murder victims.

□ 1230

All of them have contacted me to say how much they appreciate what the United States House of Representatives is doing for them today. This legislation is indeed important.

We all know that there are established days of remembrance for many dark days in our Nation's history. There is, of course, one for 9/11. There is another one for the day of the Oklahoma City bombing. These were both solemn times in our Nation's history, and yet people are murdered every single day.

On 9/11, almost 3,000 Americans were brutally murdered. It is worth noting that every 10 weeks in this Nation, another almost 3,000 Americans are murdered. That is why I believe we need to establish a day that not only honors them and recognizes them, but also recognizes and honors the victims they leave behind, the family members, the fathers, the sons, the daughters, all of the others who suffer so much.

Each of us has a list of tragedies that we know of personally. My colleague from Illinois recited several. There are way too many.

I cannot rise today without thinking of Duane Lynn and his wife, Nila. Duane and Nila lived in a retirement community in north Phoenix after Duane retired from the Arizona Highway Patrol. One day they chose to attend a homeowners' association meeting in their neighborhood. Tragically, a killer walked into that meeting and senselessly murdered Nila. Nila died in Duane's arms. That was a crushing blow to him and a pain that he suffers every day.

But Duane took that negative pain and became an advocate for other victims. With his help, this Congress passed the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, Nila Lynn Crimes Victims Act of 2004.

I also think of Sally Goelzer, whose brother, Hal, was murdered in a gang initiation killing. Sally took the pain of that incident and went to work to fight for tougher laws against gangs and against gang killers.

I am also reminded of the incredible story of Collene Campbell and her tireless work on behalf of victims, as well as that of her husband, Gary. Collene tragically has lost not one family member, but three family members on three separate occasions to murder.

First, her son, Scott, was murdered. Then later in a separate crime her brother, well-known and famous in America for his work in auto racing, Mickey Thompson, and his wife Trudy were murdered.

Collene has spent 22 years in and out of various courtrooms in America dealing with the pain inflicted upon her by the murder of these three loved ones. Again, she has turned that negative pain into being a tireless advocate for victims and for victims rights. She was essential to the creation of victims rights legislation in California and she established Force 100, one of the strongest advocates for victims' rights across this Nation. Force 100 sought to create organizations in every single State in America to advocate for victims of crime.

There are so many stories. There are too many stories. But these victims and their courageous survivors need to know that we in the Congress, and we as a Nation, remember their tragedy and their courage.

Today, this Congress, this House, can do its part. We can say that too many of us have been affected by the horrors of murder, by passing this simple, yet very important, resolution, acknowledging that murdered individuals are not the only victims; that those left behind to cope with the loss on a daily basis are victims also.

We can tell them, however, that those family members and loved ones are not alone. We can recognize the many organizations that do invaluable work to help them. That is why this resolution not only acknowledges the murder victims, but also honors the organizations and the people who devote their lives to counseling, crisis intervention, assistance and other help in getting those victims through our criminal justice system. The work of these organizations is so invaluable to so many.

The last organization I want to talk about is the National Crime Victim Law Institute at Lewis & Clark College in Portland, Oregon. This organization, recently established with a support from Congress supports legal assistance to the victims of crime, and has established many programs across our country, and, I believe, in eight different States, to help give legal assistance to the families and the loved ones of those murdered who are left behind, among others.

H. Res. 223 lets victims, families and friends know that they are not alone, and that we remember their loved ones. I urge my colleagues to join me in supporting this resolution and honoring all of those men and women who have devoted their lives to helping those among us who have to cope with the senseless violence of a murdered loved one.

Mr. WESTMORELAND. Mr. Speaker, I have no further speakers, and I yield back the balance of my time. I urge all my colleagues to vote for H. Res. 223.

Mr. DAVIS of Illinois. To close, Mr. Speaker, let me just commend the gentleman from Arizona once again for his introduction of this resolution and his passionate statement in favor of its passage. I would certainly concur with everything that he has said and urge passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 223.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SHADEGG. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CLAUDE RAMSEY POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1260) to designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the "Claude Ramsey Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLAUDE RAMSEY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, shall be known and designated as the "Claude Ramsey Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Claude Ramsey Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in consideration of H.R. 1260, which names a postal facility in Harrison, Tennessee, after Claude Ramsey.

H.R. 1260, which was introduced by Representative ZACH WAMP on March 1, 2007, was reported from the Oversight Committee on May 1, 2007, by a voice vote. This measure has been cosponsored by the entire Tennessee congressional delegation.

Mr. Claude Ramsey is currently serving his third term as mayor of Hamilton County, Tennessee. Prior to becoming county mayor, he was the assessor of property, served on the Hamilton County Board of Commissioners, and was a member of the Tennessee State Legislature.

Mr. Ramsey's career as a public servant exemplifies diligence, hard work, and dedication to the people of Hamilton County.

Mr. Ramsey plays a pivotal role in the economic progress of Hamilton County. As a manager and leader, he has distinguished himself with his openness and availability to both the business community and the public. He has been honored with numerous awards and offices that reflect his dedication and service to his community. As a fiscal conservative, Mr. Ramsey encourages progress in Hamilton County through responsible investments in the growth of business and industry.

Mr. Speaker, I commend my colleague Representative ZACH WAMP for introducing this legislation and urge swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, County Mayor Claude Ramsey has a long list of accomplishments to show for his three terms as leader of Hamilton County, Tennessee. From reforming the public education system to creating jobs in the area, Mayor Ramsey has constantly addressed the needs of both the business community as well as the general public.

Mayor Ramsey turned Hamilton County's public education system into a model for other counties to follow. Mayor Ramsey rallied support from the neighborhoods. Nine thousand people participated in an education summit and task force to identify the issues and challenges facing the department. Eight key initiatives, including target graduation and reading rates, increased technology, and early education programs, were formed. When fully implemented, the county's public education system will be one of the very best in the country.

Mayor Ramsey is constantly looking for new business and industrial recruitment and has made economic expansion a priority during his administration. He was able to secure almost $3 million in grant funds for expansion of local industries, which led to hundreds of millions of private investment and the creation of 2,000 jobs. He was also able to receive funding for the Center for Entrepreneurial Growth, a program started by Mayor Ramsey, to create more technology-based jobs in the community.

Hamilton County has received high praise for the changes that have been made, for instance receiving an AA+ rating from Finch, Inc. In 2003, Mayor Ramsey was presented Chattanooga Area Manager of the Year, an award presented annually to an executive whose management skills have profoundly influenced the outstanding performance of a key element of American business, industry, government, or nonprofit activity.

Mayor Ramsey has also addressed important topics such as literacy, obesity, public littering, and the creation of parks.

Making himself open and available to the community, Mayor Ramsey is very active in local agencies, such as the Orange Grove Center and the chairman of the Board of Associates at Chattanooga State Technical Community College.

As Mayor Ramsey rounds out his third term as county mayor, he continues to be an active and committed leader to the citizens of Hamilton County. The programs which he has put into place will be his legacy. They will continue to provide for the community for decades in the future.

Mr. Speaker, at this time I would like to point out that the gentleman from Tennessee (Mr. WAMP) would like to be here today to make a statement, but he had to remain home for a family emergency. We wish Mr. WAMP and his family the best.

Mr. Speaker, I urge all Members to support the passage of H.R. 1260, which honors Mayor Ramsey for his admirable public service to the people of Hamilton County and the State of Tennessee.

Mr. WAMP. Mr. Speaker, I rise today to support legislature, H.R. 1260, to designate the facility of the U.S. Postal Service, located at 6301 Highway 58 in Harrsison, TN, as the "Claude Ramsey Post Office." This legislature would rename the City of Harrison Post Officer after one of Hamilton County's most notable leaders, Mayor Claude Ramsey.

As he serves his fourth term as County Mayor, Claude Ramsey continues to set a high standard as a dedicated manager and leader in the community. Prior to his term as County Mayor, he was the Assessor of Property, served on the Hamilton County Board of Commissioners, and was a member of the Tennessee State Legislature. Claude Ramsey's career as a public servant exemplifies diligence, hard work, and tremendous results for the people of Hamilton County.

During his tenure, Mayor Ramsey fought to strengthen public education in Hamilton County. He recently rallied the community to participate in an education summit to create solid initiatives to address the issues and challenges facing the public education system. Mayor Ramsey created six task forces and presented their findings and recommendations to the community. He then organized the introduction of eight key initiatives, including early education programs and a greater supply of laptop computers, to strengthen the public education system and increase graduation rates of students.

In addition, Mayor Ramsey has been a true leader in promoting economic development in Hamilton County. Mayor Ramsey's vision of creating more technology-based jobs in Hamilton County has shown strong results. His administration has secured Federal funding for the development of the Center for Entrepreneurial Growth, which provides local entrepreneurs assistance in developing new advanced-technology companies. Mayor Ramsey also secured over $2.8 million in grant funds for local businesses, which have helped create over 2,000 jobs, and played a vital role in the transfer of the 1200-acre Enterprise South Industrial Park property from the U.S. Army.

For his dedicated service and results, Mayor Ramsey was named "Chattanooga Area Manager of the Year" in 2003, which is the largest local awards program in the Nation.

Mayor Ramsey also has contributed to the community by serving on the boards of numerous agencies, including the Orange Grove Center, the Chattanooga Neighborhood Enterprise, the RiverCity Company, and the United Way. Claude Ramsey also served on the Board of Trustees at Erlanger Medical Center and was Chairman of the Board of Associates at Chattanooga State Technical Community College.

Most importantly, Claude Ramsey is a loving husband to his wife, Jan; a proud father to his son, Rich, and his daughter, Stacy; and a doting grandfather to his grandchildren Madison, Meredith, Macy, John Ross, and Claudia.

Mr. Speaker, I urge all Members to support the passage of this legislation that honors Mayor Claude Ramsey for his commendable public service to the people of Hamilton County and the State of Tennessee.

Mr. WESTMORELAND. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1260.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HARRIETT F. WOODS POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1617) to designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, as the "Harriett F. Woods Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HARRIETT F. WOODS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, shall be known and designated as the "Harriett F. Woods Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Harriett F. Woods Post Office Building".

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1245

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the sponsor of this legislation, Representative RUSS CARNAHAN from the State of Missouri.

Mr. CARNAHAN. Mr. Speaker, I rise today in strong support of H.R. 1617, which would name a post office after a true pioneer in Missouri politics and especially for women in politics, Harriett F. Woods.

Ms. Woods passed away in February. It would be a fitting tribute to name a post office in her honor in the very town where her storied political career began, University City, Missouri. This was also the post office that Ms. Woods used for over 50 years.

Her political career began in the 1960s as a member of the University City Council where she became the first woman appointed to the State Highway Commission. She was elected to the Missouri State Senate in 1976, where she sponsored an equal rights amendment to the State Constitution. While in the State Senate, she also passed landmark legislation which led to drunk driving laws and nursing home reform which became national models adopted throughout the country.

In 1984, she was elected Lieutenant Governor, becoming the first woman elected to statewide office in Missouri history. She was a trailblazer for women in politics even after she left elected office. She served 4 years as President of the nonpartisan National Women's Political Caucus. During her tenure, the number of women elected to Congress increased dramatically, including the historic "Year of the Woman" election of 1992.

Vivian Eveloff, Director of the nonpartisan Sue Shear Institute for Women in Public Life in St. Louis, described Ms. Woods as a strong advocate "to encourage women of all ages, walks of life and political views to step forward and take on policymaking positions."

Harriett Woods was a role model and inspiration to young people, but especially young women. I am proud to have introduced this legislation to name her hometown post office in her honor, ensuring that her memory and inspiration will continue to be a visible part of our community.

The last time I saw our former Lieutenant Governor Woods was in Washington. She was here this past January. Even though she was not feeling well, she made an extraordinary effort to be here for the historic occasion of our new female U.S. Senator, Senator MCCASKILL, when she was sworn in, and also see the historic occasion of the first woman Speaker sworn into this House. It was very fitting she was here as part of those historic events.

I want to make a special thanks to the many cosponsors of this bill honoring Lieutenant Governor Woods, including nearly all women Members of Congress from both sides of the aisle and the Missouri delegation.

I urge all Members of this body to support the legislation.

Mr. WESTMORELAND. Mr. Speaker, I yield myself such time as I may consume.

Harriett Woods, a devoted mother, wife, grandmother, politician, author and community activist, passed away at her home in University City, Missouri, this February of leukemia. Born in Cleveland, Ohio, and raised in Chicago, Illinois, she went on to attend the University of Michigan. It was there that she became the first female editor of the school's highly esteemed student newspaper.

In later years, her career and political life proved to be an uphill battle against more popular-known male politicians. Her political career began as a stay-at-home mom. She went to the city council with a complaint about a noisy manhole cover. When they ignored her, she pushed forward launching a successful petition to have the street closed. Causing the attention of the local press, she earned a job to run a community public affairs panel. Soon after, she was elected to the University City Council where she served for 8 years. She followed that up with two terms in the Missouri State Senate.

Harriett Woods ran unsuccessfully for the Senate in 1982, but her name became well known throughout the State. It helped her 2 years later to become the first female elected to statewide office in Missouri when she held the office of Lieutenant Governor. It was a post she held until 1989.

She remained active in politics and her local community throughout the rest of her life, focusing primarily on women's issues. From 1991 to 1995, she was President of the National Women's Political Caucus. Her dedicated work even earned her a spot on the St. Louis Walk of Fame.

It is with great pleasure that we honor her today with this post office naming, and I ask all Members to support H.R. 1617 in honor of this great lady.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join with my colleague in consideration of H.R. 1617, which names a postal facility in University City, Missouri, after Harriett F. Woods.

H.R. 1617, which was introduced by Representative RUSS CARNAHAN on March 21, 2007, was reported from the Oversight Committee on May 1, 2007, by a voice vote. This measure has been cosponsored by 74 Members and has the entire support of the Missouri delegation.

Ms. Harriett F. Woods was elected from the 13th District of Missouri in St. Louis County to the Missouri State Senate in November of 1976. She was reelected for a second term in November of 1980. She was the first woman to win statewide offices in Missouri, becoming Lieutenant Governor in 1984. She ran for the U.S. Senate twice in the 1980s, and while both attempts failed, it inspired other women to run for and win political office. Ms. Woods was an activist who promoted women politicians. She served two terms as President of the National Women's Political Caucus and led the Clinton administration's Coalition for Women Appointments in 1993.

Before becoming an elected official, Ms. Woods was an independent film producer and served 10 years as the Public Affairs Director at KPLR-TV in St. Louis. At KPLR, she produced many noted documentaries, among them the award-winning film on child abuse, "Broken Children," "Don't Go to Jail in Missouri" and "Piedmont UFO."

Mr. Speaker, I commend my colleague RUSS CARNAHAN for introducing this legislation and urge its swift passage.

Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I have no further speakers. I urge all my colleagues to vote in favor of H.R. 1617, and I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, let me share my support for legislation to designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, MO, as the "Harriett F. Woods Post Office Building." Harriet Woods will long be remembered as a pioneer in American politics.

Born in Cleveland, OH, Harriet Woods received a bachelor of arts degree in philosophy from the University of Michigan. She married Jim Woods on January 2, 1953. Before beginning her career in politics, Woods worked as a journalist and television producer.

Woods' political career began in 1962, when she became a member of the University City Council. In 1976, she was elected to the Missouri State Senate and was re-elected in 1980. Dedicated to women's participation in government, Woods was the first woman to win statewide office in Missouri when she was elected Lieutenant Governor in 1984. While she was not successful in the two Senate races in which she was a candidate, her actions and leadership inspired hundreds of women nationwide to participate in politics.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I simply join with my colleague from Georgia in urging passage of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1617.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WILLYE B. WHITE POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2025) to designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, as the "Willye B. White Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WILLYE B. WHITE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, shall be known and designated as the "Willye B. White Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Willye B. White Post Office Building".

The SPEAKER pro tempore (Mr. CARNAHAN). Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the sponsor of this legislation, the distinguished gentleman from the Second Congressional District of Illinois, Representative JESSE JACKSON, Jr.

Mr. JACKSON of Illinois. Mr. Speaker, I rise today in support of H.R. 2025, naming a post office building in the Roseland community of Chicago, Illinois, as the Willye B. White Post Office Building.

Willye B. White was born to run. She was a five-time Olympic track and field athlete from Money, Mississippi. She was the best female long jumper of the time. She made Chicago her home in 1960 until her untimely death in February, 2007.

She wasn't a household name, but she should have been, especially if your household happens to be one of the millions that includes a female athlete. Or an athlete of color. Or a once or future Olympian. She was better known for her actions than her name, better known for her deeds than her medals.

At 16, she competed in the 1956 Melbourne Olympic Games and became the first American woman to ever medal in the long jump, earning a silver medal. She participated in the next four Olympiads as well, and is the first American to compete on five Olympic track and field teams. She won another silver medal in the 1964 Tokyo Games in the 4-by-100-meter relay. Ms. White competed in more than 150 nations as a member of 39 different international track and field teams.

Over the years, White remained active in the field of sports. She represented track and field on the U.S. Olympic Committee, coached athletes in the National Sports Festival in 1979 and 1981, coached and managed at the 1981 World Cup Track and Field Championship Games in Brussels and Rome, and served as the head coach for the 1994 Olympic Sports Festival.

Born on December 31, 1939, in Money, Mississippi, and raised by her grandparents, White discovered her talent for running and jumping at age 10. In 1959, White graduated from Broad Street High School in Greenwood, Mississippi, the same year she set an American record for the long jump, which stood for 6 years. Breaking loose from the poverty of the racially segregated delta, she attended Tennessee State from 1959 to 1962, and achieved national acclaim with the Tigerbelle team that produced Wilma Rudolph. She moved to Chicago in 1960 and began working as a nurse in 1963, first at Chicago's Cook County Hospital and then at the Greenwood Medical Center. In 1965, White became a public health administrator at the Chicago Health Department. She graduated with a B.A. in public health administration from Chicago State University in 1976.

White was one of 21 people on President Ford's Commission on Olympic Sports, a panel that restructured the U.S. Olympic movement. She lobbied extensively for Title IX and raised money for the Women's Sports Foundation. She worked for nearly four decades for the City of Chicago, devoting much of her time to children's recreation and creating sports programs for girls.

In 1990, White found WBW Hang on Productions, a sports and fitness consultancy. A year later, she founded the Willye B. White Foundation helping children develop self-esteem and become productive citizens through such initiatives as the Robert Taylor Girls Athletic Program. This program taught sports and teamwork to children living in the Nation's largest housing project and provided summer day camp and health care in the form of immunizations and dental and medical checkups.

White was the first American to win the world's highest sportsmanship award, the UNESCO Pierre de Coubertin International Fair Play Trophy. She is a member of 11 sports halls of fame, including the National Association of Sport and Physical Education, Black Sports, Women's Sports Foundation, and National Track and Field. She was chosen by Sports Illustrated for Women in 1999 as one of the 100 greatest athletes of the century and by Ebony in 2002 as one of the 10 greatest black female athletes.

Ms. White passed away from pancreatic cancer on Tuesday, February 6, 2007. It is with great pleasure that the U.S. House of Representatives acknowledges Willye B. White not only for her outstanding athletic abilities, but for her tireless service to the community and to the young girls on the South Side of Chicago, indeed young women everywhere.

Finally, I would like to thank my staff, especially my legislative assistant, Ms. Megan Moore, for her hard work on this bill.

□ 1300

Mr. WESTMORELAND. Mr. Speaker, I yield myself as much time as I may consume.

Willye B. White was quoted as saying, "A dream without a plan is just a wish." It was this belief that led her to become the first American to have competed in five Olympic track and field teams, a feat still unchallenged.

Willye White competed in five consecutive Olympic games between 1956 and 1972. At the young age of 16, she won a silver medal in the long jump competition at the games in Melbourne, Australia, historically marking the first time an American woman ever medaled in that event. She earned her second silver medal in the 1964 Tokyo, Japan, games by participating in the 4-by-100-meter relay.

Born in Money, Mississippi, she was raised by her grandparents and fought through the daily struggles of the civil rights movement. Her love of sports emerged around age 10 when she discovered the joy of running and jumping. Overall, she competed in 39 international teams, four Pan-American Games teams and five consecutive U.S. Olympic track and field teams.

After her competitive career ended, she stayed active in the sport through coaching and other activities. She represented track and field on the U.S. Olympic Committee, coached athletes in the National Sports Festival in 1979 and 1981, coached and managed at the 1981 World Cup Track and Field Championship Games in Brussels and Rome, and she served as head coach for the 1994 Olympic Sports Festival.

Beyond coaching, she also founded the Willye White Foundation which helps children develop self-esteem and become active members of their communities through athletic participation. She has earned numerous awards throughout the years and is a member of eleven sports halls of fame.

She sadly lost her battle with pancreatic cancer in February. So, today, we proudly honor her life with the naming of this post office in her hometown of Chicago, Illinois.

Mr. Speaker, I urge all my colleagues to vote in the affirmative on H.R. 2025.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in consideration of H.R. 2025, which names a postal facility in Chicago, Illinois, after Willye B. White.

H.R. 2025, which was introduced by Representative JESSE L. JACKSON, Jr., on April 25, 2007, was reported from the Oversight Committee on May 1, 2007, by a voice vote. This measure, which has been cosponsored by 18 Members, has the support of the entire Illinois congressional delegation.

Ms. Willye White was born December 31, 1939, in Money, Mississippi, and raised by her grandparents. At 16 she competed in the 1956 Melbourne Olympic Games and became the first woman representing the United States to win a medal in the long jump, earning silver behind Elizabeth Krzeszinska of Poland. Ms. White competed in every Olympics from 1956 through 1972, and only an injury kept her off the 1976 team.

She was America's best female long jumper for almost two decades, with a career best of 21 feet and 6 inches. She won nine consecutive United States outdoor championships, set seven American records and competed in more than 150 nations. Ms. White is the first and only track and field athlete to compete in five Olympics for the United States.

Ms. White moved to Chicago in 1960 and lived there for 46 years. She worked as a nurse and then as a public administrator. She mentored hundreds of young women living in Chicago's public housing projects through the Willye White Foundation.

The United Nations Educational, Scientific and Cultural Organization, UNESCO, recognized her humanitarian efforts by awarding her the Pierre de Coubertin International Fair Play trophy, named after the founder of the modern Olympic Games.

Ms. White died on February 6, 2007, of pancreatic cancer.

Mr. Speaker, I commend my colleague Representative JACKSON for introducing this legislation.

Ms. White happened to be someone that I have known practically all of my life. As a matter of fact, she did grow up and finish high school in Greenwood, Mississippi, where my grandfather lived, and we knew of her exploits. As a matter of fact, we were close to the same age so we were attending high school at the same time. Then, of course, she went on to Tennessee State, that famous institution with the Tigerbelles, and at the same time I was attending another HBCU university, and we would compete with

Tennessee State. They always won. Occasionally, we may have an opportunity but not often.

Then I actually worked closely with Ms. White up until the time that she died. Every year, I would look forward to contributing to her foundation for the programs that she had, especially in the Robert Taylor and the Henry Horner homes, but especially Robert Taylor housing projects which is also a part of my congressional district.

As a matter of fact, she even ran for public office. Although she was not elected, she kept running and did, in fact, run.

I commend my colleague Representative JACKSON again for seeking to honor this great lady by naming a post office in her honor. I would urge passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, urge passage of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 2025.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

S/SGT LEWIS G. WATKINS POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1335) to designate the facility of the United States Postal Service located at 508 East Main Street in Seneca, South Carolina, as the "S/Sgt Lewis G. Watkins Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. S/SGT LEWIS G. WATKINS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 508 East Main Street in Seneca, South Carolina, shall be known and designated as the "S/Sgt Lewis G. Watkins Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "S/Sgt Lewis G. Watkins Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in consideration of H.R. 1335, which names a postal facility in Seneca, South Carolina, after Lewis G. Watkins.

H.R. 1335, which was introduced by Representative J. GRESHAM BARRETT on March 6, 2007, was reported from the Oversight Committee on May 1, 2007, by a voice vote. This measure has been cosponsored by the five members of the South Carolina congressional delegation, which represents the delegation indeed.

Staff Sergeant Lewis G. Watkins served in action during the Korean conflict. He heroically sacrificed his life in combat on October 7, 1952, in Korea. He was a recipient of the Congressional Medal of Honor for his conspicuous gallantry and intrepidity at the risk of his life beyond the call of duty while serving as a guide of a rifle platoon of Company I, 3rd Battalion, 7th Marines, 1st Marine Division.

Staff Sergeant Watkins' extraordinary heroism, inspiring leadership, and resolute spirit of self-sacrifice reflected the highest credit upon himself and enhances the finest traditions of the U.S. naval service. He gave his life for his country.

So, Mr. Speaker, I commend my colleague Representative BARRETT for introducing this legislation and urge swift passage.

Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield myself as much time as I may consume.

We often come to the floor to talk about our brave soldiers fighting in Iraq and Afghanistan; but today I am proud to speak about a hero, a highly decorated Korean War veteran, Lewis G. Watkins.

Staff Sergeant Lewis G. Watkins was born in Seneca, South Carolina, on June 6, 1925. After graduating from Greenville High School, he joined the Greenville Police Department. Furthering his public service, he enlisted in the United States Marine Corps in 1950. After his training in Camp Lejeune and Camp Pendleton, he was sent to serve in Korea.

Staff Sergeant Watkins fought valiantly during his only tour of duty. On October 7, 1952, his unit was attempting to take an outpost from the enemy. While leading his men up a hill and fighting off heavy small-arms fire and grenades, he was severely injured. Pushing through the pain, he successfully led his team further up the hill.

It was then that he noticed a grenade had landed nearby. Pushing his comrades aside to protect them, he instinctively grabbed the grenade to throw it out of harm's way. Unfortunately, the bomb exploded in his hand and he was mortally wounded. His heroic actions on that hill saved the lives of his fellow soldiers; and it was for this act of bravery and courage he deservedly, albeit posthumously, was awarded the Nation's highest military decoration, the Medal of Honor. His other awards include the Purple Heart, the United Nations Service Medal, and the Korean War Service Medal with two bronze stars.

Staff Sergeant Lewis G. Watkins' life and military achievements are to be commended. He fought and died for his country; and today we honor his heroism, his self-sacrifice, and his inspiring leadership by naming this post office after him.

I commend my colleague Mr. BARRETT for bringing this to our attention.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield as much time as he may consume to my very distinguished colleague from the great State of South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I thank the gentleman from Georgia for yielding and also for Representative DAVIS today.

I would also like to thank Chairman HENRY WAXMAN and Ranking Member TOM DAVIS of the House Oversight and Government Reform Committee for facilitating such swift consideration of this bill that recognizes such an honorable man.

Mr. Speaker, I rise today in support of H.R. 1335, a bill that honors the life and sacrifices of Staff Sergeant Lewis Watkins who gave his life for his country in the Korean War. Lewis Watkins was born on June 6, 1925, in Seneca, South Carolina. He graduated from Greenville High School in South Carolina in 1949.

He was a member of the Greenville Police Department where he enlisted in the United States Marine Corps on September 12, 1950. After training at Parris Island, South Carolina, he served at Camp Lejeune, North Carolina, and Camp Pendleton, California, before being deployed to Korea.

On October 7, 1952, Sergeant Watkins' platoon was assigned to retake an outpost from the enemy. Even though Sergeant Watkins had been wounded during the fight, he continued to lead his men and return gunfire on the enemy machine gun position holding up the assault. At one point, an enemy grenade landed among his men. Selflessly and without thinking, he pushed his men out of harm's way and picked up the grenade. While attempting to throw the grenade back toward the enemy, it exploded in his hand, fatally wounding him.

Sergeant Watkins heroically sacrificed his life to save the lives of his fellow marines under his command, and in doing so, helped contribute to the overall success of his unit's mission during the Korean War.

I thank Sergeant Watkins and his family for his service. Every American owes a debt of gratitude for his service and his sacrifice.

In addition, every member of the South Carolina delegation cosponsored this legislation as a way to say thank you and honor a man who gave his life for his country.

Mr. Speaker, Staff Sergeant Lewis Watkins is the only known native Oconee County resident to receive a Medal of Honor. To designate the post office facility located at 508 East Main Street in Seneca, South Carolina, as the S/Sgt Lewis G. Watkins Post Office Building is one way we can pay tribute to his life. It will allow all who enter the post office and view the dedication plaque a unique opportunity to be mindful of the sacrifices our military have made and continue to make today.

In addition to the Medal of Honor, Watkins' decorations include the Purple Heart Medal; Korean Service Medal with two bronze stars; and the United Nations Service Medal.

☐ 1315

Lewis Watkins made the ultimate sacrifice for his country, and I am honored that this country is about to bestow upon his memory and his family yet another recognition.

There is a verse that says, "No greater love hath he," and Lewis Watkins proved that.

Mr. Speaker, I urge swift passage of H.R. 1335.

Mr. DAVIS of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Let me say that it has, indeed, been a pleasure to work with the gentleman from Georgia (Mr. WESTMORELAND) and I thank him, and I urge swift passage of this resolution.

Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1335.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIONAL AMERICORPS WEEK

Mr. YARMUTH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 385) recognizing National AmeriCorps Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 385

Whereas the AmeriCorps national service program, since its inception in 1994, has proven to be an effective way to engage Americans in service to the Nation that meets a wide range of local and national needs and promotes the ethic of service and volunteerism;

Whereas the AmeriCorps program, working closely with its Nationwide network of Governor-appointed state service commissions, has strengthened America's nonprofit sector community nonprofit groups, in every State in our Nation;

Whereas the AmeriCorps programs across our Nation have leveraged additional funds and in-kind donations from other sources to further service and volunteerism in America;

Whereas each year AmeriCorps provides opportunities for 75,000 citizens to serve in and work to improve communities in our Nation;

Whereas since 1994 a total of 500,000 citizens across the Nation have taken the AmeriCorps pledge to "get things done for America" by becoming AmeriCorps members;

Whereas those same individuals have served a total of more than 630,000,000 hours in service to our Nation, helping to improve the lives of our Nation's most vulnerable citizens, protect our environment, contribute to our public safety, respond to disasters, and strengthen our educational system;

Whereas AmeriCorps members last year recruited and supervised more than 1,400,000 community volunteers, serving as a powerful volunteer catalyst;

Whereas AmeriCorps members, in return for their service, have earned nearly $1,300,000,000 to further their own education at our Nation's colleges and universities;

Whereas AmeriCorps members, after their terms of service end, remain engaged in our communities as volunteers, teachers, and nonprofit professionals in disproportionately high levels; and

Whereas the inaugural National AmeriCorps Week, May 13–20, 2007, is an opportune time for the people of the United States to recognize current and former AmeriCorps members for their service to our Nation; thank AmeriCorps' community partners who make the program possible; and bring more Americans into service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages all citizens to join in a national effort to salute AmeriCorps members and alumni to raise awareness about the importance of national and community service;

(2) acknowledges the significant accomplishments of the AmeriCorps members, alumni and community partners;

(3) recognizes the important contribution to the lives of our citizens by AmeriCorps members; and

(4) encourages citizens of all ages to participate in service opportunities in their communities, including in AmeriCorps programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. YARMUTH) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. YARMUTH. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 385 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. YARMUTH. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YARMUTH asked and was given permission to revise and extend his remarks.)

Mr. YARMUTH. Mr. Speaker, I rise today in strong support of H. Res. 385, which recognizes National AmeriCorps Week.

Since Congress created AmeriCorps in 1994, the program has generated numbers that are impressive by any measure. In 13 years, AmeriCorps has mobilized 1.5 million volunteers in every State in the Union, accumulating nearly 700 million hours of service, a value of $12 billion.

In addition, AmeriCorps volunteers have earned more than $1 billion in scholarships for that service. My home State of Kentucky has benefited from 7 million of the service hours from nearly 5,000 volunteers.

Few Federal programs can quantify this type of success across the board, but the numbers would be meaningless were it not for the tremendous impact these hours and all those volunteers have made on countless lives throughout our communities. In my district in Louisville, that impact can be felt throughout the community.

I see it on the optimistic face of a young girl who recently found new reasons to smile, thanks to her mentor from Big Brothers/Big Sisters of Kentuckiana. We feel it walking through a Portland neighborhood, freshly cleaned and painted by volunteers participating in the second annual Martin Luther King Season of Service. You hear it in the voice of a boy proudly reading his first book to his mother, who would not have been able to provide adequate education if not for the AmeriCorps Every 1 Reads program.

There can be no doubt that in our world, the ways these lives have been touched is exceptional. But in AmeriCorps, by providing resources to Court Appointed Special Advocates, Habitat For Humanity, Kentucky Domestic Violence Association, and other educational and non-profit services, these successes are the norm.

They happen every day all across the country over and over again, because this unique and ambitious government initiative provides the catalyst for selfless Americans of all backgrounds to push the limits for our capacity of service, and turn awareness into action, compassion and commitment.

AmeriCorps members live every day with the understanding that when we act as one for progress, we progress together. Yet all too often, these life-changing individuals and community building programs go unrecognized. So I ask all my colleagues to join me for the next 7 days in honoring all AmeriCorps members and alumni, to say thanks for all that they have done and continue to do and to encourage more people to get involved.

Mr. Speaker, I reserve the remainder of my time.

Mr. BOUSTANY. Mr. Speaker, I rise today in support of House Resolution 385, which recognizes National AmeriCorps Week. This first ever National AmeriCorps Week gives us an opportunity to acknowledge the impact of AmeriCorps members, alumni and community partners around the country.

As we recognize National AmeriCorps Week, we are reminded of the spirit of service that is such an integral part of our national character. Throughout our country, countless individuals of all backgrounds and ages engage in community service every day to address the common concerns of our neighborhoods, communities, Nation and the world.

Our community has seen the inspiring example of citizens' willingness to serve others in the wake of tragedies large and small that touch our lives every day. But community service is also about lifting a hand to help a neighbor, teaching a child to read, restoring a neglected park and other numerous acts of goodwill that reaffirm our common humanity.

Last month, we celebrated National Volunteer Week and learned that more than a quarter of this country's population volunteered in some capacity from September 2005 to September 2006, at an estimated value of $280 billion. These numbers are a clear indication of our commitment to service.

AmeriCorps is part of that commitment. As this resolution says, AmeriCorps provides 75,000 citizens of this country opportunities to engage in work to improve our communities each year. In total, 500,000 individuals have become AmeriCorps members since the program began and have engaged in 630 million hours of work to help improve the lives of their fellow citizens.

AmeriCorps works closely with a number of community partners across the country, and I also want to express my thanks to those organizations and their leaders. These organizations capture the spirt of service and bring that spirit to bear in a concentrated way to relieve suffering, provide opportunities to the needy, clean up our communities and bring hope to millions. These organizations and the public and private partners that support them provide the needed infrastructure to support the energy of our community service providers.

As this resolution states, National AmeriCorps Week will continue our efforts to raise awareness of the importance of service in local, national and international communities, and the commitment of our community service providers to improving lives, strengthening communities and fostering civic engagement.

I thank my colleague from Kentucky for introducing this resolution, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. YARMUTH. Mr. Speaker, I am pleased to yield 4 minutes to the gentlelady from California, and cochair of the National Service Caucus, the distinguished Ms. MATSUI.

Ms. MATSUI. I want to thank my good friend from Kentucky (Mr. YARMUTH) for yielding me time.

I also want to thank Chairwoman MCCARTHY and Ranking Member PLATTS for their leadership in the committee and their tireless efforts to reauthorize and strengthen the program.

Mr. Speaker, I am proud to be part of those standing up in support of the first ever AmeriCorps Week. I believe strongly that the AmeriCorps program embodies the spirit of the American people, and it's important for Members of Congress to acknowledge the work accomplished by AmeriCorps members.

As a cochair of the National Service Caucus, it's a pleasure to highlight and honor the tremendous work of those involved at every level and every program of AmeriCorps.

AmeriCorps is a national service program that engages Americans of all ages and backgrounds in service. Since AmeriCorps was established in 1994, AmeriCorps members have performed over 630 million hours of service addressing a critical need in education, housing, public safety, disaster response and recovery and environmental preservation.

The AmeriCorps National Civilian Community Corps, popularly known as NCCC, has a campus in my congressional district in Sacramento. I have had the opportunity to see firsthand how the experience positively influences the communities served by the team members and how it also enriches the lives of the participants.

Nearly everywhere I go in Sacramento someone stops me and tells me about how amazing and committed the NCCC members are to their mission. Most recently I have heard from AmeriCorps members about their experiences in the gulf coast recovery efforts. These participants all remarked that they are not just rebuilding communities, they are, quite literally, rebuilding people's lives.

It is because of all of the great work of AmeriCorps members that extraordinary things are happening all around America. Just last week, I learned that the Child Abuse Prevention Council, an important program in my district, will receive support from AmeriCorps. AmeriCorps members will serve as home visitors, resource aides and community coordinators.

There is nothing more important than our children, and I appreciate the Corporation for National and Community Service and for providing the program with 96 AmeriCorps members to help them carry out their mission. I know that we will be hearing more about the great work of AmeriCorps as the 110th Congress proceeds, and we consider reauthorization and funding.

AmeriCorps members are a vital part of our communities. With very little funding, they leverage millions of dollars and perform crucial work, whether in a classroom, in a national park, or rebuilding houses on the gulf coast. I truly hope that my colleagues will continue to support AmeriCorps programs.

The spirit of service that is so important in our communities is one that should be encouraged. I want to extend my greatest appreciation to those who have served and continue to serve in the AmeriCorps programs throughout the country.

Mr. BOUSTANY. Mr. Speaker, I reserve the balance of my time.

Mr. YARMUTH. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Mr. Speaker, I rise today in support of House Resolution 385, a bill to recognize National AmeriCorps Week, and the importance of the contributions made by AmeriCorps volunteers across the country.

The goal of AmeriCorps is one of the most noble. AmeriCorps enables each and every individual who is interested in giving of their time and talents to do just that. AmeriCorps members provide service to address our country's most pressing needs, including improving education, working to protect our environment, fighting poverty, ending homelessness and much more.

Margaret Meade said, "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has." Since 1994, AmeriCorps has supported over 500,000 people who have contributed nearly 700 million hours of service to local communities. These are individuals who truly embody Margaret Meade's words.

These are committed individuals who are helping to change our world for the better. The dedication and passion of these volunteers is admirable. I am proud that there are so many Americans who believe that volunteerism is important and necessary. In fact, it's the very foundation of our democracy.

Iowa is lucky to have a strong AmeriCorps presence. Iowa nonprofits rely heavily on volunteers to carry out their missions. Between 2003 and 2005, Iowa volunteers contributed nearly 300 million hours of volunteer service to organizations in the State. In 2005 alone, the economic impact of volunteer service to Iowa charitable organizations was over $1.78 billion.

My district is lucky to have Senior Corps programs, AmeriCorps programs and Learn and Serve in both Iowa City and Van Buren Community School Districts. The Iowa Commission on Volunteer Service wants to increase volunteer presence across the State, and I fully support this goal.

This resolution is both necessary and important. Congress and the Nation should be proud of AmeriCorps members and alumni. We must also raise awareness about the importance of national and community service and encourage individuals to participate in service opportunities in their communities, including in AmeriCorps programs.

I strongly urge my colleagues to support this resolution.

Mr. BOUSTANY. It has been a pleasure working with the gentleman from Kentucky on this resolution.

Mr. Speaker, I urge its passage and yield back the balance of my time.

Mr. YARMUTH. Mr. Speaker, we have just heard many ways in which AmeriCorps has benefited our communities and touched so many lives within them. Still, these are just a few of the many stories that illustrate the spectacular influence that AmeriCorps has had on our Nation in a little over a decade.

□ 1330

The outstanding individuals who have contributed over the years deserve our thanks and recognition.

And so I am proud to stand here today and urge the passage of H. Res. 385 and ask my colleagues to join me these next 7 days in honoring all that AmeriCorps has already accomplished and encourage others to join in their commitment to continue that work in the years to come.

I would also like to commend both Congresswoman MATSUI and Congressman PLATTS of Pennsylvania, the cochairs of the National Service Caucus, for their leadership in these efforts.

Mr. SHAYS. Mr. Speaker, I rise today in support of H. Res. 385, which supports the goals and ideals of National AmeriCorps Week.

This week AmeriCorps celebrates its 500,000th member and we celebrate the achievement of all the members of AmeriCorps from around the country who have given 637 million hours of their time and energy to their communities.

AmeriCorps members have made important contributions addressing our Nation's most pressing needs and set an example of selfless service and giving in support of our country's most vulnerable residents—the homeless, hungry, elderly, at-risk youth and disabled. Their work not only supports their communities, but encourages others to do the same.

I still remember how I felt as a 14-year-old watching the 1960 Presidential election between Vice President Richard Nixon and Senator John Kennedy. I felt energized listening to Senator Kennedy when he spoke of the Peace Corps and making the world a better and safer place.

I wanted to be part of his vision—I wanted to give to the world community. Years later, that dream was fulfilled when my wife Betsi and I served 2 years in the Peace Corps.

The same powerful emotion—the same sense of energy and eagerness we felt in the sixties—is alive today and expressed through those who give back to their communities.

In my own state of Connecticut, over 7,000 resident have served in AmeriCorps. Those members serving in AmeriCorps in Connecticut have earned over $17 million in Segal AmeriCorps Education Award scholarships to use for college or to pay off student loans. Nationwide, over $1.2 billion has been earned.

Over 8.5 million hours of service have been performed by the residents of Connecticut to assist community nonprofits groups. Those hours equate to nearly $200 million in value.

I am grateful we are considering this resolution and urge its adoption.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, during the first ever AmeriCorps week I would like to extend my support to the oranization and all of the great things that its members have done. Since AmeriCorps was created in 1994, Texas has benefited from over 22,000 young people serving a year or more in our communities.

Nearly 72 AmeriCorps volunteers have tutored 691 youths in the State of Texas including the Dallas Habitat for Humanities and the YMCA of Dallas Oak Cliff Branch.

In Texas, as in other States, AmeriCorps volunteers provide a host of services including building affordable housing, teaching computer skills to youth and seniors, and managing after-school programs aimed at youngsters who might otherwise drop out of school. Through programs such as the "National Civilian Community Corps" or "City Year," AmeriCorps volunteers address critical Texas needs in education, public safety, disaster response and recovery, and environment preservation.

These programs serve an important role as they provide an outlet for people to serve their country in a manner that they previously had not be afforded. The AmeriCorps program has done great things for Texas and the country as a whole, as the Corps members promise to do in the pledge they take every day, they "get things done."

Mr. Speaker, we will not find common ground or reach higher ground if we turn national service into a partisan playground.

I will continue to work hard and do everything I can to strengthen this program, and I ask my House colleagues to do everything as well.

Mr. YARMUTH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and agree to the resolution, H. Res. 385.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. YARMUTH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

COMMENDING THE JUNIATA COLLEGE VOLLEYBALL TEAM FOR WINNING THE NCAA DIVISION III WOMEN'S VOLLEYBALL CHAMPIONSHIP

Mr. YARMUTH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 216) commending the Juniata College volleyball team for winning the NCAA Division III Women's Volleyball Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 216

Whereas the Juniata College volleyball team is one of the great little-known dynasties in college sports;

Whereas the Juniata College volleyball program has a remarkable 1,100 win and 172 loss record over 30 seasons;

Whereas Head Coach Larry Bock has the most wins of any coach in the history of NCAA women's volleyball;

Whereas during this past season, senior Stephanie Kines was named the Division III Women's Volleyball Player of the Year, just the second Juniata player to earn that honor;

Whereas Juniata College did not lose a match in 2006 to a Division III opponent all season, and the team's only 2006 loss was to Division I Princeton University;

Whereas Juniata College's 41 win and 1 loss record during 2006 tied the program record for the fewest losses in a season, and was the team's first 40-win season since 1997; and

Whereas Juniata defeated long-time rival Washington University-St. Louis in a thrilling five-game championship match that many described as the best championship match in the history of Division III volleyball: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Juniata College volleyball team for winning the 2006 NCAA Division III Women's Volleyball National Championship; and

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication made the Championship possible.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Kentucky (Mr. YARMUTH) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. YARMUTH. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 216 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. YARMUTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate Juniata College for winning the NCAA Division III Women's Volleyball Championship.

On November 18, 2006, the Juniata College women's volleyball team won the 2006 NCAA Division III championship by beating the Washington University-St. Louis Bears in Salem, Virginia.

I want to extend my congratulations to head coach Larry Bock, assistant coach Heather Pavlik, Juniata College president Thomas Kepple, Jr., and the student athletes on a wonderful season.

The Eagles had an exceptional record of 41 wins with just one loss. They were undefeated in Division III competition, with their only loss coming to a Division I school. The team also had an exceptional player in Stephanie Kines who was named Division III women's volleyball player of the year. Coach Larry Bock also added to his extraordinary record of 1,100 wins and 172 losses over 30 years of coaching, the most wins of any coach in NCAA women's volleyball history.

I also want to extend my congratulations to the Washington University-St. Louis Bears. The Bears had a record of 38 wins and 2 losses. The Bears won the University Athletic Association title for 2006 and had four women receive AVCA All-America honors.

Winning the Division III national championship and finishing the season with a 41–1 record has brought positive national attention to Juniata College, and I know the fans of the university will cherish this moment as they look forward to the 2007 season.

Mr. Speaker, once again I congratulate Juniata College for their success.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I rise today in support of House Resolution 216, commending Juniata College for winning the NCAA Division III Women's Volleyball Championship.

On November 18, 2006, the Juniata College women's volleyball team defeated their longtime rival, Washington University of St. Louis, in a thrilling five-game championship match that might possibly be described as the best championship match in the history of Division III volleyball.

The Juniata College women's volleyball team is one of the great little-known dynasties in college sports today. The program has a remarkable record of 1,100 wins to only 172 losses over 30 seasons.

In fact, during the 2006 season, Juniata College did not lose a single match to any of their Division III opponents all season and the team's only 2006 loss was to Division I's Princeton University. The 41 win-1 loss record tied the program record for the fewest losses in a season and was the team's first 40-win season since 1997.

During the season, senior Stephanie Kines was named the Division III women's volleyball player of the year, making her only the second Juniata player in the college's history to earn that honor.

Sophomore Amber Thomas also played a vital role in Juniata's second Division III national championship. Thomas was chosen as the tournament's most outstanding player as she piled up 54 kills in the final three tournament matches, 25 of which came in the championship victory.

I would also like to recognize head coach Larry Bock who is one of the most recognizable names in collegiate volleyball. His list of accomplishments and awards places him among the most successful volleyball coaches in the country at any level.

I extend my congratulations to head coach Larry Bock, all of the hardworking players, the fans and to Juniata College. I am happy to join my good friend and colleague, Representative YARMUTH, in honoring this exceptional team and all of its accomplishments and wish all involved continued success.

I ask my colleagues to support this resolution, and I yield back the balance of my time.

Mr. YARMUTH. I thank the gentleman from Louisiana.

With that, I strongly urge my colleagues to pass this important resolution and recognize the Juniata College women's volleyball team for their great achievement. We should all join these great athletes in celebration of a hard-fought 2006 NCAA Division III championship.

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate the Lady "screaming eagles" of Juniata College on winning the 2006 NCAA Division ill Woman's Volleyball Championship.

In a thrilling win, the Eagles found themselves down two games to one to Washington University. Down, but not out the Lady Eagles came storming back with a brilliant offensive effort to capture the Title 3–2. The Eagles found their momentum in the fourth game where the team went on a 4 to 1 run. After claiming the lead, the Eagles never looked back. At the end of the day, the Eagles walked away with 90 kills and a championship.

Juniata College's Volleyball Team's championship is a great example of sportsmanship and achievement in college sports. Over 30 seasons, Juniata's volleyball program has built a 1,100 win and 172 loss record. The team's coach, Larry Bock, has the most wins of any coach in the history of NCAA women's volleyball. Also, during their championship season, senior player Stephanie Kines was named Division III Women's Volleyball Player of the Year. Stephanie is the second Juniata player to earn that honor.

Mr. Speaker, I congratulate all of the players and coaches of the Juniata College Women's Volleyball Team: Erin Albert, Brittany Carr, Cassie Dickmann, Kristi Fitzsimmons, Jess Fox, Paige Johnston, Stephanie Kines, Beth Kozak, Megan Lamens, Mariel Little, Michelle Morchesky, Aly Pompeani, Jessica Ritchey, Rachael Schatz, Megan Sollenberger, Molly Sollenberger, and Amber Thomas Head Coach Larry Bock, and assistant Coaches Heather Pavlik, Casey Dale and Erin Dodson. To all of the Screaming Eagles, congratulation on most successful season and a well earned championship.

Mr. YARMUTH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and agree to the resolution, H. Res. 216.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 1 o'clock and 36 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CAPUANO) at 6 o'clock and 33 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 1124, by the yeas and nays;

H. Res. 223, by the yeas and nays;

H. Res. 385, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EXTENDING DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1124, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1124.

The vote was taken by electronic device, and there were—yeas 268, nays 100, not voting 64, as follows:

[Roll No. 342]

YEAS—268

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bono
Boozman
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Cannon
Capito
Capps
Capuano
Carnahan
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Fallin
Farr
Filner
Fortenberry
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goodlatte
Gordon
Green, Al
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Petri
Pickering
Pomeroy
Porter
Price (GA)
Price (NC)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Towns
Turner
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—100

Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barton (TX)
Bean
Bilirakis
Bishop (UT)
Blackburn
Boustany
Brown (SC)
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Carter
Chabot
Coble
Conaway
Davis (KY)
Davis, David
Deal (GA)
Drake
Dreier
Duncan
English (PA)
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hoekstra
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Lungren, Daniel E.
Mack
McCarthy (CA)
McCotter
McHenry
Mica
Miller (FL)
Miller (MI)
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Platts
Poe
Putnam
Radanovich
Ramstad
Rehberg
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Stearns
Thornberry
Tiberi
Upton
Walberg
Walden (OR)
Weldon (FL)
Westmoreland
Young (AK)

NOT VOTING—64

Berman
Bonner
Boren
Brady (PA)
Brown, Corrine
Cardoza
Carney
Costello
Crenshaw
Cubin
Culberson
Davis (AL)
Davis, Jo Ann
Davis, Lincoln
Doolittle
Doyle
Engel
Everett
Fattah
Ferguson
Frank (MA)
Gallegly
Green, Gene
Grijalva
Gutierrez
Hastert
Holden
Hunter
Jefferson
Jindal
Johnson (IL)
Jones (OH)
LaHood
Lampson
Lewis (KY)
Lipinski
McCarthy (NY)
McMorris Rodgers
Meehan
Meeks (NY)
Moran (VA)
Murphy, Tim
Murtha
Musgrave
Nadler
Neal (MA)
Peterson (PA)
Pitts
Pryce (OH)
Reynolds
Rothman
Sánchez, Linda T.
Shimkus
Smith (WA)
Stark
Sullivan
Tancredo
Tierney
Udall (CO)
Wamp
Wasserman Schultz
Weiner
Wexler
Whitfield

□ 1859

Mr. DEAL of Georgia and Ms. BEAN changed their vote from "yea" to "nay."

Messrs. EHLERS, LINDER, McCRERY, WILSON of South Carolina, BACHUS and Ms. KAPTUR changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 342, had I been present, I would have voted "yea."

Mr. LAMPSON. Mr. Speaker, on rollcall No. 342, had I been present, I would have voted "yea."

* * *

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL DAY OF REMEMBRANCE FOR MURDER VICTIMS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 223, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 223.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 369, nays 0, not voting 63, as follows:

[Roll No. 343]

YEAS—369

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Fallin
Farr
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)

Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Myrick
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—63

Berman
Bonner
Boren
Brady (PA)
Brown, Corrine
Cardoza
Carney
Costello
Crenshaw
Cubin
Culberson
Davis (AL)
Davis, Jo Ann
Doolittle
Doyle
Engel
Everett
Fattah
Ferguson
Frank (MA)
Gallegly
Grijalva
Gutierrez
Hastert
Holden
Hunter
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (OH)
LaHood
Lewis (KY)
Lipinski
McCarthy (NY)
McMorris Rodgers
Meehan
Meeks (NY)
Moran (VA)
Murphy, Tim
Murtha
Musgrave
Nadler
Neal (MA)
Peterson (PA)
Pitts
Pryce (OH)
Reynolds
Rothman
Sánchez, Linda T.
Shimkus
Smith (WA)
Stark
Sullivan
Tancredo
Tierney
Udall (CO)
Wamp
Wasserman Schultz
Weiner
Wexler
Whitfield
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in this vote.

☐ 1906

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF FORMER REPRESENTATIVE MENDEL DAVIS OF SOUTH CAROLINA

(Mr. SPRATT asked and was given permission to address the House for 1 minute.)

Mr. SPRATT. Mr. Speaker, it is my sad responsibility as the dean of the South Carolina delegation to advise the House of the death of a former Member, Representative Mendel Davis, who passed away after several years of respiratory problems this weekend.

I would now like to yield to the gentleman from Charleston, South Carolina, Mr. HENRY BROWN, who holds his seat, to say a word of respect and remembrance.

Mr. BROWN of South Carolina. I certainly appreciate the gentleman for yielding.

Mendel Davis was a close friend of mine. He was born in and was a resident of North Charleston, South Carolina, which is part of my congressional district.

Mendel Davis entered Congress after a special election in 1971 to replace his godfather, former Representative Mendel Rivers. Mendel Davis was reelected to Congress an additional four more times. He was a graduate of the College of Charleston and received his law degree from the University of South Carolina School of Law.

Mendel Davis was one of the major reasons that the USS *Yorktown* now calls Patriot's Point in Mount Pleasant, South Carolina its home.

He was a champion for the little guy, and he was always known for his timely and efficient service to his constituents who loved and respected him.

I know we will all miss Mendel Davis very much. During his time serving the people in the House of Representatives, he made it a better place to be.

Mr. Speaker, I ask the House to observe 1 minute of silence in honor of our former colleague, Representative Mendel Davis.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

NATIONAL AMERICORPS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 385, in which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and agree to the resolution, H. Res. 385.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 346, nays 21, answered "present" 1, not voting 64, as follows:

[Roll No. 344]

YEAS—346

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Brady (TX)
Braley (IA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
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Cummings
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Diaz-Balart, L.
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Dicks
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Donnelly
Drake
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Edwards
Ehlers
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Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
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Fallin
Farr
Feeney
Filner
Forbes
Fortenberry
Fossella
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
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Gillibrand
Gillmor
Gohmert
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
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Hastings (FL)
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Heller
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Jordan
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Kaptur
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Kind
King (NY)
Kirk

Klein (FL)
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Knollenberg
Kucinich
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Lampson
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Lucas
Lungren, Daniel E.
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Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
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McGovern
McHenry
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Ortiz
Pallone
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Peterson (MN)
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Pomeroy
Porter
Price (GA)
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Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
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Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
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Shays
Shea-Porter
Sherman
Shuler
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Simpson
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Skelton
Slaughter
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Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (OH)
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Young (AK)
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Weiner
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Kingston
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Pence
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Royce
Sali
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Jefferson
Jindal
Johnson (IL)
Jones (OH)
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Lewis (KY)
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Peterson (PA)
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Reynolds
Rothman
Sánchez, Linda T.
Shimkus
Smith (WA)
Stark
Sullivan
Tancredo
Tierney
Udall (CO)
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining on this vote.

☐ 1915

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. BOYDA of Kansas. Mr. Speaker, on rollcall No. 344, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 342, 343, and 344.

EXPRESSING CONCERN AND SUPPORT FOR TROOPS IN IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me express my deep concern for the three soldiers who are now missing in Iraq and applaud their brothers-in-arms for never giving up on their search, for we as Americans will never leave our comrades, our brothers and sisters, in battle or never leave them on the battlefield. That is why this Congress, with the leadership of NANCY PELOSI, believes that we can craft a resolution and a solution, and that is that we begin to redeploy our troops and focus on the Iraqi Government, to have them stand up and to have them ensure the safety of the Iraqi people and also Americans to ensure the safety of their soldiers.

Our soldiers have been successful on the battlefield. They can claim victory. It is time now for the President, the White House, the leadership to get together and to be able to solve these untenable problems.

Why are we allowing our young people to be on the battlefield without the support, the full support, of a reasoned White House? Let us work together.

TO RENT OR NOT TO RENT TO ILLEGALS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, on Saturday, the citizens of Farmers Branch, Texas, voted overwhelmingly to make it a crime for landlords to rent to people illegally in the United States, fining landlords $500 a day. The people have spoken. They want only citizens and legal immigrants to live in the city.

Oh, but some landlords object. I find this odd. It is illegal to be in the United States without permission. It is illegal to hire illegals that are in the United States without permission. So if illegals aren't supposed to be here in the first place or work here, it is only logical they shouldn't be able to rent here.

In spite of this new law, some landlords want to take this American city to court and demand that they, these money-grabbing landlords, be able to rent to the illegals.

This is perplexing. The Federal Government doesn't adequately protect the border or prosecute or deport illegals, so cities like Farmers Branch, Texas, are simply trying to make their city a sanctuary city for Americans and legal immigrants. And good for them.

But who knows what the Supreme Court will do. Let's see if in the name of the almighty dollar these rogue businessmen will convince the Supreme Court that illegals should be able to rent property, even though they are illegally on the land they are renting.

And that's just the way it is.

APRIL REVENUE SHOWERS

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, April revenue showers. That is what the Wall Street Journal called the large government revenues received by this Federal Government in the month of April. It was $70 billion over revenue in 2006. It shows that tax cuts work. The Democrats, on the other hand, want to raise taxes. They want to raise the taxes that American people pay.

What we believe in and what the President has done in just the five short years he has been in office is to actually cut taxes that the American people pay, which, in the end, through greater economic growth, will lead to more government revenue.

A case in point: the capital gains tax cut and the dividends tax cut, those two things have resulted in a 30 percent increase in revenue under those two provisions. It shows that tax cuts work.

They are good for the economy and they are good for the American people, and we need to extend the tax cuts.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. AL GREEN of Texas). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GETTING JUSTICE FOR MURDERED WOMEN IN CIUDAD JUAREZ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, today I rise to voice my strong support for the families and women who have been murdered in Ciudad Juarez and Chihuahua City in Mexico. I have always believed that violence against women anywhere is an attack on women everywhere. Just 5 minutes from the U.S. border in Ciudad Juarez in the State of Chihuahua, Mexico, over 400 women and girls have been brutally murdered over the last 14 years.

In today's Washington Post, which I will submit for the RECORD, I read the story of mothers of victims whose fight for justice has lasted well over a decade. Because of the gross negligence and failure of local law enforcement to investigate and prosecute the murders, the statute of limitations is starting to run out on some of the earlier murders of women in Ciudad Juarez. What a disgrace, if we cannot solve the murders of these over-450 women.

Women and young girls from all parts of Mexico moved to Ciudad Juarez in hopes of finding work, including jobs at American-owned companies known in Spanish as maquiladoras. These jobs involve late hours, forcing women to travel home in the dark, alone, leaving them vulnerable to attack.

Many of these young women are under the age of 25. They are the sole earners and income earners for their families. Their brothers and fathers are not employed by maquilas, because the maquiladores choose to hire these young women, who they know will not speak out about their rights or condemn the treatment of these women in the workplace.

That is why I introduced a resolution to address the murders of women and girls in Ciudad Juarez some 3 years ago, and I am happy to report that H.R. 90 was passed by this Congress and there is recognition now on the value and faith that we have in the families in Ciudad Juarez.

I bring that out because I say to you and to the public, when we can fight for the rights of women in the Taliban and the Middle East, why can't we fight also honorably for the women who live 5 minutes from this border, many of whom are relatives to us, our constituents, related to families that we represent? It is about time that we change the discussion and direction about this debate that we have with our friends south of the border.

I am proud to be a descendant of friends south of the border, but I also have to say that there has to be some changes in terms of how we deal with women who are being abused, attacked, and mutilated. It is time that our governments come together.

I ask that Condoleezza Rice and our President weigh in, as well as the new President of Mexico, Mr. Calderon, the President of Mexico, who says this is a priority for him to combat violence against women. I hope that we can do that.

In 2003 and 2004, I organized a congressional delegation trip to Ciudad Juarez with families of victims, government officials, human rights advocates, newspaper reporters and indeed also the FBI. It was in these trips that my dedication to helping the women of Ciudad Juarez was solidified. Families of violence deserve answers and closure instead of either being ignored or harassed for asking for justice to find out where their daughters' bodies lay and where those remains are.

I am sad to report that even though we have asked for assistance from outside of our Nation through the OAS, through a forensic group in Argentina to help identify the bodies and remains of these young women, that it hasn't been as successful as I would have hoped.

I would ask our government to please weigh in again to provide the technical support that is needed to help identify the remains of these young women so that families can have some closure.

Again, any assault on a woman, murder, mutilation or what have you, is an assault on all mankind: and we as Members of Congress should no less have any interest into what happens south of the border.

The convictions in many cases of these individuals that were so-called blamed for these murders were overturned. There wasn't a judge or anyone that would convict anyone of doing these heinous crimes.

I have to say to myself and to the public and to this Congress, why have 450 women who have disappeared from their families, from their homes, somehow not found justice? I just want to remind individuals that the work goes on, that we need help to solve the murders in Ciudad Juarez, and ask our government, both governments, Mexico and the U.S., to find some resolution here.

[From the Washington Post, May 14, 2007]

WANING HOPES IN JUAREZ

(By Manuel Roig-Franzia)

CIUDAD JUAREZ, MEXICO.—For 13 years, June 14 has brought tears, tortured memories and enduring pain to Griselda Salas.

It was on that date, in 1993, that her 16-year-old sister, Guadalupe Ivonne Salas, disappeared. Guadalupe Ivonne's body turned up less than a week later in a park in this dusty, wind-swept industrial city near the U.S.-Mexico border.

Guadalupe Ivonne, who was raped and strangled, was one of the first victims in Mexico's grisliest modern-day crime mystery—the murders of more than 400 women in the past 14 years in Ciudad Juarez, many of the bodies dumped in the desert, horribly mutilated. The killings, mostly of poor young factory workers, have inspired two Hollywood motion pictures and enraged human rights groups, which have filled volumes with accusations of corruption, botched investigations and official negligence.

Yet the mystery remains unsolved.

Now the earliest of these cases are quietly slipping off legal dockets because Mexico, unlike the United States and many European countries, has a statute of limitations for murder. At a time when U.S. prosecutors are resurrecting civil rights-era murder cases—some more than 40 years old—Mexico is closing murder cases forever after 14 years. With each passing day, it appears likely that a legal technicality may end a quest to unravel a string of slayings that shocked the world.

"It is totally and absolutely grotesque to think that murderers could be enjoying their freedom because of this law," said Jaime Garcia Chávez, a Chihuahua state legislator who is pressing to abolish Mexico's statute of limitations. "It is inexcusable."

Once filled with optimism, buoyed by support from the likes of actresses Jane Fonda and Sally Field, feminists and lawmakers here are demoralized. Esther Chávez Cano, founder of Juarez's first rape and domestic violence counseling center, laments "a worrying silence" about cases that once commanded banner headlines. Few here are optimistic, even though the looming deadlines for dozens of Juarez cases have set off a last-minute race to revive long-dormant investigations.

An Argentine forensics team commissioned to look into the murders, drawing on experience from investigations of Argentina's "dirty war" and the Salvadoran civil war, is expected to release a damning report later this year that will illustrate the almost impossible task faced by prosecutors. The Argentines have found body parts carelessly left for years on the floors of medical examiner's offices, heads with no matching bodies, bodies with no matching heads and a mishmash of unlabeled corpses tossed into mass graves at paupers' cemeteries.

"It's basically a huge mess," forensic archaeologist Mercedes Doretti, the team leader, said in an interview.

Garcia Chávez's effort to give investigators more time to untangle that mess by extending the statute of limitations, a gambit he considers a long shot, has already come too late for Jesica Elizalde, a slain journalist whose murder case expired March 14. The case of a factory worker, Luz Yvonne de la O Garcia, went off the books April 21, as did the murder of an unidentified woman on May 12. Dozens more will follow in the coming months and years.

The next could be Guadalupe Ivonne Salas, though prosecutors say they may be closing in on a suspect—a promise that her family is reluctant to believe after years of dashed hopes.

Salas, a petite 16-year-old, shared a single bed in a cinder-block shack with her infant daughter and her mother, Vicky Salas. The family, like thousands of others, was drawn to Ciudad Juarez by the maquiladoras—assembly plants, most of them owned by U.S. companies—that sprang up blocks from the border because of an abundance of cheap labor and that transformed the town into the fourth-most-populous city in Mexico.

Young women were especially prized by factory supervisors because they were considered more reliable and less rowdy than men. Almost overnight, women were making money while men were still struggling to find jobs, leading to resentment in the local macho culture that activists cite as a social undercurrent to the slayings.

Salas walked each day down a treeless dirt road, past piles of rotting garbage and shacks with sagging walls, to catch a bus that took her to a television part manufacturer. She made about $35 a week, sometimes pulling night shifts and returning home to a neighborhood with no streetlights.

The day that she disappeared should have been joyous; she was getting ready to celebrate her daughter's first birthday. Griselda Salas remembers her sister saying that a friend was going to lend her money to buy presents and party supplies.

"She's probably gone off with some stud," Griselda Salas remembers being told by police when her sister did not return home. "You watch, she'll come back pregnant with a fat belly in a few months."

Vicky Salas was on a religious retreat at the time of her daughter's disappearance. When she returned several days later, members of her church were in tears.

"They've found a dead girl," she remembers her friends telling her. "They think it's Ivonne."

A car accident delayed Vicky Salas's trip to the morgue, which was closed when she arrived. An unsmiling police officer told her, "You'll have to come back tomorrow," and no amount of pleading by a panic-stricken mother could change his mind, she recalled.

Even as the death toll rose, victims' families continued to complain about insensitive investigators. One state attorney general suggested that the women encouraged their attackers by dressing provocatively. Other officials implied that the victims were prostitutes, living "double lives," though their mothers insisted they were poor factory workers.

"They called them the morenitas," Juarez police criminologist Oscar Maynez said in an interview, invoking a derogatory term that was in vogue at the time and roughly translates to "little brown ones." No one cared about investigating their deaths. There was clear sexism and classism."

Mexican federal authorities and international human rights organizations that have investigated the cases have accused local authorities in Ciudad Juarez and the state of Chihuahua of covering up evidence and failing to properly investigate crimes for a decade and a half.

The Washington Office on Latin America, or WOLA, a Washington-based human rights organization, has said the true killers may have been protected by authorities who tortured innocents to confess to the killings. Victims' families have been subjected to harassment.

"One relative of a murder victim received a threatening voicemail message warning her to drop the case; the caller ID showed the call had come from the state judicial police," a WOLA report said.

Flor Rocío Munguía González, the special prosecutor for what has become known as the femicides in Juarez, said in an interview that such offenses are "things of the past" and that she has more than tripled her investigative staff to solve old cases before the time limits expire and to track down those responsible for the ongoing killings of women in Juarez.

"I take great satisfaction in our efforts—we're doing everything we can," said Munguía González, who has been in office since February 2006.

After seeing eight special prosecutors come and go with no results, local activists are not impressed. Maureen Meyer, a WO-LA analyst, said that a special federal investigator had found that 130 public officials had either been negligent or abused their authority during the murder investigations, but none has been disciplined.

"There's a real failure to hold them accountable," Meyer said in an interview.

Maynez, the criminologist, said he believes a powerful network of police, municipal officials and organized crime figures still protects the killers. He resigned from the job for a short time, after being asked to help frame two bus drivers in one of the cases. He refused, but the two men were arrested anyway. One died in suspicious circumstances during a jailhouse surgery. The other was released after testifying that he had been tortured by police into confessing.

An attorney for the bus drivers was killed by Chihuahua state police in a drive-by shooting in 2005, four days after vowing to file a corruption complaint. The police said the shooting was a case of mistaken identity.

Skepticism is growing as the Argentine forensics team nears the conclusion of its inquiry. The team has discovered that forensics officials in Ciudad Juarez boiled the corpses of some victims, destroying crucial DNA. The group also has found that the families of at least three victims received the wrong bodies for burial.

"The authorities just sealed the coffins and told the families not to ask any questions," said Doretti, the lead forensics investigator.

The Juarez families, Doretti said, have insisted that no evidence be sent to Mexican laboratories. Instead, Doretti has sent samples to a U.S. lab; she is expecting results soon.

The new forensic evidence and the approach of the statute of limitations deadlines are the sorts of developments that once would have prompted demonstrations in downtown Juarez. But the mothers who for years have pleaded for justice are exhausted, aging and in poor health.

The case of Silvia Morales, who was killed when she was 16, will expire in less than two years. Her mother, Ramona Morales, had been one of the most vocal critics in a protest movement of victim relatives, but is now suffering from diabetes and a bad knee.

"I can't do it anymore," she said one recent afternoon, tears trickling down her face.

Eva Arce, whose daughter Silvia Arce disappeared in 1998, was twice beaten by thugs after demonstrations demanding justice. She spends her days clipping newspaper articles about a new generation of murdered women in Juarez and writing poems.

"A tortured soul pours from a river of blood," she said one recent afternoon, reading from her notebook.

That same day, the newspaper El Norte of Ciudad Juarez carried a photograph of a pretty, dark-haired young woman. She didn't look so different from Silvia Arce or Silvia Morales or Guadalupe Ivonne Salas. The caption read: "Edith Aranda Longoria, 729 days since she was last seen."

□ 1930

RENAMING DEPARTMENT OF THE NAVY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, this week the House will consider the 2008 defense authorization bill. For the sixth year in a row, the bill contains language to rename the Department of the Navy to be the Department of the Navy and Marine Corps.

I want to thank House Armed Services Chairman IKE SKELTON and Ranking Member DUNCAN HUNTER for their continued support for this change because the need to recognize the coequal status of the Navy and the Marine Corps team is long overdue. I have continued to introduce legislation to rename the department. I hope this year the Senate will support the House position and join in bringing the proper respect to the fighting team of the Navy and Marine Corps.

Over the years, this name change has received not only the support of the full House Armed Services Committee but also the support of former Navy Secretaries and Marine Corps Commandants.

The Honorable Wade Sanders, Deputy Assistant Secretary of the Navy for Reserve Affairs, 1993 to 1998, voiced his support for the change when he stated: "As a combat veteran and former Navy officer, I understand the importance of the team dynamics and the importance of recognizing the contribution of team components. The Navy and Marine Corps team is just that, a dynamic partnership, and it is important to symbolically recognize the balance of that partnership."

General Carl Mundy, the 30th Commandant of the Marine Corps stated: "I believe the changes you propose will do much to clarify the relationship, responsibilities, and functions of the appointed civilian authority over the United States naval services. I believe that any Secretary, present, past or future, will be very proud to bear the title 'Marine' as well as 'Navy.'"

Admiral Stansfield Turner, United States Navy, Retired, former Director of Central Intelligence, stated: "I think this change in title enhances the prestige and pride of the people in the Marine Corps. And it does not necessarily take anything away from the Navy in that process."

Mr. Speaker, last year an editorial in the Chicago Tribune on April 21, 2006, also supported the change stating: "No service branch shows more respect for tradition than the United States Marine Corps does, which makes it all the more ironic that tradition denies the Corps an important show of respect: Equal billing with the other services and the branches."

Mr. Speaker, as I begin to close, I want to show the Members of the House, these are the orders from the Secretary of the Navy. Sergeant Michael Bitz, United States Marine Corps, was killed for this country 2 years ago and his family received in his memory the Silver Star for Valor. And yet, Mr. Speaker, you can see that the title of the order says the Secretary of the Navy, Washington, DC and the Navy flag. This was a Marine who gave his life for this country.

Isn't it proper that the orders for the Silver Star should look like this and say at the top the Secretary of the Navy and Marine Corps, Navy flag, Marine flag, they are one fighting team and they should be recognized as a fighting team.

It is about time, after 40-some years, the House, with the Goldwater-Nichols bill, said there are four separate branches: The Marine Corps, the Navy, the Air Force, and the Army, and it is time that the Marine Corps be recognized as one of the strongest fighting teams in this country.

HONORING SHERIFF JOE GOODSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. MCCAUL) is recognized for 5 minutes.

Mr. MCCAUL of Texas. Mr. Speaker, I rise today to tell the Nation about one of the finest and most dedicated members of America's law enforcement community, and one of the best sheriffs to ever have served in the 10th Congressional District of Texas.

For 29 years, the good people of Lee County, Texas, trusted Joe Goodson to be their sheriff. He passed away last month, but left those he protected with a safe, friendly and God-fearing community.

Sheriff Joe, as he was known to the thousands of people who called him a friend, worked hard, not just for the people of his county, but for all Texans and for all Americans.

His fellow Texas sheriffs chose him to lead the Sheriffs' Association of Texas. He was a member of the Auto Theft Task Force, the Narcotics Task Force, and he was the head of the cold case review people team.

But it wasn't just that he was among the finest lawmen in Texas that made Sheriff Joe so well liked and so respected. Sheriff Goodson always treated others the same way he wanted to be treated, and the thousands of people who knew him respected him for it.

Law enforcement ran in Sheriff Joe's blood. His dad, Vernon Goodson, served as sheriff in Lee County for 25 years before his son Joe was elected and took over the position. And as Buddy Price, the editor of the Giddings Times and News in Lee County, will tell you, they were both dedicated to their jobs and loved the people they served. While they both enforced the law vigorously, they also used commonsense and resolved situations peacefully whenever they could.

One of the things Sheriff Joe is best known for is a responsible, some would even say the conservative way in which he ran his sheriff's office. He saw the money entrusted to him and his deputies as the people's money. He ran a tight ship and accounted for every dollar his department spent.

But once again, I have to go back to who Sheriff Goodson was as a person. As his family will tell you, one of the things he loved most was leading the Blue Santa Program to provide gifts for needy families during the Christmas season. He helped raise money for Blue Santa with auctions, and he even served as an auctioneer.

To Joe's wife, Robyn, and Joe's entire family, and to the good people of Lee County, you have the thanks of a grateful Nation. We are indebted to you, and we mourn your loss.

So to the good Lord above, I hope you are ready for one more angel up there because Sheriff Joe is on his way.

LEADERSHIP NEEDED IN THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, I rise tonight to discuss the topic of leadership. The American people are demanding action from this Congress and so far they have really seen very little.

A recent Wall Street Journal-NBC poll shows that more than 60 percent of Americans think that this Congress has done little or nothing since the leadership change took place in November. And you know what, Mr. Speaker, they are right. Not one piece of the liberal agenda has been signed into law. Instead of crafting legislation that can be implemented, this Congress has wasted the last 4 months and taxpayer dollars as a stage for political theater, and they have nothing to show for it.

When I go home to my district, like I did this weekend, and visit with my constituents, what I am hearing from them is really a lot of frustration. They are getting tired of the political grandstanding. What they want to see, Mr. Speaker, is action. They want us to be problem solvers on the problems they face every day.

The people of the Seventh District want us to hold the line and to not raise taxes. They want to keep more of their hard-earned money. They don't want government to have first right of refusal on that money. They want first right of refusal, and they want to keep those paychecks in their pocket. I believe that the American taxpayer knows how to better spend his own money than the Federal Government.

In my district, we hear a lot of people talk about keeping that money. I have said many times, if 10 percent is good enough for God, 10 percent ought to be good enough for the government. My constituents agree with that.

The people of Tennessee want to win in the war on terror. They want us to support our men and women in uniform by giving them the supplies they need to win. Anything less than that is insulting to the men and women who stand to protect us every day. The liberal leadership of this Congress says the war is lost. It is time to give up. They also claim to support the troops. In my district, Mr. Speaker, we believe you can't have it both ways. You don't support the troops by threatening to withhold critical funding. You don't support the troops by imposing artificial deadlines and taking control of battlefield operations out of the hands of the men and women and the commanders in the field. And you don't support the troops by telling them that you think the war is lost.

The people of Tennessee want our borders secure and they want us to enforce the immigration laws on the books. Granting illegal immigrants amnesty is insulting and unrealistic. It is insulting to all of our constituents who have spent years of time and money entering the country the legal and right way. It devalues all of their hard work and their efforts, and if anyone thinks that granting amnesty to illegal immigrants that are already here will stop more people from crossing the border in the middle of the night, well, they are just fooling themselves.

All of this talk of amnesty will only increase illegal immigration and the traffic that it brings at our borders because it is setting a precedent for the future. We know that. We have seen history repeat itself. Do they actually think that those who are illegally here will voluntarily go back to their home country, stand at the back of the line, and pay a fine when they are already here? And if they are caught, it is rare that they are deported. That is the incentive to integrate the right way, to come into this country through legal channels.

The law should be enforced, Mr. Speaker. That is what people want to see. No amnesty, enforce the laws on the book, not reward those that have illegally entered the country, be certain that people immigrate to this Nation the right way.

It is also a matter of national security. In this post-9/11 era, it is against our national security interest to allow an open border. For instance, three of the six people that are charged in plotting to attack U.S. Army post, Fort Dix, were in the country illegally. Records show there is no record of them ever entering this country. Many of the 9/11 hijackers were in the country with expired visas. Yet, several of them still had their driver's license.

It is evident that radical terrorists whose sole purpose is to destroy this Nation and our way of life are here living among us. It is time that we stand in the gap. It is time that we do our job, that we lead, and we do it to protect the American people. They are watching.

COMMENDING WE THE PEOPLE WINNERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Kentucky. Mr. Speaker, last month more than 1,200 students from across the country visited Washington to participate in the national finals of We the People: The Citizen and the Constitution.

This program is the most extensive educational program in the country, developed to educate young people about the U.S. Constitution and the Bill of Rights.

It is with great pride that I recognize a class from my own Highlands High School of Fort Thomas, Kentucky, in the Fourth District for their accomplishment in this competition.

These outstanding students, using knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's capital and compete at the national level. At the national level, these dedicated students won the Unit One: Foundations of Democracy Award.

I would like to take a moment to recognize the names of these outstanding young people from Highlands High School: Alex Adams, Evan Bush, Kara Dyer, Jessica Earlywine, Jessica Federle, Maria Gurren, John Holloway, Alan Hutchinson, Marjorie Kimball, Connie Kremer, Sam Laskey, Heather Moyer, Emily Nordling, Anna Remley, Lauren Runk, Andrea Spencer, and Corwyn Wyatt.

I also wish to commend the teacher of the class, Julie Kuhnhein, who is responsible for preparing these young constitutional experts for the national finals. Also worthy of special recognition are Rachel Bingham and Robin Winkfield, the State coordinators, and Glenn Manns, the district coordinator, who are among those responsible for implementing the We the People program in my State.

I congratulate these students on their exceptional achievement at the We the People national finals. One thing we can all remember is that there is no substitute for participating in the governmental process, no substitute for the investment of our lives and our time. I commend all of you for your hard work and for the long hours of preparation, and commend you for a victory well earned, well deserved and bringing honor and credit to the Fourth District of Kentucky.

☐ 1945

IMMIGRANT SOLDIERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes as the designee of the majority leader.

Mr. GONZALEZ. Mr. Speaker, I welcome this opportunity today to rise and speak on a subject that has been conspicuously absent from legislative debate over the issue of immigration reform. Over the length of this debate, the proponents of the enforcement-only approach, some of which you heard earlier this evening, have repeatedly referred to immigrants as dangerous to the American economy, as dangerous to our society and dangerous to our culture.

A number of my colleagues argue that immigrants take away jobs from American citizens and that immigration has a net effect of shrinking the middle class. They suspect immigrants generally of bringing crime, drugs, and even terrorism into our country. And they suggest that immigrants weaken our patriotic culture by failing to assimilate into American society.

Fear characterizes all of these sentiments and arguments. Fear of change, both economic and social change. Fear of new contributions to the fabric of American culture. Generally, a fear of the "other."

Fear can be a powerful and dangerous force. It can motivate hate. It can impede toleration and understanding. Fear can paralyze us with paranoia and blind us to reasoned and logical argument. Fear in the media and in the Halls of Congress have distorted the image of immigrants in this country.

Much as sensationalist TV programming can make us believe that our communities are more dangerous than they really are, sensationalist characterizations of the immigrant population based on anecdotal examples or predictions of worst-case scenarios can falsely lead us to negative, reactionary, and unfounded opinions about immigrants.

I can no longer tolerate the blanket generalizations used to cast our Nation's immigrant population in a universally negative and threatening light. They do not reflect reality. They misrepresent our national interest with respect to immigration. These arguments polarize the public and prevent reasoned and productive dialogue, and they promote a legislative climate that distracts us from our national interest in reforming our broken immigration policies.

We can all agree that we need comprehensive immigration reform, but we must also come to an understanding that demonizing immigrants will not get us there. Ostracizing immigrants in this country with venomous and inapt rhetoric will not move us toward the integration of newcomers into our economy, or the promotion of safe streets for our children to play in, or assimilation of the immigrant population into American society.

It can only delay the time when the immigrant population becomes a fully functional and participatory component of our American society. It can only set back the day when we can guarantee the security of our borders and documentation of all individuals that cross those borders.

Like my colleagues that emphasize tough border enforcement, I, too, believe in reform that provides security for our country and documentation for all the individuals that enter American territory. I think that we speak with a common voice regarding our homeland security goals. Our approaches to talking about the issues of immigration and the methods for solving the problem may differ, but we share common goals in promoting our national and economic security. Debate over approaches to immigration reform is a topic for responsible legislative discourse.

Today, my colleagues and I speak on a related topic about some of the immigrants that are the subjects of our larger debate over immigration. The immigrants we want to talk about are not threats to our national security, they are not threats to our economy, and they are not threats to our people. They, in fact, have demonstrated their solidarity with our Nation. Unquestionably, they wish to contribute to our security and to our economy. And the individuals we speak of cannot be considered separately as friend or foe to the American people, because they demonstrate daily that they are, in fact, Americans in their own right.

The individuals we rise to speak of today are the tens of thousands of brave men and women in the American Armed Forces that were not born in the United States. Like the courageous sons and daughters born and raised in my home State of Texas and throughout this country, these individuals have taken an oath to defend the United States of America with their very lives if necessary.

These immigrant soldiers may differ from their native-born brothers and sisters in terms of location of their birth and even in their citizenship status; however, on the battlefield, they are united by a common purpose.

Among the soldiers in the United States military, there is no distinction between those that are born in Texas, in the Philippines, or in Mexico. They all take an oath. They all assume the same risks. They all make the same sacrifice. All are worthy of honor and distinction, and we must thank them all equally for giving so generously that we, living in communities across this great Nation, may do so peacefully.

Mr. Speaker, it is my great privilege tonight and a true honor that the first member of the United States Armed Services that we are about to honor is Lance Corporal Jose Antonio Gutierrez, and this is the photo of Jose Antonio when he was a little boy, an orphan and I will be a little more specific in a minute, to the time he put on this uniform of the United States Marine.

He was the first member of the United States Armed Forces killed in Iraq. He was not a citizen of this country.

Marine Lance Corporal Jose Antonio Gutierrez, like most Guatemalans, was born into poverty. He was orphaned in 1983 at the age of 9 and taken in by Casa Alianza, or Covenant House, in Guatemala City. The causes and dates of his parents' deaths are unknown to us today.

For the next 10 years, Lance Corporal Gutierrez led a tragic and tumultuous life, bouncing from the orphanage to the street and back again. His adulthood, like his childhood, was characterized by hardship. He worked for a time in a maquila plant, a sweatshop, operating a sewing machine. Even as a single person, making ends meet at such a job was incredibly difficult for this young man.

In early 1997, Lance Corporal Gutierrez made a decision to travel to the United States to seek a better life. He arrived in California an undocumented immigrant. He attended North High School in Torrance, California.

In March 2002, Lance Corporal Gutierrez enlisted in the United States Marine Corps because he wanted to become a citizen of this great country. He was assigned to the 2nd Battalion of the Expeditionary Forces of the United States Marines 1st Division.

Lance Corporal Gutierrez was killed a year later, close to the city of Umm al Qasr in southern Iraq, on March 21, 2003. He was 28 years old.

This man's sacrifice, the first life laid down in the sands of Iraq on behalf of the United States, is testament to the belief of immigrants in the promise of America. It is a symbol of patriotism, of commitment to defending a dream that we all share.

In May of last year, according to the United States Citizenship and Immigration Service, nearly 69,000 foreign-born soldiers, 5 percent of the entire military, are on active duty. Five percent are foreign born.

Can it be said of these immigrants that they are a threat to our national security? Clearly, no. They ensure our national security.

Can it be said that these immigrants threaten American workers? Clearly, no. They ensure that American workers can go to their jobs in peace.

Can it be said of these immigrants that they threaten the safety of our communities with drugs or violence? Again, clearly, no. They are the pillars of their communities when home and defenders of their communities when abroad.

Why then have so many in this debate over immigration missed the contributions these brave individuals make to the peace, the prosperity, and the security of our country? Do examples of immigrants' courage and sacrifice occur as seldom as those acts of violence some use to characterize an entire immigrant population? Is their heroic service anecdotal in the larger discussion about the contributions of immigrants to our society?

Once again, I hardly believe so. One out of every 20 soldiers in the United States military was born outside the United States. Two members of an average platoon immigrated to this country and now serve us all honorably.

What more can we ask of these young people? Lance Corporal Gutierrez not only gave his life for his adopted country; he was the first to do so in this war.

What more can we ask of immigrant parents when they have already given up their brave sons and daughters for the defense of an adopted homeland?

Mr. Speaker, these immigrant soldiers are among the most prominent faces of immigration today, but they are not uncharacteristic of the larger immigrant population. They represent the honest work ethic, the ambition and the patriotism characteristic of immigrants of all national origins and across all eras.

They represent the frontier spirit that built our country and continues to bring the best the world has to offer here to our shores, to the United States, in pursuit of our common American Dream.

At this time I would like to recognize a dear friend, a colleague, the dean of the Texas delegation, Congressman Solomon Ortiz of Texas.

Mr. ORTIZ. Thank you, Charlie, for allowing me some time to speak tonight, and I would like to acknowledge your leadership in bringing this to the forefront.

Mr. Speaker, as we continue the national discussion of immigration and the value of immigrants to our Nation, we must not forget the immigrant men and women who populate our Armed Forces, who fight for freedoms that we all enjoy each day, yet who in the current debate are cast aside as unworthy for citizenship. Yes, more than 70,000 of them serve our military today.

Now, they have a unique love of America. They consider this great Nation as a beacon of light that drew them here, with a promise of freedom, of democracy and opportunity.

The voices of these immigrant soldiers are remarkably missing from the debate on the value of immigrants in this Nation. I would like to add their voices today. For them, the United States is their only chance to make a new life. Like all soldiers, they don't want our Nation to be harmed. This is their brass ring, the key to the rest of their lives.

They are willing to risk their life for this country because it is the promise of what working hard can give you. They come to the United States longing for a better life than they had in their homeland. Their last light of hope resides in what this Nation promises in terms of honoring our soldiers and supporting our troops.

Many have said that they would rather fight and die for the United States because they so desperately want their home countries to emulate, to copy, their adopted Nation. They hope beyond hope that their public service in our military will someday influence their home countries, the ones in which they were born, so their families will someday have similar living conditions promised by this Nation and the same economic opportunities.

They fear that if America's beacon of light is extinguished, the long-lasting effect of that would inspire great fear, in this hemisphere and around the world.

One of the most heartbreaking exercises for me is going to military funerals, as it is for all of us. One of the most heartbreaking moments is with a family after losing a loved one and bestowing citizenship upon the lost soldier after he's buried.

At this point, I would like my colleagues to join me in commending the service of Private First Class Rey Cuervo, killed in Baghdad by an IED just before New Year's Eve in 2003. He left behind a young wife, pregnant with his first child, a child of immigrants who will never see his father again, who died for this Nation.

I still remember the moment I was there for the ceremony granting Rey his citizenship in 2004 after his death.

☐ 2000

Tears in the eyes of all who attended the funeral spoke volumes. Yes, so far to the price of citizenship, now so close to God, so that you and I and the rest of the citizens of this great country could enjoy the freedoms and privileges and liberties that we have today.

Mr. GONZALEZ. I yield at this time to my colleague from Colorado, an Army veteran himself. I do want to point out, without his permission, but knowing this particular fact, that the Salazar family, I know that he lost his uncle during World War II, and that was incredible and brave service by the Salazar family, Congressman JOHN SALAZAR of Colorado.

Mr. SALAZAR. I want to thank the gentleman from Texas for yielding, Mr. GONZALEZ, and I want to thank your leadership for bringing this very important issue to the forefront.

Tonight, I would like to tell the story of Christopher Herrera. Lance

Corporal Evenor Christopher Herrera was just 9 years old when his family came to the United States from Honduras in search of opportunity. He found that opportunity for himself in the United States serving in the Marine Corps, which he joined a year after graduating from Gypsum's Eagle Valley High School in Colorado.

He figured that enlisting he could pave the way to a better future, or, as he told his family, the 22 year-old would be considered a hero if he should die while serving his adopted country. Fate chose him the latter. On August 10, 2005 while manning a machine gun during a clash near Ar Ramadi in Iraq, an improvised explosive device detonated. Herrera was killed in combat with a month and a half left before he was to return home.

From the time his family immigrated from Honduras, he began talking about joining the Army. Christopher, as he was known to his family and friends, was not naive about the dangers he faced in Iraq. His brother, who was also a Marine, said that Christopher was happy to fight for the country that he loved. He would rather die over there as a hero and be remembered as doing something good, as opposed to being here and not remembered at all.

His mother, Blanca, said that he joined because he wanted to have more opportunity in this country. He wanted a career in the Marines. The stories about Christopher come easily. His sister recalled about how shy he was, but yet he was fearless, and once drove a 4-wheel-drive vehicle down a muddy hill, nearly flipping it over. Christopher enjoyed typical mountain activities like most young men in Colorado, like fishing and snowboarding.

The brothers often went camping. The brothers were close, but because they were both deployed Balmore Herrera hadn't seen his brother in 7 months. When Christopher was killed, Balmore was called to act as official military transport as his brother's body was transported from Maryland to Colorado.

There have been 3,396 servicemembers killed in Iraq and Afghanistan, and over 25,000 Americans wounded. This evening, members of the Hispanic Caucus rise to recognize immigrant servicemembers because these brave men and women didn't have the privilege of being born in this country. They chose to live here, and also made the choice to serve the country they loved in the Armed Forces.

Many immigrants, like Christopher, have paid the ultimate sacrifice for their country. Each of them has a story. Each story is filled with struggle and a hope for opportunity. Like Christopher, each story is also filled with sacrifice.

There is an Internet blog set up as a memorial for Lance Corporal Herrera. Whiskey 3, Red 2, left these words for him:

"To my fellow brother Evenor, I had the great privilege of serving with you in the good and the bad times.

"I'll keep fighting the good fight, and one day I'll see you again . . . and together we can guard the gates of heaven as we once guarded each other in Iraq.

"You will never be forgotten."

Mr. GONZALEZ. At this time I would yield to my dear friend, a fellow Texan, the gentleman from Texas, Mr. CIRO RODRIGUEZ.

Mr. RODRIGUEZ. I want to thank my friend and colleague from San Antonio, Congressman CHARLIE GONZALEZ, for taking this opportunity tonight for us to recognize those soldiers that have served our country and that have been immigrants and are noncitizens of this country. I want to personally thank him for allowing this opportunity for us to be able to do that.

There are approximately 69,300 foreign-born men and women who serve in the United States Armed Forces, roughly 5 percent of the total active duty force. Of those 43 percent, which is 29,800, are not U.S. citizens. I repeat, of those that are serving our country, of those 69,000, 43 percent, or 29,800, are non-U.S. citizens.

The Pentagon says more than 100 immigrant soldiers have died in combat in Iraq and Afghanistan in the last 5 years. I want to repeat that again, that over 100 immigrant soldiers have died both in the war in Iraq and Afghanistan.

This evening, I join my colleagues in paying tribute and recognizing the service of these men and women who, out of the desire to become citizens of the United States, enlist and fight proudly and bravely for our country. They display the ultimate symbol of patriotism and of commitment to defending a dream that we all share.

The service and sacrifice of these brave immigrants is often lost in our debate over immigration reform. That is why I am here this evening to share the story of immigrant soldiers from the 23rd Congressional District. The story and life of the soldier is of great significance to the State of Texas and the Nation.

Earlier this year, Texas State Representative Chente Quintanilla of Texas introduced a resolution to the Texas House of Representatives paying tribute to the life of Sergeant Israel Devora Garcia. Sergeant Garcia of Clint, Texas, died in Iraq on April 1, 2006, at the age of 23.

Sergeant Garcia was attached to the Headquarters Company, 2nd Battalion, 6th Infantry, 2nd Brigade Combat Team, 1st Armored Division, based in Baumholder, Germany, and was serving his second tour of duty in Iraq. He was mortally wounded while conducting a dismounted patrol in Baghdad.

He was born in Zacatecas, Mexico. Sergeant Garcia came to the United States at the age of 6 and graduated in 2001 from Clint High School in Texas, where he was an honor student. Although he completed all of his required courses ahead of schedule and was told that he only needed to attend school part-time, he insisted on attending a full day and, in his spare time, helped tutor other kids.

Drawn to the military at an early age, Sergeant Garcia spent 4 years in the Junior Reserve Officers' Training Corps and demonstrated a notable capacity for leadership. In addition to winning first and second place medals during week-long camps at Ft. Bliss, Texas, he attained the rank of major and served in the executive office of these units.

Family and friends will forever remember Sergeant Garcia for his cheerful nature, his great zest for life and his strong desire to help others. In his leisure time, he enjoyed playing the guitar with friends, and he had a special passion for soccer.

After fulfilling his commitment to the Army, Sergeant Garcia's plan was to study law enforcement at Texas A&M University and hopefully apply for the FBI in the Border Patrol. Sergeant Garcia earned United States citizenship shortly before he died, and he was officially proclaimed a citizen at the cemetery in Clint, Texas.

Notwithstanding the dangerous nature of his mission, this courageous soldier performed his mission with dedication and professionalism. He was awarded the Bronze Star and the Purple Heart. Through his unfaltering devotion to duty, honor and his country, Sergeant Israel Devora Garcia embodied the highest ideals of the United States Armed Forces, and his valiant efforts in the memorable sacrifice are deserving of honor by every American.

Sergeant Garcia is survived by his mother and his father, Frances and Lorenzo Sandoval; his sister, Rosa Sandoval; and his brothers, Adrian Sandoval and Lorenzo Sandoval, Jr. Sergeant Garcia's story may not seem like that of other veterans, but this represents part of the American history that has too often been overlooked.

His story, like the stories my colleagues are sharing tonight, are stories of immigrants in this country. This evening we share those stories of individuals that are out there giving their all. More notably, the American public must understand and recognize that noncitizens have served and have died for our country, not only during the Iraq and Afghanistan war, but during every single war during this country's struggle.

I take this opportunity to once again thank CHARLIE GONZALEZ for allowing us to have this opportunity.

Mr. GONZALEZ. Thank you very much for your attention and for your story of Israel Garcia.

At this time I would like to yield to the gentlelady, Congresswoman GRACE NAPOLITANO, from the great State of California.

Mrs. NAPOLITANO. Thank you, Congressman GONZALEZ. Thank you for allowing the Hispanic Caucus to speak today on this very important issue of Hispanic veterans and the problems that we have seen them face.

I would like to relate a story of SGT Henry Meraz, an Army veteran of the Vietnam War, who lives in my district. Sergeant Meraz grew up in El Paso, Texas, moved to California at age 17, registered with the Selective Service and was drafted into the Army in 1967.

He served honorably on the special forces team in Vietnam, receiving five distinguished medals and a Purple Heart before being honorably discharged in October of 1969. He has lived a full, normal, law abiding, average American life with his family. He is married, he has retired from his job. He has one child currently in the university and a second one who is a Los Angeles deputy sheriff.

In 2003, Mr. Meraz, Sergeant Meraz, went to renew his driver's license, whereupon he was shocked to learn that he was not a U.S. citizen, that his Social Security was not being recognized and the administration had listed him as a Mexican national.

Upon checking into this further, he could not find his birth certificate in the city he grew up in in El Paso. He then immediately applied for United States citizenship based upon his exemplary military service and quickly relinquished, gave up his voting rights he thought he had the right to exercise since his 18th birthday.

His application for citizenship was denied on the grounds of failure to show good moral character, citing his illegal voting history as bad moral character, even though he was and convinced he was a U.S. citizen. His DD214, the military discharge, lists him as a U.S. citizen.

Then Henry appealed the decision so he could legally become what he thought he was always, a U.S. citizen. He signed a statement and swore under penalty of perjury that the votes he cast under his sincere belief of citizenship were true. Psychiatrists provided letters attesting to Henry's good moral character and the sincerity of his prior belief in his citizenship, because he was undergoing psychiatric treatment for Vietnam War related PTSD, post traumatic stress disorder.

Thankfully, Henry won his appeal and will be taking his citizenship oath in my district at the City of Pomona, California, on May 30. I hope to be there to help him celebrate. This is not necessarily a unique story. Henry is but one of many, of many immigrants, who have served and continue to serve loyally and bravely in our Armed Services.

As you have heard, there are currently nearly 69,000 immigrants in the United States Armed Services, which account, as you have heard again, for roughly 5 percent of our total Armed Forces. Any soldier will tell you, race, color, religion, et cetera, it does not matter when you are fighting the enemy shoulder to shoulder. These brave men and women risk their lives for this country.

We should, we must embrace them. What matters is there is loyalty to our country and their undying love for it, evidenced by their willingness to die for it.

□ 2015

They have earned and should receive the same benefits, the same rewards and the same recognitions, and they should be welcomed for the patriotic and brave dedicated service to our country through the small measure of granting them their citizenship. It is overdue and high time Congress addressed this issue. Just ask any veteran. It's the right thing to do.

Our Congressional Hispanic Caucus is working on what we call the STRIVE Act, H.R. 1645, which addresses immigrants in our Armed Forces. The act, among other things, grants citizenship immediately after combat zone service, grants citizenship after 2 years of active duty, and creates a naturalization information telephone service for armed service members. We can do no less than to honor and respect the many immigrants who have served, those who are currently serving, and those who will continue to serve our country ensuring our country's freedom.

Thank you Congressman GONZALEZ, and thank you, Mr. Speaker.

Mr. GONZALEZ. Mr. Speaker, it's my pleasure at this time to yield to my colleague and chairman of the Congressional Hispanic Caucus, the gentleman from California (Mr. BACA).

Mr. BACA. Thank you very much, Mr. GONZALEZ, for carrying this issue this afternoon, and thank you very much, Mr. Speaker.

I rise to honor the more than 69,300 legal permanent residents who are currently serving in the United States Armed Services, which represents 43 percent noncitizens and 5 percent of the armed services who are serving now.

Their courage, their honor and their sacrifices prove what we've always known, that you don't have to be born in America to love America. Each and every person who serves in the Armed Forces generally loves his country and is willing to give their ultimate sacrifice. And these individuals gave their ultimate sacrifice for this country, for a dream of coming here.

Each individual was prepared to lay down his or her life to protect what is sacred to all of us, hope, freedom and opportunity, not only for them, but for all of us who believe in this country, because we know ultimately every person who has served in our military has been willing to lay down their lives so that we can enjoy the freedoms, the freedoms that we have today. And the 69,300, 43 percent noncitizens, or 5 percent of the United States, believed in the same sacrifice as other individuals who have served us. They know that our freedom comes from men and women who are willing to serve this great Nation.

When I look at the names of immigrant soldiers who've died in Iraq and Afghanistan, it makes me realize why America is the greatest country in the world. And when we look at those individuals who served in World War II, the 500-some thousand, how many of those were noncitizens and immigrants?

And when we look at my district, or the State of California, 26 foreign-born soldiers from my State have given their lives in Iraq and Afghanistan. And they come from all over the world. But whether they come from El Salvador, Korea, Mexico, Jamaica or Honduras, when they put on that United States military uniform, they do it as Americans and with pride.

Douglas Jose Marencoreyes, a young man from my district, was an immigrant to this country from Nicaragua. Corporal Marencoreyes came to this country with his family in search of opportunity and hope. Yet he was willing to serve in the Armed Forces when many others were not even willing to serve. And yet he found that by serving in the military that it was an honor.

The same goes for Sergeant Jorge Alberto Molinabautista, an immigrant from Mexico who lived in my hometown of Rialto, California. Both of these young men died while serving in the global war on terror. And they did so proudly, with honor, with honor for what they believed and what this country stands for, for the freedoms, so they know that their children and others can enjoy the freedoms that we have, because this is the greatest Nation, the greatest country; and they knew it and they served for this country.

Both men were posthumously awarded citizenship for their service to this Nation. Why? Because nothing would have honored the sacrifices more than to be recognized and acknowledge their love for this country.

Mr. Speaker, our country is currently engaged in a great debate regarding immigration. And there are many who want to diminish or even deny the great contributions of immigrants to our Nation's history, economy, and culture. And many of these have contributed and continue to contribute to our country because they believe in this country. They come here for hope, for freedom and opportunity and are willing to serve and die for this country.

But as we move forward in this debate, let us not forget the 69,300 immigrants soldiers out there in the battlefields, those who are willing to risk their lives every day to protect the same people who are criticizing them, the same people who are criticizing, they're willing to stand up and defend those individuals because they believe in the principles and the freedoms and opportunities of this country.

I urge the American people to support all troops, all individuals and the sacrifices of every one of our soldiers, regardless of where they were born, because at the end of the day they are willing to give their lives for this country and to sacrifice for this country. Each one of them are patriots and are true American heroes.

Mr. GONZALEZ. Thank you very much, Mr. BACA.

There is another individual that I want to recognize tonight, an extraordinary individual from an extraordinary family. This is Specialist Rodrigo Gonzalez-Garza. He comes from San Antonio. He died on February 25, 2003, when the Black Hawk helicopter in which he was riding crashed during a night mission 30 miles north of the Kuwaiti border. He was 26 years young.

Specialist Gonzalez-Garza was born in Sabinas Hidalgo, Nuevo Leon, Mexico and was brought to the United States by his parents as an infant.

He graduated from San Antonio's Fox Tech High School in 1996 and joined the Army in 1998. Specialist Gonzalez-Garza, like many other casualties of the Iraq war, did not die an American citizen. He died defending the United States and pursuing a dream to become a citizen of this country. Only in death was his goal finally achieved. After he gave his life, Specialist Gonzalez-Garza was awarded posthumous citizenship.

Specialist Gonzalez-Garza's sacrifice on our behalf is remarkable and perhaps only matched by the contribution that his parents have made to this great country. Specialist Gonzalez-Garza's parents, Ramiro and Orelia Gonzalez, have three other sons in the military, Staff Sergeant Ramiro Gonzalez, PVT Roland Gonzalez, and PVT Ricardo Gonzalez, Rodrigo's twin brother.

One would find it difficult to find a family more devoted to the United States and our American way of life than the Gonzalez family. Specialist Gonzalez-Garza has given his life. His three brothers continue to defend our security and liberty with their lives, and the parents, they have given not one, not two, but all four of their sons to the service of their adopted country.

I would like to share some of the sentiments posted on fallenheroesmemorial.com, a Web site devoted to the memory of soldiers killed in Iraq and Afghanistan during operations Iraqi Freedom and Enduring Freedom.

The following are postings from fellow Americans who apparently did not know Specialist Gonzalez-Garza, but wished to express their gratitude for his service.

From Grayslake, IL: "Thank you Rodrigo Gonzalez-Garza. You will not be forgotten. Your bravery goes beyond words. I want to express my deepest gratitude for your sacrifice. To the family and friends, my prayers and deep condolences on your loss. May God strengthen you from knowing that fellow Americans and people around the world care about you and grieve with you in your loss. God bless you all. Signed, a very appreciative fellow American."

From Wells, NV: "To the family and friends of Specialist Rodrigo Gonzalez-Garza, may God's grace be with you during your time of grief. Please know that our thoughts and prayers are with you and we feel your loss and share your sorrow. Bless Rodrigo for his sacrifice he has made to make a better life for the rest of us in this country."

From Montrose, ME: "Thanks for stepping forward when America needed you. To the family, thank you for your contribution to our liberty and to our freedom. I'm so sorry for your tremendous loss."

From Houston, TX: "Specialist Gonzalez-Garza, goodbye soldier, and thank you. You are my hero."

All those individuals that didn't know Specialist Rodrigo Gonzalez-Garza, they didn't know about his background. They didn't know about an undocumented family that came to this country and made the grandest sacrifice of all with four sons in the armed services, and one of those that gave his life in service of this country, their adopted country.

Did any of these individuals that posted those sentiments on that Web site ask is he documented or undocumented?

Had they known he was undocumented, or that the family had been undocumented, it would not have mattered, because we are united in purpose. We are united in spirit. And this is what the whole immigration reform debate is all about. Not what separates us. Not that which differentiates us, but rather, what binds us as a country, a country of immigrants, each making his unique contribution, wanting to be part of this country.

I want to join all those individuals that posted on the Web site to share my gratitude for Specialist Rodrigo Gonzalez-Garza's service and sacrifice.

Thank you, Specialist Gonzalez-Garza. Thank you also to Ramiro and Orelia Gonzalez, the parents, for the service of your sons. You emigrated from Mexico, but you have devoted yourselves and your family to the United States of America. We owe you comprehensive immigration reform. We owe you the opportunity to make your contribution in this country.

Before we took the floor here tonight to highlight the lives of these individuals, you may have heard previous speakers. One felt great pride that a town in the State of Texas had passed a law that will make it an offense to rent accommodations to undocumented individuals that may find themselves in that particular township.

What pride can be derived from a law of that nature? Who are you shutting the door to? In whose face are you slamming that door? I'll tell you. You are slamming it in the faces of Lance Corporal Gutierrez, Specialist Gonzalez-Garza, Lance Corporal Evenor Herrera, Sergeant Israel Devora-Garcia, SGT Henry Meraz, Corporal Douglas Jose Marencoreyes, and PFC Rey Cuervo. Those are the individuals.

What is it that binds us, truly? Is it the color of our skin, our appearance, our ethic origin? No, it's what beats within us all.

We are a Nation of laws. Our obligation as Members of Congress is to pass just and fair laws, and that's what we are seeking. Not those that will demonize, criminalize and punish individuals that are coming to this country at our behest. And make no mistake about that. They are coming because we are asking them to come and to be employed by fine, upstanding Americans.

□ 2030

And so they come, not to take but to give, to contribute.

What we are attempting to do tonight is put a human face on this immigrant that so often is criticized, demonized, characterized as a threat to our way of life. Do not be so concerned. People are so concerned: Is the face of America changing? That should not be our concern. Is the heart and the spirit and the soul of America changing? That should be our concern. And I am here to tell you and we give testament tonight that it is not.

For the next few weeks, my colleagues and I will take this floor, and we will demonstrate to you over and over again the contribution of the immigrant to this country, that their sons and daughters have donned this uniform. We have placed them in harm's way, and they have performed honorably and with great courage. There is no difference in that courage or the contribution that they make because of their ethnicity or undocumented status of a parent.

You saw the face of that young boy from Guatemala who was an orphan who came to the United States illegally. Now, he wasn't good enough, brave enough, strong enough to maybe deserve getting an apartment in a certain town in Texas; but he was good enough and brave enough to serve as a United States Marine and give his life up defending this country. Where is the justice and fairness?

Our soldiers are dying and protecting a way of life. And it is our obligation that that way of life is reflected in our laws, fair and just laws. That is what this debate is all about.

So I ask that my colleagues give careful thought as we debate this issue, and at the conclusion of this debate we will have a meeting of the minds and come up with a plan that doesn't accommodate those that are breaking the law, but rather allows them an opportunity to redeem themselves and to serve this country in a capacity that will utilize their unique talents and contributions, and I look forward to that time.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be allowed to submit a supplemental report on H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PEAK OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, this is really a very important day in our history. Exactly 50 years ago today in St. Paul, MN, Admiral Hyman Rickover gave a very famous speech. In a few moments, I will have here a copy of that speech, and I want to spend most of the hour that we have this evening going over that speech, because he was amazingly prophetic. This was a speech given to a group of physicians, and it was about energy. Of course, his primary interest was nuclear energy, and this was a speech about energy in general.

As I said, he was amazingly prophetic. He understood some relationships, which today, with 50 years of history behind us, he couldn't have seen. He was amazingly more cognizant of some realities than many of our people today.

We, of course, recognize that for several reasons we need to be moving away from fossil fuels. There are several groups of people with different interests who have really a common goal in their desire to move away from fossil fuels to renewables. And these several groups find common cause, and I hope that there will be less discussion of the potential limitations of the other groups' premise and more focus on a common goal, and that is to help our country and our world move away from fossil fuels to renewables.

The groups that have common cause in this are, first of all, environmentalists, and there are two groups in the environmentalists who are concerned about this. One is a group which is large and growing, and that is a group that believes that our excessive use of fossil fuels releasing carbon dioxide that was sequestered a very long time ago, perhaps millions of years ago, with subtropical seas and plumes of organisms like our algae today, which then fell to the bottom and were covered by sediment washed in from the adjoining hills and then later submerged by movements of tectonic plates and with time and pressure became what we know today as gas and oil. Coal is a little simpler. It wasn't buried so deep, and you can see in the broken block of coal the ancient fern leaves from which the coal was produced. I saw that many times as a little child in western Pennsylvania, coal country, when I broke lumps of coal to feed our coal furnace. And what we are doing today, of course, is releasing that carbon dioxide very fast. It took maybe millions of years to sequester, but we are releasing it very fast; and so it is producing greenhouse gases, which are warming the Earth and producing temperature changes.

For those who may wonder what difference does it make, a degree here and a degree there. I would like to remind them that during the last Ice Age about 10, 12,000 years ago, our world was only 5 degrees centigrade colder than it is today. That is 9 degrees Fahrenheit. And what this says is that very small temperature changes can make huge changes in our weather.

A second group of environmentalists who have common cause in wanting to move away from fossil fuels are those who believe that our air is polluted enough and why would we want to pollute it further.

Then there are those who yearn for the day when America was a leading exporter, and they believe that moving from fossil fuels to renewables, sustainable renewables, that we can develop technologies which will be saleable world-around.

And then there is a growing group of people who have major concerns that, with only 2 percent of the known reserves of oil and using 25 percent of the world's oil and importing almost two-thirds of what we use, that this represents a totally unacceptable national security risk, and so their desire is to move from fossil fuels, which we have very little of, to renewables, which we hopefully could produce more of.

And then there is the last group of these five, and by the way, I subscribe in varying degrees to all of these other goals, but the last one is particularly significant because we might somehow make it through, luckily, the other crises that may be there. But the peak oil crisis is one we won't make it through, and that is one that Hyman Rickover talked a good deal about.

Here is his speech. It was for delivery at a banquet of the Annual Scientific Assembly of the Minnesota State Medical Association, St. Paul, MN, May 14, 1957. That is exactly 50 years ago today, and I am very pleased that in the gallery with us is the widow of Admiral Hyman Rickover.

Mrs. Rickover, welcome.

And we are here to celebrate a great American who gave a really, really prophetic speech. And I am going to spend most of the time pretty much reading this speech, and I will put up here some charts from particularly significant quotes from his speech and some others which will help illuminate what he said. The title of his speech was "Energy Resources and Our Future." He starts out by saying:

"I am honored to be here tonight, though it is no easy thing, I assure you, for a layman to face up to an audience of physicians. A single one of you, sitting behind his desk, can be quite formidable.

"My speech has no medical connotations. This may be a relief to you after the solid professional fare you have been absorbing. I should like to discuss a matter which will, I hope, be of interest to you as responsible citizens: the significance of energy resources in the shaping of our future."

Now, all of this is 50 years ago. I want you to listen to how profound his statements were and how completely he recognized the problems that we would be facing.

"We live in what historians may some day call the Fossil Fuel Age. Today coal, oil, and natural gas supply 93 percent of the world's energy; water power accounts for only 1 percent; and the labor of men and domestic animals the remaining 6 percent." Now, those figures have changed somewhat since then.

"This is a startling reversal of corresponding figures for 1850, only a century ago. Then fossil fuels supplied 5 percent of the world's energy, and men and animals 94 percent. Five-sixths of all the coal, oil, and gas consumed since the beginning of the Fossil Fuel Age has been burned up in the last 55 years." Now if you were to bring that forward, it would be a bigger percentage than that.

"These fuels have been known to man for more than 3,000 years. In parts of China, coal was used for domestic heating and cooking, and natural gas for lighting as early as 1000 B.C. But these early uses were sporadic and of no economic significance. Fossil fuels did not become a major source of energy until machines running on coal, gas, or oil were invented. Wood, for example, was the most important fuel until 1800, when it was replaced by coal. Coal, in turn, has only recently been surpassed by oil in this country.

"Once in full swing, fossil fuel consumption" had been "accelerated at phenomenal rates. All the fossil fuels used before 1900 would not last 5 years at today's rate of consumption." And that was 50 years ago. What would it be today?

"Nowhere are these rates higher and growing faster than in the United States. Our country, with only 6 percent of the world's population," today a bit less than 5, "uses one-third of the world's total energy input." Today it is about 25 percent because much of the rest of the world is catching up with us, but, still, 25 percent for less than 5 percent of the world's population is very significant.

"This proportion would be even greater except that we use energy more efficiently than other countries." Still true today, only we use 25 percent of the world's energy. We use it more efficiently than most of the rest of the world.

"Each American has at his disposal, each year, energy equivalent to that obtainable from eight tons of coal." This was just 50 years ago. It would be more than that today.

Time magazine, a little while back, had on its cover, and you may remember that, a pile of coal that they said was a quarter of a ton, and that was the amount of coal that would be saved for power production if you unscrewed that incandescent light and put in it one of the little fluorescent bulbs that you can screw into a regular socket.

□ 2045

This is six times the world's per capita energy consumption, what we were using in this country. Though not quite so spectacular, corresponding figures for other highly industrialized countries also show above average consumption figures. The United Kingdom, for example, uses more than three times as much energy as the world average.

I want you to look at this first chart while I am reading this because you have to look at the colors and what each of the men stand for and each of those different colors to understand this. But this was in his day, 50 years ago. What would these numbers be today?

With high energy consumption goes a high standard of living. Thus the enormous fossil fuel energy which we in this country control feeds machines which make each of us master of an army of mechanical slaves. Man's muscle power is rated at 35 watts continuously, or 120th horsepower. That is on a 24/7 basis. It's a bit more than that. I generally think of about a 70 watt bulb if you're awake and not working much. Machines therefore furnish every American industrial worker with energy equivalent to that of 244 men, while at least 2,000 men push his automobile along the road and his family is supplied with 33 faithful household helpers. Each locomotive engineer, as you can see on the chart, controls energy equivalent to that of 100,000 men, each jet pilot of 700,000 men. Truly, he says, the humblest American enjoys the services of more slaves than were once owned by the richest nobles and lives better than most ancient kings. In retrospect, and despite wars, revolutions and disasters, the hundred years just gone by may well seem like a Golden Age. And we have continued that Golden Age another 50 years, until today. And then he says, whether this Golden Age will continue depends entirely upon our ability to keep energy supplies in balance with the needs of our growing population.

Before I go into this question, let me review briefly the role of energy resources and the rise and falls of civilizations. And as I read, you may look at the next chart because some of the quotes in the next couple of paragraphs are in this chart.

I would like for you to pay particular attention to this because he describes very well the contribution that energy has made to the development of civilization. And if we understand how energy contributed to the development of civilization, we will get some clue as to what will happen when we start down the other side of this curve.

He mentions a little later that 8,000 years of recorded history in the age of oil will span but a brief time, probably about 300 years. We are about 150 years through the age of oil. So, concentrate on what he is saying about the contribution of energy to the development of civilization, because unless we are really clever and using the new technologies we have found, it is possible that we will see a reversal of this as energy becomes less and less available. Will civilization decline with decreasing energy as it increased with increasing energy?

Possession of surplus energy is of course a requisite for any kind of civilization. For if man possesses only the energy of his own muscles, he must expend all of his strength, mental and physical, to obtain the bare necessities of life.

Surplus energy provides a material foundation for civilized living, a comfortable and tasteful home instead of a bare shelter; attractive clothing, instead of mere covering to keep warm; appetizing food, instead of anything that suffices to appease hunger. It provides the freedom from toil without which there can be no art, music, literature or learning.

There is no need to belabor the point. What lifted man, one of the weaker mammals, above the animal world was that he could devise with his brain ways to increase the energy at his disposal and use the leisure so gained to cultivate his mind and spirit. He refers to us as one of the weaker mammals, and that is true. We cannot run nearly as fast as many. We have nowhere near the strength. A chimpanzee our size has several times our strength. Our sense of smell is really very poor compared to a dog, and a dog very poor compared to male moth that can detect the presence of a female 10 kilometers away and detect the concentration gradient so that he knows which direction to fly to find her. We are indeed one of the weaker mammals, but we have dominated the world because of our ability to control energy.

Where man must rely solely on the energy of his own body, he can sustain only the most meager existence. Man's first step on the ladder of civilization dates from his discovery of fire and his domestication of animals. With these energy resources, he was able to build a pastoral culture. To move upward to an agricultural civilization he needed more energy. In the past this was found in the labor of dependent members of large patriarchal families, augmented by slaves obtained through purchase or as war booty. There are some backward communities which to this day depend on this type of energy.

Now, some of the things he says here you are going to have to relate to 50 years ago. He talks about India and China in a few moments. And clearly they now have entered the industrialized part of the world and are growing very rapidly. But what he said about them then was very true of them then and true of other just beginning to develop countries today.

Slave labor was necessary for the city-states and the empires of antiquity. They frequently had slave populations larger than their free citizenry. As long as slaves were abundant and no moral censure attached to their ownership, incentives to search for alternative sources of energy were lacking. And this is a really interesting statement. "This may well have been the single most important reason why engineering advanced very little in ancient times." Through all of the Dark Ages, centuries, civilization advanced very little because engineering advanced very little, and he thinks this may have been because of the availability of slave labor.

The next chart. A reduction of per capita energy consumption has always, in the past, led to a decline in civilization and a reversion to a more primitive way of life. And he gives some fascinating examples. For example, exhaustion of wood fuel is believed to have been the primary reason for the fall of the Mayan civilization on this continent and the decline of once fourishing civilizations in Asia. India and China once had large forests, as did much of the Middle East. Deforestation not only lessened the energy base, but had a further disastrous effect; lacking plant cover, soil washed away. And with soil erosion, the nutritional base was reduced as well.

Another cause of declining civilization comes with pressure of population on available land. A point is reached where the land can no longer support both the people and their domestic animals. Horses and mules disappear first. Finally, even the versatile water buffalo is displaced by man, who is 2.5 times as efficient an energy converter as are draft animals. It must always be remembered that while domestic animals and agricultural machines increase productivity per man, maximum productivity per acre is achieved only by intensive manual cultivation. And as he points out, the press of populations will eventually lead to this state in much of the world.

It is a sobering thought that the impoverished people of Asia, who today seldom go to sleep with their hunger completely satisfied, and remember, this is 50 years ago, were once far more civilized and lived better than the people of the West. And not so very long ago either. It was the stories brought back by Marco Polo of the marvelous civilization in China which turned Europe's eyes to the riches of the East and induced adventurous sailors to brave the high seas in their small vessels searching for a direct route to the fabulous Orient. The "wealth of the Indies" is a phrase still used, but whatever wealth may have been there is certainly not evident in the life of the people today. This is 50 years ago. They are now using energy, very large amounts of it. China probably has a greater percent increase in energy than about any other country and their economy is growing; the last quarter for which I saw data, 11.4 percent.

Asia failed to keep technological pace with the needs of her growing population and sank into such poverty that in many places man has become again the primary source of energy since other energy converters have become too expensive. This must be obvious to the most casual observer. What this means is quite simply a reversion into a more primitive stage of civilization with all that it implies for human dignity and happiness. But very fortunately, technology is moving into this part of the world and the quality of their life is now increasing.

Anyone who has watched a sweating Chinese farm worker, and again, this is 50 years ago, strain at his heavily laden wheelbarrow, creaking along a cobblestone road, or who has flinched as he drives past an endless procession of human beasts of burden moving to market in Java, the slender women bent under mountainous loads heaped on their heads, anyone who has seen statistics translated into flesh and bone realizes the degradation of man's stature when his muscle power becomes the only energy source he can afford. Civilization must wither when human beings are so degraded.

Where slavery represented a major source of energy, its abolition had the immediate effect of reducing energy consumption. Thus, when this time-honored institution came under more censure by Christianity, civilization declined until other sources of energy could be found. Slavery is incompatible with Christian belief in the worth of the humblest individual as a child of God.

As Christianity spread through the Roman empire and masters freed their slaves in obedience to the teaching of the church, the energy base of Roman civilization crumbled. This, some historians believe, may have been a major factor in the decline of Rome and the temporary reversion to a more primitive way of life during the Dark Ages.

Slavery gradually disappeared throughout the Western world, except in its milder form of serfdom. That it has revived a thousand years later merely shows man's inability to stifle his conscience, at least for a while, when his economic needs are great. Eventually, even the needs of overseas plantation economies did not suffice to keep alive a practice so deeply repugnant to Western man's deepest convictions.

It may well be that it was unwillingness to depend on slave labor for their energy needs which turned the minds of medieval Europeans to search for alternative sources of energy, thus sparking the Power Revolution of the Middle Age which, in turn, paved the way for the Industrial Revolution of the 19th century.

When slavery disappeared in the West, engineering advanced. Men began to harness the power of nature by utilizing water and wind as energy sources. The sailing ship, in particular, which replaced the slave-driven galley of antiquity, was vastly improved by medieval shipbuilders and became the first machine enabling man to control large amounts of inanimate energy.

The next important high-energy converter used by Europeans was gunpowder, an energy source far superior to the muscular strength to the strongest bowman or lancer. With ships that could navigate the high seas and arms that could outfire any hand weapon, Europe was now powerful enough to preempt for herself the vast empty areas of the Western hemisphere into which she poured her surplus populations to build new nations of European stock. With these ships and arms, she also gained political control over populous areas in Africa and Asia from which she drew the raw materials needed to speed her industrialization, thus complementing her naval and military dominance with economic and commercial supremacy.

And then he notes, when a low-energy society comes in contact with a high-energy society, the advantage always lies with the latter. The Europeans not only achieved standards of living vastly higher than those of the rest of the world, but they did this while their population was growing at rates far surpassing those of other peoples. In fact, they doubled their share of total world population in the short span of three centuries. From one-sixth in 1650, the people of European stock increased to almost one-third of world population by 1950. Clearly, with the industrialization of other parts of the world today, their populations are growing so that the European percentage of the world is not as high as it was 50 years ago.

Meanwhile, much of the rest of the world did not even keep energy sources in balance with population growth. Per capita energy consumption actually diminished in large areas. It is this difference in energy consumption which has resulted in an ever-widening gap between the one-third minority who live in high-energy countries and the two-thirds majority who live in low-energy areas. These so-called underdeveloped countries are now finding it far more difficult to catch up with the fortunate minority than it was for Europe to initiate transition from low energy to high-energy consumption. For one thing, their ratio of land to people is much less favorable. And we see this in much of Africa, Darfur, for instance, where the arable land is really very small compared to the people. And you see what that has done to their standard of living and to their culture.

For one thing, the ratio of land to people is much less favorable. For another, they have no outlet for surplice populations to ease the transitions since all the empty spaces have already been taken over by people of European stock.

☐ 2100

This was a correct observation 50 years ago.

"Almost all of today's low energy countries have a population density so great that it perpetuates dependence on intensive manual agriculture, which alone can yield barely enough food for their people. They do not have enough acreage per capita to justify using domestic animals or farm machinery, although better seeds, better soil management and better hand tools could bring some improvement."

I think he would be very pleased that today that has happened and they can live better, even with this high population density per arable land than they could then.

"A very large part of their working population must nevertheless remain on the land, and this limits the amount of surplus energy that can be produced. Most of these countries must choose between using this small energy surplus to raise their very low standard of living or postpone present rewards for the sake of future gain while investing the surplus in new industries."

A very good explanation of how difficult it is for some of these undeveloped countries to enter the march of the developing countries.

"The choice is difficult because there is no guarantee that today's denial may not prove to have been in vain. This is so because of the rapidity with which public health measures have reduced mortality rates, resulting in population growth as high or even higher than that of the high energy nations. Theirs is a bitter choice. It accounts for much of their anti-Western feeling and may well portend a prolonged period of world instability."

That is quite prophetic, isn't it? We see a period of world instability now, and how much has this energy imbalance contributed to it?

"How closely energy consumption is related to the standard of living can be illustrated by the example of India."

Then he goes back to the India of 50 years ago, where the people lived really a hand-to-mouth existence, where their infant mortality rate was four times ours and life expectancy for people less than one-half of that of industrialized nations. Fortunately, India is now industrializing, and these numbers are changing.

He says, "I think no further elaboration is needed to demonstrate the significance of energy resources for our future. Our civilization rests upon a technological base which requires enormous quantities of fossil fuels."

And this is a really significant statement. "What assurance do we then have that our energy needs will continue to be supplied by fossil fuels."

Let me repeat the question again. What assurance do we then have that our energy needs will continue to be supplied by fossil fuels? "The answer is, in the long run, none."

He saw this 50 years ago. There are a lot of people today in our country and in others also who, with the 50 years of history since Hyman Rickover, still don't understand that in the long run, there is no assurance that fossil fuels will meet our energy needs.

Then he goes on to say, "The Earth is finite. Fossil fuels are not renewable. In this respect, our energy base differs from that of all earlier civilizations."

A major report done by SAIC called the "Hirsch Report on Energy and the Energy Future" says that the world has never faced a problem like this, and Hyman Rickover understood that 50 years ago.

"In this respect, our energy base differs from that of all earlier civilizations. They could have maintained their energy supply by careful cultivation. We cannot. Fuel that has been burned is gone forever. Fuel is even more evanescent than metals. Metals too are non-renewable resources threatened with ultimate extinction, but something can be salvaged from scrap. Fuel leaves no scrap and there is nothing man can do to rebuild exhausted fossil fuel reserves."

Some of these quotes appear in the next chart.

"They were created by solar energy 500 million years ago and took eons to grow to their present volume. In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one respect."

Wow, I wish that our leaders could read this.

"The longer they last, the more time that we have to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift."

And in spite of increasing evidence from the engineering and scientific world, a large percent of our people and, unfortunately, of our leadership, are effectively in denial of this.

Then this next paragraph is just priceless: "Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare."

He is using this and talking about energy and our relationship to energy and how we are using it.

When we found this incredible wealth under the ground, and Admiral Rickover understood how incredible it was, we really should have stopped and asked ourselves the question, what can we do with this to provide the most good for the most people for the longest time? That clearly is not what we did. With no more responsibility than the kids who found the cookie jar or the hog who found the feed room door open, we just have been pigging out, and we want to continue to do that.

They asked me to vote to drill offshore and in ANWR, and I asked them, if you could pump ANWR tomorrow, what would you do the day after tomorrow? And there will be a day after tomorrow. I have 10 children, 15 grandchildren and two great grandchildren, so I really relate to this description of a selfish and irresponsible parent.

One of the writers has noted that future generations looking back on us may ask themselves, how could the monsters have done that? How could they have taken this incredible wealth without any thought for tomorrow and just gone through it?

Now the urge is just to find what little remains as quickly as we can. Where is the moral responsibility for our kids and our grandkids? Where is the moral responsibility for generations yet unborn?

"Engineers whose work familiarizes them with energy statistics; far-seeing industrialists who know that energy is the principal factor which must enter into all planning for the future; responsible governments who realize that the well-being of their citizens and the political power of their countries depend on adequate energy supplies; all these have begun to be concerned about energy resources."

Boy, if that was true then, why, something happened, because far too few people today are concerned about energy resources.

"In this country," he says, then 50 years ago, "in this country especially, many studies have been made in the last few years seeking to discover accurate information on fossil fuel reserves and foreseeable fuel needs. Statistics involving the human factor, of course, are never exact. The size of useable reserves depends on the ability of engineers to improve the efficiency of fuel extraction and use."

The next chart is one that I will spend just a moment on, because it really amplifies what he is saying. This is referred to as the oil chart, and you can get a very large one if you do a Google search for that, and this is simply an insert in it.

What this shows in the bars is the discovery of oil, and anyone who has been through a seventh grade math class knows that if you add up all of these little bars, you will have determined the total amount of oil that we have found. Indeed, if you make a smooth curve over them, the area under that curve will be the total amount of oil that we have discovered. The heavy black line here represents the oil that we have used.

Now, one thing is certain: You cannot use oil that you haven't found. So what will the future look like?

You can extrapolate from this chart, which shows that ever since about 1980 we have progressively used more and more oil than we have found. The discoveries of oil have been falling off. You see they started back there in the 1960s or 1970s. There were very large discoveries, and they have fallen off ever since then.

Now, there are those who would have you believe that we are going to find much more oil as all the oil which still exists, all the recoverable oil which still exists, and that is about half of what was ever found. This represents all the oil that was ever found, and the area under this use curve up, until this point, represents about half of that area under the curve.

So we have used about half of all the oil we have found, and there are some who would have you to believe that we will find as much more oil as all the oil which still exists that is recoverable.

"The size of usable reserves depends on the ability of engineers to improve the efficiency of fuel extraction and use. It also depends on discovery of new methods to obtain energy from inferior resources at cost which can be borne without unduly depressing the standard of living. Estimates of future needs in turn rely heavily on population figures, which must always allow for a large element of uncertainty, particularly as man reaches a point where he is more and more able to control his own way of life."

The next chart shows the estimates made by a number of different sources as to when we will reach that point where we can no longer increase the amount of oil that we are producing per day. As you can see, some of them have enormous uncertainties. Some have very little uncertainty. They are pretty sure when it is going to occur.

As you notice, the vast majority of them believe it is going to occur before 2020. Indeed, 35, I think, of the 45 oil-producing nations in the world have already peaked, and you may have noted an interesting article, upper right hand of the Wall Street Journal a week or two ago that the big oil field, the second largest oil field in the world, in Mexico, has declined 20 percent in production in the last 2 years.

"Current estimates of fossil fuel reserves vary to an astonishing degree."

It was true then; it is true now.

"In part this is because the results differ greatly if cost of extraction is disregarded; or if in calculating how long reserves will last, population growth is not taken into consideration; or, equally important, not enough weight is given to increased fuel consumption required to process inferior substitute metals. We are rapidly approaching the time when exhaustion of better grade metals will force us to turn to poorer grades, requiring in most cases greater expenditure of energy per unit of metal."

That really hasn't seemed to matter, simply because we have had so much energy available. The best iron ores in our country today I understand are the taconite ores with one-half of one percent iron. In years gone by, our iron ores were so rich in iron that you could literally smelt them in a backyard smelter. If you drive up into Frederick County just a few miles above my home, you will come to Catoctin Furnace and the hills up there in northern Frederick County were denuded making charcoal for that furnace. But we couldn't do that today, because the grade of iron is much too poor to smelt in a furnace like that.

The next chart shows a very interesting one, and I just want to read his comments relative to this:

"But the most significant distinction between optimistic and pessimistic fuel reserve statistics is that the optimists generally speak of the immediate future, the next 25 years or so, while the pessimists thinks in terms of a century from now. A century or even two is a short span in the history of a great people. It seems sensible to me to take a long view, even if this involves facing unpleasant facts."

What we have here is a very interesting chart. A little later, if time permits, we will read his discussion of the growth of civilization and how it is rapidly expanding now.

Actually, if this were a chart of the growth of civilization, it would not look much different than this, because civilizations have grown as energy has become available. This goes back only about 400 years. We could extend this line back here, this is burning of wood for fuel, we could extend it back another couple of centuries and you would still have about the same population. Very low population.

Then we discovered the industrial age with wood, and then coal, and then look what happened when we found gas and oil? The energy production just exploded, and, with that, the population. He has a very interesting discussion of population in a moment or two.

I want you to note on this graph what happened in the 1970s. The rate of rise of that curve before the 1970s gave us a stunning statistic. Each decade, the world was using as much oil as it had used in all of previous history. If you think about that, what that means is when you have used half your oil, just 10 years of oil at that use rate remains.

Now we are doing much better than that now, and you can see how this has tipped over and is following a different curve.

"For it is an unpleasant fact that according to our best estimates, total fossil fuel reserves recoverable at not over twice today's unit cost are likely to run out at sometime between the years 2000 and 2050."

So he was predicting that we would reach this point sometime in this half a century.

□ 2115

If present standard of living and population growth rates are taken into account, oil and natural gas will disappear first, coal last. There will be coal left in the Earth, but it will be so difficult to mine that energy costs will rise to economically intolerable heights so that it would then become necessary either to discover new energy sources or to lower standards of living drastically.

For more than 100 years, we have stoked ever growing numbers, and this is a poetic the way explains this. For more than 100 years, we have stoked ever-growing numbers of machines with coal; for 50 years we have pumped gas and oil into our factories, cars, trucks, ships, planes and homes without giving a thought to the future. Occasionally, the voice of a Cassandra has been raised only to be quickly silenced when a lucky discovery revised estimates of our oil reserves upward or a new coal field was found in some remote spot. Fewer such lucky discoveries can be expected in the future, especially in industrialized countries where extensive mapping of resources has been done. Yet the popularizers of scientific news would have us believe there is no cause for anxiety, that reserves will last thousands of years, and that before they run out, science will have produced miracles. Our past history and security have given us the sentimental belief that the things we fear will never really happen, that everything turns out right in the end, but prudent men will reject these tranquilizers, he says, and prefer to face the facts so they can plan intelligently for the needs of their posterity. Wouldn't it be nice if we were doing that?

Looking to the future from the mid-20th century, we cannot feel overly confident that present high standards of living will of a certainty continue through the next century and beyond. Fossil fuel costs will begin to rise as the best and most accessible reserves are exhausted, and more effort will be required to obtain the same energy from remaining reserves.

I suspect oil was $2 or $3 a barrel when he wrote this. Today it is over $60 a barrel.

It is likely also that fossil fuel costs will soon definitely be more expensive. Can we feel certain when economically recoverable fossil fuels are gone, science will have learned how to maintain a high standard of living on renewable energy sources?

I believe it would be wise to assume that the principal renewable fuel sources which we can expect to tap before fossil fuels run out will supply only 7 to 15 percent of our energy needs.

I would like to look at the next chart because he was really prophetic in what he said in 1957.

Here we have a chart that shows where we get our energy from. I use the analogy of a couple whose grandparents have died and left them a large inheritance and they now have established a quite lavish lifestyle where 85 percent of the money they spend comes from the inheritance and only 15 percent earnings. They note with their age and the amount of inheritance and the way they are spending it, it is going to run out before they retire. They either have to spend less or make more or a combination. I use that 85–15 because it is pretty precisely where we are relative to energy. So 85 or 86 percent of our energy comes from fossil fuels: Coal, petroleum and natural gas. And only 15 percent of it comes from what they call renewables, something other than these fossil fuels. More than half comes from nuclear here. So it leaves only 7 percent to come from the true renewables. And those that we will have to increasingly depend on in the future, and this is a 2000 chart, solar was 1 percent of 7 percent. That is 0.07 percent. So today it is 5 or 6 times bigger. Big deal. It is still less than 1 percent.

Wood waste products is from paper industry and lumbering. Waste energy is a really great idea, but remember that these enormous piles of waste are the result of profligate use of fossil fuels. In a fossil fuel deficient world, there will be diminished piles of waste. Wind can produce electricity at 2.5 cents a kilowatt hour, growing roughly at 30 percent a year, but when you start at 0.07 percent, it takes a lot of years to matter much.

Nearly half of all of this renewable comes from something we cannot increase in our country, that is major hydro. Micro hydro, where you are using energy from small streams, with small turbines, some guess it may produce as much as this, but that is thousands of these streams and energy produced locally for a home or a couple of homes. We cannot increase conventional hydroelectric because we have probably dammed up all the rivers we should have and maybe some we shouldn't have.

Alcohol fuel 1 percent, 0.07 percent. I would like to note a recent article in the Washington Post and I think I have a chart. Let's put that chart up.

This is the energy produced from corn by converting it into ethanol. I refer to the bottom first because this points out something that very few people know. Farmers know it because they are paying an enormous amount for nitrogen fertilizer. It is almost all produced from natural gas. Almost half of the energy used to produce a bushel of corn comes from nitrogen fertilizer, ordinarily produced from natural gas and little of it is in this country. It is produced where natural gas is stranded; that is, there is natural gas but not very many people to use it, and it is hard to transport. So they are using it to produce nitrogen fertilizer.

This shows a comparison what you get from petroleum and what you get from corn ethanol. They are noting here that you get 0.75 million Btus for every one that went in. This recent article in the Washington Post said if we use all of our corn to produce ethanol, that is no tortillas for Mexicans and no corn for our pigs and chickens, all of it for ethanol, and you discounted for the fossil fuel input, which this says is 75 percent, they used 80 percent, some would say it is 100 percent, we use as much energy if you cost all of the energy that goes into producing as you get out of it, but the article assumed 80 percent, that it would replace 2.4 percent of our gasoline. That is discounting it for the fossil fuel input. And they noted if you tuned up your car and put air in the tires, you would save as much gas.

So this points out some of the challenges we have. This is because of the enormous energy density in these fossil fuels.

One barrel of oil has the energy equivalent of the work output of 12 people for a year. That means in terms of work output, the energy you get from these fossil fuels from oil, represents hiring a man for $10 for a whole year. No wonder we have such a magnificent quality of life with energy this relatively cheap. Gas at $3 a gallon is still cheaper than water in the grocery store if you buy water in small bottles.

My next chart is one that Hyman Rickover referred to as more promise for nuclear fuels. I want to spend just a moment on some of his concerns for the sources of energy that we are lauding today. He says wood fuel and foreign waste are dubious as substitutes because of growing food requirements to be anticipated. He anticipated the tension between food and energy. In just 2 months last year, corn almost doubled from $2.11 a bushel to $4.08 a bushel, and tortillas went up in price for the Mexicans and my dairy farmers are going bankrupt because of the price of feed for their cattle.

Land is more likely to be used for food production than for tree crops. He was thinking of biomass. Farm waste may be more urgently needed to fertilize the soil than to fuel machines.

There is a lot of hype today about biomass, and it is worth noting that you will never get more energy from any biological source than you can by burning it. What we do in the other ways of using it is sometimes just a slow process of burning it, but you end up with the same product. You end up with carbon dioxide and water.

Our topsoil is our topsoil because of organic material, and his caution was if you keep removing this organic material, you are mining the soil and you will end up with poorer soil and not enough food production.

Wind and water power can furnish only a very small percentage of our energy needs. That was true then because we didn't have the big wind machines we have today that produce electricity at 2.5 cents a kilowatt hour, but that is such a tiny percentage of the total production it will take a long time to ramp up.

More promising is the outlook for fossil fuels. These are not properly speaking renewable energy sources, and let's take a look at this chart. We have finite sources here, and actually the second bullet looks at nuclear energy which is not really finite. Fissionable uranium may be. There is a limited supply of that in the world. That fuels the light water reactors that essentially every nation today uses for its electricity production. In France, it is 75 percent of their electricity.

In spite of that, we are still the largest nuclear energy producer in the world. It is only 20 percent of our electricity, while in France it is 75 percent of their electricity. We are so much bigger economy than France, quantitywise, we are the biggest producer of energy from nuclear today.

Let's look at the finite resources which he talks about. The tar sands, the oil shales, coal. There is more potential energy in the tar sands in Canada than all the oil reserves in the world. So why then aren't we complacent about the future because there is potentially so much energy there? And there may be more energy in the tides. The Moon lifts the whole ocean 2 feet a day. The problem is harnessing the energy, and we have a similar problem harnessing the energy in the tar sands. They are getting about a million barrels a day, a bit over 1 percent of the 84–85 million barrels a day of oil production. They have a shovel which lifts 100 tons. It dumps it into a truck that hauls 400 tons. They haul it to a cooker which I am told uses more energy from natural gas than they get out of the oil. The gas is stranded so it is not worth much in dollars and cents, and they are producing oil at about $18 to $25 a barrel and it is selling for over $60, so it is economically productive to do. But they know this is not sustainable because they will run out of the gas, and now they are thinking of building a nuclear power plant. But if you think of this as a vein, it is largely surface and they can do surface mining. But it will shortly duck under a heavy overlay, and they will have to develop a technology to develop it in situ, and they don't know how doable that is. There has been some experiments in doing that by Shell Oil Company. They believe it will be several years before they know if it is economically feasible for getting energy. So there are potentially huge amounts of oil available in the tar sands and the oil shales, but the big problem is the difficulty in getting them out.

We have a chart that I would like to look at that looks at coal because everybody is going to tell you not to worry about nature because we have got so much coal. Okay, we don't have that chart.

Let me talk about the coal chart. We have 250 years of coal. That is true at current use rates. But if you increase the use of coal only 2 percent, that 250 years drops to 85 years.

□ 2130

Well, a 2 percent increase doubles in 35 years. It's four times bigger in 70 years, and it's eight times bigger in 105 years, and we're talking about 250 years. So now our 250 years of coal shrinks to only 85 years if we are increasing its use only 2 percent, and we will certainly have to increase the use more than that as we find less and less readily available oil and gas.

But for most uses, coal is not very convenient. So we are going to have to convert it to a liquid or a gas, and that will use some of the energy of coal. So now it shrinks to 50 years, but the reality in today's world is that energy is fungible, particularly liquid fuel energy, and we're going to have to share that with the world. There's not much of a way not to share that with the world. If you do that, since we use 25 percent of the world's energy, that now reduces it to 12½ years.

Be very cautious when somebody tells you about a resource that will last so many years at current use rates. It was Albert Einstein I think who said that the most powerful force in the universe was the power of compound interest.

We are running out of time, and I wanted to get to another quote here from Admiral Rickover's speech because he was so prophetic in his speech. "In the 8,000 years from the beginning of history to the year 2000 A.D. world population will have grown from 10 million to 4 billion." He kind of missed that. We are what, over 6 billion today, but that is an enormous growth. "With 90 percent of that growth taking place during the last 5 percent of that period." It would be more than 95 percent because we are now over 6 billion rather than 4 billion. "It took the first 3,000 years of recorded history to accomplish the first doubling of population, 100 years for the last doubling, but the next doubling will require only 50 years." Matter of fact, it occurred in less than 50 years.

And then another chart from Admiral Rickover's talk: "One final thought I should like to leave with you. High-energy consumption has always been a prerequisite of political power. The tendency is for political power to be concentrated in an ever-smaller number of countries. Ultimately, the Nation which controls the largest energy resources will become dominant. If we give thought to the problem of energy resources, if we act wisely and in time to conserve what we have and prepare well for necessary future changes, we shall insure this dominant position for our own country."

Mr. Speaker, I wonder if Admiral Rickover would think that we have done that. "If we give thought to the problem of energy resources, if we act wisely and in time to conserve what we have and prepare well for necessary future changes, we shall insure this dominant position for our own country." That's the dominant position where you control a lot of the energy. We have only 2 percent of the world's energy. We use 25 percent of the world's energy. In a chart which shows the 10 largest oil containing countries we're not even near that.

Our oil companies, which pump a fair amount of oil, own very little oil. They are pumping somebody else's oil. The oil resources which we own in this country are very small. The largest, 70 percent, of all the resources of course are in the Middle East and northern Africa.

As I read this talk from Admiral Rickover, I was reminded of how wise and farseeing he was. He says, for instance, "It will be wise to face up to the possibility of the ultimate disappearance of automobiles, trucks, buses and tractors."

Let me read that paragraph. That's a pretty interesting paragraph. "Transportation, the lifeblood of all technically advanced civilizations, seems to be assured, once we have borne the initial high cost of electrifying railroads and replacing buses with streetcars or interurban electric trains."

He's talking about nuclear energy, which could be huge, compared to the rate at which we are using now which produces electricity. Of course, today we don't have much that runs on electricity. We have torn out all of our streetcar lines. We're now replacing what we call light rail, I think that's what streetcars were, and we are using railroads. Very little for transportation of people.

"But, unless science can perform the miracle of synthesizing automobile fuel from some energy source as yet unknown," and I thought here of our corn ethanol and we were going to get so much from that. That article says if we turn all the corn into ethanol, discounted it for fossil fuel input, it would displace 2.4 percent of our gasoline.

Well, I commend this reading of Admiral Hyman Rickover's speech to anyone who's interested in energy. He was really farseeing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ARCURI). All Members of the House are reminded to refrain from bringing to the attention of the House occupants of the galleries.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I come to the floor tonight to talk a little bit about the Nation's health care system, some of the challenges that face us and some of the successes that have happened in spite of the fact that they aren't generally noticed by the people who report on things.

Mr. Speaker, my career prior to coming to Congress was that of a physician. A lot of people will ask me how did we end up with the situation that we have, how did we end up with the system of health care that we have in this country? After all, Western Europe, we are not that much different from our Western European friends, and yet they have largely single-payer, double-fund systems, and why is the American system so different?

Mr. Speaker, there are a lot of reasons for that, but at the risk of oversimplification, if we look back to the days when the country was involved in the Second World War, of course President Roosevelt at that time had put in place wage and price controls in order to keep down trouble from inflation. Employers who were anxious to keep their employees working, and there was competition for the workforce that remained behind and was not called off to fight, in order to keep that workforce employed and to keep that workforce interested in working, and not being able to expand wages like an employer might like to do, they offered benefits.

They actually sought an opinion, and the United States Supreme Court ruled that health insurance benefits could be provided and would be outside of the wage and price controls. And in fact, a tax advantage was given for employer-derived health insurance, and it made the program popular, not only during the war years but in the years immediately after the Second World War.

While this country was undergoing a significant economic expansion, this type of insurance policy remained in effect.

Now, contrast that with Europe, and even though some countries in Europe had emerged victorious, others were vanquished. Their backyard was the site where that war was fought. They faced significant humanitarian issues if they did not quickly stand up health care systems and other social systems in order to take care of their citizenry. So, it was an entirely different landscape presented to the people who represented constituents in this Congress during the war years and immediately thereafter.

I reference an article from Health Affairs from December 2006, just a few months ago, an article by Dr. Einthoven who's been a prolific writer. I don't always agree with him but a prolific writer on health issues, and he talked about employer-based health insurance past, present and future.

Talking about the past, the most familiar aspect of employment-based insurance past is its rapid growth in the first three decades after World War II, the relative stability that followed for about a decade.

And then he talks about the declining coverage that has occurred since the late 1980s, the exemption of employer payments for health insurance from employees' taxable income, combined with substantial efficiency advantages of group over individual insurance, fueled a rapid expansion.

And he goes on to cite that by the mid-1950s, 45 percent of the population had hospital insurance. Coverage increased to 77 percent by 1963, and coverage peaked sometime during the early 1980s and, as he points out, declined in the late 1980s.

Lest anyone think that I'm in complete agreement with the article, he does end up his piece that the most likely trajectory in the near term is continued erosion of employer-based health insurance. In the long term, we think that the likely and most desirable income is replacement of job-based insurance with some form of universal health insurance that encompasses choice competition.

Again, we may disagree with his conclusion, and I will go through during the course of this hour some of the reasons why I do disagree with that conclusion, there are a number of things that would need to be taken into account.

But other things that we need to consider with this balance of the hybrid system that we have, the public and private, we do need to talk a little bit about the uninsured in this country, what's happening with the reauthorization of the State Children's Health Insurance Program, what's going to happen with the reauthorization of federally qualified health centers, a bill we took up last year but didn't complete before the end of the 109th Congress and will have to face again this year.

I'd like to talk a little bit about health savings accounts and some about association health plans. Of course, it is hard for me to talk about health care without addressing medical liability reform, and I do want to spend a few minutes on that in the hour that we have ahead of us.

One of the most pressing needs and one of the issues that is brought to my attention with increasing regularity is the whole issue of maintaining our physician workforce. We have a problem in the Medicare system as to how we reimburse physicians. So certainly physicians who are in practice are feeling that burden right now. We also have physicians in graduate education and young people who are perhaps thinking about whether or not they want to go into medicine as a career, and all of those aspects of the physician workforce I think require some of our attention.

Some of the things that the States are doing right now, things that are happening in Massachusetts, California, some recent developments in Illinois, indicate some of the efforts that are going on at the State level, and largely that's because of flexibility we provided to State governors when we passed the Deficit Reduction Act in December of 2005.

Other health care issues, if time permits, I'll try to get into. We talked a little bit about the trauma bill that was recently signed into law by President Bush 2 weeks ago, some aspects of transparency within the health care system, and how we are going to approach coverage for long-term care, particularly as the so-called baby boomers continue to move along in the demographic chain in this country.

Again, we talked about how we got this system that looks the way it does, the hybrid system that is a combination of both public and private systems. I referenced the activity that was going on right after the end of the Second World War.

Fast forward 20 years and a new system into effect in 1965 that was called the Medicare system primarily focused on coverage for hospitalization and some doctor services for elderly Americans.

In 1965, my dad was a doctor when Medicare came into being in 1965, and I used to tease him that in 1965 you only had two medicines, penicillin and cortisone, and you used those interchangeably. So it didn't really matter that you didn't have a prescription drug coverage when Medicare was first passed. I know he didn't think that was very funny either, but that is a discussion we have had on several occasions.

Now, 40 years later, 40 years after the enactment of Medicare, how different the world looks just from the standpoint of the pharmaceutical agents that are available in the physician's armamentarium to not only treat disease when it strikes but to prevent the disease from ever manifesting itself in the first place, for keeping that patient in the state of relatively good health and not coming in, sweeping in at the end stage when the disease has already struck and caused the heart attacks or caused some of the problems that happens with untreated or poorly controlled diabetes over a lifetime.

To be able to reach in and control those medical conditions on a chronic, ongoing basis ahead of time results in a reduction in the overall health expenditure for that particular disease for that particular individual, and you don't have to take my word for it.

The Medicare Trustees Report that came out about a week-and-a-half ago pointed out that in the year 2005 there were about 600,000 hospital beds that were not filled that were expected to be filled, and they were not filled because America's physicians are doing a better job of diagnosing conditions early and treating them early and keeping people out of the hospital when the full-blown effects of the disease might be manifest that in many cases can, in fact, be avoided all together.

□ 2145

So when we did the Medicare prescription drug plan back in 2003, it was a fairly lengthy and involved debate. I remember the President of the United States standing in this very Chamber during his State of the Union during 2003. Remarkable for me, because it was the first State of the Union that I got to see here as a new Member of Congress at the time. He said the issues facing Medicare are too important to be left to another President. The issues facing Medicare are too important to be left to another Congress.

So, this Congress, at that time the 108th Congress, was going to tackle the problem of providing prescription drug benefits to America's seniors. Heretofore, prior to that time, they had not been available. Arguably, there were some ups and downs with that, but the fact is today more American seniors have more access to coverage than at any time in Medicare's history. The coverage that is available to them is certainly vast and extensive.

Generally there are at least two medications in every one of the six major disease categories. I know Administrator McClellan worked on that very diligently in the years between the time the Medicare bill was passed and the actual rollout of the Medicare prescription drug plan. But that was simply setting the stage for the debate that continues today.

Who is better suited, is it the public sector or the private sector? Who is better suited to handle the health care of this Nation? Now, currently, the Federal Government pays for roughly half of health care in this country. I know I am oversimplifying, but the numbers actually back me up on this, the gross domestic product last year was approximately $11 trillion, and we spent $1.4 trillion on health care.

The Health and Human Services budget for Medicare and Medicaid alone was in excess of $600 billion. Add the Federal expenditure for the VA system, for the Indian Health Service, the Federal prison system, and you can see we are quickly going to be at that mark. It is about half of the health care expenditures in this country.

The other half is broken down with a significant amount, the lion's share, being covered by people who have traditional insurance, commercial insurance, HMO coverage and all the things that we generally associate with insurance in the private market, and then smaller amounts would be attributable to individuals who simply pay for their care out of their pocket, and are uninsured, but are available to pay for their care.

There is no question that there is some care rendered in this country, no doubt about it, given by the good graces of either the hospital or the doctor involved, so-called charitable care or uncompensated care, which does account for a significant amount of the care given in this country.

Well, what is the best way, this tension between public and private. Should we expand the public sector? We are going to have that debate in a big way, probably in the months to come regarding the expansion of the public sector, the public side of health care.

Certainly we can look to Canada as an example of a country that has done, essentially done away with the private practice of medicine and put a publicly funded payment plan in place. But even the Canadian Supreme Court a few years ago said that, you know what, access to a waiting list is not the same thing as access to health care. They acknowledge some of the problems that exist in the system, some of the problems that exist within the Canadian system.

The British National Health Service, again, I go back to my comments earlier about the time during World War II and its immediate aftermath, the British National Health Insurance came on the scene earlier in the last century, and has evolved essentially into a two-tier system. You have patients who are taken care of in the National Health Service, to be certain, and everyone has coverage to the National Health Service. But, again, there may be issues with waiting times, there may be an issue to waiting to see the practitioner or the specialist that you wish to see. As a consequence, some of the most expensive health care available today is in the private system that exists, that coexists, with the British National Health Service.

Another aspect to that that is troubling to some people because of the wait. How long is it reasonable to ask someone to wait for an artificial hip replacement, for example? Certainly some of the studies done at the National Institutes of Health have shown that with today's minimally invasive surgery, and the in-joint replacement surgery, the savings to the economy are significant because of the minimization of the lost days of work, the lost productivity by a worker who is having a problem.

But, if you have to wait, as in some systems you do, if you have to wait 1 month, 2 months, 3 months, is that such a big deal; 6 months, going on a year? Well, I would submit that if a patient is in their 70s or 80s, that length of time is a significant electricity of time and, in fact, may increase the morbidity and, in fact, the mortality of people who are suffering from those types of diseases. So those systems are not inherently fair if someone is in their seventh or eighth decade of life, or they may not survive the wait for the care that is involved. So, expanding the private sector, is that the answer? I don't know if it's the entire answer, but it's certainly a big part of what must be the ultimate answer that we come to.

I would reference what has happened with medical savings accounts. They just turned 10 years old last year. The Kennedy-Kassebaum Act was passed in 1996. I was a practicing physician at the time with no thought of ever running for Congress, but I knew I wanted a medical health savings account as soon as I could get one.

In fact, 750,000 policies was the cap placed under the Kennedy-Kassebaum legislation. I was significantly concerned that I would not be able to get signed up for one before the cap was reached and no more were available. Turns out, I needn't have worried, because the cap was never fully prescribed because of some of the restrictions that were placed on the old medical savings accounts that were the original type of policy that was available.

In my home State of Texas, because of the restrictions placed on insurance carriers, only two carriers were really interested in providing what might be regarded as an account, a high deductible account, that could be coupled with a medical IRA or a medical savings account, which would continue to earn interest, be available to pay that high deductible if someone got sick, but in the event that it was not required to be used, would grow over time.

These were pretax dollars that were put away into the savings account, again, much like an IRA, but the only difference being that these dollars would be earmarked, and I realize that's a bad word, but these dollars would be sequestered only for paying for medical care.

Well, that changed in 2003 with the advent of the health savings accounts, as we passed the Medicare Modernization Act. Health savings accounts today are accounting for a significant number of policies, and I don't have the most recent statistics at hand, but 3- to 4 million policies that have now been obtained, and about 40 percent of the people who have a health savings account today previously lacked health insurance coverage.

Now, one of the great things that I tell, particularly younger audiences, when I address them about health insurance, 1994, trying to buy a health insurance policy for someone who was not employed, someone who didn't get their insurance through their employer, just wanted to go out on their own and get a policy that would provide them coverage, if they needed it, and pay for it themselves.

Number one, they are paying for it with aftertax dollars, so that's a more expensive way to go about getting insurance, but the other thing was, in 1994, you couldn't get it at any price. It just was not available. I know this, because I attempted to buy a policy for a family member who was not working at the time, but I thought needed insurance coverage.

Well, fast forward by 10 years. A young American getting out of college today, 24, 25 years old, now not able to be carried on his parents' insurance any longer, wants to go into business for himself or herself, wants to be a entrepreneur, wants to take part in the American dream but also wants to do the responsible thing and have health insurance. That individual can go to the Internet, go to the search engine of choice and type in "health savings account."

Very quickly, they will find a vast array of insurance products that are available to them at a high deductible, PPO product, may cost in the range, in my home State of Texas, for a male, age 25, nonsmoker, those premiums are going to be in the range of about $65 a month. It is eminently affordable for someone just getting out of college who wants to do the right thing and have that insurance coverage. Moreover, if they want to further do the right thing and save some money towards that high deductible, should they ever be called on to make that expenditure, those monies can go into that account as pretax expense, and they will grow tax deferred over the life of the account.

Now, why is that significant? It's significant in that, correct, it's a high deductible policy. So if that person needs a flu shot, their insurance is not going to cover it. That is going to be contained within the deductible. Yes, they will, in all likelihood, either pay for it out of the money they have held in the health savings account, or they may just choose to pay for it out of pocket.

But, if they have a motorcycle accident some night and wind up with an evening in the emergency room, and 3 or 4 days in the intensive care unit, and face a hospital bill of $15- to $25,000, guess what, that bill is going to be covered. That is a significant difference from what was available in this country in 1994.

I would also reference the expansion of, well, you think, gosh, that high deductible policy, if you need anything more than a flu shot, who is going to want that because the cost of health insurance is so high, or the cost of health care is so high?

In today's Wall Street journal on the back page, the op ed page, there's an article about customer health care. One of the things it talks about is the growth of so-called minute clinics or urgent care centers. Quoting from the article now, written by Grace-Marie Turner, these new retail health clinics are opening in big box stores and local pharmacies around the country to treat common maladies at prices lower than a typical doctor's visit, and much lower than the emergency room, no appointment necessary, open daytime, open evenings, open weekends, most do take insurance.

Prices vary from services like from flu shots from $15 to $30 to care for allergies, poison ivy, pinkeye, $50 to $60 and tests for cholesterol, diabetes, less than $50. Competition is already starting to drive these prices down.

So there we have some good news. We have the health savings accounts, which are now available and sold on the Internet, and that competition has driven those premiums down, and we have the growth of people who are providing care for someone who is willing to pay for it out-of-pocket, whether they be someone who just wants to have the convenience of a walk-in clinic, or someone who perhaps has one of the consumer oriented products, one of the high deductible products, and wants to, is shopping around for that bargain in health care. Now there are other options available that weren't there before.

Other things to talk about within the private sector, association health plans, that's legislation that we have passed before in this House, both in the 108th and 109th Congress. Clearly, we need to take a look at that again in this Congress.

Association health plans allow groups of employers who have a similar business model to band together and buy insurance in the larger group market to take advantage of some of those economies of scale that may be gleaned by a larger employer, make those available to small businesses as well. Again, we have passed that legislation twice in the House of Representatives, in the 108th and 109th Congress, and something that we do need to consider taking up again this year.

When I talk about consumer oriented health care, when I talk about the health savings accounts or the growth in health savings accounts, one of the things that is so important for consumers, if they are going to be educated consumers, if they are going to make informed decisions about when and how they purchase their health care, we are going to have to make more information available to people to rationally make those decisions.

Information about cost, price and quality is going to have to be more generally available, and I recognize that there is a value in opacity, or it wouldn't have developed in the first place, but more information available to the health care consumer. In fact, in my home State of Texas, this recently has happened with hospital charges.

In all except for the smallest of hospital markets, an individual can go to a Web site, txpricepoint.org, and find out information about the hospitals in their area for given classes of hospital care, childbirth, for example, fixing a broken leg, for example, with or without complications, all listed there. Very quickly you can get information about how hospitals in the area compare and how the hospitals compare with other hospitals statewide that are of similar size and have a similar patient mix.

This is just the first step in providing that information. I recognize there is only so much that can be gained from looking at the overall hospital charge for a particular diagnosis, but as more information becomes available, and as more information is placed up and available on these Web sites, consumers are going to be able to make more informed choices about how they spend their health care funds.

One of the biggest problems ahead us and one of the biggest problems we have to tackle is the uninsured.

□ 2200

Currently the United States Census Bureau says that there are over 46 million people who lack health insurance in this country. And I know we can have the arguments about who is represented in that 46 million and that there are some people who lack insurance only during part of the year. But they're still counted toward the total number. But the reality is it is a significant number of Americans who lack health insurance.

As a physician, first, I will be the first to point out that having no insurance does not equate to having no access to health care because every physician can tell you about cases they've had where reimbursement either never arrived or they just simply did the case knowing that the person was uninsured and no reimbursement would be forthcoming.

But I think we also recognize that delivering care in that manner, it is not always delivered in the most timely of fashions, and you don't always get your best health outcome.

Now, one of the solutions that we will have to deal with in Congress is the reauthorization of the Children's Health Insurance Program. Again, that program is 10 years old and had a 10-year reauthorization requirement upon it.

It's not different from Medicaid. It's not an entitlement. It is a block grant to States to provide coverage for uninsured children within that State. It does provide flexibility for the States to determine standards and providing health care funding for those children who are not eligible for Medicare, but whose parents truly cannot afford health insurance.

The bill, when we work on that in committee, there are several things that I think are important that we do need to look at. One the problems of course we have run into with S-CHIP is that some States have found themselves in a shortfall situation. And one of the things that is troubling about the reason some States are in a shortfall situation is that they are covering adults and not just children.

Now, providing health care insurance or providing health insurance for children is less expensive than providing health insurance for adults because children obviously, are younger, they tend to be healthier, they tend to get better quicker. And although there are some illnesses that are particular to children, in general, the children's population in this country tends to be very healthy. And if you provide a modicum of health insurance and a modicum of prevention on top of that population, they are going to be even healthier still.

So States that cover adults as well as children, if a State is not covering all of the children that it could cover under its S-CHIP program, perhaps it's not a good idea to be covering adults, non-pregnant adults. Pregnancy should rightfully be covered under an S-CHIP program.

And, in fact, Mr. Speaker, there are four States that cover more adults than children. And I do hope we will look at this when we take up our S-CHIP reauthorization in our Energy and Commerce Committee, in the Subcommittee on Health, I certainly hope we will look at that.

One of the ongoing arguments with the Children's Health Insurance Program is, do we tend to drive out the private sector by the State taking on the burden of insurance children whose parents make too much money for Medicaid but not enough money to provide them health insurance.

If an individual has insurance through their employer, but they cannot afford the dependent coverage that the employer offers, and therefore don't take advantage of that dependent coverage that the employer offers, we should allow the flexibility for S-CHIP funds to be used to purchase that, or at least buy down the cost of that dependent coverage. We'll leverage our S-CHIP dollars so that they go so much further if we will do that.

Indeed, we heard testimony in a hearing the other day from an individual who said that as much as 10 percent of a State's S-CHIP funding may be used for so-called premium support. And if that is the case, I think we need to, but most States find that that is a program that is not well subscribed to. So we need to get that information out there. And if we need to make more dollars available for that type of premium support, then, indeed we should do that.

Now, that's not going to take care of all the problems within S-CHIP, but we certainly don't want to crowd the private sector out with a Federal program or a State program because there is value, I believe, in keeping the private sector involved and invested in providing health care for children.

A number of other things we could do during the authorization of that bill, it's a great opportunity to perhaps expand some of the health information technology that everyone talks about but no one ever seems to be able to get done, and the opportunity for providing some demonstration projects in, say, two or three States, a large State, a small State and one somewhere in between might provide us some of the background, some of the tools, some of the data that we need to be able to make rational decisions when it comes to health information technology, and to also get some of the advantages that's going to come from a well-functioning information system that provides almost instantaneous feedback on what things are working, what things aren't, where can we best spend our health care dollars so we maximize the return on the taxpayers' investment.

These are just a few things that I hope we'll take up when we have the opportunity to look at that bill in committee. It will be of necessity. That has to be reauthorized before the end of the fiscal year, and I feel certain that Congress will do that.

Federally qualified health centers I've already referenced. We did do the reauthorization last year, but that did not get completed before the end of the 109th Congress. I trust that we will take that up again this year. That is an important program that does provide a medical home and does provide an insurance equivalent to 15 million Americans. 15 million uninsured individuals actually have a medical home and continuity of care and identified provider through a federally qualified health center.

And one of the things that we talk about, relief of mandates on private insurance, one of the things that always gets my attention is that we seem to have so much difficulty when we sit down and talk. And we saw this last year in our Health Subcommittee. When a bill was put forward to allow insurance companies to sell insurance that didn't have all the mandates that some States will put on an insurance policy, and we had a dreadful fight about that one, it went late into the night. And a lot of hard feelings were expressed during the debate on that bill.

But the fact is, not in this Congress, not in the last Congress, but several years ago, Members of Congress came together and agreed on the types of benefits that should be covered in a basic package, and those benefits are the benefits that are mandated to be covered under a federally qualified health center. Any community that wants to petition for a federally qualified health center will have to show that they are going to provide at least this level of care for an identified number of illnesses or ailments.

And it seems to me, if we could extrapolate that experience from the federally qualified health center legislation that, again, is almost 35 years old, if we could extrapolate that cooperation that had to have been required to get that legislation up and moving over 3 decades ago, perhaps we could come together on the basic package of benefits that should be available in an insurance policy that's going to be sold in the private market.

I have trouble understanding that a private insurance company would not look at 46 million people as potentially market share if they had a product that people could afford to buy. And I do think that's one thing that this Congress does need to take up.

Health savings accounts I've already talked about. There are some additional improvements that we can make to health savings accounts, although they have been improved significantly in 2003 with the Medicare Modernization Act.

The HSA, the so-called flexible spending account or the health reimbursement arrangement that an employer may provide, a flexible spending account of course is money that an employee may sequester, pre-tax, and use that money on health care expenditures, but if they don't use it by the end of the year it goes away. It disappears, the so-called use it or lose it phenomenon.

Similar situation with the health reimbursement arrangement. If an employer is willing to provide additional dollars to take care of an employee's health care, why not allow those dollars, if they're not used at the end of the year, to become a part of that employee's health savings account, to become part of that medical IRA, to be able to grow over time?

We already heard the previous speaker reference Einstein's comment about the miracle of compound interest. And this is exactly the type of power that we could tap into if we were to be able to increase the amount of money that either the employee or the employer could put into that savings account that will be dedicated exclusively for that person's health expenditures.

Some of the other improvements that we could make in health savings accounts would be allow individuals to purchase their health savings account with pre-tax dollars. That would leverage so much more, the purchase of so much more insurance, even for someone in a relatively modest 15 or 20 percent tax bracket. They'd still be buying their insurance with 80-cent dollars, and that means that their insurance, that part of their budget that they allow for insurance, would go a great deal farther.

Perhaps we could allow early retirees to pay some of their continued premiums out of money they've saved in a health savings account. There is lots of flexibility that we could build into the program, and I believe that we've only just started to tap into the power that is available, the power that we can put in the health care consumers hands to be able to provide for themselves and their families with this type of insurance.

Again, I had a medical savings account when they first became available back in 1996. The reason I did it wasn't because I got to have an additional IRA, though that was a great benefit. But the main reason I did it was because it left me in charge of health care decisions. I didn't have to dial 1-800-California and talk to an HMO director somewhere. I was in charge of the expenditure of those medical dollars, and I made the decisions for myself and my family. And realistically, that is a lot of power that we should put back in the hands of the health care consumer.

Well, a lot of the things that we've talked about so far, about the public and private, the creative tension, if you will, that exists between the public and private aspects of providing for health care in this country. But one of the things that I've referenced before, and I think we do need to spend a few minutes on, is we've got to be careful we don't put the cart before the horse, because if we are not careful, this country could face a significant shortage or a significant crisis in manpower, in physicians, in nurses, in other health care providers, other people that we rely upon to give us the health care that we need when we need it.

We need to ensure that doctors in practice today, those at the peak of their clinical abilities, aren't driven out of the system by decisions that we make here in this Congress. And we need to make certain that the best and brightest that are in training programs now, and those that may be looking at going into medicine or nursing as a career, that we don't, because of our decisions in this Congress, that we don't drive them out of, we don't drive them away from their career goals.

Now, about a year and a half ago, Alan Greenspan, just before he retired as the Chairman of the Federal Reserve Board, was talking to a group of us one morning and talked about, someone asked him a question about the, being able to afford Medicare in the future. And he said, yes, he was concerned about that. But he felt certain that when the correct time came, Congress would deal with how to pay for Medicare.

He said, what concerned him more was, is there going to be anyone there to deliver the services when you want them. And those were words that really stuck with me, because I'm afraid if we don't take some steps to acknowledge and encourage the health care work force in this country, we may find we get to that point where a substantial number of baby boomers have retired and we face manpower shortages, and then it's going to be very difficult to deal with the situation. So I do encourage us in this Congress, just like the President said when he talked about Medicare. It's too important to wait for another Congress. We need to take up those issues in this Congress and deal with them.

Now, perhaps one of the most striking things that we have to deal with every year since I've come to Congress is in the Medicare system we get toward the end of the year, and physicians in part B of Medicare face a 5 percent pay reduction. And every year, they become very concerned about that. And every year, except 2002, we've come in at the last minute and done something to help.

Now, it may be nothing more than just holding off the cuts for that year, but we come in at the 11th hour and do something to help.

Last year, in an effort to prevent that from being an 11th hour decision, I introduced a bill, 5866, to do away with the formula under which physicians are paid. And not to go into too much detail, Mr. Speaker, but when you look at Medicare part A, part C and part D, hospitals, HMOs drug companies, each year get, if you will, a cost of living adjustment, a market basket update that increases the reimbursement for each of those three entities.

□ 2215

Physicians, for whatever reason, are treated differently, and there is a finite number of dollars allocated for the part B expenditure; and the more people who put claims in against that finite number of dollars, the thinner the slices of pie are that are ultimately distributed to the providers.

So Congress's attempt many years ago to control Medicare expenditures by controlling volume and intensity of services has created this system, which every year causes a significant amount of strife not only for Members of Congress, not only for practicing physicians, but just tension in general in the medical profession that, since Congress doesn't value the work that we do, maybe we ought not to work for Congress any longer. And I hear that frequently when addressing groups of physicians. And, of course, this time of year, Mr. Speaker, as you know there are a large number of physician groups through town.

So last year I introduced 5866 that said let's do away with the SGR; let's replace it with the Medicare economic index. That is not some formula that I was smart enough to think up. That is basically a market basket index, a cost-of-living update that would occur for expenditures under part B of Medicare. And this formula was worked out by the MED PAC folks many, many years ago. And a lot of physicians asked why we don't use the Medicare economic index. The main problem with going from the SGR to the Medicare economic index is it scores as an extremely high expense when the Congressional Budget Office looks at the bill and says this is how much it costs to do it. In fact, last year when I introduced 5866, the cost of going from an SGR formula to the Medicare economic index minus 1 percent was about $180 billion, and it was just a bridge too far, a hill too high, and we didn't get that done.

This year, for me, it is not just about looking at the Medicare payment problems but also looking at physicians at the beginning of their time in the workforce as well.

But getting the Medicare payment policy right has to be one of the main pillars, one of the main things that we do to effect reform that stabilizes the physician workforce. So paying doctors fairly will increase the career of many physicians who will either opt out of the Medicare system altogether or perhaps seek early retirement, or you never know. They might run for Congress. But principles of the bill that I am introducing this Congress will eliminate the SGR, but it is going to eliminate it in 2 years' time rather than this year. And I know that is a point of contention for a lot of people, but the reality is we are not allowed to look at dynamic scoring.

The Congressional Budget Office simply looks at a static model and tries to make predictions on the future with that static model, and by law we are not allowed to use dynamic scoring. And yet in the Medicare Trustees Report that I earlier referenced, 600,000 hospital beds were not filled in this country because of the things that doctors are doing in their offices, in their ambulatory surgery centers, in their outpatient imaging centers. These were dollars that were savings to part A; but, actually, the reimbursement for those was drawn from part B. So if we could somehow gather and collect and sequester those savings that are happening every day from part A and offsetting the cost of the ultimate repeal of the SGR formula, perhaps we could get to a number that would be much more workable.

Additionally, there is the audit enforcement that has increased lately. The Inspector General of Health and Human Services came and talked to our Oversight and Investigations Committee earlier this year, and they talked about the dollars that they were recovering in various areas of Medicare. These dollars that are recovered were stolen from part B; so these are not dollars that go to the Department of Justice or the Department of Health and Human Services in some other form. They go to part B to offset the expenditure for repealing the SGR. And I think if we will collect and allocate and sequester those funds and use those against the scoring for repealing the SGR, within 2 years' time we should have a significant dollar amount to be able to use to offset the expense of the SGR repeal.

Now, in the meantime, yes, it is necessary to protect physicians who are practicing against the cuts that are already programmed to happen in the SGR formula for 2008 and 2009, and I would propose voluntary reporting, voluntary health information technology upgrades, and if a doctor or medical group is willing to do that, they could achieve as much as a 6 percent bonus payment for those 2 years to offset the reduction in payment that would come about as a result of the SGR formula. But the reality is that if we don't put a premium on prevention, if we don't put a premium on timely treatment of disease, and if we continue to drive mature physicians out of the workforce, we are probably not going to get our best fiscal results with the Medicare program, not to mention our best medical results.

Well, what about the other aspects of the physician workforce? What about graduate medical education? And currently we know we are going to need more physicians in primary care, OB/GYN, pediatrics, those specialties that are devoted to treatment of aging individuals. And it only makes sense to increase the number of residencies, particularly in or near communities where the need is the highest. So high-need areas with high-need physician specialties is something that we could bring together and allow hospitals that haven't previously offered a residency program the ability to do that.

We know, for example, in Texas that a physician who trains is likely to practice within 100 miles of where that training occurred. We are losing Texas-educated medical students who are going to other parts of the country for their training and they are not coming back to Texas, and the same thing is happening in other States as well. In an effort to deal with that, if we were to allow medium-size hospitals to start up residency programs, provide some Federal grants and loans for these residency programs to start up, it would encourage physicians to be in practice in high-need specialties in medically underserved areas for those high-need specialties.

Now, further expanding that to the younger individual who is perhaps thinking about a career in medicine, if we expanded the old health profession scholarship loan concept and provided loan forgiveness, provided tax forgiveness for individuals in medical school, in training, who are willing to go and serve after their training is complete in a medically underserved area in a high-needs specialty, and again, family practice, pediatrics, OB/GYN, and gerontology would be the specialties that immediately come to mind; so all three aspects, keeping the physician workforce of today involved and providing care to arguably that group of the population that is our most challenging, our senior citizens, providing help to physicians who are in training today, and providing some additional help for young people who are looking at medicine as a career but might be concerned about their ability to deal with the large number of dollars that they would owe at the end of that training, to provide some loan forgiveness and some tax incentives for these individuals to, indeed, practice in medically underserved areas in high-need specialties.

Well, I almost can't talk about reform in the Nation's health care system without at least talking briefly about medical liability reform. We have passed medical liability reform in both the 108th and 109th Congresses. We passed it, in fact, a couple of times in each Congress. And this medical liability reform, H.R. 5, that we passed in this Congress in my first months here, in March of 2003, was legislation that put a cap on noneconomic damages in medical liability lawsuits. Modeled after the 1975 Medical Injury Compensation Reform Act from California, this legislation was scored by the Congressional Budget Office as a savings of $15 billion over 5 years back in 2003 when this was first proposed by Congressman Greenwood of Pennsylvania. A savings, Mr. Speaker, and we held many hours to spend looking for savings that the Congressional Budget Office would allow us to credit against additional spending. Well, here was savings that we essentially just walked away from.

Now, in my home State of Texas, we passed a medical liability reform in 2003 for the State of Texas that has been enormously effective in keeping physicians in the State. Previously, physicians were leaving the State. Keeping insurance companies providing the coverage in state. We had gone from 17 insurers down to two the year I first ran for Congress in 2002. And now we are back up to 13 and 14. And, most importantly, those insurance companies that stayed and those that have come back to the State have done so without increasing their rates. And over all, Texas Medical Liability Trust, my last insurer of record before I left my practice at the end of 2002, has dropped their premiums for their medical liability insurance by 22 percent since this law was passed in September of 2003. And mind you Texas Medical Liability Trust in the State of Texas was increasing my premiums by 20 to 50 percent each year for the 3 years preceding 2003. So a real victory as far as providing some relief in medical liability premiums.

The real beneficiary of this law when it passed has been the smaller or the midsize community not-for-profit hospital, and these hospitals, largely self-insured, have now found millions of dollars that have come back to their bottom line that they are able to use to reinvest in capital expansion, to pay nurses' salaries, exactly the type of thing that you want your smaller community not-for-profit hospital to be doing.

So this is important legislation that passed in Texas. I have drafted legislation that essentially copies the Texas law. The Texas law was a little different from what we passed in this House that never got through the other body. The cap on noneconomic damages in the House-passed bill, H.R. 5 in 2003, was a $250,000 cap on noneconomic damages. The Texas plan actually trifurcates the cap. There is a $250,000 cap on noneconomic damages in regards to the physician, a $250,000 cap for noneconomic damages for the hospital, and an additional $250,000 cap for a second hospital or a nursing home if one is involved. So basing off the Texas plan, I think, could give us at least room for discussion about how we might provide some stability, some fairness in our medical justice system in this country.

□ 2230

Other things that we have talked about in our committee, we have had hearings on concepts like arbitration and mediation, the concept of an early offer, where a medical entity, be it a doctor or hospital, could make an early offer to an injured party or a family that would put the reimbursement or the cash in the hands of the person who is injured much more quickly. The current system that we have doesn't do a good job of delivering dollars to people who are injured. And the time it takes, average 8 years time, between the injury and the time of any payment or any settlement is further injury to the person who has already suffered something.

Now, we do need to look at how we structure reporting to the National Practitioner Data Bank if we were to have the concept of an early offer. But again, it's something we talked about and had testimony about in our Subcommittee on Health and I think is something that is worthwhile for us to consider.

One of the other things that I just want to bring up because it is so important, we passed the Deficit Reduction Act in December of 2005. A lot of stuff has been written about the Deficit Reduction Act, but one of the little noticed things about the Deficit Reduction Act was it did allow of State Governors a good deal more flexibility to do things within their State if they thought they had a plan that would provide more people with insurance coverage. And of course the prototype is the Massachusetts plan that has been talked about so much. And I recognize that there are plenty of things that you can talk about in Massachusetts that would not extrapolate to my home State of Texas, but still it is a significant feat where a Republican Governor working with a Democratic legislature and State senate could get this legislation through. Now, the proof is going to be in July, when the program actually takes effect and we will see how well it works. But you have also seen California and Governor Schwarzenegger talk about providing a similar sort of plan in his State. Jeb Bush, before he left office in the State of Florida, had additionally a plan for covering more people and providing people more coverage with the dollars that were being spent under the State's Medicare program; again, all because of the flexibility that was brought by the Deficit Reduction Act.

We recently saw in Illinois where a bold attempt at universal coverage did not pass the State legislature. And there I think the issue was largely because of the gross receipts tax and not so much the health care aspects. But nevertheless, many States are tentatively trying to see if there may be some system that works better in their State. Again, the one-size-fits-all philosophy may not be in the best interest of every citizen in every State.

The States taking the lead in crafting new approaches I think are reasonable attempts, and I think these are attempts that should be encouraged by this Congress and not discouraged by this Congress.

Mr. Speaker, I realize that the information that I've been talking about tonight, some of it is technical and complex, some of it is confusing, there are some topics that some people do not even want to think about, but we are in a debate this year, next year, the year after that will forever change how health care is delivered in this country. The decisions we make in this body over the next 12 months, 36 months time are going to affect the health care of our children, of our children's children. And it is important to talk about it, it is important to debate it and it is important to get it right. We must understand the things that are working in our system and the things that are not. Fix the things that are not, and encourage the things that are working.

The only way, I believe, is to keep the public private partnership that has developed in this country since the end of the Second World War, to keep that working for providing health care for the American people; plenty of places where it can be improved, and we are obligated to work on those improvements. But to simply scuttle the system because someone thinks they have a different idea, well, we saw what happened back in 1993, the enormous upheaval that happened in this country where people really got concerned about whether or not their doctor would be there and able to see them if they got sick. We want to reassure the American people that, indeed, their doctor will be there, their hospital will be there. And keep the thriving private sector, keep the growing public sector and allow that creative tension that exists between the two to expand coverage for more Americans, and most importantly, so that we keep it affordable for our children, our children's children and into the future.

Mr. Speaker, it has been a long day. Many of us traveled today. And I appreciate your indulgence. I am going to yield back whatever time is remaining.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARNEY (at the request of Mr. HOYER) for today.

Mr. ENGEL (at the request of Mr. HOYER) for today and the balance of the week on account of a family medical emergency.

Mr. GUTIERREZ (at the request of Mr. HOYER) for today and until 3:00 p.m. May 15.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of personal business.

Mr. WHITFIELD (at the request of Mr. BOEHNER) for today on account of attending a funeral.

Mr. CRENSHAW (at the request of Mr. BOEHNER) for today on account of business in his district.

Mr. WAMP (at the request of Mr. BOEHNER) for today on account of family health reasons.

Mr. EVERETT (at the request of Mr. BOEHNER) for today on account of business in his district.

Mr. PITTS (at the request of Mr. BOEHNER) for today and May 15 on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SOLIS) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. WELCH of Vermont, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

(The following Members (at the request of Mr. DAVIS of Kentucky) to revise and extend their remarks and include extraneous material:)

Mr. MCCAUL of Texas, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, May 15.

Mr. POE, for 5 minutes, May 21.

Mr. BURTON of Indiana, for 5 minutes, today and May 15, 16, 17, and 18.

Mr. DAVIS of Kentucky, for 5 minutes, today.

Mrs. BLACKBURN, for 5 minutes, today.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 15, 2007, at 9 a.m., for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter of 2006 and the first quarter of 2007, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CINDY M. BUHL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 2 AND MAR. 5, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. James P. McGovern (MA–3)	3/2	3/5	Colombia	1,845,600	828.00		1,590.00			1,845,600	$2,418.00
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CINDY M. BUHL, Mar. 22, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. FRANK R. WOLF, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 29 AND APR. 4, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Frank Wolf		3/29	USA				9,176				
	3/30	4/1	Syria		500						
	4/1	4/1	Jordan [3]								
	4/1	4/3	Israel		794						
	4/4		USA								
Committee total					1,294		9,176				10,470

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Pass through.

NOTE: Airline ticket price includes flight from Syria to Istanbul that was changed and then Istanbul to Israel.

FRANK R. WOLF.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DANIEL F. SCANDLING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 29 AND APR. 4, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Daniel Scandling		3/29	USA				9,176				
	3/30	4/1	Syria		500						
	4/1	4/1	Jordan[3]								
	4/1	4/3	Israel		794						
	4/4		USA								
Committee total					1,294		9,176				10,470

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Pass through.

NOTE: Airline ticket price includes flight from Syria to Istanbul that was changed and then Instansbul to Israel.

DANIEL SCANDLING, Apr. 23, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. YVETTE D. CLARKE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 16, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Yvette D. Clarke	4/14	4/15	Grenada								842.16
	4/15	4/16	Trinidad								
Committee total											842.16

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

YVETTE D. CLARKE, Apr. 30, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NATO PARLIAMENTARIAN ASSEMBLY WINTER MEETING IN BRUSSELS, BELGIUM, FOLLOWED BY ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD) MEETING IN PARIS, FRANCE; AND BILATERAL MEETING IN ROME, ITALY AND RAMSTEIN AIR FORCE BASE, GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 17 AND FEB. 25, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Tanner	2/17	2/20	Belgium		1,671.06		(3)				4,129.05
	2/20	2/22	France		1,069.03						
	2/22	2/24	Italy		1,172.96						
	2/24	2/25	Germany		216.00						
Hon. Melissa Bean	2/17	2/20	Belgium		1,671.06		(3)				4,129.05
	2/20	2/22	France		1,069.03						
	2/22	2/24	Italy		1,172.96						
	2/24	2/25	Germany		216.00						
Hon. John Boozman	2/17	2/20	Belgium		1,671.06		(3)				4,129.05
	2/20	2/22	France		1,069.03						
	2/22	2/24	Italy		1,172.96						
	2/24	2/25	Germany		216.00						
Hon. Ben Chandler	2/17	2/20	Belgium		1,671.06		(3)				4,129.05
	2/20	2/22	France		1,069.03						
	2/22	2/24	Italy		1,172.96						
	2/24	2/25	Germany		216.00						
Hon. Jo Ann Emerson	2/17	2/20	Belgium		1,671.06		(3)				4,129.05
	2/20	2/22	France		1,069.03						
	2/22	2/24	Italy		1,172.96						
	2/24	2/25	Germany		216.00						
Hon. Paul Gillmor	2/17	2/20	Belgium		1,671.06		(3)				4,129.05
	2/20	2/22	France		1,069.03						
	2/22	2/24	Italy		1,172.96						
	2/24	2/25	Germany		216.00						
Hon. Dennis Moore	2/17	2/20	Belgium		1,671.06		(3)				4,129.05
	2/20	2/22	France		1,069.03						
	2/22	2/24	Italy		1,172.96						
	2/24	2/25	Germany		216.00						
Hon. Mike Ross	2/17	2/20	Belgium		1,671.06		(3)				4,129.05
	2/20	2/22	France		1,069.03						
	2/22	2/24	Italy		1,172.96						
	2/24	2/25	Germany		216.00						
Hon. David Scott	2/17	2/20	Belgium		1,671.06		(3)				4,129.05
	2/20	2/22	France		1,069.03						
	2/22	2/24	Italy		1,172.96						
	2/24	2/25	Germany		216.00						
Ms. Melissa Adamson	2/17	2/20	Belgium		1,671.06		(3)				7,190.56
	2/20	2/22	France		1,069.03		2,691.02				
	2/22	2/25	Italy		1,759.45						
Ms. Kathy Becker	2/17	2/20	Belgium		1,671.06		(3)				4,129.05
	2/20	2/22	France		1,069.03						
	2/22	2/24	Italy		1,172.96						
	2/24	2/25	Germany		216.00						
Mr. Lee Cohen	2/16	2/20	Belgium		2,024.08		7,381.12				11,647.19
	2/20	2/22	France		1,069.03						
	2/22	2/24	Italy		1,172.96						
Dr. Paul Gallis	2/16	2/20	Belgium		2,024.08		6,633.12				11,485.68
	2/20	2/22	France		1,069.03						
	2/22	2/24	Italy		1,172.96						
Dr. Kay King	2/16	2/20	Belgium		2,024.08		6,633.12				11,485.68
	2/20	2/22	France		1,069.03						
	2/22	2/25	Italy		1,759.45						
Ms. Susan Olson	2/16	2/20	Belgium		2,024.08		6,633.12				11,485.68
	2/20	2/22	France		1,069.03						
	2/22	2/25	Italy		1,759.45						
Ms. Marilyn Owen	2/16	2/20	Belgium		2,024.08		6,633.12				11,485.68

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NATO PARLIAMENTARIAN ASSEMBLY WINTER MEETING IN BRUSSELS, BELGIUM, FOLLOWED BY ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD) MEETING IN PARIS, FRANCE; AND BILATERAL MEETING IN ROME, ITALY AND RAMSTEIN AIR FORCE BASE, GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 17 AND FEB. 25, 2007—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	2/20	2/22	France		1,069.03						
	2/22	2/25	Italy		1,759.45						
Mr. Mark Wellman	2/16	2/20	Belgium		2,024.08		6,633.12				11,485.68
	2/20	2/22	France		1,069.03						
	2/22	2/25	Italy		1,759.45						
Delegation Expenses:											
—Representational Functions									13,283.33		13,283.33
—Miscellaneous									238.00		238.00
Committee total					74,318.91		43,237.74		13,521.33		131,077.98

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JOHN TANNER, Chairman, Mar. 27, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, OSCE PA WINTER MEETING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 20 AND FEB. 25, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Alcee L. Hastings, M.C.		2/19	United States				7,875.50				7,875.50
	2/20	2/24	Austria	Euro	1,390.40						1,390.40
Hon. Mike McIntyre, M.C.		2/20	United States				4,086.39				4,086.39
	2/21	2/24	Austria	Euro	1,042.80						1,042.80
Hon. Hilda Solis, M.C.		2/20	United States				7,991.39				7,991.39
	2/21	2/24	Austria	Euro	1,042.80						1,042.80
Fred L. Turner		2/20	United States				5,246.61				5,246.61
	2/21	2/25	Austria	Euro	1,390.40						1,390.40
Shelly Han		2/20	United States				6,180.39				6,180.39
	2/21	2/24	Austria	Euro	867.80						867.80
Robert Hand		2/20	United States				6,180.39				6,180.39
	2/21	2/24	Austria	Euro	742.80						742.80
Delegation Expenses			Austria					Euro	2,187.48		2,187.48
Committee total					6,477.00		37,560.67		2,187.48		46,225.15

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Apr. 30, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CONGRESSIONAL BLACK CAUCUS DELEGATION TO GHANA, WEST AFRICA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 3 AND MAR. 6, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Carolyn C. Kilpatrick	3/3	3/6	Ghana	3,840.500	417.00		([3])				
Hon. G.K. Butterfield											
Hon. Donna Christensen											
Hon. Danny Davis											
Hon. Sheila Jackson-Lee											
Hon. Eddie Bernice Johnson											
~~Hon. Kendrick Meek~~											
Hon. Gregory Meeks											
Hon. Bobby Rush											
Hon. Stephanie Tubbs-Jones											
Kimberly Rudolph											
Dr. Joe Leonard											
Committee total					5,004.00						

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

CAROLYN C. KILPATRICK, Apr. 9, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JORDAN, IRAQ AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 2 AND MAR. 5, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Loretta Sanchez	3/2	3/3	Jordan		273.00		([3])				273.00
Hon. Allyson Schwartz	3/2	3/3	Jordan		273.00		([3])				273.00
Hon. Hilda Solis	3/2	3/3	Jordan		273.00		([3])				273.00
Hon. Nancy Boyda	3/2	3/3	Jordan		273.00		([3])				273.00
Hon. Carol Shea-Porter	3/2	3/3	Jordan		273.00		([3])				273.00
Ms. Debra Wada	3/2	3/3	Jordan		273.00		([3])				273.00
Hon. Loretta Sanchez	3/3	3/4	Italy		447.00		([3])				447.00
Hon. Allyson Schwartz	3/3	3/4	Italy		447.00		([3])				447.00
Hon. Hilda Solis	3/3	3/4	Italy		447.00		([3])				447.00
Hon. Nancy Boyda	3/3	3/4	Italy		447.00		([3])				447.00
Hon. Carol Shea-Porter	3/3	3/4	Italy		447.00		([3])				447.00
Ms. Debra Wada	3/3	3/4	Italy		447.00		([3])				447.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JORDAN, IRAQ AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 2 AND MAR. 5, 2007—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total											4,320.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

LORETTA SANCHEZ, Mar. 26, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GREECE, SUDAN, EGYPT AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 31 AND APR. 7, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Steny Hoyer	4/1	4/2	Greece		371.00		(3)				371.00
Hon. Ileana Ros-Lehtinen	4/1	4/2	Greece		371.00		(3)				371.00
Hon. Jerry Moran	4/1	4/2	Greece		371.00		(3)				371.00
Hon. Bob Goodlatte	4/1	4/2	Greece		371.00		(3)				371.00
Hon. Ray LaHood	4/1	4/2	Greece		371.00		(3)				371.00
Hon. Barbara Lee	4/1	4/2	Greece		371.00		(3)				371.00
Hon. Jim Costa	4/1	4/2	Greece		371.00		(3)				371.00
Hon. Gregory Meeks	4/1	4/2	Greece		371.00		(3)				371.00
Hon. Brad Miller	4/1	4/2	Greece		371.00		(3)				371.00
Hon. John Barrow	4/1	4/2	Greece		371.00		(3)				371.00
Hon. G.K. Butterfield	4/1	4/2	Greece		371.00		(3)				371.00
Mariah Sixkiller	4/1	4/2	Greece		371.00		(3)				371.00
Yleem Poblete	4/1	4/2	Greece		371.00		(3)				371.00
Sudafi Henry	4/1	4/2	Greece		371.00		(3)				371.00
Hon. Steny Hoyer	4/2	4/4	Sudan		696.00		2,028.00				2,724.00
Hon. Ileana Ros-Lehtinen	4/2	4/4	Sudan		696.00		2,028.00				2,724.00
Hon. Jerry Moran	4/2	4/4	Sudan		696.00		2,028.00				2,724.00
Hon. Bob Goodlatte	4/2	4/4	Sudan		696.00		2,028.00				2,724.00
Hon. Ray LaHood	4/2	4/4	Sudan		696.00		2,028.00				2,724.00
Hon. Barbara Lee	4/2	4/4	Sudan		696.00		2,028.00				2,724.00
Hon. Jim Costa	4/2	4/4	Sudan		696.00		2,028.00				2,724.00
Hon. Gregory Meeks	4/2	4/4	Sudan		696.00		2,028.00				2,724.00
Hon. Brad Miller	4/2	4/4	Sudan		696.00		2,028.00				2,724.00
Hon. John Barrow	4/2	4/4	Sudan		696.00		2,028.00				2,724.00
Hon. G.K. Butterfield	4/2	4/4	Sudan		696.00		2,028.00				2,724.00
Mariah Sixkiller	4/2	4/4	Sudan		696.00		2,028.00				2,724.00
Yleem Poblete	4/2	4/4	Sudan		696.00		2,028.00				2,724.00
Sudafi Henry	4/2	4/4	Sudan		696.00		2,028.00				2,724.00
Hon. Steny Hoyer	4/4	4/6	Egypt		580.00		(3)				580.00
Hon. Ileana Ros-Lehtinen	4/4	4/6	Egypt		580.00		(3)				580.00
Hon. Jerry Moran	4/4	4/6	Egypt		580.00		(3)				580.00
Hon. Bob Goodlatte	4/4	4/6	Egypt		580.00		(3)				580.00
Hon. Ray LaHood	4/4	4/6	Egypt		580.00		(3)				580.00
Hon. Barbara Lee	4/4	4/6	Egypt		580.00		(3)				580.00
Hon. Jim Costa	4/4	4/6	Egypt		580.00		(3)				580.00
Hon. Gregory Meeks	4/4	4/6	Egypt		580.00		(3)				580.00
Hon. Brad Miller	4/4	4/6	Egypt		580.00		(3)				580.00
Hon. John Barrow	4/4	4/6	Egypt		580.00		(3)				580.00
Hon. G.K. Butterfield	4/4	4/6	Egypt		580.00		(3)				580.00
Mariah Sixkiller	4/4	4/6	Egypt		580.00		(3)				580.00
Yleem Poblete	4/4	4/6	Egypt		580.00		(3)				580.00
Sudafi Henry	4/4	4/6	Egypt		580.00		(3)				580.00
Hon. Steny Hoyer	4/6	4/7	Germany		289.00		(3)				289.00
Hon. Ileana Ros-Lehtinen	4/6	4/7	Germany		289.00		(3)				289.00
Hon. Jery Moran	4/6	4/7	Germany		289.00		(3)				289.00
Hon. Bob Goodlatte	4/6	4/7	Germany		289.00		(3)				289.00
Hon. Barbara Lee	4/6	4/7	Germany		289.00		(3)				289.00
Hon. Jim Costa	4/6	4/7	Germany		289.00		(3)				289.00
Hon. Ray LaHood	4/6	4/7	Germany		289.00		(3)				289.00
Hon. Gregory Meeks	4/6	4/7	Germany		289.00		(3)				289.00
Hon. Brad Miller	4/6	4/7	Germany		289.00		(3)				289.00
Hon. John Barrow	4/6	4/7	Germany		289.00		(3)				289.00
Hon. G.K. Butterfield	4/6	4/7	Germany		289.00		(3)				289.00
Mariah Sixkiller	4/6	4/7	Germany		289.00		(3)				289.00
Yleem Poblete	4/6	4/7	Germany		289.00		(3)				289.00
Sudafi Henry	4/6	4/7	Germany		289.00		(3)				289.00
Committee total											$55,496.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

STENY H. HOYER, Apr. 30, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Clifford Bond		1/16	United States			Dollar	7,513.18				7,513.18
	1/17	1/23	Serbia	Dinar	1,952.00						1,952.00
		3/7	United States			Dollar	6,619.00				6,619.00
	3/8	3/13	Bosnia & Herzegovina	Marka	400.00						400.00
Robert Hand		1/16	United States			Dollar	2,440.18				2,440.18
	1/17	1/23	Serbia	Dinar	1,221.25						1,221.25
Shelly Han		1/20	United States			Dollar	5,180.28				5,180.28

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Janice Helwig	1/21	1/24	Austria	Euro	897.00						897.00
		3/10	United States			Dollar	9,195.64				9,195.64
	3/11	3/14	Spain	Euro	750.00						750.00
		1/17	United States			Dollar	5,200.53				5,200.53
	1/18	3/31	Austria	Euro	13,068.26						13,068.26
Committee total					18,288.51		36,148.81				54,437.32

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Apr. 26, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Randy Neugebauer	3/9	3/10	Kuwait		426.00						426.00
	3/10	3/11	Iraq		0.00						0.00
	3/11	3/12	Germany		424.00						424.00
Committee total					850.00						850.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

———, Apr. 26, 2007.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Randy Neugebauer	3/9	3/10	Kuwait		155.00						155.00
	3/10	3/11	Iraq		0.00						0.00
	3/11	3/12	Germany		328.00						328.00
Committee total					483.00						483.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

———, Apr. 27, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to China, Shanghai, Guam, December 27, 2006–January 3, 2007:											
Hon. Roscoe Bartlett	12/30	1/1	China		302.00						302.00
	1/1	1/2	Shanghai		174.00						174.00
Hon. Thelma Drake	12/30	1/1	China		302.00						302.00
	1/1	1/2	Shanghai		174.00						174.00
Hon. Madeleine Z. Bordallo	12/30	1/1	China		302.00						302.00
	1/1	1/2	Shanghai		174.00						174.00
Hon. Steve Israel	12/30	1/1	China		302.00						302.00
	1/1	1/2	Shanghai		174.00						174.00
Hon. Rick Larsen	12/30	1/1	China		302.00						302.00
	1/1	1/2	Shanghai		174.00						174.00
Ms. Stephanie Sanok	12/30	1/1	China		302.00						302.00
	1/1	1/2	Shanghai		174.00						174.00
Ms. Lynn Williams	12/30	1/1	China		302.00						302.00
	1/1	1/2	Shanghai		174.00						174.00
Mr. William Natter, III	12/30	1/1	China		302.00						302.00
	1/1	1/2	Shanghai		174.00						174.00
Visit to Iraq, Jordan, Kuwait, Pakistan, Afghanistan, Germany With Codel Bayh, January 11–17, 2007:											
Hon. John McHugh	1/12	1/13	Kuwait		146.00						146.00
	1/13	1/13	Iraq		0.00						0.00
	1/13	1/14	Pakistan		126.00						126.00
	1/14	1/14	Afghanistan		0.00						0.00
	1/14	1/17	Germany		328.00						328.00
Ms. Jeanette James	1/12	1/13	Kuwait		146.00						146.00
	1/13	1/13	Iraq		0.00						0.00
	1/13	1/14	Pakistan		126.00						126.00
	1/14	1/14	Afghanistan		0.00						0.00
	1/14	1/17	Germany		328.00						328.00
Visit to Germany, Kosovo With Codel Lieberman, February 8–11, 2007:											
Hon. Ellen Tauscher	2/9	2/11	Germany		364.00						364.00
	2/9	2/9	Kosovo		0.00						0.00
Hon. Mark Udall	2/9	2/11	Germany		364.00						364.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	2/9	2/9	Kosovo		0.00						0.00
Visit to Iraq, Kuwait, Israel With Codel Kyl, February 16–20, 2007:											
Hon. Gabrielle Giffords	2/17	2/18	Kuwait		19.19						19.19
	2/18	2/18	Iraq		0.00						0.00
	2/18	2/20	Israel		0.00						0.00
Visit to Iraq, Jordan, Kuwait, Belgium, February 17–22, 2007:											
Hon. Marty Meehan	2/18	2/19	Kuwait		146.00						146.00
	2/19	2/20	Iraq		0.00						0.00
	2/20	2/21	Jordan		273.00						273.00
	2/21	2/22	Belgium		204.00						204.00
Hon. Robert E. Andrews	2/18	2/19	Kuwait		146.00						146.00
	2/19	2/20	Iraq		0.00						0.00
	2/20	2/21	Jordan		273.00						273.00
	2/21	2/22	Belgium		204.00						204.00
Hon. Dave Loebsack	2/18	2/19	Kuwait		146.00						146.00
	2/19	2/20	Iraq		0.00						0.00
	2/20	2/21	Jordan		273.00						273.00
	2/21	2/22	Belgium		204.00						204.00
Hon. W. Todd Akin	2/18	2/19	Kuwait		146.00						146.00
	2/19	2/20	Iraq		0.00						0.00
	2/20	2/21	Jordan		273.00						273.00
	2/21	2/22	Belgium		204.00						204.00
Hon. Michael R. Turner	2/18	2/19	Kuwait		146.00						146.00
	2/19	2/20	Iraq		0.00						0.00
	2/20	2/21	Jordan		273.00						273.00
	2/21	2/22	Belgium		204.00						204.00
Dr. Lorry Fenner	2/18	2/19	Kuwait		146.00						146.00
	2/19	2/20	Iraq		0.00						0.00
	2/20	2/21	Jordan		273.00						273.00
	2/21	2/22	Belgium		204.00						204.00
Ms. Stephanie Sanok	2/18	2/19	Kuwait		146.00						146.00
	2/19	2/20	Iraq		0.00						0.00
	2/20	2/21	Jordan		273.00						273.00
	2/21	2/22	Belgium		204.00						204.00
Delegation Expenses	2/18	2/19	Kuwait				230.10		2,842.57		3,072.67
Visit South Korea, China, India With Staffdel Farkus, February 18–25, 2007:											
Ms. Aileen Alexander	2/19	2/21	Korea		772.00						772.00
	2/21	2/22	China		296.00						296.00
	2/23	2/24	India		536.00						536.00
Visit to Turkey, Kuwait, Iraq, Pakistan, Afghanistan, Germany With Codel Dicks, February 19–26, 2007:											
Hon. Patrick Murphy	2/19	2/20	Turkey		396.00						396.00
	2/20	2/22	Pakistan		340.00						340.00
	2/21	2/21	Afghanistan		0.00						0.00
	2/22	2/23	Kuwait		406.00						406.00
	2/23	2/24	Iraq		0.00						0.00
	2/24	2/25	Kuwait		406.00						406.00
	2/25	2/26	Germany		374.00						374.00
Visit to Kuwait With Staffdel Sutey, March 1–5, 2007:											
Ms. Vickie Plunkett	3/2	3/5	Kuwait		91.00						91.00
Commerical airfare							7,603.58				7,603.58
Ms. Lynn Williams	3/2	3/5	Kuwait		267.00						267.00
Commerical airfare							7,623.58				7,623.58
Visit to Iraq, Kuwait, March 8–12, 2007:											
Hon. Dan Boren	3/9	3/10	Kuwait		155.00						155.00
	3/10	3/11	Iraq		0.00						0.00
	3/11	3/12	Germany		328.00						328.00
Hon. Duncan Hunter	3/9	3/10	Kuwait		155.00						155.00
	3/10	3/11	Iraq		0.00						0.00
	3/11	3/12	Germany		328.00						328.00
Hon. Ken Calvert	3/9	3/10	Kuwait		155.00						155.00
	3/10	3/11	Iraq		0.00						0.00
	3/11	3/12	Germany		328.00						328.00
Mr. Robert L. Simmons, II	3/9	3/10	Kuwait		155.00						155.00
	3/10	3/11	Iraq		0.00						0.00
	3/11	3/12	Germany		328.00						328.00
Mr. Jesse Tolleson	3/9	3/10	Kuwait		155.00						155.00
	3/10	3/11	Iraq		0.00						0.00
	3/11	3/12	Germany		328.00						328.00
Committee total					16,415.19		15,457.26		2,842.57		34,715.02

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

IKE SKELTON, Apr. 30, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Paul Ryan	2/18	2/19	Kuwait		146.00		(3)				146.00
	2/19	2/20	Iraq				(3)				0.00
	2/20	2/21	Jordan		273.00		(3)				273.00
	2/21	2/22	Belgium		204.00		(3)				204.00
Committee total					623.00		(3)				623.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JOHN M. SPRATT, JR., Apr. 18, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE REPSENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expeditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE MILLER, Apr. 17, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jane Harman MC:											
February 8–11, 2007			Germany								
			Kosovo								
February 18–26, 2007			Israel								
			Turkey								
			Pakistan								
			Afghanistan								
			Kuwait								
			Iraq								
			Germany								
			Qatar								
			Jordan								

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Per diem and other travel expenses not available. Amended report to follow.

JOHN D. DINGELL, Apr. 30, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 3 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Manpreet Anand	2/17	2/20	India (New Delhi)		1,330.19						1,330.19
	2/20	2/22	Nepal		248.51		180.00				428.51
	2/22	2/24	India (Mumbai)		462.41						462.41
	2/17	2/24					[3]7,900.26				7,900.26
M. Pope Barrow	2/20	2/24	Kenya		952.00		8,780.35				9,732.35
Michael Beard	2/18	2/21	Russian Federation		543.00						543.00
	2/21	2/23	Denmark		786.00						786.00
	2/23	2/24	Romania		0.00						0.00
	2/24	2/26	Hungary		542.00						542.00
	2/26	2/27	The Netherlands		373.00						373.00
	2/18	2/27					[3]8,913.19				8,913.19
Hon. Berman	2/9	2/11	Germany, Kosovo		239.00		(4)				239.00
Hon. Boozman	2/21	2/21	Italy				1,346.78				1,346.78
Joan Condon	2/18	2/21	Kenya		976.00						976.00
	2/21	2/24	Ethiopia		900.00						900.00
	2/18	2/24					[3]8,819.16				8,819.16
Hon. Chabot	2/18	2/20	The Philippines		448.00						448.00
	2/20	2/21	Taiwan		262.00						262.00
	2/21	2/23	Bangladesh		333.00						333.00
	2/18	2/23					[3]8,642.58				8,642.58
Hon. Faleomavaega	2/19	2/21	Fiji		255.00						255.00
	2/21	2/23	Tonga		610.00						610.00
	2/23	2/23	Samoa		285.00						285.00
	2/19	2/23					[3]5,031.05				5,031.05
David Fite	2/17	2/20	India (New Delhi)		1,363.00						1,363.00
	2/20	2/22	Nepal		314.00		180.00				494.00
	2/22	2/24	India (Mumbai)		722.00						722.00
	2/17	2/24					[3]7,900.26				7,900.26
Kirsti Garlock	2/18	2/24	Thailand		1,302.00		8,154.37				9,456.37
Hon. Jackson-Lee	2/19	2/22	Venezuela		975.00		4,341.08		[5]480.00		5,796.08
Eric Jacobstein	3/16	3/19	Guatemala		588.00		2,008.20				2,596.20
Eric Johnson	1/14	1/16	Belgium		789.94		5,461.42				6,251.36
	2/18	2/21	Germany		1,284.00		6,507.15				7,791.15
Jonathan Katz	1/14	1/16	Belgium		789.94		5,461.42				6,251.36
	2/18	2/21	Germany		1,284.00		6,527.15				7,811.15
Hon. Lantos	2/18	2/21	Russian Federation		543.00						543.00
	2/21	2/23	Denmark		786.00						786.00
	2/23	2/24	Romania		142.00						142.00
	2/24	2/26	Hungary		250.00						250.00
	2/26	2/27	The Netherlands		199.00						199.00
	2/18	2/27					[3]8,773.46				8,773.46
John Mackey	2/18	2/21	Peru		714.00						714.00
	2/21	2/22	Argentina		220.00						220.00
	2/18	2/22					[3]7,044.70				7,044.70
Pearl-Alice Marsh	2/18	2/19	United Kingdom								0
	2/19	2/21	Kenya		931.00						931.00
	2/21	2/25	Ethiopia		837.00						837.00
	2/18	2/25					[3]9,153.76				9,153.76
James McCormick	2/17	2/20	India		1,458.00						1,458.00
	2/20	2/22	Nepal		314.00		180.00				494.00
	2/22	2/24	Thailand		436.00						436.00
	2/17	2/24					[3]8,351.13				8,351.13
Francis Miko	2/22	2/24	Haiti		460.00		1,361.20				1,821.20
Shen Rickert	2/19	2/20	Italy		437.00						437.00
	2/20	2/22	Nigeria (Abuja)		354.00						354.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 3 AND MAR. 31, 2007—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	2/22	2/24	Nigeria (Lagos)		715.00		89.00				804.00
	2/19	2/24					[3] 9,755.47				9,755.47
Robin Roizman	2/18	2/21	Peru		607.00						607.00
	2/21	2/23	El Salvador		282.00				[5] 255.00		537.00
	2/18	2/23					[3] 2,393.20				2,393.20
Doug Seay	2/17	2/20	India (New Delhi)		1,358.00						1,358.00
	2/20	2/22	Nepal		289.00		180.00				469.00
	2/22	2/24	India (Mumbai)		722.00						722.00
	2/17	2/24					[3] 10,236.26				10,236.26
Hon. Smith	2/19	2/20	Italy		437.00						437.00
	2/20	2/22	Nigeria (Abuja)		354.00						354.00
	2/22	2/24	Nigeria (Lagos)		715.00		89.00				804.00
	2/19	2/24					[3] 9,755.47				9,755.47
Jason Steinbaum	2/21	2/23	El Salvador		382.00		2,284.20				2,666.20
Mark Walker	2/18	2/21	Peru		714.00						714.00
	2/21	2/23	El Salvador		382.00						382.00
	2/18	2/23					[3] 3,518.20				3,518.20
Lynne Weil	2/18	2/21	Peru		612.00						612.00
	2/21	2/23	El Salvador		292.00						292.00
	2/18	2/23					[3] 3,518.20				3,518.20
Kristen Wells	2/18	2/24	Thailand		1,302.00		9,154.85		[4] 4,681.01		15,137.86
Hon. Wexler	1/14	1/16	Belgium		789.94		6,855.61				7,645.55
	2/19	2/20	Germany		428.00		6,507.15				6,935.15
Committee total					37,418.93		195,355.28		5,416.01		238,190.22

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Round trip airfare.
[4] Military air transportation.
[5] Indicated delegation costs.

TOM LANTOS, Apr. 27, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Christopher Carney	2/20	2/20	Turkey		303.00		(3)				303.00
	2/21	2/22	Pakistan		287.00		(3)				287.00
	2/22	2/25	Kuwait		292.00		(3)				292.00
	2/25	2/26	Germany		278.00		(3)				278.00
Hon. Dave Reichert	2/9	2/11	Germany		856.32		(3)				856.32
	2/29	2/9	Kosovo		0		(3)				0
Committee total					2,016.32						2,016.32

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BENNIE G. THOMPSON, Apr. 30, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Bobby Vassar	2/17	2/25	Thailand		1,302.00		9,174.85				10,476.85
Keenan Keller	2/22	2/24	Haiti		460.00		1,366.20				18,262.00
Committee total					1,762.00		10,541.05				28,738.85

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN CONYERS, Jr., Apr. 30, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Stevan Pearch	2/17	2/18	Kuwait		146.00						146.00
	2/18	2/20	Israel		334.00						334.00
Committee total					480.00						480.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

NICK J. RAHALL II, Apr. 27, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 30, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY A. WAXMAN, Apr. 26, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. James P. McGovern	3/31	4/3	Ethiopia	1.007.76 Bur	114.00					1,007.76 Bur	114.00
					1,086.00						1,086.00
	4/03	4/04	Kenya	19840 Shilling	300.83					19,840 Shilling	300.83
	4/04	4/05	Ethiopia		160.00						160.00
	4/05	4/07	Chad	191,590 CFA	391.00					191,590 CFA	391.00
	3/30	4/08					[3] 11.567.94				11.567.94
Miles Lackey	3/31	4/03	Ethiopia	1,007.76 Bur	114.00					1.007.76 Bur	114.00
					1,086.00						1,086.00
	4/03	4/04	Kenya	19,840 Shilling	300.83					19,840 Shilling	300.83
	4/04	4/05	Ethiopia		160.00						160.00
	4/05	4/07	Chad	191,590 CFA	391.00					191,590 CFA	391.00
	3/30	4/08					[3] 11,567.94				11,567.94
Cindy Buhl	3/31	4/03	Ethiopia	1,007,76 Bur	114.00					1,007.76 Bur	114.00
					1,086.00						1,086.00
	4/03	4/04	Kenya	19,840 Shilling	300.83					19,840 Shilling	300.83
	4/04	4/05	Ethiopia		160.00						160.00
	4/05	4/07	Chad		391.00						391.00
	3/03	4/08					[3] 11,547.94				11,547.54
Hon. James P. McGovern	3/02	3/05	Colombia		828.00						
							[3] 2,418.00				2,418.00
Hon. Phil Gingrey	12/30	1/01	China		302.00						
	1/01	1/02	Shanghai		174.00						
Committee total					7,459.49		37,121.82				44,581.31

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used enter amount expended.

[3] Round trip air fare.

LOUISE M. SLAUGHTER, Apr. 30, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BART GORDON, Apr. 9, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Ken Kellner	1/23	1/27	Belize		312.00		1,431.20		150.00		1,893.20
Committee total					1,893.20						

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] All funding for this trip was provided by the Department of State Bureau of International Information Programs.

STEPHANIE TUBBS JONES, Apr. 20, 2007

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM OBERSTAR, Apr. 27, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB FILNER, Apr. 17, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND APR. 30, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES B. RANGEL, Apr. 30, 2007

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Heather Wilson	12/28	12/31	Middle East		812.00						
Commercial airfare							8,143.85				8,955.85
Hon. Rick Renzi	12/28	12/31	Middle East		812.00						
Commercial airfare							8,143.85				8,955.85
Kathleen Reilly	12/28	12/31	Middle East		812.00						
Commercial airfare							8,143.85				8,955.85
Frank Garcia	12/28	12/31	Middle East		812.00						
Commercial airfare							8,143.85				8,955.85
Hon. Michael Rogers	11/27	11/28	Europe		530.00						
	11/29	12/3	Europe		1,210.00						
							9,887.94				11,627.94
Fred Fleitz	11/27	11/28	Europe		530.00						
	11/29	12/3	Europe		1,210.00						
Commercial airfare							9,887.94				11,627.94
Hon. Peter Hoekstra	12/12	12/13	Europe		308.00						
	12/13	12/15	Europe		1,060.00						
Commercial airfare							8,031.76				9,399.76
Michael Meermans	12/12	13/13	Europe		308.00						
	12/13	12/15	Europe		1,060.00						
Commercial airfare							8,804.25				10,172.25
Hon. Darrell Issa	12/13	12/15	Europe		1,060.00						
Commercial airfare							10,055.93				11,115.93
Hon. Peter Hoekstra	11/27	11/28	Europe		558.46						
	11/28	12/2	Europe		1.156.00						
Commercial airfare							8.385.12				10.099.58
Hon. Darrell Issa	11/28	12/2	Europe		1,156.00						
Commercial airfare							8,343.12				9,499.12
James Lewis	11/28	12/2	Europe		1.156.00						
Commercial airfare							8,343.12				9,499.12
	12/18	12/19	Europe		530.00						
	12/19	12/20	Europe		390.00						
	12/21	12/23	Middle East		470.00						
							6,788.13				8.178.13
Jody Houck	12/18	12/19	Europe		530.00						
	12/19	12/20	Europe		390.00						
	12/21	12/23	Middle East		470.00						
Commercial airfare							6,788.13				8,178.13
Jacob Abel	12/18	12/19	Europe		530.00						
	12/19	12/20	Europe		390.00						
	12/21	12/23	Middle East		470.00						
Commercial airfare							6.788.13				8,178.13

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1703. A letter from the Under Secretary, Research, Education and Economics, Department of Agriculture, transmitting the Department's final rule — Small Business Innovation Research Grants Program (RIN: 0524-AA31) received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1704. A letter from the Assistant Secretary, Office of Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting the Department's report on the Critical Skills Retention Bonus (CSRB) program, pursuant to 37 U.S.C. 323 (h) Public Law 106-398, section 633 (a); to the Committee on Armed Services.

1705. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Joseph R. Inge, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1706. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting a report to Congress on the use of Aviation Continuation Pay (ACP) for Fiscal Year 2006, pursuant to 37 U.S.C. 301b(i); to the Committee on Armed Services.

1707. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting The Board's report pursuant to Section 837 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act of 2006; to the Committee on Financial Services.

1708. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1709. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1710. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1711. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7712] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1712. A letter from the General Deputy Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting the Department's first annual Homeless Assessment Report; to the Committee on Financial Services.

1713. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ghana pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

1714. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule — Title 1-Improving the Academic Achievement of the Disadvantaged; Individuals With Disabilities Education Act (IDEA)-Assistance to States for the Education of Children With Disabilities (RIN: 1810-AA98) received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

1715. A letter from the Chairman, National Endowment for the Arts, National Foundation on the Arts & the Humanities, transmitting the Federal Council on the Arts and the Humanities' thirty-first annual report on the Arts and Artifacts Indemnity Program for Fiscal Year 2006, pursuant to 20 U.S.C. 959(c); to the Committee on Education and Labor.

1716. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

1717. A letter from the Acting Chief Financial Officer, Department of Energy, transmitting the Department's operating plan for fiscal year 2007, pursuant to Public Law 110-5, section 113; to the Committee on Energy and Commerce.

1718. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Blood Vessels Recovered With Organs and Intended for Use in Organ Transplantation [Docket No. 2006N-0051] (RIN: 0910-AF65) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1719. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Blood Vessels Recovered With Organs and Intended for Use in Organ Transplantation [Docket No. 2006N-0051] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1720. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Dandruff, Seborrheic Dermatitis, and Psoriasis Drug Products Containing Coal Tar and Menthol for Over-the-Counter Human Use; Amendment to the Monograph [Docket No. 2005N-0448] (RIN: 0910-AF49) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1721. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Anthropomorphic Test Devices; SID-IIs Side Impact Crash Test Dummy 5th Percentile Adult Female [Docket No. NHTSA 25442] (RIN: 2127-AJ16) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1722. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Source-Specific Federal Implementation Plan for Four Corners Power Plant; Navajo Nation [EPA-R09-OAR-2006-0184; FRL-8308-6] (RIN: 2009 AA01) received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1723. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Nevada State Implementation Plan, Washoe County [EPA-R09-OAR-2006-0677a FRL-8303-2] received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1724. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Maricopa County Environmental Services Department [EPA-R09-OAR-2006-0827; FRL-8302-9] received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1725. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; States of Iowa, Kansas, and Missouri [EPA-R07-OAR-2007-0258; FRL-8310-8] received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1726. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Parkersburg, West Virginia Portion of the Parkersburg-Marietta, WV-OH 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan [EPA-R03-OAR-2006-0817; FRL-8309-9] received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1727. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2007-0095; FRL-8309-3] received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1728. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Visible Emissions and Particulate Matter Rules [EPA-R09-OAR-2006-0635; FRL-8308-2] received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1729. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Missouri; Interstate Transport of Pollution [EPA-R07-OAR-2007-0249; FRL 8310-6] received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1730. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: California [EPA-R09-OAR-2007-0101; FRL-8308-4] received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1731. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ambient Air Monitoring

Regulations: Correcting and Other Amendments [EPA-HQ-OAR-2004-0018; FRL-8308-7] (RIN: 2060-AO06) received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1732. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona, Arizona Department of Environmental Quality; State of Nevada, Nevada Division of Environmental Protection [EPA-R09-OAR-2007-0322; FRL 8309-7] received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1733. A letter from the Executive Director, Federal Energy Regulatory Commission, transmitting the Commission's final rule — annual update of Commission filing fees. [Docket No. RM07-12] received April 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1734. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Test Procedures and Labeling Standards for Recycled Oil — received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1735. A letter from the Office Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Relief from Fingerprinting and Criminal History Records Checks (RIN: AI04) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1736. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-14, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to France for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1737. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-18, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Turkey for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1738. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Department's "Country Reports on Terrorism: 2006," pursuant to 22 U.S.C. 2656f; to the Committee on Foreign Affairs.

1739. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Pub. L. 101-246), and Sections 603-604 (Middle East Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, FY 2003 (Pub. L. 107-228), including a copy of Presidential Determination No. 2007-12 on the Implementation of Sections 603 and 604 of the Foreign Relations Authorization Act of Fiscal Year 2003; to the Committee on Foreign Affairs.

1740. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 "Joint Communique" and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement," together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on Foreign Affairs.

1741. A letter from the Architect of the Capitol, transmitting a written statement in response to the Government Accountability Office report, "Architect of the Capitol: Committed, Sustained, Leadership Needed to Continue Progress," pursuant to 31 U.S.C. 720; to the Committee on House Administration.

1742. A letter from the Inspector General, U.S. House of Representatives, transmitting the final report on the post-implementation audit of HR-Paylinks; to the Committee on House Administration.

1743. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Cirsium hydrophilum var. hydrophilum (Suisun thistle) and Cordylanthus mollis ssp. mollis (soft bird's-beak) (RIN: 1018-AU44) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1744. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting a copy of draft legislation entitled, "To provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Nos. 19 and 188, and for other purposes"; to the Committee on Natural Resources.

1745. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — List of Fisheries for 2007 [Docket No. 061106290-7059-02, I.D. 101706C] (RIN: 0648-AV01) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1746. A letter from the Administrator, General Services Administration, transmitting a report and recomendation concerning the claim of Mr. Patrick Truver, pursuant to 31 U.S.C. 3702(d); to the Committee on the Judiciary.

1747. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 2006, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

1748. A letter from the Director, Administrative Office of the United States Courts, transmitting the second annual report to Congress on victims' rights, pursuant to 18 U.S.C. 3771; to the Committee on the Judiciary.

1749. A letter from the Director, Federal Judicial Center, transmitting the Federal Judicial Center's Annual Report for the 2006 calendar year, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

1750. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Liquidation and Debt Collection (RIN: 3245-AE83) received April 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

1751. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Limitations on Benefits and Contributions Under Qualified Plans [TD 9319] (RIN: 1545-BD52) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on May 11, 2007]

Mr. SKELTON: Committee on Armed Services. H.R. 1585. A bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes; with amendments (Rept. 110–146). Referred to the Committee of the Whole House on the State of the Union.

[Filed on May 14, 2007]

Mr. SKELTON: Committee on Armed Services. Supplemental report on H.R. 1585. A bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes (Rept. 110–146 Pt. 2). Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1773. A bill to limit the authority of the Secretary of Transportation to grant authority to motor carriers domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border; with an amendment (Rept. 110–147). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 916. A bill to provide for loan repayment for prosecutors and public defenders; with an amendment (Rept. 110–148). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1615. A bill to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; with an amendment (Rept. 110–149). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1700. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; with an amendment (Rept. 110–150). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YARMUTH (for himself, Mr. Platts, Mr. Boyd of Florida, Mr. Chandler, Mr. Hinojosa, Mr. McGovern, Ms. Jackson-Lee of Texas, Mr. Rogers of Alabama, Mr. Bonner, Mr. Regula, Mr. Grijalva, Mr. Altmire, and Ms. Hirono):

H.R. 2289. A bill to establish an adolescent literacy program; to the Committee on Education and Labor.

By Mr. SCHIFF (for himself, Mr. CHABOT, Mr. DELAHUNT, Mr. DANIEL E. LUNGREN of California, Mr. DAVIS of Alabama, Ms. CARSON, Mr. GOODLATTE, Ms. ESHOO, Mr. WEXLER, Mr. ISSA, Ms. LINDA T. SÁNCHEZ of California, Mr. MCCAUL of Texas, and Mr. THOMPSON of Mississippi):

H.R. 2290. A bill to amend title 18, United States Code, to better assure cyber-security, and for other purposes; to the Committee on the Judiciary.

By Mr. PEARCE (for himself, Mr. KING of New York, Mr. SHUSTER, Mr. BLUNT, Mr. SAXTON, Mrs. MCMORRIS RODGERS, Mr. FEENEY, and Mr. KLINE of Minnesota):

H.R. 2291. A bill to grant immunity from civil liability to any person who voluntarily notifies appropriate security personnel of suspicious activity believed to threaten transportation safety or security or takes reasonable action to mitigate such activity; to the Committee on the Judiciary.

By Mr. HALL of New York (for himself, Mr. SPACE, Mr. DONNELLY, Mr. WALZ of Minnesota, Ms. HOOLEY, Ms. BEAN, Mr. MCNERNEY, Mr. HARE, Mr. COURTNEY, Mr. MAHONEY of Florida, Mr. ALTMIRE, and Mr. KAGEN):

H.R. 2292. A bill to prohibit the payment of bonuses to certain officers of the Department of Veterans Affairs unless fewer than 100,000 disability compensation claims are pending before the Department; to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself, Mr. PENCE, and Mr. LANTOS):

H.R. 2293. A bill to require the Secretary of State to submit to Congress a report on efforts to bring to justice the Palestinian terrorists who killed John Branchizio, Mark Parson, and John Marin Linde; to the Committee on Foreign Affairs.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 2294. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to revise the definition of "violent offender" for the purpose of participation in drug courts; to the Committee on the Judiciary.

By Mr. ENGEL (for himself, Mr. TERRY, Mr. WAXMAN, Mr. UPTON, Mr. MARKEY, Mr. WHITFIELD, Mr. TOWNS, Mr. SHIMKUS, Mr. RUSH, Mr. FOSSELLA, Mr. WYNN, Mrs. BONO, Mr. GENE GREEN of Texas, Mr. FERGUSON, Mrs. CAPPS, Mrs. MYRICK, Mr. DOYLE, Mr. ALLEN, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. GONZALEZ, Mr. INSLEE, Ms. BALDWIN, Mr. ROSS, Mr. WEINER, Mr. MATHESON, Mr. BUTTERFIELD, Mr. BARROW, Ms. ROS-LEHTINEN, Mr. RANGEL, Mr. MCCRERY, Mr. STARK, Mr. GOODE, Mr. KENNEDY, Mr. GERLACH, Mr. ROTHMAN, Mr. BURTON of Indiana, Mr. EMANUEL, Mr. SHAYS, Mr. HIGGINS, Ms. FALLIN, Mr. COHEN, Mr. BOUSTANY, Mr. PATRICK MURPHY of Pennsylvania, Mr. SMITH of New Jersey, Mr. MCDERMOTT, Mr. BROWN of South Carolina, Ms. NORTON, Mrs. MCMORRIS RODGERS, Mr. PRICE of North Carolina, Mr. MCHUGH, Mr. ABERCROMBIE, Mr. EHLERS, Mr. MCNULTY, Mr. GALLEGLY, Mr. MCINTYRE, Mr. PEARCE, Mr. NADLER, Ms. CARSON, Mr. OLVER, Mr. TIERNEY, Mr. KANJORSKI, Mr. BISHOP of New York, Mr. MCGOVERN, Mr. CROWLEY, Mr. GRIJALVA, Mrs. LOWEY, Mr. SHERMAN, Ms. LORETTA SANCHEZ of California, Mr. MURTHA, Mr. ETHERIDGE, Mr. CAPUANO, Ms. KAPTUR, Mr. VAN HOLLEN, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. BERMAN, Mr. SIRES, Ms. ROYBAL-ALLARD, Mr. CRAMER, Ms. HIRONO, Ms. BORDALLO, Mr. BOSWELL, and Mr. KIND):

H.R. 2295. A bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry; to the Committee on Energy and Commerce.

By Mr. GERLACH:

H.R. 2296. A bill to reduce the Nation's oil dependence and enhance the Nation's ability to produce alternative fuels; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS (for herself and Mr. RENZI):

H.R. 2297. A bill to amend the National Trails System Act to designate the Arizona National Scenic Trail; to the Committee on Natural Resources.

By Mr. GORDON (for himself, Mr. COOPER, and Ms. LORETTA SANCHEZ of California):

H.R. 2298. A bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit; to the Committee on Ways and Means.

By Mr. HELLER (for himself, Ms. BERKLEY, and Mr. PORTER):

H.R. 2299. A bill to direct the Secretary of the Interior to convey to the City of Henderson, Nevada, certain Federal land located in the City, and for other purposes; to the Committee on Natural Resources.

By Mr. JOHNSON of Illinois (for himself, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. EMANUEL, Mr. ROSKAM, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Mr. WELLER, Mr. COSTELLO, Mrs. BIGGERT, Mr. HASTERT, Mr. MANZULLO, Mr. HARE, Mr. LAHOOD, and Mr. SHIMKUS):

H.R. 2300. A bill to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. KING of Iowa:

H.R. 2301. A bill to establish a Livestock Identification Board to create and implement a national livestock identification system; to the Committee on Agriculture.

By Mr. KING of Iowa (for himself, Mr. AKIN, Mr. FLAKE, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. PENCE, Mr. SESSIONS, Mr. GOHMERT, Mr. MACK, Mr. PAUL, Mr. PLATTS, Mr. TERRY, and Mr. WESTMORELAND):

H.R. 2302. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums for high deductible health plans required with respect to health savings accounts; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Mr. MARSHALL, Mr. SOUDER, Mrs. MALONEY of New York, Mr. WALSH of New York, Mr. VAN HOLLEN, Mr. KUHL of New York, Mr. HIGGINS, Mr. LAHOOD, Mr. CUMMINGS, Mr. BRALEY of Iowa, Mr. BILIRAKIS, Mr. EMANUEL, Mr. HALL of New York, Mr. FOSSELLA, Mr. RANGEL, Mr. DONNELLY, Mr. MCCOTTER, Ms. CORRINE BROWN of Florida, Mr. WOLF, Mrs. LOWEY, Mr. CROWLEY, Mr. WICKER, Mr. MCNULTY, Mrs. MCCARTHY of New York, Mr. WALBERG, Mr. HINOJOSA, Mr. JOHNSON of Georgia, Mr. FRELINGHUYSEN, Mr. HOLT, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. FALLIN, Mr. FEENEY, Mr. SESTAK, Mr. PAUL, Ms. SHEA-PORTER, Mrs. CAPITO, Ms. BORDALLO, Mr. FORTENBERRY, Mrs. DAVIS of California, Mr. CONAWAY, Mr. TAYLOR, Mr. SESSIONS, Mr. PRICE of North Carolina, and Mr. WAMP):

H.R. 2303. A bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart; to the Committee on Oversight and Government Reform.

By Mr. MCNERNEY (for himself, Mr. GORDON, and Mr. LAMPSON):

H.R. 2304. A bill to direct the Secretary of Energy to conduct a program of research, development, demonstration, and commercial application for geothermal energy, and for other purposes; to the Committee on Science and Technology.

By Mr. NUNES (for himself and Mr. THOMPSON of California):

H.R. 2305. A bill to amend the Internal Revenue Code of 1986 to provide a five-year applicable recovery period for depreciation of qualified energy management devices; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota:

H.R. 2306. A bill to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 18 and 188, and for other purposes; to the Committee on Natural Resources.

By Ms. SCHWARTZ (for herself, Mrs. LOWEY, Mr. GRIJALVA, and Ms. HIRONO):

H.R. 2307. A bill to amend title XVIII of the Social Security Act to provide broader and more informed protection to Medicare eligible individuals from abusive marketing practices of Medicare prescription drug plans and MA-PD plans to permit enrollees under Medicare prescription drug plans that have been sanctioned to elect to enroll under other plans; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 2308. A bill to repeal the amendment made by section 796 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006, exempting from harboring sanctions compensation for alien volunteers for certain religious organizations; to the Committee on the Judiciary.

By Mr. WESTMORELAND (for himself, Mr. PRICE of Georgia, Mr. GINGREY, Mr. KINGSTON, Mr. LINDER, Mr. DEAL of Georgia, Mr. JOHNSON of Georgia, Mr. BARROW, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Ms. FALLIN, Mr. SHUSTER, Mr. TERRY, Mr. MCHENRY, Mr. CANTOR, Mr. BARRETT of South Carolina, Mr. PENCE, Ms. FOXX, and Mr. MICA):

H.R. 2309. A bill to designate the facility of the United States Postal Service located at 3916 Milgen Road in Columbus, Georgia, as the "Frank G. Lumpkin, Jr. Post Office Building"; to the Committee on Oversight and Government Reform.

By Mrs. WILSON of New Mexico:

H.R. 2310. A bill to amend the Immigration and Nationality Act to permit certain E-2 nonimmigrant investors to adjust status to lawful permanent resident status; to the Committee on the Judiciary.

By Ms. LEE (for herself, Mr. FATTAH, Mr. BURTON of Indiana, Mr. PASCRELL, Mrs. JONES of Ohio, Mr. SERRANO, Mr. ENGEL, Mr. HONDA, Mrs. MCCARTHY of New York, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. GUTIERREZ, Mr. FORTUÑO, Mr. GRIJALVA, Ms. BORDALLO, Mr. WEXLER, Ms. JACKSON-LEE of Texas, Ms. CARSON, Mr. MEEKS of New York, Mr. CONYERS, Mr. HINCHEY, Ms. CLARKE, Ms. KILPATRICK, Mr. SIRES, Mr. TOWNS, Mr. AL GREEN of Texas, Ms. WASSERMAN SCHULTZ, Mr. MEEK of Florida, Mr. WYNN, Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mr. JEFFERSON, Mr. DELAHUNT, Mr. HASTINGS of Florida, Ms. LINDA T. SÁNCHEZ of California, and Ms. NORTON):

H. Con. Res. 148. Concurrent resolution recognizing the significance of National Caribbean-American Heritage Month; to the Committee on Oversight and Government Reform.

By Mr. BOUSTANY:

H. Res. 398. A resolution recognizing the long and mutually-beneficial relationship between the United States and France and congratulating France's President-elect Nicolas Sarkozy on his victory in the May 6, 2007, Presidential election; to the Committee on Foreign Affairs.

By Mr. FORTENBERRY (for himself, Mr. TERRY, and Mr. SMITH of Nebraska):

H. Res. 399. A resolution supporting the goals and ideals of Mother's Day; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Kansas (for himself, Mr. TIAHRT, Mr. MOORE of Kansas, and Mrs. BOYDA of Kansas):

H. Res. 400. A resolution expressing the sympathy of the House of Representatives to the citizens of Greensburg, Kansas, over the devastating tornado of May 4, 2007; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of California:

H. Res. 401. A resolution supporting the goals and ideals of National Trails Day; to the Committee on Natural Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RAMSTAD introduced a bill (H.R. 2311) for the relief of Grace Dufia Gana; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. HALL of Texas and Mr. TURNER.

H.R. 21: Ms. HERSETH SANDLIN, Mr. BERMAN, Mr. MARSHALL, and Mr. THOMPSON of California.

H.R. 78: Mr. DAVID DAVIS of Tennessee.

H.R. 174: Mr. FRANK of Massachusetts.

H.R. 175: Mr. PALLONE.

H.R. 176: Mr. DAVIS of Illinois.

H.R. 180: Mr. LOEBSACK and Ms. ESHOO.

H.R. 278: Mr. LOEBSACK.

H.R. 358: Mr. COHEN, Ms. NORTON, Mr. MCCOTTER, Mrs. MCCARTHY of New York, Ms. CARSON, and Mr. NADLER.

H.R. 368: Mr. COURTNEY, Mr. CLAY, Mr. FERGUSON, Mr. DEFAZIO, Mr. BUCHANAN, and Mr. LOBIONDO.

H.R. 380: Mr. ALTMIRE and Mr. HALL of New York.

H.R. 464: Mr. DELAHUNT.

H.R. 471: Mr. ELLSWORTH.

H.R. 480: Mrs. MYRICK, Mr. ROGERS of Alabama, and Mr. GINGREY.

H.R. 522: Mr. VAN HOLLEN.

H.R. 539: Mr. TURNER.

H.R. 552: Mr. MURTHA, Mr. LOEBSACK, Mr. ARCURI, and Mr. CLAY.

H.R. 555: Mr. JACKSON of Illinois and Ms. SCHAKOWSKY.

H.R. 592: Mr. LARSEN of Washington and Mr. MEEKS of New York.

H.R. 610: Mr. TURNER.

H.R. 632: Mr. MARIO DIAZ-BALART of Florida.

H.R. 695: Mr. PALLONE.

H.R. 697: Mr. TANCREDO, Mr. COBLE, and Mr. SAM JOHNSON of Texas.

H.R. 711: Ms. SHEA-PORTER and Mr. KIND.

H.R. 741: Mr. MEEKS of New York.

H.R. 743: Ms. MATSUI, Mr. PAUL, Mr. DOOLITTLE, Ms. ROS-LEHTINEN, and Mr. BUCHANAN.

H.R. 748: Mrs. JONES of Ohio.

H.R. 772: Ms. SCHWARTZ and Mr. BURGESS.

H.R. 773: Mr. ELLISON.

H.R. 782: Mr. PLATTS and Mr. OLVER.

H.R. 811: Ms. GIFFORDS, Mr. MCGOVERN, and Mr. MARKEY.

H.R. 821: Mr. GERLACH and Mr. CLAY.

H.R. 822: Mr. NADLER.

H.R. 829: Mrs. DAVIS of California.

H.R. 876: Mr. FRANKS of Arizona.

H.R. 882: Mr. DOYLE, Ms. SLAUGHTER, Mr. BLUMENAUER, Mr. GILCHREST, Mr. PRICE of North Carolina, and Mr. CULBERSON.

H.R. 916: Mr. CUMMINGS, Mr. BECERRA, and Mr. COHEN.

H.R. 943: Mr. WOLF.

H.R. 945: Mr. YOUNG of Florida.

H.R. 947: Mr. UDALL of New Mexico.

H.R. 977: Ms. CARSON.

H.R. 1004: Ms. ZOE LOFGREN of California.

H.R. 1014: Mr. WALSH of New York, Mr. KUHL of New York, Mr. KANJORSKI, Mr. LIPINSKI, Mr. MILLER of North Carolina, Mr. FORTENBERRY, and Mr. GRAVES.

H.R. 1031: Ms. ROYBAL-ALLARD.

H.R. 1058: Mr. POE.

H.R. 1076: Mr. TIM MURPHY of Pennsylvania and Mr. MICHAUD.

H.R. 1078: Mr. ALLEN and Mr. UPTON.

H.R. 1088: Mr. RYAN of Ohio.

H.R. 1110: Ms. SLAUGHTER, Mr. BLUMENAUER, Mr. MCHUGH, Mr. PITTS, Mr. HONDA, Mr. SIMPSON, Mr. MCNULTY, Mr. BACA, and Mr. HINCHEY.

H.R. 1134: Mr. BUTTERFIELD, Mr. KIND, and Ms. BALDWIN.

H.R. 1157: Mr. ELLSWORTH, Mr. LIPINSKI, Mr. HODES, Mr. SNYDER, Mrs. WILSON of New Mexico, Mr. PERLMUTTER, Ms. WOOLSEY, Mr. MAHONEY of Florida, Mr. CHANDLER, and Ms. ZOE LOFGREN of California.

H.R. 1192: Ms. CARSON.

H.R. 1193: Mr. JOHNSON of Georgia, Mr. CLAY, Mr. GEORGE MILLER of California, Mr. WOLF, Mrs. MCMORRIS RODGERS, Mr. ALTMIRE, Mr. TOWNS, Mr. BURGESS, and Mr. FILNER.

H.R. 1194: Mr. KAGEN, Mr. DAVIS of Alabama, Mr. MICHAUD, Mr. HINOJOSA, Mr. SCOTT of Georgia, Mr. PATRICK MURPHY of Pennsylvania, and Mr. ENGEL.

H.R. 1198: Mr. UPTON, Mr. RAHALL, and Mr. ETHERIDGE.

H.R. 1199: Mr. UDALL of New Mexico.

H.R. 1200: Mr. PAYNE, Mr. BERMAN, and Mr. TIERNEY.

H.R. 1222: Mr. BUTTERFIELD, Mr. Payne, and Mrs. JONES of Ohio.

H.R. 1223: Mr. BUTTERFIELD, Mr. Payne, and Mrs. JONES of Ohio.

H.R. 1225: Mr. MOORE of Kansas, and Mr. SIRES.

H.R. 1230: Mr. CRAMER and Ms. SCHAKOWSKY.

H.R. 1237: Mr. PITTS and Mr. YOUNG of Alaska.

H.R. 1246: Mrs. CHRISTENSEN and Ms. KILPATRICK.

H.R. 1252: Mr. SPACE, Mr. CARDOZA, Mr. SCHIFF, Mr. ROTHMAN, Mr. VAN HOLLEN, and Ms. SLAUGHTER.

H.R. 1279: Mr. LOEBSACK, Ms. ROYBAL-ALLARD, Mr. ENGLISH of Pennsylvania, and Ms. HIRONO.

H.R. 1280: Mr. SHERMAN and Mr. DELAHUNT.

H.R. 1304: Mr. GARY G. MILLER of California, Mr. GORDON, Mr. FILNER, and Mr. MARSHALL.

H.R. 1314: Mr. ENGLISH of Pennsylvania and Mr. MCCOTTER.

H.R. 1320: Mr. COHEN.

H.R. 1344: Mr. RAHALL and Mr. DAVIS of Illinois.

H.R. 1394: Mr. MEEKS of New York.

H.R. 1400: Mr. FARR, Mr. HENSARLING, Mr. VISCLOSKY, Mr. BOOZMAN, Mr. MARIO DIAZ-BALART of Florida, Mr. KING of New York, Mr. ELLSWORTH, Mr. SMITH of Texas, Mr. MARCHANT, Ms. ROYBAL-ALLARD, Mr. PRICE of Georgia, Mr. BARRETT of South Carolina, Mr. CULBERSON, Mr. DONNELLY, Mr. CONAWAY, Mr. JORDAN, Ms. CASTOR, Mr. BOYD of Florida, Mr. BUCHANAN, and Mr. FILNER.

H.R. 1406: Mr. TERRY, and Mr. SOUDER.

H.R. 1410: Ms. CLARKE, Ms. JACKSON-LEE of Texas, and Mr. THOMPSON of Mississippi.

H.R. 1411: Ms. CLARKE, Ms. JACKSON-LEE of Texas, and Mr. THOMPSON of Mississippi.

H.R. 1412: Ms. CLARKE, Ms. JACKSON-LEE of Texas, and Mr. THOMPSON of Mississippi.

H.R. 1413: Mr. PUTNAM.

H.R. 1422: Mr. LOEBSACK and Mr. NUNES.

H.R. 1453: Ms. LORETTA SANCHEZ of California.

H.R. 1474: Mr. WALDEN of Oregon, Mr. BOUSTANY, Mrs. LOWEY, Ms. SCHAKOWSKY, MR. WAMP, Mr. GORDON, Mr. ELLSWORTH, Mr. MCNULTY, and Mr. DELAHUNT.

H.R. 1483: Mr. KUCINICH.

H.R. 1497: Ms. SCHAKOWSKY.

H.R. 1498: Mr. CHANDLER and Mr. UDALL of New Mexico.

H.R. 1499: Mr. SHAYS.

H.R. 1518: Mr. KENNEDY, Mr. ABERCROMBIE, and Mr. TIAHRT.

H.R. 1551: Mr. LIPINSKI.

H.R. 1561: Ms. MCCOLLUM of Minnesota.

H.R. 1567: Mr. INGLIS of South Carolina, Ms. SCHAKOWSKY, Mr. HINOJOSA, and Mr. LOEBSACK.

H.R. 1576: Mr. MCCOTTER and Mr. WAXMAN.

H.R. 1583: Mrs. MALONEY of New York, Mr. HOLDEN, Mr. RANGEL, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. BISHOP of New York, Mr. KUHL of New York, and Mr. MCHUGH.

H.R. 1589: Mr. MCDERMOTT, Mrs. BLACKBURN, Mr. WU, Mr. ROSKAM, and Mr. WALZ of Minnesota.

H.R. 1621: Mr. Smith of New Jersey, Mr. Cohen, Mr. Courtney, Mr. Payne, Mr. Murphy of Connecticut, Mr. Walsh of New York, Mr. Weller, Mr. Larson of Connecticut, and Ms. Schakowsky.

H. R. 1640: Mrs. Musgrave.

H.R. 1649: Mr. Moran of Kansas, Mr. Rodriguez, and Mr. Whitfield.

H.R. 1653: Mr. Davis of Illinois.

H.R. 1663: Ms. Sutton, Mr. Welch of Vermont, Mr. Blumenauer, and Mr. Platts.

H.R. 1673: Mr. Sali.

H.R. 1683: Mrs. Schmidt.

H.R. 1687: Mr. Rothman, Mrs. Davis of California, and Mr. Capuano.

H.R. 1700: Mr. Kagen, Mr. Fossella, Mr. Holt, Mrs. Gillibrand, Mr. Carney, Mr. Engel, Mr. Matheson, Mr. Baca, and Ms. Lee.

H.R. 1705: Mr. Walsh of New York and Mr. Kirk.

H.R. 1707: Ms. McCollum of Minnesota, Mr. Rothman, Ms. Kilpatrick, and Mr. Loebsack.

H.R. 1709: Mr. Marshall and Mr. Walsh of New York.

H.R. 1711: Mr. Blumenauer.

H.R. 1713: Mr. Loebsack, Mr. Stark, Mr. Ellison, Ms. Schakowsky, and Mr. Delahunt.

H.R. 1721: Mr. Matheson and Mr. Butterfield.

H.R. 1732: Mr. Loebsack.

H.R. 1740: Mr. Nadler and Mr. Filner.

H.R. 1804: Mr. Payne.

H.R. 1813: Mr. Bishop of New York and Ms. Bean.

H.R. 1819: Mr. Price of North Carolina.

H.R. 1821: Mr. Salazar, Mr. Barrett of South Carolina, Mr. Udall of Colorado, and Mr. Doggett.

H.R. 1838: Ms. Linda T. Sánchez of California, Mr. Crenshaw, Mr. Shays, Mr. Tim Murphy of Pennsylvania, Mr. Melancon, Mr. Ross, Ms. Harman, Mrs. Jones of Ohio, Ms. Roybal-Allard, Mr. Lewis of Georgia, Ms. Ros-Lehtinen, Mrs. Maloney of New York, Mr. Lincoln Diaz-Balart of Florida, and Mr. Royce.

H.R. 1840: Mr. Ramstad, Mr. McHugh, Mr. Paul, and Mr. Emanuel.

H.R. 1866: Mr. Gillmor, Mr. Manzullo, Mr. Gohmert, Mr. Boswell, Mr. Sessions, Mr. Scott of Georgia, Mr. Gene Green of Texas, Mr. Barrett of South Carolina, Mr. Mitchell, Mr. Walsh of New York, Mr. Fortenberry, Ms. Ros-Lehtinen, Mr. Matheson, Mr. Everett, Mr. Etheridge, Mr. Bonner, and Mr. Rodriguez.

H.R. 1871: Mr. Paul, Mrs. Lowey, and Mr. Marshall.

H.R. 1877: Mr. Rahall.

H.R. 1892: Mr. McCotter.

H.R. 1907: Mr. Castle, Mr. LoBiondo, and Mr. Thompson of California.

H.R. 1909: Mr. Ortiz and Mr. Udall of New Mexico.

H.R. 1921: Ms. Eshoo.

H.R. 1924: Mr. Higgins.

H.R. 1930: Mr. McCaul of Texas and Mrs. Drake.

H.R. 1932: Ms. Castor.

H.R. 1943: Mr. Gutierrez, Mr. Meeks of New York, Ms. Clarke, Ms. Norton, Mr. Jefferson, Ms. Jackson-Lee of Texas, and Mr. Al Green of Texas.

H.R. 1944: Mr. Cuellar, Mr. Kildee, Ms. Norton, Mr. Walz of Minnesota, Ms. McCollum of Minnesota, Ms. Wasserman Schultz, and Mr. Higgins.

H.R. 1961: Mr. Loebsack.

H.R. 1967: Mr. Paul, Mr. Baker, Mr. Jones of North Carolina, Mr. Hensarling, Mr. Feeney, Mr. Bachus, Mr. Garrett of New Jersey, Mr. Moore of Kansas, and Mr. Mahoney of Florida.

H.R. 1971: Ms. Jackson-Lee of Texas and Mr. Nadler.

H.R. 1985: Mr. Cohen.

H.R. 2005: Ms. Baldwin.

H.R. 2017: Mr. Bishop of New York, Mr. Bishop of Georgia, Mr. Capuano, Ms. DeLauro, and Mr. Nadler.

H.R. 2021: Mr. Souder, Mr. Hastings of Florida, Ms. Hirono, Ms. Zoe Lofgren of California, Ms. Clarke, Mr. Nadler, and Ms. Sutton.

H.R. 2023: Mr. McCotter.

H.R. 2052: Mr. Engel and Mr. Hinchey.

H.R. 2053: Mr. Gillmor, Mr. Cardoza, Ms. Jackson-Lee of Texas, Mr. Price of Georgia, Mr. Kirk, Mr. McCotter, Mr. Neal of Massachusetts, Mr. Scott of Georgia, Mr. Perlmutter, Mr. Bishop of Georgia, Mr. Berman, Mr. Mitchell, Mr. Welch of Vermont, Mr. Matheson, Mr. Gene Green of Texas, Mr. Wamp, Mr. Jindal, Mr. Bonner, Mr. Rodriguez, Ms. Ros-Lehtinen, Mr. Doolittle, Mr. Wu, Mr. Kuhl of New York, and Mr. McCaul of Texas.

H.R. 2060: Ms. Norton, Mrs. Musgrave, Mr. Tierney, Ms. Hirono, Mr. Cleaver, Mr. Stark, Mrs. Jones of Ohio, Mr. Doolittle, and Mr. Fattah.

H.R. 2063: Ms. Schakowsky, Mr. Buchanan, Mr. Pitts, Mr. Delahunt, and Mr. Waxman.

H.R. 2067: Mr. Tiberi.

H.R. 2091: Mr. Jones of North Carolina.

H.R. 2109: Mrs. Myrick.

H.R. 2111: Mr. Ackerman and Ms. Watson.

H.R. 2129: Mr. Rush and Mr. Walsh of New York.

H.R. 2134: Mr. Souder, Mr. Hensarling, and Mr. Wolf.

H.R. 2135: Mr. Fortenberry.

H.R. 2138: Mr. Baker.

H.R. 2147: Mr. Grijalva, Mr. Hall of New York, and Mr. Loebsack.

H.R. 2159: Mr. Barrow and Mr. Paul.

H.R. 2164: Mr. Walz of Minnesota, Mr. LaTourette, Mr. Wu, and Mr. Ramstad.

H.R. 2169: Mr. Wolf, Mr. Markey, Ms. Matsui, and Mr. Higgins.

H.R. 2192: Mr. Larson of Connecticut, Mr. Boswell, Mr. Andrews, Mr. Cohen, Mr. Yarmuth, Mr. Allen, and Mr. Marshall.

H.R. 2199: Mr. Hare, Ms. Corrine Brown of Florida, Ms. Berkley, Mr. Altmire, and Mr. Walsh of New York.

H.R. 2213: Mr. Pomeroy.

H.R. 2253: Mr. Culberson.

H.R. 2260: Mr. Pitts and Mr. Scott of Georgia.

H.R. 2266: Ms. Zoe Lofgren of California and Mr. McNulty.

H.R. 2267: Mr. Paul.

H.J. Res. 9: Mr. Sessions, and Mr. Hunter.

H. Con. Res. 21: Ms. DeLauro, Mr. Young of Alaska, and Mr. Royce.

H. Con. Res. 70: Mr. Clay.

H. Con. Res. 120: Mr. English of Pennsylvania and Mr. Bartlett of Maryland.

H. Con. Res. 125: Mr. Rothman and Mr. Paul.

H. Con. Res. 131: Mr. McNulty, Mr. Mario Diaz-Balart of Florida, Mr. Burton of Indiana, Mr. Stearns, Mr. Shadegg, Mr. Fortuño, and Mr. Gary G. Miller of California.

H. Con. Res. 133: Mr. English of Pennsylvania, Mrs. Blackburn, and Mr. Delahunt.

H. Con. Res. 137: Mr. Sessions.

H. Con. Res. 138: Mr. McIntyre, Mr. McGovern, and Mr. Lewis of Georgia.

H. Con. Res. 139: Mr. Pastor, Mr. McCotter, Mr. Inglis of South Carolina, Mr. Wolf, Mr. Pitts, Mr. George Miller of California, and Mr. Rothman.

H. Con. Res. 144: Ms. Corrine Brown of Florida, Ms. Zoe Lofgren of California, Ms. Sutton, Ms. Kilpatrick, and Mr. Delahunt.

H. Res. 97: Mr. Loebsack.

H. Res. 106: Mr. Courtney and Mr. Udall of New Mexico.

H. Res. 111: Mr. Gerlach.

H. Res. 121: Mr. Bilbray, Ms. Shea-Porter, Mr. Blumenauer, Mr. Loebsack, Mr. Lipinski, Mr. Udall of New Mexico, and Mr. Baird.

H. Res. 148: Mr. Sarbanes.

H. Res. 164: Mr. McCotter.

H. Res. 194: Ms. Zoe Lofgren of California.

H. Res. 227: Mr. Honda.

H. Res. 241: Ms. Baldwin, Mr. Nadler, Mr. Stark, Mr. McNulty, and Ms. Schakowsky.

H. Res. 257: Mrs. Capps, Mrs. Tauscher, Mr. Gonzalez, Mr. Shuster, and Mr. Thompson of California.

H. Res. 259: Mr. Walsh of New York and Mr. Nadler.

H. Res. 282: Mr. Barrow, Mr. Larson of Connecticut, Mrs. Maloney of New York, Ms. Norton, Mr. Nadler, Mr. Van Hollen, Ms. Waters, and Mr. Cooper.

H. Res. 287: Mr. Young of Alaska.

H. Res. 295: Mr. Putnam.

H. Res. 296: Mrs. Lowey, Ms. Giffords, Mr. Crowley, Mr. Rahall, and Mr. Altmire.

H. Res. 309: Mr. Rothman and Mr. McGovern.

H. Res. 335: Ms. Sutton, Ms. Jackson-Lee of Texas, and Mr. McNulty.

H. Res. 351: Mrs. Myrick and Mrs. Drake.

H. Res. 353: Mr. Lewis of Georgia.

H. Res. 378: Mr. Honda, Mr. Ackerman, Mr. Marshall, and Ms. Bordallo.

H. Res. 385: Mr. Altmire, Mr. Sarbanes, Ms. Shea-Porter, Mr. Wu, Mr. Loebsack, Mr. Holt, Mr. Reyes, Mr. Allen, Mr. Capuano, Ms. DeLauro, Mr. Honda, Ms. Eddie Bernice Johnson of Texas, Mrs. Maloney of New York, Ms. McCollum of Minnesota, Mr. McDermott, Mr. Moran of Virginia, Mr. Murtha, Mr. Nadler, Mr. Patrick Murphy of Pennsylvania, Ms. Linda T. Sánchez of California, Mr. Van Hollen, Mr. Davis of Illinois, Mr. Farr, and Mr. Hare.

H. Res. 397: Mr. Blunt and Mrs. Musgrave.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Skelton, or a designee, to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1427

Offered By: Mr. Neugebauer

Amendment No. 1: Page 128, strike lines 18 through 20 and insert the following: "amount equal to the lesser of (A) 1.2 basis points for each dollar of the average total mortgage portfolio of the enterprise during the preceding year, (B) the number of basis points for each dollar of the average total mortgage portfolio of the enterprise during the preceding year, which when applied to such average portfolios of both enterprises, results in an aggregate allocation under this paragraph by the enterprises for the year of $520,000,000, or (C) a lesser amount, as determined by the Director, if the Director determines for such year that allocation of the lesser of the amounts under subparagraphs (A) and (B) poses a safety or soundness concern to the enterprise.".

H.R. 1585

OFFERED BY: MR. TERRY

AMENDMENT NO. 1: Title II, subtitle C, add at the end the following:

SEC. 2 . INCREASED FUNDS FOR X LAB BATTLESPACE LABORATORY.

(a) INCREASE.—The amount in section 201(4), research, development, test, and evaluation, Defense-wide, is hereby increased by $10,000,000, to be available for the X Lab battlespace laboratory, program element 0603175C.

(b) OFFSET.—The amount in section 201(2), research, development, test, and evaluation, Navy, is hereby reduced by $10,000,000, to be derived from Joint Tactical Radio System Navy.

H.R. 1585

OFFERED BY: MR. SKELTON

AMENDMENT NO. 2: In section 122(a), strike "enter into multiyear contracts, beginning with the fiscal year 2008 program year" and insert "enter into a multiyear contract, beginning with the fiscal year 2009 program year".

In section 301(10), strike the dollar amount and insert "$5,847,609,000".

In section 301(11), strike the dollar amount and insert "$5,042,565,000".

In section 576, strike subsection (i) and insert the following new subsection:

(i) FUNDING.—Of the amount authorized to be appropriated pursuant to section 301(5) for Defense-wide activities, $3,000,000 shall be available for deposit in the Fund for fiscal year 2008.

In section 944(b)(2) (page 444, lines 13 and 14), strike "Under Secretary of Defense (Comptroller)" and insert "Director of the Office of Program Analysis and Evaluation".

In title XIII, add at the end the following new section:

SEC. 1307. CLARIFICATION OF AMOUNTS FOR COOPERATIVE THREAT REDUCTION PROGRAMS.

The amount in section 1302(a)(9), and the corresponding amounts in section 1302(a) (in the matter preceding paragraph (1)) and in section 301(19), are hereby increased by $48,000, all of which is to expand staff capacity, capabilities, and resources necessary for activities related to new Cooperative Threat Reduction initiatives.

In section 1508, add at the end the following new paragraph:

(11) For the Strategic Readiness Fund, $1,000,000,000.

Redesignate section 1517 as section 1518 and insert after section 1516 the following new section (and conform the table of contents accordingly):

SEC. 1517. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Funds are hereby authorized to be appropriated for fiscal year 2008 to the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation in the amount of $50,000,000.

In section 2104(a), in the matter preceding paragraph (1), strike the dollar amount and insert "$5,133,817,000".

In section 2104(a)(1), strike the dollar amount and insert "$3,089,400,000".

In section 2204(a), in the matter preceding paragraph (1), strike the dollar amount and insert "$2,757,249,000".

In section 2204(a)(1), strike the dollar amount and insert "$1,496,532,000".

In section 2204(a)(2), strike the dollar amount and insert "$293,858,000".

In section 2304(a)(1), strike the dollar amount and insert "$710,173,000".

In section 2404(a), in the matter preceding paragraph (1), strike the dollar amount and insert "$10,253,464,000".

In section 2404(a)(1), strike the dollar amount and insert "$898,483,000".

Title XXXI, subtitle A, add at the end the following new section:

SEC. 3105. OTHER ATOMIC ENERGY DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for energy security and assurance programs necessary for national security in the amount of $6,000,000.

Make the following technical amendments:

(1) Page 302, lines 13 to 20, move the margins 2 ems to the right.

(2) Page 332, line 20, insert "in" before "subparagraph (B)".

(3) Page 478, lines 12 to 15, move the margins 2 ems to the right.

(4) Page 513, line 22, strike "(I)" and insert "(i)".

(5) Page 514, line 20, strike "(I)" and insert "(i)".

(6) Page 623, line 19, strike the period and insert a semicolon.

(7) Page 669, line 16, strike "(I)" and insert "(i)".

(8) Page 734, line 10, strike "redesignation" and insert "redesignating".

EXTENSIONS OF REMARKS

RECOGNIZING THE DEDICATION OF DOCTOR SUSAN A. COTA

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Susan A. Cota, as she retires from the Chancellorship of the Chabot-Las Positas Community College District.

Dr. Cota was the first Hispanic female Chancellor in the 43-year history of the Chabot-Las Positas Community College District. She was also the first Hispanic female Chancellor appointed in the California Community College system.

Dr. Cota has held various positions in the California Community College system, such as counselor, director, and dean of student services. She has also served as the Statewide Administrator of Disabled Students Programs and Services.

Dr. Cota holds a doctorate in organization and leadership from the University of San Francisco, a Master of Science degree in Vocational Rehabilitation Counseling from San Francisco State University and a bachelor's degree in English from Immaculate Heart College.

Dr. Cota is active in a wide variety of national, state, and local organizations. She was elected to the Board of the American Association of Community Colleges (AACC), and currently serves on the Executive Board and as Chair of the Community College Futures Committee and on the Board of the Community College Leadership Development Initiatives Foundation at the University of San Diego.

In 2006, she received the Harry Buttimer Distinguished Administrator Award from the Community College Administrators. She has also received the Community College League of California's Courageous Leader Award, and the Outstanding Educator in Administration Award.

Under her leadership, a $498M facilities construction bond was approved, to provide for the complete build-out of Las Positas College in Livermore, and full renovation of the Chabot College campus.

As Dr. Cota retires, I thank her for her steadfast leadership of the Chabot-Las Positas Community College District, and her commitment to the continuing education of our community. I wish her the best in her future endeavors.

COMMEMORATING THE 50TH ANNIVERSARY OF ACME RIGGING & SUPPLY COMPANY IN UKIAH, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Acme Rigging & Supply Company in Ukiah, California, on the occasion of its 50th anniversary. Acme has been locally owned and operated for the past 50 years, and for the last 18 years has transitioned into a wholly employee-owned business while continuing to expand its operations and the markets it serves.

Acme Rigging started out in 1957 as the vision of Pete Dunnebeck, when five rigging shops went out of business on the northern California coast. Initially, as the sole employee, he took orders, performed the assembly, and then delivered the final product to customers. Thirty-two years later Mr. Dunnebeck was getting ready to phase out of the business when he learned about Employee Stock Ownership Plans (ESOP).

In 1989, Mr. Dunnebeck sold 49 percent of the business to his employees. By 1997, the employees had fulfilled the payoff on their shares and approached the Savings Bank of Mendocino County to borrow money to purchase the remaining 51 percent. This was the first loan of its kind for the local bank, and they put the deal together and agreed on a 10-year payback. The employees met that obligation in 9 years, 1 year earlier than expected.

Upon the retirement of Mr. Dunnebeck, John Peaslee took the reins of the company and has guided an impressive expansion. In 1997, Acme Rigging had less than three million dollars in sales. By 2006 that number had tripled. The company grew from eight employees to a total of 29 today. A second location was opened in Sacramento in 2000. Acme Sacramento started with four employees and now has 10.

Madam Speaker and colleagues, there are more than 10,000 ESOP companies employing nine to ten million employee/owners in our country. Acme Rigging & Supply Company is a superb example of how well employee stock ownership plans can work. It is appropriate that we honor the successful transformation and expansion of this local, employee-owned business on the occasion of its 50th anniversary.

IN HONOR OF MR. JOSE SANTOS AS THE 2006 RECIPIENT OF THE ESTEEMED FULBRIGHT AWARD

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. SESSIONS. Madam Speaker, I rise to pay special tribute to Mr. Jose Santos, an outstanding individual from Dallas and recent recipient of the Fulbright award. Mr. Santos was chosen to receive the prestigious award to study, lecture or conduct research abroad during the 2006–2007 academic year after demonstrating high academic achievement studying Anthropology at Southern Methodist University.

Sponsored by the U.S. Department of State, Bureau of Education and Cultural Affairs, the Fulbright Award is America's leading international exchange program. Congress established the Fulbright Program in 1946 with the intention of fostering mutual understanding between United States citizens and the rest of the world. The Fulbright Program has since provided avenues of academic exchange with over a quarter of a million people in more than 150 countries worldwide. Surely the recipient of such an esteemed award does not lack merit.

Mr. Santos was chosen for his high academic and professional achievement, as well as his exemplary leadership in his field. Mr. Santos' accomplishments thus far have been truly impressive and for that I wish to recognize him here on the floor of the U.S. House of Representatives.

It is my honor to recognize Mr. Santos as the recipient of the Fulbright award, and I know I speak for all of Dallas when I say that we are very proud of his successes. I wish Mr. Santos the very best in all of his endeavors both at home and abroad.

IN RECOGNITION OF THE OUTSTANDING SERVICE AND RESPONSE TO THE EMERGENCY WORKERS WHO HELPED ELIZABETH FORWARD HIGH SCHOOL ON MAY 3, 2007

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, in times of crisis, all too often those who risk their own safety and go beyond the call of duty remain unknown and unrecognized. Today I want to recognize those who have helped in a moment of need. On May 3, 2007, tragedy befell Elizabeth Forward High School and in their moment of need, their guardian angels responded in the form of emergency rescue workers from the police and five different hospitals.

On what was supposed to be an exciting and memorable trip, 29 students, seven parents and four staff members from the school were traveling on the Pennsylvania Turnpike about 30 miles outside Philadelphia on their way to a band competition in Wildwood, NJ. At around 4:30 on a peaceful morning, as most of the students slept in their seats, a slow moving tractor trailer moved into the way of the bus.

The bus could not stop nor move out of the way in time and the two collided. The accident awoke the students to the sight and sound of a nightmare as the truck and bus stuck together and skidded out of control for over 400 feet before finally coming to a stop.

Emergency rescue workers raced to the scene to find the two vehicles had become stuck together in one giant jigsaw puzzle of twisted steel, a site that closed the turnpike until the situation could be fully assessed. By the grace of God, none of the students were critically injured; however, all needed thorough examination to treat wounds and help those needing medical treatment. The students, parents, and staff members were sent to 5 hospitals in the area.

An unexpected tragedy occurring in an unfamiliar area far away from home is a nightmare, and for Elizabeth Forward High School, this nightmare became reality. But their guardian angels went above and beyond the call of duty to ensure their safety, treat the injured, and communicate to the families the situation each of their children faced while assuring their safety.

I would like to extend my most heartfelt thanks and praise to all of those involved in the protection of our students. I would like the Congressional Record to reflect that the emergency workers in these organizations are truly heroes deserving of our most sincere appreciation: The Pennsylvania State Police, Brandywine Hospital, Chester County Hospital, Paoli Hospital, Reading Hospital and Medical Center, St. Joseph Medical Center, TA Nelson Bus Line.

ON THE EXTRAORDINARY PUBLIC SERVICE OF FRANK LEONE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend Frank Leone on the occasion of his 80th birthday for his extraordinary public service.

Frank Leone's service to his country, his community, and his neighbors dates back to World War II when he was drafted into the U.S. Navy. He served as a flight deck crewman on the aircraft carrier USS *Kearsarge*, a ship his father had helped to build during the war. He remains an active member of the Oakland American Legion and Franklin Lakes VFW.

In 1954, Frank Leone moved to Oakland and became an active part of that Bergen County community. He ran for mayor in 1960 and was elected to the Borough Council in 1963. He served as the president of the Chamber of Commerce for 12 years. Frank Leone also served as Civil Defense Director and Emergency Management Coordinator. His long record of extraordinary service to his community was honored in 2001 as the Grand Marshal of Oakland's Memorial Day Parade.

In 1965, President Lyndon Baines Johnson appointed Frank Leone as Oakland Postmaster. Today, he is the last active postmaster in the Nation appointed by the President of the United States. He has served in various State and national offices of the National Association of Postmasters.

Frank Leone is a shining example of citizenship and dedication to your community. It is an honor to share in the celebration of his 80th birthday.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL SUFFRAGISTS DAY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in support of H. Con. Res. 105, to honor women suffragists with a National Suffragists Day.

On July 19, 1848, at the Seneca Falls Convention, now famous suffragists, Lucretia Mott and Elizabeth Cady Stanton made one of the first public appeals for women's right to vote. This convention launched a more than 70 year fight for suffrage, which culminated with women gaining the right to vote in 1920 with the adoption of the 19th Amendment to the U.S. Constitution.

Without the dedication, commitment, and hard work of women suffragist pioneers like Mott, Stanton, Susan B. Anthony, Sojourner Truth, and Alice Paul, our country would not have the first female Speaker of the U.S. House of Representatives or more women elected to Congress than ever before.

I am proud to be a cosponsor of H. Con. Res. 105, to honor the women suffragists who changed this country. Their bravery continues to inspire young women today to take an active role in government and to use their voices to make a difference.

I urge my colleagues to join me in supporting the goals and ideals of a National Suffragists Day.

HONORING THE CHILD ASSAULT PREVENTION (CAP) PROJECT OF SOUTH FLORIDA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Ms. ROS-LEHTINEN. Madam Speaker, I would like to call your attention to the Child Assault Prevention (CAP) Project of South Florida, whose efforts on behalf of so many families in my Congressional district should be applauded. This program has partnered with local schools in Miami-Dade County, Florida, the fourth largest school district in the country, to address the growing number of social issues affecting our children.

Many social challenges facing students today are felt away from home, oftentimes in the classroom. By offering interactive workshops at local schools, students gain an understanding of how to deal with situations they have already faced or may soon encounter. These circumstances range from instances of bullying and peer aggression to cases of sexual harassment and abuse. Often times, these topics are not comfortable for students to deal with, making CAP's role vital for the social well-being of our children.

As a mother of two girls currently attending college, I understand how important these programs can be in making parents and loved ones feel more comfortable about their children's education. With enrollment at schools growing, classroom sizes have increased nationwide at our public schools. This has made it more difficult for teachers to enforce respectable and cordial behavior. Therefore, it is imperative that schools and teachers receive proper support from outside specialists like CAP.

CAP's range of expertise extends beyond the classroom. Counseling can be crucial for children in the unfortunate circumstance of neglect and abuse at home. In cases of sexual harassment and abuse, counseling at school is sometimes the only outlet for children. This makes CAP's role even greater in South Florida's schools.

Since 1984, CAP has provided abuse prevention strategies to over 270,000 children, families and teachers in Miami-Dade County. Abuse prevention workshops oftentimes provide children with the tools necessary to protect themselves from conflicts, either at school or at home. The Child Assault Prevention (CAP) Project of South Florida provides a great example of community organizations working together with schools to improve learning environments for our children.

Once again, I commend CAP for its efforts on behalf of so many in my community.

TAIWAN IN THE WHO

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. WALDEN of Oregon. Madam Speaker, today in Geneva, Switzerland the 60th annual meeting will commence of the World Health Assembly, the supreme decision making body of the World Health Organization. This year the government of Taiwan is applying for membership to the WHO and Taiwan has been applying to participate in the activities of the WHO since 1997 but they have been rejected due to various political pressures.

I think it's important that Taiwan be granted membership in the WHO. Taiwan is struggling to participate in the WHO not only for the sake of its 23 million citizens but also for the welfare of the 1.3 billion people in mainland

China. With expansion of travel and trade between Taiwan and mainland China, contagious diseases can spread rapidly. Successful monitoring and prevention of infectious diseases requires cooperation from all nations.

Taiwan has a modern, world-class health care system and has lent its talents and resources to peoples in need throughout Asia and around the world. Such capabilities are particularly important in this era of globalization, and as apprehensions continue to grow about the emergence of dangerous illnesses such as SARS and the Avian Flu. For example, when the Avian Flu pandemic struck parts of Asia in 2004, Taiwan undertook a number of preventive measures to combat the outbreak and protect its population and those of other countries. As a result of this swift and innovative work, Taiwan has not experienced an outbreak of the avian influenza and has deterred its proliferation elsewhere.

The WHO plays a critical role in safeguarding and improving the health of the world population, and I support its admirable record of achievement as a guardian of international health. A glaring deficiency in the WHO's global program, however, is the fact that the 23 million people of democratic Taiwan are not allowed to contribute to, participate in, or benefit from its important initiatives.

I urge my colleagues to join me in my support of Taiwan's bid for membership in the World Health Organization. For the sake of Taiwan's citizens as well as their neighbors and partners in Asia and around the world, granting membership is the wise and equitable thing to do.

IN RECOGNITION OF SPECIALIST MATTHEW BOLAR

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. ROGERS of Alabama. Madam Speaker, Specialist Matthew Bolar, 24, of Montgomery, Alabama, died on May 3, 2007, in Baghdad, Iraq. Specialist Bolar was assigned to A Company, 1st Battalion, 501st Parachute Infantry Regiment, 25th Infantry Division, and was stationed at Fort Richardson, Alaska.

Specialist Bolar graduated from Canterbury High School in 2002 at the top of his class and joined the Army in 2004. His friends and family remember him as a bright young man eager to serve his country.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Specialist Bolar, like other brave men and women who have served in uniform, died serving not just the United States, but the entire cause of liberty. Indeed, like those who have served before him, he was a true American.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve our Nation.

HONORING STATE DELEGATE VINCENT F. CALLAHAN, JR.

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. WOLF. Madam Speaker, I rise today to bring the attention of the House to the retirement of State Senator Vincent F. Callahan, Jr., who has represented Virginia's 34th District in the Virginia General Assembly for nearly 4 decades. I want to take this opportunity to salute Vince for his dedication to a lifetime of public service representing those in the McLean area of Fairfax County.

A native of Washington, DC, and McLean resident since 1960, Vince holds a B.S. degree from Georgetown University's School of Foreign Service and by profession is an editor, publisher, and author. He served as a Marine in the Korean War from 1950–52 and later as a reserve officer in the U.S. Coast Guard.

Elected to the House of Delegates in 1967, Vince is the longest serving Republican in the Virginia General Assembly and dean of the Northern Virginia Delegation. As chairman of the House Appropriations Committee, Vince can point to a long list of legislative achievements in service to the Commonwealth of Virginia. He will be sorely missed. In honor of his work for higher education, Vince was awarded an Honorary Degree in the Humane Letters from the Northern Virginia Community College and the Lord Botetourt Award from the College of William and Mary. I have inserted for the RECORD a recent Sun Gazette article which details his unparalleled career.

Perhaps more important than the well deserved awards and recognitions Vince has accrued over the years is the way he conducts himself. He is a man of his convictions, and of the highest moral character, a true Virginia gentleman, family man, and loyal friend. Vince and his wife Yvonne have eight children and 19 grandchildren between them and I suspect that Vince is looking forward to spending more time with family as he retires. I ask that my colleagues in the House rise today and join with me in recognizing the outstanding public service career of Vincent F. Callahan, Jr.

AFTER 40 YEARS IN PUBLIC LIFE, DEL. CALLAHAN TO RETIRE

(By Brian Trompeter)

Forty years is enough: Del. Vincent Callahan (R–34th), a McLean resident who is the second-longest serving member of the Virginia House of Delegates, announced March 5 that he would not seek reelection in November.

"You get to a certain stage in life where you've done what you want to do," he said. "It gets old after a while." Callahan, 75, entered politics early in life. After being defeated in a 1965 bid for lieutenant governor, he first was elected to the House of Delegates in 1967. He was one of only 14 Republicans in that body then, versus 86 Democrats. Unlike today, when legislators have offices and a professional staff to help them, delegates then operated out of hotel rooms or their desks in the House of Delegates during General Assembly sessions, he said. Callahan credited former House of Delegates Speaker John Warren Cooke (D–Mathews) for teaching him proper legislative decorum. "He was born in 1915 and his father was an officer in the Confederate Army" who was in his 70s when Cooke was born, Callahan said. "You talk about somebody from the old school. He was the epitome of a Virginia gentleman."

Republicans achieved parity in the House of Delegates in 1998 and Callahan was named co-chair of the powerful House Appropriations Committee. When Republicans became the majority in 2000, he became the committee's sole chairman. Callahan, who lost a bid for Congress in 1976, has seen Virginia's biennial budget grow from $3 billion when he first joined the General Assembly to $75 billion today. Gov. Kaine called Callahan on Monday to congratulate him on the latest budget, which passed unanimously.

Callahan said his key accomplishments in office include strongly supporting George Mason University, Northern Virginia Community College and other higher-education institutions; securing $500 million to help clean up the Chesapeake Bay; and bolstering mental-health services around the state. He's also "tilted at a few windmills," championing a higher minimum wage and a ban on smoking in public places. These bills have been defeated so far but likely will pass in the near future, he predicted. Virginia has tremendous colleges, enjoys a AAA bond rating and consistently is ranked one of the best-managed states in the nation, he said.

Only Del. Lacey Putney (I–Bedford), who has served since 1962, has spent longer than Callahan in the House of Delegates. Callahan's tenure has not always been smooth. Legislators have had to go into special sessions several times in recent years because of budget disagreements. And in 1998, he apologized after making remarks that some female legislators found offensive. "They jumped on me and I haven't done it since," he said. "It wasn't meant to be demeaning to women."

Democrats already were actively targeting Callahan's seat, with candidates Margi Vanderhye and Rip Sullivan contending for the nomination in the June primary. Callahan has about $85,000 in unspent campaign moneys and will use them to pay office expenses for the remainder of his term. Leftover funds will be given to other political campaigns or donated to charity, he said. The 34th District always has been a swing district and has been represented for many years by a Democratic state senator, Callahan said. The district's voters sided with U.S. Senate candidate James Webb (D) during his victorious campaign in November 2006, but also re-elected longtime U.S. Rep. Frank Wolf (R–10th), he said. A Republican candidate seeking the district's seat must take a moderate approach on issues, Callahan said.

"Moderation is the essence of conservatism," he said. "I think there's two sides to every issue. You don't do immigrant or gay bashing to get headlines. You have to look at the whole picture." Callahan will spend the rest of his term overseeing 400th-anniversary celebrations of the Jamestown Colony's founding. He will be among dignitaries who will greet Queen Elizabeth II on May 3 when she visits Richmond and addresses a joint General Assembly session.

Callahan was born in Washington, DC, and served in the U.S. Marine Corps during the Korean War. He also served in the U.S. Coast Guard Reserve from 1959 to 1963, retiring as a lieutenant. Callahan has been a staple of Veterans Day celebrations at McLean High School, where he traditionally recites from memory John McCrae's World War I poem, "In Flanders Fields."

Fairfax County Supervisor Joan DuBois (R-Dranesville) credited Callahan with championing Wolf Trap National Park for the Performing Arts, trails in Great Falls, sound barriers along Interstate 495 in McLean and the status of Georgetown Pike as a Scenic Byway. "He was a gentleman of the 'old school' who knew that partisanship had no place in efforts to improve his community," DuBois said in a statement released Monday. "He will be greatly missed by many of us who knew him as a go-to leader in the General Assembly for longer than I have lived in Northern Virginia."

Vienna Town Council member Michael Polychrones said Callahan's departure will mark the end of an era in state politics and a loss for Northern Virginia. "It will be a big blow to the area," Polychrones said. "Vince has definitely done a yeoman's job over the years."

INTRODUCTION OF THE "ENERGY CONSERVATION THROUGH 'SMART METERS' ACT"

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. NUNES. Madam Speaker, I rise today to announce the introduction of the Energy Conservation through "Smart Meters" Act. No one can deny the fact that we are in the midst of an energy crisis where supply has outstripped demand. There are many avenues we can pursue to resolve this situation, one of which I have I introduced today.

I believe the future of our Nation's electricity grid needs to be smarter and more efficient. While it is a vast issue that needs to be tackled in a multi-level and multi-year plan, we can take a step now to put consumers in control of their personal electricity usage. We can do this by incentivising, through the tax code, the deployment of energy management devices—known as "Smart Meters." A "Smart Meter" is an automated electronic electricity metering device that will replace the existing meters on homes and businesses.

The first electricity meter was invented in the 1930s at the dawn of electrification in the United States. The meter is based on small wheels turning inside the unit to count kilowatt hours used at a flat price. If you look at your meter today, you will see fundamentally the same device using technology that is more than 70 years old. These meters were invented prior to the development of computers and have no intelligence, memory, or ability to communicate. Certainly if we can place a call on a cell phone that is as thin as a pack of gum, then we can invest in advanced metering technology for home energy use.

Because of the advanced age of our metering technology, neither the consumer nor the utility has the kind of real-time information they need to make necessary decisions to best use the available electricity. "Smart Meters" change this by harnessing the power of computers and digital communications to create intelligent and connected energy systems. The revolution in technology behind today's "Smart Meters" is equivalent to the change from typewriters to a personal computer connected to the Internet. These systems empower consumers to use electricity wisely and help utilities forecast and manage energy loads more efficiently and accurately—quickly reducing electricity outages.

The use of new technology will allow customers who reduce consumption when prices are high to save more on their bills. In fact, according to GAO and FERC studies, the widespread adoption of smart metering technologies would save American consumers billions of dollars in avoided electricity costs. While consumers get a better deal on their power, society as a whole will benefit. Consumption will be reduced during peak hours which will reduce greenhouse gases because power companies will no longer have to rely on inefficient and dirty peaking generators to meet the high demand.

Madam Speaker, now is the time to deploy 21st century technology to conserve energy and put consumers in control of their electricity bills.

SUPPORT FOR H.R. 254

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. McCOLLUM of Minnesota. Madam Speaker, I rise today to express my support for H.R. 254, the Hate Crimes Prevention Act of 2007. This legislation makes a profound statement that this country will not tolerate bigotry and ignorance that results in violence against its citizens.

My first vote as a member of the Minnesota House of Representatives was for equal rights on housing and employment for the gay, lesbian, bisexual and trans-gendered (GLBT) community. As a Member of Congress, including this important vote today, I will have proudly voted for this legislation three times. It is time for this bill to become law so that all Americans can fully participate in and enjoy the rights of a democratic society.

Since 1991 the FBI has received more 113,000 reports of hate crimes and we know that this crime is underreported. The message of this bill is clear. The country does not tolerate crimes committed against individuals based on their sexual orientation. Crimes of hate are unlike other violent acts of randomness. Targeting people because of their race, religion, ethnicity, sexual orientation, gender or disability is a form of domestic terrorism that sends chilling messages to communities that they are not welcome and that intolerance and ignorance is alive and well.

Some have inaccurately suggested that this bill legislates against thoughts and ideas. That is absolutely untrue. The focus of this bill is to provide local authorities a greater means by which to prosecute violent acts of hate, not thoughts. Not only does this bill not legislate against thoughts and speech, it explicitly includes First Amendment free speech protections for persons accused of acts of hate.

Current law limits federal jurisdiction over hate crimes to violent acts committed against citizens based on religion, race, color and national origin if they are targeted while they are participating in federally protected activities, such as voting. H.R. 254 will strengthen federal law by expanding federal jurisdiction and allocate the necessary resources and tools to local law enforcement officials and prosecutors to go after individuals who act on their bigotry and ignorance with violence. The needed prosecution of hate crimes can stretch crucial state and local resources thin. This legislation authorizes the Attorney General to make grants available to law enforcement agencies that have acquired astounding expenses investigating and prosecuting hate crime cases.

This bill is needed to protect the civil rights of all Americans who have been targeted based on their differences and it utilizes the resources of this government to ensure fairness and justice. I commend the Chairman of the Judiciary Committee, Mr. CONYERS, for bringing this legislation to the Floor and I urge my colleagues to support it.

HONORING VOLKER EISELE OF NAPA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to honor my friend Volker Eisele who is being presented the Earl Thollander Award from the Napa Sierra Club. This award is given annually to acknowledge the work of an individual on behalf of the environment.

Mr. Eisele was born in Muenster, Germany, and followed family tradition by attending high school at the Gymnasium Paulinum, founded over 1,200 years ago. He came to the United States to attend graduate school at UC Berkeley for sociology and history. It was at Berkeley that he met his wife Lisele, and they married in 1968.

From the planting of his first cabernet vines in 1975, Mr. Eisele has maintained an entirely organic vineyard, making him the first vintner to do so in the Napa Valley. He has been a leader in encouraging sustainable and environmentally friendly farming practices, including the maintenance and restoration of riparian corridors and stream-side habitats. In 1991 he joined the growing movement to forever protect beautiful and vital areas of the Napa Valley by donating an open space easement to the Napa County Land Trust.

Mr. Eisele has had a long and successful career as a political activist campaigning on behalf of greater environmental protections for the Napa Valley and its agricultural heritage. He was among the leaders who helped pass Measure A limiting growth and development in unincorporated areas of Napa County. He was also instrumental in passing Measure J which has promoted further protections for agricultural lands around the county.

In addition to his political leadership, Mr. Eisele has been a leader in the local community through his service on numerous boards and committees. He served as President of the Napa County Farm Bureau, the Napa Valley Grape Growers, and the Greenbelt Alliance, which has promoted the extension of environmental protections around the Bay Area. He also was honored by his peers when he was elected to serve as director and Vice Chair of the California Association of Wine Grape Growers. These positions have allowed Mr. Eisele to express his love of grapes and winemaking while working for the benefit of not just the wine industry, but the greater community.

Madam Speaker, at this time I ask that my colleagues join me in thanking Mr. Volker Eisele for his decades of leadership and environmental stewardship and as a superb spokesman for the wine industry. He is well-deserving of the honor being bestowed on him by the Napa Sierra Club, and we thank him for his service.

RECOGNIZING THE DEDICATION OF KAREN E. HALLIDAY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Karen Halliday, as she retires as Las Positas College president, after nearly 35 years of teaching and serving students in the California Community College System.

Karen Halliday began teaching as an adjunct faculty member in Learning Disabilities and Special Education at various Bay Area universities. As a faculty member and Learning Disabilities Specialist at De Anza College in Cupertino, she helped develop the first Learning Disabilities program in higher education in California. She later became the director of the Educational Diagnostic Center at De Anza College.

In 1987, Karen Halliday was the first faculty member to receive the Foothill-De Anza Community College Teacher of the Year Award. In 1988, she joined the California Community Colleges Chancellor's Office in Sacramento, as the Specialist for the Disabled Students Program and Services.

In 1989, Karen Halliday became the Vice President of Student Services at Las Positas. In 2002, she was named president of Las Positas College. During her tenure, she successfully led the college through the passage of Measure B, a $498 million district facilities bond.

In 2003, thanks to her encouragement and guidance, the Las Positas College Foundation was created to "foster growth and success, both in its students and in the communities it serves." Later that year, the foundation was granted 501(c)3 status.

Karen Halliday has been a member of the Executive Board for the Association of California Community College Administrators and the Chair of the Legislative Commission for the California League of Community Colleges. She has authored several publications, along with numerous Board of Governors Agenda Items related to Matriculation, DSPS, and Student Services.

As Karen Halliday retires, I would like to thank her for her dedication to higher education in our community, and her contribution to the field of disabled students' services. I wish her the best of luck in her future endeavors.

IN CELEBRATION OF ALICE BERNICE HILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. RANGEL. Madam Speaker, I rise to draw attention to the life of a remarkable woman, who despite all her illnesses lived a wonderful life. Alice Bernice Hill was afflicted with asthma and other diseases early in her life, yet through all her ailments lived past 85.

Born in Harlem Hospital on December 1, 1919, Alice was sent to the West Indies for "two years, one month and eight days" due to her severe illnesses. She never had a lot of money, and had even less when on disability, and still she was able to support herself.

In her early years, Alice was forced to join the workforce to support her family, as required by the welfare program. She later rose through the ranks and became a union administrator, with groups like the International Ladies Garment Workers Union and the United Auto Workers. Through union courses at Cornell University, she obtained a bachelor's degree in labor relations.

Her efforts to refuse to let her ailments cripple her saved her life. Surviving a stroke, Chronic Obstructive Pulmonary Disease (COPD) and arthritis, lived on to watch her brother Arthur, six nieces and nephews, two grandchildren and one grandnephew grow.

Truly a woman of great dignity and honor, Alice is deserving of this recognition for her strength, intelligence, and compassion. I ask my colleagues in the House to join me in recognizing the life of Alice Bernice Hill and her relentless strength.

TRIBUTE TO MOTHER'S DAY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. KENNEDY. Madam Speaker, yesterday, mothers from across the Nation were besieged with flowers, candy, homemade cards, and gifts in celebration of Mother's Day. As we all take a moment to honor the women in our lives, it is important for Congress to do the same. For the past several years, the Breast Cancer and Environmental Research Act has been stalled in the Congress. This critical legislation would authorize a research program at the National Institutes of Health to study the potential links between breast cancer and the environment. It would also include consumer advocates in the peer review and programmatic review process. While it is generally believed that the environment plays some role in the development of breast cancer, the extent of that role remains a mystery. Less than 30 percent of breast cancers are explained by known risk factors, which means that up to 70 percent of those who suffer are still searching for answers.

As with other cancers, if we know what causes it, we can do so much more to prevent it from ever occurring. On this Mother's Day, let's pass the Breast Cancer and Environmental Research Act for our moms, for our daughters and future moms-to-be, and for everyone who has ever been touched by a loved one with breast cancer. It is time to celebrate the women in our lives with more than pink flowers and pajamas; it is time to celebrate them with the honor and commitment to medical research that will soon save their lives.

TRIBUTE TO THE MERRITT ESTATE WINERY FOR ITS CONTINUED EXCELLENCE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. HIGGINS. Madam Speaker, I rise today to recognize the achievements of Merritt Estate Winery, located in Forestville, NY. Merritt Estate Winery recently was awarded a gold medal for their Bella Rosa at the San Diego International Wine Competition. Their Chautauqua Niagara vintage was awarded a silver medal in the competition.

Merritt Estate Winery is run by a father and son duo that have dedicated themselves to their small vineyard and their fruit which has resulted in their award winning wines. The winery was created in 1976 by William Merritt, who has had the estate in his family since the 1800's. Merritt Estates Bella Rosa was awarded the gold medal at the 24th annual San Diego International Wine Competition. The awards won by Merritt Estate are the result of hard work and dedication that have resulted in wines that rival some of the best in the world.

Western New York is home to the largest continuous acreage of concord grapes in the world. The regional grape industry contributes $3.3 billion in economic value to the New York State economy each year. As a member of the Wine and Grape Caucus, I am proud that such outstanding products come from the grapes and hard work of local growers in western New York.

CLARIFICATION OF LEGISLATIVE INTENT ON SANTA ROSA ISLAND

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. HUNTER. Madam Speaker, after reading an opinion from the Department of the Interior Solicitor, I feel compelled to clarify the intent of Section 1077(c) of P.L. 109–364. While others may misinterpret and even distort the actual impact of this language upon the healthy Kaibab Mule Deer and Roosevelt Elk herds that are currently living on Santa Rosa island, I want to make clear this section's intent is to protect both herds from extermination. It is just that simple and it does not do anything more narrow or broad. Nothing could emphasize this intent more clearly than Conference Report 109–702's explanation that

Section 1077 was intended to "prohibit the Secretary of the Interior from exterminating or nearly exterminating the deer and elk on the island."

Clearly, when this provision became law, it directed the National Park Service (NPS) to allow the deer and elk that have thrived on Santa Rosa Island to remain on the Island beyond 2011—the last year of the term within the settlement agreement. The use of helicopters is included within the settlement agreement and referenced by Section 1077(c) as it is likely the most effective way to conduct an extermination program. Section 1077(c) was not intended to prohibit only that method of extermination. These beautiful and healthy animals should remain on the island for visitors to enjoy. They should not be ruthlessly and systematically destroyed for some ill-conceived notion of native versus non-native, as others advocate.

The Solicitor has acted inappropriately by pulling a theory of congressional intent out of the air. Clearly, the intent of the language was not to "preclude the Department of the Interior from participating in any plan approved in the settlement agreement." In fact, the language, which is now law, was intended to do what it clearly states: (1) Vitiate the settlement agreement with respect to the deer and elk drawdown and eradication plan and (2) allow the elk and deer to remain on Santa Rosa Island indefinitely. I want to highlight the intent of allowing the deer to remain on the Island and make it clear that means these herds must be left to live on Santa Rosa Island. The congressional intent of this section was not to protect them only from slaughter, but also to protect them from relocation.

I must add, I find it deeply troubling that the administration, when testifying against the same provision before the Senate Committee on Energy and Natural Resources on May 16, 2006, testified that this provision would, ". . . require the Secretary of the Interior to stop the plan to remove the deer and elk from the island as required by a court-ordered settlement agreement. This provision would effectively overturn the 1998 settlement agreement, that the NPS is legally bound to, that requires the phase-out of non-native deer and elk over several years and their complete removal from the Island by the end of 2011." I am bewildered why such an about-face has been made on a provision that is identical to the current law provision, having just passed the House of Representatives.

In closing, I hope this statement clarifies the intent of both P.L. 109–364 and the accompanying Conference Report 109–702. Both are clear on their face, but as the lead House negotiator of the Conference Committee of H.R. 5122, I felt it important to clear up any uncertainty brought forward by interpretations following a short-sighted agenda. This important conservation provision must stand and be properly interpreted so that the elk and deer are not slaughtered. Simply restated, it would be a tragedy to have these healthy populations of elk and mule deer exterminated from public lands to forward a misguided agenda of what belongs on Santa Rosa Island. Section 1077(c) is intended to prevent such eradication carried out by NPS or other parties to the settlement agreement.

My intent was clearly for the elk and deer herds to remain on Santa Rosa. This intent was clearly manifested in my numerous floor and committee statements in which I described my intent that wounded veterans are to be allowed to hunt these animals following the transfer of Santa Rosa from private ownership. My committee and floor statements regarding Santa Rosa Island, particularly floor statements made on December 16, 2005, and May 10, 2006, demonstrate this intent.

I also discussed the Santa Rosa provision with CNN's Anderson Cooper on June 13, 2006. A transcript of the interview follows:

JOE JOHNS, CNN CORRESPONDENT: 25 miles off the coast of Santa Barbara, more than triple the size of Manhattan, the crown jewel of the Channel Islands National Park. The remote and largely untouched Santa Rosa Island. Canyons, coastline, chaparral and pines and you own it. Taxpayers pay $30 million for Santa Rosa Island. A treasure trove of ancient artifacts.

TORREY RICK, ARCHAEOLOGIST: It's incredible. I mean you don't get this kind of stuff anywhere else in the world, really.

JOHNS: Human bones found here date back 13,000 years. It's also unique for its inhabitants. The little island fox, endangered but so far not extinct. With all this at stake and more, the question before Congress is whether this park should be protected and open to all Americans year-round. Or should it also be used as a place where disabled veterans can come to hunt deer and elk? Which means tourists have to be kept safely out of the crossfire. Congressman Duncan Hunter, the powerful chairman of the House Armed Services Committee, has been pushing for months to give the vets special privileges on Santa Rosa.

REP. DUNCAN HUNTER, (R) CALIFORNIA: I was driving south with a bunch of marines, some guys fresh back from Iraq and one of them said, there's Santa Rosa Island and they're going to close it and they're going to wipe out the entire deer and elk herd.

JOHNS: But the idea of handing over hunting rights on an island that's supposed to be for everybody has infuriated some Democrats from California, who say it's like telling the public you bought it, now keep out.

REP. LOIS CAPPS, (D) CALIFORNIA: It's outrageous and I told him so. This is a Republican leadership that wants to kick taxpayers off a national park that they paid $30 million for. Makes you wonder, first it's Channel Islands National Park, is it going to be Yellowstone, is it going to be the Shenandoah's?

JOHNS: It's not that disabled veterans aren't important. It's just that there are plenty of good hunting spots that aren't in national parks. For instance, military bases in remote areas. It's a battle playing out all-over America but especially in the west, over how best to use national parks. In this case whether to restore the park to its pristine condition or to allow other uses.

Much of this is about the animals. The park service only wants animals here that are native to Santa Rosa. So the deer and elk shipped in nearly a century ago by the family that used to own the land must now go. So what about a compromise? Why not allow both hunting and tourists full-time? Well hikers and bullets are not a great trail mix. So long as there's hunting here, the park service has to keep the public out. The park service says the game needs to go.

RUSSELL GALLIPEAU, U.S. PARK SERVICE: I'm not against providing access to anybody. I just think that hunting and public use of this island are not compatible. And it's not a purpose for which this park was set aside.

JOHNS: So as taxpayers you paid for a remote national park, but now a powerful congressman says it should be managed as a place for disabled war vets to hunt deer and elk. For $30 million, Santa Rosa may well be the biggest game trophy out there. Joe Johns, CNN, Santa Rosa Island, California.

COOPER: Well as Joe just mentioned Congressman Duncan Hunter is the force behind the move to keep the elk and deer on the island for hunting. We spoke earlier.

COOPER: So Congressman Hunter, you know your critics say look, taxpayers spent $30 million to buy Santa Rosa Island. But as long as there's hunting there, 90 percent of it's closed to non-hunters for about half of the year. They say that's unfair.

HUNTER: Well, let me—let's put this in context. My son, who's a marine, did a couple of tours in Iraq and when he came back, he and I started taking wounded marines and soldiers hunting. We went to Arizona, Colorado, lots of good places. We had one hunt we took a person with a spinal disability. That is, a paralyzed veteran into Colorado, into the big national forest. And it's very difficult for them to have a real quality experience. Now, this island, Santa Rosa Island, which is off the California coast, which is 52,000 acres, has a very small number of public visitors. About 15 a day from the statistics I've seen.

COOPER: But the reason that there are only 15, the national park says about 5,000 people a year visit Santa Rosa Island. The reason more people aren't able to do it is because they can only visit about 10 percent of the island for half the year because of this hunting. If you close down the hunting, then the whole island basically would be open to visitors and to taxpayers who paid for it.

HUNTER: Listen, here's all we want. All we want is about two weeks a year for the paralyzed veterans to come over. I would be happy to stipulate that no congressman come over, no VIPs. Only people who are paralyzed veterans, who are very disabled veterans. And actually the reason most people don't go over to Santa Rosa Island is because it's a major boat trip or a plane trip. And tourists who are driving down the coast of California don't want to take a plane or a boat to simply get to another island. So we could easily accommodate the paralyzed veterans, they could have a great time. They could have the adventure of a lifetime.

And you know something, they may be wheelchair-bound but their spirits are free, they like adventure. This is a great place to take your family. And this could be a special niche for those people. And you know something else, the people of the United States, if the taxpayers knew that this was going to be used by paralyzed veterans, they'd say fine. This is the park service that says, we want to wipe out this deer and elk herd because they're not native. They just want to do it because they've got the power to do it. They could easily accommodate our veterans.

COOPER: Is this the role of a national park? The national park service which runs this, basically would be subsidizing a hunting program. They say and critics say, look, there are other places for people with disabilities to hunt. We talked to the Paralyzed Veterans Association they say you know some states even allow those with disabilities to hunt from their cars.

HUNTER: Listen, the reason the national park people have their nice jobs and the reasons we as members of the American public get to enjoy national parks is because of people who wear uniforms who go out in dangerous parts of the world and secure our freedom. So let in some paralyzed veterans, many of whom have been injured in combat, to come have a small piece of this island that almost nobody goes to anyway, is a small repayment for their service to our country. I think the taxpayers would appreciate that.

COOPER: Congressman Hunter, appreciate you joining us, thanks.

Lastly, a letter provided by the Wounded Warrior Project reaffirms discussions and the intent to allow wounded and disabled veterans to enjoy Santa Rosa Island. The letter follows:

AUGUST 28, 2006.

Hon. DUNCAN L. HUNTER,
Chairman, House Committee on Armed Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN HUNTER: On behalf of the Wounded Warrior Project (WWP), I am responding to your legislation that will cease the elimination of all elk and deer on Santa Rosa Island in California and could provide unrivaled hunting opportunities for severely wounded veterans.

The Wounded Warrior Project applauds any effort that supports our endeavors to assist severely injured military personnel. WWP has reached thousands of wounded service men and women, providing assistance in the transition from a hospital bed to an independent and productive life and we believe that Santa Rosa could offer the wounded another chance to participate in meaningful and enriching recreational activities such as fishing, hunting and camping.

This legislation is consistent with Wounded Warrior Project's adaptive sports and outdoors programs like hunting and fishing, snow and water skiing, canoeing and diving. For that reason we encourage the House of Representatives to pass this provision to potentially allow the use of the island for disabled service members.

We hope that together with the U.S. Fish and Wildlife Service and other federal organizations, a viable and sustainable daily operations system for the management of Santa Rosa Island can be developed and that our nation's wounded warriors will be able to enjoy the world class hunting that the island has to offer.

Thank you.

Sincerely,

JOHN MELIA,
Executive Director.

SUPPORT FOR H.R. 1678

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today to express my support for H.R. 1678, The Torture Victims Relief Reauthorization Act of 2007. This legislation continues and improves a much needed and valuable safety net to help victims of torture recover from their trauma and rebuild successful lives.

Every member of this body knows that torture is a tool used to enforce a level of terror among preyed upon people. Not only can the physical scars of torture last forever, the emotional pain experienced by victims can last a lifetime. Frequently, the aim of brutal torture is not to kill the victim, but to break their will. Victims are humiliated, crippled, traumatized and then returned to their communities as a brutal message of intimidation to others. In many instances, doctors and medical personnel participate during torture sessions to ensure the victim will not die. Groups that sanction, sponsor and commit torture focus on inflicting terror, intimidation and fear on entire communities.

But through appropriate help, services and intervention, victims of torture can heal. The Torture Victims Relief Act provides critical funds to improve access to the health, legal and social services critical to victims and their families through domestic treatment centers for rehabilitation and research and training for health care providers. H.R. 1678 also makes grants available to foreign countries to carry out projects that work to treat the psychological and physical effects of torture.

Treatment is critical, but there is more that can be done. This legislation also creates a partnership by increasing funding for foreign treatment centers and strengthening our commitment to the United Nations Voluntary Fund for Victims of Torture. This bill sends a strong message to the international community that treating victims of torture is a priority for Congress, and that we welcome the support of our like-minded friends around the globe.

This issue is important in my district. Minnesota is a new home for a growing number of immigrants and refugees and the late Senator Wellstone was a true champion for victims of torture. In addition, Minnesota is proud to be home to the Center for Victims of Torture—a world renowned center for the treatment and healing of torture victims. When the center opened in 1985, it became the first of its kind in the United States and only the third treatment center in the entire world. Today, with centers in Minneapolis, St. Paul, Washington, DC, Sierra Leone and Liberia, CVT is helping thousands of torture survivors from 60 countries.

Madam Speaker, torture is a crime against humanity and unacceptable at any time, by any nation. Any nation that tortures or tolerates torture is truly not free. I strongly encourage all my colleagues to support this legislation and commend the gentleman from New Jersey for his commitment to this issue and his work on this bipartisan legislation.

PERSONAL EXPLANATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on Thursday, May 10, 2007, my vote on the Motion to Recommit with Instructions to H.R. 2082, the Intelligence Authorization Act for Fiscal Year 2008 (rollcall vote 340) was recorded as a "yes" vote when I intended to cast a "no" vote. I wish to clarify on the record my miscast vote and my strong support for the National Drug Intelligence Center (NDIC).

As the Nation's principal center for strategic domestic counterdrug intelligence, the National Drug Intelligence Center (NDIC) in Johnstown, PA, provides critical information on national drug trafficking and abuse trends in the United States. I was pleased to support funding for the NDIC in the Intelligence Authorization bills in both the 108th and 109th Congress.

Not only does the NDIC serve a vital role in our nationwide effort to combat drug trafficking, this center is critically important to the southwestern Pennsylvania region. Having these resources readily available in close proximity to the district I represent in Congress is a tremendous benefit to my constituents. NDIC field representatives on average have more than 30 years' experience in Federal, State, or local drug law enforcement and stand ready to assist my local law enforcement agencies and provide necessary intelligence and training. We are fortunate to have the Center in our backyard and look forward to benefiting from its work in the future.

The NDIC's comprehensive annual report on national drug trafficking and abuse trends within the United States is one of the key tools for the Federal Government to respond to the threat posed by drugs to our families, schools and communities. Formulated in partnership with Federal, State, and local agencies with information from more than 3,400 State and local law enforcement agencies as well as thousands of personal interviews with law enforcement and public health officials, this report is one of the most comprehensive and detailed reports that our Federal Government receives on both domestic and foreign drug threats to our country.

I look forward to continuing my support of the critical intelligence work of the NDIC to protect our families and the Nation.

CONGRATULATING THE DEVOLUTION OF GOVERNMENT IN NORTHERN IRELAND

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. WALSH of New York. Madam Speaker, it gives me great pleasure to join my colleagues here in the House in congratulating the people of Northern Ireland on the formation of their own duly elected government.

This remarkable achievement, the formal implementation of the Good Friday Agreement, sends a message of hope to the entire world. In Martin McGuinness's words, "This marks an end to 800 years of conflict." Surely if the Irish can reach a peaceful conclusion to their differences other troubled places around the world should celebrate the possibilities for themselves.

Much credit goes to the political leadership of Sinn Fein and the Democratic Unionist Party. Gerry Adams and Martin McGuinness showed great courage in leading their Nationalist side. Rev. Ian Paisley, noted for saying no, said yes to an agreement he helped construct. British Prime Minister Blair and Irish Prime Minister Ahern never lost focus or patience.

For America it was a wonderful foreign policy success. President Bush and Clinton played important and constructive roles. In the

Congress, both houses linked arms and worked together. It was a case of everyone sticking together with one purpose.

But the most credit should go to the people of Northern Ireland who expressed their hope for the future, first by supporting (as did the Republic) the Good Friday Agreement and most recently by giving Sinn Fein and DUP leaders a mandate to proceed. Optimism was expressed in the vote and the leaders need to move forward and do the hard work of governing.

I know all Americans join together with our Irish friends in celebrating this miraculous achievement.

PERSONAL EXPLANATION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. CUMMINGS. Madam Speaker, on May 7, 2007, due to a family illness, I missed the following recorded votes: rollcall vote No. 302, on H.R. 407—The Columbia Pacific National Heritage Area Study Act. Had I been present, I would have voted "aye"; rollcall vote No. 303, on H.R. 1025—The Lower Republican River Basin Study Act. Had I been present, I would have voted "aye"; and rollcall vote No. 304, on H. Res. 371—In Observance of National Physical Education and Sports Week. Had I been present, I would have voted "aye."

VIETNAMESE HUMAN RIGHTS DAY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, I rise because May 11 is Vietnamese Human Rights Day, and my conscience will not let me stay quiet on this very troubling issue. I also rise today to applaud the efforts of the U.S. Commission on International Religious Freedom on their recent report on the status of religious freedom in the world.

I am deeply troubled by the findings of the Commission, but I can't say that I'm surprised. The Commission made the same recommendation last year: Vietnam should be placed on the State Department's list of Countries of Particular Concern because of government repression towards many religious believers.

The Vietnamese government's campaign to force people to renounce their faith, their detainment of dozens of religious prisoners, and the harassment and physical mistreatment of some believers and their families amounts to inexcusable human rights violations.

In Vietnam's quest to gain Permanent Normal Trade Relations with the United States, and access to the WTO, the Vietnamese embarked on a disingenuous public relations campaign to cleanse its image as a human rights violator.

Secretary Rice caved in to the campaign of their communist government and removed Vietnam from the Countries of Particular Concern list.

But some of us in Congress were not fooled by this advertising campaign.

My constituent, Cong Thanh Do, a United States citizen, was unjustly arrested in Vietnam last August while on a family vacation. Mr. Do is no criminal. He is nothing more than a peaceful democracy and human rights activist who wrote articles that he then posted on the internet while he was living in the United States.

Vietnam held Cong Thanh Do imprisoned for over a month before he was released after we pressured the Vietnamese government.

Because of the evidence suggesting that Vietnam made little progress on human rights—especially given the detention of my constituent, Cong Thanh Do—I told the administration it would be a mistake to grant Permanent Normal Trade Relations with Vietnam and I voted against it.

Three of Mr. Do's supporters in Vietnam were tried and sentenced yesterday for 3 to 5 years of prison each. Their crime? Promoting a multi-party democratic system in Vietnam through peaceful means and sending email communication to my constituent.

After Vietnam joined the WTO, I think it is obvious that the conditions of religious freedom in Vietnam did not improved. They have worsened severely.

The Vietnamese government removed Father Nguyen Van Ly from his parish and on March 30th sentenced him to 8 years in prison for allegedly conducting propaganda activities to harm the security of the state. His sentence is an outrage.

Vietnamese police, on March 6, 2007, arrested a pair of human-rights lawyers, Nguyen Van Dai ("Die") and Le Thi Cong Nhan (pronounced "Lay Tee Kohng Nhun"), for organizing training sessions for political activists in the capital. There are many other dissidents who have been imprisoned simply for expressing their thoughts and attempting to practice their faith freely and openly. Nguyen Van Dai has since been charged with disseminating propaganda against the Socialist Republic of Vietnam, and faces up to 20 years in prison if convicted. Their trials and sentencing are scheduled for this Friday in Vietnam.

Le Quoc Quan ("Lay Kwook Kwun") and his law colleague Tran Thuy Trang ("Truhn Twee Trahng") were arrested on the day Mr. Quan returned to Vietnam from his congressionally-sponsored National Endowment for Democracy fellowship in the United States. His arrest is not only a human rights violation, it is a calculated insult to America and specifically to the United States Congress.

With all of the human rights problems in Vietnam, the question we must ask is, "What can we do to help?" The United States has the power to influence Vietnam on these important moral issues through the use of our many diplomatic and economic tools—if only we have the political will and moral courage to use these tools.

One tool is the Countries of Particular Concern list.

I believe it was a mistake to take Vietnam off the list. I agree with the U.S. Commission on International Religious Freedom that Secretary Rice should redesignate Vietnam a Country of Particular Concern.

I believe the U.S. Ambassador to Vietnam, Michael Marine, should provide financial support to the loved ones of the political detainees, using the Human Rights Defender's fund. The wives of many of these political prisoners are left without any financial support. We have a moral commitment not just to these people who have been imprisoned unjustly; we have a moral obligation to relieve the financial burden that these arrests have caused for the families of the brave.

Vietnam claims it has made significant progress in allowing more freedom of religion under its Ordinance on Belief and Religion, but this is simply untrue. Under this law, affiliated organizations of recognized churches may "register for religious operation." In practice, however, only 2.5 percent of all house churches have been approved for registration. And of the one hundred house churches that actually have been registered, only five have been registered for religious operation. No real progress has been made.

Until Vietnam makes real progress on religious freedoms and human rights, instead of paying lip service in order to get trade agreements, I will continue to press this administration to stand up for the rights of the Vietnamese people to speak their minds and practice their faith.

SUPPORT FOR H.R. 1429, IMPROVING HEAD START ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in strong support of H.R. 1429, the Improving Head Start Act. Having had the opportunity to serve on the Education and Workforce committee for 6 years, I am very pleased to have the opportunity today to finally vote for a Head Start reauthorization bill that will improve on the success of this critical program.

Head Start is one of the most successful programs funded by Congress. Research shows that children who attend Head Start enter school better prepared, are less likely to need special education services, and are more likely to graduate. The Minneapolis Federal Reserve Bank reported a few years ago that there is actually a 16 percent rate of return on investment in quality early education. In my opinion, funding education for our youngest children is the most efficient and important investment we can make.

The biggest challenge facing Head Start has been lack of resources. In Minnesota, less than half the children eligible for Head Start are served due to funding shortages. And nationwide, only 2 percent of children eligible for Early Head Start receive services. We can do better. Increasing access to Head Start is good for children, for families, for communities and for the federal budget.

The Improving Head Start Act will expand and improve Head Start. It will allow access for 10,000 more children and prioritize expanding Early Head Start. It increases teacher qualifications and helps to attract quality teachers by improving salaries. It will also improve coordination with other early education programs, ensure that parents continue to play an important role in governing Head Start and strengthen the focus on health, mental health, and obesity prevention.

Equally important are the things this bill does not include. It prohibits further use of the National Reporting System—high stakes testing that was inappropriate for 4-year-olds and was draining time and dollars from Head Start programs. It does not include block grants to the states which would have diluted Head Start's high standards and comprehensive programming. And finally, I join with faith groups in Minnesota and around the country in applauding the successful efforts to defeat a provision to allow discrimination in hiring with Head Start dollars.

I congratulate Chairman MILLER and Speaker PELOSI for making our children's education a priority for the 110th Congress. I am pleased to support H.R. 1429 and look forward to continuing to put the interests of our children and our families first.

PAYING TRIBUTE TO KEVIN IRWIN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Clark County Firefighter Kevin Irwin for his selfless role in saving nine of his fellow firefighter's lives.

On February 17, 2007, Clark County firefighters were dispatched to a fire in a large commercial warehouse in Las Vegas, Nevada. On this particular day, Firefighter Kevin Irwin arrived on the scene with the crew from Station 15, and served as an acting Engineer for the day. As the firefighters were battling the flames, Kevin noticed one of the exterior walls in the warehouse was giving in. In a rush to save the rest of the crew, Kevin quickly alerted the other men of their imminent danger and subsequently prevented their deaths.

Humbled about being referred to as a hero, Kevin says it is all a part of the job. He has served with the Clark County Fire Department for four years and has been under Captain Christian Grimes in Station 15 for the last two years. Kevin has been a resident of Nevada since 1991 and is married to wife Debora with two children, Jacob and Ashlyn.

Madam Speaker, I am proud to honor Kevin Irwin for his heroism and his quick approach that saved nine fellow firefighters' lives. The service firefighters like Kevin provide, to save lives while risking their own is truly commendable. I applaud Kevin for his leadership and wish him continued success in his career.

IN MEMORY OF FORMER REPRESENTATIVE MENDEL DAVIS OF SOUTH CAROLINA

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. SPRATT. Madam Speaker, when Mendel Davis came to Congress, he had some big shoes to fill. His namesake and predecessor, Mendel Rivers, had chaired the House Armed Services Committee at a time when committee chairmen were powerful, and he had ruled the roost. He had secured for Charleston military installations, ranging from the Navy Yard, home port to surface ships and submarines, to Charleston Air Force Base, which boasted the first of the C–5As.

After Mendel Rivers died, Mendel Davis ran an impressive race, won a special election, and obtained a seat on the Science Committee and then on the House Armed Services Committee. He served there effectively and with distinction, and had he served long enough, he would have matched his namesake in influence and output.

Mendel Davis served 10 years and never quite matched Mendel Rivers' seniority, but he worked every bit as hard, if not harder, for his constituents. From his seat on Armed Services, Mendel Davis never forgot where he came from or who sent him here, and he cared for his constituency. He helped bring the USS *Yorktown* to Patriot's Point, and with Senator Hollings' help, he helped fund and keep in place all that Mendel Rivers had brought to Charleston.

I came to Congress shortly after Mendel Davis had left, but I found that everyone who knew him remembered him and highly respected him. I did not see him often, but always enjoyed the opportunities we did encounter. Like all of his friends and acquaintances, I will long remember him and his great service to our country and to the House. His wife, Jane, and all his family have my deepest sympathy.

IN MEMORY OF WILLIAM F. "BABE" MARCELLINO

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. MARKEY. Madam Speaker, I rise today to honor the life of a dear friend and former member of my staff, William F. "Babe" Marcellino. The Babe passed away on May 9, 2007, after 90 glorious years. While I am saddened by his passing, I can't help smiling when I think about his life.

Babe Marcellino was an American original in every sense. He was a well respected political sage on Beacon Hill and in Boston City Hall. He served as a close advisor to Governor Foster Furcolo, Senate President Maurice Donahue and Mayor Kevin White. He came to work for me later in life and stayed with me into his 80s. He was the essence of wisdom and quiet elegance. When constituents walked through the door to my office, the Babe would greet them with a wink and a smile. When they broke down in tears under the weight of their problems, Babe would tell them he was on their side. And he always was. He helped hundreds of constituents solve their problems with the Federal Government. I especially relied on Babe to help with particularly difficult constituent matters, because of his incredible ability to put people at ease.

I will never forget his mastery of policy and his generosity of spirit following a terrible fire that ravaged an entire block of businesses right across from my Medford, MA, district office in February of 1994. Together, Babe Marcellino and I worked with the Small Business Administration and others in the federal government to bring relief to devastated business owners in Medford Square and to rebuild the downtown. Babe Marcellino was an exemplary public servant.

Babe also was a wonderful teacher. He eagerly took younger staff members under his wing to impart his wisdom. Many of those former staffers have told me over the years that their experience in public service was richer for having known and learned from the Babe.

He dearly loved his alma mater Holy Cross, and devoted a large portion of his time ensuring that Holy Cross became a national educational treasure that could be enjoyed by all students, regardless of their socio-economic condition.

Babe was blessed with an extraordinary family for which his love was strong and enduring. He was remarkable for having two wonderful marriages. With his beloved first wife Maidie, he produced six incredible children—William Marcellino Jr., James Marcellino, Mary Zouberis, Richard Marcellino, John "Jocko" Marcellino, and Sister Noella Marcellino. After Maidie passed away, the Babe married the fabulous Marie, herself a widow. He "inherited" five terrific step-children—Cathy Doran, Jane Driscoll, Stephen Doran, Mark Doran and the late Daniel Doran. Babe leaves 21 grandchildren, each with their unique and special memories of their grandfather.

Watching Babe and Marie was like watching Fred and Ginger—they made a marvelous couple full of grace, style and class.

When you were in Babe's presence, you could not help but to feed off of his optimism and his incredible inner strength. He was the quintessential gentleman. He often remarked after an enjoyable time or conversation together that the experience had been "like a chunk of heaven. "

Babe, it was an honor to have known you and worked with you—and I am proud to honor your exemplary public service, your extraordinary love of family, and your unwavering faith in God and the United States of America. Your whole life was a chunk of heaven and all of us who love you will miss you dearly.

A TRIBUTE TO SUE SARILYN WASHINGTON

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is with sadness and deep regret that many of us in this body rise to pay tribute to a wonderful lady and a close friend of mine—Mrs. Sue Sarilyn Washington. The words most often associated with her are "grace" and "compassion," and with those I wholeheartedly agree.

Just a quick glimpse of her professional life attests to her unselfish spirit. Sue Sarilyn Washington was an inspiration to those around her, and dedicated her time and spirit to many outstanding local and national organizations, including: the VA Medical Center of Dallas; Jack & Jill of America; Links, Inc. Dallas Chapter; Carrousels, Dallas Chapter; Board of Trustees, Lutheran High School; the Board of Directors, Children's Theater of Dallas; Deacon, Royal Lane Baptist Church; and the St. Marks Boy Scouts. Through these organizations, Sue touched the lives of countless individuals.

A devoted mother of three, Sue also consistently showed her love for God and others. She delicately balanced the rigors of professional life with the demands of caring for their family; yet, she still made time for friends.

Madam Speaker, it is a great honor for me to rise today to pay tribute to a lady who faithfully served her community with dedication and integrity. Sue Sarilyn Washington will be sorely missed in North Texas.

INTRODUCTION OF THE ALS REGISTRY ACT OF 2007

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. TERRY. Madam Speaker, I rise today to acknowledge the introduction of The ALS Registry Act of 2007 by my colleague ELIOT ENGEL of New York and myself. A similar bill introduced in the 109th Congress, H.R. 4033, garnered the support of 215 of our colleagues, nearly 50 percent of the members of the House of Representatives. Today, we are joined by 80 additional original cosponsors in this effort.

Amyotrophic Lateral Sclerosis (ALS) is a fatal, progressive, neurodegenerative disease affecting motor nerve cells in the brain and spinal cord. Approximately 5,600 people in the U.S. are diagnosed with ALS, also known as Lou Gehrig's Disease, each year. It is estimated that as many as 30,000 Americans have the disease. The average life expectancy for a person with ALS is 2 to 5 years from the time of diagnosis. There is no known cure for ALS.

There is currently no single national patient registry which collects and stores information on the prevalence and incidence of ALS in existence in the United States. The establishment of a national registry will help identify the occurrence and frequency of ALS and other motor neuron disorders and collect data which is badly needed for ALS research, disease management and the development of standards of care in order to significantly enhance the nation's efforts to find a treatment and cure for ALS.

All diseases bring hardships on those afflicted, but ALS is particularly cruel in the quickness of the onset, the severity of the symptoms and the fatal nature of the condition. The provisions in our bill creating a nationwide registry for persons afflicted with ALS are important steps forward in strengthening the efforts to understand, treat and one day eradicate this terrible disease. I urge my colleagues to support and cosponsor the ALS Registry Act and I am proud to join my friend Mr. ENGEL in bringing forward this important legislation.

PERSONAL EXPLANATION

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. CLEAVER. Madam Speaker, I was unavoidably detained for rollcall votes 337 through 341 held on Thursday, May 10, 2007, beginning with rollcall 337.

Madam Speaker, had I been present, I would have cast the following votes on H.R. 2082: to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. On passage Passed by recorded vote: 225–197 (rollcall No. 341). I would have voted "yes."

Madam Speaker, had I been present for the motion to recommit with instructions, rollcall No. 340, I would have voted "no."

Madam Speaker, had I been present for the Schiff amendment rollcall No. 339, I would have voted "yes."

Madam Speaker, had I been present for the Rogers (MI) amendment rollcall No. 338, I would have voted "yes."

Madam Speaker, had I been present for the Hoekstra amendment rollcall No. 337, I would have voted "no."

PAYING TRIBUTE TO JOYCE HOLLAND

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Ms. Joyce Holland, a registered nurse, who is a distinguished and devoted professional in her field.

In 1992, Joyce earned her associates degree in Nursing. She later joined the nursing staff of Boulder City Hospital as a registered nurse/medical decision support coordinator in 2000. Joyce served as RN/MDS Coordinator for 6 years before retiring in 2006. After a brief retirement, Joyce returned to Boulder City Hospital in 2007 as the long term care director, the position she holds today. Throughout her career at Boulder City Hospital, Joyce's high degree of professionalism and enduring compassion have earned her the respect of her colleagues and have made her invaluable to her patients.

Madam Speaker, I am proud to honor Joyce Holland. Her passion and her love of nursing have improved the lives of countless patients in Las Vegas. I thank her for her dedication and commitment to the community and wish her the best in her future endeavors.

INTRODUCTION OF THE ALS REGISTRY ACT OF 2007

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. ENGEL. Madam Speaker, I rise to re-introduce the ALS Registry Act of 2007 with my good friend, LEE TERRY of Nebraska. We are proud to have the support of over 80 other bipartisan members of Congress today as original co-sponsors of this important legislation.

Amyotrophic Lateral Sclerosis (ALS) is a fatal, progressive neurodegenerative disease that affects motor nerve cells in the brain and spinal cord. While the great baseball player, Lou Gehrig, put a national face on ALS over 65 years ago, my own family was personally affected when my grandmother, Dora Engel, was diagnosed with the fatal disease and passed away when she was only in her 50s. Unfortunately, families across the Nation face the challenges and experience the suffering associated with ALS every single day. 5,600 people in the U.S. are diagnosed with ALS each year, and it is estimated that as many as 30,000 Americans have the disease at any given time. The average life expectancy for a person with ALS is two to five years from the time of diagnosis. The causes of ALS are not well understood and there is no known cure. We must provide hope to change this tragedy today.

Surprisingly, a single national patient registry which collects and stores information on the prevalence and incidence of ALS does not currently exist in the United States today. The legislation I am re-introducing with Congressman TERRY, would build on a fiscal year 2006 Congressional appropriation which directed the Centers for Disease Control to evaluate the science to guide the creation of a national ALS Registry. The Engel/Terry legislation will create an ALS registry at the Centers for Disease Control and Prevention and will aid in the search for a cure to this devastating disease. The registry will collect data concerning: the incidence and prevalence of ALS in the United States; the environmental and occupational factors that may contribute to the disease; the age, race or ethnicity, gender and family history of individuals diagnosed; and other information essential to the study of ALS. The information gained from the ALS registry will also strengthen a disease clearinghouse's ability to put patients in contact with scientists conducting clinical trials and scientists studying the environmental and genetic causes of ALS.

We need to provide our Nation's researchers and clinicians with the tools and information they need to make progress in the fight against ALS. The data made available by a national registry will potentially allow scientists to identify causes of the disease, and maybe even lead to the discovery of new treatment, a cure for ALS, or even a way to prevent the disease in the first place. This is good public policy.

The establishment of a registry will bring new hope to thousands of patients and their families that ALS will no longer be a death sentence. I strongly urge the swift consideration and passage of the ALS Registry Act of 2007.

RECOGNIZING JEREMY ALLEN PATANIA FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jeremy Allen Patania, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 857, and in earning the most prestigious award of Eagle Scout.

Jeremy has been very active with his troop, participating in many scout activities. Over the years Jeremy has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jeremy Allen Patania for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

STUDENT LOAN SUNSHINE ACT

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the most important goal of the Student Loan Sunshine Act is to protect students and parents and help them receive the most affordable loan possible. With that in mind, I would like to mention that recently, a number of my colleagues and I sent a letter to Secretary Spellings regarding the urgent need to reopen the national student loan database for students and parents to receive low interest consolidation loans before the rates are changed on July 1st.

Although, we fully support new and better safeguards to protect student privacy which many student loan companies advocate, it is crucial that both students and lenders have safe and secure access to this information.

IN RECOGNITION OF JOSEPH A. DART, PRESIDENT OF MASSACHUSETTS BUILDING TRADES COUNCIL, AFL-CIO

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. LYNCH. Madam Speaker, I rise today in honor of a good friend and tremendous labor leader, Joseph A. Dart. Joe has dedicated his life to improving the lives of working men and women throughout Massachusetts.

Joining Local 257 Painter & Allied Trades in 1974, Joe's hard work and leadership skills propelled his rise through the ranks. In 1980, Joe became a Business Agent and the following year advanced to Business Manager. By 1985, Joe held the position of President of the Pioneer Valley Building Trades Council. Joe's ability to advance his union and provide the fellow members of his trade with employment exemplifies the characteristics in which all members of the Building Trades should strive.

Between 1994 and 1996, Joe added three new positions to his impressive list of accomplishments, all of which he holds to this day. In 1994, Joe became President of the Massachusetts Building Trades Council, an organization which is comprised of 72 local unions and 10 Local Building Trades Councils representing 75,000 construction trades men and women in Massachusetts. In 1995, Joe became Co-Chair of the Labor-Management Construction Safety Alliance, where he succeeded in passing the OSHA 10-Hour Law requiring all construction workers on public projects to be trained in safety. In 1996, Joe became the Executive Vice President of the Massachusetts AFL–CIO.

Throughout his career in the Building Trades, Joe has been an advocate for workers rights and fought to provide his fellow brothers and sisters of labor with fair wages and skilled training. Joe has negotiated dozens of Project Labor Agreements to guarantee good wages, hours, and working conditions on massive construction sites. These agreements have also guaranteed employers access to a skilled workforce and eliminated labor relations problems. In 1988, Joe was instrumental in defeating a ballot question, which was intended to remove Prevailing Wage Laws in the state of Massachusetts. Ten years later, Joe was essential in the passage of an amendment to the Massachusetts Payment of Wages Law, which increased penalties on employers who willfully and intentionally violated payment rights of employees.

Madam Speaker, it is my distinct honor to join with Joe's family, friends and brothers and sisters of labor to thank him for his incredible dedication and commitment to the fight for workers' rights and service to the American Labor Movement. I hope my colleagues will join me in celebrating Joe's distinguished career and wishing him good health and success in all his future endeavors.

PAYING TRIBUTE TO SUZANNE LICHNER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Ms. Suzanne Lichner, a licensed practical nurse, who is a distinguished and devoted professional in her field.

Prior to joining the nursing staff at Boulder City Hospital, Suzanne worked as an LPN in home health care and hospice care. Suzanne began her career at Boulder City Hospital in 2000 with the Skilled Nursing Facility, where she quickly demonstrated her ability, talent, dedication, and compassion towards her patients. During the past 7 years, Suzanne's strengths as a health care professional have earned her the respect of her peers and colleagues. In 2006, Suzanne transferred to the Medical/Surgical Unit at Boulder City Hospital, where she serves as a medical surgical nurse.

Madam Speaker, I am proud to honor Suzanne Lichner. Her passion and her love of nursing have improved the lives of countless patients in Las Vegas. I thank her for her dedication and commitment to the community and wish her the best in her future endeavors.

IN RECOGNITION OF SIGNATURE LEARNING CENTER

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to congratulate Signature Learning Center in Evansville for being recognized as one of the top charter schools in the nation by the Center for Education Reform (CER). The Center is one of only 53 schools to receive the National Charter School of the Year Award and was selected based on student achievement, satisfaction of parents, and its policies and programs.

The Signature Learning Center has approximately 275 students with an average class size of 20. Its students excel academically with 100 percent enrollment in advanced college preparatory courses and 100 percent graduation rate. For these reasons and others, the school was listed by Newsweek as one of the top 100 High Schools in the nation in 2006.

Signature Learning Center joins nearly 4,000 charter schools nationwide in educating over 1 million American children.

Children are our Nation's greatest resource. The quality of education they receive has a direct impact on the strength of our economy, the safety of our communities, and the ability of our nation to compete in the world. The Signature Learning Center is providing children in southern Indiana with the tools they need to meet their full potential and make a difference in our world. I am proud to recognize them for their accomplishments today.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Monday, May 14, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 15

10 a.m.

Energy and Natural Resources

To hold hearings to examine the short-term energy outlook for summer 2007, focusing on oil and gasoline.

SD–366

Environment and Public Works

To hold hearings to examine green buildings, focusing on benefits to health, the environment, and the bottom line.

SD–406

Homeland Security and Governmental Affairs

To hold hearings to examine equal representation in Congress, focusing on providing voting rights to the District of Columbia.

SD–342

Judiciary

To hold hearings to examine the Department of Justice politicizing the hiring and firing of United States Attorneys, focusing on preserving prosecutorial independence.

SD–226

Health, Education, Labor, and Pensions

Retirement and Aging Subcommittee

To hold hearings to examine Alzheimer's disease, focusing on current and future breakthrough research.

SD–628

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 553, to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, S. 800, to establish the Niagara Falls National Heritage Area in the State of New York, S. 916, to modify the boundary of the Minidoka Internment National Monument, to establish the Minidoka National Historic Site, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho, S. 1057, to amend the Wild and Scenic Rivers Act to designate certain segments of the New River in the States of North Carolina and Virginia as a component of the National Wild and Scenic Rivers System, S. 1209, to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service, S. 1281, to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic River System, H.R. 161, to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, H.R. 247, to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives, and H.R. 376, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System.

SD–366

MAY 16

9:30 a.m.

Banking, Housing, and Urban Affairs

Business meeting to consider an original bill entitled "Foreign Investment and National Security Act of 2007", an original bill to make technical corrections to Title III of SAFETEA–LU; H.R. 1675, to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors, H.R. 1676, to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing, S. 254, to award posthumously a Congressional gold medal to Constantino Brumidi, and the nominations of David George Nason, of Rhode Island, to be an Assistant Secretary of the Treasury for Financial Institutions, Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration, Michael W. Tankersley, of Texas, to be Inspector General, Export-Import Bank, Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development, and Janis Herschkowitz, of Pennsylvania, and Nguyen Van Hanh, of California, and David George Nason, of Rhode Island, each to be a Member of the Board of Directors of the National Consumer Cooperative Bank.

SD–538

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the National Institutes of Health: A New Vision for Medical Research.

SD–116

Joint Economic Committee

To hold hearings to examine the explosive costs of elder care and determine if they are hurting family finances and business competition.

SH–216

10 a.m.

Environment and Public Works

Clean Air and Nuclear Safety Subcommittee

To hold hearings to examine the state of mercury regulation, science, and technology.

SD–406

Appropriations

Defense Subcommittee

To hold hearings to receive testimony from sundry public witnesses.

SD–192

Finance

To hold hearings to examine the efficacy of United States preference programs.

SD–215

Judiciary

To hold hearings to examine rogue online pharmacies, focusing on the growing problem of internet drug trafficking.

SD–226

Veterans' Affairs

To hold hearings to examine the nomination of Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.

SD–562

10:30 a.m.

Aging

To hold hearings to examine Medicare Advantage marketing and sales, focusing on who has the advantage.

SD–106

2 p.m.

Small Business and Entrepreneurship

Business meeting to markup S. 1256, to amend the Small Business Act to reauthorize loan programs under that Act.

SR–428A

2:30 p.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

3 p.m.

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the United States Securities and Exchange Commission.

SD–192

MAY 17

9:30 a.m.

Armed Services

To hold hearings to examine the United States European Command in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program.

SH–216

Indian Affairs

To hold an oversight hearing to examine law enforcement in Indian Country.

SR–485

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the federal government's security clearance process, focusing on evaluating progress and identifying obstacles to improvement.
SD-342

10 a.m.
Judiciary
Business meeting to consider S. 1027, to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, S. 221, to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts, S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 1079, to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, S. Res. 138, honoring the accomplishments and legacy of Cesar Estrada Chavez, S. Res. 132, recognizing the Civil Air Patrol for 65 years of service to the United States, and S. Res. 130, designating July 28, 2007, as "National Day of the American Cowboy", and possible authorization of subpoenas in the connection with investigation into the replacement of U.S. attorneys.
SD-226

2:30 p.m.
Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee
To hold hearings to examine consolidation of National Association of Securities Dealers and the regulatory functions of the New York Stock Exchange, focusing on working towards improved regulation.
SD-538

Intelligence
Closed business meeting to markup an original bill authorizing funds for fiscal year 2008 for the intelligence community.
SH-219

MAY 18

10:30 a.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine growth trends in health care premiums for active and retired federal employees.
SD-342

MAY 21

2 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings to examine proposed budget estimates for fiscal year 2008 for the National Institutes of Health: A New Vision for Medical Research.
SD-116

MAY 22

9 a.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR-222

10 a.m.
Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine the progress of the Mine Improvement and New Emergency Response Act (Public Law 109-236).
SD-628

Judiciary
To hold hearings to examine restoring habeas corpus, focusing on protecting American values and the Great Writ.
SD-226

Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR-232A

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security
Subcommittee
To hold hearings to examine rail safety reauthorization.
SR-253

12:30 p.m.
Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR-222

2:30 p.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine improving air service to small and rural communities.
SR-253

4 p.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR-222

5:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR-232A

MAY 23

9:30 a.m.
Veterans' Affairs
To hold hearings to examine health legislation.
SD-562

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine communications, taxation and federalism.
SR-253

11:30 a.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR-222

2:30 p.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for Fiscal Year 2008.
SR-222

MAY 24

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for Fiscal Year 2008.
SR-222

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the nominations of Michael E. Baroody, of Virginia, to be Chairman and Commissioner of the Consumer Product Safety Commission, and Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.
SR-253

Commission on Security and Cooperation in Europe
To hold hearings to examine Russia, focusing on the reemergence of Russia as a major political and economic power.
B318RHOB

3 p.m.
Homeland Security and Governmental Affairs
Disaster Recovery Subcommittee
To hold hearings to examine issues relative to residents of Louisiana affected by Hurricane Katrina or Rita, focusing on the goals, costs, management and impediments facing Louisiana's Road Home Program.
SD-342

JUNE 13

9:30 a.m.
Veterans' Affairs
Business meeting to markup pending legislation.
SD-562

10 a.m.
Rules and Administration
To hold hearings to examine nominations to the Federal Election Commission.
SR-301

JUNE 27

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs and the Department of Defense, focusing on cooperation on employment issues.
SD-562

POSTPONEMENTS

MAY 15

9:30 a.m.

Armed Services

Business meeting to consider pending military nomination.

SR–222

2:30 p.m.

Intelligence

To hold hearings to examine the nomination of John A. Rizzo, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.

SD–106

MAY 17

10 a.m.

Health, Education, Labor, and Pensions

Employment and Workplace Safety Subcommittee

To hold hearings to examine the efficacy of the United States Department of Labor, focusing on enforcing the law.

SD–628

Commerce, Science, and Transportation

To hold hearings to examine violence in the media.

SR–253

HOUSE OF REPRESENTATIVES—*Tuesday, May 15, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. COSTA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 15, 2007.

I hereby appoint the Honorable JIM COSTA to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

TAKING THE FOOD STAMP CHALLENGE

Mr. MCGOVERN. Mr. Speaker, this week, I am joined by three of my esteemed colleagues, Congresswoman JO ANN EMERSON from Missouri, Congressman TIM RYAN from Ohio and Congresswoman JAN SCHAKOWSKY from Illinois, in taking the Food Stamp Challenge.

The Food Stamp Challenge is an initiative begun by nonprofit and religious community groups. Public officials agree to live on a food stamp budget for 1 week in order to raise awareness of the food stamp program and the inadequacy of the current benefit. Under the Food Stamp Challenge, we will only be allowed to eat food totaling $21 for the week, $3 a day, or $1 per meal, which is the national average food stamp benefit. In other words, no lattes at Starbucks, no organic chicken at home and no wine or shrimp at receptions this week.

Yesterday, Congresswoman EMERSON and I went grocery shopping at the Capitol Hill Safeway for the week. However, she was a more efficient shopper than I was. While she made it through the checkout line in 30 minutes, it took me almost an hour and a half to find food that fit my budget, and that was even with the much-appreciated assistance of Ms. Toinette Wilson, a DC food stamp recipient, who assisted my wife Lisa and me with our shopping.

Oregon Governor Ted Kulongoski successfully took the challenge with his wife a few weeks ago, and Utah Governor John Huntsman, Jr., is currently living on a food stamp budget with his household of eight. In New York City, where over 1 million people depend on food stamps each month, New York City Councilman Eric Gioia is participating in the Food Stamp Challenge.

This diverse group of public leaders who all feel compelled to take on this challenge demonstrates the importance of the food stamp program for all Americans: from California to Massachusetts, Michigan to Texas, Republican and Democrat, urban and rural, the food stamp program represents the moral values of America: compassion, thoughtfulness and community spirit.

Mr. Speaker, I am taking this Food Stamp Challenge as a way of saying that as Americans, we need to do more to eliminate hunger and poverty in this country. One in nine U.S. households, nearly 36 million Americans, does not consistently have enough food to feed themselves or their families according to the U.S. Department of Agriculture. There is no excuse for this.

In the wealthiest country on earth, it is not about finding the resources. It is about mustering the political will.

Established in 1939, the food stamp program helps families in need buy food so that they do not have to make difficult choices, such as choosing between paying a utility bill, addressing health care needs or buying food. It truly is the safety net for America's hungry.

Despite what some critics like to say, the food stamp program is not a government handout, but it is a true safety net program that provides access to food for people who cannot afford to choose between rent, medicine, child care and transportation. Gone are the days of the inefficient program ravaged by fraud, waste and abuse. In fact, National Journal recently named the food stamp program as one of the government's top successes. And the GAO has repeatedly reported on the successes of this important program.

Mr. Speaker, let me take a moment to share with you who benefits from the food stamp program. According to USDA, over 26 million people benefited from the food stamp program last year, including 452,000 individuals from my State of Massachusetts. Over 80 percent of food stamp benefits go to families with children. One in five food stamp households has an elderly family member, and one in four has a disabled member. Increasingly, working families must rely on food stamps to supplement their wages in low-paying jobs.

Some may question the motives of elected officials taking this 1-week challenge. These critics, Mr. Speaker, are missing the point. It's time for a much greater public debate to take place around this issue. It is time to end hunger in America, and we can do so starting by focusing on the food stamp program.

The food stamp program is our government's first line of defense against hunger and malnutrition and it should be better equipped to accomplish that task. Merely 60 percent of those who are eligible to receive food stamps currently do, and in Massachusetts that participation rate is only 49 percent. The participation rate is particularly low for immigrants and the elderly.

Last week, Congresswoman EMERSON and I introduced H.R. 2129, the Feeding America's Families Act, which would greatly improve the food stamp program as well as other Federal hunger and nutrition programs scheduled for reauthorization in the farm bill. We encourage each of our colleagues to consider cosponsoring this important piece of legislation.

Mr. Speaker, although some judge the health of our Nation by how the wealthiest are faring, others, including myself, believe we must measure the morality and prosperity of our society by the status and mobility of those at the bottom of the economic ladder. Through this challenge, I hope my constituents, the American people and my colleagues in Washington, DC, will learn more about the vital role the food stamp program plays in the lives of low-income people.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 8 minutes a.m.), the House stood in recess until 10 a.m.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. SOLIS) at 10 a.m.

PRAYER

The Reverend Don Green, Christian Associates of Southwest Pennsylvania, Pittsburgh, Pennsylvania, offered the following prayer:

Sovereign of the nations, who has created the human family with rich diversity and who wills that all peoples be reconciled and live in peace and wholeness with dignity and justice, we call upon You to bestow Your wisdom and compassion upon these representatives of the American people.

Grant them humility and openness to listen to their opponents and adversaries before condemning their positions or denigrating their person. Give them courage to seek reconciliation with our enemies, encouraging negotiation and diplomacy instead of violence as the means to lasting peace in our conflicted world.

Open their eyes to a vision of a more just society where all may enjoy the benefits of wellness and health, adequate shelter, food in abundance, lifelong learning, and security in their communities.

Hear us now, O God, as we pray for the preservation of this legislative institution and the prospering of our Nation, for we trust in You and entrust our whole being to Your providential care. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. BILIRAKIS) come forward and lead the House in the Pledge of Allegiance.

Mr. BILIRAKIS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 71. Concurrent resolution commemorating the 85th Anniversary of the founding of the American Hellenic Educational Progressive Association (AHEPA), a leading association for the Nation's 1.3 million American citizens of Greek ancestry, and Philhellenes.

WELCOMING THE REVEREND DON GREEN

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, it is my privilege to rise today to introduce Pastor Donald Green as today's Guest Chaplain. I have known Pastor Green for many years through our involvement in the McCandless Rotary Club, which is just one of the many service organizations to which Pastor Green lends his time in western Pennsylvania. He is truly an extraordinary man, and it is an honor to present him to you today.

Pastor Green has led a number of trips abroad to assist in various relief efforts. His travels have taken him to Kenya and Zambia to visit projects funded by the Lutheran World Relief and Lutheran World Federation. In 1997 he visited missions in India, and in 1999 he took a group of volunteers to Puerto Rico to assist in hurricane relief. He also led a group of volunteers to Madagascar to lay the foundation for a youth center, which now bears his name, the Pastor Don Green Youth Center. These are but a few examples of Pastor Green's commitment to his community and commitment to service above self.

Pastor Green now serves as the Executive Director of Christian Associates of Southwestern Pennsylvania. He and Kathy, his wife of 36 years, are the proud parents of three children and one grandson.

On behalf of my colleagues in the House, Pastor Green, welcome and thank you for your many years of service.

TIME FOR A NEW COURSE IN IRAQ

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Madam Speaker, it seems that President Bush and many of his allies still don't understand how things have changed on the ground in Iraq.

A few days ago the Republican leader, when asked about the President's new escalation plan, said that if it doesn't work, the President pretty soon is going to have to present to Congress and the American people what plan B is.

Well, there are very few people that don't realize by now that we are not on plan B anymore; we are on plan Z. And we have got to start asking ourselves why plan A and plan B all the way through plan Z still haven't worked. It is because a military plan, without diplomatic and political reinforcements behind it, cannot work on the ground in Iraq. That is what the Democrats in Congress have realized. That is what the Iraq Study Group realized. That is what legions of retired generals have realized.

Madam Speaker, it is time the President and his allies join that hegemony of opinion and join us in setting a new course in Iraq.

NATIONAL SECURITY, DEMOCRAT STYLE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, later this week the liberal left in the House will take up the Defense Authorization Act, legislation that is supposed to make our Nation more secure and help our troops in winning the war on terror.

But you will have to excuse the American people if they don't understand the leadership's real agenda here, because you actually have to read through 452 pages of the National Defense Authorization Act to find it. Subtitle F, section 951 reveals all you really need to know: a significant diversion of national security resources to indulge the liberal fascination with global climate change.

The language paints an unwelcomed portrait of the liberal left's agenda on national security: Wax philosophical about the so-called impact of global warming first and, only after that, talk about the real issue of the war on terror. This is the second time in as many weeks that the left plans to force this body to vote on a bill that would fund special interest priorities at the expense of our national security. It is unconscionable. It is unfair. It is not right. It is an abusive use of Federal funds.

Welcome to national security, Democrat style.

URGING SUPPORT FOR RESPONSIBILITY TO IRAQI REFUGEE ACT

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, Iraq is the scene of the world's fastest growing humanitarian crisis: 4 million people displaced, half of whom have fled the country altogether, with another 50,000 or more added to the rolls every month.

What are we doing to help, especially the tens of thousands who are in danger because they helped the United States, like serving as interpreters? Last month the United States allowed exactly one Iraqi refugee to enter the United States.

No matter what your position is on the war in Iraq or its future, I urge my colleagues to cosponsor H.R. 2265, the Responsibility to Iraqi Refugee Act, comprehensive legislation that would put somebody in charge, set modest levels for refugees entitled to come to our country, and authorize programs to help them. It is the least we can do for people whose lives are at risk because they helped Americans.

PAT PEDRAJA AND DRIVING FOR DONORS

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute.)

Mr. BILIRAKIS. Madam Speaker, I rise today to honor a very brave and ambitious young man from my district, Pat Pedraja.

Pat, who is 12 years old, was diagnosed with leukemia in March of 2006. Like many inflicted with this disease, Pat may need a bone marrow transplant to save his life. Unfortunately, there is currently a shortage of donors.

When Pat discovered this shortage, he decided to do something about it. He and his family organized "Driving for Donors" to help add 5,000 new donors to the National Marrow Registry Program this year. They began traveling the country last month in a "Donormobile," working to host successful donor drives in over 30 major cities. Tomorrow they will be in Washington.

I encourage my colleagues to take the time out of your busy schedules to help save a life. It only takes a small donation of saliva, taken by a cheek swab, and completion of a donor consent form. Please contact my office for additional details.

THE PRESIDENT'S ENERGY PROPOSAL

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Madam Speaker, last year U.S. foreign oil imports climbed to a record level of 66 percent. American families are paying a record $3.09 a gallon on average for regular gasoline, more than double the cost of gasoline when President Bush took office.

For 6 years now, the President has failed to address these costs or our Nation's energy needs.

Yesterday, under pressure to finally do something, President Bush announced an executive order to develop regulations to lower vehicle emissions before he leaves office in 2009.

This is too little, too late. The administration has had 6 years to act, and they have failed. They failed to address the energy concerns of our Nation while giving big tax breaks to the oil and gas industry.

Fortunately, we have a new Democratic Congress that is going to lead our Nation towards energy independence. We are determined to find ways to be more energy efficient, to bring new, safer, less expensive, homegrown sources of energy to American families and American businesses, and we will start now by bringing a comprehensive energy bill to the House floor in July that will drive down costs and meet our Nation's future energy needs.

COMPREHENSIVE IMMIGRATION REFORM MUST BEGIN WITH AFFIRMATION OF THE RULE OF LAW

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, on immigration reform the halls of Congress are abuzz with rumors of a "grand compromise" on the issue of illegal immigration. There is talk of a proposal that would allow millions of illegal immigrants to remain in this country by merely paying a fine.

Let me say emphatically, Madam Speaker, amnesty is no bargain for the American people. Any effort at comprehensive immigration reform must begin by rejecting amnesty, will put border security first, and not implement any type of temporary worker program until border security measures have been undertaken and completed. And once a temporary worker program begins, we must require that every person who has come into this country illegally leave the United States and apply outside of our country for the legal right to live and work here. And if they come under the color of the law, we must require temporary workers to learn the language of the American people.

In addition, serious fines and an electronic verification system must ensure a full partnership between American business and the American government in enforcing our immigration laws.

The real grand bargain for the American people is comprehensive immigration reform that begins with an affirmation of the rule of law.

□ 1015

SUPPORTING COPS REAUTHORIZATION ACT

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute.)

Mr. LARSEN of Washington. Madam Speaker, I am pleased today that the House will vote to reauthorize the successful COPS program, and I commend our leadership for bringing H.R. 1700 to the floor.

The Community Oriented Policing Services program has allowed our law enforcement agencies to hire over 100,000 police officers nationwide. This has led to significantly reduced crime rates between 1995 and 2005. Unfortunately, the hiring component of this grant program has not been funded in recent years and the program overall has taken severe cuts.

Post-9/11, we have asked our State and local law enforcement agencies to protect not only our communities from crime, but to protect our homeland as well. We cannot continue to put unfunded mandates on our local police forces and expect them to also provide protection from terrorism if we are not willing to provide the Federal aid for them to do so. If Congress fails to fund the hiring of additional peace officers, we risk losing the progress we have made in crime reduction. We must keep pressure up on crime.

By helping to hire local police officers, the COPS program helps our State and local law enforcement bust drug-trafficking rings, take down domestic meth labs, and keep our communities safe.

I encourage my colleagues to vote for H.R. 1700, the COPS Reauthorization Act of 2007.

PARTIAL-BIRTH ABORTION BAN

(Mr. McHENRY asked and was given permission to address the House for 1 minute.)

Mr. McHENRY. Madam Speaker, I rise to join with millions across this Nation who applaud the Supreme Court's recent decision to uphold the ban on partial-birth abortion.

Partial-birth abortion is unrivaled in its gruesome brutality. There is no question it has caused the vicious destruction of viable human life, babies, whose only crime is inconvenience.

The Court's decision is a victory in the quest to restore basic human dignity and human life. No longer will the most vulnerable and innocent among us be subject to such cruelty.

It also is a victory for the Constitution, which liberal activist judges have demeaned for far too long. It is encouraging to see the Court's decision move toward our Founders' vision and intent to not only respect opinions and the vision for our country, but also to protect human life.

Let us never forget our responsibility to uphold the basic sanctity of human life granted by our Maker.

DEMOCRATS WORK TO MAKE AMERICAN STREETS SAFER BY PASSING COPS IMPROVEMENT ACT

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, our most important job as lawmakers is to ensure the safety of the American people.

Our local law enforcement officers serve communities across this Nation as the first line of defense against crime. The number of police on our streets matters for the security of every city in this Nation, and we have a responsibility to ensure that these officers are in place. That is why Congress worked with President Clinton in the 1990s to create the COPS program.

Through this program, more than 100,000 cops were hired, putting police in every neighborhood in our Nation. But when President Bush came to office, he eliminated the COPS program, with no objections from the old Republican rubber-stamp Congress. As a result, crime substantially increased over the last decade.

Madam Speaker, today this Congress has an opportunity to reverse these troubling trends by passing the COPS Improvement Act. This legislation would allow communities to hire 50,000 police officers over the next 6 years so we can better protect our communities.

DEMOCRATS' ACTIONS SPEAK LOUDER THAN WORDS WHEN IT COMES TO SUPPORTING OUR TROOPS

(Mr. AKIN asked and was given permission to address the House for 1 minute.)

Mr. AKIN. Recently, congressional Democrats cut funding that was planned for modernization of our military. And while we've heard statements that the Democrats are supporting our troops, their actions speak louder than words.

In a strict party-line vote, Democrats slashed the Army modernization program with a 25 percent cut, casting a cloud over the first major modernization program in four decades. Future combat systems are designed to create a real-time battlefield information system. It promises increased safety and efficiency for our troops. This is nothing new. In the 1970s, the Democrats slashed military spending, and our servicemen and -women were forced to apply for food stamps just to survive. Again, in the 1990s, the Democrat Congress caused our Nation's forces to lose their technological edge. From future combat systems to missile defense, Democrats demonstrate a shortsightedness that will cost our sons and daughters the tools they need for a safe mission. My children and our children will pay the price.

SUPPORTING COPS REAUTHORIZATION ACT

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Madam Speaker, today we will vote on H.R. 1700, which calls for putting 50,000 additional police officers on the street over the next 6 years, authorizing $600 million a year for the COPS program, and it also authorizes $350 million a year for the COPS technology grants, and $200 million a year for hiring community prosecutors.

It is fitting today because today is the 26th annual National Peace Officers Memorial Service. Of all the cuts to needed domestic programs the Bush administration has devised over the years, the decimation of funds to our law enforcement personnel has to be among the most ill-considered and reckless. How he could ever stand next to any cop and do what he has done in the last 5 years is reprehensible.

The COPS program is a proven winner, cutting crime and making neighborhoods safer across the Nation. More police on the streets means less violent crimes and greater vigilance. It just makes sense. According to the GAO study, between 1998 and 2000, the COPS grants are responsible for reducing crimes by 225,000.

IS IT TOO COLD OR TOO HOT?

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, there is alarming news from Newsweek magazine. I read the article in part: "There are ominous signs the Earth's weather patterns have begun to change dramatically and that these changes may cause a drastic decline in food production. The evidence in support of these predictions has now begun to accumulate so fast that meteorologists are hard-pressed to keep up with it . . . The central fact is that after three quarters of a century of extraordinarily mild conditions, the Earth's climate seems to be cooling down . . . If the climate change is as profound as some of the pessimists fear, the resulting famines could be catastrophic . . . The present decline has taken our planet about a sixth of the way toward the Ice Age average."

Madam Speaker, this article was written in Newsweek in April 1975. Those doomsayers said we were all going to freeze in the dark. Now these are the same people who say we're going to roast because of global warming. Were they correct in 1975 or are they correct today? Before we panic, we need to separate science from junk science and get the facts about global warming.

And that's just the way it is.

DEMOCRATS WORK TO RESTORE COPS PROGRAM SO THAT WE CAN CUT DOWN ON VIOLENCE

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, in the war to fight crime in this country we need more than just rhetoric. We need results.

During the 1990s, thanks to the initiatives of the Clinton administration and the Democratic Congress, we significantly reduced crime nationwide after enactment of the COPS program. We put 100,000 new cops on our streets, and crime rates fell. But over the past decade, Republicans have cut the program. As a result, crime rates have increased nationwide.

The Police Executive Research Forum recently released a report that found violent crime rates have risen by double-digit percentages over the last 2 years. Among the cities surveyed, 71 percent had an increase in homicides, and 80 percent saw robberies rise.

Today, this House has an opportunity to show it is serious about protecting our neighborhoods by passing the COPS Improvement Act. This legislation will restore the strong anti-crime measures we enacted in the 1990s by providing funding to hire 50,000 new police over the next 6 years.

Madam Speaker, the new Democratic majority isn't just talking about keeping our Nation secure; we are producing real results.

SUPPORTING COPS IMPROVEMENT ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I rise also in strong support of the COPS Improvement Act.

Since the COPS program began in 1994, it has provided for the hiring of 404 police officers in my congressional district. It has directed billions of dollars in grants to law enforcement agencies, including more than $20 million to benefit my constituents on the central coast of California.

COPS deserves much of the credit for the major drop in crime across our country during the 1990s, but the Bush administration has repeatedly targeted the COPS hiring program for elimination. So I'm glad the new Democratic majority in Congress realizes the importance of putting cops on the beat. The COPS Improvement Act continues the good work we started in the 1990s. It will help law enforcement agencies in my district to hire another 173 police officers. That's 173 men and women to patrol the streets and keep their hardworking neighbors safe.

Madam Speaker, I urge this House to pass this much-needed legislation today.

COPS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Madam Speaker, in 1994 President Clinton, with the help of congressional Democrats, established the COPS program. The COPS program changed the way we fight crime in this country by giving local jurisdictions the support they needed to put over 100,000 new police officers on the street. The results were clear: a nationwide drop in crime and safer streets in our communities.

Having been a police officer for 12 years, I proudly support the continuation of the COPS program. Unfortunately, the President and the Republicans have cut and gut the COPS program.

The COPS program is needed now more than ever. The threat of terrorism has put new burdens on our first responders, and recent news reports show violent crime in our cities is again on the rise. As a result, the Democrats will seek to put $1.5 billion forth in the budget to hire more police officers where they can do the most good, on the streets in our communities.

The COPS program is a proven concept that has the full support of the law enforcement community. The Democrats will make the program even better.

Let us work together to put cops back on the streets and give them the tools they need to keep us and America safe.

COPS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, like my colleagues, I too, rise in support of the full funding for the 100,000 community police officers. It has been a linchpin to a very successful anticrime strategy.

In the 1990s, we pursued a single strategy of putting more cops on the beat and getting gangs, guns and drugs off the street. It led to the longest and largest decline of violent crime in American history.

After the elimination of the COPS program, community police officers, we saw a steady increase in violent crime. Cops doing community policing, an old strategy, door by door, knowing their neighbors, knowing their community, led to a dramatic drop in violent crime. Reducing those 100,000 extra police on the streets led to an increase in violent crime.

Democrats came here to change Washington, to bring a new direction to our policy. Seeing an increase in violent crime in America, we went back to a basic fundamental strategy that has proven year after year to be successful, adding 100,000 cops, doing community policing, knowing their neighbors, knowing the kids that go to school, knowing where the problems are, hitting the problems before they start, leading to the most successful anti-violent crime strategy in American history.

I am proud that we have brought this change to Washington.

FOLLOW THE LAW FOR ENERGY EFFICIENCY

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, we have had the right to be disappointed in the President's abject refusal to do anything to give us auto efficiency and clean autos for years. And now we still have the right to be disappointed even though he has been ordered to do so by the United States Supreme Court. We sort of heard this sort of semi "maybe I'll think about it" approach the other day.

We need some bold action when it comes to new technology, including in our automobile sector; and we know we can get that. We know we can have efficient automobiles, and we know we can deal with global warming.

I've got to tell you, I just cannot understand why some folks here want to embrace ignorance on global warming. They point out that we didn't know about global warming in 1970. We didn't know about the Internet either, but I don't know why you shouldn't use it.

We've learned some things from 1970. We've learned that the planet is warming. We've learned that CO_2 is responsible. We've learned that it's coming from our industries. And we've learned that if we have the Federal law followed, we will have energy efficiency and a clean energy economy in the future of this country.

☐ 1030

PASS THE COPS PROGRAM

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, I join my colleagues in asking that we pass the COPS Program. I started my career after law school as the attorney for the Memphis Police Department, and I learned then that patrol was the major deterrent to crime.

When I campaigned this year in the City of Memphis and met with the Afro-American Police Association, they came to me and the thing they asked me to do was to get more COPS dollars, saying that community policing was an effective tool in the fight against crime; that it wasn't just arresting, but it was knowing people in the community and encouraging them to find ways to interrelate to the police and have a better attitude.

By working with my colleagues on the other side of the aisle and Ranking Member SMITH, we came up with an amendment that will be part of the bill that will give Iraqi and Afghanistan veterans priority in the COPS Program so that when we bring our troops home we can have them effectively police our neighborhoods, just as they have been policing the neighborhoods in Baghdad.

We need policemen and cops on the streets in our hometowns, in Memphis, Tennessee, to fight crime. We need them home today in our towns, and not in Baghdad. The COPS Program will help.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

AMERICAN VETERANS DISABLED FOR LIFE COMMEMORATIVE COIN ACT

Mr. MOORE of Kansas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 634) to require the Secretary of the Treasury to mint coins in commemoration of veterans who become disabled for life while serving in the Armed Forces of the United States, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Veterans Disabled for Life Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The Armed Forces of the United States have answered the call and served with distinction around the world—from hitting the beaches in World War II in the Pacific and Europe, to the cold and difficult terrain in Korea, the steamy jungles of Vietnam, and the desert sands of the Middle East.

(2) All Americans should commemorate those who come home having survived the ordeal of war, and solemnly honor those who made the ultimate sacrifice in giving their lives for their country.

(3) All Americans should honor the millions of living disabled veterans who carry the scars of war every day, and who have made enormous personal sacrifices defending the principles of our democracy.

(4) In 2000, Congress authorized the construction of the American Veterans Disabled for Life Memorial.

(5) The United States should pay tribute to the Nation's living disabled veterans by minting and issuing a commemorative silver dollar coin.

(6) The surcharge proceeds from the sale of a commemorative coin would raise valuable

funding for the construction of the American Veterans Disabled for Life Memorial.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 350,000 $1 coins in commemoration of disabled American veterans, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the design selected by the Disabled Veterans' LIFE Memorial Foundation for the American Veterans Disabled for Life Memorial.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2010"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Disabled Veterans' LIFE Memorial Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—

(1) IN GENERAL.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(2) USE OF THE UNITED STATES MINT AT WEST POINT, NEW YORK.—It is the sense of the Congress that the coins minted under this Act should be struck at the United States Mint at West Point, New York, to the greatest extent possible.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2010.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Disabled Veterans' LIFE Memorial Foundation for the purpose of establishing an endowment to support the construction of American Veterans' Disabled for Life Memorial in Washington, D.C.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Disabled Veterans' LIFE Memorial Foundation as may be related to the expenditures of amounts paid under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from Illinois (Mr. ROSKAM) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert any other material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE of Kansas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this legislation that we are considering today is a simple, straightforward bill that would take a small but important step to recognize and honor the more than 3 million American veterans currently living with disabilities as a result of their sacrifice and service in our United States Armed Forces. In fact, of 26 million American veterans today, nearly one in 10 embody the physical cost of their service in permanent disability.

While there are many other steps that Congress should take to improve the lives of disabled veterans, by passing this bipartisan legislation today, which I have introduced with my friend and colleague, Mr. KIRK of Illinois, we hope to honor and show our gratitude for their sacrifice and the toll this has taken on their lives. Specifically, Madam Speaker, this legislation provides for the design, manufacture and sale of special commemorative silver coins and authorizes special surcharges on these coins to be contributed toward the construction of a memorial to disabled veterans.

The American Veterans Disabled for Life Memorial will occupy an impressive 2-acre site located just southwest of the Rayburn House Office Building adjacent to the National Mall within full view of the United States Capitol. The memorial will embody America's lasting gratitude for the men and women whose lives are forever changed in their service to our country. It will also serve as an important reminder to Members of Congress of the human cost of war and the need to support our veterans. We must never forget the sacrifices these American heroes made and continue to make in order to promote a better world for our fellow citizens.

Building this long overdue memorial is something we need to do and should do as Americans.

Madam Speaker, I include the following letter exchange for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 2, 2007.

Hon. BARNEY FRANK,
Chairman, Financial Services Committee, Rayburn House Office Building, Washington, DC.

DEAR BARNEY: I am writing regarding H.R. 634, the American Veterans Disabled for Life Commemorative Coin Act.

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 634 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 634, and would ask that a copy of our exchange of letters on this matter be included in the RECORD.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, May 2, 2007.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHARLIE: I am writing in response to your letter regarding H.R. 634, the "American Veterans Disabled for Life Commemorative Coin Act," which was introduced in the House and referred to the Committee on Financial Services on January 23, 2007. It is my expectation that this bill will be scheduled for floor consideration in the near future.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego committee action on H.R. 634 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the CONGRESSIONAL RECORD when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

Madam Speaker, I reserve the balance of my time.

Mr. ROSKAM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 634, the American Veterans Disabled for Life Commemorative Coin Act introduced by Mr. MOORE and by my colleague from Illinois (Mr. KIRK).

Madam Speaker, occasionally we disagree on the floor of this great Chamber, and we heard some of those disagreements aired a couple of minutes ago, but now there can be no disagreement about the goals of this legislation, honoring the heroes who have been grievously injured in the defense of this country, in defense of liberty, in defense of democracy.

There are plenty of monuments, as well there ought to be, for those who gave their lives for those causes, but I know of no monument to those who lived, but whose lives were drastically altered, whose bodies were broken, but whose spirits are still strong. But now they will have their own monument, and it is only right, Madam Speaker.

This memorial will be for the World War II vet who came back without a hand, the Korean War vet who uses a wheelchair, the Vietnam vet who uses the white cane of the blind, and for the veterans of the conflicts in the gulf, who came back to us forever changed.

In 2000, Congress approved the building of the American Veterans Disabled for Life Memorial. It will be a $65 million privately funded memorial just west of the Rayburn Building, across from the Botanic Garden and in full view of the Capitol. The Commission of Fine Arts and the National Capital Planning Commission approved the conceptual design in 2004 and reaffirmed it in 2006.

The memorial will express our Nation's gratitude to those who paid the terrible cost of defending freedom. It represents the values of duty, of courage and of sacrifice that are the lifeblood of American democracy.

I urge Members, staff and the rest of the country to look at the Web site of the memorial at avdlm.org.

About half of the money for construction already has been raised, and this legislation, through surcharges on the sale of silver one-dollar coins to be issued by the U.S. Mint in 2010, could raise another $3.5 million to be used for construction or to maintain the dramatic memorial.

Madam Speaker, I am glad to be one of more than 300 Members of Congress who have cosponsored this bill, which is supported by the VFW, the American Legion, the DAV, and thousands of veterans and veteran organizations across the Nation who have contributed to the memorial's creation.

Madam Speaker, I ask for the immediate passage of H.R. 634 and urge all Members to support it.

Mr. MOORE of Kansas. Madam Speaker, I reserve the balance of my time.

Mr. ROSKAM. Madam Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. KIRK), the sponsor of the bill.

Mr. KIRK. I thank the gentleman for yielding.

Madam Speaker, there are over 50 million Americans who have worn our country's uniform, and over 20 million are alive today. Among them there are 3 million Americans who are disabled from wounds in battle. Thanks to advances in military medicine, soldiers who once died of their wounds are now surviving and they return from battle with broken bodies, but not broken spirits. It is that spirit of men and women that we honor today. This Moore-Kirk bill will help raise funds for a memorial to disabled American veterans.

I want to particularly thank my bipartisan partner in this effort, Representative DENNIS MOORE of Kansas. We formed a bond and a partnership to pass this bill first authored by Representative Sue Kelly of New York. Mr. MOORE and I worked many weeks to get over 290 cosponsors, Republicans and Democrats, to make sure this bill could come to the floor.

In 2000, Congress authorized the construction of the Americans Veterans Disabled for Life Memorial just south of the Rayburn Building within sight of the U.S. Capitol. Last December, President Bush signed into law a bill transferring control of the land for the memorial from the District of Columbia to the National Park Service. Now, the American Veterans Disabled for Life Memorial Foundation needs to raise approximately $65 million to cover the cost of construction.

Our bill today will authorize the Secretary of the Treasury to mint commemorative silver dollars to be sold with a surcharge that will help the American Veterans Disabled for Life Memorial Foundation to raise the money it needs for this memorial. Not only will these coins be collectors' items, but they will benefit this worthy cause.

Earlier this year, I had the privilege of meeting with an extraordinary young man, Sergeant Bryan Anderson of Rolling Meadows, Illinois. Bryan's story is, unfortunately, all too common for our soldiers in Iraq, but his spirit is uncommon, and his attitude sets him apart from the average person.

You see, Bryan lost both legs and an arm to a roadside bomb in Iraq. He jokes that he would have lost both arms if he hadn't been smoking when the bomb detonated. His sense of humor and determination are clearly apparent in the interview that he gave to Esquire Magazine in January. In it he said, "This wound does not define me. It may be how I look on the outside, but it is not who I am. I guess you could remember me easily as being a triple amputee, but that's not who I am. It has nothing to do with who I am. I have always been the same person."

Bryan is a self-described "adrenalin junkie" who hopes one day to become a Hollywood stuntman. Since his appearances on the cover of Esquire, he has had numerous opportunities to use his story for the gain of this legislation, often being baited to say if he has any political affiliation or asked what he thinks about the war. Each time he refuses to take the bait. He says he doesn't want to talk about politics. But he is always willing and excited to talk about the American Veterans Disabled for Life Memorial.

Washington has legions of professional advocates who make a living convincing people to see issues from their point of view, but none of them compare to Bryan Anderson. With Bryan, what you see is what you get, an American veteran with an inspirational story that has dedicated a good portion of his life to seeing that this memorial be built, not just for himself, but for 3 million disabled American veterans, and for everyone to remember the sacrifices that they have made.

Bryan is a genuine man that you may one day meet. I hope passage of this legislation brings us closer to a day when Bryan returns to Capitol Hill to see the memorial that he helped to build.

With more than 3 million disabled American veterans in the United States, it is fitting that we construct a memorial in Washington, D.C., within sight of this Capitol. It is my hope that my colleagues will answer Bryan Anderson's call to action and support this legislation to make this memorial a reality.

With that, I just want to once again thank my colleague from Kansas (Mr. MOORE) for an outstanding partnership and a great bipartisan victory today.

Mr. MOORE of Kansas. Madam Speaker, I want to again thank my colleague from Illinois (Mr. KIRK) for the wonderful display of bipartisanship here. I wish we could set an example and hope we set an example for all of our colleagues here to work on other matters together.

Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding.

Madam Speaker, let me compliment the sponsors of this bill, Mr. MOORE from Kansas and Mr. KIRK from Illinois. I am down here on another bill, but I felt compelled to say a few words, if I may, on this piece of legislation, which really honors American disabled veterans with this commemorative coin. This will help us raise the money to build this monument, which is long overdue.

Whether you are talking about my father-in-law, Ken Olsen, up in Escanaba, who was disabled in World War II, or the recent disabled members of our Armed Forces coming back from Afghanistan and Iraq, I think we can all personally relate to different stories.

Today, Derek Gagne, who spent quite a bit of time at Walter Reed Army Hospital, is coming back to the upper peninsula of Michigan, where family and friends will be waiting to greet him home. Unfortunately, as Derek has left his bed at Walter Reed for an amputation he had to have because of injuries sustained in Iraq, unfortunately, that bed is being taken by another member from my district who also was wounded in Iraq.

We talk about our disabled veterans and we honor them throughout our time, especially in the summer months through the Memorial Day and 4th of July and all the holidays we celebrate in parades and ceremonies like that, but it is time that we have the memorial here in Washington, so those of us who make decisions on war understand that it is more than just sending an army here or there, but that there is consequences of it.

□ 1045

Whether the injury is an amputation or a closed-head injury, which we are seeing so much of in the war in Iraq, each and every injury serves to remind us of the horrors of war but also that these men and women and their families and their spouses deserve our utmost respect.

So I am very pleased to see this memorial start to take on more and more life, to become a reality. And the work of Mr. MOORE and Mr. KIRK will certainly help bring forth this memorial. I am very honored to not only cosponsor H.R. 634, but also to support the American Veterans Disabled for Life Commemorative Coin Act.

Mr. ROSKAM. Madam Speaker, I yield back the balance of my time.

Mr. KLEIN of Florida. Madam Speaker, I rise today in support of H.R. 634, the American Veterans Disabled for Life Commemorative Coin Act. This bipartisan legislation commemorates those veterans who have sacrificed so much to secure our freedom by requiring the Secretary of the Treasury to mint coins in their honor.

The funding generated from the sale of these coins will be used to help build a memorial to disabled veterans on the grounds surrounding the U.S. Capitol. This memorial, which will sit within full view of the Capitol, will serve to remind us of those young men and women who put their lives on the line each day in defense of this great Nation.

Several weeks ago, I had the opportunity to visit Walter Reed to meet some of the brave men and women that we seek to honor here today. I will never forget the faces of those warriors who proved that they would stop at nothing to fulfill the mission that this Nation has laid before them.

Our military veterans have served honorably around the world, in many of the most hostile and dangerous conditions known to man. Whether it is in the fields of Europe, the jungles of Southeast Asia, or the deserts of the Middle East, the selfless actions of these men and women helps to preserve the liberty that we hold so dear.

These soldiers, sailors, airmen, and marines who voluntarily heeded the call to serve our Nation in combat, truly embody all that is great within our society. They have shown courage and valor, consistently performing with distinction on foreign battlefields. These honorable Americans have given us all that they have to offer. It is now time for us to show them how much we appreciate their great sacrifice.

Mr. MOORE of Kansas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 634, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MOORE of Kansas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ARMY SPECIALIST JOSEPH P. MICKS FEDERAL FLAG CODE AMENDMENT ACT OF 2007

Mr. STUPAK. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 692) to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007".

SEC. 2. FINDING.

Congress finds that members of the Armed Forces of the United States defend the freedom and security of the United States.

SEC. 3. PROCEDURE FOR NATIONAL FLAG TO BE FLOWN AT HALF-STAFF IN THE EVENT OF THE DEATH OF A MEMBER OF THE ARMED FORCES.

(a) ISSUANCE OF PROCLAMATION.—Subsection (m) of section 7 of title 4, United States Code, is amended in the sixth sentence—

(1) by inserting "or the death of a member of the Armed Forces from any State, territory, or possession who dies while serving on active duty" after "present or former official of the government of any State, territory, or possession of the United States"; and

(2) by inserting before the period the following: ", and the same authority is provided to the Mayor of the District of Columbia with respect to present or former officials of the District of Columbia and members of the Armed Forces from the District of Columbia".

(b) FEDERAL FACILITY CONSISTENCY WITH PROCLAMATION.—Such subsection is further amended by inserting after the sixth sentence the following new sentence: "When the Governor of a State, territory, or possession, or the Mayor of the District of Columbia, issues a proclamation under the preceding sentence that the National flag be flown at half-staff in that State, territory, or possession or in the District of Columbia because of the death of a member of the Armed Forces, the National flag flown at any Federal installation or facility in the area covered by that proclamation shall be flown at half-staff consistent with that proclamation.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. FORBES) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. STUPAK. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. STUPAK. Madam Speaker, I yield myself such time as I may consume.

As author of H.R. 692, the Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007, I urge my colleagues to support its passage.

Madam Speaker, those who make the ultimate sacrifice for our country deserve our country's utmost respect.

H.R. 692 will ensure that our fallen troops and their families are provided the appropriate respect due.

The Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007 would require all Federal Government agencies in a State to comply with a Governor's proclamation to fly the national flag at half-staff in honor of those who lose their lives serving our country.

H.R. 692 is named after Joseph P. Micks, a soldier from Rapid River, Michigan, who was killed in Iraq last July at the age of 22. Specialist Micks was an all-American soldier and citizen. He was an altar server at church, an Eagle Scout from Troop 466 in Gladstone, Michigan, loved to collect sports memorabilia, and fixed the computers of his neighbors. He joined the Army to help others, to make a difference.

His death was not only mourned by his family and friends, but also by the citizens of the rural communities which make up and comprise Delta County, Michigan. As his funeral procession progressed through several rural communities in the Upper Peninsula of Michigan, citizens were upset to note that some Federal agencies had not lowered their flags based on the Governor's proclamation in honor of Specialist Micks.

There have been several other instances in my district, unfortunately, when a Federal agency has not lowered its flag in accordance with Governor Granholm's proclamation.

When I have learned of Federal agencies, offices and buildings that have not lowered their American flags, I have contacted the agencies. I have been told that the directive to lower the flag has not come from the district office or the regional office or from Washington headquarters. It is regrettable that this legislation is even necessary. Last year I wrote the President asking him to issue an executive order to have the flags lowered. He has not responded. However, as there have been not one but multiple instances where Federal agencies have ignored the Governor's request to lower flags, it is important that Congress address this issue.

In a recent example, when Navy SEAL Joe Schwedler was killed recently in Iraq, it was the Veterans Affairs hospital that refused to lower its flag. Veterans presented officials with the article from the local newspaper, the Daily News from Iron Mountain. It says: "Flags Lowered for Crystal Falls Hero," and still the Veterans Administration refused to lower the flag.

I include this article for the RECORD.

[From the Daily News, April 12, 2007]

FLAGS LOWERED FOR CRYSTAL FALLS HERO

HALF-STAFF ON FRIDAY

Lansing.—Gov. Jennifer M. Granholm has ordered United States flags throughout Michigan and on Michigan waters lowered for one day on Friday, April 13, in honor of Navy Petty Officer 2nd Class Joseph C. Schwedler of Crystal Falls who died April 6 while on active duty in Iraq.

Flags should return to full staff on Saturday, April 14.

Schwedler, 27, died from enemy action while conducting combat operations in Al Anbar province, Iraq. He was assigned to the East Coast Navy SEAL Team.

When flown at half-staff or half-mast, the United States flag should be hoisted first to the peak for an instant and then lowered to the half-staff or half-mast position. The flag should again be raised to the peak before it is lowered for the day.

A military funeral will be conducted at 1 p.m. Saturday, April 14, at the Forest Park High School gymnasium in Crystal Falls.

A scholarship fund will be established with the Crystal Falls Area Community Fund, Post Office Box 269, Crystal Falls, Michigan 49920.

The Jacobs-Plowe Funeral Home, Crystal Falls is in charge of arrangements.

The inconsistent patchwork display of respect is particularly hurtful to rural communities where the funeral processions of fallen troops often travel by several Federal facilities, some with flags lowered, others without.

Rural Americans disproportionately fill the ranks of our armed services and have disproportionately paid the ultimate sacrifice. Almost half of U.S. military casualties have hailed from towns fewer than 25,000 people; one in five from towns smaller than 5,000 people. It is important that when one of our own perishes serving our Nation they receive the proper respect.

I am joined today in support of this legislation by the Military Order of the Purple Heart and Society of Military Widows. In endorsing the legislation, the Society of Military Widows stated: "We strongly feel that Federal agencies within the State should comply with this order to honor fallen native sons and daughters. As military widows, we can especially appreciate this visible show of respect."

I would like to thank my colleagues who have cosponsored this legislation and those who have helped champion its passage, including Chairman CONYERS, Chairman NADLER, Ranking Member FRANKS, as well as Congressman PASTOR, Congressman VISCLOSKY, and Congressman LAMBORN.

Madam Speaker, I reserve the balance of my time.

Mr. FORBES. Madam Speaker, I yield myself such time as I may consume.

H.R. 692 authorizes State Governors to fly the American flag at half-staff upon the death of a member of the Armed Forces who dies while serving on active duty.

We all honor the service of the brave men and women who defend our Nation. When they make the ultimate sacrifice, Governors of the State should be allowed to recognize and pay tribute to them by lowering the flag.

I am also pleased the majority included a Republican proposal to add a simple congressional finding to this legislation that states the following: "Congress finds that members of the Armed Forces of the United States defend the freedom and security of our Nation." It is fitting to include this finding to recognize not just the loss of a member of our Armed Forces, but also to honor the reasons they serve.

Madam Speaker, members of our Armed Forces deserve our deepest respect. They put their lives between us and hostile enemies around the world; they sacrifice stability with their own families so ours may sleep easier. They persevere in the most extreme conditions so we can lead ordinary lives.

The flag code is designed to honor public service. When we lower the flag to half-staff, we remind ourselves that the United States is not merely preserved by lofty ideals, but by the service and sacrifice of a great many men and women.

I support this legislation and encourage all of my colleagues to do so as well.

Madam Speaker, I reserve the balance of my time.

Mr. STUPAK. Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Madam Speaker, I thank my colleague from Michigan, BART STUPAK, for all that he has done with our committee, and with the Republicans on the subcommittee on the Judiciary Committee who worked so well on this.

I rise of course in support of H.R. 692 to honor fallen men and women who gave their lives to our Nation while on duty in the armed services.

As a veteran myself, I can appreciate this bill as much as anyone in the House. This 22-year-old soldier for whom the bill was named came from BART STUPAK's district, and gave his life on July 8, 2006. He was killed by an improvised explosive device that detonated near his vehicle during combat operations in Iraq.

This measure before us simply amends current law to add heroes like Specialist Micks to the list of persons in whose honor the flag may be flown at half-staff. It specifies that a Governor's proclamation ordering the flag to be flown at half-staff, consistent with this measure, would apply to all Federal installations and facilities in the State.

Over the last 4 years, at least 10 soldiers from Mr. STUPAK's district have given their lives in Iraq and Afghanistan, and yet the national flags on some Federal buildings were not lowered in their honor, to the dismay of the family members and friends of these brave soldiers.

So the measure ensures that our Nation's fallen military heroes who made the ultimate sacrifice in the service of our Nation are appropriately honored and acknowledged.

Mr. FORBES. Madam Speaker, I reserve the balance of my time.

Mr. STUPAK. Madam Speaker, I have no further speakers, so I would like to close.

I close by saying there is no more powerful way to honor the death of an American than flying our Nation's flag at half-staff. Recognizing this, Governors across this great country have issued proclamations to honor servicemembers from their States who have died in Iraq and Afghanistan.

This quiet sign of respect is a powerful message to the family that a grateful Nation and a grateful community mourns and honors the sacrifice made by their fallen hero. It is also representative of the shared loss felt by our communities who mourn a family member, a friend, a neighbor and a colleague.

The Army Specialist Joseph P. Micks Flag Code Amendment Act will ensure that each of our fallen heroes receives the ultimate honor due to Joe and his family; his wife, Romona; and parents, Ken and Amy Micks. To them we owe a great debt of gratitude. I hope this legislation passes the House today and moves to the Senate, and we can get it completed by Flag Day on June 14.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H.R. 692, which authorizes Governors of the several States to order the National Flag to be flown at half-staff in the event of the death of a member of the Armed Forces. Section 2(a) would add "or the death of a member of the Armed Forces from any State, territory, or possession who dies while serving on active duty" to the list of persons under 4 D.S.C. §7(m) for whom the Flag should be flown at half-staff for a period of ten days from the date of death.

Under section 2(b), the bill authorizes the Governor of a State, territory, or possession to issue a proclamation under section 7(m), as amended by the Act, ordering the Flag to be flown at half-staff in honor of a member of Armed Forces who dies while on active duty.

Madam Speaker, it is a privilege for me to support a bill that honors the service of our fallen members of the Armed Forces who die while serving on active duty. These brave men and women have given great contributions and have made incredible personal sacrifices so that all of us in this country might live in a safe and secure Nation and world. In my State of Texas, 287 service members have already given the last full measure of devotion in Operation Iraqi Freedom. I think everyone of these fallen heroes deserve recognition for their supreme sacrifice.

Flying the Federal Flag at half staff to honor the service of fallen members of the Armed Forces is only a small step towards repaying the insurmountable debt that all of us owe to all veterans. For, what is the price of freedom?

As President Kennedy once said, "The price of freedom is high, but Americans have always paid it." And no one has paid a higher price than the brave men and women through the years who gave the last full measure of devotion to their country. Whether it is the ultimate sacrifice of life or the loss of limb or the loss of time with family and friends, we owe our veterans and in this case, those who have died during their service, an enormous outstanding debt of gratitude.

From Bunker Hill to Yorktown, from Washington, DC to the Battle of New Orleans, from Bull Run to Gettysburg and Antietam to Appomattox, brave Americans gave their lives so that the Nation might live. And from Alsace Lorain to Verdun, and Normandy to Berlin and Pearl Harbor to Okinawa, from Inchon and Correigidor to Vietnam, Lebanon, Grenada, Kuwait, Afghanistan, and Iraq, Americans have nobly sacrificed their lives so that the world may live in freedom.

The debt of gratitude we owe to all of the soldiers, sailors, marines, and airmen who answered their Nation's call and made the supreme sacrifice can never be repaid. But we can give these fallen service men and women the recognition and honor they deserve by flying the National Flag at half-staff.

Madam Speaker, I ask all of my colleagues to join me in honoring our fallen heroes by supporting H.R. 692.

Mr. STUPAK. Madam Speaker, I yield back the balance of my time.

Mr. FORBES. Madam Speaker, once again I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. STUPAK) that the House suspend the rules and pass the bill, H.R. 692, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. STUPAK. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

□ 1100

JOHN R. JUSTICE PROSECUTORS AND DEFENDERS INCENTIVE ACT OF 2007

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 916) to provide for loan repayment for prosecutors and public defenders, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John R. Justice Prosecutors and Defenders Incentive Act of 2007".

SEC. 2. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

"SEC. 3111. GRANT AUTHORIZATION.

"(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

"(b) DEFINITIONS.—In this section:

"(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

"(A) is continually licensed to practice law; and

"(B) prosecutes criminal or juvenile delinquency cases (or both) at the State or local level, including an employee who supervises, educates, or trains other persons prosecuting such cases.

"(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

"(A) is continually licensed to practice law; and

"(B) is—

"(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (or both), including an attorney who supervises, educates, or trains other persons providing such representation;

"(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of such full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (or both), including an attorney who supervises, educates, or trains other persons providing such representation; or

"(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases (or both).

"(3) STUDENT LOAN.—The term 'student loan' means—

"(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

"(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

"(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

"(c) PROGRAM AUTHORIZED.—The Attorney General shall, subject to the availability of appropriations, establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

"(1) is employed as a prosecutor or public defender; and

"(2) is not in default on a loan for which the borrower seeks forgiveness.

"(d) TERMS OF LOAN REPAYMENT.—

"(1) BORROWER AGREEMENT.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Attorney General that specifies that—

"(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

"(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General

the amount of any benefits received by such employee under this section; and

"(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government.

"(2) REPAYMENT BY BORROWER.—

"(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

"(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

"(C) WAIVER.—The Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest.

"(3) LIMITATIONS.—

"(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to the availability of appropriations, and subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

"(i) $10,000 for any borrower in any calendar year; or

"(ii) an aggregate total of $60,000 in the case of any borrower.

"(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

"(e) ADDITIONAL AGREEMENTS.—

"(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

"(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

"(f) AWARD BASIS; PRIORITY.—

"(1) AWARD BASIS.—The Attorney General shall provide repayment benefits under this section—

"(A) subject to the availability of appropriations; and

"(B) in accordance with paragraph (2), except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and defenders, and among employing entities nationwide.

"(2) PRIORITY.—In providing repayment benefits under this section in any fiscal year, the Attorney General shall give priority to borrowers—

"(A) who, when compared to other eligible borrowers, have the least ability to repay their student loans (considering whether the borrower is the beneficiary of any other student loan repayment program), as determined by the Attorney General; or

"(B) who—

"(i) received repayment benefits under this section during the preceding fiscal year; and

"(ii) have completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

"(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) REPORT BY INSPECTOR GENERAL.—Not later than 3 years after the date of the enactment of this section, the Inspector General of the Department of Justice shall submit to Congress a report on—

"(1) the cost of the program authorized under this section; and

"(2) the impact of such program on the hiring and retention of prosecutors and public defenders.

"(i) GAO STUDY.—Not later than one year after the date of the enactment of this section, the Comptroller General shall conduct a study of, and report to Congress on, the impact that law school accreditation requirements and other factors have on the costs of law school and student access to law school, including the impact of such requirements on racial and ethnic minorities.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2008 through 2013.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. FORBES) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

I am proud to join with the gentleman from Virginia (Mr. FORBES) and rise in strong support of H.R. 916 because our Nation's criminal justice system depends on the hard work and commitment of the men and women who serve as prosecutors and defenders; yet the ability of the public sector to attract qualified individuals and to retain experienced attorneys is increasingly becoming more compromised.

As many of us know, recent law school graduates are often burdened with overwhelming student education loans. The amount of their debt can effectively preclude a young attorney from choosing to practice in the public sector, and with the median salary for an associate in private practice now many times the median salary of a State prosecutor, public-spirited attorneys who owe extensive student loans have a very hard time deciding that they can afford to work in our criminal justice system.

In Wayne County, Michigan, our county prosecutor Ms. Kym Worthy, a veteran trial lawyer before she assumed the position, has come to me repeatedly asking for help in this area.

So this measure addresses the critical problem by directing the Attorney General to establish a loan repayment assistance program for an individual who agrees to remain employed for at least 3 years as either a State or local criminal prosecutor or as a State, local or Federal public defender for criminal cases.

Madam Speaker, I reserve the balance of my time.

Mr. FORBES. Madam Speaker, I yield myself such time as I may consume.

H.R. 916, the John R. Justice Prosecutors and Defenders Incentive Act of 2007, establishes a loan forgiveness program within the Department of Justice for State and local prosecutors and for Federal, State and local public defenders. However, the bill, as introduced, raised several concerns regarding the breadth and cost of the loan forgiveness program.

I am pleased that the majority listened to our concerns, and at the Judiciary Committee markup we were able to reach a bipartisan compromise that ensures fiscal responsibility while encouraging young attorneys to join the criminal justice system and preventing attrition.

Many law school graduates carry a large amount of student loan debt, on average between $50,000 and $80,000. More than 80 percent of law students borrow to pay for their law degree, and the amount borrowed by many students exceeds $100,000.

At the same time, the median entry level salary for State prosecuting attorneys is $46,000, and the median entry level salary for public defenders is $43,000.

Several States and prosecuting agencies currently offer loan repayment programs. Yet, H.R. 916, as introduced, made no provisions for whether participation in existing State and local loan repayment programs would offset repayment from this program.

This substitute amends the bill to direct the Department of Justice to consider applicants' participation in other loan repayment programs when determining their ability to pay their loans.

The bill, as introduced, would have resulted in a very costly program. Although the bill caps repayment at $60,000 per applicant, as few as 25,000 applicants would have cost $1.5 billion over the life of the program, even with the cap in place.

The bill also authorized the program at $25 million for the first year and such sums as are necessary for each additional year. The bipartisan compromise authorizes $25 million a year for 6 years. This fiscally responsible limit on the authorization provides Congress the opportunity to review the cost effectiveness of the program.

The bipartisan compromise directs the Inspector General of the Department of Justice to review the costs of the program and determine whether the program positively impacts the hiring and retention of prosecutors and public defenders.

The compromise also directs the Department of Justice to administer this program subject only to the availability of appropriations, ensuring that the Department's criminal justice responsibilities remain a priority.

H.R. 916, as amended, directs the Attorney General to give priority to those applicants with the least ability to repay their loans. This provision guarantees that funds will be made available under this program to those prosecutors or public defenders suffering the greatest burden.

I thank Chairman CONYERS and Crime Subcommittee Chairman SCOTT for their cooperation on this legislation, and I urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself 1 minute to congratulate the gentleman from Virginia (Mr. FORBES), the floor manager of this bill, and to thank him for the helpful compromises that he led in working out the bipartisan support of this bill. I thank you.

Madam Speaker, I yield 6 minutes to the gentleman from Georgia (Mr. SCOTT), the author of the bill.

Mr. SCOTT of Georgia. Madam Speaker, I thank very much Chairman CONYERS. This is indeed a great moment. It is a great time, and I appreciate the leadership that you provide as chairman of the committee and all of our colleagues.

This is definitely a bipartisan effort to really deal with one of the most pressing issues facing our country today, Madam Speaker. I cannot think of a more significant thing we can do to make the essence of this country a reality for all. For at the cornerstone of America are these words: wisdom and justice and fairness and moderation. That is what makes this country great.

And at the cornerstone of that is to be able to have, when you come before the bar of justice, that justice is indeed blind and that everyone will be able to receive justice in a fair way. Regardless of whether or not you are a wealthy person or if you are a poor person, one thing is important: you are an American citizen and you deserve to make sure that you have fairness and justice and integrity when you come before the criminal justice system.

Unfortunately, now, Madam Speaker, that is not the case. For in all too many cases, when it comes down to public defenders and prosecutors, that is not the case because of the strains and the interplay of our economic system and the pressures that the marketplace has on that.

But what I am talking about is this, that right now the cost of living has gone up 28 percent, but the costs of tuition for 3 years in law school has gone up 167 percent. So that the average cost now per year for a student to go to law school is $50,000 a year. For 3 years, that's $150,000.

So, Madam Speaker, what I am saying is when that individual gets out of school he has to go into a marketplace where the private economy is willing to pay him an average now of $110,000, and in some markets in this country, such as New York or California and even in my home State of Georgia in Atlanta, beginning law school students going into the private sector can earn as much as $160,000 a year. But if you're a public defender, if you're a prosecutor, the average starting salary is just $43,000.

That is the crux of the problem, and that's why we have this bill, Madam Speaker, so that we can bring some equity to the playing field; so that we will be able to provide law students with the opportunity to help them with their loan repayment; so that we can have a partial loan forgiveness, not total.

This package that we're offering would give an individual up to $10,000 from the Federal Government to help offset his loans, and he must serve in the public sector for 3 years. But there's also contingent in our bill that with agreement with the employer if he wants to extend that after priority has been given to those that come in at 3 years first, that he will be able to extend it for 3 more years. So the maximum they can get is $60,000.

No, this will not solve the problem, Madam Speaker, but this is a very complex problem. But there are young people that understand the virtues and the need of this country to serve in the public arena, and we need those bright and talented individuals to be able to come into this arena, and this is a small incentive package for which we give.

As my colleague pointed out, this amounts to $25 million a year up to 6 years. It is a small gesture, but it is a meaningful investment because otherwise what we have is today where many innocent people are languishing in jails because we are not addressing this issue and many who are criminals are going free.

And that's why for the last 2 years, Madam Speaker, I have been pushing and working on this bill because, at the crux of it all, as I said, America is great because of many things, but paramount is justice, it is wisdom and it is moderation. That's in our flag, that's in our motto, and that's what is in this bill.

This bill is a companion bill. We have the Senate who has already moved on this in a bipartisan way under the leadership of Senator RICHARD DURBIN of Illinois, their distinguished majority whip, and we're very proud.

So I am very proud for this moment at this time in this House of Representatives for us to move forthright and to be able to bring some help to our college law students and especially into the private sector and to those individuals who cannot afford a high-priced attorney but have to rely on a public defender.

Madam Speaker, don't these individuals deserve to be able to have the best legal representation? Yes, they do, and that's why this bill is important and that's why I commend this to the full House of Representatives, and I am sure we will have a strong bipartisan vote for it.

I thank the chairman and thank my colleagues, and I urge your passage of this bill.

Mr. FORBES. Madam Speaker, I yield as much time as he may consume to the gentleman from Texas (Mr. POE), an individual who knows firsthand the importance of good prosecutors and public defenders having served as a district court trial judge.

Mr. POE. Madam Speaker, I want to thank the gentleman from Virginia for yielding some time.

Madam Speaker, I was a former prosecutor for 8 years and a judge in Texas for 22. I spent all my life basically in the criminal justice system as a prosecutor or as a trial judge, and I can attest to the high workload, long hours and low pay attributed to our Nation's prosecutors and to public defenders.

I have found over the years that most of them do what they do because they are committed to serving the public, either as a prosecutor or a public defender. They certainly don't do it for the money.

According to the Law Schools Admission Council, however, the average law school debt for an individual who borrows Federal or private loans is anywhere from $90,000 up. The starting salary for local and State prosecutors and public defenders starts anywhere at $25,000 and sometimes it reaches $50,000. It is not nearly enough to cover the expenses and keep up with the high loan repayments every month that these lawyers have to deal with.

This leaves many qualified and dedicated lawyers leaving the district attorney's office and the public defender's office for work in the private sector where they can make more money. What happens is these lawyers get trial experience at taxpayers' expense, then leave for the big law firms because of their low government salary and their high law school debt.

When I served in the criminal courts as a judge for 22 years, I saw many good prosecutors and public defenders just leave public service because of this problem.

The people of our Nation and the victims of crime need to have the best trial lawyers we can find to prosecute criminal cases. Defendants, likewise, need conpetent public defenders to represent the rights of the citizen accused.

I am honored to be a cosponsor of H.R. 916, the John R. Justice Prosecutors and Defenders Incentive Act of 2007. Prosecutors and public defenders can have up to $30,000 of law school debt erased if they serve 3 years in their current position in public service.

☐ 1115

Of course, this is a renewable debt forgiveness. If the trial lawyer is willing to work another 3 years as a prosecutor or public defender, then a total of $60,000 of law school debt can be forgiven. Most of the time, this will still not cover the majority of their law school debt.

Of course, local and State courts will benefit because they will be able to keep qualified and competent trial lawyers. We need the best trial lawyers in our legal profession to try criminal cases for the State and the defense.

Madam Speaker, we basically have two types of lawyers—trial lawyers. We have civil lawyers, and there are a lot of wonderful trial lawyers who are civil lawyers.

But, basically, civil lawyers argue in the courtroom over money. Nothing wrong with that, but that's what they are arguing over.

But in the criminal courts, we are arguing over something much more important than money, and it's the liberty of the person on trial. It is very serious business, and that's why you need the best prosecutor and the best public defender that we can find to represent both sides because the stakes are so high.

I urge my colleagues to support passage of H.R. 916.

I want to thank the gentleman from Georgia (Mr. SCOTT) for introducing this important piece of legislation.

Mr. CONYERS. Madam Speaker, I yield myself 1 minute and that is to describe the wide spectrum of legal support for this measure: the National District Attorneys Association, the American Bar Association, the National Association of Criminal Defense Lawyers, the National Legal Aid & Defender Association, and many others.

Madam Speaker, I am now pleased to introduce a gentleman from South Carolina, the chairman of the Budget Committee, as much time as he may consume, Mr. JOHN SPRATT.

Mr. SPRATT. Mr. Chairman, thank you very much for this opportunity to say something on behalf of my constituent, John Reid Justice of South Carolina, my good friend, my constituent, my trusted counselor, whenever we had or I had any questions or any issues about criminal justice, because he was the expert.

Madam Speaker, John Justice was almost elected to Congress himself. But in the middle of his campaign, he did what duty called him to do. He was in the National Guard, he took 2 weeks out for summer camp, and never quite caught up. But for that, he might have been here sponsoring legislation like the very bill before us which is named after him.

But providence had a better role for John Justice. He became a prosecutor. We call them solicitors in South Carolina, not district attorneys. He became a solicitor for nearly 30 years, and he became a model solicitor. Others looked to him, admired him, and followed his example. The better part of his professional life, he was the prosecutor in the Sixth Judicial Circuit of South Carolina. He was, as I said, a model prosecutor, so much so that the National District Attorneys Association elected him, from Chester, South Carolina, as president not long ago, just before he died.

In addition, he was a model prosecutor. If you could have seen his funeral, you would understand when I say the entire law enforcement community in South Carolina turned out to pay honor to this splendid fellow. He would have been proud to know that this bill bears his name, particularly because of its substance, not just because of the honor, but because of the substance of the bill. He would be proud to know that he was having some part in helping young lawyers afford the crushing burden of student loans.

So on behalf of the friends of John Justice, who knew him well and practiced with him, on behalf of his family, on behalf of all those who worked with him, I want to thank the committee for naming this bill after him and for honoring him in this very special way.

I urge support for the bill.

Mr. FORBES. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I appreciate the gentleman yielding. I didn't know he was going to yield so quickly. I am still out of breath from running over here.

Madam Speaker, I wanted to come and lend my support to my good friend, Congressman DAVID SCOTT, my colleague from Georgia, and the John R. Justice Prosecutors and Defenders Incentive Act.

Congressman SCOTT and I both served in the Georgia senate, he for a while longer than I did, and with more power in the leadership there, but we had passed similar legislation in Georgia, this commonsense provision, to help give some relief to these young, brilliant attorneys who are willing to go into work to serve either as a prosecutor or a public defender.

The reason I feel so impassioned by it, my daughter, Phyllis Collins, has been practicing in the Cobb County judicial system now for about 3 years. She came out of law school at Michigan State after graduating from undergraduate school with a microbiology degree from Georgia Tech. I thought she would become a doctor, but she became a darn good lawyer instead.

She came out of that school with about $100,000 in debt, just as this bill indicates in the language we have read. That's just a typical situation that my daughter, Phyllis, is in. She took that job for about $60,000 a year, I believe. She served a year and a half as a prosecutor. Now she is a public defender.

It's people like Phyllis Collins that we need to encourage to do this kind of important work on behalf of people, the public defenders, the prosecutors. They are bringing justice to people that otherwise could not afford justice.

I think that I want to say once again to Congressman SCOTT and all the others on our side of the aisle as well, my good friend from Virginia, RANDY FORBES, who have brought this bill forward, I thank you for the time. I support it tremendously, and I congratulate you for doing this.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

I would bring to the attention of our membership a communication from the National Conference of Chief Justices at the State level in support of Federal legislation to create incentives to law students to participate in public service occupations after graduations.

The 109th Congress considered legislation designed to encourage qualified individuals to enter in and continue employment for at least 3 years as criminal prosecutors and public defenders by means of providing the United States Government payment of a portion of that individual student loan for each year of such employment.

Whereas the 110th Congress is also likely to consider legislation to assist the repayment of student loans of qualified individuals who commit to employment as prosecutors and public defenders, therefore, the Association of American Law Schools, Equal Justice Works, the National Legal Aid & Defender Association, and the American Bar Association have expressed support for the above-described legislation, and the lawyers to engage in civil and legal services to enhance access by justice, by low-income persons rendered valuable public service that is comparable to that provided by criminal prosecutors and public defenders.

Therefore, be it resolved that the Conference of Chief Justices hereby urges the Congress to adopt legislation to give financial incentives to law school graduates to commit to sustained public service as prosecutors and public defenders.

Therefore, the conference additionally encourages Congress to develop and adopt separate legislation providing similar relief for qualified individuals who engage in employment as civil, legal aid attorneys, adopted as proposed by the Government Affairs Committee and the Professionalism and Competence Committee of the Conference of Chief Justices on February 7 in the year 2007.

Madam Speaker, I would be happy to recognize former judge LOUIE GOHMERT of the Judiciary Committee for 1 minute.

Mr. GOHMERT. Thank you, Mr. Chairman. I do applaud the chairman and the ranking member for the work on this bill.

Madam Speaker, having started out as an assistant district attorney, and then my years as a judge, I constantly saw how difficult it was in our Smith County District Attorney's Office to hire good lawyers, even to hire any lawyers. Thank you for your efforts on this behalf. I think it's a great bill and the right way to do things, providing incentives to do good things. I appreciate it.

Mr. CONYERS. I thank the gentleman from Texas for his contribution.

Madam Speaker, I yield back the balance of my time.

Mr. FORBES. Madam Speaker, we just request and urge the passage of the bill.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H.R. 916, the John R. Justice Prosecutors and Defenders Incentive Act of 2007. I thank the Chairman and the Ranking Member for their effort and time in holding this very important markup hearing.

Madam Speaker, I support H.R. 916 because it amends the Omnibus Crime Control and Safe Streets Act of 1968 to direct the Attorney General to assume the obligation to repay student loans for borrowers who agree to remain employed, for at least three years, as: (1) State or local criminal prosecutors; or (2) State, local, or Federal public defenders in criminal cases. H.R. 916 also will allow a borrower and the Attorney General to enter into an additional loan repayment agreement, after the required three-year period, for a successive period of service which may be less than three years. The bill also limits the amount paid under such program on behalf of any borrower to $10,000 per calendar year and $60,000 total.

Madam Speaker, this bipartisan legislation will benefit our criminal justice system and our communities by creating a student loan repayment program for law school graduates who agree to serve for at least 3 years as criminal prosecutors or public defenders.

Madam Speaker, over recent years we have witnessed the difficulty prosecutor and public defender offices across the country have had attracting and retaining qualified attorneys. We have also seen that our communities suffer when the criminal justice system fails to obtain and retain a sufficient supply of experienced prosecutors and defenders. Under those trying circumstances, the resulting effect is that criminal caseloads become unmanageable, cases can be delayed or mishandled, serious crimes may go unprosecuted, and innocent defendants may be sent to jail. H.R. 916 will improve the administration of the criminal justice system to recruit and retain talented attorneys and help that system function more effectively.

Although I support H.R. 916, it needs to go a step further in ensuring that bright lawyers will lend their services to civil public service legal careers that include legal aid to this country's most disadvantaged and vulnerable populations. That is why during the markup of H.R. 916 I strongly supported the Nadler Amendment, which included civil legal aid attorneys in the category of lawyers eligible for loan forgiveness. Indeed, the Nadler Amendment is comparable to more extensive legislation that I plan to introduce.

Including civil legal aid attorneys in the group who may qualify for loan forgiveness when committing to work in public service will help to recruit and retain legal aid lawyers so that low-income Americans receive the legal assistance they need. Specifically, the Amendment would provide a loan repayment program for new law graduates who work for legal aid.

Providing loan relief for legal aid attorneys is crucial. Legal Aid attorneys protect the safety, security, and health of low-income citizens nationwide. Support for such programs not only provides relief for prospective legal aid attorneys but also for the most vulnerable members of our population. Such programs are available for Federal prosecutors and other Federal employees. But, for the legal aid attorneys—who have the lowest incomes—there currently is not enough access to loan repayment programs. We must ensure that legal aid attorneys receive the financial incentives they need to commit to a career in legal aid.

Without such incentive as loan relief, the legal aid field will continue to fall far short of the mark to meet the needs and demands of requests for legal assistance. Despite the importance of the services legal aid lawyers provide, almost half of the eligible people seeking assistance from Legal Aid are being turned away because of a lack of resources. As law school tuition has skyrocketed, so has a young lawyer's debt. A recent survey found that with median law school debt at $70,000 with an additional $16,000 in undergraduate debt, over 65 percent of new law school graduates were prevented from even considering a public service career.

Given the financial realities, individuals who take positions with legal aid often leave after two or three years. One Midwestern program cited a turnover rate of 60 percent over a two year period, with an average tenure for new attorneys of 17 months. Many of these young attorneys leave at a time when they have just develop necessary experience, creating a revolving door of inexperienced lawyers. This turnover dramatically decreases the efficiency of the program and the vital services it provides. Such a bill would allow young lawyers to choose a career in public service without having to bear the heavy burden of law school debt on their own.

Madam Speaker, whether legal aid attorneys, prosecutors or public defenders, public service attorneys must be given some comparable incentive to choose a career in public service instead of a career in the higher-paying private sector arena. One of the primary reasons for the recruiting difficulty of the administration of the criminal justice system is that huge amounts of student debt have pulled students in the opposite direction of public service careers such as those of prosecutors and defenders. Why? We all know that no one is going to get rich going into service careers such as teachers, social workers, and prosecutors and public defenders especially when they are starting out with enormous student loan obligations. That is why we must give those who wish to serve in public service careers incentive such as loan forgiveness so that they will not forgo service careers simply because they are buried in mounds of student loans.

H.R. 916, which authorizes $25 million in appropriations for FY08, establishes a program of student loan repayment for borrowers who agree to remain employed, for at least 3 years, as State or local criminal prosecutors or as State, local or Federal public defenders in criminal cases (note that Federal prosecutors are already eligible for loan relief through existing Federal programs). The 3 year period is comparable to other loan forgiveness programs.

Other important aspects of the bill include: allowing eligible attorneys to receive student loan debt repayments of up to $10,000 per year, with a maximum aggregate over time of $60,000; covering student loans made, insured or guaranteed under the Higher Education Act of 1965, including consolidation loans; providing that repayments benefits be made available to eligible attorneys on a first-come, first served basis, subject to the availability of appropriations; and permitting attorneys to enter into additional loan repayment agreements, after the required 3-year period, for additional periods of service. The bill also sets safeguards to ensure loan forgiveness participants satisfy their commitments by requiring attorneys to repay the Government if they do not complete their required period of service.

Madam Speaker, this bill has bipartisan support as well as wide support in the legal community. H.R. 916 is supported by the American Bar Association, the National District Attorneys Association, the National Association of Prosecutor Coordinators, the National Legal Aid and Defender Association and the National Association of Criminal Defense Lawyers.

Madam Speaker, I strongly support this bill and urge my colleagues to support this bill.

Mr. FORBES. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 916, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING NATIONAL FOSTER CARE MONTH

Mr. McDERMOTT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 263) recognizing National Foster Care Month as an opportunity for Congress to improve the foster care system throughout the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 263

Whereas National Foster Care Month provides an opportunity to recognize the important role that the foster care system plays in the lives of the more than 500,000 children currently in foster care programs throughout the United States;

Whereas National Foster Care Month also provides an opportunity to explore the difficulties faced by children in the foster care system and to reaffirm the Nation's commitment to improving the lives of these children by improving foster care programs;

Whereas many children in the foster care system have spent multiple years in foster care programs and have experienced an unstable home life due to frequent moves from one foster home to another;

Whereas approximately 50 percent of foster care children have been placed in foster care programs for longer than 1 year;

Whereas 25 percent of foster care children have been placed in foster care programs for at least 3 years;

Whereas children in foster care programs for longer periods of time often experience worse outcomes than children in foster care programs for shorter periods of time;

Whereas children in foster care programs are more likely than the general population to become teen parents, to rely on public assistance as adults, to become homeless, and to experience mental health disorders at a higher rate;

Whereas repeated studies have shown that a child's very early years are critical for brain development, meaning that it is extremely important to find suitable permanent homes for children during this critical period;

Whereas there are 119,000 children eligible for adoption every year and less than half of the children in foster care programs actually get adopted;

Whereas a stable home is critical to a child's development; and

Whereas every child deserves to be raised by a loving family: Now, therefore, be it

Resolved, That in recognition of National Foster Care Month and in order to improve the foster care system throughout the United States, it is the sense of the House of Representatives that Congress should ensure that improving the foster care system remains a top priority for both Congress and the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

Mr. McDERMOTT. Madam Speaker, the month of May marks National Foster Care Month. The foster care system provides a safe sanctuary for children who are unable to live safely in their homes.

Its primary goal is to ensure their safety and well-being by providing them with critical services and working to find a safe and loving and permanent home. Over 500,000 American children are in the foster care system on any given day with over 100,000 of these children waiting to be adopted. They need our help, and I believe this is one place where every Member of the House can come together as one, committed to protecting these innocent children.

This morning, we, Mr. WELLER and I, had a hearing in the Ways and Means Subcommittee on Income Security and Family Support to review the changes and the challenges that child welfare agencies encounter in achieving positive outcomes for children and families under their service.

The hearing identified a number of areas that need to be improved to strengthen children and families, which I am committed to addressing. The hearing also highlighted the commitment of some of our most selfless Americans on behalf of some of our most vulnerable children. Millions of Americans serve as foster parents, and, in doing so, have unselfishly opened their homes and their lives to children in need. These families are to be commended for working cooperatively with human service agencies and biological parents to strengthen the lives of these foster children.

We should also recognize the work of dedicated case workers, juvenile court justices, physicians and the advocates who have committed their lives to ensuring the safety and well-being of our most vulnerable children. These tireless workers should be commended for their work on behalf of children and families in crisis.

I ask my colleagues to join me in recognizing May 2007 as National Foster Care Month and commending the dedication of foster parents, case workers, judges, service providers and advocates for their commitment to our Nation's most vulnerable children.

□ 1130

Madam Speaker, I would now ask unanimous consent to allow Representative CARDOZA of California, who is the author of this resolution and a staunch advocate for improving the well-being of children in foster care, and actually an adoptive parent of a couple of kids from foster care, so he's done it at every level, to control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. CARDOZA. Madam Speaker, I'd like to allow Mr. WELLER to speak next.

Mr. WELLER of Illinois. Madam Speaker, I rise in support of H. Res. 263, as amended, recognizing National Foster Care Month.

We're here today to discuss foster care, starting with recognizing the thousands of foster parents who step in to care for so many vulnerable young people across America. It is right to celebrate the efforts of foster parents who step in to keep children safe.

In addition to these individuals, thousands of local organizations, with both public and private sector employees and volunteers, are also active in foster care.

In the congressional district that I represent, one good example of a trusted foster care organization is Baby Fold, and Baby Fold is a multi-service family support agency that has served the Bloomington-Normal region in central Illinois for over a century.

Today the Baby Fold specializes in residential, educational, therapeutic, adoption, foster care, pregnancy counseling and family support prevention services for children and their families.

Many similar groups provide similar services in every congressional district in America. These organizations and dedicated individuals, supported by private donations and over $23 billion in taxpayer funds each year, help children and families lead safe and productive lives. Today we thank each of them and all of them for their efforts and dedication.

Yet, despite such dedicated efforts, we also know a lot more work is needed to ensure that all children are adequately protected from abuse and neglect.

I have a longstanding interest in training of child welfare workers. Today I am reintroducing legislation I have authored in prior Congresses designed to address a glaring flaw in current rules by ensuring all child care workers, whether they work for a public agency or a private agency, have access to the same training needed to protect children.

Take Will County Catholic Charities, which helps protect over 300 children in foster care in the congressional district I represent. There's simply no reason why a caseworker with Will County Catholic Charities should have less access to training than an equally dedicated caseworker who happens to be a public employee. Yet, that is what current Federal rules promote, and we should fix this.

We also need to do more to ensure that each and every child involved with the child welfare system is safe. Too often that is not the case. The Subcommittee on Income Security and Family Support, on which I serve as ranking member, held a hearing on these challenges earlier today. We focused on areas like Clark County, Nevada, which is home to Las Vegas. A series of child deaths in Clark County has proven the risks for children when foster care and child protection systems fail to protect them.

As an August 5, 2006 article in the Las Vegas Review Journal put it, "Since 2002, at least 79 children have died of abuse or neglect at the hands of their parents, foster parents or other caregivers while under the watch of the Clark County Department of Family Services."

As troubling as that is, the response of local officials has only made matters worse. "For years, the county child welfare system has continuously avoided scrutiny by hiding behind a veil of confidentiality meant to protect children and families, but which the county has used to shield itself from oversight and criticism."

This sad trail of facts was supported by testimony we received today from Ed Cotton, who has broad experience in child welfare programs in my home State of Illinois, as well as New Jersey and Nevada. Most recently Mr. Cotton conducted a top-to-bottom review of Clark County, Nevada's child welfare program in the wake of tragedies there. And the evidence shows that Clark County is a case study of what happens when there's no oversight from those administering the program, and clearly is a national embarrassment and a disgrace because Federal funds were involved.

As Mr. Cotton testified, in Clark County and too many other places, this system has a very long way to go to ensure that all children are adequately protected.

Madam Speaker, in contrast with the Clark County tragedies, some areas have shown progress, but they're all too rare. Recent positive examples include my home State of Illinois.

Starting under the leadership of former Governor Jim Edgar in the late 1990s, the entire child welfare system in Illinois has undergone remarkable changes, resulting in there being 16,272 children today in foster care, or in January of 2007 that number, down from 28,202 children in September of 2001.

New York City, under the leadership of Mayor Rudy Giuliani, also made changes that were positive, dramatically reducing the number of children who need foster care.

Many experts think we should build on this success and do better when it comes to targeting efforts to prevent abuse and neglect from occurring in the first place. That would result in fewer children needing foster care, tracking the Illinois and New York City experiences, and that would free more resources to ensure the safety, permanency and well-being of those children who do not need to be placed in foster care. Both goals are critical, better prevention and better oversight.

In 2006, Congress took some modest steps in the right direction by targeting more funds for child abuse prevention and holding States more accountable for results. So there is increasing recognition of the steps needed to turn this program around.

In the meantime, we will certainly need the continuing involvement and support of tens of thousands of foster parents. We owe them, and especially the children they protect each and every day, our continued full support.

I urge bipartisan support for this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Resolution 263, a resolution recognizing May, this month, as the National Foster Care Month.

I want to begin my statement today by thanking subcommittee chairman, Mr. McDERMOTT from Washington, for his outstanding support and work with us to bring this resolution to the floor. Chairman McDERMOTT has dedicated virtually his entire life to the work of helping children that have been disadvantaged, and he deserves great praise and thanks for the hard work he continues to do in this Congress.

I also want to recognize Mr. WELLER for cooperating with us today in bringing this resolution to the floor, and also for his thoughtful comments that he just prepared.

However, this resolution has a long and tortuous path to reaching the floor today. My staff's been working tirelessly with both the majority and the minority staffs of the Ways and Means and Judiciary Committees. Before this bill was able to reach the floor under suspension, I was forced to make substantive changes which severely, in my opinion, gut the force of this resolution.

Specifically, my original resolution, drawing upon the recommendations of the respected Pew Charitable Trust, made clear that we need more funds for the CASA Program, that we need more funds to better ensure that we have trained personnel working with foster children, and that we provide more resources to State agencies that deal with foster children.

In the interest of comity, I was forced to withdraw all these recommendations. Unfortunately, while of course I still support the thrust of the current resolution, without sufficient resources we will never fully tackle this problem.

I'd also like to just point out, and it's important history for us all to remember, that in the previous majority in the last Congress, we took, in my mind, unconscionable measures to reduce the funding to foster children.

On February 8, 2006, President Bush signed the Deficit Reduction Act of 2005. The CBO estimates that this measure cut funds of $1.3 billion over 10 years to foster care and $2.1 billion over 10 years to Medicaid that would affect these children.

I stood up on the House floor on that day in December when it was being debated in this institution and fought against those cuts. I, at that time, called it "Scroogenomics," because we were cutting the money for foster kids right before the Christmas holiday. And those concerns went for nought. The bill was passed anyway and signed into law, and foster kids continue to suffer because of that act.

I won't belabor the point too much at this point because I really want to focus on the needs today. But, Madam Speaker, I speak passionately about foster children because I have a very personal interest in this issue. Seven years ago I adopted two foster children. In fact, Madam Speaker, as an aside, I'm doing this resolution because they asked me to do it today.

Since then, I have advocated on their behalf and on the behalf of the adoption of foster children in the California State Assembly and now here in Congress.

The need is tremendous and the statistics are sobering. It is estimated that there are 800,000 children in foster care at some point during any given year. Moreover, children of color are disproportionately represented in foster care. African American children make up about 16 percent of the Nation's children, but make up 35 percent of the children in foster care. These children enter foster care at higher rates and remain in care longer, for longer periods than white children.

Too many children in foster care sit waiting for permanent families. There are about 118,000 children in foster care waiting to be adopted, and numerous barriers keep them in limbo. Children often bounce from one system to another, from child welfare to juvenile justice to mental health as their needs intensify.

Each year, about 20,000 children age out of the foster care system without ever being adopted, placed with grandparents or any other supportive adult. Oftentimes, these children have no connection whatsoever to any adult.

Several studies released in 2005 documented the special challenges facing these youths, especially in the area of mental health, education and employment. They are especially poorly prepared to be self-sufficient young adults.

These children are waiting. Speaking from personal experience, there is no greater joy in life than helping a child. My wife and I can attest to this every day.

Every child, no matter what their situation that they may be born to, deserves a chance to be raised in a stable and loving home. Innocent children should not be forced to bear the mistakes of their parents. We have a moral obligation to ensure that these children, no matter what background they come from, have a shot that is equal to the shot that every American has to the American dream.

This is a big problem that will require bold solutions. In order to save the next generation of children, we must rededicate ourselves to their welfare and to pledge to do whatever is necessary to nurture and protect them.

This resolution, by highlighting attention to their problems, is a necessary first step. But, Madam Speaker, other dramatic actions need to be taken. That is why I have introduced legislation to expand Medicaid coverage to children who age out of the foster care system, and I'm considering legislation to ensure that every foster child has a CASA representative, a court-appointed special advocate, the same type of court-appointed special advocate that saved my children.

These are urgent problems. They require bold solutions. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. WELLER of Illinois. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WELLER of Illinois. Madam Speaker, I yield back the balance of our time.

Mr. CARDOZA. Madam Speaker, I want to thank my colleague, Mr. WELLER. I know he cares passionately about these children, and while we sometimes disagree on the specifics, I know that all Members in this institution care passionately about foster children.

But the time to act is now. We need to do more to work on behalf of these children to eliminate the barriers that prohibit them from leading positive lives in society.

We must extend health care coverage to these young people until the age of 21. It's currently a voluntary program. Thirty-three States in this country do not offer health care all the way to the age of majority. We must, in fact, do more. And it is imperative. And frankly, if we can keep these young people out of a life of crime, out of falling into trouble, assisting them into becoming productive citizens, instead of the current situation where nearly 50 percent of children who age out of the foster care system end up homeless after 1 year, we can do better for our citizens and we can, frankly, probably save money to the taxpayers of the United States.

So, Madam Speaker, I urge adoption of this resolution. I urge my colleagues here today within earshot of my voice to redouble their efforts in helping this population of our citizenry that has become disadvantaged.

Mr. STARK. Madam Speaker, I rise today in recognition of National Foster Care Month. Our child welfare system faces severe challenges and this month provides Congress with the opportunity to make needed reforms.

Our society has an obligation to ensure that all children are raised in safe and loving environments. For the 500,000 children in foster care, the State is responsible for providing a stable home, through reunification with their families, permanent placements, or adoption. Tragically, we are not doing a very good job. Half of all foster children have been in care for more than a year. A quarter have been in the system for more than 3 years. For foster children that remain in the system and "age out" with no family supports, the future is not very bright. For those children, the odds are that they will end up in jail, homeless, or reliant on public assistance.

The problems that plague our child welfare system are largely the result of poor Federal and State policy decisions. Luckily, we have the power to reform those policies and directly affect the lives of the hundreds of thousands of children who are counting on us to do the right thing.

There are very concrete steps we can take to improve the foster care system. Congress should reform the financing system to make sure that we provide support for every foster child. Currently, the Federal Government supports less than 50 percent of children in care. We can also take steps to improve the child welfare workforce and reduce the number of cases those workers have to handle. A Federal ceiling for the number of cases a worker can handle should be established so that children get the attention needed to keep them safe. In addition, we have to provide better services to the estimated 25,000 children who leave care each year when they turn 18. All of these children should maintain Medicaid eligibility until they are 21 and we should invest further in training, education, and housing assistance for these children.

The resolution before us (H. Res. 263) can serve as a stepping stone for real action to protect our children and help them flourish. I am proud to support it.

☐ 1145

Mr. CARDOZA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 263, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

COPS IMPROVEMENTS ACT OF 2007

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1700) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "COPS Improvements Act of 2007".

SEC. 2. COPS GRANT IMPROVEMENTS.

(a) IN GENERAL.—Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

"(a) GRANT AUTHORIZATION.—The Attorney General shall carry out grant programs under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, multi-jurisdictional or regional consortia, and individuals for the purposes described in subsections (b), (c), (d), and (e).";

(2) in subsection (b)—

(A) by striking the subsection heading text and inserting "COMMUNITY POLICING AND CRIME PREVENTION GRANTS";

(B) in paragraph (3), by striking ", to increase the number of officers deployed in community-oriented policing";

(C) by amending paragraph (4) to read as follows:

"(4) award grants to pay for or train officers hired to perform intelligence, anti-terror, or homeland security duties;";

(D) by inserting after paragraph (4) the following:

"(5) award grants to hire school resource officers and to establish school-based partnerships between local law enforcement agencies and local school systems to combat crime, gangs, drug activities, and other problems in and around elementary and secondary schools;";

(E) by striking paragraph (9);

(F) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively;

(G) by striking paragraph (13);

(H) by redesignating paragraphs (14) through (17) as paragraphs (12) through (15), respectively;

(I) in paragraph (14), as so redesignated, by striking "and" at the end;

(J) in paragraph (15), as so redesignated, by striking the period at the end and inserting a semicolon; and

(K) by adding at the end the following:

"(16) establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including the manufacturing, distribution, and use of methamphetamine;

"(17) establish criminal gang enforcement task forces, consisting of members of Federal, State, and local law enforcement authorities (including Federal, State, and local prosecutors), for the coordinated investigation, disruption, apprehension, and prosecution of criminal gangs and offenders involved in local or multi-jurisdictional gang activities; and

"(18) award enhancing community policing and crime prevention grants that meet emerging law enforcement needs, as warranted.";

(3) by striking subsection (c);

(4) by striking subsections (h) and (i);

(5) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively;

(6) by inserting after subsection (b) the following:

"(c) TROOPS-TO-COPS PROGRAMS.—

"(1) IN GENERAL.—Grants made under subsection (a) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

"(2) DEFINITION.—In this subsection, 'former member of the Armed Forces' means a member of the Armed Forces of the United States who has been honorably discharged from the Armed Forces of the United States.

"(d) COMMUNITY PROSECUTORS PROGRAM.—The Attorney General may make grants under subsection (a) to pay for additional community prosecuting programs, including programs that assign prosecutors to—

"(1) handle cases from specific geographic areas; and

"(2) address counter-terrorism problems, specific violent crime problems (including intensive illegal gang, gun, and drug enforcement and quality of life initiatives), and localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others.

"(e) TECHNOLOGY GRANTS.—The Attorney General may make grants under subsection (a) to develop and use new technologies (including interoperable communications technologies, modernized criminal record technology, and forensic technology) to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.";

(7) in subsection (f), as so redesignated—

(A) in paragraph (1), by striking "to States, units of local government, Indian tribal governments, and to other public and private entities,";

(B) in paragraph (2), by striking "define for State and local governments, and other public and private entities," and inserting "establish";

(C) in the first sentence of paragraph (3), by inserting "(including regional community policing institutes)" after "training centers or facilities"; and

(D) by adding at the end the following:

"(4) EXCLUSIVITY.—The Office of Community Oriented Policing Services shall be the exclusive component of the Department of Justice to perform the functions and activities specified in this paragraph.";

(8) in subsection (g), as so redesignated, by striking "may utilize any component", and all that follows and inserting "shall use the Office of Community Oriented Policing Services of the Department of Justice in carrying out this part.";

(9) in subsection (h), as so redesignated—

(A) by striking "subsection (a)" the first place that term appears and inserting "paragraphs (1) and (2) of subsection (b)"; and

(B) by striking "in each fiscal year pursuant to subsection (a)" and inserting "in each fiscal year for purposes described in paragraph (1) and (2) of subsection (b)";

(10) in subsection (i), as so redesignated—

(A) by striking "the Federal share shall decrease from year to year for up to 5 years" and inserting "unless the Attorney General waives the non-Federal contribution requirement as described in the preceding sentence, the non-Federal share of the costs of hiring or rehiring such officers may be less than 25 percent of such costs for any year during the grant period, provided that the non-Federal share of such costs shall not be less than 25 percent in the aggregate for the entire grant period, but the State or local government should make an effort to increase the non-Federal share of such costs during the grant period"; and

(B) by adding at the end the following new sentence: "The preceding sentences shall not apply with respect to any program, project, or activity provided by a grant made pursuant to subsection (b)(4)."; and

(11) by adding at the end the following:

"(j) RETENTION OF ADDITIONAL OFFICER POSITIONS.—For any grant under paragraph (1) or (2) of subsection (b) for hiring or rehiring career law enforcement officers, a grant recipient shall retain each additional law enforcement officer position created under that grant for not less than 12 months after the end of the period of that grant, unless the Attorney General waives, wholly or in part, the retention requirement of a program, project, or activity.".

(b) APPLICATIONS.—Section 1702 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–1) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting ", unless waived by the Attorney General" after "under this part shall"; and

(B) in paragraph (8), by striking "share of the cost" and all that follows and inserting "share of the costs during the grant period, how the applicant will maintain the increased hiring level of the law enforcement officers, and how the applicant will eventually assume responsibility for all of the costs for such officers;"; and

(2) by striking subsection (d).

(c) RENEWAL OF GRANTS.—Section 1703 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended to read as follows:

"SEC. 1703. RENEWAL OF GRANTS.

"(a) IN GENERAL.—Except as provided in subsection (b), a grant made under this part may be renewed, without limitations on the duration of such renewal, to provide additional funds if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

"(b) GRANTS FOR HIRING.—Grants made under this part for hiring or rehiring additional career law enforcement officers may be renewed for up to 5 years, except that the Attorney General may waive such 5-year limitation for good cause.

"(c) NO COST EXTENSIONS.—Notwithstanding subsections (a) and (b), the Attorney General may extend a grant period, without limitations as to the duration of such extension, to provide additional time to complete the objectives of the initial grant award.".

(d) LIMITATION ON USE OF FUNDS.—Section 1704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–3) is amended—

(1) in subsection (a)—

(A) by striking "that would, in the absence of Federal funds received under this part, be made available from State or local sources" and inserting "that the Attorney General determines would, in the absence of Federal funds received under this part, be made available for the purpose of the grant under this part from State or local sources"; and

(B) by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to funds made available under this part by a grant made pursuant to subsection (a) for the purposes described in subsection (b)(4)."; and

(2) by striking subsection (c).

(e) STUDY OF PROGRAM EFFECTIVENESS.—Section 1705 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–4) is amended by adding at the end the following new subsection:

"(d) STUDY OF PROGRAM EFFECTIVENESS.—

"(1) IN GENERAL.—The Attorney General shall provide for a scientific study of the effectiveness of the programs, projects, and activities funded under this part in reducing crime.

"(2) STUDY.—The Attorney General shall select one or more institutions of higher education, including historically Black colleges and universities, to conduct the study described in paragraph (1).

"(3) REPORTS.—Not later than 4 years after the date of the enactment of the COPS Improvements Act of 2007, the institution or institutions selected under paragraph (2) shall report the findings of the study described in paragraph (1) to the Attorney General. Not later than 30 days after the receipt of such report, the Attorney General shall report such findings to the appropriate committees of Congress, along with any recommendations the Attorney General may have relating to the effectiveness of the programs, projects, and activities funded under this part in reducing crime.".

(f) ENFORCEMENT ACTIONS.—Section 1706 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–5) is amended—

(1) in the section heading, by striking "**REVOCATION OR SUSPENSION OF FUNDING**" and inserting "**ENFORCEMENT ACTIONS**"; and

(2) by striking "revoke or suspend" and all that follows and inserting "take any enforcement action available to the Department of Justice.".

(g) DEFINITIONS.—Section 1709(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8(1)) is amended by inserting "who is a sworn law enforcement officer" after "permanent basis".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking "1,047,119,000 for each of fiscal years 2006 through 2009" and inserting "1,150,000,000 for each of fiscal years 2008 through 2013"; and

(2) in subparagraph (B)—

(A) in the first sentence, by striking "3 percent may be used for technical assistance under section 1701(d)" and inserting "5 percent may be used for technical assistance under section 1701(f)"; and

(B) by striking the second sentence and inserting the following: "Of the funds available for grants under part Q, not less than $600,000,000 shall be used for grants for the purposes specified in section 1701(b), not more than $200,000,000 shall be used for grants under section 1701(d), and not more than $350,000,000 shall be used for grants under section 1701(e).".

(i) PURPOSES.—Section 10002 of the Public Safety Partnership and Community Policing Act of 1994 (42 U.S.C. 3796dd note) is amended—

(1) in paragraph (4), by striking "development" and inserting "use"; and

(2) in the matter following paragraph (4), by striking "for a period of 6 years".

(j) COPS PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—Section 109(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712h(b)) is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) in paragraph (2), as so redesignated, by inserting ", except for the program under part Q of this title" before the period.

(2) LAW ENFORCEMENT COMPUTER SYSTEMS.—Section 107 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712f) is amended by adding at the end the following:

"(c) EXCEPTION.—This section shall not apply to any grant made under part Q of this title.".

SEC. 3. REPORT BY INSPECTOR GENERAL REQUIRED.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to Congress a report on the Public Safety and Community Policing ("COPS ON THE BEAT") grant program authorized by part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), including the elements described in subsection (b).

(b) ELEMENTS OF REPORT.—The report submitted under subsection (a) shall include information on the following, with respect to the grant program described in such subsection:

(1) The effect of the program on the rate of violent crime, drug offenses, and other crimes.

(2) The degree to which State and local governments awarded a grant under the program contribute State and local funds, respectively, for law enforcement programs and activities.

(3) Any waste, fraud, or abuse within the program.

(c) RANDOM SAMPLING REQUIRED.—For purposes of subsection (a), the Inspector General of the Department of Justice shall audit and review a random sampling of State and local law enforcement agencies. Such sampling shall include—

(1) law enforcement agencies of various sizes;

(2) law enforcement agencies that serve various populations; and

(3) law enforcement agencies that serve areas of various crime rates.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. FORBES) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to join 102 cosponsors, including a dozen members of the House Judiciary Committee, in supporting this legislation.

During the 1990s, the crime rate for all categories of crime and in all parts of the United States fell dramatically. For example, homicide rates in 2001 plunged 43 percent from their peak in 1991, reaching their lowest level in 35 years.

Now, there are many potential explanations offered regarding the dramatic and unexpected drop in the rate of violent crime during the 1990s. One popular explanation is the Nation's sustained economic growth during the days of the Clinton administration.

But researchers often point to one other explanation: the creation of the Office of Community Oriented Policing Services in 1994, the COPS bill; and the subsequent infusion of more than $7.6 billion in grants into State and local law enforcement communities to hire police officers and promote community policing as an effective strategy to prevent crime. The bill before us reinvigorates the COPS crime fighting program in several important respects.

First, it establishes hiring grants for community policing officers, anti-terror officers, and school resource officers. It also reauthorizes "Troops-to-COPS" grants to hire former members of the Armed Forces in particular as career law enforcement officers. And it also authorizes a "Community Prosecutors Program" to pay for community prosecuting programs, including those that assign prosecutors to handle cases from specific geographic areas or to address counter-terrorism and related problems.

Finally, it authorizes "Technology Grants" to State and local law enforcement agencies to help them refocus some of their activities from reacting to crime to preventing it. Crime prevention has now come back into vogue.

So this legislation, because of its long and successful prior experience, has been endorsed by key law enforcement groups: the National Sheriffs Association, the Fraternal Order of Police, the National Association of Police Organizations, and the National League of Cities.

I am proud to indicate their strong support for this measure, and I urge my colleagues to lend their support to a bill whose restoration is more than deserved.

Madam Speaker, I reserve the balance of my time.

Mr. FORBES. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, America's State and local law enforcement agencies are on the front lines combating and preventing crime every day. In the last decade, their dedication and service and innovative policing programs have led to a 34 percent decrease in violent crime.

It is unclear, however, whether the $11 billion in COPS grants awarded since 1994 can receive the same credit. Studies have reached inconsistent findings as to the effectiveness of the COPS program in reducing the Nation's rising crime rates.

The COPS program awards grants to State, local, and tribal law enforcement agencies to hire or rehire police officers or procure new crime-fighting technology. It is intended to provide short-term Federal assistance to State and local law enforcement agencies. It is not intended to assume the funding of State and local police, a duty that lies first and foremost with the States.

The COPS program specifically directs that grant money not be used to supplant State or local funds but, rather, increase the amount of funds for community policing. In reality, this has proven not to always be the case. Studies show that spending on the COPS program has not led to an increase in the overall spending by local law enforcement but often supplants State and local funds.

The actual number of officers put on the street under this program is also in dispute. Estimates vary from 118,000 to as few as 82,000 additional police officers. The answer to addressing crime in the 21st century is not simply more cops on the street. It is innovative programs, such as multi-jurisdictional task forces designed to target specific types of crimes and neighborhoods plagued by gangs and drugs.

We should look to cities like New York and Los Angeles, who continue to enjoy reduced violent crime rates thanks to smart, effective policing.

To put to rest once and for all conflicting findings about the effectiveness of the COPS program, the committee adopted an amendment directing the Inspector General of the Department of Justice to conduct an audit of the COPS program to review three areas: first, the effect of the program on the rate of violent crime; second, the degree to which COPS funding recipients contribute State or local funding to law enforcement programs and activities; and, third, any waste, fraud, or abuse within the COPS program.

As introduced, H.R. 1700 reduced the likelihood that community policing would, in fact, some day be funded by America's communities. The bill stripped several provisions from current law that encourage State and local governments to assume a larger share of COPS grants. This is directly contrary to the purpose of the COPS program and would only exacerbate the use of Federal funds to supplant State and local funds.

H.R. 1700 also stripped from current law limits on the duration of COPS grants and instead allowed unlimited grant renewal. This too is directly contrary to the original intent of the COPS program to provide short-term assistance to State, local, and tribal governments to hire additional police officers.

I am pleased that my colleagues on the other side of the aisle listened to our concerns and supported our changes to preserve the partnership between the Federal Government, State, local, and tribal governments. I thank Judiciary Committee Chairman CONYERS, Crime Subcommittee Chairman SCOTT, and Congressman WEINER for their cooperation.

I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentlewoman from Los Angeles, California, DIANE WATSON.

Ms. WATSON. Mr. Speaker, I rise today in strong support of H.R. 1700.

the COPS Improvements Act of 2007. As a daughter of a police officer, I believe this bill is essential to keep our citizens safe and help communities combat crime.

Improving the COPS program is very important to the constituents I represent in California's 33rd Congressional District. If this bill passes, my district alone will get at least 25 new police officers, an additional school resource officer, along with more funding to be used for technology in Los Angeles' law enforcement agencies.

Mr. Speaker, today our children are killing one another in my district at an appalling rate. The Los Angeles Police Department recorded 7.714 gang crimes in 2006, a 14 percent jump over the previous year. I believe we need to take a comprehensive approach to combating gang violence and ensure that our youth have safe, quality schools that give them an alternative to the streets.

But there is one action we can take right now that will immediately reduce the level of violence and protect our kids, and that is to put more police on the streets.

We have the bill here today that does just that, the COPS Improvements Act, and I urge colleagues to support this measure.

Mr. FORBES. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding, and I want to thank him and the folks on the other side of the aisle for their leadership in this area.

I rise in support of H.R. 1700, the COPS Improvements Act of 2007.

The COPS grant program represents a true partnership between the Federal Government and State, local, and tribal law enforcement agencies to fight crime. This partnership has enabled more police officers to be hired and rehired and facilitated the use of the most advanced crime-fighting technology to ensure that officers are effectively deployed into our communities all across the country.

As a result of our joint efforts, the number of violent offenses reported in our country is down from the more than 1.8 million reported back in 1994 to 1.3 million reported in 2005. But we cannot become complacent. We must ensure that State, local, and tribal law enforcement officials have the resources they need to keep law enforcement on the streets.

H.R. 1700 accomplishes this by increasing the funds available for the COPS program from $1 billion to $1.15 billion and by creating a number of new grant programs that will assist communities, such as community policing, crime prevention programs, and programs to address illegal drug manufacturing.

Most importantly, the bill that we are considering today stays true to the COPS grant program's original purpose, that the Federal Government support State, local, and tribal law enforcement efforts, not supplant them, as the ranking member indicated. That would be the last thing that we should do. H.R. 1700, in its current form, requires that States, local, and tribal law enforcement demonstrate their commitment to the partnership by making a good-faith effort to match the funds provided by the Federal Government. Yet at the same time, the bill allows the Federal Government to play a primary role in those circumstances in which a grant recipient cannot meet their financial obligation for reasons beyond their control, thus ensuring that our communities remain safe and that crime does not prevail.

H.R. 1700 is an important and necessary tool for law enforcement, and I encourage my colleagues to support it.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield such time as he may consume to the author of this measure, Mr. WEINER of New York, whose confidence I have so much of this afternoon, notwithstanding that there are eight other speakers, because of his persevering commitment to reinstituting this community policing bill.

Mr. WEINER. Mr. Speaker, I thank the chairman for both his confidence and his leadership of our committee, and I also want to thank BOBBY SCOTT, the chairman of the Crime Subcommittee.

We are really here for three reasons. We are here because the COPS program has been a singular success. It has been a success because we identified in the 1990s that crime was not a program that only localities could get a handle on, that we had a Federal role. It is a success because it was a singularly democratic, with a small "d," program.

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And small towns and big cities throughout all 50 States wound up benefiting from the over 118,000 police officers that were put on the street because of this program. We know, for example, that 82 percent of the grants went to cities with 50,000 people or less. And while cities like mine did very well because there were more police on the beat, we know that there were a large number of very small towns that benefited.

We know, as you can see, that the COPS program provides resources to all 50 States. This wasn't a political program. If you were a police department and you showed a way to get more cops on the street, the Federal Government wasn't going to sit back; they were going to be actively involved. And we know that it was successful. We know it because the Government Accountability Office looked at the connection between police officers and the reduction in crime and found a correlation. We know the University of Nebraska looked at a very similar thing and said, with all the varying elements that go into reducing crime, was the fact that there are over 110,000 new police officers on the street funded by the COPS program a correlative effect? And the answer was yes.

We are also here for another reason. We are here because crime has started to creep back up. We are starting to see index crimes in cities around the country start to rise again. After years of decline, we are seeing it go up. And we are also here because there is even more law enforcement burden being put on localities and States than arguably any time in American history. Tom Ridge once famously said that homeland security starts in our hometown. And when we were talking about the cuts that were being made to homeland security, we were reminded that actually it is the localities that we are asking to do more and more of these things.

So we are here in acknowledgement that localities need the help. Localities now have to do more than they ever had to do before, and that's why in this program for the first time we are funding T-COPS, cops that are going to be hired to do antiterrorism work.

But particularly the reason that we're here is a third reason, that my colleagues on that side of the aisle eliminated the hiring component. President Bush eliminated the hiring component. This is a visual about how many police officers were hired under the COPS program from 1995 to 2005. This is what has happened under President Bush and under our Republican leadership. This many police officers. Zero. Zero. Zero in Virginia. Zero in South Dakota. Zero in California. The program was eliminated under my Republican friends. And as they stand up here today, and you're going to see them vote in large numbers for this program, they're going to wrap themselves around the idea that they support the COPS program when in fact overwhelmingly it was quite the opposite.

Let me show you the abandonment that's going on in the COPS program. This is the number of cops that were hired in 1998. Look at the decline. Look at how many were hired in 2005 and 2006. So the third reason we are here is we are taking up the gauntlet that was, frankly, laid down, put in a box and sealed away by my Republican friends. They said, you know what? Law enforcement is not a local job, it's a national job, we heard in committee. We heard, oh, the program hasn't worked the way it was intended. The fact of the matter is, had it not been for the Democrats taking over this body, had it not been for the chairmanship of Mr. CONYERS, this program would be zeroed out this year, too. You know how I know? Because we've had many years where those of us have stood up trying to change this where we were rebuffed again and again.

Now, I can't say all of my colleagues on the other side of the aisle. We've got many, including the gentleman from Florida (Mr. KELLER) who is an original sponsor of this. But it is stunning to me that anyone can stand up and say that they support this program after supporting this.

In conclusion, I want to thank the chairman and my colleagues for passing this. We're going to ask for a recorded vote, and we're going to watch the large number of folks who helped write bills to zero out the COPS program suddenly embrace the idea that we have to put cops on the street. And I welcome my friends on the other side of the aisle to the cause of providing help for local law enforcement.

Mr. Speaker, I rise today at long last.

Under new Democratic leadership, the Congress will take up my bill, H.R. 1700, to bring the COPS program back from the scrap heap, back from a point where the program's hiring component has been zeroed out, and restore it to be what it proved to be during the Clinton administration: one of the most successful law enforcement programs in the history of the United States.

We are facing a rise in crime in the United States. In a survey of cities large and small, released last month, the Police Executive Research Board found that 71 percent of cities had seen an increase in homicides, 80 percent had seen an increase in robberies, and 67 percent had seen an increase in assaults with guns. Moreover the FBI recently reported that nationwide figures showed that last year, homicides, assaults and other violent offenses grew by 4 percent, and robberies, which are often interpreted as a precursor to more serious crime, jumped by 10 percent.

Democrats faced a similar challenge in 1993 when asked about the rise in drug-fueled street crime.

Then, Democrats, led by Bill Clinton, answered with the most far reaching and innovative Federal anti-crime initiative ever—the COPS program. It did the most intuitive thing—it hired more than 100,000 beat cops. It worked. It put police in every neighborhood, town and city. Sure, big cities like Chicago and L.A. hired officers with Federal help. But so did small towns like Marengo, IL, and Plano, TX.

Now, as crime rises and we work to combat the new challenges our country faces in the wake of 9/11 the COPS program is again the solution.

The background is this. The COPS program works. A study by the nonpartisan Government Accountability Office recently stated, "COPS-funded increases in sworn officers per capita were associated with declines in rates of total index crimes, violent crimes, and property crime." According to the study, between 1998 and 2000, COPS hiring grants were responsible for reducing crimes by about 200,000 to 225,000 crimes—one third of which were violent. Studies done by the Brookings Institution, the University of Nebraska, Yale and Georgetown Universities, the University of Maryland, and the Urban Institute—among others—found similarly that COPS works.

When John Ashcroft spoke about this during his confirmation hearings for Attorney General, he said, "Let me just say, I think the COPS program has been successful. The purpose of the COPS program was to demonstrate to local police departments that if you put additional police, feet on the street, that crime would be affected and people would be safer and more secure. We believe the COPS program demonstrated that conclusively." That is John Ashcroft.

When Tom Ridge was sworn in as the Secretary of Homeland Security, he said homeland security starts in our home towns.

Over the course of the last 5 years, local law enforcement has become deeply involved in homeland security. Big cities have been forced to upgrade not only their equipment and training but also the type of personnel they hire. Some cities have hired officers exclusively to focus on homeland security—police who work to gather intelligence, analyze terror threats, and monitor our most vulnerable targets.

And how have Republicans in Washington responded since coming to office? They have eliminated the program police departments big and small had grown to depend on: COPS Funded at over $1 billion a year at the end of the Clinton administration, President Bush has zeroed out the hiring component of what some believe to have been the most successful law enforcement program in the Nation's history.

The bill we are considering today would restore the COPS program and update to the challenges local law enforcement agencies face in the post 9/11 world.

This bill breathes new life into the COPS program by authorizing $600 million per year for hiring grants, which could fund up to 50,000 new cops on the beat over the next 6 years. And in an effort to make sure that police departments around the country can use this funding as they need—as terrorism becomes a greater burden on their limited budgets—this bill explicitly enables COPS to provide funding for officers who perform "intelligence, anti-terror, or homeland security duties."

The bill also authorizes $350 million per year for COPS technology grants. These grants will allow police agencies to purchase things like laptop computers for patrol cars, crime mapping software, and interoperable communications equipment.

And the bill explicitly enables COPS to use funding for "Troops to Cops" programs that help returning veterans find employment as law enforcement officers.

Mr. Speaker, I want to thank the chairman of the Judiciary Committee, Mr. CONYERS, the chairman of the Crime Subcommittee, Mr. SCOTT, and the Democratic leadership for bring this bill expeditiously to the floor for passage.

I also want to thank Joshua Fay-Hurvitz, Bobby Vassar, Greg Barnes, Mike Volkov, Caroline Lynch, Karas Pattison, Molly Lothamer, and other members of the Democratic, Republican, and Legislative Counsel staffs who have worked so hard to make this day possible.

I urge passage of the COPS Improvement Act.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

Over and over again we hear on the floor, we hear outside this body the importance of coming together in a bipartisan manner and what we can do to resolve issues for the American people. The unfortunate thing is when we try to do that, as we have done in this bill and we bring this bill in a bipartisan manner, sometimes my friends on the other side of the aisle simply can't take yes for an answer. And when we hear presentations like we just have, Mr. Speaker, I feel it is incumbent upon me to stand up and just correct some of those facts.

The first thing is that the COPS program has been authorized in the 2005 Department of Justice authorization bill through 2009 for $1.047 billion. All this authorization will do is increase that to $1.15 billion through 2013.

In addition, when you see these lines that drop off with the number of cops that are being hired, one of the things that we have heard from the testimony that we've had is twofold. One of the reasons that we had declines in the crime rate was not just because of the numbers of police officers, but more importantly, not just because we sent money, but because throughout the 1990s we had a lot of policies from Republican legislators across the States that did things like abolish parole, that did things like mandatory sentences, that did things like truth-in-sentencing that took criminals off the streets and out of our communities. And it doesn't take a rocket scientist to figure out if we do that, we reduce violent crime.

The other thing that we heard testimony on is that in New Orleans, when we went to do hearings there, the number of police officers increased and the crime increased. And in New York, the number of police officers decreased and the crime decreased. By the rationale we just heard, one would argue we should have less police officers.

But the testimony was, Mr. Speaker, we do need police officers on the streets. That's why we brought this bill in a bipartisan manner. But it is important that we have smart policing, that we have comprehensive programs. Because if we just dump money at the problem and we don't do that, we're not going to solve the problems that are before us.

Mr. Speaker, fortunately there were members from the Judiciary Committee that worked in a bipartisan manner to bring this bill to the floor. I hope we will pass it.

Mr. CONYERS. Will the gentleman yield?

Mr. FORBES. I yield to the gentleman from Michigan.

Mr. CONYERS. I would like to play good cop in this because I want to commend those Republicans who are going to vote for this measure for joining us.

Look, it doesn't matter when you come on board. It's that your thoughtfulness in helping us craft a bipartisan bill was exceedingly important, and I personally am indebted to you for that.

Mr. FORBES. Mr. Chairman, we certainly thank you for your cooperativeness and support in reaching what we think is a much better bill by the time that it reached the floor than when it started.

Mr. CONYERS. Thank you.

Mr. FORBES. Mr. Speaker, I now yield 2½ minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. I thank the gentleman for yielding.

Mr. Speaker, I am proud to be the lead Republican original cosponsor of this legislation which will reauthorize the COPS program and put 50,000 more cops on our streets.

The COPS program is responsible for putting nearly 120,000 cops on the streets nationwide, including 774 cops in central Florida.

Violent crime is on the rise, and we need this legislation now more than ever. For example, in my hometown of Orlando, Florida, the murder rate is up 122 percent. I recently met with all of central Florida's chiefs of police and sheriffs, and 100 percent of them support the COPS program. This legislation is also endorsed by the National Sheriffs Association and the International Association of Chiefs of Police.

Is the COPS program successful? Absolutely. Former Attorney General John Ashcroft described the COPS program as a "miraculous sort of success." A 2005 GAO study concluded that the COPS program successfully played a role in the decline in violent crime in the 1990s. And more than 95 percent of law enforcement officers hired by a COPS grant are still on the street today.

Now, some might say that putting cops on the street is not a priority worth funding with Federal dollars. Well, I would rather put cops on the street than build bridges to nowhere or give subsidies to spinach growers. Let's be practical. There are children in Orlando, Florida, growing up in neighborhoods where 49 people were killed last year. Those kids want to be able to walk home from school safely and play in their neighborhoods without fear. These kids don't care if the cops' salary is paid for with purely local funds or a mixture of local and Federal funds. They just want to feel safe.

This legislation is a step in the right direction. I want to thank the cosponsor of this legislation, Congressman ANTHONY WEINER, for his leadership and strong support of the COPS program. He and I worked together earlier to get $70 million added in the supplemental.

Some have said that some Republicans are new to this. I can assure you that I've been an original cosponsor of this bill ever since I got here to Congress. If I can quote L.L. Cool Jay, the rapper: "Don't call it a comeback; I've been here for years."

This COPS legislation was approved by the Judiciary Committee by a full voice vote and is worthy of our bipartisan support. I ask my colleagues to vote "yes" on H.R. 1700.

Mr. CONYERS. Mr. Speaker, EDDIE BERNICE JOHNSON has supported this bill from its inception, and so I recognize the gentlelady from Dallas, Texas, for 1 minute.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me thank the chairman of the committee.

Mr. Speaker, I rise today in strong support of the COPS Improvements Act of 2007.

As violent crime continues to rise, we must address the needs of our Nation's law enforcement professionals. Law enforcement presence remains one of the greatest assets against crime. I have witnessed firsthand the importance of this program where our community cops simply work with our young people, help to break up gangs, helping them with tutoring in the evening when they are on duty in those communities. So in addition to this bill just allowing the 50,000 cops to be hired, it also allows for the increase in funding to improve technology for our police agencies. And it may be used to update police stations and cars for providing the latest technology in crime fighting.

I am delighted to see that it is being considered, and I strongly support and recommend the approval.

Mr. FORBES. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I rise today in support of the COPS Improvements Act of 2007. I want to congratulate Chairman CONYERS, Mr. WEINER and Mr. KELLER for bringing this bill forward.

My written statement talks all about the importance of adding a police officer school, resources officers and things of that nature. I want to talk about an aspect of the bill that I am particularly excited about, and that is the technology grants contained in the bill.

The police departments in my district were recently notified that the backbone radio system that we basically spent millions of dollars on a number of years ago is now going to become obsolete in 2011 because the manufacturer is no longer going to make the spare parts. In the small communities that I represent, it means a bill of $10 million. The technology upgrades in this particular piece of legislation are going to give my communities the opportunity to bid for grants that hopefully will replace that radio system and make our community safer.

Secondly, in the wake of the Virginia Tech shootings, I have heard from most of the school districts in my district that we need to build on the success of the last COPS bill where 225 school resource officers were added to the schools in the State of Ohio. And they are excited again about the opportunity to add new school resource officers in the schools to make them safer for all of the students in our school system and across the country.

So again I want to congratulate the sponsors of this legislation. And I thank Mr. FORBES for yielding.

I rise today to speak in support of the COPS Improvement Act of 2007.

Mr. Speaker, when I meet with law enforcement officials across my district, their biggest concern is that Washington keeps asking them to do more with less, especially in the aftermath of 9–11. Each year, they beg me to adequately fund the COPS program and to reinstate the hiring portion.

In my State of Ohio, the COPS program has been a godsend:

It has funded nearly 3,800 additional cops and deputies.

It has infused about 640 departments across Ohio with more than $227 million in Federal help.

More than 225 school resource officers have been added to Ohio.

More than $55 million has gone to Ohio departments to improve crime-fighting technologies.

In my district alone, in the Akron-Cleveland area, nearly $20 million has gone to local departments and 285 officers have been added to streets and schools in my district.

I met with about 50 police chiefs throughout my district early last month to tout this bill, and share the news that it was coming. They are thrilled with this legislation. Many departments in my district were able to add officers thanks to the COPS program, and they have kept them on their payrolls.

They have patiently waited for us to beef up the COPS program, especially as violent crime experiences an uptick. They want and need the Federal Government to help fund cops on the beat, new cops in schools, and they are thrilled that $350 million will be available for competitive grants to pay for laptop computers, radios, cameras, and all the technological marvels our police departments must have and can barely afford.

My police chiefs in Lake County recently found out that they have to replace their entire radio system because the manufacturer will no longer be able to repair or replace them.

My chiefs are thrilled that this bill recognizes the importance of school officers. They spoke of the need to keep schools safe, and the bond that develops with students so students can feel safe to confide in them. These school officers serve as mentors, friends and protectors—they are worth their weight in gold. It's a small investment to make.

In the days following the shootings at Virginia Tech, I heard from many school districts pleading that funding be made available for school resource officers. This bill will allow law enforcement to partner with the schools. I also heard from the Ohio School Resource Officers

Association in the aftermath of Virginia Tech. They say passage of the COPS Improvement Act can't happen fast enough. The Senate passed it in March, and I am proud that the House will today.

This is great legislation. It's a good value for taxpayers. We ask our police to protect our homes, our businesses and our schools and for too long we've asked them to do it on the cheap.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 1 minute to the chairman from Illinois, RAHM EMANUEL.

Mr. EMANUEL. Mr. Speaker, in 1994, when we passed the Community Policing Program that added 100,000 community police onto America's streets and also followed through with the strategy of not only getting cops on the beat, but getting gangs, guns and drugs off the street, we saw the longest and largest decline of violent crime in America's history.

After that program's success of adding 120,000 community police officers to the streets across this country, when it was ended in 2002 we saw violent crime in America begin to inch up again. Community police officers walking the beat, knowing the neighborhood and knowing their community is the linchpin of a successful anti-crime strategy.

□ 1215

I am so proud that we have a bill here representing, again, going back to a very basic approach of community policing by putting more cops on the beat, which is the success to reducing violent crime in America. We saw that rise again because this COPS Program ended. Every sheriff, police chief and mayor has asked for this program to be renewed, and I am proud we have done that to successfully once again get back to helping our communities reduce crime. In Chicago, we added 1,800 cops and we saw crime reduced in our neighborhood.

I thank the chairman from Michigan and also the gentleman from New York for their leadership in getting this bill passed.

Mr. FORBES. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, to both sides, thanks for coming together on this critical bill. Anthony, you have done a good job, and the chairman as well.

There is nothing like the presence of a police officer. It is not only a deterrent to crime, but it is at the very heart of homeland security. That is why the British are way ahead of us. They have a bottom-up philosophy of looking at what is going wrong in the community. We cannot have a top-down.

So 117,000 police officers later, to our rear right now is going the National Peace Officers Memorial Service, and we know who is there. But we know who is here. This is critical. We pray for these police officers on the streets every day. I agree with the gentleman from Ohio, the technology is just as significant as the number of personnel we put on the street.

This administration tried to cut the FIRE Program, and they tried desperately to cut the COPS Program. It is a new day, and we started it in the sunshine.

Mr. FORBES. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding and I appreciate his leadership on this.

I would rise, Mr. Speaker, to say that all of us obviously support police officers on the street. But there are some legitimate concerns about this bill and others that are brought to the floor. One that I would point out on this bill is that we attempt to find some objective information about the programs that we put in place here at the Federal level.

The Office of Management and Budget has a program called Program Assessment Rating Tool which attempts to determine the effectiveness of what we do here on the floor, and their grade for this COPS Program is "Not performing, results not demonstrated" in the latest review.

That is not to say that we don't support cops on the street, police on the street, but it is important to appreciate that there are some legitimate concerns about the program.

Another concern I have is that one of our House rules, XIII section 3(d)(1) says that all committee reports must contain a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution. In fact, in this bill being brought to the floor, there is no such statement available from the committee.

So I think there are legitimate concerns, Mr. Speaker, and I ask my colleagues to review those.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today in support of H.R. 1700 and the law enforcement officers that keep our neighborhoods and communities safe.

The small cities of Connecticut's Fifth District may not rival the size of those neighboring districts, but they still have the same need for vigorous community-based law enforcement. Since the COPS Program began in 1994, 265 police officers have been put on the beat in the Fifth District. This bill could put an additional 113 police officers out on the streets. One bill, this bill, could increase the law enforcement personnel by the COPS Program by 50 percent.

For the last 6 years as I sat in the Connecticut State legislature, I have watched the Federal Government walk away from its commitment to partner with States and towns to provide funding necessary to keep our communities safe. In Connecticut, our law enforcement community has been asked to do more with less. They are the pride of our community, but they have seen the cuts in action that have been imposed by this Congress.

The numbers in this bill are meaningful, Mr. Speaker. I urge all Members to support the bill. It is important for our law enforcement officers and important for the safety of our communities.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again I want to emphasize my support of this legislation and my support of additional police officers, but it is important that we continue to make sure we are separating the facts from some statements that are being made.

Testimony that we have received before the committee strikes a great contrast between different areas in our country. Sending money alone, even putting cops on the streets alone, will not solve our crime problem. As we mentioned earlier, in New Orleans we had testimony that only 7 percent of the individuals arrested, and this is pre-Katrina, only 7 percent of the individuals arrested ever end up in jail, and the police officers themselves, the police chief, testified how demoralizing that was to crime fighting and police officers there.

That is why a comprehensive approach, looking at more police officers, but also such things as abolishing parole, mandatory sentencing and three-strikes legislation work to help cut down on the crime that we have.

We have also heard testimony from both sides of the aisle about the importance of technology. Many police departments are recognizing across the country that it is not just the quantity of police officers, but it is how they use them. New York came in and testified that what they have done is actually decreased the number of police officers they have, but they have used technology to do it in a smarter way, which has reduced overall crime.

Mr. Speaker, we support this legislation, but let's make sure we are not using the hyperbole, that we are using the facts. It is important to have police. It is important to have them used in a smart, effective and comprehensive manner if we are going to deal with the crime that our communities are so concerned about.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from Michigan has 5¼ minutes remaining. The gentleman from Virginia has 3 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield one-quarter of a minute to the author of the bill, the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I just want to clarify some of the mistakes made by the previous speaker, at least the misimpressions left.

One, technology grants cut under the previous Republican Congress; two, alternatives to incarceration cut under the previous Republican administration; three, police officers, I have already talked about, cut.

Just about all of the elements of a comprehensive package were eliminated under the leadership of your party. So if you care about reducing crime, this is a better day than it was a year ago.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I thank the chairman.

Mr. Speaker, I proudly rise in support of this bill. It is the bill that I heard most about when I campaigned.

Crime is the number one issue in Memphis, Tennessee, and I think it is the number one issue in most areas in this country. I spoke with the Afro-American Police Association, and the issue they raised to me was the COPS Program, that community policing works.

I spoke with people in the district and they knew that the COPS Program had been successful, that it worked with community policing, and they knew it had been cut by this Congress and they couldn't understand why, and I couldn't tell them. I told them I was going to come to Congress and do what I could to see that the COPS program was reimplemented, that it was funded in a proper fashion, and that it helped cut crime.

In this bill we have an opportunity to work together to bring our troops home and to support our troops because veterans from Afghanistan and Iraq will be given priorities when feasible to get these positions, to come back and render their abilities and their experience for our people rather than the people of Baghdad.

Support our troops, support the COPS Program and make our streets safer.

Mr. FORBES. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am happy to yield 1 minute to the gentlelady from Oakland, California (Ms. LEE).

Ms. LEE. I want to thank the gentleman for his stellar leadership as Chair of the Judiciary Committee, and thank my colleague, Congressman WEINER from New York, for your determination to make our country safer by the introduction of this bill.

The reauthorization of the COPS Program really does come at a very important time in our entire country. As an example, COPS has provided since 1994 in my district alone $45.5 million in grants. These funds have allowed law enforcement agencies in my district to hire 552 additional police officers and 45 new school resource officers. COPS has also provided technology grants totaling $2.9 million in my district.

If passed, this bill will allow COPS to hire more necessary officers. The people of Oakland, Berkeley, Emeryville, the entire Ninth Congressional District, could see 236 new officers, $13 million in grants, 19 school resource officers and $2.8 million in technology funding over the next 6 years.

Our communities throughout the country need the COPS Program. This is about public safety and violence prevention. Community policing does work.

Mr. FORBES. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, what has happened here today is very important in terms of developing a justice system that will operate at a very fundamental and basic level, the police level. It doesn't correct the lack of prosecution that has been raised by the gentleman from Virginia. It doesn't correct many parts of the justice system that we on the committee plan to go into. But I think there is a unanimity on both sides of the aisle for restoring a very important community program that has justified itself, and it is in that spirit that I want to commend everyone on both sides of the aisle for their important work that they have done in beginning to restore the program.

Mr. Speaker, I yield the balance of my time to the author of the bill, the gentleman from New York, ANTHONY WEINER, whose perseverance has led us to the floor here today.

Mr. WEINER. And I thank the chairman.

Mr. Speaker, I think one of the many reasons that the American people have turned the Congress over to Democrats is that we have said, like so many Americans, that we don't want to hear just more talk and rhetoric and posturing; that we want to start to actively solve the problems that people face in communities around this country. And whether it be a sheriff's department of two or three officers, or the NYPD which has some 36,000 officers, after today's vote and after it gets passed in the other body, God willing, and signed by the President, we are going to start to do what we need to do to improve homeland security, to reduce drug crime, to reduce the amount of the day-to-day challenges that people face; to hire more officers to go into schools, to get technology so officers can be out on the beat and doing it more.

This is a program that, frankly, never should have died. It is a program that I think too many of my friends on the other side just got blood in their eyes over the idea that it was offered under President Clinton, passed under President Clinton and single-handedly brought down crime during those years. That is not a good enough reason. Let us get past that kind of political haze and just realize that sometimes things are successful, even though they are the ideas of someone else.

John Ashcroft dissented on several occasions. He said, "I think the COPS Program has been successful." Alberto Gonzales, someone whom I am not prone to quote very often, has said, "The COPS Program has been beneficial." The Oneida County Executive, the former Mayor of Rome, says, "This program has made a difference," a tiny city. John Ashcroft said when testifying before the House of Representatives, "It has been one of the most successful programs we have ever worked with."

This is a bipartisan success, because every once in a while around here we get it right. We design a program with a goal in mind, and in this case it was to get the Federal Government off the sidelines.

There are many in this body who hold this kind of old-fashioned federalist notion that, you know what, protecting citizenry is something that only localities do. Well, we realize now in the post-9/11 world that has changed.

We are doing something about it, and I commend my colleagues of all stripes for finally joining that bandwagon.

Mr. FORBES. Mr. Speaker, as I rise to close, I just want to say that I don't think the American people much care whether it is Republicans in charge or Democrats in charge. I think what they really care about is whether or not we are reaching across and trying to forge solutions to the problems they face. That is why I want to compliment the chairman for his bipartisan manner in which he has not only handled working on this bill, but has handled this debate on the floor today.

□ 1230

Mr. Speaker, this bill was never put on the sidelines. As I have mentioned before, the facts show in 2005 we reauthorized it through 2009 for $1.047 billion.

The key was the DOJ Office of the Inspector General and GAO reports note that thousands of hires funded by COPS never materialized as law enforcement agencies used COPS funding to cover their own budget shortfalls. In fact, they showed that $277 million were misspent funds.

Mr. Speaker, by working together in a bipartisan manner, I think we have crafted a bill that will help in a comprehensive manner continue to put police officers on the streets and continue to allow our local and State enforcement agencies to be able to use technology and smart policing to do what they want us to do, and that is to reach out to form practical solutions of how they deal with crime and the crime that is plaguing their communities.

Mr. Speaker, I urge my colleagues to support this piece of legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I am proud to announce my support for the COPS Improvements Act of 2007. Although the COPS Act was originally introduced in 1994, its reauthorization is a clear indication of this Congress' dedication to passing legislation with the intent of securing our streets and providing for first responders, all of whom are vital to securing our Nation. The COPS Improvements Act is a post-9/11 legislation implementing a homeland security policy, specifically in the areas of terrorism preparedness, intelligence gathering, interoperability and other concerns we have in our communities across America.

The Committee on Homeland Security supports the COPS Improvements Act authorizing $600 million per year to hire officers to engage in their communities across a variety of policing duties, including counter-terrorism. The Amtrak Police Department, whose officers are on the frontlines of transportation security, will be given the resources to hire and train officers to perform intelligence, anti-terror, and other homeland security duties protecting our railroads.

The COPS Improvements Act is also applauded by the Committee on Homeland Security for authorizing $350 million per year for COPS technology grants. Among the grants established, many were dedicated to the development of interoperable communication technologies. The improvement of interoperable communications is vital to homeland security. It ensures there is communications connectivity between and among civilian authorities, local first responders, and the National Guard in the wake of a national emergency. This is a vital lesson we have painfully learned in the aftermath of emergency responders facing a lack of centralized coordination during a terrorist attack such as 9/11.

The reauthorization of the COPS legislation is important to the protection of our citizens and from domestic and foreign threats. I, and the Committee on Homeland Security, promote the COPS Improvements Act of 2007 as it is legislation that assists in protecting all Americans. But, I want to be clear—the Committee on Homeland Security should work with my colleagues in other committees to ensure these grants are used for their intended purpose and do not somehow exceed their legislative bounds. I look forward to discussing this issue further with Chairman CONYERS and others. Terrorism is an issue we at the Committee take very seriously and believe the COPS Improvements Act can serve a vital role in reducing and responding to a possible terrorist event.

Mr. HOYER. Mr. Speaker, as our Nation commemorates National Police Week this week and the 26th Annual National Peace Officers' Memorial Day today (May 15), let us honor the memory of those who have fallen in the line of duty and thank those who carry on their legacy, serving in communities across this Nation, keeping the peace, and protecting the American people.

It is altogether fitting that today—with thousands of peace officers in Washington to commemorate these events—the Members of this House will consider this very important bipartisan legislation, the COPS Improvements Act of 2007.

Mr. Speaker, when we pass this bill, the new Democratic Majority in this House will again demonstrate its absolute commitment to taking decisive action that protects our communities and combats crime.

In short, this legislation reauthorizes the highly successful Community Oriented Policing Services Program, or COPS, which was enacted in 1994 under the Clinton Administration and which helped local law enforcement agencies hire 117,000 additional officers between 1995 and 2005—including 908 officers in Maryland's Fifth Congressional District.

In fact, the COPS hiring program—with its emphasis on getting more cops on the beat—is credited with reducing the crime rate.

The nonpartisan General Accountability Office, for example, concluded in one study (and I quote): "COPS-funded increases in sworn officers per capita were associated with declines in rates of total index crimes, violent crimes and property crime."

Unfortunately, however, the former House Majority sharply reduced the funding for the universal hiring program under COPS in recent years—from more than $1 billion a year in the late 1990s, to $10 million in 2005, to the complete elimination of hiring grants in 2006.

Mr. Speaker, let's put these figures in perspective. One billion dollars a years for COPS hiring grants is not an insubstantial sum. But today, in Iraq, our Nation is spending approximately $10 billion a month—or $2.5 billion a week.

House Democrats believe it is imperative to reinvigorate the successful COPS program. And thus, this legislation calls for putting 50,000 additional police officers on the streets over the next 6 years by authorizing $600 million a year for COPS hiring grants.

Furthermore, this bill authorizes $350 million a year for COPS technology grants, and $200 million a year for hiring community prosecutors.

Mr. Speaker, today, through this bipartisan legislation, this House will demonstrate that it is committed to protecting and strengthening America's communities.

We will demonstrate that the Federal Government is a committed partner in protecting Americans not only from the threat posed by international terrorism, but also from the dangers posed by domestic crime.

I urge my colleagues: Support the COPS Improvements Act.

Mr. STUPAK. Mr. Speaker, today, the House of Representatives is doing the right thing for our Nation's police and first responders by passing the COPS Improvements Act. This bill will improve the safety of communities across our Nation, and will help to reverse the damaging budget cuts that our first responders have suffered in the past 7 years.

In 1994, President Clinton's COPS program changed the way law enforcement in this country operates, by giving local departments the resources to fight crime and put 100,000 new law enforcement officers on the streets. The COPS program helped transform our major cities, and gave rural police and sheriffs the resources needed to fight the growing problems of drugs and violence.

As a former law enforcement officer, I know how important the COPS program has been to local communities. Its federal-to-local structure puts resources where they are needed: cops on the front lines.

As co-chair of the Congressional Law Enforcement Caucus, I work with law enforcement professionals from around the country, and they are unanimous in their verdict: COPS is a program that works.

Unfortunately, the current administration disagrees with the approach that was so successful in reducing crime during the Clinton years. The administration has repeatedly attempted to cut and gut the program, in spite of repeated endorsements from every major law enforcement organization and the proven success of COPS in reducing crime. Under the Republican Congress, COPS funding was reduced from its Clinton-era high of $1.42 billion to less than $500 million in 2006, a cut of two-thirds.

These cuts had a severe impact on local departments in my district and in districts around the country. Attempts to keep officers on the street, protect our schools, fight drugs and improve our homeland security were all undermined. Republicans in Congress and the Bush administration have been full of rhetoric about the heroism of local first responders and the importance of fighting terrorism, but the budget numbers tell a different story: for the Republican Congress, local cops simply were not a priority.

Now we have a chance to set things right. The law enforcement community has a tremendous need for this legislation to be enacted and fully funded. Experts have said that it may cost as much as $18 billion to fully upgrade our first responders to interoperable communications; this bill will provide money for technology grants to help close that gap. News reports show that the violent crime rate has begun to rise again in our cities; this bill will help local departments deploy more officers to fight violence and make our streets safe.

The COPS Improvements Act represents our commitment to listen to our local police departments and give them the resources they need to do their job. I am proud to support this bill, and I urge the President to sign it into law, so that our law enforcement officers can again receive the support and assistance they deserve to keep us and America safe.

Mr. ENGEL. Mr. Speaker, I rise in support of H.R. 1700, the COPS Improvement Act. The COPS hiring program has been an unqualified success. Since the program first began in 1994, we have seen crime rates plummet throughout the country.

There are many factors one can point to for this drop in crime, but the most obvious one is that the COPS hiring program has given our local governments over $9 billion to hire over 117,000 police officers.

Law enforcement agencies in my district, New York's 17th, have received $625,984,137 in COPS grants since 1994. This funding has translated into 6,997 additional law enforcement officers in my district. Unfortunately, Republicans ended the COPS hiring program last year. A likely result of this, is that crime rates are inching upward.

It is essential that we stay vigilant in our fight against crime by passing the COPS Improvement Act. When this bill passes, law enforcement agencies across the country will be able to add over 50,000 police officers to our streets. In my district, we will gain $190,978,211 in funding and 2,991 more police officers.

But the COPS program is not just about the number of police officers; it is also about giving police officers the tools they need. Since 1994, $26,678,080 in COPS grants have been awarded to law enforcement agencies in the 17th District of New York to purchase technology that enables agencies to put more officers on the beat. This translates into more bulletproof vests and mobile computers.

If the COPS Improvement Act of 2007 passes into law, an additional $8,139,075 in technology grants will likely flow to the 17th District of New York.

Mr. Speaker, I join the International Association of Chiefs of Police, the National Sheriffs Association, the Fraternal Order of Police, the National Association of Police Organizations, the U.S. Conference of Mayors, and the National League of Cities in urging my colleagues to pass the COPS Improvement Act of 2007.

Mr. RAMSTAD. Mr. Speaker, as co-chair of the Congressional Law Enforcement Caucus and proud cosponsor of H.R. 1700, the COPS Improvement Act, I rise to urge my colleagues to support this important legislation.

Since its creation in the 1994 Crime Bill, the COPS program has been a key component of the Federal effort to keep our communities safe. The program has been widely hailed as a success. It has supported the hiring of over 100,000 officers and contributed to a nationwide decrease in violent crime in the 1990s.

H.R. 1700 makes several improvements to the program to increase public safety across the country. It reauthorizes the COPS hiring program to help put 50,000 new police on the beat in our communities, provides $350 million a year for State and local agencies to develop new technologies for crime prevention and police training and provides $200 million a year for community-based prosecution programs.

In my home state of Minnesota, I've seen, firsthand, the importance of the COPS program to local police in reducing crime and improving public safety.

The COPS program has been an invaluable resource to state and local law enforcement agencies for hiring, technology and school safety grants, and has been critical to providing personnel, equipment, training and technical assistance in the war on drugs and homeland security.

We must never forget our cops are on the front lines—in the war on crime, fighting drug dealers and protecting our homeland.

As Chris Matthews of MSNBC said after the attacks of September 11: "Before the attacks on our homeland, America's heroes were the rich and famous. Since Sept. 11, America's heroes are the cops and firefighters. And that's good for America."

Today, America's heroes are counting on us. Congress owes it to these brave men and women who put their lives on the line every day they put on the badge. Our nation's law enforcement officers need all the tools Congress can provide. It's time to honor the sacrifices made by our Nation's law enforcement community and give our Nation's finest the support they need.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a proud co-sponsor I rise in strong support of H.R. 1700, the COPS Improvement Act of 2007, introduced by my colleague Mr. WEINER. This act would amend the Omnibus Crime Control and Safe Streets Act of 1968, expanding the ability of the Attorney General to make grants for the COPS ON THE BEAT program. This important program provides for public safety and community policing activities, and it very simply puts more cops on the streets.

This legislation would bring much needed relief to our brave and overworked law enforcement officers, who are on the front line of the war against crime. At a minimum, the passage of this legislation would bring 374 additional police officers to reinforce the streets of the 18th congressional district of Texas, which I proudly represent. These 374 cops would be supported by a much needed funding increase of $17,346,456, as well as an additional $2,753,784 in technology grants to law enforcement agencies in my district. The 18th congressional district is only one of hundreds of communities across the nation that will enjoy greater security, safety, and stability as a result of this important legislation.

During the 1990s, the crime rates for all categories of crime in the United States fell dramatically and almost continuously, with homicide rates plunging 43 percent to reach their lowest level in 35 years in 2001. Unfortunately, after this sustained drop across all geographic areas and population groups, crime rates have once again begun to rise. In particular, 2005 marked the greatest increase in violent crime in 14 years. This increase in crime, not coincidentally, corresponds with cuts to the funding of the COPS program by the GOP-led Congress.

This is not acceptable. As part of the New Direction for America ushered in by this Democratic Congress, we are committed to ensuring that Americans can enjoy real security within our Nation's borders. We are committed to guaranteeing that our country's communities, like my own 18th district, have police forces that are adequately staffed, equipped, and funded. We are committed to reinvigorating programs, like COPS, that have proven highly successful in the past.

Mr. Speaker, an increase in crime mandates an increase in the number of police. Since 1995, the COPS office has awarded over $11.4 billion to over 13,000 state, local, and tribal law enforcement agencies throughout the United States. These funds allow agencies to hire and train law enforcement officers to participate in community policing, to purchase and deploy new crime-fighting technologies, and to develop and test new and innovative policing strategies.

Despite the demonstrated success of the COPS program in reducing crime rates, the current administration has targeted its funding. This would jeopardize the marked headway this program has made into creating and maintaining safe communities nationwide. H.R. 1700 provides an opportunity to reverse this harmful process, and, as a result, enjoys the support of numerous law enforcement organizations, including Fraternal Order of Police, National Association of Police Organizations and the National Sheriffs' Association.

This bill allows us to build upon a program that has already proven successful by expanding the mission and increasing the prospects for grants under the COPS program. It allows us to both protect America's communities from increasing violent crime, and to provide adequate resources for those whom we entrust with guarding our safety.

Mr. Speaker, I strongly support this legislation because I believe the work of our State, local, and tribal law enforcement officials to be crucial to the security of our communities and our Nation. I believe that the program's record is clear, and the evidence shows that more cops equals less crime. I strongly urge my colleagues to join me in support this legislation.

Ms. HIRONO. Mr. Speaker, I rise today in strong support of H.R. 1700, the COPS Improvement Act of 2007. I would like to thank the chief sponsors of this legislation, Congressmen WEINER and KELLER, for their efforts in bringing this bipartisan bill to the floor today.

Congress created the Community Oriented Policing Services (COPS) program as part of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322). Administered by the U.S. Department of Justice, the COPS program awards grants to state, local, and tribal law enforcement agencies to hire and train community policing personnel, implement new technologies to combat crime, and develop new policing techniques.

Since its establishment, the COPS program has been widely hailed as a success. It most notably has supported the hiring of over 120,000 additional police officers and helped contribute to a nationwide decrease in the rate of violent crime. In Hawaii alone, COPS grants have helped to hire 522 additional police officers and sheriffs and placed 18 new resource officers in primary and secondary schools throughout the islands.

Yet funding for this successful program has become a yearly Congressional battle. President Bush's latest FY 2008 budget request seeks to cut funding for the COPS program by 50 percent, which is actually an improvement from previous years in which program funding was simply zeroed out.

In justifying the COPS program funding cut, the administration has often cited the need to refocus our energies on homeland security issues. However, our State and local law enforcement agencies play an increasingly significant role in homeland security through their already established roles in local crime prevention and investigation. It is not unreasonable to suggest that State and local law enforcement entities are among our first lines of defense in keeping our homeland secure. To that end, it is the responsibility of this Congress to continue to support and strengthen the COPS program.

H.R. 1700 is an affirmative step in this direction, as it would authorize $1.15 billion each year in years 2008 through 2013 for the COPS program. This is a 10 percent or $103 million increase from the amounts authorized in current law. Of that amount, $600 million would be allocated each year for the hiring of additional law enforcement officers. It is estimated that this amount will translate into at least 50,000 new police officers on our streets. H.R. 1700 would also allow for up to $350 million annually for grant programs that improve crime-fighting technologies and up to $200 million each year to assist district attorneys in hiring prosecutors.

In closing, Mr. Speaker, I urge my colleagues to vote in favor of H.R. 1700, as it supports the work of law enforcement officers across our Nation. I would also like to extend a heartfelt mahalo (thank you) to our State and local law enforcement officers who serve our Nation with distinction and aloha.

Mr. FARR. Mr. Speaker, I rise today in strong support of H.R. 1700, COPS Improvement Act of 2007. Since 1994 the COPS program has allowed local law enforcement agencies to hire an additional 117,000 officers. It is unconscionable that over the past several years, the Republican-led Congress has repeatedly cut the COPS program and eventually eliminated all funding in the 2006 budget.

I'm proud that my district has benefited significantly from the COPS program. In fact, in 1996 President Clinton came to the City of Salinas, CA, to commend Mayor Caballero and Salinas law enforcement officials on a successful community policing program. In addition, Salinas was awarded one of a handful of COPS grants for tracking weapons. These tools enabled the City of Salinas to reduce gang violence. As funding for the COPS program dried up, gang violence in Salinas spiked and in 2005 there were 24 homicides. This time, on its own dime, the City of Salinas and the County of Monterey have busted their budgets to implement a community policing gang task force. Reauthorization of the COPS program, with full funding, will enable Salinas and other communities all across the country to again implement effective community policing programs to combat crime.

Reauthorization of the COPS program should not be a partisan issue. After all, all crime is local. Community policing is effective because it addresses crime at the local level. H.R. 1700 will allow for the hiring of up to 50,000 new cops on the beat over the next 6 years. In addition, the bill authorizes $600 million a year for COPS hiring grants, $350 million a year for COPS technology grants, and $200 million a year for hiring community prosecutors.

I urge my colleagues to pass H.R. 1700.

Mr. HILL. Mr. Speaker, later today we will consider reauthorizing the COPS program for another 6 years. It is fitting that the House will take up this bill during National Police Week. I hope our law enforcement community regards this bill and this week as recognition of our thanks for keeping us safe and protected. We appreciate their work and sacrifices immensely. Reauthorizing the COPS program is very important to our State and local law enforcement, as the program provides grants directly to them. My district has received nearly $11 million in COPS grants over the past decade and a half, and it is extremely important that this program continues. This money has helped and will help keep Hoosiers in the Ninth District safe by ensuring a greater law enforcement presence on our streets back home and combating violent crime such as meth trafficking and usage. I fully support reauthorizing COPS and thank our law enforcement for all the sacrifices they make day in and day out.

Mr. GARRETT of New Jersey. I am deeply disappointed that the Democratic leadership has chosen to bring up H.R. 1700, the COPS Improvement Act of 2007, under suspension. While the Committee on Judiciary reported the bill out without objection, I am concerned that the hundreds of Members not on the committee will not have any opportunity to offer any improvements to the bill.

Had I been allowed the opportunity, I would have introduced an amendment to more fairly allot grants by State. According to last year's funding statistics, small States received a disproportionate amount of funds. In fact, in some cases small States have received more funds than States more than five times their population. For instance, Alabama gets more assistance than California.

My home State, New Jersey, a densely populated State nestled between the major metropolitan centers of New York City and Philadelphia and also home to a heavily trafficked drug corridor and its own inner-cities, receives less than 2 percent of all grants.

As if this imbalance weren't bad enough, the Office Management and Budget's Program Assessment Rating Tool (PART) graded COPS as "not performing: results not demonstrated." The bill authorizes $1.15 billion for this program next fiscal year and another $4.6 billion over the next 4 years. With so much taxpayer money at stake, and so few positive results demonstrated, why is the House missing this opportunity to fully consider how we might improve a program that is failing despite its good intentions?

The people of New Jersey watch a disproportionate share of their Federal taxes go to Washington to carry out this unproven program in other States. And for these reasons, I regret that I simply could not support this bill on the floor today.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to support H.R. 1700, the COPS Improvements Act.

This program, begun under President Clinton, has invested over $12 billion to add officers to the Nation's streets and schools, enhance crime-fighting technology, support crime prevention initiatives, provide training and technical assistance, administer grant programs, and advance community policing. Since President Bush has taken office, he has done everything he could to cut or eliminate funding for this worthwhile program.

In the Third District of Florida alone, over $89,420,196 in COPS grants were awarded to law enforcement agencies: COPS grants have funded 1,192 additional police officers and sheriffs deputies to engage in community policing activities, including crime prevention, in the 3rd District; 24 local and State law enforcement agencies in the 3rd District have directly benefited from funding made available through the COPS Office; $6,187,466 has been awarded to add 52 school resources officers to improve safety for students, teachers, and administrators in primary and secondary schools throughout the 3rd District; and $10,780,628 has been awarded for crime-fighting technologies. This funding has allowed officers to spend more time on the streets of the 3rd District of Florida fighting and preventing crime through timesaving technology, information-sharing systems, and improved communications equipment.

My district is not alone. The COPS program has helped districts across the Nation by reducing crime and making communities safer for residents to live their lives.

Earlier this session, I introduced a resolution urging increased funding for both the COPS program and the Weed and Seed program, which is an innovative, comprehensive, multi-agency approach to law enforcement, crime prevention, and community revitalization. Both these programs go together—community policing and community revitalization.

I am submitting for the record a letter from the city of Orlando in support of this bill.

I urge support for the COPS program, safer communities and this bill.

CITY OF ORLANDO,
Orlando, FL, May 15, 2007.

Hon. CORRINE BROWN,
U.S. Representative,
Washington, DC.

DEAR CONGRESSWOMAN BROWN: I am writing on behalf of the City of Orlando to advise you of our strong support for H.R. 1700, the "COPS Improvements Act of 2007".

In 1994, Congress established the Office for Community Oriented Policing Services (COPS) and, in the decade that followed, our nation experienced a significant drop in crime rates. A large part of this success was the nation's commitment to community oriented policing, particularly it's hiring component, which helped get more officers on the beat. This approach was validated by a Government Accountability Office (GAO) study of the COPS program, which stated that: "COPS-funded increases in sworn officers per capita were associated with declines in the rates of total index crimes, violent crimes, and property crime."

Now, after years of historically low crime rates, we are seeing a disturbing new trend—a jump in violent crimes in our City as well as in many of our nation's large and medium-sized cities. Just as the decrease in crime was directly related to an increased focus on hiring law enforcement officers at the state and local level, the more recent increase in certain crimes can be directly related to the loss of Federal funds supporting state and local law enforcement. This legislation will reinstitute the COPS program—a program we all know to be effective—and is needed now more than ever.

Specifically, this bill will establish the Office of Community Oriented Policing Services as a distinct entity within the U. S. Department of Justice and will reauthorize hiring programs for three specific purposes—community policing officers, local counterterrorism officers, and school resource officers. The bill also reauthorizes funds for technology grants and community prosecutors. The COPS program and the community policing approach are, and should continue to be, an important part of our national crime-fighting strategy.

Your commitment to reducing crime and your recognition of the important role local law enforcement plays throughout the nation is commendable. Be assured that the City of Orlando will do our part in the fight against crime and, given the proper resources, we can keep Orlando one of the safest cities in the nation.

Sincerely,

BUDDY DYER,
Mayor.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to show my support for H.R. 1700, the COPS Reauthorization Act of 2007.

The original COPS bill, passed in 1994, enabled local law enforcement agencies to hire 117,000 additional police officers across the Nation. H.R. 1700 will establish the Office of Community Oriented Policing Services as a distinct entity within the U.S. Department of Justice and will reauthorize hiring programs for three specific purposes: community policing officers, local counterterrorism officers, and school resource officers.

School resource officers are especially important to keep schools safe and to keep children in school. About 13.7 million or 22 percent of children and youth were physically bullied in the last year and 15.7 million were teased or emotionally bullied. Bullying behavior has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, and the use of drugs and alcohol. Having school resource officers on campuses will help combat this growing problem.

School resource officers are also needed to combat the national gang epidemic. In Los Angeles alone during the last 5 years, there were over 23,000 verified gang related violent crimes. These include 784 homicides, nearly 12,000 felony assaults, approximately 10,000 robberies and just under 500 rapes. It is imperative to reauthorize the COPS program and get more officers on the street to stop this trend.

I am proud to support this bill and encourage all of my colleagues to vote "yes" on H.R. 1700, COPS Reauthorization Act of 2007.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in strong support of H.R. 1700 the COPS Improvements Act of 2007.

Unfortunately, over the past several years funding for the hiring of additional police officers has been drastically reduced and the COPS program was basically eliminated.

The Community Oriented Policing Services Improvements Act revives the grant hiring program. These grants will allow local police departments to hire 50,000 additional police officers over the next 6 years.

I know in Houston after Hurricane Katrina we saw a significant rise in violent crime. This program will allow our local communities to hire additional police officers to protect their citizens.

This bill will also provide critical funding for technology grants and hiring community prosecutors. These are tools that our communities need to reduce our crime rates.

When the COPS program was eliminated our nation experienced a drastic increase in crime rates. By providing our law enforcement community with adequate funding and technology we will give them the ability to reduce crime rates.

I have strongly supported this program since it was first introduced during the 1990's. Today I urge my colleagues to support this critical piece of legislation today.

Mr. COHEN. Mr. Speaker, in my remarks in support of H.R. 1700, the "COPS Improvements Act of 2007," I refer to amended language in the bill that would have required COPS grant recipients participating in the "Troops-to-Cops" program to give special hiring preference to former members of the Armed Forces who served in Operation Enduring Freedom and Operation Iraqi Freedom. I first introduced this provision in an amendment during the Judiciary Committee markup of H.R. 1700. I withdrew that amendment with the understanding that, after working with Ranking Member LAMAR SMITH upon the committee's urging to craft mutually agreeable language, this provision was to be included in the final version of H.R. 1700.

Through what I believe to have been an inadvertent omission, the hiring preference for veterans of Operation Enduring Freedom and Operation Iraqi Freedom was not included in the final version of H.R. 1700 that has been presented to the full House of Representatives. It is my understanding that the language will be added either in the Senate bill or at conference and, therefore, will be contained in the bill sent to the President for his signature.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise in strong support of HR 1700, the COPS Reauthorization Act. I am proud to be a cosponsor of this important legislation that will reauthorize the Community Oriented Policing Services grant programs.

Over the first 10 years of its existence, from 1994 to 2005, the COPS hiring grant programs have helped local law enforcement agencies hire 117,000 additional police officers. As a result there have been significant drops in the crime rates across our Nation. Unfortunately the previous Congress drastically reduced and then eliminated funding for the COPS hiring grants in the 2005 and 2006 funding cycles.

H.R. 1700 will reinvigorate the COPS program by authorizing $600 million a year for hiring grants. This level of funding will help put an additional 50,000 police officers in our communities over the next 6 years. I am proud that this Congress is acting to restore funding for these hiring grants that are so critical to local law enforcement agencies across the country.

In addition, this legislation will authorize $350 million for COPS technology grants. These grants will help local law enforcement agencies buy critical technology like computers for patrol cars and crime mapping software. I have seen this type of crime mapping software at work in the city of Santa Ana, California, in my district. This technology acts as a force multiplier, allowing each officer to be more effective in fighting crime and keeping our communities safe.

H.R. 1700 also authorizes $200 million for programs that focus on hiring the community prosecutors that play a critical role in following up on police work and convicting criminals.

All of these COPS grant programs will provide critical resources to local law enforcement agencies across the country that are facing a variety of challenges including emerging and ongoing gang activity. In previous years, a COPS grant provided funding to the Santa Ana Police Department for Firearms Identification technology that can read the unique fingerprints that connect bullets and guns. The Santa Ana Police Department has been able to solve many gang-related shootings and other violent crimes by using this ballistics technology. I hope that the passage of this legislation will help ensure that law enforcement agencies across the nation benefit from the valuable COPS grant programs.

I urge my colleagues to join me in voting for H.R. 1700.

Mr. BLUMENAUER. Mr. Speaker, today I rise in support of H.R. 1700, the Community Oriented Policing Services Reauthorization Act, which has provided greater numbers of police officers to protect our citizens in every State in the union. My district in Oregon has benefited significantly from this program through the addition of 279 police officers and a total of over $24 million secured for local law enforcement agencies since 1994.

I find it perplexing that the administration continually attempts to reduce funding for COPS when independent studies confirm that the grants significantly contributed to the crime reduction in the late 1990s. Nationally, the strain on law enforcement has never been greater, as resources are stretched to combat the recent rise in crime while also addressing homeland security responsibilities. For this reason, I support the revitalization of this program to protect our families and give law enforcement the support they need.

Mr. MARKEY. Mr. Speaker, I rise today in support of H.R. 1700, the Community Oriented Policing Services, or C.O.P.S., Program Reauthorization Act. The bill authorizes appropriations of more than $1.1 billion for community policing, community prosecutors and crime-fighting technology grants. The original mission of this program was simple: put 100,000 more police officers on the beat for policing programs. The brainchild of the Clinton administration, the C.O.P.S. program brought members from both parties together with the goal of reducing crime.

The C.O.P.S. program provides grants to local municipalities for crime fighting technologies and for additional community policing and has been proven to reduce crime, especially violent crime. A 2005 study by the Government Accountability Office (GAO) concluded that the C.O.P.S. program contributed to a 1.3 percent decline in the overall crime rate and a 2.5 percent reduction in the violent crime rate in 8 years.

But like a patient that stops taking the medication once it starts working, the Bush administration has been taking a step back in law enforcement and homeland security in its effort to gut the program. We must not rest on our laurels and declare, "Mission Accomplished." The President has declared we live in an age of terrorism, and expanding the police force and providing our local and state governments with resources to combat crime and terrorism should remain a priority. But for years, with the backing of the Republican-led Congress, the President has sought to cut or eliminate funding for the program.

In Fiscal Year 2008, the Bush administration is proposing to cut the C.O.P.S. program by over 94 percent compared to 2007. Congress appropriated $542 million for the program in FY07, and the President is proposing only $32 million for FY08. The yearly program funding once peaked at $1.4 billion dollars per year under the Clinton administration. It has resulted in the hiring of nearly 120,000 police officers and has prevented over 200,000 crimes since its inception. In contrast, the Bush administration's proposal offers zero funding for community based prosecutors, zero funding for crime fighting technologies, and only $4 million for policing and public safety grants.

Instead of providing funding for more cops on the beat, the President is handing the C.O.P.S. program a bill for funds unspent in previous years. The $32 million budget request, minus the $87 million the Administration is hoping to get back from the C.O.P.S. program, results in negative funding for community policing. Proponents of weakening the program will attempt to explain that the C.O.P.S. program is duplicative, but a review of the Bush administration's FY08 budget request reveals that the administration also is reducing funding for those other programs as well. It makes no sense to eviscerate the successful C.O.P.S. program or roll it into a block grant, particularly when Department of Justice estimates are showing a rise in crime.

As it seeks to eliminate the C.O.P.S. program, the Bush administration is pursuing a misguided goal. I commend Congressman WEINER (D–NY) for bringing this bill forward today, I strongly support the C.O.P.S. program, and I urge adoption of the legislation.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of the COPS Reauthorization Act (H.R. 1700). This critical piece of legislation is needed to revitalize the highly successful COPS program and will allow communities in Rhode Island and across the country to hire additional police officers and improve security.

This important initiative was created in 1994 under the Clinton Administration to help local law enforcement agencies hire thousands of additional police officers nationwide. COPS funding has helped police agencies in Rhode Island to hire 385 police officers, and today's measure will allow us to hire an additional 185 officers.

The COPS program takes an innovative approach to aiding local law enforcement agencies through its commitment to community-oriented policing and has proven successful in reducing crime. Unfortunately, in the past few years the Bush Administration and Republican-led Congress have continued to slash funding for this vital program, and the President's FY 2008 budget proposal would eliminate it altogether. I am proud to support a measure that halts this trend and reinstates funding for this vital program.

The COPS Reauthorization Act will establish the Office of Community Oriented Policing Services as a distinct entity within the U.S. Department of Justice and reauthorize hiring programs for officers to engage in community policing, serve as School Resource Officers, and engage in counterterrorism duties. This bill will also provide additional funding for police agencies to purchase lap top computers for patrol cars, crime mapping software, and interoperable communications equipment. Finally, reauthorizing the COPS program will increase funding for critical community prosecuting programs,

Enhancing and fully funding COPS programs will give our local law enforcement agencies the tools they need to fight crime and keep our communities safe. I urge my colleagues to join me in supporting this important piece of legislation.

Ms. SCHWARTZ. Mr. Speaker, I proudly rise today in support of the COPS Improvement Act.

Created by President Clinton, COPS grants have successfully put 117,000 police officers in our neighborhoods. The formula is simple—more cops means safer streets and more secure neighborhoods.

As a result of this tough-on-crime policy, our nation experienced a significant drop in crime rates throughout the 1990s. Unfortunately, last year the Republican-led Congress completely eliminated funding for this highly successful initiative.

It is no coincidence that when federal funds for COPS grants dried up, violent crime rates escalated. For example, last year the City of Philadelphia experienced a nine-year high in homicides, claiming 406 lives. This shamefully high number of homicides included my constituent, Police Officer Gary Skerski, who was shot while responding to a robbery.

Last week was the one-year anniversary of Officer Skerski's death, and we must not forget the sacrifices that he and the other officers have made to protect their communities.

That is why I am pleased that the Democratic Majority is taking steps to restore funding for COPS grants. As a result of this bill, we will put 50,000 new officers on our nation's streets, provide local law enforcement with additional tools and resources to combat crime, and better ensure that criminals are put behind bars.

Mr. Speaker, this legislation has been endorsed by the Fraternal Order of Police, the National Association of Police Organizations, and the National Sheriffs' Association. These men and women serve our constituents every day, and they rely on us to support them with necessary equipment and resources for essential personnel.

I thank my colleagues for protecting our citizens by voting "yes" on this important bill.

Mr. AL GREEN of Texas. Mr. Speaker, I am proud to support H.R. 1700, The C.O.P.S Improvement Act. This legislation helps to put 50,000 more police officers on America's streets. This bill will add hundreds of new cops to fight crime and terrorism in the 9th Congressional District and the City of Houston.

The C.O.P.S. hiring program was created in 1994 to put more police officers on America's streets, and has been one of the most successful law enforcement programs in our Nation's history. Nationally, C.O.P.S has provided $9 billion to hire 117,000 police officers. According to a GAO study, between 1998 and 2000, C.O.P.S. grants were a significant factor in reducing crimes by about 200,000 to 225,000 crimes—one third of which were violent. In 1998, C.O.P.S. grants were greatly responsible for an 8 percent decrease in crimes—and a 13 percent drop in violent crimes. The C.O.P.S. Improvement Act will breathe new life into the C.O.P.S. program nationwide.

Since 1994, 907 additional police officers and/or sheriff deputies have been hired in the 9th District of Texas, and over $64 million in C.O.P.S. grants have been awarded to law enforcement agencies in the 9th District of Texas. Passage of the C.O.P.S. Improvement Act of 2007 would likely add an additional $19 million into Texas' 9th District. This bill will also help to make our schools and children safer by adding 8 more school resource officers to the beat. In the last 13 years over $9 million in C.O.P.S. grants have been awarded to law enforcement agencies to purchase technology that enables agencies to put more officers on the beat in the 9th District.

Mr. Speaker, I have no doubt that the 5.7 percent drop in crime in the City of Houston is greatly due to the dedication of our city's hardworking men and women in uniform. Through their increased efforts Houstonians were safer from crime in 2006 than years before. I support the C.O.P.S Improvement Act, and am proud to increase the number of police officers and make our Nation a safer and better place to live.

Mr. HOLT. Mr. Speaker, I rise today in strong support of The C.O.P.S. Improvements Act of 2007, H.R. 1700. I am a proud cosponsor of this legislation that would allow The Community Oriented Policing Services (C.O.P.S.) program to hire an additional 50,000 police officers to walk the beat in our local communities.

The creation of the C.O.P.S. program was a breakthrough in law enforcement. By funding additional officers, critical technologies, and valuable training, C.O.P.S. has been a catalyst for the revolutionary shift to community policing. However, limits on hiring new officers has hindered the ability of the C.O.P.S. program to address the rise in violent crime.

Between 1995 and 2005, the C.O.P.S. program helped put 117,000 additional officers on the beat across every state and in most communities in our Nation. Unfortunately, in 2006 the then Republican-led Congress decided to eliminate the ability of this program to help hire additional law enforcement officers. This was a tragic mistake.

According to the General Accountability Office "C.O.P.S. funded increases in sworn officers per capita were associated with the declines in rates of total index crimes, violent crimes, and property crimes." The same GAO study showed that between the years of 1998 and 2000, C.O.P.S. hiring grants were responsible for reducing crime by about 200,000 to 225,000 incidents—one third of which were violent.

It is appropriate that in the wake of the tragic events at Virginia Tech, we are reauthorizing the C.O.P.S. program and restoring the program's ability to help local law enforcement agencies hire additional police officers. Earlier this week, I met with state and local law enforcement officials, school safety officers, and gun control advocacy organizations to learn what more the Federal Government should be doing to prevent gun crime. All the participants understood the importance of the C.O.P.S. program and the positive effect that community oriented policing has had on crime rates.

Across the state of New Jersey, approximately 4,790 officers were hired by local police departments using C.O.P.S. funds. This meant an additional 628 police officers and/or sheriff deputies walking the beat in the local communities of my Congressional District. Further, 33 school resource officers were hired to ensure that our children's schools are safe.

A Congressional Report, indicates that when The C.O.P.S. Improvements Act of 2007 becomes law there will be 268 more police officers on the beat, approximately $13 million more for law enforcement grants, 14 additional school resource officers, and an additional $3.6 million in technology grants for law enforcement officers in the 12th Congressional District.

This legislation has been endorsed by the International Association of Chiefs of Police, the National Sheriff's Association, the Fraternal Order of Police, the National Association of Police Organizations, the U.S. Conference of Mayors, and the National League of Cities.

The C.O.P.S. program and community policing have put us on the right track. The police chiefs and sheriffs in my district consistently tell me that we could have never achieved this much without the additional officers and technology funded under the COPS program.

Mr. Speaker, we cannot afford to under fund this program anymore. The COPS program has been vital to our local communities. Our police departments can do only so much with the resources they are given. At a time when we are asking our law enforcement officers to do more to reduce crime and protect our hometowns from potential terrorist related threats we should do everything we can to increase the funding of the COPS program. H.R. 1700 is an essential first step.

Mr. ELLISON. Mr. Speaker, I rise today to celebrate the bi-partisan passage of H.R. 1700, the COPS Improvement Act of 2007.

The COPS program has been one of the most successful law enforcement programs in our Nation's history. Created in 1994 as part of the "Clinton Crime Bill," it is often referred to as the 100,000 cops program. In fact, COPS has put almost 120,000 more officers on the street nationwide, 1,400 new officers in Minnesota, and 354 additional police officers and/or sheriff deputies in the 5th Congressional District which I serve.

With the passage of the COPS Improvement Act, an additional 151 officers will likely be hired in the 5th Congressional District over the next 6 years.

The COPS program was created as an incentive to law enforcement agencies to hire more officers. COPS provides that incentive by assuming 75 percent of an officer's salary for 3 years. Funded at over $1 billion a year near the end of the Clinton Administration, the hiring portion of COPS has been zeroed out under President Bush.

According to a study by the non-partisan General Accounting Office (GAO), between 1998 and 2000, COPS grants were responsible for reducing crimes by about 200,000 to 225,000 crimes—one third of which were violent. In 1998, COPS grants were responsible for an 8 percent decrease in crimes—and a 13 percent drop in violent crimes.

Yet, President Bush and Republicans in Congress eliminated the hiring program last year, at the same time, violent crime spiked across the Nation.

Earlier this year, the Police Executive Research Forum, a prominent law enforcement association, released a report which found that violent crime rose by double digit percentages over the last two years. Among the cities surveyed, since 2005, 71 percent had an increase in homicides, 80 percent saw robberies rise and 67 percent reported an increase in aggravated assaults with guns.

Thankfully, under the leadership of Mayor R.T. Rybak, Minneapolis was not among those cities. In fact, Minneapolis has seen an 11 percent decline in violent crimes since the beginning of the year.

We want to keep those statistics headed downward and the way to do that is through the funding of successful hiring programs like COPS.

If the COPS Improvement Act of 2007 passes into law, an additional $11,159,925 will likely flow into law enforcement agencies for hiring additional officers in the 5th Congressional. District of Minnesota in the next 6 years. Furthermore, an additional $4,110,303 in technology grants will likely flow to the 5th District and 3 more school resource officers will likely be put on the beat.

Little wonder this legislation has been endorsed by the International Association of Chiefs of Police, the National Sheriffs Association, the Fraternal Order of Police, the National Association of Police Organizations, the U.S. Conference of Mayors, and the National League of Cities.

COPS has been one of the most cost-effective law enforcement programs in our nation's history resulting in dramatic declines in both crime and violent crime rates.

It is good common sense that the new Democratic Congress has sought to restore funding to this successful program. It is good for the 5th Congressional District of Minnesota; good for the state of Minnesota; and good for America.

I am proud to have voted to make our streets safer by supporting the COPS Improvement Act of 2007.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today to express my strong support for H.R. 1700, the COPS Reauthorization Act. This legislation is a much needed and renewed commitment by this Democratic-led Congress to combat crime in our local communities and neighborhoods.

Since its inception under the leadership of the Clinton administration, the COPS program has proven to ensure greater safety for citizens in large metropolitan areas and small communities alike by providing local law enforcement with the ability to hire more police officers, increased technology assistance such as laptops for patrol cars, and new funding for programs to allow prosecutors to go after more criminals. Since 1994 117,000 new police officers have hit the streets in the United States and 414 in the area of St. Paul, which I represent.

According to an independent study done by the GAO, COPS hiring grants were responsible for reducing the crime rate in the United States by roughly 200,000 crimes between 1998 and 2000. Unfortunately, past Republican-led Congresses sharp cuts in over a billion dollars to the COPS hiring grant programs have diminished the capacity of this great program that has been critical to decreasing the crime rate across this country. To make matters worse, this year President Bush is seeking to zero-out funding for the COPS hiring programs and must not see the value of more law enforcement officers on the streets. This Congress will answer the President's call of zero funding by restoring this important program to a respectable level and add 50,000 police officers in the next 6 years to fight crime.

COPS has provided an avenue to deploy more law enforcement officers in many areas of the United States and unsurpassed technology to assist the growing law enforcement community. It is a first-rate program, I commend the gentleman from New York, Mr. WEINER for bringing this legislation to the floor and I urge all my colleagues to support this bill and the men and women in law enforcement that continue to protect our communities.

Mr. WELDON of Florida. Mr. Speaker, recently, the House considered legislation to reauthorize the Community Oriented Police, COPS, program. Unfortunately, this bill was brought up for consideration with no opportunity to amend and improve the bill. Rather than allowing an open discussion and amendment process, it was a take it or leave it choice that Members were given.

In reauthorizing this program little has been done to address the glaring shortcomings of the program as pointed out in audits by The Department of Justice Office of Inspector General, OIG, the Government Accountability Office, GAO, and other independent analyses—including one by the USA Today newspaper. Before tripling a program that the Office of Management and Budget has graded as "Not Performing: Results Not Demonstrated," members should have been given an opportunity to consider amendments aimed at improving this bill. This is particularly important at a time when the size of the program is being tripled from an appropriation of about $540 million in 2007 to nearly $1.5 billion within 5 years.

These audits point out that New York City, the largest recipient of COPS funding—$422 million—actually has 300 fewer officers today than they did before they received $422 in Federal tax dollars. In 1994, New York City had 36,693 officers, yet by 2004 this had dropped by 321 officers to 36,372. The audit shows that Miami, while receiving over $45 million, increased their police force by only 21 officers. That works out to over $2 million per officer according to the audit.

Since the creation of this program in 1994, over $13 billion has been spent on the COPS program. While some of that funding has been well spent, I am concerned that audits determined that, at a minimum, hundreds of millions of dollars were misspent. We have a responsibility to the taxpayers to make sure that the money that the Federal Government takes from them is not misspent.

Analyses showed that in spite of spending $6 billion dollars in the first 6 years of the program, COPS fell short of placing 100,000 police on the streets. While the GAO found that the shortfall was about 12 percent, when you factor in historical hiring trends, the number of new police on the streets is far less. In fact, the Heritage Foundation analysis found when these historical police hiring trends are accounted for, the actual number of new police on the street nationwide is somewhere between 7,000 and 39,000—less than half of what was promised.

While the COPS grants were not supposed to supplant local funds, the U.S. Department of Justice OIG audit of expenditures found that grant recipients routinely supplanted local funding with COPS grants: simply allowing the Federal Government to pick up the tab for what they otherwise would have and should have paid for. The OIG audit of 147 high-risk grants found that 41 percent used the COPS grant to supplant local funds.

An investigative report by USA Today found in an audit of 3 percent of COPS grants that $277 million was misspent and "tens of thousands of jobs funded by the grants were never filled, or weren't filled for long." This is particularly concerning given that my constituents, who happen to be net donors to this program, receive less than half of their equitable share of Federal COPS grants.

Finally, the purpose of the COPS program was to reduce crime. While many of the grant recipients saw a reduction in crime, a USA Today analysis found that crime fell at the same rates in communities that did not get COPS grants.

So, before we all embrace a bill that triples the size of this program, we should first make sure that we are being responsible with taxpayer dollars and getting the most out of every dollar. I am not sure the bill before us does that.

Mr. FORBES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1700, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SAFE AMERICAN ROADS ACT OF 2007

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1773) to limit the authority of the Secretary of Transportation to grant authority to motor carriers domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe American Roads Act of 2007".

SEC. 2. LIMITATION ON GRANTING AUTHORITY.

The Secretary of Transportation may not grant authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border, except under the pilot program authorized by this Act.

SEC. 3. PILOT PROGRAM.

(a) In General.—The Secretary of Transportation may carry out, in accordance with section 350 of Public Law 107–87, section 31315(c) of title 49, United States Code, all Federal motor carrier safety laws and regulations, and this Act, a pilot program that grants authority to not more than 100 motor carriers domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border.

(b) Limitation on Commercial Motor Vehicles Participating in Pilot Program.—The number of commercial motor vehicles owned or leased by motor carriers domiciled in Mexico which may be used to participate in the pilot program shall not exceed 1,000.

(c) Pilot Program Prerequisites.—The Secretary may not initiate the pilot program under subsection (a) until—

(1) the Inspector General of the Department of Transportation submits to Congress and the Secretary a report—

(A) independently verifying that the Department is in compliance with each of the requirements of subsections (a) and (b) of section 350 of Public Law 107–87; and

(B) including a determination of whether the Department has established sufficient mechanisms—

(i) to apply Federal motor carrier safety laws and regulations to motor carriers domiciled in Mexico; and

(ii) to ensure compliance with such laws and regulations by motor carriers domiciled in Mexico who will be granted authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border;

(2) the Secretary of Transportation—

(A) takes such action as may be necessary to address any issues raised in the report of the Inspector General under paragraph (1); and

(B) submits to Congress a detailed report describing such actions;

(3) the Secretary determines that there is a program in effect for motor carriers domiciled in the United States to be granted authority to begin operations in Mexico beyond commercial zones on the United States-Mexico border;

(4) the Secretary publishes in the Federal Register and provides sufficient opportunity for public comment on the following:

(A) a detailed description of the pilot program and the amount of funds the Secretary will need to expend to carry out the pilot program;

(B) the findings of each pre-authorization safety audit conducted, before the date of enactment of this Act, by inspectors of the Federal Motor Carrier Safety Administration of motor carriers domiciled in Mexico and seeking to participate in the pilot program;

(C) a process by which the Secretary will be able to revoke Mexico-domiciled motor carrier operating authority under the pilot program;

(D) specific measures to be required by the Secretary to protect the health and safety of the public, including enforcement measures and penalties for noncompliance;

(E) specific measures to be required by the Secretary to enforce the requirements of section 391.11(b)(2) of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act;

(F) specific standards to be used to evaluate the pilot program and compare any change in the level of motor carrier safety as a result of the pilot program;

(G) penalties to be levied against carriers who, under the pilot program, violate section 365.501(b) of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act;

(H) a list of Federal motor carrier safety laws and regulations for which the Secretary will accept compliance with a Mexican law or regulation as the equivalent to compliance with a corresponding Federal motor carrier safety law or regulation, including commercial driver's license requirements; and

(I) for any law or regulation referred to in subparagraph (H) for which compliance with a Mexican law or regulation will be accepted, an analysis of how the requirements of the Mexican and United States laws and regulations differ; and

(5) the Secretary establishes an independent review panel under section 4 to monitor and evaluate the pilot program.

SEC. 4. INDEPENDENT REVIEW PANEL.

(a) Establishment of Panel.—The Secretary of Transportation shall establish an independent review panel to monitor and evaluate the pilot program under section 3. The panel shall be composed of 3 individuals appointed by the Secretary.

(b) Duties.—

(1) Evaluation.—The independent review panel shall—

(A) evaluate any effects that the pilot program has on motor carrier safety, including an analysis of any crashes involving motor carriers participating in the pilot program and a determination of whether the pilot program has had an adverse effect on motor carrier safety; and

(B) make, in writing, recommendations to the Secretary.

(2) Recommendations.—If the independent review panel determines that the pilot program has had an adverse effect on motor carrier safety, the panel shall recommend, in writing, to the Secretary—

(A) such modifications to the pilot program as the panel determines are necessary to address such adverse effect; or

(B) termination of the pilot program.

(c) Response.—Not later than 5 days after the date of a written determination of the independent review panel that the pilot program has had an adverse effect on motor carrier safety, the Secretary shall take such action as may be necessary to address such adverse effect or terminate the pilot program.

SEC. 5. INSPECTOR GENERAL REVIEW.

(a) In General.—The Inspector General of the Department of Transportation—

(1) shall monitor and review the pilot program;

(2) not later than 12 months after the date of initiation of the pilot program, shall submit to Congress and the Secretary of Transportation a 12-month interim report on the Inspector General's findings regarding the pilot program; and

(3) not later than 18 months after the date of initiation of the pilot program, shall submit to Congress and the Secretary an 18-month interim report with the Inspector General's findings regarding the pilot program.

(b) Safety Determinations.—The interim reports submitted under subsection (a) shall include the determination of the Inspector General of—

(1) whether the Secretary has established sufficient mechanisms to determine whether the pilot program is having any adverse effects on motor carrier safety;

(2) whether the Secretary is taking sufficient action to ensure that motor carriers domiciled in Mexico and participating in the pilot program are in compliance with all Federal motor carrier

safety laws and regulations and section 350 of Public Law 107–87; and

(3) the sufficiency of monitoring and enforcement activities by the Secretary and States to ensure compliance with such laws and regulations by such carriers.

(c) REPORT TO CONGRESS.—Not later than 60 days after the date of submission of the 18-month interim report of the Inspector General under this section, the Secretary shall submit to Congress a report on—

(1) the actions the Secretary is taking to address any motor carrier safety issues raised in one or both of the interim reports of the Inspector General;

(2) evaluation of the Secretary whether granting authority to additional motor carriers domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border would have any adverse effects on motor carrier safety;

(3) modifications to Federal motor carrier safety laws and regulations or special procedures that the Secretary determines are necessary to enhance the safety of operations of motor carriers domiciled in Mexico in the United States; and

(4) any recommendations for legislation to make the pilot program permanent or to expand operations of motor carriers domiciled in Mexico in the United States beyond municipalities and commercial zones on the United States-Mexico border.

SEC. 6. DURATION OF PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation may carry out the pilot program under this Act for a period not to exceed 3 years; except that, if the Secretary does not comply with any provision of this Act, the authority of the Secretary to carry out the pilot program terminates.

(b) FINAL REPORT.—Not later than 60 days after the last day of the pilot program, the Secretary shall submit to Congress a final report on the pilot program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1773.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. we have before us very important legislation. It is bad enough that NAFTA has caused the United States to hemorrhage more than 1 million jobs; but now the administration with the NAFTA trucks proposal would add insult to injury. Not only would it put in jeopardy more American jobs, those of American truck drivers, but it would also jeopardize the safety of the traveling public on America's highways.

I want to congratulate Representative BOYDA for bringing such an important issue to the Congress so early in her congressional career and Representative HUNTER on the other side of the aisle for his contributions to this issue and to this legislation.

We have here what is called a SAP. It is a statement of administration policy. They take us for saps if they believe we will believe the information they have conveyed to us in this letter.

They say that the safety standards, including hours of service, driver medical standards, financial responsibility, and drug and alcohol testing, will all be remedied by their program. There is and are no hours of service regulations in Mexico. We have heard anecdotal evidence from Mexican truck drivers that they are often forced, as they are exploited down there working for relatively low wages compared to truck drivers in the U.S., to drive for 48 to 72 hours at a stretch. How do they do that? They laugh and they say "dust." What is dust? Drugs, uppers. They are commonly used in Mexico. There are no meaningful hours of service regulation. There is no drug testing in Mexico, and illegal substances are frequently used for these extended trips.

But the administration would have us believe that by signing a piece of paper and waving a magic wand and having in place paper provisions on drug and alcohol testing or hours of service, that these things will happen meaningfully. Suddenly, there will be a tremendous change in the culture of the American trucking industry.

They go on to say there will be an in-depth safety inspection before they are allowed to operate in the United States. Well, that is interesting because in testimony before my committee recently, the administration admitted that when a new bus carrier, and we are having a problem with illegally run bus service, what is called "curb service" here in the Northeast, it takes them up to 18 months to get out and certify that company actually exists and look at the papers in a filing cabinet. They never go out and look at the buses. Never.

We have the same thing going on with the American trucking industry. Only a tiny fraction of trucks are inspected on an annual basis. But somehow, magically, an agency that is totally overwhelmed by the volume of traffic is going to inspect each and every truck meaningfully in Mexico, inspect the credentials of the Mexican truck drivers in depth, certify the nonexistent drug testing programs, and certify tracking of the nonexistent hours of service in Mexico. And then they say that this will all be made available to the American public.

Here is the form in which it is made available. It is right here in the Federal Register. They are saying we are requiring publication, and they say it would be redundant to have all of the safety audits in detail published in the Federal Register because they put up this page. It has a date. That is good. That is a good start. It is up for 7 days, by the way.

And in order to access this page, you have to know the MX docket number. You have to know the particular docket number of that Mexican carrier. You have to know specifics to get nonspecific information that will only be posted for 7 days. And if you get through that maze and you happen to hit the 7-day window, because it goes down after 7 days, I guess they don't have enough memory capacity down there at DOT to leave it up longer for the public to review to, you get this, a form that has the applicant information, business address, and status. Quote: "Provisional authority issued."

That is the in-depth information that FMCSA is going to put up for the American public to review to understand that these audits are being conducted and these carriers are safe.

We need this legislation so we can be assured that we are protecting the safety of the American public.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to voice my support for H.R. 1773, the Safe American Roads Act of 2007, which passed the Transportation and Infrastructure Committee by unanimous vote, 100 percent support by both Democrats and Republicans.

In order to comply with NAFTA, the Department of Transportation has taken steps to fully open the Mexican border to truck traffic. To start this process, DOT has announced a cross-border demonstration program. The bill we are considering today specifies requirements that DOT must meet when implementing this program.

But compliance with NAFTA does not mean we have to or even that we should open the border without any scrutiny of the process. It is a priority for our committee and for this Congress to stay engaged on this issue and ensure that the border opening for trucks is handled properly with the safety of American motorists as our top priority.

A major theme of the bill we are considering today is constant review of the program as it is implemented by the Department of Transportation.

The bill requires DOT to ensure the trucks crossing into the U.S. not only understand our safety regulations for motor carriers. but that they are fully compliant with them as well. This bill also requires DOT to maintain an active review of the demonstration project. DOT must respond to the Inspector General's periodic reviews and provide comments and suggestions to make the program better. And when we mean better, we mean safer.

I want to say that this bill is an excellent example of bipartisanship. Concern over Mexican trucks does not fall on one side of the aisle or the other. Many Republicans and Democrats both feel strongly about this issue. It impacts the entire country.

Two bills were recently introduced that address this issue, one by our colleague, Mrs. BOYDA from Kansas, and one by Mr. HUNTER from California, on which I was an original cosponsor. While Mrs. BOYDA's bill is the base bill and we certainly want to commend her, the bill we are considering today has many aspects from Mr. HUNTER's bill as well, combined together to create the bill we are voting on today. I believe H.R. 1773 was made stronger by taking the best attributes from both the Boyda bill and the Hunter bill.

Finally, Mr. Speaker, we need reciprocity. I said at a hearing on this legislation that we should not approve more Mexican trucking companies than American trucking companies that are approved to go into Mexico. We need reciprocity, and we need fairness for American trucking companies and American workers. Again, though, I will voice my support for this bill, H.R. 1773, and I urge my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to thank Chairman OBERSTAR and the subcommittee Chair, Mr. DEFAZIO, and the ranking member, Mr. DUNCAN. I am very pleased to join them in support of this bill.

As you know, Texas shares a longer border with Mexico than any other border State. In 2004, at Texas border ports of entry, there were 3 million commercial crossings.

The safety and congestion impacts of this pilot program will be felt the most by Texas drivers, roads and businesses. The impact will be felt particularly by my constituents as Interstates 20, 30, 35 and 45 all converge in the heart of my congressional district.

I agree with the chairman of the committee when he says we must not bolster trade with Mexico at the expense of the safety of American drivers. This bill requires that Federal motor carriers complete all safety inspections on the Mexican side of the border. The bill also mandates that safety can be assured before Mexican trucks enter our country under this program.

We in Congress cannot afford to be soft in our oversight of this matter. Passing a safety inspection in Mexico, even one administered by Federal motor carriers, is not a guarantee to Mexican trucks and drivers that they will have free rein over our roads.

In the event that this program proves successful, it is important for this body to give adequate guidance and assistance to border States like Texas to address the burden of increased freight traffic, including congestion, air quality, and wear and tear on our roads. The Department of Transportation cannot use Texas and other border States as guinea pigs and not give them the support they need.

In closing, I fully support this bill. It removes much of the uncertainty regarding safety that this committee found in the Department of Transportation's proposed pilot program.

Mr. DUNCAN. Mr. Speaker, I yield 3 minutes to our colleague, Mrs. MILLER of Michigan, who has been one of the most active members of our committee on this particular legislation.

Mrs. MILLER of Michigan. I appreciate the gentleman yielding time.

Mr. Speaker, I rise in very strong support of H.R. 1773, the Safe American Roads Act. This legislation sets out very, very stringent, quantifiable safety standards which the Department of Transportation must meet before permitting Mexican-based trucks to operate through the United States.

Before coming to Congress, I had the pleasure of serving for 8 years as the Michigan Secretary of State with a principal responsibility of being that State's chief motor vehicle administrator. I was also the chairman of the Traffic Safety Commission of my State, and so I had the responsibility for all licensing, commercial drivers licenses as well as hazardous material endorsements. So I had immediate concerns about how the DOT pilot program might compromise the safety of our roads. Here in the United States, we have reciprocity amongst the States so we can share driving records across State lines.

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In Mexico, licensing requirements are very poor, and it's well-known that fraud in their system runs rampant. In fact, the Transportation Committee heard in testimony from the DOT's Inspector General that one in five Mexican driving records contained an error of some type. Mr. Speaker, if we had a 20 percent error rate in the United States we would consider it a crisis, and I actually believe that was a very low estimate.

There are also concerns about the insurance provisions of this program. American truckers must carry very expensive insurance policies in the event that they are in an accident. What if it happens that a Mexican truck has an accident somewhere in the United States? Good luck to the victims of that accident who will try to collect on damages from a Mexican company.

I believe that if we let these Mexican truckers into our country with questionable identification and insurance, it exposes American drivers to more dangerous conditions on our roadways.

First of all, because the Mexican drivers are allowed to work far longer hours than our truckers; and secondly, it is well-known that there's widespread drug use in this profession, as the chairman of our subcommittee has already articulated. Presently, there is no system under which secure testing could take place. In fact, it's been said that there is a not a single testing lab in Mexico to ensure that the drivers coming into our country are drug free.

The numbers I think are the easiest way to tell whether or not this proposal is a fair deal for the United States. As soon as this pilot program was announced, 800 Mexican trucking companies lined up to come into the United States. By contrast, only two American companies desired to deliver into Mexico. I think those numbers are very indicative of whether or not this is a fair agreement for the United States.

Because of all of these problems, groups like the Teamsters, as well as the Owner-Operator Independent Drivers Association, also the Advocates for Highway and Auto Safety have all come out in opposition to this proposal.

Mr. Speaker, we need to ensure the program can only take place once these trucks and drivers from Mexico can meet the same standards that American trucks and drivers do. Trucks participating in the pilot program will be subject to rigorous safety inspections limited to a total of 1,000. Their drivers must also demonstrate clean driving records and have a proficiency in English.

This legislation as well would require extensive oversight and review of the pilot program from an independent review panel.

I urge my colleagues to support this important legislation.

Mr. DEFAZIO. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman.

I thank Chairman DEFAZIO and Ranking Member DUNCAN and Chairman OBERSTAR for this creative solution to a very difficult problem.

I happen to live at the border. I represent the whole California-Mexico border. Through my district, at least 4,000 trucks a day pass through. That means across the whole border three or four, five times that will cross. The volume is enormous. There is no way for us to inspect this incredible volume of traffic. In fact, when there was a test case several years ago of inspecting all the trucks, they found 100 percent of the trucks had either insurance or safety violations.

We are dealing with issues of insurance. We are dealing with issues of truck safety. We're dealing with issues of driver certification and jobs on this side of the border. There's no question that these certifications are just not the same standards that we apply. We have fraudulent use of papers. There is enormous difficulty in getting accountability.

But, in addition, if we allow the truckers to cross they will be in this country and able to take jobs away from our local companies, especially small trucking companies. It costs them about 150 dollars to go to L.A. from San Diego and back. A Mexican trucker will do it for 50 dollars. That puts all our guys out of business if the administration proposal was allowed to go through.

So I thank the Chair for coming up with this creative solution. This is a bad, bad vision that the administration has to allow all trucks across in a way which does not really meet the safety or insurance or certification standards that we have in this country. And we're going to have a major accident somewhere, and the people in America are going to say how did this happen.

Well, we intend in Congress to make sure that we keep our safe roads and we keep our jobs for American truckers.

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I'd like to thank the gentleman from Tennessee for yielding, and I'd like to thank the leadership on the Transportation Committee for the creative solution that you have brought back with H.R. 1773 because it places important restrictions upon the pilot program planned by the Department of Transportation to allow Mexican trucks to operate across this country.

My first concern with the pilot is its impact on the safety of our Nation's highways. This Congress gave this department specific criteria to ensure adequate safety and security measures were taken prior to allowing Mexican trucks to travel on our highways. I believe it is important that all of these criteria are met prior to the start of any pilot project on our Nation's highways.

I am also very concerned about the economic consequences of allowing Mexican trucks to operate within the United States. It is my hope that if this pilot program is indeed implemented, the Department will work closely with State and local law enforcement to ensure that the prohibition on point-to-point deliveries within the United States by Mexican trucking companies is enforced.

I am especially pleased that this bill will require a plan to enforce existing English proficiency regulations prior to the start of any pilot program. It is critical for the safety of anyone on the road that truckers are able to understand traffic and warning signs and are able to communicate with law enforcement and emergency management officials.

It is absolutely critical that we stop the Department from implementing their pilot program until we can ensure the safety of our American motorists and our American highways.

I urge my colleagues to support this legislation.

Mr. DEFAZIO. Mr. Speaker, I yield 3 minutes to the gentlewoman from Kansas (Mrs. BOYDA), the author of the legislation, who's made an extraordinary commitment so early in her career.

Mrs. BOYDA of Kansas. Thank you, Chairman DEFAZIO. I certainly appreciate your support.

This is a tremendously huge issue in my district. People want to know that Congress is out there making our roads safe. I have two children and went back and forth on I–70 between Kansas City and St. Louis for years with two little kids. The truck traffic is amazingly dense. We spent years encouraging truck safety and spending billions of dollars on safety and environmental standards, and it just does not make any sense to now watch that be reversed.

Mr. Speaker, the Department of Transportation has unveiled a pilot program that will permit poorly regulated Mexican traffic onto American highways. In its present form, the DOT proposal exhibits reckless disregard for America's road safety, not to mention our border security and our economic interests.

Under current law, trucks registered in Mexico can drive only within a narrow border zone in the United States before cargos are transferred to an American vehicle. This system not only protects U.S. highways from unsafe Mexican traffic, but it prevents drug smuggling and illegal immigration, and it safeguards American transportation jobs.

But the DOT intends to halt this very sensible system. Under their pilot program, Mexican-domiciled trucks could penetrate far into the American heartland. The traditional safety standards required for vehicles on American roads, such as frequent safety inspections, limits on the number of hours driven in a day, drug testing and criminal background checks for drivers hauling hazardous materials, either would not be applied or would be weakly enforced.

Mexico certainly does not have a system right now for keeping these kinds of records in place. It's ridiculous for us to consider that they will be able to enforce these regulations in any way that comes up to our standards.

Again, let me say that our trucking industry has spent so much money getting our trucks, making them safer and so much to bring them up to environmental standards, it's just crazy to now say that we are going to bring in trucks that do not have to meet those same standards.

If the DOT pilot program proceeds as planned, drivers in Kansas and all across America will soon share their roads with unsafe Mexican trucks. The flood of foreign traffic will inevitably rise, result in collisions, injuries and even fatalities.

I introduced the bill now under consideration, the Safe American Roads Act of 2007, to rein in the Department of Transportation. The bill requires the cross-border pilot program to comply with 22 specific strict safety criteria. It creates an independent review panel to monitor and evaluate the pilot program after it launches, and it provides that the program can be terminated at any point if the Secretary of Transportation does not comply with all of these provisions.

By decisively approving the Safe American Roads Act, Congress can protect the millions of American families who drive our highways every day. I'd also like to thank Chairman OBERSTAR and Chairman DEFAZIO for their assistance and support, and I certainly urge my colleagues to support this important bill.

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes to our colleague from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank Congressman DUNCAN for the time and wish to add my strong support to H.R. 1773, along with Mr. DEFAZIO, Mr. OBERSTAR, Mrs. BOYDA, and want to thank the chairmen and ranking members of Transportation and Infrastructure for their leadership on this issue.

I was proud to cosponsor Congressman HUNTER's legislation, H.R. 1756, and am happy to support the revised H.R. 1773, the bill before us, which incorporates many of the strongest provisions from the Hunter bill. Safety of Americans and American highways must always take precedence over some obscure treaty obligation. As far as I am concerned, the safety of Americans and enforcing American law is far and away the number one priority here.

It's commonsense legislation that would prevent Mexican motor carriers from operating in the United States beyond the commercial zones of the United States-Mexico border until the Secretary of Transportation unequivocally certifies several minimum standards: requiring English language proficiency and ensuring U.S. law enforcement personnel have the ability to access databases, verify driving records, identification, criminal history and risk to homeland security the same way the information is used to verify U.S. operators. We do not need 90,000-pound unguided missiles on our highways.

Every day, the trucking industry ships more cargo in our Nation than any other mode of transportation. The American professionals behind these rigs and their equipment are subject to constant stringent safety standards. This bill ensures that at the very minimum Mexican truckers are subject to the same standards as our own operators. The safety of our citizens on our roadways must be our top priority, and I urge all Members to support H.R. 1773.

Mr. DEFAZIO. Mr. Speaker, could I ask the time remaining please.

The SPEAKER pro tempore. The gentleman from Oregon has 7½ minutes remaining. The gentleman from Tennessee has 10½ minutes remaining.

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. I thank the gentleman from Tennessee.

I want to thank Congresswoman BOYDA for her work on addressing this very important issue and of course Chairman OBERSTAR and Ranking Member MICA and all those who have worked so hard on this legislation. I am a strong supporter and cosponsor of the Safe American Roads Act.

This legislation takes a reasoned and commonsense approach to dealing with opening our borders to Mexico-domiciled trucks. Instead of providing blanket access to U.S. roads, this bill places important standards and restrictions on the DOT's proposed pilot program, ensuring that our roads remain safe and that our Nation's trucking industry remains competitive.

The heart of this legislation centers on establishing a pilot program that employs standards that we in Congress approved, while maintaining an open comment period to ensure that expert opinions are considered with respect to safety and compliance and enforcement.

The bill ensures accountability through both the administrative and legislative process, requiring an Inspector General review of the pilot program to determine whether Mexico-domiciled motor carriers participating are in full compliance with U.S. motor carrier safety laws, and requiring a report to Congress within 90 days of completion of the program.

The Safe American Roads Act does not aim to close America's roadways to foreign truckers. Instead, it requires the Department of Transportation to tap on the brakes, to slow down and make sure that the road we travel down is one that ensures the highest standards of safety and accountability.

Further, the legislation ensures the competitiveness of our Nation's trucking industry by preventing Mexico-domiciled motor carriers from accessing U.S. highways until U.S.-based trucking companies are given comparable access in Mexico.

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Once again, I want to thank Congresswoman BOYDA for introducing this legislation and her work with Mr. HUNTER and so many others. I urge all of our colleagues to join me in supporting passage of this legislation.

Mr. DUNCAN. Mr. Speaker, how much time remains on our side?

The SPEAKER pro tempore. The gentleman from Tennessee has 8½ minutes remaining.

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Thank you to the gentleman from Tennessee for yielding me time.

Mr. Speaker, I strongly support this legislation as a cosponsor. Being from Texas, we get the brunt of trucks coming from Mexico into the United States. Mexican truck drivers shouldn't be treated any better or worse than American truck drivers.

The general reputation of the American trucking industry is very good. They maintain their vehicles, and they maintain competence of their drivers. This legislation will require the same of Mexican truck drivers that come into the United States to have vehicles that don't pollute, that are not overweight, that are maintained as well as American trucks, and it will require the simple but very logical principle that Mexican truck drivers that drive throughout the United States, those massive 18 wheelers, be able to read a street sign.

I think it's important that people who drive our freeways are able to read the directions and the signs of the cities into which they travel. This legislation makes a lot of sense; it's common sense. It's needed to equalize the crossings into the United States of Mexican truck drivers with the competence of American truck drivers.

Mr. DEFAZIO. Mr. Speaker, I yield to the chairman of the Transportation Committee, Mr. OBERSTAR, for 5½ minutes.

Mr. OBERSTAR. I thank the gentleman for yielding and for his splendid leadership of the Subcommittee on Highways and Transit, this portion of the session holding intensive hearings charting the future course for transportation as we move into the second half of the authorization of the SAFETEA-LU bill, and laying the groundwork for the future transportation of America. The gentleman has done a superb job.

I congratulate the Congresswoman, Mrs. BOYDA of Kansas, for recognizing the threat of Mexican trucks admitted unabashedly, without restraint, into the United States, or very minimal restraint that the Department proposed.

I also express my great appreciation to the gentleman from Florida (Mr. MICA) for participating throughout the shaping of this legislation and working constructively for a reasonable counter to the administration's plan. The gentleman from Tennessee (Mr. DUNCAN) with his ever-judicial manner has helped us shape a very good balance to the allowing of Mexican trucks into the United States.

This cross-border pilot program the administration launched is not just a little initiative, something to let pass, it's a major shift in transportation policy. They were intent on opening the border with minimum public notification and at great cost to safety.

Despite serious concerns raised by the Congress, by safety advocates in the private sector, by nonprofit organizations, by States who were concerned about Mexican-domiciled trucks coming into the United States, this legislation limits the authority of the Secretary to open the U.S.-Mexican border to trucks coming into the United States.

It will not allow a 1-year pilot program as simply a gimmick, a ruse, under which they can allow the border to be opened unilaterally under terms and conditions that the Department or the administration might choose. Instead, we have a strict set of prerequisites, a strict set of conditions. A pilot program of 3 years, 100 motor carriers for Mexico, 1,000 trucks, does not provide blanket authority for 3 years. If the Secretary fails to comply with any provision of the act, the program terminates.

We also require the Inspector General of the Department of Transportation, concurrently, while the program is under way, to review and report back to the public, to the Congress, to the Department where there are failures and deviations, if there are any, from the program that we have set in place, especially if Mexican carriers do not meet strict Federal safety requirements.

This is not a run, operate, and evaluate. It is operate and concurrently evaluate what the Department is doing, what the Mexican trucks are doing. Are they, in Mexico, requiring fundamental elements of highway safety that U.S. drivers are required to submit to? Do they have hours of service requirements comparable to those in the United States?

Mexico does not have a single certified lab to test drivers for drug and alcohol compliance, as our drivers are required to be subjected to. The Inspector General has to verify that every requirement of section 350 of Public Law 107–87, the basic authority under which they propose to operate, has sufficient mechanisms in place to ensure safety, to enforce safety.

DOT has to also, under this legislation, provide the public with an opportunity to comment on issues of safety and cabotage, that the trucks that come into the United States and deliver goods to a destination point and carry goods back to Mexico aren't moving goods from one U.S. city to another U.S. city in violation of our cabotage laws. We don't allow it in aviation; we are not going to allow it in trucking.

We are living up to our commitments under NAFTA, but we have put in place requirements that are vigorous, protections that are important to protect travelers on our U.S. roads from failures in Mexico.

Now, the Department of Transportation has sent up their letter, their statement of policy, in which in one place there is a complaint that this legislation gives the agency "only 5 days to take action necessary to address adverse findings or terminate the program."

That's a requirement on safety. If you find an unsafe condition, how much longer than 5 days do you want to allow it to go? How much longer do you want to have an unsafe condition existing on our roads? That's just dead wrong.

Then, in another provision, they complain that we, their language says, purporting to require the Secretary of Transportation to submit legislative recommendations to Congress. They submit legislative recommendations to Congress, every executive branch agency. Whether we want them or not, they submit legislative recommendations. We are saying the Secretary may submit. If there are some things they want changed, we invite them to submit their recommendations to the Congress.

I simply don't buy that. I think they are sort of a half-hearted statement.

This is good legislation, good sound policy. It protects U.S. drivers and allows us to keep commitments under NAFTA, and we will protect American roadways.

Mr. DUNCAN. Mr. Speaker, I yield 3 minutes to the ranking Republican on the Transportation and Infrastructure Committee, a man who has been a leader on this legislation and on many others, Mr. MICA.

Mr. MICA. I thank our ranking member, Mr. DUNCAN.

Mr. Speaker and colleagues, I rise today in support of H.R. 1773, the Safe American Roads Act of 2007. This bill has some good provisions in it. I regret that a bill which I consider even better and stronger, which was drafted by Mr. HUNTER, the gentleman from California, and introduced in Congress, is not the bill that we are considering.

I am sorry Mr. HUNTER is not with us today also to speak, but I know he has many important obligations in his responsibility in securing our national defense.

Again, I believe Mr. HUNTER's bill would have been a stronger bill that would have even more teeth to make certain that Mexican trucks comply with not only our safety regulations, but also our economic regulations against cabotage.

Now, let me make the record clear that I served in Congress when NAFTA was voted on in 1993. I did not vote for that legislation, and one reason was some of the unfair provisions, the inequity between the economy of Mexico and the United States. I had no problem with Canada, but Mexico is a different situation. I am for open and fair trade, but what passed in NAFTA then and today was a trade agreement between unequal partners when it comes to Mexico.

This administration, the Bush administration, unfortunately, has inherited what I call the haunting legacy of the Clinton administration, one of the haunting legacies, which pushed for passage of a lopsided NAFTA agreement. Back in 1993, in October, actually in October of 1992, President Clinton had only positive things to say about NAFTA.

Also, I have quotes by current Speaker PELOSI, then the Representative from California: "In supporting NAFTA, I am casting my vote for the young people of America and for the future."

The future isn't to send jobs to the south, to Mexico, and then now open up the borders and truck the product produced by those jobs to the north. The responsibility we have in Congress is to make certain that even though we have to comply with some of the terms of this unfair agreement, that we do protect the safety, that we do protect the economic opportunity and the disaster this unfair agreement has brought upon our economy.

So it's critical today that Congress, that what we are doing today maintain, at least at a minimum, in keeping the unfair provisions of the treaty enacted by a Democratic Congress, under the promotion of President Clinton, from doing even more damage to us at this time.

Mr. DEFAZIO. Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I will close on our side.

I will simply say that no matter how much we want to have good relations and trade with our friends in Mexico, and we all certainly want that, the first obligation of the U.S. Congress is to the American people.

This bill is important for the safety of American roads, it's important to our American trucking companies, our small businesses, and to our truck drivers. It's legislation that all of our colleagues can support, and I urge our colleagues to do so.

Mr. Speaker, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself the balance of my time.

My good friend from Florida, the ranking Republican member of the committee, made a point that NAFTA was promoted by and passed during the Clinton administration. That's true, and I have continually castigated that administration and that President for that act.

However, he does need to remember that the agreement was negotiated by the first Bush administration, adopted by the Clinton administration, unfortunately, and to the discredit of the Clinton administration, and passed the House of Representatives with a large majority of Republican votes. Yes, it was a Democratic House, but a very substantial majority of the Democrats opposed the legislation.

So this is truly a bipartisan problem. But if he wants to attribute blame, the Republican Members of the House would bear that, and not the Democratic Members, although we were in the majority. He also talked about unfair portions of the agreement.

Well, the President has the authority to give 6 months' notice at any time that we are going to withdraw in order to require renegotiation of provisions of the agreement. So if this President felt any of the provisions were unfair, or they felt they were under duress to allow the Mexican trucks into this country, they have the tools to renegotiate that agreement. I wish they would use those tools. But they won't because this administration is all about killing off American jobs and American labor. That's what this is ultimately intended to do.

You can get a Mexican truck driver to work for a heck of a lot less than a Teamster in the United States. You can get a Mexican dock worker to work for a heck of a lot less than a longshoreman in the United States.

That's what this ultimately is designed to do. The dream of the NAFTA proponents is that the goods, all the goods, the things we don't make in America anymore, will be imported from China to a port in Mexico, avoiding the U.S. ports, the U.S. longshoremen, and loaded on Mexican trucks, avoiding U.S. trucking companies and U.S. drivers and brought up into America's heartland.

This bill is about protecting the safety of the American traveling public. That's what's before us today. I would love to renegotiate and revisit NAFTA any day of the week, but today we are all about the safety of the American public. That's what we are ensuring with this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 1773, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DEFAZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

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JAMES A. LEACH FEDERAL BUILDING

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1505) to designate the Federal building located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach Federal Building," as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 131 East 4th Street in Davenport, Iowa, shall be known and designated as the "James A. Leach United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "James A. Leach United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 1505.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, H.R. 1505, as amended, is a bill to designate the Federal building in Davenport, IA, as the James A. Leach United States Courthouse. Our former colleague, Jim Leach, was elected to Congress in 1977 from Iowa and served for 14 consecutive Congresses. His contributions to and interests in the House of Representatives are numerous, including his longstanding support for the use of HOPE VI HUD funds to help smaller cities develop affordable housing.

A career public servant, Congressman Leach served 30 years as a Representative in Congress, where he chaired the Banking and Financial Services Committee, the Subcommittee on Asian and Pacific Affairs, and the Congressional Executive Commission on China.

He holds eight honorary degrees, has received decorations from two foreign governments, and is the recipient of the Wayne Morris Integrity in Politics Award, the Woodrow Wilson Award from Johns Hopkins, and the Adlai Stevenson Award from the United Nations Association, and the Edgar Wayburn Award from the Sierra Club.

Jim Leach was hard working, highly respected on both sides of the aisle, and dedicated to the welfare of his constituents. It is fitting and proper to honor his public service with this designation. I support 1505 and urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1505 designates the United States courthouse located at 131 East 4th Street in Davenport, IA, as the James A. Leach United States Courthouse. The bill honors Congressman Leach's dedication to public service.

Congressman Leach began his long and distinguished career of public service as a congressional staffer in the 1960s. He later served as a foreign service officer and as a delegate to the United Nations General Assembly.

In 1976 Congressman Leach was elected to the House of Representatives. He served in the U.S. House for 30 years, from 1977 to 2007. During his time in Congress, he chaired the Committee on Banking and Financial Services, the Subcommittee on Asian and Pacific Affairs, and the Congressional Executive Commission on China.

Mr. Speaker, I support this legislation and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, Congressman Jim Leach was a very decent, distinguished and thoughtful Member of Congress. He was a learned Member of the body. He's a personal friend.

He served this country in many capacities. He began his service as a staff member for then-Congressman Don Rumsfeld. He went to the State Department in 1968. He served as special assistant to director of the Office of Economic Opportunity. He served in capacities with the United Nations, with the U.S. Advisory Commission on International Education and Cultural Affairs.

He served in an advisory capacity with the Federal Home Loan Bank Board, rather well-rounded career before being elected to Congress one term after I was elected.

He chaired, at one point, the Committee on Banking and Financial Services, the Subcommittee on Asian Pacific Affairs, and the Congressional Executive Commission on China.

He, along the way, collected a number of honorary degrees. He's the recipient of the Wayne Morris Integrity in Politics Award, the Woodrow Wilson award from Johns Hopkins University, the Adlai Stevenson Award from the United Nations Association, and an award from the Sierra Club, the Edgar Wayburn award.

He's now serving on the faculty of Princeton's Woodrow Wilson School of Public and International Affairs as a visiting professor.

He's been ably succeeded by the gentleman from Iowa (Mr. LOEBSACK), and I really congratulate him and the entire Iowa delegation for so graciously and thoughtfully introducing and supporting this bill to honor one of Congress's most respected and well-liked Members.

There are rare people who pass through this body and leave with good feelings and with good memories by those of us who continue to serve, and Jim Leach is one of those. It is very appropriate to designate the U.S. courthouse at Davenport, Iowa, in his honor, in his name.

And, again, I really express my great admiration to the Iowa delegation for so recognizing this distinguished former Member of Congress. His service in no way takes away from the service of Mr. LOEBSACK who succeeded him, who is, himself, a distinguished professor, has distinguished himself in the arena of public policy during his college teaching career, and brings that same thoughtfulness and constructiveness to the public policy process that his predecessor did, whom we honor today.

I urge my colleagues to support this legislation and respect the memory of Jim Leach.

Mr. GRAVES. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Missouri for yielding. And I thank the gentleman from Iowa for bringing this resolution to honor our good friend and colleague.

And we are proud, as Iowans, to stand here today and ask for support for this resolution to name the building in Davenport the James A. Leach Courthouse.

I look back on his career, what a stellar career. All of these years, elected to Congress in 1976, served till the end of the 109th Congress, a couple of days into this year, actually.

And one of the things that stands out with Jim Leach is Jim Leach was a champion. He was a champion in 1960 as a State wrestling champion, and I'd point out to our wrestling champions here in this Congress, a State wrestling champion in Iowa is like being a national champion someplace else, just to set humility aside for the moment.

But that is a characteristic that Jim Leach had, the characteristic of real humility and the characteristic of a champion.

And as he came here to Congress and he began that long tenure that was here, he touched a lot of different issues. But his history and his experience in the financial industry was unparalleled in the contemporary Congress. And I know of no period in previous history when there's been someone that's been so respected, that has taken such leadership in the financial affairs.

And as chairman of the Finance Committee, and then later on as chairman of the Subcommittee on International Relations, Jim Leach was a leader that was respected on both sides. He was, some would call him a bipartisan legislator. I would say Jim Leach was a nonpartisan Member of this Congress. He evaluated each one of those issues that came before him, drew an independent judgment.

And if you might question his independence, I'll also make a concession on Congressman Leach in that he didn't always have every bit of his hair in place and he led sometimes with a sweater underneath his jacket, and it was only picked up by Senator GRASSLEY as a stylish tip. But that's because Jim Leach followed his own mission, his own conscience, his own intellect and, in fact, he used his time to focus on those issues that were the good things for Americans, good things for Iowans.

So I'm proud today to stand in support of this resolution and proud to be able to call Jim Leach a colleague and a friend in the opposite order. It's with great admiration I ask support for this resolution of this Congress.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Mr. Speaker, I'm pleased to rise today to offer H.R. 1505. This bill designates the United States Federal building located at 131 East 4th Street in Davenport, Iowa, the James A. Leach United States Courthouse.

Jim Leach represented Iowa with grace and distinction for 30 years, and this legislation is a tribute to his service. His legacy of statesmanship, his leadership in foreign affairs and financial services is already recounted. His dedication to public service and his capable representation of his constituents left a lasting impact on the district I am now honored to represent.

Jim is a native son of Iowa; and throughout his time in Congress, his representation of the State was based upon the values of the people he represented and of the town in which he grew up.

Jim recently joined the faculty of the Woodrow Wilson School of Public and International Affairs at Princeton, his alma mater. As a former professor myself, and I say former now, I believe I can say with some authority that the experience and knowledge that Jim has brought to the Woodrow Wilson School has no doubt been a tremendous asset for Princeton students and faculty.

In fact, as a professor at Cornell College in Iowa, I was pleased to invite Jim to campus to lecture on foreign policy matters. His talks were always informative and engaging. I know that these guest lectures were only a glimpse of the knowledge, the depth of the knowledge and expertise that Jim has brought to Princeton on a daily basis.

That he chose to continue his commitment to public service by training the next generation of scholars and practitioners is indicative of Jim's time in Congress, and I wish him the best of luck in his new career.

I'd like to take this opportunity to thank Jim for his many years of service. It is my hope that I am able to represent Iowa's Second District as capably as he did for so many years. And I join with my colleagues and urge you to pass this resolution.

Mr. GRAVES. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the Speaker for the time to rise in support of this resolution to honor our great friend, Jim Leach, by naming the courthouse in Davenport, Iowa, after him. It is a well-deserved honor.

I miss Jim Leach around here because of his great sense of humor, his insight, his thoughtfulness, someone who was a strong Iowa Hawkeye supporter, having the Hawks in his district, and I, myself, representing Iowa State, so we used to go back and forth an awful lot.

Jim Leach will be remembered here in this body for his 30 years of service, his great thoughtfulness, his intellect, someone who, whether it be in financial services, and the Financial Services Modernization Act bears his name, the Gramm-Leach-Bliley bill; whether it be trying to stop gambling predators over the Internet; someone who knew and understood international policy, foreign affairs like no one else; someone who had such a broad breadth of knowledge, who could bring that forth and convey it to other folks in a very kind and thoughtful way.

He does represent the very best of what's in this Congress, and that is a spirit of bipartisanship, of thought over politics, of actions rather than posturing; someone who I have the greatest personal respect for. And I'm so pleased that Mr. LOEBSACK has brought this resolution to the floor of the House, and I would urge everyone to support this resolution in honor of James Leach. And I want to commend him, also his wife, Deva, and the family; just wonderful people, and an honor like this could not go to a nicer person or a more deserving individual.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy in permitting me to add my voice, expressing the appreciation to Mr. LOEBSACK and to the Iowa delegation for bringing this resolution forward commemorating the service of our friend and former colleague, Jim Leach.

The 30 years that we were privileged in this body to watch him at work, the words, the recitation to what Jim Leach did doesn't do him justice. He was dignified and principled, one of the few people who could navigate these Halls successfully without ever being mired in partisan politics, doing it his way, a way that was right for the country, if often difficult for him politically.

Just reciting the facts misses the quality of his service. Jim Leach predicted the savings and loan crisis. He was spot on in his observations about American diplomacy from the Middle East to North Dakota. I meant to say North Korea, probably North Dakota as well, as I think about it.

He, as an example of his principled nature, resigned from the Foreign Service in protest of President Nixon's firing of special prosecutor Archibald Cox.

In his congressional campaigns, he was one of the few people who refused to accept PAC contributions and out of State donations. He wouldn't run negative ads, and he tried to stop outside groups who were supporting him from, in turn, running negative ads.

In 1997, he refused to vote for Speaker Newt Gingrich because of deep ethics concerns. And while it was the right thing to do, as history has shown, it was a tough vote against a sitting Speaker in your own party. But it was an example of how Jim Leach operated.

He correctly predicted what was going to happen with our ill-advised adventure in Iraq with great clarity and force in committee and on the floor. And then he voted against it, again, at some difficulty for himself politically, particularly at that time. That wasn't the direction of the prevailing winds in his party or in the country.

But that's how Jim Leach was. He thought about issues. He analyzed them. He shared his analysis in his own thoughtful, understated way. He was usually right, and the congressional deliberations were better as a result.

I must say that I'm sorry that President Bush chose not to take the advice of dozens of Members in this body on both sides of the aisle who urged that Jim Leach be appointed as the U.S. Representative to the United Nations, a post for which he would be eminently well qualified.

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I am confident we will see a new chapter in his distinguished career whether in the United Nations, perhaps in a new administration. As a friend, a colleague and an American, I look forward to whatever that next chapter is in Jim's career.

Mr. GRAVES. Mr. Speaker, I would love to stand with the gentleman from Minnesota and the gentlewoman from Texas in urging our colleagues to vote for this. He was a good individual.

Mr. BRALEY of Iowa. Mr. Speaker, and thanks to Congressman LOEBSACK for introducing this bill and working hard to designate the James A. Leach Courthouse in Davenport, Iowa. I would also like to thank Chairman OBERSTAR and Ranking Member MICA for reporting this bill out of Transportation and Infrastructure Committee.

Congressman Leach is a good man who served his constituents with distinction and grace, and it is fitting that we honor him with a hometown reminder of his commitment and service to Iowa. While his career in Congress was distinguished and honorable, I want to touch on another passion of his—wrestling.

Jim Leach began wrestling in his birthplace of Davenport as a seventh-grader. As a student at Davenport High School, he won the 1960 state wrestling championship at the 138-pound weight class. Competing for Princeton University, he lost just one dual meet match. Later, as a research student at the London School of Economics, he went on to compete in freestyle matches. In 1995, he was awarded the Outstanding American Award from the National Wrestling Hall of Fame.

His wrestler's spirit was evident in his public service, as he took a disciplined and hard working approach to his duties. For thirty years, Congressman Leach served his constituents, and he never lost touch of his Davenport roots. As an original cosponsor of H.R. 1505, I am proud to support the James A. Leach Courthouse.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of H.R. 1505 to designate the Federal building located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach Federal Building."

James Leach was born in Davenport, Iowa in 1942. Representing Iowa, he served in the House of Representatives for 30 years. Mr. Leach is a man of great honor, serving his state and country nobly, admirably and tirelessly. Mr. Leach was a career public servant, chairing several Committees during his time in Congress.

During his time in Congress, Mr. Leach respected individual rights, choices and freedoms and voted to protect them. In the 109th Congress, I had the good fortune of working with him on the International Relations Committee where he spoke often for dignity of mankind and human rights. Jim was a caring and compassionate hands on person who led a congressional delegation to western Indonesia after the December 26th, 2004 tsunami where he witnessed one of the most traumatic natural disasters in the past several centuries. His work was instrumental in securing disaster relief funds for this devastated area.

Mr. Leach holds eight honorary degrees, has received decorations from two foreign governments, and is the recipient of the Wayne Morse Integrity in Politics Award, the Woodrow Wilson Award from Johns Hopkins University, the Adlai Stevenson Award from the United Nations Association, and the Edger Wayburn Award from the Sierra Club. In 2000, the Independent Bankers Association honored James Leach by creating "The James A. Leach Leadership Award", named for the Iowa Congressman. Mr. Leach served as chairman of the House Banking Committee from 1995 to 2001. The James A. Leach Leadership Award honors bankers for outstanding service to the banking industry. These examples exemplify his respect as a person and public servant.

Mr. Speaker, today I have the privilege in joining my colleagues in honoring this distinguished gentleman and good friend by designating the U.S. courthouse located on 131 East 4th Street in Davenport, Iowa, as the "James A. Leach United States Courthouse".

Mr. GRAVES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 1505, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the 'James A. Leach United States Courthouse'.".

A motion to reconsider was laid on the table.

AUTHORIZING GENERAL SERVICES ADMINISTRATOR TO CONVEY A PARCEL OF REAL PROPERTY TO ALASKA RAILROAD CORPORATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1036) to authorize the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF GSA FLEET MANAGEMENT CENTER TO ALASKA RAILROAD CORPORATION.

(a) IN GENERAL.—Subject to the requirements of this section, the Administrator of General Services shall convey, not later than 2 years after the date of enactment of this Act, by quitclaim deed, to the Alaska Railroad Corporation, an entity of the State of Alaska (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), known as the GSA Fleet Management Center.

(b) GSA FLEET MANAGEMENT CENTER.—The parcel to be conveyed under subsection (a) is the parcel located at the intersection of 2nd Avenue and Christensen Avenue in Anchorage, Alaska, consisting of approximately 78,000 square feet of land and the improvements thereon.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the parcel to be conveyed under subsection (a), the Administrator shall require the Corporation to—

(A) convey replacement property in accordance with paragraph (2): or

(B) pay the purchase price for the parcel in accordance with paragraph (3).

(2) REPLACEMENT PROPERTY.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(A), the Corporation shall—

(A) convey, and pay the cost of conveying, to the United States, acting by and through the Administrator, fee simple title to real property, including a building, that the Administrator determines to be suitable as a replacement facility for the parcel to be conveyed under subsection (a); and

(B) provide such other consideration as the Administrator and the Corporation may agree, including payment of the costs of relocating the occupants vacating the parcel to be conveyed under subsection (a).

(3) PURCHASE PRICE.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(B), the Corporation shall pay to the Administrator the fair market value of the parcel to be conveyed under subsection (a) based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Corporation.

(d) APPRAISAL.—In the case of an appraisal under subsection (c)(3)—

(1) the appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Corporation; and

(2) the assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Corporation.

(e) PROCEEDS.—

(1) DEPOSIT.—Any proceeds received under subsection (c) shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) EXPENDITURE.—Funds paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator; except that the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate 30 days advance written notice of any expenditure of the proceeds.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(g) DESCRIPTION OF PROPERTY AND SURVEY.—The exact acreage and legal description of the parcels to be conveyed under subsections (a) and (c)(2) shall be determined by surveys satisfactory to the Administrator and the Corporation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 1036.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1036 authorizes the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation. Subject to certain requirements, but not later than 2 years after the date of enactment of the bill, the Administrator shall convey to the Alaska Railroad Corporation a parcel of real property known as GSA Fleet Management Center.

The GSA Fleet Management Center is a parcel located at the intersection of 2nd Avenue and Christensen Avenue in Anchorage, Alaska, consisting of approximately 78,000 square feet of land. The Alaska Railroad Corporation, in exchange for the land, will either provide a replacement facility for the GSA Fleet Management Center to be conveyed or the Alaska Railroad Corporation will pay the Administrator for the fair market value of the GSA Fleet Management Center based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid by the Alaska Railroad Corporation. All proceeds derived from the possible sale of the GSA Fleet Management Center would be deposited in the Federal Buildings Fund.

I support this bill to transfer this property, Mr. Speaker, from the GSA inventory to the Alaska Railroad Corporation and particularly want to note, consistent with Transportation and Infrastructure Committee policy and guidance on these transfer matters, that the bill protects the Federal interest.

H.R. 1036 requires either the GSA is provided with a replacement facility or the railroad corporation will pay the fair market value for the building based on an appraisal of the highest and best use. Further, if the building is bought by the railroad, the proceeds will be deposited into the Federal Buildings Fund.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1036, as amended, was introduced by Representative DON YOUNG from Alaska on February 13, and it requires the Administrator of General Services to convey a small GSA property to the publicly owned Alaska Railroad.

The parcel of property is known as the Fleet Management Center. It is located in Anchorage, Alaska. It is currently being utilized as a GSA motor pool, but it is necessary for the planned expansion of the rail yard there in Anchorage.

H.R. 1036 requires the Administrator to sell the property at either fair market value or to exchange the property for a like valued piece of real estate. The value of the property will be determined by an independent appraisal commissioned by the GSA and paid for by the Alaska Railroad Corporation. This bill requires that all the proceeds from the sale be deposited into the Federal Buildings Fund.

Mr. Speaker, I support this measure, and I urge my colleagues to do so.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the chairman of the committee, Mr. OBERSTAR.

Mr. OBERSTAR. I thank the gentlewoman for yielding.

It is very important to move this legislation. The former chairman of our committee, the gentleman from Alaska (Mr. YOUNG), introduced this legislation in the 109th Congress, but for various reasons of logjams, legislative logjams, it just didn't make it to the House floor because of scheduling problems of the House. But it is very important for the Alaska Railroad, which is an entity of the State of Alaska, and the gentleman from Alaska (Mr. YOUNG) has several times talked to me about the need to move this bill. We had it all ready to go in the last Congress, as I said, and I am very happy we are able to bring it up early on in this session of the 110th Congress.

If looked at on its face, it would be a very simple matter to do, a 78,000 square foot parcel of real property in Anchorage, Alaska, needed for the Alaska Railroad's operations. But as we got into it, the Office of Management and Budget and the Congressional Budget Office raised some scoring issues. So in further review of the matter, we found a way to subject the transfer and the transfer of funds to the appropriation process. That removes the scoring issue. The Administrator of GSA will require the Administrator of the Railroad Corporation to pay fair market value of the property based on highest and best use by an independent appraisal, and that independent appraisal will be commissioned by the Administrator of GSA and will be paid for by the Alaska Railroad Corporation. Then that money will be deposited into the Federal Buildings Fund and the whole exercise will be subject to the appropriation process. That way the interests of the Federal Government are fully protected and the entire transaction will be totally transparent. It is a very good outcome. It benefits the GSA. It benefits the Public Buildings Fund of the Federal Government, and it benefits the Alaska Railroad and the State of Alaska.

I know that the gentleman from Alaska (Mr. YOUNG) is very pleased with the outcome, and I want to thank the ranking member of the Subcommittee on Economic Development, Public Buildings, and Emergency Management for his participation through this process and bringing it to a successful conclusion and also the Chair of our subcommittee, Chairwoman NORTON.

With that, I urge passage of this legislation.

Mr. GRAVES. Mr. Speaker, I think the gentleman from Minnesota said it all.

Mr. Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 1036, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 123) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 123

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On June 8, 2007, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2007 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the "event") may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Concurrent Resolution 123.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

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Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 123 authorizes the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The Capitol Police, along with the D.C. Special Olympics, will participate in the torch run to be held on June 8, 2007. The D.C. Special Olympics will work closely with the Capitol Police and the Architect of the Capitol to make sure that the event is in full compliance with rules and regulations governing the use of the Capitol Grounds.

The Law Enforcement Torch Run for the Special Olympics is run nationwide by law enforcement officials leading up to each State's or national Special Olympics summer games. Each year, nearly 50 local and Federal law enforcement agencies in Washington, D.C. participate to show their support of the D.C. Special Olympics. This torch relay event is a traditional part of the opening ceremonies for the Special Olympics. For the fifth year these opening ceremonies will take place at Catholic University in the District of Columbia. This is a worthwhile event attended by thousands of Special Olympians, their families and friends, and I support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 123 authorizes the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run, which will be held June 8, 2007. This event is cosponsored by the U.S. Capitol Police.

The Special Olympics is an international organization dedicated to enriching the lives of children and adults with disabilities through athletics. The U.S. Capitol Police will host the opening ceremonies for the torch run, which will take place on the west terrace of the Capitol. Once lit, the torch will be carried to Fort McNair. An estimated 2,000 law enforcement representatives from more than 60 local and Federal law enforcement agencies will participate in this year's event.

Congress has traditionally supported this worthy cause by authorizing the use of the Capitol Grounds. I encourage my colleagues to join the law enforcement community in supporting the Special Olympics and join me in supporting this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Con. Res. 123, which authorizes the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

Thanks to the tenacity to Eunice Kennedy Shriver and her family, thousands of Special Olympians see their self-confidence, self-esteem, and health increase by participating in the Special Olympics. These games highlight the athletic feats of mentally challenged children and young adults. Confidence and self-esteem are the building blocks for these Olympic Games. Better health, coordination, and lasting friendships are the results of participation.

The Law Enforcement Torch Run for the Special Olympics is run nationwide by law enforcement officers, leading up to each state's and the national Special Olympics Summer Games. Each year, nearly 50 local and Federal law enforcement agencies in Washington, DC, participate to show their support of the DC Special Olympics. This torch relay event is a traditional part of the opening ceremonies for the Special Olympics. Law enforcement officers, who are part of the extensive volunteer network that supports the games, carry the Olympic torch across the Capitol Grounds through the District of Columbia to Catholic University. The Capitol Police, along with the DC Special Olympics, will participate in the torch run to be held on June 8, 2007.

Each year, approximately 2,500 Special Olympians of all ages compete in the DC Special Olympics in more than a dozen events. The event is supported by thousands of volunteers from the District and the region and is attended by thousands more family and friends of Special Olympians.

These games are a wonderful expression of inclusiveness and a confirmation of individual contribution. I enthusiastically support this resolution and the very worthwhile endeavor of the Special Olympics.

I urge my colleagues to join me in supporting H. Con. Res. 123.

Mr. GRAVES. Mr. Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I urge passage, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 123.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PUBLIC WORKS WEEK

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 352) supporting the goals and ideals of National Public Works Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 352

Whereas public works infrastructure, facilities, and services play a pivotal role in the health, safety, and well-being of the people of the United States;

Whereas public works infrastructure, facilities, and services could not be provided without the skill and dedication of public works professionals, including engineers and administrators, representing State and local governments throughout the United States;

Whereas public works professionals design, build, operate, maintain, and protect the transportation systems, water supply infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the citizens, communities, and commerce of the United States;

Whereas the Department of Transportation estimates that every $1,000,000,000 invested in the Nation's highway system creates 47,000 jobs, and every $1 invested in the Nation's highway system generates more than six times that amount in economic activity;

Whereas every $1 invested in public transportation generates as much as $6 in economic returns to the Nation's economy;

Whereas the capital asset program of the General Services Administration is authorized annually to provide Federal employees with necessary office space, courts of law, and other special purpose facilities;

Whereas since 1972 the Nation has invested more than $250,000,000,000 in wastewater infrastructure facilities to establish a system that includes 16,000 publicly owned wastewater treatment plants, 100,000 major pumping stations, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers;

Whereas the Pipelines and Hazardous Materials Safety Administration is charged with the safe and secure movement of almost 1,000,000 daily shipments of hazardous materials by all modes of transportation and oversees the safety and security of 2,200,000 miles of gas and hazardous liquid pipelines, which account for 64 percent of the energy commodities consumed in the United States;

Whereas the National Railroad Passenger Corporation annually provides more than 25,000,000 people with intercity rail service;

Whereas over the next 5 years, 8 airfield projects, including 5 runways, 2 runway extensions, and 1 airfield reconfiguration, will be commissioned providing some of the busiest airports in the Nation with the potential to accommodate more than 400,000 additional annual operations, while decreasing the average delay per operation at these airports by approximately 2 minutes;

Whereas in the report of the Department of Transportation entitled "2006 Status of the Nation's Highways, Bridges, and Transit: Conditions & Performance", the Department confirms that investment in the Nation's highway, bridge, and transit infrastructure has not kept up with growing demands on the system;

Whereas in that report, the Department of Transportation found that to maintain highway, bridge, and transit networks, governments at all levels would need to invest $94,600,000,000 per year for each of the next 20 years, and to improve highway, bridge, and transit networks that level of investment would need to increase to $153,700,000,000 per year; and

Whereas public works professionals are observing National Public Works Week from May 20 through 26, 2007: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Public Works Week;

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve the public infrastructure of the United States and the communities that those professionals serve; and

(3) urges citizens and communities throughout the United States to join with representatives of the Federal Government in activities and ceremonies that are designed to pay tribute to the public works professionals of the Nation and to recognize the substantial contributions that public works professionals make to the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

National Public Works Week is celebrated yearly during the third week of May. The week has been designated by a variety of organizations to celebrate our public works professionals and the critical work that they do to keep our infrastructure and transportation systems working efficiently and economically. House Resolution 352 pays tribute to these professionals, recognizing their work the week of May 20 through 26, 2007.

"Public works" are loosely defined as projects that are carried out for the public good, aptly named because they enable the public to complete its work. Hazardous materials, pipelines, municipal infrastructure such as water supply infrastructure and sewage and refuge disposal systems, and transportation systems, such as rail, highways, airports and public transit, all fall under the public works umbrella.

Our public works are vital to our Nation. Our commerce depends on the shipment of goods through rail, on our roads and through the air. Public transportation provides many with a cost-effective way of travel, while also reducing harmful effects on our environment.

Our public health depends on our water supply infrastructure as well as our sewage and disposal systems. According to a U.S. Geological survey, one person uses an average of 150 gallons of water per day. Although running water is expected in most homes in our Nation, many developing countries still consider this a luxury. Globally, 50 percent of the world's hospital beds are filled with patients suffering from water-borne illnesses, with one child killed every 8 seconds due to water-related sickness.

People in more developed nations, such as the United States, use up to 10 times more water than those in the underdeveloped poor countries. And we do take it for granted. For the importance that they play in our daily lives, our transportation and infrastructure systems and facilities often get the bad end of the deal, that is, although public works are depended on consistently, they receive no glory or praise when accomplishing the job. Rather, many only pay tribute and attention to these public works when they fail, such as sewage line breaks that flood our basements, or levee failures that result in flooded communities.

This legislative session the House has passed several key bills that will improve our water and wastewater infrastructure to further reduce facility and system failure. H.R. 569, the Water Quality Investment Act of 2007, amends the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants. H.R. 700, the Healthy Communities Water Supply Act of 2007, amends the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects.

H.R. 720, the Water Quality Financing Act of 2007, amends the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds.

And lastly, H.R. 1495, the Water Resources Development Act, authorizes water projects and U.S. Corps of Engineers policy changes.

It has been more than 6 years since a water resources bill was signed into law. And although water resource legislation is expected to be signed into law every 2 years, President Clinton was the last White House occupant to take an active role in our country's water and public health needs.

I recognize the importance of public works for our communities and our country, and I am grateful for the administrators, engineers and servicemen who continue to utilize their skills and provide hours of service and dedication to ensure these necessary facilities and systems work for our Nation.

I support this resolution and urge my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 352 is a bipartisan resolution which recognizes the important contributions that public works professionals make every day to improve the public infrastructure of the United States. I represent a coastal district in which healthy water transportation and infrastructure systems add to the economic and environmental prosperity of southeast Virginia. Healthy water transportation and infrastructure systems are not only important to coastal communities, but to every district across the country. To meet these needs, as well as the need for flood protection and environmental restoration, passing a Water Resources Development Act for 2007 is a matter of high importance.

According to separate studies conducted by the Congressional Budget Office, EPA and municipal groups, the current rate of capital investment will not keep our wastewater treatment systems operational. State and local governments are spending approximately $10 billion a year in capital investments in wastewater infrastructure. Most of this funding comes from local ratepayers. For rural towns like those located on the eastern shore of Virginia, this often proves to be an unattainable feat.

Because of the importance public infrastructure places in enhancing our quality of life, improving our environment and contributing to our economic prosperity, it is important for Congress to recognize the contributions that professionals, engineers and administrators make to ensuring America remains the world's premier economic power.

I urge all Members to support H. Res. 352.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Res. 352, supporting the goals and ideals of National Public Works Week.

Our Nation's public works—which consist of transportation systems, water supply infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities—help our country function in an efficient and effective manner. As our public works support our economy, our public health, and our communities' livelihood, we must support the many public works professionals who design, build, operate, maintain, and protect these systems and structures. National Public Works Week is observed for a full week in May each year.

House Resolution 352 pays tribute to public works professionals, celebrating their work the week of May 20 through 26, 2007.

Without our vast network of rail, highways, airports, and public transit, our industries would not have the global reach that they currently utilize each working day. Without these transportation systems, many tourists would not have the chance to experience the vastly different climates and cultures our Nation has to offer.

Without our water supply systems, or our sewage and waste disposal facilities, our communities would not be able to exist and thrive. Simple conveniences that we may take for granted—running water in our homes for cooking and cleaning, and water systems that feed our backyard gardens, as well as our agriculture, factories, and industry—would not be possible without the dedicated work of the public works professionals who keep these facilities moving on a daily basis.

Indeed, it is often only when our systems and facilities fail to work consistently that we appreciate their contribution to our daily routines.

Infrastructure keeps our country working, but in previous legislative sessions, we have not kept working on our infrastructure. In the "2006 Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance" report prepared by the Department of Transportation, the Department confirms that investment in the Nation's highway, bridge, and transit infrastructure has not kept pace with demands on the system.

This Congress, we are working to reverse this unjustifiable trend.

The Committee on Transportation and Infrastructure has taken our public works needs seriously. Since the start of the 110th Congress, the Committee has shepherded four critical water infrastructure bills through the House:

H.R. 569, the Water Quality Investment Act of 2007; H.R. 700, the Healthy Communities Water Supply Act of 2007; H.R. 720, the Water Quality Financing Act of 2007; and H.R. 1495, the Water Resources Development Act of 2007.

It is my hope that this Resolution will reinforce the necessity for our colleagues in the other body to pass similar legislation. It is critical for us to conference these bills without delay, and ask the President to recognize both the needs and the accomplishments of public works and its professionals.

I celebrate our country's transportation and infrastructure.

I urge my colleagues to join with me in supporting House Resolution 352, to honor the professionals who provide the backbone for our transportation and infrastructure systems and facilities.

Mrs. DRAKE. Mr. Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would urge the passage of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 352.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COMMEMORATING MARINAS AND EXPRESSING SUPPORT FOR SIXTH ANNUAL NATIONAL MARINA DAY

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 343) commemorating the marinas of the United States, expressing support for the designation of the sixth annual National Marina Day, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 343

Whereas the citizens of the United States highly value recreation time and their ability to access 1 of the greatest natural resources of the United States, its waterways;

Whereas, in 1928, the word "marina" was used for the first time to define a recreational boating facility;

Whereas the United States is home to over 12,000 recreational boating facilities that contribute substantially to their local communities by providing safe, reliable gateways to boating for members of their communities and welcomed guests;

Whereas marinas of the United States also serve as stewards of the environment, actively seeking to protect their surrounding waterways not only for the enjoyment of the current generation, but for generations to come;

Whereas marinas of the United States also provide their communities and visitors a place where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation; and

Whereas marinas throughout the United States will be celebrating National Marina Day on August 11, 2007: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commemorates the marinas of the United States for providing environmentally friendly gateways to boating for the citizens of, and the visitors to the United States; and

(2) supports designation of the sixth annual "National Marina Day" in order—

(A) to honor the marinas of the United States for their many contributions to their local communities; and

(B) to make citizens, policy makers, elected officials, and employees more aware of the overall contributions marinas make to their well-being.

The SPEAKER pro tempore (Mr. PASTOR). Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 343.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 343, as amended, which would support designation of August 11, 2007, as the sixth annual National Marina Day.

National Marina Day recognizes the central role that marinas play in giving shelter and providing gateways to the nearly 13 million recreational boats registered in the United States. National Marina Day is also intended to recognize the important role that recreational boaters and marina operators play in protecting our Nation's critical marine resources.

Recreational boating is a central part of the tourism and recreation industry in the United States. According to the National Marine Manufacturers Association, in 2005 recreational boating generated an estimated $37 billion in sales and services nationwide. In my own State of Maryland, there are just over 200,000 registered boats. A study by the Maryland Sea Grant program estimated that in 2005 every 7.5 boats in the State supported a job in our State's economy and contributed just over $7,600 in economic activity. Recreational boating contributed an estimated $1.8 billion to the State's gross product.

The millions of Americans who participate in recreational boating activities rely on the estimated 12,000 marinas and associated boating facilities in our Nation to access not only the water, but also the support services that boats and boaters need. An estimated 30 percent of these marinas are owned by municipal or State governments and provide the public with water access at low or limited cost. The remaining 70 percent of marinas are private, and many are owner-operated facilities with long family histories.

Importantly, however, marinas are not only centers where boats can obtain fuel and services. They are also centers providing boating safety and boating education programs intended to help improve the operating proficiency of recreational boaters.

□ 1400

Though 35 States now have some type of operator education or licensing requirement, the National Transportation Safety Board reported in 2007 that more than 80 percent of all recreational boaters have still never taken any kind of boating educational program. Perhaps in large measure as a result of the still limited enrollment in recreational boating safety classes, total deaths in recreational boating exceed deaths in general aviation. Marinas will continue to play a critical role in helping to reduce boating accidents and to lower the number of fatalities associated with recreational boating by organizing and hosting boating education programs to complement the technical services they provide.

I hope that all marina operators through these United States will take the opportunity afforded this year by the National Marina Day to continue their vital effort to expand boating safety programs and efforts. I commend marina operators for their vital role in supporting recreational boating in the United States.

Mr. Speaker, I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 343, which was introduced by my colleague HAROLD ROGERS, recognizes August 11, 2007, as National Marina Day. This resolution acknowledges the significant contributions that marinas provide to so many of our local waterfront communities.

There are over 12,000 marinas in the United States, and these facilities serve as a place where people who share a passion for the water can come together to enjoy our Nation's oceans, lakes and rivers. Marinas also serve as stewards of the environment and actively seek to protect the waterways that surround them.

I represent a district in which recreational boating plays an important role in the lives of many constituents, and marinas provide an easy access point for citizens who wish to enjoy our Nation's waterways. This resolution highlights the importance of marinas and their role in promoting recreational boating and in connecting people to their local waterways.

I urge my colleagues to support this resolution.

Mr. CUMMINGS. Mr. Speaker, I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the gentlelady for yielding me time, and I want to thank the gentlelady and the chairman for ushering this piece of legislation through the committee and on to the floor honoring and acknowledging the contributions of marina owners and operators across this great country.

Whether it is fishing one of the 1,000 lakes in Minnesota, cruising the inland waterways of the Sunshine State, or enjoying the 1,200 miles of shoreline along Lake Cumberland in my district, marinas are America's launching point for millions of boats and boaters seeking to enjoy the beautiful rivers, lakes, bays and oceans.

These marinas employ nearly 140,000 people at over 13,000 operations nationwide, providing safe harbor and supply depots for boaters. In Kentucky, over 130 marina facilities served over 176,000 registered boats in the Commonwealth of Kentucky, from Fishtrap Lake in the east to Lake Barkley out west. In between in my district is the crown jewel of Kentucky's waterways, Lake Cumberland.

Over 5 million visitors a year jet ski, enjoy bass fishing and cruise the 40,000 acres of Lake Cumberland. Lake associated businesses, including the 11 large scale marina operations, generate over $160 million in economic activity for the region.

The lake area is famously dubbed the "Houseboat Capital of the World," made famous by the prominence of world class houseboat manufacturing in Wayne, Pulaski and Russell Counties. These 100-foot houseboats are literally floating homes, with hot tubs, roof decks, full size kitchens, waterslides, grills, kitchens and the like. These boats are great venues for fishing trips, reunions or weekend escapes on the waterways across the Nation.

This resolution, Mr. Speaker, recognizes the essential role marinas and the men and women who own and operate them play in the United States, providing their communities and visitors a place where friends and families can come together for recreation, rest and relaxation.

I thank the committee for bringing this resolution through to the floor. I urge my colleagues to support this resolution and designation of National Marina Day.

Mr. CUMMINGS. Mr. Speaker, I continue to reserve my time.

Mrs. DRAKE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER), the cochair of the Boating Caucus.

Mrs. MILLER of Michigan. Mr. Speaker, I appreciate the gentlelady yielding, and I certainly rise in strong support of House Resolution 343, which commemorates the marinas of the United States and expresses support for the sixth annual National Marina Day.

The purpose of National Marina Day is to inform the public about the important role that marinas do play in our local communities by providing a very safe, family-friendly venue to encourage the recreational boating industry, which can generate literally millions and billions of dollars in economic activity. The positive spin-off effects of marinas encourage the development of all kinds of businesses and restaurants to supplement the marinas' putting people to work.

Actually, in my home municipality of Harrison Township, Michigan, a huge part of our commercial tax base is marinas and recreational oriented businesses, and my congressional district is a shoreline waterfront district as well and our marinas play a very large role in the very identity of our region.

In the Great Lakes region alone, boating and marinas generate $4.3 billion annually. Actually, I grew up in the marina business. It was our family business as well as our hobby. So I know firsthand that marinas also provide an essential venue for recreational boating, which is an important part in creating a very high quality of life in a community.

While increasing access to our Nation's water resources, marinas also play an important role in keeping our Nation's water clean. Marinas provide an appropriate place to dispose of waste materials so that they are not discharged out into the waterways. Operators of marinas often play an important role in organizing cleanup efforts to collect marine debris to keep our waters clean.

Finally, Mr. Speaker, marinas are playing a very important role as well in the defense of our Nation. I say that because they have been partnering with the United States Coast Guard, and the marina operators and their customers are staying vigilant and keeping their eyes open for suspicious activity. Just as our truck drivers are our eyes and ears on the interstate, marina operators and their customers are really our eyes and ears on the waterway as well. Marina operators fill a critical role in keeping our Nation secure along our liquid borders, such as the one that my home State of Michigan shares with our great neighbors of Canada.

So I would certainly urge my colleagues to join me in support of this resolution.

Mrs. DRAKE. Mr. Speaker, I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again I want to thank Mr. ROGERS of Kentucky for this legislation, and I urge my colleagues to vote in favor of it.

Mr. OBERSTAR. Mr. Speaker, I rise in support of House Resolution 343, commemorating the marinas of the United States and expressing support for the designation of National Marina Day on August 11, 2007.

There are more than 12,000 marinas in the United States. They provide services and access for millions of recreational boaters to the lakes, rivers, and bays of the United States. In my State of Minnesota, marinas provide boaters access to thousands of lakes and the headwaters of the Mississippi River.

Each weekend, millions of Americans take to the water from marinas to enjoy fishing, kayaking, sailing, and just cruising down the river enjoying the water. Marinas make all of this happen. They employ more than 140,000 people whose sole purpose is to help boaters enjoy their time on the water safely.

On August 11, 2007, National Marina Day will focus on the role marinas play as safe, family-friendly gateways to boating, and the invaluable service marina operators and owners perform as stewards of the environment. Activities include fishing tournaments, boating safety demonstrations, water sports, and environmental demonstrations.

We also recognize that the role of the marina operator has changed since September 2001. They are helping the Coast Guard and others keep an eye out for suspicious activities on the waterways. Marina operators are on the water every day. They know what is routine—and what looks suspicious. They are keeping a lookout for aggressive behavior, unusual diving, suspicious packages on bridges or terminals, and other activities that appear out of place.

Members of the Committee on Transportation and Infrastructure recognize the waterways of the United States as an important component of our national transportation system. However, these waterways also serve another important purpose: They allow people to have fun on the water. Marinas allow these types of recreational activities to occur.

I thank the gendeman from Kentucky (Mr. ROGERS) for introducing this resolution and urge my colleagues to join me in supporting House Resolution 343.

Mr. WHITFIELD. Mr. Speaker, I rise today in recognition of the National Marina Day. Kentucky's Marinas aye a substantial impact on the Commonwealth's economy. The First District of Kentucky is home to many of the United States' most adored lakes, which provide recreation areas for Kentuckians and important habitats for fish and wildlife.

While it would be too exhaustive to name every lake, two of the largest lakes are Kentucky Lake and Lake Barkley. Together they create the Land Between the Lakes National Recreation Area, LBL. LBL contains nearly 17,000 acres of habitats, trails, and campsites, providing tourists with a wide array of outdoor experiences. A canal connecting Lake Barkley with Kentucky Lake forms one of the greatest freshwater recreational complexes in the country. This site has been used for numerous fishing tournaments and other outdoor events. These lakes are also home to many marinas that facilitate boating and fishing activities. Their presence helps ensure safe and reliable access to our lakes.

On the eastern side of my District is another exhilarating outdoor experience. Lake Cumberland is visited by more than 4.7 million people annually. According to the Travel Industry Association of America, the tourism economic impact for the four-county area, Clinton, Pulaski, Russell, Wayne, with access to the lake is $152.6 million. Recently, the U.S. Army Corps of Engineers began a rehabilitation project at the Wolf Creek Dam on Lake Cumberland, which has impacted some of the marinas in the area. However, the lake continues to be a great recreation and vacation spot, and we welcome visitors to come enjoy the opportunities available at the lake.

Marinas are instrumental to recreation and tourism and that is why I stand today in support of this industry. I ask that my colleagues do the same by voting in favor of H. Res. 343 sponsored by U.S. Representative HAL ROGERS.

Mr. CUMMINGS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PASTOR). The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 343, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 79) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 79

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (in this resolution referred to as the "Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on June 16, 2007, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Con. Res. 79.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution authorizes the use of the Capitol Grounds for the 2007 Greater Washington Soap Box Derby. As with all events on the Capitol Hill, this event will be open to the public and free of charge. The event organizers will work with the Office of the Architect of the Capitol and the Capitol Hill Police to ensure all rules and regulations will be followed.

The 2007 Greater Washington Soap Box Derby takes place on Constitution Avenue between Delaware Avenue and Third Street, N.W., on June 16, 2007. This event has been held on the U.S. Capitol Grounds since 1991 and has attracted over 50 participants, ranging in ages from 8 to 17. Participants competing in the event will come from the metropolitan Washington, D.C. area. The D.C. metropolitan race winners from each age division will meet later in the summer in Akron, Ohio, to compete in the All American Soap Box Derby.

Mr. Speaker, I strongly support the resolution and reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 79 authorizes the use of the Capitol Grounds for the 66th Annual Greater Washington Soap Box Derby to be held on June 16, 2007. The event is open to the public and free of charge.

The Greater Washington Soap Box Derby is one of the largest qualifying races in the country. The races take place on Constitution Avenue between Delaware Avenue and Third Street, N.W. Participants are residents of the Washington Metropolitan area and range in age from 8 to 17. They compete in three open divisions depending on their level of expertise. The winners of these races will represent the Washington Metropolitan Area at the national finals held annually in Akron, Ohio.

The Annual Soap Box Derby is a wonderful summer tradition. I support this resolution, which continues our custom of authorizing the use of the Capitol Grounds for this exciting event, and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER), the majority leader, who is the sponsor of this resolution, one who has constantly put children first.

Mr. HOYER. I thank my friend for yielding and I congratulate him on his leadership of this subcommittee and his leadership in our State of Maryland. I am proud to be Mr. CUMMINGS' colleague. I also thank the gentlelady from Virginia for her leadership in bringing this matter to the floor.

Mr. Speaker, I proudly sponsor this resolution allowing the Greater Washington Soap Box Derby Association to hold the 66th Annual Greater Washington Soap Box Derby on the Capitol Grounds on Saturday, June 16.

□ 1415

Our Nation's tradition of soapbox racing began, Mr. Speaker, as you may know, in 1934, when Myron E. Scott, a photographer for the Dayton Daily News, saw boys racing engineless cars down a hill. This inspired Mr. SCOTT to hold a race and award the winner with a "loving cup."

The first year, the race took place in Dayton, Ohio. The following year the race moved to Akron due to the city's numerous hills. With the hard work of countless civic organizations, a permanent track site for the youth racing classic was created with the assistance of the Works Progress Administration, affectionately known as the WPA.

Soapbox derby racing in our Nation's Capital has a long and rich tradition as well. In 1938, Norman Rocca beat out 223 other racers to win the inaugural Greater Washington Soapbox Derby, which was then held on New Hampshire Avenue.

Over the years, thousands of the region's young people have participated in this great race. Although the location has moved from the original site on New Hampshire Avenue to Capitol Hill, the essence of the race has remained the same: homemade gravity-powered cars, the spirit of competition, and the pure joy of racing.

The soapbox derby consists of dozens of drivers, both boys and girls, ranging in ages from 8 to 17. These racers are divided into three divisions: stock, superstock and masters. The local winner of each division will automatically qualify to compete with racers from around the world in the 70th All-American Soapbox Derby in Akron, Ohio, on July 26.

The festivities in Akron begin when the racers receive a police escort into town and conclude in the winner's circle with the awarding of scholarships and merchandise. In between, the racers and their families participate in a whirlwind of activities that leave them with enduring friendships and memories that last a lifetime.

Mr. Speaker, this event has been called "the greatest amateur racing event in the world," and it is an excellent opportunity for the contestants from the District of Columbia, Maryland and Virginia to learn basic building skills while gaining a real sense of accomplishment and competition.

I strongly encourage my colleagues to join with me and the other original cosponsors, Representatives FRANK WOLF, JAMES MORAN, ELEANOR HOLMES NORTON, AL WYNN, and CHRIS VAN HOLLEN, as well as Mr. CUMMINGS and Mrs. DRAKE, in supporting this resolution, which honors such an extraordinary and in some respects uniquely American event here on Capitol Hill.

Mr. OBERSTAR. Mr. Speaker, I join the Majority Leader (Mr. HOYER) and Ms. NORTON, along with Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. WOLF, and Mr. WYNN in supporting House Concurrent Resolution 79, to authorize use of the Capitol Grounds for the Greater Washington Soap Box Derby. I especially want to acknowledge the dedication of Mr. HOYER, who faithfully introduces this resolution each year to authorize use of the Capitol Grounds for this wonderful event.

This annual event encourages all boys and girls, ages eight through 17, to construct and operate their own soap box vehicles. The Washington event, which attracts a great number of spectators and extensive media coverage, has grown in size and has become one of the best-attended events in the country. The winner in each of three age divisions wins a trip to the national race in Akron, Ohio. The Washington Soap Box Derby is supported by hundreds of volunteers and parents.

The principles of aerodynamics are combined with fun and excitement for all participants and their families in the Greater Washington area. It is an excellent opportunity for parents to have direct involvement in their children's activities. The derby's mission is to provide children with an activity that promotes technical and social skills that will serve them throughout their lives.

This year, the Greater Washington Soap Box Derby is scheduled for June 16.

I urge my colleagues to join me in supporting House Concurrent Resolution 79.

Mrs. DRAKE. Mr. Speaker, I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I urge my colleagues to vote for this wonderful resolution, and with that I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 79.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROMOTING NATIONAL SAFE BOATING WEEK

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 386) recognizing the Coast Guard, the Coast Guard Auxiliary, and the National Safe Boating Council for their efforts to promote National Safe Boating Week, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 386

Whereas recreational boating is one of our Nation's most popular pastimes, with an estimated 78,000,000 recreational boaters in the United States and nearly 13,000,000 recreational vessels registered;

Whereas the number of recreational boating fatalities has declined by more than half since 1970, thanks to the increased use of life jackets, cooperative boating safety education, enforcement efforts between the Coast Guard and State governments, and safer vessels and equipment manufactured in accordance with Coast Guard standards;

Whereas recreational boating accidents have nevertheless claimed the lives of 697 Americans in 2005, more than half of whose lives could have been saved with the proper use of a personal flotation device;

Whereas a continued emphasis on accident prevention can reduce recreational boating fatalities still further, and in particular deaths by drowning, which remain the leading cause of recreational boating fatalities; and

Whereas boating safety organizations, with the support of the Coast Guard and the Coast Guard Auxiliary, have proposed designating the week of May 19 through 25, 2007, as National Safe Boating Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports initiatives for recreational boating safety education and accident prevention to minimize the number of annual recreational boating fatalities;

(2) recognizes the Coast Guard, the Coast Guard Auxiliary, and other boating safety organizations for their efforts each year during May to highlight the importance of safe recreational boating; and

(3) supports the goals of National Safe Boating Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 386.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise today in support of H. Res. 386, as amended.

This resolution recognizes the goals of National Safe Boating Week and recognizes the Coast Guard and the Coast Guard Auxiliary for the outstanding work that they do to keep boaters safe and to rescue those in distress at sea.

Like so many other of the critical safety awareness campaigns in the transportation field, National Safe Boating Week came about through the dedication of a concerned voluntary group. The North American Safe Boating Campaign began some 50 years ago this year. In 1958, a year after the campaign began, Congress passed a joint resolution that authorized and requested the President to designate the week prior to Memorial Day weekend as National Safe Boating Week.

In keeping with this tradition, this year, on May 10, President Bush again designated the week before Memorial Day as National Safe Boating Week. According to the Coast Guard, as of 2005, there were just under 13 million registered recreational boats in the United States. In 2005 a total of 4,969 recreational boating accidents were reported to the Coast Guard, although it is likely that there were many more accidents that were never reported.

According to the Coast Guard, the leading types of recreational boating accidents were collisions and falls overboard. Careless inattention on the part of a boat's operator was the largest single cause of recreational boating accidents in 2005.

However, the use of alcohol was the largest cause of accidents that resulted in fatalities. Simply put, mixing boats and alcohol can yield the same fatal results that mixing cars and alcohol can yield. In 2005, recreational boating accidents caused nearly 3,500 injuries and nearly 700 deaths. Total deaths in 2005 were down approximately 25 percent below the total of 924 fatalities experienced in 1991. Unfortunately, however, recreational boating deaths in 2005 increased after 3 straight years of steady decline.

The Coast Guard reports that of the nearly 700 people who died in recreational boating accidents in 2005, 491 died as a result of drowning and 426 of those who drowned were not wearing a life jacket. In my own State of Maryland, 13 of the 15 people who died in recreational boating accidents drowned.

In response to the prevalence of drowning as the cause of death among recreational boaters, the theme of this year's National Safe Boating Week is simply "Wear It." This imperative emphasizes the singular importance of the use of personal flotation devices during recreational boating.

Importantly, however, it is not enough merely to have a personal flotational device on board a boat. Recreational boaters must familiarize themselves with the use of life jackets and should also take the time to experience swimming while wearing the device.

I commend all those in our Nation's boating clubs who work year round to train recreational boaters on safe boating practices and to maintain awareness of safe boating practices.

In closing, I want to recognize the outstanding work that the Coast Guard performs preserving life at sea. I have often said they are our thin blue line at sea, and that they are. Last year the Coast Guard saved more than 4,400 lives in the course of its search and rescue operations, many of which were performed under very difficult and dangerous circumstances.

Just yesterday, we were again reminded of the incredible dedication and skill that the Coast Guard brings to their work when they coordinated the successful evacuation of a reported 281 passengers and crew members from the Empress of the North cruise ship off the coast of Alaska.

Finally, I want to remember the Coast Guardsmen who have been lost this year, and all who have died in our Nation's service. I thank all of the members of the Coast Guard for their outstanding work. I also thank them for their work in the gulf coast during the Hurricane Katrina storm.

Mr. Speaker, I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced House Resolution 386 last week which recognizes the important work of the Coast Guard, the Coast Guard Auxiliary, and National Safe Boating Council in promoting boating safety.

I represent a district in which recreational boating plays an extremely important role in the lives of many constituents. Sailors, water sports enthusiasts, and fishermen are active recreational boaters in the Chesapeake Bay and in Virginia's coastal waters.

Recreational boating is one of the Nation's most popular pastimes, and while the number of recreational boating fatalities has declined by more than half since 1970, many lives are still lost each year. And, unfortunately, Mr. Speaker, there are far too many of us who have lost friends or family members.

More than half of these lives could be saved with the proper use of boating safety equipment. The Coast Guard and States continue to work closely together to promote boating safety and to decrease the number of accidents, injuries and fatalities on U.S. waters, and they should be commended for their efforts.

Congress took action in 2005 to support State and Federal boating safety programs by establishing the Sport Fishing and Recreational Boating Safety trust fund. In fiscal year 2006, more than $92 million in recreational boating safety State grants were provided to the States and U.S. territories from revenues that were wholly derived from Federal taxes on marine fuels and fishing equipment. This funding supports programs that encourage the use of personal flotation devices and other safe boating practices and are critical in safeguarding the recreational boating public.

This resolution highlights the importance of safe recreational boating, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, we have no additional speakers, so I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in very strong support of H. Res. 386, commending the efforts of the United States Coast Guard, the Coast Guard Auxiliary, and the National Safe Boating Council for their efforts to promote National Safe Boating Week.

I actually grew up in the boating industry. My family was in the marine business and still today our family hobby is boating. As well, I serve as cochair of the Congressional Boating Caucus, and I know firsthand the benefits and enjoyment to be had from boating, but also the serious risks associated with irresponsible boating practices.

While my home State of Michigan actually has the third most registered boats of any State in the Nation, unfortunately that great enjoyment of our nautical culture goes hand in hand with the many stories each year of boating accidents. We hear about persons lost overboard, or collisions or just reckless boating which results in accidents each year, many of them sadly ending in death that occurred while individuals were enjoying their favorite activity out on the water.

The Coast Guard, the Coast Guard Auxiliary, and the National Safe Boating Council have taken it upon themselves to promote safe boating practices every day of the year, but especially they emphasize these goals during National Safe Boating Week. House Resolution 386 commends these groups for their service in this field.

Mr. Speaker, some of the principles that are espoused by the National Safe Boating Week include the proper use of personal flotation devices or observing the rules of the road like who has the right-of-way, just understanding port from starboard, attending a boating education course, and avoiding the use of alcohol while operating a boat. All of these things can significantly cut down on the number of on-the-water accidents and help everybody enjoy their time on the lakes, rivers, bays, and oceans we are absolutely so very blessed to have in our great country.

It is my pleasure to support this resolution, as well as all of the groups that it commends. In fact, I want to make note that my congressional district is a shoreline district and I also want to say thanks as well to all of the sheriff's marine divisions that operate not only in my counties but all around the Great Lakes basin and throughout our great Nation as well. They play a critical role in keeping our waterways safe. I urge my colleagues to support this resolution.

Mrs. DRAKE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the gentlelady for the time.

Mr. Speaker, I think that the introduction of this legislation is very important, because it honors our Coast Guard, our Coast Guard Auxiliary and the National Safe Boating Council.

I would also like to take this opportunity to thank the brave men and women of our Coast Guard and our Coast Guard Auxiliary, including those that work at Coast Guard Sector Key West in my congressional district. They work night and day to keep our Nation's waterways safe. Without their tireless dedication and outstanding service, we would not have such a superb safety record on our oceans, on our lakes and on our rivers.

Recreational and commercial boating is also a big part of life for my district, Congressional District 18 in Florida, and our citizens truly appreciate the hard work and the dedication of the Coast Guard patrolling our Nation's waters.

I will also once again express my deep appreciation for the remarkable work that our Coast Guard and Auxiliary does on behalf of the public as we celebrate the upcoming National Safe Boating Week, and I thank the gentlelady for introducing this legislation.

Mrs. DRAKE. Mr. Speaker, I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself the balance of my time.

Very briefly, we want to again congratulate Mrs. DRAKE on the sponsorship of this legislation. It is very important.

One of the things our Subcommittee on the Coast Guard just recently had, we had a hearing with regard to fishing safety. One of the interesting things that came forth during that discussion and during that hearing was how the industry was so very much interested in making sure that there was boating safety, and they wanted to make sure that their industry was regulated.

☐ 1430

That was very pleasing to our ears. So it is with that, Mr. Speaker, I urge all of my colleagues to vote in favor of this legislation.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of House Resolution 386, recognizing the Coast Guard, the Coast Guard Auxiliary, and other boating safety organizations for their efforts to promote National Safe Boating Week.

National Safe Boating Week is really about educating boaters. In 2005, there were 697 boating fatalities in the United States. The leading cause of death in a boating accident is drowning. Of the 491 people that drowned in 2003, almost 90 percent were not wearing a lifejacket. It is estimated that more than 50 percent of these deaths could have been prevent by proper use of a Personal Flotation Device.

The Coast Guard Auxiliary, and its 27,000 members, are on our Nation's waterways every day conducting voluntary safe boating examinations and educating the public about safe boating practices. In addition, the Auxiliary conducts harbor patrols, assists in search and rescue and marine environmental protection, and conducts boating safety courses; volunteering more than 2 million hours annually to benefit their fellow boaters.

Boating safety organizations, such as the National Safe Boating Council, educate recreational boaters about safety issues. As the summer boating season begins, they have some simple recommendations for boaters:

Do wear a Life Jacket. They Float. You Don't.

Don't mix alcohol and boating.

Do observe the nautical rules-of-the-road.

Don't stand in a small boat.

Do check the weather forecast before getting underway.

Don't overload your boat.

Do keep a good lookout.

Mr. Speaker, this House should help educate the boating public about prudent safety measures that can help save their lives.

I strongly urge my colleagues to join me in supporting House Resolution 386 and help bring more attention to the importance of boating safety.

Mr. CUMMINGS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 386, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution recognizing the Coast Guard, the Coast Guard Auxiliary, and other boating safety organizations for their efforts to promote National Safe Boating Week".

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL EOSINOPHIL AWARENESS WEEK

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 296) supporting the goals and ideals of National Eosinophil Awareness Week, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 296

Whereas the term "eosinophilic disorders" is a general term used to describe a group of diseases and disorders caused by the production of too many white blood cells called eosinophils;

Whereas eosinophilic disorders patients suffer from their immune system attacking their body's own normal, healthy tissue, resulting in inflammation or swelling;

Whereas an estimated 50,000 people are affected by eosinophilic disorders in the United States, many of whom remain undiagnosed or misdiagnosed;

Whereas inflammatory eosinophilic disorders are thought to be both allergic and autoimmune diseases, such that the body's immune system, which normally fights infections and viruses, mistakes common food proteins and environmental allergens as foreign;

Whereas eosinophilic disorders cause chronic illness that significantly impacts a person's quality of life and ability to attend school and work, and dramatically alters dietary lifestyles;

Whereas some eosinophilic disorders cause life-threatening and sometimes fatal illnesses by causing inflammation of the vital organs, such as the heart, lungs, kidney, and gastrointestinal tract;

Whereas eosinophilic disorders are difficult to diagnose and treatment is often delayed, resulting in unnecessary suffering;

Whereas many patients with eosinophilic disorders often have severe long-term disabilities as well as the severe limitations imposed by the disease itself;

Whereas some eosinophilic disorder patients will suffer permanent irreversible organ damage as a result of delays in diagnosis and proper treatment; and

Whereas the American Partnership For Eosinophilic Disorders has identified the third week of May as an appropriate time to recognize National Eosinophil Awareness Week in order to educate communities across the Nation about eosinophilic disorders and the need for research funding, accurate diagnosis, and effective treatments: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Eosinophil Awareness Week; and

(2) encourages health care providers and the American Partnership for Eosinophilic Disorders to increase education and awareness regarding eosinophilic disorders.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentlewoman from North Carolina (Mrs. MYRICK) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 296, recognizing National Eosinophil Awareness Week, and I commend my colleague Congressman JOHN LARSON for bringing attention to this issue.

Eosinophilic disorders are devastating as patients literally suffer from an attack on their bodies by their own immune systems. They are chronic disorders that have no cure and can even be fatal. Because they are rare, patients often go undiagnosed or misdiagnosed.

And as a nurse, I have seen intimately how heartbreaking it is for a patient and his or her family to go through test after test while suffering all the while from an unidentifiable condition.

That is why I support this resolution, calling for greater awareness of eosinophilic disorders and encouraging health care providers to increase education about these diseases.

I urge my colleagues to support this resolution as well.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to speak on behalf of this bill which does promote awareness about eosinophil disorders. These are little known disorders that are thought to be both allergic and autoimmune in nature. The body produces white blood cells in higher than normal amounts, and it attacks food proteins and tissues as a result.

The patients who have this chronic disease suffer a variety of symptoms, and of course it is sometimes life-threatening. As of now, there's no known cure.

I know Mr. LARSON is going to be speaking on this because he personally has firsthand knowledge.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I am pleased to yield such time as he may consume to my colleague from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentlewoman from California for yielding but also for her continued outstanding service in the United States Congress and bringing the knowledge of her profession and her expertise to this body on a regular basis and especially the compassion that's needed for so many of those who suffer from eosinophilic disorder, more than 50,000 in this Nation.

I want to applaud my colleague from North Carolina, also, Representative MYRICK, for her cosponsoring this legislation and understanding as well the importance that this has for so many families who oftentimes are the ones who suffer along with the patient because of lack of diagnosis, and then also because of the way Representative CAPPS has described the nature of this disease, what it does to the patient that it attacks when the white blood cells in your own system begin to attack itself and creates the disorders that it does, often resulting in people having to be fed by tubes. You can imagine the tremendous stress that this causes on the parts of parents and of course family members.

This bill comes before us not because of me, but because of a courageous woman like LOIS CAPPS and like SUE MYRICK who understand what families go through when they face issues like this.

I was fortunate to have Dr. Wendy Book from my district in Connecticut, who resides in Gastonbury, a doctor herself, as well as her husband, come before me to talk about this disorder because of their desire to make sure that the Nation be made aware of what so many children are suffering from.

She was joined by Beth Mays, who together are the co-founders of the American Partnership for Eosinophilic Disorders. When Dr. Book's son Ryan was sick before his first birthday, doctors sent him home with a feeding tube and no explanation for his mysterious illness. This illness went undiagnosed for 2 more years. Now, this Ryan, his parents are doctors. They are in the field, and so for doctors to be as confounded by a lack of understanding or a diagnosis, imagine the consternation that they feel, and then exemplify that by how other parents must feel who do not come from similar professions.

And so they felt in founding this organization, this partnership, that what was needed across the country was awareness and understanding. Quite frankly, what's also needed is funding, but it has to start in a place of education, awareness and understanding, and as most pieces of critical legislation do, it comes not from a Member of Congress, but it comes from a constituent, a citizen, who has the temerity to stand up and speak out for suffering that a neighbor or one of their own children is going through.

As Mrs. CAPPS pointed out, sometimes there is no cure or the diagnosis eludes all the best efforts of professions, but it is getting better, and with awareness, they know they can deal with this going forward.

Hospitals in Cincinnati, and most notably, the Children's Hospital of Philadelphia, where I visited personally, are working hard at identifying this disorder and helping parents and working with them. I want to commend the work of Dr. Chris Lancouris and Dr. Jonathan Spergel and especially Michelle Shuker who spent so much time dealing with the parents and helping them through this process.

As someone who has a son who has an illness that has gone undiagnosed, I empathize deeply with parents who go through this experience and understand deeply the need for education, the need for better understanding, and the responsibility that we share as Members of Congress to do our part, to first educate the public with respect to this disorder, but then secondly and more hopefully, to make sure that we follow through by funding and assisting.

But what you have to step back and admire, however, is the courage of these parents who, without their love and devotion and care for their children, without their consistent nurturing and support, you wonder what would happen to these children. But because of their courage and because of their ability to come forth and speak out about this, hopefully through resolutions like this and greater understanding we will be able to assist them and help them and assist families, and their not-for-profit organization will get the support that it needs, will create the understanding that it needs and provide the much needed relief for the children who are afflicted and the families that deal with this problem.

So I thank Representative CAPPS and I thank Representative MYRICK and a number of cosponsors on this legislation for having come forward and assisted in bringing this to the forefront.

There will be members from this association on the Hill tomorrow going to various House Members and to their offices and talking with them and their staff about this disorder. Please listen to them. Take them into your heart. It is an important issue and vital not only for their children, their families, but I dare say for all of us in the country. It speaks volumes to the better angels that we have here in the United States Congress and our willingness to reach out and assist the constituents we are sworn to serve.

Mrs. MYRICK. Mr. Speaker, I have no more speakers, and I would like to inquire of the gentlewoman if she has any more speakers.

Mrs. CAPPS. I have no more speakers.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time.

Mrs. CAPPS. As I indicated, I have no more speakers, either, but I do want to say a word of thanks to my colleague from North Carolina. We serve on the same committee. This is an issue that we both care about, but particular thanks to my colleague from Connecticut for reaffirming in me one of the major reasons that I am pleased to be part of this body, which was illustrated by his comments regarding his constituent.

As he observed their personal experience and was able to relate some of his own is when we do the work of the people, to carry the pain and suffering, if you will, the unanswered questions and the concerns, and to do the people's work by first creating an awareness of a situation. We have many issues before us, but for a family with a person diagnosed with an eosinophilic condition, it is a major, major part of their lives.

And we owe a responsibility and it is a privilege and a honor to carry their concerns to this body, to take this first step of recognition and to be welcoming to those who come with personal experiences to our office doors tomorrow and then to learn what the next step after this one might be and to stand ready as elected officials to work on behalf of those who simply desire to relieve the pain and suffering of dear and loved members of their family.

So I thank both of my colleagues for bringing this to the floor.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 296.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 634, by the yeas and nays;
H.R. 692, by the yeas and nays;
H.R. 916, by the yeas and nays;
H.R. 1700, by the yeas and nays;
H.R. 1773, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMERICAN VETERANS DISABLED FOR LIFE COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 634, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 634, as amended.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 345]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Bartlett (MD)
Brady (PA)
Cubin
Davis, Jo Ann
Engel
Fattah
Gutierrez
Hunter
McMorris Rodgers
Miller (FL)
Nadler
Paul
Pickering
Pitts
Tancredo
Wasserman Schultz

□ 1510

Mr. STEARNS changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ARMY SPECIALIST JOSEPH P. MICKS FEDERAL FLAG CODE AMENDMENT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 692, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. STUPAK) that the House suspend the rules and pass the bill, H.R. 692, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 4, not voting 20, as follows:

[Roll No. 346]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—4

Campbell (CA)
Flake
Sessions
Shadegg

NOT VOTING—20

Bachus
Bartlett (MD)
Brady (PA)
Cubin
Davis, Jo Ann
Engel
Fattah
Gutierrez
Hastert
Hunter
McMorris Rodgers
Miller (FL)
Nadler
Paul
Peterson (PA)
Pickering
Pitts
Sali
Tancredo
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes left in this vote.

□ 1516

Mr. NUNES changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JOHN R. JUSTICE PROSECUTORS AND DEFENDERS INCENTIVE ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 916, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 916, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 341, nays 73, not voting 18, as follows:

[Roll No. 347]

YEAS—341

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Poe

Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—73

Aderholt
Akin
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Blackburn
Blunt
Boehner
Brown (SC)
Burton (IN)
Campbell (CA)
Cannon
Cantor
Coble
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Doolittle
Duncan
Ellsworth
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Graves
Hastert
Hayes
Hensarling
Herger
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kline (MN)
Kuhl (NY)
Lamborn
Lewis (KY)
Mack
Manzullo
Marchant
McHenry
Miller, Gary
Myrick
Neugebauer
Pence
Petri
Rehberg
Reynolds
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Souder
Stearns
Sullivan
Thornberry
Walden (OR)
Walsh (NY)
Weldon (FL)
Young (AK)

NOT VOTING—18

Bartlett (MD)
Brady (PA)
Buyer
Cubin
Davis, Jo Ann
Engel
Fattah
Gutierrez
Hunter
McMorris Rodgers
Miller (FL)
Nadler
Paul
Pearce
Pickering
Pitts
Tancredo
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes are left in this vote.

□ 1524

Mr. MARCHANT and Mr. GRAVES changed their vote from "yea" to "nay."

Mr. KINGSTON changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COPS IMPROVEMENTS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1700, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1700, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 381, nays 34, not voting 17, as follows:

[Roll No. 348]

YEAS—381

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—34

Bachus
Barrett (SC)
Buyer
Campbell (CA)
Cannon
Conaway
Deal (GA)
Doolittle
Duncan
Ehlers
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Herger
Inglis (SC)
Johnson, Sam
Kingston
Lamborn
Linder
Lungren, Daniel E.
Mack
Manzullo
McKeon
Pence
Rohrabacher
Sali
Sensenbrenner
Sessions
Shadegg
Weldon (FL)
Young (AK)

NOT VOTING—17

Allen
Bartlett (MD)
Brady (PA)
Cubin
Davis, Jo Ann
Engel
Fattah
Gutierrez
Hunter
McMorris Rodgers
Miller (FL)
Nadler
Paul
Pickering
Pitts
Tancredo
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes left on this vote.

□ 1532

Mr. MACK and Mr. GINGREY changed their vote from "yea" to "nay."

Mr. PEARCE changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ALLEN. Mr. Speaker, in roll call 348, which I just missed a minute ago, the COPS Improvements Act of 2007, I am a strong supporter of that bill. That bill provides, we believe, 165 police positions in my home State of Maine. I certainly intended to vote for that bill and would have had I been in the Chamber at that moment.

SAFE AMERICAN ROADS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1773, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 1773, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 3, not voting 18, as follows:

[Roll No. 349]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Cuellar
Flake
Gonzalez

NOT VOTING—18

Bartlett (MD)
Brady (PA)
Braley (IA)
Cubin
Davis, Jo Ann
Engel
Fattah
Gutierrez
Hunter
Marchant
McMorris Rodgers
Miller (FL)
Nadler
Paul
Pickering
Pitts
Tancredo
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes left on this vote.

☐ 1539

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from the Chamber today. Had I been present, I would have voted "yea" on rollcall votes 345, 346 and 347, 348, and 349.

WAR IN IRAQ MUST BE WON

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to publicly condemn the recent remarks of Senator HARRY REID, the majority leader of the United States Senate. For the leader of one of the greatest legislative bodies in the world to concede defeat in Iraq is a sad commentary on the state of politics in our Nation.

Our troops are the finest fighting force this world has ever known. Our generals are among the finest military minds in the world. My faith is with these brave men and women who put their lives on the line each day in battle, and not on the political choices of a Washington, DC politician.

The American public does not want our troops to shuffle out of Iraq with our tails between our legs. America wants to achieve victory in the global war for freedom, a battle whose center is in the Middle East and in Iraq. Defeatist comments like "the war is lost" should be condemned by any freedom-loving Member of this body.

DEFENDING SENATOR REID

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I just happened to be on the floor when I heard the last speaker talking about Senate majority leader HARRY REID and condemning his comments.

I have known Senator REID since I was a high school senior at Valley High School in Las Vegas, Nevada. I don't know a public servant who has devoted more of his life to this country, his State and his community than Senator HARRY REID.

Now, I can't account for everything this man has ever said, but to get on the floor of the House of Representatives and condemn a true patriot, somebody who cares passionately about his fellow citizens and somebody that stays awake at night because of the loss of life and limb in Iraq, to condemn that person on the floor of the House of Representatives I think is a disgrace. And if I didn't stand up and say something, I would never forgive myself.

PULLING OUT OF IRAQ WILL MEAN DEATH SENTENCE TO IRAQI GOVERNMENT OFFICIALS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, you know, one of the questions that I never hear asked and certainly don't hear answered by those who want to pull out of Iraq, like HARRY REID, who says the war is already lost, I have a question for him and others who say that the war is lost. As soon as America pulls out, the people like al Maliki, or Deputy Prime Minister Saleh, who was here in the Capitol last week, it would be a death sentence to them. All those folks who stepped forward who bought into the American and international concept of freedom and self-government and democracy, they will be executed.

Now, what are we going to do? Are we going to give amnesty to political refugees, 50,000, 100,000? Maybe those on the left have an estimate of how many people we would open our border to.

But I can say this: There is no question about it, these folks who stepped forward to try to build a new government will be executed. Their children will be executed. Their spouses will be executed. Their grandparents will be executed. So inevitably we will open up the borders to them as political refugees. My question is, how many of those will we let in, and can we do that now on a bipartisan basis?

☐ 1545

SUPPORTING THE PRESIDENT IN THE WAR IN IRAQ

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, I heard the gentlelady speak a moment ago about some of the statements made about Majority Leader REID in the Senate, and she condemned people for criticizing him for what he said about the war being lost. But I haven't heard anybody over there say anything good about the President, who is trying to protect us against terrorism around the world, which is emanating from the Middle East and al Qaeda. Al Qaeda are the ones that are running the opposition to the United States troops over there right now.

We were attacked by al Qaeda. We were going to go to war to stop terrorism against al Qaeda. And nobody is saying anything good about the President, who is trying to protect this country, and if we say one thing about the majority leader on the other side we are supposed to be condemned. I don't understand it. I just don't understand it.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SARBANES). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE 147

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, under the hot summer-like sun of today, several thousand peace officers dressed in their bright uniforms, along with citizens, paid tribute to the 147 peace officers killed in service to America in 2006. Also honored were the families, the spouses, the children, the parents of these peace officers. This service today was held on the West side of the Capitol. It was attended by some of us in Congress and the President of the United States spoke.

The wind blew the flags of the 50 States. They were held by peace officers, and the bagpipes played a solemn tribute in the background to these 147 peace officers. It was a fitting event sponsored for the 26th year of the Fraternal Order of Police.

Mr. Speaker, I have known a lot of police officers for the last 30 years. I was a prosecutor for 8 years in Texas, and then a criminal court judge for 22 years. I came to know a lot of them. Those rare and noble breed that wear the badge of a peace officer are remarkable people. I have even known some that have given their lives in the line of duty for the rest of us.

Peace officers that patrol the small towns or the big cities or the vastness of our counties, whether they are local, State or Federal officers, are America's first line of defense against the lawless, the criminals, the outlaws that live to steal, murder, rob and assault America. Keeping the peace this last year cost 147 men and women from across the Nation their lives. I will submit the names of these 147 names for the record.

Peace officers are all that stand between the law and the lawless. They stand between the good and the evil. They stand between the people and the criminals. When they wear the badge, they are the protector of America's people and the public servant of all communities.

They are on patrol 24 hours a day, so that the rest of us can go about our lives in peace. When we are fearful, they are fearless, and when we flee from terror, they run to terror. They are a cut above the rest of us. They are a true example of the public hero.

So we do not forget the fallen and forget what they have done with this solemn reference today, we remember the 147.

And that's just the way it is.

Mr. Speaker, I include the names of the peace officers killed in the line of duty in 2006 for the RECORD.

PEACE OFFICERS KILLED IN THE LINE OF DUTY IN 2006

ALABAMA

Anthony Maurice Andrews, Micah Joe Burks, Keith Edwin Houts, Mary Freeman Smith.

ARIZONA

Robert Daniel Targosz, Kevin Louis Weeks.

ARKANSAS

Stacy Edward McMurrough, James Walter Sell.

CALIFORNIA

G. John Bailey, Pierre Walter Bain, Kyle Russell Ballard, Daniel S. Bessant, Nich Tomasito Birco, Brent William Clearman, Landon Michael Dorris, Scott Anthony Hanson, William Joseph Hudnall Jr., Richard Allen May Jr., Jeffrey Vaughn Mitchell, David Stan Piquette, Maria Cecilia Rosa, Earl Harwood Scott, Darryl Takeo Tsujimoto, Bryan D. Tuvera.

COLORADO

Jared Scott Jensen, Kenneth C. Jordan, Michael Del Thomas.

CONNECTICUT

Daniel Patrick Picagli.

DISTRICT OF COLUMBIA

Gerard Walter Burke Jr.

FLORIDA

Phoenix Montana Braithwaite, Michael Anthony Callin, Christopher Cooper Daniels Sr., Margena Silvia Nunez, John Michael Piskator, Ryan Christopher Seguin, Juan A. Serrano, Brian Keith Tephford, Vernon Matthew Williams.

GEORGIA

Peter William Faatz, Michael William Larson, John William McKinney, Dennis Carmen Stepnowski, Joseph Tim Whitehead Jr., Dennis Christian Wright Sr., Michael Douglas Young.

HAWAII

Steve Bastidas Favela.

ILLINOIS

Jeremy Chambers, Thomas Alan Cook, Elizabeth Mazella Edwards, Brian Keith Gibbons, James F. Knapp, Rodney Todd Miller, Eric Solorio, Thomas T. Wood.

INDIANA

Gary E. Dudley, Gary L. Martin, Scott Lee Severns.

KANSAS

James Leroy Johnson, Cory Allen Ricks.

KENTUCKY

Elmer Kiser, Jonathan Kyle Leonard, David George Whitson.

LOUISIANA

Herman Wayne Brooks, Christopher John Doyle III, Octavio Rafael Gonzalez, Christopher Michael Metternich, Jeremy Paul Newchurch.

MAINE

David Jerome Rancourt.

MARYLAND

William H. Beebe Jr., Anthony A. Bryd, Robert Thomas Krauss, David Warren McGuinn, Jeffery Alan Wroten.

MASSACHUSETTS

Paul Francis Barry.

MICHIGAN

Kenneth Lee Daniels Jr., Jason Anthony Makowski, Riley Scott Sumner, Matthew J. Tuttle.

MISSISSIPPI

T. Michael Byrd, Robert Michael Langley.

MONTANA

David Leroy Briese Jr., Patrick Roy Kramer.

NEVADA

Henry Prendes.

NEW HAMPSHIRE

Michael Leland Briggs.

NEW JERSEY

Wayne Robert Clark, Matthew J. Melchionda, Kieran Tyon Shields.

NEW MEXICO

James Archuleta, James Francis McGrane Jr.

NEW YORK

John Robert Allen, Joseph Daniel Corr, Francis J. Hennessy, Kevin M. Lee, Joseph Anthony Longobardo, Andrew J. Sperr, Craig J. Todeschini, Kenneth P. Wilcox.

OHIO

Lawrence M. Barnes Sr., Ethan G. Collins, Dale Rodney Holcomb, Joshua Patrick Risner, Jonathan James Schroeder.

OKLAHOMA

William Lloyd McClendon, Steven Roy Smith.

PENNSYLVANIA

David Michael Petzold, Gary S. Skerski, Scott Alan Wertz.

SOUTH CAROLINA

Jason Lannes Sheppard.

TENNESSEE

William Birl Jones, L. Keith Lyon, Jeremy Victor Reynolds.

TEXAS

Eduardo Chavez, Dwayne N. Freeto, Dale David Geddie, Rodney Joseph Johnson, Matthew DeWayne Myrick, Gregory Dean Stewart, James Lee Sunderland Sr., Donald Ellis Wass, Billy Jack Zachary.

UTAH

Kevin Shumway Orr.

VIRGINIA

Vicky O. Armel, Gary Jonathan Buro, Seneca Bailey Darden, Charles Aubrey Fisher, Michael E. Garbarino, Robert Earl Green, Robert A. Hill Sr., Kevin Carder Manion, Eric E. Sutphin, William Henry Tiedeman Jr.

WASHINGTON

Joselito Alvarez Barber, Steve E. Cox, Edwanton Allen Thomas.

WEST VIRGINIA

Charles Eugene Smith.

WISCONSIN

Stephen Joseph Hahn, Jackie Davis Ryden.

WYOMING

Dennis Merwin Shuck.

FEDERAL

Lorenzo Gomez, Nicholas D. Greenig, Daniel Joseph Kuhlmeier, Gregory J. Rahoi, William Sentner III, David Norman Webb.

PUERTO RICO

Juan Jose Burgos-Velez, Raul Canales-Mundo, Jose Luis Torres-Martinez.

DEALING WITH THE HIGH PRICE OF GASOLINE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY of New York. Mr. Speaker, since the beginning of the year, gas prices across the Nation have been increasing. With the summer driving season fast approaching, prices at the pump are again reaching record highs.

With the price quickly approaching $4 a gallon, it is time again for Congress to act to help consumers with this increased cost. High gas prices not only increase the cost of living for American families, but increased gas prices will affect the prices on nearly every single consumer good on the market. Working families are not only paying more at the pump, but at the grocery store, the pharmacy and the shopping malls as well.

These increases have a harmful effect on our Nation's economy and security. They make it harder for working families to commute to and from work, especially in cases where public transportation is lacking. It also increases the cost for public transportation, which makes it harder for those individuals without automobiles to travel.

But we see the effects of high prices across the board. Parcel delivery rates increase. Municipalities must increase their taxes to pay for gas for their emergency responder vehicles. Our utilities go up. We cannot afford to stand by idly as our cost of living steadily increases for the sake of continued record oil company profits.

In response to the rising gas prices, I have requested that the Federal Trade Commission investigate possible gasoline price gouging and hold those accountable who engage in such practices.

I am also a cosponsor of Congressman STUPAK's legislation, H.R. 1252, the Federal Gas Price Gouging Prevention Act. This much needed legislation calls on the FTC and the Attorney General to investigate possible price gouging, both nationally and locally, and to prosecute any group found to be taking advantage of the American people. As summer approaches, travel within the United States historically does increase. According to the Automobile Association of America, gasoline prices may reach an all-time high by Memorial Day.

The time has come for Congress and the President to work together on a solution for the American people. Earlier this year the House passed legislation to repeal tax breaks for oil companies while devoting more Federal resources to renewable fuels. I am hopeful the Senate will quickly act on this much needed legislation this month.

If we are serious about reducing our dependency on foreign oil, we must work with manufacturers and researchers to bring renewable fuels to the forefront. Our environment and economy depend on it.

I look forward to working with my colleagues on both sides of the aisle to ensure American consumers are given a voice about the high price of gasoline.

INVESTIGATING INJUSTICE PERPETRATED AGAINST BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is the 119th day since a great injustice took place in this country.

On January 17, 2007, two U.S. Border Patrol agents entered Federal prison to begin serving 11 and 12-year sentences respectively. I am hopeful that this will be the month that House Judiciary Chairman JOHN CONYERS and Senate Judiciary Chairman PATRICK LEAHY will hold a hearing to investigate the injustice perpetrated against these two U.S. Border Patrol agents.

Agents Compean and Ramos were convicted last spring for wounding a Mexican drug smuggler who brought 734 pounds of marijuana across our border into Texas. These agents never should have been persecuted. Yet the U.S. Attorney's Office granted immunity to the drug smuggler and prosecuted the agents who were doing their job to protect our borders.

The illegal drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico and has sued the Border Patrol for $5 million for violating his civil rights. Many Members of this House, including Congressman TED POE, who is a former judge from Texas, have voiced concerns about the unfair prosecution of these agents.

With the troubling revelations surrounding the leadership of the U.S.

Justice Department, I believe it is necessary to investigate the U.S. Attorney's Office in western Texas and the prosecutor's actions in this case. Never in America should the Congress sit by and allow a breakdown of honesty and integrity in our Nation's judicial system.

Mr. Speaker, if the American people cannot have faith in our Federal courts, I am afraid the future of our democracy is in danger. For the sake of these agents and their families and the integrity of our judicial system, I am pleased and grateful that Mr. CONYERS and Senator LEAHY will be holding hearings to investigate the injustice perpetrated against these two agents.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from Michigan, the chairman of the Judiciary Committee.

Mr. CONYERS. Mr. Speaker, there are very few instances where I have had a Member of Congress persist in the search for justice with the same zeal as my friend from North Carolina, and I commend you.

I recall that I had an opportunity to meet the widow of the slain officer, and I have talked to the gentleman from Virginia, BOBBY SCOTT, chairman of the Crime Subcommittee, and his ranking member about the importance that we pursue at the earliest possible moment a complete and total investigation and hearing about the matter that the gentleman and other colleagues that have now joined you have persisted in.

I congratulate you, and recommit publicly once again to our search and pursuit of justice, because if we don't protect our border agents and law enforcement officials generally, I can only shudder to think how the safety of this country will deteriorate.

Mr. JONES of North Carolina. Mr. Speaker, reclaiming my time, I am grateful to the chairman.

MONITORING DEFENSE SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, we all respect, admire and appreciate those who serve in our Nation's Armed Forces. Serving in our military is certainly one of the most honorable ways anyone can serve our country. I believe national defense is one of the very few legitimate functions of our national government, and certainly one of the most important.

However, we also need to recognize that our military has become the most gigantic bureaucracy in the history of the world. And like any huge bureaucracy, it does many good things; of course, always at huge expense to the taxpayer. And like any huge bureaucracy, our military does many things that are wasteful or inefficient. And like any huge bureaucracy, it tries to gloss over or cover up its mistakes. And like any huge bureaucracy, it always wants to expand its mission and get more and more money.

Counting our regular appropriations bills, plus the supplemental appropriations, we will spend more than $750 billion on our military in the next fiscal year. This is more than all the other nations of the world combined spend on their defense.

The GAO tells us that we presently have $50 trillion in unfunded future pension liabilities on top of our national debt of almost $9 trillion. If we are going to have any hope of paying our military pensions and Social Security and other promises to our own people, we cannot keep giving so much to the Pentagon.

No matter how much we respect our military and no matter how much we want to show our patriotism, we need to realize that there is waste in all huge bureaucracies, even in the Defense Department.

There is a reason why we have always believed in civilian leadership of our Defense Department. The admirals and generals will always say things are going great, because it is almost like saying they are doing a bad job if they say things are not doing well and the military people know they can keep getting big increases in funding if they are involved all over the world.

However, it is both unconstitutional and unaffordable for us to be the policeman of the world and carry on civilian government functions in and for other countries. National defense is necessary and vital. International defense by the U.S. is unnecessary and harmful in many ways.

Now we are engaged in a war in Iraq that is very unpopular with a big majority of the American people. More importantly, every poll of Iraqis themselves shows that 78 to 80 percent of them want us to leave, except in the Kurdish areas.

They want our money, but they do not want us occupying Iraq. Surely, we are not adopting a foreign policy that forces us on other people, one that says we are going to run Iraq even if the people there want us to leave. A majority of the Iraqi Parliament has now cosponsored a bill asking us to leave.

It is sure not traditional conservatism to carry on a war in a country that did not attack us, did not even threaten to attack us, and was not even capable of attacking us. And it is sure not traditional conservatism to believe in world government even if run by the U.S.

Our war in Iraq has greatly damaged the Republican Party and conservatism in general. Even though this war has gone against every traditional conservative view, especially fiscal conservatism, it is seen by most as a conservative war. Even worse than the damage it has done to my party and a philosophy I believe in very deeply is the harm it has done to our relations with other countries, especially other countries in the Middle East. But worst of all, of course, is the fact that so many young Americans have been killed and horribly wounded in a very unnecessary war.

President Bush when he ran for office in 2000 campaigned strongly against nation building. Unfortunately, that is what we have been doing in Iraq. The President in 2000 said what we needed was a more humble foreign policy. That is what we needed then, and it is what we need now.

William F. Buckley, often called the godfather of conservatism, summed it up best in a column he wrote almost 2 years ago: "A respect for the power of the United States is engendered by our success in engagements in which we take part. A point is reached when tenacity conveys not steadfastness of purpose but misapplication of pride. It can't reasonably be disputed that if in the year ahead the situation in Iraq continues about as it has done in the past year, we will have suffered more than another 500 soldiers killed. Where there had been skepticism about our venture, there will be contempt." That was William F. Buckley in 2005, and the key point there, he said "a point is reached when tenacity conveys not steadfastness of purpose but misapplication of pride."

□ 1600

BALANCED TRADE NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 5 minutes.

Mr. KAGEN. Mr. Speaker, last Friday it was announced that the Democratic leadership had struck a deal with the administration and the United States Trade Representative regarding how this country will approach trade agreements with other nations.

While very few have seen the actual text of what this deal looks like, many of us in Congress have concerns as to how these new standards on labor and environment will realistically and effectively be enforced.

As a member of the newly elected class of 2006, I was elected to help change the course of this country, to help change our Nation's trade policy in particular, a policy that cuts the legs out from under American workers and places our industries at a competitive disadvantage. It threatens our quality of life and our global environment at the same time.

We are now operating under a flawed model; and until that model is fixed, our Nation's jobs and the livelihoods of our constituents in Wisconsin and elsewhere are in jeopardy.

As we have seen in our trade with China, we have been unable, unable to stop illegal subsidies, unable to stop illegal dumping and blatant violations of basic human labor rights and environmental standards. What will we Americans have to give up next?

Trade deals in the past were flawed, and the ones still being negotiated must show promise of helping American workers, of helping their families and American communities.

I believe that John Sweeney, president of the AFL–CIO, put it clearly in his statement when he said about a new deal: "Our trade policy will not be fixed overnight. The Bush administration's consistent unwillingness to enforce trade violations against nations like Jordan and China remind us there is no guarantee the executive branch will enforce any new rights workers may gain through these negotiations, and President Bush has negotiated flawed agreements with gross human rights violator Colombia and a losing, one-sided agreement with South Korea."

My friends, it is time that the United States of America begins shipping our values overseas and not our jobs. It is time for America to take back our rich history of manufacturing, of making things. After all, if we don't make anything, we won't have anything. What everyone in Wisconsin is asking for is balanced trade, and we need it now.

HONORING MAGGIE RODRIGUEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to recognize Maggie Rodriguez, who recently accepted the lead anchor role on the nationally televised CBS "Saturday Early Show." Maggie has been covering south Florida with CBS's local affiliate, CBS 4, for 7 years. As a news anchor on the 5 p.m. and 11 p.m. newscasts, Maggie has delivered news to millions of people in my community on a regular basis since the year 2000.

Maggie is a product of south Florida who has distinguished herself in her chosen field of journalism. She attended Our Lady of Lourdes Academy, located in the heart of my congressional district. In 1991, she graduated from the University of Miami, my alma mater. As a fellow south Floridian, I am very proud to honor Maggie on her many achievements. She is moving to New York, but she will always be welcomed in her hometown.

Her husband, Michael, is the general manager of Telemundo's local affiliate in Miami. I am sure that Maggie will continue to spend significant time down home in south Florida.

Since beginning her career with Univision in 1991, Maggie's warm personality, coupled with her strong work ethic, has made her very successful. She has delivered breaking news on a number of notable stories throughout the years. She has extensive experience covering natural disasters. Before taking over as news anchor on CBS 4, Maggie reported on earthquakes and mudslides with KABC in Los Angeles. With CBS 4, she has, unfortunately, covered numerous hurricanes. Like any newscaster in south Florida, the long hurricane season every year has kept Maggie busy.

When hurricanes hit our region, local newscasters play a pivotal role in helping residents prepare and recover from hurricane damage. Oftentimes, they provide around-the-clock coverage. Most recently, Maggie did outstanding work reporting on Hurricane Wilma which severely impacted our region in the year 2005.

Maggie will be moving to New York where she spent significant time reporting for CBS 4 in the aftermath of 9/11. Maggie was noticed by CBS executives for her coverage of this year's Super Bowl in Miami. This led to guest appearances on the "Saturday Early Show" and eventually to a full-time position on this program.

Maggie is a great role model also for Hispanic girls in our community. She received the Young Hispanic Leadership Award from the Hispanic Heritage Council for both her professional accomplishments as well as her efforts in strong community service.

As a local news anchor, she has become an active member of our community, lending a helping hand to those in need. Her professional portfolio has garnered several awards, including six Emmys, along with two Edward R. Murrow awards.

She will be missed by so many people who tune in every afternoon and evening to watch her on CBS 4. However, we look forward to watching her on Saturday mornings nationwide. Her pleasant personality makes her ideal for this new role.

Once again, I congratulate Maggie Rodriguez as she begins this new chapter in her life. She truly deserves the recognition she has received, and now millions of Americans across the country will have the opportunity to watch her on Saturday morning.

Godspeed, Maggie.

HONORING GOVERNOR JAMES HUNT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BUTTERFIELD) is recognized for 5 minutes.

Mr. BUTTERFIELD. Madam Speaker, I rise today with Congressmen JONES, PRICE, WATT, ETHERIDGE, MCINTYRE, MILLER and SHULER, all of North Carolina, to honor and observe the 70th birthday of our four-term Governor of North Carolina, the Honorable James B. Hunt, Jr.

Over the years my long-time and dear friend, Governor Hunt, has successfully dedicated so much of himself to public service. He is a man of immense vision with an extraordinary ability to implement his vision with great results. That vision has often been focused on education.

Governor Hunt's list of accomplishments is long and highly distinguished in the area of education. He led efforts to establish the State's primary reading program. He also spearheaded the efforts to reduce class sizes and prevent students from dropping out of school. Governor Hunt assumed the lead role in establishing the State's school of science and mathematics, the Microelectronics Center of North Carolina, and the North Carolina Biotechnology Center.

Smart Start, which was established under Governor Hunt's leadership, has become a nationally recognized and award-winning public-private partnership that ensures that children enter school healthy and ready to succeed. The program helps provide quality child care, health care and family support for every child in need, and there are now 14 States using this model.

Governor Hunt also assisted with establishing one of the most rigorous approaches to measuring student performance, requiring mastery before promotion and graduation, and providing assistance to turn around failing schools.

He did not allow these initiatives, or any of the many others he headed, to stand alone after he signed them into law. Instead, he demanded follow-through and results, and he got them. A study by the RAND Corporation found that our public schools raised their test scores more than any other State in the 1990s.

Governor Hunt's strong-held belief that the key to a quality education is great teaching has benefited students well beyond North Carolina's borders. In fact, it has benefited students and teachers throughout our Nation.

As the founding Chair for the National Board for Professional Teaching Standards, Governor Hunt was a driving force in fulfilling the promise of improving student achievement by raising the standards. Today, virtually every State and more than 25 percent of all school districts offer financial rewards or incentives for teachers seeking certification.

Madam Speaker, the economic value of an education and knowledge was well understood by Governor Hunt long before people started talking about its central role in the global economy.

Madam Speaker, Governor Hunt has also led the way in opening up the

Democratic Party of our State to full participation by minority citizens. As Governor, Governor Jim Hunt appointed many African American lawyers to the trial bench and appellate court benches to hold positions that had been virtually impossible for them to otherwise obtain. Many of them now serve as judges with distinction, and it was Governor Hunt who made that happen.

In closing, we are honored today to recognize this great man of conviction, principle, and exceptional character on such a joyous occasion. I ask you to join us in congratulating the "Education Governor," the Honorable James B. Hunt, Jr., on his 70th birthday, and in wishing him and his wife, Carolyn, many more years of happiness and accomplishment.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

□ 1615

VERMONTERS SPEAK OUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. WELCH) is recognized for 5 minutes.

Mr. WELCH of Vermont. Madam Speaker, I rise to report on an effort in Vermont that honors the tradition of Vermonters speaking out on issues of conscience. Vermonters take public service, political integrity and citizen involvement extremely seriously. This is a tradition that dates back to our earliest days when Vermont became the very first State to ban slavery.

But with rising alarm, Vermont has watched abuse of power and a disregard for checks and balances in Washington that has occurred over the past 6 years.

□ 1615

Vermonters have such extraordinary concern, particularly with the prosecution of this war in Iraq, that many are now actually calling for the President and the Vice President to be impeached.

Impeachment is a dramatic position, but it reflects the collective judgment of many in Vermont that we are in extreme circumstances. Madam Speaker, I do not believe that impeachment is the answer, but I endorse the indictment of the policies of the current administration.

What this Nation has experienced over the past 6 years has been staggering: a war in its fifth year that was justified based on false intelligence; the politicization of our Nation's top law enforcement agency; the cavalier disregard for civil liberties and constitutional protections; no-bid war contracts to well-connected friends; the use of signing statements to disregard the law; and the denial of habeas corpus, a basic right, for those in U.S. custody.

The list could go on. These and other transgressions have caused some Vermonters to rise up and promote the use of impeachment to restore accountability and curb the abuse of power. This impeachment movement in Vermont started last year in the small town of Newfane, population 1,700, by Dan DeWalt, a selectman on the town board.

After voting for the town clerk, the tax collector and voting whether to fund a village sidewalk project and the local school, the town then voted on a resolution to send a message to Congress to initiate impeachment proceedings. This initiative then spread from one small southern Vermont town to 40 towns across the State.

My own hometown of Hartland joined this call, and I've spoken with many of my neighbors, farmer, teachers, doctors and store owners, about their vote, and what they share is an outrage about the conduct of this administration and the prosecution of this terrible war.

Even last month, the Vermont General Assembly took up the issue. On April 20, the Vermont State Senate voted 16–9 in favor of Congress launching impeachment investigations, and while the Vermont House of Representatives defeated the resolution, it still received 60 supportive votes from Vermont legislators. And nearly 400 Vermonters representing 102 of Vermont's 251 towns came to the State House that day to voice their views. And this past Saturday, I held a town meeting in the town of Hartford, Vermont, and heard from 250 Vermonters advocating for this extraordinary measure.

I applaud these citizen activists who have acted in the Vermont tradition of speaking out and taking a principled stand to protect our democracy. They raise valid concerns about the actions of this administration and, if those actions are allowed to go unchecked, the threat to democracy that we face. Their concerns are well-founded.

But let me be clear, opinion is divided in Vermont about whether impeachment is the right remedy and whether it's the right tactic, but what motivated this effort is a commonly shared view that this administration has grossly abused its power and pursued terribly misguided policies.

Madam Speaker, while I disagree with the tactic of impeachment, I completely share the goal of restoring accountability and a new direction to our government.

Our oversight investigations in Congress have exposed egregiously substandard care at Walter Reed where we have heard about soldiers still recovering from brain surgery forced to wander the grounds to find the outpatient care they were promised.

Congressional oversight has documented unacceptable accounts of political interference by the administration over sound global warming science, with political appointees editing scientific reports.

And our probes have uncovered waste and fraud and abuse associated with the war in Iraq to an unimaginable scale, $12 billion of $100 bills flown from the United States to Iraq and then distributed from the back of pickup trucks.

And through our oversight and subpoenas, we are vigorously seeking to expose and investigate the peddling of faulty intelligence that the administration presented to justify their case for war.

And through our oversight and subpoenas, we are vigorously seeking to expose and investigate the peddling of faulty intelligence the Administration presented in their case for war.

We must demand to know whether the Administration's active dissemination of bad intelligence was premeditated with the intention of deceiving the American people, or was it reckless and cavalier, done to justify a decision to go to war that had already been made?

At every corner, step by step, Congress is methodically peeling back the layers of deception and deceit, holding this Administration accountable. We must get the facts and follow the facts. And that is exactly what is being done.

Madam Speaker, this pursuit of impeachment has consequences to real lives and real people. I measure every decision I make here in Congress based on whether it will hasten or delay an end to this war. Nothing illustrates this urgency more than a phone call I received before a recent trip to Iraq. The call was from a mother in the town of Brattleboro who lost her son in this terrible war. She so desired closure over her son's death, that she asked to accompany me to Iraq so she could see where her son had died. It was a stark reminder that there is no greater challenge we face than ending this war.

I also submit for the record a letter that was read at the Hartland town meeting from Lisa Johnson of Essex Jct. about the death in Iraq of her son Captain Pierre Piché.

I am proud of the Vermonters pushing for facts, prodding for accountability, and demanding oversight.

As I travel around the State, meeting with Vermonters, I also hear a sense of optimism: it is the optimism that comes from Congress restoring the checks and balances that had for too long been lost and an optimism from seeing a Congress finally getting down to making progress with new priorities and a new direction for this country.

SENATE RESOLUTION 16

Whereas, President George W. Bush and Vice President Richard Cheney have exercised the duties of their respective offices with respect to both domestic and foreign affairs in ways that raise serious questions of constitutionality, statutory legality, and abuse of the public trust, and

Whereas, the President's conduct in his role as Commander in Chief in leading our nation into the military conflict in Iraq, and the Vice President's continual advocacy for American troops remaining in Iraq, have cost the United States much of the good will that was extended to our country in the wake of the September 11, 2001, terrorist attacks on the United States, and

Whereas, the President's and the Vice President's domestic leadership on issues relating to individual privacy and personal liberty under law has raised constitutional issues of the greatest concern to the nation's citizenry, now therefore be it

Resolved by the Senate:

That the Senate of the State of Vermont urges Vermont's Representative in the United States House of Representatives to introduce, and Vermont's United States Senators to support, a resolution requiring the United States House Judiciary Committee to initiate impeachment proceedings against the President and the Vice President of the United States, and be it further

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to United States Representative Peter Welch, United States Senator Patrick J. Leahy and United States Senator Bernard Sanders.

May 11, 2007.

Dear Mr. Welch: my son, Captain Pierre Piché, should be teaching young people history or political science right now. Like many of the young people who represent the best that our country has to offer, he is a casualty of the war in Iraq. He was killed in a Blackhawk helicopter on November 13, 2003. He was sent to fly over a high-risk area in Bagdad because he was being required to attend a mandatory R and R. He did not want to go. He knew it was very dangerous and he also knew that was completely illogical. It turned out that these soldiers were being sent in to be part of a photo op for the president. I have to live with this knowledge every day.

My son served proudly in the military for ten years before being sent to Iraq. He earned the rank of captain with blood, sweat and tears, and he loved every minute of it. Before my son was killed he told me that he did not like what he was seeing in Iraq and he did not want to be a part of it.

My son Pierre gave the ultimate sacrifice, knowing that he had been deceived. It is difficult for all of us who oppose this war to observe the ongoing carnage and wearing down of the fabric of the American spirit as this war kills our young people, eats away at the economy and, worse yet, the hearts of the American people. For me, the betrayal is pointed and more personal.

There must be accountability for the real reasons for this war. Keep up the investigations. Keep up the pressure, and add to the pressure by investigating the two people most responsible, Bush and Cheney.

Your courage is needed because this war has to end.

Thank you.

Lisa Johnson,
Essex Jct. Vermont.

Warning for The 2006 Annual Newfane Town Meeting and Annual Newfane School District Meeting, Newfane Union Hall, March 7, 2006

The legal voters of the Town of Newfane, Vermont and the Town School District of Newfane, Vermont, are hereby notified and warned that, pursuant to Title 17 VSA, Section 2655, they are to meet at the Union Hall, in the Village of Newfane, Vermont on Tuesday, March 7, 2006 at 9 a.m. to act upon the following Articles, to wit:

Article 1: To elect all Newfane Town Officers and Newfane Town School District Officers as required by law for the ensuing year. (Voting on this article to be by Australian Ballot from 9 a.m. until 7 p.m.)

Town: Constable 1 year term; Delinquent Tax Collector 1 year term; Grand Juror 1 year term; Lister 3 year term; Lister 1 year term; Moderator—Town 1 year term; Selectman 3 year term; Selectman two 1 year terms; Town Agent 1 year term; Town Clerk 1 year term; Town/School Treasurer 1 year term; Trustees Moore Free Library; and Building Fund five 1 year terms

School: Moderator 1 year term; School Director 3 year term; School Director two 1 year terms.

Leland & Gray: Newfane Representative 3 year term and Newfane Representative 1 year term.

Article 2: To see if the voters of the Town and the Town School District will accept the annual report of the Auditor and other Town Officers.

Article 3: To see what salaries and expenses the Town and the Town School District will vote to pay its Officers for the ensuing year. Town Clerk—$12.49/hour, not to exceed 40 hours per week; Town Treasurer—$12.49/hour, not to exceed 40 hours per week; Listers—$10.00/hour. Other Elected or Appointed Officers—$7.25/hour; School Treasurer—$12.49/hour; Mileage reimbursement at 34 cents per mile.

Article 4: To see if the voters of the Town and the Town School District will vote to authorize the Selectmen and the School District to borrow money in anticipation of taxes and in anticipation of Federal & State Monies to be allocated to the Town and the Town School District.

Article 5: To see if the voters of the Town will pay taxes for the ensuing fiscal year on a quarterly basis, due on the 15th of August, October, January and April; and that the charge for interest be at the maximum legal rate of 1% per month for the first three months and 1.5% per month for each month thereafter until paid.

Article 6: To see if the voters of the Town School District will authorize operational fund expenses in the amount of $1,582,195 for the coming year.

Article 7: To transact any other business that may legally come before the Town School District.

Article 8: To see if the voters of the Town will authorize the Board of Selectmen to sell or otherwise convey property acquired through tax sale proceedings.

Article 9: Shall the voters of the Town of Newfane instruct our State Representatives and Senators to oppose: any use of the State Education Fund for purposes that are outside the law's original intent to make payments to school districts and supervisory unions for the support of education; the shifting of existing State General Fund expense obligations to the Education Fund; and the reduction of any existing State General Fund revenue support to the Education Fund?

Article 10: To see if the voters of the Town will vote to raise and appropriate the sum of $750 (Seven-hundred fifty dollars) for Connecticut River Transit, Inc.

Article 11: To see if the voters of the Town will vote to raise and appropriate the sum of $420 (Four-hundred twenty dollars) for West River Watershed Alliance.

Article 12: To see if the voters of the Town will vote to raise and appropriate the sum of $1,000 (One-thousand dollars) for Williamsville School Preservation Society.

Article 13: To see if the voters of the Town will vote to raise $3,760 by taxation for the Visiting Nurse Alliance of Vermont & New Hampshire (VNA of Southeastern Vermont and the Southern Vermont Home Health Agency). [In the budget]

Article 14: To see if the voters of the Town will vote to raise $2,700 by taxation for Early Education Services. [In the budget]

Article 15: To see if the voters of the Town will vote to raise $2,604 by taxation for the Valley Health Council. [In the budget]

Article 16: To see if the voters of the Town will vote to raise $2,500 by taxation for Grace Cottage Foundation, which supports the services of the Otis Health Care Center, including Grace Cottage Hospital and Emergency Room, Grace Cottage Family Health Services, and Heins Home Community Care Home. [In the budget]

Article 17: To see if the voters of the Town will vote to raise and appropriate the sum of $15,000 to help defray the cost of the Village of Newfane Sidewalk project on West Street (TH#1).

Article 18: To see if the voters will vote to exempt from taxation all real property of the Incorporated Village of Newfane Union Hall building and land property (3 acre ?) for a period of five years pursuant to 32 VSA ' 3840.

Article 19: To see if the voters of the Town will vote to exempt from taxation all real property of the South Newfane Community Association building and land (2 acre ?) for a period of five years pursuant to 32 VSA ' 3840.

Article 20: To see if the voters of the Town will vote to exempt from taxation all real property for the NewBrook Volunteer Fire Association building and land (1.6 acres ?) for a period of five years pursuant to 32 VSA' 3840.

Article 21: To see if the voters of the Town will vote to exempt from taxation all real property for the South Newfane/Williamsville Fire Station and land (3 acre ?) for a period of five years pursuant to 32 VSA ' 3840.

Article 22: To see if the voters of the Town will vote to exempt from taxation all real property of the Valley Lions Club property (12.9 acres ?) for a period of five years pursuant to 32 VSA ' 3832(7).

Article 23: To see if the voters of the Town will vote to exempt from taxation all real property of the Williamsville School Preservation Society (2 acre ?) for a period of five years pursuant to 32 VSA ' 3832(6).

Article 24: To see if the voters of the Town will vote to approve the expenditure from the Town Reappraisal Fund for town wide update of values for the real property in Newfane to be completed by May 1, 2007 for an amount not to exceed $50,000.

Article 25: To see if the voters of the Town will vote to raise by taxes the amount of $75,000 to be added to the Capital Reserve Fund to be used for future Capital needs.

Article 26: To see if the voters of the Town will vote to authorize capital fund expenditures in the amount of $357,142 as proposed in the Capital needs plan for Fiscal Year 2007, with $146,642 to be used from the capital reserve funds.

Article 27: To see if the voters of the Town will vote to authorize the Selectmen to borrow up to $148,500 for Capital needs.

Article 28: To see if the voters of the Town will authorize Town and Highway operational expenditures in the amount of $980,658 for the coming year.

Article 29: We the voters of Newfane would like Town Meeting, March 2006, to consider the following resolution:

Whereas George W. Bush has:

1. Misled the nation about Iraq's weapons of mass destruction;
2. Misled the nation about ties between Iraq and Al Quaeda;
3. Used these falsehoods to lead our nation into war unsupported by international law;
4. Not told the truth about American policy with respect to the use of torture; and
5. Has directed the government to engage in domestic spying, in direct contravention of U.S. law.

Therefore, the voters of the town of Newfane ask that our representative to the U.S. House of Representatives file articles of impeachment to remove him from office.

Article 30: To transact any other business that may legally come before the Town.

Board of Selectmen School Directors: Hendrik W. van Loon, Chairman; Johanna Gardner, Co-Chairperson; Priscilla M. Cotton Robert Gunther-Mohr, Co-Chairperson; Daniel DeWalt Mikell Lasch; Patricia Halloran Lyssa Singleton; and Gary M. Katz James Urbaska

Town of Newfane, Vermont Town of Newfane, Vermont, February 1, 2006, February 3, 2006.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of Georgia. Madam Speaker, I thank the Speaker so very much for the opportunity for presenting once again before the House of Representatives. I want to thank my leadership for allowing me to head up and chair this hour that is a Special Order hour. It is an opportunity for us in the minority party to come and try to shed some light on some issues that frankly don't get a whole lot of attention here on the floor of the House of Representatives, and so I appreciate that opportunity once again.

Madam Speaker, most of us go home every weekend and visit our district, talk to constituents. It is a wonderful time to be able to go back and get grounded, go back to that touchstone and those people that supported us as we came to Washington, to try to assist in moving our country in the right direction.

And I have been struck over the last couple of months as I go home every weekend and talk to my friends and neighbors and fellow church-goers in my Sixth District of Georgia on the north side of Atlanta, I have been struck by their concern about what appears to be from their standpoint a continuing decrease in the level of civility here in Washington.

I am in my second term, initially elected in 2004, and one of the things that I thought I would hopefully be able to have some effect on would be to affect positively the level of rhetoric and the level of discourse here in Washington, and the level of frustration that my constituents tell me they have regarding what's going on here in Washington continues to increase.

So one of the things that I and some other Members of our conference have tried to do is to come to the floor, try to do it at least once a week, sometimes we're not able to do that, but talk about issues in a light that is hopefully more positive, hopefully respects the history of our Nation in a way that allows us to kind of glean the role that we ought to play as the House of Representatives and as Congress and to hopefully chart out or to define a path that will continue to allow our children and our grandchildren to live in the finest Nation on the face of the Earth.

In so doing, what we have tried to do is to talk about truth, to talk about facts. So often in the world of politics, in fact we have heard it just within the last few moments, Madam Speaker, the issue of politics over policy. So often when folks come to the floor of the House they talk more about politics than they do about policy, and I understand that. People have to get elected and I appreciate that, but when you're talking about things that are so incredibly important to the future of this Nation, it would behoove us as a House of Representatives to endeavor as much as we can to work together and to try to come up with the best solution for our Nation.

All of us come from different backgrounds. I happen to come from a profession of medicine. I practiced medicine for over 20 years, and medicine is a little different endeavor than politics and legislating. In taking care of patients what we try to do is try to work together, all for a common goal, which is to get the patient well obviously. So it is a collegial activity. It tends to be an activity where we share information and support one another.

Would that were the case on the floor of this House of Representatives, Madam Speaker, because I share my constituents' frustration with much of the partisanship that goes on here and much of the sniping and the politics over policy that makes it so very difficult, very difficult to move our Nation forward.

So we have developed a group that we call The Official Truth Squad, and its desire, as I mentioned, is to try to shed some light on issues here before our Nation. We have a number of individuals that we like to point to as heroes over the history of our Nation. Many of our former Presidents were certainly individuals who sought the truth and sought to guide this Nation in a positive and an uplifting direction.

One of the individuals that I like to quote is Daniel Patrick Moynihan. Mr. Moynihan was a Senator from the State of New York, and he had marvelous quips and marvelous phrases that he would use. One of them was this one right here. It says, "Everyone is entitled to their own opinion but they are not entitled to their own facts." Everyone's entitled to their own opinion but they are not entitled to their own facts.

So I was struck by that, Madam Speaker, just last week as I was working here late in the Capitol one evening, happened to run into a couple who was in the hallway, obviously tourists, and they were stopping at some of the statues here in the Capitol. They were interested in finding where the gallery to the House of Representatives was, and so I pointed them in the right direction and happened to see them up in the gallery.

I had some friends from home who were visiting as well, and I got a chance to talk to them in the hallway. This young man was a physician. Come to find out he was a doctor who was serving in our military, and in 2 days or 3 days from last week when I met him, he was on his way to Iraq. He was on his way to try to help our men and women who are standing in harm's way and trying to protect our liberty and our freedom to make certain that they were given the finest care they possibly could be given in a difficult situation. He shared with me his frustration about the lack of not just civility but about the lack of attention to urgent problems.

One of the things that we briefly talked about was the responsibility that this Congress has to make certain that our men and women who are defending liberty, defending us, making certain that our children and our grandchildren can live in this great Nation for generations to come, and the frustration that he had with the inability of this Congress to make certain that the resources, the money that's needed to be able to allow our military men and women to protect themselves and to protect us has not been forthcoming, and I shared my frustration with him about that same event.

Madam Speaker, tomorrow I believe will be 100 days, 100 days since the President of the United States has sent to Congress his request for money, resources, for our fighting men and women in Afghanistan and Iraq, and if there was anything that demonstrated politics over policy, it has been this last 100 days. Very frustrating, Madam Speaker, frustrating for me, and I know that it is concerning and frustrating for our constituents all across this Nation, because what has happened has been a length of time that was played out to just apparently get headlines, it appeared to be.

And then there was a supplemental bill that was brought to the floor of the House, and it had in addition to the money that had been requested to allow our troops to defend themselves, it had in addition to that a peculiar set of directions, benchmarks, timelines, for our men and women and our generals on the ground, so much so that they said, look, there isn't any way that we can accomplish what we need to accomplish if you, Congress, adopt this bill, adopts this piece of legislation.

Many individuals on both sides of the aisle said, well, you're absolutely right, that sounds ridiculous. And so then what happened was that in order for the majority party apparently to pass this piece of legislation, they kept adding money on to it. So money in Washington does not start with an M. It starts with a B. So they kept adding billions and billions and billions, over $20 billion, to the bill in order to allow for folks on either side of the aisle who had concerns, enough of them to be able to say, okay, well, I can justify my vote for that bill if I am going to get those kinds of resources.

And so that bill passed the House with a very slim margin and passed the Senate, was sent to the President, the President promptly vetoed it. It came back to the House of Representatives and was delayed for another 4 or 5 days by this majority, Madam Speaker. The only reason that anybody can determine was for, again, politics over policy.

And just last week, another bill was then adopted which had a peculiar arrangement that would allow for some money to go for a while, and then if the Congress still agreed, within a month or two then there would be more money forthcoming. It was what many of us have called war on the installment plan, which is actually a worse plan than the majority party came up with initially.

☐ 1630

Now, those are the facts. So that bill is passed, and we are waiting to see what happens from the Senate.

But I get back to the point of that young man who shared his frustration and his concern with me about why Congress can't act on things that are so pressing for the security of our Nation and for those men and women who are serving in harm's way. It just, it is very, very concerning to men and women across this Nation, that we, as a legislative body, the United States House of Representatives, can't put politics aside and work for the good of the Nation and work for the benefit and the security of our men and women who are defending our liberty and defending our freedom.

So I just offer that as what I am hearing from home. I suspect it's what many of my colleagues are hearing from home as well. I am hopeful that we will be able to move forward with a clean bill, a bill that provides money for our men and women who are defending liberty and defending themselves in Iraq and Afghanistan.

We have got a number of folks who will be joining us today, I hope. We will talk about a number of issues, the war supplemental, the budget and some other items, I hope.

But I am pleased to be joined by my good friend and colleague from Georgia (Mr. WESTMORELAND) and look forward to your comments. I yield to you.

Mr. WESTMORELAND. Thank you, Mr. PRICE. I appreciate you yielding your time to me. I appreciate you coming down here with the Truth Squad.

Sometimes the truth is many things to many people. But at the end of the day, it's still the truth. As you know, sometimes the truth is ugly. I thought one of the comments you were making about the war supplemental bill, the very truth of what took place to get that bill passed was very ugly.

In fact, this new ethical majority that came up, I felt, was pretty interesting, that, you know, one of the things was not leaving the vote held open to change the outcome, which we have seen several times, that it actually happened; the earmark reform, which is another smoke and mirror that has gone along. Then I think one of the other things was this big lobby reform about buying votes, and I think they called it a "culture of corruption."

But I think what we have seen since January is actually an in-house culture of corruption and the fact that they had to buy 218 votes. So that's something that's unique to the situation, because, typically, you don't think about using other people's money to buy votes, but that's what they are doing. They are using the taxpayer dollar, and, like you said, Congressman, it's up into the billions now. I believe it was $20 billion that it cost them to get that 218 vote.

Let's talk about something else for a minute, because, I think the new majority party labeled the 109th Congress the do-nothing Congress, and we have labeled this, being the Truth Squad, and the honest people that we are, the smoke-and-mirrors Congress.

So I want to talk about some of the empty promises, some of the smoke and mirrors that we have all been talking about. One of the things we can all relate to is high gas prices. Mr. PRICE, it's hard to believe that we talk about the good old days of gas being $2 a gallon. But we don't have to go back that far to where gas was $2 a gallon.

I want to read a few quotes if I could, for you, to the people and to the Speaker. This was a quote: "Democrats have a plan to lower gas prices . . . join Democrats who are working to lower gas prices now." This was a quote from now-Speaker PELOSI back in April of 2006, and I believe that gas was probably around $2 a gallon then. Now the Americans are paying $3.49 a gallon in California. That doesn't seem like that much of a reduction in the price of gas. In fact, it looks like almost 100 percent increase.

Another quote: "Democrats believe that we can do more for the American people who are struggling to deal with high gas prices . . . we have offered legislation that would actually do something about the rise in gasoline prices . . . " This is a quote from Mr. HOYER. That was back in 2005. I don't know what the gas prices were then in Maryland, but I know today in Maryland they are $2.98 a gallon.

So these are some more empty promises; and not only empty promises, we got to see on some of the votes of the leadership, for the majority party, exactly how they vote.

If you look at the ANWR drilling, no, no, no. No, no, no. If you look at the refineries, where we wanted to expand our capability of our refineries, and be able to refine more oil, no, no, no. I am anxious, aren't you, to see what their result is going to be? I am ready for the answer.

They have left us hanging long enough. They have left us hanging for 2 years, and 1 year, as to what their answer is going to be to relieve these gas prices, to lower them. If anything, since the election in 2006, the gas prices have gone straight up.

So, you know, either they don't want to do what it takes to lower the gas prices, they don't know what it will take to lower the gas prices, or the very economic policies they have adopted in this 110th Congress have caused the gas prices to go up.

Mr. PRICE of Georgia. I appreciate the gentleman's perspective on the issue of energy, because it's extremely important, because I hear that at home as well. Folks are frustrated by the level of inactivity by this Congress as it relates to many things, and certainly in the area of gas prices.

As you recall, Congressman WESTMORELAND, and I know you appreciate that what we heard out of this new majority was that their bill, earlier this year, their part of their 6 for '06 plan was going to solve a lot of the problems as it related to energy, and what was that plan?

As you will remember, that plan was to increase taxes on American oil companies. Increased taxes on American oil companies was somehow going to be this grand plan that would make it so that those mean and awful oil companies wouldn't be making so much money.

Mr. WESTMORELAND. Do you think these are some of the same people that think increasing our taxes by the largest tax increase in the history of this country is going to make our economy better? Could these be the same people that think these economic policies are going to make us better?

Mr. PRICE of Georgia. Well, I appreciate that observation as well, because that appears to be what they believe. But we are getting a little ahead of ourselves, because it's important to close the loop on this energy issue.

Because what the majority party offered was this remarkable smoke and mirrors that said, as part of their 6 for '06, that if we just passed this bill, if we just increased taxes on the oil company, then what will happen is that they will, by some miraculous determination, lower the price of oil for folks at the pump.

Well, as you well know, what increases taxes on American oil companies does is make it so that they are less likely to be able to compete in the world so that our reliance on foreign oil gets greater.

Mr. WESTMORELAND. Just to interrupt you one more time, because I think this is important to understand that those tax increases on an oil company really come from doing away with the tax credits they were getting for new exploration on finding new oil.

Mr. PRICE of Georgia. Absolutely, without a doubt. There are some real keys, pivotal keys to the real solution to our energy challenges. One of them is conservation. We can all do more in the area of conservation. We can all probably do more on conservation. Probably the long-term solution is some type of alternative fuel. We have done a lot for that. In fact, most Members of the majority party are on record as opposing rewards for the provision of alternative fuel.

But one of the mainstays, especially in the short-term, is to provide American energy for Americans. So, peculiarly, what this majority party did, and it's perplexing, frankly, because it doesn't solve anything, is to pass a bill to increase taxes on American oil companies, again, which makes us less competitive in the world, makes us more reliant on foreign oil, and, frankly, it means that what we do is finance those folks who like us less to a greater degree. That doesn't seem to make a whole lot of sense.

Mr. WESTMORELAND. I found two more quotes I found interesting: "House Democrats have a plan to help curb rising gas prices." Now, this is Mr. JIM CLYBURN from South Carolina who said that on July 6 of 2006. Gas prices in South Carolina are now $2.81.

There is another one that says: "With gasoline and other prices rising, America's middle-class families deserve better . . . Nobody thinks $2.50 a gallon is cheap; it's still expensive." Now that came from the Democratic Caucus Chairman RAHM EMANUEL on June 2 of 2006. So, evidently, gas prices were around $2.50 then. Now, in Illinois, they are $3.23.

So, do you think, being the Truth Squad, that this could just be smoke and mirrors to get people to believe that they had some kind of answer to reduce these gas prices to make Americans make it easier for us to meet our energy needs here within this country, without going to foreign imports?

So that seems to be the indication that this is just more smoke and mirrors that the 110th Congress, then the minority, was telling the American public to become the majority. It's kind of like a barking dog behind the fence. As long as that dog is behind the fence, he is going to bark and say and do things to make you think he is going to get out and get something done. But when you open that gate he becomes a little whimpering Chihuahua, does nothing. I think that's what we see in here, a bunch of little Chihuahuas whimpering around.

I do thank you. I thank you for your time. I think the gentlelady from Tennessee may want to add something to that. I appreciate the opportunity.

Mr. PRICE of Georgia. I appreciate your comments so much. I think it's important. It's called smoke and mirrors; I think that's an apt title. I talk about politics over policy, which is what frustrates me, frustrates so many of our constituents at home.

I am so pleased to be joined by my friend from Tennessee, Congresswoman MARSHA BLACKBURN, who is a strong leader on the Energy and Commerce Committee. I look forward to your comments on this issue and others.

Mrs. BLACKBURN. I thank the gentleman so very much. I am pleased that we are talking about the issue that so many Americans are talking about right now, and that is the energy needs of our country.

One thing that you touched on, I think, that is just so vitally important to see, the solutions that we work toward are going to be American solutions, and it is not going to be something that is simple, or you can't change it with the stroke of a pen. This is something we are going to have to work our way out of, things we can do right now. Right now, through conservation efforts, things that we can do over the next decade, through exploration, through the innovation, things that we can work over the next 25, 30 years toward, as we look at diversification of our supplies, and commercialization of new technologies and new forms of fuel.

But the thing is, when you look at all of that diversity, and having a wide, broad answer, a sustainable American energy policy, we know, it is American solutions that will lead us to being free of the influx of foreign oil and foreign energy sources into our country. I think that what we have to do is look at the steps we are going to take over the next couple of years and the next couple of decades as being more or less next level steps to the building blocks that we have put in place.

Our party has had a tremendously strong record of conservation. You can go back to Teddy Roosevelt and look at the efforts that he had toward conserving this Nation's natural resources and the legacy that was put in place there, and how we have moved forward through the decades now to where we look at our environment and energy and, say, you know, we passed a good bill in 2005. It brought forward, moved forward, a lot of our alternative energy sources, our renewable resources, and allowed for additional exploration of those natural resources that we have here.

Now it is time for us to push it a little bit further down the pike. That's what the American people want to see. They know that fuel prices are high. They understand that. They know that our electricity use is going to increase over the next couple of decades. They understand that. They accept that.

What they want us to do is to get the costs down, to be certain that we have access to an ample supply of affordable energy.

Mr. PRICE of Georgia. I appreciate your passion about this and the information that you bring. I suspect you see what I see at home, and you hear what I hear at home, that is, that Americans want us to be working towards solutions. They want us to come up with solutions and make certain that we are working together to put those solutions on the table and move them forward so that we can work to get that American energy.

What they are concerned about is the lack of solutions that they see being put on the table by the current majority party.

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Mrs. BLACKBURN. If the gentleman will yield. That is indeed one of their frustrations.

And one of my constituents this past weekend said to me, you know, I appreciate all the talk that's out there about the environment. I appreciate the talk that is out there about energy.

But, let me tell you something. Global warming is not a national security issue. And what I don't like is the fact that the liberal left is taking money out of homeland security. They're taking money out of intelligence. They're diverting funds from all sorts of budgets up here to study their fascination with global warming. And that is something that our constituents are not happy with. And as one of my constituents said to me, I don't think global warming had one single thing to do with September 11.

They want us to focus on what should be our priorities. And as we're talking about the budget and the priorities of the House, one of the things we have continued to hear so much about is a tremendous amount of concern from the small business people that are in our district, all of our small business owners, especially our female-owned small businesses who are extremely concerned about the budget that the Democrat leadership has brought forward that would be the single largest tax increase in history.

These are women who have stepped forward. They are taking a risk. They are taking the responsibility of running a company, and now they are getting ready to be hit with the single largest tax increase in history by a leadership that I guess does not understand the necessity of being a small business owner and looking at those books, being a single mom and wanting deductibility for that child tax credit; small business owners that are sharing in the ownership of this; married couples that are looking for marriage penalty relief that want to continue small business expensing. And every time they turn around, the government is wanting to take more of their pay check.

My constituents want to know that they've got first right of refusal on that pay check, not the Federal Government. They know government has a spending problem. It doesn't have a revenue problem.

And as I've said many times on this floor, a lot of my constituents believe if 10 percent is good enough for God, 10 percent is good enough for the government. And they feel like we should do a better job of managing the people's money, and they are exactly right.

Mr. PRICE of Georgia. Will the gentlelady yield?

Mrs. BLACKBURN. Indeed, I will.

Mr. PRICE of Georgia. I appreciate you bringing up the issue of the largest tax increase in American history that was passed by this majority on this floor. And folks at home say, well that can't be true. That just can't be true. We can't allow that to happen. What are they doing?

And what they're doing is displayed in this chart right here, as you well know, because all of these tax rates, all of these tax rates, given the budget that has been adopted by this House, will increase to significant levels in relatively short order. Ordinary income going from the top rate of 35 percent to 39.6, capital gains going from 15 percent to 20 percent, dividends going from 15 percent to 39.6 percent, estate tax goes from 0 percent in 2010 to 55 percent. That's the death tax. It goes to 55 percent in 2011. The child tax credit cut in half. And the lowest tax bracket, amazingly enough, goes from 10 to 15 percent, which is a 50 percent increase.

Mrs. BLACKBURN. If the gentleman would yield, that is their projections for right now. We are just a few months into the new majority, and it took them just a couple of days to increase regulations and increase spending. It took them a couple of months to start raising taxes, and look at where they've gotten. They already are spending so much more than they should be that at this point this is where they are. And we haven't even gotten through the first year of this. We haven't even gotten through the first budget. And we would see those rates on ordinary income tax go from 35 to 39.6 percent on January 1, 2011. That's 1/1/11. And that is when they would raise that. We would see that child tax credit cut in half. We would see cap gains go back up, and we're just a few months into this. This is the Hold on to Your Wallet Congress, and I would recommend that people hold on to that wallet because they want to get their hand on your pay check. And I yield back.

Mr. PRICE of Georgia. I appreciate the gentlelady's perspective on that because it is so true. And when folks think about the ordinary income going up from 35 to 39.6 percent they say, well, that, you know, that's just all those folks who are at the top, all those rich folks. Well, as you mentioned and so clearly stated, that includes all the small businesses, and what that means is jobs for America. And so the largest tax increase in the history of our Nation is what has been passed on the floor of this House. Very frustrating. And when you talk with reasonable folks on the other side of the aisle about this, they say, oh, well, we're not going to do all that. We're going to change some of those numbers. We're going to make it so that the lowest rate isn't 15 percent, it comes back down to 10.

But the problem is that their budget has spent all of the money that's to come from all of these tax increases. So if they're not going to get that money from one spot, then they've got to get it from another and raise them even more.

So, Madam Speaker, I think that it is clear that this is a real problem that the American people are beginning to appreciate, that the leadership that they thought they were electing in November of 2006 is, in fact, not the leadership that they are getting. Again, politics over appropriate policy.

This is a pie chart, Madam Speaker, that demonstrates who's going to be paying all those new taxes. And it talks about the billions, billions and billions of dollars that will be supposedly raised by those. In fact, what will happen is that it will so depress the economy that it is not likely that you'll see those kinds of revenues. In fact, what will happen is that we'll see fewer jobs, fewer amount of revenue to the Federal Government, and a significant change in what is a relatively good economic picture at the current time.

I am pleased to be joined by my good friend from California (Mr. McCARTHY), KEVIN McCARTHY, who is a member, of, I believe a member of the Budget Committee, and has been involved in certainly budgetary aspects and budgetary planning at the State level. And we're pleased to have you join us here in Washington this term as a new Member of the House of Representatives and look forward to your comments this evening.

Mr. McCARTHY of California. Madam Speaker, I just want to congratulate this Member because I truly believe more people are listening than we've been hearing about. We see Nielsen's ratings out there and we see a number of people that watch C-SPAN. But I must tell you, there must be more because when I was sitting in my office, I was reading headlines, and the headline recently said, Congress has its lowest approval rating to date: 29 percent of the United States approves of what Congress is doing. And that means nothing.

And I believe that a lot is coming from what you're talking about. You're giving people truth and accountability on what's gone on in this new majority and what has happened in this new majority.

And that's really what I want to talk about today. Not much has moved. It's more about doing nothing. You talk about they are talking about putting politics before policies. And what I'd like to talk about today is actually a solution. I'd like to talk about putting people before politics. That's where we have to have a new direction and a new change.

When you look at some of the graphs that are sitting down on that floor, you will see, and it is a direct comparison of what policy the Republicans believe in and the policy the Democrats believe in.

A headline that I read just the other day was the largest amount of money coming in on April 15 in the record of the United States of America. The largest amount. And how did we come about doing that? We lowered taxes. It said, if you let people keep more of what they earn, they will invest. And what happens when they invest? They create more jobs. When you create more jobs, you create more homeowners. When you create more homeowners and more jobs, more people are able to go to college, get a greater education. That's talking about putting the people before politics.

It all goes back to the 2003 tax relief bill, much of what your graph will say. It'll show greater job creation the Republicans went out to do, and it'll show greater investment and, in the end, greater amounts of money to America today.

And what happens? It comes down to tell us that this is not a revenue problem in our deficit. It is a spending problem. But the Democrats look at it all different. They believe they should take more of what you earn. And I know I've said it before on this floor but I want to say it again. When you put people before politics, let's talk about taxes. Let's talk about what the Democrats proposed in their 100 days of increasing taxes which, Madam Speaker, our speaker just said on this floor, increasing taxes in every realm. If you have children, it's going to cost you more. If you're married, it's going to cost you more. If you're elderly, it's going to cost you more. If you're in the lowest tax bracket, it's going to cost you more.

Now, I want to put it in perspective, because this is something that this floor doesn't talk about. What is the day-to-day life of an American? How do they pay taxes? Do they pay enough taxes? Well, I want to give you an average day. A person wakes up, they go in and they take a shower. Do you know, when they turn that water on they are paying a water tax?

They get ready for work. They go out, maybe they stop off at a coffee shop, buy a cup of coffee. They pay a tax on that coffee.

They look at their gas gauge. They go to the gas station. I am in California, paid $3.49 a gallon. A lot of that was in tax.

Then I go into work. For the first 3 hours of work, I'm just paying State and Federal tax. Lo and behold, maybe I'm like most of Americans, I have to move in my job. I have to be able to go to other places to be able to sell because it's a global economy. I buy an airline ticket, I pay an airline tax. I rent a car when I get there. I pay a rental tax. I go and work part of the day. I come home, turn on the TV maybe to see our good speaker here on television. I pay a cable tax.

And lo and behold that I was able to put a little money away after they tax me from morning till night, and I invest. I invest for my family. I invest for my children to go to college. I invest and take the risk and hopefully I got a little reward. And maybe I invest in some property. Maybe I invest in the stock market. And because the Republicans lowered the tax and more people are paying dividends, so I'm getting a greater income and my kids can go to a maybe more expensive college. Then maybe I can afford to send my kids to Disneyland a little more. Maybe I can afford to spend time with my family a little more, and that's what Americans want.

But lo and behold, if I invested and I got a return on my investment, and I wanted to leave some money for my children and my grandchildren, what do the Democrats answer with? They answer they want 55 percent of that. They don't even want half. They want 55 percent. Because you decided to invest in America, they think you owe the government.

What do Republicans say? Keep it and add on. Why? Because we believe that's your money. We believe the capital is good for America, good for the investment. It helps us to be more competitive in a global economy. Yeah, you're becoming more efficient; that you should, if you owned a small business, invest in new equipment because your employees will be able to be more efficient. America will be more efficient, and that's what this Congress has produced.

There is a direct change in this Congress, and I applaud this individual on the floor, Mr. PRICE, because from the standpoint I believe more people are listening. If it's rating a 29 percent, your Truth Squad is getting out that accountability is lacking here in Congress today.

And I would like to just talk to you a little longer about this. Maybe you can dwell on a little more, you have a graph down there. Maybe you can talk a little bit about what you see from the 2003 plan to today's plan as well.

Mr. PRICE of Georgia. I appreciate the gentleman and the comments that he makes about every single tax that we pay with every single thing we do is so apt because this new majority seems to believe that, well, in everything they do, seem to believe that they have got a better idea. They've got better solutions. They know better than the American people about how they ought to do most anything, and especially how they ought to spend their money.

And when I talk to my good friends on the other side of the aisle who appear to be interested in making certain that America sustains this economic vitality that it has, and you ask them, well, how did that vitality come about, and you point to things like this chart demonstrates, which is where job creation was before the appropriate tax reductions and what happened afterward, it's as clear as the nose on your face or the drawing before you. Before tax cuts were put in place, there was a staggering job growth and mostly negative job creation. But something happened in 2003, as you pointed out. Something happened.

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And it resulted in huge, significant job growth, job increase, across this Nation. Literally 49 of the 50 States have increased employment since 2003. And one would think that if you had the responsibility for determining what the economic policies of this Nation ought to be that you would look at that point and you would say, well, it would help me understand what happened then in order to continue the economic growth that we have seen. And it is clear that this job creation, this job growth, was a direct result of allowing Americans to keep more of their hard-earned money. So it is without doubt that we need to continue those policies, in fact, to increase the ability for Americans to keep their own money and, therefore, continue the wonderful growth that we have had.

I am pleased to yield to the gentleman.

Mr. McCARTHY of California. You make a great point. Numbers don't lie. You see it in a graph. You see it in the facts. You see it on April 15, the highest revenue ever to come in.

Now, why do we continue to have these deficits? Because it is a spending problem, not a revenue problem. Just as when you live at your own house, you balance your checkbook. If you have got more money coming in, how come you are going further into debt? Because of the management and the lack of accountability here. You see the unemployment rate continue to go down from 2003. Why? Because if people are able to keep more of what they earn, they are able to invest.

We want America to be the most competitive, to be able to be the most productive, and you need capital to do that. And do you know what else you want? You want the creation of small business. You want everybody across the board to have the opportunity for the American dream.

Well, if you are taking a savings account that you maybe want to invest in your family, to invest for them in the next 21st century, to invest them in the ability to have a small business, invest them in taking a risk and a little reward, you don't want to give 55 percent to the government. You want to be able to hand it down.

Mr. PRICE of Georgia. Exactly right.

Mr. McCARTHY of California. And don't you want your grandchildren to be able to have a greater opportunity, greater education? It is not just the undergraduates we look at.

As I told you before, I have two kids at home: Connor, who is 13; and Meghan, who is 10. And when I look at their education and we sit around our kitchen table, my wife Judy and I, all we do is talk about the future for our children. And I am not worried about our children competing with somebody from another part of California or even somebody in different parts of America. Do you know whom our children are going to compete with? It is a global economy. They are going to compete with the kids in India and China. And I will tell you in India and China they don't have a 55 percent tax rate on the death tax. They don't hold their children back like we are holding ours back. We don't have the opportunity to grow. And this economy is competitive. And for us to stay that way, we need actually a new direction in this Congress where the people are before politics. And the one thing I have seen in these 100 or so days, this November election never ended, that we continue to have politics on this floor in each and every way we go about doing it. We should now start talking about solutions. How do we solve the problems? How do we make America energy independent? Not how we simply fund greater dictators, not that we buy as much oil from Venezuela as we do from America, and you listen to what Mr. Chavez says about America, "ending the evil empire." We want to make America and this world safer, freer, and leave it a better place for our own children. And we are not going to do it with the change in direction in this Congress. We are not going to be able to achieve those goals.

That is why I want to congratulate you on the work you have done because you are bringing accountability to this floor. You are letting the American people see it. And what we want to derive from that are solutions, bringing people back before politics.

Mr. PRICE of Georgia. Madam Speaker, I appreciate the gentleman's contributing this afternoon and his perspective.

And it is so appropriate and so uplifting, frankly, to have Members in the House of Representatives who understand and appreciate the connection between cause and effect, the connection between the actions that we take here and then what happens out in the real world. And it is one of those things, Madam Speaker, that frustrates my constituents and I know it frustrates Americans all across this Nation who are concerned that there are fewer and fewer individuals in this House of Representatives that appreciate that connection.

I want to mention just a few more items as it relates to the economy and as it relates to our current situation and, hopefully, what will occur with the policies that are adopted by this House of Representatives and this Congress.

This is a chart, Madam Speaker, that demonstrates the unemployment rate. And as you will recall, at the beginning of this decade, the unemployment rate was increasing significantly and got up to almost 6.5 percent in the early part of 2003. If you were to look at this graph and to believe and appreciate that a low unemployment rate means a vibrant economy, that people are working, that people are being able to support their family, that they are able to change jobs, that they are able to move up in the job market, that is what happens when you have a low unemployment rate. And anything below about 5 percent is considered to be an extremely vibrant economy.

So something happened in 2003 to result in a steady decline in the unemployment rate over the last 3 or 4 years. And what happened in 2003, again, is that we, Congress, and this administration allowed for Americans to keep more of their hard-earned money. Now, when you look at that, it is an important thing to appreciate. It is also important to recognize that cause and effect. But it is also important to look at some other numbers and kind of dig a little deeper into what was the consequence, what happened with the decreases in taxes.

As I mentioned, job growth, 88,000 new jobs were gained in just this past April, with nearly 2 million new jobs being created over the last 12 months. Our Nation has added nearly 8 million new jobs since August of 2003. And, Madam Speaker, sometimes those numbers just kind of get lost. You say 8 million new jobs or nearly 8 million new jobs, and it is tough to know whether or not that is good or bad compared to maybe what the rest of the world is creating. What is happening in the rest of the world?

Well, Madam Speaker, 7.8 million new jobs since August of 2003, that is more new jobs than all other major industrialized countries combined. That is more than all other major industrialized countries combined. That is more than England plus France plus Spain plus Italy plus Scandinavia plus Japan plus all other industrialized countries combined. That is phenomenal, Madam Speaker. It would behoove us to delve into why that has happened.

Our economy has seen job gains for 44 straight months, and employment has increased in 47 States. I think I should correct myself. I think I said 49 States earlier. It is 47 States within the last year. So the lower unemployment rate that we see, 4.5 percent, among the lowest in the past 6 years. And, Madam Speaker, that rate is lower than the average for the 1960s, for the 1970s, for the 1980s, and for the 1990s. That rate is lower than the average unemployment rate during those periods of time.

Economic growth, this economy that has been in transition has shown a sustainable growth path, an increasing path over a period of time. Real GDP growth is up 1.3 percent in the first quarter of this year and 2.1 percent over the last four quarters. Household spending, what are moms and dads across this Nation spending? Well, their spending is up 3.8 percent, and it remains strong and really is expected to be that kind of firm foundation upon which we continue this positive economic activity. But it will only continue, Madam Speaker, if we are responsible and set appropriate policies that will allow Americans to keep more of their hard-earned money.

By the same token, business investment continues to increase. Capital investment turned up in the first quarter. As my good friend from California mentioned just a moment ago, tax receipts were up. Tax receipts rose 11.8 percent in fiscal year 2006 on top of a 14.6 percent increase in 2005. And so far this year, we have seen growth of 11.5 percent. And that is what is confounding to our good friends on the left who don't seem to appreciate the cause and effect of allowing Americans to keep more of their money. In fact, what they say over and over is, well, the government needs more money in order to X-Y-Z. Even if you believe that all of the things that Washington does are appropriate and even if you believed that there was no waste and that there was no fraud and that there was no abuse that you could squeeze out of the system, even if you believe that, what we see happens when you decrease taxes, when you allow Americans to keep more of their hard-earned money, is that revenue increases. So, Madam Speaker, what we see here on this chart is a chart that demonstrates Federal revenue. That is the amount of money coming into the Federal Government in billions of dollars. And over the first part of this decade, we saw a steady decline in the amount of money coming into the Federal Government. And then once again that magic line, that magic point in time in 2003, when this Congress acted responsibly, along with this administration, and allowed Americans to keep more of their hard-earned money, what happened, Madam Speaker, is a remarkable thing, and that is a significant and huge increase in the amount of money coming into the Federal Government.

It ought not have been a mystery. Many people predicted it. Many people said that is exactly what would happen, and they knew that because that is what happened throughout history. President Reagan knew it when he decreased taxes on the American people and saw increasing revenue to the Federal Government. President Kennedy knew it when he enacted appropriate decreases in taxes on the American people in the early 1960s, and what we saw as a Nation at that time was an increase in revenue to the Federal Government.

So, Madam Speaker, it is important that we look at the cause and effect. What we do here makes a difference in everything. It has consequences for the American people. And so when you have positive activity in our Nation as it relates to the economy, positive job growth, positive numbers coming into the Federal Government, positive business investment, increasing homeownership, low inflation, low unemployment, it behooves us to figure out why that happened. It happened because we allowed more Americans to keep more of their hard-earned money, and we ought to continue those policies.

Now, one of the great concerns that I have, Madam Speaker, is that I don't sense any amount of willingness on the part of our new majority to continue those appropriate policies. And, frankly, I don't sense a whole lot of willingness on the part of a majority of Congress on both sides of the aisle to do what needs to be done in the area of spending. As my good friend said earlier, we don't have a revenue problem here in Washington; we have a spending problem. And it is clear that that spending problem continues regardless of the party in power.

So I am one of those who believes that there needs to be some restraints, some process restraints that ought to be put in place in order to decrease the level of spending appropriately and make certain that we hold people accountable and that we make certain that people are being responsible with the hard-earned money that Americans send to Washington, which is why I support a Federal Taxpayer Bill of Rights.

And I have labeled this chart "American Values and American Vision" because, Madam Speaker, I believe that it is an American value to allow individuals to keep the benefits of their labor. I believe that the more we allow individuals to derive the benefits of their labor and their hard work and their entrepreneurship and their ingenuity that what we will do is create more Americans who will strive to do more, who will strive to create more, who will strive to risk more, who will strive to do more in order to succeed. And the more Americans that are willing to do that, I have all the faith in the world that we will continue to be a wonderful and productive and successful Nation.

However, if we as a nation decide, no, we as a government know best, that we ought to tell you what to do, that we ought to tell you where to go, we ought to tell you how much you can make, that we ought to tell you when you make too much, what that does is stifle ingenuity and it stifles creativity and it stifles entrepreneurship and it says, no, we don't want you to be successful. We only want you to do this much, not more. We don't want you to truly reach your full potential. We just want you to do this much. We don't want you to dream big dreams because that wouldn't be a decision that we have made. Your dream may be at odds with some decision that Washington makes.

Madam Speaker, that is not the America that I know. That is not the American value that I was taught. That is not the American vision that I have and that so many of my colleagues have.

So the Taxpayer Bill of Rights that we have introduced in this Congress, Federal Taxpayer Bill of Rights, says a number of things, positively says a number of things. It says that taxpayers across this Nation have a right to a Federal Government that does not grow beyond their ability to pay for it. And what does that mean, Madam Speaker? What that means is that this bill, if enacted, would appropriately reduce the size of government or limit the size in the growth of government to an increase in the population of our Nation plus a cost-of-living adjustment so that the government could rise but no more than the increase in population and the increase in inflation. That is a restraint on the kind of spending that occurs on both sides of the aisle here in Washington. That is the kind of positive solution that I and many people support.

We believe in American values and an American vision and a Taxpayer Bill of Rights that says that taxpayers have a right to receive back every dollar they entrust to the government for their retirement.

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The issue of entitlements, Madam Speaker, we haven't even touched on this afternoon, but it's an important issue. The issue of Social Security is one that is extremely important because it was a program that was put in place a number of decades ago, and it was put in place at a time when there were 15 or 16 workers for every retiree, a wonderful program to have in place to allow for seniors to have some nest egg or some cushion that they could rely on when they retire. It also, curiously, Madam Speaker, as you likely know, was put in place at a time when the average life expectancy in this Nation was less than when the benefits would begin. That is the kind of program that the Federal Government likes. It means that you don't necessarily get what you put into the program itself.

We believe that American taxpayers have the right to receive every dollar back that they put into the Social Security program. We believe that the Social Security trust fund money ought not be spent on anything but Social Security retirement benefits. We believe that is a right that Americans have. We believe that is a responsibility that this Congress has in a positive way to say we will limit the spending of that money to what it was intended for. We believe in American values and American vision, that Federal taxpayers have a right to a balanced budget without raising taxes.

There are a number of ways that you can get to balancing the budget. You can get to it by increasing taxes. You can tax businesses and you can tax people, successful people and folks all across this Nation who work for a living. You can tax them and take more of their hard-earned money and for the short term you can balance the budget. Yes, you can.

But the way to responsibly balance the budget that embraces American values and that embraces American vision and that allows people to succeed and dream and work hard and have the benefits of their labor, the way to do that responsibly is not to take more of their money. The way to do that responsibly is to decrease spending, is to decrease and restrain the growth of government, and to make it so that the Federal Government does what the Federal Government ought to and ought do only. And that requires, I believe, Madam Speaker, a balanced budget amendment.

As I mentioned, folks on both sides of the aisle have difficulty with spending too much of the American taxpayers' hard-earned money. We believe that a balanced budget amendment is imperative.

We believe also that Federal taxpayers have a right to fundamental and fair tax reform. My good friend from Tennessee mentioned earlier that on January 1, 2011, 1/1/11, that this new majority is destined for the largest tax increase in the history of this Nation. We believe that that's wrong. We believe that the manner in which this Federal Government gains revenue stifles entrepreneurship, stifles vision, hurts dreams, harms success, says to folks who are working hard out there across this Nation, Don't do that. Don't work hard. That's not what you want to do, because if you do that, we will just take more of your money. That is not the America I dream about and I believe in. So we believe that fundamental and fair tax reform is imperative.

And finally, Madam Speaker, the Taxpayer Bill of Rights says that in order to increase taxes in this body, that we must have a supermajority. We must have more than just 50 percent plus one. We must convince a supermajority, a vast number of the individuals who serve in this body from all across this Nation, that a tax increase is absolutely necessary. It is one of the provisions that we had in place for the last 12 years, from 1994 to 2006. It's one of the things that was changed on the very first day of this new Congress, that a supermajority was no longer required. It is one of the reasons, Madam Speaker, why there was no significant tax increase over the last 12 years. One of the reasons, Madam Speaker, that we've seen a significant increase in economic productivity across this Nation over the last 4 years is because of appropriate tax decreases and not allowing increases by just a slim majority.

So, Madam Speaker, I am honored to come to the floor this afternoon and to share an American value, American vision that talks about positive things about our Nation and congratulates the men and women around this Nation who are working hard, who are trying to earn for their families and save for their retirement, who are trying to contribute to their own American Dream.

I believe that it is an incredible honor to serve in this United States House of Representatives. I believe it is incumbent on every single Member of this House to respect and value the hard work that each and every American performs each and every single day, regardless of the job that they're doing. Every single job has merit and worth and is deserving of our respect. And one of the ways that we ought to respect it is to allow men and women across this Nation to keep more of their hard-earned money and to be responsible with the spending that we perform here at the Federal level.

So I am honored to have presented that American vision and that American value to my colleagues today.

Madam Speaker, I appreciate that opportunity.

I yield back the balance of my time.

BLUE DOG COALITION DEFICITS AND DEBT BACKGROUND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Madam Speaker, this evening, as most Tuesday evenings, I rise on behalf of the 43 member strong, fiscally conservative Democratic Blue Dog Coalition. We are 43 fiscally conservative Democrats that are committed to restoring common sense and fiscal discipline to our Nation's government. We are not from one particular region of the country. Members of the Blue Dog Coalition stretch from California and Utah to New York, and we are united in trying to restore fiscal sanity to our Nation's government. Why? Because today, the U.S. national debt is $8.821,563,738.020. And I ran out of room, but right here it should say 12 cents. And for every man, woman and child in America, your share of the national debt is $29,225.95. It is what we refer to as the debt tax, d-e-b-t, which is one tax that cannot be cut; it cannot go away until we get our Nation's fiscal house in order.

It is hard now to believe, but from 1998 to 2001, we had a balanced budget in this country of ours. And now, under the past 6 years of Republican rule, with the Republicans controlling the White House, the House and the Senate, after 6 years we've got the largest debt ever in our Nation's history and the largest deficit ever in our Nation's history. In fiscal year 2004, it was $568 billion. In fiscal year 2005, it was $493.6 billion. In fiscal year 2006 it was $434 billion. Fiscal year 2006 it was $247 billion, and the projected deficit for fiscal year 2007 is $172 billion, but not really. The projected deficit for fiscal year 2007 is $357 billion. When they tell you it's only $172 billion, they're not counting the money they're borrowing from the Social Security trust fund.

When I first came to Congress in 2001, the first bill I wrote was a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund. The Republican leadership refused to give me a hearing or a vote on that bill, and now we know why, because they are using that money to fund our debt. $357 billion deficit projected for fiscal year 2007, and much of that is coming, about half of that is coming from the Social Security trust fund. Where is the rest of it coming from? It's coming from foreigners. In fact, this administration has borrowed more money from foreigners in the past 6 years than the previous 42 Presidents combined. Let me repeat that. This administration has borrowed more money from foreigners in the past 6 years than the previous 42 Presidents combined. My good friend and a founder of the Blue Dogs, JOHN TANNER, put it best when he said, If China decides to invade Taiwan, we will have to borrow more money from China to defend Taiwan.

David Letterman has a top 10 list, and we've got one, too. The U.S. is becoming increasingly dependent on foreign lenders. Foreign lenders currently hold a total of about $2.199 trillion of our public debt. Compare this to only $623.3 billion in foreign holdings back in 1993. Again, this administration in the past 6 years has borrowed more money from foreign central banks and foreign investors than the previous 42 Presidents combined.

Japan, $637.4 billion. The United States of America has borrowed $346.5 billion from China. The United Kingdom, $223.5 billion. OPEC, yes OPEC, and we wonder why gasoline is approaching three bucks a gallon. Our Nation has borrowed $97.1 billion from OPEC to fund tax cuts in this country for folks earning over $400,000 a year. Korea, $67.7 billion. Taiwan, $63.2 billion. The Caribbean banking centers, $63.6 billion. Hong Kong, $51 billion. Germany, $52.1 billion. And rounding out the top 10 list, and this will surprise some folks, the United States of America's 10th largest loanee to our government is the Government of Mexico and investors in Mexico. Mexico, investors have loaned the United States of America $38.2 billion. That's right, the United States of America has borrowed $38.2 billion from Mexico. And that rounds out the top 10 list of the foreign countries that our Nation is borrowing money from.

We believe this is very critical to our Nation's security. That is why we are trying to restore fiscal discipline and common sense to our Nation's government, put an end to these massive debts and massive deficits. Our Nation is borrowing a billion dollars a day, but before we borrow a billion dollars a day, we're going to spend half a billion paying interest on a debt we've already got. And that's a half a billion that can't go for Social Security, it can't go for health care, it can't go for new roads and fixing roads and infrastructure. It can't go for education, it can't go for homeland security, and it cannot go for veterans benefits. Why? Because we are spending that money, a half a billion dollars a day, simply paying interest on the debt we've already got before we increase it a billion dollars today. I think we need that half a bill to invest in the best and most advanced technology out there when it comes to bullet-proof vests to protect our men and women in uniform, to give them the best and most advanced equipment they need.

I've got a father, John Grant, in Hot Springs, Arkansas, that's very concerned about his son going back for a second tour of duty in Iraq and not having the most advanced body armor that's on the market today. A half a billion a day going to pay interest on the national debt, how many modern, state-of-the-art body armor vests could we buy with just the amount of money we're spending today paying interest on the national debt?

I am joined this evening by a number of fellow Blue Dogs, and I am grateful they have come down to spend some time with me on the House floor this evening.

At this time I would like to yield to a fellow Blue Dog, someone that's very active on the Blue Dog Coalition, someone that serves on the Armed Services Committee, among other important committees, and that is my friend from neighboring Oklahoma, DAN BOREN.

Mr. BOREN. Thank you. My colleague from Arkansas, Mr. ROSS, is a great leader for us on the Blue Dog Coalition. I am now in my second term, and I tell you there is no better organization than the Blue Dog Coalition.

When I was elected, and actually when I was running for Congress, I was able to sit down with a lot of the Blue Dog members. We had a lot of common interests, and one of those was fiscal responsibility.

Many of us that serve in Congress are former members of State legislatures. I can tell you, I can remember being a freshman State legislator and dealing with a State budget. When I was elected, we had a $700 million shortfall. That doesn't sound like big numbers here in Washington, DC, but they're big numbers in Oklahoma. And we were able to balance our budget because we basically had an amendment to our State constitution saying you will balance that budget. You're going to have to cut services; you're going to have to do something to rein in that spending. In Washington we don't have that. That's why it is so important that we have groups like the Blue Dogs who are focused on fiscal responsibility.

I can tell you, since this Democratic majority has taken hold, the Blue Dogs have been a key player in making sure that we have things like the PAYGO rules, PAYGO rules that make sure that whenever there is a new government program, we find a way to pay for it. We don't just write a hot check for it. So that is why I am proud to be a member.

My friend from Arkansas has been on this floor many, many times talking about the waste, fraud and abuse. And we will make sure that in this defense authorization bill we cut out any unwarranted spending that is not going to the warfighter. That is something that I have been working very hard with Chairman SKELTON on each and every day, and I appreciate his leadership. We've got many Blue Dogs on the

Armed Services Committee, and we are going to keep working to make sure that we spend those tax dollars wisely.

☐ 1730

We are joined also by our friend here, a new member who sits actually next to me on the Armed Services Committee, Mr. BRAD ELLSWORTH from Indiana. I would like to turn it over to him for any of his thoughts on the Blue Dogs or what is going on in the defense authorization bill or any other topics he wants to discuss.

Mr. ELLSWORTH. Madam Speaker, it is an honor for me to join you and the members of the Blue Dog Coalition in their mission to bring fiscal responsibility back to this House.

As my friend from Oklahoma said, I am a new member. I have been up here approximately 5 months now, so it is easy for me to remember what the people of the Eighth District of Indiana said, their marching orders when they sent me here and elected me to the people's House. They told me to stay honest. They told me, don't let Washington change you. They said, in fact, you need to go and change the way Washington works. And they said "spend my money wisely."

They have probably seen Mr. ROSS on TV and saw the poster that showed that every person in this country, their portion of the national debt was $29,000, and it recently had to be added to. Over $29,000. Every man, woman, child, living person in this country, owes $29,000 of that debt. That is too much. Why are we strapping our children and grandchildren with that kind of debt?

The people in Indiana are pretty smart. Nobody likes taxes, but they realize that taxes are a necessary, I might go as far and say, evil, if they want the services that the government provides. So they don't mind paying those taxes if they know that their Congress people are spending those taxes wisely.

So when they hear about "bridges to nowhere" and fish museums and teapot museums in North Carolina, or maybe more serious than that, things like $38 million worth of weapons in Iraq and Afghanistan that have gone on the missing-in-action list, weapons that probably have fallen into our enemy's hands, or $9 billion in $100 bills on pallets that is gone. It is missing, and our great country, with all of our accounting, cannot account for $9 billion in cash that has gone over there on skids.

That is not what the people of Indiana expect of this Congress. It is not what they expect of me, and I don't think they will tolerate it.

That is why when I came to Congress, when I heard about the Blue Dog Coalition, the Blue Dog Caucus, that it was a pretty easy group to join. When I checked on them, and I assume they checked on me, we had those same values and ideals. We were fiscally conservative. We want to spend the people's money wisely. We weren't going to waste it. We actually worked to balance the budget, that we wouldn't spend money we didn't have.

I have a credit card. Probably most people in the audience here, Madam Speaker, you may have a credit card, I am sure. But I don't run up those totals to the amounts that our country has run up, into foreign countries. My wife and I work hard. We charge things, and then we pay off that card. That is what the people expect us to do here.

So it is going to take tough decisions. It is going to take the tough calls. But we have got that. A group of 43 have that internal fortitude to put those tough decisions on the front. The people understand that. They will let us do that, that we will make wise decisions with their money.

So I stand here tonight, not only in the Armed Services Committee, but in every committee, whether it is Agriculture, Small Business, Armed Services, no matter what the committee is, this Congress, the people's House, has a responsibility to spend their money wisely. I pledge to do that, I know the Blue Dogs pledge to do that, and I think the other 434 Members of Congress need to do that, too.

With that, I yield back to the gentleman from Arkansas.

Mr. ROSS. Madam Speaker, I thank the gentleman from Indiana, a new member of the fiscally conservative, Democratic Blue Dog Coalition, Mr. ELLSWORTH, for joining us for the discussion this evening here on the House floor, as we are every Tuesday night, here talking about restoring fiscal sanity to our national government.

Public opinion polls indicate that the American people really aren't concerned about the debt, which is approaching $9 trillion. But I am here to make the case that every one of us in America should be concerned about the national debt, because despite what some people may believe, despite what the Republicans have believed for the past 6 years, money does not grow on trees in Washington, DC, and we have got to begin to run this government the way that I can assure you Holly Ross makes sure that we run the Ross household in Prescott, Arkansas, and that is living within our means.

We cannot continue to borrow $1 billion a day. We cannot continue to spend half a billion dollars a day paying interest on the debt we have already got.

Why should it matter to every American? Look at this chart right here. Interest payments on the debt dwarf other priorities. For example, in the red you can see the amount of money we are spending of your tax money, Madam Speaker, paying interest on the national debt. You compare that to education in the light blue, compare it to homeland security in the green, compare it to veterans benefits in the blue.

You can see where the priorities lay with this administration for the past 6 years. The majority of our money is being spent paying interest on the national debts, not going to educate our children, not going to keep our homeland safe, not going to fund veterans healthcare.

At this time I yield to the gentleman from Georgia, a fellow Blue Dog member, Mr. SCOTT.

Mr. SCOTT of Georgia. Thank you very much, Mr. ROSS. As always, it is indeed a pleasure to be with you on this occasion.

I want to talk about two areas, the debt, and, of course the big elephant in the room which all of America is concerned about, the situation in Iraq and Iraq accountability.

I happen to serve on the Financial Services Committee and on the Foreign Affairs Committee, so in terms of foreign policy and in terms of our finances, those are the two major critical cross-sections we are in at this point.

Concerning the debt, it is very important that we point out, Mr. ROSS, that the fastest growing area in our budget is the interest that we are paying on this debt, which is more than what we are spending combined for education, the environment and for veterans affairs.

As we segue that into our international situation, when you look at the debt that we have gotten into as a result of the carelessness and the ineffective, inefficient foreign policy as it relates to our debt; for example, under this President and under this previous Republican-controlled Congress, this country has borrowed more money from foreign governments than all of the preceding past Presidents have done since 1789, since the foundation of this country. It has placed us in a very perilous position. And we are fighting this war in Iraq and Afghanistan on borrowed money that our children will have to pay back and the children of our soldiers will have to pay back.

Mr. ROSS, what is on the minds of the American people is accountability in Iraq. It is very important that we mention two major bills that we are moving in that direction. First is our own troop readiness and Iraqi accountability bill that passed this House, the basic framework of which after the President vetoed the first go around is now in the bill we passed last week, and it is in the conference report that we hope we will be sending back. It is important that the American people understand what the Democrats have put forward in this measure.

Our other bill is the Accountability Act, in terms of financial accountability, that we in the Blue Dog Coalition of Democrats have put forward to bring some fiscal responsibility and soundness and transparency to the moneys that we are spending in Iraq and Afghanistan. We know about the Halliburtons, we know about all the war profiteering. We hear about that in the news accounts.

It is our bill that we are pushing forward that will give some transparency and accountability. Two important facts that I think the American people need to know about that bill is that, one, it will require that the Inspector General from both the Defense Department over at the Pentagon, will have to come before this Congress quarterly to explain and to account for the moneys that are spent on that basis, as well as the Inspector General from the rebuilding program in Iraq, where so much loss of funds, unaccountability, outright stealing and theft is going on of the taxpayers' money. So we are bringing accountability to that.

But we also have got to do more, and that is what is contained in the conference report that we are sending to the President. Not only do we have benchmarks, but there must be accountability to the Iraqi people. They have this opportunity and they must step up to the plate to assume their end of the bargain. There is a government in place, and the benchmarks we have put in, there is no better way to do that.

Now, Mr. ROSS, I think much has been said about Congress and the role that we have to play in foreign policy. Unfortunately, this President has said time and time again that he is in control of foreign policy; that he is the Commander in Chief, and that the Congress is just here to do pretty much as he wants us to do. And for 5 years, for the first 5 years, that happened, where this Congress just rolled over and gave the President everything that he wants.

When we had that change in November and the people went to the polls to put Democrats in charge, they wanted to see a change in direction, and the Democrats are giving the change in direction in the bills that we have sent forward to the President.

You talk about fiscal accountability. Yes, indeed, we have that in there. We have put more money in this budget for our troops, $4 billion more, than the President has asked for. But it is so important also that we have accountability when the money gets over, to make sure that the Iraqi people understand, we don't have an endless supply of money to go down over into Iraq, and most certainly we do not have an endless supply of the precious blood and the lives of our soldiers to continually be going down the pike in the Iraqi situation. The American people are saying this situation has to end. We must get our men and women in uniform out of the middle of the crosshairs of what is a civil war.

Madam Speaker, we realize that we are in this because of mistakes. More importantly, Mr. ROSS, when you talk about accountability, it is important that we realize now that not only have mistakes been made, but we got into Iraq based on not just bad intelligence, but warped intelligence, and we got in there on deceit and lies. All of that is there now.

It is very important for us if we want to effectively be able to determine how to get out of Iraq, we must be honest about how we got into Iraq. So it is very important that we do that.

The American patience is running out on those two measures of Iraqi accountability, in terms of the money we are spending, in terms of the benchmarks we have put into this effort, and for the transparency that we put in our bill. We, as Democrats, are being very responsive.

We do have security in that region. We are not going to abandon our troops, but we are going to get them out of the crosshairs of this civil war and get into a position of containment. That is the direction that we have to go in as we formulate a new, much more effective foreign policy in the Middle East.

Mr. ROSS. Madam Speaker, I thank the gentleman from Georgia for his work with the Blue Dog Coalition, 43 of us, fiscally conservative Democrats. I welcome the gentleman from Georgia, Mr. SCOTT, to remain on the floor with me, if time will permit for him, for a discussion more in depth over the next 40 minutes as we talk about restoring not only fiscal sanity, but also accountability to our government, not only here at home but to the money being spent in Iraq.

We all support our troops, Democrats and Republicans alike. Up until now, the President would have you believe that we are sending $12 million an hour to Iraq, and if you question how any of it is being spent, he would tell you you are unpatriotic.

Well, the Blue Dogs have said enough is enough. It is time to demand accountability for how that money is being spent, to ensure it is being spent to provide the very best equipment and the best of the best for our brave men and women in uniform serving us abroad today, not only in Iraq but also Afghanistan.

I am joined this evening by the gentleman from North Dakota, Mr. EARL POMEROY, and a fellow Blue Dog member. Welcome.

Mr. POMEROY. Thank you very much for allowing me to participate in this Special Order. I want to congratulate you and all who have impacted the national defense authorization bill we will be voting on towards the end of the week.

You know, the principles of sound budgeting have got to apply to the administration of our government, and that means all facets of our government. We have had leadership at the White House that has basically said we can have a war, and we are going to have it off budget. We don't have to account for it in terms of our efforts toward reaching a balanced budget, our efforts in terms of reducing the deficit. We are going to have it off budget.

☐ 1745

All it means is our kids are picking up every nickel of this war, as it goes straight on the national debt. That is why I appreciate the principles advanced by the Blue Dogs in H. Res. 97, the Operation Iraqi Freedom Cost Accountability Act, and I applaud you and all who worked so hard to get major portions of it included in the Defense Authorization Act.

The four significant provisions of the bill: transparency in how the war funds are being spent. This isn't a black-box proposition. The money is appropriated; the money flows. Where does it flow?

I believe we have at the rate of $2 billion per-week burn rate, we are entitled to know. We are entitled to know in much greater detail than we have had before. The Blue Dogs would go so far as to have a Truman Commission looking at war profiteering.

If in the depths of World War II, the face-down with Hitler, we could recognize that there were inappropriate funds being spent and worked to get a handle around them, as Senator Truman led with his committee, certainly the same holds true with the war on terror and with Operation Iraqi Freedom.

There is a book that I recommend and bring to your attention, "Imperial Life in the Emerald City." It is an outstanding inside account of the administration of the Green Zone in the early days after the conflict and into this postwar period in Iraq. It will raise in your mind, as it has raised in mine, any number of deep and troubling questions about how this whole matter has been administered, and that goes to war contracting, and that means we need to take a thorough look at all of that.

Part three of H. Res. 97, running the future funding of this war through the regular appropriations process, a principle adopted now both in the budget and the Defense Authorization Act, and the fourth essential component of this bill, moving greater Iraqi responsibility for their policing and security.

Now we have a unanimous vote of the Armed Services Committee with the defense authorization bill, and I believe the Blue Dogs can be very happy that the principle of funding this war through the normal appropriations process and greater transparency in how the funds are spent will be the policy of this House, a policy adopted I am happy to say with bipartisan measures.

The essential management goals for this war will have to be established by the Department of Defense, and the Special Inspector General for Iraq Reconstruction will have a much greater say in bringing information on the expenditure of these dollars to this body. There have been efforts, frankly, to hamstring the Inspector General. We make clear in this legislation that the Inspector General's authority goes towards reconstruction funding regardless of the source or the fiscal year. We need to expand our efforts to get a handle on how in the world we have spent to date nearly $400 billion, and the tab flowing just as fast as ever.

I think that this represents an important Blue Dog accomplishment. I look forward to voting on the defense authorization bill. Rather than take further time, I ask that JIM MARSHALL, a member of the Ranger Hall of Fame, a member of the defense authorization committee, be one that might further expand in this area. Obviously, his credentials are extremely well established.

I would just conclude by saying that the Blue Dogs have stood for accounting principles and solid budgeting in the administration of this war, and we have prevailed with the bill coming out of the Armed Services Committee.

Mr. ROSS. I thank Mr. POMEROY for his active participation within the fiscally conservative Blue Dog Coalition and for his insight this evening.

The gentleman is referring to H. Res. 97, which is the Blue Dog bill providing for Operation Iraqi Freedom Cost Accountability; and today, Chairman SKELTON, chairman of the House Armed Services Committee, announced that key provisions of that bill demanding accountability on how your tax money is being spent in Iraq, Madam Speaker, will be included in the defense authorization bill that is scheduled to come to the floor.

A leader within the Armed Services Committee, someone who is a member of the Ranger Hall of Fame, who served our country in the Vietnam War, Mr. MARSHALL, is here, and I yield to you at this time.

Mr. MARSHALL. Mr. ROSS, you are wonderful to do these hour-long Blue Dog sessions here to give people an idea what Blue Dogs are all about as far as fiscal responsibility is concerned.

I think you and Mr. POMEROY give me a little too much credit. If you label somebody a Ranger, it reminds me of the joke about the Ranger library down in Eglin Air Force Base having burned down. That was the bad news. The good news was that both books were already colored in. We don't expect our Rangers to be particularly good at math or education subjects, but it doesn't take a rocket scientist to figure out there has been an awful lot of waste in Iraq. It is not just waste on our side; we excessively rely upon contractors. I think we have moved too far in that direction, and we limit our capacity within our own military forces to provide services that ought to be provided by military folks and could be provided by military folks at a much lesser expense to the taxpayer.

Spending less, stretching your dollars means you are going to be more effective at whatever you are doing, and that includes an effort like Iraq. I think we have inappropriately moved too far in the direction of relying upon contractors. That is one thing. The other place where we have seen dramatic waste is on the Iraqi side.

The American taxpayers and the American people with their sons and their daughters who are in this war and in harm's way at risk of being killed or being severely harmed expect that the Iraqi people and the Iraqi Government will step up and do its part. We all know that this is something that cannot be won by an American conventional force. We are not simply going to go in and raze whole villages to force people to comply with us and our view of the way things ought to be.

The local population has to deal with the security situation in Iraq. We can help and we must help or they will be unsuccessful, but we can't succeed without them.

Our Iraq accountability legislation specifically provides that further assistance and support to the Iraqi people should be conditioned upon the Iraqi Government stepping up and meeting its share of the partnership. If the Iraqi people choose to do that, and obviously they have problems among themselves, far greater problems than Democrats and Republicans have here in the United States House of Representatives, and we often have a hard time coming together here in the House of Representatives, so it is not surprising that Sunni and Shiite and Kurds in Iraq are having a similarly difficult time, a more difficult time coming together and reconciling with one another so they can appropriately organize to address the internal security threats that they face. We can't force them to reconcile. We can't force them to build the institutions that they need to spend their oil money effectively and addressing the security threat. We can't force them to address the security threat.

So in the partnership here in many ways we can help them, but there are things they must be doing. And as part of the financial accountability picture that Blue Dogs feel so strongly about, we have to add accountability of our partners. The Iraqi people are our partners. The Iraqi Government is our partner, and our partners need to be accountable for their side of the deal here or this is not going to come out well for the Iraqi people, the Middle East, or the United States.

I appreciate the opportunity to voice my opinion with regard to that particular issue. I appreciate what the Blue Dogs do as far as debt is concerned and highlighting something our country should be very concerned about.

They say that if there is a moral or ethical obligation one generation has to the next generation, it is to leave the world in at least as good a state as that generation found it when we pass it to the next generation. What we ought to be trying to do is make it a better world; and in so many different ways this generation is failing that ethical or moral responsibility to the next generation, and the amount of debt that we are adding to their shoulders is one of those ways.

Mr. ROSS, I appreciate what you do for the Blue Dogs and for the Congress of the United States.

Mr. ROSS. I appreciate the gentleman and his leadership within the Blue Dog Coalition and his work on the House Armed Services Committee and for his insight this evening.

We all support our troops, Republicans and Democrats alike. As members of the Blue Dog Coalition, we want accountability for how your tax money is being spent. In 2001 and 2002, $2.5 billion was being spent in Iraq. In 2003, $51 billion. In 2004, $77.3 billion. In 2005, $87.3 billion. In 2006, $100.4 billion. And 2007 to date, $60 billion, for a total of $378.5 billion.

We are currently spending about $10 billion a month, about $2.5 billion a week. You do the math. It is about $12 million an hour of your tax money we are sending to Iraq. What are they doing with it? Number one, they ought to be ensuring that our brave men and women in uniform get the best body armor available to them. There are reports out that indicate maybe that is not exactly the case.

This was brought to my attention by John Grant from Pearcy, Arkansas, just outside of Hot Springs, in Garland County. His son is getting ready to go back for a second tour of duty. He visited a National Guard Armory where he actually saw body armor that was stamped "Fragile, Handle With Care." It is time we did right by our brave men and women in uniform and provide them with the resources they need.

The Blue Dogs have written a bill with the help of Captain PATRICK MURPHY, a veteran of the Iraq war and fellow Blue Dog member, and JANE HARMAN, former ranking member of the House Intelligence Committee, among others, and our bill demands accountability on how our tax money, your tax money, is being spent in Iraq.

One of the reasons that we decided to do this bill was because of reports like this: Washington Post, Monday, April 30, a story by Dana Hedgpeth, entitled, "U.S. Rebuilding in Iraq is Missing Key Goals, Report Finds." Less than a third of Iraq's 3.5 million students attend class. In the medical field, for example, only 15 of 141 primary health care centers have been completed, and only eight of those are open to the public. The list goes on, and we will talk more about this in a little bit.

At this time I yield to a former cochair of the Blue Dogs and an active member of the fiscally conservative Blue Dog Coalition, the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Well, I thank my colleague from Arkansas for conducting this Special Order tonight. That list, that article that you just were referring to is not a one-time deal. I think we all have a sense after over 4 years of the Iraqi operation having taken place, I think we have all heard stories, and those news articles seem to come out more and more often where money has been spent and we haven't gotten result in terms of rebuilding the infrastructure. That is a cause of concern and that is one of the motivations behind the Blue Dogs coming together with legislation in this Congress called the Operation Iraqi Freedom Cost Accountability Act.

The Blue Dogs have come up with this bill which has been given the number H. Res. 97, and I want to take a brief moment to walk through what this legislation does.

Now, quite frankly, before we go through the specifics, I should say it puts forth tangible and commonsense proposals to ensure future transparency and the accountability in the funding of Operation Iraqi Freedom. This is a first step. There is more we probably need to do, but this is an important first step to make sure that resources are getting to our troops in the field in a reasonable manner.

There are four crucial points in this legislation demanding for fiscal accountability in Iraq.

First, it calls for transparency on how Iraq war funds are spent.

Second, it calls for the creation of a Truman Commission to investigate the awarding of contracts.

And, third, it calls for the need to fund the Iraqi war through the normal appropriations process and not through emergency supplemental appropriations processes.

Fourth, it calls for using American resources to improve the Iraqi assumption of internal policing operations.

Now, the resolution also calls for the Iraqi Government and its people to progress towards full responsibility for internal policing of the country because ultimately that is where we need to go.

Now recently, and I know other speakers have mentioned this, a significant accomplishment took place in terms of the Blue Dogs working with the Armed Services Committee to include key provisions of the Blue Dog accountability legislation in the Department of Defense authorization bill that we are going to be voting on here in the House of Representatives later on this week.

□ 1800

In doing so, I think it's an important first step toward ensuring greater fiscal transparency in the funding of the war in Iraq.

The American people deserve to know that their tax dollars are being spent wisely and that our troops have the resources they need to succeed. The Blue Dogs are committed to passing legislation that accomplishes that goal.

Now, members of the Blue Dog Coalition also believe strongly that funding requests should come through the normal appropriations process, as I said, rather than through these multiple emergency supplemental requests. Let's make it part of our overall budget so we can plan accordingly.

I think that again with the Defense authorization bill coming up this week and with key components of the Blue Dog legislation included in that bill, I think that's a significant step forward for this country. I am proud that the Blue Dogs were able to play an important role in moving this legislation forward.

Mr. ROSS. I thank the gentleman from Utah, and the gentleman's right, the Blue Dog Coalition, we want to thank Chairman SKELTON for including key provisions of our bill, H. Res. 97, in the Defense authorization bill.

H. Res. 97 was previously introduced by Blue Dog members and calls for transparency in how Iraq War funds are spent. Specifically, the Defense authorization bill addresses the lack of oversight and accountability in the war by requiring that the Government Accountability Office, commonly referred to as the GAO, report every 6 months on the handling of contracts in Iraq.

In addition, Blue Dog members applaud the inclusion of measures in the Defense authorization bill which establish essential management goals for the Department of Defense and expand the authority of the Special Inspector General for Iraq Reconstruction to include all reconstruction funding, regardless of source or fiscal year.

Again, we're all about providing the funding our troops need. We want to make sure that funding gets to them and that this administration's accountable for it and that the Iraqi people are accountable for how the money is being spent that we send to them.

Mr. Speaker, if you have got any comments or questions or concerns for us, you can e-mail us at bluedogs@mail.house.gov. Again, that's bluedogs@mail.house.gov.

I yield to my fellow Blue Dog member all the way from California (Mr. COSTA).

Mr. COSTA. Madam Speaker, I thank very much Congressman ROSS, the gentleman from Arkansas, who does an excellent job each week in helping convey the message of the Blue Dogs, the fiscally conservative Democrats who are focused on accountability, not just at home but abroad as well.

Mr. Speaker, I rise this evening to once again echo strong support for the Blue Dog Accountability War Act, and I, too, am pleased that Congressman SKELTON, because of his focus and his desire to see the same sort of accountability that I think all Americans want to see, this is a bipartisan issue, chose to include provisions of the Blue Dog War Accountability Act within the new authorization for Defense.

Four years ago, we all remember very clearly when this war effort was brought to America. We were told that 4 years ago it would cost $60 billion and that the oil revenue from Iraq, which has tremendous reserves, would go to pay for the reconstruction. I think many Americans thought that that might be a reasonable price to pay, notwithstanding the fact that you can never, ever put a price on the cost of American lives that have been lost nor those that have been injured. Nonetheless, we were told that 4 years ago in monetary costs, it would be $60 billion and the oil revenues would go to pay for the reconstruction costs.

Many of you saw the reports this week by a number of press agencies that indicated over the last 2 years billions and billions of dollars have been lost from revenues from the Iraqi oil reserves, but while it was a new story this week, it comes as no surprise to many of us who have been briefed in Congress.

I was in Iraq last May, spent time in Mosul, city of Mosul, with a number of our commanders. As we were getting our briefings, as all congressional delegations receive when you go to Iraq, we were told of the problems of getting the oil from the oil field, from the wellheads to refinery because there's only one, and then getting the refined products to where the Iraqis could use the gasoline and the other oil products. They told us as recently as a year ago that every step of the way from when the oil was taken out of the wellhead, put in the truck, on the truck, mind you, because you can't use pipelines because the insurgents keep blowing the pipelines up, that every step of the way, every province, there is graft, there is corruption, there's other types of lost revenue, and those moneys go too often into the hands of these same insurgents that are battling our troops, making side profits off the revenue that was supposed to go to reconstruction, going to pay for insurgents and for bombs that come in the form of IEDs, that end up killing and maiming so many of our American men and women who are trying to fight this battle on behalf of the Iraqis.

So this is well-known, and yet 2 years as we look at the problems with trying to get this oil out of the ground and to the refineries, we still have made little progress in terms of eliminating that graft and corruption that currently takes place or the profits from that graft and corruption that go into the hands of the insurgents.

And yes, unfortunately, the oil revenues today are still at or below the levels during pre-Saddam Hussein years when, in fact, there were restrictions on the amount of oil they could drill. That's how much progress unfortunately we have not made in the 4 years that we've been engaged in this effort.

The fiscal accountability under the Blue Dog War Act for this effort, as it's being included in other aspects of our budget, are critical. The reforms the Americans expected here at home, they're the reforms that Americans expect on a bipartisan basis as we try to change the direction and the course of this war in Iraq.

Let me conclude by saying that it's important that we keep our eyes focused on the situation at hand. Many of us have had briefings on a weekly basis with the top generals who are engaged in this effort trying to implement this surge. Just last week in speaking with one of those generals, I told him, I said, you know, we're doubtful on the surge, many of us, not because we don't think American men and women are successful; we know that they will do the absolute best job possible, but we're doubtful on the credibility of the leadership of this administration to effectively carry out what they say, and that's a loss of confidence. If this were a parliamentary system, there would be a vote of no confidence after all that has transpired over the last 4 years.

Having said that, I, like most Americans, hope that this surge is successful, for all the right reasons, for all the right reasons, but let me tell you tonight what I told the American general last week. If this surge by this summer is not successful, I hope you will tell the Congress and the American public that it's not working. He responded in the affirmative that he would respond by August on whether or not this was working or not. So I told the general, I said I hope it's successful, but I hope if it's not, you will tell us that it is not and that currently you are engaged in an effort that looks at a plan B. As I told Secretary of State that we needed to be thinking about doing in February of this year, a plan B that would protect our men and women who are at the front lines, look at protecting the borders between Iraq and Iran and Syria, look at redeployment, looking at beefing up our efforts in Afghanistan, in a way that protects our interests in the Middle East but quits trying to convince ourselves that if we want democracy more than the Iraqis it will happen.

At the end of the day, Iraq will have to stand up for itself and indicate that they want to make a success out of this effort of democracy.

So I want to yield back to my colleagues and I thank my friend, the gentleman from Arkansas, for providing this opportunity for fellow Blue Dogs to come and talk about why we are so concerned that, in fact, a new day has come and why we have to make new changes in direction that will fit the accountability of American men and women, that American taxpayers and that most importantly our American soldiers demand and deserve.

Mr. ROSS. Madam Speaker, I thank the gentleman from California, and as we have been discussing this hour, Mr. Speaker, H. Res. 97 demands accountability for how the money is being spent in Iraq.

We all support our brave men and women in uniform. We all support our troops. We are all Americans first and foremost, but just as when a small town in America receives a grant they must be held accountable for how that grant money is spent, so should the Iraqi government.

Again, Washington Post, Monday, April 30, by Dana Hedgpeth, entitled U.S. Rebuilding in Iraq Is Missing Key Goals, Report Finds. "Before the U.S.-led invasion, Iraq's power system produced 4,500 megawatts a day with an aging infrastructure in which 85 percent of power plants were at least 20 years old, the report said. Reconstruction officials initially hoped to increase daily output to 6,750 megawatts by the summer of 2004, a target later lowered to 6,000 megawatts. But in the most recent quarter, Iraq generated only 3,832 megawatts a day."

What does that mean? The story goes on to say, "The shortage was particularly acute in Baghdad. Before the war, the city received an average of 16 to 24 hours of power a day. Last spring, Baghdad averaged 8 hours of electricity a day." That was last spring. "This year, during the last week of March, the city received only 6.5 hours of electricity a day. The rest of the country, however, received an average of 14 hours of power a day."

At this time, I yield to the gentleman that helped write H. Res. 97, which is of course the Blue Dog bill, to provide for Operation Iraqi Freedom cost accountability, to provide an accounting for how this $12 million an hour of your tax money is being spent in Iraq, the gentleman who helped white the bill, an active member of the Blue Dog Coalition, the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Madam Speaker, I appreciate the gentleman from Arkansas, and I thank the gentleman from Arkansas and I appreciate your leadership on this issue.

I don't come to the floor often on Special Orders, but I think today this issue is so critically important not only for the American taxpayers but for the men and women who are serving so bravely in Iraq, and this is such a long overdue issue, as the gentleman mentioned, I helped write this bill but this came about after two Congresses of my own bill, the Iraq War Funding Accountability Act, that in the last Congress, as you know, was a Blue Dog-endorsed measure. That was an attempt to bring about accountability in Iraq in regard to the moneys that are spent by contractors in the reconstruction areas taking place in Iraq.

Unfortunately, we were not allowed under the last Congress or the last majority to bring this measure forward so we could debate it, so we could discuss it, so we could vote on it. But fortunately, with the new leadership in Congress, this has become an issue that has not only been discussed and debated but an issue that is going to be included in the bill that we have before us this week. And it's just so long overdue on the part of the American taxpayers and the men and women who are serving who, because this money is misspent, misdirected, sometimes lost, are going without the equipment that they need.

Every Member in this House has heard from family members and friends about their loved ones serving in Iraq who require supplies purchased by family members and friends and sent to them, everything from boots to protective gear, to the proper sunglasses, to supplies. It's absolutely inappropriate, and as long as we continue to misappropriate money and allow this to fall into the area of waste, fraud and abuse, and in sometimes criminal neglect or criminal negligence, this issue is only going to be exacerbated and the stories are just far too numerous.

We've heard the little stories that, in fact, some of these contractors are selling soda pop at $45 a case to the men and women who are serving in Iraq to the same contractors who are charging $100 to do a 15-pound bag of laundry, to the bigger issue, such as trucks, trucks that are burned in place because there's minor repair problems needed, to even bigger issues such as pallets of money, I think it was $12 billion that just disappeared in Iraq. And we have been trying to get a handle on this for a long time, and every effort that we have made has been short-stopped in this Congress, and finally, we are going to be able to get it out.

Mr. Speaker, I have here a Special Inspector General for Iraq Reconstruction Report. This is a report that's issued quarterly to Congress.

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It tells us very, very little about what's happening. It will tell us by contractor name how much we are obligated to them. It will tell us by contractor name how much they have expended. It will tell us by contractor name the percentage of increase in these expenditures, but it doesn't tell us how the contract was let, why the contract was necessary, and, if, in fact, the work being done was, in fact, completed.

This report represents a snapshot from 30,000 feet, no attempt at all to drill down and find the answers that the taxpayers and the servicemembers deserve. I have another report here about the construction by a contractor of the Baghdad police academy, obviously built in Baghdad. These pictures are worth 1,000 words. They show the fact that the work was done, shoddy workmanship. They show, in fact, that the supplies that were used by these contractors were inappropriate supplies, faulty, substandard supplies. This isn't pointed out in the quarterly report.

These are the things that we need to know, and I am just proud to be a member of the Blue Dogs who exist for one reason and one reason only, the one common thread that runs through the entire Blue Dog organization, and that's fiscal responsibility. It's fiscally irresponsible to continue to ignore these very real problems. It's fiscally improper to adopt this measure, to insist on accountability by those who are being paid just gross sums of money to do, in some instances, inappropriate, ineffective, substandard work.

I thank the gentleman from Arkansas for yielding, and I appreciate your leadership in helping get this measure signed into law and bringing accountability to these outrageous incidents that are taking place in Iraq today.

Mr. ROSS. I thank the gentleman from California for his work within the fiscally conservative Democratic Blue Dog Coalition to write and craft this Iraq war accountability bill known as House Resolution 97.

In the remaining 3 minutes or so we have left, I am going to yield to my friend, fellow Blue Dog member from the State of Georgia, Mr. DAVID SCOTT.

Mr. SCOTT of Georgia. Thank you, Mr. ROSS.

I will try to sum up what we have done this evening. It is very important, as the American people have followed this process, have seen us with the legislative process at work, not only in terms of debating the issue, but they have also witnessed how we are putting this, hopefully, this final piece together that the President will sign.

First of all, just to wrap up, we have made concessions with the President on the issues that he was concerned about. The timelines, have, indeed, been removed. Those were his major objections on it. So we have compromised on that point.

But we also had, then, accountability, and that's what the American people want. They want to make sure that we have accountability in this. Mr. THOMPSON from California has played a very leading role in this, and it was so good to have him on the floor talking about it. Mr. IKE SKELTON, who is the chairman of our Armed Services Committee, has incorporated all of the major points of financial accountability to get out fraud and waste, to bring in the Defense Department's investigators to report to us on each of these areas, on a 6-month basis, to show us how the money is being spent.

All of those things are now in this package, and the benchmarks are in, the benchmarks. So we can hold the Iraqi people to, and say, these are things that must be accomplished, as we go forward. If you don't hold their feet to the fire, if you don't put pressure there, there is no accountability. So we are going to have them on security.

We are going to have them where they are going to reach the deal of how, which is at the bottom of the whole situation, is oil, and how they are to divide the oil revenue between the Kurds, between the Sunnis and between the Shias. We have got this in there for benchmarks.

The other thing we have in there is funds for the troops, the Humvee protection, the body armor production. Never again will they go in Humvees and have to write back to mom and dad to give them the metals. They are over there fighting for the United States of America. It is our constitutional responsibility as the Congress of the United States to raise and support the military. That's in article 1, section 6 of the Constitution for our duty. This Congress is able to do that in this.

Finally, what is so important, we are having in this measure true emergency measures like the children's health program, in which we have $349 million now for that shortfall to help with the SCHIP program, for that lower-income program.

Many of those children, incidentally, Mr. ROSS, are children of some of these servicemen who are serving in Iraq, because their income level falls too low for Medicaid, yet not high enough to be able to afford the regular practice. The money is in here for the veterans to make sure the Walter Reed situation doesn't happen again. That's what's so important. That's what the American people want.

In this measure we have got that, and then plus $2.4 billion more than what the President asks for the troops. But we have got the accountability in, and it's geared to moving us in a way to get us out of the crosshairs of this civil war and in this occupation in Iraq so that we can strengthen our military and put the resources in Afghanistan and Pakistan where we know al Qaeda is and allow the Iraqi people to manifest themselves and solve this civil war among themselves.

Thank you. It has been wonderful being with you and being a part of our Blue Dog coalition this evening.

DELIVERY OF HEALTH CARE IN THE UNITED STATES

The SPEAKER pro tempore (Mr. SIRES). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I want to come to the floor tonight and continue on a theme that we were discussing last night, and that theme revolves around delivery of health care in this country.

Some of the discussion last night dealt with the future of medical care in this country, whether we expand the public sector involvement, whether we encourage and continue the private sector involvement in the delivery of health care in this country; and those are extremely important questions, and questions that I suspect that this Congress will be debating at length over the coming 18 months and well into the next Congress, the 111th Congress that convenes in 2009.

If we don't pay attention to the physician workforce that is going to be providing that health care, those discussions may be all for naught. We are obligated, in this Congress, to pay attention to access for our patients, patients in Medicare. You heard reference to the SCHIP program; patients in the SCHIP program are all going to need access to physicians. It doesn't matter whether a patient is a participant in the Medicare system, the SCHIP system, private insurance, pays cash for their care, they need access to a doctor, and that access will be unavailable if we don't preserve and protect our physician workforce going forward.

This really came home to me about a year and a half ago in a conversation with Alan Greenspan. He commented on the concern for the future viability and stability of the Medicare program, of the system as a whole, is it ultimately sustainable. He felt that it would be. But his greater concern was is there going to be anyone there to deliver the services when you require them? Of course, he is talking about our physician workforce, our nursing workforce, the ancillary health care personnel, all of whom we depend upon to deliver health care in this country.

We have an overburgeoning and overregulated governmental system that continues to sort of move along. We have got the other aspect of ever-increasing liability costs. If we have time tonight, I do want to touch on that just a little bit.

But not just the cost of medical liability insurance, but also the aggravation of dealing with a system that, on its face, sets doctors and patients against each other. We do have to deal with that.

The consequence of this is we have physicians who are my age who are leaving the profession early, earlier than the generation before them. It was very common for a physician to practice into their 60s and 70s and not at all uncommon to continue to read about physicians who continue to practice right up until the time that they no longer could.

You don't see that as much any more. Physicians are making plans to leave the practice of medicine at an earlier point now than, I believe, ever before in our Nation's history. At the same time, at the other end, are we having any problems filling our residency programs? The answer is yes.

Are we, in fact, encouraging the young people of this country to look upon health care as a career, as a profession? The answer to that question may not be affirmative either.

So we have got an increasing number of physicians who are making early retirement plans. We are not sure it's difficult to measure the number, but it doesn't seem that the younger generation is showing up in the numbers that we would expect. Both of those pose a significant concern nationally, because we have got a society that's aging. We have a society with the so-called baby boom generation coming up, and the demand for services is going to be ever-increasing during that time.

Suffice it to say, whether it's, again, the Medicare, SCHIP program, Medicaid, private insurance, cash on the barrel head, patients are going to need doctors; and it is incumbent upon this Congress to make certain that we do the things necessary to preserve the physician workforce in this country. The patients who need care, maybe a patient is in a city, or they may be a patient in a rural area, they may be a patient in an area that has been devastated by gulf coast hurricanes in the past couple of years. The reasons are complex, and we debate them at some length up here in Washington in the various ways that we can seek to improve our health care system.

But even as we engage in these issue, our physician workforce is crumbling. In order to keep this scenario from becoming worse, I am proposing a series of physician workforce pieces of legislation that will consist, essentially, of three different parts.

I would just draw your attention to the cover of Texas Medicine. This is a periodical put out by the Texas Medical Association every month. This is the cover of the March issue. The title is, "Running Out of Doctors: Medical Schools Unable to Keep Residents in Texas." This is one of the things that we really do have to focus on.

When you look at the Medicare system, one of the biggest problems we have is the formula under which physicians are paid, and addressing the declining Medicare physician payment issue has almost become an annual rite here in Washington, DC. But every time we do that, we actually make it harder to ultimately reform the system. Every time we come in at the end game, at the end of the year, to try to prevent further cuts to the physician reimbursement system and the Medicare system, we actually make the overall solution to that problem harder and harder. The chance, then, for real reform, the opportunities for real reform, become smaller and smaller with each succeeding year.

The current payment system in the Medicare system, the current payment system rewards ordering labs and performing procedures, necessary or not. In fact, not often are the questions asked, if those services, not even if they are necessary, but are they, perhaps, overvalued. Is Medicare getting its best value for its dollar?

The current system is indifferent to the fact that the procedures or the tests ordered may be questionable or may have significant merit, may, in fact, be critical for a patient's well-being. The fact is that the system doesn't work. It doesn't work for doctors, it doesn't work for patients, and certainly not working for the American taxpayer. Yet, year in and year out, Congress allows it to persist.

Well, if we continue to allow this condition to stagnate, there will be fewer and fewer physicians accepting Medicare payments. This will result in reduced access for beneficiaries and a restriction in the physician workforce pipeline over a period when the demand for medical service is projected to explode.

Fewer students are pursuing a career in medicine. More and more doctors are retiring early. Even fewer will choose primary care fields in their study of medicine, and all of this happens against a backdrop of more and more Americans growing older. As Americans grow older, they do face greater and greater health challenges. So, arguably, our sickest and most complex patients are going to need to rely on an ever-dwindling physician workforce.

Now, if, indeed, we do nothing, the picture I have just painted may, indeed, become a reality.

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But again, the three pieces of legislation that I plan to introduce will start with one that will ensure stability of the physician work force by ensuring stability of the payment system within Medicare. There is a formula under which physicians are paid in Medicare, and I'm going to talk about this in a little bit more detail in just a few minutes, but it's called the sustainable growth rate. And the net effect of the sustainable growth rate formula is really anything but growth. It, in fact, results in a reduction over time, 5 to 10 percent reduction in physician payments year in and year out. And that number is brought to us every year by the Center for Medicare and Medicaid Services out of the Department of Health and Human Services. We'll actually receive data on that, what that number of that percentage cut will be this summer, sometime in July.

The first bill that I'm proposing would, in fact, eliminate that sustainable growth rate formula and replace it with a different formula. It's called the Medicare Economic Index, really not so important what it's called, but it is a cost of living update, if you will, a market basket update based upon the cost of input. What does it cost the doctor to run their office, to run their practice? And if they're going to be able to sustain that over time, obviously, the Medicare reimbursement rates are going to have to keep up with the cost of living adjustment, or keep up with inflation. It only makes sense. We do it in almost every other aspect of Medicare. And again, I want to discuss that in some detail in just a moment.

One of the other things that happened in 2003 was we reset the SGR baseline to reduce the level of those cuts, and, in fact, that's a budgetary maneuver that may well be available to us again this year and, in fact, is one that I think we should take advantage of.

So this legislation does, in addition to repealing the SGR, it does so in the year 2010. In the 2 years prior to that time, reset the baseline so that the depth of those cuts are not so significant. In order to protect physician practices against a reduction in income and, hence, encouraging physicians to leave the Medicare system, in order to protect during that 2 years time, allow bonus payment of 3 percent for voluntary reporting on quality measures and 3 percent for those practices that choose to increase or improve their health information technology that almost every practice will be relying on with greater and greater need in the years to come.

So in aggregate, those bonus payments are 6 percent. And by resetting the baseline, the reduction in payment will be in the 5 percent range. So the net effect will be either a 0 percent update or possibly even a 1 percent update, which I think would be welcomed by most physicians in practice. And that's a temporary situation.

What is the reason to delay the SGR repeal? Why not just do it straight up? The reason is because of the projected cost by the Congressional Budget Office, and that projected cost makes it almost impossible to do that without making some significant adjustments in other aspects of payments for medical care that, quite frankly, I don't know that Congress has the will to do.

But the reality is, we are saving money year over year in Medicare by providing services in a more timely fashion. The Medicare prescription drug benefit passed in 2003, a case in point. The trustees, the Medicare trustees report released just a few weeks ago said that in 2005 there were 600,000 hospital beds that weren't filled in Medicare. This was a savings to part A in Medicare, which really should accrue to part B and go to offset the cost of repealing the SGR formula.

We are not allowed, under the rules of the Congressional Budget Office, we are not allowed to look ahead and say well, we are going to get savings in this system because of changes that we've made. But what we can do is sequester and aggregate those savings over the next 2 years, and then use those actual dollars to buy down or reduce the amount of dollars that it's going to cost to repeal the SGR.

Again, a small bonus update for beginning in the year 2008 for some health information technology implementation. These measures are in a large part well overdue. And this Congress, the last Congress was unable to come to an agreement, the House and the Senate, over the type of health information technology that we wanted doctors offices to pursue.

But the reality is, delaying that implementation further only tends to cost more money to the system. So we do need to get on about the business of encouraging physicians' offices to do this work. Not only is it necessary, I think, to provide that bonus payment, but it's also necessary to provide some safe harbor provisions in laws that are known as the Stark clause, the anti-kickback, and anti-compete laws that we know in aggregate as Stark 1 and Stark 2.

Additionally, if physicians voluntarily report quality data, that additional bonus payment will be there for them as well. So collect an aggregate. All of that data within the Center for Medicare and Medicaid services, money to save from part A, part C and part D as well. Aggregate, sequester those savings and use that to offset the cost of the ultimate repeal of the SGR.

And in addition to that, there is the Inspector General in Health and Human Services, along with the Department of Justice, have gotten very aggressive about going after areas where health care monies are spent inappropriately, the so-called fraud and abuse that exists within some aspects of the Medicare system.

And a recent newspaper article disclosed a significant amount of money that was recovered by eliminating an episode of fraud and abuse that was occurring I believe in the State of Florida.

Well, those monies need to be, again, reallocated back to the part B part of Medicare again to pay down or buy down the cost of that SGR appeal when the time comes.

Now, one of the issues that was addressed in the Texas Medical Association article is that because of the lack of residency programs within the State of Texas, Texas is doing a good job with, they've expanded medical schools and they're doing a good job with medical instruction, but the doctors that they're educating in Texas are having to leave Texas to get their specialty training or their residency training. And the fact is that most physicians practice within 100 miles of where they did their residency training. So to be able to increase the amount of residency programs that are available in rural areas, in midsize or small urban areas, it is going to take some effort by this Congress for that to happen.

The United States does have good residency programs. They're the envy of the world, and people come from all over the world to participate in our postgraduate education in our academic medical centers. But that's just the point. A lot of residencies do exist in conjunction with large academic medical centers and, as of a consequence, that's in a large urban area.

Again, doctors are more likely to practice close to where they train and in similar environments. So most American trained doctors, as you would imagine, stay in urban areas and practice specialty or subspecialty medicine, which is not a bad thing. And that's not to say that that is necessarily wrong, but we do need more physicians who are going to set up their practices in primary care in more of the generalist theme rather than the specialty theme.

The second bill that would be introduced would be the Physician Work Force and Graduate Education Enhancement Act. And it establishes an interest free loan program for eligible hospitals in rural, small and urban areas to attract residency programs in specialties like family medicine, internal medicine, pediatrics, emergency medicine, OB/GYN or general surgery. This would require an authorization of $25 million over 10 years from 2008 to 2018. And of course the Secretary of HHS would report back to Congress on how the program is doing with achieving its stated goals.

Well, let me talk for just a moment about the Medicare payment formula, because this is an important point, and it is difficult to understand. It's a program that obviously was created by Congress and Federal agencies and one that is understandable by perhaps very few.

But looking at this graph, the colored bars on this graph represent the years, 2002, 2003, 2004, 2005, 2006, I'm sorry, 2007, 2006 does not appear on this graph because it was actually a 0 percent, 2006 is the blue bar on the graph.

If you look at the four parts of Medicare, the hospitals representing Medicare part A, doctors, Medicare part B, Medicare Advantage, part C, including nursing homes on this graph as well, and you look at the Medicare Advantage plans, the hospitals and the nursing homes, and each of those year over year receive a market basket or a cost of living upgrade year over year. You can see for hospitals, for example, it's ranged about 3 percent a year, sometimes a little bit lower, sometimes a little bit higher. The Medicare Advantage plans have done a little bit better. Nursing homes very similar to hospitals.

But look over at the physician reimbursement. In the year 2002 there was about a 4½ percent reduction in physician reimbursement. Then, in 2003, 2004, 2005, very, very modest, 1.8, 1.7 percent cost of living updates. Lower, I would point out, than hospitals, nursing homes or certainly the Medicare Advantage plans.

In 2005, this was actually part of the Deficit Reduction Act that was passed in 2005 and held physicians at a 0 percent update.

Projection for 2007 was for a significant reduction, but the reality was, again, we made an adjustment at the end of last year to once again hold that at a 0 percent update.

But you would have to ask yourself, how long, at running a small business, could you continue without any attention being paid to what does it cost to run the business? At some point, if this line stays flat or continues to diminish, at some point you don't have to have an MBA from an elite Eastern institution to figure out that you cannot continue to sustain that. Again, physician offices, in the main, are small businesses and as a consequence, a continued reduction in payment or even a flattening of payment which when everyone else is seeing a cost of living adjustment of between 2 and 4 percent, that's indicative of the inflation rate for medical offices. And they in fact are on a significant downward trajectory, one that ultimately is not likely to be sustainable.

Now, last year, in an attempt to deal with this, I introduced legislation that was a little bit different from the bill that I've introduced this year. It was H.R. 5866, and it was aimed at tackling this problem with the sustainable growth rate formula and replacing it with a cost of living update, a cost of living adjustment update. The primary focus was to ensure that seniors have better access to the health care that they need, that, acknowledging that the SGR reductions of 5 percent every year, year over year, makes it less likely for doctors to continue to see Medicare patients.

The plan then had four main goals. Ensure that physicians receive a full and fair payment for services rendered; secondly, to create quality performance measures to keep consumers informed. Are you, in fact, getting value for your dollar when you purchase medical care. We have well established, in fact, they've been around for 20 years or so, institutions in each State called quality improvement organizations.

Well, I wanted to, in fact, embellish or augment the quality improvement organizations and increase their accountability and flexibility so that they would be able to provide the feedback to physicians and to patients as to how they are doing; are they able to provide the services for a reasonable amount of money? Are they able to provide the services in a timely fashion? Do they provide the services that people in fact want?

Well, the problem with 5866 is that once again there was a significant number of dollars that would need to be identified to offset the cost of going from the sustainable growth rate formula to the cost of living update formula. That figure last year was about $218 billion. And that is a significant amount of money to come up with over 1 year's time. Hence, the reason that this year the trajectory that I have introduced has lengthened that timeline out a little bit longer in order to identify where some of those pay fors may be found.

The other option, following along the lines of 5866 from last year, would just simply be to take the money from other aspects of Medicare and other parts of the Federal payment for health care in this country. The problem is that each of those areas finds great difficulty if indeed a proposal is made to restrict or reduce the Federal expenditures that come their way and, as a consequence, 5866 never enjoyed very widespread support because of the fact that, like so many things here in Washington, DC, you end up having to pick winners and losers.

□ 1845

That is the reason that I have taken the approach that I have for this year to expand out the timeline for the elimination of the SGR, to identify pay-fors in advance that are going to be going on anyway, but we just simply sequester them, collect them, attribute them to the part B part of Medicare. Savings that occur in hospitals, if you fill 600,000 hospital beds a year fewer than was intended, that is going to be a significant savings to the part A part of Medicare. But the reality is that savings occurs because of work that is done in part B. More doctors doing more procedures in their offices, doctors treating disease in a timely fashion so that fewer hospitalizations are required, doctors doing procedures in ambulatory care centers so that the high expense item of a hospital expenditure is, therefore, avoided. But all of those expenses come back to part B. It is only fair, then, that the savings that result to the system, the integrated Medicare system, those savings that come to the Medicare system, need to be attributed to the part B, especially when we have got this large price tag for repealing the SGR that confronts us.

Well, again, this year I want to approach things a little differently. But, again, first and foremost if you are talking about preserving the physician workforce, you have got to protect those men and women who are on the ground, in the trenches, delivering care right now. If they get dispirited and walk off the job or say, I am no longer going to care for Medicare patients or I am going to restrict Medicare patients from my practice or begin restricting the procedures that I offer to Medicare patients, we don't get good value for our dollar that way.

So getting that Medicare payment policy right has to be the first aspect of this physicians workforce consortium that will preserve our medical workforce for the future. Paying physicians fairly will extend the careers of many doctors who otherwise will simply opt out of the Medicare program or seek early retirement.

The principles of the new bill: Again, eliminate the SGR. It is critical that the SGR be eliminated, and we can't lose sight of that fact. The problem is right now I don't think there is the savings identified to eliminate the SGR nor am I convinced that the will in Congress is to eliminate the SGR in one chunk. So extend that timeline out a little bit and allow that price tag to be reduced because of the lengthening of the timeline. But eliminating the SGR is the fundamental principle that has to be followed, and the bill that I am going to introduce will eliminate the SGR in the year 2010 and in the meantime provide incentive payments based on quality reporting, technology improvement that could total as much as 6 percent to protect the physicians over these next 2 years where the cuts in the SGR arguably will be about 5 percent.

In both 2008 and 2009, physicians' practices can opt to take advantages of those bonuses and may, in fact, be returning value back to their businesses, and this would be a good thing. If you expand the ability to monitor patient care through health information technology, that is not just for your Medicare patients. That is going to be for all patients. So there would be a general improvement that would permeate throughout a physician's practice. Most physicians in this country don't just see Medicare or don't just see Medicaid. In fact, they see a mix of patients, some Medicare and some Medicaid, some private insurance; but all patients under a doctor's care would benefit from the advances in health information technology.

Let me digress for just a moment and talk a little bit about health information technology because I was a late arrival to the concept of the necessity of improving health information technology, but it really came home to me in October of 2005 when I took a trip to New Orleans. I was invited by several of the hospitals down there to come down to see how their doctors were coping with the after effects of the storm, see what had happened to some of the physical infrastructure. We spent part of the afternoon in Charity Hospital in downtown New Orleans. Charity Hospital, one of the venerable old training hospitals that has been around for generations. In fact, most of my professors at Parkland Hospital had trained a generation before at Charity Hospital in New Orleans.

And here is a picture of the medical records department in Charity Hospital in October of 2005. Katrina, as you recall, came through right at the end of August of 2005. It doesn't show up well, but there is still probably three or four inches of water on the floor. Like many hospitals, Charity's medical records department was in their basement.

The lights that you see overhead were actually pretty dim. I was able to get a good photograph because of a television crew that was following along behind us with their very bright lights. But look at the medical records, and you can see the black mold that has grown on these because of, again, the water on the floor and probably 110 percent humidity in this hot, damp basement. The records had been flooded. And then after the water had been mostly evacuated, of course, the water damage has already happened and now you have the growth of the black mold on the records. And, really, I don't think anyone would be too interested in handling those records.

And even if you just look at the overall arrangement of this medical records department, you can see some records stuffed in on their sides up there. Some others have fallen down over there. It just makes you wonder about how good this paper system is if everything goes well. And if things go badly, as you can see, they can go very badly indeed.

Well, another aspect that clarified in my mind the importance in upgrades of health information technology, a couple of months ago, of course, when all of the newspaper stories were going on out at Walter Reed Hospital, I took a trip out there to visit with the soldiers and see for myself firsthand what the situation was in Building 18. And, correct, Building 18 was an old building and it really wasn't that nice. And I think we are all better served by the fact that our soldiers who are on medical hold are no longer being housed in Building 18.

But the bigger problem, Master Sergeant Blade was kind enough to explain to me what he saw as a greater degree of difficulty for our soldiers who were on medical hold waiting to see if they could rejoin their units or if they were going to be discharged from the service on a disability. And you see this rather large stack of papers that he has in front of him. That is his medical record. He is going through it with a yellow highlighter to make his case in regards to a particular disability claim. And his largest concern was, after spending hour after hour after hour going through his medical record and documenting the points that he thought were critical for him to receive the proper consideration from the Disability Board, he said it wasn't uncommon for that medical record to go sit on someone's desk for a couple of weeks and then ultimately be lost. So he was advising the men in his unit. In fact, I think it was either the second or third copy of his medical record that he was marking up in this manner so that he wouldn't run the risk of putting all his time and effort into documenting the issues surrounding his disability only to have the medical record disappear because the system really wasn't well suited to handle that.

And that really brought home for me the fact that, well, of course, the VA system has a relatively forward thinking electronic medical record, but the problem is the record produced by the Department of Defense doesn't talk to the VA record system, and as a consequence, the poor soldier in the middle has to spend the time and the effort going through their individual record to make certain that, again, their case gets the proper disability consideration that it deserves.

So just two reasons why I have become a believer in the past couple years that improving the information technology aspect of medical practice, true in hospitals but also true in physicians' offices as well, why I have become a believer that that is, indeed, something we do need to be devoting time and resources to. There are certainly problems with some of the systems that are out there, but ultimately the payoff is going to be that we will be able to deliver care faster, cheaper, smarter, and as a consequence, deliver more care and more value for our patients.

One of the other things that again I think is important in this endeavor and the reason I have included part of the bonus payment for quality reporting is that you can't change a system if you don't know what is going on within the system. Now, again, I would stress that this would be voluntary quality reporting, that no physician or physician's office would be required to provide quality reporting. The risk to run there is that the SGR reduction would affect that physician's bottom line in 2008 and 2009. But if a physician or medical practice opted not to do quality reporting or improvements of health information technology, beginning in the year 2010, they would indeed see a repeal of the SGR, replacing that with the Medicare Economic Index. So beginning a series of positive updates of about 2 to 2½ percent in the year 2010, but, again, to forestall the pain that would go on in the years 2008 and 2009, reset that SGR baseline so the cuts are not so deep, and then provide protection for voluntary reporting measures on quality, voluntary improvements in an office's health information technology, and make these things so that they are generally available, which CMS would be tasked with making the quality reporting measures generally available, and really sort of zero in on the top 10 conditions or diagnoses where the bulk of the money is spent in the Medicare system. Not so much to emphasize quality reporting measures for esoteric diseases or diseases that are encountered once in a career but those things that are encountered over and over and over again: hypertension, diabetes, congestive heart failure. These are the types of things where the concentration of dollars is going to be located, and these are the areas where the quality reporting really needs to be focused.

The part of the issue there is that the quality reporting measures do have to be generally available to physicians in all specialties and all practices. We certainly don't want to see someone who is not able to participate because their particular specialty does not have an identified quality reporting mechanism. CMS and some of the specialty organizations are already pretty far down the road on this, and really at this point it has not been identified to me that there is a problem or would be a problem for a particular specialty with not having a mechanism to report quality.

Well, dealing with the other aspects of the physician workforce, the other two aspects of the three pieces of legislation, one would deal with physicians in residency and one would deal with those individuals who are looking to become physicians or those individuals who are in medical school.

The Physician Workforce Graduate Medical Education Enhancement Act of 2007 would acknowledge that it is costly to educate medical students and it is costly to get medical students through a residency program. The big programs are in more heavily populated areas that tend to attract more residencies, but we need to get the physicians out into the smaller and rural communities where the medically underserved populations actually exist and get them out there in high-needs specialties. So developing a program that would permit hospitals that do not traditionally operate a residency training program would be the second aspect of establishing and protecting the future physician workforce. So this bill would create a loan fund available to hospitals to create residency training programs where none have operated in the past. And, again, that is a critical aspect to this. This is not something that is to go in and layer on top of existing programs, but this would be to create residency programs where none has existed previously. Communities like the community of Denton, Texas, that I represent, a community like the community of Lewisville, Texas, that I represent, smaller community hospitals, 150 to 200 beds, no residency program has ever existed in those communities. These would be the types of targeted communities that perhaps we could look to for establishing residencies in primary care, OB/GYN, pediatrics, general surgery.

□ 1900

On average, it cost $100,000 a year to train a resident, and that cost for some institutions can be prohibitive. In addition, the Balanced Budget amendment, passed 10 years ago in this Congress, has a residency cap that limits resources to hospitals, such as smaller community hospitals. The loan amounts available under this bill would not exceed $1 million, and the loan would constitute start-up funding, again, for new residency programs.

The start-up money is essential. Since medical graduate, medical education funding can be obtained only once a residency program is established, the cost to start a training program for a smaller, more rural and/or small urban hospital can be cost prohibitive because these hospitals do operate on much narrower margins.

Identifying high-need physician specialties and getting young people to consider medical school, to getting young medical students to consider going into a primary care specialty, to going into one of those medically underserved areas, again, going back to the Texas Medical Association article, the Texas Medicine article, most physicians practice close by where they did their residency. And as a consequence, there are areas in the country that do lack medical care by trained professionals. So the third aspect of this three-part health workforce, physician workforce trio of bills, the third part would ensure the availability of the adequacy of the future physician workforce in providing medical students with incentives and assistance to practice in shortage areas and shortage specialties in those shortage areas.

So the third bill would be to establish a mix of scholarships, loan repayment funds, and tax incentives to entice more students into medical school in the first place, and then create incentives for those students, those newly minted doctors, to become the family physicians, the general surgeons, the OB/GYNs, the pediatricians, the gerontologists, to become those practitioners of the future that are going to more likely stay in shortage areas, such as rural and small urban areas.

There is no question that the issues in front of us as far as the physician workforce are serious, they are significant. But the feeling is that once you have established measures that will allow the medical workforce of the future, then you can begin to refine other aspects of the health care system. And, again, as I stressed last night, we are going to have that tension between what is public and what is private. What is paid for by the government, what is paid for by insurance, what is paid for by people who wish to pay cash. Is it better to have a health savings account or rely on SCHIP or Medicaid? Those arguments we are going to have, but those arguments are going to diminish in importance if we don't do the things necessary to create and retain the physician workforce that is going to be necessary to take care of people in the future.

One of the greatest frustrations that I hear all the time from medical professionals, and since we are on the subject of medical professionals and how to keep physicians engaged in practicing medicine and how to get more people to consider health care as a career, obviously medical liability plays a big part in that. My home State of Texas has done an excellent job of dealing with the medical liability issue. We, on the floor of this House in Congress, in fact for the last two Congresses over the previous 4 years have passed several medical liability bills that have had at their heart a cap on noneconomic damages patterned after the Medical Injury Compensation Reform Act of 1975 out in California that has been so effective in keeping the cost of providing liability insurance within reason.

Now, my home State of Texas, the year that I ran for Congress the first time in 2002, was in a crisis situation. We were losing insurers from th

State liability. Insurers were leaving Texas because the climate was so pernicious. Rates were going up for physicians. For those companies that stayed behind, their rates were going up, doubling and sometimes tripling.

The State of Texas and the State legislature passed a bill in the summer of 2003 that actually again was patterned after that Medical Injury Compensation Reform Act of 1975 out in California that capped noneconomic damages. The Texas approach was a little different from the approach that we took in Congress. The approach we took in Congress had a $250,000 flat cap for noneconomic damages. The Texas solution actually took that cap and spread it out three ways; a $250,000 cap for the physician, a $250,000 cap for the hospital and a $250,000 cap for a nursing home or a second hospital, if indeed there was a second hospital involved. That required a constitutional amendment in order to become law. And that constitutional amendment was passed in September of 2003. It was not passed by a very large margin. It was essentially the grass-roots efforts of physicians, their families and their patients that got the constitutional amendment passed that allowed the Texas law to take effect.

But the effect of the Texas law over the ensuing 3 or 4 years has been significant. Medical liability premiums have now fallen 20-22 percent. My last insurer of record, Texas Liability Trust, has reduced insurance rates by 20 to 22 percent, depending upon the length of time that the doctor has been with the company.

More importantly, insurance companies have come back, liability carriers have come back to the State of Texas. We diminished from about 17 carriers to 2 in 2002. Now there are 13 or 14 carriers back in the State. And most importantly, they have come back to the State without an overall increase in their premiums.

One of the big beneficiaries of the law that was passed in Texas has been the smaller community-based not-for-profit hospital. The money that they were previously having to—these hospitals largely self-insured and the dollars that they were having to put in escrow against possible claims was significant. And now these hospitals have been able to put more of that capital back to work for them: Capital expansions, hiring nurses, paying nurses' salaries. Exactly the kinds of things you would want your smaller community hospitals to be able to do they have now been able to do under the legislation passed in Texas.

Well, if Texas is in such good shape from its liability reform, is it still important to consider passing a law at this level, at the Federal level, to deal with our medical justice system? And the answer still is yes. Legislation in draft form that I had scored by the Congressional Budget Office right before we did our Republican budget a few months ago, at the request of the Budget Committee ranking member, we put forth that legislation, the Congressional Budget Office scored it as savings of $3 billion over 5 years. Well, we are already talking about other areas in the Federal expenditure of health care funds where that money is needed. And that $3 billion, in fact, it's wrong, it is unconscionable to leave that money on the table and not provide that money to other areas of the Federal expenditure for health care where it might come in handy.

And the bigger aspect for me, the more important aspect for me in dealing with the problem of the medical justice system at the Federal level is the dollars that are spent on defensive medicine in the Medicare system, in the Medicaid system. A study from 1996, so that is 10 years ago, over 10 years ago, out in Stanford, California, estimated the cost of defensive medicine in the Medicare system, just in the Medicare system, not in the entire health care system, but just in the Medicare system, amounted to about $28 billion a year. Again, that is money we can scarcely afford to leave on the table. If those savings are available to us, indeed, we do need to be getting those dollars back.

But it is not just a dollars-and-cents issue. Nome, Alaska. I happened to be through there in the summer of 2003, stopping in Nome, Alaska, with a group of other Congressmen. You can imagine the Chamber of Commerce wanted to have a big lunch, so they invited us all there. And of course being a physician who was also a Member of Congress, about the entire medical staff from their hospital, all 19 physicians turned out to talk to me during the course of our stopover in Nome, Alaska. And one of the points that they wanted made was that they needed help because they couldn't afford the medical liability cost for having an anesthesiologist in their hospital. And the doctor who was telling me this story, I asked, well, what is your specialty, sir? And he said, well, I am an OB/GYN doctor just like you. And I said wait a minute, you're an OB/GYN doctor and you work in a hospital that doesn't provide anesthesia services. How do you do that? Ignore for a moment the woman who may need an epidural during child birth, what do you do if you're faced with having to do a C-section? He said, well, we get that patient and put her on an airplane and take her to Anchorage. Anchorage, probably 3 hours away. I am given to understand that they sometimes have bad weather in Nome, Alaska. It just makes no sense that we would allow a system like that to continue. We are doing nothing to enhance patient safety; we are doing nothing to enhance the ability to deliver care by allowing a system like that to continue.

Again, we are talking about the workforce issues. Talking to a residency director from one of the large residencies up in New York City a couple of years ago, I asked her what effect the medical liability problem was having on attracting young physicians into their residency program. And she replied to me that we are now taking people into our residency program that 5 years ago we wouldn't even have interviewed. So these are our children's doctors. We are driving away some of the best and brightest from the desirability of the practice of health care, and we need to do better.

So once again I would add that, while the three bills that will establish and encourage and protect and preserve and defend the existing physician workforce and the physician workforce of the future in this country, we also need to pay attention to the medical justice system in this country.

We have had a number of hearings in my committee, the Committee on Energy and Commerce, and our health subcommittee on this issue. There are some other suggestions out there in addition to or instead of the caps on noneconomic damages. I am willing to listen to other philosophies, but the reality is in my home State of Texas. Caps on noneconomic damages again are working. They are delivering lower premium rates for physicians. They are delivering on the promise of more flexibility for capital expenditures for small community-size hospitals because of the dollars they don't have to tie up in escrow because of the way their self-insurance plans are constructed.

And, again, we've seen the insurance companies come back to Texas. And I do from time to time hear people say, well, it's just the insurance companies wanting to make more money. The reality is, my old insurer in Texas was a physician-owned company, a physician-run company. It was essentially a company where all of the profits were returned back to the insurance company. We have several of those in Texas. So I don't believe it is all just a question of a profit-driven motive from the liability insurer.

One of the things that I think we lose sight of, and there was an article in one of the papers today that talked about the fact that America was not the premier as far as the delivery of health care. We can have a lot of arguments around that thought, around that philosophy. The American health care system in general, and certainly the Medicare program in particular, has no shortage of critics here at home and certainly abroad. But it is the American system that stands at the forefront of innovation and new technology, precisely the types of system-wide changes that are going to be necessary to efficiently and effectively provide care for Americans, and particularly for America's seniors in the future.

There was an article, and please don't tell anyone back in my home State of Texas that I read the New York Times, but there was a New York Times article published last October, October 5, by Tyler Cowan who writes: When it comes to medical innovation, the United States is the world leader. In the past 10 years, for instance, 12 Nobel Prizes in medicine have gone to American-born scientists working in the United States, three have gone to foreign-born scientists working in the United States, and seven have gone to researchers outside of the country.

☐ 1915

He goes on to point out that five of the six most important medical innovations in the past 25 years have been developed within and because of the American system.

The fact is the United States is not Europe. American patients are accustomed to wide choices when it comes to hospitals, wide choices when it comes to physicians, and choices in their pharmaceuticals. Because our experience is unique and different from other countries, this difference should be acknowledged and certainly expanded when reforming either the public or the private aspect of healthcare delivery in this country.

Mr. Speaker, in the time that I have remaining, let me just recap again the three aspects of physician workforce that I am going to be introducing.

This will be a bill to repeal the so-called sustainable growth rate expenditure and replace that with a Medicare Economic Index or cost of living index for physicians beginning in the year 2010; protections in the year 2008 and 2009 for voluntary reporting and voluntary compliance with improvements in health information technology.

The second bill will deal with the physician workforce and graduate medical education. This will establish an interest-free loan program for eligible hospitals in rural and small urban areas to establish residency training programs for primary care, family medicine, internal medicine, pediatrics, emergency medicine, general surgeon and OB/GYN. The authorization for this will be $25 million over 10 years, those 10 years being 2008 through 2018 inclusive. Of course, the Secretary of HHS will report to Congress on the efficacy of the programs and how they are going about achieving their stated goals.

Finally, and interestingly enough, we voted on a bill on the floor of this House just a few hours ago that would be a loan forgiveness package for lawyers who graduate from law school with large student loans and are willing to practice as prosecutors in high need areas. This would be a very similar structured bill that would establish a scholarship program for physicians who are wanting to practice in primary care in high need areas to alleviate shortages in the fields of family medicine, internal medicine, pediatrics, emergency medicine, general surgeon and OB/GYN, again the so-called generalist physicians.

This authorization would be for $5 million for each of 5 years, fiscal year 2008 through 2015, a $25 million total authorization that would establish a loan repayment program for generalist physicians who agree to serve in medically underserved areas. A second authorization for an additional $25 million total would make grants to States to provide financial aid to physicians agreeing to serve in medically underserved areas and to support patient-centered coordinated care in qualified medical homes.

There would be additional authorizations to make grants for board certified entities to establish or expand geriatric program fellowships in rural, suburban or medically underserved communities, and, finally, a report to Congress on the efficacy of the program.

Then lastly, but certainly not least, amend the Internal Revenue Code so that gross income does not include compensation received by a physician from a local government for a qualified medical service that is performed in a medically underserved community and under contract with the local government for 4 years. This compensation will be taken into account as wages and must still be reported, but it just won't count toward that individual's adjusted gross income.

Mr. Speaker, I appreciate very much the time allotted to me this evening. These are important issues. Again, whether one comes down on the side of increased governmental control of medical care or continuation of some aspect of the private practice of medicine in this country, the critical thing is that we have the doctors there who are willing and able and trained to provide the services that we all want.

Additionally, for those individuals who would say expansion of the government program, the government-funded side of medical care is the only way to adequately cover people in this country, I think we have to look at how good a job we are doing right now with about the 50 percent that is devoted to the public sector in the practice of medicine. About 50 cents out of every health care dollar spent in this country has as part of its origin the United States Congress at some point or other.

So we have to ask ourselves, are we doing a good enough job there? And I would suggest, particularly when you look at things like the sustainable growth rate formula under which physicians are paid, I think the answer to that question would have to be no, we can do a better job with that.

So certainly before any consideration for expanding any part of the public part of paying for medical care in this country, we have got to be sure that we have our figures straight. We have to be certain that we are willing to tackle the tough problems of paying for those things, and certainly the SGR formula needs to be sunsetted and needs to be no longer part of the parlance and discussion on the floor of this House of Representatives.

CERTIFICATION REGARDING EXPORT OF CERTAIN ITEMS TO THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–34)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I hereby certify that the export to the People's Republic of China of the following items is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China:

A four-axis filament winding machine for production of spare parts for China's water purification and treatment industries;

A computer control system upgrade to a three-axis filament winding machine for production of spare parts for China's water purification and treatment industries;

An isostatic press for manufacturing automotive spare parts; and

A four-axis filament winding machine to be used in production of graphite or glass composite golf clubs.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 15, 2007.*

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET AND COMMITTEE ON FOREIGN AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget and the Committee on Foreign Affairs:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 2007.

Hon. NANCY PELOSI,
House of Representatives, Office of the Speaker, Washington, DC.

DEAR SPEAKER PELOSI: In light of my election to the Committee on Financial Services through passage of H. Res. 393 and pursuant to House Republican Conference rules regarding service on certain standing committees, I am compelled to and do hereby resign from service on the following committees: Committee on the Budget and the Committee on Foreign Affairs.

Sincerely,

THADDEUS G. MCCOTTER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

VOTE BY HOUSE ON WHETHER TO GO TO WAR WITH IRAN IS NEEDED NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, we need a vote on whether this country is going to go to war with Iran. We have talked to the Speaker about it. She has promised it. But the time is getting short. Every day that we wait, we allow people down at the White House to continue to talk about this.

The vote we gave in 2002 to allow the President to deal with the problems of 9/11 was not a blank check to attack any country in the world. This war on terror began with some sense in Afghanistan, and then moved to Iraq to the absolute chaos we have today. It is a quagmire from which we can't get ourselves. And, unfortunately, the President and his Vice President are leading us, it appears, toward a war with Iran.

Ask why the urgency? Why do you want to come out here and talk about that tonight? Well, there was an article that appeared today in the Al-Quds Al-Arabi, which is an Arabic paper published in London. It is a very respectable paper, and it is one that most people in this body, in fact most people in this country, never heard of, nor do they understand and will never know about it because our press won't pick it up.

But I read the Middle Eastern press every day. I have some in my office who read Arabic, and they translate it for me, and I get a summary every day in my office of what is going on. This article I think deserves to be quoted a little bit, because people may not get the Congressional Quarterly or the CONGRESSIONAL RECORD and read it.

The article says this: "Vice President Dick Cheney yesterday ended his tour of the Arab world that started with Iraq and ended in the capitals of four other Arab countries, Egypt, Jordan, Saudi Arabia and the United Arab Emirates. High ranking Arab diplomatic sources close to the talks with Cheney confirmed to the newspaper that the probability of war became more likely than peace in the region."

This is Arabs listening to the Vice President of the United States talk.

"The same sources indicated that Cheney was talking to Gulf leaders he met in a very confident and self-assured way, stressing that the involvement of this country in Iraq does not mean it is in a weak situation and cannot launch another war."

Think about that. The Vice President is telling the Arab leaders, because we are in this mess in Iraq, just ignore that. We still can go to Iran and have a war.

Cheney went and talked to soldiers and sailors on one of the aircraft carriers, "announcing to them," and this again is a quote, "in a decisive manner that the U.S. will not allow Iran to possess nuclear weapons and that the option of a military attack is not excluded."

Now, he said, again quoting, "Cheney expressed his conviction that striking Iran may be the best solution for the situation in Iraq."

Think about it. We are going to solve our problems in Iraq by attacking Iran. He says, "because Tehran," the capital of Iran, "has the biggest influence in the country and is the source of the arms of the militia."

Now, this is from a man who sent to Iraq a guy named Bremer who took down all the guards and all the barriers at the border between Iran and Iraq, and Iran, of course, has been coming into Iraq. This administration set it up, or else they were ignorant. You can take your choice on that.

He said, "They do not expect that there will be any retaliation by Iraq's Shiite militias. Quite the contrary, the Sunni groups and militias will take the opportunity to settle accounts with the ruling government in Baghdad under American support."

So what he is saying is that the United States is shifting its support from the Maliki government, which is Shiite, and they are now over there telling people, well, we are going to now be supporting the Sunni elements so that they can get—Mr. Speaker, I include the translation of the Al-Quds Al-Arabi article for the RECORD.

Vice-President Dick Cheney yesterday ended his tour of the Arab world that started with Iraq and included the capitals of four other Arab countries, Egypt, Jordan, Saudi Arabia, and the United Arab Emirates, amidst a war of words with the Iranian President Ahamdi Nijad, who launched a diplomatic counter-attack in the form of two sudden visits to the Emirates and to Oman.

High-ranking Arab diplomatic sources close to the talks with Cheney confirmed to Al-Quds Al-Arabi that the probability of war became more likely than peace in the region after the round of meetings of the vice-president, and that the expected meetings between the Iranian and American sides in Baghdad might be the last chance to avoid military confrontation.

The same sources indicated that Cheney was talking to Gulf leaders he met in a very confident and self-assured tone, stressing that the involvement of his country in Iraq does not mean that it is in a weak situation and cannot launch another war, against Iran. Cheney, who visited the troops of his country in Iraq and the Gulf during his last round, made sure that he met American soldiers on an airplane carrier announcing to them in a decisive manner that the US will not allow Iran to possess nuclear weapons, and that the option of a military attack is not excluded. The Iranian President replied against that with severe threats in a press conference in Abu Dhabi, assuring that if they (Americans) make that mistake, the reply of Iran will be very strong and they will regret it. [Amedinejad said] "All the world knows that they cannot beat us and Iran is capable of defending herself, and that the superpowers cannot stop us from possessing nuclear energy."

It was observed that Gulf states have begun searching for alternatives to the Gulf straits to export their oil abroad. There were suggestions to build pipelines to the Red Sea or the Arab Sea across Yemen, due to fears of closing the Strait of Hormuz through which 18 million barrels pass daily. Western analysts expect that Iranian retaliation will include closing the Strait of Hormuz, bombing American bases, and burning down oil wells in the Gulf, in addition to bombing Israel with rockets from Iran directly, through Hezbollah in Lebanon or both.

Cheney expressed his conviction that striking Iran may be the best solution for the situation in Iraq, because Tehran has the biggest influence in the country and is the source of arms for militias. The source added that American estimates do not expect Iraqi Shiite retaliation against American troops in case war breaks out. Quite the contrary, the Sunni groups and militias will take the opportunity to settle accounts with the ruling government in Baghdad under America's support and protection. The same source indicated that Cheney asked his allies (Saudi Arabia, Egypt, Jordan and the United Arab Emirates) to reassure Sunni groups in Iraq and win them to the American side, passing a message that the U.S. has lost confidence completely in Al-Maliki government because of its failure to control the security situation and to achieve national reconciliation, including giving the Sunnis a bigger role in the decision-making process.

Cheney assured Gulf leaders that the Iranian nuclear reactor of Bushahr that lies on the other side of the Gulf will not be a target for strikes because it has no value and due to the presence of Russian experts at the reactor, and that even if it became a target of strikes, it would not cause pollution to the Gulf waters because it does not have depleted plutonium. Gulf states that obtain 90% of their water from treatment stations on the Gulf shores expressed to American officials their concerns and fears in the face of a water crisis which would be caused if a nuclear leak pollutes the Gulf waters in case of war with Iran.

The same source also confirmed that Cheney's talks in the four capitals focused on Iraq and Iran only and never dealt with the Arab-Israeli conflict. This was explained by a change of roles between Cheney and Rice, with the latter's role confined to the Israeli-Palestinian issue.

In Abu Dhabi, there are currently rumors about Mr. Nijad's asking the Emirates for mediation with Washington in the current nuclear crisis, and that he brought forth new ideas that an Emirate delegation will present to Washington in the next 2 days. The delegation is headed by crown-price and commander-in-chief of the armed forces, Sheikh Muhammad bin Zaid. The delegation left for Washington, D.C. already and has among its members the foreign minister of the Emirates.

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IMPORTANT STEP TAKEN ON ISSUE OF DOMESTIC NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Speaker, we still hope to bring a 30-something hour to the floor this evening, but we may have to wait for another evening, Mr. Speaker.

I wanted to briefly rise for a few minutes, potentially in replacement of our normal 30-something hour this evening, to talk about what I think is a very important step forward that this Congress took today when it comes to the issue of domestic national security.

We hear a lot and have heard a lot from our President and from this Congress over the past several months about trying to change our course in Iraq, trying to do the right thing to make sure that our troops, that our soldiers there are not put in harm's way in the middle of a religious civil war.

For those of us who have been calling for a new direction in Iraq, we do so in part based on what our own intelligence community has told us, through the National Intelligence Estimate, that the war in Iraq, which has become what they call a cause celeb for the terrorist communities, is in fact making this country less safe, not more safe, by creating a breeding ground, a training ground for terrorists and in fact by growing the undeserved derision for this country across the world.

It points us to, I think, a misplaced allocation of resources. While we have been fighting a misguided and bungled war in Iraq, we have been leaving our own borders, leaving our own homeland unsecured.

We know that the National Guard and the Reserve troops are stretched to their limit. I have a GAO report from January of this year stating the high use of National Guard for Federal overseas missions has reduced equipment available for its State-led domestic missions.

Governor after Governor is telling us that their National Guards are not ready to respond to the national emergencies that may confront States. The Governor of North Carolina says, "We rely on the National Guard to respond to natural disasters, a pandemic or terrorist attack. Currently, we do not have the manpower or the equipment to perform that dual role," of responding to both State and Federal needs.

We know that our National Guard is stretched thin. We also know that over a period of time our local law enforcement personnel have been stretched thin as well.

For those of us that watched from State legislatures or from our place in the private citizenry, we were very proud of this Congress in conjunction with former President Clinton when they instituted the COPS program. Over 117,000 additional community police officers were put on the streets of this country. Every State of the Union was a beneficiary of this program.

That program was put by the wayside by this Republican Congress and this President. Today a lot of Republicans got up and spoke in favor of the bill today which basically reinvigorated that community policing program. But it was a Republican Congress that cut that program to the bone.

During the Clinton administration during the 1990s, the COPS program was funded at $1 billion a year. By 2003, the Republican-led Congress had scaled back COPS to $198 million. And by 2005, to $10 million. By 2006, the Congress had completely eliminated COPS funding.

Boots on the street, community police officers on the ground, you want to talk about the first defense against the next terrorist attack on this Nation, it is the community police officers, our law enforcement personnel on the ground.

Today, we made an historic investment in community policing. For my district alone, it means a 50 percent increase in the number of COPS-supported personnel on the ground.

We are going to set a new course in Iraq, and I believe that is going to make this country safer. We are going to put our National Guard and Reserve troops protecting their States. That will make us safer.

But today, this Democratic Congress showed that things changed by investing once again in community policing and the COPS program.

A lot of people wonder whether things really are changing in Washington or whether it is just talk. Today, by making an historic investment in community policing, we did the right thing for our brave law enforcement personnel and national security.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, it is an honor to be before the House of Representatives once again with the gentleman from Connecticut (Mr. MURPHY) to share with the American people and our colleagues some of the issues that are facing the United States of America today, and that I think will have ramifications for the future of this country.

The past few weeks here have been very exciting as we continue to try to press the President of the United States to find his way in Iraq and begin the withdrawal of our troops.

I think it is important for the American people to recognize the position of the majority party in the House of Representatives and the position of the majority in the United States Senate represented by Speaker PELOSI and Senate majority leader HARRY REID in which we are trying to begin the process of winding down the war in Iraq and expanding the global war on terrorism.

The war in Iraq does not have anything to do with the war on terrorism, and we hear from the President consistently that if we don't fight them over there, we are going to have to fight them over here. I think it is important for us to recognize that only 2 to 3 percent of the people fighting in

Iraq are al Qaeda. We are in the middle of a civil war in a country that 70 percent of the citizens of that country in Iraq believe it is okay to shoot American soldiers. That is where we are in the middle of this civil war, a religious civil war between religious groups and ethnic factions in which Americans in many instances are the targets of this civil war now.

We have seen in the last 4 months, Mr. Speaker, the deaths of more Americans in that 4-month period than any other 4-month period during the war. It is getting worse by the day. Many of us continue to talk to soldiers who come back and go back and forth, and they are very discrete with us and they share with us information that they are maybe not willing to say publicly. But if I have heard it from one soldier, I have heard it from 15 or 20 from my district and around the country who I have talked with. And they inevitably say: What is winning? What is winning this war?

We ask the President time and time again: What does winning mean? We are beginning to try the process that the President keeps vetoing of winding this war down.

When you have a scenario where you have a couple thousand or 3,000 or 4,000 U.S. and Iraqi soldiers in cities of over 100,000 trying to secure and trying to find out who these insurgents are when they all dress in civilian clothes, they all drive civilian cars. No one has a uniform on. No one is driving a tank. This is a guerrilla war that we are in the middle of. It is becoming very, very difficult for us to secure it. I believe we have missed the opportunity to secure that country because we lack troops.

I don't want to take all of the time up tonight. I know Mr. MURPHY is such a courteous New Englander that he would probably let me, but I think it is important that the citizens of this country know that the Democratic Party is trying to end this war. We want timetables. We want accountability, and the one thing that we are saying to the President of the United States, two things, this is not going to be an open-ended war and you are not getting a blank check.

I yield to my friend.

Mr. MURPHY of Connecticut. Thank you, Mr. RYAN. I am nothing if not a fan of New England etiquette. I would let the gentleman speak for as long as he wishes, but he makes great points.

The American people sent this new Congress in order to set a new direction. They didn't imagine on election day that new direction was putting more troops in harm's way in the middle of a civil war. The word "escalation" was not in their vocabulary when they conceived of what that new direction would be.

They believed it was about time to start listening to the bipartisan foreign policy community as represented by the Iraq Study Group Report, of the record number of generals coming back and telling us we needed to start setting a new course. They believed that new direction was about redeploying our forces and bringing the National Guard home.

I hope tonight we will talk about how stressed the National Guard is, bringing the troops back home to protect ourselves on our homefront, and being able to respond to the natural disasters and emergencies that are all too frequent on our own shore, and begin to focus on places where we can still win.

Afghanistan, a fight that is taking it right to the insurgency that attacked this country, taking it right to the training ground of al Qaeda, the place where Osama bin Laden trained and prepared his forces to attack this country. Certainly we can win there, but it is time we start recognizing what that new direction has to be.

It was amazing when I listened to the Republican leader say a week or so ago, and I am paraphrasing, but the thought was that the Republicans were willing to hear out the President's plan to escalate the war for a period of time. But, say, by the fall or later this year if it wasn't working, it was time for the President to propose plan B.

I am not sure how anyone who has been watching this play out for the last 4 years could still believe we are on plan A. We are not plan A or B, we are on like plan triple R right now. We have tried everything. And guess what, every new strategy, every new approach that we take based solely on military might alone, which has been essentially our practice so far, has made the situation even more chaotic and has plunged Baghdad and its environs into greatest chaos.

Why? Guess what, because the rest of us, the American public and the Democratic Caucus, the bipartisan Iraq Study Group, retired generals from every stripe, have realized that we cannot win this conflict. And everyone's definition of win is different, I understand, but we cannot prove victorious there on the force of our military might alone.

I got to spend a couple of days on the ground in Baghdad with those soldiers. If anyone can fulfill the mission they have been given, it is the men and women in the Armed Forces that we have put on the ground. They are the bravest and most capable people I have ever been around. But the fact is that we have given them a mission which is nearly impossible.

We are forcing them one day to be soldiers, the next day to be diplomats, and the next day to be civil engineers. The reason why plan A through Z has not worked yet is because it doesn't recognize the very fact that if we can solve this, if we can somehow bring some resolution to Iraq, it will be through diplomatic and political might, not sheer military force.

Mr. RYAN of Ohio. Just to think about the lack of planning and details for the whole deal, as these Iraqi troops are supposed to stand up, we are supposed to stand down. That is why in our supplemental we said let's work something out. There was no exact formula, but as one brigade of Iraqi troops are trained to the level the President certifies, we bring one home.

If the whole premise of the President's policy was as they stand up, we stand down, he has been saying that for such a long time, and that was in our supplemental bill that we passed a couple of weeks ago.

I know our good friend Steve Israel from New York and Ike Skelton have been promoting this idea for a long time, and that was in there. That is the kind of thing that the Democrats are doing.

But to focus on the lack of planning, not to beat a dead horse, but we now have soldiers over there who are in charge of two, three, 400 Iraqi soldiers. One person that I know who is in charge of 400 Iraqi soldiers, do you know how many interpreters he has to communicate with?

Mr. MURPHY of Connecticut. How many?

Mr. RYAN of Ohio. One. He has one interpreter to help him communicate with 400 Iraqi soldiers.

Now these are all of the things that were not accounted for before we went into this place. That's what we are saying. There is a time and a place for military action. Afghanistan is the one we all cite, where they were harboring the al Qaeda and Osama bin Laden.

But now we have put these soldiers in a position where they are losing their friends. They are in dangerous situations. They don't know how long they are going to be there. Their tours keep getting extended, and you can't keep doing this to our soldiers.

And then you have a natural disaster in the United States and you don't have enough Guardsmen and -women to address the local problem.

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Let's fix this. Let's work together to fix this problem and let's work with the President. Let's work with the members of the minority party in the House and the Senate to say let's start winding this thing down. That's what we want to do, and that's how I think we are going to begin to regain some credibility in the world. We are actually going to be pro-troop, pro-soldier by getting them out of a position that they can't survive in. We see the death tolls going up and we see what's happening at Walter Reed, and when you look at what we were able to do, immediate funding for the troops for the next 60 to 90 days and an evaluation of how we are doing, is that too much to ask?

I yield to my good friend.

Mr. MURPHY of Connecticut. Mr. Speaker, we have been in this fight over timetables, and so many of us believe that we have got to start setting a deadline on when the Iraqis are going to have to stand up for themselves. Okay, so we passed that, and the President vetoed, and we came back and said, all right, let's talk about something a little bit less than that. Let's talk about what you outlined.

Let's give you all the money you want and more for the next several months for the conduct of this war, and then after that's done, let's see if it's working. That's a revolutionary concept here. Before we authorize the next round of several dozen billion dollars for the conduct of this war, let's just ask some questions. Is it working? Are the Iraqis doing what they need to do to achieve a political settlement? And guess what, the message is to that idea as well, that's not acceptable either; it is going to get a veto just like the first one.

There was a word that was just lost here for a long time. You and the 30-somethings talked about it night after night, but it was a foreign phrase to people and it is accountability. It is accountability.

Guess why the Iraqis consider going home for the summer? Why the parliament thinks it is okay to stand down? Because they know they have a crutch to rely on. They know that the Americans will be there as long as they continue to refuse to stand their military up, to stand their political institutions up, to stand up their ministries.

They know that, in fact, we're going to reward their incompetence. Enough is enough.

I got to spend a couple of days there, and in addition to spending some time with the troops you get to spend a little bit of time with the Iraqi military, and you can see that there's potential there. You can see that they are ready to do this mission but you can also see that there's no incentive there to do it right now.

And so that word "accountability" which has been lost here for so long is I think a large reason for why Congress looks a little bit different now, why you have a whole bunch of new Members who were sent here, not just to wrap up this war, not just to bring our troops home but to also instill in this government a sense that if we are going to spend taxpayer dollars, we better have some accounting for how it is done.

The two bills that we have passed, both the first bill that set a timetable to wrap up this war; the second bill, frankly, is as reasonable as you can get in trying to provide some benchmarks for success, they are both about that missing word missing here for a long time. It is accountability.

Mr. RYAN of Ohio. Absolutely. We have another thing to add to the list of the promises that were made that we rehashed here many, many times. When you look at we are going to be greeted as liberators, we only need $50 billion, we can use the oil for reconstruction, you know, all of these things that were told to us before the war that ended up not being true, we have something that we can add as we have seen this week, May 12 edition of the news, and comparing it to this statement that the President made on the Iraqi government, New York Times, January 28, 2005. "But asked if, as a matter of principle, the United States would pull out of Iraq at the request of a new (Iraqi) government, he said," the President said, "'Absolutely. This is a sovereign government.'"

May 12, 2007, fast forward, majority of Iraq lawmakers seek timetable for U.S. exit. Majority of Iraq's parliament members signed a petition for a timetable governing withdrawal of American troops. The American people want us out. The Iraqi parliament wants us out. Seventy percent of the Iraqi citizens think it is okay to shoot an American soldier. This President is the only one in the world who thinks it's a good idea for us to stay there, and it's the same person who told us this slew of inaccurate data, information, tactic, strategy 5 years ago.

So we are trying to fix this problem, and we are having a heck of a time getting past this President. And he is the President and he does have the veto power, but he needs to recognize we want accountability. He's not getting a blank check, and this is not going to be an open-ended war.

Mr. MURPHY of Connecticut. We talk about the enormous and unconscionable level of American casualties there, and the number that we focus on are the number of men and women who don't come back, and not enough focus gets put on the number of American soldiers who come back with grave, crippling injuries. But we don't talk at all about the number of Iraqis who have been killed, the immense civilian casualties that mount not by the two or three or four a day but mount by the dozens every day.

And so when you see what we are seeing now, which is an Iraqi parliament standing up and saying enough is enough, we need the Americans to go home, what you're hearing is a bunch of people who are realizing that the best way to keep their own people safe is to have the Americans stand down because, on more days than not, we are drawing additional fire into the chaos there.

We went over and asked the generals there, we said, listen, tell us how much of the fire that you are seeing in and around Baghdad is a result of Shia and Sunni violence and tell us how much of the fire is directed at American forces. And the stat was pretty amazing. Ninety percent of the fire there is fire directed from one religious civil group to the next, from one sect to the other. Ten percent of it is directed at American forces. It's an inexcusable 10 percent, but to think that we are asking our men and women to stand in the middle and be a human shield between Shia and Sunni fighting each other, in fact sometimes Shia and Shia, Sunni and Sunni fighting each other, is a miserable way to conduct foreign policy.

And I asked one of those soldiers, I said, you know, you're being asked one day to try to negotiate some political settlement between religious groups, when the day before they were shooting at each other; how on earth do you tell who's shooting at who? And the soldier looked at me inquisitively, sort of shocked that I would ask the question. He said, we don't know who's shooting at us; if they are shooting at us, we shoot back. That's their job. That's their job, to protect them, to protect the people around them.

But as you said, the fact is when you can't tell who it is that's doing the shooting how on earth the next day are you going to be expected to sit down and try to mend the fences that gave rise to that violence in the first place?

Like I said, if anybody can do it, I think that these guys and women can do it. They are the most amazing, capable people that I have ever met in my life, but the fact is that if you don't know who's perpetuating the violence, it's very hard to heal those wounds the next day.

And to my mind, if the Iraqis are telling us that what they believe is necessary to make their country safe is a precipitous withdrawal of American forces, if our own intelligence community is telling us that we are less safe because of what's going on there, the Iraq Study Group, retired generals, American public, Iraqi parliament, intelligence community, there's a wall around Pennsylvania Avenue right now, and none of that seems to be going in there. And if we don't change course sooner or later, we're going to do damage that is not going to be even reversible by this Democratic Congress.

Mr. RYAN of Ohio. Let's look at what we are just trying to do. All we're saying is we're going to give the President, he wants $100 billion and we're saying we want to give you $30-some billion, and then D.C. lingo, fence the rest of the money in, the other $50 or $60 billion, until he comes back, the President comes back to us in July and is able to articulate to the United States Congress and the American people and the world what exactly the progress has been. And if you have progress, then you will be willing to come and make that argument to us here. And then we will have another vote, and we will decide if we are going to release the rest of the money or do something else, begin winding it down even quicker.

But I find it very disturbing, Mr. Speaker, that the President of the United States is not willing to come to the United States Congress, created by Article I, section 1 of the Constitution, the people's House, and articulate why our soldiers are still in Iraq, why we're not having success, why benchmarks aren't being met, why the Iraqi soldiers aren't being trained. You come back to the United States Congress and you tell us what the situation is, and then we control the money, and if there's progress we will give you more. If it continues like it's been going, we're going to give you enough to get these kids back home.

Mr. MURPHY of Connecticut. This place has been a one-horse show for a real long time. You talk about the Constitution. It's kind of been a document that's been dead and buried for a long time. People say the United States Congress here is to be an equal branch of the United States Government, to be able to operate within a structure that recognizes that not every single decision gets made by one man sitting in a house up the street; that people go out to elections in record numbers like they did last November and they should think, rightfully so, that what they say and the votes they cast are going to have some impact on what happens down there.

And I understand that the President's version of working together is us agreeing with whatever he asks us to agree with, but that's not what the American people sent us here to do. I certainly didn't get sent here to do this as a new Member, and the sooner that we recognize that you have a Congress for the first time in a long time that is going to stand up and speak for the people that sent us here, the sooner that happens the better.

Mr. RYAN of Ohio. I appreciate it, and you're absolutely right.

And we have got an obligation to do that, and the ramifications of this war are being felt all over. And one of the regrets that we have had is that we continue to run up this huge budget deficit in order to pay for the war. And it's time for us to start challenging those people who have been doing well, those people that this primarily has been the burden of this war, has primarily been the responsibility of those families and those soldiers who have been fighting in it, and the burden that they have faced has been much greater than anyone had anticipated. And so I think it's important for us to also recognize in our supplemental bill what we have been able to do and what we have tried to do with some of this additional money.

Almost $2 billion for defense health care for those soldiers who are serving their country currently, that we put an extra couple billion dollars in there above the President's request to deal with the health care issue for those who are serving their country right now in this most dangerous time.

We also added an almost additional $2 billion for veterans health care and made sure that we are taking care of our veterans when they come back. We are going to see a tremendous surge in veterans health care when these soldiers get back home, and we want to make sure that they have the resources necessary to do that.

We don't want this to be a country that promises you before you go to war all kinds of Cadillac coverage and then when you get back you're left on your own. The Democratic Party had attempted to fix that through the supplemental process, and again, that bill was vetoed.

$500 million in there for post-traumatic stress disorder, which is going to be a huge problem given the kind of environment that these kids are fighting in.

$500 million in there for brain injuries, again a major problem with those soldiers who are coming back injured.

We're trying to take care of our veterans, and we're doing a good job, but we keep getting this process and these bills vetoed by the President of the United States, and it is very important that we begin to recognize that this can no longer be a stumbling block.

In addition to that, Mr. Speaker, the Democratic-led Congress, in our budget authorization bill several weeks ago, put in there the largest increase for veterans spending in the history of the veterans administration. We are trying to take care of our veterans, and we are doing it in spite of what the President is trying to do by consistently vetoing our bills.

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We are putting the money forward, we are asking for some accountability, we are taking care of our veterans, we are taking care of our soldiers, we are making sure that they don't leave to go over to Iraq without the proper body armor, the proper Humvee, up-armored Humvees, and the proper amount of rest.

Our soldiers are getting worn out by continuously extending their tours, by sending them back second, third, fourth tours, their families are having problems, high divorce rates. We are seeing it all over. It's time for us to refocus.

Then, when you look at who else is being affected by this situation that we have in Iraq, you are also seeing the issue with the National Guard readiness. We have seen, unfortunately, over the last couple of weeks, because of the natural disasters and the tornados, especially in places like Kansas, where the National Guard does not have the equipment, in many instances they don't have the manpower to try to deal with the issues that they are facing in their own State. There are so many issues that are being affected.

Let me just share with you some of these problems that we have and what we are trying to do to address that. We put in, in the last supplemental bill, $2 billion not requested by the President for a new strategic reserve readiness fund, of which $1 billion is for Army National Guard equipment shortfalls. We are trying to address it.

The President vetoed that too. So bad enough you are vetoing health care for our soldiers, you are vetoing health care for our veterans to the tune of $2 billion; you are vetoing veterans health care for post-traumatic stress disorder; you are vetoing health care for those soldiers who come back with brain injuries. You are also vetoing an extra $1 billion for Army National Guard equipment.

I mean, come on. We are trying to move this process forward. You know, it's a typical D.C. move, that if it's not your idea, we are against it. You know, if I didn't come up with it, I'm against it. That has been the President's attitude. We can't have it, because it's not us that is suffering; we are in air conditioned quarters. We got offices, cars, nice meals, you know. Our families are here with us.

It's the soldiers who are suffering, and their families who are suffering, bearing the brunt of this war.

This is Lieutenant General Steven Blum, chief of the National Guard Bureau: "The Governors are rightly concerned that while the personnel part of the Guard has never been better, never been more ready, the equipment piece to the National Guard back here at home has never been less ready, and they are trying to resolve that obvious disconnect. The message is clear what we have, and the budget does not produce the level of readiness that they feel comfortable with."

Just being admitted. That's being admitted by the chief of the National Guard Bureau. This is the Government Accountability Office report from 2007, just a couple of months ago in January. This is a nonpartisan bureau that we have here: "The high use of the National Guard for Federal overseas missions has reduced equipment available for its State-led domestic missions. At the same time it faces an expanded array of threats at home."

Reduced equipment available for our National Guard; our soldiers, not having the proper body armor; our Humvees not properly up-armored; our soldiers not getting the proper rest; our veterans not getting the kind of health care that they deserve; our defense, our soldiers in the Defense Department, not getting the level of health care and attention that they need and that they deserve; and an American public that wants this war to be over. Sixty percent say that it was a mistake to go in the first place.

We have an obligation to respectfully and orderly wind this war down and begin a surge of diplomacy in the Middle East, asking our neighbors in the Middle East, asking the United Nations to take part in a peace-keeping effort in Iraq, making sure that our soldiers are there and the periphery, a certain number, to make sure that we are still in the region to a certain extent to protect against some kind of Iranian influence.

I yield to my good friend, who I know has been very busy tonight. Thank you for taking time out of your schedule to honor your commitments.

I yield to my good friend from Florida.

Mr. MEEK of Florida. Mr. RYAN, it's always good to be on the floor with you. It's like old times, like the 108th Congress, TIM RYAN from Niles, Ohio, and KENDRICK MEEK from Miami/Liberty City, Florida.

The good thing I like about doing the work, we are working not only with new Members that appeared in the last Congress, but we have a level of consistency, even in the majority. Mr. RYAN serves on the very powerful Appropriations Committee. I serve on a committee called the Ways and Means Committee and Armed Services. These are just committees that have an awful lot of work, and there is a lot to do.

But we are here tonight because it's very, very important to the country. I don't have a family member in Iraq. I don't have a family member on their way to Iraq, but I do have constituents that fall within that circle of individuals.

As we move this conference report, hopefully, it will go through the conference session that's going on to the President, and that the President doesn't veto this bill. Now, I am going to say this, because one may say politically, you probably wanted the President to do it, because he will go down further in the polls. It's not about polls, as far as I am concerned. It's about accountability to the men and women in harm's way.

One may think, well, this has nothing really to do with me. We have a volunteer Armed Forces, and they have signed up and they knew full well, some of them knew full well they would be deployed. We have Reservists signed up. Some of them knew this threat would come one day that they would have to be deployed on a third and fourth tour. You have National Guard men and women that signed up, they were going to be federalized. They had to know they would be federalized at some point to go out and fight on behalf of the country.

I just would like to make this point that if one may feel that this has nothing to do with your immediate family, you have to think about what the war in Iraq is doing to our country right now, our financial standing, our financial security. We have an administration in the last Congress, which was the rubber stamp Republican Congress, that passed everything that the Bush White House called for and asked for. Billionaires received tax cuts that they didn't even see coming, but it was a gift to them from the Bush administration.

Now, we have borrowed more from foreign nations than we ever borrowed in the history of the Republic. I am from Florida. For those of you who are Members from Gulf States and along the eastern seaboard, this is your issue. Even those from the Midwest or even from the west coast, this is your issue, making sure that we have the benchmarks in place, making sure that we have the accountability in place, when you look at the dollars we are spending, how about the billions of dollars, trillions of dollars we are spending on this war. It's your issue. To the small-town mayor, to the big-city mayor, to the county commissioner, or parish or State legislature, this is your issue.

Some folks said, well, in Washington, you all talk about Iraq, Iraq and Iraq again, and then that other issue, Iraq. The reason why on this floor Iraq is uttered every day, almost once an hour, two or three times an hour, is how can we deal with a national health care plan for children? How can we deal with an issue as it relates to helping small businesses? How can we prepare ourselves to take on the wave of veteran affairs that we have to take responsibility for, because we promise our veterans that we will stand with them because they stood with us?

How can we do all of those things when we are carrying on the back an Iraqi Government that I must add is looking at going on a 2-month vacation, and the majority members of the Iraqi Parliament have already said they want a timeline on when U.S. troops are going to be out of Iraq.

When you hear things about building a wall in Iraq, when you hear the reports over the weekend, Mother's Day weekend, as we were celebrating Mother's Day weekend, including myself, on honoring our mothers, my mother and my wife and all, we have to hear the report about our men and women on patrol in Iraq hit by an improvised explosive device as they patrolled at 4-something in the morning, and an Iraqi response team from our military showed up, 40 minutes after that event, and come to find a burning Humvee, burning, and those that died in that explosion, and three of our men that we are still combing the streets of Iraq for right now, along with coalition forces.

These are the very things that we talk about in this bill. We talk about not only the human loss, and, since when I always come to the floor, I just want to say that as of May 15 at 10 a.m., which is the latest, 10 a.m. report, death toll is up 3,393; wounded in action and returned to duty is 13,975; wounded in action and not returned to duty is 11,270. That number continues to go up.

It's very, very important. We pay very close attention to this. So when we have the legislation to make sure the troops have what they need, make sure that our veterans have what they need, making sure we respond to the work that was not done in the last two Congresses, we deal with what happened in the Gulf States in Katrina, doing right by them, doing right by their children, that their health insurance is about to expire, the very children of our country.

Just today I was on the steps talking to an elementary school, Phyllis Ruth Miller Elementary School, in my district. I was talking to over 100 kids that are elementary kids and some of their teachers. They were asking about Iraq, and they were asking about the war. They were concerned, and one of the young men asked, well, Congressman, do you believe when I get of the age that, you know, I would love to be a member, I would love to be a soldier, a member of the Army, do you think I will be deployed to Iraq?

I had to have a discussion with him about how we are trying to work in a diplomatic way. We want a surge in diplomacy. We want a surge as it relates to an escalation and other countries taking part in what we are doing.

If it's about, you know, dropping bombs and all of that, we can do that better than anyone else on the face of the Earth. But when you start putting our men and women into responsibilities when a country should take responsibilities for themselves, then we are talking about another thing.

I think it's also important for us to note that the bouncing ball as it relates to what the President says and what he means are two different things. One minute we listen to the commanders in the field. The next minute we know what's good for the commanders. One minute we say that if the Iraqi Government, and I just happened, I asked staff to pull this up, when the President was asked, and he said, But asked if, as a matter of principle, the United States would pull out of Iraq at the request of a new (Iraqi) Government," he said, this is a question that was posed to him, " Absolutely. This is a sovereign government."

The elected Parliament, a majority of the elected Parliament have said they want a timeline. Now, in Congress we are saying we want a timeline, and we want benchmarks. The President is saying, I am not going to allow you to do it. We have a Republican minority saying we are standing next to the President. Then we had 11 Members of the Republican side go talk to the President and say, hey, you know something, we can only stand in for so long.

Now, if I was thinking in political terms and thinking about serving on the committees I am serving on and staying in the majority and being a part of leadership meetings and so on and so on, I would say, fine. Let the Republican minority stick with the President. Let the President, let's just sit back, let's be quiet. Let's just let the President talk because as far as I am concerned politically, the gain is going to be to Democrats in Washington, D.C.

But if it wasn't war, if it wasn't the future of our children and our children's children, if it wasn't the amount of debt that has been accumulated with two wars going on and tax cuts that no one asked for, and the super, super wealthy are getting tax cuts, subsidies, the oil companies that Mr. RYAN tried to address in the first wave of alternative energy and alternative fuel.

I am a little glad to see the President talk about an energy plan yesterday, and take our dependency off of foreign oil or energy and focus on America. I am so glad that the President has caught up with the American people and the Democratic Congress and moving in that direction. We have already done that.

So the real issue here is if we just pay attention to what people are saying, I think that we can figure out why they are doing what they are doing. The President, yes, he is going to be President, his term will be up in 2008. We want to support the Commander in Chief as far as we can.

But as a democracy, as a Congress, we owe it to the people of the United States of America to continue to get good and accurate information out to them and to make sure that every Member of Congress knows exactly what he or she is voting on or not voting on.

You heard me say before, it's important that Members of the Congress on both sides of the aisle, that we go see the wizard, that we get a little leadership, get a little courage, okay? Go to the President and say, hey, listen, this is the way it's going to be. This is not going away. The American people are on the side of what's good for America. They are not necessarily saying, you know, we love Democrats or we love Republicans. They just want good government, and good government is making sure we have responsibilities.

Mayors come and speak with me. I had a city commissioner come talk with me today. She was sharing with me about, you know, all of the things that she has to go through to get a Federal grant.

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Well, I don't hear the Iraqi Government talking about all the things and the loopholes and accountability measures they have to go through to get the taxpayer dollar. And I think it's important that we pay very, very close attention to that as we move through.

Let me just speak one more second, Mr. RYAN, not one more second, but several seconds.

Mr. RYAN of Ohio. Take your time.

Mr. MEEK of Florida. Thank you, sir. I mentioned earlier, I'm from Florida. June 1 is a very important date to those of us that are in Hurricane Alley. June 1 is the beginning of hurricane season. Hurricane season will be, this hurricane season has been predicted, Mr. Speaker, to be one of the most active seasons in recent time. And Florida is probably the most prepared State as it relates to response because we've gone through it so much. And the reason why we're able to respond to a number of natural disasters and hurricanes, which we have a number of wild fires that are going on right now in Florida, is that we have one of the best National Guard units on the face of the Earth, period. But 53 percent of the diesel or used equipment that they had to respond to storms, because they're the first responders, they're already staging outside of the hurricane zone to respond as first responders. They don't even have the equipment that they need to respond.

In Kansas, Mr. RYAN, the Governor of Kansas said, you know, our emergency management plan called for a response from the National Guard. Those that are still left in the State of Kansas, but, they're having to use their personal vehicles. They're having to do other things to make up for the equipment that's jammed with sand over in Iraq.

We must have accountability now. We must have benchmarks now. It's almost saying to school age children that it's okay, you can go to school, we won't grade you on anything. There'll never be a test. You just, you know, do your time and everything will work out.

Everything that we strive for to be successful in, even in business or in government, you have to have benchmarks. You have to have accountability. And what the President and some of the Members of the minority side of the aisle, some of them, not all of them, I must add because I know that there are a number of my Republican colleagues that are saying we're headed down the right track and they have voted in the affirmative, in a bipartisan vote to send that message to the White House.

And what the President hasn't come to grips with, including some members of his Cabinet, that this is a democracy, and guess what, the whole cake and ice cream thing, you write it, we just follow you kind of thing is over. It's over. The people of America voted for accountability. They voted for standards. They voted for transparency, and they're going to get it as long as we have the majority here in this Congress to give the American people what they ask for. That's what their vote is all about.

I think it's also important for us to realize that when you look at these States, and this is just Florida, the National Guard was down 500 Humvees, 600 trucks, short 4,000 pair of night vision goggles, and needed 30 more wreckers. This is from Colonel Ron Title, who is brass in our Florida National Guard. He's not talking on behalf of the Democratic Party or Republican Party. Here's a man that said, I'm going to serve in the Florida National Guard, and I'm just talking about preparedness. I'm talking about our ability to be able to respond to a natural disaster.

What are we going to do, turn around and call Georgia? I'm pretty sure Georgia has some of the same issues.

Turn around and call Alabama? Alabama, last I checked, there are a lot of National Guard men and women there, and I guarantee you their equipment, if not more in Iraq, they don't have the ability to come to Florida.

And so when you look at these other States and the response of the National Guard, then you have to get active duty troops involved and you have to fly things in and carry on. If we had accountability in place, and we had proper planning in place, that's what this bill calls for.

Mr. RYAN, this is the last money for Iraq and Afghanistan that will not go through the regular budget process because, Mr. Speaker, when that happens, accountability is paramount. Transparency hearings, everything is accounted for. Not just giving a checkbook to someone in Iraq and say, well, in the early days, giving them cash and just say go to work. That's not good accounting practices and should not be encouraged.

And so the old saying, if we know better, we'll do better, well, you know, by now, 5 years in the war, we should all know better. And we're trying to do better.

We have a majority in place right now, Mr. RYAN and Members, that are willing to do better, have the will and the desire to do it. The good thing that I like about, I was listening to what you were saying before I was recognized. Mr. RYAN, I remember the days that we were on the floor and we used to talk about if we had the opportunity, this is what we'll do. We'll make sure that veterans have what they need to have when they return back, and those that have served in past wars, that we honor their commitment by honoring them, making sure that they have a VA health care system they can be proud of.

We said that we would work to make sure that children have health care in this country, and we've already taken action on that.

We said that we would implement the 9/11 Commission recommendations. We have already done that. Waiting on the President's signature.

We said that we would put rules in place within the House rules to bring about ethics and have an active ethics committee, which has already happened, Mr. Speaker. It's not something that we said, well, if we get around to it. It's already happened.

So when we talk about the functions of good government, those principles are already in place. And so now we just need the help of the President of the United States to work with the Congress and not dictate to the Congress about what we should be doing, how we should be doing it. He's had 5 years. He's had 5 years to say, this is the way it's going to be. So shall it be written, so shall it be done.

And I can tell you, Mr. Speaker, and being a Member of the past two Congresses, serving, Mr. RYAN and I served on the Armed Services Committee. We don't want to leave our men and women without equipment and the things that they need. And supplementals in the past, I didn't like a lot of the language in it, but I voted for it for the greater good, for the greater good.

And we counted on the Defense Department to be accountable with the money. We counted on all of the things that we're being told about the equipment being on the ground when the men and women get there. Now we find out that some of that was not true, a lot of that was not true. And there's been so many things that have been told and so many apologies that have been sent out in press releases.

Those days are over. We must have accountability in place. So when the President, if the President follows through on his threat, Mr. RYAN, to veto it, I'm glad that you talked about the things that he will veto; that he's going to deny the men and women in harm's way. He's going to deny children to have health care. He's going to deny veterans from getting the veterans services that they deserve, and he's going to deny us being able to hold our head up.

But I'm going to hold my head up because I'm doing my part and I'm doing my part right now on Memorial Day when we commemorate those that paid the ultimate sacrifice. And vetoing the largest increase in the VA history.

I'm just talking about a few things, leave alone the accountability measures at the Department of Defense. They already had the rules in place. They just weren't honoring those rules. We put it in the supplemental, this emergency supplemental. So now, within this law and within the dollars that will be flowing into the field and throughout America, they're going to have accountability measures in it.

So I'm not talking about what the Republican Congress did not do or what they call themselves doing, or what the President did not do or called himself doing. I'm just talking about what we're doing now and the opportunity that's presented before us. And I'm so happy, Mr. RYAN, that we are moving in that direction. I yield back to you, sir.

Mr. RYAN of Ohio. Well, I appreciate you coming down and articulating that. And it's been consistent since we've gotten in with the first 100 hours as to what we're doing now, what we plan on doing, what we've passed out of this House, what we've passed out of this House sometimes on several different occasions.

And if you look at the two major supplemental votes, you look at, you know, what did we do in the first one is we put timelines in there, deadlines in there, date certain we're going to get out of there.

And you stated, I think, so articulately, that the Iraqi soldiers, if they know we're going to be there, then they're going to continue to rely on us. And if you leave the training wheels on the bike, you're never going to learn how to ride on two wheels. And it's time to take the training wheels off, Mr. MEEK.

Mr. MEEK of Florida. Mr. RYAN, I don't remember the last story of a state that continued to receive money, have not been accountable to Federal dollars, I mean, haven't been accountable in spending those Federal dollars. News report comes out that it actually took place, and then we turn around and say, oh, well, we know you didn't spend the last billions of dollars we gave you. We're going to give you some more. As a matter of fact, we're going to come down and help you spend this money, and we're going to come down and be a part of this lack of accountability by your government. And then we're going to reward you with another emergency supplemental that has no strings attached.

You can't reward bad behavior or lack thereof. You cannot say, well, it's okay, Governor. It's okay, mayor. It's okay, county commission or city commission. If you're not accountable with the dollars, we're going to continue to send it to you.

I don't know a police department that received Federal assistance from FEMA, okay, who did not do, did not follow the plan of hiring and training and making sure that they can patrol their own streets, and we sent Federal law enforcement individuals down there to do the everyday calls for service. That doesn't happen in America. It should not happen in Iraq as long as our taxpayer dollars are being spent, and dollars that we've borrowed, Mr. RYAN, I must add, from foreign nations.

This country is in a financial situation as it relates to borrowing from foreign nations unlike any other time in the history of the Republic. So as we move in this majority body here to correct those issues, this is a wonderful opportunity for this government to correct itself on the legislative branch and the executive branch, to do the right thing, to be accountable for the taxpayer dollars, and, Mr. RYAN, the dollars that we've borrowed from other countries, that we have to figure out how we're going to pay them back, and at the same time continue to maintain some sort of financial standing within the world.

Mr. RYAN, it's always a pleasure, sir, coming to the floor and working with you and other members of the 30-something Working Group. I know we'll be back a couple of other times this week before we finish on Friday.

But we have to stay the course. I'm going to use one of the administration's words; stay the course on behalf of those who stood for us to be able to talk here in this air conditioned Chamber, saluting one flag. We have to stand up for those who have sent us here to represent them. And there are people who can vote. There are people who cannot vote. They're Republican. They're Democrats. They're independents. The individuals that are watching what happens now, because as we look back 20 years from now, folks are going to ask, who stood up? Who stood up for them? Who stood up for their children? Who stood up for their grandchildren?

It's not about my family. It's about all of our families. If you want to talk about family values, then let's start doing things on behalf of the American people, and let's make sure that future generations have a better opportunity than we have.

When that kid asked me on the steps of the Capitol, Mr. Congressman, I want to join the Army; I want to be a soldier. Am I going to war? That answer shouldn't have been diplomacy and all that. It should have been, we're doing our job and working with the international community and keeping America safe and, yes, if you want to go into the Army, you should go into the Army and serve our country like so many others have done.

But it's a sad commentary when we're here debating the obvious of what we have to do. Accountability with the taxpayer dollars and accountability to those who woke up hearing mortar, hearing improvised explosive devices going off, looking at these vehicles towed in from the streets of Baghdad because we're doing the job that the Iraqi Government should be doing. And we have to stay the course, and making sure that we stand up for those that don't have the opportunity to walk through this door and put their voting card in these machines and vote on behalf of their future and their families.

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Mr. RYAN of Ohio. I appreciate it.

Use www.Speaker.Gov to access our Web site. E-mail 30somethingdems@mail.house.gov.

Mr. MEEK, as always, it is an honor, a pleasure, and a privilege to just share this floor with you, my friend.

RECESS

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. CASTOR) at 9 o'clock and 17 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–151) on the resolution (H. Res. 403) providing for consideration of the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1427, FEDERAL HOUSING FINANCE REFORM ACT OF 2007

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–152) on the resolution (H. Res. 404) providing for consideration of the bill (H.R. 1427) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WELCH of Vermont) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. WELCH of Vermont, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BUTTERFIELD, for 5 minutes, today.

Mr. MICHAUD, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. HARE, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. WESTMORELAND) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mrs. BLACKBURN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MURPHY of Connecticut, for 5 minutes, today.

ADJOURNMENT

Mr. WELCH of Vermont. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 16, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1752. A letter from the Assistant Secretary of the Army for Acquisition, Logistics and Technology, Department of Defense, transmitting the annual status report of the U.S. Chemical Demilitarization Program (CDP) as of September 30, 2006, pursuant to 50 U.S.C. 1521(g); to the Committee on Armed Services.

1753. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

1754. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of March 31, 2007, entitled, "Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account," pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

1755. A letter from the Secretary of the Air Force, Department of Defense, transmitting Notice of the decision to initiate a multifunction standard competition of the Communications-Information Support Flight at Patrick Air Force Base, Florida, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

1756. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of major general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

1757. A letter from the General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2008; to the Committee on Armed Services.

1758. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to India pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

1759. A letter from the Secretary, Department of Energy, transmitting a legislative proposal that would amend two sections of the Energy Policy and Conservation Act (EPCA); to the Committee on Energy and Commerce.

1760. A letter from the Secretary, Department of Energy, transmitting a letter to propose legislation to implement the Convention on Supplementary Compensation for Nuclear Damage adopted in Vienna on September 12, 1997, by a diplomatic conference convened by the International Atomic Energy Agency, and to which the Senate gave its advice and consent to ratification on August 3, 2006; to the Committee on Energy and Commerce.

1761. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled, "Report to Congress on Abnormal Occurrences: Fiscal Year 2006," pursuant to 42 U.S.C. 5848; to the Committee on Energy and Commerce.

1762. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment in the Government of United Kingdom (Transmittal No. DDTC 002-07); to the Committee on Foreign Affairs.

1763. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Denmark (Transmittal No. DDTC 007-07); to the Committee on Foreign Affairs.

1764. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Turkey (Transmittal No. DDTC 024-07); to the Committee on Foreign Affairs.

1765. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting a proposal to extend the authorization of appropriations for the 1998 Tropical Forest Conservation Act (TFCA) through fiscal year 2010; to the Committee on Foreign Affairs.

1766. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Foreign Affairs.

1767. A letter from the Chairman, International Fund for Ireland, transmitting a copy of the 2006 Annual Report of the Fund; to the Committee on Foreign Affairs.

1768. A letter from the Acting Assistant Secretary for Administration, Department of Transportation, transmitting a copy of the inventories of commercial and inherently governmental positions in the Department of Transportation, as required by the Federal Activities Inventory Reform Act of 1998; to the Committee on Oversight and Government Reform.

1769. A letter from the Secretary, Department of Commerce, transmitting a copy of a draft bill to reauthorize the Coral Reef Conservation Act of 2000 (CRCA); to the Committee on Natural Resources.

1770. A letter from the Secretary, Department of the Interior, transmitting a copy of a draft bill entitled, "National Park Centennial Challenge Fund Act"; to the Committee on Natural Resources.

1771. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2004-19755; Directorate Identifier 2004-NM-23-AD; Amendment 39-15003; AD 2007-07-03] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1772. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Model HC-E4A-3( )/E10950( ) Propellers [Docket No. FAA-2007-27552; Directorate Identifier 2007-NE-11-AD; Amendment 39-15019; AD 2007-08-02] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1773. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 Turbofan Engines [Docket No. FAA-2007-27687; Directorate Identifier 2000-NE-42-AD; Amendment 39-15012; AD 2007-07-07] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1774. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) Airplanes [Docket No. FAA-2006-25105; Directorate Identifier 2006-CE-33-AD; Amendment 39-15016; AD 2007-06-01 R1] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1775. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy Airplanes and Model Gulfstream 200 Airplanes [Docket No. FAA-2007-27757; Directorate Identifier 2007-NM-030-AD; Amendment 39-15014; AD 2007-07-13] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1776. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell Flight Management Systems (FMSs) Served by Honeywell NZ-2000 Navigation Computers Approved Under Technical Standard Order (TSO) TSO-C115a, and IC-800 Integrated Avionics Computers Approved Under TSOs C9c, C52a, and C115a; as Installed on Various Transport Category Airplanes [Docket No. FAA-2007-27735; Directorate Identifier 2007-NM-027-AD; Amendment 39-15009; AD 2007-07-12] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1777. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Gulfstream 200 Airplanes [Docket No. FAA-2007-27737; Directorate Identifier 2007-NM-029-AD; Amendment 39-15008; AD 2007-07-11] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1778. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No. FAA-2007-27736; Directorate Identifier 2007-NM-001-AD; Amendment 39-15010; AD 2007-07-05] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1779. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Columbia Aircraft Manufacturing (Previously The Lancair Company) Models LC40-550FG, LC41-550FG, and LC42-550FG Airplanes [Docket No. FAA-2007-27628; Directorate Identifier 2007-CE-025-AD; Amendment 39-15011; AD 2007-07-06] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1780. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2006-26250; Directorate Identifier 2006-NM-104-AD; Amendment 39-15001; AD 2007-07-01] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1781. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, -500, -600, -700, -800 and -900 Series Airplanes; and Model 757-200 and -300 Series Airplanes [Docket No. FAA-2006-25336; Directorate Identifier 2006-NM-070-AD; Amendment 39-15002; AD 2007-07-02] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1782. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. FAA-2006-25850; Directorate Identifier 2006-NM-128-AD; Amendment 39-15004; AD 2007-07-04] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1783. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, and -106 Airplanes and Model DHC-8-200 and DHC-8-300 Series Airplanes [Docket No. FAA-2006-26725; Directorate Identifier 2006-NM-161-AD; Amendment 39-15000; AD 2007-06-19] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1784. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (formerly Rolls-Royce plc) Dart 528, 529, 532, 535, 542, and 552 Series Turboprop Engines [Docket No. FAA-2006-25272; Directorate Identifier 2006-NE-16-AD; Amendment 39-14924; AD 2007-03-13] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1785. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B16 (CL-604) Airplanes and Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-26378; Directorate Identifier 2006-NM-230-AD; Amendment 39-14972; AD 2007-05-11] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1786. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; REIMS AVIATION S.A. Model F406 Airplanes [Docket No. FAA-2006-26693 Directorate Identifier 2006-CE-90-AD; Amendment 39-14970; AD 2007-05-09] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1787. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. FAA-2006-26048; Directorate Identifier 2006-NM-191-AD; Amendment 39-14967; AD 2007-05-06] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1788. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Airplanes [Docket No. FAA-2006-26044; Directorate Identifier 2006-NM-098-AD; Amendment 39-14960; AD 2007-04-27] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1789. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2006-26709; Directorate Identifier 2006-NM-202-AD; Amendment 39-14968; AD 2007-05-07] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1790. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Airplanes [Docket No. FAA-2006-26684; Directorate Identifier 2006-NM-193-AD; Amendment 39-14969; AD 2007-05-08] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1791. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 Airplanes [Docket No. FAA-2006-26324; Directorate Identifier 2006-NM-214-AD; Amendment 39-14993; AD 2007-60-12] (RIN: 2120-AA64) received May 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1792. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, and -800 Series Airplanes [Docket No. FAA-2006-24369; Directorate Identifier 2006-NM-001-AD; Amendment 39-14990; AD 2007-06-09] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1793. A letter from the Deputy Assistant Secretary for International Affairs, and Climate Change Science Program Acting Director, U.S. Climate Change Science Program, transmitting the annual report of the program entitled, "Our Changing Planet: The U.S. Climate Change Science Program for Fiscal Year 2007," pursuant to Public Law 101-606, section 102; to the Committee on Science and Technology.

1794. A letter from the Administrator, Small Business Administration, transmitting the Annual Report on Minority Small Business and Capital Ownership Development for Fiscal Year 2006; to the Committee on Small Business.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. CASTOR: Committee on Rules. House Resolution 403. Resolution providing for consideration of the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes (Rept. 110-151). Referred to the House Calendar.

Mr. WELCH: Committee on Rules. House Resolution 404. Resolution providing for consideration of the bill (H.R. 1427) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes (Rept. 110–152). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CANTOR (for himself, Mr. RYAN of Wisconsin, Mr. ENGLISH of Pennsylvania, and Mr. BLUNT):

H.R. 2312. A bill to make permanent the individual income tax rates for capital gains and dividends; to the Committee on Ways and Means.

By Ms. HOOLEY:

H.R. 2313. A bill to establish research, development, demonstration, and commercial application programs for marine renewable energy technologies; to the Committee on Science and Technology.

By Mr. WELLER:

H.R. 2314. A bill to amend part E of title IV of the Social Security Act to increase payments to States for expenditures for short term training of staff of certain child welfare agencies; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. BLUNT, Mrs. BOYDA of Kansas, Mrs. CUBIN, Mr. MORAN of Kansas, Ms. HERSETH SANDLIN, Mr. CONAWAY, Mr. MARSHALL, Mr. SOUDER, Mr. PEARCE, Mr. SENSENBRENNER, Mr. PETRI, Mrs. CAPITO, Mr. LUCAS, Mr. KING of Iowa, Mr. BONNER, and Mr. SALAZAR):

H.R. 2315. A bill to enhance the State inspection of meat and poultry in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. CONYERS (for himself, Mr. EMANUEL, Mr. VAN HOLLEN, Mr. HALL of New York, Mr. KAGEN, and Mr. SHERMAN):

H.R. 2316. A bill to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Rules, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself, Mr. MEEHAN, Mr. CONYERS, Mr. EMANUEL, Mr. SHERMAN, Mr. BISHOP of New York, and Mr. WAXMAN):

H.R. 2317. A bill to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself and Mr. LOBIONDO):

H.R. 2318. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for State and local income and property taxes under the alternative minimum tax; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 2319. A bill to establish a Mail-Order Pharmacy Pilot Program; to the Committee on Armed Services.

By Mr. MARKEY (for himself, Ms. ESHOO, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mrs. MALONEY of New York, Mr. RANGEL, Ms. SCHAKOWSKY, and Ms. NORTON):

H.R. 2320. A bill to restore the jurisdiction of the Consumer Product Safety Commission over amusement park rides which are at a fixed site, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CARDOZA (for himself, Mr. RADANOVICH, Mr. COSTA, and Mr. NUNES):

H.R. 2321. A bill to authorize the designation of the facility under development by the Stanislaus Ag Center Foundation, in Stanislaus County, California, as the National Ag Science Center; to the Committee on Agriculture.

By Mr. DAVIS of Alabama:

H.R. 2322. A bill to amend title XVIII of the Social Security Act to reduce the 35-mile drive requirement for designations of critical access hospitals to 30 miles; to the Committee on Ways and Means.

By Mr. HOYER:

H.R. 2323. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes; to the Committee on Education and Labor.

By Mr. DUNCAN (for himself, Mr. BURTON of Indiana, Mr. DAVID DAVIS of Tennessee, Mr. PAUL, and Mr. CONAWAY):

H.R. 2324. A bill to require each Federal agency to include its address and phone number on any agency stationery; to the Committee on Oversight and Government Reform.

By Mr. GOHMERT (for himself, Mr. SMITH of Texas, and Mr. FORBES):

H.R. 2325. A bill to provide adequate penalties for crimes committed against United States judges and Federal law enforcement officers, to provide appropriate security for judges and law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Mr. HELLER:

H.R. 2326. A bill to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes; to the Committee on Natural Resources.

By Mr. INSLEE (for himself, Mr. LOBIONDO, and Mr. DICKS):

H.R. 2327. A bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. HALL of New York, Mr. ENGEL, and Mr. SHAYS):

H.R. 2328. A bill to amend title 49, United States Code, to exempt certain local restrictions from review under the airport noise and access restriction review program; to the Committee on Transportation and Infrastructure.

By Mrs. MCCARTHY of New York (for herself, Mr. EHLERS, Mr. VAN HOLLEN, Ms. MCCOLLUM of Minnesota, Mr. TERRY, Mr. SENSENBRENNER, Mr. WALSH of New York, Mr. WEXLER, Mr. MCINTYRE, Mr. GRIJALVA, Mr. LYNCH, Mr. SHAYS, Mr. WU, and Mr. PAUL):

H.R. 2329. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids; to the Committee on Ways and Means.

By Mr. MCCOTTER (for himself, Mr. CARTER, Mr. PEARCE, Mr. RENZI, Mr. PORTER, Mrs. MILLER of Michigan, Mr. SHUSTER, Mr. JONES of North Carolina, Mr. MANZULLO, Mr. PAUL, and Mrs. MYRICK):

H.R. 2330. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for hiring veterans; to the Committee on Ways and Means.

By Mr. MELANCON (for himself and Mr. PICKERING):

H.R. 2331. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself, Mr. ENGEL, Mr. BLUNT, Mr. HOEKSTRA, Mr. HUNTER, Mr. CANTOR, Mr. MCCOTTER, Mr. CHABOT, Mr. BURTON of Indiana, Mr. PENCE, Mr. ROHRABACHER, Mr. FORTUÑO, Mr. WILSON of South Carolina, Mr. MACK, Mr. POE, Mr. MCCAUL of Texas, Mr. BURGESS, Mr. TIBERI, Mrs. MYRICK, Mr. GERLACH, Mr. LATOURETTE, Mr. TERRY, Mr. LAMBORN, Mr. GOODLATTE, Mr. LINDER, Mr. KLINE of Minnesota, Mr. SAXTON, Mr. MARIO DIAZ-BALART of Florida, and Mr. MCHUGH):

H.R. 2332. A bill to strengthen sanctions against the Government of Syria, to enhance multilateral commitment to address the Government of Syria's threatening policies, to establish a program to support a transition to a democratically-elected government in Syria, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Financial Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 2333. A bill to amend title 10, United States Code, to expedite the prompt return of the remains of deceased members of the Armed Forces to their loved ones for burial; to the Committee on Armed Services.

By Mr. UDALL of Colorado (for himself and Mrs. Musgrave):

H.R. 2334. A bill to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado; to the Committee on Natural Resources.

By Mrs. WILSON of New Mexico:

H.R. 2335. A bill to prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. Mack, Mr. Crenshaw, Mr. Ortiz, Mr. Buchanan, Mr. Lincoln Diaz-Balart of Florida, Mr. Reyes, Mr. Putnam, Mr. McIntyre, Mr. Ehlers, Mr. Miller of Florida, Mr. Bilirakis, Mr. Pickering, Mr. Young of Florida, Mr. Etheridge, Mr. Mahoney of Florida, Ms. Ginny Brown-Waite of Florida, Mr. Butterfield, Mr. Feeney, Mr. Klein of Florida, Mr. Keller, Ms. Ros-Lehtinen, Mr. Stearns, Mr. Lampson, Mr. Boustany, Mr. Taylor, Mr. Wicker, Mr. Jones of North Carolina, Mr. King of New York, Mr. Brady of Texas, Mr. Jefferson, Mr. Fortuño, Mr. Alexander, Mr. Bishop of Georgia, Mr. Boyd of Florida, Mr. Hastings of Florida, Mr. Meek of Florida, and Mr. Bonner):

H. Res. 402. A resolution supporting the goals and ideals of National Hurricane Preparedness Week; to the Committee on Science and Technology.

By Mr. BILIRAKIS (for himself, Mrs. Maloney of New York, Mr. Space, and Mr. Sarbanes):

H. Res. 405. A resolution expressing the strong support of the House of Representatives for implementation of the July 8, 2006, United Nations-brokered agreement between President of the Republic of Cyprus Tassos Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat relating to the reunification of Cyprus; to the Committee on Foreign Affairs.

By Ms. HIRONO (for herself, Mr. Abercrombie, Mr. Altmire, Mr. Andrews, Ms. Baldwin, Ms. Bean, Mr. Becerra, Ms. Berkley, Mr. Berman, Mrs. Biggert, Mrs. Bono, Mr. Boswell, Mrs. Boyda of Kansas, Mr. Braley of Iowa, Mrs. Capps, Ms. Carson, Ms. Castor, Mrs. Christensen, Ms. Clarke, Mr. Cohen, Mr. Conyers, Mr. Crowley, Mrs. Davis of California, Mr. Delahunt, Ms. DeLauro, Mr. Dingell, Mr. Ellison, Mr. Ellsworth, Ms. Eshoo, Mr. Etheridge, Mr. Farr, Mr. Filner, Mr. Frank of Massachusetts, Mrs. Gillibrand, Mr. Gene Green of Texas, Mr. Grijalva, Mr. Hare, Ms. Harman, Mr. Hastings of Florida, Mr. Hinojosa, Mr. Hinchey, Mr. Hodes, Mr. Holt, Mr. Honda, Ms. Hooley, Mr. Hoyer, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mr. Kagen, Ms. Kaptur, Mr. Kennedy, Mr. Kildee, Ms. Kilpatrick, Mr. Klein of Florida, Mr. Lantos, Ms. Lee, Mr. Lewis of Georgia, Mr. Loebsack, Ms. Zoe Lofgren of California, Mrs. Lowey, Mr. Mahoney of Florida, Mrs. Maloney of New York, Ms. Matsui, Mrs. McCarthy of New York, Ms. McCollum of Minnesota, Mr. McDermott, Mr. Mica, Mr. George Miller of California, Ms. Moore of Wisconsin, Mr. Moran of Virginia, Mr. Murphy of Connecticut, Mr. Patrick Murphy of Pennsylvania, Mr. Nadler, Mrs. Napolitano, Ms. Norton, Mr. Oberstar, Mr. Olver, Mr. Ortiz, Mr. Pascrell, Mr. Payne, Ms. Pelosi, Mr. Perlmutter, Mr. Rangel, Mr. Reyes, Mr. Rothman, Ms. Roybal-Allard, Mr. Rush, Ms. Linda T. Sánchez of California, Ms. Loretta Sanchez of California, Mr. Sarbanes, Ms. Schakowsky, Mr. Scott of Virginia, Ms. Shea-Porter, Mr. Sires, Mr. Skelton, Ms. Slaughter, Ms. Solis, Mr. Stark, Ms. Sutton, Mrs. Tauscher, Mr. Towns, Mr. Udall of Colorado, Mr. Van Hollen, Mr. Walz of Minnesota, Ms. Wasserman Schultz, Ms. Waters, Ms. Watson, Mr. Welch of Vermont, Ms. Woolsey, Mr. Wu, and Mr. Yarmuth):

H. Res. 406. A resolution celebrating the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, and recognizing the need to continue pursuing the goal of educational opportunities for women and girls; to the Committee on Education and Labor.

By Mrs. MALONEY of New York (for herself, Mr. Bilirakis, and Mr. Space):

H. Res. 407. A resolution expressing the strong support of the House of Representatives for the positive actions by the Government of the Republic of Cyprus aimed at opening additional crossing points along the cease-fire line, thereby contributing to efforts for the reunification of the island; to the Committee on Foreign Affairs.

By Mr. WELCH of Vermont:

H. Res. 408. A resolution recognizing and honoring the Cathedral Square Corporation on its 30th anniversary; to the Committee on Financial Services.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. Shuler.

H.R. 37: Mr. Shuler.

H.R. 67: Ms. Corrine Brown of Florida, Mr. Doyle, Mr. Ellison, Mrs. McCarthy of New York, Ms. Sutton, Mr. Walz of Minnesota, Mr. DeFazio, and Mr. Coble.

H.R. 78: Mr. Boozman.

H.R. 111: Mr. Rodriguez, Mrs. Lowey, Mr. Miller of North Carolina, Mr. Cannon, Ms. Slaughter, Mrs. Capito, Mr. Carter, and Mr. Walberg.

H.R. 154: Mr. Grijalva and Mr. Holt.

H.R. 197: Mrs. Cubin, Mr. Olver, Ms. Zoe Lofgren of California, Mr. Loebsack, and Mr. George Miller of California.

H.R. 370: Mr. David Davis of Tennessee.

H.R. 406: Mr. Farr, Mr. Berman, and Mr. Snyder.

H.R. 451: Ms. Jackson-Lee of Texas, Mr. Meeks of New York, and Mr. Udall of New Mexico.

H.R. 503: Mr. Kline of Minnesota, Ms. Roybal-Allard, and Mr. Pascrell.

H.R. 506: Mr. Walsh of New York.

H.R. 507: Mrs. Capito, Mr. Porter, Mr. Hall of New York, Mr. Platts, Mr. Altmire, Mr. Waxman, Mr. Walsh of New York, and Mr. Larsen of Washington.

H.R. 522: Mr. Bishop of Georgia.

H.R. 524: Mr. Yarmuth.

H.R. 549: Mr. Baker.

H.R. 550: Mr. Walberg, Ms. Harman, Ms. Schwartz, Mr. Duncan, Mr. Smith of Texas, Mr. Michaud, Mr. LoBiondo, Mr. Becerra, Mr. Inglis of South Carolina, Mr. Weldon of Florida, and Mr. Israel.

H.R. 583: Mr. Walsh of New York, Mr. Conyers, Mr. Clay, Mr. Shuler, and Mr. Dicks.

H.R. 620: Mr. Higgins.

H.R. 698: Mr. Wamp.

H.R. 741: Mr. Towns.

H.R. 782: Mr. Bishop of New York, Mr. Aderholt, and Mr. Chabot.

H.R. 829: Mr. Udall of New Mexico and Mr. Filner.

H.R. 897: Mr. Loebsack.

H.R. 926: Mr. Walberg and Mr. Kuhl of New York.

H.R. 969: Ms. Moore of Wisconsin, Mr. Nadler, and Mr. Emanuel.

H.R. 971: Mr. Ellsworth, Ms. Roybal-Allard, Mr. Jefferson, Mr. Ramstad, Mr. Carter, Mr. Simpson, Mr. Chandler, and Mr. Michaud.

H.R. 1023: Mr. Moran of Virginia, Mr. Pickering, Mr. Hobson, Mr. Garrett of New Jersey, Mr. Hoekstra, Mrs. Musgrave, Mr. Shays, Ms. Zoe Lofgren of California, Mr. Platts, and Ms. Watson.

H.R. 1042: Mr. Cole of Oklahoma, Mr. Weldon of Florida, Mr. Campbell of California, Mr. Pearce, Mrs. Blackburn, Mr. Pitts, Mr. Pence, Mr. Sam Johnson of Texas, Mr. Walberg, Mr. Akin, Mr. Fortuño, Mr. Feeney, Mr. Carter, Mr. Marchant, and Mr. Smith of Nebraska.

H.R. 1064: Mr. Kagen, Mr. Frank of Massachusetts, Mr. Tanner, Mrs. McMorris Rodgers, Mr. Smith of Washington, Mr. Blumenauer, Mr. Platts, Mr. Pallone, Mr. Ellsworth, and Mr. Rahall.

H.R. 1072: Mr. Bishop of Georgia and Mr. Scott of Virginia.

H.R. 1078: Mr. Scott of Virginia.

H.R. 1108: Mr. Sarbanes and Mr. Pomeroy.

H.R. 1142: Mr. Space, Mr. Pastor, Mr. Scott of Georgia, Mr. Ryan of Ohio, Mr. David Davis of Tennessee, Mr. Kildee, Mr. Clay, Mr. Lynch, Mr. McIntyre, Mr. Moran of Virginia, Mr. Marshall, Ms. Linda T. Sánchez of California, and Mrs. Tauscher.

H.R. 1154: Mr. Lampson, Ms. Fallin, Mr. Israel, Mr. Langevin, and Mr. Cummings.

H.R. 1192: Mr. Gallegly and Mr. Scott of Virginia.

H.R. 1225: Mr. McDermott and Mr. Jefferson.

H.R. 1232: Mr. Towns.

H.R. 1236: Mr. Frank of Massachusetts, Mr. Smith of Washington, Ms. Corrine Brown of Florida, Mr. Ellsworth, Mr. Rothman, and Mr. Rahall.

H.R. 1239: Mrs. Christensen and Ms. Schakowsky.

H.R. 1247: Ms. Berkley.

H.R. 1261: Mr. Smith of Texas.

H.R. 1264: Mrs. Capito.

H.R. 1283: Mr. Shays.

H.R. 1293: Mr. Platts, Mr. Campbell of California, Mr. Towns, Mr. McCaul of Texas, and Mr. Mica.

H.R. 1304: Mr. DUNCAN, Mr. HILL, Mr. HAYES, Mr. BISHOP of Georgia, Mr. GOODE, and Mr. MANZULLO.

H.R. 1330: Mr. NADLER.

H.R. 1343: Mr. SPRATT, Mr. WALSH of New York, Mr. HALL of New York, Mr. GORDON, Ms. ESHOO, Mr. PERLMUTTER, Mrs. EMERSON, Mr. SHERMAN, Ms. ROYBAL-ALLARD, Mr. LOEBSACK, Mr. HODES, and Mr. CONAWAY.

H.R. 1354: Ms. KILPATRICK and Mr. PRICE of North Carolina.

H.R. 1369: Ms. JACKSON-LEE of Texas.

H.R. 1385: Mr. VAN HOLLEN, Mr. MCGOVERN, and Mrs. MALONEY of New York.

H.R. 1386: Mrs. MCCARTHY of New York, Ms. ZOE LOFGREN of California, Mr. WALZ of Minnesota, and Mr. DOGGETT.

H.R. 1391: Mrs. CHRISTENSEN.

H.R. 1399: Mr. HERGER, Mr. GARY G. MILLER of California, and Mr. CARNEY.

H.R. 1420: Ms. MCCOLLUM of Minnesota, Mr. SHERMAN, Mr. NADLER, Mr. ELLISON, and Mr. DELAHUNT.

H.R. 1439: Ms. CLARKE and Mr. WALBERG.

H.R. 1461: Ms. JACKSON-LEE of Texas.

H.R. 1512: Mr. ISSA, Mr. FILNER, Mr. SPACE, Ms. LORETTA SANCHEZ of California, Mr. GONZALEZ, Mr. MCNERNEY, Mr. CLEAVER, and Ms. SLAUGHTER.

H.R. 1532: Mr. HINOJOSA, Mr. PLATTS, and Mr. GRIJALVA.

H.R. 1537: Mrs. JONES of Ohio.

H.R. 1561: Mr. GRIJALVA and Mr. GEORGE MILLER of California.

H.R. 1600: Ms. NORTON, Mr. INSLEE, and Ms. JACKSON-LEE of Texas.

H.R. 1618: Mr. KIRK.

H.R. 1623: Mr. BISHOP of New York.

H.R. 1627: Mr. WELDON of Florida.

H.R. 1636: Mr. PUTNAM.

H.R. 1645: Mr. BLUMENAUER, Mrs. LOWEY, and Mrs. MCCARTHY of New York.

H.R. 1647: Mr. WELCH of Vermont, Mrs. BIGGERT, Mr. LOEBSACK, Mr. BOSWELL, Mr. BLUMENAUER, Mr. ENGEL, and Mr. TERRY.

H.R. 1655: Ms. MATSUI and Mr. DOYLE.

H.R. 1673: Mr. CLAY.

H.R. 1688: Mr. TOWNS, Mr. MEEKS of New York, Mr. BISHOP of Georgia, Ms. KILPATRICK, Mr. AL GREEN of Texas, and Ms. CARSON.

H.R. 1705: Ms. SCHAKOWSKY, Mr. LOEBSACK, and Mr. HODES.

H.R. 1732: Mr. SOUDER.

H.R. 1735: Ms. GINNY BROWN-WAITE of Florida and Mr. MICA.

H.R. 1756: Mr. CRAMER and Mr. WELDON of Florida.

H.R. 1774: Mr. CAMP of Michigan, Mr. TIM MURPHY of Pennsylvania, and Mr. VAN HOLLEN.

H.R. 1776: Mr. SIRES, Mr. SHERMAN, Mr. RYAN of Ohio, Mr. PASCRELL, and Mr. KANJORSKI.

H.R. 1819: Ms. SCHAKOWSKY.

H.R. 1820: Mr. SIRES, Ms. DEGETTE, Ms. BALDWIN, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1823: Mr. RAHALL and Mr. WILSON of South Carolina.

H.R. 1851: Mr. DELAHUNT and Mr. PAYNE.

H.R. 1853: Mr. GONZALEZ, Mr. DOGGETT, and Mr. BURTON of Indiana.

H.R. 1881: Mr. REYES, Mr. MCHUGH, and Mr. EDWARDS.

H.R. 1932: Mr. WYNN and Mr. JINDAL.

H.R. 1947: Mr. ROTHMAN.

H.R. 1954: Mr. MOORE of Kansas and Ms. MCCOLLUM of Minnesota.

H.R. 1957: Mr. SCHIFF, Mr. BERMAN, Mr. MCNULTY, and Mr. BISHOP of New York.

H.R. 1965: Mr. SHIMKUS, Mr. BOSWELL, Mr. PAUL, Mr. GORDON, Mr. HIGGINS, Mr. MCCAUL of Texas, and Mr. KIND.

H.R. 1975: Mr. WYNN.

H.R. 1992: Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Ms. SCHAKOWSKY, Mr. HIGGINS, Mr. CHANDLER, Ms. KILPATRICK, and Mr. KAGEN.

H.R. 2017: Mr. RAHALL and Ms. MATSUI.

H.R. 2036: Mr. VAN HOLLEN and Mr. ROHRABACHER.

H.R. 2038: Mr. COSTA and Mr. CARDOZA.

H.R. 2042: Mr. THOMPSON of California.

H.R. 2060: Mr. RAHALL, Mr. CARDOZA, Mr. MCCAUL of Texas, Mr. GEORGE MILLER of California, Ms. MATSUI, Mr. GILLMOR, Mr. KIND, Mr. KUCINICH, and Mr. SIRES.

H.R. 2084: Mr. SENSENBRENNER, Mr. MARCHANT, and Mr. WALBERG.

H.R. 2086: Mr. ELLSWORTH.

H.R. 2095: Mr. ABERCROMBIE, Mr. NADLER, Mr. CARNEY, Mr. JACKSON of Illinois, Mr. GRIJALVA, Mr. DOYLE, Mr. FILNER, Mr. PALLONE, Mr. PAYNE, Mr. ANDREWS, Mr. HIGGINS, Mr. CAPUANO, Mr. RAHALL, and Mrs. NAPOLITANO.

H.R. 2104: Mr. MCHUGH, Mr. SOUDER, Mr. JONES of North Carolina, and Mr. DAVID DAVIS of Tennessee.

H.R. 2108: Mr. KAGEN, Mr. MCNULTY, Mr. BERMAN, and Mr. WEXLER.

H.R. 2109: Mr. POE.

H.R. 2116: Mr. SPACE, Mr. TIBERI, Mr. SHUSTER, and Mr. RAMSTAD.

H.R. 2125: Mr. REHBERG.

H.R. 2126: Ms. HIRONO.

H.R. 2140: Mr. SESSIONS.

H.R. 2144: Mr. BISHOP of New York.

H.R. 2163: Mr. PENCE and Mr. JACKSON of Illinois.

H.R. 2183: Mr. MARSHALL.

H.R. 2187: Mr. BAKER and Mr. JINDAL.

H.R. 2189: Mr. BOSWELL.

H.R. 2210: Mr. STARK, Mr. REYES, Mr. MCHUGH, Mr. KILDEE, Ms. HIRONO, Mr. CLAY, Mr. TERRY, and Mr. ETHERIDGE.

H.R. 2214: Mr. NADLER and Mr. DAVIS of Illinois.

H.R. 2225: Ms. HARMAN.

H.R. 2266: Ms. SCHAKOWSKY.

H.R. 2287: Mr. COHEN, Mr. BOSWELL, Mr. TIM MURPHY of Pennsylvania, Mr. SHAYS, Mr. PUTNAM, Mr. CUMMINGS, Mrs. EMERSON, and Mr. DENT.

H.R. 2292: Mr. KUCINICH, Ms. SHEA-PORTER, Mr. DEFAZIO, Mr. HILL, and Ms. BERKLEY.

H.R. 2295: Ms. ESHOO, Mr. CARNEY, Mr. BOOZMAN, and Mr. HAYES.

H.R. 2302: Mr. DAVID DAVIS of Tennessee.

H.R. 2303: Mr. HILL and Mr. BOOZMAN.

H. J. Res. 6: Mr. KNOLLENBERG.

H. Con. Res. 21: Mr. BISHOP of Georgia.

H. Con. Res. 40: Mr. BOOZMAN.

H. Con. Res. 75: Mr. LOEBSACK.

H. Con. Res. 77: Mr. MARIO DIAZ-BALART of Florida.

H. Con. Res. 108: Mr. JOHNSON of Illinois.

H. Con. Res. 115: Mr. MCNULTY.

H. Con. Res. 135: Mr. TIM MURPHY of Pennsylvania.

H. Con. Res. 142: Ms. SCHAKOWSKY.

H. Res. 111: Mr. SMITH of New Jersey.

H. Res. 123: Mr. PAYNE.

H. Res. 128: Mrs. MCCARTHY of New York and Ms. JACKSON-LEE of Texas.

H. Res. 146: Mr. LOEBSACK.

H. Res. 226: Ms. CORRINE BROWN of Florida.

H. Res. 231: Mr. ROSKAM, Mr. MACK, Mr. DAVID DAVIS of Tennessee, and Mr. BLUNT.

H. Res. 233: Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CROWLEY.

H. Res. 235: Ms. BERKLEY, Mr. GENE GREEN of Texas, Mr. MCCOTTER, Ms. SCHAKOWSKY, and Mr. ROTHMAN.

H. Res. 258: Ms. DELAURO.

H. Res. 295: Mr. FORTUÑO, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. CROWLEY, Mr. MCCAUL of Texas, Mrs. MALONEY of New York, and Mr. MEEKS of New York.

H. Res. 341: Mr. ENGLISH of Pennsylvania.

H. Res. 343: Mr. SESSIONS.

H. Res. 351: Mr. JONES of North Carolina and Mrs. BLACKBURN.

H. Res. 362: Mr. BAKER, Mr. JINDAL, Mr. MELANCON, Mr. BOUSTANY, Mr. MCCRERY, Mr. JEFFERSON, Mr. RANGEL, Mr. TOWNS, Mr. SHULER, Mr. AL GREEN of Texas, Ms. CARSON, and Mr. KUHL of New York.

H. Res. 386: Ms. BORDALLO.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1427

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

AMENDMENT NO. 2: Page 140, line 3, before the semicolon insert the following: "and a program of financial literacy and education to promote an understanding of consumer, economic, and personal finance issues and concepts, including saving for retirement, managing credit, long-term care, and estate planning and education on predatory lending, identity theft, and financial abuse schemes, that is approved by the Director".

SENATE—*Tuesday, May 15, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Thank you, dear God, for new opportunities. We are grateful that the best is yet to be, that our labors are moving us closer to the desired destination. Thank You for landmarks past and new vistas opening ahead. Thank You for time to mend broken relationships, to form fresh alliances, and to build new bridges. Thank You for Senators with new hopes, new desires, new inspiration, and new determination to serve You with greater faithfulness. Lord, thank You for another day to abide with You so that we can reap the bountiful harvest found only in You.

And, Lord, today as we honor the law enforcement officers who lost their lives in the line of duty, comfort and bless their families and loved ones. Use the 26th annual National Peace Officers Memorial Service to remind us of the sacrifices our law enforcement people make each day to protect our freedom. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 15, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. DURBIN. Mr. President, today the Senate will be in a period of morning business for 60 minutes, with the majority controlling the first half and the Republicans controlling the second portion.

Following morning business, the Senate will resume consideration of the water resources legislation. Several amendments were offered to this bill yesterday, and this morning one of those amendments—the one offered by the Senator from Oklahoma, Mr. COBURN, No. 1090—will be debated until 11:45, and then a vote will occur with respect to that amendment.

The Senate will recess, as usual, from 12:30 to 2:15 for the party conferences. Other votes with respect to amendments to the water resources legislation will occur this afternoon.

As the majority leader mentioned yesterday, a lot of work needs to be done prior to the Memorial Day recess, so Members should plan accordingly.

The majority leader has offered two amendments on the issue of Iraq, and cloture votes will occur on those amendments on Wednesday.

Additionally, cloture was filed on the motion to proceed to the immigration legislation. That vote will occur at a time to be determined on Wednesday.

I am certain every Member of the Senate is conscious of the fact that we have a Memorial Day recess fast approaching at the end of next week. We have an ambitious goal we hope to reach by that time. We hope to deal with these outstanding pieces of legislation and to, of course, provide supplemental appropriations for the war in Iraq.

At the outset, I will say that the Water Resources Development Act, which Senator BOXER of California and Senator INHOFE of Oklahoma will bring to the floor in a few moments, is a bill that has been pending before the Congress for, I believe, 7 years—at least 6 years. Our failure to enact this bill has delayed the construction of critical infrastructure across America for 6 or 7 years. This is infrastructure that is important to every part of America—in the Midwest, dams on the Mississippi and Illinois Rivers, which are vital arteries when it comes to agribusiness and other uses to create profitability and employment. All of these are in a state of disrepair, and we want to address the modernization and safety measures for these locks and dams and many other projects.

For 6 or 7 years, the debate has gone on unresolved. The House passed overwhelmingly the Water Resources Development Act. The Senate has the same opportunity, but we need to do it on a timely basis.

I thank the Senator from Oklahoma, who is offering an amendment this morning. I am told by the manager of the bill, Senator BOXER, that he has been cooperative in terms of reducing the debate time, giving enough time to explain his amendment, for others to speak to it, and bring it to a vote.

I urge every other Senator that this is the day; if you have an amendment to the Water Resources Development Act, bring it to the floor today. After 2:15, bring your amendments to the floor. Let's have the debate and have the vote. By the end of the day, let's have all of the relevant amendments considered to this legislation. I think we owe it to the people who have worked so hard to bring us to this moment, and now individual Senators should know that, to delay this, there is no excuse. Bring the Water Resources Development Act amendments to the floor.

In addition, the majority leader filed two amendments relative to the war in Iraq, which will be considered on a procedural basis to this Water Resources Development Act. It is a way to measure the sentiment of the Senate on two different approaches to resolving our difficulties between the White House and Congress on the funding in Iraq. There will be a cloture vote on those amendments tomorrow. That is an opportunity for Members to express their feelings.

As everybody knows, it takes 60 votes to invoke cloture. We hope we will have a strong bipartisan vote for one of those two approaches. I urge my colleagues to understand this is a very important and timely matter. We have little time left to deal with the requirements of funding our troops before the Memorial Day recess. The Democratic majority, as well as the Republican side, has made it clear we will fund our troops. At the end of the day, our troops will not go without the resources they need to provide for their own safety and a safe return home.

Also, we hope this week to initiate a conversation on the immigration bill.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be now a period for the transaction of morning business for 60 minutes, with the first half of the time under the control of the majority and the second half of the time under the control of the Republicans.

The Senator from Illinois is recognized.

IMMIGRATION REFORM

Mr. DURBIN. Mr. President, it is obvious to most Americans our immigration system is broken. There are 12 million undocumented immigrants living in the United States today, and hundreds of thousands are arriving each year. In America today, unscrupulous employers hire undocumented immigrants because they can pay them less than American workers and force them to work in conditions that Americans would not tolerate. Employers can do this with impunity because our Government doesn't enforce immigration laws that prohibit hiring undocumented immigrants.

Immigration is a complicated issue that ignites strong passions. Some would rather avoid this issue because it is so sensitive. But Congress has an obligation to fix our broken immigration system. We need a comprehensive approach, one that is tough but fair. We need, first, to improve border security by increasing manpower and deploying new technology. We need to enforce the law against employers who are hiring millions of undocumented workers. We need a realistic approach to the 12 million undocumented workers who live and work in our country.

I commend our majority leader, Senator REID of Nevada. He is not afraid of tackling tough issues, including immigration reform. He knows it is an important national priority. Last week, Senator REID introduced immigration reform legislation that the Senate will begin debating this week. Senator REID did a reasonable thing. He said we should begin the debate where it ended last year, with the bipartisan Kennedy-McCain, Hagel-Martinez bill.

This bill, sponsored by Republican Senators CHUCK HAGEL, MEL MARTINEZ, ARLEN SPECTER, JOHN MCCAIN, SAM BROWNBACK, and LINDSEY GRAHAM, and many Democrats, passed the Senate last year on a bipartisan vote of 62 to 36.

Of course, that Hagel-Martinez bill was only the starting point for the Senate's debate. Senator REID has set aside 2 full weeks to complete that debate. Members will have ample opportunity to offer amendments. This is the right place to start.

This is not a perfect bill. I voted for it, realizing there were real imperfections, but it reflects the culmination of months of work last year, including hearings and marathon markups in the Judiciary Committee, on which I serve, and over 30 rollcall votes on the floor of the Senate.

The bill is flawed, but it is comprehensive. It includes provisions to secure our borders, strengthen enforcement of our immigration laws, and addresses undocumented immigrants living in our country.

I am confident that over the next 2 weeks, through the amendment process, we can improve this bill and pass legislation that will be an important step in fixing our broken immigration system.

Unfortunately, there has been a hue and cry from the other side of the aisle. Some object to debating this bill. It is ironic, to say the least, that those on the other side who don't want to debate bipartisan legislation are objecting to a bill written, in large part, by their own side of the aisle—a bill that was passed when the Republican side of the aisle controlled the Senate last year. It is hard to understand how 21 Members of the Senate who voted for this bill last year now object to even proceeding to it now as the base bill for our debate. They understand, as we do, that this bill is going to change once it comes to the floor. If they object to even bringing the measure to the floor—the same bill they voted for last year—one has to question whether they are committed to comprehensive immigration reform.

Some on the Republican side argue that backroom negotiations between the White House and Republican and Democratic Senators are close to a deal and that starting debate on immigration before that deal is reached is premature. I don't think that is a legitimate argument. I have been in many of these negotiations, and I will say a great amount of effort has been expended to move this bill forward. Some parts of it are very positive. An agreement between the White House and the Senate is a step forward. There are some parts that are very controversial.

Human nature and political nature are interesting. People will not move toward a goal unless they face a deadline. How many people wait until the last minute to file their tax returns or wait too long for the checkup at the dentist? When we know we are facing a deadline and time is running out, we make important decisions. The same will be true for the immigration debate. Bringing last year's bill to the floor, which passed with an overwhelming bipartisan rollcall vote, as the base bill is going to move those negotiators in that room to a conclusion more quickly. To leave this open-ended and say that at some time in the future we will get back to it is an invitation for talks to break down and for the participants to disappear.

We don't want that to happen. We cannot afford to wait. The Senate's calendar is full this year. There are so many things we need to do to make sure this congressional session is much more productive than those in the past, not the least of which is passing important appropriation bills, which now must be accomplished in order to fund the Government. We don't want to fall into the same circumstance as the previous Republican Congress, when they failed to pass appropriation bills and tried to play catchup and failed, leaving it to the new Congress, the Democratic Congress—an awesome responsibility—to fund the Government for the remainder of this fiscal year.

There are some who feel it is now or never for immigration. What the majority leader has done is to tell the negotiators this is the time to wrap things up. This is the time to reach an agreement. This is the time to decide who at that table is there in good faith and who is there to stop the process. If they reach an agreement, it can be considered on the floor of the Senate as an amendment to the bipartisan Kennedy-McCain, Hagel-Martinez bill, which is being offered as the starting point of this debate. If there is no agreement, these differences can be debated and voted on over the next 2 weeks.

I understand negotiations continue as I speak. I hope they reach an agreement that is comprehensive, tough but fair, and one every Member can seriously consider supporting. But these negotiations are no excuse for avoiding public debate.

At some point, you have to move beyond the closed doors of the rooms in the Capitol and into the bright lights of the Senate Chamber and let Members speak to their wishes and their intentions on this important legislation.

I disagree with some of the ideas being proposed by those on the other side of the aisle. I am sure they disagree with some of my approaches. I respect their views, and I hope they will look at this as a constructive opportunity.

Should the Senate tomorrow fail to invoke cloture and to move forward on the immigration bill, it will be a lost opportunity. If the 21 Senators who voted for comprehensive immigration reform will not even allow us to bring the matter to the floor at this moment, it will be difficult to explain. They will have their chance to amend. They will have their chance to make changes they think are important. They will have their chance to act as Senators considering important measures.

There has been a lot of criticism of Congress for good reason. When we look at the list of issues the American people think are important, very seldom do we find those issues being debated on the floor of the Senate. We need to change that situation. One of the issues on which most Americans agree is that our immigration system cannot be sustained. There are too many undocumented workers in this country living in fear, being exploited in the workplace, uncertain of their future. There are too many still streaming across our borders, borders that are too porous. There are ways to deal with those issues and ways this bill will address them.

The Senate can offer, debate, and vote on amendments on all these issues. That is how the Senate is supposed to work. Some of my colleagues have suggested they will block this debate from taking place by filibustering this bipartisan bill which passed over the past year. I hope they don't. It reaches the point where we need to be held accountable. I hope that point will be this week and next, as Senator REID, the majority leader, has set aside a reasonable amount of time to debate it. The American people deserve more than closed-door, backdoor negotiations. The time has come for Congress to fix our broken immigration system.

IRAQ

Mr. DURBIN. Mr. President, time is running out to fund the troops. There are many of us who believe the policy in Iraq is a failed policy. The numbers we are given every week are stark and frightening: Over 3,370 American soldiers have now lost their lives in the war in Iraq. Another five were killed yesterday. Over the weekend, three American soldiers were kidnapped. There is a manhunt underway to try to find them and rescue them as quickly as possible. And to all those involved, they have our prayers and our wishes for Godspeed.

But we understand the reality of this war, a war where almost 30,000 Americans have been killed or disabled, a war where many soldiers have returned home with injuries that they will have to cope with for a lifetime. This war has cost us over $500 billion, $500 billion that could have been spent in America for many issues important to us—improving our schools and education, making certain every American has basic health insurance, making sure our children all across America have the kind of health care and attention they need at an early age to be healthy through the rest of their life, money that could have been spent at the National Institutes of Health looking for new cures for diseases and illnesses from which we suffer in America. There are so many programs in which we could have invested that money.

Instead, we have invested that money in a war with no end, a war that is now in its fifth year. The war in Iraq has lasted longer than the Korean war, has lasted longer than World War II. It is the most expensive war in the history of the United States, save World War II, which was, in fact, a world war where the United States made a total national commitment. But we now find that second in rank in terms of cost is this war in Iraq.

There are many of us who understand that Americans across the board may have supported the initial invasion but had second thoughts. I was one of 23 who voted against this war at the outset in October 2002. There were colleagues on both sides of the aisle who in good faith thought the President should have the authority to deal with Saddam Hussein. They were misled, as the American people were misled by intelligence estimates that were just wrong, intelligence estimates that said Saddam Hussein had weapons of mass destruction and threatened the United States, fear of nuclear holocaust, fear of mushroom-shaped clouds. All of these images were paraded before the American people a short time after we had gone through the tragedy of 9/11. It is understandable the American people were concerned and fearful, and they supported the idea of invading Iraq in the hopes of keeping America safe.

We learned that in so many ways the information given to the American people before the invasion of Iraq was wrong. There were no weapons of mass destruction, there were no nuclear weapons, there was no connection between Saddam Hussein and the events of 9/11 that were sponsored by al-Qaida. But the invasion took place.

Many of us felt that once our soldiers were in the field, it was time to close ranks behind them, stop the debate. They volunteered, they are serving our country, they didn't write this policy. They are risking their lives right now, and we should stand behind them. So many of us, even those who opposed this war and voted against it from the outset, voted year after year for the emergency appropriations President Bush sent to Congress, money for our troops in the field. Now we are in the fifth year, and there is no end in sight.

We have been told by our military leaders that even the best military in the world in the United States cannot save Iraq. Only the Iraqis can save Iraq. It has to be the Iraqi people through their Government who decide to move forward toward stability. We cannot police a civil war. We cannot contain the violence in Iraq even with 20,000, 30,000, 40,000 more American soldiers. That is a reality and one we should face. Regardless, the President concluded a few months ago that he would escalate this war and send even more American soldiers into harm's way. I think that was a mistake. I think the President was moving in the wrong direction. As I said, I don't believe our military, though it be the best in the world, can really contain the violence of the civil war in Iraq. I certainly don't believe our military, as good as it is, can give spine to Iraqis leaders who can't seem to reach conclusions and decisions on timetables about their future.

So the war continues. The President asked for more money, $80 billion, $90 billion at a time to continue this war in Iraq. Many of us believe we should do two things: fund the troops, make sure they have all that they need, but change the policy, start bringing American soldiers home. Tell the Iraqis once and for all that we will not be there indefinitely. We are not going to stay until you work up the political courage to make decisions to govern your country. We are going to start coming home. As we come home, these Iraqi soldiers whom we have spent millions of dollars to train and equip need to stand up and defend their country. The Iraqi Parliamentarians and leaders of their Government need to stand up and make the hard political decisions.

That is the reality of Iraq today. It is a reality we are reminded of every morning with the newscasts that tell us of the suffering and death which takes place in that country.

I wish to say a word, too, about the Iraqi people. I was reminded over the weekend when I was home in Illinois—and a good reminder it was—that when we speak about the loss of life in Iraq, don't forget the innocent Iraqis who have lost their lives as well. We don't even know what that number is today. We know that close to 3,500 American soldiers have lost their lives, and we know the coalition forces who have lost their lives. We don't know how many innocent Iraqis have lost their lives as victims in the civil war or even of our invasion.

Mr. President, "60 Minutes" on Sunday night had a gripping story about a youngster, 12-year-old, who, during the bombing of our invasion of Iraq, lost both his arms. This young boy, whose name is Ali, came to the attention of people across the world and was given a chance to go to England, where he goes to school now. He was really inspiring when he talked about how he was going to make something of his life even though he lost both his arms. He is just an innocent victim of this war who lost family and friends in a bombing, a tragic incident we wished never occurred.

Keep in mind that these innocent Iraqis are part of this calculation about the future of Iraq as well. If this civil war is to come to an end, we not only need to start bringing American troops home, we need for the Iraqi Government to start making decisions to protect their people and project their future in a positive way.

I sincerely hope that at the end of next week when we present to the

President the money necessary for the troops, we will also make it clear that we are taking a step forward to correct this failed policy in Iraq.

I might also add that if we are not successful in changing the policy with this bill, it is not the end of the debate. We are 4 months into this new Congress, 4 months since the Democratic majority took control of the House and Senate. In a little over 4 months, we have seen a dramatic change in the national debate on the war in Iraq. For the last 4 years, we have been sleepwalking through this policy in this war in Iraq with few challenges from Capitol Hill. The legislative branch of our Federal Government did little or nothing to meet its constitutional responsibility, to challenge the Executive when it came to policy and execution of that policy.

Now things have changed. Now, with a Democratic majority in the House and the Senate, the debate is underway, as it should be, a debate on policy. I think most Americans would agree that over the last 4 months with this new Congress, we have had a more active and vigorous debate on Iraq than any time since this war started. That is the way it should be. The American people believe Iraq is the primary issue on which we should focus, and we have, and we will continue to focus on Iraq. Even beyond the supplemental appropriations bill, we will move to a Defense authorization bill and a Defense appropriations bill, giving ample opportunity for Members on both sides of the aisle to come up with alternatives to deal with this failed policy.

In conclusion, there is one key to changing the failed policy in Iraq. The key to changing the failed policy in Iraq is 11 Republican Senators. When 11 Republican Senators reach the point that they want this policy changed, it will happen. We have 49 Democratic Senators who have voted repeatedly to change that policy. Two Republican Senators—the Senator from Oregon, Mr. SMITH, and the Senator from Nebraska, Mr. HAGEL—have stepped forward and joined us on the Democratic side. We need nine more. With nine more Republican Senators, the failed policy in Iraq will change. Why does it take so many? It takes 60 votes in the Senate to move forward a significant and controversial measure such as a change of policy in the war in Iraq.

I was heartened to learn last week that some Republican House Members met with the President. There were press reports afterward that they told him point blank that they can no longer continue to support his policies. Change has to take place. The President needed to hear that. I hope Republican Senators who feel the same way will step forward.

It is not enough for them to say we will come up with 11 different ideas and vote one at a time for each of them. That isn't the way this works. We have to put our minds together and try to find compromise and cooperation so that we can serve the best needs of America—not only our national security needs but the needs of our troops in the field and the needs of the Iraqi people. If 11 Republican Senators will join the 49 Democrats, this policy can change. We will give them that opportunity tomorrow with two cloture votes and then beyond that some votes I am sure next week on a conference report when we reach that stage in the proceedings, and then in subsequent legislation.

I urge my colleagues on both sides of the aisle in the spirit of compromise and cooperation to try to find ways that we can end this war in an honorable way, bring our troops home to the heroes' welcome they deserve, and say to the Iraqi people: The Americans have given you more than any nation could ever ask for. We have given you over 3,300 American lives of the best and bravest soldiers in the world. We have given you 25,000 injured soldiers, some with serious injuries they will carry for a lifetime. We have spent $500 billion. We have stood behind your country as you deposed your dictator, put him on trial, and executed him. We have stood behind your country when you wrote your Constitution and held your elections. We have been there for more than 4 years. Now it is your turn. Now it is the turn of the Iraqis to step forward and guide their nation forward.

We need to understand that we won't have a change in policy unless the President agrees to change—and it is unlikely he will—or this Congress forces a change. The only way that occurs is when 11 Republican Senators join 49 Democrats to make it happen and make it a reality.

Mr. President, I reserve the remainder of the time for the majority in morning business. I yield the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent that the time on the Republican side be equally divided among myself, Senator CORNYN, and Senator GREGG.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BUSH TAX CUTS

Mr. BENNETT. Mr. President, we celebrate anniversaries around here. We find times to look back. Today happens to be the fourth anniversary of the Senate passage of the last of the Bush tax cuts. We have heard a lot of rhetoric around here about those tax cuts. We heard it in advance, we heard it as they have gone along, we continue to hear it.

I thought on the fourth anniversary of the Senate passage of the tax cuts it might be a wise idea to spend some time with some facts.

Our former colleague, Senator Gramm of Texas, always used to say: I tell my children never argue about the facts. Facts are things you can look up. Argue about what the facts might mean, but don't argue about the facts.

We don't take his advice as much as I think we should. We spend too much time arguing about the facts. Let's look them up.

One of the things we are told constantly is that since the passage of the tax cuts, the rich have gotten richer, the tax burden has shifted from the rich to the poor, and that this is terrible and we need to reverse that trend. Well, let's look at a few facts. Let's go back to the 8 years prior to the time of the Bush administration and see what happened in terms of the rich getting richer and the poor getting poorer.

While President Clinton was the President, dividing into five quintiles, which is what economists do, we see what happened to pretax income. During the Clinton years, in the lowest 20 percent, the bottom quintile, pretax income went down. In the second quintile, the pretax income went down. The red bars are prior to Clinton and the blue bars are after. In the middle 20th percentile, the pretax income went down. In the second highest quintile, pretax income went down. In the top quintile, pretax income went up between the time when Clinton was elected and the end of the Clinton administration.

Our source for this is the Congressional Budget Office. These are the facts.

What has happened since President Bush has been in office? Let's take a look at the same areas and look with the new data plugged in. It is very interesting.

Since Bush has been elected, the lowest quintile has seen their pretax income go up. The second lowest quintile has seen their pretax income go up. The middle quintile has seen their pretax income go up. The second highest quintile has seen their pretax income go up, but the top quintile, the top 20 percent, has seen their pretax income come down.

Once again, the source for these facts is the Congressional Budget Office. On this side of the chart, we see the share of pretax income. This is the number of people to focus on.

The share of income is very high for the top 20 percent and low for the bottom 20 percent. So we look at share and ignore the trend if we want to make the case that the tax cuts have been bad for people at the bottom. In fact, since Bush has been President, we see things have gotten better for people at the bottom.

This comes as somewhat of a surprise to those who were advising us when we passed the Bush tax cuts. I would like to quote from the Brookings Institution. They viewed the tax cuts, as they were proposed, and they had this cogent statement to make about the future, and I quote:

> Our findings suggest that the tax bill will reduce the size of the future economy, raise interest rates, make taxes more regressive, increase tax complexity, and prove fiscally unsustainable. These conclusions question the wisdom and affordability of the tax cut and suggest that Congress reconsider the legislation, especially in light of the economic downturn and terrorist attacks that have occurred last summer.

Very interesting. Reduce the size of the future economy? Since Bush has been President, the U.S. economy has grown more than the entire Chinese economy. Under the Bush Presidency, the U.S. economy has grown $2.7 trillion in GDP. The total Chinese economy is $2.3 trillion. They missed that one.

Raise interest rates? No. Make taxes more regressive? Well, let's look at that one in another chart. Increase tax complexity? I will grant them that. Congress increases tax complexity every time we pass a law. That is an easy prediction to make. And prove fiscally unsustainable? I don't think so.

Here is the relative income tax burden by income group, taking the specific prophecy made by the people at the Brookings Institute. The people in the lowest quintile were receiving that much earned income tax credit. In other words, their tax payments were negative. They received money in transfers. Now, since the passage of the tax cut, the amount of money they have received has been greater. The second lowest quintile used to pay a little taxes; now they receive transfer payments. The middle quintile paid that much taxes; now they pay less. The second highest quintile, virtually identical, but the trend line is down. Who has paid the most taxes? Who has had the greatest increase in taxes? It is the top 20 percent.

At the end of the Clinton administration, this is where it was, and at the end of the Bush term, this is where it is. Brookings was wrong on virtually every point, except their prediction that we would make the tax law more complex. That, as I say, is a prediction one can always make and always be sure of.

What about fiscal sustainability? I remember when I ran for reelection in 2004, right after the tax cuts, my opponents said, we have to bring down the deficit. The deficit is too high. I said: Not only is it going to come down, it is coming down. We see year after year, since the passage of the tax cuts, that the deficit has shrunk. It has shrunk in absolute dollars and it has shrunk as a percentage of GDP. We have the same word out of the Congressional Budget Office and OMB at the end of the first quarter.

Why would we get a shrinking deficit when we have cut tax rates? The answer lies in the dynamism of the American economy, and we look back again on this anniversary date to see what has happened to people's predictions. The red bars are the predictions that the Congressional Budget Office made of the amount of revenue we would receive from capital gains. They predicted that the capital gains revenue would stay flat or barely increase as a result of the reduction in capital gains tax rates.

We reduced the capital gains tax rates, and guess what happened. That is shown in the blue lines. The capital gains realizations—that is the money that came in—went up in 2003, higher than the CBO projection. It went up in 2004 even higher. It went up in 2005 even higher. In 2006, it knocks your socks off. They had predicted $54 billion in realizations, and the fact is, it was $103 billion. The actual capital gains tax receipts were substantially higher than projected by CBO.

Well, how can that be? If we cut the tax rates, how can we get more revenue? The answer to that, of course, is a reality that we so often forget around here, and that is the economy is not static. The economy is not a sum zero game that says: All right, if you cut it here, then you have to see it rise there. If we cut tax rates, we have to see the deficit go up.

We have seen exactly the opposite. We have cut tax rates, and we have seen the deficit go down. Why? Because people respond to economic incentives. When they have an economic incentive to form a new business, create a new opportunity, modernize a plant—because they would not have to pay so much in taxes as they previously had to pay—the new business, the new opportunity, the modernized new plant will create new jobs and creates new income and, therefore, more taxes, more tax revenue, even as the tax rates come down.

We have seen this historical fact again and again for decades, yet we continue to ignore it. The computers at the Congressional Budget Office are programmed not to take into account the growth in the economy and not to predict this kind of result.

So on this anniversary date, I thought I would simply share with the Senate a few facts that demonstrate that the tax cuts have been good for America.

Mr. CORNYN. Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I wish to join the distinguished Senator from Utah, Mr. BENNETT, who gives, to my mind, one of the most cogent and understandable explanations for the economy given around here, and I wish to add a few comments about the fourth anniversary of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

While we have a lot of people trained in a lot of disciplines who make their way to the Senate, I daresay there are not very many of us who have a background in economics or accounting or the type of disciplines that would help them make good economic decisions. The good news is that I think the fundamentals are pretty clear when it comes to what provides people an incentive to work hard and save, and what Government policies—particularly tax increases—make it harder for people to save their hard-earned money and invest it as they see fit—whether it is spending it on their family, investing in their children's college education or perhaps buying things that they would prefer—rather than having Uncle Sam stick his hand in their pocket and spend it on things the Federal Government wants.

It is important to go back and highlight some of the challenges our economy was facing when the Senate first passed this protaxpayer legislation 4 years ago. The economy was hit with not just a one-two punch but with a one-two-three punch. We were dealing with the fallout from the corporate accounting scandals of the late 1990s, the bursting tech bubble and, of course, the horrific attacks of September 11, 2001. All these events combined would have knocked out any other economy in the world. But because we acted with well-timed tax relief that put money back in the pockets of working men and women, small businesses and entrepreneurs, our economy bounced back. Indeed, our economy has roared back.

The 2003 act accelerated a number of individual and small business tax relief provisions Congress passed 2 years earlier. We allowed parents to take the $1,000 tax credit sooner. We accelerated relief from higher marginal tax rates—the marriage tax penalty and the alternative minimum tax. This legislation, passed 4 years ago, provided capital gains and dividends tax relief, which has helped increase economic activity and fill the Federal Government's coffers.

How could it be that Federal revenue has seen historic highs even as we cut taxes 4 years ago? Well, it is for all the obvious reasons: People respond to financial incentives when they know they are going to be able to keep more of what they earn. They work harder, risk takers and entrepreneurs invest in ventures that generate revenue not only for them—and create new jobs—but generate a lot more revenue for Uncle Sam as well. That is exactly what happened here.

Since 2004, Government revenues have outpaced projections by the nonpartisan Congressional Budget Office, and the deficit this year could tumble to $150 billion, or about 1 percent of our Nation's gross domestic product.

Things such as bonus depreciation and the $100,000 expensing provision have allowed entrepreneurs and small businesses to grow and create jobs. This tax relief has helped produce 22 straight quarters of growth, with 7.8 million new jobs over the past 44 consecutive months. That is an outstanding accomplishment, which makes America the envy of the world, and it is a trend we must continue as we face significant fiscal challenges ahead.

We can and we should take great pride in the economy's performance and look with optimism toward the future. As we move forward, the last thing we should consider is reversing the policies that have generated this kind of beneficial economic activity and created so many jobs in America. Unfortunately, this tax relief will soon expire, resulting in a tax increase for all taxpayers without a single vote on the floor of the Senate.

The other side is now pushing a budget that will result in a $736 billion tax hike for taxpayers over the next 5 years. This, unless it is reversed, will not only jeopardize future economic growth but also the financial well-being of millions of Americans—families, small businesses, and seniors. If Congress fails to make this tax relief permanent, the fourth anniversary of which we are celebrating today, every American taxpayer will see their taxes go up. For instance, a family of four with two children, making $50,000 in annual income, would see an increase of $2,092 a year in their tax bill, or a 132-percent hike.

Four years ago, many of our colleagues on the other side of the aisle argued that the Jobs and Growth Tax Relief Reconciliation Act of 2003 would not only not benefit our economy, they actually said it would endanger the economy. For example, the now-majority whip said:

> The Republicans who push this tax plan have to face stubborn facts, and facts can be stubborn. The last time they got a tax cut through, the American economy fell backwards. We did not make progress. We lost jobs. We lost opportunity. We lost a lot of hope in this country.

There is one thing I agree with the distinguished majority whip about, and that is facts are, indeed, stubborn things. Four years ago, the Senate voted for hope and against fear. It voted for progress and against stagnation. It voted for the entrepreneurial spirit and against command and control out of Washington, DC.

I think 4 years later we all have seen and can celebrate tremendous results as an outcome of this important legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, first I thank the Senator from Texas for his elegant statement and accurate statement. I want to pick up where the Senator has left off.

The Senator talks about the facts—and this is a fact—that revenues to the Federal Government have jumped dramatically in the last 3 years. In fact, in the last 3 years we have seen more revenues flowing into the Federal Government than ever in history, and the percentage of increase in those revenues has also been historic. As this chart clearly shows, we are now seeing revenues to the Federal Government which actually exceed the historic revenues to this Government. Historically, the Federal Government has gotten about 18.2 percent of the gross national product in revenue. Today we are up around 18.5 percent. We are headed towards 18.7 percent. That is a significant increase in revenues to the Federal Government.

What effect does that have? As the Senator from Texas said, it has had a dramatic effect on the deficit. Because we have gotten all this additional revenue, it has caused the deficit to drop dramatically.

The other side of the aisle argues: So what. Taxes are still too low on Americans. We should raise the taxes on Americans. So they brought out a budget which is going to increase taxes on Americans by about $700 billion. It is the largest tax increase in the history of the country, should that budget actually come to fruition—and it looks like it is going to pass, and I assume they are going to follow up on it. They mean what they say, on the other side of the aisle.

What will that do to Federal revenues, that dramatic increase in taxes? What will that do to the economy? We are not sure, but we suspect it will slow the economy dramatically. Some of these great gains that we have seen in the economy, the 22 months of expansion, the 7.4 million new jobs, may be significantly impacted by that type of a tax increase.

We also know it will create a Tax Code that is taking a lot more money out of Americans who work hard. We happen to believe, on our side of the aisle, we should let Americans keep the money they earn as much as possible, have a fair tax system, and as a result generate a benefit to working Americans by saying: Listen, if you are going to work hard, we are going to give you more money. We are also going to get more revenues, which is the way this has worked out.

Why have we gotten more revenues even though we reduced the tax burden on the American people? The answer is pretty simple. It is called human nature. When you set tax levels at a fair level—which is what we have today—people are willing to go out and invest. They are willing to go out and take risks. They are willing to work harder because they know they are going to get to keep more of what they earn. What does that do? That creates a stronger economy which puts more people to work, and that is what we want, more jobs for people and, of course, the more jobs you have the more tax revenues you end up getting.

In addition, especially in the area of capital gains, if you have a fair capital gains rate, which is what we have today, it causes people to go out and sell an investment which they might otherwise hold on to. If a person has an asset, say, a home or small business or stock, they don't want to sell that asset when they are going to have to pay 30 percent or 25 percent in taxes on that sale because they don't want to have to pay all those taxes for that asset they spent their whole life building up, trying to make ends meet, trying to create a nest egg for themselves. When you put a fair capital gains rate on that sale, which is today 15 percent—which is the fair rate which was put into place by President Bush's proposals—then people are willing to go out and sell that asset.

When they sell that asset, what happens? Two things which are very good for the Federal Government happen. No. 1, capital gains occur so we get revenues; otherwise, we would not get those revenues because people would just sit on those assets; they are not going to sell them and pay the high tax rate. When you have a fair tax rate, they sell them, the Federal Government gets the revenues, and the second thing that happens is they take that new money they have from the sale of that asset and reinvest it. By human nature, they reinvest it in something that is more productive. So you have a more productive society, where capital assets are being used more effectively, and as a result you get this great job creation and this economic growth.

In fact, in the area of capital gains, we have seen a dramatic increase in revenues. Capital gains have increased over what the projection was by CBO, the Congressional Budget Office, by 47 percent. It is a huge jump in revenues we didn't expect—or at least the Congressional Budget Office didn't expect—but which we received because human nature kicked in and people were willing to sell assets, take that money and reinvest it in things that are productive, create jobs, and as a result we got those revenues. That is why today the Federal Government is actually getting more in revenues than it got under the old tax law where the rates were a lot higher. That is why we have gotten more economic expansion, more jobs. That is the good news.

From the other side of the aisle we hear this constant patter: The rich are not paying enough taxes, and these tax laws are disproportionate in their application. I think we need to talk about that a little bit because let's see what has happened as a result of reducing these tax rates.

Basically, what has happened is that even with the lower tax rates today, wealthy people are paying more in revenues to the Federal Government than at any time in history. Today the top 20 percent of people in this country who have income are paying about 85 percent of the tax burden.

Let me restate that. The top 20 percent of people with income in this country are paying 85 percent of the Federal tax burden. Under the Clinton years, the top 20 percent of people with income paid 81 percent of the Federal tax burden. So even though we have cut rates, we have actually created more revenues from high-income individuals.

Again, you are going to say: How does that happen? Again, it is called human nature. If you have a high-income situation, individuals with a high income, they could either invest in opportunities which are going to produce taxable events or not produce taxable events. They have the position to do that. So if you have a fair tax rate they will take the risk. They will make the decision. They will be the entrepreneurs who create the job. As a result, they will make an investment which is taxable. But if you have a tax rate that is too high, which is what the other side of the aisle likes to have, then you basically create an atmosphere where these folks are going to go out and invest a fair amount of their money in things that are tax avoidance, legal tax avoidance but tax avoidance. They are going to invest in nontaxable events, stocks and bonds that do not generate income to them that is taxable.

What we have done is we have created a tax law where essentially high-income people are willing to go out and take risks and do it in a taxable way that generates revenue back to the United States. As a result, we have the top 20 percent of American income earners pay more in taxes today, significantly more than they did under the Clinton years.

The alternative is also fairly interesting. At the low end of the income scale, the bottom 40 percent of people who have income do not basically pay income taxes. Obviously, they pay withholding taxes, but as a practical matter that segment of our society pays virtually nothing in income taxes. They get money back, in fact, on the earned-income tax credit and other benefits the Federal Government puts in place.

Under the law today, under President Bush's law, those bottom 40 percent of income earners are now getting about twice as much back from the Federal Government as they did under the Clinton years. So what is the combined effect of these two facts, of these two things? The tax law—even though we are generating a lot more revenue for the Federal Government, even though we are well over that mean number of 18.2 percent of gross national product, even though we have had jumps in revenue of 11 percent, 9 percent, 15 percent—we actually have a tax law today that is generating more revenue but is also more progressive. High-income individuals are paying more of the tax burden. Low-income people are getting more money back from the Federal Government.

There is another factor that needs to be pointed out, and that is what is happening to senior citizens. Senior citizens disproportionately benefit from a low dividend tax rate. Why? It is logical, obviously. Most seniors are retired. If they have income, it is going to be Social Security, some pension program, or dividends, and most pension programs also involve dividends. So senior citizens are really the people who are benefiting the most from a low dividend tax rate. Yet the folks on the other side of the aisle have just passed a budget where they want to jump the tax rate on dividends by 100 percent. They want to go from a 15-percent tax rate to a 30-percent tax rate on dividends. Who are they going to hit? They are going to hit senior citizens, primarily. That is the people they are going to hit.

If you look at the proposals from the other side of the aisle, they come out of a 1930s philosophy of economics, which was pretty soundly rejected in the 1960s, the 1970s, the 1980s, and the 1990s, but they are still attracted to it.

It is a theory that says you just raise taxes. The Federal Government will get more money, and we will spend it for you. In other words, there is a theory that says we are smarter than you. We have been elected to the Senate. We are good members of the Democratic Party. We know more than you know. Therefore, we should take your money and we should spend it for you and we can spend it more effectively than you can spend it.

That is a philosophy that should and has been rejected as we move toward a much more market-oriented economy. It is also a philosophy that presumes the higher taxes always generate more revenue to the Federal Government, which is not true. Higher taxes, actually, in many instances reduce revenues to the Federal Government because they reduce economic activity. They certainly reduce expansion of the economy, and they reduce the creation of jobs.

Three Presidents have proved beyond any reasonable doubt when you lower income tax rates, you generate economic expansion because people are just people. They just have common sense. If they know they are going to be able to keep more of their money, they are willing to go out and work harder to get more money. But they also know if the Federal Government is going to take more of their money, and a disproportionate amount of their money, they are not going to work quite so hard. They are not going to take that risk. They are not going to create that restaurant or open that little small business, create those jobs, because they don't want to have to pay all of their money to the Federal Government.

President Kennedy knew that and that is why he cut income tax rates and was successful in generating revenue to the Federal Government. President Reagan knew that and he cut income tax rates. As a result, the revenue to the Federal Government jumped and the economy expanded. President Bush has shown it once again: Cut income tax rates, expand the economy, and as a result get a fair tax level and human nature kicks in and revenues flow into the Federal Treasury.

What is unique about President Bush's initiatives is that at the same time he has cut rates, he created this much more progressive system which I just outlined. The fact that high-income taxpayers are now paying so much more of the Federal share of income taxes than they did under the Clinton years, and lower income individuals are getting much more back than they did under the Clinton years, makes for a more progressive system. It also disproportionately benefits senior citizens, people on fixed incomes, because of the dividend rate.

Unfortunately, though, we now have the Democrats presenting to us a budget which wants to take us to the French path, which essentially is going to dramatically increase the cost to the Federal Government, to Americans, and as a result dramatically increase the tax level on Americans. We will go down that path that France has gone down.

I have to tell you, it doesn't work in France. Productivity is not up in France. Jobs are not being created in France. People don't want to go out and work harder in France. And they certainly do not have a more progressive or effective economic system than we have in the United States.

I think we should reject the Democratic approach under their budget of raising taxes and stay with this tax law that is raising so much new revenue and is so progressive and has such a strong benefit for senior citizens.

I yield the floor.

I make a point of order a quorum is not present.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WATER RESOURCES DEVELOPMENT ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1495, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Pending:

Boxer/Inhofe amendment No. 1065, in the nature of a substitute.

Boxer (for Feingold) amendment No. 1086 (to amendment No. 1065), to establish a Water Resources Commission to prioritize water resources projects in the United States.

Reid (for Levin/Reid) amendment No. 1097 (to the language proposed to be stricken by amendment No. 1065), to provide for military readiness and benchmarks relative to Iraq.

Reid amendment No. 1098 (to amendment No. 1097), to provide for a transition of the Iraq mission.

Coburn amendment No. 1089 (to amendment No. 1065), to prioritize Federal spending to ensure the needs of Louisiana residents who lost their homes as a result of Hurricanes Katrina and Rita are met before spending money to design or construct a nonessential visitors center.

Coburn amendment No. 1090 (to amendment No. 1065), to prioritize Federal spending to ensure the residents of the city of Sacramento are protected from the threat of floods before spending money to add sand to beaches in San Diego.

AMENDMENT NO. 1090

The PRESIDING OFFICER. Under the previous order, the time until 11:45 a.m. shall be equally divided for debate with respect to amendment No. 1090 between the Senator from California and the Senator from Oklahoma or their designees.

The Senator from California.

Mrs. BOXER. Mr. President, I have a parliamentary inquiry because I don't know when my ranking member will be here. Do I understand the Chair correctly that I would have 15 minutes and he would have 15 minutes, so I should conclude my remarks after such time?

The PRESIDING OFFICER. The Senator from California has 13 minutes.

Mrs. BOXER. Will the Presiding Officer please let me know when that time has come?

The PRESIDING OFFICER. Yes.

Mrs. BOXER. Mr. President, I am pleased that the Water Resources Development Act of 2007 is on the floor of the Senate and that Members on both sides of the aisle are very supportive of this legislation. This legislation authorizes the projects and policies of the Civil Works Program of the Army Corps of Engineers. Again, it has very strong support across party lines.

I think it is important for the Senate to know, as well as the American people, that this bill is long overdue. Seven years ago, we passed the last WRDA bill. What does that mean? It means that very important flood control projects, wetlands restoration, environmental projects, clean water projects—so many of these projects have been delayed. When we are talking about the Nation's economy and public safety and the environment, these are things we all want to address. We address them in this bill. The beauty of it is that although Senator INHOFE and I have some deep differences on issues, this is one bill we both strongly support, and across the board we see support.

Every day I have come to the floor to talk about WRDA. I have stressed the strong support in the country for this legislation. I read yesterday from various letters of support. I want to call to Senators' attention—when they arrive to vote on the first amendment, which I hope we will all be opposing, or at least the vast majority of us—on their desks they will find, due to the good work of our pages, the letters of support I referred to yesterday. We have an amazing coalition. We have the National Association of Manufacturers supporting this bill. We have the American Farm Bureau Federation supporting this legislation, with a direct letter. We have a letter from the National Waterways Conference supporting this bill. We have the Audubon Society supporting this legislation. For those who may not be aware, it is a society of more than 1 million members and supporters who work very hard to restore America's natural resources. We have them supporting this bill. We have the American Society of Civil Engineers supporting this bill. We have the National Construction Alliance, which is made up of the Laborers International Union, the International Union of Operating Engineers, and the United Brotherhood of Carpenters and Joiners of America. This is about as broad a coalition as we can have. It concludes with a letter from the Associated General Contractors of America. We have a bill that, as the National Construction Alliance says, is a $13.9 billion authorization of Corps projects which is a necessary first step in addressing our country's serious backlog of water projects, from harbor improvement, to flood protection, to lock and dam construction, dredging, and environmental infrastructure.

That is what we address in this very important bill.

We certainly have many contentious debates on the floor of this Senate. We are going to have one again on Iraq. It tugs at the heartstrings. It is very difficult. But this is one piece of legislation which should not be difficult for us. Senator INHOFE and I share a commitment to shoring up our Nation's infrastructure, including our water resources. We have a true partnership on this issue. I hope colleagues will join with us, as we work through the amendments. There will be some amendments we can support, but we have made a pact that even if there are some amendments each of us individually supports, if the four top members of the Environment and Public Works Committee have not agreed on them, we will be forced to vote no. This is not a pleasant situation for either of us. We think it is the way to maintain the delicate balance of the legislation, because the bill is a product of bipartisanship.

I mentioned the other two members of the committee who have worked so hard, Senators BAUCUS and ISAKSON. I thank them.

The whole country is looking to see what we do to help the victims of Hurricane Katrina and what we do to move forward so that we don't see another tragedy as we witnessed recently. About 25 percent of this bill is directed at Louisiana. We have gone very far to meet their needs. We do understand we haven't done 100 percent of what they need, but there will be other WRDAs, and there may well be a couple of amendments on which we can move forward. We don't know at this particular point.

We have waited 7 long years for this bill. We are going to be having a vote at a quarter of 12.

Before I yield to my good friend and colleague, the ranking member of the committee, for his comments, I hope everyone will join in voting no on the Coburn amendment. What he does in his amendment is, he has decided—and he is here in the Chamber now—that one of the projects in California should wait until another project in California is totally funded.

I call this amendment the Russian roulette amendment because the project he wants to delay is an important project in the San Diego area. It is the city of Imperial Beach. There is a very important project the Corps is recommending where the local match will be paid—the initial stages, 30 percent; the final stages, 50 percent. We are talking about protecting 2,083 businesses. There are 812 nonrental property businesses and 1,271 rental properties. We are talking about 22 retail businesses, 217 businesses located along the beachfront, 195 are rental, and 19 businesses near the shoreline. What we are talking about doing is a project that is so cost-effective, it has met every criteria. It has gone through every phase. We received a letter from the mayor which clearly states they will be picking up their share.

This is a project which needs to move forward. You don't say to somebody in the southern part of a State: You don't deserve this flood protection until someone in the northern part of the State gets flood protection. We have to do it all. This is the United States of America. California, if we were a nation, would be the fifth largest economy in the world.

All Members have a right to their opinion and a right to offer amendments. I support my colleague's right to do so. But it is absolutely wrong. He will present it as some kind of a beach project. He makes it sound as if what we are doing is protecting a beach. Nothing could be further from the truth. We are using the replenishment in this project as a way to absorb the floodwaters.

I will speak for a minute on this later. I hope we will have a resounding "no" vote. Every Member has a right to say what he or she thinks belongs in this bill. But this bill has gone through a rigorous process. We don't have anything in here that doesn't meet the criteria. Senator INHOFE was very strong on that. I agreed with him completely.

With my time waning, I yield the floor and look forward to a strong "no" vote on the Coburn amendment in 15 minutes.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. I yield myself such time as I may consume. As I understand, we are now dividing time equally between the junior Senator from Oklahoma and the committee; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. How much time remains?

The PRESIDING OFFICER. The Senator from California has 3 minutes 20 seconds remaining.

Mr. INHOFE. We have a total of 3 minutes left?

The PRESIDING OFFICER. The Senator from California has 3 minutes 20 seconds. The junior Senator from Oklahoma has 13 minutes. The time is divided between Senator COBURN and Senator BOXER. Senator COBURN has 13 minutes.

Mr. INHOFE. The main thing I want to get across, I can't get across in 3 minutes. But I can tell you right now—and by the way, the reason I wasn't here earlier is that I have been, in the last 3 days, in Iraq. And by the way, good things are happening there in spite of what the press will tell you.

I came back somewhat shocked to see some of these amendments because, quite frankly, a lot of people don't understand the process. I don't want anyone out there watching what we are doing today saying that we are killing some useless project. It has nothing to do with that. This is an authorization bill. I will make this clear, but I can't do it in this time unless the Senator from Oklahoma would like to yield 5 minutes of his time.

Mr. COBURN. Sure.

Mr. INHOFE. I thank the Senator.

The amendment we will be talking about is the Imperial Beach amendment. I have to remind my colleagues, as I did in the steering committee last Thursday, this is not an appropriations bill. What we are doing here today is not going to change anything at all in terms of money. I don't want anyone thinking we will have some useless project or spend money on it. We are not doing it with this bill today. We may be doing it in the future. We may be doing it when the appropriations bills come up. I may be opposing it at that time.

But all we are doing through the WRDA bill is we allow ourselves the opportunity to make sure there is some level of discipline in putting projects forward that people will eventually be voting on. They are not going to be voting on them today. This is the authorization process.

Now, we have criteria. We have to have an engineer's report from the Corps of Engineers. It has to say it is economically feasible, it takes care of the environmental problems—all these things—and it ensures there is cost sharing.

Let me tell you what would happen if we did not do this. If we did not do it, and we had everyone coming up, swapping out their deals, and saying: I have a project over here; it is my sweetheart project; the Corps of Engineers has never been there. We don't care. No one has ever evaluated it, but this is my humble opinion, since we are here in Washington making all these decisions in violation of what people back home want. Then we will have a project.

That is the alternative. This is the same as the transportation authorization bill. There we had criteria where we would talk about the qualifications of various projects, and they would have to be in that criteria. Then we would bring it up later on and decide whether we were going to fund these things.

Now, on the project that is going to take place at Imperial Beach, it was authorized. The Corps recommended this storm damage reduction project because it is technically sound, economically justified, environmentally acceptable, and it will have the local cost share.

I have a letter from the mayor of Imperial Beach saying this is what they want out there. It may not be what they want in Washington, but this is what they want.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF IMPERIAL BEACH, CA
OFFICE OF THE MAYOR,
July 18, 2002.

Colonel RICHARD G. THOMPSON,
Los Angeles District Engineer, U.S. Army Corps of Engineers, Los Angeles, CA.

DEAR COLONEL THOMPSON: This letter should serve as a formal indication of interest and intent by the City of Imperial Beach to proceed with the recommended project indicated in the Silver Strand Shoreline, Imperial Beach, California Draft General Reevaluation Report dated, June 2002.

The City of Imperial Beach is willing and able to provide all non-Federal requirements of the project including 36% of the cost to construct the initial project and 50% of the construction costs for each renourishment cycle.

It is anticipated that funds for the local share of initial construction will come from $4.2 million currently earmarked for this project in the California State Department of Boating and Waterways FY 2002/2003 budget.

We thank you for your continued interest in this worthwhile project.

Sincerely,

DIANE ROSE,
Mayor.

Mr. INHOFE. Hopefully, when we get down toward the end of the debate, after I hear what my colleague says about this issue, I will use more time.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator BOXER in opposition to the Coburn amendment. This amendment limits our ability to appropriate funding to projects in our State, and I would ask all Senators to vote against the amendment.

My colleagues may remember that during consideration of the fiscal year 2006 emergency supplemental, we had an extended debate over flood control projects in the bill for California because Senator COBURN offered an amendment to strip them out of the bill. I understand that yesterday, Senator COBURN acknowledged that he made a mistake in opposing the Sacramento River Bank project, which he now believes was legitimate emergency funding. However, he has now offered another amendment affecting California and this same project.

Senator COBURN's amendment would require that the Army Corps complete its work on the Sacramento riverbank flood control project before it can begin any work on the Imperial Beach replenishment project. These two projects are separated by 500 miles and have no relation to each other, except that both protect homes and families.

I would like to briefly discuss these two projects. The Sacramento river bank flood protection project is a long-term levee restoration project. The project area is along 210 miles of the Sacramento River that is constantly at risk of erosion. Areas protected by the levees comprise over 1 million acres, 50 communities, $38 billion worth of improvements, and approximately 2.3 million people.

The Corps of Engineers is dangerously close to the ceiling set in the current authorization, with many more projects to be done. Senator BOXER and I support language in this bill to increase the Corps' authorization by another 80,000 linear feet. It will be several years before the Corps will reach that threshold if we are able to fund the project at full capability annually.

Yesterday, Senator COBURN referred to our discussion last year and that I had said that life and property lay in the balance with the restoration of these levees. I would say to my colleagues that statement also holds true on other projects to protect homes in a different part of my State that Senator COBURN will inhibit with this amendment.

Imperial Beach is a small city adjacent to the U.S./Mexico border and just south of San Diego Bay and the naval installations on Coronado. Its beach, the Silver Strand, is losing 100,000 cubic yards of sand per year, corresponding to a loss of 6.6 feet of beach. So much shoreline has been lost that there is no longer dry beach at high tide, leaving only a small embankment between the ocean and homes. At the current retreat rate, the shoreline could reach homes within the year. A high-tide storm event in Imperial Beach could affect 3,000 homes within 3 blocks of the coast. Already these homes have experienced flooding and structural damage and the soil is highly erosive and receding—the problem in Imperial Beach is now, and we cannot wait years to address it.

The problem is that the beach is no longer the recipient of sand from its natural sources. First, there is a lack of sediment transfer from the Tijuana River because of three dams, two on the American side and one on the Mexican side, which have stopped the historical flow of sediment to the shoreline. Second, the Army Corps-built jetty that protects San Diego harbor also disrupts the flow of sand.

Yesterday, Senator COBURN stated that he believes the replenishment of this beach is a State responsibility. As we all know, all of these projects are cost-shared with the State or localities involved. The State of California already has $4.2 million on the table for this project as soon as it is authorized. So the State's commitment is there.

The residents and local government are also doing their fair share to shoulder the costs. The Army Corps of Engineers has determined that every dollar spent avoiding storm damage through beach nourishment will save taxpayers close to $2.00. The total net benefit this project provides due to annual costs from structural damage due to erosion, wave attack, or inundation costs, utility relocation costs, land loss, cleanup costs and other items related to the loss of sand will be at least $1.8 million.

There are hundreds of very important projects authorized in this bill, and many States have multiple projects. This amendment would set the dangerous precedent of requiring vital projects to wait until other projects in the same State are completed. Not only does this have the potential to increase Federal costs if we have to respond to disasters that could have been prevented, but it removes our discretion to evaluate projects independently, regardless of where they are located.

Senator COBURN has now decided that securing levees in my State is a high priority. It certainly is. However, I do not agree with him that homes and families behind river levees are more important than homes and families behind an ocean beach. I hope that my colleagues will join with us to oppose this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, to make sure everybody understands, this is not an amendment that eliminates this project. As I complimented the Senator from California and the Senator from Oklahoma yesterday, the idea behind this amendment is to make priorities.

What do we know? We know the Corps has a $58 billion backlog right now. That is 27½ years of work at the way the Corps is funded now. All this amendment says is, if you are in a family and you need a new roof, and you want to build a swimming pool, probably most American families are going to put the roof on before they build the swimming pool.

Sacramento has 1.8 million people. It is the largest city in this country at risk for flood damage. The canals and levees up there need to be reworked. All this amendment says is before we restore beaches—by the way, let me give a little background. The last time there was any flood damage at Imperial Beach was 1988. The total damage was $500,000 in 1988.

What we do know is, when you restore the sand, one winter storm will wipe it all out. That is why this is a 50-year project. This is planned to restore sand after sand after sand after sand for the next 50 years. It may be the right thing to do, but in terms of making a choice about priorities, wouldn't we think that before we restore sand that is going to be washed away by the next winter storm, maybe we ought to ensure ourselves that the people in Sacramento are safe. So this does not eliminate this project.

I also go back to the history on this project. What is the Corps' No. 1 way of fixing this project? It is not to continue to pump sand onto the beach. It is to have an extended growing out until the beach redevelops and replenishes itself, which was proposed and never finalized before they completed the environmental impact statement on it. That is the way to restore the sand to the beach in a natural way.

So what we have is we are going to take a low-priority item—very high-priority item for some of the people of Imperial Beach, CA, not all of them—we were submitted a letter yesterday by a large group of people who oppose this—and we are going to say that is as important in terms of authorization as fixing the levee system in Sacramento. It is not.

All this amendment says is before you start spending money on restoring sand that is going to be washed away by the next winter storm, you ought to fix the levees where you have 1.8 million people at real risk for flood. It is the largest city in the United States at risk. It has a greater risk of flood than New Orleans. It has an 85-year risk compared to a 250-year risk in New Orleans.

By this amendment, we are not saying do not do this. We are saying, let's add some priorities. Let's fix what is wrong in a major levee system first. Let's have, in this bill, that we are going to choose a priority rather than to send all this to the Corps, which is 27 years behind right now on their projects—will be another 7½ to 8 years after this bill passes—and say, on the way of priorities, the priority that ought to go first is fixing the levee system in Sacramento. It is not to degrade that this is not needed. I am not saying it is not needed. I am saying, with limited funds, we ought to have a priority.

Many people will argue they will make that decision at the Appropriations Committee. The authorizing bill right now is on the floor. I support many of the projects in this bill. But I think a case can be made, and the American people would demand, we cannot quit ducking priorities. It is easy to say to do everything, as the Senator from California said yesterday. The only problem with that is, we cannot do everything. We cannot do everything, so we have to make a choice. We ought to do those things that will protect the most people, solve the biggest problems first, and then work to the smaller problems.

In 1988 was the last time we ever had any storm damage at Imperial Beach, CA. It was in the midst of storm damage that was less than $500,000. We are going to be talking about in excess of $20 million for this beach at the same time we have levees that need to be reworked and reaffirmed in Sacramento.

This amendment is common sense. Let's do what is most important first, and when we have done that, then go do this. Let's do not do them both at the same time, quite frankly, because it will never happen at the same time, because we only have $2 billion a year for the Corps now and there are hundreds of projects in this country that should be done before this project.

With that, Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. BOXER. Mr. President, there has been some misinformation. The last flooding and very bad winter storm was in 2004, and we have all that documented—in the hundreds of thousands of dollars—in this area. I understand Senator COBURN wants to substitute his opinion for the opinion of the Corps, but I want to go through, with my colleagues who might be listening to this debate, how many steps this project has already been through, as have all the projects we have agreed to fund.

So the WRDA bill is 7 years in the making.

Mr. President, will you tell me when I have 1 minute remaining because I want to yield that minute to Senator INHOFE.

The PRESIDING OFFICER. We are at 1:10 now.

Mrs. BOXER. Mr. President, 1:10 remaining? I thought I had 3 minutes.

The PRESIDING OFFICER. Senator INHOFE used a minute of that.

Mrs. BOXER. Mr. President, I ask unanimous consent that we be given an additional 3 minutes, and the same for Senator COBURN, if he wishes to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I am going to take 2 minutes, and then we will see if Senator COBURN wants to respond, and then we will give the last minute to Senator INHOFE.

There is a lot of misinformation about the flooding here. There is also the implication that this is not an important project, when I have already pointed out how many businesses are at risk, how many residences.

This project has gone through so many steps. First, the local people said: We want to step forward and pay toward solving this problem. Then, the Corps said: You are right. Let's do a cost-benefit study and see if it makes sense for Federal dollars to go into the mix. Well, it came back: Absolutely. Then they said: What is the best type of project? Should we build walls? What should we do? No. They said: The best type of project is to utilize the sand as a natural barrier to these floods.

What we are desperately trying to do is complete this project because we are very concerned we could have even a worse problem than we had in 2004.

As much as I respect my colleague, I feel his judgment is not something I can accept. I cannot look in the eyes of the people who have been fighting for this project since 2003 and say to them they do not deserve to get any attention paid to their problem until Sacramento is taken care of.

I have to say to my friend, in going after this project the way he is, it seems to me he is picking one project out of a hat, which is extremely disturbing.

Mr. President, I know there are those who need to go over to the White House, so I will stop my discussion. I think I have enough information in the RECORD to have colleagues join with me.

I say, if Senator COBURN has anything to add at this time, I will reserve the minute for Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I am not going after the project. The project stays. I think the Senator from California misses the point. This beach had restoration done by the city last year. It washed away. The sand they put up there will wash away. It is a temporary fix to a long-term program. That is why they have a 50-year authorization for restoring this beach, because it is going to continue to wash away because they are not fixing it in the way the Corps originally recommended it be fixed.

It is not about picking on this project. It is about, again, shouldn't we have priorities? Isn't it more important to fix Sacramento and the levee system there than this particular project, which has been repaired of late by the city with their own funds? I am not saying we should eliminate it; I am saying we should not do this until we have done the other things that are higher priority on the Corps' list, which No. 1 in my mind, besides what we need to do in Louisiana, is to restore the levee system in Sacramento.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, is the Senator yielding back time?

All right. In deference to some other things that are going on right now, I will go ahead and yield back my time at this moment.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1090.

The clerk will call the roll.

The legislative clerk called the roll.

Mr DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Ohio, (Mr. BROWN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), the Senator South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), and the Senator from Arizona, (Mr. MCCAIN).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea" and the Senator from North Carolina (Mrs. DOLE) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 12, nays 77, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—12

Bunning
Burr
Chambliss
Coburn
Ensign
Feingold
Gregg
Lott
Lugar
Sessions
Smith
Sununu

NAYS—77

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Enzi
Feinstein
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Salazar
Sanders
Schumer
Shelby
Snowe
Specter
Stabenow
Stevens
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—11

Biden
Brown
Brownback
DeMint
Dole
Graham
Isakson
Johnson
McCain
Obama
Rockefeller

The amendment (No. 1090) was rejected.

Mrs. BOXER. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleagues for that overwhelming vote. I view it as a vote that basically says this bill is a good bill. Let's not tinker with this bill unless there is pretty quick agreement on both sides that it is the right kind of amendment. This wasn't the right kind of amendment. We appreciate this vote.

Mr. President, I ask unanimous consent that at 2:15 p.m. today, Senator CARDIN be recognized to call up amendment No. 1072; that once the amendment is reported by number, there be 5 minutes under the control of Senator CARDIN, and that upon the use or yielding back of time, the amendment be withdrawn; that the Senate then resume consideration of the Coburn amendment No. 1089, and there be 2 minutes of debate prior to a vote in relation to the amendment; that upon disposition of the Coburn amendment No. 1089, the Senate consider the Feingold amendment No. 1086, and there be 5 minutes of debate prior to a vote in relation to the amendment, with all debate time equally divided and controlled in the usual form; that prior to a vote in relation to the amendments covered in this agreement, no intervening amendments be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that the following Members be recognized to speak as in morning business: Senators DODD, INOUYE, ALEXANDER, and LEVIN and that after that the Senate stand in recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

100TH BIRTHDAY OF FORMER SENATOR THOMAS DODD

Mr. DODD. Mr. President, I am speaking today, as I have for the past 26 years, at the desk my father used during his 12 years as a Member of the Senate, from 1959 to 1971. I would like to think that this surface still bears some of the marks he might have made in an idle moment. As he did almost 50 years ago, I too have etched my name in this desk drawer.

Today I rise to speak of my father, for it was on this day, May 15, 1907, 100 years ago, that my father was born. I have two young daughters, Grace and Christina. They never knew their grandfather. For my girls, he is a painting that hangs in my office, photos in our home, or stories over dinner.

I try to explain, as parents and grandparents do, what their grandfather meant to me, who he was, what he did. I must say, it is hard to find the words. Some of my father's 12 grandchildren were lucky enough to know him. Even so, memory fades; but on this day, his 100th birthday, I wish to call up his memory as a gift to you, his grandchildren, and 17 great-grandchildren.

Like so many of his generation, born in the early years of the last century, my father, Thomas Dodd, had to overcome hardships—the death of his mother at an early age, the collapse of his father's business, the Depression years. Yet so much like his generation, hard jolts and trying experiences transformed and molded a man who would make a significant contribution to his country and our world.

As the Connecticut State director of the National Youth Administration in the early days of the New Deal at the height of the Great Depression, he helped young men and women find work—any work. As an FBI agent and then lawyer in the Justice Department, your grandfather and great-grandfather pursued notorious gangsters and prosecuted those who denied others their civil rights. He helped create the Civil Rights Division of the Justice Department and brought to justice those who committed fraud and espionage. All those experiences were valuable contributions to helping those in need and bringing to justice those who did harm.

But none of those experiences compared to what he called the most important work of his life: his role as executive counsel under Justice Robert Jackson at the Nuremberg trials. By his own admission, this was the most important work of his career. It also was his most important, most life-changing event.

For almost 18 months, from the summer of 1945 to the fall of 1946, he confronted those who were the authors of the worst evil of the 20th century, maybe ever. As one of the leading prosecutors in the most important trial of the 20th century, your grandfather and great-grandfather demonstrated the supremacy of the rule of law over vengeance. Or, as Justice Robert Jackson said at the opening of those trials:

> That four great nations, flushed with victory and stung with injury, stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of law is one of the most significant tributes that power has ever paid to reason.

From the Nuremberg years, your grandfather and great-grandfather emerged as one of the sharpest defenders of human rights in his day and an outspoken crusader against tyranny in all its forms. To those who suffered under the domination of the Soviet Union, there was no more valiant voice. To this day, he is remembered warmly by those who suffered under dictatorial regimes.

During his 16 years in Congress, first in the House of Representatives and 12 years in the Senate at this very desk, Thomas Dodd worked hard to make a difference in the lives of people everywhere who needed a champion.

Your grandfather's and great-grandfather's career did not end as he wanted it. He did not leave this desk as he would have liked. In 1970, he ran for another term and lost. "Those who fight the times," it was said of him, "do not always have an easy end."

He returned to his home in Connecticut, and shortly after he died, 30 years before you were born, Grace and Christina. At the end of his life, his obituary was headlined "A Lonely Fighter." It struck me as such an odd word for my father, who was such a wonderful storyteller, surrounded cradle to grave by a great big Irish Catholic family. I don't recall my father being alone a day of his life. And yet in his public life he had the politician's rarest virtue: he wasn't afraid to be alone.

However important and interesting your grandfather and great grandfather's life was, it is a terrible injustice to merely recite the chronology of his experiences. Even more important than what he did was the kind of person he was. Thomas Dodd was principled and courageous, fearless in the face of injustice, and outspoken in his defense of those in need. He was ahead of his time in so many ways—as an advocate for national health care, a proponent of sensible gun safety laws, an early voice warning of the effect of violence on television and the dangers of drug addiction, and a defender of those whose human rights were being denied.

Your grandfather and great-grandfather loved your grandmother and great-grandmother so much. He loved his children very much, as well. But the deep love for my mother was special to behold.

He was loyal to his hometown of Norwich, CT, and he cared deeply about the people of our home State. Thomas Dodd was a person of deep faith and a lifelong friend to many. He was proud of his family, and how proud he would be of his grandchildren and what they have accomplished and of the contribution you and his great grandchildren will make to your world.

Sixty-one years ago next month my father wrote the following words to my mother about his experience at Nuremberg. He was proud of what he had done at Nuremberg. While the words were addressed to his children, they also speak to his grandchildren and great grandchildren.

> I feel badly about you being alone with the children, but I'm doing the right thing and I feel sure we will not regret it. I will never do anything as worthwhile. Some day the boys will point to it, I hope, and be proud and inspired by it.

Only a few weeks before his death, in May of 1971, my father did an interview with a local Connecticut reporter. I was sitting in the room that day when the reporter asked if my father had known at the outset of his public life, when it began in 1932, how it would end, would he do it over again? I shall never forget his unhesitating answer:

> I would do it again in a minute, for there is no other calling where you can do as much for as many people as you can in a public life.

My father's answer has been the source of inspiration for me over these past 32 years in public service. So on this, your 100th birthday, from all of us—your six children, your son and daughters-in-law, your 12 grandchildren and 17 great grandchildren—we say thank you, we love you, and happy birthday.

Mr. REID. Mr. President, I didn't know Senator Thomas Dodd, but I know Senator CHRISTOPHER DODD, and I am sure Senator Thomas Dodd is smiling today.

This wonderful family that Senator CHRIS DODD has includes a wonderful wife, Jackie, whom we know, she worked in the Senate and was part of the Senate family before she married CHRIS DODD: and these two beautiful children, whom we in the Senate feel are part of us, Christina and Grace, we have watched them from the day they were born to now in the Senate gallery, and we really do feel they are partly ours.

It is a rare person we find in Senator CHRIS DODD, who now is chairman of the Banking Committee and doing a wonderful job, that committee working with the ranking member, the Senator from Alabama, Mr. SHELBY; and then also running for the Presidency of the United States.

So I say to Senator CHRISTOPHER DODD, I didn't have the opportunity to serve with Senator Thomas Dodd, but in this audience today, here in the Senate, are men—and I look and see two—who served with Senator Thomas Dodd: Senator DAN INOUYE and Senator ROBERT BYRD. I have spoken to them about Senators in the past and, of course, they have always mentioned Senator Thomas Dodd because he certainly is a man who made a difference in the Senate, as his son is doing.

One of the things that goes without saying is the ability of Senator CHRISTOPHER DODD to express himself. What an eloquent speaker he is. This is one of the rare times, because of the emotion involved with the words that he spoke, in which he spoke from written text. He usually speaks off the cuff, and he is very good. I understand how difficult this was for him. I could tell, from the tears in his eyes and the lump in his throat, how much he loved his father, his family, and how much he loves his family today.

Mr. INOUYE. Mr. President, I rise today to join my leader to honor the distinguished Senator from the State of Connecticut, and one who I was proud to call friend: Senator Thomas Dodd.

Senator Tom Dodd, the father of Connecticut's senior Senator, CHRISTOPHER DODD, would have been 100 years old today. I would like to take a moment to reflect upon his remarkable career.

Tom Dodd was, in many ways, the picture of a Senator. In a tribute shortly after his death in 1971, a colleague said:

> His ability was outstanding and his appearance was striking. With the dignity of his bearing and the gray of his hair and his booming resonant voice, he made an impressive figure on the Senate Floor.

But there was much more to Tom Dodd than style. Through a lifetime of service, he brought a dedication of fighting evil in all its forms: in racism, in greed, in sabotage, genocide, and tyranny. Few have piled up such an impressive record.

Tom Dodd began his career as an FBI agent tracking down some of our Nation's worst criminals. In a way, he had something of the FBI agent about him for the rest of his life. He was determined to give wrongdoers no quarter, in word or in action.

During the Great Depression, he led the National Youth Administration of Connecticut, putting thousands of his fellow citizens to work, and then he joined the Department of Justice as a prosecutor. He fought the Ku Klux Klan, long before any Americans saw its true nature.

In later years, he prosecuted union busters who kept workers from bargaining together for fair conditions. And when the Second World War came, he served with devotion on the home front, bringing prosecutions against German American Bundists, Nazi sympathizers who tried to sabotage the war effort.

When the Nazis had been defeated, his country called Tom Dodd to Nuremberg, Germany, to help lead the historic prosecution of Nazi war criminals. And Tom Dodd said yes because he knew that Nuremberg was America's chance to prove its commitment to the rule of law. If we simply gave in to vengeance, we would be walking in the footsteps of those we despised, and Tom knew intuitively that America stood for something more.

He was quickly promoted to executive trial counsel, second only to the lead prosecutor, Robert Jackson. Laying before the world indisputable proof of the Nazis' crimes, Tom and his colleagues succeeded. They had sacrificed the certainty of an execution for the uncertainty of a trial. The test was one of principle over power—and America passed.

Tom's lifetime of service was crowned with two terms in the House and then election to the Senate. He served in this Chamber—at the desk now occupied by his son CHRIS—for 12 years. In the face of enormous opposition, he passed America's first comprehensive gun control law. He fought drug abuse and juvenile crime and violence on television. He protected the homeland on the Internal Security Subcommittee and was one of our most eloquent voices in support of the International Genocide Convention. Tom Dodd said had it been in force in the 1930s, the crimes of Hitler might have been deterred.

For the rest of his life, Tom remembered what he had seen at Nuremberg. He had seen tyranny face to face; he had seen, as he put it, an "autopsy of history's most horrible crime." And he remained an enemy of tyranny for the rest of his life. He knew, as one author put it, that the Nazis' "corruption of spirit, the irresistible human addiction to power, were like first drafts of a terrible future." So he spoke out against that corruption wherever it showed itself, and against Communist tyranny above all.

One colleague remembered that Tom Dodd's many foreign policy speeches "were memorable in the annals of the Senate for their scope and their scholarship, their philosophical consistency, and their nonpartisan nature."

True, Tom's career did not end as he would have wanted it. In 1970, he ran for another term as an Independent and lost. He returned to his home in Connecticut, and shortly after passed away. But through those last, difficult months—and I remember it well even today—he held his head high.

Tom's steadfast example and his eloquent words remain with me still. In 1950, Tom Dodd said the following:

> At Nuremberg, we laid down the doctrine that individuals are responsible for some offenses. It always seemed to me that it is the people who make up the government. Individual people.

What holds true for the worst surely holds for the best. Behind all of Tom's achievements there was an indelible individual—passionate, strong, wise, and brave. I was privileged to call him among my friends. I have no doubt that he would be so proud of his children today.

Mr. ALEXANDER. Mr. President, I think I am next in order, but I see some of Senator DODD's colleagues, and if they want to speak to Senator DODD, I would be happy to defer.

Mr. DURBIN. Mr. President, I would be happy to defer to the Senator from West Virginia, if he wishes to speak.

Mr. BYRD. Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I knew Tom Dodd. I served with Tom Dodd. He reminded me of a Roman Senator. God bless him. It has been quite some time since Senators talked about the case for censure against Senator Tom Dodd. These remarks on the floor today bring back to mind those difficult days.

I have grown quite close to Tom Dodd's son, Senator CHRIS DODD. We have sat next to each other in the Senate for ten years. He is a fine Senator and a fine man.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I had not planned to speak until I heard Senator CHRIS DODD with his tribute to his father. It brought back, quickly, an early memory, my own memory of his father. It goes back to an earlier time when I was a college intern in the office of Senator Paul Douglas, whose office was next-door to Senator Dodd's office. I can recall, as a college student, watching as Senator Dodd would come and go.

Of course, we all knew his name. We all knew what a great contribution he had made to the Senate. It was not until later that I read about what a great contribution he had made to the world.

I recall, when Senator CHRIS DODD, his son, came to the floor when we were in the midst of debating how we would conduct ourselves on this war on terror and gave one of the most memorable speeches in the history of the Senate, talking about the standards that a nation should live by even in the midst of a war. He recalled the inspiration of his father, an inspiration that has been mentioned several times this morning—the service his father gave to America and to the world at the Nuremberg trials.

Senator CHRIS DODD said on the floor:

> To watch the U.S. Senate, on the anniversary of the Nuremberg trials, step away from the great principles enshrined at that time is one of the saddest days I've ever seen in . . . my almost 30 years in serving in this body.

I remembered that speech, and I wanted to enter this quote in the RECORD for one simple reason. We all wonder what our legacy will be, those of us who are fortunate enough to serve in the Senate. In the history of this country, 1,895 men and women have had this high honor to serve here. Some have faded into obscurity. Their names can hardly be recalled. Others left great legacies. Certainly, Senator Thomas Dodd did, in his public service, both before the Senate and the House, and after and during.

But he also left another piece of legacy which we in the Senate appreciate today. He left a son dedicated to public service, a son who has not only carried on in his tradition of public service but has honored his father's memory with that service. When CHRIS DODD came to the floor and recalled his father's contribution in the Nuremberg trials, in a war-torn world trying to find some peace and some direction, he remembered his father's work and brought it with him to work that day in the Senate. His voice on the issue of habeas corpus and the treatment of prisoners has been an inspiration to all of us.

As I listened to him pay tribute to his father, a tribute which his father richly deserved, I wanted to join paying tribute to his father and to his father's son who carried on in such a great tradition of public service.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I will be very brief, I say to the Senator from Tennessee. I was in the Chamber when Senator DODD was paying tribute to his father on what would have been his 100th birthday. I didn't want to let this moment slip by without telling Senator DODD, when I was a young boy, I was up in this gallery. I don't know if it was this gallery or this one, but I was looking down and I remember seeing your father.

I asked the people who were sitting with me: Who is that Senator?

They said that was Senator Tom Dodd.

I said: That man looks like a Senator.

Mr. DODD. Right.

Mr. CONRAD. He had that booming voice, and he had an air about him, an air of authority. It was very interesting to see others' reaction to him. You could see they had respect for him in the way he was addressed.

I later, then, read a book about him. I don't think I have ever told Senator DODD this, but I read a book about your father, about the life he had led. I remember distinctly about his being an FBI agent and the Nuremberg trials. That made a great impression on me.

Then, when I came to the Senate and had the opportunity to serve with Senator CHRIS DODD, I thought: You know, you couldn't be more proud. Your father, looking down on all of this—he could not be more proud than to have his son in his seat in the Senate, somebody who also looks like a Senator—but much more than that, someone who, similar to his father, commands respect from other Senators because of the quality and the character of his work.

I yield the floor.

Mr. DODD. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am glad I have had an opportunity to hear this and will only say, to make certain the same sentiment is expressed from this side of the aisle—I knew Senator DODD's father. I didn't know him well or personally, but I knew him because I was Senator Howard Baker's legislative assistant at a time when Senator Dodd served here. I admired him. I respected him. More importantly, I remember the respect Senator Baker and others had for him and for his long and distinguished career.

My own father would be 100 years old this year, so I understand the enormous pride this Senator DODD has for his father, Senator Dodd. Senator DURBIN and Senator CONRAD and others said this as well: The father would be proud of the son.

I had the privilege of serving as sometimes the chairman, sometimes the ranking member, of committees with Senator CHRIS DODD. It is a tremendous pleasure to see how he cares, especially for children and families in the workplace and contributions he has made here.

This is a day for a tribute to the father and a day that we are sure his father would have great pride in his own son.

Mr. DODD. I thank the Senator.

Mr. ALEXANDER. If there are no other comments regarding Senator Dodd, I would like to talk about immigration.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Chair.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1393 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALEXANDER. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

(The remarks of Mr. LEVIN pertaining to the introduction of S. 1395 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions."

Mr. LEVIN. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:54 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

WATER RESOURCES DEVELOPMENT ACT OF 2007—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland, Mr. CARDIN, is recognized.

AMENDMENT NO. 1071 TO AMENDMENT NO. 1065

Mr. CARDIN. Mr. President, I ask unanimous consent that the previous order be modified to provide that the amendment I intend to call up is amendment No. 1071.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1071.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself, and Ms. MIKULSKI, proposes an amendment numbered 1071 to amendment No. 1065.

The amendment is as follows:

(Purpose: To provide for the siting, construction, expansion, and operation of liquefied natural gas terminals)

At the appropriate place in title V, insert the following:

SEC. 5____. SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.

Section 10 of the Act of March 3, 1899 (33 U.S.C. 403), is amended—

(1) by striking the section heading and designation and all that follows through "creation" and inserting the following:

"SEC. 10. OBSTRUCTION OF NAVIGABLE WATERS; WHARVES AND PIERS; EXCAVATIONS AND FILLING IN.

"(a) IN GENERAL.—The creation"; and

(2) by adding at the end the following:

"(b) SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.—The Secretary shall not approve or disapprove an application for the siting, construction, expansion, or operation of a liquefied natural gas terminal pursuant to this section without the express concurrence of each State affected by the application.''.

Mr. CARDIN. I ask unanimous consent that Senators LIEBERMAN and DODD be added as cosponsors of amendment No. 1071.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 5 minutes.

Mr. CARDIN. Mr. President, this amendment would restore the authority of State and local governments to protect the environment and public safety of the sitings of liquefied natural gas, LNG, terminals within their own State. The amendment is drafted to be an amendment to the Rivers and Harbors Act of 1899, which gives the Army Corps authority on section 10 permits. The current law on the siting of LNG plants basically allows the Federal Energy Regulatory Commission to site without the consultation or approval of State or local governments. This amendment is an effort to restore federalism to the process of siting LNG plants.

There are now dozens of proposals to site new LNG plants in the United States. Some are being suggested to be sited near population centers, which raises serious concern about public safety.

Let me point out that LNG plants and the tankers that bring in the natural gas are very much targets of terrorism. Richard Clarke, a former Bush administration counterterrorism official, said LNG plants and tankers are "especially attractive targets" to terrorists. The risks are great. We know LNG plants can spark pool fires, which are high-intensity fires, extremely difficult to extinguish. CRS has reported in the last six decades there have been 13 serious accidents involving LNG plants, including one in the State of Maryland in 1979 that had a fatality associated with it.

Maryland has one of the six LNG plants in our country, and there is a proposal to add another LNG plant in Maryland. AES Sparrows Point LNG and Mid-Atlantic Express intend to site a new LNG plant at Sparrows Point in the Baltimore metropolitan area. This is right in the middle of a population center. It is opposed by the congressional delegation. It is opposed by the Governor. It is opposed by the county executive in the jurisdiction in which the LNG plant is to be sited. It is unacceptable public safety, an economic and environmental risk. Yet there has been no consideration given by the individuals who want to site this plant to the concerns of local government. It is totally up to FERC to make the decision, and that is wrong. State and local governments should have a meaningful opportunity to participate in decisions of siting LNG terminals. That is exactly what this amendment would do.

I see the distinguished chairman of the Environment and Public Works Committee on the Senate floor. I respect her judgment as to the importance of moving forward on this bill. This amendment, because it hasn't been cleared, could add some difficulty to that process. It is within the jurisdiction of the Environment and Public Works Committee on which I serve, and I hope our committee would hold hearings on this issue and consider another vehicle which may be more appropriate than the bill currently before us to deal with the appropriate input of State and local governments on the siting of LNG plants. We have a responsibility to do that. We have a responsibility to our communities. We have a responsibility for public safety. We have a responsibility to make sure it is done right. Allowing FERC to do that without the input of State and local government is wrong.

I hope there will be another opportunity that I will be able to either have a public hearing or an opportunity to discuss this amendment further.

I am pleased several of my colleagues have expressed interest in the amendment. This certainly will not be the last time I will have an opportunity to talk about it.

AMENDMENT NO. 1071 WITHDRAWN

With that, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1089 TO AMENDMENT NO. 1065

Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1089 offered by the Senator from Oklahoma, Mr. COBURN.

Mr. COBURN. Mr. President, the amendment is very simple. There are three visitor centers now within 77 miles of the proposed site of this visitors center. Thousands of people, tens of thousands of people in Louisiana still live in trailers. We are going to add a fourth visitors center, and that duplicates exactly the same thing in the area.

It may be a good idea. I am not against it. But how dare we spend money and authorize a project when we haven't taken care of the folks of Louisiana. All this says is, we set priorities. We make sure the people of Louisiana are out of their temporary housing and into permanent housing before we go about spending millions of dollars on a visitor center. It has been stated that there would be no cost, as the center has already been built.

I ask unanimous consent to print in the RECORD an e-mail I received today from the Corps of Engineers saying this center has not been built and will, in fact, expend a great deal of Federal taxpayer money when it is.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From: Greer, Jennifer A HQ02
Sent: Monday, May 07, 2007 12:05 PM
To: Treat, Brian (Coburn)
Subject: Info

Brian, wanted to check in. I know people are working this, but I am out of town and have a bit of trouble coordinating. Just wanted to let you know we didn't forget. I will send an update on status asap. Jennifer

From: Treat, Brian
To: Greer, Jennifer A HQ02
Sent: Mon May 07 21:41:09 2007
Subject: RE: Info

Thanks Jennifer. Any word on when we'll receive the information?

I will be updating my boss in the morning and just wanted to make sure.

Thanks again for your help.

Brian

From: Greer, Jennifer A
To: Treat, Brian (Coburn)
Sent: Mon May 07 21:51:59 2007
Subject: Re: Info

I think tommorrow. will stay in touch.

From: Treat, Brian
To: Greer, Jennifer A HQ02
Sent: Mon May 0722:44:24 2007
Subject: Re: Info

One other question. In WRDA, the bill is authorizing an upgrade to the Morgan City, LA visitor center. Do you know if the original type B center was ever built or if this is merely changing the 86 authorization? Thanks.

From: Greer, Jennifer A
Sent: Tuesday, May 08, 2007 9:16 AM
To: Treat, Brian (Coburn)
Subject: Re: Info

Brian, the center was never built. Jennifer

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from California.

Mrs. BOXER. Mr. President, I hope we will do what we did on the last amendment, which is to say no to it because, as we learned from the Senators from Louisiana, this particular amendment is directed at the local people who are willing to pay 100 percent for this center. The fact is, Louisiana is never going to get on its feet if it does not revive tourism. Let's face it. It isn't that we can say: Let's just build the flood protection and worry about the visitor centers later. There is a certain amount of linear thinking going on behind this amendment and the one before.

This is the United States. We have to do everything; we can't just do one thing. We have to build the flood protection, and we have to revive Louisiana's economy. This is a rather mean-spirited amendment in the sense that not even a penny of Federal money is involved in the building of this particular center. I urge a "no" vote.

I yield back all time.

The PRESIDING OFFICER. All time has expired.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1089. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. DEMINT), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. MCCAIN), and the Senator from North Carolina (Mrs. DOLE).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) and the Senator from North Carolina (Mrs. DOLE) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 11, nays 79, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—11

Bunning
Burr
Chambliss
Coburn
Craig
Crapo
Ensign
Hutchison
Kyl
Smith
Sununu

NAYS—79

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Dodd
Dorgan
Enzi
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sanders
Schumer
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—10

Brown
Brownback
DeMint
Dole
Domenici
Durbin
Graham
Johnson
McCain
Rockefeller

The amendment (No. 1089) was rejected.

The PRESIDING OFFICER. Under the previous order, there will now be 5 minutes of debate equally divided on amendment No. 1086 offered by the Senator from Wisconsin, Mr. FEINGOLD.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, last week I spoke at length on my prioritization amendment. I urge all my colleagues to support the Feingold-McCain-Coburn-Carper-Gregg-Sununu-DeMint amendment.

This important amendment would help jump-start a process for ensuring that limited taxpayer dollars go to the most worthy water resources projects.

Right now, Congress does not have any information about the relative priority of the nearly $60 billion authorized but unbuilt corps projects. What we do have is individual Members arguing for projects in their States or districts, but no information about which projects are most important to the country's economic development or transportation systems, or our ability to protect citizens and property from natural disasters.

This amendment would create a temporary group of water resources experts to do two things: (1) make recommendations on a process for prioritizing corps projects; and (2) analyze projects authorized in the last 10 years or that are under construction, and put similar types of projects into tiers that reflect their importance. This would be done with clear direction to seek balance between the needs of all States.

This information will be provided to Congress and the public in a nobinding report. That is—Congress and the public get information to help them make decisions involving millions, even billions, of dollars. We need to get ideas on the table, and I think my colleagues will agree that a report with recommendations to Congress is a good, commonsense first step.

The New Orleans Times Picayune certainly does. Just yesterday, the paper editorialized in favor of my amendment and stated:

> Using objective criteria rather than political clout to decide what should be done is a smart, reform-minded step.

This amendment also has the support of a number of taxpayer and conservation groups.

I thank the chairman and ranking member for their efforts to retain key reforms in the underlying bill; however, this is a critical reform component and I urge my colleagues to support this amendment.

I yield the floor.

• Mr. McCAIN. Mr. President, I am pleased to join Senator FEINGOLD, along with Senators COBURN, CARPER, GREGG, SUNUNU, and DEMINT, in offering this important amendment. It is designed to help Congress make informed decisions on which Army Corps projects should be funded based on our national priorities.

In August 2005, our Nation witnessed a devastating natural disaster. When Hurricane Katrina hit the shores of the gulf coast, it brought destruction and tragedy beyond compare; more so than we have seen in decades. Almost 2 years later, the gulf coast is still trying to rebuild and our Nation continues to dedicate significant resources to the reconstruction effort. One of the many lessons we learned from Katrina is that we must ensure that our Army Corps resources are being used in the most productive and efficient manner possible. It is time that this Congress took a hard look at how we are spending our scarce Army Corps dollars and whether or not they are actually reaching our most critical projects.

Our current system for funding Corps projects is not working. Under today's practice, Members of Congress commonly submit requests for pet projects important to their constituency, and those requests are essentially horse-traded by committee and party leaders. Too often a Member's seniority and party position dictates which projects will be funded. Instead of relying on political muscle, we should fund projects based on national priority. But under the current regime, requests are made and filled without having a clear picture of how a project affects the overall infrastructure of our Nation's waterways or where it fits within our national waterway priorities. That shouldn't be acceptable to anyone in this Chamber, and it isn't acceptable to the American public.

Now, many of my colleagues are thinking, "there he goes again, railing against earmarks." But earmarks aren't the full story here. There is a $58 billion backlog of Corp projects today, and the bill before us proposes to add another $15 billion, according to the Office of Management and Budget. Unfortunately, the Corps receives $2 billion annually on average, so there is no way to fund most of these projects. What is more troubling is that there is no way to know which projects warrant these limited resources because the Corps refuses to tell Congress what it views as national priorities. In fact, every time Congress specifically requests a list of the Corps' top priorities, the Corps claims it's unable to provide an answer. This is clearly unacceptable and cannot result in the best interests of public safety.

The sponsors of this amendment are not the only ones who are concerned. Let me quote Representative HOBSON, former chairman of the House Energy and Water Appropriations Committee, from his statement on the floor on May 24, 2006:

> Last fall, we asked the Corps to provide Congress with a "top 10" list of the flood control and navigation infrastructure needs in the country. The Corps was surprisingly unable or not allowed to respond to this simple request, and that tells me the Corps has lost sight of its national mission and has no clear vision for projects it ought to be doing in the future . . . frankly, what is still lacking is a long-term vision of what the Nation's water resources infrastructure should look like in the future. "More of the same" is not a thoughtful answer, nor is it a responsible answer in times of constrained budgets.

In February of this year, the National Academy of Public Administration, NAPA, issued its report, "Prioritizing America's Water Resources Investments, Budget Reform for Civil Works Construction Projects at the U.S. Army Corps of Engineers." The Report included the following findings:

> The present project-by-project approach, with lagging project completions, on-again-off-again construction schedules, and disappointed cost-share sponsors that do not know what they can count on, is not the best path to continued national prosperity.
>
> The prioritization process is not transparent. At several points, within both the executive and legislative branches, the decision process is not sufficiently open or documented so that the public can readily understand the reasons for funding or not funding projects.
>
> Larger questions emerged that bear on the future sustainability of the nation's water resources . . . The answer to these questions should begin with a fundamental reassessment of national water resources needs, goals, and strategies. It should end with a substantially reshaped planning and budgeting process . . .

Our amendment is designed to address these problems and shed light on the funding process. It would allow both Congress and the American people to have a clearer understanding of where our funding should be directed to meet the most pressing water infrastructure needs of the country.

Last year, we proposed a related amendment during debate on the Water Resources Development Act. While that amendment was intended to help Congress make clear and educated decisions on which Army Corps projects should be funded based on our nation's priorities, concerns were raised about specific provisions of the amendment and it eventually was rejected. Therefore, we have revised our amendment to address the concerns we heard on the floor last July.

For example, there was concern that our previous amendment gave too much power to the administration by placing the power of prioritization in the hands of a multi-agency committee. The amendment before us responds to those concerns by establishing an independent commission that would review Corps projects that are currently under construction or have been authorized during the last 10 years. These projects would be evaluated by several commonsense, transparent criteria. They would also be divided and judged within their own project category such as navigation, flood and storm damage reduction, and environmental restoration. Each project category would be broken into broad, roughly equal-sized tiers with the highest tiers including the highest priority projects and on down the line. The commission would prepare an advisory report detailing its findings that would be sent to Congress and be made available to the public. Similar to our prior proposal, the prioritization report required under our amendment is an effort to inform Congress, but it does not dictate spending decisions.

To more fully understand the need for a prioritization system, let's consider funding for Louisiana in the fiscal year 2006 budget. The administration's budget request included 41 line items or projects solely for Louisiana that totaled $268 million. That works out to $6.5 million per project on average. The House Energy and Water Appropriations bill included for Louisiana 39 line items or projects totaling $254 million—again in the neighborhood of $6.5 million per project. The Senate bill included 71 line items or projects to the tune of $375 million—averaging out to $5.3 million per project. So, while even more money was proposed for Louisiana under the Senate version, individual projects would receive less money and, inevitably, this would result in delays in completing larger projects. This all comes down to the real-world consequences of earmarking. Communities actually lose under the earmarking practice.

Can we really afford long, drawn out delays on flood control projects that people's lives depend on simply because too many members are fighting to earmark projects important to them, but without the benefit of how such projects fit into the country's most pressing needs? We lack the information we need to offer us guidance in funding Corps projects. Without such guidance, we will only further the risks to public safety and continue to delay the timely completion of critical projects. Now, some may believe that under our amendment smaller projects will lose out. However, the size of the project has no impact on the prioritization system. In fact, this objective system will help find the hidden gems in the Corps project list and highlight their importance.

It is time that we end this process of blind spending, throwing money at projects that may or may not benefit the larger good. It is time for us to take a post-Katrina look at how we fund our water resources projects. Shouldn't we be doing all that we can to reform the Corps and ensure that most urgent projects are being funded and constructed? Or, are we going to be content with business as usual? As stated in a letter signed by the heads of Tax Payers for Common Sense Action, the National Taxpayers Union, and the Council for Citizens Against Government Waste in support of our amendment:

> Enough is enough . . . we need a systematic method for ensuring the most vital projects move to the front of the line so limited taxpayer funds are spent more prudently.

I commend Senator FEINGOLD for his efforts to build on and improve upon the Corps reforms that we've worked to advance during the reauthorization debate. Corps modernization has been a priority that Senator FEINGOLD and I have shared for years, but never before has there been such an appropriate atmosphere and urgent need to move forward on these overdue reforms.

This important prioritization amendment has been endorsed by many outside groups, including Taxpayers for Common Sense Action, National Taxpayers Union, Citizens Against Government Waste, American Rivers, National Wildlife Federation, Earthjustice, Environmental Defense, Republicans for Environmental Protection, Sierra Club, and Friends of the Earth.

The Corps procedures for planning and approving projects, as well as the Congressional system for funding projects, are broken, but they can be fixed. This amendment is a step toward a more informed public and a more informed Congress. We owe the American public accountability in how their tax dollars are spent. Literally, lives depend on it.

I urge my colleagues to support this amendment.●

Mrs. BOXER. Mr. President, I yield myself 1 minute 20 seconds, and I will yield the rest of the time to Senator INHOFE.

I thank Senator FEINGOLD for being a leader on Corps reform. I don't view this amendment as reform. My colleague says we have to take the politics out of the decisionmaking process. Well, the fact is, his commission is a political commission appointed by the President, appointed by the Speaker, the minority leader, and so on. So he is taking the decisions, in many ways, away from us. Therefore, I call this the "we have met the enemy, and it is we" amendment—taking the power away from us to decide what is important in priorities and adding another layer of bureaucracy in political appointees, who are now going to slow things down.

We do have problems. It has taken 7 years to get to this point with WRDA. There are checks and balances every step of the way. We have very tough criteria in this bill. I know the occupant of the chair knows that because he is on the committee.

Senator INHOFE and I have said the locals have to pay their share. The cost/benefit ratio has to be in place. Everything has to be thought through. The Corps has to make their report. They come to the committees, and they go through authorization and appropriation.

I hope we will vote no on this amendment.

I yield to my friend.

Mr. INHOFE. Mr. President, first of all, I agree with what the Senator just said. We have plowed this field before. The votes were 88 votes against last time. Nothing has changed. I know the intentions of the Senator proposing this are right, but the amendment assumes there is one, and only one, correct rank list of projects, and we need to have somebody else write it down. We already have the Corps of Engineers going through and determining, as Senator BOXER said, what the criteria is and why these things should be considered, and normally it would then come to us. I think that is what we are supposed to be doing; it is why we are elected. So now we would have, if we pass this amendment, one more bureaucracy between the Corps and us. If there is anybody on the conservative side who thinks it inures to anyone's benefit to have one more layer of bureaucracy, then this is your chance to vote for it.

I ask that you oppose this amendment.

I yield back my time.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), the Senator New Mexico (Mr. DOMENICI), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea."

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 69, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—22

Allard
Bingaman
Burr
Carper
Casey
Clinton
Coburn
Collins
Corker
Dodd
Ensign
Feingold
Gregg
Kohl
Landrieu
Lieberman
McCaskill
Nelson (FL)
Sanders
Sununu
Voinovich
Webb

NAYS—69

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Bunning
Byrd
Cantwell
Cardin
Chambliss
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
Dorgan
Enzi
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kyl
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thomas
Thune
Vitter
Warner
Whitehouse
Wyden

NOT VOTING—9

Brown
Brownback
DeMint
Dole
Domenici
Durbin
Johnson
McCain
Rockefeller

The amendment (No. 1086) was rejected.

Mr. INHOFE. Madam President, I ask unanimous consent that there be 20 minutes equally divided between the Senator from Connecticut and the Senator from Nebraska prior to the time of taking up consideration of the Kerry amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Madam President, I would say it would be Senator HAGEL first, followed by Senator DODD.

Mr. INHOFE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

IRAQ

Mr. HAGEL. Madam President, I rise today to address the issue of Iraq. The debate on Iraq over the last few weeks in our country and the Congress has been centered on conditions for America's continued involvement in Iraq. Unfortunately, it has been defined by many in the context of political winners and losers. Either President Bush wins or Congress wins. That is not responsible legislation. That is not a responsible approach to a serious issue such as a war, when today we have crossed over to 3,400 Americans killed in Iraq.

The troops will get their money. They need to get their money. We will find a center of gravity that will accommodate the President and the Congress with the appropriate language or conditions for America's continued involvement in Iraq. The question we need to focus on now is: Where is Iraq headed? The answer will require an honest and clear analysis of the facts, as the facts are on the ground in Iraq today.

I returned 3 weeks ago from my fifth trip to Iraq, and there is not much good news in Iraq. There is no point unraveling the last 4 or 5 years of mistakes and bad decisions or assigning blame. We are where we are. We are where we are, and we must get beyond the immediacy of today and the debate over the conditions of our continued involvement. We need to ask the question: What happens next? What happens in September and October? What comes after, hopefully, a reduction in violence? Where are we going in Iraq? How do we get there? Do we need a new strategy in Iraq, new thinking?

As Secretary of Defense Gates has said, America's continued support is not open-ended, and the American people have registered that fact very clearly. Iraq is caught in a vicious complicated cycle of violence, despair, and no solutions. This cycle must be broken. American military power alone will not be the solution in Iraq. General Petraeus and all of our military leaders have stated this.

Iraq's political system and leaders seem incapable of finding a political accommodation to move Iraq toward a political reconciliation. Our civilian and military leaders all agree there is no military resolution. That is only a temporary holding pattern for the Iraqis to find that new consensus of governance, and only a political resolution in Iraq will sustain that new center of gravity and that new consensus.

Some strategic new thinking must be found in Iraq for our policies, not unlike what Ambassador Carlos Pasqual, Larry Diamond, and many others, have been thinking and writing about and putting forward over the last few weeks. First we must take the American face off of Iraq. Get America out of the middle of the Iraqi political process. We are exacerbating, we are complicating the problem; not because we are not well-intentioned and have not made tremendous sacrifices but because the people of Iraq and the people of the Middle East believe we are still an occupying power after 4 years in Iraq.

We must engage, as the Baker-Hamilton report recommended, Iran and Syria. The Bush administration deserves credit in beginning the engagement; however, it needs to be done in a regional framework, not a series of bilateral talks with unclear or disjointed purposes and objectives. The time has come to consider an international mediator for Iraq—probably under the auspices of the United Nations—to begin a new process for achieving some form of political accommodation in Iraq. The Iraqis are obviously incapable of bringing that consensus, that accommodation together. Only a credible and trusted outside influence can bring this political reconciliation about in Iraq. If it can be done, it will be up to the Iraqis to support it and to sustain it. America cannot do that for them.

There are significant political, cultural, historical, religious, and regional differences between Iraq and other countries that have had UN mediators, such as Afghanistan, Kosovo, East Timor, and Northern Ireland. But they have been tailored to work, and they have worked.

We have to understand we have no options in Iraq today. There is chaos today in Iraq. We must change direction, strategy, and policy. America can continue to support this process and help ensure the success of this mediation, but we can't, and we won't, continue to be the occupying power in Iraq.

America has an important strategic, geopolitical, energy, and economic interest in the Middle East. It would be irresponsible to abandon Iraq and other interests in the region. But if we don't find a new direction soon, and a responsible and workable policy to help the Iraqis find some core stability, bringing some political consensus, America will leave and the Middle East could then erupt into a very dangerous regional conflagration. Reality and clear new strategic thinking being incorporated in a new direction and policy in Iraq is now required. These are the essential dynamics the Congress must now engage in—the Congress, with the President—and we must put aside the partisan dynamics, the partisan difficulties and differences. War should never be held captive to partisanship. It should never be a wedge issue for either political party. This is too serious. It is very serious.

As we enter our fifth year, with the kind of money and casualties we have invested in Iraq, we must ask ourselves: Where do we go next? How do we get there? I think that will depend on some bold new strategic thinking, incorporating a new UN mediator we can support and frame and be a part of, and taking the American face off of the political process in Iraq. These are the issues we must debate and find consensus on.

I would hope as we work our way through the differences on the $100 billion in additional spending for Iraq and Afghanistan that we will move to that next series of significant consequences and seriously find a new strategy and policy for Iraq and America's interests in Iraq and the Middle East.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, before he leaves the floor, let me commend my colleague from Nebraska. He and I have worked on a number of issues over the years. In fact, in my remarks—and I had no knowledge when I prepared these remarks that I would be following my colleague from Nebraska—I quote some of the statements he has made about the situation in Iraq.

I commend him for his candor and his directness. He brings a lot of experience and knowledge to these issues, and is as deeply committed as anyone here to the well-being of our men and women in uniform, regardless of where they serve. He has clearly pointed out what is necessary here, not only the resolution of our military presence in Iraq but, just as importantly, what comes afterward: How do we then move beyond the military question to the political, diplomatic, and economic issues that offer some hope to the Iraqi people and ourselves for reemerging in peace and stability in that part of the world. I commend him for his comments.

I rise today to urge my colleagues to support the Feingold-Reid-Dodd amendment, which will come up at some point on this water bill under arrangements that the leader has provided, along with others. I would have preferred a freestanding proposal by my colleague from Wisconsin, whom I am pleased to join today, but under the circumstances, I recognize this may be the best opportunity we will have to actually debate his amendment, and I urge my colleagues to be supportive of his proposal. I realize it is a proposal that has some critics, but I believe it is the most honest, straightforward answer to the present situation in Iraq, one that is deteriorating by the hour, I would point out.

We need to reverse 4 years of a failed policy by safely redeploying our troops out of harm's way, out of the middle of Iraq's civil war. Despite our best wishes, and our military's best efforts, we are unable to solve Iraq's problems and their civil war. That has become clear. We cannot do that with military force. That was the conclusion of our military leaders 4 years ago, and they have never wavered in that conclusion. There is not a military solution to Iraq's civil war.

After invading over 4 years ago, we still lack a coherent strategy, and our military presence has not improved the security situation in Iraq. The valor, the determination, the courage of our service men and women has been remarkable, and all of us in this Chamber, I believe, share that view. Yet the situation in Iraq grows worse, literally by the hour. This is simply unacceptable.

The President of our country contends now, as he contended for the last 4 years, and I quote him:

> Absolutely we're winning. Things are getting better. We do have a strategy, but it just needs more time.

Those statements are false, unfortunately. We have no strategy in Iraq, in my view, just a surge tactic in search of a strategy. We had a surge in late 2005, and the result was the worst year of violence in Iraq since the war began. We also had two additional surges in Operation Together Forward I and II, and both of those surges failed as well.

My colleague, Senator HAGEL from Nebraska, recently argued, and I quote him here:

> The President's strategy is taking America deeper and deeper into quagmire, with no exit strategy. The strategy to deepen America's military involvement in Iraq will not bring about a resolution in Iraq.

I wholeheartedly agree with that conclusion. As the Baker-Hamilton report rightly concluded, there will be no military victory in Iraq. Iraq's civil war cannot be solved with military force alone. Only Iraqis can solve the quagmire now facing their country. Only Iraqis can chose to reconcile, to reach power-sharing agreements, to govern and police collectively, and to share the country's oil wealth.

But despite our best hopes that is not happening, and our military is unable to make that happen. This is why the surge tactic is fundamentally flawed. We cannot implement a military solution to what is fundamentally a political conflict in that country.

I believe we have a moral obligation to protect Iraqis and to help them reach these compromises, but we are not succeeding in doing that. In fact, for 4 years now we have not succeeded in doing that as well. An objective look at key indicators since our invasion will demonstrate that the situation has steadily deteriorated each year under the Bush administration. Whether you examine the number of civilian deaths, the number of internally displaced refugees, the number of Iraqis who fled their country, now in excess of 2 million, or in the amount of power and water flowing into Iraqi homes, all of these indicators demonstrate the overall situation in Iraq has not improved. In fact, it has deteriorated during the last 4 years. That is why I believe we must begin redeploying our forces out of Iraq within the next 120 days and complete the redeployment within the next year.

That is why I also believe that simultaneous to redeployment, and after the redeployment has been completed, we must conduct targeted counterterrorism activities to protect the Iraqi population from terrorists, to expunge al-Qaida from Iraq, and help ensure Iraq does not become a terrorist safe haven. I note that while I agree with Senator LEVIN that military readiness is currently lacking, I am concerned by the waiver provisions included in the amendment of my colleague from Michigan. It is true that due to the administration's defense policies many U.S. combat forces are not mission ready, are not adequately trained, and have not been given appropriate resting periods between deployments.

I recently visited some soldiers at Walter Reed Hospital who had been injured in Iraq. I asked them how much cooperation they were getting from the Iraqi people and what their observations were.

Without quoting them directly, let me paraphrase their comments. They said while the Iraqi people seem to be pleasant people and many seem to be interested in doing what they could to be helpful, in too many instances they pointed out that the civilian population knew where these IEDs were, these roadside devices. They knew where the "ammo dumps," or the ammunition stockpiles were. Yet they never ever shared this information with our military in the communities where we were trying to provide security.

One soldier pointed out that we would spend a month and a half cleaning out an area with problems, and an hour and a half after they had left, things were right back where they were a month and a half before. Those are their words, not mine.

We know hear that these missions, despite the Herculean efforts of our military, are not getting this job done because of the raging civil war in that country. But providing a waiver to the President under the Levin amendment is tantamount, in my view, to re-authorizing the war. It doesn't hold the administration or the Iraqi Government accountable. It doesn't force a change in mission, and it doesn't begin to redeploy our forces. Instead it allows the administration to stay the course, full speed ahead, to use the words of Vice President RICHARD CHENEY. The Feingold-Reid-Dodd amendment provides the best means, in my view, for changing our mission in Iraq.

As much as I wish we were able to secure Iraq ourselves, that the surge would work, or that our military presence in Iraq would bring about the compromises necessary, I think the evidence is clear it is not happening, and it will not happen. The American people know this, our troops who have served and sacrificed in Iraq know it, and I believe the Iraqi people know it as well. Only when Iraqis themselves decide they will no longer tolerate violence and destruction, only when their leaders come together will this violence be reduced. That is what needs to happen across that plagued country. The United States should help where it can, by training and equipping reliable and accountable Iraqi security forces that will serve the greater Iraqi nation, not their own tribe or their own sect.

According to a recent CBS poll, 70 percent of Shiites and nearly all of the Sunnis think the presence of U.S. forces in Iraq is making security worse. The vast majority of Iraqis, regardless of their sect, believe American troop presence in Iraq is making Iraq less safe.

Madam President, 78 percent of Iraqis oppose the presence of U.S. forces on their soil, and 51 percent of Iraqis support attacks on coalition forces. Slightly more than half of the population we are trying to protect approve of the attacks on U.S. soldiers. That is just not acceptable.

But it is not just the Iraqi public who want American forces out of their nation. The Iraqi Government does as well. A majority of the Iraqi Parliament recently signed a petition for a timetable governing a withdrawal of American forces, and in a recent high-level meeting, Iraq and its neighbors signed what they called the Marmara Declaration, reaffirming this sentiment. They declared in this declaration that "a timetable should be established for the Government of Iraq to take full authority and responsibility, including for security throughout the country."

The declaration went on to say:

> The United States should commit to a comprehensive strategy for responsible withdrawal, consistent with Iraq's security and stability based on milestones and a general time horizon.

It also says:

> Iraq's Armed Forces need to be nationally representative, Iraq's police should be credible to its citizens, and representative to the communities they serve.

The Feingold-Reid-Dodd amendment does just that. It does what the Iraqi people and the American people want, and it does it in a responsible way. This legislation mandates that the redeployment of U.S. forces should begin, as I mentioned, within a 120-day period and be completed within a year. Simultaneous to this redeployment, the legislation calls for continued counterterrorism operations, and the training and equipping of reliable and accountable Iraqi security forces to take over the responsibility of safeguarding the Iraqi population.

It is up to us to change the President's failed course in Iraq and to hold our President and the Iraqi Government accountable. It is up to us to mandate a change in direction, to begin to responsibly bring our troops home, to continue to help the Iraqis battle terrorists, and to train and equip reliable Iraqi security forces ,so Iraqis can police their own country and decide their own future.

We cannot afford another day of escalation, $2 billion a week, $8 billion a month, lives lost, lives completely ruined in many cases. But also what is happening in Iraq itself, with the dislocation of the Iraqi people, the 60,000 who have lost their lives—the situation is not improving. A true change in direction is needed. The price our Nation is paying, the price our men and women in uniform are paying, is too high for a failed policy, a policy that has not succeeded because it cannot succeed.

I urge my colleagues at an appropriate time when Senator FEINGOLD will offer his amendment to support this amendment. None of us can guarantee it is going to produce the desired result of convincing the Iraqi people what they should have been doing all along, instead of proposing a 2-month vacation, but rather sitting down and trying to come up with the political reconciliation for their country.

Our hope is by beginning a clear redeployment and setting a termination date—this must or this may convince the Iraqi people and their leaders that they should come to terms with their own political future. For those reasons I urge the adoption of the Feingold amendment.

I urge, as well, consideration of what Senator HAGEL has suggested: talking about moving beyond the military issue, to utilize the tools available to us, the political, economic, diplomatic tools that are the means by which we should try to achieve reconciliation. But a continuation of our military presence under its present structure is not working. It should come to an end. This is the best effort to achieve that goal.

Again, I urge the adoption of the Feingold amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I think the Senator from Massachusetts has a unanimous consent request. I ask he be recognized for that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I ask unanimous consent that there be 2 hours of debate. I don't think this is correct, the way I have been given it. I think we had a unanimous request that we have 2 hours of debate, initially equally divided, with 10 minutes to begin—the Senator from Oklahoma will speak in response to the Senator from Connecticut on Iraq. That will count against the time for the debate on my amendment. Then after those first 2 hours, we would again equally divide——

Mr. INHOFE. Reserving the right to object, it is my understanding we started out at 45 and 45. We are down now to 2 hours where you are increased from 45 minutes to an hour. That would be equally divided. I probably will yield back some of my time.

Mr. KERRY. Madam President, I may also. But this is an important subject, and I do not want to get squeezed on the time.

I had originally requested 1 hour, initially, and then 15 minutes at the back end, a half hour equally divided. I would like to stay with that.

What we are really talking about is the difference of 15 minutes, which I may or may not use. But I say to my friend from Oklahoma, I think it is not asking too much of the Senate to have that protection of the extra 15 minutes. If we don't use it, we can both——

Mr. INHOFE. Let me ask for clarification. What you are saying is, instead of 2 hours equally divided, it would be 2½ hours equally divided? I have no objection, with the understanding that I can count against my time and talk for up to 10 minutes on the subject of Iraq.

Mr. KERRY. I have no objection to that. I propound that request: 2 hours of debate initially equally divided and a subsequent half hour equally divided, and with the first 10 minutes to be taken by the Senator counted against him to speak on Iraq. Then I add, if I may, that no second-degree amendment be in order prior to the vote and, upon the use or yielding back of time but not before 5:35 p.m. the Senate would then proceed to vote in relation to the amendment; that the amendment by agreement must receive 60 affirmative votes to be agreed to; if it does not it would be withdrawn without further intervening action or debate.

The PRESIDING OFFICER. Is there objection? No objection.

Mr. KERRY. I thank the Chair.

Mr. INHOFE. Madam President, first, I thank the Senator from Massachusetts for working out this unanimous consent agreement. These things are sometimes complicated. I know he has just as strong beliefs about his amendment as I do in opposition. I think this will accommodate it. Let me go ahead, if I might, and take a few minutes.

It would be disrespectful for me to walk in here and ask the last two Senators who were talking what they have been smoking recently. I do not understand how someone can say they came back a few weeks ago from Iraq and then have a report like this. It is just incredible.

I have to say, I know I have been in the Iraqi AOR more than any other Member of the House, any other Member of the Senate, anybody else. I take this very seriously. I am on the Senate Armed Services Committee. I spend time studying this issue, the most critical issue facing Americans today, and that is this war on terrorism. It is one that we are winning and we can win.

I have to tell you, I spent this last weekend with—it was my 14th trip there. I was there. I was walking around, rolling around in the sand in Anbar Province. I was shocked at what I saw. Maybe someone, giving them the benefit of the doubt, if they have been there and it has been a few weeks—maybe this really hasn't worked. But lets keep in mind the surge policy came in in February. So we need to look and see what it is that has happened since February that is working.

I have to say this also: General Petraeus is the guy in charge. Here we are sitting down talking about micromanaging a war with 435 Members of the House and 100 Members of the Senate, when we have a President who is doing the job that the Constitution tells him to do. Yet we are trying to interfere with that process.

Going back to some of the previous trips, I watched as time went by over the last 5 years, each time I go back, a greater level of cooperation that we are finding from the Iraqis. This last time—I think I have to give credit to some of the people who are talking about—the-cut-and-run crowd. The surrender crowd, has got the Iraqi's attention. I see, that they are, in fact, becoming a lot more aggressive in what they are doing right now. But I am going to share with you—this is new stuff, this just happened 2 days ago. This isn't something that might have happened 5 years ago or longer than that.

I remember a couple of weeks ago when General Petraeus came to Congress. He gave a report. It was a classified briefing on the fourth floor and then he had some news conferences. He gave some positive comments. I carry those around with me.

He said:

> Anbar has gone from being assessed as being lost to a situation that is now quite heartening.

He said:

> We have, in Ramadi, reclaimed that city.

He said:

> We are ahead with respect to reduction of sectarian violence and murders in Baghdad by about a third, about 33 percent.

These are the things that were happening at that time. I thought, you know, a lot of the people who really just do not think we need a military to start with and aren't concerned about what is happening to us over there might say General Petraeus was overly optimistic; he was not being conservative; and he is telling us things that flat aren't true. So I thought I would go over and find out.

I went over. I was there this weekend. I spent most of my time, not in Baghdad, not in places where people go, but in Anbar Province. I spent my time in Taqaddum—an area nobody else goes to, to my knowledge, nobody has been to—and Ramadi and Fallujah. That is what we are talking about when we talk about Anbar Province.

The reason that is important is that is where most of the violence has taken place. That is where we have watched, as time went by—where we lost the most lives. We remember so well hearing the stories about our marines in Fallujah going door to door, very similar to what was happening in World War II. And that is a fact, they were.

And that is a fact. They were. But then along came the surge and along came General Petraeus. I have to tell you, General Petraeus was being very conservative when he was here 10 days ago or 2 weeks ago, whatever it was.

I am going to tell you exactly what is happening there now. And these people who are the prophets of doom, I hope they are listening.

First of all, let's just take Ramadi. That is the area which was supposed to be the toughest area. You might remember a year ago al-Qaida controlled that city. They held a parade a year ago, and they declared—after that parade, they said now Ramadi is their capital, the capital of terrorism, the capital of al-Qaida.

Well, that is what happened a year ago. A year ago, we had a total of 2,000 Iraqi security forces. You know the whole idea here is to get Iraqi security forces trained, equipped, and let them take care of their own problems and their own terrorism that is coming in. Keep in mind that these terrorists are not after Americans; they are after Iraqis. They do not want freedom in that country. Back then, at that time, when they bragged, when al-Qaida bragged that Ramadi was their capital, we only had 2,000 Iraqi security forces. That is all. Do you know how many we have now? We have 12,200 trained and equipped Iraqi security forces in Ramadi.

Things are happening there. They had 1,200 people volunteer from Ramadi for the Iraqi security forces, more than they could train and handle—in 1 day, 1 day. Well, they have things that are going on, showing them support for the Iraqi people.

We all know that in our own hometowns, we have this thing called Neighborhood Watch Programs where we are going to try to stop crime. They have one there too; it is called the neighborhood security watch. This is where civilians—not military, not armed—these people put on little orange jackets and go out, and they try to find where IEDs are hidden, where explosive devices are hidden. They have spray paint, orange spray paint, and they will put a circle around where they are. Then our troops will go in there and detonate them, and then everyone is fine. Before that, we were losing American lives by walking into these situations. That is not happening now. This is because of the neighborhoods. These are the Iraqi people.

The troops have reclaimed Ramadi, very clearly. If you just look at Ramadi—one city—since February, overall attacks are down 74 percent. That is since February. That is when the surge was announced. The IED attacks are down 81 percent—not 10 percent, not 15 percent, 81 percent. It is a huge success story.

In Fallujah, you know, I can remember going to Fallujah years ago—Madam President, I ask unanimous consent that if I go over my 10 minutes, I have a few extra minutes and it will be deducted from my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, in Fallujah right now, one Iraqi brigade owns the battlespace. This is the term which we use in the Armed Services Committee, "owns the battlespace." It means they are providing their own security. Now, this was not true a few years ago when I first went there. No one could get anywhere near anything in town. You would not take the risk of going in.

I was there during both of the elections, and I saw the Iraqi security forces go to vote the day before the public would vote. When they did this, they found themselves in a situation that was very dangerous. They voted the day before so they could provide the security for the populous of Fallujah. Well, several of them were killed, as you recall. But I talked to them each night after they went to vote, and they were overjoyed in doing it. They said: The day is coming when we are going to be able to take care of the security in Fallujah.

All right, that was 4 years ago and 3 years ago and 5 years ago on different trips I made there. This weekend, just 2 days ago, we have now officially turned over the security of Fallujah to the Iraqis. They are providing the security.

If you look in the whole province of Anbar, you see another thing that is happening. A lot of people think—we hear a lot from the Prime Minister, Maliki; we hear about the Minister of Defense, Jasim; we heard about Dr. Rubaie—all of these people who were appointed or elected to be the leadership of Iraq. They are not the ones who are really making the decisions as far as the people are concerned. It is a different culture. It is the clerics and the imams in the mosques.

Now, we measure what goes on in the mosques. It is just like we would hear a sermon in the United States in a church—we go there and find out what they are talking about. Prior to February, 80 percent of the mosques had messages that were delivered by the clerics there or the imams there that were anti-American, getting everyone stirred up every Saturday or whenever they get together. In April, it was zero. There wasn't one mosque, of the hundreds of mosques, that had an anti-American message. For that reason, you have all of the populous coming in and saying: We want in on this thing. We are going to actually get something done here. We are tired.

They are the ones who have been the targets for the terrorists. They know that. Certainly the clerics know that. That is why we are getting this surge of cooperation.

In March of 2006, there were only 4,000 what they call Iraqi security forces. Today, there are 27,500 trained and equipped Iraqi security forces. The Sunni tribal coalition is fighting al-Qaida. That is something new. That wasn't happening 3 weeks ago. It certainly was not happening in February.

I did stop in Baghdad. I spent most of the time in Anbar Province. But in Baghdad, I was heartened to see something new—and I did not know how it worked—is being put in place. It is called a joint security station. Now, in Baghdad, there are 27 of them. So the night before last, late at night, I went out there and I saw how they worked. Instead of our troops going out on raids during the day and then coming back to the Green Zone where they will be safe, our troops are now staying out there in those areas in these joint security stations. They are there with the Iraqis. They are sleeping there with them, they are eating with them, and they are developing close relationships. That is the key to this thing. This all came from General Petraeus, that we have relationships in these areas. If you talk to our troops—you don't talk to the guys on the Senate floor here; talk to the troops, find people who are coming back. You ask them what their relationship is now with the Iraqi security forces.

I have to say this also—even though we heard this before, we did verify it is actually more than this—the sectarian murders in Baghdad are down by 30 percent. Now, that is not quite as good as it is in Anbar Province. One of the reasons is Anbar Province is where all of the problems were, and we are concentrating more and the Iraqis are concentrating more there. I went to the marketplace there. I did not have any helicopters over the top. I went through, I took an interpreter, I stopped and talked to people on the street, and they are so appreciative of what we are doing there, and it is no wonder that they are.

I just have to say that these relationships have formed. The term they are using is the "brotherhood of the close fight." I give General Petraeus credit for engineering a lot of these things.

Lastly, I would say—you may not believe me because you know I have a strong feeling about defending America, and you might say I am prejudiced. Yes, I was on the House Armed Services Committee for years and then on the Senate Armed Services Committee for the last 12 years, and so I watch and see what is happening. I recognize we need to rebuild America's military now to be able to meet future challenges like this.

I would only say this: Everything that I have now said, if you don't believe it—and I thought I would never recommend to my conservative friends that they ever watch CNN, but I am going ask them to go ahead and watch CNN this time, and there is someone named Nick Robertson who asked to go along to some of these stations I went to two nights ago, the joint security stations. They are giving a report, and you will be shocked to find out that even CNN, which has been no friend of our President and no friend of our efforts in Iraq, is now coming out with reports that are saying exactly what I am saying right here.

So have your good time. Stand up and take your bows and criticize the President and criticize the effort in Iraq and criticize our soldiers. Let me tell you, they are doing a good job, we are winning there, and this information I share with you is just 1 day old.

With that, I yield the floor.

Let me ask how much time I used off of my amendment time.

The PRESIDING OFFICER. The Senator has used 13½ minutes.

The Senator from Massachusetts is recognized.

AMENDMENT NO. 1094 TO AMENDMENT NO. 1065

Mr. KERRY. Madam President, I thank the Republican manager, the Senator from Oklahoma.

I call up amendment No. 1094.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], Mr. FEINGOLD, Ms. COLLINS, Mr. SANDERS, Mr. CARPER, Mr. REED, Mr. BIDEN, Mr. WHITEHOUSE, and Ms. CANTWELL proposes an amendment numbered 1094 to amendment No. 1065.

Mr. KERRY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the consideration of certain factors relating to global climate change)

At the appropriate place in title II, insert the following:

SEC. 2 . GLOBAL CLIMATE CHANGE.

(a) PLANNING CONSIDERATIONS.—To account for the potential long- and short-term effects of global climate change, the Secretary shall ensure that each feasibility study or general reevaluation report prepared by the Corps of Engineers—

(1) takes into consideration, and accounts for, the impacts of global climate change on flood, storm, and drought risks in the United States;

(2) takes into consideration, and accounts for, potential future impacts of global climate change-related weather events, such as increased hurricane activity, intensity, storm surge, sea level rise, and associated flooding;

(3) uses the best-available climate science in assessing flood and storm risks;

(4) employs, to the maximum extent practicable, nonstructural approaches and design modifications to avoid or prevent impacts to streams, wetlands, and floodplains that provide natural flood and storm buffers, improve water quality, serve as recharge areas for aquifers, reduce floods and erosion, and provide valuable plant, fish, and wildlife habitat;

(5) in projecting the benefits and costs of any water resources project that requires a benefit-cost analysis, quantifies and, to the maximum extent practicable, accounts for—

(A) the costs associated with damage or loss to wetlands, floodplains, and other natural systems (including the habitat, water quality, flood protection, and recreational values associated with the systems); and

(B) the benefits associated with protection of those systems; and

(6) takes into consideration, as applicable, the impacts of global climate change on emergency preparedness projects for ports.

(b) ADDITIONAL CONSIDERATIONS FOR FLOOD DAMAGE REDUCTION PROJECTS.—For purposes of planning and implementing flood damage reduction projects in accordance with this section and section 73 of the Water Resources Development Act of 1974 (33 U.S.C. 701b–11), the term "nonstructural approaches and design modifications" includes measures to manage flooding through—

(1) wetland, stream, and river restoration;

(2) avoiding development or increased development in frequently-flooded areas;

(3) adopting flood-tolerant land uses in frequently-flooded areas; or

(4) acquiring from willing sellers floodplain land for use for—

(A) flood protection uses;

(B) recreational uses;

(C) fish and wildlife uses; or

(D) other public benefits.

Mr. KERRY. Madam President, I ask unanimous consent that this be considered as an amendment to the Boxer substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Madam President, this amendment is a bipartisan amendment introduced with Senator COLLINS, Senator FEINGOLD, Senator CARPER, Senator REED of Rhode Island, Senator BIDEN, Senator WHITEHOUSE, and Senator CANTWELL.

This is an amendment regarding the impact of global climate change and the need for the Congress, as we consider spending money and requiring the Corps of Engineers to undertake certain projects across the country—it just seems logical as a matter of protecting the taxpayers' dollars as well as thinking about the future that we ask the Corps to include in their analysis of these projects judgments about the potential impact or the real impact of global climate change on that particular project.

Now, I am going to speak more about the common sense of doing that, why it is important, but I will just say very quickly, if you look at New Orleans where we had a breach of the levees as a consequence of the hurricanes and the rise of the seas, it is clear that much of the infrastructure of America is designed without reference at all to what is now happening to climates, to water bodies, to the various challenges we face with respect to global climate change. So you need to sort of lay out the parameters within which we ought to be making a judgment about this particular issue. That begins by sort of setting forth the facts. We ought to deal with facts with respect to the situation on global climate change.

This will be the first time Senators in the 110th Congress have been asked to vote on the floor in some way with respect to this issue of climate change. But it is an important opportunity for Senators to stand up and be counted with respect to this issue.

All this amendment seeks to do, as a matter of common sense, is to ask the Army Corps of Engineers to factor climate change into their future plans. By doing that, we are taking a small corrective measure to a process that is currently flawed because it does not do that. Secondly, we are making a statement here in the Senate about the need to finally, once and for all, recognize the reality of what is happening with respect to climate change.

The guiding principle behind this amendment is obvious: It is that climate change is real and it must be factored into our public policy in almost everything we do. If we are going to build buildings, those buildings have to be designed to a whole new set of specifications in terms of carbon emissions, in terms of energy use, because all downstream energy use will have an impact on how much coal and how much oil, alternative fuels, and other resources we need to consume.

The fact is that other countries are moving much more rapidly than we are as a Federal Government. In fact, the States in the United States and cities in the United States are already moving with greater authority and determination than the Federal Government. So this is a chance finally for Senators to put themselves on record.

Now, you can disagree on what—for instance, former Speaker Newt Gingrich and I held a debate a couple of weeks ago in which the former Speaker changed his position and agreed that climate change is taking place and that human beings are having an impact on that climate change. He agreed that we need to act, and urgently. Where we differed is in what actions to take, how those actions might be implemented, but there was no disagreement about the need to factor this into the policies in our country.

As we contemplate these steps we need to take, we really need to understand that everything we do here is to inform our decisions as we go down the road. That is really the message this amendment ought to send, that when it comes to public policy, we understand the warnings of our scientists, the warnings of the Intergovernmental Panel on Climate Change, and we are going to respond effectively at the national level.

The fact is, for too long this has been the subject of paid-for studies by industries that wanted to resist, but we know that in America, many of those industries have changed.

USCAP is a partnership of some of the major corporations in America that have come together responsibly to take action with respect to climate change. Companies such as General Electric and Florida Power & Light, American Electric Power, DuPont, Wal-Mart, many others are now responding to the needs of this issue. It would be stunning indeed if the Senate somehow stood apart from what the private sector and these States and local communities are now engaged in.

Let me summarize quickly some of the findings of the IPCC, the Intergovernmental Panel on Climate Change. The most recent report was written by about 600 scientists. It was reviewed by 600 experts. It was edited by officials from 154 governments. So you have Prime Ministers, Foreign Ministers, Economic Ministers, Trade Ministers, Environment Ministers, Presidents of countries all across the globe, who are engaged in moving forward. Only the United States has remained significantly on the sidelines.

The basic facts are these: At both poles and in nearly all points in between, the temperature of the Earth's surface is heating up. It is heating up at a frightening and potentially catastrophic rate. The temperature we know has already increased about .8 degrees centigrade, 1.4 or so degrees Fahrenheit, and the warnings of the scientists I alluded to are that because of the carbon dioxide already in the atmosphere, about which we have the ability to do nothing, there will be an additional warming as a consequence of the damage that that does. So we are locked in, whether we like it, to a warming of somewhere between 1.4 and 1.6 degrees centigrade. These same scientists have reported to us through some 928 or so peer-reviewed studies. A lot of people are not sure what a peer-reviewed study is. After scientists have done their study and they have put it out to the public, that study is reviewed anonymously by another group of scientists with similar backgrounds and discipline. They then anonymously make an analysis of the methodology of those studies and of the conclusions that were drawn. What is interesting is that all 928 studies have determined that human beings, through our greenhouse gas emissions, are causing some of the increase of this temperature, and they have concluded similarly that there is a tipping point—nobody can predict precisely where it is—at which we get a catastrophic series of consequences which will then be too late to change.

Scientists are inherently conservative people. They are people who make judgments based on facts, as they discern them, through their analysis, research, and experiments. They don't make wild pronouncements that can't be substantiated. Where there is doubt, they have expressed doubt every step of the way. Where something is not conclusive, they have said it is not conclusive.

But now in this most recent report, they have reported to the world that there is a 90-percent likelihood that emissions of heat-trapping gases from human activities have caused "most of the observed increase in global average temperature since the mid 20th century. Evidence that human activities are the major cause of recent climate change is even stronger than in prior assessments."

In addition, they have said that the warming is unequivocal. The report concludes that it is "unequivocal that earth's climate is warming as it is now evident from the observations of increases in global averages of air and ocean temperatures, widespread melting of snows and ice, and rising global mean sea level."

The report also confirms that the current atmospheric concentration of carbon dioxide and methane, two important heat-trapping gases, "exceeds by far the natural range over the last 650,000 years." Since the dawn of the industrial era, concentrations of both gases have increased at a rate that is "very likely to have been unprecedented in more than 10,000 years."

These are some of the facts. I will relate more, if necessary, later. The bottom-line point to be made is, the opponents, those who say that it isn't happening, those who say that somehow we can't be certain that this is a contributing activity, have yet to produce one peer review study—not one—that conclusively shows why what is happening is happening and what is causing it, if it isn't the human activity that has been alluded to by these 154 countries and thousands of scientists. They certainly have an obligation to do that.

Here is what is most alarming. I have been listening to and working with these same scientists since then-Senator Al Gore and I and a few others held the first hearings on global climate change in the Senate in 1987. In 1990, we went to Rio to take part in the Earth summit which George Herbert Walker Bush participated in as then President of the United States and signed a voluntary agreement to deal with the framework for global climate change. In the 17 years since we attended that conference, I have attended other conferences in Buenos Aires, in The Hague, and in Kyoto. I have watched while we have learned more and more with greater certainty about the impact of this science. Throughout that journey of 17 years, I have never heard the scientists as alarmed as they are today. The reason they are alarmed today is that what they have predicted for those 17 years is happening at a faster rate and in a greater quantity than they had predicted.

What is our responsibility as public people? If the scientists, 928 studies strong, are saying to us, Senators, Presidents, Congressmen, here is what is happening, and they say it with conclusive evidence of exactly what is contributing to it, I believe we, as public people, have a responsibility to listen on behalf of the citizens. It is prudent to think about those things that we can do and ought to do in order to respond to this evidence.

Here is what those scientists tell us. Jim Hansen is the leading climatologist of our country at NASA. He started warning about this in 1988. Since 1988, those warnings have become more urgent. He now says we have a 10-year window within which to get this right. If we want to avoid the potential of a tipping point, we have 10 years to act. We also know the scientists have revised their own estimates of what the tolerable range is with respect to global warming. A year and a half, 2 years ago, they were telling us we could tolerate 550 parts per million of greenhouse gases in the atmosphere and that translated to a 3 degrees centigrade warming that could be allowed before you reached this catastrophic potential tipping point. They have changed that now. Those same scientists have now revised their estimate based on the evidence they are getting as a consequence of what is already happening all over the planet. All over the planet you can see the sea drying up. You can see the southern portion of the Sahara Desert getting dryer. You can see ocean currents shifting, species migrating. In South Carolina, they wouldn't have any duck hunting today if they didn't have farmed ducks because the patterns have changed. The same thing in Arkansas, where it has significantly altered. Hunters across the Nation are noticing changes in the migratory patterns of the prey they used to hunt. We are seeing 20 percent of the ice sheet in the Arctic has already melted and predictions are the entire ice sheet will disappear within the next 30 years. The Greenland ice sheet, go up there and visit, see the torrents of water rushing through the ice itself. The danger of that is, this is on rock. This is not floating on sea ice, where the displacement is already recognized in the ocean because it is floating in the ocean. This is ice on rock. As it melts, if it melts rapidly, it does spill into the ocean and it alters the levels.

In addition, the warming of the ocean itself alters the levels. The warming expands the water, and as the water expands, the sea level rises and we are already seeing a measured level of increase of sea level according to all of our scientists. They don't doubt that. That is a stated fact. Sea level is rising.

Are we going to have the Corps of Engineers go out and build a project that has to do with rising sea level and not take into account how much it may rise, over what period of time it may rise? What the consequences might be of a storm that is more intense, coupled with an increase of sea level? It is common sense that we ought to be taking those kinds of things into account.

The scientists now tell us we can tolerate not 550 parts per million but 450 parts per million, and we can tolerate not 3 degrees centigrade increase but a 2 degrees centigrade increase. Why is that important? That is important because we can trace from before the industrial revolution the levels of carbon dioxide and temperatures of the Earth. Preindustrial revolution, the levels of greenhouse gases were at about 270 parts per million. It was about 500 or so billion tons of carbon dioxide in the atmosphere. It is measured by taking ice cores which we drill. You bore into the ice. You can go back tens of thousands of years, bore the ice and measure the levels of carbon dioxide, which also gives you an indicator of the temperature of the Earth. We see a complete parallel between the rise of the Earth's temperature, the rise of carbon dioxide and the industrial revolution itself over those 100 years.

We have now changed the level of greenhouse gases from 270 parts per million to 380 parts per million. That is what we are living with today. So if we are living with 380 parts per million today and over 100 years plus we saw it go from 270 to 380, we only have a cushion of up to 450. If we have already increased the Earth's temperature .8 degrees and it is going to go up automatically another .8 degrees, that is 1.6, we only have a cushion of .4 to .5 degrees before we get to a tipping point.

I can't tell you with 100 percent certainty that is what is going to happen. But the scientists, the best we have in this country, have told us it is a 90-percent likelihood this is happening as a consequence of the things we are doing.

If you went to the airport today and got on an airplane and the pilot got on and said: Folks, we are about to leave and there is a 10-percent chance we are going to get where we are going, are you going to stay on the plane? This is a 90-percent certainty what scientists are telling us.

We went to war in Iraq on a 1-percent doctrine. As Vice President CHENEY said, if there is a 1-percent chance that harm could be done to our Nation, then we have to be willing to go to war and take the steps. Well, here you have a 90-percent chance that harm could be done to our Nation, and we are doing next to nothing at the Federal level. That is the cushion.

So when the scientists say to us we need to have a response, when the CEO of DuPont, the CEO of Wal-Mart, the CEO of 3M, the CEO of General Electric, and a host of other companies across our country are already taking steps because they recognize this has to happen, and we have to respond, we ought to be listening and responding ourselves.

Let me comment that, obviously, in California we already see a State taking action. California passed a landmark bill that establishes a first-in-the-world comprehensive program of regulatory and market mechanisms to achieve a reduction in greenhouse gases.

The mayor of New York is working on a congestion pricing scheme to lower emissions and pollution. Today, as we stand in the Senate, he is hosting a meeting of the mayors of the world's largest cities, from Copenhagen to Calcutta, on how to achieve the same ends.

Recently, my home State of Massachusetts, under the leadership of Governor Deval Patrick, has rejoined the Regional Greenhouse Gas Initiative. Now you have eight States that have come together specifically to try to reduce global warming pollution from powerplants. Across the Nation, 500 mayors from 50 States have signed on to the U.S. Mayors Climate Protection Agreement, which is an initiative to advance the goals of the Kyoto Protocol. Even President Bush finally saw fit to mention in his State of the Union Address "the serious challenge of global climate change."

We know specifically that climate change will challenge the way we manage water resources in the United

States. It threatens our coastal communities and habitats with rising sea levels, more intense storms, storm surges, and flooding, especially along the gulf and Atlantic coasts. In many places, climate change is going to put added pressure on our water resources, increasing competition among agricultural, municipal, industrial, and ecological uses.

That is why this bill is an appropriate place for us to have an amendment that merely asks for the Corps of Engineers—which is federally chartered. and we spend Federal dollars on—to make certain what they choose to do is thoughtful about what the impacts may be that are predictable or ascertainable.

We know, obviously, what it looks like when we do not prepare for emergencies. We had it seared into our memories with the horrifying images of Hurricane Katrina. We saw the anguish of everybody who lived there and people across America.

The fact is, we are especially vulnerable to changes of weather and climate extremes because of severe storms, hurricanes, floods, and droughts. Now we need to begin planning for those emergencies that global climate change is likely to produce.

Over the last 100 years, we have seen an increase in heavy precipitation that has strained the infrastructure we have in place to deal with flooding. All across America, combined sewer overflows wind up putting raw sewage out into our rivers and lakes, which wind up poisoning and polluting those water bodies.

Thirty-nine percent of the rivers in the United States of America are contaminated. Forty-five percent of the lakes in the United States are contaminated. Forty-nine percent of the estuaries in America are contaminated.

In 19 States in our country parents and children are warned: Don't eat the fish because of the levels of toxins, chemicals that are in the water—19 States. In 44 States there are warnings about specific locations where you are not allowed to eat the fish.

So these are the kinds of consequences we see up and down the line. The number of days each year now with more than 2 inches of precipitation has risen by 20 percent. If we know the precipitation levels have risen by 20 percent in the last 100 years, doesn't it make sense, as we conjure up levees or other projects to prevent flooding, to understand what the likelihood is of the size of that flooding, the extent of it, and the intensity, as it grows?

The Southwestern United States is in the midst of a drought that is projected to continue well into the 21st century and may cause the area to transition to a more arid climate.

The Corps of Engineers stands on the front lines of all of these threats to our water resources. They are our first responders in the fight against global warming. Hurricane and flood protection for New Orleans, levees along the Mississippi and Missouri Rivers, levees in Sacramento, CA, and port projects up and down our coasts, east and west—these are just a few of the sites that are in danger. All of these Corps projects and many hundreds more will feel the strain, impact, and consequences of global climate change.

We also recognized, in the wake of Hurricane Katrina, the inadequacy of some of the projects in New Orleans that simply did not stand up. Just the other day, in the New York Times—Madam President, I ask unanimous consent that the article of May 7, entitled "Critic of Corps of Engineers Says Levee Repairs for New Orleans Show Signs of Flaws" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 7, 2007]

CRITIC OF CORPS OF ENGINEERS SAYS LEVEE REPAIRS FOR NEW ORLEANS SHOW SIGNS OF FLAWS

(By John Schwartz)

Some of the most celebrated levee repairs by the Army Corps of Engineers after Hurricane Katrina are already showing signs of serious flaws, a leading critic of the corps says.

The critic, Robert G. Bea, a professor of engineering at the University of California, Berkeley, said he encountered several areas of concern on a tour in March.

The most troubling, Dr. Bea said, was erosion on a levee by the Mississippi River Gulf Outlet, a navigation canal that helped channel water into New Orleans during the storm.

Breaches in that 13-mile levee devastated communities in St. Bernard Parish, just east of New Orleans, and the rapid reconstruction of the barrier was hailed as one of the corps' most significant rebuilding achievements in the months after the storm.

But Dr. Bea, an author of a blistering 2006 report on the levee failures paid for by the National Science Foundation, said erosion furrows, or rills, suggest that "the risks are still high." Heavy storms, he said, may cause "tear-on-the-dotted-line levees."

Dr. Bea examined the hurricane protection system at the request of National Geographic magazine, which is publishing photographs of the levee and an article on his concerns about the levee and other spots on its Web site at ngm.com/levees.

Corps officials argue that Dr. Bea is overstating the risk and say that they will reinspect elements of the levee system he has identified and fix problems they find. The disagreement underscores the difficulty of evaluating risk in hurricane protection here, where even dirt is a contentious issue. And discussing safety in a region still struggling with a 2005 disaster requires delicacy.

Hurricane season begins again next month.

The most revealing of the photographs, taken from a helicopter, looks out from the levee across the navigation canal and a skinny strip of land to the expanses of Lake Borgne. From the grassy crown of the levee, small, wormy patterns of rills carved by rain make their way down the landward side, widening at the base into broad fissures that extend beyond the border of the grass.

Dr. Bea, who was recently appointed to an expert committee for plaintiffs' lawyers in federal suits against the government and private contractors over Hurricane Katrina losses, said that he could not be certain the situation was dangerous without further inspection and that he wanted to avoid what he called "cry wolf syndrome." But, he added, he does not want to ignore "potentially important early warning signs."

He praised the corps for much of the work it had done since the storm, but he added that the levee should be armored with rock or concrete against overtopping, a move the corps has rejected in the short term.

Another expert who has viewed the photographs, J. David Rogers, called the images "troubling." Dr. Rogers, who holds the Karl F. Hasselmann chair in geological engineering at the University of Missouri-Rolla, said it would take more work, including an analysis of the levee soils, to determine whether there was a possibility of catastrophic failure.

But he said his first thought upon viewing the images was, "That won't survive another Katrina." Dr. Rogers worked on the 2006 report on levee failures with Dr. Bea.

John M. Barry, a member of the Southeast Louisiana Flood Protection Authority-East who has also seen the photographs, also expressed worry. "If Bea and Rogers are concerned, then I'm concerned," he said.

Mr. Barry, the author of "Rising Tide: The Great Mississippi Flood of 1927 and How It Changed America," said it was important to seek balance when discussing the levees in the passionately charged environment of New Orleans since the storm.

"I don't want anybody to have any false confidence" in the system, he said. "On the other hand, if things are improving, people need to know that, too. And things have been improving."

After being informed of the safety questions, Senator Mary L. Landrieu, Democrat of Louisiana, prepared a letter to send today to the corps commander, Lt. Gen. Carl A. Strock, asking whether the work by the corps was sufficient to protect the levee system.

At the corps, Richard J. Varuso, the assistant chief of the geotechnical branch of the district's engineering division, said that some erosion could be expected after a levee was constructed. "If it rains, we get some rutting," Mr. Varuso said, adding that as vegetation grows in, the levee "heals itself."

Walter O. Baumy Jr., the chief of the engineering division for the New Orleans district of the corps, said the new levees were made with dense, clay-rich soil that would resist erosion. Although the stretches of the St. Bernard levee that were still standing after the storm are composed of more porous soils dredged from the nearby canal, Mr. Baumy said a reinforcing clay layer on top some 10 feet thick would keep the fissures from reaching the weaker soils.

Still, he said that "we will take a look at this" and that the corps would make repairs where necessary.

Dr. Bea, who wrangled with the corps last year about construction standards on the same levee, countered that recent work in the Netherlands suggested that clay-capped levees with a porous core, which are common, were prone to failure in high water.

Another official who viewed the photographs, Robert A. Turner Jr., the executive director of the Lake Borgne basin levee district, east of New Orleans, said he was concerned, but not necessarily alarmed, about the rills toward the crown of the St. Bernard levee, calling them a common sight on new levees in the area.

Mr. Turner said he was more concerned by the images of larger ruts toward the base of the levee, and said of the corps, "We're just going to keep on them."

Mr. KERRY. There is evidence in some of those levees they are not going to be able to withstand the intensity of the storms we now project. The current guidelines for Corps project planning were written in 1983, long before scientists were focusing on the existence as well as the threat and impacts of climate change. So I believe it is critical for the Corps to begin to account for that.

This amendment directs them to simply take climate change into account when conducting project feasibility studies or general evaluation reports. It ensures that Corps projects, particularly those that provide the first line of defense against climate impacts, are designed with global warming in mind.

This amendment is supported by dozens of groups that represent coastal communities and resources, from the National Wildlife Federation and American Rivers, to the Association of State Floodplain Managers, regional groups that represent coastal interests, including the Coalition to Restore Coastal Louisiana, and the Great Lakes States Coalition. They all strongly support this amendment. They support it because it protects our wetlands. They support it because it advances our policy response on a subject where the politics has often struggled to keep pace with the science.

On a weekly basis, we see mounting evidence and mounting alarm bells going off highlighting our need to act. This is our opportunity to do so for the first time.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, for clarification on the time, it is my understanding that we each started off with 30 minutes, and then we each get 15 minutes after that time has expired, and that I used 13 minutes of my time on my Iraq discussion.

Mr. KERRY. Madam President, it is my understanding we asked for 2½ hours equally divided.

Mr. INHOFE. OK. So it would be an hour and 15 minutes for each side.

Mr. KERRY. An hour and 15 minutes, but we may well wind up yielding much of that back.

Mr. INHOFE. OK. So in this period now, I would have an hour, less 13 minutes.

The PRESIDING OFFICER. Correct. The Senator would have 1 hour minus the approximately 13, 14 minutes the Senator has already used.

Mr. INHOFE. All right. That is fine. I do not think I will use all of this time right now. But in the event I get close to it, if the Chair would let me know when I have 3 minutes left, I would appreciate that.

I don't know where to start. I really don't. I don't have all my stuff I normally would have in talking about this subject right now because I did not know this was going to come up.

Certainly, everyone has a right to bring up amendments. This amendment is totally out of place for this bill. There is no justification for having it.

Let me make one comment about it. If the idea is—and apparently it is—this amendment is going to instruct the Corps of Engineers to come out with a report as to how anthropogenic gases would be affected by each project that is constructed around the country, let me suggest we have a $14 billion bill we are going to be voting on at about 5:30, 6 o'clock tonight. It is one that we desperately need. We have been debating this issue.

But I can assure you, if for some reason the Kerry amendment was adopted, it would kill the bill. There is no question about it. But it is not going to be adopted. It is a good forum to stand out here and talk about how everyone should be hysterical and should be worried.

It is interesting to me that the same people today who are saying the world is coming to an end, we are all going to die, just back in the middle 1970s were saying another ice age is coming and we are all going to die. Which way do you want it?

On this one, he is asserting, I guess, that somehow the climate is changing. Let me suggest, in 2006 the World Meteorological Organization issued statements refuting claims about a consensus that global warming is and will cause more frequent and intense storms, saying no such consensus exists. Even Al Gore has now backed away from claiming that global warming will cause more frequent storms.

I have a chart in the Chamber, a plot of the hurricanes going back to 1851. As you can see, this is constant. This has been going on for a long period of time. Now, if a surge of anthropogenic gases—this CO_2, methane, or whatever it is—were causing a warming period, then you would think right during the period around 1945 we would have a warming period because in the middle 1940s, after the Second World War, we had the greatest increase in greenhouse gases, with an increase of about 85 percent during that time.

But what happened? It did not precipitate a warming period. It precipitated a cooling period so bad that by the middle 1970s everyone thought we were going to die from another ice age coming.

Now, as far as this bill is concerned—I will probably repeat this in a little more detail in the final remarks, but I have to say this: We have $14 billion of projects. These are Corps of Engineers projects that are desperately needed. We have not had a Water Resources Development Act reauthorization bill for 7 years. We finally have the opportunity to have it.

Now, if this amendment should be adopted, it would delay all these projects by at least a year because the Corps would have to go back and restudy all these projects. So I think we should keep that in mind in terms of how it affects the bill we have.

Now, the junior Senator from Massachusetts talked about this great coalition called the U.S. Climate Action Group. Well, I can tell you about this great coalition. I do not know how many there are. There are about maybe seven or eight companies, corporations that have joined this saying: Yes, we want to have some kind of a cap and trade on CO_2. We want to do something, maybe have a tax on them because we are good citizens. We are concerned about the environment.

Well, we had a hearing about that, only to find out every last one of them that we could research would end up making not just millions but in some cases billions of dollars if something like Kyoto would go through. I will be specific. DuPont would make $500 million a year in credits. DuPont, no wonder they are for it. If I were a member of the board of directors of DuPont, I would also do the same thing they are doing.

These are being paid for reductions in greenhouse gases as a result of things they have already done, so they do not have to do anything more. I am saying the $500 million a year—this came from an internal study, so this is not someone making an accusation—is based on $10 a ton. If it goes up to $20 a ton, then it is going to be $1 billion a year. So DuPont is for that. GE and BP, they are doing the solar panels and the wind tunnels. Well, sure, they would make a lot of money.

We can quantify all this. There is not time to go through all of that.

The other assertion that was made by the distinguished junior Senator from Massachusetts was that the sea level is going to come up. There are so many people who have watched the Gore movie, and a lot of the teachers have gotten into this, and it makes teaching real easy. There is one school in Maryland, and a parent came by to see me after we had our confrontation with Senator Gore about 3 weeks ago and said: Do you realize in my child's elementary class, his teacher makes them watch this movie once a month? They said the scary part is—for little kids who do not know any better, they think it is true, when it is not true. They said the scary part is the sea level rise.

This is what the Senator is saying: The sea level rises. I would suggest the IPCC, that is behind all of this—that is where it all started, like a lot of things in this country; it started with the United Nations—they came out in 2007, this year, and they have downgraded the sea level rise from 39 inches to 23 inches. They have cut it in half. They said further, in a report this year, the release of anthropogenic gases by livestock is greater than our entire transportation segment.

So we watch these things. Jim Hansen—I am going to talk a little about the scientists. I hear this thing, and the reason we are seeing so many people now in a panic is they realize the science has been changing on a regular basis for the last 3 years.

In fact, I have to tell you, when I became chairman of the Environment and Public Works Committee in January, 4 years ago, I assumed that manmade gases were causing climate change. That is all you read in the media and all you heard about on radio and TV. I assumed it was right, until they showed us how much this would cost to the average American taxpayer. Then we said: Let's look at the science, only to find out that the science has been reversed.

Scientists always talk about Jim Hansen. I have been on several shows, and there is Jim Hansen. He has been more exposed on this than any other scientist.

I remind you that Jim Hansen was given a grant from the Heinz Foundation of $250,000. I cannot say there is no relationship between that and his opinion. I think there is and I will tell you why. I am going to talk about scientists.

Let's start off in Canada, which was one of the early signers of the Kyoto Treaty. Canada was taking the advice of a famous group called the 60 scientists in Canada. These are the 60 scientists who, at that time, recommended to the then-Prime Minister of Canada that they sign onto and ratify the Kyoto Treaty. Well, since that time, the scientists—that same group of people—have reevaluated the science. I will read some of these things they come up with. The one I know by heart is the most revealing. It says:

> Observational evidence does not support today's computer climate models, so there is little reason to trust model predictions of the future.

Significant scientific advances have been made since the Kyoto Protocol was created, many of which are taking us away from the concern about increasing greenhouse gases. Listen to this. These are the 60 scientists in Canada who were the ones responsible for advising the Prime Minister 15 years ago to sign the Kyoto Treaty. They say:

> If back in the 1990s we knew what we know today about climate, Kyoto most certainly would not exist, because we would have concluded it wasn't necessary.

They are now petitioning Prime Minister Harper to change their position on climate change. We have scientist after scientist. This is a good one. I used this the other day. Of the three strongest supporters of the alarmists—I am talking about the environmental alarmists who want to scare people—representing countries in a formidable fashion, one was Claude Allegre, a French Socialist, a geophysicist, a member of both the French and American Academies of Science. He was one who marched in the aisles with Al Gore 10 or 15 years ago, saying global warming is happening and it is caused by human discharges. Now he is saying that it was wrong. He has completely gone over to the other side. He says that the cause of climate change is unknown. He has accused the proponents of manmade catastrophic global warming of being motivated by money. I will talk about that in a minute.

Let's go from France to Israel. Astrophysicist Nir Shaviv was one of those real believers, an alarmist. He thought the world was coming to an end and that we are going to be warming up and that we have to do something about it. But he now points to growing peer-reviewed evidence that—the Senator from Massachusetts said there is no peer review evidence. Yes, there is. Shaviv refers to it here:

> Peer reviewed evidence shows that the sun has actually been driving the temperature change.

That is a shocker. You don't have to be a scientist to know that the Sun can have something to do with climate change. He has now come to the other side and is a skeptic. That was Nir Shaviv from Israel, who was on the other side. They are all shifting.

David Bellamy from the United Kingdom was another environmental campaigner at one time. He recently converted into a skeptic after reviewing the new science. Keep in mind that he is a Brit. He now calls global warming theories "poppycock."

These are actually, I would say, a few months old. Let me tell you what is happening recently. This is all in the last few days and weeks, and this is why all these people who want to scare people with global warming are in such a panic. They see that the science is slipping away. Think about this fact: Many people think their ticket to the White House is to scare people with global warming. Talk to anybody running for President. Watch it on the debates tonight. If they can scare you good enough, you may vote for them because they say they are going to do something about this.

Here is a brandnew one. Dr. Chris de Freitas of the University of Auckland, New Zealand, said:

> At first, I accepted that increases in human-caused additions of carbon dioxide and methane in the atmosphere would trigger changes in water vapor, et cetera, and lead to dangerous "global warming". But with time, and with the results of research, I have formed the view that although it makes for a good story, it is unlikely that manmade changes are drivers of significant climate variation.

He wrote that in August of 2006. He was one who was on the other side of this issue.

Here is another one. Dr. Jan Veizer, professor emeritus of the University of Ottawa, converted from being a believer to a skeptic after conducting scientific studies of climate history. He said:

> I simply accepted the global warming theory as given.

He said that in April 2007. He said:

> The final conversion [to a skeptic] came when I realized that the solar/cosmic ray connection gave far more consistent picture of climate, over many time scales, than it did the CO_2 scenario.

Here is another recent one. This is a paleo climatologist, Ian D. Clark, professor of the Department of Earth Sciences at the University of Ottawa, who said:

> I used to agree with these dramatic warnings of climate disaster. However, a few years ago, I decided to look more closely at the science and it astonished me. In fact, there is no evidence of humans being the cause. There is, however, overwhelming evidence of natural causes, such as changes in the output of the sun.

Here is another new one, Bruno Wiskel, from the University of Alberta. He once was a believer in manmade global warming. He set out to build a "Kyoto house" in his own yard in honor of the U.N.-sanctioned Kyoto Protocol. That is how much of a believer he was. This was said about him:

> After further examining the science behind Kyoto, Wiskel reversed his scientific views completely and became such a strong skeptic that he wrote a book entitled "The Emperors New Clay Markets," debunking the myth of global warming.

I could go on. I could spend 3 hours talking about scientists who were on the other side of the issue. I don't know where these guys came up with this idea. This is one that gets personal with Senator Gore. Keep in mind the source of this. This is MIT, Massachusetts Institute of Technology, and the Senator from Massachusetts is making these statements. MIT climatologist Richard Lindzen, in June of 2006, said:

> A general characteristic of Mr. Gore's approach is to assiduously ignore the fact that the earth and its climate are dynamic. They are always changing, even without any external forces. To treat all change as something to fear is bad enough. To do so in order to exploit that fear is much worse.

We can go on and on and on. I have found one thing to be probably easier to discuss with people than the science. I think at least people know that the science is not established, and there is no question that the trend now is that those scientists who were alarmists are now skeptics.

While you could debate the idea of how accurate the science is on this thing, there are things that you cannot debate. This is from the Wharton School of Economics. When I was chairman of the committee and I was a believer that this was true, this caused me to start looking into it. This is the Wharton Econometrics Forecasting Associates:

> Implementing Kyoto would reduce the average annual household income nearly $2,700, at a time when the cost of all goods, particularly food and basic necessities, would rise sharply.

That is bad enough, that it would be $2,700. I don't know, in this particular amendment, what it would be. This amendment is clearly aimed at causing us in this country to somehow get into this mode of having either a tax on carbon or a cap on the trade program. Keep in mind, this is old stuff here, which has been around a while. More recently, we have had studies that were done by others.

Here is the MIT study that was released last month. This study analyzed the economic impact of some of the carbon cap on trade proposals. We have looked at this. The study found that the Boxer-Sanders bill, which is the one to be taken up by Senator BOXER and Senator SANDERS, would impose a tax equivalent of $4,560 on every American family of four. The Lieberman-McCain proposal, which is more modest, would cost the same American family more than $3,500 in 2015 and almost $5,000 a year by the year 2050. This is huge.

I can remember, in 1993, the largest tax increase in modern history was proposed and passed by the Clinton-Gore administration. It increased the marginal rates on all Americans by huge amounts. I could describe it, but it was a huge tax increase. It would cost $32 billion a year. Now, while that would cost $32 billion a year, the Kyoto elements that came out of the survey would cost over $300 billion a year. In other words, what I am saying is that the cost of cap on trade systems, or these reductions they are talking about, is far greater than 10 times the largest tax increase of 1993 in modern history. You can argue the science. One thing you cannot argue is the money. It will cost that amount of money.

I am going to go and cover a couple of things that I think are of interest. We will put up the EU chart. When Kyoto was passed, and prior to being ratified by a number of different countries, of the 15 Western European countries, only 13—all signed on, I say to the Chair, and ratified the Kyoto Treaty—all 15 countries of Western Europe. Out of those 15 countries, only 2 actually have met their emission requirements. Everybody can pat themselves on the back and say I am going to pass this thing, but only 2 out of 15 met the requirements. These are the countries, and the United Kingdom and Sweden were the only two out of all those countries that reduced the amount of emissions and tried to reach a target. The rest of them had increases in emissions. There it is right there on the chart.

So let me suggest to you something else that is significant. During the Clinton-Gore administration, when they had the various meetings with people trying to sign onto the Kyoto Treaty, we talked about how much money this was going to cost. Thomas Wigley was the scientist chosen by Al Gore during the Clinton-Gore administration. He was charged with the responsibility. He said if all developed nations—not some but all—signed on to the Kyoto treaty and lived by its emissions requirements ratified by the treaty, how much would it reduce the temperature in 50 years. I finished saying of the 15 western European countries, only 2 have made the targets. It is not going to happen, but if it did happen in never-never land, let's assume all the developed nations, all of us sign on to it and live by the emissions requirements, how much would it reduce the temperature in 50 years? The result at the end of 50 years was seven one-hundredths of 1 degree Celsius. It is not even measurable. So we have had the largest tax increase for 50 years and yet nothing has come from it.

I am going to go over something we did a few weeks ago. A few weeks ago the distinguished chairman of the Environment and Public Works Committee—the committee I used to chair—decided she would have a hearing and have Al Gore come in and give his pitch, talk about his accomplishments, and so forth. I felt it wasn't going to go too well, so all I could do was use the opening statement I had. I had 10 minutes for an opening statement. This is what I did.

I said: I am going to state seven positions and, Mr. Gore, I would like to have you, since you are going to have all the time in the world to respond and I won't have nearly as much time, I want you to refute, if you can, any one or two or seven of these seven. He could not do it and did not do it. So we accept as fact those issues which I stated and he didn't refute. Let me go over them quickly.

No. 1, this is somewhere between a $300 billion and $380 billion tax increase on the American people annually. That is there. No one is going to deny that. That has already been verified. He did not refute that point.

No. 2, if all these things happen, it would be like the chart we saw: It would only reduce the temperature by seven one-hundredths of 1 degree Celsius in a period of 50 years, and everybody understands that is true. He didn't refute that.

No. 3, there is no link between hurricane intensity and global warming. I don't think anybody wants to get into that debate. I can and I will, perhaps—I won't get around to it until the second go round—very carefully and succinctly talk about the fact that scientists are now saying the linkage doesn't exist, and even Senator Gore is not talking about that anymore. That is No. 3.

No. 4, the sea level rise scenario is bogus. That movie a lot of kids are required to watch—kids are impressionable. They don't understand. They don't know it is science fiction. They think this is something that is going to happen, and those kids have nightmares. I have parents tell me—similar to the lady from Maryland whose daughter had to watch that movie once a month—we are all going to drown. It is a horrible thing, but they believe that.

Now we know the sea level rise scenario is bogus, and we have the documentation that says it is. He didn't refute that.

No. 5, it is all about money. You could put this in a lot of different categories. Yes, there are huge amounts of money involved. We already talked about the corporations supposedly joining in this coalition to reduce greenhouse gases because they are good citizens, only to find out they are making millions and, in some cases, billions of dollars by doing it. Every time I say this, I say I don't criticize them because if I were chairman of a board of any of those companies, I would do the same thing.

I already said how much money we are talking about. There are huge amounts of money to be made. Al Gore—and this is a small thing—after his little award the other day, his speaker's fee went up to $200,000 a speech. That is money. Obviously, there are a lot of people who would like to get in on that deal.

There is also George Soros, the Michael Moores, and these various foundations such as the Heinz Foundation that put in thousands and thousands and thousands of dollars, contribute to campaigns, buy off scientists. That group is very busy. That is No. 5. That wasn't refuted.

No. 6, the believers are converting. That is what I started off this presentation with, that the believers who are out there, who were strong believers 12 years ago, are now saying the science isn't there. I have given the documentation, I have given the quotes, I have given their names and titles. They are all distinguished scientists from all over, and they are coming the other way. That is why I say panic is setting in because all of a sudden people realize people are catching on.

Then the last point, No. 7. If you look at the movie—I confess, I have not seen it—the last frame of the movie says—I believe this is going to be accurate because I have it pretty well memorized: Are you ready to change the way you live?

The whole idea of the movie was to get people to start not using toilet paper and all this stuff the elitists in Hollywood want everybody else to do except for them. Then we find out Senator Gore's house in Tennessee emits 20 times the greenhouse gases of the average home in America—20 times. I said: You are asking everyone else are you ready to change the way you live. So I asked him to take a pledge, giving him a full year to comply, saying at the end of a year I will have my house emissions down so it will be the same as average America. This is day 51, by the way, and he hasn't signed that pledge.

I say these not in a light vein, because this isn't light. This is serious stuff. The science is there. The money is there. The taxes are there, the cost to the American people. Fortunately, the American people are catching on.

A lot of people have said: All right, INHOFE, so you got into this thing after you were once a believer in the fact that manmade gases were causing climate change, and you changed when you found out what it was going to cost. If the science isn't there and it is going to cost the American people 10 times the largest tax increase in history, then why would people be for it?

I suggest there are a lot of people outside who are very vocal. One statement is from France, from Jacques Chirac. Jacques Chirac said Kyoto is not about climate change. He says:

> Kyoto represents the first component of an authentic global governance.

That is not INHOFE, that is Jacques Chirac.

Another is Margot Wallstrom. She was the environmental minister for the European Union. Margot Wallstrom said:

> We are not talking about climate change, we are talking about—

Listen to this, Margot Wallstrom—

> Kyoto is about the economy, about leveling the playing field for big business worldwide.

There you have it, Madam President. My wife and I have been married for 48 years. We have 20 kids and grandkids. I am doing this today for them. I don't want them to have to pay huge tax increases the rest of their lives for something where most of the science has already been refuted.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KERRY. I ask the Chair if she will share with me what the time is now at this point.

The PRESIDING OFFICER. The Senator from Massachusetts has 47 minutes remaining, and the Senator from Oklahoma has 31 minutes remaining.

Mr. KERRY. I thank the Chair.

Madam President, let me try to find a place to begin. That is a pretty extraordinary set of statements that has been set forth here. I suppose the first place to begin is by setting the record clear that the amendment has been completely and totally mischaracterized. This amendment does not affect the projects that are in the WRDA bill. The Senator has said this would kill the WRDA bill and every project in the bill would have to go back and be redone. That is specifically not true because this is targeted toward future projects, and it specifically leaves out those projects currently approved and in the process. So it doesn't touch anything in this bill. That is No. 1. That is the first mischaracterization.

Secondly, the Senator from Oklahoma spent a lot of time talking about Kyoto and how Kyoto would be terrible, Kyoto would require people to do this. We are not doing Kyoto. Kyoto is sort of out of the picture, in a sense, for us because we are well beyond the ability to ever meet Kyoto.

More importantly, when he cites the European community not living up to Kyoto, Kyoto doesn't go into effect until next year. They don't have to meet it until next year and they have until 2012 to meet it. To be throwing around comparisons to Kyoto today and saying, well, they haven't met it; of 15, 2 actually made the target—that is pretty good, that 2 have made the target before it even goes into effect.

Moreover, over the years, since 1990 when we began this process in Rio—and I might add, President George Herbert Walker Bush and Republican EPA Administrator Reilly and Republican Chief of Staff and former Gov. JOHN SUNUNU all signed on and agreed we needed to take this seriously and respond. That is not George Soros, that is not some Hollywood crew. That is a Republican President of the United States who signed us on to a voluntary framework over the years. And since then, Europe has reduced their emissions by .8 percent. Guess what. The United States has increased its emissions by 15.8 percent. So Europe is reducing; the United States is not.

The Senator mentioned a certain number of "scientists," et cetera. First, we have done some research on a number of those folks previously. Some don't even qualify as legitimate scientists, No. 1. But No. 2, not one of them has ever produced a legitimate, scientific, peer-reviewed study that has met with scientifically peer-reviewed analysis that signs off on their conclusions. Not one of them, not one, compared to 928 peer-reviewed studies that have been put forward all over the globe by scientists from all kinds of countries.

He says scientists are changing their minds and moving in a different direction. I don't know what scientists the Senator listens to or who he is talking about because the most recent analysis of scientists is several thousand scientists who make up the intergovernmental panel on global climate change.

I know I heard the Senator talk about how this represents some kind of global conspiracy and global government and all of this, but it is something called the United Nations which Republican Presidents have used, conservative Republican Presidents, such as Ronald Reagan, often went to and found the ability to work cooperatively to achieve things. Whether it was President Jerry Ford, President Richard Nixon, or others, they respected the United Nations and have tried to enhance its ability to do some things on an international basis.

These several thousand scientists have put out four reports. Each report has been stronger than the next, and those scientists who are part of that process have not been leaving, departing, changing their minds, recanting, or asking to rescind their opinions. In fact, they have strengthened those opinions.

The most recent statement is pretty clear. It is unequivocal that the Earth's climate is warming. Evidence from observations of increased global air and ocean temperatures—and I quoted earlier the 90-percent likelihood they quote that it is human beings who are causing that.

You can choose to ignore evidence or not. All through history there were people who argued man could never fly, and we did. There were people who argued we couldn't have a vaccine for a disease. There were people who argued putting fluoride in the water was going to kill you. There were people who argued all kinds of things. There were people who argued the Earth is flat. But the fact is there were always bodies of evidence based on real science that found a consensus, and that consensus has never been more powerful than it is today that what is happening is happening. Eleven of the last 12 years rank among the 12 hottest years on record since 1850, when sufficient worldwide temperature measurements began. Quoting from the IPCC:

> Over the last 50 years, cold days, cold nights, and frost have become less frequent, while hot days, hot nights and heat waves have become more frequent.

The Senator said people are saying there is doubt about the increased intensity of storms, so let me quote what 2,000 scientists from over 154 nations, I think is the number, have concluded.

> The intensity of tropical cyclones, hurricanes in the North Atlantic, has increased over the past 30 years, which correlates with the increase in tropical sea surface temperatures. Storms with heavy precipitation have increased in frequency over most land areas. Between 1900 and 2005, long-term trends show significantly increased precipitation in eastern parts of north and South America, northern Europe, and north and Central Asia. Between 1900 and 2000, the Sahell—that is the boundary between the Sahara Desert and some of the fertile regions of Africa to the south—the Mediterranean, Southern Africa and parts of southern Asia have become dryer, adding stress to water resources in those regions. Droughts have become longer and more intense and have affected larger areas since the 1970s, especially in the tropics and subtropics.

The Senator mentioned the scientists had revamped or revised their conclusion about ice melting from 39 inches to 23 inches. What they did was take out of that assessment the ice melting and looked simply at temperature—at the sea level rise that was occurring as a consequence of expansion and the other phenomena we are witnessing, and they found that is between 7 and 23 inches. Maybe people think 7 and 23 inches doesn't make a difference, but if you are in southern Florida, if you are on the islands, if you are in a port city, there are 100 million people who live within 3 feet of sea level. So you are looking at a potential threat of great significance. Those scientists have not walked away from that prediction. If you include the melting of the ice, which our best scientists are now telling us may well happen, it is even worse. It has the potential of 16 to 23 feet.

When a doctor tells you that you have indications you have a cancer, you usually go and try to find treatment. Well, the doctors are telling us something is going on and we ought to be concerned about it, and they are pointing to what it is.

I want to speak about the greenhouse gas concept for a minute, because it allows us to use our minds, the minds God gave us. It allows us to think about consequences. Why do we call it greenhouse gas? Where does the word greenhouse gas come from? It came long before we talked about climate change. The word greenhouse gas has been applied to these gases because they have the impact of creating a greenhouse effect on the earth, and the science is absolutely unequivocal. I defy any scientist to come in here, who is legitimate and bona fide, and tell us there is no greenhouse effect. Scientists agree there is a greenhouse effect.

In fact, life on Earth would not exist without the greenhouse effect. It is this thin layer of gases in our atmosphere that in fact preserves the ability for all of us to live on Earth, and those greenhouse gases contain heat within the Earth that keeps the average temperature of the Earth at 57 degrees Fahrenheit. If you didn't have a greenhouse effect, the Earth would be 60 degrees cooler. The greenhouse effect got its name because it behaves like a greenhouse at a nursery or in a garden, where the light can come in through the glass, and it comes through transparently, the light hits the pots of earth and things that are in there, reflects, and creates its own energy.

That energy then goes back out, reverberates the light, and comes back in a shortwave emission from the sun—and it is transparent—and it goes back in a longwave emission, which is less powerful. It is opaque. The veneer of the atmosphere, the greenhouse gas veneer is opaque to that energy trying to be released, which means it can't break through. It blocks it. A certain amount of that gas is trapped, and that is what creates the greenhouse effect, and it warms over a period of time.

That warming is now absolutely conclusive. It is incontrovertible. As Professor John Holden, who is a professor of government and earth science at Harvard, and also affiliated with Woods Hole Marine, states very clearly, the folks on the other side of this argument have two major obligations, neither of which they have ever met. Obligation No. 1: They have to show the warming that is taking place is caused by other than the greenhouse gases. In other words, they have to show what is causing it if the greenhouse gases aren't. And No. 2, they have to prove the greenhouse gases that are going up and behaving in the way I just described are not what is creating the warming. And they have never, ever, ever, ever met that standard. They have never provided a study that meets either of those tests. They can't show you what is doing it and they can't show you why the gases we create aren't doing it. We do have, however, a group of scientists who are warning us about what we ought to do.

The Senator dismisses very quickly the companies that are involved in this. Well, I have never met a company that goes off to do something and creates a storm about science based on complete fraud with respect to what they are doing. None of them came to the table willingly, may I add. They have come to the table because they understand the science. They have come to the table because they understand companies all over the world are exerting responsibility.

The former Treasury Secretary, Paul O'Neill, was president and CEO of Alcoa, and for some 15 years now he has been taking steps as a CEO with a sense of civic responsibility to try to respond to this science.

The fact is all of these scientists, and I might add the presidents of these other countries, are speaking, obviously, out of concern for their own countries, out of concern for their own constituencies, and for the threats they face in those nations. Prime Minister Blair, who is leaving office shortly, has made this one of his major issues, one of his major crusades, and obviously has done so at some risk. But the fact is he and many other leaders of countries accept the science and understand their responsibility to try to meet it and to do so in a responsible way.

I have spoken to the sea level rise and to the United Nations, but there is one thing I might clarify very quickly. Mr. Hansen did not get a grant from the Heinz Foundation. Mr. Hansen was presented a Heinz award in honor of former Republican Senator John Heinz, who was a great leader on this issue. Senator Heinz knew global climate change was happening, he knew we needed to respond to these things, and Mr. Hansen received an award, with no strings attached, no communication whatsoever, as a recognition of his work. He has received awards from many other organizations and entities over the course of his lifetime, and I would put his credentials and his experience up against any of the other so-called scientists we sometimes hear referred to.

I might also add we have heard a lot about the implementation of Kyoto. I led the floor effort on Kyoto when the so-called Byrd-Hagel amendment was brought to the floor, so I know something about that particular process. The fact is those who have always opposed doing something about global climate change have tried to use that vote and Kyoto itself as an excuse to sow fear in their own party, saying how much it is going to cost Americans and how terrible it is going to be, how it will ruin our economy and take us backwards. These are exactly the same arguments we heard in 1990 when we did the Clean Air Act.

I sat in the room right back here, which is now the majority leader's room. It was then Senator Mitchell's office. We sat with EPA Administrator Reilly, with JOHN SUNUNU, and with others. Republicans and Democrats alike sat at that table and we negotiated out the Clean Air Act. I remember all the "Chicken Little" cries we heard as people came and said, well, you know, if you make us do this, it is going to cost $8 billion to the industry and it is going to destroy the industry, and it will reduce American jobs, and we are going to be noncompetitive. The environmental community came in and said, no, no, no, those guys are wrong, it is not going to cost $8 billion, it is going to cost $4 billion. And it won't take 8 years, we can do it in 4 years. Guess what. It cost about $2 billion and took half the time. They were wrong, too.

All the statements about how it was going to ruin America's economy? We wound up growing our economy by 123, or whatever, percent over those years. More jobs were created and Americans did better. We did it and we breathed cleaner air at the same time.

The fact is, nobody has the ability to predict what is going to happen when you start down this road. Once you begin to kick these technologies into gear, then the entire basis of the judgments you are making begins to change, because the technology moves far more rapidly than anybody can surmise, and some things are going to appear that we don't even know about today.

Let us assume the Senator from Oklahoma is correct and I am wrong, and the scientists are all wrong, and Al Gore is wrong, and everybody who has spoken out on this all through the years is wrong, and that we went down this road in order to deal with some of these issues. What is the worst that could happen?

Given past experience with the Clean Air Act, and given experiences with where the world is moving on this issue, we are going to create a whole bunch of new technologies, create a bunch of new jobs, where we will have cleaner air to breathe, a population that is less impacted by asthma and emphysema and by other airborne particulate diseases, there will be less cancer, and we will wind up more energy independent, with cleaner fuels, and the United States will have greater security. We will lead the world in these technologies, because these other countries are committed to buying them.

If they are wrong, what is the worst? Global catastrophe, according to every prediction. That is the ledger here. You can take your choice. You can be prudent and take the steps we need to take, or you can continue to keep your head in the sand and ignore the work of these thousands of scientists and these leaders around the world and these corporate citizens and others who have come to the table.

All we are asking for here is that our Corps of Engineers makes a judgment. I mean, are we saying they shouldn't make a judgment; that they shouldn't make an analysis? Maybe the judgment they will make is they will agree the science is wrong. But shouldn't they be asked to make that judgment? Shouldn't they be asked to measure what in fact is possible, as a consequence of the evidence on the table? Wouldn't it be helpful to all of us to have them making those kinds of judgments?

I think when we look behind the curtain of the sort of red herrings that get thrown out here, there isn't one that stands up; not one peer-reviewed scientific analysis, not one legitimate, cogent statement to the contrary to explain why what is happening is happening and what the impact is.

Let's say it wasn't just the greenhouse gases, because we are not doing anything in this amendment to deal with greenhouse gases. Let's say it isn't the greenhouse gases but that the Earth is warming. Isn't it smart to have the Corps of Engineers at least make a judgment about what the effect of the warming may be with respect to water, since they are going to be dealing with water resources? This is, after all, the bill that deals with water resources for our country. It would be smart for the Corps of Engineers to be able to make some judgment with respect to that.

The Chair of the committee has come to the floor and has some information with respect to the Corps of Engineers' willingness to do that, so I yield such time as the Chair might use, and I reserve the remainder of the time after that.

Mrs. BOXER. Mr. President, how much time remains for Senator KERRY?

The PRESIDING OFFICER (Mr. WEBB). The Senator has 26 minutes.

Mrs. BOXER. If the President could just tell me when I have used 4 minutes, I will yield the rest of the time back to Senator KERRY.

I think, again, this gives us the sense of some of the debate that has been going on inside the environment committee and across the various committees. I certainly believe these kinds of debates are helpful because we get the charges, if you will, out in the open. People on one side or the other can have this free debate.

I thank the Senator from Massachusetts. When I learned he was going to offer this amendment, I wrote to the Corps and I asked them whether they are considering the impact of global warming already as they do their work. I will ask consent to have printed in the RECORD their answer to me. It is dated May 10. I will just read a little bit of it.

> The Corps planning process has been considering the physical impacts of global climate change for over 20 years, initially through the consideration of sea level rise in project planning. As part of the evolution in our approach to incorporating the impacts of global climate change, we are including more risk and uncertainty analyses in our planning process. We continue to collaborate with Federal agencies to ensure that we are up to date on the current interpretations of climate change scenarios and to refine our processes as more aspects of global climate change are understood. This is imperative because the water resources public works projects being planned and designed today must protect against and be resilient to future extreme events, which could be exacerbated by global climate change.

They are basically saying:

> We believe the [Corps] is a leader in developing an innovative, yet practical, cost-effective approach to addressing climate change impacts in our planning and management of our key water-based infrastructure. We are well positioned to respond to the Nation's needs now and in the future.

I want to have this letter printed in the RECORD because I want to say to my friend from Massachusetts that as a result of his offering this amendment, we were able to get the Corps to focus on everything they have been doing to address climate change. I think the Senator will be pleased to see some of the steps they are already taking. I think his amendment is really consistent with what the Corps has already begun to do.

I thank Senator KERRY. I thank Senator INHOFE for engaging in this debate with him. It is a little more pleasant for me to see the debate between Senator KERRY and Senator INHOFE rather than Senator BOXER and Senator INHOFE. It is a little bit of a rest for me. I thank both of them for their intelligent approach to this debate.

I send this letter to the desk and ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY,
U.S. ARMY CORPS OF ENGINEERS,
Washington, DC, May 10, 2007.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: This is in response to your letter of May 8, 2007, to Lieutenant General Strock requesting information on how the Corps addresses the potential impacts of global warming in our planning process.

There are many avenues through which the U.S. Army Corps of Engineers (USACE) Civil Works program addresses the difficult scientific, technical and operational issues raised by the uncertainty associated with climate change and its potential impacts on planning and management of water resources infrastructure. Attached please find a discussion of some actions we are taking to address climate change in all of our activities.

The Corps planning process has been considering the physical impacts of global climate change for over twenty years, initially through the consideration of sea level rise in project planning. As part of the evolution in our approach to incorporating the impacts of global climate change, we are including more risk and uncertainty analyses in our planning process. We continue to collaborate with Federal agencies to ensure that we are up to date on the current interpretations of climate change scenarios and to refine our processes as more aspects of global climate change are understood. This is imperative because the water resources public works projects being planned and designed today must protect against and be resilient to future extreme events, which could be exacerbated by global climate change.

In conclusion, we believe the USACE is a leader in developing an innovative, yet practical, cost-effective approach to addressing climate change impacts in our planning and management of our key water-based infrastructure. We are well positioned to respond to the Nation's needs now and in the future.

Sincerely,
STEVEN L. STOCKTON, P.E.,
Deputy Director of Civil Works.

Mrs. BOXER. I yield the remainder of the time to Senator KERRY.

Mr. KERRY. Mr. President, I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. INHOFE. Mr. President, since we are having so much fun here, let me go back and respond to the Senator's response. After this, I have a very significant meeting I am going to have to attend. I am going to have to reserve the remainder of my time, go attend that, and come right back here. I have to leave temporarily. Let me go ahead and cover these last 12 things the Senator from Massachusetts has said.

First of all, I think he is right on this—I found out he was right. I had said the cost of this and the effect of this would be to delay projects. I found out, after he said it and I found out it is true, that his bill starts from this point forward. The reason I didn't know that is because his amendment was not filed until last night, and I was on my way back from Iraq last night, so I was not aware of this. It doesn't change my argument, though. The argument is this is another step which has to be taken any time we have to go through any kind of a process.

I am sure, when we have the next Transportation reauthorization bill, he will have an amendment saying we have to know for each project how this could affect climate change. It really doesn't make that much difference.

The second thing, he said Kyoto is not really on the table. I am glad to know that because whether you call it Kyoto or something else is not important. It is still going to have to be some kind of restriction, some kind of carbon tax, some kind of cap-and-trade policy. When you do, it is going to cost money. So, yes, I used the Wharton Econometric Survey to demonstrate clearly that this is a tax increase of $2,700 on each family of four. However, the more recent bills—I grant to the Senator from Massachusetts, we are talking about this. We are talking about the ones that are more recent than this. The more recent ones, done by MIT, the Massachusetts—I stress that—Institute of Technology, show that the Sanders-Boxer bill's cost is about $4,500 for each family of four. McCain-Lieberman would be $3,500. So if you would rather not use Kyoto, that is fine. We will use some of the more recent ones. Nonetheless, it will be something equal to 10 times the largest tax increase in contemporary history.

He said also that there is not one peer-reviewed scientist—or study that substantiates what we are talking about. So let me just read them again here to make sure we understand what this is.

Two weeks ago, the top hurricane scientist in the U.S. Government—indeed, one of the top hurricane scientists in the world—published a peer-reviewed study in the scientific Journal EOS that concluded from the evidence that "hurricanes in the Atlantic have not increased for more than a century." Peer reviewed. There it is.

Another one is a peer-reviewed study published in the April 18, 2007, issue of the science journal Geophysical Research Letters which found:

> If the world continues to warm, vertical wind sheer, which literally tears apart storms, would also rise. These winds would decrease the number and severity of storms we would otherwise have.

In other words, it would actually have a decreasing effect. Again, it is peer reviewed.

We had a third one, too. We have several of those which are peer reviewed. So that statement is not correct.

Let's see, the fourth point is INHOFE said this is some kind of a global conspiracy. No, INHOFE didn't say that; Jacques Chirac said that, and I quoted him. I have quoted him, so there would be no reason to repeat it; it would be redundant, although it might be worth redundancy here. Jacques Chirac said—and he wasn't talking about Kyoto having anything to do with climate change.

> Kyoto represents the first component of an authentic global governance.

That is not Senator JIM INHOFE saying that; that is Jacques Chirac.

I quoted other people—Margot Wallstrom, who is the Environmental Minister from the EU, or was at that time. She said it is about leveling the playing field worldwide. Again, the Senator from Massachusetts is wrong. It wasn't Senator INHOFE; it was Jacques Chirac.

No. 5—I always enjoy this one—they use the consensus that the world—you know, the Flat Earth Society. They have it backward. In fact, this is what we are faced with, the same thing science was faced with back when they thought the world was flat. They thought the Earth was flat, and that was the consensus. All the experts agreed on that at that time. Then we found out with new science that it was not. That is exactly, precisely what is happening in this case.

They all thought at that time that manmade gases were causing climate change. Now they readily admit and say—and I will be glad to read them again. I plan on yielding back a bunch of time because we do want to get to voting before too long. But I read all the scientists who are very strong in their consensus, and these were the scientists who were the strongest pro-global-warming extremists around 10 years ago, but they have changed their minds. It is in the record. I already read it about an hour ago.

Then, No. 6, the statement the Senator from Massachusetts said, the IPCC survey—that is the United Nations—was talking about 2,000 scientists agree to it. It is not 2,000 scientists. What he is quoting from is the summary for policymakers. Every time they have an IPCC meeting—they have had five now, I believe—they start out with a policy summary for policymakers. These are the politicians, not the scientists. They are the ones who believe it. Yet, even though they are strongly on the other side, they have to defend their position. It was the United Nations that started this whole thing. The IPCC was the group that did it.

It is going to be very difficult for them to change their position, so gradually they are coming over to our side.

The next thing the Senator from Massachusetts was criticizing me for was talking about minimizing the sea level rise. I am not. That is the IPCC. That is the United Nations. They said prior to this year's report that it was going to rise 39 inches over the next 100 years—until this year. They came out and they said: We will reduce that. Instead of 39 inches, it will be somewhere between 7 and 23 inches. Every time they come out with a new report, they reduce that sea level rise. Again, it is not INHOFE saying it; it is the IPCC talking about it.

No. 8, the greenhouse gas effect. I agree with this. The greenhouse gas effect gives life. We need to have that. The question is, What are the manmade gases? We call them anthropogenic gases, CO_2, methane, some others. These are primarily what they are talking about. Do these have a result of increasing temperatures? Is it increasing from natural causes or is it increasing from manmade causes?

Keep in mind, we have charts that show throughout the beginning of recorded history it has been like this. You know, people don't understand. God is still up there. We have natural things that are taking place. It gets warmer, gets cooler, gets warmer, gets cooler. Every time it does, I have an interesting presentation where we talk about the hysteria we see in the press, only to find out this was something in the New York Times in 1895, the same thing as they are talking about today.

This happens, natural causes are out there, and, yes, you need to have the greenhouse effect. It gives life. The question is, What do manmade gases—how do they increase it?

Put that Wiggly chart up one more time, the Tom Wiggly chart. This is the scientist who was commissioned by Al Gore during the Clinton-Gore administration. He said that if all developed nations signed the Kyoto treaty and lived by its emission requirements, it would reduce the temperature only by seven one-hundredths of 1 degree in 50 years. It is not even measurable. This is not me talking. Again, these are the scientists. They are scientists I didn't commission. That was done by Al Gore.

I am glad for the correction on Jim Hanson. He said Jim Hanson was not given a grant by the Heinz Foundation. Instead of that, he was just given a check. I recant what I said. He was not given a grant for $250,000; he was given a check for $250,000.

The Senator from Massachusetts talked about the Byrd-Hagel amendment. Let's remember what that amendment was. The amendment said—and this passed by 95 to nothing in this Senate. I was standing here. I voted. I don't know whether the Senator from Massachusetts was here. I assume he was.

Anyway, what it was, after they signed this protocol, they wanted to submit it to the Senate for ratification. That is the process you have to go through. The President and administration can sign it, but it has to be ratified. Thank God it has to be ratified, and all these other treaties do, so we at least read them. So the Byrd-Hagel amendment was passed by 95 to 0—that is unanimous from everyone who was here—that said we will not ratify the Kyoto treaty if either of the two following is true: No. 1, that we are not requiring the developing nations to do the same thing the developed nations do, and No. 2, that it would be economically devastating for our country.

We know what it is going to cost in terms of how it relates to the largest tax increase in history, and we know also that China and the developing nations have no interest. China will become the largest emitter of CO_2 this year, way ahead of schedule. They are going to be the largest emitter, and they are sitting back laughing at us. I think we have only put on line one coal-fired generating plant to give this country the energy to run this country in the last 15 years—let me correct that. In the 15 years between 1990 and 2005, we didn't put on line any new coal-fired generating plants. At the same time we are not doing anything, China is cranking out one every 3 days.

Now, of the people standing on the floor of the Senate, I know Senator DORGAN is concerned about jobs, life in this country and other countries as well when we run out of electricity. Right now we are dependent upon coal for 53 percent of the energy it takes to run this great machine we call America.

Now, if you pull 53 percent out, this is where the corporations make money, those who are competing with coal. They make a fortune. Who pays? The poor pay. There was a very interesting study done not too long ago. It is not just a matter of the tax increase, CBO, 2 weeks ago, came out with a report that said, yes, it is going to cost this amount of money. But the worst part of it is it is going to cost the poor, people on fixed incomes. Those are the people who have to spend a larger percentage of their income on energy, on heating their homes and those things that are a necessity.

So, anyway, the Senator from Massachusetts talked about the Byrd-Hagel amendment. It is still out there. It still has 95 Senators who said: We don't want to ratify any program that is not going to apply equally to Mexico and India and China and other developing nations.

Then, I guess, No. 11, the point he made when he was talking about the economy, saying, oh, this is not true, well. I have a great deal of respect for the junior Senator from Massachusetts, but would you rather believe him or would you rather believe the Wharton Econometric Survey in conjunction with the Massachusetts Institute of Technology?

Look, I know I am not as smart as most of you guys around here. So I go to the areas where they are smart. I know where the scientists are. I would rather quote scientists who do know rather than stand here and tell you how smart I am because I am not. But I know how to read these papers. I do know for a fact the scientists have come over to our side.

I would suggest anyone who wants to really get into this thing. I have got a Web site, which is www.epw.senate.gov. Now, go to that. We have literally thousands, not hundreds but thousands of scientists who are now saying the science is not there. You cannot say there is a consensus.

Lastly, Senator BOXER, we are getting along real fine on this bill. She does not want to kill it; I do not want to kill it. This amendment is not going to pass. So I think the bill will pass.

But they say the Corps of Engineers is already doing this. If the Corps of Engineers is already making this evaluation on projects as to what effect they are going to have, then why do we need this amendment? I would suggest we do not need this amendment.

I reserve the remainder of my time. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 16 minutes 45 seconds. The Senator from Massachusetts has 22 minutes 41 seconds.

Mr. INHOFE. Madam President, I reserve the remainder of my time. I am going to go to an appointment that I have right now and try to return in a few minutes.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me respond, if I can, to the Senator from Oklahoma. I regret that he has to leave.

Almost every single one of the statements he just made does not apply to the question of global warming itself.

Let me give you an example. The Senator just cited two peer-reviewed studies. One of the peer-reviewed studies he talked about talks about hurricanes and the scientists who found that hurricanes have not increased.

We never asserted they have increased. I didn't come here and say they have increased. Maybe some people have talked about the increase in the number of hurricanes, but he has a peer-reviewed study, supposedly, that talks about hurricanes have not increased. He does not have a peer-reviewed study that says global climate change is not happening because of human-induced greenhouse gases. Not one.

The second study he cited as a peer-reviewed study was vertical wind shear, decreasing the effect of wind. Well, I am not here to debate vertical wind shear. Yes, there are certain indicators within the framework of models that cannot predict accurately exactly what is going to happen as a consequence of climate change. We have admitted that for 17 years.

The Senator, obviously, missed the fact that I said—I led the effort on our side on the Kyoto agreement with respect to Byrd-Hagel. I advised my colleagues to vote for it. I voted for it. And we voted for it because there was a simple principle at stake, which is whether we were going to treat this on a global basis, whether we were going to, all of us, join in. If the United States was going to be part of the solution, we could not be a solution by ourselves. We needed to have the less developed countries and others join in.

That has been a fight we have been involved in now for a number of years. But, please, I ask the Senator, do not misinterpret what we were doing in that. We were not suggesting that it was the cost factor or because we did not need to do it. It is because we needed to do it in the most sensible way, and we needed to do it within a global framework. We still need to do that.

Now, each of the statements the Senator just made is flat incorrect—most of them, 90 percent. I will be very specific. He talked about how it was politicians who wrote this, not scientists. Well, in fact, that is not true. This report was created by scientists. And the EPW Committee itself had a briefing in which those scientists, including the cochair, Susan Solomon of NOAA, presented the results.

The first page of the summary for policymakers lists the lead authors, every single one of whom are scientists. So let's get our facts straight. Moreover, the Bush administration made the following statement in support of the IPCC. They said that they continue to support and embrace the work of the IPCC and the science behind their most recent report.

So the Senator is at odds even with an administration that has been reluctant to deal with this issue. Let me also point out that—he pointed out this question of the discrepancy of the 7 and 23 inches in the change in sea level. Incidentally, these little sort of twists of fact are not so little in the summary because they are being used in the conglomerate, one after the other, to try to confuse people and pretend that somehow this issue is not real.

Each one of them gets blown away by the real facts, but they still keep coming back, something I learned a lot about a few years ago, where the facts don't matter. You just repeat something enough even if it is not true. Well, the fact is, with respect to the sea level rise, they try to make a big deal and say: Well, they have reversed the science; the scientists are going backwards. No, they are not. The sea level rise is still predicted to go up between 7 and 23 inches by 2100. That is what the IPCC report still says. The upper limit is lower than the previous report because they took out the contributions from Greenland and the Antarctic ice sheet. The reason they took them out is because the scientists believed, in keeping with their notion of accuracy and of trying to not be alarmists, that there was a lack of a reliable model to accurately estimate the melting rate.

Now, you do not have a reliable model to accurately reflect the melting rate. But, guess what. To your eye, you can go up and see the melting. You can look at a satellite photo of 1979 and a satellite photo today, and your eye will tell you 20 percent of the ice is gone. It is not getting colder, it is getting warmer. The ocean is getting warmer.

So what is the logical conclusion? The logical conclusion is more ice is going to melt. And what happens when more ice melts? What was a reflectent to the rays of the sun—the ice—no longer is there to reflect. The sunlight goes into the water. Guess what it does in the water. It is absorbed, it warms up the water, and then guess what happens. The ice melts faster. You do not need to be a scientist to do this. Any kid in school can figure that out, which is why young people get this.

The Senator should not distort these facts. One after another he lays out something that suggests something that is happening that is not.

Take Jacques Chirac's comment. First of all, he is the only person I know of who ever suggested that Jacques Chirac speaks for America. But having said what he said about Jack Chirac and global governance, global governance is something that Presidents have dealt with in the context of the U.N. without ever considering giving up the sovereignty of the United States.

You can have global governance. Anytime you have a treaty, it is global governance. When you had the World War II treaty on the battleship Missouri, with Japan, that was governance.

When the United States went over and Douglas MacArthur helped to create a constitution and create a democracy, that was global governance. It turned out it was a pretty darn good result as we rebuilt Europe and a lot of other places.

Global governance does not have to be this bugaboo word that is used to scare people that somehow we are giving up the sovereignty of the United States. Every one of these arguments just kind of melts away like the ice itself. I think we ought to have a real debate about what is happening.

Let's go to the economy. That is the big one that they love to pick on and say to Americans: Oh, this is going to cost you so much money if you do this, and it is going to wind up being terrible. Well, that is not what the best economists in the world say. That is not what the best business leaders in the world say.

In fact, they have concluded if you do not do something, it is going to cost a lot of money. You want to pay a lot more money for insurance? You want to pay a lot more money for dams that are bigger, pay a lot more money for hospitalizations, more cancer, for more asthma, for more problems of the particulates in the air? Then you can go ahead and burn dirty coal and not be smart about the future.

The fact is, Sir Nicholas Stearn, who is one of the leading economists in Britain, former head of the Bank of England and one of the people whom Prime Minister Blair tapped to give them an analysis, wrote this in a report last fall:

> The scientific evidence is now overwhelming.

This an economist.

> Climate change is a serious global threat, and it demands an urgent global response. The review has assessed the wide range of evidence on the impacts of climate change and on the economic costs, and has used a number of different techniques to assess cost and risks. From all of those perspectives, the evidence gathered by the review leads to a simple conclusion. The benefits of strong and early action far outweigh the economic costs of not acting. Climate change will affect the basic elements of life for people around the world, access to water, food production, health, and the environment. Hundreds of millions of people could suffer hunger, water shortages, coastal flooding as the world warms. Using the results from formal economic models, the review estimates that if we don't act, the overall costs and risks of climate change will be equivalent to losing at least 5 percent of global GDP each year now and forever.

Losing 5 percent of GDP now and forever, that is the economic prediction of not acting. And they say if a wider risk of impacts is taken into account, the estimates of damage could rise to 20 percent of GDP or more. In contrast, the cost of action, reducing greenhouse gas emissions to avoid the worst impacts of climate change can be limited to around 1 percent of global GDP each year.

That is an economic standard that, in fact, MIT economists have also confirmed, not quite the same figures but very similar. The bottom line is there is a consensus that the cost of not acting is far more expensive to the American people than the cost of acting.

I go back to the experience we had on the Clean Air Act in 1990. I don't remember Senator INHOFE being part of that discussion. But the fact is, in 1990, when we did that act, the same arguments were put forward about not proceeding forward, and every one of those arguments was blown away by the reality of what happened as well as by the judgments of Republicans and Democrats alike that it was important to act.

Back then, incidentally, DuPont, which has already been castigated by the Senator as somehow being in this for the money—DuPont was the principal producer of the chlorofluorocarbons that were part of the Montreal Protocol. DuPont was unwilling to move until they knew that the marketplace was going to be the same for everybody, which is what happened when the protocol went into effect. Once they knew what the marketplace was going to do, then they proceeded forward with an alternative to the CFCs.

So they proved that, No. 1, you can do it, but, No. 2, you have to do it where the marketplace is, in fact, working. That is why people believe—incidentally, this amendment has nothing to do with cap and trade. I happen to support it. We will have that debate down the road. But this amendment has nothing to do with it. This merely suggests if we are going to spend Federal dollars on water projects in America and levees and other kinds of projects, that we ought to know for certain every one of those projects is being judged specifically as to the impact of global climate change.

With respect to the cap and trade issue, the fact is, those companies don't want to proceed ahead until they have the same kind of certainty that the marketplace will give them when there is a uniform standard throughout the marketplace. That is far from a bottom-line, profit-seeking motive.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If neither side yields time, time will be charged equally to both sides.

Mr. KERRY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I am sorry I had to leave at a very contentious time. Notes were given to me of what the distinguished Senator from Massachusetts said, that 90 percent of everything that INHOFE said is wrong. I didn't say anything. I am quoting scientists. I am quoting groups that are making analyses, and three of the quotes I made were from the Massachusetts Institute of Technology. He can say what I said is wrong, but he is saying that the scientists were wrong, and they never asserted that hurricanes have increased. It is a little confusing to me because maybe in the last few days he hasn't asserted that, but look at the movie. It talks about hurricanes. Those statements are made with regularity. In fact, they made the prediction that this past year was going to have more and more severe hurricanes. As it turned out, we had less and less severe hurricanes. I agree the models aren't perfect.

I don't know what he said about the Byrd-Hagel amendment but, again, you can't find any of these studies on any of the plans——

Mr. KERRY. Will the Senator yield?

Mr. INHOFE. No, I will not. You can't find any of the studies that are out there that haven't somehow talked about the fact that it is going to do economic damage. We know it is. No one can possibly say that there is a way to approach this where it is not going to cause the economy to be damaged. So that was in the Byrd-Hagel amendment. The Byrd-Hagel amendment also said we don't want to ratify anything. We are not going to ratify anything. Every Senator said: We are not going to ratify anything that does not require that the developing nations do the same thing that the developed nations do. Obviously, we have not seen one plan that has come along that addresses the cap and trade and greenhouse gas, anthropogenic gas emissions, that doesn't inflict damage that the developing nations are willing to do.

IPCC was not written by politicians. I never said the report was. I said the summary for policymakers was written by politicians.

Sea level rise is not going backward. All I can say is, if you are going to hang all your hopes on the IPCC, look at the report. This was this year, 2007. I have said this several times. I don't know why I have to keep repeating it. Yes, it has been cut in half, their estimate as to how much sea level rise was going to take place. This isn't the first time that has happened. This happens almost every time they have it in one of the reports. So the sea level rise, no sense repeating that.

INHOFE shouldn't distort. He is the only one I know of who says Chirac speaks for America. Chirac speaks for America—ye gods. Since he accused me of saying that this is some kind of a global conspiracy, I was quoting the person who said that, who I am sure is a much better friend of the Senator from Massachusetts than he is of mine, and that was Jacques Chirac. Jacques Chirac said:

> Kyoto represents the first component of an authentic global governance.

That is not me. That is Jack Chirac. It answers the question why are these countries over in Europe so interested that we do something in this country that is going to hurt our economy. The answer came from Margot Wallstrom, Minister of the Environment for the European Union. She said:

> Kyoto is about the economy, about leveling the playing field for big business worldwide.

Yes, there are other countries that would love to have America be overtaxed and have all these economic problems that we don't have right now. It could inure to their benefit; there is no question about that. No one would deny that.

Best economists don't say controlling carbon will be costly. How many economists and how many scientists do I have to quote? I could use the rest of my time and not repeat one of the scientists, read another whole list, but I have done it so many times. Here are some I haven't talked about. This is the cost.

Going back, if you want to catch 60 at one time, let's take the 60 scientists in Canada, the ones I said earlier were the ones who recommended to the Prime Minister, 15 years ago, that they sign onto, ratify the Kyoto treaty. Now they say:

> If back in the mid-1990s we knew what we know today about climate, Kyoto would almost certainly not exist because we would have to conclude that it was not necessary.

That is 60 scientists there. You can try to discredit all 60 of them at one time and maybe you can do it. I don't know. But there are others. You can't look at these guys with the qualifications they have. Read what they have said. The fact that they have reversed their positions and say the scientists are not, there is some consensus because there is no consensus.

Senator KERRY quoted the Stern report, which has been discredited by even the economists who are climate change believers. I guess he was saying that I said there is a group of industries and we had a hearing on this. I wish the Senator from Massachusetts had attended the hearing. Yes, it is true there are several large corporations in America that are now embracing any kind of reduction, cap and trade or a tax or anything else because it inures to their benefit. I was specific as to how many millions and how many billions of dollars each one of these corporations would have. How dare me say that.

Again, if I were on the board of directors of any of these, I would say: Let's do the same thing. The whole idea is to make money. The problem is, it is as if no one is paying for all this fun we are having. Yes, it would have to be more money. But if we did that, somebody has to pay for it. Again, even the CBO says that all this money it is going to cost, the tax increase on the American people, whichever of these schemes we decide on, is going to be disproportionately on the poor and those who are on fixed incomes.

By the way, one of the statements on here was that no one has said we were going to have a worse hurricane season. I will quote one person I think the junior Senator from Massachusetts would know. It is Teresa Heinz-Kerry. Teresa Heinz-Kerry, the chair of the Heinz Foundation, has helped financially bankroll the Environment2004 campaign coalition, which is placing billboards throughout Florida claiming "President Bush's environmental policies could result in stronger and more frequent hurricanes." That is a quote.

I don't know how much time we have left. We are now repeating each other. Nothing new has come out. I will have maybe a short final statement. I am willing to yield back the balance of my time.

I ask unanimous consent at this point, while we are both resting, that Senator WARNER be recognized for up to 4 minutes to make a statement as in morning business and that those 4 minutes be equally charged to both sides.

Mr. KERRY. Reserving the right to object, I respect the Senator. I would like to give him the time to speak but outside of my time. I would be happy to yield at this point in the day if he wants to speak as in morning business but not to be charged against our time. If he wants to take it off the Senator's time, he can.

Mr. INHOFE. All right. I ask unanimous consent that the Senator from Virginia be recognized for up to 4 minutes to speak as in morning business and his 4 minutes not be charged against either Senator KERRY or myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Virginia.

REVEREND JERRY FALWELL

Mr. WARNER. Mr. President, I rise to say a few brief words about the Reverend Jerry Falwell, who passed away earlier today at the age of 73.

I have personally known Reverend Falwell since I first ran for election to the U.S. Senate in 1978. And, since that time, I have come to befriend a man who in many ways became a pillar of strength and inspiration not only to his community of Lynchburg, VA, where he was born but indeed to people around the world.

Throughout the 28-plus years that I have had the good fortune of representing the citizens of the Commonwealth of Virginia in the U.S. Senate, Reverend Falwell was always a constituent of mine, and he would often offer his counsel to me about pressing matters of the day. He would always do so in a polite, yet firm manner.

While I might not have always agreed with him, I have always admired Reverend Falwell, particularly for his unwavering commitment to what he thought was right. Jerry Falwell never ran from controversy, and he always stuck to his beliefs.

Indeed, I believe it was the firmness of his convictions that, in part, allowed Jerry Falwell to achieve so much success in whatever he undertook in life. He was an intensely driven man.

At the age of 22 he started a Baptist church in Lynchburg, VA, with 35 members. Reportedly, on the first Sunday his congregation met in 1956, the first offering totaled $135. Today, that same church has upwards of 24,000 members and annual revenues of all of his ministries total over $200 million.

In 1971, Jerry Falwell founded Liberty University—a liberal arts, Christian institution of higher education. Today, Liberty University employs more than 1,000 Virginians and educates more than 20,000 students a year either on its campus or through distance learning programs.

In my view, the thousands and thousands of students who Liberty has educated these many years will undoubtedly be one part of Reverend Falwell's strong legacy that will last for generations.

My thoughts and prayers today go out to the Falwell family, including his beloved wife of nearly 50 years, and his three children.

While I am up, I wonder if I could indicate to the managers that I intend to file an amendment tonight along the lines established by the distinguished majority leader regarding amendments to be considered on this bill which relate to the appropriations bill now being formulated to provide for the funds for the troops. I think it is the wisdom of the two leaders jointly that on this bill those Senators who wish to have language attached to any appropriations bill would make known their desires through adding an amendment on this bill. Cloture will be filed on such amendments for tomorrow. If my amendment is selected by the Republican leader, then I understand it would be subject to a cloture vote tomorrow. But it would at least give me and my principal cosponsor, Senator COLLINS, the opportunity to express our two views and others who have been associated with us to likewise join in expressing their views. I will do that following the vote tonight.

I yield the floor and thank the managers.

Mr. FEINGOLD. Mr. President, I rise today to encourage my colleagues to support Senator KERRY's amendment to the Water Resources Development Act. This amendment is quite simple, and if enacted, would contribute to the modernization of the Army Corps of Engineers, something I have been fighting for for many years.

The Kerry-Feingold amendment would require the Corps to account for the potential long and short term effects of global climate change when planning projects. This commonsense amendment is vital for safeguarding communities and the environment since virtually every water resource project designed and built by the Corps sits on the front lines of global warming.

All Corps projects are going to feel the strain, the impact, and the consequences of global warming. This is true whether we are talking about ensuring that flood damage reduction projects will in fact provide communities with the promised levels of protection; ensuring that port projects take climate change into account for emergency preparedness purposes; or ensuring that ecosystem restoration projects are properly designed.

Along with many of my colleagues, I believe it is essential to take bold steps to address global climate change. Senators SANDERS and BOXER are leading the most comprehensive, scientifically based global warming pollutant bill to address the emission of carbon dioxide. I am proud to cosponsor that bill.

The Kerry-Feingold amendment does not address the emissions of global warming, but rather simply makes sure that future water resources projects take into account the effects of global warming. There are a lot of necessary policy changes needed to respond to global warming and we need to move forward on all fronts. This proposed amendment should gain broad bipartisan support, even from those who remain unsure of the best approach for curbing greenhouse gas emissions and even from those who remain skeptical about the causes of global climate change.

Our amendment ensures that Corps of Engineers projects will take into account the impacts of climate change, regardless of its cause. It also ensures that the Corps will take more aggressive steps to protect natural systems that can help buffer the impacts of climate change and that provide a host of other vital benefits.

Scientists clearly agree that the climate is changing. They also agree that, as a result of that change, we can expect an increase in extreme weather events. A recent report of the Intergovernmental Panel on Climate Change expresses this consensus. Climate scientists agree that global warming will cause stronger storms, more frequent floods, increased sea level, and extended droughts. This report concludes, among other things, that: Climate change will lead to more intense storms and increasing sea levels, particularly along the gulf and Atlantic coasts, which will pose significant risks to coastal communities from storm surges and flooding; climate change will lead to more flooding in the winter and early spring due to earlier snowmelt and increased rainfall, followed by more water shortages during the summer, particularly in the Western States; and climate change will lead to lower water levels in major river systems and the Great Lakes that will exacerbate existing water resources challenges.

The Scientific Expert Group on Climate Change to the United Nations also recently concluded that human health "will be threatened" by the global climate change-induced increases in the intensity and frequency of storms, floods, droughts, and heat-related mortality. These changes will clearly complicate water resource planning for the foreseeable future.

But we also know that there are ways to buffer the effects of these changes. Healthy rivers, streams, floodplains, and wetlands reduce the impacts of flooding by acting as natural sponges and basins, absorbing flood waters, and releasing them slowly over time. Coastal wetlands provide vital barriers between storm surges and communities. When these wetlands are lost, coastal communities are far more vulnerable to disaster, as we saw so tragically during Hurricane Katrina. Healthy streams and wetlands also help minimize the impacts of drought by recharging groundwater supplies and filtering pollutants from drinking water. And all of these resources provide critical habitat for fish and wildlife, and important recreational opportunities.

Even without global climate change, it is imperative that we take a more aggressive approach to accounting for and protecting these resources that are so essential for the Nation's health, safety, economic prosperity, and well-being.

We do not have to peer into a crystal ball to see the dangers of allowing the Corps to continue to plan projects without accounting for the changes that will be wrought by climate change. The Nation bore witness to those dangers when Hurricane Katrina slammed into the gulf coast. The devastation of New Orleans is a horrific example of the tragic consequences of an intense storm hitting a region where Corps projects have destroyed vital natural wetland buffers and have not properly accounted for the risk of severe storms.

Our amendment requires the Corps to immediately begin to address these types of issues.

Our amendment would require the Corps to utilize the best available climate science in assessing flood and storm risks. This seems like plain common sense to me, but as we have sadly witnessed again and again, common sense does not always guide the Corps and its decisionmaking processes.

Our amendment would require the Corps to more fully account for the value of the services provided by healthy rivers, streams, wetlands, and floodplains.

Of special importance to me, our amendment also builds on existing law and policy to require the Corps to use nonstructural approaches, where appropriate, in project planning. This is critical for ensuring the best possible protection for those natural systems that are so important for our current and future health, safety, and welfare. While the Corps is currently required to consider nonstructural approaches, it rarely recommends them. This is true even when nonstructural approaches would provide the same or better project benefits while avoiding damages to these vital resources.

This provision would not—let me say this again, it would not—prevent the

Corps from using structural approaches like levees and floodwalls where they are needed. But it would require the Corps to be more aggressive in its efforts to utilize natural systems that on their own provide vital flood protection and water quality benefits. And it would also help the Corps overcome what the Department of the Army inspector general concluded was an "institutional bias" for constructing costly, large scale structural projects.

We can no longer rely on the status quo to protect our future. We can no longer rely solely on the Corps' traditional approaches to water projects. These approaches have too often severed critical connections between rivers and their wetlands and floodplains, and produced unanticipated wetland and floodplain losses. These approaches have left coastal communities, like New Orleans, far more vulnerable. These approaches have exacerbated flood damages by inducing development in high risk, flood prone areas and by increasing downstream flooding.

This amendment will change the status quo by removing blinders that have plagued water resources planning for too long. I urge my colleagues to support our amendment and the commonsense changes it would bring about.

The PRESIDING OFFICER (Mr. MENENDEZ). Who yields time?

The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the time allocation at this point? How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts controls 9 minutes 9 seconds. The Senator from Oklahoma controls 5 minutes 58 seconds.

Mr. KERRY. Well, Mr. President, I will try to speed up and use such time as I may use quickly.

Again, let me respond very quickly to some of the assertions that have been made. I want to try to get back to the bigger picture, but I will be very specific about a couple things.

First of all, I never have suggested, nor have I heard anybody who has argued in favor of actions suggesting, there would be no cost, which is the term the Senator from Oklahoma used. We are not talking about no cost. We are talking about relative costs. It is clear from all the best analyses of every economic model that the costs of not acting are much greater than the costs of acting.

That has become true, we have seen, in what has happened with respect to damages, migrations of species, other things that are already occurring and being observed as a result of the warming that is taking place.

In addition to that, I still say to my colleague from Oklahoma, despite the scientists he quotes, he still cannot produce one peer-reviewed study that says global climate change is not happening as a consequence of human activity. He cannot produce one peer-reviewed report that does not say it is happening, period—not one.

So he can come in with a report that says some little thing here, some little thing there, but that does not go to the fundamental question of who is causing what.

As I said earlier in this debate, they have a fundamental responsibility, if they are going to stand up and say to Americans we do not need to do anything; and that responsibility is to answer what is causing the warming if it is not the human-induced activity; and, secondly, how can the human activity that is being created not be doing what the scientists allege it is doing. On both counts, they have never, ever had a sufficient scientific explanation.

Moreover, again, I would point out—I did earlier; the Senator was not here—as to the so-called SPM, as it is called, the policymaker's summary, there is a list on the first page of that summary, and all the people who wrote it are scientists. They are the ones who put that report together.

So there is a point where you can sort of be debating all the red herrings here, which is not what is important. What is important in the end is that the consensus, globally, of leaders, of scientists, is clear about what is happening and why it is happening, No. 1. No. 2, what we are trying to do is not even respond to that, even though I believe we ought to be; we are simply trying to guarantee there is an adequate level of congressionally mandated—not voluntary but congressionally mandated—review with respect to this in the activities of the Corps of Engineers.

The fact is that climate change, obviously, relates to risk-based analysis. There are many climate change events that are taking place, all of which could affect the reliability of Corps projects. In this bill there is a program for ecosystem restoration in the Louisiana coastal area. Key is going to be ultimately developing a strategy for restoration that understands what happens with respect to coastal erosion and sea level rise. The Mississippi River Gulf Outlet in Louisiana, right along the coast, is dependent on storm surge information, hurricane prediction, sea level rise. Virtually every single beach replenishment project—what good is it going to do to replenish beaches in certain ways if the sea level is going to be rising and the intensity of those storms may increase?

With respect to that, I would say to my friend from Oklahoma, the prediction was there would be more named storms, more hurricanes, and indeed there were more named storms. The level of predictions of storms was met, they just did not hit the United States. We lucked out. But the total numbers, in fact, were high.

So you can play with these possibilities. You can ignore science, if you choose to. But I think responsible legislation at this point, given the scientists and the level of information we have, requires us to act, and this is one very small way to act responsibly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Well, here we go again. This is exactly the same thing. If I responded to everything he said then, I have already done it before. I have read and I have talked about this. I have more scientists, if anyone wants to hear from more scientists. Also, as far as peer-reviewed studies, I have documented it, I have said where they are. So I can just say that so many times.

But here is what I would suggest: What we are talking about is an amendment to this bill, an amendment to the bill which addresses the Corps of Engineers and asks them to report to us on every project, from this point forward, certain types of things, and it describes what they are.

We had a hearing the other day, I say to my good friend from Massachusetts. It was May 11, 2007. That was, what, last week. We have had John Paul Woodley, who is the Assistant Secretary of the Army for Civil Works.

This is a quote from his testimony. He said:

> The United States Army Corps of Engineers has the capacity and necessary authorities to comprehensively examine the uncertainties, threats and vulnerabilities on water infrastructure and to implement the necessary adjustments as part of a proactive adaptive management program.

They can do it now. They can do it. This is the head of the Corps of Engineers. So they do not need this amendment.

Now, I wish to say this. We were supposed to have this vote at 5:30. It is now 10 after 6. I am prepared not to say anything else and to yield back the remainder of my time, if the Senator from Massachusetts will do the same thing.

Mr. KERRY. Mr. President, I would like to ask the Senator a question, if I may.

Mr. INHOFE. On your time, go ahead.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. On my time.

The Senator said he had a whole lot of peer-reviewed studies. I would ask the Senator a simple question: Does he have one peer-reviewed study that says conclusively global climate change is not happening as a consequence of human activity, and, No. 2, that it is not happening. Does he have a peer-reviewed study that says that?

Mr. INHOFE. Let me respond to that question. Of course I do not have that.

Mr. KERRY. That is what I said.

Mr. INHOFE. But I do have peer-reviewed studies that say specifically the amount of change that is attributable to human activity is so small it is not measurable, like .07 of 1 degree in 50 years. Now, that is significant. I have several peer-reviewed studies. I would be glad to respond to your question by reading those.

I have a peer-reviewed study published in the April 18, 2007, issue of the science journal Geophysical Research Letters, which found that if the world continues to warm, vertical wind shear—which literally tears apart storms—will also rise. These winds will decrease the number and severity of storms we would otherwise have.

Mr. KERRY. Mr. President, may I interrupt my friend from Oklahoma and reclaim my time.

Mr. INHOFE. We have approximately 20 peer-reviewed studies.

The PRESIDING OFFICER. The Senator from Massachusetts controls the time at this point.

Mr. KERRY. Mr. President, again, the Senator is making my point. I conceded there are studies that will assert there is some change of a variation of what may or may not be happening but none that suggests it is not happening as a result of our activity or that it is not happening.

The Senator talks about this .07-of-a-degree change. What he says is a reduction. But what we are looking at is an automatic increase in rate of increase that is going to occur no matter what. So somebody can doubt whether you are going to have a reduction. That is not the point. The point is, there is going to be a level of increase that goes up to a percentage which varies from about 2 degrees centigrade to 3 degrees centigrade, up to 7.7 degrees Fahrenheit. And .07 of a degree from that is not going to make a difference with respect to the fundamental issue of the Earth warming.

So again, let's debate apples and apples, not something else. I think that is important in this debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, at this time, if the Senator wants, we can yield back our time.

Mr. President, I yield back the remainder of my time.

Mr. KERRY. Mr. President, I yield my time, except for 1 minute for the chairman of the committee.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to talk about something else for a moment to let Senators know where we are. We have been working staff to staff. We are so close to completing this WRDA bill. Once we vote on this 60-vote issue, we are down to a few amendments. There is a managers' package that has been signed off on by the leaders of the committee. We would like to get that done.

What we want to say to colleagues on both sides is, if you want to participate in this bill, tonight would be the night to do it because we are wrapping this thing up tomorrow. Our hope is we can complete it. We have this managers' package. If you have something you need to say about this bill, if you have a last-minute amendment you want to show us, this would be the time, this would be the moment.

I would be happy to yield some time to my colleague if he wishes to make some comments.

Mr. INHOFE. No. Mr. President, I thank the chairman of the committee and the manager of this bill. Let me say I agree with everything the Senator said. I thought we were going to finish it tonight, but if it is tomorrow, it is tomorrow. It is too significant not to finish it.

I appreciate the Senator from Massachusetts joining me in yielding back the remainder of our time. We are going to be ready to take a vote here shortly.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1094.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 42, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—51

Akaka
Bayh
Biden
Bingaman
Boxer
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Gregg
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Sununu
Tester
Warner
Whitehouse
Wyden

NAYS—42

Alexander
Allard
Baucus
Bennett
Bond
Bunning
Burr
Byrd
Chambliss
Coburn
Cochran
Conrad
Corker
Cornyn
Craig
Crapo
Ensign
Enzi
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Salazar
Sessions
Shelby
Stevens
Thomas
Thune
Vitter
Voinovich
Webb

NOT VOTING—7

Brown
Brownback
DeMint
Dole
Johnson
McCain
Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 42.

Under the previous order, requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

Mr. REID. Mr. President, with the concurrence of the Republican leader, I now ask that the Senate turn to the consideration of H. R. 2206.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H. R. 2206) making emergency supplemental appropriations and additional supplemental appropriations for agriculture and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 1123

Mr. REID. Mr. President, on behalf of Senator REID and Senator MCCONNELL, I send a substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Nevada [Mr. REID], for himself and Mr. MCCONNELL, proposes an amendment numbered 1123.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions

Since under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring)

That it is the Sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1124 TO AMENDMENT NO. 1123

Mr. REID. Mr. President, I call up an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. MCCONNELL, proposes an amendment numbered 1124 to amendment No. 1123.

The amendment is as follows:

(Purpose: Expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions)

In the amendment strike all after the first word and insert the following: under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring),

That it is the sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 1 day after the date of enactment.

Mr. REID. Mr. President, I ask that it be reflected that this amendment is on behalf of Senator REID and Senator MCCONNELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1125 TO AMENDMENT NO. 1124

Mr. REID. Mr. President, I call up a second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1125 to amendment No. 1124.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions)

The President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring),

That it is the Sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 2 days after date of enactment.

MOTION TO COMMIT

Mr. REID. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit H.R. 2206 to the Committee on Appropriations with instructions to report back forthwith with the following amendment numbered 1126.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 1126

(Purpose: Expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions)

Strike all after the first word and insert the following:

Since under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq an Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring),

That it is the Sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 5 days after date of enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1127 TO THE INSTRUCTIONS OF THE MOTION TO COMMIT

Mr. REID. Mr. President, I send an amendment to the motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1127 to the instructions of the motion to commit H.R. 2206.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions)

In the amendment strike all after Congress in line 1 and insert the following:

"have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

"Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

"Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

"Determined by the Senate (the House of Representatives concurring),

"That it is the sense of Congress that—

"(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

"(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

"(3) the President and Congress should—

"(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

"(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere."

This section shall take effect 4 days after the date of enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1128 TO AMENDMENT NO. 1127

Mr. REID. Mr. President, I now send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1128 to amendment No. 1127.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions)

At the end of the amendment add the following:

Since under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring),

That it is the Sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 3 days after date of enactment.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid-McConnell amendment No. 1123 relating to Iraq to H.R. 2206, the Emergency Supplemental Appropriations Act.

Harry Reid, Debbie Stabenow, Daniel K. Inouye, Jon Tester, Bill Nelson (FL), Jeff Bingaman, Barbara Boxer, Patty Murray, Frank R. Lautenberg, Benjamin L. Cardin, Tom Carper, Charles Schumer, Maria Cantwell, Carl Levin, Daniel K. Akaka, Ted Kennedy, Amy Klobuchar.

CLOTURE MOTION

Mr. REID. Mr. President, I send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 146, H.R. 2206, the Emergency Supplemental Appropriations Act.

Harry Reid, Barbara Boxer, Jeff Bingaman, Patty Murray, Patrick Leahy, Carl Levin, Dianne Feinstein, Daniel K. Inouye, Byron L. Dorgan, Benjamin L. Cardin, Max Baucus, Bill Nelson (FL), Charles Schumer, Debbie Stabenow, Richard J. Durbin, Daniel K. Akaka, Jack Reed.

Mr. REID. Mr. President, I now ask unanimous consent that the cloture vote on the Reid-McConnell amendment to H.R. 2206 occur on Thursday 1 hour after the Senate convenes and notwithstanding the provisions of rule XXII, and that if cloture is invoked, the Senate remain on H.R. 2206 until it is disposed of, notwithstanding the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader.

Mr. McCONNELL. Mr. President, let me for my side of the aisle describe what we have just done. Senator REID and I have entered into an agreement, which I previously described to my conference, under which we will be able to smooth the passage of the supplemental appropriations bill into conference. The majority leader, with my concurrence, has filled up the tree and filed cloture. This should give us an opportunity Thursday afternoon on a broad bipartisan basis to move this troop funding bill into conference where we will continue our discussions.

The majority leader and I have had several meetings with the President's designee, Chief of Staff Josh Bolten, and we will have additional meetings—as well as with House Democrats and Republicans—and hopefully achieve what I think we all want to achieve at this point, which is a signed troop funding bill before Memorial Day.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the Republican leader and I have worked very closely in the past week or two on the process we are following this evening. We both agree it is imperative that we get to conference with the House as quickly as possible, and adoption of the Murray amendment, which is the amendment which was offered here, will allow us to do just that. This is a procedural step.

We are anxious to get to conference to work with the President's Chief of Staff Josh Bolten. He has been available any time we have asked for his presence. He realizes there is going to have to be some serious negotiations. We also understand that it is not just the Senate. The House has to be involved in these negotiations, and we certainly understand that and Mr. Bolten understands that.

We have a long way to go, but this was a tremendous step forward. We may disagree on a lot of issues dealing with the policy in Iraq, but the one point on which we agree—both Democrats and Republicans—is that the troops must have everything they need and more, and we are going to make sure that is the case.

The Republican leader and I agree, and I have spoken with the Speaker of the House at 5 o'clock today, and she agrees with me, that we are going to finish this bill and this conference report prior to our leaving for the Memorial Day recess. Everyone should rest assured we are going to do that. I hope we can do that without causing a lot of discomfort to Senators and Members of the House if we finish this bill at a reasonable time a week from Thursday or Friday, but if we can't, we are going no place until we finish this legislation and it gets to the President's desk.

The PRESIDING OFFICER. The Senator from California.

CONCLUSION OF WRDA

Mrs. BOXER. Mr. President, I want to take less than a minute to tell colleagues where we are. I thank the majority leader for his assistance on the WRDA bill. Our understanding is that we have a managers' package with several amendments. There may be only one or two that are contentious. Our goal for tomorrow, once we complete the Iraq votes, is to go to the managers' package without the contentious one or two amendments in it. By the way, I don't think any of them are contentious, but one Senator is saying they are.

We will adopt that managers' package hopefully by a voice vote, and then if it is necessary to have a recorded vote on these one or two additional amendments, we will do that and then move to final passage of WRDA, something we can be very proud of after 7 long years of not having a bill.

I thank my colleagues in advance for their cooperation.

To the Senator who may have a problem with one or two of these amendments, please take another hard look because they are noncontroversial, and I hope that Senator can join with us. We can finish this bill tomorrow in the very early afternoon or the late morning, and both sides can be very proud.

Again, this is a bill that is endorsed by just about everyone in the country.

I say to my colleagues, our intention is to conclude this bill tomorrow. Senator INHOFE and I are very strongly interested in concluding it tomorrow. The bipartisan members of the committee are very strongly interested.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard. The clerk will continue with the call of the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER RESOURCES DEVELOPMENT ACT—Continued

WARNER AMENDMENT NO. 1134

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate return to consideration of H.R. 1495.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I think we have just seen an extraordinary chapter of how two leaders can come together and structure a procedure by which this Senate can go forward and achieve its objectives. I am totally supportive of the procedure enunciated by our two distinguished leaders because I strongly support the need for getting this appropriations legislation through and on to the President's desk so that we can fund adequately our Armed Forces, particularly those engaged in Iraq and Afghanistan.

The leadership further decided that those Senators who wish to address the conferees could do so by adding amendments to this bill. My understanding is that there are two amendments that have been filed on the other side of the aisle: one by Mr. FEINGOLD and another by Mr. LEVIN. And in consultation with the distinguished Republican leader, I now file an amendment on this side of the aisle, although I am hopeful my amendment would not be viewed purely as a Republican amendment but that it could be a vehicle by which we can reach some level, hopefully a significant level, of bipartisan consensus on the several principles I have enunciated in this amendment.

Throughout the course of this debate on Iraq, since the President's announcement of a new strategy on January 10 of this year, there have been groups of Republicans and Democrats that have voiced our concerns about the strategies being employed in Iraq, and we continue to do so by virtue of this process now decided upon by the leadership whereby amendments to this bill can be brought up, which amendments reflect the sentiments of those who are sponsoring them.

At the present time, my amendment is sponsored by my principal cosponsor, the Senator from Maine, Ms. COLLINS, although I have been in consultation with a number of other Senators on this side of the aisle, as well as Senators on the other side of the aisle.

Given the brevity of the time today, since Senators have returned from their constituencies largely this morning, and the fact that we have been trying to work out the procedure just adopted by the Senate by the two leaders, it has not been possible for me to isolate a fixed set of cosponsors. Nevertheless, I do know of a number, certainly on this side, and I am hopeful on the other side, and now that this amendment is filed tonight, it is my expectation and hope that Senators will be adding their names as cosponsors. I urge that be done at the earliest opportunity because, as I understand it, and the leadership will subsequently address, I think, the Senate tonight respecting the legislative program tomorrow as to when my amendment, with such cosponsors that are able to add their names, and the two amendments pending from the other side—and I believe a fourth that is to be brought up by our distinguished Republican leader sometime this evening—will be debated, voted upon, and subject to a cloture motion.

Let me now turn to addressing the specifics of this amendment at this time. This amendment, in its preamble, has the following: We entitle it the "President's Strategy In Iraq." Section 1. Findings regarding progress in Iraq, the establishment of benchmarks to measure that progress, and reports to the Congress.

The recitation in the first section of this amendment is a series of statements factually describing the situation as we, the sponsors of this amendment, feel have taken place, largely since January 10 of this year. Foremost among those obligations is, of course, our recognition of the enormity of the sacrifice of the men and women of the Armed Forces and their families and others who have taken an active role in carrying out our strategies in Iraq, not just since January 10 of this year but prior thereto, in the regrettably long period of time that this conflict in Iraq has persisted.

Following those statements, we then go to section 2, which is entitled, "Conditioning of Future United States Strategy in Iraq on the Iraqi Government's Record of Performance on its Benchmarks."

> In General. The United States strategy in Iraq, hereafter, shall be conditioned on the Iraqi government meeting benchmarks as told to Members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and reflected in the Iraqi Government's commitments to the United States, and to the international community, including . . .

For example, benchmarks—and I shall read but several. First and foremost:

> Forming a Constitutional Review Committee and then completing the Constitutional review;
>
> Enacting and implementing legislation on de-baathification;
>
> Enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner.
>
> Enacting and implementing legislation on procedures to form semi-autonomous regions;
>
> Enacting and implementing legislation establishing an Independent High Electoral Commission; provincial elections law; provincial council authorities; and a date for provincial elections.

I shall not read further from this document. It will be a matter of record. But these benchmarks were ones put forth by the Iraqi Government, in large measure. What we are doing now is requiring the following:

> The President shall submit reports to the Congress on how the sovereign government of Iraq is, or is not, achieving progress towards accomplishing the aforementioned benchmarks, and shall advise the Congress on how that assessment requires, or does not require, changes to the strategy announced on January 10, 2007.
>
> Reports Required.
>
> (1) The President shall submit an initial report, in classified and unclassified format, to the Congress, not later than July 15, 2007, assessing the status of each of the specific benchmarks established above, and declaring, in his judgment, whether satisfactory progress towards meeting these benchmarks is, or is not, being achieved.
>
> (2) The President, having consulted with the Secretary of State, the Secretary of Defense, the Commander, Multi-National Forces-Iraq, the United States Ambassador to Iraq, and the Commander of U.S. Central Command, will prepare the report and submit the report to Congress.
>
> (3) If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political, economic, regional, and military components of the strategy, as announced by the President on January 10, 2007. In addition, the President shall include in the report, the advisability of implementing such aspects of the bipartisan Iraq Study Group, as he deems appropriate.

And, as is well documented in the Senate, and well-respected, if I may say, by the Senate—the work of the Iraq Study Group.

> (4) The President shall submit a second report to the Congress, not later than September 15, 2007, following the same procedures and criteria outlined above.
>
> (5) The reporting requirement detailed in section 1227 of the National Defense Authorization Act for Fiscal Year 2006 is hereby waived from the date of the enactment of this Act through the period ending September 15, 2007.

That is put in there for the reason that we believe these reports by the President will supplant whatever reports had been required by that act. The force and effect of the requirement for those reports will pick up and continue after September of this year.

> (c) Testimony before Congress.
>
> (1) Prior to the submission of the President's second report on September 15, 2007, and at a time to be agreed upon by the leadership of the Congress and the Administration, the United States Ambassador to Iraq and the Commander, Multi-National Forces Iraq—

That is General Petraeus—

> will be made available to testify in open and closed sessions before the relevant committees of the Congress.

I will now refer to the section titled "Limitations on Availability of Funds" in this appropriations bill.

> Limitation. No funds appropriated or otherwise made available for the "Economic Support Fund" and available for Iraq may be obligated or expended unless and until the President of the United States certifies in the report outlined in subsection (2)(b)(1) above and makes a further certification in the report outlined in subsection (2)(b)(4) above that Iraq is making progress in each of the benchmarks set forth in section 2 above.

To give the President a certain amount of flexibility—and this is the provision I am particularly indebted to our distinguished colleague, Ms. COLLINS of Maine, who has worked with me on it, as well as Senator COLEMAN and others who have been working with me—we provide the following:

> The President may waive the requirements of this section if he submits to Congress a written certification setting forth the detailed justification for the waiver, which shall include a detailed report describing the actions being taken by the United States to bring the Iraqi government into compliance with the benchmarks set forth in section 2 above. The certification shall be submitted in unclassified form, but may include a classified annex.

We proceed to a section entitled "Redeployment of U.S. Forces from Iraq." There has been considerable publicity attached to certain actions having been taken by the Council of Representatives in Iraq—that is their basic name for their parliament—and to clarify that we have put in the following requirement:

> The President of the United States, in respecting the sovereign rights of the nation of Iraq, shall direct the orderly redeployment of elements of U.S. forces from Iraq, if the components of the Iraqi government, acting in strict accordance with their respective powers given by the Iraqi Constitution, reach a consensus as recited in a resolution, directing a redeployment of U.S. forces.

Now, proceeding to another section, "Independent Assessments."

> Assessment by the Comptroller General.
>
> Not later than September 1, 2007, the Comptroller general of the United States shall submit to Congress an independent report setting forth—
>
> (A) the status of the achievement of the benchmarks specified in section 2 above; and
>
> (B) the Comptroller General's assessment whether or not each such benchmark has [or has not] been met.
>
> (b) Assessment of the capabilities of Iraq Security forces.

This is a section which I worked on, now, for over 2 months, laying a foundation, with consultations with the White House senior staff, the Secretary of Defense, and indeed a private organization here, a well-respected organization, independent of any affiliation with the Government, to participate in performing this report, as well as a very senior and highly respected retired military officer who, hopefully, will be designated to head up this report.

I believed it was imperative that the Congress needed to have an independent report, and by "independent," I mean a report performed by a private sector entity with the advice and participation of at least one senior retired military officer, and maybe others, so that we can have a report to put side by side with the periodic evaluations of the Department of Defense as to the military—professional ability, capability, training, and equipment of the Iraqi security forces. That is essential. So that is the essence of this provision which I now read.

(1) In General.—There is hereby authorized to be appropriated for the Department of Defense, $750,000, that the Department, in turn, will commission an independent private sector entity which operates as a 501(c)(3) with recognized credentials and expertise in militarily affairs, to prepare an independent report assessing the following:

(A) The readiness of the Iraqi security forces—ISF [referred to] to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12–18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(B) The training, equipping, command, control and intelligence capabilities and logistics capacity of the ISF [Iraqi Security Forces].

(C) The likelihood that given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued supports of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (A).

(2) Report.—Not later than 120 days after the enactment of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations/International Relations, and Intelligence.

Having worked on this report some 2 months now, I submitted it to colleagues in the House of Representatives. I am pleased to say that those colleagues saw fit to include that basic language on reporting and establishing this independent entity and individuals to study the Iraqi security forces. This provision which I have just read was contained in the House appropriations bill. It is my hope and expectation that it will be included by this Senate, the appropriators, in their bill such that it will emerge as part of the final conference report of the House and the Senate.

I once again thank many individuals who have worked with me and their respective staffs, who worked beginning last week on the final draft. They worked over the weekend, worked on Monday, worked today to create this document. I am hopeful a good number of our colleagues will see fit to cosponsor this document, which document and amendment will be discussed tomorrow in such brief period as outlined by the leadership. They will define it tonight, and then it will be voted upon.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Ms. COLLINS, proposes an amendment No. 1134 to the language proposed to be stricken by amendment No. 1065.

The amendment is as follows:

(Purpose: Relating to the President's strategy in Iraq)

TITLE—PRESIDENT'S STRATEGY IN IRAQ

SEC. 1. FINDINGS REGARDING PROGRESS IN IRAQ, THE ESTABLISHMENT OF BENCHMARKS TO MEASURE THAT PROGRESS, AND REPORTS TO CONGRESS.

(a) Congress makes the following findings:

(1) Over 145,000 American military personnel are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States armed forces, and are deserving of the strong support of all Americans;

(2) Many American service personnel have lost their lives, and many more have been wounded in Iraq; the American people will always honor their sacrifice and honor their families;

(3) The United States Army and Marine Corps, including their Reserve components and National Guard organizations, together with components of the other branches of the military, are performing their missions while under enormous strain from multiple, extended deployments to Iraq and Afghanistan. These deployments, and those that will follow, will have a lasting impact on future recruiting, retention, and readiness of our Nation's all volunteer force;

(4) Iraq is experiencing a deteriorating problem of sectarian and intrasectarian violence based upon political distrust and cultural differences among factions of the Sunni and Shia populations;

(5) Iraqis must reach political and economic settlements in order to achieve reconciliation, for there is no military solution. The failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq;

(6) The responsibility for Iraq's internal security and halting sectarian violence rests with the sovereign Government of Iraq;

(7) In December 2006, the bipartisan Iraq Study Group issued a valuable report, suggesting a comprehensive strategy that includes new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq, that will enable the United States to begin to move its combat forces out of Iraq responsibly;

(8) The President said on January 10, 2007, that "I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended" so as to dispel the contrary impression that exists;

(9) It is essential that the sovereign Government of Iraq set out measurable and achievable benchmarks and President Bush said, on January 10, 2007, that "America will change our approach to help the Iraqi government as it works to meet these benchmarks";

(10) As reported by Secretary of State Rice, Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006 that were (a) reaffirmed by Iraq's Presidency Council on October 6, 2006; (b) referenced by the Iraq Study Group; and (c) posted on the President of Iraq's Web site;

(11) On April 21, 2007, Secretary of Defense Robert Gates stated that "our [American] commitment to Iraq is long-term, but it is not a commitment to have our young men and women patrolling Iraq's streets open-endedly" and that "progress in reconciliation will be an important element of our evaluation";

(12) The President's January 10, 2007 address had three components: political, military, and economic. Given that significant time has passed since his statement, and recognizing the overall situation is ever changing, Congress must have timely reports to evaluate and execute its Constitutional oversight responsibilities.

SEC. 2. CONDITIONING OF FUTURE UNITED STATES STRATEGY IN IRAQ ON THE IRAQI GOVERNMENT'S RECORD OF PERFORMANCE ON ITS BENCHMARKS.

(a) IN GENERAL.—(1) The United States strategy in Iraq, hereafter, shall be conditioned on the Iraqi government meeting benchmarks, as told to members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and reflected in the Iraqi Government's commitments to the United States, and to the international community, including:

(A) Forming a Constitutional Review Committee and then completing the Constitutional review;

(B) Enacting and implementing legislation on de-Baathification;

(C) Enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner;

(D) Enacting and implementing legislation on procedures to form semi-autonomous regions;

(E) Enacting and implementing legislation establishing an Independent High Electoral Commission; provincial elections law; provincial council authorities; and a date for provincial elections;

(F) Enacting and implementing legislation addressing amnesty;

(G) Enacting and implementing legislation establishing a strong militia disarmament program to ensure that such security forces are accountable only to the central government and loyal to the Constitution of Iraq;

(H) Establishing supporting political, media, economic, and services committees in support of the Baghdad Security Plan;

(I) Providing three trained and ready Iraqi brigades to support Baghdad operations;

(J) Providing Iraqi commanders with all authorities to execute this plan and to make tactical and operational decisions, in consultation with U.S commanders, without political intervention, to include the authority to pursue all extremists, including Sunni insurgents and Shiite militias;

(K) Ensuring that the Iraqi Security Forces are providing even handed enforcement of the law;

(L) Ensuring that, according to President Bush, Prime Minister Maliki said "the Baghdad security plan will not provide a safe haven for any outlaws, regardless of [their] sectarian or political affiliation";

(M) Reducing the level of sectarian violence in Iraq and eliminating militia control of local security;

(N) Establishing all of the planned joint security stations in neighborhoods across Baghdad;

(O) Increasing the number of Iraqi security forces units capable of operating independently;

(P) Ensuring that the rights of minority political parties in the Iraqi legislature are protected;

(Q) Allocating and spending $10 billion in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis; and

(R) Ensuring that Iraq's political authorities are not undermining or making false accusations against members of the ISF.

(2) The President shall submit reports to Congress on how the sovereign Government of Iraq is, or is not, achieving progress towards accomplishing the aforementioned benchmarks, and shall advise the Congress on how that assessment requires, or does not require, changes to the strategy announced on January 10, 2007.

(b) REPORTS REQUIRED.—

(1) The President shall submit an initial report, in classified and unclassified format, to the Congress, not later than July 15, 2007, assessing the status of each of the specific benchmarks established above, and declaring, in his judgment, whether satisfactory progress toward meeting these benchmarks is, or is not, being achieved.

(2) The President, having consulted with the Secretary of State, The Secretary of Defense, The Commander, Multi-National Forces-Iraq, the United States Ambassador to Iraq, and the Commander of U.S. Central Command, will prepare the report and submit the report to Congress.

(3) If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political, economic, regional, and military components of the strategy, as announced by the President on January 10, 2007. In addition, the President shall include in the report, the advisability of implementing such aspects of the bipartisan Iraq Study Group, as he deems appropriate.

(4) The President shall submit a second report to the Congress, not later than September 15, 2007, following the same procedures and criteria, outlined above.

(5) The reporting requirement detailed in Section 1227 of the National Defense Authorization Act for Fiscal Year 2006 is waived from the date of the enactment of this Act through the period ending 15 September, 2007.

(c) TESTIMONY BEFORE CONGRESS.—

(1) Prior to the submission of the President's second report on September 15, 2007, and at a time to be agreed upon by the leadership of the Congress and the Administration, the United States Ambassador to Iraq and the Commander, Multi-National Forces Iraq will be made available to testify in open and closed sessions before the relevant committees of the Congress.

SEC. 3. LIMITATIONS ON AVAILABILITY OF FUNDS

(a) LIMITATION.—No funds appropriated or otherwise made available for the "Economic Support Fund" and available for Iraq may be obligated or expended unless and until the President of the United States certifies in the report outlined in subsection (2)(b)(1) above and makes a further certification in the report outlined in subsection (2)(b)(4) above that Iraq is making progress on each of the benchmarks set forth in Section 2 above.

(b) WAIVER AUTHORITY.—The President may waive the requirements of this section if he submits to Congress a written certification setting forth a detailed justification for the waiver, which shall include a detailed report describing the actions being taken by the Unites States to bring the Iraqi government into compliance with the benchmarks set forth in Section 2 above. The certification shall be submitted in unclassified form, but may include a classified annex.

SEC. 4. REDEPLOYMENT OF U.S. FORCES FROM IRAQ.

(a) The President of the United States, in respecting the sovereign rights of the nation of Iraq, shall direct the orderly redeployment of elements of U.S. forces from Iraq, if the components of the Iraqi government, acting in strict accordance with their respective powers given by the Iraqi Constitution, reach a consensus as recited in a resolution, directing a redeployment of U.S. forces.

SEC. 5. INDEPENDENT ASSESSMENTS.

(a) Assessment by the Comptroller General.

(1) Not later than September 1, 2007, the Comptroller General of the United States shall submit to Congress an independent report setting forth—

(A) the status of the achievement of the benchmarks specified in Section 2 above; and

(B) the Comptroller General's assessment whether or not each such benchmark has been met.

(b) Assessment of the Capabilities of Iraqi Security Forces.

(1) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Defense, $750,000,000, that the Department, in turn, will commission an independent, private sector entity, which operates as a 501(c)(3), with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(A) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12–18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(B) The training, equipping, command, control and intelligence capabilities, and logistics capacity of the ISF.

(C) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued support of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (A).

(2) REPORT.—Not later than 120 days after the enactment of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations/International Relations, and Intelligence.

Mr. WARNER. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the pending business now before the Senate?

The PRESIDING OFFICER. The Warner amendment No. 1134 is the pending business.

Mr. REID. Mr. President, it is my understanding we are on WRDA, then, H.R. 1495?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, May 16, when the Senate resumes consideration of H.R. 1495, the time until 10:30 a.m. be for debate prior to the votes on the motions to invoke cloture on the following amendments: Feingold second-degree amendment No. 1098, Levin amendment No. 1097, Warner amendment No. 1134, and the Cochran amendment No. 1135, with the time equally divided and controlled between the majority and Republican leaders or their designees; that the votes occur in the order listed above; and that there be 2 minutes of debate prior to each vote, equally divided and controlled, and that each vote in this sequence after the first be limited to 10 minutes; that if cloture is not invoked, then the amendment be withdrawn; that no other amendments be in order prior to the cloture votes; and that second-degree amendments may be filed until 9:30 a.m.; further, that the mandatory quorums, as required under rule XXII, be waived with respect to the cloture motions covered under this agreement; further, that the 20 minutes immediately prior to the first vote be under the control of the majority and Republican leaders, with the time equally divided, with the majority leader controlling the final 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I now ask unanimous consent that upon disposition of the amendments covered under this agreement, the Senate resume debate on the motion to proceed to S. 1348, comprehensive immigration legislation, with the time until 2 p.m. for debate prior to a vote on the motion to invoke cloture on the motion to proceed—Mr. President, I withdraw this aspect of the consent request at this time, and stop where I was where there was no objection.

The PRESIDING OFFICER. It is withdrawn.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Feingold amendment No. 1098 to amendment No. 1097 to H.R. 1495, the Water Resources Development Act.

Russell D. Feingold, Harry Reid, Barbara Boxer, Amy Klobuchar, Sheldon Whitehouse, Ted Kennedy, Patty Murray, Richard J. Durbin, Bernard Sanders, Daniel K. Inouye, Christopher S. Dodd, Ron Wyden, John Kerry, Debbie Stabenow, Ben Cardin, Jim Webb, Charles Schumer, Tom Harkin.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Levin amendment No. 1097 to H.R. 1495, the Water Resources Development Act.

Carl Levin, Harry Reid, Barbara Boxer, Amy Klobuchar, Sheldon Whitehouse, Ted Kennedy, Patty Murray, Richard J. Durbin, Jon Tester, Max Baucus, Tom Carper, Daniel K. Inouye, Ben Nelson, Ron Wyden, Debbie Stabenow, Byron L. Dorgan, Claire McCaskill.

AMENDMENT NO. 1135

Mr. McCONNELL. Mr. President, I ask unanimous consent that the pending amendment to the bill be set aside, and on behalf of Senator COCHRAN, I call up an amendment to the bill, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. COCHRAN, Mr. WARNER, and Mr. BOND, proposes an amendment numbered 1135.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress must send to the President acceptable legislation to continue funds for Operation Iraqi Freedom and Operation Enduring Freedom by not later than May 28, 2007)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON FUNDING FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) FINDINGS.—The Senate makes the following findings:

(1) The President is the commander in chief of the United States Armed Forces.

(2) The United States Armed Forces are currently engaged in military operations in Operation Iraqi Freedom and Operation Enduring Freedom on behalf of the national security interests of the United States.

(3) The funds previously appropriated to continue military operations in Operation Iraqi Freedom and Operation Enduring Freedom are depleted.

(4) The President requested more than 100 days ago supplemental appropriations to continue funding for Operation Iraqi Freedom and Operation Enduring Freedom.

(5) Congress has not passed a supplemental appropriations bill to continue funding for Operation Iraqi Freedom and Operation Enduring Freedom in a manner that the commander in chief believes gives the United States Armed Forces and the Iraqi people the best chance to succeed at establishing a safe, stable, and sustainable democracy in Iraq.

(6) A supplemental appropriations request to fund ongoing combat operations in Operation Iraqi Freedom and Operation Enduring Freedom should remain focused on the war effort by providing the resources necessary for United States troops abroad and in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should send legislation to the President providing appropriations for Operation Iraqi Freedom and Operation Enduring Freedom in a manner that the President can sign into law by not later than May 28, 2007.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I now send a cloture motion to the pending Warner amendment to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Warner amendment No. 1134 to H.R. 1495, the Water Resources Development Act of 2007.

Mitch McConnell, Judd Gregg, Richard Burr, Mike Crapo, John Cornyn, Lisa Murkowski, Susan M. Collins, John Warner, Orrin G. Hatch, Craig Thomas, Larry E. Craig, John E. Sununu, Pete V. Domenici, James M. Inhofe, Trent Lott, John Thune, Christopher S. Bond.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk to the Cochran amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Cochran amendment No. 1135 to H.R. 1495, the Water Resources Development Act of 2007.

Mitch McConnell, John Cornyn, Pete V. Domenici, Johnny Isakson, James M. Inhofe, Craig Thomas, Trent Lott, John E. Sununu, John Thune, Thad Cochran, Christopher S. Bond, Norm Coleman, John Warner, Richard G. Lugar, Jeff Sessions, Orrin G. Hatch, Gordon H. Smith.

SECTIONS 2006, 2007, AND 2008

Mr. FEINGOLD. Mr. President, I would like to engage the distinguished chairman from California and the distinguished majority leader in a colloquy with respect to the provisions in section 2006, 2007, and 2008 (c) and (e) of the Water Resources Development Act of 2007, S.1248.

Mrs. BOXER. I would be happy to respond to the Senator from Wisconsin.

Mr. REID. I, too, am happy to engage in a colloquy with the Senator from Wisconsin.

Mr. FEINGOLD. I appreciate the efforts and success of the chairman and the Environment and Public Works Committee in reporting a Water Resources Development Act that includes many important Corps of Engineers reforms. I would simply like to clarify that it is the intent of the committee and of the majority leader that these provisions be retained through conference and enacted into law. These provisions should be the minimum reforms coming out of conference.

Mrs. BOXER. I concur that this is the committee's intent.

Mr. REID. I support the understanding reached by the chairman and the Senator from Wisconsin.

Mr. FEINGOLD. I would like to point out some of the critical elements to ensuring meaningful independent review of Corps of Engineers water resources projects that are contained in section 2007 of S.1248. Section 2007 is the same language that was adopted on the Senate floor during last summer's consideration of the Water Resources Development Act of 2006. Though the House of Representatives has an independent review provision in their bill, there are several important distinctions between the House and the Senate provisions.

The Senate provision houses responsibility for independent review in the Office of the Secretary of the Army and makes independent review mandatory for any project meeting the review triggers. The mandatory review triggers and placement of responsibility for carrying out independent reviews outside the Office of the Chief of Engineers are essential for ensuring full independence of the review process. The Senate provision gives the independent review panels the ability to review those issues deemed significant by the panel. This is essential for ensuring that all relevant study issues are examined by the panel. The House of Representatives provision gives the Chief of Engineers essentially unlimited authority to restrict the scope of a panel's review. The Senate provision places limits on the Corps' ability to ignore panel recommendations by requiring the Secretary of the Army to provide a written explanation regarding the rejection of any panel recommendations and by requiring the

Corps to prove why it is appropriate to reject a panel's recommendation in any lawsuit that might be brought to challenge the project. The Senate bill does not create a new cause of action. This is essential for ensuring that the findings of an independent review panel are given appropriate consideration by the Corps of Engineers. In addition, the Senate provision establishes a critical safety assurance review of the detailed technical design of vital flood control projects. The House language does not include this essential provision.

Importantly, the Senate provision ensures that the independent review panel will review the draft study released for public comment and will have the benefit of public comment to help guide their review. The House bill in general requires that independent review be complete before there is a draft study for review. That would limit a fundamental purpose of independent review, which is to ensure review of draft studies and limit public participation in the independent review process.

I ask my colleagues to concur with the importance of retaining these critical elements of independent review contained in Section 2007.

Mrs. BOXER. I concur that these are fundamental elements of meaningful independent review and concur that it is the committee's intent to retain these elements and that we will strenuously support them in the conference.

Mr. REID. I support the understanding reached by the chairman and the Senator from Wisconsin.

Mr. FEINGOLD. Mitigation for Corps of Engineers civil works projects is another important area that must be improved. Despite the clear mitigation requirements established for water resources projects in the Water Resources Development Act of 1986, the Government Accountability Office reported in 2002 that the Corps of Engineers does not mitigate at all for almost 70 percent of its projects. To help address this problem, the Senate provision requires the Secretary to ensure that mitigation for water resources projects complies fully with the mitigation standards and policies established pursuant to section 404 of the Federal Water Pollution Control Act, 33 U.S.C. 1344. This will help protect the environment and is consistent with the fundamental principal that we will hold the Federal Government to the same environmental criteria as private enterprise.

In addition, in order to ensure that mitigation produces the same or greater ecosystem values as those lost to a water resources project, the Senate provision requires that the Corps of Engineers implement not less than in-kind mitigation. To ensure that mitigation will be effective, the Senate bill requires the preparation of detailed mitigation plans, requires that mitigation be monitored until ecological success criteria are met, and requires the Corps of Engineers to consult yearly with applicable Federal and State agencies on the status of individual mitigation efforts. The Senate provision applies the new mitigation standards to projects that the Corps of Engineers has determined must be reevaluated for other reasons. The Senate provision also requires the Corps to establish a publicly accessible mitigation tracking system.

The language of sections 2008(c) and (e) obtained bipartisan support from the Environment and Public Works Committee last Congress and was included in the Senate Water Resources Development Act of 2006.

I ask my colleagues to concur with the importance of retaining these key elements of mitigation reform contained in section 2008(c) and (e).

Mrs. BOXER. I concur that these are fundamental elements of meaningful mitigation reform and concur that it is the committee's intent to retain these elements and that we will strenuously support them in the conference.

Mr. REID. I support the understanding reached by the chairman and the Senator from Wisconsin.

Mr. FEINGOLD. Lastly, section 2006 of S. 1248 would update the Corps' woefully out-of-date Principles and Guidelines, P&G, and related planning documents by establishing a Cabinet-level interagency working group to revise the guidelines and regulations and circulars, which have not been revised since their inception in 1983. Numerous studies have called for updating the Corps' planning guidelines to provide an increased focus on protecting and restoring the environment and to modernize and incorporate new methods and more cost-effective approaches to solving water problems. More than a decade of reports from the National Academy of Sciences, Government Accountability Office, Army inspector general, U.S. Commission on Ocean Policy, and independent experts have revealed a pattern of stunning flaws in U.S. Army Corps of Engineers project planning and implementation and urged substantial changes to the Corps' project planning process. The most recent call for revising the Corps' planning guidelines came just 2 months ago from the National Academy of Public Administration.

These flaws have increased taxpayer costs and environmental degradation with antiquated economic analysis of projects and in some cases overly structural projects. It is vital that these planning guidelines be modernized so that they no longer promote projects that destroy healthy natural ecosystems and lure development in high risk areas. It is also essential that the provision to require the Corps to adopt those revisions, subject to public comment, be retained.

The language of section 2006 obtained bipartisan support from the Environment and Public Works Committee last Congress and was included in the Senate Water Resources Development Act of 2006.

I ask my colleagues to concur with the importance of retaining these elements.

Mrs. BOXER. I concur that these are fundamental elements of meaningful reform of the Corps of Engineers planning guidelines and concur that it is the committee's intent to retain these elements and that we will strenuously support them in the conference.

Mr. REID. I support the understanding reached by the chairman and the Senator from Wisconsin.

Mr. FEINGOLD. I thank the chairman and the majority leader for engaging in this colloquy. Instituting meaningful reforms to the Corps of Engineers' planning process is essential for protecting public safety, the environment, and the taxpayers. I remain committed to ensuring that meaningful reforms are included in the next Water Resources Development Act that is enacted into law. I thank the chairman and the majority leader for their commitment as well.

MIDDLE CREEK PROJECT

Mr. REID. Mr. President, I thank Chairman BOXER and the Committee on Environment and Public Works for their hard work on S. 1248, the Water Resources Development Act of 2007 and the bill currently being considered by the Senate, H.R. 1495. The bill represents years of negotiations by her, members of the committee, and staff, and I appreciate her leadership in bringing a bill forward for this body's consideration.

Mrs. BOXER. Mr. President, I thank the leader for his comments. I appreciate the leader's continued support for this reauthorizing legislation and the authorization of the new projects for navigation, flood and coastal storm damage reduction, ecosystem restoration and environmental remediation, and water storage and water quality.

Mr. REID. Mr. President, I generally support this bill and understand that many of the projects are necessary to improve and maintain safe communities. But I am concerned about the effects of one project on Indian lands.

Both S. 1248 and H.R. 1495 include authorizing language for a flood damage reduction and environmental restoration project on Middle Creek, located in Lake County, CA. I certainly defer to the U.S. Army Corps of Engineers and the California congressional delegation as to the project's importance and the most appropriate plan to implement it, but would my friend from California describe the impact of the project on Indian lands in the area?

Mrs. BOXER. Mr. Leader, the Middle Creek Project will restore lands within the Middle Creek floodplain and study area. I believe the project will reconnect the floodplain of Middle Creek to the historic Robinson Lake wetland area by breaching the existing levee system and creating inlets that direct flows into the study area. The restoration will provide flood damage reduction by relocating residents of the Robinson Rancheria from the floodplain.

Mr. REID. Madam Chairman, I understand the Rancheria's current casino will not be affected by this project if implemented—that the Rancheria could continue, if it chooses, to operate this casino once the project is completed. Is this correct?

Mrs. BOXER. Mr. Leader, that is correct.

Mr. REID. Madam Chairman, I understand that neither the Senate nor the House bill authorizes the Secretary of the Interior to take land into trust for purposes of gaming on behalf of the Rancheria?

Mrs. BOXER. Mr. Leader, the bill under consideration would authorize the Middle Creek Project. The bill does not expressly authorize the United States to take land into trust for the Rancheria.

Mr. REID. Thank you for that clarification. Madam Chairman, in Senate Report 110–58, the committee recommends that, in exchange for the existing reservation lands that would be included in the floodplain, the Secretary of the Interior accept three parcels of land into trust for the benefit of the Rancheria. Would you describe these parcels and their location in relation to the Rancheria's current reservation boundaries?

Mrs. BOXER. Mr. President, I appreciate the interest of the Senator from Nevada in the effect of this project on the Rancheria. Since 1981, the Secretary of the Interior has held 37 acres in trust on behalf of the Rancheria. The parcels discussed in the committee report are currently owned by the Rancheria and are very close to their current reservation boundary. Two of the three parcels are along the Clear Lake shoreline. The committee believed it was appropriate to compensate the Rancheria by allowing them to add to their reservation lands that are approximately 1 mile away from their current reservation boundary and which the tribe already owns.

Mr. REID. Mr. President, I thank my friend from California for describing the lands. While neither the House nor Senate bills would authorize the Secretary to take the transferred lands into trust as "restored lands" for the purpose of the Indian Gaming Regulatory Act, the report recommends the Secretary do so.

I understand the Rancheria can continue to operate its on-reservation casino should this project be implemented, and I do not oppose the Rancheria's right to do so because these lands are located within its traditional reservation boundary and were taken into trust before the enactment of the Indian Gaming Regulatory Act, IGRA, thus the casino was opened consistent with the requirements of IGRA. But as you know, I have long opposed off-reservation gaming, and while I understand that neither bill would authorize gaming on the transferred parcels, I do not support the committee's recommendation that the Secretary declare these parcels ' restored lands." As we know, should the Secretary declare the parcels as "restored lands," the Rancheria would be allowed to conduct gaming on lands deemed outside of its reservation boundary and on lands acquired after enactment of the Indian Gaming Regulatory Act. I note that report language does not have the same legal status as legislative language.

Mrs. BOXER. Mr. President, the California delegation strongly supports the projects included in S. 1248. I hear the majority leader's concerns. Being chair of the committee, I, of course, support the language in the committee's recommendation with respect to the land transfer for the Robinson Rancheria, should the bill be enacted. While I may disagree with the leader's position as it concerns this particular project, I appreciate his comments and support for the legislation as a whole.

Mr. REID. Mr. President, I appreciate the clarifications and explanations that my friend from California has provided.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL PEACE OFFICERS MEMORIAL DAY

Mr. LEAHY. Mr. President, today marks the 26th year that peace officers from around the country have gathered in the Nation's Capital to participate in the National Peace Officers Memorial Day Service. Every year, Peace Officers Memorial Day offers the people of the United States, in their communities, in their State capitals, and in the Nation's Capital, the opportunity to honor and reflect on the extraordinary service and sacrifice given year after year by our police forces. I welcome the visiting peace officers and their family members who are gathered in Washington today as we honor their services and those lost this past year.

Earlier this month, the Senate passed a resolution marking today National Peace Officers Memorial Day. This is now the 11th year running that I have sponsored this resolution to honor the sacrifice and commitment of those law enforcement officers who give their lives serving their communities. Senator SPECTER, himself a former prosecutor, former chairman of the Judiciary Committee, and now our ranking member, was the lead Republican sponsor of this bipartisan measure this year. I thank the majority leader, himself a former police officer, and all Senators for their support in recognizing the sacrifices that law enforcement officers make each day for the American people.

Currently, more than 900,000 men and women who guard our communities do so at great risk. After the hijacked planes hit the World Trade Center in New York City on September 11, 2001, 72 peace officers died while trying to ensure that their fellow citizens in those buildings got to safety. That act of terrorism resulted in the highest number of peace officers ever killed in a single incident in the history of our country and is a tragic reminder of how important it is for the Congress to provide all of the resources necessary to protect officers in the line of duty.

Since the first recorded police death in 1792, there have been more than 17,900 law enforcement officers who have made the ultimate sacrifice. We are fortunate in Vermont that we rank as the State with the fewest officer deaths. With 19 deaths, however, that is, of course, 19 deaths too many.

In 2006, 145 law enforcement officers died while serving in the line of duty, below the decade-long average of 165 deaths annually and a drop from 2005 when 156 officers were killed. That is still 145 officers too many. We need to continue our support for better equipment and the increased use of bullet-resistant vests, improved training, and advanced emergency medical care. I hope as the 110th Congress moves forward that all Senators can work together to ensure that all of our law enforcement officers and their families have the full support and the resources they need from the Federal Government.

I have been working to help make it safer on the beat for our officers. Back in 1998, Senator Campbell and I authored the Bulletproof Vest Grant Partnership Act, in part a response to the tragic Carl Drega shootout on the Vermont-New Hampshire border in which two State troopers who lacked bulletproof vests were killed. Since then, we have successfully reauthorized this program three times: In the Bulletproof Vest Partnership Grant Act of

2000, in the State Justice Institute Reauthorization Act of 2004, and most recently as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005. It is now authorized at $50 million per year through fiscal year 2009 to help State, tribal, and local jurisdictions purchase armor vests for use by law enforcement officers. Senator SPECTER and I joined together to send a letter to other Senators last week to make sure that the Bulletproof Vest Partnership Grant Program is fully funded this year. Bulletproof vests have saved the lives of thousands of officers and are a fundamental line of defense that no officer should be without. It is crucial that Congress provide the full funding authorized to the Bulletproof Vest Partnership Program. Hundreds of thousands of police officers and local jurisdictions are counting on us.

I am disappointed that not all of Congress's actions to protect and help our law enforcement officers are implemented by this administration. President Bush has repeatedly proposed drastic cuts to the bulletproof vest initiative and other grant programs that directly assist State and local law enforcement. The Bush administration has spent more than $400 billion on a failed policy in Iraq, and yet the President continues to propose cuts in funding for programs here in the United States for first responders who protect our Nation's communities.

I will mention one other important example of a law I sponsored and helped pass in 2003, the Hometown Heroes Survivors Benefit Act. This important, bipartisan legislation reflects the belief of Congress that the families of firefighters, law enforcement officers, and other first responders should be cared for when a public safety officer dies of a heart attack or stroke in the line of duty. To date, the Department of Justice has made only two positive determinations from the more than 230 applications it has received. It is inexcusable that the Department of Justice appears to be interpreting this law as narrowly as possible and is denying and delaying so many of these claims. Congress and the American people want to see fair and equitable treatment for the families of the brave individuals who lose their lives in the line of duty, not foot-dragging and excuses from the Justice Department.

We can all agree that the men and women in law enforcement who have sacrificed for our safety deserve our deep gratitude and respect. National Peace Officers Memorial Day recognizes real-life heroes. Our Nation's law enforcement officers deserve our commitment to provide for those who help keep us all safe. I support and respect our State and local police officers and all of our first responders and am proud to recognize their role in upholding the rule of law and keeping our Nation safe and secure.

FEDERAL CRACK COCAINE SENTENCING POLICY

Mr. LEAHY. Mr. Presdient, today, the U.S. Sentencing Commission took another important step in addressing the wide disparity in our Federal cocaine sentencing laws.

The Commission released its fourth report to Congress in 12 years that, once again, provides a comprehensive review of our cocaine policies, and recommendations about how those policies can be improved. Almost 3 weeks ago, the Commission recommended to Congress a change in the Sentencing Guidelines that would lower the offense level for crack offenders across the board. Both of these actions are positive steps, but real progress in this area requires congressional action.

Under current law, an offender apprehended with 5 grams of crack cocaine faces the same 5 year mandatory minimum sentence as an offender with 500 grams of powder cocaine—that is the same sentence for 100 times more powder cocaine. In 2000, the average sentence for a crack cocaine defendant was nearly 4 years longer than the average sentence for a powder cocaine defendant.

Last week, the Commission announced it will issue a guideline change that lowers the offense level for crack offenders by 2 points across the board. As a result, 75 percent of Federal crack offenders will have their sentences reduced by approximately 16 months. This change represents a step in the right direction.

For far too long, the Federal crack-powder sentencing laws have created an injustice in our Nation. Over 20 years now, Congress has silently stood by as this policy swelled our prisons, disproportionately impacted African Americans, and misdirected precious Federal resources on low-level street dealers rather than on the worst offenders—drug kingpins who bring crack into our neighborhoods. Twenty years of irresponsible policy is enough.

I hope the Commission's report and recommendations will serve as a roadmap for the 110th Congress. Americans deserve a Congress that will make Federal drug laws fair and proportional. We can, and should, fix this injustice on a bipartisan basis. It is time to act.

HONORING THE LATE SENATOR THOMAS J. DODD

Mr. LIEBERMAN. Mr. President, I rise today to honor Thomas J. Dodd, the former Senator of the great State of Connecticut. As his son, my senior Senator, CHRIS DODD, said earlier, Thomas Dodd would have turned 100 years old today. He was a public servant of the highest order, working in an astounding number of capacities throughout his life. After graduating from Yale Law School, he became a special agent with the FBI, and eventually became an assistant for five Attorney Generals of the United States. In this capacity, Thomas Dodd played a key role in establishing the first civil rights division of the Justice Department.

Upon leaving the Justice Department, Senator Dodd became the U.S. chief counsel to prosecute Axis crimes at Nuremberg and handled the day-to-day strategies for our Nation's prosecution team. In recognition of his work, Senator Dodd received a Presidential Citation, the U.S. Medal of Freedom, and the Czechoslovakian Order of the White Lion.

I admire Senator Dodd for his bravery at Nuremberg. It was not an easy job. He spent over a year away from his family, but he did it because he believed the United States had a responsibility to show the world its resounding dedication to a fair legal process and the delivery of justice to the Nazi war criminals.

Senator Dodd's political career began in 1952 when he was elected from the First District of Connecticut in the House of Representatives. He won election to the Senate in 1958, serving as a leader on the Foreign Relations Committee throughout his tenure. Senator Dodd wholeheartedly opposed Soviet communism, and often stood as a maverick within the Democratic Party on foreign policy.

Thomas Dodd was an inspiration to me. He was a brilliant orator, and I would often find my way to see him speak when he would visit the New Haven area. He was a man who stood by his principles, oftentimes in the face of fierce opposition. Partisanship and politics always took a backseat to doing what was in the best interest of America.

Thomas Dodd never refrained from asking the tough questions, and I applaud him for his independence and the example he set as a distinguished Senator from my home State of Connecticut, a proud legacy of public service, which his son CHRIS has carried on.

ADDITIONAL STATEMENTS

HONORING MURIEL GIBSON

• Mrs. MURRAY. Mr. President, today I wish to recognize Muriel Gibson for her 19 years of service to the U.S. Senate and the people of Washington State. Ms. Gibson has been a caseworker on my staff since I was first elected to the Senate in 1993, and she is leaving at the end of this week to continue her public service in another capacity.

Ms. Gibson has spent the last 15 years on my staff and 4 years on Senator Brock Adams's staff serving Washington State's veterans and members of the armed services. She has been a tireless advocate for the men and women of our State who served us through military service. As a country, we promise our servicemembers and their families support in exchange for their commitment to protect our Nation. Ms. Gibson has made sure that these promises are kept to these brave men and women.

The needs of our veterans and soldiers can often be demanding, and Ms. Gibson met those demands with compassion and understanding. As the daughter of a career soldier, she knows the challenges facing our military families firsthand. Whether assisting a World War II veteran to receive his long delayed Purple Heart or ensuring that a returning soldier from Operation Iraqi Freedom gets the medical care needed, Ms. Gibson saw to it that everyone who approached my office for assistance received the guidance and attention they deserved.

I am also pleased to say that her service to our Nation's veterans will not end when she leaves my office. She will be working toward a master's degree in social work and hopes to work for the Department of Veterans Affairs upon completion of her degree. I am comforted by the knowledge that a new generation of veterans will gain from her experience and dedication in the years to come.

I would like to thank Ms. Gibson for her years of distinguished service to the Senate, and I wish her happiness in her future pursuits.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate by one of his secretaries:

REPORT CERTIFYING THAT THE EXPORT TO THE PEOPLE'S REPUBLIC OF CHINA OF CERTAIN MATERIALS, INCLUDING AN ISOSTATIC PRESS FOR MANUFACTURING AUTOMOTIVE SPARE PARTS, IS NOT DETRIMENTAL TO THE U.S. SPACE LAUNCH INDUSTRY AND THAT THE MATERIAL WILL NOT MEASURABLY IMPROVE THE MISSILE OR SPACE LAUNCH CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA—PM 13

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I hereby certify that the export to the People's Republic of China of the following items is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China:

A four-axis filament winding machine for production of spare parts for China's water purification and treatment industries;

A computer control system upgrade to a three-axis filament winding machine for production of spare parts for China's water purification and treatment industries;

An isostatic press for manufacturing automotive spare parts; and

A four-axis filament winding machine to be used in production of graphite or glass composite golf clubs.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 15, 2007.*

MESSAGE FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1124. An act to extend the District of Columbia College Access Act of 1999.

H.R. 1260. An act to designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the "Claude Ramsey Post Office".

H.R. 1335. An act to designate the facility of the United States Postal Service located at 508 East Main Street in Seneca, South Carolina, as the "S/Sgt Lewis G. Watkins Post Office Building".

H.R. 1617. An act to designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, as the "Harriet F. Woods Post Office Building".

H.R. 2025. An act to designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, as the "Willye B. White Post Office Building".

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1260. An act to designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the "Claude Ramsey Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1335. An act to designate the facility of the United States Postal Service located at 508 East Main Street in Seneca, South Carolina, as the "S Sgt Lewis G. Watkins Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1617. An act to designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, as the "Harriett F. Woods Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2025. An act to designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, as the "Willye B. White Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1124. An act to extend the District of Columbia College Access Act of 1999.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 119. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes (Rept. No. 110–66).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself, Mr. VITTER, Mr. BROWN, Mr. WEBB, and Mrs. DOLE):

S. 1390. A bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Nebraska (for himself and Mr. DURBIN):

S. 1391. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes; to the

Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 1392. A bill to increase the authorization for the major medical facility project to consolidate the medical centers of the Department of Veterans Affairs at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania; to the Committee on Veterans' Affairs.

By Mr. ALEXANDER (for himself, Mr. COCHRAN, and Mr. CORNYN):

S. 1393. A bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes; to the Committee on the Judiciary .

By Ms. STABENOW (for herself, Mr. VOINOVICH, Mr. KERRY, Mr. LEVIN, and Ms. SNOWE):

S. 1394. A bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations; to the Committee on Finance.

By Mr. LEVIN (for himself and Mrs. MCCASKILL):

S. 1395. A bill to prevent unfair practices in credit card accounts, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ISAKSON:

S. 1396. A bill to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia; to the Committee on Veterans' Affairs.

By Mr. LIEBERMAN (for himself, Mr. HAGEL, Ms. CANTWELL, and Mr. VOINOVICH):

S. 1397. A bill to increase the allocation of visas for certain highly skilled workers and to reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. COCHRAN):

S. 1398. A bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN:

S. 1399. A bill to amend the Internal Revenue Code of 1986 to combine the Hope Scholarship Credit and the deduction for qualified tuition and related expenses into a refundable college affordability and creating chances for educational success for students (ACCESS) credit, to establish an Early Federal Pell Grant Commitment Demonstration Program, and to increase the maximum Federal Pell Grant Award; to the Committee on Finance.

By Mr. ENZI (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BURR, Mr. ISAKSON, and Ms. MURKOWSKI):

S. 1400. A bill to amend the Higher Education Act of 1965 to improve the information and repayment options to student borrowers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BURR, Mr. ISAKSON, Mr. ROBERTS, and Ms. MURKOWSKI):

S. 1401. A bill to improve the National Student Loan Data System; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 1402. A bill to amend the Investment Advisors Act of 1940, with respect to the exemption to registration requirements; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself, Mr. HARKIN, Mr. CONRAD, and Mr. DURBIN):

S. 1403. A bill to amend the Farm Security and Rural Investment Act of 2002 to provide incentives for the production of bioenergy crops; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INHOFE:

S. 1404. A bill to provide for Congressional authority with respect to certain acquisitions, mergers, and takeovers under the Defense Production Act of 1950; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself and Mrs. CLINTON):

S. Res. 199. A resolution calling for the immediate and unconditional release of Dr. Haleh Esfandiari; to the Committee on Foreign Relations.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. Res. 200. A resolution commending Louisiana jockeys for their continued success in the Kentucky Derby at Churchill Downs; to the Committee on the Judiciary.

By Mr. CHAMBLISS (for himself and Mr. NELSON of Nebraska):

S. Res. 201. A resolution supporting the goals and ideals of "National Life Insurance Awareness Month"; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself, Ms. SNOWE, and Mr. WHITEHOUSE):

S. Res. 202. A resolution designating the period beginning on May 14, 2007, and ending on May 18, 2007, as "National Health Information Technology Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 117

At the request of Mr. OBAMA, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 430

At the request of Mr. BOND, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 506

At the request of Mr. LAUTENBERG, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 506, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S. 545

At the request of Mr. LOTT, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 579

At the request of Mr. REID, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Arkansas

(Mrs. LINCOLN) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

At the request of Mr. BOND, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 667, supra.

S. 694

At the request of Mrs. CLINTON, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Oregon (Mr. WYDEN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 755

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 755, a bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes.

S. 773

At the request of Mr. WARNER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 805

At the request of Mr. DURBIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 807

At the request of Mrs. LINCOLN, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 824

At the request of Mr. THUNE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 824, a bill to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 845

At the request of Mr. ENZI, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 845, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 866

At the request of Mr. LUGAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 866, a bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Vermont (Mr. SANDERS), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 902

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 902, a bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes.

S. 921

At the request of Mr. THOMAS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 921, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 980

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 980, a bill to amend the Controlled Substances Act to address online pharmacies.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 991

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 999

At the request of Mr. COCHRAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1136

At the request of Mrs. MURRAY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S.

1136, a bill to promote the economic security and safety of victims of domestic violence, dating violence, sexual assault, or stalking, and for other purposes.

S. 1155

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1155, a bill to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1226

At the request of Mr. BAYH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1226, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 1232

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1237

At the request of Mr. LAUTENBERG, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1237, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1259

At the request of Mrs. CLINTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1263

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1263, a bill to protect the welfare of consumers by prohibiting price gouging with respect to gasoline and petroleum distillates during natural disasters and abnormal market disruptions, and for other purposes.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1332

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1332, a bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs.

S. 1350

At the request of Mr. GREGG, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1350, a bill to amend title II of the Immigration and Nationality Act to reform the diversity visa program and create a program that awards visas to aliens with an advanced degree.

S. 1351

At the request of Mr. GREGG, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1351, a bill to amend the Immigration and Nationality Act to improve the competitiveness of the United States in the global economy and to protect against potential visa fraud and abuse.

S. 1359

At the request of Mrs. MURRAY, the names of the Senator from Montana (Mr. TESTER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1379

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1379, a bill to amend chapter 35 of title 28, United States Code, to strike the exception to the residency requirements for United States attorneys.

S. 1382

At the request of Mr. REID, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1386

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1386, a bill to amend the Housing and Urban Development Act of 1968, to provide better assistance to low- and moderate-income families, and for other purposes.

S. RES. 118

At the request of Mr. LEVIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 197

At the request of Ms. MIKULSKI, the names of the Senator from Montana (Mr. TESTER), the Senator from Nevada (Mr. REID) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 197, a resolution honoring the accomplishments of AmeriCorps.

AMENDMENT NO. 1071

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 1071 proposed to H.R. 1495, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 1094

At the request of Ms. SNOWE, her name was added as a cosponsor of amendment No. 1094 proposed to H.R. 1495, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 1098

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1098 proposed to H.R.

1495, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Nebraska (for himself and Mr. DURBIN):

S. 1391. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

Mr. NELSON of Nebraska. Mr. President, today I join House Majority Leader STENY HOYER in introducing legislation seeking to strengthen our local communities through coordinated school-based efforts. The Full-Service Community Schools Act establishes an important grant program supporting a variety of community services, ranging from early childhood education and family literacy efforts to job training and nutrition services. Our schools have long served as the bedrock of local communities; and in a time when Federal dollars have been used as an invasive hand, I believe additional resources should be allocated to local areas supporting enterprising instruction, public health, job training and overall community and parental engagement.

The Full-Service Community Schools Act will direct the Department of Education to award grants to local educational agencies and one or more community-based organizations, nonprofit organizations, or other public/private entities. These full-service community school dollars will improve the coordination, delivery, effectiveness, and efficiency of services provided to our children and families. Funds will be awarded to those grantees coordinating at least 3 services at a school site, including early childhood programs; literacy and reading programs for youth and families; parenting education activities; community service; job training and career counseling services; nutrition services; primary health and dental care; and preventive mental health and treatment services.

Priority will be given to grantees demonstrating a record of effectiveness and serving at least two schools in which at least 40 percent of the children are from low-income families. These targeted efforts will support a more efficient use of Federal, State, local, and private-sector dollars serving the needs of children and families. A synergy of community engagement, parental enthusiasm, and local leadership is what America needs to address the growing challenges of our time; and I will continue working with my colleagues to ensure such efforts have the support of Congress. I encourage Senators to join me by cosponsoring the Full-Service Community Schools Act of 2007.

By Mr. ALEXANDER (for himself, Mr. COCHRAN, and Mr. CORNYN):

S. 1393. A bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes; to the Committee on the Judiciary.

Mr. ALEXANDER. Mr. President, Senators from both parties are working very hard these days to put together an immigration bill. The majority leader is working hard to create an environment in which that can happen, and I appreciate his doing that. It is not easy to do. But it is absolutely essential that we have a comprehensive immigration bill.

This is not something Members of the Congress can blame on anybody else. It is not the Governors' job, it is not the mayors' job, it is not the county commissioners' job, it is not the Sheriff's job, it is our job to decide what our immigration policy should be. It is our job to secure the border. It is our job to make certain that those who come here are legally here. It is also our job to make sure that those who come here legally have an opportunity to become Americans, a chance to become part of our country.

We have a motto above our wall that says, "One from many." It doesn't say "Many from one." We are very proud of our magnificent diversity in this country. People come here from virtually every country in the world. Anyone who has gone to the naturalization ceremonies can attest, where last year 650,000 new citizens stood in courthouses all across America, raised their right hands and swore their allegiance to this country—nothing is more moving than that. But as much as we prize that diversity, what we prize even more is our ability to turn all that diversity into one country.

Unity is harder than diversity. There are a lot of diverse countries in the world, and they are ripped apart by their differences. We have been fortunate. As other countries struggle with the idea of becoming French, becoming German, becoming Japanese—it is hard to do. But in this country, if you become a citizen, you have to become an American.

How do you do that? You don't do it by your race. In fact, our Constitution says that race cannot be used.

You don't do it by any other form of ancestry. It doesn't matter where your grandparents came from. What does matter is that you subscribe to a few principles and that you learn a common language. Those are the most basic elements of the unity, this fragile and important unity that makes us the United States of America instead of just another United Nations.

In anticipation of the immigration debate next week, I introduce today, along with Senators COCHRAN and CORNYN, what we call the Strengthening American Citizenship Act. It is an essential part of any immigration bill because it addresses what happens after one lawfully becomes a resident of this country and begins to think about lawfully becoming a citizen.

This legislation will help legal immigrants who are prospective American citizens learn our common language and learn about our ways of government. I introduced this legislation last year, in the 109th Congress, when we considered an immigration bill. It had several cosponsors and it passed this body 91 to 1. It was an amendment to the Senate immigration bill, in April of 2006.

I hope the Senate will agree again to make it a part of the bill. It might not make the most headlines, but it will make as much lasting difference in immigration legislation as possible.

Here, in brief, is what the legislation would do. First, it would help prospective citizens learn English and it would do that in two ways. It would provide education grants of up to $500 for English courses for immigrants who declare their intent to become American citizens. They might use these grants of $500, for example, to go to any accredited agency such as "Fuentes," in Los Angeles, a place I happen to know about, which can do, for that amount of money, an excellent job of helping, in that case mostly Spanish-speaking citizens, learn also to speak English. So it is a $500 voucher, in effect, to help any lawful person learn English.

Second, it will change the citizenship rules to allow those who learn to speak English fluently to reduce from 5 to 4 years the amount of time they have to wait to become a citizen. These are two ways we are trying to help people learn English and by doing that value our common language.

There are other ways to do that. Senator KENNEDY and I have talked about the fact that there are lines of people in Boston, his State, and Nashville, in my State, of adults who want to learn English, but there is no room for them in the adult education programs we fund. Perhaps when we pass the Workforce Investment Act, or other appropriations bills, we can find other ways to help people who want to learn English, learn English. But this legislation focuses specifically on prospective citizens who want to learn English by giving them a grant to help them do it and by giving them an incentive to learn the language fluently. They can become a citizen then in 4 years instead of 5.

Also, it helps prospective citizens learn more about the American way of life. Albert Shanker, the late President of the American Federation of Teachers, said the common school was created in America, the public school, to help largely immigrant children learn reading and writing and arithmetic and what it means to be an American, with the hope they would go home and teach their parents.

The last time we had such a large percentage of foreign-born people in our country was in about 1900, the turn of that century. Organizations all over America got busy helping new arrivals learn about our country, learn about our Declaration of Independence, learn about our Constitution and the ideas that were part of it because they knew that, since you do not become a citizen based upon your race or your ancestry and you do it upon the idea of America, that someone needed to help these people learn about the idea of America. Many were very eager to do that.

The legislation I introduced today would establish a foundation to support the activities of the Office of Citizenship within the Department of Homeland Security so that organizations that want to support and cooperate in efforts to reach out to prospective citizens can do so.

It would provide grants to organizations to provide classes in American history and civics. We are talking about a lot of prospective citizens—650,000 or so last year. After this immigration bill it may be more, because if you become a citizen, you are going to have to be legally here. So we want to make sure we have plenty of help for these who want to do that.

Third, codify the oath of allegiance. One of the most remarkable oaths, I suppose, in the American language, is the oath of allegiance that the 650,000 new citizens take when they become Americans. It is an oath that goes all the way back to George Washington's time and Valley Forge. It was essentially the oath that Washington and his officers took at the beginning of the American revolution. It says that I, George Washington, or I, the new citizen, declare that we owe no allegiance or obedience—in that case, to King George;

> . . . and that we renounce, refuse and abjure any allegiance or obedience to him and do swear that I will, to the utmost of my power, support, maintain and defend the said United States.

Essentially, that same oath of allegiance is the oath new citizens take. This elevates that oath of allegiance from a bureaucratic rule to a part of the law and gives it the same dignity that the Pledge of Allegiance has and the national anthem has. Finally, this legislation would celebrate new citizens by focusing on these hundreds of ceremonies that we have, in which people from all over the world wear their best clothes, prove that they have good character, that they have waited 5 years, that they have learned English, that they have passed a test about citizenship, and they are ready to say: As proud as I am of where I came from, I now pledge my allegiance to the United States of America.

We want to celebrate those events. This instructs the Secretary of Homeland Security to develop and implement a strategy to make those naturalization ceremonies more important in the fabric of our everyday life, and establish an award for citizens who have been naturalized in the last 10 years who have made an outstanding contribution to the American Nation. We all know in our own experiences that new Americans are sometimes the best Americans. They make the largest contribution. They have the best understanding of our country. We want to celebrate what they have done.

This is legislation the Senate adopted before. Senator COCHRAN, Senator CORNYN, and I are introducing it to make sure we adopt it again when immigration comes up.

I also wish to mention that I intend on looking at a comprehensive effort toward the same goal, which I like to call the American citizenship agenda; learning English and what it means to becoming an American. I have identified several areas, and I may introduce amendments in many of these areas to the immigration bill.

These were not introduced the last time, but they would include clarifying the mission of the Office of Citizenship within the U.S. Citizenship and Immigration Service, establishing State citizenship advisory boards in a number of States, coordinating efforts toward helping immigrants learning English, American history, and civics. It would create an employer tax credit for businesses that help their employees learn English. As I mentioned earlier, at the beginning of the 20th century, there were a great many businesses hiring new Americans who spent their money, their time, and their effort to make sure those new employees understood what it meant to become Americans.

One way to meet this need of a large percentage of foreign-born people in our country is to provide tax incentives to businesses that help their employees learn English. Another proposal is to require a demonstration of English language proficiency when an individual renews his or her green card; establishing a Presidential award for companies that go above and beyond in bringing their employees together as Americans; finally, asking for a Government Accountability Office study to identify the need of lawful permanent residents not speaking English and the associated costs; in other words, how many people living in our country do not speak English and what would be the cost and the most effective programs of helping them learn English.

That is my purpose today, to introduce the Strengthening American Citizenship Act, legislation that passed when we considered the immigration bill in 2006, and which Senators COCHRAN and CORNYN and I hope will be a part of this legislation; then to discuss what I call the Strengthening American Citizenship Agenda, which will be looking for a variety of other ways to help make sure we not only celebrate our diversity but we find ways to celebrate our unity.

We can look across the ocean at Europe and see the struggle in Turkey right now for that nation's identity. We can see the difficulty France and Germany are having as Muslim workers have a hard time integrating into their country. We do not want the United States of America to become a country where we have enclaves of people who have no loyalty to the idea of this Nation. We want to create an environment where everyone has an opportunity to think about loyalty to this country, where almost all have a chance to think about becoming a citizen one day, and where every single person who lives here has an opportunity to learn to speak our common language, not just for their benefit but so we do not become a tower of Babel or a United Nations, that we become a United States of America, as our Founders envisioned.

By Ms. STABENOW (for herself, Mr. VOINOVICH, Mr. KERRY, Mr. LEVIN, and Ms. SNOWE):

S. 1394. A bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations; to the Committee on Finance.

Ms. STABENOW. Mr. President, under current law, only two categories of individuals pay tax on the sale of their principle residence: the truly fortunate who have realized a capital gain of more than $250,000, $500,000 on a joint return, or the truly unfortunate who lose equity in their home and are forced to pay tax if the lender forgives some portion of the mortgage debt. Surely this is an anomalous result.

Nevertheless, newspaper and television reports describe the burdens families all over the country are facing as lenders foreclose on borrowers who cannot make their mortgage payments. In more and more circumstances, these borrowers, often minorities and the elderly, are unable to make the escalating payments associated with subprime loans and some complex adjustable rate mortgage products.

Other media reports focus on the challenges sellers face if they live in areas with declining home values. There are instances where the value of housing in a whole market occasionally falls through no fault of the homeowner. A plant closes, environmental degradations are found nearby, a regional economic slump hits hard. This happened during the 1980s in the oil patch and in southern California and New England at the beginning of the 90s.

This is happening right now in Michigan with the depressed automotive industry. The Detroit metropolitan area had the highest percentage of households in foreclosure in the 150 largest metropolitan areas, with an average of more than 10,000 foreclosures in each quarter. The foreclosures affected 1 out of every 21 households, nearly five times the national average. Over the first quarter of 2007, Michigan had over 29,000 foreclosures and Detroit was on pace to record 11,000 for that same time period.

One thing these news reports do not mention is the tax problem that sellers or those in foreclosure will face if lenders forgive and do not require payment on some or all of a mortgage debt at the time of disposition. What happens to these people who must sell their homes during a downturn or who cannot make their payments and go into foreclosure? They must pay taxes on the amount forgiven; it is treated as income.

Below are two hypothetical scenarios where owners must have to pay taxes on the amount forgiven and those estimated taxes. The first example is a situation where there has been a downturn in the housing market. The second example is where a family, possibly because of loss of job, illness, or decrease in income or significant changes in the mortgage rate, can neither refinance the property nor sustain the payments and the lender forecloses on the property.

Decrease in home prices or "short sale"	
Mortgage	$100,000
Market Value at Purchase	100,000
Market Value at Sale	90,000
Sale Price	90,000
Debt Remaining After Sale	10,000
Taxes Due if forgiven by the lender @ 15 percent tax rate	1,500
Lender forecloses	
Mortgage	$100,000
Foreclosure Amount	80,000
Debt Remaining After Foreclosure	20,000
Taxes Due if forgiven by the lender @ 15 percent tax rate	3,000

In the "short sale" transaction, if the lender forgives the $10,000 of outstanding debt, the family will have taxable income of $10,000 on the transaction and owe $1,500, even though they have just sustained an economic loss and no cash gain.

In a second scenario, if the foreclosure sale does not cover the amount of outstanding debt on the property or $20,000, the lender might forgive remaining debt. Again, the borrower is treated as having received "income" when the debt is forgiven and in the example, would owe $3,000 in taxes on the $20,000 that was forgiven.

Clearly it is unfair to tax people on phantom income, particularly right at the time they have had a serious economic loss and have no cash with which to pay the tax. My bill, the Mortgage Relief Act, will relieve families of a tax burden when their lender forgives part of the mortgage on a principal residence.

None of us wants to learn that families in our own districts will be forced to pay taxes when they have no money and have incurred a substantial loss on what, for most, is the most significant asset they own, and possibly the only asset they have. While my legislation will not repair their credit or punish those who mislead them into inappropriate loans, it will prevent them from further financial harm.

Mr. KERRY. Mr. President, it is becoming more difficult for a middle class family to purchase a home. Last week the Senate Finance Committee held a hearing on middle class economic issues. We learned from the witnesses that families are struggling because their fixed costs are greater and one of these fixed costs is housing. Professor Elizabeth Warren testified that houses purchased now are only slightly larger than those purchased in the 1970's, but the median mortgage payment is 76 percent larger than a generation ago.

Today, there are serious problems in our mortgage lending market which need to be addressed. Too many families are unable to make the monthly mortgage payments on their homes. Foreclosure rates are increasing. Some homeowners who are facing foreclosure have received what are known as "subprime" loans which allow an adjustable rate of mortgage interest or a break on payments during the first years of the mortgage. The "subprime" lending market has been an important tool to allow people with poor credit histories to obtain access to credit including mortgages. However, in recent years some lenders have used these "subprime" mortgage loans to put homeowners into mortgage products with high interest rates that increase after a short period of time. Additionally, some homeowners have opted to buy homes they could not afford by using the "subprime" loan market. In either case, too many homeowners have been unable to keep up with the changes in their mortgage payments and have been forced into foreclosure.

Last year, the Commonwealth of Massachusetts had a record 19,487 foreclosure filings. One of every 92 U.S. households faced foreclosure and there are expected to be more disclosures in 2007. Published reports show that Massachusetts has had approximately 10,000 foreclosures filings already this year. Monthly payments on millions of loans are expected to increase dramatically as low introductory interest rates balloon as much as 50 percent. The Nonprofit Center for Responsible Lending predicts that one in five subprime mortgages done in the past 2 years will end up in foreclosure.

Today, Senators STABENOW, VOINOVICH and I are introducing the Mortgage Relief Cancellation Act of 2007. This legislation will help families who are faced with mortgages that they are unable to pay. Fortunately, some lenders are willing to modify loans and forgive some debt, but the borrower is required to pay income tax on the cancelled debt.

Under present law, the discharged debt is treated as income. Some homeowners are learning about this rule the hard way and find themselves owing a large tax bill on debt that was forgiven. The Mortgage Relief Cancellation Act of 2007 would exclude from income the debt that is forgiven for certain mortgage loans.

An example of this is a situation in which a homeowner sells their house to prevent disclosure and the proceeds do not cover the full mortgage obligation. The lender agrees to forgive the difference. Under the Mortgage Relief Cancellation Act of 2007, the amount forgiven would not be included in taxable income. This legislation also addresses forgiveness of debt as part of a restructuring arrangement.

I urge you to support this legislation.

By Mr. LEVIN (for himself and Mrs. McCASKILL):

S. 1395. A bill to prevent unfair practices in credit card accounts, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, I am introducing today, along with Senator McCASKILL, the Stop Unfair Practices in Credit Cards Act.

Credit cards are a fixture of American family life today. People use them to buy groceries, to rent a car, shop on the Internet, pay college tuition, and even pay their taxes. In 2005, the average family had five credit cards. American households used nearly 700 million credit cards to buy goods and services worth $1.8 trillion. Credit cards fuel commerce, facilitate financial planning, help families deal with emergencies. But credit cards have also contributed to record amounts of household debt. Some credit card issuers have socked families with sky-high interest rates of 25 and 30 percent and higher. They have hit consumers with hefty fees for late payments, for exceeding a credit card limit, and other transactions. In too many cases, credit card issuers have made it all but impossible for working-class families to climb out of debt.

That is why in 2005, the Permanent Subcommittee on Investigations, which I chaired, on which Senator McCASKILL serves, initiated an in-depth investigation into unfair and abusive credit card industry practices.

In the fall of 2006, the Government Accountability Office, the GAO, released a report which I had requested, which for the first time in years provided a comprehensive examination of the interest rates and fees being charged by credit card companies. Following the release of that report, and continuing through today, the subcommittee has been deluged with calls and letters from Americans expressing anger and frustration at the way they have been treated by their credit card companies, and sharing stories of unfair and often abusive practices. The subcommittee has been examining those allegations of unfair treatment and has identified many troubling credit card industry practices which should be banned or restricted.

Our first hearing in March focused on industry practices involving grace periods, interest rates, and fees. It revealed a number of unfair, often little-known, and sometimes abusive credit card practices, which prey upon families experiencing financial hardships, and squeezed even consumers who pay their credit card bills on time.

The legislation we are introducing today is aimed at stopping abusive credit card practices that trap too many hard-working families in a downward spiral of debt. American families deserve to be treated honestly and fairly by their credit card companies. Our bill would help ensure that fair treatment. Here are a few things our bill would do. It would stop credit card companies from charging interest on debt that is paid on time. It would crack down on abusive fees, including repeated late fees and over-the-limit fees, and fees to pay your bill.

It would also prohibit the charging of interest on those fees. It would establish guidelines on interest rate increases, including a cap on penalty interest rate hikes at no more than 7 percent. It would require that increased interest rates apply only to future credit card debt and not the debt already incurred.

Our bill will be referred to the Senate Banking Committee, which has primary jurisdiction over credit card legislation, and which has been holding its own hearing on unfair credit card practices. Our friend, Senator DODD, the committee chairman, has a long history of fighting credit card abuses. Senator SHELBY, the ranking Republican, as well as many other members of the committee, has also expressed concern about a number of credit card problems.

It is my hope our bill and the legislative record being compiled by our Permanent Subcommittee on Investigations will help the Banking Committee in its deliberations and help build momentum to enact legislation halting the unfair credit card practices that outrage American consumers. Credit card abuse is too harmful to American families, our economy, and our economic future to let these unfair practices continue.

Let me describe the key provisions of our bill in more detail. The first section of the bill would put an end to an indefensible practice that imposes little known and unfair interest charges on many unsuspecting, responsible consumers. Most credit cards today offer what is called a grace period. Cardholders are told that, if they pay their monthly credit card bill during this grace period, they will not be charged interest on the debt for which they are being billed. What many cardholders do not realize, however, is that this grace period typically provides protection against interest charges only if their monthly credit card bill is paid in full. If the cardholder pays less than 100 percent of the monthly bill—even if the cardholder pays on time—he or she will be charged interest on the entire billed amount, including the portion that was paid by the specified due date.

An example shows why this billing practice is unfair and should be stopped. Suppose a consumer who usually pays his or her credit card account in full and owes no money as of December 1 makes a lot of purchases in December. The consumer gets a credit card bill on January 1 for $5,020, due January 15. Suppose the consumer pays that bill on time, but pays $5,000 instead of the full amount owed.

Most people assume that the next bill would be for the $20 in unpaid debt, plus interest on that $20. But that commonsense assumption is wrong. That is because current industry practice is to charge the consumer interest not only on the $20 that wasn't paid on time, but also on the $5,000 that was paid on time. Let me say that again. Industry practice is to force the consumer to pay interest on the portion of the debt that was paid on time. In other words, the consumer would pay interest on the entire $5,020 from the first day of the billing month, January 1, until the day the $5,000 payment was made on January 15, compounded daily. So much for a grace period. After that, the consumer would be charged interest on the $20 past due, compounded daily, from January 15 to the end of the month.

The end result would be a February 1 bill that more than doubles the $20 debt. Using an interest rate of 17.99 percent, for example, in just one month, the $20 debt would rack up interest charges of more than $35.

Charging $35 of interest over one month on a $20 credit card debt is indefensible, especially when applied to a consumer who paid over 90 percent of their credit card debt on time during the grace period. Our legislation would end this unfair billing practice by amending the Truth in Lending Act to prohibit the charging of interest on any portion of a credit card debt that is paid on time during a grace period. Using our example, this prohibition would bar the charging of interest on the $5,000 that was paid on time, and result in a February balance that reflects what a rational consumer would have expected: the $20 past due, plus interest on the $20 from January 1 to January 31.

The second section of our bill would address a related unfair billing practice, which I call "trailing interest." Charging trailing interest on credit card debt is another widespread, but little known industry practice that squeezes responsible and largely unsuspecting consumers for still more interest charges.

Going back to our example, you might think that once the consumer gets gouged in February by receiving a bill for $55 on a $20 debt, and pays that bill on time and in full, without making any new purchase, that would be the end of that credit card debt for the consumer. But you would be wrong. It would not be the end.

Even if, on February 15, the consumer paid the February 1 bill in full and on time—all $55—the next bill would likely have an additional interest charge related to the $20 debt. In this case, the charge would reflect interest that would have accumulated on the $55 from February 1 to 15, which is the time from when the bill was sent to the day it was paid. The total interest charge in our example would be about 38 cents. While some credit card issuers will waive trailing interest if the next month's bill is less than $1, a common industry practice is to fold the 38 cents into the next bill if a consumer makes a new purchase.

Now 38 cents isn't much in the grand scheme of things. That may be why many consumers don't notice this extra interest charge or bother to fight it. Even if someone had questions about the amount of interest on a bill, most consumers would be hard pressed to understand how the amount was calculated, much less whether it was correct. But by nickel and diming tens of millions of consumer accounts with trailing interest charges, credit card issuers reap large profits.

This little known billing practice, which squeezes consumers for a few more cents on the dollar, and targets responsible cardholders who pay their bills on time and in full, goes too far. If a consumer pays a credit card bill on time and in full—paying 100 percent of the amount specified by the date specified in the billing statement—it is unfair to charge that consumer still more interest on the debt that was just paid. Our legislation would put an end to trailing interest by prohibiting credit card issuers from adding interest charges to a credit card debt which the consumer paid on time and in full in response to a billing statement.

A third problem examined by the subcommittee involves a widespread industry practice in which credit card issuers claim the right to unilaterally change the terms of a credit card agreement at any time for any reason with only a 15-day notice to the consumer under the Truth in Lending Act.

As the National Consumer Law Center testified at our hearing, this practice means that smart shoppers who choose a credit card after comparing a variety of card options are continually vulnerable to a change-in-terms notice that alters the favorable terms they selected, and provides them with only 15 days to accept the changes or find an alternative. By asserting the right to make unilateral changes to credit card terms on short notice, credit card issuers undermine not only the bargaining power of individual consumers, but also principles of fair market competition. Such unilateral changes are particularly unfair when they alter material terms in a credit card agreement such as the interest rate applicable to extensions of credit.

That is why our bill would impose two types of limits on credit card interest rate hikes. First, for consumers who comply with the terms of their credit card agreements, the bill would prohibit a credit card issuer from unilaterally hiking an interest rate that was represented to, and included in the disclosures provided, to a consumer under the Truth in Lending Act, unless the consumer affirmatively agreed in writing to the increase at the time it is proposed. This prohibition is intended to protect responsible consumers who play by the rules from a sudden hike in their interest rate for no apparent reason—a complaint that the subcommittee has heard all too often. Under our bill, issuers would no longer be able to unilaterally hike the interest rates of cardholders who play by the rules.

The bill's second limit would apply to consumers who, for whatever reason, failed to comply with the terms of their credit card agreement, perhaps by paying late or exceeding the credit limit. In that circumstance, credit card issuers would be permitted to impose a penalty interest rate on the account, but the bill would place a cap on how high that penalty interest rate could go.

Specifically, the bill would limit any such penalty rate hike to no more than a 7 percent increase above the interest rate in effect before the penalty rate was imposed. That means a 10 percent rate could rise no higher than 17 percent, and a 15 percent rate could not exceed 22 percent. This type of interest rate limit is comparable to the caps that today operate in many adjustable mortgages. The effect of the credit card cap would be to prohibit penalty interest rates from dramatically increasing the interest rate imposed on the cardholder, as happened in cases examined by the subcommittee where credit card interest rates jumped from 10 percent or 15 percent to as much as 32 percent. Penalty interest rate hikes that double or triple existing interest rates are simply unreasonable and unfair.

If a credit card account were opened with a low introductory interest rate followed by a higher interest rate after a specified period of time, it is intended that the penalty rate cap proposed in the bill would apply to each of those disclosed rates individually. For example, suppose the credit card account had a 0 percent introductory rate for 6 months and a 12 percent rate after that. Suppose further that, during the 6-month introductory period, the cardholder exceeded the credit limit. The bill would allow the card issuer to impose a penalty interest rate of up to 7 percent for the rest of the 6 month period. Once the 6-month period ended, it is intended that the 12 percent rate would take effect. If the consumer were to again exceed the limit, it is intended that any penalty rate imposed upon the account be no greater than 19 percent.

If a card issuer were to analyze an account and conclude that a penalty rate increase of up to 7 percent would be insufficient to protect against the risk of default on the account, the issuer could choose to reduce the credit limit on the account or cancel the account altogether. If the card issuer chose to cancel the account, it is intended that the consumer would retain the right to pay off any debt on the account using the interest rate that was in effect when the debt was incurred.

The point of the bill's penalty interest rate cap is to stop penalty interest rate hikes which are disproportional; which too often stick families with sky-high interest rates of 25 percent, 30 percent, and even 32 percent; and which too often make it virtually impossible for working American families to climb out of debt.

Still another troubling practice involving credit card interest rate hikes is the problem of retroactive application. Industry practice today is to apply an increased interest rate not only to new debt incurred by the cardholder, but also to previously incurred debt.

Retroactive application of a higher interest rate means that pre-existing credit card debt suddenly costs a consumer much more to repay. Take, for example, a $3,000 credit card debt that a consumer was paying down each month with timely payments. Suddenly, the cardholder falls ill, misses a payment or pays it late, and the card issuer increases the interest rate from 15 percent to 22 percent. If applied to the existing $3,000 debt, that higher rate would require the cardholder to make a much steeper minimum monthly payment and pay much more interest than originally planned. That is often enough to sink a working family into a deepening spiral of debt from which they cannot recover.

By making it a common practice to institute after-the-fact interest rate hikes for existing credit card debt—in effect unilaterally changing the terms of an existing loan—the credit card industry has unfairly positioned itself to reap greater profits at consumers' expense. Our bill would fight back by limiting the retroactive application of interest rate hikes to lessen the financial impact on American households. Specifically, our bill would provide that interest rate hikes could be applied only to future credit card debt and not to any credit card debt incurred prior to the rate increase. Instead, any earlier debt would continue to accrue interest at the rate previously in effect.

The first set of provisions in our bill addresses unfair practices related to interest rates. The next set of provisions targets unfair practices related to fees imposed on cardholders by credit card companies.

The need for proconsumer fee protections is illustrated by the story of Wes Wannemacher of Ohio, a witness featured at the subcommittee's March hearing. In 2001 and 2002, Mr. Wannemacher charged about $3,200 on a new Chase credit card to pay for expenses mostly related to his wedding. Over the next 6 years, he paid about $6,300 toward that debt, yet in February 2007, Chase said that he still owed them about $4,400.

How could Mr. Wannemacher pay nearly double his original credit card debt and still owe $4,400? As he explained in his testimony, in addition to repaying the original debt of $3,200, Mr. Wannemacher was socked with $4,900 in interest charges, $1,100 in late fees, and 47 over-limit fees totaling $1,500, despite going over his $3,000 credit limit by a total of $200. These facts show that Mr. Wannemacher paid $2,600 in fees on a $3,200 debt. In addition, those fees were added to his outstanding credit card balance, and he was charged interest on the fee amounts, increasing his debt by hundreds if not thousands of additional dollars. There is something so wrong with this picture, that Chase didn't even defend its treatment of the account at the subcommittee hearing; instead, Chase forgave the $4,400 debt that it said was still owing on the Wannemacher credit card.

It is no secret that credit card companies are making a great deal of money off the fees they are imposing on consumers. According to GAO, fee income now produces about 10 percent of all income obtained by credit card issuers. The GAO report which I commissioned on this subject identified a host of different fees that have become common practice, including fees for transferring balances, making a late payment, exceeding a credit limit, paying a bill by telephone, and exchanging foreign currency. According to GAO, late fees now average $34 per month and over-limit fees average $31 per month, with some of these fees climbing as high as $39 per month. As Mr. Wannemacher discovered, these hefty fees are not only added to the credit card's outstanding balance, they also incur interest. The higher the fees climb, the higher the balances owed, and the higher the interest charges on top of that.

Charging interest on money borrowed is certainly justified, but squeezing additional dollars from consumers by charging interest on transaction fees goes too far. Steep fees already deepen household debt from credit cards; those fees should not also generate interest income for the credit card issuer. Our bill would ban this industrywide practice by prohibiting credit card issuers from charging or collecting interest on the fees imposed on consumers.

Mr. Wannemacher exceeded the $3,000 limit on his credit card on three occasions in 2001 and 2002 for a total of $200. Over the following 6 years, however, he was charged over-the-limit fees on 47 occasions totaling about $1,500. In other words, Chase tried to collect over-the-limit fees from Mr. Wannemacher that were seven times larger than the amount he went over the limit.

At our March hearing, Chase did not attempt to defend the 47 over-the-limit fees it imposed; instead, it announced that it was changing its policy and would join with others in the industry in imposing no more than three over-the-limit fees in a row on a credit card account with an outstanding balance that exceeded the credit limit. While Chase's voluntary change in policy is welcome, it doesn't go far enough in curbing abusive practices related to over-the-limit fees.

First, if a credit card issuer approves the extension of credit that allows the cardholder to exceed the account's established credit limit, the issuer should be allowed to impose only one over-the-limit fee for that credit extension. One fee for one violation—especially when the card issuer facilitated the violation by approving the excess credit charge.

Second, the fee should be imposed only if the account balance is over the credit limit at the end of the billing cycle. If a cardholder exceeds the limit in the middle of the billing cycle and then takes prompt action to reduce the balance below the limit, perhaps by making a payment or obtaining a credit for returning a purchase, there is no injury to the creditor and no justification for an over-the-limit fee.

Third, a credit card issuer should impose an over-the-limit fee only when an action taken by the cardholder causes the credit limit to be exceeded, and not when a penalty imposed by the card issuer causes the excess charge. The card issuer should not be able to pile penalty upon penalty, such as by assessing a late fee on an account and then, if the late fee pushes the credit card balance over the credit limit, also imposing an over-the-limit fee.

In addition, the bill would require credit card issuers to offer consumers the option of establishing a true credit limit on their account—a credit limit that could not be exceeded, because the account would be programmed to refuse approval of any extension of credit over the established limit. In too many cases, credit card issuers no longer provide consumers with the option of having a fixed credit limit, preferring instead to enable all of their cardholders to exceed their credit limits only to be penalized by a hefty fee, added interest, and, possibly, a penalty interest rate.

There is more. Another unfair but common fee is what I call the "pay-to-pay fee." It is the $5 to $15 fee that many issuers charge consumers to pay their credit card bill on time by using the telephone. To me, charging folks a fee to pay their bills is a travesty. My bill would prohibit a credit card issuer from charging a separate fee to allow a credit cardholder to pay all or part of a credit card balance.

Another fee that has raised eyebrows is the one charged by credit card issuers to exchange dollars into or from a foreign currency. A number of issuers today charge an amount equal to 2 percent of the amount of currency being exchanged in addition to a 1-percent "conversion fee" charged by Visa or Master Card, for a total of 3 percent Our bill responds by requiring foreign currency exchange fees to reasonably reflect the actual costs incurred by the creditor to perform the currency exchange, and requiring regulators to ensure compliance with that standard.

In addition to unfair practices involving interest rates and fees, the subcommittee investigation uncovered several unfair industry practices involving how credit cardholder payments are applied to satisfy finance charges and other credit card debt. One such practice that has caught the subcommittee's attention is the industrywide practice of applying consumer payments first to the balances with the lowest interest rates.

Right now, a single credit card account often carries balances subject to multiple interest rates. Credit cards typically use one interest rate for purchases, another for cash advances, and a third for balance transfers. Many card issuers also offer new customers low introductory interest rates, such as 0 or 1 percent, but limit these "come on" rates to a short time period or to a balance transferred from another card. Moreover, many of these interest rates may vary over time, since it is a common practice to offer variable interest rates that rise and fall according to a specified rate or index.

When a consumer payment is made, credit card issuers currently have complete discretion on how to apply that payment to the various balances bearing different interest rates. Consumers are typically given no option to direct where their payments are applied. Today, virtually all credit card issuers apply a consumer payment first to the balance with the lowest interest rate. After that balance is paid off, card issuers apply the payment to the balance with the next lowest interest rate, and so on.

This payment practice clearly favors creditors over consumers. It allows the card issuers to direct payments first to the balances that provide them with the lowest returns, and minimize payments to the balances bearing the highest interest rates so those balances can accumulate more interest for a longer period. Consumers who want to pay off a cash advance bearing a 20 percent interest rate, for example, are told that they cannot make that payment until they first pay off all other balances with a lower interest rate.

Our bill would replace this unfair industrywide practice with a proconsumer approach. Reversing current industry practice, the bill would require cardholder payments to be applied first to the balance bearing the highest interest rate, and then to each successive balance bearing the next highest rate, until the payment is used up. The bill would also require credit card issuers to apply cardholder payments in the most effective way to minimize the imposition of any fees or interest charges to the account.

In addition, the bill would prohibit credit card issuers from imposing late fees on consumers if the issuer was itself responsible for the delay in crediting the payment. For example, if a card issuer changed the mailing address for payments, had to shut down its mail sorting equipment for repairs, or mistakenly routed a consumer payment to the wrong department, the issuer would not be allowed to assess a late fee on the cardholder for the resulting late payment. Instead, if the card issuer caused the late payment, it would be barred from assessing a late fee on the consumer.

In addition to provisions to improve practices related to interest rates, fees, and consumer payments, the bill would add two new definitions to the Truth in Lending Act, intended to further address concerns related to unfair credit card practices.

The first definition involves use of the term, "prime rate." Many credit card issuers today use variable interest rates that are linked to the "prime rate" or "prime interest rate" and vary over time. For example, a disclosure may indicate that a credit card will bear an interest rate equal to the prime rate plus a specified number of percentage points. Since the 1950s, the term "prime rate" has been commonly understood to mean the lowest interest rate offered by U.S. banks to their most creditworthy borrowers. That is how the term is defined, for example, in Webster's Collegiate Dictionary.

The problem, however, is that no current statute or regulation defines the prime rate referenced in credit card disclosures under the Truth in Lending Act, and some card issuers have stated expressly that the prime rate used in credit card agreements does not necessarily match the lowest interest rates they provide to their most creditworthy borrowers. Litigation has also arisen between cardholders and card issuers as to what is meant by the term and whether cardholders are being misled. A cite is *Lum* v. *Bank of America*, 361 F.3d 217 (3d Cir. 2004).

To remedy this gap in the law, the bill would require credit card disclosures under the Truth in Lending Act that reference the prime rate to use the bank prime loan rate published by the Federal Reserve Board. This published rate is widely accepted in the financial community as an accurate depiction of the lowest interest rate offered by U.S. banks to their most creditworthy borrowers, and the rate is readily available to the public on the Federal Reserve Web site. By mandating use of this published rate, the bill will ensure that consumers are not deceived by a credit card issuer using a misleading definition of the commonly used term "prime rate."

The second definition added by the bill to the Truth in Lending Act involves specifying the "primary federal regulator" of a credit card issuer. Today, many credit card issuers are federally chartered or regulated banks subject to one or more Federal bank regulators. The bill would make it clear that when a card issuer is a Federal bank, its primary Federal regulator is the same primary regulator assigned to the bank under Federal banking law. The provision would also make it clear that the primary Federal regulator is responsible for overseeing the bank's credit card operations, ensuring compliance with credit card statutes and regulations, and enforcing the prohibition against unfair or deceptive acts or practices in the Federal Trade Commission Act. Another provision in the bill would make it clear that Federal regulators are expected to conduct at least annual audits to ensure card issuer compliance with the statutes and regulations seeking to ensure fair and effective credit card operations.

The next section of the bill would improve current credit card data collection efforts. Right now, credit card issuers file periodic reports with the Federal Reserve providing information about credit card interest rates and profits. This data plays a critical role in credit card oversight efforts, as well as financial and economic analyses related to consumer spending and household debt. The bill would strengthen current data collection efforts by requiring more specific information on interest rates and fees. For example, current data reports cannot be used to determine how many credit card accounts have interest rates of 25 percent or greater, what types of fees are imposed on consumers, or how many cardholders are affected by such interest rates and fees. The new bill would ensure that regulators, credit card users, and the public have the information needed to answer those basic questions.

The bill would also require the development of credit card industrywide estimates of the approximate relative income derived from interest rates, fees imposed on cardholders, fees imposed on merchants, and any other material source of income. GAO provided this information for the first time in its 2006 report, estimating that the credit card industry now derives about 70 percent of its income from interest charges, 20 percent from interchange fees imposed on merchants, and 10 percent from fees imposed on consumers. This valuable information should continue to be collected so that regulators, credit card users, and the public gain a more informed understanding of the credit card industry.

The bill's data collection requirements are largely modeled upon and intended to replicate key interest rate, fee, and revenue data presented by GAO in its 2006 report, "Credit Cards: Increased Complexity in Rates and Fees Heightens Need for More Effective Disclosures to Consumers." Credit card experts were also consulted to determine what information would be most helpful to strengthen credit card oversight.

The final provision in the bill would provide a 6-month transition period for credit card issuers to implement the bill's provisions.

Credit card issuers like to say that they are engaged in a risky business, lending unsecured debt to millions of consumers, and that's why they have to set interest rates so high and impose so many fees. But the data shows that, typically, 95 to 97 percent of U.S. cardholders pay their bills. And it is clear that credit card operations are enormously profitable. For the last decade, credit card issuers have reported year after year of solid profits, maintained their position as the most profitable sector in the consumer lending field, and reported consistently higher rates of return than commercial banks. Credit card issuers make such a hefty profit that they sent out 8 billion pieces of mail last year soliciting people to sign up.

With profits like those, credit card issuers can afford to stop treating American families unfairly. They can give up charging interest on debt that was paid on time, give up charging consumers a fee to pay their bills, give up hiking interest rates from 15 percent to 32 percent, and give up imposing repeated over-the-limit fees for a single over-the-limit purchase. As one Michigan businessman expressed it to the subcommittee, "I don't blame the credit card issuers for putting me into debt, but I do blame them for keeping me there."

Some argue that Congress doesn't need to ban unfair credit card practices; they contend that improved disclosure alone will empower consumers to seek out better deals. Sunlight can be a powerful disinfectant, which is why I have strongly urged the Federal Reserve Board to expedite its regulatory effort to strengthen credit card disclosure and help consumers understand and compare how various credit cards work. But credit cards have become such complex financial products that even improved disclosure will frequently not be enough to curb the abuses—first because some practices are so complex that consumers can't easily understand them, and second because better disclosure does not always lead to greater market competition, especially when virtually an entire industry is using and benefiting from practices that disadvantage consumers.

So when we find credit card practices that are inherently unfair, consumers are often best served, not by greater disclosure, but by stopping the unfair practices that take advantage of them. Among those practices identified in this bill are unfair interest charges that squeeze consumers who pay their credit card debt on time; unilateral and retroactive interest rate hikes that deepen and prolong credit card debt; unreasonable fees; and payment allocation practices that prevent consumers from paying off the credit card debts bearing the highest interest rates first.

Congress needs to enact proconsumer legislation that puts an end to unfair credit card practices. I am afraid that these practices are too entrenched, too profitable to the credit card companies, and too immune to consumer pressure for the companies to change them on their own. Our bill offers measures that would combat a host of unfair practices that plague consumers and unfairly deepen and prolong their debt. I look forward to working with my colleagues to address these problems.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Unfair Practices in Credit Cards Act of 2007".

SEC. 2. STOP UNFAIR INTEREST RATES AND FEES.

Section 163 of the Truth in Lending Act (15 U.S.C. 1666b) is amended—

(1) by striking the section title and all that follows through "If an open" and inserting the following:

"§163. Billing period and finance charges

"(a) Billing Period.—

"(1) Fourteen-day minimum.—If an open";

(2) by striking "(B) Subsection (a)" and inserting the following:

"(2) Excusable cause.—Subsection (a)"; and

(3) by adding at the end the following:

"(b) No Interest Charge on Debt That Is Paid on Time.—If an open end consumer credit plan provides a time period within which an obligor may repay any portion of the credit extended without incurring an interest charge, and the obligor repays all or a portion of such credit within the specified time period, the creditor may not impose or collect an interest charge on the portion of the credit that was repaid within the specified time period.

"(c) No Interest on Debt That Is Paid on Time and in Full.—In an open end consumer credit plan, if a billing statement requests an obligor to repay within a specified time period all of the credit extended under the plan and related finance charges, and the obligor pays all of the specified amount within the specified time period, the creditor may not impose or collect an additional interest charge on the amount that was paid in full and within the specified time period.

"(d) Limits on Interest Rate Increases.——

"(1) In general.—With respect to a credit card account under an open end consumer credit plan, the creditor shall not increase the periodic rate of interest applicable to extensions of credit while such account remains open, unless—

"(A) such increase is pursuant to the expiration of an introductory rate which was disclosed under section 127(c)(6);

"(B) such increase is pursuant to the application of a variable rate which was disclosed under section 127(c)(1)(A)(i)(II);

"(C) such increase is pursuant to the application of a penalty rate which was disclosed under subsections (a)(4) and (c)(1)(A)(i) of section 127; or

"(D) the obligor has provided specific written consent to such increase at the time such increase was proposed.

"(2) Limit on penalty interest rate.—If an obligor fails to repay an extension of credit in accordance with the terms of a credit card account under an open end consumer credit plan, and the creditor determines to apply a penalty rate, as described in paragraph (1)(C), notwithstanding paragraph (1)(D), such penalty rate may not, while such account is open, exceed 7 percentage points above the interest rate that was in effect with respect to such account on the date immediately preceding the first such penalty increase for such account.

"(e) Interest Rate Increases Limited to Future Credit Extensions.—With respect to a credit card account under an open end consumer credit plan, if the creditor increases the periodic interest rate applicable to an extension of credit under the account, such increased rate shall apply only to extensions of credit made on and after the date of such increase under the account, and any extension of credit under such account made before the date of such increase shall continue to incur interest at the rate that was in effect on the date prior to the date of the increase.

"(f) No Interest Charges on Fees.—With respect to a credit card account under an open end consumer credit plan, if the creditor imposes a transaction fee on the obligor, including a cash advance fee, late fee, over-the-limit fee, or balance transfer fee, the creditor may not impose or collect interest with respect to such fee amount.

"(g) Fixed Credit Limit.—With respect to each credit card account under an open end consumer credit plan, the creditor shall offer to the obligor the option of obtaining a fixed credit limit that cannot be exceeded, and with respect to which any request for credit in excess of such fixed limit must be refused, without exception and without imposing an over-the-limit fee or other penalty on such obligor.

"(h) Over-the-Limit Fee Restrictions.—With respect to a credit card account under an open end consumer credit plan, an over-the-limit fee, as described in section 127(c)(1)(B)(iii)—

"(1) may be imposed on the account only when an extension of credit obtained by the obligor causes the credit limit on such account to be exceeded, and may not be imposed when such credit limit is exceeded due to a penalty fee, such as a late fee or over-the-limit fee, that was added to the account balance by the creditor; and

"(2) may be imposed only once during a billing cycle if, on the last day of such billing cycle, the credit limit on the account is exceeded, and no additional over-the-limit fee shall be imposed in a subsequent billing cycle with respect to such excess credit, unless the obligor has obtained an additional extension of credit in excess of such credit limit during such subsequent cycle.

"(i) Other Fees.—

"(1) No fee to pay a billing statement.—With respect to a credit card account under an open end consumer credit plan, the creditor may not impose a separate fee to allow the obligor to repay an extension of credit or finance charge, whether such repayment is made by mail, electronic transfer, telephone authorization, or other means.

"(2) Reasonable currency exchange fee.—With respect to a credit card account under an open end consumer credit plan, the creditor may impose a fee for exchanging United States currency with foreign currency in an account transaction, only if—

"(A) such fee reasonably reflects the actual costs incurred by the creditor to perform such currency exchange;

"(B) the creditor discloses publicly its method for calculating such fee; and

"(C) the primary Federal regulator of such creditor determines that the method for calculating such fee complies with this paragraph.

"(j) Annual Audit.—The primary Federal regulator of a card issuer shall audit, on at least an annual basis, the credit card operations and procedures used by such issuer to ensure compliance with this section and section 164, including by reviewing a sample of billing statements to determine when they were mailed and received, and by reviewing a sample of credit card accounts to determine when and how payments and finance charges were applied. Such regulator shall promptly require the card issuer to take any corrective action needed to comply with this section.".

SEC. 3. STOP UNFAIR APPLICATION OF CARD PAYMENTS.

Section 164 of the Truth in Lending Act (15 U.S.C. 1666c) is amended—

(1) by striking the section heading and all that follows through "Payments" and inserting the following:

"§164. Prompt and fair crediting of payments

"(a) In General.—Payments"; and

(2) by adding at the end the following:

"(b) Application of Payment.—Upon receipt of a payment from a cardholder, the card issuer shall—

"(1) apply the payment first to the card balance bearing the highest rate of interest, and then to each successive balance bearing the next highest rate of interest, until the payment is exhausted; and

"(2) after complying with paragraph (1), apply the payment in the most effective way to minimize the imposition of any finance charge to the account.

"(c) Changes by Card Issuer.—If a card issuer makes a material change in the mailing address, office, or procedures for handling cardholder payments, and such change causes a material delay in the crediting of a cardholder payment made during the 60-day period following the date on which such change took effect, the card issuer may not impose any late fee or finance charge for a late payment on the credit card account to which such payment was credited.".

SEC. 4. STOP DECEPTIVE DISCLOSURE.

Section 127(e) of the Truth in Lending Act (15 U.S.C. 1637(e)) is amended by adding at the end the following:

"(3) Interest rate linked to prime rate.—If a credit card solicitation, application, agreement, or plan specifies use of a variable interest rate established by reference to a 'prime rate', 'prime interest rate', or similar rate or index, the referenced rate shall be disclosed and defined as the bank prime loan rate posted by a majority of the top 25 (by assets in domestic offices) United States chartered commercial banks, as published by the Board of Governors of the Federal Reserve System. To avoid an unfair or deceptive act or practice, a card issuer may not use the term 'prime rate' to refer to any other type of interest rate.".

SEC. 5. DEFINITIONS.

Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by adding at the end the following:

"(cc) Primary Federal Regulator.—

"(1) In general.—The term 'primary Federal regulator', when used with respect to a card issuer that is a depository institution, has the same meaning as the term 'appropriate Federal banking agency', under section 3 of the Federal Deposit Insurance Act.

"(2) Areas of responsibility.—For each card issuer within its regulatory jurisdiction, the primary Federal regulator shall be responsible for overseeing the credit card operations of the card issuer, ensuring compliance with the requirements of this title, and enforcing the prohibition against unfair or deceptive acts or practices.".

SEC. 6. STRENGTHEN CREDIT CARD INFORMATION COLLECTION.

Section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)) is amended—

(1) in paragraph (1)—

(A) by striking "The Board shall" and inserting the following:

"(A) In general.—The Board shall"; and

(B) by adding at the end the following:

"(B) Information to be included.—The information under subparagraph (A) shall include, as of a date designated by the Board—

"(i) a list of each type of transaction or event for which one or more of the card issuers has imposed a separate interest rate upon a cardholder, including purchases, cash advances, and balance transfers;

"(ii) for each type of transaction or event identified under clause (i)—

"(I) each distinct interest rate charged by the card issuer to a cardholder, as of the designated date; and

"(II) the number of cardholders to whom each such interest rate was applied during the calendar month immediately preceding the designated date, and the total amount of interest charged to such cardholders at each such rate during such month;

"(iii) a list of each type of fee that one or more of the card issuers has imposed upon a cardholder as of the designated date, including any fee imposed for obtaining a cash advance, making a late payment, exceeding the credit limit on an account, making a balance transfer, or exchanging United States dollars for foreign currency;

"(iv) for each type of fee identified under clause (iii), the number of cardholders upon whom the fee was imposed during the calendar month immediately preceding the designated date, and the total amount of fees imposed upon cardholders during such month;

"(v) the total number of cardholders that incurred any interest charge or any fee during the calendar month immediately preceding the designated date; and

"(vi) any other information related to interest rates, fees, or other charges that the Board deems of interest."; and

(2) by adding at the end the following:

"(5) REPORT TO CONGRESS.—The Board shall, on an annual basis, transmit to Congress and make public a report containing an assessment by the Board of the profitability of credit card operations of depository institutions. Such report shall include estimates by the Board of the approximate, relative percentage of income derived by such operations from—

"(A) the imposition of interest rates on cardholders, including separate estimates for—

"(i) interest with an annual percentage rate of less than 25 percent; and

"(ii) interest with an annual percentage rate equal to or greater than 25 percent;

"(B) the imposition of fees on cardholders;

"(C) the imposition of fees on merchants; and

"(D) any other material source of income, while specifying the nature of that income.".

SEC. 7. CONFORMING AMENDMENT.

Section 8 of the Fair Credit and Charge Card Disclosure Act of 1988 (15 U.S.C. 1637 note) is repealed.

SEC. 8. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 180 days after the date of enactment of this Act.

By Mr. REID (for himself and Mr. COCHRAN):

S. 1398. A bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise today to introduce legislation focused on a devastating condition known as inflammatory bowel disease, IBD.

Crohn's disease and ulcerative colitis, collectively known as inflammatory bowel disease, IBD, are chronic disorders of the gastrointestinal tract which afflict approximately 1.4 million Americans, 30 percent of whom are diagnosed in their childhood years. IBD can cause severe abdominal pain, fever, and intestinal bleeding. Complications related to the disease include; arthritis, osteoporosis, anemia, liver disease, growth and developmental challenges, and colorectal cancer. Inflammatory bowel disease represents a major cause of morbidity from digestive illness and has a devastating impact on patients and families.

In the 108th Congress, I sponsored bipartisan legislation focused on IBD. Several important provisions of that bill were incorporated into legislation known as the Research Review Act which was enacted in 2005.

The legislation I am introducing today builds on the progress made in 2005 by calling for an increased Federal investment in biomedical research on IBD. The hope for a better quality of life for patients and families depends on basic and clinical research sponsored by the National Institute of Diabetes and Digestive and Kidney Diseases, NIDDK, at the National Institutes of Health. The Inflammatory Bowel Disease Research Act calls for an expansion of NIDDK's research portfolio on Crohn's disease and ulcerative colitis in order to capitalize on several exciting discoveries that have broadened our understanding of IBD in recent years. By increasing our investment in this area, we will maximize the possibility that we will be able to offer hope to millions of Americans who suffer from this debilitating disease. At the same time, progress in this area could also mean we would save millions of dollars in net health care expenditures through reduced hospitalizations and surgeries.

In addition to biomedical research, this legislation also calls on the Centers for Disease Control and Prevention to expand its IBD epidemiology program to include additional studies focused on pediatric IBD. As I mentioned earlier, 30 percent of individuals with IBD are diagnosed in their childhood years. Children with IBD often miss school activities for reasons related to IBD and run the risk of having delayed puberty and impaired growth as a result of this illness. It is therefore appropriate that we also dedicate resources to efforts that will allow us to better understand pediatric IBD.

Mr. President, I urge all Senators to join me in this important cause by cosponsoring the Inflammatory Bowel Disease Research Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Inflammatory Bowel Disease Research Enhancement Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Crohn's disease and ulcerative colitis are serious inflammatory diseases of the gastrointestinal tract.

(2) Crohn's disease may occur in any section of the gastrointestinal tract but is predominately found in the lower part of the small intestine and the large intestine. Ulcerative colitis is characterized by inflammation and ulceration of the innermost lining of the colon. Complete removal of the colon in patients with ulcerative colitis can potentially alleviate and cure symptoms.

(3) Because Crohn's disease and ulcerative colitis behave similarly, they are collectively known as inflammatory bowel disease. Both diseases present a variety of symptoms, including severe diarrhea, abdominal pain with cramps, fever, and rectal bleeding. There is no known cause of inflammatory bowel disease, or medical cure.

(4) It is estimated that up to 1,400,000 people in the United States suffer from inflammatory bowel disease, 30 percent of whom are diagnosed during their childhood years.

(5) Children with inflammatory bowel disease miss school activities because of bloody diarrhea and abdominal pain, and many adults who had onset of inflammatory bowel disease as children had delayed puberty and impaired growth and have never reached their full genetic growth potential.

(6) Inflammatory bowel disease patients are at high risk for developing colorectal cancer.

SEC. 3. NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES; INFLAMMATORY BOWEL DISEASE RESEARCH EXPANSION.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by adding at the end the following:

"SEC. 434B. INFLAMMATORY BOWEL DISEASE.

"(a) IN GENERAL.—The Director of the Institute shall expand, intensify, and coordinate the activities of the Institute with respect to research on inflammatory bowel disease. Such research may be focused on, but not limited to, the following areas:

"(1) Genetic research on susceptibility for inflammatory bowel disease, including the interaction of genetic and environmental factors in the development of the disease.

"(2) Research targeted to increase knowledge about the causes and complications of inflammatory bowel disease in children.

"(3) Animal model research on inflammatory bowel disease, including genetics in animals.

"(4) Clinical inflammatory bowel disease research, including clinical studies and treatment trials.

"(5) Expansion of the Institute's Inflammatory Bowel Disease Centers program with a focus on pediatric research.

"(6) The training of qualified health professionals in biomedical research focused on inflammatory bowel disease, including pediatric investigators.

"(7) Other research priorities identified by the scientific agendas 'Challenges in Inflammatory Bowel Disease Research' (Crohn's and Colitis Foundation of America) and 'Chronic Inflammatory Bowel Disease' (North American Society for Pediatric Gastroenterology, Hepatology and Nutrition).

"(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out subsection (a), there are authorized to be appropriated $80,000,000 for fiscal year 2008, $90,000,000 for fiscal year 2009, and $100,000,000 for fiscal year 2010.".

SEC. 4. CENTERS FOR DISEASE CONTROL AND PREVENTION; EXPANSION OF INFLAMMATORY BOWEL DISEASE EPIDEMIOLOGY PROGRAM.

Part A of title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"SEC. 310A. CENTERS FOR DISEASE CONTROL AND PREVENTION; EXPANSION OF INFLAMMATORY BOWEL DISEASE EPIDEMIOLOGY PROGRAM.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention shall expand the Inflammatory Bowel Disease Epidemiology Program within the National Center for Chronic Disease Prevention and Health Promotion to include additional studies focused on—

"(1) the incidence and prevalence of pediatric inflammatory bowel disease in the United States;

"(2) genetic and environmental factors associated with pediatric inflammatory bowel disease;

"(3) age, race or ethnicity, gender, and family history of individuals diagnosed with pediatric inflammatory bowel disease; and

"(4) treatment approaches and outcomes in pediatric inflammatory bowel disease.

"(b) CONSULTATION.—The Director shall carry out subsection (a) in consultation with a national voluntary patient organization with experience serving the population of individuals with pediatric inflammatory bowel disease and organizations representing physicians and other health professionals specializing in the treatment of such populations.

"(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 and 2010.".

* * *

By Mr. BIDEN:

S. 1399. A bill to amend the Internal Revenue Code of 1986 to combine the Hope Scholarship Credit and the deduction for qualified tuition and related expenses into a refundable college affordability and creating chances for educational success for students (ACCESS) credit, to establish an Early Federal Pell Grant Commitment Demonstration Program, and to increase the maximum Federal Pell Grant Award; to the Committee on Finance.

Mr. BIDEN. Mr. President, I rise today to introduce the College Affordability and Creating Chances for Educational Success for Students Act of 2007, or College ACCESS Act. It will make a 2-year or 4-year college degree affordable for every student.

The United States is the largest economy in the world, and our skills, our brains, are the foundation of our economic strength. However, if we do not substantially expand access to higher education, we will not be able to count on continued dominance. Consider the facts: China and India both produce twice as many engineers a year as we produce. One out of five U.S. scientists and engineers are foreign-born. An Indian engineer costs only 20 percent of an American engineer. By 2010, the U.S. will produce about 15 percent of the world's science and engineering doctorate degrees. This is down from 50 percent, half the world total, in 1970. High-speed access to information has leveled the playing field, radiologists in India are reading x-rays from American hospitals.

This is a global economy. In a world where America's competitive advantage gap is closing fast, we should be ensuring guaranteeing that every student can pursue higher education. The importance of a college degree. has never been greater, but over the next decade 2 million students will forgo college because of cost. The price tag of a degree at a four year public college has risen 35 percent in the last 5 years, the largest increase in tuition and fees in any 5-year period in the last 30 years. We can not approach college as if it is a luxury, rather than a necessity. And we should be worried about the rising costs that are putting college out of reach for more and more Americans. We aren't giving students and their families enough financial support to obtain their educational goals, it is that simple.

We need to act, and we need to act now, and that is why I am introducing the College ACCESS Act. This legislation addresses some of the disparities in our current system with innovative new ways to help Americans pay for college.

First, my College ACCESS Plan fully covers the average cost of tuition and fees at a 2-year public college and covers more than half of the average cost of tuition and fees at a public 4-year college.

Right now, students and their families can take advantage of either the Hope Credit or the tuition and fees deduction, obtaining a maximum benefit of $1,120 or $1,650, respectively. Although these incentives help to make college more affordable, they fall far short of providing the level of relief needed to ensure that all students can afford college.

By replacing the Hope Credit and the tuition and fees deduction with a single $3,000 credit, the equivalent of a $12,000 deduction, and making it refundable, middle class and low income families will get real help with college costs. My College ACCESS tax credit simplifies this process and is indexed annually for inflation. So, when the cost of college goes up, the amount of assistance goes up as well.

Second, my College ACCESS proposal increases Pell Grants. When this program was established, it covered most of the cost of tuition at a 4-year public college. This is no longer the case. Currently, the maximum annual Pell Grant award is $4,310, and the average annual cost of tuition and fees at a 4-year public college is $5,800. Students are seeing their tuition costs rise every year while the levels of Federal funding fail to keep up. This reality is one that more and more students are facing every day, a reality that says, you can go to college, but only if you can afford it, and you won't get much help from us.

My College ACCESS Act seeks to remedy this by raising the maximum Pell Grant award to $5,100 for 2007–2008, followed by increases of $300 per year for the next 5 years, for a maximum Pell Grant in 2011–2012 of $6,300.

Finally, the College ACCESS Plan would provide funding for a demonstration program in four states that would commit a maximum Federal Pell Grant award to eligible 8 grade students so they know they're going to get this assistance when they graduate. By using the same eligibility criteria as the National School Lunch Program, students would be identified based on need, and then provided with information on the Pell Grant program, the costs of college, and what Federal and State financial assistance is available to them.

Right now, students don't find out if they are eligible for Federal aid until their senior year, much less how much they will receive. If you've ever put kids through college, like I have, you know that this time frame doesn't allow much leeway for planning ahead. An earlier promise of Federal aid will begin the conversation about college early and continue it through high school. That way, students and their families can visualize college in their future, and this goal can sustain them through the moment they open that acceptance letter.

My mother has an expression that I think rings true in the larger scope of America: "Children tend to become that which you expect of them." I want a country where we expect much from America's children. Our future, and our economic security, depend on it.

I ask unanimous consent that a summary of this bill be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE COLLEGE ACCESS ACT OF 2007

TITLE I—COLLEGE ACCESS TAX CREDIT

Consolidate two existing tax incentives—the Hope Scholarship Credit and the tuition and fees deduction—and replaces them with a single $3,000 refundable tax credit that is the equivalent of a $12,000 deduction. The College ACCESS Tax Credit would fully cover the average cost of tuition and fees at a public two-year college, $2,300, and would cover more than half of the average cost of tuition and fees at a public four-year college, $5,800. Currently, the tuition and fees deduction has a maximum value of $1,120, about 20 percent of the average cost of tuition and fees at a public four-year college. The Hope Scholarship Credit is more valuable, with a maximum value of $1,650, about 28 percent of the average cost of tuition and fees at a public four-year college.

Expand eligibility for the tax credit to ease the burden of paying for college for more families. Currently, the Hope Scholarship Credit is phased out for married couples earning $90,000 to $110,000, $45,000 to $55,000 for individuals. Married couples earning $130,000 to $160,000, $65,000-$80,000 for individuals, are eligible only for a reduced tuition and fees deduction. The College ACCESS Tax Credit expands eligibility, providing the full credit to married couples whose adjusted gross income is less than $130,000, $65,000 for individuals and phasing out the credit for married couples with incomes between $130,000 and $166,000, $65,000 and $83,000 for individuals. Broadening the income limits for this credit would result in approximately 4 million more hard working American families being eligible for this assistance than under the current tax incentives and limits. Recognizing that the cost of college rises each year, both the income limits and phase-out range for the credit would be adjusted annually for inflation. Furthermore, families could claim a credit for more than one eligible dependent in a school year. In pursuing their education, individuals will be eligible for credits totaling up to $12,000 toward an undergraduate degree, associate's degree, certificate, or continuing education as well as credits totaling up to $6,000 toward a graduate degree; as long as they are enrolled at least half-time.

Make the tuition tax credit refundable. Making the College ACCESS Tax Credit refundable would expand this incentive to the very students and families that need it the most, low income families. This credit would allow low income families to qualify for up to $3,000 to cover tuition payments that aren't covered by Pell Grants. Low income students who do attend college often face prohibitive costs even after receiving aid from the government and their institution.

TITLE II—EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM

Fund a demonstration program that would commit Pell Grants to students in 8 grade. Currently, most students find out whether or not they will receive a Pell Grant during their senior year of high school. Starting the financial aid process earlier would allow families and students to plan ahead for college and develop an expectation that the future includes higher education. The proposal provides funding for an Early Pell Grant Commitment Demonstration Program in four States, each of which would commit Pell Grants to two cohorts of up to 10,000 8 grade students, one in school year 2007–2008, and one in school year 2008–2009. Participation would be contingent on students' 8 grade eligibility for free or reduced price meals under the National School Lunch Program. Participants would qualify for the Automatic Zero Expected Family Contribution on the Free Application for Federal Student Aid, FAFSA, guaranteeing them a maximum Pell Grant, $4,310 for 2007–08. Additionally, the act requires an independent evaluation to be conducted to determine the impact and effectiveness of the program.

Provide students with essential information regarding the costs of college as well as available State and Federal assistance. The Early Pell Grant Demonstration Project would provide funding for States, in conjunction with the participating local education agencies, to conduct targeted information campaigns beginning in the 8 grade and continuing through students' senior year. These campaigns would inform students and their families of the program and provide information about the cost of a college education, State and Federal financial assistance, and the average amount of aid awards. A targeted information campaign, along with a guarantee of a maximum Pell Grant, would provide information essential to the college-planning process and would help break down the barriers that cost and information often form.

TITLE III—INCREASE FEDERAL PELL GRANT MAXIMUM AWARD

Expand the maximum Pell Grant from $4,310 to $5,100. In 1975, the maximum Pell Grant covered 84 percent of the cost of tuition, fees, room, and board at a four-year public college (Pell Grants, unlike tax incentives, can be used to pay for the cost of room and board). The maximum Pell Grant this year covered 33 percent of the average cost of tuition, fees, room, and board at a public four-year college, $12,115. While Congress increased the maximum Pell Grant for 2007–2008 to $4,310, a more substantial increase is long overdue, as the cost of tuition has outpaced the growth in family income for the last two decades. The College ACCESS Act would increase the maximum Pell Grant to $5,100 for 2007–2008, followed by increases of $300 per year for the next five years, for a maximum Pell Grant in 2011–12 of $6,300.

ESTIMATED FIVE-YEAR COSTS

Title I—$24.1 Billion
Title II—$35 billion
Title III—$36.5 million

By Mr. ENZI (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BURR, Mr. ISAKSON, and Ms. MURKOWSKI):

S. 1400. A bill to amend the Higher Education Act of 1965 to improve the information and repayment options to student borrowers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise to speak about the Student Information Means a Positive Loan Experience Act, the SIMPLE Act, which I, along with Senators ALEXANDER, ALLARD, BURR and ISAKSON, am introducing today. With the increasing debt level of many students, it is important to make sure borrowers have good options for managing their debt and good information on the available options so they make wise, informed decisions.

We are calling this the SIMPLE Act for a reason. We have heard testimony from experts and comments from borrowers and other stakeholders about the information borrowers receive currently. On the one hand, borrowers receive so much information that they have "information overload," which leads to confusion. On the other hand, many borrowers do not receive good information about the full range of tools available to help them repay their loans. What has come through loud and clear is that we need to simplify the information and spell out the impact of selecting various options. Borrowers need better, clearer information to help them make better decisions, not more repayment plans and confusing choices.

There are already four repayment plans in the Federal Family Education Loan program and four in Direct Loans. From the data we have obtained, it is clear that the vast majority of borrowers with Stafford loans have a standard repayment plan. Many borrowers are not taking advantage of the graduated, extended or income sensitive/income contingent repayment plans currently available.

Rather than adding another repayment plan, this bill makes the existing repayment plans more flexible, by providing borrowers with the option to pay only the interest on their loans for the first 2 years they are in repayment, regardless of their repayment plan. The bill also expands access to the extended repayment plan to borrowers with $20,000 of student loan debt, instead of the $30,000 currently needed to qualify for extended repayment plans.

The bill also revises the definition of economic hardship, raising the eligibility cut-off point to 150 percent of the poverty line and taking family size into account when making the determination of eligibility.

To make sure borrowers understand the availability of the various options, and the impact different repayment plans would have on their payments, the bill expands and clarifies the information to be provided to borrowers during their exit interview. Information on repayment plans available will include a discussion of the different features of each plan, average anticipated monthly payment amounts, and the ability of the borrower to prepay their loans or to change repayment plans.

The bill requires borrowers to be provided with clear information on the availability of deferment and forbearance. These are two excellent debt management tools, but borrowers must understand the potential impact on their loan principal and total interest paid on their loans when they choose these options.

During exit counseling, borrowers must also be provided with information on the effect of consolidating student loans on the borrower's underlying loan benefits, including grace periods, loan forgiveness and cancellation. Borrowers must be informed that different lenders offering consolidation loans may offer different borrower benefits.

Last, but not least, borrowers must be given notice that information on their student loans is housed in the National Student Loan Database and they must be told how to access their information. It will help them keep track of the status of their loans and the outstanding principal.

All of this is designed to help borrowers ask questions first, then make decisions that are right for them. The concept is simple, and requires a few, but essential changes to the Higher Education Act to put them into effect.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Information Means a Positive Loan Experience Act of 2007".

SEC. 2. PURPOSE.

The purpose of this Act is to improve—

(1) the repayment plans available to borrowers of loans under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(2) borrowers' understanding of—

(A) the repayment plans available for such loans;

(B) the conditions under which such loans may be cancelled or forgiven; and

(C) the availability of deferments, forbearance, and consolidation for such loans, and the impact on the balance of such loans and total interest paid of using those options.

SEC. 3. FLEXIBLE REPAYMENT PLANS.

(a) STUDENT LOAN REQUIREMENTS.—Section 427(a)(2)(H) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(H)) is amended by inserting ", and, if applicable, the option of electing to delay repayment or principal for the first 2 years of the repayment period" before the semicolon at the end.

(b) FFEL REPAYMENT PLANS.—Section 428(b)(9) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(9)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence of the matter preceding clause (i), by inserting ", and the election described in subparagraph (C)" after "thereon";

(B) in clause (ii), by inserting ", which plan shall be established by the lender with the informed agreement of the borrower" before the semicolon at the end; and

(C) by striking clause (iv) and inserting the following:

"(iv) for new borrowers on or after October 7, 1998, who accumulate outstanding loans under this part totaling more than $20,000, an extended repayment plan, with a fixed annual or graduated repayment amount paid over an extended period, not to exceed 25 years, except that the borrower shall repay annually a minimum amount determined in accordance with paragraph (1)(L)(i)."; and

(2) by adding at the end the following:

"(C) OPTION FOR FIRST 2 YEARS.—A lender shall offer each new borrower of loans on or after October 7, 1998, the opportunity to elect, for the first 2 years of repayment of such loans, to delay the repayment of principal, regardless of the repayment plan selected under this paragraph.".

(c) DIRECT LOAN REPAYMENT PLANS.—Section 455(d) of the Higher Education Act of 1965 (20 U.S.C. 1087e(d)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) in the first sentence, by inserting ", and the election described in paragraph (6)" after "the loan"; and

(ii) in the third sentence, by striking "may choose" and inserting "shall choose from"; and

(B) in subparagraph (C), by striking "428(b)(9)(A)(v)" and inserting "428(b)(9)(A)(iv)"; and

(2) by adding at the end the following:

"(6) OPTION FOR FIRST 2 YEARS.—The Secretary shall offer each new borrower of loans on or after October 7, 1998, the opportunity to elect, for the first 2 years of repayment of such loans, to delay the repayment of principal, consistent with section 428(b)(9)(C).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to loans for which the first disbursement is made on or after October 7, 1998.

SEC. 4. REVISED DEFINITION OF ECONOMIC HARDSHIP.

Section 435(o)(1) of the Higher Education Act of 1965 (20 U.S.C. 1085(o)(1)) is amended—

(1) in subparagraph (A)(ii), by striking "100 percent of the poverty line for a family of 2" and inserting "150 percent of the poverty line applicable to the borrower's family size"; and

(2) in subparagraph (B)(ii), by striking "to a family of 2" and inserting "to the borrower's family size".

SEC. 5. USEFUL AND COMPREHENSIVE STUDENT LOAN INFORMATION FOR BORROWERS.

(a) INSURANCE PROGRAM AGREEMENTS.—Section 428(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)) is amended—

(1) in subparagraph (X), by striking "and" after the semicolon;

(2) in subparagraph (Y)(ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(Z) provides that the lender shall, at the time the lender grants a deferment to a borrower who received a loan under section 428H and is eligible for a deferment under section 427(a)(2)(C), provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan.".

(b) GUARANTY AGREEMENTS.—Section 428(c)(3)(C) of the Higher Education Act of 1965 (20 U.S.C. 1078(c)(3)(C)) is amended—

(1) in clause (i), by striking "and" after the semicolon;

(2) in clause (ii), by striking "and" after the semicolon;

(3) by inserting after clause (ii) the following:

"(iii) the lender shall, at the time of granting a borrower forbearance, provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan; and

"(iv) the lender shall contact the borrower not less often than once every 180 days during the period of forbearance to inform the borrower of—

"(I) the amount of unpaid principal and the amount of interest that has accrued since the last statement of such amounts provided to the borrower by the lender;

"(II) the fact that interest will accrue on the loan for the period of forbearance;

"(III) the amount of interest that will be capitalized, and the date on which capitalization will occur;

"(IV) the ability of the borrower to pay the interest that has accrued before the interest is capitalized; and

"(V) the borrower's option to discontinue the forbearance at any time; and".

(c) LENDER AGREEMENTS.—Section 428C(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078-3(b)(1)) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) that the lender shall, upon application for a consolidation loan, provide the borrower with information about the possible impact of loan consolidation, including—

"(i) the total interest to be paid and fees to be paid on the consolidation loan, and the length of repayment for the loan;

"(ii) whether consolidation would result in a loss of loan benefits under this part or part D, including loan forgiveness, cancellation, and deferment;

"(iii) in the case of a borrower that plans to include a Federal Perkins Loan under part E in the consolidation loan, that once the borrower adds the borrower's Federal Perkins Loan to a consolidation loan—

"(I) the borrower will lose all interest-free periods that would have been available for such loan under part E, such as the periods during which no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, the grace period, and the periods during which the borrower's student loan repayments are deferred under section 464(c)(2); and

"(II) the borrower will no longer be eligible for cancellation of part or all of a Federal Perkins loan under section 465(a);

"(iv) the ability of the borrower to prepay the consolidation loan, pay such loan on a shorter schedule, and to change repayment plans;

"(v) that borrower benefit programs for a consolidation loan may vary among different lenders;

"(vi) the consequences of default on the consolidation loan; and

"(vii) that by applying for a consolidation loan, the borrower is not obligated to agree to take the consolidation loan; and".

(d) INFORMATION DISSEMINATION.—Subparagraph (M) of section 485(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(a)(1)(M)) is amended to read as follows:

"(M) the terms and conditions of the loans that students receive under parts B, D, and E;".

(e) EXIT COUNSELING.—Subparagraph (A) of section 485(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(b)(1)(A)) is amended by striking the subparagraph designation and all that follows through "465." and inserting the following: "(A) Each eligible institution shall, through financial aid offices or otherwise, provide counseling to borrowers of loans that are made, insured, or guaranteed under part B (other than loans made pursuant to section 428C or loans made to parents pursuant to section 428B), or made under part D (other than Federal Direct Consolidation Loans or Federal Direct PLUS Loans made to parents) or E, prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include—

"(i) information on the repayment plans available, including a discussion of the different features of each plan and sample information showing the difference in interest paid and total payments under each plan;

"(ii) the average anticipated monthly repayments under the standard repayment plan and, at the borrower's request, the other repayment plans for which the borrower is eligible;

"(iii) such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness;

"(iv) an explanation that the borrower has the ability to prepay each such loan, pay the loan on a shorter schedule, and change repayment plans;

"(v) the terms and conditions under which the student may obtain full or partial forgiveness or cancellation of principal or interest under sections 428J, 460, and 465 (to the extent that such sections are applicable to the student's loans);

"(vi) the terms and conditions under which the student may defer repayment of principal or interest or be granted forbearance under subsections (b)(1)(M) and (o) of section 428, 428H(e)(7), subsections (f) and (l) of section 455, and section 464(c)(2), and the potential impact of such deferment or forbearance;

"(vii) the consequences of default on such loans;

"(viii) information on the effects of using a consolidation loan to discharge the borrower's loans under parts B, D, and E, including, at a minimum—

"(I) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

"(II) the effects of consolidation on a borrower's underlying loan benefits, including all grace periods, loan forgiveness, cancellation, and deferment opportunities;

"(III) the ability of the borrower to prepay the loan or change repayment plans; and

"(IV) that borrower benefit programs may vary among different loan holders; and

"(ix) a notice to borrowers about the availability of the National Student Loan Data System and how the system can be used by a borrower to obtain information on the status of the borrower's loans.".

(f) CONFORMING AMENDMENT.—Section 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1087e(g)) is amended by striking "428C(b)(1)(F)" and inserting "428C(b)(1)(G)".

SEC. 6. REPORT REQUIRED.

Section 141(c) of the Higher Education Act of 1965 (20 U.S.C. 1018(c)) is amended—

(1) in the subsection heading, by striking "PLAN AND REPORT" and inserting "PLAN, REPORT, AND BRIEFING"; and

(2) by adding at the end the following:

"(4) BRIEFING ON ENFORCEMENT OF STUDENT LOAN PROVISIONS.—The Chief Operating Officer shall provide an annual briefing to the members of the authorizing committees on the steps the PBO has taken and is taking to ensure that lenders are providing the information required under clauses (iii) and (iv) of section 428(c)(3)(C) and sections 428(b)(1)(Z) and 428C(b)(1)(F).".

By Mr. ENZI (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BURR, Mr. ISAKSON, Mr. ROBERTS, and Ms. MURKOWSKI):

S. 1401. A bill to improve the National Student Loan Data System; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise to speak about the Student Financial Aid Data Privacy Protection Act, which I, along with Senators ALEXANDER, ALLARD, BURR, ISAKSON and ROBERTS, am introducing today. In a climate where our personal financial information is at risk, it is now more important than ever to ensure that the Department of Education is providing appropriate safeguards around one of the world's largest databases, National Student Loan Data System.

The Department of Education has not inspired confidence in its ability to protect its data systems from those bad actors who would misuse the financial information of students and parents. Indeed in 2006 the House Committee on Oversight and Government Reform gave the Department of Education a failing grade for its efforts to improve the security of its data systems in compliance with the Federal Information Security Management Act.

More recently, on April 17 of this year the Department of Education suspended the access of lenders, services and guaranty agencies to the National Student Loan Data System. While I am pleased to see that the Department of Education is monitoring this database, it is clear from the information provided by the Department of Education that this unprecedented restriction of access was done without having in place clear standard operating procedures for limiting and restoring access to the database.

The National Student Loan Data System is a vital tool for lenders, universities and students. It is a system that is absolutely essential to the efficient functioning of our country's higher education loan and grant programs. When the operation of this system suffers, students suffer.

Students and parents depend on this system to consolidate their loans. Lenders and guaranty agencies depend on this system to verify whether students should be entering their repayment period. And our institutions of higher education depend on this system to determine whether students are exceeding caps on how much they should be borrowing to attend college.

This bill sets out operating principles for the National Student Loan Data System, to ensure that the Department of Education continues to manage this database in manner that advances the best interests of students. The bill requires the Department of Education establish protocols for limiting access to the database when there are suspicions that the system is being used inappropriately, and the steps to be taken in order to restore access.

This bill also requires the Department of Education, lenders and guaranty agencies to assist students and parents in better understanding how their sensitive, financial information is entered into the National Student Loan Data System and then accessed by thousands of lenders, consolidators and guaranty agencies across the country.

Finally, the bill prohibits nongovernmental researchers and policy analysts from accessing sensitive borrower-specific information, and directs the Secretary of Education to explore ways to empower students and parents to control which lenders are accessing their sensitive, financial information.

We must help the 14.3 million students and their families who trust the Department of Education to protect their personal financial information. Action is needed to restore confidence in the ability of the Department of Education to manage the National Student Loan Data System. I want to thank Senators ALEXANDER, ALLARD, BURR, ISAKSON and ROBERTS for joining me in this effort, and look forward to this bill being included in our efforts to reauthorize the Higher Education Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Financial Aid Data Privacy Protection Act".

SEC. 2. NATIONAL STUDENT LOAN DATA SYSTEM.

Section 485B of the Higher Education Act of 1965 (20 U.S.C. 1092b) is amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively;

(2) by inserting after subsection (c) the following:

"(d) PRINCIPLES FOR ADMINISTERING THE DATA SYSTEM.—In managing the National Student Loan Data System, the Secretary shall take actions necessary to maintain confidence in the data system, including, at a minimum—

"(1) ensuring that the primary purpose of access to the data system by guaranty agencies, eligible lenders, and eligible institutions of higher education is for legitimate program operations, such as the need to verify the eligibility of a student, potential student, or parent for loans under part B, D, or E;

"(2) prohibiting nongovernmental researchers and policy analysts from accessing personally identifiable information;

"(3) creating a disclosure form for students and potential students that is distributed when such students complete the common financial reporting form under section 483, and as a part of the exit counseling process under section 485(b), that—

"(A) informs the students that any title IV grant or loan the students receive will be included in the National Student Loan Data System, and instructs the students on how to access that information;

"(B) describes the categories of individuals or entities that may access the data relating to such grant or loan through the data system, and for what purposes access is allowed;

"(C) defines and explains the categories of information included in the data system;

"(D) provides a summary of the provisions of the Federal Educational Rights and Privacy Act of 1974 and other applicable Federal privacy statutes, and a statement of the students' rights and responsibilities with respect to such statutes;

"(E) explains the measures taken by the Department to safeguard the students' data; and

"(F) includes other information as determined appropriate by the Secretary;

"(4) requiring guaranty agencies, eligible lenders, and eligible institutions of higher education that enter into an agreement with a potential student, student, or parent of such student regarding a loan under part B,

D. or E, to inform the student or parent that such loan shall be—

"(A) submitted to the data system; and

"(B) accessible to guaranty agencies, eligible lenders, and eligible institutions of higher education determined by the Secretary to be authorized users of the data system;

"(5) regularly reviewing the data system to—

"(A) delete inactive users from the data system;

"(B) ensure that the data in the data system are not being used for marketing purposes; and

"(C) monitor the use of the data system by guaranty agencies and eligible lenders to determine whether an agency or lender is accessing the records of students in which the agency or lender has no existing financial interest; and

"(6) developing standardized protocols for limiting access to the data system that include—

"(A) collecting data on the usage of the data system to monitor whether access has been or is being used contrary to the purposes of the data system;

"(B) defining the steps necessary for determining whether, and how, to deny or restrict access to the data system; and

"(C) determining the steps necessary to reopen access to the data system following a denial or restriction of access."; and

(3) by striking subsection (e) (as redesignated by paragraph (1)) and inserting the following:

"(e) REPORTS TO CONGRESS.—

"(1) ANNUAL REPORT.—Not later than September 30 of each fiscal year, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing—

"(A) the results obtained by the establishment and operation of the National Student Loan Data System authorized by this section;

"(B) the effectiveness of existing privacy safeguards in protecting student and parent information in the data system;

"(C) the success of any new authorization protocols in more effectively preventing abuse of the data system;

"(D) the ability of the Secretary to monitor how the system is being used, relative to the intended purposes of the data system; and

"(E) any protocols developed under subsection (d)(6) during the preceding fiscal year.

"(2) STUDY.—

"(A) IN GENERAL.—The Secretary shall conduct a study regarding—

"(i) available mechanisms for providing students and parents with the ability to opt in or opt out of allowing eligible lenders to access their records in the National Student Loan Data System; and

"(ii) appropriate protocols for limiting access to the data system, based on the risk assessment required under subchapter III of chapter 35 of title 44, United States Code.

"(B) SUBMISSION OF STUDY.—Not later than 3 years after the date of enactment of the Student Financial Aid Data Privacy Protection Act, the Secretary shall prepare and submit a report on the findings of the study to the appropriate committees of Congress.".

By Mr. GRASSLEY:

S. 1402. A bill to amend the Investment Advisors Act of 1940, with respect to the exemption to registration requirements; to the Committee on Banking, Housing, and Urban Affairs.

Mr. GRASSLEY. Mr. President, I would like to introduce an important piece of legislation aimed at closing a loophole in our securities laws. This bill, The Hedge Fund Registration Act, is pretty simple. It's only two pages long. All it does is clarify that the Securities and Exchange Commission has the authority to require hedge funds to register, so the government knows who they are and what they're doing.

Technically speaking, this bill would amend section 203(b)(3) of the Investment Advisers Act of 1940. It would narrow the current exemption from registration for certain investment advisers. This exemption is used by large, private pooled investment vehicles, commonly referred to as "hedge funds." Hedge funds are operated by advisers who manage billions of dollars for groups of wealthy investors in total secrecy. They should at least have to register with the SEC, like other investment advisors do.

Currently, the exemption applies to any investment adviser who had fewer than 15 clients in the preceding year and who does not hold himself out to the public as an investment adviser. The Hedge Fund Registration Act narrows this exemption and closes a loophole in the securities laws these hedge funds use to avoid registering with the SEC and operate in secret.

Much has been reported during the last few years regarding hedge funds and the market power they yield because of the large amounts of capital they invest. In fact, some estimates are that these pooled investment vehicles account for nearly 30 percent of the daily trades in U.S. financial markets. The power and influence of that amount of volume is not some passing fad. It represents a new element in our financial markets. Congress needs to ensure that the SEC knows who is controlling these massive pools of money to ensure the integrity and security of the markets.

The failure of Amaranth and the increasing interest in hedge funds as investment vehicles for public pension money means that this is not just a high stakes game for the super rich. Hedge funds affect regular investors. They affect the markets as a whole.

My recent oversight of the SEC has convinced me that the Commission and the Self-Regulatory Organizations, SROs, need much more information about the activities of hedge funds in order to protect the markets from institutional insider trading and other potential abuses.

This legislation is one small, simple step toward greater transparency. All it does is require that hedge funds register and tell the regulators who they are. This is not a burden. It is just common sense. Organizations that wield hundreds of billions of dollars in market power every day need to register with the agency that Americans rely on to regulate the financial markets.

The SEC has already attempted to do this by regulation. Congress needs to act because of a decision made last year by a Federal appeals court. In 2006, the DC Circuit Court of Appeals overturned an SEC administrative rule that required registration of hedge funds. That decision effectively ended all registration of hedge funds with the SEC, unless and until Congress takes action.

The Hedge Fund Registration Act would respond to that court decision by narrowing the current registration exemption and bring much needed transparency to hedge funds.

Most people say the devil is in the details. Well here they are. This bill would authorize the SEC to require all investment advisers, including hedge fund managers, to register with the SEC. Only those that meet all four of the following criteria would be exempt: 1. managed less than $50 million, 2. had fewer than 15 clients, 3. did not hold himself out to the public as an investment advisor, and 4. managed the assets for fewer than 15 investors, regardless of whether investment is direct or through a pooled investment vehicle, such as a hedge fund.

The Hedge Fund Registration Act is a first step in ensuring that the SEC simply has clear authority to do what it already tried to do. Congress must act to ensure that our laws are kept up to date as new types of investments appear.

That said, this legislation didn't have many friends the last time I introduced it as an amendment. These funds don't want people to know what they do and have fought hard to keep it that way. Well, I think that is all the more reason to shed some sunlight on them to see what they're up to.

I urge my colleagues to cosponsor and support this legislation, as we work to protect all investors, large and small.

By Mr. INHOFE:

S. 1404. A bill to provide for Congressional authority with respect to certain acquisitions, mergers, and takeovers under the Defense Production Act of 1950; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INHOFE. Mr. President, this is an important issue, one I have raised many times over the years. I have testified before the Banking Committee, and introduced numerous bills.

It is not a new issue. There have been at least four high-profile times in the last 12 years where proposed foreign acquisitions in the U.S. have threatened our security.

In 1998, President Clinton tried to turn over management of a 144-acre terminal at the former U.S. Naval Station in Long Beach to the Chinese Ocean Shipping Company, COSCO—a subsidiary of the People's Liberation Army.

I am going to quote from an LA Times article from that time:

> The embattled COSCO deal came to an end Thursday night, when congressional conferees submitted to Congress the 1998-99 Defense Authorization Bill . . . Leading the effort to block COSCO from the facility were Sen. James Inhofe (R-OK) and Rep. Duncan Hunter [of the] San Diego area.

That was one battle that we won.

Since working in 1995 to prevent Los Angeles ports from being controlled by Chinese interests, I have continued my pressure on the issue. For example, I expressed my concern with the CFIUS process over 2 years ago in the spring of 2005 when I delivered four speeches on China. While examining this issue I came across a disturbing example of China buying the U.S. company, Magnequench Inc., and moving it piecemeal back to mainland China.

Let me read from the floor speech I gave on April 4, 2005:

> I believe that CFIUS does not have a broad enough conception of U.S. security. One example of CFIUS falling short is with Magnequench International Incorporated. In 1995 Chinese corporations bought GM's Magnequench, a supplier of rare earth metals used in the guidance systems of smart-bombs. Over twelve years, the company has been moved piecemeal to mainland China, leaving the U.S. with no domestic supplier of a critical component of rare-earth magnets. CFIUS approved this transfer.

The United States now has no domestic supplier of rare earth metals, which are essential for precision-guided munitions.

That was one we lost.

Following this series of four speeches that spring, on July 20, 2005, I introduced Senate amendment No. 1311 as an amendment to the annual National Defense Authorization Act for Fiscal Year 2006. My amendment prompted the very beginning of the legislative pursuit of this issue in recent years. For example, my amendment prompted another, later, second-degree amendment, Senate amendment No. 1335, by Senator SHELBY, then the chairman of the Senate Banking Committee.

I also testified before the U.S.-China Commission on July 21, 2005. The U.S.-China Economic and Security Review Commission is a bipartisan committee created in 2000 to monitor, investigate, and submit to Congress an annual report on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China.

The Commission is composed of 12 members, 3 of whom are selected by each of the majority and minority leaders of the Senate, and the Speaker and the minority leader of the House. The Commissioners serve 2-year terms.

Their recommendations are consistent with the amendment I introduced to the Defense authorization bill that would have made some of the necessary changes to CFIUS.

On September 28, 2005, the Government Accountability Office issued a report on CFIUS that is right in line with the recommendations of the US-China Commission. So this has not just been me saying that CFIUS is in need of critical change—it's the U.S.-China Commission and the GAO as well.

When my amendment stalled over a committee jurisdictional point, on September 29, 2005, I chose to introduce the changes as a stand-alone bill, the Foreign Investment Security Act of 2005, S. 1797, which was referred to the Banking Committee. That bill was the first bill introduced in recent years on this topic.

Later the Banking Committee held a hearing on the GAO report, and I testified before them on October 20, 2005, at that hearing.

In all of these ways I have just mentioned, the Banking Committee was prompted by me to pursue this topic.

In the past couple of years, several high profile business deals have been approved by CFIUS that would allow foreign-owned companies, in particular companies that are owned or controlled by foreign governments, to acquire other companies doing business in the United States.

More recently I was concerned with China's state-owned CNOOC attempted to buyout Unocal, a US oil company. We won this one because of Congressional pressure, and CNOOC withdrew its bid. Over the past 2 years, I have been pointing out that the CFIUS process has ignored some major issues which threaten our national security.

The most publicized deal was the state owned Dubai Ports World, DPW, purchase of Peninsular and Oriental Steam Navigation, P&O, that would have allowed DPW to take over the operations at various east coast ports in the United States. The public outcry against this deal lead DPW to abandon its plans to operate the U.S. ports and that portion of the takeover was sold to U.S. based companies. However since the DPW-P&O deal was canceled, other transactions have been approved by CFIUS that are just as questionable.

CFIUS has received over 1,600 notifications and investigated under 40. Of those, only one acquisition has been stopped by the President.

This is a critical issue at a critical time. CFIUS seems to only get scrutiny when some major deal is in the papers. I have been paying attention to it all along. It needs reform, and I hope we can make some progress.

I am glad that Congress is now taking a closer look at CIFIUS reform. Rest assured that I continue to push for this badly needed reform and as Congress addresses this issue, I will keep your thoughts in mind.

Note too that I will ensure in particular that the national security aspects of this work are appropriately attended to. I will not stand idly by and allow a bill that is weak on national defense to pass.

Let us all work together to ensure that the legislative process performs appropriately to defend our Nation, and let this bill I am introducing today be a new start.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 199—CALLING FOR THE IMMEDIATE AND UNCONDITIONAL RELEASE OF DR. HALEH ESFANDIARI

Mr. SMITH (for himself and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 199

Whereas Dr. Haleh Esfandiari is one of the United States's most distinguished analysts of Iranian politics and is the Director of the Middle East Program at the Woodrow Wilson International Center for Scholars;

Whereas Dr. Esfandiari is a dual citizen of Iran and the United States;

Whereas Dr. Esfandiari has served as a communications bridge between the United States and Iran, advocating diplomacy and dialogue;

Whereas Dr. Esfandiari travels to Iran twice a year to visit with her mother;

Whereas, in late December 2006, Dr. Esfandiari traveled to Iran to visit her ailing 93 year old mother for 1 week;

Whereas the current Iranian President, Mahmoud Ahmadinejad, has initiated a crackdown on scholars and journalists including Dr. Esfandiari, Canadian-Iranian philosopher Ramin Jahanbegloo, and journalist Parnaz Azima;

Whereas, on December 30, 2006, Dr. Esfandiari was robbed of her Iranian and American passports and travel documents at knife-point by 3 masked men on the way to the airport to return to the United States;

Whereas Dr. Esfandiari was held in Iran under house arrest for 4 months, interrogated under conditions of intimidation and threat, and, on May 8, 2007, was imprisoned in the notorious Evin prison in Tehran;

Whereas Dr. Esfandiari has been falsely accused by a news agency in Iran of being a spy for Mossad, of serving as the head of the Iran section of the American Israel Public Affairs Committee, and of encouraging an uprising against the regime in Tehran; and

Whereas senior government officials have conveyed the United States's opposition to this unjustified imprisonment: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the arrest, interrogation, and imprisonment of Dr. Haleh Esfandiari as a deliberately provocative and illegal act;

(2) deplores the continuing crackdown in Iran on journalists and scholars and the deliberate dissemination of misinformation regarding their activities; and

(3) demands the immediate, safe, and unconditional release of Dr. Haleh Esfandiari from custody, the reissuance of appropriate travel documents for Dr. Esfandiari, and the provision of safe passage out of Iran.

SENATE RESOLUTION 200—COMMENDING LOUISIANA JOCKEYS FOR THEIR CONTINUED SUCCESS IN THE KENTUCKY DERBY AT CHURCHILL DOWNS

Mr. VITTER. (for himself and Ms. LANDRIEU) submitted the following resolution; which was referred to the Commitee on the Judiciary:

S. RES. 200

Whereas jockey Calvin Borel successfully won the 133rd running of the Kentucky Derby at Churchill Downs on May 5, 2007;

Whereas Calvin Borel rallied Street Sense from 19th place to pass the pacesetting Hard Spun in the stretch and draw away to a 2¼-length victory;

Whereas the victory was Calvin Borel's first in the Kentucky Derby;

Whereas Calvin Borel was born on November 7, 1966, in St. Martinsville, Louisiana;

Whereas Calvin Borel hails from South Louisiana, the heart of Cajun Country, famous for its production of many top jockeys during the last 20 years; and

Whereas Calvin Borel's victory in the 133rd running of the Kentucky Derby solidifies his place in a tradition of Louisiana jockeys who have won the Kentucky Derby, such as Eric Guerin (1947), Edward Delahoussaye (1982, 1983), Craig Perret (1990), and Kent Desormeaux (1998, 2000): Now, therefore, be it

Resolved, That the Senate—

(1) commends Louisiana jockeys for their continued success at one of America's most heralded thoroughbred horseracing events, the Kentucky Derby at Churchill Downs;

(2) recognizes jockey Calvin Borel for winning the 133rd running of the Kentucky Derby on May 5, 2007;

(3) recognizes the achievements of all the owners, trainers, and support staff who were instrumental in helping Calvin Borel and Street Sense to victory; and

(4) recognizes the achievements of all current and former Louisiana jockeys in the Kentucky Derby.

SENATE RESOLUTION 201—SUPPORTING THE GOALS AND IDEALS OF "NATIONAL LIFE INSURANCE AWARENESS MONTH"

Mr. CHAMBLISS. (for himself and Mr. NELSON) submitted the following resolution; which was referred to the Commitee on Banking, Housing, and Urban Affairs:

S. RES. 201

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2007 as "National Life Insurance Awareness Month" as a means to encourage consumers to—

(1) become more aware of their life insurance needs;

(2) seek professional advice regarding life insurance; and

(3) take the actions necessary to achieve financial security for their loved ones: Now therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Life Insurance Awareness Month"; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 202—DESIGNATING THE PERIOD BEGINNING ON MAY 14, 2007, AND ENDING ON MAY 18, 2007, AS "NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK"

Ms. STABENOW. (for herself and Ms. SNOWE, and Mr. WHITEHOUSE) submitted the following resolution; which was considered and agreed to:

S. RES. 202

Whereas the Healthcare Information and Management Systems Society has worked collaboratively with more than 48 stakeholder organizations for more than 45 years to transform health care with improved uses of information technology and management systems;

Whereas the Center for Information Technology Leadership estimated that the implementation of national standards for interoperability and the exchange of health information would save the United States approximately $77,000,000,000 in expenses relating to health care each year;

Whereas the RAND Corporation estimated that, if the health care system of the United States implemented the use of computerized medical records, the system could save the United States more than $81,000,000,000 each year;

Whereas health care information technology has been shown to improve the quality and safety of the delivery of health care in the United States;

Whereas health care information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the health care system;

Whereas the President and Secretary of Health and Human Services have made a commitment to leveraging the benefits of the health care information technology and management systems by establishing the Office of the National Coordinator for Health Information Technology and the American Health Information Community;

Whereas Congress has placed an emphasis on improving the quality and safety of the delivery of health care in the United States; and

Whereas organizations across the country have come together to support National Health Information Technology Week to improve public awareness relating to the potential benefits of improved quality and cost efficiency that the health care system could achieve if health information technology were better utilized: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the value of information technology and management systems in transforming health care for all people in the United States;

(2) designates the period beginning on May 14, 2007, and ending on May 18, 2007, as "National Health Information Technology Week"; and

(3) encourages the use of information technology and management systems to transform the health care system in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1112. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table.

SA 1113. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1114. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1115. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1116. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1117. Mr. KENNEDY (for himself and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1118. Mr. GRAHAM (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1119. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1120. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1121. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1122. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1123. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

SA 1124. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to amendment SA 1123 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 2206, supra.

SA 1125. Mr. REID proposed an amendment to amendment SA 1124 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the amendment SA 1123 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 2206, supra.

SA 1126. Mr. REID proposed an amendment to the bill H.R. 2206, supra.

SA 1127. Mr. REID proposed an amendment to amendment SA 1126 proposed by Mr. REID to the bill H.R. 2206, supra.

SA 1128. Mr. REID proposed an amendment to amendment SA 1127 proposed by Mr. REID to the amendment SA 1126 proposed by Mr. REID to the bill H.R. 2206, supra.

SA 1129. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table.

SA 1130. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1131. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1132. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1133. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1134. Mr. WARNER (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra.

SA 1135. Mr. MCCONNELL (for Mr. COCHRAN (for himself, Mr. WARNER, and Mr. BOND)) proposed an amendment to the bill H.R. 1495, supra.

TEXT OF AMENDMENTS

SA 1112. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . SAULT SAINTE MARIE, MICHIGAN.

(a) IN GENERAL.—Section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows:

"SEC. 1149. SAULT SAINTE MARIE, MICHIGAN.

"The Secretary shall construct, at Federal expense, a second lock, with a width of not less than 110 feet and a length of not less than 1,200 feet, adjacent to the lock at Sault Sainte Marie, Michigan, in existence on the date of enactment of the Water Resources Development Act of 2007, generally in accordance with the report of the Board of Engineers for Rivers and Harbors dated May 19, 1986, and the limited reevaluation report dated February 2004, at a total cost of $341,714,000.".

(b) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Paragraph (8) of section 107(a) of the Water Resources Development Act of 1990 (104 Stat. 4620).

(2) Section 330 of the Water Resources Development Act of 1996 (110 Stat. 3717).

(3) Section 330 of the Water Resources Development Act of 1999 (113 Stat. 305).

SA 1113. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5 . CATASTROPHIC FLOODING RECOVERY.

(a) DEFINITION OF CATASTROPHIC FLOODING EVENT.—In this section, the term "catastrophic flooding event" includes a flooding event caused by—

(1) the failure of a levee;

(2) a natural disaster declared by the Federal Government; or

(3) inadequate flood damage reduction measures.

(b) REPORTS.—Not later than 90 days after the date on which a catastrophic flooding event occurs, as determined by the Secretary, the Secretary shall submit to Congress a report that contains specific project recommendations relating to flood damage reduction, hurricane protection, and environmental restoration to be carried out in response to the catastrophic flooding event.

(c) FEASIBILITY STUDIES.—

(1) IN GENERAL.—Not later than 90 days after the date on which a report described in subsection (b) is submitted to Congress, the Secretary shall initiate a feasibility study on each project included in the report.

(2) DEADLINE.—A feasibility study initiated under paragraph (1) shall be completed by not later than 3 years after the date of initiation.

(d) PRECONSTRUCTION AND DESIGN ACTIVITIES.—The Secretary shall begin development of preconstruction engineering and document design activities for a project on the later of—

(1) the date on which the feasibility report relating to the project is completed under subsection (c); and

(2) the date on which the Chief of Engineers submits to the Secretary a report approving the project.

SA 1114. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

Subtitle D—8/29 Commission

SEC. 2061. SHORT TITLE.

This subtitle may be cited as the "8/29 Commission Act".

SEC. 2062. FINDINGS.

Congress finds that—

(1) Hurricanes Katrina and Rita, which struck the United States in 2005, caused almost $200,000,000,000 in total economic losses, including insured and uninsured losses;

(2) multiple reviews have been conducted, and multiple commissions have been established, with respect to assessing the failure of levee systems and related infrastructure beginning in August 2005, but few definitive recommendations have been offered, and Congress has not been provided with specific proposals for action regarding the levees;

(3) to the extent the United States continues to face the possibility of another significant levee failure and the possible resulting devastation and damage, a proper technical and investigative review is needed; and

(4) the most efficient and effective approach to assessing the failure of the levees and subsequent devastation is—

(A) to establish a bipartisan commission of experts to study—

(i) the management, construction, and funding of levee, flood control, and hurricane protection projects; and

(ii) the means by which the Federal Government responds to catastrophic disasters and by which the Federal Government prepares and develops contingency plans and disaster preparations; and

(B) to require the Commission to timely report the recommendations of the Commission to Congress so that Congress can quickly identify any outstanding issues and determine a solution to protect residents of the United States.

SEC. 2063. ESTABLISHMENT OF 8/29 COMMISSION.

There is established a commission, to be known as the "8/29 Commission", to examine the events beginning on August 29, 2005, with respect to the failure of levees in response to Hurricanes Katrina and Rita (referred to in this subtitle as the "Commission").

SEC. 2064. MEMBERSHIP.

(a) COMPOSITION.—The Commission shall be composed of 12 members, of whom—

(1) 2 members shall be appointed by the President;

(2) 2 members shall be appointed by the Chairperson, in consultation with the Ranking Member, of the Committee on Environment and Public Works of the Senate;

(3) 2 members shall be appointed by the Chairperson, in consultation with the Ranking Member, of the Committee on Homeland Security and Governmental Affairs of the Senate;

(4) 2 members shall be appointed by the Chairperson, in consultation with the Ranking Member, of the Committee on Transportation and Infrastructure of the House of Representatives;

(5) 2 members shall be appointed by the Chairperson, in consultation with the Ranking Member, of the Committee on Homeland Security of the House of Representatives; and

(6) 2 members shall be appointed by the Governor of the State of Louisiana, subject to confirmation by the Committee on Environment and Public Works of the Senate.

(b) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall, by a majority of the members of the Commission, elect a Chairperson and a Vice Chairperson from among the members of the Commission.

(2) POLITICAL AFFILIATION.—The Chairperson and the Vice Chairperson elected by the members of the Commission under paragraph (1) shall not both be affiliated with the same political party.

(c) PROHIBITION.—No elected official of the Federal Government shall serve as a member of the Commission.

(d) SENSE OF CONGRESS REGARDING QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be—

(1) prominent United States citizens; and

(2) individuals who are nationally recognized for a significant depth of experience in professions such as—

(A) governmental service;

(B) engineering;

(C) public works;

(D) wetlands restoration;

(E) public administration;

(F) disaster planning and recovery; and

(G) environmental planning.

(e) MEETINGS; QUORUM; VACANCIES.—

(1) INITIAL MEETING.—If, on the date that is 60 days after the date of enactment of this Act, at least 8 members of the Commission have been appointed under subsection (a), the members may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(2) SUBSEQUENT MEETINGS.—After the initial meeting, the Commission shall meet at the call of the chairperson or a majority of the members of the Commission.

(3) QUORUM.—7 members of the Commission shall constitute a quorum.

(4) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

SEC. 2065. DUTIES OF COMMISSION.

The Commission shall—

(1) review findings and recommendations contained in all public and private studies conducted in the aftermath of the levee failures in the State of Louisiana on or after August 29, 2005, including—

(A) the study entitled "The Federal Response to Hurricane Katrina" and dated February 2006;

(B) the study entitled "Performance Review of FEMA's Disaster Management Activities in Response to Hurricane Katrina", numbered OIG–06–32, and dated March 2006;

(C) the study entitled "A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina" (Report No. 109-377) and dated February 15, 2006;

(D) the study entitled "Hurricane Katrina: A Nation Still Unprepared" (S. Rept. 109-322);

(E) the study entitled "Interagency Task Force Report" and dated June 1, 2006; and

(F) the study entitled "Prioritizing America's Water Resources", published by the National Associations of Public Administrators, and dated February 2007;

(2) examine and review the ongoing exposure of the United States to the levee failures described in paragraph (1) and other potential future levee failures; and

(3) submit to the President and Congress a report that contains recommendations for any necessary legislative or regulatory change that will—

(A) improve the functioning of the Corps of Engineers to prevent a catastrophic levee failure;

(B) ensure proper planning and review of Federal and State agencies to prevent such a failure in the future;

(C) provide for environmental management and recovery during and after a disaster;

(D) provide for the identification of each party that was responsible for each error that helped cause the events of August 29, 2005; and

(E) outline each proposal that is necessary to revise the management, planning, funding, and oversight of the levees and flood control projects that are located in the disaster affected areas.

SEC. 2066. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—In carrying out the duties of the Commission under this subtitle, the Commission, and any subcommittee or member acting under the authority of the Commission, may—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission, subcommittee, or member, as applicable, determines to be appropriate; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission, subcommittee, or member, as applicable, determines to be appropriate.

(2) SUBPOENAS.—

(A) IN GENERAL.—A subpoena issued under paragraph (1)(B)—

(i) may be issued under the signature of the Chairperson of the Commission, with the concurrence of the Vice Chairperson of the Commission; and

(ii) may be served by any person designated by the Chairperson of the Commission.

(B) APPLICABILITY OF REVISED STATUTES.—Sections 102 through 104 of the Revised Statutes (2 U.S.C. 192 et seq.) shall apply in the case of a failure of any witness to comply with a subpoena or to testify when summoned under authority of this section.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to carry out the duties of the Commission under this subtitle.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support and other services to assist the Commission in carrying out the duties of the Commission under this subtitle.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed under paragraph (1), any other Federal department or agency may provide to the Commission such services, funds, facilities, staff, and other support services as the head of the department or agency determines to be appropriate and in accordance with applicable law.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 2067. STAFF OF THE COMMISSION.

(a) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) PERSONNEL AS FEDERAL EMPLOYEES.—

(1) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(2) MEMBERS OF COMMISSION.—Paragraph (1) shall not apply to any member of the Commission.

(c) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(d) CONSULTANT SERVICES.—The Commission may procure the services of any expert or consultant, in accordance with section 3109 of title 5, United States Code, at a rate not to exceed the daily rate of pay of an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 2068. REPORT.

Not later than 120 days after the date on which all members of the Commission are appointed under section 2064(a), the Commission shall submit to the President and Congress a final report that contains—

(1) a detailed statement of the findings of the Commission; and

(2) any recommendations of the Commission for legislative or administrative action that the Commission determines to be appropriate.

SEC. 2069. TERMINATION.

The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the final report under section 2068.

SEC. 2070. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $5,000,000 to carry out this subtitle.

SA 1115. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804; 114 Stat. 2612), is modified to authorize the Secretary to review the project to determine whether any additional Federal interest exists with respect to the project, taking into consideration conditions and development levels relating to the project in existence on the date of enactment of this Act.

SA 1116. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources. to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes: which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5 . ENVIRONMENTAL ASSISTANCE PROGRAM, COLORADO.

(a) ESTABLISHMENT.—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in the State of Colorado (referred to in this section as the "State").

(b) FORM OF ASSISTANCE.—Assistance under this section may be provided in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the State, including projects for—

(1) wastewater treatment and related facilities;

(2) water supply and related facilities;

(3) water conservation and related facilities;

(4) stormwater retention and remediation;

(5) environmental restoration; and

(6) surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation and coordination with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection—

(i) shall be 75 percent; and

(ii) may be in the form of grants or reimbursements of project costs.

(B) PRE-COOPERATIVE AGREEMENT ACTIVITIES.—The Federal share of the cost of activities carried out by the Secretary under this section before the execution of a local cooperative agreement shall be 100 percent.

(C) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of a project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for the project.

(D) CREDIT FOR INTEREST.—In case of a delay in the funding of the Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the Federal share of the costs of the project.

(E) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(F) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for the period beginning with fiscal year 2008, to remain available until expended.

SA 1117. Mr. KENNEDY (for himself and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, after line 23, insert the following, and redesignate the subsequent paragraphs accordingly:

(5) LAWRENCE GATEWAY, MASSACHUSETTS.—Project for aquatic ecosystem restoration at the Lawrence Gateway quadrant project along the Merrimack and Spicket Rivers in Lawrence, Massachusetts, in accordance with the general conditions established by the project approval of the Environmental Protection Agency, Region I, including filling abandoned drainage facilities and making improvements to the drainage system on the Lawrence Gateway to prevent continued migration of contaminated sediments into the river systems.

SA 1118. Mr. GRAHAM (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes: which was ordered to lie on the table; as follows:

Strike section 4028 (relating to Jasper County port facility study, South Carolina) and insert the following:

SEC. 4028. PROJECTS FOR IMPROVEMENT, SAVANNAH RIVER, SOUTH CAROLINA AND GEORGIA.

(a) IN GENERAL.—The Secretary shall determine the feasibility of carrying out projects—

(1) to improve the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, in the vicinity of Mile 6 of the Savannah Harbor entrance channel; and

(2) to remove from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project.

(b) FACTORS FOR CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area as a consequence of removing from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project; and

(3) the results of the proposed bistate compact between the State of Georgia and the State of South Carolina to own, develop, and operate port facilities at the proposed Jasper County port site, as described in the term sheet executed by the Governor of the State of Georgia and the Governor of the State of South Carolina on March 12, 2007.

SA 1119. Mr. HARKIN submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table: as follows:

At the appropriate place in title III, insert the following:

SEC. 3____. PERRY CREEK, IOWA.

(a) IN GENERAL.—On making a determination described in subsection (b), the Secretary shall increase the Federal contribution for the project for flood control, Perry Creek, Iowa, authorized under section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4116; 117 Stat. 1844).

(b) DETERMINATION.—A determination referred to in subsection (a) is a determination that a modification to the project described in that subsection is necessary for the Federal Emergency Management Agency to certify that the project provides flood damage reduction benefits to at least a 100-year level.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000.

SA 1120. Mr. DOMENICI submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5 . SOUTHWEST FLOOD DAMAGE AND SEDIMENT TRANSPORT RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary shall establish within the Corps of Engineers Engineering Research and Development Center the Southwest Flood Damage and Sediment Transport Research Program (referred to in this section as the "program"), under which the Secretary shall carry out research, development, and demonstration projects on arid systems with respect to—

(1) sediment transport, erosion, and deposition;

(2) geomorphology;

(3) flooding;

(4) channel restoration; and

(5) related activities.

(b) COORDINATION.—The Secretary shall coordinate projects carried out under the program with—

(1) the New Mexico District Office of the Corps of Engineers;

(2) the University of New Mexico; and

(3) the Desert Research Institute.

SA 1121. Mr. DOMENICI submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5______. COMPUTER-ASSISTED DISPUTE RESOLUTION PROGRAM.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the Corps of Engineers Institute for Water Resources a computer-assisted dispute resolution program (referred to in this section as the "program") to develop and advance the integration of computer-based modeling tools for multistakeholder public decision processes, including through—

(1) the conduct of research and development of necessary computer tools;

(2) the implementation of appropriate demonstration projects;

(3) the establishment of applicable training programs; and

(4) the conduct of other outreach activities.

(b) AUTHORIZED ACTIVITIES.—In carrying out the program, the Secretary shall—

(1) in cooperation with other applicable Federal agencies, establish an interagency center for computer-assisted dispute resolution; and

(2) consult with—

(A) other Federal agencies;

(B) State and local agencies;

(C) private nonprofit and for-profit organizations; and

(D) research facilities at institutions of higher education.

(c) EVALUATION.—Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the appropriate committees of Congress a comprehensive evaluation of the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 1122. Mr. LOTT submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3____. JACKSON COUNTY, MISSISSIPPI.

(a) MODIFICATION.—Section 331 of the Water Resources Development Act of 1999 (113 Stat. 305) is amended by striking "$5,000,000" and inserting "$9,000,000".

(b) APPLICABILITY OF CREDIT.—The credit provided by section 331 of the Water Resources Development Act of 1999 (113 Stat. 305) (as modified by subsection (a)) shall apply to costs incurred by the Jackson County Board of Supervisors during the period beginning on February 8, 1994, and ending on the date of enactment of this Act for projects authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 113 Stat. 1494; 114 Stat. 2763A–219).

SA 1123. Mr REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

Since under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring), That it is the Sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

SA 1124. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to amendment SA 1123 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

Strike all after the first word and insert the following:

Under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 1 day after the date of enactment.

SA 1125. Mr. REID proposed an amendment to amendment SA 1124 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the amendment SA 1123 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

Strike all after Constitution in line 1 and insert the following:

The President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 2 days after date of enactment.

SA 1126. Mr. REID proposed an amendment to the bill H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

Strike all after the first word and insert the following:

Since under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 5 days after date of enactment.

SA 1127. Mr. REID proposed an amendment to amendment SA 1126 proposed by Mr. REID to the bill H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

In the amendment strike all after Congress in line 1 and insert the following:

have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined By the Senate (the House of Representatives) Concurring), that it is the Sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 4 days after the date of enactment.

SA 1128. Mr. REID proposed an amendment to amendment SA 1127 proposed by Mr. REID to the amendment SA 1126 proposed by Mr. REID to the bill H.R 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of the amendment add the following:

Since under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring), that it is the sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 3 days after the date of enactment.

SA 1129. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5 . COST SHARING PROVISIONS FOR THE TERRITORIES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended—

(1) by striking "The Secretary" and inserting the following:

"(a) In General.—The Secretary"; and

(2) by adding at the end the following:

"(b) Use of Federal Funds by Non-Federal Interests.—A non-Federal interest may use Federal funds to provide the non-Federal share of the costs of a study or project carried out at a location referred to in subsection (a), if the agency or department that provides the Federal funds determines that the funds are eligible to be used for that purpose.".

SA 1130. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Iraq War De-Escalation Act of 2007'.

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress makes the following findings:

(1) Congress and the Nation honor the courage, sacrifices, and efforts of the members of the Armed Forces of the United States and their families.

(2) In his speech to the Nation on January 10, 2007, President George W. Bush said that 'I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended. If the Iraqi government does not follow through on its promises, it will lose the support of the American people . . . The Prime Minister understands this'.

(3) In that speech, President George W. Bush also told the Nation that 'America will hold the Iraqi government to the benchmarks it has announced . . . [T]o take responsibility for security in all of Iraq's provinces by November. To give every Iraqi citizen a stake in the country's economy, Iraq will pass legislation to share oil revenues among all Iraqis. To show that it is committed to delivering a better life, the Iraqi government will spend $10,000,000,000 of its own money on reconstruction and infrastructure projects that will create new jobs. To empower local leaders, Iraqis plan to hold provincial elections later this year. And to allow more Iraqis to re-enter their nation's political life, the government will reform deBaathification laws, and establish a fair process for considering amendments to Iraq's constitution'.

(4) In that speech, President George W. Bush also told the Nation that 'only Iraqis can end the sectarian violence and secure their people'.

(5) On December 18, 2006, former Secretary of State Colin Powell stated: '[s]o we have tried this surge of troops over the summer. I am not persuaded that another surge of troops in Baghdad for the purpose of suppressing this communitarian violence, this civil war, will work'.

(6) On November 15, 2006, General John Abizaid, Commander of the United States Central Command, stated before the Committee on Armed Services of the Senate that 'I met with every divisional commander, General Casey, the corps commander, General Dempsey. We all talked together. And I said, in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? And they all said no. And the reason is, because we want the Iraqis to do more. It's easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future'.

(7) In testimony before the Committee on Foreign Relations of the Senate on January 11, 2007, Secretary of State Condoleezza Rice stated that unless the Government of Iraq has met certain benchmarks and reestablishes the confidence of the Iraqi people over the next several months, 'this plan is not going to work'.

(8) In a statement on January 11, 2007, Secretary of Defense Robert Gates stated '[a]nd we will probably have a better view a couple of months from now in terms of whether we are making headway in terms of getting better control of Baghdad, with the Iraqis in the lead and with the Iraqis beginning to make better progress on the reconciliation process'.

(9) The bipartisan Iraq Study Group headed by former Secretary of State James Baker and former Representative Lee Hamilton reached a bipartisan consensus on 79 separate recommendations for a new approach in Iraq. Among those recommendations were calling for a new diplomatic offensive in the region and conditioning American economic assistance to Iraq on specific benchmarks, with the expectation that 'by the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq'.

(10) In reaction to the speech of President George W. Bush of January 10, 2007, former Secretary of State Baker and former Representative Hamilton wrote that '[t]he President did not suggest the possibility of a transition that could enable U.S. combat forces to begin to leave Iraq. The President did not state that political, military, or economic support for Iraq would be conditional on the Iraq government's ability to meet benchmarks. Within the region, the President did not announce an international support group for Iraq including all of Iraq's neighbors.

(b) Purpose.—The purposes of this Act are as follows:

(1) To formulate and provide for the implementation of an effective United States policy towards Iraq and the Middle East region that employs military, political, diplomatic, and economic assets to promote and protect the national security interests of the United States.

(2) To provide for the implementation of a responsible, phased redeployment of the Armed Forces of the United States from Iraq in a substantial and gradual manner that places the highest priority on protecting the lives of members of the Armed Forces and civilian personnel of the United States and on promoting the national security interests of the United States in the Middle East region.

(3) To urge the political parties and leaders of Iraq to reach the political solution necessary to promote stability in Iraq and enhance the safety of innocent Iraqi civilians.

(4) To condition future economic assistance to the Government of Iraq on significant progress toward the achievement of political and economic measures to be taken by the Government of Iraq.

(5) To provide for the initiation of a wider and sustained diplomatic strategy aimed at promoting a political settlement in Iraq, thereby ending the civil war in Iraq, preventing a humanitarian catastrophe in Iraq, and preventing a wider regional conflict.

(6) To provide, through sections 4 through 7, for the implementation of key recommendations of the Iraq Study Group, a bipartisan panel of experts cochaired by former Secretary of State James Baker and former Representative Lee Hamilton.

SEC. 3. APPROPRIATE FORCE LEVELS FOR UNITED STATES MILITARY FORCES IN IRAQ.

Notwithstanding any other provision of law, the levels of the Armed Forces of the United States in Iraq after the date of the enactment of this Act shall not exceed the levels of such forces in Iraq as of January 10, 2007, without specific authority in statute enacted by Congress after the date of the enactment of this Act.

SEC. 4. REDEPLOYMENT OF UNITED STATES MILITARY FORCES FROM IRAQ.

(a) Redeployment.—

(1) Deadline for commencement of redeployment.—Except as otherwise provided in this section, the phased redeployment of the Armed Forces of the United States from Iraq shall commence as soon as possible but no later than 30 days after enactment of this Act.

(2) Scope and manner of redeployment.—The redeployment of the Armed Forces under this section shall be substantial, shall occur in a gradual manner, and shall be executed at a pace to achieve the goal of the complete redeployment of all United States combat brigades from Iraq by March 31, 2008, consistent with the expectation of the Iraq Study Group, if all the matters set forth in subsection (b)(1)(B) are not met by such date, subject to the exceptions for retention of forces for force protection, counter-terrorism operations, training of Iraqi forces, and other purposes as contemplated by subsection (g).

(3) Formulation of plan with military commanders.—The redeployment of the Armed Forces under this section should be conducted pursuant to a plan formulated by United States military commanders that is developed, if practicable, in consultation with the Government of Iraq.

(4) Protection of United States forces and civilian personnel.—In carrying out the redeployment of the Armed Forces under this section, the highest priority shall be afforded to the safety of members of the Armed Forces and civilian personnel of the United States in Iraq.

(b) Suspension of Redeployment.—

(1) In general.—The President may suspend, on a temporary basis as provided in paragraph (2), the redeployment of the Armed Forces under this section if the President certifies to the President pro tempore of the Senate and the Speaker of the House of Representatives that—

(A) doing so is in the national security interests of the United States; and

(B) the Government of Iraq—

(i) has lifted all restrictions concerning non-interference in operations of the Armed Forces of the United States in Iraq and does so on a continuing basis;

(ii) is making significant progress in reducing sectarian violence in Iraq and in reducing the size and operational effectiveness of sectarian militias in Iraq;

(iii) is making significant progress towards removing militia elements from the Iraqi Army, National Police, Facilities Protection Services, and other security forces of the Government of Iraq;

(iv) has enacted legislation or established other binding mechanisms to ensure the sharing of all Iraqi oil revenues among all segments of Iraqi society in an equitable manner;

(v) is making significant progress towards making available not less than $10,000,000,000 for reconstruction, job creation, and economic development in Iraq, with safeguards to prevent corruption, by January 10, 2008;

(vi) has deployed at least 18 Iraqi Army and National Police brigades to Baghdad and is effectively ensuring that such units are performing their security and police functions in all Baghdad neighborhoods, regardless of their sectarian composition;

(vii) has enacted legislation or established other binding mechanisms to revise its de-Baathification laws to encourage the employment in the Government of Iraq of qualified Iraqi professionals, irrespective of ethnic or political affiliation, including ex-Baathists who were not leading figures of the Saddam Hussein regime;

(viii) has established a fair process for considering amendments to the constitution of Iraq that promote lasting national reconciliation in Iraq;

(ix) is making significant progress towards assuming full responsibility for security in all the provinces of Iraq by November 30, 2007;

(x) is making significant progress towards holding free and fair provincial elections in Iraq at the earliest date practicable, but not later than December 31, 2007;

(xi) is making substantial progress towards increasing the size and effectiveness of Ministry of Defense forces as described on page 11 of 'Highlights of the Iraq Strategy Review' published by the National Security Council in January 2007;

(xii) is making significant progress in reforming and strengthening the civilian ministries and other government institutions that support the Iraqi Army and National Police; and

(xiii) is making significant progress towards reforming its civilian ministries to ensure that they are not administered on a sectarian basis and that government services are delivered in an even-handed and non-sectarian manner.

(2) Period of suspension.—A suspension of the redeployment of the Armed Forces under this subsection, including any renewal of the suspension under paragraph (3), shall be for a period not to exceed 90 days.

(3) Renewal.—A suspension of the redeployment of the Armed Forces under this subsection may be renewed. Any such renewal shall include a certification to the officers referred to in paragraph (1) on the matters set forth in clauses (i) through (xiii) of subparagraph (B) of that paragraph.

(c) Disapproval of Suspension.—

(1) Disapproval.—If Congress enacts a joint resolution disapproving the suspension of the redeployment of the Armed Forces under subsection (b), or any renewal of the suspension, the suspension shall be discontinued, and the redeployment of the Armed Forces from Iraq under this section shall resume.

(2) Procedures for consideration of joint resolutions.—

(A) Joint resolution defined.—For purposes of this subsection, the term 'joint resolution' means only a joint resolution introduced not later than 10 days after the date on which a certification of the President under subsection (b) is received by Congress, the matter after the resolving clause of which is as follows: 'That Congress disapproves the certification of the President submitted to Congress under section 4(b) of the Iraq War De-Escalation Act of 2007, on XXXXXXX.', the blank space being filled in with the appropriate date.

(B) Procedures.—A joint resolution described in paragraph (1) shall be considered in a House of Congress in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as enacted by section 101 (h) of Public Law 98-473; 98 Stat. 1936).

(d) Reports to Congress.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report describing and assessing—

(A) the progress made by the Government of Iraq on each of the matters set forth in subsection (b)(1)(B); and

(B) the progress of the redeployment required by subsection (a).

(2) Form.—Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(e) Sense of Congress on Location of Redeployment.—It is the sense of Congress that, in redeploying the Armed Forces from Iraq under this section, appropriate units of the Armed Forces should be redeployed—

(1) to the United States;

(2) to Afghanistan, in order to enhance United States military operations in that country;

(3) elsewhere in the region, to serve as an over-the-horizon force to prevent the conflict in Iraq from becoming a wider war, to reassure allies of the United States of the commitment of the United States to remain engaged in the region, and to position troops to strike directly at al-Qaeda; and

(4) elsewhere, to meet urgent United States security needs.

(f) Political Solution in Iraq.—The United States should use the redeployment of the Armed Forces under this section, and the possible suspension of such redeployment if the benchmarks set forth in subsection (b)are met, as a tool to press the Iraqi leaders to promote national reconciliation among ethnic and religious groups in Iraq in order to establish stability in Iraq.

(g) Retention of Certain Forces in Iraq.—

(1) In general.—Notwithstanding the requirement for the redeployment of the Armed Forces under subsection (a) and subject to the provisions of this subsection, personnel of the Armed Forces of the United States may be in Iraq after the completion of the redeployment of the Armed Forces under this section for the following purposes:

(A) To protect United States personnel and facilities in Iraq.

(B) To conduct targeted counter-terrorism operations.

(C) To provide training for Iraqi security forces.

(D) To conduct the routine functions of the Office of Defense Attache.

(2) Certification.—Personnel of the Armed Forces may not be retained in Iraq under this subsection unless the President certifies to the President pro tempore of the Senate and the Speaker of the House of Representatives that—

(A) the retention of the Armed Forces in Iraq is necessary for one or more of the purposes set forth in paragraph (1); and

(B) the utilization of Armed Forces positioned outside Iraq could not result in the effective achievement of such purpose or purposes.

(3) Disapproval of Retention.—If Congress enacts a joint resolution disapproving the retention of personnel of the Armed Forces in Iraq under this subsection, or any renewal of the retention, the retention of such personnel in Iraq shall be discontinued, and such personnel shall be redeployed from Iraq.

(4) Procedures for consideration of joint resolutions.—

(A) Joint resolution defined.—For purposes of paragraph (3), the term 'joint resolution' means only a joint resolution introduced not later than 10 days after the date on which a certification of the President under paragraph (2) is received by Congress, the matter after the resolving clause of which is as follows: 'That Congress disapproves the certification of the President submitted to Congress under section 4(g)(2) of the Iraq War De-Escalation Act of 2007, on XXXXXXX.', the blank space being filled in with the appropriate date.

(B) Procedures.—A joint resolution described in subparagraph (A) shall be considered in a House of Congress in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as enacted by section 101(h) of Public Law 98-473; 98 Stat. 1936).

(h) No Permanent Bases.—Congress hereby reaffirms section 1519 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2444), and related provisions of law, that prohibit the establishment of military installations or bases for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

SEC. 5. INTENSIFICATION OF TRAINING OF IRAQI SECURITY FORCES.

It shall be the policy of the United States to immediately formulate and implement a plan that—

(1) with the Government of Iraq—

(A) removes militia elements from the Iraqi Army, National Police, and other security forces of the Government of Iraq; and

(B) puts such forces in charge of maintaining security in Iraq;

(2) focuses and intensifies United States efforts on training such forces; and

(3) presses the Government of Iraq to reform the civilian ministries and other government institutions that support the Iraqi Army, National Police, local police, and judicial system.

SEC. 6. AVAILABILITY OF ECONOMIC ASSISTANCE FOR IRAQ.

(a) LIMITATION.—Except as provided in subsection (b), economic assistance may not be furnished to the Government of Iraq beginning 30 days from the date of enactment of this Act until the President submits to the President pro tempore of the Senate and the Speaker of the House of Representatives a certification that the Government of Iraq—

(1) is making measurable progress toward providing not less than $10,000,000,000 of Iraqi funds for reconstruction, job creation, and economic development in Iraq, with safeguards to prevent corruption, by January 10, 2008;

(2) is making progress toward meeting the conditions set forth in the International Compact for Iraq and in the stand-by agreement with the International Monetary Fund; and

(3) is making progress toward reducing sectarian violence and promoting national reconciliation.

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply to assistance for Iraq as follows:

(1) Humanitarian assistance.

(2) Assistance to address urgent security and employment needs.

(c) ASSESSMENT OF PROGRESS.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Special Inspector General for Iraq Reconstruction shall submit to Congress a report describing the progress of the Government of Iraq on each matter set forth in subsection (a).

SEC. 7. REGIONAL DIPLOMATIC INITIATIVES ON IRAQ.

(a) POLICY OF THE UNITED STATES.—It shall be the policy of the United States to undertake comprehensive regional and international initiatives, involving key nations, that will assist the Government of Iraq in achieving the purposes of this Act, including promoting a political settlement among the Iraqi people, ending the civil war in Iraq, preventing a humanitarian catastrophe in Iraq, and preventing a regional conflict.

(b) SPECIAL ENVOY.—The President should, not later than 60 days after the date of the enactment of this Act, appoint a special envoy for Iraq to carry out the policy set forth in subsection (a).

(c) STRATEGY ON PREVENTING WIDER REGIONAL WAR.—

(1) STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report setting forth a strategy for preventing the conflict in Iraq from becoming a wider regional war.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SA 1131. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike paragraph (42) of section 1001 and insert the following:

(42) CRANEY ISLAND EASTWARD EXPANSION, VIRGINIA.—Notwithstanding any other provision of law, the Secretary shall design and construct a project for navigation, Craney Island Eastward Expansion, Virginia, in accordance with the recommendations contained in the Report of the Chief of Engineers dated October 24, 2006, at a total cost of $721,103,000, with an estimated non-Federal share of not more than 50 percent of the total cost of construction of the project.

SA 1132. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2____. LIST OF CERTAIN AUTHORIZED PROJECTS THAT HAVE NOT RECEIVED FEDERAL CONSTRUCTION FUNDS.

(a) IN GENERAL.—Not less frequently than once each year, the Secretary shall develop, and publish in the Federal Register and on the Internet, a list, to be known as the "Project Transparency List", of projects of the Corps of Engineers that—

(1) have been authorized in a water resources Act; but

(2) have not received Federal funds for purposes of construction of the project as of the date that is 4 years after the date on which the project is authorized.

(b) INCLUSIONS.—The list under subsection (a) shall include, with respect to each project included on the list—

(1) a description of—

(A) the date on which the project was authorized;

(B) the primary purpose of the project;

(C) each allocation of Federal funds made to the project as of the date on which the list is published, including a description of the amount and type of the allocation;

(D) the percentage of construction completed for the project;

(E) the estimated total amount that has been obligated to the project as of the date on which the list is published;

(F) a benefit-cost analysis of the project, expressed as a ratio that represents—

(i) current discount rates; and

(ii) includes the estimated annual benefits and costs of the project;

(G) the date of collection of any economic data used to justify the project;

(H) the date of completion of the most recent feasibility study, reevaluation report, and environmental review, as applicable, relating to the project;

(I) in any case in which a portion of construction of the project is completed, a benefit-cost analysis of each remaining activity required to complete the construction; and

(J) the projected potential date of deauthorization of the project under subsection (c); and

(2) a brief explanation of any reason why Federal funds have not been obligated for construction of the project.

(c) REQUIRED DEAUTHORIZATION.—

(1) IN GENERAL.—Each project of the Corps of Engineers that has been authorized in a water resources Act, but has not received Federal funds for purposes of construction of the project as of the date that is 7 years after the date on which the project is authorized, shall be deauthorized, regardless of whether the project is included in the list under subsection (a).

(2) TREATMENT OF CERTAIN FUNDS.—For purposes of paragraph (1), funds shall not be considered to be Federal funds for purposes of construction if the funds were provided to carry out any activity for a project relating to—

(A) a study;

(B) planning;

(C) engineering and design;

(D) relocation or an acquisition of land; or

(E) an easement or a right-of-way.

SA 1133. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2 . LIST OF CERTAIN AUTHORIZED PROJECTS THAT HAVE NOT RECEIVED FEDERAL CONSTRUCTION FUNDS.

(a) IN GENERAL.—Not less frequently than once each year, the Secretary shall develop, and publish in the Federal Register and on the Internet, a list, to be known as the "Project Transparency List", of projects of the Corps of Engineers that—

(1) have been authorized in a water resources Act; but

(2) have not received Federal funds for purposes of construction of the project as of the date that is 4 years after the date on which the project is authorized.

(b) INCLUSIONS.—The list under subsection (a) shall include, with respect to each project included on the list—

(1) a description of—

(A) the date on which the project was authorized;

(B) the primary purpose of the project;

(C) each allocation of Federal funds made to the project as of the date on which the list is published, including a description of the amount and type of the allocation;

(D) the percentage of construction completed for the project;

(E) the estimated total amount that has been obligated to the project as of the date on which the list is published;

(F) a benefit-cost analysis of the project, expressed as a ratio that represents—

(i) current discount rates; and

(ii) includes the estimated annual benefits and costs of the project;

(G) the date of collection of any economic data used to justify the project;

(H) the date of completion of the most recent feasibility study, reevaluation report, and environmental review, as applicable, relating to the project; and

(I) in any case in which a portion of construction of the project is completed, a benefit-cost analysis of each remaining activity required to complete the construction; and

(2) a brief explanation of any reason why Federal funds have not been obligated for construction of the project.

(c) TREATMENT OF CERTAIN FUNDS.—For purposes of this section, funds shall not be considered to be Federal funds for purposes of construction if the funds were provided to carry out any activity for a project relating to—

(1) a study;
(2) planning;
(3) engineering and design;
(4) relocation or an acquisition of land; or
(5) an easement or a right-of-way.

SA 1134. Mr. WARNER (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —PRESIDENT'S STRATEGY IN IRAQ

SEC. 1. FINDINGS REGARDING PROGRESS IN IRAQ, THE ESTABLISHMENT OF BENCHMARKS TO MEASURE THAT PROGRESS, AND REPORTS TO CONGRESS.

(a) Congress makes the following findings:

(1) Over 145,000 American military personnel are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States armed forces, and are deserving of the strong support of all Americans;

(2) Many American service personnel have lost their lives, and many more have been wounded in Iraq; the American people will always honor their sacrifice and honor their families;

(3) The United States Army and Marine Corps, including their Reserve components and National Guard organizations, together with components of the other branches of the military, are performing their missions while under enormous strain from multiple, extended deployments to Iraq and Afghanistan. These deployments, and those that will follow, will have a lasting impact on future recruiting, retention, and readiness of our nation's all volunteer force;

(4) Iraq is experiencing a deteriorating problem of sectarian and intrasectarian violence based upon political distrust and cultural differences among factions of the Sunni and Shia populations;

(5) Iraqis must reach political and economic settlements in order to achieve reconciliation, for there is no military solution. The failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq;

(6) The responsibility for Iraq's internal security and halting sectarian violence rests with the sovereign Government of Iraq;

(7) In December 2006, the bipartisan Iraq Study Group issued a valuable report, suggesting a comprehensive strategy that includes new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq, that will enable the United States to begin to move its combat forces out of Iraq responsibly;

(8) The President said on January 10, 2007, that "I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not openended" so as to dispel the contrary impression that exists;

(9) It is essential that the sovereign Government of Iraq set out measurable and achievable benchmarks and President Bush said, on January 10, 2007, that "America will change our approach to help the Iraqi government as it works to meet these benchmarks";

(10) As reported by Secretary of State Rice, Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006 that were (a) reaffirmed by Iraq's Presidency Council on October 6, 2006; (b) referenced by the Iraq Study Group; and (c) posted on the President of Iraq's website;

(11) On April 21, 2007, Secretary of Defense Robert Gates stated that "our [American] commitment to Iraq is long-term, but it is not a commitment to have our young men and women patrolling Iraq's streets openendedly" and that "progress in reconciliation will be an important element of our evaluation";

(12) The President's January 10, 2007 address had three components: political, military, and economic. Given that significant time has passed since his statement, and recognizing the overall situation is ever changing, Congress must have timely reports to evaluate and execute its Constitutional oversight responsibilities.

SEC. 2. CONDITIONING OF FUTURE UNITED STATES STRATEGY IN IRAQ ON THE IRAQI GOVERNMENT'S RECORD OF PERFORMANCE ON ITS BENCHMARKS.

(a) IN GENERAL.—(1) The United States strategy in Iraq, hereafter, shall be conditioned on the Iraqi government meeting benchmarks, as told to members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and reflected in the Iraqi Government's commitments to the United States, and to the international community, including:

(A) Forming a Constitutional Review Committee and then completing the Constitutional review;

(B) Enacting and implementing legislation on de-Baathification;

(C) Enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner;

(D) Enacting and implementing legislation on procedures to form semi-autonomous regions;

(E) Enacting and implementing legislation establishing an Independent High Electoral Commission; provincial elections law; provincial council authorities; and a date for provincial elections;

(F) Enacting and implementing legislation addressing amnesty;

(G) Enacting and implementing legislation establishing a strong militia disarmament program to ensure that such security forces are accountable only to the central government and loyal to the Constitution of Iraq;

(H) Establishing supporting political, media, economic, and services committees in support of the Baghdad Security Plan;

(I) Providing three trained and ready Iraqi brigades to support Baghdad operations;

(J) Providing Iraqi commanders with all authorities to execute this plan and to make tactical and operational decisions, in consultation with U.S. commanders, without political intervention, to include the authority to pursue all extremists, including Sunni insurgents and Shiite militias;

(K) Ensuring that the Iraqi Security Forces are providing even-handed enforcement of the law;

(L) Ensuring that, according to President Bush, Prime Minister Maliki said "the Baghdad security plan will not provide a safe haven for any outlaws, regardless of [their] sectarian or political affiliation";

(M) Reducing the level of sectarian violence in Iraq and eliminating militia control of local security;

(N) Establishing all of the planned joint security stations in neighborhoods across Baghdad;

(O) Increasing the number of Iraqi security forces units capable of operating independently;

(P) Ensuring that the rights of minority political parties in the Iraqi legislature are protected;

(Q) Allocating and spending $10 billion in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis; and

(R) Ensuring that Iraq's political authorities are not undermining or making false accusations against members of the ISF.

(2) The President shall submit reports to Congress on how the sovereign Government of Iraq is, or is not, achieving progress towards accomplishing the aforementioned benchmarks, and shall advise the Congress on how that assessment requires, or does not require, changes to the strategy announced on January 10, 2007.

(b) REPORTS REQUIRED.—

(1) The President shall submit an initial report, in classified and unclassified format, to the Congress, not later than July 15, 2007, assessing the status of each of the specific benchmarks established above, and declaring, in his judgment, whether satisfactory progress toward meeting these benchmarks is, or is not, being achieved.

(2) The President, having consulted with the Secretary of State, The Secretary of Defense, The Commander, Multi-National Forces-Iraq, the United States Ambassador to Iraq, and the Commander of U.S. Central Command, will prepare the report and submit the report to Congress.

(3) If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political, economic, regional, and military components of the strategy, as announced by the President on January 10, 2007. In addition, the President shall include in the report, the advisability of implementing such aspects of the bipartisan Iraq Study Group, as he deems appropriate.

(4) The President shall submit a second report to the Congress, not later than September 15, 2007, following the same procedures and criteria, outlined above.

(5) The reporting requirement detailed in Section 1227 of the National Defense Authorization Act for Fiscal Year 2006 is waived from the date of the enactment of this Act through the period ending 15 September, 2007.

(c) TESTIMONY BEFORE CONGRESS.—

(1) Prior to the submission of the President's second report on September 15, 2007, and at a time to be agreed upon by the leadership of the Congress and the Administration, the United States Ambassador to Iraq and the Commander, Multi-National Forces Iraq will be made available to testify in open and closed sessions before the relevant committees of the Congress.

SEC. 3. LIMITATIONS ON AVAILABILITY OF FUNDS

(a) LIMITATION.—No funds appropriated or otherwise made available for the "Economic Support Fund" and available for Iraq may be obligated or expended unless and until the President of the United States certifies in the report outlined in subsection (2)(b)(1) above and makes a further certification in the report outlined in subsection (2)(b)(4) above that Iraq is making progress on each of the benchmarks set forth in Section 2 above.

(b) WAIVER AUTHORITY.—The President may waive the requirements of this section if he submits to Congress a written certification setting forth a detailed justification for the waiver, which shall include a detailed report describing the actions being taken by the Unites States to bring the Iraqi government into compliance with the benchmarks set forth in Section 2 above. The certification shall be submitted in unclassified form, but may include a classified annex.

SEC. 4. REDEPLOYMENT OF U.S. FORCES FROM IRAQ.

(a) The President of the United States, in respecting the sovereign rights of the nation of Iraq, shall direct the orderly redeployment of elements of U.S. forces from Iraq, if the components of the Iraqi government, acting in strict accordance with their respective powers given by the Iraqi Constitution, reach a consensus as recited in a resolution, directing a redeployment of U.S. forces.

SEC. 5. INDEPENDENT ASSESSMENTS.

(a) Assessment by the Comptroller General.

(1) Not later than September 1, 2007, the Comptroller General of the United States shall submit to Congress an independent report setting forth—

(A) the status of the achievement of the benchmarks specified in Section 2 above; and

(B) the Comptroller General's assessment whether or not each such benchmark has been met.

(b) Assessment of the Capabilities of Iraqi Security Forces.

(1) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Defense, $750,000,000, that the Department, in turn, will commission an independent, private-sector entity, which operates as a 501 (c)(3), with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(A) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12–18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(B) The training, equipping, command, control and intelligence capabilities, and logistics capacity of the ISF.

(C) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued support of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (A).

(2) REPORT.—Not later than 120 days after the enactment of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations/International Relations, and Intelligence.

SA 1135. Mr. MCCONNELL (for Mr. COCHRAN (for himself, Mr. WARNER, and Mr. BOND)) proposed an amendment to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON FUNDING FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) FINDINGS.—The Senate makes the following findings:

(1) The President is the commander in chief of the United States Armed Forces.

(2) The United States Armed Forces are currently engaged in military operations in Operation Iraqi Freedom and Operation Enduring Freedom on behalf of the national security interests of the United States.

(3) The funds previously appropriated to continue military operations in Operation Iraqi Freedom and Operation Enduring Freedom are depleted.

(4) The President requested more than 100 days ago supplemental appropriations to continue funding for Operation Iraqi Freedom and Operation Enduring Freedom.

(5) Congress has not passed a supplemental appropriations bill to continue funding for Operation Iraqi Freedom and Operation Enduring Freedom in a manner that the commander in chief believes gives the United States Armed Forces and the Iraqi people the best chance to succeed at establishing a safe, stable, and sustainable democracy in Iraq.

(6) A supplemental appropriations request to fund ongoing combat operations in Operation Iraqi Freedom and Operation Enduring Freedom should remain focused on the war effort by providing the resources necessary for United States troops abroad and in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should send legislation to the President providing appropriations for Operation Iraqi Freedom and Operation Enduring Freedom in a manner that the President can sign into law by not later than May 28, 2007.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 17, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on law enforcement in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to announce that the Committee on Small Business and Entrepreneurship will hold a hearing entitled "Minority Entrepreneurship: Assessing the Effectiveness of SBA's Programs for the Minority Business Community," on Tuesday, May 22, 2007, at 10 a.m. in room 428A of the Russell Senate Office Building.

SUBCOMMITTEE ON ENERGY

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy of the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 22, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 645, a bill to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals; S. 838, a bill to authorize funding joint ventures between United States and Israeli businesses and academic persons; S. 1089, a bill to amend the Alaska Natural Gas Pipeline Act to follow the Federal Coordinator for Alaska Natural Gas Transportation projects to hire employees more efficiently, and for other purposes; S. 1203, a bill to enhance the management of electricity programs at the Department of Energy; H.R. 85, a bill to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies; and H.R. 1126, a bill to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Amanda_Kelly@energy.senate.gov.

For further information, please contact Jonathan Epstein at (202) 224–4971 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, May 15, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on Short-Term Energy Outlook Summer 2007: Oil and Gasoline.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 15, 2007 at 10 a.m. in Room 406 of the Dirksen Senate Office Building.

Agenda: Hearing on "Green Buildings: Benefits to Health, the Environment, and the Bottom Line."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, May 15, 2007, at 10 a.m. for a hearing titled "Equal Representation in Congress: Providing Voting Rights to the District of Columbia."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?—Part IV" on Tuesday, May 15, 2007 at 10 a.m. in Dirksen Senate Office Building room 226.

Witness List: James B. Comey, Former Deputy Attorney General, United States Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources Subcommittee on National Parks be authorized to hold a hearing during the session of the Senate on Tuesday, May 15, 2007, at 2:30 p.m., in room SD–366 of the Dirksen Senate office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 553, to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System; S. 800, to establish the Niagara Falls National Heritage Area in the State of New York; S. 916, to modify the boundary of the Minidoka Internment National Monument, to establish the Minidoka National Historic Site, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; S. 1057, to amend the Wild and Scenic Rivers Act to designate certain segments of the New River in the States of North Carolina and Virginia as a component of the National Wild and Scenic Rivers System; S. 1209, to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service; S. 1281, to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic River System; H.R. 161, to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington; H.R. 247, to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives; and H.R. 376, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RETIREMENT AND AGING

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions' Subcommittee on Retirement and Aging, be authorized to hold a hearing on Alzheimer's disease during the session of the Senate on Tuesday, May 15, 2007 at 10 a.m. in room 628 of the Senate Dirksen Office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENTS IN TRIBUTE TO SENATOR STEVENS

Mr. REID. Mr. President, I ask unanimous consent that the tribute to Senator STEVENS in the CONGRESSIONAL RECORD be printed as a Senate document and that Senators be permitted to submit statements for inclusion in the RECORD until June 1 of this year.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATING MAY 14, 2007, THROUGH MAY 18, 2007, AS "NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK"

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 202.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 202) designating the period beginning on May 14, 2007, and ending on May 18, 2007, as "National Health Information Technology Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr. President, the Senate passed a resolution designating May 14 to 18, 2007, as National Health Information Technology Week. In connection with this resolution, it is important to recognize the leadership and progress that the Department of Veterans Affairs has shown in the area of health information technology.

By passing this resolution, the Senate has recognized the tremendous importance of information technology in improving health care for all Americans. RAND Corporation has estimated that by improving health information technology and practices more than $81 billion can be saved annually in the United States.

Such savings are only one aspect of the promised impact of better health information technology. The other, more important aspect is that improved health information technology can help save lives by providing health care providers with more accurate and timely patient information.

As an increasing number of veterans return from the current conflicts in Iraq and Afghanistan with complicated injuries, they must receive the quality care earned through their service. Information technology helps VA provide that care.

Over the past decade, VA has become a leader in the use of electronic health records. Through VA's veterans health information system and technology architecture, commonly referred to as VISTA, clinicians can access and update electronic health records throughout the Nation's largest health care system. Clinicians can also view medical images, such as x rays, pathology slides, and other critical records that can be placed immediately into a patient's record. In addition to their electronic records system, VA is reducing medication and prescription errors through a point-of-care system to verify that patients receive correct dosage at correct times, visually alerting staff when errors are made. For its development and employment of this system, VA was awarded the 2006 Innovations in Government Award, sponsored by Harvard University.

While VA's health care system is by no means perfect, its use of health information technology has improved the quality of care received by veterans, while reducing the costs to our taxpayers. I hope the Department will continue on their path of progress, and I commend VA for its work thus far.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 202) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 202

Whereas the Healthcare Information and Management Systems Society has worked collaboratively with more than 48 stakeholder organizations for more than 45 years to transform health care with improved uses of information technology and management systems;

Whereas the Center for Information Technology Leadership estimated that the implementation of national standards for interoperability and the exchange of health information would save the United States approximately $77,000,000,000 in expenses relating to health care each year;

Whereas the RAND Corporation estimated that, if the health care system of the United States implemented the use of computerized medical records, the system could save the United States more than $81,000,000,000 each year;

Whereas health care information technology has been shown to improve the quality and safety of the delivery of health care in the United States;

Whereas health care information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the health care system;

Whereas the President and Secretary of Health and Human Services have made a commitment to leveraging the benefits of the health care information technology and management systems by establishing the Office of the National Coordinator for Health Information Technology and the American Health Information Community;

Whereas Congress has placed an emphasis on improving the quality and safety of the delivery of health care in the United States; and

Whereas organizations across the country have come together to support National Health Information Technology Week to improve public awareness relating to the potential benefits of improved quality and cost efficiency that the health care system could achieve if health information technology were better utilized: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the value of information technology and management systems in transforming health care for all people in the United States;

(2) designates the period beginning on May 14, 2007, and ending on May 18, 2007, as "National Health Information Technology Week"; and

(3) encourages the use of information technology and management systems to transform the health care system in the United States.

RECOGNIZING THE BENEFITS AND IMPORTANCE OF SCHOOL-BASED MUSIC EDUCATION

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of H. Con. Res 121 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 121) recognizing the benefits and importance of school-based music education, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 121) was agreed to.

The preamble was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSION OF APPRECIATION

Mr. REID. Mr. President, first of all, let me express my appreciation to the Presiding Officer, for you and all the staff. I am sorry things take so long. Believe me, I wish we would have done it more quickly myself. Sometimes you can't. It takes a lot of phone calls.

As I have reminded people, much of what we do in the Senate is done with unanimous consent. That means all Senators have to agree, and there are 100 of us. Senator McCONNELL and I have been making phone calls to see if we can get this resolved, and I think we are at the point we need to be now. So thank you very much, everybody.

The PRESIDING OFFICER. The Presiding Officer is very happy to be here.

UNANIMOUS-CONSENT AGREEMENT—S. Con. Res. 21

Mr. REID. Mr. President, I ask unanimous consent that it be in order on Thursday, May 17, to proceed to the consideration of the conference report on the budget, if available, notwithstanding provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 1348

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to S. 1348 occur on Monday, May 21, no earlier than 5.30 p.m., and that if cloture is invoked, the motion be agreed to without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. REID. Mr. President, for those who are watching, I have spoken to people doing the negotiating on immigration, and they tell me they are 80 percent of the way. Well, that is fine, but the other 20 percent is hard. I don't think we lose a step by the agreement that we have just had. It will allow the people who have been working on this matter for a number of weeks to have a few more days to do that.

It would be different if we had nothing else to do here, but this will kind of clear the deck so we can, hopefully, complete WRDA, the budget, send something to conference on the supplemental, and then next week we have to do the conference report on the supplemental, which shouldn't take long, and then spend that time, if we can get an agreement, on immigration. That is why we have done what we have done with this consent agreement.

Mr. President, I ask unanimous consent that Senator SESSIONS have up to 3 hours under his control to speak on Monday, May 21; that the hour prior to cloture be reserved for the two leaders or their designees; and that Senator SESSIONS also have 2 hours under his control on Tuesday, May 22, when and if we go to the immigration matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MAY 16, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m. on Wednesday, May 16; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time of the two leaders be reserved for their use later in the day; that the Senate resume consideration of H.R. 1495, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business, and the Republican leader has nothing further, which I understand is correct, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:03 p.m., adjourned until Wednesday, May 16, 2007, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 15, 2007:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID J. MERCER, 7160

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

NICHOLAS J. ALAGA, JR., 8519
WILLIAM M. ALBIN, 7610
SCOTT D. ALWINE, 1030
WILLIAM A. ANDERSON, JR., 0826

WILLIAM C. APPLEWHITE, JR., 3766
PATRICK A. BACCANARI, 6934
RONALD K. BACH, 2470
JAMES L. BARGE, 7967
DAVID F. BASSETT, 7649
DANIEL M. BAUER, 4544
ROBERT S. BAZAN, 8187
ALAN D. BEAL, 3508
MATTHEW M. BELL, 9352
KEVIN L. BERTELSEN, 6118
CRAIG W. BLADOW, 2261
DEAN R. BLAHA, 3998
DONALD M. BOUCHARD, 8371
ERIC E. BOWMAN, 2292
GLENN R. BRANDENBURG, 1611
JOHN F. BRENNAN, 7629
DENNIS K. BRUCE, 6993
ANDREW D. BUCKON, 1727
THEODORE J. BURGE, 8758
EUGENE E. BURKE, 2918
PATRICK C. BURNS, 6629
JULE B. BUTLER, 3265
RONDA L. BYRNECLARK, 2634
DAVID J. CANTRELL, 4847
JOSEPH R. CHAMPAGNE, 9671
RONALD D. COLLETT, JR., 2304
DAVID P. CONNELLY III, 6791
DAVID D. N. CORLEY, 5017
STUART B. CRAIG, 0981
WILLIAM M. CRANE, 8946
SCOTT G. CRANSTON, 1729
ROBERT K. CREIGHTON III, 4928
DAVID W. CRITCHLEY III, 5457
CARL W. CUSAAC, 0371
RICHARD S. DANN, 2299
JEFFREY C. DAUS, 5683
JEFFREY D. DAVISSON, 1913
KENNETH A. DEAKIN, 2455
CRAIG C. DEBEAUMONT, 4937
TIMOTHY P. DELOACHE, 4529
JAMES K. DICAMPLI, 0820
JAMES P. DIMATTEO, 6998
JOSEPH P. DIPAOLA, JR., 9885
FREEMAN R. DODSWORTH, 4966
MICHAEL E. DOYLE, 3661
KEVIN L. DUGGAN, 9134
JAMES D. DUNDORF, 9092
JAMES E. EPPLE, 8708
ROBERT A. ESPINOSA, 5340
RONALD A. FARMER, 7186
DAVID M. FITZGERALD, 4912
BRUCE M. FOCHT, 4029
THOMAS F. FOLEY, 5699
DIRK L. FOSTER, 0016
MARK M. FREDERICKSON, 1002
ANDREW R. GALLOTTA, 0032
RICHARD GASPERONI, JR., 7572
DAVID M. GEICK, 8584
BRADLEY N. GEYER, 9929
MARK GIBBONS, 0638
WILLIAM GILLCRIST, 9720
JOHN W. GILMAN, 2412
ARTHUR W. GLYNN, 0502
CHRISTOPHER J. GOODE, 3079
DANIEL I. GRUTA, 6478
JAMES J. GUZZETTI, 2112
ROBERT C. HAGGERTY, 6506
PATRICK J. HAMILTON, 5527
SCOTT S. HANDLER, 2191
DUANE E. HARPER, 9800
SAMUEL R. HARRIS, 4164
JOHN A. HAYES, 2690
PAUL A. HECHENBERGER, 2322
JAMES C. HEYE, 8578
PATRICK J. HEYE, 3375
EDWARD H. HILL, 0489
JAMES F. HILLMAN, 6936
CHRISTOPHER L. HOLLADAY, 1735
BRADLEY D. HOLT, 1619
KIRK D. HORNBURG, 2719
JEFFREY C. HORNEFF, 0441
ANDREW L. HOWARD, 9043
JAMES HUDSON, 4958
ROBERT J. HUGHES, 3135
DAVID P. HUNTER, 3826
THOMAS F. HURLEY II, 1550
JAMES M. INGALLS, 6950
MARGARET L. JEFFRIES, 2798
KEVIN M. JENNE, 2939
KEVIN R. JOHNSON, 5081
ANDREW M. JONES, 6418
COLETTE D. KAMLIN, 1840
PATRICK O. KENNEDY, 4346
DWIGHT A. KENNY, 5435
ROBERT J. KLEIN, 4524
BRIAN A. KUERBITZ, 2085
DAVID A. KUNSKY, JR., 9206
THOMAS R. LAND, 0947
GREGORY R. LARSON, 4539
BRANDT W. LATIMER, 6328
ANDREW C. LENNON, 9081
MARY K. LEWIS, 3178
MONTGOMERY P. LIU, 8688
MARK F. LULING, 6361
ROBERT J. LUMAN, 1261
MARK A. LUNDE, 2965
DONALD P. MACNEIL, 4694
LAWRENCE R. MAGNER, JR., 7854
BASIL K. MAKRIDIS, 2260
PHILIP B. MANSER, 0151
DEREK S. MARTIN, 5348
KEVIN M. MCCARTHY, 5357
DAN M. MCCULLEY, 3649
JAMES H. MCGEE, JR., 9480
MICHAEL W. MCGEHEE, 3194
GREGORY J. MCGIFFNEY, 2394
GREGORY D. MCLAUGHLIN, 4107
KERRY M. METZ, 6494
MICHAEL W. MIDDLETON, 2173
JACK P. MILLER, 6857
ALLIE W. MILLIGAN, 3980
BRIAN MINZENMAYER, 7914
ROBERT S. MITCHELL, 3236
CASEY D. MOLONEY, 4411
DOUGLAS W. MONTGOMERY, 7356
MICHAEL F. MORRISSEY, 7077
JOHN G. MOSHER, 3667
JOHN J. MOYNIHAN, JR., 8560
ERIC M. MUELLER, 0312
STEVEN B. MUTZ, 0794
CHRISTOPHER C. NICOL, 7967
THOMAS C. OCONNELL, 1175
PHILLIP E. OLD, 3521
THOMAS S. OLIVER III, 7731
DAVID M. OSEN, 5264
RONALD L. PAGE, 8170
CHAD L. PAINTER, 9985
TIMOTHY J. PANOFF, 3675
PERRY PARISI, 0020
MATTHEW S. PAULSON, 9057
DANIEL G. PEDRO, 8274
MICHAEL K. PETZOLD, 9640
MICHAEL P. PITNEY, 0245
LISA P. POTVIN, 0063
HENRY M. RAINONE, 7522
SCOTT A. READY, 5316
WARREN A. REBARKER, 6213
THOMAS G. RECK, 1312
TOMUS S. REDFORD, 7792
CURTIS S. RENARD, 8955
CHARLES D. RICHTER, 8663
LAWRENCE D. ROLLO, 8283
MICHAEL T. ROMINSKI, 5424
DANIEL M. ROY, 8037
JOSEPH B. RYAN, 7175
DANIEL SALAZAR, 3158
NEIL K. SAWYER, 0297
WILLIAM E. SCARING, 7551
STEPHEN J. SCHAFFER, 8801
KENNETH D. SENER, 0737
JOSEPH E. SHAFFER, 5712
DEBRA K. SHARITS, 2044
JAMES A. SHEA, 2216
DAVID B. SHECKELLS, 0055
STEPHEN V. SLEEM, 2789
JOHN W. SNARR, 8493
MONROE J. J. SPARKS, 1432
JOSEPH M. SPIVEY IV, 3294
WILLIAM H. STARR, 9831
GREGORY F. STEPHENS, 7905
CATHERINE F. STULTZ, 3380
MICHAEL D. TERRELL, 7004
FREDERICK D. THOMPSON, 9797
JESSE M. TILLMAN III, 4590
PETER D. TOMASCAK, 4462
STEVEN C. TULIP, 1289
TODD A. VALDES, 6549
DAVID N. VALENTE, 1934
SCOTT F. VANEK, 6800
MARC D. VARNEY, 8520
ROBERTO C. VELASCO, 3487
LINDA R. D. WACKERMAN, 1975
JEFFREY L. WAGONER, 2806
THOMAS E. WALTON, 0167
KEITH R. WANDER, 1417
KEITH E. WARNER, 0785
BRIAN K. WATERHOUSE, 0336
TODD A. WATERMAN, 4211
EDWARD T. WATKO, 6709
JOHN W. WATTS, 9414
RICHARD H. WHEAT, 4296
JOHN A. WILL, 2827
ROBERT R. WILLIAMS, 4645
WILLIAM T. WILLIAMS, 5087
WILLIAM A. WIMMER, 4236
WILLIAM W. WINDLE, 2274
KARL A. WINTERMEYER, 0729
BRETT D. WISE, 7185
TIMOTHY S. WOLTERS, 0325
EDWARD A. YEASTE, 8404
ITHAN B. ZIMMER, 1205
MARK H. ZUHONE, 4005

EXTENSIONS OF REMARKS

TRIBUTE TO C. DIXON OSBURN

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. MEEHAN. Madam Speaker, today I pay tribute to C. Dixon Osburn, co-founder and executive director of Servicemembers Legal Defense Network for 13 years. Dixon recently left the helm of Servicemembers Legal Defense Network, and today I recognize and commend him for the contributions he has made to our nation's Armed Forces and to our nation's enduring goal of freedom and equality under the law for all Americans.

Servicemembers Legal Defense Network is a non-profit legal aid and advocacy organization founded in 1993 to assist service members living under the discriminatory "Don't Ask, Don't Tell" statute that became the law in my first months of serving in the United States Congress. Under Dixon's leadership, the organization has responded to more than 8,000 requests for assistance, and continues today to be a leader of the national movement to repeal "Don't Ask, Don't Tell."

I am proud to have worked with Dixon Osburn toward the goal of repealing "Don't Ask, Don't Tell." This law has resulted in the discharge of more than 11,000 service members from our Armed Forces, at a cost of hundreds of millions of dollars. It is an affront to the patriotism and talent of the over one million lesbian, gay and bisexual Americans estimated to have served in our nation's Armed Forces to date.

I am proud to serve as the sponsor of legislation to repeal "Don't Ask, Don't Tell," and I commend Dixon Osburn for all he has done to help lay the ground work for the passage of this important legislation.

HONORING THE CITY OF KILLEEN ON ITS 125TH BIRTHDAY

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. CARTER. Madam Speaker, the City of Killeen, Texas celebrates its 125th birthday, today, May 15th, 2007. The City of Killeen was born May 15, 1882, when the Santa Fe Railroad extended its line westward. Named for Frank P. Killeen, an official of the railroad in Galveston, some believe that Killeen may have been among the railroad dignitaries on the train that arrived to mark the beginning of the town, but it has never been confirmed. The town of about 300 people became a shipping point of the area for agricultural products, cotton in particular.

In the next 60 years, the city prospered and grew to over 1,200 people. But in 1942, this small railroad town became home to military post Camp Hood. The military camp's impact was tremendous more than quintupling Killeen's population in its first few years.

After World War II, the Army was looking for a place to train soldiers in tank destroyer tactics, and Killeen fit the bill. Camp Hood was named for Confederate General John Bell Hood. The initial installation covered 160,000 acres; most of Killeen's best farming land, forcing many families from their homesteads. In 1950, the camp was declared a permanent post changing its name to Fort Hood.

Killeen was now a military town, so its goal became to make it the best town for military families to live. Supporting our soldiers and their families is still the top priority today.

The town and the fort grew together. Killeen worked to develop infrastructure that would incorporate the military base and its needs. Immediate needs were water leading to the construction of Belton Lake and later, Stillhouse Hollow Reservoir; the construction of better highways to meet military and civilian travel needs; major construction to provide housing; and an accompanying growth in retail business.

This small agriculture turned railroad turned military town now has a population of over 100,000 people and is bustling with commerce. Killeen has a young, diverse populous served by good schools and affordable housing and will continue to thrive in its next 125 years.

RECOGNIZING THE TUSKEGEE AIRMEN IN CELEBRATION OF OBERLIN, OHIO'S JUNETEENTH CEREMONIES

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Ms. KAPTUR. Madam Speaker, I rise today in recognition of the Tuskegee Airmen who were recently awarded the Congressional Gold Medal, specifically seven men being honored by their home community of Oberlin, Ohio in its annual Juneteenth celebration: Norman E. Proctor, Wayman E. Scott, Ferrier H. White, William Young, Gilbert Cargill, Perry Young, and William L. Williams, Jr.

On March 29, 2007, we were privileged to be witnesses to history as the largest group ever to be awarded a Congressional Gold Medal was honored in the Capitol rotunda. The elder men and their families who joined us that day were there not only to be feted for their own achievements, but represented dozens more of these gallant heroes who could not be there. I am proud that many residents in our own Ninth Congressional District of Ohio were part of this elite cadre of men.

The story of the Tuskegee Airmen continues to unfold, for they were truly unsung heroes of their time. Their outstanding service during World War II became legendary. Even while they fought a common enemy in foreign lands, they also fought racism at home. Despite discrimination they helped to tear down racial barriers in the U.S. armed services. History books tell the story that no U.S. military pilot was African-American prior to World War II. Eventually, in 1941, guided by leaders of the African-American civil rights movement the United States Congress directed the Army Air Corps to form an all-black combat unit. In June of that year, the 99th Fighter Squadron was formed at the Tuskegee Institute, a well-regarded university founded by national leader Booker T. Washington in Tuskegee, Alabama. The squadron was placed under the command of Capt. Benjamin O. Davis, Jr., one of the few African-American West Point graduates.

During World War II the Tuskegee Airmen flew escort for heavy bombers, established an impressive combat record, and often entered combat against greater numbers of superior German aircraft. By war's end, the unit was credited with shooting down 109 Luftwaffe aircraft and destroying numerous fuel dumps, trucks and trains. The squadrons of the 332nd Fighter Group flew more than 15,000 sorties on 1,500 missions.

The unit was awarded a Distinguished Unit Citation for a mission flown on March 24, 1945, escorting B–17s to bomb the Daimler-Benz tank factory at Berlin, Germany, an action in which its pilots destroyed three Me–262 jets in aerial combat. The meritorious individual achievements of the pilots were also recognized. Together, the Tuskegee Airmen were awarded 150 Distinguished Flying Crosses, seven Silver Stars, fourteen Bronze Stars, and 744 Air Medals. From 1940 to 1946, 992 pilots were trained as Tuskegee Airmen. Of these, 445 went overseas and 150 lost their lives in service to our Nation and freedom's cause.

Booker T. Washington once noted that "A life is not worth much of which it cannot be said, when it comes to its close, that it was helpful to humanity." The corps of airmen who hailed from the school Mr. Washington founded most assuredly fulfilled that destiny. Our world remains profoundly grateful.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. UDALL of Colorado. Madam Speaker, on May 9th, during rollcall vote 318, on final passage of H.R. 1684, the Department of Homeland Security Authorization bill, I was detained and unable to reach the House floor in time to vote. Had I been present, I would have voted "yes."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

On May 14, because of business in Colorado, I was not present for the following three votes:

Rollcall vote 342, to suspend the rules and pass H.R. 1124, to extend the District of Columbia College Access Act of 1999—had I been present, I would have voted "yes."

Rollcall vote 343, to suspend the rules and pass H. Res. 223, supporting the goals and ideals of a National Day of Remembrance for Murder Victims—had I been present, I would have voted "yes."

Rollcall vote 344, to suspend the rules and pass H. Res. 385, recognizing National AmeriCorps Week—had I been present, I would have voted "yes."

FREEDOM FOR ROLANDO JIMÉNEZ POSADA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Rolando Jiménez Posada, a political prisoner in totalitarian Cuba.

Mr. Jiménez Posada is a lawyer and a director of the Democratic Human Rights Center. As a pro-democracy activist, Mr. Jiménez Posada has devoted himself to portraying the genuine terror of life in totalitarian Cuba. Because of his brave commitment to freedom for the Cuban people and his activities as a pro-democracy activist, the regime began by firing him from his job.

Mr. Jiménez Posada has been detained and threatened numerous times over the past years. On December 10, 2001, while taking part in a peaceful celebration to observe the anniversary of the Universal Declaration of Human Rights, he and several others were beaten and pushed into police vehicles and then discarded in remote areas as a means of psychological torture. Amnesty International reports that in July 2002 Mr. Jiménez Posada was threatened at his home after handing out copies of the Universal Declaration of Human Rights. Later, the tyrant's thugs told him that he would be imprisoned if he continued carrying out public activities in support of Cuba's political prisoners.

Despite harassment and the continuous threats, Mr. Jiménez Posada never wavered in his conviction. On April 25, 2003, he was arrested and thrown in the gulag on accusations of "disrespecting the commander" (the tyrant) and "revealing state secrets". For 4 years, he languished in sub-human conditions awaiting "formal charges" and a "trial" for his "crime" of believing that all men have an inherent right to live in freedom.

On April 6, 2007, Mr. Jiménez Posada was "sentenced" to 12 years in a second secret trial in less than a week. His family and loved ones were never notified of his trial date, and when he even so much as attempted to voice concerns about the lack of defense counsel he was summarily thrown into a dungeon once again and prohibited all forms of legal defense. Let me be clear, Mr. Jiménez Posada rejects the gangster regime's constant propaganda and its lies. For that reason, he languishes in the most infernal conditions in the tyrant's dungeons.

Madam Speaker, Mr. Jiménez Posada suffers in the repulsive squalor of the totalitarian regime's gulag because he believes in truth and fundamental human rights for the Cuban people. It constitutes a crime of the highest order that a mere 90 miles from our shores, honorable men and women are jailed in dungeons simply for their desire to make known the truth of Cuba's tragic reality and for believing that all Cubans are deserving of human rights. My colleagues, we must demand the immediate and unconditional release of Rolando Jiménez Posada and every political prisoner in totalitarian Cuba.

TRIBUTE TO LISA RAE AUSTGEN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to take this time to remember one of northwest Indiana's most distinguished citizens, Lisa Rae Austgen of Lowell, Indiana. Lisa's numerous contributions to her community are worthy of the highest admiration, especially her service as the director of the Challenger Center of Northwest Indiana in Hammond, Indiana. Lisa passed away on Friday, May 11, 2007, and following services at the Sheets Funeral Home in Lowell, she will be laid to rest on Tuesday, May 15, 2007, at Plum Grove Cemetery, also in Lowell.

Lisa was an integral part of the success of the Challenger Learning Center of Northwest Indiana. Housed on the Purdue University—Calumet campus in Hammond, Indiana, the Challenger Learning Center provides a worthwhile educational resource to area schools. Under Lisa's direction, this 8-year old program has opened the window to space exploration to students who might otherwise have no exposure to our final frontier.

Lisa's passion for the Challenger Learning Center of Northwest Indiana is entwined into the legacy of this program. Completely devoted to improving and modernizing educational, opportunities for children, Lisa created programs at the center that simulated space missions, integrating information provided by the National Aeronautics and Space Administration, NASA, into real-life missions controlled and operated by students. These missions not only offered students the chance to experience life as astronauts, but also taught valuable life skills, such as teamwork and cooperation, that they are able to apply to other facets of their academic development.

Thanks to Lisa's selfless dedication to actively pursuing funding for the center, thousands of students throughout the First Congressional District have had the unique opportunity to participate in the programs at the center which instill and increase students' enthusiasm for science, math, and technology. Further, her innovative approach to education fomented a genuine excitement among the students' attitudes toward math and science. Lisa was truly the backbone of the Challenger Learning Center and will be sorely missed by all the individuals with whom she worked so diligently to provide this resource to the region.

Lisa is survived by her loving husband, Tom; two sons: Ethan and Ryan; one daughter, Cassie Karney; mother, Karen Stover of Elwood, IN; father, Max (Mary) Stover of Kokomo, IN; one brother, Mike (Billie) Stover of Elwood, IN; one sister, Jennifer (Shaun) Boetjjer of Galveston, IN; and several nieces and nephews. Lisa also leaves to cherish her memory many other family members and friends who will forever remember her devotion to, not only her community, but to her family as well.

Madam Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring Mrs. Lisa Austgen for her outstanding devotion to Indiana's First Congressional District. Her unselfish and lifelong dedication to the young people of northwest Indiana is worthy of the highest commendation. Lisa's selflessness was an inspiration to us all, and I am proud to have represented her in Congress.

RECOGNIZING THE 40TH ANNIVERSARY OF BEECHER COMMUNITY SCHOOL DISTRICT PROJECT HEAD START

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. KILDEE. Madam Speaker, I rise today to recognize the 40th anniversary of the Beecher Community School District Project Head Start. A community celebration is planned for Friday, May 18th in Flint, Michigan. The celebration will be attended by alumni, current and former staff, parents, students and other members of the community.

The Beecher Community School District is a delegate program of the Genesee County Community Action Resource Department. Over the past 40 years the Beecher Head Start program has served over 6,000 students. It is a comprehensive program providing medical, dental, nutrition, and child development. The teachers and social workers make home visits to assess the needs of the child and work to fully involve parents in the child's progress. This year 357 pupils benefited from participation in the program.

Madam Speaker, please join me in congratulating the Beecher Community School District Project Head Start on 40 years of successfully preparing youngsters for school and enhancing the social and reasoning skills of thousands of students.

THANKING TINA TATE FOR HER PUBLIC SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. HOYER. Madam Speaker, today I pay tribute to the career and personal achievement of one of the House's own—Tina Tate, who will retire on May 17 as the Director of the House Radio and Television Gallery after 34 years of service to this wonderful institution.

During the last three and one-half decades, Tina has worked tirelessly with the People's House and the media to chronicle the sometimes tumultuous but always lively day-to-day history of the Congress. She has gracefully assisted Democrats and Republicans in their interaction with the press during a period when technological advances changed the manner in which the media informed the American people about their government.

In 1969, Tina moved from her native Georgia to Washington, DC, with her husband and young son. Three years later, during the Nixon Administration and Carl Albert's Speakership, she was hired as the first female employee of the House Radio and Television Gallery. At that time, there were only three national television news organizations, and it was still one year before CBS radio took the bold step of launching a "news on the hour" service.

In 1981, she was selected Superintendent of the Radio TV Gallery—the first female to head that office. This was the first year of Ronald Reagan's Presidency and the fifth year of Thomas P. "Tip" O'Neill's service as Speaker. Since then she has overseen the historic coverage of the transition of power in the House, first from Democratic to Republican hands in 1994, and then a return to Democratic governance in 2006.

During her service, Tina served five Speakers of the House, guiding the House and those who cover it with integrity, honesty and a desire to help all sides succeed in a rapidly changing, frequently challenging environment.

Madam Speaker, Tina has left her mark on Congress and those who cover us for the people. For the press, she has been an advocate and steady hand in working with Congress to expand openness and access. For Members of Congress, she has been a faithful guardian of the institution's interests and the precedents that protect this body.

In addition to helping reporters gather news within the halls of Congress, Tina and her office have helped more than 5,000 members of independent radio and television organizations cover every national political convention. That makes sense, since once a nominee became President she oversaw their subsequent State of the Union Addresses.

Tina not only arranged logistics, she innovated. She developed new platforms for coverage, whether that be utilizing Statuary Hall to allow Members to talk to national and local media, or paving the way for new technologies like HDTV to find their place in the coverage of newsworthy events. She has had a hand in making all of this work and finding new ways to open up our government.

Tina's contribution will continue into the future. Since 2000, she has been working to establish a necessary and appropriate foothold for the electronic media in the Congressional Visitor's Center. As the technology and press have changed in 34 years, so have their needs and the needs of Members of Congress. She foresaw that growth and has worked with us to make the House successful in the years to come.

Let me close by thanking Tina for her service, friendship and gracious guidance. She leaves the House of Representatives the better for her service.

HONORING BRIDGES . . . A COMMUNITY SUPPORT SYSTEM, INC., AS THEY CELEBRATE THEIR 50TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Ms. DELAURO. Madam Speaker, I am honored to rise today to extend my sincere congratulations to Bridges . . . A Community Support System, Inc., of Milford, Connecticut, as they celebrate their 50th anniversary. This is a remarkable milestone for this outstanding organization dedicated to providing support and mental health services to those in need.

Originally founded in 1957 as the Milford Family Counseling Association, the organization's mission initially focused on addressing the mental health needs of children in the Milford community. The organization expanded and so did its scope of services—including adult psychiatric services, drug and alcohol prevention services and opening its doors to the neighboring communities of Orange and West Haven. As the needs of our communities and its residents changed, so did the agency as well as its name. Designated in the 1990s by the State of Connecticut as the Local Mental Health Authority, the organization made its final name change in 1999 to Bridges . . . A Community Support System to better reflect its purpose and mission.

Today, Bridges, working with local agencies and organizations, is able to provide a multitude of programs to those most in need. From individual counseling to bereavement support; teenage drug and alcohol prevention to vocational and social rehabilitation services, Bridges and its dedicated staff have continually identified the changing needs of our community. The partnerships they have established allow them to provide comprehensive services to their clients—making a real difference in the lives of thousands of children and families.

In building upon the vision first established with the Milford Family Counseling Association, Bridges has been able to provide those coping with the challenges of mental illnesses with one of life's most precious gifts—hope. Through its gift of hope, Bridges has left an indelible mark on our community and the thousands of lives they have touched. In its 50 year history, Bridges has established itself as an invaluable resource as well as respected advocates—not only for their clients, but community leaders and policy-makers alike.

Today, Bridges is continuing its legacy of helping people live more fulfilling and productive lives by providing clients with "Pathways to Health, Hope, and Recovery." For its many invaluable contributions to our community and for all of their work on behalf of our children and families, I am proud to stand today and extend my sincere congratulations to the Bridges . . . A Community Support System on their 50th anniversary.

TRIBUTE TO SONIA GUTIÉRREZ

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. HINOJOSA. Madam Speaker, it is an honor to take this moment to commemorate the 35th anniversary of the founder and acting director of the Carlos Rosario School here in Washington, DC, Ms. Sonia Gutiérrez.

Carlos Manuel Rosario was the founder of the Program of English Instruction for Latin Americans in 1970, and was based out of the Columbia Heights neighborhood here in Washington, DC. In 1972, he met a woman named Sonia Gutiérrez, a professional educator who had just recently moved to Washington from Puerto Rico, and persuaded her to work for PEILA.

In October 1972, Ms. Gutiérrez became the Director of PEILA and transformed the small, underfunded English as a Second Language (ESL) program into a comprehensive adult education program. In 1974, the Office of Right to Read of the U.S. Department of Health, Education and Welfare designated it as one of the best literacy programs in the nation.

At Ms. Gutiérrez's request in 1992, the city council renamed the school after Carlos Rosario, who founded PEILA. The program provides 4,500 students per year with the necessary language, cultural, vocational and job skills to become functional and productive members of society. Their current waiting list stands at 2,000.

The school became a national and international model, and delegations from other states and other nations frequently visited the center to review its operations and curriculum, with hopes of replicating the success of the program.

In 1996, the District of Columbia faced a financial crisis that brought about the elimination of all DC Public Schools adult education programs, including the Carlos Rosario Adult Education Center. Ms. Gutiérrez vowed to rebuild the school for the benefit of her students and her community.

From August 1996 to March 1997, Ms. Gutiérrez worked tirelessly out of the basement of her home and raised $100,000 dollars from local foundations to reopen the school as the non-profit Carlos Rosario International Career Center. The new school opened its doors in April 1997 with Ms. Gutiérrez as Executive Director & Founder.

Realizing that there were still many in the community who were not being served, Ms. Gutiérrez actively sought for Public Charter School funding to increase the number of classes and opportunities available. She succeeded and in 1998 the school became the first Adult Public Charter School in the nation.

Today, the non-profit Carlos Rosario International Career Center and Public Charter School provides more than 1,200 students with English as a Second Language, GED in Spanish and English, courses in different areas of technology, citizenship classes, culinary arts, family literacy and Spanish classes.

Ms. Gutiérrez has also been very involved in the social and economic development of the

Latino Community. In 1977, she founded the Council of Latino Agencies. She was instrumental in establishing the Mayor's Office on Latino Affairs and presided over the Latino Festival. She is the past President of the Metropolitan Association of Adult and Continuing Education and also for both DC Commission for Women and the Latino Community Development Commission.

These are just a few of her accomplishments as a community organizer and leader. Ms. Gutiérrez should be an inspiration to us all, and should serve as a reminder that one person can make a difference in the lives of many.

I am honored to have a moment to recognize her 35 years of service to the Latino community of Washington, DC.

HONORING ST. PAUL YWCA'S 100TH ANNIVERSARY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, today I rise to honor the St. Paul YWCA for its 100 years of providing hope, opportunity, and a community gathering place for the residents of St. Paul.

Founded in 1907 by a group of dedicated young women who moved to St. Paul to look for employment opportunities in the factories and mills, the St. Paul YWCA and its programs have continuously evolved to meet the changing needs of the community. The first YWCA was constructed on Fifth Street in downtown St. Paul with a gymnasium, club, classrooms, auditorium, and a 100–bed residence. Since its beginning, the YWCA has maintained its commitment to serve and support women by providing programs in education, business skills, home arts and crafts, and physical fitness.

Over the years, the St. Paul YMCA has helped to foster other community initiatives and organizations. It provided office and meeting space for organizations such as Campfire Girls and the League of Women Voters, and later helped to spur the beginning of community agencies such as the Hallie O. Brown Center, Travelers Aid, International Institute of Minnesota, and Capitol Community Services. The YWCA was a pioneer of the first Festival of Nations grand opening in 1932.

During the Great Depression, the St. Paul YWCA helped to build up the community by offering job assistance and counseling for women in business and industry. Similar efforts were undertaken during World War II, when the YWCA provided support for women entering the labor force as well as support for servicemen and women through the USO and relief efforts.

In the second half of the 20th century, the St. Paul YWCA expanded its community outreach by offering educational and recreational programs, including housing projects as well as emergency shelter for homeless women and children in the state of Minnesota.

In the first 7 years of the 21st century, the YWCA has risen to new opportunities, serving more than 6,000 people through its programs that include wellness services, supportive housing, long-term mentoring, childcare, youth development programs, volunteer services, and community programming. In addition, the YWCA has served over 350 schools, community and government agencies, service providers, and businesses through its programs. I look forward to celebrating YWCA's many successes in the years to come.

Madam Speaker, in honor of the founders of the St. Paul YWCA, its staff, board members, and volunteers, and its delivery services that have made a difference for the lives of others, I am pleased to submit this statement for the Congressional Record recognizing the 100th anniversary of the St. Paul, MN, YWCA.

HONORING THE "WELCOME HOME A HERO" VOLUNTEER CAMPAIGN AT THE DFW INTERNATIONAL AIRPORT ON ITS THIRD ANNIVERSARY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. MARCHANT. Madam Speaker, I rise today to extend my congratulations to the Dallas-Fort Worth International Airport, the United States Army's Personnel Assistance Point at DFW Airport, the North Texas Commission and to DFW Airport's dedicated staff and thousands of community volunteers for reaching the third anniversary of the "Welcome Home a Hero" volunteer campaign.

In June 2004, the DFW International Airport and the North Texas Commission organized the "Welcome Home a Hero" volunteer campaign to honor and serve the brave men and women of the U.S. Army who travel through the DFW Airport on leave for Rest and Recuperation (R&R). The campaign has developed into one of the largest and most respected ongoing community initiatives in North Texas and the U.S. The campaign involves a wide array of business, civic and volunteer organizations, including the USO, churches, corporations, chambers of commerce, the Boy Scouts and Girls Scouts of America and many veterans groups. "Welcome Home a Hero" has been so successful that it has been honored with the George Washington Honor Medal by the Freedoms Foundation at Valley Forge and it has received hundreds of messages of gratitude from our servicemen and women who appreciate the patriotism and hospitality of DFW Airport and its loyal volunteers in North Texas.

This year more than 500,000 U.S. soldiers will have passed through the airport and participated in the R&R program and "Welcome Home a Hero" campaign. When these courageous soldiers arrive they are greeted with a warm reception and the thankful words of fellow Americans who wish to honor the enormous sacrifices made by all of our men and women in uniform.

Madam Speaker, it is with great honor that I recognize all those who have made the DFW Airport and Texas an emblem of patriotism to countless troops from around the nation. I congratulate the "Welcome Home a Hero" campaign for three great years and I am proud to witness the raw emotion and thanksgiving that emanates from both the soldiers and those who come here to celebrate their resolve.

INTRODUCTION OF THE POLAR BEAR PROTECTION ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. INSLEE. Madam Speaker, I rise today to introduce legislation that will close the polar bear loophole and prohibit U.S. citizens from bringing sport hunted polar bear trophies from Canada into the United States. I call on my colleagues to support the Polar Bear Protection Act, which if passed, will help conserve and protect one of the most beloved American icon species by discouraging U.S. citizens from contributing to their decline through sport hunting.

The Marine Mammal Protection Act of 1972 established a moratorium on the importation of marine mammals and marine mammal products, including the importation of all sport hunted marine mammals such as seals, walruses and polar bears. But in 1994, Congress enacted an exemption to this ban and allowed American sport hunters to bring home polar bear trophies from Canada for their personal use. There is no other such exemption in the Marine Mammal Protection Act. This exemption has had the effect of increasing Canadian polar bear deaths by U.S. sport hunters.

In 1994 the polar bears' survival was not known to be at risk. Today, we know their future is precarious. Polar bear populations are facing threats previously unprecedented in the history in the Arctic. The polar bear is dependent on sea ice for survival—it relies on the ice for hunting, breeding and rearing its young. Yet as a result of climate change, Arctic sea ice is receding at a rate even a non-scientist can observe, rapidly enough for polar bears to feel the impacts. An unknown number of these magnificent creatures—which can swim at least 50 miles—have drowned and are starving. Populations are changing their distribution, bringing them closer to human villages and exposing them to greater risk of negative interactions with people as they desperately search for food. Leading scientists project that the Arctic may be completely free of sea ice in the summer as early as 2040. This has disastrous implications for polar bears.

In July 2005, the World Conservation Union (IUCN) Polar Bear Specialist Group (PBSG) released its quadrennial report, which reviewed the status of polar bears. Although the world population estimate remains at 21,500–25,000, in fact many populations are "data deficient," due to the difficulties of studying this species in its remote, harsh habitat. At least some populations are declining and more may be. The IUCN PBSG concluded that the species should be upgraded from "a species of least concern" to "vulnerable," based on the "likelihood of an overall decline in the size of the total population of more than 30 percent within the next 35 to 50 years." It further concluded that the principal cause of this decline is global warming, with pollution an additional negative influence. For the first time, they expressed a need for caution when determining hunting quotas.

The U.S. Department of the Interior has confirmed that warming temperatures and the receding of sea ice in the Arctic pose a threat to polar bears and has concluded that polar bears could be endangered within 45 years. Based on the threats posed to polar bears, the Interior Department proposed that polar bears be listed under the Endangered Species Act as "threatened" on December 27, 2006. As many of you know, I actively have supported the listing of polar bears on the Endangered Species List. I feel strongly that such a listing is vital to the bears' survival. I also feel strongly that sport hunting at this time is an additional unnecessary burden that these beleaguered bears can ill afford.

More than half of the world's polar bears are in Canada and most of these are in the territory of Nunavut. In 2005, Nunavut increased its polar bear hunt quotas by almost 30 percent without scientific basis, despite documented declines in some populations and the increased threats to polar bears from the effects of climate change. The increase was based on anecdotal accounts that more bears were seen near villages; however, this increase in sightings likely was the result of hungry bears being drawn to village dumps than an actual increase in bear numbers. As a result, the U.S. Fish and Wildlife Service has expressed concerns with this increase in quotas. Indeed, I am concerned that the money generated by American trophy hunters in Nunavut was a motivating factor in this quota increase.

The U.S. Fish and Wildlife Service also acknowledges that at least five polar bear populations, of which four are hunted, have poor and/or inadequate information on population statistics. It admits that four populations are possibly being over-harvested, posing conservation challenges for the bear.

Some of my colleagues here today may have supported the polar bear trophy importation exemption in 1994. I recognize that the landscape was different then, when many polar bear populations appeared sound. However, circumstances have dramatically changed. Seventeen years ago it was inconceivable to think that we could envision a world without these magnificent animals. Now, in 2007, we are learning that polar bear extinction could become a reality. While long-term action clearly is required to address the significant environmental factors negatively affecting polar bear survival, immediate action can and must be taken to control direct human-caused mortality, including addressing the harmful effects of U.S. trophy hunting.

I hope you all agree that contributing to the mortality of these bears from unnecessary sport hunting is no longer justified. We need to eliminate the exemption that allows the importation of polar bear trophies into the United States. The Polar Bear Protection Act will further polar bear conservation at a time when these animals need it most. I urge my colleagues to join me by supporting this legislation, and I hope that the Natural Resources Committee will hold hearings on polar-bear conservation and this bill.

INTRODUCTION OF A RESOLUTION CELEBRATING THE 35TH ANNIVERSARY OF TITLE IX

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Ms. HIRONO. Madam Speaker, I rise today to introduce a resolution celebrating the 35th anniversary of Title IX of the Education Act Amendments of 1972. Thirty-five years ago, a college applicant could be denied admission simply because she was a woman.

Title IX of the Education Amendments of 1972 changed that. Led by the late Representatives Patsy T. Mink and Edith Green, Congress established a principle we often take for granted today—the prohibition of sex discrimination in any federally funded educational program. The results are astounding.

In 1972, only 9 percent of JDs were earned by women. Today women earn almost half of all law degrees. In fact, I am one of the many women able to go to law school because of Title IX. The story is similar for MDs and PhDs.

There are also, of course, the athletic opportunities. Here too, the change from 1972 to 2007 is astounding. Today, college athletic opportunities abound for young women. And the recent surge in women's professional sports teams could not have happened without the dramatic increase in women playing college sports.

These successes—both academic and athletic—are worth celebrating, as are the women who came before us here on the House floor as leaders of the Title IX movement. In 2002, after Representative Patsy T. Mink passed away, Chairman MILLER introduced a bill that named Title IX the "Patsy Takemoto Mink Equal Opportunity in Education Act." I have a picture of Patsy hanging in my office. She is an inspiration to me. And I know that if she were here today she would remind us that our work is not finished.

There are many problems still to be addressed. Women continue to face substantial barriers, especially in high wage fields such as science, technology, engineering and math. Sexual harassment remains pervasive in schools and on college campuses. Women and girls' sports teams still do not receive an equal share of resources.

Title IX is as necessary today as it was in 1972.

I am pleased to have over 100 original cosponsors on this bill, including Speaker PELOSI. I urge the rest of my colleagues to join me in celebrating Title IX's successes and in recognizing the work still to be done in our march toward equal educational opportunities.

IN HONOR OF THE 50TH ANNIVERSARY OF TOLEDO SYMPHONY CEO ROBERT BELL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Ms. KAPTUR. Madam Speaker, I rise today to acknowledge the Toledo Symphony's own Robert Bell, celebrating his 50th anniversary season. The Toledo Symphony will formally recognize his remarkable achievement on May 22, 2007.

Robert Bell joined the Toledo Symphony in 1956. In his five decades with the symphony he has performed as a percussionist, principal timpanist and teacher. He has been the orchestra's personnel manger, managing director, and in his last decade has been President and Chief Executive Officer of the Toledo Orchestra Association since 1997. The hallmark of his tenure is the design and development of a "music organization characterized by shared ownership." The Andrew F. Mellon Foundation described our symphony in 2005 as "a remarkable organization that is approaching its evolution with a deep understanding of the community in which it operates . . . the Toledo Symphony is embedded in its community like no other American orchestra." Robert Bell's innovations and creative style can be credited for this high praise.

Partnerships Mr. Bell pursued with not only the Mellon Foundation, but also with the Stranahan Foundation and the Owens-Illinois Charitable Foundation have brought a financial stability to the symphony which now operates with a six million dollar budget. At the same time, Mr. Bell's efforts have led to a fourteen million dollar endowment fund which continues to grow. Its financial footing has enabled the symphony to draw talented musicians worldwide for its 60 positions and additional guest artists.

At his heart both musician and teacher, the Musicians in Action initiative was developed under Mr. Bell's tutelage. Through it, the symphony presents concerts especially for young people at 300 schools throughout the region. Annually, about 100,000 children benefit. The Community Music Lessons program offers group music lessons for underserved and needy students, fostering a talent these youngsters may have no other opportunity to develop. Music in Our Schools matches professional musicians with high school musicians for one-on-one coaching, rehearsals, and performances.

It has been said that without art civilization is lost. Robert Bell has dedicated his life to taking our civilization to new heights, helping us reach our potential individually and in community. His gift has been a soaring spirit of music and his legacy will be a symphony performing for decades beyond his own half century of service. For his time and talent, passion and inspiration, we are most grateful. I know I join with our entire community in offering congratulations to Robert Bell on his fiftieth anniversary season.

ON INTRODUCTION OF ROCKY MOUNTAIN NATIONAL PARK WILDERNESS AND INDIAN PEAKS WILDERNESS EXPANSION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a revised bill to designate as wilderness most of the lands within the Rocky Mountain National Park and to expand the Indian Peaks Wilderness.

The bill is cosponsored by my Colorado colleague, Representative MUSGRAVE, and an identical measure is being introduced in the other body by Colorado's two Senators. Over a period of months, we have worked together to develop this bipartisan legislation that will provide important protection and management direction for some truly remarkable country, adding well over 200,000 acres in the park to the National Wilderness Preservation System.

The wilderness designation for the park will cover some 94 percent of the park, including Longs Peaks and other major mountains along the Great Continental Divide, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams, all untrammeled by human structures or passage. Indeed, examples of all the natural ecosystems that make up the splendor of the Park are included in the wilderness that would be designated by this bill. At the same time, the wilderness boundaries have been drawn so as to allow continued access for use of existing roadways, buildings and developed areas, privately owned land, and areas where additional facilities and roadwork will improve park management and visitor services, In addition, specific provisions are included to assure that there ill be no adverse effects on continued use of existing water facilities.

The lands designated as wilderness will become part of the National Wilderness Preservation System that was established by the Wilderness Act and will be managed in accordance with that Act and the provisions of the bill. The bill's provisions amplify this by specifying that—(1) no new reclamation projects will be allowed in the wilderness area; (2) nothing in the bill will create a "buffer zone" around the wilderness and that non-wilderness activities visible or audible from within the wilderness will not be prohibited; (3) the National Park Service can act to control fire, insects, and diseases, including use of mechanical tools within the wilderness; and (4) nothing in the bill will reduce or restrict the current authority of the National Park Service to manage the Park's lands and resources.

The bill is similar to measures previously introduced by my predecessor, Representative David Skaggs (as well as others introduced before that), and ones I introduced in the 107th, 108th, and 109th Congress. However, it does include a number of adjustments and refinements that reflect discussion within the Colorado delegation in Congress and with interested parties in Colorado.

Like H.R. 4935 of the 109th Congress, the new bill includes designation of wilderness designation of more than 700 acres In the Twin Sisters area south of Estes Park. These lands were acquired by the United States and made part of the park after submission to Congress of the original wilderness recommendation for the park in the 1970s, and so were not included in that recommendation. They are lands of a wilderness character and their designation will not conflict with any current uses. On the west side, the town of Grand Lake and Grand County requested that about 650 acres inward from the Park boundary around the town be omitted from the wilderness designation in order to allow the Park to respond to potential forest fire threats. As was the case previously, this bill accommodates that request.

Also like that previous measure, the bill responds to the request of the Town of Grand Lake, Grand County and the Headwaters Trails Alliance (a group composed of local communities in Grand County that seeks to establish opportunities for mountain biking) and the International Mountain Bicycling Association to omit from wilderness designation an area along the western park boundary, running south along Lake Granby from the Town to the park's southern boundary. This will allow the National Park Service to retain the option of authorizing construction of a possible future mountain bike route within this part of the park. Similarly, the bill would expand the Indian Peaks Wilderness Area by 1,000 acres in the area south of the park and north of Lake Granby. The lands involved are currently managed as part of the Arapaho National Recreation Area, which would accordingly be reduced by about 1,000 acres.

As did the previous bill, this bill includes a section that will authorize the National Park Service to lease an 11-acre property (the Leiffer tract) that was donated to the National Park Service in 1977. Located outside the park's boundaries, it has two buildings, including a house that is listed on the National Register of Historic Places. The Park Service would like to have the option of leasing it, but current law allows that only for "property administered . . . as part of the National Park System," and this property does not qualify. The bill would allow the Park Service to lease the property as if it were located inside or contiguous to the park.

Also like previous measures, the bill addresses the question of possible impacts on water rights—something that can be a primary point of contention in Congressional debates over designating wilderness areas. It reflects the legal reality that it has long been recognized under the laws of the United States and Colorado, including a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive Federal reserved water rights arising from the creation of the national park itself. And it reflects the geographic reality that the park sits astride the continental divide, meaning there's no higher land around from which streams flow into the park, and thus there is no possibility of any diversion of water occurring upstream from the park. In recognition of these legal and practical realities, the bill includes a finding that because the park already has these extensive reserved rights to water, there is no need for any additional reservation or appropriation of such right, and an explicit disclaimer that the bill effects any such reservation.

New provisions in this bill deal with the Grand River Ditch, created before Rocky Mountain National Park was established and partly located within the park. The owners of the ditch are currently working to conclude an agreement with the National Park Service with respect to operation and maintenance of the portion of the ditch within the park, and the bill provides that after conclusion of this agreement the strict liability standard of the Park Resources Protection Act (which now applies to any damage to park resources) will not apply so long as the ditch is operated and maintained in accordance with the agreement. The owners of the ditch would remain liable for damage to park resources caused by negligence or intentional acts, and the bill specifies that it will not limit or otherwise affect the liability of any individual or entity for damages to, loss of, or injury to any park resource resulting from any cause of event occurring before the bill's enactment. In addition, the bill specifies that its enactment will not restrict or otherwise affect any activity relating to the monitoring, operation, maintenance, repair, replacement, or use of the ditch that was authorized or approved by the National Park Service as of the date. of the bill's enactment. And the bill also provides that use of water transported by the ditch for a main purpose (or main purposes) other than irrigation will not terminate or adversely affect the ditch's right-of-way.

Madam Speaker, the matters dealt with in this bill have a long history. The wilderness designations are based on National Park Service recommendations presented to Congress by President Richard Nixon. That they have not been acted on before this reflects the difficult history of wilderness legislation. One Colorado statewide wilderness bill was enacted in 1980, but it took more than a decade before the Colorado delegation and the Congress were finally able, in 1993, to pass a second statewide national forest wilderness bill. Since then, action has been completed on bills designating wilderness in the Spanish Peaks area of the San Isabel National Forest as well as in the Black Canyon of the Gunnison National Park, the Gunnison Gorge, the Black Ridge portion of the Colorado Canyons National Conservation Area, and the James Peak area of the Arapaho-Roosevelt National Forests.

We now need to continue making progress by providing wilderness designations for other deserving lands in Colorado, including lands that are managed by the Bureau of Land Management. And the time is ripe for finally resolving the status of the lands within Rocky Mountain National Park that are dealt with in this bill.

Lands covered by the bill are currently being managed protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains. This is especially important for a park like Rocky Mountain, which is relatively small by western standards. As nearby land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape. Further, the park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one tenth the size of Yellowstone National Park, Rocky Mountain sees nearly the same number of visitors each year as does our first national park. At the same time, designating these carefully selected portions of Rocky Mountain as wilderness will make other areas, now restricted under interim wilderness protection management, available for overdue improvements to park roads and visitor facilities.

In summary, Madam Speaker, this bill will protect some of our Nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. It is bipartisan and will affirm the commitment of all Coloradans to preserving the features that make our State such a remarkable place to live. So, I think it deserves prompt enactment. For the information of our colleagues I am attaching a summary of the legislation:

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS BILL SUMMARY

Wilderness Designation.—The bill designates as wilderness approximately 249,339 acres within Rocky Mountain National Park, in Colorado.

Wilderness Management.—The lands designated as wilderness become part of the National Wilderness Preservation System that was established by the Wilderness Act and will be managed in accordance with that Act and the provisions of the bill. The bill's provisions amplify this by specifying that—

(1) No new reclamation projects will be allowed in the wilderness area; (2) Nothing in the bill will create a "buffer zone" around the wilderness and that non-wilderness activities visible or audible from within the wilderness will not be prohibited; (3) The National Park Service can act to control fire, insects, and diseases, including use of mechanical tools within the wilderness; and (4) Nothing in the bill will reduce or restrict the current authority of the National Park Service to manage the Park's lands and resources.

Potential Wilderness.—Specified lands within the Park not now eligible for wilderness designation because they are being used for purposes inconsistent with such designation will be designated as wilderness when those uses end.

Wilderness Exclusions.—Specified lands within the Park are excluded from the wilderness designation and from the category of "potential wilderness." These lands include—(1) lands occupied by the Grand River Ditch and the lands 200 feet on each side of the ditch; (2) lands owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir and the Inlet Ditch from North St. Vrain Creek; (3) lands owned by the Wincentsen-Harms Trust; and (4) lands adjoining Grand Lake in an area called the "East Short Trail Area" discussed below.

Water Rights.—The bill includes findings about Colorado state court decisions holding that the Park already has existing sufficient water rights and that there is no need for the Federal Government to reserve or appropriate further water rights to fulfill the purposes of the wilderness designation; and the bill states that neither it nor any action taken out pursuant to it will constitute an express or implied reservation of water or water rights for any purpose.

Grand River Ditch.—The bill provides that—(1) lands occupied by the Grand River Ditch and the lands 200 feet on each side of the ditch are excluded from wilderness; (2) upon conclusion of an agreement between the National Park Service and the ditch's owners on operations and maintenance of the Grand River Ditch, the strict liability standard of the Park Resources Protection Act (which now applies to any damage to park resources) will not apply so long as the ditch is operated and maintained in accordance with the agreement. The owners of the ditch would remain liable for damage to park resources caused by negligence or intentional acts; (3) the bill will not affect any liability for damage to park resources occurring before the bill's enactment; (4) the bill will not restrict any activity related to monitoring, operation, maintenance, repair, replacement, or use of the ditch that was authorized or approved by the National Park Service as of the date of the bill's enactment; and (5) use of water carried by the ditch for a purpose other than irrigation will not adversely affect the ditch's right-of-way.

Colorado-Big Thompson Project.—The bill includes provisions specifying that its enactment will not restrict any activity related to monitoring, operation, maintenance, repair, replacement, or use of the project's facilities that were allowed as of the date of the bill's enactment or prohibit or restrict the conveyance of water through the Alva B. Adams Tunnel for any purpose.

East Shore Trail.—The bill requires the National Park Service to identify an alignment for a bicycle trail within the "East Shore Trail Area" that is excluded from the wilderness. The Park Service will decide whether to authorize construction of the trail and until construction is authorized, lands in the "East Shore Trail Area" will continue to be managed to maintain the option of its being designated as wilderness in the future.

Indian Peaks Wilderness and Arapaho Recreation Area.—The bill adjusts the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area so as to reduce the recreation area by about 1,000 acres and increase the wilderness by about 1,000 acres.

Leiffer Tract Lease Authority.—The bill allows the National Park Service to lease the "Leiffer tract," a parcel of Federal land located outside the Park's boundary but managed by the National Park Service that includes an historic cabin and several other buildings. Any lease would be under an existing law that requires leased property to be used for activities consistent with the purposes of the Park and compatible with National Park Service programs.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, May 14, 2007, I was unable to cast my votes on H.R. 1124, H. Res. 223, and H. Res. 385.

Had I been present for rollcall No. 342 on the motion to suspend the rules and pass H.R. 1124, to extend the District of Columbia College Access Act of 1999, I would have voted "aye."

Had I been present for rollcall No. 343 on the motion to suspend the rules and pass H. Res. 223, supporting the goals and ideals of a National Day of Remembrance for Murder Victims, I would have voted "aye."

Had I been present for rollcall No. 344 on the motion to suspend the rules and pass H. Res. 385, recognizing National Americorps Week, I would have voted "aye."

HONORING MICHAEL D. THOMAS

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Michael D. Thomas, who was killed on April 27, 2007 in Hirat Province, Afghanistan, in support of Operation Enduring Freedom. Michael was a sniper, a weapons sergeant and a combat medic assigned to the 1st Battalion, 7th Special Forces Group, Fort Bragg, NC, and was killed when his unit came under rocket-propelled grenades and small-arms fire.

I did not have the privilege of knowing Staff Sergeant Thomas personally but by all accounts he was a dedicated family man who was devoted to serving his country. He grew up in Seffner, FL, and joined the military police in 1991, serving in Somalia and in Korea. After already having served in the military police for 13 years and with only 3½ years until he could retire, he volunteered to be a Green Beret. At 34, Michael was one of the oldest in his unit, which earned him the nickname "Gramps."

Michael was a highly decorated soldier. His awards and commendations include the Army Commendation Medal, the Army Achievement Medal, the Good Conduct Medal, the National Defense Service Medal, the Korean Defense Medal, the Parachutist Badge and the Special Forces Tab.

Michael was an avid Tampa Bay Buccaneer fan who visited the team's training camp whenever he could. I've been told that he decorated his Fort Bragg room with Buccaneer memorabilia, including signed footballs and helmets. He was also an accomplished guitarist who liked watching movies and going for long walks with his wife, Teresa.

Madam Speaker, my heart aches for Michael's family. He leaves behind his wife, Teresa, his children, Diana and Craig, his sisters, Krista and Cassie, his brother, Jaye, his granddaughter, Alexis, and his parents, Debbie and Robert Kirkpatrick. May God bless the Thomas family and continue to watch over the country that Staff Sergeant Thomas so loved. We shall never forget him.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to be present on the House floor on Monday, May 14 for recorded votes because illness prevented timely travel.

However, had I been present I would have voted "aye" on H.R. 1124; a bill to extend the District of Columbia College Access Act of 1999; "aye" on H. Res. 223, a bill supporting the goals and ideals of a National Day of Remembrance for Murder Victims; and "aye" on H. Res. 385, a bill recognizing National AmeriCorps Week.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mrs. McCARTHY. Madam Speaker, because of illness, I was not present for votes on May 14. I would like the RECORD to reflect how I would have voted had I been here: Rollcall No. 342 on H.R. 1124, I would have voted "yea"; Rollcall No. 343 on H. Res. 223, I would have voted "yea"; Rollcall No. 344 on H. Res. 385, I would have voted "yea."

IN HONOR OF V. LANE RAWLINS AND HIS SERVICE TO WASHINGTON STATE UNIVERSITY

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize V. Lane Rawlins for his 7 years of leadership as the ninth president of Washington State University (WSU). President Rawlins used those 7 years to build a focused direction for the University, linking world-class research with outstanding undergraduate education.

Part of this world-class research has come from the Agriculture Research Service facility at Johnson Hall, a project that I am proud to have worked on with President Rawlins. This facility provides a place for federal and state research scientists to work together with the academic community in support of technology-based research programs in wheat, barley, and grain legumes.

Providing quality education is key to increasing America's competitiveness and creating a skilled, 21st century workforce. One of my first acts in Congress was to introduce legislation that would reauthorize and strengthen the WWAMI program. ! applaud President Rawlins for his support of this important program that recruits and trains primary care doctors to practice in underserved areas like the rural communities of Eastern Washington.

President Rawlins has made it a priority to develop Washington State University campuses statewide. In particular, the Nursing Building at Washington State University Spokane will allow students involved in the nursing and dental programs at WSU to start their first year of training in Spokane and participate in the WWAMI program.

Madam Speaker, I rise today to commend President Rawlins for his outstanding work as the ninth president of Washington State University. I invite my colleagues to join me in thanking President V. Lane Rawlins for his years of service to the University and the Eastern Washington community.

HONORING THE LIFE OF ARNOLD SHENOFSKY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Ms. KAPTUR. Madam Speaker, I rise to recognize the life of Arnold Shenofsky of Toledo, Ohio. Arnie passed from this life at the age of 92 on March 31, 2007, leaving a legacy of love and friendship to many and rejoining his wife Jessica.

Coming to Toledo as a toddler, Arnie was a lifelong resident. He went to work at the former Willys Overland Jeep plant during World War II, and went on to the United Auto Workers International Union staff in 1951. Of note, he never missed a union convention beginning in 1941.

More than a labor leader, Arnie was an accomplished accordion player and performed in various events throughout the United States and Canada, including each of those UAW conventions. His music was appreciated, but children knew him best as Uncle Arnie the clown. He willingly gave of his talents as both accordionist and clown to all sorts of charitable causes, putting a smile on the face of everyone he met. A family man and friend of the neighborhood at heart, it is the measure of the man that all who knew him were fond of him.

He was beloved by his family and thousands in our community. The festive mood set by his joyous music, tens of thousands of balloon animals lovingly given to children, endless gifts given to strangers and friends alike, demonstrated an extraordinarily kind heart that shone through his sparkling eyes and effervescent smile. His spirit lifted every occasion and he gave and gave and gave. Arnie Shenofsky helped define Toledo as a caring community. It was my privilege to know him and witness firsthand how his presence lent splendor to every event, large and small. Many times, he chose not to speak but to let you know what he was feeling through his music. How fortunate we have been that he shared his gifts of the heart with us for nine decades.

Through the decades of his life Arnold Shenofsky sought to always be a helper, a healer, a friend to young and old alike. He was the same person with both notables and neighbors, and was truly beloved by his family. His sisters, brothers, and children and their families have mourned their loss even as they celebrate a life well lived. They carry his flame in their hearts, always.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. UDALL of Colorado. Madam Speaker, in reviewing the formal record of rollcall 209, the vote on the Kilpatrick substitute to H. Con. Res. 99, the budget resolution for fiscal year 2008, I find I am recorded as having voted "yes." However, I had intended to vote "no," and my recollection is that I did vote "no."

TRIBUTE TO JERRY BERRY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to a dear friend, Jerry Berry of Success, Arkansas, a fine businessman, farmer, friend and devoted family member who spent his entire life serving his community and making others happy.

Jerry was born November 29, 1939, in Success, AR, and lived there his entire life. In 1969, he opened Success Grain Inc., and it has been a family owned business its entire time in operation. In addition to running the family business, Jerry served as mayor of Success, AR, for 12 years. Some of his biggest accomplishments during his time include building a new playground and fire department, installing a new sewer system and paving all of the roads in the city.

Jerry was a man of true character. He was the type of friend that would rush to help you regardless of the time of day or circumstance because he genuinely cared about people. Jerry never had a bad day—he was always upbeat and would put the needs of others before himself because he was truly devoted to helping people.

I ask my colleagues to join me in recognizing Jerry Berry and celebrating his lifetime of achievements. Jerry was a loyal friend to me and although I am saddened by this loss, I feel very fortunate for the time and friendship we shared together. He will be remembered by many as a devoted community leader, a genuine friend and a great American.

HONORING DR. MURIEL PETIONI

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. RANGEL. Madam Speaker, I rise today to bring attention to the great accomplishments of one of this Nation's most accomplished community activists and physicians, Dr. Muriel Marjorie Petioni.

Dr. Petioni has been a role model for all women and is especially beloved in my Congressional District. Born on January 1, 1914, in Trinidad, young Petioni immigrated to the U.S. in 1919, settling with her family in New York City, where her father soon became a prominent Harlem physician and activists in the Carribean nationalist movement. She followed her father and other relatives into the medical field, working locally at Harlem Hospital after she graduated from Howard University's School of Medicine in 1937.

Her community and its residents have never been far from Dr. Petioni's mind. After a short break during the 1940s to get married and start a family, she returned to the medical profession in 1950, setting up her practice in the same office that her father had decades earlier. She maintained that practice for over 40 years, working diligently to ensure that hard-working residents and their families received the proper attention they deserved. When Harlem Hospital stumbled on financial difficulties in the 1980s, she founded the Friends of Harlem Hospital Center to raise private funding for the institution.

Dr. Petioni has also been a tireless educator, working hard to open up the doors of college and medical school to all underrepresented groups, especially women and African Americans. In 1974, she founded the Susan Smith McKinney Steward Medical Society for Women, a professional association of black women physicians. Named after the first African American female doctor, the organization provides institutional support for students and its members. Dr. Petioni has also worked with the Coalition of 100 Black Women to develop mentorship programs to encourage and guide young black women into the medical field.

Dr. Petioni's efforts have also led to her involvement with local government officials to ensure equal access to healthcare. She served for 30 years as a school physician for Central Harlem for the New York City Department of Health and as supervising physician for East and Central Harlem from 1980–1984. Today, Petioni is on the board of a number of non-profit institutions and government agencies, including the Upper Manhattan Empowerment Zone, the Columbia School of Social Work, the Harlem Council of Elders, and the New York and Harlem branches of the American Cancer Society.

Numerous organizations and institutions have deservedly showered Dr. Petioni with awards and other honors. The venerable National Medical Association, which has named their annual Women in Medicine Luncheon after her. This May, New York's Barnard College is bestowing her with The Barnard Medal of Distinction, the school's highest award, for her "service to the Harlem community as a physician, community activist and philanthropist for over 70 years."

It is great to see such a good friend receive the accolades she so rightly deserves for the years of service that she has given to our community and Nation. Going strong at 93 years of age, she continues to be a trailblazer and an inspiration, a New Year's Day gift to us all that has touched the lives of countless children and families.

TAIWAN'S BID TO JOIN THE WORLD HEALTH ORGANIZATION

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. TANCREDO. Madam Speaker, I spoke recently in support of Taiwan's bid to join the World Health Organization.

Unfortunately, despite the fact that Taiwan has a world-class health care system and is willing and able to make meaningful contributions to the WHO's efforts, Chinese pressure to block Taiwan's efforts once again triumphed over fairness and common sense.

President Chen recently penned an editorial that was printed in the Washington Post that I would like to commend to my colleagues. In the piece, President Chen makes an eloquent and indisputable case for why Taiwan deserves membership in this and other international organizations.

I hope my colleagues will take the time to read the editorial, and to support Taiwan's future endeavors to contribute to international organizations like the WHO.

[From the Washington Post, May 11, 2007]

THE SHUNNING OF A STATE

(By Chen Shui-bian)

In recent years the outbreak and spread of avian flu has brought illness, death and economic peril to countries in Asia and elsewhere. Memories of the fear, pain and suffering that accompanied the 2003 SARS outbreak—after failed coverups by the Chinese government—are still vivid in many places. While disease heeds no national borders, Taiwan has had to fight pandemics without help from the World Health Organization—a humanitarian agency that is supposed to serve all humankind.

Taiwan is not a member of the WHO, nor is it an observer at the World Health Assembly (WHA)—unlike the Palestinian Authority or the Malta Order of Chivalry. But under mounting international pressure prompted by fear of an avian flu pandemic, China was persuaded in 2005 to consent, in principle, to Taiwan's meaningful participation in WHO conferences focusing on that threat. China conceded after demanding that the WHO secretariat sign a secret memorandum of understanding. As a result, Taiwan's participation in the WHO is subject to China's approval, even for technical meetings. Such participation is minimal rather than meaningful.

It is improper and unprecedented for an international humanitarian organization to enter into a secret pact with one of its member states, especially an authoritarian one. More important, the memorandum has been used to obstruct Taiwan's participation in WHO activities. Our representatives were unable to attend the majority of conferences they sought admission to last year. The WHO secretariat has effectively jeopardized the health of people in Taiwan and other countries.

For a decade, we have striven relentlessly to participate in the WHO, to no avail. Even our humble pursuit of "meaningful participation" has yielded little success. With 95 percent of the Taiwanese people supporting full WHO membership, I must act upon the will of my people as a democratically elected president.

On April 11, I sent a letter to the WHO formally requesting our nation's application for membership under the name "Taiwan." The secretariat responded on April 25, claiming that Taiwan is not a sovereign state and therefore is not eligible for WHO membership. This is legally and morally deplorable.

Article 3 of the Constitution of the World Health Organization stipulates: "Membership in the Organization shall be open to all States," while Article 6 provides that states such as Taiwan that are not members of the United Nations "may apply to become Members and shall be admitted as Members when their application has been approved by a simple majority vote of the Health Assembly." Rule 115 of the WHA Rules of Procedure stipulates that "Applications made by a State for admission to membership . . . shall . . . be addressed to the Director-General and shall be transmitted immediately" to WHO members.

Clearly, the authority to determine whether Taiwan is eligible for admission to the WHO belongs to its members, many of which have diplomatic relations with Taiwan and cannot be co-opted by any individual or administrative office.

When East Germany applied for WHO membership in 1968, many questioned its sovereignty and the legitimacy of its government. But East Germany's application was circulated, and although it was voted down that year, it was approved in 1973.

Taiwan, formally known as the Republic of China, is indisputably a sovereign state, satisfying all of the criteria cited in Article 1 of the Montevideo Convention on the Duties and Obligations of States: It has a permanent population, a defined territory, a functional government and the capacity to conduct relations with other states. It also has its own internationally traded currency and issues its own passport, honored by virtually all other nations.

Another broadly affirmed criterion for recognizing the legitimacy of a state is the principle, enunciated in the U.N. Universal Declaration of Human Rights, that the sovereignty a state exercises should be based on the will of the people. A truly "sovereign" state, in other words, is free and democratic. We find no better words to describe Taiwan.

Ultimately, the question of Taiwan's participation in the WHO is a moral one. The systematic shunning of Taiwan is unconscionable not only because it compromises the health of our 23 million people but also because it denies the world the benefit of our abundant public health and technical resources. Taiwan's public and private sectors have donated more than $450 million in medical and humanitarian aid to more than 90 countries over the past 10 years.

We in Taiwan are grateful that many governments and legislative bodies such as the U.S. Congress and the European Parliament have supported our bid for observer status in the WHA. As humankind seeks to control global pandemics, victory will require collaboration that is not restricted by political obfuscation or subject to discriminatory picking and choosing of participants. We must not allow an all-but-one scenario to undermine our common mission—health for all.

H.R. 2922, THE PAY VETERANS FIRST ACT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. COURTNEY. Madam Speaker, I rise today in strong support of the Pay Veterans First Act (H.R. 2922), introduced by my colleague from New York, Mr. HALL.

When most people think of a "bonus," they think of a financial incentive given to reward exceptional work done above and beyond the call of duty. It is typically recognition of the long and countless hours of hard work put in to get the job done. It is something you earn, not something you receive in return for lackluster performance.

Yet, recently the Associated Press reported that top officials at the Department of Veterans Affairs received a total of $3.8 million in bonuses, with some individuals receiving as much as $33,000, or 20 percent of their annual salary. While these officials received these performance based rewards, the VA was facing a nearly $1 billion budgetary shortfall and the national backlog for veterans' claims is about 177 days on average. There are very few veterans in eastern Connecticut or across the country who would agree that this data demonstrates "exceptional work" on behalf of our Nation's veterans.

It is appalling that the failing performance of top VA officials would be rewarded so handsomely while the quality of care for our Nation's veterans suffers. The veterans of eastern Connecticut and those throughout the Nation deserve an explanation for this apparent error in judgment and disgraceful lack of leadership within the Department of Veterans Affairs. I recently wrote to Secretary Jim Nicholson asking him to provide an explanation for this imbalance and look forward to his response.

There are, without a doubt, many people in veterans' health care facilities across the country working tirelessly to care for our veterans without the resources they need, let alone discretionary bonuses. The VA is strained to care for the patients they have now, and face daunting challenges to care for those returning from Iraq and Afghanistan. The Pay Veterans First Act is an important step to ensuring that the priorities and resources of the VA remain focused on where they rightfully belong: the needs of those who have served our country in uniform, and not the bureaucrats in Washington.

I applaud Mr. HALL of New York for leading this important effort and urge my colleagues to support this bill on behalf of our Nation's veterans.

TRIBUTE TO HOWARD L. BRIGHAM

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor a true American hero who proudly served our country in World War II. Howard L. Brigham was born in 1925 in Denver, Colorado, the oldest of eight children. After serving our country in the war, Howard served Colorado for 37 years as an educator and administrator.

In December of 1942, 1 year after the attack on Pearl Harbor, Howard joined the United States Navy at the young age of 17. He was unable to be present for his own high school graduation. Howard manned a 20 millimeter gun and served as a deck boss's mate on the Seaplane Tender, USS *Matagorda*. Howard served primarily in the Atlantic theater, but he also spent time in the South Pacific. He was briefly in port in Iceland, England, Wales, North Africa, and Brazil. He was away from his family the entire 4 years of the war and spent most of that time at sea. Howard's father passed away during this time and he was unable to leave his duties to attend the funeral. Seaman 2nd Class Brigham was awarded the American Theater Medal, the European Theater Medal and the Good Conduct Medal.

Following his heroic service, Mr. Brigham attended the University of Denver earning both a bachelors and a masters degree in education. For the next 37 years he served as a teacher, counselor, and principal in the Denver Public School system and the Poudre School System in Fort Collins. He and his wife Jeanie will celebrate 60 years of marriage in June of this year. Together they raised three children, Jerry Brigham of Broomfield, and Randy Brigham and Kay Rich of Sterling.

We are so fortunate to live in this great country where freedom is something that we rarely have to think about and often take for granted. It is simply a way of life for us, and we are truly blessed to live in a country whose citizens willingly volunteer to put themselves in harm's way to defend and protect our great Nation.

I am proud to honor Mr. Brigham for his dedicated service to our Nation. Howard is an American hero who left his home to defend our Nation, and then returned home to be a valued member of his community, showing his children and grandchildren how to live meaningful lives of service. Howard is the embodiment of all the values that have molded America into the great Nation it is today. May God bless Mr. Brigham and his family, may God bless our precious veterans, and may God continue to bless America.

HONORING DR. LEONARD J. KLAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Ms. WOOLSEY. Madam Speaker, I rise today together with my colleague, Congressman MIKE THOMPSON, to honor Dr. Leonard Klay and recognize his contributions to medicine in Sonoma County and the State of California. The Sonoma County Medical Association is taking this opportunity to recognize Dr. Klay's ongoing commitment to organized, high-quality medical service for the community of Sonoma County.

Dr. Klay grew up and completed high school in southern California before receiving his bachelor's degree with distinction from Stanford University in 1959. He continued at Stanford, graduating from medical school in 1962 and going on to complete his internship and residency in southern California. He served as a major in the U.S. Army from 1967–1970 during which time he served overseas.

After beginning his practice with the Permanente Group in 1970 as an OB/GYN, Dr. Klay moved to private practice in 1971 where he remained for 29 years, finally moving to the Sutter OB/GYN Medical Group in 2000. He retired in 2004, but continues to assist part-time as an obstetric surgeon. For the last 35 years he has generously given his time to assist at the Sonoma County Family Planning Clinic, and he remains there as a valued volunteer. In 1999 he joined the staff at the Santa Rosa Community Hospital as a Clinical Professor where he helps train a new generation of doctors.

Dr. Klay has made numerous contributions to the medical profession as an outspoken leader in Sonoma County and around the State. He has twice been elected president of the Sonoma County Medical Association, and has served on a wide variety of committees within that body. Active in the California Medical Association for 36 years, he has served as a delegate and Tenth District Chair. He has served on a number of county commissions focused on perinatal substance abuse, and has worked to stabilize healthcare in Sonoma County through participation as a trustee or director on numerous boards.

Dr. Klay has been particularly active in his community in fighting to implement public smoking bans, and reduce tobacco use by raising the smoking age. His endeavors in this direction were successful when the city of Healdsburg passed that ban. He continues to advocate against smoking in other forums and is on the county's Tobacco Coalition.

Madam Speaker, it is appropriate at this time that we thank Dr. Leonard Klay for his many years of service on behalf of the people of Sonoma County. He has worked tirelessly to improve health care and the medical profession, and he deserves our thanks.

HONORING DR. LEONARD J. KLAY, MD

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today together with my colleague, Congresswoman LYNN WOOLSEY, to honor Dr. Leonard Klay and recognize his contributions to medicine in Sonoma County and the State of California. The Sonoma County Medical Association is taking this opportunity to recognize Dr. Klay's ongoing commitment to organized, high-quality medical service for the community of Sonoma County.

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CONGRATULATING THE HAMMOND LADY RED DEVILS UPON WINNING THE 2007 NEW YORK STATE CLASS D CHAMPIONSHIP

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. McHUGH. Madam Speaker, I rise today to congratulate the Hammond Central School District's Lady Red Devils of Hammond, New York, upon winning the 2007 New York State Girls Basketball Class D Championship. This was not only Hammond's first State basketball championship, it was also the first State basketball championship won by a Section X team.

On March 18, 2007, the Hammond Lady Red Devils, who are from my upstate New York Congressional District, won the New York State Class D Championship when they defeated the S.S. Seward Lady Spartans by a score of 52 to 51. In that game, the Lady Red Devils worked hard to overcome the Lady Spartans' leads, which were as much as 17 points at one time and 12 points at the end of the first half. In fact, S.S. Seward led by two points with 47 seconds to play before the Lady Red Devils' Brittany Kenyon, the New York State Class D MVP, made a three point shot with 15.9 seconds left in the game to give Hammond the lead and, ultimately, the victory.

The Lady Red Devils completed the 2007 season undefeated, with a record of 12 and 0. They were coached by Shawn Dack and assistant coaches Larry Hollister, Doug McQueer, and Chet Truskowski. Other team members were scorekeeper Cathy Tulley and players Whitney Atkins, Cassie Cunningham, Nicole Davidson, Aubrie Dunn, Brooke Hollister, Katlyn Hunt, Malynda Jenne, Jessica Martin, Sara Measheaw, Emily Moquin, and Sarah Sheridan. Madam Speaker, it is a great honor to represent these young ladies and to have the opportunity to recognize them for their very significant accomplishment.

TRIBUTE TO CECIL E. WILLIAMS, JR.

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2007

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to a dear friend, Cecil E. Williams, Jr., a lifelong advocate and friend to Arkansas farmers. Williams, who was a West Memphis resident and longtime executive vice president of the Agriculture Council of Arkansas, passed away on April 12 at the age of 74. His death was a great loss to his community, his family, his State and this Nation.

Williams began his agricultural education at a young age on his family's cotton farm in Tyronza, AR. After serving in the U.S. Air Force as a weather observer in Alaska, he moved to Baton Rouge, LA, and enrolled at Louisiana State University where he obtained his bachelor's degree in agricultural economics. During his final year in college, Williams met his wife Barbara. They eventually married and had three sons.

Williams took a job with the National Cotton Council and began traveling to cotton farms around the South, soliciting new members. In return for their membership, Williams kept them informed of new farm technology and techniques that would help farmers run a more efficient and profitable business.

In the mid-1960s, Williams became the executive vice president of the Agricultural Council of Arkansas in West Memphis and served the council honorably for 37 years. Although Williams worked for the council during the day, in his free time he maintained a small family farm because he loved working the land. By maintaining the farm, he gained a firsthand perspective of the challenges Arkansas farmers faced on a day-to-day basis.

Williams' life-long commitment to farming made it easy for him to advocate on the behalf of farmers in Washington. Williams worked as a liaison, advocating for farm policies that would benefit Arkansas' agricultural community to Members of Congress. He would then return to Arkansas and use his natural gift of communication to explain the complexities of farm bills to producers, which helped them understand how the legislation would impact their business.

A devout public servant, Williams was a man of honor and compassion. On behalf of the Congress, I extend sympathies to his family and gratitude for all he did to make our community a better place. His service and friendship will be missed by all.

SENATE—*Wednesday, May 16, 2007*

The Senate met at 9 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, we come to You in our weakness and seek Your strength. Our knowledge is insufficient; we seek Your guidance. Our doubts assail us; we seek Your faith. Our fears taunt us; we seek Your courage. Our energy is often depleted; we seek Your power. Our emotions betray us; we seek Your discipline. Our temptations conquer us; we seek Your grace. Our burdens weaken us; we seek Your help. Our lives are often too empty; we seek Your joy.

Lord, give our lawmakers this day Your guidance, power, courage, faith, discipline, grace, help, and joy.

Lord, we ask, too, that You would comfort the King and Falwell families during their time of grief. We pray in Your comforting Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 16, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will immediately resume consideration of H.R. 1495. The debate will continue until 10:30 on the four pending Iraq-related amendments.

The debate time until 10:30 is equally divided and controlled between the two leaders, with the final 20 minutes shared by the two leaders. I will have the last 10 minutes of that 20-minute period.

There will be 2 minutes of debate prior to each vote. After the first vote, the remaining votes in sequence will be limited to 10 minutes. I hope Members would not leave the Chamber area during the votes as time for the votes will have to be strictly enforced. Since these amendments are first-degree amendments, except for the Feingold amendment, Members have until 9:30 this morning to file any germane second-degree amendments.

Once these Iraq-related amendments are disposed of, then the managers of the water resources legislation hope to shortly conclude the entire legislation. I hope that can be the case.

With the cooperation of the Senate last night, we have moved the cloture vote on the motion to proceed to the immigration legislation until Monday, May 21. This will allow negotiations to continue for a few more days.

I mentioned that a lot of work is needed to be done this week, including the supplemental appropriations bill and the budget resolution. We have other things we are working on to get teed up for next week. We have so much to do, Mr. President.

Also, last night, with the cooperation of the Republican leader and the rest of the Senate, we forged a path for the consideration of these two items, these two items tomorrow, the budget and the WRDA matter. So I, again, thank the Members for their cooperation.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that following my sitting down, Senator BIDEN have 4 minutes of our time; Senator BOXER, 3 minutes; Senator FEINGOLD, 3 minutes; Senator KENNEDY, 4 minutes; Senator LEAHY, 4 minutes; Senator LEVIN, 4 minutes; Senator MURRAY, 3 minutes; Senator REED, 3 minutes—that is REED of Rhode Island—Senator TESTER, 3 minutes; and Senator WHITEHOUSE, 3 minutes. We should have enough time to cover all that. If not, I will yield a minute or so of my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I also ask that the quorum calls be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

WATER RESOURCES DEVELOPMENT ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1495, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Pending:

> Boxer-Inhofe amendment No. 1065, in the nature of a substitute.
>
> Reid (for Levin-Reid) amendment No. 1097 (to the language proposed to be stricken by amendment No. 1065), to provide for military readiness and benchmarks relative to Iraq.
>
> Reid (for Feingold-Reid) amendment No. 1098 (to amendment No. 1097), to provide for a transition of the Iraq mission.
>
> Warner-Collins amendment No. 1134 (to the language proposed to be stricken by amendment No. 1065), relative to the President's strategy in Iraq.
>
> McConnell (for Cochran) amendment No. 1135 (to the language proposed to be stricken by amendment No. 1065), to express the sense of the Senate that Congress must send to the President acceptable legislation to continue funds for Operation Iraqi Freedom and Operation Enduring Freedom by not later than May 28, 2007.

AMENDMENT NOS. 1098, 1097, 1134, AND 1135

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 a.m. shall be equally divided between the majority and the Republican leaders or their designees for debate prior to the votes on the motions to invoke cloture on the following amendments: amendment No. 1098, offered by the Senator from Wisconsin, Mr. FEINGOLD; amendment No. 1097, offered by the Senator from Michigan, Mr. LEVIN; amendment No. 1134, offered by the Senator from Virginia, Mr. WARNER; and amendment No. 1135, offered by the Senator from Mississippi, Mr. COCHRAN.

Mr. REID. Mr. President, the desk should get their clocks out because I am going to suggest the absence of a quorum and that time will have to run equally from both sides. So each time that I have allotted will be reduced by whatever time the people don't show up here to get in their remarks.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll of the Senate.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the 2 minutes that remain allocated to Senators WHITEHOUSE and LEAHY be allocated to me for my presentation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ AMENDMENTS TO WRDA

Mr. FEINGOLD. Mr. President, as we speak, more than 150,000 brave American troops are in the middle of a violent civil war in Iraq, with more troops on the way. Meanwhile, the President has repeatedly made it clear that nothing—not the wishes of the American people, not the advice of military and foreign policy experts, not the concerns of members of both parties—will discourage him from pursuing a war that has no end in sight.

Congress cannot wait for the President to change course—we must change the course ourselves. Iraq's problems will not be solved by an open-ended, massive U.S. military engagement. And our own national security will be weakened until we bring this war to a close.

That is why I am pleased to join the majority leader and Senators DODD, WHITEHOUSE, SANDERS, LEAHY, KERRY, KENNEDY, BOXER, WYDEN and HARKIN in introducing an amendment to bring this war to a close. Our amendment, which is the same as the Feingold-Reid bill, would require the President to begin safely redeploying U.S. troops from Iraq within 120 days of enactment, and would require redeployment to be completed by March 31, 2008. At that point, with our troops safely out of Iraq, funding for the war would be ended, with three specific and limited exceptions: protecting U.S. infrastructure and personnel; training and equipping Iraqi security forces; and, perhaps most important, conducting "targeted operations, limited in duration and scope, against members of al-Qaida and other international terrorist organizations." By enacting Feingold-Reid, we can finally focus on what should be our top national security priority—defeating al-Qaeda.

Some have suggested that cutting off funds for the war could mean cutting off funds for the troops. They would have people believe that, under my approach, our brave troops will be left to fend for themselves in Iraq, without training, equipment, or resources.

Nothing could be further from the truth. Using our power of the purse to end our involvement in the war would in no way endanger our brave servicemembers. By setting a date after which funding for the war will be terminated—as this amendment proposes—Congress can ensure that our troops are safely redeployed without harming our troops, as we did in Somalia in 1993.

While Feingold-Reid is not the only amendment we are considering, it is the only amendment that would bring this war to a close. I regret to say that the Levin-Reid amendment accomplishes very little, once the President gets through certifying and waiving whatever he needs to certify and waive to keep his policies in place.

Levin-Reid and the Warner amendment would ensure that Congress receives more reports on Iraqi progress in meeting benchmarks. We don't need reports to tell us that the President's policy isn't working. And we don't need reports to show us that our continued military presence in Iraq is a mistake, one that the America people overwhelmingly oppose. It is long past time for benchmarks, let alone benchmarks that aren't tied to meaningful consequences. Feingold-Reid will move us toward ending the war. Levin-Reid will move us backward.

As long as the President's Iraq policy goes unchecked, our courageous troops will continue to put their lives on the line unnecessarily, our constituents will continue to pour billions of their dollars into this war, our military readiness will continue to erode, and our ability to confront and defeat al-Qaeda will be jeopardized. I urge my colleagues to support Feingold-Reid and oppose Levin-Reid.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO POLICE CORPORAL BRUCE MC KAY

Mr. GREGG. Mr. President, I rise to express the sorrow of the people of New Hampshire and myself and Kathy, on the passing of Corporal Bruce McKay, who died in the line of duty as a police officer in Franconia, New Hampshire, last Friday, May 11.

This is a traumatic event for us as a State and as this is the second time within a year a police officer has been shot in New Hampshire and died. To lose two of these gentlemen who were so extraordinary in the span of a year is truly a sad and difficult event for us as a State.

Corporal McKay was, like so many police officers, just an exceptional individual who did his job of protecting us, of being out there on patrol, making sure that we are safe in our homes and going about our business on a daily basis. Corporal McKay worked in a very small town, the idyllic and pastoral town of Franconia, NH, a place where people go to get away from the hustle and bustle and threat and difficulty of the urban American lifestyle. It's right up in the mountains of New Hampshire, just past Franconia Notch, one of our most famous and beautiful spots. It is a place where many people have come to write and to live and movie stars and Supreme Court justices have retired there.

It is not a place where you'd expect a violent act like this to occur. But doing his job on patrol, making what appeared to be a routine stop, he was attacked and shot to death by the individual he pulled over. This is a trauma not only for our State and for the Town of Franconia, especially, but even more overwhelmingly for his daughter, Courtney, and his parents, Bruce and Catherine, and our sympathies and prayers go out to them.

We thank him for his service. We thank all officers of the law who put their lives on the line every day and serve us and give us the protection and safety which is so important to our lives.

On behalf of Kathy and me, and to the extent I can, the people of New Hampshire, we express our condolences and our sympathies to his family during this extraordinarily difficult time. His service will be tomorrow. I had hoped to attend it, but unfortunately, the budget will be here on the floor tomorrow and as the ranking Republican on the budget, I feel it is my responsibility to be here to represent the Republican position on that bill. Our hearts and prayers go out to him and his family, and we send his family all our support during this very difficult time.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Rhode Island is recognized for 3 minutes under a previous consent order.

Mr. WHITEHOUSE. Mr. President, American troops must come home from

Iraq. Because more than 3,000 of our men and women have lost their lives, and tens of thousands more have returned home wounded, American troops must come home from Iraq.

Because hundreds of billions of America's tax dollars have been sunk into the sands and marshes of Iraq, with much of that funding lost to waste, fraud, or abuse by those who have neither Iraq's nor America's best interests at heart, America's troops must come home from Iraq.

Because the public records of this conflict—reflected in the many retired generals who have spoken out against the conduct of the war, and the many books and articles chronicling its planning and execution—reveal catastrophic mistakes and misjudgments that have raised serious questions about this administration's very capacity for leadership, American troops must come home from Iraq.

Because that same administration misused and distorted intelligence, arguing that America should go to war on the basis of information that proved to be untrue or highly misleading, American troops must come home from Iraq.

Because despite the millions of Americans who joined together to call for a new direction in Iraq, this President chose instead to escalate the conflict, American troops must come home from Iraq.

Because the President and Vice President and their political allies would rather pick a political fight with this Congress, using false rhetoric, such as "micromanaging" and "precipitous withdrawal," than answer tough questions from the American people, American troops must come home from Iraq.

Because the prospect of our troops' redeployment is the single most powerful force at our disposal to galvanize unity and cooperation among the Iraqi factions and effect real change, American troops must come home from Iraq.

And because even after all this, this President still refuses to listen to the American people and stubbornly fails to give this country the change of course it demands, it is up to this Congress to act to bring American troops home from Iraq.

Some claim this strategy is risky, but the greater risk by far would be to fail to seize the opportunity a redeployment of our troops presents us. To announce clearly to the world that American troops will soon leave Iraq will change the dynamic there in a positive way. It may be the only way we can change the dynamic there in a positive way. It will give us the chance to renew and rebuild diplomatic ties in the region and around the world that have been so badly damaged by this President and this President's war, and restore America's prestige and standing among our friends. It will send a signal to the insurgents who foment violence in Iraq that they will no longer be able to use the United States military presence as a recruiting tool for extremists, and it will motivate efforts by the Iraqis to secure and stabilize their Nation.

It will give the Iraqis the impetus to step forward and do the things our military leaders say they must do for the surge to succeed—things they have been disgracefully slow in doing, such as passing a hydrocarbon law to allow equal sharing of oil revenues among all Iraqis, and measures to facilitate elections, as an example.

It will give our country the time and resources to restore our extraordinary military to the strength and level of readiness our troops deserve. And it will give us the freedom and the resources to look to the many challenges that still confront us here at home, from soaring gas prices to a broken health care system.

To achieve all these things, we must take the first step. We must make it clear we will bring our troops home from Iraq. The measure offered by Senator FEINGOLD, with the support of the distinguished majority leader, is a smart strategy. It has a responsible schedule and it will be an effective step to repair what the President has left broken.

It would require the President to redeploy our troops from Iraq by March 31, 2008. After that date, funds would only be available for three specific limited purposes.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent for an additional 15 seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. The limited purposes for funding would be: targeted counterterrorism operations, protecting United States infrastructure and personnel, and training and equipping Iraqi security forces.

This plan gives our troops in the field the resources they need today and a strategy that is worthy of their service as they look to tomorrow. I urge my colleagues to support the Feingold-Reid amendment.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized for 3 minutes under a previous unanimous consent order.

Mrs. BOXER. Mr. President, last November, the American people voted to end the President's one-man show in Iraq. I think the Chair understands that very well, given that he was victorious in November, and a lot of the questions surrounded what are we going to do about Iraq, this terrible failed policy.

Today, we have an amazing opportunity, and I thank Senator REID for giving us that opportunity, to vote to end this war now, and to do it in a way that is responsible, to do it in a way that is gradual, to do it in a way that makes a lot of sense.

The Feingold amendment essentially shifts the mission away from a combat mission to a support mission. It is very clear the President will get the funding he needs for the following things. Our troops will be funded to go after al-Qaeda. After all, that was the primary purpose we declared after 9/11, and I voted to go to war to get al-Qaeda, and to get bin Laden. Then the administration took a U-turn and got us off course into Iraq.

Our military has been superb. They have done everything they have been asked to do, from searching for those weapons of mass destruction, ascertaining there were none; and then, apparently, the mission wasn't done. The President said, get Saddam. They got Saddam. Oops, the mission still wasn't done. After that, he said, get his family members and show them on television and show the people we mean business. But the mission still wasn't done.

Then there were three elections in Iraq, to give the Iraqis a chance to choose their own leaders. We train and train and train Iraqi soldiers and police, where there are now about 300,000. If they can't defend and protect their own country, if they do not love the chance to have freedom as much as we love it for them, then I say it is time to change this mission. Keep on going after al-Qaeda. Yes, you can keep training those troops if they need our help in that, and force protection. Those would be the missions. The Feingold amendment gives us this chance.

The President has derided any attempt Congress has made to end this war. He says, why should politicians get involved with this? Well, let me say why I think the Senate should get involved. Because it is our constituents, just as it is the President's constituents, who are dying in Iraq. In front of my office door I have these large boards that list the names of the dead, and 21 percent of the dead were either born in California or they were based in California—21 percent. So I will not allow this President to tell me I have no right to try to end this war. I have every right to try to end this war, and I will stand shoulder to shoulder with my colleagues, as I did from day one when 23 of us said this war was a bad idea.

Mr. President, I ask unanimous consent to have an additional 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, our Nation is grieving over this war. Every day when we wake up and turn on the TV or the radio, we don't know what other horror is befalling our troops. We have a country in Iraq where 70 percent of the people want us out of there, where a broad majority says it is OK to kill or wound an American soldier, where maybe 50-plus percent of the Iraqi Parliament says we should get out on a timetable.

It is pretty simple. When I was a kid, my mother said, don't go where you are not wanted. Enough is enough. We have given and given and given, in blood and in treasury. So I proudly stand before the Senate urging my colleagues to do the right thing, to vote for responsible redeployment, a responsible end to this war, and join me in voting for the Feingold amendment.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 4 minutes under a previous consent order.

Mr. KENNEDY. Mr. President, I strongly support the Feingold-Reid amendment on Iraq. This is a defining moment in our debate on this misguided war. We in Congress have a choice. We can continue the administration's failed policy and guarantee that even more American troops will die in Iraq's bloody civil war. Or we can finally exercise our "power of the purse" and begin to bring this disastrous war to an end by linking the requirement to withdraw our combat troops from Iraq by next March to a prohibition on spending.

We all must face up to the fact that Congress must use the power of the purse to force an end to the war, and the sooner we do so, the better.

It is wrong for the Congress to continue to defer to Presidential decisions that we know are fatally flawed.

The American people know this war is wrong, and it is wrong to abdicate our responsibility by allowing this war to drag on longer while our casualties mount higher and higher.

For more than 4 long years, the President's assertion of unprecedented power has gone unchecked. This amendment reclaims our responsibility under the Constitution as a co-equal branch of Government, with specific powers of our own on issues of war and peace.

Congress can exercise its authority to redirect or terminate an ongoing conflict in two ways. It can enact specific limits on the scope of the conflict, and it can use the power of the purse to deny funding for all or parts of a conflict.

Congress has followed that path in prior wars, and we must follow it today. During the Vietnam war, Congress repealed the Gulf of Tonkin Resolution of 1964, which many of us felt had been misused to justify the escalation of America's involvement in Vietnam. Congress also prohibited the reintroduction of troops into Cambodia after President Nixon's escalation of the war. We went on to cap the number of American troops in Vietnam, and we eventually cut off funding for the war when the President left us no alternative.

Exasperated by the actions of successive Presidents Johnson and Nixon on the Vietnam war, Congress enacted the War Powers Act in 1973 over President Nixon's veto. The act requires Presidents to consult with Congress before placing troops in harm's way, seek authorization to keep them there, and continue consultation as the conflict goes on.

This congressional assertion of power in matters of war and peace resonates loudly today.

Opponents of our efforts to bring the Iraq war to an end have mischaracterized any use of this congressional power as an abandonment of our soldiers on the battlefield. Nothing could be further from the truth.

No responsible legislator would take any action that endangers our troops. In fact, using congressional authority to force a change of course in Iraq and begin to bring our troops out of Iraq's civil war is the best way to protect our troops.

Requiring a change of course by using the "power of the purse" or taking other action will not mean taking equipment and supplies away from our troops. We will avoid the mistake the President made in sending our troops into Iraq without adequate armor and without a plan to win the peace. There is no reason for Congress now to shy away from exercising the full range of its constitutional powers.

President Bush should not be permitted to continue his disastrous policy of sending more and more American troops to die in the quagmire of Iraq's civil war.

Because the President refuses to bring this war to an end, we in Congress must put on the brakes ourselves and stop the madness. We must require the administration to begin to bring our troops home to the hero's welcome they have earned.

The failure of our policy is abundantly clear to anyone who honestly looks at the facts.

Despite the addition of tens of thousands of American troops, and the ongoing presence of more than 150,000 American soldiers in Iraq, political reconciliation remains as difficult as ever to achieve.

Our troops continue to be vulnerable targets for the insurgents in what has been the longest period of high casualty rates since the war began. Sectarian violence in Baghdad continues. Attacks within the international zone in Baghdad are increasing. Violence is spreading out of Baghdad and increasing elsewhere in Iraq. Iraqis are demonstrating in the streets against America's occupation. Legislation pending in the Iraqi Parliament would require a timetable for the withdrawal of U.S. forces from Iraq.

The Iraqi people want a timetable for the withdrawal of our military. The American people want a timetable. Only the President continues to stubbornly refuse to adopt one.

It is time for President Bush to listen to the Iraq Study Group, the Iraqi people, Congress, and the American people, and work with us to bring our troops home.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, among the four amendments this morning will be one submitted by me, together with my principal cosponsor, Senator COLLINS. The purpose of this amendment is to require the administration to keep the Congress well informed. The situation in Iraq changes almost daily. Our losses continue. In my judgment, it is the responsibility of every Member of the Congress to keep well versed on this situation, keep in mind the perspectives with regard to the strategy as enunciated by the administration, and maintain their own individual opinions about that strategy and how this operation is going. Daily, each of us must consult with our constituents. Regrettably, almost weekly many of us have to speak with families of the loved ones they have lost or those who have been seriously injured.

There are several parts to the amendment I put forward. I thank many Senators who worked with me—indeed, both sides of the aisle, together with their professional staffs. The first part of the amendment goes through extensive findings, principally acknowledging the extraordinary heroism and bravery of the men and women wearing the uniform of our country, together with our coalition partners and the families who stand behind them. They unquestionably have performed in a manner consistent with the finest traditions of the professionalism of the U.S. military.

The findings also address the historical progress of the Iraqi Government in its formation, but also raises questions of the several benchmarks, benchmarks which were selected and composed by the Iraqi Government, announced by that government, and their commitments to trying to meet those benchmarks.

Taken together, I think it is very important that our strategy in Iraq be put in a position where it reflects in many respects the degree of success in meeting these benchmarks and, if these benchmarks are not met, then such changes as our President desires to make from his strategy as announced on January 10 of this year.

We, in this amendment, recite as the benchmarks that are most serious his forming a constitutional review committee and then completing the constitutional review; enacting and implementing legislation on debaathification; enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to sect or ethnicity of recipients; and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner.

That is sort of a description of the basic category of these benchmarks. Then we go on to require the President of the United States to report on how this sovereign Government of Iraq is or is not achieving progress toward accomplishing the aforementioned benchmarks, and shall advise the Congress on how that assessment requires or does not require changes to the strategy announced on January 10, 2007.

Among the reports required, the President shall submit an initial report in classified and unclassified form to the Congress not later than June 15, 2007.

I purposely selected that date because our schedule reflects that this body will go into a recess for much of August. I think it is absolutely imperative every Member have the benefit of the latest possible assessment of the performance or nonperformance by the Iraqi Government of these benchmarks, as well as the situation in Iraq. So the President will do that on July 15, assessing the status of each of the benchmarks.

Next, the President, having consulted with the Secretary of State, Secretary of Defense, the commander of the multinational forces, General Petraeus, and Admiral Fallon, will prepare a report and submit to the Congress his findings. If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political—not just the military but the political, the economic, regional, and military components of the strategy as announced by the President on January 10, 2007.

In addition, the President shall include in the report the advisability of implementing such aspects of the bipartisan Iraq Study Group report as he deems appropriate. That was a very valuable report. I think it has provided a considerable number of guideposts that have been embraced by Members of this body.

Then the President shall submit a second report not later than September 15, 2007, following the same procedures and criteria enunciated above. The reporting requirement of the Armed Services Committee bill of last year will be waived through September 15 so as not to have duplication. Then testimony before the Congress. Prior to the submission of the President's second report on September 15, 2007, and at a time to be agreed upon by the leadership of the Congress and the administration, the U.S. Ambassador to Iraq and the commander of multinational forces, General Petraeus, will be made available to testify in open and closed sessions before the relevant committees of our Congress. There again, we get their independent report followed by that of the President.

We also place some limitations on the availability of the nonmilitary funding in this appropriations bill, such that the President can restrict that funding in those instances where he believes, first, there is more than adequate funding in the pipeline already and therefore it doesn't require the additional expenditure of funds; or, second, the Iraqi Government has substantial cash in their reserve accounts that could be applied to the nonmilitary aspects. Further, the President is given waiver authority with regard to the benchmarks so the flow of these funds is tied in some respects, again, to the performance of the benchmarks.

We also put a section in this report requiring the redeployment of our forces in such circumstances as the sovereign Iraqi Government, having taken actions consistent with their Constitution, should call upon the United States and other partners of the coalition forces to withdraw certain elements of their troops—respecting, once again, and placing upon them the obligation to fulfill the responsibilities of sovereignty.

Also, we put in this amendment requirements for independent analysis of much of the same material that is being reviewed by the administration. While we have over the years, for example, trained for now 2½ to 3 years, some 325,000 Iraqi armed forces and police, what is the ability of that trained group, such as it is, to take up more and more of the responsibility in the fighting, and particularly that fighting that relates to sectarian violence?

For that purpose, we have two parts. The first addresses the Comptroller General. He is being requested to make an assessment of all of the benchmarks as to whether they have been met or not met. Second, we appropriate a sum of money to fund an independent organization and a very senior, well-respected, retired, four-star officer to head up a military, professional assessment by the retired community, of the Iraqi forces. I think that is a pivotal part of this amendment. I just hesitate to think why any Member could vote against a provision saying that we need a fresh, new, independent assessment of the capabilities or lack of capabilities of the Iraqi security forces. That is in here.

Mr. President, I urge colleagues to carefully consider this amendment.

It is for their benefit to keep them informed, both requiring the administration to come forward with timely reports and testimony and, secondly, two independent organizations, one the Comptroller General to give an assessment of benchmarks and, second, that we have an organization well known to all of us here, a private sector organization to give support to a senior, highly respected uniform retired four-star general to make an assessment of the military capabilities of the Iraqi forces.

Again, I thank my colleagues. I particularly thank my principal cosponsor, the Senator from Maine, for her diligent effort throughout the preparation of this amendment as well as the previous initiatives we have taken on this floor over the past 2 months with respect to the President's policy, particularly the surge policy.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I shall be very brief, not only because the distinguished senior Senator from Virginia has done a superb job of describing the initiative we have brought before the Senate but also because I have a commitment to testify very shortly before another committee on yet another important issue. But I do wish to comment briefly on one of the provisions that is included in Senator WARNER's proposal, a provision I consulted with many of our colleagues on and brought forth to the senior Senator from Virginia and suggested be included. He agreed and has placed it within his amendment.

This provision conditions the release of reconstruction funds to progress on the benchmarks that are included in the Warner-Collins amendment. These benchmarks include making progress on debaathification, making progress in passing and implementing an oil revenues distribution bill, making progress and producing trained and equipped Iraqi security forces, and overall for the Iraqi Government to make more progress toward the political reconciliation that is absolutely essential to quelling the sectarian violence that now engulfs Baghdad. It includes, therefore, provisions and benchmarks not only on debaathification but also on holding provincial elections, something that would help lead to the integration of more Sunnis into the Government power structures.

It is important that there be consequences for the Iraqi Government if those benchmarks are not met, and the best way is to condition the release of billions of dollars of reconstruction assistance—assistance for which the American taxpayers are footing the bill—on whether the Iraqi leaders are making progress in meeting the benchmarks. If they are not making progress in meeting the benchmarks, then I think we should not release the reconstruction funds. This would have definite consequences, and I believe it is appropriate that we link it to reconstruction funds.

None of us wants to—or very few of us want to cut off the essential training and equipping funds for Iraqi troops, much less American troops. So I do not support an alternative amendment which will be offered today which would simply cut off funds. I don't think that is responsible. That is a disservice to the brave men and women who are fighting so hard in Iraq. I want to make sure our troops have everything they need—the training, the equipment, and the support to carry out their dangerous mission.

I also want to make sure the Iraqi troops have the training and the equipment they need, but I share the frustration of the former chairman of the Senate Armed Services Committee that we have been training Iraqi troops and equipping them for years, some 300,000 troops, and yet we still find that the Iraqi security forces are not able to take the lead in very many operations, and that is very disturbing to me. It is one of the reasons I strongly support Senator WARNER's proposal for an outside review by a distinguished nonpartisan group led by retired GEN Jim Jones to assess the capabilities and the readiness of the Iraqi forces. That is a very important provision as well.

Mr. WARNER. Mr. President, on that point, will the Senator yield?

Ms. COLLINS. I will be happy to yield.

Mr. WARNER. We worked together on this provision for some time. It has been 2 months in the making. I supplied it to several colleagues in the House, notably JIM MORAN, who is on the Appropriations Committee. They seized it and, verbatim, this provision with regard to establishing an ability to have, independent of the Pentagon, an assessment of the Armed Forces and security forces in Iraq is in the House appropriations bill now going into conference. So I believe it is imperative that we, this body, likewise put that provision in our Senate bill.

I thank my colleague.

Ms. COLLINS. Mr. President, I thank the Senator from Virginia for his clarification and that good news about the reception on the House side.

The ACTING PRESIDENT pro tempore. The minority time has expired.

Ms. COLLINS. Mr. President, I ask unanimous consent for 30 seconds more.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. I thank the Chair.

Mr. President, my support for our operations in Iraq is neither open-ended nor unconditional. I believe the Warner-Collins amendment takes important steps toward accountability, and I hope it will have the support of the majority of Members in this body.

Mr. DODD. Mr. President. I want to take a few brief moments to explain why I supported the Feingold-Reid-Dodd amendment this morning, and why I opposed the other two amendments offered before this body.

While I would have preferred a standalone vote on the Feingold-Reid-Dodd bill, as I think we owe the American people and our brave men and women in uniform unequivocal support for changing our mission in Iraq, I am nonetheless still pleased that we at least had a cloture vote on this amendment.

As my colleagues know, the language in this amendment was almost identical to the language in the stand-alone Feingold-Reid-Dodd bill, which I strongly endorsed. This amendment would have mandated that the phased redeployment of U.S. combat forces from Iraq begin within 120 days, and set a deadline of March 31, 2008 for the completion of that redeployment. It allowed for continued counter-terrorism operations, force protection, and training and equipping of Iraqi security forces. Reid-Feingold represented the only responsible way to force the President to change his flawed policy in Iraq.

I deeply respect Senator WARNER and the leadership that he has demonstrated for many decades in the Senate, but I could not in good conscience vote for his amendment. The Warner amendment would have done nothing to force a change in mission, it would not have held the Bush administration or the Iraqi Government accountable, and it would not have started the process of redeploying our forces from Iraq. Instead, it would have allowed the President to waive any restrictions, just as he has waived the advice from the Baker-Hamilton Commission, and just as he has ignored the will of the American and Iraqi people.

I had absolutely no objection to the resolved clauses of Senator COCHRAN's amendment, which stated that "It is the sense of the Senate that Congress should send legislation to the President providing appropriations for Operation Iraqi Freedom and Operation Enduring Freedom in a manner that the President can sign into law by not later than May 28, 2007." In fact, Congress already sent President Bush a robust supplemental funding bill and the President chose to veto it. Moreover, the Feingold-Reid-Dodd amendment provided funding for these critical missions and was wholly "in a manner that the President can sign it into law by not later than May 28, 2007."

But, in Senator COCHRAN's amendment, this language was preceded by inaccurate statements. These statements claim that "funds previously appropriated to continue military operations in Operation Iraqi Freedom and Operation Enduring Freedom are depleted." This is simply not true. The Congressional Budget Office estimates, and the Pentagon confirms, that there is enough funding to last through midsummer.

It is my hope that in the coming days, the Senate will continue to seek meaningful ways to bring about a responsible and urgent change in the President's failed policy in Iraq. I look forward to working with my colleagues to do just that.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak for 3 minutes in leader time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, today we face an awesome vote, a historic vote in the Senate. It is a vote about this war in Iraq. It is an issue which consumes this Senate and this Nation. We have lost 3,400 soldiers, over 30,000 returned home injured, some with serious, grievous disabilities and injuries they will battle for a lifetime. We have spent over $500 billion, and there is no end in sight.

This morning, the White House announced that the President has finally found a general who will accept the responsibility for the execution of this war. Why did four generals before him refuse this assignment? Because those four generals know, the American people know, and this Senate knows that the administration's policy in Iraq has failed.

Our soldiers have not failed. They have risen again to the challenge. They have exhibited such courage and bravery. They have shown the kind of sacrifice that wins over the hearts of generation after generation of American people. But the Iraqis failed to lead their own nation, and the situation in that country is in disarray.

Now is the time for the Senate to speak directly, honestly, decisively. This war must end. Our troops must come home. The Iraqis must accept responsibility for their future.

The Feingold-Reid amendment, which will be before us today, may not be adopted, but it will be adopted at another time on another day. At some future moment, after we have buried more of our fallen heroes, after we have cared for those thousands returning with injuries, after the Iraqis have broken our hearts again with their interminable fighting, their interminable civil war, and their lack of leadership in their nation, then we will act. But today is the day when we should act.

I respect very much my colleague from Virginia, Senator WARNER. He is one of the few on that side of the aisle who have spoken out suggesting that these policies must change. I don't believe his amendment achieves all that we need to achieve today. It sets benchmarks but gives the President the power to waive those benchmarks and the requirements that come with them. Sadly, we know what this President will do. Just as with the sweep of a veto pen he swept away our bipartisan effort to start a timetable to end this war, he will sign a waiver and continue on for the next 18, 19 months with this war with no end in sight.

Mrs. BOXER. Will the Senator yield for a question?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. BOXER. I ask for 1 minute off the leader's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I thank my friend for his very articulate statement. I so agree with what he said. I want to make it clear to my colleagues, and I want to make sure my colleague agrees, that of all the options which will be before us, all well-intentioned, all worked on so diligently—some of my colleagues are here who did that—is it not a fact that the only one that will guarantee a change in the status quo is the Feingold amendment because all the others really lead right back to where we are today because the President is given total leeway to decide exactly what to do? Am I correct on that point, that if we want change, you have to vote for the Feingold amendment, if you want to end the war?

Mr. DURBIN. Mr. President, in response to my colleague from the State of California—and I thank her for her leadership—there is only one amendment today which will end this war, there is only one amendment today which will start to bring these troops home, there is only one amendment which will make it clear to the Iraqis that this is their country and their responsibility. The Feingold-Reid amendment is the amendment which will finally start bringing this war to an end.

How many more soldiers do we have to bury? How many more do we have to bring into our military and veterans hospitals? How many more thousands of innocent Iraqis have to die before we finally accept our responsibility to bring this war to an end? We can do it today. We should do it today. I urge my colleagues to support the Feingold-Reid amendment, and I urge all of them to understand the gravity of this decision. This is not about politics. This is about the life and death of great heroes in America who continue to step forward and risk their lives for this Nation.

I ask unanimous consent to be added as a cosponsor to the Feingold-Reid amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Michigan is recognized for 3½ minutes.

Mr. LEVIN. Mr. President, a little more than 6 weeks ago, the Senate passed a supplemental appropriations bill relative to the war in Iraq. It contained provisions relating to the readiness of U.S. forces, such as ensuring U.S. military units are fully mission capable, that they are not deployed for combat beyond a year in the case of the Army, 7 months in the case of the Marines; that they are not redeployed for combat if the unit has been deployed within a year for the Army and 7 months for the Marines. The vetoed bill provided for a Presidential waiver of those limitations.

The vetoed bill also contained a very essential provision regarding troop reductions—first, a troop reduction requirement that would commence on October 1. That is the heart of the bill that was vetoed. We will commence finally to reduce the number of troops in Iraq instead of adding to the troops, instead of adding more military, instead of looking to a military solution, finally recognizing that there is no military solution, there is only a political solution in Iraq, and that it is up to the political leaders in Iraq to reach that conclusion.

We must put pressure on them, and the only way I know to put pressure on the Iraqi leaders is to tell them that the future of their country is in their hands, that we cannot save them from themselves, and for us to change the course by beginning to reduce the number of troops in a nonprecipitous way and to do that beginning in 180 days.

What that amendment did on the supplemental was also set a goal for the remainder of the troops who are going to be removed. Except for the limited missions that were set up, it set a goal to do that. It was not set in stone as to the precise moment all the troops would have to leave, and it avoided using the funding mechanism. We did that on purpose. We want to send a message to the troops that troops in Iraq, whatever they are, whatever are left, whatever are going to be removed that have not been removed at the exact moment in the Feingold amendment—troops are going to be supported.

We are going to support these troops. We are not going to use a funding mechanism to cut off funding for our troops. That was the way to go. We got 51 votes in the Senate for that approach. It was vetoed by the President.

Now we have an amendment that is pending. This amendment would provide essentially the same provisions: protecting our troops, funding our troops but also initiating the beginning of the reductions that are so essential to forcing the Iraqis to step to the plate and resolving their political differences.

This amendment that is pending, however, contains a waiver. The waiver provision in this amendment has caused some concern understandably. The only purpose for the waiver provision the President was given in this pending amendment was in order to avoid a veto, to get the funds there.

However, it will not avoid a veto. The security advisor to the President has told me that, as a matter of fact, the President still opposes it, although he has a waiver authority in this amendment. Because of that, it does not serve its purpose of avoiding a veto.

Because there is some confusion as to the waiver provision, as to whether there is any intent to weaken what we did when we passed the supplemental, I ask unanimous consent that I be allowed to withdraw my amendment. I understand it has been cleared on the other side. I ask unanimous consent to withdraw the amendment and that cloture be vitiated.

Mr. REID. After the Feingold vote.

The ACTING PRESIDENT pro tempore. Without objection, the order will be effective after the first cloture vote.

Under the previous order, the next 10 minutes is reserved for the Republican leader.

The Senator from Virginia.

Mr. WARNER. Mr. President, I again wish to address the amendment I have put forward together with Senator COLLINS. I realize there is a provision in here with regard to a waiver, and that relates to the President's ability to redirect funds that are nonmilitary. But I say to my colleagues that while that particular section of this bill was amended at the last minute, the other sections absolutely remain strong and essential to keep this body informed: namely, the two independent studies, one to be performed by retired military with respect to the proficiency, capability, professional abilities of the Iraqi security forces; and, secondly, the one that requires the General Accounting Office to give an opinion with regard to the compliance or noncompliance of benchmarks.

So in this amendment, yes, I still think there is a lot of strength and validity to the provisions regarding the restriction of funds to be expended by our Government in terms of the nonmilitary spending. The other portions of this bill remain strong and should earn the support of all colleagues who wish to be kept advised of this ever-changing situation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, it is my understanding that there is time remaining for the Republican leader. Is that right?

The ACTING PRESIDENT pro tempore. The Republican leader has 7½ minutes remaining.

Mr. REID. On my side, how much time do we have?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. REID. Mr. President, is Senator COCHRAN going to use some of the 7½ minutes?

Mr. COCHRAN. I am happy to use whatever time is available to support my amendment.

Mr. REID. There is 7½ minutes. Mr. President, what I would ask—the reason I am asking my friend from Mississippi is, we have had a lot of confusion here today with amendments being withdrawn and a lot of people wanting to speak.

The chairman of the Foreign Relations Committee has been waiting to speak. I would be happy, if it is convenient to the Republicans, to give 3 more minutes to the minority and allow Senator BIDEN to speak for 3 minutes. Would that be permissible?

Mr. COCHRAN. That is perfectly all right with me.

Mr. REID. Mr. President, I ask unanimous consent that that be the case.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I hope the Senate will be able to support my amendment. It is a sense-of-the-Senate amendment. There are certain findings that are made in the amendment. But it all comes down to saying that the Senate should give the President what he has asked for, in terms of supplemental appropriations to fund the activities in Iraq that would protect our soldiers, that would put into the field new equipment and armaments that would help us reduce the level of casualties, make it less likely that American soldiers are going to die on the battlefield.

We don't need to continue to drag this out. This request has been submitted to the Senate, to the House, and it still has not been approved. People want to add everything to it. We have had a lot of suggestions about amendments that should be put on the supplemental.

What this sense of the Senate says, basically, is the Congress should approve the funding requested by the President at the earliest possible date. We know that that may take a few days, but it should not take any longer than that. So I am hopeful that Senators, after expressing their views on the war, expressing their views on whatever else they want to put in this legislation, keep focused on what the real need is and what the request is; it is supplemental funding to replace funds that have been exhausted in the regular fiscal year appropriations to add what the military needs.

I have a letter from Secretary Gates which specifically says:

> The situation increases the readiness risk of our military with each passing day. Should the Nation require the use of these forces prior to the equipment becoming available, the funding delay negatively impacts our forces in the field by needlessly delaying the accelerated fielding of new force protection capabilities, such as the mine-resistant ambush-protected vehicle, and counter-IED technologies.

So my hope is the Senate will approve my amendment and let's get on with supporting the President's initiative to bring this war to a successful conclusion.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized for 3 minutes.

Mr. BIDEN. Mr. President, we are about to vote on a bunch of amendments. The two amendments on the Democratic side, one having been withdrawn, are designed to do one thing that is straight forward: Instead of focusing our military on the much more—on being engaged in this civil war, they are intended to focus on a limited mission, a much more limited mission that is in our national interest that we can achieve with far fewer troops: Combatting al-Qaeda and like-minded terrorist groups and continuing to train Iraqi troops.

I am not crazy about the language in the Feingold amendment. But I am crazy about the fact that we have got to keep the pressure on. The fact is, with every passing day, the situation in Iraq gets worse, and the President refuses to change course, continuing to dig us deeper and deeper and deeper in a hole.

The most important thing we can do, and I compliment the Democratic leaders for this, is keep pressure, keep pressure on the President. Now, why pressure on the President? Quite frankly, he is not going to change. The only way, with all due respect to my Republican friends, is to put pressure on them so they start voting for the troops and not for the President.

The fact is, as a number of my colleagues have mentioned in the news on the Republican side—I will not name any of them—they basically told the President: Mr. President, you have got until September. Well, between now and September, a lot more people are going to die in the midst of a civil war that don't have to die in the midst of a civil war if we change the mission.

So this is all about keeping pressure. So every single day the public picks up the paper and sees that we are trying to change the President's course of action in Iraq. In turn, hopefully, they will speak to their Democratic and Republican Senators and Representatives and say: Make him change.

Because until we get 67 votes, we are not going to be able to change his God-awful war. This war is a disaster. So what my friend, Senator FEINGOLD, is doing is making a very valuable contribution. I am going to vote for cloture so we can continue to debate this issue and continue to put pressure on. Starting to get our troops out of Iraq and getting most of them out by early next year is what we have in the original legislation the President vetoed, which is the preferable way to go, in my view.

But obviously we do not have the votes to overcome that veto, so we are trying to put something else on the table. But as important as beginning to bring our troops home, with a reasonable prospect of ending their presence in Iraq, it is equally important to have a plan for what we are going to leave behind, so we do not trade a dictator for chaos in a region that will undermine our interests for decades.

So we have to have a plan to bring stability to Iraq when we leave, and that requires a political solution. In the interests of time, I will not attempt to discuss that, I will do it at a later date. But I compliment my friend from Wisconsin for continuing to keep the pressure on. This is all about, in my view, getting the 67 votes to be able to override the President's veto and ending this God-awful mess that he has us in and continues to dig us deeper and deeper and deeper and deeper into.

I yield the floor.

The ACTING PRESIDENT pro tempore. There remains now a little over 8 minutes of the Republican time.

Mr. REID. Mr. President, I think the Republican leader wants to take 1 minute. No? If you would yield that back.

Mr. WARNER. I yield back the time on this side.

Mr. COCHRAN. Mr. President, I am pleased to ask unanimous consent to yield that back.

The ACTING PRESIDENT pro tempore. The time being yielded back, there remains now 5 minutes on the majority side.

Mr. REID. Mr. President, if I exceed the 5 minutes, I will use my leader time.

The Congress and the President are on the eve of a very important negotiation about the administration's failed policy in Iraq. Does anyone dispute that it has been a failed policy? Does anyone dispute that it has been a failed policy? I don't think so.

But there is one simple question that negotiators will be wrestling with: After more than 4 years of a war in Iraq, costing Americans more than 3,400 lives, tens of thousands wounded, a third of them grievously wounded, we have more than 2,000 double amputees in this war, head injuries like we have never seen before, approaching a trillion dollars in taxpayers' expenditure for this war.

Sadly, there is no end in sight. Isn't it time for the administration to change course? Now, Nevada is struck and struck very hard with the fact that one of our brave soldiers from Nevada may be a hostage or some say a prisoner of war. This is new experience even in Iraq.

The votes we are about to cast this morning will give every Member the opportunity to tell the American people, the White House, and the Congressional negotiators where they stand on critical issues.

House and Senate Democrats stand with General Petraeus. General Petraeus says the war cannot be won militarily. There can only be a political solution, which my friend from Michigan, the chairman of the Armed Services Committee has been saying for almost 2 years. The administration and the leaders in Iraq have not listened to CARL LEVIN.

We stand united, we Democrats and a couple of stalwart Republicans, in our belief that our troops are enmeshed in an intractable civil war, that we are pursuing a failed strategy that is making us less secure, not more secure, and that it is time to begin a responsible, phased redeployment.

We stand united in our efforts to get the administration to change course but do so now, immediately. The President's policy is not working, and it is not working for so many reasons.

The present path is not sustainable. The facts on the ground are certainly not encouraging. Everyone, today, look at USA Today. The attacks are up. The deaths are up, both of Iraqis and Americans; the injuries are up of both Iraqis and Americans.

Despite the fourth surge in U.S. forces since the start of the war, attacks on our troops have not decreased. The monthly casualty rate since the onset of the surge is close to the highest level we have seen since the start of this war. About three American soldiers are killed every day on average. Since the beginning of the surge, 300 Americans have been killed. I don't know how many have been injured but thousands. Meanwhile, the Iraqi Government remains in a dangerous stalemate—no oil law; no law on de-Baathification; no constitutional amendments. This paralysis has further fueled the sectarian violence, and our troops are caught in the middle. They protect the Sunnis. Our troops protect the Shia, protect the Kurds. In the process, they are all shooting at our troops.

The U.S. mission grows further and further disconnected from our strategic national interest. Instead of focusing on training, counterterrorism, and our regional interests, U.S. forces are patrolling Baghdad's streets, still kicking down doors, increasingly vulnerable to snipers, kidnappers, improvised explosive devices, and other acts of terror. American forces have done everything we have asked of them, and more. They toppled a dictator and helped pave the way for a new government. It is now up to the Iraqi political leaders, after 4 years, to step up to the plate and fight for their own nation. Again, as our leader on the Armed Services Committee, Senator LEVIN, has said on many occasions: Take off the training wheels. The Iraqi Government has to do that.

Our troops, their families, and the American people deserve an exit strategy, instead of extending tours from 12 to 15 months, putting further strain upon our men and women in uniform. It is long past time to transition the United States mission in Iraq and begin a responsible, phased redeployment.

The Feingold-Reid amendment does just that. It achieves that goal. The amendment calls for the phased redeployment of our troops to begin within 120 days. It doesn't call for withdrawal—phased redeployment. After April 1, 2008, the sixth year of the war in Iraq—think about that—it would still permit U.S. forces to remain in Iraq conducting force protection, training, and targeted counterterrorism missions. As Senator BIDEN said: Go after the real bad guys.

I appreciate the efforts of my friend, the senior Senator from Virginia, former chairman of the Armed Services Committee, but I say after more than 4 years of a failed policy he has watched, as I have, his amendment is very tepid, very weak, a cup of tea that has been sitting on the counter for a few weeks. You wouldn't want to drink that tea. You wouldn't want to vote for this amendment. If you look in the dictionary under "weak," the Warner amendment would be listed right under it. I have the greatest respect for Senator WARNER. I know he is trying to stick up for his President. Senator WARNER has served this country honorably for more than 40 years. But the situation in Iraq is grave and deteriorating. It requires actions, certainly not more reports, especially those without consequences. I will vote against the Warner amendment and I hope everyone votes against it. It is nothing.

The Cochran amendment, offered by my friend with whom I have had the good pleasure of serving in Congress for 25 years—he is a fine man and a real patriot; he has served this country so well for so long—I don't necessarily agree with every word and assertion the Senator included in his amendment, but I do agree with its thrust; namely, the White House and the Congress have an obligation to our troops to move quickly and complete action on the supplemental spending bill. But I do say to my friend from Mississippi: The President has asked for money. But for the first time in more than 4 years of this war, he has to deal with this constitutional body that was provided to our country by our Founding Fathers, called the Congress. It is another branch of Government. He has to deal with us. That is why there are negotiations prior to getting the President a conference report.

Had I drafted this amendment, I would have asked more of the White House than simply the Congress write a blank check to this administration. Too many blank checks have been given to this President, and look what we have as a result. It is important we deliver our troops a strategy that is worthy of their sacrifice. I would also have made improving their readiness a priority. What do people who have the military experience in this body focus on? Senator WEBB of Virginia, Senator JACK REED of Rhode Island, they focus on readiness; that is, how are the troops being taken care of, how are they being rotated? JIM WEBB, as we know, served gallantly in battle. He knows what it is to send troops into battle without proper readiness. He is concerned about that. We don't have enough about readiness, certainly, in the Cochran amendment.

We were going to have another vote on the Levin amendment. Basically, as I said to the Presiding Officer late last night, it was the amendment that went to the President and he vetoed it. The Levin amendment is the same thing except we gave the President waivers. You would think that would be a step in the right direction. But we have heard from all types of administration officials as late as last night: We will veto that. So we will make it easier for them. We are not going to go ahead and offer that. We will stand on the merits of what we sent to the President before.

Regardless of the outcome of today's votes, I want everyone listening to know that if my Republican friends choose to stick with a failed policy, congressional Democrats will take this fight up at the first available opportunity. We know we have to get a bill to the President, a conference report. We are going to do that. But there are other measures that are going to be moving through this body quite quickly—defense authorization, for example. We are going to continue focusing, as Senator BIDEN said, on the President's failed strategy. Our troops and their families deserve no less.

Look what is going on now. Is the Commander in Chief fulfilling his obligations? We were told with this most recent surge that General Petraeus would be the guy who would take care of things over there. But he has told us we can't win militarily. Now today we read in the paper that General Lute is going to be the czar. The czar? What about that? Whose job is he taking? Is he taking General Petraeus's job? Is he taking President Bush's job? What is next in the continual march of the President's failed policy?

We must change course. That is why I am going to proudly vote for the Feingold-Reid amendment.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that we retrieve 4 minutes of the time.

Mr. REID. I object.

Mr. WARNER. I wish to address the very harsh criticism of my distinguished friend and leader.

Mr. REID. I will be happy to yield 2 minutes to the Senator from Virginia. I will then use 2 minutes to respond.

Mr. WARNER. I say to my friend, I have worked on this amendment. I spent a good deal of time in the office of colleagues on the other side of the aisle yesterday, incorporated several provisions in this amendment at their request. I say it was a good-faith effort to do my very best to point out the need for this Senate and the Congress as a whole to get the most timely flow of information available to us, both from the President and from two independent groups. I say when you get a man of the stature of General Jones, who is willing to go out and work with private sector organizations to make a professional assessment of the military of Iraq, that, I say to my friend, the distinguished leader of the Democratic side, is not weak tea. That is a commitment by a very brave, credible American to try to help this institution, the Congress, have a better understanding about the viability and the professional capabilities of the Iraqi armed forces.

I yield the floor.

Mr. REID. Mr. President, let me be very clear: I in no way suggested my friend from Virginia didn't act in good faith. That is the story of his life. I just say, another study? Look at the one in the newspapers today. They studied what is going on in Iraq today with the explosive devices—the people getting killed and maimed and injured. How many more studies do we need? The study that has already been completed in the minds of the American people is to change course in this civil war. We have too many people being killed and injured in that war. The course needs to change. I care a great deal about my friend from Virginia, but that doesn't take away from the fact that I have to call his amendment what I think it is. It is my opinion it is weak.

AMENDMENT NO. 1098

The PRESIDING OFFICER. Under the previous order, there is 2 minutes evenly divided on the Feingold amendment.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the Feingold-Reid amendment would finally bring this disastrous war to a close by safely redeploying our troops from Iraq by March 31, 2008.

We can't afford to keep ignoring the rest of the world while we focus solely on Iraq. By redeploying our troops from Iraq, we can create a more effective, integrated strategy to defeat expanding terrorist networks whether they be in Afghanistan, Somalia, Algeria, Morocco, or even here at home.

It is time to end a war that is draining our resources, straining our military and undermining our national security, and the way to do that is by using our power of the purse to safely bring our brave troops out of Iraq. That is what the Feingold-Reid amendment does.

Over 6 months ago, the American people voted to bring this war to a close. Today, by passing the Feingold-Reid amendment, the Senate can finally do the same thing.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WARNER. Mr. President, we feel the matters directed in the Feingold amendment have been addressed repeatedly by the Senate, and the Senate has spoken its will and rejected those concepts.

I yield the floor and urge my colleagues to vote against the Feingold amendment.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Feingold amendment No. 1098 to amendment No. 1097 to H.R. 1495, the Water Resources Development Act.

Russell D. Feingold, Harry Reid, Barbara Boxer, Amy Klobuchar, Sheldon Whitehouse, Ted Kennedy, Patty Murray, Richard Durbin, Bernard Sanders, Daniel K. Inouye, Christopher Dodd, Ron Wyden, John Kerry, Debbie Stabenow, Ben Cardin, Jim Webb, Charles E. Schumer, Tom Harkin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1098, offered by the Senator from Wisconsin, Mr. FEINGOLD, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 29, nays 67, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—29

Akaka
Biden
Boxer
Byrd
Cantwell
Cardin
Clinton
Dodd
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Menendez
Mikulski
Murray
Obama
Reid
Sanders
Schumer
Stabenow
Whitehouse
Wyden

NAYS—67

Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Bunning
Burr
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Dorgan
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Reed
Roberts
Rockefeller
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb

NOT VOTING—4

Brown
Dole
Johnson
McCain

The PRESIDING OFFICER. On this vote, the yeas are 29, the nays are 67. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

AMENDMENT NO. 1098 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, cloture not having been invoked on the Feingold amendment, it is withdrawn.

AMENDMENT NO. 1097 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the Levin amendment No. 1097 is withdrawn, and the cloture motion thereon is withdrawn.

AMENDMENT NO. 1134

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to the cloture vote on amendment No. 1134 offered by the Senator from Virginia, Mr. WARNER.

Who yields time?

Mr. WARNER. Mr. President, I yield such time as the distinguished Republican leader requires.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the Senate on a bipartisan basis overwhelmingly rejected the notion of a surrender date. We now have an opportunity to vote for a proposal by Senator WARNER which I will allow him to describe that strikes me to make a lot of sense. I am going to allow him to describe the provisions of it, but I would urge a vote for the Warner amendment.

Mr. WARNER. Mr. President, the amendment embraces provisions which provide the ability for the Senate—indeed, the Congress as a whole—to become better advised with regard to the President's position on the compliance or noncompliance with the benchmarks, as well as an independent group headed by the former commandant of the Marine Corps, General Jones, as to the proficiency and the professional ability of the Iraqi security forces.

Secondly, another provision allows the GAO to give an independent analysis to the Congress on the Iraqi Government's achievement or nonachievement of the benchmarks. This is an amendment to help keep us informed. So when we proceed——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. To go on the August recess, we will be better equipped to deal with this question on the public's behalf and to tell our constituents our own individual feelings about this controversial issue.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DURBIN. Mr. President, let me say at the outset how much I respect the gentleman from Virginia. I thank him for his leadership time and again thank him for all he has given to this county.

I rise in reluctant opposition to this amendment and I want my colleagues to know why. Within this amendment which establishes benchmarks is a provision giving the President of the United States the power to waive. What does it mean? The same pen the President used to veto our bipartisan timetable to start bringing the troops home will be used to make this proposal a nullity. It will not achieve the goals we want to achieve.

Unless and until the Congress convinces this President to change his policy and does it in forceful terms, this war will continue with no end in sight.

I urge my colleagues not to support this amendment that is before us, cloture on this amendment, because, frankly, giving the President a waiver is a guarantee nothing will change.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Warner amendment No. 1134 to H.R. 1495, the Water Resources Development Act of 2007.

Mitch McConnell, Judd Gregg, Richard Burr, Mike Crapo, John Cornyn, Lisa Murkowski, Susan M. Collins, John Warner, Orrin G. Hatch, Craig Thomas, Larry E. Craig, John E. Sununu, Pete V. Domenici, James M. Inhofe, Trent Lott, John Thune, Christopher S. Bond.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1134, offered by the Senator from Virginia, Mr. WARNER, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—52

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Isakson
Landrieu
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inhofe
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Lautenberg
Leahy
Levin
McCaskill
Menendez
Mikulski
Murray
Obama
Reed
Reid
Rockefeller
Sanders
Schumer
Stabenow
Tester
Vitter
Webb
Whitehouse
Wyden

NOT VOTING—4

Brown
Dole
Johnson
McCain

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. WARNER. I move to reconsider the vote.

Mr. COLEMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1134 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, cloture not having been invoked on the Warner amendment, the amendment is withdrawn.

AMENDMENT NO. 1135

The PRESIDING OFFICER. There is 2 minutes equally divided prior to the cloture vote on amendment No. 1135 offered by the Senator from Mississippi, Mr. COCHRAN.

Who yields time?

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment expresses the sense of the Senate that the President should receive from the Congress acceptable legislation to continue funding the operations—Iraqi Freedom and Enduring Freedom—by not later than May 28 of this year. The funds previously appropriated by the Congress for operations in this region are depleted, according to a letter and testimony before our committee from the Secretary of Defense and other military leaders and the service chiefs who have appeared before our committee as well.

The President requested supplemental funding over 3 months ago, and no supplemental funding has been approved by the Congress. We are putting troops at risk. We are keeping the military from deploying equipment and armaments that will protect the lives and save lives of American troops in this region. I think it is the responsible thing to do, Mr. President, for us to approve this supplemental funding.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader.

Mr. REID. Mr. President, we have been told by Pentagon officials that there is money there to the end of June. We have been told by the Congressional Budget Office that there is money there until July. But in spite of all that, we sent the President a bill. He vetoed that bill.

We recognize the need to get money to the troops. We are going to do that. I stated on the floor yesterday that we will take whatever time it takes to complete this funding prior to the recess we have scheduled for Memorial Day, and we are going to do that. We will work with the minority to do that.

I also suggest that we are all going to vote for cloture on this amendment, so maybe we don't need to vote on it. If Senators are all going to vote for it, let's accept it by voice vote.

Mr. BYRD. No, no, let's vote.

Mr. COCHRAN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays are mandatory on a cloture motion.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Cochran amendment No. 1135 to H.R. 1495, the Water Resources Development Act of 2007.

Mitch McConnell, John Cornyn, Pete V. Domenici, Johnny Isakson, James M. Inhofe, Craig Thomas, Trent Lott, John E. Sununu, John Thune, Thad Cochran, Christopher S. Bond, Norm Coleman, John Warner, Richard G. Lugar, Jeff Sessions, Orrin Hatch, Gordon H. Smith.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1135, offered by the Senator from Mississippi, Mr. Cochran, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. Brown) and the Senator from South Dakota (Mr. Johnson) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. Dole) and the Senator from Arizona (Mr. McCain).

The PRESIDING OFFICER (Mr. Casey). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 87, nays 9, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—87

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Wyden

NAYS—9

Boxer
Dodd
Feingold
Harkin
Kennedy
Leahy
Menendez
Sanders
Whitehouse

NOT VOTING—4

Brown
Dole
Johnson
McCain

The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 9. Three-fifths of the Senators duly chosen and sworn, having voted in the affirmative, the motion is agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I know of no Senators who have expressed a desire to speak on the amendment. Therefore, given the fact that cloture has been invoked, I suggest the Chair put the question on the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1135) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Tester). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I wanted to give Senators and staff an update on where we are with the WRDA bill now that we have voted on these various Iraq resolutions.

Where we are now is that our work is almost done on this bill. We are down to the final amendments that are in the managers' package. One of our colleagues, Senator Coburn, is looking at about three or four of these amendments that he has some problems with. We are very hopeful we can work with him to resolve those questions because we have many items in the managers' package. We think about 10 or 12, or more, actually. So he is looking at four, and we are working with him to resolve them.

If we can resolve that, it would be a wonderful thing because we could get done with this bill. Senator DeMint has two amendments which we are looking at on our side, and we think we can work with those amendments. We think we can reach agreement on those amendments.

So here is where we are. This bill is being slowed down because of four particular items in the managers' package that Senator Coburn is looking at right now and we are working with him. If we can resolve those questions, and we can certainly resolve Senator DeMint's amendments, we will be done with this bill, and we can roll them all into a managers' package, either do them by voice vote or have a recorded vote and then a final passage vote, which, believe me, would be welcome news for the workers and the businesses of our great country.

If we cannot resolve these remaining matters, we are very willing to have votes on those questions and we would like to start that this afternoon. We will just work our way through the six votes and see how it all comes out, but we are hopeful. We are going to give it another hour, hour and a half to talk to colleagues. I didn't want colleagues to think that Senator Inhofe and I weren't continuing to focus on this bill. We are. We are working our caucuses in an effort to get this done.

I am going to relinquish the floor, and we will be back as soon as we have some agreement on these remaining amendments.

I see the distinguished ranking member on the floor now, so we will have a chance to collaborate on where we stand, and I yield the floor for my colleague to speak at this time.

Mr. INHOFE. Mr. President, we have come a long way. I am sorry I wasn't here to hear Senator Boxer's remarks, but I am sure I agree with the remarks of the chairman of the committee.

We are down now to a manageable number of amendments. We are working very diligently, and I understand there are two Republican amendments and four Democratic amendments. The time is here for us to do everything we can to try to make this happen. I think almost everyone in here, Democrat and Republican, is for this bill. It has been 7 years since we have had this reauthorization bill. It is overdue, so we need to have it now.

We debated this for 2½ hours yesterday, so I would encourage any one of the authors of these six amendments to come and work with us and get this thing done. It would be a shame if we came this far and didn't get it done. So I join my chairman, Senator Boxer, in encouraging everyone to work together.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. Menendez pertaining to the submission of S. Res. 203

are printed in today's RECORD under "Submitted Resolutions.")

Mr. MENENDEZ. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. CASEY. Mr. President, over the last couple of months, we have been debating the policy in Iraq, and over the first 4 months of the 110th Congress, the Senate has spent many days debating this policy. I and many other Senators believe we should move in a new direction and change the policy by transitioning the mission to training Iraqi forces, fighting terrorists, and protecting our troops and civilian personnel in Iraq.

As part of this new policy, we should have a phased redeployment strategy to begin the process of winding down the war to get our brave combat forces home. Our troops have accomplished every mission in Iraq. They have done their job. It is well past time that the President, his administration, and this Congress do our job as they have done their job in Iraq.

The war has diverted our attention and resources from the broader war against al-Qaeda and its allies which continues unabated 5 years following the horrific events of September 11. Despite this administration's exaggerated rhetoric in the months leading up to our invasion, Saddam Hussein's regime did not have any direct ties to al-Qaeda, and our decision to topple his regime without international support drained resources from our ongoing efforts in Afghanistan. The Bush administration's inexcusable lack of planning for a postwar environment and the stunning incompetence in managing the occupation gave birth to a large, mostly Sunni-based insurgency in Iraq. This insurgency, aided by a steady flow of foreign fighters, is now giving birth to a new generation of al-Qaeda terrorists providing ideological inspiration for extremists around the world.

The Presiding Officer knows, as well as so many others, that contrary to the administration's rosy rhetoric in 2002 and 2003, the decision to invade Iraq has served as a major setback in our overall struggle against Islamic extremism and the terrorism that movement inspires. Dr. Bruce Hoffman, one of the world's leading experts on terrorism, who recently briefed me, has declared:

> The United States' entanglement in Iraq has consumed the attention and resources of our country's military and intelligence communities at precisely the time that Osama bin Laden and other senior al-Qaeda commanders were in their most desperate straits and stood to benefit most from this distraction.

For that reason, it is essential that we get our Iraq policy on the right path by beginning to redeploy our U.S. combat forces, emphasizing training of Iraqi security forces, protecting our forces, and engaging in targeted counterterrorism missions.

The war against al-Qaeda and its extremist allies continues on multiple fronts around the world. This is a generational battle, so our Nation must respond accordingly. Vice President CHENEY, seeking to validate the administration's counterterror efforts, declared last fall:

> I don't know how much better you can do than no attacks in the last 5 years.

Every American is grateful that the Vice President's statement continues to hold true. We must salute those men and women in our Armed Forces, our intelligence community, and our law enforcement networks, from State and local police forces to the FBI, who have helped protect our Nation against further attacks. To take one example, it was skillful surveillance and old-fashioned gumshoe work on the part of the CIA and FBI agents, closely cooperating with their British counterparts, which allowed us to stop in its tracks a chilling plot to blow up as many as 10 airplanes crossing the Atlantic in August of 2006.

Unfortunately, the absence of terrorist attacks in the United States does not signify any reduction in the overall threat posed by al-Qaeda and its allies waging battle on behalf of Islamic extremism. The dangers our Nation still face today were brought home by two developments in recent days.

The Presiding Officer knows this well because of the State he represents. First, six men were arrested last week for conspiring to launch an attack on Fort Dix in New Jersey and "kill as many soldiers as possible." This homegrown cell of Islamic extremists was broken up when two of the defendants sought to purchase assault weapons from an undercover FBI agent. They had engaged in small arms training at a shooting range in the Pocono Mountains in my home State of Pennsylvania.

Second, another development. Late last week the U.S. Embassy in Berlin issued a general threat warning indicating that a terrorist attack against U.S. military or diplomatic facilities in Germany may be in the final stages of planning. This plot may be linked to the upcoming G8 summit to be held in Germany later this summer.

We have all seen the press reports indicating fresh evidence that al-Qaeda is once again establishing training camps in southwest Asia, only this time in Pakistan, not Afghanistan. Although we achieved successes in late 2001 and 2002 in cutting off al-Qaeda's hierarchy from its foot soldiers around the world and severing operational links inside the organization, these gains are slowly disappearing. Instead, we see the chain of command within al-Qaeda reemerging with fresh evidence of plans of potential terrorist strikes in western Europe and perhaps even our own homeland.

Just listen to what the Director of National Intelligence, Mr. McConnell, declared in recent testimony to the Senate Armed Services Committee:

> We also have seen that al-Qaeda's core elements are resilient. They continue to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. And they continue to maintain active connections and relationships that radiate outward from their leaders' hideout in Pakistan to affiliates throughout the Middle East, northern Africa, and Europe.

The deadly reach of al-Qaeda was reaffirmed with April's coordinated explosions in and around the capital of Algeria, killing 24 and wounding more than 200. A group calling itself al-Qaeda in Islamic North Africa claimed responsibility for the blasts, a severe blow to a nation that was finally coming out of the ashes of the horrific civil war in the 1990s.

Mr. President, we know in order to neutralize this reconstituted and possibly more dangerous version of al-Qaeda, the U.S. must embark on a global counterinsurgency campaign which recognizes that military force is an essential, but not sufficient, response to this threat. The U.S. must draw on all elements of our national power—military, political, and economic—in a coordinated campaign that seeks to deny refuge and sanctuary to al-Qaeda forces wherever they reside.

The Third Way National Security Project recently released an insightful report that calls for a global constriction strategy against al-Qaeda—an effort to suffocate the al-Qaeda movement and pressure its physical resources, its people, and its vehicles of propaganda—all in a unified effort to shut down al-Qaeda's ability to wage war through large-scale acts of terror. We can accomplish this strategy through multiple methods: doubling the size and increasing the skill sets of our Special Forces troops, working with other nations to more effectively crack down on terror financing flows, and, finally, getting serious on public diplomacy so that we can counter and refute the hate-filled messages from extremists at every turn.

Recently, former Senator Gary Hart suggested that we should create a fifth military service branch which would unify all Special Forces under one command, an idea worthy of consideration and further study.

We also need to send a firm message to Pakistan that the United States cannot tolerate the return of al-Qaeda training facilities anywhere in the world. If such camps are on sovereign

Pakistani territory, then it is the responsibility of the government in Islamabad to ensure that those camps are shut down. General Musharraf has been a partner of the United States, and his government has played a valued role in some of our most notable counterterrorism successes. But we cannot abide any backsliding when it comes to this issue.

Al-Qaeda is not only reconstituting its networks and operational capabilities, but it is also making gains in the broader battle of ideas—the clash between modernity and reason and extremism and jihadism. These are two very different worldviews fiercely competing every day for the hearts and minds of the Muslim world. America will win the war against extremism when we persuade the citizens of Egypt, Iran, Saudi Arabia, and other nations of the strength of our ideas and values and offer a path away from militancy and irrational hatred.

But we have been going in the wrong direction on this front. We only need to recall the immediate aftermath of the 9/11 attacks when the world united with us in grief and sympathy. Who can forget that grand headline, in France of all places, on September 12, 2001: "We are all Americans." The United States had a historical opportunity to unite the world in a common cause against the forces of terrorism and extremism and destroy the al-Qaeda network and the twisted beliefs that serve as its cornerstone. Instead, by pursuing a black-and-white, our-way-or-the-highway approach, this administration helped transform our Nation's greatest asset—the appeal of the American spirit around the world—into a liability.

America today evokes feelings of resentment and distrust, negativity and hostility. Instead of building a grand international coalition on behalf of the values that unite us, the White House settled for temporary and weak "coalitions of the willing" that have left us far too isolated.

Since 2001, the Pew Global Attitudes Project has tracked on a regular basis how America is perceived overseas and global attitudes toward the U.S.-led war on terrorism. Across the board, we have seen a dramatic decline in positive views toward the United States and, even more troubling, the American people. This decline has been especially marked in the Islamic world, where Osama bin Laden and al-Qaeda enjoy far stronger favorability ratings than our Nation. In both Morocco and Jordan, both relatively moderate Muslim nations, a 2005 poll found that approximately half of respondents in both nations believe suicide attacks against Americans in Iraq are justifiable. In Indonesia, positive views of the United States plunged from 61 percent to 15 percent in 1 year alone—from 2002 to 2003. Unfortunately, those numbers have barely edged upward in recent years.

Something has gone terribly wrong when a vile terrorist organization is in a more positive light than our great Nation. That is, apparently, what some surveys show across the world. I understand that the United States is the biggest guy on the block and a certain level of resentment will always exist. Yet, we cannot succeed in this global struggle against terrorism and extremism if our own ideas and our own image are viewed in such distorted, negative terms. We must recommit ourselves to a global public diplomacy campaign that conveys our Nation as it truly is—a beacon for liberty and hope. Our efforts will succeed when we inspire those currently sitting on the fence in the Muslim world to reject the false ideals that al-Qaeda and its brethren promote. In waging an offensive against al-Qaeda, our ideas will be as important as the might of our military forces.

While we must wage a strong offensive against al-Qaeda and its extremist allies, we cannot neglect a strong defense here at home. Combating terrorism requires a strong homeland security effort, to ensure that our Nation can effectively defend and deter against attacks that can kill or injure tens of thousands of Americans in one strike. Unfortunately, homeland security has long been an afterthought for this administration, instead used primarily as a rhetorical weapon against its political opponents. The Department of Homeland Security's ineffectual record and poor performance bear witness to this neglect.

It is easy to forget that this administration fiercely opposed the creation of the Department of Homeland Security, instead arguing that a small office in the White House could adequately do the job. The administration long resisted the full implementation of the 9/11 Commission recommendations—a serious oversight that the 110th Congress has sought to rectify, with both the House and the Senate passing comprehensive legislation to help ensure that all of the commission's recommendations are finally put in place. When it came time to replace Tom Ridge as Secretary of Homeland Security, the White House put forward as its first choice Bernard Kerik—a political hack with a checkered past—only to withdraw the nomination days later after a series of embarrassing disclosures on his personal background.

The Department of Homeland Security has lacked the necessary budgets, leadership, and political support required from the White House to do its job properly. Although the administration created a brand new department to coordinate homeland security policy, overall funding for homeland security programs barely grew after DHS opened its doors in early 2003. The upper echelons of the Department have constituted a revolving door with industry, as senior political appointees spend only a year or two in their positions before cashing in on their contacts and joining lobbying firms and technology firms with interests before the Department. We saw the culmination of this neglect and indifference in the Department's shameful response to Hurricane Katrina in the fall of 2005.

Although I do not sit on the Homeland Security and Governmental Affairs Committee, I take a strong interest in these issues, as they are vital to my constituents in Pennsylvania. And so I believe there are three key areas where this Congress can take further action to help ensure that our Nation is better prepared to protect itself against a future attack. First of all, we must ensure that our limited homeland security dollars are spent wisely. Although I respect the general principle that Federal spending must be allocated in a manner fair and proportionate for all 50 States represented in this Chamber, we cannot treat homeland security funding as just another Government program. It is an undeniable fact, one emphasized by the 9/11 Commission, that some States, some cities, and some targets are at significantly greater risk to attack than others. And so we must allocate our homeland security funding on a risk-focused basis.

During the Senate's debate on the 9/11 Commission bill, I was proud to stand with the distinguished Senator from California, Mrs. FEINSTEIN, and others in fighting for an amendment that would revise our funding formulas to ensure that homeland security dollars flow, first and foremost, to those cities and States with the greatest at-risk targets. Although this effort failed, I was pleased to see that we have made progress since the last Congress and encourage the House-Senate conference to ensure that risk-based funding provisions be included in the final bill.

A second area of strong concern to me is the prospect of terrorists transforming our chemical plants and hazardous material rail shipments into lethal chemical weapons. A Congressional Research Service report indicates that there are at least 16 chemical plants in Pennsylvania where a release of toxic chemicals could cause over 100,000 deaths, and two plants where such a release could result in over a million deaths. This threat has been brought home in recent weeks as we see insurgents in Iraq engineering large explosions of chlorine tankers to spread noxious fumes in populated areas. These attacks are growing in sophistication and lethality and I worry that they may provide a blueprint for similar attacks in the United States. Therefore, I am encouraged that the Department of Homeland Security released its final regulations on chemical plant security earlier this month.

These regulations are a good start, but we need to do much more. In particular, we need to ensure that the Department of Homeland Security's Chemical Security Office receives far more than the paltry $10 million it was appropriated for the current fiscal year.

It is also essential to permit those state and local governments which wish to adopt even more stringent protective measures to do so. The regulations issued by the Department are somewhat ambiguous on this point, and so both Houses of Congress have endorsed language that preserves the right of State and local governments to "preempt" Federal regulations so long as they are not in direct contradiction. This language would permit the Department of Homeland Security to establish a minimum floor for chemical security regulations, but, yielding to the best principles of federalism, allow individual State and local governments to go beyond those minimum regulations where appropriate.

Finally, it is incumbent that our Nation takes steps to once and for all ensure that our first responders have reliable access to secure interoperable communications. After 343 firefighters and paramedics gave their lives on 9/11, and countless victims died during Hurricane Katrina, because emergency personnel were unable to communicate with each other, it is unacceptable that we have still failed to establish a nationwide interoperable communications system that will allow local, State, and Federal first responders to communicate with each other in a seamless and uniform fashion. For this reason, I am proud to join my distinguished colleague from Arizona in cosponsoring S. 744, the SAVE LIVES Act, a bill ensuring that an additional 30 MHz in the 700 MHz spectrum band be dedicated to public safety.

The SAVE LIVES Act would require the Federal Communications Commission to auction 30 MHz of the spectrum, which is otherwise scheduled to be made available in January 2008 for general commercial purposes, under a conditional license requiring any winning bidder to meet detailed requirements to operate a national, interoperable public safety broadband network. A commercial provider can use this broadband spectrum for commercial purposes, but must make available the spectrum for public safety purposes whenever it is needed.

I am proud to be the first cosponsor on this important legislation. I strongly urge the Senate Commerce, Science, and Transportation Committee to take up this bill immediately, because we don't have time to lose. Pursuant to a previous congressional mandate, the FCC must auction spectrum in the 700 MHz band by January 28, 2008. Unless this bill passes in some form beforehand, all of that spectrum, with a small exception, will be auctioned off to commercial providers, with no requirement that any of it be made available to first responders for public safety purposes.

Secure, interoperable communications is an issue of particular interest to my constituents in the city of Philadelphia. Currently, first responders are unable to use their radios in the tunnels of the city's subway and commuter rail system, SEPTA. The city has applied for DHS grants in past years to wire the tunnels to facilitate communications, but those applications have been rejected. I intend to work with the city and other members of the Pennsylvania Congressional delegation to ensure that the fifth largest city in the Nation is prepared for any potential emergency in its transit system.

There are a number of other strong policy proposals that I urge this Congress to consider to further strengthen our Nation's homeland security. I do not have the time today to discuss them in further detail, but at a minimum, we should take a serious look at the following areas:

Ensuring that we inspect the air cargo transported by passenger airlines to prevent terrorists from planting a bomb in a plane's underbelly; strengthening our border security with better technology and additional Customs and Border Patrol agents; working with the private sector to develop real incentives for both large corporations and small businesses to adopt commensense solutions that mitigate the risks of an attack and thus make them less attractive targets to terrorists; undertaking a serious and comprehensive approach to locking up sources of nuclear missile material around the world to prevent our worst nightmare—an improvised nuclear bomb destroying an American city.

All of us remember where we were and what we were doing on September 11, 2001. The memories of that terrible day will remain with all of us so long as we are alive. Our Nation has been blessed that we he not had to endure another attack during the intervening 5 years, but we recognize that our friends in Western Europe, Southeast Asia, and the Middle East have suffered ghastly attacks that have taken the lives of innocent civilians and spread terror. The war in Iraq is at the center of our national discussion today, but we cannot allow it to distract us from the objectives the America people set out to achieve in the fall of 2001: Destroying al-Qaeda and denying legitimacy to the ideas of jihadist extremism.

It is time to refocus our attention and resources. al-Qaeda may not have mounted another attack against our citizens, but they have tried and are once again on the march. We must rededicate ourselves to a comprehensive strategy that seeks to constrict al-Qaeda's bases of support and undercuts their popular legitimacy in the Muslim world. On the home front, we must ensure that we are adequately prepared to deter and defend against likely attacks that seek to exploit our open society and sow panic and economic damage.

If America truly is engaged in a generational battle against the forces of extremism, our Nation must adopt a serious and comprehensive approach to counterterrorism, both overseas and at home. We owe the victims of 9/11 and their families no less—indeed, we owe the American people no less.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I ask to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, this is a very difficult time for those of us who have long known that the war in Iraq was a strategic error of monumental proportions but who also understand the practical realities of disengagement. The majority of this country believes we need to readjust our Iraq policy and get our combat forces off the streets of Iraq's cities. A majority of our military believes this administration's approach is not working. A majority of the Congress believes we need a new approach.

There are sound, realistic alternatives that could be pursued toward the eventual goal of removing our troops from Iraq, increasing the political stability of that war-torn region, increasing our capability to defeat the forces of international terrorism, and allowing our country to focus on larger strategic priorities that have now gone untended for years. Unfortunately, few of these alternatives seem to make it to the House or Senate floor in a form that would truly impact policy.

With respect to the approaches that have been taken recently, let me first say I am somewhat cynical about the stack of benchmarks that have appeared in recent bills laying down a series of requirements to the Iraqi Government. The reality is that the Iraqi Government is a weak government. Like the Lebanese Government 20 years ago, it has very little power, and it is surrounded by a multiplicity of armed factions which have overwhelming power in their own concentrated areas of activity.

Too often, the benchmarks that we, in our splendid isolation, decide to impose are little more than feel-good measures, giving us the illusion that we are doing something meaningful. Just to make them more illusory, the language we send over on benchmarks and other policies, such as unit readiness and length of deployment, are usually couched with waivers, so the President can simply ignore the language, anyway. What does this do? How can we continue these actions and then claim to the American people that we are really solving the most troubling issue of our era? Some of these discussions remind me of what Mark Twain once wrote, saying that the Government in Washington is like 2,000 ants floating down the river on a log, each one thinking they are driving it.

Secondly, let me say that I admire the intentions of the bill my colleague, Senator FEINGOLD, introduced today. However, I could not vote for that bill because an arbitrary cutoff date for funding military operations in Iraq might actually work against the country's best interests in an environment where we have finally seen some diplomatic efforts from this administration. Recent initiatives from Secretary of State Rice, Ambassador Crocker, and Admiral Fallon, the new commander of Central Command, hold out the hope, if not the promise, that we might actually start to turn this thing around.

Admiral Fallon has publicly stated that we must deal with Iran and Syria. Ambassador Crocker, at this moment, is arranging a diplomatic exchange with Iran. Secretary of State Rice has cooperated at the ministerial level in an environment where her Iranian counterpart was also at the table. Importantly, Admiral Fallon mentioned during his recent confirmation hearing that it is not the number of troops in Iraq that is important but the uses to which they are being put.

So there is some room for movement here, as long as the movement occurs in a timely fashion. An arbitrary cutoff date would, at this point, take away an important negotiating tool. Let us just hope they use the tools we are providing them in an effective manner.

There is, however, one issue which demands our immediate attention and which should not be delayed. As we look at our options here in Congress, I continue to firmly believe we have a duty in an area which is not being properly addressed by this administration and which is in the proper purview of the Congress. When the supplemental appropriations bill is returned to the President, it should contain language prohibiting this administration from deploying Army units for longer than 12 months and from deploying Marine Corps units for longer than 210 days. It should also prohibit sending any military individual overseas unless he or she has been home from a previous tour for at least as long as they had been deployed. In other words, if you have been gone a year, you should come home for a year before you go back.

This administration has gone to the well again and again, extending the length of military tours and shortening the time our soldiers and marines are allowed to be at home before being sent again and again into Iraq and Afghanistan. Absent the gravest national emergency, there is no strategy in Iraq or elsewhere that justifies what has been happening with the deployment cycles of the men and women we are sending into harm's way. It has reached the point that the good will and dedication of our military people are being abused by policymakers obsessed with various experimental strategies being conducted at their expense. These people have put their lives literally into the hands of our national leadership. There are limits to human endurance, and there are limits to what military families can be expected to tolerate in the name of the national good. For that reason, I urge our conferees to include language which will limit this policy in the bill that will be returned to the President.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, in these dangerous times, we face terrorist threats around the world. The decisions we make here in the Senate must put us in a stronger position to fight and defeat terrorists wherever they hide. Just last week, the United States and German Governments unraveled the reported plot to attack American interests in Germany. This development reminds us that we face dangers all around the globe, and we need to be able to dispatch our resources wherever and whenever they are needed to keep us safe.

Unfortunately, having nearly 150,000 American troops stuck in the middle of a civil war in Iraq does not strengthen our ability to fight terrorists from around the globe. In fact, by forcing our troops to police a civil war and by not giving our troops the equipment and training they need, the President's current policy is impairing our military readiness and our ability to fight and win the broader war on terror. It is time to refocus our efforts back on to the broader war on terror. Yes, we will still fight and defeat the al-Qaeda terrorists who are in Iraq. But we recognize that terror networks exist in many other countries, and we have to fight and defeat terrorists in those places as well.

That is why I supported the Feingold-Reid amendment this morning. That amendment recognizes that leaving our troops in the middle of a civil war in Iraq is not the best use of our military. It doesn't make us safer at home, it diminishes our ability to fight the broader war on terror, and it impairs our military readiness.

It is clear the Iraqi civil war cannot be solved militarily. It must be solved politically. Today we are 5 years into this war. Thousands of American lives have been lost, and billions of U.S. taxpayer dollars have been spent. Yet the Iraqis have not moved forward with meeting key benchmarks and beginning reconciliation. We have to show the Iraqis that we will not police their civil war indefinitely and that they must take responsibility for their own future. The redeployment language of the Feingold-Reid amendment from this morning makes it very clear to the Iraqis that our commitment is not open-ended and that they must make the necessary compromises to bring peace to their country.

In Iraq, our troops have done everything we have asked them to do. Now it is time to begin redeploying our troops, rebuilding our military, and getting back to fighting the war on terror.

As I look at these issues, I see four imperatives: First, we have to fight and defeat terrorists; second, we have to recognize the war in Iraq is impacting our ability to do that; third, we have to rebuild our military readiness, which has been seriously compromised by this war in Iraq. Finally, we have to be there to support our servicemembers, our veterans and their families, every step of the way.

First of all, we all recognize that we are in a war with terrorists around the world and we need to fight and win that war. This is not a war against countries. We are in a war against terrorists wherever they reside. President Bush wants us to believe the war in Iraq is the war on terror. It is not. The war on terror that our country faces is not the same thing as the civil war that is raging in Iraq. What is happening in Iraq is primarily a civil war between factions that have been in conflict for generations. The Feingold-Reid amendment empowers our military to target and destroy any terrorist elements in Iraq, but it would not force the majority of American troops to be stuck indefinitely in the crossfire of a civil war.

As we look at the terrorists our Nation confronts, al-Qaeda is the most dangerous, according to the declassified National Intelligence Estimate from last year.

That NIE report said:

> Al-Qaida will continue to pose the greatest threat to the homeland and U.S. interests abroad by a single terrorist organization.

The NIE also said the jihadists "are increasing in both number and geographic dispersion. If this trend continues, threats to U.S. interests at home and abroad will become more diverse, leading to increasing attacks worldwide."

Al-Qaeda is the threat. We have to get back to fighting al-Qaeda, and that is what the Reid-Feingold amendment would allow.

Under that amendment, while most troops would be redeployed, some would remain to conduct targeted operations against al-Qaeda and other terrorist groups. They would provide security for American infrastructure and personnel, and they would be allowed to train and equip the Iraqi security forces.

This administration's focus on Iraq has distracted us from the larger war on terror, and it has left us vulnerable. Our country faces possible threats from terrorists around the world, and we need a security strategy that ensures that we can fight those threats wherever they are. But, instead, the Bush administration has become increasingly focused on Iraq, which weakens our ability to fight that broader war on terror just when we must be strong.

Next, let's look at the relationship between the civil war in Iraq and our own security. Does having so much of our military tied up in Iraq's civil war make us safer? Does it help us fight terrorists around the world? The truth is, leaving our troops in Iraq is not making us more secure.

A State Department report from 2 weeks ago found:

> International intervention in Iraq has been used by terrorists as a rallying cry for radicalization and extremist activity that has contributed to the instability in neighboring countries.

According to our own State Department, our involvement in Iraq is making the region less stable, not more stable. The war in Iraq has the potential to make it harder for us to respond to other threats around the world. That is because the conflict in Iraq is tying up large parts of our military and is degrading our military readiness, which brings me to my third point.

We must rebuild America's military. We can all be proud that our country is home to the finest fighting forces in the world. But we must also face the truth. The war in Iraq has impaired our military readiness, and that is not just my opinion, it is the opinion of military leaders and experts who say it may take us, now, 5 years to rebuild our military.

The Iraq war has impaired our readiness by forcing a hard-to-maintain tempo on our troops, by destroying our equipment, by reducing the capabilities of our Guard and Reserve, and by limiting the training that our troops receive. Today we are forcing a very tough tempo on our servicemembers. They all want to work, and they all want to work hard. But we have to make sure the demands placed on them are reasonable. The Pentagon has extended tours of duty for our troops. It has deployed troops sooner than planned. It has sent troops without all the training and equipment they should receive. It has deployed troops without the downtime at home that our servicemembers and their families deserve.

Two Army brigades are on their fourth deployment now to Iraq and Afghanistan. That tremendous pace with little downtime in between is a strain on our troops. Our military is the best in the world. I believe we need to address those strains on our servicemembers so we can remain the best in the world.

The Iraq war is also impairing our readiness by destroying our equipment. The Army, for example, is supposed to have five brigades' worth of equipment prepositioned overseas, but because of the war in Iraq, the Army is depleting those reserves. GEN Peter Schoomaker told the Senate just last month:

> It will take us 2 years just to rebuild those stocks.

Our military is the best in the world. I believe we need to address the strains on equipment so we can remain the best in the world.

The Iraq war has especially impacted the readiness of our National Guard. The Chief of the National Guard Bureau, LTG Stephen Blum, testified that the readiness of National Guard forces is at a historic low. He said:

> Eighty-eight percent of the forces that are back here in the United States are very poorly equipped today in the Army National Guard.

A national commission looked at the National Guard and Reserve and sent its report to Congress last March, a few months ago. The commission said:

> We believe that the current posture and utilization of the National Guard and Reserve as an "operational reserve" is not sustainable over time, and if not corrected with significant changes to law and policy, the reserve component's ability to serve our Nation will diminish.

Our military is the best in the world. I believe we need to address the readiness of our Guard and Reserve so we can remain the best in the world.

We also rely on our Guard members when disaster strikes at home. We need their trained personnel and equipment to respond quickly. After the horrible tornadoes that occurred in Kansas just a few weeks ago, the Governor of Kansas said recovery efforts for those two States were hampered because there were not enough personnel and equipment. Where were those resources? In Iraq, not here at home.

COL Timothy Orr of the U.S. Army National Guard told the Senate that his brigade's homeland security capabilities have been degraded.

He testified to us:

> Our ability as a brigade to perform these homeland missions continues to be degraded by continued equipment shortages, substitutions, and the cross-leveling of equipment between the State and the Nation to support our deploying units.

I have shown now how the Iraq war has impacted the readiness of our troops, of our equipment, and of our National Guard. The pace of deployment to Iraq is also hindering another measure of readiness—the training that our servicemembers receive.

To meet the President's surge, the Pentagon has been sending some troops to Iraq earlier than was planned, and they are keeping other units there in Iraq longer than planned. That means our troops are getting less time at home, less time between deployments, and importantly, less time to train. Commanders are forced to shorten the training their troops receive so they are focusing now only on specific training that they need for Iraq, but not for other potential conflicts.

That makes sense if there is limited training time. We want all that time devoted to their most immediate need. However, many military leaders are now warning us that this fast pace diminishes our ability to respond to other potential conflicts. Here is how the colonel who commands the First Marine Regiment put it:

> Our greatest challenge is and will remain available training time, and because that time is limited, our training will continue to focus on the specific mission in Iraq. This has, and will continue to, limit our ability to train for other operations.

Army COL Michael Beech told the Senate in April that he believes our training strategy is broad enough to support a variety of other events. But he added:

> However, if deployed in support of other emerging contingencies, I would be concerned with the atrophy of some specific tactical skills unique to higher-density conflicts.

We have military commanders telling us that they are concerned that our ability to train for other missions has been limited and certain tactical skills have atrophied. We don't know what the future of our world brings. We don't know what types of conflicts we will need to be prepared to fight. It is our responsibility, as leaders today, to be preparing for whatever the future brings for the next generation. By allowing our troops to only now be trained for today's mission, we are not meeting our responsibility for the long-term dangers our country must be prepared to defeat.

Our military is the best in the world. I believe we have to address these training shortfalls so we can remain the best in the world.

I am also concerned at the billions of dollars that we are spending in Iraq, coming at the expense of our ability to be strong at home. I am very concerned that the Bush administration has chosen to fund this war in ways that have meant that homeland security priorities at home have not been fully funded. I have worked very hard with my colleagues to try to correct that in areas such as port security grants and first responder funding. But it is not easy to overcome years of misplaced priorities from this administration.

Let me share with you some of the examples from this President's latest budget proposal. President Bush, in his budget proposal to us, dramatically cut funding for first responders to pay for the war in Iraq. His budget cut critical State homeland security grants by $348 million, or about 60 percent, to pay for the war in Iraq. He reduced urban area grants by $185 million—that is a 25-percent reduction—to pay for the war in Iraq. He cut our local law enforcement terrorism prevention grants by $119 million. That is a cut of 33 percent at home to pay for the war in Iraq.

Mr. President, we know funds are limited, so we have to be smart. Policing a civil war in Iraq should not come at the expense of our security right here at home.

Finally, as we fight and win the war on terrorism and we rebuild our military, we have to be there every step of the way to support our servicemembers, our veterans, and, importantly, their families. We need to meet their needs every step of the way from the day they are recruited, while they are being trained, when they are deployed, and, importantly, when they transition back here at home.

Today, too many of our servicemembers are falling through the cracks and not getting the support they deserve. That is why I have been working on the Veterans' Affairs Committee and the Appropriations Committee to identify those needs, to fund them, and to have the appropriate policies so we support those men and women who have so strongly supported us.

At the end of the day, our security comes down to people, people doing a job this country has asked them to do. We have to keep our promise to them. We face terrorist threats around the world. We must and we will defeat them. But to do so, we have to be smart and we have to be tough.

Unfortunately, the civil war in Iraq is not making us more secure; it is making us less secure. We need to refocus our efforts back on the war on terrorism and we need to rebuild our military. I supported the Feingold-Reid amendment this morning because it sets a new direction for our involvement in Iraq so we can refocus on the larger security challenges our Nation faces.

This is what I am fighting for in the Senate. I know we can do it. We can take care of our men and women in uniform, we can improve security right here at home, we can track down and eliminate terrorists around the world. It is a matter of getting our priorities straight.

Redeploying our troops from Iraq so we can focus on those other priorities is a critical first step in the Senate we have to take.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to commend the senior Senator from Washington State for her statement. She expressed similar concerns at the time of the original vote on the war in Iraq. She courageously stood up and spoke to why the mistakes were being made.

I have to say, especially seeing the distinguished Presiding Officer from my own State of Vermont, I think it is safe to say, if the same speech had been given in the State of Vermont, way over across the continent to our State, it would have been widely and happily received.

We have a situation where one time people put on the ribbons to support the troops, as we all do, we all do, but then when the budget comes, we find, well, we will support everything but those things needed by our troops when they come home—everything that is needed by our veterans, everything that is needed by a lot of our troops while they are over there, and this will not change until more people speak out as courageously as the Senator from Washington State has.

I commend her. She has been very consistent. They are words that this Vermonter is glad to hear. I am glad she is saying it at a time when both the distinguished Presiding Officer, the Senator from Vermont, and I had a chance to be here. I applaud her for it.

Mrs. MURRAY. I thank the Senator from Vermont.

Mr. LEAHY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. SESSIONS. Mr. President, Members of the Senate—at least a certain limited number—are intensely involved in an attempt to draft an immigration bill that will serve the national interest. I say "serve the national interest" because there are quite a number of special interests. There are the interests of poor people all over the world who would like to come here, interests of all kinds. But at one of our hearings, we had several professors and experts on immigration and the economy. They said we ought to ask what is in the national interest and do that. That can also cause us to develop a thought process that could lead to legislation of which we can be proud.

One thing that is not in our national interest is to continue the current policy of immigration. It is not working. It has comprehensively failed us. We all know that. We have been at this for some time. We know this system is not working effectively. It has not made us proud. Congress deserves a lot of blame. Often unmentioned is that very considerable blame should fall on Presidents over the last 20 years because I am not aware of a single time any of them have come to Congress with a comprehensive request for action that would actually fix this broken system. So both Congress and the President deserve criticism.

These discussions are ongoing. I admire the Senators who are participating. I am aware these discussions are going on. People ask me: Senator, does that offend you? I say: No, you need some people to gather to try to hammer something out and sometimes to make a blocked system begin to work. There are some excellent Senators participating in that activity. But I have to tell my colleagues, I have some concerns. My predictions last week seem to be coming true today; that is, a process has been ongoing that could lead to us having an entirely new bill plopped on the floor of the Senate, that nobody has had a chance to read on one of the most important issues facing our country.

Some say: Oh, it is not so important. We have to get the bill off the floor. The public is going to be mad, so the sooner we can just bring this thing up and vote it out and get it away from here, the less blame is going on fall on us.

That kind of thinking is afoot here, I am afraid. But it is not good thinking. I believe the American people know this is an important issue. They believe we should get it right. They want us to get it right. They know there are going to have to be some tough choices. I know there are people talking, calling in on the radio and fussing and saying unkind things sometimes that they shouldn't say. We have people calling in with Pollyanna-ish ideas that are not worth two cents. People sort of judge the debate by maybe what they hear in those circumstances.

We need to work up a bill that can be effective, that would actually work. It cannot be done quickly. Fortunately, the efforts have been abandoned on the bill that we passed last year, amazingly. It was an absolutely fatally flawed piece of legislation that should never have become law. I think Members of the Senate, many of them who voted for it, had they believed it would become law, probably wouldn't have voted for it. They also didn't know what was in it. It was over 800 pages. They knew the House wasn't going to pass it. That is not responsible leadership.

This year, we have a new framework. When you have a new framework, you are not able to analyze portions of last year's bill and see how the new framework is going to work. So we are told that they are coming close to reaching agreement. People who I affectionately called "the masters of the universe," those who are out there plotting all this comprehensive immigration reform and putting it together, they are meeting. What will they produce? I don't know. So we are now going to have a cloture vote on Monday. The Democratic leader insisted on that. He moved it off at least until Monday to give this small group a few more days to discuss it, this small group who are on the inside. As a result, we will have a cloture vote on Monday on the old bill, last year's bill.

Presumably Tuesday or sometime, this new bill will be plopped down. What is going to be in it? We don't know. We were told we may get the language tomorrow or we are going to try to have the language for you tomorrow, Senators, so you can at least begin to read it. We think this year's bill is going to be a thousand pages. That is not a little bitty matter, a thousand pages. As a former Federal prosecutor for 15 years, I know that if you don't get every single aspect of the bill right, it can't be made enforceable. If you make errors in the language and the drafting and the appellate process and the enforcement ideas, the whole thing can be a joke and not effective. It takes time to do write a bill this size correctly.

We are going to have this comprehensive immigration reform bill bouncing back up next week. They are going to want to vote on it by Friday of next week. I submit that Senators will not be given enough time to really analyze it, much less the American people. If we are to avoid cynicism, we ought to make sure the American people are engaged in the process. Those are large concerns of mine.

As I said, they say we may have the language tomorrow. But the best we can ascertain is, it is probably not going to be bill language, language we would actually vote on and amend. This is serious. It is some sort of outline or word statement of what the bill provisions are going to be, not having had it written out so we can examine it carefully before we vote on it.

A group of Senators—I was one of them—has written a letter to the Republican leader and to the majority leader, I believe, to say that with an issue as important and complex as immigration reform, it is critical that the process for floor consideration be open to full and informed debate and amendment. Who could dispute that? It goes on to say:

> There are reports that the cloture vote on the motion to proceed will be held on Monday. We would ask you to seek the following assurances from Senator REID.

This would be the letter to Senator McCONNELL asking him to approach the majority leader, Senator REID, and ask for these assurances: that a new, compromise proposal should be brought to the floor of the Senate as a separate, clean bill, not as an amendment to S. 1348, last year's bill. Therefore, we can proceed in a clean fashion to amend it and act on it in the appropriate fashion. No. 2, it was asked that full and final bill text must be available online in a searchable format by midnight tonight. They have been talking about having that available in this fashion, but will we get it? I doubt it. All germane Republican amendments must be allowed to be called up and voted on. That is germane amendments, amendments that go right to the bill, not amendments unrelated to the bill. We need a CBO score, that is the Congressional Budget Office score. We had the CBO finally come through with a score on last year's bill that found that not counting the enforcement expenditures, the cost of that bill, as written, would be $127 billion. I thank my excellent staff member for her assistance. Real money, I submit, it would cost, because the people who would be legalized and given permanent status and put on the road to citizenship in last year's bill would have been available for huge amounts of money from the Government in terms of earned-income tax credit and other welfare programs. So we don't have a score on it.

Before we pass a bill, we should look at the CBO score. The CBO has made clear that the real surge in cost to the U.S. Treasury will be in the next 10 years, not in the first 10 years. In fact, the Heritage Foundation's Mr. Robert Rector, who was one of the architect of welfare reform a number of years ago, has done immense calculations on the cost of the bill. He estimates that a substantial percentage of the people who would be legalized under this legislation will have less than a high school education and that on average would cost the U.S. Treasury $30,000 a year or as much as $1 million over a lifetime per household headed by a person without a high school education. He carefully worked those numbers up. Are they accurate? I don't know. But he spent a lot of time working on that. The point Mr. Rector and the Heritage Foundation have made with crystal clarity is that those wise people in the big suites in Manhattan who think we are going to solve our financial difficulties with Medicare and Medicaid and Social Security by adding large amounts of low-skilled immigration are in a dream world because it is going to cost us, not help us, financially. He called it a fiscal disaster. We haven't even seen the language of the new comprehensive immigration reform bill, so we don't know what the CBO score and the cost to the U.S. taxpayers would be.

Those are some fairly minimal issues that I believe should be dealt with before we rush into legislation.

Let me mention a few quick questions that I have about the new bill. The bill purports to have an enforcement guarantee. That is important. The enforcement provisions contained in Title I and Title II of the new bill will be meaningless unless they are funded, meaning that we actually put the money up for enforcement, and unless the enforcement measures are required to be implemented before other parts of the bill kick in. That was the "trigger" debate we had last year.

Senator ISAKSON from Georgia offered a commonsensical approach that we should not give benefits to individuals until we are sure that the immigration system is not continuing to be broken and not working. It would simply require the borders to be secured before the new immigration programs are implemented. But it was rejected on the floor after debate last year 40 to 55 because the leaders who so-called put together that bill last year agreed they would vote against any amendments that had any significant impact on the legislation. So they all got together and voted against a commonsensical trigger. We need such a trigger in this year's legislation.

Without an enforcement trigger, we are unable to assure the American people that immigration reform in 2007 will be any different from 1986, when the promises of future enforcement, made in exchange for the amnesty given in 1986, never materialized.

That is what happened. In 1986, they said there were about 2 million people here illegally. We set up a system to grant them amnesty. We changed some laws to supposedly make the immigration system more lawful in the future. When amnesty was handed out, turned out to be 3 million people were here illegally. We had a big percentage of those who claimed amnesty, and who got it—got it on fraudulent claims—when they really were not entitled to it. That is the history of immigration reform in 1986—20 years ago. So we need to make sure, this time, when legislation passes, it will actually work. Isn't that what the American people want of us?

Another question we need to ask: How much will this bill increase legal immigration? Last year, the bill would have increased the number of green cards—that is, permanent resident status—the United States would issue over the next 20 years to 53 million. That would be 34 million more than the current 18.9 million scheduled to be issued under current law. That was last year's bill. It was just about three times the current rate of immigration.

Now, I have to tell you, Professor Borjas, at Harvard, has written a book, "Heaven's Door." He is at the John F. Kennedy School of Government, himself a Cuban inmigrant as a young man. Professor Borjas has indicated he thinks that 500,000 per year would be the right number for America, economically and otherwise. That would be 10 million over 20 years, not 53 million over 20 years.

When it came out of committee, it was even worse. It would have increased the immigration levels by elevenfold—up to 217 million over 20 years. It actually could have gone that high under the bill as written. My staff—Cindy Hayden and her team—ran these numbers, and they were later confirmed by the Heritage Foundation. We had amendments that brought it down to 53 million.

So we do not know what the green card increases will be in the bill being talked about now. It is a critical question. So we need time to study that issue and make sure the numbers of people coming into our country are assimilatable, and also do not plummet the wages of American workers, particularly middle-class and lower middle-class workers.

I am telling you, the numbers indicate that low-skilled workers in the industries where there are large amounts of illegal immigration have not shown wage increases. In fact, in many instances, adjusted for inflation, wages have gone down. We had expert testimony on that. From 2000 to 2005, wages in categories of workers, where immigration is heavy, showed a net decrease in income.

So that only makes sense. If you bring in large amounts of low-skilled labor, you can expect the value of low-skilled labor in the United States to go down. I do not think the average American believes and expects that immigration reform will result in a large increase in immigration. I am pretty sure they think we are working on a comprehensive plan to create a legal system that works, and they probably expect immigration will be reduced, not tripled. So we have to look at that question.

Another question would be: Will the temporary program be temporary? Last year's bill contained a "temporary" worker program that was, in reality, a low-skilled permanent migration program for 200,000 workers, plus their families, annually. This is the bill that is on the floor today that we will vote cloture on next week. Workers and their families were given 3-year renewable visas. They could bring their families into the United States. They could be sponsored by their employer, the first year they are here, for a green card, to become permanent residents in the United States. They could continue to renew those temporary worker 3-year visas indefinitely, as long as they were working and did not have a felony conviction. So in last year's bill it was not a temporary worker program. It was a plan to bring in workers who were put on a virtual automatic path to permanent residence and citizenship.

What will this new bill contain? We hear different things. One is that it contains a 3-year visa, where workers are allowed to bring in their families—I am not sure we can look our voters in the eye back home and say we are going to sponsor such a program again this year.

Additionally, if we set aside 10,000 green cards a year for these new "temporary" workers to apply for—as I am hearing the bill may do—I am sure we cannot claim our intention is to create a temporary plan. So I am worried about that.

All I would say to my colleagues is, let's be sure we have enough time. There is no reason for us to have to vote a week from this Friday on final passage of a 1,000-page bill that we have never even seen the language of yet. The only bill that is out there is last year's fatally flawed bill. Why can't we have this opportunity to review the new bill?

I have argued we should move dramatically in the way that Canada moved to create a merit-based system for immigration, based on skills and abilities, which countries such as Canada or the United States would deem helpful to their nation.

If we have 100 people who want to come to our country, and we cannot accept 100, we can only accept 50, why wouldn't we set up a system that asks them what skills and attributes they have that might be beneficial to our country—which would allow them to most flourish and benefit from the American experience? Why wouldn't we ask that and give preference to those who would come here?

I say to my colleague, to show the bankruptcy of any idea that we could have open borders, in the year 2000, we had 11 million people apply for 50,000 diversity lottery slots. We have an amazing situation, if you want to come to America, and you do not qualify in any number of ways, you can put your name in a pot, and each year we draw out 50,000 names. We had 11 million people in 1 year apply for those slots. So why wouldn't a merit-based system work?

Today, only 20 percent of the immigrants coming into the United States are admitted based on their skills. Canada went through a long period of discussion about this issue. They had a national discussion over some years, and the Parliament in Canada directed their government to establish a point-based system. Canada wanted that point-based system to ensure that 60 percent of the people who come into Canada come on a merit basis. Canada still takes those for humanitarian relief, Canada still takes other immigrants such as those with family connections, but in Canada that is much more limited than in the United States.

That was their plan. They are very happy with it. I have met with the person who actually runs that program. They are happy with what they did. They think it is something we should consider. They think we would be happy with it. We are hearing discussions that would be a part of this package. What a great step that would be if we would move in that direction. It is critical to me that more immigrants be selected on a point-based system as part of comprehensive immigration reform. It is something for which I have advocated for some time now and think we could actually get there. I am hearing some good feedback about it. But, once again, we need to read the language of the new bill.

I would point out a couple things. One, what I am hearing is the best they would expect to get to would be 40 percent of the immigrants would be coming into our country based on merit, not 60 percent like Canada. Australia also does that, with 60 percent of their immigrants coming into their country on a merit-based, on a point-based system.

I am concerned that we will end up with a system that will not be effective to move us to a more merit-based system, which would serve our long-term national interests and would ensure the people who do come to America come with every prospect and every ability to flourish in our country and to do well, and not only not be a drain on our medical system or our welfare system, but actually be prosperous taxpayers contributing to the health and vitality of our Nation.

I think I saw Senator BOXER in the Chamber a few moments ago. I will wrap up, if she is available, but I do not see her on the floor at this moment. I will share a couple more thoughts I do think are important.

Last year, we did not get a final CBO score until 3 months after the passage of the bill. The August 18th CBO score estimated the bill would cost $126.9 billion for the first 10 years, and that "beyond 10 years, definitely the costs would escalate."

That is a major factor in what we are doing, and we have not even, to my knowledge, asked for a score from CBO, and I do not think we can ask for a score. We cannot ask for a score because we do not have bill language to say what is going to happen. We do not even know what is in the bill that will be dropped on us.

Another issue that was quite contentious last year, and I believe is very important: Will illegal aliens who worked here under a fictitious name and fraudulent Social Security number be able to get Social Security benefits?

Last year's bill would have allowed current illegal aliens to get Social Security benefits for the time they worked illegally in the United States.

In addition to the predictable fraud on the Social Security system that would result from this provision—there would be no way you could identify with certainty who paid with what Social Security number if you are using false numbers—this concept is fundamentally unfair to the millions of Americans who rely on Social Security as their main form of retirement income.

Our Social Security system is already in peril—$6.8 trillion will already have to be invested by Congress today to have enough money to pay all of the program's promised benefits between 2017 and 2081. So it is not a program that is financially sound.

To provide millions an opportunity to make a claim to receive Social Security benefits when they were illegally in the country—utilizing a fraudulent Social Security number, illegally taking employment when they were not entitled to it, perhaps taking a job from an American worker—to be rewarded with Social Security benefits, I believe, is not required.

Basic law—having handled a number of cases that dealt with it—is that one cannot benefit or go to court to enforce an unlawful contract. If you are a drug dealer, you cannot sue another drug dealer to enforce a promise to pay for drugs. You should not be able to have a claim against the Government based on your fraudulent conduct and then go to court and file a lawsuit to enforce that claim. That is just a basic principle of law, so any bill that offers a compassionate solution for the illegal alien population should draw the line at allowing those who come to our country illegally, utilizing false Social Security numbers, to receive benefits because it is unjust. And, how could you ever calculate that?

I will mention one more thing and will wrap up. What about the earned-income tax credit? Will that be available to temporary workers or illegal aliens given status under the bill?

The earned-income tax credit is a benefit designed to assist low-income Americans. I do not believe it should be provided to foreign workers who we invite to perform labor in our economy, whose own choice was to come and work here.

The cost estimate released by CBO last August calculated that last year's bill would have increased outlays for refundable tax credits by $24.5 billion in the first 10 years because most of these workers are on wage scale rates that qualify for the earned-income tax credit. It would be the largest direct spending effect in the entire bill.

Now, the earned income tax credit was a plan conjured up by President Nixon a number of years ago and has some legitimate basis. Many people—conservatives—like it, and some don't. But it was designed to help working Americans make extra money so they could take care of their families. It costs us $40 billion a year. It is one of the biggest programs we have.

I see no reason in policy or equity that says if a person comes to America to work at a job at a certain wage rate and they would generally know what that wage rate is before they came, that they ought to be given an earned income tax credit, a credit designed to encourage American citizens to work. What kind of sense does that make? So we had a vote on that last year, and the vote was to continue to give this benefit, even to temporary workers.

These are some of the issues I think are important. We are going to treat compassionately the people who are here illegally, try to work something out that is acceptable to them on any reform; we are going to try to do the things that Americans want to do in terms of generous and fair treatment to everybody. But we don't need to go overboard and put things in the bill for political correctness or other reasons that don't make common sense, that threaten our Treasury, that could drive down the wages of American workers, that could increase the flow of workers into our country to a degree that is much larger than we have seen in the past, and that would not move us effectively to a more merit-based system like our neighbors in Canada have adopted.

Those are some of my concerns. I value and appreciate the hard work of the people who are working to try to make a bill come together, but I want people to know that it is a scary thing. I think it was the Chinese who said, in defining crisis, it is a crossing of danger and opportunity. Yes, we do have an opportunity to produce a bill that could be far better than last year's bill—a bill we could all support, that could actually work, that we could be proud of. I actually think that is possible. This year's framework for a bill is certainly a lot better. I am excited about that. But I have to tell my colleagues from what we are hearing about the language that is actually going into the bill, we could have big print rubric letters that promise this and promise that, but when you read the fine print, it is not there.

We owe the American people an honest, hard study of any legislation we vote on. If that legislation is not produced until next week, even if we get an outline of some kind tomorrow, that is not enough time for us to study it.

I appreciate the opportunity to share these thoughts. I sincerely hope that a compromise can be reached, and I hope it is one that will serve the United States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, after many hours of work behind the scenes and with the help of some extraordinary staff which I will talk about later tonight, we have come to the point where we are going to get this important legislation, the WRDA bill, completed. We are at that point.

AMENDMENT NO. 1145

(Purpose: To modify certain provisions relating to water resources development projects)

Mr. President, I, along with Senator INHOFE, have a managers' amendment at the desk which has been cleared by all sides. I ask unanimous consent that the amendment be considered and agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this package of amendments be printed in the RECORD as if read.

I further ask that upon adoption of this amendment, no further amendments be in order; that the substitute, as amended, be agreed to; the bill, as amended, be read a third time; that upon passage, the motion to reconsider be laid upon the table; and the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with a ratio of 6 to 5; and that the vote on passage occur at 5:15 p.m. today, notwithstanding rule XII, paragraph 4, with the above occurring without further intervening action or debate, with the time until 5:15 equally divided and controlled between the chair and the ranking member or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1145) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. BOXER. Mr. President, this is a wonderful moment for me as the chair of the Environment and Public Works Committee, and I have to say I wouldn't be at this point without the amazing work of my ranking member, Senator INHOFE. Everyone knows there are times when we don't see eye to eye on certain issues, mostly around the environment. We get that. But when it comes to making sure the infrastructure of this Nation is where it should be, there is really no daylight between us.

I think it is very important to note that both Senators LANDRIEU and VITTER were determined to show us their needs for Louisiana, and both Senator INHOFE and I are very pleased we were able to work with both of them. We know we haven't met every single need, but we have taken an enormous step in that direction.

I mentioned the staff earlier, and I want to mention their names—my staff director, Bettina Poirier, and my deputy staff director, Ken Kopocis, Jeff Rosato, and Tyler Rushforth. On Senator INHOFE's staff, I thank Andrew Wheeler, Ruth Van Mark, Angie Giancarlo, and Let Mon Lee. Additionally, I thank Jo-Ellen Darcy and Paul Wilkins with Senator BAUCUS and Mike Quiello with Senator ISAKSON.

This has been a bipartisan endeavor. This has not been easy. Some day, when I write my book on how a bill really becomes a law, I will let everyone know what it really takes to get a bill like this done, a bill that is 7 years in the making. We need to get it done. Senator INHOFE and I are going to get into that conference committee with our colleagues, and we are going to iron out the differences and hopefully be back here with the final product.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, let me say I agree with the statement made by the chairman of the committee, Senator BOXER. She is right, we have had differences in the past. But I can say this: Working on infrastructure, whether it is the Transportation reauthorization bill or the WRDA bill, we work things out. I think we do it the responsible way. We have criteria. We make sure every project out there has a report and meets the criteria. Sometimes it doesn't end up that way in conference. We are going to do our very best to have a bill as close to what we have now, when we get to conference, when we get out of conference.

Let's keep in mind, it has been 7 years since we have had one of these. While some of the numbers look high to people, if we were to discipline ourselves, which we should—and I think we will work toward that end from now on and have these every 2 years—then that will be a much better way to get things done.

I guess we are into our time, now, aren't we?

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. I would like to yield whatever time the Senator from Louisiana would like to use. I have to say he has been very cooperative. I know he has gotten the most he could for Louisiana, and that is our job when we come down here. But he has been very cooperative in working things out, and I thank him so much for his cooperation.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. I ask the Chair to tell me when 3½ minutes elapses, and I will wrap up very quickly thereafter to use a maximum of 4 minutes.

Mr. President, I rise in strong support of this WRDA bill and in strong support of the managers' amendment which is now finalizing the Senate version of the bill.

Hurricanes Katrina and Rita were devastating events on Louisiana. Even before those devastating events, any WRDA bill would be enormously important to us because we live with water resources all around us because of our coast, which is a vibrant, working coast. But because of the hurricanes, this WRDA bill is even that much more vital in terms of our security and our future. Passing this WRDA bill through the Senate and hopefully soon on to the President's desk is an enormous step in our recovery.

I wish to thank everyone who has been so helpful in that step, starting with our chair, Senator BOXER, and our ranking member, Senator INHOFE. They have been enormously cooperative and enormously helpful. Also, Senators Isakson and Baucus, the chairman and ranking member of the subcommittee, have been very helpful. Our great staff have also been enormously helpful in this process.

Through this bill, we have been able to meet a number of urgent needs of Louisiana following the hurricanes. Corps reform is done the right way in this bill, particularly for Louisiana, through language which I drafted for a Louisiana Water Resources Council. It will serve as the exclusive peer-review entity for all four projects in the Louisiana hurricane disaster area, and that is a very positive, proactive version of Corps reform for Louisiana projects in this bill.

The Louisiana coastal area project, our forward-looking coastal restoration program, is fully authorized in this bill. We lose a football field of land every 38 minutes in Louisiana, and in the horrible days after the two hurricanes, we lost 217 square miles of wetlands. Addressing that is authorized in this bill, and many other things, such as repairing our levees to a true 100-year level of flood protection, fixing the outfall canals in New Orleans, replacing the flawed I-walls with T-walls, preventing future flooding on the Inner Harbor Navigation Canal, the closure and restoration of the Mississippi River Gulf Outlet, and authorizing the very important Morganza to the Gulf Hurricane Protection Project. These are all enormously important. That was largely done in committee.

Here on the floor, I proposed a number of amendments. I worked with my colleague from Louisiana and others, and we adopted a number of other important amendments about MRGO to make sure it is closed once and for all; clarifying that 100-year standard; eliminating obstacles to the renovation of the Industrial Canal Lock; providing credit to Lafourche Parish for work on their hurricane protection projects; authorizing the first and second phase of coastal restoration; and creating a real integration team for Corps reform.

Last, but not least, we just agreed on a crucial amendment to have an expedited process to consider the next generation of projects to provide our area true category 5 protection. That is absolutely crucial. That has been a top priority of mine, and I just finalized that negotiation here off the Senate floor. So I am very excited, because it is hot off the press, to announce we will have that expedited process to make sure the next generation of protection gets expedited consideration by the Corps and by the Congress.

So thanks to all of the leaders who have been so helpful in this process.

With that, I yield the floor.

Mr. LEVIN. Mr. President, I come to the floor today because there is a very serious situation facing Great Lakes shipping. In Michigan, and throughout the Great Lakes, there is a significant dredging backlog. The corps estimates a backlog of 16 million cubic yards at commercial harbors, which has had very real impacts to Michigan shipping. Several freighters have gotten stuck in Great Lakes channels; ships have had to carry reduced loads, and many shipments have simply ceased altogether. This problem stems in part from the way the corps' budget is prepared using performance metrics such as cargo value, tonnage, and ship miles. Beginning in fiscal year 2005, the Office of Management and Budget and the Army corps began implementing new budget guidelines and criteria for funding the operation and maintenance of commercial harbors that relied primarily on the amount of tonnage a harbor handles. Although I do not object to using performance metrics, I am concerned that the metrics currently used do not adequately account for the situation at smaller harbors, many with economies that revolve around the harbor. I filed an amendment yesterday that would help address this very serious situation. The amendment, which is cosponsored by Senators VOINOVICH and STABENOW, would direct the corps to use all available data relating to economic impacts, and to not solely use the tonnage handled by a harbor.

Mr. VOINOVICH. Mr. President, I join the senior Senator from Michigan in sponsoring this amendment because the Great Lakes shipping infrastructure is in peril. Commercial freighters working in the Great Lakes cannot carry full loads, making for very inefficient water transport, and leading to very real economic consequences, not only for the Great Lakes region, but also for the Nation. The Great Lakes are the waterways that carry the steel for our cars, the coal for our electricity, and the limestone for the construction industry. Light-loading vessels increases the prices of these goods and in turn the goods produced from them. It has been reported that in Toledo, what was once a 150-meter-wide channel is now a 30-meter channel. We need to correct the way the corps budgets for these Great Lakes harbors—the backbone of our Nation's manufacturing economy—so they are not faced with the very real possibility of having to shut down altogether. This amendment would require the corps to use all available economic data in making its budget decisions, something that I think all of us should support.

Mrs. BOXER. I agree with the Senators from Michigan and Ohio that the corps needs to address this dredging backlog. I also agree that the corps should make their budget decisions using all economic data available and not based only on an arbitrary tonnage limit. While the bill managers were not able to reach an agreement on an amendment, I will work with the Senators to ensure that Great Lakes dredging issues are addressed when the bill is in conference.

Mr. INHOFE. As I have said before, we have an infrastructure crisis in this country. If we do not provide for adequate water transportation infrastructure, we will force even more traffic to our already-clogged highways. I believe we need to provide proper maintenance of our entire system, including the Great Lakes, not just switch focus from one component to another as they begin to fail.

Mr. LEVIN. I thank my colleagues for their recognition of the dredging crisis in the Great Lakes. I also thank Senators BOXER and INHOFE for their support of another amendment that I filed to this bill, which is cosponsored by Senators VOINOVICH and STABENOW, that would direct the Army corps to expedite the operation and maintenance of the Great Lakes navigation system. Although that amendment would be helpful to the overall Great Lakes commercial shipping infrastructure, I remain concerned that the corps is using budgeting criteria that simply do not reflect the reality of the Great Lakes shipping system. The Great Lakes should not be compared with ports on our coasts. Tonnage alone should not be the criteria for making budget allocation decisions. We should not have to fight for our smaller ports and harbors each and every year. These ports and harbors are of commercial importance with large economic impacts. The corps' use of an arbitrary 1 million ton cut-off for prioritizing projects is simply unfair. There are about 300 harbors in the Great Lakes that handle less than 1 million tons of cargo per year. Two-thirds of all shipping in the United States either starts or finishes at small harbors. About half of the Great Lakes corps-authorized harbors are classified as small ports. The amount of cargo handled should not be the sole factor in determining priority for funding. A small harbor may in fact have a much greater economic impact on a community than a larger harbor does. For example, Manistee Harbor on Lake Michigan is classified as a smaller harbor by the corps. It handles less than 1 million tons of cargo annually; it handles 940,000 tons. Yet, multiple companies rely on this harbor, including Morton Salt, and there are 600 jobs that rely on the freighter traffic at Manistee. For a city with a population of about 6,500 people, this translates into about 10 percent of the population that is economically dependent on this harbor. And yet the corps would classify this as a lower priority project because it handles less than 1 million tons annually. Is that what you understand the Army corps is doing?

Mr. VOINOVICH. Yes, that is correct. That is what they are doing. A harbor handling less than 1 million tons, even if it has a large economic impact on the community, would have a lower budget priority specified by the corps because it only handles 940,000 tons. The amendment that we have filed would help address this inequity by requiring the corps to use all data regarding economic impacts and not just tonnage.

Mr. LEVIN. We have a problem that urgently needs to be addressed. The corps is using a budgeting system that does not reflect the reality of the Great Lakes shipping infrastructure. I receive reports on a regular basis of how this dredging crisis is threatening our economy: The Wirt Stone Dock in Buena Vista Township, MI, reported a reduction of 25 percent in shipped tonnage. Tugboats have been needed to turn boats around because channels have not been dredged, at a cost of $15,000 to $20,000 each week. After one freighter ran aground at Saginaw, MI, last year, the ship's rudder was torn off, and never found.

Mrs. BOXER. I agree that we have a problem here, and I will work with you in conference to address this situation.

Mr. INHOFE. I agree that the corps needs to make sure that its funding allocations take into consideration small harbors with large economic impacts. The corps should not develop a budget that is unfairly biased against rural communities, and which will have a detrimental effect on small-town, rural America, causing job losses, and increased hardship for businesses. We must work to protect our Nation's shipping infrastructure.

Mr. DURBIN. Mr. President, I am pleased that the Building and Construction Trades Department of the AFL–CIO has added its name to the long list of supporters of this important legislation. I ask unanimous consent that their letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUILDING AND CONSTRUCTION TRADES DEPARTMENT, AMERICAN FEDERATION OF LABOR—CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, May 14, 2007.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the twelve international unions of the Building and Construction Trades Department, I respectfully urge you to vote in favor of S. 1248, the Water Resources Development Act of 2007 (WRDA).

After seven long years it is time to end the impasse over the passage of a WRDA bill because our nation cannot afford further delay of this desperately needed legislation. Because of the limited opportunities, in an extremely crowded Senate agenda, the time to act is now.

We believe the enactment of a robust WRDA bill will enhance the environment, help grow our economy and help ease our Nation's growing congestion problem. Additionally, this bill has tremendous jobs creation potential that will create or sustain thousands of good paying American construction jobs. Studies have proven that for every $1 billion expended on water resources development activities, approximately 40,000 direct and indirect jobs are created.

The Water Resources Development Act of 2007 will finally restore the regular process of meeting the nation's water resource needs as they arise. So, we urge you to vote YES for final passage of S. 1248 and we ask Congress to swiftly conference and enact this legislation so that our nation's acute and unmet water infrastructure needs are addressed as soon as possible.

Thank you for your consideration.

Sincerely,

EDWARD C. SULLIVAN,
President.

Mr. CARPER. Mr. President, I rise today to offer my support for the Water Resources Development Act. The Environment and Public Works Committee, on which I serve, has been trying—without success—to pass a WRDA reauthorization since I began service in the U.S. Senate in the 107th Congress. But I think this year will be the year.

This bill includes several provisions that are very important to Delaware. First, this bill preserves the St. Georges Bridge over the Chesapeake and Delaware, or C&D, Canal. This 14-mile long canal owned and maintained by the Army Corps of Engineers, divides Delaware in half, disrupting the flow of people and commerce in my state in order to provide a shortcut for ship traffic to the Port of Baltimore.

In return for this imposition to Delaware, the Corps is obligated under Federal law to provide sufficient access across that canal. Yet in recent years, in spite of population growth that has stretched the capacity of the current bridges, the Corps has sought to reduce the number of bridges over the C&D Canal.

Thanks to support from chairman and ranking member of the EPW committee, this will not happen.

A second important provision in this bill is a late entry, but needs to be addressed immediately. Two scour holes have developed in the Indian River Inlet and Bay. One is an 80-foot hole that has developed within 100 feet of a bulkhead at the U.S. Coast Guard facility. The second is a 30-foot hole that has formed along a stone revetment that is currently protecting several structures recently constructed by the State of Delaware. I express my deep thanks to the committee for recognizing the immediacy of this request and making sure it is addressed in this bill.

There are other important provisions in this bill. Last year, I was pleased to support vital Corps reform measures that require independent peer review of projects, that improve mitigation practices, and that update the outdated principles and guidelines of the Corps. These reforms will result in stronger, more cost-effective projects that better support our economy and better protect our people.

I am very happy to say that these same provisions are included—word for word—in the measure we are considering today. Again, I thank our chairman and ranking member for retaining these important provisions.

After the lessons we learned in New Orleans, we need to be vigilant. We must continually reevaluate this program and look for the best way to better insure the Corps is designing their projects with long term needs of communities in mind. This is why I cosponsored Senators FEINGOLD and KERRY's amendment to require the Corps to take into account the impacts of global warming on water resources projects.

Shifting gears, let me note that addressing global climate change is a major priority that drives much of the work I do. Legislation to set emissions reductions may be a little ways off. But in the meantime, we should be taking steps to ensure that the people and communities who depend on Corps projects can rest assured that those projects are built to withstand the stresses they are likely to face.

There is reason to believe that global climate change may lead to more frequent or intense severe weather events. Coastal communities and habitats, especially along the gulf and Atlantic coasts, likely will be stressed by increasing sea level and more intense storms. I think of my State of Delaware, much of which sits on the Atlantic coast. Delaware is on the front lines. We need to take the threat of global warming seriously and prepare ourselves accordingly.

Frankly, it doesn't matter whether you believe global warming is a manmade problem or that we are in a natural warming cycle. The evidence is overwhelming that our planet is getting warmer. Climate change will put added pressures on demands for water resources across the country. For example, diminished snow pack, earlier arrival of spring, tendency for more precipitation to fall as rain rather than snow, and increased evaporation will affect seasonal availability of water in much of the West. Our water resource projects should be built with that in mind to make sure that we are building the best possible projects to protect our constituents and ensure our nation's continued economic prosperity. This is absolutely as we prepare to face headon what is likely to be the greatest challenge of our generation.

Another important amendment that I have cosponsored will set priorities to address the Corps' backlog of projects. Considering recent appropriations for water resources projects—about $2 billion a year—it would take over 35 years just to finish the projects on the books.

Since Hurricane Katrina ravaged the gulf coast in 2005, we better understand that the system by which we fund water resource projects is broken.

In Delaware, due to limited funds and the large number of requests, we have found it a challenge to get important beach replenishment projects funded, even as homes and infrastructure were threatened.

Many in this Chamber will recall that we voted on a prioritization amendment last Congress when we considered WRDA. That amendment failed by a large margin. In fact, I voted against the amendment at that time. But our colleagues from Wisconsin and my friend from Arizona heard our concerns and went back to the drawing board.

Last year's amendment would have tasked an interagency committee with prioritizing the $58 billion backlog. Some people, including myself, felt this was taking power from the legislative branch and giving it to the executive branch. I also feared that projects in a small state like Delaware might not get due consideration.

This year, Senators FEINGOLD and McCAIN redrafted the amendment to address a number of the concerns raised in the debate last year.

The amendment before us today would establish a Water Resources Commission. This Commission would have one shot at prioritizing many of the projects in the backlog. The Commission's work would provide a guide to Congress to ensure we are spending our limited funding on the most urgent and meritorious projects. Nothing in this amendment binds Congress. It is purely informational.

Further, this amendment specifically requires the commission to find a balance between the water resource needs of all States, regardless of size.

In closing, let me add that I am delighted that we have taken up this important legislation so early in this Congress. Again, I commend our leaders on the Environment and Public Works Committee for putting such a high priority on moving this bill. I urge my colleagues to support WRDA's passage.

I also urge my colleagues to support the global climate change and prioritization amendments. These amendments will strengthen the Army Corps and improve our constituents' faith in the projects the Corps builds.

Mr. DOMENICI. Mr. President, I believe that the passage of this bill is long overdue, and I commend Senator BOXER and Senator INHOFE for their efforts to pass this bill.

There are numerous projects in this bill that are important to each State. I would like to take a few moments and highlight what this bill means to New Mexico and our environment.

To begin with, I would like to point out that the projects in this that are related to New Mexico were included, at my request, in the WRDA bill we passed in 2006. So the content in this bill should not be a surprise to any of us and I hope that we can get this bill passed quickly.

One of the most critical projects contained in this year's WRDA bill involves New Mexico's Bosque. I have long envisioned the rehabilitation and restoration of the Bosque. In fact, I have introduced legislation in this Congress that would do just that. However, this bill will allow us to implement this vision that concerns this long neglected treasure of the Southwest.

The Albuquerque metropolitan area is the largest concentration of people in New Mexico. It is also the home to the irreplaceable riparian forest which runs through the heart of the city and surrounding towns that is the Bosque. It is the largest continuous cottonwood forest in the Southwest, and one of the last of its kind in the world.

Unfortunately, mismanagement, neglect, and the effects of upstream development have severely degraded the Bosque. As a result, public access is problematical and crucial habitat for scores of species is threatened.

Yet the Middle Rio Grande Bosque remains one of the most biologically diverse ecosystems in the Southwest. My goal is to restore the Bosque and create a space that is open and attractive to the public. I want to ensure that this extraordinary corridor of the Southwestern desert is preserved for generations to come—not only for generations of humans, but for the diverse plant and animal species that reside in the Bosque as well.

The rehabilitation of this ecosystem leads to greater protection for threatened and endangered species; it means more migratory birds, healthier habitat for fish, and greater numbers of towering cottonwood trees. This project can increase the quality of life for a city while assuring the health and stability of an entire ecosystem. Where trash is now strewn, paths and trails will run. Where jetty jacks and discarded rubble lie, cottonwoods will grow. The dead trees and underbrush that threaten devastating fire will be replaced by healthy groves of trees. School children will be able to study and maybe catch sight of a bald eagle. The chance to help build a dynamic public space like this does not come around often, and I would like to see Congress embrace that chance on this occasion.

Having grown up along the Rio Grande in Albuquerque, the Bosque is something I treasure, and I lament the degradation that has occurred. Because of this, I have been involved in Bosque restoration since 1991, and I commend the efforts of groups like the Bosque Coalition for the work they have done, and will continue to do, along the river.

Another project that is of great importance to New Mexico is the Southwest Valley Flood Control Project. New Mexico is a desert state prone to flash flooding during our monsoon season. In order to protect our cities we must take proactive steps to ensure that communities are prepared in the event of flooding. The Southwest Valley is one such area that is subject to flooding from rainfall runoff. Due to unfavorable topography, flood waters pond in low lying developed areas and cannot drain by gravity flow to the Rio Grande River. This project resolves this problem and calls for the construction of detention basins and a pumping station in Albuquerque for flood control in the Southwest Valley.

This legislation also has a significant impact on our environment. The Rio Grande Environmental Management Program authorizes the Corps to address environmental restoration and management on the Rio Grande and its tributaries through planning, design and construction of habitat rehabilitation and enhancement projects and a long term river data acquisition and management program. This simple provision establishes a continuing authority for addressing environmental restoration and management on the Rio Grande and its tributaries within the state of New Mexico. This project consists of two main components. The first component consists of planning, design and construction of small habitat rehabilitation and enhancement projects and the second component calls for a long-term river data acquisition and management program. The impacts that this project will have on New Mexico will be tremendous.

Another program outlined in this year's WRDA bill provides authority to the Corps to study, adopt, and construct emergency streambank and shoreline protection works for protection of public highways and bridges, and other public works, and nonprofit public services such as churches, hospitals, and schools. This program provides authority for the Corps to carry out ecosystem restoration and protection projects if the project will improve environmental quality, is in the public interest, and is cost effective. This is a worthy initiative that will benefit the environment throughout the United States.

I urge my fellow Senators to help further enhance and protect our environment through passage of this legislation. I believe that each State will benefit once they receive these long overdue project authorizations.

Mr. INHOFE. Mr. President, we are operating under 20 minutes equally divided, although there is more time than that before the vote. I ask unanimous consent that we be able to continue our remarks up to the time of the vote at 5:15 p.m.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, first of all, I don't see Senator BAUCUS here. He is the chairman of the subcommittee. He did a great job on this. We worked closely together. They called us the big four, the chairman and ranking member and the chairman and the ranking member of the subcommittee. We all worked tirelessly on this. We are all pleased with the product we have.

Mrs. BOXER. How much time is left on my side, Mr. President?

The PRESIDING OFFICER. There is 9 minutes 17 seconds, and there is 4 minutes 21 seconds on the other side.

Mrs. BOXER. Mr. President, I would love to hear from Senator ISAKSON because he has been a champion in assisting us and working on this. We are fortunate to have him as ranking member on the subcommittee.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I thank the chairman. About an hour and a half ago, we negotiated our final agreement to make this deal possible. Chairman BOXER and Senator INHOFE have been indispensable in making this a reality.

This bill, as I said last week when the bill came to the floor, is not a spending bill, it is an investment bill. As Senator VITTER recited, regarding Louisiana, it is a meaningful response to the tragedy that took place with Hurricanes Katrina and Rita. Across the country, projects that have needed to be done, or need to be focused on, are being authorized. We are finally doing what, for 7 consecutive years, Congress failed to do.

This is a very important piece of legislation that has been handled in a bipartisan fashion. The chairman has been exceedingly fair to everyone. The ranking member has worked diligently, and Senator BAUCUS, myself and the ranking member and the chairman have stuck to the deals we made, which, in this body, is the most important thing of all. I acknowledge both of them and offer my appreciation.

On behalf of the citizens of Georgia, I thank the Corps of Engineers for what they do for our State and particularly the language in the bill that recognizes the possible bi-State port that will be built in South Carolina, and the multiregional WRDA language for the metropolitan Atlanta-North Georgia Planning District, which is essential.

VOTE EXPLANATION

Yesterday morning, I was absent for vote No. 163 on amendment No. 1090. For the record, I was having a root canal, which is a bad way to miss a vote. I ask unanimous consent to let the record reflect that had I been here, I would have voted no, in accordance with my agreement with the chairman and the ranking member.

Mr. INHOFE. Mr. President, let me make one comment. Something the Senator from Georgia said is very important. This is not a spending bill, this is an authorization bill. If we didn't have this bill in the process, then the appropriators, when the bill would come up, would have all kinds of projects that did not go through a process, where we would know if there is local support and so forth. So the conservative position is to authorize these things and, if there is something somebody doesn't like, go after it when the appropriations come.

We have a good bill. I thank the chairman for working with us. I know the Senator from Louisiana wants to be heard, also.

Mrs. BOXER. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 9 minutes 2 seconds. The other side is 1 minute 4 seconds.

Mrs. BOXER. I yield 8 minutes to my colleague from Louisiana. She has been such a fighter for her State in all this. There isn't a day that has gone by since the very day of the disaster that struck when she hasn't come up and told me: Senator, you need to come and see and you need to help. I am so fortunate I am in a position to help, along with Senator INHOFE. This is a bill that is so important for her State.

I thank MARY LANDRIEU for all the contributions she has made. I yield to her 8 of the 9 minutes I have left.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, Senator BOXER is true to her word as a leader of this committee. She came down to Louisiana, along with 4 or 5 members of her committee, about 2 months ago at my request, to not only put her feet on the ground but also to get up in the air in a helicopter, if you will, to see the great wetlands and the outline and contours of the levees that protect not only the city of New Orleans but the parishes of Jefferson, St.

Bernard, and Plaquemines, and to fly as far as we could to the western part of the State and see the entire southern part of our State, which, in large measure, depends on what this bill does, when it passes and what is in it because, as I have said many times, if we were talking about a desert bill, we would not be here. But we are talking about a WRDA bill.

It may be inconvenient to other States when this bill doesn't pass, but when WRDA doesn't pass for Louisiana, it is life and death. These projects authorize critical protection from Morganza to the gulf, which the President not too long ago threatened to veto. That is in this bill, and I don't believe this bill will be vetoed, but Morganza to the gulf is in there because of the work of this committee. They know that that project is critical to a large part of southeast Louisiana. We also have in this bill, at the request of myself and Senator VITTER, the closing of MRGO, the Mississippi River Gulf Outlet, which has been part of the problem of the storm surge coming into St. Bernard to New Orleans east and parts of Orleans Parish. That is going to be closed because of the Senator's commitment and the recognition of the terrible environmental damage that has been caused to our region. In addition, there are many other projects. We do more than haul cargo and move cargo back and forth throughout our country, but we move it around the world. We also, as you know, produce a great deal of energy both on shore and offshore, and our energy ports contribute. The dredging, the channelization, the building of levees, closure of MRGO, and the expedited process for hurricane 5 levee protection, at my request, is in this bill.

So I appreciate the work of the chairman and the ranking member. Most importantly, 7 years have passed since a WRDA bill came this close to passage. I believe, under Senator BOXER's leadership, with Senator INHOFE's help, and our colleagues on the House side, that we can pass a WRDA bill. For Louisiana, it is the largest number of projects we have ever had. Senator VITTER, my colleague, serves on the committee and deserves a great deal of credit for this work. Before Senator VITTER got to the Senate, our office and Senator Breaux's office worked to help develop a lot of the foundations of this bill. It has been going on, as you know, for some time. It is a team effort, and it is a victory for Louisiana. There are things we need to improve as we go along, and we will continue to work on that. This project to secure south Louisiana is a decades' long project. It is stated that the total cost could be from $30 billion to $60 billion. Obviously, we are not going to get that money in this bill. But the authorizations that are in this bill for Louisiana coastal restoration and for individual projects are going to go a long way to lay the foundation, and with the passage of the Domenici-Landrieu Gulf of Mexico Energy Security Act last year, which this Congress passed by an overwhelming vote, Louisiana has now an independent source of revenue to direct to these projects.

So again, I thank the chair and the ranking member and commend my colleague who serves on this committee for his excellent work. I am happy I was able to contribute as well to the amendments both on the floor, to the building of this bill over 7 years, and to its ultimate passage. There are other things we would have liked to have gotten done. We will continue to work on that through the conference committee.

I yield back the remainder of my time.

Mrs. BOXER. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 3 minutes 17 seconds.

Mrs. BOXER. All right, in 3 minutes 17 seconds, I want to say again how happy I am. I am smiling from ear to ear because this has been an amazing road. I think it is important to note that when we started out, we had a little surprise from the CBO that both Senator INHOFE and I were surprised about—that our last bill had some open-ended language that we didn't realize. We had to make this fiscally responsible. We did.

Senator INHOFE is a man of his word. He said these are criteria I want. We have to make sure these projects have studies; that the local people want them and there will be a local match; that they stand up to the light of day. I agreed with him. Once we were able to agree on those criteria, the rest became easy because we had to tell people no, but we did it not on a whim but on a set of criteria that we agreed to.

Our staffs have come to know each other very well while working on this. So between the staff and colleagues coming and telling us what they needed, I think we have a bill that meets everybody's needs.

In closing, I thank Senator LANDRIEU for her comments because I think, as we look at this bill, clearly—and there is a lot of talk about priorities—we get our priorities straight. There are amendments we defeated that said we don't like the priorities. This bill looks at Louisiana and says you are our priority. That is important. We did it.

I wish to thank the groups and organizations outside the Chamber that helped us by writing letters of support and encouraging our colleagues to work with us: The American Society of Civil Engineers; the Audubon Society; the Building and Construction Trades; National Waterways Conference; the National Association of Manufacturers; the American Farm Bureau; the National Construction Alliance, made up of the labor union; the National Union of Operating Engineers and Carpenters and Joiners; the Associated General Contractors of America.

It is rare that you have a bill that garners the support of so many from across this great country of ours. But it is about making sure that the WRDA infrastructure in this country is up to the task it faces. We have to be ready for whatever hits us by way of floods, hurricanes, disasters. We have to be ready for ecosystem restoration and all the rest. I left out the corn growers, who supported us also, and they sent us a letter. So from the corn growers to the carpenters, this is a bill everybody wants.

I hope my colleagues will come over, and I hope we get a huge vote in favor of this bill and we can go into conference, where we will have six Democrats and five Republicans, and we will sit down with our counterparts and bring a product back that everybody can be pleased with.

I think we are about ready for the vote; is that correct?

The PRESIDING OFFICER. The time of the majority has expired. The minority has 1 minute 4 seconds.

Mr. INHOFE. With 1 minute left, I think it is very important. There are a lot of people who didn't get everything they wanted. Every time we pass an authorization bill, whether it is transportation or a WRDA bill, if you don't have a lot of people upset, then you didn't do a very good job. We had to shave a lot of places. This sets us up, and this offers us discipline for the appropriation process when it comes along.

I say to my good conservative friends, this is the best way to do it, so we know when appropriation bills come up, certain things have been done. This is a major accomplishment. We were able to pass this before, last year. We are hoping now we are going to conference, and we can come back with something we can all support. I believe we will.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. Under the previous order, the substitute amendment, as amended, is agreed to.

The substitute amendment (No. 1065), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—91

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—4

Coburn
DeMint
Gregg
Sununu

NOT VOTING—5

Biden
Dole
Johnson
McCain
Obama

The bill (H.R. 1495), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The Senate insists on its amendment, requests a conference with the House, and the Chair is authorized to appoint conferees with a ratio of 6 to 5.

Mrs. BOXER. Mr. President, I just want to say to all of my colleagues that this was a wonderful vote tonight, and I think the country will be very grateful because it has been 7 years since we have had a Water Resources Development Act. We desperately need to keep up the country's infrastructure with our needs, and this bill is a wonderful step in that direction. We are all set to go to conference with the House. I have already had some conversations with Congressman OBERSTAR. We are looking forward to getting this back and moving forward.

Again, to the staffs on both sides, thank you so much. To colleagues on the committee, thank you very much. To, of course, the ranking member, Senator INHOFE, I want to say again that without his partnership we never could have come to this point. I think every State in the Union will be grateful because we worked together across party lines to achieve something that is 7 years in the making, something that we really needed—this water resources bill.

Ms. STABENOW. Mr. President, would my distinguished colleague yield?

Mr. President, I would like to say thank you to the distinguished chair of the Environment and Public Works Committee for all her hard work. Nobody cares more about water resources than the Great Lakes States. I don't know, we may have a rival in California, but certainly the Great Lakes States. We are very grateful for the ability to work with the Senator to do some very positive things and to have such a strong vote on a bipartisan basis, and we appreciate her leadership.

Mrs. BOXER. I thank my colleague very much.

Mr. REID. Mr. President, if there were ever a Senatorial odd couple, it is Boxer-Inhofe. But this odd couple has done some tremendous work legislatively. This bill is long in the making. They have worked extremely hard, through some very difficult negotiations.

I am sorry Mr. INHOFE is not here, but it is a wonderful piece of work, and they both should be very proud of their accomplishments. We are going to get this bill to conference as quickly as we can, and I am confident they will be able to work this out very quickly. This is a remarkably good piece of legislation. The public should know even odd couples in the Senate can do great things.

Mrs. BOXER. Mr. President, I thank my colleague. I do wish to say, as I mentioned before, not only did the principals work well together, but the staffs did as well. I got to know the staff on the other side of the aisle. I really have enjoyed working with them. They are very fair. They represent their boss very well.

One thing about the staff across the aisle here is they have respect for each other. They tell each other the way they feel. It is the only way to work around here. You are only as good as your word. We had some tough moments here.

I also wish to thank the floor staff. I don't want to start naming names, but the floor staff on both sides were so helpful, because for me, this is my first major bill I ever managed, so clearly I needed a little direction. I am very fortunate to have all of this support from both sides of the aisle. I will mention Lula and Dave just because I happen to see them in front of me.

Mr. LEVIN. Mr. President, I am pleased that the Senate has passed the Water Resources Development Act, WRDA, of 2007, which authorizes important water projects for Michigan, the Great Lakes region, and the Nation. After waiting nearly 7 years since the last WRDA bill was passed, I am hopeful that this bill can make its way through conference and be signed into law by the President.

I am pleased that the Senate Environment and Public Works Committee included several of my requests in the bill and accepted one of my amendments. However, I want to emphasize that this is an authorization bill. The appropriations that are needed to make these authorized projects a reality lie down the road, and have not yet been secured. The next critical step in realizing these projects is to work to secure funding for these projects, which I intend to do.

Included in the WRDA bill is a provision that I filed as an amendment to the bill, which could help address a very serious problem facing the Great Lakes shipping infrastructure. Every year, hundreds of millions of tons of goods are transported through the Great Lakes waterways, and communities throughout the Great Lakes are economically tied to waterborne commerce. Unfortunately, however, the Great Lakes shipping infrastructure is threatened by a significant dredging backlog that has been exacerbated by historically low water levels. The Army Corps of Engineers estimates a backlog of 16 million cubic yards at commercial harbors, which has had very real impacts to Michigan shipping. Several freighters have gotten stuck in Great Lakes channels; ships have had to carry reduced loads, and many shipments have simply ceased altogether. The WRDA bill works to correct this situation by directing the Secretary of the Army to expedite the operation and maintenance, including dredging, of navigation projects in the Great Lakes.

Dredging to the needed depths is critical. According to the Great Lakes Maritime Task Force, a large freighter loses the carrying capacity of 8,000 tons of cargo for each 1-inch reduction in the load draft. A capacity of 8,000 tons can carry enough steel to produce 6,000 automobiles, enough coal to provide 3 hours of electricity for greater Detroit, or enough limestone to build 24 homes. That means that every dollar that can go towards maintaining harbors and navigation channels truly matters.

Although the navigation provision in the bill could be helpful to the overall Great Lakes shipping infrastructure, I remain concerned that the way the Corps of Engineers budgets for dredging projects is unfair to Great Lakes navigation projects, especially smaller harbors. Beginning in fiscal year 2005, the Office of Management and Budget and the Army Corps began implementing new budget guidelines and criteria for funding the Operation and Maintenance of commercial harbors that relied primarily on the amount of tonnage a harbor handles. I raised the Great Lakes dredging situation with the bill managers, and they have agreed to work with me to address this problem in the conference committee.

The bill also includes a provision that I have been working on for many years: the improvement of Michigan's water and sewage infrastructure. The bill includes $35 million for a statewide environmental infrastructure project to correct combined sewer overflows, which is a major source of pollution in the Great Lakes and other waterbodies in Michigan. Combined sewer overflows carry both stormwater and sewage, and these can be discharged into streams, rivers, and lakes during periods of heavy rains. The $35 million provision in WRDA authorizes the Army Corps to partner with communities throughout Michigan to improve their sewer infrastructure. These improvements would not only benefit communities, but would also help protect our precious water resources.

I am also pleased that the bill also authorizes a number of specific projects in Michigan. Of importance, the bill authorizes $20 million for the environmental restoration of Lake St. Clair. In 2005, the Corps completed a report outlining the steps needed in order to restore Lake St. Clair. This bill authorizes the Corps to implement the 2005 recommendations. The plan was drafted through a collaborative process by the stakeholders in the community, which will promote efficiencies and save Federal funds.

Section 1005 of the bill, which authorizes small projects for navigation, includes six important projects for Michigan. First, the Corps is authorized to reconstruct the harbor at Northwestern Michigan College in Traverse City, MI. The renovated harbor would support the operations of the Great Lakes Maritime Academy, our Nation's only freshwater State maritime academy, and vessels associated with the program, including the federally owned and operated *T/S State of Michigan*. The project would include dredging, construction of an eastern arm, reconstruction of the inner harbor area, and general site improvements. Second, section 1005 authorizes the Corps to dredge the outer channel and inner harbor of Menominee Harbor. Low lake levels, which have been prevalent in recent years, and present channel depth are threatening shipping vessels' ability to make deliveries and load at the commercial and industrial sites on the inner channel. This authorization will help support commercial navigation by authorizing dredging and other navigation-related projects to accommodate access to warehousing and commercial operations, which have loading docks on the inner river channel. The additional depth would benefit deep-draft commercial vessel traffic, which has increased over the years and is expected to continue to increase. Third, section 1005 authorizes the Corps to extend and deepen the Ontonagon Channel. The channel extension at Ontonagon Harbor is necessary to allow for better access to Ontonagon's port facilities. Currently, there is only one vessel that can handle the required volume of material for Ontonagon's industrial community that will enter the harbor. Other ships have to back into the harbor to reach the dock and are unwilling to do so because of the prevailing currents at the mouth of the harbor. This authorization can help protect the vital shipping infrastructure in Ontonagon. Fourth, section 1005 authorizes the Corps to make repairs and improvements to the Sebewaing River. The north bank of the Sebewaing River has deteriorated over the years, which is resulting in excessive sedimentation being washed into the river channel from the Saginaw Bay. This project would authorize the repairs, which would result in less frequent dredging being needed. Fifth, this section authorizes the Corps to dredge the Au Sable River in the vicinity of Oscoda. This dredging is crucial so that boaters have access to local marinas, restaurants, and other businesses. Without this dredging, boaters could be prevented from accessing the river, which would be devastating for the tourism economy. Lastly, this section authorizes the Clinton River project, a navigation project that would decrease the amount of the time it would take boaters to get to Lake St. Clair.

Section 1006 authorizes a project that would improve the water quality and natural habitat of the Clinton River. The project would also examine a means to "daylight" the Clinton River under the city of Pontiac. In past years, the river was enclosed in a series of conduits under the city. By restoring the surface flow through the city, the river ecology can be restored, and economic development on the resulting waterfront be promoted.

Section 2037 authorizes the Corps to repair and rehabilitate the Hamilton Dam, located in the Flint River on the campus of the University of Michigan-Flint. Built in 1920, the dam is rapidly deteriorating and the prospect of dam failure and what that would mean to those living downstream continues to be a major concern. Authorizing this project is an important first step in making repairs to the dam.

Finally, section 4019 of the bill authorizes the Corps to study storm damage reduction and beach erosion protection projects along Lake Erie at Luna Pier, MI. The city of Luna Pier lies on the western end of Lake Erie in Monroe County, MI. The shoreline dike system and beach sills that were installed at Luna Pier continue to deteriorate because they are subjected to Lake Erie's severe storms. This study is a first step in making the necessary repairs at Luna Pier to provide adequate storm damage reduction, beach erosion protection, and flood prevention.

The Great Lakes are one of world's greatest natural resources, so I am very pleased that this bill takes some needed actions to protect and restore them.

First, the bill includes an extremely important provision to authorize the Corps of Engineers to complete the dispersal barrier in the Chicago Ship and Sanitary Canal. In order to prevent aquatic invasive species, such as the Asian carp, from moving between the Mississippi River watershed and the Great Lakes, this dispersal barrier needs to be completed. Specifically, the Corps will be authorized to convert Barrier I into a permanent facility, to complete construction of Barrier II, and to operate and maintain both dispersal barriers at full Federal cost. The Corps is further authorized to study options for hydrologic separation while maintaining the movement of cargo and recreational vessels so that we can determine what a long-term solution should be.

Second, the bill reauthorizes the Great Lakes Remedial Action Plans and Sediment Remediation program and the Great Lakes Tributary Models Program. The Great Lakes Remedial Action Plans and Sediment Remediation Program has allowed the Corps to provide technical support to States and Remedial Action Plan committees so that the United States can meet international obligations. Michigan has several communities that request this assistance from the Corps every year. Using the Great Lakes Tributary Models Program, the Corps has developed computer models to simulate the erosion, transport and deposition of sediments within a watershed, and can be used to evaluate the effectiveness of soil conservation and other source control measures on the loadings of sediments and sediment contaminants to Great Lakes harbors and navigation channels.

Next, this bill brings equity to both the John Glenn Great Lakes Basin Program and the Great Lakes Fishery and Ecosystem Restoration Program so that in-kind contributions count towards the non-Federal cost-share requirements of those programs. Further, the bill clarifies that any reconnaissance studies under the Great Lakes Fishery and Ecosystem Restoration Program are to be performed at Federal expense. This was the original intent when the program was first authorized in 2000.

Lastly, this bill expands the type of beneficial use of dredge material projects eligible for inclusion under this authority. Dredging improves and maintains navigation channels in the Great Lakes and is used for other purposes such as waterfront construction, utilities placement, and environmental remediation. It only makes sense to use the dredge spoils for beneficial purposes rather than disposing of it in the middle of the lakes.

Mr. OBAMA. Mr. President, I would like to applaud the Senator from California, Mrs. BOXER, for her excellent work in swiftly bringing the Water Resources Development Act to final passage in the Senate. When the Senator from California became chairman of the Environment and Public Works Committee at the beginning of the 110th Congress, she pledged that this important bill would receive Senate consideration as quickly as possible. She kept that pledge, and I encourage all supporters of this bill to acknowledge that commitment.

During the 109th Congress, those of us who supported swift enactment of the Water Resources Development Act met considerable obstacles to that goal. I called upon Senate leadership to schedule this bill in the summer of 2005. Later, my colleague, the Senator from Missouri, Mr. BOND, and I worked together on a letter, signed by 40 of our colleagues, calling upon Senate leadership to schedule floor time for this bill. Still later, when we were told that 40 was not enough, that we needed 60 signatures, we came back and got 81. Seven months later, the Senate finally scheduled debate, but the final bill was never finished before the 109th Congress adjourned. It has now been 7 years since the last WRDA bill and it is long overdue.

This bill provides approximately $2 billion for upgrades to locks and dams along the Mississippi and Illinois rivers. Illinois is the largest shipper of corn and soybeans on these rivers and the 70 year old system of locks and dams needs to be upgraded to ensure swifter access to export markets—something, by the way, that competitors like Brazil are doing right now. A significant part of competitive agriculture is about reducing transportation costs, so if we are to strengthen our agriculture markets, we need to strengthen waterway transportation, and that means upgrading these locks and dams.

Despite my longstanding support for WRDA, I was unable to cast a vote on the bill because I was scheduled to give a speech at the time of the vote. However, had I been able to vote, I would have supported the bill.

Mr. FEINGOLD. Mr. President, today I voted in support of the Water Resources Development Act of 2007. While I have concerns about the $15 billion price tag of the Senate bill and Congress' failure to prioritize these new projects and the nearly $60 billion of authorized but unconstructed Corps projects, I strongly support the reform provisions in the underlying bill. These reforms are absolutely essential for improving the Nation's water resources planning and should be the baseline of reforms coming out of conference.

These important reform provisions include independent peer review of costly or controversial Corps projects; dramatic improvements to the Corps' mitigation process; modernizing the Corps' woefully out of date planning guidelines; establishing a new national policy that directs the Corps to avoid impacts to floodplains; and requiring an interagency assessment of the nation's vulnerability to flood and related storm damage and recommendations to improve the Nation's various flood prevention programs.

Senator MCCAIN and I have long championed these reforms, and I thank him and his staff for their continued commitment to this important issue. I also appreciate the support from my colleagues—and the cosponsorship by Senators MCCAIN, COBURN, CARPER, GREGG, SUNUNU, and DEMINT—for the prioritization amendment that I offered. Prioritization is essential to ensure Congress has the information it needs to assess the relative importance of Corps projects. This is not only our fiscal responsibility, but is important to the country's economic development and transportation systems, and our ability to protect citizens and property from natural disasters.

I am very pleased that Senator BOXER, Senator INHOFE, Senator BAUCUS, and Senator ISAKSON reported a WRDA bill that retained the hard-fought reforms from last Congress. Through negotiations and a successful independent review amendment on the floor, we took the first step to ushering in critical reforms to the Corps of Engineers in more than 20 years. As we look ahead to conference, I particularly appreciate Chairman BOXER's commitment to retain these reforms in conference. I thank Chairman BOXER and Majority Leader REID for joining me in a colloquy to this effect.

"Corps reform" has been an ongoing effort over the years. Many of my current and former colleagues, staff, and numerous taxpayer and environmental groups have played a role and I am grateful for all of those efforts. It is my hope that we can honor these efforts and recognize the importance of instituting significant policy changes by enacting a final bill that retains the Senate's strong reforms and keeps the cost to the taxpayer at the current level or less.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. CANTWELL. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PASSING OF YOLANDA KING

Mr. LEAHY. Mr. President, today our nation mourns the loss of Yolanda King, the eldest daughter of the late Dr. Martin Luther King, Jr., and Coretta Scott King, and the "first daughter" of the civil rights movement.

Yolanda King's life moved in the stream of American civil rights history. Born in segregated Montgomery, AL, in November of 1955, she came into this world only 3 weeks before the Interstate Commerce Commission issued its ban on racial segregation in interstate commerce and 2 weeks before Rosa Parks refused to give up her seat to a white passenger on a bus in Montgomery. Yolanda was 7 years old when her father, in his famous "I Have a Dream" speech, said "I have a dream that my four little children will one day live in a Nation where they will not be judged by the color of the skin but by the content of their character."

In a 2004 statement entitled, "The Meaning of the Dr. Martin Luther King, Jr. Holiday," Coretta Scott King recalled that "Dr. King once said that we all have to decide whether we will walk in the light of creative altruism or the darkness of destructive selfishness. Life's most persistent and nagging question . . . is what are you doing for others?"

Yolanda led a life that made her family and her Nation proud. She was an actress, an author, and a producer. But she also worked in service to others. The world will remember her as an activist for peace, an ardent supporter of nonviolence, and a torchbearer for Dr. King's dream of racial harmony.

Through her actions, the King family legacy lives on. Like her parents, Yolanda inspired a generation of youths to dedicate their lives to service. Her life is a shining example that we all can make a difference, and her deeds will continue to inspire generations to come.

Our thoughts are with the King family today. I salute Yolanda's life, and hope that our Nation will continue its march towards a more inclusive democracy.

PITTSBURGH HEALTHCARE SYSTEM

Mr. SPECTER. Mr. President, today I have sought recognition to comment on legislation to increase the authorized spending level for the ongoing consolidation project at the U.S. Department of Veterans Affairs, VA, Pittsburgh Healthcare System.

In May 2004, then-VA Secretary Anthony Principi announced the final results of the Capital Asset Realignment for Enhanced Services, CARES, plan, a nationwide effort to identify buildings and functions which do not merit continued operation and to create long-term budget efficiencies by getting rid of underutilized facilities while improving access to care. As a result of this process, the Highland Drive VA Medical Center, VAMC, in Pittsburgh was targeted for closure, and the facility's functions are to be consolidated within Pittsburgh's University Drive VAMC and H.J. Heinz VAMC. However, in order for this consolidation to move forward and for the VA to realize the desired savings, significant construction is necessary at the University Drive and Heinz campuses.

Initial estimates placed the total cost for construction at these two facilities at $189.2 million. I introduced legislation which authorized construction at this level and have helped secure $102.5 million in appropriations towards this effort—$20 million in fiscal year 2004 and $82.5 million in fiscal year 2006. I have pushed for Congress to fully fund this project in order to avoid cost overruns and to help the VA realize long-term savings which can be used to better serve our Nation's veterans.

Despite the Pittsburgh project being ahead of schedule and ready for additional funding, I was disappointed to see that the administration did not seek funding for any component of the Pittsburgh project in its fiscal year 2007 budget request. On February 28, 2006, Senator Rick Santorum and I wrote VA Secretary Jim Nicholson a letter seeking clarification on VA's future plans for funding the project. According to his May 8, 2006, response, "Funding for construction of the mental health and research facilities at the University Drive VAMC and the ambulatory care center at the Heinz VAMC will be incorporated into VA's fiscal year 2008 budget request." The response also stated, ". . . closure of the Highland Drive Division will not be accomplished until all construction is completed." I will ask that this letter be printed in the RECORD.

However, I was disappointed to learn that the VA's fiscal year 2008 Budget request indicates that the estimated total cost to complete these projects has risen dramatically to $248 million. Further, the VA has only requested $40 million for these projects in fiscal year 2008, which would leave $105.5 million remaining to be appropriated to complete construction. I believe Congress should fully fund this project now in order to avoid additional cost increases in the future.

This bill simply raises the authorization to the level indicated by the VA necessary to complete these construction projects. I urge my colleagues to support this technical legislation, which is intended to allow the VA to realize the savings envisioned by the 2004 CARES process on an expedited basis, making more money available for the care of our Nation's veterans.

I ask unanimous consent that the February 28, 2006, letter Senator Santorum and I wrote to Secretary Nicholson and the Secretary's May 8, 2006 response be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF VETERANS AFFAIRS,
Washington, May 8, 2006.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: Thank you for your letter and continued support of the Department of Veterans Affairs (VA) Pittsburgh Healthcare System Major Construction Project. I regret the delay in this reply.

VA planned to fund the consolidation of the Highland Drive psychiatry, mental health, research, and administrative functions within the University Drive and the H. John Heinz VA Medical Center (VAMC) in Pittsburgh over a 3-year period from 2004 through 2007. Planning for this project began in 2003. This preplanning led to $35 million being made available in fiscal year (FY) 2005, one year ahead of the initial schedule.

This $35 million plus $20 million appropriated in FY 2004 supported design and construction of the 1,500 car parking garage for the University Drive VAMC; demolition of vacant structures at the Heinz VAMC; and master design services and multiple renovation projects to immediately enhance care. These projects are being completed on time and within budget. In FY 2006, $50 million is being used for the construction of the 98–bed residential living center, administration building, and various infrastructure and support facilities at the Heinz VAMC. These projects are also on time and within budget.

Funding for construction of the mental health, and research facilities at the University Drive VAMC and the ambulatory care center at the Heinz VAMC will be incorporated into VA's FY 2008 budget request. The project can still be completed with a marginal delay in schedule. As various buildings are completed, services will be gradually relocated; however, full closure of the Highland Drive Division will not be accomplished until all construction is completed.

Your assistance and support have been instrumental in ensuring this project remains on schedule and fully funded. A similar letter has been sent to Senator Rick Santorum, who co-signed your inquiry.

Sincerely yours,
R. JAMES NICHOLSON.

U.S. SENATE,
Washington, DC, February 28, 2006.

Hon. R. JAMES NICHOLSON,
Secretary of Veterans Affairs, Department of Veterans Affairs, Washington, DC.

DEAR SECRETARY NICHOLSON: We write today with regard to the Department of Veterans Affairs (VA) Fiscal Year (FY) 2007 budget, particularly with respect to funding levels to support the Capital Asset Realignment for Enhanced Services (CARES) recommendations.

As you know, the recent VA CARES process closed the Highland Drive VA Medical Center (VAMC) in Pittsburgh, Pennsylvania. As a result, that facility's psychiatry, mental health, research, and administrative functions are to be consolidated within the University Drive VAMC and the H. John Heinz VAMC in Pittsburgh. VA officials promised Congress that there would be no termination of services at the Highland Drive facility until construction of the new facilities is completed and the transfer of patients from the Highland Drive VAMC to the University Drive VAMC and the Heinz VAMC is completed.

Included in the VA Budget Request for FY 2007 is a request for $457 million for the CARES program, which includes funding for the continuation of specific medical facility projects and the funding of new projects. Notably absent from this request is funding for the continuation of the VA CARES construction project within the VA Pittsburgh Healthcare System. We are concerned that any delay of funding for this crucial initiative will negatively impact the construction of the Ambulatory Care Center at the Heinz VAMC and the Behavioral Health Pavilion at the University Drive VAMC.

It is our understanding that the VA Pittsburgh Healthcare System is currently progressing on schedule and within its budget. Since the Highland Drive VAMC cannot close until the construction on the other facilities is complete, we ask for your clarification on the VA's future plans for construction project funding for the VA Pittsburgh Healthcare System.

Thank you for your attention to this inquiry.

Sincerely,
RICK SANTORUM,
ARLEN SPECTER,
U.S. Senate.

SENATOR TED STEVENS OF ALASKA

Mr. DOMENICI. Mr. President, on April 13, 2007, my dear friend and colleague Senator TED STEVENS became the longest serving Republican Senator in the history of this body. Today, I would like to pay tribute to my friend and his more than 38 years of service to our Nation and the people of Alaska.

I have known and worked with TED for over 34 years. We have served together on the Appropriations, Budget, and Homeland Security and Government Affairs Committees and many others. TED and I have been in the Senate together for so long some of the committees on which we served no longer exist. We have collaborated on more pieces of legislation than I can remember and worked to resolve many issues. Most recently, I was thankful for his hard work in the effort to open the Arctic National Wildlife Refuge and increase the strategic security of the country.

I am happy to say TED has made the trip to New Mexico and I to Alaska so we could appreciate the needs of each other's home States. I have also had the pleasure of taking several trips with Ted abroad, some more enjoyable than others. One that stands out in my mind is the fact-finding trip we took to North Korea several years ago to better understand the threat that nation poses to the world. I don't believe many people can say they have traveled there, even fewer can say they did it with Ted Stevens. I am very thankful I can.

I think it is safe to say Ted has had a remarkable life and career, born in Indianapolis, he has lived in California, Oregon, and Montana—finally settling in his beloved Alaska. During the Second World War, Ted left college to join the Army Air Corps and became a decorated pilot. After the war Ted attended Harvard Law School, became a U.S. Attorney, worked in the Department of the Interior, started his own law firm, and was elected to the Alaska House of Representatives. For most individuals these accomplishments, all before he came to the Senate, would have marked a full and successful life. However, for Ted it was just the beginning and I believe this Nation is lucky it was.

After serving with Ted for so many years I know of no one who cares more about the people of Alaska and this Nation or serves either with more dedication and distinction. I would like to personally thank Ted for his friendship and hope to have the honor of serving alongside him for many years to come.

CONGRESSMAN JIM JONTZ

Mr. HARKIN. Mr. President, it is with great sadness that I note the loss of former Congressman Jim Jontz, who died last month after a 2-year battle against colon cancer. All of us, and especially our Nation's political discourse, are much the poorer for the loss of Jim's energetic voice for progressive politics and his use of grassroots organizing to connect people not only to elective politics, but even more important, to the politics of governing—to the art of making our government institutions respond and work for the people they serve.

Jim's indefatigable, tireless approach to politics put him in the Indiana House of Representatives at age 22. He won that race, against the sitting House majority leader, by two votes, which he claimed to have picked up in a laundromat late in the night just hours before the election. He served in the Indiana House for 10 years, then in the Indiana Senate for 2 years.

Jim was elected to Congress in 1986 and served in the House of Representatives from 1987 to 1993. A big part of his successful congressional campaign was his call for more effective Federal action responding to the worst economic crisis in American agriculture since the Great Depression. It was typical of Jim that he saw the pervasive ramifications of the farm crisis as striking at the heart and character of rural America. And he fought to turn that situation around.

During his time in Congress, Jim emphasized environmental issues, as he had in the Indiana Legislature, including pushing for protection of forests in the Pacific Northwest. As a member of the House Agriculture Committee during debate on the 1990 farm bill, he was out front, in truth ahead of his time, in calling for a greater emphasis on promoting and supporting more effective agricultural conservation and environmental practices.

As could be expected, some who were beholden to the conventional wisdom sought to portray Jim as attacking the very underpinnings of U.S. agriculture. Theirs was the politics of division, of contriving threats and sowing fear, but his approach, as usual, was not to deepen divisions but rather to find common ground.

In Jim's proposals, stronger Federal policies to help agricultural producers practice better conservation and stewardship would also improve their prospects for making a living and remaining in agriculture, while enhancing the environment and quality of life for their families and others living in rural communities.

Looking back from today's vantage point, much of what Jim was proposing for the conservation of our Nation's resources is now widely accepted as a fundamental part of our Nation's agricultural policy—although we still have a long way to go to fulfill the vision Jim did so much to instill.

For a second-term Congressman working on his first farm bill, Jim played an unusually significant and effective role in the 1990 farm bill. Many of his amendments promoting agricultural conservation and sustainable agriculture were adopted in the House bill and ultimately in the conference report enacted as the Food, Agriculture, Conservation and Trade Act of 1990. He also successfully pushed for initiatives involving packer concentration, grain quality, food aid, agricultural research and farm income assistance.

After leaving Congress, Jim served for several years as the president of Americans for Democratic Action, and in recent years served as ADA's president emeritus. In that capacity, he led ADA's Working Families Win project which focused on heightening the profile of fair trade and environmental issues among presidential and Congressional candidates. True to his grassroots organizing origins, Jim employed the Working Families Win project to activate and motivate local efforts on outsourcing, minimum wage and health care issues.

Jim's untimely death at age 55 leaves a big hole in the leadership of America's progressive politics. We should all take inspiration and instruction from this master in the art of deploying grassroots organizing and high-minded politics toward the highest ideals and aspirations for our great Nation.

Along with my colleagues, I extend my deepest sympathy and condolences to Jim's mother, stepfather, sister and three nieces, and to the many friends and people he touched in his abundant but too short life.

FISCAL YEAR 2008 BUDGET RESOLUTION

Mr. DOMENICI. Mr. President, I believe that my service in the Senate has been highlighted by my interest in the budget process.

As this year's budget negotiations continue, I would like to draw the attention of other Senators to a recent editorial in the Wall Street Journal concerning the single largest day of tax collection in U.S. history. The editorial is entitled "April Revenue Shower."

I think this editorial raises some very interesting points that are particularly relevant as Congress debates the fiscal year 2008 budget resolution. The Wall Street Journal points out that in April alone the U.S. Government collected $70 billion in tax receipts above the same month last year and for the current fiscal year tax receipts are up 11.3 percent or $153 billion from last year. I am not sure if most people are aware of the fact that on April 24, 2007, the United States collected a record setting $48.7 billion in tax receipts. I think these numbers are certainly worth our attention.

What I find so interesting about these record-breaking tax revenues is the fact they were achieved without raising taxes and without a Federal budget in place. Rather, the American economy is the driving force behind these windfalls. I would pose the question that maybe; just maybe, we should maintain the status quo instead of entering into the budget resolution that is being proposed.

I think Congress should think long and hard about these numbers before we consider making any change to current budget policy. Because of these record tax revenues the budget deficit could be slashed in more than half from this same time last year. The deficit could be reduced by $150 billion this year, which equates to approximately 1 percent of gross domestic product. I believe our current budget policy is paying off and in the next 18 to 24 months the deficit could completely disappear, if we here in Congress do not veer off course.

I am not surprised that we are collecting nearly 30 percent more from nonwithheld income. Moreover, I also do not find it surprising that individual income tax receipts are up by almost 17.5 percent. I believe that the tax relief that we instituted in 2001 and 2003 is paying large dividends and our economy is benefiting.

I hope my colleagues in the Senate will consider these facts and not attempt to fix something that is not broken. I am simply saying that maybe we should not be rushed into action.

Additionally, I ask unanimous consent that this editorial from the Wall Street Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL REVENUE SHOWER

Here's the "surge" you aren't reading about: the continuing flood of tax revenue into the federal Treasury. Tax receipts for April were $70 billion above the same month in 2006, and April 24 marked the single biggest day of tax collections in U.S. history, at $48.7 billion, according to the latest Treasury report.

The April comparison is slightly askew because the IRS processed more returns than usual this year. But there's no denying that Americans are sending more money than ever to Washington; revenues for the first seven months of fiscal 2007 are up 11.3%, or $153 billion. This Beltway bonanza has helped to slash the projected federal budget deficit by more than half from the same point last year. Across the past three Aprils, federal red ink has sunk by nearly $300 billion. The deficit this year could tumble to $150 billion, or an economically trivial 1% of GDP.

This revenue boom certainly casts doubt on the political walls about tax loopholes for the rich. So far this year, the taxes paid on so-called nonwithheld income, which are dollars that don't come from normal wages and salaries, have climbed by nearly 30%. This is income largely derived from capital gains, dividends and other investment sources—i.e., the tax rates that President Bush cut in 2003. Individual income taxes are also up by 17.5%—a handsome fiscal dividend from rising wages and low unemployment.

In other good news, the pace of federal spending, which was pedal-to-the-metal in Mr. Bush's first term, has finally decelerated. So far this year federal outlays have climbed by 3%, and, save for Medicare and Medicaid, federal expenditures are nearly flat from 2006. Spending will climb again once the Iraq supplemental passes, and revenues can't keep rising at a double digit pace forever.

Still, you'd think this dramatic fiscal turnaround would cheer up Capitol Hill. Instead, Congressional Democrats seem to live in a parallel universe—one that they claim is starved for revenues, with a runaway deficit, and is dominated by the rich who pay no taxes at all. The reality is that the wealthy are financing Democratic spending ambitions, and the deficit could easily vanish within a year or two if Congress has the good sense to leave current tax policy in place.

NATIONAL POLICE WEEK

Mr. KOHL. Mr. President, I wish today, on National Police Week, to honor this Nation's law enforcement officers. Our law enforcement officers are some of the bravest men and women we will ever come across. They selflessly dedicate their lives to keeping our communities safe and taking dangerous individuals off our streets.

Tragically, some of those officers lose their lives while on duty. The National Law Enforcement Officers Memorial currently bears the names of more than 17,500 officers who have been killed or died while on duty. This week, 382 additional names will be added. Two of those fallen officers are from my home State of Wisconsin.

Jackie Ryden dedicated his life to law enforcement, spending 33 years with the Ellsworth Police Department, the Pierce County Sheriff's Department, and the Prescott Police Department. He was a well-liked and well-respected member of the police force, as well as his community.

On September 2, 2006, Jackie responded to a natural gas explosion and the resulting fire. He helped to evacuate a number of local citizens from their homes. Shortly after Officer Ryden returned to his patrol car to help direct traffic, he suffered a heart attack and died. According to those who knew him best, he passed away doing what he loved best—serving and protecting his community. Jackie Ryden is survived by his wife, two children, and three grandchildren.

The second officer whom I seek to honor today is Stephen Hahn. Stephen was a special deputy with the Eau Claire County Sheriff's Office, serving approximately 40 years in law enforcement. Mr. Hahn was killed in a traffic accident while transporting an inmate. A vehicle heading in the opposite direction lost control and struck the van being driven by Deputy Hahn. He is survived by his wife and two children.

We mourn the loss of these two great, brave men and attempt to honor them by recognizing the sacrifices they made for the benefit of others. Both of their communities, and the State of Wisconsin as a whole, are worse off because of the loss of these two public safety officers. I am pleased, however, that their names are being added to the National Law Enforcement Officers Memorial, so they can forever be remembered for their hard work and dedication to improving the lives of those around them.

VOTE EXPLANATIONS

Mr. BROWNBACK. Mr. President, I regret that on May 15 I was unable to vote on certain provisions of H.R. 1495, the Water Resources Development Act of 2007. I wish to address these votes, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 163, on amendment No. 1090, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 164, on amendment No. 1089, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 165, on amendment No. 1086, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 166, on amendment No. 1094, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Mr. BROWN. Mr. President, I missed today's votes on Iraq because I was attending the college graduation of my daughter, Elizabeth.

But I want to express my unqualified support for the amendment offered by my colleagues, Senator FEINGOLD and Senator REID.

This amendment says that our entanglement in another country's civil war has gone on long enough.

This amendment says that Congress must stop playing the role of spectator and start standing up for our overtaxed and inadequately protected troops.

This amendment says we must stand up for their families.

This amendment says that we have an obligation to support our men and women in uniform, not only by funding them, but by bringing them home.

The funding for our troops is assured, whether they are deployed in Iraq or redeployed from Iraq.

This amendment calls for their redeployment.

Those who claim this amendment would cut off funding for our troops are actually saying that the President, if required to redeploy our troops, would instead cut off their funding.

I may not see eye to eye with our President, but I don't believe him capable of that.

The Feingold-Reid amendment says "enough is enough."

A majority of Americans want our troops to come home. It is time to bring them home.

I thank Senator FEINGOLD and Leader REID for having the conviction and the courage to stand up for our troops.

Patriotism is not passive. It is not swayed by inflammatory rhetoric or false accusations.

In the case of Iraq, patriotism does not mean blindly following the current path, it means carving out the right one.

Bringing our troops home is an act of patriotism. The Feingold-Reid amendment is an act of patriotism, and I fully support its intent.

ADDITIONAL STATEMENTS

RECOGNIZING JANET TURCOTTE

• Mr. CARDIN. Madam President, today I wish to recognize Janet Turcotte, of Bowie, MD, for her courageous efforts to raise awareness of colon cancer and promote screening. Janet was first diagnosed with Stage IV colorectal cancer 4 years ago at age 53, and she is currently battling her third recurrence of the disease. I met Janet in March when she came to my office on behalf of C3, the Colorectal Cancer Coalition. C3 is a national organization whose mission is to eliminate suffering and death due to colorectal cancer. Janet has joined the coalition in its push for "more research to improve screening, diagnosis, and treatment of colorectal cancer; for policy decisions that make the most effective colorectal cancer prevention and treatment available for all; and for increased awareness that colorectal cancer is preventable, treatable, and beatable."

Last year, Janet Turcotte brought her fight against colorectal cancer to a new venue, the Preakness Stakes at Pimlico Race Course. The Preakness is the second and shortest leg of horse racing's prestigious Triple Crown, being preceded by the Kentucky Derby and followed by the Belmont Stakes. The race was inaugurated in 1873 for 3 year-old thoroughbreds, and its 132nd running will be held this coming Saturday, May 19 in Baltimore, MD. Janet has embroidered the saddlecloths for thoroughbreds at the annual race for over 2 decades. Last May, she added the colorectal cancer "Blue Star of Hope" to the saddlecloths of the 11 contenders. Pimlico Race Course will again support Janet's efforts to fight colorectal cancer this coming weekend. More than 17 million people will view this weekend's race and her efforts will make a true difference in raising awareness. Of the millions of viewers, it's estimated that nearly 1 million of them are at risk for developing the disease. Janet, along with race course officials, hopes that this symbol will encourage early screening and detection of colorectal cancer.

Janet's message is an urgent and important one. In 2006 alone, according to the American Cancer Society, more than 150,000 new cases were diagnosed and more than 50,000 Americans died from colon cancer. In my own State of Maryland, nearly 1,000 people lost their lives to this disease last year. What many people are not as aware of is that colon, cancer is preventable with appropriate screening, highly detectable, and curable if found early.

This past April, I introduced the Colon Cancer Screen for Life Act of 2007 along with my colleagues, Senator COLLINS, Senator LIEBERMAN, and Senator GRAHAM. This bill would help eliminate the barriers that currently exist under Medicare for colorectal cancer screening and increase the number of seniors who receive this potentially lifesaving benefit. According to the Centers for Disease Control and Prevention, if everyone age 50 and older were screened regularly, as many as 60 percent of deaths from colorectal cancer could be prevented. When colorectal cancer is found early and treated, the 5-year survival rate is greater than 90 percent. With the number of lives at stake, the efforts of Janet Turcotte and other brave survivors deserve special recognition. As Janet has said, "As the thoroughbreds carry this symbol in the race to the finish line, I can only hope that through awareness and prevention, we too can win the race against colorectal cancer." I wish Janet Turcotte all the best on Saturday and ask my colleagues to join me in commending her for this important effort.•

CIVIC EDUCATION IN IDAHO

• Mr. CRAPO. Mr. President, I would like to recognize the dedicated efforts of the students at Orofino High School who came to Washington to represent Idaho in the finals of the annual We the People: The Citizen and the Constitution Program.

The national finals include a hearing which gives the students the opportunity to apply their specialized learning in history, social studies, government, and civics during "testimony" before a panel of judges. As they use their newly gained knowledge of the Constitution and the Bill of Rights to examine, counter, and defend issues facing America today, students come to appreciate the timeless nature of this great document. This experience gives young people the opportunity to apply civic values to real-life challenges and serves them in whatever they choose to do after they graduate from high school.

Orofino High School was excellently represented by Jennifer Cluck, Justin Haag, Gary Hardin, George Korbel, Nathan LeBaron, Ryan Lundgren, Madison Morrow, Eric Petersen, Jessica Robbeloth, Ashley Roshitsh, Capri Savage, Kelsey Stemrich, and Bret Zender.

Cindy Wilson, the teacher who prepared these exceptional students, deserves recognition for her tremendous efforts. Also worthy of special recognition is Peter Kavouras, the State coordinator, who is among those responsible for implementing the We the People Program in my State.

Idahoans can be proud of the growth of civic virtue in their young people. As they look beyond themselves to the realm of the public good, Idaho and America will benefit as these individuals develop into responsible, intelligent citizens who practice discernment in judgment in matters of concern to our State and Nation. In the future, these student citizens will be more inclined to exhibit leadership faithful to the ideals upon which our country was built and consonant with the notions of liberty, freedom, justice, and rule of law.•

CANNON AIR FORCE BASE, NEW MEXICO

• Mr. DOMENICI. Mr. President, I wish to speak about the importance of Cannon Air Force Base, NM.

Cannon Air Force Base's primary mission is an F-16 fighter wing able to perform day or night operations. However, the base is currently undergoing an exciting transition to be an Air Force special operations base. I am excited about this mission and the work that will be done in eastern New Mexico, but with every new mission, we must also remember prior missions.

Today I want to commemorate the last mission of the 27th Fighter Wing's 523rd Fighter Squadron, which was flown on May 10, 2007, as the 523rd is being deactivated in preparation for Cannon's new mission.

The 523rd Fighter Squadron has a unique history that dates back to well before their time in New Mexico. It was established on February 1, 1940, as a bombardment squadron with B-18s. The squadron arrived at Cannon in 1959. One of its missions from Cannon came after September 11, 2001, when the 523rd flew 24-hour-per-day operations in defense of our Nation.

This fighter squadron will not be the last to leave Cannon Air Force Base, as other departures are expected in this summer and fall as well as next spring. However, the 523rd Fighter Squadron has long been a vital part of our Nation's defense as well as Cannon's 27th Fighter Wing, and I am proud of all of the men and women who have served in the 523rd.

Today I want to honor them, as well as all of the men and women who have served at Cannon Air Force Base. I am proud New Mexico has been home to so many outstanding individuals, and I look forward to working with more such soldiers as Cannon Air Force Base transitions to an Air Force special operations base in October.•

IN MEMORY OF PHIL B. CURLS, SR.

• Mrs. MCCASKILL. Mr. President, I ask the Senate to join me today in honoring the life of Phil Curls, a much-loved member of the Kansas City community. With his passing, Phil has left a legacy of public service that will always be cherished, but Kansas City will not be the same without him.

During his life, Phil was an integral member of the Kansas City community and was considered by many to be a local patriarch. Phil always cared deeply about others, whether it was his family, a political cause, or mentoring young leaders through Freedom, Inc.

Phil was a graduate of DeLaSalle High School and earned a bachelor's degree in business administration from Rockhurst College. He served 11 years in the Missouri House and 16 years in the State Senate before retiring in 1998.

I had the distinct honor of serving with Phil in the Missouri General Assembly, where his tenure was marked by excellence and community involvement and where I learned important lessons about public leadership from him. Phil was always regarded highly by everyone he interacted with, including his contemporaries as well as older and younger politicians. Through his public service, Phil helped to shape the course that the city and State has taken.

Phil was deeply involved in Freedom, Inc., making sure the community he loved had the political power necessary to bring about positive change. In addition to Freedom, Inc., Phil was involved in so many organizations and had so many achievements and awards that it would be very difficult to list them all. I can, however, state with total certainty that Phil left a permanent mark on Kansas City and will be fondly remembered and dearly missed.

With Phil's passing, we have lost a prolific public servant and a passionate individual. I will miss him as a close friend. Phil is survived by his wife of 43 years, Councilwoman Melba Curls; daughter Monica; sons Phil II, Michael, Quincy and Louis; four grandchildren; and a large extended family.

Mr. President, I ask that the Senate join me in honoring the life and legacy of Phil B. Curls, Sr.•

2007 WE THE PEOPLE NATIONAL FINALS

• Ms. MURKOWSKI. Mr. President, from April 28–30, 2007, more than 1,200 students from across the country visited Washington, DC to take part in the National Finals of the We the People: The Citizen and the Constitution competition. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by Act of Congress, and is an innovative national educational program developed to educate young people about the Constitution and Bill of Rights.

Sixteen outstanding students from West Anchorage High School of Anchorage, AK, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to Washington, DC, and compete at the national level. I am proud to announce that these talented young people won the Region One: Western States Award at this prestigious national event. The regional awards are presented to one class from each of the five geographic regions that has the highest cumulative score during the first 2 days of competition.

While in Washington, the students participated in a 3-day academic competition that simulates a congressional hearing in which they "testify" before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues.

The We the People competition is a rigorous program and students enter prepared to answer tough questions, some of which Americans have been debating since the Constitution was ratified. For example, participants in this year's competition were asked to evaluate the following constitutional principles: States rights—Evaluate the proposal in the Virginia Plan to give Congress the power to strike down state laws that it considered to be in violation of the national constitution or of the national interest; The rights of the individual—Evaluate the anti-Federalist argument that a bill of rights is as necessary to defend an individual against the majority in a republic as against the king in a monarchy; equal protection—How, if at all, is the concept of equal protection of the laws related to the natural rights philosophy and the idea of a social contract? America's role as an example to other countries—Which aspects of American constitutional democracy have been the most influential in other countries?

I am so proud to recognize the outstanding students from West Anchorage High School, this year's We the People Region One winners:

Kristin Baylon, Justin Birchell, Kathryn Braden, Chloe Cotton, Taylor Evenson, Emmaus Finau, Colby Gerik, Matthew Legacki, Elyse Lindsay, Patrick Marcil, Sara Perman, Molly Quinn, Leyna Rynearson, Henrik Strand, Chandra Suriano, and Brianna Thompson.

I also wish to commend the teacher of the class, Pamela Orme, who is responsible for preparing these young constitutional experts for the National Finals. Also worthy of special recognition is Maida Buckley, the state coordinator, and Todd Heuston, the district coordinator, who are among those responsible for implementing the We the People program in Alaska.

I congratulate these students on their exceptional achievement at the We the People National Finals.•

HONORING ISADORE ERWIN MILLSTONE

• Mrs. MCCASKILL. Mr. President, I ask the Senate to join me in recognizing Isadore Erwin "I.E." Millstone of Saint Louis, MO. It is an honor to celebrate I.E.'s centennial birthday and to pay tribute to all that he has accomplished in his 100 years. Through his business and philanthropic interests, Mr. Millstone has helped shape the course of the city of Saint Louis over the past century.

Born on January 6, 1907, in North Saint Louis, I.E. graduated from Soldan High School in 1923. He then continued his education at Washington University in St. Louis, studying architecture and engineering, and graduating in 1927.

During his life, I.E. has been an integral member and patriarch of the Saint Louis community. He is a life member of the United Hebrew Congregation in Saint Louis, where he earned money as a child checking hats and coats, and served as global president of the World Federation of YMHA's and Jewish Community Centers Association.

Following the Great Depression, I.E. formed Millstone Construction Company with his wife and became involved in the creation of many landmarks throughout the Saint Louis area—due in part to his revolutionary use of reinforced concrete. These projects include the old Busch Stadium, Highway 40, and the Jewish Community center in Creve Coeur. As the city is being redeveloped, both the old Busch Stadium and Highway 40 are being transformed to serve a new generation, but the original structures are forever a part of the city's history.

A giant among men, I.E. demonstrates a passion that does not lie solely in building Saint Louis from a physical standpoint. As a dedicated philanthropist, I.E. has supported many causes, including funding a program to support nearly 60 scholarships at Washington University in St. Louis. His dedication to helping others, however, is not limited to the Saint Louis area. Following World War II, I.E. joined a small group of builders to help the new State of Israel construct emergency housing for thousands of immigrants, many of whom were Holocaust survivors.

Mr. President, I ask that the Senate join me in honoring I.E. Millstone for 100 years of dedicated service to Saint Louis and to the world. I am proud to recognize this extraordinary Missourian and wish him many more healthy and happy years to come.•

HONORING LYMAN MORSE BOATBUILDING

• Ms. SNOWE. Mr. President, I rise today to recognize for the week of May 13 an outstanding small business from my home State of Maine that has not only succeeded in manufacturing a product of great quality, but has also made its facilities environmentally friendly and energy efficient. Lyman Morse Boatbuilding of Thomaston, ME has produced boats for over 100 years. Noted for their expert craftsmanship and storied history, Lyman Morse has a proven track record of quality and success. In their great spirit of innovation, Lyman Morse will be unveiling, on May 26, a "green"—or energy efficient—boat-building facility, and I want to take this opportunity to commend them for this fabulous attempt at conservation.

Lyman Morse's new "green" building is a temperature-controlled facility that is designed for the construction and service of large yachts. Completed in less than a year, the building is 140 feet long, 160 feet wide, and stands 55 feet high. What is particularly remarkable is that heat generated on the building's roof from the sun can be absorbed and used as energy for the building—a truly impressive feat in efficiency. While the new "green" building will be Lyman Morse's largest, it will also be their most energy efficient, proving that conservation does not have to hamper effectiveness.

To construct its new facility, I would like to point out that Lyman Morse took advantage of a tax deduction for energy efficient commercial buildings Congress enacted as part of the Energy Policy Act of 2005 and extended in the Tax Relief and Health Care Act of 2006. Congress should heed the example of Lyman Morse, because by incorporating "green" building practices, we can reduce energy consumption, increase profitability—and create more jobs.

While Lyman Morse Boatbuilding follows in the historic tradition of New England boat building, particularly that of Midcoast Maine, I am so pleased that it has decided to take advantage of modern technology to be environmentally responsible. In fact, Lyman Morse has been a terrific corporate citizen for many years. I want to point out that in January 2006, the State of Maine declared Lyman Morse Boatbuilding a Maine Clean Boatyard and Marina. A program designed to help preserve and improve natural resources while reducing pollution, the Maine Clean Boatyard and Marinas Program is a partnership of industry, state and federal agencies, and environmental organizations dedicated to promoting best management practices in boatyards and marinas. Participants must exceed Federal and State environmental compliance standards to achieve designation. It is their commitment to environmental safety and energy efficiency, combined with their impressive and trustworthy labor, that makes Lyman Morse a truly special Maine business and worthy of this recognition.

I wish Lyman Morse all the best for the grand opening of their building. It is always inspiring to see examples of good stewards of the environment in Maine, a state that has always appreciated the importance of nature in our everyday lives. Their willingness to protect the one environment that we have is a beautiful example to all of us.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 634. An act to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

H.R. 692. An act to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty.

H.R. 916. An act to provide for loan repayment for prosecutors and public defenders.

H.R. 1036. An act to authorize the Administrator of General Services to convey a parcel of real property to the Alaska Railraod Corporation.

H.R. 1505. An act to designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach Federal Building."

H.R. 1700. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

H.R. 1773. An act to limit the authority of the Secretary of Transportation to grant authority to motor carriers domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 79. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 123. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 634. An act to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 692. An act to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty; to the Committee on the Judiciary.

H.R. 1036. An act to authorize the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation; to the Committee on Environment and Public Works.

H.R. 1505. To designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach Federal Building."; to the Committee on Environment and Public Works.

H.R. 1773. An act to limit the authority of the Secretary of Transportation to grant authority to motor carriers domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 916. An act to provide for loan repayment for prosecutors and public defenders.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1904. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aspergillus flavus NRRL 21882 on Corn; Temporary Exemption from the Requirement of a Tolerance" (FRL No. 8130–6) received on May 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1905. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorantraniliprole; Time-Limited Pesticide Tolerances" (FRL No. 8128–2) received on May 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1906. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acetochlor; Pesticide Tolerance" (FRL No. 8126–2) received on May 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1907. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pendimethalin; Pesticide Tolerance" (FRL No. 8120–2) received on May 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1908. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pythium Oligandrum DV 74; Exemption from the Requirement of a Tolerance" (FRL No. 7713–1) received on May 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1909. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the Department of the Navy pursuing a multi-year procurement for the V–22 Osprey for the fiscal year 2008 through fiscal year 2012 program years; to the Committee on Armed Services.

EC–1910. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–1911. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1912. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq and certain property in which Iraq has an interest that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1913. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1914. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–1915. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the accomplishments made under the Airport Improvement Program during fiscal year 2005; to the Committee on Commerce, Science, and Transportation.

EC–1916. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Cumberland River, Clarksville, TN" ((RIN1625-AA11)(CGD08-07-010)) received on May 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1917. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 2 regulations beginning with CGD05-07-047)" (RIN1625-AA09) received on May 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1918. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone: Queen of England Visit, Jamestown Island, VA" ((RIN1625-AA00)(CGD05-07-038)) received on May 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1919. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Roanoke River, Plymouth, North Carolina" ((RIN1625-AA08)(CGD05-07-028)) received on May 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1920. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events (including 3 regulations beginning with CGD05-07-009)" (RIN1625-AA08) received on May 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1921. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone (including 4 regulations beginning with COTP SAVANNAH 06-160)" (RIN1625-AA87) received on May 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1922. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 12 regulations beginning with CGD05-07-024)" (RIN1625-AA00) received on May 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1923. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 3 regulations beginning with CGD07-06-050)" (RIN1625-AA09) received on May 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1924. A communication from the Director, Office of Management, Department of Energy, transmitting, pursuant to law, a report relative to the Department's 2006 lists of Government activities determined to be inherently governmental and those to be not inherently governmental in nature; to the Committee on Energy and Natural Resources.

EC–1925. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Weirton, WV Portion of the Steubenville-Weirton, OH-WV 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan" (FRL No. 8314–1) received on May 11, 2007; to the Committee on Environment and Public Works.

EC–1926. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the West Virginia Portion of the Wheeling, WV-OH 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan" (FRL No. 8314–6) received on May 11, 2007; to the Committee on Environment and Public Works.

EC–1927. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Redesignation of Flint, Grand Rapids, Kalamazoo-Battle Creek, Lansing-East Lansing, Muskegon, Benton Harbor, Benzie County, Cass County, Huron County, and Mason County 8-hour Ozone Nonattainment Areas to Attainment for Ozone" (FRL No. 8314–4) received on May 11, 2007; to the Committee on Environment and Public Works.

EC–1928. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oil Pollution Prevention; Non-Transportation Related Onshore and Offshore Facilities" ((RIN2050–AG36) (FRL No. 8315–1)) received on May 11, 2007; to the Committee on Environment and Public Works.

EC–1929. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, and National Emission Standards for Hazardous Air Pollutants for Source Categories" ((RIN2060–AN84) (FRL No. 8315–2)) received on May 11, 2007; to the Committee on Environment and Public Works.

EC–1930. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Field Directive on the Proper Treatment of Upfront Fees, Milestone Payments, Royalties, and Deferred Income Upon Entering into a Collaboration Agreement in the Biotech and Pharmaceutical Industries" (UIL 263.13–02) received on May 9, 2007; to the Committee on Finance.

EC–1931. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding Public Inspection of Unrelated Business Income Tax Returns" (Notice 2007–45) received on May 9, 2007; to the Committee on Finance.

EC–1932. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 856—Definition of Real Estate Investment Trust" (Rev. Rul. 2007–33) received on May 9, 2007; to the Committee on Finance.

EC–1933. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report of the certification of a proposed export of defense articles, technical data and defense services for major defense equipment in the amount of $25,000,000 or more to Denmark; to the Committee on Foreign Relations.

EC–1934. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment in the

United Kingdom; to the Committee on Foreign Relations.

EC–1935. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007-100—2007-107); to the Committee on Foreign Relations.

EC–1936. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, a report entitled "2006 Annual Report and Sourcebook of Federal Sentencing Statistics"; to the Committee on the Judiciary.

EC–1937. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, two legislative proposals relating to the implementation of treaties concerning maritime terrorism and the maritime transportation of weapons of mass destruction; to the Committee on the Judiciary.

EC–1938. A communication from the National Treasurer, American Ex-Prisoners of War, transmitting, pursuant to law, the organization's audit for the year 2005-2006; to the Committee on the Judiciary.

EC–1939. A communication from the Chairman, U.S. Naval Sea Cadet Corps, transmitting, pursuant to law, the 2006 Audit of the Corps along with its 2006 Annual Report; to the Committee on the Judiciary.

EC–1940. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Official Fees and Tolerances for Barley Protein Testing" (RIN0580–AA95) received on May 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1941. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of the authorization of Colonel Charles W. Hooper to wear the authorized insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1942. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of the authorization of Brigadier General James L. Williams to wear the authorized insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1943. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indiana Regulatory Program" (IN–157–FOR) received on May 16, 2007; to the Committee on Energy and Natural Resources.

EC–1944. A communication from the Secretary of Energy and the Secretary of the Interior, transmitting, pursuant to law, a report relative to the findings of a study of issues regarding energy rights-of-way on tribal land; to the Committee on Energy and Natural Resources.

EC–1945. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification relative to the importation of harvested shrimp; to the Committee on Finance.

EC–1946. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding Heavy Hybrid Motor Vehicles" (Notice 2007–46) received on May 15, 2007; to the Committee on Finance.

EC–1947. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Discontinue Publication of BLS–LIFO Department Store Inventory Price Indexes" (Notice 2007–44) received on May 15, 2007; to the Committee on Finance.

EC–1948. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—March 2007" (Notice 2007–34) received on May 15, 2007; to the Committee on Finance.

EC–1949. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Obsolete Guidance on Blocked Income" (Rev. Rul. 2007–35) received on May 15, 2007; to the Committee on Finance.

EC–1950. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Health Savings Accounts Inflation Adjustments" (Rev. Proc. 2007–36) received on May 15, 2007; to the Committee on Finance.

EC–1951. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, two draft bills relative to the Heavily Indebted Poor Countries Initiative; to the Committee on Foreign Relations.

EC–1952. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the removal of radiation-hardened microelectronic circuits from the United States Munitions List; to the Committee on Foreign Relations.

EC–1953. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an amendment to Part 121 of the International Traffic in Arms Regulations; to the Committee on Foreign Relations.

EC–1954. A communication from the Secretary of Education, transmitting, pursuant to law, the final report of the Academic Competitiveness Council; to the Committee on Health, Education, Labor, and Pensions.

EC–1955. A communication from the Chairman and Commissioners, National Indian Gaming Commission, transmitting, a draft bill intended to "amend the Indian Gaming Regulatory Act of 1988 to revise the Act to clarify the scope of the National Indian Gaming Commission's authority and to make such other technical amendments as are required"; to the Committee on Indian Affairs.

EC–1956. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, a report relative to the federal cocaine sentencing policy; to the Committee on the Judiciary.

EC–1957. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a legislative proposal entitled "Intellectual Property Protection Act of 2007"; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

*David James Gribbin IV, of Virginia, to be General Counsel of the Department of Transportation.

*Coast Guard nominations beginning with Rear Adm. (lh) Craig E. Bone and ending with Rear Adm. (lh) Brian M. Salerno, which nominations were received by the Senate and appeared in the Congressional Record on March 29, 2007.

Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWNBACK (for himself, Mr. ROBERTS, and Mr. COBURN):

S. 1405. A bill to enhance the ability of community banks to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1406. A bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR (for himself and Mr. CRAPO):

S. 1407. A bill to amend the Internal Revenue Code of 1986 to temporarily provide a shorter recovery period for the depreciation of certain systems installed in nonresidential and residential rental buildings; to the Committee on Finance.

By Ms. STABENOW (for herself and Ms. SNOWE):

S. 1408. A bill to improve quality in health care by providing incentives for adoption of modern information technology; to the Committee on Finance.

By Mrs. CLINTON:

S. 1409. A bill to provide and enhance education, housing, and entrepreneur assistance for veterans who serve in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COLEMAN (for himself and Mr. HARKIN):

S. 1410. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Ms. SNOWE):

S. 1411. A bill to amend the Clean Air Act to establish within the Environmental Protection Agency an office to measure and report on greenhouse gas emissions of Federal agencies; to the Committee on Environment and Public Works.

By Mr. HARKIN:

S. 1412. A bill to amend the Farm Security and Rural Development Act of 2002 to support beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MIKULSKI (for herself, Mrs. CLINTON, Mr. KENNEDY, and Mr. FEINGOLD):

S. 1413. A bill to provide for research and education with respect to uterine fibroids, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself and Mr. KENNEDY):

S. 1414. A bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history and civics, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself and Ms. SNOWE):

S. 1415. A bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes; to the Committee on Finance

By Mr. SMITH (for himself, Mrs. LINCOLN, Mrs. DOLE, Mr. ALLARD, Mr. KOHL, Mr. DODD, Mr. ENSIGN, and Mr. LEVIN):

S. 1416. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for mortgage insurance premiums; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Mr. BROWNBACK, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. CASEY, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. DOLE, Ms. COLLINS, and Mr. DODD):

S. Res. 203. A resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan; to the Committee on Foreign Relations.

By Mr. FEINGOLD (for himself, Ms. SNOWE, Ms. MIKULSKI, Mr. CARDIN, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. SANDERS, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. BROWN, and Mr. BINGAMAN):

S. Res. 204. A resolution expressing the sense of the Senate with regard to the importance of National Women's Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. WHITEHOUSE, Mr. STEVENS, Mr. VITTER, Mr. CRAIG, Mrs. HUTCHISON, Mr. CRAPO, Mr. BAUCUS, Mr. LEAHY, Mr. LIEBERMAN, Mr. OBAMA, Ms. LANDRIEU, Mr. COLEMAN, Mr. BAYH, Mrs. LINCOLN, Mr. SCHUMER, Mr. THUNE, and Mr. DOMENICI):

S. Res. 205. A resolution designating June 2007 as "National Internet Safety Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 67

At the request of Mr. INOUYE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 150

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 150, a bill to amend the Safe Drinking Water Act to protect the health of pregnant women, fetuses, infants, and children by requiring a health advisory and drinking water standard for perchlorate.

S. 340

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States, and for other purposes.

S. 368

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 558

At the request of Mr. DOMENICI, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 558, supra.

S. 626

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 849

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 971

At the request of Mr. BOND, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 971, a bill to establish the National Institute of Food and Agriculture, to provide funding for the support of fundamental agricultural research of the highest quality, and for other purposes.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1060

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1224

At the request of Mr. ROCKEFELLER, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1224, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. 1226

At the request of Mr. BAYH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1226, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 1232

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1379

At the request of Mrs. FEINSTEIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1379, a bill to amend chapter 35 of title 28, United States Code, to strike the exception to the residency requirements for United States attorneys.

AMENDMENT NO. 1094

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 1094 proposed to H.R. 1495, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 1098

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 1098 proposed to H.R. 1495, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

At the request of Mr. FEINGOLD, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mrs. BOXER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1098 proposed to H.R. 1495, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. STABENOW (for herself and Ms. SNOWE):

S. 1408. A bill improve quality in health care by providing incentives for adoption of modern information technology; to the Committee on Finance.

Ms. STABENOW. Mr. President, the evidence showing the ability of health IT to reduce costs and improve quality of care is simply overwhelming.

That is why Senator OLYMPIA SNOWE and I are reintroducing our HealthTech legislation to accelerate the adoption of health information technology.

Businesses across the country are struggling to remain competitive in a global market with skyrocketing health care costs.

The use of electronic medical records could save more than $80 billion annually, reducing costs for businesses and taxpayers alike. We should be putting these systems in place immediately!

And, despite the best doctors, nurses, hospitals, and other health care providers in the world, some patients just are not getting the care they need.

Often times that is because our health care providers do not have the information they need about their patients, when they need it and where they need it.

And, our health care system are not currently set up to prevent errors; the most common medical errors include medication errors and the extra costs of treating drug-related injuries amount to at least $3.5 billion a year.

As compelling as the cost savings is the promise health IT holds for improving the quality of our health care system.

Getting health IT into the hands of our doctors, hospitals, nursing homes and community clinics will mean patients get the care they need, at the right time, and in the best setting.

The value of health IT—saving lives and saving money—is well-known.

So why is it not being used more widely?

Health care providers are struggling to keep up with their daily needs; a major barrier to widespread use of IT is the initial investment cost.

The costs of implementing health IT can be staggering.

For example, the cost of an integrated electronic health record system for a three- to six-member physician practice is estimated to be $70,000-$100,000.

And, the savings from using health IT go primarily to the patients, employers, and insurers, not the providers.

If a patient needs one less x-ray because a hospital can pull up the x-ray performed by a radiologist in a different setting, that is one less co-payment for the patient, and one less bill to the patient's employer or insurer, or to the Medicare program.

It only makes sense for the Federal Government to invest some seed money.

Every day we delay providing Federal dollars, we delay getting health information technology systems in place, and businesses, taxpayers and patients pay in both dollars and lives.

The bill that Senator SNOWE and I are reintroducing today would address just that: It would put IT systems in the hands of providers by establishing a 5-year, $4 billion grant program for health care providers and by providing tax incentives and adjusting Medicare payments for providers who use these systems.

The bill will be referred to the Finance Committee; Senator SNOWE and I are both members of the committee and will work to include our legislation in any appropriate package the committee considers.

We have made an important change to our bill this Congress.

A patient's right to health information privacy is paramount, and is essential to the health care provider-patient relationship.

Therefore we have added a requirement that health IT systems funded by our legislation ensure the privacy and security of personal medical information, and that patients be informed if there is a breach in the privacy of their medical record.

We need to get this done. Widespread use of health information technology can revolutionize our health care system. Getting systems into the hands of providers is the first step.

Our legislation has the support of many consumer, provider, labor and business groups including: AFL-CIO, Altarum, American Academy of Pediatrics, American College of Cardiology, American College of Emergency Physicians, American College of Physicians, American Health Care Association, American Heart Association, American Society of Health-System Pharmacists, Ascension Health, Automation Alley, BlueCross/BlueShield of Michigan, DaimlerChrysler, Detroit Medical Center, e-Health Initiative, Families USA, Federation of American Hospitals, Ford Motor Company, General Motors Corporation, Greenway Medical Technologies, Healthcare Information and Management Systems Society (HIMSS), HR Policy Association, IBM, Marquette General Health System, McLaren Health Care Corporation, Michigan Health and Hospital Association, Michigan State Medical Society, National Association of Children's Hospitals, National Association of Community Health Centers, National Business Coalition on Health, National Business Group on Health, National Partnership for Women and Families, National Rural Health Association, Oracle, Saint John Health, Saint Joseph Mercy Health System—Ann Arbor, Michigan; Saint Joseph Mercy Oakland—Pontiac, Michigan; Saint Mary's Health Care—Grand Rapids, Michigan and Trinity Health.

I urge my colleagues to support this legislation.

Ms. SNOWE. Mr. President, today I join my colleague, Senator STABENOW of Michigan, in introducing the Health Information Technology Act of 2007, which will serve to improve the quality of health care through implementation of information technology, IT, in hospitals, health centers and physician practices throughout the country. Our legislation is necessary because as a nation we face two stark problems.

The first of these is a serious patient-safety problem. Indeed if most Americans were told today that 98,000 lives were lost needlessly last year and a cure was available they would undoubtedly call for action. Yet the Institute of Medicine, IOM, has reported that medical errors inflict that toll every year, and we have the technology at our disposal to dramatically reduce those deaths.

The good news is that solutions exist. We have the technological ability to dramatically reduce medical errors and thus save lives. Many of us have heard about how drug interactions can be avoided by software systems which check a patient's prescriptions for hazards. Yet there are so many other applications which can improve health. For example, by reviewing and analyzing information, a health provider can help a patient better manage chronic diseases such as diabetes and heart disease, and avoid adverse outcomes.

Our second major problem is the escalating cost of health care. Our health spending now comprises 16 percent of GNP, and the price of coverage has grown so high that the number of Americans without health insurance reached nearly 47 million last year. Those trends are threatening our economic competitiveness in the world and each American's health security as well. The answer is not to simply expand coverage, because on our current trajectory, escalating costs would simply erode our ability to provide care. It is clear that some fundamental changes must be made in health care.

One of those changes must be the application of modern data technology to save lives and reduce costs. Indeed consider the savings when a physician can locate information efficiently. Tests do not have to be repeated and data is not delayed. In fact, a patient may obtain faster, higher quality care when, for example, multiple practitioners can review diagnostic test results right at their desktops. In an age where millions of Americans share family pictures over the internet in seconds, is it not long past time that a physician should be able to retrieve an x-ray just as easily?

The President certainly recognizes the disparity in technology in health versus other parts of our economy. He has declared a goal for every American to have an electronic medical record within ten years. I concur, we need this and more. In fact, once that record is in place we can do so many things better. From preventing drug interactions, to managing chronic diseases, to simply helping providers operate more efficiently. Most of us have been told at one time or another, "we're waiting to get the test results mailed," or "we're still waiting for your chart." Health care is one of the last bastions of such inefficiency. Indeed it is often easier to track the service history on one's automobile than to see your own health history.

The bad news is that the cost of new systems and a lack of standards have prevented us from reaping the benefits of new technologies. The President has made technology implementation a priority, and there is no doubt that a lack of standards has played a role in slowing IT adoption by many health care providers. One must know that a system purchased will be compatible with others, and that, no matter what may happen in the future to a vendor, the huge investment one makes in building an electronic medical records would not be lost. In other words, your system must be able to communicate with other systems, and your investment in building electronic medical records must be preserved. So when a patient moves, their electronic "chart" should be able to move right along with them, and their continuity of care shouldn't be interrupted.

Yet standards alone aren't enough. Today many providers are struggling to make these investments, and for those which serve beneficiaries of Medicare, Medicaid and SCHIP, it can be exceedingly difficult. Our physicians, for example, have seen recent Medicare payment updates which have not even kept pace with inflation . . . and at the same time some expect that they will make a major investment in health IT.

The failure of that logic is clear because we know where the benefits are realized. The benefits to patients are evident, in fewer delays, in better outcome, lives saved. Health IT reduces costs as well, but primarily to those who pay for services, not to providers. Indeed it has been estimated that 89 percent of cost savings accrue to those who pay for services. It should be obvious then that the Federal Government would invest in health IT to reduce its expenditures on Medicare, Medicaid and SCHIP.

That is precisely what this legislation would do. Because as we look to the many studies and reports on health IT, one thing is clear. The annual cost savings actually exceeds the price of implementation. With that kind of return, it is indisputable that the Federal Government must employ health IT to see not only the savings in lives, but also better management of health care spending.

This legislation does that by providing grants to spur adoption among physicians, hospitals, long term care facilities, and both federally qualified health centers and community mental health centers. These grants are targeted to help provide the health IT resources providers need to serve our Federal beneficiaries. In fact, the size of an allowable grant for each provider is keyed to the proportion of the patient care which they deliver to Federal beneficiaries. So we will help these providers deliver better care to those on Medicare, Medicaid and SCHIP . . . while working to see costs reduced in those programs. That is simple common sense.

The legislation supports reasonable expenditures for a variety of expenses required to implement health care information technology. These include such components as computer hardware and software, plus installation and training costs. In addition, when installed we require that every system must meet the HHS Secretary's interoperability standards.

Our new legislation even provides an alternative to those for-profit providers who do not wish to apply for a grant. Under this bill, such providers will be able to expense the cost of a qualified system.

I again want to stress the first goal of this legislation: to help build a safer medical-delivery system. The great successes of our health care system are largely due to our highly committed and talented health care professionals.

The problem we are addressing today is not theirs, but is an endemic weakness of the system they depend upon. However, to utilize the solution, the Federal Government must step forward and provide the leadership necessary to make system changes a reality.

When the Medicare and Medicaid Programs began, we could only have dreamed about computerized clinical information systems. Now, today, we have this technology at our disposal, and I strongly believe that we cannot afford to delay implementation. In fact, as we face challenges in the financing of health entitlements, this is exactly the sort of initiative which will enable us to achieve the fundamental improvements to make these benefits more fiscally secure.

I hope my colleagues will join us in support of this legislation so we may soon achieve the goals of improving patient safety and reducing our escalating health care costs.

By Mr. LAUTENBERG (for himself and Ms. SNOWE):

S. 1411. A bill to amend the Clean Air Act to establish within the Environmental Protection Agency an office to measure and report on greenhouse gas emissions of Federal agencies; to the Committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, I am pleased to introduce the Federal Government Greenhouse Gas Registry Act. This bill will create an inventory of the greenhouse gas emissions associated with the Federal Government. This includes the Government's buildings, automotive fleets and other sources of emissions. Understanding the "footprint" of the Federal Government's emission is essential to reducing those emissions.

The Federal Government is one of the largest emitters of greenhouse gases in the world. In particular, the largest owner or renter of buildings and owns the single largest fleet of cars in the United States. The buildings and the transportation sectors account for nearly two-thirds of all of the greenhouse gases in the country. The Federal Government must lead by example by reducing its own emissions.

Understanding the extent of an entity's emissions, through the development of a registry, is important to ultimately reducing emissions. The private sector already understands this. It has found that tracking and monitoring corporate emissions creates an opportunity to easily reduce emissions by seeing where energy is inefficiently used. According to a recent report by the Pew Center on Global Climate Change, "the first step in developing a climate strategy is to analyze a company's GHG emissions profile . . ."

My bill uses the GHG protocol, a rigorous standard developed by experts and used by companies, States and trading regimes around the world, including Johnson & Johnson, the California Climate Action Registry and the EU's emission trading schemes. Utilizing such a well known and frequently used standard is important because it allows for comparison and benchmarking with other large emitters.

The Government Accountability Office, GAO, has also recognized the importance of measuring greenhouse gas emissions. According to a GAO report from April 2007—"Energy Audits Are Key to Strategy for Reducing Greenhouse Gas Emissions"—conducting emissions assessments would ". . . include information on cost-effectiveness and potential for reducing emissions."

In closing, the Federal Government has an obligation to lead by example and this bill is a critical first step in reducing its emissions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Government Greenhouse Gas Registry Act of 2007".

SEC. 2. FEDERAL GREENHOUSE GAS EMISSIONS.

The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

"TITLE VII—FEDERAL GREENHOUSE GAS EMISSIONS

"SEC. 701. DEFINITIONS.

"In this title:

"(1) AGENCY EMISSION BASELINE.—The term 'agency emission baseline', with respect to a Federal agency, means such quantity of the aggregate quantity of direct emissions, energy indirect emissions, and indirect emissions used to calculate the emission baseline as is attributable to the Federal agency.

"(2) DIRECT EMISSION.—The term 'direct emission' means an emission of a greenhouse gas directly from a source owned or controlled by the Federal Government, such as from a fleet of motor vehicles.

"(3) EMISSION ALLOWANCE.—The term 'emission allowance' means an authorization to emit, for any fiscal year, 1 ton of carbon dioxide (or the equivalent quantity of any other greenhouse gas, as determined by the Administrator).

"(4) EMISSION BASELINE.—The term 'emission baseline' means a quantity of greenhouse gas emissions equal to the aggregate quantity of direct emissions, energy indirect emissions, and indirect emissions for fiscal year 2005, as determined by the Office in accordance with section 702(b)(3).

"(5) ENERGY INDIRECT EMISSION.—The term 'energy indirect emission' means an emission of a greenhouse gas resulting from the production of electricity purchased and used by the Federal Government.

"(6) GREENHOUSE GAS.—The term 'greenhouse gas' means any of—

"(A) carbon dioxide;

"(B) methane;

"(C) nitrous oxide;

"(D) hydrofluorocarbons;

"(E) perfluorocarbons; and

"(F) sulfur hexafluoride.

"(7) INDIRECT EMISSION.—

"(A) IN GENERAL.—The term 'indirect emission' means an emission of greenhouse gases resulting from the conduct of a project or activity (including outsourcing of a project or activity) by the Federal Government (or any Federal officer or employee acting in an official capacity).

"(B) INCLUSIONS.—The term 'indirect emission' includes an emission of a greenhouse gas resulting from—

"(i) employee travel; or

"(ii) the use of an energy-intensive material, such as paper.

"(C) EXCLUSION.—The term 'indirect emission' does not include an energy indirect emission.

"(8) OFFICE.—The term 'Office' means the Federal Emissions Inventory Office established by section 702(a).

"(9) PROTOCOL.—The term 'protocol' means the Greenhouse Gas Protocol Corporate Accounting and Reporting Standard developed by the World Resources Institute and World Business Council on Sustainable Development.

"SEC. 702. FEDERAL EMISSIONS INVENTORY OFFICE.

"(a) ESTABLISHMENT.—There is established within the Environmental Protection Agency an office to be known as the 'Federal Emissions Inventory Office'.

"(b) DUTIES.—The Office shall—

"(1) as soon as practicable after the date of enactment of this title, develop an emission inventory or other appropriate system to measure and verify direct emissions, energy indirect emissions, indirect emissions, and offsets of those emissions;

"(2) ensure that the process of data collection for the inventory or system is reliable, transparent, and accessible;

"(3)(A)(i) not later than 1 year after the date of enactment of this title, establish an emission baseline for the Federal Government; or

"(ii) not later than 180 days after the date of enactment of this title, if the Office determines that Federal agencies have not collected enough information, or sufficient data are otherwise unavailable, to establish an emission baseline, submit to Congress and the Administrator a report describing the type and quantity of data that are unavailable; and

"(B) after establishment of an emission baseline under subparagraph (A), periodically review and, if new information relating to the base year becomes available, revise the emission baseline, as appropriate;

"(4) upon development of the inventory or system under paragraph (1), use the inventory or system to begin accounting for direct emissions, energy indirect emissions, and indirect emissions in accordance with the protocol;

"(5) ensure that the inventory or other appropriate system developed under paragraph (1) is periodically audited to ensure that data reported in accordance with the inventory or system are relevant, complete, and transparent;

"(6) not later than 1 year after the date of enactment of this title—

"(A) develop such additional procedures as are necessary to account for emissions described in paragraph (3), particularly indirect emissions; and

"(B) submit to Congress and the Administrator a report that describes any additional data necessary to calculate indirect emissions;

"(7) coordinate with climate change and greenhouse gas registries being developed by States and Indian tribes; and

"(8) not later than October 1 of the year after the date of enactment of this title, and annually thereafter, submit to Congress and the Administrator a report that, for the preceding fiscal year, for the Federal Government and each Federal agency—

"(A) describes the aggregate quantity of emissions (including direct emissions, energy indirect emissions, and indirect emissions); and

"(B) specifies separately the quantities of direct emissions, energy indirect emissions, and indirect emissions comprising that aggregate quantity.

"SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary to carry out this title.".

By Mr. HARKIN:

S. 1412. A bill to amend the Farm Security and Rural Development Act of 2002 to support beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today, along with Senators GRASSLEY, BROWN, and BAUCUS, I am introducing legislation that will expand opportunities for our next generation of farmers and ranchers. Over the next two decades, an estimated 400 million acres of agricultural land will be transferred to new owners. Today, farmers over the age of 65 outnumber those below the age of 35 by a margin of nearly two to one. The future structure, health and vitality of our Nation's food and agriculture system depend on sound public policies that provide the next generation of farmers and ranchers the help they need to successfully enter farming and ranching.

The next generation of farmers and ranchers need access to training and mentoring which will help them obtain the critical management and marketing skills vital to their success. The Beginning Farmer and Rancher Program, created in the Farm Security and Rural Investment Act of 2002, is the first USDA program other than credit financing to focus specifically on beginning farmers and ranchers. The Beginning Farmer and Rancher Opportunity Act of 2007 would reauthorize this program and provide $25 million a year in mandatory funding. We also propose to make beginning farmer issues, such as land transition, farm transfer and succession, and entry into farming priority research areas within the Initiative for Future Agriculture and Food Systems.

Beginning farmers and ranchers who are unable to obtain credit from commercial sources are eligible for Farm Service Agency direct farm ownership and operating loans up to an amount of $200,000 for each type of loan. This limit has not been adjusted in nearly two decades despite the rising cost of land, equipment and energy, and thus it is no longer sufficient. We propose to increase direct farm ownership and operating loan limits from $200,000 to $300,000 to reflect economic realities. The authorization of appropriations for direct loans is adjusted in the bill to reflect the new loan limits. It is important to increase direct loan authorization levels and appropriations, along with adjusting the direct farm ownership and operating loan limits or the net result may well be larger loans to fewer borrowers out of a constant pool of loan funds.

We propose several adjustments to the beginning farmer and rancher down payment loan program. This loan combines the financial resources of the beginning farmer, the Farm Service Agency and commercial or private lenders. Throughout the 1990s this program was very successful, but in recent years it has not been widely used due to low interest rates on traditional direct farm ownership loans. The interest rates on the down payment loan and direct farm ownership loan have been comparable so qualified borrowers have chosen to use the traditional FSA direct farm ownership loan for which no down payment is required.

The Beginning Farmer and Rancher Opportunity Act of 2007 would adjust the current interest rate of 4 percent for beginning farmer and rancher down payment loans to a floating rate of 4 percent below the regular FSA direct farm ownership interest rates, or 1 percent, whichever is greater. It would also reduce the beginning farmer's down payment from 10 percent to 5 percent of the total price of land and increase the FSA portion of the loan to 45 percent from 40 percent. A commercial lender or private seller would still be required to supply the remaining portion of the partnership loan.

These changes, along with a few others, would make the program more attractive for beginning farmers and ranchers. Creating more attractive incentives in this beginning farmer and rancher down payment loan program should result in limited Federal dollars supporting more qualified borrowers since the government's portion of financing a farm purchase is only 45 percent as opposed to the traditional direct farm ownership loan where the government finances 100 percent of the loan.

The Beginning Farmer and Rancher Opportunity Act of 2007 creates a new beginning farmer and rancher individual development account pilot program. This program is designed to help beginning farmers and ranchers with limited resources establish savings. Eligible program participants agree to save money which is matched by federal and local money. The savings may be used by a participant for capital expenditures for farm and ranch operation, including the purchase of land, buildings, equipment and livestock. This program will help participating beginning farmers and ranchers save and invest in assets that will increase their long-term equity and likelihood of success.

The challenges beginning farmers and ranchers face are immense. The cost of land and equipment, obtaining credit, turning a profit and building equity in a highly uncertain business are just a few of the challenges. The Beginning Farmer and Rancher Opportunity Act of 2007 will help address the big challenge facing America's next generation of farmers and ranchers. This bill is a comprehensive initiative which provides farmers and ranchers critical help they need to enter and succeed in farming and ranching, to be good stewards of the land, to be innovative and entrepreneurial and to respond to rapidly changing markets and economic realities. I encourage my colleagues to support this important legislation and help enact it this year.

By Mr. ALEXANDER (for himself and Mr. KENNEDY):

S. 1414. A bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history and civics, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I am pleased to join Senator ALEXANDER this year in introducing the American History and Civics Achievement Act. The bill is part of a continuing effort to renew the national commitment to teaching history and civics in the Nation's public schools. It lays the foundation for more effective ways of teaching children about the Nation's past and the importance of civic responsibility. It contains no new requirements for schools, but it does offer a more frequent and effective analysis of how America's students are learning these important subjects.

The NAEP U.S. History and Civics results released today, for example, show that 86 percent of America's high school seniors cannot explain why this country was involved in the Korean war.

Nearly all eighth graders struggle to explain how the fall of the Berlin Wall affected our foreign policy.

Nearly 75 percent of eighth graders cannot explain the historical purpose of the Declaration of Independence.

We can't allow this trend to continue. While some progress has been made in improving student achievement in these subjects, too many students are still unable to grasp their importance.

Our economy and our future security rely on good schools that help students develop specific skills, such as reading and math. But the strength of our democracy and our standing in the world also depend on ensuring that children have a basic understanding of the Nation's past and what it takes to engage in our democracy. An appreciation of the defining events in our Nation's history can be a catalyst for civic involvement.

Instilling such appreciation, and teaching the values of justice, equality, and civic responsibility should be an important mission of our public schools. Thanks to the hard work of large numbers of history and civics teachers in classrooms throughout America, we are making progress. Research conducted in history classrooms shows that children are using primary sources and documents more often to explore history, and are being assigned historical and biographical readings by their teachers more frequently.

But much more remains to be done to improve students' understanding of both of these subjects, and see to it that they are not left behind in their classrooms.

Good standards matter. They are the foundation for teaching and learning in every school. With the right resources, time, and attention, it is possible to develop creative and effective history and civics standards in every State.

Meeting high standards in reading and math is important, but it should not come at the expense of scaling back teaching in other core subjects such as history and civics. Integrating reading and math with other subjects often gives children a better way to master literacy and number skills, even while studying history, geography, and government.

That type of innovation deserves special attention in our schools. Making it happen requires a focus on good standards and student achievement, which we're proposing today. But it also requires added investments in teacher preparation and teacher mentoring, so that teachers are well prepared to use interdisciplinary methods in their lesson plans.

Our bill today takes several important steps to strengthen the teaching of American history and civics, and raise the standing of these subjects in school curriculums. Through changes in the National Assessment for Educational Progress, schools will be better able to achieve success on this important issue.

First, we propose a more frequent national assessment of children in American history under the NAEP—every 4 years. NAEP is the gold standard for measuring progress by students and reporting to the Nation on that progress. It makes sense to measure the knowledge and skills of children on the NAEP more frequently than every 5 or 6 years, to obtain a more timely picture of student progress and better address gaps in learning.

The bill also proposes to strengthen state standards in American history and civics, through a new State-level pilot assessment of these subjects under NAEP. The assessment would be conducted on an experimental basis in 10 States in grades 8 and 12. The National Assessment Governing Board will ensure that States with model standards, as well as those whose standards are still under development, will participate in this assessment.

Moving NAEP to the State level does not carry any high stakes for schools. But it will provide an additional benchmark for States to develop and improve their standards. It is our hope that States will also be encouraged to undertake improvements in their history curricula and in their teaching of civics, and ensure that both subjects are a beneficiary and not a victim of school reform.

America's past encompasses great leaders with great ideas that contributed to our heritage and to the principles of freedom, equality, justice, and opportunity for all. Today's students will be better citizens in the future if they learn more about that history and about the skills needed to participate in our democracy. The American History and Civics Achievement Act is an important effort to reach that goal, and I urge my colleagues to support it.

By Mr. HARKIN (for himself and Ms. SNOWE):

S. 1415. A bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes; to the Committee on Finance.

Mr. HARKIN. Mr. President, I am honored to join with the distinguished Senator from Maine, Ms. SNOWE, to introduce the Cancer Screening, Treatment an Survivorship Act of 2007.

Last summer, Lance Armstrong came to Iowa to testify at a field hearing on cancer research. He is a national hero for winning the Tour de France 7 years in a row. But he has become a national treasure as America's No. 1 advocate for cancer research, detection, and treatment. I deeply appreciate his advocacy and tireless efforts to fight this disease. Lance is one of the millions of people across America who has been touched by cancer.

The bill I am introducing today is personal with me. I have lost 4 of my 5 siblings to cancer. And, with better detection and screenings, perhaps my siblings would have had a better outcome.

I believe passionately in doing our best to prevent cancer, by encouraging appropriate lifestyle choices. But I am equally passionate about the need to do a better job of detecting cancer as early as possible, so we have a better chance of beating it.

And that is the aim of the Cancer Screening, Treatment, and Survivorship Act of 2007. We have simple goals: To detect cancer earlier. To reduce cancer mortality rates. To improve the quality of life for those diagnosed with cancer. And, yes, to save health care dollars.

As I said, my hope is that the bill we are introducing today will take us to the next level and begin addressing survivorship and people that are living with this chronic disease. Together, we can work to improve the quality of life for those diagnosed with cancer and save lives. I look forward to working with my colleagues to ensure that this legislation is passed and signed into law.

Ms. SNOWE. Mr. President, today I am pleased to join my colleague, Senator HARKIN of Iowa, to introduce the Cancer Screening, Treatment and Survivorship Act of 2007. This legislation will help us to realize a long-held vision—to see cancer conquered within our lifetimes.

Today nearly half of all Americans can expect to suffer from an invasive form of cancer. So it is indisputable that cancer research, screening, and treatment should continue to be a high public health priority. Many have called for an elimination of cancer death and suffering by 2015, and I supported that ambitious goal along with 91 of my Senate colleagues. Yet it is concrete action which is required if we are to make progress towards that objective.

Indeed, we have already seen remarkable progress in the diagnosis and treatment of cancer. Today, for example, more women are surviving breast cancer. Early diagnosis and modern treatments are saving lives. We have even seen that drug treatment can substantially reduce the recurrence of breast cancer.

And it is the strides which we have made in scientific discovery is fueling those advances. Senator HARKIN and I both worked to support the doubling of NIH funding—and the landmark work to map the human genome—and today we sit poised to make the progress of which generations have dreamed.

Yet, no matter what we learn, no matter what cures are developed—without access to screening and treatment, no cure is possible. And if one does not even know that the need for cure exists, no action can be taken. So cancer is one of a number of areas where we see stark disparities in health.

That is why I have joined with Senator HARKIN to introduce this legislation. As co-chairs of the Senate Prevention Coalition, we recognize that if we are to fundamentally improve both the quality and the cost of health care, we cannot continue to use a band-aid approach. Indeed to address illness late is only to increase the risk that individuals will not survive, and that we will provide only the most expensive tertiary care.

So we need a new approach—a new mind set. Part of that is prevention, but not just prevention of the disease, but also avoidance of the negative consequences of disease.

In no case is this so clear as with cancer. Because we know that early detection is so crucial to successful treatment, and this legislation recognizes that.

Under our legislation we will see cancer screening extended to those who today, too often are without such care. This act would provide grants to states to employ screening programs to detect cancer early—when it is most treatable. Under our legislation, the HHS Secretary will examine those diagnostics which meet the standards of the U.S. Preventive Services Task Force and select those with highest promise in order to see that we can reduce the toll of cancer.

Those receiving grants will see that the public's awareness of screenings improves, that health professionals receive additional training in cancer detection and control, and that as new and better diagnostics are developed, Americans will have access to those advances without regard to their inability to pay. That is the first step in reducing the toll of cancer.

Those who do receive a positive diagnosis as a result of this act will obtain treatment referrals, and states will have the option to provide treatment to those individuals without access to care under Medicaid. States which elect to do so would receive an enhanced Federal match to provide the very treatment which we know not only saves lives, but reduces costs as well.

I know that some will argue that we cannot afford to add additional coverage to Medicaid. Yet to that I must answer that without coverage, many will simply see their disease progress, and ultimately end up Medicaid-eligible—but at a point when therapy is so much less effective. The cost of such deferral of care in both lives and health expenditures is enormous. So I hope that many states will elect to cover treatment, just as many already have for those women screened under the Breast and Cervical Cancer Screening program today.

This is a milestone moment, because today we begin to move forward in how we address cancer—giving the HHS Secretary the authority to work in cooperation with the states to see that we work to see every American has access to screening and treatment for cancer.

The step we are taking forward today is the product of so much work through the years. And this week, as cancer advocates—including Lance Armstrong and representatives of his foundation—press for action to achieve our vision of ending cancer in our lifetime, I am heartened by the promise before us.

I hope my colleagues will join us in support of this legislation so we may soon achieve the vision of our long war on cancer.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 203—CALLING ON THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO USE ITS UNIQUE INFLUENCE AND ECONOMIC LEVERAGE TO STOP GENOCIDE AND VIOLENCE IN DARFUR, SUDAN

Mr. MENENDEZ (for himself, Mr. BROWNBACK, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. CASEY, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. DOLE, Ms. COLLINS, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 203

Whereas since the conflict in Darfur, Sudan began in 2003, hundreds of thousands of people have been killed and more than 2,500,000 displaced as a result of the ongoing and escalating violence;

Whereas on July 23, 2004, Congress declared, "the atrocities unfolding in Darfur, Sudan, are genocide" and on September 23, 2004, then Secretary of State Colin Powell stated before the Committee on Foreign Relations of the Senate that, "genocide has occurred and may still be occurring in Darfur," and "the Government of Sudan and the Janjaweed bear responsibility";

Whereas on October 13, 2006, the President signed the Darfur Peace and Accountability Act (Public Law 109-344), which identifies the Government of Sudan as complicit with the forces committing genocide in the Darfur region and urges the President to, "take all necessary and appropriate steps to deny the Government of Sudan access to oil revenues";

Whereas President George W. Bush declared in a speech delivered on April 18, 2007, at the United States Holocaust Memorial Museum that no one "can doubt that genocide is the only word for what is happening in Darfur-and that we have a moral obligation to stop it";

Whereas the presence of approximately 7,000 African Union peacekeepers has not deterred the violence and the increasing attacks by the Government-sponsored Janjaweed militia and rebel groups.

Whereas the Government of Sudan continues to refuse to allow implementation of the full-scale peacekeeping mission authorized under United Nations Security Council Resolution 1706;

Whereas former United Nations Secretary-General Kofi Annan subsequently negotiated a compromise agreement with the Government of Sudan for a hybrid United Nations-African Union peacekeeping mission to be implemented in three phases;

Whereas the Government of the People's Republic of China has long-standing economic and military ties with Sudan and continues to strengthen these ties in spite of the on-going genocide in Darfur, as evidenced by the following actions:

(1) China reportedly purchases as much as 70 percent of Sudan's oil;

(2) China currently has at least $3,000,000,000 invested in the Sudanese energy sector, for a total of $10,000,000,000 since the 1990s;

(3) Sudan's Joint Chief of Staff, Haj Ahmed El Gaili, recently visited Beijing for discussions with Chinese Defense Minister Cao Gang Chuan and other military officials as part of an eight-day tour of China; Cao pledged closer military relations with Sudan, saying that China was "willing to further develop cooperation between the two militaries in every sphere";

(4) China has reportedly cancelled approximately $100 million in debt owed by the Sudanese Government; and

(5) China is building infrastructure in Sudan and provided funds for a presidential palace in Sudan at a reported cost of approximately $20,000,000;

Whereas given its economic interests throughout the region, China has a unique ability to positively influence the Government of Sudan to abandon its genocidal policies and to accept United Nations peacekeepers to join a hybrid United Nations-African Union peacekeeping mission;

Whereas the President's Special Envoy to Sudan, Andrew S. Natsios, further said in testimony on April 11, 2007, that "China's substantial economic investment in Sudan gives it considerable potential leverage, and we have made clear to Beijing that the international community will expect China to be part of the solution";

Whereas the Government of the People's Republic of China has previously influenced the Government of Sudan to take steps toward reducing violence and conflict by—

(1) abstaining from, and choosing not to obstruct, several important votes in the United Nations Security Council on resolutions related to Sudan, including Resolution 1556, which demanded Sudan disarm militias in Darfur, and Resolution 1706, which called for the deployment of additional United Nations peacekeepers, including up to 17,300 military personnel and up to 3,300 civilian police;

(2) helping to facilitate the Addis Ababa framework reached on November 16, 2006, which provides for a joint United Nations-African Union peacekeeping force;

(3) sending high-level delegations, including Chinese President Hu Jintao, to Sudan, and encouraging President Bashir to show flexibility and allow the joint United Nations-African Union peacekeeping force to be deployed;

(4) making frequent public statements that the Government of Sudan must carry out agreements made within the Addis Ababa framework of November 2006 to admit United Nations peacekeepers to join the United Nations-African Union peacekeeping force in Darfur;

(5) pledging to provide military engineers to support African Union peacekeeping forces in Darfur; and

(6) announcing on May 10, 2007, the appointment of a senior diplomat as China's special representative on African affairs who is to focus specific attention on the Darfur issue.

Whereas due to its vast population, its rapidly growing global economy, its large research and development investments and military spending, its seat as a permanent member of the United Nations Security Council and on the Asia-Pacific Economic Cooperation, China is an emerging power that is increasingly perceived as a leader with significant international reach and responsibility;

Whereas in November 2006, China hosted its third Forum on China-Africa Cooperation with more than 40 heads of state in attendance and which focused heavily on trade relations and investment on the African continent as it is expected to double by 2010;

Whereas China is preparing to host the Olympic Summer Games of 2008, the most honorable, venerated, and prestigious international sporting event;

Whereas China should be held accountable to act consistently with the Olympic standard of preserving human dignity in Darfur, Sudan and around the world; and

Whereas China has been reluctant to use its full influence to improve the human rights situation in Darfur: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the close relationship between China and Sudan and strongly urges the Government of the People's Republic of China to use its full influence to—

(A) urge the President of Sudan, Omar al-Bashir, to allow a robust peacekeeping force as described in United Nations Security Council Resolution 1706;

(B) call for Sudanese compliance with United Nations Security Council Resolutions 1556 and 1564, and the Darfur Peace Agreement, all of which demand that the Government of Sudan disarm militias operating in Darfur;

(C) call on all parties to the conflict to adhere to the 2004 N'Djamena ceasefire agreement and the recently-agreed United Nations communiqué which commits the Sudanese Government to improve conditions for humanitarian organizations and ensure they have unfettered access to the populations they serve;

(D) emphasize that there can be no military solution to the conflict in Darfur and that the formation and implementation of a legitimate peace agreement between all parties will contribute toward the welfare and stability of the entire nation and broader region;

(E) urge all rebel groups to unify and assist all parties to come to the negotiating table in good faith;

(F) urge the Government of southern Sudan to play a more active role in pressing for legitimate peace talks and take immediate steps to support and assist in the revitalization of such talks along one single coordinated track;

(G) engage collaboratively in high-level diplomacy and multilateral efforts toward a renewed peace process; and

(H) join the international community in imposing economic and other consequences on the Government of Sudan if that Government continues to carry out or support attacks on innocent civilians and frustrate diplomatic efforts; and

(2) recognizes that the spirit of the Olympics, which is to bring together nations and people from all over the world in peace, is incompatible with any actions, directly or indirectly, supporting acts of genocide.

Mr. MENENDEZ. Mr. President, as I rise today to talk about the genocide in Darfur, I ask myself: How long will we wait until we invoke real sanctions on the Sudan? How long will we wait until a hybrid African Union/United Nations peacekeeping force is in place? And how many more reports must we read about how the African Union troops are overstretched, underfunded, and ill-equipped before the international community provides them with the support they need to be effective?

How many more people from Darfur must be driven from their homes and forced to give up their livelihoods before the world says enough is enough? How many more hundreds of thousands of people must die before we do everything—everything—in our power to stop the atrocities? When will we give real meaning to our commitment to the phrase "never again?"

After 4 years, hundreds of thousands of Darfurians killed, more than 2.5 million people displaced, and some 80,000 people in Darfur who have spilled into refugee camps this year alone, it is time that we act more strategically and effectively to stop the genocide in Darfur.

Despite our efforts thus far, it is clear that we have seen no real change for the people of Darfur who continue to be attacked and killed. It is time to stop wringing our hands. We must take a hard look at our current policy and ask ourselves: Why, after years of international engagement, has the genocide not stopped in Darfur, and what can we do differently now?

The simple answer is: We must deal with Darfur's economic lifeline, China. Right now, China has unique ties, influence, and leverage over the Sudanese Government. Here we see the Chinese Prime Minister meeting with the Sudanese President in Beijing, the capital of China.

China has unique ties, influence, and leverage over the Sudanese Government. Because of China's close economic relationship with Khartoum, Sudan is able to expand its infrastructure, increase its defense budget, and profit from its oil exports. It is time to diminish the strength of this lifeline.

Over the last decade we have watched China and Sudan forge a strong economic partnership. We have here, as I said, a picture of the Chinese Premiere meeting with the Sudanese President last November. China currently has at least $3 billion invested in the Sudanese energy sector for a total of $10 billion since the 1990s.

China reportedly buys as much as 70 percent of Sudan's oil. They recently canceled over $100 million in Sudanese debt, and they are building vast infrastructure and new government offices for Sudan.

China has even committed to providing funds so that Khartoum can build a new $20 million Presidential palace. A Presidential palace.

The fact is, with China as their friend, the impact of international action against the Sudanese Government has been diluted, and the genocide has continued. Because of China's investment and attention, Sudan has reportedly been able to double—double—its defense budget. In fact, according to the Heritage Foundation, Sudan is spending between 60 percent to 80 percent of its oil revenue, its national treasure, on what? On weapons.

A report by Amnesty International released last week concluded that these weapons come from—guess where—China, which has continued its arms sales to the Sudanese Government despite the March 2005 arms embargo imposed by the United Nations Security Council.

Simply put, Chinese investment fuels the atrocities taking place in Darfur. It is time that China uses its power and influence over Khartoum to do more than fill its own pocketbook. China is an emerging power on the world stage, and it is time they act accordingly with this responsibility.

Because of their close economic ties with the Sudan, China is in the position to significantly influence Khartoum, and it must use its clout to convince President Bashir to allow a hybrid African Union/United Nations peacekeeping force into Darfur.

This is one of the most pressing actions to help stop the genocide in Darfur. Last year, Chinese President Hu mentioned the peacekeeping with Sudan's President when the two met in Khartoum. But talk is cheap. It is time for real action.

As John Prendergast, the senior adviser to the International Crisis Group, said a few weeks ago in testimony before Congress, "Barking without biting is the diplomatic equivalent of giving comfort to the enemy."

Now is the time to bite. Now is the time for China to use the full weight of its economic influence to change Khartoum's policies. Now, I know China has taken some positive steps in the past to address the crisis in Darfur. They helped facilitate the Addis Ababa framework in November of 2006; they have pledged to provide military engineers to support African Union peacekeepers in Darfur; and they have appointed a special Africa envoy to focus on Darfur.

While we are certainly happy to see those positive measures, I am still concerned that China will continue its habit of taking small steps each time the international community turns up the heat but will not take major steps that will affect Darfur in the long run.

The simple fact is, China needs to do more to be actively involved in the solution. Next year, we will see China take center stage when it hosts the 2008 Olympic games. Frankly, I find it shocking that China is going to host an Olympics under the theme "One World and One Dream" while they help fuel the economy of a nation that has allowed genocide to ravage its country for some 4 years.

This is certainly not the "One World One Dream" we share. That is why today I am introducing a bipartisan resolution with Senator BROWNBACK, Senator FEINGOLD, and others, a version of which is also being introduced in the House, to let China know that as much as it cherishes its Olympic moment, the country should be held accountable to act consistently with the Olympic standard of preserving human dignity around the world, including in Darfur.

The resolution recognizes that the spirit of the Olympics, which is to bring nations and people from all over the world in peace, is incompatible with any actions to support acts of genocide. This legislation specifically calls on China to use its full influence to urge the President of Sudan to allow a robust peacekeeping force into Darfur; to comply with past United Nations Security Council resolutions and the Darfur Peace Agreement, which demand that the Government of the Sudan disarm militias in Darfur; and to improve the conditions for humanitarian organizations.

It also calls on all parties involved in the conflict to adhere to the 2004 ceasefire agreement and to work toward a legitimate peace deal.

This resolution I am submitting is only a first step. It is an invitation to the Chinese Government to take more of an initiative to set President Bashir on a straight path and allow a hybrid African Union/United Nations force into the country. I hope China takes this opportunity to act now, and that they understand Congress will be watching very closely to see what they actually do.

Our message for today is clear. We need to see real progress from China on this issue. We need to see it now. Along with stronger measures by the Chinese Government, the United States must continue in its efforts to end the genocide in Darfur.

After threatening more punitive measures for months, the administration must stop talking about what they define as plan B, which is more significant sanctions, and start enacting plan B. If we were stuck in the refugee camps in Darfur in the Sudan, being attacked by the jinjaweit, with our children slaughtered, seeing women raped, who among us would be content with those who counsel patience and delay?

Plan B's tightening sanctions against Sudan, targeting individuals responsible for the atrocious acts, and negotiating a new United Nation's Security Council resolution is the right thing to do now.

Finally, the fact is, the situation in Darfur is a timebomb that could explode at any moment. The humanitarian crisis has become ever more perilous. As we speak today, the number of dead and displaced persons continues to grow, and women and young girls continue to be raped. The refugee crisis continues to worsen. This year alone, at least 80,000 people in Darfur have spilled into refugee camps. The atrocities against these innocent refugees are no longer contained within Sudan, as refugees spill across borders into eastern Chad and the Central African Republic. The lives of these millions of displaced persons hang in a delicate balance between life and death. The world's largest humanitarian effort has been keeping that balance from tipping completely toward death.

The new United Nations Humanitarian chief, John Holmes, has warned that if the situation does not get better or if there are more serious incidents involving humanitarian workers, some organizations could start to withdraw and the humanitarian operation could start to unravel. I am deeply concerned we could soon begin to witness a catastrophic collapse of the humanitarian aid effort. Several international aid agencies, including the British group Oxfam, Save the Children Spain, and the United States-based Mercy Corps, reported in April that they were temporarily suspending their work in Darfur because of attacks. They reported attacks on their operations had increased over the past 3 weeks. Soon only a small number of aid workers may be left in this region, which could result in unimaginable destruction and death. Who would be there to protect these innocent victims? The overstretched and inadequately funded African Union Mission in Sudan?

Recently, chairperson of the African Union Commission said that if the current trend continues, the peacekeeping operation in Darfur will be in serious jeopardy. In reality, the African Union Mission may already be in deep jeopardy. According to a Washington Post article published last Sunday:

> The African Union's first major peacekeeping mission—once considered the last line of defense for Darfur civilians—has been crippled by funding and equipment shortages, government harassment and an upsurge in armed attacks by rebel forces that last month left seven African troops dead.
>
> The setbacks have sapped morale among peacekeepers, many of whom have not been paid for months. It has also compelled the force—which numbered 7,000 troops at its peak—to scale back its patrols and has diminished its capacity to protect civilians, aid workers and its own peacekeepers.

Simply put, the African Union force alone cannot end the violence in Darfur.

That is why it is imperative that the international community, with the explicit help of the Chinese Government, convince Sudan to allow a hybrid African Union-United Nations peacekeeping force into Darfur. Unfortunately, Khartoum continues to be complicit in allowing the destruction to continue. A recent United Nations report, described in the New York Times, detailed how the Government of Sudan is flying arms and heavy military equipment into Darfur in clear violation of Security Council resolutions. Even more egregious, the report describes how the Sudanese Government is painting their military planes white to disguise them as United Nations or African Union aircraft. President Bashir has toyed with the international community for long enough. Time and time again he has balked at agreements and promises. Time and time again he has manipulated the international community with last-minute agreements that he reneges on only a minute later. It is time for the games to end.

Because in this respect, silence in the face of genocide is complicity, we must continue to speak out. "Never again" is an empty promise if we do not take action to stop the murder of innocent people when we know it is happening. Once again, we find ourselves in a position to make that choice. We must choose to exhaust all options until our collective voices are heard and murder ends. We must convince China to use its power and influence over Khartoum to do more than fill its own pocketbook. We must ensure that rather than standing here a year from now talking about ending genocide in Darfur, we are celebrating a peaceful solution to the 21st century's first, and hopefully last, genocide.

We must choose—I urge members of the Senate to join us in this regard—to make sure that when we say "never again," we mean never again.

SENATE RESOLUTION 204—EXPRESSING THE SENSE OF THE SENATE WITH REGARD TO THE IMPORTANCE OF NATIONAL WOMEN'S HEALTH WEEK, WHICH PROMOTES AWARENESS OF DISEASES THAT AFFECT WOMEN AND WHICH ENCOURAGES WOMEN TO TAKE PREVENTIVE MEASURES TO ENSURE GOOD HEALTH

Mr. FEINGOLD (for himself, Ms. Snowe, Ms. Mikulski, Mr. Cardin, Mr. Lautenberg, Mrs. Lincoln, Mr. Sanders, Mrs. Feinstein, Mrs. Clinton, Mr. Brown, and Mr. Bingaman) submitted the following resolution; which was considered and agreed to:

S. Res. 204

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures such as a healthy lifestyle and frequent medical screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African American women, Asian and Pacific Islander women, Latinas, and American Indian and Alaska Native women;

Whereas healthy habits should begin at a young age;

Whereas preventive care saves Federal dollars designated for health care;

Whereas it is important to educate women and girls about the significance of awareness of key female health issues;

Whereas it is recognized that the Offices of Women's Health within the Food and Drug Administration, the Centers for Disease Control and Prevention, and the Health Resources and Services Administration, the Office on Women's Health of the Department of Health and Human Services, the Office of Research on Women's Health of the National

Institutes of Health, and the Women's Health Program of the Agency for Healthcare Research and Quality provide critical services in supporting women's health research, education, and other necessary services that benefit women of any age, race, or ethnicity;

Whereas National Women's Health Week begins on Mother's Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas, in 2007, the week of May 13 through May 19 is dedicated as National Women's Health Week:

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) supports the goals and ideals of National Women's Health Week;

(3) calls on the people of the United States to use National Women's Health Week as an opportunity to learn about health issues that face women;

(4) calls on the women of the United States to observe National Women's Check-Up Day by receiving preventive screenings from their health care providers; and

(5) recognizes the importance of federally funded programs that provide research and collect data on common diseases in women.

SENATE RESOLUTION 205—DESIGNATING JUNE 2007 AS "NATIONAL INTERNET SAFETY MONTH"

Ms. MURKOWSKI (for herself, Mr. WHITEHOUSE, Mr. STEVENS, Mr. VITTER, Mr. CRAIG, Mrs. HUTCHISON, Mr. CRAPO, Mr. BAUCUS, Mr. LEAHY, Mr. LIEBERMAN, Mr. OBAMA, Ms. LANDRIEU, Mr. COLEMAN, Mr. BAYH, Mrs. LINCOLN, Mr. SCHUMER, Mr. THUNE, and Mr. DOMENICI) submitted the following resolution; which was considered and agreed to:

S. RES. 205

Whereas there are more than 1,000,000,000 Internet users worldwide;

Whereas, in the United States, 35,000,000 children in kindergarten through grade 12 have Internet access;

Whereas approximately 80 percent of the children of the United States in grades 5 through 12 are online for at least 1 hour per week;

Whereas approximately 41 percent of students in grades 5 through 12 do not share with their parents what they do on the Internet;

Whereas approximately 24 percent of students in grades 5 through 12 have hidden their online activities from their parents;

Whereas approximately 31 percent of the students in grades 5 through 12 have the skill to circumvent Internet filter software;

Whereas 61 percent of the students admit to using the Internet unsafely or inappropriately;

Whereas 20 percent of middle school and high school students have met face-to-face with someone they first met online;

Whereas 23 percent of students know someone who has been bullied online;

Whereas 56 percent of parents feel that online bullying of children is an issue that needs to be addressed;

Whereas 47 percent of parents feel that their ability to monitor and shelter their children from inappropriate material on the Internet is limited; and

Whereas 61 percent of parents want to be more personally involved with Internet safety: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2007 as "National Internet Safety Month";

(2) recognizes that National Internet Safety Month provides the citizens of the United States with an opportunity to learn more about—

(A) the dangers of the Internet; and

(B) the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting awareness of the dangers of the Internet; and

(B) providing information and training that develops critical thinking and decision-making skills that are needed to use the Internet safely; and

(4) calls on Internet safety organizations, law enforcement, educators, community leaders, parents, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1136. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table.

SA 1137. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1097 proposed by Mr. REID (for Mr. LEVIN (for himself and Mr. REID)) to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1138. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 1139. Mr. WYDEN (for himself, Mr. BINGAMAN, Mr. BAUCUS, Mrs. BOXER, Mr. TESTER, Mr. SMITH, Ms. CANTWELL, Mrs. MURRAY, Mr. DOMENICI, Mr. CRAIG, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 2206, supra; which was ordered to lie on the table.

SA 1140. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table.

SA 1141. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 1142. Mr. BOND (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 2206, supra; which was ordered to lie on the table.

SA 1143. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2206, supra; which was ordered to lie on the table.

SA 1144. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table.

SA 1145. Mrs. BOXER (for herself and Mr. INHOFE) proposed an amendment to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, supra.

TEXT OF AMENDMENTS

SA 1136. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was order4ed to lie on the table; as follows:

On page 200, line 22, insert "**, NEW MEXICO,**" after "**MISSOURI**".

On page 201, line 17, insert ", New Mexico," after "Missouri".

On page 202, between lines 19 and 20, insert the following:

(6) Rio Grande Floodway, Albuquerque Unit, New Mexico.

On page 202, line 25, strike "$50,000,000" and insert "$150,000,000".

SA 1137. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1097 proposed by Mr. REID (for Mr. LEVIN (for himself and Mr. REID)) to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 4 strike all from section 5 to the end and insert the following:

SEC. 5 REDUCTION OF FORCES

The Secretary of Defense shall commence the reduction of the number of United States Armed Forces in Iraq not later than October 1, 2007, with a goal of completing such reduction within 180 days. The goal of completing such reduction shall be accelerated if the President is unable to report that the Government of Iraq is making substantial progress towards meeting each of the benchmarks set forth in subsection (a) (1) of Section 4 by October 15, 2007.

(b) Notwithstanding any other provision of law, funds appropriated or otherwise made available in this or any other Act are available for obligation and expenditure to plan and execute a safe and orderly reduction of the Armed Forces in Iraq.

(c) The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(d) After the conclusion of the reduction required by this section, the Secretary of Defense may not deploy or maintain members of the Armed Forces in Iraq for any purpose other than the following:

(1) Protecting American diplomatic facilities and American citizens, including members of the U.S. armed forces;

(2) Serving in roles consistent with customary diplomatic positions;

(3) Engaging in targeted actions against members of al-Qaeda and allied parties and other terrorist organizations with global reach; and

(4) Training and equipping members of the Iraqi Security Forces.

SA 1138. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, strike lines 7 through 15 and insert the following:

SEC. 3301. The Secretary is authorized and directed to reimburse local governments for expenses the governments have incurred in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area, on the condition that the Secretary determines those elements of work and related expenses to be integral to the overall plan to ensure operability of the stations during hurricanes, storms, and high water events and the flood control plan for the area.

SA 1139. Mr. WYDEN (for himself, Mr. BINGAMAN, Mr. BAUCUS, Mrs. BOXER, Mr. TESTER, Mr. SMITH, Ms. CANTWELL, Mrs. MURRAY, Mr. DOMENICI, Mr. CRAIG, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2201 of division B and insert the following:

SEC. 2201. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

"SEC. 2. PURPOSES.

"The purposes of this Act are—

"(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

"(2) to make additional investments in, and create additional employment opportunities through, projects that—

"(A)(i) improve the maintenance of existing infrastructure;

"(ii) implement stewardship objectives that enhance forest ecosystems; and

"(iii) restore and improve land health and water quality;

"(B) enjoy broad-based support; and

"(C) have objectives that may include—

"(i) road, trail, and infrastructure maintenance or obliteration;

"(ii) soil productivity improvement;

"(iii) improvements in forest ecosystem health;

"(iv) watershed restoration and maintenance;

"(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

"(vi) the control of noxious and exotic weeds; and

"(vii) the reestablishment of native species; and

"(3) to improve cooperative relationships among—

"(A) the people that use and care for Federal land; and

"(B) the agencies that manage the Federal land.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

"(A) the number equal to the quotient obtained by dividing—

"(i) the base share for the eligible county; by

"(ii) the income adjustment for the eligible county; by

"(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

"(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

"(A) the quotient obtained by dividing—

"(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

"(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

"(B) the quotient obtained by dividing—

"(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

"(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

"(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

"(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

"(A) contains Federal land (as defined in paragraph (7)); and

"(B) elects to receive a share of the State payment or the county payment under section 102(b).

"(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

"(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

"(7) FEDERAL LAND.—The term 'Federal land' means—

"(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

"(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

"(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

"(A) the number equal to the quotient obtained by dividing—

"(i) the 50-percent base share for the eligible county; by

"(ii) the income adjustment for the eligible county; by

"(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

"(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

"(A) the quotient obtained by dividing—

"(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

"(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

"(B) the quotient obtained by dividing—

"(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

"(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

"(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

"(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

"(A) $526,079,656 for fiscal year 2007;

"(B) $520,000,000 for fiscal year 2008; and

"(C) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

"(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

"(A) the per capita personal income for each eligible county; by

"(B) the median per capita personal income of all eligible counties.

"(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

“(14) SAFETY NET PAYMENTS.—The term ‘safety net payments’ means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

“(15) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

“(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

“(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

“(16) STATE PAYMENT.—The term ‘State payment’ means the payment for an eligible State calculated under section 101(a).

“(17) 25-PERCENT PAYMENT.—The term ‘25-percent payment’ means the payment to States required by the sixth paragraph under the heading of ‘**FOREST SERVICE**’ in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

“TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

“SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

“(a) STATE PAYMENT.—For each of fiscal years 2007 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

“(1) the adjusted share for each eligible county within the eligible State; by

“(2) the full funding amount for the fiscal year.

“(b) COUNTY PAYMENT.—For each of fiscal years 2007 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

“(1) the 50-percent adjusted share for the eligible county; by

“(2) the full funding amount for the fiscal year.

“SEC. 102. PAYMENTS TO STATES AND COUNTIES.

“(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

“(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

“(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

“(B) the share of the State payment of the eligible county; and

“(2) a county an amount equal to the amount elected under subsection (b) by each county for—

“(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

“(B) the county payment for the eligible county.

“(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

“(1) ELECTION; SUBMISSION OF RESULTS.—

“(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2007, and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

“(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

“(2) DURATION OF ELECTION.—

“(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable shall be effective for 2 fiscal years.

“(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

“(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

“(A) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land;

“(B) for fiscal year 2007, any funds appropriated to carry out this Act; and

“(C) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

“(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

“(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

“(A) the Act of May 23, 1908 (16 U.S.C. 500); and

“(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

“(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

“(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

“(1) ALLOCATIONS.—

“(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

“(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

“(i) Reserve any portion of the balance for projects in accordance with title II.

“(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

“(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

“(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

“(i) reserve any portion of the balance for—

“(I) carrying out projects under title II;

“(II) carrying out projects under title III; or

“(III) a combination of the purposes described in subclauses (I) and (II); or

“(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

“(2) DISTRIBUTION OF FUNDS.—

“(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.

“(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

“(i) be available for expenditure by the Secretary concerned, without further appropriation; and

“(ii) remain available until expended in accordance with title II.

“(3) ELECTION.—

“(A) NOTIFICATION.—

“(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30 of each fiscal year.

“(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

“(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

“(II) return the balance to the Treasury of the United States.

“(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

“(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

“SEC. 103. TRANSITION PAYMENTS TO THE STATES OF CALIFORNIA, OREGON, AND WASHINGTON.

“(a) DEFINITIONS.—In this section:

“(1) ADJUSTED AMOUNT.—The term ‘adjusted amount’ means, with respect to a covered State—

“(A) for fiscal year 2007—

“(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2007; and

“(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2007;

“(B) for fiscal year 2008, 90 percent of—

“(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

“(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

“(C) for fiscal year 2009, 81 percent of—

“(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

“(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

“(D) for fiscal year 2010, 73 percent of—

“(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

“(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

“(2) Covered state.—The term ‘covered State’ means each of the States of California, Oregon, and Washington.

“(b) Transition Payments.—For each of fiscal years 2007 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

“(c) Distribution of Adjusted Amount in Oregon and Washington.—It is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the States of Oregon and Washington for each of fiscal years 2007 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

“(d) Distribution of Payments in California.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:

“(1) Payments to the State of California under subsection (b).

“(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

“(e) Treatment of Payments.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

“TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

“SEC. 201. DEFINITIONS.

“In this title:

“(1) Participating county.—The term ‘participating county’ means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

“(2) Project funds.—The term ‘project funds’ means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

“(3) Resource advisory committee.—The term ‘resource advisory committee’ means—

“(A) an advisory committee established by the Secretary concerned under section 205; or

“(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

“(4) Resource management plan.—The term ‘resource management plan’ means—

“(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

“(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 19741 (16 U.S.C. 1604).

“SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

“(a) Limitation.—Project funds shall be expended solely on projects that meet the requirements of this title.

“(b) Authorized Uses.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

“SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

“(a) Submission of Project Proposals to Secretary Concerned.—

“(1) Projects funded using project funds.—Not later than September 30 for fiscal year 2007, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

“(2) Projects funded using other funds.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

“(3) Joint projects.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

“(b) Required Description of Projects.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

“(1) The purpose of the project and a description of how the project will meet the purposes of this title.

“(2) The anticipated duration of the project.

“(3) The anticipated cost of the project.

“(4) The proposed source of funding for the project, whether project funds or other funds.

“(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

“(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

“(6) A detailed monitoring plan, including funding needs and sources, that—

“(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

“(B) includes an assessment of the following:

“(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

“(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

“(7) An assessment that the project is to be in the public interest.

“(c) Authorized Projects.—Projects proposed under subsection (a) shall be consistent with section 2.

“SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

“(a) Conditions for Approval of Proposed Project.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

“(1) The project complies with all applicable Federal laws (including regulations).

“(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

“(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

“(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

“(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

“(b) Environmental Reviews.—

“(1) Request for payment by county.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

“(2) Conduct of environmental review.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

“(3) Effect of refusal to pay.—

“(A) In general.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

"(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

"(c) DECISIONS OF SECRETARY CONCERNED.—

"(1) REJECTION OF PROJECTS.—

"(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

"(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

"(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

"(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

"(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

"(e) IMPLEMENTATION OF APPROVED PROJECTS.—

"(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

"(2) BEST VALUE CONTRACTING.—

"(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

"(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

"(i) the technical demands and complexity of the work to be done;

"(ii)(I) the ecological objectives of the project; and

"(II) the sensitivity of the resources being treated;

"(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

"(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

"(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

"(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

"(i) the harvesting or collection of merchantable timber; and

"(ii) the sale of the timber.

"(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

"(i) For fiscal year 2007, 25 percent.

"(ii) For fiscal year 2008, 35 percent.

"(iii) For fiscal year 2009, 45 percent.

"(iv) For each of fiscal years 2010 and 2011, 50 percent.

"(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

"(D) ASSISTANCE.—

"(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

"(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

"(E) REVIEW AND REPORT.—

"(i) INITIAL REPORT.—Not later than September 30, 2009, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

"(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

"(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

"(1) to road maintenance, decommissioning, or obliteration; or

"(2) to restoration of streams and watersheds.

"SEC. 205. RESOURCE ADVISORY COMMITTEES.

"(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

"(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

"(2) PURPOSE.—The purpose of a resource advisory committee shall be—

"(A) to improve collaborative relationships; and

"(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

"(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

"(4) EXISTING ADVISORY COMMITTEES.—

"(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

"(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

"(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

"(b) DUTIES.—A resource advisory committee shall—

"(1) review projects proposed under this title by participating counties and other persons;

"(2) propose projects and funding to the Secretary concerned under section 203;

"(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

"(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

"(5)(A) monitor projects that have been approved under section 204; and

"(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

"(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

"(c) APPOINTMENT BY THE SECRETARY.—

"(1) APPOINTMENT AND TERM.—

"(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

"(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

"(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

"(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

"(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

"(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

"(d) COMPOSITION OF ADVISORY COMMITTEE.—

"(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

"(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

"(A) 5 persons that—

"(i) represent organized labor or non-timber forest product harvester groups;

"(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

"(iii) represent—

"(I) energy and mineral development interests; or

"(II) commercial or recreational fishing interests;

"(iv) represent the commercial timber industry; or

"(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

"(B) 5 persons that represent—

"(i) nationally recognized environmental organizations;

"(ii) regionally or locally recognized environmental organizations;

"(iii) dispersed recreational activities;

"(iv) archaeological and historical interests; or

"(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

"(C) 5 persons that—

"(i) hold State elected office (or a designee);

"(ii) hold county or local elected office;

"(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

"(iv) are school officials or teachers; or

"(v) represent the affected public at large.

"(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

"(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

"(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

"(e) APPROVAL PROCEDURES.—

"(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

"(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

"(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

"(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

"(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

"(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

"(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

"SEC. 206. USE OF PROJECT FUNDS.

"(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

"(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

"(A) The schedule for completing the project.

"(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

"(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

"(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

"(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

"(b) TRANSFER OF PROJECT FUNDS.—

"(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

"(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

"(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

"(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

"(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

"(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

"(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

"SEC. 207. AVAILABILITY OF PROJECT FUNDS.

"(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

"(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

"(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

"(d) EFFECT OF COURT ORDERS.—

"(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

"(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

"SEC. 208. TERMINATION OF AUTHORITY.

"(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

"(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

"TITLE III—COUNTY FUNDS

"SEC. 301. DEFINITIONS.

"In this title:

"(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

"(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

"SEC. 302. USE.

"(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

"(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

"(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

"(A) performed on Federal land after the date on which the use was approved under subsection (b);

"(B) paid for by the participating county; and

"(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

"(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

"(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

"(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

"SEC. 303. CERTIFICATION.

"(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

"(b) Review.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

"SEC. 304. TERMINATION OF AUTHORITY.

"(a) In General.—The authority to initiate projects under this title terminates on September 30, 2011.

"(b) Availability.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.

"TITLE IV—MISCELLANEOUS PROVISIONS

"SEC. 401. REGULATIONS.

"The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this Act.

"SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2007 through 2011.

"(b) Emergency Designation.—Of the amounts authorized to be appropriated under subsection (a) for fiscal year 2007, $425,000,000 is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

"SEC. 403. TREATMENT OF FUNDS AND REVENUES.

"(a) Relation to Other Appropriations.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

"(b) Deposit of Revenues and Other Funds.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.".

(b) Forest Receipt Payments to Eligible States and Counties.—

(1) Act of May 23, 1908.—The sixth paragraph under the heading "**FOREST SERVICE**" in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking "twenty-five percentum" and all that follows through "shall be paid" and inserting the following: "an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid".

(2) Weeks Law.—Section 13 of the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 500) is amended in the first sentence by striking "twenty-five percentum" and all that follows through "shall be paid" and inserting the following: "an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid".

(c) Payments in Lieu of Taxes.—

(1) In general.—Section 6906 of title 31, United States Code, is amended to read as follows:

"§ 6906. Funding

"For each of fiscal years 2008 through 2012—

"(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

"(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.".

(2) Conforming amendment.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

"6906. Funding.".

(3) Budget scorekeeping.—

(A) In general.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the amendment made by paragraph (1)—

(i) shall be treated under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect before September 30, 2002), by the Chairpersons of the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate, as appropriate, for purposes of budget enforcement in the House of Representatives and the Senate, and under the Congressional Budget Act of 1974 (2 U.S.C. 601 et seq.) as changing direct spending or receipts, as appropriate (as if such language were included in an Act other than an appropriations Act); and

(ii) shall be treated in the baseline after fiscal year 2008 for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907) (as in effect before September 30, 2002), by the Chairpersons of the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate, as appropriate, for purposes of budget enforcement in the House of Representatives and the Senate, and under the Congressional Budget Act of 1974 (2 U.S.C. 601 et seq.) as if Payment in Lieu of Taxes (14-1114-0-1-806) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217.

(B) Effective date.—This paragraph shall—

(i) be effective beginning on the date of enactment of this Act; and

(ii) remain in effect for any fiscal year for which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

(d) Modification of Effective Date of Leasing Provisions of the American Jobs Creation Act of 2004.—

(1) Leases to foreign entities.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

"(5) Leases to foreign entities.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2006, with respect to leases entered into on or before March 12, 2004.".

(2) Effective date.—The amendment made by this subsection shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

(e) Application of Rules Treating Inverted Corporations as Domestic Corporations to Certain Transactions Occurring After March 20, 2002.—

(1) In general.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

"(b) Inverted Corporations Treated as Domestic Corporations.—

"(1) In general.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

"(2) Special rule for certain transactions occurring after March 20, 2002.—

"(A) In general.—If—

"(i) paragraph (1) does not apply to a foreign corporation, but

"(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after December 31, 2006.

"(B) Special rules.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

"(i) the corporation shall be treated, as of the close of its last taxable year beginning before January 1, 2007, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

"(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

"(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

"(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

"(C) Regulations.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.".

(2) Effective date.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2006.

SA 1140. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3____. RATHBUN LAKE, IOWA.

(a) Right of First Refusal.—The Secretary shall provide, in accordance with the recommendations in the Rathbun Lake Reallocation Report approved by the Chief of Engineers on July 22, 1985, the Rathbun Regional Water Association with the right of first refusal to contract for or purchase any increment of the remaining allocation (8,320 acre-feet) of water supply storage in Rathbun Lake, Iowa.

(b) Payment of Cost.—The Rathbun Regional Water Association shall pay the cost of any water supply storage allocation provided under subsection (a).

SA 1141. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IRAQ.

(a) United States Strategy in Iraq.—The United States strategy in Iraq, hereafter, shall be conditioned on the Government of Iraq meeting benchmarks including the following:

(1) Whether the Government of Iraq has given United States Armed Forces and Iraqi Security Forces the authority to pursue all extremists, including Sunni insurgents and Shiite militias, and is making substantial progress in delivering necessary Iraqi Security Forces for Baghdad and protecting such Forces from political interference; intensifying efforts to build balanced security forces throughout Iraq that provide even-handed security for all Iraqis; ensuring that Iraq's political authorities are not undermining or making false accusations against members of the Iraqi Security Forces; eliminating militia control of local security; establishing a strong militia disarmament program; ensuring fair and just enforcement of laws; establishing political, media, economic, and service committees in support of the Baghdad Security Plan; and eradicating safe havens.

(2) Whether the Government of Iraq is making substantial progress in meeting its commitment to pursue reconciliation initiatives, including enactment of a hydro-carbon law; adoption of legislation necessary for the conduct of provincial and local elections; reform of current laws governing the de-Baathification process; amendment of the Constitution of Iraq; and allocation of Iraqi revenues for reconstruction projects.

(3) Whether the Government of Iraq and United States Armed Forces are making substantial progress in reducing the level of sectarian violence in Iraq.

(4) Whether the Government of Iraq is ensuring the rights of minority political parties in the Iraqi Parliament are protected.

(b) Reports on Progress in Iraq.—On July 15, 2007, the Commander, Multi-National Forces-Iraq and the United States Ambassador to Iraq shall jointly submit to Congress a report describing and assessing in detail the current progress being made by the Government of Iraq on the matters set forth in subsection (a). The Commander, Multi-National Forces-Iraq and the United States Ambassador to Iraq shall submit a subsequent joint report to Congress on such matters on September 15, 2007.

(c) Requests for Funds for Fiscal Years After Fiscal Year 2008.—(1) Any request for funds for a fiscal year after fiscal year 2008 for ongoing military operations in Afghanistan and Iraq should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code.

(2) Any request for funds for a fiscal year after fiscal year 2008 for ongoing military operations in Iraq and Afghanistan should provide an estimate of all funds required in that fiscal year for such operations.

(3) Any funds provided for ongoing military operations in Iraq and Afghanistan should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

(d) Limitation on Availability of Certain Funds.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), of the amounts appropriated or otherwise made available by this Act, or by any other Act that remain available for obligation as of the date of the enactment of this Act, for assistance for Iraq under the headings "Economic Support Fund" and "International Narcotics and Law Enforcement", an amount equal to 75 percent of such amounts may not be obligated until the President certifies to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives that the Government of Iraq is making substantial progress towards meeting each of the benchmarks set forth in subsection (a).

(2) The requirement to withhold funds from obligation pursuant to paragraph (1) shall not apply with respect to funds appropriated or otherwise made available under the heading "Economic Support Fund" for continued support for—

(A) the Community Action Program and the Community Stabilization Program in Iraq administered by the United States Agency for International Development; or

(B) programs and activities to promote democracy and human rights in Iraq.

SA 1142. Mr. BOND (for himself and Mrs. McCaskill) submitted an amendment intended to be proposed by him to the bill H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, line 14, strike "$153,300,000" and insert "$173,300,000".

On page 110, line 20, insert after "division" the following: ": *Provided further*, That not less than $20,000,000 of the amount made available under this heading shall be used for Corps of Engineers projects to support emergency operations, repairs, and other activities in the Midwest in response to storm damage in that region that occurred during May 2007".

SA 1143. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 6 of title V of division A, insert the following:

SEC. 5613. TREATMENT OF LIABILITY FOR CERTAIN MULTIPLE EMPLOYER PLANS.

(a) In General.—In the case of an applicable pension plan—

(1) if an eligible employer elects the application of subsection (b), any liability of the employer with respect to the applicable pension plan shall be determined under subsection (b), and

(2) if an eligible employer does not make such election, any liability of the employer with respect to the applicable pension plan shall be determined under subsection (c).

(b) Election to Spin Off Liability.—

(1) In general.—If an eligible employer elects, within 180 days after the date of the enactment of this Act, to have this subsection apply, the applicable pension plan shall be treated as having, effective January 1, 2006, spun off such employer's allocable portion of the plan's assets and liabilities to an eligible spunoff plan and the employer's liability with respect to the applicable pension plan shall be determined by reference to the eligible spunoff plan in the manner provided under paragraph (2). The employer's liability, as so determined, shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(2) Liability of employers electing spin-off.—

(A) Ongoing funding liability.—

(i) In general.—In the case of an eligible spunoff plan, the amendments made by section 401, and subtitles A and B of title I, of the Pension Protection Act of 2006 shall not apply to plan years beginning before the first plan year for which the plan ceases to be an eligible spunoff plan (or, if earlier, January 1, 2017), and except as provided in clause (ii), the employer maintaining such plan shall be liable for ongoing contributions to the eligible spunoff plan on the same terms and subject to the same conditions as under the provisions of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 as in effect before such amendments. Such liability shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(ii) Interest rate.—In applying section 302(b)(5)(B) of the Employee Retirement Income Security Act of 1974 and section 412(b)(5)(B) of the Internal Revenue Code of 1986 (as in effect before the amendments made by subtitles A and B of title I of the Pension Protection Act of 2006) and in applying section 4006(a)(3)(E)(iii) of such Act (as in effect before the amendments made by section 401 of such Act) to an eligible spunoff plan for plan years beginning after December 31, 2007, and before the first plan year to which such amendments apply, the third segment rate determined under section 303(h)(2)(C)(iii) of such Act and section 430(h)(2)(C)(iii) of such Code (as added by such amendments) shall be used in lieu of the interest rate otherwise used.

(B) Termination liability.—If an eligible spunoff plan terminates under title IV of the Employee Retirement Income Security Act of 1974 on or before December 31, 2010, the liability of the employer maintaining such plan resulting from such termination under section 4062 of the Employee Retirement Income Security Act of 1974 shall be determined in accordance with the assumptions and methods described in subsection (c)(2)(A). The employer's liability, as so determined, shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(c) Liability of Employers Not Electing Spinoff.—

(1) IN GENERAL.—If an applicable pension plan is terminated under the Employee Retirement Income Security Act of 1974, an eligible employer which does not make the election described in subsection (b) shall be liable to the corporation with respect to the applicable pension plan (in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan) in an amount equal to the fractional portion of the adjusted unfunded benefit liabilities of such plan as of December 31, 2005, determined without regard to any adjusted unfunded benefit liabilities to be transferred to an eligible spunoff plan pursuant to subsection (b).

(2) DEFINITIONS.—For purposes of this subsection—

(A) ADJUSTED UNFUNDED BENEFIT LIABILITIES.—The term "adjusted unfunded benefit liabilities" means the amount of unfunded benefit liabilities (as defined in section 4001(a)(18) of the Employee Retirement Income Security Act of 1974), except that the interest assumption shall be the rate of interest under section 302(b) of the Employee Retirement Income Security Act of 1974 and section 412(b) of the Internal Revenue Code of 1986, as in effect before the amendments made by the Pension Protection Act of 2006, for the most recent plan year for which such rate exists.

(B) FRACTIONAL PORTION.—The term "fractional portion" means a fraction, the numerator of which is the amount required to be contributed to the applicable pension plan for the 5 plan years ending before December 31, 2005, by such employer, and the denominator of which is the amount required to be contributed to such plan for such plan years by all employers which do not make the election described in subsection (b).

(d) OTHER DEFINITIONS.—For purposes of this section—

(1) APPLICABLE PENSION PLAN.—The term "applicable pension plan" means a single employer plan which—

(A) was established in the State of Alaska on March 18, 1967, and

(B) as of January 1, 2005, had 2 or more contributing sponsors at least 2 of which were not under common control.

(2) ALLOCABLE PORTION.—The term "allocable portion" means, with respect to any eligible employer making an election under subsection (b), the portion of an applicable pension plan's liabilities and assets which bears the same ratio to all such liabilities and assets as such employer's share (determined under subsection (c) as if no eligible employer made an election under subsection (b)) of the excess (if any) of—

(A) the liabilities of the plan, valued in accordance with subsection (c), over

(B) the assets of the plan,

bears to the total amount of such excess.

(3) ELIGIBLE EMPLOYER.—An "eligible employer" is an employer which participated in an eligible multiple employer plan on or after January 1, 2000.

SA 1144. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3_____. RATHBUN LAKE, IOWA.

(a) RIGHT OF FIRST REFUSAL.—The Secretary shall provide, in accordance with the recommendations in the Rathbun Lake Reallocation Report approved by the Chief of Engineers on July 22, 1985, the Rathbun Regional Water Association with the right of first refusal to contract for or purchase any increment of the remaining allocation (8,320 acre-feet) of water supply storage in Rathbun Lake, Iowa.

(b) PAYMENT OF COST.—The Rathbun Regional Water Association shall pay the cost of any water supply storage allocation provided under subsection (a).

SA 1145. Mrs. BOXER (for herself and Mr. INHOFE) proposed an amendment to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

On page 43, line 13, insert ", subject to section 902 of the Water Resources Development Act of 1986 (100 Stat. 4183)" before the period at the end.

On page 48, strike lines 22 through 25 and insert the following:

(4) WORKING GROUPS.—

(A) IN GENERAL.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(B) INTEGRATION TEAM.—

(i) IN GENERAL.—The Task Force shall establish, for the purposes described in clause (ii), an integration team comprised of—

(I) independent experts with experience relating to—

(aa) coastal estuaries;

(bb) diversions;

(cc) coastal restoration;

(dd) wetlands protection;

(ee) ecosystem restoration;

(ff) hurricane protection;

(gg) storm damage reduction systems; and

(hh) navigation and ports; and

(II) representatives of—

(aa) the State of Louisiana; and

(bb) local governments in southern Louisiana.

(ii) PURPOSES.—The purposes referred to in clause (i) are—

(I) to advise the Task Force and the Secretary regarding opportunities to integrate the planning, engineering, design, implementation, and performance of Corps of Engineers projects for hurricane and storm damage reduction, flood damage reduction, ecosystem restoration, and navigation in areas of Louisiana declared to be a major disaster as a result of Hurricane Katrina or Rita;

(II) to review reports relating to the performance of, and recommendations relating to the future performance of, the hurricane, coastal, and flood protection systems in southern Louisiana, including the reports issued by the Interagency Performance Evaluation Team, the National Science Foundation, the American Society of Civil Engineers, and Team Louisiana to advise the Task Force and the Secretary on opportunities to improve the performance of the protection systems; and

(III) to carry out such other duties as the Task Force or the Secretary determine to be appropriate.

On page 54, line 6, strike "for participation in" and insert "for the 100-year level of flood protection, in accordance with".

On page 57, between lines 23 and 24, insert the following:

(4) CREDIT.—The Secretary shall credit to the non-Federal share of the cost of the project under this subsection any amount otherwise eligible to be credited under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) (as amended by section 2001).

Beginning on page 58, strike line 11 and all that follows through page 60, line 3, and insert the following:

(s) MISSISSIPPI RIVER GULF OUTLET.—

(1) DEAUTHORIZATION.—

(A) IN GENERAL.—Effective beginning on the date of submission of the plan required under subparagraph (C), the navigation channel portion of the project for navigation, Mississippi River Gulf outlet, authorized by the Act of March 29, 1956 (70 Stat. 65, chapter 112;100 Stat. 4177; 110 Stat. 3717), which extends from the Gulf of Mexico to Mile 60 at the southern bank of the Gulf Intracoastal Waterway, is not authorized.

(B) SCOPE.—Nothing in this paragraph modifies or deauthorizes the Inner Harbor navigation canal replacement project authorized by that Act.

(C) CLOSURE AND RESTORATION PLAN.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the deauthorization of the Mississippi River Gulf outlet, as described under the heading "INVESTIGATIONS" under chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 453).

(ii) INCLUSIONS.—At a minimum, the report under clause (i) shall include—

(I) a comprehensive plan to deauthorize navigation on the Mississippi River Gulf outlet;

(II) a plan to physically modify the Mississippi River Gulf outlet and restore the areas affected by the navigation channel;

(III) a plan to restore natural features of the ecosystem that will reduce or prevent damage from storm surge;

(IV) a plan to prevent the intrusion of saltwater into the waterway;

(V) efforts to integrate the recommendations of this report with the program authorized under subsection (a) and the analysis and design authorized by title I of the Energy and Water Develop Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247); and

(VI) consideration of—

(aa) use of native vegetation; and

(bb) diversions of fresh water to restore the Lake Borgne ecosystem.

(D) CONSTRUCTION.—The Secretary shall carry out a plan to close the Mississippi River Gulf outlet and restore and protect the ecosystem substantially in accordance with the plan required under subparagraph (C), if the Secretary determines that the project is cost-effective, environmentally acceptable, and technically feasible.

On page 64, after line 23, insert the following, and redesignate the subsequent paragraphs accordingly:

(5) LAWRENCE GATEWAY, MASSACHUSETTS.—Project for aquatic ecosystem restoration at

the Lawrence Gateway quadrant project along the Merrimack and Spicket Rivers in Lawrence, Massachusetts, in accordance with the general conditions established by the project approval of the Environmental Protection Agency, Region I, including filling abandoned drainage facilities and making improvements to the drainage system on the Lawrence Gateway to prevent continued migration of contaminated sediments into the river systems.

Strike section 3003 and insert the following:

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

Section 111 of title I of division C of the Consolidated Appropriations Act, 2005 (118 Stat. 2944), is amended by striking subsections (a) and (b) and inserting the following:

"(a) Construction of New Facilities.—

"(1) Definitions.—In this subsection:

"(A) Existing facility.—The term 'existing facility' means the administrative and maintenance facility for the project for Black Warrior-Tombigbee Rivers, Alabama, in existence on the date of enactment of the Water Resources Development Act of 2007.

"(B) Parcel.—The term 'Parcel' means the land owned by the Federal Government in the City of Tuscaloosa, Alabama, as in existence on the date of enactment of the Water Resources Development Act of 2007.

"(2) Authorization.—In carrying out the project for Black Warrior-Tombigbee Rivers, Alabama, the Secretary is authorized—

"(A) to purchase land on which the Secretary may construct a new maintenance facility, to be located—

"(i) at a different location from the existing facility; and

"(ii) in the vicinity of the City of Tuscaloosa, Alabama;

"(B) at any time during or after the completion of, and relocation to, the new maintenance facility—

"(i) to demolish the existing facility; and

"(ii) to carry out any necessary environmental clean-up of the Parcel, all at full Federal expense; and

"(C) to construct on the Parcel a new administrative facility.

"(b) Acquisition and Disposition of Property.—The Secretary—

"(1) may acquire any real property necessary for the construction of the new maintenance facility under subsection (a)(2)(A); and

"(2) shall convey to the City of Tuscaloosa fee simple title in and to any portion of the Parcel not required for construction of the new administrative facility under subsection (a)(2)(C) through—

"(A) sale at fair market value;

"(B) exchange of other Federal land on an acre-for-acre basis; or

"(C) another form of transfer.".

At the appropriate place in title III, insert the following:

SEC. 3_____. PERRY CREEK, IOWA.

(a) In General.—On making a determination described in subsection (b), the Secretary shall increase the Federal contribution for the project for flood control, Perry Creek, Iowa, authorized under section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4116; 117 Stat. 1844).

(b) Determination.—A determination referred to in subsection (a) is a determination that a modification to the project described in that subsection is necessary for the Federal Emergency Management Agency to certify that the project provides flood damage reduction benefits to at least a 100-year level.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $4,000,000.

At the appropriate place in title III, insert the following:

SEC. 3_____. RATHBUN LAKE, IOWA.

(a) Right of First Refusal.—The Secretary shall provide, in accordance with the recommendations in the Rathbun Lake Reallocation Report approved by the Chief of Engineers on July 22, 1985, the Rathbun Regional Water Association with the right of first refusal to contract for or purchase any increment of the remaining allocation (8,320 acre-feet) of water supply storage in Rathbun Lake, Iowa.

(b) Payment of Cost.—The Rathbun Regional Water Association shall pay the cost of any water supply storage allocation provided under subsection (a).

At the appropriate place in title III, insert the following:

SEC. 3_____. JACKSON COUNTY, MISSISSIPPI.

(a) Modification.—Section 331 of the Water Resources Development Act of 1999 (113 Stat. 305) is amended by striking "$5,000,000" and inserting "$9,000,000".

(b) Applicability of Credit.—The credit provided by section 331 of the Water Resources Development Act of 1999 (113 Stat. 305) (as modified by subsection (a)) shall apply to costs incurred by the Jackson County Board of Supervisors during the period beginning on February 8, 1994, and ending on the date of enactment of this Act for projects authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 113 Stat. 1494; 114 Stat. 2763A-219).

At the appropriate place in title III, insert the following:

SEC. 3 . SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804; 114 Stat. 2612), is modified to authorize the Secretary to review the project to determine whether any additional Federal interest exists with respect to the project, taking into consideration conditions and development levels relating to the project in existence on the date of enactment of this Act.

At the appropriate place in title IV, insert the following:

SEC. 4_____. MOHAWK RIVER, ONEIDA COUNTY, NEW YORK.

(a) In General.—The Secretary shall conduct a watershed study of the Mohawk River watershed, Oneida County, New York, with a particular emphasis on improving water quality and the environment.

(b) Recommendations.—In conducting the study under subsection (a), the Secretary shall take into consideration impacts on the Sauquoit Creek Watershed and the economy.

At the appropriate place in title IV, insert the following:

SEC. 4_____. WALLA WALLA RIVER BASIN, OREGON AND WASHINGTON.

In conducting the study to determine the feasibility of carrying out a project for ecosystem restoration, Walla Walla River Basin, Oregon and Washington, the Secretary shall—

(1) provide a credit toward the non-Federal share of the cost of the project for the cost of any activity carried out by the non-Federal interest before the date of the partnership agreement for the project, if the Secretary determines that the activity is integral to the project; and

(2) allow the non-Federal interest to provide the non-Federal share of the cost of the study in the form of in-kind services and materials.

Strike section 4028 (relating to Jasper County port facility study, South Carolina) and insert the following:

SEC. 4028. PROJECTS FOR IMPROVEMENT, SAVANNAH RIVER, SOUTH CAROLINA AND GEORGIA.

(a) In General.—The Secretary shall determine the feasibility of carrying out projects—

(1) to improve the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, in the vicinity of Mile 6 of the Savannah Harbor entrance channel; and

(2) to remove from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project.

(b) Factors for Consideration.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area as a consequence of removing from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project; and

(3) the results of the proposed bistate compact between the State of Georgia and the State of South Carolina to own, develop, and operate port facilities at the proposed Jasper County port site, as described in the term sheet executed by the Governor of the State of Georgia and the Governor of the State of South Carolina on March 12, 2007.

Strike paragraph (1) of section 5010(a) (relating to the Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia) and insert the following:

(1) shall be—

(A) the ex officio United States member under the Susquehanna River Basin Compact and the Delaware River Basin Compact; and

(B) 1 of the 3 members appointed by the President under the Potomac River Basin Compact;

In paragraph (1) of section 5010(e) (relating to the Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia), strike "Potomac River Basin Commission" and insert "Interstate Commission on the Potomac River Basin".

In section 5011(a) (relating to the Anacostia River, District of Columbia and Maryland), strike "1 year" and insert "2 years".

At the appropriate place in title V, insert the following:

SEC. 5_____. COST SHARING PROVISIONS FOR THE TERRITORIES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended—

(1) by striking "The Secretary" and inserting the following:

"(a) In General.—The Secretary"; and

(2) by adding at the end the following:

"(b) Use of Federal Funds by Non-Federal Interests.—A non-Federal interest may use Federal funds to provide the non-Federal share of the costs of a study or project carried out at a location referred to in subsection (a), if the agency or department that provides the Federal funds determines that the funds are eligible to be used for that purpose.".

At the appropriate place in title V, insert the following:

SEC. 5 . INNER HARBOR NAVIGATION CANAL LOCK PROJECT.

Not later than July 1, 2008, the Secretary shall—

(1) issue a final environmental impact statement relating to the Inner Harbor Navigation Canal Lock project; and

(2) develop and maintain a transportation mitigation program relating to that project in coordination with—

(A) St. Bernard Parish;

(B) Orleans Parish;

(C) the Old Arabi Neighborhood Association; and

(D) other interested parties.

At the appropriate place in title V, insert the following:

SEC. 5____. GREAT LAKES NAVIGATION.

(a) DEFINITION OF GREAT LAKES AND CONNECTING CHANNELS.—In this section, the term "Great Lakes and connecting channels" includes—

(1) Lakes Superior, Huron, Michigan, Erie, and Ontario;

(2) any connecting water between or among those lakes that is used for navigation;

(3) any navigation feature in those lakes or water the operation or maintenance of which is a Federal responsibility; and

(4) any area of the Saint Lawrence River that is operated or maintained by the Federal Government for navigation.

(b) NAVIGATION.—Using available funds, the Secretary shall expedite the operation and maintenance, including dredging to authorized project depths, of the navigation features of the Great Lakes and connecting channels for the purpose of supporting navigation.

At the appropriate place in Title II, insert the following:

SEC. 2 . PROJECT DEAUTHORIZATION.

Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 597a) is amended as follows:

(1) In the first sentence by striking "two years" and inserting "year",

(2) In the last sentence by striking "30 months after the date" and inserting "the last date of the fiscal year following the fiscal year in which", and

(3) In the last sentence by striking "such 30 month period" and inserting "such period".

On page 60, between lines 16 and 17, insert the following:

(u) EMERGENCY PROCEDURES.—

(1) IN GENERAL.—If the President determines that a feature recommended in the analysis and design of comprehensive hurricane protection under title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2447), could (1) address an imminent threat to life and property; (2) prevent a dangerous storm surge from reaching a populated area; (3) prevent the loss of coastal areas that reduce the impact of storm surge; (4) benefit national energy security; (5) protect emergency hurricane evacuation routes or shelters; or (6) address inconsistencies in hurricane protection standards, the President may submit to the Speaker of the House of Representatives and the President pro tempore of the Senate for authorization a legislative proposal relating to the feature, as the President determines to be appropriate.

(2) PRIORITIZATION.—In submitting legislative proposals under paragraph (1), the President shall give highest priority to any project that, as determined by the President, would—

(A) to the maximum extent practicable, reduce the risk—

(i) of loss of human life;

(ii) to public safety; and

(iii) of damage to property; and

(B) minimize costs and environmental impacts.

(3) EXPEDITED CONSIDERATION.—

(A) IN GENERAL.—Beginning after December 31, 2008, any legislative proposal submitted by the President under paragraph (1) shall be eligible for expedited consideration in accordance with this paragraph.

(B) INTRODUCTION.—As soon as practicable after the date of receipt of a legislative proposal under paragraph (1), the Chairman of the Committee on Environment and Public Works of the Senate and the Chairman of the Committee on Transportation and Infrastructure of the House of Representatives shall introduce the proposal as a bill, by request, in the Senate or the House of Representatives, as applicable.

(C) REFERRAL.—A bill introduced under subparagraph (B) shall be referred to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, [as applicable.]

(D) COMMITTEE CONSIDERATION.—

(i) IN GENERAL.—Not later than 45 legislative days after a bill under subparagraph (B) is referred to a Committee in accordance with subparagraph (C), the Committee shall act on the bill.

(ii) FAILURE TO ACT.—If a Committee fails to act on a bill by the date specified in clause (i), the bill shall be discharged from the Committee and placed on the calendar of the Senate or the House of Representatives, as applicable.

(E) SENATE FLOOR CONSIDERATION.—

(i) IN GENERAL.—Floor consideration in the Senate regarding a bill introduced under subparagraph (B) shall be limited to 20 hours, to be equally divided between the Majority Leader and the Minority Leader of the Senate (or a designee).

(ii) NONGERMANE AMENDMENTS.—An amendment that is nongermane to a bill introduced under subparagraph (B) shall not be in order.

(4) EFFECTIVE DATE.—This requirements of, and authorities under, this subsection shall expire on December 31, 2010.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, May 16, 2007, at 9:30 a.m. to mark up an original bill entitled Foreign Investment and National Security Act of 2007; an original bill to make technical corrections to title III of SAFETEA–LU; H.R. 1675, Preservation Approval Process Improvement Act of 2007; H.R. 1676, Native American Home Ownership Opportunity Act of 2007; S. 254, a bill to award posthumously a Congressional Gold Medal to Constantino Brumidi; an original bill entitled the International Emergency Economic Powers Enforcement Act of 2007; and to vote on the nominations of Mr. David George Nason, of Rhode Island, to be Assistant Secretary of the Treasury for Financial Institutions; Mr. Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration; Mr. Michael W. Tankersley, of Texas, to be Inspector General of the Export-Import Bank of the United States; Mr. Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development; Ms. Janis Herschkowitz, of Pennsylvania, to be a member of the board of directors of the National Consumer Cooperative Bank; Mr. David George Nason, of Rhode Island, to be a member of the board of directors of the National Consumer Cooperative Bank; and Dr. Nguyen Van Hanh, of California, to be a member of the board of directors of the National Consumer Cooperative Bank.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a business meeting during the session of the Senate on Wednesday, May 16, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The purpose of this meeting will be to consider and approve S. 1300, S. 694, the nomination of David James Gribbin, IV, to be General Counsel of the United States Department of Transportation, and nominations for promotion in the United States Coast Guard.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, May 16, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "U.S. Preference Programs: How well do they work?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to conduct a hearing entitled, "Rogue Online Pharmacies: The Growing Problem of Internet Drug Trafficking" on Wednesday, May 16, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Witness list: Francine H. Haight, Founder of Ryan's Cause, Laguna Niguel, CA; Joseph T. Rannazzisi, Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Arlington, VA; Joseph A. Califano, Jr., Chairman and President, National Center on Addiction and Substance Abuse at Columbia University, Former Secretary of Health, Education and Welfare, New York, NY; Philip B. Heymann, James Barr Ames Professor of Law, Harvard Law School, Former Deputy U.S. Attorney General, Cambridge, MA; Thomas McClellan, Ph.D., Executive Director, Treatment Research Institute, University of Pennsylvania, Philadelphia, PA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a markup of S. 1256 "Small Business Lending Reauthorization and Improvements Act of 2007" on Wednesday, May 16, 2007, beginning at 2 p.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be auhorized to meet during the session of the Senate on Wednesday, May 16, 2007, to hold a hearing on the nomination of Dr. Michael J. Kussman to be Under Secretary for Health of the Department of Veterans Affairs. The hearing will take place in room 562 of the Dirksen Senate Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing entitled, "Are the Explosive Costs of Elder Care Hurting Family Finances and Business Competition?, in room 216 of the Hart Senate Office Building, Wednesday, May 16, 2007, from 9:30 a.m. to 12 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mrs. BOXER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, May 16, 2007, from 10:30 a.m. to 12:30 p.m. in Dirksen 106 for the purpose of conducting a hearing regarding Medicare Advantage, Marketing, and Sales.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on Wednesday, May 16, 2007, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

Agenda

"The State of Mercury Regulation, Science, and Technology."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SESSIONS. Mr. President, I ask unanimous consent that Jenny Lee, who is on detail from ICE with me, for the duration of the immigration reform debate, be granted floor privileges for the remainder of the debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 79, just received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 79) authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 79) was agreed to.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 123, just received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 123) authorizing the use of the Capitol grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 123) was agreed to.

NATIONAL WOMEN'S HEALTH WEEK

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 204, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 204) expressing the sense of the Senate with regard to the importance of National Women's Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health.

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 204) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 204

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures such as a healthy lifestyle and frequent medical screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African American women, Asian and Pacific Islander women, Latinas, and American Indian and Alaska Native women;

Whereas healthy habits should begin at a young age;

Whereas preventive care saves Federal dollars designated for health care;

Whereas it is important to educate women and girls about the significance of awareness of key female health issues;

Whereas it is recognized that the Offices of Women's Health within the Food and Drug Administration, the Centers for Disease Control and Prevention, and the Health Resources and Services Administration, the Office on Women's Health of the Department of Health and Human Services, the Office of Research on Women's Health of the National Institutes of Health, and the Women's Health Program of the Agency for Healthcare Research and Quality provide critical services in supporting women's health research, education, and other necessary services that benefit women of any age, race, or ethnicity;

Whereas National Women's Health Week begins on Mother's Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas, in 2007, the week of May 13 through May 19 is dedicated as National Women's Health Week:

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) supports the goals and ideals of National Women's Health Week;

(3) calls on the people of the United States to use National Women's Health Week as an opportunity to learn about health issues that face women;

(4) calls on the women of the United States to observe National Women's Check-Up Day by receiving preventive screenings from their health care providers; and

(5) recognizes the importance of federally funded programs that provide research and collect data on common diseases in women.

NATIONAL INTERNET SAFETY MONTH

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 205, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 205) designating June 2007 as "National Internet Safety Month."

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, today I introduced a resolution designating June 2007 as National Internet Safety Month.

The Internet has become one of the most significant advances in the twentieth century and, as a result, it affects people's lives in a positive manner each day. However, this technology presents dangers that need to be brought to the attention of all Americans. Consider the pervasiveness of Internet access by children and the rapid increase in Internet crime and predatory behavior. Never before have powerful educational solutions—such as Internet safety curricula for grades kindergarten through 12—been more critical and readily at hand.

Mr. President, i-SAFE America is one nonprofit organization that has worked tirelessly to educate our youth and our community on these important issues. Formed in 1998, i-SAFE America educates youth in all 50 states, Washington, DC, and Department of Defense schools worldwide to ensure that they have a safe experience online.

It is imperative that all Americans learn about the Internet safety strategies which will help keep their children safe from victimization. Consider the facts: In the United States, about 35 million school-aged children have Internet access. Eighty percent of middle and high school students are online for at least one hour per week.

An alarming statistic is that 61 percent of middle and high school youths admit to using the Internet unsafely or inappropriately. Furthermore, at least 20 percent of these students have met face-to-face with someone they first met online and 23 percent of these students know of someone who has been bullied online.

Now is the time for America to focus its attention on supporting Internet safety, especially bearing in mind that children will soon be on summer vacation and will spend more time online.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 205) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 205

Whereas there are more than 1,000,000,000 Internet users worldwide;

Whereas, in the United States, 35,000,000 children in kindergarten through grade 12 have Internet access;

Whereas approximately 80 percent of the children of the United States in grades 5 through 12 are online for at least 1 hour per week;

Whereas approximately 41 percent of students in grades 5 through 12 do not share with their parents what they do on the Internet;

Whereas approximately 24 percent of students in grades 5 through 12 have hidden their online activities from their parents;

Whereas approximately 31 percent of the students in grades 5 through 12 have the skill to circumvent Internet filter software;

Whereas 61 percent of the students admit to using the Internet unsafely or inappropriately;

Whereas 20 percent of middle school and high school students have met face-to-face with someone they first met online;

Whereas 23 percent of students know someone who has been bullied online;

Whereas 56 percent of parents feel that online bullying of children is an issue that needs to be addressed;

Whereas 47 percent of parents feel that their ability to monitor and shelter their children from inappropriate material on the Internet is limited; and

Whereas 61 percent of parents want to be more personally involved with Internet safety: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2007 as "National Internet Safety Month";

(2) recognizes that National Internet Safety Month provides the citizens of the United States with an opportunity to learn more about—

(A) the dangers of the Internet; and

(B) the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting awareness of the dangers of the Internet; and

(B) providing information and training that develops critical thinking and decision-making skills that are needed to use the Internet safely; and

(4) calls on Internet safety organizations, law enforcement, educators, community leaders, parents, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL CHILDREN AND FAMILIES DAY

Ms. CANTWELL. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of and the Senate now proceed to H. Con. Res. 62.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 62) supporting the goals and ideals of a National Children and Families Day, in order to encourage adults in the United States to support and listen to children and to help children throughout the Nation achieve their hopes and dreams, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 62) was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—S. 1415

Ms. CANTWELL. Mr. President, I understand that S. 1415, introduced earlier today by Senator REID, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The legislative clerk read as follows:

A bill (S. 1415) to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

Ms. CANTWELL. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Ms. CANTWELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DURBIN. Madam President, I ask unanimous consent that if cloture is invoked on the Reid-McConnell amendment No. 1123, then all other amendments and motions be withdrawn; the substitute amendment be agreed to; the bill be read a third time and the Senate then immediately vote on final passage; that the Senate insist on its amendment, request a conference with the House and the Chair be authorized to appoint conferees; with the preceding all occurring without intervening action or debate.

I further ask unanimous consent that upon the disposition of H.R. 2206, the Senate begin debating the conference report on the budget resolution, notwithstanding the receipt of papers; that the time until 3 p.m. be equally divided between Senators CONRAD and GREGG or their designees; that at 3 p.m., the Senate vote on passage of the conference report, notwithstanding the receipt of papers; provided the House has adopted the conference report by that time. If the House has not acted by that time, the Senate vote be delayed until the House has adopted the conference report. I further ask unanimous consent that if the House does not act on Thursday, May 17, then there remain 1 hour each for the chairman and ranking member to use prior to the vote on the conference report whenever the Senate does consider the conference report and that it be in order to consider it notwithstanding the provisions of rule XXII.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION WITHDRAWN—H.R. 2206

Mr. DURBIN. Madam President, I ask unanimous consent that the cloture motion on H.R. 2206 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MAY 17, 2007

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. Thursday, May 17; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that the Senate begin consideration of H.R. 2206, the Emergency Supplemental Appropriations Act, as provided for under a previous order, with the time provided under that order equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING SENATORS BOXER AND INHOFE

Mr. DURBIN. Madam President, let me take this moment as in morning business to salute Senators BARBARA BOXER and INHOFE of Oklahoma for passage of the Water Resources Development Act. If I am not mistaken, it has been 6 years that we have been trying to do this—maybe longer—and this important infrastructure legislation is an example of bipartisan cooperation.

Many people from time to time ask why we spend so much time arguing on the floor of the Senate. I hope they paid close attention to the proceedings of the last week, when Senator BOXER and Senator INHOFE, on a bipartisan basis, managed to pass a critically important bill for the United States of America. I salute them. It is an important bill for my State, the Midwest, and the Nation.

ACTION VITIATED—S. 1415

Mr. DURBIN. Madam President, I ask unanimous consent that the action on S. 1415 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Thursday, May 17, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 16, 2007:

FEDERAL RESERVE SYSTEM

ELIZABETH A. DUKE, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1998, VICE SUSAN SCHMIDT BIES, RESIGNED.

LARRY ALLAN KLANE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1996, VICE MARK W. OLSON, RESIGNED.

RANDALL S. KROSZNER, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2008. (REAPPOINTMENT)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RONALD SPOEHEL, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE GWENDOLYN BROWN, RESIGNED.

SOCIAL SECURITY ADMINISTRATION

ANDREW G. BIGGS, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR A TERM EXPIRING JANUARY 19, 2013, VICE JAMES B. LOCKHART III, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

MILLENNIUM CHALLENGE CORPORATION

LORNE W. CRANER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS. (NEW POSITION)

ALAN J. PATRICOF, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS. (NEW POSITION)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MIGUEL CAMPANERIA, OF PUERTO RICO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012, VICE GERARD SCHWARZ, TERM EXPIRED.

FEDERAL LABOR RELATIONS AUTHORITY

CAROL WALLER POPE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM EXPIRING JULY 1, 2009. (REAPPOINTMENT), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

SUSAN E. DUDLEY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET, VICE JOHN D. GRAHAM, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, May 16, 2007*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Who brings us to the recreation of a new day, by Your spirit, You breathe hope into the hearts of Your people.

Hope, Lord, is born out of promise. It brings a freshness to every work and every new day because each is a step to the unfolding of what was once only a promise into the reality of fulfillment. As long as people have hope, they are fixed on the brightness of another tomorrow.

Building on the past, people of hope seize the present moment, make the most of a variety of possibilities, and set in motion deliberate actions that will shape the future.

Today, Lord, give to the Members of Congress a consolidated vision. Marshal within them a discipline that will make them a force of trusted promise which will instill in people across this Nation, true and lasting hope, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Massachusetts (Mr. McGOVERN) come forward and lead the House in the Pledge of Allegiance.

Mr. McGOVERN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HOUSE REPUBLICANS STILL WANT TO PROVIDE THE PRESIDENT A BLANK CHECK ON IRAQ WAR

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Madam Speaker, I was home last week, and although there was a great deal of discussion about gas prices, still the number one issue among the people of my district in Missouri is the military action in Iraq. And one of the things they are confused about is the fact that this is the most unpopular war in the history of our Republic and yet nothing seems to change. Over 70 percent of the American public is against the war, and we continue to travel down the same road over and over again.

One of the reasons I believe we have two ears and just one mouth is that we are to listen more than we speak. Therefore, it seems to me that the people of this country are speaking but we are simply not listening.

It is my hope that all blank checks and rubber stamps will be put away. And while we are waiting to discuss this, the Democrats are moving forward with our commitment to make serious changes in Iraq.

LEADERSHIP

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, I rise today to speak on leadership.

The American people have entrusted us with a great responsibility to represent their interest in this great House. The people of the Seventh District of Tennessee work hard and represent what is good about America, and it is my honor to speak on their behalf.

In my district there are farmers, bankers, truckers, accountants. My district is as diverse as America itself. One thing they believe in is the goodness and strength and perseverance of our country. They entrust us to do the right thing, no matter the circumstances.

They want lower taxes and believe that they, not the Federal Government, should have first right of refusal on their paycheck. They believe that if 10 percent is good enough for God, it should be good enough for the government when it comes to taxing that paycheck. And they think that government should learn to live within its means.

Most importantly, they want action, not political grandstanding. They want results, not rhetoric. They want and expect us to solve problems. They expect us to stand in the gap, stand up for them, and do our jobs.

They expect us to lead.

DAY TWO OF THE FOOD STAMP CHALLENGE

(Mr. McGOVERN asked and was given permission to address the House for 1 minute.)

Mr. McGOVERN. Madam Speaker, yesterday I spoke on the floor of this House about the Food Stamp Challenge, an initiative where public officials live for 1 week on a food stamp budget in order to raise awareness of the Food Stamp program. Three of my esteemed colleagues, Representatives JO ANN EMERSON from Missouri, TIM RYAN from Ohio, and JAN SCHAKOWSKY from Illinois, are also taking part in the Food Stamp Challenge. We started yesterday.

It is not easy eating on $3 a day. But it is nothing compared to the hardship faced by millions of Americans every single day. I urge my colleagues to read more about our experiences on the Food Stamp Challenge blog at foodstampchallenge.typepad.com.

This week my colleagues will be joining me in talking about the Food Stamp program and how we can better meet the needs of low-income Americans.

PROMOTING ADOPTION TAX RELIEF

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, in January I introduced a bill to make permanent the $10,000 adoption tax credit which is set to expire in 2010. Four months later this bill has garnered 125 bipartisan cosponsors, including Ways and Means Committee Chairman CHARLES RANGEL.

As the grateful father of an adopted son and a member of the Congressional Coalition on Adoption, I know all too well the challenges and rewards adoption brings. The adoption process can be mentally and physically exhausting. Families should not be overwhelmed with the financial burdens as well. We should offer incentives, not penalties, for making this commitment.

I urge my colleagues on the Ways and Means Committee to move forward with this legislation and make the dream of a family a permanent reality by promoting adoption.

In conclusion, God bless our troops and we will never forget September 11.

DEMOCRATS WANT TO BETTER CARE FOR AMERICAN FAMILIES BUT FACE RESISTANCE FROM BUSH

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. ELLISON. Madam Speaker, the new Democratic House has been busy passing a wide range of measures to help our Nation's economy grow. Unfortunately, we are having a difficult time finding support from the White House.

We began by increasing the minimum wage for the first time in 10 years. The bill was overwhelmingly supported by this House, and yet President Bush has already vetoed it once.

This House also voted to support the Employee Free Choice Act, which helps all Americans share in our Nation's economic growth by supporting the basic right of workers to choose their own representative. But the President has threatened a veto.

The Congress also overwhelmingly supported a bill that invests in hiring 10,000 new science and math teachers so that we can better compete in the new global economy. Unfortunately, the Bush administration opposes this legislation in its current form.

Madam Speaker, the new Congress is passing legislation that will grow our economy. Now we just need support from the White House to make it a reality.

ATTACK ON FORT DIX

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, recently six foreign-born extremists, inspired by al Qaeda and its preachers of hate, planned to murder U.S. troops with semiautomatic weapons and rocket-propelled grenades. The place, not in Iraq, but the United States Army base at Fort Dix in New Jersey.

They were knowledgeable and cunning, using one member who delivered pizzas on the base to gain intimate knowledge of the fort. They were also planning to attack a U.S. Naval installation in Philadelphia.

Before the attack could be unleashed on U.S. troops, the FBI was tipped off to their plans, and they were arrested. Not surprisingly, three of these terrorists were in the country illegally. Two others had green cards.

We are no longer a safe nation. The dangers of our security are real. We discuss in Congress the war against extreme radicals, but it starts with securing the borders. Because crossing unsecured U.S. borders is very easy. It brings the good, the bad, and the ugly. Because all three groups know that, for political reasons, the Federal Government refuses to protect American citizens by securing our sovereignty.

And that's just the way it is.

□ 1015

DEMOCRATS' LONG RECORD OF ACHIEVEMENT

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, we are now 4½ months into the new session of Congress, and the Democratic Congress has a long record of achievement. We have already passed 37 pieces of key legislation, many, I am proud to say, with bipartisan support.

We have passed bills to strengthen our military, increase funding for our veterans, restore accountability; promote energy independence, lower the cost of prescription drugs and student loans, balance the budget and grow our economy. But unfortunately, not everyone got the loud and clear message the American people delivered for change last November. President Bush opposes two-thirds of those bills that we passed this session. I hope that the President will join us in moving this country in a new direction.

GSE REFORM

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Madam Speaker, promoting homeownership, especially homeownership for low and moderate income families, is a high priority for Republicans in this United States Congress. The GSEs, the Fannie Mae and Freddie Mac, have played a very important part in that goal. We ought to preserve that system, Madam Speaker, we ought to protect that system. However, Congress also has a responsibility to limit the risks that the GSEs pose to the United States taxpayers and their burden to that market.

Many of my colleagues have been working for years to enact meaningful reform of the GSEs and their regulator. That's a good thing. But this year's bill goes far beyond improving the safety and the soundness of the GSEs by now taxing those portfolios to create an affordable housing fund.

I agree with the Congressional Budget Office, Madam Speaker. This new assessment on the GSEs will be passed along to customers in the form of higher fees. It will raise the cost of purchasing a home or refinancing a mortgage. That is exactly the opposite direction that we want to go.

I urge my colleagues to join me in opposing this fund.

HOUSE WORKS IN STRONG BIPARTISAN FASHION TO ADDRESS THE NEEDS OF OUR ARMED FORCES

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Madam Speaker, today the House begins debate on the Defense authorization bill, a bill that was passed out of the Armed Services Committee 58-0, unanimously. The legislation received the support of the entire committee because it focuses on our Nation's immediate threats and the benefits our soldiers need today.

The Defense bill authorizes substantial resources to improve the protection of our troops, including $4 billion for Mine Resistant Ambush Protected Vehicles. These vehicles have been shown to dramatically reduce the injuries of our soldiers. We want to ensure that our troops have access to the best equipment that will protect them while they are in battle.

In his budget earlier this year, the President proposed giving our troops a 3 percent pay raise. This Congress believes they deserve more, and consequently they will receive a 3.5 percent raise.

Madam Speaker, this Defense bill shows our dedication to the troops on the front lines, and it deserves strong bipartisan support.

WELCOMING GOOD SHEPHERD LUTHERAN SCHOOL

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, I would like to welcome Good Shepard Lutheran School and all the visitors that we have in our Nation's Capital today.

This constitutional Republic works. The Founding Fathers, which I believe established this through divine providence, established a government based upon compromise, also a government that is concerned about the different branches of government and the checks and balance systems which then were enacted to defend against usurpation by either and each branch.

I just come here today because many times we forget about the great institution in which we serve, about the blessings of freedom and liberties, and that God truly has blessed this Nation and will continue to do so.

IN SUPPORT OF H.R. 1968

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Madam Speaker, today I rise in strong support of legislation that I recently introduced, H.R. 1968, the Community Health Workers Act of 2007.

The bill provides Federal support for community health workers, also known as promotoras. Community health workers conduct education and provide prevention information on chronic illnesses to communities of color, the Asian, Latino, African American and even Native American communities. They are able to reach out to patients in ways that traditional health care providers can't, through culturally and linguistically appropriate care. They are trusted by their communities.

Families who interacted with community workers were eight times more likely to obtain health insurance for their children, and their children stayed insured. That is why I strongly believe that the community health workers need to be part of the SCHIP reauthorization bill moving forward in the House.

As the Chair of the Congressional Hispanic Caucus' Health Task Force, I am committed to reducing health care disparities in our country. The legislation will help achieve that goal, and I am proud to have the support of other colleagues here today.

HOUSE REPUBLICANS STILL WANT TO PROVIDE PRESIDENT BLANK CHECK ON IRAQ WAR

(Mr. BUTTERWORTH asked and was given permission to address the House for 1 minute.)

Mr. BUTTERWORTH. Madam Speaker, while the President continues to resist any changes to his failed policy in Iraq, the situation is getting worse, it's getting worse for our troops. American casualties are up 53 percent this year over the same period last year.

Despite the escalating civil war, last week Pentagon officials told 35,000 more American troops that they will be sent to Iraq. Earlier this year, the President said the surge would last a couple of months, but now the administration is planning to stretch the plan out for 18 months.

It is increasingly clear that the President's plan to escalate the war in Iraq is not working. The American people overwhelmingly favor a new direction in Iraq and a plan to hold the Iraqi Government accountable for their own nation and their own security, but for some reason Republicans continue to stall, unwilling to break away from President Bush and ignoring all the bad news on the ground.

Madam Speaker, after 4 years of failed policies, we do not need to give the President a blank check.

TRADE AGREEMENTS MUST HAVE INTERNATIONAL LABOR STANDARDS

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Madam Speaker, last Thursday, the leadership of the House announced a new trade policy for America. And as this body considers future trade agreements, it would be well to look at the House Ways and Means Committee Web site where a one-page policy on a new trade policy for America is stated. That policy states that our new trade policy will ensure trade agreements raise the standard of living, including requiring companies to adopt, maintain and enforce international labor standards and their domestic laws and practices, thus promoting basic worker rights and acceptable working conditions.

We need to make sure that the maintenance and enforcement of those international labor standards are part of any trade agreement on the domestic side of those trade countries that we are negotiating with.

The Constitution of the Soviet Union had great statements about protecting the rights of workers and protecting the rights of individuals, and on paper that's what they said, but in reality they meant little. These trade agreements need to have enforcement on the other side to be effective.

HOMETOWN HEROES' CLAIMS MUST BE RESOLVED

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Madam Speaker, I rise in honor of our brave men and women in uniform, the police officers, firefighters and other public service officers who protect our communities.

As yesterday was National Peace Officers Memorial Day, there is no better time to call on the Department of Justice to award the benefits due to our law enforcement officers who have made the ultimate sacrifice in defending our Nation.

For 30 years now we have made a strong statement about the value our Nation places on the contribution for those who serve our community through the Public Safety Officers Benefit plan. About 4 years ago, however, I learned the PSOB was routinely rejecting claims or requiring burdensome documentation from these officers and first responders who died from a heart attack or stroke while serving our communities. I felt that this was wrong, and so did most of my colleagues here in Congress. In a strong bipartisan effort, Congress unanimously passed and the President signed it and the Hometown Heroes Survivors Benefit Act became law.

Since 2003, when the law was enacted, only two claims have been awarded out of the more than 240 received, while nearly 40 claims have been rejected. The rest languish in a bureaucratic mess.

I urge the Department of Justice to act swiftly and fairly on the remaining claims and pay these claims to provide this much needed and much deserved benefit as we observe National Police Week.

LESS TROOPS IN BAGHDAD AND MORE COPS IN AMERICA

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, I thought about what I would use my 1-minute on today, and one thought was to address all the beautiful people that I see have come to Washington and Congress to view our Capitol and our Nation's Capital, and it is a beautiful sight. And another thought was to talk about the need for General Alberto Gonzales to resign to bring back the morale in the Justice Department and the people's faith in that institution. But the bottom line is the thing I campaigned upon is still the most important issue facing America today. We need to bring our troops home, redeploy our troops, and put our resources, financially and also personnel-wise, to work in America, protecting our streets and giving us a more secure country.

We need less troops on the streets of Baghdad and more cops on the streets of Memphis and other cities in this country to fight crime here at home.

GAS PRICES ARE HIGH DUE TO BUSH ADMINISTRATION'S FAILURE TO ENACT ENERGY POLICY

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Madam Speaker, as we move closer to Memorial Day weekend and the summer months ahead, families in Wisconsin and across the country will be packing up their families to head off on vacation, like up north in Minocqua, Door County in Wisconsin. And once again, gas prices are hitting record highs. American families and small businesses everywhere are bearing the full weight of the Bush administration's failure to enact a meaningful energy policy.

On Monday, the President announced his most recent attempt to do something, and once again it is another insufficient and inadequate solution. This failed attempt at energy policy is a placebo. It is a fake solution to a very serious problem. There is a better way of doing things, and it begins with energy efficiency, developing renewable energy resources and moving away from fossil fuels.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES, COMMITTEE ON SCIENCE AND TECHNOLOGY AND COMMITTEE ON NATURAL RESOURCES

The SPEAKER pro tempore (Ms. BALDWIN) laid before the House the following resignation as a member of the Committee on Armed Services, Committee on Science and Technology and Committee on Natural Resources:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 2007.
Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to the passage by the House on Thursday, May 10, 2007 of H. Res. 393 "Election of Minority Members to Certain Standing Committees of the House," I have been elected to the Committee on Appropriations. Pursuant to my Conference's rules regarding service on certain select committees, I hereby resign from service on the following committees: Committee on Armed Services; Committee on Science and Technology; and Committee on Natural Resources. Thank you.

Sincerely,

KEN CALVERT (CA-44),
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 403 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 403

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed 90 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 4 of this resolution), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than 30 minutes after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. During consideration in the House of H.R. 1585 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

□ 1030

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. CASTOR. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 403 provides for consideration of H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008 under a structured rule. The rule provides 90 minutes of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule waives all points of order against the bill's consideration, except those arising under clause 9 or 10 of rule XXI. The rule makes in order and provides appropriate waivers for 50 amendments. The rule also permits the Chair of the Committee on Armed Services or his designee to offer amendments not earlier disposed of en bloc and debated for 20 minutes, equally divided and controlled by the Chair and ranking member of the Armed Services Committee. The Chair of the Armed Services Committee also may request that amendments printed and ordered in the Rules Committee report be offered out of that order with appropriate notice on the floor.

Madam Speaker, today the new Congress, under Democratic leadership, will chart a new direction for a stronger and safer America through the adoption of the Defense authorization bill, H.R. 1585, and this rule. As a member of the House Armed Services Committee, I am pleased to report that our committee, under the leadership of Chairman IKE SKELTON, passed the bill out of committee unanimously in a bipartisan way, 58–0.

The Defense bill provides $648.6 billion to support our brave American men and women in uniform, but it does much more. The provisions in the bill would repair the damage done to America's national security by this White House by improving the readiness of our Armed Forces, requiring accountability from the White House in its Iraq policy and making more strategic investments for the protection of the American people and our interests across the globe.

On readiness, we are going to take care of our troops and their families. We are going to fully fund the needs of our armed services. We are going to strengthen the National Guard and Reserves.

Here are a few details. We have authorized $1.2 billion for body armor; $2.5 billion for up-armored Humvees; $1.2 billion for vehicle add-on armor; and $509 million for the armored security vehicles. We are going to increase the end-strength of our armed services with 36,000 new soldiers in the Army, 9,000 new troops in the Marine Corps and 1,300 troops in the Army National Guard.

This bill authorizes $4.5 billion to fund the anti-IED, improvised explosive device, efforts of the Joint Improved Explosive Device Defeat Organization.

In addition, Madam Speaker, although the President called for only a 3 percent pay raise for our brave men and women in uniform, we have gone far beyond that because we recognize the sacrifice that they are providing for the benefit of the American people, and we have provided a pay raise in this bill for our troops of 3.5 percent.

Inexplicably, in this time of conflict and war the Bush administration also proposed increases in health insurance premiums for our military retirees and troops under TRICARE and proposed cuts to active military medical services. We have blocked that measure. It is the wrong time for the White House to propose health insurance premium increases, when we are asking so much of our brave American men and women in uniform.

Madam Speaker, in this bill we have also included provisions that we passed last month, the Wounded Warrior Assistance Act, because we remain committed to seeing that our wounded servicemembers receive the best health care possible. Indeed, Madam Speaker, under that Wounded Warrior Assistance Act, we are answering the call of the American people. This new Congress is demanding, through this rule and through this legislation, that the executive branch move beyond the rhetoric of "support our troops" to concrete actions that sustain our brave men and women in uniform and their families by providing the quality health care they deserve when they return from the battlefield.

Supporting our troops does not mean that you simply salute and send them off to war, ask them to serve and sacrifice for our great country. But it also means that they are supported when they return home, their families are respected and our wounded warriors receive superior health care for their physical injuries and mental health care.

We are going to improve the health care-mental health care for our wounded warriors in this bill. We are going to tackle the bureaucracy that has blocked their access to health care. We are going to require expedited action, provide medical advocates, improve support services for families and really tackle the traumatic brain injuries and aid the polytrauma centers and VA hospitals across this country that are serving the most crucially wounded.

Madam Speaker, this bill also calls for greater accountability from the White House. In this bill, we are requiring more in-depth reports on operations in Iraq. We want to know what is truly happening on the ground with the Iraqi security forces.

There has been so much waste and fraud in contracting in Iraq and under this White House that we are not going to put up with it any longer. The Department of Defense, the Department of State, USAID, must have additional oversight of the multibillion dollar contracts that have been approved during this war in Iraq. We require reports on the proficiencies of the Iraqi Army, the police, and all security forces there.

To the credit of this Armed Services Committee, we have not forgotten about Afghanistan. In fact, in this bill, as an additional accountability measure, we have established an Inspector General for Afghanistan Reconstruction, as we cannot sanction the waste and fraud that has accompanied the administration's Iraq reconstruction.

Madam Speaker, we are also going to be more strategic in the defense of our national security. Like I said, Afghanistan cannot be the forgotten war. In fact, in this bill we direct more attention to operations there, in addition to the Inspector General that will oversee the reconstruction efforts. This bill contains a detailed plan to achieve long-term stability in what has been an unstable country in Afghanistan for many years.

Madam Speaker, we will hear debate today about missile defense. Now, this bill provides great investment in the protection and missile defense of this country. It also reinvigorates the nonproliferation and threat reduction initiatives that have suffered under the Bush administration. We are going to refocus our efforts strategically on terrorism and the true threats to our national security.

I am very proud to say that the headquarters of Special Operations Command is located in my district in Tampa, Florida, at the McDill Air Force Base. This Defense bill, under Democratic leadership, not only fully funds our Special Operations Forces, but it went beyond the Bush administration's budget request, and we have funded their five unfunded needs under the Bush proposal.

We have also authorized a 25 percent increase in Special Forces by the year 2013, because we recognize that we cannot rely solely any longer on the conventional threats to our country. We have got to be smarter, we have to be more strategic, and the Democratic Defense bill authorizes the increase in Special Forces and also a new emphasis on indirect action.

Oftentimes, to win the hearts and minds, you don't go in with guns blazing. In fact, you institute a smarter policy where you work with folks on the ground to prevent any terrorist initiative from ever developing. And this bill does that.

We have reinvested additional resources to improve education and analytical intelligence surveillance. We harness the science and technology innovation in this country by investing in information technology and other technologies to make sure that our troops on the ground have the best technology available across the globe.

Yes, Madam Speaker, this Defense bill charts a new direction for true readiness, accountability and more strategic investments to protect our national security.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I thank the gentlewoman from Florida (Ms. CASTOR) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, the National Defense Authorization Act for Fiscal Year 2008 contains provisions that are important to our troops serving abroad, to our national security and to my constituents in central Washington. It authorizes more funding for force protection, including over $4 billion for vehicles designed to protect our troops from improvised explosive devices, or IEDs, in Iraq.

This legislation includes the Wounded Warrior Act, which passed the House earlier this year, that would help address the challenges that face our recovering servicemembers and families. This bill also extends the language enacted last year to prevent TRICARE copay increases.

In addition to providing the authorization levels that our servicemembers need, I am pleased that the language was included that emphasizes congressional support for the National Nuclear Security Administration's role in the 300 Area transition at the Hanford Nuclear Reservation in my district and specifically at the Pacific Northwest National Laboratory.

The National Nuclear Security Administration, the Department of Energy Office of Science and the Department of Homeland Security all signed a memorandum of understanding last year agreeing to funding commitments for this very important transition.

□ 1045

The committee has been helpful on this issue in the past, and I appreciate its continued support in Pacific Northwest National Laboratory's 300 Area transition. A successful transition at the lab will make it possible for nearly 1,000 scientists to continue their work and allow key national security related missions to continue.

Another issue that is an issue of great importance is the ongoing cleanup of the Department of Energy's Hanford nuclear site, which is a legacy going back to World War II. I am pleased this committee, like in recent years, has supported my request to authorize the full $690 million needed for the waste treatment plant next year.

Construction of the waste treatment plan is a critical effort to clean up some of our Nation's most dangerous legacy nuclear waste. I am pleased this legislation recognizes the importance of this project.

In addition to authorizing the funding needed for cleanup at Hanford, I am pleased that we are working to address the concerns of Department of Energy nuclear site workers who suffered health effects from their work at government sites. This bill includes language similar to a bill I recently cosponsored that extends and increases the scope of the Energy Employees Occupational Illness Compensation Program Ombudsman's Office so that it is still better to assist workers seeking compensation.

The Ombudsman's Office assists workers who have filed for compensation under this compensation program. These workers, Madam Speaker, played a vital role in our Nation's defense during the hot war and the Cold War. If it is found that their illness has been caused by their work, they deserve just and prompt compensation.

I am also pleased that funding is authorized to upgrade and expand the training range at the Yakima Training Center in my district. $29 million will be used to increase the size of the training space, allow for urban operation training, and support the digital systems used by today's Stryker forces. The new range is expected to be completed by August 2009, and will provide critical training for our active duty and Reserve Army soldiers.

Madam Speaker, while H.R. 1585 is a good bill, it is not a perfect bill. This bill cuts nearly $800 million in funding for a robust, layered ballistic missile defense system capable of intercepting missiles at all stages of flight. Despite recent missile tests in North Korea and the intelligence community's belief that within the next decade Iran will have missiles capable of reaching the United States, the Democrat majority of the House Armed Services Committee rejected a proposal to restore more than $764 million to the Missile Defense Agency's budget. I don't believe now is the time to slow down the development of a strong missile defense system. As ballistic missile threats increase, we must be able to develop the capabilities necessary to protect ourselves.

This bill also cuts $867 million from the Army's modernization program, the Future Combat Systems, which helps keep our Armed Forces prepared for future combat scenarios. It is important to find new technologies to optimize information flow and combat systems in the future, but the severe cuts in this bill puts the modernization of the Army in jeopardy. This 1-year cut is greater than cuts in the last 3 years combined.

Congressman TODD AKIN from Missouri, the ranking Republican on the House Armed Services Subcommittee on Oversight and Investigations, put forward an amendment to the Rules Committee last night to restore $134 million for Future Combat Systems. But sadly, his amendment was rejected on a party-line vote by the Democrat-controlled Rules Committee.

Madam Speaker, a total of 135 amendments were allowed to be submitted to the Rules Committee for consideration, and this rule allows for consideration of 50 amendments on the floor today. I am deeply troubled that for the first time, the first time during my tenure in Congress and tenure on the Rules Committee, Members of Congress reported that they were actually prohibited, prohibited from submitting an amendment to the committee after the deadline.

Specifically, Congressman AKIN from Missouri and Congressman GINGREY from Georgia attempted to offer second-degree amendments to an amendment offered by the gentleman from Maine (Mr. MICHAUD) concerning the morning-after pill.

These types of amendments by definition cannot be drafted until the text of the original amendment has been seen, and therefore, it was after the announced amendment deadline that each of those two Members, AKIN and GINGREY, attempted to submit their amendments. But the submission, the submission itself was denied by the Democrat majority.

While amendments to amendments are not the norm of the House, Members certainly have had the ability to offer such amendments to the Rules Committee, or at least they did, Madam Speaker, until this week.

So let me be clear. The Democrat leadership actually denied Members of Congress the opportunity to have their amendments presented and then denied by the committee because typically amendments that are offered late are denied. But they didn't even have the opportunity to submit them late.

All Members of Congress are elected to this body and they have the duty to represent their constituents through the legislative process. The manner in which these Members of Congress were treated was unnecessary. Madam Speaker, I certainly hope it never happens again.

I am also disappointed that the Democrat majority has chosen to go out of its way to be inconsistent and change the rules and definitions, leaving Members of Congress questioning what rules and norms they should follow. Democrats on the Rules Committee have chosen to strictly enforce the amendment deadline on some occasions, but on others they have made amendments in order that were submitted past the deadline. They have changed the definition of rules, and for the first time in at least a decade they have outright rejected Members of Congress from submitting amendments to the Rules Committee for consideration.

Last year, the Speaker and Members of the current majority pledged that this Congress would be the most open Congress in history. However, on several occasions now the Rules Committee has literally closed the door on Members and denied them the opportunity to submit an amendment to the committee.

Madam Speaker, I remain optimistic. I tend to have that in my nature. But so far, I must say the new Democrat majority, so far their actions have spoken much, much louder than their words.

Madam Speaker, I reserve the balance of my time.

Ms. CASTOR. Madam Speaker, when it comes to the Rules Committee, I think the record should reflect the true reality.

On this Defense bill, over 130 amendments were filed and reviewed in committee, and a record-breaking number of 50 amendments have been allowed on this bill today.

Mr. HASTINGS of Washington. Madam Speaker, will the gentlewoman yield?

Ms. CASTOR. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I would ask the gentlewoman, how many of those 135 amendments were second-degree amendments?

Ms. CASTOR. None.

Mr. HASTINGS of Washington. None. That is precisely my point.

My point is how can a Member offer a second-degree amendment until an amendment has been offered to which a Member could respond to.

So the gentlelady talks about 135 amendments. That tends to be somewhere near the norm for Defense authorization bills in the past. So there is nothing outside that norm. I thank the gentlelady for making the point. None of the 135 were second-degree amendments, and my remarks were specifically addressed to second-degree amendments.

Ms. CASTOR. I thank my colleague from the Rules Committee because he is aware, and anyone who attended that committee meeting would be aware, that certain second-degree amendments were in fact offered by the other side of the aisle and were debated and voted upon in committee.

Mr. HASTINGS of Washington. Madam Speaker, will the gentlewoman yield?

Ms. CASTOR. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. It is true we, the minority members of the Rules Committee, offered secondary amendments, but they are secondary amendments, and we had asked unanimous consent of the full committee to break the order because they were denied to be submitted on regular order.

So while, yes, we offered them and they were defeated on a party-line vote, had they been offered, they would have had a notation that they were late and they probably would have been rejected.

My point is you broke from tradition. You broke from tradition by not allowing a Member to submit an amendment late. That is my whole point. I thank the gentlelady for yielding.

Ms. CASTOR. I thank the gentleman.

The fact remains over 135 amendments were submitted on time to the Rules Committee, and a record-breaking number of 50 amendments are being allowed and made in order on this Defense bill.

I think it is also important to respond to the claims that missile defense is not funded through this bill. Indeed, that is incorrect. The record should reflect that only in Washington can a program be provided and funded with billions and billions of dollars for numerous decades; and then say, oh, we are suffering. In fact, that is not the case.

Madam Speaker, I yield 2½ minutes to the distinguished gentleman from Colorado (Mr. UDALL), a member of the Armed Services Committee.

Mr. UDALL of Colorado. Madam Speaker, I thank the gentlelady for yielding me this time, and acknowledge her leadership on this rule, as well as the leadership of the gentleman from Washington, for having the kind of debate we should have on the floor of the House.

Madam Speaker, I rise in strong support of this rule and the bill. I want to applaud Chairman SKELTON for his leadership in guiding the bill to the floor today, and also acknowledge Ranking Member HUNTER and our expert staff on the committee.

I want to particularly acknowledge the way in which Chairman SKELTON worked with me on important items for Colorado, including limits on how the Army can pursue possible expansion of the Pinon Canyon Maneuver Site.

Others include funding a new squadron operations facility for the Colorado Air National Guard; promoting an agreement between the Air Force and the City of Pueblo about flight operations at the Pueblo airport; urging the Defense Department to use on-site disposal of chemical weapons stockpiled at the Pueblo Chemical Depot; asking the Army to track pilots who train at the High Altitude Aviation Training School in Eagle, Colorado; and naming a housing facility at Fort Carson in honor of our former colleague, Joel Hefley.

I am also pleased that the committee adopted two of my amendments, including one to repeal a provision adopted last year that makes it easier for the President to federalize the National Guard for domestic law enforcement purposes during emergencies. By repealing this, my amendment restores the role of the Governors with regard to this subject.

Madam Speaker, the bill rightly focuses on our military's readiness needs. After 5 years at war, both the active duty and the Reserve forces are stretched to their limits. The bill will provide what is needed to respond, including a substantial Strategic Readiness Fund and additional funds for National Guard equipment and training.

It enlarges the Army and the Marine Corps, consistent with the Tauscher-Udall Army expansion bill in the last Congress, and it will provide a 3.5 percent across-the-board pay raise for servicemembers, boost funding for the Defense Health Program, prohibit increasing TRICARE and pharmacy user fees, and establish a Traumatic Brain Injury Initiative to allow emerging technologies and treatments to compete for funding.

Madam Speaker, this is an excellent bill, a carefully drafted and bipartisan bill, and I urge its passage.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Madam Speaker, I rise in opposition to this rule. I was surprised and chagrined when I looked over the long list of 50 amendments and saw missing from that list the Troops on the Border amendment which had been made in order for the 10 past years.

As you may recall, Troops on the Border would authorize our Armed Forces to combat illegal immigration, drug smugglers and potential terrorists. It would be optional for the troops to be used, but it would be a message to illegal aliens, those involved in the illegal drug trade, and those who would wreak harm on our country that we would use those troops where necessary to defend our borders.

Let me tell you just a minute about the history of this amendment. Between 1997 and 2001, it was offered five times by a Democrat and adopted by this body. I have had the honor for the past 5 years to offer the amendment, and it was adopted by the body each of those 5 years.

This bill would be much stronger and would send a message that we are serious about border security if this amendment had been made in order. I hope we will reject the rule for its failure to stand up for the integrity of our border.

Ms. CASTOR. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Madam Speaker, I would like to thank the gentlewoman from Florida for yielding me this time, and also for your effective leadership on the House Rules Committee.

□ 1100

Also, let me just acknowledge and thank our chairman of the House Armed Services Committee, Chairman SKELTON, for his dedication to the brave men and women who are serving in the Armed Forces and also to our national security.

I believe in this bill, Madam Speaker, that we should be taking meaningful steps to end the occupation of Iraq and to bring our troops home. Iraq is in a civil war, and our occupation only inflames the insurgency and puts our troops in harm's way. The facts on the ground betray the administration's empty rhetoric.

A majority of the American people support withdrawal from Iraq, and here we have a chance to press the issue further. We need enforceable timetables for withdrawal from Iraq, and we must hold this administration accountable.

Also, I am disappointed that the amendment which Congresswoman WOOLSEY and I offered was not made in order. Our amendment basically would have just simply required the President to present a plan for withdrawal and execute complete withdrawal within 6 months. It recognizes that there is no military solution to this civil war.

The bottom line is that we must continue to demand that the President end the occupation and bring our troops home, and we must do so at every opportunity.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Arizona (Mr. FRANKS), a member of the Armed Services Committee.

Mr. FRANKS of Arizona. Madam Speaker, since mankind took up arms against his fellow human beings, every offensive weapon has been countered by a defensive weapon. The spear brought the shield. The sword spawned the suit of armor. Bullets brought heavier armor, and each succeeding advancement in offensive weapons has brought a defensive response wherein mankind hopes to buy a little more time.

Yet, today, when we are 60 years into the nuclear age and mankind faces the most dangerous weapons in the history of humanity, there is in this moment a debate in the United States Congress as to whether or not the United States of America should fully pursue defending its citizens against nuclear missiles.

Madam Speaker, the Rumsfeld Commission report stated that North Korea has developed a missile with a range of 10,000 kilometers, "placing at risk western U.S. territory in an arc extending northwest from Phoenix, Arizona, to Madison, Wisconsin."

In this Defense authorization bill, the Democrats cut nearly $800 million from missile defense. This prompted me to offer six amendments before the Rules Committee last night, but under this rule, Madam Speaker, only one has been made in order; and whether or not it will be adopted still remains to be seen. However, under the rule, one Democrat amendment that was made in order was one to cut missile defense another $1 billion.

Madam Speaker, if we truly build a layered missile defense system that may one day call on us to apologize to the American people for building a defensive system that proved unnecessary, that I can go home and live with. But God save us from the day when we will have to apologize to the American people for failing to build a system that could have protected them from the unspeakable nightmare of missiles turning American cities into nuclear flames.

Madam Speaker, if we build it, maybe they will not come.

Ms. CASTOR. Madam Speaker, I yield myself such time as I may consume.

We did have a debate over missile defense in the Armed Services Committee, but at the end of the day, recall we had a unanimous vote, 58–0, bipartisan vote, to send this bill to the floor.

I would offer, there is no debate. We must protect this great country from nuclear threats, missile threats; and in fact, this bill does that.

We have provided $1.4 billion for Patriot PAC–3 and MEADS. These funds will be used to purchase additional interceptors, upgrade remaining firing units' configuration, continue the development of the MEADS program and purchase equipment for two additional Patriot battalions.

The committee also authorized $1.1 billion for Aegis BMD, an increase of $78 million above the budget request from the White House. These funds will be used to continue and expand the fielding of Standard Missile-3, improve the discrimination capabilities of the Aegis SPY1 radar, and continue the joint development with Japan of the SM–3 Block IIA missile.

We have authorized $2.3 billion for ground-based missile defense.

The committee supports THAAD and authorizes $858 million to continue the purchase of two THAAD firing units. So to come to the floor and say that missile defense is not provided for in this bill is incorrect.

What we are facing, though, is because of this war in Iraq, we have growing needs for the troops on the ground. So our committee made the decision that the troops on the ground come first; that they will have the body armor, they will have the MRAP vehicles, the mine-resistant vehicles, because that is the priority today. Tough decisions, but our troops come first on the ground.

Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Madam Speaker, the Department of Energy and the Department of Defense have been proposing the development of a new nuclear warhead under the Reliable Replacement Warhead program, and they are also proposing an ambitious nuclear weapons complex modernization proposal called Complex 2030. And the bill we are going to be voting on today provides funding for those activities.

This is a multibillion dollar agenda, and it's being proposed, in my opinion, in a policy vacuum without any administration statement on the national security environment that the future nuclear deterrent is designed to address.

The lack of any definitive analysis or strategic assessment defining the agenda of future nuclear stockpiles makes it impossible for Congress to weigh the relative merits of investing the billions of taxpayer dollars in new nuclear weapon production activities when the United States is facing the other challenge of having too large a stockpile as a legacy from the Cold War.

Now, the argument for the Reliable Replacement Warhead program started out with a concern that was most frequently expressed, at least was about, the expected lifetimes of the plutonium pits, which are the nuclear core of our existing nuclear weapons. At the time, their projected life span was 45–60 years, and with some of our arsenal having entered the force in the 1970s and 1980s, there would be a cause for concern.

However, just a few months ago, we received a new study performed by the independent JASON panel, a highly respected body often consulted on technical issues. That study, using data compiled by the nuclear weapons labs, shows that all the plutonium pits in our existing weapons have life spans of at least 85 years, and most are good for 100 years or more. The labs themselves agree with the studies. So, it seems there isn't a threat to the reliability of our current nuclear warheads.

So I think we need to be careful. This bill, while funding was reduced somewhat on the Reliable Replacement Warhead program, I think we need to be careful about going down a path that we may not need to go down.

In conclusion, we should be careful not to hurry down a path when the reliable plutonium pit is no longer an issue. Should we be in a hurry to go down a path when the history of the Department of Energy includes a long list of cancelled and over-budget projects that were started before the objective was thoroughly thought through and understood? We should not make that mistake with the Nation's nuclear weapons complex or the decisions to begin building new nuclear weapons.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Missouri (Mr. AKIN), a member of the Armed Services Committee.

Mr. AKIN. Madam Speaker, the rule that we are considering does not allow a very critical amendment which we voted on in committee. Several of the votes that were most important in committee were not done in a bipartisan way. They were strict party-line votes. This was one of those. One was missile defense; the other is the modernization program for the Army.

The modernization program for the Army that I am talking about was cut by 25 percent, a massive slash in that particular program. What that program does is, it provides the first major modernization program in the last 40 years for the Army. What the program does is, it provides real-time online information, networking, a whole group of different sensors, satellites and individuals on the field, tanks, unmanned aerial vehicles, pulling all that information together to give us accurate and timely information in the battlefield.

Now, anybody who's studied military warfare will tell you that if you just had this piece of information or that piece of information, the tide of battle would have shifted, and so this whole system is designed to provide that information for our warfighters. It has been slashed 25 percent. It is called Future Combat Systems.

Why is that important? First of all, it means you've got to go all the way back to the drawing board with this program, changing all the time schedules. It is tremendously complex.

The second thing is that this program really is the forerunner for things that will be used by the Marines and the Navy. The Navy calls it more network centric warfare, but the concept, the software, will be the same.

Now, we are denied an opportunity to try to restore some funding to the Army's first major modernization program in 40 years. The result is that our sons and daughters will have to pay the price. My own sons will have to pay the price because we have not gotten the information that is absolutely critical to our warfighter there at the time that we need to do it.

Ms. CASTOR. Madam Speaker, I yield myself such time as I may consume.

I think it is also very important for the record to reflect that the Army is fully funded in its needs. Indeed, $13.6 billion are authorized through this Defense bill to fully address the equipment reset of the Army.

What has happened, because of the war in Iraq and in Afghanistan, and we all know this, but readiness of our Armed Forces has suffered. Indeed, the Army Chief of Staff testified before the Armed Services Committee that the escalation of the war creates a terrible strategic risk for this country.

If there was any other threat from across the globe that threatened our national security, it would be very difficult for us to respond because all of the equipment, all of the trucks, the Humvees, are there in Iraq. When the units are deployed and go over to Iraq, they are not able to bring the equipment back.

This was highlighted recently in the State of Kansas with these terrible tornados, when the governor of Kansas told us directly that they were not able to respond as quickly. I'll tell you, coming from the State of Florida, at the beginning of the hurricane season, this is an issue.

We have also had to make these tough decisions about equipping our warriors on the ground with the equipment that they need.

The Army came forward during their budget discussion in Armed Services and said our most critical need are these mine-resistant ambush vehicles that have the armor to withstand the IEDs that has caused so much death and destruction. The Bush administration did not have a funding plan for those MRAP vehicles. So what do we do?

We have got to provide the troops on the ground with the equipment they need to stay safe and survive. Does that mean that some other programs that aren't as tested and aren't as proven get a slight cut? Yes, it does. Yes, it does, because that is a priority, protecting the troops on the ground today.

Mr. TIAHRT. Madam Speaker, will the gentlewoman yield?

Ms. CASTOR. I yield to the gentleman from Kansas.

Mr. TIAHRT. Madam Speaker, being the gentleman from Kansas here, I would like to address the mention of the Kansas National Guard.

I was in Greensburg, Kansas, where the tornado occurred, four times since it has occurred and on Saturday the day after the tornado occurred, General Tod Bunning, the Adjutant General of Kansas, said he had all the equipment needed to respond to emergencies in Kansas. This was restated by him again on Monday and again Wednesday when the President visited.

So the Army National Guard in Kansas has plenty of equipment to respond to emergencies, and to reference that it does not have the equipment would be a mischaracterization of the facts in Kansas.

I thank the gentlewoman for yielding.

Ms. CASTOR. Madam Speaker, I thank the gentleman and before I reserve the balance of my time, on the future combat systems, so the record is clear, only in Washington can you provide $2.8 billion to a program and then say that's not enough.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Indiana (Mr. BUYER), the ranking member of the Committee on Veterans' Affairs.

Mr. BUYER. Madam Speaker, I thank the gentleman for yielding.

I am coming to the floor deeply disappointed that the Rules Committee has denied two amendments that would have protected veterans. We in the VA maintain a national formulary based on a system of deep discounts on prescription drugs through a system of price controls, and we maintain this national formulary. We're able to do that because we are able to purchase drugs at 76 percent of the non-Federal average manufacturing price.

□ 1115

It is a price control. But what is happening? The onslaught of the Democrat majority against pharmaceutical manufacturers continues. They want now to extend the price controls, VA pricing, now into DOD.

All I asked for was an amendment. The amendment would have asked for a certification from the Secretary of Defense to this Congress that their ambition to do this would not increase prices on our veterans.

The VA national formulary amounts to about 1 percent of the pharmaceutical marketplace. The more we extend these price controls, whether it goes into the DOD TRICARE pharmacy, they even want to extend it into Medicare. As you do that, we continue to cost shift.

I am deeply disappointed that the Democrat majority would make this onslaught, not just against pharmaceutical manufacturers, that gets their political juices going, but in the meantime they are going to smack veterans right in the face. It is very disappointing. Now, it is a simple amendment, and they should have made it in order.

There was a second amendment. The second amendment that I asked to be in order, that was also denied, was that I asked that with regard to this provision, whereby the Secretary of Defense may now be able to deny a drug being placed on the TRICARE formulary, if they do not offer the Federal pricing schedule, I asked that, with regard to this provision the Secretary shall not be able to exclude from the pharmacy benefits program any pharmaceutical agent that the Pharmacy and Therapeutics Committee determines to be clinically effective or that the patient or the provider demonstrates to the satisfaction of the Pharmacy and Therapeutics Committee that it is clinically necessary. That's denied also.

I am stunned. I am stunned. But let's be very clear, America, what is happening. This is a socialist policy. You say oh, my gosh, STEVE, don't use the word "socialist." No, this is a socialist policy. A socialist policy is one of price controls. Why do we say we do that with regard to veterans? Because we say in the VA there is no greater classification of people in our society that we should be able to give these deep discounts to than our disabled veterans.

But then what does the Democrat majority want to do? They want to take these deep discounts then and give them into TRICARE, give them into the Medicare prescription drug program. They want to continue to use price controls.

What happens when you do that? Not only do you cost shift, but you also have a dulling effect on research and development that hurts, that hurts this country. I am deeply disappointed that these amendments were denied.

Ms. CASTOR. Madam Speaker, I yield 2 minutes to my distinguished colleague from the Armed Services Committee, Ms. GIFFORDS of Arizona.

Ms. GIFFORDS. Madam Speaker, I rise today to highlight a very important issue facing our Nation that is addressed in this legislation, mental health care for our troops. The mental health implications of extended and repeated combat tours in Iraq and Afghanistan are now only beginning to be understood.

Among Vietnam-era veterans, the lifetime rate of PTSD, sometimes taking decades to appear, is 30 percent. According to the VA, the current rate for Iraq and Afghanistan veterans is already 20 percent. The mental health needs of the generation of combat veterans that we are creating will face this country for decades to come.

We must realize that the nature and scope of warfare has changed, bringing a new level of stress to combat deployments that is fundamentally new. Even in the Green Zone of Baghdad soldiers are repeatedly attacked and regularly attacked.

The troops must cope with ongoing severe stress for months to come. Experts tell us that extended periods of stress like this, with no way to alleviate it, create the conditions where PTSD is most likely to develop.

According to a recent report in the New England Journal of Medicine, 95 percent of troops in Army and Marine units report having been shot at during their deployment, and 95 percent report seeing dead bodies, 89 percent report being ambushed or attacked. One in five is currently suffering from depression, anxiety or stress while deployed. Twenty percent are now facing marital problems, including divorce or legal separation from their spouse. The after-effect of these extended and highly stressful combat deployments will continue to affect their families, the military and our communities for many, many years to come.

I believe that we need to shift towards preventive care. What we know from our experience is that PTSD not being treated can start a downward tragic cycle of addiction, isolation and despair. This bill improves a mental health training for military case managers working with outpatient facilities like Walter Reed so they can identify problems early.

This way we can help provide treatment before returning servicemen are discharged and left to fend for themselves. This bill also creates critical new funding to best identify practices. Mental health is critical for our troops, and I am very interested in passing this legislation.

Madam Speaker, I rise today to highlight a very important issue facing this country that is addressed in this legislation: mental health care for our troops. The mental health implications of extended, and repeated combat tours in Iraq and Afghanistan are now only beginning to be understood.

Among Vietnam-era veterans, the lifetime rate of Post-Traumatic Stress Disorder, sometimes taking decades to appear, is about 30 percent. According to the VA, the current rate for Iraq and Afghanistan veterans is already 20 percent.

The mental health needs of the generation of combat veterans that we are creating will face this country for decades to come. We must realize that the nature and scope of warfare has changed, bringing a level of stress to combat deployments that is fundamentally new.

Even the Green Zone in Baghdad is attacked regularly, and the lives of troops stationed there are literally at risk every single day of their deployments. The troops must cope with ongoing, severe stress for months on end. Experts tell us that extended periods of stress like this, with no way to alleviate it, create the conditions where PTSD is most likely to develop.

According to a recent report in the New England Journal of Medicine, 95 percent of troops in Army and Marine units report having been shot at during their deployment, and 95 percent report seeing dead bodies. Eighty-nine percent reported being ambushed or attacked.

One in five is suffering from depression, anxiety or stress while deployed. Twenty percent face marital problems including divorce or legal separation from their spouse.

The after-effect of extended and highly stressful combat deployments continues to affect military communities and families long after the service member has returned home.

I believe the most important shift is to move toward preventative care. What we know from decades of experience is that PTSD, left untreated, can begin a tragic downward spiral of addiction, isolation and despair.

This bill improves the mental health training for military case managers working with outpatients at facilities like Walter Reed, so they can identify potential problems early. This way, we can help provide treatment before returning servicemen are discharged and left to fend for themselves.

It authorizes critical new funding to identify best practices and build up our clinical knowledge of PTSD and how best to treat it. And it creates a mechanism to improve the transition from the DoD health system into the VA system, so that service members will not fall through the cracks.

Not every American chooses to wear the uniform and serve this country. Not every family stays up lonely nights and waits for a father, husband, mother, wife, or child to come home. Not everyone hears the call of their country and says 'send me.' But for those who do, we owe it to be there for them when they get back.

I will be proud to vote for this legislation that supports our troops and brings a new focus on critical mental health issues.

Mr. HASTINGS of Washington. Madam Speaker, I yield 2½ minutes to the gentlelady from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Madam Speaker, the Democrat leadership has blocked several important amendments on this bill, and I will oppose this rule. But there is one that they block that makes absolutely no sense, and it really calls into question the priorities of the majority on the Rules Committee.

There are 2 million women in this country's history who have served in uniform. All of them have been volunteers, and I was one of them. I am the only woman veteran serving in the United States Congress.

One in seven Americans serving in Iraq or Afghanistan are women, and the challenges that they face when they come home are often different than their male counterparts, particularly when accessing health care from both DOD facilities and VA facilities. Many women veterans don't even call themselves veterans and don't know that they are eligible for care, and care is not always available that is appropriate for women in the VA system.

I offered an amendment that was noncontroversial, and it wasn't even particularly aggressive. All it said was that we should have a bipartisan commission to make some recommendations to us to get a group of people together, including women veterans, to make recommendations to this House on how we can make this system better for women veterans so they can get the health care that they need, and all of us have seen the problems that women veterans are facing.

The amendment wasn't made in order.

Now, I know, like everyone else, that time on the floor is limited, and we can't do everything. But I would note that an amendment was made in order for a study in Ms. SLAUGHTER's district, the chairwoman of the Rules Committee, for a plan for Niagara Air Reserve Base in her district. So we have got time on the floor to have an amendment for a study for Ms. SLAUGHTER, but 2 million women veterans don't count as much.

So I would ask my colleague here from Florida, who is here defending the decision of the Rules Committee, why did you, in your committee, think it was more important to allow an amendment for a study of Niagara Air Reserve Base in Ms. SLAUGHTER's district and to turn your back on 2 million women veterans?

I yield 30 seconds to get an answer from the Rules Committee. Why is the Niagara Air Reserve Base study more important than helping 2 million women veterans get their health care? You didn't rule my amendment in order. What's your excuse?

Ms. CASTOR. I thank the gentlewoman for yielding.

We did have, in over 5 months of the Armed Services Committee, many opportunities to hear from Members across the aisle. I question why this wasn't brought up before the committee at that time.

Mrs. WILSON of New Mexico. I am not, as the gentlewoman knows, I am not a member of the Armed Services Committee. This is my opportunity to offer the amendment, and you have set your priorities.

Mr. HASTINGS of Washington. I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Speaker, I am so upset that the Democrat majority has denied my amendments. I am trying to protect America's veterans.

* * *

MOTION TO ADJOURN

Mr. BUYER. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Indiana (Mr. BUYER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 161, nays 253, not voting 18, as follows:

[Roll No. 350]

YEAS—161

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hooley
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham

LaTourette
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
Mica
Miller (MI)
Miller, Gary
Myrick
Neugebauer
Nunes
Pastor
Paul
Pearce
Pence
Pitts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Tancredo
Thornberry
Tiahrt
Upton
Walberg
Wamp
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—253

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Forbes
Fortenberry
Frank (MA)
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—18

Abercrombie
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Engel
Fattah
Hirono
McMorris Rodgers
Miller (FL)
Moran (VA)
Nadler
Sires
Sullivan
Towns
Watson
Weldon (FL)

□ 1149

Mrs. McCARTHY of New York, Messrs. LANTOS, BOOZMAN, KELLER of Florida, WALSH of New York, TIM MURPHY of Pennsylvania, SAXTON, SCHIFF, TIBERI, ANDREWS and CONYERS changed their vote from "yea" to "nay."

Mr. GILCHREST changed his vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, as I stated in the CONGRESSIONAL RECORD: "On Rollcall vote 340, I was recorded as a 'yes' vote when I intended to cast a 'no' vote." I wish to clarify on the RECORD my miscast vote and my strong support for the National Drug Intelligence Center located in Johnstown, Pennsylvania, right outside of the 18th Congressional District. I was pleased to support funding for the NDIC in the Intelligence authorization bills in both the 108th and 109th Congress.

I look forward to continuing my work in support of the critical intelligence work of this agency.

PROVIDING FOR CONSIDERATION OF H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore (Ms. BALDWIN). The time remaining in the debate on the rule, the gentlewoman from Florida (Ms. CASTOR) controls 4 minutes, the gentleman from Washington (Mr. HASTINGS) controls 9½ minutes.

Mr. HASTINGS of Washington. Madam Speaker, I'd ask my friend from Florida how many speakers she has on her side.

Ms. CASTOR. Madam Speaker, I have one remaining speaker before the close, so I'll reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I'm pleased to yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Madam Speaker, I rise today to speak against this rule. There are two provisions in this bill regarding specialty metals that will make a bad situation worse. I offered two amendments to help correct this problem but, unfortunately, the majority did not allow either of the amendments. As a result, the Democrat majority will force high quality union jobs overseas.

My amendment would have also addressed the problems with the specialty metals and the country of origin specialty metals problem.

Can you believe that today we simply exempt foreign suppliers from the specialty metals provisions. If a product containing specialty metals comes from 18 other countries like France, Germany or Canada, they simply do not have to comply.

This provision is a competitive disadvantage for American industry and American workers. And here's how it works today. Caterpillar makes diesel engines for the Army. These are very common, commercially available engines that operate in civilian construction and trucking industry all over the world. This engine is manufactured by American workers in their Greenville, South Carolina plant.

But Caterpillar also manufactures the very same engine in Belgium. Because of the world demand, Belgium is also a qualifying country. That means that if Caterpillar makes an engine for the MRAP in South Carolina, they must go through the expensive process of documenting the nation of origin of the specialty metals content of every component in the engine. Or they could simply shift the production to Belgium and avoid the process and save money. This puts American jobs at risk because of this outdated legislation, and this rule denies us the ability to protect American workers in this bill.

It's simply unconscionable that we would legislate a competitive disadvantage upon American companies and American workers. And it's even more disheartening that Congress refuses to address the unintended consequences of this decade old problem.

DOD should be leveraging the industrial might of the United States to provide the best technology for our soldiers. But we're denied that ability in this rule.

Ms. CASTOR. Madam Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Madam Speaker, I rise in strong support of the rule and the underlying bill. I know Chairman SKELTON and Ranking Member HUNTER have worked exceptionally hard on this bipartisan measure, and I thank them for their leadership.

Our operations in Iraq and Afghanistan have put great strain on our military, and this bill will reverse the decline in readiness. It adds funds for force protection programs such as mine resistant combat vehicles, IED countermeasures and body armor and a much deserved pay raise for the troops.

I'm also pleased that the measure recognizes the importance of submarines to our national security by adding $588 million to construct a second *Virginia*-class submarine as early as 2009, 3 years earlier than planned. This is welcome news to the men and woman at Electric Boat in Rhode Island, as well as Groton, Connecticut, as well as our entire submarine industrial base, which is threatened by an insufficient workload. The Navy's current shipbuilding plan would have our submarine fleet drop to dangerously low levels in future years, just as other nations are increasing their naval capabilities.

I've been working exceptionally hard for 6 years to address this important national security issue, and I thank Chairman SKELTON and Seapower Chairman TAYLOR for their commitment to a robust submarine force.

This is a good bill and a good rule and, Madam Speaker, I urge its passage. And I thank my colleague for the time.

The rule before us makes in order an amendment I am offering with the gentleman from Maine, Mr. MICHAUD, that would require military pharmacies to include emergency contraception in the basic core formulary. Access to this contraception is important to our servicewomen—particularly those who have been the victims of sexual assault—and I urge my colleagues to support our amendment.

We can show our appreciation for all the men and women who keep our Nation safe by voting for this rule and the defense authorization act.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Oklahoma, a member of the Armed Services Committee, Mr. COLE.

Mr. COLE of Oklahoma. Madam Speaker, I rise today in opposition to the rule. As a member of the House Armed Services Committee and having formerly served on the Rules Committee, I'm both disappointed and disturbed by the manner in which the rule has been reported to the floor.

Let's be forthright about this, Madam Speaker. The committee authorized an enormous number of amendments. But numbers alone do not translate into meaningful policy options and good debate on the floor of this body.

Let's look at a couple of things that the committee chose not to make in order. The committee did not make in order an amendment by Mr. AKIN that addresses important concerns, including the evisceration of the Army's only modernization effort and reducing by $867 million the Future Combat System.

The committee did not make in order many of the amendments that were necessary to address the evisceration of our Missile Defense System and that, Madam Speaker, at a time when our intelligence tells us the North Koreans and the Iranians are continuing to develop dangerous missile capability.

With respect to the underlying legislation itself, Madam Speaker, Chairman SKELTON was given an incredibly difficult job. He was not given enough money, in my opinion, enough authorizing authority to address all the needs that he faced.

Nevertheless, he and Ranking Member HUNTER and their subcommittee chairmen accomplished some important things that we should not lose sight of. One good thing that was accomplished was the increase in the end strength of both the Army and the Marine Corps, something many of us have long advocated, something the President now agrees to and something I'm glad to see underway.

Additionally, the legislation included the Wounded Warriors Act, and also included my language to create a program for pre- and post-deployment neurocognitive assessments of our servicemen. I think that was a very good thing, and I appreciate the chairman for working with us on that.

The underlying legislation also addresses depot concerns and maintenance in a way that encourages me, that increased the amount of money in depot accounts.

And finally, I was happy to see that the majority continues to recognize, as we do, the importance of developing the non-line-of-sight cannon and remains committed to the new field increase.

With that, I still remain disappointed the rule did not allow the options.

□ 1200

Ms. CASTOR. Madam Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Speaker, I thank the gentlewoman for yielding.

This is a very important bill. Amongst other things it is because for the first time the Department of Defense is required to consider the effects of global warming on Defense Department facilities, capabilities, and missions. It requires that the Department of Defense in three central defense planning documents, the National Security Strategy, the National Defense Strategy, and the Quadrennial Defense Review, look at the impacts of global warming on the facilities and capabilities of the United States military.

This is a central issue. I am the chairman of the Select Committee on Global Warming. We had testifying before us General Gordon Sullivan, representing 11 three-and four-star admirals and generals who are all very concerned that this issue of global warming has major national security implications for the United States.

By including this requirement in this bill, we are beginning to focus upon the long-term needs that we have to focus on in order to protect our country and give the resources to the Department of Defense.

Madam Speaker, I rise today in support of this rule, and in strong support of a provision within the National Defense Authorization Act for Fiscal Year 2008 which requires, for the first time, the Department of Defense to consider the effect of global warming on Department facilities, capabilities, and missions.

I commend Chairman SKELTON for including this important language, which will allow our armed forces to begin preparing, in a strategic, Department-wide manner, for the impact that global warming could have on our national security.

This provision requires the threat of global warming to be assessed, and guidance for military planners to be issued, in the next versions of three central defense planning documents: The National Security Strategy, The National Defense Strategy, and the Quadrennial Defense Review.

The very first hearing of the new Select Committee on Energy Independence and Global Warming focused on the geopolitical and security consequences of our dependence on foreign energy and the looming threat of global warming. We heard from former Chief of Staff of the Army General Gordon Sullivan, who presented a report by eleven retired three- and four-star generals and admirals arguing that global warming is a grave national security threat, and must be treated as such by our defense establishment and by this Congress.

Last month, Congressman BARTLETT and I introduced the Global Climate Change Security Oversight Act, with the intention of jump-starting our government's analysis of and preparation for the national security consequences of global warming. Our bill would require a National Intelligence Estimate on the impact of global warming, and last week exactly such an NIE was mandated by the Intelligence Authorization bill. Our bill also encourages the Department of Defense to integrate into our defense planning the threats posed by global warming, and I am very pleased that this priority is being mandated in this year's Defense Authorization Act.

Thinking about global warming as a national security issue is new for many Members, but with the speed that the major provisions of the Global Climate Change Security Oversight Act have been adopted by this House, I feel confident that the Congress is making progress in broadening how we think about global warming. It is crucial for the national security of this country that the Congress continue along this path. We must push our defense and intelligence communities to address this threat, and we must offer, debate, and implement solutions to the underlying problem.

I am also pleased to support and cosponsor an amendment that will be offered during debate on this bill by the gentleman from Illinois, Mr. LIPINSKI, which would require the use of high efficiency light bulb in Department of Defense buildings when new bulbs are installed or old bulbs are replaced. This amendment will help lower energy consumption in Defense Department facilities, reduce greenhouse gas emissions, help promote energy independence, and result in millions of dollars of savings for the American taxpayer—all without impeding the operations of the U.S. military.

I urge adoption of the Rule.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Iowa, a member of the Appropriations Committee (Mr. LATHAM).

Mr. LATHAM. Madam Speaker, I thank the gentleman from Washington for yielding.

I rise today in strong opposition to this rule, and there is one very good reason. Partisanship has reached an unconscionable level in this House.

Just for the simple fact that I am in the minority party, the Rules Committee did not allow an amendment which would have given a 9-year-old child from my district access to the death gratuity that her mother wanted her to have when she was killed in Iraq, just for partisan reasons.

Susan Jaenke, the mother of Jaimie Jaenke, who was killed in Iraq, along with her granddaughter, Kayla, came to Washington at great expense and trouble and testified before the Veterans' Affairs Subcommittee. There was broad bipartisan support for an amendment that would simply allow access to the death gratuity of Jaimie Jaenke by her daughter.

This is outrageous, the fact that you would deny a 9-year-old child access. Her grandparents don't have the money to raise this child. She has no spouse. It would not cost a dime. It is the right thing to do. In the committee, on a bipartisan basis, people said they would do anything possible to help in this situation. I brought this before the Rules Committee and explained what is going on, how this child is denied access to funding so that she can have a decent life: and it was denied simply for partisan reasons. I would think you would be ashamed.

And this is not just a single case. There are at least 143 cases exactly like this. And to deny a child access to this benefit is simply outrageous.

Vote against this outrageous rule.

Ms. CASTOR. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Speaker, I thank the gentleman for yielding.

I rise in opposition to the rule.

The authorizing committee saw fit to include some 680 earmarks that we got news of just yesterday in the bill. Yet I offered four amendments to debate these earmarks and wasn't allowed any of them.

If they can allow 680 earmarks at the last minute in a bill, you would think that the Rules Committee could have seen fit to at least allow debate on a few of them.

The earmarks include $5 million for Diminishing Manufacturing Sources for Automation Alley in Troy, Michigan; $2 million for the Physician Order Entry Initiative for Mission Hospitals, which is a private hospital in Asheville, North Carolina, and keep in mind this is a Defense authorization bill here; $10 million for Hunters Point Naval Shipyard, a former naval shipyard being economically revitalized with taxpayer dollars, defense dollars, for the city of San Francisco; and $500,000 for Rapid Identification of Technology Sources for the San Diego East County Economic Development Council.

Our role here should be to ensure that our Defense dollars are spent on defense, not economic revitalization, not nondefense private ventures. That is why these amendments were offered. Unfortunately, the only shot we might have at checking these amendments is in the appropriations process. By the time we get there, the Members will say these projects were authorized, implying that there was some sort of scrutiny given when there surely has not been.

So, unfortunately, we cannot support this rule. It doesn't allow debate on any of the 680 earmarks in the bill.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I will be asking for a "no" vote on the previous question so that I can amend section 2(c) of this rule after "shall not be subject to amendment" and insert "(except the amendment numbered 43 in the report, to be offered by Representative MICHAUD of Maine, or his designee)."

By defeating the previous question, Members will be able to offer amendments to the Michaud amendment, and a full and wide range of views can be discussed. Those rules were denied because we were not allowed to offer secondary amendments, at least, to the Rules Committee.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Madam Speaker, I yield back the balance of my time.

Ms. CASTOR. Madam Speaker, I yield myself the balance of my time.

To my colleagues on the Armed Services Committee, I thank you for your diligence and hard work. Great thanks also to the professional staff of the Armed Services Committee. And I think we all must salute the great leadership of Chairman IKE SKELTON, who produced a bipartisan product that passed that committee 58–0.

Madam Speaker, I urge this Congress to chart a new direction today for a stronger and safer America. We will improve the readiness of our Armed Forces, including the National Guard and Reserves. We will put a stop on the blank check given to the White House by previous Congresses for the war in Iraq and, instead, require greater accountability for operations and contracting in the region. We will drive more strategic decisions and investments to better protect our national security.

With that, Madam Speaker, I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 403 OFFERED BY MR. HASTINGS OF WASHINGTON

In section 2(c) after "shall not be subject to amendment" insert "(except the amendment numbered 43 in the report, to be offered by Representative Michaud of Maine, or his designee)".

(Pretty much the same as what Mr. Sessions offered last night)

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 225, nays 198, not voting 9, as follows:

[Roll No. 351]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Cubin
Davis, Jo Ann
Delahunt
Engel
Fattah
McMorris Rodgers
Miller (FL)
Nadler
Sires

☐ 1232

Mr. McHENRY changed his vote from "yea" to "nay."

Mr. BAIRD changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 194, not voting 9, as follows:

[Roll No. 352]

YEAS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare

Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Cubin
Davis, Jo Ann
Delahunt
Engel
Fattah
McMorris Rodgers
Miller (FL)
Nadler
Sires

☐ 1241

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. SKELTON. Madam Speaker, I ask unanimous consent that votes in series be reduced to 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. DAVIS of Kentucky. Madam Speaker, I object. The minority has not cleared this.

The SPEAKER pro tempore. Objection is heard.

MOTION TO ADJOURN

Mr. DAVIS of Kentucky. Madam Speaker, because the amendment to equalize benefits for wounded Guardsmen and Reservists with the regular Army was rejected by the Rules Committee yesterday, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. DAVIS of Kentucky moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Kentucky (Mr. DAVIS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DAVIS of Kentucky. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 157, nays 245, not voting 30, as follows:

[Roll No. 353]

YEAS—157

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
Mica
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—245

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Frank (MA)
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt

Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pickering
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—30

Calvert
Capito
Coble
Cubin
Davis, Jo Ann
Delahunt
Engel
Gilchrest
Goode
Hall (NY)
Hastings (FL)
Hill
Maloney (NY)
Manzullo
Marshall
McMorris Rodgers
Miller (FL)
Murphy, Patrick
Nadler
Pascrell
Paul
Peterson (PA)
Pryce (OH)
Radanovich
Simpson
Sires
Souder
Stark
Tiahrt
Van Hollen

☐ 1300

Mr. RANGEL and Mr. MCNERNEY changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. PATRICK J. MURPHY. Madam Speaker, on rollcall No. 353, had I been present, I would have voted "nay."

CONFERENCE REPORT ON S. CON. RES. 21, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

Mr. SPRATT submitted the following conference report and statement on the Senate concurrent resolution (S. Con. Res. 21) revising the congressional budget for the United States Government for fiscal year 2007, establishing the congressional budget for the United States Government for fiscal year 2008, and setting forth appropriate budgetary levels for fiscal years 2009 through 2012:

CONFERENCE REPORT (H. REPT. 110–153)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 21), revising the congressional budget for the United States Government for fiscal year 2007, establishing the congressional budget for the United States Government for fiscal year 2008, and setting forth appropriate budgetary levels for fiscal years 2009 through 2012, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2008 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2008.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.

TITLE II—BUDGET PROCESS

Sec. 201. Pay-as-you-go point of order in the Senate.
Sec. 202. Senate point of order against reconciliation legislation that would increase the deficit or reduce a surplus.
Sec. 203. Senate point of order against legislation increasing long-term deficits.
Sec. 204. Emergency legislation.
Sec. 205. Extension of enforcement of budgetary points of order in the Senate.
Sec. 206. Point of order against advance appropriations.
Sec. 207. Discretionary spending limits, program integrity initiatives, and other adjustments.
Sec. 208. Application of previous allocations in the Senate.
Sec. 209. Senate point of order against provisions of appropriations legislation that constitute changes in mandatory programs with net costs.
Sec. 210. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 211. Application and effect of changes in allocations and aggregates.
Sec. 212. Adjustments to reflect changes in concepts and definitions.
Sec. 213. Exercise of rulemaking powers.

TITLE III—RESERVE FUNDS

Sec. 301. Deficit-neutral reserve fund for SCHIP legislation.
Sec. 302. Deficit-neutral reserve fund for veterans and wounded servicemembers.
Sec. 303. Deficit-neutral reserve fund for tax relief.
Sec. 304. Deficit-neutral reserve fund for Medicare improvements.
Sec. 305. Deficit neutral reserve funds for health care quality, effectiveness, efficiency, and transparency.
Sec. 306. Deficit-neutral reserve fund for higher education.
Sec. 307. Deficit-neutral reserve fund for the Farm Bill.
Sec. 308. Deficit-neutral reserve fund for energy legislation.
Sec. 309. Deficit-neutral reserve fund for county payments legislation.
Sec. 310. Deficit-neutral reserve fund for terrorism risk insurance reauthorization.
Sec. 311. Deficit-neutral reserve fund for affordable housing.
Sec. 312. Deficit-neutral reserve fund for receipts from Bonneville Power Administration.
Sec. 313. Deficit-neutral reserve fund for Indian claims settlement.
Sec. 314. Deficit-neutral reserve fund for improvements in health.
Sec. 315. Deficit-neutral reserve fund for child care.
Sec. 316. Deficit-neutral reserve fund for immigration reform in the Senate.
Sec. 317. Deficit-reduction reserve fund.
Sec. 318. Deficit-neutral reserve fund for manufacturing initiatives in the Senate.
Sec. 319. Deficit-neutral reserve fund for the Food and Drug Administration in the Senate.
Sec. 320. Deficit-neutral reserve fund for Medicaid.
Sec. 321. Reserve fund adjustment for revenue measures in the House.
Sec. 322. Deficit-neutral reserve fund for San Joaquin River restoration and Navajo Nation water rights settlements.
Sec. 323. Deficit-neutral reserve fund for selected tax relief policies in the Senate.

TITLE IV—POLICY

Sec. 401. Policy on middle-income tax relief.
Sec. 402. Policy on defense priorities.
Sec. 403. Policy on college affordability.

TITLE V—SENSE OF THE HOUSE AND SENSE OF CONGRESS

Sec. 501. Sense of Congress on servicemembers' and veterans' health care and other priorities.
Sec. 502. Sense of Congress on the Innovation Agenda: A commitment to competitiveness to keep America #1.
Sec. 503. Sense of Congress on homeland security.
Sec. 504. Sense of Congress regarding the ongoing need to respond to Hurricanes Katrina and Rita.
Sec. 505. Sense of Congress regarding long-term sustainability of entitlements.
Sec. 506. Sense of Congress regarding the need to maintain and build upon efforts to fight hunger.
Sec. 507. Sense of Congress regarding affordable health coverage.
Sec. 508. Sense of Congress regarding extension of the statutory pay-as-you-go rule.
Sec. 509. Sense of Congress on long-term budgeting.
Sec. 510. Sense of Congress regarding pay parity.
Sec. 511. Sense of Congress regarding waste, fraud, and abuse.
Sec. 512. Sense of Congress regarding the importance of child support enforcement.
Sec. 513. Sense of the House on State veterans cemeteries.
Sec. 514. Sense of Congress on the State Criminal Alien Assistance Program.

TITLE VI—RECONCILIATION
Sec. 601. Reconciliation in the House.
Sec. 602. Deficit reduction reconciliation instruction in the Senate.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2007 through 2012:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2007: $1,900,340,000,000.
Fiscal year 2008: $2,015,858,000,000.
Fiscal year 2009: $2,113,828,000,000.
Fiscal year 2010: $2,169,484,000,000.
Fiscal year 2011: $2,350,254,000,000.
Fiscal year 2012: $2,488,301,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2007: −$4,366,000,000.
Fiscal year 2008: −$34,938,000,000.
Fiscal year 2009: $6,902,000,000.
Fiscal year 2010: $5,763,000,000.
Fiscal year 2011: −$44,296,000,000.
Fiscal year 2012: −$108,795,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2007: $2,380,535,000,000.
Fiscal year 2008: $2,496,028,000,000.
Fiscal year 2009: $2,517,132,000,000.
Fiscal year 2010: $2,569,696,000,000.
Fiscal year 2011: $2,684,889,000,000.
Fiscal year 2012: $2,719,268,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2007: $2,300,572,000,000.
Fiscal year 2008: $2,469,636,000,000.
Fiscal year 2009: $2,566,481,000,000.
Fiscal year 2010: $2,600,036,000,000.
Fiscal year 2011: $2,692,104,000,000.
Fiscal year 2012: $2,703,556,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2007: $400,232,000,000.
Fiscal year 2008: $453,778,000,000.
Fiscal year 2009: $452,653,000,000.
Fiscal year 2010: $430,552,000,000.
Fiscal year 2011: $341,850,000,000.
Fiscal year 2012: $215,255,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2007: $8,932,264,000,000.
Fiscal year 2008: $9,504,150,000,000.
Fiscal year 2009: $10,073,725,000,000.
Fiscal year 2010: $10,622,023,000,000.
Fiscal year 2011: $11,077,407,000,000.
Fiscal year 2012: $11,419,028,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2007: $5,047,318,000,000.
Fiscal year 2008: $5,312,560,000,000.
Fiscal year 2009: $5,561,383,000,000.
Fiscal year 2010: $5,774,487,000,000.
Fiscal year 2011: $5,881,776,000,000.
Fiscal year 2012: $5,850,852,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2007: $637,586,000,000.
Fiscal year 2008: $668,998,000,000.
Fiscal year 2009: $702,851,000,000.
Fiscal year 2010: $737,589,000,000.
Fiscal year 2011: $772,605,000,000.
Fiscal year 2012: $807,928,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2007: $441,676,000,000.
Fiscal year 2008: $460,224,000,000.
Fiscal year 2009: $478,578,000,000.
Fiscal year 2010: $499,655,000,000.
Fiscal year 2011: $520,743,000,000.
Fiscal year 2012: $546,082,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2007:
(A) New budget authority, $4,692,000,000.
(B) Outlays, $4,727,000,000.
Fiscal year 2008:
(A) New budget authority, $4,850,000,000.
(B) Outlays, $4,859,000,000.
Fiscal year 2009:
(A) New budget authority, $4,996,000,000.
(B) Outlays, $4,970,000,000.
Fiscal year 2010:
(A) New budget authority, $5,147,000,000.
(B) Outlays, $5,121,000,000.
Fiscal year 2011:
(A) New budget authority, $5,306,000,000.
(B) Outlays, $5,278,000,000.
Fiscal year 2012:
(A) New budget authority, $5,467,000,000.
(B) Outlays, $5,439,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2007 through 2012 for each major functional category are:

(1) National Defense (050):
Fiscal year 2007:
(A) New budget authority, $525,797,000,000.
(B) Outlays, $534,270,000,000.
Fiscal year 2008:
(A) New budget authority, $506,955,000,000.
(B) Outlays, $514,401,000,000.
Fiscal year 2009:
(A) New budget authority, $534,705,000,000.
(B) Outlays, $524,384,000,000.
Fiscal year 2010:
(A) New budget authority, $545,171,000,000.
(B) Outlays, $536,433,000,000.
Fiscal year 2011:
(A) New budget authority, $550,944,000,000.
(B) Outlays, $547,624,000,000.
Fiscal year 2012:
(A) New budget authority, $559,799,000,000.
(B) Outlays, $548,169,000,000.

(2) International Affairs (150):
Fiscal year 2007:
(A) New budget authority, $28,795,000,000.
(B) Outlays, $31,308,000,000.
Fiscal year 2008:
(A) New budget authority, $34,678,000,000.
(B) Outlays, $33,070,000,000.
Fiscal year 2009:
(A) New budget authority, $35,602,000,000.
(B) Outlays, $32,664,000,000.
Fiscal year 2010:
(A) New budget authority, $35,980,000,000.
(B) Outlays, $33,070,000,000.
Fiscal year 2011:
(A) New budget authority, $36,630,000,000.
(B) Outlays, $33,528,000,000.
Fiscal year 2012:
(A) New budget authority, $37,257,000,000.
(B) Outlays, $34,150,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2007:
(A) New budget authority, $25,079,000,000.
(B) Outlays, $24,516,000,000.
Fiscal year 2008:
(A) New budget authority, $27,615,000,000.
(B) Outlays, $26,472,000,000.
Fiscal year 2009:
(A) New budget authority, $28,641,000,000.
(B) Outlays, $28,411,000,000.
Fiscal year 2010:
(A) New budget authority, $29,844,000,000.
(B) Outlays, $29,485,000,000.
Fiscal year 2011:
(A) New budget authority, $31,103,000,000.
(B) Outlays, $30,089,000,000.
Fiscal year 2012:
(A) New budget authority, $32,438,000,000.
(B) Outlays, $31,367,000,000.

(4) Energy (270):
Fiscal year 2007:
(A) New budget authority, $2,943,000,000.
(B) Outlays, $1,369,000,000.
Fiscal year 2008:
(A) New budget authority, $3,408,000,000.
(B) Outlays, $1,162,000,000.
Fiscal year 2009:
(A) New budget authority, $3,209,000,000.
(B) Outlays, $1,590,000,000.
Fiscal year 2010:
(A) New budget authority, $3,275,000,000.
(B) Outlays, $1,782,000,000.
Fiscal year 2011:
(A) New budget authority, $3,346,000,000.
(B) Outlays, $1,829,000,000.
Fiscal year 2012:
(A) New budget authority, $3,404,000,000.
(B) Outlays, $2,111,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2007:
(A) New budget authority, $31,332,000,000.
(B) Outlays, $32,919,000,000.
Fiscal year 2008:
(A) New budget authority, $33,384,000,000.
(B) Outlays, $35,219,000,000.
Fiscal year 2009:
(A) New budget authority, $33,910,000,000.
(B) Outlays, $35,704,000,000.
Fiscal year 2010:
(A) New budget authority, $34,660,000,000.
(B) Outlays, $35,834,000,000.
Fiscal year 2011:
(A) New budget authority, $35,113,000,000.
(B) Outlays, $36,035,000,000.
Fiscal year 2012:
(A) New budget authority, $36,094,000,000.
(B) Outlays, $36,507,000,000.

(6) Agriculture (350):
Fiscal year 2007:
(A) New budget authority, $21,471,000,000.
(B) Outlays, $19,738,000,000.
Fiscal year 2008:
(A) New budget authority, $20,481,000,000.
(B) Outlays, $19,603,000,000.
Fiscal year 2009:
(A) New budget authority, $21,033,000,000.
(B) Outlays, $20,146,000,000.
Fiscal year 2010:
(A) New budget authority, $21,238,000,000.
(B) Outlays, $20,207,000,000.
Fiscal year 2011:
(A) New budget authority, $21,256,000,000.
(B) Outlays, $20,534,000,000.
Fiscal year 2012:
(A) New budget authority, $21,502,000,000.
(B) Outlays, $20,963,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2007:
(A) New budget authority, $5,515,000,000.

(B) Outlays, -$3,522,000,000.

Fiscal year 2008:

(A) New budget authority, $9,279,000,000.

(B) Outlays, $2,034,000,000.

Fiscal year 2009:

(A) New budget authority, $9,973,000,000.

(B) Outlays, $1,048,000,000.

Fiscal year 2010:

(A) New budget authority, $13,775,000,000.

(B) Outlays, $3,431,000,000.

Fiscal year 2011:

(A) New budget authority, $8,822,000,000.

(B) Outlays, $2,439,000,000.

Fiscal year 2012:

(A) New budget authority, $8,822,000,000.

(B) Outlays, $756,000,000.

(8) Transportation (400):

Fiscal year 2007:

(A) New budget authority, $81,282,000,000.

(B) Outlays, $74,739,000,000.

Fiscal year 2008:

(A) New budget authority, $82,799,000,000.

(B) Outlays, $81,093,000,000.

Fiscal year 2009:

(A) New budget authority, $76,306,000,000.

(B) Outlays, $84,025,000,000.

Fiscal year 2010:

(A) New budget authority, $77,061,000,000.

(B) Outlays, $85,959,000,000.

Fiscal year 2011:

(A) New budget authority, $78,089,000,000.

(B) Outlays, $86,672,000,000.

Fiscal year 2012:

(A) New budget authority, $78,969,000,000.

(B) Outlays, $88,352,000,000.

(9) Community and Regional Development (450):

Fiscal year 2007:

(A) New budget authority, $15,717,000,000.

(B) Outlays, $28,281,000,000.

Fiscal year 2008:

(A) New budget authority, $15,814,000,000.

(B) Outlays, $22,292,000,000.

Fiscal year 2009:

(A) New budget authority, $14,725,000,000.

(B) Outlays, $21,008,000,000.

Fiscal year 2010:

(A) New budget authority, $14,942,000,000.

(B) Outlays, $19,892,000,000.

Fiscal year 2011:

(A) New budget authority, $15,157,000,000.

(B) Outlays, $18,440,000,000.

Fiscal year 2012:

(A) New budget authority, $15,371,000,000.

(B) Outlays, $15,938,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2007:

(A) New budget authority, $92,780,000,000.

(B) Outlays, $92,224,000,000.

Fiscal year 2008:

(A) New budget authority, $93,880,000,000.

(B) Outlays, $91,022,000,000.

Fiscal year 2009:

(A) New budget authority, $97,809,000,000.

(B) Outlays, $94,513,000,000.

Fiscal year 2010:

(A) New budget authority, $99,726,000,000.

(B) Outlays, $97,075,000,000.

Fiscal year 2011:

(A) New budget authority, $100,151,000,000.

(B) Outlays, $98,745,000,000.

Fiscal year 2012:

(A) New budget authority, $100,748,000,000.

(B) Outlays, $98,728,000,000.

(11) Health (550):

Fiscal year 2007:

(A) New budget authority, $267,892,000,000.

(B) Outlays, $268,197,000,000.

Fiscal year 2008:

(A) New budget authority, $287,486,000,000.

(B) Outlays, $286,442,000,000.

Fiscal year 2009:

(A) New budget authority, $308,326,000,000.

(B) Outlays, $306,410,000,000.

Fiscal year 2010:

(A) New budget authority, $326,118,000,000.

(B) Outlays, $326,100,000,000.

Fiscal year 2011:

(A) New budget authority, $347,561,000,000.

(B) Outlays, $346,748,000,000.

Fiscal year 2012:

(A) New budget authority, $370,422,000,000.

(B) Outlays, $369,653,000,000.

(12) Medicare (570):

Fiscal year 2007:

(A) New budget authority, $365,152,000,000.

(B) Outlays, $370,180,000,000.

Fiscal year 2008:

(A) New budget authority, $389,587,000,000.

(B) Outlays, $389,703,000,000.

Fiscal year 2009:

(A) New budget authority, $416,710,000,000.

(B) Outlays, $416,367,000,000.

Fiscal year 2010:

(A) New budget authority, $442,347,000,000.

(B) Outlays, $442,569,000,000.

Fiscal year 2011:

(A) New budget authority, $489,077,000,000.

(B) Outlays, $489,087,000,000.

Fiscal year 2012:

(A) New budget authority, $486,804,000,000.

(B) Outlays, $486,417,000,000.

(13) Income Security (600):

Fiscal year 2007:

(A) New budget authority, $360,365,000,000.

(B) Outlays, $364,204,000,000.

Fiscal year 2008:

(A) New budget authority, $380,763,000,000.

(B) Outlays, $384,301,000,000.

Fiscal year 2009:

(A) New budget authority, $391,707,000,000.

(B) Outlays, $393,962,000,000.

Fiscal year 2010:

(A) New budget authority, $401,747,000,000.

(B) Outlays, $402,784,000,000.

Fiscal year 2011:

(A) New budget authority, $417,020,000,000.

(B) Outlays, $417,013,000,000.

Fiscal year 2012:

(A) New budget authority, $402,674,000,000.

(B) Outlays, $402,008,000,000.

(14) Social Security (650):

Fiscal year 2007:

(A) New budget authority, $19,089,000,000.

(B) Outlays, $19,089,000,000.

Fiscal year 2008:

(A) New budget authority, $19,644,000,000.

(B) Outlays, $19,644,000,000.

Fiscal year 2009:

(A) New budget authority, $21,518,000,000.

(B) Outlays, $21,518,000,000.

Fiscal year 2010:

(A) New budget authority, $23,701,000,000.

(B) Outlays, $23,701,000,000.

Fiscal year 2011:

(A) New budget authority, $27,009,000,000.

(B) Outlays, $27,009,000,000.

Fiscal year 2012:

(A) New budget authority, $29,898,000,000.

(B) Outlays, $29,898,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2007:

(A) New budget authority, $73,896,000,000.

(B) Outlays, $72,342,000,000.

Fiscal year 2008:

(A) New budget authority, $85,262,000,000.

(B) Outlays, $84,421,000,000.

Fiscal year 2009:

(A) New budget authority, $87,787,000,000.

(B) Outlays, $88,290,000,000.

Fiscal year 2010:

(A) New budget authority, $90,414,000,000.

(B) Outlays, $89,981,000,000.

Fiscal year 2011:

(A) New budget authority, $96,033,000,000.

(B) Outlays, $95,543,000,000.

Fiscal year 2012:

(A) New budget authority, $93,325,000,000.

(B) Outlays, $92,666,000,000.

(16) Administration of Justice (750):

Fiscal year 2007:

(A) New budget authority, $45,504,000,000.

(B) Outlays, $44,659,000,000.

Fiscal year 2008:

(A) New budget authority, $47,998,000,000.

(B) Outlays, $47,131,000,000.

Fiscal year 2009:

(A) New budget authority, $48,315,000,000.

(B) Outlays, $49,120,000,000.

Fiscal year 2010:

(A) New budget authority, $49,220,000,000.

(B) Outlays, $49,449,000,000.

Fiscal year 2011:

(A) New budget authority, $50,146,000,000.

(B) Outlays, $49,969,000,000.

Fiscal year 2012:

(A) New budget authority, $51,079,000,000.

(B) Outlays, $50,759,000,000.

(17) General Government (800):

Fiscal year 2007:

(A) New budget authority, $18,193,000,000.

(B) Outlays, $18,574,000,000.

Fiscal year 2008:

(A) New budget authority, $18,628,000,000.

(B) Outlays, $19,012,000,000.

Fiscal year 2009:

(A) New budget authority, $19,254,000,000.

(B) Outlays, $19,323,000,000.

Fiscal year 2010:

(A) New budget authority, $19,876,000,000.

(B) Outlays, $19,755,000,000.

Fiscal year 2011:

(A) New budget authority, $20,637,000,000.

(B) Outlays, $20,360,000,000.

Fiscal year 2012:

(A) New budget authority, $21,349,000,000.

(B) Outlays, $21,183,000,000.

(18) Net Interest (900):

Fiscal year 2007:

(A) New budget authority, $344,509,000,000.

(B) Outlays, $344,509,000,000.

Fiscal year 2008:

(A) New budget authority, $370,578,000,000.

(B) Outlays, $370,578,000,000.

Fiscal year 2009:

(A) New budget authority, $391,056,000,000.

(B) Outlays, $391,056,000,000.

Fiscal year 2010:

(A) New budget authority, $414,724,000,000.

(B) Outlays, $414,724,000,000.

Fiscal year 2011:

(A) New budget authority, $433,665,000,000.

(B) Outlays, $433,665,000,000.

Fiscal year 2012:

(A) New budget authority, $448,597,000,000.

(B) Outlays, $448,597,000,000.

(19) Allowances (920):

Fiscal year 2007:

(A) New budget authority, $785,000,000.

(B) Outlays, $755,000,000.

Fiscal year 2008:

(A) New budget authority, -$6,394,000,000.

(B) Outlays, -$2,164,000,000.

Fiscal year 2009:

(A) New budget authority, -$6,894,000,000.

(B) Outlays, -$6,319,000,000.

Fiscal year 2010:

(A) New budget authority, -$7,190,000,000.

(B) Outlays, -$6,984,000,000.

Fiscal year 2011:

(A) New budget authority, -$7,295,000,000.

(B) Outlays, -$7,181,000,000.

Fiscal year 2012:

(A) New budget authority, -$7,427,000,000.

(B) Outlays, -$7,311,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2007:

(A) New budget authority, -$69,714,000,000.

(B) Outlays, -$69,714,000,000.

Fiscal year 2008:

(A) New budget authority, –$70,979,000,000.

(B) Outlays, –$70,979,000,000.

Fiscal year 2009:

(A) New budget authority, –$66,560,000,000.

(B) Outlays, –$66,569,000,000.

Fiscal year 2010:

(A) New budget authority, –$66,933,000,000.

(B) Outlays, –$66,933,000,000.

Fiscal year 2011:

(A) New budget authority, –$69,575,000,000.

(B) Outlays, –$69,595,000,000.

Fiscal year 2012:

(A) New budget authority, –$71,857,000,000.

(B) Outlays, –$71,860,000,000.

(21) Overseas Deployments and Other Activities (970):

Fiscal year 2007:

(A) New budget authority, $124,153,000,000.

(B) Outlays, $31,935,000,000.

Fiscal year 2008:

(A) New budget authority, $145,162,000,000.

(B) Outlays, $115,179,000,000.

Fiscal year 2009:

(A) New budget authority, $50,000,000,000.

(B) Outlays, $109,830,000,000.

Fiscal year 2010:

(A) New budget authority, $0.

(B) Outlays, $41,722,000,000.

Fiscal year 2011:

(A) New budget authority, $0.

(B) Outlays, $13,551,000,000.

Fiscal year 2012:

(A) New budget authority, $0.

(B) Outlays, $4,505,000,000.

TITLE II—BUDGET PROCESS

SEC. 201. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for either of the applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means either—

(A) the period of the current fiscal year, the budget year, and the ensuing 4 fiscal years following the budget year; or

(B) the period of the current fiscal year, the budget year, and the ensuing 9 fiscal years following the budget year.

(3) DIRECT SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985. .

(4) EXCLUSION.—For purposes of this subsection, the terms "direct spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this subsection shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted in any bill pursuant to a reconciliation instruction since the beginning of that same calendar year shall never be made available on the pay-as-you-go ledger and shall be dedicated only for deficit reduction.

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Senate Committee on the Budget.

(d) SUNSET.—This section shall expire on September 30, 2017.

(e) REPEAL.—In the Senate, section 505 of H. Con. Res. 95 (108th Congress), the fiscal year 2004 concurrent resolution on the budget, shall no longer apply.

SEC. 202. SENATE POINT OF ORDER AGAINST RECONCILIATION LEGISLATION THAT WOULD INCREASE THE DEFICIT OR REDUCE A SURPLUS.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any reconciliation bill, resolution, amendment, amendment between Houses, motion, or conference report pursuant to section 310 of the Congressional Budget Act of 1974 that would cause or increase a deficit or reduce a surplus in either of the following periods:

(1) The current fiscal year, the budget year, and the ensuing 4 fiscal years following the budget year.

(2) The current fiscal year, the budget year, and the ensuing 9 fiscal years following the budget year.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of net deficit increases shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

SEC. 203. SENATE POINT OF ORDER AGAINST LEGISLATION INCREASING LONG-TERM DEFICITS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill and joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), and amendments thereto and conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in deficits in excess of $5,000,000,000 in any of the four 10-year periods beginning in fiscal year 2018 through fiscal year 2057.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in deficits in excess of $5,000,000,000 in any of the 4 10-year periods beginning in 2018 through 2057.

(c) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net deficit increases shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(e) REPEAL.—In the Senate, section 407 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, shall no longer apply.

(f) SUNSET.—This section shall expire on September 30, 2017.

SEC. 204. EMERGENCY LEGISLATION.

(a) SENATE.—

(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974 and sections 201, 203, and 207 of this resolution (relating to pay-as-you-go in the Senate, long-term deficits, and discretionary spending limits).

(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

(4) DEFINITIONS.—In this subsection, the terms "direct spending", "receipts", and "appropriations for discretionary accounts" mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) POINT OF ORDER.—

(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) SUPERMAJORITY WAIVER AND APPEALS.—

(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this subsection, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this paragraph), no further amendment shall be in order.

(6) CRITERIA.—

(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(7) REPEAL.—In the Senate, section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, shall no longer apply.

(b) HOUSE.—In the House, if any bill or joint resolution, or amendment offered or considered as adopted or conference report thereon, that makes appropriations for discretionary amounts, and such amounts are designated as necessary to meet emergency needs, then the new budget authority and outlays resulting therefrom shall not be counted for the purposes of titles III and IV of the Congressional Budget Act of 1974.

SEC. 205. EXTENSION OF ENFORCEMENT OF BUDGETARY POINTS OF ORDER IN THE SENATE.

Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through September 30, 2017, and Section 403 of H. Con. Res. 95 (109th Congress) shall no longer apply in the Senate.

SEC. 206. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) SENATE.—

(1) IN GENERAL.—

(A) POINT OF ORDER.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(B) DEFINITION.—In this subsection, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2008 that first becomes available for any fiscal year after 2008, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2009, that first becomes available for any fiscal year after 2009.

(2) EXCEPTIONS.—Advance appropriations may be provided—

(A) for fiscal years 2009 and 2010 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $25,158,000,000 in new budget authority in each year; and

(B) for the Corporation for Public Broadcasting.

(3) SUPERMAJORITY WAIVER AND APPEAL.—

(A) WAIVER.—In the Senate, paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(4) FORM OF POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this subsection, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(6) REPEAL.—In the Senate, section 401 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, shall no longer apply.

(b) HOUSE.—

(1) IN GENERAL.—In the House, except as provided in paragraph (2), a bill or joint resolution making a general appropriation or continuing appropriation, or an amendment thereto may not provide for advance appropriations.

(2) ADVANCE APPROPRIATION.—In the House, an advance appropriation may be provided for fiscal year 2009 or 2010 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $25,558,000;000 in new budget authority.

(3) DEFINITION.—In this subsection, the term "advance appropriation" means any new discretionary budget authority provided in a bill or joint resolution making general appropriations or any new discretionary budget authority provided in a bill or joint resolution continuing appropriations for fiscal year 2008 that first becomes available for any fiscal year after 2008.

SEC. 207. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term "discretionary spending limit" means—

(1) for fiscal year 2007, $950,504,000,000 in new budget authority and $1,029,465,000,000 in outlays; and

(2) for fiscal year 2008, $953,052,000,000 in new budget authority and $1,028,397,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $213,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may

be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $213,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $6,822,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to $406,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $406,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates up to $383,000,000 to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $383,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to $40,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $40,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(E) COSTS OF OVERSEAS DEPLOYMENTS AND RELATED ACTIVITIES.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates for one or more bills, joint resolutions, motions, amendments, or conference reports making appropriations for fiscal year 2008 for overseas deployments and related activities, by the amounts provided in such legislation for that purpose (and so designated pursuant to this subparagraph) up to the amounts of budget authority specified in Section 103(21) for fiscal year 2008 and the new outlays flowing therefrom.

(d) HOUSE.—

(1) PROGRAM INTEGRITY INITIATIVES AND OTHER ADJUSTMENTS.—

(A) CONTINUING DISABILITY REVIEWS AND SUPPLEMENTAL SECURITY INCOME REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $213,000,000 and the amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the allocation to the Committee on Appropriations of the House of Representatives shall be increased by the amount of the additional budget authority and outlays flowing from that budget authority for fiscal year 2008.

(B) INTERNAL REVENUE SERVICE TAX COMPLIANCE.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $6,822,000,000 to the Internal Revenue Service and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986 and provides an additional appropriation of up to $406,000,000, and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986, then the allocation to the Committee on Appropriations of the House of Representatives shall be increased by the amount of the additional budget authority and outlays flowing from that budget authority for fiscal year 2008.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates up to $383,000,000 and the amount is designated to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the allocation to the Committee on Appropriations of the House of Representatives shall be increased by the amount of additional budget authority and outlays flowing from that budget authority for fiscal year 2008.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to $40,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the allocation to the Committee on Appropriations and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $40,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(E) COSTS OF OVERSEAS DEPLOYMENTS AND RELATED ACTIVITIES.—

(i) In the House, if one or more bills or joint resolutions are reported making appropriations for fiscal year 2008 for overseas deployments and related activities, (and such amounts are so designated pursuant to this clause) then the allocation to the House Committee on Appropriations and aggregates may be adjusted by the amounts provided in such legislation for that purpose up to the amounts of budget authority specified in section 103 (21) for fiscal year 2008 and the new outlays flowing therefrom.

(ii) In the House, if one or more bills or joint resolutions are reported making appropriations for fiscal year 2008 for overseas deployments and related activities (and such amounts are so designated pursuant to this clause) above the amounts of budget authority and new outlays specified in clause (i), then new budget authority, outlays, or receipts resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

(2) PROCEDURE FOR ADJUSTMENTS.—

(A) IN GENERAL.—After the reporting of a bill or joint resolution, or an amendment offered or considered as adopted thereto, or the submission of a conference report thereon, the Chairman of the Committee on the Budget shall make adjustments set forth in paragraph (1) for the incremental new budget authority in that measure and the outlays flowing from that budget authority, if that measure meets the requirements set forth in paragraph (1), except that no adjustment shall be made for provisions exempted for the purposes of titles III and IV of the Congressional Budget Act of 1974 under paragraph (1)(E)(ii).

(B) MATTERS TO BE ADJUSTED.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(ii) the budgetary aggregates as set forth in this resolution.

(e) OVERSIGHT OF GOVERNMENT PERFORMANCE.—In the House and the Senate, all committees are directed to review programs within their jurisdictions to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdictions, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

(f) SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2007.—If legislation making supplemental appropriations for fiscal year 2007 is enacted, the Chairman of the appropriate Committee on the Budget shall make the appropriate adjustments in allocations, aggregates, discretionary spending limits, and other levels of new budget authority and outlays to reflect the difference between such measure and the corresponding levels assumed in this resolution.

SEC. 208. APPLICATION OF PREVIOUS ALLOCATIONS IN THE SENATE.

Section 7035 of Public Law 109–234 shall no longer apply in the Senate.

SEC. 209. SENATE POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS WITH NET COSTS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, that includes any provision which constitutes a change in a mandatory program producing net costs, as defined in subsection (b), that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation. A point of order pursuant to this section shall be raised against such provision or provisions as described in subsections (e) and (f).

(b) CHANGES IN MANDATORY PROGRAMS PRODUCING NET COSTS.—A provision or provisions shall be subject to a point of order pursuant to this section if—

(1) the provision would increase budget authority in at least 1 of the 9 fiscal years that follow the budget year and over the period of the total of the budget year and the 9 fiscal years following the budget year;

(2) the provision would increase net outlays over the period of the total of the 9 fiscal years following the budget year; and

(3) the sum total of all changes in mandatory programs in the legislation would increase net outlays as measured over the period of the total of the 9 fiscal years following the budget year.

(c) DETERMINATION.—The determination of whether a provision is subject to a point of order pursuant to this section shall be made by the Committee on the Budget of the Senate.

(d) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) GENERAL POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report

violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(f) FORM OF THE POINT OF ORDER.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(g) EFFECTIVENESS.—This section shall not apply to—

(1) legislation making supplemental appropriations for fiscal year 2007; and

(2) any provision constituting a change in a mandatory program in appropriations legislation if such provision has been enacted in each of the 3 fiscal years prior to the budget year.

SEC. 210. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House and the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 211. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget.

SEC. 212. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the appropriate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 213. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such they shall be considered as part of the rules of each House or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of either the Senate or House of Representatives to change those rules (insofar as they relate to that House) at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate or House of Representatives.

TITLE III—RESERVE FUNDS

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION.

(a) SENATE.—

(1) PRIORITY.—The Senate establishes the following priorities and makes the following findings:

(A) The Senate shall make the enactment of legislation to reauthorize the State Children's Health Insurance Program (SCHIP) a top priority for the remainder of fiscal year 2007, during the first session of the 110th Congress.

(B) Extending health care coverage to the Nation's vulnerable uninsured children is an urgent priority for the Senate.

(C) SCHIP has proven itself a successful program for covering previously uninsured children.

(D) More than 6 million children are enrolled in this landmark program, which has enjoyed broad bipartisan support in Congress, among our Nation's governors, and within state and local governments.

(E) SCHIP reduces the percentage of children with unmet health care needs.

(F) Since SCHIP was created, enormous progress has been made in reducing disparities in children's coverage rates.

(G) Uninsured children who gain coverage through SCHIP receive more preventive care and their parents report better access to providers and improved communications with their children's doctors.

(H) Congress has a responsibility to reauthorize SCHIP before the expiration of its current authorization.

(2) RESERVE FUND.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $50,000,000,000 in outlays over the period of the total of fiscal years 2007 through 2012 for reauthorization of the State Children's Health Insurance Program (SCHIP), if such legislation maintains coverage for those currently enrolled in SCHIP, continues efforts to enroll uninsured children who are already eligible for SCHIP or Medicaid but are not enrolled, or supports States in their efforts to move forward in covering more children, by the amounts provided in that legislation for those purposes, provided that the outlay adjustment shall not exceed $50,000,000,000 in outlays over the period of the total of fiscal years 2007 through 2012, and provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

(b) HOUSE RESERVE FUND FOR THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.—The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels for bills, joint resolutions, amendments, or conference reports, which contains matter within the jurisdiction of the Committee on Energy and Commerce that expands coverage and improves children's health through the State Children's Health Insurance Program (SCHIP) under title XXI of the Social Security Act and the program under title XIX of such Act (commonly known as Medicaid) and that increases new budget authority that will result in not more than $50,000,000,000 in outlays in fiscal years 2007 through 2012, and others which contain offsets so designated for the purpose of this section within the jurisdiction of another committee or committees, if the combined changes would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR VETERANS AND WOUNDED SERVICEMEMBERS.

The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—

(1) enhance medical care and disability benefits for wounded or disabled military personnel or veterans, which may include low-vision and blinded veterans;

(2) expand eligibility for Combat-Related Special Compensation to permit additional disabled retirees to receive both disability compensation and retired pay;

(3) eliminate the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation;

(4) improve disability evaluations of military personnel or veterans to expedite the claims process;

(5) enhance educational benefits of veterans; or

(6) provide for or increase benefits to Filipino veterans of World War II, their survivors and dependents;

by the amounts provided in such legislation for those purposes (or, in the House, that contain offsets so designated for those purposes), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR TAX RELIEF.

(a) SENATE.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including extensions of expiring tax relief and refundable tax relief, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

(b) HOUSE.—

(1) RESERVE FUND FOR REFORM OF THE ALTERNATIVE MINIMUM TAX.—The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for reform of the Internal Revenue Code of 1986 by reducing the tax burden of the alternative minimum tax on middle-income families by the amounts provided in such legislation for that purpose or that contain offsets so designated for that purpose, provided that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(2) RESERVE FUND TO PROVIDE FOR MIDDLE-INCOME TAX RELIEF AND ECONOMIC EQUITY.—The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for tax relief for middle-income families and taxpayers and enhanced economic equity, such as extension of the child tax credit, extension of marriage penalty relief, extension of the 10 percent individual income tax bracket, modification of the Alternative Minimum Tax, elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified credit, extension of the research and experimentation tax credit, extension of the deduction for State and local sales taxes, and a tax credit for school construction bonds, by the amounts provided in such legislation for those purposes or that contain offsets so designated for those purposes, provided that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICARE IMPROVEMENTS.

(a) HOUSE.—The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that improve the Medicare program for beneficiaries and protect access to care, through measures such as increasing the reimbursement rate for physicians while protecting beneficiaries from associated premium increases and making improvements to the prescription drug program under part D by the amounts provided in such legislation for those purposes or that contain offsets so designated for those purposes, provided that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(b) SENATE.—

(1) PRESCRIPTION DRUGS.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that repeals the prohibition in section 1860D–11(i)(1) of the Social Security Act (42 U.S.C. 1395w–111(i)(1)) while preserving access to prescription drugs and price competition without requiring a particular formulary or instituting a price structure for reimbursement of covered Part D drugs, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further that any savings from the measure are to be used either to improve the Medicare Part D benefit or for deficit reduction.

(2) PHYSICIAN PAYMENTS.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that increases the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

(3) IMPROVEMENTS TO MEDICARE PART D.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the prescription drug benefit under Medicare Part D, by the amounts provided in such legislation for that purpose up to $5,000,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

(4) IMPROVING MEDICARE HOSPITAL PAYMENTS.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(A) includes provisions to reform the area wage index used to adjust payments to hospitals under the Medicare hospital inpatient prospective payment system under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)); and

(B) includes a transition to the reform described in subparagraph (A);

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

(c) SENATE AND HOUSE DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS PHYSICIAN AND OTHER HEALTH CARE PROVIDER SHORTAGES.—The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that encourage physicians to train in primary care residencies and attract more physicians and other health care providers to States that face a shortage of health care providers by the amounts provided in such legislation for those purposes (or, in the House, that contain offsets so designated for those purposes), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 305. DEFICIT NEUTRAL RESERVE FUNDS FOR HEALTH CARE QUALITY, EFFECTIVENESS, EFFICIENCY, AND TRANSPARENCY.

(a) HEALTH INFORMATION TECHNOLOGY.—

(1) The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives or other support for adoption of modern information technology to improve quality and protect privacy in health care, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(2) The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives for Medicare providers or suppliers to comply with, where available and medically appropriate, clinical protocols identified as best practices, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(b) COMPARATIVE EFFECTIVENESS RESEARCH.—The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that establish a new Federal or public-private initiative for comparative effectiveness research, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(c) IMPROVING THE HEALTH CARE SYSTEM.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that—

(1) creates a framework and parameters for the use of Medicare data for the purpose of conducting research, public reporting, and other activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in Federal programs and the private health care system; and

(2) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer and use of such data;

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

(a) SENATE.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would make higher education more accessible and more affordable, which may include tax benefits, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

(b) HOUSE.—The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that make college more affordable through reforms to the Higher Education Act of 1965 or other legislation by the amounts provided in such legislation for that purpose or that contain offsets so designated for that purpose, provided that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 307. DEFICIT-NEUTRAL RESERVE FUND FOR THE FARM BILL.

(a) SENATE.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the programs of the Food Security and Rural Investment Act of 2002 or prior Acts, authorize similar or related programs, provide for revenue changes, or any combination of the preceding purposes, by the amounts provided in such legislation for those purposes up to $20,000,000,000 over the period of the total of fiscal years 2007 through 2012, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

(b) HOUSE.—The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the programs of the Food Security and Rural Investment Act of 2002 or prior Acts, authorize similar or related programs, or both, by the amounts provided in such legislation for those purposes or that contain offsets so designated for those purposes up to $20,000,000,000 for the total over the period of fiscal years 2007 through 2012, provided that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION.

(a) SENATE.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce our Nation's dependence on foreign sources of energy, expand production and use of clean alternative fuels and alternative fuel vehicles, promote renewable energy development, improve electricity transmission, encourage responsible development of domestic oil and natural gas resources, or reward conservation and efficiency, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017. The legislation may include tax legislation such as a proposal to extend energy tax incentives like the production tax credit for electricity produced from renewable resources, the Clean Renewable Energy Bond program, or provisions to encourage energy efficient buildings, products, and power plants.

(b) HOUSE.—

(1) The Chairman of the House Committee on the Budget shall revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that fulfill the purposes of section 301(a) of H.R. 6, the Clean Energy Act of 2007 by the amounts provided in such legislation for those purposes or that contain offsets so designated for those purposes, provided that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(2) The Chairman of the House Committee on the Budget shall revise the allocations provided for under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations to the extent that any bills, joint resolutions, amendments, motions, or conference reports provide budget authority for purposes set forth in section 301(a) of H.R. 6 in excess of the amounts provided for those purposes in fiscal year 2007. Any adjustments made under this paragraph shall not include revenues attributable to changes in the Internal Revenue Code of 1986 and shall not exceed the receipts estimated by the Congressional Budget Office that are attributable to H.R. 6 for the year in which the adjustments are made.

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS LEGISLATION.

The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393), make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565), or both, by the amounts provided by that legislation for those purposes (or, in the House, that contain offsets so designated for those purposes), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR TERRORISM RISK INSURANCE REAUTHORIZATION.

The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a continued Federal role in ensuring the availability of terrorism insurance after the expiration of the Terrorism Risk Insurance Extension Act, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND FOR AFFORDABLE HOUSING.

The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would establish an affordable housing fund financed by the housing government sponsored enterprises, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR RECEIPTS FROM BONNEVILLE POWER ADMINISTRATION.

The Chairman of the appropriate Committee on the Budget may adjust the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that prohibit the Bonneville Power Administration from making early payments on its Federal Bond Debt to the United States Treasury, by the amounts provided by that legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 313. DEFICIT-NEUTRAL RESERVE FUND FOR INDIAN CLAIMS SETTLEMENT.

The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) create an Indian claims settlement fund for trust accounting and management deficiencies related to Individual Indian Moneys and assets; and

(2) extinguish all claims arising before the date of enactment for losses resulting from accounting errors, mismanagement of assets, or interest owed in connection with Individual Indian Moneys accounts;

by the amounts provided in such legislation for those purposes up to $8,000,000,000 (or, in the House, that contain offsets so designated for those purposes), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 314. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVEMENTS IN HEALTH.

(a) Health Insurance Coverage.—The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that make health insurance coverage more affordable or available to small businesses and their employees, through pooling arrangements that provide appropriate consumer protections, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(b) Health Coverage.—If a SCHIP reauthorization bill is enacted, then the Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to improve health care, and provide quality health insurance for the uninsured and underinsured, and protect individuals with current health coverage, by the amounts provided in that legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(c) Long-Term Care.—The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve long-term care, enhance the safety and dignity of patients, encourage appropriate use of institutional and community-based care, promote quality care, or provide for the cost-effective use of public resources, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(d) Mental Health Parity.—The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 315. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD CARE.

The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide up to $5,000,000,000 for the child care entitlement to States, by the amounts provided by such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 316. DEFICIT-NEUTRAL RESERVE FUND FOR IMMIGRATION REFORM IN THE SENATE.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for immigration reform by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

SEC. 317. DEFICIT-REDUCTION RESERVE FUND.

(a) Reduction of Improper Payments.—The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by eliminating or reducing improper payments made by agencies reporting improper payments estimates under the Improper Payments Information Act of 2002 and uses such savings to reduce the deficit (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(b) Increased Use of Recovery Audits.—The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by requiring that agencies increase their use of the recovery audits authorized by the Erroneous Payments Recovery Act of 2001 (section 831 of the National Defense Authorization Act for fiscal year 2002) and uses such savings to reduce the deficit (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 318. DEFICIT-NEUTRAL RESERVE FUND FOR MANUFACTURING INITIATIVES IN THE SENATE.

In the Senate, the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal government, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies, and by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

SEC. 319. DEFICIT-NEUTRAL RESERVE FUND FOR THE FOOD AND DRUG ADMINISTRATION IN THE SENATE.

(a) Regulation.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that authorizes the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

(b) Drug Importation.—In the Senate, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that permits the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

SEC. 320. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICAID.

(a) Delay of Rule.—The Chairman of the appropriate Committee on the Budget may revise

the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for a delay in the implementation of the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule that would affect the Medicaid program or SCHIP in a similar manner, or place restrictions on coverage of or payment for graduate medical education, rehabilitation services, or school-based administration, transportation, or medical services under title XIX of the Social Security Act by the amounts provided in that legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the total of the period of fiscal years 2007 through 2012 or the total of the period of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(b) DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.—The Chairman of the appropriate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(I) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(I)), by the amounts provided in that legislation for those purposes up to $500,000,000 (or, in the House, that contain offsets so designated for those purposes), provided in the Senate that such legislation would not increase the deficit over either the total of the period of fiscal years 2007 through 2012 or the total of the period of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

(c) TRANSITIONAL MEDICAL ASSISTANCE.—The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that extend the Transitional Medical Assistance program, included in title XIX of the Social Security Act, by the amounts provided in such legislation for that purpose (or, in the House, that contain offsets so designated for that purpose), provided in the Senate that such legislation would not increase the deficit over either the total of the period of fiscal years 2007 through 2012 or the total of the period of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 321. RESERVE FUND ADJUSTMENT FOR REVENUE MEASURES IN THE HOUSE.

In the House, for the duration of the 110th Congress with respect to consideration of any bill, joint resolution, amendment, motion, or conference report that would decrease total revenues for the single period comprising the budget year and the following 4 fiscal years below the Congressional Budget Office baseline for the most recent concurrent resolution on the budget, the Chairman of the House Committee on the Budget shall increase the revenue aggregates by $179,816,000,000 for the total over the period of fiscal years 2008 through 2012, if the Chairman determines that such legislation does not contain a provision consistent with the provision set forth in the joint explanatory statement of managers accompanying this concurrent resolution. The Chairman may readjust such levels upon disposition of any measure in violation of this section.

SEC. 322. DEFICIT-NEUTRAL RESERVE FUND FOR SAN JOAQUIN RIVER RESTORATION AND NAVAJO NATION WATER RIGHTS SETTLEMENTS.

The Chairman of the appropriate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fulfill the purposes of the San Joaquin River Restoration Settlement Act, implement a Navajo Nation water rights settlement as authorized by the Northwestern New Mexico Rural Water Projects Act, or both, by the amounts provided by that legislation for those purposes (or, in the House, that contain offsets so designated for those purposes), provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017, and provided further in the House that such legislation would not increase the deficit or decrease the surplus for the total over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

SEC. 323. DEFICIT-NEUTRAL RESERVE FUND FOR SELECTED TAX RELIEF POLICIES IN THE SENATE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief by extending the State and local sales tax deduction, extending enhanced charitable giving from individual retirement accounts, reauthorizing the new markets tax credit under section 45D of the Internal Revenue Code of 1986, or extending and increasing the above-the-line deduction for teacher classroom supplies and expanding it to include qualified professional development expenses, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

TITLE IV—POLICY

SEC. 401. POLICY ON MIDDLE-INCOME TAX RELIEF.

(a) IN THE HOUSE.—

(1) IN GENERAL.—It is the policy of the House to minimize fiscal burdens on middle-income families and their children and grandchildren. It is the policy of the House to provide immediate relief for the tens of millions of middle-income households who would otherwise be subject to the Alternative Minimum Tax under current law. Furthermore, it is the policy of the House to support extension of middle-income tax relief and enhanced economic equity through policies such as—

(A) extension of the child tax credit;

(B) extension of marriage penalty relief;

(C) extension of the 10 percent individual income tax bracket;

(D) elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit;

(E) extension of the research and experimentation tax credit;

(F) extension of the deduction for State and local sales taxes;

(G) extension of the deduction for small business expensing; and

(H) enactment of a tax credit for school construction bonds.

(2) OTHER MATTERS.—The House assumes the cost of enacting such policies is offset by reforms within the Internal Revenue Code of 1986 that promote economic efficiency, higher rates of tax compliance to close the "tax gap", and reduced taxpayer burdens through tax simplification.

(b) IN THE SENATE.—

(1) IN GENERAL.—The Senate adopted by a vote of 97 to 1 an amendment to S.Con.Res. 21 as reported by the Senate Committee on the Budget which, with regard to tax relief, reduced the revenue aggregates by $179,816,000,000 to provide for—

(A) extension of the child tax credit;

(B) extension of marriage penalty relief;

(C) extension of the 10 percent individual income tax bracket;

(D) reform of the estate tax to protect small businesses and family farms;

(E) extension of the adoption tax credit;

(F) extension of the dependent care tax credit;

(G) extension of the treatment of combat pay for purposes of determining the Earned Income Tax Credit; and

(H) other, unspecified tax relief.

(2) POLICY.—It is the policy of the Senate that this resolution supports both the enactment of the policies listed in paragraph (1) and the Senate pay-as-you-go rule in section 201, and that any additional revenues needed to meet the Senate's tax policy goals can be achieved by closing the tax gap, shutting down abusive tax shelters, addressing offshore tax havens, and without raising taxes.

SEC. 402. POLICY ON DEFENSE PRIORITIES.

It is the policy of this resolution that—

(1) implementing the recommendation of the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) to adequately fund cooperative threat reduction and nuclear nonproliferation programs should receive higher priority than the President's budget provides;

(2) TRICARE fees for military retirees under the age of 65 should remain at current levels;

(3) military pay and benefits should be enhanced to improve retention of experienced personnel;

(4) the recommendations of the bipartisan "Walter Reed Commission" (the President's Commission on Care for America's Returning Wounded Warriors) and other United States Government investigations into military healthcare facilities and services should be funded;

(5) higher priority defense needs could be addressed by funding missile defense at an adequate but lower level, not providing funding for development of space-based missile defense interceptors, and by restraining excessive cost and schedule growth in defense research, development and procurement programs;

(6) sufficient resources should be provided for the Department of Defense to do a more careful job of addressing as many as possible of the 1,378 unimplemented recommendations made by the Government Accountability Office over the last 6 years to improve practices at the Department of Defense, including investigation of the billions of dollars of obligations, disbursements and overcharges for which the Department of Defense cannot account; and

(7) savings from the actions recommended in paragraphs (5) and (6) of this section should be used to fund the priorities identified in paragraphs (1) through (4) in this section.

SEC. 403. POLICY ON COLLEGE AFFORDABILITY.

It is the policy of this resolution that nothing in this resolution should be construed to reduce any assistance that makes college more affordable for students, including but not limited to assistance to student aid programs run by nonprofit state agencies.

TITLE V—SENSE OF THE HOUSE AND SENSE OF CONGRESS

SEC. 501. SENSE OF CONGRESS ON SERVICEMEMBERS' AND VETERANS' HEALTH CARE AND OTHER PRIORITIES.

It is the sense of Congress that—

(1) Congress supports excellent health care for current and former members of the United States Armed Services, who have served well and honorably and have made significant sacrifices for this Nation;

(2) this resolution provides $43,125,000,000 in discretionary budget authority for 2008 for Function 700 (Veterans Benefits and Services), including veterans' health care, which is $6,668,000,000 more than the 2007 level, $5,474,000,000 more than the Congressional Budget Office's baseline level for 2008, and $3,576,000,000 more than the President's budget for 2008;

(3) this resolution provides funding to implement, in part, recommendations of the bi-partisan "Walter Reed Commission" (the President's Commission on Care for America's Returning Wounded Warriors) and other United States Government investigations into military and veterans health care facilities and services;

(4) this resolution assumes the rejection of the enrollment fees and co-payment increases in the President's budget;

(5) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to research and treat veterans' mental health, post-traumatic stress disorder, and traumatic brain and spinal cord injuries; and

(6) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to improve the speed and accuracy of its processing of disability compensation claims, including funding to hire additional personnel above the President's requested level.

SEC. 502. SENSE OF CONGRESS ON THE INNOVATION AGENDA: A COMMITMENT TO COMPETITIVENESS TO KEEP AMERICA #1.

(a) It is the sense of Congress to provide sufficient funding that our Nation may continue to be the world leader in education, innovation and economic growth. This resolution provides substantial increased funding above the President's requested level for 2008, and additional amounts in subsequent years in Function 250 (General Science, Space and Technology) and Function 270 (Energy). Additional increases for scientific research and education are included in Function 500 (Education, Employment, Training, and Social Services), Function 550 (Health), Function 300 (Environment and Natural Resources), Function 350 (Agriculture), Function 400 (Transportation), and Function 370 (Commerce and Housing Credit), all of which receive more funding than the President requested.

(b) America's greatest resource for innovation resides within classrooms across the country. The increased funding provided in this resolution will support important initiatives to educate 100,000 new scientists, engineers, and mathematicians, and place highly qualified teachers in math and science K-12 classrooms.

(c) Independent scientific research provides the foundation for innovation and future technologies. This resolution will put us on the path toward doubling funding for the National Science Foundation, basic research in the physical sciences, and collaborative research partnerships; and toward achieving energy independence through the development of clean and sustainable alternative energy technologies.

SEC. 503. SENSE OF CONGRESS ON HOMELAND SECURITY.

It is the sense of Congress that—

(1) this resolution assumes additional homeland security funding above the President's requested level for 2008 and every subsequent year;

(2) this resolution assumes funding above the President's requested level for 2008, and additional amounts in subsequent years, in the four budget functions: Function 400 (Transportation), Function 450 (Community and Regional Development), Function 550 (Health), and Function 750 (Administration of Justice) that fund most nondefense homeland security activities; and

(3) the homeland security funding provided in this resolution will help to strengthen the security of our Nation's transportation system, particularly our ports where significant security shortfalls still exist and foreign ports, by expanding efforts to identify and scan all high-risk United States-bound cargo, equip, train and support first responders (including enhancing interoperable communications and emergency management), strengthen border patrol, and increase the preparedness of the public health system.

SEC. 504. SENSE OF CONGRESS REGARDING THE ONGOING NEED TO RESPOND TO HURRICANES KATRINA AND RITA.

The sense of Congress is as follows:

(1) Critical needs in the Gulf Coast region should be addressed without further delay. The budget resolution creates a reserve fund that would allow for affordable housing that may be used to focus on areas devastated by Hurricanes Katrina and Rita, as well as new funding for additional recovery priorities.

(2) Additional oversight and investigation is needed to ensure that recovery efforts are on track, develop legislation to reform the contracting process, and better prepare for future disasters. Those efforts should be made in close consultation with residents of affected areas. For example, the budget resolution provides additional 2007 funding for the Federal Emergency Management Agency, some of which may be used for this purpose.

SEC. 505. SENSE OF CONGRESS REGARDING LONG-TERM SUSTAINABILITY OF ENTITLEMENTS.

(a) FINDINGS.—Congress finds the following:

(1) The aging of the United States population is going to put unprecedented pressure on the Nation's retirement and health care systems.

(2) The long-term strength of Social Security would be improved through a fiscally responsible policy of reducing the deficit and paying down the debt that has accumulated since 2001, thus reducing debt service payments and freeing up billions of dollars that can be dedicated to meeting social security's obligations.

(3) A policy of reducing and eventually eliminating the deficit and paying down the debt is a key factor in improving the long-term strength of the economy as a whole, because a lower debt burden frees up resources for productive investments that will result in higher economic growth, provide a higher standard of living for future generations, and enhance the Nation's ability to meet its commitments to its senior citizens.

(4) The most significant factor affecting the Nation's entitlement programs is the rapid increase in health care costs. The projected increasing costs of Medicare and Medicaid are not unique to these programs but rather are part of a pattern of rising costs for the health sector as a whole.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the growing cost of entitlements should be addressed in a way that is fiscally responsible and promotes economic growth, that addresses the causes of cost growth in the broader health care system, and that protects beneficiaries without leaving a legacy of debt to future generations.

SEC. 506. SENSE OF CONGRESS REGARDING THE NEED TO MAINTAIN AND BUILD UPON EFFORTS TO FIGHT HUNGER.

(a) FINDINGS.—Congress finds the following:

(1) More than 35 million individuals (12.4 million of them children) are food insecure, uncertain of having, or unable to acquire enough food. 10.8 million Americans are hungry because of lack of food.

(2) Despite the critical contributions of the Department of Agriculture nutrition programs and particularly the food stamp program that significantly reduced payment error rates while increasing enrollment to partially mitigate the impact of recent increases in the poverty rate, significant need remains.

(3) Nearly 25 million people, including nine million children and three million seniors, sought emergency food assistance from food pantries, soup kitchens, shelters, and local charities last year.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Agriculture programs that help fight hunger should be maintained and that Congress should seize opportunities to enhance those programs to reach people in need and to fight hunger.

SEC. 507. SENSE OF CONGRESS REGARDING AFFORDABLE HEALTH COVERAGE.

(a) FINDINGS.—Congress finds the following:

(1) More than 46 million Americans, including nine million children, lack health insurance. People without health insurance are more likely to experience problems getting medical care and to be hospitalized for avoidable health problems.

(2) Most Americans receive health coverage through their employers. A major issue facing all employers is the rising cost of health insurance. Small businesses, which have generated most of the new jobs annually over the last decade, have an especially difficult time affording health coverage, due to higher administrative costs and fewer people over whom to spread the risk of catastrophic costs. Because it is especially costly for small businesses to provide health coverage, their employees make up a large proportion of the nation's uninsured individuals.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation consistent with the pay-as-you-go principle should be adopted that makes health insurance more affordable and accessible, with attention to the special needs of small businesses, and that lowers costs and improves the quality of health care by encouraging integration of health information technology tools into the practice of medicine, and promoting improvements in disease management and disease prevention.

SEC. 508. SENSE OF CONGRESS REGARDING EXTENSION OF THE STATUTORY PAY-AS-YOU-GO RULE.

It is the sense of Congress that in order to reduce the deficit Congress should extend PAYGO consistent with provisions of the Budget Enforcement Act of 1990.

SEC. 509. SENSE OF CONGRESS ON LONG-TERM BUDGETING.

It is the sense of Congress that the determination of the congressional budget for the United States Government and the President's budget request should include consideration of the Financial Report of the United States Government, especially its information regarding the Government's net operating cost, financial position, and long-term liabilities.

SEC. 510. SENSE OF CONGRESS REGARDING PAY PARITY.

It is the sense of Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 511. SENSE OF CONGRESS REGARDING WASTE, FRAUD, AND ABUSE.

It is the sense of Congress that all committees should examine programs within their jurisdiction to identify wasteful and fraudulent spending. To this end, section 207 of this resolution includes cap adjustments to provide appropriations for 3 programs that accounted for a significant share of improper payments reported by Federal agencies in 2006: Social Security Administration Continuing Disability Reviews, the Medicare/Medicaid Health Care Fraud and Abuse Control Program, and Unemployment Insurance. Section 207 also includes a cap adjustment for the Internal Revenue Service for tax compliance efforts to close the tax gap. In addition, the resolution's deficit-neutral reserve funds require authorizing committees to cut lower-priority and wasteful spending to accommodate higher-priority programs. Finally, section 207 of the resolution directs all committees to review the performance of programs within their jurisdiction and report recommendations annually to the Committees on the Budget as part of the views and estimates process required by section 301(d) of the Congressional Budget Act of 1974.

SEC. 512. SENSE OF CONGRESS REGARDING THE IMPORTANCE OF CHILD SUPPORT ENFORCEMENT.

It is the sense of Congress that—

(1) additional legislative action is needed to ensure that States have the necessary resources to collect all child support that is owed to families and to allow them to pass 100 percent of support on to families without financial penalty; and

(2) when 100 percent of child support payments are passed to the child, rather than administrative expenses, program integrity is improved and child support participation increases.

SEC. 513. SENSE OF THE HOUSE ON STATE VETERANS CEMETERIES.

It is the sense of the House that the Federal Government should pay the plot allowance for the interment in a State veterans cemetery of any spouse or eligible child of a veteran, consistent with the pay-as-you-go principle.

SEC. 514. SENSE OF CONGRESS ON THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Control of illegal immigration is a Federal responsibility.

(2) The State Criminal Alien Assistance Program (referred to in this section as "SCAAP") carried out pursuant to section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) provides critical funding to States and localities for reimbursement of costs incurred as a result of housing undocumented criminal aliens.

(3) Congress appropriated $300,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2004.

(4) Congress appropriated $305,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2005.

(5) Congress appropriated $405,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2006.

(6) Congress appropriated $399,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2007.

(7) Congress has authorized to be appropriated $950,000,000 to carry out SCAAP for each of the fiscal years 2008 through 2011.

(b) SENSE OF CONGRESS.—It is the sense of Congress that SCAAP funding for fiscal year 2008 should be consistent with the goal of achieving the program's fully authorized level.

TITLE VI—RECONCILIATION

SEC. 601. RECONCILIATION IN THE HOUSE.

Not later than September 10, 2007, the House Committee on Education and Labor shall report to the House of Representatives changes in laws to reduce the deficit by $750,000,000 for the period of fiscal years 2007 through 2012.

SEC. 602. DEFICIT REDUCTION RECONCILIATION INSTRUCTION IN THE SENATE.

Not later than September 10, 2007, the Senate Committee on Health, Education, Labor, and Pensions shall report changes in laws within its jurisdiction to reduce the deficit by $750,000,000 for the period of fiscal years 2007 through 2012.

And the House agree to the same.

JOHN M. SPRATT, Jr.,
ROSA DELAURO,
CHET EDWARDS,
Managers on the Part of the House.

KENT CONRAD,
PATTY MURRAY,
RON WYDEN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 21) revising the congressional budget for the United States Government for fiscal year 2007, establishing the congressional budget for the United States Government for fiscal year 2008, and setting forth appropriate budgetary levels for fiscal years 2009 through 2012, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate concurrent resolution after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate concurrent resolution and the House amendment. The differences between the Senate concurrent resolution, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

DISPLAYS AND AMOUNTS

The required contents of concurrent budget resolutions are set forth in section 301(a) of the Congressional Budget Act of 1974. The years in this document are fiscal years unless otherwise noted.

The treatment of budget function levels in the Senate-passed and House-passed budget resolutions and the conference report is as follows:

Senate Concurrent Resolution

The Senate concurrent resolution includes all of the items required under Section 301(a) of the Congressional Budget Act.

House Amendment

The House amendment includes all of the items required as part of a concurrent budget resolution under section 301(a) of the Congressional Budget Act other than the spending and revenue levels for Social Security (which are used to enforce a point of order applicable only in the Senate). It also includes a new separate function category, Function 970 (Overseas Deployments and Other Activities).

Conference Agreement

The conference agreement includes all of the items required by Section 301(a) of the Budget Act.

FISCAL YEAR 2008 BUDGET RESOLUTION CONFERENCE REPORT

Total Spending, Revenues, Deficit/Surplus, and Debt

$ billions	2007	2008	2009	2010	2011	2012	2008-2012
				Summary			
Budget Authority	**2,833.887**	**2,965.385**	**3,005.682**	**3,078.574**	**3,214.230**	**3,274.376**	**15,538.247**
Off	453.352	469.357	488.550	508.878	529.341	555.108	2,551.234
On	2,380.535	2,496.028	2,517.132	2,569.696	2,684.889	2,719.268	12,987.013
Outlays	**2,751.675**	**2,936.519**	**3,052.129**	**3,105.812**	**3,217.925**	**3,254.777**	**15,567.162**
Off	451.103	466.883	485.648	505.776	525.821	551.221	2,535.349
On	2,300.572	2,469.636	2,566.481	2,600.036	2,692.104	2,703.556	13,031.813
Revenues	**2,537.926**	**2,684.856**	**2,816.679**	**2,907.073**	**3,122.859**	**3,296.229**	**14,827.696**
Off	637.586	668.998	702.851	737.589	772.605	807.928	3,689.971
On	1,900.340	2,015.858	2,113.828	2,169.484	2,350.254	2,488.301	11,137.725
Deficit (-)/Surplus	**-213.749**	**-251.663**	**-235.450**	**-198.739**	**-95.066**	**41.452**	**-739.466**
Off	186.483	202.115	217.203	231.813	246.784	256.707	1,154.622
On	-400.232	-453.778	-452.653	-430.552	-341.850	-215.255	-1,894.088
Debt Held by the Public	5,047.318	5,312.560	5,561.383	5,774.487	5,881.776	5,850.852	–
Debt Subject to Limit	8,932.264	9,504.150	10,073.725	10,622.023	11,077.407	11,419.028	–
				By Function			
050 National Defense							
Budget Authority	525.797	506.955	534.705	545.171	550.944	559.799	2,697.574
Outlays	534.270	514.401	524.384	536.433	547.624	548.169	2,671.011
150 International Affairs							
Budget Authority	28.795	34.678	35.602	35.980	36.630	37.257	180.147
Outlays	31.308	33.070	32.664	33.070	33.528	34.150	166.482
250 General Science, Space and Technology							
Budget Authority	25.079	27.615	28.641	29.844	31.103	32.438	149.641
Outlays	24.516	26.472	28.411	29.485	30.089	31.367	145.824
270 Energy							
Budget Authority	2.943	3.408	3.209	3.275	3.348	3.404	16.642
Outlays	1.369	1.162	1.590	1.782	1.829	2.111	8.474
300 Natural Resources and Environment							
Budget Authority	31.332	33.384	33.910	34.660	35.113	36.094	173.161
Outlays	32.919	35.219	35.704	35.834	36.035	36.507	179.299
350 Agriculture							
Budget Authority	21.471	20.481	21.033	21.238	21.256	21.502	105.510
Outlays	19.738	19.603	20.146	20.207	20.534	20.963	101.453
370 Commerce and Housing Credit							
Budget Authority	10.215	11.079	12.073	14.775	8.622	8.522	55.071
Outlays	1.178	3.834	3.148	4.431	2.239	0.456	14.108
Off Budget Authority	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
Outlays	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
On Budget Authority	5.515	9.279	9.973	13.775	8.822	8.822	50.671
Outlays	-3.522	2.034	1.048	3.431	2.439	0.756	9.708
400 Transportation							
Budget Authority	81.282	82.799	76.306	77.061	78.089	78.969	393.224
Outlays	74.739	81.093	84.025	85.959	86.672	88.352	426.101
450 Community and Regional Development							
Budget Authority	15.717	15.814	14.725	14.942	15.157	15.371	76.010
Outlays	28.281	22.292	21.008	19.892	18.440	15.938	97.569

500 Education, Training, Employment, and Social Services							
Budget Authority	92.780	93.880	97.809	99.726	100.151	100.748	492.314
Outlays	92.224	91.022	94.513	97.075	98.745	98.728	480.083
550 Health							
Budget Authority	267.892	287.486	308.326	326.118	347.561	370.422	1,639.912
Outlays	268.197	286.442	306.410	326.100	346.748	369.653	1,635.354
570 Medicare							
Budget Authority	365.152	389.587	416.710	442.347	489.077	486.804	2,224.525
Outlays	370.180	389.703	416.367	442.569	489.087	486.417	2,224.143
600 Income Security							
Budget Authority	360.365	380.763	391.707	401.747	417.020	402.674	1,993.911
Outlays	364.204	384.301	393.962	402.784	417.013	402.008	2,000.067
650 Social Security							
Budget Authority	587.817	615.047	645.955	681.432	719.417	762.029	3,423.880
Outlays	585.568	612.573	643.053	678.330	715.897	758.142	3,407.995
Off Budget Authority	568.728	595.403	624.437	657.731	692.408	732.131	3,302.110
Outlays	566.479	592.929	621.535	654.629	688.888	728.244	3,286.225
On Budget Authority	19.089	19.644	21.518	23.701	27.009	29.898	121.770
Outlays	19.089	19.644	21.518	23.701	27.009	29.898	121.770
700 Veterans Benefits and Services							
Budget Authority	73.896	85.262	87.787	90.414	96.033	93.325	452.821
Outlays	72.342	84.421	88.290	89.981	95.543	92.666	450.900
750 Administration of Justice							
Budget Authority	45.504	47.998	48.315	49.220	50.146	51.079	246.757
Outlays	44.659	47.131	49.120	49.449	49.969	50.759	246.428
800 General Government							
Budget Authority	18.193	18.628	19.254	19.876	20.637	21.349	99.744
Outlays	18.574	19.012	19.323	19.755	20.360	21.183	99.634
900 Net Interest							
Budget Authority	236.709	255.678	266.756	279.424	286.265	288.297	1,376.420
Outlays	236.709	255.678	266.756	279.424	286.265	288.297	1,376.420
Off Budget Authority	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
Outlays	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
On Budget Authority	344.509	370.578	391.056	414.724	433.665	448.597	2,058.620
Outlays	344.509	370.578	391.056	414.724	433.665	448.597	2,058.620
920 Allowances							
Budget Authority	0.785	-6.394	-6.894	-7.190	-7.295	-7.427	-35.200
Outlays	0.755	-2.164	-6.319	-6.984	-7.181	-7.311	-29.958
950 Undistributed Offsetting Receipts							
Budget Authority	-81.990	-83.925	-80.247	-81.486	-85.042	-88.280	-418.980
Outlays	-81.990	-83.925	-80.256	-81.486	-85.062	-88.283	-419.012
Off Budget Authority	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
Outlays	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
On Budget Authority	-69.714	-70.979	-66.560	-66.933	-69.575	-71.857	-345.904
Outlays	-69.714	-70.979	-66.569	-66.933	-69.595	-71.860	-345.936
970 Overseas Deployments and Other Activities							
Budget Authority	124.153	145.162	50.000	0.000	0.000	0.000	195.162
Outlays	31.935	115.179	109.830	41.722	13.551	4.505	284.787

FISCAL YEAR 2008 BUDGET RESOLUTION
CONFERENCE REPORT
Discretionary Spending

$ billions	2007	2008	2009	2010	2011	2012	2008-2012
Summary							
TOTAL DISCRETIONARY							
Budget Authority	**1,075.293**	**1,099.862**	**1,047.357**	**1,018.929**	**1,030.052**	**1,049.374**	**5,246.574**
Outlays	**1,061.391**	**1,144.840**	**1,160.782**	**1,112.630**	**1,100.382**	**1,096.852**	**5,615.486**
DEFENSE							
Budget Authority	522.419	503.844	531.603	542.020	548.044	556.913	2,682.424
Outlays	531.119	511.144	521.194	533.240	544.711	545.276	2,655.565
NON-DEFENSE							
Budget Authority	552.874	596.018	515.754	476.909	482.008	492.461	2,563.150
Outlays	530.272	633.696	639.588	579.390	555.671	551.576	2,959.921
By Function							
050 National Defense							
Budget Authority	522.419	503.844	531.603	542.020	548.044	556.913	2,682.424
Outlays	531.119	511.144	521.194	533.240	544.711	545.276	2,655.565
150 International Affairs							
Budget Authority	32.750	35.260	35.784	36.323	36.872	37.415	181.654
Outlays	36.676	35.059	35.095	35.718	36.137	36.729	178.738
250 General Science, Space and Technology							
Budget Authority	24.963	27.495	28.521	29.724	30.983	32.318	149.041
Outlays	24.402	26.340	28.281	29.358	29.962	31.251	145.192
270 Energy							
Budget Authority	4.191	4.815	4.638	4.713	4.792	4.869	23.827
Outlays	3.881	4.365	4.696	4.757	4.841	4.918	23.577
300 Natural Resources and Environment							
Budget Authority	30.381	31.940	32.564	33.213	33.884	34.714	166.315
Outlays	31.961	34.441	34.703	34.669	35.027	35.237	174.077
350 Agriculture							
Budget Authority	5.767	5.925	6.072	6.226	6.389	6.551	31.163
Outlays	5.810	5.903	6.028	6.149	6.308	6.471	30.859
370 Commerce and Housing Credit							
Budget Authority	2.690	4.520	5.319	9.102	4.045	4.020	27.006
Outlays	2.928	4.481	4.942	7.102	6.198	4.132	26.855
Off Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
On Budget Authority	2.690	4.520	5.319	9.102	4.045	4.020	27.006
Outlays	2.928	4.481	4.942	7.102	6.198	4.132	26.855
400 Transportation							
Budget Authority	26.117	25.540	27.476	28.095	28.948	29.777	139.836
Outlays	73.028	78.784	81.781	83.722	84.392	86.044	414.723
450 Community and Regional Development							
Budget Authority	12.954	14.500	14.709	14.930	15.150	15.370	74.660
Outlays	25.724	21.233	21.254	20.126	18.655	16.135	97.402

500 Education, Training, Employment, and Social Services							
Budget Authority	80.299	83.910	87.059	88.299	89.517	90.727	439.512
Outlays	80.354	82.420	85.192	87.103	88.626	89.902	433.243
550 Health							
Budget Authority	52.098	54.965	58.009	56.740	57.626	58.503	285.842
Outlays	52.733	54.276	55.921	56.461	56.786	57.642	281.087
570 Medicare							
Budget Authority	4.788	5.010	5.199	5.423	5.667	5.948	27.247
Outlays	4.865	5.050	5.168	5.388	5.630	5.905	27.141
600 Income Security							
Budget Authority	49.491	52.890	53.022	54.036	55.014	56.066	271.028
Outlays	55.654	58.084	57.680	57.267	57.201	57.517	287.748
650 Social Security							
Budget Authority	4.692	4.850	4.996	5.147	5.306	5.467	25.766
Outlays	4.727	4.859	4.970	5.121	5.278	5.439	25.667
Off Budget Authority	4.692	4.850	4.996	5.147	5.306	5.467	25.766
Outlays	4.727	4.859	4.970	5.121	5.278	5.439	25.667
On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
700 Veterans Benefits and Services							
Budget Authority	36.457	43.125	44.300	45.597	46.957	48.339	228.318
Outlays	35.027	42.358	44.918	45.283	46.464	47.818	226.840
750 Administration of Justice							
Budget Authority	44.251	45.720	47.647	48.660	49.708	50.771	242.505
Outlays	43.355	46.018	47.997	48.622	49.606	50.527	242.770
800 General Government							
Budget Authority	16.067	16.785	17.333	17.871	18.445	19.033	89.467
Outlays	16.457	17.010	17.451	17.806	18.190	18.715	89.173
900 Net Interest							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Off Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
920 Allowances							
Budget Authority	0.785	-6.394	-6.894	-7.190	-7.295	-7.427	-35.200
Outlays	0.755	-2.164	-6.319	-6.984	-7.181	-7.311	-29.958
950 Offsetting Receipts							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Off Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
970 Overseas Deployments and Other Activities							
Budget Authority	124.153	145.162	50.000	0.000	0.000	0.000	195.162
Outlays	31.935	115.179	109.830	41.722	13.551	4.505	284.787

FISCAL YEAR 2008 BUDGET RESOLUTION
CONFERENCE REPORT
Mandatory Spending

$ billions	2007	2008	2009	2010	2011	2012	2008-2012
			Summary				
TOTAL MANDATORY							
Budget Authority	**1,758.594**	**1,865.523**	**1,958.325**	**2,059.645**	**2,184.178**	**2,225.002**	**10,292.673**
Outlays	**1,690.284**	**1,791.679**	**1,891.347**	**1,993.182**	**2,117.543**	**2,157.925**	**9,951.676**
OFF-BUDGET							
Budget Authority	448.660	464.507	483.554	503.731	524.035	549.641	2,525.468
Outlays	446.376	462.024	480.678	500.655	520.543	545.782	2,509.682
ON-BUDGET							
Budget Authority	1,309.934	1,401.016	1,474.771	1,555.914	1,660.143	1,675.361	7,767.205
Outlays	1,243.908	1,329.655	1,410.669	1,492.527	1,597.000	1,612.143	7,441.994
			By Function				
050 National Defense							
Budget Authority	3.378	3.111	3.102	3.151	2.900	2.886	15.150
Outlays	3.151	3.257	3.190	3.193	2.913	2.893	15.446
150 International Affairs							
Budget Authority	-3.955	-0.582	-0.182	-0.343	-0.242	-0.158	-1.507
Outlays	-5.368	-1.989	-2.431	-2.648	-2.609	-2.579	-12.256
250 General Science, Space and Technology							
Budget Authority	0.116	0.120	0.120	0.120	0.120	0.120	0.600
Outlays	0.114	0.132	0.130	0.127	0.127	0.116	0.632
270 Energy							
Budget Authority	-1.248	-1.407	-1.429	-1.438	-1.446	-1.465	-7.185
Outlays	-2.512	-3.203	-3.106	-2.975	-3.012	-2.807	-15.103
300 Natural Resources and Environment							
Budget Authority	0.971	1.444	1.346	1.447	1.229	1.380	6.846
Outlays	0.958	0.778	1.001	1.165	1.008	1.270	5.222
350 Agriculture							
Budget Authority	15.704	14.556	14.961	15.012	14.867	14.951	74.347
Outlays	13.928	13.700	14.118	14.058	14.226	14.492	70.594
370 Commerce and Housing Credit							
Budget Authority	7.525	6.559	6.754	5.673	4.577	4.502	28.065
Outlays	-1.750	-0.647	-1.794	-2.671	-3.959	-3.676	-12.747
Off Budget Authority	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
Outlays	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
On Budget Authority	2.825	4.759	4.654	4.673	4.777	4.802	23.685
Outlays	-6.450	-2.447	-3.894	-3.671	-3.759	-3.376	-17.147
400 Transportation							
Budget Authority	55.165	57.259	48.830	48.966	49.141	49.192	253.388
Outlays	1.711	2.309	2.244	2.237	2.280	2.308	11.378
450 Community and Regional Development							
Budget Authority	2.763	1.314	0.016	0.012	0.007	0.001	1.350
Outlays	2.557	1.059	-0.246	-0.234	-0.215	-0.197	0.167

500 Education, Training, Employment, and Social Services							
Budget Authority	12.481	9.970	10.750	11.427	10.634	10.021	52.802
Outlays	11.870	8.602	9.321	9.972	10.119	8.826	46.840
550 Health							
Budget Authority	215.794	232.521	250.317	269.378	289.935	311.919	1,354.070
Outlays	215.464	232.166	250.489	269.639	289.962	312.011	1,354.267
570 Medicare							
Budget Authority	380.364	384.577	411.511	436.924	483.410	480.856	2,197.278
Outlays	385.315	384.653	411.199	437.181	483.457	480.512	2,197.002
600 Income Security							
Budget Authority	310.874	327.873	338.685	347.711	362.006	346.608	1,722.883
Outlays	308.550	326.217	336.282	345.517	359.812	344.491	1,712.319
650 Social Security							
Budget Authority	583.125	610.197	640.959	676.285	714.111	756.562	3,398.114
Outlays	580.841	607.714	638.083	673.209	710.619	752.703	3,382.328
Off Budget Authority	564.036	590.553	619.441	652.584	687.102	726.664	3,276.344
Outlays	561.752	588.070	616.565	649.508	683.610	722.805	3,260.558
On Budget Authority	19.089	19.644	21.518	23.701	27.009	29.898	121.770
Outlays	19.089	19.644	21.518	23.701	27.009	29.898	121.770
700 Veterans Benefits and Services							
Budget Authority	37.439	42.137	43.487	44.817	49.076	44.986	224.503
Outlays	37.315	42.063	43.372	44.698	49.079	44.848	224.060
750 Administration of Justice							
Budget Authority	1.253	2.278	0.668	0.560	0.438	0.308	4.252
Outlays	1.304	1.113	1.123	0.827	0.363	0.232	3.858
800 General Government							
Budget Authority	2.126	1.843	1.921	2.005	2.192	2.316	10.277
Outlays	2.117	2.002	1.872	1.949	2.170	2.468	10.461
900 Net Interest							
Budget Authority	236.709	255.678	266.756	279.424	286.265	288.297	1,376.420
Outlays	236.709	255.678	266.756	279.424	286.265	288.297	1,376.420
Off Budget Authority	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
Outlays	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
On Budget Authority	344.509	370.578	391.056	414.724	433.665	448.597	2,058.620
Outlays	344.509	370.578	391.056	414.724	433.665	448.597	2,058.620
920 Allowances							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
950 Undistributed Offsetting Receipts							
Budget Authority	-81.990	-83.925	-80.247	-81.486	-85.042	-88.280	-418.980
Outlays	-81.990	-83.925	-80.256	-81.486	-85.062	-88.283	-419.012
Off Budget Authority	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
Outlays	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
On Budget Authority	-69.714	-70.979	-66.560	-66.933	-69.575	-71.857	-345.904
Outlays	-69.714	-70.979	-66.569	-66.933	-69.595	-71.860	-345.936
970 Overseas Deployments and Other Activities							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000

FISCAL YEAR 2008 BUDGET RESOLUTION
SENATE-PASSED RESOLUTION
Total Spending, Revenues, Deficit/Surplus, and Debt

$ billions	2007	2008	2009	2010	2011	2012	2008-2012
			Summary				
Budget Authority	**2,817.918**	**2,959.822**	**2,995.153**	**3,064.798**	**3,198.911**	**3,251.711**	**15,470.395**
Off	453.352	469.637	488.838	509.175	529.647	555.424	2,552.722
On	2,364.566	2,490.185	2,506.314	2,555.623	2,669.264	2,696.288	12,917.674
Outlays	**2,749.949**	**2,927.381**	**3,041.497**	**3,093.245**	**3,201.259**	**3,233.911**	**15,497.292**
Off	451.103	467.129	485.922	506.072	526.126	551.535	2,536.784
On	2,298.846	2,460.251	2,555.575	2,587.174	2,675.133	2,682.375	12,960.508
Revenues	**2,538.292**	**2,677.973**	**2,825.395**	**2,958.818**	**3,130.381**	**3,234.619**	**14,827.186**
Off	637.586	668.998	702.851	737.589	772.605	807.928	3,689.971
On	1,900.706	2,008.975	2,122.544	2,221.229	2,357.776	2,426.691	11,137.215
Deficit (-)/Surplus	**-211.657**	**-249.408**	**-216.102**	**-134.427**	**-70.878**	**0.708**	**-670.106**
Off	186.483	201.869	216.929	231.517	246.479	256.393	1,153.187
On	-398.140	-451.276	-433.031	-365.945	-317.357	-255.684	-1,823.293
Debt Held by the Public	5,045.226	5,308.213	5,537.687	5,686.479	5,769.579	5,779.399	--
Public Debt	8,960.830	9,529.811	10,079.488	10,562.973	10,993.669	11,375.583	--
			By Function				
050 National Defense							
Budget Authority	619.363	648.820	584.775	545.251	551.054	559.899	2,889.799
Outlays	560.462	617.842	626.962	572.856	558.381	551.763	2,927.804
150 International Affairs							
Budget Authority	34.790	39.214	34.555	34.859	35.432	35.984	180.043
Outlays	32.015	36.944	35.102	33.497	33.377	33.335	172.255
250 General Science, Space and Technology							
Budget Authority	25.079	27.583	26.925	27.289	27.654	28.020	137.471
Outlays	24.516	26.353	27.529	27.651	27.267	27.593	136.394
270 Energy							
Budget Authority	2.958	3.662	3.142	3.198	3.258	3.306	16.566
Outlays	1.384	1.256	1.659	1.778	1.766	2.032	8.492
300 Natural Resources and Environment							
Budget Authority	31.332	32.933	33.331	33.999	34.365	35.098	169.725
Outlays	32.905	34.927	35.250	35.264	35.337	35.624	176.403
350 Agriculture							
Budget Authority	26.207	20.481	20.984	21.137	21.099	21.286	104.989
Outlays	22.580	21.497	20.108	20.118	20.390	20.763	102.877
370 Commerce and Housing Credit							
Budget Authority	10.215	10.715	10.702	9.566	8.391	8.472	47.846
Outlays	1.178	3.682	2.259	1.178	-0.227	0.207	7.099
Off Budget Authority	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
Outlays	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
On Budget Authority	5.515	8.915	8.602	8.566	8.591	8.772	43.446
Outlays	-3.522	1.882	0.159	0.178	-0.027	0.507	2.699
400 Transportation							
Budget Authority	81.282	83.872	75.700	76.253	76.887	77.476	390.188
Outlays	74.739	81.383	84.032	85.893	86.307	87.721	425.336
450 Community and Regional Development							
Budget Authority	19.117	15.415	13.561	13.742	13.921	14.098	70.738
Outlays	28.281	22.462	21.264	20.059	18.076	15.084	96.945
500 Education, Training, Employment, and Social Services							
Budget Authority	92.780	93.889	97.592	99.366	99.650	100.104	490.601
Outlays	92.224	90.399	93.948	96.896	98.473	98.307	478.023

550 Health							
Budget Authority	268.340	291.266	310.068	333.219	356.057	379.814	1,670.425
Outlays	268.645	290.234	308.329	333.355	355.356	379.151	1,666.426
570 Medicare							
Budget Authority	365.152	389.969	414.779	439.862	484.792	481.008	2,210.409
Outlays	370.180	390.035	414.440	440.092	484.811	480.632	2,210.011
600 Income Security							
Budget Authority	360.365	379.759	390.801	400.706	415.851	401.275	1,988.392
Outlays	364.204	383.609	393.118	401.774	415.874	400.684	1,995.058
650 Social Security							
Budget Authority	587.817	615.327	646.243	681.729	719.723	762.345	3,425.368
Outlays	585.568	612.819	643.327	678.626	716.202	758.456	3,409.430
Off Budget Authority	568.728	595.683	624.725	658.028	692.714	732.447	3,303.598
Outlays	566.479	593.175	621.809	654.925	689.193	728.558	3,287.660
On Budget Authority	19.089	19.644	21.518	23.701	27.009	29.898	121.770
Outlays	19.089	19.644	21.518	23.701	27.009	29.898	121.770
700 Veterans Benefits and Services							
Budget Authority	73.896	85.262	87.372	89.559	94.707	91.513	448.413
Outlays	72.342	84.424	87.943	89.210	94.314	90.957	446.848
750 Administration of Justice							
Budget Authority	45.559	48.796	47.333	48.106	48.895	49.686	242.816
Outlays	44.709	47.090	48.622	48.669	48.976	49.583	242.941
800 General Government							
Budget Authority	18.196	18.758	19.214	19.657	20.222	20.725	98.576
Outlays	18.577	19.118	19.313	19.573	19.987	20.606	98.597
900 Net Interest							
Budget Authority	236.675	255.525	266.093	276.702	280.076	278.155	1,356.551
Outlays	236.675	255.525	266.093	276.702	280.076	278.155	1,356.551
Off Budget Authority	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
Outlays	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
On Budget Authority	344.475	370.425	390.393	412.002	427.476	438.455	2,038.751
Outlays	344.475	370.425	390.393	412.002	427.476	438.455	2,038.751
920 Allowances							
Budget Authority	0.785	-16.724	-7.296	-7.390	-7.481	-7.574	-46.464
Outlays	0.755	-7.520	-7.069	-7.935	-7.824	-7.761	-38.109
950 Undistributed Offsetting Receipts							
Budget Authority	-81.990	-84.700	-80.722	-82.011	-85.642	-88.980	-422.055
Outlays	-81.990	-84.700	-80.731	-82.011	-85.662	-88.983	-422.087
Off Budget Authority	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
Outlays	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
On Budget Authority	-69.714	-71.754	-67.035	-67.458	-70.175	-72.557	-348.979
Outlays	-69.714	-71.754	-67.044	-67.458	-70.195	-72.560	-349.011

FISCAL YEAR 2008 BUDGET RESOLUTION
SENATE-PASSED RESOLUTION
Discretionary Spending

$ billions	2007	2008	2009	2010	2011	2012	2008-2012
Summary							
TOTAL DISCRETIONARY							
Budget Authority	**1,054.159**	**1,093.622**	**1,038.216**	**1,003.730**	**1,017.149**	**1,033.612**	**5,186.329**
Outlays	**1,056.394**	**1,133.005**	**1,151.313**	**1,098.315**	**1,085.708**	**1,082.463**	**5,550.803**
DEFENSE							
Budget Authority	615.985	645.659	581.603	542.020	548.044	556.913	2,874.239
Outlays	557.311	614.535	623.702	569.583	555.358	548.770	2,911.948
NONDEFENSE							
Budget Authority	438.174	447.963	456.613	461.710	469.105	476.699	2,312.090
Outlays	499.083	518.470	527.611	528.732	530.350	533.693	2,638.855
By Function							
050 National Defense							
Budget Authority	615.985	645.659	581.603	542.020	548.044	556.913	2,874.239
Outlays	557.311	614.535	623.702	569.583	555.358	548.770	2,911.948
150 International Affairs							
Budget Authority	38.745	39.796	34.737	35.202	35.674	36.142	181.550
Outlays	37.383	38.933	37.533	36.145	35.986	35.914	184.511
250 General Science, Space and Technology							
Budget Authority	24.963	27.463	26.805	27.169	27.534	27.900	136.871
Outlays	24.402	26.221	27.399	27.524	27.140	27.477	135.762
270 Energy							
Budget Authority	4.191	5.039	4.541	4.606	4.674	4.741	23.601
Outlays	3.881	4.429	4.735	4.723	4.748	4.809	23.445
300 Natural Resources and Environment							
Budget Authority	30.361	31.489	31.985	32.552	33.136	33.718	162.879
Outlays	31.947	34.149	34.249	34.099	34.329	34.354	171.181
350 Agriculture							
Budget Authority	5.767	5.925	6.023	6.125	6.232	6.337	30.642
Outlays	5.810	5.903	5.990	6.060	6.164	6.271	30.389
370 Commerce and Housing Credit							
Budget Authority	2.690	4.156	3.948	3.893	3.814	3.970	19.781
Outlays	2.928	4.329	4.053	3.849	3.732	3.883	19.846
Off Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
On Budget Authority	2.690	4.156	3.948	3.893	3.814	3.970	19.781
Outlays	2.928	4.329	4.053	3.849	3.732	3.883	19.846
400 Transportation							
Budget Authority	26.117	26.738	27.095	27.612	28.171	28.709	138.325
Outlays	73.028	79.074	81.788	83.656	84.027	85.413	413.958
450 Community and Regional Development							
Budget Authority	16.354	14.101	13.545	13.730	13.914	14.097	69.388
Outlays	25.724	21.403	21.510	20.293	18.291	15.281	96.778
500 Education, Training, Employment, and Social Services							
Budget Authority	80.299	83.769	86.692	87.789	88.866	89.933	437.049
Outlays	80.354	81.647	84.477	86.774	88.204	89.331	430.433

550 Health							
Budget Authority	52.098	57.245	57.751	56.341	57.122	57.895	286.355
Outlays	52.733	56.568	55.840	56.216	56.394	57.140	282.159
570 Medicare							
Budget Authority	4.788	5.392	5.543	5.703	5.874	6.068	28.579
Outlays	4.865	5.382	5.516	5.676	5.846	6.036	28.457
600 Income Security							
Budget Authority	49.491	51.886	52.116	52.995	53.845	54.667	265.509
Outlays	55.654	57.392	56.836	56.257	56.062	56.193	282.739
650 Social Security							
Budget Authority	4.692	5.130	5.284	5.444	5.612	5.783	27.254
Outlays	4.727	5.105	5.244	5.417	5.583	5.753	27.102
Off Budget Authority	4.692	5.130	5.284	5.444	5.612	5.783	27.254
Outlays	4.727	5.105	5.244	5.417	5.583	5.753	27.102
On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
700 Veterans Benefits and Services							
Budget Authority	36.457	43.125	43.885	44.742	45.631	46.527	223.910
Outlays	35.027	42.361	44.571	44.512	45.235	46.109	222.788
750 Administration of Justice							
Budget Authority	44.306	46.518	46.665	47.546	48.457	49.378	238.564
Outlays	43.405	45.977	47.499	47.842	48.613	49.351	239.283
800 General Government							
Budget Authority	16.070	16.915	17.293	17.652	18.030	18.409	88.299
Outlays	16.460	17.116	17.441	17.624	17.817	18.138	88.136
900 Net Interest							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Off Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
920 Allowances							
Budget Authority	0.785	-16.724	-7.296	-7.390	-7.481	-7.574	-46.464
Outlays	0.755	-7.521	-7.069	-7.936	-7.823	-7.761	-38.109
950 Undistributed Offsetting Receipts							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Off Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
On Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000

FISCAL YEAR 2008 BUDGET RESOLUTION
SENATE-PASSED RESOLUTION
Mandatory Spending

$ billions	2007	2008	2009	2010	2011	2012	2008-2012
Summary							
TOTAL MANDATORY							
Budget Authority	**1,763.759**	**1,866.200**	**1,956.937**	**2,061.068**	**2,181.762**	**2,218.099**	**10,284.066**
Outlays	**1,693.555**	**1,794.376**	**1,890.184**	**1,994.930**	**2,115.552**	**2,151.447**	**9,946.488**
OFF-BUDGET							
Budget Authority	448.660	464.507	483.554	503.731	524.035	549.641	2,525.468
Outlays	446.376	462.024	480.678	500.655	520.543	545.782	2,509.682
ON-BUDGET							
Budget Authority	1,315.099	1,401.693	1,473.383	1,557.337	1,657.727	1,668.458	7,758.598
Outlays	1,247.179	1,332.352	1,409.506	1,494.275	1,595.009	1,605.665	7,436.806
By Function							
050 National Defense							
Budget Authority	3.378	3.161	3.172	3.231	3.010	2.986	15.560
Outlays	3.151	3.307	3.260	3.273	3.023	2.993	15.856
150 International Affairs							
Budget Authority	-3.955	-0.582	-0.182	-0.343	-0.242	-0.158	-1.507
Outlays	-5.368	-1.989	-2.431	-2.648	-2.609	-2.579	-12.256
250 General Science, Space and Technology							
Budget Authority	0.116	0.120	0.120	0.120	0.120	0.120	0.600
Outlays	0.114	0.132	0.130	0.127	0.127	0.116	0.632
270 Energy							
Budget Authority	-1.233	-1.377	-1.399	-1.408	-1.416	-1.435	-7.035
Outlays	-2.497	-3.173	-3.076	-2.945	-2.982	-2.777	-14.953
300 Natural Resources and Environment							
Budget Authority	0.971	1.444	1.346	1.447	1.229	1.380	6.846
Outlays	0.958	0.778	1.001	1.165	1.008	1.270	5.222
350 Agriculture							
Budget Authority	20.440	14.556	14.961	15.012	14.867	14.951	74.347
Outlays	16.770	15.594	14.118	14.058	14.226	14.492	72.488
370 Commerce and Housing Credit							
Budget Authority	7.525	6.559	6.754	5.673	4.577	4.502	28.065
Outlays	-1.750	-0.647	-1.794	-2.671	-3.959	-3.676	-12.747
Off Budget Authority	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
Outlays	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
On Budget Authority	2.825	4.759	4.654	4.673	4.777	4.802	23.665
Outlays	-6.450	-2.447	-3.894	-3.671	-3.759	-3.376	-17.147
400 Transportation							
Budget Authority	55.165	57.134	48.605	48.641	48.716	48.767	251.863
Outlays	1.711	2.309	2.244	2.237	2.280	2.308	11.378
450 Community and Regional Development							
Budget Authority	2.763	1.314	0.016	0.012	0.007	0.001	1.350
Outlays	2.557	1.059	-0.246	-0.234	-0.215	-0.197	0.167
500 Education, Training, Employment, and Social Services							
Budget Authority	12.481	10.120	10.900	11.577	10.784	10.171	53.552
Outlays	11.870	8.752	9.471	10.122	10.269	8.976	47.590

550 Health							
Budget Authority	216.242	234.021	252.317	276.878	298.935	321.919	1,384.070
Outlays	215.912	233.666	252.489	277.139	298.962	322.011	1,384.267
570 Medicare							
Budget Authority	360.364	384.577	409.236	434.159	478.918	474.940	2,181.830
Outlays	365.315	384.653	408.924	434.416	478.965	474.596	2,181.554
600 Income Security							
Budget Authority	310.874	327.873	338.685	347.711	362.006	346.608	1,722.883
Outlays	308.550	326.217	336.282	345.517	359.812	344.491	1,712.319
650 Social Security							
Budget Authority	583.125	610.197	640.959	676.285	714.111	756.562	3,398.114
Outlays	580.841	607.714	638.083	673.209	710.619	752.703	3,382.328
Off Budget Authority	564.036	590.553	619.441	652.584	687.102	726.664	3,276.344
Outlays	561.752	588.070	616.565	649.508	683.610	722.805	3,260.558
On Budget Authority	19.089	19.644	21.518	23.701	27.009	29.898	121.770
Outlays	19.089	19.644	21.518	23.701	27.009	29.898	121.770
700 Veterans Benefits and Services							
Budget Authority	37.439	42.137	43.487	44.817	49.076	44.986	224.503
Outlays	37.315	42.063	43.372	44.698	49.079	44.848	224.060
750 Administration of Justice							
Budget Authority	1.253	2.278	0.668	0.560	0.438	0.308	4.252
Outlays	1.304	1.113	1.123	0.827	0.363	0.232	3.658
800 General Government							
Budget Authority	2.126	1.843	1.921	2.005	2.192	2.316	10.277
Outlays	2.117	2.002	1.872	1.949	2.170	2.468	10.461
900 Net Interest							
Budget Authority	236.675	255.525	266.093	276.702	280.076	278.155	1,356.551
Outlays	236.675	255.525	266.093	276.702	280.076	278.155	1,356.551
Off Budget Authority	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
Outlays	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
On Budget Authority	344.475	370.425	390.393	412.002	427.476	438.455	2,038.751
Outlays	344.475	370.425	390.393	412.002	427.476	438.455	2,038.751
920 Allowances							
Budget Authority	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Outlays	0.000	0.000	0.000	0.000	0.000	0.000	0.000
950 Undistributed Offsetting Receipts							
Budget Authority	-81.990	-84.700	-80.722	-82.011	-85.642	-88.980	-422.055
Outlays	-81.990	-84.700	-80.731	-82.011	-85.662	-88.983	-422.087
Off Budget Authority	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
Outlays	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
On Budget Authority	-69.714	-71.754	-67.035	-67.458	-70.175	-72.557	-348.979
Outlays	-69.714	-71.754	-67.044	-67.458	-70.195	-72.560	-349.011

HOUSE-PASSED 2008 RESOLUTION: TOTAL SPENDING AND REVENUES

(In billions of dollars)

Fiscal year	2007	2008	2009	2010	2011	2012	2008-2012
			Summary				
Total Spending:							
BA	2,833.966	2,964.648	3,004.851	3,078.830	3,214.277	3,271.296	15,533.902
OT	2,751.168	2,932.771	3,050.953	3,106.494	3,217.179	3,252.030	15,559.427
On-Budget:							
BA	2,380.614	2,495.291	2,516.301	2,569.952	2,684.936	2,716.188	12,982.668
OT	2,300.065	2,465.888	2,565.305	2,600.718	2,691.358	2,700.809	13,024.078
Off-Budget:							
BA	453.352	469.357	488.550	508.878	529.341	555.108	2,551.234
OT	451.103	466.883	485.648	505.776	525.821	551.221	2,535.349
Revenues:							
Total	2,542.292	2,719.794	2,809.777	2,901.310	3,167.155	3,405.024	15,003.060
On-budget	1,904.706	2,050.796	2,106.926	2,163.721	2,394.550	2,597.096	11,313.089
Off-budget	637.586	668.998	702.851	737.589	772.605	807.928	3,689.971
Surplus/Deficit (-)							
Total	-208.876	-212.977	-241.176	-205.184	-50.024	152.994	-556.367
On-budget	-395.359	-415.092	-458.379	-436.997	-296.808	-103.713	-1,710.989
Off-budget	186.483	202.115	217.203	231.813	246.784	256.707	1,154.622
Debt Subject to Limit (end of	8,927	9,461	10,036	10,591	11,001	11,231	na
Debt Held by the Public (end	5,042	5,269	5,524	5,743	5,805	5,663	na
			By Function				
National Defense (050):							
BA	525.797	506.955	534.705	545.171	550.944	559.799	2,697.574
OT	534.270	514.401	524.384	536.433	547.624	548.169	2,671.011
International Affairs (150):							
BA	28.795	34.675	35.428	35.623	36.083	36.530	178.339
OT	31.308	33.096	32.557	32.687	33.006	33.613	164.959
General Science, Space, and Technology (250):							
BA	25.079	27.611	28.641	29.844	31.103	32.438	149.637
OT	24.516	26.472	28.411	29.485	30.089	31.367	145.824
Energy (270):							
BA	2.943	3.240	3.051	3.136	3.228	3.307	15.962
OT	1.369	1.092	1.454	1.641	1.697	1.997	7.881
Natural Resources and Environment (300):							
BA	31.332	32.813	33.529	34.483	35.152	36.194	172.171
OT	32.919	34.864	35.332	35.574	35.952	36.543	178.265
Agriculture (350):							
BA	21.471	20.381	20.933	21.136	21.156	21.402	105.010
OT	19.738	19.549	20.059	20.112	20.436	20.863	101.019
Commerce and Housing Credit (370):							
BA	10.215	10.958	12.073	14.775	8.622	8.522	54.950
OT	1.178	3.785	3.096	4.460	1.731	0.797	13.869

HOUSE-PASSED 2008 RESOLUTION: TOTAL SPENDING AND REVENUES

(In billions of dollars)

Fiscal year	2007	2008	2009	2010	2011	2012	2008-2012
On-budget:							
BA..........	5.515	9.158	9.973	13.775	8.822	8.822	50.550
OT..........	-3.522	1.985	0.996	3.460	1.931	1.097	9.469
Off-budget:							
BA..........	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
OT..........	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
Transportation (400):							
BA......................	81.282	82.657	76.343	77.261	78.289	79.169	393.719
OT......................	74.739	80.802	83.948	86.127	87.018	88.761	426.656
Community and Regional Development (450):							
BA......................	15.717	15.032	13.928	14.129	14.328	14.528	71.945
OT......................	28.281	22.017	20.474	19.220	17.649	15.131	94.491
Education, Training, Employment and Social Services (500):							
BA......................	92.780	92.461	96.810	98.333	98.409	98.654	484.667
OT......................	92.224	91.119	93.978	96.041	97.276	96.909	475.323
Health (550):							
BA......................	267.892	286.767	307.842	325.885	347.621	370.780	1,638.895
OT......................	268.197	286.261	305.984	325.716	346.553	369.739	1,634.253
Medicare (570):							
BA......................	365.152	389.586	416.731	442.369	489.100	486.828	2,224.614
OT......................	370.180	389.696	416.382	442.589	489.109	486.440	2,224.216
Income Security (600):							
BA......................	360.365	379.927	391.073	401.429	417.016	402.874	1,992.319
OT......................	364.204	383.546	393.458	402.422	416.907	402.130	1,998.463
Social Security (650):							
BA......................	587.817	615.047	645.955	681.432	719.417	762.029	3,423.880
OT......................	585.568	612.573	643.053	678.330	715.897	758.142	3,407.995
On-budget:							
BA..........	19.089	19.644	21.518	23.701	27.009	29.898	121.770
OT..........	19.089	19.644	21.518	23.701	27.009	29.898	121.770
Off-budget:							
BA..........	568.728	595.403	624.437	657.731	692.408	732.131	3,302.110
OT..........	566.479	592.929	621.535	654.629	688.888	728.244	3,286.225
Veterans Benefits and Services (700):							
BA......................	73.896	85.192	87.787	90.414	96.033	93.325	452.751
OT......................	72.342	82.772	87.681	89.710	95.410	92.599	448.172
Administration of Justice (750):							
BA......................	45.504	46.940	46.111	47.168	48.379	49.610	238.208
OT......................	44.659	46.155	47.311	47.504	48.164	49.207	238.341
General Government (800):							
BA......................	18.193	18.614	19.264	19.886	20.647	21.359	99.770
OT......................	18.574	18.998	19.328	19.765	20.370	21.193	99.654
Net Interest (900):							
BA......................	236.631	254.554	264.894	277.840	283.792	282.228	1,363.308
OT......................	236.631	254.554	264.894	277.840	283.792	282.228	1,363.308

HOUSE-PASSED 2008 RESOLUTION: TOTAL SPENDING AND REVENUES

(In billions of dollars)

Fiscal year	2007	2008	2009	2010	2011	2012	2008-2012
On-budget:							
BA..........	344.431	369.454	389.194	413.140	431.192	442.528	2,045.508
OT..........	344.431	369.454	389.194	413.140	431.192	442.528	2,045.508
Off-budget:							
BA..........	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
OT..........	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
Allowances (920):							
BA......................	0.785	—	—	—	—	—	—
OT......................	0.755	0.030	—	—	—	—	0.030
Undistributed Offsetting Receipts (950):							
BA......................	-81.990	-83.925	-80.247	-81.486	-85.042	-88.280	-418.980
OT......................	-81.990	-83.925	-80.256	-81.486	-85.062	-88.283	-419.012
On-budget:							
BA..........	-69.714	-70.979	-66.560	-66.933	-69.575	-71.857	-345.904
OT..........	-69.714	-70.979	-66.569	-66.933	-69.595	-71.860	-345.936
Off-budget:							
BA..........	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
OT..........	-12.3	-12.9	-13.7	-14.6	-15.5	-16.4	-73.076
Overseas Deployments and Other Activities (970):							
BA......................	124.310	145.163	50.000	—	—	—	195.163
OT......................	31.506	114.914	109.425	42.324	13.561	4.485	284.709

HOUSE-PASSED 2008 RESOLUTION: DISCRETIONARY SPENDING

(In billions of dollars)

Fiscal year	2007	2008	2009	2010	2011	2012	2008-2012
			Summary				
Total Spending:							
BA…………………	1,075.450	1,100.099	1,048.238	1,020.619	1,032.422	1,052.213	5,253.591
OT…………………	1,060.962	1,142.066	1,161.318	1,114.746	1,101.959	1,100.024	5,620.113
			By Function				
National Defense (050):							
BA…………………	522.419	503.844	531.603	542.020	548.044	556.913	2,682.424
OT…………………	531.119	511.144	521.194	533.240	544.711	545.276	2,655.565
International Affairs (150):							
BA…………………	32.750	35.257	35.610	35.966	36.325	36.688	179.846
OT…………………	36.676	35.085	34.988	35.335	35.615	36.192	177.215
General Science, Space, and Technology (250):							
BA…………………	24.963	27.491	28.521	29.724	30.983	32.318	149.037
OT…………………	24.402	26.340	28.281	29.358	29.962	31.251	145.192
Energy (270):							
BA…………………	4.191	4.647	4.480	4.574	4.674	4.772	23.147
OT…………………	3.881	4.295	4.560	4.616	4.709	4.804	22.984
Natural Resources and Environment (300):							
BA…………………	30.361	31.369	32.183	33.036	33.923	34.814	165.325
OT…………………	31.961	34.086	34.331	34.409	34.944	35.273	173.043
Agriculture (350):							
BA…………………	5.767	5.825	5.972	6.126	6.289	6.451	30.663
OT…………………	5.810	5.849	5.941	6.054	6.210	6.371	30.425
Commerce and Housing Credit (370):							
BA…………………	2.690	4.399	5.319	9.102	4.045	4.020	26.885
OT…………………	2.928	4.432	4.890	7.131	5.690	4.473	26.616
On-budget:							
BA………	2.690	4.399	5.319	9.102	4.045	4.020	26.885
OT………	2.928	4.432	4.890	7.131	5.690	4.473	26.616
Off-budget:							
BA………	—	—	—	—	—	—	—
OT………	—	—	—	—	—	—	—
Transportation (400):							
BA…………………	26.117	25.398	27.513	28.295	29.148	29.977	140.331
OT…………………	73.028	78.493	81.704	83.890	84.738	86.453	415.278
Community and Regional Development (450):							
BA…………………	12.954	13.718	13.912	14.117	14.321	14.527	70.595
OT…………………	25.724	20.958	20.720	19.454	17.864	15.328	94.324
Education, Training, Employment and Social Services (500):							
BA…………………	80.299	82.341	85.910	86.758	87.625	88.483	431.115
OT…………………	80.354	82.367	84.507	85.919	87.007	87.933	427.733

HOUSE-PASSED 2008 RESOLUTION: DISCRETIONARY SPENDING

(In billions of dollars)

Fiscal year	2007	2008	2009	2010	2011	2012	2008-2012
Health (550):							
BA....................	52.098	54.246	57.525	56.507	57.686	58.861	284.825
OT....................	52.733	54.095	55.495	56.077	56.591	57.728	279.986
Medicare (570):							
BA....................	4.788	5.009	5.220	5.445	5.690	5.972	27.336
OT....................	4.865	5.043	5.183	5.408	5.652	5.928	27.214
Income Security (600):							
BA....................	49.491	52.054	52.388	53.718	55.010	56.266	269.436
OT....................	55.654	57.329	57.176	56.905	57.095	57.639	286.144
Social Security (650):							
BA....................	4.692	4.850	4.996	5.147	5.306	5.467	25.766
OT....................	4.727	4.859	4.970	5.121	5.278	5.439	25.667
On-budget:							
BA..........	—	—	—	—	—	—	—
OT..........	—	—	—	—	—	—	—
Off-budget:							
BA..........	4.692	4.850	4.996	5.147	5.306	5.467	25.766
OT..........	4.727	4.859	4.970	5.121	5.278	5.439	25.667
Veterans Benefits and Services (700):							
BA....................	36.457	43.055	44.300	45.597	46.957	48.339	228.248
OT....................	35.027	40.709	44.309	45.012	46.331	47.751	224.112
Administration of Justice (750):							
BA....................	44.251	44.662	45.443	46.608	47.941	49.302	233.956
OT....................	43.355	45.042	46.188	46.677	47.801	48.975	234.683
General Government (800):							
BA....................	16.067	16.771	17.343	17.881	18.455	19.043	89.493
OT....................	16.457	16.996	17.456	17.816	18.200	18.725	89.193
Allowances (920):							
BA....................	0.785	—	—	—	—	—	—
OT....................	0.755	0.030	—	—	—	—	0.030
Overseas Deployments and Other Activities (970):							
BA....................	124.310	145.163	50.000	—	—	—	195.163
OT....................	31.506	114.914	109.425	42.324	13.561	4.485	284.709

HOUSE-PASSED 2008 RESOLUTION: MANDATORY SPENDING

(In billions of dollars)

Fiscal year	2007	2008	2009	2010	2011	2012	2008-2012
			Summary				
Total Spending:							
BA....................	1,758.516	1,864.549	1,956.613	2,058.211	2,181.855	2,219.083	10,280.311
OT....................	1,690.206	1,790.705	1,889.635	1,991.748	2,115.220	2,152.006	9,939.314
On-Budget:							
BA....................	1,309.856	1,400.042	1,473.059	1,554.480	1,657.820	1,669.442	7,754.843
OT....................	1,243.830	1,328.681	1,408.957	1,491.093	1,594.677	1,606.224	7,429.632
Off-Budget:							
BA....................	448.660	464.507	483.554	503.731	524.035	549.641	2,525.468
OT....................	446.378	462.024	480.678	500.655	520.543	545.782	2,509.682
			By Function				
National Defense (050):							
BA....................	3.378	3.111	3.102	3.151	2.900	2.886	15.150
OT....................	3.151	3.257	3.190	3.193	2.913	2.893	15.446
International Affairs (150):							
BA....................	-3.955	-0.582	-0.182	-0.343	-0.242	-0.158	-1.507
OT....................	-5.368	-1.989	-2.431	-2.648	-2.609	-2.579	-12.256
General Science, Space, and Technology (250):							
BA....................	0.116	0.120	0.120	0.120	0.120	0.120	0.600
OT....................	0.114	0.132	0.130	0.127	0.127	0.116	0.632
Energy (270):							
BA....................	-1.248	-1.407	-1.429	-1.438	-1.446	-1.465	-7.185
OT....................	-2.512	-3.203	-3.106	-2.975	-3.012	-2.807	-15.103
Natural Resources and Environment (300):							
BA....................	0.971	1.444	1.346	1.447	1.229	1.380	6.846
OT....................	0.958	0.778	1.001	1.165	1.008	1.270	5.222
Agriculture (350):							
BA....................	15.704	14.556	14.961	15.012	14.867	14.951	74.347
OT....................	13.928	13.700	14.118	14.058	14.226	14.492	70.594
Commerce and Housing Credit (370):							
BA...................:	7.525	6.559	6.754	5.673	4.577	4.502	28.065
OT....................	-1.750	-0.647	-1.794	-2.671	-3.959	-3.676	-12.747
On-budget:							
BA..........	2.825	4.759	4.654	4.673	4.777	4.802	23.665
OT..........	-6.450	-2.447	-3.894	-3.671	-3.759	-3.376	-17.147
Off-budget:							
BA..........	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
OT..........	4.700	1.800	2.100	1.000	-0.200	-0.300	4.400
Transportation (400):							
BA....................	55.165	57.259	48.830	48.966	49.141	49.192	253.388
OT....................	1.711	2.309	2.244	2.237	2.280	2.308	11.378
Community and Regional Development (450):							
BA....................	2.763	1.314	0.016	0.012	0.007	0.001	1.350
OT....................	2.557	1.059	-0.246	-0.234	-0.215	-0.197	0.167

HOUSE-PASSED 2008 RESOLUTION: MANDATORY SPENDING

(In billions of dollars)

Fiscal year	2007	2008	2009	2010	2011	2012	2008-2012
Education, Training, Employment and Social Services (500):							
BA....................	12.481	10.120	10.900	11.577	10.784	10.171	53.552
OT....................	11.870	8.752	9.471	10.122	10.269	8.976	47.590
Health (550):							
BA....................	215.794	232.521	250.317	269.378	289.935	311.919	1,354.070
OT....................	215.464	232.166	250.489	269.639	289.962	312.011	1,354.267
Medicare (570):							
BA....................	360.364	384.577	411.511	436.924	483.410	480.856	2,197.278
OT....................	365.315	384.653	411.199	437.181	483.457	480.512	2,197.002
Income Security (600):							
BA....................	310.874	327.873	338.685	347.711	362.006	346.608	1,722.883
OT....................	308.550	326.217	336.282	345.517	359.812	344.491	1,712.319
Social Security (650):							
BA....................	583.125	610.197	640.959	676.285	714.111	756.562	3,398.114
OT....................	580.841	607.714	638.083	673.209	710.619	752.703	3,382.328
On-budget:							
BA.........	19.089	19.644	21.518	23.701	27.009	29.898	121.770
OT.........	19.089	19.644	21.518	23.701	27.009	29.898	121.770
Off-budget:							
BA.........	564.036	590.553	619.441	652.584	687.102	726.664	3,276.344
OT.........	561.752	588.070	616.565	649.508	683.610	722.805	3,260.558
Veterans Benefits and Services (700):							
BA....................	37.439	42.137	43.487	44.817	49.076	44.986	224.503
OT....................	37.315	42.063	43.372	44.698	49.079	44.848	224.060
Administration of Justice (750):							
BA....................	1.253	2.278	0.668	0.560	0.438	0.308	4.252
OT....................	1.304	1.113	1.123	0.827	0.363	0.232	3.658
General Government (800):							
BA....................	2.126	1.843	1.921	2.005	2.192	2.316	10.277
OT....................	2.117	2.002	1.872	1.949	2.170	2.468	10.461
Net Interest (900):							
BA....................	236.631	254.554	264.894	277.840	283.792	282.228	1,363.308
OT....................	236.631	254.554	264.894	277.840	283.792	282.228	1,363.308
On-budget:							
BA.........	344.431	369.454	389.194	413.140	431.192	442.528	2,045.508
OT.........	344.431	369.454	389.194	413.140	431.192	442.528	2,045.508
Off-budget:							
BA.........	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
OT.........	-107.800	-114.900	-124.300	-135.300	-147.400	-160.300	-682.200
Allowances (920):							
BA....................	—	—	—	—	—	—	—
OT....................	—	—	—	—	—	—	—
Undistributed Offsetting Receipts (950):							
BA....................	-81.990	-83.925	-80.247	-81.486	-85.042	-88.280	-418.980
OT....................	-81.990	-83.925	-80.256	-81.486	-85.062	-88.283	-419.012

HOUSE-PASSED 2008 RESOLUTION: MANDATORY SPENDING

(In billions of dollars)

Fiscal year	2007	2008	2009	2010	2011	2012	2008-2012
On-budget:							
BA..........	-69.714	-70.979	-66.560	-66.933	-69.575	-71.857	-345.904
OT..........	-69.714	-70.979	-66.569	-66.933	-69.595	-71.860	-345.936
Off-budget:							
BA..........	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076
OT..........	-12.276	-12.946	-13.687	-14.553	-15.467	-16.423	-73.076

AGGREGATE AND FUNCTION LEVELS

Pursuant to section 301(a)(3) of the Budget Act, the budget resolution must set appropriate levels for each major functional category based on the 302(a) allocations and the budgetary totals.

The respective levels of the Senate concurrent resolution, the House amendment, and conference agreement for each major budget function, as well as revenue totals, are discussed in the following section. A summary of the overall budget policy is as follows:

Total spending is $2.965 trillion in budget authority (BA) and $2.937 trillion in outlays in 2008, and $15.538 trillion in BA and $15.567 trillion in outlays over 2008–2012.

Discretionary spending for 2008 totals $1.100 trillion in BA and $1.145 trillion in outlays in 2008, and $5.246 trillion in BA and $5.615 trillion in outlays over 2008–2012. Excluding funding for overseas deployments and other activities, discretionary spending for 2008 totals $954.1 billion in BA and $1.029 trillion in outlays. These aggregate amounts (minus cap adjustments for program integrity initiatives) are allocated to the Appropriations Committees to be suballocated among their respective appropriations subcommittees.

Mandatory spending totals $1.866 trillion in BA and $1.792 trillion in outlays in 2008, and $10.293 trillion in BA and $9.952 trillion in outlays over 2008–2012. This includes $750 million in reconciled savings over 2007–2012. These savings are reflected in Function 500. Specific policies to achieve those savings will be determined by the committees of jurisdiction.

Revenue totals $2.685 trillion in 2008, and $14.828 trillion over five years. Specific policies will be determined by the Committee on Finance in the Senate and the Committee on Ways and Means in the House.

The conference report reduces the budget deficit from $251.7 billion in 2008, to a surplus of $41.5 billion in 2012.

The following section describes the conference report's revenue levels and spending according to the budget's functional categories.

REVENUES

Summary

The revenue component of the budget resolution reflects all of the federal government's tax receipts that are classified as "on budget." This includes individual income taxes; corporate income taxes; excise taxes, such as the gasoline tax; and other taxes, such as estate and gift taxes. Taxes collected for the Social Security system—the Old Age and Survivors and Disability Insurance (OASDI) payroll tax—are "off budget." The Hospital Insurance payroll tax portion of Medicare, the Federal Unemployment Tax Act payroll tax, railroad retirement and other retirement systems are all "on budget." Customs duties, tariffs, and other miscellaneous receipts are also included in the revenue component. Pursuant to the Congressional Budget Act of 1974 and the Budget Enforcement Act of 1990, Social Security payroll taxes are not included in the budget resolution.

Senate Resolution

The Senate budget resolution includes $2.0 trillion in on-budget revenues for 2008, and $11.1 trillion over 2008–2012. (The corresponding revenue figures on a unified basis are $2.7 trillion for 2008 and $14.8 trillion over five years.) The resolution provides two years of relief from the Alternative Minimum Tax (AMT), protecting some 20 million middle-class taxpayers from being subject to the AMT in 2007 and 2008. The cost of providing this relief is fully offset. The resolution also assumes the extension of the college tuition deduction, with the costs offset.

The revenue level in the Senate resolution is $179.8 billion below the levels in the CBO baseline over 2007–2012. This provides for the extension after 2010 of middle-class tax relief—child tax credit, the 10 percent bracket, and marriage penalty relief—as well as continuation of the estate tax at 2009 levels adjusted for inflation. In addition, this revenue reduction accommodates extension of other tax provisions expiring in 2010, such as the adoption tax credit, the dependent care tax credit, and the treatment of combat pay for purposes of the earned income tax credit.

The Senate resolution includes several reserve funds that provide for tax relief, including refundable tax relief and the extension of expiring tax relief, as long as the costs of these provisions are offset. These deficit-neutral reserve funds would accommodate, for instance, tax relief related to agriculture, energy, higher education, and manufacturing as well as the extension of enhanced charitable giving from individual retirement accounts, the State and local sales tax deduction, the new markets tax credit, and the above-the-line deduction for teacher classroom supplies.

The Senate resolution assumes that any additional revenues needed under the resolution can be achieved by closing the tax gap, shutting down abusive tax shelters, addressing offshore tax havens, and without raising taxes. To help close the tax gap and bolster Internal Revenue Service (IRS) enforcement, the resolution fully funds the President's budget request for the IRS, including additional resources available through a discretionary cap adjustment that directs $406 million to IRS enforcement activities.

House Amendment

The House amendment matches the level of revenues under the CBO baseline in each year over the 2007–2012 period. This includes $2.1 trillion in on-budget revenues for 2008, and $11.3 trillion over 2008–2012. (The corresponding revenue figures on a unified basis are $2.7 trillion for 2008 and $15.0 trillion over five years.)

By following CBO's baseline path of revenues, the House amendment achieves current-law total revenue levels, but does not assume maintaining current tax law. Thus, the House amendment accommodates reform of the AMT and extension of tax cuts benefitting middle-income households (including the child tax credit, marriage penalty relief, the 10 percent bracket, and the deduction for State and local sales taxes), as long as such changes to tax law are accomplished in a deficit-neutral manner over the 2007–2012 and 2007–2017 periods.

The House amendment also accommodates deficit-neutral extension of other expiring tax provisions, such as the research and experimentation tax credit and the deduction for small business expensing. In addition, the House amendment accommodates deficit-neutral elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit. It also accommodates other high priority deficit-neutral revenue adjustments, such as providing a tax credit for local bonds to support the repair or construction of public schools.

Conference Agreement

The conference agreement includes $2.0 trillion in on-budget revenues for 2008, and $11.1 trillion over 2008–2012. (The corresponding revenue figures on a unified basis are $2.7 trillion for 2008 and $14.8 trillion over five years.) The resolution provides immediate relief from the Alternative Minimum Tax (AMT), with its cost fully offset. The resolution also reflects extension of the college tuition deduction, with the costs offset. The agreement supports tax relief that would benefit the middle class—including extension of the child tax credit, 10 percent bracket, and marriage penalty relief—and provide for estate tax reform. Additionally, the agreement includes several deficit-neutral reserve funds that provide for a wide range of tax policies.

The revenue level in the conference agreement is $180 billion below the levels in the CBO baseline over 2007–2012. Revenue legislation is subject to House and Senate pay-as-you-go (paygo) rules. Additionally, the House reserve fund adjustment for revenue measures (Section 321)—the House "trigger" mechanism—creates a second procedural hurdle in the House only, in addition to the paygo rule, to ensure fiscal responsibility.

NATIONAL DEFENSE: FUNCTION 050

Function Summary

The National Defense function includes the military activities of the Department of Defense (DoD), the nuclear-weapons related activities of the Department of Energy (DoE) and the National Nuclear Security Administration, and the national security activities of several other agencies such as the Selective Service, Coast Guard and Federal Bureau of Investigation. The programs in this function include: the pay and benefits of active, Guard, and reserve military personnel; DoD operations including training, maintenance of equipment, and facilities; health care for military personnel and dependents; procurement of weapons; research and development; construction of military facilities, including housing; research on nuclear weapons; and the cleanup of nuclear weapons production facilities.

Senate Resolution

The Senate resolution calls for a total of $648.8 billion in BA and $617.8 billion in outlays for 2008, and $2.9 trillion in BA and outlays over five years. This includes full funding for the President's request for war costs for 2007 through 2009.

Excluding requested war funds, the Senate resolution provides $503.8 billion in BA and $511.1 billion in outlays for defense in 2008. This funding for defense was equal to the level requested by the President for 2008 (as re-estimated by CBO), for a total increase of $39.6 billion in BA over the 2007 level adjusted for inflation.

The Senate resolution rejects the President's proposals for new TRICARE enrollment fees and deductibles for military retirees under the age of 65.

Additionally, the Senate resolution assumes full funding of the President's request for $690 million to support the baseline cost to completion for the waste treatment plant and associated facilities at the Hanford Nuclear Reservation. The resolution additionally assumes increases totaling $22.9 million for the Hanford tank farm and other Hanford cleanup-related programs.

The Senate resolution recognizes that many communities will experience significant population growth or declines resulting from the Base Realignment and Closure (BRAC) 2005 process, and it supports additional funding to accommodate the needs of these communities.

The National Guard has a long history of outstanding service to our nation. Since September 11, 2001, our reliance on the National

Guard has only increased with many thousands of troops serving the nation both at home and abroad. The President has now announced that National Guard units will face re-activation for additional tours of duty in Iraq and Afghanistan despite the fact that they have not had the amount of time at home station between deployments that is expected under Department of Defense standards. Congress has provided the National Guard with significant resources in recognition of the important role the Guard plays in our national security and to ensure that it has the tools to continue to perform its missions. The Senate resolution assumed continued funding of the National Guard at levels at least as high as those assumed in the President's Budget. The Senate resolution encourages the Appropriations Committee to provide for critical needs for National Guard equipment left unfunded in the President's Budget.

The Senate resolution includes a cap adjustment provision allowing the Chairman of the Budget Committee to revise the discretionary spending cap for appropriations related to operations in Iraq, Afghanistan, and other war-related costs. The cap adjustment allowed under the Senate resolution is $145.2 billion in budget authority for 2008 and $50.0 billion for 2009 (a portion of these costs are expected to fall under budget functions other than National Defense). The Senate resolution's levels of deficits and debt assumes that this cap adjustment is fully utilized.

An additional defense-related cap adjustment provision allows the Chairman of the Budget Committee to increase the discretionary cap by up to $5.0 billion to address deficiencies in training, equipment, force protection, logistics, or other matters necessary for the protection of United States military forces, or to address deficiencies at Walter Reed and other military medical facilities.

The existence of these cap adjustments would not prevent the Appropriations Committee from reporting emergency supplemental appropriations legislation if war costs exceed the allotted level. Emergency funding falls outside the discretionary spending caps included in the resolution, and hence does not require an adjustment.

For 2007, the Senate resolution assumes the enactment of the President's full emergency request for war costs, consisting of $99.6 billion in BA and $27.0 billion in outlays. Each of these levels is equal to CBO's reestimate of the President's war funding request.

House Amendment

The House amendment reflects a total of $507.0 billion in BA and $514.4 billion in outlays in 2008, and $2.7 trillion in BA and outlays over five years. The defense of our nation ranks first among our priorities, and the House amendment accordingly provides robust funding for Function 050 (National Defense). The amendment calls, however, for a reallocation of resources to address threats facing the nation and to guarantee first-rate health care for members of our armed forces. It includes assumptions on specific defense policy in Title IV, Section 402.

The National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) identified terrorists with weapons of mass destruction as one of the nation's gravest threats. It recommended that Congress supply more resources to secure nuclear weapons and the fissile materials used in making these weapons. It is the policy of the House amendment that non-proliferation programs, such as the Cooperative Threat Reduction program, be given greater priority and higher funding.

High among our priorities is the health care guaranteed our armed forces, not only while they are in harm's way, but when they return from combat with injuries. For that reason, the House amendment opposes Tricare fee increases and calls for a substantial increase in the veterans' health care system. The amendment notes the upcoming recommendations of the President's Commission on Care for America's Returning Wounded Warriors and other government investigations in connection with the substandard care at Walter Reed Army Medical Center, and allows funds for action when those recommendations are received.

It is the policy of the House amendment that acquisition programs such as missile defense and satellite procurement be funded at lower, but still robust levels. Development of space-based interceptors as part of the missile defense program should be de-emphasized and satellite development and procurement should proceed along a more measured schedule. DoD's satellite programs have experienced significant cost growth and the President's request for satellite acquisition reflects a 26 percent increase above the 2007 enacted level.

The House amendment recognizes the need for DoD to root out wasteful spending with far more diligence. Seventeen years after passage of the Chief Financial Officers Act of 1990, DoD still cannot pass a standard audit. The Department cannot adequately track what it owns or the spending in its annual budgets. DoD has allowed the cost of its major acquisition programs to grow at an unsustainable rate. The Department's major acquisition programs grew by $317.0 billion above their initial projections from 2002 to 2006. DoD has awarded contracts for its foreign deployments that have been grossly more wasteful than domestic contracts, especially in Iraq. Furthermore, DoD continues to fund weapons systems that were developed years ago to counter Cold War-era threats, which may not be as effective in protecting the nation from today's threats.

Over the last six years, the Government Accountability Office (GAO) has performed numerous audits of DoD's financial management, contracting, and business practices. GAO made 2,544 recommendations, of which 1,378 have yet to be implemented. The House amendment assumes that enhancing accounting practices at DoD and implementing many GAO recommendations would yield substantial savings that could be applied to meet critical defense priorities. The amendment also directs the committees with jurisdiction over defense and armed services to conduct more oversight with the objective of ferreting out wasteful practices, fraud, and abuse.

For mandatory programs, the House amendment matches the President's assumptions regarding offsetting receipts.

Conference Agreement

The conference agreement for Function 050 includes a total of $507.0 billion in BA and $514.4 billion in outlays in 2008, and $2.7 trillion in BA and outlays over five years. The conference agreement does not assume enactment of the President's proposals for new TRICARE enrollment fees and deductibles for military retirees under the age of 65. In keeping with the Senate resolution, the conference agreement assumes that total National Defense funding includes no less than $5.0 billion to address deficiencies in training, equipment, force protection, logistics, and military medical care. The conference agreement reaffirms the Senate resolution's position on the importance of robust funding for atomic energy defense environmental cleanup activities.

For mandatory programs, the conference agreement matches the President's assumptions regarding offsetting receipts.

The conference agreement reflects war costs in Function 970, as in the House amendment.

The conference agreement also includes a deficit-neutral reserve fund (Section 302) to provide increased flexibility to the relevant House and Senate committees on various issues related to meeting our commitments to wounded and disabled military personnel and veterans, as well as their survivors.

The conference agreement includes a statement of policy on defense issues (Section 402). The House Budget Committee report (H. Rept. 110–69) discussed key priorities to be funded within the defense allocation and the need for the Department of Defense to root out wasteful spending (such as the continued funding of some Cold War-era weapons systems, which may not be as effective in protecting the nation from today's threats). The conference agreement reaffirms these priorities.

INTERNATIONAL AFFAIRS: FUNCTION 150

Function Summary

The International Affairs function includes funding for operations of U.S. embassies and other diplomatic missions abroad; development aid and technical assistance to developing countries; security assistance to foreign governments; refugee assistance; Foreign Military Sales Trust Fund; contributions to international organizations, including financial institutions; and the Export-Import Bank and other trade promotion programs. The major agencies in this function include the Departments of Agriculture, State, and the Treasury; the United States Agency for International Development; and the Millennium Challenge Corporation.

Senate Resolution

The Senate resolution calls for a total of $39.2 billion in BA and $36.9 billion in outlays, including the 2008 emergency request, and $180.0 billion in BA and $172.3 billion in outlays over five years. Excluding assumed war costs provided under a cap adjustment, discretionary spending for 2008 totals $36.5 billion in BA and $35.9 billion in outlays. The discretionary level is $6.5 billion above the 2007 level adjusted for inflation. The Senate resolution includes an increase in funding for international programs and additional funds for trade enforcement.

Overall, the Senate resolution increases funding for the President's Emergency Plan for AIDS Relief above the requested level and provides a U.S. contribution to the Global Fund for HIV/AIDS, Tuberculosis and Malaria of $940 million.

House Amendment

The House amendment reflects a total of $34.7 billion in non-emergency BA and $33.1 billion in non-emergency outlays in 2008, and $178.3 billion in BA and $165.0 billion in outlays over five years. The House amendment's discretionary budget authority for 2008 is $2.0 billion (5.9 percent) more than the amount needed to maintain purchasing power at the 2007 level. The amendment matches the President's Function 150 request for activities related to the United States' overseas military deployments and the Emergency Plan for AIDS Relief, which includes the Global HIV/AIDS Initiative. The House also notes the importance of adequate funding for core U.S. development assistance and other high priority programs.

Consistent with the President's budget, the House amendment also provides full funding to continue agreements that the United States reached in 1998 with Israel and Egypt regarding levels of military financing and economic support.

The House amendment provides additional funding for 2008 for the McGovern-Dole International Food for Education and Child Nutrition Program. This program has been demonstrated to help reduce child hunger and malnutrition, and increase enrollment and attendance in schools in beneficiary countries.

The House notes the large amount of unobligated funding that is still available for the Millennium Challenge Corporation, which has received almost $6.0 billion in total appropriations from fiscal years 2004 through 2007.

The House also notes the strong support enjoyed by H.R. 1595, a measure designed to provide compensation to the Guamanian victims of the Imperial Japanese military occupation during World War II.

Conference Agreement

The conference agreement includes $34.7 billion in BA and $33.1 billion in outlays in 2008, and $180.1 billion in BA and $166.5 billion in outlays over five years. The conference agreement reflects international affairs funding associated with overseas deployments and related activities in Function 970, as in the House amendment.

GENERAL SCIENCE, SPACE, AND TECHNOLOGY: FUNCTION 250

Function Summary

The General Science, Space, and Technology function includes funding for the National Aeronautics and Space Administration (NASA), except aviation programs, the National Science Foundation (NSF), as well as programs in the Department of Energy (DoE) Office of Science.

Senate Resolution

The Senate resolution calls for a total of $27.6 billion in BA and $26.4 billion in outlays for 2008, and $137.5 billion in BA and $136.4 billion in outlays over five years.

The Senate resolution assumes the President's request of $17.3 billion for NASA. The United States' goals for space exploration were defined in the President's 'Vision for Space Exploration' and included in the National Aeronautics and Space Administration Authorization Act of 2005. The resolution recognizes the importance of our nation's space program and endorsed the Act's balanced goals of exploration, science and aeronautics. The Act calls for retirement of the Space Shuttle by 2010 and first flight of its replacement by 2014. The Senate resolution recognizes the strategic importance of uninterrupted access to space and supported efforts to reduce this four-year gap in U.S. human space flight.

In addition, the Senate resolution notes the importance of incentives to promote innovation and competitiveness through research as essential to our nation's efforts to advance the scientific and technological developments necessary to maintain our quality of life and economic security. The resolution also reflects the Senate's concern about the geographic imbalance of federal research funding and believes that it is incumbent upon departments and agencies to ensure a more equitable distribution of funding and research infrastructure development throughout the nation.

The Senate resolution provides a $1.0 billion increase for additional investments in innovation and education, and $40 million for NSF nanotechnology programs.

House Amendment

The House amendment reflects a total of $27.6 billion in BA and $26.5 billion in outlays in 2008, and $149.6 billion in BA and $145.8 billion in outlays over five years. Funding in Function 250 exceeds the funding levels in the President's budget and the current services level for all five years in the budget window. Additional increases for scientific research and education are included in Function 270 (Energy), Function 300 (Environment and Natural Resources), Function 350 (Agriculture), Function 370 (Commerce and Housing Credit), Function 400 (Transportation), Function 500 (Education, Training, Employment, and Social Services), and Function 550 (Health), all of which receive more funding than the President requested. These increases will support the goals of the House Leadership's Innovation Agenda: to put NSF funding on a path toward doubling, to train more qualified science and math teachers, and to invest in basic research on energy technologies.

Conference Agreement

The conference agreement includes $27.6 billion in BA and $26.5 billion in outlays in 2008 and $149.6 billion in BA and $145.8 billion in outlays over five years. The conference agreement provides significant increases for NSF and the DoE Office of Science, and fully funds the President's 2008 request for NASA at $17.3 billion. For NASA, this represents an increase of $696 million, or 4 percent, above the 2007 level adjusted for inflation.

ENERGY: FUNCTION 270

Function Summary

The Energy function includes funding for most civilian energy and environmental programs in the Department of Energy (DoE). This function also includes the Rural Utilities Service of the Department of Agriculture, the Tennessee Valley Authority, the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission. This function does not include DoE's national security activities, which are in the National Defense function, or its basic research and science activities, which are in the General Science, Space and Technology function.

Senate Resolution

The Senate resolution calls for a total of $3.7 billion in BA and $1.3 billion in outlays for 2008, and $16.6 billion in BA and $8.5 billion in outlays over five years. The Senate resolution assumes $1.6 billion for the DoE's Energy Efficiency and Renewable Energy program. This funding level is $385 million above the President's request. In addition, the Senate resolution rejects the President's proposed cuts to the fossil energy research and development program.

The Senate resolution includes a deficit-neutral reserve fund for energy legislation that would reduce our nation's dependence on foreign sources of energy, expand production and use of alternative fuels and alternative fuel vehicles, promote renewable energy development, improve electricity transmission, encourage responsible development of domestic oil and natural gas resources, or reward conservation and efficiency. The reserve fund will provide committees increased flexibility in finding offsets for legislation that addresses the energy challenges facing our nation. The Senate resolution also includes a deficit-neutral reserve fund which accommodates the extension of various energy tax incentives.

The Senate resolution rejects the President's proposal to increase the interest rates Power Marketing Administrations pay when they borrow funds from the Treasury. The resolution also rejects the proposal to accelerate the Bonneville Power Administration's (BPA's) debt repayment. The BPA proposal could lead to higher electricity rates for power customers in the Northwest and circumvent the regional decision making process. It is unfortunate that the President's budget proposed this again after it was explicitly rejected by Congress last year. The resolution does not assume any savings from the proposal and includes a deficit-neutral reserve fund for legislation blocking the proposal. The levels for the energy function assume funding to accommodate legislation blocking the BPA proposal.

The Senate resolution adds funding for carbon sequestration and capture technology and funding for geothermal, ocean, and hydroelectric energy assistance.

House Amendment

The House amendment reflects a total of $3.2 billion in BA and $1.1 billion in outlays for 2008, and $16.0 billion in BA and $7.9 billion in outlays over five years. The amendment provides funding above the President's request and the level needed to maintain current services for Function 270. This increased funding could be used for research, development, and deployment of renewable and alternative energy technology and resources.

The House amendment also establishes a reserve fund to facilitate the development of conservation and efficiency technologies, clean domestic renewable energy resources, and alternative fuels that will reduce our reliance on foreign oil. The federal government, and particularly the DoE, should take the lead in research and development, and to that end, the House amendment includes an increase in Function 270 above baseline, while emphasizing that this is a first step toward increases that need to come soon and be substantial.

In the meantime, the DoE should husband its resources and program work at the national laboratories to advance the technologies of energy conservation and efficiency and of clean, renewable energy. Other agencies and departments of the government should join this effort. The House amendment recognizes, for example, the role that the Department of Agriculture could take in developing new energy sources such as cellulosic ethanol, and approves this mission among those cited in Function 350.

Funding sources for research and development are scattered throughout the budget. These sources need to be inventoried, and where possible, refocused on research and development of clean and renewable energies.

Conference Agreement

The conference agreement includes $3.4 billion in BA and $1.2 billion in outlays for 2008, and $16.6 billion in BA and $8.5 billion in outlays over five years. The conference agreement rejects the proposal to accelerate the Bonneville Power Administration's (BPA's) debt repayment. The BPA proposal could lead to higher electricity rates for power customers in the Northwest and circumvent the regional decision making process. It is unfortunate that the President's budget proposed this again after it was explicitly rejected by Congress last year. The conference agreement does not assume any savings from the proposal and includes a deficit-neutral reserve fund for legislation rejecting the proposal. The levels for the energy function assume funding to accommodate legislation rejecting the BPA proposal.

The conference agreement also rejects the President's proposal to increase the interest rates Power Marketing Administrations pay when they borrow funds from the Treasury.

The conference agreement includes a deficit-neutral reserve fund to accommodate energy legislation in both the House and the Senate.

NATURAL RESOURCES AND ENVIRONMENT: FUNCTION 300

Function Summary

The Natural Resources and Environment function consists of funding for water resources, conservation, land management, pollution control and abatement, and recreational resources. Major departments and agencies in this function are the Department of the Interior (including the National Park Service, the Bureau of Land Management, the Bureau of Reclamation, the Fish and Wildlife Service, and the Minerals Management Service), conservation-oriented and land management agencies within the Department of Agriculture (including the Forest Service), the National Oceanic and Atmospheric Administration at the Department of Commerce, the Army Corps of Engineers, and the Environmental Protection Agency (EPA).

Senate Resolution

The Senate resolution calls for a total of $32.9 billion in BA and $34.9 billion in outlays for 2008, and $169.7 billion in BA and $176.4 billion in outlays over five years. The Senate resolution includes $8.1 billion for the EPA. This is $877 million above the President's request and $170 million above the 2007 level adjusted for inflation. In nominal dollars, the President's proposed 2008 funding level of $7.2 billion would be the lowest budget for EPA since 1997. The Senate resolution assumes $1.5 billion for Superfund, an increase of $211 million above the President's request. The Senate resolution also assumes full funding for EPA's programs to support clean and safe drinking water. It rejects the President's proposal to cut a variety of environmental protection programs.

The Senate resolution rejects the President's proposal to permit oil and gas leasing in the Arctic National Wildlife Refuge (ANWR) and does not assume savings from the proposal. The Senate resolution also does not assume any savings from the President's proposal to sell Federal lands.

It rejects the proposal in the President's budget to reallocate the repayment of the capital costs of the Pick-Sloan Missouri Basin irrigation program to power customers. The resolution recognizes the importance of the Bureau of Reclamation rural water program to support ongoing Municipal, Rural, and Industrial (MR&I) systems for the Great Plains Region. The Bureau of Reclamation supplies drinking water to 2.6 million people in the Great Plains region and is encouraged to prioritize the completion of the Pick Sloan-Missouri Basin Program—Garrison Diversion Unit, the Mni Wiconi Project, Dry Prairie, Perkins County, and the Lewis and Clark projects. Together, these projects have a capability of $200 million. The resolution supports funding these projects at a level that is as close as possible to the full capability for these vital rural water development projects. The Senate resolution adds funding for the Forest Service.

House Amendment

The House amendment reflects a total of $32.8 billion in BA and $34.9 billion in outlays for 2008 and $172.2 billion in BA and $178.3 billion in outlays over five years. The House amendment rejects the President's proposed cuts to priority programs, such as the Land and Water Conservation Fund, the Fish and Wildlife Service's wildlife refuge system, the EPA's grants to States and Tribes to address water and air quality, and other EPA programs. It also includes funding to address high-priority brownfield redevelopment concerns. In addition, the amendment accommodates the President's recommendation to increase funding for the operation and maintenance of the national park system. The House amendment includes a deficit-neutral reserve fund to facilitate the reauthorization of the Farm Bill, providing resources for such objectives as to secure an economic safety net for agricultural producers, conserve our natural resources, and address nutrition needs.

Conference Agreement

The conference agreement includes $33.4 billion in BA and $35.2 billion in outlays for 2008, and $173.2 billion in BA and $179.3 billion in outlays over five years. The funding levels in the conference agreement assume that if the severity of the fire season requires additional funding, wildland fire suppression activities will be funded for 2008 at no less than $400 million above the ten-year average at the Forest Service and $100 million above the ten-year average at the Department of the Interior.

AGRICULTURE: FUNCTION 350

Function Summary

The Agriculture function includes farm income stabilization, agricultural research, and other services administered by the U.S. Department of Agriculture. The discretionary programs include research and education programs, economics and statistics services, administration of the farm support programs, farm loan programs, meat and poultry inspection, and a portion of the Public Law 480 international food aid program. The mandatory programs include commodity programs, crop insurance, and certain farm loans.

Senate Resolution

The Senate resolution reflects a total of $20.5 billion in BA and $21.5 billion in outlays for 2008 and $105.0 billion in BA and $102.9 billion in outlays over five years. With the 2002 Farm Bill expiring this year, the Senate resolution provides a deficit-neutral reserve fund for the reauthorization of agricultural programs. To address the needs of rural America and promote new sources of renewable energy from U.S. farm products, it would provide a $15.0 billion deficit-neutral reserve fund for the 2007 through 2012 period to reauthorize the Farm Bill. The reauthorization of the Farm Bill will provide an economic safety net for agricultural producers, enhance the stewardship of our natural resources, address domestic nutrition needs, increase agricultural research, and improve our export competitiveness.

House Amendment

The House amendment reflects a total of $20.4 billion in BA and $19.5 billion in outlays for 2008 and $105.0 billion in BA and $101.0 billion in outlays over five years. The amendment provides sufficient funding to bolster commodity support, agricultural research, and animal and plant inspection programs. The amendment includes a deficit-neutral reserve fund to facilitate the reauthorization of the Farm Bill, providing resources for such objectives as to secure an economic safety net for agricultural producers, conserve our natural resources, and address nutrition needs.

Conference Agreement

The conference agreement includes a total of $20.5 billion in BA and $19.6 billion in outlays for 2008, and $105.5 billion in BA and $101.5 billion in outlays over five years. The conference agreement includes a deficit-neutral reserve fund (Section 307) to provide up to an additional $20.0 billion for the 2007 Farm Bill to improve the economic safety net for farmers, address domestic nutrition needs, enhance conservation programs, and encourage the production of renewable energy resources and other purposes.

COMMERCE AND HOUSING CREDIT: FUNCTION 370

Function Summary

The Commerce and Housing Credit function includes mortgage credit, the Postal Service, deposit insurance, and other advancement of commerce (the majority of the discretionary and mandatory spending in this function). The mortgage credit component of this function includes housing assistance through the Federal Housing Administration, the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), the Government National Mortgage Association (Ginnie Mae), and rural housing programs of the Department of Agriculture. The function also includes net Postal Service spending and spending for deposit insurance activities of banks, thrifts, and credit unions. Most of the Commerce Department is provided for in this function, including the International Trade Administration, the Bureau of Economic Analysis, the Patent and Trademark Office, the National Institute of Standards and Technology, the National Telecommunications and Information Administration, and the Bureau of the Census. Finally, the function also includes funding for independent agencies such as the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Trade Commission, the Federal Communications Commission, and the majority of the Small Business Administration.

Senate Resolution

The Senate resolution calls for a total of $10.7 billion in unified BA and $3.7 billion in unified outlays for 2008, and $47.8 billion in unified BA and $7.1 billion in unified outlays over five years. The Senate resolution rejects the President's proposal to cut assistance to America's small businesses. The President has tried repeatedly to reduce the Manufacturing Extension Program (MEP), which helps small businesses adopt advanced manufacturing technologies, but Congress has consistently restored the funding. The Senate resolution restores cuts to this vital program. The Senate resolution also provides robust resources for the Small Business Administration.

House Amendment

The House amendment reflects a total of $11.0 billion in unified BA and $3.8 billion in unified outlays for 2008 and $55.0 billion in unified BA and $13.9 billion in unified outlays over five years. The House amendment's discretionary function total includes significantly increased funding for the Bureau of Census, reflecting continued preparation for the 2010 census. For 2008, and over the following four years, funding in Function 370 is above the level in the President's budget.

Conference Agreement

The conference agreement calls for a total of $11.1 billion in unified BA and $3.8 billion in unified outlays for 2008, and $55.1 billion in unified BA and $14.1 billion in unified outlays over five years.

TRANSPORTATION: FUNCTION 400

Function Summary

The Transportation function consists mostly of the programs administered by the

Department of Transportation, including programs for highways, mass transit, aviation, and maritime activities. This function also includes two components of the Department of Homeland Security: the Coast Guard and the Transportation Security Administration. In addition, this function includes several small transportation-related agencies and the research program for civilian aviation at NASA.

Senate Resolution

The Senate resolution calls for a total of $83.9 billion in BA and $81.4 billion in outlays for 2008, and $390.2 billion in BA and $425.3 billion in outlays over five years. The Senate resolution provides $1.8 billion in BA for Amtrak, a funding level that is $880 million above the President's request and $480 million above the 2007 level adjusted for inflation. Amtrak is a vital link to many small communities, and the Senate resolution will help Amtrak pay off debt and continue to improve its operations. The Senate resolution also provides full funding for highway, safety, and transit programs.

House Amendment

The House amendment reflects a total of $82.7 billion in BA and $80.8 billion in outlays for 2008 and $393.7 billion in BA and $426.7 billion in outlays over five years. It fully funds the highway, safety, and transit programs authorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). Specifically, the House amendment includes both the revenue aligned budget authority (RABA) and the funding for transit capital projects that the President's 2008 budget cuts. In addition, the House amendment maintains Amtrak, provides additional funding for grants to airports, and rejects the President's cuts to aviation programs within NASA.

Conference Agreement

The conference agreement provides a total of $82.8 billion in BA and $81.1 billion in outlays for 2008 and $393.2 billion in BA and $426.1 billion in outlays over five years. The conference agreement fully funds the highway, safety, and transit programs authorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). Specifically, the conference agreement includes the revenue aligned budget authority (RABA) that the President's 2008 budget cuts. Among other transportation programs, the conference agreement provides $1.8 billion in BA for Amtrak.

COMMUNITY AND REGIONAL DEVELOPMENT: FUNCTION 450

Function Summary

The Community and Regional Development function includes federal programs to improve community economic conditions, promote rural development, and assist in federal preparations for and response to disasters. This function provides appropriated funding for the Community Development Block Grant (CDBG), Department of Agriculture rural development programs, the Bureau of Indian Affairs, the Federal Emergency Management Agency (including homeland security grants), and other disaster mitigation and community development-related programs. It also provides mandatory funding for the federal flood insurance program.

Senate Resolution

The Senate resolution calls for a total of $15.4 billion in BA and $22.5 billion in outlays for 2008, and $70.7 billion in BA and $96.9 billion in outlays over five years. This level restores cuts proposed in the President's budget for community development programs and several Department of Homeland Security (DHS) grant programs, including first responder grants. In addition, the Senate resolution includes increases in funding for security grant programs relating to port security, rail and transit security, interoperable communications equipment, and emergency management performance grants.

House Amendment

The House amendment reflects a total of $15.0 billion in BA and $22.0 billion in outlays in 2008, and $71.9 billion in BA and $94.5 billion in outlays over five years. The House amendment provides more than the President's 2008 discretionary funding level for Function 450, rejecting the President's cuts to the Community Development Block Grant (CDBG) program and providing additional funds for this and other key priorities like rural development and disaster preparedness.

Conference Agreement

The conference agreement includes a total of $15.8 billion in BA and $22.3 billion in outlays for 2008, and $76.0 billion in BA and $97.6 billion in outlays over five years. The conference agreement provides funding for continued investments in and additional resources for community development and homeland security, including community development block grants, interoperable communications equipment grants, and emergency management performance grant programs.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES: FUNCTION 500

Function Summary

The Education, Training, Employment and Social Services function includes funding for the Department of Education, as well as programs in the Department of Health and Human Services (HHS) and the Department of Labor. This function provides funding for elementary and secondary, career and technical, and post-secondary educational programs; job training and employment services; children and family services; and statistical analysis and research related to these areas. It also contains funding for the Library of Congress and independent research and art agencies such as the Corporation for Public Broadcasting, the Smithsonian Institution, the National Gallery of Art, the John F. Kennedy Center for the Performing Arts, the National Endowment for the Arts, and the National Endowment for the Humanities.

Senate Resolution

The Senate resolution calls for a total of $93.9 billion in BA and $90.4 billion in outlays in 2008 and $490.6 billion in BA and $478.0 billion in outlays over five years. The Senate resolution provides $2.0 billion in 2009 advance funding for Function 500 programs.

The Senate resolution recognizes that investments in education and training programs are critical to our nation's long-term economic outlook and provides $9.3 billion above the President's 2008 discretionary request for this function, including $2.0 billion in advance 2009 funding. Specifically, the Senate resolution rejects the President's proposed cuts and provides the largest increase since 2002 for elementary and secondary programs, particularly for Title I, the Individuals with Disabilities Education Act (IDEA), and Impact Aid. The Senate resolution provides an increase for Head Start and fully accommodates the President's proposed increases in the maximum Pell grant.

The Senate resolution provides a deficit-neutral reserve fund to facilitate enactment of legislation to improve college access and affordability. The Senate resolution provides $100 million for summer education programs, and a deficit-neutral reserve fund to facilitate enactment of legislation to provide assistance to States for offering or expanding preschool for children from low-income families. The Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation appropriating up to $17 million for 2008 if the Comptroller General makes certain certifications to Congress regarding the Smithsonian Institution.

House Amendment

The House amendment calls for a total of $92.5 billion in BA and $91.1 billion in outlays for 2008 and $484.7 billion in BA and $475.3 billion in outlays over five years. The House amendment specifically rejects the President's cuts to education, including his plan to eliminate many education programs. The amendment also rejects the President's steep cuts to job training and social services programs, including the Community Services Block Grant and the Social Services Block Grant.

In contrast to the President's funding cuts, the House amendment makes a down payment toward addressing long-standing needs in education, training, and social services. To that end, the amendment provides an appropriated program level for Function 500 that is $7.9 billion above the 2008 level in the President's budget. Those additional resources include $5.9 billion in 2008 funding and an increase of $2.0 billion in advance 2009 funding.

The House amendment's increased funding could be used for vital programs that help children and adults who most need assistance, including Head Start, Title I and other elementary and secondary education programs authorized under the No Child Left Behind Act, and employment training and national service programs such as VISTA. The additional funding also could bolster the federal government's commitment to cover a growing share of the cost of special education under the Individuals with Disabilities Education Act. Finally, the increased funds could help secure college access, equity, and success for every American by raising the maximum Pell Grant to at least $4,600, maintaining Supplemental Opportunity Educational Grants and the Leveraging Educational Assistance Partnerships, and broadening access to Hispanic-serving institutions, Historically Black Colleges and Universities, and other high-quality educational opportunities.

The House amendment also contains a reserve fund to accommodate legislation that makes college more affordable.

Conference Agreement

The conference agreement includes $93.9 billion in BA and $91.0 billion in outlays in 2008 as well as $2.0 billion in advance 2009 funding, and $492.3 billion in BA and $480.1 billion in outlays over five years. For 2008, the conference agreement provides $7.5 billion above the President in discretionary BA, plus the additional $2.0 billion in advance BA for 2009. The conference report rejects the President's program eliminations and cuts. Additional funding is provided for investments in educational opportunities, social services, and job training.

The conference agreement recognizes that funding for education programs has been insufficient to meet the mandates created by federal laws, and, even more important, to ensure that every child receives a world-class education. The agreement envisions significant investments in this area.

The conference agreement recognizes that early childhood education programs provide a sound return on investment. Despite efforts to increase preschool programs at the state level, the conference agreement acknowledges that many preschool children do not have access to early childhood education programs and further investments should be considered at the federal level. The conference agreement also contains a reserve fund to accommodate legislation that makes college more affordable.

HEALTH: FUNCTION 550

Function Summary

The Health function includes most direct health care service programs as well as funding for anti-bioterrorism activities, national biomedical research, protecting the health of the general population and workers in their places of employment, providing health services for under-served populations, and promoting training for the health care workforce. The major programs in this function include Medicaid, the State Children's Health Insurance Program (SCHIP), health benefits for federal workers and retirees, the National Institutes of Health (NIH), the Food and Drug Administration (FDA), the Health Resources and Services Administration (HRSA), the Centers for Disease Control and Prevention (CDC), the Substance Abuse and Mental Health Services Administration (SAMHSA), the Indian Health Service (IHS), and the Agency for Healthcare Research and Quality.

Senate Resolution

The Senate resolution calls for a total of $291.3 billion in BA and $290.2 billion in outlays for 2008, and $1.7 trillion in BA and $1.7 trillion in outlays over five years. The Senate resolution includes increases above the 2007 enacted level adjusted for inflation for NIH, HRSA, CDC, FDA, and IHS. Significant increases for Community Health Centers and health professions within HRSA are also included. The Senate resolution assumes funding for the last phase of HHS' National Strategy for Pandemic Influenza. The resolution rejects the President's proposed $146 million cut for Rural Health Activities in HRSA. The resolution also supports funding demonstration programs to provide patient navigator services as authorized in the Patient Navigator, Outreach, and Chronic Disease Prevention Act under HRSA. In addition, the Senate resolution contains various health care related deficit-neutral reserve funds, including a reserve fund for SCHIP legislation.

House Amendment

The House amendment calls for a total of $286.8 billion in BA and $286.3 billion in outlays for 2008 and $1.6 trillion in BA and outlays over five years. The discretionary resources for Function 550 for 2008 represent an increase over both the 2007 level and the President's request. The House amendment increases resources for public health programs to provide for advances in science, improvements in health, access to quality health care for underserved populations, and other critical programs.

Programs in Function 550 are also addressed in the House amendment's deficit-neutral reserve funds for SCHIP and for Transitional Medical Assistance.

Conference Agreement

The conference agreement includes a total of $287.5 billion in BA and $286.4 billion in outlays for 2008, and $1.6 trillion in BA and $1.6 trillion in outlays over five years. In addition to increases for other health agencies, the conference agreement includes significant increases for Community Health Centers and the National Health Service Corps within HRSA as well as funding for patient navigator services. The conference agreement also contains several health care related deficit-neutral reserve funds, including a reserve fund for SCHIP legislation.

MEDICARE: FUNCTION 570

Function Summary

The Medicare function includes funding to administer and to provide benefits under the Medicare program. Medicare is a federal health insurance program that currently covers 43 million Americans aged 65 and older, as well as younger adults who are disabled or suffer from end-stage renal disease.

Congress provides an annual appropriation for the costs of administering Medicare, including resources to conduct program integrity activities to guard against improper payments, fraud, and abuse. The remainder of spending in this function is mandatory and reflects payments to health care providers and private insurance plans, as well as beneficiary premiums and other receipts and payments to the Medicare trust funds, under the Part A Hospital Insurance (HI) program, the Part B Supplementary Medical Insurance (SMI) program, the Part C Medicare Advantage program, and the Part D Prescription Drug program.

Senate Resolution

The Senate resolution calls for a total of $390.0 billion in BA and $390.0 billion in outlays for 2008, and $2.2 trillion in BA and $2.2 trillion in outlays over five years. For 2008, the discretionary funding levels in this function include a discretionary cap adjustment of up to $383 million for program integrity activities of the Health Care Fraud and Abuse Control (HCFAC program) to address improper payments, fraud, and abuse in the Medicare program. In addition, the mandatory funding levels in this function assume Medicare savings of $15.0 billion over five years from reducing certain overpayments to health care providers. Specific policies to enact these savings will be determined by the Senate Finance Committee. The function also assumes an additional savings of $400 million over five years to offset SCHIP shortfall legislation.

House Amendment

The House amendment reflects a total of $389.6 billion in BA and $389.7 billion in outlays in 2008, and $2.2 trillion in BA and $2.2 trillion in outlays over five years. It assumes the extension of Medicare premium assistance for qualified individuals with incomes between 120 and 135 percent of the federal poverty level and limited financial resources. The amendment assumes that savings from Medicare program efficiency improvements will offset the costs of extending the premium assistance program as well as other initiatives to improve the Medicare program for beneficiaries.

The House amendment assumes targeted assistance to hospitals with 100 beds or more that have faced a reduction in Medicare disproportionate share hospital payments due to assignment to a Micropolitan area.

The amendment accommodates a discretionary cap adjustment of $183 million for additional activities aimed at detecting and preventing Medicare fraud. The Health Care Fraud and Abuse Control program—a joint effort of the Department of Health and Human Services, the HHS Office of Inspector General, and the Department of Justice—generated roughly $4 in program savings for every dollar spent in 2004 and 2005.

The House amendment also contains a reserve fund to accommodate legislation for Medicare program improvements.

Conference Agreement

The conference agreement reflects a total of $389.6 billion in BA and $389.7 billion in outlays in 2008, and $2.2 trillion in BA and $2.2 trillion in outlays over five years. Discretionary and mandatory spending levels in this function are consistent with the CBO baseline funding levels.

For fiscal year 2008, the discretionary funding levels in Function 920 include a discretionary cap adjustment of up to $383 million for program integrity activities of the Health Care Fraud and Abuse Control (HCFAC) program, to address improper payments, fraud and abuse in the Medicare program.

INCOME SECURITY: FUNCTION 600

Function Summary

The Income Security function contains a range of income security programs including: (1) major cash and in-kind means-tested entitlements; (2) general retirement, disability, and pension programs excluding Social Security and veterans' compensation programs; (3) federal and military retirement programs; (4) unemployment compensation; (5) low-income housing programs; and (6) other low-income support programs. Major federal entitlement programs in this function include unemployment insurance, food stamps, child nutrition, Temporary Assistance to Needy Families (TANF), foster care, child support enforcement, child care, Supplemental Security Income, and spending for the refundable portion of the Earned Income Credit.

Senate Resolution

The Senate resolution calls for a total of $379.8 billion in BA and $383.6 billion in outlays for 2008, and $2.0 trillion in BA and $2.0 trillion in outlays over five years. The Senate resolution includes increases for the Low-Income Home Energy Assistance Program to continue providing heating and cooling assistance to over five million low income households, including the working poor, disabled persons, elderly, and families with young children. The Senate resolution also includes a deficit-neutral reserve fund to provide up to an additional $5.0 billion in mandatory child care funding.

House Amendment

The House amendment calls for a total of $379.9 billion in BA and $383.5 billion in outlays for 2008 and $2.0 trillion in BA and outlays over five years. The House amendment provides increased funding that could be used to meet urgent needs related to Hurricane Katrina recovery and to begin addressing long-ignored challenges facing children and families, including large backlogs in the Social Security disability system. The amendment also includes a deficit-neutral reserve fund to facilitate the reauthorization of the Farm Bill, providing resources for such objectives as to secure an economic safety net for agricultural producers, conserve our natural resources, and address nutrition needs.

Conference Agreement

The conference agreement includes a total of $380.8 billion in BA and $384.3 billion in outlays for 2008, and $2.0 trillion in BA and $2.0 trillion in outlays over five years. The total includes increased funding for the Low-Income Home Energy Assistance Program, critical Hurricane Katrina recovery efforts, and other challenges, including a reduction of Social Security disability backlogs. The total Income Security funding level in the conference report (including Function 920) also assumes the President's full request for a cap adjustment for program integrity efforts, including additional funding for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, but does not assume enactment of proposals which would adversely affect workers who have received unemployment benefits. The conference agreement also includes a deficit-neutral reserve fund to provide up to an additional $5.0 billion in mandatory child care funding and a farm bill reserve fund which accommodates nutrition needs.

Social Security: Function 650

Function Summary

The Social Security function includes funding for the Old-Age, Survivors, and Disability Insurance (OASDI) programs, which provide earned Social Security benefits to nearly 50 million eligible retired workers, disabled persons, and their spouses and survivors. In addition, this function provides funding to the Social Security Administration (SSA) and the Office of the Inspector General (OIG) to administer the Social Security program and ensure program integrity.

Under provisions of the Congressional Budget Act and the Budget Enforcement Act, the Old-Age and Survivors Insurance (OASI) trust fund and the Disability Insurance (DI) trust fund are off-budget and do not appear in the budget resolution totals. A small portion of spending in Function 650, the general fund transfer of income taxes on Social Security benefits to the trust funds, is considered on-budget and appears in the budget resolution totals.

Senate Resolution

The Senate resolution calls for $19.6 billion in on-budget BA and outlays for 2008, and $121.8 billion in on-budget BA and outlays over five years. (The corresponding figures on a unified basis are $615.3 billion in BA and $612.8 billion in outlays for 2008 and $3.4 trillion in BA and outlays over five years.) This spending reflects the general fund transfer of income taxes on Social Security benefits to the trust funds.

For 2008, the Senate resolution provides $5.1 billion in BA and $5.1 billion in outlays for SSA administrative expenses, as outlined in section 102(c) of the resolution, which represents a $297 million increase over the President's request. The additional funding is intended to help address the serious and growing backlog of Social Security disability claims and hearings.

House Amendment

The House amendment reflects $19.6 billion in on-budget BA and outlays for 2008, and $121.8 billion in on-budget BA and outlays over five years. (The corresponding figures on a unified basis are $615.0 billion in BA and $612.6 billion in outlays for 2008 and $3.4 trillion in BA and outlays over five years.) It rejects the President's private account proposal for Social Security.

The administrative budget for the Social Security Administration (SSA) includes resources in Function 570 (Medicare) and Function 600 (Income Security) as well as Function 650. The House amendment assumes a $9.9 billion discretionary funding level for SSA. The additional resources will prevent increases in the backlogs of disability decisions and hearings that would occur under the President's budget. The House amendment will enable SSA to address the significant number of individuals waiting for disability and hearing decisions.

The House amendment also accommodates an additional $213 million through a discretionary cap adjustment for program integrity initiatives. The cap adjustment allows the agency to conduct an increasing number of Continuing Disability Reviews (CDRs) and Supplemental Security Income redeterminations.

Conference Agreement

The conference agreement includes $19.6 billion in on-budget BA and outlays for 2008, and $121.8 billion in on-budget BA and outlays over five years. (The corresponding figures on a unified basis are $615.0 billion in BA and $612.6 billion in outlays for 2008 and $3.4 trillion in BA and outlays over five years.) The discretionary and mandatory funding levels in this function are consistent with the CBO baseline.

For 2008, the conference agreement provides total net resources for the administrative expenses of SSA and the OIG (across all relevant functions) of $10.1 billion, $430 million above the President's requested level. The total SSA funding level in the conference agreement assumes both the President's full request for a cap adjustment in Function 920 for program integrity efforts (including continuing disability reviews (CDRs) and SSI redeterminations) as well as additional resources in Function 600 to address the disability hearings and claims backlog.

Veterans Benefits and Services: Function 700

Function Summary

The Veterans Benefits and Services function covers the programs of the Department of Veterans Affairs (VA), including veterans' medical care, compensation and pensions, education and rehabilitation benefits, and housing programs. It also includes the Department of Labor's Veterans' Employment and Training Service, the United States Court of Appeals for Veterans Claims, and the American Battle Monuments Commission.

Senate Resolution

The Senate resolution calls for a total of $85.3 billion in BA and $84.4 billion in outlays for 2008, and $448.4 billion in BA and $446.8 billion in outlays over five years. The Senate resolution provides $43.1 billion in BA in 2008 for discretionary veterans' programs, including medical care. This amount is $3.6 billion more than the President's proposed funding level and represents 98 percent of the level requested in The Independent Budget, a plan developed by four leading veterans' groups. The funding in the Senate resolution will ensure that the Veterans Health Administration within VA can provide the highest quality health care for all veterans.

In 2005, the President's budget underfunded the Veterans Health Administration, and VA was forced to ask Congress for two supplemental funding requests. The Senate resolution provides full funding to ensure that VA can meet its obligations to veterans.

The Senate supports the determination that robust resources are needed by VA to address the backlog and delay in the disability evaluation and claims process, and that funding should be dedicated to address and improve this process.

House Amendment

The House amendment reflects a total of $85.2 billion in BA and $82.8 billion in outlays for 2008, and $452.8 billion in BA and $448.2 billion in outlays over five years. For 2008, the House amendment provides $6.6 billion of discretionary BA over the 2007 level, for a level that is $3.5 billion above the 2008 funding in the President's budget. The amendment reflects the high priority of adequately funding veterans programs. It rejects the veterans' health care enrollment fees and copayment increases that were imposed by the President's budget.

The House amendment provides full funding to support excellent health care for veterans and current service members. In particular, the House amendment provides funding to begin implementing future recommendations of the President's Commission on Care for America's Returning Wounded Warriors (the bi-partisan "Walter Reed Commission") and other United States Government investigations into military and veterans' health care facilities and services.

The House amendment provides additional funding in Function 700 above the President's requested levels for 2008 to address important priorities including veterans' mental health, post-traumatic stress disorder, traumatic brain injury, and spinal cord injury. The amendment also has additional funding for disability compensation claims processing so that VA can significantly reduce the inventory of pending claims.

Conference Agreement

The conference agreement provides a total of $85.3 billion in BA and $84.4 billion in outlays for 2008 and $452.8 billion in BA and $450.9 billion in outlays over five years. The conference agreement provides $43.1 billion in 2008 for discretionary veterans' programs, including medical care. This amount is $6.7 billion more than the 2007 enacted level and $3.6 billion more than the President's proposed funding level for 2008. This level is consistent with the Independent Budget, a plan developed by four leading veterans' groups, and recommendations of the American Legion.

Administration of Justice: Function 750

Function Summary

The Administration of Justice function includes funding for federal law enforcement activities at the Department of Justice (DOJ) including criminal investigations by the Federal Bureau of Investigation (FBI) and the Drug Enforcement Agency (DEA). The function also includes funding for border enforcement by the Department of Homeland Security (DHS). Additionally, the function includes funding for civil rights enforcement and prosecution; federal block, categorical, and formula law enforcement grant programs to state and local governments; prison construction and operation; the United States Attorneys; and the federal judiciary.

Senate Resolution

The Senate resolution calls for a total of $48.8 billion in BA and $47.1 billion in outlays for 2008, and $242.8 billion in BA and $242.9 billion in outlays over five years. This level restores cuts proposed in the President's budget and provides additional resources for several law enforcement grant programs such as COPS, including meth hotspot grants, and the Edward Byrne Memorial Justice Assistance Grant program. In addition, the Senate resolution restores cuts and provides additional resources to the State Criminal Alien Assistance Program. The Senate resolution also includes increases in funding proposed in the President's budget for border security.

House Amendment

The House amendment reflects a total of $46.9 billion in BA and $46.2 billion in outlays in 2008, and $238.2 billion in BA and $238.3 billion outlays over five years. The House amendment rejects the cuts to local law enforcement and first responders in the President's budget, including cuts to the Edward Byrne Memorial Justice Assistance Grant program. The amendment provides funding above the President's budget level for 2008 for that purpose and for purposes such as protecting the borders and funding the 9/11 Commission recommendations.

Conference Agreement

The conference agreement includes a total of $48.0 billion in BA and $47.1 billion in outlays for 2008, and $246.8 billion in BA and $246.4 billion in outlays over five years. The agreement continues funding for local law enforcement, including Edward Byrne Memorial Justice Assistance Grants and COPS grants. In addition, the agreement also provides resources to help meet the 9/11 Commission recommendations and to protect the borders.

GENERAL GOVERNMENT: FUNCTION 800

Function Summary

The General Government function consists of the activities of the Legislative Branch, the Executive Office of the President, general tax collection and fiscal operations of the Department of the Treasury (including the IRS), the Office of Personnel Management, the property and personnel costs of the General Services Administration, and general purpose fiscal assistance to states, localities, the District of Columbia, and U.S. territories.

Senate Resolution

The Senate resolution calls for $18.8 billion in BA and $19.1 billion in outlays for 2008 and $98.6 billion in BA and $98.6 billion in outlays over five years. The Senate resolution fully funds the President's budget request for the IRS, including additional resources available through a discretionary cap adjustment that directs $406 million to IRS enforcement activities. The Senate resolution includes reserve funds to accommodate legislation to reduce the deficit by reducing improper payments and requiring recovery audits. It also includes a deficit-neutral reserve fund to accommodate legislation that reauthorizes the Secure Rural Schools and Community Self-Determination Act of 2000. The expiration of this law would have a significant impact on rural communities. The Senate resolution also includes funding for a Commission on Budgetary Accountability and Review of Federal Agencies.

House Amendment

The House amendment reflects a total of $18.6 billion in BA and $19.0 billion in outlays for 2008 and $99.8 billion in BA and $99.7 billion in outlays over five years. The House amendment includes a program integrity initiative to increase Internal Revenue Service tax compliance efforts to collect unpaid taxes from those who are not paying what they owe. The funding in this function is adequate to provide for the reestablishment of the Office of Technology Assessment. The amendment also includes a deficit-neutral reserve fund to accommodate legislation that reauthorizes the Secure Rural Schools and Community Self-Determination Act of 2000.

Conference Agreement

The conference agreement includes $18.6 billion in BA and $19.0 billion in outlays for 2008, and $99.7 billion in BA and $99.6 billion in outlays over five years. It fully funds the President's budget request for the IRS, including additional resources available through a discretionary cap adjustment (included in Function 920) that directs $406 million to IRS enforcement activities. The conference agreement includes a deficit-neutral reserve fund to accommodate legislation that provides for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000, or makes changes to the Payments in Lieu of Taxes Act of 1976, or both.

NET INTEREST: FUNCTION 900

Function Summary

The Net Interest function is entirely mandatory with no discretionary components. It consists primarily of the interest paid by the federal government to private and foreign government holders of U.S. Treasury securities. It includes the interest on the public debt after deducting the interest income received by the federal government from trust fund investments, loans and cash balances, and earnings of the National Railroad Retirement Investment Trust.

The Federal government's net interest payments on its debt increased by 48 percent between 2003 and 2006 and is now one of the largest components of the federal budget.

Senate Resolution

The Senate resolution calls for BA and outlays of $255.5 billion in unified net interest payments in 2008 and a total of $1.4 trillion over five years.

House Amendment

The House amendment calls for BA and outlays of $254.6 billion in unified net interest payments in 2008 and a total of $1.4 trillion over five years.

Conference Agreement

The conference agreement includes BA and outlays of $255.7 billion in unified net interest payments in 2008 and a total of $1.4 trillion over five years.

ALLOWANCES: FUNCTION 920

Function Summary

The Allowances function is used for planning purposes to address the budgetary effects of proposals or assumptions that cross several budget functions. Once such changes are enacted, the budgetary effects are distributed to the appropriate budget function.

Senate Resolution

The Senate resolution calls for a total of -$16.7 billion in BA and -$7.5 billion in outlays for 2008, and -$46.5 billion in BA and -$38.1 billion in outlays over five years.

House Amendment

The House amendment did not include any spending or cuts in Function 920.

Conference Agreement

The conference agreement includes a total of -$6.4 billion in BA and -$2.2 billion in outlays for 2008, and -$35.2 billion in BA and -$30.0 billion in outlays over five years. These funding levels reflect adjustments for program integrity and other non-security adjustments.

UNDISTRIBUTED OFFSETTING RECEIPTS: FUNCTION 950

Function Summary

The Undistributed Offsetting Receipts function includes major offsetting receipt items that would distort the funding levels of other functional categories if they were distributed to them. Examples of such items include the employer share of federal employee retirement benefits, outer continental shelf rents and royalties, and the sale of major assets.

Senate Resolution

The Senate resolution calls for unified undistributed offsetting receipts of -$84.7 billion in BA and outlays for 2008 and -$422.1 billion over five years. That amount generally matches CBO's baseline estimate of undistributed offsetting receipts, with the exception that it assumes -$775 million in 2008 and -$3.1 billion over the 2008–2012 period in additional offsetting receipts from legislation to provide a remedy for errors in certain oil and gas leases.

House Amendment

The House amendment represents CBO's baseline estimate of unified undistributed offsetting receipts of -$83.9 billion in BA and outlays for 2008 and -$419.0 billion over five years.

Conference Agreement

The conference agreement includes a total of unified undistributed offsetting receipts of -$83.9 billion in BA and outlays for 2008 and -$419.0 billion over five years.

OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES: FUNCTION 970

Function Summary

This is a new function included in the House amendment, consisting of funding for overseas deployments and other activities.

Senate Resolution

The Senate resolution did not include Function 970.

House Amendment

The House amendment includes the House-passed supplemental for 2007 (H.R. 1591) in Function 970 and, as a placeholder, accommodates up to the President's funding levels for overseas deployments and related activities in 2008 and 2009.

Conference Agreement

The Senate recedes to the House amendment to include Function 970. As a placeholder, the conference agreement's levels accommodate the President's requests for overseas deployments and other activities for 2008 and 2009, as well as the conference agreement for H.R. 1591, the supplemental appropriations bill for 2007 (excluding outyear changes in mandatory programs).

BUDGET ENFORCEMENT

Senate Resolution

Sec. 201. Paygo

Section 201 of the Senate-passed resolution would restore the strong paygo, or pay-as-you-go, rule in the Senate. The paygo rule requires that new mandatory spending and tax cuts be offset or get 60 votes. Reinstating a strong paygo rule represents a crucial first step in restoring fiscal discipline. Paygo was instrumental in our turning deficits into surpluses in the 1990s.

Paygo does not prohibit new mandatory spending or new tax cuts. It simply says that they should be paid for so that the deficit isn't worsened. Paygo ensures that if something is not paid for, it can only pass if it has broad bipartisan support.

The current paygo rule, which expires on September 30, 2008, includes a loophole that exempts all legislation assumed in any budget resolution. The Senate resolution would eliminate this loophole and apply paygo to all new mandatory spending and revenue legislation. It would extend the stronger paygo rule through 2017 and effectively repeal the current, weaker version of the paygo rule. Consistent with ending this loophole, the Senate resolution assumes that all existing balances on the Congressional pay-as-you-go ledger would be eliminated, and the scorecard reset to zero for all time periods.

The Senate resolution also clarifies language in the paygo rule which prohibits any net savings enacted in any bill pursuant to a reconciliation instruction from being made available on the paygo ledger. In 1993, the Senate originally created the paygo rule as a provision in the FY1994 budget resolution (H. Con. Res. 64), specifically for the purpose of preventing the deficit reduction expected to be achieved in a subsequent reconciliation bill from being used to offset the costs of any new mandatory spending or revenue legislation. The Senate resolution restores this original intent, by clarifying that savings enacted in any reconciliation bill shall never be placed on the paygo ledger and used as offsets for another reconciliation bill (even if enacted pursuant to reconciliation instructions in the same budget resolution) or as offsets for any other legislation. For paygo purposes, all net savings enacted pursuant to reconciliation are to be dedicated solely to deficit reduction.

Sec. 202. Point of Order Against Reconciliation Legislation That Would Increase the Deficit or Reduce a Surplus

Section 202 of the Senate resolution creates a new 60-vote point of order against reconciliation measures that would cause or increase an on-budget deficit or decrease an on-budget surplus. Reconciliation is a fast-track process that was intended to be used for deficit reduction. Unfortunately, in recent years the reconciliation process has been abused, as a fast-track means of enacting legislation that has dramatically worsened deficits and increased our debt.

Sec. 203. Point of Order Against Long-Term Deficit Increases

Section 203 of the Senate resolution establishes a 60-vote point of order against legislation that would cause a net deficit increase in excess of $5.0 billion (including changes in revenues and mandatory spending, but excluding debt service) in any of the four ten-year periods 2018–2027, 2028–2037, 2038–2047, or 2048–2057. The provision sunsets at the end of 2017, and effectively repeals the long-term spending point of order in Section 407 of H. Con. Res. 95, the fiscal year 2006 budget resolution conference report.

Sec. 204. Point of Order Against Emergency Designations

Under Section 204 of the Senate resolution, all emergency designations would be subject to an emergency designation point of order, which can only be waived with 60 votes.

Sec. 205. Extension of 60-Vote Enforcement

Section 205 of the Senate resolution extends the current 60-vote enforcement of existing budgetary points of order through 2017.

Sec. 206. Advance Appropriations

Section 206 of the Senate resolution would provide a supermajority point of order against appropriations in fiscal year 2008 bills that would first become effective in any year after fiscal year 2008, and against appropriations in fiscal year 2009 bills that would first become effective in any year after 2009. It does not apply against appropriations for the Corporation for Public Broadcasting, nor does it apply against changes in mandatory programs or deferrals of mandatory budget authority from one year to the next. There is an exemption for each of fiscal years 2008 and 2009 of up to $25.2 billion for the following:

Labor, HHS:
  Employment and Training Administration
  Education for the Disadvantaged
  School Improvement
  Children and Family Services (Head Start)
  Special Education
  Vocational and Adult Education
Financial Services and General Government: Payment to Postal Service
Transportation, Housing and Urban Development: Section 8 Renewals

Sec. 207. Discretionary Spending Caps

Currently, there are no discretionary spending limits for any fiscal year. Section 207 of the Senate resolution would strengthen fiscal responsibility by establishing discretionary spending limits for 2007 and 2008, and enforce them with a point of order in the Senate that could only be waived with 60 votes.

Section 207 of the Senate resolution permits adjustments to the discretionary spending limits in 2008 for program integrity initiatives, including Social Security Administration continuing disability reviews and Supplemental Security Income redeterminations, enhanced Internal Revenue Service tax enforcement to address the tax gap, appropriations for Health Care Fraud and Abuse Control (HCFAC) program at the Department of Health and Human Services, and unemployment insurance improper payment reviews. It also provides for adjustments in 2008 and 2009 for war-related expenses.

Sec. 208. Inapplicability of Previous Allocations

Because the Senate resolution establishes new discretionary spending limits for 2007 and 2008 and new committee spending allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, Section 208 of the Senate resolution clarifies that the "deeming" provisions of last year's emergency supplemental in Section 7035 of Public Law 109–234 shall no longer apply in the Senate.

Sec. 209. Point of Order To Save Social Security First

Section 209 of the Senate resolution creates a 60-vote point of order requiring the President to submit a legislative proposal to Congress and requiring Congress to enact legislation that would ensure the long-term solvency of Social Security, before Congress considers any legislation that would worsen budget deficits and weaken the solvency of Social Security.

Sec. 210. Point of Order Against Legislation That Raises Income Tax Rates

Section 210 of the Senate resolution would create a 60-vote point of order against any legislation that includes a Federal income tax rate increase.

Sec. 211. Circuit Breaker To Protect Social Security

Section 211 of the Senate resolution would create a 60-vote point of order, in any year in which CBO projects an on-budget deficit for the budget year or any subsequent fiscal year, against a budget resolution for that year (and amendments thereto) which would fail to reduce on-budget deficits relative to CBO's projections and put the budget on a path to achieve on-budget balance within five years. There is an exception during times of war and low economic growth.

Sec. 212. Point of Order—20% Limit on New Direct Spending in Reconciliation Legislation

Section 212 of the Senate resolution would create a 60-vote point of order against provisions of any reconciliation legislation (and provisions of any amendment thereto) that would increase outlays if the effect of all the provisions in any committee's jurisdiction would create gross new direct spending exceeding 20% of the total savings instruction to that committee.

Sec. 213. Point of Order Against Legislation That Raises Income Tax Rates for Small Businesses, Family Farms, or Family Ranches

Section 213 of the Senate resolution would create a 60-vote point of order against legislation that includes a Federal income tax rate increase on incomes generated by small businesses, family farms, or family ranches.

Sec. 214. Point of Order Against Provisions of Appropriations Legislation That Constitute Changes in Mandatory Programs With Net Costs

Section 214 of the Senate resolution would create a 60–vote point of order against provisions of appropriations legislation that would have been estimated as affecting direct spending or receipts were they included in legislation other than appropriations legislation, if such provision has a net cost over the total of the period of the current year, the budget year, and all fiscal years covered under the most recently-adopted concurrent resolution on the budget.

Sec. 215. Disclosure of Interest Costs

Section 215 of the Senate resolution is a 60-vote point of order against direct spending and revenue legislation that fails to include a CBO estimate of the cost of the debt servicing that would be caused by such legislation.

Sec. 325. Application and Effect of Changes in Allocations and Aggregates

Section 325 of the Senate resolution details the adjustment procedures required to accommodate legislation provided for in this resolution. This section provides that the adjustments shall apply while the legislation is under consideration and take effect upon enactment of the legislation. In addition, the section requires the adjustments to be printed in the Congressional Record.

The section also notes that, for purposes of enforcement, aggregate and allocation levels resulting from adjustments made pursuant to this resolution will have the same effect as if adopted in the original levels of Title I of this resolution. This section also provides that the Committee on the Budget shall determine the budgetary levels and estimates which are required to enforce points of order under the Congressional Budget Act.

Sec. 326. Adjustments To Reflect Changes in Concepts and Definitions

Section 326 of the Senate resolution requires the chairman of the Committee on the Budget to adjust levels and allocations in this resolution upon enactment of legislation that changes concepts or definitions.

Sec. 327. Exercise of Rulemaking Powers

Section 327 of the Senate resolution provides that, once adopted, the provisions of the resolution are incorporated into the rules of the Senate and shall supersede inconsistent rules. The section recognizes the constitutional right of the Senate to change those rules at any time.

House Amendment

Sec. 301. Program Integrity Initiatives

Section 301 of the House amendment provides for specific allocation adjustments for the Committee on Appropriations when the Committee reports legislation that includes increased appropriations for the following four program integrity initiatives: (1) continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration; (2) improved compliance with the provisions of the Internal Revenue Code; (3) the Health Care Fraud and Abuse Control program at the Department of Health and Human Services; and (4) unemployment insurance improper payment reviews.

The adjustments under this section are intended to do no more than provide additional administrative funding for current program integrity activities to eliminate errors or fraud in the operation of a number of federal programs and compliance with federal tax laws. For example, the adjustment for unemployment compensation programs is provided to increase limited administrative funding for current program integrity activities, and not to finance other proposals that would adversely affect workers who have received unemployment benefits.

The section outlines procedures for these allocation adjustments. In addition, the section directs committees of the House of Representatives to include recommendations for improved governmental performance in views and estimates submitted to the Committee on the Budget pursuant to section 301(d) of the Congressional Budget Act.

Sec. 302. Advance Appropriations

Section 302 of the House amendment limits the amount and type of advance appropriations for 2009 and 2010. Under this section, advance appropriations for 2009 or 2010 are restricted to $25.6 billion for programs, projects, activities, or accounts identified in the joint explanatory statement of managers that will accompany this resolution. This total reflects an increase of $2.0 billion over the previous limit. The section defines advance appropriations as any new discretionary budget authority provided in a bill or joint resolution making general or continuing appropriations for 2008 that first becomes available for any fiscal year after 2008.

Sec. 303. Overseas Deployments and Emergency Needs

Section 303 of the House amendment establishes a procedure whereby provisions or measures reported by the Committee on Appropriations will be exempt from the restrictions under titles III and IV of the Congressional Budget Act of 1974. The exemption will apply if: (1) the Committee determines and designates that amounts appropriated are necessary for overseas deployments and related activities; or, (2) the Committee provides nondefense discretionary appropriations and designates those amounts as necessary to meet emergency needs.

Sec. 304. Application and Effect of Changes in Allocations and Aggregates

Section 304 of the House amendment details the allocation and aggregate adjustment procedures that are required to accommodate legislation for the reserve funds and program integrity initiatives in this resolution. This section provides that the adjustments shall apply while the legislation is under consideration and take effect upon enactment of the legislation. In addition, the section requires the adjustments to be printed in the Congressional Record.

The section also notes that, for purposes of enforcement, aggregate and allocation levels resulting from adjustments made pursuant to this resolution will have the same effect as if adopted in the original levels of Title I of this budget resolution. This section also provides that the Committee on the Budget shall determine the budgetary levels and estimates which are required to enforce points of order under the Congressional Budget Act.

Sec. 305. Adjustments To Reflect Changes in Concepts and Definitions

Section 305 of the House amendment requires the chairman of the Committee on the Budget to adjust levels and allocations in this budget resolution upon enactment of legislation that changes concepts or definitions.

Sec. 306. Compliance With Section 13301 of the Budgetary Enforcement Act of 1990

Section 306 of the House amendment provides that administrative expenses of the Social Security Administration shall be part of the annual appropriations process by including those expenses in the Committee on Appropriations' allocation pursuant to Section 302 of the Congressional Budget Act.

Sec. 307. Exercise of Rulemaking Powers

Section 307 of the House amendment provides that, once adopted, the provisions of the budget resolution are incorporated into the rules of the House of Representatives and shall supersede inconsistent rules. The section recognizes the constitutional right of the House of Representatives to change those rules at any time.

Conference Agreement

In January, the House of Representatives adopted the first-ever House of Representatives pay-as-you-go (paygo) rule—specifying that any legislative changes to mandatory spending or revenues would have to be done in a deficit-neutral way. Given the serious long-term fiscal challenges including a growing burden of national debt facing our nation, a rigorous enforcement of paygo is especially critical. The House has aggressively enforced the paygo requirement since its passage, and in this resolution the House and Senate reaffirm a commitment to a strict enforcement of the pay-as-you-go rules. The House's commitment to paygo is also reinforced by the tough trigger mechanism contained in Section 321 of the conference agreement and further described in Section 321 of this Statement of Managers.

The following are the concrete steps the conference report takes to reinforce and extend this commitment to fiscal responsibility:

First, Section 201 of the conference report toughens the Senate paygo rule, restoring it to the form that existed in the 1990s. This session of Congress will mark the first time ever that both the House and the Senate will be governed by internal rules implementing the pay-as-you-go principle. To ensure that these rules are more effectively enforced, the Senate paygo rule included in this resolution matches the enforcement windows established in the House rule.

Second, Section 508 of the conference report expresses Congress's commitment to an additional paygo enforcement mechanism: reinstating the statutory paygo rule that was in place in the 1990s and that is widely credited with helping bring the budget from then-record deficits in the early 1990s to the budget surpluses achieved by the end of that decade. Because the conference agreement is a concurrent resolution, separate legislation will be required to implement this policy, but the conference report gives this policy a strong and clear endorsement.

Third, Section 203 of the conference report contains a Senate point of order that would be imposed against legislation that has a significant deficit impact in any of the four decades (2018–2057) following the ten-year period covered by the House and Senate paygo rules.

Fourth, Section 321 of the conference report includes a House trigger mechanism to ensure that legislation is fiscally responsible or faces a second procedural hurdle in the House in addition to the paygo rule.

In all, this conference report implements policies and rules consistent with fiscal responsibility and the pay-as-you-go principle, ensuring that they apply to the actions of the entire Congress. The goal is to bring the budget back to balance, something that this conference report achieves in 2012.

Sec. 201. Pay-As-You-Go Point of Order in the Senate

In Section 201 of the conference agreement, which applies only in the Senate, the Senate insists on, and the House recedes from its disagreement with, Section 201 of the Senate resolution, the paygo point of order in the Senate, with a technical amendment to enforce points of order over two time periods: (1) the period of the current fiscal year, the budget year, and the total of the ensuing four fiscal years following the budget year, and (2) the period of the current fiscal year, the budget year, and the total of the ensuing nine fiscal years following the budget year. These are the time periods for which paygo is enforced in the House.

As in the past, the paygo rule embodied in Section 201 of the conference agreement requires that new mandatory spending and tax cuts be offset or get 60 votes to waive the point of order. Section 201 strengthens paygo enforcement by eliminating a loophole that previously exempted from the point of order all deficit increases assumed in any budget resolution. Under Section 201, paygo will be applied to all new mandatory spending and revenue legislation that would worsen the deficit in either of the two relevant time periods. It would extend this stronger paygo rule through 2017 and effectively repeal the current, weaker version of the paygo rule.

Consistent with ending this loophole, the Senate resolution assumes that all existing balances on the Congressional pay-as-you-go ledger would be eliminated, and the scorecard reset to zero for all time periods.

Section 201 of the conference agreement also clarifies language in the paygo rule which prohibits any net savings enacted in any bill pursuant to a reconciliation instruction from being made available on the paygo ledger. In 1993, the Senate originally created the paygo rule as a provision in the FY1994 budget resolution (H. Con. Res. 64), specifically for the purpose of preventing the deficit reduction expected to be achieved in a subsequent reconciliation bill from being used to offset the costs of any new mandatory spending or revenue legislation. Section 201 of the conference agreement restores this original intent, by clarifying that savings enacted in any reconciliation bill shall never be placed on the paygo ledger and used as offsets for another reconciliation bill (even if enacted pursuant to reconciliation instructions in the same budget resolution) or as offsets for any other legislation. For paygo purposes, all net savings enacted pursuant to reconciliation are to be dedicated solely to deficit reduction.

Sec. 202. Senate Point of Order Against Reconciliation Legislation That Would Increase the Deficit or Reduce a Surplus

The Senate insists on, and the House recedes from its disagreement with, Section 202 of the Senate resolution, with a technical amendment to enforce the point of order over two time periods: (1) the period of the current fiscal year, the budget year, and the total of the ensuing four fiscal years following the budget year, and (2) the period of the current fiscal year, the budget year, and the total of the ensuing nine fiscal years following the budget year. Section 202 creates a new point of order against reconciliation measures that would cause or increase an on-budget deficit or decrease an on-budget surplus. It can be waived with 60 votes.

Sec. 203. Senate Point of Order Against Legislation Increasing Long-Term Deficits

The Senate insists on, and the House recedes from its disagreement with, Section 203 of the Senate resolution. It establishes a point of order in the Senate against legislation that would cause a net deficit increase in excess of $5.0 billion (including changes in revenues and mandatory spending, but excluding debt service) in any of the four ten-year periods 2018–2027, 2028–2037, 2038–2047, or 2048-2057. The point of order can be waived with 60 votes. The provision sunsets at the end of fiscal year 2017, and effectively repeals the long-term spending point of order in Section 407 of H. Con. Res. 95, the fiscal year 2006 budget resolution conference report.

Sec. 204. Emergency Legislation

In subsection (a) of Section 204 of the conference agreement, which applies only in the Senate, the Senate insists on Section 204 of the Senate resolution with an amendment. Under Section 204(a), emergency designations will be subject to an emergency designation point of order in the Senate, which can be waived with 60 votes. The amendment deleted an exception adopted to the Senate resolution in Amendment 534 offered by Senator DeMint.

In subsection (b) of Section 204 of the conference agreement, which applies only in the House, the House recedes from its position in Section 303 of the House amendment and concurs with a further amendment, and the Senate agrees to the same. In the House, discretionary appropriations that are designated as emergencies shall not count for the purposes of Titles III and IV of the Congressional Budget Act of 1974. In the House, any provisions designated as emergencies under rules in effect for 2007 will be accommodated under Section 204 in this resolution.

Sec. 205. Extension of Enforcement of Budgetary Points of Order in the Senate

In Section 205 of the conference agreement, which applies only in the Senate, the Senate insists on Section 205 of the Senate resolution with an amendment, and the House agrees to the same. Section 205 extends 60-vote enforcement of budgetary points of order in the Senate, other than those pursuant to Sections 425 and 303 of the Budget Act, through 2017.

Sec. 206. Point of Order Against Advance Appropriations

In subsection (a) of Section 206 of the conference agreement, which applies only in the Senate, the Senate insists on, and the House recedes from its disagreement with, Section 206 of the Senate resolution. It provides a supermajority point of order in the Senate against appropriations in fiscal year 2009 bills that would first become effective in any year after fiscal year 2008, and against appropriations in fiscal year 2009 bills that would first become effective in any year after fiscal year 2009. It does not apply against appropriations for the Corporation for Public Broadcasting, nor does it apply against changes in mandatory programs or deferrals of mandatory budget authority from one year to the next. There is an exemption for each of fiscal years 2008 and 2009 of up to $25.2 billion for the following:

Accounts identified for Advance
Appropriations in the Senate

Labor, HHS:
- Employment and Training Administration
- Education for the Disadvantaged
- School Improvement
- Children and Family Services (Head Start)
- Special Education
- Vocational and Adult Education

Financial Services and General Government: Payment to Postal Service Transportation, Housing and Urban Development: Section 8 Renewals

In subsection (b) of Section 206 of the conference agreement, which applies only in the House, the House insists on Section 302 of the House amendment. It defines advance appropriations, and restricts advance appropriations for fiscal years 2009 or 2010 to a total of $25.6 billion for the following accounts:

Accounts Identified for Advance
Appropriations in the House

Advance Appropriations for Fiscal Year 2009
- Employment and Training Administration
- Education for the Disadvantaged
- School Improvement
- Children and Family Services (Head Start)
- Special Education
- Vocational and Adult Education
- Payment to Postal Service
- Section 8 Renewals

Advance Appropriations for Fiscal Year 2010
- Corporation for Public Broadcasting

Sec. 207. Discretionary Spending Limits, Program Integrity Initiatives, and Other Adjustments

In subsection (a), (b), and (c) of Section 207 of the conference agreement, which apply only in the Senate, the Senate insists on Section 207 of the Senate resolution with an amendment in the nature of a substitute. Currently, there are no discretionary spending limits for any fiscal year. Section 207 will strengthen fiscal responsibility by establishing discretionary spending limits in the Senate for fiscal years 2007 and 2008, and enforce them with a Senate point of order that can only be waived with 60 votes. It permits adjustments to the discretionary spending limits in the Senate for fiscal year 2008 for program integrity initiatives, including Social Security Administration continuing disability reviews and Supplemental Security Income redeterminations, enhanced Internal Revenue Service tax enforcement to address the tax gap, appropriations for Health Care Fraud and Abuse Control (HCFAC) program at the Department of Health and Human Services, and in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews.

In subsection (d) of Section 207 of the conference agreement, which applies only in the House, the House insists on Section 301 of the House amendment with an amendment. The House amendment provides for several program integrity adjustments for 2008 in the same areas as in the Senate resolution, including for Social Security Administration continuing disability reviews and Supplemental Security Income redeterminations, enhanced Internal Revenue Service tax enforcement to address the tax gap, appropriations for the Health Care Fraud and Abuse Control (HCFAC) program at the Department of Health and Human Services, and in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews.

The conference agreement allows for adjustments to be made to the discretionary spending limits in the Senate, aggregates, and 302(a) allocations of the House and Senate Appropriations Committees up to the total budget authority shown in Section 103 (21) for overseas deployments and related activities (and the new outlays flowing therefrom). In the Senate, if additional funding is required beyond the level specified in Section 103 (21), such funding would be provided pursuant to Section 204. In the House, if additional appropriations are required beyond this level, and such additional amounts are specifically designated as necessary for overseas deployments and related activities, then new budget authority, outlays or receipts resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

Subsection (e) of Section 207 of the conference agreement, which applies in the House and Senate, directs all House and Senate Committees to include recommendations for improved governmental performance in the views and estimates that they submit to the respective Committees on the Budget under section 301(d) of the Congressional Budget Act.

Subsection (f) of Section 207 of the conference agreement, which applies in both the House and Senate, allows adjustments to the levels and limits in this resolution to reflect differences between the levels assumed in this resolution and the levels that may ultimately be enacted in 2007 supplemental appropriations legislation currently under consideration in Congress. Similar language was included in the conference report on the fiscal year 2004 budget resolution (H. Con. Res. 95, 108th Congress) regarding 2003 supplemental appropriations.

Sec. 208. Inapplicability of Previous Allocations in the Senate

In Section 208 of the conference agreement, which applies only in the Senate, the Senate insists on, and the House recedes from its disagreement with, Section 208 of the Senate resolution. Because this concurrent resolution on the budget for fiscal year 2008 establishes new discretionary spending limits for fiscal years 2007 and 2008 and new committee spending allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, Section 208 of the Senate resolution clarifies that the "deeming" provisions of last year's emergency supplemental in Section 7035 of Public Law 109–234 shall no longer apply in the Senate.

Sec. 209. Senate Point of Order Against Provisions of Appropriations Legislation That Constitute Changes in Mandatory Programs With Net Costs

In Section 209 of the conference agreement, which applies only in the Senate, the Senate insists on Section 214 of the Senate resolution with a substitute, and the House agrees to the same. Section 209 would create a 60-vote point of order against provisions of appropriations legislation constituting Changes in Mandatory Programs (ChIMPs) that would have been estimated as affecting direct spending or receipts were they included in legislation other than appropriations legislation, if all three of the following conditions are met:

(1) the provision would increase BA in—

(a) at least one of the nine fiscal years that follow the budget year, and

(b) over the period of the total of the budget year and the nine fiscal years following the budget year;

(2) the provision would increase net outlays over the period of the total of the nine fiscal years following the budget year; and

(3) the sum total of all changes in mandatory programs in the legislation would increase net outlays as measured over the period of the total of the nine fiscal years following the budget year.

The point of order does not apply against legislation making supplemental appropriations for fiscal year 2007. Nor does it apply against any ChIMPs that were enacted in each of the three fiscal years prior to the budget year (including those done as a result of the year-long funding resolution enacted for 2007). The point of order works like the Byrd rule in that it applies against individual provisions of legislation rather than against an entire bill, amendment, or conference report. If the point of order is not waived then the offending provision is stricken.

Sec. 210. Compliance With Section 13301 of the Budget Enforcement Act of 1990

In Section 210 of the conference agreement, the House recedes from its position in Section 306 of the House amendment and concurs with a further amendment, and the Senate agrees to the same. Subsection (a) of Section 210 applies in both the House and Senate. Subsection (b) of Section 210 applies only in the House.

Sec. 211. Application and Effect of Changes in Allocations and Aggregates

In Section 211 of the conference agreement, the House insists on, and the Senate recedes from its disagreement with, Section 304 of the House amendment.

Sec. 212. Adjustments to Reflect Changes in Concepts and Definitions

In Section 212 of the conference agreement, the House insists on, and the Senate recedes from its disagreement with, Section 305 of the House amendment.

Sec. 213. Exercise of Rulemaking Powers

In Section 213 of the conference agreement, the House recedes from its position in Section 307 of the House amendment and concurs with a further amendment, and the Senate agrees to the same.

RESERVE FUNDS

Senate Resolution

Sec. 301. Deficit-Neutral Reserve Fund for SCHIP Legislation

Section 301 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution by up to $20.0 billion for SCHIP reauthorization legislation of up to $50.0 billion, so long as the legislation is deficit-neutral over the total of 2007–2012.

Sec. 302. Deficit-Neutral Reserve Fund for Care of Wounded Service Members

Section 302 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that improves the medical care of or disability benefits for wounded or disabled military personnel or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation), including improvements to the physical disability evaluation system of the Department of Defense to expedite the claims process, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 303. Deficit-Neutral Reserve Fund for Tax Relief

Section 303 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of tax relief legislation, including refundable tax relief and extensions of expiring tax relief, such as enhanced charitable giving from IRAs and the reauthorization of the new markets tax credit under section 45D of the Internal Revenue Code of 1986 for an additional five years, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 304. Deficit-Neutral Reserve Fund for Comparative Effectiveness Research

Section 304 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to establish a new federal or public-private initiative for comparative effectiveness research, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 305. Deficit-Neutral Reserve Fund for Higher Education

Section 305 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation—including tax legislation—that would make higher education more accessible and affordable, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 306. Deficit-Neutral Reserve Fund for the Farm Bill

Section 306 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution by up to $15.0 billion for legislation which is deficit-neutral over the total of 2007–2012 that would do one or more of the following: reauthorize the Food Security and Rural Investment Act of 2002; strengthen agriculture and rural economies and critical nutrition programs; provide agriculture-related tax relief and rural development investment incentives for counties impacted by high rates of out-migration; or improve the environment by reducing dependence on foreign sources of energy through expanded production and use of alternative fuels. This section anticipates that the Farm Bill will ultimately be comprised of titles from more than one committee, and would therefore allow the Chairman to revise multiple committee allocations, and revenue and spending aggregates, to accommodate the legislation.

Sec. 307. Deficit-Neutral Reserve Fund for Energy Legislation

Section 307 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of legislation—including tax legislation—that would reduce our nation's dependence on foreign sources of energy, expand production and use of alternative fuels and alternative fuel vehicles, promote renewable energy development, improve electricity transmission, encourage responsible development of domestic oil and natural gas resources, or reward conservation and efficiency; provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 308. Deficit-Neutral Reserve Fund for Medicare

Section 308 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for:

Prescription drug price negotiation legislation under Medicare Part D, to repeal the non-interference clause in Section 1860D-11(i)(1) of the Social Security Act, while preserving access to prescription drugs and price competition without requiring a particular formulary or instituting a price structure for reimbursement of covered Part D drugs, provided that the legislation is deficit-neutral over 2007–2012 and that all savings from the measure must be used either to improve the Part D benefit or to reduce the deficit;

Legislation to increase the reimbursement rate for physician services under Medicare Part B and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures, provided that it is deficit-neutral over 2007–2012; and

Legislation making improvements of up to $5.0 billion to the prescription drug benefit under Medicare Part D, so long as the legislation is deficit-neutral over 2007–2012.

Sec. 309. Deficit-Neutral Reserve Fund for Small Business Health Insurance

Section 309 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that makes health insurance coverage more affordable or available to small businesses and their employees, without weakening rating rules or reducing covered benefits, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 310. Deficit-Neutral Reserve Fund for County Payments

Section 310 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution by up to $440 million in 2008 and up to $2.2 billion over the total of 2008–2012 for county payments legislation that reauthorizes the Secure Rural Schools and Community Self-Determination Act of 2000, provided the legislation is deficit-neutral over the total of 2007–2012. The expiration of this law would have a significant impact on rural communities.

Sec. 311. Deficit-Neutral Reserve Fund for Terrorism Risk Insurance Reauthorization

Section 311 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that provides for a continuing federal role in ensuring that terrorism risk insurance remains available after the expiration of the Terrorism Risk Insurance Extension Act, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 312. Deficit-Neutral Reserve Fund for Affordable Housing

Section 312 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would establish an affordable housing fund financed by the housing government-sponsored enterprises, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 313. Deficit-Neutral Reserve Fund for Receipts From Bonneville Power Administration

Section 313 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that prohibits the Bonneville Power Administration from making early payments on its federal bond debt, provided the legislation is deficit-neutral over the total of 2007–2012. The proposal in the President's budget would have a detrimental impact on electricity rates in the Northwest.

Sec. 314. Deficit-Neutral Reserve Fund for Indian Claims Settlement

Section 314 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to provide a statutory settlement for Indian trust fund litigation involving the accounting and management of individual Indian trust monies and assets, including the Cobell v. Kempthorne litigation, as well as provisions to offset the cost of the settlement, provided that the legislation is deficit-neutral over the total of 2007–2012.

Sec. 315. Deficit-Neutral Reserve Fund for Food and Drug Administration

Section 315 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for certain legislation affecting the regulatory authority of the Food and Drug Administration (FDA) and authorizing the assessment of user fees, provided that the legislation is deficit-neutral over the total of 2007–2012.

Sec. 316. Deficit-Neutral Reserve Fund for Health Care Reform

Section 316 of the Senate resolution provides that if an SCHIP bill is enacted, the Chairman of the Budget Committee may revise the levels in the resolution for legislation to improve health care, provide quality health insurance for the uninsured and underinsured, and protect individuals with current health coverage, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 317. Deficit-Neutral Reserve Fund for Enhancement of Veterans' Benefits

Section 317 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to enhance benefits for veterans, including GI educational benefits and services for low-vision and blinded veterans, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 318. Deficit-Neutral Reserve Fund for Long-Term Care

Section 318 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to improve long-term care, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 319. Deficit-Neutral Reserve Fund for Health Information Technology

Section 319 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation providing incentives or other support for adoption of modern information technology to improve quality and protect privacy in health care, and for legislation providing for payments based on adherence to accepted clinical protocols identified as best practices, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 320. Deficit-Neutral Reserve Fund for Child Care

Section. 320 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to provide up to $5.0 billion to States for child care, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 321. Deficit-Neutral Reserve Fund for Comprehensive Immigration Reform

Section 321 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for comprehensive immigration reform legislation, provided the legislation is deficit-neutral in 2008 and over the total of 2008–2012.

Sec. 322. Deficit-Neutral Reserve Fund for Mental Health Parity

Section 322 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that provides parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, provided the legislation is deficit-neutral in 2008 and over the total of 2008–2012.

Sec. 323. Deficit-Neutral Reserve Fund for Preschool Opportunities

Section 323 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to provide assistance to States for offering or expanding preschool to children of low-income families, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 324. Deficit-neutral Reserve Fund for the Safe Importation of FDA-Approved Prescription Drugs

Section 324 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to permit the safe importation of prescription drugs approved by the FDA from a specified list of countries, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 328. Deficit-Neutral Reserve Fund for Expansion of Above-the-Line Deduction for Teacher Classroom Supplies

Section 328 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to permanently extend and increase to $400 the above-the-line deduction for teacher classroom supplies and expand the deduction to include qualified professional development expenses, provided the legislation is deficit-neutral over the total of 2007–2012.

Sec. 329. Adjustment for Smithsonian Institution Salaries and Expenses

Section 329 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation appropriating up to $17 million for 2008 if the Comptroller General makes certain certifications to Congress regarding the Smithsonian Institution.

Sec. 330. Deficit-Reduction Reserve Fund for Reduction of Improper Payments

Section 330 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that achieves savings by eliminating or reducing improper payments by agencies and uses such savings to reduce the deficit, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 331. Deficit-Neutral Reserve Fund for Extension of the Deduction for State and Local Sales Taxes

Section 331 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would extend the deduction for State and local sales taxes, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 332. Deficit-Neutral Reserve Fund for Extension of Certain Energy Tax Incentives

Section 332 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would extend energy tax incentives through 2015, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 333. Reserve Fund To Provide Additional Training for Physicians and Attract More Physicians in States That Face a Shortage of Physicians in Training

Section 333 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide additional training for physicians and attract more physicians in States with a shortage of physicians in training, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 334. Deficit-Neutral Reserve Fund for Repeal of the 1993 Increase in the Income Tax on Social Security Benefits

Section 334 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would repeal the 1993 increase in the income tax on Social Security benefits, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 336. Deficit-Neutral Reserve Fund for Eliminating Military Retirement and Disability Offset

Section 336 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would expand eligibility for Combat-Related Special Compensation to permit additional disabled retirees to receive both disability compensation and retired pay, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 337. Deficit-Neutral Reserve for Asbestos Reform Legislation

Section 337 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for asbestos reform legislation, provided the legislation would not increase the deficit over the total of 2007–2057.

Sec. 338. Deficit-Neutral Reserve Fund for Manufacturing Initiatives

Section 338 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation, including tax legislation, that would revitalize the United States manufacturing sector, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 339. Deficit-Reduction Reserve Fund for Increased Use of Recovery Audits

Section 339 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that achieves savings by requiring that agencies increase their use of recovery audits and use such savings to reduce the deficit, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 340. Deficit-Neutral Reserve Fund for a Delay in the Implementation of a Proposed Rule Relating to the Federal-State Financial Partnerships Under Medicaid and SCHIP

Section 340 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that provides for a delay in the implementation of a proposed rule relating to the Federal-State financial partnerships under Medicaid and SCHIP, provided the legislation would not increase the deficit over the total of 2007–2012.

Sec. 341. Reserve Fund To Improve the Health Care System

If the Finance Committee is within its 302(a) allocation, Section 341 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation reported by the Finance Committee that creates a framework for using Medicare data to evaluate health care, if it protects privacy and prevents disclosure of proprietary or trade secret information, provided the legislation would not increase the deficit in 2008 or over the total of 2008–2012.

Sec. 342. Reserve Fund to Improve Medicare Hospital Payment Accuracy

If the Finance Committee is within its 302(a) allocation, Section 342 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation reported by the Finance Committee to improve Medicare hospital payment accuracy. provided the legislation would not increase the deficit over the total of 2008–2012.

Sec. 343. Deficit-Neutral Reserve Fund to Improve Health Insurance

Section 343 of the Senate resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to improve health insurance, provided the legislation would not increase the deficit over the total of 2007–2012.

House Amendment

Sec. 201. Reserve Fund for the State Children's Health Insurance Program

The reserve fund accommodates the Committee on Energy and Commerce reporting legislation of up to $50.0 billion in additional outlays to improve children's health through reauthorization of the State Children's Health Program (SCHIP) as long as the authorizing legislation placed before the House complies with the pay-as-you-go principle. These additional resources will sustain current caseloads, expand coverage, and reduce the number of uninsured children. Of the over nine million uninsured children in this nation, around six million are eligible for SCHIP or Medicaid but do not receive coverage.

Sec. 202. Reserve Fund for Reform of the Alternative Minimum Tax

The reserve fund for Alternative Minimum Tax (AMT) relief accommodates legislation that reforms the tax code to shield middle-income families from the AMT as long as it adheres to the pay-as-you-go principle. Without reform, the number of taxpayers subject to the AMT will rise from 4.2 million in 2006 to 23.2 million in 2007 and to 25.7 million in 2008, according to the Joint Committee on Taxation.

Sec. 203. Reserve Fund to Provide for Middle-Income Tax Relief and Economic Equity

The reserve fund for middle income tax relief supports legislation to reduce tax burdens on middle-income families and taxpayers that complies with the pay-as-you-go principle. This includes legislation such as the extension of the 10 percent individual income tax rate, marriage penalty relief, the child tax credit, the research and experimentation tax credit, the deduction for small business expensing, and the deduction for State and local sales taxes. It also accommodates elimination of estate taxes on all but a minute fraction of estates, and a tax credit for school construction.

Sec. 204. Reserve Fund for Agriculture

The reserve fund accommodates legislation that reauthorizes the Farm Security and Rural Investment Act of 2002 (Public Law 107-171) or prior farm support acts, or authorizes similar programs, or both, to the extent that such legislation complies with the pay-as-you-go principle. The section also provides for an increase in budget authority up to $20.0 billion over six years (2007–2012) above the Congressional Budget Office's current estimate of spending for these programs if the funding increases are appropriately offset. The resolution allows for the House to continue to address a number of priorities, such as maintaining a strong farm safety net for our nation's agricultural producers; delivering natural resource conservation measures on private lands; investing in energy research; and rural development projects that strengthen our rural economies; and enhancing food nutrition assistance to help fight hunger. The reserve fund could also facilitate a new Farm Bill that provides enhanced conservation, research, and marketing assistance to crops that have not received traditional commodity support.

Sec. 205. Reserve Fund for Higher Education

The reserve fund accommodates reforms to the student loan programs that increase benefits to students, consistent with the pay-as-you-go principle adopted by the House. The Higher Education Act is scheduled to be reauthorized this year, and this reserve fund will provide committees maximum flexibility in finding offsets to make college more affordable for students.

Sec. 206. Reserve Fund for Improvements in Medicare

The reserve fund accommodates additional mandatory spending for Medicare program improvements such as increasing the Medicare reimbursement rate for physicians while holding beneficiaries harmless from associated premium increases, as long as the legislation is consistent with the House pay-as-you-go principle. Current law calls for Medicare payment rates to physicians to be cut by nearly 40 percent over the next eight years. The House supports Federal investments in health information technology that will improve the quality and efficiency of not only Medicare, but also the health sector as a whole. Another possible area for program improvement is the Part D prescription drug benefit.

Sec. 207. Reserve Fund for Creating Long-Term Energy Alternatives

The reserve fund accommodates legislation consistent with H.R. 6 that invests in renewable or alternative energy resources, promotes new emerging energy technologies, or develops greater energy efficiency, to the extent that such legislation complies with the pay-as-you-go principle.

Sec. 208. Reserve Fund for Affordable Housing

The reserve fund accommodates legislation that creates an affordable housing fund, offset by savings from reforming the regulation of certain government-sponsored entities, such as Fannie Mae and Freddie Mac, to the extent that such legislation complies with the pay-as-you-go principle.

Sec. 209. Reserve Fund for Equitable Benefits for Filipino Veterans of World War II

The reserve fund accommodates additional mandatory spending to provide equitable benefits for all Filipino veterans of World War II and their survivors and dependents, consistent with the pay-as-you-go principle. Most Filipino veterans who fought alongside American troops, and their families, are currently not eligible for equitable federal benefits.

Sec. 210. Reserve Fund for Secure Rural Schools and Community Self-Determination Act Reauthorization

The reserve fund accommodates any legislation that reauthorizes the Secure Rural Schools and Community Self-Determination Act (Public Law 106–393), to the extent that such legislation complies with the pay-as-you-go principle. That law provides economic assistance for roads and schools in rural communities affected by the loss of receipts from sales on federal lands in their communities. The assistance is intended to compensate local governments for the tax-exempt status of the national forests and other federal lands.

Sec. 211. Reserve Fund for Receipts from the Bonneville Power Administration

The resolution includes a reserve fund to accommodate legislation to reject the Administration's acceleration of Bonneville Power Administration's (BPA) debt repayment and to prohibit BPA from applying secondary sales revenue in excess of $500 million towards additional federal debt repayment, to the extent that such legislation complies with the pay-as-you-go principle.

Sec. 212. Reserve Fund for Transitional Medical Assistance

The reserve fund accommodates extension of Transitional Medical Assistance (TMA) through 2008, as long as it complies with the pay-as-you-go principle. TMA provides temporary Medicaid assistance for families transitioning to the workforce.

Conference Agreement

Sec. 301. Deficit-Neutral Reserve Fund for SCHIP Legislation

The House recedes to the Senate with a substitute. Subsection (a) retains the language of Section 301 of the Senate resolution with an amendment. This subsection applies only in the Senate. Subsection (b) retains the language of Section 201 of the House amendment with an amendment. This subsection applies only in the House.

Sec. 302. Deficit-Neutral Reserve Fund for Veterans and Wounded Servicemembers

The House recedes to the Senate with an amendment which incorporates Sections 302, 317, and 336 of the Senate resolution as well as Section 209 of the House amendment. The combined reserve fund would accommodate legislation consistent with the pay-as-you-go principle that improves services and benefits to wounded or disabled military personnel and retirees, veterans, and their survivors and dependents, which may include enhancing medical care and disability benefits, expanding eligibility to receive both disability compensation and retired pay (for combat-disabled retirees), eliminating the offset between survivor benefit annuities and dependency and indemnity compensation, improving disability evaluations, enhancing educational benefits, or increasing benefits to Filipino veterans of World War II and their survivors and dependents.

Sec. 303. Deficit-Neutral Reserve Fund for Tax Relief

In subsection (a) of Section 303 of the conference agreement, which applies only in the Senate, the Senate insists on Section 303 of the Senate resolution with an amendment. In subsection (b) of Section 303 of the conference agreement, which applies only in the House, the House insists on Sections 202 and 203 of the House amendment with an amendment.

Sec. 304. Deficit-Neutral Reserve Fund for Medicare Improvements

The House recedes to the Senate with a substitute. Subsection (a) retains the language of Section 206 of the House amendment. This subsection applies only in the House of Representatives. Subsection (b) retains the language of Section 308 and Section 342 of the Senate resolution. This subsection applies only in the Senate. Subsection (c) retains the language of Section 333 of the Senate resolution with an amendment. This subsection applies in the Senate and in the House of Representatives.

Sec. 305. Deficit-Neutral Reserve Fund for Health Care Quality, Effectiveness, Efficiency, and Transparency

The House recedes to the Senate with an amendment. Subsection (a) retains the language of Section 319 of the Senate resolution with an amendment. This subsection applies in the Senate and in the House of Representatives. Subsection (b) retains the language of Section 304 of the Senate resolution. This subsection applies in the Senate and in the House of Representatives. Subsection (c) retains the language in Section 341 of the Senate resolution. This subsection applies in the Senate only.

Sec. 306. Deficit-Neutral Reserve Fund for Higher Education

The House recedes to the Senate with a substitute. The reserve funds for higher education in the House and Senate have identical goals and the identical effect of accommodating deficit-neutral legislation to make higher education more accessible and more affordable. The conference agreement could facilitate legislation that would enhance benefits for post-secondary students, including, but not limited to, reductions in interest rates on student loans, significant increases in grant aid for students, or tax benefits.

Sec. 307. Deficit-Neutral Reserve Fund for the Farm Bill

The Senate recedes to the House with a substitute. Section 307 provides for an increase in budget authority of up to $20.0 billion over six years (2007–2012) if the funding increases are appropriately offset. Subsection (a) retains the language of Section 306 in the Senate resolution with an amendment. This subsection applies only in the Senate. Subsection (b) retains the language of Section 204 in the House resolution. This subsection applies only in the House.

Sec. 308. Deficit-Neutral Reserve Fund for Energy Legislation

The House recedes to the Senate with a substitute. Section 308 of the conference agreement is a deficit-neutral energy reserve fund with two parts. Subsection (a) combines language similar to the reserve funds included in Section 307 and Section 332 of the Senate resolution and would apply only to the Senate. This subsection allows the Senate's discretionary spending limits to be adjusted in addition to the aggregates and allocations. Subsection (b) is similar to Section 207 of the House amendment and would apply only to the House.

Sec. 309. Deficit-Neutral Reserve Fund for County Payments Legislation

The Senate recedes to the House with an amendment. The amendment clarifies that the reserve fund could accommodate legislation that provides for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393), or makes changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565), or both. The reserve fund would accommodate deficit-neutral legislation in the House and the Senate, and allows the Senate's discretionary spending limits to be adjusted in addition to the aggregates and allocations.

Sec. 310. Deficit-Neutral Reserve Fund for Terrorism Risk Insurance Reauthorization

The House recedes to Section 311 of the Senate resolution with a technical amendment to accommodate legislation in the House and Senate consistent with House and Senate pay-as-you-go rules. The reserve fund accommodates legislation in both bodies for a continuing federal role in ensuring that terrorism risk insurance remains available after the expiration of the Terrorism Risk Insurance Act.

Sec. 311. Deficit-Neutral Reserve Fund for Affordable Housing

The House recedes to Section 312 of the Senate resolution with a technical amendment to accommodate legislation in the House and Senate consistent with House and Senate pay-as-you-go rules. The reserve fund accommodates legislation in both bodies to establish an affordable housing fund financed by housing government-sponsored enterprises.

Sec. 312. Deficit-Neutral Reserve Fund for Receipts from Bonneville Power Administration

The House recedes to Section 313 of the Senate resolution with a substitute. The reserve fund included in Section 312 of the conference agreement is similar to the language included in both the House and Senate budget resolutions. The reserve fund would accommodate deficit-neutral legislation in the House and the Senate, and allows the Senate's discretionary spending limits to be adjusted in addition to the aggregates and allocations.

Sec. 313. Deficit-Neutral Reserve Fund for Indian Claims Settlement

The House recedes to Section 314 of the Senate resolution with an amendment to accommodate similar House legislation and, as in the Senate, provisions to ensure its cost is offset.

Sec. 314. Deficit-Neutral Reserve Fund for Improvements in Health

The House recedes to the Senate with an amendment which incorporates Sections 318 and 322 of the Senate resolution. The conference agreement consolidates Sections 309, 316, and 343 of the Senate resolution into two subsections, 314(a) and 314(b), with amendments. This reserve fund applies in the Senate and in the House of Representatives.

Sec. 315. Deficit-Neutral Reserve Fund for Child Care

The House recedes to Section 320 of the Senate resolution with an amendment to accommodate similar legislation in the House.

Sec. 316. Deficit-Neutral Reserve Fund for Immigration Reform

The House recedes to Section 321 of the Senate resolution with an amendment. This reserve fund applies only in the Senate.

Sec. 317. Deficit-Reduction Reserve Fund

The House recedes to the Senate with an amendment. The amendment combines reserve funds included in Section 330 and Section 339 of the Senate resolution. Section 317 applies to both the House and the Senate, and allows the Senate's discretionary spending limits to be adjusted in addition to the aggregates and allocations.

Sec. 318. Deficit-Neutral Reserve Fund for Manufacturing Initiatives in the Senate

The Senate insists on Section 338 of the Senate resolution, which applies only in the Senate, with an amendment.

Sec. 319. Deficit-Neutral Reserve Fund for the Food and Drug Administration in the Senate

Section 319 of the conference agreement consists of two subsections, 319(a) and 319(b). Subsection (a) allows the Chairman of the Senate Budget Committee to revise the levels in the resolution for legislation authorizing the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of these products to cover the cost of the Food and Drug Administration's regulatory activities. Subsection (b) retains the language of Section 324 of the Senate resolution. The reserve fund applies only to the Senate.

Sec. 320. Deficit-Neutral Reserve Fund for Medicaid

The House recedes to the Senate with a substitute. Subsection (a) retains the language of Section 340 of the Senate resolution with an amendment. Subsection (b) accommodates legislation for a demonstration project regarding Medicaid coverage of low-income HIV-infected individuals. Subsection (c) retains the language of Section 212 of the House amendment with an amendment. This reserve fund applies in the Senate and in the House of Representatives.

Sec. 321. House Reserve Fund Adjustment for Revenue Measures

Section 321 of the conference agreement creates a reserve fund to consider any revenue measure (including a conference report) in the House. It applies to bills that would reduce revenues below the sum of aggregate revenue levels for a five-year period as measured against the Congressional Budget Office baseline for the most recent concurrent resolution of the budget. The revenue measure can only become effective upon certification by the Secretary of the Treasury and the Director of the Office of Management and Budget that the reduction in revenues due to the measure for the period comprising fiscal years through 2012 will not exceed the lesser of $179.8 billion or 80 percent of the fiscal year 2012 unified budget surplus, as estimated by them within six months prior to the first day of the first taxable year affected, said taxable year in no case earlier than 2010. If this provision is not included, the Chairman of the House Budget Committee will adjust aggregate revenue levels in the resolution to create a point of order in the House against the measure under Section 311 of the Budget Act. The Chairman would readjust the levels upon disposition of any measure considered in violation of this section. This point of order would be in addition to a House paygo point of order, which lies against any bill that is not deficit-neutral, notwithstanding any other provisions of this conference agreement.

Any measure, including a conference report, decreasing total revenues, would have the point of order against it in the House, unless it contains a provision consistent with the following:

"None of the provisions of this Act or amendments made by it, shall have legal force or effect unless within six months prior to the first day of the first taxable year affected, said taxable year in no case earlier than 2010, the Secretary of the Treasury and the Director of the Office of Management and Budget project a unified budget surplus for the fiscal year 2012, estimate the budgetary impact of this Act, and certify by issuance of a joint communication, to be published in the Federal Register, that the estimated reduction in revenues for the period comprising fiscal years through 2012 resulting from this Act (including amendments made by this Act) will not exceed the lesser of $179.8 billion or 80 percent of the projected fiscal year 2012 unified budget surplus."

Section 321 is a reserve fund that applies in the House only. It does not apply in the Senate. Its inclusion in this conference report, and the inclusion of the above language by the House of Representatives in this joint statement regarding the operation of this section in the House, is not to be construed as setting any procedural precedent in the Senate and does not reflect the Senate's agreement to any provisions in any conference agreement on revenue measures that are affected in the House by the requirements of this reserve fund.

Sec. 322. Deficit-Neutral Reserve Fund for San Joaquin River Restoration and Navajo Nation Water Rights Settlements

Section 322 is a deficit-neutral reserve fund for legislation that would fulfill the purposes of the San Joaquin River Restoration Settlement Act, implement a Navajo Nation water rights settlement as authorized by the Northwestern New Mexico Rural Water Projects Act, or both. The reserve fund would accommodate deficit-neutral legislation in both the House and the Senate.

Sec. 323. Deficit-Neutral Reserve Fund for Selected Tax Relief Policies in the Senate

The Senate insists on Sections 303, 328, and 331 of the Senate resolution with an amendment. This section applies only in the Senate.

POLICY

Senate Resolution

Unlike Title IV of the House amendment, the Senate resolution did not contain a policy statement title.

House Amendment

Title IV of the House amendment contains the following policy sections.

Sec. 401. Policy on middle-income tax relief.

Sec. 402. Policy on defense priorities.

Sec. 403. Policy on college affordability.

Conference Agreement

Sec. 401. Policy on Middle-Income Tax Relief

The Senate recedes to Section 401 of the House amendment with a substitute. Subsection (a) retains the language of Section 401 of the House amendment, with amendments. This subsection applies only in the House. Subsection (b) applies only in the Senate.

Sec. 402. Policy on Defense Priorities

In Section 402 of the conference agreement, the Senate recedes to Section 402 of the House amendment with an amendment. The House Budget Committee report (H. Rept. 110-69) discussed key priorities to be funded within the defense allocation and the need for the Department of Defense to root out wasteful spending (such as the continued funding of some Cold War-era weapons systems, which may not be as effective in protecting the nation from today's threats). The conference agreement reaffirms these priorities.

Sec. 403. Policy on College Affordability

The Senate recedes to the House with a substitute. The conferees intend that nothing in the budget resolution should be construed as indicating support for cuts in college aid to students, including but not limited to assistance provided by non-profit state agencies.

SENSES OF THE HOUSE AND CONGRESS

Senate Resolution

Section 335 of the Senate resolution expresses the sense of Congress on the State Criminal Alien Assistance Program.

House Amendment

Title V of the House amendment contains the following Sense of the House sections:

Sec. 501. Sense of the House on servicemembers' and veterans' health care and other priorities.

Sec. 502. Sense of the House on the Innovation Agenda: A commitment to competitiveness to keep America #1.

Sec. 503. Sense of the House on homeland security.

Sec. 504. Sense of the House regarding the ongoing need to respond to Hurricanes Katrina and Rita.

Sec. 505. Sense of the House regarding long-term sustainability of entitlements.

Sec. 506. Sense of the House regarding the need to maintain and build upon efforts to fight hunger.

Sec. 507. Sense of the House regarding affordable health coverage.

Sec. 508. Sense of the House regarding extension of the statutory pay-as-you-go rule.

Sec. 509. Sense of the House on long-term budgeting.

Sec. 510. Sense of the House regarding pay parity.

Sec. 511. Sense of the House regarding waste, fraud, and abuse.

Sec. 512. Sense of the House regarding the importance of child support enforcement.

Sec. 513. Sense of the House on state veterans cemeteries.

Conference Agreement

In Title V of the conference agreement, the Senate recedes to Sections 501 through 513 of the House amendment, and the House recedes to Section 335 of the Senate resolution, with minor technical, clarifying, and conforming amendments. Title V includes the following sense of the House and sense of Congress provisions:

Sec. 501. Sense of Congress on Servicemembers' and Veterans' Health Care and Other Priorities.

Sec. 502. Sense of Congress on the Innovation Agenda: A Commitment to Competitiveness to Keep America #1.

Sec. 503. Sense of Congress on Homeland Security.

Sec. 504. Sense of Congress Regarding the Ongoing Need to Respond to Hurricanes Katrina and Rita.

Sec. 505. Sense of Congress Regarding Long-Term Sustainability of Entitlements.

Sec. 506. Sense of Congress Regarding the Need to Maintain and Build Upon Efforts to Fight Hunger.

Sec. 507. Sense of Congress Regarding Affordable Health Coverage.

Sec. 508. Sense of Congress Regarding Extension of the Statutory Pay-As-You-Go Rule.

Sec. 509. Sense of the Congress on Long-Term Budgeting.

Sec. 510. Sense of Congress Regarding Pay Parity.

Sec. 511. Sense of Congress Regarding Waste, Fraud, and Abuse.

Sec. 512. Sense of Congress Regarding the Importance of Child Support Enforcement.

Sec. 513. Sense of the House on State Veterans Cemeteries.

Sec. 514. Sense of the Congress on the State Criminal Alien Assistance Program.

RECONCILIATION

Senate Resolution

The Senate resolution did not include any reconciliation instructions.

House Amendment

Section 601 of the House amendment, which was included at the request of the Committee on Education and Labor, instructs that committee to report changes in law to the House to reduce the deficit by $75 million over six years, no later than September 10, 2007. Section 403 of the House amendment includes policy language stating that the provision shall not be construed to require reductions in assistance that makes college more affordable for students.

Conference Agreement

The Senate recedes to the House with a substitute. The conference agreement provides instructions to the Education and Labor Committee in the House and to the Health, Education, Labor and Pensions Committee in the Senate to report legislation by September 10, 2007, to reduce the deficit by $750 million over six years.

ECONOMIC ASSUMPTIONS

Section 301(g)(2) of the Congressional Budget Act requires that the joint explanatory statement accompanying a conference report on a budget resolution set forth the common economic assumptions upon which the joint statement and conference report are based. The conference agreement is built upon the economic forecasts developed by the Congressional Budget Office and presented in CBO's "The Budget and Economic Outlook: Fiscal Years 2008-2017" (January 2007).

Senate Resolution

CBO's economic assumptions were used.

House Amendment

CBO's economic assumptions were used.

Conference Agreement

CBO's economic assumptions were used.

ECONOMIC ASSUMPTIONS OF THE BUDGET RESOLUTION

[Calendar years]

	2007	2008	2009	2010	2011	2012
Real GDP, Percent Change, Year Over Year	2.3	3.0	3.1	3.0	2.7	2.7
GDP Price Index, Percent Change, Year Over Year	1.9	1.8	1.8	1.8	1.8	1.8
Consumer Prices, Percent Change, Year Over Year	1.9	2.3	2.2	2.2	2.2	2.2
Unemployment Rate, Percent, Yearly Average	4.7	4.9	5.0	5.0	5.0	5.0
3-Month Treasury Bill Rate, Percent, Yearly Average	4.8	4.5	4.4	4.4	4.4	4.4
10-Year Treasury Bond Rate, Percent, Yearly Average	4.8	5.0	5.1	5.2	5.2	5.2

ALLOCATIONS

As required in Section 302 of the Congressional Budget Act, the joint statement of managers includes an allocation, based on the conference agreement, of total budget authority and total budget outlays among each of the appropriate committees. The allocations are as follows:

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

BUDGET YEAR TOTAL 2007
(in millions of dollars)

	Direct spending legislation		Entitlements funded in annual appropriations acts	
Committee	Budget Authority	Outlays	Budget Authority	Outlays
Appropriations				
General Purpose Discretionary	950,504	1,029,465		
Memo: *off-budget*	4,692	4,727		
on-budget	945,812	1,024,738		
Mandatory	551,683	535,462		
Total	1,502,187	1,564,927		
Agriculture, Nutrition, and Forestry	14,284	14,056	69,157	53,045
Armed Services	98,717	98,252	102	112
Banking, Housing, and Urban Affairs	11,641	-1,788	1	1
Commerce, Science, and Transportation	16,278	8,257	1,060	1,026
Energy and Natural Resources	5,016	5,484	54	59
Environment and Public Works	42,426	1,687	0	0
Finance	1,011,528	1,017,818	417,759	417,995
Foreign Relations	15,769	15,763	164	164
Homeland Security and Governmental Affairs	102,150	98,545	20,656	20,657
Judiciary	6,811	6,945	617	611
Health, Education, Labor, and Pensions	12,922	13,144	4,371	4,224
Rules and Administration	67	39	121	121
Intelligence	256	256	0	0
Veterans' Affairs	304	354	37,621	37,447
Indian Affairs	451	448	0	0
Small Business	-78	-78	0	0
Unassigned to Committee	-580,291	-570,736	0	0
TOTAL	2,260,438	2,273,373	551,683	535,462

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

BUDGET YEAR TOTAL 2008
(in millions of dollars)

	Direct spending legislation		Entitlements funded in annual appropriations acts	
Committee	Budget Authority	Outlays	Budget Authority	Outlays
Appropriations				
General Purpose Discretionary	953,052	1,028,397		
Memo: *off-budget*	4,850	4,859		
on-budget	948,202	1,023,538		
Mandatory	588,759	575,066		
Total	1,541,811	1,603,463		
Agriculture, Nutrition, and Forestry	13,464	12,939	69,055	55,661
Armed Services	102,125	102,153	105	114
Banking, Housing, and Urban Affairs	13,296	-1,878	1	1
Commerce, Science, and Transportation	14,547	9,906	1,069	1,063
Energy and Natural Resources	5,071	4,757	54	55
Environment and Public Works	43,535	1,753	0	0
Finance	1,078,880	1,079,886	450,848	450,814
Foreign Relations	14,688	14,690	159	159
Homeland Security and Governmental Affairs	87,956	85,389	20,869	20,869
Judiciary	8,617	7,504	638	629
Health, Education, Labor, and Pensions	10,608	10,024	4,451	4,346
Rules and Administration	70	215	126	126
Intelligence	263	263	0	0
Veterans' Affairs	1,219	1,300	41,384	41,229
Indian Affairs	452	441	0	0
Small Business	0	0	0	0
Unassigned to Committee	-582,534	-574,753	0	0
TOTAL	2,354,068	2,358,052	588,759	575,066

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT
TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
5-YEAR TOTAL: 2008-2012
(in millions of dollars)

	Direct spending legislation		Entitlements funded in annual appropriations acts	
Committee	Budget Authority	Outlays	Budget Authority	Outlays
Agriculture, Nutrition, and Forestry	67,878	65,557	353,820	292,096
Armed Services	546,992	546,679	268	325
Banking, Housing, and Urban Affairs	64,093	-18,543	5	5
Commerce, Science, and Transportation	75,198	48,684	5,878	5,855
Energy and Natural Resources	25,838	24,730	264	265
Environment and Public Works	181,487	9,668	0	0
Finance	6,018,150	6,022,475	2,587,343	2,587,228
Foreign Relations	69,077	65,798	698	698
Homeland Security and Governmental Affairs	483,868	470,496	107,903	107,903
Judiciary	37,630	37,363	3,281	3,257
Health, Education, Labor, and Pensions	56,565	54,185	23,399	22,836
Rules and Administration	343	532	683	683
Intelligence	1,415	1,415	0	0
Veterans' Affairs	5,900	6,449	220,335	219,343
Indian Affairs	1,748	1,835	0	0
Small Business	0	0	0	0

Allocation of Spending Authority to House Committee on Appropriations
(In millions of dollars)

		2007 1/	2008
Discretionary Action	BA	950,504	953,052
	OT	1,029,465	1,028,397
Current Law Mandatory	BA	549,102	548,676
	OT	533,495	536,972

1/ Revision to amounts deemed for 2007. Includes emergencies incorporated into the Congressional Budget Office March baseline.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS

(In millions of dollars)

			Total
	2007 1/	2008	2008-2012
Committee on Agriculture			
Current Law			
BA	14,455	13,241	29,392
OT	14,270	13,054	29,398
Reauthorizations			
BA	--	36,547	225,550
OT	--	34,665	221,808
Total			
BA	14,455	49,788	254,942
OT	14,270	47,719	251,206
Committee on Armed Services			
Current Law			
BA	98,705	102,178	547,417
OT	98,241	102,207	547,105
Resolution Change			
BA	--	-50	-410
OT	--	-50	-410
Total			
BA	98,705	102,128	547,007
OT	98,241	102,157	546,695
Committee on Education and Labor			
Current Law			
BA	7,498	5,100	27,795
OT	7,665	4,937	25,692
Reauthorizations			
BA	2,837	2,874	16,586
OT	2,223	2,769	15,951
Resolution Change			
BA	--	-150	-750
OT	--	-150	-750
Total			
BA	10,335	7,824	43,631
OT	9,888	7,556	40,893
Committee on Energy and Commerce			
Current Law			
BA	240,383	248,708	1,415,559
OT	241,746	251,778	1,420,084
Reauthorizations			
BA	--	5,040	25,200
OT	--	2,675	23,507

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS

(In millions of dollars)

			Total
	2007 1/	2008	2008-2012
Total			
BA	240,383	253,748	1,440,759
OT	241,746	254,453	1,443,591
Committee on Financial Services			
Current Law			
BA	3,929	4,924	19,988
OT	-1,237	-1,377	-16,331
Committee on Foreign Affairs			
Current Law			
BA	15,769	14,688	69,077
OT	15,763	14,690	65,798
Committee on Homeland Security			
Current Law			
BA	1,416	1,211	6,639
OT	1,364	1,396	6,962
Committee on House Administration			
Current Law			
BA	67	70	343
OT	39	215	532
Committee on the Judiciary			
Current Law			
BA	5,824	7,573	31,796
OT	5,963	6,466	31,560
Committee on Natural Resources			
Current Law			
BA	5,465	5,563	28,014
OT	5,209	5,093	26,513
Committee on Oversight and Government Reform			
Current Law			
BA	101,410	87,280	480,831
OT	97,813	84,705	467,426
Committee on Science and Technology			
Current Law			
BA	117	121	605
OT	115	133	637
Committee on Small Business			
Current Law			
BA	-78	–	–
OT	-78	–	–

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS

(In millions of dollars)

			Total
	2007 1/	2008	2008-2012
Committee on Transportation and Infrastructure			
Current Law			
BA	66,656	65,299	166,780
OT	12,734	13,454	71,501
Reauthorizations			
BA	–	3,675	148,629
OT	–	–	1,164
Resolution Change			
BA	–	125	1,525
OT	–	–	–
Total			
BA	66,656	69,099	316,934
OT	12,734	13,454	72,665
Committee on Veterans Affairs			
Current Law			
BA	304	1,219	5,900
OT	354	1,300	6,449
Reauthorizations			
BA	–	406	9,533
OT	–	373	9,302
Total			
BA	304	1,625	15,433
OT	354	1,673	15,751
Committee on Ways and Means			
Current Law			
BA	775,774	823,345	4,486,527
OT	778,373	823,463	4,493,238
Reauthorizations			
BA	–	958	44,753
OT	–	711	38,149
Total			
BA	775,774	824,303	4,531,280
OT	778,373	824,174	4,531,387

1/ Revision to amounts deemed for 2007.

PAY-AS-YOU-GO SCORECARD FOR THE SENATE REFLECTING LEVELS FOR THE CONFERENCE AGREEMENT

Period of the current fiscal year, the budget year, and the four fiscal years following the budget year: $0.

Period of the current fiscal year, the budget year, and the nine fiscal years following the budget year: $0.

HOUSE RULE XXVII

The adoption of this conference agreement by the two houses would result in the engrossment of a House Joint Resolution changing the statutory limit on the public debt pursuant to House Rule XXVII, clause 3. The rule requires a joint resolution in the following form:

Resolved, by the Senate and the House of Representatives of the United States in Congress assembled, that subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof $9,815,000,000,000.

Legislative jurisdiction over the public debt remains with the Finance Committee in the Senate and the Committee on Ways and Means in the House.

KENT CONRAD,
PATTY MURRAY,
RON WYDEN,
Managers on the Part of the Senate.

JOHN M. SPRATT, JR.,
ROSA DELAURO,
CHET EDWARDS,
Managers on the Part of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1593

Mr. CONAWAY. Madam Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor on H.R. 1593, the Second Chance Act of 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Pursuant to House Resolution 403 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1585.

□ 1301

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 45 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the House begins consideration of H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008. This bill is a collective effort in the bipartisan tradition of the House Armed Services Committee, which approved the bill in markup last week by a vote of 58–0.

I want to thank our committee members, particularly our subcommittee chairmen and ranking members, for their outstanding work. And special thanks go to the ranking member, DUNCAN HUNTER, and I appreciate his working so hard in a very bipartisan manner to make this bill come to the floor. He's been a partner in this, and I appreciate it. I am proud that we're always able to work together in our efforts to enhance our Nation's defense.

Mr. Chairman, the polestar of this year's Defense authorization is readiness. Continued reports on the state of readiness for our ground forces, particularly our nondeployed and next-to-deploy forces, are of deep concern. To restore readiness and ensure our forces will be ready if they are called upon for the next fight, this bill fully funds the budget request for the Army and Marine Corps reset of equipment at $13.6 billion and $8.4 billion respectively.

They add some $1 billion in a strategic readiness fund to meet critical readiness requirements identified by a new Defense Readiness Production Board.

It increases training by $250 million so that our units may get more training time.

It requires a plan and a timeline for replenishing prepositioned stocks.

And it strengthens the National Guard by adding $1 billion for National Guard and Reserve equipment from their unfunded requirements list, ensuring that the National Guard is able to meet its homeland and civil support missions, and also adding a range of authorities through the National Guard Empowerment Act.

This bill looks out for our troops in harm's way by dedicating substantial resources to improve protection, including $4.6 billion for Mine Resistant Ambush Protected vehicles, known as MRAPs, and providing funds for personal body armor and up-armored Humvees.

To reduce the strain on our force and in keeping with the House Armed Services Committee's long advocacy of the need to boost end strength, that is, the number of troops, the bill has authorized an increase in the size of the Army by 36,000 Army troops and Marines by 9,000.

Our servicemembers and their families make countless sacrifices and our pride in them knows no bounds. We express our thanks to them through a 3.5 percent pay raise, by blocking TRICARE and pharmacy program fee increases, by expanding special compensation for combat-related disabled retirees, and establishing a special survivor indemnity allowance to begin to address the offset to the survivor benefit plan and the dependents indemnity plan.

Provisions also include the Wounded Warrior Assistance Act, which addresses many of the problems identified at Walter Reed Army Medical Center; and, Mr. Chairman, you will recall we passed that as a stand-alone bill just a few weeks ago.

Accountability with respect to our own ongoing operations in Iraq and Afghanistan is also an important component of the measure. The bill requires General Petraeus and Ambassador Crocker to report on the implementation of the Joint Campaign Plan for Iraq, as well as on efforts made by the Iraqi Government to achieve political reconciliation.

Secretary Gates is also required to report on the proposed force levels for the 6 months following September, to discuss the missions of our forces, and to inform Congress about contingency planning. The information from this report will help us ask the right questions, the tough questions, and make frank judgments about how we are going to pass the baton on to the Iraqis. I am convinced that the sectarian violence will only be overcome by Iraqi political progress, and thus far, I haven't seen much of that since then.

September's report will be an opportunity for General Petraeus and Ambassador Crocker to lay out the straight facts. Time is short with the American people, and the Iraqis must act soon. This report will provide real and substantial information.

Calling attention to the forgotten war in Afghanistan, the bill provides funds for the Afghanistan security forces and requires a long-term sustainment plan so that the Afghans can build the logistics and other capabilities they need for long-term security.

The bill establishes a new Special Inspector General for Afghan Reconstruction to ensure accountability in contracting there and extends the authority of the Special Inspector General for Iraq Reconstruction.

The bill also brings more contracting accountability to both Afghanistan and Iraq by forcing the Departments of Defense and State to work together in assigning responsibility for overseeing the thousands of contractors in these places, particularly those who do carry weapons.

And finally, Mr. Chairman, the bill requires that the Secretary of Defense undertake an analysis of the Department's roles and missions. In 1947, a similar effort helped shape the Pentagon through the National Security Act. After 60 years, it is time for a new analysis to help eliminate duplication among the services, identify core competencies, and strengthen the Department of Defense and the military while helping us spend money much more wisely.

Before I close, let me spend just a moment talking about something that is not in this bill. The Military Commissions Act, which was made into law by the last Congress, precludes detainees in Guantanamo from petitioning courts under habeas corpus. This bill does not include a provision to restore the principle of habeas corpus for detainees at Guantanamo, even though I feel strongly it should.

My judgment is that the most promising course of action will be for this House to take up this issue as a separate bill. To that end, I have prepared legislation to address the habeas corpus issue, and I intend to work with the leadership, members of our committee and with the Judiciary Committee on that issue.

Mr. Chairman, this is a critical time in the defense and security of our Nation. This is a very important bill. I urge the Members in this House to support this Defense authorization bill. It does so much to restore readiness, to support our men and women in uniform, and to protect the American people.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as legislators, we meet once again to address the wide range of important national security activities undertaken by the Departments of Defense and Energy. We all take our legislative responsibilities very seriously, and this is especially true during a time of war.

And it's always true of my good friend and colleague, IKE SKELTON, the great gentleman from Missouri, our chairman. I want to thank Chairman SKELTON for the excellent job that he's done in putting this bill together, and also thank all of our subcommittee chairmen and ranking members who have put together a composite that very strongly meets the needs of our men and women in uniform.

As a result of Mr. SKELTON's efforts to put forward this bill, our committee reported out the National Defense Authorization Act for Fiscal Year 2008 last Wednesday. The vote was unanimous, 58–0.

I support this bill. It reflects our committee's continued strong support for the brave men and women of the United States Armed Forces, and in many ways this bill is a very good bill.

It authorizes the President's request for $503.8 billion for the fiscal year 2008 base budget of the Department of Defense and national security programs of the Department of Energy. This amount provides for end-strength growth in both the Army and Marine Corps, continuing initiatives started several years ago by the Armed Services Committee.

In fiscal year 2008, the Army would be authorized 525,400, which is 3,000 more than authorized last year, and the Marine Corps would be authorized 189,000, 9,000 more than last year. The bill also includes $142 billion to cover fiscal year 2008 war costs, as requested by the President.

Some of the initiatives in this legislation continue or build upon successful programs or reinforce good legislation that the House has already passed. For example, this legislation has provisions that are essential to maintain a robust defense industrial base. Last year, the Defense authorization bill tried to strike a fair balance between requiring the use of domestic specialty metals for our weapons systems and offering a waiver process in case sufficient metals are not available. H.R. 1585 establishes a formal rulemaking process for waivers that apply to multiple contracts to facilitate transparency and the gathering of broad industry input. In this way, the market will be able to respond to supply shortages, fostering investment in domestic industries.

Other initiatives in this bill modify existing authorities or establish promising new programs and policies, such as adding $4.1 billion for the Mine Resistant Ambush Protected vehicles, so-called MRAPs. Separately, H.R. 1585 levels the playing field between U.S. companies and foreign countries with which we have free trade agreements. It rectifies a critical flaw in the U.S. Code that effectively penalizes U.S. companies for complying with U.S. law, while allowing foreign manufacturers to provide noncompliant components and systems.

These and other sections go a considerable way in ensuring that our brave men and women in uniform have the best available tools to protect our national security interests, but this bill is not a perfect bill. We can and we should improve it.

This legislation cuts missile defense programs by almost $800 million. In 2006, there were about 100 foreign ballistic missile launches around the world, including from North Korea with short-range missiles and a longer-range TD–2 missile; and from Iran with its development and testing of short- and medium-range ballistic missiles. I wonder whether in the face of this growing threat we should be slowing down the development and fielding of a robust, layered ballistic missile defense system that would prove critical to our Nation's defenses.

This bill recommends a reduction of more than $860 million for the Army's Future Combat Systems program. In the past, our committee made smaller cuts to drive behaviors that would lead to a successful system. With the magnitude of this cut, I worry about the long-term impact on the capability of the U.S. Army and wonder whether we should not restore some of this funding to ensure that the Army is as prepared as possible to meet future challenges.

And finally, this bill provides significant resources for shipbuilding. I am concerned, however, that we have not fully funded two of the three additional ships that the language purports to have added. The bill is approximately $145 million less than the amount the Navy needs to buy and take delivery of an additional dry cargo ship, which was number two on the Navy's unfunded priority list. Also, the bill provides $588 million for advanced procurement for an additional ship-set of reactive plant heavy components for a Virginia-class submarine in 2008, but it remains up to future Congresses to complete the funding and turn these components into an additional submarine before 2012.

□ 1315

As in years past, I believe that this legislation reflects many of the Armed Services Committee's priorities in supporting our Nation's dedicated and courageous servicemembers.

I want to thank again Chairman SKELTON for putting together an excellent bill and helping us stay focused on delivering a bill that helps us protect, sustains and builds our forces.

I look forward to working with my colleagues to improve and pass H.R. 1585.

Mr. Chairman, at this point, I would like to yield 15 seconds to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank the gentleman for his commitment and for his wisdom and for his leadership on America's security.

MOTION TO RISE OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. Does the gentleman from California yield for purposes of that motion?

Mr. HUNTER. Yes, I yielded for purposes of the motion.

The CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Pursuant to clause 6 of rule XVIII, the Chair will reduce to 5 minutes the minimum time for an electronic vote, if ordered, on the pending question following this quorum call. Members will record their presence by electronic device.

The following Members responded to their names:

[Roll No. 354]

Abercrombie
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono
Boren
Boswell
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

☐ 1342

The CHAIRMAN. On this quorum call, 397 have responded, a quorum.

RECORDED VOTE

The CHAIRMAN. Pending is the demand of the gentleman from Georgia for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 219, not voting 41, as follows:

[Roll No. 355]

AYES—177

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortuño
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NOES—219

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes

Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—41

Ackerman
Baird
Berman
Blunt
Bordallo
Boucher
Boyd (FL)
Boyda (KS)
Brown-Waite, Ginny
Cubin
Davis, Jo Ann
Delahunt
Dicks
Engel
Faleomavaega
Fattah
Fortenberry
Foxx
Gillibrand
Hall (TX)
Hastings (FL)
Higgins
Hirono
Hunter
Matsui
McMorris Rodgers
Miller (FL)
Moran (VA)
Nadler
Norton
Paul
Peterson (PA)
Platts
Poe
Pryce (OH)
Radanovich
Schwartz
Sires
Stark
Welch (VT)
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1351

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the gentleman from Texas (Mr. ORTIZ), who is the chairman of the Subcommittee on Readiness.

Mr. ORTIZ. Mr. Chairman, I rise in support of the National Defense Authorization Act for Fiscal Year 2008.

The bill before us today begins to address our growing concerns about the readiness posture of our Armed Forces.

I would like to thank the ranking member from my subcommittee, Mrs. DAVIS from Virginia, for her help in bringing together this excellent bill. I thank Chairman SKELTON and Mr. HUNTER.

Mr. Chairman, our troops and their equipment have been stretched by extended combat operations, and the strain is evident in declining readiness, shortfalls in training and difficulties equipping our forces. These problems have grown to immense proportions, and this bill is a significant step to reverse the decline and rebuild our military.

Included in this bill are some significant readiness policy initiatives and investments that will help restore the readiness and posture of our military.

First, this bill establishes a Defense Readiness Production Board to identify critical readiness requirements and to mobilize the defense industrial base to speed up the production of military equipment. This board will bridge the gap between readiness needs and resources to help repair our worn out equipment that has been used time and time and time again.

The bill also creates a $1 billion Strategic Readiness Fund to give the board and the Department of Defense the ability to rapidly attend to pressing readiness needs.

This bill begins to address other shortfalls in maintenance and training by providing $250 million for unfunded training requirements and an additional $150 million to restore aviation maintenance shortfalls.

We are very concerned about the readiness of our National Guard. Our bill requires the Department of Defense to begin measuring the readiness of the National Guard units to support emergencies in their home States, such as the recent tragic tornadoes in Kansas. These readiness reports will allow the Congress and each State's Governor to evaluate the need of each State and address problems before a disaster occurs. To help restore the shortfalls, the bill includes a $1 billion investment in National Guard equipment.

We also included provisions that require plans and reports to Congress on reconstituting our prepositioned war stocks.

Mr. Chairman, we also authorized more than $21 billion for military construction, family housing and to implement base realignment and closure. Those funds include money to support growth in force initiatives for the Army and the Marine Corps and to provide facilities to accommodate new recruits and missions.

Other significant provisions include proposed changes to the National Security Personnel System and the depot initiatives.

Mr. Chairman, this is a very, very good bill, and I encourage my colleagues to vote in favor of this bill.

I rise in support of the National Defense Authorization Act for Fiscal Year 2008. The bill before us today begins to address our growing concerns about the readiness posture of our armed forces. I would like to thank the ranking member from my subcommittee, Mrs. DAVIS from Virginia, for her help in bringing together this excellent bill.

Our troops—and their equipment—have been stretched by extended combat operations . . . and the strain is evident in declining readiness, shortfalls in training and difficulties equipping our forces. These problems have grown to immense proportions, and this bill is a significant step to reverse the decline . . . and rebuild our military. Included in the bill are some significant readiness policy initiatives and investments that will help restore the readiness posture of our military.

First, this bill establishes a Defense Readiness Production Board to identify critical readiness requirements and to mobilize the defense industrial base to speed up the production of military equipment. This board will bridge the gap between readiness needs and resources to help repair our worn out equipment.

The bill also creates a $1 billion Strategic Readiness Fund to give the board and the Department of Defense the ability to rapidly attend to pressing readiness needs. This bill begins to address other shortfalls in maintenance and training by providing $250 million for unfunded training requirements . . . and an additional $150 million to restore aviation maintenance shortfalls.

We are very concerned about the readiness of our National Guard. Our bill requires the Department of Defense to begin measuring the readiness of National Guard units to support emergencies in their home states—such as the recent tragic tornadoes in Kansas.

These readiness reports will allow the Congress and each State's Governor to evaluate the needs of each State and address problems before a disaster occurs. To help restore the shortfalls, the bill includes a $1 billion investment in National Guard equipment. We also included provisions that require plans and reports to Congress on reconstituting our prepositioned war stocks.

We authorized more than $21 billion for military construction, family housing, and to implement base realignment and closure. Those funds include money to support "grow-the-force" initiatives for the Army and Marine Corps . . . and to provide facilities to accommodate new recruits and missions. Other significant provisions include proposed changes to the National Security Personnel System, depot initiatives, and numerous important policy initiatives for the Department of Defense.

This is a good bill, and I am pleased to have helped write it. It reflects our bipartisan desire to improve readiness and provide for our men and women in uniform.

Mr. SAXTON. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, the process that we've gone through to bring this bill to the floor has been an extensive one. We started under the leadership of Chairman SKELTON in January, and as we moved through the days and the weeks, there were numerous, both full committee and subcommittee hearings.

There were visits here on Capitol Hill in our office and in other places by military leaders. There were visits by us to the Pentagon and to bases around the continental United States and, I might add, there were visits by us to our soldiers, marines, airmen and sailors who are serving overseas.

There were briefings too numerous to count, and a good process. And I want to just take this opportunity to congratulate and thank Chairman SKELTON for the orderliness and the fairness with which this process was conducted.

This is a good bill, and I intend to support it. It provides for some new things, provides for some force protection measures that are so important in the war that we're now engaged in. It provides for additional money for the Stryker system. It provides for additional resources for up-armored Humvees, and it provides for steps forward in the new Joint Tactical Vehicle program.

We added 10 more aircraft known as C-17s, which are strategic airlifters to get us to the fight. We took care of some personnel issues, including a significant pay raise for military personnel. And, because we're at war, and because we're using our military equipment, it wears out. It's a tough terrain that we're involved in in Iraq and Afghanistan, and so we included $3.6 billion for Army reset and $8.2 billion for Marine Corps reset.

And I might add that quality of life remains extremely important to the chairman, to the ranking member, and to all of us who serve on the committee, and so military construction dollars were added to provide the quality of life that is important to our military personnel.

Now, it's a good bill, and I'm going to support it. If I were the person sitting at the desk writing the bill all by myself, I would have done some things differently. But that being said, it continues to be a bill that is worthy of everyone's support.

I would have tried to find a way to include more money for the Future Combat System. We cut it by almost 25 percent. This is the Army's modernization program, and the first modernization program anything like it since World War II. It combines the use of technology that's available today with some more traditional combat equipment, but it's good for the future. It's good for urban combat, it's good for being able to see the enemy who now has found ways to hide on our conventional systems. And it's a big cut.

☐ 1400

I would have also tried to add back the 9 percent that was reduced from the missile defense system. Today we have a missile defense system that actually will work once it is deployed, but we reduced it by 9 percent.

So, Mr. Chairman, once again I hope that the majority of our colleagues on this side of the aisle will support this bill. I think it is a good bill. It is one that is needed, particularly in these times when the United States of America is at war.

Madam Chairman, I reserve the balance of my time.

Mr. SKELTON. Madam Chairman, I thank the gentleman from New Jersey for his kind and supportive remarks.

Madam Chairman, I yield 2 minutes to my colleague, the gentleman from Arkansas, Dr. Snyder, who is the chairman of the Subcommittee on Military Personnel.

Mr. SNYDER. Madam Chairman, let me begin by thanking Chairman IKE SKELTON for the work that he has done on this bill.

As we can tell by the tone already, there has been a strong spirit of bipartisanship in putting this bill together. Both Ranking Member DUNCAN HUNTER and Chairman IKE SKELTON have worked very closely together to make this the kind of bill we want in time of war.

And, IKE, I just want to say Susie would be proud of the work that you have done on this bill.

I also want to thank my colleague, JOHN MCHUGH, the Congressman from New York, for the work that he has done and continues to do year after year. And as many of you know, his district includes Fort Drum that has done more than its fair share of sacrifice in this war in Iraq, Afghanistan, and the war on terrorism.

And, finally, a note about the staff. We all can talk about working together in a bipartisan manner, but for us it might mean just shaking hands as we go up and down the aisles. For the staff it is day in and day out, and I think they have done a great job of working together and trying to understand each other's concerns as this bill has come together; and I think the product reflects their great, great work.

As somebody who spent 12 months and 20 days in Vietnam a long, long time ago at a time then also of a great foreign policy debate in our country, what I see in this body and in America today is something that a lot of us felt was lacking those 35 or 40 years ago. There is just this strong love of our troops and their families by the American people and by this Congress. And we recognize the need for a strong, well-trained, well-equipped military. And we have never forgotten the importance of families, the importance of families to our men and women in uniform.

I think of one of my employees, who spent a year in Iraq, and he told me when he came home the first time for R&R and he had two young children, he came off the plane and he had about a 150-yard walk down the aisle there in the airport, and he could not stop himself. He ran that last 150 yards so he could see his children that he had not seen in several months. And yet we know the sacrifices that our families bear.

So because of that, I think we have a lot of good things in this bill, whether it is dealing with medical care, TRICARE, the GI bill. I think it is a good, strong, bipartisan bill, and I appreciate all the work that the staff and Members have done.

Mr. HUNTER. Madam Chairman, at this time, I would like to yield 5 minutes to the gentleman from Alabama (Mr. EVERETT), the ranking member of the Strategic Forces Subcommittee.

Mr. EVERETT. Madam Chairman, I thank my good friend Mr. HUNTER for yielding to me and thank him for his work and leadership on this legislation. And I would be remiss if I didn't thank the chairman of the committee, my good friend, the gentleman from Missouri (Mr. SKELTON).

Madam Chairman, I rise today in support of H.R. 1585, the fiscal year 2008 National Defense Authorization Act. I would like to congratulate the chairman of the Strategic Forces Subcommittee, the gentlewoman from California (Mrs. TAUSCHER), on her first mark as chairman. She has been cooperative and straightforward, and that I appreciate. The effort has resulted in a product where we agree on far more than we disagree.

This subcommittee tackles complex and often partisan issues, such as ballistic missile defense and nuclear weapons policy. This year's process has been further complicated due to the fact that our subcommittee allocation was cut by over $1 billion from the administration's request.

In the area of missile defense, the bill continues a policy set forth by this committee last year that places a priority on near-term missile defense capabilities. The bill increases the request for Patriot PAC–3 by $11.8 million to buy four additional interceptors and adds $78 million to the President's request for Aegis ballistic missile defense and fully funds the request for THAAD.

The measure also contains a reduction in funding for the proposed Third Site in Europe. I understand the chairman's rationale and her concern about moving forward without formal agreements with the host nations in place. However, I am pleased that my amendment was accepted during the full committee markup, which encourages DOD to seek a reprogramming request in the event that we reach agreements with the host nations in fiscal year 2008.

While I support most of the provisions in this legislation, like many on my side of the aisle, I remain concerned about the $776 million top-line cut levied on the Missile Defense Agency, especially when progress is being made in so many areas of these programs. Now is not the time to have a further reduction in funding or slow down the development and fielding of these missile defense elements that are critical to our Nation's defense and the protection of our deployed forces and allies.

In the time since last year's bill, we have seen a clear demonstration of the threat to our Nation, including North Korea's test of several short-range missiles and a longer-range Taepo-Dong-2 missile; Iran's continued development and test of short- and medium-range ballistic missiles; North Korea's nuclear test; and Iran's effort to continue uranium enrichment in the face of international criticism.

I understand the need to focus on near-term capabilities, but as we move the bill forward, we need to work together to identify the right balance between investments in our near-term systems and our future capabilities.

In the area of space, the legislation contains a provision I strongly support which places a priority on protecting our space assets and increases funding for space situational awareness and operationally responsive space capabilities. Consistent with previous bipartisan efforts to improve space acquisition, H.R. 1585 continues its emphasis on program execution. The bill reflects a measured approach to space acquisition that overlaps new modernization programs with continuing legacy programs.

H.R. 1585 fully funds Transformational Satellite, or TSAT, which has made significant progress in measuring and maturing critical technologies and following GAO's knowledge-based approach. It also supports Space Radar. Though the program details are classified, I believe Space Radar's all-weather, day-and-night, 24/7 surveillance and reconnaissance capability is vital for the protection of our forces and supporting intelligence users.

The measure reflects a bipartisan agreement on the Atomic Energy Defense Activities, particularly on RRW, the Reliable Replacement Warhead program. RRW has the potential to increase the reliability, safety, and security of our nuclear weapons stockpile and reduce the likelihood of testing. RRW funding is reduced but maintained at a level to allow NNSA to take a measured, knowledge-based approach by focusing on detailed design and cost estimates.

This is a good bill. We agree on more than we disagree, and I would urge Members on my side to support the bill.

Mr. HUNTER. Madam Chairman, I yield to the gentleman from Georgia (Mr. WESTMORELAND) for purposes of a motion.

MOTION TO RISE OFFERED BY MR. WESTMORELAND

Mr. WESTMORELAND. Madam Chairman, I move that the Committee do now rise.

The Acting CHAIRMAN (Ms. ESHOO). The question is on the motion to rise.

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WESTMORELAND. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. The Chair will count for a quorum. Does the gentleman withdraw his point of order?

Mr. WESTMORELAND. No.

The Acting CHAIRMAN. Evidently a quorum is not present.

Pursuant to clause 6 of rule XVIII, the Chair will reduce to 5 minutes the minimum time for an electronic vote, if ordered, on the pending question following this quorum call. Members will record their presence by electronic device.

The following Members responded to their names:

[Roll No. 356]

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cannon
Capito
Capuano
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

☐ 1433

The Acting CHAIRMAN. On this quorum call, 393 have responded, a quorum.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Madam Chairman, on rollcall No. 356, had I been present, I would have voted "present."

RECORDED VOTE

The Acting CHAIRMAN. Pending is the demand of the gentleman from Georgia for a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 222, not voting 31, as follows:

[Roll No. 357]

AYES—184

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes

Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Mitchell
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—31

Barrow
Bordallo
Camp (MI)
Cardoza
Christensen
Cubin
Davis, Jo Ann
Delahunt
DeLauro
Engel
English (PA)
Faleomavaega
Hastert
Hoyer
McCrery
McMorris Rodgers
Melancon
Miller (FL)
Miller, George
Moran (VA)
Myrick
Nadler
Norton
Peterson (PA)
Platts
Poe
Reynolds
Stark
Stupak
Whitfield
Wolf

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1442

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. SKELTON. Madam Chairman, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE) for the purpose of making a unanimous consent request.

Mr. ABERCROMBIE. Madam Chairman, as disappointing as it may be for all the Members that I will not now deliver an oration, I will submit a formal statement on the work of the Air and Land Forces Subcommittee. I thank my good friend, colleague and mentor, Mr. SAXTON, and all the Members, Republican and Democratic alike, on the Air and Land Forces Subcommittee.

Mr. SKELTON. Madam Chairman, I yield 4 minutes to my colleague and friend, the gentleman from Mississippi (Mr. TAYLOR), who is the chairman of the Subcommittee on Seapower and Expeditionary Forces.

Mr. TAYLOR. Madam Chairman, I want to thank all of the Members of the Seapower and Expeditionary Forces Subcommittee for their cooperation on this. I want to thank in particular Ranking Member SAXTON and Chairman ABERCROMBIE for the funds that were transferred from their portions of the bill to address the immediate warfighter needs in Iraq.

Madam Chairman, a disproportionately high number of Americans are dying in Iraq in explosions that involve Humvees. We as a Nation have spent a lot of money to protect the troops that ride in them. Unfortunately, the enemy has discovered that Humvees are vulnerable from the bottom. This bill includes $4.1 billion, ten times more than the President's request, to field a new generation of vehicles, a mine resistant ambush-protected vehicle, to protect the troops in Iraq. This could only be done with the cooperation of the Air and Land Forces Subcommittee and the Seapower and Expeditionary Forces Subcommittee.

Keep in mind that the President's budget request was actually written about a year ago. It is responding to the needs as we see them in the field, and I think a very good move. We also want to thank the great staff of the Seapower and Expeditionary Forces Subcommittee for the work that they have done.

The President asked for seven ships in this year's budget: A Gerald Ford class aircraft carrier; a Virginia-class submarine; an LPD 17; two LCSs; a T-AKE cargo ship; and a Joint High Speed Vessel. Because of the good work of the subcommittee and the cooperation of the other subcommittees of the Committee on Armed Services, this committee has added an additional LPD 17, an additional T-AKE cargo ship, and the forward funding for an additional submarine.

The Bush administration's Defense budgets have grown by well over $100 billion during their tenure. Unfortunately, the Navy fleet has shrunk by 50 ships during the same time. This marks the first attempt on the part of the committee in a long time to reverse that trend and get our Nation back on course for a 313-ship Navy, and I want to thank all those who helped make that possible.

□ 1445

Additionally, the bill funds a competitive engine program for the Joint Strike Fighter. It fully funds the administration's request for ship and aviation construction and procurement. It fully funds the administration's request for the operation of the Maritime Administration.

The bill would allow the Secretary of the Navy to come up with a program for capital expenditure in shipbuilding to help modernize our shipyard infrastructure and reduce the cost of our Navy ships to the taxpayers.

It will allow for the multi-year procurement for Virginia-class submarines, and it will direct the Secretary of the Navy to design and construct the next generation of surface warships with integrated nuclear power systems.

Madam Chairman, it makes no sense at all to have aircraft carriers that carry 30 years' worth of fuel on board when the vessels that are necessary to protect them have to refuel every 5 days. We are addressing this vulnerability to our fleet and, more importantly, we are taking a huge step on behalf of the Department of Defense to make our Nation less dependent on foreign sources of fuel.

I would like to acknowledge that none of these initiatives could have taken place without the great cooperation and leadership on the part of the former chairman, Mr. BARTLETT. Addressing the nuclear power issue is a direct result of his making the committee aware of our vulnerabilities to fuel, and the need for shipyard modernization again is a direct result of his efforts while he was chairman. It is also with the great cooperation of the minority and the members of our staff that we present this portion of the bill to the Congress and ask for its approval.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mr. SKELTON. Madam Chairman, pursuant to sections 3 and 4 of House Resolution 403, and as the chairman of the Armed Services Committee, I request that during further consideration of H.R. 1585 in the Committee of the Whole and following general debate, the following amendments be considered in this order: Amendment No. 33, amendment No. 29, amendment No. 49, the en bloc package, and amendment No. 8, amendment No. 14, amendment No. 21, and amendment No. 38.

I reserve the balance of my time.

Mr. SAXTON. Madam Chairman, I yield 3 minutes to the ranking member of the Military Personnel Subcommittee, the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Madam Chair, I thank the gentleman for yielding.

Madam Chair, I rise simply to say, as we have heard from previous speakers, and perhaps to state the obvious, this piece of legislation, H.R. 1585, is a strong bill.

More importantly, in my judgment it is a bill that was put together in a collaborative and bipartisan manner. I want to pay my respects, my words of appreciation to the full committee Chair, the gentleman from Missouri (Mr. SKELTON), who came through this, his first trial by fire, I think, with great efficiency; as well as, of course, the gentleman from California (Mr. HUNTER), the former chairman, now ranking member. But most importantly, I want to thank the new chairman of the Personnel Subcommittee, a gentleman who I had the honor and opportunity to serve with as the ranking member when I had the opportunity to serve as Chair, Dr. VIC SNYDER, who worked together again in a bipartisan manner, and in that way has produced a product which I think overall we can all support with not just a great deal of enthusiasm but a great deal of pride.

All of us feel very strongly on the Personnel Subcommittee that when the Members come to the floor, it is good that they talk about the broad range of effects and benefits in this bill. But it makes us feel proud, Madam Chair, when we note that those things that the Members take most pride in and cite most often are a product of the work of the Personnel Subcommittee. The reason for that is very, very simple.

The success of the United States military is today, as it has always been, not in high weapons systems, as important as they are, not in sophisticated platforms, not in all of those things that give our fighting men and women an edge, but the true edge is in the fighting men and women themselves. And this bill contains many benefits, many added advantages that they so richly deserve.

It provides an increase in end strength, something we have taken up and we need to continue, is embodied in this bill. A basic pay raise that will continue the 8-year effort we have had to increase the pay of our men and women in uniform, drawing down that pay gap between the civilian and military forces, drawing it down currently under the ramp to 2012 when it will be as little as 1.5 percent, resisting so-called efficiency wedges and savings in the TRICARE and other military health care programs, saving money for those hardworking men and women protecting our interests wherever they may be, here at home, and their families.

The Wounded Warrior Assistance Program that I had the honor of working with, along with Dr. SNYDER, and along with the chairman and the ranking member to address those challenges that we saw so very dishearteningly at places like Walter Reed and others.

All of this combined is a good bill that works on a bipartisan basis. I urge all of my colleagues to support the bill.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to my friend and colleague, the gentleman from Washington (Mr. SMITH), who is the chairman of the Subcommittee on Terrorism and Unconventional Threats and Capabilities.

Mr. SMITH of Washington. Thank you, Madam Chair.

First of all, I want to thank the chairman of the Armed Services Committee, IKE SKELTON, for the fantastic job he has done on this mark. He has done it in a bipartisan fashion. And also, of greatest importance, this mark funds the war that we are fighting.

We have troops in the field in harm's way. We fund the priorities that they need right now. And given all of the demands on the Armed Services Committee, that is no easy feat. The chairman and all members of the committee have made that a priority, and I want to thank him for that.

I also believe that we have well-funded the broader war on terrorism that my subcommittee has a significant part of, Subcommittee on Terrorism.

The fight against al Qaeda and the ideology they espouse and those who would support al Qaeda or that ideology is not just in one place. It is in many places in the world. It is in Africa, Southeast Asia, certainly in the Middle East and elsewhere. To combat that ideology, we need a force that is trained in unconventional warfare, that is trained in asymmetric warfare, and we need the Special Operations Forces who are trained to go into parts of the world, to understand the culture and work with the local communities and stop al Qaeda-like insurgencies before they start. That training is critical.

It is much easier to fight that type of battle than to get dragged into a larger war. We have had incredible success in places like the Philippines and Chad and Kenya and elsewhere because our Special Operations Forces understand irregular warfare, get in there and work with the local communities to stop insurgencies before they start. I believe this mark reflects that priority. It is certainly one of the highest priorities for our subcommittee.

I want to thank the ranking member, the gentleman from Texas (Mr. THORNBERRY), for his leadership on this issue as well. We have put language, money and report language in the bill that will prioritize irregular warfare, unconventional fights, so that we can defeat al Qaeda globally and understand all of the different challenges that go into that.

Again, I thank the gentleman from Missouri (Mr. SKELTON) for his outstanding leadership of this committee. It is a privilege and honor to serve with him, and to thank him for this mark and this bill that I think adequately prepares our military to fight the battles we face.

Mr. SAXTON. Madam Chair, I would like to yield such time as he may consume to the ranking member of the Seapower Subcommittee, Mr. BARTLETT.

Mr. BARTLETT of Maryland. Madam Chair, I rise in strong support of H.R. 1585.

First, I would like to take this opportunity to recognize the outstanding service rendered to the Nation by our men and women in uniform, who, like their forebears, are meeting today's security challenges with true dedication and professionalism.

I would also like to thank the gentleman from Mississippi (Mr. TAYLOR), chairman of the Seapower and Expeditionary Forces Subcommittee on which I serve as ranking member, for his leadership, for his friendship which I really appreciate, and unwavering commitment to our servicemembers. I also want to thank our very capable staff.

Madam Chair, I think our colleagues will find that this bill reflects a fair and balanced treatment of the issues facing the United States Navy and Marine Corps. In collaboration with the Air and Land Forces Subcommittee and Chairman SKELTON and Ranking Member HUNTER, we provided full funding for the Mine Resistant Ambush Protected Vehicle, or MRAP, which is protecting our troops against IEDs.

By strengthening the shipbuilding program and authorizing eight new ships, we addressed the Navy's number one and number two unfunded priorities. We must reverse the steady decline in the number of battle force ships we have seen for nearly two decades.

Nevertheless, in order to provide the number of ships our warfighters say they need, we must inject fiscal discipline into our shipbuilding program. To that end, H.R. 1585 includes a provision that would limit the practice of design and build concurrency, a practice which has delayed and increased costs for a number of shipbuilding programs.

Continuing efforts from prior years' Defense authorization bills, we have included a provision to push for modernization in shipyards through process, infrastructure improvements, and workforce training.

An April 2007 study commissioned by the Department of Defense found that the risks associated with the cost and supply of oil will make the U.S. military's ability to rapidly deploy on demand "unsustainable in the long term."

H.R. 1585 also forges new ground by requiring that future major combatant vessels have integrated nuclear propulsion.

I conclude by applauding the remaining provisions in the bill supporting the Navy and Marine Corps and authorizing appropriations and authorities for the Maritime Administration. I urge full support of H.R. 1585.

Mr. SKELTON. Madam Chair, I yield 3 minutes to the gentlewoman from California (Mrs. TAUSCHER) who is the chairwoman of the Subcommittee on Strategic Forces.

Mrs. TAUSCHER. Madam Chairman, first I would like to congratulate the gentleman from Missouri, the distinguished chairman of the committee, on his first mark of the national security defense bill. He is a fabulous member and a great leader. I appreciate all of the hard work that has been put into this bill.

I also want to thank my ranking member, the gentleman from Alabama (Mr. EVERETT), for his hard work and his willingness to work in a bipartisan way to achieve what I consider to be a very significant mark for the Strategic Forces Subcommittee; also, the members of the subcommittee and our fabulous staff.

Madam Chairman, this bill is a bill that I have worked on with my colleagues to incorporate four priorities into the bill before the House.

First, this bill aims to create a public discussion about nuclear weapons by establishing a congressionally appointed bipartisan commission designed to reevaluate U.S. strategic posture. This commission would provide valuable recommendations to Congress regarding the proper mix of conventional and nuclear weapons needed to meet new and emerging threats.

Second, the bill slows the Department of Energy nuclear weapons initiatives. We limit reliable replacement warhead funds to design and cost study activities and eliminate funding for the proposed Consolidated Plutonium Center. Instead, we increase funding to strengthen the Stockpile Stewardship Program, as well as the weapons complex.

Third, the bill funds ballistic missile defense systems that will protect the American people, our deployed troops, and allies against real threats while shifting resources away from longer term, high-risk efforts.

It fully funds the Army missile defense budget request for the Patriot PAC-3 missile, including funding for the Patriot "Pure Fleet" initiative.

It fully funds the Ground Based Missile Defense System to protect the United States against a potential threat from North Korea or Iran.

It includes funding for Aegis BMD and fully funds THAAD development and deployment.

Finally, we are boosting funding for space capabilities that deliver near-term benefits to the warfighter and improve space situational awareness and survivability.

Madam Chair, this bill strikes a balance between near-term needs and long-term investment, and it creates the means to help bring our nuclear weapons policies into the 21st century. I urge my colleagues to support this bill.

Mr. SAXTON. Madam Chairman, I yield 4 minutes to the ranking member of the Terrorism Subcommittee, the gentleman from Texas (Mr. THORNBERRY).

□ 1500

Mr. THORNBERRY. Madam Chairman, I thank the gentleman for yielding.

Madam Chair, I want to express my strong support for that section of the bill which was produced by the Terrorism and Unconventional Threats and Capabilities Subcommittee. I especially appreciate the efforts and cooperative spirit of the chairman, ADAM SMITH, and the work of the subcommittee members and the staff.

As he mentioned a few moments ago, that section of the bill supports the 5-year growth plan for the Special Operations Forces, which was recommended by the 2005 QDR. It also improves the Department's ability to harness technological innovation and funds the Defense Advanced Research Projects Agency, DARPA, as well as other basic research in the Department.

Madam Chair, as we discuss the various sections of this very large bill, I also think it is important that we step back and remember the broader context in which we operate. One is that we face a ruthless, determined, adaptable adversary who at this moment is concentrating their efforts in Afghanistan and Iraq, but poses a threat to us and our allies all over the world. We live in a world where technology that can destroy massive numbers of human lives is spreading around the world, and some of the places where that technology exists are not as politically stable as we would like.

We face threats to our country using some of the very technology we rely upon, whether it's satellites or whether it's the Internet; and in the face of all that, we have national security structures that were developed during the Cold War. And as with all large organizations, the Department of Defense and other government agencies have a difficult time adapting.

It may be that the most important part of this bill is the funding of a study to recommend changes in the National Security Act of 1947, which will help us be better organized and better adaptable for the security challenges in the future.

Madam Chair, I'd like to make one other point that concerns me about the broader national security context in which we operate. There is much that is in this bill that is very good. We will debate some important amendments and a lot of amendments that are not that deal with smaller issues, and then I expect that this bill will pass by a very large vote.

And then next week or the week thereafter, we are going to have another vote that will undercut much of the good that is in this bill by giving hope to our enemies and discouragement to our friends. This Congress will pat itself on the back for passing a pay raise for the troops, but then it will tie the hands of the commanders who are sent to implement the Nation's strategy.

This Congress will make the job of the military in fighting terrorists in key places harder by the political debate and by the actions we take; and so I would encourage Members to read and study "Unconventional Warfare," and I think they will find, as one writer put it, that it uses all available networks, political, economic, social and military, to convince the enemy's political decision-makers that their goals are unachievable or too costly.

And so, Madam Chair, it would seem to me to be a sad day if this Congress takes action that undoes the good that our military does every day on the ground, the achievements that they win in the field; and yet I fear, by some of the votes that we've taken, that may be dangerously the direction we may be headed.

Mr. SAXTON. Madam Chairwoman, I yield the remainder of this minute to the gentleman from Georgia (Mr. WESTMORELAND) for purposes of a motion.

MOTION TO RISE BY MR. WESTMORELAND

Mr. WESTMORELAND. Madam Chairman, I move that the Committee do now rise.

The Acting CHAIRMAN (Ms. ESHOO). The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WESTMORELAND. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. The Chair will count for a quorum. Does the gentleman withdraw his point of order?

Mr. WESTMORELAND. No, Madam Chairman, I do not.

The Acting CHAIRMAN. Evidently a quorum is not present.

Pursuant to clause 6 of rule XVIII, the Chair will reduce to 5 minutes the minimum time for an electronic vote, if ordered, on the pending question following this quorum call. Members will record their presence by electronic device.

The following Members responded to their names:

[Roll No. 358]

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

□ 1528

The Acting CHAIRMAN. On this quorum call, 407 have responded, a quorum.

RECORDED VOTE

The Acting CHAIRMAN. Pending is the demand of the gentleman from Georgia for a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 213, answered "present" 1, not voting 37, as follows:

[Roll No. 359]

AYES—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Chabot
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—213

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio

DeGette
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
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Murtha
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Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schwartz
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Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
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Waxman
Weiner
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Wynn

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Smith (WA)
Sullivan
Thompson (MS)
Van Hollen
Weldon (FL)
Woolsey
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1538

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. SKELTON. Madam Chairman, may I inquire as to the time remaining on each side on general debate, please.

The Acting CHAIRMAN. The gentleman from Missouri has 24½ minutes remaining. The gentleman from New Jersey has 21 minutes remaining.

Mr. SKELTON. I yield myself such time as I may consume.

This is deadly serious business, Madam Chairwoman. I have witnessed here the number of procedural motions, which I have refrained from commenting upon, but this is deadly serious business.

This is a bill to authorize funds for the United States military. That is our constitutional job to do. And procedural motions are fine, but let's get on with taking care of the troops and giving them their pay raise and the medical care and the equipment that they need.

As we say back in Missouri, "'nough said."

I yield 4 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Madam Chair, I thank the gentleman for yielding, and couldn't agree more with his comments on how serious this authorization is and our duty to do what we have been sent here to do, especially today for our military.

So with that, Madam Chair, I rise to express strong support for H.R. 1585. And I want to thank the gentleman from Missouri (Mr. SKELTON), our chairman, and the ranking member, Mr. HUNTER, for the great job that they have done on crafting together a piece of legislation that is so vital and important.

Having said that, Madam Chair, in July of 2008, the Army will conduct a limited user test with soldiers from the Army Evaluation Task Force based at Fort Bliss using the first spinout of the FCS technologies. I know that the gentleman from Missouri understands how critical the first spinout of FCS technologies is for our Nation's warfighters, our warfighters that are currently at war in Iraq and Afghanistan.

So I would now like to yield to the chairman of the Armed Services Committee in the hope of entering into a colloquy so that he can discuss how the bill addresses this very important and vital issue.

I yield to the chairman.

Mr. SKELTON. Madam Chairwoman, I thank the gentleman for yielding. And first I want the gentleman from Texas to know how much the committee appreciates his strong support for our Nation's Armed Forces, particularly for the United States Army. He is just superb. The Army is bearing the brunt of the burden of military operations in Iraq, as well as Afghanistan, and our committee has worked to ensure that soldiers on the ground have the equipment they need to accomplish their mission and come home safely.

Beyond taking care of the needs of the warfighters in the field today, we must address the Army's long-term modernization and readiness requirements. That is why the bill before us here today fully funds the most critical elements of the Future Combat Systems program, which will keep the program on track to conduct the limited user test next summer.

While the bill cuts some funding for some redundant programs and overhead costs, along with parts of the program which are not scheduled to be fielded until 2015, the $2.8 billion in the bill includes full funding for all Spinout 1 activities, allowing them to continue as planned.

I want to assure the gentleman from Texas that we will continue our efforts to balance the Army's immediate near-term as well as long-term needs as we work through the conference process. As Congressman ABERCROMBIE said last week during consideration of the bill in the committee, finding that balance is a work in progress.

To the gentleman from Texas, you have my assurance that we will provide funding for the FCS program so that the Army can move forward with modernizing its equipment and its networks.

As we focus our efforts, as we focus our dollars on today's soldiers, we can't shortchange our future forces.

Mr. REYES. Reclaiming my time. I thank the gentleman for his efforts in support of our military forces. Our soldiers, sailors, airmen, and marines have no better friend in Congress than IKE SKELTON; and on behalf of the Fifth Brigade of the First Armored Division at Fort Bliss, I want to thank the chairman for his assurance that their work in support of FCS and Army modernization, as they prepare for the test event next summer, will not be affected by the bill that we are debating today.

FCS represents the cornerstone of the Army's modernization plans, and I appreciate the chairman's understanding of the need to continue investing in the Army's future even as we face the challenges of today's wars in Iraq and Afghanistan.

Mr. SKELTON. Madam Chair, I reserve the balance of my time.

Mr. SAXTON. Madam Chair, I yield 3 minutes to the gentleman from Missouri (Mr. AKIN), the ranking member of the Oversight Subcommittee.

Mr. AKIN. Madam Chair, one of the things that you can be only an amateur student of are various battles, or military history, and it becomes immediately obvious, the importance of information. Just randomly, you can think of Pearl Harbor, knowing whether the Japanese are coming. Or, particularly, the Battle of Midway, where you have the Japanese force, far superior to the American force, but the Americans knew where the Japanese aircraft carriers were and the Japanese only knew where one of the American aircraft carriers was. As a result, America won that significant Battle of Midway, even though we had an inferior force, based on information.

Now, I have heard discussion about how proud we are of Future Combat

Systems, which is a fancy word for a computerized system to help our warfighters have the information that they need in order to do their job. That program is the first major Army modernization program in 40 years, and under this bill, it is being cut by 25 percent.

□ 1545

This was not a feel good kind of vote. This was a strict party-line vote, the Democrats voting to cut it by 25 percent, the Republicans trying to restore funds and being turned down in that request.

Now, when you cut a program by 25 percent, particularly as complicated as this is with all the computers that are talking to each other, the software, the communications disciplines and the platforms involved, that is a significant change and a significant slowdown to a very important part of our future, and that is the ability to have real-time, online information for our warfighters.

This is not just important to the Army, as important as it is to the Army, because the Marines and the Navy are going to be waiting also for perhaps a lot of this software to be the prototype for their systems that they develop later. So what we are doing is basically pushing back, slowing and delaying and cutting down 25 percent, or $867 million, from this program. We have tried to replace those funds some, with some things that are completely not necessary, such as a high speed boat for the Army, which hasn't even been designed, and have been turned down and not even allowed to offer that amendment here on the floor.

Now, who is it who is going to pay for this degradation of the modernization of our Army? It is going to be our sons and daughters, my own sons that are involved, and this is not a good thing. This is not a good trade-off. We must advance the modernization. Information has always throughout history been critical to warfare. It is all the more so now.

And so I am strongly opposed to this significant cut and the hurting of our ability to get information to our warfighter.

Mr. REYES. Madam Chair, I now would like to yield 2 minutes to our friend and colleague from California, the gentlelady, Ms. SANCHEZ.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I rise today in support of H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008.

I would like to thank my chairman, Mr. SKELTON, for his really great work in producing a Defense bill with support from both sides of the aisle. It is commendable that Chairman SKELTON was able to pass this bill on a vote of 58–0, given the heated and the very polarized debates that we were having in the House Armed Services Committee, especially with respect to the war in Iraq.

And as Chairman SKELTON has repeatedly said, the purpose of this bill is to provide our troops with the equipment and the support that they need to carry out their mission.

I, for example, voted against granting the President the authority to use force in Iraq, and I have continued to question his repeated surges and his failing policies in Iraq. I have repeatedly asked the President to provide a plan to safely redeploy our troops to come home from Iraq.

But, having said this, until we can get our brave men and women home from Iraq, we must provide them with what they need to perform their mission. And that is what this bill does. At the same time, it asks the tough questions of the Defense Department and of this President.

One question, for example, that I have for the Department of Defense that I have been asking over and over for the last 4 years, what happened to the approximately 329,000 Iraqi security forces that had been trained? Specifically, where are they assigned? Are they reporting for duty? Or are they now working for the insurgency? And this bill asks that question.

The Defense authorization bill as a whole asks for accountability and for oversight from the President and from the Department of Defense. And I ask my colleagues to stand together and to pass this bill.

Mr. SAXTON. Madam Chairlady, I'd like to yield 3 minutes to the gentleman from Minnesota, who joined this House several years ago after having spent 25 years in the Marine Corps, Congressman JOHN KLINE.

Mr. KLINE of Minnesota. Madam Chair, I'd like to take this opportunity to thank the committee members and Chairmen SKELTON and SNYDER for their support of the Yellow Ribbon Reintegration Program in this year's Defense authorization bill in the en bloc amendment. Inclusion of this program in the bill will move us forward as we seek to fill a gap that has only widened as our Nation has come to rely increasingly on the National Guard and Reserves to assist in combat operations.

Based upon his experiences as a returning Vietnam War veteran, Minnesota National Guard Adjutant General Larry Shellito took the lead to build a reintegration program for returning Guardsmen who lack the established support infrastructure of their active duty counterparts. General Shellito and the Minnesota National Guard leadership have developed an innovative program to change how returning soldiers and airmen are reintegrated back into their communities.

Through experiences drawn from the deployments of smaller units to Iraq and Afghanistan and Kosovo, they developed a unique combat veteran reintegration program with a focus on supporting soldiers and their families throughout the entire deployment cycle. This multifaceted program includes workshops for families and communities to help them for their servicemember's return and training events at 30, 60 and 90-day intervals for servicemembers following their demobilization.

The training events have given Guardsmen and Reservists the opportunity to engage VA and health care representatives, while also allowing platoon sergeants and commanders to check in with their troops. Experience has shown that catching signs of post-traumatic stress disorder, substance abuse, or even marital problems early can prevent even more severe problems in the future.

I believe the Yellow Ribbon Reintegration Program represents the best ideas of not only Minnesota but also States and territories throughout the Nation that have stepped in to provide reintegration services to their troops.

As envisioned, the Yellow Ribbon program included members of the other Reserve components in only a voluntary, unpaid status due to financial constraints. So I would like to thank Chairmen SKELTON and SNYDER for their support in finding the additional funding necessary to expand this program beyond the National Guard to all Reservists.

Let me just close by saying that this program has the support of Lieutenant General Blum, the chief of the National Guard Bureau and many other organizations, the National Guard Association of the United States, the Enlisted Association of the National Guard of the United States, the Naval Reserve Association, the Noncommissioned Officers Association, and the Retired Enlisted Association. I will submit those letters for the RECORD.

Again, I would like to thank Chairmen SKELTON and SNYDER for their hard work in making this possible.

DEPARTMENTS OF THE ARMY
AND THE AIR FORCE,
Arlington, VA, May 4, 2007.

Hon. JOHN KLINE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN KLINE: As you describe in your letter, the Minnesota National Guard's "Beyond the Yellow Ribbon Reintegration" program does a great job filling the gap in transition assistance services experienced by all Reserve Component members returning from a combat deployment. I consistently hear from Adjutants General, our troops and their families that the current transition program conducted at the active component demobilization station doesn't well serve the needs of the National Guard and the other Reserve components.

We see, for example, that many DD Form 214, Certificate of Release or Discharge from

Active Duty, prepared at the active duty demobilization station contain significant errors and require correction at the home station. As you know from your own military experience, the DD 214 is an essential ticket to access veteran's benefits. The time required to correct these forms is a burden on our veterans. Like the rest of the transition assistance program of health care, education, VA and employment counseling, Minnesota, among other states, has demonstrated that it can be provided better at the home station.

Several states participated in a National Guard-wide working group convened last fall to capture the best practices nationwide. The recommendations of that working group echo the results of previous twenty-four months of DoD working groups in which my staff has participated. We have just begun another DoD working group, this one chartered by Congress on the subject of Guard and Reserve transition to civilian employment. That report is due to Congress in October 2007. There are several very effective programs in our States to model—the solution set to this issue is well defined. The National Guard Bureau has well documented lessons learned from studying this issue. The need for more time to accomplish transition assistance at the home station is clear.

Providing a better transition and reintegration experience for our Guardsmen is a top priority for me and Lieutenant General Clyde Vaughn, the director of the Army National Guard. There are currently 37,000 Guardsmen deployed to fight the war on terror. It's expected that another 60,000 will deploy within the next 18 months. Almost a full third of the National Guard and their families will require transition assistance in the near term. A national program, implemented swiftly, would arrive just in time for them. I salute and appreciate your continuing interest in the welfare of our National Guardsmen.

Sincerely,

H. STEVEN BLUM,
Lieutenant General, U.S. Army,
Chief, National Guard Bureau.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES, INC.,
Washington, DC, May 8, 2007.

Hon. JOHN KLINE,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVE KLINE: Since the first militia units were formed in Massachusetts on December 13, 1636, the National Guard has been an indispensable part of our nation's Armed Forces. Members of the National Guard have performed their "federal" mission with distinction in every major conflict.

Until recently, the National Guard was considered a "Strategic Reserve." However, as the Cold War ended, troop levels in all of our Armed Services were reduced, resulting in the Guard representing a higher percentage of the Total Force. Terrorist attacks by Muslim extremists and other conflicts such as the Balkans, Afghanistan and Iraq have required the United States to take military actions, resulting in significant Guard "call ups." The National Guard is now an "Operational Force," a fact clearly articulated by all senior Pentagon leaders.

After risking their lives during deployments, our returning National Guard members often return to civilian life confronting health care issues, legal uncertainties, strained relationships, unemployment, depression, and Post Traumatic Stress Disorders requiring follow-on assistance.

NGAUS strongly supports H.R. 2090 now before the 110th Congress which seeks to strengthen and coordinate the programs and benefits available to National Guard members in the critical reintegration process.

We owe the young men and women, who are selflessly serving our states and nation, the tools and resources they need to reintegrate with their families and communities upon their return. Anything less is an abrogation of our responsibilities.

Sincerely,

STEPHEN M. KOPER,
Brigadier General, USAF, (ret.),
President.

ENLISTED ASSOCIATION OF THE
NATIONAL GUARD OF THE UNITED
STATES,
Alexandria, VA, May 8, 2007.

Hon. JOHN KLINE,
House of Representatives,
Washington, DC.

The Enlisted Association of the National Guard of the United States (EANGUS) is the only military service association that represents the interests of every enlisted soldier and airmen in the Army and Air National Guard. With a constituency base of over 414,000 men and women, their families, and a large retiree membership, EANGUS engages Capitol Hill on behalf of courageous Guard persons across this nation.

On behalf of EANGUS, I'd like to offer our letter of support for H.R. 2090, the Yellow Ribbon Reintegration Program Act of 2007. Your legislation will establish a national combat veteran reintegration program to provide National Guard members and their families with sufficient information, services, referrals, and proactive outreach opportunities throughout the entire deployment cycle.

The model of excellence which began in Minnesota will be a beacon of what right looks like for the rest of the nation. This legislation outlines the program and designates the resources that the National Guard will use to provide assistance where it is most needed.

Thank you for your continued support of our military and veterans. If our association can be of further help, feel free to contact our Legislative Director, SGM (Ret) Frank Yoakum.

Working for America's Best!

MICHAEL P. CLINE,
Executive Director.

MILITARY OFFICERS
ASSOCIATION OF AMERICA,
Alexandria, VA, May 8, 2007.

Hon. JOHN KLINE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KLINE: On behalf of the nearly 362,000 members of the Military Officers Association of America (MOAA), I am writing to express our support for your bill, H.R. 2090, to improve transition services for returning National Guard and reserve veterans of the war on terror.

Nearly six hundred thousand of our nation's citizen-warriors have served on active duty since 9/11 and many thousands more are in the deployment pipeline for second or third tours. The special challenges of reintegrating them back into their communities are addressed in your legislation.

H.R. 2090 would establish a national combat veteran reintegration program that models the best practices of state programs to provide reserve component combat veterans and their families the information, outreach support and services they need throughout the entire deployment cycle.

Traditional transition assistance programs (TAP) are not meeting the unique needs of our Guard and Reserve troops and their families. Your bill provides a funding network of support that will have a direct impact on the reenlistment and continuation decisions of overstressed citizen-warriors. Your bill supports military personnel readiness in the long war on terror.

MOAA strongly supports integrating your bill as an amendment to the House version of the National Defense Authorization Act for FY 2008 and expanding the program as quickly as possible to meet the needs of other mobilized reserve component troops.

Sincerely,

NORBERT RYAN, JR.,
President.

NAVAL RESERVE ASSOCIATION,
Alexandria, VA, May 8, 2007.

Hon. JOHN KLINE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KLINE: On behalf of the 23,000 members of the Naval Reserve Association and 73,000 members of the Navy Reserve, I am writing to express our support for your bill, H.R. 2090, to improve transition services for returning Navy Reservist, and Reserve Component veterans of the war on terror.

Nearly six hundred thousand of our Nation's citizen-warriors have served on active duty since 9/11 and many thousands more are in the deployment pipeline for second or third tours. The special challenges of reintegrating them back into their communities are addressed in your legislation.

H.R. 2090 would establish a national combat veteran reintegration program that models the best practices of state programs to provide reserve component combat veterans and their families the information, outreach support and services they need throughout the entire deployment cycle.

Traditional transition assistance programs (TAP) are not meeting the unique needs of our Guard and Reserve troops and their families. Your bill provides a funding network of support that will have a direct impact on the reenlistment and continuation decisions of overstressed citizen-warriors. Your bill supports military personnel readiness in the long war on terror.

The Naval Reserve Association strongly supports integrating your bill as an amendment to the House version of the National Defense Authoriztion Act for FY 2008 and expanding the program as quickly as possible to meet the needs of other mobilized reserve component troops.

Sincerely,

C. WILLIAMS COANE,
RADM, USNR (Ret.),
Executive Director.

NON-COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
Alexandria, VA, May 8, 2007.

Hon. JOHN KLINE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KLINE: I write on behalf of the Members of the Non Commissioned Officers Association to express our support of your bill, H.R. 2090, to improve transition services for returning members of the National Guard and Reserve veterans from America's war on terror.

H.R. 2090 would establish a national combat veteran reintegration program that models the best practices of state programs to serve reserve component combat veterans, their families, and survivors with information, outreach support, and vital services they need throughout the entire deployment cycle.

Approximately six hundred thousand of our nation's citizen-soldiers have served on active duty since 9/11. Many of these members of the Guard and Reserve and thousands more are in the rotational deployment schedule for a second or third tour. Your legislation is a remarkable step forward to address the transitional needs as they return to their communities.

Traditional transition assistance programs (TAP) do not meet the unique needs of members of the Guard and Reserve and their families. The funding network of support proposed in your legislation will directly impact reenlistment and continuation decisions of personnel overcome by the rigors of involvement in the nation's extended war on terror.

The NCOA would strongly advocate that your bill be integrated as an amendment in the House version of the National Defense Authorization Act for FY 2008. We need to ramp up programs to meet the needs of all mobilized reserve component personnel.

Sincerely,

RICHARD C. SCHNEIDER,
Executive Director for Government Affairs.

THE RETIRED ENLISTED ASSOCIATION,
Alexandria, VA, May 8, 2007.

Hon. JOHN KLINE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN KLINE: On behalf of the more than 100,000 members of The Retired Enlisted Association (TREA), their spouses and families, I am writing in support of your legislation, H.R. 2090, the Yellow Ribbon Reintegration Program Act of 2007. It has been obvious for quite some time that members of the Reserve Component of America's Armed Forces lack the same kinds of support programs when they return from overseas combat theaters that active duty personnel have. Your bill will go far in rectifying that lack of support and we whole-heartedly and enthusiastically support its passage.

Many of our members are retired from the Guard and Reserve components and they still care deeply about those who continue to serve. While the situation has changed dramatically in recent years, you may recall that in the past Guard and Reserve personnel were often treated as "poor stepchildren" when it came to benefits afforded them in return for their service to our nation. Now that they have become full operational partners of our nation Armed Forces, they must receive the benefits and services they need and deserve and your bill to establish a national combat veteran reintegration program will help accomplish that goal.

TREA strongly supports integration of your bill as an amendment to the House version of the FY 2008 National Defense Authorization Act and we look forward to its enactment into law in the coming months.

Sincerely,

LARRY MADISON,
Legislative Director.

Mr. REYES. Madam Chair, I now yield 2 minutes to my good friend and colleague, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Chair, I rise in support of this bill which I believe merits the support of Members of both parties because it makes three strategic judgements that are very sound and very right.

First, it makes the judgment that the highest priority of the Congress should be the pay, the benefits and the well-being of the families of the men and women who wear the uniform of the country. Together, as Republicans and Democrats, we're doing more in this bill than we've ever done before to serve those needs.

Second, this bill makes the right strategic judgment to deal with the urgent present needs of men and women in theater in the field. Yes, this is at the expense of future systems that will some day aid our competitive edge. And I believe in funding those systems. But the choice we need to make today is the up-armored vehicles, the weaponry, the training, the support for men and women in Iraq, in Afghanistan, in the heat of battle today. This is the right strategic judgment.

Finally, this bill decides to take $764 million out of strategic missile defense, still giving the President 91.5 percent of what he asked for, and spending the money on securing loose nuclear material in the former Soviet Union, spending the money on converting reactors that could be turned into bomb material in the former Soviet Union. These threats were identified as the principal threat to the national security by the 9/11 Commission. This is the right strategic judgment.

For these and many other reasons, I would urge both Democrats and Republicans to vote "yes" on this very fine bill.

Mr. SAXTON. Madam Chairlady, I'd like to yield 4 minutes to the ranking member of the Veterans' Affairs Committee, the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Chair, I come to the floor once again to defend veterans and the country. And I'm also equally disappointed that there are not many veterans willing to stand in the well against provisions in the Defense bill that would increase the price of prescription drugs in the VA.

Now, why don't I have enough friends in the well? Well, they're going to have to answer for themselves for that question.

But what is occurring here in the House is an assault upon drug manufacturers in the country. There is this quest and design that, let's get what available drug there is out there to everyone at the lowest price. How wonderful that would be.

We, in this country, have a unique system. It's called the free market. It's called capitalism. We say unto the world, bring your greatest minds to America. You can go to the capital market, you can make an investment at risk to press the bounds of science that will increase the quality of life of our people and those around the world.

Yet, there's an assault upon that system. The assault continues. It began in January whereby the Democrat majority wanted to extend Medicare drug pricing by saying, let's take the VA Federal Supply Schedule and extend that into the Medicare. Bad idea. Democrats tried that back in 1990 and found out that, whoa, that increased drug prices to veterans, and repealed it. But they passed it again in January.

Now, what did they do in the Defense bill? In this Defense bill they've now taken the extension of the Federal Supply Schedule and extended it into the retail drug pharmacy benefit.

When I did the redesign of the TRICARE pharmacy benefit in the Department of Defense, I created not only the retail network pharmacy benefit, I created the out of retail network pharmacy benefit, and at no time did I ever, ever, believe that we would extend Federal Supply Schedule into the TRICARE pharmacy.

So what is about to happen? When you take the system in the VA and you extend that, and you create the pool and make it larger, you are cost shifting. And when you cost shift, you're going to increase these prices in the VA.

Now, in the VA that's about 7 million veterans. It's about 1 percent of the market. You say, oh, Steve, that's not a big number. Well, it is ironic to me how Members will pound their chests and say, well, you know, I said no to an increase in a pharmacy copay, but they're about to vote "yes" to increase drug prices for veterans when they vote for this Defense bill. This is wrong, and it should not be done, and I'm appealing to Members not to do this.

And I am disturbed, disturbed that my good friend, IKE SKELTON, denied two of my amendments. I've worked for 15 years with Chairman SKELTON on many, many different issues, and I am stunned that he would deny my opportunity to offer two amendments.

One was very simple. It would be to have the Secretary certify that before he could implement this program you have to certify it will not increase prices on the VA. Why would you deny that amendment?

They are going to deny the amendment because they know, going into this, that the creation of this program is going to increase prices on veterans. I just cannot believe we're about to do that here.

Secondly, we should listen to the experts. If you're about to deny a particular drug under the formulary on TRICARE, you'd better have a pretty good reason, and we ought to be able to go to the committee to do that. But they're not going to do that. At this point I am pretty disturbed.

☐ 1600

Mr. SAXTON. Madam Chairman, I reserve the balance of my time.

Mr. SNYDER. Madam Chairman, I yield 1½ minutes to my colleague the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Madam Chairman, I rise today in support of H.R. 1585.

This legislation recognizes the extraordinary efforts by our servicemembers and makes great strides towards resetting our force and ensuring our overall readiness. However, it is only the beginning.

We know that part of readiness is having a military health care system that understands the strains on our force and is capable of handling the mental health needs of our servicemembers both at home and abroad. If we are going to deploy our men and women at the current pace, we must, we must, make sure we understand the consequences of our policy decisions. We must prepare our troops for the stress of service in theater.

I agree with General Petraeus, who recently spoke in favor of redoubling our education efforts to identify potentials for abuse among our servicemembers. The recent Army study indicating tolerance of torture among some of our troops shows why we need to do more.

Through mental health provisions in this bill, Congress has begun to ask important questions, important questions about the results of war and developing best practices for identifying and treating combat-related stress disorders.

I strongly urge my colleagues to vote in favor of this legislation.

Mr. KLINE of Minnesota. Madam Chairman, at this time I am pleased to yield 3½ minutes to my friend and colleague, the gentleman from Georgia, Dr. GINGREY, a member of the Armed Services Committee.

Mr. GINGREY. Madam Chairman, I thank the gentleman from Minnesota for yielding.

I rise today in support of H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008.

I would like to say a special thanks to Chairman SKELTON, my good friend, and also to Ranking Member HUNTER, as well as Subcommittee Chairman ABERCROMBIE and Ranking Member SAXTON, for their tireless efforts in support of our soldiers, our sailors, our airmen, and marines who are bravely defending us both at home and abroad.

Madam Chairman, while not a perfect bill, this legislation covers a wide scope of issues that are vitally important to our armed services, both active and reserve components, and clearly meets the immediate needs of the warfighter.

From a 3.5 percent across-the-board pay raise to an additional $4.1 billion for the MRAP, Mine Resistant Ambush Protected vehicles, this legislation addresses the most pressing needs of our troops during a very, very trying time for this country. I am further pleased that the bill provides for an increase of 13,000 Army and 9,000 Marine Corps active-duty personnel, as well as $1 billion for National Guard equipment.

While I applaud the work of the committee in addressing pressing readiness issues, I am very concerned, Madam Chairman, about the deep cuts to missile defense and, of course, the Army Future Combat Systems. A viable missile defense system is critical to deterring and countering emerging threats to our national security, especially as Iran and North Korea develop their nuclear capabilities. I look forward to working with Chairman SKELTON and Ranking Member HUNTER and the rest of the committee as this bill moves forward to address these program needs.

I am pleased, however, that the Armed Services Committee voted unanimously on a bipartisan basis to support another program critical to our national security. Madam Chairman, that is section 1243 of this bill. It affirms that WHINSEC, the Western Hemisphere Institute for Security Cooperation, is effectively accomplishing its mission and expresses that because of this success, the Department of Defense should continue utilizing this program to promote security cooperation with Latin American countries.

Those who have been taking the time to visit WHINSEC at Fort Benning in Columbus understand the critical importance of this program. By virtue of WHINSEC, the United States is able to engage the military and the security forces of Central and South American countries in a forum where they will be able to learn our values regarding democracy and human rights, especially now human rights, while also being trained in counternarcotics and counterterrorism tactics.

It is so important to remember that this may be the only medium we ever have to engage the future military and political leaders of these Latin American countries, who are America's closest neighbors; and they can serve as our closest allies. If we were not to engage with these nations, we would be abandoning our most effective means of developing relationships with the security forces of Central and South America. The void created would be filled by countries with different values than our own regarding democracy and human rights, countries, Madam Chairman, such as Venezuela and China, whose influence in the region is growing. And, therefore, I am glad that the Armed Services Committee stands behind WHINSEC.

Madam Chairman, there is much to be proud of in this bill, and I again commend Chairman SKELTON and Ranking Member HUNTER for their efforts to keep this bill focused on the needs of the warfighter, a fact I hope is not lost as we progress through the amendment process.

I urge all my colleagues to remember the importance of a strong national defense and to prioritize that over partisan issues which divide us.

Mr. KLINE of Minnesota. Madam Chairman, I yield to the gentleman from Indiana (Mr. BUYER) for the purposes of making a motion.

MOTION TO RISE OFFERED BY MR. BUYER

Mr. BUYER. Madam Chairman, I move that the Committee do now rise.

The Acting CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BUYER. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. The Chair will count for a quorum. Does the gentleman from Indiana withdraw his point of order?

Mr. BUYER. I do not.

The Acting CHAIRMAN. Evidently a quorum is not present.

Pursuant to clause 6 of rule XVIII, the Chair will reduce to 5 minutes the minimum time for an electronic vote, if ordered, on the pending question following this quorum call. Members will record their presence by electronic device.

The following Members responded to their names:

[Roll No. 360]

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono

Hobson
Hodes
Hoekstra
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised they have 2 minutes remaining to register their vote.

☐ 1629

The Acting CHAIRMAN (Mrs. JONES of Ohio). On this quorum call, 403 have responded, a quorum.

RECORDED VOTE

The Acting CHAIRMAN. Pending is the demand of the gentleman from Indiana for a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 217, not voting 42, as follows:

[Roll No. 361]

AYES—178

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—217

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NOT VOTING—42

Abercrombie
Bachmann
Blumenauer
Boehner
Bordallo
Buyer
Calvert
Cantor
Christensen
Cubin
Davis, Jo Ann
Dingell
Doyle
Engel
Faleomavaega
Gilchrest
Goodlatte
Harman
Hastert
Herger
Holden
Hunter
Johnson, E. B.
Larson (CT)
Lewis (GA)
McMorris Rodgers
Miller (FL)
Miller (NC)
Miller, George
Nadler
Norton
Payne
Peterson (PA)
Putnam
Reynolds
Roskam
Ryan (WI)
Skelton
Stark
Whitfield
Woolsey
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1638

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. SKELTON. Madam Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY), a member of the Armed Services Committee.

Mr. COURTNEY. Madam Speaker, in 2001, when President George Bush took office, the size of the United States

Navy consisted of 315 ships and submarines. Today, the size of that Navy has fallen to 276 ships and submarines. Despite this shocking decline and the damage, the damage, that it has done to our shipbuilding base in this country, the President continued to propose a shipbuilding budget this year which will continue that deterioration.

If his shipbuilding plan continues, for example, the size of our *Virginia*-class attack submarine fleet will fall below 40 submarines, starting 7 years from now, and will stay there for 15 years. That is far below what the Navy has warned us is an acceptable level for a submarine fleet to meet its mission request.

I rise in support of this Defense bill because it will stop the decline that has occurred over the last 6 years of America's Navy and will invest $588 million in an advanced procurement for a *Virginia*-class attack submarine and stop the bathtub effect of the decline of the submarine production schedule which the President proposed.

Madam Chairman, I applaud Chairman SKELTON and Chairman TAYLOR for their efforts to restore the size of our Navy.

Mr. KLINE of Minnesota. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Thank you, Congressman KLINE. Thank you for your leadership and your service in the Marine Corps of the United States. Thank you for your family's participation, serving today as part of our effort overseas. I am very proud of your son's service. We are very grateful to the Kline family of Minnesota..

I rise today in support of H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, and its provision for authorizing additional troop strength for both the United States Army and Marine Corps. I appreciate Chairman IKE SKELTON and Ranking Member DUNCAN HUNTER's work in crafting this legislation.

As directed by the House Committee on Armed Services, in fiscal year 2008 the Army's end strength will be 525,400, a 13,000-person increase, and the Marine Corps' end strength will be 189,000, 9,000 more than last year.

As a member of the Armed Services Committee, as a 31-year veteran of the Army Reserves and Guard, and, most importantly, as the proud parents of four sons who are serving in the military today, I know firsthand of the extraordinary opportunities of military service.

Increasing the size of our military is imperative in our fight to win the global war on terrorism. By ensuring we have an adequate number of soldiers, we can decrease troop deployment time and increase training and readiness, thus improving our military's capability and effectiveness.

The bases I directly represent, Fort Jackson for the Army and Parris Island for the Marines, are producing the best professionals to protect American families in the world. I am particularly pleased that the effort to increase troop strength is bipartisan. I have been impressed that last year Congresswoman ELLEN TAUSCHER of California introduced legislation for troop strength increase.

In conclusion, God bless our troops, and we will never forget September 11.

Mr. SKELTON. Madam Chairman, I yield 1 minute to my friend, the gentlewoman from New Hampshire, Ms. SHEA-PORTER.

Ms. SHEA-PORTER. Madam Chairman, I was honored to be a military spouse, and I am now honored to be in the House of Representatives and on the Armed Services Committee.

I stand here today in support of this bill. This bill takes care of our military men and women and it also takes care of their families. It provides a raise for the military that is long overdue. It provides for their housing. It takes care of our military and our families. And it cares for those who are injured, especially brain injuries, which we are concentrating on now.

It helps rebuild the military. Our military has been weakened by the war in Iraq, and it is now time to support these people. So I am very proud to stand here.

It also takes care of the National Guard. It will provide a fourth star for the National Guard so they will have a seat at the table to talk about the policy in the United States. The National Guard deserves this. They also have an increase in the budget of $1 billion.

So I am proud here as a member of the Armed Services Committee to lend my support to this and to urge my colleagues to vote for this.

☐ 1645

Mr. KLINE of Minnesota. Madam Chair, I yield 3½ minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Thank you very much for yielding.

I am back on the floor, and I am here to make an appeal to my good friend, IKE SKELTON. I am here to make an appeal, Mr. Chairman, because I need you to help me. Help me understand why I shouldn't be so upset here today. You have a provision in the bill that is going to open up the Federal Supply Schedule and extend that pricing into DOD whereby when you do that we expand the pool. When you expand the pool, you cost shift. Not only do you cost shift, you are going to increase pharmaceutical costs onto 7 million veterans.

So our history here is that it was a Democrat-controlled Congress back in 1992 that said we are going to create the Federal Supply Schedule and we are going to do this cost control. Why? Because if anyone is entitled in our society to have this benefit, it is our disabled veterans. Then what happened? Then in the 1990s we sort of reformed eligibility with regard to the VA and expanded that criteria so the Federal Supply Schedule expanded beyond the disabled veterans now to all veterans.

And now what has happened, you want to expand it, Chairman SKELTON, into the DOD TRICARE pharmacy benefit program. When you do that, we are going to increase the price of prescription drugs for veterans.

Do not go home and pound your chest and say I am denying increase in copays when you are about to vote for increases in drug prices for 7 million veterans.

Chairman SKELTON, I offered two amendments before the committee, and they were both denied.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are reminded to direct their comments to the Chair, not to another Member in the second person.

Mr. BUYER. Madam Chairman, I offered two amendments directly to the Rules Committee asking one of my colleagues, who is the chairman of the Armed Services Committee, to do these amendments, and they were denied. It was dumbfounding to me.

Mr. KENNEDY. If the gentleman would yield and answer how it would raise the cost to veterans and explain how it would, that would be helpful.

Mr. BUYER. Sure. If Federal discounts expand, price levels would be pushed up, the VA would pay a higher price for the drugs it provides to veterans. So this would place an increased pressure on the funding of veterans health care.

Mr. KENNEDY. According to whom?

Mr. BUYER. GAO even did an analysis of the expansion.

We asked them to look at it with regard to Medicare, when you tried to do it on Medicare, and pass the House. We know that any time you expand Federal pricing and you increase the pool, drug prices in fact will go up.

As a matter of fact in 1990, talk to Chairman JOHN DINGELL because he passed that back in 1990, and they realized they made a mistake and it increased the price on veterans, and we had to repeal it. I ask you to talk to Chairman DINGELL.

Mr. KENNEDY. Well, I am sure the pharmaceutical industry would tell you that because they have a lot to lose by expanding it.

Mr. BUYER. I reclaim my time. Who has a lot to lose? We all have a lot to lose. If you want to open up and do price controls in pharmaceutical manufacturing, we all lose as a society. We will all lose.

MOTION TO RISE OFFERED BY MR. BUYER

Mr. BUYER. Madam Chairman, I move that the Committee do now rise.

The Acting CHAIRMAN. Does the gentleman from Minnesota yield for purposes of that motion?

Mr. KLINE of Minnesota. Yes, I yield for purposes of the motion.

The Acting CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BUYER. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. The Chair will count for a quorum. Does the gentleman from Indiana withdraw his point of order?

Mr. BUYER. I do not.

The Acting CHAIRMAN. Evidently a quorum is not present.

Pursuant to clause 6 of rule XVIII, the Chair will reduce to 5 minutes the minimum time for an electronic vote, if ordered, on the pending question following this quorum call. Members will record their presence by electronic device.

The following Members responded to their names:

[Roll No. 362]

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

□ 1713

The Acting CHAIRMAN. On this quorum call, 398 have responded, a quorum.

RECORDED VOTE

The Acting CHAIRMAN. Pending is the demand of the gentleman from Indiana for a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 221, not voting 28, as follows:

[Roll No. 363]

AYES—188

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Van Hollen
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—221

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Burgess
Butterfield
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare

Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—28

Abercrombie
Bachus
Baird
Bordallo
Brown, Corrine
Capps
Christensen
Cubin
Davis (AL)
Davis, Jo Ann
Doyle
Engel
Faleomavaega
Flake
Gohmert
Hastings (FL)
Honda
Hulshof
McMorris Rodgers
Miller (FL)
Miller (NC)
Miller, George
Nadler
Norton
Payne
Peterson (PA)
Watson
Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1723

Mr. OBEY changed his vote from "present" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. SKELTON. Madam Chairman, I yield 2 minutes at this time to the gentleman from Georgia, my friend, Mr. MARSHALL, who is also a member of the Armed Services Committee.

Mr. MARSHALL. Mr. Chairman, I very much appreciate the job that you and the ranking member and the staff and members of the committee have done in putting this bill together. It is an appropriate balance.

Madam Chairman, the bill appropriately balances the needs of all of our branches and all of the different defense needs that we have, both present and future, whether it's in space or land or air or on the water. What I want to particularly mention is that part of the bill that contemplates the kinds of conflicts that we are likely to have in the future and how we need to organize ourselves to better address those conflicts.

We have found, with our experience in Afghanistan and Iraq most recently, but historically with our experience in Vietnam, that our conventional force has a very difficult time dealing with the kind of conflicts that we are seeing in Iraq, Afghanistan, and the kind of conflict that we saw in Vietnam.

In Vietnam and today, we learned lessons, and those lessons are reflected in some of the things that we have in the committee's report and in the bill itself. We contemplate, for example, that in the Special Operations Command, more emphasis will be placed upon special forces and building partner capacity and developing partnerships globally that can enable us to work effectively with indigenous populations since, frankly, those indigenous populations are the ones that are going to have to be principally responsible for security issues within those countries.

We are in a new era here across the globe. Angry individuals have access to information that can enable them to develop very lethal weapons. Robert Wright describes this as the "growing lethality of hatred." It's a new era. It requires a new approach.

I think this bill heads in that direction, and I expect over the future years will head even more in that direction. That approach has to involve effective partnerships with security forces worldwide to keep an eye out for the kinds of threats that can be brought home to the United States.

I thank the gentleman for his leadership.

Mr. HUNTER. Madam Chairman, I think we only have about 2½ minutes left on this side. I would continue to reserve and ask my good friend from Missouri to recognize some more of his speakers.

Mr. SKELTON. Madam Chairman, I yield 1½ minutes to the gentleman, my friend and colleague, the gentleman from Maryland (Mr. CUMMINGS), who is also a member of the Armed Services Committee.

Mr. CUMMINGS. Madam Chairman, I rise today in support of the National Defense Authorization Act. This legislation is of vital importance, because it ensures that the Department of Defense has the funding necessary to replenish the depleted resources of the U.S. military and provides accountability standards as our military operations continue in Iraq. One of the critical issues we addressed in the House Armed Services Committee was the need to support our troops in combat operations.

We accomplish this task by providing $141.8 billion in emergency supplemental spending, which will provide for new combat vehicles and armor that will protect our men and women in uniform from traumatic brain injuries and increase their overall survival rate. Additionally, this bill safeguards and enhances access to care and treatment programs for our injured servicemembers under the auspices of the Wounded Warriors Assistance Act.

Finally, we address the need for oversight and accountability standards for our military operations in Iraq. Congressman DAVID LOEBSACK and I have an amendment included in the bill that requires Secretary Gates, General Petraeus and Ambassador Crocker to submit reports to the Congress on the status of the implementation of the Joint Campaign Plan.

I urge my colleagues to vote in favor of this critical defense bill.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. First, I, too, would like to join with others in our appreciation of Chairman SKELTON and Mr. DUNCAN for their good work, 58 unanimous votes coming out of committee. That says a lot.

Madam Chairman, I think it's important for us to realize some things in the future that are going on with our forces that many of us who participated over the years, you and I, have got some concern about, that's readiness.

If you haven't talked to your adjutant generals back in your home State, you ought to do that. You ought to have a talk with them, because it's something we ought to address. I know the ranking member and chairman understand this, but we have to do it. You have got a good bill. You have done what we ought to do.

We have to think about what happens next. I think we have to realize that there is some disparity about what is going on, even in the Iraq operation, because we have to figure out what we want to do in the future. What do we want as the policy, as the structure, as we think about the added forces that we are going to have to do.

We think about deployment. You know, they tell me that about 80 percent of the casualties over there, and probably some of you have more accurate information, are from the infantry. But they are only about 20 percent of the force.

You think about that, there's something going on here that's evolved in all of this that we haven't really addressed. We are thinking about the dearth of those who are reenlisting in the very important rank, the backbone of the Army, and I would guess the Marines as well, and that's the E–6. There are more of those that are doing the leadership positions throughout a various variety of things, as well as the O–2s and O–3s.

☐ 1730

And those are young people, younger people, who have got some amount of service, but they have got to talk to their families about reenlisting and continuing on. They are not staying, and this ought to be a concern. We have got to address that, and we have got to do that in the very, very near future.

So we have to sit down and say, what is our structure, what is our policy, before we go ahead and do the things that we have to do.

Mr. SKELTON. I yield 2 minutes to my friend, the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Madam Chair, I want to acknowledge Chairman SKELTON and Ranking Member HUNTER for their good work on this bill.

This authorization has very strong provisions on mental health, a number of them addressing the stigma issues regarding mental health, identifying the reintegration needs of our Reservists. Our Reservists make up nearly half of those fighting on behalf of the war on terror.

Mental health nurse practitioners: It establishes a nurse practitioner graduate education program in the Uniformed Services University of Health Sciences program that includes psychiatric mental health practices.

It has mental health counselors who can now be reimbursed by TRICARE for services provided to our troops and their families. These counselors are cost-effective and ready to serve the families of our servicemembers as well as our servicemembers themselves.

Also, we have the Mental Health Initiative that will coordinate the Department of Defense's research and development programs and provide opportunities for researchers to better improve identification and diagnosis of mental health problems.

Finally, we have the Psychological Kevlar, which will help us begin to prevent the post-traumatic stress disorder problems that we are seeing many of our soldiers come back from Iraq suffering from. It is important that we include in our basic training, before our soldiers go abroad, not only physical resiliency and training but mental resiliency and training, so that they are as prepared to defend themselves mentally as they are physically before it is too late, before they suffer the terrible psychological wounds that yield them so disabled in many respects after the war, when it is too late.

Finally, Madam Chairman, this bill includes provisions that will take account of measuring the quality and satisfaction of our military men and women in our military hospitals. We cannot wait for more of the kinds of Walter Reed anecdotal stories to rise to the surface before we begin to measure the quality and satisfaction in our military hospitals, and I am pleased to see this amendment adopted in the bill.

The authorization has very strong mental health provisions that will help address the stigma our troops confront in seeking mental health care, increase the number of mental health professionals to serve the mental health needs of our troops and their families, and advance research developed from the nation's academic and medical base to better improve DoD's mental health research and treatment programs.

Addressing stigma issues among reservists: The Secretary of Defense will establish a working group to identify the reintegration needs of our reservists. The working group will examine different programs operated by different services, States, and commands to help reservists. From there, it can identify best practices and develop plans to incorporate these practices across the military.

Mental health nurse practitioners: The establishment of a nurse practitioner graduate education program at the Uniformed Services University of Health Sciences. The program's specialties would include psychiatric mental health practice.

Mental health counselors: Mental health counselors can now be reimbursed by TRICARE for services provided to our troops and their families. The counselors are a cost-effective force ready to serve and help our service-members and their families.

Military mental health initiative: This initiative would coordinate the Department of Defense's mental health research and development programs and provide an opportunity for researchers to better improve the identification diagnosis, and treatment of mental health issues.

This plan will help incorporate evidence-based preventive and early intervention strategies into pre-deployment training, combat theater operations, and post-deployment service to strengthen our warfighters' psychological resiliency.

Introducing our soldiers to mental health care only after they have been exposed to combat is far too late. We need to familiarize our soldiers and their families with how to recognize and deal with the symptoms of combat stress and trauma—and the benefits of mental health care—from early on in their military career.

Our soldiers are trained from the moment they enter basic training or boot camp on how to physically protect themselves from harm.

We need to ensure that they are just as well trained in protecting themselves psychologically as well.

Mr. SKELTON. At this time I yield 2 minutes to my colleague, the gentleman from Pennsylvania (Mr. CARNEY).

Mr. CARNEY. Madam Speaker, Mr. Chairman, I am here today in support of our Nation's veterans. The GI bill has provided education to many of our Nation's finest honorable men and women. But, unfortunately, there is a provision that excludes our National Guard and Reserve from receiving their GI benefits after they have left the military.

This amendment, which comes from bipartisan legislation that I have introduced on the same topic, will express the sense of Congress that we need to lengthen the period of time that a Guard or Reserve member has to take advantage of the GI bill after he or she completes their service to 10 years. Right now, when they leave the service they lose their educational benefits. If they are deployed, they lose those benefits shortly after they return.

We owe it to our National Guard and Reserve members to have up to 10 years to take advantage of the GI bill of education. This is similar to the benefits extended to active duty members of the military, and our National Guard and Reserve deserve the same benefit because the National Guard and Reserve are playing an ever-increasing role in combat. They are finding it harder and harder to achieve their degrees while enlisted.

Madam Chair, as a lieutenant commander in the U.S. Naval Reserve, I have witnessed firsthand the critical role the National Guard and Reserve play in our Nation's security. It saddens me to learn that the National Guard and Reserves have missed their recruiting goals for 2005 and 2006. The military provides immense benefits to those that sign up, but it cuts off the Guard and Reserve when it comes to education benefits. What better way to ensure our military remains an all-volunteer force by encouraging more people to join the Guard and Reserve?

As a former professor at Penn State, I understand the value of education and believe that an educated workforce is a better workforce for all of America. We want our brave men and women who risk their lives for our country to have access to education. Denying our National Guard and Reserve their education benefits is unfair to our troops, unfair to their families, and hurts our entire country. We should allow our troops to serve their country honorably, and then reward them with higher education when they are finished.

The National Guard and Reserve are becoming indistinguishable from active duty now, and they need this benefit. We owe it to our troops and their military families back home. I urge all Members to support it.

Madam Chairman, I am here today in support of our Nation's Veterans. The GI bill has provided education to many of our Nation's fine and honorable men and women. Unfortunately, there is a provision which excludes our National Guard and Reserves from receiving their GI bill benefits after they have left the military.

This amendment, which comes from the bipartisan legislation that I have introduced on the same topic, will express the sense of Congress that we need to lengthen the period of time that a Guard or Reserve member has to take advantage of the GI bill after he or she completes their service to 10 years. Right now, when they leave the service, they lose their education benefits. If they are deployed, they lose the benefits shortly after.

We owe it to our National Guard and Reserve members to have up to 10 years to take advantage of their GI bill education benefits. This is similar to the benefits extended to active duty members of the military. Our National Guard and Reserves deserve this same benefit. Because the National Guard and Reserves are playing an ever-increasing role in combat operations, they are finding it harder to achieve their degree while enlisted.

As a lieutenant commander in the U.S. Navy Reserve, I have witnessed firsthand the critical role that National Guard and Reserves play in our Nation's security. It saddens me to learn that the National Guard and Reserves missed their recruiting goals in both 2005 and 2006. The military provides immense benefits to those that sign up, but it cuts off the Guard and Reserves when it comes to education benefits. What better way to ensure our military remains an all volunteer force by encouraging more people to join the Guard or Reserves?

As a former professor at Penn State Worthington, I understand the value of education and believe that an educated workforce is a better workforce for all of America. We want our brave men and women who risk their lives for our country to have access to education. Denying our National Guard and Reserves their education benefit is unfair to our troops, unfair to their families, and hurts the entire country.

We should allow our troops to serve their country honorably and reward them with a higher education when finished. The National Guard and Reserves are becoming indistinguishable from active duty now. They need this benefit.

We owe this to our troops and our military families back home. I urge all Members of Congress who care about our troops and military families back home to vote in favor of this amendment.

Mr. SKELTON. Madam Chair, may I inquire on the time, and may I also inquire if the gentleman from California has additional speakers.

The Acting CHAIRMAN. The gentleman from Missouri has 2½ minutes. The gentleman from California has 2¾ minutes.

Mr. HUNTER. I want to thank all Members who participated in the general debate, and all the great subcommittee chairmen and ranking members, and the chairman of the committee for putting together this great bill, and will now enter the amendment process.

There is just one point that I wanted to make in listening to my colleague finish up in talking about the mental health of America's soldiers, sailors, airmen, and marines.

One observation that I have made over the years in being around people that wear the uniform is that while a number of the stresses and the difficulties that have been spoken of are real, it is also real that the coolest, calmest, most balanced, most stable American citizens, I believe, are the folks that wear the uniform in Iraq and Afghanistan. And while it is true that enemy fire can hurt you and damage you mentally as well as physically, it is also true that that fire can make you stronger.

Having spent time with guys like Chuck Yeager, guys like the great Vic Taylor, many others who have been under fire and in various situations in real combat in the world's wars, it has always occurred to me that the people who have the greatest mental stability are people that come out of the combat zones.

So I want to make sure that this debate doesn't send the message that somehow Americans who wear the uniform are victims, and that the inevitable result of their wearing the uniform and serving in combat is that they are going to somehow be damaged mentally, because that is not the case.

And I would just conclude by reflecting on the fact that I take a number of folks who are wounded in Iraq and Afghanistan hunting, which the Hunter family likes to do, and I take them hunting with my grandchildren. And there are few people that I will trust my grandchildren with, but the people I will trust my grandchildren with out in the great outdoors, with loaded weapons, are members of the United States Army and the United States Marine Corps who have been to combat. Those people have the greatest sense of balance and sense of judgment.

And, again, in my mind, America's citizens who are the coolest and the calmest under fire and have the greatest sense of balance and judgment are people that wear the uniform and have been in combat.

Madam Chair, I yield back the balance of my time.

Mr. SKELTON. Madam Chair, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Madam Chair, when speaking about mental health, we should be speaking about it in terms of a positive. That is what makes us stronger. I think when the gentleman says that when we speak about mental health, we want to be careful so as not to make people feel like they are victims, looks at it in a negative way.

Frankly, I am proud that at John F. Kennedy Special Warfare Center at Fort Bragg the Green Berets have insisted that they have psychiatrists on call 24 hours, 7 days a week, not because they are the weakest branch of the military, but because they are the strongest and they want to remain the strongest. And they know that if they are to remain the strongest, they don't want to be thinking about anything else in their mind when they use their sharpshooter and they are called to duty for this country, where they are going to parachute in and use their technical expertise they have been trained to do. They know that they want to be able to do that job sufficiently, and that is why they have had this important mental health allowed for them, and that is why I think it is so important to have these facilities available for them.

Mr. SKELTON. Madam Chair, we are nearing the end of the general debate portion of the consideration of this bill.

I want to thank my ranking member, my friend, DUNCAN HUNTER, for his hard work and for his cooperation in getting us to this point. And it was difficult at times, but we have gotten here. So I just want him to know that I am appreciative.

And I also want to say that the purpose of our affection and attention is the young men and young women in uniform. Despite all of the procedural motions that we have had, out of all of this at the end of the day, and maybe at the end of tomorrow, we will have done an excellent job, because this bill is basically a very good bill for the defense and for the young people of our Nation in uniform.

So let's not forget the purpose of what we are doing here. Let's not forget that we are doing this in a bipartisan effort. Let's not forget that, at the end of the day, we will make America one major step safer by passing a good piece of legislation for our country.

Ms. SLAUGHTER. Madam Chairman, I am proud today to offer an amendment to H.R. 1585, the Fiscal Year 2008 National Defense Authorization Act, that will make certain the Niagara Falls Air Reserve base continues to play an integral role in our homeland defense.

The Niagara airbase is home to the 914th Air Reserve and the 107th Air Guard. Both units have been deployed to Iraq and Afghanistan, and are responsible for patrols over large metropolitan areas and key infrastructure throughout the Northeast and Midwest.

The value of the men and women serving at Niagara was clearly demonstrated during the tragic events of September 11th. The 107th was the first Refueling Wing to fly Combat Air patrols over New York City. In addition, a specialized unit of the 914th, trained in identifying and preparing the remains of disaster victims, was instrumental in the 9/11 recovery mission.

The 2005 Base Realignment and Closure Commission determined that the airbase would better serve our Nation if the 107th Guard unit became an Associate Air Wing of the 914th Reserve.

This is the first time in Air Force history that a Guard unit will associate with a Reserve unit. Predictably, the Air Force is facing a number of unprecedented challenges in attempting to shift assets around in order to meet the BRAC mandate.

I and the Western New York Congressional delegation have been working with the Air Reserve and the Air Guard for over a year and a half to determine the optimal allocation of aircraft at the base to ensure that both units can adequately complete their missions. The uncertainty surrounding what comes next at Niagara has created a lot of anxiety for the service members at the airbase and the Western New York community. The Air Force must determine a way forward with Niagara this year to ensure that the base continues to play a key role in protecting our Nation.

Accordingly, my amendment simply directs the Secretary of the Air Force to submit a report to the House and Senate Committees on Armed Services detailing the Air Force's plan for future aviation assets at the Niagara airbase. I want to thank Chairman SKELTON and his staff for working with me to draft this amendment, and I urge the House to adopt it.

Mr. ABERCROMBIE. Madam Chairman, I have the honor of serving as the Chairman of the Air and Land Forces Subcommittee.

This bill is about balancing the capabilities and readiness of our current military forces with future required military capabilities.

Our military personnel are at risk each and every day. Our first priority is to make sure our men and women in uniform are properly supported by ensuring our acquisition programs adequately support current military requirements.

We cannot shortchange the current force for promised future capabilities when we are losing people everyday in Iraq and Afghanistan.

The Air and Land Forces subcommittee's jurisdiction in this bill includes approximately $100 billion in Army and Air Force programs.

Our priorities do not always agree with those of the Pentagon, but our objective is clear—to do our very best to ensure our military personnel get the best available equipment as soon as it can be properly tested—armored vehicles; body and vehicle armor; improvised explosive device jammers, unmanned aerial vehicles, small arms, night vision equipment, and related equipment.

The bill addresses a number of key requirements:

H.R. 1585 provides $4.1 billion in additional funds to fully fund a tactical vehicle referred to as M-RAP, or Mine Resistant Ambush Protected vehicle, to better protect our personnel against mines and improvised explosive devices. The budget request included less than $500 million to meet this $4.6 billion requirement which, as of last week, is now Secretary Gates' number one priority.

Over a billion dollars is provided for Stryker combat vehicles.

The bill fully funds body armor, Up-Armored Humvees, Armored Security vehicles, and vehicle add armor kits at $5.4 billion.

The bill also provides $4.5 billion for programs established to counter improvised explosive devices.

An additional billion dollars is provided for funding of National Guard and Reserve Equipment.

Overall, the bill represents an increase of 40 percent for Army procurement accounts over last year's budget request.

Ten C–17 strategic airlift aircraft have been added to the bill at a cost of over $2.4 billion, to maintain the C–17 production line and sustain the strategic airlift fleet.

The Joint Strike Fighter competitive engine program has been funded at $480 million to provide two producers of engines for that program.

We have had to make some difficult choices to fund the highest priority programs and stay within the budget top-line. Some programs will have to make adjustments. We understand that, and will work together as the process evolves to ensure that these adjustments can be accommodated as best as possible. In closing, I again want to thank my distinguished chairman and ranking members of the full committee and our subcommittee.

This bill is deserving of a "yes" vote from every Member of this body.

Mr. MCKEON. Madam Chairman, I rise in support of H.R. 1585, the National Defense Authorization Act.

First, let me extend my thanks to Armed Services Committee Chairman SKELTON and Ranking Republican DUNCAN HUNTER for bringing this partisan legislation to the Floor today. The bill before us authorizes funding for our national defense programs in the coming year, including our military operations in Iraq and Afghanistan. It enjoys the support of both Republicans and Democrats on the Armed Services Committee, and in fact was reported out of committee by a unanimous vote. I am very pleased to note that while some circumstances have changed in this Congress, the Armed Services Committee remains one in which Members on both sides of the aisle remain committed to comity, bipartisanship, and the best interests of our Nation's defense and our brave men and women in uniform. I congratulate both Chairman SKELTON and Mr. HUNTER on their successful efforts, and intend to vote in support of this bill later today.

I would take this opportunity to raise concern with one of the amendments made in order under the rule, specifically, the Altmire/Udall Amendment, which would expand employer mandates under the Family and Medical Leave Act. Let me state at the outset that I will not oppose this amendment, nor will I urge my Republican colleagues to do so. I do, however, for the record and for the good of this legislation going forward, want to note my strong concerns with this amendment.

First, let me say that as a matter of procedure and responsible legislative process, I am deeply troubled that this amendment comes to the Floor today without so much as a cursory examination by the only committee of jurisdiction in the House, the Committee on Education and Labor, on which I serve as Senior Republican Member. The Altmire/Udall Amendment represents a significant expansion of the Family and Medical Leave Act, and would be the first such expansion in the 14-year history of the Act. Yet it has not been the subject of a single hearing in the Committee on Education and Labor, nor has any Member of the House or my Committee had the opportunity to examine the impact of this amendment in even the broadest sense. Where, as under this amendment, we are talking about expanding a federal mandate that potentially impacts large and small employers in every industry and every state in the union, I think we owe more to our constituents.

I do not want my concern and my remarks to be construed as simply procedural, or solely a function of marking jurisdictional turf. While I do believe that respect for the committee legislative process is important, I want to make clear that I have substantive concerns as a matter of policy with the Altmire/Udall Amendment. The Amendment would appear to broadly expand the Family and Medical Leave Act, allowing any covered employee to make use of leave for "any exigency" that arises out of the fact that a family member is called to active duty. Now I am certain that Members on both sides of the aisle would agree that the question of whether and how we ensure that workers whose families have been impacted by a call-up to active duty are able to address legitimate needs is a valid question. I am concerned, however, that the language of the Altmire/Udall Amendment may go much further than intended, and potentially create an overly broad use of leave. Similarly, under the Amendment, an employee could use this leave intermittently, in very small increments, and in many instances, with potentially little or no advance notice to an employer.

Earlier this year, the Department of Labor set forth a Request for Information seeking detailed evidence and recommendations for both regulatory and legislative changes to the Family and Medical Leave Act. That process is ongoing as we speak. Members on both sides of the aisle and various stakeholders have made clear that the Act deserves serious examination—particularly with respect to questions as to when and how leave can be taken, and what sorts of leave and notice are appropriate. In light of these facts, to embark on piecemeal expansion of one of the most significant federal labor laws adopted in the last 20 years, strikes me as irresponsible, and setting a very bad precedent.

As I indicated, I think I understand the concerns of the sponsor that this amendment is intended to address, and I think those are concerns that many might share. For that reason, I will not oppose the amendment. I've made my concerns with both the substance and procedure of this amendment clear. I would hope that as this bill moves forward, and if we find ourselves in conference with the other body, we will take the necessary time to examine this amendment in detail, and work towards ensuring that it accomplishes its goals in a reasonable, responsible, and targeted way.

Mr. PENCE. Madam Chairman, on Monday I was proud to visit with sailors at Naval Station Norfolk, the largest military station in the world. When the 78 ships and 133 aircraft home ported at Norfolk are not at sea, they are alongside one of the 14 piers or inside one of the 15 aircraft hangars for repair, refit, training and to provide the ship's or squadron's crew an opportunity to be with their families.

As I looked into the eyes of our brave men and women in uniform, I felt sick knowing that instead of getting the support they need in this fight, this Democratic Congress is pulling the rug out from under them. Democrats on the House Armed Services Committee rejected Republican efforts to adopt an amendment to H.R. 1585 that would have authorized emergency supplemental appropriations for Fiscal Year 2007.

Madam Chairman, I rise today to condemn the Democratic plan to fund the war on the installment plan. Failure to pass an acceptable long-term supplemental appropriations bill for FY07 is a clear and present danger to our troops in Iraq and Afghanistan, to the Department of Defense institutionally, and to its national security mission to defend the homeland.

Tomorrow marks the 100th day since the administration asked Congress to provide funding for our troops. Because Congress has not sent the President an acceptable supplemental funding bill, DoD will notify Congress today of its intent again to transfer an additional $1.4 billion from Navy and Air Force personnel accounts to fund on-going Army operations in the War on Terror. This funding will last about a week.

This latest transfer request is the fifth one necessitated by the lack of supplemental funding. In sum, two have been necessary to fund Army operations, one to fund procurement of Mine Resistant Ambush Protected vehicles, one to bolster the Iraqi Security Forces, and one to counter improvised explosive devices.

In addition to these transfers, the Army has moved funding originally allocated for fourth quarter expenses into the third quarter. The Army Operations and Maintenance account—the principal account that covers day-to-day Army operations—no longer has any funding available for the fourth quarter operations.

Moving money around like this creates uncertainty and inefficiency, ultimately costing the taxpayers more money in the long run and wreaking havoc on existing contracts.

The funding delay has already caused disruptions. Delays have limited DoD's ability to properly contract for the reconstitution of equipment for active and reserve forces. This increases the readiness risk of our military with each passing day. Needless delays in accelerated fielding of new force protection capabilities such as the Mine Resistant Ambush Protected vehicle and counter-IED technologies. Depletion of funds necessary to accelerate the training of Iraqi security forces.

Without relief soon, the Department of Defense will be forced to take further drastic steps like halting training, delaying deployments and re-deployments, and/or resorting to the use of the Feed and Forage Act, which permits obligation of funds prior to appropriation in emergency situations, an extremely poor and disruptive way of waging a war on terror.

Madam Chairman, our troops need funding and they need it now.

2007 REPROGRAMMED FUNDS FOR THE DEPARTMENT OF DEFENSE

DoD has $4.5 billion in General Transfer Authority. All transfers in excess must come from other sources. War-related reprogramming includes: Mine Resistant Ambush Protected (MRAP) Vehicles: $32 million from emergency funding for Humvees and radios; Iraq Security Forces Fund: $800 million Under General Transfer Authority as well as various Army military personnel, procurement, and research and development programs (includes helicopter modifications, ammunition, and communications equipment); IED Defeat: $825 million Under General Transfer Authority from 4th quarter Navy and Air Force personnel accounts funding; and Army Operations: $3 billion under General Transfer Authority from 4th quarter Navy and Air Force personnel accounts funding.

Total Requested Transfers: $4.918 billion.

Total General Transfer Authority Remaining: $342 million.

LETTER FROM DEFENSE SECRETARY ROBERT GATES TO CONGRESSIONAL LEADERSHIP ON INCREMENTAL FUNDING PROPOSALS:

Delays have limited DoD's ability to properly contract for the reconstitution of equipment for active and reserve forces. The readiness risk of our military increases with each passing day. The funding delay has caused needless delays in accelerating fielding of new force protection capabilities such as the Mine Resistant Ambush Protected (MRAP) vehicles and counter-IED technologies.

The delay has caused a depletion of funds necessary to accelerate the training of Iraqi security forces. "The prospect of segmenting and further delaying funding that is urgently needed can only result in additional disruption and uncertainty in department operations . . . An organization the size and complexity of the Department of Defense needs a certain measure of funding stability and predictability. Without it, compensatory measures are required that cause, at best inefficiency and at worst a reduction in the Department's ability to carry out its national security mission."

SECRETARY OF DEFENSE TALKERS (WE RECEIVED THESE FROM A FRIEND THAT ASKED WE NOT IDENTIFY THE SOURCE):

Because Congress hasn't sent Congress an acceptable supplemental funding bill, DoD will notify Congress of its intent again to transfer an additional $1.4 billion. This funding will only last about a week. The latest transfer request is the 5th one necessitated by the lack of supplemental funding. The Army has moved funding originally allocated for fourth quarter expenses into the third quarter.

The Army Operations and Maintenance account—the principal account that covers day-to-day Army operations—no longer has any funding available for fourth quarter operations. Without relief soon, DoD will be forced to take further drastic steps like halting training, delaying deployments and redeployments, and/or resorting to the use of the Feed and Forage Act, which permits obligation of funds prior to appropriation in emergency situations, an extremely poor and disruptive way of waging a war on terror.

FROM APRIL 16 HERITAGE MEMO TITLED, "FUNDING NEEDS PROMPT ARMY SPENDING CONSTRAINTS."

Beginning in mid-April, the Army will slow the purchase of repair parts and other supplies, relying instead on existing inventory to keep equipment operational. Joint Letter to Chairman Obey from Gen. Peter J. Schoomaker, Adm. Michael G. Mullen, Gen. T. Michael Moseley, and Gen. James T. Conway: "Without approval of the supplemental funds in April, the Armed Services will be forced to take increasingly disruptive measures in order to sustain combat operations. The impacts on readiness and quality of life could be profound."

Gen. Peter Pace: After mid-April, "the army has told us that they will have to begin curtailing some training here at home for Guard, Reserve, and for units, which means that the baseline for those units will be reduced as far as their capability, and when they're called, it will take them longer to be ready and could, over time, delay their availability to go back into combat."

Defense Secretary Robert Gates: "This kind of disruption to key programs will have a genuinely adverse effect on the readiness of the Army and the quality of life for soldiers and their families. I urge the Congress to pass the supplemental as quickly as possible."

Mrs. JOANN DAVIS of Virginia. Madam Chairman, H.R. 1585 clearly focuses on the readiness of our troops.

As a first step to improving the readiness of our forces, the bill requires the Secretary of Defense to include status of the National Guard in the quarterly readiness reports to Congress. Not only will this provide visibility on the status of our guard units to support the Federal mission, but will also provide updates to the Governors and to the Congress on the ability of these units to accomplish their civil support missions. The bill goes on to require the Secretary of Defense to report annually to Congress on the status of prepositioned stocks and to establish a timeline for reconstituting those prepositioned stocks in the event they are downloaded for use by our deployed troops. While these reporting requirements seem small, they will do a great deal to ensure that priority and necessary funding is applied to areas that need it the most.

I would also like to highlight that this bill authorizes $250 million to address training shortfalls throughout the services and recommends $165 million above the President's budget request for depot maintenance. Properly funding depot maintenance ensures that the equipment our troops need to not only engage in combat operations, but to also train and prepare for deployment, is available and ready for them when they need it.

Once again, I would like to state that I am proud of this legislation and I encourage all members to support it for the steps it takes to ensure our troops are ready to meet the needs of our nation.

Mr. THOMPSON of Mississippi. Madam Chairman, I rise today to commend Chairman IKE SKELTON and the staff of the Armed Services Committee for working to strengthen the National Guard. Support of the men and women who so bravely serve our Nation as citizen-soldiers is critical to our nation's security.

Inclusion of several National Guard provisions in H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, sends a powerful message to our first military responders around the nation that we recognize their numerous contributions, many of which extend far beyond war fighting. As chairman of the Committee on Homeland Security, I am heartened that this legislation provides resources to the Guard's needs here at home for missions relevant to homeland security and sustainability in our States.

Over the last 5 years, the Guard has nobly accepted and completed missions in Iraq, Afghanistan and elsewhere abroad. True to form, Guardsmen and women from almost every State have sacrificed a great deal, including in some instances their lives, to stay true to the motto of "always ready, always there."

Provisions in this legislation will provide $1 billion to address the strain on Guard and Reserve units in the States who are facing critical equipment shortages. For the first time, we will ensure that State Guard units are prepared for homeland security missions such as disaster response. Equally important is language in this bill that will encourage integration between the National Guard Bureau and other Defense components, such as Northern Command, who share responsibility for protecting the homeland.

In short, this legislation incorporates key recommendations from the Commission on the National Guard and Reserve. It takes us a step closer toward closing the gap between Guard units categorized as ready and Guard units resourced to be ready.

Mr. LOBIONDO. Madam Chairman, I rise today in strong support of the Saxton-LoBiondo-Smith-Andrews amendment which will provide members of the Armed Services and their families living on military bases with more security. It would require a federal background check for unescorted civilians, including contractors and vendors.

The security gap that exists at our Nation's military bases was highlighted by the recent plot against Fort Dix by terrorists. Fortunately due to the intervention of an ordinary citizen and the professionalism of the FBI, this plot to attack was thwarted. Next time, we might not be so fortunate.

It is simply common sense that we should know who is entering our military bases and why they are there. Background checks on all contractors and vendors will help secure these sensitive facilities and ensure an additional layer of security for our servicemen and women who live and work on our military bases.

I strongly urge that all Members vote for this amendment to protect our military bases and our military personnel and their families.

Ms. MOORE of Wisconsin. Madam Chairman, as we debate the FY 2008 Defense Authorization bill, I am pleased to note the effort by my colleagues in working to ensure that our national defense funding and policy are focused on programs that will make our country safer and provide our troops in harm's way with the resources they need today.

I support making sure that Congress wisely, as well as robustly, provide for our national defense, including ensuring dollars are spent on systems that will actually protect our Nation and our allies. One of those systems drawing new attention during this debate is missile defense. Our country has already spent over $100 billion over the last several decades to develop various missile defense systems. These Cold War efforts for which annual funding has increased from $3 billion in the late 1990s to nearly $10 billion have yet to bear fruit, even as our country faces the grave threat posed by terrorists smuggling nuclear weapons into our country across our borders or through our ports.

Supporters will point to successful tests recently of portions of this system. However, we all know the challenges of replicating limited success from carefully and highly scripted tests in real world conditions. Given that participants knew roughly when the test target would launch, what they would look like, how they would fly and what they would do, it may be even more concerning that these systems missed as often as they did.

I am troubled when I hear experts such as the Government Accountability Office report that while costs have grown, less work is being completed than planned. GAO found that "too few tests have been completed to have confidence in the models and simulations used to predict performance." One year after establishing 2006 goals for the program, the Missile Defense agency informed Congress that it planned to field fewer assets, reduce performance goals, and increase the program's cost goal.

Our citizens and our allies and their citizens are not made safer by rushing to deploy technology that "may" protect them when called upon.

The solution to a flat tire is not to blow more air into it. We cannot afford to expend valuable national defense dollars to develop technologies that we know today will not work at a time when these funds can be spent to improve our homeland security, provide needed equipment for our troops in the field, or increase foreign aid to our allies.

I am sure there is no need to remind my colleagues that the $8.1 billion provided in the bill for the missile system is more than is currently authorized for port security grants or included in the recent House-passed COPS reauthorization bill to put more police officers on our streets.

Some have attempted to muddle this issue by inserting the nation of Israel into the missile defense issue. Our Nation recognizes the importance of our ally Israel and provides over $2 billion in foreign military aid to help that nation meet its unique security challenges. However, simply putting more unproven, insufficiently tested, and unreliable missile defense systems into the field does not make our country or our allies safer.

I certainly believe the purpose of this $645 billion Defense authorization bill is to help make our country safer including assisting our allies. If we truly want to help protect important allies like Israel, let's develop and share with them defensive systems that will work effectively, reliably, and consistently. The history of this program has shown me that simply providing more funds will not accomplish that goal.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2008".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. National Guard and Reserve equipment.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for M1A2 Abrams System Enhancement Package vehicles.
Sec. 112. Multiyear procurement authority for M2A3 Bradley Fighting Vehicles, M3A3 Cavalry Fighting Vehicles, and M2A3 Bradley Fire Support Team Vehicles.
Sec. 113. Multiyear procurement authority for conversion of CH-47D helicopters to CH-47F configuration.
Sec. 114. Multiyear procurement authority for CH-47F helicopters.
Sec. 115. Limitation on use of funds for Joint Network Node program pending certification to Congress.
Sec. 116. Prohibition on closure of Army Tactical Missile System production line pending report.

Subtitle C—Navy Programs

Sec. 121. Authority to transfer funds for submarine engineered refueling overhauls and conversions and for aircraft carrier refueling complex overhauls.
Sec. 122. Multiyear procurement authority for Virginia-class submarine program.
Sec. 123. Limitation on final assembly of VH-71 Presidential transport helicopters.
Sec. 124. Limitation on operational deployment of weapons system that uses Trident missiles converted to carry conventional payloads.
Sec. 125. Program to provide contractors with capital expenditure incentives.
Sec. 126. Limitation on use of shipbuilding and conversion, Navy, funds for employment of nonimmigrant workers.
Sec. 127. Limitation on concurrent design and construction on first ship of a shipbuilding program.

Subtitle D—Air Force Programs

Sec. 131. Limitation on retiring C-5 aircraft.
Sec. 132. Limitation on Joint Cargo Aircraft.
Sec. 133. Clarification of limitation on retirement of U-2 aircraft.
Sec. 134. Repeal of requirement to maintain retired C-130E tactical airlift aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Operational test and evaluation of Future Combat Systems network.
Sec. 212. Limitation on systems development and demonstration of Joint Light Tactical Vehicle program.
Sec. 213. Requirement to obligate funds for development and procurement of a competitive propulsion system for the Joint Strike Fighter.
Sec. 214. Limitation on use of funds for manufacturing science and technology program.

Subtitle C—Ballistic Missile Defense

Sec. 221. Oversight of Missile Defense Agency programs by Director of Operational Test and Evaluation.
Sec. 222. Fielding of ballistic missile defense capabilities and future roles and missions of Missile Defense Agency.
Sec. 223. Limitation on use of funds for replacing warhead on SM-3 Block IIA missile.

Sec. 224. Two-year extension of Comptroller General assessments of ballistic missile defense programs.
Sec. 225. Independent study on deploying missile defense system in Europe.
Sec. 226. Sense of Congress concerning full support for development and fielding of a layered ballistic missile defense.

Subtitle D—Other Matters

Sec. 231. Responsibility for human systems integration activities.
Sec. 232. Expansion of authority for encouragement of technology transfer.
Sec. 233. Army Venture Capital Fund demonstration.
Sec. 234. Independent tests for combat helmet pad suspension systems.
Sec. 235. Report on implementation of Manufacturing Technology Program.
Sec. 236. Assessment of sufficiency of test and evaluation personnel.
Sec. 237. Repeal of requirement for separate reports on technology area review and assessment summaries.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Other Department of Defense Programs.

Subtitle B—Environmental Provisions

Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Arctic Surplus Superfund Site, Fairbanks, Alaska.
Sec. 313. Payment to Environmental Protection Agency of stipulated penalty in connection with Jackson Park Housing Complex, Washington.

Subtitle C—Workplace and Depot Issues

Sec. 321. Increase in threshold amount for contracts for procurement of capital assets in advance of availability of working-capital funds for the procurement.
Sec. 322. Authorization of availability of working-capital funds for certain product improvements.
Sec. 323. Authorization of use of working-capital funds for acquisition of certain items.
Sec. 324. Modification to public-private competition requirements before conversion to contractor performance.
Sec. 325. Public-private competition at end of period specified in performance agreement not required.
Sec. 326. Guidelines on insourcing new and contracted out functions.
Sec. 327. Additional requirements for annual report on public-private competitions.
Sec. 328. Restriction on Office of Management and Budget influence over Department of Defense public-private competitions.
Sec. 329. Bid Protests by Federal Employees in actions under Office of Management Budget Circular A-76.
Sec. 330. Public-private competition required before conversion to contractor performance.

Subtitle D—Extension of Program Authorities

Sec. 331. Extension of Arsenal Support Program Initiative.
Sec. 332. Extension of period for reimbursement for helmet pads purchased by members of the Armed Forces deployed in contingency operations.

Subtitle E—Reports

Sec. 341. Inclusion of National Guard readiness for civil support missions in quarterly personnel and unit readiness report.
Sec. 342. Plan to improve readiness of active and reserve component ground forces.
Sec. 343. Plan for optimal use of strategic ports by commander of Surface Distribution and Deployment Command.
Sec. 344. Independent assessment of Civil Reserve Air Fleet viability.
Sec. 345. Annual report on prepositioned materiel and equipment.
Sec. 346. Conditions on relocation of North American Aerospace Defense command center and related functions from Cheyenne Mountain to Peterson Air Force Base.
Sec. 347. Report on public-private partnerships.

Subtitle F—Other Matters

Sec. 351. Increase in threshold amount for contracts for procurement of capital assets in advance of availability of working-capital funds for the procurement.
Sec. 352. Authority for Department of Defense to provide support for certain sporting events.
Sec. 353. Reasonable restrictions on payment of full replacement value for lost or damaged personal property transported at Government expense.
Sec. 354. Priority transportation on Department of Defense aircraft of retired members residing in Commonwealths and possessions of the United States for certain health care services.
Sec. 355. Recovery of missing military property.
Sec. 356. Retention of Army combat uniforms by members of Army deployed in support of contingency operations.
Sec. 357. Issue of serviceable material other than to Armed Forces.
Sec. 358. Prohibition on deactivation of 36th Rescue Flight.
Sec. 359. Limitation on expenditure of funds for initial flight screening at Pueblo Memorial Airport.
Sec. 360. Reauthorization and modification of multi-trades demonstration project.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.
Sec. 403. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2009 and 2010.
Sec. 404. Increase in authorized strengths for Army officers on active duty in the grade of major.
Sec. 405. Increase in authorized strengths for Navy officers on active duty in the grades of lieutenant commander, commander, and captain.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2008 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Future authorizations and accounting for certain reserve component personnel authorized to be on active duty or full-time National Guard duty to provide operational support.
Sec. 417. Revision of variances authorized for Selected Reserve end strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.
Sec. 422. Armed Forces Retirement Home.
Sec. 423. Offsetting transfers from National Defense Stockpile Transaction Fund.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Assignment of officers to designated positions of importance and responsibility.
Sec. 502. Increase in years of commissioned service threshold for discharge of probationary officers and for use of force shaping authority.
Sec. 503. Special promotion authority for Navy career military professors.

Subtitle B—Reserve Component Matters

Sec. 511. Mandatory separation of Reserve officers in the grade of lieutenant general or vice admiral after completion of 38 years of commissioned service.
Sec. 512. Constructive service credit upon original appointment of reserve officers in certain health care professions.
Sec. 513. Maximum period of temporary Federal recognition of person as Army National Guard officer or Air Force Reserve officer.
Sec. 514. Military technicians (dual status) in the Selected Reserve.
Sec. 515. Working group on reintegration of reserve component members returning from deployment.
Sec. 516. National Guard yellow ribbon reintegration program.
Sec. 517. Advance notice to members of reserve components of deployment in support of contingency operations.

Subtitle C—Education and Training

Sec. 521. Reduction or elimination of service obligation in an Army Reserve or Army National Guard troop program unit for certain persons selected as medical students at Uniformed Services University of the Health Sciences.
Sec. 522. Increase in annual limit on number of ROTC scholarships under Army Reserve and Army National Guard program.
Sec. 523. Revisions to authority to pay tuition for off-duty training or education.
Sec. 524. National Defense University master's degree programs.
Sec. 525. Recodification in title 38, United States Code, of certain educational assistance programs for members of the reserve components.
Sec. 526. Secretary of Defense evaluation of the adequacy of the degree-granting authorities of certain military universities and educational institutions.
Sec. 527. Navy Junior Reserve Officers' Training Corps unit for Southold, Mattituck, and Greenport high schools.

Subtitle D—General Service Authorities

Sec. 531. Authority to reduce required service obligation for initial appointment of qualified health professionals as officers in critical specialties.

Sec. 532. Reenlistment in former enlisted grade after service as an officer.

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Sec. 2866. Naming of research laboratory at Air Force Rome Research Site, Rome, New York, in honor of the Honorable Sherwood L. Boehlert, a former member of the United States House of Representatives.
Sec. 2867. Naming of administration building at Joint Systems Manufacturing Center, Lima, Ohio, in honor of the Honorable Michael G. Oxley, a former member of the United States House of Representatives.
Sec. 2868. Naming of Logistics Automation Training Facility, Army Quartermaster Center and School, Fort Lee, Virginia, in honor of General Richard H. Thompson.

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

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Sec. 116. Prohibition on closure of Army Tactical Missile System production line pending report.

Subtitle C—Navy Programs

Sec. 121. Authority to transfer funds for submarine engineered refueling overhauls and conversions and for aircraft carrier refueling complex overhauls.
Sec. 122. Multiyear procurement authority for Virginia-class submarine program.
Sec. 123. Limitation on final assembly of VH-71 Presidential transport helicopters.
Sec. 124. Limitation on operational deployment of weapons system that uses Trident missiles converted to carry conventional payloads.
Sec. 125. Program to provide contractors with capital expenditure incentives.
Sec. 126. Limitation on use of shipbuilding and conversion, Navy, funds for employment of nonimmigrant workers.
Sec. 127. Limitation on concurrent design and construction on first ship of a shipbuilding program.

Subtitle D—Air Force Programs

Sec. 131. Limitation on retiring C-5 aircraft.
Sec. 132. Limitation on Joint Cargo Aircraft.
Sec. 133. Clarification of limitation on retirement of U-2 aircraft.
Sec. 134. Repeal of requirement to maintain retired C-130E tactical airlift aircraft.

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Army as follows:

(1) For aircraft, $3,928,139,000.

(2) For missiles, $2,114,902,000.

(3) For weapons and tracked combat vehicles, $3,311,117,000.

(4) For ammunition, $2,238,176,000.

(5) For other procurement, $11,465,456,000.

(6) For the Joint Improvised Explosive Device Defeat Fund, $500,000,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Navy as follows:

(1) For aircraft, $12,750,767,000.

(2) For weapons, including missiles and torpedoes, $3,058,387,000.

(3) For shipbuilding and conversion, $15,744,120,000.

(4) For other procurement, $5,443,612,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Marine Corps in the amount of $2,580,257,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,060,484,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Air Force as follows:

(1) For aircraft, $12,356,270,000.

(2) For ammunition, $868,917,000.

(3) For missiles, $5,138,002,000.

(4) For other procurement, $15,441,762,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2008 for Defense-wide procurement in the amount of $3,537,834,000.

SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $1,131,850,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR M1A2 ABRAMS SYSTEM ENHANCEMENT PACKAGE VEHICLES.

(a) AUTHORITY.—The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of M1A2 Abrams System Enhancement Package vehicles.

(b) LIMITATION ON TERM OF CONTRACT.—Notwithstanding subsection (k) of section 2306b of title 10, United States Code, a contract under this section may not be for a period in excess of five program years.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR M2A3 BRADLEY FIGHTING VEHICLES, M3A3 CAVALRY FIGHTING VEHICLES, AND M2A3 BRADLEY FIRE SUPPORT TEAM VEHICLES.

(a) AUTHORITY.—The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of M2A3 Bradley Fighting Vehicles, M3A3 Cavalry Fighting Vehicles, and M2A3 Bradley Fire Support Team Vehicles.

(b) LIMITATION ON TERM OF CONTRACT.—Notwithstanding subsection (k) of section 2306b of title 10, United States Code, a contract under this section may not be for a period in excess of four program years.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR CONVERSION OF CH-47D HELICOPTERS TO CH-47F CONFIGURATION.

(a) AUTHORITY.—The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2008 program year, for conversion of CH-47D helicopters to the CH-47F configuration.

(b) LIMITATION ON TERM OF CONTRACT.—Notwithstanding subsection (k) of section 2306b of title 10, United States Code, a contract under this section may not be for a period in excess of five program years.

SEC. 114. MULTIYEAR PROCUREMENT AUTHORITY FOR CH-47F HELICOPTERS.

(a) AUTHORITY.—The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of CH-47F helicopters.

(b) LIMITATION ON TERM OF CONTRACT.—Notwithstanding subsection (k) of section 2306b of title 10, United States Code, a contract under this section may not be for a period in excess of five program years.

SEC. 115. LIMITATION ON USE OF FUNDS FOR JOINT NETWORK NODE PROGRAM PENDING CERTIFICATION TO CONGRESS.

Of the amounts authorized to be appropriated for fiscal year 2008 for Other Procurement, Army, that are available for the Joint Network Node program, not more than 50 percent may be obligated or expended until the Secretary of the Army submits to the congressional defense committees the Secretary's certification, in writing, that—

(1) the Joint Network Node program is a program of record in accordance with Department of Defense Instruction 5000.2, "Operation of the Defense Acquisition System", dated May 12, 2003;

(2) the Director of Operational Test and Evaluation has approved a plan for an operational

test and evaluation of the Joint Network Node system; and

(3) the Army plans to procure all future lots of equipment for the Joint Network Node program through a competitive bid process.

SEC. 116. PROHIBITION ON CLOSURE OF ARMY TACTICAL MISSILE SYSTEM PRODUCTION LINE PENDING REPORT.

(a) PROHIBITION.—Amounts appropriated pursuant to the authorization of appropriations in section 101(2) for missiles, Army, and in section 1502(4) for missile procurement, Army, and any other appropriated funds available to the Secretary of the Army may not be used to commence, continue, or complete the closure of the production line for the Army Tactical Missile System program until at least 120 days after the date on which the Secretary of the Army submits to the congressional defense committees a report that contains—

(1) the certification of the Secretary that the long range surface-to-surface strike and counter battery mission of the Army can be adequately performed by other elements of the Armed Forces;

(2) a plan to mitigate any shortfalls in the industrial base that would be created by the closure of the production line; and

(3) a plan to replace the Army's capability to perform long range surface-to-surface strike and counter battery missions.

(b) SUBMISSION OF REPORT.—The report referred to in subsection (a) is required not later than April 1, 2008.

Subtitle C—Navy Programs

SEC. 121. AUTHORITY TO TRANSFER FUNDS FOR SUBMARINE ENGINEERED REFUELING OVERHAULS AND CONVERSIONS AND FOR AIRCRAFT CARRIER REFUELING COMPLEX OVERHAULS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following:

"§7317. Transfer of funds for submarine engineered refueling overhauls and conversions and for aircraft carrier refueling complex overhauls

"(a) AUTHORITY.—From amounts made available to the Department of Defense for fiscal year 2008 or any fiscal year thereafter, the Secretary of Defense may transfer, to the account for procurement, Navy, for shipbuilding and conversion, such amounts as the Secretary determines necessary to cover the costs of submarine engineered refueling overhauls and conversions or aircraft carrier refueling complex overhauls. Amounts so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred. This transfer authority is in addition to any other transfer authority available to the Secretary.

"(b) DETERMINATION.—The authority under this section may be exercised only where the Secretary determines that the transfer of funds is required because of the discovery, during the overhaul or conversion concerned, of unanticipated and emergent maintenance or repair.

"(c) NOTIFICATION.—A transfer may be made under this section if—

"(1) the Secretary determines that the overhaul or conversion concerned can be completed, so as to return the submarine or aircraft carrier to a full operational status, with that transfer; and

"(2) the Secretary submits to the congressional defense committees a written notification of the determination required by subsection (b) and the determination required by paragraph (1), together with explanations of the basis for each such determination.

"(d) LIMITATION OF $20,000,000.—An overhaul or conversion may receive one or more transfers under this section, but may not receive more than $20,000,000 in such transfers, regardless of fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7317. Transfer of funds for submarine engineered refueling overhauls and conversions and for aircraft carrier refueling complex overhauls.".

SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA-CLASS SUBMARINE PROGRAM.

(a) AUTHORITY.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts, beginning with the fiscal year 2008 program year, for the procurement of Virginia-class submarines and Government-furnished equipment associated with the Virginia-class submarine program.

(b) LIMITATION.—The Secretary may not enter into a contract authorized by subsection (a) until—

(1) the Secretary submits to the congressional defense committees a certification that the Secretary has made, with respect to that contract, each of the findings required by subsection (a) of section 2306(b) of title 10, United States Code; and

(2) a period of 30 days has elapsed after the date of the transmission of such certification.

SEC. 123. LIMITATION ON FINAL ASSEMBLY OF VH-71 PRESIDENTIAL TRANSPORT HELICOPTERS.

(a) IN GENERAL.—No funds appropriated pursuant to an authorization of appropriations or otherwise made available for aircraft procurement, Navy, may be obligated or expended for the final assembly of more than five VH-71 Presidential transport helicopters.

(b) EXCEPTION.—The limitation in subsection (a) does not apply to a helicopter if the final assembly of the helicopter is carried out in the United States.

SEC. 124. LIMITATION ON OPERATIONAL DEPLOYMENT OF WEAPONS SYSTEM THAT USES TRIDENT MISSILES CONVERTED TO CARRY CONVENTIONAL PAYLOADS.

(a) LIMITATION.—No funds appropriated or otherwise available to the Department of Defense for fiscal year 2008 may be obligated or expended for operational deployment of a weapons system that uses Trident missiles converted to carry conventional payloads.

(b) NOTIFICATION.—Within 30 days after the date on which the Secretary of Defense determines that the weapons system referred to in subsection (a) is fully functional and that fielding the weapons system is necessary to meet military requirements, the Secretary shall submit to the congressional defense committees notification, in writing, of that determination.

SEC. 125. PROGRAM TO PROVIDE CONTRACTORS WITH CAPITAL EXPENDITURE INCENTIVES.

(a) IN GENERAL.—From amounts made available for procurement, Navy, for shipbuilding and conversion, for fiscal year 2008 or any fiscal year thereafter, the Secretary of the Navy may carry out a program under which the Secretary provides contractors with capital expenditure incentives to support investment in facilities and process improvements for current and future Navy vessel construction contracts.

(b) USE OF FUNDS.—Amounts provided to a contractor under the program may be used for improvements that benefit any one or more of the shipbuilding programs in the contractor's facilities.

(c) ANALYSIS REQUIRED.—Amounts may be provided to a contractor under the program only if the contractor presents a proposal containing a fully supported analysis that demonstrates that the investment would lead to ship construction or life cycle savings to the Federal Government by—

(1) improvements in design, material, technology, or manufacturing process;

(2) investing in shipyard infrastructure that would support construction process improvement;

(3) investing in specialized workforce training, including apprenticeship training programs; or

(4) investing in construction process that would reduce life cycle maintenance costs of the vessels under construction at the contractor's facilities.

(d) APPROVAL.—The Secretary shall not provide amounts to a contractor under the program unless the Secretary determines that—

(1) the analysis contained in the proposal is sound; and

(2) providing those amounts is in the best interests of the United States.

(e) DEMONSTRATION OF SAVINGS TO THE FEDERAL GOVERNMENT.—The Secretary shall not provide amounts to a contractor under the program unless the Secretary and the contractor, as part of the approval process for a proposal, agree to measures, benchmarks, and recoupment provisions in the event the investment fails to demonstrate savings to the Federal Government.

(f) REPORT.—At the end of each fiscal year, beginning with fiscal year 2008, the Secretary shall submit to the congressional defense committees a report on the activities carried out under this section during that fiscal year. The report shall describe each incentive approved during that fiscal year and, for each such incentive, include an estimate of the costs of providing the incentive and an analysis of the potential savings to the Federal Government from the investment.

(g) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. The initial regulations shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 126. LIMITATION ON USE OF SHIPBUILDING AND CONVERSION, NAVY, FUNDS FOR EMPLOYMENT OF NON-IMMIGRANT WORKERS.

(a) LIMITATION ON THE USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in subsection (c), funds appropriated or otherwise available to the Department of Defense for Shipbuilding and Conversion, Navy, for fiscal year 2008 or any fiscal year thereafter may not be used for the purpose of ship construction at the facility of a contractor who, for the purposes of United States Navy ship construction, employs or contracts for foreign workers who are legally present in the United States under a H2B visa.

(2) CONTRACTORS COVERED.—Paragraph (1) applies to prime contractors and subcontracts at any tier under such contracts.

(b) ANALYSIS OF SHIPYARD LABOR.—

(1) IN GENERAL.—The Assistant Secretary of the Navy for Research, Development, and Acquisition shall maintain a five-year forecast of potential labor surplus, by shipyard, for each of the shipyards that construct ships for the Navy based on the Navy's annual naval vessel construction plan required by section 231 of title 10, United States Code.

(2) INCLUSION IN PLAN.—The forecast required by paragraph (1) shall be included in each plan submitted in accordance with section 231 of title 10, United States Code.

(c) EXCEPTION FOR SHORTAGE OF UNITED STATES WORKERS.—The Secretary of the Navy may waive the restriction in subsection (a) for a contractor for a fiscal year if the contractor certifies to the Secretary for that fiscal year that—

(1) the contractor has fully complied with all existing laws and regulations regarding labor certifications in support of an application for alien employment via the H2B visa process;

(2) a Department of Labor regional certifying officer has issued a determination approving such an application, in accordance with existing laws and regulations; and

(3) the contractor has attempted to recruit United States shipyard workers in the geographical area surrounding shipyards identified in the most recent Navy annual naval vessel construction plan as having potential labor surpluses, in a manner that is consistent with procedures which shall be prescribed by the Secretary and that—

(A) is appropriate for the occupation;

(B) offers, at a minimum, the same transportation and housing benefits to be offered to alien employees; and

(C) is most likely to bring responses.

SEC. 127. LIMITATION ON CONCURRENT DESIGN AND CONSTRUCTION ON FIRST SHIP OF A SHIPBUILDING PROGRAM.

(a) IN GENERAL.—For any shipbuilding program that is a major defense acquisition program under section 2430 of title 10, United States Code, the start of construction of a first ship (as defined in subsection (b)) may not occur until the Secretary of the Navy certifies to the congressional defense committees that the detailed design of the ship is completed and approved by the relevant design certification agents, to a level determined by the Secretary to be acceptable for commencement of construction, via a report described in subsection (d).

(b) FIRST SHIP.—For purposes of subsection (a), a ship is a first ship if—

(1) the ship is the first ship to be constructed under that shipbuilding program;

(2) the shipyard at which the ship is to be constructed has not previously started construction on a ship under that shipbuilding program; or

(3) the ship is the first ship to be constructed following a major design change, characterized as a change in flight, under that shipbuilding program.

(c) START OF CONSTRUCTION.—For purposes of subsection (a), start of construction means the beginning of fabrication of the hull and superstructure of the ship.

(d) REPORT.—The Secretary of the Navy shall provide the certification required by subsection (a) in a report that provides an assessment of each of the following:

(1) The degree of completion of the detailed design drawings and specifications for the ship.

(2) The readiness of the shipyard facilities and workforce to begin construction.

(3) The maturity level of research and development efforts of any new technologies that will be used in the ship's command and control systems, weapons systems, sensor systems, mechanical or electrical systems, or hull.

(4) The ability to meet cost and schedule estimates within the applicable program baseline.

(e) APPLICABILITY.—

(1) NEW SHIPBUILDING PROGRAMS.—This section applies to each shipbuilding program beginning after the date of the enactment of this Act.

(2) MAJOR DESIGN CHANGES FOR EXISTING SHIPBUILDING PRÒGRAMS.—In addition, subsection (b)(3) applies to any major design change occurring after the date of the enactment of this Act to any shipbuilding program in existence as of the date of the enactment of this Act.

Subtitle D—Air Force Programs

SEC. 131. LIMITATION ON RETIRING C-5 AIRCRAFT.

(a) CERTIFICATION AND COST ANALYSIS REQUIRED.—The Secretary of the Air Force may not proceed with a decision to retire C-5A aircraft from the inventory of the Air Force in any number that would reduce the total number of such aircraft in the inventory below 111 until 45 days after the Secretary of the Air Force submits to the congressional defense committees the following:

(1) The Secretary's certification that—

(A) the Secretary is able to comply with subsection (g) of section 8062 of title 10, United States Code; and

(B) retiring the aircraft will not significantly increase operational risk of not meeting the National Military Strategy.

(2) A cost analysis with respect to the aircraft to be retired that—

(A) evaluates which alternative is more prudent in meeting strategic airlift mobility requirements—

(i) to retire the aircraft; or

(ii) to perform the Avionics Modernization Program (AMP) and the Reliability Enhancement and Re-engining Program (RERP) on the aircraft; and

(B) evaluates the cost of C-17 aircraft to replace the capability of the aircraft to be retired.

(b) ADDITIONAL REQUIREMENTS FOR COST ANALYSIS.—The cost analysis required by subsection (a)(2) shall be performed by a Federally Funded Research and Development Center selected by the Air Force and shall conform to the following requirements:

(1) The cost analysis shall include one analysis that uses "constant year dollars" and one analysis that uses "then year dollars".

(2) For each such analysis, the time period covered by the analysis shall be the expected service life of the aircraft concerned.

(3) For each such analysis, the ownership costs evaluated shall include costs for—

(A) planned technology insertions or upgrades over the service life of the aircraft to meet emerging requirements;

(B) research and development;

(C) testing;

(D) procurement;

(E) production;

(F) production termination;

(G) operations;

(H) training;

(I) maintenance;

(J) sustainment;

(K) military construction;

(L) personnel;

(M) cost of replacement due to attrition; and

(N) disposal.

(4) The cost analysis shall include each of the following:

(A) An assessment of the quality of each cost analysis.

(B) A discussion of each of the following:

(i) The assumptions used.

(ii) The benefits to be realized from each alternative.

(iii) Adverse impacts to be realized from each alternative.

(iv) Cargo capacity, operational availability, departure reliability, and mission capability.

(v) Aircraft basing.

(vi) Aircrew ratios and associated training requirements.

(vii) Performing AMP and RERP on only C-5B and C5C aircraft.

(C) A summary table that compares and contrasts each alternative with respect to each of the requirements of this subsection.

(c) CONFORMING REPEAL.—Section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1411) is repealed.

SEC. 132. LIMITATION ON JOINT CARGO AIRCRAFT.

No funds appropriated pursuant to an authorization of appropriations or otherwise made available for procurement, or for research, development, test, and evaluation, may be obligated or expended for the Joint Cargo Aircraft until 30 days after the Secretary of Defense submits to the congressional defense committees each of the following:

(1) The Air Force Air Mobility Command's Airlift Mobility Roadmap.

(2) The Department of Defense Intra-Theater Airlift Capabilities Study.

(3) The Department of Defense Joint Intra-Theater Distribution Assessment.

(4) The Joint Cargo Aircraft Functional Area Series Analysis.

(5) The Joint Cargo Aircraft Analysis of Alternatives.

(6) The Secretary's certification that—

(A) there is, within the Department of the Army, Department of the Air Force, Army National Guard, or Air National Guard, a capability gap or shortfall with respect to intra-theater airlift; and

(B) validated requirements exist to fill that gap or shortfall through procurement of the Joint Cargo Aircraft.

SEC. 133. CLARIFICATION OF LIMITATION ON RETIREMENT OF U-2 AIRCRAFT.

Section 133(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2112) is amended—

(1) in paragraph (1)—

(A) by striking "After fiscal year 2007" and inserting "For each fiscal year after fiscal year 2007"; and

(B) by inserting after "Secretary of Defense" the following: ", in that fiscal year,"; and

(2) in paragraph (2)—

(A) by inserting after "Department of Defense" the following: "in a fiscal year"; and

(B) by inserting after "Congress" the following: "in that fiscal year".

SEC. 134. REPEAL OF REQUIREMENT TO MAINTAIN RETIRED C-130E TACTICAL AIRLIFT AIRCRAFT.

Section 137(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2114) is repealed.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Operational test and evaluation of Future Combat Systems network.
Sec. 212. Limitation on systems development and demonstration of Joint Light Tactical Vehicle program.
Sec. 213. Requirement to obligate funds for development and procurement of a competitive propulsion system for the Joint Strike Fighter.
Sec. 214. Limitation on use of funds for manufacturing science and technology program.

Subtitle C—Ballistic Missile Defense

Sec. 221. Oversight of Missile Defense Agency programs by Director of Operational Test and Evaluation.
Sec. 222. Fielding of ballistic missile defense capabilities and future roles and missions of Missile Defense Agency.
Sec. 223. Limitation on use of funds for replacing warhead on SM-3 Block IIA missile.
Sec. 224. Two-year extension of Comptroller General assessments of ballistic missile defense programs.
Sec. 225. Independent study on deploying missile defense system in Europe.
Sec. 226. Sense of Congress concerning full support for development and fielding of a layered ballistic missile defense.

Subtitle D—Other Matters

Sec. 231. Responsibility for human systems integration activities.

Sec. 232. Expansion of authority for encouragement of technology transfer.
Sec. 233. Army Venture Capital Fund demonstration.
Sec. 234. Independent tests for combat helmet pad suspension systems.
Sec. 235. Report on implementation of Manufacturing Technology Program.
Sec. 236. Assessment of sufficiency of test and evaluation personnel.
Sec. 237. Repeal of requirement for separate reports on technology area review and assessment summaries.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,082,498,000.

(2) For the Navy, $17,333,601,000.

(3) For the Air Force, $25,738,960,000.

(4) For Defense-wide activities, $20,141,264,000, of which $180,264,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) Fiscal Year 2008.—Of the amounts authorized to be appropriated by section 201, $11,504,291,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) Basic Research, Applied Research, and Advanced Technology Development Defined.—For purposes of this section, the term "basic research, applied research, and advanced technology development" means work funded in program elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. OPERATIONAL TEST AND EVALUATION OF FUTURE COMBAT SYSTEMS NETWORK.

(a) Operational Test and Evaluation Required.—The Secretary of the Army, in cooperation with the Director, Operational Test and Evaluation, shall complete an operational test and evaluation (as defined in section 139(a)(2)(A) of title 10, United States Code), of the FCS network in a realistic environment simulating operational conditions. The operational test and evaluation shall—

(1) be conducted and approved by the Director, Operational Test and Evaluation;

(2) be conducted using production representative equipment, sensors, and software for the FCS network;

(3) be conducted in a manner that simulates a full Future Combat Systems brigade;

(4) be conducted, to the maximum extent possible, using actual communications equipment instead of computer simulations;

(5) be conducted in a realistic operational electronic warfare environment, including enemy electronic warfare and network attacks; and

(6) include, to the maximum extent possible, all sensor information feeds the FCS network is designed to incorporate.

(b) FCS Network Defined.—In this section, the term "FCS network" includes all sensors, information systems, computers, and communications systems necessary to support Future Combat Systems brigade operations.

(c) Report.—Not later than 120 days after completing the operational test and evaluation required by subsection (a), the Director, Operational Test and Evaluation shall submit to the congressional defense committees a report on the outcome of the operational test and evaluation. The report shall include, at a minimum—

(1) an evaluation of the overall operational effectiveness of the FCS network, including—

(A) an evaluation of the FCS network's capability to transmit the volume and classes of data required by Future Combat Systems approved requirements; and

(B) an evaluation of the FCS network's performance in a degraded condition due to enemy network attack, sophisticated enemy electronic warfare, adverse weather conditions, and terrain variability;

(2) an evaluation of the FCS network's ability to improve friendly force knowledge of the location and capability of enemy forces and combat systems; and

(3) an evaluation of the overall operational suitability of the FCS network.

(d) Limitation Pending Submission of Report.—

(1) In general.—No funds appropriated pursuant to an authorization of appropriations or otherwise made available to the Department of the Army for any fiscal year may be obligated for low-rate initial production or full-rate production of Future Combat Systems manned ground vehicles until 60 days after the date on which the report is submitted under subsection (c).

(2) Waiver authority.—The Secretary of Defense may waive the limitation in paragraph (1) if the Secretary determines that such a waiver is critical for national security. Such a waiver shall not become effective until 14 days after the date on which the Secretary submits to the congressional defense committees a written notice of the waiver.

(3) Inapplicability to the non line of sight cannon vehicle.—The limitation in paragraph (1) does not apply to the Non Line of Sight Cannon vehicle.

SEC. 212. LIMITATION ON SYSTEMS DEVELOPMENT AND DEMONSTRATION OF JOINT LIGHT TACTICAL VEHICLE PROGRAM.

No funds appropriated pursuant to an authorization of appropriations or otherwise made available for any fiscal year may be obligated or expended for the Joint Light Tactical Vehicle program beyond the Design Readiness Review for the acquisition program phase of systems development and demonstration until after the certification for the Joint Light Tactical Vehicle program is made and submitted as required by section 2366a of title 10, United States Code, and a progress report is received for review by the congressional defense committees.

SEC. 213. REQUIREMENT TO OBLIGATE FUNDS FOR DEVELOPMENT AND PROCUREMENT OF A COMPETITIVE PROPULSION SYSTEM FOR THE JOINT STRIKE FIGHTER.

Of the funds appropriated pursuant to an authorization of appropriations or otherwise made available, for fiscal year 2008 or any fiscal year thereafter, for research, development, test, and evaluation and procurement for the Joint Strike Fighter program, the Secretary of Defense shall obligate sufficient annual amounts to develop and procure a competitive propulsion system for the Joint Strike Fighter in order to conduct a competitive propulsion source selection.

SEC. 214. LIMITATION ON USE OF FUNDS FOR MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.

(a) In General.—No funds available to the Office of the Secretary of Defense for any fiscal year may be obligated or expended for a manufacturing science and technology project unless the Director, Defense Research and Engineering, ensures that—

(1) the project is awarded using competitive procedures in accordance with section 2304 of title 10, United States Code;

(2) the project is carried out—

(A) under the Manufacturing Technology Program established by section 2521 of title 10, United States Code; and

(B) in compliance with all requirements of any directive that applies to manufacturing technology; and

(3) a technology transition agreement has been fully executed between the Director and a prospective technology user.

(b) Definitions.—In this subsection:

(1) The term "technology transition agreement" means an agreement signed by officials of the Department of Defense that includes—

(A) a description of the prospective technology user's relevant technology needs in priority order;

(B) a description of the minimum increment of capability that must be developed in order for the prospective technology user to consider implementing the technology;

(C) a schedule of technology transition windows for each technology need;

(D) a description of discrete technology deliverables that specifically identifies which user need would be fulfilled by each deliverable;

(E) a schedule for technology deliverables that aligns with user defined technology transition opportunities; and

(F) a commitment by the prospective technology user to program for advanced development or procurement funding, as appropriate, upon successful delivery of the technology, in accordance with the other terms of the agreement.

(2) The term "prospective technology user" has the meaning given that term in section 2521(c)(6) of title 10, United States Code.

Subtitle C—Ballistic Missile Defense

SEC. 221. OVERSIGHT OF MISSILE DEFENSE AGENCY PROGRAMS BY DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

(a) MDA To Report to OT&E.—The Director of the Missile Defense Agency shall report promptly to the Director of Operational Test and Evaluation the results of—

(1) all operational test and evaluation conducted by the Missile Defense Agency with respect to any major defense acquisition program; and

(2) all studies conducted in connection with such operational test and evaluation.

(b) OT&E Observers at MDA Tests.—The Director of Operational Test and Evaluation may require that such observers as the Director of Operational Test and Evaluation may designate are present during the preparation for, and the conduct of, the test part of any test and evaluation conducted by the Missile Defense Agency with respect to any major defense acquisition program.

(c) OT&E Access to Information.—The Director of Operational Test and Evaluation shall have access to all information of the Department of Defense (including information of the Missile Defense Agency) that the Director considers necessary to review in order to carry out this section.

SEC. 222. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES AND FUTURE ROLES AND MISSIONS OF MISSILE DEFENSE AGENCY.

(a) Availability of RDT&E Funds for Fiscal 2009.—Upon approval by the Secretary of Defense, funds appropriated pursuant to an authorization of appropriations or otherwise made available for fiscal year 2009 for research, development, test, and evaluation for the Missile Defense Agency—

(1) may be used for the development and fielding of ballistic missile defense capabilities; and

(2) may not be used for operations and support activities.

(b) Budgeting for Operations and Support for Fiscal 2009.—For fiscal year 2009, any *amount in the budget submitted to Congress under section 1105(a) of title 31, United States Code, for operations and support activities for the Missile Defense Agency shall be set forth under the account of the Department of Defense for operation and maintenance, Defense-wide, and, within that account, under the subaccount (or other budget activity level) for the Missile Defense Agency.*

(c) PLAN REQUIRED.—Not later than March 1, 2008, the Director of the Missile Defense Agency shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan for transitioning the Missile Defense Agency from using research, development, test, and evaluation funds for missile defense fielding activities to using procurement funds for those activities where practicable.

(d) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall enter into an agreement with one of the Federally Funded Research and Development Centers under which the Center will carry out a study to examine, and make recommendations with respect to, the long-term structure, roles, and missions of the Missile Defense Agency.

(2) MATTERS INCLUDED.—

(A) REVIEW.—The study shall include a full review of the structure, roles, and missions of the Missile Defense Agency.

(B) ASSESSMENTS.—The study shall include an examination and assessment of the current and future—

(i) structure, roles, and missions of the Missile Defense Agency; and

(ii) relationship of the Missile Defense Agency with—

(I) the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics;

(II) the Office of the Under Secretary of Defense for Policy;

(III) the Director of Operational Test and Evaluation;

(IV) the Commander of the United States Strategic Command and other combatant commanders; and

(V) the military departments.

(C) RECOMMENDATIONS.—The study shall include recommendations as to how the Missile Defense Agency can be made more effective to support the needs of the warfighter. The recommendations shall include specific recommendations as to whether—

(i) the Missile Defense Agency should be maintained in its current configuration;

(ii) the scope and nature of the Missile Defense Agency should be changed from an organization focused on research and development to an organization focused on combat support; and

(iii) the Missile Defense Agency should be abolished and its responsibilities transferred to the United States Strategic Command and the military departments.

(3) COOPERATION FROM GOVERNMENT.—In carrying out the study, the Federally Funded Research and Development Center shall receive the full and timely cooperation of the Secretary of Defense and any other United States Government official in providing the Center with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(4) REPORT.—Not later than September 1, 2008, the Federally Funded Research and Development Center shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on its findings, conclusions, and recommendations.

(5) FUNDING.—Funds for the study shall be provided from amounts appropriated for the Department of Defense.

SEC. 223. LIMITATION ON USE OF FUNDS FOR REPLACING WARHEAD ON SM-3 BLOCK IIA MISSILE.

None of the funds appropriated or otherwise made available pursuant to an authorization of appropriations in this Act may be obligated or expended to replace the unitary warhead on the SM-3 Block IIA missile with the Multiple Kill Vehicle until after the Secretary of Defense certifies to Congress that—

(1) the United States and Japan have reached an agreement to replace the unitary warhead on the SM-3 Block IIA missile; and

(2) replacing the unitary warhead on the SM-3 Block IIA missile with the Multiple Kill Vehicle will not delay the expected deployment date of 2014-2015 for that missile.

SEC. 224. TWO-YEAR EXTENSION OF COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.

Section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) in paragraph (1), by striking "through 2008" and inserting "through 2010"; and

(2) in paragraph (2), by striking "through 2009" and inserting "through 2011".

SEC. 225. INDEPENDENT STUDY ON DEPLOYING MISSILE DEFENSE SYSTEM IN EUROPE.

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into an agreement with one of the Federally Funded Research and Development Centers under which the Center will carry out a study on the political, technical, operational, force structure, and budgetary implications of deploying a long-range missile defense system in Europe.

(b) ANALYSIS OF ADMINISTRATION PROPOSAL.—The study shall provide a full analysis of the Administration's proposal to protect forward-deployed radars, Europe, and the United States by deploying, in Europe, interceptors and radars of the Ground-Based Midcourse Defense (GMD) system. In providing the analysis, the study shall examine each of the following:

(1) The technical capabilities of the GMD system, as so deployed, to effectively protect forward-deployed radars, Europe, and the United States.

(2) The political implications of such a deployment on the United States, the North Atlantic Treaty Organization, and other interested parties.

(3) The operational issues associated with such a deployment.

(4) The force structure implications of such a deployment.

(5) The budgetary implications of such a deployment.

(c) ANALYSIS OF ALTERNATIVES.—The study shall also provide a full analysis of alternative systems that could be deployed to fulfill, in whole or in part, the protective purposes of the Administration's proposal. The alternative systems shall include a range of feasible combinations of other missile defense systems that are available or are expected to be available as of 2020. In providing the analysis, the study shall examine, for each alternative system included, the following:

(1) The technical capabilities of the alternative system, as so deployed, to effectively protect forward-deployed radars, Europe, and the United States.

(2) The political implications of such a deployment on the United States, the North Atlantic Treaty Organization, and other interested parties.

(3) The operational issues associated with such a deployment.

(4) The force structure implications of such a deployment.

(5) The budgetary implications of such a deployment.

(d) COOPERATION REQUIRED.—In carrying out the study, the Federally Funded Research and Development Center shall receive the cooperation of the Secretary of Defense, the Secretary of State, the Director of National Intelligence, and any other United States Government official in providing the Center with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(e) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Federally Funded Research and Development Center shall submit to the congressional defense committees and the Secretary of Defense a report on the results of the study. The report shall be in unclassified form, but may include a classified annex.

(f) FUNDING.—Of the amounts appropriated or otherwise made available pursuant to the authorization of appropriations in section 201(4), $1,000,000 is available to carry out the study required by this section.

SEC. 226. SENSE OF CONGRESS CONCERNING FULL SUPPORT FOR DEVELOPMENT AND FIELDING OF A LAYERED BALLISTIC MISSILE DEFENSE.

It is the sense of Congress that—

(1) the development and proliferation of ballistic missile and nuclear capabilities by rogue nations continues to grow, posing a serious threat to the national security of the United States, United States military forces deployed, and United States national security interests more broadly, as demonstrated by—

(A) the July 2006 test by North Korea of six short-range missiles and one longer-range Taepo Dong-2 missile, and the October 2006 test by North Korea of a nuclear device;

(B) the November 2006 and January 2007 test by Iran of nearly a dozen missiles and an ongoing effort by Iran to enrich uranium;

(C) the reported proliferation of BM-25 intermediate range ballistic missiles from North Korea to Iran; and

(D) the reported January 2007 test by Syria of Scud-D short-range ballistic missiles;

(2) the United States must have the capability to defend its homeland and forward-deployed military forces against the threats highlighted in paragraph (1);

(3) the United States is committed to working with its allies to obtain the capability to defend our broader national security interests against ballistic missile threats highlighted in paragraph (1);

(4) as specified in the John Warner National Defense Authorization Act for Fiscal Year 2007, "It is the policy of the United States that the Department of Defense accord priority within the missile defense program to the development, testing, fielding, and improvement of effective near-term missile defense capabilities, including the ground-based midcourse defense system, the Aegis ballistic missile defense system, the Patriot PAC-3 system, the Terminal High Altitude Area Defense system, and the sensors necessary to support such systems.";

(5) the Congress fully supports efforts by the Department of Defense to continue development, testing, and fielding of an effective, integrated, robust, layered ballistic missile defense system that is capable of intercepting ballistic missiles as described in paragraph (1) in various phases of flight;

(6) a layered defense requires fielding components on land and sea, space-based and other sensors, along with the command and control capability that ties the various components together; and

(7) it is in the national security interest of the United States to continue development, testing, and operations of the United States ballistic missile defense system to hedge against uncertainty in the development, test, and fielding of ballistic missile capabilities by rogue nations.

Subtitle D—Other Matters

SEC. 231. RESPONSIBILITY FOR HUMAN SYSTEMS INTEGRATION ACTIVITIES.

(a) In General.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall coordinate and manage human systems integration activities throughout the acquisition programs of the Department of Defense.

(b) Administration.—In carrying out subsection (a), the Secretary shall—

(1) designate a senior official to be responsible for the effort; and

(2) supervise the planning, management, and coordination of such activities.

(c) Responsibilities.—In carrying out this section, the Secretary shall—

(1) develop a Department of Defense Instruction, and as necessary a Department of Defense Directive, specific to human systems integration activities; and

(2) identify and recommend, as appropriate, resource requirements for human systems integration activities.

(d) Designation.—The designation required by subsection (b)(2) shall be made not later than 60 days after the date of the enactment of this Act.

SEC. 232. EXPANSION OF AUTHORITY FOR ENCOURAGEMENT OF TECHNOLOGY TRANSFER.

Section 2514(c) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3)(A) Under the Program, the defense laboratories and research centers may, through leases, contracts, or other appropriate arrangements, provide facilities, services, and equipment to private industry in order to promote accelerated development of critical technologies and technology transfer initiatives that support the Department of Defense.

"(B) The facilities, services, and equipment provided under this paragraph shall be provided on a non-interference basis.

"(C) The defense laboratory or research center—

"(i) shall charge, accept, and retain fees in amounts necessary to recover the full costs of the facilities, services, and equipment provided, including capital improvement costs, utility and service costs, and equipment depreciation costs; and

"(ii) may charge, accept, and retain fees for providing the facilities, services, and equipment.

"(D) The defense laboratory or research center may accept payment in cash or in kind for fees charged under subparagraph (C).

"(E) Fees accepted under subparagraph (C) shall be credited to the account that was used to cover the costs for which the payment was provided. Amounts so credited shall be merged with amounts in that account, and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in that account.".

SEC. 233. ARMY VENTURE CAPITAL FUND DEMONSTRATION.

(a) In General.—Of the amounts appropriated pursuant to the authorization of appropriations in section 201(1) or otherwise made available for research, development, test, and evaluation, Army, $10,000,000 is available for the Army Venture Capital Fund demonstration, to be used only for investment in renewable energy technologies.

(b) Definition.—For purposes of this section, the Army Venture Capital Fund demonstration is the program for which funds were initially provided in section 8150 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107-117; 115 Stat. 2281), as extended and revised in section 8105 of Department of Defense Appropriations Act, 2003 (Public Law 107-248; 116 Stat. 1562).

SEC. 234. INDEPENDENT TESTS FOR COMBAT HELMET PAD SUSPENSION SYSTEMS.

(a) In General.—From amounts made available pursuant to the authorization of appropriations in section 201(4) for research, development, test, and evaluation, Defense-wide, the Secretary of Defense shall carry out a test and evaluation of combat helmet pad suspension systems. The test and evaluation shall be carried out using verified product representative samples from the five producers of combat helmet pad suspension systems that are qualified as of the date of the enactment of this Act. The test and evaluation shall include an operational assessment of the pad suspension systems, including a field user evaluation.

(b) Independent Laboratory.—The test and evaluation shall be carried out in an objective and transparent manner by a certified and qualified laboratory that is independent of the Federal Government.

(c) Report.—Not later than September 30, 2008, the Secretary shall submit to the congressional defense committees a report on the results of the test and evaluation.

SEC. 235. REPORT ON IMPLEMENTATION OF MANUFACTURING TECHNOLOGY PROGRAM.

(a) Report Required.—Not later than March 1, 2008, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the technologies and processes developed under the Manufacturing Technology Program required by section 2521 of title 10, United States Code.

(b) Elements.—The report shall identify each technology or process implemented and, for each such technology or process, shall identify—

(1) the project of the Manufacturing Technology Program through which the technology or process was developed, the Federal and non-Federal participants in that project, and the duration of the project;

(2) the organization or program implementing the technology or process, and the type of implementation;

(3) the total Federal funding required to implement the technology or process, including—

(A) funds provided by military departments and Defense Agencies under the Manufacturing Technology Program;

(B) funds provided by the Department of Defense, or any element of the Department, to codevelop the technology or process;

(C) to the maximum extent possible, funds provided by the Department of Defense, or any element of the Department, to—

(i) mature the technology or process prior to transition to the Manufacturing Technology Program; and

(ii) fully implement the technology or process;

(4) the total value of industry cost share, if applicable; and

(5) the total value of cost avoidance or cost savings directly attributable to the implementation of the technology or process.

(c) Definition.—For purposes of this section, the term "implementation" refers to—

(1) the use of a technology or process in the manufacture of defense materiel;

(2) the identification of a technology or process in the manufacturing baseline for a program of record that has not yet achieved full rate production; or

(3) the use of a technology or process for the manufacture of commercial items.

(d) Scope.—The report shall include technologies or processes developed with funds appropriated or otherwise made available for Manufacturing Technology for fiscal years 2002 through 2007.

SEC. 236. ASSESSMENT OF SUFFICIENCY OF TEST AND EVALUATION PERSONNEL.

(a) Assessment Required.—The Director of Operational Test and Evaluation shall assess whether the Director's professional staff meets the requirement of section 139(j) of title 10, United States Code, that the staff be sufficient to carry out the Director's duties and responsibilities.

(b) Inclusion in Report.—The Director shall include the results of the assessment in the report, required by section 139(g) of title 10, United States Code, summarizing the operational test and evaluation activities during fiscal year 2007.

SEC. 237. REPEAL OF REQUIREMENT FOR SEPARATE REPORTS ON TECHNOLOGY AREA REVIEW AND ASSESSMENT SUMMARIES.

Subsection (c) of section 253 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3179; 10 U.S.C. 2501 note) is repealed.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Other Department of Defense Programs.

Subtitle B—Environmental Provisions

Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Arctic Surplus Superfund Site, Fairbanks, Alaska.
Sec. 313. Payment to Environmental Protection Agency of stipulated penalty in connection with Jackson Park Housing Complex, Washington.

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Sec. 321. Increase in threshold amount for contracts for procurement of capital assets in advance of availability of working-capital funds for the procurement.
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Sec. 326. Guidelines on insourcing new and contracted out functions.
Sec. 327. Additional requirements for annual report on public-private competitions.
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Subtitle D—Extension of Program Authorities
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Sec. 363. Priority transportation on Department of Defense aircraft of retired members residing in Commonwealths and possessions of the United States for certain health care services.
Sec. 364. Recovery of missing military property.
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Sec. 366. Issue of serviceable material other than to Armed Forces.
Sec. 367. Prohibition on deactivation of 36th Rescue Flight.
Sec. 368. Limitation on expenditure of funds for initial flight screening at Pueblo Memorial Airport.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $28,868,671,000.

(2) For the Navy, $33,138,090,000.

(3) For the Marine Corps, $4,923,993,000.

(4) For the Air Force, $33,393,333,000.

(5) For Defense-wide activities, $22,732,978,000.

(6) For the Army Reserve, $2,508,062,000.

(7) For the Naval Reserve, $1,182,883,000.

(8) For the Marine Corps Reserve, $208,637,000.

(9) For the Air Force Reserve, $2,692,077,000.

(10) For the Army National Guard, $5,845,809,000.

(11) For the Air National Guard, $5,044,365,000.

(12) For the United States Court of Appeals for the Armed Forces, $11,971,000.

(13) For Environmental Restoration, Army, $434,879,000.

(14) For Environmental Restoration, Navy, $300,591,000.

(15) For Environmental Restoration, Air Force, $458,428,000.

(16) For Environmental Restoration, Defense-wide, $12,751,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $250,249,000.

(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $103,300,000.

(19) For Cooperative Threat Reduction programs, $398,000,000.

(20) For the Overseas Contingency Operations Transfer Fund, $5,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $102,000,000.

(2) For the National Defense Sealift Fund, $1,535,194,000.

(3) For the Defense Working Capital Fund, Defense Commissary, $1,250,000,000.

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) Defense Health Program.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $22,471,047,000, of which—

(1) $21,974,304,000 is for Operation and Maintenance;

(2) $134,482,000 is for Research, Development, Test, and Evaluation; and

(3) $362,261,000 is for Procurement.

(b) Chemical Agents and Munitions Destruction, Defense.—(1) Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,455,724,000, of which—

(A) $1,162,452,000 is for Operation and Maintenance;

(B) $274,846,000 is for Research, Development, Test, and Evaluation; and

(C) $18,426,000 is for Procurement.

(2) Amounts authorized to be appropriated under paragraph (1) are authorized for—

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

(c) Drug Interdiction and Counter-Drug Activities, Defense-Wide.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $936,822,000.

(d) Defense Inspector General.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $215,995,000, of which—

(1) $214,995,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

Subtitle B—Environmental Provisions

SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) Authority to Reimburse.—Notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $91,588.51 to the Moses Lake Wellfield Superfund Site 10–6J Special Account for the purpose described in section 315(a)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 110–364; 120 Stat. 2141).

(b) Source of Funds.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(16) for environmental restoration, defense-wide.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH ARCTIC SURPLUS SUPERFUND SITE, FAIRBANKS, ALASKA.

(a) Authority to Reimburse.—Notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $186,625.38 to the Hazardous Substance Superfund to reimburse the Environmental Protection Agency for costs incurred pursuant to the agreement known as "In the Matter of Arctic Surplus Superfund Site, U.S. EPA Docket Number CERCLA–10–2003–0114: Administrative Order on Consent for Remedial Design and Remedial Action" and entered into by the Department of Defense and the Environmental Protection Agency on December 11, 2003.

(b) Source of Funds.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(16) for environmental restoration, defense-wide.

SEC. 313. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTY IN CONNECTION WITH JACKSON PARK HOUSING COMPLEX, WASHINGTON.

(a) Payment Required.—Notwithstanding section 2215 of title 10, United States Code, the Secretary of the Navy may transfer not more than $40,000.00 to the Hazardous Substance Superfund to pay a stipulated penalty assessed by the Environmental Protection Agency on October 25, 2005, against the Jackson Park Housing Complex, Washington, for the failure of the Department of the Navy to timely submit a draft final Phase II Remedial Investigation Work Plan for the Jackson Park Housing Complex Operable Unit (OU–3T–JPHC) pursuant to a schedule included in an agreement entered into by the Department of the Navy and the Environmental Protection Agency (U.S. EPA Docket Number CERCLA–10–2005–0023).

(b) Source of Funds.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(14) for environmental restoration, Navy.

Subtitle C—Workplace and Depot Issues

SEC. 321. INCREASE IN THRESHOLD AMOUNT FOR CONTRACTS FOR PROCUREMENT OF CAPITAL ASSETS IN ADVANCE OF AVAILABILITY OF WORKING-CAPITAL FUNDS FOR THE PROCUREMENT.

Section 2208(k)(2) of title 10, United States Code, is amended by striking "$100,000" and inserting "$250,000".

SEC. 322. AUTHORIZATION OF AVAILABILITY OF WORKING-CAPITAL FUNDS FOR CERTAIN PRODUCT IMPROVEMENTS.

Section 2208 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(s) Product Improvement.—(1) An engineering service, manufacturing effort, developmental testing, or operational test and evaluation effort for product improvement of a weapon system platform, major end item, component of a major end item, or article that is financed by a working-capital fund may be performed or acquired, if—

"(A) the combined cost of the engineering services, manufacturing efforts, development testings, and operational test and evaluation efforts for the product improvements that are financed by the working-capital fund is less than $15,000,000;

"(B) the unit cost of the platform, item, component, or article is less than $1,000,000; and

"(C) the product improvement would improve the reliability and maintainability, extend the useful life, enhance safety, lower maintenance costs, provide performance enhancement, or expand the performance capability of the weapon system platform or major end item.

"(2) Funds described in paragraph (1) may be used in accordance with that paragraph for a commercial or industrial type function performed as part of a public-private partnership at the Center of Industrial and Technical Excellence designated under section 2474 of this title.

"(3) Each report submitted under subsection (q) for a working-capital fund shall include a description of any use of funds described in paragraph (1) that is financed by that working-capital fund and a description of the anticipated product improvement under subparagraph (C) of that paragraph.".

SEC. 323. AUTHORIZATION OF USE OF WORKING-CAPITAL FUNDS FOR ACQUISITION OF CERTAIN ITEMS.

Section 2208 of title 10, United States Code, as amended by section 332, is further amended by adding at the end the following new subsection:

"(t) ACQUISITION THRESHOLD FOR WEAPONS SYSTEM MODIFICATION, IMPROVEMENT AND LIFECYCLE EXTENSION.— (1) Any of the following items may be provided through working-capital funds, if the item has a unit cost of not more than $500,000:

"(A) An item that is materiel for supplies or supply chain management, assemblies, spare or repair parts, modification kits, or any other item of equipment to provide maintenance, repair, or overhaul and rework.

"(B) An item for continuous technology refreshment to provide newer technologies that improve reliability and maintainability, extend the useful life, enhance safety, lower maintenance costs, provide performance enhancement, or expand the performance capability of a weapons system platform.

"(2) With respect to an item described in paragraph (1), the Secretary of each military department may increase the acquisition threshold under paragraph (1) to an amount that does not exceed $1,000,000, if the Secretary—

"(A) determines the increase is necessary to maintain core logistics capabilities required by section 2464 of this title; and

"(B) not later than 30 days after such an increase, notifies Congress of the increase and the reasons for the increase.

"(3) An item described in paragraph (1) may be an item used for a commercial- or industrial-type function performed at a Center of Industrial and Technical Excellence designated under section 2474 of this title.".

SEC. 324. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

"(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

"(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

"(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

"(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and".

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A-76 whether to convert to contractor performance any function of the Department of Defense—

"(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

"(B) may consult with such employees on other matters relating to that determination.

"(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

"(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

"(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1)".

(c) TECHNICAL AMENDMENTS.—Section 2461 of such title, as amended by subsection (a) is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after "2003" the following: ", or any successor circular"; and

(B) in subparagraph (D), by striking "and reliability" and inserting ", reliability, and timeliness"; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting "of" after "examination".

SEC. 325. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) A public-private competition may not be required under Office of Management and Budget Circular A-76 or any other provision of law at the end of the period specified in the performance agreement for any function of the Department of Defense performed by Department of Defense civilian employees.".

SEC. 326. GUIDELINES ON INSOURCING NEW AND CONTRACTED OUT FUNCTIONS.

(a) CODIFICATION AND REVISION OF REQUIREMENT FOR GUIDELINES.—

(1) IN GENERAL.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2462 the following new section:

"§2463. Guidelines for use of civilian employees to perform Department of Defense functions

"(a) GUIDELINES REQUIRED.—The Under Secretary of Defense for Personnel and Readiness shall devise and implement guidelines to ensure that consideration is given to using, on a regular basis, civilian employees of the Department of Defense to perform new functions and functions that are performed by contractors and could be performed by such civilian employees. The Secretary of a military department may prescribe regulations, if the Secretary determines such regulations are necessary for implementing such guidelines within that military department.

"(b) SPECIAL CONSIDERATION FOR CERTAIN FUNCTIONS.—The guidelines implemented under subsection (a) shall provide for special consideration to be given to using civilian employees of the Department of Defense to perform any function that—

"(1) was performed by a civilian employee of the Department of Defense at any time on or after October 1, 1980;

"(2) is associated with the performance of an inherently governmental function (as that term is defined in section 5 of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note));

"(3) has been performed by a contractor pursuant to a contract awarded on a non-competitive basis; or

"(4) has been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer.

"(c) EXCLUSION OF CERTAIN FUNCTIONS FROM COMPETITIONS.—No public-private competition may be required under this chapter for any function of the Department of Defense that—

"(1) is associated with the performance of an inherently governmental function;

"(2) has been performed by a contractor pursuant to a contract that was awarded on a non-competitive basis, including a contract awarded without the conduct of a public-private competition under this section; or

"(3) has been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer.

"(d) LIMITATION ON COMPETITIONS FOR NEW AND EXPANDED FUNCTIONS.—(1) A public-private competition may not be conducted under this section for any Department of Defense function before—

"(A) the commencement of the performance by civilian employees of the Department of Defense of a new Department of Defense function;

"(B) the commencement of the performance by civilian employees of the Department of Defense of any Department of Defense function pursuant to the guidelines implemented under subsection (a);

"(C) the expansion of the scope of any Department of Defense function performed by civilian employees of the Department of Defense.

"(2) The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5 to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2462 the following new item:

"2463. Guidelines for use of civilian employees to perform Department of Defense functions.".

(3) DEADLINE FOR ISSUANCE OF GUIDELINES.—

(A) DEADLINE.—The Secretary of Defense shall implement the guidelines required under section 2463 of title 10, United States Code, as added by paragraph (1), by not later than 60 days after the date of the enactment of this Act.

(B) MORATORIUM ON COMPETITIONS UNTIL GUIDELINES ARE IMPLEMENTED.—No study or competition may be begun or announced pursuant to section 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A-76 relating to the possible conversion to performance by a contractor of any Department of Defense function until the guidelines required under section 2463 of such title, as added by paragraph (1) are implemented.

(b) ESTABLISHMENT OF INVENTORY OF WORK PERFORMED BY CONTRACTORS.—Section 115a of title 10, United States Code is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; and";

(C) by adding at the end the following new paragraph:

"(3) the estimated manpower requirements of each component of the Department of Defense projected to be met by contractor performance of Department of Defense functions and the estimated funding requirements associated with such contractor performance for the next fiscal year.".

(2) by adding at the end the following new subsection:

"(i) In each report, the Secretary shall include for each military department, combatant command, and major defense organization, a separate report describing contractor performance of Department of Defense functions during the preceding fiscal year. Chapter 35 of title 44 shall not apply to such report. In each such report, the Secretary shall—

"(1) specify the number of work-year equivalents performed by contractors in performing functions for each Department;

"(2) identify the contracting organization, the component of the Department of Defense administering the contract, and the organization whose requirements are being met through the contractor performance of the function, with an explanation in the event these organizational elements are distinct.

"(3) identify each organization specified under paragraph (2) at the unit level of detail, as maintained in the Department's manpower documentation systems;

"(4) identify the funding source for the contract under which the function is performed by appropriation and operating agency, and the associated funding levels obligated and disbursed for the reported work-year equivalents;

"(5) identify the functions and missions performed by the contractor;

"(6) specify whether the contract for the function was entered into pursuant to a public-private competition; and

"(7) describe the process by which the Department of Defense validates the contractor performance of such functions under section 2463 of this title.".

(c) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) is amended by striking section 343.

(d) INSPECTOR GENERAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report on the implementation of this section and the amendments made by this section. The report shall contain the assessment of the Inspector General of whether—

(1) the guidelines required under section 2463(a) of title 10, United States Code, as added by subsection (a), have been implemented;

(2) such guidelines, if developed, conform to the requirements of that section;

(3) a contractor inventory has been established pursuant to subsections (a)(3) and (i) of section 115a of such title, as added by subsection (b);

(4) functions for which the performance of which the Secretary of Defense has entered into a contract are being reviewed on a regular basis for possible conversion to performance by civilian employees of the Department of Defense; and

(5) performance by civilian employees of the Department of Defense is being considered to the maximum extent practicable for all new functions of the Department of Defense.

SEC. 327. ADDITIONAL REQUIREMENTS FOR ANNUAL REPORT ON PUBLIC-PRIVATE COMPETITIONS.

Paragraph (1) of subsection (b) of section 2462 is amended by adding at the end the following new paragraphs:

"(4) For any function converted to performance by a contractor, the effect of such conversion on the quality of the performance of the function.

"(5) For any function for which a public-private competition is anticipated during any subsequent fiscal year, an assessment of whether any method of business reform or reengineering other than a public-private competition, including a decision to consolidate, restructure, or reengineer an organization, function, or activity covered under section 2475 of this title, could, if implemented in the future, achieve any anticipated or budgeted savings.".

SEC. 328. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A-76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A-76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

(c) SUSPENSION AND REVIEW OF ONGOING PUBLIC-PRIVATE COMPETITIONS.—

(1) SUSPENSION.—During the 90-day period that begins on the date of the enactment of this Act, the Secretary of Defense shall suspend any review or public-private competition pursuant to Office of Management and Budget Circular A-76 that is being carried out on the date of the enactment of this Act.

(2) REVIEW.—During the 90-day period described in paragraph (1), the Secretary of Defense shall review each suspended review and public-private competition and shall determine, wholly independently and without regard to direction, guidance, encouragement, or requirement from the Office of Management and Budget, whether to cancel or continue each review or public-private competition.

(3) CRITERIA FOR CONTINUATION.—The Secretary of Defense may not continue a review or public-private competition pursuant to a determination under paragraph (2) unless the official responsible for the performance of the function and the Secretary of the military department concerned or agency head submits to the congressional defense committees a certification that the determination was made wholly independently and without regard to direction, guidance, encouragement, or requirement from the Office of Management and Budget and after considering less costly and controversial alternatives to such review or public-private competition.

SEC. 329. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A-76.

(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Section 3551(2) of title 31, United States Code, is amended to read as follows:

"(2) The term 'interested party'—

"(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

"(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, includes—

"(i) any official who submitted the agency tender in such competition; and

"(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.".

(b) EXPEDITED ACTION.—

(1) IN GENERAL.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

"SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

"For any protest of a public-private competition conducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.".

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

"3557. Expedited action in protests of public-private competitions.".

(b) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget

Circular A-76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.".

(c) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A-76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A-76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, on or after the date of the enactment of this Act.

SEC. 330. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

"(a) PUBLIC-PRIVATE COMPETITION.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

"(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

"(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A-76, as implemented on May 29, 2003, or any successor circular;

"(C) includes the issuance of a solicitation;

"(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

"(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

"(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

"(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

"(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

"(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

"(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

"(ii) $10,000,000; and

"(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

"(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

"(3) In no case may a function being performed by executive agency personnel be—

"(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

"(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

"(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the executive agency—

"(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

"(B) may consult with such employees on other matters relating to that determination.

"(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

"(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

"(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

"(c) CONGRESSIONAL NOTIFICATION.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

"(A) The function for which such public-private competition is to be conducted.

"(B) The location at which the function is performed by agency civilian employees.

"(C) The number of agency civilian employee positions potentially affected.

"(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

"(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

"(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

"(A) agency civilian employees who would be affected by such a conversion in performance; and

"(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

"(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

"(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

"(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

"(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

"(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial or industrial type function of an executive agency that—

"(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

"(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

"(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.".

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

"Sec. 43. Public-private competition required before conversion to contractor performance.".

SEC. 331. REAUTHORIZATION AND MODIFICATION OF MULTI-TRADES DEMONSTRATION PROJECT.

(a) REAUTHORIZATION AND EXPANSION.—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 5013 note) is amended—

(1) in subsection (a)—

(A) by striking "shall" and inserting "may"; and

(B) by striking "three Naval Aviation Depots" and inserting "the Air Force Air Logistics Centers and the Navy Fleet Readiness Centers";

(2) in subsection (b), by striking "a Naval Aviation Depot" and inserting "an Air Force Air Logistics Center or Navy Fleet Readiness Center";

(3) by striking subsection (d) and redesignating subsections (e) through (g) as subsections (d) through (f), respectively;

(4) in subsection (d), as so redesignated, by striking "2004 through 2006" and inserting "2008 through 2013";

(5) in subsection (e), as so redesignated, by striking "2007" and inserting "2014"; and

(6) by amending subsection (f), as so redesignated, to read as follows:

"(f) ANNUAL GAO REPORT.—By not later than 30 days after the last day of a fiscal year, the Comptroller General shall submit to the congressional defense committees a report on the demonstration project under this section.".

(b) CLERICAL AMENDMENTS.—

(1) HEADING.—The heading for such section is amended to read as follows: "**AIR FORCE AIR LOGISTICS CENTER AND NAVY FLEET READINESS CENTER MULTI-TRADES DEMONSTRATION PROJECT**".

(2) TABLE OF CONTENTS.—The items relating to such section in the table of contents in section 2(b) of such Act and in the table of contents at the beginning of title III of such Act are each amended to read as follows:

"Sec. 338. Air Force Logistics Center and Navy Fleet Readiness Center multi-trades demonstration project.".

Subtitle D—Extension of Program Authorities

SEC. 341. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 10 U.S.C. 4551 note) is amended—

(1) in subsection (a), by striking "2008" and inserting "2010"; and

(2) in subsection (g)(1), by striking "2008" and inserting "2010".

SEC. 342. EXTENSION OF PERIOD FOR REIMBURSEMENT FOR HELMET PADS PURCHASED BY MEMBERS OF THE ARMED FORCES DEPLOYED IN CONTINGENCY OPERATIONS.

(a) EXTENSION.—Section 351 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1857) is amended—

(1) in subsection (a)(3), by inserting before the period at the end the following: ", or in the case of protective helmet pads purchased by a member from a qualified vendor for that member's personal use, on September 30, 2007";

(2) in subsection (c)—

(A) by inserting after "Armed Forces" the following: "shall comply with regular Department of Defense procedures for the submission of claims and"; and

(B) by inserting before the period at the end the following: "or one year after the date on which the purchase of the protective, safety, or health equipment was made, whichever occurs last"; and

(3) in subsection (d), by adding at the end the following new sentence: "Subsection (a)(1) shall not apply in the case of the purchase of protective helmet pads by or on behalf of a member.".

(b) FUNDING.—Amounts for reimbursements made under section 351 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 after the date of the enactment of this Act shall be derived from supplemental appropriations for the Department of Defense for fiscal year 2008, contingent upon such appropriations being enacted.

Subtitle E—Reports

SEC. 351. INCLUSION OF NATIONAL GUARD READINESS FOR CIVIL SUPPORT MISSIONS IN QUARTERLY PERSONNEL AND UNIT READINESS REPORT.

(a) INCLUSION.—Section 482 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (h);

(2) by inserting after subsection (e) the following new subsections (f) and (g):

"(f) READINESS OF NATIONAL GUARD TO PERFORM CIVIL SUPPORT MISSIONS.—Each report shall also include an assessment of the readiness of the National Guard to perform tasks required to support the National Response Plan for support to civil authorities.

"(g) AVAILABILITY OF NATIONAL GUARD READINESS INFORMATION TO STATES.—With respect to the information required to be included in a report under subsection (f) that is relevant to the National Guard of a State, the Secretary of Defense shall make that information available to the Governor of the State."; and

(3) in subsection (a), by striking "subsections (b), (d), and (e)" and inserting "subsections (b), (d), (e), and (f)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a report submitted after the date of the enactment of this Act.

(c) REPORT TO CONGRESS.—As part of the budget justification materials submitted to Congress in support of the President's budget for fiscal year 2009, the Secretary of Defense shall submit to the congressional defense committees a report on any steps the Secretary has taken to prepare to implement the requirement under subsection (f) of section 482 of title 10, United States Code, as added by subsection (a). The report shall include a description of the Secretary's plans for assessing the personnel, equipment, and training readiness of the National Guard, including the standards and measures that will be applied and mechanisms for sharing information with State Governors.

SEC. 352. PLAN TO IMPROVE READINESS OF ACTIVE AND RESERVE COMPONENT GROUND FORCES.

(a) REPORT REQUIRED.—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report on improving the readiness of the active and reserve components of the ground forces of the United States Armed Forces. Each such report shall include—

(1) a summary of the readiness of each reporting unit of the active and reserve components of the ground forces and a summary of the readiness of each major combat unit of each military department by readiness level, as reflected in the Department of Defense status of resources and training system;

(2) an identification of the extent to which the actual readiness ratings of the active and reserve components of the United States Armed Forces have been upgraded based on the judgment of commanders and any efforts of the Secretary of Defense to analyze the trends and implications of such upgrades;

(3) the goals of the Secretary of Defense for managing the readiness of the active and reserve components of the ground forces, expressed in terms of the number of units or percentage of the force that the Secretary plans to maintain at each level of readiness, and the Secretary's projected timeframe for achieving each such goal;

(4) a prioritized list of items and actions to be accomplished during the fiscal year during which the report is submitted and during the fiscal years covered by the future years defense program that the Secretary of Defense believes are necessary to significantly improve the readiness of the active and reserve components of the ground forces and achieve the goals and timeframes described in paragraph (3); and

(5) a detailed investment strategy and plan for each fiscal year covered by the future years defense program under section 221 of title 10, United States Code, that outlines the resources required to improve the readiness of the active and reserve components of the ground forces, including a description of how each resource identified in such plan relates to funding requested by the Secretary in the Secretary's annual budget, and how each such resource will specifically enable the Secretary to achieve the readiness goals described in paragraph (3) within the projected timeframes.

(b) COMPTROLLER GENERAL REVIEW.—By not later than 60 days after the date on which the report is submitted under subsection (a), the Comptroller General shall review the report and, as the Comptroller General determines appropriate, submit to the congressional defense committees any additional information that the Comptroller General determines will further inform the congressional defense committees on issues relating to the readiness of the active and reserve components of the ground forces of the United States Armed Forces.

SEC. 353. PLAN FOR OPTIMAL USE OF STRATEGIC PORTS BY COMMANDER OF SURFACE DISTRIBUTION AND DEPLOYMENT COMMAND.

By not later than January 30, 2008, the Secretary of Defense shall develop and implement a plan to optimize the use of strategic ports by the Surface Distribution and Deployment Command. Such plan shall—

(1) address cost effectiveness, manning requirements, location, and maximization of utilization of resources for each strategic port; and

(2) include—

(A) an analysis of how each Surface Distribution and Deployment Command strategic port is chosen for the worldwide deployment and distribution of Department of Defense supplies, personal property, and personnel; and

(B) provisions for consultation with the local port authority for any strategic port at which there is no permanent Surface Distribution and Deployment Command presence.

SEC. 354. INDEPENDENT ASSESSMENT OF CIVIL RESERVE AIR FLEET VIABILITY.

(a) INDEPENDENT ASSESSMENT REQUIRED.—The Secretary of Defense shall provide for an independent assessment of the viability of the Civil Reserve Air Fleet to be conducted by a federally-funded research and development center selected by the Secretary.

(b) CONTENTS OF ASSESSMENT.—The assessment required by subsection (a) shall include each of the following:

(1) An assessment of the Civil Reserve Air Fleet as of the date of the enactment of this Act, including an assessment of—

(A) the level of increased use of commercial assets to fulfill Department of Defense transportation requirements as a result of the increased global mobility requirements in response to the terrorist attacks of September 11, 2001;

(B) the extent of charter air carrier participation in fulfilling increased Department of Defense transportation requirements as a result of the increased global mobility requirements in response to the terrorist attacks of September 11, 2001;

(C) any policy of the Secretary of Defense to limit the percentage of income a single air carrier participating in the Civil Reserve Air Fleet may earn under contracts with the Secretary during any calendar year and the effects of such policy on the air carrier industry in peacetime and during periods during which the armed forces are deployed in support of a contingency operation for which the Civil Reserve Air Fleet is not activated; and

(D) any risks to the charter air carrier industry as a result of the expansion of the industry in response to contingency operations resulting in increased demand by the Department of Defense.

(2) A strategic assessment of the viability of the Civil Reserve Air Fleet that compares such viability as of the date of the enactment of this Act with the projected viability of the Civil Reserve Air Fleet five, ten, and 15 years after the date of the enactment of this Act, including for activations at each of stages 1, 2, and 3—

(A) an examination of the requirements of the Department of Defense for Civil Reserve Air Fleet for the support of operational and contingency plans, including any anticipated changes in the Department's organic airlift capacity, logistics concepts, and personnel and training requirements;

(B) an assessment of air carrier participation in the Civil Reserve Air Fleet; and

(C) a comparison between the requirements of the Department needs described in subparagraph (A) and air carrier participation described in subparagraph (B).

(3) An examination of any perceived barriers to Civil Reserve Air Fleet viability, including—

(A) the operational planning system of the Civil Reserve Air Fleet;

(B) the reward system of the Civil Reserve Air Fleet;

(C) the long-term affordability of the Aviation War Risk Insurance Program;

(D) the effect on United States air carriers operating overseas routes during periods of Civil Reserve Air Fleet Activation;

(E) increased foreign ownership of United States air carriers;

(F) increased operational costs during activation as a result of hazardous duty pay, routing delays, and inefficiencies in cargo handling by the Department of Defense;

(G) the effect of policy initiatives by the Secretary of Transportation to encourage international code sharing and alliances; and

(H) the effect of limitations imposed by the Secretary of Defense to limit commercial shipping options for certain routes and package sizes.

(4) Recommendations for improving the Civil Reserve Air Fleet program.

(c) Submission to Congress.—Upon the completion of the assessment required under subsection (a) and by not later than April 1, 2008, the Secretary shall submit to the congressional defense committees a report on the assessment.

(d) Comptroller General Report.—Not later than 90 days after the report is submitted under subsection (c), the Comptroller General shall conduct a review of the assessment required under subsection (a).

SEC. 355. ANNUAL REPORT ON PREPOSITIONED MATERIEL AND EQUIPMENT.

(a) Annual Report Required.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§2229a. Annual report on prepositioned materiel and equipment

"(a) Annual Report Required.—Not later than the date of the submission of the President's budget request for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the materiel in the prepositioned stocks as of the end of the fiscal year preceding the fiscal year during which the report is submitted. Each report shall be unclassified and may contain a classified annex. Each report shall include the following information:

"(1) The level of fill for major end items of equipment and spare parts in each prepositioned set as of the end of the fiscal year covered by the report.

"(2) The material condition of equipment in the prepositioned stocks as of the end of such fiscal year, rated based on the Department of Defense Status of Resources and Training system and grouped by category or major end item.

"(3) A list of major end items of equipment drawn from the prepositioned stocks during such fiscal year and a description of how that equipment was used and whether it was returned to the stocks after being used.

"(4) A timeline for completely reconstituting any shortfall in the prepositioned stocks.

"(5) An estimate of the amount of funds required to completely reconstitute any shortfall in the prepositioned stocks and a description of the Secretary's plan for carrying out such complete reconstitution.

"(6) A list of any operations plan affected by any shortfall in the prepositioned stocks and a description of any action taken to mitigate any risk that such a shortfall may create.

"(b) Comptroller General Review.—By not later than 60 days after the date on which the report is submitted under subsection (a), the Comptroller General shall review the report and, as the Comptroller General determines appropriate, submit to the congressional defense committees any additional information that the Comptroller General determines will further inform the congressional defense on issues relating to the status of the materiel in the prepositioned stocks.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2229a. Annual report on prepositioned materiel and equipment.".

SEC. 356. CONDITIONS ON RELOCATION OF NORTH AMERICAN AEROSPACE DEFENSE COMMAND CENTER AND RELATED FUNCTIONS FROM CHEYENNE MOUNTAIN TO PETERSON AIR FORCE BASE.

(a) Submission of Cost-Benefit Analysis and Relocation Plan.—The Secretary of Defense may not commence the relocation of or, if previously commenced, continue the relocation of the North American Aerospace Defense command center and related functions from Cheyenne Mountain to Peterson Air Force Base, Colorado, until after the end of the 180-day period beginning on the date on which the Secretary submits to Congress a report containing—

(1) an analysis comparing the total costs associated with the relocation, including costs determined as part of ongoing security-related studies of the relocation, to anticipated operational benefits from the relocation; and

(2) the final plans for the relocation of the North American Aerospace Defense command center and related functions.

(b) Comptroller General Review.—Not later than 60 days after the date on which the Secretary of Defense submits the report required by subsection (a), the Comptroller General shall submit to Congress a review of the report and the final plans of the Secretary for relocation of the North American Aerospace Defense command center and related functions.

SEC. 357. REPORT ON PUBLIC-PRIVATE PARTNERSHIPS.

(a) Report Required.—Not later than April 1, 2008, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee of Armed Services of the Senate a report regarding public-private partnerships at Centers of Industrial and Technical Excellence designated under section 2474 of title 10, United States Code.

(b) Contents of Report.—The report required under paragraph (1) shall include a description of each of the following:

(1) Common approaches and procedures for the military departments regarding implementation of public-private partnerships.

(2) Consistent cost methodologies and reimbursement guidance applicable to maintenance and repair workload performed by Federal Government personnel.

(3) Implementation procedures for completing contract negotiations for public-private partnerships within 12 months.

(4) The Secretary's utilization of commercial practices to replace existing inventory and component management, technical publication data, document management, and equipment maintenance, and calibration requirements of the Department of Defense.

(5) Delegation of Class 2 Design authority based on commercial practices to maintain the form, fit, and function of a weapon system platform, major end item, component of a major end item, or article.

(6) The Secretary's plan to expand Department of Defense core capabilities, as defined in section 2464 of such title.

Subtitle F—Other Matters

SEC. 361. AUTHORITY FOR DEPARTMENT OF DEFENSE TO PROVIDE SUPPORT FOR CERTAIN SPORTING EVENTS.

(a) Provision of Support.—Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

"(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

"(5) Any national or international paralympic sporting event (other than a sporting event described in paragraph (1) through (4))—

"(A) that—

"(i) is held in the United States or any of its territories or commonwealths;

"(ii) is governed by the International Paralympic Committee; and

"(iii) is sanctioned by the United States Olympic Committee; and

"(B) for which participation exceeds 100 amateur athletes."; and

(2) by adding at the end the following new subsection:

"(g) Funding for Support of Certain Events.—(1) Amounts for the provision of support for a sporting event described in paragraph (4) or (5) of subsection (c) shall be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), notwithstanding any limitation under that section relating to the availability of funds in such account for the provision of support for international sporting competitions.

"(2) The total amount expended for any fiscal year to provide support for sporting events described in subsection (c)(5) may not exceed $1,000,000.".

(b) Source of Funds.—Section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note) is amended—

(1) by inserting after "international sporting competitions" the following: "and for support of sporting competitions authorized under section 2564(c)(4) and (5), of title 10, United States Code,"; and

(2) by striking "45 days" and inserting "15 days".

SEC. 362. REASONABLE RESTRICTIONS ON PAYMENT OF FULL REPLACEMENT VALUE FOR LOST OR DAMAGED PERSONAL PROPERTY TRANSPORTED AT GOVERNMENT EXPENSE.

Section 2636a(d) of title 10, United States Code, is amended by adding at the end the following new sentence: "The regulations may include a requirement that a member of the armed forces or civilian employee comply with reasonable restrictions prescribed by the Secretary in order to receive the full amount deducted under subsection (b).".

SEC. 363. PRIORITY TRANSPORTATION ON DEPARTMENT OF DEFENSE AIRCRAFT OF RETIRED MEMBERS RESIDING IN COMMONWEALTHS AND POSSESSIONS OF THE UNITED STATES FOR CERTAIN HEALTH CARE SERVICES.

(a) Availability of Transportation.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641a the following new section:

"§2641b. Space-available travel on Department of Defense aircraft: retired members residing in Commonwealths and possessions of the United States for certain health care services

"(a) Priority Transportation.—The Secretary of Defense shall provide transportation on Department of Defense aircraft on a space-available basis for any member or former member of the uniformed services described in subsection (b), and a single dependent of the member if needed to accompany the member, at a

priority level in the same category as the priority level for an unaccompanied dependent over the age of 18 traveling on environmental and morale leave.

"(b) ELIGIBLE MEMBERS AND FORMER MEMBERS.—A member or former member eligible for priority transport under subsection (a) is a covered beneficiary under chapter 55 of this title who—

"(1) is entitled to retired or retainer pay or, but for age, would be eligible for retired pay under chapter 1223 of this title;

"(2) resides in or is located in a Commonwealth or possession of the United States; and

"(3) is referred by a primary care physician located in that Commonwealth or possession to a specialty care provider for services to be provided outside of that Commonwealth or possession.

"(c) SCOPE OF PRIORITY.—The increased priority for space-available transportation required by subsection (a) applies with respect to both—

"(1) the travel from the Commonwealth or possession of the United States to receive the specialty care services; and

"(2) the return travel.

"(d) DEFINITIONS.—In this section, the term 'specialty care provider' has the meaning given that term in section 1074i(b) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641a the following new item:

"2641b. Space-available travel on Department of Defense aircraft: retired members residing in Commonwealths and possessions of the United States for certain health care services.".

SEC. 364. RECOVERY OF MISSING MILITARY PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following new sections:

"§2788. Property accountability: regulations

"The Secretary of a military department may prescribe regulations for the accounting for the property of that department and the fixing of responsibility for that property.

"§2789. Individual equipment: unauthorized disposition

"(a) PROHIBITION.—No member of the armed forces may sell, lend, pledge, barter, or give any clothing, arms, or equipment furnished to such member by the United States to any person other than a member of the armed forces under the jurisdiction of the Secretary of the same military department as the member to which it is furnished, or an officer of the United States who is authorized to receive it.

"(b) SEIZURE OF IMPROPERLY DISPOSED PROPERTY.—If a member of the armed forces has disposed of property in violation of subsection (a) and the property is in the possession of a person who is neither a member of the armed forces under the jurisdiction of the Secretary of the same military department as the member who disposed of the property, nor an officer of the United States who is authorized to receive it, that person has no right to or interest in the property, and any civil or military officer of the United States may seize the property, wherever found. Possession of such property furnished by the United States to a member of the armed forces by a person who is neither a member of the armed forces, nor an officer of the United States, is prima facie evidence that the property has been disposed of in violation of subsection (a).

"(c) DELIVERY OF SEIZED PROPERTY.—If an officer who seizes property under subsection (b) is not authorized to retain it for the United States, the officer shall deliver the property to a person who is authorized to retain it.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"2788. Property accountability: regulations.
"2789. Individual equipment: unauthorized disposition.".

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Such title is further amended by striking the following sections:

(A) Section 4832.

(B) Section 4836.

(C) Section 9832.

(D) Section 9836.

(2) CLERICAL AMENDMENTS.—

(A) CHAPTER 453.—The table of sections at the beginning of chapter 453 of such title is amended by striking the items relating to sections 4832 and 4836.

(B) CHAPTER 953.—The table of sections at the beginning of chapter 953 of such title is amended by striking the items relating to sections 9832 and 9836.

SEC. 365. RETENTION OF ARMY COMBAT UNIFORMS BY MEMBERS OF ARMY DEPLOYED IN SUPPORT OF CONTINGENCY OPERATIONS.

(a) RETENTION OF COMBAT UNIFORMS.—Chapter 435 of title 10, United States Code, is amended by adding at the end the following new section:

"§4566. Retention of Army combat uniforms by members deployed in support of contingency operations

"The Secretary of the Army may authorize a member of the Army who has been deployed in support of a contingency operation for at least 30 days to retain, after that member is no longer so deployed, the exterior articles of uniform that were issued to that member as part of an Army combat uniform.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4566. Retention of Army combat uniforms by members deployed in support of contingency operations.".

(c) EFFECTIVE DATE.—Section 4566 of title 10, United States Code, as added by subsection (a), shall apply with respect to a member of the Army who completes a deployment on or after October 1, 2007.

SEC. 366. ISSUE OF SERVICEABLE MATERIAL OTHER THAN TO ARMED FORCES.

(a) IN GENERAL.—Part IV of subtitle C of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 667—ISSUE OF SERVICEABLE MATERIAL OTHER THAN TO ARMED FORCES

"Sec.
"7911. Arms, tentage, and equipment: educational institutions not maintaining units of R.O.T.C.
"7912. Rifles and ammunition for target practice: educational institutions having corps of midshipmen.
"7913. Supplies: military instruction camps.

"§7911. Arms, tentage, and equipment: educational institutions not maintaining units of R.O.T.C

"Under such conditions as he may prescribe, the Secretary of the Navy may issue arms, tentage, and equipment that he considers necessary for proper military training, to any educational institution at which no unit of the Reserve Officers' Training Corps is maintained, but which has a course in military training prescribed by the Secretary and which has at least 50 physically fit students over 14 years of age.

"§7912. Rifles and ammunition for target practice: educational institutions having corps of midshipmen

"(a) AUTHORITY TO LEND.—The Secretary of the Navy may lend, without expense to the United States, magazine rifles and appendages that are not of the existing service models in use at the time and that are not necessary for a proper reserve supply, to any educational institution having a uniformed corps of midshipmen of sufficient number for target practice. He may also issue 40 rounds of ball cartridges for each midshipman for each range at which target practice is held, but not more than 120 rounds each year for each midshipman participating in target practice.

"(b) RESPONSIBILITIES OF INSTITUTIONS.—The institutions to which property is lent under subsection (a) shall—

"(1) use the property for target practice;

"(2) take proper care of the property; and

"(3) return the property when required.

"(c) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section, containing such other requirements as he considers necessary to safeguard the interests of the United States.

"§7913. Supplies: military instruction camps

"Under such conditions as he may prescribe, the Secretary of the Navy may issue, to any educational institution at which an officer of the naval service is detailed as professor of naval science, such supplies as are necessary to establish and maintain a camp for the military instruction of its students. The Secretary shall require a bond in the value of the property issued under this section, for the care and safekeeping of that property and except for property properly expended, for its return when required.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle C of such title, and the table of chapters at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 665 the following new item:

"667. Issue of Serviceable Material
Other Than to Armed Forces .... 7910.".

SEC. 367. PROHIBITION ON DEACTIVATION OF 36TH RESCUE FLIGHT.

The Secretary of Defense shall ensure that no action is taken to deactivate the Air Force unit known as the 36th Rescue Flight that is assigned to Fairchild Air Force Base in Spokane, Washington, or to reassign or reorganize any of the search and rescue capabilities of that unit.

SEC. 368. LIMITATION ON EXPENDITURE OF FUNDS FOR INITIAL FLIGHT SCREENING AT PUEBLO MEMORIAL AIRPORT.

Of the amounts authorized to be appropriated for initial flight screening at Pueblo Memorial Airport, not more than 50 percent shall be expended until the Secretary of the Air Force submits to the congressional defense committees a certification that the Secretary has developed a plan, together with the City of Pueblo, Colorado, to meet Air Force crash, fire, and rescue requirements to support Air Force flight operations at Pueblo Memorial Airport.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.
Sec. 403. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2009 and 2010.
Sec. 404. Increase in authorized strengths for Army officers on active duty in the grade of major.
Sec. 405. Increase in authorized strengths for Navy officers on active duty in the grades of lieutenant commander, commander, and captain.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2008 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Future authorizations and accounting for certain reserve component personnel authorized to be on active duty or full-time National Guard duty to provide operational support.
Sec. 417. Revision of variances authorized for Selected Reserve end strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.
Sec. 422. Armed Forces Retirement Home.
Sec. 423. Offsetting transfers from National Defense Stockpile Transaction Fund.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) IN GENERAL.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 2008, as follows:

(1) The Army, 525,400.
(2) The Navy, 329,098.
(3) The Marine Corps, 189,000.
(4) The Air Force, 329,651.

(b) LIMITATION.—

(1) ARMY.—The authorized strength for the Army provided in paragraph (1) of subsection (a) for active duty personnel for fiscal year 2008 is subject to the condition that costs of active duty personnel of the Army for that fiscal year in excess of 489,400 shall be paid out of funds authorized to be appropriated for that fiscal year by section 1514.

(2) MARINE CORPS.—The authorized strength for the Marine Corps provided in paragraph (3) of subsection (a) for active duty personnel for fiscal year 2008 is subject to the condition that costs of active duty personnel of the Marine Corps for that fiscal year in excess of 180,000 shall be paid out of funds authorized to be appropriated for that fiscal year by section 1514.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

"(1) For the Army, 525,400.
"(2) For the Navy, 329,098.
"(3) For the Marine Corps, 189,000.
"(4) For the Air Force, 329,563.".

SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY AND MARINE CORPS ACTIVE DUTY END STRENGTHS FOR FISCAL YEARS 2009 AND 2010.

(a) AUTHORITY TO INCREASE ARMY ACTIVE DUTY END STRENGTHS.—For each of fiscal years 2009 and 2010, the Secretary of Defense may, as the Secretary determines necessary for the purposes described in subsection (c), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2008 baseline plus 22,000.

(b) MARINE CORPS.—For each of fiscal years 2009 and 2010, the Secretary of Defense may, as the Secretary determines necessary for the purposes described in subsection (c), establish the active-duty end strength for the Marine Corps at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2008 baseline plus 13,000.

(c) PURPOSE OF INCREASES.—The purposes for which increases may be made in Army and Marine Corps active duty end strengths under this section are—

(1) to support operational missions; and

(2) to achieve transformational reorganization objectives, including objectives for increased numbers of combat brigades and battalions, increased unit manning, force stabilization and shaping, and rebalancing of the active and reserve component forces.

(d) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the President's authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(e) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority under this section is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(f) BUDGET TREATMENT.—

(1) FISCAL YEARS 2009 AND 2010 BUDGETS.—The budget for the Department of Defense for fiscal years 2009 and 2010 as submitted to Congress shall comply, with respect to funding, with subsections (c) and (d) of section 691 of title 10, United States Code.

(2) OTHER INCREASES.—If the Secretary of Defense plans to increase the Army or Marine Corps active duty end strength for a fiscal year under this section, then the budget for the Department of Defense for that fiscal year as submitted to Congress shall include the amounts necessary for funding that active duty end strength in excess of the fiscal year 2008 active duty end strength authorized for that service under section 401.

(g) DEFINITIONS.—In this section:

(1) FISCAL-YEAR 2008 BASELINE.—The term "fiscal-year 2008 baseline", with respect to the Army and Marine Corps, means the active-duty end strength authorized for those services in section 401.

(2) ACTIVE-DUTY END STRENGTH.—In this subsection, the term "active-duty end strength" means the strength for active-duty personnel of one of the Armed Forces as of the last day of a fiscal year.

(h) REPEAL OF OTHER DISCRETIONARY AUTHORITY TO TEMPORARILY INCREASE ARMY AND MARINE CORPS ACTIVE DUTY END STRENGTHS.—

(1) BASE LAW.—Section 403 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 115 note) is repealed.

(2) DELAYED AMENDMENT.—Section 403 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2169) is repealed.

SEC. 404. INCREASE IN AUTHORIZED STRENGTHS FOR ARMY OFFICERS ON ACTIVE DUTY IN THE GRADE OF MAJOR.

The portion of the table in section 523(a)(1) of title 10, United States Code, relating to the Army is amended to read as follows:

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty	Number of officers who may be serving on active duty in grade of:		
	Major	Lieutenant Colonel	Colonel
Army:			
20,000	7,768	5,253	1,613
25,000	8,689	5,642	1,796
30,000	9,611	6,030	1,980
35,000	10,532	6,419	2,163
40,000	11,454	6,807	2,347
45,000	12,375	7,196	2,530
50,000	13,297	7,584	2,713
55,000	14,218	7,973	2,897
60,000	15,140	8,361	3,080
65,000	16,061	8,750	3,264
70,000	16,983	9,138	3,447
75,000	17,903	9,527	3,631
80,000	18,825	9,915	3,814
85,000	19,746	10,304	3,997
90,000	20,668	10,692	4,181
95,000	21,589	11,081	4,364
100,000	22,511	11,469	4,548
110,000	24,354	12,246	4,915
120,000	26,197	13,023	5,281
130,000	28,040	13,800	5,648
170,000	35,412	16,908	7,116".

SEC. 405. INCREASE IN AUTHORIZED STRENGTHS FOR NAVY OFFICERS ON ACTIVE DUTY IN THE GRADES OF LIEUTENANT COMMANDER, COMMANDER, AND CAPTAIN.

The table in section 523(a)(2) of title 10, United States Code, is amended to read as follows:

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty	Number of officers who may be serving on active duty in grade of:		
	Lieutenant Commander	Commander	Captain
Navy:			
30,000	7,698	5,269	2,222
33,000	8,189	5,501	2,334
36,000	8,680	5,733	2,447
39,000	9,172	5,965	2,559
42,000	9,663	6,197	2,671
45,000	10,155	6,429	2,784
48,000	10,646	6,660	2,896
51,000	11,136	6,889	3,007
54,000	11,628	7,121	3,120
57,000	12,118	7,352	3,232
60,000	12,609	7,583	3,344
63,000	13,100	7,813	3,457
66,000	13,591	8,044	3,568
69,000	14,245	8,352	3,718
72,000	17,517	9,890	4,467".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2008, as follows:

(1) The Army National Guard of the United States, 351,300.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 67,800.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,700.

(6) The Air Force Reserve, 67,500.

(7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2008, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 29,240.

(2) The Army Reserve, 15,870.

(3) The Navy Reserve, 11,579.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 13,944.

(6) The Air Force Reserve, 2,721.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2008 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,249.

(2) For the Army National Guard of the United States, 26,502.

(3) For the Air Force Reserve, 9,909.

(4) For the Air National Guard of the United States, 22,553.

SEC. 414. FISCAL YEAR 2008 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2008, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2008, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2008, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2008, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 416. FUTURE AUTHORIZATIONS AND ACCOUNTING FOR CERTAIN RESERVE COMPONENT PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY TO PROVIDE OPERATIONAL SUPPORT.

(a) REVIEW OF OPERATIONAL SUPPORT MISSIONS PERFORMED BY CERTAIN RESERVE COMPONENT PERSONNEL.—

(1) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the long-term operational support missions performed by members of the reserve components authorized under section 115(b) of title 10 United States Code to be on active duty or full-time National Guard duty for the purpose of providing operational support, with the objectives of such review being—

(A) minimizing the number of reserve component members who perform such service for a period greater than 1095 consecutive days, or cumulatively for 1095 days out of the previous 1460 days; and

(B) determining which long-term operational support missions being performed by such members would more appropriately be performed by members of the Armed Forces on active duty under other provisions of title 10, United States Code, or by full-time support personnel of reserve components.

(2) SUBMISSION OF RESULTS.—Not later than March 1, 2008, the Secretary shall submit to Congress the results of the review, including a description of the adjustments in Department of Defense policy to be implemented as a result of the review and such recommendations for changes in statute, as the Secretary considers to be appropriate.

(b) IMPROVED ACCOUNTING FOR RESERVE COMPONENT PERSONNEL PROVIDING OPERATIONAL SUPPORT.—Section 115(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) As part of the budget justification materials submitted by the Secretary of Defense to Congress in support of the end strength authorizations required under subparagraphs (A) and (B) of subsection (a)(1) for fiscal year 2009 and each fiscal year thereafter, the Secretary shall provide the following:

"(A) The number of members, specified by reserve component, authorized under subparagraphs (A) and (B) of paragraph (1) who were serving on active duty or full-time National Guard duty for operational support beyond each of the limits specified under subparagraphs (A) and (B) of paragraph (2) at the end of the fiscal year preceding the fiscal year for which the budget justification materials are submitted.

"(B) The number of members, specified by reserve component, on active duty for operational support who, at the end of the fiscal year for which the budget justification materials are submitted, are projected to be serving on active duty or full-time National Guard duty for operational support beyond such limits.

"(C) The number of members, specified by reserve component, on active duty or full-time National Guard duty for operational support who are included in, and counted against, the end strength authorizations requested under subparagraphs (A) and (B) of subsection (a)(1).

"(D) A summary of the missions being performed by members identified under subparagraphs (A) and (B).".

SEC. 417. REVISION OF VARIANCES AUTHORIZED FOR SELECTED RESERVE END STRENGTHS.

Section 115(f)(3) of title 10, United States Code, is amended by striking "2 percent" and inserting "3 percent".

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2008 a total of $115,439,889,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2008.

SEC. 422. ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2008 from the Armed Forces Retirement Home Trust Fund the sum of $61,624,000 for the operation of the Armed Forces Retirement Home.

SEC. 423. OFFSETTING TRANSFERS FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $150,000,000 from the unobligated balances of the National Defense Stockpile Transaction Fund to the Miscellaneous Receipts Fund of the United States Treasury to offset estimated costs arising from section 702 and the amendments made by such section.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Assignment of officers to designated positions of importance and responsibility.
Sec. 502. Increase in years of commissioned service threshold for discharge of probationary officers and for use of force shaping authority.
Sec. 503. Special promotion authority for Navy career military professors.

Subtitle B—Reserve Component Matters

Sec. 511. Mandatory separation of Reserve officers in the grade of lieutenant general or vice admiral after completion of 38 years of commissioned service.
Sec. 512. Constructive service credit upon original appointment of reserve officers in certain health care professions.
Sec. 513. Maximum period of temporary Federal recognition of person as Army National Guard officer or Air Force Reserve officer.
Sec. 514. Military technicians (dual status) in the Selected Reserve.
Sec. 515. Working group on reintegration of reserve component members returning from deployment.
Sec. 516. National Guard yellow ribbon reintegration program.
Sec. 517. Advance notice to members of reserve components of deployment in support of contingency operations.

Subtitle C—Education and Training

Sec. 521. Reduction or elimination of service obligation in an Army Reserve or Army National Guard troop program unit for certain persons selected as medical students at Uniformed Services University of the Health Sciences.
Sec. 522. Increase in annual limit on number of ROTC scholarships under Army Reserve and Army National Guard program.
Sec. 523. Revisions to authority to pay tuition for off-duty training or education.
Sec. 524. National Defense University master's degree programs.
Sec. 525. Recodification in title 38, United States Code, of certain educational assistance programs for members of the reserve components.
Sec. 526. Secretary of Defense evaluation of the adequacy of the degree-granting authorities of certain military universities and educational institutions.
Sec. 527. Navy Junior Reserve Officers' Training Corps unit for Southold, Mattituck, and Greenport high schools.

Subtitle D—General Service Authorities

Sec. 531. Authority to reduce required service obligation for initial appointment of qualified health professionals as officers in critical specialties.
Sec. 532. Reenlistment in former enlisted grade after service as an officer.

Subtitle E—Military Justice and Legal Assistance Matters

Sec. 541. Authority to designate certain civilian employees of the Federal Government as eligible for legal assistance from Department of Defense legal staff resources.

Subtitle F—Decorations and Awards

Sec. 551. Authorization and request for award of Medal of Honor to Leslie H. Sabo, Jr., for acts of valor during the Vietnam War.
Sec. 552. Authorization and request for award of Medal of Honor to Henry Svehla for acts of valor during the Korean War.
Sec. 553. Authorization and request for award of Medal of Honor to Woodrow W. Keeble for acts of valor during the Korean War.
Sec. 554. Authorization and request for award of Medal of Honor to Private Philip G. Shadrach for acts of valor during the Civil War.
Sec. 555. Authorization and request for award of Medal of Honor to Private George D. Wilson for acts of valor as one of Andrews Raiders during the Civil War.
Sec. 556. Cold War Victory Medal.

Subtitle G—Impact Aid and Defense Dependents Education System

Sec. 561. Tuition assistance for military dependents in overseas areas where schools operated by Defense Dependents' Education System are not reasonably available.
Sec. 562. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Subtitle H—Other Matters

Sec. 571. Extension of authority to accept gifts, devises, or bequests to benefit members of the Armed Forces, dependents, and civilian employees of the Department of Defense.
Sec. 572. Uniform performance policies for military bands and other musical units..
Sec. 573. Repeal of limitation on number of academies of Department of Defense STARBASE Program in 'a single State.
Sec. 574. Combat veterans mentoring program for current members of the Armed Forces.
Sec. 575. Recognition of members of the Monuments, Fine Arts, and Archives program of the Civil Affairs and Military Government Sections of the Armed Forces during and following World War II.
Sec. 576. Program to commemorate 50th anniversary of the Vietnam War.

Subtitle A—Officer Personnel Policy

SEC. 501. ASSIGNMENT OF OFFICERS TO DESIGNATED POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

(a) CONTINUATION IN GRADE WHILE AWAITING ORDERS.—Section 601(b) of title 10, United States Code, is amended by striking paragraph (4) and inserting the following new paragraph:

"(4) at the discretion of the Secretary of Defense, while the officer is awaiting orders after being relieved from the position designated under subsection (a) or by law to carry one of those grades, but not for more than 60 days beginning on the day the officer is relieved from the position, unless, during such period, the officer is placed under orders to another position designated under subsection (a) or by law to carry one of those grades, in which case paragraph (2) will also apply to the officer.".

(b) CONFORMING AMENDMENT REGARDING GENERAL AND FLAG OFFICER CEILINGS.—Section 525(e) of such title is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) At the discretion of the Secretary of Defense, an officer of that armed force who has been relieved from a position designated under section 601(a) of this title or by law to carry one of the grades specified in such section, but only during the 60-day period beginning on the date on which the assignment of the officer to the first position is terminated or until the officer is assigned to a second such position, whichever occurs first.".

SEC. 502. INCREASE IN YEARS OF COMMISSIONED SERVICE THRESHOLD FOR DISCHARGE OF PROBATIONARY OFFICERS AND FOR USE OF FORCE SHAPING AUTHORITY.

(a) ACTIVE-DUTY LIST OFFICERS.—

(1) EXTENDED PROBATIONARY PERIOD.—Paragraph (1)(A) of section 630 of title 10, United States Code, is amended by striking "five years" and inserting "six years".

(2) SECTION HEADING.—The heading of such section is amended by striking "**five years**" and inserting "**six years**".

(3) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of subchapter III of chapter 36 of such title is amended to read as follows:

"630. Discharge of commissioned officers with less than six years of active commissioned service or found not qualified for promotion for first lieutenant or lieutenant (junior grade).".

(b) OFFICER FORCE SHAPING AUTHORITY.—Section 647(b)(1) of such title is amended by striking "5 years" both places it appears and inserting "six years".

(c) RESERVE OFFICERS.—

(1) EXTENDED PROBATIONARY PERIOD.—Subsection (a)(1)(A) of section 14503 of such title is amended by striking "five years" and inserting "six years".

(2) SECTION HEADING.—The heading of such section is amended by striking "**five years**" and inserting "**six years**".

(3) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 1407 of such title is amended to read as follows:

"14503. Discharge of officers with less than six years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade).".

SEC. 503. SPECIAL PROMOTION AUTHORITY FOR NAVY CAREER MILITARY PROFESSORS.

(a) REMOVAL FROM CHAPTER 36 PROMOTION PROCESS.—Paragraph (2) of section 641 of title 10, United States Code, is amended to read as follows:

"(2) The director of admissions, dean, and permanent professors at the United States Military Academy, the registrar, dean, and permanent professors at the United States Air Force Academy, and permanent professors at the United States Naval Academy.".

(b) ESTABLISHMENT OF SPECIAL PROMOTION PROCESS.—Chapter 603 of such title is amended by inserting after section 6970 the following new section:

"§ 6970a. Permanent professors: promotion

"(a) PROMOTION AUTHORITY.—An officer of the Navy or Marine Corps serving as a permanent professor at the Naval Academy in the grade of commander or lieutenant colonel may be recommended for promotion to the grade of captain or colonel, as the case may be.

"(b) ELIGIBILITY FOR PROMOTION.—An officer described in subsection (a) is not eligible for promotion under this section until after the date on which the officer completes six years of service as a permanent professor or career military professor.

"(c) ACTUAL PROMOTION.—The promotion of an officer recommended for promotion under this section is subject to appointment of the officer to the higher grade by the President, by and with the advice and consent of the Senate.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6970 the following new item:

"6970a. Permanent professors: promotion.".

Subtitle B—Reserve Component Matters

SEC. 511. MANDATORY SEPARATION OF RESERVE OFFICERS IN THE GRADE OF LIEUTENANT GENERAL OR VICE ADMIRAL AFTER COMPLETION OF 38 YEARS OF COMMISSIONED SERVICE.

(a) MANDATORY SEPARATION.—Section 14508 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) THIRTY-EIGHT YEARS OF SERVICE FOR LIEUTENANT GENERALS AND VICE ADMIRALS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of lieutenant general and each reserve officer of the Navy in the grade of vice admiral shall, 30 days after completion of 38 years of commissioned service, be separated in accordance with section 14514 of this title.".

(b) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "FOR BRIGADIER GENERALS AND REAR ADMIRALS (LOWER HALF)" after "GRADE" in the subsection heading; and

(2) in subsection (b), by inserting "FOR MAJOR GENERALS AND REAR ADMIRALS" after "GRADE" in the subsection heading.

SEC. 512. CONSTRUCTIVE SERVICE CREDIT UPON ORIGINAL APPOINTMENT OF RESERVE OFFICERS IN CERTAIN HEALTH CARE PROFESSIONS.

(a) INCLUSION OF ADDITIONAL HEALTH CARE PROFESSIONS.—Paragraph (2) of section 12207(b) of title 10, United States Code, is amended to read as follows:

"(2)(A) If the Secretary of Defense determines that the number of officers in a health profession described in subparagraph (B) who are serving in an active status in a reserve component of the Army, Navy, or Air Force in grades below major or lieutenant commander is critically below the number needed in such health profession by such reserve component in such grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment as an officer for service in such health profession with a period of constructive credit in such amount (in addition to any amount credited such person under paragraph (1)) as will result in the grade of such person being that of captain or, in the case of the Navy Reserve, lieutenant.

"(B) The types of health professions referred to in subparagraph (A) include the following:

"(i) Any health profession performed by officers in the Medical Corps of the Army or the Navy or by officers of the Air Force designated as a medical officer.

"(ii) Any health profession performed by officers in the Dental Corps of the Army or the Navy or by officers of the Air Force designated as a dental officer.

"(iii) Any health profession performed by officers in the Medical Service Corps of the Army or the Navy or by officers of the Air Force designated as a medical service officer or biomedical sciences officer.

"(iv) Any health profession performed by officers in the Army Medical Specialist Corps.

"(v) Any health profession performed by officers of the Nurse Corps of the Army or the Navy or by officers of the Air Force designated as a nurse.

"(vi) Any health profession performed by officers in the Veterinary Corps of the Army or by officers designated as a veterinary officer.".

(b) CONFORMING AMENDMENT.—Paragraph (3) of such section is amended by striking "a medical or dental officer" and inserting "officers covered by paragraph (2)".

SEC. 513. MAXIMUM PERIOD OF TEMPORARY FEDERAL RECOGNITION OF PERSON AS ARMY NATIONAL GUARD OFFICER OR AIR FORCE RESERVE OFFICER.

Section 308(a) of title 32, United States Code, is amended in the last sentence by striking "six months" and inserting "one year".

SEC. 514. MILITARY TECHNICIANS (DUAL STATUS) IN THE SELECTED RESERVE.

(a) RETENTION OF MILITARY TECHNICIANS WHO LOSE DUAL STATUS DUE TO COMBAT-RELATED DISABILITY.—Section 10216 of title 10, United States Code, is amended by inserting after subsection (f) the following new subsection:

"(g) RETENTION OF MILITARY TECHNICIANS WHO LOSE DUAL STATUS DUE TO COMBAT-RELATED DISABILITY.—(1) Notwithstanding subsection (d) of this section or subsections (a)(3) and (b) of section 10218 of this title, if a military technician (dual status) loses such dual status as the result of a combat-related disability (as defined in section 1413a of this title), the person may be retained as a non-dual status technician so long as—

"(A) the combat-related disability does not prevent the person from performing the non-dual status functions or position; and

"(B) the person, while a non-dual status technician, is not disqualified from performing the non-dual status functions or position because of performance, medical, or other reasons.

"(2) A person so retained shall be removed not later than 30 days after becoming eligible for an unreduced annuity and becoming 60 years of age.

"(3) Persons retained under the authority of this subsection do not count against the limitations of section 10217(c) of this title.".

(b) TEMPORARY EMPLOYMENT AUTHORITY.—Subsection (a) of such section is amended by adding at the end the following new paragraph:

"(4) The secretary of a military department may temporarily waive the requirements of subsection (a)(1)(B) in order to fill a military technician (dual status) position while that position is vacant as a result of the mobilization of the technician normally assigned to that position under a call to active duty for a period of more than 30 days under section 12301, 12302, or 12304 of this title in support of a contingency operation. In no case may the waiver authority be used in connection with any position for more than two years. The Secretary of Defense shall prescribe regulations to carry out this paragraph.".

(c) DEFERRAL OF MANDATORY SEPARATION.—Subsection (f) of such section is amended—

(1) by striking "The Secretary of the Army" and inserting "(1) The Secretary of the Army and the Secretary of the Air Force";

(2) by striking "the military technician (dual status) reaches age 60 and attains eligibility for an unreduced annuity (as defined in section 10218(c) of this title)." and inserting the following: "the military technician (dual status)—

"(A) reaches age 60 and attains eligibility for an unreduced annuity; or

"(B) attains eligibility for an unreduced annuity after age 60, but in no case may the separation be deferred for more than 30 days after the person reaches age 62."; and

(3) by adding at the end the following new paragraph:

"(2) For purposes of this subsection, the determination of whether a technician is eligible for an unreduced annuity shall be made in the manner provided by section 10218(d) of this title.".

SEC. 515. WORKING GROUP ON REINTEGRATION OF RESERVE COMPONENT MEMBERS RETURNING FROM DEPLOYMENT.

(a) WORKING GROUP REQUIRED.—The Secretary of Defense shall establish within the Department of Defense a working group to identify and assess the reintegration needs of members of the reserve components who return from overseas operational deployment.

(b) MEMBERS.—The working group shall consist of 16 members, to be appointed by the Secretary of Defense. The Secretary shall attempt to achieve a balance of members on the working group from, at a minimum, the following:

(1) The Department of Defense.

(2) The Department of Veterans Affairs.

(3) One member each from the Army National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, and the Air Force Reserve.

(4) At least one dependent of a member of the Army National Guard or Air National Guard who has been deployed overseas.

(5) At least one dependent of a member of the Army Reserve, Navy Reserve, Marine Corps Reserve, or Air Force Reserve who has been deployed overseas.

(6) One State adjutant general.

(7) Representatives of other Federal agencies and non-Federal members, as considered appropriate by the Secretary.

(c) RESPONSIBILITIES.—The working group shall—

(1) identify and assess the needs of members of the reserve components returning from deployment in making the transition to civilian life, including members who have experienced multiple recent deployments and members who have been wounded or injured during deployment, and identify and assess the needs of the families of such members;

(2) develop recommendations on means of improving assistance to such members in meeting the needs identified in paragraph (1) on their return from deployment and in meeting the need of their families identified in paragraph (1); and

(3) assess the current transition and reintegration programs employed by the reserve components for members and their families following redeployment.

(d) ELEMENTS OF ASSESSMENT.—The assessment required by subsection (c)(3) shall include—

(1) a comparison of existing reintegration programs by service, State, or command;

(2) an analysis of participation of other Federal agencies in current programs;

(3) the costs associated with different programs;

(4) identification of best practices from existing programs; and

(5) a recommended plan for incorporating the best practices into current reserve component demobilization activities.

(e) CONSULTATION.—In carrying out its responsibilities under subsection (c), the working group shall consult with the following:

(1) Representatives of organizations that assist wounded or injured members of the reserve components.

(2) Representatives of organizations that assist family members of members of the reserve components.

(3) Representatives of such other public or private organizations and entities as the working group considers appropriate.

(f) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the working group shall submit to the Secretary of Defense and Congress a report on its activities under subsection (c).

(2) ELEMENTS.—The report shall include the following:

(A) The results of the identifications and assessments required under subsection (c).

(B) The recommendations developed under subsection (c)(2), including recommendations regarding the following:

(i) The provision of outreach and assistance to members of the reserve components returning from deployment and the provision of outreach and assistance to their families.

(ii) The improvement of collaboration between the public and private sectors in order to ensure the successful transition of such members and their families upon the return of such members from deployment.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make the report available to the public, including through the internet web site of the Department of Defense.

SEC. 516. NATIONAL GUARD YELLOW RIBBON REINTEGRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, in coordination with the Chief of the National Guard Bureau, shall establish a national combat veteran reintegration program to provide National Guard members and their families with sufficient information, services, referral, and proactive outreach opportunities throughout the entire deployment cycle. This program shall be known as the Yellow Ribbon Reintegration Program. The Secretary may also use funds made available to carry out this section to support reintegration programs for members of the Army Reserve, Marine Corps Reserve, Navy Reserve, and Air Force Reserve and their families.

(b) PURPOSE.—The Yellow Ribbon Reintegration Program shall consist of informational events and activities for reserve component members, their families, and community members through the four phases of the deployment cycle:

(1) Pre-deployment.

(2) Deployment.

(3) Demobilization.

(4) Post-deployment-reconstitution.

(c) CONSULTATION.—The National Guard Bureau Chief shall consult with the following parties during establishment of the program:

(1) The Adjutant General of the Minnesota National Guard and officials associated with the State's "Beyond the Yellow Ribbon" Reintegration Program, the Adjutant General of New Hampshire, the Adjutant General of Oregon, and the Adjutant General of Washington.

(2) Adjutants General of the remaining States and territories.

(d) ORGANIZATION.—

(1) EXECUTIVE AGENT.—The Secretary shall designate the National Guard Bureau as the Department of Defense executive agent for the Yellow Ribbon Reintegration Program.

(2) ESTABLISHMENT OF THE OFFICE FOR REINTEGRATION PROGRAMS.—

(A) IN GENERAL.—The National Guard Bureau shall establish the Office for Reintegration Programs within the National Guard Bureau Joint Staff. This office shall administer all reintegration programs in coordination with State National Guard organizations. The office shall be responsible for coordination with existing National Guard family and support programs. The Directors of the Army National Guard and Air National Guard may appoint liaison officers to work with the permanent office staff. The office shall closely coordinate with the Army National Guard and Air National Guard Directorates for Manpower and Personnel with respect to existing family support structure, mobilization schedules, training schedules, training plans and programs, and any other personnel issues.

(B) ESTABLISHMENT OF A CENTER FOR EXCELLENCE IN REINTEGRATION.—The Office for Reintegration Programs shall establish a Center for Excellence in Reintegration within the office. The Center shall collect and analyze "lessons learned" and suggestions from State National Guard organizations with existing or developing reintegration programs. The Center shall also assist in developing training aids and briefing materials and training representatives from State National Guard organizations. Representatives from State National Guard organizations with successful reintegration programs may augment the Office staff.

(3) ADVISORY BOARD.—

(A) APPOINTMENT.—The Chief of the National Guard Bureau shall appoint an advisory board to analyze and report areas of success and areas for necessary improvements. The advisory board shall include, but is not limited to, the Director of the Army National Guard, the Director of the Air National Guard, the Assistant Secretary of Defense for Reserve Affairs, an Adjutant General on a rotational basis as determined by the Chief of the National Guard Bureau, the Director of the National Guard Bureau Manpower and Personnel Directorate (J-1), and any other Department of Defense, Federal Government agency, or outside organization as determined by the Chief of the National Guard Bureau. The members of the advisory board may designate representatives in their stead.

(B) SCHEDULE.—The advisory board shall meet on a schedule as determined by the Chief of the National Guard Bureau.

(C) INITIAL REPORTING REQUIREMENT.—The advisory board shall issue internal reports as necessary and shall submit an initial report to the Committees on Armed Services not later than 180 days after the end of a one-year period from establishment of the Office for Reintegration Programs. This report shall contain—

(i) an evaluation of the reintegration program's implementation by State National Guard organizations;

(ii) an assessment of any unmet resource requirements;

(iii) an assessment of the reintegration program's further inclusion of other reserve component members and the necessity for further expansion to incorporate all the reserve components; and

(iv) recommendations regarding closer coordination between the Office of Reintegration Programs and State National Guard organizations.

(D) ANNUAL REPORTS.—The advisory board shall submit annual reports to the Committees on Armed Services of the Senate and House of Representatives following the initial report by the first week in March of subsequent years following the initial report.

(4) STATE DEPLOYMENT CYCLE SUPPORT TEAMS.—The Office for Reintegration Programs shall employ personnel to administer the Yellow Ribbon Reintegration Program at the State level. The Chief of the National Guard Bureau shall assign State Deployment Cycle Support Team members based on State need, geographical dispersion, and military population. The Office for Reintegration Programs is encouraged to employ wounded service members and returning combat veterans whenever possible. The primary function of team members shall be—

(A) developing and managing the reintegration curriculum;

(B) contracting and recruiting for necessary service providers; and

(C) ensuring that providers' skills adapt to the unique military nature of the reintegration program.

(e) PROGRAM.—

(1) IN GENERAL.—The Office for Reintegration Programs shall analyze the demographics, placement of State Family Assistance Centers (FAC), and FAC resources before a mobilization alert is issued to affected State National Guard organizations. The Office of Reintegration Programs shall consult with affected State National Guard organizations following the issuance of a mobilization alert and implement the reintegration events in accordance with the Reintegration Program phase model.

(2) PRE-DEPLOYMENT PHASE.—The pre-deployment phase shall constitute the time from first notification of mobilization until deployment of the mobilized National Guard unit. Events and activities shall focus on providing education and ensuring the readiness of service members, families, and communities for the rigors of a combat deployment.

(3) DEPLOYMENT PHASE.—The deployment phase shall constitute the period from deployment of the mobilized National Guard unit until the unit arrives at a demobilization station inside the continental United States. Events and services provided shall focus on the challenges and stress associated with separation and having a member in a combat zone. Information sessions shall utilize State National Guard resources in coordination with the Employer Support of Guard and Reserve Office, Transition Assistance Advisors, and the State Family Programs Director.

(4) DEMOBILIZATION PHASE.—

(A) IN GENERAL.—The demobilization phase shall constitute the period from arrival of the National Guard unit at the demobilization station until its departure for home station. In the

interest of returning members as soon as possible to their home stations, reintegration briefings during the demobilization phase shall be minimized. State Deployment Cycle Support Teams are encouraged, however, to assist demobilizing members in enrolling in the Department of Veterans Affairs system using form 1010EZ during the Demobilization Phase. State Deployment Cycle Support Teams may provide other events from the initial reintegration activity as determined by the State National Guard organizations. Remaining events shall be conducted during the post-deployment-reconstitution phase.

(B) INITIAL REINTEGRATION ACTIVITY.—The purpose of this reintegration program is to educate service members about the resources that are available to them and to connect members to service providers who can assist them in overcoming the challenges of reintegration.

(5) POST-DEPLOYMENT-RECONSTITUTION PHASE.—

(A) IN GENERAL.—The post-deployment-reconstitution phase shall constitute the period from arrival at home station until 180 days following demobilization. Activities and services provided shall focus on reconnecting service members with their families and communities and providing resources and information necessary for successful reintegration. Reintegration events shall begin with elements of the Initial Reintegration Activity program that were not completed during the demobilization phase.

(B) 30-DAY, 60-DAY, AND 90-DAY REINTEGRATION ACTIVITIES.—The State National Guard organizations shall hold reintegration activities at the 30-day, 60-day, and 90-day interval following demobilization. These activities shall focus on reconnecting service members and family members with the service providers from initial reintegration activity to ensure service members and their families understand what benefits they are entitled to and what resources are available to help them overcome the challenges of reintegration. The reintegration activities shall also provide a forum for service members and families to address negative behaviors related to combat stress and transition.

(C) SERVICE MEMBER PAY.—Service members shall receive appropriate pay for days spent attending the Reintegration Activities at the 30-day, 60-day, and 90-day interval.

(D) MONTHLY INDIVIDUAL REINTEGRATION PROGRAM.—The Office for Reintegration Programs, in coordination with State National Guard organizations, shall offer a monthly reintegration program for individual service members released from active duty or formerly in a medical hold status. The program shall focus on the special needs of this service member subset and the Office for Reintegration Programs shall develop an appropriate program of services and information.

SEC. 517. ADVANCE NOTICE TO MEMBERS OF RESERVE COMPONENTS OF DEPLOYMENT IN SUPPORT OF CONTINGENCY OPERATIONS.

(a) ADVANCE NOTICE REQUIRED.—The Secretary of Defense shall ensure that a member of a reserve component who will be called or ordered to active duty for a period of more than 30 days in support of a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) receives notice in advance of the mobilization date. At a minimum the notice shall be provided not less than 30 days before the mobilization date, but with a goal of 90 days before the mobilization date.

(b) REDUCTION OR WAIVER OF NOTICE REQUIREMENT.—The Secretary of Defense may waive the requirement of subsection (a), or authorize shorter notice than the minimum specified in such subsection, during a war or national emergency declared by the President or Congress or to meet mission requirements. If the waiver or reduction is made on account of mission requirements, the Secretary shall submit to Congress a report detailing the reasons for the waiver or reduction and the mission requirements at issue.

Subtitle C—Education and Training

SEC. 521. REDUCTION OR ELIMINATION OF SERVICE OBLIGATION IN AN ARMY RESERVE OR ARMY NATIONAL GUARD TROOP PROGRAM UNIT FOR CERTAIN PERSONS SELECTED AS MEDICAL STUDENTS AT UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Paragraph (3) of section 2107a(b) of title 10, United States Code, is amended to read as follows:

"(3)(A) Subject to subparagraph (C), in the case of a person described in subparagraph (B), the Secretary may, at any time and with the consent of the person, modify an agreement described in paragraph (1)(F) submitted by the person for the purpose of reducing or eliminating the troop program unit service obligation specified in the agreement and to establish, in lieu of that obligation, an active duty service obligation.

"(B) Subparagraph (A) applies with respect to the following persons:

"(i) A cadet under this section at a military junior college.

"(ii) A cadet or former cadet under this section who is selected under section 2114 of this title to be a medical student at the Uniformed Services University of the Health Sciences.

"(iii) A cadet or former cadet under this section who signs an agreement under section 2122 of this title for participation in the Armed Forces Health Professions Scholarship and Financial Assistance program.

"(C) The modification of an agreement described in paragraph (1)(F) may be made only if the Secretary determines that it is in the best interests of the United States to do so.".

SEC. 522. INCREASE IN ANNUAL LIMIT ON NUMBER OF ROTC SCHOLARSHIPS UNDER ARMY RESERVE AND ARMY NATIONAL GUARD PROGRAM.

Subsection (h) of section 2107a of title 10, United States Code, is amended by striking "416" and inserting "424".

SEC. 523. REVISIONS TO AUTHORITY TO PAY TUITION FOR OFF-DUTY TRAINING OR EDUCATION.

(a) INCLUSION OF COAST GUARD.—Section 2007(a) of title 10, United States Code, is amended by striking "Subject to subsection (b), the Secretary of a military department" and inserting "Subject to subsections (b) and (c), the Secretary concerned".

(b) COMMISSIONED OFFICERS ON ACTIVE DUTY.—Section 2007(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting after "commissioned officer on active duty" the following: "(other than a member of the Ready Reserve)";

(B) by striking "the Secretary of the military department concerned" and inserting "the Secretary concerned"; and

(C) by striking "or full-time National Guard duty" both places it appears; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "the Secretary of the military department" and inserting "the Secretary concerned";

(B) in subparagraph (B), by inserting after "active duty service" the following: "for which the officer was ordered to active duty"; and

(C) in subparagraph (C), by striking "Secretary" and inserting "Secretary concerned".

(c) AUTHORITY TO PAY TUITION ASSISTANCE TO MEMBERS OF THE READY RESERVE.—Section 2007(c) of title 10, United States Code, is amended to read as follows:

"(c) In the case of a member of the Ready Reserve, the following provisions apply:

"(1) If the member is an officer of the Selected Reserve, or of the Ready Reserve but not of the Selected Reserve, the Secretary concerned may not pay charges under subsection (a) unless the officer agrees to remain a member of the Selected Reserve or of the Ready Reserve (as applicable) for at least four years after completion of the education or training for which the charges are paid.

"(2) If the member is an enlisted member in the Selected Reserve, or in the Ready Reserve but not in the Selected Reserve, the Secretary concerned may order the member to serve, after completion of the education or training for which the charges are paid, in the Selected Reserve or in the Ready Reserve (as applicable) for such period of time as the Secretary concerned prescribes, but not for more than four years.

"(3) In addition, if the member is a member of the Individual Ready Reserve, the Secretary concerned may not pay charges under subsection (a) unless the Secretary concerned, based upon the needs of the service and the military skills or specialties of the member, selects the member for participation under this section. The Secretary concerned shall designate the military skills or specialties of members to be eligible for selection under this section.".

(d) CONFORMING AMENDMENT.—Section 2007 of title 10, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(e) REPAYMENT.—Subsection (e) of such section, as so redesignated by subsection (d), is amended—

(1) by striking "an officer" and inserting "a member";

(2) by striking "subsection (b)" and inserting "this section";

(3) by striking "of active duty"; and

(4) by striking "the officer" and inserting "the member".

(f) REGULATIONS.—Such section is further amended by adding at the end the following new subsection:

"(f) This section shall be administered under regulations prescribed by the Secretary of Defense or, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Homeland Security.".

SEC. 524. NATIONAL DEFENSE UNIVERSITY MASTER'S DEGREE PROGRAMS.

(a) IN GENERAL.—Section 2163 of title 10, United States Code, is amended—

(1) by striking the heading and inserting the following:

"§2163. National Defense University: master's degree programs";

(2) in subsection (a), by inserting after "master of science" the following: "or master of arts"; and

(3) in subsection (b), by adding at the end the following new paragraph:

"(4) MASTER OF ARTS IN STRATEGIC SECURITY STUDIES.—The degree of master of arts in strategic security studies, to graduates of the University who fulfill the requirements of the program at the School for National Security Executive Education.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 108 of such title is amended by striking the item relating to section 2163 and inserting the following new item:

"2163. National Defense University: master's degree programs.".

(c) APPLICABILITY TO 2006-2007 GRADUATES.—Paragraph (4) of section 2163(b) of title 10, United States Code (as added by subsection (a) of this section), applies to any person who becomes a graduate on or after September 6, 2006.

SEC. 525. RECODIFICATION IN TITLE 38, UNITED STATES CODE, OF CERTAIN EDUCATIONAL ASSISTANCE PROGRAMS FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

"CHAPTER 33—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE RESERVE COMPONENTS

"SUBCHAPTER I—MEMBERS OF THE SELECTED RESERVE

"Sec.
"3301. Educational assistance program: establishment; amount.
"3302. Eligibility for educational assistance.
"3303. Time limitation for use of entitlement.
"3304. Termination of assistance.
"3305. Failure to participate satisfactorily; penalties.
"3306. Administration of program
"3307. Reports to Congress.

"SUBCHAPTER II—RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS

"3321. Purpose.
"3322. Educational assistance program.
"3323. Eligibility for educational assistance.
"3324. Time limitation for use of entitlement.
"3325. Termination of assistance.
"3326. Administration of program.

"SUBCHAPTER I—MEMBERS OF THE SELECTED RESERVE

"§3301. Educational assistance program: establishment; amount

"(a) ESTABLISHMENT.—To encourage membership in units of the Selected Reserve of the Ready Reserve, the Secretary of Veterans Affairs, shall establish and maintain a program to provide educational assistance to members of the Selected Reserve of the Ready Reserve of the Armed Forces. The Secretary of each military department shall, under regulations prescribed by the Secretary of Defense, provide to individuals who meet the eligibility requirements under section 3302 of this title the opportunity to receive educational assistance under this subchapter and shall maintain a program to increase the rate of educational assistance under this subchapter in accordance with subsection (i).

"(b) AMOUNT OF PAYMENT.—(1) Each educational assistance program established under subsection (a) shall provide for payment by the Secretary of Veterans Affairs of an educational assistance allowance to each person entitled to educational assistance under this subchapter who is pursuing a program of education. Except as provided in subsections (d) through (f), the educational assistance allowance shall be paid at the rates in effect under the former chapter 1606 of title 10, as in effect immediately before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, as increased under paragraph (3).

"(2) For each month of less than half-time pursuit of a program of education, educational assistance under this subchapter shall be paid at a rate of 25 percent of the amount payable for a month of full-time pursuit of a program of education, except that no payment may be made to a person for less than half-time pursuit if tuition assistance is otherwise available to the person for such pursuit from the military department concerned.

"(3) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subparagraphs (A), (B), and (C) of paragraph (1) equal to the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

"(c) APPROVED PROGRAMS OF EDUCATION; MAXIMUM MONTHS OF ASSISTANCE.—(1) Educational assistance may be provided under this subchapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of this title.

"(2) Subject to section 3695 of this title, the maximum number of months of educational assistance that may be provided to any person under this subchapter is 36 (or the equivalent thereof in part-time educational assistance).

"(3)(A) Notwithstanding any other provision of this subchapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

"(i) be charged against the entitlement of any individual under this subchapter; or

"(ii) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

"(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to the individual for pursuit of a course or courses under this subchapter if the Secretary of Veterans Affairs finds that the individual—

"(i) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; and

"(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i), the individual's course pursuit.

"(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii).

"(d) PROGRAMS OF APPRENTICESHIP.—(1) Except as provided in paragraph (2), the amount of the monthly educational assistance allowance payable to a person pursuing a full-time program of apprenticeship or other on-the-job training under this subchapter is—

"(A) for each of the first six months of the person's pursuit of such program, 75 percent of the monthly educational assistance allowance otherwise payable to such person under this subchapter;

"(B) for each of the second six months of the person's pursuit of such program, 55 percent of such monthly educational assistance allowance; and

"(C) for each of the months following the first 12 months of the person's pursuit of such program, 35 percent of such monthly educational assistance allowance.

"(2) In any month in which any person pursuing a program of education consisting of a program of apprenticeship or other on-the-job training fails to complete 120 hours of training, the amount of the monthly educational assistance allowance payable under this subchapter to the person shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest 8 hours, bears to 120 hours.

"(3)(A) Except as provided in subparagraph (B), for each month that such person is paid a monthly educational assistance allowance under this subchapter, the person's entitlement under this subchapter shall be charged at the rate of—

"(i) 75 percent of a month in the case of payments made in accordance with paragraph (1)(A);

"(ii) 55 percent of a month in the case of payments made in accordance with paragraph (1)(B); and

"(iii) 35 percent of a month in the case of payments made in accordance with paragraph (1)(C).

"(B) Any such charge to the entitlement shall be reduced proportionately in accordance with the reduction in payment under paragraph (2).

"(e) CORRESPONDENCE COURSES.—(1)(A) The amount of the educational assistance allowance payable under this subchapter to a person who enters into an agreement to pursue, and is pursuing, a program of education exclusively by correspondence is an amount equal to 55 percent of the established charge which the institution requires nonveterans to pay for the course or courses pursued by such person.

"(B) For purposes of subparagraph (A), the term 'established charge' means the lesser of—

"(i) the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency; or

"(ii) the actual charge to the person for such course or courses.

"(C) Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the person and serviced by the institution.

"(2) In each case in which the amount of educational assistance is determined under paragraph (1), the period of entitlement of the person concerned shall be charged with one month for each amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned which is paid to the individual as an educational assistance allowance.

"(f) FLIGHT TRAINING.—(1) The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 3680A(b) of this title) by an individual entitled to educational assistance under this subchapter if—

"(A) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

"(B) the individual possesses a valid private pilot certificate and meets, on the day the individual begins a course of flight training, the medical requirements necessary for a commercial pilot certificate; and

"(C) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

"(2) Each individual who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of paragraph (1) shall be paid an educational assistance allowance under this subchapter in the amount equal to 60 percent of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay.

"(3) No educational assistance allowance may be paid under this subchapter to an individual for any month during which such individual is pursuing a program of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

"(4) The period of entitlement of an individual pursuing a program of education described in paragraph (1) shall be charged with one month for each amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned which is paid to that individual as an educational assistance allowance for such program.

"(5) The number of solo flying hours for which an individual may be paid an educational assistance allowance under this subsection may not exceed the minimum number of solo flying hours required by the Federal Aviation Administration for the flight rating or certification which is the goal of the individual's flight training.

"(g) INDIVIDUALIZED TUTORIAL ASSISTANCE.—(1)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall approve individualized tutorial assistance for any person entitled to educational assistance under this subchapter who—

"(i) is enrolled in and pursuing a postsecondary course of education on a half-time or more basis at an educational institution; and

"(ii) has a deficiency in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, the program of education.

"(B) The Secretary of Veterans Affairs shall not approve individualized tutorial assistance for a person pursuing a program of education under this paragraph unless such assistance is necessary for the person to successfully complete the program of education.

"(2)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall pay to a person receiving individualized tutorial assistance pursuant to paragraph (1) a tutorial assistance allowance. The amount of the allowance payable under this paragraph may not exceed $100 for any month, nor aggregate more than $1,200. The amount of the allowance paid under this paragraph shall be in addition to the amount of educational assistance allowance payable to a person under this subchapter.

"(B) A tutorial assistance allowance may not be paid to a person under this paragraph until the educational institution at which the person is enrolled certifies that—

"(i) the individualized tutorial assistance is essential to correct a deficiency of the person in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education;

"(ii) the tutor chosen to perform such assistance is qualified to provide such assistance and is not the person's parent, spouse, child (whether or not married or over eighteen years of age), brother, or sister; and

"(iii) the charges for such assistance do not exceed the customary charges for such tutorial assistance.

"(3)(A) A person's period of entitlement to educational assistance under this subchapter shall be charged only with respect to the amount of tutorial assistance paid to the person under this subsection in excess of $600.

"(B) A person's period of entitlement to educational assistance under this subchapter shall be charged at the rate of one month for each amount of assistance paid to the individual under this section in excess of $600 that is equal to the amount of the monthly educational assistance allowance which the person is otherwise eligible to receive for full-time pursuit of an institutional course under this subchapter.

"(h) COURSES BEYOND BACCALAUREATE DEGREE.—A program of education in a course of instruction beyond the baccalaureate degree level shall be provided under this subchapter, subject to the availability of appropriations.

"(i) SPECIAL SKILLS.—(1) In the case of a person who has a skill or specialty designated by the Secretary of the military department concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary of the military department concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under subparagraphs (A) through (D) of subsection (b)(1) as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

"(2) In the case of a person who has a skill or specialty designated by the Secretary of the military department concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, who is eligible for educational benefits under chapter 30 (other than section 3012) of this title and who meets the eligibility criteria specified in subparagraphs (A) and (B) of section 3302(a)(1) of this title, the Secretary of the military department concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under section 3015 of this title as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

"(3) The authority provided by paragraphs (1) and (2) shall be exercised by the Secretaries of the military departments under regulations prescribed by the Secretary of Defense.

"(j) LICENSING AND CERTIFICATION.—(1) Subject to paragraph (3), the amount of educational assistance payable under this subchapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, but for paragraph (1), such individual would otherwise be paid under subsection (b).

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this subchapter.

"§ 3302. Eligibility for educational assistance

"(a) ELIGIBILITY.—A person who—

"(1) after June 30, 1985—

"(A) enlists, reenlists, or extends an enlistment as a Reserve for service in the Selected Reserve for a period of not less than six years; or

"(B) is appointed as, or is serving as, a reserve officer and agrees to serve in the Selected Reserve for a period of not less than six years in addition to any other period of obligated service in the Selected Reserve to which the person may be subject; and

"(2) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or an equivalency certificate);

is entitled to educational assistance under section 3301 of this title.

"(b) ACTIVE DUTY FOR TRAINING REQUIRED.—Educational assistance may not be provided to a member under this subchapter until the member has completed the initial period of active duty for training required of the member.

"(c) NOTIFICATION.—Each person who becomes entitled to educational assistance under subsection (a) shall at the time the person becomes so entitled be given a statement in writing summarizing the provisions of this subchapter and stating clearly and prominently the substance of sections 3304 and 3305 of this title as such sections may apply to the person. At the request of the Secretary of Veterans Affairs, the Secretary of Defense shall transmit a notice of entitlement for each such person to that Secretary.

"(d) BAR FROM DUAL ELIGIBILITY.—A person who serves in the Selected Reserve may not receive credit for such service under both the program established by chapter 30 of this title and the program established by this subchapter but shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) the program to which such service is to be credited. However, a person may not receive credit under the program established by this subchapter for service (in any grade) on full-time active duty or full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components in a position which is included in the end strength required to be authorized each year by section 115(a)(1)(B) of title 10.

"§ 3303. Time limitation for use of entitlement

"(a) TIME LIMITATION.—Except as provided in subsection (b), the period during which a person entitled to educational assistance under this subchapter may use such person's entitlement expires (1) at the end of the 14-year period beginning on the date on which such person becomes entitled to such assistance, or (2) on the date the person is separated from the Selected Reserve, whichever occurs first.

"(b) EXCEPTIONS.—(1) In the case of a person—

"(A) who is separated from the Selected Reserve because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this subchapter; or

"(B) who, on or after the date on which such person became entitled to educational assistance under this subchapter ceases to be a member of the Selected Reserve during the period beginning on October 1, 1991, and ending on December 31, 2001, by reason of the inactivation of the person's unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to section 10143(a) of title 10,

the period for using entitlement prescribed by subsection (a) shall be determined without regard to clause (2) of such subsection.

"(2) The provisions of section 3031(f) of this title shall apply to the period of entitlement prescribed by subsection (a).

"(3) The provisions of section 3031(d) of this title shall apply to the period of entitlement prescribed by subsection (a) in the case of a disability incurred in or aggravated by service in the Selected Reserve.

"(4) In the case of a member of the Selected Reserve of the Ready Reserve who serves on active duty pursuant to an order to active duty issued under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10—

"(A) the period of such active duty service plus four months shall not be considered in determining the expiration date applicable to such member under subsection (a); and

"(B) the member may not be considered to have been separated from the Selected Reserve for the purposes of clause (2) of such subsection by reason of the commencement of such active duty service.

"§ 3304. Termination of assistance

"Educational assistance may not be provided under this subchapter—

"(1) to a member receiving financial assistance under section 2107 of title 10 as a member of the Senior Reserve Officers' Training Corps program; or

"(2) to a member who fails to participate satisfactorily in required training as a member of the Selected Reserve.

"§3305. Failure to participate satisfactorily; penalties

"(a) PENALTIES.—At the option of the Secretary of the military department concerned, in consultation with the Secretary of Veterans Affairs, a member of the Selected Reserve of an armed force who does not participate satisfactorily in required training as a member of the Selected Reserve during a term of enlistment or other period of obligated service that created entitlement of the member to educational assistance under this subchapter, and during which the member has received such assistance, may—

"(1) be ordered to active duty for a period of two years or the period of obligated service the person has remaining under section 3302 of this title, whichever is less; or

"(2) be subject to repayment requirements prescribed by the Secretary of Veterans Affairs that are similar to the repayment provisions under section 303a(e) of title 37.

"(b) COLLECTION OF FUNDS.—The Secretary of Veterans Affairs shall collect any amount required to be repaid under subsection (a)(2).

"(c) EFFECT OF REPAYMENT.—Any repayment under subsection (a)(2) shall not affect the period of obligation of a member to serve as a Reserve in the Selected Reserve.

"§3306. Administration of program

"(a) PAYMENTS.—(1) Except as provided under paragraph (2), payments for educational assistance under this subchapter shall be made from funds appropriated or otherwise made available to the Department of Veterans Affairs for fiscal year 2009 or any subsequent fiscal year for the payment of readjustment benefits.

"(2) Payments for increases in rates of educational assistance under section 3301(i) shall be made from amounts in the Department of Defense Education Benefits Fund under section 2006 of title 10. Amounts for such payments shall be made available to the Secretary in accordance with the provisions of section 2006(d) of title 10.

"(b) PROGRAM MANAGEMENT.—Except as otherwise provided in this subchapter, the provisions of sections 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this title and the provisions of subchapters I and II of chapter 36 of this title (with the exception of sections 3686(a) and 3687) shall be applicable to the provision of educational assistance under this subchapter. The term 'eligible veteran' and the term 'person', as used in those provisions, shall be deemed for the purpose of the application of those provisions to this subchapter to refer to a person eligible for educational assistance under this subchapter.

"(c) APPLICATION OF BENEFITS.—The Secretary of Veterans Affairs may not make a distinction in the application of educational assistance benefits under this subchapter on the basis of whether a person who is eligible for educational assistance under this subchapter first became so eligible under former chapter 1606 of title 10, as in effect immediately on September 30, 2008.

"§3307. Biennial report to Congress

"The Secretary of Veterans Affairs, in coordination with the Secretary of Defense, shall submit to Congress a report not later than March 1 of each odd-numbered year concerning the operation of the educational assistance program established by this subchapter during the preceding two fiscal years. Each such report shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this subchapter during those fiscal years. The Secretary may submit the report more frequently and adjust the period covered by the report accordingly.

"SUBCHAPTER II—RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS

"§3321. Purpose

"The purpose of this subchapter is to provide educational assistance to members of the reserve components called or ordered to active service in response to a war or national emergency declared by the President or Congress, in recognition of the sacrifices that those members make in answering the call to duty.

"§3322. Educational assistance program

"(a) PROGRAM ESTABLISHMENT.—The Secretary of Veterans Affairs, shall establish and maintain a program as prescribed in this subchapter to provide educational assistance to members of the Ready Reserve of the Armed Forces. The Secretary of each military department shall, under regulations prescribed by the Secretary of Defense, provide to individuals who meet the eligibility requirements under section 3323 of this title the opportunity to receive educational assistance under this subchapter.

"(b) AUTHORIZED EDUCATION PROGRAMS.—Educational assistance may be provided under this subchapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of this title.

"(c) BENEFIT AMOUNT.—(1) The educational assistance program established under subsection (a) shall provide for payment by the Secretary of Veterans Affairs of an educational assistance allowance to each member entitled to educational assistance under this subchapter who is pursuing a program of education authorized under subsection (b).

"(2) The educational assistance allowance provided under this subchapter shall be based on the applicable percent under paragraph (4) to the applicable rate provided under section 3015 of this title for a member whose entitlement is based on completion of an obligated period of active duty of three years.

"(3) The educational assistance allowance provided under this section for a person who is undertaking a program for which a reduced rate is specified in chapter 30 of this title, that rate shall be further adjusted by the applicable percent specified in paragraph (4).

"(4) The adjusted educational assistance allowance under paragraph (2) or (3), as applicable, shall be—

"(A) 40 percent in the case of a member of a reserve component who performed active service for 90 consecutive days but less than one continuous year;

"(B) 60 percent in the case of a member of a reserve component who performed active service for one continuous year but less than two continuous years; or

"(C) 80 percent in the case of a member of a reserve component who performed active service for two continuous years or more.

"(d) MAXIMUM MONTHS OF ASSISTANCE.—(1) Subject to section 3695 of this title, the maximum number of months of educational assistance that may be provided to any member under this subchapter is 36 (or the equivalent thereof in part-time educational assistance).

"(2)(A) Notwithstanding any other provision of this subchapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) shall not—

"(i) be charged against the entitlement of any individual under this subchapter; or

"(ii) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

"(B) The payment of the educational assistance allowance referred to in subparagraph (A) is the payment of such an allowance to the individual for pursuit of a course or courses under this subchapter if the Secretary of Veterans Affairs finds that the individual—

"(i) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; and

"(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i), the individual's course pursuit.

"(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii).

"(e) AVAILABILITY OF ASSISTANCE FOR LICENSING AND CERTIFICATION TESTS.—The provisions of section 3301(j) of this title shall apply to the provision of educational assistance under this subchapter, except that, in applying such section under this subchapter, the reference to subsection (b) in paragraph (2) of such section is deemed to be a reference to subsection (c) of this section.

"(f) FLIGHT TRAINING.—The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 3680A(b) of this title) by an individual entitled to educational assistance under this subchapter if—

"(1) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

"(2) the individual possesses a valid private pilot certificate and meets, on the day the member begins a course of flight training, the medical requirements necessary for a commercial pilot certificate; and

"(3) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

"§3323. Eligibility for educational assistance

"(a) ELIGIBILITY.—On or after September 11, 2001, a member of a reserve component is entitled to educational assistance under this subchapter if the member—

"(1) served on active duty in support of a contingency operation for 90 consecutive days or more; or

"(2) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performed full time National Guard duty under section 502(f) of title 32 for 90 consecutive days or more when authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.

"(b) DISABLED MEMBERS.—Notwithstanding the eligibility requirements in subsection (a), a member who was ordered to active service as prescribed under subsection (a)(1) or (a)(2) but is released from duty before completing 90 consecutive days because of an injury, illness or disease incurred or aggravated in the line of duty shall be entitled to educational assistance under this subchapter at the rate prescribed in section 3322(c)(4)(A) of this title.

"(c) WRITTEN NOTIFICATION.—(1) Each member who becomes entitled to educational assistance under subsection (a) shall be given a statement in writing prior to release from active service that summarizes the provisions of this subchapter and stating clearly and prominently the substance of section 3325 of this title as such section may apply to the member.

"(2) At the request of the Secretary of Veterans Affairs, the Secretary of the military department concerned shall transmit a notice of entitlement for each such member to that Secretary.

"(d) BAR FROM DUAL ELIGIBILITY.—A member who qualifies for educational assistance under this subchapter may not receive credit for such service under both the program established by chapter 30 of this title and the program established by this subchapter but shall make an irrevocable election (in such form and manner as the Secretary of Veterans Affairs may prescribe) as to the program to which such service is to be credited.

"(e) BAR FROM DUPLICATION OF EDUCATIONAL ASSISTANCE ALLOWANCE.—(1) Except as provided in paragraph (2), an individual entitled to educational assistance under this subchapter who is also eligible for educational assistance under subchapter I of this chapter, chapter 30, 31, 32, or 35 of this title, or under the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under more than one such programs and shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) under which program the member elects to receive educational assistance.

"(2) The restriction on duplication of educational assistance under paragraph (1) does not apply to the entitlement of educational assistance under section 3301(i) of this title.

"§ 3324. Time limit for use of entitlement

"(a) DURATION OF ENTITLEMENT.—Except as provided in subsection (b), a member remains entitled to educational assistance under this subchapter while serving—

"(1) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

"(2) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve).

"(b) DURATION OF ENTITLEMENT FOR DISABLED MEMBERS.—(1) In the case of a person who is separated from the Ready Reserve because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this subchapter, such person's entitlement to educational assistance expires at the end of the 10-year period beginning on the date on which such person became entitled to such assistance.

"(2) The provisions of subsections (d) and (f) of section 3031 of this title shall apply to the period of entitlement prescribed by paragraph (1).

"§ 3325. Termination of assistance

"(a) IN GENERAL.—Except as provided in subsection (b), educational assistance may not be provided under this subchapter, or if being provided under this subchapter, shall be terminated—

"(1) if the member is receiving financial assistance under section 2107 of title 10 as a member of the Senior Reserve Officers' Training Corps program; or

"(2) when the member separates from the Ready Reserve, as provided for under section 3324(a)(1) or section 3324(a)(2), as applicable, of this title.

"(b) EXCEPTION.—Under regulations prescribed by the Secretary of Defense, educational assistance may be provided under this subchapter to a member of the Selected Reserve of the Ready Reserve who incurs a break in service in the Selected Reserve of not more than 90 days if the member continues to serve in the Ready Reserve during and after such break in service.

"§ 3326. Administration of program

"(a) PAYMENTS.—Payments for educational assistance under this subchapter shall be made from funds appropriated or otherwise made available to the Department of Veterans Affairs for fiscal year 2009 or any subsequent fiscal year for the payment of readjustment benefits.

"(b) PROGRAM MANAGEMENT.—Except as otherwise provided in this subchapter, the provisions of sections 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this title and the provisions of subchapters I and II of chapter 36 of this title (with the exception of sections 3686(a) and 3687) shall be applicable to the provision of educational assistance under this subchapter. The term 'eligible veteran' and the term 'person', as used in those provisions, shall be deemed for the purpose of the application of those provisions to this subchapter to refer to a person eligible for educational assistance under this subchapter.

"(c) APPLICATION OF BENEFITS.—The Secretary of Veterans Affairs may not make a distinction in the application of educational assistance benefits under this subchapter on the basis of whether a person who is eligible for educational assistance under this subchapter first became so eligible under former chapter 1607 of title 10, as in effect immediately on September 30, 2008.".

(b) TRANSFER OF AMOUNTS FOR BENEFITS ACCRUED BEFORE OCTOBER 1, 2008.—

(1) FISCAL YEAR 2009.—By not later than October 1, 2008, the Secretary of Defense shall transfer to the Secretary of Veterans Affairs from the funds in the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, that are attributable to armed forces education liabilities under chapters 1606 and 1607 of such title (other than such liabilities under section 16131(i) of such title) that accrue before such date, such funds as may be required by the Secretary of Veterans Affairs to make payments with respect to such liabilities during fiscal year 2009. Such amounts shall be deposited into the Readjustment Benefits Account of the Department of Veterans Affairs and shall be used only by the Secretary of Veterans Affairs to make payments of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a). Funds deposited in the Readjustment Benefits Account under this paragraph may not be used to pay any benefit that is payable from the Readjustment Benefits Account other than a payment of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a).

(2) TREATMENT OF RECEIPTS.—Receipts that would otherwise be credited to the account established for the payment of benefits under the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, for the payment of benefits under the chapters 1606 and 1607 of such title (other than such benefits under section 16131(i) of such title), shall be credited to the Readjustment Benefits Account of the Department of Veterans Affairs and merged with funds deposited in that account under paragraph (1), to be available for the same purposes and subject to the same limitations as such funds.

(3) AGREEMENT FOR SUBSEQUENT FISCAL YEARS.—By not later than October 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall enter into an agreement under which the Secretary of Defense shall transfer to the Secretary of Veterans Affairs all remaining funds in the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, that are attributable to armed forces liabilities under the former chapters 1606 and 1607 of such title (other than such liabilities under section 16131(i) of such title) that accrue before such date. Such amounts shall be deposited into the education account of the Readjustment Benefits Account of the Department of Veterans Affairs and shall be available to the Secretary of Veterans Affairs to make payments of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a).

(4) REPORT.—By not later than October 1, 2008, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Veterans Affairs of the Senate, and the Committee on Veterans Affairs of the House of Representatives a detailed report on the agreement between the Secretary of Defense and the Secretary of Veterans Affairs and the status of the transfer of funds described in paragraph (2). Such report shall include the date on which the Secretary of Defense has agreed to complete such transfer.

(c) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

"33. Educational Assistance for Members of the Reserve Components .... **3301"**.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CONFORMING AMENDMENTS ON BAR ON DUAL ELIGIBILITY FOR BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by striking "chapter 106 or 107 of title 10" and inserting "under subchapter I or subchapter II of chapter 33 of this title, under chapter 107 of title 10"; and

(ii) in subsection (c), by striking "chapter 106 of title 10" and inserting "subchapter I of chapter 33 of this title".

(B) Section 3221(f) of such title is amended by striking "chapter 106 of title 10" and inserting "subchapter I of chapter 33 of this title".

(C) Section 3681 of such title is amended—

(i) in subsection (a), by striking "34, 35, or 36 of this title or 106 or 107 of title 10," and inserting "33, 34, 35, or 36 of this title"; and

(ii) in subsection (b)—

(I) in paragraph (1), by inserting before the period the following: ", and subchapters I and II of chapter 33 of this title"; and

(II) in paragraph (2), by striking "Chapters 106 and" and inserting "Chapter".

(2) CONFORMING AMENDMENTS RELATING TO DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—

(A) DEFINITION OF ARMED FORCES EDUCATION LIABILITIES.—Paragraph (1) of section 2006(b) of title 10, United States Code, is amended to read as follows:

"(1) The term 'armed forces education liabilities' means liabilities of the armed forces for benefits under chapter 30 and section 3301(i) of title 38 and for Department of Defense benefits under paragraphs (3) and (4) of section 510(e) of this title, including funds provided by the Secretary of Homeland Security for education liabilities for the Coast Guard when it is not operating as a service in the Department of the Navy.".

(B) DEFINITION OF NORMAL COST.—Paragraph (2) of such section is amended by striking subparagraph (C) and inserting the following new subparagraph:

"(C) The present value of the future Department of Defense benefits payable from the Fund (including funds from the Department in which the Coast Guard is operating) for educational assistance under section 3301(i) of title 38 to persons who during such period become entitled to such assistance.".

(3) CROSS-REFERENCE AMENDMENTS.—

(A) CHAPTER 106 OF TITLE 10, UNITED STATES CODE.—

(i) Section 2131 of title 10, United States Code, is amended to read as follows:

"§2131. Reference to subchapter I of chapter 33 of title 38

"Provisions of law related to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program, as formerly set forth in this chapter and chapter 1606 of this title, are set forth in subchapter I of chapter 33 of title 38 (beginning with section 3301 of title 38).".

(ii) The table of sections at the beginning of chapter 106 of such title is amended by striking the item relating to section 2131 and inserting the following new item:

"2131. Reference to subchapter I of chapter 33 of title 38.".

(B) CHAPTER 1606 OF TITLE 10, UNITED STATES CODE.—Chapter 1606 of such title is amended by striking all after the chapter heading and inserting the following:

"Sec.
"16131. Reference to subchapter I of chapter 33 of title 38.

"§16131. Reference to subchapter I of chapter 33 of title 38

"Provisions of law related to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program, as formerly set forth in this chapter, are set forth in subchapter I of chapter 33 of title 38 (beginning with section 3301 of that title).".

(C) CHAPTER 1607 OF TITLE 10, UNITED STATES CODE.—Chapter 1607 of such title is amended by striking all after the chapter heading and inserting the following:

"Sec.
"16161. Reference to subchapter II of chapter 33 of title 38.

"§16161. Reference to subchapter II of chapter 33 of title 38

"Provisions of law related to educational assistance for members of the reserve components of the Armed Forces supporting contingency operations and certain other operations, as formerly set forth in this chapter, are set forth in subchapter II of chapter 33 of title 38 (beginning with section 3321 of that title).".

(4) ADDITIONAL CONFORMING AMENDMENTS.—

(A) TITLE 38, UNITED STATES CODE.—

(i) Section 3485 of title 38, United States Code, is amended—

(I) in subsection (a)(4)(E), by striking "chapter 1606 or 1607 of title 10" and inserting "chapter 33 of this title";

(II) in subsection (b), by striking "chapter 30, 31, 32, or 34 of this title or chapter 1606 or 1607 of title 10," and inserting "chapter 30, 31, 32, 33, or 34 of this title"; and

(III) in subsection (e)(1)—

(aa) by striking ", chapter 30, 31, 32, 35, or 36 of this title, or chapter 1606 or 1607 of title 10" and inserting "or chapter 30, 31, 32, 33, 35, or 36 of this title"; and

(bb) by striking "section 2135 of such title" and inserting "section 3305 of this title".

(ii) Section 3672(c) of such title is amended—

(I) in paragraph (3)(A), by striking "chapters 30 and 35 of this title and chapter 1606 of title 10" and inserting "chapters 30, 33, and 35 of this title"; and

(II) in paragraph (4), by striking "chapter 30 or 35 of this title, or chapter 1606 of title 10, as the case may be" and inserting "chapter 30, 33, or 35 of this title".

(iii) Section 3674 of such title is amended—

(I) in subsection (a)(1), by striking "and chapter 106 of title 10"; and

(II) in subsection (c), by inserting "33," after "32,".

(iv) Section 3680A(d)(1) of such title is amended—

(I) by striking "or under chapter 106 of title 10" the first place it appears; and

(II) by striking "or chapter 30, 31, 32, or 35 of this title or under chapter 106 of title 10" and inserting "or chapter 30, 31, 32, 33, or 35 of this title".

(v) Section 3684A(a)(1) of such title is amended by striking "chapter 30 or 32 of this title or in chapter 106 of title 10" and inserting "chapter 30, 32, or 33 of this title".

(vi) Section 3688(b) of such title is amended by striking ", chapter 30, 32, or 35 of this title, or chapter 106 of title 10" and inserting "or chapter 30, 32, 33, or 35 of this title".

(vii) Section 3689 of such title is amended by inserting "33," after "32," each place it appears.

(viii) Section 3692 of such title is amended—

(I) in subsection (a), by striking "or 35 of this title and chapter 1606 of title 10" and inserting "33, or 35 of this title"; and

(II) in subsection (b), by striking ", chapters 30, 32, and 35 of this title, and chapter 1606 of title 10" and inserting "and chapters 30, 32, 33, and 35 of this title".

(ix) Section 3695(a) of such title is amended—

(I) by striking paragraph (4) and inserting the following new paragraph (4):

"(4) Chapters 30, 32, 34, 35, and 36 of this title and subchapters I and II of chapter 33 of this title."; and

(II) in paragraph (5), by striking ", 1606, 1607,".

(x) Section 3697(a) of such title is amended by striking "chapter 30, 32, 34, or 35 of this title, or chapter 106 of title 10," and inserting "chapter 30, 32, 33, 34, or 35 of this title".

(xi) Section 3697A(b)(1) of such title is amended by striking "or 32 of this title or chapter 106" and inserting "32, or 33 of this title or chapter".

(B) TITLE 10, UNITED STATES CODE.—Section 510(h) of title 10, United States Code, is amended—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "additional educational assistance under chapter 1606 of this title or to basic educational assistance under subchapter II of chapter 30 of title 38" and inserting "basic educational assistance under subchapter II of chapter 30 of title 38 or educational assistance under subchapter I of chapter 33 of that title"; and

(II) in subparagraph (B)—

(aa) by striking "chapter 1606 of this title or chapter 30 of title 38" and inserting "chapter 30 or subchapter I of chapter 33 of title 38"; and

(bb) by striking "either such chapter" each place it appears and inserting "either such provisions"; and

(ii) in paragraph (3)(A), by striking "educational assistance under chapter 1606 of this title" and all that follows through "as the case may be" and inserting "basic educational assistance under chapter 30 of title 38 or educational assistance under subchapter I of chapter 33 of that title from an entitlement to such basic educational assistance under chapter 30 of that title or educational assistance under subchapter I of chapter 33 of that title, as the case may be".

(C) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 2304(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(g)) is amended by striking "chapter 30 of title 38 or chapter 1606 of title 10" and inserting "chapter 30 or 33 of title 38".

(D) INTERNAL REVENUE CODE OF 1986.—Section 25A(g)(2)(B) of the Internal Revenue Code of 1986 is amended by striking "chapter 30, 31, 32, 34, or 35 of title 38, United States Code, or under chapter 1606 of title 10, United States Code" and inserting "chapter 30, 31, 32, 33, 34, or 35 of title 38, United States Code".

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2008.

SEC. 526. SECRETARY OF DEFENSE EVALUATION OF THE ADEQUACY OF THE DEGREE-GRANTING AUTHORITIES OF CERTAIN MILITARY UNIVERSITIES AND EDUCATIONAL INSTITUTIONS.

(a) EVALUATION REQUIRED.—The Secretary of Defense shall carry out an evaluation of the degree-granting authorities provided by title 10, United States Code, to the academic institutions specified in subsection (b). The evaluation shall assess whether the current process, under which each degree conferred by each institution must have a statutory authorization, remains adequate, appropriate, and responsive enough to meet emerging military service education requirements.

(b) SPECIFIED INSTITUTIONS.—The academic institutions covered by subsection (a) are the following:

(1) The National Defense University.

(2) The Army War College and the United States Army Command and General Staff College.

(3) The College of Naval Warfare and the College of Naval Command and Staff.

(4) The United States Naval Postgraduate School.

(5) Air University and the United States Air Force Institute of Technology.

(6) The Marine Corps University.

(c) REPORT.—Not later than April 1, 2008, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the evaluation. The report shall include the results of the evaluation and any recommendations for changes to policy or law that the Secretary considers appropriate.

SEC. 527. NAVY JUNIOR RESERVE OFFICERS' TRAINING CORPS UNIT FOR SOUTHOLD, MATTITUCK, AND GREENPORT HIGH SCHOOLS.

For purposes of meeting the requirements of section 2031(b) of title 10, United States Code, the Secretary of the Navy may, and to the extent the schools request shall, treat any two or more of the following schools (all in Southold, Suffolk County, New York) as a single institution:

(1) Southold High School.

(2) Mattituck High School.

(3) Greenport High School.

Subtitle D—General Service Authorities

SEC. 531. AUTHORITY TO REDUCE REQUIRED SERVICE OBLIGATION FOR INITIAL APPOINTMENT OF QUALIFIED HEALTH PROFESSIONALS AS OFFICERS IN CRITICAL SPECIALTIES.

Section 651 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) For the armed forces under the jurisdiction of the Secretary of Defense, the Secretary may reduce the total initial period of required service to less than the minimum otherwise established pursuant to subsection (a) in the case of the initial appointment of a commissioned officer in a critically short health professional specialty, as determined by the Secretary. The period of required service may not be reduced to less than two years.".

SEC. 532. REENLISTMENT IN FORMER ENLISTED GRADE AFTER SERVICE AS AN OFFICER.

(a) REGULAR ARMY.—Section 3258 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "a Reserve officer" and inserting "an officer"; and

(B) by striking "a temporary appointment" and inserting "an appointment"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "a Reserve officer" and inserting "an officer"; and

(B) in paragraph (2), by striking "Reserve".

(b) Regular Air Force.—Section 8258 of such title is amended—

(1) in subsection (a)—

(A) by striking "a reserve officer" and inserting "an officer"; and

(B) by striking "a temporary appointment" and inserting "an appointment"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "a Reserve officer" and inserting "an officer"; and

(B) in paragraph (2), by striking "Reserve".

Subtitle E—Military Justice and Legal Assistance Matters

SEC. 541. AUTHORITY TO DESIGNATE CERTAIN CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT AS ELIGIBLE FOR LEGAL ASSISTANCE FROM DEPARTMENT OF DEFENSE LEGAL STAFF RESOURCES.

Section 1044(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) Civilian employees of the Federal Government serving with, or preparing to serve with, an armed force in support of a contingency operation, as designated in regulations prescribed by the Secretary concerned.".

Subtitle F—Decorations and Awards

SEC. 551. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO LESLIE H. SABO, JR., FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) Authorization.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such title to Leslie H. Sabo, Jr., for the acts of valor during the Vietnam War described in subsection (b).

(b) Acts of Valor Described.—The acts of valor referred to in subsection (a) are the actions of Leslie H. Sabo, Jr., on May 10, 1970, as a member of the United States Army serving in the grade of Specialist Four in the Republic of Vietnam with Company B of the 3d Battalion, 506th Infantry Regiment, 101st Airborne Division.

SEC. 552. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO HENRY SVEHLA FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) Authorization.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such title to Henry Svehla for the acts of valor described in subsection (b).

(b) Acts of Valor Described.—The acts of valor referred to in subsection (a) are the actions of Henry Svehla on June 12, 1952, as a member of the United States Army serving in the grade of Private First Class in Korea with Company F of the 32d Infantry Regiment, 7th Infantry Division.

SEC. 553. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO WOODROW W. KEEBLE FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) Waiver of Time Limitations.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such title to Woodrow W. Keeble for the acts of valor described in subsection (b).

(b) Acts of Valor Described.—The acts of valor referred to in subsection (a) are the actions of Woodrow W. Keeble of the United States Army as an acting platoon leader on October 20, 1950, during the Korean War.

SEC. 554. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO PRIVATE PHILIP G. SHADRACH FOR ACTS OF VALOR DURING THE CIVIL WAR.

(a) Authorization.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of title 10, United States Code, posthumously to Private Philip G. Shadrach of Company K, 2nd Ohio Volunteer Infantry Regiment for the acts of valor described in subsection (b).

(b) Acts of Valor Described.—The acts of valor referred to in subsection (a) are the actions of Philip G. Shadrach as one of Andrews Raiders during the Civil War on April 12, 1862.

SEC. 555. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO PRIVATE GEORGE D. WILSON FOR ACTS OF VALOR AS ONE OF ANDREWS RAIDERS DURING THE CIVIL WAR.

(a) Authorization.—The President is authorized and requested to award the Medal of Honor under section 3741 of title 10, United States Code, posthumously to Private George D. Wilson of Company B, 2nd Ohio Volunteer Infantry Regiment for the acts of valor described in subsection (b).

(b) Acts of Valor Described.—The acts of valor referred to in subsection (a) are the actions of George D. Wilson as one of Andrews Raiders during the Civil War on April 12, 1862.

SEC. 556. COLD WAR VICTORY MEDAL.

(a) Authority.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1135. Cold War Victory Medal

"(a) Medal Authorized.—The Secretary concerned shall issue a service medal, to be known as the 'Cold War Victory Medal', to persons eligible to receive the medal under subsection (b). The Cold War Victory Medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

"(b) Eligible Persons.—The following persons are eligible to receive the Cold War Victory Medal:

"(1) A person who—

"(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

"(B) completed the person's initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

"(C) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

"(2) A person who—

"(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

"(B) completed the person's initial service obligation as an officer or, if discharged or separated before completion of such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

"(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than an honorable discharge.

"(c) One Award Authorized.—Not more than one Cold War Victory Medal may be issued to any person.

"(d) Issuance to Representative of Deceased.—If a person described in subsection (b) dies before being issued the Cold War Victory Medal, the medal shall be issued to the person's representative, as designated by the Secretary concerned.

"(e) Replacement.—Under regulations prescribed by the Secretary concerned, a Cold War Victory Medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

"(f) Application for Medal.—The Cold War Victory Medal shall be issued upon receipt by the Secretary concerned of an application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

"(g) Uniform Regulations.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

"(h) Definition.—In this section, the term 'Cold War' means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1135. Cold War Victory Medal.".

Subtitle G—Impact Aid and Defense Dependents Education System

SEC. 561. TUITION ASSISTANCE FOR MILITARY DEPENDENTS IN OVERSEAS AREAS WHERE SCHOOLS OPERATED BY DEFENSE DEPENDENTS' EDUCATION SYSTEM ARE NOT REASONABLY AVAILABLE.

Section 1407(b)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(b)(1)) is amended in the first sentence by inserting ", including private boarding schools in the United States," after "attend schools".

SEC. 562. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) Assistance to Schools With Significant Numbers of Military Dependent Students.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) Assistance to Schools With Enrollment Changes Due to Base Closures, Force Structure Changes, or Force Relocations.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) Local Educational Agency Defined.—In this section, the term "local educational agency" has the meaning given that term in section

8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

Subtitle H—Other Matters

SEC. 571. EXTENSION OF AUTHORITY TO ACCEPT GIFTS, DEVISES, OR BEQUESTS TO BENEFIT MEMBERS OF THE ARMED FORCES, DEPENDENTS, AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

Section 2601(b)(4) of title 10, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2010".

SEC. 572. UNIFORM PERFORMANCE POLICIES FOR MILITARY BANDS AND OTHER MUSICAL UNITS.

(a) In General.—

(1) Consolidation of Separate Authorities.—Chapter 49 of title 10, United States Code, is amended by inserting after section 973 the following new section:

"§974. Uniform performance policies for military bands and other musical units

"(a) Restrictions on Competition and Remuneration.—Bands, ensembles, choruses, or similar musical units of the armed forces, including individual members of such a unit performing in an official capacity, may not—

"(1) perform music in competition with local civilian musicians; or

"(2) receive remuneration for official performances.

"(b) Members.—A member of a band, ensemble, chorus, or similar musical unit of the armed forces may perform music in the member's personal capacity, as an individual or part of a group, for remuneration or otherwise, if the member does not wear a military uniform for the performance, does not identify himself or herself as a member of the armed forces in connection with the performance, and complies with all applicable regulations and standards of conduct.

"(c) Recordings.—Bands, ensembles, choruses, or similar musical units of the armed forces, when authorized pursuant to Department of Defense regulations, may produce recordings for distribution to the public at a cost not to exceed production and distribution expenses. The proceeds from such recordings shall be credited to the appropriation used to cover production and distribution expenses.

"(d) Competition Defined.—(1) In this section, the term 'perform music in competition with local civilian musicians' includes performances—

"(A) that are more than incidental to events that are not supported solely by appropriated funds and are not free to the public; and

"(B) of background, dinner, dance, or other social music at events, regardless of location, that are not supported solely by appropriated funds.

"(2) The term does not include performances—

"(A) at official Federal Government events that are supported solely by appropriated funds;

"(B) at concerts, parades, and other events that are patriotic events or celebrations of national holidays and are free to the public; or

"(C) that are incidental, such as short performances of military or patriotic music to open or close events, to events that are not supported solely by appropriated funds, in compliance with applicable rules and regulations.".

(2) Clerical amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 973 the following new item:

"974. Uniform performance policies for military bands and other musical units.".

(b) Repeal of Separate Service Authorities.—

(1) Repeal.—Sections 3634, 6223, and 8634 of such title are repealed.

(2) Table of sections.—(A) The table of sections at the beginning of chapter 349 of such title is amended by striking the item relating to section 3634.

(B) The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6223.

(C) The table of sections at the beginning of chapter 849 of such title is amended by striking the item relating to section 8634.

SEC. 573. REPEAL OF LIMITATION ON NUMBER OF ACADEMIES OF DEPARTMENT OF DEFENSE STARBASE PROGRAM IN A SINGLE STATE.

Section 2193b(c) of title 10, United States Code, is amended by striking paragraph (3).

SEC. 574. COMBAT VETERANS MENTORING PROGRAM FOR CURRENT MEMBERS OF THE ARMED FORCES.

(a) Program Required.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall institute a program to give veterans of the Armed Forces who have served in combat the opportunity to meet on a regular basis with, to inform, to exchange ideas with, and to mentor current members of the Armed Forces.

(b) Elements of Program.—The program may build on existing programs within the military departments, where they exist, and shall focus on providing members of the Armed Forces, particularly military personnel and leaders at the small unit level, varied perspectives on both the human and military aspects of war from those who have experienced it. In carrying out the program, the Secretary shall seek to provide opportunities for the combat veterans not only to meet with current members of the Armed Forces before and after their deployment to combat zones, but also during deployments.

SEC. 575. RECOGNITION OF MEMBERS OF THE MONUMENTS, FINE ARTS, AND ARCHIVES PROGRAM OF THE CIVIL AFFAIRS AND MILITARY GOVERNMENT SECTIONS OF THE ARMED FORCES DURING AND FOLLOWING WORLD WAR II.

Congress hereby—

(1) recognizes the men and women who served in the Monuments, Fine Arts, and Archives program (MFAA) under the Civil Affairs and Military Government Sections of the United States Armed Forces for their heroic role in the preservation, protection, and restitution of monuments, works of art, and other artifacts of inestimable cultural importance in Europe and Asia during and following World War II;

(2) recognizes that without their dedication and service, many more of the world's artistic and historic treasures would have been destroyed or lost forever amidst the chaos and destruction of World War II;

(3) acknowledges that the detailed catalogues, documentation, inventories, and photographs developed and compiled by MFAA personnel during and following World War II, have made, and continue to make, possible the restitution of stolen works of art to their rightful owners; and

(4) commends and extols the members of the MFAA for establishing a precedent for action to protect cultural property in the event of armed conflict, and by their action setting a standard not just for one country, but for people of all nations to acknowledge and uphold.

SEC. 576. PROGRAM TO COMMEMORATE 50TH ANNIVERSARY OF THE VIETNAM WAR.

(a) Commemorative Program.—The Secretary of Defense shall conduct a program to commemorate the 50th anniversary of the Vietnam War. In conducting the commemorative program, the Secretary shall coordinate, support, and facilitate other programs and activities of the Federal Government, State and local governments, and other persons and organizations in commemoration of the Vietnam War.

(b) Commencement and Duration of Program.—The commemorative program shall commence not later than 180 days after the date of the enactment of this Act and continue through December 31, 2025. The Secretary of Defense shall determine the schedule of major events and priority of efforts during that period in order to ensure achievement of the objectives specified in subsection (c).

(c) Commemorative Activities and Objectives.—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To thank and honor veterans of the Vietnam War, including personnel who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States and to thank and honor the families of these veterans.

(2) To highlight the service of the Armed Forces during the Vietnam War and the contributions of Federal agencies and governmental and non-governmental organizations that served with, or in support of, the Armed Forces.

(3) To pay tribute to the contributions made on the home front by the people of the United States during the Vietnam War.

(4) To highlight the advances in technology, science, and medicine related to military research conducted during the Vietnam War.

(5) To recognize the contributions and sacrifices made by the allies of the United States during the Vietnam War.

(d) Names and Symbols.—The Secretary of Defense shall have the sole and exclusive right to use the name "The United States of America Vietnam War Commemoration", and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(e) Commemorative Fund.—

(1) Establishment and administration.—There is established in the Treasury of the United States an account to be known as the "Department of Defense Vietnam War Commemoration Fund" (in this section referred to as the "Fund"). The Fund shall be administered by the Secretary of Defense.

(2) Use of fund.—The Secretary shall use the assets of the Fund only for the purpose of conducting the commemorative program and shall prescribe such regulations regarding the use of the Fund as the Secretary considers to be necessary.

(3) Deposits.—There shall be deposited into the Fund—

(A) amounts appropriated to the Fund;

(B) proceeds derived from the Secretary's use of the exclusive rights described in subsection (d);

(C) donations made in support of the commemorative program by private and corporate donors; and

(D) funds transferred to the Fund by the Secretary from funds appropriated for fiscal year 2008 and subsequent years for the Department of Defense.

(4) Availability.—Subject to subsection (g)(2), amounts deposited under paragraph (3) shall constitute the assets of the Fund and remain available until expended.

(5) Budget request.—Beginning with the budget justification materials submitted by the Secretary in support of the budget of the President for fiscal year 2009, the Secretary shall establish a separate budget line for the commemorative program. In the budget justification materials, the Secretary shall—

(A) identify and explain the amounts expended for the commemorative program in the year preceding the budget request;

(B) identify and explain the amounts being requested to support the commemorative program for the fiscal year of the budget request and two subsequent years; and

(C) present a summary of the fiscal status of the Fund.

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—

(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program.

(2) TREATMENT OF VOLUNTEERS.—A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. The person shall also be considered a special governmental employee for purposes of standards of conduct and sections 202, 203, 205, 207, 208, and 209 of title 18, United States Code. A person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of voluntary services under this subsection.

(3) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(g) FINAL REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the end of the commemorative period specified in subsection (b), the Secretary of Defense shall submit to Congress a report containing an accounting of—

(A) all of the funds deposited into and expended from the Fund;

(B) any other funds expended under this section; and

(C) any unobligated funds remaining in the Fund.

(2) TREATMENT OF UNOBLIGATED FUNDS.—Unobligated amounts remaining in the Fund as of the end of the commemorative period specified in subsection (b) shall be held in the Fund until transferred by law.

(h) LIMITATION ON EXPENDITURES.—Total expenditures from the Fund, using amounts appropriated to the Department of Defense, may not exceed $5,000,000 for fiscal year 2008 or for any subsequent fiscal year to carry out the commemorative program.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 to the Fund for fiscal year 2008.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2008 increase in military basic pay.
Sec. 602. Basic allowance for housing for reserve component members without dependents who attend accession training while maintaining a primary residence.
Sec. 603. Income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.
Sec. 604. Participation of members of the uniformed services in Thrift Savings Plan.
Sec. 605. Enhancement of referral bonus to encourage service in the Army.
Sec. 606. Guaranteed pay increase for members of the Armed Forces of one-half of one percentage point higher than Employment Cost Index.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 615. Increase in incentive special pay and multiyear retention bonus for medical officers.
Sec. 616. Increase in dental officer additional special pay.
Sec. 617. Definition of sea duty for career sea pay to include multi-crew ships.
Sec. 618. Reenlistment bonus for members of the Selected Reserve.
Sec. 619. Availability of Selected Reserve accession bonus for persons who previously served in the Armed Forces for a short period.
Sec. 620. Availability of nuclear officer continuation pay for officers with more than 26 years of commissioned service.
Sec. 621. Waiver of years-of-service limitation on receipt of critical skills retention bonus.
Sec. 622. Accession bonus for participants in the Armed Forces Health Professional Scholarship and Financial Assistance Program.
Sec. 623. Payment of assignment incentive pay for Reserve members serving in combat zone for more than 22 months.
Sec. 624. Increase in maximum monthly rate of hardship duty pay.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Allowance for participation in Reserve screening conducted through electronic means.
Sec. 632. Allowance for civilian clothing for members of the Armed Forces traveling in connection with medical evacuation.
Sec. 633. Moving expenses for JROTC instructors who agree to serve in hard-to-fill positions.
Sec. 634. Transportation of additional motor vehicle of members on change of permanent station to or from nonforeign areas outside the continental United States.
Sec. 635. Payment of inactive duty training travel costs for certain Selected Reserve members.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Disregarding periods of confinement of member in determining benefits for dependents who are victims of abuse by the member.
Sec. 642. Continuation of authority for members of the Armed Forces to designate a recipient for a portion of the death gratuity.
Sec. 643. Recoupment of annuity amounts previously paid, but subject to offset for dependency and indemnity compensation.
Sec. 644. Special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
Sec. 645. Expansion of combat-related special compensation eligibility for chapter 61 military retirees with fewer than 20 years of creditable service.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

Sec. 651. Access to Defense Commissary and Exchange System by surviving spouse and dependents of certain disabled veterans.
Sec. 652. Authority to continue commissary and exchange benefits for certain involuntarily separated members of the Armed Forces.
Sec. 653. Authorization of installment deductions from pay of employees of executive branch instrumentalities to collect indebtedness to the United States.

Subtitle F—Consolidation of Special Pay, Incentive Pay, and Bonus Authorities

Sec. 661. Consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.
Sec. 662. Transitional provisions.

Subtitle G—Other Matters

Sec. 671. Expansion of education loan repayment program for members of the Selected Reserve.
Sec. 672. Ensuring entry into United States after time abroad for permanent resident alien military spouses and children.
Sec. 673. Overseas naturalization for military spouses and children.

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2008 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2008 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2008, the rates of monthly basic pay for members of the uniformed services are increased by 3.5 percent.

(c) SOURCE OF FUNDS FOR PORTION OF FISCAL YEAR 2008 OBLIGATIONS.—During fiscal year 2008, the funds necessary to satisfy the obligations incurred by the Department of Defense to provide the increase under subsection (b) in the rates of monthly basic pay for members of the Army, Navy, Air Force, and Marine Corps in excess of 3 percent shall be derived from amounts appropriated pursuant to the authorization of appropriations in section 1514 for military personnel accounts of the Department.

SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR RESERVE COMPONENT MEMBERS WITHOUT DEPENDENTS WHO ATTEND ACCESSION TRAINING WHILE MAINTAINING A PRIMARY RESIDENCE.

(a) AVAILABILITY OF ALLOWANCE.—Section 403(g)(1) of title 37, United States Code, is amended—

(1) by inserting "to attend accession training," after "active duty" the first place it appears; and

(2) by inserting a comma after "contingency operation" the first place it appears.

(b) SOURCE OF FUNDS FOR PORTION OF FISCAL YEAR 2008 OBLIGATIONS.—During fiscal year 2008, the funds necessary to satisfy the obligations incurred by the Department of Defense as a result of the amendment made by subsection (a)(1) to provide a basic allowance for housing for reserve component members without dependents who attend accession training while maintaining a primary residence shall be derived from amounts appropriated pursuant to the authorization of appropriations in section 1514 for military personnel accounts of the Department.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to months beginning on or after October 1, 2007.

SEC. 603. INCOME REPLACEMENT PAYMENTS FOR RESERVE COMPONENT MEMBERS EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

(a) CLARIFICATION REGARDING WHEN PAYMENTS REQUIRED.—Subsection (a) of section 910

of title 37, United States Code, is amended by inserting before the period at the end of the first sentence the following: ", when the total monthly military compensation of the member is less than the average monthly civilian income of the member".

(b) ELIGIBILITY.—Subsection (b) of such section is amended to read as follows:

"(b) ELIGIBILITY.—(1) A member of a reserve component is entitled to a payment under this section for any full month of active duty of the member, when the total monthly military compensation of the member is less than the average monthly civilian income of the member, while the member is on active duty under an involuntary mobilization order, following the date on which the member—

"(A) completes 540 continuous days of service on active duty under an involuntary mobilization order;

"(B) completes 720 cumulative days on active duty under an involuntary mobilization order during the previous 1,800 days; or

"(C) is involuntarily mobilized for service on active duty for a period of 180 days or more within 180 days after the date of the member's separation from a previous period of active duty for a period of 180 days or more.

"(2) The entitlement of a member of a reserve component to a payment under this section also shall commence or, if previously commenced under paragraph (1), shall continue if the member—

"(A) satisfies the required number of days on active duty specified in subparagraph (A) or (B) of paragraph (1) or was involuntarily mobilized as provided in subparagraph (C) of such paragraph; and

"(B) is retained on active duty under subparagraph (A) or (B) of section 12301(h)(1) of title 10 because of an injury or illness incurred or aggravated while the member was assigned to duty in an area for which special pay under section 310 of this title is available.".

(c) TERMINATION OF AUTHORITY.—Subsection (g) of such section is amended to read as follows:

"(g) TERMINATION.—No payment shall be made to a member under this section for months beginning after December 31, 2008, unless the entitlement of the member to payments under this section commenced on or before that date.".

SEC. 604. PARTICIPATION OF MEMBERS OF THE UNIFORMED SERVICES IN THRIFT SAVINGS PLAN.

(a) SEMI-MONTHLY DEPOSIT OF MEMBER'S CONTRIBUTIONS.—Section 1014 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(c) Notwithstanding subsection (a), in the case of a member of the uniformed services who has elected to participate in the Thrift Savings Plan under section 211 of this title, one-half of the monthly contribution of the member to the Plan shall be made in midmonth.".

(b) SEMI-MONTHLY REPAYMENT OF BORROWED AMOUNTS.—Section 211 of such title is amended by adding at the end the following new subsection:

"(e) REPAYMENT OF AMOUNTS BORROWED FROM MEMBER ACCOUNT.—If a loan is issued to a member under section 8433(g) of title 5 from funds in the member's account in the Thrift Savings Plan, repayment of the loan shall be required on the same semi-monthly basis as authorized for contributions to the Fund under section 1014(c) of this title.".

SEC. 605. ENHANCEMENT OF REFERRAL BONUS TO ENCOURAGE SERVICE IN THE ARMY.

(a) INDIVIDUALS ELIGIBLE FOR BONUS.—Section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3310) is amended—

(1) in subsection (a)(1), by striking "enlists" and inserting "enlists, or is appointed as an officer to serve in a health profession designated by the Secretary,"; and

(2) in subsection (b), by inserting "or appointment" after "enlisting" both places it appears.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to bonuses payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006 on or after the date of the enactment of this Act.

SEC. 606. GUARANTEED PAY INCREASE FOR MEMBERS OF THE ARMED FORCES OF ONE-HALF OF ONE PERCENTAGE POINT HIGHER THAN EMPLOYMENT COST INDEX.

(a) INCREASE.—Section 1009(c)(2) of title 37, United States Code, is amended "fiscal years 2004, 2005, and 2006" and inserting "fiscal years 2009 through 2012".

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply with respect to the Army, Navy, Air Force and Marine Corps, including reserve components thereof.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(e) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 323(i) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(f) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(g) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(h) INCENTIVE BONUS FOR TRANSFER BETWEEN THE ARMED FORCES.—Section 327(h) of such title is amended by striking "December 31, 2009" and inserting "December 31, 2010".

(i) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(j) ARMY REFERRAL BONUS.—Subsection (h) of section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3310), as redesignated by section 624(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2258), is amended by striking "December 31, 2007" and inserting "December 31, 2009".

SEC. 615. INCREASE IN INCENTIVE SPECIAL PAY AND MULTIYEAR RETENTION BONUS FOR MEDICAL OFFICERS.

(a) Incentive Special Pay.—Section 302(b)(1) of title 37, United States Code, is amended by striking "$50,000" and inserting "$75,000".

(b) Multiyear Retention Bonus.—Section 301d(a)(2) of such title is amended by striking "$50,000" and inserting "$75,000".

SEC. 616. INCREASE IN DENTAL OFFICER ADDITIONAL SPECIAL PAY.

Section 302b(a)(4) of title 37, United States Code, is amended—

(1) by striking "shall be paid at the following rates" in the matter preceding subparagraph (A) and inserting "shall not exceed the following:";

(2) in subparagraph (A), by striking "$4,000" and inserting "$10,000"; and

(3) in subparagraph (B), by striking "$6,000" and inserting "$12,000".

SEC. 617. DEFINITION OF SEA DUTY FOR CAREER SEA PAY TO INCLUDE MULTI-CREW SHIPS.

Section 305a(e)(1)(A) of title 37, United States Code, is amended—

(1) by striking "or" at the end of clause (ii); and

(2) by adding at the end the following new clause:

"(iv) while serving as an off-cycle crewmember of a multi-crewed ship; or".

SEC. 618. REENLISTMENT BONUS FOR MEMBERS OF THE SELECTED RESERVE.

(a) Minimum Term of Reenlistment or Enlistment Extension.—Subsection (a)(2) of 308b of title 37, United States Code, is amended by striking "his enlistment for a period of three years or for a period of six years" and inserting "an enlistment for a period of at least three years".

(b) Maximum Bonus Amount.—Subsection (b)(1) of such section is amended by striking "may not exceed" and all that follows through the end of the paragraph and inserting "may not exceed $15,000.".

(c) Conforming Amendment Regarding Eligibility Requirements.—Subsection (c) of such section is amended—

(1) by striking the subsection heading and paragraph (1) and inserting "Waiver of Condition on Eligibility.—"; and

(2) by striking "paragraph (1)(B) or".

SEC. 619. AVAILABILITY OF SELECTED RESERVE ACCESSION BONUS FOR PERSONS WHO PREVIOUSLY SERVED IN THE ARMED FORCES FOR A SHORT PERIOD.

Section 308c(c)(1) of title 37, United States Code, is amended by inserting before the semicolon the following: "or has served in the armed forces, but was released from such service before completing the basic training requirements of the armed force of which the person was a member and the service was characterized as either honorable or uncharacterized".

SEC. 620. AVAILABILITY OF NUCLEAR OFFICER CONTINUATION PAY FOR OFFICERS WITH MORE THAN 26 YEARS OF COMMISSIONED SERVICE.

Section 312 of title 37, United States Code, is amended—

(1) in subsection (a)(3), by striking "26 years" and inserting "30 years"; and

(2) in subsection (e)(1), by striking "26 years" and inserting "30 years".

SEC. 621. WAIVER OF YEARS-OF-SERVICE LIMITATION ON RECEIPT OF CRITICAL SKILLS RETENTION BONUS.

Section 323(e) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(4) The Secretary of Defense, or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may waive the limitations in paragraph (1) with respect to a member who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered, is assigned duties in a skill designated as critical under subsection (b)(1). The authority to grant a waiver under this paragraph may not be delegated below the Undersecretary of Defense for Personnel and Readiness or the Deputy Secretary of the Department of Homeland Security.".

SEC. 622. ACCESSION BONUS FOR PARTICIPANTS IN THE ARMED FORCES HEALTH PROFESSIONAL SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) Accession Bonus Authorized.—Subchapter I of chapter 105 of title 10, United States Code, is amended by adding at the end the following new section:

"§2128. Accession bonus for members of the program

"(a) Availability of Bonus.—The Secretary of Defense may offer a person who enters into an agreement under section 2122(a)(2) of this title an accession bonus of not more than $20,000 as part of the agreement.

"(b) Repayment.—A person who receives an accession bonus under this section, but fails to comply with the agreement under section 2122(a)(2) of this title or to commence or complete the active duty obligation imposed by section 2123 of this title, shall be subject to the repayment provisions of section 303a(e) of title 37.".

(b) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2128. Accession bonus for members of the program.".

SEC. 623. PAYMENT OF ASSIGNMENT INCENTIVE PAY FOR RESERVE MEMBERS SERVING IN COMBAT ZONE FOR MORE THAN 22 MONTHS.

(a) Payment.—The Secretary of a military department may pay assignment incentive pay under section 307a of title 37, United States Code, to a member of a reserve component under the jurisdiction of the Secretary for each month during the eligibility period of the member determined under subsection (b) during which the member served for any portion of the month in a combat zone associated with Operating Enduring Freedom or Operation Iraqi Freedom in excess of 22 months of qualifying service.

(b) Eligibility Period.—The eligibility period for a member extends from January 1, 2005, through the end of the active duty service of the member in a combat zone associated with Operating Enduring Freedom or Operation Iraqi Freedom if the service on active duty during the member's most recent period of mobilization to active duty began before January 19, 2007.

(c) Amount of Payment.—The monthly rate of incentive pay payable to a member under this section is $1,000.

(d) Qualifying Service.—For purposes of this section, qualifying service includes cumulative mobilized service on active duty under sections 12301(d), 12302, and 12304 of title 10, United States Code, during the period beginning on January 1, 2003, through the end of the member's active duty service during the member's most recent period of mobilization to active duty beginning before January 19, 2007.

SEC. 624. INCREASE IN MAXIMUM MONTHLY RATE OF HARDSHIP DUTY PAY.

(a) Increase.—Effective October 1, 2007, section 305(a) of title 37, United States Code, is amended by striking "$750" and inserting "$1,500".

(b) Funding Source.—Of the amounts authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2008, not more than $79,000,000 shall be available to cover the additional costs incurred to implement the amendment made by subsection (a).

Subtitle C—Travel and Transportation Allowances

SEC. 631. ALLOWANCE FOR PARTICIPATION IN RESERVE SCREENING CONDUCTED THROUGH ELECTRONIC MEANS.

(a) Allowance for Electronic Reserve Screening.—Section 433 of title 37, United States Code, is amended—

(1) in subsection (a), by inserting "Allowance for Muster Duty.—(1)" before "Under";

(2) by redesignating subsection (b) as paragraph (2) of subsection (a), and in such paragraph, as so redesignated, by striking "this section" and inserting "paragraph (1)"; and

(3) by inserting before subsection (c) the following new subsection (b):

"(b) Allowance for Electronic Screening.—(1) Under uniform regulations prescribed by the Secretaries concerned, a member of the Individual Ready Reserve may be paid a stipend when the member participates, through electronic means, in the screening performed pursuant to section 10149 of title 10, in lieu of muster duty performed under section 12319 of such title.

"(2) The amount of the stipend paid to a member under paragraph (1) may not exceed $50 in any calendar year.".

(b) Payment Requirements.—Subsection (c) of such section is amended—

(1) by inserting "Payment Requirements.—" before the first sentence;

(2) by striking "allowance" each place it appears and inserting "allowances";

(3) by inserting "or screening" after "muster duty" both places it appears; and

(4) by striking "serving, as commutation" and inserting "serving. The allowance under subsection (a) is provided as commutation".

(c) Prohibitions.—Such section is further amended—

(1) in subsection (d)—

(A) by inserting "Bar to Inactive Duty Compensation.—" before "A member"; and

(B) by inserting "or screening through electronic means" after "muster duty"; and

(2) by adding at the end the following new subsection:

"(e) Bar to Retirement Credit.—The participation by a member in screening for which a stipend is paid under subsection (b) shall not be credited in determining entitlement to, or in computing, retired pay under chapter 1223 of title 10.".

(d) Clerical Amendments.—

(1) Section heading.—The heading of such section is amended to read as follows:

"§433. Allowance for muster duty or for participation in Reserve screening".

(2) Table of sections.—The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by striking the item relating to section 433 and inserting the following new item:

"433. Allowance for muster duty or for participation in Reserve screening.".

(e) Conforming Amendments to Other Laws.—

(1) Bar to dual compensation for inactive-duty training.—Section 206 of such title is amended by adding at the end the following new subsection:

"(f) A member of the National Guard or of a reserve component of a uniformed service may not be paid under this section if the member receives a stipend under section 433(b) of this title for the same period.".

(2) Bar to retirement credit.—Section 12732(b) of title 10, United States Code, is amended by inserting after paragraph (7) the following new paragraph:

"(8) Participation, through electronic means, in the screening performed pursuant to section 10149 of this title, regardless of whether or not a stipend is paid under section 433(b) of title 37 for such participation.".

SEC. 632. ALLOWANCE FOR CIVILIAN CLOTHING FOR MEMBERS OF THE ARMED FORCES TRAVELING IN CONNECTION WITH MEDICAL EVACUATION.

Section 1047(a) of title 10, United States Code, is amended by inserting "and luggage" after "civilian clothing" both places it appears.

SEC. 633. MOVING EXPENSES FOR JROTC INSTRUCTORS WHO AGREE TO SERVE IN HARD-TO-FILL POSITIONS.

Section 2031(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) An individual so employed may, if the institution concerned so agrees, be reimbursed by the institution for the moving expenses incurred by the individual to fill the position concerned, separate from any other amount paid to the individual. Subject to subparagraph (B), the Secretary concerned may enter into an agreement with such an institution under which the Secretary reimburses the institution for the amount the institution reimburses the individual. Reimbursements by the Secretary concerned under this paragraph shall be made from funds appropriated for that purpose.

"(B) Such a reimbursement by the Secretary concerned may be made only if, as determined by the Secretary concerned—

"(i) the position to be filled by the individual is a hard-to-fill position, based on geographic or economic factors;

"(ii) the individual has entered into a written agreement with the institution to serve in that position for at least two years; and

"(iii) making the reimbursement is in the national interest.".

SEC. 634. TRANSPORTATION OF ADDITIONAL MOTOR VEHICLE OF MEMBERS ON CHANGE OF PERMANENT STATION TO OR FROM NONFOREIGN AREAS OUTSIDE THE CONTINENTAL UNITED STATES.

(a) Authority to Transport Additional Motor Vehicle.—Subsection (a) of section 2634 of title 10, United States Code, is amended—

(1) by striking the sentence following paragraph (4);

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by inserting "(1)" after "(a)"; and

(4) by adding at the end the following new paragraph:

"(2) One additional motor vehicle of a member (or a dependent of the member) may be transported as provided in paragraph (1) if—

"(A) the member is ordered to make a change of permanent station to or from a nonforeign area outside the continental United States and the member has at least one dependent of driving age who will use the motor vehicle; or

"(B) the Secretary concerned determines that a replacement for the motor vehicle transported under paragraph (1) is necessary for reasons beyond the control of the member and is in the interest of the United States and the Secretary approves the transportation in advance.".

(b) Technical and Conforming Amendments.—Such subsection is further amended—

(1) by striking "his dependents" and inserting "a dependent of the member";

(2) by striking "him" and inserting "the member";

(3) by striking "his)" and inserting "the member)";

(4) by striking "his new" and inserting "the member's new"; and

(5) in paragraph (1)(C), as redesignated by subsection (a), by striking "clauses (1) and (2)" and inserting "subparagraphs (A) and (B)".

(c) Effective Date.—Paragraph (2)(A) of subsection (a) of section 2634 of title 10, United States Code, as added by subsection (a)(4), shall apply with respect to orders issued on or after the date of the enactment of this Act for members of the Armed Forces to make a change of permanent station to or from nonforeign areas outside the continental United States.

SEC. 635. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL COSTS FOR CERTAIN SELECTED RESERVE MEMBERS.

(a) Payment of Travel Costs Authorized.—Chapter 7 of title 37, United States Code, is amended by inserting after section 408 the following new section:

"§408a. Travel and transportation allowances: inactive duty training or unit training assembly outside of commuting distance of duty station

"(a) Allowance Authorized.—Under regulations prescribed by the Secretary concerned, if a member of the Selected Reserve who occupies a specialty designated by the Secretary for purposes of this section performs inactive duty training or attends a unit training assembly outside of the commuting limits of the member's station for the purpose of maintaining mission readiness, the Secretary may reimburse the member for travel expenses in an amount not to exceed $300 for the training or assembly.

"(b) Duration of Authority.—Reimbursement may not be provided under this section for travel costs incurred before October 1, 2008, or after December 31, 2014.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 408 the following new item:

"408a. Travel and transportation allowances: inactive duty training or unit training assembly outside of commuting distance of duty station.".

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. DISREGARDING PERIODS OF CONFINEMENT OF MEMBER IN DETERMINING BENEFITS FOR DEPENDENTS WHO ARE VICTIMS OF ABUSE BY THE MEMBER.

Section 1408(h)(10) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(C) In determining under paragraph (2)(A) whether a member of the armed forces became eligible to be retired from the armed forces on the basis of years of service so that a spouse or dependent child of the member is eligible to receive payment under this subsection, the Secretary concerned shall consider as creditable service by the member any periods of confinement served by the member before convening authority action on the record of trial related to the misconduct that resulted in the termination of the eligibility of the member to receive retired pay.".

SEC. 642. CONTINUATION OF AUTHORITY FOR MEMBERS OF THE ARMED FORCES TO DESIGNATE A RECIPIENT FOR A PORTION OF THE DEATH GRATUITY.

Effective as of October 1, 2007, subsection (d) of section 1477 of title 10, United States Code, as amended by section 1316 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, is amended by striking "During the period beginning on the date of the enactment of this subsection and ending on September 30, 2007, a person" and inserting "A person".

SEC. 643. RECOUPMENT OF ANNUITY AMOUNTS PREVIOUSLY PAID, BUT SUBJECT TO OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

(a) Limitation on Recoupment; Notification Requirements.—Section 1450(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) Limitation on recoupment of offset amount.—Any amount subject to offset under this subsection that was previously paid to the surviving spouse or former spouse shall be recouped only to the extent that the amount paid exceeds any amount to be refunded under subsection (e). In notifying a surviving spouse or former spouse of the recoupment requirement, the Secretary shall provide the spouse or former spouse—

"(A) a single notice of the net amount to be recouped or the net amount to be refunded, as applicable, under this subsection or subsection (e);

"(B) a written explanation of the statutory requirements for recoupment of the offset amount and for refund of any applicable amount deducted from retired pay;

"(C) a detailed accounting of how the offset amount being recouped and retired pay deduction amount being refunded were calculated; and

"(D) contact information for a person who can provide information about the offset recoupment and retired pay deduction refund processes and answer questions the surviving spouse or former spouse may have about the requirements, processes, or amounts.".

(b) Application.—Paragraph (3) of subsection (c) of section 1450 of title 10, United States Code, as added by subsection (a), shall apply with respect to the recoupment on or after April 1, 2008, of amounts subject to offset under such subsection.

SEC. 644. SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR PERSONS AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN ANNUITY OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

(a) Provision of Allowance.—Section 1450 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(m) Special Survivor Indemnity Allowance.—

"(1) Provision of allowance.—The Secretary concerned shall pay a monthly special survivor indemnity allowance under this subsection to the surviving spouse or former spouse of a member of the uniformed services to whom section 1448 of this title applies if—

"(A) the surviving spouse or former spouse is entitled to dependency and indemnity compensation under section 1311(a) of title 38; and

"(B) the eligibility of the surviving spouse or former spouse for an annuity under section 1448 of this title is affected by subsection (c) of this section.

"(2) Amount of payment.—The amount of the allowance paid to an eligible survivor under paragraph (1) for a month shall be equal to the lesser of—

"(A) $40; or

"(B) the amount of the annuity for that month subject to offset under subsection (c).

"(3) Status of payments.—An allowance paid under this subsection does not constitute an annuity, and amounts so paid are not subject to adjustment under any other provision of law.

"(4) Source of funds.—The special survivor indemnity allowance shall be paid from amounts in the Department of Defense Military Retirement Fund established under section 1461 of this title.".

(b) Effective Date.—Subsection (m) of section 1450 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2008, and shall apply to the month beginning on that date and subsequent months

through the month ending on February 28, 2016. Effective on March 1, 2016, such subsection shall terminate. No special survivor indemnity allowance may be paid to any person by reason of such subsection for any period before October 1, 2008.

SEC. 645. EXPANSION OF COMBAT-RELATED SPECIAL COMPENSATION ELIGIBILITY FOR CHAPTER 61 MILITARY RETIREES WITH FEWER THAN 20 YEARS OF CREDITABLE SERVICE.

(a) ELIGIBILITY.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking "entitled to retired pay who—" and all that follows through the end of paragraph (1) and inserting the following: "who—

"(1) is entitled to retired pay (other than by reason of section 12731b of this title); and".

(b) COMPUTATION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking "In the case of" and inserting "Subject to paragraph (4), in the case of"; and

(2) by adding at the end the following new paragraph:

"(4) CHAPTER 61 DISABILITY RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title with at least 15 years of creditable service, but fewer than 20 years of creditable service, and who receives veterans disability compensation for a disability rated at least 60 percent, the amount of the payment under paragraph (1) for any month shall be reduced by the amount (if any) by which—

"(A) the amount of the member's retired pay under chapter 61 of this title; exceeds

"(B) the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply to payments for the month beginning on that date and subsequent months through the month ending on September 30, 2015. Effective on October 1, 2015, the amendments made by this section shall terminate and subsection (c) of section 1413a of title 10, United States Code, shall be amended to appear as it did on September 30, 2008.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

SEC. 651. ACCESS TO DEFENSE COMMISSARY AND EXCHANGE SYSTEM BY SURVIVING SPOUSE AND DEPENDENTS OF CERTAIN DISABLED VETERANS.

(a) REVISION OF REGULATIONS AND INSTRUCTIONS.—The Secretary of Defense shall revise the regulations and instructions described in subsection (b) as necessary to ensure access to the Defense Commissary and Exchange System by the surviving spouse and dependents of a veteran who had a service-connected disability rated at 100 percent (total), based on an application submitted by the veteran, although the disability rating was awarded posthumously. Such access shall be provided in the same manner and to the same extent as other surviving spouses and dependents covered by such regulations and instructions.

(b) COVERED REGULATIONS AND INSTRUCTIONS.—The regulations and instructions referred to in subsection (a) are the following:

(1) Armed Services Commissary Regulations (DoD Regulations 1330.17-R, April 1987).

(2) Armed Services Exchange Regulations (DoD Instruction 1330.21, July, 14, 2005).

(3) The instruction pertaining to identification cards (ID) cards for members of the uniformed services, their dependents, and other eligible individuals (DoD Instruction 1000.13, December 5, 1997).

SEC. 652. AUTHORITY TO CONTINUE COMMISSARY AND EXCHANGE BENEFITS FOR CERTAIN INVOLUNTARILY SEPARATED MEMBERS OF THE ARMED FORCES.

(a) RESUMPTION FOR MEMBERS INVOLUNTARILY SEPARATED FROM ACTIVE DUTY.—Section 1146 of title 10, United States Code, is amended—

(1) by inserting "(a) MEMBERS INVOLUNTARILY SEPARATED FROM ACTIVE DUTY.—" before "The Secretary of Defense";

(2) in the first sentence, by striking "October 1, 1990, and ending on December 31, 2001" and inserting "October 1, 2007, and ending on December 31, 2012"; and

(3) in the second sentence, by striking "the period beginning on October 1, 1994, and ending on December 31, 2001" and inserting "the same period".

(b) EXTENSION TO MEMBERS INVOLUNTARILY SEPARATED FROM SELECTED RESERVE.—Such section is further amended by adding at the end the following new subsection:

"(b) MEMBERS INVOLUNTARILY SEPARATED FROM SELECTED RESERVE.—The Secretary of Defense shall prescribe regulations to allow a member of the Selected Reserve of the Ready Reserve who is involuntarily separated from the Selected Reserve as a result of the exercise of the force shaping authority of the Secretary concerned under section 647 of this title or other force shaping authority during the period beginning on October 1, 2007, and ending on December 31, 2012, to continue to use commissary and exchange stores during the two-year period beginning on the date of the involuntary separation of the member in the same manner as a member on active duty. The Secretary of Homeland Security shall implement this provision for Coast Guard members involuntarily separated during the same period.".

SEC. 653. AUTHORIZATION OF INSTALLMENT DEDUCTIONS FROM PAY OF EMPLOYEES OF EXECUTIVE BRANCH INSTRUMENTALITIES TO COLLECT INDEBTEDNESS TO THE UNITED STATES.

(a) COVERAGE OF EXECUTIVE BRANCH INSTRUMENTALITIES.—Section 5514(a)(5)(B) of title 5, United States Code, is amended by striking "judicial" and inserting "executive, judicial,"

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to debt incurred before, on, or after that date.

Subtitle F—Consolidation of Special Pay, Incentive Pay, and Bonus Authorities

SEC. 661. CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES OF THE UNIFORMED SERVICES.

(a) CONSOLIDATION.—Chapter 5 of title 37, United States Code, is amended—

(1) by inserting before section 301 the following subchapter heading:

"SUBCHAPTER I—EXISTING SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES"; AND

(2) by adding at the end the following new subchapters:

"SUBCHAPTER II—CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

"§331. General bonus authority for enlisted members

"(a) AUTHORITY TO PROVIDE BONUS.—The Secretary concerned may pay a bonus under this section to a person, including a member of the armed forces, who—

"(1) enlists in an armed force;

"(2) enlists in or affiliates with a reserve component of an armed force;

"(3) reenlists, voluntarily extends an enlistment, or otherwise agrees to serve—

"(A) for a specified period in a designated career field, skill, or unit of an armed force; or

"(B) under other conditions of service in an armed force;

"(4) transfers from a regular component of an armed force to a reserve component of that same armed force or from a reserve component of an armed force to the regular component of that same armed force; or

"(5) transfers from a regular component or reserve component of an armed force to a regular component or reserve component of another armed force, subject to the approval of the Secretary with jurisdiction over the armed force to which the member is transferring.

"(b) SERVICE ELIGIBILITY.—A bonus authorized by subsection (a) may be paid to a person or member only if the person or member agrees under subsection (d)—

"(1) to serve for a specified period in a designated career field, skill, unit, or grade; or

"(2) to meet some other condition of service imposed by the Secretary concerned.

"(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

"(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amount of a bonus to be paid under this section, except that—

"(A) a bonus paid under paragraph (1) or (2) of subsection (a) may not exceed $50,000 for a minimum two-year period of obligated service agreed to under subsection (d); and

"(B) a bonus paid under paragraph (3), (4), or (5) of subsection (a) may not exceed $40,000 for a minimum one-year period of obligated service agreed to under subsection (d).

"(2) LUMP SUM OR INSTALLMENTS.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

"(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

"(d) WRITTEN AGREEMENT.—To receive a bonus under this section, a person or member determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

"(1) the amount of the bonus;

"(2) the method of payment of the bonus under subsection (c)(2);

"(3) the period of obligated service; and

"(4) the type or conditions of the service.

"(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus paid to a person or member under this section is in addition to any other pay and allowance to which a member is entitled.

"(f) RELATIONSHIP TO PROHIBITION ON BOUNTIES.—A bonus authorized under this section is not a bounty for purposes of section 514(a) of title 10.

"(g) REPAYMENT.—A person or member who receives a bonus under this section and who fails to complete the period of service, or meet the conditions of service, for which the bonus is paid, as specified in the written agreement under subsection (d), shall be subject to the repayment provisions of section 373 of this title.

"(h) REGULATIONS.—This section shall be administered under regulations prescribed by—

"(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense; and

"(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy.

"§332. General bonus authority for officers

"(a) AUTHORITY TO PROVIDE BONUS.—The Secretary concerned may pay a bonus under this section to a person, including an officer in the uniformed services, who—

"(1) accepts a commission or appointment as an officer in a uniformed service;

"(2) affiliates with a reserve component of a uniformed service;

"(3) agrees to remain on active duty or to serve in an active status for a specific period as an officer in a uniformed service;

"(4) transfers from a regular component of a uniformed service to a reserve component of that same uniformed service or from a reserve component of a uniformed service to the regular component of that same uniformed service; or

"(5) transfers from a regular component or reserve component of a uniformed service to a regular component or reserve component of another uniformed service, subject to the approval of the Secretary with jurisdiction over the uniformed service to which the member is transferring.

"(b) SERVICE ELIGIBILITY.—A bonus authorized by subsection (a) may be paid to a person or officer only if the person or officer agrees under subsection (d)—

"(1) to serve for a specified period in a designated career field, skill, unit, or grade; or

"(2) to meet some other condition of service imposed by the Secretary concerned.

"(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

"(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amount of a bonus to be paid under this section, except that—

"(A) a bonus paid under paragraph (1) or (2) of subsection (a) may not exceed $60,000 for a minimum three-year period of obligated service agreed to under subsection (d); and

"(B) a bonus paid under paragraph (3), (4), or (5) of subsection (a) may not exceed $50,000 for each year of obligated service agreed to under subsection (d).

"(2) LUMP SUM OR INSTALLMENTS.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

"(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

"(d) WRITTEN AGREEMENT.—To receive a bonus under this section, a person or officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

"(1) the amount of the bonus;

"(2) the method of payment of the bonus under subsection (c)(2);

"(3) the period of obligated service; and

"(4) the type or conditions of the service.

"(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—The bonus paid to a person or officer under this section is in addition to any other pay and allowance to which an officer is entitled.

"(f) REPAYMENT.—A person or officer who receives a bonus under this section who fails to complete the period of service, or meet the conditions of service, for which the bonus is paid, as specified in the written agreement under subsection (d), shall be subject to the repayment provisions of section 373 of this title.

"(g) REGULATIONS.—This section shall be administered under regulations prescribed by—

"(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;

"(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy;

"(3) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

"(4) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

"§333. Special bonus and incentive pay authorities for nuclear officers

"(a) NUCLEAR OFFICER BONUS.—The Secretary of the Navy may pay a nuclear officer bonus under this section to a person, including an officer in the Navy, who—

"(1) is selected for the officer naval nuclear power training program in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants and agrees to serve, upon completion of such training, on active duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; or

"(2) has the current technical and operational qualification for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants and agrees to remain on active duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

"(b) NUCLEAR OFFICER INCENTIVE PAY.—The Secretary of the Navy may pay nuclear officer incentive pay under this section to an officer in the Navy who—

"(1) is entitled to basic pay under section 204 of this title; and

"(2) remains on active duty for a specified period while maintaining current technical and operational qualifications, as approved by the Secretary, for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

"(c) ADDITIONAL ELIGIBILITY CRITERIA.—The Secretary of the Navy may impose such additional criteria for the receipt of a nuclear officer bonus or nuclear officer incentive pay as the Secretary determines to be appropriate.

"(d) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

"(1) MAXIMUM AMOUNT.—The Secretary of the Navy shall determine the amounts of a nuclear officer bonus or incentive pay to be paid under this section, except that such payments may not exceed $60,000 for each 12-month period of the agreement or 12-month period of qualifying service.

"(2) LUMP SUM OR INSTALLMENTS.—A nuclear officer bonus or incentive pay under this section may be paid in a lump sum or in periodic installments.

"(e) WRITTEN AGREEMENT FOR BONUS.—

"(1) AGREEMENT REQUIRED.—To receive a nuclear officer bonus under this section, a person or officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary of the Navy that specifies—

"(A) the amount of the bonus;

"(B) the method of payment of the bonus under subsection (d)(2);

"(C) the period of obligated service; and

"(D) the type or conditions of the service.

"(2) REPLACEMENT AGREEMENT.—An officer who is performing obligated service under an agreement for a nuclear officer bonus may execute a new agreement to replace the existing agreement, if the amount to be paid under the new agreement will be higher than the amount to be paid under the existing agreement. The period of the new agreement shall be equal to or exceed the remaining term of the period of the officer's existing agreement. If a new agreement is executed under this paragraph, the existing agreement shall be cancelled, effective on the day before an anniversary date of the existing agreement occurring after the date on which the amount to be paid under this paragraph is increased.

"(f) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A nuclear officer bonus or incentive pay paid to a person or officer under this section is in addition to any other pay and allowance to which an officer is entitled, except that an officer may not receive a payment under this section and section 332 or 353 of this title for the same skill and period of service.

"(g) REPAYMENT.—The person or officer who receives a nuclear officer bonus or incentive pay under this section who fails to complete the officer naval nuclear power training program, maintain required technical and operational qualifications, complete the period of service, or meet the types or conditions of service, for which the bonus or incentive pay is paid, as specified in the written agreement under subsection (e) in the case of a bonus, shall be subject to the repayment provisions of section 373 of this title.

"(h) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of the Navy.

"§334. Special aviation incentive pay and bonus authorities for officers

"(a) AVIATION INCENTIVE PAY.—The Secretary concerned may pay aviation incentive pay under this section to a regular or reserve component officer of a uniformed service who—

"(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title;

"(2) maintains, or is in training leading to, an aeronautical rating or designation that qualifies the officer to engage in operational flying duty or proficiency flying duty;

"(3) engages in, or is in training leading to, frequent and regular performance of operational flying duty or proficiency flying duty;

"(4) engages in or remains in aviation service for a specified period; and

"(5) meets such other criteria as the Secretary concerned determines appropriate.

"(b) AVIATION BONUS.—The Secretary concerned may pay an aviation bonus under this section to a regular or reserve component officer of a uniformed service who—

"(1) is entitled to aviation incentive pay under subsection (a);

"(2) has completed any active duty service commitment incurred for undergraduate aviator training or is within one year of completing such commitment;

"(3) executes a written agreement to remain on active duty in a regular component or to serve in an active status in a reserve component in aviation service for at least one year; and

"(4) meets such other criteria as the Secretary concerned determines appropriate.

"(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

"(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amounts of a bonus or incentive pay to be paid under this section, except that—

"(A) aviation incentive pay shall be paid at a monthly rate, not to exceed $850 per month; and

"(B) an aviation bonus may not exceed $25,000 for each 12-month period of obligated service agreed to under subsection (d).

"(2) LUMP SUM OR INSTALLMENTS.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

"(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

"(d) WRITTEN AGREEMENT FOR BONUS.—To receive an aviation officer bonus under this section, an officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

"(1) the amount of the bonus;

"(2) the method of payment of the bonus under subsection (c)(2);

"(3) the period of obligated service; and

"(4) the type or conditions of the service.

"(e) RESERVE COMPONENT OFFICERS PERFORMING INACTIVE DUTY TRAINING.—A reserve *component officer who is entitled to compensation under section 206 of this title and who is authorized aviation incentive pay under this section may be paid an amount of incentive pay that is proportionate to the compensation received under section 206 for inactive-duty training.*

"(f) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—

"(1) AVIATION INCENTIVE PAY.—Aviation incentive pay paid to an officer under subsection (a) shall be in addition to any other pay and allowance to which an officer is entitled, except that an officer may not receive a payment under such subsection and section 351(a)(4) or 353 of this title for the same skill and period of service.

"(2) AVIATION BONUS.—An aviation bonus paid to an officer under subsection (b) shall be in addition to any other pay and allowance to which the officer is entitled, except that an officer may not receive a payment under such subsection and section 332 or 353 of this title for the same skill and period of service.

"(g) REPAYMENT.—An officer who receives aviation incentive pay or an aviation bonus under this section and who fails to fulfill the eligibility requirements for the receipt of the incentive pay or bonus or complete the period of service for which the incentive pay or bonus is paid, as specified in the written agreement under subsection (d) in the case of a bonus, shall be subject to the repayment provisions of section 373 of this title.

"(h) DEFINITIONS.—In this section:

"(1) The term 'aviation service' means service performed by a regular or reserve component officer (except a flight surgeon or other medical officer) while holding an aeronautical rating or designation or while in training to receive an aeronautical rating or designation.

"(2) The term 'operational flying duty' means flying performed under competent orders by rated or designated regular or reserve component officers while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned, and flying performed by members in training that leads to the award of an aeronautical rating or designation.

"(3) The term 'proficiency flying duty' means flying performed under competent orders by rated or designated regular or reserve component officers while serving in assignments in which such skills would normally not be maintained in the performance of assigned duties.

"(4) The term 'officer' includes an individual enlisted and designated as an aviation cadet under section 6911 of title 10, United States Code.

"(i) REGULATIONS.—This section shall be administered under regulations prescribed by—

"(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;

"(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy; and

"(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

"§335. Special bonus and incentive pay authorities for officers in health professions

"(a) HEALTH PROFESSIONS BONUS.—The Secretary concerned may pay a health professions bonus under this section to a person, including an officer in the uniformed services, who is a graduate of an accredited school in a health profession and who—

"(1) accepts a commission or appointment as a regular or reserve component officer in a uniformed service, or affiliates with a reserve component of a uniformed service, and agrees to serve on active duty in a regular component or in an active status in a reserve component in a health profession; or

"(2) agrees to remain on active duty or continue serving in an active status in a reserve component in a health profession.

"(b) HEALTH PROFESSIONS INCENTIVE PAY.—The Secretary concerned may pay incentive pay under this section to an officer in a regular or reserve component of a uniformed service who—

"(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

"(2) is serving on active duty or in an active status in a designated health profession specialty or skill.

"(c) BOARD CERTIFICATION INCENTIVE PAY.—The Secretary concerned may pay board certification incentive pay under this section to an officer in a regular or reserve component of a uniformed service who—

"(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

"(2) is board certified in a designated health profession specialty or skill; and

"(3) is serving on active duty or in an active status in such designated health profession specialty or skill.

"(d) ADDITIONAL ELIGIBILITY CRITERIA.—The Secretary concerned may impose such additional criteria for the receipt of a bonus or incentive pay under this section as the Secretary determines to be appropriate.

"(e) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

"(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amounts of a bonus or incentive pay to be paid under this section, except that—

"(A) a health professions bonus may not exceed $100,000 for each 12-month period of obligated service agreed to under subsection (f);

"(B) health professions incentive pay may not exceed $100,000 in any 12-month period, and it may be paid monthly; and

"(C) board certification incentive pay may not exceed $25,000 per 12-month period an officer remains certified in the designated health profession specialty or skill.

"(2) LUMP SUM OR INSTALLMENTS.—A bonus under subsection (a) may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned. Board certification incentive pay may be paid monthly, in a lump sum at the beginning of the certification period, or in periodic installments during the certification period, as determined by the Secretary concerned.

"(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (f), the total amount of the bonus to be paid under the agreement shall be fixed.

"(f) WRITTEN AGREEMENT FOR BONUS.—To receive a bonus under this section, an officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

"(1) the amount of the bonus;

"(2) the method of payment of the bonus under subsection (e)(2);

"(3) the period of obligated service;

"(4) whether the service will be performed on active duty or in an active status in a reserve component; and

"(5) the type or conditions of the service.

"(g) RESERVE COMPONENT OFFICERS.—An officer in a reserve component authorized incentive pay under subsection (b) or (c) who is not serving on continuous active duty and is entitled to compensation under sections 204 of this title or compensation under section 206 of this title may be paid a monthly amount of incentive pay that is proportionate to the basic pay or compensation received under this title.

"(h) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—

"(1) HEALTH PROFESSIONS BONUS.—A bonus paid to a person or officer under subsection (a) shall be in addition to any other pay and allowance to which an officer is entitled, except that an officer may not receive a payment under such subsection and section 332 of this title for the same period of obligated service.

"(2) HEALTH PROFESSIONS INCENTIVE PAY.—Incentive pay paid to an officer under subsection (b) shall be in addition to any other pay and allowance to which an officer is entitled, except that an officer may not receive a payment under such subsection and section 353 of this title for the same skill and period of service.

"(3) BOARD CERTIFICATION INCENTIVE PAY.—Incentive pay paid to an officer under subsection (c) shall be in addition to any other pay and allowance to which an officer is entitled, except that an officer may not receive a payment under such subsection and section 353(b) of this title for the same skill and period of service covered by the certification.

"(i) REPAYMENT.—An officer who receives a bonus or incentive pay under this section and who fails to fulfill the eligibility requirements for the receipt of the bonus or incentive pay or complete the period of service for which the bonus or incentive pay is paid, as specified in the written agreement under subsection (f) in the case of a bonus, shall be subject to the repayment provisions of section 373 of this title.

"(j) HEALTH PROFESSION DEFINED.—In this section, the term 'health profession' means:

"(1) Any health profession performed by officers in the Medical Corps of a uniformed service or by officers designated as a medical officer.

"(2) Any health profession performed by officers in the Dental Corps of a uniformed service or by officers designated as a dental officer.

"(3) Any health profession performed by officers in the Medical Service Corps of a uniformed service or by officers designated as a medical service officer or biomedical sciences officer.

"(4) Any health profession performed by officers in the Medical Specialist Corps of a uniformed service or by officers designated as a medical specialist.

"(5) Any health profession performed by officers of the Nurse Corps of a uniformed service or by officers designated as a nurse.

"(6) Any health profession performed by officers in the Veterinary Corps of a uniformed service or by officers designated as a veterinary officer.

"(7) Any health profession performed by officers designated as a physician assistant.

"(8) Any health profession performed by officers in the regular or reserve corps of the Public Health Service.

"(k) REGULATIONS.—This section shall be administered under regulations prescribed by—

"(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;

"(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy; and

"(3) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service.

"§351. Hazardous duty pay

"(a) HAZARDOUS DUTY PAY.—The Secretary concerned may pay hazardous duty pay under this section to a member of a regular or reserve component of the uniformed services entitled to basic pay under section 204 of this title or compensation under section 206 of this title who—

"(1) performs duty in a hostile fire area designated by the Secretary concerned;

"(2) is exposed to a hostile fire event, explosion of a hostile explosive device, or any other hostile action;

“(3) is on duty during a month in an area in which an event described in paragraph (2) occurred which placed the member in grave danger of physical injury;

“(4) performs duty the Secretary concerned has designated as hazardous duty based upon the inherent dangers of that duty and risks of physical injury; or

“(5) performs duty in a foreign area designated by the Secretary concerned as an area in which the member is subject to imminent danger of physical injury due to threat conditions.

“(b) MAXIMUM AMOUNT.—The amount of hazardous duty pay paid to a member under subsection (a) shall be based on the type of duty and the area in which the duty is performed, as follows:

“(1) In the case of a member who performs duty in a designated hostile fire area, as described in paragraph (1) of such subsection, hazardous duty pay may not exceed $450 per month.

“(2) In the case of a member who is exposed to a hostile fire event or is on duty in an area in which such an event occurred which placed the member in grave danger of physical injury, as described in paragraph (2) or (3) of such subsection, hazardous duty pay may not exceed $450 per month.

“(3) In the case of a member who performs a designated hazardous duty, as described in paragraph (4) of such subsection, hazardous duty pay may not exceed $250 per month.

“(4) In the case of a member who performs duty in a foreign area designated as an imminent danger area, as described in paragraph (5) of such subsection, hazardous duty pay may not exceed $250 per month.

“(c) METHOD OF PAYMENT.—Hazardous duty pay shall be paid on a monthly basis. A member who is eligible for hazardous duty pay by reason of paragraph (1), (2), or (3) of subsection (a) shall receive the full monthly rate of hazardous duty pay authorized by the Secretary concerned under such paragraph, notwithstanding subsection (d).

“(d) RESERVE COMPONENT MEMBERS PERFORMING INACTIVE DUTY TRAINING.—A member of a reserve component entitled to compensation under section 206 of this title who is authorized hazardous duty pay under this section may be paid an amount of hazardous duty pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.

“(e) ADMINISTRATION AND RETROACTIVE PAYMENTS.—The effective date for a hostile fire area designation, as described in paragraph (1) of subsection (a), and for the designation of a foreign area as an imminent danger area, as described in paragraph (5) of such subsection, may be a date that occurs before, on, or after the actual date of the designation by the Secretary concerned.

“(f) DETERMINATION OF FACT.—Any determination of fact that is made in administering paragraph (2) or (3) of subsection (a) is conclusive. The determination may not be reviewed by any other officer or agency of the United States unless there has been fraud or gross negligence. However, the Secretary concerned may change the determination on the basis of new evidence or for other good cause.

“(g) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A member may be paid hazardous duty pay under this section in addition to any other pay and allowances to which the member is entitled. The regulations prescribed under subsection (j) shall address dual compensation under this section for multiple circumstances involving performance of a designated hazardous duty, as described in paragraph (4) of subsection (a), or for duty in certain designated areas, as described in paragraph (1) or 5 of such subsection, that is performed by a member during a single month of service.

“(h) PROHIBITION ON VARIABLE RATES.—The regulations prescribed under subsection (j) may not include varied criteria or rates for payment of hazardous duty for officers and enlisted members.

“(i) REPAYMENT.—A member who receives the hazardous duty pay authorized under this section and who fails to meet the eligibility requirements under subsection (a) shall be subject to the repayment provisions of section 373 of this title.

“(j) REGULATIONS.—This section shall be administered under regulations prescribed by—

“(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;

“(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy;

“(3) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

“(4) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

“§ 352. Assignment pay or special duty pay

“(a) ASSIGNMENT OR SPECIAL DUTY PAY AUTHORIZED.—The Secretary concerned may pay assignment or special duty pay under this section to a member of a regular or reserve component of the uniformed services who—

“(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

“(2) performs duties in an assignment, location, or unit designated by, and under the conditions of service specified by, the Secretary concerned.

“(b) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

“(1) LUMP SUM OR INSTALLMENTS.—Assignment or special duty pay under subsection (a) may be paid monthly, in a lump sum, or in periodic installments other than monthly, as determined by the Secretary concerned.

“(2) MAXIMUM MONTHLY AMOUNT.—The maximum monthly amount of assignment or special duty pay may not exceed $5,000.

“(3) MAXIMUM LUMP SUM AMOUNT.—The amount of a lump sum payment of assignment or special duty pay payable to a member may not exceed the amount equal to the product of—

“(A) the maximum monthly rate authorized under paragraph (2) at the time the member enters into a written agreement under subsection (c); and

“(B) the number of continuous months in the period for which assignment or special duty pay will be paid pursuant to the agreement.

“(4) MAXIMUM INSTALLMENT AMOUNT.—The amount of each installment payment of assignment or special duty pay payable to a member on an installment basis may not exceed the amount equal to—

“(A) the product of—

“(i) a monthly rate specified in the written agreement entered into under subsection (c), which monthly rate may not exceed the maximum monthly rate authorized under paragraph (2) at the time the member enters into the agreement; and

“(ii) the number of continuous months in the period for which the assignment or special duty pay will be paid; divided by

“(B) the number of installments over such period.

“(5) EFFECT OF EXTENSION.—If a member extends an assignment or performance of duty specified in an agreement with the Secretary concerned under subsection (c), assignment or special duty pay for the period of the extension may be paid on a monthly basis, in a lump sum, or in installments, consistent with this subsection.

“(c) WRITTEN AGREEMENT.—

“(1) DISCRETIONARY FOR MONTHLY PAYMENTS.—The Secretary concerned may require a member to enter into a written agreement with the Secretary in order to qualify for the payment of assignment or special duty pay on a monthly basis. The written agreement shall specify the period for which the assignment or special duty pay will be paid to the member and the monthly rate of the assignment or special duty pay.

“(2) REQUIRED FOR LUMP SUM OR INSTALLMENT PAYMENTS.—The Secretary concerned shall require a member to enter into a written agreement with the Secretary in order to qualify for payment of assignment or special duty pay on a lump sum or installment basis. The written agreement shall specify the period for which the assignment or special duty pay will be paid to the member and the amount of the lump sum or each periodic installment.

“(d) RESERVE COMPONENT MEMBERS PERFORMING INACTIVE DUTY TRAINING.—A member of a reserve component entitled to compensation under section 206 of this title who is authorized assignment or special duty pay under this section may be paid an amount of assignment or special duty pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.

“(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Assignment or special duty pay paid to a member under this section is in addition to any other pay and allowances to which a member is entitled.

“(f) REPAYMENT.—A member who receives assignment or special duty pay under this section and who fails to fulfill the eligibility requirements under subsection (a) shall be subject to the repayment provisions of section 373 of this title.

“(g) REGULATIONS.—This section shall be administered under regulations prescribed by—

“(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;

“(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy;

“(3) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

“(4) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

“§ 353. Skill incentive pay or proficiency bonus

“(a) SKILL INCENTIVE PAY.—The Secretary concerned may pay a monthly skill incentive pay to a member of a regular or reserve component of the uniformed services who—

“(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

“(2) serves in a career field or skill designated as critical by the Secretary concerned.

“(b) SKILL PROFICIENCY BONUS.—The Secretary concerned may pay a proficiency bonus to a member of a regular or reserve component of the uniformed services who—

“(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

“(2) is determined to have, and maintains, certified proficiency under subsection (d) in a skill designated as critical by the Secretary concerned.

“(c) MAXIMUM AMOUNTS AND METHODS OF PAYMENT.—

“(1) SKILL INCENTIVE PAY.—Skill incentive pay shall be in paid monthly in an amount not exceed $1,000 per month.

"(2) PROFICIENCY BONUS.—A proficiency bonus may be paid in a lump sum at the beginning of the proficiency certification period or in periodic installments during the proficiency certification period. The amount of the bonus may not exceed $12,000 per 12-month period of certification. The Secretary concerned may not vary the criteria or rates for the proficiency bonus paid for officers and enlisted members.

"(d) CERTIFIED PROFICIENCY FOR PROFICIENCY BONUS.—

"(1) CERTIFICATION REQUIRED.—Proficiency in a designated critical skill shall be subject to annual certification by the Secretary concerned.

"(2) DURATION OF CERTIFICATION.—A certification period shall expire at the end of the one-year period beginning on the first day of the first month beginning on or after the certification date.

"(3) WAIVER.—Notwithstanding paragraphs (1) and (2), the regulations prescribed under subsection (i) shall address the circumstances under which the Secretary concerned may waive the certification requirement under paragraph (1) or extend a certification period under paragraph (2).

"(e) WRITTEN AGREEMENT.—

"(1) DISCRETIONARY FOR SKILL INCENTIVE PAY.—The Secretary concerned may require a member to enter into a written agreement with the Secretary in order to qualify for the payment of skill incentive pay. The written agreement shall specify the period for which the skill incentive pay will be paid to the member and the monthly rate of the pay.

"(2) REQUIRED FOR PROFICIENCY BONUS.—The Secretary concerned shall require a member to enter into a written agreement with the Secretary in order to qualify for payment of a proficiency bonus. The written agreement shall specify the amount of the proficiency bonus, the period for which the bonus will be paid, and the initial certification or recertification necessary for payment of the proficiency bonus.

"(f) RESERVE COMPONENT MEMBERS PERFORMING INACTIVE DUTY TRAINING.—

"(1) PRORATION.—A member of a reserve component entitled to compensation under section 206 of this title who is authorized skill incentive pay under subsection (a) may be paid an amount of skill incentive pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.

"(2) EXCEPTION FOR FOREIGN LANGUAGE PROFICIENCY.—No reduction in the amount of skill incentive pay may be made under paragraph (1) in the case of a member of a reserve component who is authorized skill incentive pay because of the member's proficiency in a foreign language.

"(g) REPAYMENT.—A member who receives skill incentive pay or a proficiency bonus under this section and who fails to fulfill the eligibility requirement for receipt of the pay or bonus shall be subject to the repayment provisions of section 373 of this title.

"(h) RELATIONSHIP TO OTHER PAYS AND ALLOWANCES.—A member may not be paid more than one pay under this section in any month for the same period of service and skill. A member may be paid skill incentive pay or the proficiency bonus under this section in addition to any other pay and allowances to which the member is entitled, except that the member may not be paid skill incentive pay or a proficiency bonus under this section and hazardous duty pay under section 351(a)(4) of this title for the same period of service in the same career field or skill.

"(i) REGULATIONS.—This section shall be administered under regulations prescribed by—

"(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;

"(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy;

"(3) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

"(4) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

"SUBCHAPTER III—GENERAL PROVISIONS

"§ 371. Relationship to other incentives and pays

"(a) TREATMENT.—A bonus or incentive pay paid to a member of the uniformed services under subchapter II is in addition to any other pay and allowance to which a member is entitled, unless otherwise provided under this chapter.

"(b) EXCEPTION.—A member may not receive a bonus or incentive pay under both subchapter I and subchapter II for the same activity, skill, or period of service.

"(c) RELATIONSHIP TO OTHER COMPUTATIONS.—The amount of a bonus or incentive pay to which a member is entitled under subchapter II may not be included in computing the amount of—

"(1) any increase in pay authorized by any other provision of this title; or

"(2) any retired pay, retainer pay, separation pay, or disability severance pay.

"§ 372. Continuation of pays during hospitalization for wounds, injury, or illness incurred while on duty in a hostile fire area or exposed to an event of hostile fire or other hostile action

"(a) CONTINUATION OF PAYS.—Notwithstanding any other provision of law, the Secretary concerned may continue to pay all pay and allowances to a member of a regular or reserve component of a uniformed service, including any bonus, incentive pay, or similar benefit, if the member—

"(1) incurs a wound, injury, or illness in the line of duty while serving in a combat operation or a combat zone, while serving in a hostile fire area, or while exposed to a hostile fire event, as described under section 351 of this title; and

"(2) is hospitalized for treatment of such wound, injury, or illness.

"(b) DURATION.—The continuation of pay and allowances of a member under subsection (a) shall expire at the end of the first month during which the member is no longer hospitalized for treatment.

"(c) DEFINITIONS.—In this section:

"(1) The term 'hospitalized for treatment', with respect to a member, means the member—

"(A) is admitted as an inpatient in a military treatment facility; or

"(B) is residing in quarters or in a facility affiliated with the military health care system for the purposes of receiving extensive outpatient rehabilitation or other medical care.

"(2) The term 'bonus, incentive pay, or similar benefit' means a bonus, incentive pay, special pay, or similar payment, or an educational benefit or stipend, paid to a member of the uniformed services under this title or title 10.

"§ 373. Repayment of unearned portion of bonus, incentive pay, or similar benefit when conditions of payment not met

"(a) REPAYMENT.—Except as provided in subsection (b), a member of the uniformed services who is paid a bonus, incentive pay, or similar benefit, the receipt of which is contingent upon the member's satisfaction of certain service or eligibility requirements, shall repay to the United States any unearned portion of the bonus, incentive pay, or similar benefit if the member fails to satisfy any such service or eligibility requirement.

"(b) EXCEPTIONS.—The regulations prescribed to administer this section may specify procedures for determining the circumstances under which an exception to the required repayment may be granted.

"(c) EFFECT OF BANKRUPTCY.—An obligation to repay the United States under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after—

"(1) the date of the termination of the agreement or contract on which the debt is based; or

"(2) in the absence of such an agreement or contract, the date of the termination of the service on which the debt is based.

"(d) DEFINITIONS.—In this section:

"(1) The term 'bonus, incentive pay, or similar benefit' means a bonus, incentive pay, special pay, or similar payment, or an educational benefit or stipend, paid to a member of the uniformed services under a provision of law that refers to the repayment requirements of this section or section 303a(e) of this title.

"(2) The term 'service' refers to an obligation willingly undertaken by a member of the uniformed services, in exchange for a bonus, incentive pay, or similar benefit offered by the Secretary concerned—

"(A) to a regular or reserve component member who remains on active duty or in an active status;

"(B) to perform duty in a specified skill, with or without a specified qualification or credential;

"(C) to perform duty in a specified assignment, location or unit; or

"(D) to perform duty for a specified period of time.

"§ 374. Regulations

"This subchapter shall be administered under regulations prescribed by—

"(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;

"(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy;

"(3) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

"(4) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.".

(b) TRANSFER OF 15-YEAR CAREER STATUS BONUS TO SUBCHAPTER II.—

(1) TRANSFER.—Section 322 of title 37, United States Code, is transferred to appear after section 353 of subchapter II of chapter 5 of such title, as added by subsection (a), and is redesignated as section 354.

(2) CONFORMING AMENDMENT.—Subsection (f) of such section, as so transferred and redesignated, is amended by striking "section 303a(e)" and inserting "section 373".

(3) CROSS REFERENCES.—Sections 1401a, 1409(b)(2), and 1410 of title 10, United States Code, are amended by striking "section 322" each place it appears and inserting "section 322 or 354".

(c) TRANSFER OF RETENTION INCENTIVES FOR MEMBERS QUALIFIED IN CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—

(1) TRANSFER.—Section 323 of title 37, United States Code, as amended by sections 614(e) and 621, is transferred to appear after section 354 of subchapter II of chapter 5 of such title, as transferred and redesignated by subsection (b)(1), and is redesignated as section 355.

(2) CONFORMING AMENDMENT.—Subsection (g) of such section, as so transferred and redesignated, is amended by striking "section 303a(e)" and inserting "section 373".

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 5 of title 37,

United States Code, is amended to read as follows:

"SUBCHAPTER I—EXISTING SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

"Sec.
"301. Incentive pay: hazardous duty.
"301a. Incentive pay: aviation career.
"301b. Special pay: aviation career officers extending period of active duty.
"301c. Incentive pay: submarine duty.
"301d. Multiyear retention bonus: medical officers of the armed forces.
"301e. Multiyear retention bonus: dental officers of the armed forces.
"302. Special pay: medical officers of the armed forces.
"302a. Special pay: optometrists.
"302b. Special pay: dental officers of the armed forces.
"302c. Special pay: psychologists and nonphysician health care providers.
"302d. Special pay: accession bonus for registered nurses.
"302e. Special pay: nurse anesthetists.
"302f. Special pay: reserve, recalled, or retained health care officers.
"302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties.
"302h. Special pay: accession bonus for dental officers.
"302i. Special pay: pharmacy officers.
"302j. Special pay: accession bonus for pharmacy officers.
"302k. Special pay: accession bonus for medical officers in critically short wartime specialties.
"302l. Special pay: accession bonus for dental specialist officers in critically short wartime specialties.
"303. Special pay: veterinarians.
"303a. Special pay: general provisions.
"303b. Waiver of board certification requirements.
"304. Special pay: diving duty.
"305. Special pay: hardship duty pay.
"305a. Special pay: career sea pay.
"305b. Special pay: service as member of Weapons of Mass Destruction Civil Support Team.
"306. Special pay: officers holding positions of unusual responsibility and of critical nature.
"306a. Special pay: members assigned to international military headquarters.
"307. Special pay: special duty assignment pay for enlisted members.
"307a. Special pay: assignment incentive pay.
"308. Special pay: reenlistment bonus.
"308b. Special pay: reenlistment bonus for members of the Selected Reserve.
"308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve.
"308d. Special pay: members of the Selected Reserve assigned to certain high priority units.
"308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve.
"308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve.
"308i. Special pay: prior service enlistment bonus.
"308j. Special pay: affiliation bonus for officers in the Selected Reserve.
"309. Special pay: enlistment bonus.
"310. Special pay: duty subject to hostile fire or imminent danger.
"312. Special pay: nuclear-qualified officers extending period of active duty.
"312b. Special pay: nuclear career accession bonus.
"312c. Special pay: nuclear career annual incentive bonus.
"314. Special pay or bonus: qualified members extending duty at designated locations overseas.
"315. Special pay: engineering and scientific career continuation pay.
"316. Special pay: bonus for members with foreign language proficiency.
"317. Special pay: officers in critical acquisition positions extending period of active duty.
"318. Special pay: special warfare officers extending period of active duty.
"319. Special pay: surface warfare officer continuation pay.
"320. Incentive pay: career enlisted flyers.
"321. Special pay: judge advocate continuation pay.
"324. Special pay: accession bonus for new officers in critical skills.
"325. Incentive bonus: savings plan for education expenses and other contingencies.
"326. Incentive bonus: conversion to military occupational specialty to ease personnel shortage.
"327. Incentive bonus: transfer between armed forces.
"328. Combat-related injury rehabilitation pay.
"329. Incentive bonus: retired members and reserve component members volunteering for high-demand, low-density assignments.
"330. Special pay: accession bonus for officer candidates.

"SUBCHAPTER II—CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

"331. General bonus authority for enlisted members.
"332. General bonus authority for officers.
"333. Special bonus and incentive pay authorities for nuclear officers.
"334. Special aviation incentive pay and bonus authorities for officers.
"335. Special bonus and incentive pay authorities for officers in health professions.
"351. Hazardous duty pay.
"352. Assignment pay or special duty pay.
"353. Skill incentive pay or proficiency bonus.
"354. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986.
"355. Special pay: retention incentives for members qualified in critical military skills or assigned to high priority units.

"SUBCHAPTER III—GENERAL PROVISIONS

"371. Relationship to other incentives and pays.
"372. Continuation of pays during hospitalization for wounds, injury, or illness incurred while on duty in a hostile fire area or exposed to an event of hostile fire or other hostile action.
"373. Repayment of unearned portion of bonus, incentive pay, or similar benefit when conditions of payment not met.
"374. Regulations.".

SEC. 662. TRANSITIONAL PROVISIONS.

(a) IMPLEMENTATION PLAN.—

(1) DEVELOPMENT.—The Secretary of Defense shall develop a plan to implement subchapters II and III of chapter 5 of title 37, United States Code, as added by section 661(a), and to correspondingly transition all of the special and incentive pay programs for members of the uniformed services solely to provisions of such subchapters.

(2) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit the implementation plan to the congressional defense committees.

(b) TRANSITION PERIOD.—During a transition period of not more than 10 years beginning on the date of the enactment of this Act, the Secretary of Defense, the Secretary of a military department, and the Secretaries referred to in subsection (c) may continue to use the authorities in provisions in subchapter I of chapter 5 of title 37, United States Code, as designated by section 661(a), but subject to the terms of such provisions and such modifications as the Secretary of Defense may include in the implementation plan, to provide bonuses and special and incentive pays for members of the uniformed services.

(c) COORDINATION.—The Secretary of Defense shall prepare the implementation plan in coordination with—

(1) the Secretary of Homeland Security, with respect to the Coast Guard;

(2) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(d) NO EFFECT ON FISCAL YEAR 2008 OBLIGATIONS.—During fiscal year 2008, obligations incurred under subchapters I, II, and III of chapter 5 of title 37, United States Code, as amended by section 661, to provide bonuses, incentive pays, special pays, and similar payments to members of the uniformed services under such subchapters may not exceed the obligations that would be incurred in the absence of the amendments made by such section.

Subtitle G—Other Matters

SEC. 671. EXPANSION OF EDUCATION LOAN REPAYMENT PROGRAM FOR MEMBERS OF THE SELECTED RESERVE.

(a) ADDITIONAL EDUCATIONAL LOANS ELIGIBLE FOR REPAYMENT.—Paragraph (1) of subsection (a) of section 16301 of title 10, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) any loan incurred for educational purposes made by a lender that is—

"(i) an agency or instrumentality of a State;

"(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

"(iii) a pension fund approved by the Secretary for purposes of this section; or

"(iv) a nonprofit private entity designated by a State, regulated by that State, and approved by the Secretary for purposes of this section.".

(b) PARTICIPATION OF OFFICERS IN PROGRAM.—Such subsection is further amended—

(1) in paragraph (2)—

(A) by striking "Except as provided in paragraph (3), the Secretary" and inserting "The Secretary"; and

(B) by striking "an enlisted member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and military specialty" and inserting "a member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and in an officer program or military specialty"; and

(2) by striking paragraph (3).

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 16301. Education loan repayment program: members of Selected Reserve".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1609 of such title is amended by striking the item relating to section 16301 and inserting the following new item:

"16301. Education loan repayment program: members of Selected Reserve.".

SEC. 672. ENSURING ENTRY INTO UNITED STATES AFTER TIME ABROAD FOR PERMANENT RESIDENT ALIEN MILITARY SPOUSES AND CHILDREN.

Section 284 of the Immigration and Nationality Act (8 U.S.C. 1354) is amended—

(1) by striking "Nothing" and inserting "(a) Nothing"; and

(2) by adding at the end the following new subsection:

"(b) In the case of a person lawfully admitted for permanent residence who is the spouse or child of a member of the Armed Forces of the United States, is authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member (in marital union if a spouse), such residence and physical presence abroad shall not be treated as—

"(1) an abandonment or relinquishment of lawful permanent resident status for purposes of section 101(a)(13)(C)(i); or

"(2) an absence from the United States for purposes of section 101(a)(13)(C)(ii).".

SEC. 673. OVERSEAS NATURALIZATION FOR MILITARY SPOUSES AND CHILDREN.

(a) SPOUSES.—Section 319 of the Immigration and Nationality Act (8 U.S.C. 1430) is amended by adding at the end the following new subsection:

"(e)(1) In the case of a person lawfully admitted for permanent residence in the United States who is the spouse of a member of the Armed Forces of the United States, is authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member in marital union, such residence and physical presence abroad shall be treated, for purposes of subsection (a) and section 316(a), as residence and physical presence in—

"(A) the United States; and

"(B) any State or district of the Department of Homeland Security in the United States.

"(2) Notwithstanding any other provision of law, a spouse described in paragraph (1) shall be eligible for naturalization proceedings oversees pursuant to section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 8 U.S.C. 1443a).".

(b) CHILDREN.—Section 322 of the Immigration and Nationality Act (8 U.S.C. 1433) is amended by adding at the end the following new subsection:

"(d) In the case of a child of a member of the Armed Forces of the United States who is authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member—

"(1) any period of time during which the member of the Armed Forces is residing abroad pursuant to official orders shall be treated, for purposes of subsection (a)(2)(A), as physical presence in the United States;

"(2) subsection (a)(5) shall not apply; and

"(3) the oath of allegiance described in subsection (b) may be subscribed to abroad pursuant to section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 8 U.S.C. 1443a).".

(c) OVERSEAS NATURALIZATION AUTHORITY.—Section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 8 U.S.C. 1443a) is amended—

(1) in the subsection heading, by inserting "AND THEIR SPOUSES AND CHILDREN" after "FORCES"; and

(2) by inserting ", and persons made eligible for naturalization by section 319(e) or 322(d) of such Act," after "Armed Forces".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and apply to any application for naturalization or issuance of a certificate of citizenship pending on or after such date.

TITLE VII—HEALTH CARE PROVISIONS

Sec. 701. Extension of prohibition on increases in certain health care costs for members of the uniformed services.
Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
Sec. 703. Fair pricing under pharmacy benefits program.
Sec. 704. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
Sec. 705. Establishment of Nurse Practitioner Program.
Sec. 706. Services of mental health counselors.
Sec. 707. Extension of pilot program for health care delivery.
Sec. 708. Stipend for members of Reserve Components for health care for certain dependents.
Sec. 709. Joint Pathology Center.
Sec. 710. Report on training in preservation of remains under combat or combat-related conditions.
Sec. 711. Pre- and post-deployment assessments for the purpose of determining the cognitive functioning and brain health of deployed members of the Armed Forces.
Sec. 712. Guaranteed funding for Walter Reed Army Medical Center.

SEC. 701. EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) EXTENSION OF PROHIBITION ON INCREASE IN CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking "2007" and inserting "2008".

(b) EXTENSION OF PROHIBITION IN INCREASE IN CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of title 10, United States Code, is amended by striking "2007." and inserting "2008".

(c) EXTENSION OF PROHIBITION ON INCREASE IN PREMIUMS UNDER TRICARE COVERAGE FOR CERTAIN MEMBERS IN THE SELECTED RESERVE.—Section 1076d(d)(3) of title 10, United States Code, is amended by striking "2007" and inserting "2008".

(d) EXTENSION OF PROHIBITION ON INCREASE IN PREMIUMS UNDER TRICARE COVERAGE FOR MEMBERS OF THE READY RESERVE.—Section 1076b(e)(3) of title 10, United States Code, is amended by striking "2007" and inserting "2008".

SEC. 702. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2007, and ending on September 30, 2008, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

SEC. 703. FAIR PRICING UNDER PHARMACY BENEFITS PROGRAM.

Section 1074g(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(9)(A) In carrying out this subsection, the Secretary may, to the extent recommended by the Pharmacy and Therapeutics Committee in the course of reviewing any therapeutic class of pharmaceutical agents, exclude from the pharmacy benefits program any pharmaceutical agent that is not provided to the Secretary consistent with the pricing standard set forth subparagraph (B).

"(B) The pricing standard referred to in subparagraph (A) is that the price of any pharmaceutical agent made available to beneficiaries through all the means described in paragraph (2)(E) shall be the same as, or lower than, the price of the agent under section 8126 of title 38, United States Code.".

SEC. 704. PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) PROHIBITION.—The Secretary of a military department may not convert any military medical or dental position to a civilian medical or dental position on or after October 1, 2007.

(b) REPORT.—

(1) REQUIREMENT.—The Secretary of Defense shall submit to the congressional defense committees a report on conversions made during fiscal year 2007 not later than 180 days after the enactment of this Act.

(2) MATTERS COVERED.—The report shall include the following:

(A) The number of military medical or dental positions, by grade or band and specialty, converted to civilian medical or dental positions.

(B) The results of a market survey in each affected area of the availability of civilian medical and dental care providers in such area in order to determine whether there were civilian medical and dental care providers available in such area adequate to fill the civilian positions created by the conversion of military medical and dental positions to civilian positions in such area.

(C) An analysis, by affected area, showing the extent to which access to health care and cost of health care was affected in both the direct care and purchased care systems, including an assessment of the effect of any increased shifts in patient load from the direct care to the purchased care system, or any delays in receipt of care in either the direct or purchased care system because of the conversions.

(D) The extent to which military medical and dental positions converted to civilian medical or dental positions affected recruiting and retention of uniformed medical and dental personnel.

(E) A comparison of the full costs for the military medical and dental positions converted with the full costs for civilian medical and dental positions, including expenses such as recruiting, salary, benefits, training, and any other costs the Department identifies.

(F) An assessment showing that the military medical or dental positions converted were in excess of the military medical and dental positions needed to meet medical and dental readiness requirements of the uniformed services, as determined jointly by all the uniformed services.

(c) DEFINITIONS.—In this section:

(1) The term "military medical or dental position" means a position for the performance of health care functions within the Armed Forces held by a member of the Armed Forces.

(2) The term "civilian medical or dental position" means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

(3) The term "uniformed services" has the meaning given that term in section 1072(1) of title 10, United States Code.

(4) The term "conversion," with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the

manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).

(d) REPEAL.—Section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2306) is repealed.

SEC. 705. ESTABLISHMENT OF NURSE PRACTITIONER PROGRAM.

The Secretary of Defense shall establish at the Uniformed Services University of the Health Sciences a graduate education program for advanced-practice nursing. The Secretary shall, in consultation with the Secretaries of the military departments, determine programs of instruction leading to designation as a Nurse Practitioner, which shall include, at a minimum, family practice and psychiatric or mental health. The program shall be designed to ensure that graduates of the program are fully eligible to meet credentialing requirements of the military departments and at least one State.

SEC. 706. SERVICES OF MENTAL HEALTH COUNSELORS.

(a) REIMBURSEMENT OF MENTAL HEALTH COUNSELORS UNDER TRICARE.—

(1) REIMBURSEMENT UNDER TRICARE.—Section 1079(a)(8) of title 10, United States Code, is amended—

(A) by inserting "or licensed or certified mental health counselors" after "certified marriage and family therapists" both places it appears; and

(B) by inserting "or licensed or certified mental health counselors" after "that the therapists."

(2) AUTHORITY TO ASSESS MEDICAL OR PSYCHOLOGICAL NECESSITY OF SERVICE OR SUPPLY.—Section 1079(a)(13) of such title is amended by inserting ", licensed or certified mental health counselor," after "certified marriage and family therapist".

(b) SERVICES OF MENTAL HEALTH COUNSELORS.—

(1) AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—Section 704(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by inserting "mental health counselors," after "psychologists,".

(2) APPLICABILITY OF LICENSURE REQUIREMENT FOR HEALTH-CARE PROFESSIONALS.—Section 1094 (e)(2) of title 10, United States Code, is amended by inserting "mental health counselor," after "psychologist,".

SEC. 707. EXTENSION OF PILOT PROGRAM FOR HEALTH CARE DELIVERY.

(a) EXTENSION OF DURATION OF PILOT PROGRAM.—Section 721(e) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 10 U.S.C. 1092 note) is amended by striking "and 2007" and inserting ", 2007, 2008, 2009, and 2010".

(b) EXTENSION OF REPORT DEADLINE.—Section 721(f) of such Act is amended by striking "July 1, 2007" and inserting "July 1, 2010".

(c) REVISION IN SELECTION CRITERIA.—Section 721(d)(2) of such Act is amended by striking "expected to increase over the next five years" and inserting "has increased over the five years preceding 2008".

(d) ADDITION TO REQUIREMENTS OF PILOT PROGRAM.—Section 721(b) of such Act is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period and inserting "; and" at the end of paragraph (4); and

(3) by adding at the end the following:

"(5) collaborate with State and local authorities to create an arrangement to share and exchange, between the Department of Defense and non-military health care systems, personal health information and data of military personnel and their families.".

SEC. 708. STIPEND FOR MEMBERS OF RESERVE COMPONENTS FOR HEALTH CARE FOR CERTAIN DEPENDENTS.

The Secretary of Defense may pay a stipend to a member of a reserve component who is called or ordered to active duty for a period of more than 30 days for purposes of maintaining civilian health care coverage for a dependant whom the Secretary determines to possess a special health care need that would be best met by remaining in the member's civilian health plan. In making such determination, the Secretary shall consider whether—

(1) the dependent of the member was receiving treatment for the special health care need before the call or order to active duty of the member; and

(2) the call or order to active duty would result in an interruption in treatment or a change in health care provider for such treatment.

SEC. 709. JOINT PATHOLOGY CENTER.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Joint Pathology Center located on the National Naval Medical Center in Bethesda, Maryland, that shall function as the reference center in pathology for the Department of Defense.

(b) SERVICES.—The Joint Pathology Center shall provide, at a minimum, the following services:

(1) Diagnostic pathology consultation in medicine, dentistry, and veterinary sciences.

(2) Pathology education, to include graduate medical education, including residency and fellowship programs, and continuing medical education.

(3) Diagnostic pathology research.

SEC. 710. REPORT ON TRAINING IN PRESERVATION OF REMAINS UNDER COMBAT OR COMBAT-RELATED CONDITIONS.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the requirements of section 567 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2224; 10 U.S.C. 1481 note).

(b) MATTERS COVERED.—The report shall include a detailed description of the implementation of such section, including—

(1) where the training program is taking place;

(2) who is providing the training;

(3) the number of each type of military health care professional trained to date; and

(4) what the training covers.

(c) DEADLINE.—The report required by this section shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 711. PRE- AND POST-DEPLOYMENT ASSESSMENTS FOR THE PURPOSE OF DETERMINING THE COGNITIVE FUNCTIONING AND BRAIN HEALTH OF DEPLOYED MEMBERS OF THE ARMED FORCES.

(a) ESTABLISHMENT.—The Secretary of Defense, in collaboration with the Secretaries of the military departments, shall establish a computer-based program that assesses the cognitive functioning, in a pre- and post-deployment environment, of all members of the armed forces who are deployed in support of the Global War on Terror, including Operation Iraqi Freedom and Operation Enduring Freedom.

(b) MINIMUM PROTOCOL REQUIREMENTS.—

(1) IN GENERAL.—The program required by subsection (a) shall include—

(A) administration of computer-based neurocognitive assessments;

(B) pre-deployment assessments to establish a neurocognitive baseline for members of the Armed Forces for future treatment;

(C) a tool to assess mood states associated with post-traumatic stress syndrome; and

(D) a standardized battery of tests to assess traumatic brain injury.

(c) ASSESSMENTS.—

(1) FREQUENCY.—The predeployment assessment to baseline neurocognitive functioning shall be administered within 90 days prior to deployment. The post-deployment assessment shall be administered within 45 days of return from theater.

(2) REQUIREMENTS OF ASSESSMENT.—The computer-based neurocognitive assessments required by subsection (a) shall include the capability to be archived and stored on Department of Defense-based servers for future medical use.

(d) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of this section.

SEC. 712. GUARANTEED FUNDING FOR WALTER REED ARMY MEDICAL CENTER.

The amount of funds available for the commander of Walter Reed Army Medical Center for a fiscal year shall be not less than the amount expended by the commander of Walter Reed Army Medical Center in fiscal year 2006 until the first fiscal year beginning after the date on which the Secretary of Defense certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that the expanded facilities at the National Naval Medical Center, Bethesda, Maryland, and DeWitt Army Community Hospital, Fort Belvoir, Virginia, as described in section 304(a), are completed, equipped, and staffed with sufficient capacity to accept and provide at least the same level of care as patients received at Walter Reed Army Medical Center during fiscal year 2006.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Definition of commercial services.
Sec. 802. Acquisition workforce provisions.
Sec. 803. Guidance on defense procurements made through contracts of other agencies.
Sec. 804. Prohibition on procurement from beneficiaries of foreign subsidies.
Sec. 805. Prohibition on procurement from companies in violation of the Iran and Syria Nonproliferation Act.
Sec. 806. Lead systems integrators.
Sec. 807. Procurement goal for Native Hawaiian-serving institutions and Alaska Native-serving institutions.
Sec. 808. Reinvestment in domestic sources of strategic materials.
Sec. 809. Clarification of the protection of strategic materials critical to national security.
Sec. 810. Debarment of contractors convicted of criminal violations of the Arms Export Control Act.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Change to the Truth in Negotiations Act exception for the acquisition of a commercial item.
Sec. 812. Clarification of submission of cost or pricing data on noncommercial modifications of commercial items.
Sec. 813. Plan for restricting Government-unique contract clauses on commercial contracts.
Sec. 814. Extension of authority for use of simplified acquisition procedures for certain commercial items.
Sec. 815. Extension of authority to fill shortage category positions for certain federal acquisition positions.

Sec. 816. Extension of authority to carry out certain prototype projects.
Sec. 817. Clarification of limited acquisition authority for special operations command.
Sec. 818. Exemption of special operations command from certain requirements for contracts relating to vessels, aircraft, and combat vehicles.
Sec. 819. Provision of authority to maintain equipment to unified combatant command for joint warfighting.
Sec. 820. Market research.

Subtitle C—Accountability in Contracting

Sec. 821. Limitation on length of noncompetitive contracts.
Sec. 822. Maximizing fixed-price procurement contracts.
Sec. 823. Public disclosure of justification and approval documents for noncompetitive contracts.
Sec. 824. Disclosure of Government contractor audit findings.
Sec. 825. Study of acquisition workforce.
Sec. 826. Report to Congress.

Subtitle D—Contracts Relating to Iraq and Afghanistan

Sec. 831. Memorandum of understanding on matters relating to contracting.
Sec. 832. Comptroller General reviews and reports on contracting in Iraq and Afghanistan.
Sec. 833. Definitions.
Sec. 834. Competition for equipment supplied to Iraq and Afghanistan.

Subtitle E—Other Matters

Sec. 841. Rapid Commercial Information Technology Identification Demonstration Project.
Sec. 842. Report to Congress required on delays in major phases of acquisition process for major automated information system programs.
Sec. 843. Requirement for licensing of certain military designations and likenesses of weapons systems to toy and hobby manufacturers.
Sec. 844. Change in grounds for waiver of limitation on service contract to acquire military flight simulator.
Sec. 845. Evaluation of cost of compliance with requirement to buy certain articles from American sources.
Sec. 846. Requirements relating to waivers of certain domestic source limitations.
Sec. 847. Multiple cost threshold breaches.
Sec. 848. Phone cards.
Sec. 849. Jurisdiction under Contract Disputes Act of 1978 over claims, disputes, and appeals arising out of maritime contracts.
Sec. 850. Clarification of jurisdiction of the United States district courts to hear bid protest disputes involving maritime contracts.

Subtitle A—Acquisition Policy and Management

SEC. 801. DEFINITION OF COMMERCIAL SERVICES.

(a) Commercial Item Regulations to Be Used Only for Commercial Services Meeting Statutory Definition.—The Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation to ensure that only commercial services as defined in section 4(12)(F) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(F)) are procured under procedures set forth in Part 12 of the Federal Acquisition Regulation. In carrying out the revision, the Administrator shall remove the words "of a type" from the definition of commercial services to be procured under such Part 12.

(b) Requirement to Analyze Two Options for Procurement of Services Similar to Commercial Services.—The Administrator for Federal Procurement Policy shall analyze the two options described in subsection (c) to determine which regulations would be in the best interest of the Government for the procurement of services similar to commercial services. After completing the analysis, the Administrator shall revise the Federal Acquisition Regulation to include the option that the Administrator has determined to be in the best interest of the Government.

(c) Options for Analysis.—The two options are as follows:

(1) Option 1.—Part 12 of the Federal Acquisition, relating to acquisition of commercial items, with the following additional provisions:

(A) Subject to subparagraph (B), the contracting officer may request the following information from the offeror:

(i) Prices paid for the same or similar commercial items under comparable terms and conditions by both government and commercial customers.

(ii) Information regarding price or cost that may support the price offered, such as wages, subcontracts, or material costs.

(iii) Such other information as the Administrator considers appropriate.

(B) The contracting officer should not request more information than is necessary to determine that an offered price is reasonable.

(2) Option 2.—Part 15 of the Federal Acquisition Regulation, relating to contracting by negotiation, as in effect on the date of the enactment of this Act.

SEC. 802. ACQUISITION WORKFORCE PROVISIONS.

(a) Repeal of Sunset of Acquisition Workforce Training Fund.—Section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is amended by striking subparagraph (H).

(b) Requirement for Section on Acquisition Workforce in Strategic Human Capital Plan.—

(1) In general.—In the update of the strategic human capital plan for 2008, and in each subsequent update, the Secretary of Defense shall include a separate section focused on the defense acquisition workforce, including both military and civilian personnel.

(2) Funding.—The section shall contain—

(A) an identification of the funding programmed for acquisition workforce training in the future years defense program;

(B) a determination by the Secretary of whether such funding is adequate; and

(C) an evaluation of how such funding can be protected from being diverted to other uses.

(3) Areas of need.—The section also shall identify any areas of need in the acquisition workforce, including—

(A) changes to the types of skills needed in the acquisition workforce;

(B) incentives to retain in the acquisition workforce qualified, experienced acquisition workforce personnel; and

(C) incentives for attracting new, high-quality personnel to the acquisition workforce.

(c) Strategic Human Capital Plan Defined.—In this section, the term "strategic human capital plan" means the strategic human capital plan required under section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3452; 10 U.S.C. prec. 1580 note).

SEC. 803. GUIDANCE ON DEFENSE PROCUREMENTS MADE THROUGH CONTRACTS OF OTHER AGENCIES.

(a) Guidance.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall issue guidance on the use of interagency contracting by the Department of Defense.

(b) Matters Covered.—The guidance shall include, at a minimum, the following provisions:

(1) Items unique to the Department of Defense may not be acquired by interagency contracting.

(2) Acquisition officials should make a good faith effort, including through the conduct of market research, if appropriate, to identify whether an item considered for interagency contracting is already being provided under a contract awarded by the Department of Defense.

(3) Acquisition officials shall ensure that, with respect to the outside agency involved in any procurement through interagency contracting, any requirements related to the procurement that are specific to the Department of Defense shall be identified and communicated to the agency, including relevant requirements of the following:

(A) The Federal Acquisition Regulation.

(B) The Department of Defense Supplement to the Federal Acquisition Regulation.

(C) Appropriations laws.

(D) Provisions in law or regulation that are unique to defense procurement and that apply to the specific contract under consideration, but that may not be included under subparagraph (A), (B), or (C).

(c) Definitions.—In this section:

(1) Interagency contracting.—The term "interagency contracting" means the procurement of goods or services (under section 1535 of title 31, United States Code) through a contract entered into by an agency outside the Department of Defense.

(2) Acquisition official.—The term "acquisition official" means—

(A) in the case of a direct acquisition, the contracting officer for the acquisition; and

(B) in the case of an assisted acquisition, the program manager coordinating the acquisition for the Department of Defense.

(3) Direct acquisition.—The term "direct acquisition" means the type of interagency contracting through which the Department of Defense orders an item or service from a government-wide acquisition contract maintained by an agency outside the Department.

(4) Assisted acquisition.—The term "assisted acquisition" means the type of interagency contracting through which an agency outside the Department of Defense awards a contract for the procurement of goods or services.

SEC. 804. PROHIBITION ON PROCUREMENT FROM BENEFICIARIES OF FOREIGN SUBSIDIES.

(a) Prohibition.—The Secretary of Defense may not enter into a contract for the procurement of goods or services from any foreign person to which the government of a foreign country that is a member of the World Trade Organization has provided a subsidy if—

(1) the United States has requested consultations with that foreign country under the Agreement on Subsidies and Countervailing Measures on the basis that the subsidy is a prohibited subsidy under that Agreement; and

(2) either—

(A) the issue before the World Trade Organization has not been resolved; or

(B) the World Trade Organization has ruled that the subsidy provided by the foreign country is a prohibited subsidy under the Agreement on Subsidies and Countervailing Measures.

(b) Joint Ventures.—The prohibition under subsection (a) with respect to a foreign person also applies to any joint venture, cooperative organization, partnership, or contracting team of which that foreign person is a member.

(c) Subcontracts and Task Orders.—The prohibition under subsection (a) with respect to a contract also applies to any subcontracts at any tier entered into under the contract and *any task orders at any tier issued under the contract.*

(d) Definitions.—In this section:

(1) The term "Agreement on Subsidies and Countervailing Measures" means the agreement described in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3501(d)(12)).

(2) The term "foreign person" means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, or other nongovernmental entity which is not a United States person.

(3) The term "United States person" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.

(e) Applicability.—

(1) Programs with milestone b approval not covered.—The prohibition under subsection (a) shall not apply to any contract under a major defense acquisition program that has received Milestone B approval as of the date of the enactment of this Act.

(2) Definitions.—In this subsection:

(A) The term "major defense acquisition program" means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of title 10, United States Code.

(B) The term "Milestone B approval" has the meaning provided that term in section 2366(e)(7) of such title.

SEC. 805. PROHIBITION ON PROCUREMENT FROM COMPANIES IN VIOLATION OF THE IRAN AND SYRIA NONPROLIFERATION ACT.

(a) Prohibition.—Except as provided in subsection (c), funds appropriated or otherwise available to the Department of Defense may not be used for the procurement of goods or services from a source subject to sanctions for violations of the Iran and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note) or from any source that is owned or controlled by a sanctioned entity.

(b) Contracts Covered.—This section applies to prime contracts and subcontracts at any tier under such contracts.

(c) Exception.—

(1) In general.—Subsection (a) does not apply in any case in which the Secretary of Defense determines that there is a compelling reason to solicit an offer from, award a contract or subcontract to, or extend a contract or subcontract with a source described in that subsection. The exception in the preceding sentence may not be used if the same or reasonably equivalent products or services are available from a non-sanctioned source.

(2) Notice to congress.—The Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a notice of any determination made under paragraph (1) at the time of the determination.

SEC. 806. LEAD SYSTEMS INTEGRATORS.

(a) Prohibition on the Use of Lead Systems Integrators.—The Department of Defense may not award any new contracts for lead systems integrator functions in the acquisition of major systems, effective October 1, 2011.

(b) Plan for Acquisition Workforce.—

(1) Requirement.—The Secretary of Defense shall develop a plan for establishing the appropriate size of the acquisition workforce to accomplish inherently governmental functions related to acquisition of major weapons systems. In developing the plan, the Secretary shall, at a minimum—

(A) identify the positions and skills, due to their inherently governmental nature, that should be supplied by Department of Defense personnel versus contractor personnel;

(B) identify the gaps in skills that exist within the current defense workforce;

(C) create a plan for closing such skill gaps;

(D) create a plan for obtaining a proper match between the level of acquisition expertise within each acquisition program office and the level of risk associated with the acquisition program that the program office is expected to manage; and

(E) identify the additional personnel or hiring authorities that may be required on an interim basis, until such time as the Department of Defense has sufficient government personnel to fill the positions designated as inherently governmental.

(2) Deadline.—The plan described in paragraph (1) shall be submitted to the congressional defense committees no later than October 1, 2008.

(c) Exception for Contracts for Other Management Services.—The Department of Defense may continue to award contracts for the procurement of services the primary purpose of which is to perform acquisition support functions with respect to the development or production of a major system, if the following conditions are met:

(1) The contractor may not perform inherently governmental functions, as may be prescribed by the Secretary of Defense, including—

(A) determining courses of action to be taken in the best interest of the government; and

(B) determining best technical performance for the warfighter; and

(2) a prime contractor for such a contract may not award a subcontract to an entity owned in whole or in part by the prime contractor.

(d) Definitions.—In this section:

(1) Lead systems integrator.—The term "lead systems integrator" means—

(A) a prime contractor for the development or production of a major system, if the prime contractor is not expected at the time of award to perform a substantial portion of the work on the system and the major subsystems; or

(B) a prime contractor under a contract for the procurement of services the primary purpose of which is to perform acquisition functions closely associated with inherently governmental functions with respect to the development or production of a major system.

(2) Major system.—The term "major system" has the meaning given such term in section 2302d of title 10, United States Code.

SEC. 807. PROCUREMENT GOAL FOR NATIVE HAWAIIAN-SERVING INSTITUTIONS AND ALASKA NATIVE-SERVING INSTITUTIONS.

Section 2323 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking "and" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(E) Native Hawaiian-serving institutions and Alaska Native-serving institutions (as defined in section 317 of the Higher Education Act of 1965).";

(2) in subsection (a)(2) by inserting after "Hispanic-serving institutions," the following: "Native Hawaiian-serving institutions and Alaska Native-serving institutions,";

(3) in subsection (c)(1), by inserting after "Hispanic-serving institutions," the following: "Native Hawaiian-serving institutions and Alaska Native-serving institutions,"; and

(4) in subsection (c)(3), by inserting after "Hispanic-serving institutions," the following: "to Native Hawaiian-serving institutions and Alaska Native -serving institutions,".

SEC. 808. REINVESTMENT IN DOMESTIC SOURCES OF STRATEGIC MATERIALS.

(a) Reinvestment Required.—

(1) Proposal evaluation criteria.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall issue guidance requiring that all Department of Defense solicitations for proposals for major systems that could contain strategic materials clearly specify that an evaluation criteria for such proposals will be the extent to which each prospective strategic material supplier demonstrates a record of sustained reinvestment in processes, infrastructure, workforce training, and facilities for domestic production of such a material, as well as a plan for continued reinvestment.

(2) Flow down required.—Guidance issued under this subsection shall require that the evaluation criteria be incorporated by reference into any solicitation for sources of strategic materials at any contractual tier.

(b) Review and Report.—

(1) Review Required.—The Strategic Materials Protection Board, established under section 187 of title 10, United States Code, shall, on an annual basis—

(A) review the number of proposals submitted for major systems that could contain strategic materials; and

(B) as part of the Board's duties under paragraph (2) and (3) of section 187(b) of such title, determine the following:

(i) The percentage of proposals that were found to be responsive to the reinvestment evaluation criteria required under subsection (a).

(ii) The percentage of responsive proposals that were awarded.

(iii) The percentage of non-responsive proposals that were awarded.

(iv) The long-term viability of strategic materials suppliers, based upon the past and future reinvestment planned by the suppliers.

(2) Inclusion in Board Report.—The Strategic Materials Protection Board shall include its findings in the next report submitted to Congress under section 187(d) of title 10, United States Code, after the date of the enactment of this Act. The Board shall include the findings of subsequent annual reviews in subsequent reports submitted under such section.

(c) Definitions.—In this section:

(1) Strategic material.—The term "strategic material" means—

(A) a material designated as critical to national security by the Strategic Materials Protection Board in accordance with the section 187 of title 10, United States Code;

(B) a specialty metal as defined by section 2533b of title 10, United States Code; or

(C) steel.

(2) Major system.—The term "major system" has the meaning provided in section 2302 of title 10, United States Code.

SEC. 809. CLARIFICATION OF THE PROTECTION OF STRATEGIC MATERIALS CRITICAL TO NATIONAL SECURITY.

(a) Definition of Required Form.—Subsection (b) of section 2533b of title 10, United States Code, is amended by striking the period at the end and inserting the following: "and the term 'required form' means mill products, such as slab, plate and sheet, in the required form necessary. The term 'required form' shall not apply to end items or to their components at any tier.".

(b) Applicability to Procurements of Commercial Items.—Subsection (h) of section 2533b of title 10, United States Code, is amended by inserting "or 35" after "This section applies to

procurements of commercial items notwithstanding section 34."

(c) REVISION OF DOMESTIC NON-AVAILABILITY DETERMINATIONS.—Any Domestic Non-Availability Determination made by the Department of Defense between December 6, 2006 and the date 60 days after the date of the enactment of this Act shall be reviewed and amended, if necessary, to comply with subsection (a) and (b).

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to contracts entered into 60 days after the date of the enactment of this Act.

SEC. 810. DEBARMENT OF CONTRACTORS CONVICTED OF CRIMINAL VIOLATIONS OF THE ARMS EXPORT CONTROL ACT.

(a) DEBARMENT.—Except as provided in subsection (b), if the Secretary of Defense determines that a contractor or prospective contractor has been convicted of a criminal violation of any provision of the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Secretary shall debar such contractor or prospective contractor from contracting with the Department of Defense for a period not to exceed 5 years, not later than 90 days after determining that the contractor has been so convicted.

(b) EXCEPTION.—

(1) IN GENERAL.—Subsection (a) does not apply in any case in which the Secretary determines that there is a compelling reason to solicit an offer from, award a contract to, extend a contract with, or approve a subcontract with such contractor or prospective contractor.

(2) PUBLIC NOTICE.—The Secretary shall transmit to the Administrator of General Services a notice of any determination made under paragraph (1) at the time of the determination. The Administrator of General Services shall maintain each such notice in a file available for public inspection.

(c) DEFINITION.—In this section, the term "debar" has the meaning given that term by section 2393(c) of title 10, United States Code.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. CHANGE TO THE TRUTH IN NEGOTIATIONS ACT EXCEPTION FOR THE ACQUISITION OF A COMMERCIAL ITEM.

Section 2306a(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) CERTAIN SOLE SOURCE PROCUREMENTS.—The exception in paragraph (1)(C) does not apply in the case of a contract, subcontract, or modification of a contract or subcontract that is for a commercial item to be procured using procedures other than competitive procedures—

"(A) if the contracting officer determines that commercial sales data are insufficient to determine a fair and reasonable price; and

"(B) if the contractor's business segment has submitted certified cost or pricing data in connection with at least one contract award or contract modification.".

SEC. 812. CLARIFICATION OF SUBMISSION OF COST OR PRICING DATA ON NONCOMMERCIAL MODIFICATIONS OF COMMERCIAL ITEMS.

(a) MEASUREMENT OF PERCENTAGE AT CONTRACT AWARD.—Section 2306a(b)(3)(A) of title 10, United States Code, is amended by inserting after "total price of the contract" the following: "(at the time of contract award)".

(b) ADJUSTMENT OF DOLLAR AMOUNT.—Section 2306a(b)(3)(A) of such title is amended by striking "$500,000" and inserting "$650,000".

SEC. 813. PLAN FOR RESTRICTING GOVERNMENT-UNIQUE CONTRACT CLAUSES ON COMMERCIAL CONTRACTS.

(a) PLAN.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop and implement a plan to minimize the number of Government-unique contract clauses used in commercial contracts by restricting the clauses to the following:

(1) Government-unique clauses authorized by law or regulation.

(2) Any additional clauses that are relevant and necessary to a specific contract.

(b) COMMERCIAL CONTRACT.—In this section:

(1) The term "commercial contract" means a contract awarded by the Federal Government for the procurement of a commercial item.

(2) The term "commercial item" has the meaning provided by section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 814. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.

Section 4202(e) of the Clinger-Cohen Act of 1996 (division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

SEC. 815. EXTENSION OF AUTHORITY TO FILL SHORTAGE CATEGORY POSITIONS FOR CERTAIN FEDERAL ACQUISITION POSITIONS.

Section 1413(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1665) is amended by striking "September 30, 2007" and inserting "September 30, 2012".

SEC. 816. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(i) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking "September 30, 2008" and inserting "September 30, 2013".

SEC. 817. CLARIFICATION OF LIMITED ACQUISITION AUTHORITY FOR SPECIAL OPERATIONS COMMAND.

Section 167(e)(4) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C)(i) The staff of the commander shall include an acquisition executive, who shall be responsible for the same functions and duties, and have the same authorities, as the service acquisition executives for the military departments.

"(ii) The staff of the commander shall include a senior procurement executive, who shall be responsible for providing management direction of the procurement system of the command, advising and assisting the commander and other officials of the combatant command to ensure that activities and missions of the command are achieved through the management of the procurement system of the command, and otherwise being responsible for the same functions and duties, and having the same authorities, as the senior procurement executive for the military departments.

"(iii) The commander of the special operations command may designate the same individual to the position of acquisition executive and the position of senior procurement executive.

"(iv) Any reference to service acquisition executive or senior procurement executive of a military department in any Federal law, Executive order, or regulation is deemed to include the acquisition executive or senior procurement executive of the special operations command unless such law, order, or regulation explicitly excludes such positions by reference to this section.".

SEC. 818. EXEMPTION OF SPECIAL OPERATIONS COMMAND FROM CERTAIN REQUIREMENTS FOR CONTRACTS RELATING TO VESSELS, AIRCRAFT, AND COMBAT VEHICLES.

Subsection (e) of section 167 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) The commander of the command, in carrying out his functions under this subsection, may carry out such functions with respect to a contract covered by section 2401 of this title without regard to subsection (b) of that section if—

"(A) the contract is for a term of not more than 5 years (including all options to renew or extend the contract); and

"(B) funds are available and obligated for the full cost of the contract (including termination costs) on or before the date the contract is awarded.".

SEC. 819. PROVISION OF AUTHORITY TO MAINTAIN EQUIPMENT TO UNIFIED COMBATANT COMMAND FOR JOINT WARFIGHTING.

Section 167a of title 10, United States Code, is amended—

(1) in subsection (a), by striking "and acquire" and inserting ", acquire, and maintain";

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following new subsection:

"(f) LIMITATION ON AUTHORITY TO MAINTAIN EQUIPMENT.—The authority delegated under subsection (a) to maintain equipment is subject to the availability of funds authorized and appropriated specifically for that purpose.".

SEC. 820. MARKET RESEARCH.

(a) MARKET RESEARCH.—Subsection (c) of section 2377 of title 10, United States Code, is amended as follows:

(1) The subsection heading is amended by striking "PRELIMINARY".

(2) Paragraph (1) is amended—

(A) by striking "research appropriate to the circumstances—" and inserting "research—";

(B) by striking "and" at the end of subparagraph (A);

(C) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(D) by adding at the end the following:

"(C) before awarding a task order in excess of the simplified acquisition threshold.".

(3) The subsection is amended by adding at the end the following new paragraphs:

"(4) The Secretary of Defense shall ensure that market research under this subsection includes use of an appropriately tailored search engine to access the world wide web in order to identify readily available capabilities in the commercial market place.

"(5) For programs with a value in excess of $1,000,000, the contracting officer must certify that market research was performed before award of the contract or task order.".

(b) EVALUATION OF CERTAIN INCENTIVES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall evaluate options for preferences or economic incentives for contractors that maximize the use of readily available and proven capabilities in the commercial market place.

Subtitle C—Accountability in Contracting

SEC. 821. LIMITATION ON LENGTH OF NONCOMPETITIVE CONTRACTS.

(a) REVISION OF FAR.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to restrict the contract period of any contract described in subsection (c) to the minimum contract period necessary—

(1) to meet the urgent and compelling requirements of the work to be performed under the contract; and

(2) to enter into another contract for the required goods or services through the use of competitive procedures.

(b) CONTRACT PERIOD.—The regulations promulgated under subsection (a) shall require the contract period to not exceed one year, unless the head of the executive agency concerned determines that the Government would be seriously injured by the limitation on the contract period.

(c) COVERED CONTRACTS.—This section applies to any contract in an amount greater than $1,000,000 entered into by an executive agency using procedures other than competitive procedures pursuant to the exception provided in section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or section 2304(c)(2) of title 10, United States Code.

(d) DEFINITIONS.—In this section:

(1) The term "executive agency" has the meaning provided in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(2) The term "head of the executive agency" means the head of an executive agency except that, in the case of the Department of Defense, the term means—

(A) in the case of a military department, the Secretary of the military department;

(B) in the case of a Defense Agency, the head of the Defense Agency; and

(C) in the case of any part of the Department of Defense other than a military department or Defense Agency, the Under Secretary of Defense for Acquisition, Technology, and Logistics.

SEC. 822. MAXIMIZING FIXED-PRICE PROCUREMENT CONTRACTS.

(a) PLANS REQUIRED.—Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop and implement a plan to maximize, to the fullest extent practicable, the use of fixed-price type contracts for the procurement of goods and services by the agency or department concerned. The plan shall contain measurable goals and shall be completed and submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives, with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) REQUIREMENT LIMITED TO CERTAIN AGENCIES.—The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least $1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

SEC. 823. PUBLIC DISCLOSURE OF JUSTIFICATION AND APPROVAL DOCUMENTS FOR NONCOMPETITIVE CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—

(1) IN GENERAL.—Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended by adding at the end the following new subsection:

"(j)(1)(A) Except as provided in subparagraph (B), in the case of a procurement permitted by subsection (c), the head of an executive agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

"(B) In the case of a procurement permitted by subsection (c)(2), subparagraph (A) shall be applied by substituting '30 days' for '14 days'.

"(2) The documents shall be made available on the website of the agency and through the Federal Procurement Data System.

"(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.".

(2) CONFORMING AMENDMENT.—Section 303(f) of such Act is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(b) DEFENSE AGENCY CONTRACTS.—

(1) IN GENERAL.—Section 2304 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(l)(1)(A) Except as provided in subparagraph (B), in the case of a procurement permitted by subsection (c), the head of an agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

"(B) In the case of a procurement permitted by subsection (c)(2), subparagraph (A) shall be applied by substituting '30 days' for '14 days'.

"(2) The documents shall be made available on the website of the agency and through the Federal Procurement Data System.

"(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5.".

(2) CONFORMING AMENDMENT.—Section 2304(f) of such title is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

SEC. 824. DISCLOSURE OF GOVERNMENT CONTRACTOR AUDIT FINDINGS.

(a) QUARTERLY REPORT TO CONGRESS.—

(1) REQUIREMENT.—The head of each Federal agency or department or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall submit to the chairman and ranking member of each committee specified in paragraph (2) on a quarterly basis a report that includes the following:

(A) A list of completed audits performed by such agency or department issued during the applicable quarter that describe contractor costs in excess of $10,000,000 that have been identified as unjustified, unsupported, questioned, or unreasonable under any contract, task or delivery order, or subcontract.

(B) The specific amounts of costs identified as unjustified, unsupported, questioned, or unreasonable and the percentage of their total value of the contract, task or delivery order, or subcontract.

(C) A list of completed audits performed by such agency or department issued during the applicable quarter that identify material deficiencies in the performance of any contractor or in any business system of any contractor under any contract, task or delivery order, or subcontract.

(2) COMMITTEES.—The report described in paragraph (1) shall be submitted to—

(A) the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committees on Appropriations of the House of Representatives and the Senate;

(D) in the case of reports from the Department of Defense or the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives; and

(E) the committees of primary jurisdiction over the agency or department submitting the report.

(3) EXCEPTION.—Paragraph (1) shall not apply to an agency or department with respect to a calendar quarter if no audits described in paragraph (1) were issued during that quarter.

(b) SUBMISSION OF INDIVIDUAL AUDITS.—

(1) REQUIREMENT.—The head of each Federal agency or department shall provide, within 14 days after a request in writing by the chairman or ranking member of any committee listed in paragraph (2), a full and unredacted copy of any audit described in subsection (a)(1). Such copy shall include an identification of information in the audit exempt from public disclosure under section 552(b) of title 5, United States Code.

(2) COMMITTEES.—The committees listed in this paragraph are the following:

(A) The Committee on Oversight and Government Reform of the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate.

(C) The Committees on Appropriations of the House of Representatives and the Senate.

(D) In the case of the Department of Defense or the Department of Energy, the Committees on Armed Services of the Senate and House of Representatives.

(E) The committees of primary jurisdiction over the agency or department to which the request is made.

SEC. 825. STUDY OF ACQUISITION WORKFORCE.

(a) REQUIREMENT FOR STUDY.—The Administrator for Federal Procurement Policy shall conduct a study of the composition, scope, and functions of the Government-wide acquisition workforce and develop a comprehensive definition of, and method of measuring the size of, such workforce.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the relevant congressional committees a report on the results of the study required by subsection (a), with such findings and recommendations as the Administrator determines appropriate.

SEC. 826. REPORT TO CONGRESS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Government Ethics shall submit a report to Congress that contains the Director's recommendations on requiring Government contractors that advise one or more Federal agencies on procurement policy, and requiring federally funded research and development centers, to comply with restrictions relating to personal financial interests, such as those that apply to Federal employees.

(b) DEFINITION.—In this section:

(1) GOVERNMENT CONTRACTOR.—The term "Government contractor" means any person (other than a Federal agency) with which a Federal agency has entered into a contract to acquire goods or services.

(2) FEDERAL AGENCY.—The term "Federal agency" means—

(A) any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation; and

(B) any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the Architect's direction).

(3) FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—The term "federally funded

research and development center" means a federally funded research and development center as identified by the National Science Foundation in accordance with the Federal Acquisition Regulation.

Subtitle D—Contracts Relating to Iraq and Afghanistan

SEC. 831. MEMORANDUM OF UNDERSTANDING ON MATTERS RELATING TO CONTRACTING.

(a) MEMORANDUM OF UNDERSTANDING REQUIRED.—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall enter into a memorandum of understanding regarding matters relating to contracting for contracts in Iraq or Afghanistan.

(b) RESTRICTIONS ON CONTRACTING UNTIL MEMORANDUM SIGNED.—

(1) RESTRICTION.—Except as provided in paragraph (2), on and after January 1, 2008, no contracts in Iraq or Afghanistan may be awarded by the Department of Defense, the Department of State, or the United States Agency for International Development (A) unless the memorandum required by subsection (a) has been signed by the Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development, respectively; and (B) the department or agency concerned has initiated use of the common database identified in such memorandum to track contracts in Iraq or Afghanistan.

(2) WAIVER.—

(A) The restriction in paragraph (1) may be waived by the President for a period of 30 days if the President submits to the relevant committees of Congress a notification of the waiver and the reasons for the waiver at least 15 days before issuing the waiver.

(B) Such waiver may be renewed for any number of additional 30-day periods if the President submits to the relevant committees of Congress a notification of the renewal of the waiver and the reasons for renewing the waiver at least 15 days before issuing the renewal of the waiver.

(c) MATTERS COVERED.—The memorandum of understanding required by subsection (a) shall address, at a minimum, the following:

(1) Identification of the major categories of contracts in Iraq or Afghanistan being awarded by the Department of Defense, the Department of State, or the United States Agency for International Development.

(2) Identification of the roles and responsibilities of each department or agency for matters relating to contracting for contracts in Iraq or Afghanistan.

(3) Responsibility for authorizing the carrying of weapons in performance of such contracts.

(4) Responsibility for establishing minimum qualifications, including background checks, for personnel carrying weapons in performance of such contracts.

(5) Responsibility for setting rules of engagement for personnel carrying weapons in performance of such contracts.

(6) Responsibility for establishing procedures for, and the coordination of, movement of contractor personnel in Iraq or Afghanistan.

(7) Identification of a common database that will serve as a repository of information on all contracts in Iraq or Afghanistan, and agreement on the elements to be included in the database, including, at a minimum, with respect to each contract—

(A) a brief description of the contract;

(B) the value of the contract;

(C) the amount of cost ascribed to overhead for the contract;

(D) the amount of cost ascribed to security for the contract;

(E) the total number of personnel employed on the contract; and

(F) the total number of personnel employed on the contract who provide security in Iraq or Afghanistan.

(8) Responsibility for maintaining and updating information in the common database identified under paragraph (7).

(9) Responsibility for the collection and referral to the appropriate Government agency of any information relating to offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), or chapter 212 of title 18, United States Code (commonly referred to as the Military Extraterritorial Jurisdiction Act).

(d) COPIES PROVIDED TO CONGRESS.—Copies of the memorandum of understanding required by subsection (a) shall be provided to the relevant committees of Congress within 30 days after the memorandum is signed.

SEC. 832. COMPTROLLER GENERAL REVIEWS AND REPORTS ON CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) REVIEWS AND REPORTS REQUIRED.—

(1) IN GENERAL.—Every six months, the Comptroller General shall review contracts in Iraq or Afghanistan and submit to the relevant committees of Congress a report on such review.

(2) MATTERS COVERED.—A report under this subsection shall cover the following with respect to the contracts in Iraq or Afghanistan reviewed for the report:

(A) Total number of contracts awarded during the period covered by the report.

(B) Total number of active contracts.

(C) Total value of all contracts awarded during the reporting period.

(D) Total value of active contracts.

(E) Total number of contractor personnel working on contracts during the reporting period.

(F) Total number of contractor personnel who have provided security in Iraq or Afghanistan for contracts during the reporting period.

(G) Categories of activities undertaken in reviewed contracts.

(H) The extent to which such contracts have used competitive procedures.

(I) The extent to which such contracts have achieved the initial scope of requirements included in the contracts.

(J) The effect of costs for security on such contracts and whether contracting for security on such contracts rather than government-provided security is more effective, efficient, and consistent with the United States policy goals.

(K) Information on any specific contract or class of contracts that the Comptroller General determines raises issues of significant concern.

(3) SUBMISSION OF REPORTS.—The Comptroller General shall submit an initial report under this subsection not later than March 1, 2008, and shall submit an updated report every six months thereafter until March 1, 2010.

(b) ACCESS TO DATABASE ON CONTRACTS.—The Secretary of Defense and the Secretary of State shall provide full access to the database described in section 831(c)(7) to the Comptroller General for purposes of the reviews carried out under this section.

SEC. 833. DEFINITIONS.

In this subtitle:

(1) MATTERS RELATING TO CONTRACTING.—The term "matters relating to contracting", with respect to contracts in Iraq and Afghanistan, means all matters relating to awarding, funding, managing, tracking, monitoring, and providing oversight to contracts and contractor personnel.

(2) CONTRACTS IN IRAQ OR AFGHANISTAN.—The term "contracts in Iraq and Afghanistan" means a contract with the Department of Defense, the Department of State, or the United States Agency for International Development, a subcontract at any tier issued under such a contract, or a task order at any tier issued under such a contract (including a contract, subcontract, or task order issued by another Government agency for the Department of Defense, the Department of State, or the United States Agency for International Development), if the contract, subcontract, or task order involves worked performed in Iraq or Afghanistan for a period longer than 14 days.

(3) RELEVANT COMMITTEES OF CONGRESS.—The term "relevant committees of Congress" means each of the following committees:

(A) The Committees on Armed Services of the Senate and the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(C) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 834. COMPETITION FOR EQUIPMENT SUPPLIED TO IRAQ AND AFGHANISTAN.

(a) COMPETITION REQUIREMENT.—For the procurement of pistols and other weapons described in subsection (b), the Secretary of Defense shall ensure, consistent with the provisions of section 2304 of title 10, United States Code, that—

(1) full and open competition is obtained to the maximum extent practicable;

(2) no responsible United States manufacturer is excluded from competing for such procurements; and

(3) products manufactured in the United States are not excluded from the competition.

(b) PROCUREMENTS COVERED.—This section applies to the procurement of the following:

(1) Pistols and other weapons less than 0.50 caliber for assistance to the Army of Iraq, the Iraqi Police Forces, and other Iraqi security organizations.

(2) Pistols and other weapons less than 0.50 caliber for assistance to the Army of Afghanistan, the Afghani Police Forces, and other Afghani security organizations.

Subtitle E—Other Matters

SEC. 841. RAPID COMMERCIAL INFORMATION TECHNOLOGY IDENTIFICATION DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Networks and Information Integration, shall establish a demonstration project to develop, implement, and assess the effectiveness of a comprehensive approach to identifying, assessing, stimulating investment in, rapidly acquiring, and coordinating the use of commercial information technologies (with an emphasis on commercial off-the-shelf information technologies). The demonstration project shall be known as the "Rapid Commercial Information Technology Identification Demonstration Pilot."

(b) MATTERS COVERED.—The demonstration project shall include the following:

(1) Developing a process to rapidly assess and set priorities for significant needs of the Department of Defense that could be met by commercial information technology, including a process for—

(A) aligning needs with the requirements of the combatant commanders; and

(B) evaluating commercial products of interest against those needs.

(2) Providing for the hiring and support of employees (including the ability to request detailees from other military or Federal organizations) who can identify and assess promising commercial information technologies and serve as intermediaries to the Department.

(3) Enhancing internal Department data and communications about promising or existing commercial information technology or federally funded information technologies projects.

(4) Identifying key commercial information technologies and using existing mechanisms to make them available to the Armed Forces.

(5) Developing and operating a suitable Web portal or other significant virtual environment to facilitate communications with industry.

(6) Providing for acquisition guides for small information technology companies with promising technologies, to help them understand and navigate the funding and acquisition processes of the Department of Defense.

(7) Developing methods to measure program performance and collecting data on an ongoing basis to assess the effects of the process being used by the demonstration program.

(c) Period of Demonstration Project.—The demonstration project shall be conducted for a period of three years.

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Defense $10,000,000 for fiscal year 2008 to carry out the demonstration project under this section, to be derived from amounts provided in section 201(4) for research, development, test, and evaluation, Defense-wide activities.

(e) Report to Congress.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the demonstration project required under this section.

SEC. 842. REPORT TO CONGRESS REQUIRED ON DELAYS IN MAJOR PHASES OF ACQUISITION PROCESS FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) Report Required for Certain Delays.—In the case of any major automated information system program, if there is a delay in meeting any deadline for a phase of the acquisition process for the program specified in subsection (b), the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall submit to the congressional defense committees a report on the delay. The report shall be submitted not later than 30 days after the delay occurs.

(b) Deadlines.—The deadlines for a phase of the acquisition process referred to in subsection (a) are the following:

(1) With respect to approval of any analysis of alternatives, within one year from the date each analysis began.

(2) With respect to achieving Milestone B in accordance with section 2366a of title 10, United States Code, within 18 months after the date of Milestone A approval.

(3) With respect to completion of any capability development document, within six months from the time of determined need to the time of approval.

(c) Matters Covered by Report.—The report required by subsection (a)—

(1) shall set forth the reason or reasons the Department of Defense was unable to complete the delayed process or processes on time; and

(2) shall include a written certification with a supporting explanation stating that—

(A) the program is necessary for the efficient management of the Department; and

(B) the most current estimates of the costs, schedule, and performance parameters with respect to the program and system are reasonable; and the management structure for the program is adequate to manage and control program costs.

SEC. 843. REQUIREMENT FOR LICENSING OF CERTAIN MILITARY DESIGNATIONS AND LIKENESSES OF WEAPONS SYSTEMS TO TOY AND HOBBY MANUFACTURERS.

(a) Requirement to License Certain Items.—Section 2260 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by adding after subsection (b) the following new subsection:

"(c) Required Licenses.—(1) The Secretary concerned shall license trademarks, service marks, certification marks, and collective marks relating to military designations and likenesses of military weapons systems to any qualifying company upon receipt of a request from the company.

"(2) For purposes of paragraph (1), a qualifying company is any United States company that is a small business concern and that—

"(A) is a toy or hobby manufacturer, distributor, or merchant; and

"(B) is determined by the Secretary concerned to be qualified in accordance with such criteria as may be prescribed by the Secretary of Defense.

"(3) The fee for a license under this subsection shall be determined under regulations prescribed by the Secretary of Defense. Any such fee shall be nominal and shall be an amount not less than an amount needed to recover all costs of the Department of Defense in processing the request for the license and supplying the license.

"(4) A license under this subsection shall not be an exclusive license.".

(b) Effective Date.—The Secretary of Defense shall prescribe regulations to implement the amendment made by this section not later than 180 days after the date of the enactment of this Act.

SEC. 844. CHANGE IN GROUNDS FOR WAIVER OF LIMITATION ON SERVICE CONTRACT TO ACQUIRE MILITARY FLIGHT SIMULATOR.

Section 832(b)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2331) is amended by striking "necessary for national security purposes" and inserting "in the national interest".

SEC. 845. EVALUATION OF COST OF COMPLIANCE WITH REQUIREMENT TO BUY CERTAIN ARTICLES FROM AMERICAN SOURCES.

(a) Exclusion From Price or Cost Comparison .—For all Department of Defense prime contract awards and subcontract awards at any tier, in the event that a price or cost comparison is made as part of an evaluation of offers for goods or services provided by a United States firm and by a foreign source benefitting from the exception provided in section 2533a(e)(1)(B) or 2533b(d)(1)(B) of title 10, United States Code, the cost of compliance described in subsection (c) shall not be considered in such an evaluation.

(b) Inclusion in Evaluation of Offers.—The cost of compliance shall be considered in the evaluation of offers provided by United States firms and by foreign sources submitting compliant offers.

(c) Cost of Compliance.—The cost of compliance described in this subsection is the cost of compliance for a United States firm to procure items grown, reprocessed, reused, or produced in the United States, in accordance with section 2533a of title 10, United States Code, or to procure specialty metals melted or produced in the United States, in accordance with section 2533b of such title 10.

SEC. 846. REQUIREMENTS RELATING TO WAIVERS OF CERTAIN DOMESTIC SOURCE LIMITATIONS.

(a) Multi-Contract and Class Waivers.—A domestic non-availability determination pursuant to section 2533b(b) of title 10, United States Code, that would apply to more than one prime contract of the Department of Defense shall be made only if the determination—

(1) has been proposed and finalized under a formal rulemaking;

(2) specifies that the determination will expire 30 days after the Secretary concerned finds that the determination is no longer justified; and

(3) requires an accounting of all end items, components, or specialty metals that do not comply with the requirement in section 2533b(a) of such title.

(b) Single Contract Waivers.—In making a domestic non-availability determination pursuant to 2533b(b) of such title that applies to a single prime contract of the Department of Defense, the Secretary concerned shall ensure, after making the determination, that—

(1) the information used as justification in making the determination is made publicly available to the maximum extent practicable; and

(2) the contracting officer for the contract concerned receives an accounting of all end items, components, or specialty metals that do not comply with the requirement in section 2533b (a) of such title.

(c) Specialty Metal Defined.—In this section, the term "specialty metal" has the meaning provided in section 2533b(l) of title 10, United States Code.

(d) Effective Date.—This section shall be effective as of February 1, 2007.

SEC. 847. MULTIPLE COST THRESHOLD BREACHES.

(a) Evaluation of Cost Threshold Breaches.—Within 30 days following the end of a fiscal year, each component of the Department of Defense shall evaluate, for the preceding fiscal year—

(1) the number of acquisition programs within the component that experienced significant and critical cost threshold breaches, as defined in section 2433 of title 10, United States Code; and

(2) the number of technology development programs within the component that, prior to a Milestone B decision, required recertification by the Joint Requirements Oversight Council.

(b) Identification and Report on Systemic Deficiencies.—Within 90 days following the end of a fiscal year, each component of the Department of Defense that has identified more than two such programs under subsection (a), shall identify systemic deficiencies in its acquisition policies or practices that may have contributed to the cost growth in such programs and provide a report to the Secretary of Defense outlining corrective actions to be taken.

(c) Assessment of Corrective Actions.—Within 120 days following the end of a fiscal year, the Secretary of Defense shall provide an assessment of the adequacy of such corrective actions, along with the details of the deficiencies leading to such cost growth, to the congressional defense committees.

(d) Definition of Component.—In this section, the term "component" means a military department, a combatant command, a Defense Agency, and any part of the Office of the Secretary of Defense that manages a major defense acquisition program.

SEC. 848. PHONE CARDS.

(a) Competitive Procedures Required.—When the Secretary of Defense considers it necessary to provide morale, welfare, and recreation telephone services for military personnel serving in combat zones, he shall use competitive procedures when entering into a contract to provide those services. In evaluating contract proposals for such services, the Secretary shall require bid proposals to include options that minimize the cost of the phone services to individual users while providing individual users the flexibility of using phone cards from other than the bidding entity.

(b) Effective Date.—This section shall apply to any new contract to provide morale welfare and recreation phone services in a combat theater that is entered into after the date of enactment of this Act. With regard to the extension of

any contract to provide such services that is in existence on such date of enactment, the Secretary shall examine with the contractor whether it is possible to further reduce the cost of the services to the soldier by allowing the use of phone cards other than the contractor's. The Secretary shall submit the results of his review to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 849. JURISDICTION UNDER CONTRACT DISPUTES ACT OF 1978 OVER CLAIMS, DISPUTES, AND APPEALS ARISING OUT OF MARITIME CONTRACTS.

Section 4 of the Contract Disputes Act of 1978 (41 U.S.C. 603) is amended by striking "of maritime contracts," and all that follows through the end of the section and inserting "of maritime contracts, shall be governed exclusively by this Act."

SEC. 850. CLARIFICATION OF JURISDICTION OF THE UNITED STATES DISTRICT COURTS TO HEAR BID PROTEST DISPUTES INVOLVING MARITIME CONTRACTS.

Section 1491 of title 28, United States Code, is amended by adding at the end the following:

"(d) Jurisdiction over any actions described under subsection (b)(1) of this section arising out of a maritime contract (as that term is used in the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.)) or a proposed maritime contract shall be governed by this section, and shall not be subject to the jurisdiction of the district courts of the United States under chapter 309 of title 46, popularly known as the Suits in Admiralty Act, or chapter 311 of title 46, popularly known as the Public Vessels Act.".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Additional requirements relating to limitation on major Department of Defense headquarters activities personnel.
Sec. 902. Flexibility to adjust the number of deputy chiefs and assistant chiefs.
Sec. 903. Change in eligibility requirements for appointment to Department of Defense leadership positions.
Sec. 904. Revisions in functions and activities of special operations command.
Sec. 905. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.
Sec. 906. Management system of the Department of Defense.
Sec. 907. Acquisition parity for Special Operations Command.
Sec. 908. Department of Defense Board of Actuaries.

Subtitle B—Space Activities

Sec. 911. Space protection policy and strategy.
Sec. 912. Biennial report on management of space cadre within the Department of Defense.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Chemical demilitarization citizens advisory commissions.
Sec. 922. Sense of Congress on completion of destruction of United States chemical weapons stockpile.

Subtitle D—Intelligence-Related Matters

Sec. 931. Reports on foreign language proficiency.
Sec. 932. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.

Subtitle E—Roles and Missions Analysis

Sec. 941. Analysis and organization of roles and missions of Department of Defense.
Sec. 942. Identification of core competencies of the military departments and other entities within the Department of Defense.
Sec. 943. Review of capabilities of the military departments and other entities.
Sec. 944. Joint Requirements Oversight Council additional duties relating to core mission areas.
Sec. 945. Requirement for certification of major systems prior to technology development.
Sec. 946. Presentation of future-years mission budget by core mission area.
Sec. 947. Future capability planning by Joint Requirements Oversight Council.

Subtitle F—Other Matters

Sec. 951. Department of Defense consideration of effect of climate change on Department facilities, capabilities, and missions.
Sec. 952. Interagency policy coordination.
Sec. 953. Expansion of employment creditable under service agreements under National Security Education Program.
Sec. 954. Study of national security interagency system.

Subtitle A—Department of Defense Management

SEC. 901. ADDITIONAL REQUIREMENTS RELATING TO LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL.

Section 130a of title 10, United States Code, is amended—

(1) in subsection (c)(2), by striking "may not be changed except as provided by law." and inserting "may be changed only if the Secretary of Defense submits proposed changes to Congress with the defense budget materials. Any such submitted changes shall take effect on the January 1 following the submission."; and

(2) by adding at the end the following new subsections:

"(e) FLEXIBILITY IN ORDER TO ACHIEVE COST SAVINGS OR ELIMINATE CONTRACTS ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.—(1) If the Secretary of a military department or the commander of a combatant command certifies to the Secretary of Defense that a waiver of the limitation in subsection (a) or a reallocation among the military departments or combatant commands of the number of personnel permissible under subsection (a) either is expected to result in a cost savings or is necessary to eliminate a contract associated with an inherently governmental function (including cost savings or the elimination of a contract resulting from guidelines and procedures prescribed pursuant to section 343 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163)), the Secretary of Defense shall waive such limitation or make such reallocation to the extent necessary to achieve the cost savings or to eliminate the contract.

"(2) The Secretary of Defense shall include a report, with the defense budget materials for a fiscal year, outlining the uses of the waiver or reallocation authority provided in paragraph (1) during the preceding fiscal year, including the number of times the waiver or reallocation authority was used, the purposes for which it was used, expected cost savings, if any, and the number of personnel affected.

"(f) DEFENSE BUDGET MATERIALS.—In this section, the term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.".

SEC. 902. FLEXIBILITY TO ADJUST THE NUMBER OF DEPUTY CHIEFS AND ASSISTANT CHIEFS.

(a) ARMY.—Section 3035(b) of title 10, United States Code, is amended to read as follows:

"(b) The Secretary of the Army shall prescribe the number of Deputy Chiefs of Staff and Assistant Chiefs of Staff, for a total of not more than eight positions.".

(b) NAVY.—

(1) DEPUTY CHIEFS OF NAVAL OPERATIONS.—Section 5036(a) of title 10, United States Code, is amended—

(A) by striking "There are in the Office of the Chief of Naval Operations not more than five Deputy Chiefs of Naval Operations," and inserting "There are Deputy Chiefs of Naval Operations in the Office of the Chief of Naval Operations," ; and

(B) by adding at the end the following: "The Secretary of the Navy shall prescribe the number of Deputy Chiefs of Naval Operations under this section and Assistant Chiefs of Naval Operations under section 5037 of this title, for a total of not more than eight positions.".

(2) ASSISTANT CHIEFS OF NAVAL OPERATIONS.—Section 5037(a) of such title is amended—

(A) by striking "There are in the Office of the Chief of Naval Operations not more than three Assistant Chiefs of Naval Operations," and inserting "There are Assistant Chiefs of Naval Operations in the Office of the Chief of Naval Operations,"; and

(B) by adding at the end the following: "The Secretary of the Navy shall prescribe the number of Assistant Chiefs of Naval Operations in accordance with section 5036(a) of this title.".

(c) AIR FORCE.—Section 8035(b) of title 10, United States Code, is amended to read as follows:

"(b) The Secretary of the Air Force shall prescribe the number of Deputy Chiefs of Staff and Assistant Chiefs of Staff, for a total of not more than eight positions.".

SEC. 903. CHANGE IN ELIGIBILITY REQUIREMENTS FOR APPOINTMENT TO DEPARTMENT OF DEFENSE LEADERSHIP POSITIONS.

(a) SECRETARY OF DEFENSE.—Section 113(a) of title 10, United States Code, is amended by striking "10" and inserting "five".

(b) DEPUTY SECRETARY OF DEFENSE.—Section 132(a) of such title is amended by striking "ten" and inserting "five".

(c) UNDER SECRETARY OF DEFENSE FOR POLICY.—Section 134(a) of such title is amended by striking "10" and inserting "five".

SEC. 904. REVISIONS IN FUNCTIONS AND ACTIVITIES OF SPECIAL OPERATIONS COMMAND.

(a) ADDITIONAL PRINCIPAL FUNCTION.—Section 167(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "With the advice"; and

(2) by striking the sentence beginning with "The principal function" and inserting the following new paragraph:

"(2) The principal functions of the command are—

"(A) to prepare special operations forces to carry out assigned missions; and

"(B) if directed by the President or the Secretary of Defense, to plan, synchronize, and carry out global missions against terrorists.".

(b) REPORT REQUIREMENTS.—

(1) REPORT ON UNCONVENTIONAL WARFARE.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report containing a plan to meet the future requirements of unconventional warfare.

(2) ANNUAL REPORT ON PERSONNEL MANAGEMENT.—Not later than March 1, 2008, and not later than September 1 each year thereafter, the

Secretary of Defense shall submit to the congressional defense committees a report on the adequacy of Department of Defense personnel management programs to meet the needs of the special operations command.

(c) ADDITIONAL SPECIAL OPERATIONS ACTIVITIES.—Subsection (j) of section 167 of such title is amended to read as follows:

"(j) SPECIAL OPERATIONS ACTIVITIES.—For purposes of this section, special operations activities include each of the following insofar as it relates to special operations:

"(1) Unconventional warfare.

"(2) Counterterrorism.

"(3) Counterinsurgency.

"(4) Counterproliferation of weapons of mass destruction.

"(5) Direct action.

"(6) Strategic reconnaissance.

"(7) Foreign internal defense.

"(8) Civil-military operations.

"(9) Psychological and information operations.

"(10) Humanitarian assistance.

"(11) Theater search and rescue.

"(12) Such other activities as may be specified by the President or the Secretary of Defense.".

SEC. 905. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(b) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(1) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(2) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(c) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF "MILITARY DEPARTMENT".—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

"(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.".

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: "The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.".

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking "There is a Secretary of the Navy" and inserting "There is a Secretary of the Navy and Marine Corps".

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

"CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS".

(B) The heading of chapter 507 of such title is amended to read as follows:

"CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS".

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking "Department of the Navy" and "Secretary of the Navy" each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting "Department of the Navy and Marine Corps" and "Secretary of the Navy and Marine Corps", respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking "Assistant Secretaries of the Navy" and inserting "Assistant Secretaries of the Navy and Marine Corps".

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting "and Marine Corps" after "of the Navy", with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(d) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking "Department of the Navy" and "Secretary of the Navy" each place they appear and inserting "Department of the Navy and Marine Corps" and "Secretary of the Navy and Marine Corps", respectively.

(e) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to be a reference to that office as redesignated by that subsection.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 906. MANAGEMENT SYSTEM OF THE DEPARTMENT OF DEFENSE.

(a) DUTIES RELATING TO MANAGEMENT OF THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall assign duties relating to strategic level oversight of all significant management issues of the Department of Defense to a senior official of a rank not lower than an Under Secretary of Defense.

(b) MANAGEMENT SYSTEM.—The Secretary of Defense shall adopt a management structure for the Department of Defense, including business support areas, which shall define roles, processes, and accountability for achieving the essential management goals of the Department of Defense

(c) ESSENTIAL MANAGEMENT GOALS.—The Secretary of Defense shall establish essential management goals of the Department of Defense, including at a minimum, the following:

(1) A comprehensive business transformation plan, with measurable performance goals and objectives, to achieve an integrated management system for business support areas of the Department of Defense.

(2) A well-defined enterprise-wide business systems architecture capable of providing accurate and timely information in support of major investment decisions.

(3) Financial statements for all elements of the Department of Defense that receive clean audit opinions during independent financial audits.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of this section. Matters covered in the report shall include the following:

(1) The assignment of duties relating to management as required by subsection (a).

(2) Progress toward implementing a management structure for the Department of Defense as required by subsection (b).

(3) A description of the essential management goals of the Department of Defense established pursuant to subsection (c).

(4) A description of Department of Defense efforts to achieve its essential management goals as described pursuant to paragraph (3).

SEC. 907. ACQUISITION PARITY FOR SPECIAL OPERATIONS COMMAND.

(a) REVISION IN GUIDANCE REGARDING EXERCISE OF ACQUISITION AUTHORITY BY COMMANDERS OF COMBATANT COMMANDS.—Subparagraph (B) of section 905(b)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2353) is amended by striking "and mutually supportive of" .

(b) REVISION IN CONSULTATION REQUIREMENT.—Section 905(c) of such Act is amended by striking "and the heads of Defense agencies referred to in that subsection" and inserting the following: ", and ensure that the use of the acquisition authority by the heads of Defense Agencies referred to in that subsection is mutually supportive of acquisition programs of the military departments".

SEC. 908. DEPARTMENT OF DEFENSE BOARD OF ACTUARIES.

(a) ESTABLISHMENT.—There is established in the Department of Defense a Department of Defense Board of Actuaries (hereinafter in this section referred to as the "Board").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall consist of three members who shall be appointed by the President from among qualified professional actuaries who are members of the Society of Actuaries.

(2) TERMS.—(A) Except as provided in subparagraph (B), the members of the Board shall serve for a term of 15 years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which his predecessor was appointed shall serve only until the end of such term. A member may serve after the end of his term until his successor has taken office. A member of the Board may be removed by the President.

(B) The three current members of the Department of Defense Retirement Board of Actuaries and the Department of Defense Education Benefits Board of Actuaries shall serve the remainder of their existing terms as members of the Board pursuant to subparagraph (A).

(C) A member of the Board who is not otherwise an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of chapter 53 of title 5, United States Code, for each day the member is engaged in the performance of duties vested in the Board and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of title 5.

(c) REPORT.—The Board shall report to the Secretary of Defense annually on the actuarial status of the Department of Defense Military Retirement Fund established by section 1461 of title 10, United States Code, and the Department of Defense Education Benefits Fund established by section 2006 of title 10, and shall furnish its advice and opinion on matters referred to it by the Secretary.

(d) RECORDS.—The Secretary shall keep, or cause to be kept, such records as necessary for determining the actuarial status of the Funds.

(e) DOD EDUCATION BENEFITS FUND.—The Board shall review valuations of the Department of Defense Education Benefits Fund under section 2006(f) of title 10, United States Code, and shall recommend to the President and thereafter to Congress such changes as in the Board's judgment are appropriate and necessary to protect the public interest and maintain the Department of Defense Education Benefits Fund on a sound actuarial basis.

(f) DOD MILITARY RETIREMENT FUND.—The Board shall review valuations of the Department of Defense Military Retirement Fund under section 1465(c) of title 10, United States Code, and shall report periodically, not less than once every four years, to the President and thereafter to Congress on the status of the Department of Defense Military Retirement Fund. The Board shall include in such report recommendations for such changes as in the Board's judgment are appropriate and necessary to protect the public interest and maintain the Department of Defense Military Retirement Fund on a sound actuarial basis.

(g) REPEAL OF SUPERSEDED PROVISIONS.—(1) Section 1464 of title 10, United States Code, is repealed.

(2) Section 2006 of title 10 is amended by striking subsection (e).

(h) CONFORMING AMENDMENTS.—

(1) The table of sections at the beginning of chapter 74 of title 10, United States Code, is amended by striking the item relating to section 1464.

(2) Section 1175(h)(4) of such title is amended by striking "Retirement" the first place it appears.

(3) Section 1460(b) of such title is amended by striking "Retirement".

(4) Section 1466(c)(3) of such title is amended by striking "Retirement".

(5) Section 12521(6) of such title is amended by striking "Department of Defense Education Benefits Board of Actuaries referred to in section 2006(e)(1) of this title" and inserting "Department of Defense Board of Actuaries".

Subtitle B—Space Activities

SEC. 911. SPACE PROTECTION POLICY AND STRATEGY.

(a) POLICY.—It is the policy of the United States that the Secretary of Defense accord, after the date of the enactment of this Act, a greater priority within the Nation's space programs to the protection of national security space systems than the Secretary has accorded before the date of the enactment of this Act.

(b) STRATEGY.—The Secretary of Defense shall develop a strategy, to be known as the Space Protection Strategy, for the development and fielding by the United States of the space capabilities that are necessary to ensure freedom of action in space for the United States.

(c) MATTERS INCLUDED.—The strategy required by subsection (b) shall include each of the following:

(1) An identification of the threats to, and the vulnerabilities of, the national security space systems of the United States.

(2) A description of the systems currently contained in the program of record of the Department of Defense that provide space capabilities.

(3) For each period covered by the strategy, a description of the space capabilities that are needed for the period, and the space capabilities that are desired for the period, including—

(A) the hardware, software, and other materials or services to be developed or procured;

(B) the management and organizational changes to be achieved; and

(C) concepts of operations, tactics, techniques, and procedures to be employed.

(4) For each period covered by the strategy, an assessment of the gaps and shortfalls between the space capabilities that are needed for the period (and the space capabilities that are desired for the period) and the space capabilities currently contained in the program of record.

(5) For each period covered by the strategy, a comprehensive plan for investment in space capabilities that identifies specific program and technology investments to be made in that period.

(6) A description of the current processes by which the requirements of the Department of Defense for space systems protection are addressed in space acquisition programs and during key milestone decisions, an assessment of the adequacy of those processes, and an identification of the actions of the Department for addressing any inadequacies in those processes.

(7) A description of the current processes by which the Department of Defense program and budget for space systems protection capabilities (including capabilities that are incorporated into single programs and capabilities that span multiple programs), an assessment of the adequacy of those processes, and an identification of the actions of the Department for addressing any inadequacies in those processes.

(8) A description of the organizational and management structure of the Department of Defense for addressing policy, planning, acquisition, and operations with respect to space capabilities, a description of the roles and responsibilities of each organization, and an identification of the actions of the Department for addressing any inadequacies in that structure.

(d) PERIODS COVERED.—The strategy required by subsection (b) shall cover the following periods:

(1) Fiscal years 2008 through 2013.

(2) Fiscal years 2014 through 2019.

(3) Fiscal years 2020 through 2025.

(e) SPACE CAPABILITIES DEFINED.—In this section, the term "space capabilities" means capabilities, consistent with international law and treaties, for space situational awareness and for space systems protection.

(f) REPORT; BIENNIAL UPDATE.—

(1) REPORT.—Not later than March 15, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the strategy required by subsection (b), including each of the matters required by subsection (c).

(2) BIENNIAL UPDATE.—Not later than March 15 of each even-numbered year after 2008, the Secretary shall submit to the committees referred to in paragraph (1) an update to the report required by paragraph (1).

(3) CLASSIFICATION.—The report required by paragraph (1), and each update required by paragraph (2), shall be in unclassified form, but may include a classified annex.

(g) CONFORMING REPEAL.—Section 911 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3405; 10 U.S.C. 2271 note) is repealed.

SEC. 912. BIENNIAL REPORT ON MANAGEMENT OF SPACE CADRE WITHIN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 490. Space cadre management: biennial report

"(a) REQUIREMENT.—The Secretary of Defense and each Secretary of a military department shall develop metrics and use these metrics to identify, track, and manage space cadre personnel within the Department of Defense to ensure the Department has sufficient numbers of personnel with the expertise, training, and experience to meet current and future national security space needs.

"(b) BIENNIAL REPORT REQUIRED.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, and every even-numbered year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the management of the space cadre.

"(2) MATTERS INCLUDED.—The report required by paragraph (1) shall include—

"(A) the number of active duty, reserve duty, and government civilian space-coded billets that—

"(i) are authorized or permitted to be maintained for each military department and defense agency;

"(ii) are needed or required for each military department and defense agency for the year in which the submission of the report is required; and

"(iii) are needed or required for each military department and defense agency for each of the five years following the date of the submission of the report;

"(B) the actual number of active duty, reserve duty, and government civilian personnel that are coded or classified as space cadre personnel within the Department of Defense, including the military departments and defense agencies;

"(C) the number of personnel recruited or hired as accessions to serve in billets coded or classified as space cadre personnel for each military department and defense agency;

"(D) the number of personnel serving in billets coded or classified as space cadre personnel that discontinued serving each military department and defense agency during the preceding calendar year, categorized by rationale provided for discontinuing service;

"(E) for each of the reporting requirements in subparagraphs (A) through (D), further classification of the number of personnel by—

"(i) space operators, acquisition personnel, engineers, scientists, program managers, and other space-related areas identified by the Department;

"(ii) expertise or technical specialization area—

"(I) such as communications, missile warning, spacelift, and any other space-related specialties identified by the Department or classifications used by the Department; and

"(II) consistent with section 1721 of this title for acquisition personnel;

"(iii) rank for active duty and reserve duty personnel and grade for government civilian personnel;

"(iv) qualification, expertise, or proficiency level consistent with service and agency-defined qualification, expertise, or proficiency levels; and

"(v) any other such space-related classification categories used by the Department or military departments; and

"(F) any other metrics identified by the Department to improve the identification, tracking, training, and management of space cadre personnel.

"(3) ASSESSMENTS.—The report required by paragraph (1) shall also include the Secretary's assessment of the state of the Department's space cadre, the Secretary's assessment of the space cadres of the military departments, and a description of efforts to ensure the Department has a space cadre sufficient to meet current and future national security space needs.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"490. Space cadre management: biennial report.".

Subtitle C—Chemical Demilitarization Program

SEC. 921. CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS.

(a) FUNCTIONS.—Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended—

(1) in each of subsections (b) and (f), by striking "Assistant Secretary of the Army (Research, Development and Acquisition)" and inserting "Assistant Secretary of the Army (Acquisition, Logistics, and Technology)"; and

(2) in subsection (g), by striking "Assistant Secretary of the Army (Research, Development, and Acquisition)" and inserting "Assistant Secretary of the Army (Acquisition, Logistics, and Technoiogy)".

(b) TERMINATION.—Such section is further amended in subsection (h) by striking "after the *stockpile located in that commission's State has been destroyed" and inserting "after the closure activities required pursuant to regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) have been completed for the chemical agent destruction facility in the commission's State, or upon the request of the Governor of the commission's State, whichever occurs first".*

SEC. 922. SENSE OF CONGRESS ON COMPLETION OF DESTRUCTION OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) Findings.—Congress makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the "Chemical Weapons Convention"), originally required that destruction of the entire United States chemical weapons stockpile be completed by April 29, 2007, and then subsequently extended five years to April 29, 2012.

(2) Destroying existing chemical weapons is a homeland security imperative and an arms control priority and is required by United States law.

(3) The program met its one percent and 20 percent destruction deadlines early, and is working towards its 45 percent destruction milestone date of December 31, 2007, as extended.

(4) The mission of the Assembled Chemical Weapons Alternatives (ACWA) program, established in the Department of Defense by Congress in 1997, is to safely destroy the chemical weapons stockpiles located at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky, through the demonstration of systems employing alternative technologies to the incineration process.

(5) Current ACWA plans call for the use of neutralization followed by on-site biotreatment of aqueous secondary wastes to destroy the Pueblo stockpile, and the use of neutralization followed by on-site supercritical water oxidation treatment of aqueous secondary wastes to destroy the Blue Grass stockpile.

(6) Affected communities in Colorado and Kentucky, represented respectively by the Colorado Chemical Demilitarization Citizens' Advisory Commission (CO CAC) and the Chemical Destruction Community Advisory Board (CDCAB), have made clear their preference for on-site treatment of aqueous secondary wastes over off-site treatment.

(7) Section 921(b)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2359) contained a Sense of Congress urging the Secretary of Defense to ensure the elimination of the United States chemical weapons stockpile in the shortest time possible, consistent with the requirement to protect public health, safety, and the environment.

(8) Section 921(b)(4) of that Act contained a Sense of Congress urging the Secretary of Defense to propose a credible treatment and disposal process with the support of affected communities.

(b) Sense of Congress.—It is the sense of Congress the Department of Defense should—

(1) continue with its plan for on-site disposal of the ACWA-managed stockpiles located at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky; and

(2) ensure that extensive consultation and notification processes exist between representatives of the Department of Defense and representatives of the relevant States and local communities.

Subtitle D—Intelligence-Related Matters

SEC. 931. REPORTS ON FOREIGN LANGUAGE PROFICIENCY.

(a) In General.—

(1) Foreign language proficiency reports.—Chapter 23 of title 10, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

"§491. Foreign language proficiency: annual reports

"(a) In General.—The Secretary of each military department shall annually submit to the Secretary of Defense a report on the foreign language proficiency of the personnel of the military department concerned.

"(b) Contents.—Each report submitted under subsection (a) shall include, for each foreign language and, where appropriate, dialect of a foreign language—

"(1) the number of positions of the military department concerned that require proficiency in the foreign language or dialect;

"(2) the number of personnel of the military department that are serving in a position that—

"(A) requires proficiency in the foreign language or dialect to perform the primary duty of the position; and

"(B) does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

"(3) the number of personnel that are proficient in the foreign language or dialect that—

"(A) are authorized for the military department for which the report is submitted; and

"(B) the Secretary of the military department concerned considers necessary for the military department concerned for each of the five years following the date of the submission of the report;

"(4) the number of personnel of the military department concerned rated at each level of proficiency of the Interagency Language Roundtable;

"(5) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of the military department concerned;

"(6) the number of personnel serving or hired to serve as linguists for the military department concerned that are not qualified as linguists under the standards of the Interagency Language Roundtable;

"(7) the number of personnel hired to serve as linguists for the military department concerned during the preceding calendar year;

"(8) the number of personnel serving as linguists that discontinued serving the military department concerned during the preceding calendar year;

"(9) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States;

"(10) the percentage of work requiring linguistic skills that is fulfilled by contractors; and

"(11) the percentage of work requiring linguistic skills that is fulfilled by personnel of the intelligence community (as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) that are not members of the armed forces on active duty assigned to the military department for which the report is submitted.

"(c) Secretary of Defense Report to Congress.—The Secretary of Defense shall annually submit to the congressional defense committees a report containing—

"(1) each report submitted to the Secretary of Defense for a year under subsection (a);

"(2) for each foreign language and, where appropriate, dialect of a foreign language—

"(A) the number of positions of the Department of Defense that are not under the jurisdiction of the Secretary of a military department that require proficiency in the foreign language or dialect;

"(B) the number of personnel of the Department of Defense that are not under the jurisdiction of the Secretary of a military department that are serving in a position that—

"(i) requires proficiency in the foreign language or dialect to perform the primary duty of the position; and

"(ii) does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

"(C) the number of personnel of the Department of Defense that are not under the jurisdiction of the Secretary of a military department that are proficient in the foreign language or dialect that—

"(i) are authorized for the Department of Defense, but not under the jurisdiction of the Secretary of a military department; and

"(ii) the Secretary of Defense considers necessary for the Department of Defense (excluding personnel under the jurisdiction of the Secretary of a military department) for each of the five years following the date of the submission of the report;

"(D) the number of personnel of the Department of Defense that are not under the jurisdiction of the Secretary of a military department rated at each level of proficiency of the Interagency Language Roundtable;

"(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of the Department of Defense;

"(F) the number of personnel serving or hired to serve as linguists for the Department of Defense that are not under the jurisdiction of the Secretary of a military department that are not qualified as linguists under the standards of the Interagency Language Roundtable;

"(G) the number of personnel hired during the preceding calendar year to serve as linguists for the Department of Defense that are not under the jurisdiction of the Secretary of a military department;

"(H) the number of personnel not under the jurisdiction of the Secretary of a military department serving as linguists that discontinued serving the Department of Defense during the preceding calendar year;

"(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States;

"(J) the percentage of work requiring linguistic skills that is fulfilled by contractors; and

"(K) the percentage of work requiring linguistic skills that is fulfilled by personnel of the intelligence community (as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) that are not members of the armed forces on active duty assigned to the military department for which the report is submitted; and

"(3) an assessment of the foreign language capacity and capabilities of the Department of Defense as a whole.

"(d) Non-Military Personnel.—

"(1) Secretary of military department reports.—Except as provided in subsection (a)(11), a report submitted under subsection (a) shall cover only members of the armed forces on active duty assigned to the military department concerned.

"(2) Secretary of defense reports.—Except as provided in subsection (c)(2)(K), a report submitted under subsection (c) shall cover only members of the armed forces on active duty assigned to the Department of Defense.".

(2) Clerical amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"491. Foreign language proficiency: annual reports.".

(b) Effective Date.—

(1) Initial report by Secretary of each military department.—The first report required to be submitted by the Secretary of each military department under section 491(a) of title 10, United States Code, as added by subsection (a), shall be submitted not later than 180 days after the date of the enactment of this Act.

(2) Initial report by Secretary of Defense.—The first report required to be submitted by the Secretary of Defense under section 491(c) of title 10, United States Code, as added by subsection (a), shall be submitted not later than 240 days after the date of the enactment of this Act.

SEC. 932. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) References to Head of Intelligence Community.—Title 10, United States Code, is amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "Director of National Intelligence":

(1) Section 192(c)(2).
(2) Section 193(d)(2).
(3) Section 193(e).
(4) Section 201(a).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 426(a)(3).
(8) Section 426(b)(2).
(9) Section 441(c).
(10) Section 441(d).
(11) Section 443(d).
(12) Section 2273(b)(1).
(13) Section 2723(a).

(b) References to Head of Central Intelligence Agency.—Such title is further amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "Director of the Central Intelligence Agency":

(1) Section 431(b)(1).
(2) Section 444.
(3) Section 1089(g).

(c) Other Amendments.—

(1) Subsection headings.—

(A) Section 441(c).—The heading of subsection (c) of section 441 of such title is amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" and inserting "DIRECTOR OF NATIONAL INTELLIGENCE".

(B) Section 443(d).—The heading of subsection (d) of section 443 of such title is amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" and inserting "DIRECTOR OF NATIONAL INTELLIGENCE".

(2) Section 201.—Section 201 of such title is further amended—

(A) in subsection (b)(1), to read as follows:

"(1) In the event of a vacancy in a position referred to in paragraph (2), before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy, the Secretary of Defense shall obtain the concurrence of the Director of National Intelligence as provided in section 106(b) of the National Security Act of 1947 (50 U.S.C: 403-6(b))."; and

(B) in subsection (c)(1), by striking "National Foreign Intelligence Program" and inserting "National Intelligence Program".

Subtitle E—Roles and Missions Analysis

SEC. 941. ANALYSIS AND ORGANIZATION OF ROLES AND MISSIONS OF DEPARTMENT OF DEFENSE.

(a) Requirement for Quadrennial Roles and Missions Review.—

(1) In general.—Chapter 2 of title 10, United States Code, is amended by inserting after section 118a the following new section:

"§ 118b. Quadrennial roles and missions review

"(a) Review Required.—(1) The Secretary of Defense shall every four years conduct a comprehensive assessment (to be known as the 'quadrennial roles and missions review') of the roles and missions of the Department of Defense. Each such quadrennial roles and missions review shall be conducted in consultation with the Chairman of the Joint Chiefs of Staff.

"(b) Conduct of Review.—Each quadrennial roles and missions review shall be conducted so as—

"(1) to organize the significant missions of the Department of Defense into core mission areas that cover broad areas of military activity, such as dominance of ground, air, maritime, and space environments; expeditionary warfare; mobility; homeland defense; and cyberoperations; and

"(2) to ensure that the core mission areas are defined so that the areas are mutually supportive but with as little overlap in functions as is necessary.

"(c) Submission to Congressional Committees.—(1) The Secretary shall submit a report on each quadrennial roles and missions review to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

"(2) The report shall be submitted in the year following the year in which the review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31.".

(2) Clerical amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 118a the following new item:

"118b. Quadrennial roles and missions review.".

(b) Repeal of Superseded Provision.—Section 118(e) of title 10, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(c) Deadline for First Roles and Missions Review.—The first roles and missions review under section 118b of title 10, United States Code, as added by subsection (a), shall be performed and completed during 2008.

SEC. 942. IDENTIFICATION OF CORE COMPETENCIES OF THE MILITARY DEPARTMENTS AND OTHER ENTITIES WITHIN THE DEPARTMENT OF DEFENSE.

(a) In General.—

(1) Requirement.—Chapter 3 of title 10, United States Code, is amended by inserting after section 125 the following new section:

"§ 125a. Core competencies

"(a) Requirement to Identify Core Competencies.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the Secretaries of the military departments, shall identify core competencies for each of the following:

"(1) Each military department.

"(2) The Office of the Secretary of Defense.

"(3) Each Defense Agency.

"(4) Each Department of Defense Field Activity.

"(5) Each combatant command with acquisition authority.

"(b) Basis of Competencies.—In identifying the core competencies of an entity listed in subsection (a), the Secretary of Defense shall—

"(1) ensure that each core competency is clearly associated with a core mission area of the Department of Defense (as identified pursuant to the quadrennial roles and missions review under section 118b of this title); and

"(2) base such identification on the ability of an entity to provide doctrinal, organizational, training, materiel, leadership, personnel, and facilities solutions to meet requirements within a core mission area of the Department of Defense.".

(2) Clerical amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"125a. Core competencies.".

(b) Report on Core Competencies.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the core competencies identified under section 125a of title 10, United States Code, as added by subsection (a), not later than the date on which the budget for fiscal year 2009 is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

SEC. 943. REVIEW OF CAPABILITIES OF THE MILITARY DEPARTMENTS AND OTHER ENTITIES.

(a) Review Required.—The Secretary of Defense shall conduct a review of the capabilities that each of the following entities is performing or developing:

(1) Each military department.

(2) The Office of the Secretary of Defense.

(3) Each Defense Agency.

(4) Each Department of Defense Field Activity.

(5) Each combatant command with acquisition authority.

(b) Matters Covered.—In conducting the review, the Secretary of Defense—

(1) shall determine whether any such capabilities are outside the entity's core competencies (as identified under section 125a of this title) or outside a core mission area of the Department of Defense (as identified pursuant to the quadrennial roles and missions review under section 118b of this title);

(2) shall determine whether any core competencies required to effectively perform the core mission areas of the Department of Defense are not being performed or developed in any entity listed in subsection (a); and

(3) shall determine whether there is any duplication of a capability within a core mission area, and provide a justification for such duplication.

(c) Report to Congress; Limitation.—Not later than June 1, 2009, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review. No new major defense acquisition programs may be started in the Department of Defense after June 1, 2009, until the report has been submitted to such committees.

SEC. 944. JOINT REQUIREMENTS OVERSIGHT COUNCIL ADDITIONAL DUTIES RELATING TO CORE MISSION AREAS.

(a) Revisions in Mission.—

(1) Revisions.—Subsection (b) of section 181 of title 10, United States Code, is amended to read as follows:

"(b) Mission.—In addition to other matters assigned to it by the President or Secretary of Defense, the Joint Requirements Oversight Council shall—

"(1) assist the Chairman of the Joint Chiefs of Staff—

"(A) in identifying, assessing, and approving joint military requirements (including existing systems and equipment) to meet the national military strategy; and

"(B) in identifying the core mission area associated with each such requirement;

"(2) assist the Chairman in establishing and assigning priority levels for joint military requirements;

"(3) assist the Chairman in estimating the level of resources required in the fulfillment of each joint military requirement and in ensuring that such resource level is consistent with the level of priority assigned to such requirement; and

"(4) assist the Chairman in considering alternatives to any acquisition program that has *been identified to meet joint military requirements by evaluating the cost, schedule, and performance criteria of each alternative and of the identified program.".*

(2) DEFINITIONS.—Section 181 of such title is amended by adding at the end the following new subsection:

"(e) DEFINITIONS.—In this section:

"(1) The term 'joint military requirement' means a capability necessary to fulfill a gap in a core mission area of the Department of Defense.

"(2) The term 'core mission area' means a core mission area of the Department of Defense identified under the most recent quadrennial roles and missions review pursuant to section 118b of this title.".

(b) ADDITIONAL MEMBERS OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(c) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (D), (E), (F), and (G), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraphs:

"(B) the Under Secretary of Defense for Acquisition, Technology, and Logistics;

"(C) the Under Secretary of Defense (Comptroller);".

(c) ORGANIZATION.—Section 181 of such title is amended—

(1) by redesignating subsections (d) and (e) (as added by subsection (a)) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ORGANIZATION.—The Joint Requirements Oversight Council shall organize its activities according to the core missions areas of the Department of Defense. In any review of a core mission area, the officer or official assigned to lead the review shall have a deputy from a different military department.".

(d) DEADLINES.—Effective June 1, 2009, all joint military requirements documents of the Joint Requirements Oversight Council produced to carry out its mission under section 181(b)(1) of title 10, United States Code, shall conform to the core mission areas organized and defined under section 118b of such title. Not later than October 1, 2009, all such documents produced before June 1, 2009, shall conform to such structure.

(e) REVISED FUNCTION OF CHAIRMAN OF JOINT CHIEFS OF STAFF.—Section 153(a)(4)(F) of title 10, United States Code, is amended by striking "Assessing military requirements for defense acquisition programs." and inserting "Advising the Secretary on the effective and efficient coordination of all military requirements for defense acquisition programs.".

SEC. 945. REQUIREMENT FOR CERTIFICATION OF MAJOR SYSTEMS PRIOR TO TECHNOLOGY DEVELOPMENT.

(a) REQUIREMENT FOR CERTIFICATION.—

(1) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2366a the following new section:

"§2366b. Major systems: requirement for Joint Requirements Oversight Council certification

"(a) CERTIFICATION.—Before the start of technology development for a major system, the Joint Requirements Oversight Council shall certify—

"(1) that the system fulfills an approved initial capabilities document;

"(2) that the system is being executed by an entity with a relevant core competency as identified by the Secretary of Defense under section 125a of this title;

"(3) if the system duplicates a capability already provided by an existing system, the duplication provided by such system is necessary and appropriate; and

"(4) that a cost estimate for the system has been submitted and that the level of resources required to develop and procure the system is consistent with the level of resources estimated by the Joint Requirements Oversight Council for the initial capabilities document identified under paragraph (1).

"(b) NOTIFICATION.—With respect to a major system certified by the Joint Requirements Oversight Council under subsection (a), if the projected cost of the system, at any time prior to Milestone B approval, exceeds the cost estimate for the system submitted to the Council at the time of the certification by at least 25 percent, the Secretary of the military department concerned, or in the case of Office of the Secretary of Defense, a Defense Agency, or a Department of Defense Field Activity, the Secretary of Defense, shall notify the Joint Requirements Oversight Council. Upon receipt of such notification, the Council shall consider whether to recommend that the program be continued or that the program be terminated.

" (c) DEFINITIONS.—In this section:

"(1) The term 'major system' has the meaning provided in section 2302(5) of this title.

"(2) The term 'initial capabilities document' means any capabilities requirement document approved by the Joint Requirements Oversight Council that establishes the need for a materiel approach to resolve a capability gap.

"(3) The term 'technology development program' means a coordinated effort to assess technologies and refine user performance parameters to fulfill a capability gap identified in an initial capabilities document.

"(4) The term 'entity' means an entity listed in section 125a(a) of this title.

"(5) The term 'Milestone B approval' has the meaning provided that term in section 2366(e)(7) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2366b. Major systems: requirement for Joint Requirements Oversight Council certification.".

(b) EFFECTIVE DATE.—Section 2366b of title 10, United States Code, as added by subsection (a), shall apply to major systems on and after March 1, 2008.

SEC. 946. PRESENTATION OF FUTURE-YEARS MISSION BUDGET BY CORE MISSION AREA.

(a) TIME OF SUBMISSION OF FUTURE-YEARS MISSION BUDGET.—The second sentence of section 222(a) of title 10, United States Code, is amended to read as follows: "That budget shall be submitted for any fiscal year with the future-years defense program submitted under section 221 of this title.".

(b) ORGANIZATION OF FUTURE-YEARS MISSION BUDGET.—The second sentence of section 222(b) of such title is amended by striking "on the basis" and all that follows through the end of the sentence and inserting the following: "on the basis of both major force programs and the core mission areas identified under the most recent quadrennial roles and missions review pursuant to section 118b of this title."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the future-years mission budget for fiscal year 2010 and each fiscal year thereafter.

SEC. 947. FUTURE CAPABILITY PLANNING BY JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) REQUIREMENT FOR EXTENDED PLANNING ANNEXES.—Section 181 of title 10, United States Code, as amended by this subtitle, is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) FUTURE CAPABILITY PLANNING.—(1)(A) The Secretary of Defense shall direct the commanders of combatant commands to prepare extended planning annexes to all operational and contingency plans. Each extended planning annex shall—

"(i) include the commander's assessment of the capabilities needed to successfully accomplish the missions for which the operational and contingency plans were created;

"(ii) use a 15-year planning horizon and take into account expected changes in threats, the geopolitical environment, and doctrine, training, and operational concepts; and

"(iii) provide capability assessments for the year in which the annex is submitted and for the 5th, 10th, and 15th years after such year.

"(B) The extended planning annexes shall be submitted to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff biannually.

"(2) The Joint Requirements Oversight Council shall—

"(A) in consultation with the office responsible for program analysis and evaluation within the Office of the Secretary of Defense and the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, match—

"(i) the capabilities that are expected to be provided by the acquisition programs in existence during the period covered by the most recent extended planning annexes, including classified and compartmentalized programs, and the science and technology programs in existence during that period, with

"(ii) capability needs identified in the extended planning annexes prepared under paragraph (1);

"(B) in coordination with the commanders of the combatant commands, and within 30 days after submission of the extended planning annexes, identify gaps in capabilities not likely to be closed by existing acquisition programs and science and technology programs described in subparagraph (A)(i), assign priorities for addressing such gaps, and identify areas where such programs are expected to provide capability beyond that which is required; and

"(C) develop a plan for the Department of Defense to acquire needed joint capabilities and divest itself of unneeded capabilities, based on the extended planning annexes prepared under paragraph (1).

"(3) In this subsection, the term 'operational and contingency plans' means plans prepared by a commander of a combatant command to carry out missions assigned to the command under section 164 of this title.".

(b) DEADLINE FOR FIRST EXTENDED PLANNING ANNEXES.—The first extended planning annexes under section 181(f) of title 10, United States Code, as added by subsection (a), shall be submitted under that section not later than 90 days after the date of the enactment of this Act.

Subtitle F—Other Matters

SEC. 951. DEPARTMENT OF DEFENSE CONSIDERATION OF EFFECT OF CLIMATE CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, AND MISSIONS.

Section 118 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) CONSIDERATION OF EFFECT OF CLIMATE CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, AND MISSIONS.—(1) The first national security strategy and national defense strategy prepared after the date of the enactment of this subsection shall include guidance for military planners—

"(A) to assess the risks of projected climate change to current and future missions of the armed forces;

"(B) to update defense plans based on these assessments, including working with allies and

partners to incorporate climate mitigation strategies, capacity building, and relevant research and development; and

"(C) to develop the capabilities needed to reduce future impacts.

"(2) The first quadrennial defense review prepared after the date of the enactment of this subsection shall also examine the capabilities of the armed forces to respond to the consequences of climate change, in particular, preparedness for natural disasters from extreme weather events and other missions the armed forces may be asked to support inside the United States and overseas.

"(3) For planning purposes to comply with the requirements of this subsection, the Secretary of Defense shall use—

"(A) the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change;

"(B) subsequent mid-range consensus climate projections if more recent information is available when the next national security strategy, national defense strategy, or quadrennial defense review, as the case may be, is conducted; and

"(C) findings of appropriate and available estimations or studies of the anticipated strategic, social, political, and economic effects of global climate change and the implications of such effects on the national security of the United States.

"(4) In this subsection, the term 'national security strategy' means the annual national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a).".

SEC. 952. INTERAGENCY POLICY COORDINATION.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and submit to Congress a plan to to improve and reform the interagency coordination process on national security issues.

(b) ELEMENTS.—The elements of the plan shall include the following:

(1) Assigning either the Under Secretary of Defense for Policy or another official to be the lead policy official for improving and reforming the interagency coordination process on national security issues for the Department of Defense, with an explanation of any decision to name an official other than the Under Secretary and the relative advantages and disadvantages of such decision.

(2) Giving the official assigned under paragraph (1) the following responsibilities:

(A) To be the lead person at the Department of Defense for the development of policy affecting the national security interagency process.

(B) To serve, or designate a person to serve, as the representative of the Department of Defense in Federal Government forums established to address interagency policy, planning, or reforms.

(C) To advocate, on behalf of the Secretary, for greater interagency coordination and contributions in the execution of the National Security Strategy and particularly specific operational objectives undertaken pursuant to that strategy.

(D) To make recommendations to the Secretary of Defense on changes to existing Department of Defense regulations or laws to improve the interagency process.

(E) To serve as the coordinator for all planning and training assistance that is—

(i) designed to improve the interagency process or the capabilities of other agencies to work with the Department of Defense; and

(ii) provided by the Department of Defense at the request of other agencies.

(F) To serve as the lead official in Department of Defense for the development of deployable joint interagency task forces.

(c) FACTORS TO BE CONSIDERED.—In drafting the plan, the Secretary of Defense shall also consider the following factors:

(1) How the official assigned under subsection (b)(1) shall provide input to the Secretary of Defense on an ongoing basis on how to incorporate the need to coordinate with other agencies into the establishment and reform of combatant commands.

(2) How such official shall develop and make recommendations to the Secretary of Defense on a regular or an ongoing basis on changes to military and civilian personnel to improve interagency coordination.

(3) How such official shall work with the combatant command that has the mission for joint warfighting experimentation and other interested agencies to develop exercises to test and validate interagency planning and capabilities.

(4) How such official shall lead, coordinate, or participate in after-action reviews of operations, tests, and exercises to capture lessons learned regarding the functioning of the interagency process and how those lessons learned will be disseminated.

(5) The role of such official in ensuring that future defense planning guidance takes into account the capabilities and needs of other agencies.

(d) RECOMMENDATION ON CHANGES IN LAW.—The Secretary of Defense may submit with the plan or with any future budget submissions recommendations for any changes to law that are required to enhance the ability of the official assigned under subsection (b)(1) in the Department of Defense to coordinate defense interagency efforts or to improve the ability of the Department of Defense to work with other agencies.

(e) ANNUAL REPORT.—If an official is named by the Secretary of Defense under subsection (b)(1), the official shall annually submit to Congress a report, beginning in the fiscal year following the naming of the official, on those actions taken by the Department of Defense to enhance national security interagency coordination, the views of the Department of Defense on efforts and challenges in improving the ability of agencies to work together, and suggestions on changes needed to laws or regulations that would enhance the coordination of efforts of agencies.

(f) DEFINITION.—In this section, the term "interagency coordination", within the context of Department of Defense involvement, means the coordination that occurs between elements of the Department of Defense and engaged Federal Government agencies for the purpose of achieving an objective.

(g) CONSTRUCTION.—Nothing in this provision shall be construed as preventing the Secretary of Defense from naming an official with the responsibilities listed in subsection (b) before the submission of the report required under this section.

SEC. 953. EXPANSION OF EMPLOYMENT CREDITABLE UNDER SERVICE AGREEMENTS UNDER NATIONAL SECURITY EDUCATION PROGRAM.

Paragraph (2) of subsection (b) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902), as most recently amended by section 945 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2367), is amended—

(1) in subparagraph (A)—

(A) in clause (i) by striking "or" at the end; and

(B) by adding at the end the following:

"(iii) for not less than one academic year in a position in the field of education in a discipline related to the study supported by the program if the recipient demonstrates to the Secretary of Defense that no position is available in the departments, agencies, and offices covered by clauses (i) and (ii); or"; and

(2) in subparagraph (B)—

(A) in clause (i) by striking "or" at the end;

(B) in clause (ii) by striking "and" at the end and inserting "or"; and

(C) by adding at the end the following:

"(iii) for not less than one academic year in a position in the field of education in a discipline related to the study supported by the program if the recipient demonstrates to the Secretary of Defense that no position is available in the departments, agencies, and offices covered by clauses (i) and (ii); and".

SEC. 954. STUDY OF NATIONAL SECURITY INTERAGENCY SYSTEM.

(a) STUDY REQUIRED.—The Secretary of Defense may enter into an agreement with an independent, nonprofit, nonpartisan organization to conduct a study on the national security interagency system.

(b) REPORT.—The agreement entered into under subsection (a) shall require the organization to submit to Congress and the President a report containing the results of the study conducted pursuant to such agreement and any recommendations for changes to the national security interagency system (including legislative or regulatory changes).

(c) SUBMISSION DATE.—The agreement entered into under subsection (a) shall require the organization to submit the report required under subsection (b) not later than 180 days after the date on which the Secretary makes funds appropriated pursuant to section 301(5) available to the organization.

(d) NATIONAL SECURITY INTERAGENCY SYSTEM DEFINED.—In this section, the term "national security interagency system" means the structures, mechanisms, and processes by which the departments, agencies, and elements of the Federal Government that have national security missions integrate their policies, capabilities, expertise, and activities to accomplish such missions.

(e) FUNDING.—Of the amounts authorized to be appropriated by section 301(5), not more than $4,000,000 shall be available to carry out this section.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. United States contribution to NATO common-funded budgets in fiscal year 2008.

Subtitle B—Policy Relating to Vessels and Shipyards

Sec. 1011. Limitation on leasing of foreign-built vessels.
Sec. 1012. Policy relating to major combatant vessels of the strike forces of the United States Navy.

Subtitle C—Counter-Drug Activities

Sec. 1021. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.

Subtitle D—Reports

Sec. 1031. Extension and modification of report relating to hardened and deeply buried targets.
Sec. 1032. Comptroller General review of the Joint Improvised Explosive Device Defeat Organization.
Sec. 1033. Report on a national joint modeling and simulation development strategy.

Subtitle E—Other Matters

Sec. 1041. Enhancement of corrosion control and prevention functions within Department of Defense.

Sec. 1042. Support by National Guard for national special security events and other critical national security activities.
Sec. 1043. Improved authority to provide rewards for assistance in combating terrorism.
Sec. 1044. Revision of proficiency flying definition.
Sec. 1045. Support for non-Federal development and testing of material for chemical agent defense.
Sec. 1046. Congressional Commission on the Strategic Posture of the United States.
Sec. 1047. Technical and clerical amendments.
Sec. 1048. Repeal of certification requirement.
Sec. 1049. Prohibition on sale by Department of Defense of parts for F–14 fighter aircraft.
Sec. 1050. Maintenance of capability for space-based nuclear detection.
Sec. 1051. Additional weapons of mass destruction civil support teams.
Sec. 1052. Sense of Congress regarding need to replace Army M109 155mm self-propelled howitzer.
Sec. 1053. Sense of Congress regarding detainees at Naval Station, Guantanamo Bay, Cuba.
Sec. 1054. Repeal of provisions in section 1076 of Public Law 109–364 relating to use of Armed Forces in major public emergencies.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2008 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,500,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

(e) PROHIBITION ON TRANSFERS FROM GUARD AND RESERVE ACCOUNTS.—Funds authorized in this division for an account of the National Guard or other reserve components of the Armed Forces may not be a source of funds for transfer to a different account other than another account of the National Guard or other reserve component.

SEC. 1002. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2008.

(a) FISCAL YEAR 2008 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2008 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2007, of funds appropriated for fiscal years before fiscal year 2008 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $1,031,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $362,159,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

Subtitle B—Policy Relating to Vessels and Shipyards

SEC. 1011. LIMITATION ON LEASING OF FOREIGN-BUILT VESSELS.

(a) IN GENERAL.—

(1) CONTRACTS FOR LEASES FOR MORE THAN 24 MONTHS.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2401a the following new section:

"§ 2401b. Limitation on lease of foreign-built vessels

"(a) LIMITATION.—The Secretary of a military department may not make a contract for a lease or charter of a vessel for a term of more than 24 months (including all options to renew or extend the contract) if the hull, or a component of the hull and superstructure of the vessel, is constructed in a foreign shipyard.

"(b) PRESIDENTIAL WAIVER FOR NATIONAL SECURITY INTEREST.—(1) The President may authorize exceptions to the limitation in subsection (a) when the President determines that it is in the national security interest of the United States to do so.

"(2) The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date on which the notice of the determination is received by Congress.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2401a the following new item:

"2401b. Limitation on lease of foreign-built vessels.".

(b) EFFECTIVE DATE.—Section 2401b of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after the date of the enactment of this Act.

SEC. 1012. POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.

(a) INTEGRATED NUCLEAR POWER SYSTEMS.—It is the policy of the United States to construct the major combatant vessels of the strike forces of the United States Navy, including all new classes of such vessels, with integrated nuclear power systems.

(b) REQUIREMENT TO REQUEST NUCLEAR VESSELS.—If a request is submitted to Congress in the budget for a fiscal year for construction of a new class of major combatant vessel for the strike forces of the United States, the request shall be for such a vessel with an integrated nuclear power system, unless the Secretary of Defense submits with the request a notification to Congress that the inclusion of an integrated nuclear power system in such vessel is not in the national interest.

(c) DEFINITIONS.—In this section:

(1) MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.—The term "major combatant vessels of the strike forces of the United States Navy" means the following:

(A) Submarines.

(B) Aircraft carriers.

(C) Cruisers, battleships, or other large surface combatants whose primary mission includes protection of carrier strike groups, expeditionary strike groups, and vessels comprising a sea base.

(2) INTEGRATED NUCLEAR POWER SYSTEM.—The term "integrated nuclear power system" means a ship engineering system that uses a naval nuclear reactor as its energy source and generates sufficient electric energy to provide power to the ship's electrical loads, including its combat systems and propulsion motors.

(3) BUDGET.—The term "budget" means the budget that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note) is amended by striking "and 2007" and inserting "through 2008".

Subtitle D—Reports

SEC. 1031. EXTENSION AND MODIFICATION OF REPORT RELATING TO HARDENED AND DEEPLY BURIED TARGETS.

Section 1032 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2643; 10 U.S.C. 2358 note) is amended—

*(1) in the heading, by striking "**ANNUAL REPORT ON WEAPONS**" and inserting "**REPORT ON CAPABILITIES**";*

(2) in subsection (a)—

(A) in the heading, by striking "ANNUAL";

(B) by striking "April 1 of each year" and inserting "March 1, 2009, and every two years thereafter,";

(C) by striking "Director of Central Intelligence" and inserting "Director of National Intelligence";

(D) by striking "the preceding fiscal year" and inserting "the preceding two fiscal years and planned for the current fiscal year and the next fiscal year"; and

(E) by striking "to develop weapons" and inserting "to develop capabilities";

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "The report for a fiscal year" and inserting "A report submitted";

(B) in paragraph (1), by striking "were undertaken during that fiscal year" and inserting "were or will be undertaken during the four-fiscal-year period covered by the report"; and

(C) in paragraph (2) in the matter preceding subparagraph (A), by striking "were undertaken during such fiscal year" and inserting "were or will be undertaken during the four-fiscal-year period covered by the report"; and

(4) in subsection (d), by striking "April 1, 2007" and inserting "March 1, 2013".

SEC. 1032. COMPTROLLER GENERAL REVIEW OF THE JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT ORGANIZATION.

(a) EVALUATION REQUIRED.—The Comptroller General of the United States shall conduct a review of the Joint Improvised Explosive Device Defeat Organization and its activities.

(b) ANALYSES REQUIRED.—The review required by subsection (a) shall include an analysis of each of the following:

(1) The appropriateness and efficacy of the efforts of the Organization to achieve its mission, including strategy, plans, technologies developed, and programs funded.

(2) The process used by the Organization to select appropriate and effective technologies and other solutions to achieve its mission.

(3) The ability of the Organization to respond to rapidly changing threats and to anticipate future threats.

(4) The performance of the Organization in leading, advocating, and coordinating all of the activities of the Department of Defense to defeat improvised explosive devices and an assessment of the Organization's authority to do so.

(5) The appropriateness of the staff of the Organization, including the number, qualifications, and functions of the personnel of the Organization and the use of contractors in the Organization.

(6) The efforts of the Organization to target enemy networks and how the Organization is leveraging and coordinating such efforts with the efforts of other elements of the Department, and other elements of the United States Government, that are also targeting enemy networks.

(7) The feedback from the warfighter with respect to the efforts of the Organization.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the results of the review required by subsection (a). The report shall contain a summary of the findings of the review.

SEC. 1033. REPORT ON A NATIONAL JOINT MODELING AND SIMULATION DEVELOPMENT STRATEGY.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees a report that would provide for the development and implementation of a joint modeling and simulation concept to support the full spectrum of Department of Defense modeling and simulation requirements and that outlines a plan that details the Department's modeling and simulation coordination efforts. Such a plan shall—

(1) identify the unique modeling and simulation capabilities of the components of the Department and the Combatant Commands;

(2) identify incentives to reduce duplicative modeling and simulation capabilities of the components of the Department and the Combatant Commands and recommend capabilities to be divested where such duplication is not necessary;

(3) recommend capabilities to be leveraged from within other Federal agencies, national laboratories, State and local governments, academia, private industry, and United States and international standards organizations; and

(4) be capable of supporting joint training, experimentation, systems acquisition, test and evaluation, assessment, and planning.

(b) SUBMISSION OF REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary shall submit the report under subsection (a).

(c) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) An identification and description of the types of joint training, experimentation, systems acquisition, test and evaluation, assessment, and planning that would be conducted using such a joint capability, together with a description of how such a joint capability would enhance accomplishment of the four priorities as focus of the 2006 Quadrennial Defense Review (QDR) Report of the Secretary of Defense issued on February 6, 2006.

(2) A discussion of how establishment of such a joint capability would promote modeling and simulation innovation and transformation throughout the Department of Defense to improve operational capabilities and enhance national security.

(3) A methodology, framework, and options that include consideration of leveraging existing capabilities that would accommodate requirements among all the Armed Forces, including common infrastructure and data.

(4) A management plan for coordinating between functional and organizational stakeholders, as well as a plan to continuously introduce new modeling and simulation technologies and divest outdated capabilities.

(5) Options to allow non-defense users to access such a modeling and simulation capability, as appropriate, for homeland security and consequence management for Federal, State, and local requirements.

(6) Cost estimates and resource requirements to establish and maintain such a strategy, including estimates of costs and resource requirements for the use of government civilian and military, and contract personnel for the performance of management, operational, and logistics activities for such a capability.

(7) An explanation of the relationship between and among such a capability and the Office of the Secretary of Defense, the Joint Staff, the military departments, commanders of combatant commands, Federal agencies, national laboratories, State and local governments, academia, private industry, United States and international standards organizations, and international partners with responsibility to use modeling and simulation to meet their mission.

(8) A timeline for the establishment of such a capability and for such a capability to achieve—

(A) initial operational capability; and

(B) full operational capability.

(9) At least two alternative modeling and simulation coordination plans, including a Joint Modeling and Simulation Development Strategy, provided that such plans include the required matters in subsection (a) and subsection (c), excluding subsection (c)(8), and provided that such reports were submitted to the Secretary by a commander of a Unified Combatant Command or Service Chief.

Subtitle E—Other Matters

SEC. 1041. ENHANCEMENT OF CORROSION CONTROL AND PREVENTION FUNCTIONS WITHIN DEPARTMENT OF DEFENSE.

(a) OFFICE OF CORROSION POLICY AND OVERSIGHT.—(1) Section 2228 of title 10, United States Code, is amended by striking the section heading and subsection (a) and inserting the following:

"§2228. Office of Corrosion Policy and Oversight

"(a) OFFICE AND DIRECTOR.—(1) There is an Office of Corrosion Policy and Oversight within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(2) The Office shall be headed by a Director of Corrosion Policy and Oversight, who shall be assigned to such position by the Under Secretary from among civilian employees of the Department of Defense with the qualifications described in paragraph (3). The Director is responsible in the Department of Defense to the Secretary of Defense (after the Under Secretary of Defense for Acquisition, Technology, and Logistics) for the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense. The Director shall report directly to the Under Secretary.

"(3) In order to qualify to be assigned to the position of Director, an individual shall—

"(A) have management expertise in, and professional experience with, corrosion project and policy implementation, including an understanding of the effects of corrosion policies on infrastructure; research, development, test, and evaluation; and maintenance; and

"(B) have an understanding of Department of Defense budget formulation and execution, policy formulation, and planning and program requirements.

"(4) The Secretary of Defense shall designate the position of Director as a critical acquisition position under section 1733(b)(1)(C) of this title.".

(2) Section 2228(b) of such title is amended—

(A) in paragraph (1), by striking "official or organization designated under subsection (a)" and inserting "Director of Corrosion Policy and Oversight (in this section referred to as the 'Director')"; and

(B) in paragraphs (2), (3), (4), and (5), by striking "designated official or organization" and inserting "Director".

(b) ADDITIONAL AUTHORITY FOR DIRECTOR OF OFFICE.—Section 2228 of such title is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) ADDITIONAL AUTHORITIES FOR DIRECTOR.—The Director is authorized to—

"(1) develop, update, and coordinate corrosion training with the Defense Acquisition University;

"(2) participate in the process within the Department of Defense for the development of relevant directives and instructions; and

"(3) interact directly with the corrosion prevention industry, trade associations, and scientific organizations engaged in corrosion prevention, including the National Academy of Sciences.".

(c) REPORT REQUIREMENT.—Section 2228 of such title is further amended by inserting after subsection (d) (as redesignated by subsection (b)) the following new subsection:

"(e) REPORT.—(1) For each budget for a fiscal year, beginning with the budget for fiscal year 2009, the Secretary of Defense shall submit, with the defense budget materials, a report on the following:

"(A) Funding requirements for the long-term strategy developed under subsection (d).

"(B) The return on investment that would be achieved by implementing the strategy.

"(C) The funds requested in the budget compared to the funding requirements.

"(D) A justification if the funding requirements are not fully funded in the budget.

"(2) Within 60 days after submission of the budget for a fiscal year, the Comptroller General shall provide to the congressional defense committees—

"(A) an analysis of the budget submission for corrosion control and prevention by the Department of Defense; and

"(B) an analysis of the report required under paragraph (1).".

(d) DEFINITIONS.—Subsection (f) of section 2228 of such title, as redesignated by subsection

(b), is amended by adding at the end the following new paragraphs:

"(4) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

"(5) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.".

SEC. 1042. SUPPORT BY NATIONAL GUARD FOR NATIONAL SPECIAL SECURITY EVENTS AND OTHER CRITICAL NATIONAL SECURITY ACTIVITIES.

(a) In General.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

"§116. Defense support of civil authorities

"(a) In General.—At the request of a Federal department or agency head in accordance with this section, and when authorized by the Secretary of Defense, the Governor of a State may employ under this title units or members of the National Guard of that State to provide defense support of civil authorities to the requesting Federal department or agency.

"(b) Activities Included in Defense Support of Civil Authorities.—Defense support of civil authorities activities authorized by subsection (a) include support provided for national special security events and other activities determined by the Secretary of Defense as being critical to national security, including—

"(1) ground reconnaissance activities;

"(2) airborne reconnaissance activities;

"(3) logistical support;

"(4) emergency medical assistance and services;

"(5) communications services;

"(6) security assistance and services; and

"(7) air and ground transportation.

"(c) Reimbursement.—(1) Subject to the exceptions in paragraph (3), the costs incurred by the National Guard shall be reimbursed to the Department of Defense from the appropriations available to the Federal department or agency to which the support is provided. The reimbursement shall include the costs of—

"(A) the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of that State;

"(B) the operation and maintenance of the equipment and facilities of the National Guard of that State; and

"(C) the procurement of services and equipment, and the leasing of equipment, for the National Guard of that State.

"(2) Any funds received by the Department of Defense as reimbursement for support provided by units or members of the National Guard under this section shall be credited, at the option of the Secretary of Defense, to—

"(A) the appropriation, fund, or account from which funds were expended for the support; or

"(B) the appropriate appropriation, fund, or account currently available for such purpose.

"(3) A Federal department or agency to which support is provided under this section is not required to reimburse the Department of Defense for such support if the Secretary of Defense waives reimbursement. The Secretary of Defense may waive the reimbursement requirement under this section if—

"(A) the support is provided in the normal course of military training or operations; or

"(B) the support provided results in a benefit to units or members of the National Guard providing the support that is substantially equivalent to that which would otherwise be obtained from military operations or training.

"(d) Requirements for Requests.—Requests for assistance from Federal departments or agencies under this section shall be submitted to the Secretary of Defense. Any such request shall include the following:

"(1) The specific support capability requested.

"(2) The duration of the requested support activities.

"(3) A certification that the requested support activities will be fully reimbursable.

"(4) A certification from the Governor of the State concerned that the requested support will be provided at a time when the personnel involved are not in Federal service.

"(e) Characterization of Service.—All duty performed under this section shall be considered to be full-time National Guard duty under section 502(f) of this title.

"(f) Duration of Support.—The period for which support may be provided to a Federal department or agency under this section shall be limited to 180 days. When requested by the head of a Federal department or agency, the Secretary of Defense may, with the concurrence of the Governor of the State concerned, extend the period of time for an additional 90 days to meet extraordinary circumstances.

"(g) Training and Benefits.—(1) A member of the National Guard performing duty under this section shall, in addition to performing such duty, participate in the training required under section 502(a) of this title. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing the duty under this section. The member is not entitled to additional pay, allowances, or other benefits for participation in training required under section 502(a)(1) of this title.

"(2) To ensure that the use of units and personnel of the National Guard of a State for activities specified in subsection (b) does not degrade the training and readiness of such units and personnel, the following requirements shall apply in determining the activities that units and personnel of the National Guard of a State may perform:

"(A) The performance of the activities may not affect adversely the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit.

"(B) The performance of the activities may not degrade the military skills of the members of the National Guard performing those activities.

"(h) Limitation on Provision of Support Activities.—Defense support of civil authorities activities conducted under authority of this section may not be provided if the provision of such support will affect adversely the military preparedness of the United States.

"(i) Relationship to Other Authorities.—Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform functions authorized to be performed by the National Guard by the laws of the State concerned.

"(j) Definitions.—For purposes of this section:

"(1) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

"(2) The term 'national special security event' means an event designated as such as authorized by the President that, by virtue of its political, economic, social, or religious significance, may be the target of terrorism or other criminal activity.".

(b) Clerical and Conforming Amendments.—

(1) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"116. Defense support of civil authorities.".

(2) Section 115(i)(13) of title 10, United States Code, is amended by inserting "or defense support of civil authorities under section 116 of such title" after "title 32".

SEC. 1043. IMPROVED AUTHORITY TO PROVIDE REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

(a) Increased Amounts.—Section 127b of title 10, United States Code, is amended—

(1) in subsection (b), by striking "$200,000" and inserting "$5,000,000";

(2) in subsection (c)(1)(B), by striking "$50,000" and inserting "$1,000,000"; and

(3) in subsection (d)(2), by striking "$100,000" and inserting "$2,000,000".

(b) Involvement of Allied Forces.—Such section is further amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after "United States Government personnel" the following: ", or government personnel of allied forces participating in a combined operation with the armed forces,";

(B) in paragraph (1), by inserting after "armed forces" the following: ", or of allied forces participating in a combined operation with the armed forces,"; and

(C) in paragraph (2), by inserting after "armed forces" the following: ", or of allied forces participating in a combined operation with the armed forces"; and

(2) in subsection (c), by adding at the end the following:

"(3)(A) Subject to subparagraphs (B) and (C), an official who has authority delegated under paragraph (1) or (2) may use that authority, acting through government personnel of allied forces, to offer and make rewards.

"(B) The Secretary of Defense shall prescribe policies and procedures for making rewards in the manner described in subparagraph (A), which shall include guidance for the accountability of funds used for making rewards in that manner. The policies and procedures shall not take effect until 30 days after the date on which the Secretary submits the policies and procedures to the congressional defense committees. Rewards may not be made in the manner described in subparagraph (A) except under policies and procedures that have taken effect.

"(C) Rewards may not be made in the manner described in subparagraph (A) after September 30, 2010.

"(D) Not later than April 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of this paragraph. The report shall identify each reward made in the manner described in subparagraph (A) and, for each such reward—

"(i) identify the type, amount, and recipient of the reward;

"(ii) explain the reason for making the reward; and

"(iii) assess the success of the reward in advancing the effort to combat terrorism.".

(c) Annual Report to Include Specific Information on Additional Authority.—Section 127b of title 10, United States Code, is further amended in subsection (f)(2) by adding at the end the following new subparagraph:

"(D) Information on the implementation of paragraph (3) of subsection (c).".

SEC. 1044. REVISION OF PROFICIENCY FLYING DEFINITION.

Subsection (c) of section 2245 of title 10, United States Code, is amended to read as follows:

"(c) In this section, the term 'proficiency flying' means flying performed under competent orders by a rated or designated member of the armed forces while serving in a non-aviation assignment or in an assignment in which skills would normally not be maintained in the performance of assigned duties.".

SEC. 1045. SUPPORT FOR NON-FEDERAL DEVELOPMENT AND TESTING OF MATERIAL FOR CHEMICAL AGENT DEFENSE.

(a) Authority to Provide Toxic Chemicals or Precursors.—

(1) In general.—The Secretary of Defense, in coordination with the heads of other elements of the Federal Government, may make available, to a State, a unit of local government, or a private entity incorporated in the United States, small quantities of a toxic chemical or precursor for the development or testing, in the United States, of material that is designed to be used for protective purposes.

(2) Terms and conditions.—Any use of the authority under paragraph (1) shall be subject to such terms and conditions as the Secretary considers appropriate.

(b) Payment of Costs and Disposition of Funds.—

(1) In general.—The Secretary shall ensure, through the advance payment required by paragraph (2) and through any other payments that may be required, that a recipient of toxic chemicals or precursors under subsection (a) pays for all actual costs, including direct and indirect costs, associated with providing the toxic chemicals or precursors.

(2) Advance payment.—In carrying out paragraph (1), the Secretary shall require each recipient to make an advance payment in an amount that the Secretary determines will equal all such actual costs.

(3) Credits.—A payment received under this subsection shall be credited to the account that was used to cover the costs for which the payment was provided. Amounts so credited shall be merged with amounts in that account, and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in that account.

(c) Chemical Weapons Convention.—The Secretary shall ensure that toxic chemicals and precursors are made available under this section for uses and in quantities that comply with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, signed at Paris on January 13, 1993, and entered into force with respect to the United States on April 29, 1997.

(d) Definitions.—In this section, the terms "precursor", "protective purposes", and "toxic chemical" have the meanings given those terms in the convention referred to in subsection (c), in paragraph 2, paragraph 9(b), and paragraph 1, respectively, of article II of that convention.

SEC. 1046. CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

(a) Establishment.—There is hereby established a commission to be known as the "Congressional Commission on the Strategic Posture of the United States". The purpose of the commission is to examine and make recommendations with respect to the long-term strategic posture of the United States.

(b) Composition.—

(1) Membership.—The commission shall be composed of 12 members appointed as follows:

(A) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Three by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(C) Three by the chairman of the Committee on Armed Services of the Senate.

(D) Three by the ranking minority member of the Committee on Armed Services of the Senate.

(2) Chairman; vice chairman.—

(A) In general.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Armed Services of the Senate shall jointly designate one member of the commission to serve as chairman of the commission and one member to serve as vice chairman.

(B) Consultation.—The designations under subparagraph (A) shall be made in consultation with the ranking minority members of the committees described in that subparagraph.

(3) Period of appointment; vacancies.—Members shall be appointed for the life of the commission. Any vacancy in the commission shall be filled in the same manner as the original appointment.

(c) Duties.—

(1) Review.—The commission shall conduct a review of the strategic posture of the United States, including a strategic threat assessment and a detailed review of nuclear weapons policy, strategy, and force structure.

(2) Assessment and recommendations.—

(A) Assessment.—The commission shall assess the benefits and risks associated with the current strategic posture and nuclear weapons policies of the United States.

(B) Recommendations.—The commission shall make recommendations as to the most appropriate strategic posture and most effective nuclear weapons strategy.

(d) Cooperation From Government.—

(1) Cooperation.—In carrying out its duties, the commission shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Director of National Intelligence, and any other United States Government official in providing the commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(2) Liaison.—The Secretary of Defense, the Secretary of Energy, the Secretary of State, and the Director of National Intelligence shall each designate at least one officer or employee of the Department of Defense, the Department of Energy, the Department of State, and the intelligence community, respectively, to serve as a liaison officer between the department (or the intelligence community, as the case may be) and the commission.

(e) Report.—Not later than December 1, 2008, the commission shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report on the commission's findings, conclusions, and recommendations. The report shall identify the strategic posture and nuclear weapons strategy recommended under subsection (c)(2)(B) and shall include—

(1) the military capabilities and force structure necessary to support the strategy, including conventional means of providing global strike capabilities;

(2) the number of nuclear weapons required to support the strategy, including the number of replacement warheads required, if any;

(3) the appropriate qualitative analysis, including force-on-force exchange modeling, to calculate the effectiveness of the strategy under various scenarios;

(4) the nuclear infrastructure (that is, the size of the nuclear complex) required to support the strategy;

(5) an assessment of the role of missile defenses in the strategy;

(6) an assessment of the role of nonproliferation programs in the strategy;

(7) the political and military implications of the strategy for the United States and its allies; and

(8) any other information or recommendations relating to the strategy (or to the strategic posture) that the commission considers appropriate.

(f) Funding.—Of the amounts appropriated or otherwise made available pursuant to this Act to the Department of Defense, $5,000,000 is available to fund the activities of the commission.

(g) Termination.—The commission shall terminate on June 1, 2009.

(h) Conforming Repeal.—Section 1051 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3431) is repealed.

SEC. 1047. TECHNICAL AND CLERICAL AMENDMENTS.

(a) Title 10, United States Code.—Title 10, United States Code, is amended as follows:

(1) Chapter 3 is amended—

(A) by redesignating the section 127c added by section 1201(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2410) as section 127d and transferring that section so as to appear immediately after the section 127c added by section 1231(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3467); and

(B) by revising the table of sections at the beginning of such chapter to reflect the redesignation and transfer made by paragraph (1).

(2) Section 629(d)(1) is amended by inserting a comma after "(a)".

(3) Section 637(b)(3) is amended by striking "section 1251(b)" and inserting "section 1253".

(4) Section 662(b) is amended by striking "paragraphs (1), (2), and (3) of subsection (a)" and inserting "paragraphs (1) and (2) of subsection (a)".

(5) Section 1034(b)(2) is amended by inserting "unfavorable" before "action" the second place it appears.

(6) Section 1076b(j) is amended—

(A) by striking "section 205(9)" and inserting "205(10)"; and

(B) by striking "1970)" and inserting "1970 (title II of Public Law 91–373; 26 U.S.C. 3304 note))".

(7) The table of sections at the beginning of chapter 137 is amended by striking the item relating to section 2333 and inserting the following new item:

"2333. Joint policies on requirements definition, contingency program management, and contingency contracting.".

(8) The table of sections at the beginning of chapter 141 is amended by inserting a period at the end of the item relating to section 2410p.

(9) The table of sections at the beginning of chapter 152 is amended by inserting a period at the end of the item relating to section 2567.

(10) Section 2583(e) is amended by striking "Dogs" and inserting "Animals".

(11) Section 2668(e) is amended by striking "and (d)" and inserting "and (e)".

(12) Section 12304(a) is amended by striking the second period at the end.

(13) Section 14310(d)(1) is amended by inserting a comma after "(a)".

(b) Title 37, United States Code.—Section 302c(d)(1) of title 37, United States Code, is amended by striking "Services Corps" and inserting "Service Corps".

(c) John Warner National Defense Authorization Act for Fiscal Year 2007.—Effective as of October 17, 2006, and as if included therein as enacted, the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended as follows:

(1) Section 333(a) (120 Stat. 2150) is amended—

(A) by striking "Section 332(c)" and inserting "Section 332"; and

(B) in paragraph (1), by inserting "in subsection (c)," after "(1)".

(2) Section 348(2) (120 Stat. 2159) is amended by striking "60 days of" and inserting "60 days after".

(3) Section 511(a)(2)(D)(i) (120 Stat. 2182) is amended by inserting a comma after "title".

(4) Section 591(b)(1) (120 Stat. 2233) is amended by inserting a period after "this title".

(5) Section 606(b)(1)(A) (120 Stat. 2246) is amended by striking "in" and inserting "In".

(6) Section 670(b) (120 Stat. 2269) is amended by striking "such title" and inserting "such chapter".

(7) Section 673 (120 Stat. 2271) is amended—

(A) in subsection (a)(1), by inserting "the second place it appears" before "and inserting";

(B) in subsection (b)(1)—

(i) by striking "Section" and inserting "Subsection (a) of section"; and

(ii) by inserting "the second place it appears" before "and inserting"; and

(C) in subsection (c)(1), by inserting "the second place it appears" before "and inserting".

(8) Section 842(a)(2) (120 Stat. 2337) is amended by striking "adding at the end" and inserting "inserting after the item relating to section 2533a".

(9) Section 1017(b)(2) (120 Stat. 2379; 10 U.S.C. 2631 note) is amended by striking "section 27" and all that follows through the period at the end and inserting "sections 12112 and 50501 and chapter 551 of title 46, United States Code.".

(10) Section 1071(f) (120 Stat. 2402) is amended by striking "identical" both places it appears.

(11) Section 1231(d) (120 Stat. 2430; 22 U.S.C. 2776a(d)) is amended by striking "note".

(12) Section 2404(b)(2)(A)(ii) (120 Stat. 2459) is amended by striking "2906 of such Act" and inserting "2906A of such Act".

(13) Section 2831 (120 Stat. 2480) is amended—

(A) by striking "Section 2667(d)" and inserting "Section 2667(e)"; and

(B) by inserting "as redesignated by section 662(b)(1) of this Act," after "Code,".

(d) Public Law 109–366.—Effective as of October 17, 2006, and as if included therein as enacted, Public Law 109–366 is amended as follows:

(1) Section 8(a)(3) (120 Stat. 2636) is amended by inserting a semicolon after "subsection".

(2) Section 9(1) (120 Stat. 2636) is amended by striking "No. 1." and inserting "No. 1,".

(e) National Defense Authorization Act for Fiscal Year 2006.—Effective as of January 6, 2006, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended as follows:

(1) Section 571 (119 Stat. 3270) is amended by striking "931 et seq.)" and inserting "921 et seq.)".

(2) Section 1052(j) (119 Stat. 3435) is amended by striking "Section 1049" and inserting "Section 1409".

(f) National Defense Authorization Act for Fiscal Year 2004.—The National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) is amended as follows:

(1) Section 706(a) (117 Stat. 1529; 10 U.S.C. 1076b note) is amended by striking "those program" and inserting "those programs".

(2) Section 1413(a) (117 Stat. 1665; 41 U.S.C. 433 note) is amended by striking "(A))" and inserting "(A)))".

(3) Section 1602(e)(3) (117 Stat. 1683; 10 U.S.C. 2302 note) is amended by inserting "Security" after "Health".

(g) National Defense Authorization Act for Fiscal Year 1994.—Section 845(a) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) in paragraph (2)(A), by inserting "Research" after "Defense Advanced"; and

(2) in paragraph (3), by inserting "Research" after "Defense Advanced".

(h) National Defense Authorization Act for Fiscal Year 1993.—Section 722(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1073 note) is amended by striking "155 Stat." and inserting "115 Stat.".

SEC. 1048. REPEAL OF CERTIFICATION REQUIREMENT.

Section 1063 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3445) is repealed.

SEC. 1049. PROHIBITION ON SALE BY DEPARTMENT OF DEFENSE OF PARTS FOR F-14 FIGHTER AIRCRAFT.

(a) Findings.—Congress makes the following findings:

(1) The Department of Defense is responsible for demilitarizing and auctioning off sensitive surplus United States military equipment.

(2) F–14 "Tomcat" fighter aircraft have recently been retired, and their parts are being made available by auction in large quantities.

(3) Iran is the only country, besides the United States, flying F–14 fighter aircraft and is purchasing surplus parts for such aircraft from brokers.

(4) The Government Accountability Office has, as a result of undercover investigative work, declared the acquisition of the surplus United States military equipment, including parts for F–14 fighter aircraft, to be disturbingly effortless.

(5) Upon the seizure of such sensitive surplus military equipment being sold to Iran, United States customs agents have discovered these same items, having been resold by the Department of Defense, being brokered illegally to Iran again.

(6) Iran is pursuing a nuclear weapons capability, and the Department of State has identified Iran as the most active state sponsor of terrorism.

(7) Iran continues to provide funding, safe haven, training, and weapons to known terrorist groups, including Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(8) The sale of spare parts for F–14 fighter aircraft could make it more difficult to confront the nuclear weapons capability of Iran and would strengthen the ground war capability of Iran. To prevent these threats to regional and global security, the sale of spare parts for F–14 fighter aircraft should be prohibited.

(b) Prohibition on Sale by Department of Defense.—

(1) In general.—Notwithstanding any other provision of law and except as provided in paragraph (2), the Department of Defense may not sell (whether directly or indirectly) any parts for F–14 fighter aircraft, whether through the Defense Reutilization and Marketing Service or through another agency or element of the Department.

(2) Exception.—Paragraph (1) shall not apply with respect to the sale of parts for F–14 fighter aircraft to a museum or similar organization located in the United States that is involved in the preservation of F–14 fighter aircraft for historical purposes.

(c) Prohibition on Export License.—No license for the export of parts for F–14 fighter aircraft to a non-United States person or entity may be issued by the United States Government.

SEC. 1050. MAINTENANCE OF CAPABILITY FOR SPACE-BASED NUCLEAR DETECTION.

The Secretary of Defense shall maintain the capability for space-based nuclear detection at a level that meets or exceeds the level of capability as of the date of the enactment of this Act.

SEC. 1051. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

Section 1403(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 12310 note) is amended—

(1) in paragraph (1)—

(A) by striking "23" and inserting "25"; and

(B) by striking "55" and inserting "57"; and

(2) in paragraph (2), by striking "55" and inserting "57".

SEC. 1052. SENSE OF CONGRESS REGARDING NEED TO REPLACE ARMY M109 155MM SELF-PROPELLED HOWITZER.

(a) Findings.—Congress finds the following:

(1) Military historians recognize the M109 155mm self-propelled howitzer as a pioneer of the configuration of modern mechanized artillery.

(2) The M109 was first used by the Army in combat during the Vietnam War.

(3) The Marine Corps also made use of the M109 during the Vietnam War, primarily in defensive ways similar to the Army.

(4) The Army adapted the M109 for use during the Gulf War, adding capability for more lethal DPICM rounds.

(5) The M109 has most recently demonstrated its usefulness in Operation Iraqi Freedom, dependably placing rounds downrange about two minutes after obtaining its mission.

(b) Sense of Congress.—It is the sense of Congress that, while the M109 155mm self-propelled howitzer has been a dependable military weapon for 40 years and recognizing the budgeting challenges facing the Armed Forces, the Army—

(1) has not been timely in procuring a replacement for the M109; and

(2) should transition to the NLOS-C as the replacement for the M109.

SEC. 1053. SENSE OF CONGRESS REGARDING DETAINEES AT NAVAL STATION, GUANTANAMO BAY, CUBA.

It is the sense of Congress that—

(1) the Nation extends its gratitude to the military personnel who guard and interrogate some of the world's most dangerous men every day at Naval Station, Guantanamo Bay, Cuba;

(2) the international community, in general, and in particular, the home countries of the detainees who remain in detention despite having been ordered released by a Department of Defense administrative review board, should work with the Department of Defense to facilitate and expedite the repatriation of such detainees;

(3) detainees at Guantanamo Bay, to the maximum extent possible, should be charged and expeditiously prosecuted for crimes committed against the United States; and

(4) operations at Guantanamo Bay should be carried out in a way that upholds the national interest and core values of the American people.

SEC. 1054. REPEAL OF PROVISIONS IN SECTION 1076 OF PUBLIC LAW 109–364 RELATING TO USE OF ARMED FORCES IN MAJOR PUBLIC EMERGENCIES.

(a) Interference With State and Federal Laws.—

(1) In general.—Section 333 of title 10, United States Code, is amended to read as follows:

"§333. Interference with State and Federal law

"The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

"(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

"(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.".

(2) Proclamation to disperse.—Section 334 of such title is amended by striking "or those obstructing the enforcement of the laws" after "insurgents".

(3) Heading amendment.—The heading of chapter 15 of such title is amended to read as follows:

"CHAPTER 15—INSURRECTION".

(4) Clerical amendments.—

(A) The table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to section 333 and inserting the following new item:

"333. Interference with State and Federal law.".

(B) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are each amended by striking the item relating to chapter 15 and inserting the following new item:

"15. Insurrection .... 331".

(b) Repeal of Section Relating to Provision of Supplies, Services, and Equipment.—

(1) In general.—Section 2567 of title 10, United States Code, is repealed.

(2) Clerical amendment.—The table of sections at the beginning of chapter 152 of such title is amended by striking the item relating to section 2567.

(c) Conforming Amendment.—Section 12304(c) of such title is amended by striking "Except to perform" and all that follows through "this section" and inserting "No unit or member of a reserve component may be ordered to active duty under this section to perform any of the functions authorized by chapter 15 or section 12406 of this title or, except as provided in subsection (b),".

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Compensation for Federal wage system employees for certain travel hours.
Sec. 1102. Special benefits for civilian employees assigned on deployment temporary change of station.
Sec. 1103. Accumulation of annual leave by senior level employees.
Sec. 1104. Travel compensation for wage grade personnel.
Sec. 1105. Death gratuity authorized for Federal employees.
Sec. 1106. Modifications to the National Security Personnel System.
Sec. 1107. Annuity commencing dates.
Sec. 1108. Flexibility in setting pay for employees who move from a Department of Defense or Coast Guard nonappropriated fund instrumentality position to a position in the General Schedule pay system.
Sec. 1109. Transportation of dependents, household effects, and personal property to former home following death of Federal employee where death resulted from disease or injury incurred in a combat zone.
Sec. 1110. Use of leave transfer program by wounded veterans who are Federal employees.
Sec. 1111. Requirement for full implementation of personnel demonstration project.

SEC. 1101. COMPENSATION FOR FEDERAL WAGE SYSTEM EMPLOYEES FOR CERTAIN TRAVEL HOURS.

Clause (iv) of section 5544(a) of title 5, United States Code, is amended by striking "administratively." and inserting "administratively (including travel by such employee to such event and the return of such employee from such event to his or her official duty station).".

SEC. 1102. SPECIAL BENEFITS FOR CIVILIAN EMPLOYEES ASSIGNED ON DEPLOYMENT TEMPORARY CHANGE OF STATION.

(a) Authority.—Subchapter II of chapter 57 of title 5, United States Code, is amended by inserting after section 5737 the following:

"§ 5737a. Employees temporarily deployed in contingency operations

"(a) Definitions.—For purposes of this section—

"(1) the term 'covered employee' means an individual who—

"(A) is an employee of an Executive agency or a military department, excluding a Government controlled corporation; and

"(B) is assigned on a temporary change of station in support of a contingency operation;

"(2) the term 'temporary change of station', as used with respect to an employee, means an assignment—

"(A) from the employee's official duty station to a temporary duty station; and

"(B) for which such employee is eligible for expenses under section 5737; and

"(3) the term 'contingency operation' has the meaning given such term by section 1482a(c) of title 10.

"(b) Quarters and Rations.—The head of an agency may provide quarters and rations, without charge, to any covered employee of such agency during the period of such employee's temporary assignment (as described in subsection (a)(1)(B)).

"(c) Storage of Motor Vehicle.—The head of an agency may provide for the storage, without charge, or for the reimbursement of the cost of storage, of a motor vehicle that is owned or leased by a covered employee of such agency (or by a dependent of such an employee) and that is for the personal use of the covered employee. This subsection shall apply—

"(1) with respect to storage during the period of the employee's temporary assignment (as described in subsection (a)(1)(B)) and, notwithstanding section 5737(b), for such additional period of time as the agency head may determine; and

"(2) in the case of a covered employee, with respect to not more than one motor vehicle as of any given time.

"(d) Relationship to Other Benefits.—Any benefits under this section shall be in addition to (and not in lieu of) any other benefits for which the covered employee is otherwise eligible.".

(b) Clerical Amendment.—The table of sections for chapter 57 of such title is amended by inserting after the item relating to section 5737 the following:

"5737a. Employees temporarily deployed in contingency operations.".

SEC. 1103. ACCUMULATION OF ANNUAL LEAVE BY SENIOR LEVEL EMPLOYEES.

Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in the matter before subparagraph (A), by striking "in a position in—" and inserting "in—";

(2) in subparagraphs (A) through (E), by inserting "a position in" before "the";

(3) in subparagraph (D), by striking "or" at the end;

(4) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(5) by adding after subparagraph (E) the following:

"(F) a position to which section 5376 applies; or

"(G) a position designated under section 1607(a) of title 10 as an Intelligence Senior Level position.".

SEC. 1104. TRAVEL COMPENSATION FOR WAGE GRADE PERSONNEL.

(a) Eligibility for Compensatory Time Off for Travel.—Section 5550b(a) of title 5, United States Code, is amended by striking "section 5542(b)(2)," and inserting "any provision of section 5542(b)(2) or 5544(a),".

(b) Conforming Amendment.—Section 5541(2)(xi) of such title is amended by striking "section 5544" and inserting "section 5544 or 5550b".

(c) Effective Date.—The amendments made by this section shall take effect on the earlier of—

(1) the effective date of any regulations prescribed to carry out such amendments; or

(2) the 90th day after the date of the enactment of this Act.

SEC. 1105. DEATH GRATUITY AUTHORIZED FOR FEDERAL EMPLOYEES.

(a) Death Gratuity Authorized.—Chapter 81 of title 5, United States Code, is amended by inserting after section 8102 the following new section:

"§ 8102a. Death gratuity for injuries incurred in connection with employee's service with an Armed Force

"(a) Death Gratuity Authorized.—The United States shall pay a death gratuity of $100,000 to or for the survivor prescribed by subsection (d) immediately upon receiving official notification of the death of an employee who dies of injuries incurred in connection with the employee's service with an Armed Force in a contingency operation, or who dies of injuries incurred in connection with a terrorist incident occurring during the employee's service with an Armed Force.

"(b) Retroactive Payment in Certain Cases.—Subsection (a) applies in the case of an employee who dies on or after October 7, 2001, as a result of injuries incurred in connection with the employee's service with an Armed Force in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom.

"(c) Other Benefits.—The death gratuity payable under this section is in addition to any death benefits otherwise provided for in law.

"(d) Eligible Survivors.—

"(1) Subject to paragraph (5), a death gratuity payable upon the death of a person covered by subsection (a) shall be paid to or for the living survivor highest on the following list:

"(A) The employee's surviving spouse.

"(B) The employee's children, as prescribed by paragraph (2), in equal shares.

"(C) If designated by the employee, any one or more of the following persons:

"(I) The employee's parents or persons in loco parentis, as prescribed by paragraph (3).

"(ii) The employee's brothers.

"(iii) The employee's sisters.

"(D) The employee's parents or persons in loco parentis, as prescribed by paragraph (3), in equal shares.

"(E) The employee's brothers and sisters in equal shares.

Subparagraphs (C) and (E) of this paragraph include brothers and sisters of the half blood and those through adoption.

"(2) Paragraph (1)(B) applies, without regard to age or marital status, to—

"(A) legitimate children;

"(B) adopted children;

"(C) stepchildren who were a part of the decedent's household at the time of death;

"(D) illegitimate children of a female decedent; and

"(E) illegitimate children of a male decedent—

"(I) who have been acknowledged in writing signed by the decedent;

"(ii) who have been judicially determined, before the decedent's death, to be his children;

"(iii) who have been otherwise proved, by evidence satisfactory to the employing agency, to be children of the decedent; or

"(iv) to whose support the decedent had been judicially ordered to contribute.

"(3) Subparagraphs (C) and (D) of paragraph (1), so far as they apply to parents and persons in loco parentis, include fathers and mothers through adoption, and persons who stood in loco parentis to the decedent for a period of not less than one year at any time before the decedent became an employee. However, only one father and one mother, or their counterparts in loco parentis, may be recognized in any case, and preference shall be given to those who exercised a parental relationship on the date, or most nearly before the date, on which the decedent became an employee.

"(4) Beginning on the date of the enactment of this paragraph, a person covered by this section may designate another person to receive not more than 50 percent of the amount payable under this section. The designation shall indicate the percentage of the amount, to be specified only in 10 percent increments up to the maximum of 50 percent, that the designated person may receive. The balance of the amount of the death gratuity shall be paid to or for the living survivors of the person concerned in accordance with subparagraphs (A) through (E) of paragraph (1).

"(5) If a person entitled to all or a portion of a death gratuity under paragraph (1) or (4) dies before the person receives the death gratuity, it shall be paid to the living survivor next in the order prescribed by paragraph (1).

"(e) DEFINITIONS.—(1) The term 'contingency operation' has the meaning given to that term in section 1482a(c) of title 10, United States Code.

"(2) The term 'employee' has the meaning provided in section 8101 of this title, but also includes a nonappropriated fund instrumentality employee, as defined in section 1587(a)(1) of title 10.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by inserting after the item relating to section 8102 the following new item:

"8102a. Death gratuity for injuries incurred in connection with employee's service with an Armed Force.".

SEC. 1106. MODIFICATIONS TO THE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) IN GENERAL.—Section 9902 of title 5, United States Code, is amended—

(1) in subsection (a), by striking "Notwithstanding any other provision of this part, the" and inserting "The";

(2) in subsection (b)(4)—

(A) by striking "collectively as provided for in this chapter," and inserting "collectively,"; and

(B) by striking "the provisions of this chapter and";

(3) in subsection (b)(6), by striking subparagraph (I) and inserting the following:

"(I) A pay-for-performance evaluation system to reward individual or group performance. Any such system—

"(i) shall be based on an equitable method for appraising and compensating employees;

"(ii) shall ensure that rates of pay (including those described in subchapter IV of chapter 53 and those payable to employees paid from nonappropriated funds) are adjusted at the same time and by the same percentages as would be required under sections 5303 through 5304a for rates subject to those sections, except that no such adjustment may be made if or to the extent that the resulting rate would exceed the maximum rate allowable under such system;

"(iii) may not be implemented before the requirements described in section 4703(b) have been met by the Secretary and the Director jointly with respect to such system;

"(iv) may not provide for any waiver with respect to such system that would not be allowable under any paragraph of section 4703(c); and

"(v) shall be subject to the provisions of subsections (f) and (g) of section 4703.";

(4) in subsection (c)(1), by striking "October 1, 2008" each place it appears and inserting "October 1, 2011";

(5) in subsection (d)—

(A) in the matter before paragraph (1), by striking "are (to the extent not otherwise specified in this title)—" and inserting "are—"; and

(B) in paragraph (2), by inserting "43," after "41," and by inserting "75, 77," after "73,";

(6) in subsection (e)(3), by striking the period at the end and inserting ", except as provided in subsection (b)(6)(I)(ii).";

(7) in subsection (f)(4), strike "The" and insert "Subject to subsection (d)(2), the";

(8) in subsection (g)—

(A) by striking paragraph (2) and inserting the following:

"(2) The decision to bargain at a level above the level of exclusive recognition shall be mutually agreed to by the Secretary and the labor organization at an organizational level above the level of exclusive recognition.";

(B) in paragraph (3), by striking "are excluded from" and inserting "may be included in"; and

(C) by striking paragraph (4); and

(9) by striking subsections (h), (k), and (m) and redesignating subsections (i), (j), and (l) as subsections (h), (i), and (j), respectively.

(b) SAVINGS PROVISION.—Any rate of pay which is in effect with respect to an employee immediately before this section takes effect, and which was determined under a performance management system established under section 9902(b)(6) of title 5, United States Code, shall remain in effect until—

(1) such rate is modified, superseded, or rendered inapplicable—

(A) in accordance with such system, as last in effect before this section takes effect; or

(B) in accordance with a system established under such section 9902(b)(6), as amended by this section (hereinafter referred to as a "successor system"); or

(2) such employee otherwise ceases to be covered by such system (as described in paragraph (1)(A)), whether by transferring to a position not covered by the system (as so described) or otherwise.

The performance management system (as described in paragraph (1)(A)) shall remain in effect, in accordance with its terms, until all employees who, immediately before this section takes effect, are subject to the system (as so described) have either become subject to a successor system or have otherwise ceased to be covered by the system (as so described). Such system (as so described) shall not apply in the case of any employee, or during any period of time, not described in the preceding sentence.

SEC. 1107. ANNUITY COMMENCING DATES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8345(b)(1) of title 5, United States Code, is amended by striking "the first day of the month after" both places it appears and inserting "the day after".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8464(a) of such title is amended to read as follows:

"(a) Except as otherwise provided in this chapter—

"(1) an annuity payable from the Fund commences on the day after—

"(A) separation from the service, in the case of an employee or Member retiring under section 8412 or 8414; or

"(B) pay ceases, and the applicable age and service requirements are met, in the case of an employee or Member retiring under section 8413; and

"(2) an annuity payable from the Fund commences on the day after separation from the service or the day after pay ceases and the requirements for title to an annuity are met in the case of an employee or Member retiring under section 8451.".

SEC. 1108. FLEXIBILITY IN SETTING PAY FOR EMPLOYEES WHO MOVE FROM A DEPARTMENT OF DEFENSE OR COAST GUARD NONAPPROPRIATED FUND INSTRUMENTALITY POSITION TO A POSITION IN THE GENERAL SCHEDULE PAY SYSTEM.

The first sentence of section 5334(f) of title 5, United States Code, is amended by striking "any step of such grade that does not exceed the highest previous rate of basic pay received by that employee during the employee's service described in section 2105(c)." and inserting "any step of such grade that does not exceed—

"(1) if the highest previous rate of basic pay received by that employee during the employee's service described in section 2105(c) is equal to a rate of the appropriate grade, such rate of the appropriate grade;

"(2) if the employee's highest previous rate of basic pay (as described in paragraph (1)) is between two rates of the appropriate grade, the higher of those two rates; or

"(3) if the employee's highest previous rate of basic pay (as described in paragraph (1)) exceeds the maximum rate of the appropriate grade, the maximum rate of the appropriate grade.".

SEC. 1109. TRANSPORTATION OF DEPENDENTS, HOUSEHOLD EFFECTS, AND PERSONAL PROPERTY TO FORMER HOME FOLLOWING DEATH OF FEDERAL EMPLOYEE WHERE DEATH RESULTED FROM DISEASE OR INJURY INCURRED IN A COMBAT ZONE.

(a) IN GENERAL.—Section 5742 of title 5, United States Code, is amended by adding at the end the following:

"(f)(1) The benefits of subsection (b)(2) may not be denied, solely because the dependents were residing within the continental United States when the employee died, if such employee died as a result of disease or injury incurred while holding a position or performing one or more functions in support of military operations of the United States in a combat zone.

"(2) For purposes of paragraph (1)—

"(A) the term 'continental United States' has the meaning given such term by section 5721(3); and

"(B) the term 'combat zone' has the meaning given such term by section 1580 of title 10.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to deaths occurring on or after the date of the enactment of this Act.

SEC. 1110. USE OF LEAVE TRANSFER PROGRAM BY WOUNDED VETERANS WHO ARE FEDERAL EMPLOYEES.

(a) IN GENERAL.—Section 6333(b) of title 5, United States Code, is amended—

(1) by striking "A leave" and inserting "(1) Except as provided in paragraph (2), a leave"; and

(2) by adding at the end the following new paragraph:

"(2) The requirement to exhaust annual leave and sick leave under paragraph (1) shall not apply in the case of a leave recipient who, while a member of the Armed Forces, including a member of the National Guard or a Reserve, sustained a combat-related disability (as defined in section 1413a(e) of title 10) and is undergoing medical treatment (as defined by the Office of Personnel Management) for that combat-related disability. The preceding sentence shall apply to a member described in that sentence only so long as the member continues to undergo medical treatment for the disability, but in no case for more than five years.".

SEC. 1111. REQUIREMENT FOR FULL IMPLEMENTATION OF PERSONNEL DEMONSTRATION PROJECT.

(a) REQUIREMENT.—The Secretary of Defense shall take all necessary actions to fully implement and use the authorities provided to the Secretary under section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A-315), to carry out personnel management demonstration projects at Department of Defense laboratories that are exempted by section 9902(c) of title 5, United States Code, from inclusion in the Department of Defense National Security Personnel System.

(b) EXPANDED AUTHORITY FOR DIRECTORS.—The Secretary of Defense shall also implement a process and implementation plan to expand the authorities provided to the laboratories described in subsection (a) to provide the research laboratory directors enhanced ability to make program, funding, personnel, and other decisions that are necessary to carry out the mission of the laboratory.

(c) OTHER LABORATORIES.—Any flexibility available to any demonstration laboratory shall be available for use at any other laboratory as enumerated in section 9902(c)(2) of title 5, United States Code.

(d) SUBMISSION OF LIST AND DESCRIPTION.—Not later than March 1 of each year, beginning with March 1, 2008, the Secretary of Defense shall submit to Congress a list and description of the demonstration project notices, amendments, and changes requested by the laboratories during the preceding calendar year. The list shall include all approved and disapproved notices, amendments, and changes, and the reasons for disapproval or delay in approval.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Military-to-military contacts and comparable activities.
Sec. 1202. Authority for support of military operations to combat terrorism.
Sec. 1203. Medical care and temporary duty travel expenses for liaison officers of certain foreign nations.
Sec. 1204. Extension and expansion of Department of Defense authority to participate in multinational military centers of excellence.
Sec. 1205. Reauthorization of Commanders' Emergency Response Program.
Sec. 1206. Expansion of program to build the capacity of foreign military forces to include Pakistan's other security forces.
Sec. 1207. Authority to provide assistance to foreign nations to assist in recovery and accounting activities for missing United States Government personnel.
Sec. 1208. Authority to provide automatic identification system data on maritime shipping to foreign countries and international organizations.
Sec. 1209. Report on foreign assistance-related programs, projects, and activities carried out by the Department of Defense.

Subtitle B—Matters Relating to Iraq

Sec. 1221. Modification of authorities relating to the Special Inspector General for Iraq Reconstruction.
Sec. 1222. Continuation of prohibition on establishment of permanent military installations in Iraq or United States control over oil resources of Iraq.
Sec. 1223. Report on Department of Defense efforts to build the capacity of the Government of Iraq to carry out reconstruction activities in Iraq.
Sec. 1224. Report on implementation of Multi-National Forces-Iraq/United States Embassy Baghdad Joint Campaign Plan and efforts to achieve political reform in Iraq.
Sec. 1225. Report on training of the Iraqi Security Forces.
Sec. 1226. Sense of Congress on responsibilities of the Iraqi Council of Representatives to enact laws to achieve political reform and diminish support for the insurgency in Iraq.

Subtitle C—Matters Relating to Afghanistan

Sec. 1231. Special Inspector General for Afghanistan Reconstruction.
Sec. 1232. Report on progress toward security and stability in Afghanistan.
Sec. 1233. Report on progress of the Department of Defense's counter-narcotics program for Afghanistan.
Sec. 1234. United States plan for sustaining the Afghanistan National Security Forces.

Subtitle D—Other Matters

Sec. 1241. Cooperative research and development agreements: NATO organizations; allied and friendly foreign countries.
Sec. 1242. Extension of Counterproliferation Program Review Committee.
Sec. 1243. Sense of Congress concerning the Western Hemisphere Institute for Security Cooperation.
Sec. 1244. Sense of Congress concerning the strategic military capabilities and intentions of the People's Republic of China.

Subtitle A—Assistance and Training

SEC. 1201. MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.

Section 168(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(9) The assignment of personnel described in paragraph (3) or (4) on a non-reciprocal basis if the Secretary of Defense determines that such an assignment, rather than an exchange of personnel, is in the interests of the United States.".

SEC. 1202. AUTHORITY FOR SUPPORT OF MILITARY OPERATIONS TO COMBAT TERRORISM.

(a) MODIFICATION OF REPORTING REQUIREMENT.—Subsection (f) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086–2087) is amended to read as follows:

"(f) ANNUAL REPORT.—

"(1) REPORT REQUIRED.—Not later than 120 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under that subsection during that fiscal year.

"(2) MATTERS TO BE INCLUDED.—Each report required by paragraph (1) shall describe the support provided, including—

"(A) the country involved in the activity, the individual or force receiving the support, and, to the maximum extent practicable, the specific region of each country involved in the activity;

"(B) the respective dates and a summary of congressional notifications for each activity;

"(C) the unified commander for each activity, as well as the related objectives, as established by that commander;

"(D) the total amount obligated to provide the support;

"(E) for each activity that amounts to more than $500,000, specific budget details that explain the overall funding level for that activity; and

"(F) a statement providing a brief assessment of the outcome of the support, including specific indications of how the support furthered the mission objective of special operations forces and the types of follow-on support, if any, that may be necessary.".

(b) ANNUAL LIMITATION.—Subsection (g) of such section is amended—

(1) in the heading, by striking "FISCAL YEAR 2005" and inserting "ANNUAL"; and

(2) by striking "fiscal year 2005" and inserting "each fiscal year during which subsection (a) is in effect".

(c) EXTENSION OF PERIOD OF AUTHORITY.—Subsection (h) of such section is amended by striking "2007" and inserting "2010".

SEC. 1203. MEDICAL CARE AND TEMPORARY DUTY TRAVEL EXPENSES FOR LIAISON OFFICERS OF CERTAIN FOREIGN NATIONS.

(a) AUTHORITY.—Subsection (a) of section 1051a of title 10, United States Code, is amended—

(1) by striking "involved in a coalition" and inserting "involved in a military operation"; and

(2) by striking "coalition operation" and inserting "military operation".

(b) MEDICAL CARE AND TEMPORARY DUTY TRAVEL EXPENSES.—Subsection (b) of such section is amended—

(1) in the heading, by striking "AND SUBSISTENCE" inserting ", SUBSISTENCE, AND MEDICAL CARE";

(2) in paragraph (2), by adding at the end the following:

"(C) Expenses for medical care at a civilian medical facility if—

"(i) adequate medical care is not available to the liaison officer at a local military medical treatment facility;

"(ii) the Secretary determines that payment of such medical expenses is necessary and in the best interests of the United States; and

"(iii) medical care is not otherwise available to the liaison officer pursuant to any treaty or other international agreement."; and

(3) by adding at the end the following:

"(3) The Secretary may pay the mission-related travel expenses of a liaison officer described in subsection (a) if such travel is in support of the national interests of the United States and the commander of the headquarters to which the liaison officer is temporarily assigned directs round-trip travel from the assigned headquarters to one or more locations.".

(c) DEFINITION.—Subsection (d) of such section is amended—

(1) by striking "(d) DEFINITIONS.—" and all that follows through "(1) The term" and inserting "(d) DEFINITION.—In this section, the term"; and

(2) by striking paragraph (2).

(d) EXPIRATION OF AUTHORITY.—Such section is further amended by striking subsection (e).

(e) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading for such section is amended to read as follows:

"§ 1051a. Liaison officers of certain foreign nations; administrative services and support; travel, subsistence, medical care, and other personal expenses".

(2) The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by striking the item relating to section 1051a and inserting the following:

"1051a. Liaison officers of certain foreign nations; administrative services and support; travel, subsistence, medical care, and other personal expenses.".

SEC. 1204. EXTENSION AND EXPANSION OF DEPARTMENT OF DEFENSE AUTHORITY TO PARTICIPATE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 1202 Stat. 2416) is amended by striking "fiscal year 2007" and inserting "fiscal years 2007 and 2008".

(b) APPROVAL OF CENTERS.—Subsection (c)(1) of such section is amended—

(1) by striking "the Military Committee of the North Atlantic Treaty Organization (NATO)" and inserting "the Department of Defense"; and

(2) by striking "for the benefit of NATO".

(c) LIMITATION ON AMOUNTS AVAILABLE FOR PARTICIPATION.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) LIMITATION ON AMOUNT.—The amount available under paragraph (1)(A) for the expenses referred to in that paragraph may not exceed—

"(A) in fiscal year 2007, $3,000,000; and

"(B) in fiscal year 2008, $5,000,000.".

(d) REPORTS.—Subsection (g) of such section is amended—

(1) in paragraph (1)—

(A) by inserting "and October 31, 2008," after "October 31, 2007,"; and

(B) by striking "fiscal year 2007" and inserting "fiscal years 2007 and 2008"; and

(2) in paragraph (2)(A), by striking "during fiscal year 2007" and inserting "during the preceding fiscal year".

SEC. 1205. REAUTHORIZATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455–3456) is amended—

(1) in the heading, by striking "FISCAL YEARS 2006 AND 2007" and inserting "FISCAL YEARS 2008 AND 2009"; and

(2) by striking "fiscal years 2006 and 2007" and inserting "fiscal years 2008 and 2009".

(b) QUARTERLY REPORTS.—Subsection (b) of such section is amended by striking "fiscal years 2006 and 2007" and inserting "fiscal years 2008 and 2009".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.

SEC. 1206. EXPANSION OF PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES TO INCLUDE PAKISTAN'S OTHER SECURITY FORCES.

(a) AUTHORITY.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456–3458), as amended by section 1206 of the John Warner National Defense Authorization Act of Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418), is amended—

(1) by striking "The Secretary of Defense" and inserting the following:

"(1) IN GENERAL.—The Secretary of Defense";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2) ADDITIONAL AUTHORITY TO BUILD THE CAPACITY OF PAKISTAN'S OTHER SECURITY FORCES.—The Secretary of Defense, with the concurrence of the Secretary of State, may use the authority in paragraph (1) to provide assistance to build the capacity of a Pakistan's other security forces that are critical to the success of counterterrorist operations, such as forces responsible for border protection and interdiction (including forces that guard coastal waters) and internal security forces specifically responsible for counterterrorism operations, in order for Pakistan to conduct the operations described in paragraph (1)(A).".

(b) CONGRESSIONAL NOTIFICATION; SPECIFIED CONGRESSIONAL COMMITTEES.—Subsection (e) of such section is amended—

(1) in paragraph (1)—

(A) by striking "Whenever" and inserting the following:

"(A) IN GENERAL.—Whenever"; and

(B) by adding at the end the following new subparagraph:

"(B) NOTIFICATION RELATING TO AUTHORITY TO BUILD THE CAPACITY OF PAKISTAN'S OTHER SECURITY FORCES.—Not less than 30 days prior to the obligation or expenditure of funds to carry out any activities under subsection (a)(2), the Secretary of Defense shall notify the congressional committees specified in paragraph (3) of such proposed obligation or expenditure."; and

(2) in paragraph (3)(B), by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(c) REPORT.—Paragraphs (1), (2), and (3) of subsection (f) of such section are each amended by inserting "or Pakistan's other security forces" after "foreign military forces".

*(d) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading for such section is amended by adding at the end before the period the following: "***AND PAKISTAN'S OTHER SECURITY FORCES***".*

(2) The table of contents in section 2(b) of the National Defense Authorization Act for Fiscal Year 2006 and the table of sections at the beginning of title XII of such Act are each amended by striking the item relating to section 1206 and inserting the following:

"Sec. 1206. Authority to build the capacity of foreign military forces and Pakistan's other security forces.".

SEC. 1207. AUTHORITY TO PROVIDE ASSISTANCE TO FOREIGN NATIONS TO ASSIST IN RECOVERY AND ACCOUNTING ACTIVITIES FOR MISSING UNITED STATES GOVERNMENT PERSONNEL.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to provide assistance to foreign nations to assist the Department of Defense in recovery and accounting activities for missing United States Government personnel.

(b) TYPES OF ASSISTANCE.—Assistance authorized under subsection (a) may include the provision of equipment, supplies, services, training, and funding to foreign nations to assist in recovery and accounting activities described in such subsection. The authority to provide assistance under subsection (a) is in addition to any other authority to provide assistance to foreign nations for such purposes.

(c) LIMITATION.—Assistance authorized under subsection (a) may not exceed $1,000,000 in any fiscal year.

SEC. 1208. AUTHORITY TO PROVIDE AUTOMATIC IDENTIFICATION SYSTEM DATA ON MARITIME SHIPPING TO FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.

(a) AUTHORITY TO PROVIDE DATA.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize the Secretary of a military department or a commander of a combatant command to exchange or furnish automatic identification system data broadcast by merchant or private ships and collected by the United States to a foreign country or international organization pursuant to an agreement for the exchange or production of such data. Such data may be transferred pursuant to this section without cost to the recipient country or international organization.

(b) DEFINITIONS.—In this section:

(1) AUTOMATIC IDENTIFICATION SYSTEM.—The term "automatic identification system" means a system that is used to satisfy the requirements of the Automatic Identification System under the International Convention for the Safety of Life at Sea, signed at London on November 1, 1974 (TIAS 9700).

(2) GEOGRAPHIC COMBATANT COMMANDER.—The term "commander of a combatant command" means a commander of a combatant command (as such term is defined in section 161(c) of title 10, United States Code) with a geographic area of responsibility.

SEC. 1209. REPORT ON FOREIGN ASSISTANCE-RELATED PROGRAMS, PROJECTS, AND ACTIVITIES CARRIED OUT BY THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report that contains a description of all foreign assistance-related programs, projects, and activities carried out by the Department of Defense during the prior fiscal year pursuant to any provision of law that authorizes or appropriates funds for such programs, projects, and activities.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include information on a country-by-country basis of each foreign assistance–related program, project, or activity of the Department of Defense and each foreign-assistance related program, project, or activity that the Department of Defense undertakes or implements on behalf of any other department or agency of the United States Government, such as a program, project, or activity under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(c) DEFINITION.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

Subtitle B—Matters Relating to Iraq

SEC. 1221. MODIFICATION OF AUTHORITIES RELATING TO THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

(a) PURPOSES.—Subsection (a)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234–1238; 5 U.S.C. App., note to section 8G of Public Law 95–452) is amended by striking "to the Iraq Relief and Reconstruction Fund" and inserting "for the reconstruction of Iraq".

(b) ASSISTANT INSPECTORS GENERAL.—Subsection (d)(1) of such section is amended by striking "the Iraq Relief and Reconstruction Fund" and inserting "amounts appropriated or otherwise made available for the reconstruction of Iraq".

(c) SUPERVISION.—Subsection (e)(2) of such section is amended by striking "the Iraq Relief and Reconstruction Fund" and inserting "amounts appropriated or otherwise made available for the reconstruction of Iraq".

(d) DUTIES.—Subsection (f)(1) of such section is amended by striking "to the Iraq Relief and Reconstruction Fund" and inserting "for the reconstruction of Iraq".

(e) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—Subsection (h)(3) of such section is amended by striking "my enter" and inserting "may enter".

(f) REPORTS.—Subsection (i) of such section is amended by striking "to the Iraq Relief and Reconstruction Fund" each place it appears and inserting "for the reconstruction of Iraq".

(g) DEFINITIONS.—Subsection (m) of such section is amended—

(1) in the heading, by striking "APPROPRIATE COMMITTEES OF CONGRESS DEFINED" and inserting "DEFINITIONS";

(2) by striking "In this section, the term" and inserting the following: "In this section—

"(1) the term";

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(4) by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following:

"(2) the term 'amounts appropriated or otherwise made available for the reconstruction of Iraq' means amounts appropriated or otherwise made available for any fiscal year—

"(A) to the Iraq Relief and Reconstruction Fund, the Iraq Security Forces Fund, and the Commanders' Emergency Response Program authorized under section 1202 of the National Defense Authorization for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455–3456); or

"(B) for assistance for the reconstruction of Iraq under—

"(i) the Economic Support Fund authorized under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

"(ii) the International Narcotics Control and Law Enforcement account authorized under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291); or

"(iii) any other provision of law.".

(h) TERMINATION.—Subsection (o) of such section is amended—

(1) in paragraph (1)—

(A) by striking "(A)";

(B) by striking "to the Iraq Relief and Reconstruction Fund" the first place it appears and inserting "for the reconstruction of Iraq"; and

(C) by striking subparagraph (B); and

(2) in paragraph (2)—

(A) by striking "funds deemed to be"; and

(B) by striking "to the Iraq Relief and Reconstruction Fund" and inserting "for the reconstruction of Iraq".

SEC. 1222. CONTINUATION OF PROHIBITION ON ESTABLISHMENT OF PERMANENT MILITARY INSTALLATIONS IN IRAQ OR UNITED STATES CONTROL OVER OIL RESOURCES OF IRAQ.

Section 1519 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2444) is amended by inserting after "this Act" the following: "or any other Act for any fiscal year".

SEC. 1223. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO BUILD THE CAPACITY OF THE GOVERNMENT OF IRAQ TO CARRY OUT RECONSTRUCTION ACTIVITIES IN IRAQ.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense shall submit to Congress a report on efforts of the Department of Defense to build the capacity of the Government of Iraq to carry out reconstruction activities in Iraq.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include a description of the following:

(1) Efforts to improve the ability of the Government of Iraq—

(A) to assess the needs for the reconstruction of Iraq;

(B) to assess the sustainability of reconstruction projects carried out by the Government of Iraq, on all levels; and

(C) to effectively budget and carry out the design and implementation of reconstruction projects.

(2) Efforts to improve the ability of the Government of Iraq—

(A) to enter into competitively-awarded contracts for the reconstruction of Iraq; and

(B) to oversee that such contracts are properly and effectively carried out in a cost-efficient manner.

(3) Such other matters as the Secretary of Defense considers appropriate.

SEC. 1224. REPORT ON IMPLEMENTATION OF MULTI-NATIONAL FORCES–IRAQ/UNITED STATES EMBASSY BAGHDAD JOINT CAMPAIGN PLAN AND EFFORTS TO ACHIEVE POLITICAL REFORM IN IRAQ.

(a) REPORT REQUIRED.—Not later than September 30, 2007, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report detailing the status of implementation of the Multi-National Forces–Iraq/United States Embassy Baghdad Joint Campaign Plan (hereinafter in this section referred to as the "Joint Campaign Plan") since January 1, 2007, and efforts by the Government of Iraq to achieve political reform in Iraq.

(b) ASSESSMENT REQUIRED.—The Commander, Multi-National Forces–Iraq and the United States Ambassador to Iraq shall jointly submit to the Secretary of Defense and the Secretary of State an assessment of the situation in Iraq. The assessment shall be submitted in time to be included in the report required by subsection (a), and shall be included in the report, together with any comments thereon by the Secretary of Defense or the Secretary of State.

(c) ELEMENTS.—The assessment required by subsection (b) shall include the following elements:

(1) A detailed description of the Joint Campaign Plan, or any subsequent revisions, updates, or documents that replace or supersede the Joint Campaign Plan, including goals, phases, or other milestones contained in the Joint Campaign Plan. Specifically, the description shall include the following:

(A) An explanation of conditions required to move though phases of the Joint Campaign Plan and the measurements used to determine progress.

(B) An assessment of what conditions in the Joint Campaign Plan have been achieved and what conditions have not been achieved. The assessment of those conditions that have not been achieved shall include a discussion of the factors that have precluded such progress.

(C) A description of any companion or equivalent plan of the Government of Iraq used to measure progress for Iraqi Security Forces undertaking joint operations with Coalition forces.

(2) Efforts by the Government of Iraq in taking the following actions:

(A) Enacting a broadly-accepted hydrocarbon law that equitably shares revenue among all Iraqis.

(B) Adopting laws necessary for the conduct of provincial and local elections, taking steps to implement such laws, and setting a schedule to conduct provincial and local elections.

(C) Reforming current laws governing the de-Baathification process in a manner that encourages national reconciliation.

(D) Amending the Constitution of Iraq in a manner that encourages national reconciliation.

(E) Allocating and beginning expenditure of $10 billion in Iraqi revenues for reconstruction projects, including delivery of essential services, and implementing such reconstruction projects on an equitable basis.

(F) Making significant efforts to plan and implement disarmament, demobilization, and reintegration programs relating to Iraqi militias.

(3) An assessment of security in each region of Iraq and an overall assessment of security for the country, to include the following:

(A) Trends in casualties among Coalition forces, Iraqi Security Forces, and civilians.

(B) Trends in weekly attacks on Coalition forces, Iraqi Security Forces, and civilians.

(C) Trends in sectarian violence, including both the number of incidents and the casualties that have resulted.

(D) Trends in high-profile attacks, including attacks utilizing suicide bombings and vehicle-borne improvised explosive devices.

(4) An assessment of the effectiveness of Iraqi Security Forces, to include the following:

(A) The number of battalions in the Iraqi Army currently conducting operations against insurgents, the level of personnel strength of such battalions, and efforts by the Iraqi or Coalition authorities to increase the number of such battalions.

(B) The number of Iraqi Security Force units, at the battalion level and above, that are operating independently of Coalition forces or with only support of Coalition forces.

(C) The anticipated period of time remaining until the Iraqi Security Forces are fully trained and capable of providing security in Iraq without support of Coalition forces.

(d) FURTHER ASSESSMENT REQUIRED.—Based on the information provided in subsection (c), the Secretary of Defense shall include in the report required by subsection (a)—

(1) an assessment of the levels of United States Armed Forces required in Iraq for the six-month period beginning on October 1, 2007, the missions to be undertaken by the Armed Forces, and the incremental costs of any proposed changes to such levels or missions; and

(2) a description of the range of contingency plans under consideration for changes to levels of United States Armed Forces or missions during such period.

(e) UPDATE OF REPORT.—

(1) UPDATE REQUIRED.—Not later than 180 days after the submission of the report required by subsection (a), and every 180 days thereafter until United States combat forces have been redeployed from Iraq, the Secretary of Defense shall submit to the appropriate congressional committees an update of the report required by subsection (a).

(2) MATTERS TO BE INCLUDED.—Each update of the report required by subsection (a) shall include an update of the assessment and any comments thereon required by subsection (b), an update of the elements described in subsection (c), and an update of the further assessment required by paragraph (1) of subsection (d) for the six-month period beginning on the date of the submission of the update and an update of the contingency plans required by paragraph (2) of subsection (d) for such six-month period.

(f) FORM.—The report required by subsection (a) and each update of the report required by subsection (e), including assessments contained therein, shall be submitted in unclassified form, to the maximum extent practicable, but may contain a classified annex.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1225. REPORT ON TRAINING OF THE IRAQI SECURITY FORCES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every three months thereafter, the Secretary of Defense shall submit to the appropriate congressional committees an assessment of the Iraqi Security Forces.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall address the following matters:

(1) The level of training, readiness, operational proficiency, and any other measures used to assess the effectiveness of each battalion or larger formation or equivalent of the Iraqi

Army, Iraqi National Police, Iraqi Police Service, and all other security and intelligence forces under the control of the Ministry of Defense or the Ministry of the Interior of Iraq.

(2) The number of battalions in the Iraqi Army currently conducting operations, the type of operations conducted, and efforts by Iraqi or Coalition authorities to increase the number of such operations.

(3) The number of Iraqi Army battalions and Iraqi National Police units that can operate without support from Coalition forces.

(4) The amount and type of support from Coalition forces required by the Iraqi Security Forces at each Transition Readiness Assessment (TRA) level.

(5) The level of readiness and effectiveness of units of the Iraqi Security Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(6) The contribution each battalion or larger formation or equivalent of the Iraqi Army, Iraqi National Police, Iraqi Police Service, and all other security and intelligence forces under the control of the Ministry of Defense or the Ministry of the Interior of Iraq are making to overall stability in their area of operation.

(7) Other measurements used by Iraqi and Coalition authorities to assess the capability of the Iraqi Security Forces.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, to the maximum extent practicable, but may include a classified annex, as appropriate.

(d) DEFINITION.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1226. SENSE OF CONGRESS ON RESPONSIBILITIES OF THE IRAQI COUNCIL OF REPRESENTATIVES TO ENACT LAWS TO ACHIEVE POLITICAL REFORM AND DIMINISH SUPPORT FOR THE INSURGENCY IN IRAQ.

It is the sense of Congress that the Iraqi Council of Representatives should not recess for an extended period of time without first making substantial progress toward—

(1) enacting a broadly-accepted hydrocarbon law that equitably shares revenue among all Iraqis;

(2) adopting laws necessary for the conduct of provincial and local elections, taking steps to implement such laws, and setting a schedule to conduct provincial and local elections;

(3) reforming current laws governing the de-Baathification process in a manner that encourages national reconciliation;

(4) amending the Constitution of Iraq in a manner that encourages national reconciliation; and

(5) enacting other legislation that helps to begin the process of political reconciliation and reduce the support for the insurgency in Iraq.

Subtitle C—Matters Relating to Afghanistan

SEC. 1231. SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

(a) PURPOSES.—The purposes of this section are as follows:

(1) To provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan.

(2) To provide for the independent and objective leadership and coordination of, and recommendations on, policies designed to—

(A) promote economy efficiency, and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) prevent and detect waste, fraud, and abuse in such programs and operations.

(3) To provide for an independent and objective means of keeping the Secretary of Defense fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress for corrective action.

(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for Afghanistan Reconstruction to carry out the purposes of subsection (a).

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—(1) The head of the Office of the Special Inspector General for Afghanistan Reconstruction is the Special Inspector General for Afghanistan Reconstruction (in this section referred to as the "Inspector General"), who shall be appointed by the President.

(2) The appointment of Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) The nomination of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act.

(4) The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(5) The requirements described in paragraphs (4) and (5) of section 3001(c) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234–1238; 5 U.S.C. App., note to section 8G of Public Law 95–452) shall apply to the Inspector General in the same manner and to the same extent as such requirements apply to the Special Inspector General for Iraq Reconstruction.

(d) ASSISTANT INSPECTORS GENERAL.—The Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

(1) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations supported by amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan; and

(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

(e) SUPERVISION.—(1) Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of Defense.

(2) No officer of the Department of Defense shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan or from issuing any subpoena during the course of any such audit or investigation.

(f) DUTIES.—(1) It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan, and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of reconstruction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities; and

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds.

(2) The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duty under paragraph (1).

(3) In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(4) In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, the Inspector General of the Department of Defense.

(g) POWERS AND AUTHORITIES.—(1) In carrying out the duties specified in subsection (f), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978, including the authorities under subsection (e) of such section.

(2) The Inspector General shall carry out the duty specified in subsection (f)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(h) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—(1) The powers and authorities described in paragraphs (1) through (3) of section 3001(h) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 shall apply to the Inspector General in the same manner and to the same extent as such requirements apply to the Special Inspector General for Iraq Reconstruction.

(2) Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided from any department, agency, or other entity of the Federal Government, the Inspector General shall report the circumstances to the Secretary of Defense and to the congressional defense committees.

(3) The Secretary of Defense shall provide the Inspector General with appropriate and adequate office space at appropriate locations of the Department of Defense in Afghanistan, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(i) REPORTS.—(1) Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the congressional defense committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues of the Department of Defense associated with reconstruction and rehabilitation activities in Afghanistan, including the following:

(A) Obligations and expenditures of appropriated funds by the Department of Defense.

(B) A project-by-project and program-by-program accounting of the costs incurred to date by the Department of Defense for the reconstruction of Afghanistan, together with the estimate of the Department of Defense of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects funded by the Department of Defense, and any obligations or expenditures of such revenues.

(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects funded by the Department of Defense, and any obligations or expenditures of such revenues.

(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan.

(F) In the case of any contract described in paragraph (2)—

(i) the amount of the contract or other agreement;

(ii) a brief discussion of the scope of the contract or other agreement;

(iii) a discussion of how the Department of Defense identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(2) A contract described in this paragraph is any major contract or other agreement that is entered into by the Department of Defense that involves the use of amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan with any public or private sector entity for any of the following purposes:

(A) To build or rebuild physical infrastructure of Afghanistan.

(B) To establish or reestablish a political or societal institution of Afghanistan.

(C) To provide products or services to the people of Afghanistan.

(3) The Inspector General shall submit to the congressional defense committees semiannual reports meeting the requirements of section 5 of the Inspector General Act of 1978. The first such report for a year, covering the first six months of the year, shall be submitted not later than July 31 of that year, and the second such report, covering the second six months of the year, shall be submitted not later than January 31 of the following year.

(4) The Inspector General shall publish each report under this subsection in both English and other languages, which the Inspector General determines are widely used and understood in Afghanistan, on the Internet website of the Department of Defense.

(5) Each report under this subsection may include a classified annex if the Inspector General considers it necessary.

(6) Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(j) REPORT COORDINATION.—(1) The Inspector General shall also submit each report under subsection (i) to the Secretary of Defense.

(2)(A) Not later than 30 days after receipt of a report under paragraph (1), the Secretary of Defense may submit to the congressional defense committees any comments on the matters covered by the report as the Secretary of Defense considers appropriate.

(B) A report under this paragraph may include a classified annex if the Secretary of Defense considers it necessary.

(k) TRANSPARENCY.—(1) Not later than 60 days after the date of the submittal to Congress of a report under subsection (i), the Secretary of Defense shall make copies of such report available to the public upon request, and at a reasonable cost.

(2) Not later than 60 days after the date of the submittal to Congress under subsection (j)(2) of comments on a report under subsection (i), the Secretary of Defense shall make copies of such comments available to the public upon request, and at a reasonable cost.

(l) WAIVER.—(1) The President may waive the requirement under paragraph (1) or (2) of subsection (k) with respect to availability to the public of any element in a report under subsection (i), or any comment under subsection (j)(2), if the President determines that the waiver is justified for national security reasons.

(2) The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under paragraph (1) or (3) of subsection (i), or any comment under subsection (j)(2), is submitted to Congress. The reports required under paragraph (1) or (3) of subsection (i), and the comments required under subsection (j)(2), shall specify whether waivers under this subsection were made and with respect to which elements in the reports or which comments, as appropriate.

(m) DEFINITION.—In this section, the term "amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan" means amounts appropriated or otherwise made available for any fiscal year—

(1) to the Afghanistan Security Forces Fund;

(2) to the program to assist the people of Afghanistan established under subsection (a)(2) of section 1202 of the National Defense Authorization for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455–3456); or

(3) to the Department of Defense for assistance for the reconstruction of Afghanistan under any other provision of law.

(n) FUNDING.—(1) Of the amounts appropriated for fiscal year 2008 to the Afghanistan Security Forces Fund, such sums as may be necessary shall be available to carry out this section.

(2) The amount available under paragraph (1) shall remain available until expended.

(o) TERMINATION.—(1) The Office of the Inspector General shall terminate 10 months after 80 percent of the funds appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan have been expended.

(2) The Special Inspector General for Afghanistan Reconstruction shall, prior to the termination of the Office of the Special Inspector General under paragraph (1), prepare and submit to the congressional defense committees a final forensic audit report on all funds deemed to be amounts appropriated or otherwise made available to the Department of Defense for the reconstruction of Afghanistan.

SEC. 1232. REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on progress toward security and stability in Afghanistan.

(b) COORDINATION.—The report required by subsection (a) shall be prepared in coordination with the Secretary of State, the Attorney General, the Administrator of the Drug Enforcement Administration, the Administrator of the United States Agency for International Development, the Secretary of Agriculture, and the head of any other department or agency of the Government of the United States involved with activities relating to security and stability in Afghanistan.

(c) MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN.—The report required by subsection (a) shall include a description of the strategic direction of activities of the United States relating to security and stability in Afghanistan. Such description shall include a general overview followed by a separate detailed section for each of the following:

(1) AFGHANISTAN NATIONAL SECURITY FORCES CAPACITY-BUILDING.—A description of the following:

(A) A clear, comprehensive and effective long-term strategy and budget, with defined objectives, for activities relating to strengthening the resources, capabilities, and effectiveness of the Afghanistan National Army (ANA) and the Afghanistan National Police (ANP) of the Afghanistan National Security Forces (ANSF), which ensure that a strong and fully-capable ANSF is able to independently and effectively conduct operations and maintain security and stability in Afghanistan (hereinafter in this section referred to as "ANSF capacity-building").

(B) Any actions to achieve the following goals with respect to ANSF capacity-building, and the results of such actions:

(i) Improve coordination with all relevant departments and agencies of the United States Government, as well as countries participating in the North Atlantic Treaty Organization International Assistance Force (NATO–ISAF) and other international partners.

(ii) Improve ANSF recruitment and retention, including through improved vetting and salaries for ANSF.

(iii) Increase and improve ANSF training and mentoring.

(iv) Strengthen the partnership between the Governments of the United States and Afghanistan.

(2) PROVINCIAL RECONSTRUCTION TEAMS AND OTHER RECONSTRUCTION AND DEVELOPMENT ACTIVITIES.—A description of the following:

(A) A clear, comprehensive and effective long-term strategy and budget, with defined objectives, for activities relating to reconstruction and development in Afghanistan.

(B) Any actions to achieve the following goals with respect to activities relating to reconstruction and development in Afghanistan, and the results of such actions:

(i) Improve coordination with all relevant departments and agencies of the United States Government, as well as NATO–ISAF countries and other international partners.

(ii) Clarify a single chain of command and operations plans for provincial reconstruction teams (PRTs) in Afghanistan.

(iii) Increase staffing, particularly staffing of civilian specialists, and increase staff training for PRTs.

(iv) Expand the National Solidarity Program and other efforts to develop the ability of the Afghan people to assume greater responsibility for their own reconstruction and development projects.

(v) Strengthen the partnership between the Governments of the United States and Afghanistan.

(vi) Strengthen reconstruction and development oversight activities, including implementation of any recommendations of the Special Inspector General for Afghanistan Reconstruction.

(3) REGIONAL CONSIDERATIONS.—A description of any actions and the results of such actions to increase cooperation with countries geographically located around Afghanistan's border, with a particular focus on improving security and stability in the Afghanistan-Pakistan border areas.

(d) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS AND MEASURES OF PROGRESS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.—

(1) IN GENERAL.—The report required by subsection (a) shall set forth, in a section separate from any other section of the report, a comprehensive set of performance indicators and measures of progress toward sustainable long-term security and stability in Afghanistan, as specified in paragraph (2), and shall include performance standards and progress goals, together with a notional timetable for achieving such goals.

(2) PERFORMANCE INDICATORS AND MEASURES OF PROGRESS SPECIFIED.—The performance indicators and measures of progress specified in this paragraph shall include, at a minimum, the following:

(A) Key measures of political stability relating to both central and local Afghan governance.

(B) An assessment of military operations of NATO–ISAF and NATO–ISAF countries, and an assessment of separate military operations by United States forces. Such assessments shall include number of engagements per day, trends relating to the numbers and types of hostile encounters, equipment used, effect of national caveats that limit operations, geographic location of operations, and number of civilian casualties.

(C) For the Afghanistan National Army (ANA), and separately for the Afghanistan National Police (ANP), of the Afghanistan National Security Forces (ANSF) an assessment of the following:

(i) Recruitment and retention numbers; rates of absenteeism; vetting procedures and mechanisms; salaries; numbers trained and mentored; type of training and mentoring, including training and mentoring providers and numbers receiving classroom or field training; organizational force structure; equipment used; operational performance, including ANA and ANP that are (I) capable of conducting operations independently, (II) capable of conducting operations with the support of the United States, NATO–ISAF forces, or other Coalition forces, or (III) not ready to conduct operations.

(ii) Effectiveness of ANA or ANP officers and the ANA and ANP chain of command.

(iii) Extent to which insurgents have infiltrated the ANA and ANP.

(iv) Number of United States and Coalition trainers, mentors, and advisors needed to support the ANA and ANP and associated ministries.

(v) Estimated number and capability level of ANA and ANP needed to perform duties now undertaken by the United States, NATO–ISAF forces, and other Coalition forces, including securing Afghanistan's border with Pakistan and providing adequate levels of law and order throughout Afghanistan.

(D) An assessment of the estimated strength of the insurgency in Afghanistan and the extent to which it is composed of non-Afghan fighters and utilizing weapons or weapons-related materials from counties other than Afghanistan.

(E) A description of all terrorist and insurgent groups operating in Afghanistan, including the number, size, equipment, strength, military effectiveness, sources of support, legal status, and any efforts to disarm or reintegrate each insurgent group.

(F) An assessment of security and stability, including terrorist and insurgent activity, in Afghanistan-Pakistan border areas and in Pakistan's Federally Administered Tribal Areas (FATA).

(G) An assessment of United States military requirements, including planned force rotations, through the end of calendar year 2008.

(e) UPDATE OF REPORT.—Not later than 90 days after the submission of the report required by subsection (a), and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees an update of the report.

(f) FORM.—The report required by subsection (a) and updates of the report required by subsection (e) shall be submitted in unclassified form, but may include a classified annex, if necessary.

(g) CONGRESSIONAL BRIEFINGS.—The Secretary of Defense shall supplement the report required by subsection (a) and updates of the report required by subsection (e) with regular briefings to the appropriate congressional committees on the subject matter of the report or updates of the report.

(h) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1233. REPORT ON PROGRESS OF THE DEPARTMENT OF DEFENSE'S COUNTER-NARCOTICS PROGRAM FOR AFGHANISTAN.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on—

(1) the counter-narcotics objectives of the Department of Defense for Afghanistan; and

(2) the strategy for implementing such objectives.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall—

(1) identify the role and responsibilities of the Department of Defense in addressing any of the applicable five pillars that comprise the counter-narcotics strategy and implementation plan for Afghanistan: public information, rural development (alternative livelihoods), elimination and eradication activities, law enforcement and interdiction, and law enforcement and justice reform;

(2) describe the strategic direction of activities of the Department of Defense relating to counter-narcotics efforts in Afghanistan, and specifically include a description of—

(A) a clear, comprehensive and effective long-term strategy and any planned budget, with defined objectives; and

(B) actions that the Department of Defense has undertaken and has planned, to—

(i) improve coordination with all relevant departments and agencies of the United States Government;

(ii) strengthen significantly the Afghanistan National Counter-Narcotics Police;

(iii) build the capacity of the Afghan Government to assume greater responsibility for counter-narcotics related-activities;

(iv) improve counter-narcotics intelligence capabilities;

(v) strengthen capabilities in support of narcotics-related interdiction activities;

(vi) effectively address problems with any counter-narcotics strategies involving the Department of Defense; and

(vii) address other elements of the applicable five pillars that comprise the counter-narcotics strategy and implementation plan for Afghanistan as described in paragraph (1); and

(3) set forth, in a section separate from any other section of the report, a comprehensive set of performance indicators and measures of progress for the Department of Defense's programs relating to counter-narcotics efforts in Afghanistan, which shall include performance standards and progress goals, together with a notional timetable for achieving such goals.

(c) UPDATE OF REPORT.—Not later than 90 days after the submission of the report required by subsection (a), and every 90 days thereafter, the Secretary of Defense shall submit to Congress an update of the report.

(d) CONCURRENT SUBMISSION OF REPORT.—The report required by subsection (a) and updates of the report required by subsection (c) shall be submitted concurrently with the report required by section 1232 of this Act (relating to progress toward security and stability in Afghanistan).

(e) FORM.—The report required by subsection (a) and updates of the report required by subsection (c) shall be submitted in unclassified form, but may include a classified annex, if necessary.

SEC. 1234. UNITED STATES PLAN FOR SUSTAINING THE AFGHANISTAN NATIONAL SECURITY FORCES.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a long-term detailed plan for sustaining the Afghanistan National Army and the Afghanistan National Police of the Afghanistan National Security Forces (ANSF). The plan required by this subsection shall ensure that a strong and fully-capable ANSF will be able to independently and effectively conduct operations and maintain long-term security and stability in Afghanistan.

(b) COORDINATION.—The plan required by subsection (a) shall be prepared in coordination with the Secretary of State and the Attorney General.

(c) MATTERS TO BE INCLUDED.—The plan required by subsection (a) shall include a description of the following matters relating to sustainability of the ANSF:

(1) A clear, comprehensive and effective long-term strategy and budget, with defined objectives.

(2) A mechanism for tracking funding, including obligations and expenditures, as well as equipment, training, and services provided for the ANSF by the United States, countries participating in the North Atlantic Treaty Organization International Security Assistance Force (NATO–ISAF countries), and other international partners.

(3) A comprehensive set of performance indicators and measures of progress related to sustaining the ANSF, which shall include performance standards and progress goals, together with a notional timetable for achieving such goals.

(4) Actions to achieve the following goals:

(A) Effective Afghan security institutions with fully-capable leadership and staff, including a reformed Ministry of Interior, a fully-established Ministry of Defense, and logistics, intelligence, medical, and recruiting units (ANSF-sustaining institutions).

(B) Fully-trained, equipped and capable ANSF in sufficient numbers.

(C) Strong ANSF-readiness assessment tools and metrics.

(D) A strong core of senior-level ANSF officers.

(E) Strong ANSF communication and control between central command and regions, provinces, and districts.

(F) A robust mentoring and advising program for the ANSF.

(G) A strong professional military training and education program for all junior, mid-level, and senior ANSF officials.

(H) Effective merit-based salary, rank, promotion, and incentive structures for the ANSF.

(I) An established code of professional standards for the ANSF.

(J) A mechanism for incorporating lessons learned and best practices into ANSF operations.

(K) An ANSF personnel accountability system with effective internal discipline procedures and mechanisms.

(L) A system for addressing ANSF personnel complaints.

(M) A strong record-keeping system to track ANSF equipment and personnel issues, and other ANSF oversight mechanisms.

(5) Coordination with all relevant United States Government departments and agencies, as well as NATO-ISAF countries and other international partners, including on—

(A) funding;

(B) reform and establishment of ANSF-sustaining institutions; and

(C) efforts to ensure that progress on sustaining the ANSF is reinforced with progress in other pillars of the Afghan security sector, particularly progress on building an effective judiciary, curbing production and trafficking of illicit narcotics, and demobilizing, disarming, and reintegrating militia fighters.

(d) UPDATE OF PLAN.—Not later than 90 days after the submission of the plan required by subsection (a), and every 90 days thereafter, the Secretary of Defense, in coordination with the Secretary of State and the Attorney General, shall submit to the appropriate congressional committees an update of the plan required by subsection (a), as necessary.

(e) CONCURRENT SUBMISSION OF PLAN.—The plan required by subsection (a), and any update of the plan required by subsection (d), shall be submitted concurrently with the report required by section 1232 of this Act (relating to progress toward security and stability in Afghanistan).

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate.

Subtitle D—Other Matters

SEC. 1241. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS: NATO ORGANIZATIONS; ALLIED AND FRIENDLY FOREIGN COUNTRIES.

Subsection (e) of section 2350a of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "an arms cooperation opportunities document" each place it appears and inserting "a cooperative opportunities document"; and

(B) in subparagraph (B), by striking "a Mission Need Statement" and inserting "an analysis of alternatives plan"; and

(2) in paragraph (2), by striking "An arms cooperation opportunities document" and inserting "A cooperative opportunities document".

SEC. 1242. EXTENSION OF COUNTERPROLIFERATION PROGRAM REVIEW COMMITTEE.

(a) MEMBERS.—Section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note) is amended in subsection (a)(1)—

(1) in subparagraph (C) by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) by adding at the end the following:

"(E) The Secretary of State.

"(F) The Secretary of Homeland Security.

"(G) The Secretary of Health and Human Services.

"(H) The Administrator of the Environmental Protection Agency.".

(b) ACCESS TO INFORMATION.—Subsection (d) of such section is amended by inserting after "Department of Energy," the following: "the Department of State, the Department of Homeland Security, the Department of Health and Human Services, the Environmental Protection Agency,".

(c) TERMINATION.—Subsection (f) of such section is amended by striking "2008" and inserting "2013".

(d) SUBMISSION OF REPORT.—Section 1503 of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 2751 note) is amended—

(1) in subsection (a)—

(A) by striking "ANNUAL" and inserting "BIENNIAL"; and

(B) by striking "May 1 each year" and inserting "March 1 each odd-numbered year"; and

(2) in subsection (b)(5)—

(A) by striking "fiscal year preceding" and inserting "two fiscal years preceding"; and

(B) by striking "preceding fiscal year" and inserting "preceding fiscal years".

SEC. 1243. SENSE OF CONGRESS CONCERNING THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

It is the sense of Congress that—

(1) the education and training facility of the Department of Defense known as the Western Hemisphere Institute for Security Cooperation is succeeding in meeting its stated mission of providing professional education and training to eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere that support the democratic principles set forth in the Charter of the Organization of American States, while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations and promoting democratic values and respect for human rights; and

(2) therefore, the Institute is an invaluable education and training facility which the Department of Defense should continue to utilize in order to help foster a spirit of partnership and interoperability among the United States military and the militaries of participating nations.

SEC. 1244. SENSE OF CONGRESS CONCERNING THE STRATEGIC MILITARY CAPABILITIES AND INTENTIONS OF THE PEOPLE'S REPUBLIC OF CHINA.

It is the sense of Congress that—

(1) United States military war-fighting capabilities are potentially threatened by the strategic military capabilities and intentions of the People's Republic of China, as demonstrated by—

(A) the October 2006 undetected broach of a Chinese SONG-class diesel-electric submarine in close proximity of the USS Kitty Hawk in international waters; and

(B) the January 2007 test of a direct ascent anti-satellite (ASAT) weapon, posing a potential threat to United States military assets in space;

(2) it is in the national security interests of the United States to make every effort to understand China's strategic military capabilities and intentions; and

(3) as part of such an effort, the Secretary of Defense should expand efforts to develop an accurate assessment of China's strategic military modernization, particularly with regard to its sea- and space-based strategic capabilities.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. New initiatives for the Cooperative Threat Reduction Program.
Sec. 1304. Requirements relating to chemical weapons destruction at Shchuch'ye, Russia.
Sec. 1305. Repeal of restrictions on Cooperative Threat Reduction Program.
Sec. 1306. Authority to use Cooperative Threat Reduction funds outside the former Soviet Union.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2008 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2008 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $398,000,000 authorized to be appropriated to the Department of Defense for fiscal year 2008 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in the Russian Federation, $77,900,000.

(2) For nuclear weapons storage security in Russia, $23,000,000.

(3) For nuclear weapons transportation security in Russia, $37,700,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $38,000,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, $144,400,000.

(6) For chemical weapons destruction in Russia, $42,700,000.

(7) For defense and military contacts, $8,000,000.

(8) For new Cooperative Threat Reduction initiatives that are outside the scope of existing Cooperative Threat Reduction programs and projects, $7,000,000.

(9) For activities designated as Other Assessments/Administration costs, $19,300,000, of which $300,000 is to expand staff capacity, capabilities, and resources necessary for activities related to new Cooperative Threat Reduction initiatives authorized under paragraph (8).

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2008 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2008 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2008 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) RESTRICTION.—The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (6) through (9) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. NEW INITIATIVES FOR THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense Cooperative Threat Reduction (CTR) Program should be strengthened and expanded, in part by developing new CTR initiatives;

(2) such new initiatives should—

(A) increase international security and threat reduction cooperation, capacity building, and security and elimination of nuclear, chemical, and biological weapons and weapons-related materials that pose a threat to United States national security interests;

(B) be well-coordinated with the Department of Energy, the Department of State, and any other relevant United States Government agency or department;

(C) include robust transparency, accountability, verification measures and mechanisms, and legal frameworks between the United States and CTR partner countries;

(D) reflect engagement with non-governmental experts, including the National Academy of Sciences, on possible options for strengthening and expanding the CTR Program;

(E) include active work with the Russian Federation and other countries to establish strong CTR partnerships that, among other things—

(i) increase the role of scientists and government officials from Russia and other partner countries in designing CTR programs and projects; and

(ii) increase financial contributions and additional commitments to CTR programs and projects from Russia and other partner countries, as evidence that the programs and projects reflect national priorities and will be sustainable;

(F) benefit from broad efforts to increase international contributions, in addition to contributions from CTR partner countries, for CTR programs and projects;

(G) incorporate a strong focus on national programs and sustainability, which includes actions to address concerns raised and recommendations made by the Government Accountability Office, in its report of February 2007 titled "Progress Made in Improving Security at Russian Nuclear Sites, but the Long-Term Sustainability of U.S. Funded Security Upgrades is Uncertain", regarding safeguarding nuclear warheads and materials;

(H) demonstrate an increased focus on and development of CTR programs and projects that eliminate and secure nuclear, chemical, and biological weapons and weapons-related materials at the source; and

(I) include active efforts to expand the scope of existing CTR programs and projects and develop new CTR programs and projects in Russia and the former Soviet Union, and in countries and regions outside the former Soviet Union, where appropriate and in the interest of United States national security; and

(3) such new initiatives could include—

(A) new CTR programs and projects in Asia and the Middle East;

(B) activities relating to the denuclearization of the Democratic People's Republic on Korea and security of the Korean peninsula; and

(C) development of rapid-response and short-term capabilities to respond to unforeseen contingencies or pursue quickly emergent opportunities.

(b) NATIONAL ACADEMY OF SCIENCES STUDY.—

(1) STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out a study to analyze options for strengthening and expanding the CTR Program.

(2) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall provide for the study under paragraph (1) to include—

(A) an assessment of each new CTR initiative described in subsection (a); and

(B) an identification of options and formulation of recommendations for strengthening and expanding the CTR Program.

(c) SECRETARY OF DEFENSE REPORT.—

(1) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees, and to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, a report on new CTR initiatives. The report shall include—

(A) the results of the study carried out under subsection (b), including any report or other document received from the National Academy of Sciences with respect to such study;

(B) the Secretary's assessment of the study; and

(C) a specific action plan for the development and implementation of new CTR initiatives and the use of any funds authorized and appropriated for fiscal year 2008 for such initiatives, which shall include a discussion of each new CTR initiative described in subsection (a) and the action plan for implementing the recommendations, if any, of the study carried out under subsection (b) that the Secretary has decided to pursue.

(2) CLASSIFICATION.—The report shall be in unclassified form but may include a classified annex if necessary.

(d) FUNDING.—Of the amounts made available pursuant to the authorization of appropriations in section 301(19) for new CTR initiatives under the CTR Program, $1,000,000 shall be available to carry out this section.

SEC. 1304. REQUIREMENTS RELATING TO CHEMICAL WEAPONS DESTRUCTION AT SHCHUCH'YE, RUSSIA.

(a) NOTICE OF AGREEMENT REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the commencement of negotiations for, or the signing and finalization of, an agreement described in paragraph (2), the Secretary of Defense shall provide the congressional defense committees with formal written notice of the commencement of negotiations for that agreement or the signing or finalization of that agreement, as the case may be.

(2) AGREEMENT.—Paragraph (1) applies to any agreement with the Russian Federation, the implementation of which would have the effect of—

(A) transferring to Russia any responsibilities relating to the scope of work for the Shchuch'ye project that are, as of the date of the enactment of this Act, responsibilities of the Department of Defense; or

(B) otherwise changing the implementation of the project in any manner inconsistent with the purpose and intent of the amounts authorized and appropriated for the project.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Shchuch'ye project. The report shall include—

(1) a current and detailed cost estimate for completion of the project; and

(2) a specific strategic and operating plan for completion of the project, which includes—

(A) active engagement with Russia on securing appropriate contractors and other matters relating to project completion;

(B) a comprehensive assessment of alternative contracting options;

(C) robust Department project management and oversight, including management and oversight with respect to the performance of any contractors;

(D) project quality assurance and sustainability measures, including measures to ensure security of the chemical weapons stockpile at the project site;

(E) metrics for measuring project progress with a timetable for achieving goals;

(F) coordination of the Department's efforts relating to the project with the Department of Energy and other departments or agencies of the United States Government, international partners, and non-governmental experts who may be helpful in facilitating the project; and

(G) a project completion date.

(c) SUBMISSIONS REQUIRED BEFORE IMPLEMENTATION OF AGREEMENT.—The Secretary of Defense may not implement any agreement described in subsection (a)(2) until 90 days after the date on which the Secretary has submitted to the congressional defense committees all of the following:

(1) The report required by subsection (b).

(2) A copy of the signed and finalized agreement.

(3) The Secretary's certification that the signed and finalized agreement accomplishes each of the following:

(A) Describes the respective responsibilities of the Department and Russia relating to completion of the Shchuch'ye project, including in the areas of management, oversight, implementation, security, quality assurance, and sustainability.

(B) Specifies the date of project completion.

(C) Provides the safeguards needed to ensure timely and effective project completion.

(D) Ensures that the chemical weapons stockpile at the project site is secure.

(d) CONGRESSIONAL BRIEFINGS.—The Secretary of Defense shall supplement the report required by subsection (b) with regular briefings to the congressional defense committees on the subject matter of the report.

(e) DEFINITION.—In this section, the terms "Shchuch'ye project" and "project" mean the Cooperative Threat Reduction (CTR) Program chemical weapons destruction project located in the area of Shchuch'ye in Russia.

SEC. 1305. REPEAL OF RESTRICTIONS ON COOPERATIVE THREAT REDUCTION PROGRAM.

(a) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(b) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(c) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000

(Public Law 106-65; 22 U.S.C. 5952 note) is repealed.

SEC. 1306. AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION.

(a) MODIFICATION OF CERTIFICATION REQUIREMENT.—Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 22 U.S.C. 5963) is amended in subsection (a)—

(1) by striking "the President may" and inserting "the Secretary of Defense may"; and

(2) by striking "if the President" and inserting "if the Secretary of Defense, with the concurrence of the Secretary of State,".

(b) REPEAL OF FUNDING LIMITATION.—Section 1308 of that Act is further amended by striking subsection (c).

(c) CONGRESSIONAL NOTICE REQUIREMENT.—Section 1308 of that Act is further amended in subsection (d)—

(1) in paragraph (1)—

(A) by striking "The President may not" and inserting "The Secretary of Defense may not"; and

(B) by striking "until the President" and inserting "until the Secretary of Defense";

(2) in paragraph (2)—

(A) by striking "Not later than 10 days after" and inserting "Not later than 15 days prior to";

(B) by striking "the President shall" and inserting "the Secretary of Defense shall"; and

(C) by striking "Congress" and inserting "the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and Committee on Foreign Relations of the Senate"; and

(3) by adding at the end the following:

"(3) In the case of a situation that threatens human life or safety or where a delay would severely undermine the national security of the United States, notification under paragraph (2) shall be made not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity.".

TITLE XIV—WOUNDED WARRIOR ASSISTANCE

Sec. 1401. Definitions.

Subtitle A—Improved Assistance for Wounded Warriors

Sec. 1411. Improvements to medical and dental care for members of the Armed Forces assigned to hospitals in an outpatient status.
Sec. 1412. Establishment of a Department of Defense-wide Ombudsman Office.
Sec. 1413. Establishment of toll-free hot line for reporting deficiencies in medical-related support facilities and expedited response to reports of deficiencies.
Sec. 1414. Notification to Congress of hospitalization of combat wounded service members.
Sec. 1415. Independent medical advocate for members before medical evaluation boards.
Sec. 1416. Training and workload for physical evaluation board liaison officers.
Sec. 1417. Standardized training program and curriculum for Department of Defense disability evaluation system.
Sec. 1418. Improved training for health care professionals, medical care case managers, and service member advocates on particular conditions of recovering service members.
Sec. 1419. Pilot program to establish an Army Wounded Warrior Battalion at an appropriate active duty base.
Sec. 1420. Criteria for removal of member from temporary disability retired list.
Sec. 1421. Improved transition of members of the Armed Forces to Department of Veterans Affairs upon retirement or separation.
Sec. 1422. Establishment of Medical Support Fund for support of members of the Armed Forces returning to military service or civilian life.
Sec. 1423. Oversight Board for Wounded Warriors.
Sec. 1424. Option for members of reserve components to use military medical treatment facilities closest to home for certain injuries.
Sec. 1425. Plans and research for reducing post traumatic stress disorder.

Subtitle B—Studies and Reports

Sec. 1431. Annual report on military medical facilities.
Sec. 1432. Access of recovering service members to adequate outpatient residential facilities.
Sec. 1433. Evaluation and report on Department of Defense and Department of Veterans Affairs disability evaluation systems.
Sec. 1434. Study and report on support services for families of recovering service members.
Sec. 1435. Report on traumatic brain injury classifications.
Sec. 1436. Evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer Program.
Sec. 1437. Study and report on standard soldier patient tracking system.
Sec. 1438. Study and report on waiting periods for appointments at Department of Veterans Affairs medical facilities.

Subtitle C—General Provisions

Sec. 1451. Moratorium on conversion to contractor performance of Department of Defense functions at military medical facilities.
Sec. 1452. Prohibition on transfer of resources from medical care.
Sec. 1453. Increase in physicians at hospitals of the Department of Veterans Affairs.

SEC. 1401. DEFINITIONS.

In this title:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(2) DISABILITY EVALUATION SYSTEM.—The term "disability evaluation system" means the Department of Defense system or process for evaluating the nature of and extent of disabilities affecting members of the armed forces (other than the Coast Guard) and comprised of medical evaluation boards, physical evaluation boards, counseling of members, and final disposition by appropriate personnel authorities, as operated by the Secretaries of the military departments, and, in the case of the Coast Guard, a similar system or process operated by the Secretary of Homeland Security.

(3) FAMILY MEMBER.—The term "family member", with respect to a recovering service member, has the meaning given that term in section 411h(b) of title 37, United States Code.

(4) RECOVERING SERVICE MEMBER.—The term "recovering service member" means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

(5) MEDICAL CARE.—The term "medical care" includes mental health care.

Subtitle A—Improved Assistance for Wounded Warriors

SEC. 1411. IMPROVEMENTS TO MEDICAL AND DENTAL CARE FOR MEMBERS OF THE ARMED FORCES ASSIGNED TO HOSPITALS IN AN OUTPATIENT STATUS.

(a) MEDICAL AND DENTAL CARE OF MEMBERS ASSIGNED TO HOSPITALS IN AN OUTPATIENT STATUS.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074k the following new section:

"§ 1074l. Management of medical and dental care: members assigned to receive care in an outpatient status

"(a) MEDICAL CARE CASE MANAGERS.—(1) A member in an outpatient status at a military medical treatment facility shall be assigned a medical care case manager.

"(2)(A) The duties of the medical care case manager shall include the following with respect to the member (or the member's immediate family if the member is incapable of making judgments about personal medical care):

"(i) To assist in understanding the member's medical status.

"(ii) To assist in receiving prescribed medical care.

"(iii) To conduct a review, at least once a week, of the member's medical status.

"(B) The weekly medical status review described in subparagraph (A)(iii) shall be conducted in person with the member. If such a review is not practicable, the medical care case manager shall provide a written statement to the case manager's supervisor indicating why an in-person medical status review was not possible.

"(3)(A) Except as provided in subparagraph (B), each medical care case manager shall be assigned to manage not more than 17 members in an outpatient status.

"(B) The Secretary concerned may waive for up to 120 days the requirement of subparagraph (A) if required due to unforeseen circumstances.

"(4)(A) The medical care case manager office at each facility shall be headed by a commissioned officer of appropriate rank and appropriate military occupation specialty, designator, or specialty code.

"(B) For purposes of subparagraph (A), an appropriate military occupation specialty, designator, or specialty code includes membership in the Army Medical Corps, Army Medical Service Corps, Army Nurse Corps, Navy Medical Corps, Navy Medical Service Corps, Navy Nurse Corps, Air Force Medical Service, or other corps comprised of health care professionals at the discretion of the Secretary of Defense.

"(5) The Secretary of Defense shall establish a standard training program and curriculum for medical care case managers. Successful completion of the training program is required before a person may assume the duties of a medical care case manager.

"(6) The Secretary concerned shall ensure that medical care case managers have the resources necessary to ensure that they expeditiously carry out the responsibilities and duties of their position.

"(b) SERVICE MEMBER ADVOCATE.—(1) A member in an outpatient status shall be assigned a service member advocate.

"(2) The duties of the service member advocate shall include—

"(A) communicating with the member and with the member's family or other individuals designated by the member;

"(B) assisting with oversight of the member's welfare and quality of life; and

"(C) assisting the member in resolving problems involving financial, administrative, personnel, transitional, and other matters.

"(3)(A) Except as provided in subparagraph (B), each service member advocate shall be assigned to not more than 30 members in an outpatient status.

"(B) The Secretary concerned may waive for up to 120 days the requirement of subparagraph (A) if required due to unforeseen circumstances.

"(4) The service member advocate office at each facility shall be headed by a commissioned officer of appropriate rank and appropriate military occupation specialty, designator, or specialty code in order to handle service-specific personnel and financial issues.

"(5) The Secretary of Defense shall establish a standard training program and curriculum for service member advocates. Successful completion of the training program is required before a person may assume the duties of a service member advocate.

"(6) A service member advocate shall continue to perform the duties described in paragraph (2) with respect to a member until the member is returned to duty or separated or retired from the armed forces.

"(7) The Secretary concerned shall ensure that service member advocates have the resources necessary to ensure that they expeditiously carry out the responsibilities and duties of their position.

"(c) OUTREACH.—The Secretary of Defense shall make available to each member in an outpatient status at a military medical treatment facility, and to the family members of all such members, information on the availability of services provided by the medical care case managers and service member advocates, including information on how to contact such managers and advocates and how to use their services.

"(d) SEMIANNUAL SURVEYS BY SECRETARIES CONCERNED.—The Secretary concerned shall conduct a semiannual survey of members in an outpatient status at installations under the Secretary's supervision. The survey shall include, at a minimum, the members' assessment of the quality of medical care at the facility, the timeliness of medical care at the facility, the adequacy of living facilities and other quality of life programs, the adequacy of case management support, and the fairness and timeliness of the physical disability evaluation system. The survey shall be conducted in coordination with installation medical commanders and authorities, and shall be coordinated with such commanders and authorities before submission to the Secretary.

"(e) DEFINITIONS.—In this section:

"(1) The term 'member in an outpatient status' means a member of the armed forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members receiving medical care as outpatients.

"(2) The term 'disability evaluation system' means the Department of Defense system or process for evaluating the nature of and extent of disabilities affecting members of the armed forces (other than the Coast Guard) and comprised of medical evaluation boards, physical evaluation boards, counseling of members, and final disposition by appropriate personnel authorities, as operated by the Secretaries of the military departments, and, in the case of the Coast Guard, a similar system or process operated by the Secretary of Homeland Security.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1074l. Management of medical and dental care: members assigned to receive care in an outpatient status.".

(b) EFFECTIVE DATE.—Section 1074l of title 10, United States Code, as added by subsection (a), shall take effect 180 days after the date of the enactment of this Act.

SEC. 1412. ESTABLISHMENT OF A DEPARTMENT OF DEFENSE-WIDE OMBUDSMAN OFFICE.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Department of Defense-wide Ombudsman Office (in this section referred to as the "Ombudsman Office") within the Office of the Secretary of Defense.

(b) FUNCTIONS.—

(1) IN GENERAL.—The functions of the Ombudsman Office are to provide policy guidance to, and oversight of, the ombudsman offices in the military departments.

(2) POLICY GUIDANCE.—The Ombudsman Office shall develop policy guidance with respect to the following:

(A) Providing assistance to and answering questions from recovering service members and their families regarding—

(i) administrative processes, financial matters, and non-military related services available to the members and their families throughout the member's evaluation, treatment, and recovery;

(ii) transfer to the care of the Department of Veterans Affairs; and

(iii) support services available upon the member's return home.

(B) Accountability standards, including—

(i) creating and maintaining case files for individual specific questions received, and initiating inquiries and tracking responses for all such questions;

(ii) setting standards for timeliness of responses; and

(iii) setting standards for accountability to recovering service members and their families, including requirements for daily updates to the members and their families about steps being taken to alleviate problems and concerns until problems are addressed.

(c) STATUS REPORTS.—The ombudsman office in each military department shall submit status reports of actions taken to address individual concerns to the Ombudsman Office, at such times as the Ombudsman Office considers appropriate.

(d) RESPONSES FROM OTHER OFFICES.—The Secretary of Defense shall ensure that all other offices within the Department of Defense and the military departments respond in a timely manner to resolve questions and requests from the Ombudsman Office on behalf of recovering service members and their families, including offices responsible for medical matters (including medical holdover processes), financial and accounting matters, legal matters, human resources matters, reserve component matters, installation and management matters, and physical disability matters.

(e) STAFF OF THE OFFICE.—The staff of the Ombudsman Office shall include representatives from each military department, including persons with experience in medical holdover processes and other medical matters.

SEC. 1413. ESTABLISHMENT OF TOLL-FREE HOT LINE FOR REPORTING DEFICIENCIES IN MEDICAL-RELATED SUPPORT FACILITIES AND EXPEDITED RESPONSE TO REPORTS OF DEFICIENCIES.

(a) ESTABLISHMENT.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§1567. Identification and investigation of deficiencies in adequacy, quality, and state of repair of medical-related support facilities

"(a) TOLL-FREE HOT LINE.—The Secretary of Defense shall establish and maintain a toll-free telephone number (commonly referred to as a 'hot line') at which personnel are accessible at all times to collect, maintain, and update information regarding possible deficiencies in the adequacy, quality, and state of repair of medical-related support facilities. The Secretary shall widely disseminate information regarding the existence and availability of the toll-free telephone number to members of the armed forces and their dependents.

"(b) CONFIDENTIALITY.—(1) Individuals who seek to provide information through use of the toll-free telephone number under subsection (a) shall be notified, immediately before they provide such information, of their option to elect, at their discretion, to have their identity remain confidential.

"(2) In the case of information provided through use of the toll-free telephone number by an individual who elects to maintain the confidentiality of his or her identity, any individual who, by necessity, has had access to such information for purposes of conducting the investigation or executing the response plan required by subsection (c) may not disclose the identity of the individual who provided the information.

"(c) INVESTIGATION AND RESPONSE PLAN.—Not later than 96 hours after a report of deficiencies in the adequacy, quality, or state of repair of a medical-related support facility is received by way of the toll-free telephone number or other source, the Secretary of Defense shall ensure that—

"(1) the deficiencies referred to in the report are investigated; and

"(2) if substantiated, a plan of action for remediation of the deficiencies is developed and implemented.

"(d) RELOCATION.—If the Secretary of Defense determines, on the basis of the investigation conducted in response to a report of deficiencies at a medical-related support facility, that conditions at the facility violate health and safety standards, the Secretary shall relocate the occupants of the facility while the violations are corrected.

"(e) MEDICAL-RELATED SUPPORT FACILITY DEFINED.—In this section, the term 'medical-related support facility' means any facility of the Department of Defense that provides support to any of the following:

"(1) Members of the armed forces admitted for treatment to a military medical treatment facility.

"(2) Members of the armed forces assigned to a military medical treatment facility as an outpatient.

"(3) Family members accompanying any member described in paragraph (1) or (2) as a nonmedical attendant.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1567. Identification and investigation of deficiencies in adequacy, quality, and state of repair of medical-related support facilities.".

(c) EFFECTIVE DATE.—The toll-free telephone number required to be established by section 1567 of title 10, United States Code, as added by subsection (a), shall be fully operational not later than 180 days after the date of the enactment of this Act.

SEC. 1414. NOTIFICATION TO CONGRESS OF HOSPITALIZATION OF COMBAT WOUNDED SERVICE MEMBERS.

(a) NOTIFICATION REQUIRED.—Chapter 55 of title 10, United States Code, is further amended by inserting after section 1074l the following new section:

"§1074m. Notification to Congress of hospitalization of combat wounded members

"(a) NOTIFICATION REQUIRED.—The Secretary concerned shall provide notification of the hospitalization of any member of the armed forces evacuated from a theater of combat to the appropriate Members of Congress.

"(b) APPROPRIATE MEMBERS.—In this section, the term 'appropriate Members of Congress', with respect to the member of the armed forces *about whom notification is being made, means the Senators and the Members of the House of Representatives representing the States or districts, respectively, that include the member's home of record and, if different, the residence of the next of kin, or a different location as provided by the member.*

"(c) CONSENT OF MEMBER REQUIRED.—The notification under subsection (a) may be provided only with the consent of the member of the armed forces about whom notification is to be made. In the case of a member who is unable to provide consent, information and consent may be provided by next of kin.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1074m. Notification to Congress of hospitalization of combat wounded members.".

SEC. 1415. INDEPENDENT MEDICAL ADVOCATE FOR MEMBERS BEFORE MEDICAL EVALUATION BOARDS.

(a) ASSIGNMENT OF INDEPENDENT MEDICAL ADVOCATE.—Section 1222 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) INDEPENDENT MEDICAL ADVOCATE FOR MEMBERS BEFORE MEDICAL EVALUATION BOARDS.—(1) The Secretary of each military department shall ensure, in the case of any member of the armed forces being considered by a medical evaluation board under that Secretary's supervision, that the member has access to a physician or other appropriate health care professional who is independent of the medical evaluation board.

"(2) The physician or other health care professional assigned to a member shall—

"(A) serve as an advocate for the best interests of the member; and

"(B) provide the member with advice and counsel regarding the medical condition of the member and the findings and recommendations of the medical evaluation board.".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§1222. Physical evaluation boards and medical evaluation boards".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 61 of such title is amended by striking the item relating to section 1222 and inserting the following new item:

"1222. Physical evaluation boards and medical evaluation boards.".

(c) EFFECTIVE DATE.—Subsection (d) of section 1222 of title 10, United States Code, as added by subsection (a), shall apply with respect to medical evaluation boards convened after the end of the 180-day period beginning on the date of the enactment of this Act.

SEC. 1416. TRAINING AND WORKLOAD FOR PHYSICAL EVALUATION BOARD LIAISON OFFICERS.

(a) REQUIREMENTS.—Section 1222(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "establishing—" and all that follows through "a requirement" and inserting "establishing a requirement"; and

(B) by striking "that Secretary; and" and all that follows through the end of subparagraph (B) and inserting "that Secretary. A physical evaluation board liaison officer may not be assigned more than 20 members at any one time, except that the Secretary concerned may authorize the assignment of additional members, for not more than 120 days, if required due to unforeseen circumstances.";

(2) in paragraph (2), by inserting after "(2)" the following new sentences: "The Secretary of Defense shall establish a standardized training program and curriculum for physical evaluation board liaison officers. Successful completion of the training program is required before a person may assume the duties of a physical evaluation board liaison officer."; and

(3) by adding at the end the following new paragraph:

"(3) In this subsection, the term 'physical evaluation board liaison officer' includes any person designated as, or assigned the duties of, an assistant to a physical evaluation board liaison officer.".

(b) EFFECTIVE DATE.—The limitation on the maximum number of members of the Armed Forces who may be assigned to a physical evaluation board liaison officer shall take effect 180 days after the date of the enactment of this Act. The training program and curriculum for physical evaluation board liaison officers shall be implemented not later than 180 days after the date of the enactment of this Act.

SEC. 1417. STANDARDIZED TRAINING PROGRAM AND CURRICULUM FOR DEPARTMENT OF DEFENSE DISABILITY EVALUATION SYSTEM.

(a) TRAINING PROGRAM REQUIRED.—Section 1216 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) The Secretary of Defense shall establish a standardized training program and curriculum for persons described in paragraph (2) who are involved in the disability evaluation system. The training under the program shall be provided as soon as practicable in coordination with other training associated with the responsibilities of the person.

"(2) Persons covered by paragraph (1) include—

"(A) Commanders.

"(B) Enlisted members who perform supervisory functions.

"(C) Health care professionals.

"(D) Others persons with administrative, professional, or technical responsibilities in the disability evaluation system.

"(3) In this subsection, the term 'disability evaluation system' means the Department of Defense system or process for evaluating the nature of and extent of disabilities affecting members of the armed forces (other than the Coast Guard) and comprised of medical evaluation boards, physical evaluation boards, counseling of members, and final disposition by appropriate personnel authorities, as operated by the Secretaries of the military departments, and, in the case of the Coast Guard, a similar system or process operated by the Secretary of Homeland Security.".

(b) EFFECTIVE DATE.—The standardized training program and curriculum required by subsection (e) of section 1216 of title 10, United States Code, as added by subsection (a), shall be established not later than 180 days after the date of the enactment of this Act.

SEC. 1418. IMPROVED TRAINING FOR HEALTH CARE PROFESSIONALS, MEDICAL CARE CASE MANAGERS, AND SERVICE MEMBER ADVOCATES ON PARTICULAR CONDITIONS OF RECOVERING SERVICE MEMBERS.

(a) RECOMMENDATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report setting forth recommendations for the improvement of the training provided to health care professionals, medical care case managers, and service member advocates who provide care for or assistance to recovering service members. The recommendations shall include, at a minimum, specific recommendations to ensure that such health care professionals, medical care case managers, and service member advocates are adequately trained and able to detect early warning signs of post-traumatic stress disorder (PTSD), suicidal or homicidal thoughts or behaviors, and other behavioral health concerns among recovering service members and make prompt notification to the appropriate health care professionals.

(b) ANNUAL REVIEW OF TRAINING.—Not later than 180 days after the date of the enactment of this Act and annually thereafter throughout the global war on terror, the Secretary shall submit to the appropriate congressional committees a report on the following:

(1) The progress made in providing the training recommended under subsection (a).

(2) The quality of training provided to health care professionals, medical care case managers, and service member advocates, and the number of such professionals, managers, and advocates trained.

(3) The progress made in developing the tracking system under subsection (c) and the results of the system.

(c) TRACKING SYSTEM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop a system to track the number of notifications made by medical care case managers and service member advocates to health care professionals regarding early warning signs of post-traumatic stress disorder and suicide in recovering service members assigned to the managers and advocates.

SEC. 1419. PILOT PROGRAM TO ESTABLISH AN ARMY WOUNDED WARRIOR BATTALION AT AN APPROPRIATE ACTIVE DUTY BASE.

(a) PILOT PROGRAM REQUIRED.—

(1) ESTABLISHMENT.—The Secretary of the Army shall establish a pilot program, at an appropriate active duty base with a major medical facility, based on the Wounded Warrior Regiment program of the Marine Corps. The pilot program shall be known as the Army Wounded Warrior Battalion.

(2) PURPOSE.—Under the pilot program, the Battalion shall track and assist members of the Armed Forces in an outpatient status who are still in need of medical treatment through—

(A) the course of their treatment;

(B) medical and physical evaluation boards;

(C) transition back to their parent units; and

(D) medical retirement and subsequent transition into the Department of Veterans Affairs medical system.

(3) ORGANIZATION.—The commanding officer of the Battalion shall be selected by the Army Chief of Staff and shall be a post-command, at O–5 or O–5 select, with combat experience in Operation Iraqi Freedom or Operation Enduring Freedom. The chain-of-command shall be filled by previously wounded junior officers and noncommissioned officers when available and appropriate.

(4) FACILITIES.—The base selected for the pilot program shall provide adequate physical infrastructure to house the Army Wounded Warrior Battalion. Any funds necessary for construction or renovation of existing facilities shall be allocated from the Department of Defense Medical Support Fund established under this title.

(5) COORDINATION.—The Secretary of the Army shall consult with appropriate Marine Corps counterparts to ensure coordination of best practices and lessons learned.

(6) PERIOD OF PILOT PROGRAM.—The pilot program shall be in effect for a period of one year.

(b) REPORTING REQUIREMENT.—Not later than 90 days after the end of the one-year period for the pilot project, the Secretary of the Army shall submit to Congress a report containing—

(1) an evaluation of the results of the pilot project;

(2) an assessment of the Army's ability to establish Wounded Warrior Battalions at other major Army bases.

(3) recommendations regarding—

(A) the adaptability of the Wounded Warrior Battalion concept for the Army's larger wounded population; and

(B) closer coordination and sharing of resources with counterpart programs of the Marine Corps.

(c) EFFECTIVE DATE.—The pilot program required by this section shall be implemented not later than 180 days after the date of the enactment of this Act.

SEC. 1420. CRITERIA FOR REMOVAL OF MEMBER FROM TEMPORARY DISABILITY RETIRED LIST.

(a) CRITERIA.—Section 1210(e) of title 10, United States Code, is amended by inserting "of a permanent nature and stable and is" after "physical disability is".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any case received for consideration by a physical evaluation board after the date of the enactment of this Act.

SEC. 1421. IMPROVED TRANSITION OF MEMBERS OF THE ARMED FORCES TO DEPARTMENT OF VETERANS AFFAIRS UPON RETIREMENT OR SEPARATION.

(a) TRANSITION OF MEMBERS SEPARATED OR RETIRED.—

(1) TRANSITION PROCESS.—Chapter 58 of title 10, United States Code, is amended by inserting after section 1142 the following new section:

"§1142a. Process for transition of members to health care and physical disability systems of Department of Veterans Affairs

"(a) TRANSITION PLAN.—(1) The Secretary of Defense shall ensure that each member of the armed forces who is being separated or retired under chapter 61 of this title receives a written transition plan that—

"(A) specifies the recommended schedule and milestones for the transition of the member from military service; and

"(B) provides for a coordinated transition of the member from the Department of Defense disability system to the Department of Veterans Affairs.

"(2) A member being separated or retired under chapter 61 of this title shall receive the transition plan before the separation or retirement date of the member.

"(3) The transition plan for a member under this subsection shall include information and guidance designed to assist the member in understanding and meeting the schedule and milestones for the member's transition.

"(b) FORMAL TRANSITION PROCESS.—(1) The Secretary of Defense, in cooperation with the Secretary of Veterans Affairs, shall establish a formal process for the transmittal to the Secretary of Veterans Affairs of the records and other information described in paragraph (2) as part of the separation or retirement of a member of the armed forces under chapter 61 of this title.

"(2) The records and other information to be transmitted under paragraph (1) with respect to a member shall include, at a minimum, the following:

"(A) The member's address and contact information.

"(B) The member's DD–214 discharge form, which shall be transmitted electronically.

"(C) A copy of the member's service record, including medical records and any results of a Physical Evaluation Board.

"(D) Whether the member is entitled to transitional health care, a conversion health policy, or other health benefits through the Department of Defense under section 1145 of this title.

"(E) Any requests by the member for assistance in enrolling in, or completed applications for enrollment in, the health care system of the Department of Veterans Affairs for health care benefits for which the member may be eligible under laws administered by the Secretary of Veterans Affairs.

"(F) Any requests by the member for assistance in applying for, or completed applications for, compensation and vocational rehabilitation benefits to which the member may be entitled under laws administered by the Secretary of Veterans Affairs, if the member is being medically separated or is being retired under chapter 61 of this title.

"(3) The transmittal of information under paragraph (1) may be subject to the consent of the member, as required by statute.

"(4) With the consent of the member, the member's address and contact information shall also be submitted to the department or agency for veterans affairs of the State in which the member intends to reside after the separation or retirement of the member.

"(c) MEETING.—(1) The formal process required by subsection (b) for the transmittal of records and other information with respect to a member shall include a meeting between representatives of the Secretary concerned and the Secretary of Veterans Affairs, which shall take place at a location designated by the Secretaries. The member shall be informed of the meeting at least 30 days in advance of the meeting, except that the member may waive the notice requirement in order to accelerate transmission of the member's records and other information to the Department of Veterans Affairs.

"(2) A member shall be given an opportunity to submit a written statement for consideration by the Secretary of Veterans Affairs.

"(d) TIME FOR TRANSMITTAL OF RECORDS.—The Secretary concerned shall provide for the transmittal to the Department of Veterans Affairs of records and other information with respect to a member at the earliest practicable date. In no case should the transmittal occur later than the date of the separation or retirement of the member.

"(e) ARMED FORCES.—In this section, the term 'armed forces' means the Army, Navy, Air Force, and Marine Corps.".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1142 the following new item:

"1142a. Process for transition of members to health care and physical disability systems of Department of Veterans Affairs.".

(b) UNIFORM SEPARATION AND EVALUATION PHYSICAL.—Section 1145 of such title is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) UNIFORM SEPARATION AND EVALUATION PHYSICAL.—The joint separation and evaluation physical, as described in DD–2808 and DD–2697, shall be used by the Secretary of Defense in connection with the medical separation or retirement of all members of the armed forces, including members separated or retired under chapter 61 of this title. The Secretary of Veterans Affairs shall adopt the same separation and evaluation physical for use by the Department of Veterans Affairs.".

(c) INTEROPERABILITY OF CRITICAL MEDICAL INFORMATION AND BI-DIRECTIONAL ACCESS.—

(1) INTEROPERABILITY AND ACCESS IMPROVEMENT.—The Secretary of Defense and Secretary of Veterans Affairs shall jointly establish and implement a process to ensure an interoperable, bi-directional, real-time exchange of critical medical information between the Department of Defense and the Department of Veterans Affairs.

(2) CRITICAL MEDICAL INFORMATION DEFINED.—In this subsection, the term "critical medical information" includes, at a minimum, outpatient notes, clinical notes, radiographs, laboratory data, information regarding medications, operation notes, narrative summaries, and discharge summaries.

(d) CO-LOCATION OF VA BENEFIT TEAMS.—

(1) CO-LOCATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly determine the optimal locations for the deployment of Department of Veterans Affairs benefits team to support recovering service members assigned to military medical treatment facilities, medical-related support facilities, and community-based health care organizations.

(2) MILITARY MEDICAL TREATMENT FACILITY DEFINED.—In this subsection, the term "medical-related support facility" has the meaning given that term in subsection (b) of section 492 of title 10, United States Code, as added by section 1431(a).

(e) REPEAL OF SUPERSEDED CHAPTER 61 MEDICAL RECORD TRANSMITTAL REQUIREMENT.—

(1) REPEAL.—Section 1142 of such title is amended by striking subsection (c).

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 1142. Preseparation counseling".

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1142 and inserting the following new item:

"1142. Preseparation counseling.".

(f) EFFECTIVE DATES.—Section 1142a of title 10, United States Code, as added by subsection (a), and subsection (d) of section 1145 of such title, as added by subsection (b), shall apply with respect to members of the Armed Forces who are separated or retired from the Armed Forces on or after the first day of the eighth month beginning after the date of the enactment of this Act. The requirements of subsections (c) and (d), and the amendments made by subsection (e), shall take effect on the first day of such eighth month.

SEC. 1422. ESTABLISHMENT OF MEDICAL SUPPORT FUND FOR SUPPORT OF MEMBERS OF THE ARMED FORCES RETURNING TO MILITARY SERVICE OR CIVILIAN LIFE.

(a) ESTABLISHMENT AND PURPOSE.—There is established on the books of the Treasury a fund to be known as the Department of Defense Medical Support Fund (hereinafter in this section referred to as the "Fund"), which shall be administered by the Secretary of the Treasury.

(b) PURPOSES.—The Fund shall be used—

(1) to support programs and activities relating to the medical treatment, care, rehabilitation, recovery, and support of wounded and injured members of the Armed Forces and their return to military service or transition to civilian society; and

(2) to support programs and facilities intended to support the families of wounded and injured members of the Armed Forces.

(c) ASSETS OF FUND.—There shall be deposited into the Fund any amount appropriated to the Fund, which shall constitute the assets of the Fund.

(d) TRANSFER OF FUNDS.—

(1) AUTHORITY TO TRANSFER.—The Secretary of Defense may transfer amounts in the Fund to appropriations accounts for military personnel; operation and maintenance; procurement; research, development, test, and evaluation; military construction; and the Defense Health Program. Amounts so transferred shall be merged with and available for the same purposes and for the same time period as the appropriation account to which transferred.

(2) ADDITION TO OTHER AUTHORITY.—The transfer authority provided in paragraph (1) is in addition to any other transfer authority available to the Department of Defense. Upon a

determination that all or part of the amounts transferred from the Fund are not necessary for the purposes for which transferred, such amounts may be transferred back to the Fund.

(3) NOTIFICATION.—The Secretary of Defense shall, not fewer than five days before making a transfer from the Fund, notify the congressional defense committees in writing of the details of the transfer. The Secretary shall provide an summary of transfers from the Fund during a fiscal year in the defense budget materials accompanying the budget for that fiscal year submitted by the President under section 1105(a) of title 31, United States Code.

(e) WOUNDED WARRIOR REGIMENT PROGRAM.—The Secretary of Defense shall ensure that $10,000,000 for fiscal year 2008 is transferred from the Medical Support Fund to support programs, activities, and facilities associated with the Marine Corps Wounded Warrior Regiment program, to be used as follows:

(1) $6,550,000 for Case Management and Patient Support.

(2) $1,200,000 for Wounded Warrior Interim Regimental Headquarters Building conversion.

(3) $1,300,000 for Case Management System Development.

(4) $95,000 for Support Equipment.

(f) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 421 for military personnel accounts, $50,000,000 is authorized for the Department of Defense Medical Support Fund. Such funds shall remain available through September 30, 2008.

SEC. 1423. OVERSIGHT BOARD FOR WOUNDED WARRIORS.

(a) ESTABLISHMENT.—There is hereby established a board to be known as the Oversight Board for Wounded Warriors (in this section referred to as the "Oversight Board").

(b) COMPOSITION.—The Oversight Board shall be composed of 12 members, of whom—

(1) two shall be appointed by the majority leader of the Senate;

(2) two shall be appointed by the minority leader of the Senate;

(3) two shall be appointed by the Speaker of the House of Representatives;

(4) two shall be appointed by the minority leader of the House of Representatives;

(5) two shall be appointed by the Secretary of Veterans Affairs; and

(6) two shall be appointed by the Secretary of Defense.

(c) QUALIFICATIONS.—All members of the Oversight Board shall have sufficient knowledge of, or experience with, the military healthcare system, the disability evaluation system, or the experience of a recovering service member or family member of a recovering service member.

(d) APPOINTMENT.—

(1) TERM.—Each member of the Oversight Board shall be appointed for a term of three years. A member may be reappointed for one or more additional terms.

(2) VACANCIES.—Any vacancy in the Oversight Board shall be filled in the same manner in which the original appointment was made.

(e) DUTIES.—

(1) ADVICE AND CONSULTATION.—The Oversight Board shall provide advice and consultation to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives regarding—

(A) the process for streamlining the disability evaluation systems of the military departments;

(B) the process for correcting and improving the ratios of case managers and service member advocates to recovering service members;

(C) the need to revise Department of Defense policies to improve the experience of recovering service members while under Department of Defense care;

(D) the need to revise Department of Defense policies to improve counseling, outreach, and general services provided to family members of recovering service members;

(E) the need to revise Department of Defense policies regarding the provision of quality lodging to recovering service members; and

(F) such other matters relating to the evaluation and care of recovering service members, including evaluation under disability evaluation systems, as the Board considers appropriate.

(2) VISITS TO MILITARY MEDICAL TREATMENT FACILITIES.—In carrying out its duties, each member of the Oversight Board shall visit not less than three military medical treatment facilities each year, and the Board shall conduct each year one meeting of all the members of the Board at a military medical treatment facility.

(f) STAFF.—The Secretary shall make available the services of at least two officials or employees of the Department of Defense to provide support and assistance to members of the Oversight Board.

(g) TRAVEL EXPENSES.—Members of the Oversight Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Oversight Board.

(h) ANNUAL REPORTS.—The Oversight Board shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives each year a report on its activities during the preceding year, including any findings and recommendations of the Oversight Board as a result of such activities.

SEC. 1424. OPTION FOR MEMBERS OF RESERVE COMPONENTS TO USE MILITARY MEDICAL TREATMENT FACILITIES CLOSEST TO HOME FOR CERTAIN INJURIES.

The Secretary of Defense shall expand the opportunities for recovering service members of the reserve components to receive treatment on an outpatient basis at a military medical treatment facility or other location designated by the Secretary closest to the member's home rather than closest to the base from which the member was deployed.

SEC. 1425. PLANS AND RESEARCH FOR REDUCING POST TRAUMATIC STRESS DISORDER.

(a) PLANS FOR REDUCING POST TRAUMATIC STRESS DISORDER.—

(1) PLAN FOR PREVENTION.—

(A) IN GENERAL.—The Secretary of Defense shall develop a plan to incorporate evidence-based preventive and early-intervention measures, practices, or procedures that reduce the likelihood that personnel in combat will develop post-traumatic stress disorder or other stress-related psychopathologies (including substance use conditions) into—

(i) basic and pre-deployment training for enlisted members of the Armed Forces, noncommissioned officers, and officers;

(ii) combat theater operations; and

(iii) post-deployment service.

(B) UPDATES.—The Secretary of Defense shall update the plan under subparagraph (A) periodically to incorporate, as the Secretary considers appropriate, the results of relevant research, including research conducted pursuant to subsection (b).

(2) RESEARCH.—Subject to subsection (b), the Secretary of Defense shall develop a plan, in consultation with the Department of Veterans Affairs, the National Institutes of Health, and the National Academy of Sciences, to conduct such research as is necessary to develop the plan described in paragraph (1).

(b) EVIDENCE-BASED RESEARCH AND TRAINING.—

(1) WORKING GROUP.—The Secretary of Defense shall conduct a study, in coordination with the Department of Veterans Affairs, the National Institutes of Health, and the National Academy of Sciences' Institute of Medicine, to determine the feasibility of establishing a working group tasked with researching and developing evidence-based measures, practices, or procedures that reduce the likelihood that personnel in combat will develop post-traumatic stress disorder or other stress-related psychological pathologies (including substance use conditions). The working group shall include personnel with experience in a combat theater, and behavioral health personnel who have experience providing treatment to individuals with experience in a combat theater.

(2) PEER-REVIEWED RESEARCH PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for a peer-reviewed research program within the Defense Health Program's research and development function to research and develop evidence-based preventive and early intervention measures, practices, or procedures that reduce the likelihood that personnel in combat will develop post-traumatic stress disorder or other stress-related psychopathologies (including substance use conditions).

(c) REPORT.—The Secretary of Defense shall submit to Congress a report on the plans and studies required under this section.

Subtitle B—Studies and Reports

SEC. 1431. ANNUAL REPORT ON MILITARY MEDICAL FACILITIES.

(a) IN GENERAL.—

(1) REPORT REQUIREMENT.—Chapter 23 of title 10, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

"§ 492. Annual report on military medical facilities

"(a) ANNUAL REPORT.—Not later than the date on which the President submits the budget for a fiscal year to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the adequacy, suitability, and quality of medical facilities and medical-related support facilities at each military installation within the Department of Defense.

"(b) RESPONSE TO HOT-LINE INFORMATION.—The Secretary of Defense shall include in each report information regarding—

"(1) any deficiencies in the adequacy, quality, or state of repair of medical-related support facilities raised as a result of information received during the period covered by the report through the toll-free hot line maintained pursuant to section 1567 of this title; and

"(2) the investigations conducted and plans of action prepared under such section to respond to such deficiencies.

"(c) MEDICAL-RELATED SUPPORT FACILITY.—In this section, the term 'medical-related support facility' is any facility of the Department of Defense that provides support to any of the following:

"(1) Members of the armed forces admitted for treatment to military medical treatment facilities.

"(2) Members of the armed forces assigned to military medical treatment facilities as an outpatient.

"(3) Family members accompanying any member described in paragraph (1) or (2) as a nonmedical attendant.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"492. Annual report on military medical facilities.".

(b) EFFECTIVE DATE.—The first report under section 492 of title 10, United States Code, as *added by subsection (a), shall be submitted not later than the date of submission of the budget for fiscal year 2009.*

SEC. 1432. ACCESS OF RECOVERING SERVICE MEMBERS TO ADEQUATE OUTPATIENT RESIDENTIAL FACILITIES.

(a) REQUIRED INSPECTIONS OF FACILITIES.—All quarters of the United States and housing facilities under the jurisdiction of the Armed Forces that are occupied by recovering service members shall be inspected on a semiannual basis for the first two years after the enactment of this Act and annually thereafter by the inspectors general of the regional medical commands.

(b) INSPECTOR GENERAL REPORTS.—The inspector general for each regional medical command shall—

(1) submit a report on each inspection of a facility conducted under subsection (a) to the post commander at such facility, the commanding officer of the hospital affiliated with such facility, the surgeon general of the military department that operates such hospital, the Secretary of the military department concerned, the Assistant Secretary of Defense for Health Affairs, the Oversight Board for Wounded Warriors established pursuant to section 1423, and the appropriate congressional committees; and

(2) post each such report on the Internet website of such regional medical command.

SEC. 1433. EVALUATION AND REPORT ON DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS DISABILITY EVALUATION SYSTEMS.

(a) EVALUATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall conduct a joint evaluation of the disability evaluation systems used by the Department of Defense and the Department of Veterans Affairs for the purpose of—

(1) improving the consistency of the two disability evaluation systems; and

(2) evaluating the feasibility of, and potential options for, consolidating the two systems.

(b) RELATION TO VETERANS' DISABILITY BENEFITS COMMISSION.—In conducting the evaluation of the disability evaluation systems used by the Department of Defense and the Department of Veterans Affairs, the Secretary of Defense and the Secretary of Veterans Affairs shall consider the findings and recommendations of the Veterans' Disability Benefits Commission established pursuant to title XV of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 38 U.S.C. 1101 note).

(c) REPORT.—Not later than 180 days after the date of the submission of the final report of the Veterans' Disability Benefits Commission, the Secretary of Defense and the Secretary of Veterans Affairs shall submit to Congress a report containing—

(1) the results of the evaluation; and

(2) the recommendations of the Secretaries for improving the consistency of the two disability evaluation systems and such other recommendations as the Secretaries consider appropriate.

SEC. 1434. STUDY AND REPORT ON SUPPORT SERVICES FOR FAMILIES OF RECOVERING SERVICE MEMBERS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of the provision of support services for families of recovering service members.

(b) MATTERS COVERED.—The study under subsection (a) shall include the following:

(1) A determination of the types of support services that are currently provided by the Department of Defense to family members described in subsection (c), and the cost of providing such services.

(2) A determination of additional types of support services that would be feasible for the Department to provide to such family members, and the costs of providing such services, including the following types of services:

(A) The provision of medical care at military medical treatment facilities.

(B) The provision of job placement services offered by the Department of Defense to any family member caring for a recovering service member for more than 45 days during a one-year period.

(C) The provision of meals without charge at military medical treatment facilities.

(3) A survey of military medical treatment facilities to estimate the number of family members to whom the support services would be provided.

(4) A determination of any discrimination in employment that such family members experience, including denial of retention in employment, promotion, or any benefit of employment by an employer on the basis of the person's absence from employment as described in subsection (c), and a determination, in consultation with the Secretary of Labor, of the options available for such family members.

(c) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering service member who is—

(1) on invitational orders while caring for the recovering service member;

(2) a non-medical attendee caring for the recovering service member; or

(3) receiving per diem payments from the Department of Defense while caring for the recovering service member.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study, with such findings and recommendations as the Secretary considers appropriate.

SEC. 1435. REPORT ON TRAUMATIC BRAIN INJURY CLASSIFICATIONS.

(a) INTERIM REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report describing the changes undertaken within the Department of Defense to ensure that traumatic brain injury victims receive a proper medical designation concomitant with their injury as opposed to the current medical designation which assigns a generic "organic psychiatric disorder" classification.

(b) FINAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report concerning traumatic brain injury classifications and an explanation and justification of the Department's use of the international classification of disease (ICD) 9 designation, recommendations for transitioning to ICD 10 or 11, and the benefits the civilian community experiences from using ICD 10.

SEC. 1436. EVALUATION OF THE POLYTRAUMA LIAISON OFFICER/NON-COMMISSIONED OFFICER PROGRAM.

(a) EVALUATION REQUIRED.—The Secretary of Defense shall conduct an evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer program, which is the program operated by each of the military departments and the Department of Veterans Affairs for the purpose of—

(1) assisting in the seamless transition of members of the Armed Forces from the Department of Defense health care system to the Department of Veterans Affairs system; and

(2) expediting the flow of information and communication between military treatment facilities and the Veterans Affairs Polytrauma Centers.

(b) MATTERS COVERED.—The evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer program shall include evaluating the following areas:

(1) The program's effectiveness in the following areas:

(A) Handling of military patient transfers.

(B) Ability to access military records in a timely manner.

(C) Collaboration with Polytrauma Center treatment teams.

(D) Collaboration with Veteran Service Organizations.

(E) Functioning as the Polytrauma Center's subject-matter expert on military issues.

(F) Supporting and assisting family members.

(G) Providing education, information, and referrals to members of the Armed Forces and their family members.

(H) Functioning as uniformed advocates for members of the Armed Forces and their family members.

(I) Inclusion in Polytrauma Center meetings.

(J) Completion of required administrative reporting.

(K) Ability to provide necessary administrative support to all members of the Armed Forces.

(2) Manpower requirements to effectively carry out all required functions of the Polytrauma Liaison Officer/Non-Commissioned Officer program given current and expected case loads.

(3) Expansion of the program to incorporate Navy and Marine Corps officers and senior enlisted personnel.

(c) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing—

(1) the results of the evaluation; and

(2) recommendations for any improvements in the program.

SEC. 1437. STUDY AND REPORT ON STANDARD SOLDIER PATIENT TRACKING SYSTEM.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the feasibility of developing a joint soldier tracking system for recovering service members.

(b) MATTERS COVERED.—The study under subsection (a) shall include the following:

(1) Review of the feasibility of allowing each recovering service member, each family member of such a member, each commander of a military installation retaining medical holdover patients, each patient navigator, and ombudsman office personnel, at all times, to be able to locate and understand exactly where a recovering service member is in the medical holdover process.

(2) A determination of whether the tracking system can be designed to ensure that—

(A) the commander of each military medical facility where recovering service members are located is able to track appointments of such members to ensure they are meeting timeliness and other standards that serve the member; and

(B) each recovering service member is able to know when his appointments and other medical evaluation board or physical evaluation board deadlines will be and that they have been scheduled in a timely and accurate manner.

(3) Any other information needed to conduct oversight of care of the member through out the medical holdover process.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study, with such findings and recommendations as the Secretary considers appropriate.

SEC. 1438. STUDY AND REPORT ON WAITING PERIODS FOR APPOINTMENTS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on the average length of time between the desired date for

which a veteran seeks to schedule an appointment for health care at a Department of Veterans Affairs medical facility and the date on which such appointment is completed.

(b) FOCUS OF STUDY.—In conducting the study under subsection (a), the Secretary shall focus on appointments scheduled and completed at Department medical facilities located in both rural and urban areas.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to Congress containing the findings of the study under subsection (a) and recommendations for decreasing the waiting time between the desired date of an appointment and the completion of the appointment to a maximum of 15 days.

Subtitle C—General Provisions

SEC. 1451. MORATORIUM ON CONVERSION TO CONTRACTOR PERFORMANCE OF DEPARTMENT OF DEFENSE FUNCTIONS AT MILITARY MEDICAL FACILITIES.

(a) FINDINGS.—Congress finds the following:

(1) The conduct of public-private competitions for the performance of Department of Defense functions, based on Office of Management and Budget Circular A-76, can lead to dramatic reductions in the workforce, undermining an agency's ability to perform its mission.

(2) The Army Garrison commander at the Walter Reed Army Medical Center has stated that the extended A-76 competition process contributed to the departure of highly skilled administrative and maintenance personnel, which led to the problems at the Walter Reed Army Medical Center.

(b) MORATORIUM.—During the one-year period beginning on the date of the enactment of this Act, no study or competition may be begun or announced pursuant to section 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A-76 relating to the possible conversion to performance by a contractor of any Department of Defense function carried out at a military medical facility.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the public-private competitions being conducted for Department of Defense functions carried out at military medical facilities as of the date of the enactment of this Act by each military department and defense agency. Such report shall include—

(1) for each such competition—

(A) the cost of conducting the public-private competition;

(B) the number of military personnel and civilian employees of the Department of Defense affected;

(C) the estimated savings identified and the savings actually achieved;

(D) an evaluation whether the anticipated and budgeted savings can be achieved through a public-private competition; and

(E) the effect of converting the performance of the function to performance by a contractor on the quality of the performance of the function;

(2) a description of any public-private competition the Secretary would conduct if the moratorium under subsection (b) were not in effect; and

(3) an assessment of whether any method of business reform or reengineering other than a public-private competition could, if implemented in the future, achieve any anticipated or budgeted savings.

SEC. 1452. PROHIBITION ON TRANSFER OF RESOURCES FROM MEDICAL CARE.

Neither the Secretary of Defense nor the Secretaries of the military departments may transfer funds or personnel from medical care functions to administrative functions within the Department of Defense in order to comply with the new administrative requirements imposed by this title or the amendments made by this title.

SEC. 1453. INCREASE IN PHYSICIANS AT HOSPITALS OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs shall increase the number of resident physicians at hospitals of the Department of Veterans Affairs.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Sec. 1501. Purpose and statement of congressional policy.
Sec. 1502. Army procurement.
Sec. 1503. Navy and Marine Corps procurement.
Sec. 1504. Air Force procurement.
Sec. 1505. Joint Improvised Explosive Device Defeat Fund.
Sec. 1506. Defense-wide activities procurement.
Sec. 1507. Research, development, test, and evaluation.
Sec. 1508. Operation and maintenance.
Sec. 1509. Working capital funds.
Sec. 1510. Other Department of Defense programs.
Sec. 1511. Iraq Freedom Fund.
Sec. 1512. Iraq Security Forces Fund.
Sec. 1513. Afghanistan Security Forces Fund.
Sec. 1514. Military personnel.
Sec. 1515. Authorized Army construction and land acquisition projects.
Sec. 1516. Authorized Navy construction and land acquisition projects.
Sec. 1517. Treatment as additional authorizations.

SEC. 1501. PURPOSE AND STATEMENT OF CONGRESSIONAL POLICY.

(a) PURPOSE.—The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2008 to provide additional funds for Operation Iraqi Freedom and Operation Enduring Freedom.

(b) POLICY.—Congress has provided members of the Armed Forces deployed outside of the United States, and the families of such members, with ongoing funds for their protection and operations and will continue to support their service and valor on behalf of the United States.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $1,677,706,000.

(2) For ammunition procurement, $313,000,000.

(3) For weapons and tracked combat vehicles procurement, $4,780,172,000.

(4) For missile procurement, $295,626,000.

(5) For other procurement, $11,123,699,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $2,917,958,000

(2) For weapons procurement, $251,281,000

(3) For other procurement, $727,580,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for the Marine Corps in the amount of $3,863,267,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $590,090,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $5,189,709,000.

(2) For ammunition procurement, $74,005,000.

(3) For missile procurement, $1,800,000.

(4) For other procurement, $3,926,810,000.

SEC. 1505. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2008 for the Joint Improvised Explosive Device Defeat Fund in the amount of $4,000,000,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439) shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) REVISION OF MANAGEMENT PLAN.—The Secretary of Defense shall revise the management plan required by section 1514(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 to identify projected transfers and obligations through September 30, 2008.

(d) DURATION OF AUTHORITY.—Section 1514(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended by striking "September 30, 2009" and inserting "September 30, 2010".

SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for Defense-wide in the amount of $594,768,000.

SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $91,278,000.

(2) For the Navy, $516,303,000.

(3) For the Air Force, $816,041,000.

(4) For Defense-wide activities, $727,498,000

SEC. 1508. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $45,350,964,000

(2) For the Navy, $5,426,407,000.

(3) For the Marine Corps, $4,013,093,000.

(4) For the Air Force, $10,536,330,000.

(5) For Defense-wide activities, $6,098,990,000.

(6) For the Army Reserve , $158,410,000.

(7) For the Navy Reserve, $69,598,000.

(8) For the Marine Corps Reserve, $68,000,000.

(9) For the Army National Guard, $466,150,000.

(10) For the Air National Guard, $31,168,000.

SEC. 1509. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,676,275,000.

(2) For the National Defense Sealift Fund, $5,100,000.

SEC. 1510. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,022,842,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Drug

Interdiction and Counter-Drug Activities, Defense-wide in the amount of $257,618,000.

(c) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $4,394,000 for operation and maintenance.

SEC. 1511. IRAQ FREEDOM FUND.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Iraq Freedom Fund in the amount of $107,500,000.

SEC. 1512. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Iraq Security Forces Fund in the amount of $2,000,000,000.

(b) USE, TRANSFER, AND OTHER REQUIREMENTS REGARDING FUNDS.—Subsections (b), (c) and (d) of section 1516 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2441) shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) DURATION OF AUTHORITY.—Section 1516(g) of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended by striking "September 30, 2008" and inserting "September 30, 2009".

SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Afghanistan Security Forces Fund in the amount of $2,700,000,000.

(b) USE, TRANSFER, AND OTHER REQUIREMENTS REGARDING FUNDS.—Subsections (b), (c) and (d) of section 1517 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2442) shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) DURATION OF AUTHORITY.—Section 1517(g) of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended by striking "September 30, 2008" and inserting "September 30, 2009".

SEC. 1514. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2008 a total of $17,471,763,000.

SEC. 1515. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) AUTHORIZED PROJECTS.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b) the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan.	Bagram Air Base	$103,000,000
Iraq	Camp Adder	$31,850,000
	Al Asad	$46,100,000
	Camp Anaconda	$49,200,000
	Fallujah	$880,000
	Camp Marez	$880,000
	Mosul	$43,000,000
	Camp Ramadi	$880,000
	Scania	$5,000,000
	Camp Speicher ...	$54,900,000
	Camp Taqqadum	$880,000
	Tikrit	$43,000,000
	Camp Victory	$24,600,000
	Camp Warrior ...	$880,000
	Various Locations.	$102,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $526,450,000 as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $507,050,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $19,400,000.

SEC. 1516. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) AUTHORIZED PROJECTS.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California.	Camp Pendleton	$102,034,000
	Twenty-Nine Palms	$4,440,000
North Carolina.	Camp Lejeune	$43,310,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $169,071,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $149,814,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $7,491,000.

(3) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $11,766,000.

SEC. 1517. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

TITLE XVI—NATIONAL GUARD ENHANCEMENT

Sec. 1601. Short title.

Subtitle A—National Guard Bureau

Sec. 1611. Enhancement of duties and position of Chief of the National Guard Bureau.
Sec. 1612. Establishment of National Guard Bureau as joint activity of Department of Defense.
Sec. 1613. Enhancement of functions of National Guard Bureau.
Sec. 1614. Requirement for Secretary of Defense to prepare annual plan for response to natural disasters and terrorist events.
Sec. 1615. Determination of Department of Defense civil support requirements.
Sec. 1616. Conforming and clerical amendments.

Subtitle B—Additional Reserve Component Enhancement

Sec. 1621. United States Northern Command.
Sec. 1622. Council of Governors.
Sec. 1623. Reserve Components Policy Board:
Sec. 1624. Requirements for certain high-level positions to be held by reserve component general or flag officers.
Sec. 1625. Retirement age and years of service limitations on certain reserve general and flag officers.
Sec. 1626. Additional reporting requirements relating to National Guard equipment.

SEC. 1601. SHORT TITLE.

This title may be cited as the "National Guard Empowerment Act".

Subtitle A—National Guard Bureau

SEC. 1611. ENHANCEMENT OF DUTIES AND POSITION OF CHIEF OF THE NATIONAL GUARD BUREAU.

(a) PRINCIPAL ADVISER TO SECRETARY OF DEFENSE THROUGH CHAIRMAN OF JOINT CHIEFS OF STAFF ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting after "principal adviser" the following: "to the Secretary of Defense (through the Chairman of the Joint Chiefs of Staff),".

(b) ADVISER TO COMMANDER OF THE UNITED STATES NORTHERN COMMAND AND SECRETARY OF HOMELAND SECURITY.—Subsection (c) of such section is further amended—

(1) by inserting "(1)" before "The Chief"; and

(2) by adding at the end the following new paragraph:

"(2) The Chief of the National Guard Bureau also is an adviser on such matters to the commander of the combatant command the geographic area of responsibility of which includes the United States and to the Secretary of Homeland Security.".

(c) APPOINTMENT TO OFFICE IN GRADE OF GENERAL.—Subsection (d) of such section is amended by striking "lieutenant general" and inserting "general".

(d) APPOINTMENT PROCESS.—Subsection (a) of such section is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting "(1)" before "There is"; and

(3) by adding at the end the following new paragraphs:

"(2) The Secretary of Defense shall establish a process to identify, from among the officers of the Army National Guard of the United States and Air National Guard of the United States recommended under paragraph (1)(A), the best qualified officer or officers whom the Secretary of Defense will recommend for consideration by the President for appointment as Chief of the National Guard Bureau.

"(3) In establishing the process under paragraph (2), the Secretary of Defense shall—

"(A) consider such procedural recommendations as the current Chief of the National Guard Bureau may provide;

"(B) employ a selection advisory board, which shall be appointed, charted, and instructed by agreement between the Secretary of the Army and the Secretary of the Air Force; and

"(C) incorporate the requirements of section 601(d) of this title relating to a performance evaluation and necessary qualifications for the position.".

(e) REPEAL OF PROHIBITION ON CHIEF HOLDING OFFICE AFTER AGE 64.—Subsection (b) of such section is amended by striking "An officer may not hold that office after becoming 64 years of age.".

(f) APPOINTMENT OF NEXT CHIEF OF THE NATIONAL GUARD BUREAU.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the President recommendations regarding the best qualified officer or officers for consideration by the President for appointment as the next Chief of the National Guard Bureau under section 10502 of title 10, United States Code, as amended by this section. The amendments made by subsections (c), (d), and (e) shall apply with respect to such appointment. The officer serving in the office of Chief of the National Guard Bureau as of the date of the enactment of this Act may be recommended for appointment and appointed to that office to serve in the grade of general.

SEC. 1612. ESTABLISHMENT OF NATIONAL GUARD BUREAU AS JOINT ACTIVITY OF DEPARTMENT OF DEFENSE.

(a) JOINT ACTIVITY OF THE DEPARTMENT OF DEFENSE.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking "joint bureau of the Department of the Army and the Department of the Air Force" and inserting "joint activity of the Department of Defense".

(b) JOINT MANPOWER REQUIREMENTS.—

(1) IN GENERAL.—Chapter 1011 of such title is amended by adding at the end the following new section:

"§ 10508. National Guard Bureau: general provisions

"The manpower requirements of the National Guard Bureau as a joint activity of the Department of Defense shall be determined in accordance with regulations prescribed by the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"10508. National Guard Bureau: general provisions.".

SEC. 1613. ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.

(a) ADDITIONAL GENERAL FUNCTIONS.—Section 10503 of title 10, United States Code, is amended—

(1) by predesignating paragraph (12), as paragraph (13); and

(2) by inserting after paragraph (11) the following new paragraph (12):

"(12)(A) Facilitating and coordinating with the entities listed in subparagraph (B) the use of National Guard personnel and resources for operations conducted under title 32, or in support of State missions.

"(B) The entities listed in this subparagraph for purposes of subparagraph (A) are the following:

"(I) Other Federal agencies.

"(ii) The Adjutants General of the States.

"(iii) The United States Joint Forces Command.

"(iv) The combatant command the geographic area of responsibility of which includes the United States,".

(b) CHARTER DEVELOPED AND PRESCRIBED BY SECRETARY OF DEFENSE.—Section 10503 of such title is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "The Secretary of the Army and the Secretary of the Air Force shall jointly develop" and inserting "The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Secretary of the Army, and the Secretary of the Air Force, shall develop"; and

(B) by striking "cover" in the second sentence and inserting "reflect the full scope of the duties and activities of the Bureau, including" ; and

(2) in paragraph (12), by striking "the Secretaries" and inserting "the Secretary of Defense".

SEC. 1614. REQUIREMENT FOR SECRETARY OF DEFENSE TO PREPARE ANNUAL PLAN FOR RESPONSE TO NATURAL DISASTERS AND TERRORIST EVENTS.

(a) REQUIREMENT FOR ANNUAL PLAN.—Not later than March 1, 2008, and each March 1 thereafter, the Secretary of Defense, in consultation with the commander of the United States Northern Command and the Chief of the National Guard Bureau, shall prepare and submit to Congress a plan for coordinating the use of the National Guard and members of the Armed Forces on active duty when responding to natural disasters, acts of terrorism, and other man-made disasters as identified in the national planning scenarios described in subsection (e).

(b) INFORMATION TO BE PROVIDED TO SECRETARY.—To assist the Secretary of Defense in preparing the plan, the National Guard Bureau, pursuant to its purpose as channel of communications as set forth in section 10501(b) of title 10, United States Code, shall provide to the Secretary information gathered from Governors, adjutants general of States, and other State civil authorities responsible for homeland preparation and response to natural and man-made disasters.

(c) TWO VERSIONS.—The plan shall set forth two versions of response, one using only members of the National Guard, and one using both members of the National Guard and members of the regular components of the Armed Forces.

(d) MATTERS COVERED.—The plan shall cover, at a minimum, the following:

(1) Protocols for the Department of Defense, the National Guard Bureau, and the Governors of the several States to carry out operations in coordination with each other and to ensure that Governors and local communities are properly informed and remain in control in their respective States and communities.

(2) An identification of operational procedures, command structures, and lines of communication to ensure a coordinated, efficient response to contingencies.

(3) An identification of the training and equipment needed for both National Guard personnel and members of the Armed Forces on active duty to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios.

(e) NATIONAL PLANNING SCENARIOS.—The plan shall provide for response to the following hazards: Nuclear detonation, biological attack, biological disease outbreak/pandemic flu, the plague, chemical attack-blister agent, chemical attack-toxic industrial chemicals, chemical attack-nerve agent, chemical attack-chlorine tank explosion, major hurricane, major earthquake, radiological attack-radiological dispersal device, explosives attack-bombing using improvised explosive device, biological attack-food contamination, biological attack-foreign animal disease and cyber attack.

SEC. 1615. DETERMINATION OF DEPARTMENT OF DEFENSE CIVIL SUPPORT REQUIREMENTS.

(a) DETERMINATION OF REQUIREMENTS.—The Secretary of Defense shall determine the military-unique capabilities needed to be provided by the Department of Defense to support civil authorities in an incident of national significance or a catastrophic incident.

(b) PLAN FOR FUNDING CAPABILITIES.—

(1) PLAN.—The Secretary of Defense shall develop and implement a plan, in coordination with the Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff, for providing the funds and resources necessary to develop and maintain the following:

(A) The military-unique capabilities determined under subsection (a).

(B) Any additional capabilities determined by the Secretary to be necessary to support the use of the active components and the reserve components of the armed forces for homeland defense missions, domestic emergency responses, and providing military support to civil authorities.

(2) TERM OF PLAN.—The plan required under paragraph (1) shall cover at least five years.

(c) BUDGET.—The Secretary of Defense shall include in the materials accompanying the budget submitted for each fiscal year a request for funds necessary to carry out the plan required under subsection (b) during the fiscal year covered by the budget. The defense budget materials shall delineate and explain the budget treatment of the plan for each component of each military department, each combatant command, and each affected Defense Agency.

(d) IMPLEMENTATION.—In carrying out this section, the Secretary of Defense, acting through the chairman of the Joint Chiefs of Staff, shall ensure the appropriate assignment of responsibilities, coordination of the efforts, and prioritization of renouncing by the appropriate combatant commands, the military departments, and the National Guard Bureau.

(e) DEFINITIONS.—In this section:

(1) The term "military-unique capabilities" means those capabilities that, in the view of the Secretary of Defense—

(A) cannot be provided by other Federal, State or local civilian agencies; and

(B) are essential to provide support to civil authorities in an incident of national significance or a catastrophic incident.

(2) The term "defense budget materials", with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

(f) STRATEGIC PLANNING GUIDANCE.—Section 113(g)(2) of title 10, United States Code, is amended by striking "contingency plans" at the end of the first sentence and inserting the following: "contingency plans, including plans for providing support to civil authorities in an incident of national significance or a catastrophic incident, for homeland defense, and for military support to civil authorities".

SEC. 1616. CONFORMING AND CLERICAL AMENDMENTS.

(a) CONFORMING AMENDMENT.—The heading of section 10503 of such title is amended to read as follows:

"§ 10503. Functions of National Guard Bureau: charter".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new item:

"10503. Functions of National Guard Bureau: charter.".

Subtitle B—Additional Reserve Component Enhancement

SEC. 1621. UNITED STATES NORTHERN COMMAND.

(a) MANPOWER REVIEW.—

(1) REVIEW BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—Not later than one year after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense a review of the civilian and military positions, job descriptions, and assignments within the United States Northern Command with the goal of significantly increasing the number of members of a reserve component assigned to, and civilians employed by, the United States Northern Command who have experience in the planning, training, and employment of forces for homeland defense missions, domestic emergency response, and providing military support to civil authorities.

(2) SUBMISSION OF RESULTS OF REVIEW.—Not later than 90 days after the date on which the Secretary of Defense receives the results of the review under paragraph (1), the Secretary shall submit to Congress a copy of the results of the review, together with such recommendations as the Secretary considers appropriate to achieve the objectives of the review.

(b) COMMAND AND CONTROL OF MIXED-STATUS FORCES IN CERTAIN MISSIONS.—

(1) PROCEDURES REQUIRED.—The Secretary of Defense shall establish procedures under which an officer who is on active duty or an officer who is on full-time National Guard duty may command mixed-status forces in connection with the training and use of mixed-status forces for homeland defense missions, domestic emergency responses, and providing military support to civil authorities.

(2) ELEMENTS OF PROCEDURES.—The procedures shall include measures to enable—

(A) the Commander of United States Northern Command and subordinate commanders within the United States Northern Command to exercise command of such mixed-status forces, and

(B) the Adjutant General or other officers of the National Guard of a State to exercise command of such mixed-status forces.

(3) COORDINATION.—The Secretary of Defense shall establish the procedures in coordination with the Chairman of the Joint Chiefs of Staff, the Chief of the National Guard Bureau, and the Governors of the States.

(c) DEFINITIONS.—In this section:

(1) The term "United States Northern Command" means the combatant command the geographic area of responsibility of which includes the United States.

(2) the term "mixed-status forces" means units and members of the National Guard that are on full-time National Guard duty participating in an encampment, maneuver, training exercise, or operation with members of the armed forces on active duty.

(3) The term "State" means the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(4) The term "Governor", with respect to the District of Columbia, means the commanding general of the District of Columbia National Guard.

(5) The terms "active duty" and "full-time National Guard duty" have the meanings provided those terms by section 101 of title 10, United States Code.

SEC. 1622. COUNCIL OF GOVERNORS.

The President shall establish a bipartisan Council of Governors to advise the Secretary of Defense, the Secretary of Homeland Security, and the White House Homeland Security Council on matters related to the National Guard and civil support missions.

SEC. 1623. RESERVE COMPONENTS POLICY BOARD.

(a) RESERVE COMPONENTS POLICY BOARD.—Section 10301 of title 10, United States Code, is amended to read as follows:

"§10301. Reserve Components Policy Board

"(a) There is in the Office of the Secretary of Defense a Reserve Components Policy Board. The Board shall provide the Secretary of Defense, through the Deputy Secretary of Defense, independent advice and recommendations on strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the reserve components of the United States.

"(b) The Board shall consist of 15 members appointed from civilian life by the Secretary of Defense. The Secretary shall designate the chairman and a vice chairman of the Board. Members of the Board shall be appointed without regard to political affiliation, shall be appointed for two-year, renewable terms, and shall have a proven record of high-level achievement in a national security-related field that includes matters pertaining to the reserve components of the United States.

"(c) Members of the Board shall be selected on the basis of knowledge, expertise, or achievement in the following areas:

"(1) The reserve components of the United States.

"(2) The national security and national military strategies of the United States.

"(3) The roles and missions of the active and reserve components of the United States Armed Forces.

"(4) The organization, force structure, and force mix of the United States Armed Forces.

"(5) Acquisition; research and development; military operations; or personnel and compensation programs, policies, and activities of the Department of Defense.

"(6) Homeland defense and support to civil authorities.

"(d) The Chairman shall be selected on the basis of extensive knowledge, expertise, or achievement with respect to the reserve components of the United States, including the National Guard.

"(e) The Under Secretary of Defense for Personnel and Readiness shall provide an executive director and the necessary support staff to manage the activities of the Board in consultation with the Chairman.

"(f) The Board shall act on those matters referred to it by the Secretary of Defense or the Chairman and, in addition, on any matter raised by a member of the Board. As a part of its duties, the Board shall periodically meet with members of the reserve components of the United States.".

(b) CLERICAL AMENDMENT.—The item relating to section 10301 in the table of sections at the beginning of chapter 1009 of such title is amended to read as follows:

"10301. Reserve Components Policy Board.".

(c) CONFORMING AMENDMENTS.—

(1) Title 10, United States Code, is amended in the following provisions by striking "Reserve Forces Policy Board" and inserting "Reserve Components Policy Board":

(A) Section 101(d)(6)(B)(i).

(B) Section 113(c)(2) (both places).

(C) Section 175.

(2) The heading of section 175 of such title is amended to read as follows:

"§175. Reserve Components Policy Board".

(3) The item relating to section 175 in the table of sections for chapter 7 of such title is amended to read as follows:

"175. Reserve Components Policy Board.".

SEC. 1624. REQUIREMENTS FOR CERTAIN HIGH-LEVEL POSITIONS TO BE HELD BY RESERVE COMPONENT GENERAL OR FLAG OFFICERS.

(a) UNIFIED AND SPECIFIED COMBATANT COMMAND POSITIONS.—Subparagraph (A) of section 526(b)(2) of title 10, United States Code, is amended by striking "10 general and flag officer positions on the staffs of the commanders of" and inserting "15 general and flag officer positions in".

(b) DESIGNATION OF LIEUTENANT GENERAL OR VICE ADMIRAL POSITIONS TO BE HELD ONLY BY RESERVE COMPONENT OFFICERS.—Such subparagraph is further amended—

(1) by inserting "(i)" after "(A)";

(2) by striking the last sentence; and

(3) by adding at the end the following new clauses:

"(ii) The Chairman of the Joint Chiefs of Staff shall designate up to three general and flag officer positions in the grade of lieutenant general or vice admiral to be held only by reserve component officers. One of the positions designated under this clause shall be the deputy commander of the combatant command the geographic area of responsibility of which includes the United States, unless a reserve component officer is serving as commander of that combatant command. Each position designated under this clause shall be in addition to those positions that are required by law to be filled by an officer serving in the grade of lieutenant general or vice admiral.

"(iii) The positions designated under clauses (i) and (ii) shall be considered a joint duty assignment position for the purposes of chapter 38 of this title.".

SEC. 1625. RETIREMENT AGE AND YEARS OF SERVICE LIMITATIONS ON CERTAIN RESERVE GENERAL AND FLAG OFFICERS.

(a) RETIREMENT FOR AGE.—

(1) INCLUSION OF RESERVE GENERALS AND ADMIRALS.—Section 14511 of title 10, United States Code, is amended to read as follows:

"§14511. Separation at age 64: major generals and generals and rear admirals and admirals

"(a) MAJOR GENERALS AND REAR ADMIRALS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general and each reserve officer of the Navy in the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 64 years of age.

"(b) GENERALS AND ADMIRALS.—(1) Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of general and each reserve officer of the Navy in the grade of admiral shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 64 years of age.

"(2) The retirement of an officer under paragraph (1) may be deferred—

"(A) by the President, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age; or

"(B) by the Secretary of Defense, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1407 of such title is amended by striking the item relating to section 14511 and inserting the following new item:

"14511. Separation at age 64: major generals and generals and rear admirals and admirals.".

(b) CONFORMING AMENDMENTS AND RESERVE OFFICERS HOLDING CERTAIN OTHER OFFICES.—Section 14512 of such title is amended—

(1) in subsection (a)(2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively;

(2) in subsection (b)—

(A) by inserting "(1)" before "The Secretary"; and

(B) by adding at the end the following new paragraph:

"(2) The President may defer the retirement of a reserve officer serving in the position of Chief of the Navy Reserve or Commander of the Marine Forces Reserve, but such deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age. A deferment under this paragraph shall not count toward the limitation on *the total number of officers whose retirement may be deferred at any one time under paragraph (1).''; and*

(3) by adding at the end the following new subsection:

''(c) DESIGNATED LIEUTENANT GENERAL OR VICE ADMIRAL POSITIONS HELD BY RESERVE COMPONENT OFFICERS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a reserve officer serving in one of the general and flag officer positions designated under section 526(b)(2)(A)(ii) of this title to be held by a reserve officer in the grade of lieutenant general or vice admiral shall, on the last day of the month in which the officer becomes 66 years of age, be separated in accordance with section 14515 of this title.''.

(c) IMPOSITION OF YEARS OF SERVICE LIMITATION.—

(1) IMPOSITION OF LIMITATION.—Section 14508 of such title is amended by inserting after subsection (c), as added by section 511, the following new subsection:

''(d) FORTY YEARS OF SERVICE FOR GENERALS AND ADMIRALS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of general and each reserve officer of the Navy in the grade of admiral shall, 30 days after completion of 40 years of commissioned service, be separated in accordance with section 14514 of this title.''.

(2) CONFORMING AMENDMENTS.—Subsection (b) of section 10502 of such title, as amended by section 1611(e), is further amended—

(A) by inserting ''(1)'' before the first sentence; and

(B) by striking ''While holding that office'' and inserting the following:

''(2) Except as provided in section 14508(d) of this title, while holding the office of Chief of the National Guard Bureau''.

(d) TREATMENT OF CURRENT CHIEF OF THE NATIONAL GUARD BUREAU.—Section 14512(a) of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the officer serving in the office of Chief of the National Guard Bureau as of that date. However, if the officer serving in the office of Chief of the National Guard Bureau as of that date is subsequently appointed to that office to serve in the grade of general, subsection (b) of section 14511 of such title, as added by this section, shall apply.

SEC. 1626. ADDITIONAL REPORTING REQUIREMENTS RELATING TO NATIONAL GUARD EQUIPMENT.

Section 10541 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) Each report under this section concerning equipment of the National Guard shall also include the following:

''(1) A statement of the accuracy of the projections required by subsection (b)(5)(D) contained in earlier reports under this section, and an explanation, if the projection was not met, of why the projection was not met.

''(2) A certification from the Chief of the National Guard Bureau setting forth an inventory for the preceding fiscal year of each item of equipment—

''(A) for which funds were appropriated;

''(B) which was due to be procured for the National Guard during that fiscal year; and

''(C) which has not been received by a National Guard unit as of the close of that fiscal year.''.

TITLE XVII—DEFENSE READINESS PRODUCTION BOARD

Sec. 1701. Purpose.
Sec. 1702. Establishment of Defense Readiness Production Board.
Sec. 1703. Defense Production Industry Advisory Council.
Sec. 1704. Role of Chairman of Board in certain reporting processes.
Sec. 1705. Authority to use multiyear contracts.
Sec. 1706. Transfer authority.
Sec. 1707. Special authority for use of working capital funds for critical readiness requirements.
Sec. 1708. Strategic Readiness Fund.

SEC. 1701. PURPOSE.

The purpose of this title is to establish a Defense Readiness Production Board to identify and designate critical readiness requirements, to improve the utilization of the defense industrial base, and to provide authorities to the Secretary of Defense and the Secretaries of the military departments to address critical readiness requirements.

SEC. 1702. ESTABLISHMENT OF DEFENSE READINESS PRODUCTION BOARD.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Defense Readiness Production Board (in this subtitle referred to as the ''Board'') within the Office of the Secretary of Defense.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall be composed of 16 members appointed by the Secretary of Defense in accordance with this subsection.

(2) CHAIRMAN.—The Secretary shall appoint a Chairman from within the Office of the Secretary of Defense.

(3) MILITARY PERSONNEL.—The Secretary shall appoint members from among officers of the Armed Forces serving on the joint staff and each of the Armed Forces. In making appointments under this paragraph, the Secretary shall ensure that there is full representation of the reserve components of each of the Armed Forces, including at least two representatives of the National Guard and two individuals with responsibilities relating to a depot activity.

(4) CIVILIAN PERSONNEL.—The Secretary shall appoint members from among civilian employees of the Department of Defense serving in each of the military departments and in such other entities within the Department as the Secretary determines appropriate.

(5) OTHER AGENCIES.—The Secretary may request such representatives from other Federal agencies to serve as members as the Secretary of Defense considers necessary, appropriate, and relevant to the work of the Board.

(6) TERMS; VACANCIES.—The Secretary shall determine the term of office of members of the Board and the manner of filling vacancies on the Board.

(c) FUNCTIONS.—

(1) DESIGNATION OF CRITICAL READINESS REQUIREMENTS.—

(A) The Board shall—

(i) monitor and assess the readiness of the Armed Forces;

(ii) assist the Secretary of Defense and Congress in the identification of deficiencies in the readiness of the Armed Forces caused by shortfalls in weapons systems, equipment, and supplies; and

(iii) identify and formally designate critical readiness requirements.

(B) In this title, the term ''critical readiness requirements'' means shortfalls in equipment or supplies that materially reduce readiness of the Armed Forces and that—

(i) cannot be adequately addressed by identifying acceptable substitute capabilities or cross leveling of equipment that does not unacceptably reduce the readiness of other Armed Forces; and

(ii) that are likely to persist for more than two years based on currently projected budgets and schedules for deliveries of equipment and supplies.

(C) During the period beginning on the date of the enactment of this Act and ending on the date of the first meeting of the Board, the Secretary of Defense may identify and formally designate critical readiness requirements under subparagraph (A)(iii) in lieu of the Board.

(2) MONITORING AND ASSESSMENT OF INDUSTRIAL CAPACITY.—The Board shall also monitor and assess the industrial capacity of all elements of the Department of Defense, the defense industrial base, and non-traditional suppliers to the Department of Defense—

(A) to determine where industrial capacity is being insufficiently used to meet the needs of the Department of Defense, particularly in addressing critical readiness requirements; and

(B) to recommend ways to increase the use of the industrial base, including through encouraging the use of public-private partnerships for existing systems currently maintained outside the depot system as a means of promoting competition, attracting non-traditional suppliers, and expanding the business base of traditional suppliers.

(3) REPORTS AND NOTIFICATIONS.—

(A) The Board shall submit to the Secretary of Defense and to the congressional defense committees reports to communicate its findings and the progress made by the Department of Defense in addressing critical readiness requirements, at such times as it considers necessary, but not less often than every six months.

(B) The Board shall notify the Secretary of Defense and the congressional defense committees within 10 days after it designates a critical readiness requirement under paragraph (1). If the Secretary of Defense designates a critical readiness requirement under paragraph (1)(C) in lieu of the Board, the Secretary shall notify the congressional defense committees within 10 days after such designation.

(d) STAFF.—The Secretary of Defense shall assign staff, and request the Secretaries of the military departments to assign staff, as necessary to assist the Board in carrying out its duties.

(e) TERMINATION.—The Board shall terminate 5 years after the date of its establishment under subsection (a).

SEC. 1703. DEFENSE PRODUCTION INDUSTRY ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Defense Production Industry Advisory Council (in this section referred to as the ''Council'') to advise and assist the Defense Readiness Production Board in fulfilling its duties and functions with respect to the industrial base.

(b) MEMBERSHIP.—The Council shall be composed of 12 members, appointed by the Secretary of Defense in consultation with the Armed Services Committees of the Senate and the House of Representatives from among individuals with knowledge of the defense industrial base, including individuals who—

(1) represent major sectors of defense industry most relevant to the work of the Council;

(2) represent non-traditional suppliers to the Department of Defense from industries most relevant to the work of the Council;

(3) represent suppliers of essential materials most relevant to the work of the Council; and

(4) represent the workforce in the defense industrial base most relevant to the work of the Council.

(c) FUNCTIONS.—The Council shall advise and assist the Defense Readiness Production Board in fulfilling its duties and functions with regard to the industrial base and on such other matters as the Secretary may direct.

(d) REIMBURSEMENT.—The Secretary may provide reimbursement to members of the Council for purposes of attending meetings of the Council, in accordance with Federal guidelines.

(e) TERMINATION.—The Council shall terminate 5 years after the date of its establishment under subsection (a).

SEC. 1704. ROLE OF CHAIRMAN OF BOARD IN CERTAIN REPORTING PROCESSES.

(a) READINESS REPORTING SYSTEM.—

(1) INCLUSION IN JOINT READINESS REVIEWS.—The Chairman of the Board, or a representative of the Chairman, shall be included in the quarterly joint readiness reviews and monthly updates required under section 117(d) of title 10, United States Code.

(2) INCLUSION IN REPORTS.—The Chairman of the Board may submit views to the Secretary of Defense for inclusion in the report submitted to Congress by the Secretary under section 117(e) of such title.

(b) QUARTERLY REPORTS ON MILITARY READINESS.—The Chairman of the Board shall be included in the process for preparing quarterly reports required under section 482 of title 10, United States Code. The Chairman may submit views to the Secretary of Defense for inclusion in such reports.

(c) REPORTS ON FUND TRANSFERS.—The Chairman of the Board shall be included in the process of transferring any funds described in reports submitted under section 483 of title 10, United States Code. The Chairman may submit views to the Secretary of Defense for inclusion in such reports, and if the Chairman determines that any transfer described in a report would negatively affect a critical readiness requirement, shall submit views on such transfer.

SEC. 1705. AUTHORITY TO USE MULTIYEAR CONTRACTS.

(a) IN GENERAL.—Notwithstanding section 2306b of title 10, United States Code, the Secretary of a military department may enter into a multiyear contract to procure an item if such item will fill, or substantially fill, a critical readiness requirement designated by the Board.

(b) LIMITATION ON ITEMS.—The authority under subsection (a) may not be used unless the item to be procured—

(1) is the same or substantially the same as an item procured previously using a multiyear contract;

(2) has been in full-rate production for at least 3 years; or

(3) is a non-developmental commercial item with modifications that are de minimis in nature.

(c) ADDITIONAL LIMITATION.—The authority under subsection (a) may not be used unless the Secretary of the military department concerned—

(1) certifies that the pricing under the contract is fair and reasonable and that the Secretary has all the information necessary to make such certification; and

(2) the congressional defense committees have been notified at least 30 days in advance of the award of the proposed contract, and the notification includes a statement of the cancellation ceiling for the contract.

(d) ACCOUNTING FOR COSTS.—For the purpose of accounting for the costs of contracts entered into under this section, the Department of Defense shall either—

(1) record obligations for the full cost of the contract at the time of contract award; or

(2) record obligations for each fiscal year of the contract equal to the Government's total annual liability, which includes, for a fiscal year, the performance cost of the contract for the fiscal year plus any costs that would be incurred if the contract were cancelled at the end of the fiscal year.

(e) MULTIYEAR CONTRACT DEFINED.—In this section, the term "multiyear contract" has the meaning provided in section 2306b(k) of this title.

(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall include provisions similar to the provisions required under section 2306b(e) of this title (relating to protection of existing authority).

SEC. 1706. TRANSFER AUTHORITY.

(a) IN GENERAL.—The Secretary of Defense may transfer from amounts described in subsection (b) to other appropriations of the Department of Defense for fiscal year 2008 or any subsequent fiscal year such amounts as the Secretary determines necessary to address critical readiness requirements designated by the Board. Amounts so transferred shall be merged with and be available for the same purposes as the accounts to which transferred. The total amount that the Secretary may transfer under the authority of this section in any fiscal year is $1,000,000,000.

(b) AMOUNTS SUBJECT TO TRANSFER.—Transfers under this section may be made only from amounts appropriated to the Department of Defense for fiscal year 2008 or any subsequent fiscal year that remain available for obligation.

(c) ADDITIONAL AUTHORITY.—The authority provided by this section is in addition to any other authority provided by law authorizing the transfer of amounts available to the Department of Defense.

SEC. 1707. SPECIAL AUTHORITY FOR USE OF WORKING CAPITAL FUNDS FOR CRITICAL READINESS REQUIREMENTS.

(a) NOTIFICATION TO SECRETARY OF CERTAIN EXPENSES.—The Secretary of a military department shall notify the Secretary of Defense if the Secretary of the military department determines that costs will be incurred for work on a critical readiness program in excess of amounts available in the working capital fund of the military department.

(b) TRANSFER OF FUNDS.—The Secretary of Defense, after receiving a notification under subsection (a), may transfer funds from another working capital fund or other funds available to the Department of Defense for fiscal year 2008 or any subsequent fiscal year sufficient to cover the costs of the critical readiness program. The Secretary of the military department to which the funds are transferred shall notify the congressional defense committees of the transfer within 30 days after the transfer is made.

(c) REQUIREMENT TO REIMBURSE WORKING CAPITAL FUNDS.—In the case of any working capital fund from which a transfer is made under subsection (b), the Secretary of Defense shall, within 12 months after the transfer, reimburse the fund from any of the following:

(1) An appropriation of funds.

(2) Other funds available to the Department of Defense.

(3) If the Secretary is unable to provide reimbursement pursuant to paragraph (1) or (2) within nine months after the transfer, advance billing (under section 2208(i) of title 10, United States Code) from the military department carrying out the critical readiness program.

(d) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority under this section is in addition to any other transfer authority.

(e) CRITICAL READINESS PROGRAM.—In this section, the term "critical readiness program" means a program to address a critical readiness requirement designated by the Board.

SEC. 1708. STRATEGIC READINESS FUND.

(a) ESTABLISHMENT.—There is established on the books of the Treasury a fund to be known as the Department of Defense Strategic Readiness Fund (in this subsection referred to as the "Fund"), which shall be administered by the Secretary of the Treasury.

(b) PURPOSES.—The Fund shall be used to address critical readiness requirements designated under section 1701(c).

(c) ASSETS OF FUND.—There shall be deposited into the Fund any amount appropriated to the Fund, which shall constitute the assets of the Fund.

(d) TRANSFER OF FUNDS.—

(1) The Secretary of Defense may transfer amounts in the Fund to such appropriations accounts as the Secretary determines appropriate for addressing critical readiness requirements designated under section 1701(c). Amounts so transferred shall be merged with and available for the same purposes and for the same time period as the appropriation account to which transferred.

(2) The transfer authority provided in paragraph (1) is in addition to any other transfer authority available to the Department of Defense. Upon a determination that all or part of the amounts transferred from the Fund are not necessary for the purposes for which transferred, such amounts may be transferred back to the Fund.

(3) The Secretary of Defense shall notify the congressional defense committees within 30 days after the Secretary makes a transfer under this subsection.

(e) AUTHORIZATION.—There is hereby authorized to be appropriated to the Strategic Readiness Fund $1,000,000,000, to be derived from amounts for Operations and Maintenance under section 1508.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2008".

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2006 project.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$26,000,000
Alaska	Fort Richardson	$92,800,000
	Fort Wainwright	$105,600,000
Arizona	Fort Huachuca	$129,600,000
California	Fort Irwin	$24,000,000
	Presidio, Monterey	$28,000,000
Colorado	Fort Carson	$157,200,000
Delaware	Dover Air Force Base	$17,500,000
Florida	Eglin Air Force Base	$66,000,000
	Southern Command Headquarters, Miami.	$237,000,000
Georgia	Fort Benning	$185,800,000
	Fort Stewart/Hunter Army Air Field.	$123,500,000
Hawaii	Fort Shafter	$31,000,000
	Kahuku Training Area.	$9,200,000
	Schofield Barracks	$88,000,000
	Wheeler Army Air Field.	$51,000,000
Kansas	Fort Leavenworth	$90,800,000
	Fort Riley	$140,200,000
Kentucky	Fort Campbell	$105,000,000
	Fort Knox	$6,700,000

Army: Inside the United States—*Continued*

State	Installation or Location	Amount
Missouri	*Fort Leonard Wood*	*$129,050,000*
Nevada	*Hawthorne Army Ammunition Plant.*	*$11,800,000*
New Mexico	*White Sands Missile Range.*	*$71,000,000*
New York	*Fort Drum*	*$300,600,000*
North Carolina	*Fort Bragg*	*$270,800,000*
Oklahoma	*Fort Sill*	*$2,900,000*
South Carolina.	*Fort Jackson*	*$85,000,000*
Texas	*Camp Bullis*	*$1,600,000*
	Corpus Christi	*$11,200,000*
	Fort Bliss	*$111,900,000*
	Fort Hood	*$138,000,000*
	Fort Sam Houston	*$19,150,000*
	Red River Army Depot.	*$9,200,000*
Virginia	*Fort Belvoir*	*$13,000,000*
	Fort Eustis	*$75,000,000*
	Fort Lee	*$22,600,000*
	Fort Myer	*$20,800,000*
Washington	*Fort Lewis*	*$167,900,000*
	Yakima Training Center.	*$29,000,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	*Afghanistan*	*$13,800,000*
Bulgaria	*Nevo Selo FOS*	*$61,000,000*
Germany	*Grafenwoehr*	*$62,000,000*
Honduras	*Various locations*	*$2,550,000*
Italy	*Vicenza*	*$173,000,000*
Korea	*Camp Humphreys*	*$57,000,000*
Romania	*Various locations*	*$12,600,000*

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State or Country	Installation or Location	Units	Amount
Utah	*Dugway Proving Grounds.*	*28*	*$5,000,000*
Germany	*Ansbach*	*138*	*$52,000,000*

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,000,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $365,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $5,382,917,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $3,222,500,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $381,950,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $27,200,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $329,547,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $424,400,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $731,920,000.

(6) For the construction of increment 2 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5; 121 Stat. 41), $102,000,000.

(7) For the construction of increment 3 of a barracks complex at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $47,400,000

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $46,000,000 (the balance of the amount authorized under section 2201(a) for construction of an operations complex at Eglin Air Force Base, Florida).

(3) $70,000,000 (the balance of the amount authorized under section 2201(a) for construction of the United States Southern Command Headquarters, Miami, Florida).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485) is amended in the item relating to Fort Bragg, North Carolina, by striking "$301,250,000" in the amount column and inserting "$308,250,000".

(b) CONFORMING AMENDMENTS.—Section 2104(b)(5) of that Act (119 Stat. 3488) is amended by striking "$77,400,000" and inserting "$84,400,000".

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Repeal of authorization for construction of Navy Outlying Landing Field, Washington County, North Carolina.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Alaska	*Outlying Field Evergreen.*	*$9,560,000*
Arizona	*Marine Corps Air Station, Yuma.*	*$33,720,000*
California	*Marine Corps Air Station, Miramar.*	*$26,760,000*
	Marine Corps Base, Camp Pendleton.	*$282,450,000*
	Marine Corps Base, Twentynine Palms.	*$142,619,000*
	Naval Station, San Diego.	*$23,630,000*
Florida	*Marine Corps Logistics Base, Blount Island.*	*$7,570,000*
	Naval Surface Warfare Center, Panama City.	*$13,870,000*
	Naval Training Center, Corry Field.	*$1,600,000*
Hawaii	*Marine Corps Air Station, Kaneohe.*	*$37,961,000*
	Naval Base, Pearl Harbor.	*$99,860,000*
	Naval Station Pearl Harbor, Wahiawa.	*$65,410,000*
Illinois	*Naval Training Center, Great Lakes.*	*$10,221,000*
Maryland	*Naval Air Warfare Center, Patuxent River.*	*$38,360,000*
	Naval Surface Warfare Center, Indian Head.	*$9,500,000*
North Carolina	*Marine Corps Air Station, Cherry Point.*	*$28,610,000*
	Marine Corps Air Station, New River.	*$58,630,000*
	Marine Corps Base, Camp Lejeune.	*$234,730,000*
South Carolina.	*Marine Corps Air Station, Beaufort.*	*$10,300,000*
	Marine Corps Recruit Depot, Parris Island.	*$55,282,000*
Texas	*Naval Air Station, Corpus Christi.*	*$14,290,000*
Virginia	*Marine Corps Base, Quantico.*	*$50,519,000*
	Naval Station, Norfolk.	*$65,360,000*
	Naval Support Activity, Chesapeake.	*$8,450,000*
	Naval Surface Warfare Center, Dahlgren.	*$10,000,000*
Washington	*Naval Air Station, Whidbey Island.*	*$34,510,000*
	Naval Station, Bremerton.	*$119,760,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia	$35,500,000
Diego Garcia	Naval Support Facility, Diego Garcia.	$7,150,000
Djibouti	Camp Lemonier	$22,390,000
Guam	Naval Activities, Guam.	$278,818,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified.	Wharf Utilities Upgrade.	$8,900,000
	Host Nation Infrastructure.	$2,700,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

Location	Installation	Units	Amount
Mariana Islands.	Naval Activities, Guam.	73	$57,167,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $3,172,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $237,990,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,804,429,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $1,493,532,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $343,858,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $11,600,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $111,067,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $298,329,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $371,404,000.

(7) For the construction of increment 2 of the construction of an addition to the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $52,069,000.

(8) For the construction of increment 3 of recruit training barracks infrastructure upgrade at Recruit Training Command, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $16,650,000.

(9) For the construction of increment 3 of wharf upgrades at Yokosuka, Japan, authorized by section 2201(b) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $8,750,000.

(10) For the construction of increment 2 of the Bachelor Enlisted Quarters Homeport Ashore Program at Bremerton, Washington (formerly referred to as a project at Naval Station, Everett), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat.3490), $47,240,000.

(11) For the construction of increment 4 of the limited area production and storage complex at Naval Submarine Base, Kitsap, Bangor, Washington (formerly referred to as a project at the Strategic Weapons Facility Pacific, Bangor), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493), $39,750,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $50,000,000 (the balance of the amount authorized under section 2201(b) for construction of a wharf extension in Apra Harbor, Guam.

SEC. 2205. REPEAL OF AUTHORIZATION FOR CONSTRUCTION OF NAVY OUTLYING LANDING FIELD, WASHINGTON COUNTY, NORTH CAROLINA.

(a) REPEAL OF AUTHORIZATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704) is amended by striking the item relating to Navy Outlying Landing Field, Washington County, North Carolina, as added by section 2205(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452).

(b) REPEAL OF INCREMENTAL FUNDING AUTHORITY.—Section 2204(b) of that Act (117 Stat. 1706) is amended by striking paragraph (6).

(c) EFFECT OF REPEAL.—The amendments made by this section do not affect the expenditure of funds obligated, before the effective date of this title, for the construction of the Navy Outlying Landing Field, Washington County, North Carolina, or the acquisition of real property to facilitate such construction.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Modification of authority to carry out certain fiscal year 2006 project.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base.	$70,180,000
Arizona	Davis-Monthan Air Force Base.	$11,200,000
	Kirtland Air Force Base.	$3,700,000
	Luke Air Force Base	$5,500,000
Arkansas	Little Rock Air Force Base.	$9,800,000
California	Edwards Air Force Base.	$8,500,000
	Travis Air Force Base	$37,400,000
Colorado	Fort Carson	$13,500,000
	Schriever Air Force Base.	$24,500,000
	United States Air Force Academy.	$15,000,000
District of Columbia.	Bolling Air Force Base.	$2,500,000
Florida	Eglin Air Force Base	$158,300,000
	MacDill Air Force Base.	$60,500,000
	Patrick Air Force Base.	$11,854,000
	Tyndall Air Force Base.	$44,114,000
Georgia	Robins Air Force Base	$19,700,000
Hawaii	Hickam Air Force Base.	$31,971,000
Illinois	Scott Air Force Base	$16,700,000
Kansas	Fort Riley	$12,515,000
Missouri	Whiteman Air Force Base.	$11,400,000
Nebraska	Offutt Air Force Base	$16,952,000
New Mexico	Cannon Air Force Base.	$1,688,000
North Dakota	Minot Air Force Base	$18,200,000
Oklahoma	Altus Air Force Base	$2,000,000
	Tinker Air Force Base	$34,600,000
South Carolina.	Shaw Air Force Base	$9,300,000
Texas	Lackland Air Force Base.	$14,000,000
	Shepard Air Force Base.	$7,000,000
Utah	Hill Air Force Base	$16,799,000
Washington	Fairchild Air Force Base.	$6,200,000
Wyoming	Francis E. Warren Air Force Base.	$14,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	*Ramstein Air Base*	*$48,209,000*
Guam	*Andersen Air Force Base.*	*$15,800,000*
Qatar	*Al Udeid Air Base*	*$22,300,000*
Spain	*Moron Air Base*	*$1,800,000*
United Kingdom.	*Royal Air Force Lakenheath.*	*$17,300,000*
	Royal Air Force Menwith Hill Station.	*$41,000,000*

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified.	*Classified Project*	*$1,500,000*
	Classified-Special Evaluation Program.	*$13,940,000*

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation or Location	Units	Amount
Germany	*Ramstein Air Base.*	*117*	*$56,275,000*

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $12,210,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $294,262,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,120,191,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $770,173,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $146,409,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $15,440,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $62,087,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $362,747,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $688,335,000.

(7) For the construction of increment 3 of the main base runway at Edwards Air Force Base, California, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), $35,000,000.

(8) For the construction of increment 3 of the CENTCOM Joint Intelligence Center at MacDill Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3494), as amended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2456), $25,000,000.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) FURTHER MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), as amended by section 2305(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2456), is further amended in the item relating to MacDill Air Force Base, Florida, by striking "$101,500,000" in the amount column and inserting "$126,500,000".

(b) CONFORMING AMENDMENT.—Section 2304(b)(4) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3496), as amended by section 2305(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2456), is further amended is amended by striking "$23,300,000" and inserting "$48,300,000".

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2404. Authorization of appropriations, Defense Agencies.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
North Carolina	*Marine Corps Base, Camp Lejeune.*	*$2,014,000*

Defense Intelligence Agency

State	Installation or Location	Amount
District of Columbia.	*Bolling Air Force Base.*	*$1,012,000*

Defense Logistics Agency

State	Installation or Location	Amount
California	*Port Loma Annex*	*$140,000,000*
Florida	*Naval Air Station, Key West.*	*$1,874,000*
Hawaii	*Hickam Air Force Base.*	*$26,000,000*
New Mexico	*Kirtland Air Force Base.*	*$1,800,000*
Ohio	*Defense Supply Center Columbus.*	*$4,000,000*
Pennsylvania	*Defense Distribution Depot, New Cumberland.*	*$21,000,000*
Virginia	*Fort Belvoir*	*$5,000,000*

National Security Agency

State	Installation or Location	Amount
Maryland	*Fort Meade*	*$11,901,000*

Special Operations Command

State	Installation or Location	Amount
California	*Marine Corps Base, Camp Pendleton.*	*$20,030,000*
	Naval Amphibious Base, Coronodo.	*$12,000,000*
Florida	*Hurlburt Field*	*$29,111,000*
	MacDill Air Force Base.	*$47,700,000*
Georgia	*Fort Benning*	*$35,000,000*
	Hunter Army Air Field.	*$13,800,000*
Kentucky	*Fort Campbell*	*$53,500,000*
New Mexico	*Cannon Air Force Base.*	*$7,500,000*
North Carolina	*Fort Bragg*	*$47,250,000*
	Marine Corps Base, Camp Lejeune.	*$28,210,000*
Virginia	*Dam Neck*	*$113,800,000*
	Naval Amphibious Base, Little Creek.	*$99,000,000*
Washington	*Fort Lewis*	*$77,000,000*

TRICARE Management Activity

State	Installation or Location	Amount
Florida	*MacDill Air Force Base.*	*$5,000,000*
Illinois	*Naval Hospital, Great Lakes.*	*$99,000,000*
New York	*Fort Drum*	*$41,000,000*
Texas	*Camp Bullis*	*$7,400,000*
Virginia	*Naval Station, Norfolk.*	*$6,450,000*
Washington	*Fort Lewis*	*$21,000,000*

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	*Pentagon Reservation*	*$18,531,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or Location	Amount
Belgium	Sterrebeek	$5,992,000
Germany	Ramstein Air Base	$5,393,000
	Wiesbaden Air Base ..	$20,472,000

Special Operations Command

Country	Installation or Location	Amount
Bahrain	Southwest Asia	$19,000,000
Qatar	Al Udeid AB	$52,852,000

TRICARE Management Activity

Country	Installation or Location	Amount
Germany	Spangdahlem Air Base.	$30,100,000

(c) Unspecified Worldwide.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project	$1,887,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(7), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $70,000,000.

SEC. 2403. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(9), the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $8,174,315,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $10,436,164,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $996,883,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $133,809,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $1,887,000.

(4) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $23,711,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $147,328,000.

(7) For energy conservation projects authorized by section 2402 of this Act, $70,000,000.

(8) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, $230,689,000.

(9) For base closure and realignment activities authorized by section 2403 of this Act and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $8,174,315,000.

(10) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $48,848,000.

(B) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $500,000.

(11) For the construction of increment 2 of the health clinic replacement at MacDill Air Force Base, Florida, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $41,400,000.

(12) For the construction of increment 2 of the replacement of the Army Medical Research Institute of Infectious Diseases at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $150,000,000.

(13) For the construction of increment 3 of the regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of Public Law 109–234 (120 Stat. 485), $100,000,000.

(14) For the construction of increment 3 of the regional security operations center at Kunia, Hawaii, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7017 of Public Law 109–234 (120 Stat. 485), $136,318,000.

(15) For the construction of increment 8 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $51,017,000.

(16) For the construction of increment 9 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $35,159,000.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $84,300,000 (the balance of the amount authorized for the Defense Logistics Agency under section 2401(a) for the replacement of fuel storage facilities, Point Loma Annex, California).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $201,400,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for the costs of acquisition, architectural and engineering services, and construction of facilities for the reserve components, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $425,891,000; and

(B) for the Army Reserve, $133,084,000.

(2) For the Department of the Navy, for the Navy Reserve and Marine Corps Reserve, $59,950,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $111,717,000; and

(B) for the Air Force Reserve, $27,559,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 2005 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 2004 projects.
Sec. 2704. Effective date.

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Three Years.—Except as provided in subsection *(b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—*

(1) October 1, 2010; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2010; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2011 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2116), authorizations set forth in the tables in subsection (b), as provided in section 2101, 2302, 2401, or 2601 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Schofield Barracks, Hawaii.	Training facility	$35,542,000

Air Force: Extension of 2005 Project Authorizations

Installation or Location	Project	Amount
Davis-Monthan Air Force Base, Arizona.	Family housing (250 units).	$48,500,000
Vandenberg Air Force Base, California.	Family housing (120 units).	$30,906,000
MacDill Air Force Base, Florida.	Family housing (61 units).	$21,723,000
	Housing maintenance facility.	$1,250,000
Whiteman Air Force Base, Missouri.	Family housing (160 units).	$37,087,000
Seymour Johnson Air Force Base, North Carolina.	Family housing (167 units).	$32,693,000
Goodfellow Air Force Base, Texas.	Family housing (127 units).	$20,604,000

Defense Wide: Extension of 2005 Project Authorizations

Installation or Location	Agency and Project	Amount
Naval Air Station, Oceana, Virginia.	DLA bulk fuel storage tank.	$3,589,000
Naval Air Station, Jacksonville, Florida.	TMA hospital project	$28,438,000

Army National Guard: Extension of 2005 Project Authorizations

Installation or Location	Project	Amount
Dublin, California.	Readiness center	$11,318,000
Gary, Indiana	Reserve center	$9,380,000

Army Reserve: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Corpus Christi (Robstown), Texas.	Storage facility	$9,038,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2464), shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLES.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Travis Air Force Base, California.	Family housing (56 units).	$12,723,000
Eglin Air Force Base, Florida.	Family housing (279 units).	$32,166,000

Army National Guard: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Albuquerque, New Mexico.	Readiness center	$2,533,000
Fort Indiantown Gap, Pennsylvania.	Multi-purpose training range.	$15,338,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on the later of—

(1) October 1, 2007; or

(2) the date of the enactment of this Act.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Temporary authority to support revitalization of Department of Defense laboratories through unspecified minor military construction projects.
Sec. 2802. Increased threshold for congressional notification of leases for military family housing facilities in foreign countries.
Sec. 2803. Limitation on use of alternative authority for acquisition and improvement of military housing for privatization of temporary lodging facilities.
Sec. 2804. Expansion of authority to exchange reserve component facilities.
Sec. 2805. Extension of authority to accept cash equalization payments for reserve component facility exchanges.
Sec. 2806. Authority to use operation and maintenance funds for construction projects outside the United States.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Continued consolidation of real property provisions without substantive change.
Sec. 2812. Cooperative agreement authority for management of cultural resources on certain sites outside military installations.
Sec. 2813. Agreements to limit encroachments and other constraints on military training, testing, and operations.
Sec. 2814. Expansion to all military departments of Army pilot program for purchase of certain municipal services for military installations.
Sec. 2815. Retention of proceeds from enhanced use leases at Selfridge Air National Guard Base.
Sec. 2816. Prohibition on commercial flights into Selfridge Air National Guard Base.

Subtitle C—Base Closure and Realignment

Sec. 2821. Transfer of funds from Department of Defense Base Closure Account 2005 to Department of Defense Housing Funds.

Subtitle D—Land Conveyances

Sec. 2831. Conditions on acquisition of land for expansion of Pinon Canyon Maneuver Site, Colorado.
Sec. 2832. Grant of easement, Eglin Air Force Base, Florida.
Sec. 2833. Land conveyance, Lynn Haven Fuel Depot, Lynn Haven, Florida.
Sec. 2834. Additional conditions on lease of property for headquarters facility for United States Southern Command, Florida.
Sec. 2835. Transfer of jurisdiction, former Nike missile site, Grosse Isle, Michigan.
Sec. 2836. Land Exchange, Fort Hood, Texas.
Sec. 2837. Exchange of jurisdiction over real property involving Fort Belvoir, Virginia.
Sec. 2838. Modification of conveyance authority, Marine Corps Base, Camp Pendleton, California.

Subtitle E—Energy Security

Sec. 2851. Repeal of congressional notification requirement regarding cancellation ceiling for Department of Defense energy savings performance contracts.

Sec. 2852. Report on opportunities for leveraging funds of the Department of Defense and States to prevent disruption in event of electric grid or pipeline failures.

Subtitle F—Other Matters

Sec. 2861. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
Sec. 2862. Transfer of jurisdiction over Air Force Memorial to Department of the Air Force.
Sec. 2863. Establishment of national military working dog teams monument on suitable military installation.
Sec. 2864. Naming housing facility at Fort Carson, Colorado, in honor of the Honorable Joel Hefley, a former member of the United States House of Representatives.
Sec. 2865. Naming Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of the Honorable Lane Evans, a former member of the United States House of Representatives.
Sec. 2866. Naming of research laboratory at Air Force Rome Research Site, Rome, New York, in honor of the Honorable Sherwood L. Boehlert, a former member of the United States House of Representatives.
Sec. 2867. Naming of administration building at Joint Systems Manufacturing Center, Lima, Ohio, in honor of the Honorable Michael G. Oxley, a former member of the United States House of Representatives.
Sec. 2868. Naming of Logistics Automation Training Facility, Army Quartermaster Center and School, Fort Lee, Virginia, in honor of General Richard H. Thompson.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. TEMPORARY AUTHORITY TO SUPPORT REVITALIZATION OF DEPARTMENT OF DEFENSE LABORATORIES THROUGH UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) Laboratory Revitalization.—Section 2805 of title 10, United States Code, is amended—

(1) by redesignation subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) Laboratory Revitalization.—(1) For the revitalization and recapitalization of laboratories owned by the United States and under the jurisdiction of the Secretary concerned, the Secretary concerned may obligate and expend—

"(A) from appropriations available to the Secretary concerned for operation and maintenance, amounts necessary to carry out an unspecified minor military construction project costing not more than $2,000,000; or

"(B) from appropriations available to the Secretary concerned for military construction not otherwise authorized by law, amounts necessary to carry out an unspecified minor military construction project costing not more than $5,000,000.

"(2) For an unspecified minor military construction project conducted pursuant to this subsection, $2,000,000 shall be deemed to be the amount specified in subsection (b)(1) regarding when advance approval of the project by the Secretary concerned and congressional notification is required. The Secretary of Defense shall establish procedures for the review and approval of requests from the Secretary of a military department to carry out a construction project under this subsection.

"(3) For purposes of this subsection, the total amount allowed to be applied in any one fiscal year to projects at any one laboratory shall be limited to the larger of the amounts applicable under paragraph (1).

"(4) Not later than February 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided by this subsection. The report shall include a list and description of the construction projects carried out under this subsection, including the location and cost of each project.

"(5) In this subsection, the term 'laboratory' includes—

"(A) a research, engineering, and development center; and

"(B) a test and evaluation activity.

"(6) The authority to carry out a project under this subsection expires on September 30, 2012.".

(b) Stylistic Amendments.—Such section is further amended—

(1) in subsection (a), by inserting "Authority to Carry Out Unspecified Minor Military Construction Projects.—" after "(a)";

(2) in subsection (b), by inserting "Approval and Congressional Notification.—" after "(b)";

(3) in subsection (c), by inserting "Use of Operation and Maintenance Funds.—" after "(c)"; and

(4) in subsection (e), as redesignated by subsection (a)(1), by inserting "Prohibition on Use for New Housing Units.—" after "(e)".

SEC. 2802. INCREASED THRESHOLD FOR CONGRESSIONAL NOTIFICATION OF LEASES FOR MILITARY FAMILY HOUSING FACILITIES IN FOREIGN COUNTRIES.

Section 2828(f) of title 10, United States Code, is amended by striking "$500,000" and inserting "$1,000,000".

SEC. 2803. LIMITATION ON USE OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING FOR PRIVATIZATION OF TEMPORARY LODGING FACILITIES.

(a) Privatization Limited to Pilot Program.—Section 2878 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) Limitation on Privatization of Temporary Lodging Facilities.—Notwithstanding any other provision of this subchapter, the privatization of temporary lodging facilities under this subchapter shall be limited to a pilot program to be conducted by the Secretary of the Army at the following military installations:

"(1) Redstone Arsenal, Alabama.

"(2) Fort Rucker, Alabama.

"(3) Yuma Proving Ground, Arizona.

"(4) Fort McNair, District of Columbia.

"(5) Fort Shafter, Hawaii.

"(6) Tripler Army Medical Center, Hawaii.

"(7) Fort Leavenworth, Kansas.

"(8) Fort Riley, Kansas.

"(9) Fort Polk, Louisiana.

"(10) Fort Sill, Oklahoma.

"(11) Fort Hood, Texas.

"(12) Fort Sam Houston, Texas.

"(13) Fort Myer, Virginia.".

(b) Reporting Requirements.—

(1) Report by Secretary of the Army.—Not later than June 1, 2009, the Secretary of the Army shall submit to the congressional defense committees and the Comptroller General a report that—

(A) describes the implementation of the pilot program authorized by subsection (e) of section 2878 of title 10, United States Code, as added by this section, at the military installations specified in such subsection;

(B) evaluates the efficiency of the program; and

(C) contains such recommendations as the Secretary considers appropriate regarding expansion of the program.

(2) Report by Comptroller General.—Not later than February 1, 2010, the Comptroller General shall submit to the congressional defense committees a review of the pilot program and of the report of the Secretary.

SEC. 2804. EXPANSION OF AUTHORITY TO EXCHANGE RESERVE COMPONENT FACILITIES.

Section 18240(a) of title 10, United States Code is amended by striking "with a State" in the first sentence and inserting "with an Executive agency (as defined in section 105 of title 5), the United States Postal Service, a State".

SEC. 2805. EXTENSION OF AUTHORITY TO ACCEPT CASH EQUALIZATION PAYMENTS FOR RESERVE COMPONENT FACILITY EXCHANGES.

Section 2809(c)(5) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2126) is amended by striking "September 30, 2007" and inserting "September 30, 2010".

SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) One-Year Extension of Authority.—Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), and section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2466), is further amended by striking "2007" and inserting "2008".

(b) Repeal of Quarterly Reports; Advance Notice of Certain Projects.—Such section is further amended—

(1) in subsection (b), by striking "Within seven days after" and inserting "Except with respect to a construction project described in subsection (d), within seven days after";

(2) by striking subsection (d) and inserting the following new subsection:

"(d) Advance Notice of Certain Construction Projects.—When a decision is made to use appropriated funds available for operation and maintenance to carry out a construction project outside the United States that has an estimated cost in excess of the amounts authorized for unspecified minor military construction projects under section 2805(c) of title 10, United States Code, the Secretary of Defense shall notify the congressional committees specified in subsection (f) of that decision, including the information required by subsection (b). The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code. If notice is provided under this subsection with respect to a project, notice is not required under subsection (b) with respect to the same project."; and

(3) by striking subsection (g) and inserting the following new subsection:

"(g) Effect of Failure to Submit Project Notifications.—If the notices regarding the obligation of the funds for a construction project required by subsection (b) or (d) is not submitted to the congressional committees specified in subsection (f) by the required date, appropriated funds available for operation and maintenance may not be obligated or expended after that date

under the authority of this section to carry out construction projects outside the United States until the date on which the notice is finally submitted.".

Subtitle B—Real Property and Facilities Administration

SEC. 2811. CONTINUED CONSOLIDATION OF REAL PROPERTY PROVISIONS WITHOUT SUBSTANTIVE CHANGE.

(a) Consolidation.—Section 2663 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) Land Acquisition Options in Advance of Military Construction Projects.—(1) The Secretary of a military department may acquire an option on a parcel of real property before or after its acquisition is authorized by law, if the Secretary considers it suitable and likely to be needed for a military project of the military department under the jurisdiction of the Secretary.

"(2) As consideration for an option acquired under paragraph (1), the Secretary may pay, from funds available to the military department under the jurisdiction of the Secretary for real property activities, an amount that is not more than 12 percent of the appraised fair market value of the property.".

(b) Repeal of Superseded Provision.—

(1) Repeal.—Section 2677 of such title is repealed.

(2) Clerical amendment.—The table of sections at the beginning of chapter 159 of such title is amended by striking the item relating to section 2677.

SEC. 2812. COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF CULTURAL RESOURCES ON CERTAIN SITES OUTSIDE MILITARY INSTALLATIONS.

(a) Expanded Authority.—Section 2684 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "on a military installation" and inserting "located on a site authorized by subsection (b)";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) Authorized Cultural Resources Sites.—To be covered by a cooperative agreement under subsection (a), cultural resources must be located—

"(1) on a military installation; or

"(2) on a site outside of a military installation, but only if the cooperative agreement will directly relieve or eliminate current or anticipated restrictions that would or might restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on a military installation.".

(b) Cultural Resource Defined.—Subsection (d) of such section, as redesignated by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(5) An Indian sacred site, as defined in section 1(b)(iii) of Executive Order 13007.".

SEC. 2813. AGREEMENTS TO LIMIT ENCROACHMENTS AND OTHER CONSTRAINTS ON MILITARY TRAINING, TESTING, AND OPERATIONS.

(a) Management of Natural Resources of Acquired Property.—Subsection (d) of section 2684a of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) An agreement with an eligible entity under this section may provide for the management of natural resources on real property in which the Secretary concerned acquires any right, title, or interest in accordance with this subsection and for the payment by the United States of all or a portion of the costs of such natural resource management if the Secretary concerned determines that there is a demonstrated need to preserve or restore habitat for the purpose described in subsection (a)(2).".

(b) Limitation on Portion of Acquisition Costs Borne by United States.—Paragraph (4)(C) of such subsection, as redesignated by subsection (a)(1), is amended by striking "equal to the fair market value" and all that follows through the period at the end and inserting "equal to, at the discretion of the Secretary concerned—

"(i) the fair market value of any property or interest in property to be transferred to the United States upon the request of the Secretary concerned under paragraph (5); or

"(ii) the cumulative fair market value of all properties or interests to be transferred to the United States under paragraph (5) pursuant to an agreement under subsection (a).".

SEC. 2814. EXPANSION TO ALL MILITARY DEPARTMENTS OF ARMY PILOT PROGRAM FOR PURCHASE OF CERTAIN MUNICIPAL SERVICES FOR MILITARY INSTALLATIONS.

(a) Expansion of Pilot Program.—Section 325 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2461 note) is amended—

*(1) in the section heading, by striking "**ARMY**" and inserting "**MILITARY**";*

(2) in subsection (a)—

(A) by striking "Secretary of the Army" and inserting "Secretary of a military department"; and

(B) by striking "an Army installation" and inserting "a military installation under the jurisdiction of the Secretary"; and

(3) in subsection (d), by striking "The Secretary" and inserting "The Secretary of a military department".

(b) Participating Installations.—Subsection (c) of such section is amended by striking "two Army installations" and inserting "three military installations of each branch of the Armed Forces".

(c) Extension of Duration of Program.—Such section is further amended by striking subsections (e) and (f) and inserting the following new subsection:

"(e) Termination of Pilot Program.—The pilot program shall terminate on September 30, 2012. Any contract entered into under the pilot program shall terminate not later than that date.".

SEC. 2815. RETENTION OF PROCEEDS FROM ENHANCED USE LEASES AT SELFRIDGE AIR NATIONAL GUARD BASE.

Notwithstanding section 2667(e) of title 10, United States Code, or any other provision of law to the contrary, the proceeds derived from the execution of an enhanced use lease at Selfridge Air National Guard Base shall not be disbursed outside of that military installation.

SEC. 2816. PROHIBITION ON COMMERCIAL FLIGHTS INTO SELFRIDGE AIR NATIONAL GUARD BASE.

The Secretary of Defense shall prohibit the use of Selfridge Air National Guard Base by commercial service aircraft.

Subtitle C—Base Closure and Realignment

SEC. 2821. TRANSFER OF FUNDS FROM DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005 TO DEPARTMENT OF DEFENSE HOUSING FUNDS.

(a) Transfer Authority.—Subsection (c) of section 2883 of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(G) Subject to subsection (f), any amounts that the Secretary of Defense transfers to that Fund from amounts in the Department of Defense Base Closure Account 2005."; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

"(G) Subject to subsection (f), any amounts that the Secretary of Defense transfers to that Fund from amounts in the Department of Defense Base Closure Account 2005.".

(b) Notification.—Subsection (f) of such section is amended by striking "paragraph (1)(B) or (2)(B)" and inserting "subparagraph (B) or (G) of paragraph (1) or subparagraph (B) or (G) of paragraph (2)".

Subtitle D—Land Conveyances

SEC. 2831. CONDITIONS ON ACQUISITION OF LAND FOR EXPANSION OF PINON CANYON MANEUVER SITE, COLORADO.

(a) Imposition of Conditions.—After completion of the review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the Secretary of the Army decides to acquire real property or an interest in real property located near the Pinon Canyon Maneuver Site in the State of Colorado (in this section referred to as the "Site") for the purpose of expanding the Site, the acquisition of such real property shall be subject to the requirements of this section.

(b) Limitation on Expansion Methods.—The Secretary of the Army shall not tender an offer for the acquisition of, or employ condemnation, eminent domain, or seizure of, real property, or interest in real property, for the purpose of expanding the Site until the Secretary has complied with the following:

(1) NEPA review.—The Secretary of the Army shall complete the requisite reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) Use of negotiation.—The Secretary of the Army shall comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et. seq.) by making every reasonable effort to acquire by negotiation the real property, or interest in real property, such as a lease or easement.

(3) Arbitration.—Notwithstanding, and in lieu of, any other provision of law regarding arbitration or alternate dispute resolution, the Secretary of the Army shall notify the property owner or owners of their right to seek third party arbitration, as identified in this paragraph, and of the desire of the Secretary to conclude a negotiated agreement as to the value of the real property or interest in real property sought for acquisition by the Secretary. If the property owner or owners and the Army do not reach an agreement within 90 days after the Army has provided such notice, on the request of the property owner or owners to the Secretary, the matter shall be referred to third party arbitration for resolution within a period of 90 days from the date of referral. The decision of the arbitrator will be binding.

(c) Conditions on Arbitration.—

(1) Conditions.—Arbitration under subsection (b)(3) shall be subject to the following conditions:

(A) The cost of such arbitration shall be the responsibility of the Secretary of the Army.

(B) The Secretary of the Army shall identify at least three neutral third parties with experience in conducting arbitrations as to real property values and shall make this information available to the property owner or owners.

(C) The issue of property value shall be referred to an arbitrator selected by the property owner or owners from the neutral third parties identified by the Secretary of the Army pursuant to subparagraph (B).

(D) The Army shall reimburse the property owner or owners for reasonable costs incurred in

pursuing the arbitration as established by the arbitrator.

(2) ARBITRATOR POWERS AND IMMUNITIES.—An arbitrator selected under paragraph (1)(C) to whom an action is referred under this section shall have the power within the acquisition process to conduct arbitration hearings, to administer oaths and affirmations, and to make decisions as to the value of the real property or interest in real property subject to arbitration. An individual serving as arbitrators pursuant to this section is entitled to the immunities and protections provided by law.

(d) COMMUNITY PLANNING ASSISTANCE.—A community adversely impacted by the acquisition by the Secretary of the Army of real property for the purpose of expanding the Site shall be deemed to be eligible for adjustment assistance under section 2391(b) of title 10, United States Code. The Secretary shall consult with the Governor of Colorado regarding other steps that may be taken to address impacts on local governments and affected communities.

(e) CONSULTATION REGARDING RESULTING STATUS OF ACQUIRED LAND.—The Secretary of the Army shall consult with the Secretary of Interior regarding the status of any real property acquired for the purpose of expanding the Site for purposes of payments to local governments under section 6901 of title 31, United States Code.

(f) ACCESS.—

(1) ACCESS TO CULTURAL AND HISTORIC SITES.—The Secretary of the Army shall ensure reasonable access to cultural and historic sites within the Site.

(2) GRAZING.—Where appropriate and under reasonable conditions, the Secretary of the Army shall allow the grazing of livestock within the Site.

(g) FOREST SERVICE LANDS.—If the Secretary of the Army seeks to use real property for military purposes in the area of interest, which as of the date of the enactment of this Act were managed by the Secretary of Agriculture, the Secretary of the Army shall—

(1) secure a special use permit, including terms and conditions for such use that are agreed to by the Secretary of the Army and the Secretary of Agriculture; or

(2) upon agreement with the Secretary of Agriculture, enter into an interchange of lands under the authority of section 1 of the Act of July 26, 1956 (16 U.S.C. 505a).

(h) STATE LANDS.—The Secretary of the Army shall seek to reach agreement with the Governor of Colorado on terms, conditions, and reasonable compensation under which lands in the area of interest owned by the State of Colorado can be used for military purposes.

SEC. 2832. GRANT OF EASEMENT, EGLIN AIR FORCE BASE, FLORIDA.

(a) GRANT REQUIRED.—The Secretary of the Air Force shall use the authority provided by section 2668 of title 10, United States Code, to grant to the Mid Bay Bridge Authority an easement for a roadway right-of-way over such land at Eglin Air Force Base, Florida, as the Secretary determines necessary to facilitate the construction of a road connecting the northern landfall of the Mid Bay Bridge to Florida State Highway 85.

(b) CONSIDERATION.—As consideration for the grant of the easement under subsection (a), the Mid Bay Bridge Authority shall pay to the Secretary an amount equal to the fair-market-value of the easement, as determined by the Secretary.

(c) COSTS OF PROJECT.—As a condition of the grant of the easement under subsection (a), the Mid Bay Bridge Authority shall be responsible for all costs associated with the highway project described in such subsection, including all costs the Secretary determines to be necessary to address any impacts that the project may have on the defense missions at Eglin Air Force Base.

SEC. 2833. LAND CONVEYANCE, LYNN HAVEN FUEL DEPOT, LYNN HAVEN, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to Florida State University (in this section referred to as the “‘University”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 40 acres located at the Lynn Haven Fuel Depot in Lynn Haven, Florida, for the purpose of permitting the University to develop the property as a new satellite campus.

(b) CONSIDERATION.—

(1) IN GENERAL.—For the conveyance of the property under subsection (a), the University shall provide the United States with consideration in an amount that is acceptable to the Secretary, whether in the form of cash payment, in-kind consideration, or a combination thereof.

(2) REDUCED TUITION RATES.—The Secretary may accept as in-kind consideration under paragraph (1) reduced tuition rates or scholarships for military personnel and their dependents at the University.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the University to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the University in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the University.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. ADDITIONAL CONDITIONS ON LEASE OF PROPERTY FOR HEADQUARTERS FACILITY FOR UNITED STATES SOUTHERN COMMAND, FLORIDA.

(a) USE OF PROPERTY AUTHORIZED.—Subject to subsection (b), the Secretary of the Army may utilize the property of the State of Florida described in sublease number 4489-01, which was entered into between the State of Florida and the United States, for the purpose of construction of a consolidated headquarters facility for the United States Southern Command.

(b) NEGOTIATION FOR ADDITIONAL AUTHORIZED USES OF PROPERTY.—Given the substantial investment to be made by the United States to construct a headquarters facility for the United States Southern Command on the property referred to in subsection (a), the Secretary shall enter into negotiations to secure, before the award of a contract for the construction of the facility, additional flexibility for the United States to use the property for general administrative purposes for any Federal agency, including in the event the property is no longer used for the United States Southern Command.

(c) ACQUISITION OF ADDITIONAL PROPERTY.—The Secretary may obtain the use of additional State lands adjacent to the property referred to in subsection (a), if available by the terms of the lease referred to in such subsection and needed to complete the construction of the headquarters facility for the United States Southern Command. Subsection (b) shall apply with respect to any additional property secured under this subsection.

SEC. 2835. TRANSFER OF JURISDICTION, FORMER NIKE MISSILE SITE, GROSSE ISLE, MICHIGAN.

(a) TRANSFER.—Administrative jurisdiction over the property described in subsection (b) is hereby transferred from the Administrator of the Environmental Protection Agency to the Secretary of the Interior.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the former Nike missile site located at the southern end of Grosse Ile, Michigan, as depicted on the map entitled “07–CE” on file with the Environmental Protection Agency and dated May 16, 1984.

(c) ADMINISTRATION OF PROPERTY.—Subject to subsection (d), the Secretary of the Interior shall administer the property described in subsection (b)—

(1) acting through the United States Fish and Wildlife Service;

(2) as part of the Detroit River International Wildlife Refuge; and

(3) for use as a habitat for fish and wildlife and as a recreational property for outdoor education and environmental appreciation.

(d) MANAGEMENT OF REMEDIATION BY ARMY CORPS OF ENGINEERS.—The Secretary of Defense, acting through the district office of the Army Corps of Engineers in Louisville, Kentucky, shall manage and carry out environmental remediation activities with respect to the property described in subsection (b) that, at a minimum, achieve the standard that the United States Fish and Wildlife Service determines sufficient to allow the property to be used as provided in subsection (c)(3). Such remediation activities, with the exception of long-term monitoring, shall be completed to achieve that standard not later than two years after the date of enactment of this Act. The Secretary of Defense may use amounts made available from the account established by section 2703(a)(5) of title 10, United States Code, to carry out such remediation.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 2836. LAND EXCHANGE, FORT HOOD, TEXAS.

(a) EXCHANGE AUTHORIZED.—The Secretary of the Army may convey to the City of Copperas Cove, Texas (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 200 acres at Fort Hood, Texas, for the purpose of permitting the City to improve arterial transportation routes in the community.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall convey to the Secretary all right, title, and interest of the City in and to one or more parcels of real property that are acceptable to the Secretary. The fair market value of the real property acquired by the Secretary under this subsection shall be equal to the fair market value of the real property conveyed under subsection (a), as determined by appraisals acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section, including survey costs, related to the conveyances. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyances, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyances under this section shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyances. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. EXCHANGE OF JURISDICTION OVER REAL PROPERTY INVOLVING FORT BELVOIR, VIRGINIA.

(a) EXCHANGE.—Not later than September 30, 2008, the Administrator of General Services and the Secretary of the Army shall enter into an agreement providing for a property exchange under which—

(1) the Administrator transfers to the jurisdiction, custody, and control of the Secretary—

(A) the parcel of real property described in subsection (b), including any improvements thereon; or

(B) subject to a boundary determination by the Administrator and concurrence by the Secretary, a portion of the parcel of real property described in subsection (b), including any improvements on that portion; and

(2) the Secretary transfers to the jurisdiction, custody, and control of the Administrator a parcel of real property described in subsection (c).

(b) GSA PROPERTY DESCRIPTION.—The property and improvements referred to in subsection (a)(1) is the approximately 72.23 acre site at 6999 Loisdale Road in Springfield, Virginia, known as the GSA Franconia Warehouse, identified in the land records of Fairfax County, Virginia, as Parcel ID # 0902-01-0057, Lee District tax district 4000.

(c) ARMY PROPERTY DESCRIPTION.—

(1) IN GENERAL.—The property referred to in subsection (a)(2) is a parcel of real property acceptable to the Administrator located at either—

(A) Fort Belvoir, Virginia; or

(B) another installation under the jurisdiction of the Department of Army in the National Capital Region.

(2) IMPROVEMENTS.—The parcel of real property selected for transfer may include improvements on the property made by the Army before the date of the enactment of this Act.

(d) NEGOTIATION.—

(1) TERMS AND CONDITIONS.—As a condition of the exchange of property under subsection (a), the agreement under such subsection shall provide that the fair market value of the properties to be exchanged shall be equal or equalized through the use of a cash equalization payment.

(2) DETERMINATION OF FAIR MARKET VALUE.—For purposes of paragraph (1), the fair market value of the property shall be determined—

(A) based on the highest and best use of the property, as determined by an independent appraisal jointly commissioned by the Administrator and the Secretary of the Army; and

(B) using the definition of fair market value contained in the Uniform Appraisal Standards for Federal Land Acquisitions.

(e) NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section may be construed to affect or limit the application of, or obligation to comply with, any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) USE OF PROPERTY.—After completion of the exchange of property under subsection (a), the Secretary may relocate personnel to facilities to be constructed or leased (or a combination of both) on the property who otherwise would be located or relocated to Fort Belvoir.

(g) RELOCATION OF PERSONNEL, EQUIPMENT, AND SUPPLIES.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator may procure and provide space for the relocation of personnel, equipment, and supplies of the General Services Administration and its tenants on property transferred under subsection (a)(1).

(2) NOTICE TO COMMITTEES.—Before undertaking an activity under paragraph (1) that otherwise would require approval of a prospectus under section 3307 of title 40, United States Code, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the congressional defense committees a written notice containing a description of the activity to be undertaken.

(3) RELOCATION COSTS.—As a condition of the transfer of property under subsection (a), the Secretary shall agree—

(A) to advance funds to the Administrator to cover the costs projected to be incurred by the Administrator, based on an estimate of such costs prepared by the Administrator, for relocating personnel, equipment, and supplies of the General Services Administration and its tenants from the property; and

(B) if the initial advance of funds is insufficient, to advance additional funds to the Administrator in accordance with a revised or supplemental estimate prepared by the Administrator.

(4) EXCESS FUNDS.—The Administrator shall return to the Secretary any funds received under paragraph (3) that are not used for the purposes described in such paragraph.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator and the Secretary of the Army may require such additional terms and conditions in connection with the exchange under subsection (a) as the Administrator, in consultation with the Secretary, determines appropriate to protect the interests of the United States and further the purposes of this section.

SEC. 2838. MODIFICATION OF CONVEYANCE AUTHORITY, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

Section 2851(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2219) is amended by striking ", notwithstanding any provision of State law to the contrary,", as added by section 2867 of Public Law 107–107 (115 Stat. 1334).

Subtitle E—Energy Security

SEC. 2851. REPEAL OF CONGRESSIONAL NOTIFICATION REQUIREMENT REGARDING CANCELLATION CEILING FOR DEPARTMENT OF DEFENSE ENERGY SAVINGS PERFORMANCE CONTRACTS.

Section 2913 of title 10, United States Code, is amended by striking subsection (e).

SEC. 2852. REPORT ON OPPORTUNITIES FOR LEVERAGING FUNDS OF THE DEPARTMENT OF DEFENSE AND STATES TO PREVENT DISRUPTION IN EVENT OF ELECTRIC GRID OR PIPELINE FAILURES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall submit to the congressional defense committees a report on approaches by which the Department of Defense may contribute funds and other resources of the Department, which when combined with resources from other funding sources, such as State System Benefit Trust Funds, Clean Air Act State Implementation Funds, and State Homeland Security Critical Infrastructure Grants, will accelerate efforts to harden critical functions on and around military and security facilities to prevent disruption in the event of major electric grid or natural gas or petroleum pipeline failures.

Subtitle F—Other Matters

SEC. 2861. REVISED DEADLINE FOR TRANSFER OF ARLINGTON NAVAL ANNEX TO ARLINGTON NATIONAL CEMETERY.

Section 2881(h) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 880) is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) January 1, 2013;

"(2) the date on which the Navy Annex property is no longer required (as determined by the Secretary of Defense) for use as temporary office space; or

"(3) one year after the date on which the Secretary of the Army notifies the Secretary of Defense that the Navy Annex property is needed for the expansion of Arlington National Cemetery.".

SEC. 2862. TRANSFER OF JURISDICTION OVER AIR FORCE MEMORIAL TO DEPARTMENT OF THE AIR FORCE.

(a) TRANSFER OF JURISDICTION.—Notwithstanding section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879) and section 2863 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1330; 40 U.S.C. 1003 note), administrative jurisdiction, custody, and control of the parcel of Federal land described in subsection (b)(1) of such section 2863 is hereby transferred to the Secretary of the Air Force.

(b) ACCESS AND MANAGEMENT OF AIR FORCE MEMORIAL.—In addition to authorities available to the Secretary of the Air Force under any other provision of law, the Secretary may enter into a cooperative agreement with the Air Force Memorial Foundation or other appropriate private organizations to provide management, maintenance, and repair of the Air Force Memorial and surrounding site and to facilitate public access to the memorial.

SEC. 2863. ESTABLISHMENT OF NATIONAL MILITARY WORKING DOG TEAMS MONUMENT ON SUITABLE MILITARY INSTALLATION.

(a) AUTHORITY TO ESTABLISH MONUMENT.—The Secretary of Defense may permit the National War Dogs Monument, Inc., to establish and maintain, at a suitable location at Fort Belvoir, Virginia, or another military installation in the United States, a national monument *to honor the sacrifice and service of United States Armed Forces working dog teams that have participated in the military operations of the United States.*

(b) LOCATION AND DESIGN OF MONUMENT.—The actual location and final design of the monument authorized by subsection (a) shall be subject to the approval of the Secretary. In selecting the military installation and site on such installation to serve as the location for the monument, the Secretary shall seek to maximize access to the resulting monument for both visitors and their dogs.

(c) MAINTENANCE.—The maintenance of the monument authorized by subsection (a) by the National War Dogs Monument, Inc., shall be subject to such conditions regarding access to the monument, and such other conditions, as the Secretary considers appropriate to protect the interests of the United States.

(d) LIMITATION ON PAYMENT OF EXPENSES.—The United States Government shall not pay any expense for the establishment or maintenance of the monument authorized by subsection (a).

SEC. 2864. NAMING HOUSING FACILITY AT FORT CARSON, COLORADO, IN HONOR OF THE HONORABLE JOEL HEFLEY, A FORMER MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Joel Hefley was elected to represent Colorado's 5th Congressional district in 1986 and served in the House of Representatives until the end of the 109th Congress in 2006 with distinction, class, integrity, and honor.

(2) Representative Hefley served on the Committee on Armed Services of the House of Representatives for 18 years, including service as Chairman of the Subcommittee on Military Installations and Facilities from 1995 through 2000 and, from 2001 through 2006, as Chairman of the Subcommittee on Readiness.

(3) Representative Hefley's colleagues know him to be a fair and effective lawmaker who worked for the national interest while never forgetting his Western roots.

(4) Representative Hefley's efforts on the Committee on Armed Services were instrumental to the military value of, and quality of life at, installations in the State of Colorado, including Fort Carson, Cheyenne Mountain, Peterson Air Force Base, Schriever Air Force Base, Buckley Air Force Base, and the United States Air Force Academy.

(5) Representative Hefley was a leader in efforts to retain and expand Fort Carson as an essential part of the national defense system during the Defense Base Closure and Realignment process.

(6) Representative Hefley consistently advocated for providing members of the Armed Forces and their families with quality, safe, and affordable housing and supportive communities.

(7) Representative Hefley spearheaded the Military Housing Privatization Initiative to eliminate inadequate housing on military installations, with the first pilot program located at Fort Carson.

(8) Representative Hefley's leadership on the Military Housing Privatization Initiative allowed for the privatization of more than 121,000 units of military family housing, which brought meaningful improvements to living conditions for thousands of members of the Armed Forces and their spouses and children at installations throughout the United States.

(9) It is fitting and proper that an appropriate military family housing area or structure at Fort Carson be designated in honor of Representative Hefley.

(b) DESIGNATION.—Notwithstanding Army Regulation AR 1–33, the Secretary of the Army shall designate one of the military family housing areas or facilities constructed for Fort Carson, Colorado, using the authority provided by subchapter IV of chapter 169 of title 10, United States Code, as the "Joel Hefley Village".

SEC. 2865. NAMING NAVY AND MARINE CORPS RESERVE CENTER AT ROCK ISLAND, ILLINOIS, IN HONOR OF THE HONORABLE LANE EVANS, A FORMER MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Lane Evans was elected to the House of Representatives in 1982 and served in the House of Representatives until the end of the 109th Congress in 2006 representing the people of Illinois' 17th Congressional district.

(2) As a member of the Committee on Armed Services of the House of Representatives, Representative Evans worked to bring common sense priorities to defense spending and strengthen the military's conventional readiness.

(3) Representative Evans was a tireless advocate for military veterans, ensuring that veterans receive the medical care they need and advocating for individuals suffering from post-traumatic stress disorder and Gulf War Syndrome.

(4) Representative Evans' efforts to improve the transition of individuals from military service to the care of the Department of Veterans Affairs will continue to benefit generations of veterans long into the future.

(5) Representative Evans is credited with bringing new services to veterans living in his Congressional district, including outpatient clinics in the Quad Cities and Quincy and the Quad-Cities Vet Center.

(6) Representative Evans worked with local leaders to promote the Rock Island Arsenal, and it earned new jobs and missions through his support.

(7) In honor of his service in the Marine Corps and to his district and the United States, it is fitting and proper that the Navy and Marine Corps Reserve Center at Rock Island Arsenal be named in honor of Representative Evans.

(b) DESIGNATION.—The Navy and Marine Corps Reserve Center at Rock Island Arsenal, Illinois, shall be known and designated as the "Lane Evans Navy and Marine Corps Reserve Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to the Navy and Marine Corps Reserve Center at Rock Island Arsenal shall be deemed to be a reference to the Lane Evans Navy and Marine Corps Reserve Center.

SEC. 2866. NAMING OF RESEARCH LABORATORY AT AIR FORCE ROME RESEARCH SITE, ROME, NEW YORK, IN HONOR OF THE HONORABLE SHERWOOD L. BOEHLERT, A FORMER MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES.

The new laboratory building at the Air Force Rome Research Site, Rome, New York, shall be known and designated as the "Sherwood Boehlert Center of Excellence for Information Science and Technology". Any reference in a law, map, regulation, document, paper, or other record of the United States to such laboratory facility shall be deemed to be a reference to the Sherwood Boehlert Center of Excellence for Information Science and Technology.

SEC. 2867. NAMING OF ADMINISTRATION BUILDING AT JOINT SYSTEMS MANUFACTURING CENTER, LIMA, OHIO, IN HONOR OF THE HONORABLE MICHAEL G. OXLEY, A FORMER MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES.

The administration building under construction at the Joint Systems Manufacturing Center in Lima, Ohio, shall be known and designated as the "Michael G. Oxley Administration and Technology Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to such building shall be deemed to be a reference to the Michael G. Oxley Administration and Technology Center.

SEC. 2868. NAMING OF LOGISTICS AUTOMATION TRAINING FACILITY, ARMY QUARTERMASTER CENTER AND SCHOOL, FORT LEE, VIRGINIA, IN HONOR OF GENERAL RICHARD H. THOMPSON.

Notwithstanding Army Regulation AR 1–33, the Logistics Automation Training Facility of the Army Quartermaster Center and School at Fort Lee, Virginia, shall be known and designated as the "General Richard H. Thompson Logistics Automation Training Facility" in honor of General Richard H. Thompson, the only quartermaster to have risen from private to full general. Any reference in a law, map, regulation, document, paper, or other record of the United States to such facility shall be deemed to be a reference to the General Richard H. Thompson Logistics Automation Training Facility.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
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Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Study on using existing pits for the Reliable Replacement Warhead program.
Sec. 3112. National Nuclear Security Administration study on nuclear weapons complex protective forces.
Sec. 3113. Report on retirement and dismantlement of nuclear warheads.
Sec. 3114. Assessment of security risks posed to nuclear weapons complex.
Sec. 3115. Department of Energy report on plan to strengthen and expand International Radiological Threat Reduction program.
Sec. 3116. Department of Energy report on plan to strengthen and expand Materials Protection, Control, and Accounting program.
Sec. 3117. Authority to use International Nuclear Materials Protection and Cooperation program funds outside the former Soviet Union.
Sec. 3118. Increased authority for ombudsman under Energy Employees Occupational Illness Compensation Program.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,536,833,000, to be allocated as follows:

(1) For weapons activities, $6,511,312,000.

(2) For defense nuclear nonproliferation activities, $1,817,646,000.

(3) For naval reactors, $808,219,000.

(4) For the Office of the Administrator for Nuclear Security, $399,656,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal *year 2008 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,363,905,000.*

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for other defense activities in carrying out programs necessary for national security in the amount of $763,974,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $292,046,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. STUDY ON USING EXISTING PITS FOR THE RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) STUDY REQUIRED.—The Administrator for Nuclear Security, in consultation with the Nuclear Weapons Council, shall carry out a study analyzing the feasibility of using existing pits to remanufacture warheads for the Reliable Replacement Warhead (RRW) program.

(b) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2008, the Administrator shall submit to the congressional defense committees a report on the results of the study. The report shall be in unclassified form, but may include a classified annex.

(2) MATTERS INCLUDED.—The report shall contain the assessment of the Administrator of the results of the study, including—

(A) an assessment of—

(i) whether using existing pits to remanufacture warheads for the RRW program is technically feasible;

(ii) whether remanufacturing warheads with existing pits is more desirable than remanufacturing warheads with newly manufactured pits;

(iii) the number of existing pits suitable for such remanufacturing;

(iv) whether proceeding to remanufacture warheads with existing pits before remanufacturing warheads with newly manufactured pits is desirable; and

(v) the extent to which remanufacturing warheads with existing pits, as compared to remanufacturing warheads with newly manufactured pits, would reduce future requirements for new pit production, and how such use of existing pits would affect the schedule and scope for new pit production; and

(B) a comparison of the requirements for certifying—

(i) warheads remanufactured with existing pits;

(ii) warheads remanufactured with newly manufactured pits; and

(iii) warheads maintained by the Stockpile Life Extension Programs.

(c) DEFINITIONS.—For the purposes of this section, the terms "remanufacturing" and "remanufacture" mean the replacement of existing warheads with modern components that are designed to increase the reliability, safety, and surety of the warhead, but that do not alter the yield of the warhead or affect military characteristics of the warhead in any way.

(d) FUNDING.—Of the amounts made available pursuant to the authorization of appropriations in section 3101(a)(1), such funds as may be necessary shall be available to carry out this section.

SEC. 3112. NATIONAL NUCLEAR SECURITY ADMINISTRATION STUDY ON NUCLEAR WEAPONS COMPLEX PROTECTIVE FORCES.

(a) STUDY REQUIRED.—The Administrator for Nuclear Security shall carry out a study on the composition of the workforce providing protective forces at the nuclear weapons complex.

(b) REPORT.—Not later than March 1, 2008, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on the results of the study. The report shall include the following:

(1) An assessment of whether the incentives inherent in the use of contractors to provide protective forces increase or decrease the risk that such protective forces will be substandard.

(2) Assessments of the feasibility, costs, benefits, and implications of having protective forces at the nuclear weapons complex be provided by a workforce comprised—

(A) only of contractor employees;

(B) only of Federal employees;

(C) of both contractor employees and Federal employees; and

(D) in any other manner that the Administrator considers appropriate for assessment under this paragraph.

SEC. 3113. REPORT ON RETIREMENT AND DISMANTLEMENT OF NUCLEAR WARHEADS.

Not later than February 1, 2008, the Administrator for Nuclear Security, in consultation with the Nuclear Weapons Council, shall submit to the congressional defense committees a report on the retirement and dismantlement of the nuclear warheads that are not part of the enduring stockpile but that have not yet been retired or dismantled. The report shall include the following:

(1) The existing plan and schedule for retiring and dismantling those warheads.

(2) An assessment of the capacity of the Pantex and Y–12 plants to accommodate an accelerated schedule for retiring and dismantling those warheads.

(3) An assessment of the feasibility of implementing such an accelerated schedule.

SEC. 3114. ASSESSMENT OF SECURITY RISKS POSED TO NUCLEAR WEAPONS COMPLEX.

(a) ASSESSMENTS REQUIRED.—The Administrator for Nuclear Security shall conduct an assessment of—

(1) the physical security risks, and the cyber security risks, posed to the nuclear weapons complex; and

(2) the security technologies employed within the nuclear weapons complex.

(b) REPORT REQUIRED.—Not later than February 1, 2008, the Administrator shall submit to the congressional defense committees a report on the assessments conducted under subsection (a). The report shall include—

(1) for each site within the nuclear weapons complex, a description of the security technologies employed at the site and, for each such technology, the age and maintenance status of the technology;

(2) a description of the methods used by the Department of Energy to establish priorities among investments in physical and cyber security programs and activities; and

(3) a multi-year plan for the lifecycle maintenance (and replacement) of the security technologies employed within the nuclear weapons complex.

SEC. 3115. DEPARTMENT OF ENERGY REPORT ON PLAN TO STRENGTHEN AND EXPAND INTERNATIONAL RADIOLOGICAL THREAT REDUCTION PROGRAM.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report that sets forth a specific plan for strengthening and expanding the Department of Energy International Radiological Threat Reduction (IRTR) program within the Global Threat Reduction Initiative. The plan shall address concerns raised and recommendations made by the Government Accountability Office in its report of March 13, 2007, titled "Focusing on the Highest Priority Radiological Sources Could Improve DOE's Efforts to Secure Sources in Foreign Countries", and shall specifically include actions to—

(1) improve the Department's coordination with the Department of State and the Nuclear Regulatory Commission;

(2) improve information-sharing between the Department and the International Atomic Energy Agency;

(3) with respect to hospitals and clinics containing radiological sources that receive security upgrades, give highest priority to those determined to be the highest risk;

(4) accelerate efforts to remove as many radioisotope thermoelectric generators (RTGs) in the Russian Federation as practicable;

(5) develop a long-term sustainability plan for security upgrades that includes, among other things, future resources required to implement such a plan; and

(6) develop a long-term operational plan that steadily increases funding for the IRTR program and ensures sufficient funding to identify, recover, and secure all vulnerable high-risk radiological sources worldwide as quickly and effectively as possible.

SEC. 3116. DEPARTMENT OF ENERGY REPORT ON PLAN TO STRENGTHEN AND EXPAND MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a specific plan for strengthening and expanding the Department of Energy Materials Protection, Control, and Accounting (MPC&A) program. The plan shall address concerns raised and recommendations made by the Government Accountability Office in its report of February 2007, titled "Progress Made in Improving Security at Russian Nuclear Sites, but the Long-Term Sustainability of U.S. Funded Security Upgrades is Uncertain", and shall specifically include actions to—

(1) strengthen program management and the effectiveness of the Department's efforts to improve security at weapons-usable nuclear material and warhead sites in the Russian Federation and other countries by—

(A) revising the metrics used to measure MPC&A program progress to better reflect the level of security upgrade completion at buildings reported as "secure";

(B) actively working with Russia and other countries, in coordination with and with the concurrence of the Secretary of State, to develop an access plan for each country; and

(C) developing a management information system to track the Department's progress in providing Russia with a sustainable MPC&A system by 2013; and

(2) develop a long-term operational plan that steadily increases funding for the MPC&A program, including for National Programs and Sustainability, and ensures sufficient funding to secure all weapons-usable nuclear material and warhead sites as quickly and effectively as possible.

SEC. 3117. AUTHORITY TO USE INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.

(a) MODIFICATION OF CERTIFICATION REQUIREMENT.—Section 3124 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1747) is amended in subsection (a)—

(1) by striking "the President may" and inserting "the Secretary of Energy may"; and

(2) by striking "if the President" and inserting "if the Secretary of Energy, with the concurrence of the Secretary of State,".

(b) REPEAL OF FUNDING LIMITATION.—Section 3124 of that Act is further amended by striking subsection (c).

(c) CONGRESSIONAL NOTICE REQUIREMENT.—Section 3124 of that Act is further amended in subsection (d)—

(1) in pararaph (1)—

(A) by striking "The President may not" and inserting "The Secretary of Energy may not"; and

(B) by striking "until the President" and inserting "until the Secretary of Energy";

(2) in paragraph (2)—

(A) by striking "Not later than 10 days after" and inserting "Not later than 15 days prior to";

(B) by striking "the President shall" and inserting "the Secretary of Energy shall"; and

(C) by striking "Congress" and inserting "the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and Committee on Foreign Relations of the Senate"; and

(3) by adding at the end the following:

"(3) In the case of a situation that threatens human life or safety or where a delay would severely undermine the national security of the United States, notification under paragraph (2) shall be made not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity.".

SEC. 3118. INCREASED AUTHORITY FOR OMBUDSMAN UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-15) is amended—

(1) by amending subsection (c) to read as follows:

"(c) DUTIES.—The duties of the Office shall be as follows:

"(1) To assist individuals in making claims under this title.

"(2) To provide information on the benefits available under this title and on the requirements and procedures applicable to the provision of such benefits.

"(3) To act as an advocate on behalf of individuals seeking benefits under this title.

"(4) To make recommendations to the Secretary regarding the location of centers (to be known as 'resource centers') for the acceptance and development of claims for benefits under this title.

"(5) To carry out such other duties as the Secretary shall specify."; and

(2) by striking subsection (g) (establishing a sunset date) and inserting the following:

"(g) CONTRACT AUTHORITY.—The Ombudsman shall have authority to contract for the services of individuals with expertise in relevant disciplines, including health physics, medicine, industrial hygiene, and toxicology, as the Ombudsman may from time to time consider appropriate.

"(h) FUNDING.—Effective for appropriations made for fiscal year 2008 and each fiscal year thereafter, and notwithstanding section 3684 or any other provision of this title, or section 151 of Division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by the Consolidated Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763A-251)), this section shall not be carried out with direct spending under this title. Instead, no funds shall be obligated for the purpose of carrying out this section except funds appropriated specifically for the purpose of carrying out this section in appropriations Acts enacted after the date of the enactment of this subsection. There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2008 and each fiscal year thereafter.".

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2008, $22,499,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of National Defense Stockpile funds.

Sec. 3302. Revisions to required receipt objectives for previously authorized disposals from the national defense stockpile.

SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2008, the National Defense Stockpile Manager may obligate up to $44,825,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. REVISIONS TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

(a) FISCAL YEAR 2000 DISPOSAL AUTHORITY.—Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 98d note), as amended by section 3302 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1788) and section 3302 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3545), is amended by striking "$600,000,000 before" in paragraph (5) and inserting "$730,000,000 by".

(b) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note), as amended by section 3302 of the Ronald W. Reagan National Defense Authorization Act for Year 2005 (Public Law 108–375; 118 Stat. 2193), section 3302 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3545), and section 3302(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2513), is amended by striking "$1,016,000,000 by the end of fiscal year 2014" in paragraph (7) and inserting "$1,469,102,000 by the end of fiscal year 2015".

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $17,301,000 for fiscal year 2008 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2008.

Sec. 3502. Temporary authority to transfer obsolete combatant vessels to Navy for disposal.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

Funds are hereby authorized to be appropriated for fiscal year 2008, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $115,276,000, of which—

(A) $13,850,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and

(B) $8,218,000 shall remain available until expended for maintenance and repair of school ships at the State Maritime Academies.

(2) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–402, $20,000,000.

SEC. 3502. TEMPORARY AUTHORITY TO TRANSFER OBSOLETE COMBATANT VESSELS TO NAVY FOR DISPOSAL.

The Secretary of Transportation shall, subject to the availability of appropriations and consistent with section 1535 of title 31, United States Code, popularly known as the Economy Act, transfer to the Secretary of the Navy during fiscal year 2008 for disposal by the Navy, no fewer than 3 combatant vessels in the nonretention fleet of the Maritime Administration that are acceptable to the Secretary of the Navy.

The Acting CHAIRMAN. No amendment to the amendment in the nature of a substitute is in order except those printed in House Report 110–151 and amendments en bloc described in section 3 of House Resolution 403.

Each amendment printed in the report shall be offered only in the order printed, except as specified in section 4 of the Resolution; may be offered only by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of.

Amendments en bloc shall be considered read; shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may recognize for consideration of any amendment out of the order printed, but not sooner than 30 minutes after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

Such announcement has been made with regard to amendments 33, 29, 49, 8, 14, 21, and 38.

AMENDMENT NO. 33 OFFERED BY MS. SCHAKOWSKY

The Acting CHAIRMAN. It is now in order to consider amendment No. 33 printed in House Report 110–151.

Ms. SCHAKOWSKY. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Ms. SCHAKOWSKY:

Strike sections 831, 832, and 833, and insert the following:

SEC. 831. MEMORANDUM OF UNDERSTANDING ON MATTERS RELATING TO CONTRACTING.

(a) MEMORANDUM OF UNDERSTANDING REQUIRED.—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall enter into a memorandum of understanding regarding matters relating to contracting for contracts in Iraq or Afghanistan.

(b) RESTRICTIONS ON CONTRACTING UNTIL MEMORANDUM SIGNED.—

(1) RESTRICTION.—Except as provided in paragraph (2), on and after January 1, 2008, no contracts in Iraq or Afghanistan may be awarded by the Department of Defense, the Department of State, or the United States Agency for International Development (A) unless the memorandum required by subsection (a) has been signed by the Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development, respectively; and (B) the department or agency concerned has initiated use of the common database identified in such memorandum to track contracts in Iraq or Afghanistan.

(2) WAIVER.—

(A) The President may waive the restriction in paragraph (1) for a period of 45 days if the President determines in writing that, but for such a waiver, there would be substantial harm to critical national security objectives and submits the determination, including the reasons for such determination, to the relevant committees of Congress at least 15 days before issuing the waiver.

(B) Such waiver may be renewed for one additional 45-day period if the President submits a determination in writing to the relevant committees of Congress that renewal of the waiver is necessary to avoid substantial harm to critical national security objectives.

(c) MATTERS COVERED.—The memorandum of understanding required by subsection (a) shall address, at a minimum, the following:

(1) Identification of the major categories of contracts in Iraq or Afghanistan being awarded by the Department of Defense, the Department of State, or the United States Agency for International Development.

(2) Identification of the roles and responsibilities of each department or agency for matters relating to contracting for contracts in Iraq or Afghanistan.

(3) Responsibility for authorizing the carrying of weapons in performance of such contracts.

(4) Responsibility for establishing minimum qualifications, including background checks, for personnel carrying weapons in performance of such contracts.

(5) Responsibility for setting rules of engagement for personnel carrying weapons in performance of such contracts.

(6) Responsibility for establishing procedures for, and the coordination of, movement of contractor personnel in Iraq or Afghanistan.

(7) Identification of a common database that will serve as a repository of information on all contracts in Iraq or Afghanistan, and agreement on the elements to be included in the database, including, at a minimum, with respect to each contract—

(A) a brief description of the contract;

(B) the value of the contract;

(C) the amount of cost ascribed to overhead for the contract;

(D) the amount of cost ascribed to security for the contract;

(E) the total number of personnel employed on the contract; and

(F) the total number of personnel employed on the contract who provide security in Iraq or Afghanistan.

(8) Responsibility for maintaining and updating information in the common database identified under paragraph (7).

(9) Responsibility for the collection and referral to the appropriate Government agency of any information relating to offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) or chapter 212 of title 18, United States Code (commonly referred to as the Military Extraterritorial Jurisdiction Act), including a clarification of responsibilities under section 802(a)(10) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), as amended by section 552 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

(10) Responsibility for the issuance of guidance, as appropriate, on equipment used by contractor personnel, including guidance on appropriate vehicles, uniforms, body armor, and weapons.

(11) Responsibility for the collection and maintenance of information relating to casualties suffered by personnel working on contracts in Iraq or Afghanistan.

(d) COPIES PROVIDED TO CONGRESS.—

(1) MEMORANDUM OF UNDERSTANDING.—Copies of the memorandum of understanding required by subsection (a) shall be provided to the relevant committees of Congress within 30 days after the memorandum is signed.

(2) DATABASE.—The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development shall provide access to the common database identified under subsection (c)(7) to the relevant committees of Congress.

(3) CONTRACTS.—Effective on the date of the enactment of this Act, copies of any contracts awarded in Iraq or Afghanistan shall be provided to any of the relevant committees of Congress within 15 days after the submission of a request for such contract or contracts from such committee to the department or agency managing the contract.

SEC. 832. COMPTROLLER GENERAL REVIEWS AND REPORTS ON CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) REVIEWS AND REPORTS REQUIRED.—

(1) IN GENERAL.—Every six months, the Comptroller General shall review contracts in Iraq or Afghanistan and submit to the relevant committees of Congress a report on such review.

(2) MATTERS COVERED.—A report under this subsection shall cover the following with respect to the contracts in Iraq or Afghanistan reviewed for the report:

(A) Total number of contracts awarded during the period covered by the report.

(B) Total number of active contracts.

(C) Total value of all contracts awarded during the reporting period.

(D) Total value of active contracts.

(E) Total number of contractor personnel working on contracts during the reporting period.

(F) Total number of contractor personnel who have provided security in Iraq or Afghanistan for contracts during the reporting period.

(G) Categories of activities undertaken in reviewed contracts.

(H) The extent to which such contracts have used competitive procedures.

(I) The extent to which such contracts have achieved the initial scope of requirements included in the contracts.

(J) The effect of costs for security on such contracts and whether contracting for security on such contracts rather than government-provided security is more effective, efficient, and consistent with the United States policy goals.

(K) Information on any specific contract or class of contracts that the Comptroller General determines raises issues of significant concern.

(3) SUBMISSION OF REPORTS.—The Comptroller General shall submit an initial report under this subsection not later than March 1, 2008, and shall submit an updated report every six months thereafter until March 1, 2010.

(b) ACCESS TO DATABASE ON CONTRACTS.—The Secretary of Defense, the Secretary of State, and the Administrator for the United States Agency for International Development shall provide full access to the database described in section 831(c)(7) to the Comptroller General for purposes of the reviews carried out under this section.

SEC. 833. DEFINITIONS.

In this subtitle:

(1) MATTERS RELATING TO CONTRACTING.—The term "matters relating to contracting", with respect to contracts in Iraq and Afghanistan, means all matters relating to awarding, funding, managing, tracking, monitoring, and providing oversight to contracts and contractor personnel.

(2) CONTRACTS IN IRAQ OR AFGHANISTAN.—The term "contracts in Iraq or Afghanistan" means a contract with the Department of Defense, the Department of State, or the United States Agency for International Development, a subcontract at any tier issued under such a contract, or a task order at any tier issued under such a contract (including a contract, subcontract, or task order issued by another Government agency for the Department of Defense, the Department of State, or the United States Agency for International Development), if the contract, subcontract, or task order involves worked performed in Iraq or Afghanistan for a period longer than 14 days.

(3) RELEVANT COMMITTEES OF CONGRESS.—The term "relevant committees of Congress" means each of the following committees:

(A) The Committees on Armed Services of the Senate and the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(C) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(D) For purposes of contracts relating to the National Foreign Intelligence Program, the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

☐ 1745

Madam Chairman, I'd like to yield myself 2 minutes.

I'd like to thank Chairman SKELTON and the Armed Services Committee staff for working with me to bring forth language to provide oversight for Iraq and Afghanistan contractors.

There are now almost as many contractors in Iraq as soldiers. In fact, contractors compose the second largest force in Iraq after the U.S. military.

The Washington Post has said that there may are approximately 100,000 government contractors, as many as 25,000 to 40,000 who are armed security contractors that seem to be entirely outside the reach of the law. Many of these private contractors are performing what are traditionally viewed as inherently governmental functions.

The Schakowsky-Price amendment gives Congress access to a database created in the base bill that would collect the descriptions of the contracts, value of the contracts, amount of overhead on the contracts, total number of personnel employed on the contracts, and other general information.

Currently, Congress can't provide oversight of the contracts for Iraq and Afghanistan because we don't know what's in them. This would give access to members of the relevant committees.

To those on the other side of the aisle who may be concerned about a set date for a memorandum of understanding to be signed, we recognize that may need to be readjusted as the bill moves through committee.

Congress and the American people need to evaluate the role of contractors. We need to know how many there are, how much they cost, and what they are doing. It's time we shine some light on the rapidly expanding use of contractors in the war zone.

As the Iraq war experience makes clear, a more transparent framework for monitoring and regulation of contracts is urgently needed. So I strongly recommend my colleagues to support the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. HUNTER. Madam Chair, I rise to speak about the amendment. I don't rise in opposition to the amendment, but I would like to take the time and address the issue.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. HUNTER. Madam Chair, we've looked over the amendment. It's really an adjustment of a part of the base bill that we have that allows for this memorandum of understanding between these three primary entities, State, DOD and AID, to make sure that they have an understanding of authorization of the carrying of the weapons by contractors, the rules of engagement, coordinating movement of contractors, collecting information relating to offenses under UCMJ and also, additionally, what the gentlelady has offered in her amendment, the issuance of guidance on all equipment, including uniforms, body armor, weapons and the collection of information related to casualties suffered by contractors.

And our only concern, of course, is that we have enough time for this memorandum of understanding to be put together after the bill becomes law, which in some cases is late December, hopefully long before then. And so what we do need is to have the ability of the administration, if they don't have that together. And one thing we all agree on is you've got to do this right when they do it, when they issue this memorandum of understanding. So they need to have time to do it; that we do have a waiver or an extension of time that would be allowed.

And so I've talked this over with the gentlelady, who is the author of the amendment. She's amenable to extending the time period for this memorandum of understanding to be worked out, and the chairman has graciously agreed that he also supports that.

And so just in a simple informal colloquy, I'd just ask the chairman if it's his agreement that, in conference, we would work to extend the time wherein the memorandum of understanding could be worked out if, in fact, it can't be done within 90 days of the first of January 2008. Would the gentleman agree to effect that in conference?

Mr. SKELTON. Yes. If the gentleman would yield.

Mr. HUNTER. Absolutely.

Mr. SKELTON. I certainly do agree. I think that's a reasonable request, and I think the gentlelady from Illinois also would agree to it.

Mr. HUNTER. I would further ask the gentlelady if that's fine with her, if she would be in accord with that.

Ms. SCHAKOWSKY. Yes, it is.

Mr. HUNTER. Thank you very much. In that case we support this amendment and would not object to its adoption.

Madam Chairman, I yield back the balance of my time.

Ms. SCHAKOWSKY. Madam Chairman, I yield 1½ minutes to Mr. PRICE of North Carolina.

Mr. PRICE of North Carolina. Madam Chairman, I thank Ms. SCHAKOWSKY for yielding and for her good work on this amendment, the Schakowsky-Price amendment.

I also want to thank Chairman SKELTON for his significant steps he takes in this bill to address the vast challenges surrounding battlefield contracting. He generously worked with me to include key elements of H.R. 369, my bill regarding security contractors, and I appreciate his leadership.

Very quickly, I want to highlight three additional improvements this amendment will make to language in the bill. First, it will require the departments doing the vast majority of contracting, DOD, State, USAID, to track contractor casualties. We believe over 800 contractors have been killed in Iraq and many more injured. But what's the exact toll? We do not know. Our amendment will change that.

Secondly, the amendment will require these departments when appropriate to issue guidance on appropriate equipment and uniforms for contractors.

And thirdly, it will require the departments to clarify how a provision inserted in last year's defense bill, which places certain contractors under the Uniform Code of Military Justice, will be implemented.

These are three simple but important additions that make the bill's current language even stronger, ensuring that the agencies engaged in contracting on the battlefield will develop an effective framework for managing and overseeing contractors.

Four years into the war in Iraq, and after all the stories of waste and abuse and criminal misconduct, I think we can agree that this is not too much to ask. I urge my colleagues to support the amendment.

Mr. HUNTER. Will the gentlelady yield?

Ms. SCHAKOWSKY. Yes, I would yield.

Mr. HUNTER. I just wanted to thank the gentlelady for, respectfully, for her addition to this amendment and her concern about the contractors. And you know, just reflect for a second, that our contractors who go over to the warfighting theaters in Iraq and Afghanistan undertake enormous danger, and a large number of them have been killed and wounded. And many of them, the ones that I have met, are largely American veterans who have, they go for two reasons; one is they do make good money. It's a job, it's a worthwhile job. They feel like they're supporting our country. They also have a great, the ones I've talked to, have a great deal of concern for the troops. They have a feeling of partnership with the people that wear the uniform of the

United States, and they are a great asset to this country. And I think it's appropriate that we follow, we carefully watch how they're treated and how they're protected. I think that's absolutely appropriate.

I thank the chairman for embedding this base provision in the base bill, and members on the Republican and Democrat side who've worked to put this together, and I thank the gentlelady for her thoughtful addition.

Ms. SCHAKOWSKY. Madam Chairman, I yield my remaining time to Chairman IKE SKELTON.

Mr. SKELTON. Madam Chairman, let me take this opportunity to compliment the gentlelady, Ms. SCHAKOWSKY, and also Mr. PRICE, the gentleman from North Carolina, and thank the ranking member, Mr. HUNTER, for working this out. It's a step in the right direction. It's also an example of bipartisanship, and we appreciate it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY).

The amendment was agreed to.

AMENDMENT NO. 29 OFFERED BY MR. FOSSELLA

The Acting CHAIRMAN. It is now in order to consider amendment No. 29 printed in House Report 110-151.

Mr. FOSSELLA. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. FOSSELLA:

At the end of title VI, insert the following new section:

SEC. 674. POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES SERVING IN IRAQ OR AFGHANISTAN.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided to qualified individuals in accordance with this section.

(b) QUALIFIED INDIVIDUAL.—In this section, the term "qualified individual" means a member of the Armed Forces on active duty (as defined in section 101 of title 10, United States Code) who—

(1) is serving in Iraq or Afghanistan; or

(2) is hospitalized at a facility under the jurisdiction of the Department of Defense as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(c) POSTAL BENEFITS DESCRIBED.—

(1) VOUCHERS.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit, whether in printed, electronic, or other format (in this section referred to as a "voucher"), as the Secretary of Defense, in consultation with the Postal Service, shall determine, which entitle the bearer or user to make qualified mailings free of postage.

(2) QUALIFIED MAILING.—In this section, the term "qualified mailing" means the mailing of a single mail piece which—

(A) is first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 10 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to a qualified individual.

(3) COORDINATION RULE.—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) NUMBER OF VOUCHERS.—A member of the Armed Forces shall be eligible for one voucher for every second month in which the member is a qualified individual.

(e) LIMITATIONS ON USE; DURATION.—A voucher may not be used—

(1) for more than a single qualified mailing; or

(2) after the earlier of—

(A) the expiration date of the voucher, as designated by the Secretary of Defense; or

(B) the end of the one-year period beginning on the date on which the regulations prescribed under subsection (f) take effect.

(f) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(g) TRANSFERS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this section for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of the one-year period referred to in subsection (e)(2)(B).

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated in section 421 for military personnel for fiscal year 2008, $10,000,000 shall be for postal benefits provided in this section.

(2) OFFSETTING REDUCTION.—Funds authorized to be appropriated in section 101(5) for the Army in fiscal year 2008 for other procurement are reduced by $10,000,000, to be derived from Joint High Speed Vessel.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from New York (Mr. FOSSELLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. FOSSELLA. Madam Chairman, I yield myself 3½ minutes.

Madam Chairman, most people don't realize while our troops are in harm's way in Afghanistan and Iraq, that their family members back home, if they want to send them a care package, whatever that care package may consist of, from a young child's homework assignment or a drawing or an artist's rendering, to just something from home to help them in their time of trouble, right now those families must pay for it. And on average, it's not unusual for a family to incur about $1,500 a year in postage to mail those packages.

My amendment would authorize free mailing privileges for family members of our servicemen and women serving in Iraq and Afghanistan. I believe the amendment offers tremendous opportunity to increase the morale of our troops overseas which, as we are well aware, is a necessary component to have a confident and fully prepared military.

I would like to thank, of course, Chairman SKELTON, Ranking Member HUNTER, Personnel Subcommittee chairman, Mr. SNYDER, and my good friend, JOHN MCHUGH from New York, for helping to bring this amendment to fruition.

I drafted the amendment in response to concerns expressed to me by many family members that it was becoming too costly to send those regular care packages to their loved ones overseas. I heard story after story of families that are already finding it hard to make ends meet now having to spend as much as $1,500 a year to mail care packages.

These packages, as I mentioned, bring a touch of home to our servicemembers. Pictures, cards, school projects from kids, and I'm told there's not good pepperoni in Afghanistan yet, so that comes as well. But they also provide the military men and women with basic necessities like additional shampoo or powder or perhaps phone cards.

In my district of Staten Island and Brooklyn, residents join together and raise money to help military families send these packages overseas. I was inspired by the outpouring of support for our servicemen and women, particularly in Dyker Heights, Brooklyn, where postal service employees raise money to cover the postage for every package sent to our troops. In Staten Island residents formed the Staten Island Project Home Front, Incorporated, a nonprofit organization dedicated to serving our deployed troops and their families by sending thousands of care packages. This month alone they sent over 230 packages to our soldiers overseas. It was with acts of generosity and patriotism such as these that prompted this amendment.

The amendment has also received the support of organizations such as the VFW, American Legion, National Association of Uniformed Services. And to quote the VFW, "Letters and packages from home do wonders in boosting morale of our men and women serving in harm's way, and high morale transfers to combat ready and effectiveness." Comments such as this I wholeheartedly agree with.

It goes without saying that our servicemen and women are making enormous sacrifices fighting this war on terrorism and defending freedom and liberty. They face great challenges under trying circumstances, and often without some necessities such as blankets or toothpaste. It falls upon their families back home to get them these supplies and to cover the cost of shipping them overseas. The amendment will make life a little easier for our soldiers and to ease the financial burden on those back home. It's a simple way of bringing a touch of home to America's heroes overseas.

In short, what it would do would give each family member a voucher, the equivalent of sending a 10-pound package every 2 months, and would reduce that cost to those families.

Madam Chairman, I'd also submit for the RECORD letters in support from the VFW and the American Legion.

VETERANS OF FOREIGN WARS OF
THE UNITED STATES,
Washington, DC, May 15, 2007.

Hon. VITO FOSSELLA,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FOSSELLA: On behalf of the 2.4 million members of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, I am pleased to offer our strong support for the "Supply Our Soldiers Act of 2007" (H.R. 1439), which provides for free mailing privileges for personal correspondence and parcels sent to members of the Armed Forces serving on active duty in Iraq or Afghanistan.

As you are aware, letters and packages from home do wonders in boosting the moral of our men and women serving in harms way; and high moral translates to combat readiness and effectiveness. Unfortunately, too many military families are financially strained and cannot absorb the cost of postage to send parcels on a recurring basis. Your initiative goes a long way in eliminating that burden.

Thank you for taking the lead and introducing this measure. We look forward to working with you to ensure it is enacted.

Sincerely,
MICHAEL H. WYSONG,
Director,
National Security and Foreign Affairs.

THE AMERICAN LEGION,
Washington, DC, May 17, 2007.

Hon VITO FOSELLA,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FOSSELLA: As you and your colleagues consider the Defense Authorization bill for FY 2008. The American Legion wants you to know that we wholeheartedly support your amendment that benefits members of the Armed Services serving in Iraq and Afghanistan by allowing free mailing of packages to these troops.

As the nation's largest wartime veterans' organization, The American Legion has long supported initiatives that impact the quality of life for our heroes serving overseas. This amendment would allow service members families to mail a package up to 10 pounds every two months to these war zones, free of charge. This is but one small way in which we can show the troops that we support them and what they do, and perhaps make life in a combat zone more bearable.

Again, thank you for taking the initiative in sponsoring this amendment.

Sincerely,
STEVE ROBERTSON,
Director,
National Legislative Commission.

Mr. HUNTER. Would the gentleman yield?

Mr. FOSSELLA. I yield 30 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman for yielding, and on our side we think this is an excellent amendment. And I want to thank the gentleman whom I've traveled with to the warfighting theaters, and thank him for his concern for our troops, and we support the amendment strongly.

Mr. FOSSELLA. Madam Chairman, I reserve the balance of my time.

Mr. SKELTON. Madam Chairman, I claim time in opposition, though I will not oppose this amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. Madam Chairman, actually I thank the gentleman from New York for bringing this amendment forward. It would provide cost free vouchers to allow mailing of packages to members serving in Iraq and also in Afghanistan, and the committee has no objection and appreciates the thoughtfulness on this issue.

Madam Chairman, I yield back.

Mr. FOSSELLA. I yield the remaining time to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Madam Chairman, General Walter Boomer, the commander of the Marines in the first gulf war, once said, a soldier's best friend, next to his rifle, is the postman.

This amendment, which is a scaled down version of H.R. 1439, the Supply Our Soldiers Act of 2007, sponsored by the gentleman from New York (Mr. FOSSELLA) and myself, will help our soldiers, our sailors, our airmen and marines fighting in Iraq and Afghanistan receive letters and packages more regularly from their loved ones.

We're not able to be with our heroes fighting in Iraq and Afghanistan, but we're able to send a little piece of home overseas to them. Whether it's mailing the basic essentials or a videotape and a letter, tangible items from loved ones are always appreciated.

☐ 1800

Holding a son or daughter's art project or biting into a homemade cookie reminds them that they support what they are doing and the sacrifices they are making for our country.

The cost of sending letters and packages overseas to Iraq and Afghanistan can be a burden for a family already making great sacrifices. I think that regular communication between soldiers and their families should not be inhibited by the cost of postage, and some things just can't be e-mailed. This amendment will help soldiers receive the necessary supplies and words of encouragement from loved ones more frequently, keeping morale raised while in the combat zone.

I urge my colleagues to support this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FOSSELLA).

The amendment was agreed to.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENT

The Acting CHAIRMAN. It is now in order to consider amendment No. 49 printed in House report 110-151.

Mr. SKELTON. Madam Chairman, may I make an inquiry?

The Acting CHAIRMAN. The gentleman may inquire.

Mr. SKELTON. Would it be possible, Madam Chairman, to bring forward the amendment of the gentleman from Pennsylvania at a later moment as opposed to what was announced earlier?

The Acting CHAIRMAN. The Chair can reannounce in different order for that amendment.

Does the gentleman make an announcement to that effect, sir?

Mr. SKELTON. Yes.

AMENDMENTS EN BLOC OFFERED BY MR. SKELTON

Mr. SKELTON. Madam Chairman, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendments numbered 5, 9, 10, 17, 18, 26, 27, 36, 37, 47, 48 and 50 printed in House Report 110-151 offered by Mr. SKELTON:

AMENDMENT NO. 5 OFFERED BY MR. SNYDER

The text of the amendment is as follows:

At the end of section 516, relating to the National Guard yellow ribbon reintegration program, add the following new section:

(f) FUNDING INCREASE AND OFFSETTING REDUCTION.—

(1) FUNDING.—The amount otherwise provided by section 421 for the Army National Guard military personnel account is hereby increased by $50,000,000 to provide funds to carry out this section.

(2) OFFSETTING REDUCTION.—The amount otherwise provided by section 1507(4) for research, development, test, and evaluation for the Air Force is hereby reduced by $50,000,000, to be derived from the JSTARS program.

AMENDMENT NO. 9 OFFERED BY MR. TURNER

The text of the amendment is as follows:

At the end of subtitle H of title V, add the following new section:

SEC. 577. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. CHILD CUSTODY PROTECTION.

"(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child.

"(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated.

"(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember who was deployed in support of a contingency operation is filed after the end of the deployment, no court may consider the absence of the servicemember by reason of that deployment in determining the best interest of the child.

"(d) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

"208. Child custody protection.".

AMENDMENT NO. 10 OFFERED BY MRS. DRAKE

The text of the amendment is as follows:

In section 606, strike subsection (b).

AMENDMENT NO. 17 OFFERED BY MR. HOLDEN

The text of the amendment is as follows:

At the end of subtitle D of title V, add the following new section:

SEC. 557. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.

(a) ARMY.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3757. Combat Medevac Badge

"(a) The Secretary of the Army shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Army served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

"(b) The Secretary of the Army shall prescribe requirements for eligibility for the Combat Medevac Badge.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3757. Combat Medevac Badge".

(b) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 6259. Combat Medevac Badge

"(a) The Secretary of the Navy shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Navy or Marine Corps served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

"(b) The Secretary of the Navy shall prescribe requirements for eligibility for the Combat Medevac Badge.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"6259. Combat Medevac Badge".

(c) AIR FORCE.—

(1) IN GENERAL.—Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 8757. Combat Medevac Badge

"(a) The Secretary of the Air Force shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Air Force served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

"(b) The Secretary of the Air Force shall prescribe requirements for eligibility for the Combat Medevac Badge.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8757. Combat Medevac Badge".

(d) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—In the case of persons who, while a member of the Armed Forces, served in combat as a pilot or crew member of a helicopter medical evacuation ambulance during the period beginning on June 25, 1950, and ending on the date of enactment of this Act, the Secretary of the military department concerned shall issue the Combat Medevac Badge—

(1) to each such person who is known to the Secretary before the date of enactment of this Act; and

(2) to each such person with respect to whom an application for the issuance of the badge is made to the Secretary after such date in such manner, and within such time period, as the Secretary may require.

AMENDMENT NO. 18 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

The text of the amendment is as follows:

Title V, subtitle C, add at the end (page 223, after line 5) the following:

SEC. 5 . NAVY SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM AT UNIVERSITY OF MIAMI, CORAL GABLES, FLORIDA.

The Secretary of the Navy may establish and maintain a Senior Reserve Officers' Training Corps program under section 2102 of title 10, United States Code, at the University of Miami, Coral Gables, Florida.

AMENDMENT NO. 26 OFFERED BY MR. KENNEDY

The text of the amendment is as follows:

At the end of subtitle B of title XIV, add the following new section:

SEC. 1439. DEPARTMENT OF DEFENSE STUDY ON THE FEASIBILITY OF MEASURING FAMILY MEMBER SATISFACTION WITH HEALTH CARE SERVICES.

The Secretary of Defense shall conduct a study on the feasibility of measuring family member satisfaction with the quality of health care services provided to patients, particularly those patients incapacitated by injuries that render them unable to respond completely to surveys on their own.

AMENDMENT NO. 27 OFFERED BY MR. LAHOOD

The text of the amendment is as follows:

At the end of title V, add the following new section:

SEC. 5___. LIMITATION ON SIMULTANEOUS DEPLOYMENT TO COMBAT ZONES OF DUAL-MILITARY COUPLES WHO HAVE MINOR DEPENDENTS.

In the case of a member of the Armed Forces with minor dependents who has a spouse who is also a member of the Armed Forces, and the spouse is deployed in an area for which imminent danger pay is authorized under section 310 of title 37, United States Code, the member may request a deferment of a deployment to such an area until the spouse returns from such deployment.

AMENDMENT NO. 36 OFFERED BY MR. THOMPSON OF CALIFORNIA

The text of the amendment is as follows:

At the end of title V, add the following new section:

SEC. 5___. PROHIBITION AGAINST MEMBERS OF THE ARMED FORCES PARTICIPATING IN CRIMINAL STREET GANGS.

The Secretary of Defense shall revise section 3.5.8 of Department of Defense Directive 1325.6 to include membership in a criminal street gang among the list of prohibited activities by members of the Armed Forces.

AMENDMENT NO. 37 OFFERED BY MRS. CAPITO

The text of the amendment is as follows:

At the end of title X, insert the following new section:

SEC. . SENSE OF CONGRESS REGARDING A MEMORIAL FOR MEMBERS OF THE ARMED FORCES WHO DIED IN AIR CRASH IN BAKERS CREEK, AUSTRALIA.

(a) FINDINGS.—Congress finds the following:

(1) During the Second World War, the United States Army Air Corps established rest and recreation facilities in Mackay, Queensland, Australia.

(2) From the end of January 1943 until early 1944, thousands of United States servicemen were ferried from jungle battlefields in New Guinea to Mackay.

(3) These servicemen traveled by air transport to spend an average of 10 days on a rest and relaxation furlough.

(4) They usually were carried by two B–17C Flying Fortresses converted for transport duty.

(5) On Monday, June 14, 1943, at about 6 a.m., a B–17C, Serial Number 40–2072, took off from Mackay Airport for Port Moresby.

(6) There were 6 crew members and 35 passengers aboard.

(7) The aircraft took off into fog and soon made two left turns at low altitude.

(8) A few minutes after takeoff, when it was five miles south of Mackay, the plane crashed at Bakers Creek, killing everyone on

board except Corporal Foye Kenneth Roberts of Wichita Falls, Texas, the sole survivor of the accident.

(9) The cause of the crash remains a mystery, and the incident remains relatively unknown outside of Australia.

(10) United States officials, who were under orders not to reveal the presence of Allied troops in Australia, kept the crash a military secret during the war.

(11) Due to wartime censorship, the news media did not report the crash.

(12) Relatives of the victims received telegrams from the United States War Department stating little more than that the serviceman had been killed somewhere in the South West Pacific.

(13) The remains of the 40 crash victims were flown to Townsville, Queensland, where they were buried in the Belgian Gardens United States military cemetery on June 19, 1943.

(14) In early 1946, they were disinterred and shipped to Hawaii, where 13 were reburied in the National Memorial Cemetery of the Pacific, and the remainder were returned to the United States mainland for reburial.

(15) 15 years ago, Robert S. Cutler was reading his father's wartime journal and found a reference to the tragic B–17C airplane accident.

(16) This discovery inspired Mr. Cutler to embark upon a research project that would consume more than a decade and take him to Australia.

(17) Retired United States Air Force Chief Master Sergeant Teddy W. Hanks, of Wichita Falls, Texas, who lost four of his World War II buddies in the crash, compiled a list of the casualties from United States archives in 1993 and began searching for their families.

(18) The Bakers Creek Memorial Association, in conjunction with the Washington Post and retired United States Army genealogy experts Charles Gailey and Arvon Staats, located 23 additional families of victims of the accident during the past two years.

(19) Joy Shingleton, Donnie Tenney, Wendy Andrus, and Wilma Post, the family of Army Air Corps Corporal Edward J. Tenney, of Buckhannon, West Virginia, helped to bring this recently uncovered World War II tragedy to light.

(20) The commander of the United States Fifth Air Force officially had notified the relatives of 36 of the 40 victims.

(b) SENSE OF CONGRESS.—It is the sense of Congress that an appropriate site in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the 40 members of the Armed Forces of the United States who lost their lives in the air crash at Bakers Creek, Australia, on June 14, 1943, provided that the Secretary of the Army have exclusive authority to approve the design and site for the memorial marker.

AMENDMENT NO. 47 OFFERED BY MR. BRALEY OF IOWA

The text of the amendment is as follows:

At the end of subtitle B of title V, add the following new sections

SEC. 5 . STUDY OF FEASIBILITY OF ESTABLISHING A PILOT PROGRAM ON FAMILY-TO-FAMILY SUPPORT FOR FAMILIES OF MEMBERS OF THE NATIONAL GUARD AND RESERVES UNDERGOING DEPLOYMENT.

(a) STUDY.—The Secretary of Defense shall carry out a study to evaluate the feasibility and advisability of establishing a pilot program on family-to-family support for families of members of the National Guard and Reserves undergoing deployment, including assessments of—

(1) the effectiveness of family-to-family support programs in—

(A) the early identification and prevention of family problems for families of members of the National Guard and Reserve who are deployed;

(B) the provision of peer support for such families;

(C) reducing adverse outcomes for children of such families, including poor academic performance, behavioral problems, and the adverse consequence of stress and anxiety; and

(D) improving family readiness and post-deployment transition for such families;

(2) the feasability and advisability of utilizing spouses of members of the Armed Forces to act as counselors for spouses and families of members of the National Guard and Reserve who are deployed in order to assist such spouses and families in coping with the deployment of such members throughout their deployment cycle; and

(3) the best practices for training spouses of members of the Armed Forces to act as counselors for spouses and families of members of the National Guard and Reserve who are deployed.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a).

SEC. 5___. STUDY REGARDING IMPROVING SUPPORT SERVICES FOR CHILDREN, INFANTS, AND TODDLERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE UNDERGOING DEPLOYMENT.

(a) STUDY REQUIRED.—

(1) STUDY.—The Secretary of Defense shall conduct a study to evaluate the feasibility and advisability of entering into a contract or other agreement with a private sector entity having expertise in the health and well-being of families and children, infants, and toddlers in order to enhance and develop support services for children of members of the National Guard and Reserve who are deployed.

(2) TYPES OF SUPPORT SERVICES.—In conducting the study, the Secretary shall consider the need—

(A) to develop materials for parents and other caretakers of children of members of the National Guard and Reserve who are deployed to assist such parents and caretakers in responding to the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children, including the role such parents and caretakers can play in addressing and mitigating such implications;

(B) to develop programs and activities to increase awareness throughout the military and civilian communities of the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children and their families and to increase collaboration within such communities to address and mitigate such implications;

(C) to develop training for early child care and education, mental health, health care, and family support professionals to enhance the awareness of such professionals of their role in assisting families in addressing and mitigating the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children; and

(D) to conduct research on best practices for building psychological and emotional resiliency in such children in coping with the deployment of such members.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a).

AMENDMENT NO. 48 OFFERED BY MR. MITCHELL

The text of the amendment is as follows:

Page 627, strike lines 5 through 7 and insert the following:

"(3) Before transmittal of medical records of a member to the Department of Veterans Affairs, the Secretary of Defense shall ensure that the member (or an individual legally recognized to make medical decisions on behalf of that member) is presented with a written form, the voluntary signing of which shall authorize the transfer of the medical records of the member from the Department of Defense to the Department of Veterans Affairs pursuant to the Health Insurance Portability and Accountability Act of 1996. Nothing in this paragraph shall be construed as limiting or otherwise altering the applicability of the Health Insurance Portability and Accountability Act of 1996 to medical records maintained by the Department of Defense and the Department of Veterans Affairs.

AMENDMENT NO. 50 OFFERED BY MR. WALZ OF MINNESOTA

The text of the amendment is as follows:

Section 523, add at the end the following:

(g) STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a study on the tuition assistance program carried out under section 2007 of title 10, United States Code. The study shall—

(A) identify the number of service members eligible for assistance under the program, and the number who actually receive the assistance;

(B) assess the extent to which the program affects retention rates; and

(C) assess the extent to which State tuition assistance programs affects retention rates in those States.

(2) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the study.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Madam Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

Madam Chairman, at this time I yield 1 minute to my friend, the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Madam Chairman, I thank the gentleman from Missouri and the gentleman from California.

My amendment simply requires the Department of Defense to examine a process by which they would further add for the collection of data by which our servicemembers could rely on an apples-to-apples comparison of our military health care system, so that they could get a proper evaluation of the status of our health care system, so that we could avoid the kinds of anecdotal stories that we found out through the Walter Reed scandal.

We shouldn't be finding this out through stories. We ought to be able to find this out through the garnering of data. And this is one of the ways that we seek to do so. By garnering this information just like we would through our regular health care system. we should do so through our military health care system, and that is what this amendment would do.

Mr. SKELTON. Madam Chairman, I yield 1 minute to my friend from California (Mr. THOMPSON).

Mr. THOMPSON of California. Madam Chairman, I thank the chairman for yielding and both him and the ranking member from California for accepting this amendment.

This is an important amendment that is a first step in solving a very serious problem on our military bases both here in the States and abroad; and it is a problem that, unfortunately, spills over into our communities. And this is the issue of members of criminal street gangs joining the military and getting the training that they get in the military and now, unfortunately, on the battlefield, and then bringing that back into the community and deploying those tactics on the streets in our neighborhoods.

This is a serious problem. It is documented. The FBI has a report. This is a problem that we need to get ahead of and stop before we have more serious problems than we do already.

I thank the chairman and ranking member for accepting this amendment.

Mr. SKELTON. Madam Chairman, I yield 1 minute to the gentleman from Arizona (Mr. MITCHELL).

Mr. MITCHELL. Madam Chairman, I rise today in support of an amendment that will help improve the transfer of medical records from the Department of Defense to the Veterans Administration upon discharge.

This amendment will help ensure that when a soldier, sailor, airman, or marine voluntarily authorizes the transfer of his or her medical information to the VA, the information will, in fact, be transferred.

I want to thank Chairman SKELTON for supporting this amendment. His dedication to our fighting men and women is legendary, and our Nation's veterans are lucky to have him on their side.

I also want to thank Representatives ZACH SPACE, TIM WALZ, and CIRO RODRIGUEZ. I am proud to serve with them on the Veterans' Affairs Subcommittee on Oversight and Investigations. They have been full partners in this endeavor, and as the chairman of our subcommittee, I am honored by their support.

And, finally, I want to thank Chairman FILNER. His leadership has been invaluable, and I am grateful for his help.

Mr. HUNTER. Madam Chairman, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Madam Chairman, I would like to thank the chairman and ranking member of the House Armed Services Committee for their hard work on this important legislation that will help provide our military with the resources they need to successfully execute their mission.

I have a very simple amendment today expressing the sense of Congress that the Arlington National Cemetery shall provide a site for a memorial marker to honor the lives of United States Armed Forces members who died in an air crash at Bakers Creek, Australia, on June 14, 1943. The amendment provides that the Secretary of the Army shall have the exclusive authority over the design of the memorial and the selection of the site.

This little-known tragedy occurred during World War II, a conflict that was fought and won by what has been called America's Greatest Generation. Unfortunately, the men who died in the Bakers Creek crash were never recognized as belonging to that group of great American heroes. During their service in the South Pacific, they were on a routine flight from Australia, returning from a week's leave for R&R. The plane crashed in Bakers Creek, Australia. Unfortunately, due to orders to keep the Allied presence in Australia a secret, the crash was kept a secret by the military.

Thankfully, many of the families, some of whom live in my district, now know the true story of how their relatives died. My amendment would merely recognize their sacrifice by honoring their service with a memorial marker at Arlington National Cemetery.

Mr. HUNTER. Madam Chairman, will the gentlewoman yield?

Mrs. CAPITO. I yield to the gentleman from California.

Mr. HUNTER. Madam Chairman, I just want to say that we on this side are in total agreement with her amendment. We thank her for bringing it in such a thoughtful way and we support it.

Madam Chairman, I reserve the balance of my time.

Mr. SKELTON. Madam Chairman, I yield 1 minute to my colleague, the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. Madam Chairman, I thank the chairman and the ranking member for their outstanding work on this incredibly important piece of legislation.

I offer a simple amendment, and I rise in support, encouraging my colleagues to support the amendment.

After spending 24 years in the Army National Guard, I know that members of our Armed Forces don't join the military simply for the benefits that are there. But I also know that benefits can help improve retention and aid servicemembers when they return to civilian life.

One benefit that has given our servicemembers a problem over the years is the Federal Tuition Assistance program. This program is based on a first-come, first-serve benefit. Servicemembers join up thinking this is a guaranteed benefit only to find out that the funding has run out. While serving in the National Guard and now as a Member of Congress, I have heard numerous complaints weekly about this program.

My amendment would direct DOD to report relevant information on this program by telling us how many servicemembers are eligible for this and how many receive the benefit. The study would examine the program's effect on retention as well as how it interacts with State tuition assistance programs.

We owe our servicemembers the benefits they are promised. This amendment would give us the necessary information to improve the program, to maximize the use of our dollars, and get it directed at our soldiers who need it.

I urge my colleagues to support it.

Mr. HUNTER. Mr. Chairman, I just want to say, we appreciate the gentleman and his amendment on this side and thank him for bringing it to the floor.

Mr. Chairman, at this point, I would like to yield 3 minutes to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Mr. Chairman, I would like to thank Chairman SKELTON and Ranking Member HUNTER for including my amendment in this package.

My amendment provides certainty to servicemembers deployed in a contingency operation that their child custody arrangements will be protected.

In some cases, courts are overturning established custody arrangements while the custodial parent is serving our country in a contingency operation, such as Iraq or Afghanistan.

States have become aware of this issue and are looking at what action they can take to support our men and women in uniform. The State of Michigan passed a law in 2005 to provide these protections to military personnel. The amendment offered today is modeled after the established Michigan law.

Much is asked of our servicemembers, and mobilizations can disrupt and strain relationships at home. This additional protection is needed to provide them peace of mind that the courts will not take away their children because they answered the country's call to serve. This amendment protects them and it protects their children.

Again, I thank Chairman SKELTON and Ranking Member HUNTER for supporting this important amendment.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. TURNER. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I just want to thank the gentleman. What an essential and important amendment this is.

We recognized and have embedded in law the remedies for a service person who may be overseas and may lose his house or may have a judgment taken against him, a civil law liability judgment, and we have tried to protect him from that. And the idea of having a child taken from you while you are serving overseas can only have a demoralizing effect on members of the armed services.

So this protection is very much needed, and I thank the gentleman from Ohio. We have total support on this side for his amendment.

Mr. TURNER. Mr. Chairman, reclaiming my time, I thank Mr. HUNTER and I want to thank Chairman SKELTON again for this important amendment that will provide peace of mind for those who are serving.

Mr. HUNTER. Mr. Chairman, at this time, I would like to yield 3 minutes to the gentleman from Indiana (Mr. BUYER) for the purposes of a colloquy with myself and Mr. SKELTON.

Mr. BUYER. Mr. Chairman, I thank Mr. HUNTER and Chairman SKELTON.

I am deeply concerned about the unintended consequences that section 703 may have on the price of drugs for America's veterans. I rise today and ask for your help to request the Government Accountability Office to conduct a study of the impact of the proposed provision to provide Federal pricing authority to the Department of Defense and the Department of Veterans Affairs. I ask the chairman if he would be willing to request the GAO to conduct such a study.

I yield to Chairman SKELTON.

Mr. SKELTON. Mr. Chairman, I thank the gentleman for bringing the issue forward. And I assure the gentleman we do not want to raise the price of drugs for America's veterans and neither do we want to raise the price of drugs for men and women in uniform and their families. I will be pleased to work with the gentleman and my ranking member, Mr. HUNTER, to request that the GAO conduct a study of the impact of Federal pricing on both the Department of Defense as well as the Department of Veterans Affairs and report back to Congress on its findings.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I support the chairman and I will support the gentleman's request for a study by the GAO after 1 year to assess the impact to the Department of Veterans Affairs and the DOD of providing Federal pricing to DOD to purchase drugs in a retail pharmacy.

□ 1815

Mr. BUYER. Reclaiming my time, I want to thank Chairman SKELTON for his support of this quest, and I believe that such a review will help alleviate any uncertainty with regard to this proposal, and I want to also thank Ranking Member HUNTER.

To my good friend, Chairman SKELTON, you and I have had a great history together in this body for the last 15 years, and I consider you a personal friend. I apologize to you for when I let my passion get to the side of me. I am deeply sorry if in any manner you took my words directly personal to you because I would be offended if you felt that way.

You are a genuine human being, and we all recognize that your passion and your support for the men and women who serve in the military is real and, more importantly, it is genuine; and equally, my passion with regard to the men and women in the military and our veterans.

You and I will agree more than we ever disagree, and this is a moment where we may find ourselves in conflict. If I crossed the threshold to my good friend, I deeply apologize to you. I hope you accept my apology.

Mr. SKELTON. Well, it is certainly kind of you to make mention of that, and I appreciate it very much. I thank you for your friendship, of course, through the years. I do agree that we have been good friends and we have worked together so well. So that, of course, is all behind us. Thank you very much.

I do look forward to working with you and Mr. HUNTER on the issue as we move forward to protect not only our Nation's veterans, but our military personnel as well. And I think we will get there in this matter.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise on behalf of my colleagues ALCEE L. HASTINGS, ILEANA ROS-LEHTINEN and MARIO DIAZ-BALART to introduce an amendment to H.R. 1585, the Defense Authorization Act for Fiscal Year 2008. The amendment recommends that the Secretary of the Navy establish and maintain a Navy Senior Reserve Officers' Training Corps, ROTC, program at the University of Miami in Coral Gables, Florida.

Mr. Chairman, the University of Miami is committed to assisting in the education of the armed services officer corps. The university currently houses Army and Air Force ROTC programs with great success. In fact, the university has recently committed to build a new ROTC-only facility should a Navy program be added. This would provide the best environment for college education and officer training for our Armed Forces.

The south Florida community is an ideal place for a Navy ROTC program. The proximity to important military installations such as the Key West Naval Air Station and the United States Southern Command only serves to advance the real world training to which senior reserve officers are exposed during their military education.

Mr. Chairman, a Navy ROTC program at the University of Miami will further the Navy's continued mission to diversify their officer corps through increased recruitment, retention, and career development in minority populations. With a 50 percent minority student body, the university is well-situated to help the Navy achieve its laudable goal. Miami is the "gateway" to the Americas. The diversity of our community and the knowledge of our hemisphere would greatly augment the quality of officer training for our military.

Mr. Chairman, for these and other reasons, I am pleased to introduce this amendment with my colleagues and urge all members to support this important Navy ROTC program at the University of Miami.

Mr. MITCHELL. Mr. Chairman, I rise today in support of an amendment that will help improve the transfer of medical records from the Department of Defense to the Veterans Administration upon a soldier, sailor, airman or marine's discharge.

This amendment will help ensure that when one of our troops voluntarily authorizes the transfer of his or her medical information to the VA, that information will, in fact, be transferred.

Sadly, the safe and efficient transfer of medical records to the VA has been, and continues to be, a persistent problem. Despite numerous attempts to design and implement a system for sharing vital medical information, the DOD and VA have been unable to do so.

This information is essential to the well-being of our veterans. Without it, we cannot ensure that they receive the proper medical care from the VA.

The Veterans' Affairs Subcommittee on Oversight and Investigations has held hearings on this issue, and we have heard a myriad of explanations for why this is the case.

According to the Government Accountability Office, one of them is a technical, legal hurdle involving the law that protects the privacy of patients' medical records: the Health Insurance Portability and Accountability Act. According to the GAO, the DOD and VA have differing interpretations of HIPAA, and as a result, HIPAA has become a barrier against the sharing of medical information.

And even worse, the HIPAA hurdle has persisted for years.

In May 2005, the GAO reported,

> DOD and VA have been working on a data sharing agreement for over 2 years, but have not reached an agreement. DOD and VA differ in their understanding of HIPAA Privacy Rule provisions that govern the sharing of individually identifiable health data for servicemembers currently receiving that exchange. DOD's and VA's inability to resolve these differences has impeded coming to an agreement on exchanging seriously injured servicemembers' individually identifiable health data.

At the time, the DOD and VA were attempting to draft a memorandum of understanding to enable them to begin sharing medical information. However, according to the GAO, even if they had completed the memorandum of understanding, HIPAA would have remained a barrier. Specifically, the GAO found,

> . . . the draft memorandum restates many of [the legal authorities contained in the I ["HIPAA"] Privacy Rule for the use and [disclosure of individually identifiable health data. As a result, even if the memorandum of understanding is finalized, DOD and VA will still have to agree on what types of individually identifiable health data can be exchanged and when the data can be shared.

This just does not make any sense.

HIPAA is supposed to ensure the privacy of a patient's medical records, not prevent their transfer, at the patient's request, to his or her doctor.

If the DOD and the VA can't recognize this, then I believe it is time for Congress to clarify it for them.

The Mitchell, Space, Walz, Rodriguez Amendment would require the DOD to provide every member of our Armed Forces a HIPAA authorization form, the voluntary signing of which would legally obligate the DOD to transfer that servicemember's medical records to the VA upon his or her discharge.

I want to emphasize that participation in this process would be completely voluntary. No member would be forced to share his or her medical information because of this amendment.

Rather, the amendment would merely ensure that when a servicemember unambiguously authorizes the transfer of his or her medical information to the VA, that information will, in fact, be transferred.

I want to thank House Armed Services Committee Chairman IKE SKELTON for supporting our amendment. His dedication to our fighting men and women is legendary, and our Nation's veterans are lucky to have him on their side.

I also want to thank Representatives ZACH SPACE, TIM WALZ and CIRO RODRIGUEZ. I am proud to serve with them on the Veterans' Affairs Subcommittee on Oversight and Investigations. They have been full partners in this endeavor, and as the subcommittee's chairman, I am grateful.

Finally, I want to thank Chairman FILNER. His leadership has been invaluable, and I am honored to have his support.

Mr. BRALEY of Iowa. Mr. Chairman, I rise today in support of my amendment to H.R. 1585, the Fiscal Year 2008 National Defense Authorization Act. My amendment represents a crucial first step in enhancing and expanding critical family support and mental health services for our National Guard and Reserve troops and their families.

I commend Chairman SKELTON and the Armed Services Committee for their work on this bill. I'm glad the committee has recognized the great contributions of our National Guard and Reserve soldiers, and has recognized that readjusting to civilian life can be especially challenging for members of the reserve component. I believe that the establishment of the Yellow Ribbon Reintegration Program in the bill is a good first step in enhancing family support services for these soldiers, but I believe that more needs to be done for the families of National Guard and Reserve troops, who have too often and for too long been forgotten and left behind.

Members of the National Guard and Reserve are serving our country more than ever in the world's most dangerous places, including Iraq and Afghanistan, and many of them are facing multiple and extended deployments, causing considerable hardships for them and for their families. To cite just one example, in January 2007, members of the Iowa National Guard's 1–133rd Infantry Battalion learned that their tour of duty in Iraq would be extended from April of this year until August.

My amendment, which requires the Secretary of Defense to conduct a study into establishing a pilot program for family-to-family support for members of the National Guard and Reserve, and conduct a study on improving support services for the children of members of the National Guard and Reserve who are undergoing deployment, will help ensure that our reserve component troops and their families receive all of the family support and mental health services they need as they continue to serve our country.

My amendment is consistent with the goals of the Armed Services Committee to enhance support services for our National Guard and Reserve troops and their families, and I urge my colleagues to support it.

Mr. HUNTER. Mr. Chairman, I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. MORAN of Virginia). The question is on the amendments en bloc offered by the gentleman from Missouri.

The amendments en bloc were agreed to.

AMENDMENT NO. 8 OFFERED BY MR. ANDREWS

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–151.

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 8 offered by Mr. ANDREWS:
> At the appropriate place in title XV of the bill (relating to authorization of additional appropriations for Operation Iraqi Freedom and Operation Enduring Freedom), insert the following new section:
>
> **SEC. 15_. LIMITATION ON AVAILABILITY OF FUNDS FOR PLANNING MAJOR CONTINGENCY OPERATIONS IN IRAN.**
>
> (a) LIMITATION.—No funds appropriated pursuant to an authorization of appropriations in this title may be obligated or expended to plan a major contingency operation in Iran.
>
> (b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the obligation or expenditure of funds appropriated pursuant to an authorization of appropriations in any title of this Act other than this title to plan a major contingency operation in Iran.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I believe that it is in the interest of freedom-loving people around the world to deny the present regime in Tehran access to a nuclear weapon.

The amendment that I submit does not raise the issue of the propriety of Iran having a nuclear weapon. The amendment I submit raises the issue of the propriety of this coequal branch of our government asserting its proper constitutional authority.

My amendment contemplates, Mr. Chairman, the following circumstances, and I want to be very clear about this. If our troops in Iraq become involved in a fight that requires them to in some way engage, in order to defend themselves, Iranian personnel in a given situation, they have the right and power and authority to do so.

Mr. Chairman, if our planners on the military side, as part of their normal planning exercises, as they do throughout the world and around the globe, find it necessary to game out and analyze the circumstances under which we would prepare for conflict with Iran, they have the authority to do so. Any American soldier or servicemember under any circumstances has the authority to defend himself or herself, and the President has the authority to act under emergency or self-defense circumstances. However, in those circumstances under which the President would wish to initiate a major contingency operation in Iran, this amendment says he may not use funds which we have authorized and appropriated to fight the wars in Iraq and Afghanistan.

The amendment asserts the proper constitutional authority of this coequal branch of government. The Constitution vests us, as the duly elected representatives of the people, with the authority and responsibility to decide when this country will initiate hostilities in order to serve our national interest absent an emergency or a self-defense situation. This amendment preserves that emergency authority of the President. It preserves the self-defense authority of the President. But it properly asserts the duly assigned constitutional role of this branch to decide the circumstances under which we should go forward with a major contingency operation.

Mr. Chairman, whether Members believe that we should be more aggressive or less aggressive with Iran, they should support this amendment. Whether Members believe that we should pursue more active diplomacy or a different kind of diplomacy, they should pursue and support this amendment. The question here is not the proper policy with respect to Iran. The question here is the proper allocation of constitutional authorities between and among the branches.

I would urge both Republican and Democratic Members to vote "yes" on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I rise in support of this amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Missouri is recognized for 10 minutes.

There was no objection.

Mr. SKELTON. Mr. Chairman, if you are a young man or young woman in either Iraq or Afghanistan in American uniform, you would like to know that monies authorized and appropriated from this body for Iraq or Afghanistan will not be diverted to planning any operations elsewhere. That's what this is. This simply ensures that funds that Congress approved for other purposes are not diverted to planning operations against Iran. It's that simple.

It increases the ability of Congress to provide oversight for planning of military operations, and it would not restrict the Department of Defense from planning any necessary contingencies regarding Iran using the base defense budget.

This is a good amendment, and I compliment the gentleman from New Jersey (Mr. ANDREWS) for offering it.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The Chair allocated the time, because there was no objection, to the gentleman from Missouri. If there is unanimous consent, perhaps the gentleman from Missouri could allocate 5 minutes to the gentleman from California.

Mr. SKELTON. I certainly do.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. HUNTER. Mr. Chairman, I have enormous respect for my great friend from New Jersey, who has shared and fought on common ground with this Member for many years on items of interest and national defense that we shared support of.

In this case, I must oppose this amendment strongly for this reason. The nation that he's talking about, Iran, borders obviously one of our important warfighting theaters, that is, Iraq. We have seen evidence, it has been reported by our warfighting commanders that Iran has participated in moving instruments of death; that is, extremely effective IEDs that have been used against American troops and will prospectively be used against American troops, into Iraq from Iran.

The idea that we are saying that in this piece of the budget we cannot plan for interdiction of those items, of those weapons that are moving across the border, that we can't plan, for example, for Special Forces operations that we might need to implement or to move into action, to preempt this movement of deadly devices across the border, that we can't plan to extract hostages if they should be taken by Iranian militia or Iranian members of the armed forces is just not practical and it's not reasonable.

You have an Iranian military and intelligence body which has decided to become involved in the war in Iraq. They have moved across the border, and they have moved effective weapons across the border that are being used against American troops. I think it is not wise for us to advertise to our adversaries and to the world that we are establishing a policy that we will not even use money to contemplate or to plan for a reaction against us. I think we have to let them know that we have license, as Americans, to take any actions that might be necessary to protect American troops.

I would object very strongly to this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

I reciprocate the respect expressed by my friend, the ranking member from California, and respectfully disagree with his interpretation of the amendment.

In a situation where we would want to interdict IEDs, there are two ways that this bill makes it clear we could do so. The first is, under all of the other titles of this bill that fund all the other operations of our Armed Forces we would have the authority to do so. And second, such an example is not a major contingency operation in Iran under the contemplation of the bill. So we would absolutely have the ability to interdict the creation or transport of IEDs.

Second, with respect to a hostage situation, rescuing hostages is not planning a major contingency operation in Iran. Nothing would preclude our military personnel from executing such a mission should the need arise, either under this title or under the other titles of the bill.

So as I said in my opening remarks, it is clear to me that under emergency or self-defense circumstances, there are no limitations whatsoever. What this amendment does is to properly assert the constitutional authority of this coequal branch of government that if this country is to initiate hostilities, is to conduct a major contingency operation in Iran, the President must come to this body and ask for our permission.

Mr. Chairman, I would yield to my friend from Rhode Island.

Mr. KENNEDY. I support the gentleman's amendment, and I would just point out if this country has learned anything from the last 6 years, it has learned that there must be checks and balances in our government.

We have a war that has been proclaimed based upon lies. We have had a war that has been proclaimed based upon faulty intelligence. And we have had a war that has been proclaimed upon intelligence that has been manufactured. Now we have a public that has repeatedly felt that it has been lied to, and that they want to be heard by their Congress. All we are asking in this amendment is that their Congress have a chance to voice their own through the Representative's opinion before a Commander in Chief throws this country back into another war headlong without the American people having a voice in it.

Mr. ANDREWS. Mr. Chairman, I would yield to the gentleman from Missouri, the chairman of the committee.

Mr. SKELTON. I understand that the gentleman from California requires additional time; is that correct?

Mr. HUNTER. Would the gentleman yield an additional 3 minutes?

Mr. SKELTON. I yield to the gentleman.

Mr. HUNTER. I thank my friend for yielding.

Mr. Chairman, I would just respond to my friend from New Jersey in this way: It says that you can't plan for a major contingency. I am looking at scenarios, and if you have a scenario where you have convoys of IED material being moved from Iran into Iraq and you want to send a team over and make a strike and close a canyon or close a mountain pass or hit that convoy with a major strike, I think many people would classify that as a major action, a major contingency.

□ 1830

So I think that we blurred the line here in that we may have to take what I would consider and many Members here would consider to be major contingencies. The problem is, you have to take those things very quickly.

This war against terror is an era when time is truly of the essence, when hours are important, when minutes are important, when days are important. The idea we have to come back, if you have got to close a pass to keep IEDs that are killing Americans in Iraq from going across that line, we have to come back and get permission from Congress to do that, I think that is not a good advertisement or a good statement of impunity to communicate to the other side, where they think they now have an insulation between an immediate reaction by American Armed Forces.

That is the essence of our resistance to this amendment, and I think it is still very solid.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Mr. Chairman, I think this amendment ought to be called the "George W. Bush Amendment," because if it were any other

President, I don't think we would have to worry about this. But this President has so undermined the confidence of the institution of the Presidency, it has brought this amendment to the floor; because I think this President has so jeopardized the confidence in the Presidency of the United States that the people, after the experience of this President, have become so distrustful that this President is going to drag them into another war under unwarranted circumstances that they would support an amendment like the one of the gentleman from New Jersey. And that is why I would call it the "George W. Bush Amendment," for no other reason than it is because of George W. Bush that this amendment seems to be necessary.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say to my friend, I just reviewed it the other day, and I don't need to look at any statements by George W. Bush about whether or not we should have gone into Iraq, because the most damning statements about Saddam Hussein and his weapons of mass destruction, the most conclusive statements that indeed he must have them and that he must be brought to justice quickly, were not made by George W. Bush. They were made by people with the last name of Clinton, of Gore, of Kerry. I reviewed all of the videotapes of their speeches in which they absolutely laid out a case against Saddam Hussein.

So I hope we don't replow the ground of who shot John here in terms of statements with respect to the state of Iraq and its weapons of mass destruction.

I think we need to get back to the substance of this debate, and that is, are we foreclosing an immediate response if it is necessary.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. All you have to do, Mr. Chairman, is read the amendment. This amendment does not preclude any effort of expending funds from the base Defense authorization appropriation. This merely makes sure that the moneys meant for Afghanistan, meant for Iraq, go to those soldiers, marines, sailors and airmen there. It is that simple.

As my old law school professor once said: read it. What does it say?

Mr. HUNTER. Mr. Chairman, I yield myself 30 seconds to explain again why I think it is impractical to put this dividing line between this funding.

If there has to be a strike, if there has to be preemption because IED material is moving across the border that could injure our soldiers, our sailors, our airmen, our marines, probably the reactive force is going to be led by one of the combatant commanders who is in the Iraqi theater and who is being funded by money under OEF or OIF. It is probably not going to come. And the idea you can't have uniformed personnel expending his time and his staff's time planning what it is going to take to defend his soldiers, sailors, airmen or marines from interference from the Iranian side of the border, is, in my estimation, not practical.

Those are the forces that are going to be responding, and I think we have to let them put together that contingency plan.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mr. SKELTON. Mr. Chairman, pursuant to sections 3 and 4 of House Resolution 403, and as the chairman of the Committee on Armed Services, I request that during further consideration of H.R. 1585 in the Committee of the Whole and following consideration of amendment No. 38, the following amendments be considered in this order: amendments en bloc No. 2 and amendments numbered 20, 49, 31, 15 and 32.

The Acting CHAIRMAN. The gentleman from New Jersey (Mr. ANDREWS) has 3 minutes remaining.

Mr. ANDREWS. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, this President has used the resolution that we passed some years ago as a blank check to take us into a disastrous situation in Iraq, leaving Afghanistan half done.

What we are trying to do with this amendment is simply say to the President, you have to stay where we put the money. If you want to come out and go after Iran in a preemptive way, as you did against Iraq when you had no evidence, when you came to this floor and presented evidence that turned out not to be true, and use that as a pretext for going into war, we are heading for in Iran, in my view, another Gulf of Tonkin kind of situation, where you cook up a situation.

This administration took down the border between Iran and Iraq and now complains to us everywhere that we are getting all kinds of weapons coming in from Iran. Using that as a pretext, the Arab press yesterday reports that the Vice President was in the Middle East telling people that war is coming, telling them that the problems in Iraq don't keep us out of anything. They won't be any hindrance to us going into Iran.

This amendment is simply an attempt to put a minor block in the way of this administration's desire to widen this war, probably to get people's minds off how bad it is in Iraq.

This is supposed to be winding down in Iraq because of the escalation. But in fact that is not what is happening. We are losing more soldiers every day. We have had the bloodiest months in this war.

This amendment is simply to say the United States Congress will decide where this country goes to war, not the President, who wants to go out and create whatever situation he wants in the world.

I urge the adoption of this amendment.

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think we have had a healthy, robust debate on this question, and I urge a "yes" vote.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. DEFAZIO

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 110–151.

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. DEFAZIO:

At the appropriate place in title XII of the bill (relating to matters relating to foreign nations), insert the following new section:

SEC. 12 . REQUIREMENTS CONCERNING THE USE OF MILITARY FORCE AGAINST IRAN.

(a) RULE OF CONSTRUCTION.—No provision of law enacted before the date of the enactment of this Act shall be construed to authorize the use of military force by the United States against Iran.

(b) REQUIREMENTS.—Absent a national emergency created by attack by Iran upon the United States, its territories or possessions, or its armed forces, no funds appropriated pursuant to an authorization of appropriations in this Act or any other Act may be obligated or expended to initiate the use of military force against Iran unless the President receives authorization from Congress prior to initiating the use of military force against Iran.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Oregon and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, to address criticisms raised on the first amendment, this would not prevent retaliation for an attack upon U.S. troops. It would not prevent going into Iran to retrieve captured troops. But what it would do is say that we have not authorized, as some in this administration allege, a preemptive war against Iran because of the Iraq resolution or the 9/11 resolution. That simply is not true. They were not that all encompassing.

Further, it would also challenge a letter I had on April 18, 2002, from then-White House counsel, the esteemed Mr. Gonzales, who claims that the President has unilateral war-making authority under the Constitution.

No. This simply restates the Constitution of the United States and the War Powers Act. It is law, 93-148, and article I, section 8, of the Constitution.

This is not about whether or not military action against Iran is wise or necessary. Regardless of how you come down on that question, I urge you to support the amendment. It is not about binding the President's hands so he couldn't retaliate if they are involved in attacking our troops or capturing our troops in the area. It allows, as does the War Powers Act, in the event of any attack by Iran on the United States, its territories or possessions or Armed Forces, it is fully within the President's purview to respond.

There are many who are concerned about the growing nuclear capability of Iran, and I share those concerns. But the question that some day possibly in the future they might have a missile that could work, they might have nuclear weapons, does not dictate that we should have a preemptive war now; and if the President wants to make the case that that warrants a preemptive war, he should come to the war-making body, the Congress of the United States, make that case, present his evidence and have a lawful vote.

Plain and simple, that is all this amendment does, although I am certain other allegations will be made.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment. We have been at war with the radical Islamic jihadists ever since they supported and fomented that storming of our embassy in 1979. They held Americans hostage and they held them for 444 days, and every President since President Carter has renewed the national emergency with respect to Iran, most recently on March 8 of this year.

If you look at the War Powers Act, Mr. Chairman, it states that a national emergency does justify the President utilizing his constitutional powers as Commander in Chief. My reading of this amendment is that this proposal, this amendment, changes the War Powers Act and extracts that power from the President of the United States. We have had Democrat and Republican Presidents renewing that finding and that national emergency status with respect to Iran.

Just to say further, Mr. Chairman, we all know, and I just talked about this, we know that Iran through its proxies helped and aided in the attack against Americans at Khobar Towers, which killed 19 Americans and injured 372 other Americans and other people who were in that area. We know that the Iranian-backed insurgents are killing American troops with IEDs, and some of that IED expertise and the materials themselves are being transferred from Iran. We know that they are assisting in attacks against Americans in Afghanistan.

A couple of weeks ago the Chairman of the Joint Chiefs, General Pace, said, "We have intercepted weapons in Afghanistan headed for the Taliban that were made in Iran. The arms included mortars and C-4 plastic explosives."

□ 1845

So, Mr. Chairman, every Member of this body should be strongly opposed to this particular amendment.

Mr. Chairman, I would like to yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in opposition to this amendment.

There is no denying that Iran's bloodthirsty regime would gladly destroy the United States, annihilate Israel and destabilize Iraq. Iran's hand in terrorist activities around the Middle East is clear. Iran's President continues to threaten Israel. I believe he stated he would wipe Israel off the map. And he continues to pursue nuclear weapons so he can dominate the Middle East and threaten his neighbors.

We have tried to stop Iran from obtaining those weapons. We have increased sanctions on firms that do business with this dangerous regime. We have worked with our allies and the United Nations.

And yet with all of these efforts, just yesterday, we learned that the sanctions have done precious little to impede Iran's march towards obtaining nuclear weapons.

According to the IAEA, and by Iran's own bravado, Iran is now beginning to enrich uranium on a far larger scale than ever before.

Mr. Chairman, this is not the time to be tying our hands on Iran. We all seek a peaceful solution. No one wants another war. But if we don't take a tough stance on Iran and maintain the threat of military action, Iran will get the message that we don't care if it gets nuclear weapons. It will allow the most dangerous regime in the world to continue its quest for regional and world domination, and destroy the only democratic country and the United States' most reliable ally in the region, Israel. I urge opposition to this amendment.

Mr. DEFAZIO. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman from Oregon for yielding, and also for your leadership on this issue.

I am very concerned with Iran's efforts to acquire nuclear weapons, like I am concerned about any country's efforts to acquire nuclear weapons. Preventing this, though, will not happen through military action.

Unfortunately, the President's saber rattling against Iran is only increasing and is eerily similar to the march to war with Iraq. We must act to prevent another war of preemption, this time against Iran.

That is why this amendment is so important. It would clarify that no previous authorization constitutes an authorization to use force against Iran.

Secondly, this amendment would make certain that no funds would be used to take military action against Iran in the absence of specific congressional authority or a direct attack as defined by the War Powers Act.

Beyond this, we must make certain that the United States is not funding covert action intended to cause regime change in Iran. Unfortunately, the Rules Committee did not rule in order an amendment that I would have that allowed for this sort of debate.

I urge my colleagues to support this amendment and also to recognize that this is a critical first step this body can take in preventing war with Iran.

Mr. DEFAZIO. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, we all realize that it is the responsibility of every Congress to ensure that the current administration adheres to the Constitution and the rule of law.

Most of us understand how this administration used the policy office within the Pentagon to falsify intelligence and to provide the Congress with false information in an attempt to justify the illegal invasion of Iraq and the subsequent disastrous military occupation which has been going on there now for more than 4 years.

This amendment makes perfect sense. It simply ensures that kind of behavior by this administration is not extended now into another country in the Middle East, Iran, based upon the same falsification of information and failure to adhere to its obligations under the Constitution.

This amendment must be passed. It makes perfect sense, and it ensures the security of our country and makes sure that our military personnel are not exposed to the kinds of danger that they have been exposed to as a result of the falsification of intelligence by this administration. Let's pass this amendment.

Mr. HUNTER. Mr. Chairman, I yield myself the balance of my time.

I would just offer to my colleague who just spoke and my other colleagues that there are the strongest statements for invasion of Iraq that took place before President Bush came into office, and those were the now famous speeches that were made by three Senators by the name of KERRY, CLINTON, and GORE.

Mr. Chairman, the War Powers Act clearly calls for the ability of the Commander in Chief to introduce American military force where an emergency with respect to a nation has been declared. That emergency with respect to Iran has been declared by every American President since President Carter in 1979. This is not extra-constitutional. The law as it presently exists is consistent with the Constitution. This would infringe. In fact, this would roll back the War Powers Act. Every Member should vote against this amendment.

Mr. DEFAZIO. Mr. Chairman, I yield myself the balance of my time.

The President is not reading in full the War Powers Act. It says the President's constitutional powers "are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces."

My amendment actually allows that exact language. If our troops are attacked, if we are attacked, if our territories are attacked, then the President could retaliate. So I am restating the war powers.

In this case we also heard about a declaration of war from the gentlewoman from Nevada. The Congress has the authority to take up a declaration of war tonight, tomorrow, anytime it deems fit against Iran. Nothing in this amendment would prevent a Congress from declaring war.

It is just saying if you want to have a preemptive war under the Constitution of the United States, a preventive war, then you need to come to Congress under article I, section 8.

If you believe in the Constitution of the United States and the powers of this branch, vote for this amendment.

Mr. VAN HOLLEN. Mr. Chairman, yesterday, as part of the Defense Authorization bill, we voted on an amendment offered by Mr. DEFAZIO of Oregon that would, with limited exceptions, require the President to obtain congressional authorization before taking military action against Iran. I want to make something crystal clear: I fully support the intent of the amendment. However, I opposed the DeFazio Amendment for three reasons.

First by singling out Iran, the amendment created a troubling implication that the President could take military action against other countries without congressional authorization. For example, there have been reports that the Bush Administration has considered military action against Syria. The DeFazio Amendment did not mention Syria. Does the omission of Syria, or any other country, give the President a green light to attack other nations without congressional authorization? Essentially, the DeFazio Amendment re-stated what I believe to be the powers of the Congress under the U.S. Constitution and statutory law. The Executive Branch must respect those powers. It establishes a bad precedent for the Congress to pass a DeFazio type amendment every time it is concerned the Executive Branch might take military action against a particular country in violation of the Constitution and statutory law. That would send the wrong message that Congress doesn't care whether the Executive abides by the Constitution unless the Congress passes a similar amendment in every instance.

Second, it is difficult to predict every possible contingency when formulating legislation regarding the use of military force. If, for example, the DeFazio Amendment became the law of the land, and American civilians were taken hostage in Iran, the President would be prohibited from ordering a military rescue operation unless the Congress first passed a resolution. Certainly, that was not the intent of Mr. DEFAZIO's amendment, but that is its effect.

Finally, the DeFazio Amendment does not address the problem that led to the bad decision to go to war in Iraq. Afterall, President Bush asked Congress to authorize the use of force against Iraq. The problem was that Congress mistakenly passed a resolution giving the President that authority.

In conclusion, while I support the spirit and intent of this amendment, I think it establishes an unwise precedent, fails to consider all the contingencies that might lead to the justifiable use of force, and fails to address the issue that led to the war in Iraq.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT NO. 21 OFFERED BY MS. WOOLSEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 21 printed in House Report 110–151.

Ms. WOOLSEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Ms. WOOLSEY:

At the end of title I, insert the following:

SEC. 1___. STUDY ON NEED FOR WEAPONS SYSTEMS THAT WERE ORIGINALLY DESIGNED TO FIGHT THE COLD WAR AND THE FORMER SOVIET UNION.

(a) STUDY REQUIRED.—The Secretary of Defense shall carry out a study on the weapons systems being produced for the Department of Defense that were originally designed to fight the Cold War and the former Soviet Union.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees, and to the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate a report on the results of the study carried out under subsection (a). The report shall identify the weapons systems covered by the study and, for each such weapons system, shall—

(1) describe whether the weapons system meets current needs;

(2) specify, and compare, the cost of fitting the weapons system to meet current needs and the cost of developing and procuring a new weapons system to meet current needs;

(3) explain the reasons why the weapons system continues to be produced for the Department; and

(4) quantify and describe the savings achieved by decommissioning and dismantling weapon systems no longer needed as a result of the demise of the former Soviet Union the threats it posed to national security.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentlewoman from California (Ms. WOOLSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WOOLSEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, it is our job in Congress to make tough decisions. So given the quagmire in Iraq which is costing $273 million every day, and our troops still don't have the training and equipment they need, and given we have critical needs at home that aren't being fully funded, needs like children's health care, rebuilding the gulf coast, keeping our promise to veterans, repairing tornado-ravaged towns and collapsed bridges, and I could go on and on, and you know it.

Sadly, we are still spending at least $60 billion every year to build and maintain weapons that were specifically designed to fight the Soviet Union. It is not exactly the threat we need to worry about in the year 2007. That's why I am offering this amendment to H.R. 1585, an amendment that would require the DOD to identify all weapon systems that are currently being produced that were designed to fight the Cold War, identify their usefulness, and evaluate the cost of savings for eliminating these programs.

My amendment wouldn't eliminate a single program. Rather, it is simply asking the Department of Defense to take an inventory of what they are building that was designed to fight the Cold War and report back to Congress.

This December will mark the 18th anniversary of a meeting in Malta where the first President Bush and Soviet President Mikhail Gorbachev declared an end to the Cold War. From there, it was another couple of years before the Soviet Union was disbanded, the Berlin Wall came down, and the Iron Curtain collapsed. The Cold War is over. It is time that the Department of Defense realized this and made the proper adjustments in their procurement programs.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, we are in strong opposition to this amendment. In fact, the Armed Services Committee under the very able chairmanship of the gentleman from Missouri has finished a number of oversight hearings. The subcommittees that are involved in the Armed Services Committee and in Defense Appropriations Subcommittee have undertaken extensive hearings and analysis of every weapons system that we have. And, of course, you have many weapons systems that were built 20–30 years ago that were highly relevant, like the C–130s that Members fly on, that are the backbone of the transportation system, the intratheater transportation system in Iraq and Afghanistan, the Bradley fighting vehicles, M–1 tanks. There is no weapon system that comes out of a production line with the word "Cold War" on it, so the relevance and the importance and the use of weapons has been carefully and closely analyzed by the important committees, the oversight committees, and we are aided in that by the Quadrennial Defense Review that is done by the administration where they make their case for what they think that we need, and the President makes that proposition which is manifested in his budget. And after hearings, the members of this committee and the full body, this House of Representatives, respond with our cut on what we think we should do with respect to arming and maintaining and equipping our military forces.

So I would just strongly oppose the gentlelady's amendment, and say I have great respect for the gentlelady.

Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, I rise in opposition to this amendment.

The Department of Defense can and should review its weapon systems to ensure they are relevant to current threats. But by arbitrarily singling out Cold War systems, this amendment sends DOD the wrong signal.

The House Armed Services Committee has provided thorough and aggressive oversight in considering DOD's budget request. While fully funding the Department, the committee cuts billions of dollars from major programs we found to be outdated or irrelevant to current and future threats, shifting those funds to more urgent priorities such as the Mine Resistant Ambush Protected vehicle, MRAP vehicle. Every one of the weapons systems covered by the amendment has been reviewed during the three Quadrennial Defense Reviews held since the Cold War ended.

□ 1900

Many Cold War systems, like the Abrams tank, Bradley Fighting Vehicle and the B–52 bomber, have proven tremendously useful and effective in current operations.

This bill reflects responsible weapons priorities for current and future conflicts. I oppose this amendment because it puts DOD priorities in the wrong place, and I thank the gentleman from California and our chairman.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me thank my friend and colleague, a great leader, Congresswoman WOOLSEY, for her leadership once again on a very, very important issue.

It has been 16 years since the collapse of the Soviet Union. Yet I find it mind-boggling that in the last decade-and-a-half the Pentagon has continued to waste tens of millions, and billions really, of dollars buying outdated Cold War-era weaponry for a national security threat that does not exist.

Mr. Chairman, our spending on security should address the current threat that we face. That's why this amendment is so important.

By identifying and evaluating the usefulness of Cold War weapons systems, the report from the Pentagon that this amendment would require will give us a good starting point for eliminating wasteful programs. Contrary to what has been said, this is not arbitrary. In fact, military experts have identified at least $60 million in these weapons systems.

By getting rid of these outdated programs, we'd not only make the much-needed investment in ensuring health care for all of our children, improving our public schools, ending our dependence on foreign oil, but also improving our homeland security.

When you think about it, really, domestic security is national security. We don't need to sacrifice our domestic needs to ensure that our Nation remains safe. This amendment will take steps towards making this balance possible.

So I urge my colleagues to look at this amendment. It is very practical. It is very rational. It is very reasonable. And I want to thank my colleague from California for bringing this forward again so that we can really begin to have a full debate with regard to the taxpayer dollars.

We need to look at where our tax dollars are going in terms of the real threat that exists now in this 21st century. Certainly it has nothing to do with the Soviet Union. Certainly it has nothing to do with the Cold War era.

Mr. HUNTER. Mr. Chairman, I would just say we strongly oppose this amendment, and I yield back the balance of our time.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I thank my friend and colleague from California for raising this issue, which I think is very important.

We are now confronting a situation in Iraq where the number of our military personnel who have been killed is approaching 3,400. Tens of thousands of others have been physically wounded, many of them very seriously. A good number of those deaths and wounds may be attributed to the lack of proper equipment.

We went into that situation, this administration sent our military forces into that circumstance there, without properly preparing for what they had to confront. In fact, they didn't have any idea what they were likely to confront. Many of the issues are that we have not developed the kinds of protection, the kinds of equipment, including transportation equipment and personal protection equipment, a whole host of things that are relevant to this situation, while we spend billions of dollars on materials that may have been necessary during the Cold War but which are no longer necessary now.

We need what this amendment calls for, a re-evaluation of those military activities and equipment, and this is a very simple thing, and it should be done.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WOOLSEY).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 38 OFFERED BY MR. ISRAEL

The Acting CHAIRMAN. It is now in order to consider amendment No. 38 printed in House Report 110–151.

Mr. ISRAEL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. ISRAEL:

At the appropriate place in title XII of the bill (relating to matters relating to foreign nations), insert the following new section:

SEC. 12 . REPORT ON OPERATIONAL STATUS OF THE AIRFIELD LOCATED IN ABECHE, CHAD.

(a) FINDINGS.—Congress finds the following:

(1) Sudan has been ravaged by civil war for four decades.

(2) More than two million people have died in Southern Sudan over the past two decades due to war-related causes and famine and millions have been displaced from their homes.

(3) The airfield located in Abeche, Chad is near the border between Chad and Sudan.

(4) Although the Abeche airfield is currently used for military transportation and humanitarian missions, it may be in need of upgrades to allow for increased air traffic, including upgrades to the airstrip and hangers.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States, with the concurrence of the Government of Chad, should help provide for the necessary upgrades to the airfield located in Abeche, Chad in order to support potential North Atlantic Treaty Organization operations, facilitate a possible United Nations deployment to Chad and the Darfur region of Sudan, and support humanitarian operations.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the current operational status of the airfield located in Abeche, Chad and recommendations for upgrades to the Abeche airfield to support enhanced operations and a large increase in air traffic, including a cost-estimate for such upgrades.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from New York (Mr. ISRAEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ISRAEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have drafted this amendment with the gentlewoman from California (Ms. LEE) to send a clear and unequivocal message to the Government of Sudan that we will proactively explore every option and bear the burdens necessary to help stop the genocide in Darfur.

400,000 innocent people have been murdered in Darfur, 2 million refugees, and through it all, the Government of Sudan tests the will and the patience of the United States, the United Nations and the entire world. This amendment says that we have the will and we are running out of patience.

One hundred miles from Darfur in Chad is the Abeche Air Base. If diplomacy fails, if Sudan continues to defy the world and perpetuate this genocide, that air base can be used for potential NATO operations. It can be used for a possible U.N. peacekeeping force. It can be used for humanitarian missions.

Our amendment expresses the will of Congress to make the upgrades necessary to that air base and requires the Department of Defense to report within 90 days on specifically what upgrades may be necessary and what the costs will be.

It says to Sudan, we will not turn our backs, we will not close our eyes, we will prepare.

I urge passage of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I'm not in opposition to the amendment, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. HUNTER. Mr. Chairman, if Mr. ISRAEL had additional speakers, I'd be happy to defer to him and then take my time afterwards, if he has somebody ready to talk.

Mr. ISRAEL. I very much thank the gentleman, and I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, first, I want to thank the gentleman from New York for your leadership and for your commitment to ending this horrific genocide.

This is an issue that we have worked on together for a while. This issue has been bipartisan, and once again, this is one step forward to hopefully end the carnage that's taking place in Darfur. So I thank Mr. ISRAEL again for your commitment to end this.

This amendment is really very simple. It seeks to expand the delivery of humanitarian assistance and to speed the deployment of peacekeepers to the Darfur region of Sudan by exploring the possibility of upgrading a nearby airfield in Abeche, Chad.

The amendment expresses the sense of Congress that we should work with the Government of Chad to upgrade this airfield. It also requests that the Pentagon provide Congress with a report on the current operational status of the airfield, including recommendations and cost estimates for upgrading it to accommodate the enhanced operations and increased air traffic.

We have spoken out repeatedly on this floor in condemnation of the ongoing genocide in Darfur, but it bears repeating that nearly 3 years ago, on July 22, 2004, under the leadership of a great leader, Congressman DON PAYNE, Congress declared that genocide was taking place in Darfur. To date, estimates indicate that nearly 450,000 people have been killed, and 2.5 million innocent civilians have been displaced.

Quite simply, genocide is happening on our watch, and we have a responsibility to utilize every tool at our disposal to put a stop to it. This is another effort in that direction, and so I want to thank Mr. ISRAEL for your leadership.

Not only must we do this. We must pursue divestment for companies doing business in Khartoum. We must lean on China to leverage their influence with Sudan to help stop the violence, and we must continue to urge all parties, the rebels and the government, to lay down their arms and come to the table to negotiate a political situation, but we cannot and we should not hold a ceasefire declaration hostage to a peace agreement or vice versa.

So please support this amendment. I thank Mr. ISRAEL again for your leadership.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank Mr. ISRAEL and Ms. LEE for bringing this amendment. We all have our eyes focused on the warfighting theaters in Iraq and Afghanistan, and if we turn our focus to Darfur and look at the history and the number of deaths which number, and the estimates I have seen are between 250,000 and 400,000, many of them inflicted by this so-called janjaweed militia which comes into villages in Darfur and ravages the village, burns them, we have seen the pictures that have been circulated by our own Member, Mr. WOLF, and by Senator BROWNBACK from their recent trips, which show burned-out villages with the women abused, with many of the villagers killed, some of them killed by strafings, by helicopter gunships which have been purchased from China and from Russia, with small arms sales taking place specifically from the Chinese and the Russians. And we see a situation in which the Free World and the civilized world has not been able to have much of an effect.

I'd ask Mr. ISRAEL, my colleague, of your take on this very difficult situation.

Mr. ISRAEL. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from New York.

Mr. ISRAEL. Mr. Chairman, I appreciate it. The gentleman is correct. That is, in fact, exactly what we are trying to get at, and that is embodied in this resolution, and I want to thank the gentleman.

This is an example of where Republicans and Democrats can agree. We argue about a lot on this floor, but let there be no mistake. When there is genocide, when there are massacres, Republicans and Democrats will stand together in opposition to that genocide.

Talking about it is not enough. We need to prepare for all contingencies, and that's what this resolution does.

Mr. HUNTER. I thank the gentleman, and let me make an offer to this gentleman.

You have got this great idea of using this airfield, which is about 100 miles from the border, to bring in nongovernmental organizations which can bring in food, bring in medicine to the displaced villagers. We work in my office with a number of groups, one of them called Rescue Task Force, which has built medical centers around the world and brought in food and medicine in many very difficult situations.

I'd like to offer to work with the gentleman with this nongovernmental organization, Rescue Task Force, and others to bring in food and medicine to that particular location. Let's see if we can't maybe help lead out by getting some NGOs to start using this particular airfield. And I'll be happy to join the gentleman; I know Mr. SAXTON will be happy to join in this, Mr. WOLF and others.

Let's get a letter, maybe a meeting with the State Department, with the administration, see if we can't get this review of this airfield immediately and start getting some supplies into it, and maybe we can lead the world, the humanitarian world, as Americans, as we do so often, in moving supplies into the airfield that you have identified.

So I support this very, very strongly. And I didn't know if Mr. SAXTON wanted to involve himself in this discussion, but I know he wants to help here, too. If the gentleman would take me up on that offer, and if he's got a nongovernmental organization in mind, let's move out on this one. It looks like an excellent, excellent opportunity for cooperating and helping.

Mr. Chairman, I yield back my time.

Mr. ISRAEL. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from New York (Mr. ISRAEL) for yielding and thank you for the leadership given.

We join you and we thank Congresswoman BARBARA LEE as well. We have been working, Congressman PAYNE, members of the Congressional Black Caucus, and this entire caucus have been working on this issue, and want to thank you for, I think, what is a holistic, bipartisan approach.

I would call it an undiscovered airfield, but it is not. Obviously, it is an airfield that represents a strategic location for the goals of your amendment.

I think it's important to note that the slaughter still continues in Darfur; the slaughter still continues in Sudan. And I was told just recently, and I appreciate the Save Darfur Coalition that we have all worked with that repeatedly come to your offices and tell you that the slaughter still goes on, that humanitarian workers have also been put in jeopardy.

Women who are trying to get firewood, and isn't it a simple task? And many of us don't understand, they are still getting firewood, and that is, women who are leaving villages, even in Chad, where I have gone to the refugee camps, women will leave those refugee camps to get, if you will, the firewood for their income, for their survival, and will be raped and sometimes beaten as they go to do that.

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To have a place for the humanitarian workers and the airlift that is necessary, both in Darfur and also in other regions of Sudan, can be lifesaving.

I hope, as the ranking member of the full committee indicated his interest of collaboration, that we too can collaborate and work with you and work with this final solution. I like to call it final, because, as you well know, the deaths are peaking.

I want to say to the ranking member, Mr. HUNTER, as I also thank the chairman of the full committee, because this is a unique amendment. Both of you, of course, had to agree on the uniqueness of this amendment.

But the idea of it is that humanitarian workers are not safe. Therefore, it is important for those humanitarian workers to be safe. I simply say this is an excellent amendment. I thank you, and I encourage everyone to support and vote for this amendment in order to save lives in the Sudan.

Mr. ISRAEL. Mr. Chairman, I will wrap up. We have heard this evening that this resolution enjoys bipartisan support and support with Members with different ideologies.

The cosponsor of this amendment, the gentlewoman from California (Ms. LEE), and I have different ideologies. I tend to lean to the right on national security issues, she tends to lean to the left. But we are united in sending a message around the world that we will not allow genocide to occur.

After the Holocaust, the world embraced the slogan, "Never Again." What this resolution does is say that we will explore every option to keep our promise to that slogan so that it is not just words.

I also want to point out that the resolution, in addition to having the support of the distinguished ranking member of the House Armed Services Committee, Republicans and Democrats, also was supported by Citizens for Global Slogans, Enough, the Project to Abolish Genocide and Mass Atrocities, the Genocide Intervention Network, the Save Darfur Coalition and the Truman National Security Project. This is something that we can all agree on. I am grateful to the chairman of the Armed Services Committee.

Mr. HUNTER. Would the gentleman yield?

Mr. ISRAEL. I will yield to my friend.

Mr. HUNTER. I thank the gentleman for yielding.

Let me offer we have these great nongovernmental organizations, we have a lot of people who have been displaced and abused in Darfur. They desperately need food and medicine. I will commit to the gentleman that we will try to work with these NGOs that we know of and let's try to work together in a partnership and try to get a plane load of supplies into that airfield or another one by the first of July. That's a little more than a month from now.

Let's work together. We will start working today to try to get this done. Let's prod the good old State Department and DOD to get out there and survey that airfield.

Mr. ISRAEL. Reclaiming my time, I appreciate the gentleman's exuberance. I certainly will work with him and with the chairman of the Armed Services Committee to work on a truly bipartisan effort that genocide will not be tolerated, and we will explore every option and push every button we need to.

I thank the gentleman. We will work with him.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment of the gentleman from New York (Mr. ISRAEL).

The amendment was agreed to.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendments numbered 2, 3, 6, 12, 13, 22, 23, 24, 25, 39, 44, 45 and 46 printed in House Report 110–151 offered by Mr. SKELTON:

AMENDMENT NO. 2 OFFERED BY MR. SAXTON

The text of the amendment is as follows:

At the end of title X, add the following new section (and conform the table of contents accordingly):

SEC. 1055. BACKGROUND INVESTIGATIONS REQUIRED FOR CIVILIANS ENTERING MILITARY FACILITIES AND INSTALLATIONS.

(a) BACKGROUND INVESTIGATIONS.—

(1) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1567. Civilian entry to military installations or facilities: background investigation required

"(a) IN GENERAL.—Any unescorted civilian seeking access to a military installation or facility, or any civilian who is an employee of a contractor or vendor of a military installation or facility, may not be allowed to enter the installation or facility unless a background investigation has been conducted on such individual in accordance with subsection (b).

"(b) BACKGROUND INVESTIGATION.—A background investigation required under this section—

"(1) shall be conducted by the Department of Defense through the National Crime Information Center of the Federal Bureau of Investigation;

"(2) shall verify the citizenship of the individual and make every effort to verify the individual's true identity; and

"(3) shall determine whether there is an outstanding warrant for the individual's arrest and whether the individual is on a terrorist watch list.

"(c) EXEMPTION FOR DEPARTMENT OF DEFENSE IDENTIFICATION CARD HOLDERS.—The requirement for a background investigation under this section shall not apply to individuals possessing a valid Department of Defense identification card.

"(d) WAIVER FOR COMMUNITY EVENTS.—The base commander of a military installation or facility may waive the requirement for a background investigation under this section for persons attending base-sponsored community activities.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1567. Civilian entry to military installations or facilities: background investigation required.".

(b) EFFECTIVE DATE.—Section 1567 of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

AMENDMENT NO. 3 OFFERED BY MR. ORTIZ

The text of the amendment is as follows:

At the end of title XXXV add the following:

SEC. ___. REPORT OF VESSEL DISPOSAL PROGRAM.

Not later than October 1, 2007, the Secretary of Transportation shall submit to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the current plan for the disposal of non-retention vessels in the National Defense Reserve Fleet. The report shall include a listing of the vessels that the Maritime Administrator determines have the highest risk for environmental damage to the local estuary if further deterioration continues, an explanation of the classification system used to make such determination, and a detailed plan for the disposal of those vessels identified as significant environmental risks.

AMENDMENT NO. 6 OFFERED BY MR. SMITH OF WASHINGTON

The text of the amendment is as follows:

Strike section 233 and insert the following:

SEC. 233. REDUCTION OF AMOUNTS FOR ARMY VENTURE CAPITAL FUND DEMONSTRATION.

The amount in section 201(1), research, development, test, and evaluation, Army, is hereby reduced by $10,000,000, to be derived from the Army Venture Capital Fund demonstration.

AMENDMENT NO. 12 OFFERED BY MR. JOHNSON OF GEORGIA

The text of the amendment is as follows:

At the end of title XXIV, add the following new section:

SEC. 2405. WOUNDED WARRIOR FACILITY SUPPORT.

(a) AUTHORIZATION OF ADDITIONAL PROJECTS.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(9), the Secretary of Defense is authorized to carry out the following additional projects (in the following amounts):

(1) National Naval Medical Center, Bethesda, Maryland Enhanced Warrior Care Center, $33,000,000.

(2) DeWitte Army Medical Center, Fort Belvoir, Virginia:

(A) Enhanced Fort Belvoir Capability, $43,000,000.

(B) Fort Belvoir Price Inflation/Scope Adjustment $93,000,000.

(b) OFFSETS.—To offset the funds needed for the projects referred to in subsection (a), an undistributed reduction to the authorization of appropriations in section 2404(a)(9) is provided in the amount of $169,000,000.

AMENDMENT NO. 13 OFFERED BY MS. SLAUGHTER

The text of the amendment is as follows:

At the end of subtitle B of title XXVIII, add the following new section:

SEC. 2817. NIAGARA AIR RESERVE BASE, NEW YORK, BASING REPORT.

Not later than December 1, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report containing a detailed plan of the current and future aviation assets that the Secretary expects will be based at Niagara Air Reserve Base, New York. The report shall include a description of all of the aviation assets that will be impacted by the series of relocations to be made to or from Niagara Air Reserve Base and the timeline for such relocations.

AMENDMENT NO. 22 OFFERED BY MR. MORAN OF VIRGINIA

The text of the amendment is as follows:

At the end of subtitle C of title XXVIII, add the following new section:

SEC. 2822. CONDITIONS ON TRANSFER OF MILITARY PERSONNEL AND CIVILIAN EMPLOYEES TO FORT BELVOIR, VIRGINIA, AS PART OF REALIGNMENT OF THE INSTALLATION.

Notwithstanding section 2904(a)(5) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), members of the Armed Forces and civilian employees of the Department of Defense who are scheduled to be relocated to Fort Belvoir, Virginia, as a result of the closure of leased-office space in Arlington, Virginia, pursuant to the recommendations contained in the report transmitted to Congress on September 15, 2005, under section 2903(e) of such Act may not be relocated to Fort Belvoir, until—

(1) the Secretary of the Army submits to Congress written certification that the necessary transportation infrastructure, as identified by the environmental impact statement prepared by the Department of the Army for the Fort Belvoir realignment, to accommodate the total number of members and civilian employees to be assigned to Fort Belvior and their dependents, is substantially completed; and

(2) the 60-day period beginning on the date on which the certification is submitted under paragraph (1) expires.

AMENDMENT NO. 23 OFFERED BY MS. JACKSON-LEE OF TEXAS

The text of the amendment is as follows:

At the end of subtitle D of title X, add the following new section:

SEC. 1034. REPORT ON IMPACT ON FAMILIES OF MILITARY PERSONNEL SERVING MULTIPLE OVERSEAS DEPLOYMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit a report to Congress regarding the impact, including the financial and emotional effects, of multiple overseas deployments on the families of members of the Armed Forces serving those multiple deployments as part of Operation Iraqi Freedom and Operation Enduring Freedom.

AMENDMENT NO. 24 OFFERED BY MS. JACKSON-LEE OF TEXAS

The text of the amendment is as follows:

Title V, subtitle C, add at the end the following:

SEC. 5___. INTENSIFIED EFFORTS TO PUBLICIZE AND AWARD SCHOLARSHIPS TO STUDENTS ATTENDING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND HISPANIC-SERVING INSTITUTIONS.

The Secretary of Defense shall take due care to ensure that the Army National Guard and Reserve ROTC scholarships provided in this title are available to students attending Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3))) and Hispanic-serving institutions as that term is used in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

AMENDMENT NO. 25 OFFERED BY MR. TOM DAVIS OF VIRGINIA

The text of the amendment is as follows:

At the end of title XI, add the following:

SEC. 1112. EXTENSION OF INFORMATION TECHNOLOGY EXCHANGE PROGRAM WITH RESPECT TO THE DEPARTMENT OF DEFENSE.

Section 3702(d) of title 5, United States Code, is amended by striking all that follows "may commence after" and inserting the following: "the end of—

"(1) the 5-year period beginning on the date of the enactment of this chapter, except as provided in paragraph (2); or

"(2) in the case of the Department of Defense, the 8-year period beginning on the date of the enactment of this chapter.".

AMENDMENT NO. 39 OFFERED BY MR. ISRAEL

The text of the amendment is as follows:

At the end of subtitle D of title X, add the following new section (and conform the table of contents accordingly):

SEC. 1034. COMMERCIAL AVIATION TECHNOLOGIES.

(a) STUDY.—The Secretary of Defense shall conduct a study to examine the methods by which United States air carriers and aviation technology companies research, develop, and deploy commercial aviation technologies, including processes and products, and to determine the applicability of the technologies to military use.

(b) CONTENTS.—In conducting the study, the Secretary shall determine whether technologies developed for commercial air carriers in any of the following areas are well-suited for technology transition programs:

(1) Flight planning.

(2) Flight operations and tracking.

(3) Aircraft maintenance, repair, and overhaul.

(4) Increasing fuel efficiency.

(5) Optimizing labor productivity.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives a report on the results of the study, together with recommendations on whether the Department of Defense would benefit from commercial aviation technology solutions and, if so, which types of solutions would best support the mission of the Department.

AMENDMENT NO. 44 OFFERED BY MR. BOREN

The text of the amendment is as follows:

At the end of subtitle H of title V insert the following new section:

SEC. 577. PROHIBITION ON THE UNAUTHORIZED USE OF NAMES AND IMAGES OF MEMBERS OF THE ARMED FORCES.

(a) PROHIBITION.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§988. Unauthorized use of names and images of members of the armed forces

"(a) PROHIBITION.—Except with the permission of the individual or individuals designated under subsection (d), no person may knowingly use the name or image of a protected individual in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to connect the protected individual with that individual's service in the armed forces.

"(b) AUTHORITY TO ENJOIN VIOLATIONS.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

"(c) PROTECTED INDIVIDUAL.—For purposes of this section, a protected individual is any person who—

"(1) is a member of the armed forces; or

"(2) was a member of the armed forces at any time after April 5, 1917, and, if not living, has a surviving spouse, child, parent, grandparent, or sibling.

"(d) DESIGNATED INDIVIDUAL OR INDIVIDUALS.—(1) The individual or individuals designated under this subsection, with respect to a protected individual—

"(A) is the protected individual, if living; and

"(B) otherwise is the living survivor or survivors of the protected individual highest on the following list:

"(i) The surviving spouse.

"(ii) The children.

"(iii) The parents.

"(iv) The grandparents.

"(v) The siblings.

"(2) In the case of a protected individual for whom more than one individual is designated under clause (ii), (iii), (iv), or (v) of paragraph (1)(B), the prohibition under subsection (a) shall apply unless permission is obtained from each designated individual.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"988. Unauthorized use of names and images of members of the armed forces.".

AMENDMENT NO. 45 OFFERED BY MR. LIPINSKI

The text of the amendment is as follows:

At the end of subtitle E of title XXVIII, add the following new section:

SEC. 28___. USE OF ENERGY EFFICIENT LIGHTING FIXTURES AND BULBS IN DEPARTMENT OF DEFENSE FACILITIES.

(a) CONSTRUCTION AND ALTERATION OF BUILDINGS.—Each building constructed or significantly altered by the Secretary of Defense or the Secretary of a military department shall be equipped, to the maximum extent feasible as determined by the Secretary concerned, with lighting fixtures and bulbs that are energy efficient.

(b) MAINTENANCE OF BUILDINGS.—Each lighting fixture or bulb that is replaced in the normal course of maintenance of buildings under the jurisdiction of the Secretary of Defense or the Secretary of a military department shall be replaced, to the maximum extent feasible as determined by the Secretary concerned, with a lighting fixture or bulb that is energy efficient.

(c) CONSIDERATIONS.—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Secretary of Defense or the Secretary of a military department shall consider—

(1) the life cycle cost effectiveness of the fixture or bulb;

(2) the compatibility of the fixture or bulb with existing equipment;

(3) whether use of the fixture or bulb could result in interference with productivity;

(4) the aesthetics relating to use of the fixture or bulb; and

(5) such other factors as the Secretary concerned determines appropriate.

(d) ENERGY STAR.—A lighting fixture or bulb shall be treated as being energy efficient for purposes of this section if—

(1) the fixture or bulb is certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a); or

(2) the Secretary of Defense or the Secretary of a military department has otherwise determined that the fixture or bulb is energy efficient.

(e) SIGNIFICANT ALTERATIONS.—A building shall be treated as being significantly altered for purposes of subsection (a) if the alteration is subject to congressional authorization under section 2802 of title 10, United States Code.

(f) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirements of this section if the Secretary determines that such a waiver is necessary to protect the national security interests of the United States.

(g) EFFECTIVE DATE.—The requirements of subsections (a) and (b) shall take effect one year after the date of the enactment of this Act.

AMENDMENT NO. 46 OFFERED BY MR. ALTMIRE

The text of the amendment is as follows:

At the end of subtitle G of title VI insert the following:

SEC. 674. LEAVE FOR MILITARY FAMILIES.

(a) ENTITLEMENT TO LEAVE.—Section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) is amended by adding at the end the following new subparagraph:

"(E) Because of any qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.".

(b) INTERMITTENT OR REDUCED LEAVE SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following new sentence: "Subject to subsection (e)(3) and section 103(f), leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by striking "or (C)" and inserting "(C), or (E)".

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following new paragraph:

"(3) NOTICE FOR LEAVE DUE TO ACTIVE DUTY OF FAMILY MEMBER.—In any case in which the necessity for leave under subsection (a)(1)(E) is foreseeable based on notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.".

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following new subsection:

"(f) CERTIFICATION FOR LEAVE DUE TO ACTIVE DUTY OF FAMILY MEMBER.—An employer may require that a request for leave under section 102(a)(1)(E) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification to the employer.".

(f) DEFINITION.—Section 101 of such Act (29 U.S.C. 2611) is amended by adding at the end the following new paragraph:

"(14) CONTINGENCY OPERATION.—The term 'contingency operation' has the same meaning given such term in section 101(a)(13) of title 10, United States Code.".

In the table of contents in section 2(b), after the item relating to section 673 insert the following new item:

Sec. 674. Leave for military families.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON), a member of the Armed Services Committee.

Mr. JOHNSON of Georgia. Mr. Chairman, I would like to begin by thanking Chairman SKELTON and Ranking Member HUNTER for constructing such an impressive bill. We in Congress have no greater duty than that of taking care of our soldiers, marines, sailors and airmen when they are serving both abroad and at home.

Our wounded heroes face a system which, while it provided extraordinary service to many, has undergone serious challenges in the proper treatment of some who have given us so much. This amendment would provide necessary facility improvements at both the National Naval Medical Center, Bethesda, and DeWitt Army Medical Center to support commercial medical standards.

Furthermore, this would provide the necessary consolidation of medical activities to ensure high standards of care, or to ensure that high standards of care are available to our wounded soldiers.

It would also renovate existing semi-private bedrooms to create additional single-occupant rooms, which ensure greater privacy, improved infection control, and space for families to room in.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Thank you very much, Mr. HUNTER, for yielding.

Mr. Chairman, one of the provisions that is contained in this en bloc amendment is a provision that will help provide a higher level of security for our military personnel in the continental United States. As most of you probably read in the newspaper, a terrorist cell was apprehended in Cherry Hill, New Jersey, a short time ago.

They had been planning a small arms attack on soldiers, Reservists, actually, who were preparing to be deployed to Iraq and Afghanistan at Fort Dix.

One of the elements of this planning involved a pizza delivery man. The pizza delivery man would access the base to deliver pizza to soldiers in the evening who had completed their day's training.

As the apprehension was made, it was disclosed that this individual had actually entered onto the base, memorized the roads and the buildings on the base, and had actually drawn a map to provide to the other members of the cell who would take part in the attack.

This provision that's in this en bloc amendment would provide some extra tools for base commanders to be sure that people who enter onto Federal installations would have a background check done through the FBI, as well as through the Department of Homeland Security where immigration records are kept.

I want to thank Mr. ANDREWS for his high level of cooperation on this, and also to express my thanks to the chairman for agreeing to make this provision part of this en bloc amendment.

I understand there are some questions about it. Mr. ANDREWS and I, I won't speak for him, as we work through this, between now and the time we get a conference report, there may be some changes that are necessary. The last thing we want to do is to unduly restrict civilian activities, legitimate civilian activities on and around military bases.

So I look forward to working with the chairman, the ranking member and Mr. ANDREWS and others who may be interested to make sure that we do not do something that is harmful to morale or stymies activities on or around military bases.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank the ranking member.

Mr. Chairman, the purpose of the amendment that we have is plain and simple. It's to protect the privacy of America's fallen heroes and their families.

Along with my colleague and friend from Oklahoma, Congressman BOREN, I introduced this measure at the request of mothers of Marine Private David Burridge and Army Corporal Joseph Thibodeaux, both of Lafayette, Louisiana, who lost their lives in Iraq in September of 2004. While still recovering from the shock and the loss of their children, these mothers were appalled to discover the names of their sons had been printed on the back of T-shirts and sold for profit.

This amendment before us today requires that our military men and women, or their surviving relatives, be the sole decisionmaker in consenting to use their name or image for commercial purposes. While there is no way to ever express in words the significance of their sacrifice, we have a duty to honor and protect their memories and, most importantly, their rights.

No one can dispute that Americans, and particularly Members of this body, have fundamental differences over the war in Iraq. All Americans certainly have a right to express these views in public, but Americans, and particularly our fallen heroes and their families, also have a right to protect their names and images from commercial exploitation. This amendment accomplishes just that.

I want to thank Chairman SKELTON, our Ranking Member HUNTER, as well as the Rules Committee for allowing this amendment to come to the floor.

I urge our colleagues to support this nonpartisan legislation.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to a member of the Armed Services Committee, my friend from Oklahoma (Mr. BOREN).

Mr. BOREN. Thank you, Mr. SKELTON. I also want to thank our colleague from Louisiana (Mr. BOUSTANY) and our ranking member, Mr. DUNCAN HUNTER.

Mr. Chairman, this amendment prohibits the commercial use of our troops' names and images without permission.

The need for this protection was first brought to my attention by Judy Vincent, a constituent who lost her son, Marine Corporal Scott Vincent, to a suicide bomber in Fallujah in April of 2004. Since that time, Judy has found Internet vendors using the name and likeness of her son and other fallen soldiers on their merchandise.

Bills were signed into law in Oklahoma and Louisiana last year to address this abuse, but Judy's story made it clear that there were hundreds, perhaps thousands of American families out there facing the same problem, and only a Federal law will offer the protection that they deserve.

This amendment isn't about financial restitution, stifling debate on the war, even putting people in prison. It's about respecting the privacy of our soldiers and their families. I urge my colleagues to support this amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my colleague and friend, the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, ongoing military engagements and extended deployments impact not only our troops, but also the families of our brave men and women in uniform. Military families are struggling to balance everything from their financial obligations to child care responsibilities.

I offer this amendment to address this and provide military families with some relief. This amendment allows the immediate family of military personnel to use Family Medical Leave Act time for issues directly arising from deployment and extended deployments.

The wife of a recently deployed military servicemember could use the Family Medical Leave Act to arrange for child care. The husband of a servicemember could use the Family Medical Leave Act to attend predeployment briefings and family support sessions.

The parents of a deployed servicemember could take Family Medical Leave Act time to see their raised child off or welcome them back home.

This amendment does not expand eligibility to employees not already covered by the Family Medical Leave Act.

I urge my colleagues to support this amendment.

Mr. UDALL of New Mexico. Mr. Chairman, I want to thank Congressman ALTMIRE for offering this amendment and also want to thank Chairman MILLER for his support. Over the past two Congresses I have introduced legislation very similar to the language we are now considering, and I am very hopeful that it will be included in today's bill.

For every soldier who is deployed overseas, there is a family back home faced with new and challenging hardships. The toll extends beyond emotional stress. From raising a child to managing household finances to day-to-day events, families have to find the time and resources to deal with the absence of a loved one.

Today's amendment offers a way to help ease this transition. The Altmire-Udall amendment would allow spouses, parents or children of military personnel to use Family and Medical Leave Act benefits for issues related directly to the deployment of a soldier. Current FMLA benefits allow individuals to take time off for the birth of a child or to care for a family member with a serious illness. The deployment of a soldier is no less of a crisis and certainly puts new demands on families. We should ensure that the FMLA benefits given in other circumstances are provided to our fighting families during their time of need.

The passage of this amendment and its inclusion in the final conference report will bring new relief to thousands of families across the nation, and it will demonstrate the thanks we owe our brave men and women serving overseas.

Mr. HUNTER. Mr. Chairman, how much time do we have on this?

The Acting CHAIRMAN. The gentleman from California has 5 remaining minutes, and the gentleman from Missouri has 6½ minutes remaining.

Mr. HUNTER. Thank you. I just wanted to say that we strongly support this amendment on this side. We think it's an excellent amendment. We thank both of the authors, the gentleman from Louisiana and the gentleman from Oklahoma, for bringing this amendment to us. We support it very strongly.

Mr. Chairman, I yield back the balance of our time.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Illinois (Mr. LIPINSKI).

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Mr. LIPINSKI. Mr. Chairman, I would like to thank Chairman SKELTON and Ranking Member HUNTER for placing this amendment en bloc. It is a bipartisan amendment that I offered along with Mr. INGLIS, Mr. MARKEY, and Mr. KIRK.

This amendment simply requires the Department of Defense, where feasible, to begin using high-efficiency light bulbs whenever a light bulb is installed. Currently, compact fluorescent light bulbs, known as CFLs, are the most energy efficient. CFLs use about 75 percent less energy than standard bulbs, last 8 to 10 times longer and can save over $74 over the lifetime of a single bulb.

When you consider that the DOD has over 240,000 buildings in the U.S. alone, it is clear that this requirement is a practical way to make significant progress in lowering energy consumption, reducing greenhouse gas emissions, and promoting energy independence while at the same time saving millions of taxpayer dollars.

At a time when we struggle with a new energy plan, this is a rare win-win-win opportunity, and I ask for your support.

Mr. HUNTER. Mr. Chairman, I rise to claim the time in opposition to this, although I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California reclaims the time that he yielded back.

There was no objection.

Mr. HUNTER. Thank you, Mr. Chairman. That's exactly what I wanted to do.

I just wanted to get on the record that I support this amendment very strongly, the idea of saving energy. I would hope that the gentleman would agree that, wherever possible, the energy-saving devices, these light bulbs, should be made in the United States. They are paid for with Department of Defense funds. The average American worker spends over $1,000 a year out of his or her paycheck to support the defense function of government, and it is appropriate that American workers be allowed to make the new, innovative, energy-saving devices that we are using at bases throughout the country.

I yield to the gentleman to ask him if he wouldn't agree with me that, wherever it is practical, that American-made bulbs should be used in this replacement program.

I yield to the gentleman.

Mr. LIPINSKI. I certainly agree with the gentleman, and I think we need to do more to make sure we are enforcing our Buy America provisions that we currently have in law, and certainly we need to do it here.

Mr. HUNTER. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished speaker, chairman, and gentlelady from California.

I rise to offer and to support the en bloc amendments, and to speak particularly to amendment No. 23 which regards the emotional and financial impact of multiple deployments.

This amendment is simple. It requires the Secretary of Defense to study and report back to Congress the financial and emotional impact of multiple deployments on the families of those soldiers who serve multiple tours. We all are concerned about our soldiers and, likewise, their families.

In a report by Dr. Hoge, a study indicated that 94 percent of soldiers in Iraq reported receiving small arms fire, 86 percent of soldiers in Iraq reported knowing someone who has been seriously injured or killed, and 68 percent reported seeing dead or seriously injured Americans; 51 percent reported handling or uncovering human remains; and the majority, 77 percent of soldiers deployed to Iraq, reported shooting or directing fire at the enemy. All of this impacts their families, and we found anxiety, fatigue, stress, and other aspects that impact the wives and children as well.

The National Military Families have indicated a series of recommendations for the Department of Defense. I believe this study will help the entire entity of the military make us stronger and certainly respond to the needs of our military and their families.

My amendment No. 24 recognizes that in 1948 the military was desegregated; integration had increased the percentage of African Americans in the enlisted ranks. We see high numbers of Hispanics and Asians and others. This amendment simply acknowledges the existence of the ROTC scholarship and asks that there be an outreach to ensure that this information be given to Hispanic-serving institutions and African American-serving institutions, historically black colleges.

The importance of this amendment is to ensure the outreach and the opportunities for our young people who are placed around the Nation. Patriotism is certainly not guided by region or colleges to which you go. I ask my colleagues to support these amendments, one to take a holistic view of the redeployment and the impact on our families, and, two, to outreach to our young people no matter where they attend college and where they live for the established ROTC and other military scholarships.

I thank the chairman and ranking member for allowing me to explain my amendments to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008. There is no greater champion of our men and women in uniform than my good friend Mr. SKELTON, the gentleman from Missouri, and distinguished chair of the Armed Services Committee. That is why I appreciate the chairman's support for my amendments.

Mr. Chairman, in light of the fact that our Nation is in the midst of an ugly war, and in the context of the ongoing fight against terrorism, this piece of legislation is probably the most important piece of legislation that the 110th Congress will pass. It is in that spirit that I offer my amendments today. Each of my amendments plays a vital role in ensuring that our courageous troops maintain their status as the best in the world. Accordingly my amendments also reinforce the message to our troops that they are our most precious resource, and we do not take their efforts for granted.

AMENDMENT NO. 24—SCHOLARSHIPS FOR HBCU STUDENTS

This amendment requires the Secretary of Defense to take the necessary steps to ensure that Army National Guard and Reserve ROTC scholarships are available to students attending historically black colleges and universities, and Hispanic serving institutions.

The military is the American institution that has done more than any other to recognize that it does not have a person to waste. It is therefore no surprise that the Armed Forces of the United States, which were completely segregated 60 years ago and riven by racial strife 30 years ago during the Vietnam war, is today the finest fighting force in the history of the world and enjoys more racial peace, harmony, and integration than any other major institution, including higher education and organized religion.

After being desegregated in 1948, by the 1970s, integration had increased the percentage of African-Americans in the enlisted ranks, but the percentage of minorities comprised less than 3 percent of the officer corps and perceptions of discrimination were pervasive. The deficiency in the officer corps and the discrimination perceived to be its cause led to low morale and heightened racial tension. The danger this created was not theoretical. As the Vietnam war continued, the Armed Forces suffered racial polarization, severe disciplinary problems, and racially motivated incidents in Vietnam and on posts around the world. In Vietnam, racial tensions reached a point where there was an inability to fight and the lack of minority officers substantially exacerbated the problem.

The absence of minority officers seriously threatened the military's ability to function effectively and fulfill its mission to defend the

Nation. To eliminate that threat, the armed services moved aggressively to increase the number of minority officers and to train officers in diverse educational environments. The Pentagon set recruitment goals for the service academies and the ROTC programs and worked hard to expand the pool of highly qualified minority candidates in a variety of explicitly race-conscious ways. They also employ race as a factor in recruiting and admissions policies and decisions.

These efforts have substantially increased the percentage of minority officers. Today, among active duty officers, 81 percent are white, and the remaining 19 percent are minority, including 8.8 percent African-American, 4 percent Hispanic, 3.2 percent Asian-American, and .6 percent Native American. The military recognizes that its officer corps must continue to be diverse or the cohesiveness essential to the military mission will be critically undermined. After all, for people who fight wars to preserve the peace, it can be a matter of life and death.

Presently the military, unlike any other industry including corporate America and the entertainment industry, offers a realistic opportunity for young people of color and women to make career advancements. In an industry that truly judges you on merit and not the color of your skin, the military is a leader in the practice of diversity.

This amendment ensures that people of color and women continue their great legacy in the greatest military in the world.

AMENDMENT NO. 23—EMOTIONAL AND FINANCIAL IMPACT OF MULTIPLE DEPLOYMENTS

This amendment requires the Secretary of Defense to study and report back to Congress the financial and emotional impact of multiple deployments on the families of those soldiers who serve multiple tours overseas.

Words cannot explain the pain and the sense of pride that some families feel when they say good-bye to a loved one. Behind those brave smiles, hugs, and kisses is an undying and unnerving uncertainty about what can happen to a spouse, child, father, or mother. Depending on the extent of that soldier's injury, a family can suffer serious economic consequences as a result, not to mention the emotional impact of seeing a loved one in that state. Even under the best of circumstances, where a soldier serves multiple terms and returns with no major injuries, valuable time is lost between a parent and child and between spouses that can never be returned.

The mental health of our soldiers will have a lasting effect on not only these soldiers but their families as well. The current conflicts in Afghanistan and Iraq are the most continuous combat operations since Vietnam. Only one comprehensive study has examined the mental health impact of the wars in Afghanistan and Iraq, and that was performed by Charles W. Hoge, MD. This study looked at the experience of soldiers in the war zone and symptoms of psychological distress. Soldiers in Iraq are at risk for being killed or wounded themselves, are likely to have witnessed the suffering of others, and may have participated in killing or wounding others as part of combat operations. All of these activities have a demonstrated association with the development of PTSD. Dr. Hoge's study indicated that 94 percent of soldiers in Iraq reported receiving small-arms fire. In addition, 86 percent of soldiers in Iraq reported knowing someone who was seriously injured or killed, 68 percent reported seeing dead or seriously injured Americans, and 51 percent reported handling or uncovering human remains. The majority, 77 percent, of soldiers deployed to Iraq reported shooting or directing fire at the enemy, 48 percent reported being responsible for the death of an enemy combatant, and 28 percent reported being responsible for the death of a noncombatant. Despite the extensive training and resilience that our soldiers are known for they are still human, and these traumatic events will have an impact on their lives.

As my colleague from Arizona, GABRIELLE GIFFORDS, mentioned this morning, one in five soldiers is suffering from depression, anxiety or stress. Likewise 20 percent face marital problems including divorce or legal separation from their spouse.

Military families need greater psychological, emotional, and organizational assistance according to the results of a new survey released March 28 of this year by the National Military Family Association, NMFA.

The study, "Cycles of Deployment Report," which focused on the needs of military families, shows service members and military families are experiencing increased levels of anxiety, fatigue, and stress. In response, NMFA outlined recommendations for meeting these challenges amid multiple and extended deployments, increased rates at which service members are called upon for service, and the heavy reliance on National Guard and Reserve forces.

This report clearly shows the range of support programs for families has expanded since the start of the war on terror. However, multiple deployments and a high operations tempo mean different types of support are needed for families' continued success before, during, and after deployment. The survey results provide the Department of Defense a detailed roadmap for making sure families are taken care of during this important time.

Let me share with you some of the key findings from this study about the impact of deployment includes.

Almost half of respondents reported they have used or would use counseling services such as anger management classes and family counseling. Three quarters of those who stated they were better able to deal with subsequent deployments found counseling services to be helpful.

Two-thirds of military families surveyed did not have contact with their unit or unit network volunteer during the critical pre-deployment stage.

Less than one-half reported a consistent level of family support through the pre-deployment, deployment, and post-deployment phases. Seventeen percent reported no support was available.

Many respondents are concerned that volunteers who help families adjust to life during deployment and what to expect after the reunion are becoming fatigued and subject to "burn-out." They stated that the leaders of unit family groups should be paid or have paid professional support personnel assigned.

Military family members with civilian jobs face pressure to avoid taking time off before, during, or after deployment. Sixty percent of military spouses are employed outside the home and many have either quit their jobs or are considering it.

Military families are worried about how the reunion will go with their deployed family member even as they are worrying about their service member's safety in the field. Unfortunately, many families are not taking advantage of specific return and reunion briefings and activities.

Many respondents expressed that when entering a second or third deployment, they carry unresolved anxieties and expectations from the last deployments. While they may have gained knowledge of resources available to them, respondents whose service member deployed multiple times reported being more fatigued and increasingly concerned about their family relationships.

Although challenged by the demands of deployment, families noted they are proud of their service member and their service to our country. They understand that family support is primarily their personal responsibility, but they expect "The Military" to provide support as well.

RECOMMENDATIONS TO DEAL WITH STRESS OF MULTIPLE DEPLOYMENTS

The National Military Families Association has developed a series of recommendations for how the Department of Defense, DOD, can better train and support military staff and civilian volunteers to assist military families. Let me discuss some of them.

Expand program and information outreach. Create formats for families to access support services and maintain touch with their commands and unit family group that live too far from either the unit or from other military families.

Assist families in developing realistic expectations, and then meet them. Educate military families about what to expect before, during, and after deployments.

Direct more resources to support family volunteers. Increase the level of resources and paid professionals, both counselors and administrative, to support the logistics of family support and conducting family readiness activities.

Address return and reunion challenges throughout the deployment cycle. Help with the reintegration of a service member with the family after deployment.

Recognize that family time is important. Encourage service leaders to give family time a higher priority when planning operational activities, especially for service members who have only been back from deployment for a few months.

Continue deployment briefings throughout the year. Never assume families have all the information they need. Ongoing deployment briefings can especially help new spouses or the parents of new recruits. Experienced family members also may find new challenges during a subsequent deployment or find the accumulated stress from multiple deployments creates the need for re-engagement with the family readiness/support group or for accessing different support personnel.

By requiring the Secretary of Defense to conduct this study we are taking a crucial step in ensuring that future troops are adequately taken care of physically, mentally, and emotionally.

Allow me to conclude by stating that I rise in strong support of the underlying legislation H.R. 1585. This legislation addresses several critical issues such as troop readiness, troop safety, troop family needs, and a comprehensive internal review of the Department of Defense.

With regards to troop readiness this bill authorizes $1 billion for the Strategic Readiness Fund to fix equipment shortfalls, $1 billion to provide the National Guard and Reserves equipment from their unfunded requirements list, $250 million to improve training, and the establishment of a Defense Readiness Production Board to mobilize the defense industrial base to speed up the production of military equipment.

With regards to troop safety this bill provides $1.2 billion for body armor, $2.5 billion for up-armored humvees, $1.2 billion for vehicle add-on armor, $509.7 million for the Armored Security Vehicle, ASV, and requires comprehensive testing of all helmet pad systems.

With regards to meeting the needs of the families of our troops this bill authorizes a 3.5 percent across-the-board pay raise for all service members. This bill restores approximately 490 medical personnel positions and recommends the establishment of a Military Mental Health Initiative that would coordinate all mental health research and development for the Department. Also this bill directs the establishment of a Traumatic Brain Injury Initiative to provide the opportunity for emerging technologies and treatments to compete for funding.

Finally this bill requires a much needed internal review of the Department of Defense. This bill requires a review of the roles and missions of the Department of Defense every 4 years; identifies the core competencies of the military departments, the Office of the Secretary of Defense, each defense agency, and each defense field activity; directs a review of the capabilities that each of the military departments, the Office of the Secretary of Defense, each defense agency, and each defense field activity is maintaining or developing; and requires the Joint Requirements Oversight Council, JROC, to organize its review of requirements according to the core mission areas, provide the military services with clear guidance on the priority assigned to each requirement, and make clear the expected resources allocated to fulfill each requirement.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mrs. TAUSCHER. Mr. Chairman, pursuant to section 3 and 4 of House Resolution 403, and as the designee of the chairman of the Committee on Armed Services, I request that during further consideration of H.R. 1585 in the Committee of the Whole, and following consideration of amendment 49, the following amendments be considered in the following order: Amendment No. 30; amendment No. 11; amendment No. 31; amendment No. 41; amendment No. 15; amendment No. 42; amendment No. 43; en bloc No. 3.

Mr. Chairman, it is my pleasure to yield 3 minutes to my friend and colleague, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding, and I rise in strong support of the amendment offered by my friend and neighbor from New Jersey (Mr. SAXTON), and I thank him for his decisive and quick action in dealing with the problem of protecting our servicemembers and employees and visitors to our military bases. I am proud to join with him in this amendment.

At this time, I yield to the gentlewoman from Arizona for the purpose of a colloquy.

Ms. GIFFORDS. I thank the gentleman.

I rise today to raise serious concerns about the amendment to H.R. 1585 that would require background checks for all civilians entering military installations.

I certainly appreciate the need to secure our installations, especially considering the recent events in your home State of New Jersey. But I would like to bring a unique situation to your attention.

My southern Arizona district is home to Fort Huachuca, a critical national asset that is home to Army Intelligence and Electronic Testing and was recently designated the Joint Center of Excellence for Human Intelligence Training.

Fort Huachuca occupies over 73,000 acres of rugged desert terrain. The geography of the area forces the citizens of Elgin and Canelo, along with the surrounding communities, to rely on access through the fort to get to their ranches and homes. This amendment would cause significant hardship to the surrounding community that has had access to the installation for decades. I believe that this is not a unique situation, and there may be other circumstances where the restrictions placed on military installations could be onerous.

Mr. ANDREWS. I thank the gentlewoman for raising this important issue. I assure the gentlelady that I recognize her concerns about the specific military installation in her district and do not want this legislation to cause hardship on its surrounding communities.

Ms. GIFFORDS. I would like to ask that the gentleman work with me to address the unique circumstances of the Army installations in southern Arizona.

Mr. ANDREWS. I am aware of the extraordinary burden that this requirement could impose on residents of rural and remote areas of southern Arizona. I look forward to working with the gentlelady to find an appropriate accommodation.

Ms. GIFFORDS. I thank the gentleman for his support.

Mr. ANDREWS. Reclaiming my time, I again thank Mr. SKELTON, Mr. HUNTER, and Mr. SAXTON for this, I think, excellent effort to improve upon a very real problem that we saw in acute relief last week in New Jersey. I would urge adoption of the amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, my amendment to extend for 3 years the Information Technology Exchange Program—also known as the Digital Tech Corps—has been included in this en bloc amendment, and I thank the Chairman and Ranking Member for accepting this amendment.

In 2002, I included language in the Electronic Government Act of 2002 creating the Digital Tech Corps program.

The program gives mid-level federal IT managers the opportunity for intensive, on-the-job training in how the private sector manages complex IT projects. Too many complex federal IT procurements fail because of improper management. The Tech Corps gives employees insight and experience in how the best companies in the world are successfully managing IT so they can bring this knowledge back to government.

The Tech Corps works in reverse as well, giving private sector IT employees the opportunity to volunteer for rewarding public service. In tackling some of the world's toughest IT problems, they can return to their companies understanding the challenges facing the world's largest employer.

The Tech Corps program is a relatively new vision for public service in this century, enabling broader public-private sector exchanges of talented IT professionals. It builds on the successes of other successful personnel exchanges, such as the 1970 Intergovernmental Personnel Act (IPA).

All Tech Corps participants must adhere to strict federal employee ethics rules, and they must abide by the laws and rules of the agency and Federal Government. Participants do not receive any special privileges, pay, or incentives—all participants retain pay and benefits from their respective employers while participating in the program.

The Electronic Government Act of 2002 required the Office of Personnel Management to issue guidance for agencies engaging in the Tech Corps program. Agencies had 5 years from the date of enactment in December 2002 to implement the program. OPM issued its guidance in 2005, making it difficult for agencies to receive the full benefits of implementing the program.

Since the issuance of OPM's guidelines in 2005 and the approval of DOD's Tech Corps policy in 2006, the agency has worked aggressively to get its Tech Corps program off the ground. Nearly a dozen DOD components have expressed interest in participating in the program.

My amendment would extend the authorization period of the Information Technology Exchange Program (ITEP) by 3 years for the Department of Defense (DOD) so it can achieve the intended benefits of the program.

In particular, the benefits of the Tech Corps program include: (1) Participants learn new job skills; (2) the private sector employees can learn about government procedures and processes; (3) the public and private sectors can share best practices; (4) participating organizations are infused with new ideas; and (5) participants gain perspective from others, improve personal competencies and skills, and close skill gaps within the government organizations.

I urge my colleagues to support this amendment.

I also express my support for language included in this en bloc amendment offered by my colleague, Mr. MORAN, which would require that the transportation infrastructure necessary to accommodate the large influx of military personnel and civilian employees to be assigned to Fort Belvoir, VA, as part of the BRAC realignment of the installation, be substantially completed before the relocation of these employees.

The 2005 BRAC Commission recommended relocating 22,000 Department of Defense personnel to Fort Belvoir by 2011. That is a workforce equal to that of the Pentagon. Due to the magnitude of the BRAC realignment, the existing congestion in the Springfield area, and the potential impact on the surrounding community—and indeed all of Northern Virginia—BRAC implementation has to be done right.

I voted against the BRAC recommendations for several reasons, including my belief DoD had not adequately considered the ramifications of transferring 22,000 new personnel to Fort Belvoir within a 6-year timeframe.

Since the recommendations were approved, I have worked diligently with my colleagues to ensure the Army is sensitive to the concerns of my constituents and devotes adequate time and resources to mitigate the impact of BRAC to the extent possible.

I would like to commend my colleague for this amendment, because it gets to the heart of the matter: it ensures the necessary transportation infrastructure will be in place before personnel begin to relocate to Fort Belvoir. This only makes sense.

Without sufficient infrastructure, daily commutes could last for hours. In fact, it might simply be impossible for DoD personnel to even get to and from work, thereby preventing agencies from being able to accomplish their missions. It surely would mark a drastic reduction in quality of life for those employees stuck in what could be a traffic nightmare, and I would submit could easily lead to significant turnover.

I would also like to take this opportunity to thank Chairman SKELTON and Ranking Member HUNTER for including language in the bill to require the Army and GSA to work out an agreement to allow the Army to use the GSA warehouse property in Springfield. This facility is located adjacent to an existing Metro and Virginia Railway Express station, yet it currently is used for warehouse space. I have long thought this federal property could be put to much better use than warehouses. With this language, we will put this property to much better use, promote transit options, and take cars off the road. Again, I am most grateful this provision has been included.

In closing, I would like to thank Mr. MORAN for this amendment and for his continued hard work on behalf of Northern Virginians. I urge my colleagues to support this language and the en bloc amendment.

Mr. SMITH of New Jersey. Mr. Chairman, after scouting possible targets in New Jersey and Pennsylvania, the six members of a terrorist cell arrested in New Jersey last week chose to attack Fort Dix due to the access one member had to that installation. As a pizza delivery man, he was able to get on the base, survey the infrastructure and personnel, draw maps, and determine the best locations for the highest kill rate.

If not for a citizen's tip and a thorough and aggressive law enforcement team led by U.S. Attorney Chris Christie, who through a 16-month surveillance effort dotted every "i" and crossed every "t," terrorists could have infiltrated the base with the sole intent of killing as many people as possible.

Mr. Chairman, my South Jersey colleagues and I have been arguing for years that easy civilian access to our military bases—across the Nation—could leave them vulnerable to those wishing to do us harm.

In 2004, we passed a modified version of my bill, the Military Bases Security Act, H.R. 3695, and mandated a pilot program in which the Department of Defense could test and increase the vetting of civilians who worked on our bases as employees of private contractors. Because the greatest vulnerability exists when contractors are brought in to complete major construction and facility maintenance jobs, my bill also instructed DOD to use the pilot program to test and implement the best value contracting process instead of the lowest bidder process.

In the best value process, contractors are given points for their staffing plans and employee training programs—two effective means for vetting and eliminating unqualified and even undocumented workers from construction jobs. The thought is that by rewarding contractors who vet, train, and hire experienced workers, another layer of protection would be put in place as we attempt to secure our bases.

Regrettably, DOD has yet to issue its final analysis on the pilot program and an interim report indicates that their implementation of the program has been feckless at best. And despite the insistence by the Department of Defense that they are doing everything possible to ensure our bases are employing qualified and legal workers, we consistently learn of Immigration and Customs Enforcement personnel arresting dozens of illegal aliens "working" on military bases around the country. In January of this year, the International Herald Tribune ran a story that stated nearly 40 illegal aliens were arrested on military installations in Georgia, Virginia and Nevada. And one arrested in Nevada was a member of MS–13, one of the most dangerous gangs in the U.S.

I remain convinced that through best value contracting we can and will do a better job of ensuring that those who obtain contracts on our bases are employing legal and qualified workers. And I am committed to ensuring that DOD gives more than lip service to the pilot program and its provisions to vet unqualified workers and attain the best workmanship and better security at our bases.

The amendment offered today by my colleague JIM SAXTON also seeks to vet civilians who enter or conduct business on our bases. Specifically, the Saxton amendment, which is part of an en bloc amendment, requires FBI criminal background checks and clearance from the Department of Homeland Security for any "unescorted civilian seeking access to a military installation or facility or any civilian who is an employee of a contractor or vendor of a military installation." Without the background check, these civilians will be blocked from entering a base.

Mr. Chairman, we cannot hermetically seal our military bases—many of which have great activities for the general public—but we can and must make every effort to provide greater protection. The Saxton amendment is another positive step in this direction and I urge my colleagues to support it.

Mrs. TAUSCHER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

AMENDMENT NO. 20 OFFERED BY MR. STUPAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 20 printed in House Report 110–151.

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. STUPAK:

At the end of title XIV, add the following new section:

SEC. 1454. TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.

(a) SHORT TITLE.—This section may be cited as the "Sergeant First Class James Priestap and Private First Class Alan Blohm Fallen Servicemember Respectful Return Act".

(b) FINDINGS.—Congress makes the following findings:

(1) Members of the Armed Forces who die under the circumstances described in section 1481 of title 10, United States Code, have made the ultimate sacrifice for the United States, and their remains should be treated with the utmost reverence and respect.

(2) The family and friends of a deceased member of the Armed Forces should be able to greet the remains of their loved one at an airport near the place designated for the disposition of the remains and provide for the burial of their loved one with proper honors and without undue delay or complication.

(3) Rural areas are frequently served by smaller regional airports and are often a significant distance from a major airport, and the practice of the Department of Defense to finish the aircraft portion of the transportation of the remains of a deceased member of the Armed Forces at a major airport imposes undue burdens on the family and friends of the deceased member.

(c) TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.—Section 1482(a)(8) of title 10, United States Code, is amended by adding at the end the following new sentence: "When transportation of the remains includes transportation by aircraft under section 562 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 1482 note), the Secretary concerned shall provide, to the maximum extent practicable, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee.''.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

MODIFICATION TO AMENDMENT NO. 20 OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, first I ask unanimous consent to modify my amendment by striking the sections entitled "short title" and "findings."

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Acting CHAIRMAN. The amendment is modified.

The text of the amendment, as modified, is as follows:

At the end of title XIV, add the following new section:

SEC. 1454. TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.

(c) TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.—Section 1482(a)(8) of title 10, United States Code, is amended by adding at the end the following new sentence: "When transportation of the remains includes transportation by aircraft under section 562 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 10 U.S.C. 1482 note), the Secretary concerned shall provide, to the maximum extent practicable, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee.''.

Mr. STUPAK. Mr. Chairman, communities across our Nation have felt the effects of the ongoing wars in Iraq and Afghanistan, but rural communities have been hit especially hard. A recent Associated Press story reported that nearly half the casualties in Iraq have come from towns of fewer than 25,000 people, and one in five come from towns of 5,000 or less. Rural States have had some of the highest per capita loss rates.

I have certainly seen this in my own district. Each loss from a small town affects not only the family but the entire community. In light of these facts, we need to make sure that we are taking care of all the families who have lost loved ones in military service, whether those families live in cities or in small rural communities.

In the past year, I have encountered several disturbing cases in my own district in which families had to fight to have the remains of their loved one flown to an airport near the intended place of burial. The military advised the families that the bodies of their loved one would be flown to the nearest major urban airport, which in some cases, as in my district, are hundreds of miles away.

In order to meet the remains at the airport, one of the families would have been required to drive over 4 hours each way through a snowstorm. There is no reason to impose these kinds of burdens on a family that has already made the ultimate sacrifice. This kind of treatment is disrespectful and unfair. Families should not have to bargain with the military in order to have the remains of their loved ones flown to a location where they can meet their fallen hero.

In many cases, veterans organizations and other community groups want to show their respect when a fallen soldier arrives at an airport. We should encourage these demonstrations of respect, instead of discouraging them by forcing community members to drive to urban airports hours away from home.

Last year, as part of the fiscal year 2007 Defense authorization, the House passed a similar provision that would have required the military to fly the remains of a fallen soldier to the military airfield nearest the place of burial. Unfortunately, this provision was not included in the final conference version of the bill; however, I think it was a good provision, and Members of the House were right to support it.

My amendment would provide greater flexibility. It would require that, whenever possible, the Department of Defense fly the remains to the nearest military or civilian airport. The amendment would allow the military to use any of the numerous small airports that exist in rural districts, so long as the remains are delivered to a place that is acceptable to the family of the fallen soldier.

Mr. Chairman, the problems I speak of are not only in my district, but we have seen reports from New York to California where this has occurred in the smaller rural districts.

As Americans, we owe a tremendous debt to those families who have given up a loved one in war to protect our freedom. This amendment will eliminate an unfair situation that those families have faced and will help to show our respect and gratitude for the sacrifice they have made.

I ask Members to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, although I don't oppose the amendment, I ask unanimous consent to claim the time.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. HUNTER. Thank you, Mr. Chairman.

I want to thank the gentleman for his amendment. I think it is absolutely appropriate. We support it.

Mr. Chairman, this is the provision that we put into the law last year when we saw that American fallen service personnel were being transported in what we thought was a less than dignified manner and escorted in a less than dignified manner to their final resting places.

Of course, I went to the Department of Defense initially and had them involved in discussions with the committee with respect to effecting informally a policy that would have dedicated aircraft and would have a dedicated honor guard and military escort that would complete the transport of fallen American service personnel from Dover to their final resting places. We couldn't work something out, so we ended up putting that in law, and having the full support of the other body, that, indeed, is the practice.

I have been around the country now to various places where American heroes have come home, and there has been an outpouring of gratitude from a number of communities and families that in fact the system is working well now with dedicated military aircraft, with the appropriate honor guard escorting the fallen American heroes, and the families now feel much better about the process.

☐ 1945

Now, I would hope that, in practice, the U.S. military is not, as a rule, taking people to a home of record when in fact their final resting place may be hundreds of miles away, but I understand that the gentleman has two cases where that, in fact, would have taken place if they hadn't made contact with the DOD and the DOD hadn't sorted that out.

And so I think this is absolutely appropriate to put into statute what, essentially, they've been doing, as I understand, as a matter of practice in carrying out the mandate that we gave them last year with the new law that came from this committee.

So I support the gentleman. I thank him for offering this amendment, and we certainly support it on this side.

Mr. Chairman, I yield back.

Mr. STUPAK. Mr. Chairman, I appreciate the words of the ranking member, Mr. HUNTER. The difference between what I'm doing here tonight and an amendment we did last year, last year was the closest military airfield. There are no military airfields in my district. My district is 600 miles from one end to the other, and when they want to bring the remains of our soldiers to Detroit or Milwaukee, it is 4, 5, 6 hours for people, for my constituents to go to greet this fallen hero back on U.S. soil. And you have your local groups, your American Legions, your veterans who'd like to welcome that fallen soldier back home, but to drive 4, 5, 6 hours, and one we had last winter was through a terrible snowstorm.

We have had to intervene. We have worked with DOD and others, and they've been pretty good about trying to accommodate everyone. We realize it's hard and it's difficult.

So the only difference is this amendment goes a little farther, not just military airfield but civilian airfields. We have plenty of civilian airfields throughout my district and rural America that can accommodate the planes necessary to bring home our fallen soldiers.

So I would like to thank Mr. SKELTON, Mrs. TAUSCHER, Mr. HUNTER and Mr. SAXTON for their help and support. This is an amendment that we're glad we can do to honor those service men and women and also their families and the local communities when they've fallen in service in honor to their country.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 49 OFFERED BY MR. CARNEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 49 printed in House Report 110–151.

Mr. CARNEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 49 offered by Mr. CARNEY:

At the end of subtitle C of title V, add the following new section:

SEC. 528. SENSE OF CONGRESS WITH RESPECT TO EXTENSION OF TIME LIMITATION FOR USE OF ENTITLEMENT TO EDUCATION BENEFITS BY MEMBERS OF SELECTED RESERVE AND MEMBERS OF RESERVE COMPONENT SUPPORTING CONTINGENCY OPERATIONS.

It is the sense of Congress that the time limitation for the use of entitlement to educational assistance under each of subchapters I and II of chapter 33 of title 38, United States Code, should be extended to allow an individual entitled to such assistance to use that individual's entitlement during the ten-year period beginning on the date on which the individual is separated from the Ready Reserve or the Selected Reserve of the Ready Reserve, as the case may be.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Pennsylvania (Mr. CARNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. CARNEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am here today in support of our Nation's veterans. As a lieutenant commander in the Navy Reserve, I know how important our veterans are. I know how critical our National Guard and Reserve are to the Nation's security.

The Montgomery GI bill has provided education to many of our Nation's fine and honorable men and women. After World War II, the GI bill was signed into law and paved the way for many returning soldiers to attain their degrees. In fact, my father earned both his bachelor's and his master's degrees using the GI bill.

However, for our National Guard and Reserve, this is not the case. There's a provision which excludes our National Guard and Reserve from receiving their GI bill after they have left the military.

This amendment, which I am proud to introduce, will express the sense of Congress that we need to lengthen the period of time that Guard and Reserve members have to take advantage of the GI bill. Once they return home they would have up to 10 years to complete their education.

We owe it to our National Guard and Reserve members to have this time. They are very busy in war right now, and they are having a difficult time completing their degrees. How can we expect them to fight the battles and simultaneously pursue a degree?

Many of us know someone who's in the National Guard or Reserve and they're playing an ever increasing role in combat operations. We salute their service, and offering them the additional time to obtain their educational goals is a benefit that we should show them that we do appreciate all their efforts.

Now, we must think of the future of our Armed Forces. It really has saddened me to learn that the National Guard and Reserves has missed the recruitment goals for both 2005 and 2006. We know that the military does provide immense benefits to those that sign up, but it cuts off the Guard and Reserve when it comes to educational benefits. What better way to ensure our military remains an all volunteer force by encouraging more people to join?

Taking care of our troops and making education affordable are two of my top priorities in Congress. As a former professor at Penn State, I understand the value of an education, and believe that an educated work force is a better work force for all America. Extending the education benefit to our National Guard and Reserves will do just that.

Our troops are serving their country honorably, and the Guard and Reserve should have access to the higher education when they are finished. We owe it to our troops and to our families back home.

I urge all Members of Congress who care about our troops and the military families to vote in favor of this amendment.

I'd like to thank Chairman SKELTON for his work on this issue. He is truly a champion for our veterans and our military families.

Mr. Chairman, I yield back.

Mr. HUNTER. Mr. Chairman, we support this amendment and think it will be very useful, and thank the gentleman for offering such an outstanding amendment, and we support it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. CARNEY).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 8 by Mr. ANDREWS of New Jersey

Amendment No. 14 by Mr. DEFAZIO of Oregon

Amendment No. 21 by Ms. WOOLSEY of California

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 8 OFFERED BY MR ANDREWS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 216, not voting 19, as follows:

[Roll No. 364]

AYES—202

Abercrombie
Allen
Andrews
Arcuri
Baca
Baldwin
Bartlett (MD)
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)

Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Napolitano
Neal (MA)
Norton
Oberstar
Obey

Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Sestak
Shea-Porter
Sires
Skelton
Slaughter

Smith (WA)
Snyder
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—216

Ackerman
Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyd (FL)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cuellar
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake

Dreier
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)

Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
Melancon
Mica
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz

Scott (GA)
Sensenbrenner
Sessions
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder

Space
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)

Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Baird
Bishop (UT)
Christensen
Cubin
Culberson
Davis, Jo Ann
Engel

Faleomavaega
Hinojosa
Israel
Jones (OH)
McCaul (TX)
McMorris Rodgers

Miller (FL)
Nadler
Pickering
Shays
Solis
Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are advised there are 2 minutes remaining on this vote.

□ 2020

Mr. ROTHMAN and Mr. BISHOP of Georgia changed their vote from "aye" to "no."

Messrs. MOLLOHAN, RUSH and BARTLETT of Maryland changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. DE FAZIO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 136, noes 288, not voting 13, as follows:

[Roll No. 365]

AYES—136

Abercrombie
Allen
Arcuri
Baldwin
Becerra
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carnahan
Carson
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn

Conyers
Costello
Courtney
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dingell
Doggett
Doyle
Duncan
Ehlers
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Garrett (NJ)
Gilchrest
Gillibrand
Gonzalez

Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hinchey
Hirono
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick

Kind
Kucinich
Langevin
Larson (CT)
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lynch
Maloney (NY)
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meeks (NY)
Michaud
Miller, George
Moore (WI)
Moran (VA)

Murphy (CT)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Schakowsky

Schwartz
Scott (VA)
Serrano
Sires
Slaughter
Solis
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Udall (NM)
Upton
Velázquez
Visclosky
Waters
Watson
Watt
Welch (VT)
Woolsey
Wu
Yarmuth

NOES—288

Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Castor
Chabot
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)

DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Drake
Dreier
Edwards
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jefferson
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Kanjorski
Keller
King (IA)
King (NY)

Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Meek (FL)
Melancon
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam

Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Van Hollen
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Baird
Bishop (UT)
Cubin
Culberson
Davis, Jo Ann
Engel
Faleomavaega
Jones (OH)
McMorris Rodgers
Miller (FL)
Nadler
Shays
Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are advised there are 2 minutes remaining on this vote.

☐ 2029

Mr. HINOJOSA and Mr. COHEN changed their vote from "aye" to "no."

Mr. CUMMINGS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HOYER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAPUANO) having assumed the chair, Mr. PASTOR, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes, had come to no resolution thereon.

☐ 2030

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. HOYER. Mr. Speaker, after consultation with the minority leadership, I ask unanimous consent that during further consideration of H.R. 1585, pursuant to House Resolution 403, and after the next vote, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, what we have done, in conjunction with discussions with Mr. BLUNT, is, we expect no further votes after this vote. We will consider the balance of the bill tonight, and tomorrow we expect six votes. The first one will be a 15-minute vote and the balance will be 2-minute votes.

We wanted to announce that so Members can be prepared for that tomorrow.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue in the Committee of the Whole.

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. CON. RES. 21, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–156) on the resolution (H. Res. 409) waiving points of order against the conference report to accompany the Senate concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012, which was referred to the House Calendar and ordered to be printed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Pursuant to House Resolution 403 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1585.

☐ 2033

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes, with Mr. PASTOR (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 14 printed in House Report 110–151 by the gentleman from Oregon (Mr. DEFAZIO) had been disposed of.

AMENDMENT NO. 21 OFFERED BY MS. WOOLSEY.

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WOOLSEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 119, noes 303, not voting 15, as follows:

[Roll No. 366]

AYES—119

Ackerman
Baldwin
Becerra
Berry
Bishop (NY)
Blumenauer
Boswell
Braley (IA)
Capps
Capuano
Carson
Castle
Chandler
Christensen
Clarke
Clay
Clyburn
Cohen
Conyers
Costello
Crowley
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Ellison
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (NC)
Kaptur
Kind
Kucinich
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meeks (NY)
Miller, George
Moore (WI)
Moran (VA)
Murtha
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pastor
Paul
Payne
Peterson (MN)
Petri
Price (NC)
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schwartz
Serrano
Shea-Porter
Slaughter
Solis
Stark
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Yarmuth

NOES—303

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonner

Bono
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Castor
Chabot
Cleaver
Coble
Cole (OK)
Conaway
Cooper
Costa
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pascrell
Pearce
Pence
Perlmutter
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Saxton
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—15

Baird
Bishop (UT)
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Jones (OH)
Kilpatrick
McMorris Rodgers
Meek (FL)
Miller (FL)
Nadler
Shays
Shuster
Wynn

☐ 2042

Mr. FARR changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SKELTON. Madam Chairman, I ask unanimous consent to enter into a colloquy with the gentleman from Texas (Mr. ORTIZ).

The Acting CHAIRMAN (Ms. JACKSON-LEE of Texas). Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. Madam Chairman, I yield to the gentleman from Texas (Mr. ORTIZ) for the purpose of a colloquy.

Mr. ORTIZ. Madam Chairman, I thank the gentleman.

Mr. Chairman, I rise today to ask for your help to bring clarity to a disagreement in principle between the Department of Defense and the military depots over the definition of parts supply functions as they pertain to depot-level maintenance.

The 2005 BRAC Commission transferred supply, storage and distribution management functions to the Defense Logistics Agency without fully understanding the critical difference between parts supply from storage and in-process parts supply.

☐ 2045

Without this clarification, military depots could lose control of parts movement during hands-on depot maintenance. Depot maintenance of war-related equipment is a critical piece of the services' reset program, and this clarification would ensure reset continues without disruption.

Mr. SKELTON. I thank the gentleman for raising this important issue, and I assure the gentleman from Texas that I will assist him in achieving clarification of what appears to be an inherent depot maintenance function that affects the Army's and Marine Corps' ongoing equipment reset efforts.

Mr. ORTIZ. I also want to thank the chairman for joining me today in requesting the GAO investigate the impact on military equipment readiness that this ill-advised transfer of supply function could have. We are asking the GAO to look at the distinctions between supply from storage and in-process parts supply, whether the business plan developed by DOD could ensure a timely transferring without depot disruption, the impact on depot hourly rates, and the depots' ability to meet surge requirements if they lose this critical function.

Mr. SKELTON. These are all important questions, and I fully support the gentleman's efforts to review whether it is appropriate to transfer what appears to be an inherent depot function.

Mr. ORTIZ. I thank the gentleman for his support.

AMENDMENT NO. 30 OFFERED BY MR. TIERNEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 30 printed in House Report 110–151.

Mr. TIERNEY. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. TIERNEY:

Title II, subtitle C, add at the end the following:

SEC. 2___. MISSILE DEFENSE FUNDING REDUCTIONS AND PROGRAM TERMINATIONS.

The amount in section 201(4) for research, development, test, and evaluation, Defense-wide, is bereby reduced by $1,084,400,000, to be derived from amounts for the Missile Defense Agency as follows:

(1) $298,800,000 from the termination of the Airborne Laser program.

(2) $177,500,000 from the termination of the Kinetic Energy Interceptor (KEI) program.

(3) $229,100,000 from the termination of the Multiple Kill Vehicle (MKV) program.

(4) $170,000,000 from the termination of the Third Interceptor Field at Ft. Greeley, Alaska.

(5) $150,000,000 from the termination of the Third Ground-Based Midcourse Defense site in Europe.

(6) $59,000,000 from the Space Tracking and Surveillance System (STSS) Block 2008 work and "follow on" constellation.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Madam Chair, the amendment I and my colleague, RUSH HOLT, are offering this evening is really quite simple. It reduces the $8.1 billion specified by the Missile Defense Agency by approximately $1 billion and takes a modest but necessary step in refocusing on missile defense policy.

I think we should make no mistake about it, we have spent $107 billion since the days of the Reagan administration on missile defense. We have had years of unanticipated cost growth, unacceptable schedule delays, and unaccountable management by the Pentagon.

It is time for a change in that policy. It is time for a change in how we address ballistic missile defense. We have plenty of other priority national security matters and more pressing homeland security needs to address.

How much longer can Congress continue to acquiesce and authorize billions of dollars in funds for this deeply flawed system?

The Pentagon continues to build before testing; it is a recipe for waste. We can tell my colleagues that if the status quo continues, the Congressional Budget Office projects the total cost for missile defense will peak in the year 2016 at about $15 billion per year, excluding cost risk.

If you add in cost risk, the CBO knows that the Pentagon's projected investment needs for missile defense might go to $18 billion. We are going to hear from others here that North Korea, Iran, and China have the potential for proliferation of missile technology, and all of that is not sufficient reason for opposing this amendment. The fact of the matter is that argument would rest on the false assumption that the current system could actually defend this country against those risks. It can't because it doesn't work. It continues to not be able to work because it lacks operational testing that is realistic. That hasn't occurred, and it does not look like it is likely to occur any time soon.

We know and understand the threats confronting this country, and a $1 billion cut in the Missile Defense Agency, the way it is done here, will certainly not compromise our national security. And, in fact, by forcing the Pentagon to test before it builds, it will actually make sure that we don't have false securities.

This Congress should not continue to acquiesce in the authorization on this deeply flawed system. We have to come to terms with certain stubborn realities and have the courage to change course.

We are not alone in thinking this way. There were seven reports issued last year from nonpartisan groups, the Government Accountability Office, the Department of Defense Inspector General, the Congressional Research Service, the Congressional Budget Office, the Pentagon's Director of Operational, Test and Evaluation, all arrived at the same conclusion: "Change in this program is imperative."

Our amendment will focus on high-risk, longer-term research programs and target those initiatives that simply do not warrant immediate congressional support. It reflects the views of the conferees to last year's defense authorization bill who wrote that they "believe that the emphasis of our missile defense efforts should be on the current generation of missile defense capabilities."

I would now like yield to my colleague, Mr. HOLT.

Mr. HOLT. Madam Chair, I thank my friend, Mr. TIERNEY, for his leadership on this issue. I have worked on nuclear proliferation and weapon defense issues for decades. I can assure my colleagues in this House that with our present or even projected technologies, the administration's "neo-Star Wars" proposal has poor odds of defeating a ballistic missile strike on the United States. Our missile defense system does not work and wishing will not overcome physics. It can be confused by decoys, it faces numerous testing problems. To put it bluntly, it is a faith-based military program, not one grounded in science.

Furthermore, it is destabilizing and it is a wasteful program that robs us of funds that we need for truly important real-world crises facing our communities and our Nation and our national security.

Mr. TIERNEY. Madam Chairman, I simply close by saying this is a system which has not been realistically tested in the operational sense. The moneys that are being cut here are not necessary for near-term programs. They are high risk, down the road.

It is appropriate for us to redirect those spendings on issues that are more immediate in terms of our national security defense at this point in time. I urge my colleagues to support this amendment.

Madam Chair, I yield back the balance of my time.

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Madam Chair, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I thank the gentleman for yielding. I find myself in opposition to this amendment.

A $764 million reduction has already been made in the Missile Defense Agency programs. An additional billion dollars would terminate or cancel long-term missile defense programs which I think would not be in the correct mode for the United States. This amendment simply goes too far.

This amendment would effectively terminate most, if not all, of the Missile Defense Agency's longer term research and development programs. Given the dynamic security environment we find ourselves in today, I don't believe it is prudent to do this.

I oppose this amendment because, quite frankly, the committee strikes the right balance in cutting the amount of $764 million, and it should stay as the committee recommended.

Mr. HUNTER. Madam Chair, I yield 1 minute to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Madam Chairman, this amendment, is perhaps well intended but goes much too far. This together with the $764 million that has already been cut from the bill provides us with a 20 percent cut in the missile defense program.

Since 2001, contrary to what the proponents of this amendment just said, the Missile Defense Agency has conducted 27 successful hit-to-kill intercepts. That is 27 out of 36 attempts. I am very proud of these results.

Let me just highlight some of them. On September 1, 2006, we successfully employed an operational ground-based mid-course defense interceptor.

In November 2005 and in June 2006, and again in April 2007, less than a month ago, the SM-3 successfully intercepted both separating and unitary targets.

In July 2006, January 2007, and April 6, 2007, the Terminal High Altitude Area Defense, THAAD, System, successfully intercepted unitary targets.

Finally, during this past March, we saw a successful hit in-flight test of the Airborne Laser Targeting System; all successes, not failures.

Mr. HUNTER. Madam Chairman, I yield 1½ minutes to the chairwoman of the Strategic Subcommittee, the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Madam Chair, I thank the gentleman for yielding, and I want to thank my colleagues very much for bringing this issue up, although I cannot support their amendment. I appreciate not only their frustration, but their energy that they bring to the debate because, frankly, as the Chair of the subcommittee, that is the reason we did cut $764 million from this program.

For a long time I think many of us have been concerned that this has been an agency that has been obviated from all of the normal conventions of responsibility and testing regimen and accountability. I think what we see now is that we do have components of missile defense that are successful. Certainly PAC-3 is successful, certainly Aegis BMD is successful, and many of us have very high hopes for THAAD.

The ground-based system has not had as successful testing as many would like. As frustrated as my colleagues may be, as severe a cut as they are proposing is too detrimental to our ability to do what we try to do in this bill, which is to deliver in the near term the kind of protections that we need to have for not only the American people here at home, but for our warfighters deployed down range.

These medium and short-range missile threats are real. It is important that we keep this funding going so we can deliver on these good opportunities while we restructure the program and while we hold the Missile Defense Agency accountable for the first time.

I have to reluctantly oppose this amendment.

Mr. HUNTER. Madam Chairman, I yield 1 minute to the ranking member of the Strategic Subcommittee, Mr. EVERETT.

Mr. EVERETT. Madam Chair, you know, you can attack this a number of ways. Basically what the proponents of this amendment say is that they simply don't like missile defense. I would like to go to where the gentleman from New Jersey and the chairman of the committee went.

There have been 27 successful kills; ground-based missile defense, 5 of 8; Aegis, 8 of 10; THAAD, 3 of 4; Predator, PAC-3, 11 of 14.

A key theme of our bill is we should not proceed with some missile defense programs without robust testing, but testing and systems engineering are always the first to go when cuts are levied on programs. How can you test without money?

I think that is a point of their amendment. They know you can't test without money, and they are against testing and against the missile defense system.

I urge a "no" vote on the amendment.

Mr. HUNTER. Madam Chair, very simply, testimony by General Bell, who is commander of U.S. Forces Korea, before the HASC on March 7 said: "I've got 800 of these missiles pointed at U.S. troops right now in South Korea. So I would support vigorously a robust approach to theater ballistic missile defense, layered defense, intercontinental ballistic. It's a very important part of the total approach to this very serious problem."

I would very strongly recommend a "no" vote on this amendment.

□ 2100

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. TIERNEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mrs. TAUSCHER. Madam Chairman, pursuant to section 3 and 4 of House Resolution 403, and as the designee of the chairman of the Committee on Armed Services, I request that during further consideration of H.R. 1585 in the Committee of the Whole, and following consideration of amendment No. 43, the following amendments be considered in the following order: amendment No. 7, amendment No. 1.

AMENDMENT NO. 11 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–151.

Mr. FRANKS of Arizona. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. FRANKS of Arizona:

Title II, subtitle C, add at the end the following:

SEC. 2 . INCREASED FUNDS FOR BALLISTIC MISSILE DEFENSE.

(a) INCREASE.—The amount in section 201(4), research, development, test, and evaluation, Defense-wide, is hereby increased by $764,000,000, to be available for ballistic missile defense.

(b) OFFSET.—The amounts in title I and title II are hereby reduced by an aggregate of $764,000,000, to be derived from amounts other than amounts for ballistic missile defense, as determined by the Secretary of Defense.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Madam Chairman, we currently only have a limited missile defense capability against limited threats. China is utilizing space for weapons testing, Iran is expected to have missiles capable of reaching the U.S. in less than 8 years, and now nuclear North Korea continues to defiantly test long-range missiles. Proliferation throughout the Middle East is rampant, and Osama bin Laden has stated, "It is our religious duty to gain nuclear weapons."

Madam Chair, the first job of Congress is to protect this Nation, and because of the day in which we live, that includes an obligation on our part to ensure that the Department of Defense develops and deploys defensive capabilities that protect the American people and our warfighters against nuclear missiles, which remain the most dangerous weapons humanity has ever faced.

This bill cuts almost $800 million in funding that would help close the critical gaps in our missile defense system.

One of the programs the majority believes is not worthy of the investment is the Airborne Laser. Madam Chair, the Airborne Laser is our primary and most mature boost-phase missile defense system. ABL is a speed-of-light technology that defends against enemy missiles in their earliest phase of flight, before they can initiate sophisticated countermeasures, before they can release multiple warheads, and while they are still on enemy territory.

The bill also takes $160 million from the Missile Defense Agency's $310 million request for the European site, which would defend United States homeland and our European allies and deployed warfighters against ballistic missile attacks from Iran.

Madam Chair, they completely eliminate even the small $10 million budget for conceptual studies of a space test bed, which would give the United States the technology to defend space assets and defend against enemy missiles in their critical boost phase of flight.

We must, Madam Chairman, have access to space, and we must be able to defend our space assets. It is astonishing to me that this has become a partisan issue.

Madam Chair, if we build a truly robust, layered missile defense system in this country, the day may come when we will have to apologize to the American people for building a defensive system that proved to be unnecessary. But God save us from the day, Madam Chair, when we have to apologize to the American people for failing to build a system that could have protected them from the unspeakable nightmare of missiles turning American cities into nuclear flames.

Madam Chair, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Madam Chair, I thank the gentleman for his leadership.

Madam Chair, I rise in opposition to the majority's proposal to cut $764 million from missile defense just as a genocidal Iran kicks into high gear its missile buildup and sprints toward the nuclear finish line. The incongruity of this proposal is perplexing. These proposed cuts don't make any sense.

Iran has made its intentions clear: the liquidation of the state of Israel and the United States of America. Add to the mix Iran's historic cooperation with terror groups and we have the perfect storm on our hands.

Iran, before long, will have the missiles to reach all of Europe and the United States. We must do all we can to ensure that we cannot be hit or held hostage. We must invest in a robust, layered missile defense that can defend America and her allies against immediate, near-term, and long-term threats posed by Iran and other rogue regimes.

Madam Chair, amid the dangers, how can we decrease our investment in missile defense? Gambling our national security on the illusion that our enemies won't have the resources, technology and wherewithal to launch that first missile into an American school, shopping mall or sports arena is a risk that we should not take. Failing to prepare for this reality could lead to catastrophe, the consequences unfathomable.

I support the gentleman from Arizona's amendment.

Mr. FRANKS of Arizona. Madam Chair, could I inquire as to the remaining time?

The Acting CHAIRMAN. The gentleman from Arizona (Mr. FRANKS) has 5½ minutes remaining.

Mr. FRANKS of Arizona. Madam Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Madam Chairman, I thank the gentleman from Arizona for his leadership.

I was struck by something that the subcommittee chairman said during the debate on the last amendment regarding missile defense, which is the concession that the threat from attacks by missile is real. I would submit that it is real, it is significant, and it is growing; and the notion that we would scale back this Nation's preparedness from rogue nations such as North Korea and Iran and the ever-mounting potential threat coming from China, all three of whom have tested ballistic missiles in the last year, is folly, it is reckless, and it puts U.S. interests and U.S. allies gravely at risk.

It is inarguable that the risk from a missile attack is not greater today than it has ever been from the most dangerous and least reliable sources, those who are willing to trade in the terrorist black market of technology and weapons of mass destruction, those who have declared Israel's need to be wiped off the face of the Earth and those who have declared death to America.

We cannot lose sight of this important, over-the-horizon danger by cutting back on funds, researching and developing an adequate missile defense for our country and our allies.

Madam Chairman, I submit to you that there is a vital difference between the direction that the majority and the minority would take U.S. defense policy in this environment. We cannot cut back on our missile defenses in this country and in this environment.

Mr. FRANKS of Arizona. Madam Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 10 minutes.

Mrs. TAUSCHER. Madam Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the chairman of the committee.

Mr. SKELTON. Madam Chairman, I thank the gentlewoman.

I rise in opposition to this. A similar amendment was offered in committee and was defeated by a 34–24 vote. With the cuts that were correct, well thought out, on the committee level, our bill still authorizes $9.5 billion for missile defense programs.

This committee's reallocation is just over 8 percent of the Missile Defense Agency's budget or $764 million to such programs as are necessary.

For too long, the missile defense program's been focused on developing futuristic technologies rather than near-term capabilities. Our bill fully funds, or actually increases, funding for key near-term missile defense systems, and for this reason, I do oppose this amendment.

Mrs. TAUSCHER. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, I rise in opposition to this amendment, specifically because of some of the language that my colleagues have been using.

What I find to be absolutely amazing is my colleagues on this side of the aisle who, for the last 6 years, have operated under a theory that there's never been too much money for missile defense without any accountability and without any reasonable sense that they had to have tests and that they had to produce for the American people. So it's not surprising to me that my colleagues rise and try to add back the money, the 8 cents on the dollar that my subcommittee, in a bipartisan way, trimmed from this program, as we did what the Republican bill last year suggested, that we redirect the focus of missile defense to near-term capabilities for the warfighter, for the American people and for our allies.

Now, the never-too-much money for MDA crowd will try to gin up all kinds of threats, and I will say it again. We here on this side of the aisle are not confused about the threats. We believe these are real threats, and that is why we have diligently restructured the MDA budget to deal with the near-term threats so that we can actually protect the warfighter, the American people and make sure that we have these capabilities now for current threats.

So the idea that we are doing massive cuts and that this is irresponsible probably makes sense to people that think that there's no such thing as not enough money for MDA, but from my point of view and for my constituents, I believe they need accountability, they need a testing regime operated by somebody other than themselves, and we need to have the modest cuts in this budget and need to oppose this amendment.

Madam Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Madam Chairman, I thank the gentlewoman for yielding.

If you listen to our friends on the other side of the aisle talk about ballistic missile defense, you'd never know that we have spent in today's money at least $125 billion since the days of Spartan and Sprint in the 1970s. This bill continues spending, continues that trend at a very robust level.

Sure, it does provide for cuts of $764 million, but it leaves in the bill $9.5 billion, and I would challenge the gentleman to find any other system in this bill which is funded at a level more robust than $9.5 billion. I don't think he will find it.

This bill provides, with the $9.5 billion, for the Patriot system, a PAC–3 system, a theater system, a tactical system, vitally important, provides $1.4 billion. That's $500 million more than the current year. It will buy Patriot PAC–3s for two additional battalions.

Aegis BMD, the Aegis cruiser, the adoption of the Aegis BMD by the Aegis cruiser, $1.1 million. That's an increase of $78 million over the current year over the budget request.

The ground-based midcourse interceptor, which shows the most near-term promise for becoming a truly ballistic missile defense intercept system, $2.3 billion for the GMD. It will buy 10 GMD interceptors to be placed either at Ft. Greeley, Vandenberg or maybe in Europe.

The THAAD is finally achieving its promise. It's our best tactical theater system. The THAAD is funded at $858.2 million. That's enough to buy two additional THAAD firing units.

The kinetic energy interceptor, our boost phase system, is funded at $177 million. It's in its earliest phases, but it looks like the most promising technology for boost-phase intercept.

Multiple kill vehicles, yet they're cut by $42 million, but that leaves $223 million for a new technology.

Space tracking and surveillance, they're cut, cut by $75 million, but that's because we are going to launch two satellites and then see what they can do. And if they do what they're supposed to do, if they meet their specifications, we will launch about seven more, but we're not going to buy and launch those seven more until we know what the two demonstrate what they can achieve.

□ 2115

That's a sensible cut, as are all of these cuts. They are very discriminating cuts. The airborne laser is a good example. This system has been cut by $250 million to $300 million. That's enough money to maintain the system as a technology demonstrator, which is the likely course that this system is going to run anyway.

It has missed numerous milestones for development purposes. They are not throwing the system away. They are going to convert it from something that's likely to be put in the force in the near term to something that we can extract the technology from and then decide whether we want to go further with it.

But you have to ask yourself if this system, which is missing its milestones and looks like it cannot attain the promises that were initially made for it, is costing $500 million a year, shouldn't we consider some small cut in it in order to place the money elsewhere?

These are discriminating cuts. They leave the program robustly funded. This amendment should be defeated.

Mrs. TAUSCHER. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Chairman, I rise in opposition to the amendment.

My friend from Florida a few minutes ago talked about a threat over the horizon. He is right, it is a threat, and it's over the horizon. This bill takes, to deal with that threat, for every $100 the President asks for, we give them $91.50 to deal with that threat.

We allocate that money in this way. We say for the technologies that are robust and mature and working, let's do more of it to protect us better and sooner. But for the technologies that are untested, let's test them and see if they work.

Now, what do we do with the $8.50 per $100 that we do not put into these untested technologies? We find what the 9/11 Commission has called the grave immediate threat to the country. A grapefruit-sized quantity of loose nuclear material, if made into a bomb by a terrorist group, could create a Hiroshima-type explosion in Times Square in New York City, or at the Washington Mall here in this city.

The administration is on a path to convert reactors that have that loose nuclear material in the former Soviet Union to get them all done in the next 14 years. We don't think that's good enough. So we take the money and speed it up so those reactors will be converted and shut down sooner. That threat is not over the horizon. It is here today.

That is where we should be spending our money, and that is why this amendment should be defeated.

Mrs. TAUSCHER. Madam Chairman, I reserve the balance of my time.

Mr. FRANKS of Arizona. Madam Chairman, I yield 1 minute to the distinguished ranking member of the Armed Services Committee, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman for yielding.

Madam Chairman, let me just make this clear. This is a net cut in missile defense. This is not a matter of taking money from something that we don't need and moving it to something we urgently need. This is a net cut of $764 million.

Now, my great friend from North Carolina (Mr. SPRATT) made the point we spent well over $100 billion on missile defense since Ronald Reagan reminded us that we live in the age of missiles. On the other hand, the strike on 9/11 probably cost us, in terms of economic destruction, $500 billion plus.

We can't afford not to have robust missile defense. That means you take down incoming missiles at all phases, in boost phase, in midcourse, and, lastly, in terminal phase. We need robust missile defense. We need to defend this country. We need to restore this money, and the Franks amendment is right on target.

Mrs. TAUSCHER. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, as I said earlier, I rise in opposition to this amendment because we, I believe, have cuts in this bill that not only preserve the ability to have robust investments in missile defense, but, for the first time, create accountability for the Missile Defense Agency to deliver in the near term the kinds of capabilities necessary to protect our warfighters in the near term for real threats they face today, the American people, for real threats they face today and our allies and access abroad.

That is what we decided to do last year in the defense bill. That is our most important priority. These are minor cuts that redirect our agency to do what they never did under our colleagues when they were in the majority, which is to have operational testing that is real, that has countermeasures, that deals with the real kinds of circumstances that we would face if we were attacked. There is great doubt out there about the capabilities of this system because it has never been held to the rigor and the robust testing necessary to make it a credible deterrent.

We believe these cuts are marginal cuts. We plus up many things in this bill to make sure that we deliver in the near term to the warfighter the capabilities they need, and I urge my colleagues to oppose this amendment.

Madam Chairman, I yield back the balance of my time.

Mr. FRANKS of Arizona. Madam Chairman, might I inquire as to the remainder of the time?

The Acting CHAIRMAN. The gentleman has 3 minutes remaining.

Mr. FRANKS of Arizona. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Madam Chairman, I serve as the ranking member on the Subcommittee on Terrorism, Nonproliferation, and Trade. What this underlying bill cuts is the funding for European missile defense that would be situated in Poland, which would catch an attack from Iran in the boost phase.

Now, the reason this is important, why are we worried about Iran in this, the IAEA inspectors, if you recall, this last weekend were shocked to find that Iran had made very fast progress on enrichment of uranium needed to make a nuclear bomb. They said this made it clear that technological advances in Iran are coming on very, very fast.

The proposed missile defense deployments in Poland and the Czech Republic that this amendment supports would thus help the United States and Europe. It's supported by Poland, the Czech Republic, the U.K., and frankly to cut it right now makes no sense.

Sixteen of the last 17 tests have been successful. This Congress, again, should not weaken our missile defense, especially at a time when we found North Korea transferring this missile technology to Iran. We can see this coming. Pass this amendment.

Mr. FRANKS of Arizona. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Madam Chairman, I rise in support of this amendment for two very important reasons. First, there is a growing threat. Today's Herald Tribune, a newspaper owned by The New York Times, says that North Korea is developing new, long-range missiles capable of hitting Guam, an article from the Herald Tribune.

The second set of reasons that I support this amendment is that while there is a growing threat there is a rapidly emerging U.S. missile defense system. Since 2001, our successes have been many. We have conducted 27 successful hit-to-kill intercepts. That's 27 out of 36 attempts.

Therefore, let me just highlight some of the most recent successes. On September 1, 2006, we successfully employed an operational ground-based midcourse defense interceptor.

In November of 2005, June 2006 and, again, in April of 2007, less than a month ago, we successfully deployed an SM-3 interceptor, both separating and unitary targets.

In July 2006, January 2007 and April 2007, the Terminal High Altitude Area Defense, THAAD, System successfully intercepted unitary targets.

Finally, during the past March, we saw successful in-flight tests of the Airborne Laser Targeting System used for boost-phase intercept. Each of the near-term capabilities of PATRIOT, Aegis BMD, and GMD are only successful today because we provided them funding to test and develop them.

Cutting the Missile Defense Agency by $764 million will have the exact opposite effect. Therefore, knowing that our warfighters are asking for additional missile defense capabilities as soon as possible and that we have a missile defense system that actually works, Congress should not reduce defense spending on missile defense in light of the growing and clearly demonstrated threat by our adversaries.

Mr. FRANKS of Arizona. I urge my colleagues for this and future generations' sake to pass this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FRANKS of Arizona. Madam Chair, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 31 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. It is now in order to consider amendment No. 31 printed in House Report 110–151.

Mr. SESSIONS. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Mr. SESSIONS:

In section 222, add at the end the following:

(e) CLARIFICATION.—Subsection (a)(2) does not prohibit the use of such funds to place developmental missile defense systems on operational alert to respond to an immediate threat posed by ballistic missiles.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Madam Chairman, between November 2006 and January 2007, Iran tested its long-range ballistic missile capacities twice.

In July 2006, North Korea also tested a number of its ballistic missiles, including one that has a range of 9,000 miles and could hit parts of the United States of America.

In response to North Korea's test, the United States' Northern Command made nearly a dozen of our anti-ballistic missiles operational, or ready to use, to defend the United States against an imminent danger posed by ballistic missiles.

North Korea's long-range missiles were detected by United States satellites within seconds, and, thankfully, the missile failed after 42 seconds and after only several hundred miles of flight but North Korea and many of our strategic rivals and enemies continue to develop their missile capacities.

Now, it is the time for America's adversaries to understand that America must not have an unwillingness to put its missile defense system on operational alert in the face of imminent threat.

Section 222 of this legislation that we are debating tonight would prevent the missile defense funds authorized by this legislation from being used for operational and support activities.

Specifically, the language in this bill states that the funds provided only be used for the research, development, test and evaluation of our Nation's missile defense system, and it specifically prevents these funds from being used for operational and support activities.

My amendment would clarify that nothing in this legislation would prevent the United States of America from placing our missile defense system on operational alert to respond to an immediate threat to our security posed by enemy ballistic missiles.

If this bill is adopted without my amendment, it would mean that we are telling countries like North Korea that they can take a free shot at the United States of America because we would be unwilling to stand up our current missile defense capacities, exactly the wrong message to send to our enemies.

This makes no strategic sense, and the position of every Member of this body also should be on record saying that. If you want to tie the President's hands in defeating and defending America from ballistic missiles and declare to our enemies our lack of will to defend ourselves against ballistic missile attack, you should oppose this amendment.

But if you believe that Congress should make clear that this legislation should not and would not prevent our defenses from being placed on operational alert to respond to an immediate threat posed by ballistic missiles, you must support this amendment.

I encourage all of my colleagues to provide our military with the clearly stated flexibility that they need to defend our country.

Madam Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Madam Chairman, I claim the time in opposition, although I don't oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Mrs. TAUSCHER. Madam Chairman, let's just be clear. There is nothing in the bill that says that MDA cannot put the system on operational alert using RDT&E funds. They are not prohibited from doing it. In fact, they have done it in the past.

What section 222 does say that if you are going to operate it, you should use operating and maintenance funds. That's all it says.

☐ 2130

So we have no objection to the gentleman's amendment, because in fact there is nothing in the bill that prohibits the system from being flicked on, and there is nothing about what we say that is contrary to what the gentleman is asserting. However, we do believe that it is important that when you are operating a system, you should use operation and maintenance funds.

Mr. HUNTER. Will the gentlelady yield?

Mrs. TAUSCHER. I am happy to yield to the ranking member.

Mr. HUNTER. I thank the gentlelady for yielding and I appreciate her courtesy. And let me just say why I think you may want to consider supporting this amendment.

We had a discussion and we had some confusion a couple years ago with respect to missile defense, the systems that we were placing in Fort Greely, Alaska. The question was whether money that was R&D money could be used for construction, basically for pouring concrete, and we had a tremendous tug-of-war over that. So there is some ambiguity here.

We have got 14 missiles that could be used to intercept a couple of rogue incoming missiles even out of the test bed. So we could use these test missiles to protect our country in extreme circumstances.

I don't think it is a bad thing to clearly lay that out and clarify it in light of the fact that we did have confusion over the color of money in the missile defense programs between R&D and MILCON.

So would the gentlelady consider that in supporting the gentleman's amendment?

Mrs. TAUSCHER. Reclaiming my time, I said that very easily I would be happy to accept the amendment.

Frankly, we have had a markup in the subcommittee and a markup in the full committee over the last 3 weeks, and any time, if the gentleman had come to me and said that he needed clarification for what these funds could be used for, I would have been happy to clarify for him. And I hope he now feels it has been clarified.

It has always been operationally possible for the RDT&E money to be used for operational alerts. That is what they have been used for before.

So I am happy to accept the gentleman's amendment.

Madam Chair, I reserve the balance of my time.

Mr. SESSIONS. Madam Chair, I appreciate the gentlewoman from California, and the gentleman from California also, speaking about this very important issue. And I do appreciate the gentlewoman accepting this amendment.

Madam Chair, I yield back the balance of my time with the knowledge that will be done.

Mrs. TAUSCHER. Madam Chairman, I am happy to take the amendment. And any time that the gentleman wants to work together on these issues, we are happy to do it.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

AMENDMENT NO. 41 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. It is now in order to consider amendment No. 41 printed in House Report 110–151.

Mr. KING of Iowa. Madam Chair, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. KING of Iowa:

In section 1222 of the bill, strike "Section 1519" and insert "(a) CONTINUATION OF PROHIBITION.—Section 1519".

In section 1222 of the bill, add at the end the following new subsection:

(b) RULE OF CONSTRUCTION.—Congress recognizes that the United States has not established any permanent military installations inside or outside the United States. Nothing in this Act or any other provision of law shall be construed to prevent the Government of the United States from establishing temporary military installations or bases by entering into a basing rights agreement between the United States and Iraq.

The Acting CHAIRMAN. Pursuant to Resolution 403, the gentleman from

Iowa (Mr. KING) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Madam Chair, I am offering this amendment to add language to section 1222 of the bill. This language will clarify that the prohibition on establishing permanent military bases in Iraq will not prevent the United States and Iraq from entering into military basing rights agreements for the establishment of temporary bases in Iraq.

After I offered a similar amendment in the fiscal year 2007 Defense appropriations bill in the last Congress, I wrote a letter to Chairman Pace, Chairman of the Joint Chiefs of Staff; and in that letter, I asked General Pace for his thoughts on the need for the U.S. to enter into and retain the ability to enter into military basing rights agreements in Iraq and with Iraq. In his response, General Pace stated that it is the intention of the United States military to "work closely with Iraq's sovereign government to decide the terms and what foreign military forces and bases (if any) will remain in Iraq."

As this statement makes clear, we must ensure that the United States has the ability to work with the sovereign Government of Iraq to determine the kind of military support that will be necessary to ensure the stability and security of Iraq. My amendment will reaffirm that the United States' ability to exercise an important diplomatic responsibility in dealing with a new ally in the global war on terror. That ally is the Government of Iraq.

Historically, basing rights agreements have been a necessary part of diplomatic relations with foreign governments. These agreements outline guidelines and conditions for operating American military bases worldwide. It is both common and responsible for the United States to enter into basing rights agreements with countries hosting American troops. This is being done in every country hosting U.S. troops. The representative Government of Iraq should be no exception. In this way, my amendment ensures Iraq's sovereignty will be respected.

My amendment will simply highlight the fact that the prohibition on the establishment of permanent bases does not prohibit the United States from entering into a sensible diplomatic dialogue regarding the establishment of temporary military installations in Iraq. So, not to enter into these agreements would be to neglect the United States' diplomatic duties, and our security duties as well, with our partners.

One of the things that has poisoned this debate has been the use of the term "permanent base." It is no secret that this is a loaded term. However, the BRAC process has clearly demonstrated that there is no such thing as a permanent U.S. military base. As a reflection of this, military basing rights agreements can be negotiated for any length of time and can be renegotiated at any point in time.

I am not proposing the terms and conditions for these discussions or agreements, nor am I proposing the installation of permanent bases in Iraq with this amendment. I am not interfering or engaging in that, I am simply clarifying the intent of Congress and the hope and the policy that the Pentagon has advocated through General Pace's letter. I am simply asking that we ensure the United States be allowed to pursue our historic necessary avenue of responsible foreign relations.

CHAIRMAN OF
THE JOINT CHIEFS OF STAFF,
Washington, DC, August 16, 2006.

Hon. STEVE KING,
House of Representatives,
Washington, DC.

DEAR MR. KING: Thank you for your letter concerning long-term basing in Iraq. U.S. military personnel in Iraq are part of the multinational force helping the Iraqi people develop and strengthen their own political, economic, and security institutions. We are working with the new Iraqi government to establish a future security relationship that is consistent with our regional strategy and national interests. We will also work closely with Iraq's sovereign government to decide the terms and what foreign military forces and bases (if any) will remain in Iraq.

Currently, Multi-National Force-Iraq (MNF-I) is efficiently consolidating the basing footprint in Iraq to progressively reduce basing requirements to only those necessary to support Coalition operations. MNF-I uses a "conditions-based" process to synchronize basing requirements. MNF-I seeks to minimize our presence in Iraq, including Coalition partners, provincial reconstruction teams, transition teams, Department of State activities, and other supporting units and entities. This process will culminate with a transition to an operational and strategic overwatch posture, leveraging and maximizing support from a minimum number of strategically located forward operating bases and convoy support centers.

Foreign military presence irritates some segments of the population and motivates portions to support the insurgents. However, some segments of the population are thankful for our presence and do not desire our withdrawal until the security situation has improved. Further, our interactions with Iraqis and others build understanding and trust and reduce the myths our adversaries are propagating. It is a difficult balance and one that must be adjusted frequently. Our discussions and decisions with regard to Iraq and the War on Terrorism will balance our security needs, the needs of Iraq, and of our allies while remaining attuned to the cultural sensitivities of the people in the region.

Your continued support of the men and women of our Armed Forces is appreciated.

Very respectfully,

PETER PACE,
General, U.S. Marine Corps.

Mr. HUNTER. Would the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding, and I support his amendment.

As many of us on the Armed Services Committee have traveled to Iraq a number of times, and we utilize right now bases throughout Iraq, like the Balad Air Base, which was previously a fighter air base for Saddam Hussein's tactical aircraft, we use those bases, it makes absolute sense that we shouldn't somehow put Iraq in a different category than every other ally of the world which allows us to have a basing in their country. So designating that we may have temporary basing in Iraq is absolutely normal relations with Iraq, something that we have with dozens and dozens of other nations; and that will allow us in times of exigency to be able to use runways for resupply, for tactical air operations, for other operations that extend important American foreign policy in that region of the world.

And so I think the gentleman has a very commonsense amendment, and I would support it.

Mr. KING of Iowa. Reclaiming my time. I thank the gentleman from California, especially for his leadership on our national defense issues in a lot of ways. And I would just clarify the simplicity of this amendment.

It simply states that the United States has not established any permanent military installations inside or outside the United States. And nothing in this act that is before us or any other provision of law shall be construed to prevent the Government of the United States from establishing temporary military installations or bases.

That is the essence of this amendment. It is a clarifying amendment, because we had confusion last year and a misunderstanding last year that required a scramble to go to the Pentagon, to get a response from General Pace, to go to the conference committee, and to come back with language that was acceptable that secured the people of the United States and also protected our military that are out in the field protecting us. That is the essence of this amendment.

I reserve the balance of my time.

Mr. SKELTON. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Missouri is recognized for 10 minutes.

Mr. SKELTON. Some things are hard to understand. I think this is a very bad idea. By adopting this amendment, we are sending a message to the Iraqi people that we are there forever. We are sending a message to the American people we are going to be in Iraq forever. And what we are doing there is, at the end of the day, trying to create trust among the Iraqi people, and this is a major step backwards.

The President has not affirmed one way or the other on this, and I think we in Congress should strongly say that we are not there permanently, that we are there to bring stability, that we are there to encourage the representative government that is struggling along; but we are not there as a permanent resident either on a base or otherwise. And this is a message amendment that is to the Iraqi people and to the American people, and it is just a downright unclear and bad idea.

I yield 1 minute to my friend, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman for yielding.

I oppose this amendment because I believe its provisions subvert the best hope for stabilizing Iraq and ending the Iraqi civil war. I believe that if the responsible Sunni and Shia leadership in that country believe that it will become their responsibility to reach a political settlement to the end of the civil war, they will do so. I believe they will never accept that responsibility if they believe that the presence of the United States is permanent and indefinite.

I think, as the base bill does, that making a statement that we do not wish to have permanent bases in Iraq supports this theory, and will bring about a greater probability of stabilization of Iraq and an end to the Iraqi civil war.

So I believe the amendment sends precisely the wrong message and I oppose it.

Mr. SKELTON. I yield 1 minute to my colleague and friend, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I very much thank the Chair of the Armed Services Committee.

I also rise in opposition to this amendment. The United States are liberators, we are not occupiers. And yet, our enemy is propagandizing to the people that they are trying to convert to their cause that we are there permanently to take their oil, to control their government, to control their actions. And if we pass this amendment, we are confirming what our enemy is trying to suggest in generating more support against the American cause.

As I say, we have always gone in to liberate, not to occupy. And to suggest, which is what this amendment would do if it passed, that we are there permanently, with permanent bases, is exactly the opposite of the message that we need to send. And our military commanders have made it clear, we will not achieve a military victory. If we are going to be victorious, it has to be a political victory. And this is a key aspect of that political victory. So I strongly urge defeat of this amendment.

Mr. SKELTON. Madam Chair, I reserve the balance of my time.

Mr. KING of Iowa. Madam Chair, I stand here and listen to this debate, and I am wondering what kind of message the Iraqi people are getting. I suspect they might have read this amendment. They might know that this amendment clearly says, and that is what is already in the record, that the United States has not established permanent military installations anywhere, and that nothing in this act or provision shall be construed to prevent us from establishing temporary military installations or bases in those agreements in the United States or Iraq or anywhere.

This amendment addresses temporary basing rights, not permanent basing rights. It is a clarification amendment, because we have had so much confusion and miscommunication. Now we have more confusion and miscommunication; and I would direct the attention, if I could, of the Members of this body back to the language that started this, which was the language that was amended out of the bill last year that says that none of the funds made available in this act may be used by the Government of the United States to enter into a basing rights agreement between the United States and Iraq.

□ 2145

That reference prohibited any basing rights agreement, temporary and permanent. We had to go to the Pentagon to get support, which the administration is the voice of, in order to clarify this language last year, this amendment's clarifying language this year. It's a simple thing. It says we can enter into temporary basing rights agreements wherever it's prudent for us to do so, not permanent basing rights agreement in Iraq or anywhere else.

Madam Chair, I reserve the balance of my time.

Mr. SKELTON. I yield an additional 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I only want to ask the author of the amendment, because I'm not sure I heard him correctly. Did he suggest that he thinks that the Iraqis have read this amendment?

I'm not entirely sure you would agree that all of our colleagues have read this amendment. But do you really think the Iraqis have read this amendment?

Mr. KING of Iowa. If the gentleman would yield.

Mr. MORAN of Virginia. Yes, I yield to the gentleman from Iowa.

Mr. KING of Iowa. I suspect the Iraqis will read this amendment if it becomes law. I suspect that my critics haven't all read this amendment. I hope they have, because I don't think we really disagree on the policy.

Mr. MORAN of Virginia. Reclaiming my time. My only point is that this is so much about the message we send, and I think the message that we want permanent bases is the wrong message.

Mr. SKELTON. Madam Chairman, what this amendment says is this: Excuse me, Mr. And Mrs. Iraqi. Hey, we're here permanently. That's the message that this amendment sends. And I doubt if there are many households in Baghdad or Tikrit or anywhere else that will read this amendment. But they'll get the message, should this amendment pass. The message is, Mr. And Mrs. Iraqi, we're here forever.

We can't do that. I oppose this amendment.

Madam Chairman, I yield back my time.

Mr. KING of Iowa. Madam Chair, first I'd say that perhaps I'm here endeavoring on the impossible dream, and that would be if we could just simply use this great communication skill that we all have and use it to communicate, so that we could exchange ideas and be able to agree when we agree and disagree when we disagree on the fundamental philosophy that's there, not because we came to the floor to disagree, because we don't. We're not advocating here for permanent bases. And there's nothing in the language of this amendment that advocates for permanent bases. This is a clarification that says we're not going to foreclose our responsibility to be able to negotiate temporary bases in Iraq or anywhere else. We've never had our United States military anywhere in the world where we didn't have some kind of temporary basing rights agreement. We have never had a permanent basing rights agreement anywhere. And we have closed many bases across Germany and Europe. We've done that. We'll do so, and we're doing so in Iraq. We've happened over a number of different bases. The last number I heard was 33. It's probably many more than that into the hands of the Iraqis for their control. And so the message that needs to come from here, if we're concerned about the message that we're sending, we should stand up and say we agree. We don't intend to stay in Iraq permanently. We do agree that it'll require some temporary bases for us to carry out our operations there to protect our American troops that are there with the coalition and the Iraqi people. It's a prudent and a wise thing to do. Having a misunderstanding and a misconception is not a good thing to do. I think we agree on the policy. We should come together on the message.

Support this amendment, Madam Chair. And if we do that that will better, I believe, for the people in this country, for our military, for the Iraqi people. And as this unfolds, where the surge tactics are, they'll have the confidence that we stand with our military here in a prudent approach.

Madam Chair, I'd urge support for my amendment, and yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Madam Chair, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. MORAN OF VIRGINIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 110–151.

Mr. MORAN of Virginia. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. MORAN of Virginia:

At the end of subtitle E of title X, insert the following new section:

SEC. 1055. A REPORT ON TRANSFERRING INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains a plan for the transfer of each individual presently detained at Naval Station, Guantanamo Bay, Cuba, under the control of the Joint Task Force Guantanamo, who is or has ever been classified as an "enemy combatant" (referred to in this section as a "detainee").

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) An identification of the number of detainees who, as of December 31, 2007, the Department estimates—

(A) will have been charged with one or more crimes and may, therefore, be tried before a military commission;

(B) will be subject of an order calling for the release or transfer of the detainee from the Guantanamo Bay facility; or

(C) will not have been charged with any crimes and will not be subject to an order calling for the release or transfer of the detainee from the Guantanamo Bay facility, but whom the Department wishes to continue to detain.

(2) A description of the actions required to be undertaken, by the Secretary of Defense, possibly the heads of other Federal agencies, and Congress, to ensure that detainees who are subject to an order calling for their release or transfer from the Guantanamo Bay facility have, in fact, been released.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Virginia (Mr. MORAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. MORAN of Virginia. Madam Chairman, I first want to thank the chairman of the Armed Services Committee and his superb staff for helping redraft portions of this language so that it might be considered. The final language represents a common-sense agreement that I think we should all reach consensus on.

The amendment's purpose is to shed some light on what has become an increasingly invisible world down at Guantanamo Bay.

The first detainees were brought to Guantanamo in 2002 to bypass the U.S. legal system and avoid international conventions and public scrutiny. Since that time the detainment facility has become a blight on American ideals and principles.

We have captured, tortured and interminably held men that we call enemy combatants, some of whom are guilty of crimes against our Nation and should be punished. Others, however, are only guilty of being in the wrong place at the wrong time.

We have created closed military tribunals that offer the false impression of justice, but they fall woefully short of what we should expect from our American system of justice.

Like Abu Ghraib, we've created an unnecessary rallying cry and recruitment tool for al Qaeda and militant Islamists throughout the world. I strongly believe that the continued operation of Guantanamo Bay puts Americans in harm's way and threatens the safety of any of our captured military and civilians abroad.

Defense Secretary Robert Gates and Secretary of State Rice have agreed that Guantanamo Bay represents a serious problem if we are to prevail in the global war on terror. They both advocated shuttering Guantanamo Bay's detention facilities. Even President Bush expressed a desire to see Guantanamo Bay closed.

This amendment offers a first step in giving the President, the Congress and the Department of Defense policy alternatives to Guantanamo Bay. This amendment will require the Department to develop a plan to transfer detainees from Guantanamo Bay.

The report must estimate how many detainees the Department will charge with a crime, how many will be subject to release or transfer, or how many will be held without being charged with a crime, but whom the Department feels that it must detain.

Lastly, the report would include a description of actions required by the Secretary and Congress to ensure that detainees who are scheduled for release are, in fact, released.

This last piece is particularly important, as the Department of Defense has scheduled release of 82 detainees. DOD and the State Department, however, face obstacles releasing these men to their home countries, and in some instances their home nations won't accept their return. In other instances, the State Department won't return detainees to their home nations for appropriate reasons. But we need to know what policy tools Congress can provide to expedite the release of innocent detainees.

All of this information is absolutely necessary for Congress and the administration to make informed decisions about what to do about Guantanamo Bay.

Whether you like it or not, whether you believe that Guantanamo Bay is a blight on our international standing, or whether or not you believe that these detainees should be held and tried in the United States, we should all agree that the policy options before the President and Congress should not be limited by a lack of information.

To opponents of shutting down Guantanamo Bay and my colleagues who believe its closure is a sign of weakness, I suggest that upholding our American principles of justice are not incongruent with our war against terror.

And in a speech before the Republican National Convention in 1992, I would remind my colleagues President Reagan emphasized that our greatest strength as a Nation comes not from our wealth or our power, but from our ideals.

I ask all of my colleagues on both sides of the aisle to support this common-sense amendment, to move forward in our battle against anti-American sentiment, and to provide the President and Congress with real policy options for shutting down Guantanamo Bay.

Mr. SKELTON. Will the gentleman yield?

Mr. MORAN of Virginia. Yes, I'd be happy to yield.

Mr. SKELTON. I think that the gentleman should be commended and complimented on working with us to finally get the language that was the real intent of the amendment, and that what it does is requires a report to Congress on specific items. It does not specify detainees to be transferred or any change such as that.

So seeking information, I think, is basic to what we do as a country and what we do as a Congress. And I thank the gentleman very much for working with us to clarify this amendment, and appreciate you yielding.

Mr. MORAN of Virginia. I thank the chairman. I will reiterate the comments I made at the beginning. I thank very much the chairman's leadership and his superb staff for bringing us to this point. And as you say, this is only a matter of acquiring information.

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. My colleagues, I have a lot of respect for my friend from Virginia, but this amendment is a bad amendment. It's an amendment which goes to the very core of the Guantanamo facility, the purpose of the Guantanamo facility, the nature of the people who are imprisoned in the Guantanamo facility, and the ongoing war against terrorism.

Now, I'm reading my friend's amendment, and it directs DOD to undertake a plan for the transfer of each individual presently imprisoned at Guantanamo.

Ladies and gentlemen, the people who are imprisoned in Guantanamo are largely terrorists. They include people like Khalid Sheikh Mohammed, who has admitted in court that he planned the attack on 9/11 that destroyed thousands of American lives.

It includes people like Abu Zubaydah, who helped smuggle now deceased al Qaeda leader al-Zarqawi and some 70 Arab fighters out of Kandahar, Afghanistan into Iran, who also tried to organize a terrorist attack in Israel, who was recruited by Osama Bin Laden.

It includes Ahmed Galeni, who worked for al Qaeda's chief of external operations and forged or altered passports for many al Qaeda members, who knew and met many of the operatives involved in the attacks, including Fahid Masala, who was asked to help the group purchase TNT for trucks and gas cylinders that would later be used to construct a car bomb, requests which he fulfilled.

Ladies and gentlemen, these are people who understand how to kill large numbers of people. The last thing you want to do is to take people from an extremely secure facility that has been designed to ensure that they don't escape, that they're not able to spread their understanding of car bombs and other destructive devices to other terrorists or prisoners.

Now, the gentleman's initial amendment that was filed on this went a bit further. It talked about moving the detainees to places in the United States. And if you think it through, that's where we would probably have to transfer them. If it orders DOD to put together a transfer plan, the logical recipients of that transfer plan will be bases and facilities in the United States.

Now, that means that unless you isolate these terrorists, these people that know how to make car bombs, you're going to put them in facilities in the U.S. with American criminals, and they are presumably going to teach these people how to make things like car bombs and other destructive devices. In this case, you have to keep them isolated.

And I would say to my colleague, you know, we have had, under the tribunals that we have put together to determine whether people are just farmers in the field or whether they really were terrorist combatants, we've released a number of people who have gone back to Afghanistan and gone back to their home countries. A few of them have actually shown up on battlefields around the world fighting us again, which shows that our standard for releasing them has in some cases been too liberal, not too conservative.

□ 2200

But the idea of taking people who know how to kill large numbers of people with destructive devices and moving them, spreading them around to other institutions where they may give that knowledge to other people, other criminals who have hurt Americans, who might be inclined to hurt more Americans, is not a good idea. We need to keep them isolated.

And I would say to my colleague I have been down to Guantanamo. I am sure he has also. We feed those people well. They have a better medical system than most HMO systems in America. Not one person has been murdered in Guantanamo. And none of us can say about our State prisons nobody has ever been murdered in our State prison. Every single Member of this body has State prisons in their districts or their State in which more murders have taken place than in Guantanamo. Nobody is making a suggestion that we close our State prisons because they have a bad reputation nationally or internationally.

So I would respectfully urge a very strong "no" vote on this amendment. I think it is a bad amendment. I respect the author, but I think it takes us in the wrong direction.

Let's keep these people collected. Let's keep them isolated. Let's keep the rest of the world safe.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I would be happy to yield to the gentleman.

Mr. MORAN of Virginia. Mr. Chairman, I thank my good friend for yielding.

First of all, I agree with you the people you described. Khalid Shaikh Mohammed and the like, appear to be very dangerous people. These people, however, who were just transferred to Guantanamo, I think when Secretary Gates and the President spoke about Guantanamo, they were referring to the 772 that had been there over the period of 4 years now, rather than new arrivals.

But the point is, this is only a report; this does not mandate any action. It just presents information to the Congress. If the Congress was to transfer it, what would be the implication? So it is only a report, I would again remind the gentleman.

The Acting CHAIRMAN (Mr. ALTMIRE). The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 32 OFFERED BY MR. HOLT

The Acting CHAIRMAN. It is now in order to consider amendment No. 32 printed in House Report 110-151.

Mr. HOLT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. HOLT:

At the end of subtitle E of title X, add the following new section:

SEC. 1055. REQUIREMENT FOR VIDEOTAPING RECORDINGS OF STRATEGIC INTERROGATIONS AND OTHER PERTINENT INTERACTIONS AMONG DETAINEES OR PRISONERS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE UNITED STATES AND MEMBERS OF THE ARMED FORCES, INTELLIGENCE OPERATIVES OF THE UNITED STATES, AND CONTRACTORS OF THE UNITED STATES.

(a) IN GENERAL.—In accordance with the Geneva Conventions of 1949, the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and prohibitions against any cruel, unusual, and inhuman treatment or punishment under the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, the President shall take such actions as are necessary to ensure that any strategic interrogation or other pertinent interaction between an individual who is a detainee or prisoner in the custody or under the effective control of the Armed Forces pursuant to a strategic interrogation, or other pertinent interaction, for the purpose of gathering intelligence and a member of the Armed Forces, an intelligence operative of the United States, or a contractor of the United States, is videotaped.

(b) COMMENCEMENT OF REQUIREMENT.—The videotaping requirement under subsection (a) shall be applicable to any strategic interrogation of an individual that takes place on or after the earlier of—

(1) the day on which the individual is confined in a facility owned, operated or controlled, in whole or in part, by the United States, or any of its representatives, agencies, or agents; or

(2) 7 days after the day on which the individual is taken into custody by the United States or any of its representatives, agencies, or agents.

(c) CLASSIFICATION OF INFORMATION.—The President shall provide for the appropriate classification to protect United States national security and the privacy of detainees or prisoners held by the United States, of video tapes referred to in subsection (a). Videotapes shall be made available, under seal if appropriate, to both prosecution and defense to the extent they are material to any military or civilian criminal proceeding.

(d) STRATEGIC INTERROGATION DEFINED.—For purposes of this section, the term "strategic interrogation" means an interrogation of a detainee or prisoner at—

(1) a corps or theater-level detention facility, as defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006); or

(2) a detention facility outside of the area of operations (AOR) where the detainee or prisoner was initially captured, including—

(A) a detention facility owned, operated, borrowed, or leased by the United States Government; and

(B) a detention facility of a foreign government at which United States Government personnel, including contractors, are permitted to conduct interrogations by the foreign government in question.

(e) ACCESS TO PRISONERS AND DETAINEES OF THE UNITED STATES TO ENSURE INDEPENDENT MONITORING AND TRANSPARENT INVESTIGATIONS.—Consistent with the obligations of the United States under international law and related protocols to which the United States is a party, the President shall take such actions as are necessary to ensure that representatives of the following organizations are granted access to detainees or prisoners in the custody or under the effective control of the Armed Forces:

(1) The International Federation of the International Committee of the Red Cross and the Red Crescent.

(2) The United Nations High Commissioner for Human Rights.

(3) The United Nations Special Rapporteur on Torture.

(f) GUIDELINES FOR VIDEOTAPE RECORDINGS.—

(1) DEVELOPMENT OF GUIDELINES.—The Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)) shall jointly develop uniform guidelines designed to ensure that the videotaping required under subsection (a) is sufficiently expansive to prevent any abuse of detainees and prisoners referred to in subsection (a) and violations of law binding on the United States, including treaties specified in subsection (a).

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the guidelines developed under paragraph (1).

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, I yield myself such time as I may consume.

Let me begin by thanking Chairman SKELTON for his consideration in support of this amendment.

Some time back I was asking U.S. servicemen about interrogation of some detainees. Suppose you and your translator are not familiar with the dialect of the detainees, I said, how would you make a tape available to a good linguist for review?

What tape, they said.

Later in other circumstances I learned about charges of mistreatment of detainees. But the only record of our treatment of detainees were the shameful recreational photos of Abu Ghraib. An official recording would have helped the situation, perhaps even have prevented the problems.

Hundreds of law enforcement organizations in all 50 States and the District of Columbia employ recording of interrogations and that is becoming the standard for interrogations around the United States. It improves the ability to get the best information, and it protects all parties involved, the interrogators and the detainees. I believe the lessons of those law enforcement organizations can be applied to our current detainee policies.

For years, police officers around the country resisted the idea of putting video cameras in their cars and interrogation rooms. Now those cameras, the dashboard camera, for example, is one of the cops' best friends. Today, such tools are widely used by law enforcement organizations around the country because of the protections and the investigative value they provide.

My amendment has three provisions: to require video recording of interrogations and other pertinent interactions between U.S. military personnel, or contractors, and detainees arrested and held. The video records would be kept at the appropriate level of classification and be available for review by intelligence personnel to help maximize the intelligence benefits of such interrogations. It would require the Judge Advocate General, pursuant to the Uniform Code of Military Justice, to develop guidelines designated to ensure that the video recording sufficiently prevents abuses of rights of detainees and prisoners.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HOLT. I would be happy to yield to the chairman.

Mr. SKELTON. Mr. Chairman, I support this amendment. This is just downright good law enforcement.

You must understand that so many jurisdictions, so many States have videotaping of interrogations for the very reasons that you stated, to make sure that their rights were preserved, to make sure that they said what was said to have been said, and there is a taping that cannot be refuted.

And you must remember that everyone is a potential defendant before a military commission. And what better evidence is there to present before a military commission, either for the defense or for the prosecution, than what was actually taped during interrogation? I think that we are just trying to catch up with other States that do this and require this. It is just good law enforcement.

And I thank the gentleman for yielding.

Mr. HOLT. Mr. Chairman, reclaiming my time. I thank the Chair for his comments.

Indeed, this is becoming the standard of interrogation. The video recording is inexpensive, easy to use, and it helps.

My amendment would also afford access to prisoners by the International Red Cross and Red Crescent, the U.N. High Commissioner for Human Rights, and the U.N. Special Rapporteur on Torture.

The electronic recording of interrogations is a concept that has been endorsed by multiple domestic and international organizations. In 1998, the Human Rights Committee of the United Nations strongly recommended that interrogation of suspects in police custody and substitute prison be strictly monitored and recorded by electronic means. In 2004, the American Bar Association urged all law enforcement agencies to videotape the entirety of custodial interrogations of crime suspects. Hundreds of DAs and prosecutors use these techniques.

Today, the ACLU noted in their endorsement letter of this amendment that it would increase the accountability for compliance with the McCain antitorture amendment. Human Rights First, Human Rights Watch expressed similar statements in their endorsement letters, and I will include in the RECORD these letters of endorsement from Human Rights First, Human Rights Watch, and the ACLU.

HUMAN RIGHTS FIRST,
New York, May 16, 2007.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR MEMBER OF CONGRESS: I write to express the support of Human Rights First for a proposed amendment to the FY2008 National Defense Authorization Act (H.R. 1585) introduced by Representative Rush Holt. The amendment would require the videotaping of interrogations and other pertinent interactions between detainees in the custody or under the effective control of the U.S. Armed Forces and relevant U.S. officials, consistent with a recommendation made by the Army Inspector General in July 2004. The amendment would also require that the International Committee of the Red Cross (ICRC), the U.N. High Commissioner for Human Rights, and the United Nations Special Rapporteur on Torture are provided access to detainees in U.S. custody.

These provisions are intended to ensure that the treatment of detainees in the custody of the United States Armed Forces is consistent with longstanding U.S. obligations under domestic and international law, including existing rules concerning ICRC access to prisoners. These commitments are contained in binding military regulations and field manuals and reflect the judgment that upholding the principle of providing access to captured prisoners is strongly in the interest of the U.S. military.

Because it advances both the interests of the United States and its values, we urge you to support Representative Holt's amendment to the National Defense Authorization Act.

Sincerely,

ELISA MASSIMINO,
Washington Director.

HUMAN RIGHTS WATCH,
New York, May 16, 2007.

Hon. RUSH HOLT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HOLT: Human Rights Watch writes to express our strong support for your amendment to the Department of Defense Authorization Bill, to ensure independent monitoring of detainee treatment and to require videotaping interrogations of prisoners in the custody of the U.S. Armed Forces.

Revelations about the use of torture from Abu Ghraib and detention facilities in Iraq, Afghanistan, and other locations from around the world have undermined the United States' moral authority and its ability to defeat terrorism in Iraq, Afghanistan, and elsewhere. As General Petraeus, the commander of US forces in Iraq, recently wrote to all of the troops serving there: "This fight depends on securing the population, which must understand that we—not our enemies—occupy the moral high ground." Torture and abuse do not produce reliable intelligence, warned the General, and they undercut one of the most effective weapons in the fight against terrorism—the support and cooperation of the local population.

Last September the Department of Defense issued a new Army Field Manual (2–22.3) on Human Intelligence Collector Operations, which rejects abusive interrogation and specifies a range of permitted interrogation techniques. Routine videotaping of interrogations can be one of the simplest and most effective means of ensuring compliance with these new rules and preventing abuse. When interrogators and guards know that their interactions with detainees are being recorded by their supervisors, they are more likely to play by the rules, and less likely to treat prisoners inhumanely. Videotaping also protects law-abiding interrogators and guards against unfair allegations of abuse. Moreover, your amendment ensures these videotapes can be classified to protect against the dissemination of information that could harm US national security.

Notably, the US Army Inspector General's July 21, 2004 report on Detainee Operations concluded: "All facilitates conducting interrogations would benefit from routine use of video recording equipment." The Defense Department has failed to heed this recommendation, and it now falls to Congress to require it.

Allowing the International Committee of the Red Cross (ICRC), the United Nations High Commissioner for Human Rights, and the United National Special Rapporteur for Torture to visit detainees in Department of Defense custody—as your amendment would do—would show the world that the United States no longer has anything to hide in its detention facilities. It would also allow the United States to insist credibly that independent monitors such as the ICRC be given access to any of its soldiers or citizens when they are detained abroad. As you well know, ICRC access to captured US soldiers has saved lives and provided perhaps the only source of relief to loved ones worried about their missing relatives.

Videotaping interrogations and allowing independent monitoring of detainees in US custody are two critical steps for preventing abuse and ensuring that the actions of those who violate the law do not taint the reputation of America's armed forces at home and abroad.

Thank you for your leadership on this important issue.

Sincerely,

TOM MALINOWSKI,
Washington Advocacy Director,
JENNIFER DASKAL,
Advocacy Director, US Program.

ACLU,
Washington, DC, May 16, 2007,

Re The Holt Amendment to the Defense Department authorization bill will increase accountability for compliance with the McCain anti-torture amendment.

DEAR REPRESENTATIVE: The American Civil Liberties Union strongly urges you to support the amendment that Congressman Rush Holt will offer this afternoon during consideration of the Defense Department authorization bill. The bill would make two important—and extraordinarily practical—changes to Defense Department interrogation and detention practices. It would (i) require the videotaping of interrogations of DOD detainees and (ii) allow access to DOD detainees for top human rights offices. Both provisions would increase accountability for compliance with the McCain anti-torture amendment.

During consideration of the Defense Department authorization bill for Fiscal Year 2006, an overwhelming bipartisan majority of the House of Representatives voted to support the McCain anti-torture amendment. As passed by Congress and signed by President Bush, the McCain Amendment requires the Defense Department to comply with the Army Field Manual on Interrogations, and reinforces the long-standing ban on the use of torture or cruel, inhuman, and degrading treatment across the entire government. The McCain Amendment was an important step to returning the rule of law to the federal government's interrogation and detention policies.

The McCain Amendment, combined with an important Supreme Court case last spring and regulatory changes made by the Defense Department, has led to an improvement in the Defense Department's policies on interrogations. The Holt Amendment builds on these important developments by requiring an additional layer of accountability.

The Holt Amendment is important for two reasons:

First, it requires videotaping of all interrogations by DOD personnel and contractors. While these videotapes could be classified for the protection of national security or privacy, consistent use of videotaping will be a strong deterrent against abuse. It will provide an additional reason for interrogators to ensure that they remain in compliance with the McCain Amendment, including the Army Field Manual on Interrogations. Of course, videotaping will also have the additional benefit to Defense Department personnel of protecting against any false accusations of misconduct and it creates an improved record of intelligence for the government. This very practical provision benefits everyone during interrogations.

Second, the Holt Amendment requires access to all DOD detainees for the International Committee of the Red Cross, the U.N. High Commissioner for Human Rights, and the U.N. Special Rapporteur on Torture. This provision largely codifies current DOD policy on ICRC access, as modified after the Supreme Court decision on Guantanamo detainees last spring. The Defense Department policy now provides access to International Committee of the Red Cross personnel to DOD detainees. Providing access to the additional two human rights offices of the U.N. will help ensure additional accountability.

We strongly urge you to bolster accountability for compliance with the McCain anti-torture amendment, including the Army Field Manual on Interrogations by voting "YES" on the Holt Amendment today. Please do not hesitate to call us if you have any questions regarding this issue.

Sincerely,

CAROLINE FREDRICKSON,
Director.
CHRISTOPHER E. ANDERS,
Legislative Counsel.

Mr. Chairman, today the House has the opportunity both to strengthen existing safeguards and to improve our intelligence collection efforts during interrogations. I ask that my colleagues vote "yes" on this amendment to H.R. 1585.

Mr. Chairman, I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. Mr. Chairman, I yield myself such time as I may consume.

Interrogations by military personnel are conducted under the Army Field Manual, which complies with the Detainee Treatment Act passed by this Congress. And, in essence, this amendment says, we don't trust our military to follow the law; as a matter of fact, we have to videotape them because, as a matter of law, we don't ever trust that they will comply with the law as set forth in the Army Field Manual.

And I would remind my colleagues that the military has chosen for its own reasons to use closed-circuit monitoring of interrogations at Guantanamo Bay, in part for the safety of the interrogators, but under this amendment that is not enough. Whether a military unit at Guantanamo or elsewhere chooses to use videotaping or closed-circuit monitoring is not enough under this amendment because we don't trust the military anywhere to conduct interrogations under the law pursuant to this amendment.

I would say, secondly, the military has told us that this amendment would materially interfere with DOD operations, and I heard clearly what the distinguished chairman of the committee and the gentleman from New Jersey said; they said, this is good police work. But I would remind them that our military are not policemen and that our military, in operations all over the world, facing very dangerous terrorists in all sorts of conditions, should have to comply with all of the same standards that a policeman in Missouri or New Jersey or elsewhere ought to have to comply with. This amendment forces upon them a legalistic, bureaucratic regulation on the very people we are counting on most to keep us safe from the most dangerous terrorists.

Mr. Chairman, I would also say that this amendment specifically says that the videotapes have to be given to the prosecution and defense in any civilian or military proceedings. Now, we have already had trouble in this country in having sensitive information from interrogations that has been presented to the parties leak out and get back to people we don't want it to get to. But I would suggest that this amendment runs an unreasonable risk of having sensitive national security information get back to the very terrorist networks that we are fighting, and the military are going to be faced with a choice of either allowing that to happen or not conducting the interrogations at all, which means we don't get the information.

Everyone from George Tenet to the current leadership of our national security organizations say the most valuable information we have gotten since 9/11 to prevent terrorist attacks has come from detainee interrogations. This amendment makes it harder, if not impossible, to get that information. This amendment says we don't trust the troops to follow the law and it will interfere with military operations. I would suggest that it would be a mistake and increase the dangers to this country and should be rejected.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. THORNBERRY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

It is now in order to consider amendment No. 43 printed in House Report 110-151.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendments numbered 4, 19, 28, 34, 35, 40 and 42 printed in House Report 110-151 offered by Mr. SKELTON:

AMENDMENT NO. 4 OFFERED BY MR. REYES

The text of the amendment is as follows:

At the end of subtitle C of title X, add the following new section:

SEC. 1022. EXPANSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES IN CERTAIN FOREIGN COUNTRIES.

Subsection (b) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136, 117 Stat. 1593) and section 1022 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2382), is further amended by adding at the end the following new paragraphs:

"(17) The Government of Mexico.

"(18) The Government of the Dominican Republic.".

AMENDMENT NO. 19 OFFERED BY MR. SCOTT OF VIRGINIA

The text of the amendment is as follows:

Title II, add at the end the following:

SEC. 2 . MODELING, ANALYSIS, AND SIMULATION OF MILITARY AND NON-MILITARY OPERATIONS IN COMPLEX URBAN ENVIRONMENTS.

Congress finds the following:

(1) Modeling, Analysis, and Simulation Technology has become an essential component in ensuring that we meet the defense challenges of the 21st century. It allows us to build and develop models of complex systems, effectively sharpen the tools, procedures, and decisions needed to address difficult problems, and determine how certain actions will effect the end result before implementing the plan in real life, thereby providing strategic, tactical and financial benefits. Every effort should be made to include Modeling, Analysis and Simulation Technology in the training and planning doctrines of the Department of Defense.

(2) Current and future military operations, and emergency management of natural and man-made disasters, do and will continue to involve operations in highly complex, urban environments. These environments include complex geographical, communications, transportation, informational, social, political, and public support subsystems. The interdependence of these subsystems and the cascading effects of warfare or disasters imposed upon them should be modeled in a computer simulation environment. It is important for the security and safety of the Department of Defense to study and understand the effects of warfare and disasters on the resiliency of urban environments and to develop a computer modeling and simulation decision-making tool for emergency consequence management of military, natural and man-made disasters in complex urban environments.

AMENDMENT NO. 28 OFFERED BY MR. ALLEN

The text of the amendment is as follows:

At the end of title VII, add the following new section (and conform the table of contents accordingly):

SEC. 713. REPORT AND STUDY ON MULTIPLE VACCINATIONS OF MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the Department's policies for administering and evaluating the vaccination of members of the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the Department's policies governing the administration of multiple vaccinations in a 24-hour period, including the procedures providing for a full review of an individual's medical history prior to the administration of multiple vaccinations, and whether such policies and procedures differ for members of the Armed Forces on active duty and members of reserve components.

(2) An assessment of how the Department's policies on multiple vaccinations in a 24-hour period conform to current regulations of the Food and Drug Administration and research performed or being performed by the Centers for Disease Control, other non-military Federal agencies, and non-federal institutions on multiple vaccinations in a 24-hour period.

(3) An assessment of the Department's procedures for initiating investigations of deaths of members of the Armed Forces in which vaccinations may have played a role, including whether such investigations can be requested by family members of the deceased individuals.

(4) The number of deaths of members of the Armed Forces since January 1, 2000, that the Department has investigated for the potential role of vaccine administration, including both the number of deaths investigated that was alleged to have involved more than one vaccine administered in a given 24-hour period and the number of deaths investigated that was determined to have involved more than one vaccine administered in a given 24-hour period.

(5) An assessment of the procedures for providing the Adjutants General of the various States and territories with up-to-date information on the effectiveness and potential allergic reactions and side effects of vaccines required to be taken by National Guard members.

(6) An assessment of whether procedures are in place to provide that the Adjutants General of the various States and territories retain updated medical records of each National Guard member called up for active duty.

(c) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study, in consultation with the Food and Drug Administration and the Centers for Disease Control, examining the safety and efficacy of administering multiple vaccinations within a 24-hour period to members of the Armed Forces.

(2) DEADLINE.—The study required by paragraph (1) shall be completed not later than 270 days after the date of the enactment of this Act and shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives.

AMENDMENT NO. 34 OFFERED BY MR. INSLEE

The text of the amendment is as follows:

At the end of title X, add the following new section (and conform the table of contents, accordingly):

SEC. 1055. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

AMENDMENT NO. 35 OFFERED BY MR. TERRY

The text of the amendment is as follows:

Title II, subtitle C, add at the end the following:

SEC. 2___. INCREASED FUNDS FOR X LAB BATTLESPACE LABORATORY.

(a) INCREASE.—The amount in section 201(4), research, development, test, and evaluation, Defense-wide, is hereby increased by $10,000,000, to be available for the X Lab battlespace laboratory, program element 0603175C.

(b) OFFSET.—The amount in section 201(2), research, development, test, and evaluation, Navy, is hereby reduced by $10,000,000, to be derived from Littoral Combat System Mission Modules.

AMENDMENT NO. 40 OFFERED BY MR. MATHESON

The text of the amendment is as follows:

At the end of title XXXIV, add the following new section:

SEC. 3402. REMEDIAL ACTION AT MOAB URANIUM MILLING SITE.

Section 3405(i) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 10 U.S.C. 7420 note) by adding at the end the following new paragraph:

"(6) Not later than October 1, 2019, the Secretary of Energy shall complete remediation at the Moab site and removal of the tailings to the Crescent Junction site in Utah.".

AMENDMENT NO. 42 OFFERED BY MR. MCCOTTER

The text of the amendment is as follows:

At the end of subtitle D of title X, insert the following new section:

SEC. 1034. REVIEW OF DEPARTMENT OF DEFENSE PROCEDURES TO CLASSIFY EXCESS DEFENSE ARTICLES AND DEFENSE SERVICES WITH MILITARY TECHNOLOGY COMPONENTS.

(a) REVIEW REQUIRED.—The Secretary of Defense, with the concurrence of the Secretary of State, shall conduct a thorough review of the procedures by which the Department of Defense classifies defense articles and defense services with military technology components as excess to the needs of the Department to identify the extent to which, and the manner in which, existing classification procedures have failed to prevent the transfer of defense articles and defense services with military technology components to terrorists, state sponsors of terrorism, and other unfriendly countries or groups.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to Congress a report that contains—

(1) the results of the review of the existing classification procedures conducted under subsection (a); and

(2) the measures to be implemented by the Department of Defense to rectify the deficiencies of the existing classification procedures, including recommendations for any legislative changes that may be necessary to implement the measures.

(c) DEFINITION.—As used in this section, the term "defense articles and defense services with military technology components" means those defense articles and defense services designated by the President pursuant to section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)), commonly known as the United States Munitions List.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Chairman, as part of this group of en bloc amendments, it includes an amendment I have offered. It has to do with the uranium tailings pile on the banks of the Colorado River in Moab, Utah.

Now, that may sound like an interesting issue to have in a Defense authorization bill. It is not the first time it has been in a Defense authorization bill. The last time we dealt with this was when Congress was in session in the year 2000, and at that time Congress directed the Department urging them to move this uranium tailings pile.

Make no mistake. This is right on the banks of a major river, and the environmental impact statement that looked at this pile indicated that it is a near certainty that at some point, if it is not moved, it is going to be flushed into the river. And there are 25 million users living downstream of this site.

Now, this mill tailings site was part of our military efforts in the 1950s and 1960s when it came to our nuclear weapons efforts, and quite frankly, while Congress has voiced in the past on this very bill 7 years ago that it should be moved, the Department of Energy has exhibited tremendous inaction. They have not provided information for why there has been a delay. They have completed a longstanding environmental impact statement that resulted in a record of a decision saying they wanted to move it. In that, they said it could be done in 7 to 10 years.

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And yet, the Secretary of Energy said just this year it's not going to be until 2028 when this moves. This is an agency that has consistently underperformed, underpromised, has not answered questions about the progress of this project, and that's why I offer this amendment today, so that once again Congress can make its will known, as it has done in the past, in indicating that this pile ought to be moved.

I thank the chairman of the committee, Mr. SKELTON, for his cooperation on this issue.

Mr. SKELTON. Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I would like to yield as much time as he might like to Mr. McCOTTER.

Mr. McCOTTER. My amendment that I've offered is very simple and straightforward. It requests that the Secretary of Defense, in concurrence with the Secretary of State, issue to Congress a review of declassification procedures that are in place to guarantee that materiel does not fall into the hands of terrorists, does not fall into the hands of state sponsors of terrorists, does not fall into the hands of groups hostile to the United States, or any similar reprobates in general. By classification procedures I mean Defense Reutilization and Marketing Service procedures to classify something as excess and also as eligible for sale. We believe this should not engender any opposition. We have worked very well with the majority staff of both the committee in question, and the Foreign Affairs Committee.

Mr. HUNTER. Mr. Chairman, I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield to the gentleman from Virginia (Mr. SCOTT) for a unanimous consent request.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman from Missouri for yielding, and I thank him for including my amendment in the en bloc amendment.

Mr. Chairman, the defense authorization bill is a tremendous undertaking and I would like to commend Chairman SKELTON and his Committee for their hard work. My amendment would simply insert findings that Modeling, Analysis and Simulation Technology is an important tool that ought to be utilized to the utmost by the Department of Defense.

Modeling and Simulation has become an essential component in ensuring that we meet both the defense and domestic challenges of the 21st century. It allows us to build and develop models of complex systems—whether it be a car, an airplane, an entire battlefield, or even a major city's evacuation plan. By doing this, we can easily and effectively sharpen the tools, procedures, and decisions needed to address difficult and complex problems. Determining how certain actions will affect the end result before implementing the plan in real life provides strategic, tactical and financial benefits. These simulations help us develop better and practical analogies of real world situations.

With the growing international challenges of the 21st century, this technology is vital to the defense of our great Nation. The practical uses of Modeling, Analysis and Simulation technology as a training tool are boundless. Military and airline pilots have been using this technology for decades. Now, simulating battlefield conditions will sharpen the skills of the brave men and women serving in our armed forces. And it is my firm belief that Congress should be interested in using this technology for defense, homeland security, disaster preparedness, and other ways to benefit the public. Every effort should be made to include Modeling, Analysis and Simulation Technology in the training and planning doctrines of the Department of Defense. This amendment is a step in that direction.

The power of modeling, analysis and simulation technology can be particularly useful in urban areas. The fact is that current and future military operations, and emergency management of natural and manmade disasters, do and will continue to involve operations in highly complex, urban environments; we are no longer engaging in traditional battlefield operations. These urban environments include complex geographical, communications, transportation, informational, social, political, and public support subsystems. The interdependence of these subsystems and the cascading effects of warfare or disasters imposed upon them should be modeled in a computer simulation environment. This will help us prepare for emergency consequence management of military, natural and manmade disasters in complex urban environments.

Using modeling, analysis, and simulation technology in the fields of national defense, science, homeland security and disaster planning will better the lives of all Americans, make our Nation safer and save time and money in the process. I urge my colleagues to adopt the amendment.

Mr. SKELTON. Mr. Chairman, I thank the gentleman from Virginia.

At this time, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY) for the purpose of a colloquy.

Ms. HOOLEY. Mr. Chairman, I thank you and Chairman ORTIZ for including my bill providing for reimbursement for superior helmet liners to protect soldiers with severe head injuries and for adjusting the testing criteria for helmet pad systems.

Thankfully, this bill calls for another round of testing and evaluation on all qualified combat helmet pad systems to be conducted by an independent test laboratory outside the government. I just want to thank you for doing that, for again protecting our soldiers.

I rise today to ask for your help to expand the reintegration programs for members of the National Guard included in this year's National Defense Authorization Act.

In Oregon, our Adjutant General has put together a program that helps to ease returning Guard members through the transition back to civilian life. The Yellow Ribbon National Guard Reintegration Program provides for 5 days of reintegration activities after demobilization. I would ask that the program be expanded to keep returning servicemembers on active duty for up to 15 days after demobilization. Not all need or want the full 15 days, but commanders should have the flexibility to provide extra time to those who need it.

Mr. SKELTON. I thank the gentlewoman for raising this important issue. I assure her that we will make sure that the Reserve Component Reintegration Working Group as well as the Yellow Ribbon National Guard Reintegration Program consider all options to include expanding the current program from 5 to 15 days during their deliberations.

Ms. HOOLEY. I also want to thank the Chair for including report language that acknowledges the success of the Oregon National Guard Reintegration Program. I believe that the program can be a model for other States developing their own programs.

Mr. SKELTON. I certainly agree. And we look forward to the findings of the Reserve Component Reintegration Working Group and the Yellow Ribbon National Guard Reintegration Program.

Ms. HOOLEY. I thank you, Mr. Chair, for all that you do for our soldiers.

Mr. ALLEN. Mr. Chairman, the amendment I offer today seeks to bring hope from tragedy.

CAP Patrick Damon, who lived in Falmouth, ME, with his wife and two children, was a loyal public servant, both in State government and in the Maine National Guard.

In early 2006, Captain Damon was deployed with the Maine Guard's 240th Engineer Group to Afghanistan. On June 15 of that year, Patrick collapsed in his bunk after a run. Initial reports were that he died of a heart attack, even though he had no previous or family history of heart problems.

Captain Damon's mother, Barbara Damon-Day, has been persistent in seeking to get more information from the Army about the cause of her son's death. The Army lists the death as "sudden unexpected," and the exact cause remains inconclusive.

Based on her own investigation, Ms. Damon-Day believes her son's death was brought about by an adverse reaction to multiple vaccinations in a 24-hour period. Her investigation has revealed a lack of clarity in the Defense Department's guidelines and regulations on administering multiple vaccinations in a 24-hour period.

My amendment seeks to focus needed attention on this issue. It requires the Defense Department to report to Congress on its policies on administering and evaluating multiple vaccinations within a 24-hour period to members of the Armed Forces, including the Guard and Reserve. It requires information on whether the department's policies conform to the regulations and guidelines of federal health agencies.

The amendment also requests data on the number of deaths that have been investigated for vaccines-related causes, and information on how medical records are shared with the Adjutant General of the states.

Finally, the amendment requires the Department to perform a study on the safety and effectiveness of administering multiple vaccines with a 24-hour period to service personnel.

Since her son's death in June 2006, Mrs. Damon-Day has worked tirelessly to improve the Defense Department's medical screening of Armed Forces prior to their deployment overseas. The Maine Legislature is currently considering legislation to create a commission to improve medical screening of Maine Guard personnel before they go overseas.

Barbara Damon-Day has honored her son's memory by making it her mission to improve the health screenings given our military, and to improve the information they receive, before they leave to serve on our behalf in Afghanistan, Iraq and around the globe. We owe her our gratitude for her efforts and our support to help advance her cause. I hope that my amendment can play a part in that mission.

I urge support for the Allen amendment.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

AMENDMENT NO. 7 OFFERED BY MR. ANDREWS

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–151.

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ANDREWS:

At the end of subtitle E of title XXVIII, add the following new section:

SEC. 2853. DEPARTMENT OF DEFENSE REQUIREMENTS REGARDING USE OF RENEWABLE ENERGY TO MEET AT LEAST 25 PERCENT OF DEPARTMENT ELECTRICITY NEEDS.

Subsection (e) of section 2911 of title 10, United States Code, is amended to read as follows:

"(e) USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.—(1) The Secretary of Defense shall ensure that the Department of Defense—

"(A) produces or procures, from renewable energy sources, not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter; and

"(B) produces or procures electric energy from renewable energy sources whenever the use of such renewable energy sources is consistent with the energy performance goals and energy performance plan for the Department and supported by the special considerations specified in subsection (c).

"(2) In order to achieve the 25-percent requirement specified in paragraph (1)(A) by fiscal year 2025, the Secretary of Defense shall establish annual incremental goals for the production or procurement of electric energy from renewable energy sources for the electric energy needs of the Department. The annual reports on the energy management implementation plan and the annual energy management report shall include information regarding the progress made towards meeting the annual incremental goals and 25-percent requirement.

"(3) The imposition of the 25-percent requirement specified in paragraph (1)(A) by fiscal year 2025 and the requirement to establish annual incremental goals under paragraph (2) does not authorize the Secretary of a military department or a Defense agency to use energy saving performance contracts, enhanced used leases, utility energy service contracts, utilities revitalization authority, and related contractual mechanisms to a greater extent than would be the case in the absence of the 25-percent requirement.

"(4) The Secretary of Defense may waive the requirements of subparagraph (A) or (B) of paragraph (1) if the Secretary—

"(A) determines that the waiver is in the best interests of the Department of Defense; and

"(B) notifies the congressional defense committees of the waiver, including the reasons for the waiver.

"(5) In this subsection, the term 'renewable energy sources' has the meaning given that term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).".

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

MODIFICATION TO AMENDMENT NO. 7 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I have a modification to my amendment at the desk, and I ask unanimous consent that my amendment be considered in accordance with the modification.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 7 offered by Mr. ANDREWS:

The amendment as modified is as follows:

At the end of subtitle E of title XXVIII, add the following new section:

SEC. 2853. DEPARTMENT OF DEFENSE REQUIREMENTS REGARDING USE OF RENEWABLE ENERGY TO MEET AT LEAST 25 PERCENT OF DEPARTMENT ELECTRICITY NEEDS.

Subsection (e) of section 2911 of title 10, United States Code, is amended to read as follows:

"(e) USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.—(1) The Secretary of Defense shall ensure that the Department of Defense—

"(A) produces or procures, from renewable energy sources, not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter; and

"(B) produces or procures electric energy from renewable energy sources whenever the use of such renewable energy sources is consistent with the energy performance goals and energy performance plan for the Department and supported by the special considerations specified in subsection (c).

"(2) In order to achieve the 25-percent requirement specified in paragraph (1)(A) by fiscal year 2025, the Secretary of Defense shall establish annual incremental goals for the production or procurement of electric energy from renewable energy sources for the electric energy needs of the Department. The annual reports on the energy management implementation plan and the annual energy management report shall include information regarding the progress made towards meeting the annual incremental goals and 25-percent requirement.

"(3) The Secretary of Defense, the Secretary of a military department, or a Defense agency may not use any means of third-party financing, including energy savings performance contracts, enhanced use leases, utility energy service contracts, utility privatization agreements, or other related contractual mechanisms, to achieve the 25-percent requirement specified in paragraph (1)(A). Renewable energy produced through any means of third-party financing will not count towards the achievement of the 25-percent requirement.

"(4) The Secretary of Defense may waive the requirements of subparagraph (A) or (B) of paragraph (1) if the Secretary—

"(A) determines that the waiver is in the best interests of the Department of Defense; and

"(B) notifies the congressional defense committees of the waiver, including the reasons for the waiver.

"(5) In this subsection:

"(A) The term 'renewable energy sources' has the meaning given that term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).

"(B) The term 'energy savings performance contract' has the meaning given that term in section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c).

"(C) The term 'enhanced use lease' means a lease under section 2667 of this title.

"(D) The term 'utility energy service contract' means a contract under section 2913 of this title.

"(E) The term 'utility privatization authority' means the authority provided under section 2668 of this title.".

Mr. ANDREWS (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

One of the key determinants of the country's economic prosperity in the future and our ability to become less dependent upon imported fuel from around the world is our ability to develop alternative renewable fuels.

One of the most powerful tools at our disposal is the purchasing power of the Department of Defense. Presently, the Department of Defense spends in excess of $3 billion a year to buy electricity.

The purpose of this amendment is to codify a practice that the Secretary of Defense has already initiated, which is to increase the percentage of electricity purchased by the Department of Defense from the 9 percent, which it presently is, up to 25 percent by the year 2025. In order to do this, we believe that the Secretary of Defense should have flexibility. So the amendment provides that if the Secretary in his or her judgment believes that defense and security goals of the country would be in some way impaired by meeting this target, then the Secretary is authorized to waive this target.

We believe that with the adoption of this amendment and of these goals, we would generate a $15 billion market in the purchase of electricity generated by renewable fuels. We further believe that the entrepreneurial capacity of American scientists and entrepreneurs would generate products that would help fill this need. Once those products are available, they would then be widely available to the commercial and nonprofit and public sectors to help us greatly reduce our dependence upon nonrenewable fuels generally, and imported nonrenewable fuels specifically.

I would ask that the amendment be adopted.

Mr. Chairman, at this point in time I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I am not opposed, but I would like to take the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. HUNTER. I just want to say to my friend that I certainly share his goal of renewable energies being used in the Department of Defense. And I have a colloquy I would like to enter into with the gentleman because I know he had to go to some lengths to be able to make sure that his amendment was in order under our rules, particularly our offset rules.

At this time, I would like to ask my friend from New Jersey to clarify part of his amendment that I have found troubling. And that is, Mr. ANDREWS, if I understand your amendment correctly, the Secretary of Defense would be prohibited from using third-party financing options, such as energy saving performance contracts, known as ESPCs, and enhanced use leases, EULs, in meeting your requirement for them to purchase 25 percent of their electricity from renewable resources by 2025; is that correct?

Mr. ANDREWS. If the gentleman would yield.

Mr. HUNTER. I will yield.

Mr. ANDREWS. That is correct. The amendment, as I would have wanted it drafted, would not have had that restriction in it. However, I was required to include it to avoid a point of order for direct spending.

Mr. HUNTER. So if I understand you correctly, it is not your intent to limit the Department's use of third-party financing while they work to achieve the 25 percent requirement that your amendment lays out.

Mr. ANDREWS. If the gentleman will further yield, that is certainly correct.

I know just how beneficial these authorities are to the Department, and I do not want my amendment to prevent the Secretary of Defense from using these tools to continue to improve energy efficiency and renewable energy use in the Department of Defense. My intent is simply to set firm requirements from what I believe is a responsible energy policy for the Department of Defense.

Mr. HUNTER. With that clarification, would you be willing to work with us to further refine this as we move to conference?

Mr. ANDREWS. If the gentleman would yield, I would gladly work with the gentleman.

Mr. HUNTER. I thank the gentleman.

Mr. Chairman, I would like to turn now to the gentleman who is going to make all of this work, and that is the chairman of the committee, my good friend, Mr. SKELTON.

I happily support Mr. Andrews' amendment. And I hope that you will work with us here as we move down the line toward conference to ensure that these tools that have been available for increasing efficiency and energy use will be available under Mr. Andrews' amendment.

I would yield to the chairman of the committee.

Mr. SKELTON. I thank my friend for yielding. And without going into great detail, I am appreciative of the fact that Mr. ANDREWS and you, Mr. HUNTER, have worked hard on achieving a balanced solution to this amendment as it is in final form here this evening. I think it's very commendable, and I am very much in favor of it. I thank Mr. ANDREWS for raising it, and I thank you, Mr. HUNTER.

Mr. HUNTER. Thank you. Mr. Chairman, I very strongly support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, just very briefly. I want to thank the ranking member of the committee for his great cooperation on this, and obviously our chairman for his help, and extraordinarily fine staff work by the majority staff and the minority staff for which I am very grateful, and also the men and women at the CBO, and my own office, Mr. Luke Ballman, for his hard work on this.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. SKELTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–151.

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON:

In section 122(a), strike "enter into multiyear contracts, beginning with the fiscal year 2008 program year" and insert "enter into a multiyear contract, beginning with the fiscal year 2009 program year".

In section 301(10), strike the dollar amount and insert "$5,847,609,000".

In section 301(11), strike the dollar amount and insert "$5,042,565,000".

In section 576, strike subsection (i) and insert the following new subsection:

(i) FUNDING.—Of the amount authorized to be appropriated pursuant to section 301(5) for Defense-wide activities, $3,000,000 shall be available for deposit in the Fund for fiscal year 2008.

In section 944(b)(2) (page 444, lines 13 and 14), strike "Under Secretary of Defense (Comptroller)" and insert "Director of the Office of Program Analysis and Evaluation".

In title XIII, add at the end the following new section:

SEC. 1307. CLARIFICATION OF AMOUNTS FOR COOPERATIVE THREAT REDUCTION PROGRAMS.

The amount in section 1302(a)(9), and the corresponding amounts in section 1302(a) (in the matter preceding paragraph (1)) and in section 301(19), are hereby increased by $48,000, all of which is to expand staff capacity, capabilities, and resources necessary for activities related to new Cooperative Threat Reduction initiatives.

In section 1508, add at the end the following new paragraph:

(11) For the Strategic Readiness Fund, $1,000,000,000.

Redesignate section 1517 as section 1518 and insert after section 1516 the following new section (and conform the table of contents accordingly):

SEC. 1517. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Funds are hereby authorized to be appropriated for fiscal year 2008 to the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation in the amount of $50,000,000.

In section 2104(a), in the matter preceding paragraph (1), strike the dollar amount and insert "$5,133,817,000".

In section 2104(a)(1), strike the dollar amount and insert "$3,089,400,000".

In section 2204(a), in the matter preceding paragraph (1), strike the dollar amount and insert "$2,757,249,000".

In section 2204(a)(1), strike the dollar amount and insert "$1,496,532,000".

In section 2204(a)(2), strike the dollar amount and insert "$293,858,000".

In section 2304(a)(1), strike the dollar amount and insert "$710,173,000".

In section 2404(a), in the matter preceding paragraph (1), strike the dollar amount and insert "$10,253,464,000".

In section 2404(a)(1), strike the dollar amount and insert "$898,483,000".

Title XXXI, subtitle A, add at the end the following new section:

SEC. 3105. OTHER ATOMIC ENERGY DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for energy security and assurance programs necessary for national security in the amount of $6,000,000.

Make the following technical amendments:

(1) Page 302, lines 13 to 20, move the margins 2 ems to the right.

(2) Page 332, line 20, insert "in" before "subparagraph (B)".

(3) Page 478, lines 12 to 15, move the margins 2 ems to the right.

(4) Page 513, line 22, strike "(I)" and insert "(i)".

(5) Page 514, line 20, strike "(I)" and insert "(i)".

(6) Page 623, line 19, strike the period and insert a semicolon.

(7) Page 669, line 16, strike "(I)" and insert "(i)".

(8) Page 734, line 10, strike "redesignation" and insert "redesignating".

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, my manager's amendment which is before us this moment makes a series of technical and conforming changes, all of which have been set forth for the Members throughout the day, and I ask all the Members to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I just want to thank my chairman, Mr. SKELTON, the gentleman from Missouri, for such a wonderful job on this bill. We are totally in agreement with the manager's amendment and support it.

Mr. SKELTON. I thank the gentleman.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania, my friend (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman.

Mr. Chairman, I rise today to ask for your help in this colloquy to identify an alternative that will allow the commissary and exchange stores to remain open at the Army's Charles E. Kelly support facility in Oakdale, Pennsylvania.

Although this installation will close as a result of the base realignment and closure process, there will remain a strong demand for these stores that are so critical to the vitality and welfare of any military community.

In the case of the Kelly support facility, the population of activity duty, reservists and retirees in western Pennsylvania, and the adjacent areas of Ohio and West Virginia, is estimated to be nearly 70,000, with another 100,000 family members. I would hope that a way can be found to project this critical benefit for these great Americans who have faithfully served our Nation.

Mr. Chairman, I yield to the gentleman for a response.

Mr. SKELTON. I thank the gentleman for raising this very important issue. I assure the gentleman from Pennsylvania that I will assist him in pursuing new options for protecting these important benefits at the Kelly support facility.

□ 2230

Mr. TIM MURPHY of Pennsylvania. Mr. Chairman, I also want to thank the gentleman for including report language including the development of a new model for a combined commissary and exchange store. I believe a new strategy for combining these stores can be a valuable tool in protecting these benefits.

Mr. SKELTON. Mr. Chairman, I agree. A combined commissary and exchange store may be the key to the future military resale activities at installations such as at the Kelly Support Facility.

Mr. TIM MURPHY of Pennsylvania. Finally, Mr. Chairman, I thank you for your support. I would also like to thank Chairman MURTHA for his help and commitment and my Pittsburgh colleague and friend, MIKE DOYLE, and also Mr. ALTMIRE for help on this project. I am pleased to be working with all of my colleagues on this important issue and look forward to continuing our work together.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 110–151.

Mr. SKELTON. Mr. Chairman, at this time, we are nearing the end of all the debate. We have finished all the amendments.

Mr. Chairman, my heart is filled with gratitude for the other Members, for our ranking member, Mr. HUNTER, and to our amazing staff. The American people should know what a wonderful staff we have in putting together this defense bill. So many of them have stayed up late at night, early in the morning, all night long to write and make sure that we have the t's crossed and the i's dotted, to make sure that the young men and young women, as well as those who lead the young men and young women, have the tools with which to keep our country safe and, of course, free. We have a great deal of gratitude for all of them, and I just can't thank them enough.

Mr. Chairman, I yield to my friend from California.

Mr. HUNTER. Mr. Chairman, I thank my friend for yielding. I just want to join with our chairman, IKE SKELTON, in thanking all of our staff, who have done a wonderful job in bringing together hundreds of issues at the subcommittee level, at the full committee level, and now on the House floor, and in these difficult times.

In these partisan times, when we all have to wear our partisan hat at times, this committee, which I think is the most bipartisan committee in the House of Representatives, has done a good job. We have provided good tools, good equipment, good resources for the people that wear the uniform of the United States, and a lot of that should be credited to our chairman, the gentleman from Missouri, Mr. SKELTON.

Many thanks, IKE, for your great work on this bill. I am sure we will have a great vote on it tomorrow, after we present you with an irresistible motion to recommit. I look forward to closing out the bill with you tomorrow. I know you will drive it successfully through the conference.

Thank you for everything that you have done in stitching this thing together. It is important for our troops, and I think we have done a pretty effective job today of moving it down the line. Many thanks.

Mr. SKELTON. Mr. Chairman, I am grateful for the gentleman's comments and grateful for his work.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BRALEY of Iowa) having assumed the chair, Mr. ALTMIRE, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 1585.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

COMMUNICATION FROM THE HONORABLE THELMA DRAKE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable THELMA DRAKE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that a judicial subpoena for documents, issued by the U.S. District Court for the Eastern District of Virginia, has been delivered to my Virginia Beach, Virginia District Office.

After consulting with the Office of General Counsel, I will make the determinations required by rule VIII.

Sincerely,

THELMA DRAKE.

POST-TRAUMATIC STRESS CENTERS NEEDED IN UNDERSERVED AREAS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Let me take the opportunity, Mr. Speaker, to acknowledge the crisis that many of us see occurring with the brave men and women that return from fighting in Iraq and fighting in Afghanistan.

We have just finished a very thoughtful and collaborative effort to address the serious questions of our military and the Department of Defense, and the good news is that this bill has impacted or emphasized more on the needs of families.

I look forward to working with this body to develop more post-traumatic stress centers in underserved areas where military personnel will be returning to their homes. We already know the dastardly conditions that our military face in Iraq and Afghanistan, the long hours and tediousness of the DMZ and many other places around the world.

Our military personnel are suffering, and I look forward to working with this committee, the Veterans Affairs Committee, to ensure that centers like the Riverside Medical Center in Houston, Texas, can be a site for post-traumatic stress for our soldiers returning home so that their physical needs and their mental needs can be serviced. I look forward to this.

I believe we can do better by our soldiers as we move forward on helping them improve their mental health.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMENDING SOUTHWEST AIRLINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I rise today to commend Southwest Airlines and their 30 years of service to the Permian Basin. For the past three decades, Southwest Airlines has provided friendly and affordable air services in and out of Midland International Airport. With over 13 daily departures to six cities in three States, the people of the Permian Basin are free to move about the country.

On my many flights on Southwest Airlines, I am always struck by the friendly, good natured flight attendants, agents and pilots that make up the employees of this airline. There is an unmistakable sense of pride that comes with working with Southwest that can be seen in the faces of the pilots to the ground crew.

I am honored to represent the many employees of Southwest Airlines that are headquartered at Midland International Airport and look forward to 30 more years of friendly and accommodating service.

OPPOSE THE SECOND CHANCE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Mr. Speaker, as always, it is such an honor to be part of this body when you know the sacrifices that have been made by so many just to allow us to be here at this time in history.

There is a defense bill that we will be talking about some in the next 60 minutes, but in leading up to that, I wanted to address a bill that was on the suspension calendar earlier this week and was pulled from the suspension calendar, and I have been told it probably will be coming up very soon.

Like so many things that have been done in this body that has unintended consequences, the Second Chance Act is very well intentioned. As a former judge, I know well that we have got to do a better job of rehabilitating, of educating, with drug treatment and alcohol treatment for those that are incarcerated in our prisons. There is just no question that we should do a better job with those things.

Unfortunately, this well-meaning bill, the Second Chance Act, goes so far beyond what is helpful. This bill will provide more benefits to felons than are available to those risking their lives in the service of our United States military.

For example, this bill apparently will provide over $360 million. I say apparently will provide over that amount, because one provision says "such sums as may be necessary." There is no way to know how much money that may be. But, in any event, this bill, for example, seems to leave medical care potentially unending after confinement.

I realize as a Republican I was in the minority in our Judiciary Committee hearing, so I attempted to limit the medical care to 6 months after a criminal was released from prison for the extent of the medical care. That was voted down by the majority, who believed that we should leave it open-ended.

I was in the United States Army for 4 years, and I can tell you that unless you retire with over 20 years of active military service or you are disabled as a result of your military service, you have no medical care waiting for you at the end of your service. That means if a military member who serves less than 20 years wants a chance at free medical, he will need to commit a serious enough crime to get him locked up.

When a military member is sent to serve on one of the many unaccompanied tours of duty, his family suffers greatly, particularly if this is a Reservist or a National Guard member. However, under this Second Chance Act, which is really more of an "Infinite Chance Act," we will provide taxpayer dollars to help with transportation for an inmate's family to get to and from the prison. Grant dollars are there for that.

□ 2245

If you are in the military on an unaccompanied tour and you would like to have your children nearby, you are out of luck. However, if you are a confined felon, under this bill there will be tax dollars in the way of grants to pay for nurseries or preschools at the prison so you can have your children close to you.

If you are a U.S. servicemember away from home and long to provide your family or your children the technology to ease the distance between you and to ease the loneliness, you either must reach into your small amount of pay, or you could commit a felony and get locked up because there are millions of dollars in this Second Chance bill for grants for technology or tapes or DVD or players, even cell phones, things that help bridge the distance.

A criminal may have broken into your home and stolen or destroyed your property, but under the Second Chance Act, we are going to take some more of your tax dollars to help provide criminals or their families with this type of technology.

Law enforcement in this country get paid very little compared to the protection they afford us, and they do not get the government to buy such things for their families, but the criminals they lock up under this Democratic majority bill will have this as a bonus.

If you are in the military and you want plastic surgery to make you look better, normally you are out of luck for elective surgery. But when I tried to limit this legislation in the Judiciary Committee to prevent tax dollars from being spent for things like rhinoplasty, a nose job, liposuction, breast augmentation, even that amendment was voted down by the majority.

Now, if you are a law-abiding citizen and you do not like your field of employment, you have to scrape together enough money to also go to school or be retrained in order to find another job. Not so under this bill if you commit a heinous crime. If you go to prison, there is grant money in this bill, not merely to train you in prison; but after you get out, there is grant money. We can retrain you every time you want to change jobs. We can pay grant money to agencies to find you new jobs.

This is a well-intentioned bill, just as the legislation in the 1960s that decided to do something to help mothers, single mothers, unwed mothers who were having children and having to deal with deadbeat fathers. So back in the 1960s, the decision was made, best intentioned, we want to help these single moms so we are going to start as a Federal Government paying for every child you can have out of wedlock. It was well-intentioned, but 40 years later we have gotten exactly what we have paid for.

As a broken-hearted judge, I had to sentence women who said they were encouraged to have a baby in order to start getting a government check. So they dropped out of school, had a baby, and then tried to live off the relatively small income they were paid from the government to have babies out of wedlock. And they told me that started their decline into desperation that ultimately led them to my courtroom, either for welfare fraud when they got so desperate they realized they needed to get a job but they couldn't give up their child support from the government, so they didn't report it and then they came to me for welfare fraud. Or some others would realize in desperation they couldn't live on the small amount that the government paid them to have children out of wedlock, so they got into the terrible drug trade and that brought them to my court.

I came to Congress deeply desiring to avoid creating benefits for doing something that hurts you. Yet here we are again taking this same kind of well-meaning perilous road.

The bill is well-intended, but when Congress creates more benefits for creating serious crimes than for risking life and limb in the United States military, guess which one you will have more of 40 years from now?

There are a number of groups who support the Second Chance Act. They have big hearts. They mean well. They want to help criminals turn their lives around; but they don't realize the full parameters of this bill.

So we are going to talk a bit tonight about the military, but I wanted to start off and touch on this since it is a bill that provides more benefits for those who commit serious enough crimes to be locked up than we are currently providing for our United States servicemembers in a number of areas, and so I think it needs a second look. I am hopeful that we will be able to do that. I don't know when it comes up if we will be able to make amendments. I certainly hope that the procedures that have been followed so far this year that make this the most partisan Congress in history, there was a rule that was attempted to be changed today that has not been changed since 1822. That would have made it an even more partisan Congress since 1822.

So I am glad after a procedural stand taken by the minority that we were able to get that worked out at least for the next couple of weeks and we will be able to have some limited participation. I hope we will be able to have participation in this bill.

I see that my colleague and dear friend, the gentlewoman from Tennessee (Mrs. BLACKBURN) is here, another former judge, a recovering judge as he likes to say, the gentleman from Texas (Mr. CARTER) is also here. At this time I yield to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank my good friend and fellow judge from Texas.

I would like to ask a couple of questions. This Second Chance Act is a very new concept in criminal justice from my viewpoint. When you point out that we are actually going to create a series of benefits for people who have committed felony crimes that are not available to the average American citizen, not even available to those people who stand in harm's way and stand on the wall to protect our Nation every night from harm, and yet they are going to be available to people who commit acts, felony acts, punishable by long terms in the penitentiary.

I want to get clear exactly this Second Chance Act and these benefits, almost entitlements that are being created by this bill, does that pertain to only people who are incarcerated in Federal penitentiaries or does it expand to the States and localities?

Mr. GOHMERT. I appreciate the question, and the answer is that this is such a big-hearted bill from the majority that it will be able to provide grants to people in Federal prisons, after they are released from Federal prison, people in State prisons, people in county jails.

We are going to make this program, and this is just a start. This $360 million really is just seed money to see how many we can help with that and then take off after that. This is just the beginning. But the answer is it will be for anyone who commits a serious enough offense or alleged offense to get themselves locked up wherever they get locked up in the United States.

Mr. CARTER. I apologize to my colleague, Mr. GOHMERT. I didn't hear all of the benefits because I came in on the tail-end, but you and I have talked about this briefly. But this training and finding jobs benefit, would that include being able to get a grant to say attend the University of Texas or your beloved Texas A&M University?

Mr. GOHMERT. It will provide training education grants. It is open-ended enough, that is a possibility, yes.

Mr. CARTER. So you could apply for a grant to attend the college or university of your choice?

Mr. GOHMERT. There are organizations that could apply for the grants to assist in that education, yes.

Mr. CARTER. I think you will agree with me at least in the Texas prison system, an ambitious prisoner who is trying to turn his life around can get a bachelor's degree, can also get a master's degree, and I suppose if he stayed in prison long enough, he can get a doctor's degree. One school that has correspondence courses is the University of Maryland, which is not far from here, and a prisoner in the Texas prison system can get the degree of his choice if he is willing to work hard enough there.

I happen to know in the Texas prison system one of the most sought-after jobs, and I point out jobs where you work for the skill, is in the print shop with very high tech print training. And most of the people who finish that training, and I have actually had prisoners that I have sent to prison who have asked not to be paroled until they have completed their term of working in the print shop because after they have done their print apprenticeship, they could get jobs coming straight out of prison at $60,000 to $75,000 a year as a master printer. It is not like we are not offering an opportunity to work your way to success in prison today; would you agree with that?

Mr. GOHMERT. Yes, that is absolutely true. But another dimension that is added to this is the fact that it can go on beyond your incarceration.

You and I both agree that when it comes to retraining and education and drug and alcohol treatment, we really do need to do a better job of that in prisons. But this goes even beyond that, and there is no end in sight. Like I said, I tried to end some of these benefits at 6 months after release. One of our colleagues on the other side of the aisle asked me what was so magic about 6 months after release from prison. I said there was nothing magic about it. I think the training and education should end when you are released, but since I am a Republican and I am in the minority, I knew that they didn't want to end it the day you got out of prison. I was hopeful they would be willing to stop spending tax dollars for criminals who had been incarcerated at least 6 months after they are released. Unfortunately, they voted that down. At this point it is open end. As you are aware, we have never continued to provide benefits to convicted felons after they get out of prison.

Mr. CARTER. Right now you are talking about $350 million. If this program continues the way most programs that we breathe life into in Congress, then it will continue to grow like mushrooms after a rain, and at some point in time, this theoretically could go on forever in the life of a prisoner. But did you say they are also being guaranteed medical benefits?

Mr. GOHMERT. It is not a guarantee, but it is the provision that there are grants available to provide medical care, open-ended medical care. I tried to limit it to 6 months after prison. It should be limited to the day they walk out.

I tried to limit it to no plastic surgery in prison. They didn't do that. So, yes. You can continue to apply for medical care.

Mr. CARTER. So if I understand what you are talking about here, we have people in the United States today that work 10 or 12-hour days, some of them 6 days a week, and they are struggling to pay their own medical bills and pay for health care insurance. They are asking us, crying out to us for help on paying their medical bills.

So there is an easy solution to their problem. Under this bill, quickly get a handgun and commit a felony. You serve a little time, and you are back out with the ability to get grants to pay for your medical bills.

It reminds me of stories that we have heard and experienced of the guy who just before Christmas throws a brick through a window so he can spend a warm night and have Christmas dinner in the county jail. There are people who do that. You know that happens and I know that happens. But is that what we want? Are we saying that the good-heartedness of the American people, and I think there are good-hearted people that are behind thing.

□ 2300

I don't think they have thought it out, and I am not for punishing criminals. I'm for giving them a start, but what do we owe to the people who have violated the laws of our society? I think we owe them a fair chance, but I don't think we owe them an open-ended chance for the rest of perpetuity.

Mr. GOHMERT. You make a great point about this being just the start, the well over $360 million, but I love Ronald Reagan's old quote about, beginning a government program is the closest thing to eternal life on earth that we. Have and so if Reagan was right about that, just beginning a program like this means as long as there's a United States, it's probably going to have a life.

Mr. CARTER. I think they told us that that $25 million was all food stamps was ever going to cost us. I don't even know what the number is, the billions of dollars that we are into that now. These programs do tend to have a life of their own.

I thank you for raising this issue. I think this issue is important for the Members of Congress and for America to know that we are, unfortunately, starting down the road of, in my opinion, the possibility of awarding illegal behavior. It concerns me greatly, and I thank you for raising this issue.

Mr. GOHMERT. I thank the gentleman from Texas, dear friend, and with regard to this bill, it is well-intentioned. They mean well, and I believe they believe the things they said.

And it takes me back to the arguments in this House, on the floor of this House, back in 1935, 1936, when something called Social Security was being created. And I am informed that debate came up regarding this new creation called a Social Security number, and some were upset and they said they were very concerned that that might end up becoming a national identification number. There were people who promised and assured and said there's no way that will ever happen; the Social Security number will be only used to just number the account, it will never be an identification. We can assure you that will never be, that situation, which is kind of like somebody from the government showing up at the door and saying I'm here to help you. You just get really concerned that that's not the case.

But I see our friend from Tennessee (Mrs. BLACKBURN) at the mike. I would yield to Mrs. BLACKBURN.

Mrs. BLACKBURN. Mr. Speaker. I thank the gentleman from Texas for yielding, and I am so pleased to be joined by three gentlemen from Texas, if you will, two judges and a physician. And we are all part of the Republican Study Committee and are certainly committed to carrying forth the conservative values that we appreciate here in this House.

Mr. Speaker, I have enjoyed hearing the conversation and listening to the conversation and discussion between my two colleagues as they have talked about this law that is a fairness issue, and I think so many people do look at it and say, my goodness, $350 million for those that are in prison, and as the gentleman said, rewarding illegal behavior.

And that is something that people are very sensitive to right now, especially in light of the impact that illegal immigration has made on so many of our communities, the cost to those communities and the concern with our citizens that there are some here in this body that would like to consider amnesty and reward those that have broken the rule of law.

I also enjoyed the conversation about health care and that being provided to those that have been imprisoned. I've been visiting with my Realtors from Tennessee, yesterday and today. They've been on the Hill. The number one issue for them is small business health plans and access to affordable health care. And these are people that really do such a great job in working to improve the quality of life and work with our communities. And they are struggling with providing health care for their employees. They are struggling with providing health care for their families and insurance.

And then when you hear about those that are imprisoned, as they leave having grants for health care provisions, you know, there's just something not right about that. There is something that is a little bit inappropriate about them having access to that when hard-working, middle-class families are struggling with that issue.

We have got so many things to talk about. We have had such an interesting day here. We have had some procedural moves, as Mr. GOHMERT mentioned. There is a rule that the majority was trying to change. It dealt with germaneness. This is a rule that has been on the books since 1822, part of our House rules, part of the decorum and conduct of the House. And for expedience, for convenience, this is something that they were choosing to try to change, very unfortunate, and the kind of change the American people certainly did not vote for. They want to see the rules of the House and of this great institution respected, and it's been unfortunate.

I have been greatly disappointed, and as my constituents, I've heard from three or four of them during the day that have said what's going on. And it's been with great disappointment that I've explained to them that for power, the sake of power, we saw the majority trying to eliminate a rule that has been a part of the order of this House since 1822. And we hope that they will push that aside and decide that they are going to abide by the rules of the House as they have been laid forth and have worked well for centuries, if you will.

I think also we could touch today on the fact that today marks 100 days since President Bush sent the request over for supplemental spending for our troops. It has been 100 days of inaction or putting forward bills that they knew were going to be vetoed, of political grandstanding, and I find that to be unfortunate. And it is with regret that we have to admit that that is a tactic and a mode of operation that the majority has decided to take.

They have had time to pass D.C. having the right to vote. They've had time to pass bills that would recognize schools. They've had time to name post offices. They've passed bills on global warming. They've passed legislation to protect wild horses, but there hasn't been time to craft a bill to get money to our troops in the field.

It is a matter of priorities, Mr. Speaker, and how unfortunate that the frivolous nature of some of the legislation that has come before us, that has consumed the time of this body, would be placed as a priority above the legislation to get funding to our troops in the field. And our soldiers are running out of cash. This effort is running out of cash, and we are in a global war on terror, and it is imperative that we get that money where it needs to be to those troops.

But that has not been the priority of the majority. They chose to bring forward a supplemental bill that they knew was going to be vetoed because it had an additional $24 billion worth of pork barrel spending. So then they decided to rework it and break it into two supplementals so that the California salmon could get their money and you could get Ag money and you could get Katrina relief money. You could get all this spending and not put it through regular order, but let's get that money to that California salmon out there. We've already had Tunagate; so now let's go throw some more money in here for this.

And how very unfortunate to that put into a wartime supplemental. This is a wartime supplemental. Our primary responsibility is keeping our Nation safe, keeping it secure, making certain that when you get in that car to get those children to the bus stop, to go to school, when they go to that school, you know that they are safe, that you're not going to have a group of terrorists like the Ft. Dix six come show up at the shopping mall or at the college baseball game and try to destroy our citizens. People want that type security, and it is unfortunate that that has not been a priority.

I tell you, I look at what is happening before us and some of the things that have been passed by this body, naming the post offices and recognizing schools and horse legislation and some of those things, and you'd think maybe the Democrats have an insecurity agenda. Maybe that is their agenda for this session, this 110th Congress.

And then as we look at the supplemental, which was supposed to be passed and out of the way before we started on DOD appropriations for next year, and that is what has been before us today, we also are in the midst of looking at the budget which contains a $392.5 billion tax increase over 5-years, the single largest tax increase in American history, $392.5 billion. You would see your marginal rates increase. You would see the cap gains rate increase. Child tax credit would be cut in half. Tennessee and Texas are two States that enjoy sales tax deductibility because we're wonderful States without a State income tax. That would go away. $392.5 billion tax increase over 5 years, single largest tax increase in history. It would cost $2,611 per taxpayer in my State of Tennessee. That is the amount of increase that we are looking at.

And quite frankly, Mr. Speaker, my constituents know that government is overspent and taxpayers are overtaxed and they are tired of it. They also know that government does not have a revenue problem. It is a spending problem that government has, and my constituents also believe that if 10 percent is good enough for God on Sunday, then it ought to be good enough for the government. And they believe that we should learn to live within our means.

They are tired of working hard, getting their paycheck, looking at that pay stub and realizing that the Federal Government has first right of refusal to their paycheck because before that worker ever gets that paycheck deposited in his account, the Federal Government has put his hand into that wallet and has extracted every dollar they want out of that paycheck. Social Security comes out, your Medicare comes out, all your taxes come out. There you go. There you go, Mr. Speaker. The Federal Government has first right of refusal on your paycheck, and that is something that it is time that we should be changing.

We have so many things that are budget issues, and I want to circle back around to the health care issue that comes back to us every time we look at the budget, every time we look at DOD, Department of Defense, health care comes to the forefront. And we're so fortunate at our Energy and Commerce Committee that we have some physicians who serve on that committee with us, who are articulate and well-versed in health care and what it is, what we need to do in order to be certain that this Nation stays healthy, individuals stay healthy but that our health care delivery systems stay healthy.

I would like to yield to the gentleman from Texas (Mr. BURGESS) for some comments on the health care issue.

Mr. BURGESS. Mr. Speaker, I thank the gentlewoman for yielding, and I want to talk about something that really may be a fairly small part when we talk about the overall $2.99 trillion Federal budget. But in the Republican budget, in the minority's budget, that was not passed when we did our budgetary work 2 months ago, I included some work on a bill, a medical liability reform bill based off of law that was passed in Texas in 2003. This bill is essentially a bill that limits, that it does cap awards on noneconomic damages a little different from the bill that we passed several times on the floor of this House in the past 4 years.

The bill that we have had on the floor of the House the past 4 years has been based off the California law, the Medical Injury Compensation Reform Act of 1975 which caps noneconomic damages at $250,000.

☐ 2315

Now, in Texas, back in the legislative session that occurred in 2003, an effort was made, Texas was in a significant problem as far as medical liability was concerned. We had lost most of our medical liability insurers from the State. They had simply closed up shop and left because they could not see a future in providing medical liability insurance in the State of Texas. We went from 17 insurers down to two by the end of 2002. Rates were increasing year over year. My personal situation, rates were increasing by 30 to 50 percent a year.

The State of Texas, the State legislature, passed a medical liability reform based off the California law, but updated for the 21st century. Instead of a single $250,000 cap, there was a $250,000 cap on noneconomic damages as it pertained to the physician, a $250,000 cap on noneconomic damages as it pertained to the hospital, and an additional $250,000 cap as it pertained to a second hospital or nursing home, if one was involved, so an aggregate cap of $750,000.

Well, the States are great laboratories for public policy. How is it done back in the State of Texas? Remember we dropped from 17 insurers down to two because of the medical liability crisis in the State? We are now back up to 14 or 15 carriers; and, most importantly, those carriers have returned to the State of Tex tech without an increase in premium.

What about the physicians who were paying the premiums that were inexorably going up? Again, a 20 to 50 percent per year increase that I saw myself, in my practice. What has happened? Texas Medical Liability Trust, my last insurer of record before I came to Congress, has reduced rates for physicians now an aggregate of 22 percent in the past 3 years.

That is significant, because, remember, the rate of rise was going up 20, 30, 40 percent a year. Now it's back down 22 percent and aggregate since this bill was passed.

Probably one of the most important unintended beneficiaries of this was the small community not-for-profit hospital, who was self-insured for medical liability. They have been able to take money out of those escrow accounts and put it back to work for those hospitals capitalize improvements, paying nurse's salaries, the kinds of things you want your small not-for-profit community-based hospitals to be doing, not holding money in escrow against that inevitable liability suit that might occur.

Well, under the Texas plan, I took the language of the Texas plan, worked it so it would fit within our constructs here in the House of Representatives, offered it to the ranking member of the Budget Committee. He had scored by the Congressional Budget Office, and the Texas plan, as applied through the House of Representatives to the entire 50 States, would yield a savings of $3.8 billion over 5 years. Not a mammoth amount of money when you are talking about a $2.999 trillion budget, but savings nonetheless, monies that we will leave on the table in this budgetary cycle that could have gone to some of the other spending priorities that we hear so much about.

It could have gone for anything else so far as increase in providing medical services. We will have to reauthorize SCHIP this year. We will have to find billions of dollars for that program. Here is $3.8 billion that he with left on the table because the majority chose not to look at this in the budgets that they passed.

The other thing that is missing in this debate which we just cannot pay enough attention to, people say, well, you are from Texas. Texas has done the work. Why do you even care if there is any type of national solution? Well, it's not just the $3.8 billion that we would save under the budgetary cycle over the next years. It's the cost of defensive medicine. It is very, very hard to get a handle on the cost of what that defensive medicine is.

But consider this, 1996, a study done, Stanford University, revealed that in the Medicare system alone, in the Medicare system alone, the cost of defensive medicine was approximately 28- to $30 billion a year. That was 10 years ago. I suspect that number is higher today. That's why we can scarcely afford to continue the trajectory we are on with the medical liability issue in this country.

Another consideration, young people, getting out of college, considering medical school, put the brakes on their dreams. I don't know if I want to do that. I don't know if I want to face all of the hassles you have to face in the practice of medicine and those large liability insurance payments as well.

We are keeping young people out of the practice, of considering the practice of a health care profession for their livelihood because of the burden that we put upon them, not just with how we reimburse physicians at a Federal level, that's a discussion for another day, but with the burden that we put on them with health professions, loans that they have to take out to get through school, they carry a big debt load when they get out of medical school. Then on top of that, they will have to go out and borrow huge sums of money just to pay their liability insurance. Many of them simply turn off that dream and say I will do something else. There is another path for me. I don't need to choose a career in health.

This is the thing that we have to consider. We have to focus on how we are affecting our physician workforce for the future, how we are affecting the health care that you are our children and our children's children will receive.

I appreciate the opportunity to talk on this subject. As you know, I will do it at almost any time and work it into any context. But it does have a budgetary role. It is a significant one.

We shouldn't turn our backs on that $3.8 billion that's lying on the table right now waiting for us to pass the sensible legislation.

Mrs. BLACKBURN. I thank the gentleman from Texas. I appreciate this so much. How interesting that something that would yield a $3.8 billion savings has been overlooked and left on the table. But I think that what we see from this, and what the takeaway for us is, that we have an innovative idea, and as the physician from Texas said, our States are great labs for finding things that work. They do such a great job looking at needed reforms, whether they are educational reforms or health care reforms, and finding things that work.

You take a program like the liability reforms in Texas that have reduced insurance rates by over 22 percent, and then you run that out on a national basis and you say, okay, over 5 years, we can save $3.8 billion, not to include it, when you know it's a concept that works, not to bring it forward for discussion from the House, so that you can elevate the awareness of this.

Look for a pilot project for this if you need be, if you need further evidence and some qualified data to work from. But to be able to say, all right, we are just not going to do this because we like the status quo, we like the way the status quo is, and we are not interested in something that will be new, different, or maybe save some money.

We would rather be spending money and spending they are, to the tune of the single largest tax increase in history that the liberal majority and the liberal leadership in this House is bringing forward in their budget, $392.5 billion over a period of 5 years.

It has been a pleasure to stand with my colleagues tonight and to talk a little bit about our budget, to talk about some of the gamesmanship, if you will, that has taken place as the majority has tried to change a rule that has been on the books since 1822, lack of respect for the traditions of the institution.

We also would recognize with sorrow the fact that this is the 100th day since President Bush said, our men and women in uniform need additional funds. It is an imperative that we get the funds to them, and still no bill in sight. We have a Memorial Day break coming up upon us. I think it's unfortunate.

Mr. GOHMERT. I yield to my friend from Texas.

Mr. CARTER. I want to expand a little bit on what my good friend from Tennessee was talking about.

I happen to be blessed to have Fort Hood, Texas, in my district, which is the only division 2 post in America. It is the largest gathering of military forces on Earth, and we have experienced already, since I have been in Congress, a delay on getting a supplemental to the post.

Now, I think the American people need to know, and I would hope my colleagues in Congress would know, that today, as we speak, there are between 4- and 5,000 American soldiers going door-to-door in Baghdad and looking for three soldiers. Why is that? Why that concentration of effort?

Because the United States Army and the United States Marine Corps and every one of our services, they value every human life that they have. They care about their soldiers, and they are showing it by 24/7 putting their lives on the line looking for these guys, because they know what happens to these prisoners, what has happened in the past, people who were castrated and skinned alive, and their throats cut, and left on the side of the road dead with bombs strapped to their bodies. So they care about those soldiers.

This issue goes right down to what happens at home, when the supplemental money that provides the bullets, ammunition, transportation, vehicles for our soldiers in harm's way, when this Congress fails to meet its obligation to those brave men and women. By passing a supplemental, what does the Army do? Do they let the guys in the war suffer the consequences? No.

What happens is they look into the pocketbooks back home, and they have to cut the soldiers that are back in Texas or back in Tennessee or back in one of the other fine States in this union, they have to reduce what they have available for training, for services on their post.

You know, last year, when we didn't get the supplemental done until August, I can tell you that the people of Killeen, where Fort Hood is located, the people on the post, were talking about will we have enough money to pay the bills, the kinds of bills that American citizens understand, light bills, water bills, service bills, cutting the grass.

Are we going to be able to provide that at this post because the money, first, goes to the war fighters. They don't leave American soldiers in harm's way. So they cut their own pocketbooks.

Are we going to be able to pay the people we have contracted with to provide services? These issues are facing our soldiers today, because of the 100-day delay in providing this supplemental for our soldiers.

So it's important to know that our Army will not leave those guys without the goods that they need, and they will cut whatever they have to at home much.

But what does that mean to the next round of people that may have to go back to that war or any war? Also, you have at risk the possibility of cutting the training budgets for these soldiers, and what makes the American fighting man so superior to anybody on Earth? He is the best-trained soldier that ever took to the field. But if you cut the training bills in order to provide bullets for the guys in harm's way, then the training has to sacrifice. We can't get to that point. It is critical that we get a supplement passed from the standpoint of the American soldier.

Finally, today, we heard all rhetoric on this great, by the way, great bill that we just passed on defense authorization. We are providing funds for the soldiers in Iraq and Afghanistan, yes, in 2008.

But what are we going to do about it now? I think this is something that really has to be addressed because we are harming the best military on earth.

Mr. GOHMERT. I thank my former judge friend. You brought up about our soldiers going door-to-door in Iraq looking for the three soldiers that are missing, how critical intelligence is.

Now, I know the gentleman from Texas, my friend, the gentlelady from Tennessee, you both recall, though none of us were in Congress. I recall, because I was in the Army, and when President Carter started making Draconian cuts in our intelligence, and started cutting out critical areas of intelligence that would help us in the military, it hurt.

Now, when you are in the military, you cannot say anything derogatory about your Commander in Chief, that is a court martialable offense.

But we took up an intelligence bill, and, of course, as we know, some of the information that we have to go up and review in a classified setting, in a top secret setting, and things we learned cannot be revealed and will not be disclosed and divulged, but something that has been discussed on this floor in that intelligence bill is we cut some vital programs. We cut some vital eyes and years information that would help our military to have what they need to know where the enemy is, where they are coming from, what they are doing, those kinds of things.

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And to help look for global warning evidence, to look for global warming evidence. I don't know about you all, I was seeing just this week some information about the polar ice caps melting, how devastating that can be, how that can bring about the end of the world, and we have to cut CO_2 emissions. But the polar ice caps I am talking about were on Mars.

Now, how are our CO_2 emissions on Earth, staying in our atmosphere, causing the Mars polar ice caps to melt? Gee, could it have something to do with maybe just more sunspots? In any event, that is a whole different matter.

The Constitution says we are to provide for the common defense. And when you cut programs that will help with eyes and ears to our military, I don't see how you can go home feeling too good about what we have done.

I yield to my friend from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding. It has been so interesting to me, and the gentleman mentioned Fort Hood and Killeen, Texas and his constituents there. Fort Campbell is in my district in Montgomery County, Tennessee, and to see these men and women, and to hear their stories and to see their need, as I have worked with that post since coming to Congress and working to meet their needs, one of the lessons to me has been, and I think this should be one of the lessons learned for all of us who are Members in Congress, when you cut funding to programs like the military, then there is a price to pay for that. And we are constitutionally charged and directed to provide for the common defense and the security of this Nation.

One of the things that happened during the Clinton Presidency, in order to generate a surplus, was cutting the military funding and cutting the intelligence funding. And we have heard, 4 years. This is not anecdotal, it is something that is fact and something that was bragged about, actually, a little bit in the late 1990s, was not putting that money into R&D, not researching the next generation of tanks or choppers or fighters or artillery or armor, because the Cold War was over and there wasn't a big threat. So let's cut that funding, and then let's put that money into something else.

And the same thing happened with intelligence, as the gentleman was saying. There was money that was cut back from that and put into social programs and domestic programs and not put into keeping that intelligence network strong and viable. And it takes about 5 years for one of our intelligence agents to develop an asset that is a reliable asset for information to protect our country. And I hope this is a lesson learned.

When we look at what happened to our country on September 11th, that is the date our Nation stopped responding to acts of terrorism as civil disobedience and started responding to acts of terrorism as an act of war, September 11th. We had been attacked for 2 decades prior to that, but that day was the day it changed. And as we looked at that and realized that on September 11, 2001, we were not under a George Bush budget, we were still under a Bill Clinton budget, and the Bush budget was kicking in about the 1st of October.

We have to realize that what you had were many years where our military had been telling us, we are pulling down on all of our resources, our reserve resources, we are pulling these down; and we need to be replenishing, we need to be careful where we are. I think that is a lesson, and I hope it is a lesson that we realize, that when you put something in place, you have to maintain it. When you build for the common defense, you need to maintain that in order to be able to stay strong.

I yield to the gentleman.

Mr. GOHMERT. I thank the gentlelady. You have made some great points.

During the 1990s, though, we were assured; we heard so many times all these lies about weapons of mass destruction. And maybe it is unfortunate that it turns out that all the times President Clinton assured us that Iraq had weapons of mass destruction, maybe they were right, maybe President Clinton was lying all those times that he said Iraq had weapons of mass destruction. Maybe Madeline Albright was lying all those times she said Iraq had weapons of mass destruction. Maybe George Bush should not have believed all the information they provided to him about Iraq having weapons of mass destruction.

But, nonetheless, we are now hearing people even in some of the debates and whatnot blaming this President and saying, if we would just leave the jihadist extremists alone, they will leave us alone.

And they want to blame President Bush, the current President Bush for our Americans being killed. If you are going to do that, though, you have to blame President Clinton for 9/11 because all the time, he was President. Of course, they tried the World Trade Center bombing in 1993 that failed, and then they began planning for the next, and that was 9/11.

Now, I feel like President Clinton made a lot of mistakes, but to blame him for Muslims plotting during the entire time he was President to blow up and kill thousands of Americans doesn't fit, because during his Presidency this country, nearly every time President Clinton committed troops or military assets it was to protect Muslims around the world. And yet all that time the jihadist extremists were plotting to kill thousands of Americans. So this stuff about blaming President Bush doesn't wash.

You go back to 1979. I was at Fort Benning. The first jihadist attack, taking our American embassy, that is an act of war. You are attacking American property, that is an act of war. Taking hostages. We did nothing but wring our hands and beg them to let them go. That was a breakdown and that was a glitch right after we fled from Vietnam. It was not a good chapter.

But the fact is, there are people that want to destroy our way of life. And we took an oath to support and defend the Constitution. The President did. I know, having taken that oath as a member of the United States military before, that is all taken very seriously. And there are people that want to destroy our way of life. We owe it to them to provide them the common defense. And we see things being weakened here, and it breaks my heart.

The American people, any time you see a program cut, whether it is under President Carter, President Clinton, or now under the Democratic majority cutting some intelligence program, and then you find out that it goes to some pork barrel earmark to somebody in the majority, it just breaks your heart, I can tell you, having been in the military when those things happen. And so it is heartbreaking to see the way it looks like we are going to head down that path with this Democratic majority.

I would yield to my friend from Texas for further comment.

Mr. CARTER. I agree completely with what my friend Judge GOHMERT had to say. You have given a very good history of what has been the history of the Democrat Party when they were in the majority or where they were in control of the White House. They have a history of cutting and providing less than the necessary supplies for our military.

In fact, one of the great brags that Al Gore used to say is that he reduced the number of employees in the Federal Government by this huge amount. But if you looked at where they came from, they were United States soldiers. Members of the military made up the vast majority of the numbers of reducing the size of government that were taken credit for during the Clinton administration. They cut our Army down from multidivisions, down to where it is now.

But you know what? That is all water under the bridge. You had mentioned something that is very important to me: We took an oath.

We took an oath, and our colleague from Texas (Mr. NEUGEBAUER) got asked a question by one of his folks back home: Why do you feel so that you are doing the right thing by providing for these guys that are fighting over in Iraq?

He said, You know, it is easy to criticize. But when you become responsible, then you have really got to look at it. And he said, I am by my oath responsible to the American public to provide for the common defense.

It as a perfect answer. That is exactly what we all did, Republican and Democrat, is we took an oath to be responsible to the American people to provide protection for those people. And some of these are hard calls and hard votes. These are not for me. These are not for me nor for anyone in this room. But it is a hard vote for some. So it is just sad. And sometimes we have just got to remember why we are here.

I would like to mention one more thing because I know our time is getting late. But we talked about this $392.5 billion tax increase that is coming down the road. Let me point out to folks that are paying gas prices. If you don't like $3 a gallon gasoline, which, by the way, there was supposed to be an instant solution for that problem when the new majority came into power, but we haven't seen it. In fact, it has only been made worse, in my opinion.

But take that, and I looked at that long list of what it means to everybody's district for this tax increase, and everybody gets—at least $2,000 it is going to cost the average family, At least $2,000. So take that money that you are putting aside to pay for that gas and subtract $2,000 a year from it. So the price of gas is going up. If nothing else, the price of gas is going up for the average American family by this tax increase, and it is something that will hurt our economy and turn us in the wrong direction.

I just wanted to mention that before we have to quit.

Mr. GOHMERT. And I appreciate the gentleman yielding back. It is a good note to finish on because people are paying too much for gasoline. And I go back to something I said in, January a few months ago, after the Democratic majority rammed another bill through that was going to cut the incentives for drilling, for refineries, some of the things that we have done in the last couple of years that we were here.

And I came to the well and I said then, and I will finish with this: If you are going to do things that make gasoline go up, at least have pride enough when the price goes up to come to the floor and say, "You bet you we are the Democratic majority, and we drove up the price of gas and we are proud of it."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, May 21, 22, and 23.

Mr. BISHOP of Utah, for 5 minutes, May 23.

Mr. CONAWAY, for 5 minutes, today.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Thursday, May 17, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1795. A communication from the President of the United States, transmitting certification that the export to the People's Republic of China of the specified items is not detrimental to the United States space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China, pursuant to Public Law 105-261, section 1512; (H. Doc. No. 110-34); to the Committee on Foreign Affairs and ordered to be printed.

1796. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Alliance, NE. [Docket No. FAA-2006-25945; Airspace Docket No. 06-ACE-15] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1797. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Change of Controlling Agency for Restricted Area R-6601; Fort A.P. Hill, VA. [Docket No. FAA-2007-27294; Airspace Docket No. 06-AS0-17] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1798. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of High Altitude Reporting Point; AK [Docket No. FAA-2007-27438; Airspace Docket No. 07-AAL-2] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1799. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Covington, GA. [Docket No. FAA-2006-26086; Airspace Docket No. 06-ASO-14] received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1800. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Mekoryuk, AK [Docket No. FAA-2006-26314; Airspace Docket No. 06-AAL-37] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1801. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Northway, AK [Docket No. FAA-2006-26316; Airspace Docket No. 06-AAL-39] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1802. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Gulkana, AK [Docket No. FAA-2006-26315; Airspace Docket No. 06-AAL-38] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1803. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Saratoga, WY [Docket No. FAA 2006-24233; Airspace Docket No. 06-ANM-1] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1804. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Adak, Atka, Cold Bay, King Cove, Nelson Lagoon, Saint George Island, Sand Point, Shemya, St. Paul Island, and Unalaska, AK [Docket No. FAA-2006-26164; Airspace Docket No. 06-AAL-34] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1805. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nucla, CO [Docket No. FAA-2006-24826; Airspace Docket No. 06-ANM-3] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1806. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Gillette, WY [Docket No. FAA-2005-20381; Airspace Docket No. 05-ANM-3] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1807. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Luke Air Force Base, AZ [Docket No. FAA-2006-26311; Airspace Docket No. 06-AWP-19] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1808. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524 Series Turbofan Engines [Docket No. FAA-2007-27267; Directorate Identifier 2002-NE-40-AD; Amendment 39-14991; AD 2007-06-10] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1809. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Models 58 and G58 Airplanes [Docket No. FAA-2006-25739; Directorate Identifier 2006-CE-46-AD; Amendment 39-14988; AD 2007-06-07] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1810. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Przedsiebiorstwo Doswiadczalno-Produkcyjne Szybownictwa "PZL-Bielsko" Model SZD-50-3 "Puchacz" Gliders [Docket No. FAA-2006-26497; Directorate Identifier 2006-CE-082-AD; Amendment 39-14989; AD 2007-06-08] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1811. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26180; Directorate Identifier 2006-CE-59-AD; Amendment 39-14995; AD 2007-06-14] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1812. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; B-N Group Ltd. BN-2, BN-2A, BN-2B, BN-2T, and BN-2T-4R Series (all individual models included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, dated December 9, 2002), and BN-2A-MkIII Trislander Series (all individual models included in Type Certificate Data Sheet (TCDS) A29EU, Revision 4, dated December 9, 2002) Airplanes [Docket No. FAA-2006-26401; Directorate Identifier 2006-CE-72-AD; Amendment 39-14987; AD 2007-06-06] (RIN: 2120-AA64) Received May 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1813. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26166; Directorate Identifier 2006-CE-58-AD; Amendment 39-14992; AD 2007-06-11] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1814. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310 Airplanes; Equipped with General Electric CF6-80A3 or CF6-80C2 Engines [Docket No. FAA-2005-22036; Directorate Identifier 2005-NM-009-AD; Amendment 39-14994; AD 2007-06-13] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1815. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alpha Aviation Design Limited (Type Certificate No. A48EU previously held by APEX Aircraft and AVIONS PIERRE ROBIN) Model R2160 Airplanes [Docket No. FAA-2006-26495; Directorate Identifier 2006-CE-80-AD; Amendment 39-14997; AD 2007-06-

16] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPRATT: Committee of Conference. Conference report on Senate Concurrent Resolution 21. Resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012 (Rept. 110–153). Ordered to be printed.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 811. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes; with an amendment (Rept. 110–154). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK: Committee on Financial Services. H.R. 698. A bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes; with an amendment (Rept. 110–155). Referred to the Committee of the Whole House on the State of the Union.

Ms. SUTTON: Committee on Rules. House Resolution 409. Resolution providing for consideration of the conference report to accompany the concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012 (Rept. 110–156). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BERMAN (for himself, Mr. SMITH of Texas, Mr. CONYERS, Mr. COBLE, Mr. BOUCHER, Mr. SENSENBRENNER, Ms. ZOE LOFGREN of California, and Mr. CHABOT):

H.R. 2336. A bill to amend title 35, United States Code, relating to the funding of the United States Patent and Trademark Office; to the Committee on the Judiciary.

By Mr. RAHALL:

H.R. 2337. A bill to promote energy policy reforms and public accountability, alternative energy and efficiency, and carbon capture and climate change mitigation, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of Texas:

H.R. 2339. A bill to encourage research, development, and demonstration of technologies to facilitate the utilization of water produced in connection with the development of domestic energy resources, and for other purposes; to the Committee on Science and Technology.

By Mr. BURGESS:

H.R. 2340. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD (for himself and Ms. SLAUGHTER):

H.R. 2341. A bill to prohibit securities and commodities trading based on nonpublic information relating to Congress, and to require additional reporting by Members and employees of Congress of securities transaction, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on House Administration, the Judiciary, Agriculture, and Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself, Mr. GILCHREST, Mr. WAXMAN, Mr. YOUNG of Florida, Mrs. CAPPS, Mr. SAXTON, Mr. FARR, Mr. INSLEE, Mr. MCDERMOTT, Mr. MCINTYRE, Mr. MORAN of Virginia, and Mr. THOMPSON of California):

H.R. 2342. A bill to direct the President to establish a National Integrated Coastal and Ocean Observation System, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself and Mr. PLATTS):

H.R. 2343. A bill to expand quality programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky (for himself and Mr. MARSHALL):

H.R. 2344. A bill to reiterate the authority of the United States Armed Forces to use riot control agents as a legitimate, legal, and non-lethal alternative to the use of lethal force under the general rules of engagement in effect for contingency operations of the Armed Forces conducted outside of the United States; to the Committee on Armed Services.

By Mr. DOGGETT (for himself, Mr. ANDREWS, Mr. BECERRA, Mr. BERMAN, Ms. CARSON, Mr. CLEAVER, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DELAURO, Mr. ELLISON, Mr. EMANUEL, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HARE, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KUCINICH, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. PATRICK MURPHY of Pennsylvania, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. PAYNE, Mr. RUSH, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Ms. SUTTON, Mr. TIERNEY, Mr. VAN HOLLEN, Ms. WATERS, and Mr. WAXMAN):

H.R. 2345. A bill to amend the Internal Revenue Code of 1986 to curb tax abuses by disallowing tax benefits claimed to arise from transactions without substantial economic substance, and for other purposes; to the Committee on Ways and Means.

By Mr. FOSSELLA:

H.R. 2346. A bill to direct the Secretary of Veterans Affairs to establish a process for determining whether a geographic area is sufficiently served by the national cemeteries located in that geographic area; to the Committee on Veterans' Affairs.

By Mr. FRANK of Massachusetts (for himself, Mr. LANTOS, Mr. SHERMAN, Mr. SHAYS, Mr. LYNCH, Mr. ACKERMAN, Mr. KLEIN of Florida, and Mr. WEXLER):

H.R. 2347. A bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself, Mr. WALZ of Minnesota, and Ms. MCCOLLUM of Minnesota):

H.R. 2348. A bill to amend the Farm Security and Rural Development Act of 2002 to support beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture.

By Mrs. JONES of Ohio (for herself, Mrs. CHRISTENSEN, Mr. HONDA, and Mr. GRIJALVA):

H.R. 2349. A bill to provide for research and education with respect to uterine fibroids, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H.R. 2350. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions and expenditures by multicandidate political committees controlled by foreign-owned corporations, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR (for herself, Mr. LATOURETTE, and Mr. CLAY):

H.R. 2351. A bill to expand the number of individuals and families with health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN (for himself, Mr. PASCRELL, Mr. DAVIS of Illinois, Mr.

Neal of Massachusetts, Mr. Delahunt, Ms. Berkley, Mr. Payne, Mr. Meeks of New York, Mr. Frank of Massachusetts, Ms. Corrine Brown of Florida, Ms. Clarke, Mr. Towns, Mr. Weiner, Ms. Waters, Ms. DeGette, Mr. Andrews, Mr. Ackerman, Mr. Wu, Ms. Baldwin, Mr. Yarmuth, Mr. Hall of New York, Mr. Higgins, Mr. Hinchey, Mr. Watt, Mr. Wynn, Mr. Bishop of Georgia, Ms. Kilpatrick, Ms. Lee, Mr. Emanuel, Mr. Holt, Ms. Jackson-Lee of Texas, Mr. Hare, Mr. Sires, Mr. Kind, Mr. Scott of Georgia, Mr. Gene Green of Texas, Mr. Patrick Murphy of Pennsylvania, Ms. Matsui, Mr. Kucinich, Ms. Sutton, and Mr. Scott of Virginia):

H.R. 2352. A bill to enhance the safety of elementary schools, secondary schools, and institutions of higher education; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mrs. Myrick, Mrs. Capps, Mr. Moore of Kansas, Mr. Allen, Mr. Loebsack, Mr. Alexander, and Mr. Rothman):

H.R. 2353. A bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VISCLOSKY:

H.R. 2354. A bill to promote the national security and stability of the economy of the United States by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Transportation and Infrastructure, Armed Services, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida:

H.R. 2355. A bill to amend the Internal Revenue Code of 1986 to extend the authority for penalty-free withdrawals from retirement plans by military reservists or national guardsmen called to active duty for extended periods; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself, Mr. Tim Murphy of Pennsylvania, Mr. Reichert, Mr. Shays, Mr. Boucher, Mr. Cleaver, Mr. Moore of Kansas, Mr. Smith of Washington, Mr. Altmire, Mr. Terry, Mr. McDermott, Mr. McIntyre, and Mr. Rehberg):

H. Con. Res. 149. Concurrent resolution expressing support for the goals and ideals of National Health Information Technology Week, and encouraging the President to issue a proclamation supporting those goals and ideals; to the Committee on Energy and Commerce.

By Mr. BOOZMAN:

H. Res. 410. A resolution expressing the sense of the House of Representatives with respect to the increase in rates of postage for standard mail that went into effect on May 14, 2007; to the Committee on Oversight and Government Reform.

By Mr. MELANCON (for himself, Mr. Jefferson, Mr. Davis of Kentucky, Mr. Boustany, Mr. Alexander, Mr. Baker, Mr. McCrery, Mr. Chandler, and Mr. Yarmuth):

H. Res. 411. A resolution congratulating Jockey Calvin Borel for his victory at the 133rd Kentucky Derby; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

36. The SPEAKER presented a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 6 supporting the "25 X 25" Initiative to increase production of renewable energy by the agricultural community; to the Committee on Agriculture.

37. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 65 requesting that the Congress of the United States support the passage of the National Guard Empowerment Act of 2007; to the Committee on Armed Services.

38. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Resolution No. 8012 urging the Congress of the United States to swiftly pass S. 513 and H.R. 869; to the Committee on Armed Services.

39. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1289 memorializing the Congress of the United States to increase funding for Community Development Block Grants; to the Committee on Financial Services.

40. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 45 urging the Congress of the United States to provide equitable funding to the United States Department of Housing and Urban Development for the operation of quality affordable housing; to the Committee on Financial Services.

41. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 27 memorializing the Congress of the United States to invest in Head Start and Quality Child Care; to the Committee on Education and Labor.

42. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 33 requesting that the Congress of the United States propose amendments to the No Child Left Behind Act of 2001; to the Committee on Education and Labor.

43. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 1 urging the Congress of the United States to develop health care reforms addressing the increasing costs of health care, the increasing number of people without health insurance, a lack of uniform quality, and disparate health care legislation among states that impacts the Nation's economy and American's health; to the Committee on Energy and Commerce.

44. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 36 urging the President of the United States, the Congress of the United States, and the United States Department of Energy to restore funding for the Weatherization Assistance Program in Fiscal Year 2008 and to considering increasing future funding for this important federal program; to the Committee on Energy and Commerce.

45. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6015 setting forth a vision for the future of the health care system in Kansas; to the Committee on Energy and Commerce.

46. Also, a memorial of the Legislature of the State of Maine, relative to a Joint Resolution requesting that the State Children's Health Insurance Program be fully funded not only for children of the State of Maine, but for all of the children of the working poor in the United States; to the Committee on Energy and Commerce.

47. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 25 designating April 24, 2007, as "Pennsylvania's Day of Remebrance of the Armenian Genocide of 1915-1923"; to the Committee on Foreign Affairs.

48. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 4 opposing the relaxation of mail delvery standards under consideration by the President's Commission on the United States Postal Service; to the Committee on Oversight and Government Reform.

49. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 197 memorializing the Citizens' Stamp Advisory Committee of the United States Postal Service to issue a commemorative stamp honoring coal miners; to the Committee on Oversight and Government Reform.

50. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 14 urging the Congress of the United States to include a right of first refusal for a state in which federal land proposed for sale is located; to the Committee on Natural Resources.

51. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 36 urging the Congress of the United States to de-couple federal mineral royalty revenue payments from states to counties when calculating payment in lieu of tax payments; to the Committee on Natural Resources.

52. Also, a memorial of the Legislature of the State of North Dakota, relative to House Concurrent Resolution No. 3032 encouraging a recommitment to the ratification of the Equal Rights Amendment in all states and final passage in the Congress of the United States; to the Committee on the Judiciary.

53. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 45 memorialing the Congress of the United States to enact the Second Chance Act to help juvenile and adult ex-offenders to successfully re-enter their communities; to the Committee on the Judiciary.

54. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 21 condemning the United States Citizenship and Immigration Services' fee increase; to the Committee on the Judiciary.

55. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 34 expresing the Senate's opposition to Norfolk Southern Corporation's proposed sale of its rail lines from Ypsilanti to Kalamazoo and Grand Rapids to Kalamazoo and continuing to the Indiana border; to the Committee on Transportation and Infrastructure.

56. Also, a memorial of the Legislature of the State of Kansas, relative to House Concurrent Resolution No. 5018 urging the Congress of the United States to propose a bill requesting the President of the United States authorize the striking of a special U.S. Atomic Service Medal to honor Atomic veterans; to the Committee on Veterans' Affairs.

57. Also, a memorial of the Legislature of the State of New Mexico, relative to Senate Joint Memorial No. 14 urging the Congress of the United States to fully fund medical care and aid and attendent care services for Honey Sue Newby and the other level three Spina Bifida children of parents who served in Vietnam and who are totally disabled; to the Committee on Veterans' Affairs.

58. Also, a memorial of the Senate of the State of Vermont, relative to Senate Resolution No. 13 requesting that the Congress of the United States enact legislation to assure federal funding for the health care of veterans; to the Committee on Veterans' Affairs.

59. Also, a memorial of the Legislature of the State of Maine, relative to a Joint Resolution urging the President of the United States and the Congress of the United States create a replacement for the Trade Promotion Authority system so that United States trade agreements are developed and implemented using more a democratic and inclusive mechanism that entails meaningful consultation with states; to the Committee on Ways and Means.

60. Also, a memorial of the Legislature of the State of Montana, relative to Senate Joint Resolution No. 4 urging the Congress of the United States reauthorize the Secure Rural Schools and Community Self-Determintation Act and work toward a permanent solution to compensate states and local governments for lost tax revenue on federal land within Montana; jointly to the Committees on Agriculture and Natural Resources.

61. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Resolution No. 4011 requesting that the Congress of the United States enact a law that preserves the use and access of pack and saddle stock animals on public lands; jointly to the Committees on Agriculture and Natural Resources.

62. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 106 supporting the reauthorization of the "Secure Rural Schools and Community Self-Determination Act" or the enactment of its equitable equivalent; jointly to the Committees on Agriculture and Natural Resources.

63. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8008 respectfully praying that the Congress of the United States take action necessary to give priority in the issuance of immigrant visas to the sons, daughters, and grandchildren of Filipino World War II veterans who are or were naturalized citizens of the United States and amend the 1946 Rescission Act and honor our country's moral obligation to restore these Filipino veterans full United States veterans status with the military benefits they deserve; jointly to the Committees on the Judiciary and Veterans' Affairs.

64. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 15 requesting that the Congress of the United States re-evaluate the Medicare formula for computing payments to doctors or take other measures to avert future reductions in payments for services; jointly to the Committees on Ways and Means and Energy and Commerce.

65. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 141 urging the Congress of the United States to increase the Medicare Reimbursement rates for Hawaii; jointly to the Committees on Ways and Means and Energy and Commerce.

66. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1182 memorializing the Congress of the United States to fulfill the intent to fund 60% of the costs of special education and to end unfunded mendates; jointly to the Committees on Education and Labor, Oversight and Government Reform, the Judiciary, the Budget, and Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. Sires, Mr. Markey, Mr. Lipinski, Mr. Jackson of Illinois, and Mr. Costello.

H.R. 21: Mrs. Tauscher, Mr. Filner, Ms. Matsui, Mr. Crowley, Mr. Honda, Ms. Zoe Lofgren of California, Mr. Sherman, Ms. Roybal-Allard, Mr. Baca, Mr. Gutierrez, and Mr. Reyes.

H.R. 23: Mr. Ferguson, Mr. Poe, Mr. Gillmor, Mr. Welch of Vermont, and Mr. Petri.

H.R. 65: Mr. Bachus.

H.R. 67: Mr. Matheson.

H.R. 78: Mr. Lincoln Davis of Tennessee.

H.R. 82: Mr. Burton of Indiana, Mr. Costa, Mr. Ellison, Mrs. Jones of Ohio, and Mr. Walsh of New York.

H.R. 89: Ms. Woolsey.

H.R. 101: Mr. Price of Georgia.

H.R. 111: Mr. Roskam, Mrs. Tauscher, Ms. Berkley, Mr. Sarbanes, Mr. Lincoln Davis of Tennessee, and Mr. Cohen.

H.R. 156: Ms. Carson and Mr. Peterson of Minnesota.

H.R. 171: Mr. Jackson of Illinois.

H.R. 174: Mr. Jackson of Illinois.

H.R. 241: Mr. Forbes and Mr. Everett.

H.R. 281: Mr. Loebsack.

H.R. 380: Ms. Linda T. Sánchez of California.

H.R. 543: Ms. Eshoo.

H.R. 551: Mr. McKeon, Ms. Linda T. Sánchez of California, and Mr. McCaul of Texas.

H.R. 552: Mr. Cramer.

H.R. 557: Mr. Holden, and Mr. Cuellar.

H.R. 579: Mr. Young of Alaska, Mr. Weldon of Florida, Mr. Schiff, Mr. Roskam, and Mr. Renzi.

H.R. 612: Mr. Boswell.

H.R. 620: Mr. Jackson of Illinois.

H.R. 621: Mr. Buchanan.

H.R. 623: Mr. Rahall.

H.R. 624: Ms. Eshoo and Ms. Norton.

H.R. 654: Mr. Udall of New Mexico, Mr. Bishop of New York, Mr. Bishop of Georgia, Mr. Costello, Mrs. Bono, and Ms. Norton.

H.R. 695: Mr. McGovern and Ms. Kaptur.

H.R. 698: Ms. Eshoo and Mr. Wynn.

H.R. 718: Mrs. Jones of Ohio and Ms. Norton.

H.R. 743: Mr. Smith of Texas, Mr. Porter, and Mr. Engel.

H.R. 748: Mr. Grijalva, Mr. Wexler, and Mr. Moore of Kansas.

H.R. 760: Mr. Porter and Mr. Welch of Vermont.

H.R. 773: Mr. Conyers.

H.R. 777: Mr. Sires.

H.R. 804: Ms. Watson, Mr. Hinojosa, Mr. Hinchey, and Mr. Cuellar.

H.R. 811: Mr. Murphy of Connecticut.

H.R. 821: Mr. Etheridge and Mr. McNerney.

H.R. 840: Ms. Clarke.

H.R. 869: Mrs. Jones of Ohio.

H.R. 871: Ms. Carson and Mr. Burton of Indiana.

H.R. 882: Mr. Berry.

H.R. 891: Mr. Garrett of New Jersey and Mr. Shimkus.

H.R. 900: Mr. Ruppersberger and Mr. Shays.

H.R. 933: Mr. Wynn.

H.R. 962: Ms. Schakowsky, Mr. Berman, and Mr. Frank of Massachusetts.

H.R. 970: Mr. Etheridge.

H.R. 971: Mr. Schiff and Mr. Cleaver.

H.R. 980: Mr. Altmire, Mr. Andrews, Mr. Ellsworth, Mr. Young of Alaska, Mr. Moran of Virginia, Mr. Rush, Mr. Cardoza, Mr. Crowley, Mr. Olver, Mr. Baca, Ms. Shea-Porter, and Mr. Capuano.

H.R. 983: Mr. Reichert.

H.R. 1064: Mr. Jindal and Mr. Filner.

H.R. 1070: Mr. Cardoza, Mr. Hinojosa, and Mr. Hastings of Florida.

H.R. 1073: Ms. Baldwin, Mrs. Napolitano, and Mr. Cuellar.

H.R. 1088: Mr. Wynn.

H.R. 1098: Mr. Souder and Mr. Arcuri.

H.R. 1108: Mr. Price of North Carolina and Mr. Gilchrest.

H.R. 1110: Mr. Udall of New Mexico.

H.R. 1125: Mr. Souder and Mr. Tiberi.

H.R. 1137: Mr. Boswell.

H.R. 1148: Mr. Jackson of Illinois.

H.R. 1216: Mr. Rothman and Mrs. Lowey.

H.R. 1222: Mrs. Jo Ann Davis of Virginia and Mr. Hayes.

H.R. 1225: Mr. Jackson of Illinois.

H.R. 1237: Mr. David Davis of Tennessee.

H.R. 1239: Ms. McCollum of Minnesota.

H.R. 1248: Mr. Wynn and Mr. Paul.

H.R. 1302: Ms. Herseth Sandlin, Mr. Doggett, Mr. Loebsack, Mr. Udall of New Mexico, and Mr. Inslee.

H.R. 1306: Mr. Mica.

H.R. 1307: Mr. Cramer.

H.R. 1308: Mr. Pastor.

H.R. 1331: Mr. Olver, Ms. Harman, Mrs. Tauscher, and Mr. Braley of Iowa.

H.R. 1344: Mr. Matheson.

H.R. 1354: Mr. Cramer.

H.R. 1380: Mr. Alexander.

H.R. 1391: Mr. Wynn.

H.R. 1398: Mr. Bishop of Georgia, Mr. Pence, Mr. Weldon of Florida, Mr. Lewis of Kentucky, and Ms. Fallin.

H.R. 1415: Mr. Blumenauer and Ms. Carson.

H.R. 1416: Mr. Udall of New Mexico, Mr. Blumenauer, and Ms. Carson.

H.R. 1424: Mr. Cramer.

H.R. 1440: Mr. Udall of Colorado, Mr. Payne, and Mr. Moore of Kansas.

H.R. 1459: Ms. Baldwin, Mr. Tiahrt, Mr. Wexler, and Mr. Reichert.

H.R. 1470: Mr. Gordon and Ms. Corrine Brown of Florida.

H.R. 1474: Mr. Carter, Mr. Loebsack, Ms. DeLauro, Mr. Levin, Mr. McDermott, Mr. Jefferson, Mr. Bishop of Georgia, Mr. Chandler, Mr. Alexander, Mr. Simpson, Mr. Berman, Mr. Peterson of Pennsylvania, Mr. Schiff, Mr. Wu, Mr. Goodlatte, Mr. Ortiz, Mr. Conaway, Mr. Cuellar, and Mr. Shuster.

H.R. 1475: Mr. Doyle, Mr. Fattah, and Mrs. Capps.

H.R. 1481: Mrs. McCarthy of New York, Mr. Tanner, Mr. Moore of Kansas, and Mr. Gillmor.

H.R. 1524: Mr. Rothman, Mr. Gerlach, Mr. Ellsworth, Mr. Moran of Virginia, Mr. Turner, and Ms. Schakowsky.

H.R. 1536: Mr. Altmire, Ms. Bordallo, and Mr. McIntyre.

H.R. 1537: Mr. Payne, Mr. Jackson of Illinois, and Mr. Rothman.

H.R. 1551: Mr. Jackson of Illinois.

H.R. 1553: Mr. Delahunt.

H.R. 1561: Mr. GORDON.

H.R. 1628: Ms. SCHAKOWSKY.

H.R. 1653: Mr. PAYNE.

H.R. 1662: Mr. HASTINGS of Washington.

H.R. 1673: Ms. ZOE LOFGREN of California and Ms. WATSON.

H.R. 1682: Ms. BERKLEY.

H.R. 1687: Mr. PLATTS, Mrs. CAPPS, and Mr. BARROW.

H.R. 1688: Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. BERMAN, Mr. WATT, Ms. WATSON, Mr. PAYNE, Mr. CLAY, Mr. JOHNSON of Georgia, Mr. SCOTT of Georgia, Mr. RANGEL, Ms. CLARKE, Ms. MOORE of Wisconsin, Mr. MEEK of Florida, Mrs. JONES of Ohio, Mr. CLYBURN, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Alabama, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FATTAH, and Mr. HASTINGS of Florida.

H.R. 1692: Mr. WYNN.

H.R. 1709: Mr. INSLEE.

H.R. 1719: Ms. NORTON and Ms. CARSON.

H.R. 1728: Ms. CARSON.

H.R. 1733: Mrs. MYRICK.

H.R. 1735: Mr. BILIRAKIS and Mr. JONES of North Carolina.

H.R. 1740: Mr. MCNULTY.

H.R. 1742: Mr. BOREN.

H.R. 1747: Ms. WOOLSEY and Mr. FILNER.

H.R. 1754: Mr. LARSON of Connecticut, Mr. BOSWELL, Mr. MARSHALL, Mr. CRAMER, Mr. CARDOZA, Mr. MITCHELL, Mr. LINCOLN DAVIS of Tennessee, Mr. LOEBSACK, Mrs. GILLIBRAND, and Mr. DOGGETT.

H.R. 1758: Mr. JEFFERSON.

H.R. 1759: Mr. DREIER, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. KELLER, Mr. BILIRAKIS, Mr. DANIEL E. LUNGREN of California, Mr. CRENSHAW, Mr. CALVERT, Mr. LEWIS of California, Mr. RYAN of Ohio, Mr. REHBERG, Mr. SIMPSON, Mr. WALDEN of Oregon, Mr. MCKEON, and Mr. SHIMKUS.

H.R. 1772: Mr. LOEBSACK, Mr. PASTOR, and Ms. LORETTA SANCHEZ of California.

H.R. 1783: Mr. WU, Mr. WYNN, Mr. LAMPSON, and Mr. MAHONEY of Florida.

H.R. 1818: Mrs. CAPPS.

H.R. 1845: Mr. ALLEN, Mr. CHANDLER, Mr. VISCLOSKY, and Mr. SHAYS.

H.R. 1878: Mr. INSLEE.

H.R. 1884: Mr. WYNN.

H.R. 1902: Mr. WYNN.

H.R. 1907: Ms. MATSUI, Mrs. TAUSCHER, Mr. BLUMENAUER, and Mr. STARK.

H.R. 1926: Mr. OLVER, Mr. FRANK of Massachusetts, Mr. SCOTT of Georgia, Mr. CHABOT, Mr. SHUSTER, and Mr. WYNN.

H.R. 1941: Mr. GRIJALVA and Mr. RAMSTAD.

H.R. 1942: Mr. CHABOT.

H.R. 1968: Mr. BACA, Mr. BECERRA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. PASTOR, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. SIRES, Mrs. CHRISTENSEN, AND Ms. BORDALLO.

H.R. 1971: Ms. SLAUGHTER, Ms. HIRONO, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. WALSH of New York, Mr. CLAY, Mrs. MCCARTHY of New York, Mr. TOWNS, Mr. CUMMINGS, Mrs. MALONEY of New York, Mr. RUSH, Mr. HARE, Ms. ZOE LOFGREN of California, Ms. NORTON, Mr. ROSS, and Mr. CONYERS.

H.R. 1985: Ms. CORRINE BROWN of Florida, Ms. NORTON, and Mr. WYNN.

H.R. 1999: Mr. FRANK of Massachusetts, Mr. REYES, and Mr. PASTOR.

H.R. 2015: Mr. CARNAHAN, Mr. TIERNEY, Mr. ISRAEL, Mr. BOSWELL, Ms. WATERS, Ms. WOOLSEY, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2017: Mr. BLUMENAUER and Mr. WYNN.

H.R. 2035: Mr. SIMPSON.

H.R. 2046: Mr. MELANCON.

H.R. 2049: Mr. BISHOP of New York, Ms. SOLIS, Mr. FATTAH, Mr. LYNCH, Ms. ROYBAL-ALLARD, Mr. FRANK of Massachusetts, Mr. PALLONE, and Ms. ZOE LOFGREN of California.

H.R. 2053: Mr. UDALL of Colorado, Mr. PUTNAM, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PASTOR, Mr. LUCAS, Mr. GOODE, Mr. FILNER, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM of Minnesota, and Mr. HAYES.

H.R. 2060: Mrs. CAPPS, Mr. OBERSTAR, and Mr. DAVIS of Illinois.

H.R. 2074: Mr. KENNEDY.

H.R. 2075: Mr. CRAMER and Ms. WATSON.

H.R. 2091: Mr. MURTHA and Mrs. CAPITO.

H.R. 2108: Mr. WAXMAN.

H.R. 2111: Mr. BLUMENAUER, Mr. WYNN, Ms. MATSUI, Mr. FARR, Mr. SIRES, and Mr. HASTINGS of Florida.

H.R. 2129: Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Mr. CONYERS, Ms. KAPTUR, and Mr. MCDERMOTT.

H.R. 2134: Mr. WILSON of South Carolina, Mr. HERGER, Mr. KLINE of Minnesota, and Mr. DOOLITTLE.

H.R. 2136: Mr. HARE and Ms. CARSON.

H.R. 2137: Mr. CAMP of Michigan.

H.R. 2138: Mr. UDALL of Colorado, Mr. WALBERG, Mr. SOUDER, and Mr. MCCAUL of Texas.

H.R. 2144: Mr. WYNN.

H.R. 2146: Ms. SHEA-PORTER, Ms. SCHAKOWSKY, Mr. DOGGETT, Ms. CLARKE, Mr. MCDERMOTT, Ms. CARSON, Ms. KAPTUR, Mr. WYNN, Mr. BISHOP of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Mr. FILNER, and Mr. SCOTT of Virginia.

H.R. 2154: Mr. MARSHALL.

H.R. 2164: Mr. UPTON and Mr. BERRY.

H.R. 2169: Mr. NEAL of Massachusetts and Mr. DAVIS of Illinois.

H.R. 2185: Mr. WELLER.

H.R. 2191: Ms. FALLIN.

H.R. 2215: Ms. BALDWIN, Mr. REICHERT, Mr. MCDERMOTT, Mr. ALLEN, and Mr. COHEN.

H.R. 2221: Mr. SIRES, Mrs. LOWEY, and Mr. PASTOR.

H.R. 2239: Ms. SHEA-PORTER.

H.R. 2253: Mr. BARTLETT of Maryland, Mrs. DRAKE, Mr. GOODE, Mr. BURTON of Indiana, Mr. SENSENBRENNER, Mr. BUCHANAN, and Mr. CONAWAY.

H.R. 2264: Mr. KAGEN, Mr. HILL, and Mr. COHEN.

H.R. 2265: Mr. MCGOVERN, Ms. CLARKE, and Ms. VELÁZQUEZ.

H.R. 2268: Mr. Lincoln DIAZ-BALART of Florida, Mr. GERLACH, Mr. PUTNAM, Mr. CULBERSON, Mr. JOHNSON of Georgia, and Mr. ADERHOLT.

H.R. 2270: Mr. LARSEN of Washington.

H.R. 2291: Mr. MCCAUL of Texas, Mr. JONES of North Carolina, Ms. FOXX, Mr. TURNER, and Mr. THOMPSON of Mississippi.

H.R. 2295: Ms. HOOLEY, Ms. SHEA-PORTER, Mr. WATT, Mr. SESSIONS, Mrs. SCHMIDT, Mr. WELLER, Mr. RAMSTAD, Mr. KING of New York, Mr. HOEKSTRA, Mr. JINDAL, Mr. DEFAZIO, Mr. PETERSON of Pennsylvania, Mr. TAYLOR, Mr. ALTMIRE, Mr. ISRAEL, Mr. FRELINGHUYSEN, Mr. OBERSTAR, Ms. WASSERMAN SCHULTZ, Mr. MICHAUD, Mr. SKELTON, Mr. BONNER, Ms. SLAUGHTER, Mr. FARR, Mr. KUCINICH, Mr. CHANDLER, Mr. NEAL of Massachusetts, Mrs. MALONEY of New York, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. DOOLITTLE, Mr. PAYNE, Mrs. BIGGERT, Mr. MILLER of North Carolina, Mr. SCHIFF, and Mr. KELLER.

H.R. 2303: Mr. HINCHEY.

H.R. 2305: Mr. WELLER.

H.R. 2312: Mr. BONNER, Mr. SIMPSON, Mr. PAUL, Mr. DAVIS of Kentucky, Mr. HERGER, Mr. SENSENBRENNER, Mr. MACK, and Mr. SESSIONS.

H.R. 2313: Mr. ROHRABACHER, Mr. INSLEE, and Mr. MCDERMOTT.

H.R. 2329: Mr. MCCOTTER, Mr. BARTLETT of Maryland, Mr. RAMSTAD, Mr. LINCOLN DIAZ-BALART of Florida, Mr. COHEN, Mr. MCCARTHY of California, and Mrs. MALONEY of New York.

H.R. 2331: Mr. BOREN.

H. Con. Res. 21: Mr. BROWN of South Carolina.

H. Con. Res. 85: Mrs. DRAKE, Mr. SESSIONS, Mr. ALTMIRE, and Ms. SCHAKOWSKY.

H. Con. Res. 113: Mr. ALTMIRE.

H. Con. Res. 130: Ms. LORETTA SANCHEZ of California, Ms. SOLIS, Ms. BORDALLO, Mr. STARK, Mr. MORAN of Virginia, Ms. SUTTON, Mr. GORDON, Mr. VAN HOLLEN, Mr. WALZ of Minnesota, Mr. NADLER, Ms. SHEA-PORTER, Mrs. DAVIS of California, Ms. LINDA T. SÁNCHEZ of California, and Mr. ELLISON.

H. Con. Res. 137: Mr. CULBERSON, Mr. MCNULTY, and Mr. KING of New York.

H. Con. Res. 138: Mr. HOLDEN and Mrs. MCCARTHY of New York.

H. Con. Res. 144: Ms. MCCOLLUM of Minnesota.

H. Res. 121: Ms. HARMAN, Mr. GERLACH, Ms. LORETTA SANCHEZ of California, Mr. MCNERNEY, and Mr. ARCURI.

H. Res. 146: Mr. WYNN.

H. Res. 154: Mr. BISHOP of Georgia, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. TOWNS, and Ms. WATSON.

H. Res. 186: Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mr. DONNELLY, and Mr. DELAHUNT.

H. Res. 226: Ms. NORTON, Mr. ROTHMAN, Mrs. MALONEY of New York, and Mr. MCNULTY.

H. Res. 227: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 249: Mr. RADANOVICH.

H. Res. 251: Mr. SNYDER, Mr. BOREN, Ms. CORRINE BROWN of Florida, Mr. BAKER, Mr. MCCRERY, and Mr. CONYERS.

H. Res. 258: Mr. MARSHALL and Mr. WYNN.

H. Res. 268: Mr. SCOTT of Georgia.

H. Res. 281: Mr. POMEROY and Mr. WYNN.

H. Res. 282: Mr. HILL, Mr. GILLMOR, Mr. KILDEE, Mr. MORAN of Virginia, Mr. SPRATT, Mr. CRAMER, Ms. SLAUGHTER, and Mr. HODES.

H. Res. 353: Mr. JACKSON of Illinois, Mr. HOLDEN, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, and Mr. WYNN.

H. Res. 369: Mr. KENNEDY.

H. Res. 384: Mr. SHIMKUS, Mr. RADANOVICH, Mrs. MYRICK, Mr. BURTON of Indiana, Mr. BONNER, Mr. CANTOR, Mr. LAHOOD, and Mr. HULSHOF.

H. Res. 397: Mr. BERMAN.

H. Res. 402: Mr. INGLIS of South Carolina, Mr. MELANCON, and Mr. PAUL.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1427

OFFERED BY: MR. BOOZMAN

AMENDMENT NO. 3: Page 139, strike lines 22 through 25 and insert the following:

"(D) is made available for purchase only by, or in the case of assistance under this paragraph, is made available only to, homebuyers who have, before purchase—

"(i) completed a program".

Page 140, after line 3, insert the following:

"(ii) demonstrated, in accordance with regulations as the Director shall issue setting forth requirements for sufficient evidence, that they are lawfully present in the United States; and".

H.R. 1427

OFFERED BY: MS. BEAN

AMENDMENT NO. 4: Page 60, line 2, after "posed" insert "to the enterprises".

H.R. 1427

OFFERED BY: MR. AL GREEN OF TEXAS

AMENDMENT NO. 5: Page 130, strike lines 6 through 11 and insert the following:

"(i) The allocation percentage for the Louisiana Housing Finance Agency shall be 45 percent.

"(ii) The allocation percentage for the Mississippi Development Authority shall be 18.333 percent.

"(iii) The allocation percentage for the Alabama Housing Finance Authority shall be 18.333 percent.

"(iv) The allocation for the Texas Department of Housing and Community Affairs shall be 18.333 percent.".

Page 149, lines 16 and 17, strike "and the Mississippi Development Authority" and insert the following: ", the Mississippi Development Authority, the Alabama Housing Finance Authority, and the Texas Department of Housing and Community Affairs".

H.R. 1427

OFFERED BY: MR. TERRY

AMENDMENT NO. 6: Page 303, line 4, strike "and".

Page 303, after line 4, insert the following:

(B) in the first sentence, by inserting after "less than one" the following: "or two, as determined by the board of directors of the appropriate Federal home loan bank,"; and

Page 303, line 5, strike "(B)" and insert "(C)".

H.R. 1427

OFFERED BY: MR. DONNELLY

AMENDMENT NO. 7: Page 140, line 3, before the semicolon insert the following: ", except that entities providing such counseling shall not discriminate against any particular form of housing".

H.R. 1427

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 8: Page 144, after line 19, insert the following:

"(8) ACCEPTABLE IDENTIFICATION REQUIREMENT FOR OCCUPANCY OR ASSISTANCE.—

"(A) IN GENERAL.—Any assistance provided with any affordable housing grant amounts may not be made available to, or on behalf of, any individual or household unless the individual provides, or, in the case of a household, all adult members of the household provide, personal identification in one of the following forms:

"(i) SOCIAL SECURITY CARD WITH PHOTO IDENTIFICATION CARD OR REAL ID ACT IDENTIFICATION.—

"(I) A social security card accompanied by a photo identification card issued by the Federal Government or a State Government; or

"(II) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109-13; 49 U.S.C. 30301 note).

"(ii) PASSPORT.—A passport issued by the United States or a foreign government.

"(iii) USCIS PHOTO IDENTIFICATION CARD.—A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).

"(B) REGULATIONS.—The Director shall, by regulation, require that each grantee and recipient take such actions as the Director considers necessary to ensure compliance with the requirements of subparagraph (A).".

H.R. 1427

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 9: Strike line 21 on page 128 and all that follows through line 7 on page 129, and insert the following:

"(2) REQUIREMENTS FOR CONTRIBUTIONS.—

"(A) TIMING.—An enterprise shall not be required to make an allocation for a year pursuant to paragraph (1) unless the Director, pursuant to the study under paragraph (2) for such year, makes a determination that such allocation by the enterprise for the year—

"(i) will not contribute to the financial instability of the enterprise or impair the safe and sound operation of the enterprise;

"(ii) will not cause the enterprise to be classified as undercapitalized;

"(iii) will not prevent the enterprise from successfully completing a capital restoration plan under section 1369C; and

"(iv) will not result in increased costs to borrowers under residential mortgages.

"(B) STUDY.—The Director shall, for each year referred to in paragraph (1)—

"(i) conduct a study to determine the effects on each enterprise of making allocations in such year under such paragraph; and

"(ii) submit to the Congress a report containing the findings of such study and the determinations of the Secretary regarding the issues set forth in clauses (i) through (iv) of subparagraph (A).".

H.R. 1427

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 10: Page 100, after line 17, insert the following new section:

SEC. 136. COST INCREASE DISCLOSURE REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

(a) IN GENERAL.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"SEC. 1330. COST INCREASE DISCLOSURE REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

"(a) LIMITATION.—The Director shall by regulation establish standards, and shall enforce compliance with such standards, that—

"(1) prohibit the enterprises from the purchase, service, holding, selling, lending on the security of, or otherwise dealing with any mortgage on a one- to four-family residence that does not meet the requirements under subsection (b); and

"(2) prohibit the Federal home loan banks from providing any advances to a member for use in financing, and from accepting as collateral for any advance to a member, any mortgage on a one- to four-family residence that does not meet the requirements under subsection (b).

"(b) DISCLOSURE REQUIREMENTS.—The requirements under this subsection with respect to a mortgage are that, before or at settlement on the mortgage, the mortgagor is provided a written disclosure in such form as the Director shall require, clearly stating the dollar amount by which the requirements on the enterprises to make allocations under section 1337(b) to the affordable housing fund established under section 1337(a), if borne by mortgagors on a pro rata basis, could have increased the amount to be paid under the mortgage by the mortgagor over the entire term of the mortgage (in comparison with such amount paid absent such requirements), as determined in accordance with the determination of the Director pursuant to section 1337(o) for the applicable year.".

(b) FANNIE MAE.—Section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719) is amended by adding at the end the following new subsection:

"(g) PROHIBITION REGARDING DISCLOSURE REQUIREMENT.—Nothing in this Act may be construed to authorize the corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

(c) FREDDIE MAC.—Section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454) is amended by adding at the end the following new subsection:

"(d) PROHIBITION REGARDING DISCLOSURE REQUIREMENTS.—Nothing in this Act may be construed to authorize the Corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the Corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

(d) FEDERAL HOME LOAN BANKS.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) PROHIBITION REGARDING DISCLOSURE REQUIREMENTS.—Nothing in this Act may be construed to authorize a Federal Home Loan Bank to provide any advance to a member for use in financing, or accept as collateral for an advance under this section, any mortgage that a Bank is prohibited from so accepting under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

Page 144, after line 19, insert the following:

"(8) USE OF AMOUNTS FOR COSTS OF REQUIRED MORTGAGE DISCLOSURES.—Of the amount allocated pursuant to subsection (b) in each year to the affordable housing fund, the Director shall set aside the amount necessary to cover any costs to lenders, mortgagees, and other entities of making disclosures required under section 1330, and shall use such amounts to reimburse lenders, mortgagees, and other entities for such costs. The Director shall by regulation provide for lenders, mortgagees, and other entities to apply for such reimbursements and to identify such costs.".

Page 153, after line 14, insert the following:

"(o) DETERMINATION OF COST INCREASES.—For each year referred to in section 1337(b)(1), the Director shall make a determination, taking into account the results of the study conducted pursuant to section 139(d) of the Federal Housing Finance Reform Act of 2007, if available, and the amount of allocations made under section subsection (b) of this section to the affordable housing fund established under subsection (a), of the amount by which the requirements on the enterprises to make such allocations have increased the amount to be paid by mortgagors under mortgages for one- to four-family residences over the entire terms of such mortgages in comparison with such amount to be paid absent such requirements, expressed as an increased cost per $1,000 financed under a mortgage. The Director shall make such determination for each such year publicly available and shall provide for dissemination of such determination to lenders, mortgagees, and other entities incurring costs of making disclosures required under section 1330.".

Page 153, line 15, strike "(o)" and insert "(p)".

H.R. 1427

OFFERED BY: MR. BLUNT

AMENDMENT NO. 11: Page 154, line 6, strike the closing quotation marks and the last period.

Page 154, after line 6, insert the following:

"(p) FUNDING ACCOUNTABILITY AND TRANSPARENCY.—Any grant under this section to a grantee from the affordable housing fund established under subsection (a), any assistance provided to a recipient by a grantee from affordable housing fund grant amounts, and any grant, award, or other assistance from an affordable housing trust fund referred to in subsection (o) shall be considered a Federal award for purposes of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note). Upon the request of the Director of the Office of Management and Budget, the Director of the Federal Housing Finance Agency shall obtain and provide such information regarding any such grants, assistance, and awards as the Director of the Office of Management and Budget considers necessary to comply with the requirements of such Act, as applicable pursuant to the preceding sentence.".

H.R. 1427

OFFERED BY: MR. BACHUS

AMENDMENT NO. 12: Page 94, strike lines 8 and 9.

Page 98, strike "helpful" in line 20 and all that follows through line 22, and insert "for".

Strike line 4 on page 127 and all that follows through line 7 on page 156.

Page 156, lines 11 and 12, strike "adding after section 1337, as added by section 139 of this Act," and insert "striking sections 1337 and 1338 and inserting".

Page 156, line 14, strike "**SEC. 1338.**" and insert "**SEC. 1337.**".

Page 261, line 17, strike "or 1337".

Page 268, line 10, strike "or 1337".

Page 318, strike "The study" in line 17 and all that follows through "this Act." in line 20.

H.R. 1427

OFFERED BY: MRS. DAVIS OF CALIFORNIA

AMENDMENT NO. 13: Page 88, line 10, after the first period insert the following: "Such foregoing limitations, as increased pursuant to the preceding sentence, shall for purposes of section 3703(a)(1) of title 38, United States Code be considered as the Freddie Mac conforming loan limit limitation determined under this paragraph with respect to the applicable areas, mortgages, and property sizes."

H.R. 1427

OFFERED BY: MR. MCHENRY

AMENDMENT NO. 14: Page 156, line 4, after "Congress" insert "and the Director of the Federal Housing Finance Agency".

Page 156, after line 4, insert the following new subsection:

(e) DETERMINATION AND SUSPENSION OF ALLOCATIONS.—Not later than the expiration of the 3-month period that begins upon the expiration of the period referred to in subsection (d), the Director of the Federal Housing Finance Agency shall review the report submitted pursuant to such subsection and shall make an independent determination of whether the requirement under section 1337(b) of the Housing and Community Development Act of 1992 (as added by the amendment made by subsection (a) of this section) that the enterprises make allocations to the affordable housing fund established under section 1337(a) of such Act—

(1) will decrease the availability or affordability of credit for homebuyers of one- to four-family residences; or

(2) will increase the costs, to homebuyers, involved in purchasing such residences.

If the Director determines that such requirement will decrease such availability or affordability, or will increase the costs of purchasing such residences, notwithstanding such section 1337(b) or any other provision of law, the requirement under such section to allocate amounts to the affordable housing fund shall not apply, and shall not have any force or effect, with respect to the year in which such determination is made or any year thereafter.

H.R. 1427

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 15: Strike line 22 on page 290 and all that follows through line 4 on page 293, and insert the following:

SEC. 181. BOARDS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended in the first sentence by striking "eighteen persons," and inserting "not less than 7 and not more than 15 persons,".

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under section 185 occurs.

(b) FREDDIE MAC—

(1) IN GENERAL.—Paragraph (2) of section 303(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2) is amended in subparagraph (A) by striking "eighteen persons," and inserting "not less than 7 and not more than 15 persons,".

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the Board of Directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under section 185 occurs.

H.R. 1427

OFFERED BY: MR. FEENEY

AMENDMENT NO. 16: Line 16 on page 127, strike the dash and all that follows through line 10 on page 128 and insert the following: "to provide housing assistance, in 2007, for areas affected by Hurricane Katrina or Rita of 2005 and, after 2007, to provide housing assistance for supported rental housing for disabled homeless veterans.".

Page 130, lines 23 and 24, strike "establish a formula to allocate" and insert the following: "provide for the allocation".

Page 131, line, 1 insert "of" before "the".

Strike line 4 on page 131 and all that follows through line 2 on page 132 and insert the following: "The funding shall be distributed to public entities and allocated based on the formula used for the Continuum of Care competition of the Department of Housing and Urban Development."

Page 136, lines 7 through 9, strike "For each year that a grantee receives affordable housing fund grant amounts, the grantee" and insert "Each grantee for 2007 that receives affordable housing fund grant amounts".

Page 138, line 1, strike "the" and insert "any".

Page 138, line 5, before the period insert ", if applicable".

Page 138, line 7, after "grantee" insert "for 2007".

Page 140, after line 6 insert the following: "Affordable housing fund grant amounts of a grantee for any year after 2007 shall be eligible for use, or for commitment for use, only for rental housing voucher assistance in accordance with paragraph (19) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19).".

Page 140, line 22, strike "or".

Page 140, line 25, after the semicolon insert "or".

Page 140, after line 25, insert the following:

"(E) administer voucher assistance described in the matter in subsection (g) after and below paragraph (3);".

Page 142, line 3, strike "each year" and insert "2007".

Page 142, line 10, strike "each year" and insert "2007".

Page 147, line 20, before "the manner" insert "for each grantee in 2007,".

Page 151, line 15, before "requirements" insert "with respect to affordable housing fund grant amounts for 2007,".

Page 153, strike lines 1 through 3 and insert the following:

"(F) for the grantees for 2007, requirements and standards for establishment, by the grantees, of per-".

H.R. 1427

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT NO. 17: Page 61, after line 4, insert the following new section:

SEC. 116. PORTFOLIO GUIDELINES.

Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.), as amended by section 115, is further amended by adding at the end the following new section:

"SEC. 1369F. PORTFOLIO GUIDELINES.

"(a) AFFORDABLE HOUSING REQUIREMENT.—In order for the enterprises to meet their mission of providing for and promoting affordable housing, the Director shall require the enterprises to only hold, in their retained portfolios, mortgages and mortgage-backed securities that exclusively support affordable housing, and particularly mortgages extended to households having incomes below the median income for the area in which the property subject to the mortgage is located.

"(b) MORTGAGE-RELATED ASSETS LIMITATION.—The enterprises may purchase and retain mortgage-related assets only to the extent that the Director determines such actions are necessary for the enterprise to maintain a liquid secondary mortgage market in a manner that cannot be achieved through the activities described in subsection (a) and are consistent with the public interest.".

H.R. 1427

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT NO. 18: Page 52, after line 22, insert the following new section:

SEC. 113. PROHIBITION ON LOBBYING USING FUNDS OF REGULATED ENTITIES.

Part 1 of subtitle A of the Housing and Community Development Act of 1992 (12 U.S.C. 4511 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"SEC. 1319I. PROHIBITION ON LOBBYING USING FUNDS OF REGULATED ENTITIES.

"(a) TREATMENT OF REGULATED ENTITY FUNDS.—Any amounts of a regulated entity shall be subject to the same limitations applicable, under section 1913 of title 18, United

States Code, to use of money appropriated by an enactment of Congress to influence a Member of Congress. Violations of this subsection shall constitute violations of section 1352(a) of title 31, United States Code.

"(b) CLARIFICATION REGARDING TREATMENT OF REGULATED ENTITY OFFICERS AND EMPLOYEES.—A director, officer, employee, or controlling stockholder of, or agent for, a regulated entity shall not be considered an officer or employee of the United States or of its departments or agencies for purposes of subsection (a).".

H.R. 1427

OFFERED BY: MR. DOOLITTLE

AMENDMENT NO. 19: Page 100, after line 17, insert the following new section:

SEC. 136. MORTGAGOR IDENTIFICATION REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

(a) IN GENERAL.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"SEC. 1330. MORTGAGOR IDENTIFICATION REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

"(a) LIMITATION.—The Director shall by regulation establish standards, and shall enforce compliance with such standards, that—

"(1) prohibit the enterprises from the purchase, service, holding, selling, lending on the security of, or otherwise dealing with any mortgage on a one- to four-family residence that will be used as the principal residence of the mortgagor that does not meet the requirements under subsection (b); and

"(2) prohibit the Federal home loan banks from providing any advances to a member for use in financing, and from accepting as collateral for any advance to a member, any mortgage on a one- to four-family residence that will be used as the principal residence of the mortgagor that does not meet the requirements under subsection (b).

"(b) IDENTIFICATION REQUIREMENTS.—The requirements under this subsection with respect to a mortgage are that the mortgagor have, at the time of settlement on the mortgage, a Social Security account number.".

(b) FANNIE MAE.—Section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719) is amended by adding at the end the following new subsection:

"(g) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENT.—Nothing in this Act may be construed to authorize the corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

(c) FREDDIE MAC.—Section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454) is amended by adding at the end the following new subsection:

"(d) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENTS.—Nothing in this Act may be construed to authorize the Corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the Corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

(d) FEDERAL HOME LOAN BANKS.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENTS.—Nothing in this Act may be construed to authorize a Federal Home Loan Bank to provide any advance to a member for use in financing, or accept as collateral for an advance under this section, any mortgage that a Bank is prohibited from so accepting under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

H.R. 1427

OFFERED BY: MR. MCCAUL OF TEXAS

AMENDMENT NO. 20: Page 154, line 3, after the period insert the following: "Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in clauses (i) through (vi) of subsection (i)(6).".

H.R. 1427

OFFERED BY: MR. HINOJOSA

AMENDMENT NO. 21: Page 140, line 3, before the semicolon insert the following: "; except that the Director may, at the request of a State, waive the requirements of this subparagraph with respect to a geographic area or areas within the State if (i) the travel time or distance involved in providing counseling with respect to such area or areas, as otherwise required under this subparagraph, on an in-person basis is excessive or the cost of such travel is prohibitive, and (ii) the State provides alternative forms of counseling for such area or areas, which may include interactive telephone counseling, online counseling, interactive video counseling, and interactive home study counseling".

H.R. 1427

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 22: Page 300, line 24, strike ", and" and insert the following: ". The Federal Housing Enterprise Board may recommend individuals who are identified by the Board's own independent process or included on a list of individuals recommended by the board of directors of the Bank involved, which shall be submitted to the Federal Housing Enterprise Board by such board of directors. The number of individuals on any such list submitted by a Bank's board of directors shall be equal to at least two times the number of independent directorships to be filled. All independent directors appointed".

H.R. 1427

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT NO. 23: Page 129, after line 22, insert the following:

"(4) PROHIBITION OF PASS-THROUGH OF COST OF ALLOCATIONS.—The Director shall, by regulation, prohibit each enterprise from—

"(A) treating the costs to the enterprise of making the allocations required under paragraph (1) as a regular business expense of the enterprise; and

"(B) redirecting such costs, through increased charges or fees, or decreased premiums, or in any other manner, to the originators of mortgages purchased or securitized by the enterprise.".

H.R. 1427

OFFERED BY: MR. GARRETT

AMENDMENT NO. 24: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Housing Finance Reform Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—REFORM OF REGULATION OF ENTERPRISES AND FEDERAL HOME LOAN BANKS

Subtitle A—Improvement of Safety and Soundness

Sec. 101. Establishment of the Federal Housing Finance Agency.
Sec. 102. Duties and authorities of Director.
Sec. 103. Federal Housing Enterprise Board.
Sec. 104. Authority to require reports by regulated entities.
Sec. 105. Disclosure of income and charitable contributions by enterprises.
Sec. 106. Assessments.
Sec. 107. Examiners and accountants.
Sec. 108. Prohibition and withholding of executive compensation.
Sec. 109. Reviews of regulated entities.
Sec. 110. Inclusion of minorities and women; diversity in Agency workforce.
Sec. 111. Regulations and orders.
Sec. 112. Non-waiver of privileges.
Sec. 113. Risk-Based capital requirements.
Sec. 114. Minimum and critical capital levels.
Sec. 115. Review of and authority over enterprise assets and liabilities.
Sec. 116. Corporate governance of enterprises.
Sec. 117. Required registration under Securities Exchange Act of 1934.
Sec. 118. Liaison with Financial Institutions Examination Council.
Sec. 119. Guarantee fee study.
Sec. 120. Conforming amendments.

Subtitle B—Improvement of Mission Supervision

Sec. 131. Transfer of product approval and housing goal oversight.
Sec. 132. Review of enterprise products.
Sec. 133. Conforming loan limits.
Sec. 134. Annual housing report regarding regulated entities.
Sec. 135. Annual reports by regulated entities on affordable housing stock.
Sec. 136. Revision of housing goals.
Sec. 137. Duty to serve underserved markets.
Sec. 138. Monitoring and enforcing compliance with housing goals.
Sec. 139. Affordable Housing Fund.
Sec. 140. Consistency with mission.
Sec. 141. Enforcement.
Sec. 142. Conforming amendments.

Subtitle C—Prompt Corrective Action

Sec. 151. Capital classifications.
Sec. 152. Supervisory actions applicable to undercapitalized regulated entities.
Sec. 153. Supervisory actions applicable to significantly undercapitalized regulated entities.
Sec. 154. Authority over critically undercapitalized regulated entities.
Sec. 155. Conforming amendments.

Subtitle D—Enforcement Actions

Sec. 161. Cease-and-desist proceedings.
Sec. 162. Temporary cease-and-desist proceedings.

Sec. 163. Prejudgment attachment.
Sec. 164. Enforcement and jurisdiction.
Sec. 165. Civil money penalties.
Sec. 166. Removal and prohibition authority.
Sec. 167. Criminal penalty.
Sec. 168. Subpoena authority.
Sec. 169. Conforming amendments.

Subtitle E—General Provisions

Sec. 181. Boards of enterprises.
Sec. 182. Report on portfolio operations, safety and soundness, and mission of enterprises.
Sec. 183. Conforming and technical amendments.
Sec. 184. Study of alternative secondary market systems.
Sec. 185. Effective date.

TITLE II—FEDERAL HOME LOAN BANKS

Sec. 201. Definitions.
Sec. 202. Directors.
Sec. 203. Federal Housing Finance Agency oversight of Federal Home Loan Banks.
Sec. 204. Joint activities of Banks.
Sec. 205. Sharing of information between Federal Home Loan Banks.
Sec. 206. Reorganization of Banks and voluntary merger.
Sec. 207. Securities and Exchange Commission disclosure.
Sec. 208. Community financial institution members.
Sec. 209. Technical and conforming amendments.
Sec. 210. Study of affordable housing program use for long-term care facilities.
Sec. 211. Effective date.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, FEDERAL HOUSING FINANCE BOARD, AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of Federal Housing Enterprise Oversight

Sec. 301. Abolishment of OFHEO.
Sec. 302. Continuation and coordination of certain regulations.
Sec. 303. Transfer and rights of employees of OFHEO.
Sec. 304. Transfer of property and facilities.

Subtitle B—Federal Housing Finance Board

Sec. 321. Abolishment of the Federal Housing Finance Board.
Sec. 322. Continuation and coordination of certain regulations.
Sec. 323. Transfer and rights of employees of the Federal Housing Finance Board.
Sec. 324. Transfer of property and facilities.

Subtitle C—Department of Housing and Urban Development

Sec. 341. Termination of enterprise-related functions.
Sec. 342. Continuation and coordination of certain regulations.
Sec. 343. Transfer and rights of employees of Department of Housing and Urban Development.
Sec. 344. Transfer of appropriations, property, and facilities.

SEC. 2. DEFINITIONS.

Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) is amended—

(1) in paragraph (7), by striking "an enterprise" and inserting "a regulated entity";

(2) by striking "the enterprise" each place such term appears (except in paragraphs (4) and (18)) and inserting "the regulated entity";

(3) in paragraph (5), by striking "Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Federal Housing Finance Agency";

(4) in each of paragraphs (8), (9), (10), and (19), by striking "Secretary" each place that term appears and inserting "Director";

(5) in paragraph (13), by inserting ", with respect to an enterprise," after "means";

(6) by redesignating paragraphs (16) through (19) as paragraphs (20) through (23), respectively;

(7) by striking paragraphs (14) and (15) and inserting the following new paragraphs:

"(18) REGULATED ENTITY.—The term 'regulated entity' means—

"(A) the Federal National Mortgage Association and any affiliate thereof;

"(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and

"(C) each Federal home loan bank.

"(19) REGULATED ENTITY-AFFILIATED PARTY.—The term 'regulated entity-affiliated party' means—

"(A) any director, officer, employee, or agent for, a regulated entity, or controlling shareholder of an enterprise;

"(B) any shareholder, affiliate, consultant, or joint venture partner of a regulated entity, and any other person, as determined by the Director (by regulation or on a case-by-case basis) that participates in the conduct of the affairs of a regulated entity, except that a shareholder of a regulated entity shall not be considered to have participated in the affairs of that regulated entity solely by reason of being a member or customer of the regulated entity;

"(C) any independent contractor for a regulated entity (including any attorney, appraiser, or accountant), if—

"(i) the independent contractor knowingly or recklessly participates in—

"(I) any violation of any law or regulation;

"(II) any breach of fiduciary duty; or

"(III) any unsafe or unsound practice; and

"(ii) such violation, breach, or practice caused, or is likely to cause, more than a minimal financial loss to, or a significant adverse effect on, the regulated entity; and

"(D) any not-for-profit corporation that receives its principal funding, on an ongoing basis, from any regulated entity.";

(8) by redesignating paragraphs (8) through (13) as paragraphs (12) through (17), respectively; and

(9) by inserting after paragraph (7) the following new paragraph:

"(11) FEDERAL HOME LOAN BANK.—The term 'Federal home loan bank' means a bank established under the authority of the Federal Home Loan Bank Act.";

(10) by redesignating paragraphs (2) through (7) as paragraphs (5) through (10), respectively; and

(11) by inserting after paragraph (1) the following new paragraphs:

"(2) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency.

"(3) AUTHORIZING STATUTES.—The term 'authorizing statutes' means—

"(A) the Federal National Mortgage Association Charter Act;

"(B) the Federal Home Loan Mortgage Corporation Act; and

"(C) the Federal Home Loan Bank Act.

"(4) BOARD.—The term 'Board' means the Federal Housing Enterprise Board established under section 1313B.".

TITLE I—REFORM OF REGULATION OF ENTERPRISES AND FEDERAL HOME LOAN BANKS

Subtitle A—Improvement of Safety and Soundness

SEC. 101. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1311 and 1312 and inserting the following:

"SEC. 1311. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

"(a) ESTABLISHMENT.—There is established the Federal Housing Finance Agency, which shall be an independent agency of the Federal Government.

"(b) GENERAL SUPERVISORY AND REGULATORY AUTHORITY.—

"(1) IN GENERAL.—Each regulated entity shall, to the extent provided in this title, be subject to the supervision and regulation of the Agency.

"(2) AUTHORITY OVER FANNIE MAE, FREDDIE MAC, AND FEDERAL HOME LOAN BANKS.—The Director of the Federal Housing Finance Agency shall have general supervisory and regulatory authority over each regulated entity and shall exercise such general regulatory and supervisory authority, including such duties and authorities set forth under section 1313 of this Act, to ensure that the purposes of this Act, the authorizing statutes, and any other applicable law are carried out. The Director shall have the same supervisory and regulatory authority over any joint office of the Federal home loan banks, including the Office of Finance of the Federal Home Loan Banks, as the Director has over the individual Federal home loan banks.

"(c) SAVINGS PROVISION.—The authority of the Director to take actions under subtitles B and C shall not in any way limit the general supervisory and regulatory authority granted to the Director.

"SEC. 1312. DIRECTOR.

"(a) ESTABLISHMENT OF POSITION.—There is established the position of the Director of the Federal Housing Finance Agency, who shall be the head of the Agency.

"(b) APPOINTMENT; TERM.—

"(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance.

"(2) TERM AND REMOVAL.—The Director shall be appointed for a term of 5 years and may be removed by the President only for cause.

"(3) VACANCY.—A vacancy in the position of Director that occurs before the expiration of the term for which a Director was appointed shall be filled in the manner established under paragraph (1), and the Director appointed to fill such vacancy shall be appointed only for the remainder of such term.

"(4) SERVICE AFTER END OF TERM.—An individual may serve as the Director after the expiration of the term for which appointed until a successor has been appointed.

"(5) TRANSITIONAL PROVISION.—Notwithstanding paragraphs (1) and (2), the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development shall serve as the Director until a successor has been appointed under paragraph (1).

“(c) DEPUTY DIRECTOR OF THE DIVISION OF ENTERPRISE REGULATION.—

“(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Enterprise Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of financial management or oversight and of mortgage securities markets and housing finance.

“(2) FUNCTIONS.—The Deputy Director of the Division of Enterprise Regulation shall have such functions, powers, and duties with respect to the oversight of the enterprises as the Director shall prescribe.

“(d) DEPUTY DIRECTOR OF THE DIVISION OF FEDERAL HOME LOAN BANK REGULATION.—

“(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Federal Home Loan Bank Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight and of the Federal Home Loan Bank System and housing finance.

“(2) FUNCTIONS.—The Deputy Director of the Division of Federal Home Loan Bank Regulation shall have such functions, powers, and duties with respect to the oversight of the Federal home loan banks as the Director shall prescribe.

“(e) DEPUTY DIRECTOR FOR HOUSING.—

“(1) IN GENERAL.—The Agency shall have a Deputy Director for Housing, who shall be appointed by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of the housing markets and housing finance and of community and economic development.

“(2) FUNCTIONS.—The Deputy Director for Housing shall have such functions, powers, and duties with respect to the oversight of the housing mission and goals of the enterprises, and with respect to oversight of the housing finance and community and economic development mission of the Federal home loan banks, as the Director shall prescribe.

“(f) LIMITATIONS.—The Director and each of the Deputy Directors may not—

“(1) have any direct or indirect financial interest in any regulated entity or regulated entity-affiliated party;

“(2) hold any office, position, or employment in any regulated entity or regulated entity-affiliated party; or

“(3) have served as an executive officer or director of any regulated entity, or regulated entity-affiliated party, at any time during the 3-year period ending on the date of appointment of such individual as Director or Deputy Director.

“(g) OMBUDSMAN.—The Director shall establish the position of the Ombudsman in the Agency. The Director shall provide that the Ombudsman will consider complaints and appeals from any regulated entity and any person that has a business relationship with a regulated entity and shall specify the duties and authority of the Ombudsman.”.

(b) APPOINTMENT OF DIRECTOR.—Notwithstanding any other provision of law or of this Act, the President may, any time after the date of the enactment of this Act, appoint an individual to serve as the Director of the Federal Housing Finance Agency, as such office is established by the amendment made by subsection (a). This subsection shall take effect on the date of the enactment of this Act.

SEC. 102. DUTIES AND AUTHORITIES OF DIRECTOR.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4513) is amended by striking section 1313 and inserting the following new sections:

“SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

“(a) DUTIES.—

“(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be—

“(A) to oversee the operations of each regulated entity and any joint office of the Federal Home Loan Banks; and

“(B) to ensure that—

“(i) each regulated entity operates in a safe and sound manner, including maintenance of adequate capital and internal controls;

“(ii) the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets that minimize the cost of housing finance (including activities relating to mortgages on housing for low- and moderate- income families involving a reasonable economic return that may be less than the return earned on other activities);

“(iii) each regulated entity complies with this title and the rules, regulations, guidelines, and orders issued under this title and the authorizing statutes; and

“(iv) each regulated entity carries out its statutory mission only through activities that are consistent with this title and the authorizing statutes.

“(2) SCOPE OF AUTHORITY.—The authority of the Director shall include the authority—

“(A) to review and, if warranted based on the principal duties described in paragraph (1), reject any acquisition or transfer of a controlling interest in an enterprise; and

“(B) to exercise such incidental powers as may be necessary or appropriate to fulfill the duties and responsibilities of the Director in the supervision and regulation of each regulated entity.

“(b) DELEGATION OF AUTHORITY.—The Director may delegate to officers or employees of the Agency, including each of the Deputy Directors, any of the functions, powers, or duties of the Director, as the Director considers appropriate.

“(c) LITIGATION AUTHORITY.—

“(1) IN GENERAL.—In enforcing any provision of this title, any regulation or order prescribed under this title, or any other provision of law, rule, regulation, or order, or in any other action, suit, or proceeding to which the Director is a party or in which the Director is interested, and in the administration of conservatorships and receiverships, the Director may act in the Director's own name and through the Director's own attorneys, or request that the Attorney General of the United States act on behalf of the Director.

“(2) CONSULTATION WITH ATTORNEY GENERAL.—The Director shall provide notice to, and consult with, the Attorney General of the United States before taking an action under paragraph (1) of this subsection or under section 1344(a), 1345(d), 1348(c), 1372(e), 1375(a), 1376(d), or 1379D(c), except that, if the Director determines that any delay caused by such prior notice and consultation may adversely affect the safety and soundness responsibilities of the Director under this title, the Director shall notify the Attorney General as soon as reasonably possible after taking such action.

“(3) SUBJECT TO SUIT.—Except as otherwise provided by law, the Director shall be subject to suit (other than suits on claims for money damages) by a regulated entity or director or officer thereof with respect to any matter under this title or any other applicable provision of law, rule, order, or regulation under this title, in the United States district court for the judicial district in which the regulated entity has its principal place of business, or in the United States District Court for the District of Columbia, and the Director may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.

“SEC. 1313A. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

“(a) STANDARDS.—The Director shall establish standards, by regulation, guideline, or order, for each regulated entity relating to—

“(1) adequacy of internal controls and information systems, including information security and privacy policies and practices, taking into account the nature and scale of business operations;

“(2) independence and adequacy of internal audit systems;

“(3) management of credit and counterparty risk, including systems to identify concentrations of credit risk and prudential limits to restrict exposure of the regulated entity to a single counterparty or groups of related counterparties;

“(4) management of interest rate risk exposure;

“(5) management of market risk, including standards that provide for systems that accurately measure, monitor, and control market risks and, as warranted, that establish limitations on market risk;

“(6) adequacy and maintenance of liquidity and reserves;

“(7) management of any asset and investment portfolio;

“(8) investments and acquisitions by a regulated entity, to ensure that they are consistent with the purposes of this Act and the authorizing statutes;

“(9) maintenance of adequate records, in accordance with consistent accounting policies and practices that enable the Director to evaluate the financial condition of the regulated entity;

“(10) issuance of subordinated debt by that particular regulated entity, as the Director considers necessary;

“(11) overall risk management processes, including adequacy of oversight by senior management and the board of directors and of processes and policies to identify, measure, monitor, and control material risks, including reputational risks, and for adequate, well-tested business resumption plans for all major systems with remote site facilities to protect against disruptive events; and

“(12) such other operational and management standards as the Director determines to be appropriate.

“(b) FAILURE TO MEET STANDARDS.—

“(1) PLAN REQUIREMENT.—

“(A) IN GENERAL.—If the Director determines that a regulated entity fails to meet any standard established under subsection (a)—

“(i) if such standard is established by regulation, the Director shall require the regulated entity to submit an acceptable plan to the Director within the time allowed under subparagraph (C); and

“(ii) if such standard is established by guideline, the Director may require the regulated entity to submit a plan described in clause (i).

“(B) CONTENTS.—Any plan required under subparagraph (A) shall specify the actions that the regulated entity will take to correct the deficiency. If the regulated entity is undercapitalized, the plan may be a part of the capital restoration plan for the regulated entity under section 1369C.

"(C) DEADLINES FOR SUBMISSION AND REVIEW.—The Director shall by regulation establish deadlines that—

"(i) provide the regulated entities with reasonable time to submit plans required under subparagraph (A), and generally require a regulated entity to submit a plan not later than 30 days after the Director determines that the entity fails to meet any standard established under subsection (a); and

"(ii) require the Director to act on plans expeditiously, and generally not later than 30 days after the plan is submitted.

"(2) REQUIRED ORDER UPON FAILURE TO SUBMIT OR IMPLEMENT PLAN.—If a regulated entity fails to submit an acceptable plan within the time allowed under paragraph (1)(C), or fails in any material respect to implement a plan accepted by the Director, the following shall apply:

"(A) REQUIRED CORRECTION OF DEFICIENCY.—The Director shall, by order, require the regulated entity to correct the deficiency.

"(B) OTHER AUTHORITY.—The Director may, by order, take one or more of the following actions until the deficiency is corrected:

"(i) Prohibit the regulated entity from permitting its average total assets (as such term is defined in section 1316(b)) during any calendar quarter to exceed its average total assets during the preceding calendar quarter, or restrict the rate at which the average total assets of the entity may increase from one calendar quarter to another.

"(ii) Require the regulated entity—

"(I) in the case of an enterprise, to increase its ratio of core capital to assets.

"(II) in the case of a Federal home loan bank, to increase its ratio of total capital (as such term is defined in section 6(a)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(5)) to assets.

"(iii) Require the regulated entity to take any other action that the Director determines will better carry out the purposes of this section than any of the actions described in this subparagraph.

"(3) MANDATORY RESTRICTIONS.—In complying with paragraph (2), the Director shall take one or more of the actions described in clauses (i) through (iii) of paragraph (2)(B) if—

"(A) the Director determines that the regulated entity fails to meet any standard prescribed under subsection (a);

"(B) the regulated entity has not corrected the deficiency; and

"(C) during the 18-month period before the date on which the regulated entity first failed to meet the standard, the entity underwent extraordinary growth, as defined by the Director.

"(c) OTHER ENFORCEMENT AUTHORITY NOT AFFECTED.—The authority of the Director under this section is in addition to any other authority of the Director.".

(b) INDEPENDENCE IN CONGRESSIONAL TESTIMONY AND RECOMMENDATIONS.—Section 111 of Public Law 93-495 (12 U.S.C. 250) is amended by striking "the Federal Housing Finance Board" and inserting "the Director of the Federal Housing Finance Agency".

SEC. 103. FEDERAL HOUSING ENTERPRISE BOARD.

(a) IN GENERAL.—Title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313A, as added by section 102 of this Act, the following new section:

"SEC. 1313B. FEDERAL HOUSING ENTERPRISE BOARD.

"(a) IN GENERAL.—There is established the Federal Housing Enterprise Board, which shall advise the Director with respect to overall strategies and policies in carrying out the duties of the Director under this title.

"(b) LIMITATIONS.—The Board may not exercise any executive authority, and the Director may not delegate to the Board any of the functions, powers, or duties of the Director.

"(c) COMPOSITION.—The Board shall be comprised of 5 members, of whom—

"(1) one member shall be the Secretary of the Treasury;

"(2) one member shall be the Secretary of Housing and Urban Development;

"(3) one member shall be the Director, who shall serve as the Chairperson of the Board; and

"(4) two members, who shall be appointed by the President, by and with the advise and consent of the Senate, who are experts or experienced in the field of financial services, housing finance, affordable housing, or mortgage lending.

The members pursuant to paragraph (4) shall be appointed for a term of four years. The Board may not, at any time, have more than three members of the same political party.

"(d) MEETINGS.—

"(1) IN GENERAL.—The Board shall meet upon notice by the Director, but in no event shall the Board meet less frequently than once every 3 months.

"(2) SPECIAL MEETINGS.—Either the Secretary of the Treasury or the Secretary of Housing and Urban Development may, upon giving written notice to the Director, require a special meeting of the Board.

"(e) TESTIMONY.—On an annual basis, the Board shall testify before Congress regarding—

"(1) the safety and soundness of the regulated entities;

"(2) any material deficiencies in the conduct of the operations of the regulated entities;

"(3) the overall operational status of the regulated entities;

"(4) an evaluation of the performance of the regulated entities in carrying out their respective missions;

"(5) operations, resources, and performance of the Agency; and

"(6) such other matters relating to the Agency and its fulfillment of its mission, as the Board determines appropriate.".

(b) ANNUAL REPORT OF THE DIRECTOR.—Section 1319B(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4521 (a)) is amended—

(1) in paragraph (3), by striking "and" at the end; and

(2) by striking paragraph (4) and inserting the following new paragraphs:

"(4) an assessment of the Board or any of its members with respect to—

"(A) the safety and soundness of the regulated entities;

"(B) any material deficiencies in the conduct of the operations of the regulated entities;

"(C) the overall operational status of the regulated entities; and

"(D) an evaluation of the performance of the regulated entities in carrying out their missions;

"(5) operations, resources, and performance of the Agency;

"(6) a description of the demographic makeup of the workforce of the Agency and the actions taken pursuant to section 1319A(b) to provide for diversity in the workforce; and

"(7) such other matters relating to the Agency and its fulfillment of its mission.".

SEC. 104. AUTHORITY TO REQUIRE REPORTS BY REGULATED ENTITIES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514) is amended—

(1) in the section heading, by striking "**ENTERPRISES**" and inserting "**REGULATED ENTITIES**";

(2) in subsection (a)—

(A) in the subsection heading, by striking "SPECIAL REPORTS AND REPORTS OF FINANCIAL CONDITION" and inserting "REGULAR AND SPECIAL REPORTS";

(B) in paragraph (1)—

(i) in the paragraph heading, by striking "FINANCIAL CONDITION" and inserting "REGULAR REPORTS"; and

(ii) by striking "reports of financial condition and operations" and inserting "regular reports on the condition (including financial condition), management, activities, or operations of the regulated entity, as the Director considers appropriate"; and

(C) in paragraph (2), after "submit special reports" insert "on any of the topics specified in paragraph (1) or such other topics"; and

(3) by adding at the end the following new subsection:

"(c) REPORTS OF FRAUDULENT FINANCIAL TRANSACTIONS.—

"(1) REQUIREMENT TO REPORT.—The Director shall require a regulated entity to submit to the Director a timely report upon discovery by the regulated entity that it has purchased or sold a fraudulent loan or financial instrument or suspects a possible fraud relating to a purchase or sale of any loan or financial instrument. The Director shall require the regulated entities to establish and maintain procedures designed to discover any such transactions.

"(2) PROTECTION FROM LIABILITY FOR REPORTS.—

"(A) IN GENERAL.—If a regulated entity makes a report pursuant to paragraph (1), or a regulated entity-affiliated party makes, or requires another to make, such a report, and such report is made in a good faith effort to comply with the requirements of paragraph (1), such regulated entity or regulated entity-affiliated party shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such report or for any failure to provide notice of such report to the person who is the subject of such report or any other person identified in the report.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating—

"(i) any inference that the term 'person', as used in such subparagraph, may be construed more broadly than its ordinary usage so as to include any government or agency of government; or

"(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.".

SEC. 105. DISCLOSURE OF INCOME AND CHARITABLE CONTRIBUTIONS BY ENTERPRISES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsections:

"(d) Disclosure of Charitable Contributions by Enterprises.—

"(1) Required disclosure.—The Director shall, by regulation, require each enterprise to submit a report annually, in a format designated by the Director, containing the following information:

"(A) Total value.—The total value of contributions made by the enterprise to nonprofit organizations during its previous fiscal year.

"(B) Substantial contributions.—If the value of contributions made by the enterprise to any nonprofit organization during its previous fiscal year exceeds the designated amount, the name of that organization and the value of contributions.

"(C) Substantial contributions to insider-affiliated charities.—Identification of each contribution whose value exceeds the designated amount that were made by the enterprise during the enterprise's previous fiscal year to any nonprofit organization of which a director, officer, or controlling person of the enterprise, or a spouse thereof, was a director or trustee, the name of such nonprofit organization, and the value of the contribution.

"(2) Definitions.—For purposes of this subsection—

"(A) the term 'designated amount' means such amount as may be designated by the Director by regulation, consistent with the public interest and the protection of investors for purposes of this subsection; and

"(B) the Director may, by such regulations as the Director deems necessary or appropriate in the public interest, define the terms officer and controlling person.

"(3) Public availability.—The Director shall make the information submitted pursuant to this subsection publicly available.

"(e) Disclosure of Income.—Each enterprise shall include, in each annual report filed under section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), the income reported by the issuer to the Internal Revenue Service for the most recent taxable year. Such income shall—

"(1) be presented in a prominent location in each such report and in a manner that permits a ready comparison of such income to income otherwise required to be included in such reports under regulations issued under such section; and

"(2) be submitted to the Securities and Exchange Commission in a form and manner suitable for entry into the EDGAR system of such Commission for public availability under such system.".

SEC. 106. ASSESSMENTS.

Section 1316 of the Housing and Community Development Act of 1992 (12 U.S.C. 4516) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) Annual Assessments.—The Director shall establish and collect from the regulated entities annual assessments in an amount not exceeding the amount sufficient to provide for reasonable costs and expenses of the Agency, including—

"(1) the expenses of any examinations under section 1317 of this Act and under section 20 of the Federal Home Loan Bank Act;

"(2) the expenses of obtaining any reviews and credit assessments under section 1319;

"(3) such amounts in excess of actual expenses for any given year as deemed necessary by the Director to maintain a working capital fund in accordance with subsection (e); and

"(4) the wind up of the affairs of the Office of Federal Housing Enterprise Oversight and the Federal Housing Finance Board under title III of the Federal Housing Finance Reform Act of 2007.";

(2) in subsection (b)—

(A) in the subsection heading, by striking "ENTERPRISES" and inserting "REGULATED ENTITIES";

(B) by realigning paragraph (2) two ems from the left margin, so as to align the left margin of such paragraph with the left margins of paragraph (1);

(C) in paragraph (1)—

(i) by striking "Each enterprise" and inserting "Each regulated entity";

(ii) by striking "each enterprise" and inserting "each regulated entity"; and

(iii) by striking "both enterprises" and inserting "all of the regulated entities"; and

(D) in paragraph (3)—

(i) in subparagraph (B), by striking "subparagraph (A)" and inserting "clause (i)";

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii) and (ii), respectively, and realigning such clauses, as so redesignated, so as to be indented 6 ems from the left margin;

(iii) by striking the matter that precedes clause (i), as so redesignated, and inserting the following:

"(3) Definition of total assets.—For purposes of this section, the term 'total assets' means as follows:

"(A) Enterprises.—With respect to an enterprise, the sum of—"; and

(iv) by adding at the end the following new subparagraph:

"(B) Federal home loan banks.—With respect to a Federal home loan bank, the total assets of the Bank, as determined by the Director in accordance with generally accepted accounting principles.";

(3) by striking subsection (c) and inserting the following new subsection:

"(c) Increased Costs of Regulation.—

"(1) Increase for inadequate capitalization.—The semiannual payments made pursuant to subsection (b) by any regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized may be increased, as necessary, in the discretion of the Director to pay additional estimated costs of regulation of the regulated entity.

"(2) Adjustment for enforcement activities.—The Director may adjust the amounts of any semiannual payments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by a regulated entity, as necessary in the discretion of the Director, to ensure that the costs of enforcement activities under this Act for a regulated entity are borne only by such regulated entity.

"(3) Additional assessment for deficiencies.—If at any time, as a result of increased costs of regulation of a regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized or as the result of supervisory or enforcement activities under this Act for a regulated entity, the amount available from any semiannual payment made by such regulated entity pursuant to subsection (b) is insufficient to cover the costs of the Agency with respect to such entity, the Director may make and collect from such regulated entity an immediate assessment to cover the amount of such deficiency for the semiannual period. If, at the end of any semiannual period during which such an assessment is made, any amount remains from such assessment, such remaining amount shall be deducted from the assessment for such regulated entity for the following semiannual period.";

(4) in subsection (d), by striking "If" and inserting "Except with respect to amounts collected pursuant to subsection (a)(3), if"; and

(5) by striking subsections (e) through (g) and inserting the following new subsections:

"(e) Working Capital Fund.—At the end of each year for which an assessment under this section is made, the Director shall remit to each regulated entity any amount of assessment collected from such regulated entity that is attributable to subsection (a)(3) and is in excess of the amount the Director deems necessary to maintain a working capital fund.

"(f) Treatment of Assessments.—

"(1) Deposit.—Amounts received by the Director from assessments under this section may be deposited by the Director in the manner provided in section 5234 of the Revised Statutes (12 U.S.C. 192) for monies deposited by the Comptroller of the Currency.

"(2) Not government funds.—The amounts received by the Director from any assessment under this section shall not be construed to be Government or public funds or appropriated money.

"(3) No apportionment of funds.—Notwithstanding any other provision of law, the amounts received by the Director from any assessment under this section shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

"(4) Use of funds.—The Director may use any amounts received by the Director from assessments under this section for compensation of the Director and other employees of the Agency and for all other expenses of the Director and the Agency.

"(5) Availability of oversight fund amounts.—Notwithstanding any other provision of law, any amounts remaining in the Federal Housing Enterprises Oversight Fund established under this section (as in effect before the effective date under section 185 of the Federal Housing Finance Reform Act of 2007), and any amounts remaining from assessments on the Federal Home Loan banks pursuant to section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)), shall, upon such effective date, be treated for purposes of this subsection as amounts received from assessments under this section.

"(6) Treasury investments.—

"(A) Authority.—The Director may request the Secretary of the Treasury to invest such portions of amount received by the Director from assessments paid under this section that, in the Director's discretion, are not required to meet the current working needs of the Agency.

"(B) Government obligations.—Pursuant to a request under subparagraph (A), the Secretary of the Treasury shall invest such amounts in government obligations guaranteed as to principal and interest by the United States with maturities suitable to the needs of Agency and bearing interest at a rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

"(g) Budget and Financial Management.—

"(1) Financial operating plans and forecasts.—The Director shall provide to the Director of the Office of Management and

Budget copies of the Director's financial operating plans and forecasts as prepared by the Director in the ordinary course of the Agency's operations, and copies of the quarterly reports of the Agency's financial condition and results of operations as prepared by the Director in the ordinary course of the Agency's operations.

"(2) FINANCIAL STATEMENTS.—The Agency shall prepare annually a statement of assets and liabilities and surplus or deficit; a statement of income and expenses; and a statement of sources and application of funds.

"(3) FINANCIAL MANAGEMENT SYSTEMS.—The Agency shall implement and maintain financial management systems that comply substantially with Federal financial management systems requirements, applicable Federal accounting standards, and that uses a general ledger system that accounts for activity at the transaction level.

"(4) ASSERTION OF INTERNAL CONTROLS.—The Director shall provide to the Comptroller General an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Agency, using the standards established in section 3512(c) of title 31, United States Code.

"(5) RULE OF CONSTRUCTION.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any reports, plans, forecasts, or other information referred to in paragraph (1) or any jurisdiction or oversight over the affairs or operations of the Agency.

"(h) AUDIT OF AGENCY.—

"(1) IN GENERAL.—The Comptroller General shall annually audit the financial transactions of the Agency in accordance with the U.S. generally accepted government auditing standards as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Agency are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Agency pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Agency shall remain in possession and custody of the Agency. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

"(2) REPORT.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Agency, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Agency at the time submitted to the Congress.

"(3) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 5 of title 41, United States Code, professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Agency shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.".

SEC. 107. EXAMINERS AND ACCOUNTANTS.

(a) EXAMINATIONS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended—

(1) in subsection (a), by adding after the period at the end the following: "Each examination under this subsection of a regulated entity shall include a review of the procedures required to be established and maintained by the regulated entity pursuant to section 1314(c) (relating to fraudulent financial transactions) and the report regarding each such examination shall describe any problems with such procedures maintained by the regulated entity.";

(2) in subsection (b)—

(A) by inserting "of a regulated entity" after "under this section"; and

(B) by striking "to determine the condition of an enterprise for the purpose of ensuring its financial safety and soundness" and inserting "or appropriate"; and

(3) in subsection (c)—

(A) in the second sentence, by inserting "to conduct examinations under this section" before the period; and

(B) in the third sentence, by striking "from amounts available in the Federal Housing Enterprises Oversight Fund".

(b) ENHANCED AUTHORITY TO HIRE EXAMINERS AND ACCOUNTANTS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following new subsection:

"(g) APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, SPECIALISTS, AND EXAMINERS.—

"(1) APPLICABILITY.—This section applies with respect to any position of examiner, accountant, specialist in financial markets, specialist in information technology, and economist at the Agency, with respect to supervision and regulation of the regulated entities, that is in the competitive service.

"(2) APPOINTMENT AUTHORITY.—The Director may appoint candidates to any position described in paragraph (1)—

"(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

"(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.

"(3) RULE OF CONSTRUCTION.—The appointment of a candidate to a position under the authority of this subsection shall not be considered to cause such position to be converted from the competitive service to the excepted service.".

(c) REPEAL.—Section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440) is amended—

(1) by striking the section heading and inserting the following: "EXAMINATIONS AND GAO AUDITS";

(2) in the third sentence, by striking "the Board and" each place such term appears; and

(3) by striking the first two sentences and inserting the following: "The Federal home loan banks shall be subject to examinations by the Director to the extent provided in section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517).".

SEC. 108. PROHIBITION AND WITHHOLDING OF EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Section 1318 of the Housing and Community Development Act of 1992 (12 U.S.C. 4518) is amended—

(1) in the section heading, by striking "**OF EXCESSIVE**" and inserting "**AND WITHHOLDING OF EXECUTIVE**";

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections:

"(b) FACTORS.—In making any determination under subsection (a), the Director may take into consideration any factors the Director considers relevant, including any wrongdoing on the part of the executive officer, and such wrongdoing shall include any fraudulent act or omission, breach of trust or fiduciary duty, violation of law, rule, regulation, order, or written agreement, and insider abuse with respect to the regulated entity. The approval of an agreement or contract pursuant to section 309(d)(3)(B) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)(3)(B)) or section 303(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)(2)) shall not preclude the Director from making any subsequent determination under subsection (a).

"(c) WITHHOLDING OF COMPENSATION.—In carrying out subsection (a), the Director may require a regulated entity to withhold any payment, transfer, or disbursement of compensation to an executive officer, or to place such compensation in an escrow account, during the review of the reasonableness and comparability of compensation.".

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 309(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding any other provision of this section, the corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

(2) FREDDIE MAC.—Section 303(h) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding any other provision of this section, the Corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

(3) Federal home loan banks.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended by adding at the end the following new subsection:

"(l) Withholding of Compensation.—Notwithstanding any other provision of this section, a Federal home loan bank shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

SEC. 109. REVIEWS OF REGULATED ENTITIES.

Section 1319 of the Housing and Community Development Act of 1992 (12 U.S.C. 4519) is amended—

(1) by striking the section designation and heading and inserting the following:

"SEC. 1319. REVIEWS OF REGULATED ENTITIES."; and

(2) by striking "is a nationally recognized" and all that follows through "1934" and inserting the following: "the Director considers appropriate, including an entity that is registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78a) as a nationally registered statistical rating organization".

SEC. 110. INCLUSION OF MINORITIES AND WOMEN; DIVERSITY IN AGENCY WORKFORCE.

Section 1319A of the Housing and Community Development Act of 1992 (12 U.S.C. 4520) is amended—

(1) in the section heading, by striking "**EQUAL OPPORTUNITY IN SOLICITATION OF CONTRACTS**" and inserting "**MINORITY AND WOMEN INCLUSION; DIVERSITY REQUIREMENTS**";

(2) in subsection (a), by striking "(a) In General.—Each enterprise" and inserting "(e) Outreach.—Each regulated entity"; and

(3) by striking subsection (b);

(4) by inserting before subsection (e), as so redesignated by paragraph (2) of this section, the following new subsections:

"(a) Office of Minority and Women Inclusion.—Each regulated entity shall establish an Office of Minority and Women Inclusion, or designate an office of the entity, that shall be responsible for carrying out this section and all matters of the entity relating to diversity in management, employment, and business activities in accordance with such standards and requirements as the Director shall establish.

"(b) Inclusion in All Levels of Business Activities.—Each regulated entity shall develop and implement standards and procedures to ensure, to the maximum extent possible, the inclusion and utilization of minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)) and women, and minority- and women-owned businesses (as such terms are defined in section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(r)(4)) (including financial institutions, investment banking firms, mortgage banking firms, asset management firms, broker-dealers, financial services firms, underwriters, accountants, brokers, investment consultants, and providers of legal services) in all business and activities of the regulated entity at all levels, including in procurement, insurance, and all types of contracts (including contracts for the issuance or guarantee of any debt, equity, or mortgage-related securities, the management of its mortgage and securities portfolios, the making of its equity investments, the purchase, sale and servicing of single- and multi-family mortgage loans, and the implementation of its affordable housing program and initiatives). The processes established by each regulated entity for review and evaluation for contract proposals and to hire service providers shall include a component that gives consideration to the diversity of the applicant.

"(c) Applicability.—This section shall apply to all contracts of a regulated entity for services of any kind, including services that require the services of investment banking, asset management entities, broker-dealers, financial services entities, underwriters, accountants, investment consultants, and providers of legal services.

"(d) Inclusion in Annual Reports.—Each regulated entity shall include, in the annual report submitted by the entity to the Director pursuant to section 309(k) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(k)), section 307(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(c)), and section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440), as applicable, detailed information describing the actions taken by the entity pursuant to this section, which shall include a statement of the total amounts paid by the entity to third party contractors since the last such report and the percentage of such amounts paid to businesses described in subsection (b) of this section."; and

(5) by adding at the end the following new subsection:

"(f) Diversity in Agency Workforce.—The Agency shall take affirmative steps to seek diversity in its workforce at all levels of the agency consistent with the demographic diversity of the United States, which shall include—

"(1) heavily recruiting at historically Black colleges and universities, Hispanic-serving institutions, women's colleges, and colleges that typically serve majority minority populations;

"(2) sponsoring and recruiting at job fairs in urban communities, and placing employment advertisements in newspapers and magazines oriented toward women and people of color;

"(3) partnering with organizations that are focused on developing opportunities for minorities and women to place talented young minorities and women in industry internships, summer employment, and full-time positions; and

"(4) where feasible, partnering with inner-city high schools, girls' high schools, and high schools with majority minority populations to establish or enhance financial literacy programs and provide mentoring.".

SEC. 111. REGULATIONS AND ORDERS.

Section 1319G of the Housing and Community Development Act of 1992 (12 U.S.C. 4526) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) Authority.—The Director shall issue any regulations, guidelines, and orders necessary to carry out the duties of the Director under this title and each of the authorizing statutes to ensure that the purposes of this title and such statutes are accomplished.";

(2) in subsection (b), by inserting ", this title, or any of the authorizing statutes" after "under this section"; and

(3) by striking subsection (c).

SEC. 112. NON-WAIVER OF PRIVILEGES.

Part 1 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4511) is amended by adding at the end the following new section:

"SEC. 1319H. PRIVILEGES NOT AFFECTED BY DISCLOSURE.

"(a) In General.—The submission by any person of any information to the Agency for any purpose in the course of any supervisory or regulatory process of the Agency shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than the Agency.

"(b) Rule of Construction.—No provision of subsection (a) may be construed as implying or establishing that—

"(1) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which subsection (a) does not apply; or

"(2) any person would waive any privilege applicable to any information by submitting the information to the Agency, but for this subsection.".

SEC. 113. RISK-BASED CAPITAL REQUIREMENTS.

(a) In General.—Section 1361 of the Housing and Community Development Act of 1992 (12 U.S.C. 4611) is amended to read as follows:

"SEC. 1361. RISK-BASED CAPITAL LEVELS FOR REGULATED ENTITIES.

"(a) In General.—

"(1) Enterprises.—The Director shall, by regulation, establish risk-based capital requirements for the enterprises to ensure that the enterprises operate in a safe and sound manner, maintaining sufficient capital and reserves to support the risks that arise in the operations and management of the enterprises.

"(2) Federal home loan banks.—The Director shall establish risk-based capital standards under section 6 of the Federal Home Loan Bank Act for the Federal home loan banks.

"(b) Confidentiality of Information.—Any person that receives any book, record, or information from the Director or a regulated entity to enable the risk-based capital requirements established under this section to be applied shall—

"(1) maintain the confidentiality of the book, record, or information in a manner that is generally consistent with the level of confidentiality established for the material by the Director or the regulated entity; and

"(2) be exempt from section 552 of title 5, United States Code, with respect to the book, record, or information.

"(c) No Limitation.—Nothing in this section shall limit the authority of the Director to require other reports or undertakings, or take other action, in furtherance of the responsibilities of the Director under this Act.".

(b) Federal Home Loan Banks Risk-Based Capital.—Section 6(a)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(3)) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) Risk-based capital standards.—The Director shall, by regulation, establish risk-based capital standards for the Federal home loan banks to ensure that the Federal home loan banks operate in a safe and sound manner, with sufficient permanent capital and reserves to support the risks that arise in the operations and management of the Federal home loans banks."; and

(2) in subparagraph (B), by striking "(A)(ii)" and inserting "(A)".

SEC. 114. MINIMUM AND CRITICAL CAPITAL LEVELS.

(a) Minimum Capital Level.—Section 1362 of the Housing and Community Development Act of 1992 (12 U.S.C. 4612) is amended—

(1) in subsection (a), by striking "In General" and inserting "Enterprises"; and

(2) by striking subsection (b) and inserting the following new subsections:

"(b) Federal Home Loan Banks.—For purposes of this subtitle, the minimum capital level for each Federal home loan bank shall be the minimum capital required to be maintained to comply with the leverage requirement for the bank established under section 6(a)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(2)).

"(c) Establishment of Revised Minimum Capital Levels.—Notwithstanding subsections (a) and (b) and notwithstanding the capital classifications of the regulated entities, the Director may, by regulations issued under section 1319G, establish a minimum capital level for the enterprises, for the Federal home loan banks, or for both the enterprises and the banks, that is higher than the level specified in subsection (a) for the enterprises or the level specified in subsection (b) for the Federal home loan banks, to the extent needed to ensure that the regulated entities operate in a safe and sound manner.

"(d) Authority To Require Temporary Increase.—Notwithstanding subsections (a) and (b) and any minimum capital level established pursuant to subsection (c), the Director may, by order, increase the minimum capital level for a regulated entity on a temporary basis for such period as the Director may provide if the Director—

"(1) makes any determination specified in subparagraphs (A) through (C) of section 1364(c)(1);

"(2) determines that the regulated entity has violated any of the prudential standards established pursuant to section 1313A and, as a result of such violation, determines that an unsafe and unsound condition exists; or

"(3) determines that an unsafe and unsound condition exists, except that a temporary increase in minimum capital imposed on a regulated entity pursuant to this paragraph shall not remain in place for a period of more than 6 months unless the Director makes a renewed determination of the existence of an unsafe and unsound condition.

"(e) Authority To Establish Additional Capital and Reserve Requirements for Particular Programs.—The Director may, at any time by order or regulation, establish such capital or reserve requirements with respect to any program or activity of a regulated entity as the Director considers appropriate to ensure that the regulated entity operates in a safe and sound manner, with sufficient capital and reserves to support the risks that arise in the operations and management of the regulated entity.

"(f) Periodic Review.—The Director shall periodically review the amount of core capital maintained by the enterprises, the amount of capital retained by the Federal home loan banks, and the minimum capital levels established for such regulated entities pursuant to this section. The Director shall rescind any temporary minimum capital level increase if the Director determines that the circumstances or facts justifying the temporary increase are no longer present.".

(b) Critical Capital Levels.—

(1) In general.—Section 1363 of the Housing and Community Development Act of 1992 (12 U.S.C. 4613) is amended—

(A) by striking "For" and inserting "(a) Enterprises.—For"; and

(B) by adding at the end the following new subsection:

"(b) Federal Home Loan Banks.—

"(1) In general.—For purposes of this subtitle, the critical capital level for each Federal home loan bank shall be such amount of capital as the Director shall, by regulation require.

"(2) Consideration of other critical capital levels.—In establishing the critical capital level under paragraph (1) for the Federal home loan banks, the Director shall take due consideration of the critical capital level established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises.".

(2) Regulations.—Not later than the expiration of the 180-day period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1363(b) of the Housing and Community Development Act of 1992 (as added by paragraph (1) of this subsection) establishing the critical capital level under such section.

SEC. 115. REVIEW OF AND AUTHORITY OVER ENTERPRISE ASSETS AND LIABILITIES.

(a) In General.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

"Subtitle B—Required Capital Levels for Regulated Entities, Special Enforcement Powers, and Reviews of Assets and Liabilities";

and

(2) by adding at the end the following new section:

"SEC. 1369E. REVIEWS OF ENTERPRISE ASSETS AND LIABILITIES.

"(a) In General.—The Director shall, by regulation, establish standards by which the portfolio holdings, or rate of growth of the portfolio holdings, of the enterprises will be deemed to be consistent with the mission and the safe and sound operations of the enterprises. In developing such standards, the Director shall consider—

"(1) the size or growth of the mortgage market;

"(2) the need for the portfolio in maintaining liquidity or stability of the secondary mortgage market (including the market for the mortgage-backed securities the enterprises issue);

"(3) the need for an inventory of mortgages in connection with securitizations;

"(4) the need for the portfolio to directly support the affordable housing mission of the enterprises;

"(5) the liquidity needs of the enterprises;

"(6) any potential risks posed by the nature of the portfolio holdings; and

"(7) any additional factors that the Director determines to be necessary to carry out the purpose under the first sentence of this subsection to establish standards for assessing whether the portfolio holdings are consistent with the mission and safe and sound operations of the enterprises.

"(b) Temporary Adjustments.—The Director may, by order, make temporary adjustments to the established standards for an enterprise or both enterprises, such as during times of economic distress or market disruption.

"(c) Authority To Require Disposition or Acquisition.—The Director shall monitor the portfolio of each enterprise. Pursuant to subsection (a) and notwithstanding the capital classifications of the enterprises, the Director may, by order, require an enterprise, under such terms and conditions as the Director determines to be appropriate, to dispose of or acquire any asset, if the Director determines that such action is consistent with the purposes of this Act or any of the authorizing statutes.".

(b) Regulations.—Not later than the expiration of the 180-day period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1369E(a) of the Housing and Community Development Act of 1992 (as added by subsection (a) of this section) establishing the portfolio holdings standards under such section.

SEC. 116. CORPORATE GOVERNANCE OF ENTERPRISES.

The Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

"SEC. 1322A. CORPORATE GOVERNANCE OF ENTERPRISES.

"(a) Board of Directors.—

"(1) Independence.—A majority of seated members of the board of directors of each enterprise shall be independent board members, as defined under rules set forth by the New York Stock Exchange, as such rules may be amended from time to time.

"(2) Frequency of meetings.—To carry out its obligations and duties under applicable laws, rules, regulations, and guidelines, the board of directors of an enterprise shall meet at least eight times a year and not less than once a calendar quarter.

"(3) Non-management board member meetings.—The non-management directors of an enterprise shall meet at regularly scheduled executive sessions without management participation.

"(4) Quorum; prohibition on proxies.—For the transaction of business, a quorum of the board of directors of an enterprise shall be at least a majority of the seated board of directors and a board member may not vote by proxy.

"(5) Information.—The management of an enterprise shall provide a board member of the enterprise with such adequate and appropriate information that a reasonable board member would find important to the fulfillment of his or her fiduciary duties and obligations.

"(6) Annual review.—At least annually, the board of directors of each enterprise shall review, with appropriate professional assistance, the requirements of laws, rules, regulations, and guidelines that are applicable to its activities and duties.

"(b) Committees of Boards of Directors.—

"(1) Frequency of meetings.—Any committee of the board of directors of an enterprise shall meet with sufficient frequency to carry out its obligations and duties under applicable laws, rules, regulations, and guidelines.

"(2) Required committees.—Each enterprise shall provide for the establishment, however styled, of the following committees of the board of directors:

"(A) Audit committee.

"(B) Compensation committee.

"(C) Nominating/corporate governance committee.

Such committees shall be in compliance with the charter, independence, composition, expertise, duties, responsibilities, and other requirements set forth under section 10A(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(m)), with respect to the audit committee, and under rules issued by the New York Stock Exchange, as such rules may be amended from time to time.

"(c) Compensation.—

"(1) In general.—The compensation of board members, executive officers, and employees of an enterprise—

"(A) shall not be in excess of that which is reasonable and appropriate;

"(B) shall be commensurate with the duties and responsibilities of such persons;

"(C) shall be consistent with the long-term goals of the enterprise;

"(D) shall not focus solely on earnings performance, but shall take into account risk management, operational stability and legal and regulatory compliance as well; and

"(E) shall be undertaken in a manner that complies with applicable laws, rules, and regulations.

"(2) Reimbursement.—If an enterprise is required to prepare an accounting restatement due to the material noncompliance of the enterprise, as a result of misconduct, with any financial reporting requirement under the securities laws, the chief executive officer and chief financial officer of the enterprise shall reimburse the enterprise as provided under section 304 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7243). This provision does not otherwise limit the authority of the Agency to employ remedies available to it under its enforcement authorities.

"(d) Code of Conduct and Ethics.—

"(1) In general.—An enterprise shall establish and administer a written code of conduct and ethics that is reasonably designed to assure the ability of board members, executive officers, and employees of the enterprise to discharge their duties and responsibilities, on behalf of the enterprise, in an objective and impartial manner, and that includes standards required under section 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7264) and other applicable laws, rules, and regulations.

"(2) Review.—Not less than once every three years, an enterprise shall review the adequacy of its code of conduct and ethics for consistency with practices appropriate to the enterprise and make any appropriate revisions to such code.

"(e) Conduct and Responsibilities of Board of Directors.—The board of directors of an enterprise shall be responsible for directing the conduct and affairs of the enterprise in furtherance of the safe and sound operation of the enterprise and shall remain reasonably informed of the condition, activities, and operations of the enterprise. The responsibilities of the board of directors shall include having in place adequate policies and procedures to assure its oversight of, among other matters, the following:

"(1) Corporate strategy, major plans of action, risk policy, programs for legal and regulatory compliance and corporate performance, including prudent plans for growth and allocation of adequate resources to manage operations risk.

"(2) Hiring and retention of qualified executive officers and succession planning for such executive officers.

"(3) Compensation programs of the enterprise.

"(4) Integrity of accounting and financial reporting systems of the enterprise, including independent audits and systems of internal control.

"(5) Process and adequacy of reporting, disclosures, and communications to shareholders, investors, and potential investors.

"(6) Extensions of credit to board members and executive officers.

"(7) Responsiveness of executive officers in providing accurate and timely reports to Federal regulators and in addressing the supervisory concerns of Federal regulators in a timely and appropriate manner.

"(f) Prohibition of Extensions of Credit.—An enterprise may not directly or indirectly, including through any subsidiary, extend or maintain credit, arrange for the extension of credit, or renew an extension of credit, in the form of a personal loan to or for any board member or executive officer of the enterprise, as provided by section 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(k)).

"(g) Certification of Disclosures.—The chief executive officer and the chief financial officer of an enterprise shall review each quarterly report and annual report issued by the enterprise and such reports shall include certifications by such officers as required by section 302 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241).

"(h) Change of Audit Partner.—An enterprise may not accept audit services from an external auditing firm if the lead or coordinating audit partner who has primary responsibility for the external audit of the enterprise, or the external audit partner who has responsibility for reviewing the external audit has performed audit services for the enterprise in each of the five previous fiscal years.

"(i) Compliance Program.—

"(1) Requirement.—Each enterprise shall establish and maintain a compliance program that is reasonably designed to assure that the enterprise complies with applicable laws, rules, regulations, and internal controls.

"(2) Compliance officer.—The compliance program of an enterprise shall be headed by a compliance officer, however styled, who reports directly to the chief executive officer of the enterprise. The compliance officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current compliance policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the compliance officer considers necessary and appropriate.

"(j) Risk Management Program.—

"(1) Requirement.—Each enterprise shall establish and maintain a risk management program that is reasonably designed to manage the risks of the operations of the enterprise.

"(2) Risk management officer.—The risk management program of an enterprise shall be headed by a risk management officer, however styled, who reports directly to the chief executive officer of the enterprise. The risk management officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current risk management policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the risk management officer considers necessary and appropriate.

"(k) Compliance With Other Laws.—

"(1) Deregistered or unregistered common stock.—If an enterprise deregisters or has not registered its common stock with the Securities and Exchange Commission under the Securities Exchange Act of 1934, the enterprise shall comply or continue to comply with sections 10A(m) and 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(m), 78m(k)) and sections 302, 304, and 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241, 7243, 7264), subject to such requirements as provided by subsection (l) of this section.

"(2) Registered common stock.—An enterprise that has its common stock registered with the Securities and Exchange Commission shall maintain such registered status, unless it provides 60 days prior written notice to the Director stating its intent to deregister and its understanding that it will remain subject to the requirements of the sections of the Securities Exchange Act of 1934 and the Sarbanes-Oxley Act of 2002, subject to such requirements as provided by subsection (l) of this section.

"(l) Other Matters.—The Director may from time to time establish standards, by regulation, order, or guideline, regarding such other corporate governance matters of the enterprises as the Director considers appropriate.

"(m) Modification of Standards.—In connection with standards of Federal or State law (including the Revised Model Corporation Act) or New York Stock Exchange rules that are made applicable to an enterprise by section 1710.10 of the Director's rules (12 C.F.R. 1710.10) and by subsections (a), (b), (g), (i), (j), and (k) of this section, the Director, in the Director's sole discretion, may modify the standards contained in this section or in part 1710 of the Director's rules (12 C.F.R. Part 1710) in accordance with section 553 of title 5, United States Code, and upon written notice to the enterprise.".

SEC. 117. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

The Housing and Community Development Act of 1992 is amended by adding after section 1322A, as added by the preceding provisions of this Act, the following new section:

"SEC. 1322B. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

"(a) In General.—Each regulated entity shall register at least one class of the capital stock of such regulated entity, and maintain such registration with the Securities and Exchange Commission, under the Securities Exchange Act of 1934.

"(b) Enterprises.—Each enterprise shall comply with sections 14 and 16 of the Securities Exchange Act of 1934.".

SEC. 118. LIAISON WITH FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

Section 1007 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3306) is amended—

(1) in the section heading, by inserting after "STATE" the following: "AND FEDERAL HOUSING FINANCE AGENCY"; and

(2) by inserting after "financial institutions" the following: ", and one representative of the Federal Housing Finance Agency,".

SEC. 119. GUARANTEE FEE STUDY.

(a) In General.—The Director of the Federal Housing Finance Agency, in consultation with the heads of the federal banking agencies, shall, not later than 18 months after the date of the enactment of this Act, submit to the Congress a study concerning the pricing, transparency and reporting of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal home loan banks with regard to guarantee fees and concerning analogous practices, transparency and reporting requirements (including advances pricing practices by the Federal Home Loan Banks) of other participants in the business of mortgage purchases and securitization.

(b) Factors.—The study required by this section shall examine various factors such as credit risk, counterparty risk considerations, economic value considerations, and volume considerations used by the regulated entities (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) included in the study in setting the amount of fees they charge.

(c) CONTENTS OF REPORT.—The report required under subsection (a) shall identify and analyze—

(1) the factors used by each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) in determining the amount of the guarantee fees it charges;

(2) the total revenue the enterprises earn from guarantee fees;

(3) the total costs incurred by the enterprises for providing guarantees;

(4) the average guarantee fee charged by the enterprises;

(5) an analysis of how and why the guarantee fees charged differ from such fees charged during the previous year;

(6) a breakdown of the revenue and costs associated with providing guarantees, based on product type and risk classifications; and

(7) other relevant information on guarantee fees with other participants in the mortgage and securitization business.

(d) PROTECTION OF INFORMATION.—Nothing in this section may be construed to require or authorize the Director of the Federal Housing Finance Agency, in connection with the study mandated by this section, to disclose information of the enterprises or other organization that is confidential or proprietary.

(e) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 120. CONFORMING AMENDMENTS.

(a) 1992 ACT.—Part 1 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4511 et seq.), as amended by the preceding provisions of this Act, is further amended—

(1) by striking "an enterprise" each place such term appears in such part (except in sections 1313(a)(2)(A), 1313A(b)(2)(B)(ii)(I), and 1316(b)(3)) and inserting "a regulated entity";

(2) by striking "the enterprise" each place such term appears in such part (except in section 1316(b)(3)) and inserting "the regulated entity";

(3) by striking "the enterprises" each place such term appears in such part (except in sections 1312(c)(2), and 1312(e)(2)) and inserting "the regulated entities";

(4) by striking "each enterprise" each place such term appears in such part and inserting "each regulated entity";

(5) by striking "Office" each place such term appears in such part (except in sections 1311(b)(2), 1312(b)(5), 1315(b), and 1316(a)(4), (g), and (h), 1317(c), and 1319A(a)) and inserting "Agency";

(6) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) in the subsection heading, by striking "OFFICE PERSONNEL" and inserting "IN GENERAL"; and

(ii) by striking "The" and inserting "Subject to title III of the Federal Housing Finance Reform Act of 2007, the";

(B) by striking subsections (d) and (f); and

(C) by redesignating subsection (e) as subsection (d);

(7) in section 1319B (12 U.S.C. 4521), by striking "Committee on Banking, Finance and Urban Affairs" each place such term appears and inserting "Committee on Financial Services"; and

(8) in section 1319F (12 U.S.C. 4525), striking all that follows "United States Code" and inserting ", the Agency shall be considered an agency responsible for the regulation or supervision of financial institutions.".

(b) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place such term appears, and inserting "Director of the Federal Housing Finance Agency", in—

(A) section 303(c)(2) (12 U.S.C. 1718(c)(2));

(B) section 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)); and

(C) section 309(k)(1); and

(2) in section 309—

(A) in subsections (d)(3)(A) and (n)(1), by striking "Banking, Finance and Urban Affairs" each place such term appears and inserting "Financial Services"; and

(B) in subsection (m)—

(i) in paragraph (1), by striking "Secretary" the second place such term appears and inserting "Director";

(ii) in paragraph (2), by striking "Secretary" the second place such term appears and inserting "Director"; and

(iii) by striking "Secretary" each other place such term appears and inserting "Director of the Federal Housing Finance Agency"; and

(C) in subsection (n), by striking "Secretary" each place such term appears and inserting "Director of the Federal Housing Finance Agency".

(c) AMENDMENTS TO FREDDIE MAC ACT.—The Federal Home Loan Mortgage Corporation Act is amended—

(1) by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place such term appears, and inserting "Director of the Federal Housing Finance Agency", in—

(A) section 303(b)(2) (12 U.S.C. 1452(b)(2));

(B) section 303(h)(2) (12 U.S.C. 1452(h)(2)); and

(C) section 307(c)(1) (12 U.S.C. 1456(c)(1));

(2) in sections 303(h)(1) and 307(f)(1) (12 U.S.C. 1452(h)(1), 1456(f)(1)), by striking "Banking, Finance and Urban Affairs" each place such term appears and inserting "Financial Services";

(3) in section 306(i) (12 U.S.C. 1455(i))—

(A) by striking "1316(c)" and inserting "306(c)"; and

(B) by striking "section 106" and inserting "section 1316"; and

(4) in section 307 (12 U.S.C. 1456))—

(A) in subsection (e)—

(i) in paragraph (1), by striking "Secretary" the second place such term appears and inserting "Director";

(ii) in paragraph (2), by striking "Secretary" the second place such term appears and inserting "Director"; and

(iii) by striking "Secretary" each other place such term appears and inserting "Director of the Federal Housing Finance Agency"; and

(B) in subsection (f), by striking "Secretary" each place such term appears and inserting "Director of the Federal Housing Finance Agency".

Subtitle B—Improvement of Mission Supervision

SEC. 131. TRANSFER OF PRODUCT APPROVAL AND HOUSING GOAL OVERSIGHT.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking the designation and heading for the part and inserting the following:

"PART 2—PRODUCT APPROVAL BY DIRECTOR, CORPORATE GOVERNANCE, AND ESTABLISHMENT OF HOUSING GOALS";

and

(2) by striking sections 1321 and 1322.

SEC. 132. REVIEW OF ENTERPRISE PRODUCTS.

(a) IN GENERAL.—Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

"SEC. 1321. PRIOR APPROVAL AUTHORITY FOR PRODUCTS OF ENTERPRISES.

"(a) IN GENERAL.—The Director shall require each enterprise to obtain the approval of the Director for any product of the enterprise before initially offering the product.

"(b) STANDARD FOR APPROVAL.—In considering any request for approval of a product pursuant to subsection (a), the Director shall make a determination that—

"(1) in the case of a product of the Federal National Mortgage Association, the Director determines that the product is authorized under paragraph (2), (3), (4), or (5) of section 302(b) or section 304 of the Federal National Mortgage Association Charter Act, (12 U.S.C. 1717(b), 1719);

"(2) in the case of a product of the Federal Home Loan Mortgage Corporation, the Director determines that the product is authorized under paragraph (1), (4), or (5) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a));

"(3) the product is in the public interest;

"(4) the product is consistent with the safety and soundness of the enterprise or the mortgage finance system; and

"(5) the product does not materially impair the efficiency of the mortgage finance system.

"(c) PROCEDURE FOR APPROVAL.—

"(1) SUBMISSION OF REQUEST.—An enterprise shall submit to the Director a written request for approval of a product that describes the product in such form as prescribed by order or regulation of the Director.

"(2) REQUEST FOR PUBLIC COMMENT.—Immediately upon receipt of a request for approval of a product, as required under paragraph (1), the Director shall publish notice of such request and of the period for public comment pursuant to paragraph (3) regarding the product, and a description of the product proposed by the request. The Director shall give interested parties the opportunity to respond in writing to the proposed product.

"(3) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date of publication pursuant to paragraph (2) of a request for approval of a product, the Director shall receive public comments regarding the proposed product.

"(4) OFFERING OF PRODUCT.—

"(A) IN GENERAL.—Not later than 30 days after the close of the public comment period described in paragraph (3), the Director shall approve or deny the product, specifying the grounds for such decision in writing.

"(B) FAILURE TO ACT.—If the Director fails to act within the 30-day period described in subparagraph (A), the enterprise may offer the product.

"(d) EXPEDITED REVIEW.—

"(1) DETERMINATION AND NOTICE.—If an enterprise determines that any new activity, service, undertaking, or offering is not a product, as defined in subsection (f), the enterprise shall provide written notice to the Director prior to the commencement of such activity, service, undertaking, or offering.

"(2) DIRECTOR DETERMINATION OF APPLICABLE PROCEDURE.—Immediately upon receipt of any notice pursuant to paragraph (1), the Director shall make a determination under paragraph (3).

"(3) DETERMINATION AND TREATMENT AS PRODUCT.—If the Director determines that any new activity, service, undertaking, or offering consists of, relates to, or involves a product—

"(A) the Director shall notify the enterprise of the determination;

"(B) the new activity, service, undertaking, or offering described in the notice under paragraph (1) shall be considered a product for purposes of this section; and

"(C) the enterprise shall withdraw its request or submit a written request for approval of the product pursuant to subsection (c).

"(e) CONDITIONAL APPROVAL.—The Director may conditionally approve the offering of any product by an enterprise, and may establish terms, conditions, or limitations with respect to such product with which the enterprise must comply in order to offer such product.

"(f) DEFINITION OF PRODUCT.—For purposes of this section, the term 'product' does not include—

"(1) the automated loan underwriting system of an enterprise in existence as of the date of the enactment of the Federal Housing Finance Reform Act of 2007, including any upgrade to the technology, operating system, or software to operate the underwriting system; or

"(2) any modification to the mortgage terms and conditions or mortgage underwriting criteria relating to the mortgages that are purchased or guaranteed by an enterprise: *Provided*, That such modifications do not alter the underlying transaction so as to include services or financing, other than residential mortgage financing, or create significant new exposure to risk for the enterprise or the holder of the mortgage.

"(g) NO LIMITATION.—Nothing in this section shall be deemed to restrict—

"(1) the safety and soundness authority of the Director over all new and existing products or activities; or

"(2) the authority of the Director to review all new and existing products or activities to determine that such products or activities are consistent with the statutory mission of the enterprise.".

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 302(b)(6) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(6)) is amended—

(A) by striking "implement any new program" and inserting "initially offer any product";

(B) by striking "section 1303" and inserting "section 1321(f)"; and

(C) by striking "before obtaining the approval of the Secretary under section 1322" and inserting "except in accordance with section 1321".

(2) FREDDIE MAC.—Section 305(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(c)) is amended—

(A) by striking "implement any new program" and inserting "initially offer any product";

(B) by striking "section 1303" and inserting "section 1321(f)"; and

(C) by striking "before obtaining the approval of the Secretary under section 1322" and inserting "except in accordance with section 1321".

(3) 1992 ACT.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by section 2 of this Act, is further amended—

(A) by striking paragraph (17) (relating to the definition of "new program") ; and

(B) by redesignating paragraphs (18) through (23) as paragraphs (17) through (22), respectively.

SEC. 133. CONFORMING LOAN LIMITS.

(a) FANNIE MAE.—

(1) GENERAL LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended—

(A) in the 4th sentence, by striking "the Resolution Trust Corporation,"; and

(B) by striking the 7th and 8th sentences and inserting the following new sentences: "For 2007, such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 2008, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or four-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541)).".

(2) HIGH-COST AREA LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act is (12 U.S.C. 1717(b)(2)) is amended by adding after the period at the end the following: "Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence, except that, subject to the order, if any, issued by the Director of the Federal Housing Finance Agency pursuant to section 133(d)(3) of the Federal Housing Finance Reform Act of 2007, such increase shall apply only with respect to mortgages on which are based securities issued and sold by the corporation.".

(b) FREDDIE MAC.—

(1) GENERAL LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended—

(A) in the 3rd sentence, by striking "the Resolution Trust Corporation,"; and

(B) by striking the 6th and 7th sentences and inserting the following new sentences: "For 2007, such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 2008, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or four-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541))."

(2) HIGH-COST AREA LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by adding after the period at the end the following: "Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence, except that, subject to the order, if any, issued by the Director of the Federal Housing Finance Agency pursuant to section 133(d)(3) of the Federal Housing Finance Reform Act of 2007, such increase shall apply only with respect to mortgages on which are based securities issued and sold by the Corporation.".

(c) HOUSING PRICE INDEX.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (as amended by the preceding provisions of this Act) is amended by inserting after section 1321 (as added by section 132 of this Act) the following new section:

"SEC. 1322. HOUSING PRICE INDEX.

"(a) IN GENERAL.—The Director shall establish and maintain a method of assessing the national average 1-family house price for use for adjusting the conforming loan limitations of the enterprises. In establishing such method, the Director shall take into consideration the monthly survey of all major lenders conducted by the Federal Housing Finance Agency to determine the national average 1-family house price, the House Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date under section 185 of the Federal Housing Finance Reform Act of 2007, any appropriate house price indexes of the Bureau of the Census of the Department of Commerce, and any other indexes or measures that the Director considers appropriate.

"(b) GAO AUDIT.—

"(1) IN GENERAL.—At such times as are required under paragraph (2), the Comptroller General of the United States shall conduct an audit of the methodology established by the Director under subsection (a) to determine whether the methodology established is an accurate and appropriate means of measuring changes to the national average 1-family house price.

"(2) TIMING.—An audit referred to in paragraph (1) shall be conducted and completed not later than the expiration of the 180-day period that begins upon each of the following dates:

"(A) ESTABLISHMENT.—The date upon which such methodology is initially established under subsection (a) in final form by the Director.

"(B) MODIFICATION OR AMENDMENT.—Each date upon which any modification or amendment to such methodology is adopted in final form by the Director.

"(3) REPORT.—Within 30 days of the completion of any audit conducted under this subsection, the Comptroller General shall submit a report detailing the results and conclusions of the audit to the Director, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate.".

(d) CONDITIONS ON CONFORMING LOAN LIMIT FOR HIGH-COST AREAS.—

(1) STUDY.—The Director of the Federal Housing Finance Agency shall conduct a study under this subsection during the six-month period beginning on the effective date under section 185 of this Act.

(2) ISSUES.—The study under this subsection shall determine—

(A) the effect that restricting the conforming loan limits for high-cost areas only to mortgages on which are based securities issued and sold by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (as provided in the last sentence of section 302(b)(2) of the Federal National Mortgage Association Charter Act and the last sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act, pursuant to the amendments made by subsections (a)(2) and (b)(2) of this section) would have on the cost to borrowers for mortgages on housing in such high-cost areas;

(B) the effects that such restrictions would have on the availability of mortgages for housing in such high-cost areas; and

(C) the extent to which the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation will be able to issue and sell securities based on mortgages for housing located in such high-cost areas.

(3) DETERMINATION.—

(A) IN GENERAL.—Not later than the expiration of the six-month period specified in paragraph (1), the Director of the Federal Housing Finance Agency shall make a determination, based on the results of the study under this subsection, of whether the restriction of conforming loan limits for high-cost areas only to mortgages on which are based securities issued and sold by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (as provided in the amendments made by subsections (a)(2) and (b)(2) of this section) will result in an increase in the cost to borrowers for mortgages on housing in such high-cost areas.

(B) ORDER.—If such determination is that costs to borrowers on housing in such high-cost areas will be increased by such restrictions, the Director may issue an order terminating such restrictions, in whole or in part.

(4) PUBLICATION.—Not later than the expiration of the six-month period specified in paragraph (1), the Director of the Federal Housing Finance Agency shall cause to be published in the Federal Register—

(A) a report that—

(i) describes the study under this subsection; and

(ii) sets forth the conclusions of the study regarding the issues to be determined under paragraph (2); and

(B) notice of the determination of the Director under paragraph (3); and

(C) the order of the Director under paragraph (3).

(5) DEFINITION.—For purposes of this subsection, the term "conforming loan limits for high-cost areas" means the dollar amount limitations applicable under the section 302(b)(2) of the Federal National Mortgage Association Charter Act and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (as amended by subsections (a) and (b) of this section) for areas described in the last sentence of such sections (as so amended).

SEC. 134. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking section 1324 (12 U.S.C. 4544) and inserting the following new section:

"SEC. 1324. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

"(a) IN GENERAL.—After reviewing and analyzing the reports submitted under section 309(n) of the Federal National Mortgage Association Charter Act, section 307(f) of the Federal Home Loan Mortgage Corporation Act, and section 10(j)(11) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(11)), the Director shall submit a report, not later than October 30 of each year, to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, on the activities of each regulated entity.

"(b) CONTENTS.—The report shall—

"(1) discuss the extent to which—

"(A) each enterprise is achieving the annual housing goals established under subpart B of this part;

"(B) each enterprise is complying with section 1337;

"(C) each Federal home loan bank is complying with section 10(j) of the Federal Home Loan Bank Act; and

"(D) each regulated entity is achieving the purposes of the regulated entity established by law;

"(2) aggregate and analyze relevant data on income to assess the compliance by each enterprise with the housing goals established under subpart B;

"(3) aggregate and analyze data on income, race, and gender by census tract and other relevant classifications, and compare such data with larger demographic, housing, and economic trends;

"(4) examine actions that—

"(A) each enterprise has undertaken or could undertake to promote and expand the annual goals established under subpart B and the purposes of the enterprise established by law; and

"(B) each Federal home loan bank has taken or could undertake to promote and expand the community investment program and affordable housing program of the bank established under section subsections (i) and (j) of section 10 of the Federal Home Loan Bank Act;

"(5) examine the primary and secondary multifamily housing mortgage markets and describe—

"(A) the availability and liquidity of mortgage credit;

"(B) the status of efforts to provide standard credit terms and underwriting guidelines for multifamily housing and to securitize such mortgage products; and

"(C) any factors inhibiting such standardization and securitization;

"(6) examine actions each regulated entity has undertaken and could undertake to promote and expand opportunities for first-time homebuyers, including the use of alternative credit scoring;

"(7) describe any actions taken under section 1325(5) with respect to originators found to violate fair lending procedures;

"(8) discuss and analyze existing conditions and trends, including conditions and trends relating to pricing, in the housing markets and mortgage markets; and

"(9) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime loans (as identified in accordance with the regulations issued pursuant to section 134(b) of the Federal Housing Finance Reform Act of 2007) and compare the characteristics of subprime loans purchased and securitized by the enterprises to other loans purchased and securitized by the enterprises.

"(c) DATA COLLECTION AND REPORTING.—

"(1) IN GENERAL.—To assist the Director in analyzing the matters described in subsection (b) and establishing the methodology described in section 1322, the Director shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

"(2) DATA POINTS.—Each monthly survey conducted by the Director under paragraph (1) shall collect data on—

"(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

"(i) the price of the house that secures the mortgage;

"(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

"(iii) the terms of the mortgage;

"(iv) the creditworthiness of the borrower or borrowers; and

"(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise; and

"(B) such other matters as the Director determines to be appropriate.

"(3) PUBLIC AVAILABILITY.—The Director shall make any data collected by the Director in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Director may modify the data released to the public to ensure that the data is not released in an identifiable form.

"(4) DEFINITION.—For purposes of this subsection, the term 'identifiable form' means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.".

(b) STANDARDS FOR SUBPRIME LOANS.—The Director shall, not later than one year after the effective date under section 185, by regulations issued under section 1316G of the Housing and Community Development Act of 1992, establish standards by which mortgages purchased and mortgages purchased and securitized shall be characterized as subprime for the purpose of, and only for the purpose of, complying with the reporting requirement under section 1324(b)(9) of such Act.

SEC. 135. ANNUAL REPORTS BY REGULATED ENTITIES ON AFFORDABLE HOUSING STOCK.

The Housing and Community Development Act of 1992 is amended by inserting after section 1328 (12 U.S.C. 4548) the following new section:

"SEC. 1329. ANNUAL REPORTS ON AFFORDABLE HOUSING STOCK.

"(a) IN GENERAL.—To obtain information helpful in applying the formula under section 1337(c)(2) for the affordable housing program under such section and for other appropriate uses, the regulated entities shall conduct, or provide for the conducting of, a study on an annual basis to determine the levels of affordable housing inventory, and the changes in such levels, in communities throughout the United States.

"(b) CONTENTS.—The annual study under this section shall determine, for the United States, each State, and each community within each State—

"(1) the level of affordable housing inventory, including affordable rental dwelling units and affordable homeownership dwelling units;

"(2) any changes to the level of such inventory during the 12-month period of the study under this section, including—

"(A) any additions to such inventory, disaggregated by the category of such additions (including new construction or housing conversion);

"(B) any subtractions from such inventory, disaggregated by the category of such subtractions (including abandonment, demolition, or upgrade to market-rate housing);

"(C) the number of new affordable dwelling units placed in service; and

"(D) the number of affordable housing dwelling units withdrawn from service;

"(3) the types of financing used to build any dwelling units added to such inventory level and the period during which such units are required to remain affordable;

"(4) any excess demand for affordable housing, including the number of households on rental housing waiting lists and the tenure of the wait on such lists; and

"(5) such other information as the Director may require.

"(c) REPORT.—For each annual study conducted pursuant to this section, the regulated entities shall submit to the Congress, and make publicly available, a report setting forth the findings of the study.

"(d) REGULATIONS AND TIMING.—The Director shall, by regulation, establish requirements for the studies and reports under this section, including deadlines for the submission of such annual reports and standards for determining affordable housing.".

SEC. 136. REVISION OF HOUSING GOALS.

(a) HOUSING GOALS.—The Housing and Community Development Act of 1992 is amended by striking sections 1331 through 1334 (12 U.S.C. 4561–4) and inserting the following new sections:

"SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

"(a) IN GENERAL.—The Director shall establish, effective for the first year that begins after the effective date under section 185 of the Federal Housing Finance Reform Act of 2007 and each year thereafter, annual housing goals, with respect to the mortgage purchases by the enterprises, as follows:

"(1) SINGLE FAMILY HOUSING GOALS.—Three single-family housing goals under section 1332.

"(2) MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOALS.—A multifamily special affordable housing goal under section 1333.

"(b) ELIMINATING INTEREST RATE DISPARITIES.—

"(1) IN GENERAL.—Upon request by the Director, an enterprise shall provide to the Director, in a form determined by the Director, data the Director may review to determine whether there exist disparities in interest rates charged on mortgages to borrowers who are minorities as compared with comparable mortgages to borrowers of similar creditworthiness who are not minorities.

"(2) REMEDIAL ACTIONS UPON PRELIMINARY FINDING.—Upon a preliminary finding by the Director that a pattern of disparities in interest rates with respect to any lender or lenders exists pursuant to the data provided by an enterprise in paragraph (1), the Director shall—

"(A) refer the preliminary finding to the appropriate regulatory or enforcement agency for further review;

"(B) require the enterprise to submit additional data with respect to any lender or lenders, as appropriate and to the extent practicable, to the Director who shall submit any such additional data to the regulatory or enforcement agency for appropriate action; and

"(C) require the enterprise to undertake remedial actions, as appropriate, pursuant to section 1325(5) (12 U.S.C. 4545(5)).

"(3) ANNUAL REPORT TO CONGRESS.—The Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the actions taken, and being taken, by the Director to carry out this subsection. No such report shall identify any lender or lenders who have not been found to have engaged in discriminatory lending practices pursuant to a final adjudication on the record, and after opportunity for an administrative hearing, in accordance with subchapter II of chapter 5 of title 5, United States Code.

"(4) PROTECTION OF IDENTITY OF INDIVIDUALS.—In carrying out this subsection, the Director shall ensure that no property-related or financial information that would enable a borrower to be identified shall be made public.

"(c) TIMING.—The Director shall establish an annual deadline by which the Director shall establish the annual housing goals under this subpart for each year, taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such annual goals.

"SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

"(a) IN GENERAL.—The Director shall establish annual goals for the purchase by each enterprise of conventional, conforming, single-family, purchase money mortgages financing owner-occupied and rental housing for each of the following categories of families:

"(1) Low-income families.

"(2) Families that reside in low-income areas.

"(3) Very low-income families.

"(b) REFINANCE SUBGOAL.—

"(1) IN GENERAL.—The Director shall establish a separate subgoal within each goal under subsection (a)(1) for the purchase by each enterprise of mortgages for low-income families on single family housing given to pay off or prepay an existing loan secured by the same property. The Director shall, for each year, determine whether each enterprise has complied with the subgoal under this subsection in the same manner provided under this section for determining compliance with the housing goals.

"(2) ENFORCEMENT.—For purposes of section 1336, the subgoal established under paragraph (1) of this subsection shall be considered to be a housing goal established under this section. Such subgoal shall not be enforceable under any other provision of this title (including subpart C of this part) other than section 1336 or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.

"(c) DETERMINATION OF COMPLIANCE.—The Director shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing goals established under this section for such year. An enterprise shall be considered to be in compliance with such a goal for a year only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target for the year for such type of family that is established under subsection (d).

"(d) ANNUAL TARGETS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), for each of the types of families described in subsection (a), the target under this subsection for a year shall be the average percentage, for the three years that most recently precede such year and for which information under the Home Mortgage Disclosure Act of 1975 is publicly available, of the number of conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages originated in such year that serves such type of family, as determined by the Director using the information obtained and determined pursuant to paragraphs (3) and (4).

"(2) AUTHORITY TO INCREASE TARGETS.—

"(A) IN GENERAL.—The Director may, for any year, establish by regulation, for any or all of the types of families described in subsection (a), percentage targets that are higher than the percentages for such year determined pursuant to paragraph (1), to reflect expected changes in market performance related to such information under the Home Mortgage Disclosure Act of 1975.

"(B) FACTORS.—In establishing any targets pursuant to subparagraph (A), the Director shall consider the following factors:

"(i) National housing needs.

"(ii) Economic, housing, and demographic conditions.

"(iii) The performance and effort of the enterprises toward achieving the housing goals under this section in previous years.

"(iv) The size of the conventional mortgage market serving each of the types of families described in subsection (a) relative to the size of the overall conventional mortgage market.

"(v) The ability of the enterprise to lead the industry in making mortgage credit available.

"(vi) The need to maintain the sound financial condition of the enterprises.

"(3) HMDA INFORMATION.—The Director shall annually obtain information submitted in compliance with the Home Mortgage Disclosure Act of 1975 regarding conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages originated and purchased for the previous year.

"(4) CONFORMING MORTGAGES.—In determining whether a mortgage is a conforming mortgage for purposes of this paragraph, the Director shall consider the original principal balance of the mortgage loan to be the principal balance as reported in the information referred to in paragraph (3), as rounded to the nearest thousand dollars.

"(e) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

"(1) NOTICE.—Within 30 days of making a determination under subsection (c) regarding a compliance of an enterprise for a year with a housing goal established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (d).

"(2) COMMENT PERIOD.—The Director shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

"(f) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be such income at the time of origination of the mortgage.

"(g) CONSIDERATION OF UNITS IN SINGLE-FAMILY RENTAL HOUSING.—In establishing any goal under this subpart, the Director may take into consideration the number of housing units financed by any mortgage on single-family rental housing purchased by an enterprise.

"SEC. 1333. MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Director shall establish, by regulation, an annual goal for the purchase by each enterprise of each of the following types of mortgages on multifamily housing:

"(A) Mortgages that finance dwelling units for low-income families.

"(B) Mortgages that finance dwelling units for very low-income families.

"(C) Mortgages that finance dwelling units assisted by the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986.

"(2) ADDITIONAL REQUIREMENTS FOR SMALLER PROJECTS.—The Director shall establish, within the goal under this section, additional requirements for the purchase by each enterprise of mortgages described in paragraph (1) for multifamily housing projects of a smaller or limited size, which may be based on the number of dwelling units in the project or the amount of the mortgage, or both, and shall include multifamily housing projects of such smaller sizes as are typical among such projects that serve rural areas.

"(3) FACTORS.—In establishing the goal under this section relating to mortgages on multifamily housing for an enterprise for a year, the Director shall consider—

"(A) national multifamily mortgage credit needs;

"(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

"(C) the size of the multifamily mortgage market;

"(D) the ability of the enterprise to lead the industry in making mortgage credit available, especially for underserved markets, such as for small multifamily projects of 5 to 50 units, multifamily properties in need of rehabilitation, and multifamily properties located in rural areas; and

"(E) the need to maintain the sound financial condition of the enterprise.

"(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Director shall give credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing that otherwise qualifies under such goal and that is financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, but only if such bonds—

"(1) are secured by a guarantee of the enterprise; or

"(2) are not investment grade and are purchased by the enterprise.

"(c) USE OF TENANT INCOME OR RENT.—The Director shall monitor the performance of each enterprise in meeting the goals established under this section and shall evaluate such performance (for purposes of section 1336) based on—

"(1) the income of the prospective or actual tenants of the property, where such data are available; or

"(2) where the data referred to in paragraph (1) are not available, rent levels affordable to low-income and very low-income families.

A rent level shall be considered to be affordable for purposes of this subsection for an income category referred to in this subsection if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

"(d) DETERMINATION OF COMPLIANCE.—The Director shall, for each year that the housing goal under this section is in effect pursuant to section 1331(a), determine whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

"SEC. 1334. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

"(a) AUTHORITY.—An enterprise may petition the Director in writing at any time during a year to reduce the level of any goal for such year established pursuant to this subpart.

"(b) STANDARD FOR REDUCTION.—The Director may reduce the level for a goal pursuant to such a petition only if—

"(1) market and economic conditions or the financial condition of the enterprise require such action; or

"(2) efforts to meet the goal would result in the constraint of liquidity, over-investment in certain market segments, or other consequences contrary to the intent of this subpart, or section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)) or section 301(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

"(c) DETERMINATION.—The Director shall make a determination regarding any proposed reduction within 30 days of receipt of the petition regarding the reduction. The Director may extend such period for a single additional 15-day period, but only if the Director requests additional information from the enterprise. A denial by the Director to reduce the level of any goal under this section may be appealed to the United States District Court for the District of Columbia or the United States district court in the jurisdiction in which the headquarters of an enterprise is located.".

(b) CONFORMING AMENDMENTS.—The Housing and Community Development Act of 1992 is amended—

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking "low- and moderate-income housing goal" and all that follows through "section 1334" and inserting "housing goals established under this subpart"; and

(2) in section 1336(a)(1) (12 U.S.C. 4566(a)(1)), by striking "sections 1332, 1333, and 1334," and inserting "this subpart".

(c) DEFINITIONS.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by the preceding provisions of this Act, is further amended—

(1) in paragraph (22) (relating to the definition of "very low-income"), by striking "60 percent" each place such term appears and inserting "50 percent";

(2) by redesignating paragraphs (19) through (22) as paragraphs (23) through (26), respectively;

(3) by inserting after paragraph (18) the following new paragraph:

"(22) RURAL AREA.—The term 'rural area' has the meaning given such term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490), except that such term includes micropolitan areas and tribal trust lands.".

(4) by redesignating paragraphs (13) through (18) as paragraphs (16) through (21), respectively;

(5) by inserting after paragraph (12) the following new paragraph:

"(15) LOW-INCOME AREA.—The term 'low income area' means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located, and, for the purposes of section 1332(a)(2), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts.";

(6) by redesignating paragraphs (11) and (12) as paragraphs (13) and (14), respectively;

(7) by inserting after paragraph (10) the following new paragraph:

"(12) EXTREMELY LOW-INCOME.—The term 'extremely low-income' means—

"(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

"(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.";

(8) by redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively; and

(9) by inserting after paragraph (6) the following new paragraph:

"(7) CONFORMING MORTGAGE.—The term 'conforming mortgage' means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the dollar limitation, in effect at the time of such origination, under, as applicable—

"(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

"(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.".

SEC. 137. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Housing and Community Development Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting "**DUTY TO SERVE UNDERSERVED MARKETS AND**" before "**OTHER**";

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "and to carry out the duty under subsection (a) of this section" before ", each enterprise shall";

(B) in paragraph (3), by inserting "and" after the semicolon at the end;

(C) in paragraph (4), by striking "; and" and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as so redesignated by paragraph (3)(E) of this subsection) the following new subsection:

"(a) DUTY TO SERVE UNDERSERVED MARKETS.—

"(1) DUTY.—In accordance with the purpose of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets.

"(2) UNDERSERVED MARKETS.—To meet its duty under paragraph (1), each enterprise shall comply with the following requirements with respect to the following underserved markets:

"(A) MANUFACTURED HOUSING.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

"(B) AFFORDABLE HOUSING PRESERVATION.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to very low-, low-, and moderate-income families, including housing projects subsidized under—

"(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

"(ii) the program under section 236 of the National Housing Act;

"(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

"(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

"(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

"(vi) the programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), but only permanent supportive housing projects subsidized under such programs; and

"(vii) the rural rental housing program under section 515 of the Housing Act of 1949.

"(C) RURAL AND OTHER UNDERSERVED MARKETS.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Secretary identifies as lacking adequate credit through conventional lending sources. Such underserved markets may be identified by borrower type, market segment, or geographic area."; and

(5) by adding at the end the following new subsection:

"(c) EVALUATION AND REPORTING OF COMPLIANCE.—

"(1) IN GENERAL.—Not later than 6 months after the effective date under section 185 of the Federal Housing Finance Reform Act of 2007, the Director shall establish a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets and for rating the extent of such compliance. Using such method, the Director shall, for each year, evaluate such compliance and rate the performance of each enterprise as to extent of compliance. The Director shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

"(2) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Director shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

"(A) the development of loan products and more flexible underwriting guidelines;

"(B) the extent of outreach to qualified loan sellers in each of such underserved markets; and

"(C) the volume of loans purchased in each of such underserved markets.

"(3) MANUFACTURED HOUSING MARKET.—In determining whether an enterprise has complied with the duty under subparagraph (A) of subsection (a)(2), the Director may consider loans secured by both real and personal property.".

(b) ENFORCEMENT.—Subsection (a) of section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting "and with the duty under section 1335(a) of each enterprise with respect to underserved markets," before "as provided in this section"; and

(2) by adding at the end of such subsection, as amended by the preceding provisions of this title, the following new paragraph:

"(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under this subpart are enforceable. Such duty shall not be enforceable under any other provision of this title (including subpart C of this part) other than this section or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.".

SEC. 138. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

(a) ADDITIONAL CREDIT FOR CERTAIN MORTGAGES.—Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (2), by inserting ", except as provided in paragraph (4)," after "which"; and

(2) by adding at the end the following new paragraph:

"(5) ADDITIONAL CREDIT.—The Director shall assign more than 125 percent credit toward achievement, under this section, of the housing goals for mortgage purchase activities of the enterprises that comply with the requirements of such goals and support—

"(A) housing that meets energy efficiency or other environmental standards that are established by a Federal, State, or local governmental authority with respect to the geographic area where the housing is located or are otherwise widely recognized; or

"(B) housing that includes a licensed childcare center.

The availability of additional credit under this paragraph shall not be used to increase any housing goal, subgoal, or target established under this subpart.".

(b) MONITORING AND ENFORCEMENT.—Section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting "PRELIMINARY" before "DETERMINATION";

(B) by striking paragraph (1) and inserting the following new paragraph:

"(1) NOTICE.—If the Director preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail, to meet any housing goal established under this subpart, the Director shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Director based the determination.";

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting "finally" before "determining";

(ii) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

"(B) EXTENSION OR SHORTENING OF PERIOD.—The Director may—

"(i) extend the period under subparagraph (A) for good cause for not more than 30 additional days; and

"(ii) shorten the period under subparagraph (A) for good cause."; and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(D) in paragraph (3)—

(i) in subparagraph (A), by striking "determine" and inserting "issue a final determination of";

(ii) in subparagraph (B), by inserting "final" before "determinations"; and

(iii) in subparagraph (C)—

(I) by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services"; and

(II) by inserting "final" before "determination" each place such term appears; and

(2) in subsection (c)—

(A) by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

"(c) CEASE AND DESIST ORDERS, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

"(1) REQUIREMENT.—If the Director finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed, to meet any housing goal under this subpart and that the achievement of the housing goal was or is feasible, the Director may require that the enterprise submit a housing plan under this subsection. If the Director makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan or the Director finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, or order other remedies as set forth in paragraph (7) of this subsection.";

(B) in paragraph (2)—

(i) by striking "CONTENTS.—Each housing plan" and inserting "HOUSING PLAN.—If the Director requires a housing plan under this section, such a plan"; and

(ii) in subparagraph (B), by inserting "and changes in its operations" after "improvements";

(C) in paragraph (3)—

(i) by inserting "comply with any remedial action or" before "submit a housing plan"; and

(ii) by striking "under subsection (b)(3) that a housing plan is required";

(D) in paragraph (4), by striking the first two sentences and inserting the following: "The Director shall review each submission by an enterprise, including a housing plan submitted under this subsection, and not later than 30 days after submission, approve or disapprove the plan or other action. The Director may extend the period for approval or disapproval for a single additional 30-day period if the Director determines such extension necessary."; and

(E) by adding at the end the following new paragraph:

"(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing cease and desist orders under section 1341, and ordering civil money penalties under section 1345, the Director may seek other actions when an enterprise fails to meet a goal, and exercise appropriate enforcement authority available to the Director under this Act to prohibit the enterprise from initially offering any product (as such term is defined in section 1321(f)) or engaging in any new activities, services, undertakings, and offerings and to order the enterprise to suspend products and activities, services, undertakings, and offerings pending its achievement of the goal.".

SEC. 139. AFFORDABLE HOUSING FUND.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking sections 1337 and 1338 (12 U.S.C. 4562 note) and inserting the following new section:

"SEC. 1337. AFFORDABLE HOUSING FUND.

"(a) ESTABLISHMENT AND PURPOSE.—The Director, in consultation with the Secretary of Housing and Urban Development, shall establish and manage an affordable housing fund in accordance with this section, which shall be funded with amounts allocated by the enterprises under subsection (b). The purpose of the affordable housing fund shall be to provide formula grants to grantees for use—

"(1) to increase homeownership for extremely low-and very low-income families;

"(2) to increase investment in housing in low-income areas, and areas designated as qualified census tracts or an area of chronic economic distress pursuant to section 143(j) of the Internal Revenue Code of 1986 (26 U.S.C. 143(j));

"(3) to increase and preserve the supply of rental and owner-occupied housing for extremely low- and very low-income families;

"(4) to increase investment in public infrastructure development in connection with housing assisted under this section; and

"(5) to leverage investments from other sources in affordable housing and in public infrastructure development in connection with housing assisted under this section.

"(b) ALLOCATION OF AMOUNTS BY ENTERPRISES.—

"(1) IN GENERAL.—In accordance with regulations issued by the Director under subsection (m) and subject to paragraph (2) of this subsection and subsection (i)(5), each enterprise shall allocate to the affordable housing fund established under subsection (a), in each of the years 2007 through 2011, an amount equal to 1.2 basis points for each dollar of the average total mortgage portfolio of the enterprise during the preceding year.

"(2) SUSPENSION OF CONTRIBUTIONS.—The Director shall temporarily suspend the allocation under paragraph (1) by an enterprise to the affordable housing fund upon a finding by the Director that such allocations—

"(A) are contributing, or would contribute, to the financial instability of the enterprise;

"(B) are causing, or would cause, the enterprise to be classified as undercapitalized; or

"(C) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

"(3) 5-YEAR SUNSET AND REPORT.—

"(A) SUNSET.—The enterprises shall not be required to make allocations to the affordable housing fund in 2012 or in any year thereafter.

"(B) REPORT ON PROGRAM CONTINUANCE.—Not later than June 30, 2011, the Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report making recommendations on whether the program under this section, including the requirement for the enterprises to make allocations to the affordable housing fund, should be extended and on any modifications for the program.

"(c) AFFORDABLE HOUSING NEEDS FORMULAS.—

"(1) ALLOCATION FOR 2007.—

"(A) ALLOCATION PERCENTAGES FOR LOUISIANA AND MISSISSIPPI.—For purposes of subsection (d)(1)(A), the allocation percentages for 2007 for the grantees under this section for such year shall be as follows:

"(i) The allocation percentage for the Louisiana Housing Finance Agency shall be 75 percent.

"(ii) The allocation percentage for the Mississippi Development Authority shall be 25 percent.

"(B) USE IN DISASTER AREAS.—Affordable housing grant amounts for 2007 shall be used only as provided in subsection (g) only for such eligible activities in areas that were subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina or Rita of 2005.

"(2) ALLOCATION FORMULA FOR OTHER YEARS.—The Secretary of Housing and Urban Development shall, by regulation, establish a formula to allocate, among the States (as such term is defined in section 1303) and federally recognized Indian tribes, the amounts provided by the enterprises in each year referred to subsection (b)(1), other than 2007, to the affordable housing fund established under this section. The formula shall be based on the following factors, with respect to each State and tribe:

"(A) The ratio of the population of the State or federally recognized Indian tribe to the aggregate population of all the States and tribes.

"(B) The percentage of families in the State or federally recognized Indian tribe that pay more than 50 percent of their annual income for housing costs.

"(C) The percentage of persons in the State or federally recognized Indian tribe that are members of extremely low- or very low-income families.

"(D) The cost of developing or carrying out rehabilitation of housing in the State or for the federally recognized Indian tribe.

"(E) The percentage of families in the State or federally recognized Indian tribe that live in substandard housing.

"(F) The percentage of housing stock in the State or for the federally recognized Indian tribe that is extremely old housing.

"(G) Any other factors that the Secretary determines to be appropriate.

"(3) FAILURE TO ESTABLISH.—If, in any year referred to in subsection (b)(1), other than 2007, the regulations establishing the formula required under paragraph (2) of this subsection have not been issued by the date that the Director determines the amounts described in subsection (d)(1) to be available for affordable housing fund grants in such year, for purposes of such year any amounts for a State (as such term is defined in section 1303 of this Act) that would otherwise be determined under subsection (d) by applying the formula established pursuant to paragraph (2) of this subsection shall be determined instead by applying, for such State, the percentage that is equal to the percentage of the total amounts made available for such year for allocation under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.) that are allocated in such year, pursuant to such subtitle, to such State (including any insular area or unit of general local government, as such terms are defined in section 104 of such Act (42 U.S.C. 12704), that is treated as a State under section 1303 of this Act) and to participating jurisdictions and other eligible entities within such State.

"(d) ALLOCATION OF FORMULA AMOUNT; GRANTS.—

"(1) FORMULA AMOUNT.—For each year referred to in subsection (b)(1), the Director shall determine the formula amount under this section for each grantee, which shall be the amount determined for such grantee—

"(A) for 2007, by applying the allocation percentages under subparagraph (A) of subsection (c)(1) to the sum of the total amounts allocated by the enterprises to the affordable housing fund for such year, less any amounts used pursuant to subsection (i)(1); and

"(B) for any other year referred to in subsection (b)(1) (other than 2007), by applying the formula established pursuant to paragraph (2) of subsection (c) to the sum of the total amounts allocated by the enterprises to the affordable housing fund for such year and any recaptured amounts available pursuant to subsection (i)(4), less any amounts used pursuant to subsection (i)(1).

"(2) NOTICE.—In each year referred to in subsection (b)(1), not later than 60 days after the date that the Director determines the amounts described in paragraph (1) to be available for affordable housing fund grants to grantees in such year, the Director shall cause to be published in the Federal Register a notice that such amounts shall be so available.

"(3) GRANT AMOUNT.—

"(A) IN GENERAL.—For each year referred to in subsection (b)(1), the Director shall make a grant from amounts in the affordable housing fund to each grantee in an amount that is, except as provided in subparagraph (B), equal to the formula amount under this section for the grantee. A grantee may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)) or other qualified instrumentality of the grantee to receive such grant amounts.

"(B) REDUCTION FOR FAILURE TO OBTAIN RETURN OF MISUSED FUNDS.—If in any year a grantee fails to obtain reimbursement or return of the full amount required under subsection (j)(1)(B) to be reimbursed or returned to the grantee during such year—

"(i) except as provided in clause (ii)—

"(I) the amount of the grant for the grantee for the succeeding year, as determined pursuant to subparagraph (A), shall be reduced by the amount by which such amounts required to be reimbursed or returned exceed the amount actually reimbursed or returned; and

"(II) the amount of the grant for the succeeding year for each other grantee whose grant is not reduced pursuant to subclause (I) shall be increased by the amount determined by applying the formula established pursuant to subsection (c)(2) to the total amount of all reductions for all grantees for such year pursuant to subclause (I); or

"(ii) in any case in which such failure to obtain reimbursement or return occurs during a year immediately preceding a year in which grants under this subsection will not be made, the grantee shall pay to the Director for reallocation among the other grantees an amount equal to the amount of the reduction for the grantee that would otherwise apply under clause (i)(I).

"(e) Grantee Allocation Plans.—

"(1) In general.—For each year that a grantee receives affordable housing fund grant amounts, the grantee shall establish an allocation plan in accordance with this subsection, which shall be a plan for the distribution of such grant amounts of the grantee for such year that—

"(A) is based on priority housing needs, as determined by the grantee in accordance with the regulations established under subsection (m)(2)(C);

"(B) complies with subsection (f); and

"(C) includes performance goals, benchmarks, and timetables for the grantee for the production, preservation, and rehabilitation of affordable rental and homeownership housing with such grant amounts that comply with the requirements established by the Director pursuant to subsection (m)(2)(F).

"(2) Establishment.—In establishing an allocation plan, a grantee shall notify the public of the establishment of the plan, provide an opportunity for public comments regarding the plan, consider any public comments received, and make the completed plan available to the public.

"(3) Contents.—An allocation plan of a grantee shall set forth the requirements for eligible recipients under subsection (h) to apply to the grantee to receive assistance from affordable housing fund grant amounts, including a requirement that each such application include—

"(A) a description of the eligible activities to be conducted using such assistance; and

"(B) a certification by the eligible recipient applying for such assistance that any housing units assisted with such assistance will comply with the requirements under this section.

"(f) Selection of Activities Funded Using Affordable Housing Fund Grant Amounts.—Affordable housing fund grant amounts of a grantee may be used, or committed for use, only for activities that—

"(1) are eligible under subsection (g) for such use;

"(2) comply with the applicable allocation plan under subsection (e) of the grantee; and

"(3) are selected for funding by the grantee in accordance with the process and criteria for such selection established pursuant to subsection (m)(2)(C).

"(g) Eligible Activities.—Affordable housing fund grant amounts of a grantee shall be eligible for use, or for commitment for use, only for assistance for—

"(1) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B), except that such grant amounts may be used for the benefit only of extremely low- and very low-income families;

"(2) the production, preservation, and rehabilitation of housing for homeownership, including such forms as downpayment assistance, closing cost assistance, and assistance for interest-rate buy-downs, that—

"(A) is available for purchase only for use as a principal residence by families that qualify both as—

"(i) extremely low- and very-low income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

"(ii) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this section be considered to refer to assistance from affordable housing fund grant amounts;

"(B) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act;

"(C) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

"(D) is made available for purchase only by, or in the case of assistance under this paragraph, is made available only to, homebuyers who have, before purchase, completed a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Director; and

"(3) public infrastructure development activities in connection with housing activities funded under paragraph (1) or (2).

"(h) Eligible Recipients.—Affordable housing fund grant amounts of a grantee may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity, a nonprofit entity, and a faith-based organization) that—

"(1) has demonstrated experience and capacity to conduct an eligible activity under (g), as evidenced by its ability to—

"(A) own, construct or rehabilitate, manage, and operate an affordable multifamily rental housing development;

"(B) design, construct or rehabilitate, and market affordable housing for homeownership;

"(C) provide forms of assistance, such as downpayments, closing costs, or interest-rate buy-downs, for purchasers; or

"(D) construct related public infrastructure development activities in connection with such housing activities;

"(2) demonstrates the ability and financial capacity to undertake, comply, and manage the eligible activity;

"(3) demonstrates its familiarly with the requirements of any other Federal, State or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

"(4) makes such assurances to the grantee as the Director shall, by regulation, require to ensure that the recipient will comply with the requirements of this section during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all activities under subsection (g) that are engaged in by the recipient and funded with such grant amounts.

"(i) Limitations on Use.—

"(1) Required amount for REFCORP.—Of the aggregate amount allocated pursuant to subsection (b) in each year to the affordable housing fund, 25 percent shall be used as provided in section 21B(f)(2)(E) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)(E)).

"(2) Required amount for homeownership activities.—Of the aggregate amount of affordable housing fund grant amounts provided in each year to a grantee, not less than 10 percent shall be used for activities under paragraph (2) of subsection (g).

"(3) Maximum amount for public infrastructure development activities in connection with affordable housing activities.—Of the aggregate amount of affordable housing fund grant amounts provided in each year to a grantee, not more than 12.5 percent may be used for activities under paragraph (3) of subsection (g).

"(4) Deadline for commitment or use.—Any affordable housing fund grant amounts of a grantee shall be used or committed for use within two years of the date of that such grant amounts are made available to the grantee. The Director shall recapture into the affordable housing fund any such amounts not so used or committed for use and allocate such amounts under subsection (d)(1) in the first year after such recapture.

"(5) Use of returns.—The Director shall, by regulation provide that any return on a loan or other investment of any affordable housing fund grant amounts of a grantee shall be treated, for purposes of availability to and use by the grantee, as affordable housing fund grant amounts.

"(6) Prohibited uses.—The Director shall—

"(A) by regulation, set forth prohibited uses of affordable housing fund grant amounts, which shall include use for—

"(i) political activities;

"(ii) advocacy;

"(iii) lobbying, whether directly or through other parties;

"(iv) counseling services;

"(v) travel expenses; and

"(vi) preparing or providing advice on tax returns;

"(B) by regulation, provide that, except as provided in subparagraph (C), affordable housing fund grant amounts of a grantee may not be used for administrative, outreach, or other costs of—

"(i) the grantee; or

"(ii) any recipient of such grant amounts; and

"(C) by regulation, limit the amount of any affordable housing fund grant amounts of the grantee for a year that may be used for administrative costs of the grantee of carrying out the program required under this section to a percentage of such grant amounts of the grantee for such year, which may not exceed 10 percent.

"(7) Prohibition of consideration of use for meeting housing goals or duty to serve.—In determining compliance with the housing goals under this subpart and the duty to serve underserved markets under section 1335, the Director may not consider any affordable housing fund grant amounts used under this section for eligible activities under subsection (g). The Director shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from affordable housing fund grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

"(j) Accountability of Recipients and Grantees.—

"(1) Recipients.—

"(A) Tracking of funds.—The Director shall—

"(i) require each grantee to develop and maintain a system to ensure that each recipient of assistance from affordable housing fund grant amounts of the grantee uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and—

"(ii) establish minimum requirements for agreements, between the grantee and recipients, regarding assistance from the affordable housing fund grant amounts of the grantee, which shall include—

"(I) appropriate continuing financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

"(II) any other requirements that the Director determines are necessary to ensure appropriate grant administration and compliance.

"(B) MISUSE OF FUNDS.—

"(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance from affordable housing fund grant amounts of a grantee is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided, the grantee shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the grantee for such misused amounts and return to the grantee any amounts from the affordable housing fund grant amounts of the grantee that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law.

"(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is—

"(I) made by the Director; or

"(II)(aa) made by the grantee;

"(bb) the grantee provides notification of the determination to the Director for review, in the discretion of the Director, of the determination; and

"(cc) the Director does not subsequently reverse the determination.

"(2) GRANTEES.—

"(A) REPORT.—

"(i) IN GENERAL.—The Director shall require each grantee receiving affordable housing fund grant amounts for a year to submit a report, for such year, to the Director that—

"(I) describes the activities funded under this section during such year with the affordable housing fund grant amounts of the grantee; and

"(II) the manner in which the grantee complied during such year with the allocation plan established pursuant to subsection (e) for the grantee.

"(ii) PUBLIC AVAILABILITY.—The Director shall make such reports pursuant to this subparagraph publicly available.

"(B) MISUSE OF FUNDS.—If the Director determines, after reasonable notice and opportunity for hearing, that a grantee has failed to comply substantially with any provision of this section and until the Director is satisfied that there is no longer any such failure to comply, the Director shall—

"(i) reduce the amount of assistance under this section to the grantee by an amount equal to the amount affordable housing fund grant amounts which were not used in accordance with this section;

"(ii) require the grantee to repay the Director an amount equal to the amount of the amount affordable housing fund grant amounts which were not used in accordance with this section;

"(iii) limit the availability of assistance under this section to the grantee to activities or recipients not affected by such failure to comply; or

"(iv) terminate any assistance under this section to the grantee.

"(k) CAPITAL REQUIREMENTS.—The utilization or commitment of amounts from the affordable housing fund shall not be subject to the risk-based capital requirements established pursuant to section 1361(a).

"(l) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) AFFORDABLE HOUSING FUND GRANT AMOUNTS.—The term 'affordable housing fund grant amounts' means amounts from the affordable housing fund established under subsection (a) that are provided to a grantee pursuant to subsection (d)(3).

"(2) GRANTEE.—The term 'grantee' means—

"(A) with respect to 2007, the Louisiana Housing Finance Agency and the Mississippi Development Authority; and

"(B) with respect to the years referred to in subsection (b)(1), other than 2007, each State (as such term is defined in section 1303) and each federally recognized Indian tribe.

"(3) RECIPIENT.—The term 'recipient' means an entity meeting the requirements under subsection (h) that receives assistance from a grantee from affordable housing fund grant amounts of the grantee.

"(4) TOTAL MORTGAGE PORTFOLIO.—The term 'total mortgage portfolio' means, with respect to a year, the sum, for all mortgages outstanding during that year in any form, including whole loans, mortgage-backed securities, participation certificates, or other structured securities backed by mortgages, of the dollar amount of the unpaid outstanding principal balances under such mortgages. Such term includes all such mortgages or securitized obligations, whether retained in portfolio, or sold in any form. The Director is authorized to promulgate rules further defining such term as necessary to implement this section and to address market developments.

"(5) VERY-LOW INCOME FAMILY.—The term 'very low-income family' has the meaning given such term in section 1303, except that such term includes any family that resides in a rural area that has an income that does not exceed the poverty line (as such term is defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size involved.

"(m) REGULATIONS.—

"(1) IN GENERAL.—The Director, in consultation with the Secretary of Housing and Urban Development, shall issue regulations to carry out this section.

"(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

"(A) a requirement that the Director ensure that the program of each grantee for use of affordable housing fund grant amounts of the grantee is audited not less than annually to ensure compliance with this section;

"(B) authority for the Director to audit, provide for an audit, or otherwise verify a grantee's activities, to ensure compliance with this section;

"(C) requirements for a process for application to, and selection by, each grantee for activities meeting the grantee's priority housing needs to be funded with affordable housing fund grant amounts of the grantee, which shall provide for priority in funding to be based upon—

"(i) greatest impact;

"(ii) geographic diversity;

"(iii) ability to obligate amounts and undertake activities so funded in a timely manner;

"(iv) in the case of rental housing projects under subsection (g)(1), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families;

"(v) in the case of rental housing projects under subsection (g)(1), the extent of the duration for which such rents will remain affordable;

"(vi) the extent to which the application makes use of other funding sources; and

"(vii) the merits of an applicant's proposed eligible activity;

"(D) requirements to ensure that amounts provided to a grantee from the affordable housing fund that are used for rental housing under subsection (g)(1) are used only for the benefit of extremely low- and very-low income families;

"(E) limitations on public infrastructure development activities that are eligible pursuant to subsection (g)(3) for funding with affordable housing fund grant amounts and requirements for the connection between such activities and housing activities funded under paragraph (1) or (2) of subsection (g); and

"(F) requirements and standards for establishment, by grantees (including the grantees for 2007 pursuant to subsection (l)(2)(A)), of performance goals, benchmarks, and timetables for the production, preservation, and rehabilitation of affordable rental and homeownership housing with affordable housing fund grant amounts.

"(n) ENFORCEMENT OF REQUIREMENTS ON ENTERPRISE.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.

"(o) AFFORDABLE HOUSING TRUST FUND.—If, after the enactment of this Act, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, and the subsequent year is a year referred to in subsection (b)(1), the Director shall in such subsequent year and any remaining years referred to in subsection (b)(1) transfer to such affordable housing trust fund the aggregate amount allocated pursuant to subsection (b) in such year to the affordable housing fund under this section, less any amounts used pursuant to subsection (i)(1). For such subsequent and remaining years, the provisions of subsections (c) and (d) shall not apply. Nothing in this subsection shall be construed to alter the terms and conditions of the affordable housing fund under this section or to extend the life of such fund.".

(b) TIMELY ESTABLISHMENT OF AFFORDABLE HOUSING NEEDS FORMULA.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall, not later than the effective date under section 185 of this Act, issue the regulations establishing the affordable housing needs formulas in accordance with the provisions of section 1337(c)(2) of the Housing and Community Development Act of 1992, as such section is amended by subsection (a) of this section.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of the enactment of this Act.

(c) REFCORP PAYMENTS.—Section 21B(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)) is amended—

(1) in subparagraph (E), by striking "and (D)" and inserting "(D), and (E)";

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) Payments by Fannie Mae and Freddie Mac.—To the extent that the amounts available pursuant to subparagraphs (A), (B), (C), and (D) are insufficient to cover the amount of interest payments, each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (42 U.S.C. 4502)) shall transfer to the Funding Corporation in each calendar year the amounts allocated for use under this subparagraph pursuant to section 1337(i)(1) of such Act.".

(d) GAO Report.—The Comptroller General shall conduct a study to determine the effects that the affordable housing fund established under section 1337 of the Housing and Community Development Act of 1992, as added by the amendment made by subsection (a) of this section, will have on the availability and affordability of credit for homebuyers, including the effects on such credit of the requirement under such section 1337(b) that the Federal National Mortgage Association and Federal Home Loan Mortgage Corporation make allocations of amounts to such fund based on the average total mortgage portfolios, and the extent to which the costs of such allocation requirement will be borne by such entities or will be passed on to homebuyers. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress setting forth the results and conclusions of such study. This subsection shall take effect on the date of the enactment of this Act.

SEC. 140. CONSISTENCY WITH MISSION.

Subpart B of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 et seq.) is amended by adding after section 1337, as added by section 139 of this Act, the following new section:

"SEC. 1338. CONSISTENCY WITH MISSION.

"This subpart may not be construed to authorize an enterprise to engage in any program or activity that contravenes or is inconsistent with the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.".

SEC. 141. ENFORCEMENT.

(a) Cease-and-Desist Proceedings.—Section 1341 of the Housing and Community Development Act of 1992 (12 U.S.C. 4581) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) Grounds for Issuance.—The Director may issue and serve a notice of charges under this section upon an enterprise if the Director determines—

"(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

"(2) the enterprise has failed to submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

"(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

"(4) the enterprise has violated any provision of this part or any order, rule or regulation under this part;

"(5) the enterprise has failed to submit a housing plan that complies with section 1336(c) within the applicable period; or

"(6) the enterprise has failed to comply with a housing plan under section 1336(c).";

(2) in subsection (b)(2), by striking "requiring the enterprise to" and all that follows through the end of the paragraph and inserting the following: "requiring the enterprise to—

"(A) comply with the goal or goals;

"(B) submit a report under section 1314;

"(C) comply with any provision this part or any order, rule or regulation under such part;

"(D) submit a housing plan in compliance with section 1336(c);

"(E) comply with a housing plan submitted under section 1336(c); or

"(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act, as applicable.";

(3) in subsection (c), by inserting "date of the" before "service of the order"; and

(4) by striking subsection (d).

(b) Authority of Director To Enforce Notices and Orders.—Section 1344 of the Housing and Community Development Act of 1992 (12 U.S.C. 4584) is amended by striking subsection (a) and inserting the following new subsection:

"(a) Enforcement.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the enterprise is located, for the enforcement of any effective and outstanding notice or order issued under section 1341 or 1345, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.".

(c) Civil Money Penalties.—Section 1345 of the Housing and Community Development Act of 1992 (12 U.S.C. 4585) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) Authority.—The Director may impose a civil money penalty, in accordance with the provisions of this section, on any enterprise that has failed to—

"(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

"(2) submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

"(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

"(4) comply with any provision of this part or any order, rule or regulation under this part;

"(5) submit a housing plan pursuant to section 1336(c) within the required period; or

"(6) comply with a housing plan for the enterprise under section 1336(c).

"(b) Amount of Penalty.—The amount of the penalty, as determined by the Director, may not exceed—

"(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $50,000 for each day that the failure occurs; and

"(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $20,000 for each day that the failure occurs.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "and" after the semicolon at the end;

(ii) in subparagraph (B), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (C); and

(B) in paragraph (2), by inserting after the period at the end the following: "In determining the penalty under subsection (a)(1), the Director shall give consideration to the length of time the enterprise should reasonably take to achieve the goal.";

(3) in the first sentence of subsection (d)—

(A) by striking "request the Attorney General of the United States to" and inserting ", in the discretion of the Director,"; and

(B) by inserting ", or request that the Attorney General of the United States bring such an action" before the period at the end;

(4) by striking subsection (f); and

(5) by redesignating subsection (g) as subsection (f).

(d) Enforcement of Subpoenas.—Section 1348(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4588(c)) is amended—

(1) by striking "request the Attorney General of the United States to" and inserting ", in the discretion of the Director,"; and

(2) by inserting "or request that the Attorney General of the United States bring such an action," after "District of Columbia,"

(e) Conforming Amendment.—The heading for subpart C of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended to read as follows:

"Subpart C—Enforcement".

SEC. 142. CONFORMING AMENDMENTS.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking "Secretary" each place such term appears in such part and inserting "Director";

(2) in the section heading for section 1323 (12 U.S.C. 4543), by inserting "**OF ENTERPRISES**" before the period at the end;

(3) by striking section 1327 (12 U.S.C. 4547);

(4) by striking section 1328 (12 U.S.C. 4548);

(5) by redesignating section 1329 (as amended by section 135) as section 1327;

(6) in sections 1345(c)(1)(A), 1346(a), and 1346(b) (12 U.S.C. 4585(c)(1)(A), 4586(a), and 4586(b)), by striking "Secretary's" each place such term appears and inserting "Director's"; and

(7) by striking section 1349 (12 U.S.C. 4589).

Subtitle C—Prompt Corrective Action

SEC. 151. CAPITAL CLASSIFICATIONS.

(a) In General.—Section 1364 of the Housing and Community Development Act of 1992 (12 U.S.C. 4614) is amended—

(1) in the heading for subsection (a), by striking "**IN GENERAL**" and inserting "**ENTERPRISES**".

(2) in subsection (c)—

(A) by striking "subsection (b)" and inserting "subsection (c)";

(B) by striking "enterprises" and inserting "regulated entities"; and

(C) by striking the last sentence;

(3) by redesignating subsections (c) (as so amended by paragraph (2) of this subsection) and (d) as subsections (d) and (f), respectively;

(4) by striking subsection (b) and inserting the following new subsections:

"(b) Federal Home Loan Banks.—

"(1) ESTABLISHMENT AND CRITERIA.—For purposes of this subtitle, the Director shall, by regulation—

"(A) establish the capital classifications specified under paragraph (2) for the Federal home loan banks;

"(B) establish criteria for each such capital classification based on the amount and types of capital held by a bank and the risk-based, minimum, and critical capital levels for the banks and taking due consideration of the capital classifications established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises; and

"(C) shall classify the Federal home loan banks according to such capital classifications.

"(2) CLASSIFICATIONS.—The capital classifications specified under this paragraph are—

"(A) adequately capitalized;

"(B) undercapitalized;

"(C) significantly undercapitalized; and

"(D) critically undercapitalized.

"(c) DISCRETIONARY CLASSIFICATION.—

"(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify a regulated entity under paragraph (2) if—

"(A) at any time, the Director determines in writing that the regulated entity is engaging in conduct that could result in a rapid depletion of core or total capital or, in the case of an enterprise, that the value of the property subject to mortgages held or securitized by the enterprise has decreased significantly;

"(B) after notice and an opportunity for hearing, the Director determines that the regulated entity is in an unsafe or unsound condition; or

"(C) pursuant to section 1371(b), the Director deems the regulated entity to be engaging in an unsafe or unsound practice.

"(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of a regulated entity for any reason not specified in this subsection, if the Director takes any action described in paragraph (1) the Director may classify a regulated entity—

"(A) as undercapitalized, if the regulated entity is otherwise classified as adequately capitalized;

"(B) as significantly undercapitalized, if the regulated entity is otherwise classified as undercapitalized; and

"(C) as critically undercapitalized, if the regulated entity is otherwise classified as significantly undercapitalized."; and

(5) by inserting after subsection (d) (as so redesignated by paragraph (3) of this subsection), the following new subsection:

"(e) RESTRICTION ON CAPITAL DISTRIBUTIONS.—

"(1) IN GENERAL.—A regulated entity shall make no capital distribution if, after making the distribution, the regulated entity would be undercapitalized.

"(2) EXCEPTION.—Notwithstanding paragraph (1), the Director may permit a regulated entity, to the extent appropriate or applicable, to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

"(A) is made in connection with the issuance of additional shares or obligations of the regulated entity in at least an equivalent amount; and

"(B) will reduce the financial obligations of the regulated entity or otherwise improve the financial condition of the entity.".

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall issue regulations to carry out section 1364(b) of the Housing and Community Development Act of 1992 (as added by paragraph (4) of this subsection), relating to capital classifications for the Federal home loan banks.

SEC. 152. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED REGULATED ENTITIES.

Section 1365 of the Housing and Community Development Act of 1992 (12 U.S.C. 4615) is amended—

(1) in the section heading, by striking "**ENTERPRISES**" and inserting "**REGULATED ENTITIES**";

(2) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A) of this paragraph, the following paragraph:

"(1) REQUIRED MONITORING.—The Director shall—

"(A) closely monitor the condition of any regulated entity that is classified as undercapitalized;

"(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed under this section; and

"(C) periodically review the plan, restrictions, and requirements applicable to the undercapitalized regulated entity to determine whether the plan, restrictions, and requirements are achieving the purpose of this section."; and

(C) by inserting at the end the following new paragraphs:

"(4) RESTRICTION OF ASSET GROWTH.—A regulated entity that is classified as undercapitalized shall not permit its average total assets (as such term is defined in section 1316(b) during any calendar quarter to exceed its average total assets during the preceding calendar quarter unless—

"(A) the Director has accepted the capital restoration plan of the regulated entity;

"(B) any increase in total assets is consistent with the plan; and

"(C) the ratio of total capital to assets for the regulated entity increases during the calendar quarter at a rate sufficient to enable the entity to become adequately capitalized within a reasonable time.

"(5) PRIOR APPROVAL OF ACQUISITIONS, NEW PRODUCTS, AND NEW ACTIVITIES.—A regulated entity that is classified as undercapitalized shall not, directly or indirectly, acquire any interest in any entity or initially offer any new product (as such term is defined in section 1321(f)) or engage in any new activity, service, undertaking, or offering unless—

"(A) the Director has accepted the capital restoration plan of the regulated entity, the entity is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

"(B) the Director determines that the proposed action will further the purpose of this section.";

(3) in the subsection heading for subsection (b), by striking "FROM UNDERCAPITALIZED TO SIGNIFICANTLY UNDERCAPITALIZED"; and

(4) by striking subsection (c) and inserting the following new subsection:

"(c) OTHER DISCRETIONARY SAFEGUARDS.—The Director may take, with respect to a regulated entity that is classified as undercapitalized, any of the actions authorized to be taken under section 1366 with respect to a regulated entity that is classified as significantly undercapitalized, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.".

SEC. 153. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED REGULATED ENTITIES.

Section 1366 of the Housing and Community Development Act of 1992 (12 U.S.C. 4616) is amended—

(1) in the section heading, by striking "**ENTERPRISES**" and inserting "**REGULATED ENTITIES**";

(2) in subsection (a)(2)(A), by striking "enterprise" the last place such term appears;

(3) in subsection (b)—

(A) in the subsection heading, by striking "DISCRETIONARY SUPERVISORY ACTIONS" and inserting "SPECIFIC ACTIONS".

(B) in the matter preceding paragraph (1), by striking "may, at any time, take any" and inserting "shall carry out this section by taking, at any time, one or more";

(C) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(D) by inserting after paragraph (4) the following new paragraph:

"(5) IMPROVEMENT OF MANAGEMENT.—Take one or more of the following actions:

"(A) NEW ELECTION OF BOARD.—Order a new election for the board of directors of the regulated entity.

"(B) DISMISSAL OF DIRECTORS OR EXECUTIVE OFFICERS.—Require the regulated entity to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the entity became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the Director's enforcement powers provided in section 1377.

"(C) EMPLOY QUALIFIED EXECUTIVE OFFICERS.—Require the regulated entity to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director)."; and

(E) by inserting at the end the following new paragraph:

"(8) OTHER ACTION.—Require the regulated entity to take any other action that the Director determines will better carry out the purpose of this section than any of the actions specified in this paragraph.";

(4) by redesignating subsection (c) as subsection (d); and

(5) by inserting after subsection (b) the following new subsection:

"(c) RESTRICTION ON COMPENSATION OF EXECUTIVE OFFICERS.—A regulated entity that is classified as significantly undercapitalized may not, without prior written approval by the Director—

"(1) pay any bonus to any executive officer; or

"(2) provide compensation to any executive officer at a rate exceeding that officer's average rate of compensation (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the regulated entity became undercapitalized.".

SEC. 154. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

(a) IN GENERAL.—Section 1367 of the Housing and Community Development Act of 1992 (12 U.S.C. 4617) is amended to read as follows:

"SEC. 1367. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

"(a) APPOINTMENT OF AGENCY AS CONSERVATOR OR RECEIVER.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, if any of the grounds under paragraph (3) exist, at the discretion of the Director, the Director may establish a conservatorship or receivership, as appropriate, for the purpose of reorganizing, rehabilitating, or winding up the affairs of a regulated entity.

“(2) APPOINTMENT.—In any conservatorship or receivership established under this section, the Director shall appoint the Agency as conservator or receiver.

“(3) GROUNDS FOR APPOINTMENT.—The grounds for appointing a conservator or receiver for a regulated entity are as follows:

“(A) ASSETS INSUFFICIENT FOR OBLIGATIONS.—The assets of the regulated entity are less than the obligations of the regulated entity to its creditors and others.

“(B) SUBSTANTIAL DISSIPATION.—Substantial dissipation of assets or earnings due to—

“(i) any violation of any provision of Federal or State law; or

“(ii) any unsafe or unsound practice.

“(C) UNSAFE OR UNSOUND CONDITION.—An unsafe or unsound condition to transact business.

“(D) CEASE-AND-DESIST ORDERS.—Any willful violation of a cease-and-desist order that has become final.

“(E) CONCEALMENT.—Any concealment of the books, papers, records, or assets of the regulated entity, or any refusal to submit the books, papers, records, or affairs of the regulated entity, for inspection to any examiner or to any lawful agent of the Director.

“(F) INABILITY TO MEET OBLIGATIONS.—The regulated entity is likely to be unable to pay its obligations or meet the demands of its creditors in the normal course of business.

“(G) LOSSES.—The regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the regulated entity to become adequately capitalized (as defined in section 1364(a)(1)).

“(H) VIOLATIONS OF LAW.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

“(i) cause insolvency or substantial dissipation of assets or earnings; or

“(ii) weaken the condition of the regulated entity.

“(I) CONSENT.—The regulated entity, by resolution of its board of directors or its shareholders or members, consents to the appointment.

“(J) UNDERCAPITALIZATION.—The regulated entity is undercapitalized or significantly undercapitalized (as defined in section 1364(a)(3) or in regulations issued pursuant to section 1364(b), as applicable), and—

“(i) has no reasonable prospect of becoming adequately capitalized;

“(ii) fails to become adequately capitalized, as required by—

“(I) section 1365(a)(1) with respect to an undercapitalized regulated entity; or

“(II) section 1366(a)(1) with respect to a significantly undercapitalized regulated entity;

“(iii) fails to submit a capital restoration plan acceptable to the Agency within the time prescribed under section 1369C; or

“(iv) materially fails to implement a capital restoration plan submitted and accepted under section 1369C.

“(K) CRITICAL UNDERCAPITALIZATION.—The regulated entity is critically undercapitalized, as defined in section 1364(a)(4) or in regulations issued pursuant to section 1364(b), as applicable.

“(L) MONEY LAUNDERING.—The Attorney General notifies the Director in writing that the regulated entity has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 or 5324 of title 31, United States Code.

“(4) MANDATORY RECEIVERSHIP.—

“(A) IN GENERAL.—The Director shall appoint the Agency as receiver for a regulated entity if the Director determines, in writing, that—

“(i) the assets of the regulated entity are, and during the preceding 30 calendar days have been, less than the obligations of the regulated entity to its creditors and others; or

“(ii) the regulated entity is not, and during the preceding 30 calendar days has not been, generally paying the debts of the regulated entity (other than debts that are the subject of a bona fide dispute) as such debts become due.

“(B) PERIODIC DETERMINATION REQUIRED FOR CRITICALLY UNDER CAPITALIZED REGULATED ENTITY.—If a regulated entity is critically undercapitalized, the Director shall make a determination, in writing, as to whether the regulated entity meets the criteria specified in clause (i) or (ii) of subparagraph (A)—

“(i) not later than 30 calendar days after the regulated entity initially becomes critically undercapitalized; and

“(ii) at least once during each succeeding 30-calendar day period.

“(C) DETERMINATION NOT REQUIRED IF RECEIVERSHIP ALREADY IN PLACE.—Subparagraph (B) shall not apply with respect to a regulated entity in any period during which the Agency serves as receiver for the regulated entity.

“(D) RECEIVERSHIP TERMINATES CONSERVATORSHIP.—The appointment under this section of the Agency as receiver of a regulated entity shall immediately terminate any conservatorship established under this title for the regulated entity.

“(5) JUDICIAL REVIEW.—

“(A) IN GENERAL.—If the Agency is appointed conservator or receiver under this section, the regulated entity may, within 30 days of such appointment, bring an action in the United States District Court for the judicial district in which the principal place of business of such regulated entity is located, or in the United States District Court for the District of Columbia, for an order requiring the Agency to remove itself as conservator or receiver.

“(B) REVIEW.—Upon the filing of an action under subparagraph (A), the court shall, upon the merits, dismiss such action or direct the Agency to remove itself as such conservator or receiver.

“(6) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of a regulated entity shall not be liable to the shareholders or creditors of the regulated entity for acquiescing in or consenting in good faith to the appointment of the Agency as conservator or receiver for that regulated entity.

“(7) AGENCY NOT SUBJECT TO ANY OTHER FEDERAL AGENCY.—When acting as conservator or receiver, the Agency shall not be subject to the direction or supervision of any other agency of the United States or any State in the exercise of the rights, powers, and privileges of the Agency.

“(b) POWERS AND DUTIES OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

“(1) RULEMAKING AUTHORITY OF THE AGENCY.—The Agency may prescribe such regulations as the Agency determines to be appropriate regarding the conduct of conservatorships or receiverships.

“(2) GENERAL POWERS.—

“(A) SUCCESSOR TO REGULATED ENTITY.—The Agency shall, as conservator or receiver, and by operation of law, immediately succeed to—

“(i) all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director of such regulated entity with respect to the regulated entity and the assets of the regulated entity; and

“(ii) title to the books, records, and assets of any other legal custodian of such regulated entity.

“(B) OPERATE THE REGULATED ENTITY.—The Agency may, as conservator or receiver—

“(i) take over the assets of and operate the regulated entity with all the powers of the shareholders, the directors, and the officers of the regulated entity and conduct all business of the regulated entity;

“(ii) collect all obligations and money due the regulated entity;

“(iii) perform all functions of the regulated entity in the name of the regulated entity which are consistent with the appointment as conservator or receiver; and

“(iv) preserve and conserve the assets and property of such regulated entity.

“(C) FUNCTIONS OF OFFICERS, DIRECTORS, AND SHAREHOLDERS OF A REGULATED ENTITY.—The Agency may, by regulation or order, provide for the exercise of any function by any stockholder, director, or officer of any regulated entity for which the Agency has been named conservator or receiver.

“(D) POWERS AS CONSERVATOR.—The Agency may, as conservator, take such action as may be—

“(i) necessary to put the regulated entity in a sound and solvent condition; and

“(ii) appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity, including, if two or more Federal home loan banks have been placed in conservatorship contemporaneously, merging two or more such banks into a single Federal home loan bank.

“(E) ADDITIONAL POWERS AS RECEIVER.—The Agency may, as receiver, place the regulated entity in liquidation and proceed to realize upon the assets of the regulated entity, having due regard to the conditions of the housing finance market.

“(F) ORGANIZATION OF NEW REGULATED ENTITIES.—The Agency may, as receiver, organize a successor regulated entity that will operate pursuant to subsection (i).

“(G) TRANSFER OF ASSETS AND LIABILITIES.—The Agency may, as conservator or receiver, transfer any asset or liability of the regulated entity in default without any approval, assignment, or consent with respect to such transfer. Any Federal home loan bank may, with the approval of the Agency, acquire the assets of any Bank in conservatorship or receivership, and assume the liabilities of such Bank.

“(H) PAYMENT OF VALID OBLIGATIONS.—The Agency, as conservator or receiver, shall, to the extent of proceeds realized from the performance of contracts or sale of the assets of a regulated entity, pay all valid obligations of the regulated entity in accordance with the prescriptions and limitations of this section.

“(I) SUBPOENA AUTHORITY.—

“(i) IN GENERAL.—

“(I) IN GENERAL.—The Agency may, as conservator or receiver, and for purposes of carrying out any power, authority, or duty with respect to a regulated entity (including determining any claim against the regulated entity and determining and realizing upon any asset of any person in the course of collecting money due the regulated entity), exercise any power established under section 1348.

“(II) APPLICABILITY OF LAW.—The provisions of section 1348 shall apply with respect to the exercise of any power exercised under this subparagraph in the same manner as such provisions apply under that section.

"(ii) AUTHORITY OF DIRECTOR.—A subpoena or subpoena duces tecum may be issued under clause (i) only by, or with the written approval of, the Director, or the designee of the Director.

"(iii) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit any rights that the Agency, in any capacity, might otherwise have under section 1317 or 1379D.

"(J) CONTRACTING FOR SERVICES.—The Agency may, as conservator or receiver, provide by contract for the carrying out of any of its functions, activities, actions, or duties as conservator or receiver.

"(K) INCIDENTAL POWERS.—The Agency may, as conservator or receiver—

"(i) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section, and such incidental powers as shall be necessary to carry out such powers; and

"(ii) take any action authorized by this section, which the Agency determines is in the best interests of the regulated entity or the Agency.

"(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

"(A) IN GENERAL.—The Agency may, as receiver, determine claims in accordance with the requirements of this subsection and any regulations prescribed under paragraph (4).

"(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed regulated entity, shall—

"(i) promptly publish a notice to the creditors of the regulated entity to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the publication of such notice; and

"(ii) republish such notice approximately 1 month and 2 months, respectively, after the publication under clause (i).

"(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph (B)(i) at the time of such publication to any creditor shown on the books of the regulated entity—

"(i) at the last address of the creditor appearing in such books; or

"(ii) upon discovery of the name and address of a claimant not appearing on the books of the regulated entity within 30 days after the discovery of such name and address.

"(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—Subject to subsection (c), the Director may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determination of claims and review of such determination.

"(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

"(A) DETERMINATION PERIOD.—

"(i) IN GENERAL.—Before the end of the 180-day period beginning on the date on which any claim against a regulated entity is filed with the Agency as receiver, the Agency shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

"(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Agency.

"(iii) MAILING OF NOTICE SUFFICIENT.—The notification requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

"(I) on the books of the regulated entity;

"(II) in the claim filed by the claimant; or

"(III) in documents submitted in proof of the claim.

"(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

"(I) a statement of each reason for the disallowance; and

"(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

"(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i), or the date specified in the notice required under paragraph (3)(C), which is proved to the satisfaction of the receiver.

"(C) DISALLOWANCE OF CLAIMS FILED AFTER END OF FILING PERIOD.—Claims filed after the date specified in the notice published under paragraph (3)(B)(i), or the date specified under paragraph (3)(C), shall be disallowed and such disallowance shall be final.

"(D) AUTHORITY TO DISALLOW CLAIMS.—

"(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

"(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against a regulated entity which is secured by any property or other asset of such regulated entity, the receiver—

"(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the regulated entity; and

"(II) may not make any payment with respect to such unsecured portion of the claim other than in connection with the disposition of all claims of unsecured creditors of the regulated entity.

"(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to any extension of credit from any Federal Reserve Bank, Federal home loan bank, or the Treasury of the United States.

"(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (D).—No court may review the determination of the Agency under subparagraph (D) to disallow a claim. This subparagraph shall not affect the authority of a claimant to obtain de novo judicial review of a claim pursuant to paragraph (6).

"(F) LEGAL EFFECT OF FILING.—

"(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

"(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of the appointment of the receiver, subject to the determination of claims by the receiver.

"(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

"(A) IN GENERAL.—The claimant may file suit on a claim (or continue an action commenced before the appointment of the receiver) in the district or territorial court of the United States for the district within which the principal place of business of the regulated entity is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim), before the end of the 60-day period beginning on the earlier of—

"(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against a regulated entity for which the Agency is receiver; or

"(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i).

"(B) STATUTE OF LIMITATIONS.—A claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver), and such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim, if the claimant fails, before the end of the 60-day period described under subparagraph (A), to file suit on such claim (or continue an action commenced before the appointment of the receiver).

"(7) REVIEW OF CLAIMS.—

"(A) OTHER REVIEW PROCEDURES.—

"(i) IN GENERAL.—The Agency shall establish such alternative dispute resolution processes as may be appropriate for the resolution of claims filed under paragraph (5)(A)(i).

"(ii) CRITERIA.—In establishing alternative dispute resolution processes, the Agency shall strive for procedures which are expeditious, fair, independent, and low cost.

"(iii) VOLUNTARY BINDING OR NONBINDING PROCEDURES.—The Agency may establish both binding and nonbinding processes, which may be conducted by any government or private party. All parties, including the claimant and the Agency, must agree to the use of the process in a particular case.

"(B) CONSIDERATION OF INCENTIVES.—The Agency shall seek to develop incentives for claimants to participate in the alternative dispute resolution process.

"(8) EXPEDITED DETERMINATION OF CLAIMS.—

"(A) ESTABLISHMENT REQUIRED.—The Agency shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

"(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any regulated entity for which the Agency has been appointed receiver; and

"(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

"(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date any claim is filed in accordance with the procedures established under subparagraph (A), the Director shall—

"(i) determine—

"(I) whether to allow or disallow such claim; or

"(II) whether such claim should be determined pursuant to the procedures established under paragraph (5); and

"(ii) notify the claimant of the determination, and if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining agency review or judicial determination.

"(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the appointment of the receiver, seeking a determination of the rights of the claimant with respect to such security interest after the earlier of—

"(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

"(ii) the date the Agency denies the claim.

"(D) Statute of limitations.—If an action described under subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed under subparagraph (B), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

"(E) Legal effect of filing.—

"(i) Statute of limitation tolled.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

"(ii) No prejudice to other actions.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action that was filed before the appointment of the receiver, subject to the determination of claims by the receiver.

"(9) Payment of claims.—

"(A) In general.—The receiver may, in the discretion of the receiver, and to the extent funds are available from the assets of the regulated entity, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

"(i) allowed by the receiver;

"(ii) approved by the Agency pursuant to a final determination pursuant to paragraph (7) or (8); or

"(iii) determined by the final judgment of any court of competent jurisdiction.

"(B) Agreements against the interest of the Agency.—No agreement that tends to diminish or defeat the interest of the Agency in any asset acquired by the Agency as receiver under this section shall be valid against the Agency unless such agreement is in writing, and executed by an authorized official of the regulated entity, except that such requirements for qualified financial contracts shall be applied in a manner consistent with reasonable business trading practices in the financial contracts market.

"(C) Payment of dividends on claims.—The receiver may, in the sole discretion of the receiver, pay from the assets of the regulated entity dividends on proved claims at any time, and no liability shall attach to the Agency, by reason of any such payment, for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

"(D) Rulemaking authority of the Director.—The Director may prescribe such rules, including definitions of terms, as the Director deems appropriate to establish a single uniform interest rate for, or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estates of regulated entities following satisfaction by the receiver of the principal amount of all creditor claims.

"(10) Suspension of legal actions.—

"(A) In general.—After the appointment of a conservator or receiver for a regulated entity, the conservator or receiver may, in any judicial action or proceeding to which such regulated entity is or becomes a party, request a stay for a period not to exceed—

"(i) 45 days, in the case of any conservator; and

"(ii) 90 days, in the case of any receiver.

"(B) Grant of stay by all courts required.—Upon receipt of a request by any conservator or receiver under subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.

"(11) Additional rights and duties.—

"(A) Prior final adjudication.—The Agency shall abide by any final unappealable judgment of any court of competent jurisdiction which was rendered before the appointment of the Agency as conservator or receiver.

"(B) Rights and remedies of conservator or receiver.—In the event of any appealable judgment, the Agency as conservator or receiver shall—

"(i) have all the rights and remedies available to the regulated entity (before the appointment of such conservator or receiver) and the Agency, including removal to Federal court and all appellate rights; and

"(ii) not be required to post any bond in order to pursue such remedies.

"(C) No attachment or execution.—No attachment or execution may issue by any court upon assets in the possession of the receiver.

"(D) Limitation on judicial review.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

"(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets of any regulated entity for which the Agency has been appointed receiver; or

"(ii) any claim relating to any act or omission of such regulated entity or the Agency as receiver.

"(E) Disposition of assets.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of a regulated entity for which the Agency has been appointed conservator or receiver, the Agency shall conduct its operations in a manner which maintains stability in the housing finance markets and, to the extent consistent with that goal—

"(i) maximizes the net present value return from the sale or disposition of such assets;

"(ii) minimizes the amount of any loss realized in the resolution of cases; and

"(iii) ensures adequate competition and fair and consistent treatment of offerors.

"(12) Statute of limitations for actions brought by conservator or receiver.—

"(A) In general.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Agency as conservator or receiver shall be—

"(i) in the case of any contract claim, the longer of—

"(I) the 6-year period beginning on the date the claim accrues; or

"(II) the period applicable under State law; and

"(ii) in the case of any tort claim, the longer of—

"(I) the 3-year period beginning on the date the claim accrues; or

"(II) the period applicable under State law.

"(B) Determination of the date on which a claim accrues.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

"(i) the date of the appointment of the Agency as conservator or receiver; or

"(ii) the date on which the cause of action accrues.

"(13) Revival of expired State causes of action.—

"(A) In general.—In the case of any tort claim described under subparagraph (B) for which the statute of limitations applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Agency as conservator or receiver, the Agency may bring an action as conservator or receiver on such claim without regard to the expiration of the statute of limitation applicable under State law.

"(B) Claims described.—A tort claim referred to under subparagraph (A) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the regulated entity.

"(14) Accounting and recordkeeping requirements.—

"(A) In general.—The Agency as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Agency, maintain a full accounting of each conservatorship and receivership or other disposition of a regulated entity in default.

"(B) Annual accounting or report.—With respect to each conservatorship or receivership, the Agency shall make an annual accounting or report available to the Board, the Comptroller General of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

"(C) Availability of reports.—Any report prepared under subparagraph (B) shall be made available by the Agency upon request to any shareholder of a regulated entity or any member of the public.

"(D) Recordkeeping requirement.—After the end of the 6-year period beginning on the date that the conservatorship or receivership is terminated by the Director, the Agency may destroy any records of such regulated entity which the Agency, in the discretion of the Agency, determines to be unnecessary unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

"(15) Fraudulent transfers.—

"(A) In general.—The Agency, as conservator or receiver, may avoid a transfer of any interest of a regulated entity-affiliated party, or any person who the conservator or receiver determines is a debtor of the regulated entity, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the Agency was appointed conservator or receiver, if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the regulated entity, the Agency, the conservator, or receiver.

"(B) Right of recovery.—To the extent a transfer is avoided under subparagraph (A), the conservator or receiver may recover, for the benefit of the regulated entity, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

"(i) the initial transferee of such transfer or the regulated entity-affiliated party or person for whose benefit such transfer was made; or

"(ii) any immediate or mediate transferee of any such initial transferee.

"(C) Rights of transferee or obligee.—The conservator or receiver may not recover under subparagraph (B) from—

"(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

"(ii) any immediate or mediate good faith transferee of such transferee.

"(D) Rights under this paragraph.—The rights under this paragraph of the conservator or receiver described under subparagraph (A) shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

"(16) Attachment of assets and other injunctive relief.—Subject to paragraph (17), any court of competent jurisdiction may, at the request of the conservator or receiver, issue an order in accordance with Rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the Agency or such conservator under the control of the court, and appointing a trustee to hold such assets.

"(17) Standards of proof.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (16) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(18) Treatment of claims arising from breach of contracts executed by the receiver or conservator.—

"(A) In general.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against a receiver or conservator for the breach of an agreement executed or approved in writing by such receiver or conservator after the date of its appointment, shall be paid as an administrative expense of the receiver or conservator.

"(B) No limitation of power.—Nothing in this paragraph shall be construed to limit the power of a receiver or conservator to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

"(19) General exceptions.—

"(A) Limitations.—The rights of a conservator or receiver appointed under this section shall be subject to the limitations on the powers of a receiver under sections 402 through 407 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402 through 4407).

"(B) Mortgages held in trust.—

"(i) In general.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, held in trust, custodial, or agency capacity by a regulated entity for the benefit of persons other than the regulated entity shall not be available to satisfy the claims of creditors generally.

"(ii) Holding of mortgages.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, described under clause (i) shall be held by the conservator or receiver appointed under this section for the beneficial owners of such mortgage, pool of mortgages, or interest in a pool of mortgages in accordance with the terms of the agreement creating such trust, custodial, or other agency arrangement.

"(iii) Liability of receiver.—The liability of a receiver appointed under this section for damages shall, in the case of any contingent or unliquidated claim relating to the mortgages held in trust, be estimated in accordance set forth in the regulations of the Director.

"(c) Priority of Expenses and Unsecured Claims.—

"(1) In general.—Unsecured claims against a regulated entity, or a receiver, that are proven to the satisfaction of the receiver shall have priority in the following order:

"(A) Administrative expenses of the receiver.

"(B) Any other general or senior liability of the regulated entity and claims of other Federal home loan banks arising from their payment obligations (including joint and several payment obligations).

"(C) Any obligation subordinated to general creditors.

"(D) Any obligation to shareholders or members arising as a result of their status as shareholder or members.

"(2) Creditors similarly situated.—All creditors that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the Agency may make such other payments to creditors necessary to maximize the present value return from the sale or disposition or such regulated entity's assets or to minimize the amount of any loss realized in the resolution of cases so long as all creditors similarly situated receive not less than the amount provided under subsection (e)(2).

"(3) Definition.—The term 'administrative expenses of the receiver' shall include the actual, necessary costs and expenses incurred by the receiver in preserving the assets of the regulated entity or liquidating or otherwise resolving the affairs of the regulated entity. Such expenses shall include obligations that are incurred by the receiver after appointment as receiver that the Director determines are necessary and appropriate to facilitate the smooth and orderly liquidation or other resolution of the regulated entity.

"(d) Provisions Relating to Contracts Entered Into Before Appointment of Conservator or Receiver.—

"(1) Authority to repudiate contracts.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for any regulated entity may disaffirm or repudiate any contract or lease—

"(A) to which such regulated entity is a party;

"(B) the performance of which the conservator or receiver, in its sole discretion, determines to be burdensome; and

"(C) the disaffirmance or repudiation of which the conservator or receiver determines, in its sole discretion, will promote the orderly administration of the affairs of the regulated entity.

"(2) Timing of repudiation.—The conservator or receiver shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

"(3) Claims for damages for repudiation.—

"(A) In general.—Except as otherwise provided under subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

"(i) limited to actual direct compensatory damages; and

"(ii) determined as of—

"(I) the date of the appointment of the conservator or receiver; or

"(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

"(B) No liability for other damages.—For purposes of subparagraph (A), the term 'actual direct compensatory damages' shall not include—

"(i) punitive or exemplary damages;

"(ii) damages for lost profits or opportunity; or

"(iii) damages for pain and suffering.

"(C) Measure of damages for repudiation of financial contracts.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

"(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

"(ii) paid in accordance with this subsection and subsection (e), except as otherwise specifically provided in this section.

"(4) Leases under which the regulated entity is the lessee.—

"(A) In general.—If the conservator or receiver disaffirms or repudiates a lease under which the regulated entity was the lessee, the conservator or receiver shall not be liable for any damages (other than damages determined under subparagraph (B)) for the disaffirmance or repudiation of such lease.

"(B) Payments of rent.—Notwithstanding subparagraph (A), the lessor under a lease to which that subparagraph applies shall—

"(i) be entitled to the contractual rent accruing before the later of the date—

"(I) the notice of disaffirmance or repudiation is mailed; or

"(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

"(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

"(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (e).

"(5) Leases under which the regulated entity is the lessor.—

"(A) In general.—If the conservator or receiver repudiates an unexpired written lease of real property of the regulated entity under which the regulated entity is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

"(i) treat the lease as terminated by such repudiation; or

"(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

"(B) Provisions applicable to lessee remaining in possession.—If any lessee under a lease described under subparagraph (A) remains in possession of a leasehold interest under clause (ii) of such subparagraph—

"(i) the lessee—

"(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

"(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, and any damages which accrue after such date due to the nonperformance of any obligation of the regulated entity under the lease after such date; and

"(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II).

"(6) Contracts for the sale of real property.—

"(A) In general.—If the conservator or receiver repudiates any contract for the sale of real property and the purchaser of such real property under such contract is in possession, and is not, as of the date of such repudiation, in default, such purchaser may either—

“(i) treat the contract as terminated by such repudiation; or

“(ii) remain in possession of such real property.

“(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described under subparagraph (A) remains in possession of such property under clause (ii) of such subparagraph—

“(i) the purchaser—

“(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

“(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the regulated entity under the contract; and

“(ii) the conservator or receiver shall—

“(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II);

“(II) deliver title to the purchaser in accordance with the provisions of the contract; and

“(III) have no obligation under the contract other than the performance required under subclause (II).

“(C) ASSIGNMENT AND SALE ALLOWED.—

“(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described under subparagraph (A), and sell the property subject to the contract and the provisions of this paragraph.

“(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described under clause (i) is consummated, the conservator or receiver shall have no further liability under the contract described under subparagraph (A), or with respect to the real property which was the subject of such contract.

“(7) PROVISIONS APPLICABLE TO SERVICE CONTRACTS.—

“(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any regulated entity for which the Agency has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or the receiver shall be—

“(i) a claim to be paid in accordance with subsections (b) and (e); and

“(ii) deemed to have arisen as of the date the conservator or receiver was appointed.

“(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described under subparagraph (A), the conservator or receiver accepts performance by the other person before the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

“(i) the other party shall be paid under the terms of the contract for the services performed; and

“(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

“(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by any conservator or receiver of services referred to under subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver to repudiate such contract under this section at any time after such performance.

“(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

“(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10) and notwithstanding any other provision of this Act, any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

“(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity that arises upon the appointment of the Agency as receiver for such regulated entity at any time after such appointment;

“(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more qualified financial contracts described in clause (i); or

“(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts and agreements described in clause (i), including any master agreement for such contracts or agreements.

“(B) APPLICABILITY OF OTHER PROVISIONS.—Paragraph (10) of subsection (b) shall apply in the case of any judicial action or proceeding brought against any receiver referred to under subparagraph (A), or the regulated entity for which such receiver was appointed, by any party to a contract or agreement described under subparagraph (A)(i) with such regulated entity.

“(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

“(i) IN GENERAL.—Notwithstanding paragraph (11) or any other Federal or State laws relating to the avoidance of preferential or fraudulent transfers, the Agency, whether acting as such or as conservator or receiver of a regulated entity, may not avoid any transfer of money or other property in connection with any qualified financial contract with a regulated entity.

“(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a regulated entity if the Agency determines that the transferee had actual intent to hinder, delay, or defraud such regulated entity, the creditors of such regulated entity, or any conservator or receiver appointed for such regulated entity.

“(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—In this subsection:

“(i) QUALIFIED FINANCIAL CONTRACT.—The term ‘qualified financial contract’ means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Agency determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

“(ii) SECURITIES CONTRACT.—The term ‘securities contract’—

“(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

“(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

“(III) means any option entered into on a national securities exchange relating to foreign currencies;

“(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

“(V) means any margin loan;

“(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

“(VII) means any combination of the agreements or transactions referred to in this clause;

“(VIII) means any option to enter into any agreement or transaction referred to in this clause;

“(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

“(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

“(iii) COMMODITY CONTRACT.—The term ‘commodity contract’ means—

“(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

“(II) with respect to a foreign futures commission merchant, a foreign future;

“(III) with respect to a leverage transaction merchant, a leverage transaction;

“(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

“(V) with respect to a commodity options dealer, a commodity option;

“(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

“(VII) any combination of the agreements or transactions referred to in this clause;

“(VIII) any option to enter into any agreement or transaction referred to in this clause;

“(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

“(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

“(iv) FORWARD CONTRACT.—The term ‘forward contract’ means—

“(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

“(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

“(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

“(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

“(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

“(v) REPURCHASE AGREEMENT.—The term ‘repurchase agreement’ (which definition also applies to a reverse repurchase agreement)—

“(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers’ acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers’ acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers’ acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

“(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such participation within the meaning of such term;

“(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

“(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

“(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

“(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term ‘qualified foreign government security’ means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).

“(vi) SWAP AGREEMENT.—The term ‘swap agreement’ means—

“(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

“(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

“(III) any combination of agreements or transactions referred to in this clause;

“(IV) any option to enter into any agreement or transaction referred to in this clause;

“(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

“(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.

“(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

“(viii) TRANSFER.—The term ‘transfer’ means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the regulated entity’s equity of redemption.

“(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this Act (other than paragraph (13) of this subsection), any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

“(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity in a conservatorship based upon a default under such financial contract which is enforceable under applicable non-insolvency law;

"(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more such qualified financial contracts; or

"(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Agency, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Agency to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (d)(1) of this section.

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a regulated entity in default.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—In making any transfer of assets or liabilities of a regulated entity in default which includes any qualified financial contract, the conservator or receiver for such regulated entity shall either—

"(A) transfer to 1 person—

"(i) all qualified financial contracts between any person (or any affiliate of such person) and the regulated entity in default;

"(ii) all claims of such person (or any affiliate of such person) against such regulated entity under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such regulated entity);

"(iii) all claims of such regulated entity against such person (or any affiliate of such person) under any such contract; and

"(iv) all property securing or any other credit enhancement for any contract described in clause (i) or any claim described in clause (ii) or (iii) under any such contract; or

"(B) transfer none of the financial contracts, claims, or property referred to under subparagraph (A) (with respect to such person and any affiliate of such person).

"(10) NOTIFICATION OF TRANSFER.—

"(A) IN GENERAL.—If—

"(i) the conservator or receiver for a regulated entity in default makes any transfer of the assets and liabilities of such regulated entity, and

"(ii) the transfer includes any qualified financial contract,

the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the regulated entity (or the insolvency or financial condition of the regulated entity for which the receiver has been appointed)—

"(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the regulated entity (or the insolvency or financial condition of the regulated entity for which the conservator has been appointed).

"(iii) NOTICE.—For purposes of this paragraph, the Agency as receiver or conservator of a regulated entity shall be deemed to have notified a person who is a party to a qualified financial contract with such regulated entity if the Agency has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term 'business day' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which a regulated entity is a party, the conservator or receiver for such institution shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the regulated entity in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

"(12) CERTAIN SECURITY INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any regulated entity, except where such an interest is taken in contemplation of the insolvency of the regulated entity, or with the intent to hinder, delay, or defraud the regulated entity or the creditors of such regulated entity.

"(13) AUTHORITY TO ENFORCE CONTRACTS.—

"(A) IN GENERAL.—Notwithstanding any provision of a contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of a conservator or receiver, the conservator or receiver may enforce any contract or regulated entity bond entered into by the regulated entity.

"(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a director's or officer's liability insurance contract or surety bond under other applicable law.

"(C) CONSENT REQUIREMENT.—

"(i) IN GENERAL.—Except as otherwise provided under this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which a regulated entity is a party, or to obtain possession of or exercise control over any property of the regulated entity, or affect any contractual rights of the regulated entity, without the consent of the conservator or receiver, as appropriate, for a period of—

"(I) 45 days after the date of appointment of a conservator; or

"(II) 90 days after the date of appointment of a receiver.

"(ii) EXCEPTIONS.—This paragraph shall—

"(I) not apply to a director's or officer's liability insurance contract;

"(II) not apply to the rights of parties to any qualified financial contracts under subsection (d)(8); and

"(III) not be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contracts.

"(14) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

"(15) EXCEPTION FOR FEDERAL RESERVE AND FEDERAL HOME LOAN BANKS.—No provision of this subsection shall apply with respect to—

"(A) any extension of credit from any Federal home loan bank or Federal Reserve Bank to any regulated entity; or

"(B) any security interest in the assets of the regulated entity securing any such extension of credit.

"(e) VALUATION OF CLAIMS IN DEFAULT.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method which the Agency determines to utilize with respect to a regulated entity in default or in danger of default, including transactions authorized under subsection (i), this subsection shall govern the rights of the creditors of such regulated entity.

"(2) MAXIMUM LIABILITY.—The maximum liability of the Agency, acting as receiver or in any other capacity, to any person having a claim against the receiver or the regulated entity for which such receiver is appointed shall equal the lesser of—

"(A) the amount such claimant would have received if the Agency had liquidated the assets and liabilities of such regulated entity without exercising the authority of the Agency under subsection (i) of this section; or

"(B) the amount of proceeds realized from the performance of contracts or sale of the assets of the regulated entity.

"(f) LIMITATION ON COURT ACTION.—Except as provided in this section or at the request of the Director, no court may take any action to restrain or affect the exercise of powers or functions of the Agency as a conservator or a receiver.

"(g) LIABILITY OF DIRECTORS AND OFFICERS.—

"(1) IN GENERAL.—A director or officer of a regulated entity may be held personally liable for monetary damages in any civil action by, on behalf of, or at the request or direction of the Agency, which action is prosecuted wholly or partially for the benefit of the Agency—

"(A) acting as conservator or receiver of such regulated entity, or

"(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by such receiver or conservator,

for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care (than gross negligence) including intentional tortious conduct, as such terms are defined and determined under applicable State law.

"(2) NO LIMITATION.—Nothing in this paragraph shall impair or affect any right of the Agency under other applicable law.

"(h) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to a regulated entity, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the regulated entity shall include principal losses and appropriate interest.

"(i) LIMITED-LIFE REGULATED ENTITIES.—

"(1) ORGANIZATION.—

"(A) PURPOSE.—If a regulated entity is in default, or if the Agency anticipates that a regulated entity will default, the Agency may organize a limited-life regulated entity with those powers and attributes of the regulated entity in default or in danger of default that the Director determines necessary, subject to the provisions of this subsection. The Director shall grant a temporary charter to the limited-life regulated entity, and the limited-life regulated entity shall operate subject to that charter.

"(B) AUTHORITIES.—Upon the creation of a limited-life regulated entity under subparagraph (A), the limited-life regulated entity may—

"(i) assume such liabilities of the regulated entity that is in default or in danger of default as the Agency may, in its discretion, determine to be appropriate, provided that the liabilities assumed shall not exceed the amount of assets of the limited-life regulated entity;

"(ii) purchase such assets of the regulated entity that is in default, or in danger of default, as the Agency may, in its discretion, determine to be appropriate; and

"(iii) perform any other temporary function which the Agency may, in its discretion, prescribe in accordance with this section.

"(2) CHARTER.—

"(A) CONDITIONS.—The Agency may grant a temporary charter if the Agency determines that the continued operation of the regulated entity in default or in danger of default is in the best interest of the national economy and the housing markets.

"(B) TREATMENT AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A limited-life regulated entity shall be treated as a regulated entity in default at such times and for such purposes as the Agency may, in its discretion, determine.

"(C) MANAGEMENT.—A limited-life regulated entity, upon the granting of its charter, shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Agency.

"(D) BYLAWS.—The board of directors of a limited-life regulated entity shall adopt such bylaws as may be approved by the Agency.

"(3) CAPITAL STOCK.—No capital stock need be paid into a limited-life regulated entity by the Agency.

"(4) INVESTMENTS.—Funds of a limited-life regulated entity shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with the Agency, or any Federal Reserve bank.

"(5) EXEMPT STATUS.—Notwithstanding any other provision of Federal or State law, the limited-life regulated entity, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

"(6) WINDING UP.—

"(A) IN GENERAL.—Subject to subparagraph (B), unless Congress authorizes the sale of the capital stock of the limited-life regulated entity, not later than 2 years after the date of its organization, the Agency shall wind up the affairs of the limited-life regulated entity.

"(B) EXTENSION.—The Director may, in the discretion of the Director, extend the status of the limited-life regulated entity for 3 additional 1-year periods.

"(7) TRANSFER OF ASSETS AND LIABILITIES.—

"(A) IN GENERAL.—

"(i) TRANSFER OF ASSETS AND LIABILITIES.—The Agency, as receiver, may transfer any assets and liabilities of a regulated entity in default, or in danger of default, to the limited-life regulated entity in accordance with paragraph (1).

"(ii) SUBSEQUENT TRANSFERS.—At any time after a charter is transferred to a limited-life regulated entity, the Agency, as receiver, may transfer any assets and liabilities of such regulated entity in default, or in danger in default, as the Agency may, in its discretion, determine to be appropriate in accordance with paragraph (1).

"(iii) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of a regulated entity in default, or in danger of default, transferred to a limited-life regulated entity shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

"(8) PROCEEDS.—To the extent that available proceeds from the limited-life regulated entity exceed amounts required to pay obligations, such proceeds may be paid to the regulated entity in default, or in danger of default.

"(9) POWERS.—

"(A) IN GENERAL.—Each limited-life regulated entity created under this subsection shall have all corporate powers of, and be subject to the same provisions of law as, the regulated entity in default or in danger of default to which it relates, except that—

"(i) the Agency may—

"(I) remove the directors of a limited-life regulated entity; and

"(II) fix the compensation of members of the board of directors and senior management, as determined by the Agency in its discretion, of a limited-life regulated entity;

"(ii) the Agency may indemnify the representatives for purposes of paragraph (1)(B), and the directors, officers, employees, and agents of a limited-life regulated entity on such terms as the Agency determines to be appropriate; and

"(iii) the board of directors of a limited-life regulated entity—

"(I) shall elect a chairperson who may also serve in the position of chief executive officer, except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Agency; and

"(II) may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Agency.

"(B) STAY OF JUDICIAL ACTION.—Any judicial action to which a limited-life regulated entity becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a regulated entity in default shall be stayed from further proceedings for a period of up to 45 days at the request of the limited-life regulated entity. Such period may be modified upon the consent of all parties.

"(10) OBTAINING OF CREDIT AND INCURRING OF DEBT.—

"(A) IN GENERAL.—The limited-life regulated entity may obtain unsecured credit and incur unsecured debt in the ordinary course of business.

"(B) INABILITY TO OBTAIN CREDIT.—If the limited-life regulated entity is unable to obtain unsecured credit the Director may authorize the obtaining of credit or the incurring of debt—

"(i) with priority over any or all administrative expenses;

"(ii) secured by a lien on property that is not otherwise subject to a lien; or

"(iii) secured by a junior lien on property that is subject to a lien.

"(C) LIMITATIONS.—

"(i) IN GENERAL.—The Director, after notice and a hearing, may authorize the obtaining of credit or the incurring of debt secured by a senior or equal lien on property that is subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by the regulated entity) only if—

"(I) the limited-life regulated entity is unable to obtain such credit otherwise; and

"(II) there is adequate protection of the interest of the holder of the lien on the property which such senior or equal lien is proposed to be granted.

"(ii) BURDEN OF PROOF.—In any hearing under this subsection, the Director has the burden of proof on the issue of adequate protection.

"(D) EFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this paragraph to obtain credit or incur debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so incurred, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the incurring of such debt, or the granting of such priority or lien, were stayed pending appeal.

"(11) ISSUANCE OF PREFERRED DEBT.—A limited-life regulated entity may, subject to the approval of the Director and subject to such terms and conditions as the Director may prescribe, issue notes, bonds, or other debt obligations of a class to which all other debt obligations of the limited-life regulated entity shall be subordinate in right and payment.

"(12) NO FEDERAL STATUS.—

"(A) AGENCY STATUS.—A limited-life regulated entity is not an agency, establishment, or instrumentality of the United States.

"(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), interim directors, directors, officers, employees, or agents of a limited-life regulated entity are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Agency or of any Federal instrumentality who serves at the request of the Agency as a representative for purposes of paragraph (1)(B), interim director, director, officer, employee, or agent of a limited-life regulated entity shall not—

"(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

"(ii) receive any salary or benefits for service in any such capacity with respect to a limited-life regulated entity in addition to such salary or benefits as are obtained through employment with the Agency or such Federal instrumentality.

"(13) ADDITIONAL POWERS.—In addition to any other powers granted under this subsection, a limited-life regulated entity may—

"(A) extend a maturity date or change in an interest rate or other term of outstanding securities;

"(B) issue securities of the limited-life regulated entity, for cash, for property, for existing securities, or in exchange for claims or interests, or for any other appropriate purposes; and

"(C) take any other action not inconsistent with this section.

"(j) OTHER EXEMPTIONS.—When acting as a receiver, the following provisions shall apply with respect to the Agency:

"(1) EXEMPTION FROM TAXATION.—The Agency, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation imposed by any State, country, municipality, or local taxing authority, except that any real property of the Agency shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, and the tax thereon, shall be determined as of the period for which such tax is imposed.

"(2) EXEMPTION FROM ATTACHMENT AND LIENS.—No property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency, nor shall any involuntary lien attach to the property of the Agency.

"(3) EXEMPTION FROM PENALTIES AND FINES.—The Agency shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due.

"(k) PROHIBITION OF CHARTER REVOCATION.—In no case may a receiver appointed pursuant to this section revoke, annul, or terminate the charter of a regulated entity.".

(b) CONFORMING AMENDMENTS.—

(1) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 is amended by striking sections 1369 (12 U.S.C. 4619), 1369A (12 U.S.C. 4620), and 1369B (12 U.S.C. 4621).

(2) FEDERAL HOME LOAN BANKS.—Section 25 of the Federal Home Loan Bank Act (12 U.S.C. 1445) is amended to read as follows:

"SEC. 25. SUCCESSION OF FEDERAL HOME LOAN BANKS.

"Each Federal Home Loan Bank shall have succession until it is voluntarily merged with another Bank under this Act, or until it is merged, reorganized, rehabilitated, liquidated, or otherwise wound up by the Director in accordance with the provisions of section 1367 of the Housing and Community Development Act of 1992, or by further Act of Congress.".

SEC. 155. CONFORMING AMENDMENTS.

Title XIII of the Housing and Community Development Act of 1992, as amended by the preceding provisions of this Act, is further amended—

(1) in sections 1365 (12 U.S.C. 4615) through 1369D (12 U.S.C. 4623), but not including section 1367 (12 U.S.C. 4617) as amended by section 154 of this Act—

(A) by striking "An enterprise" each place such term appears and inserting "A regulated entity";

(B) by striking "an enterprise" each place such term appears and inserting "a regulated entity"; and

(C) by striking "the enterprise" each place such term appears and inserting "the regulated entity";

(2) in section 1366 (12 U.S.C. 4616)—

(A) in subsection (b)(7), by striking "section 1369 (excluding subsection (a)(1) and (2))" and inserting "section 1367"; and

(B) in subsection (d), by striking "the enterprises" and inserting "the regulated entities";

(3) in section 1368(d) (12 U.S.C. 4618(d)), by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services";

(4) in section 1369C (12 U.S.C. 4622)—

(A) in subsection (a)(4), by striking "activities (including existing and new programs)" and inserting "activities, services, undertakings, and offerings (including existing and new products (as such term is defined in section 1321(f))"; and

(B) in subsection (c), by striking "any enterprise" and inserting "any regulated entity"; and

(5) in subsections (a) and (d) of section 1369D, by striking "section 1366 or 1367 or action under section 1369)" each place such phrase appears and inserting "section 1367)".

Subtitle D—Enforcement Actions

SEC. 161. CEASE-AND-DESIST PROCEEDINGS.

Section 1371 of the Housing and Community Development Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) ISSUANCE FOR UNSAFE OR UNSOUND PRACTICES AND VIOLATIONS OF RULES OR LAWS.—If, in the opinion of the Director, a regulated entity or any regulated entity-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the regulated entity or is violating or has violated, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the regulated entity or any written agreement entered into with the Director, the Director may issue and serve upon the regulated entity or such party a notice of charges in respect thereof. The Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) of section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)).

"(b) ISSUANCE FOR UNSATISFACTORY RATING.—If a regulated entity receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the Director may (if the deficiency is not corrected) deem the regulated entity to be engaging in an unsafe or unsound practice for purposes of this subsection.";

(2) in subsection (c)(2), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party"; and

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party";

(B) in paragraph (1)—

(i) by striking "an executive officer or a director" and inserting "a regulated entity affiliated party"; and

(ii) by inserting "(including reimbursement of compensation under section 1318)" after "reimbursement";

(C) in paragraph (6), by striking "and" at the end;

(D) by redesignating paragraph (7) as paragraph (8); and

(E) by inserting after paragraph (6) the following new paragraph:

"(7) to effect an attachment on a regulated entity or regulated entity-affiliated party subject to an order under this section or section 1372; and".

SEC. 162. TEMPORARY CEASE-AND-DESIST PROCEEDINGS.

Section 1372 of the Housing and Community Development Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) GROUNDS FOR ISSUANCE.—Whenever the Director determines that the violation or threatened violation or the unsafe or unsound practice or practices specified in the notice of charges served upon the regulated entity or any regulated entity-affiliated party pursuant to section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of the regulated entity, or is likely to weaken the condition of the regulated entity prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373, the Director may issue a temporary order requiring the regulated entity or such party to cease and desist from any such violation or practice and to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings. Such order may include any requirement authorized under section 1371(d).";

(2) in subsection (b), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party";

(3) in subsection (d)—

(A) by striking "An enterprise, executive officer, or director" and inserting "A regulated entity or regulated entity-affiliated party"; and

(B) by striking "the enterprise, executive officer, or director" and inserting "the regulated entity or regulated entity-affiliated party"; and

(4) by striking subsection (e) and in inserting the following new subsection:

"(e) Enforcement.—In the case of violation or threatened violation of, or failure to obey, a temporary cease-and-desist order issued pursuant to this section, the Director may apply to the United States District Court for the District of Columbia or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for an injunction to enforce such order, and, if the court determines that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.".

SEC. 163. PREJUDGMENT ATTACHMENT.

The Housing and Community Development Act of 1992 is amended by inserting after section 1375 (12 U.S.C. 4635) the following new section:

"SEC. 1375A. PREJUDGMENT ATTACHMENT.

"(a) In General.—In any action brought pursuant to this title, or in actions brought in aid of, or to enforce an order in, any administrative or other civil action for money damages, restitution, or civil money penalties brought pursuant to this title, the court may, upon application of the Director or Attorney General, as applicable, issue a restraining order that—

"(1) prohibits any person subject to the proceeding from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets or other property; and

"(2) appoints a person on a temporary basis to administer the restraining order.

"(b) Standard.—

"(1) Showing.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under subsection (a) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(2) State proceeding.—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of such State provide substantially similar protections to a party's right to due process as Rule 65 (as modified with respect to such proceeding by paragraph (1)), the relief sought under subsection (a) may be requested under the laws of such State.".

SEC. 164. ENFORCEMENT AND JURISDICTION.

Section 1375 of the Housing and Community Development Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) Enforcement.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for the enforcement of any effective and outstanding notice or order issued under this subtitle or subtitle B, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order."; and

(2) in subsection (b), by striking "or 1376" and inserting "1376, or 1377".

SEC. 165. CIVIL MONEY PENALTIES.

Section 1376 of the Housing and Community Development Act of 1992 (12 U.S.C. 4636) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ", or any executive officer or director" and inserting "or any regulated-entity affiliated party"; and

(B) in paragraph (1)—

(i) by striking "the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act" and inserting "any provision of any of the authorizing statutes";

(ii) by striking "or Act" and inserting "or statute";

(iii) by striking "or subsection" and inserting ", subsection"; and

(iv) by inserting ", or paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act" before the semicolon at the end;

(2) by striking subsection (b) and inserting the following new subsection:

"(b) Amount of Penalty.—

"(1) First tier.—Any regulated entity which, or any regulated entity-affiliated party who—

"(A) violates any provision of this title, any provision of any of the authorizing statutes, or any order, condition, rule, or regulation under any such title or statute, except that the Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act;

"(B) violates any final or temporary order or notice issued pursuant to this title;

"(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

"(D) violates any written agreement between the regulated entity and the Director, shall forfeit and pay a civil money penalty of not more than $10,000 for each day during which such violation continues.

"(2) Second tier.—Notwithstanding paragraph (1)—

"(A) if a regulated entity, or a regulated entity-affiliated party—

"(i) commits any violation described in any subparagraph of paragraph (1);

"(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of such regulated entity; or

"(iii) breaches any fiduciary duty; and

"(B) the violation, practice, or breach—

"(i) is part of a pattern of misconduct;

"(ii) causes or is likely to cause more than a minimal loss to such regulated entity; or

"(iii) results in pecuniary gain or other benefit to such party,

the regulated entity or regulated entity-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which such violation, practice, or breach continues.

"(3) Third tier.—Notwithstanding paragraphs (1) and (2), any regulated entity which, or any regulated entity-affiliated party who—

"(A) knowingly—

"(i) commits any violation or engages in any conduct described in any subparagraph of paragraph (1);

"(ii) engages in any unsafe or unsound practice in conducting the affairs of such regulated entity; or

"(iii) breaches any fiduciary duty; and

"(B) knowingly or recklessly causes a substantial loss to such regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach, shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues.

"(4) Maximum amounts of penalties for any violation described in paragraph (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in such paragraph is—

"(A) in the case of any person other than a regulated entity, an amount not to exceed $2,000,000; and

"(B) in the case of any regulated entity, $2,000,000.";

(3) in subsection (c)(1)(B), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party";

(4) in subsection (d), by striking the first sentence and inserting the following: "If a regulated entity or regulated entity-affiliated party fails to comply with an order of the Director imposing a civil money penalty under this section, after the order is no longer subject to review as provided under subsection (c)(1) and section 1374, the Director may, in the discretion of the Director, bring an action in the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, to obtain a monetary judgment against the regulated entity or regulated entity affiliated party and such other relief as may be available, or request that the Attorney General of the United States bring such an action."; and

(5) in subsection (g), by striking "subsection (b)(3)" and inserting "this section, unless authorized by the Director by rule, regulation, or order".

SEC. 166. REMOVAL AND PROHIBITION AUTHORITY.

(a) In General.—Subtitle C of title XIII of the Housing and Community Development Act of 1992 is amended—

(1) by redesignating sections 1377, 1378, 1379, 1379A, and 1379B (12 U.S.C. 4637-41) as sections 1379, 1379A, 1379B, 1379C, and 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following new section:

"SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

"(a) Authority To Issue Order.—Whenever the Director determines that—

"(1) any regulated entity-affiliated party has, directly or indirectly—

"(A) violated—

"(i) any law or regulation;

"(ii) any cease-and-desist order which has become final;

"(iii) any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

"(iv) any written agreement between such regulated entity and the Director;

"(B) engaged or participated in any unsafe or unsound practice in connection with any regulated entity; or

"(C) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

"(2) by reason of the violation, practice, or breach described in any subparagraph of paragraph (1)—

"(A) such regulated entity has suffered or will probably suffer financial loss or other damage; or

"(B) such party has received financial gain or other benefit by reason of such violation, practice, or breach; and

"(3) such violation, practice, or breach—

"(A) involves personal dishonesty on the part of such party; or

"(B) demonstrates willful or continuing disregard by such party for the safety or soundness of such regulated entity, the Director may serve upon such party a written notice of the Director's intention to remove such party from office or to prohibit any further participation by such party, in any manner, in the conduct of the affairs of any regulated entity.

"(b) Suspension Order.—

"(1) Suspension or prohibition authority.—If the Director serves written notice under subsection (a) to any regulated entity-affiliated party of the Director's intention to issue an order under such subsection, the Director may—

"(A) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the regulated entity, if the Director—

"(i) determines that such action is necessary for the protection of the regulated entity; and

"(ii) serves such party with written notice of the suspension order; and

"(B) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party.

"(2) Effective period.—Any suspension order issued under this subsection—

"(A) shall become effective upon service; and

"(B) unless a court issues a stay of such order under subsection (g) of this section, shall remain in effect and enforceable until—

"(i) the date the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

"(ii) the effective date of an order issued by the Director to such party under subsection (a).

"(3) Copy of order.—If the Director issues a suspension order under this subsection to any regulated entity-affiliated party, the Director shall serve a copy of such order on any regulated entity with which such party is affiliated at the time such order is issued.

"(c) Notice, Hearing, and Order.—A notice of intention to remove a regulated entity-affiliated party from office or to prohibit such party from participating in the conduct of the affairs of a regulated entity shall contain a statement of the facts constituting grounds for such action, and shall fix a time and place at which a hearing will be held on such action. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Director at the request of (1) such party, and for good cause shown, or (2) the Attorney General of the United States. Unless such party shall appear at the hearing in person or by a duly authorized representative, such party shall be deemed to have consented to the issuance of an order of such removal or prohibition. In the event of such consent, or if upon the record made at any such hearing the Director shall find that any of the grounds specified in such notice have been established, the Director may issue such orders of suspension or removal from office, or prohibition from participation in the conduct of the affairs of the regulated entity, as it may deem appropriate, together with an order prohibiting compensation described in subsection (b)(1)(B). Any such order shall become effective at the expiration of 30 days after service upon such regulated entity and such party (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

"(d) Prohibition of Certain Specific Activities.—Any person subject to an order issued under this section shall not—

"(1) participate in any manner in the conduct of the affairs of any regulated entity;

"(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any regulated entity;

"(3) violate any voting agreement previously approved by the Director; or

"(4) vote for a director, or serve or act as a regulated entity-affiliated party.

"(e) Industry-Wide Prohibition.—

"(1) In general.—Except as provided in paragraph (2), any person who, pursuant to an order issued under this section, has been removed or suspended from office in a regulated entity or prohibited from participating in the conduct of the affairs of a regulated entity may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of, any regulated entity.

"(2) Exception if director provides written consent.—If, on or after the date an order is issued under this section which removes or suspends from office any regulated entity-affiliated party or prohibits such party from participating in the conduct of the affairs of a regulated entity, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the regulated entity described in the written consent. If the Director grants such a written consent, it shall publicly disclose such consent.

"(3) Violation of paragraph (1) treated as violation of order.—Any violation of paragraph (1) by any person who is subject to an order described in such subsection shall be treated as a violation of the order.

"(f) Applicability.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business enterprise.

"(g) Stay of Suspension and Prohibition of Regulated Entity-Affiliated Party.—Within 10 days after any regulated entity-affiliated party has been suspended from office and/or prohibited from participation in the conduct of the affairs of a regulated entity under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the regulated entity is located, for a stay of such suspension and/or prohibition and any prohibition under subsection (b)(1)(B) pending the completion of the administrative proceedings pursuant to the notice served upon such party under this section, and such court shall have jurisdiction to stay such suspension and/or prohibition.

"(h) Suspension or Removal of Regulated Entity-Affiliated Party Charged With Felony.—

"(1) Suspension or prohibition.—

"(A) In general.—Whenever any regulated entity-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year under State or Federal law, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, by written notice served upon such party—

"(i) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any regulated entity; and

"(ii) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the period of any such suspension or with any resignation, removal, retirement, or other termination of employment or office of the party.

"(B) Provisions applicable to notice.—

"(i) Copy.—A copy of any notice under paragraph (1)(A) shall also be served upon the regulated entity.

"(ii) Effective period.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in such subparagraph is finally disposed of or until terminated by the Director.

"(2) Removal or prohibition.—

"(A) In general.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against a regulated entity-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, issue and serve upon such party an order that—

"(i) removes such party from office or prohibits such party from further participation in any manner in the conduct of the affairs of the regulated entity without the prior written consent of the Director; and

"(ii) prohibits the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the termination of employment or office of the party.

"(B) Provisions applicable to order.—

"(i) Copy.—A copy of any order under paragraph (2)(A) shall also be served upon the regulated entity, whereupon the regulated entity-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such regulated entity.

"(ii) Effect of acquittal.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove such party from office or to prohibit further participation in regulated entity affairs, and to prohibit compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party, pursuant to subsections (a), (d), or (e) of this section.

"(iii) EFFECTIVE PERIOD.—Any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4) unless terminated by the Director.

"(3) AUTHORITY OF REMAINING BOARD MEMBERS.—If at any time, because of the suspension of one or more directors pursuant to this section, there shall be on the board of directors of a regulated entity less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors. In the event all of the directors of a regulated entity are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors in their place and stead pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the regulated entity and their respective successors take office.

"(4) HEARING REGARDING CONTINUED PARTICIPATION.—Within 30 days from service of any notice of suspension or order of removal issued pursuant to paragraph (1) or (2) of this subsection, the regulated entity-affiliated party concerned may request in writing an opportunity to appear before the Director to show that the continued service to or participation in the conduct of the affairs of the regulated entity by such party does not, or is not likely to, pose a threat to the interests of the regulated entity or threaten to impair public confidence in the regulated entity. Upon receipt of any such request, the Director shall fix a time (not more than 30 days after receipt of such request, unless extended at the request of such party) and place at which such party may appear, personally or through counsel, before one or more members of the Director or designated employees of the Director to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument. Within 60 days of such hearing, the Director shall notify such party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the regulated entity will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity, and prohibiting compensation in connection with termination will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for the Director's decision, if adverse to such party. The Director is authorized to prescribe such rules as may be necessary to effectuate the purposes of this subsection.

"(i) HEARINGS AND JUDICIAL REVIEW.—

"(1) VENUE AND PROCEDURE.—Any hearing provided for in this section shall be held in the District of Columbia or in the Federal judicial district in which the headquarters of the regulated entity is located, unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5, United States Code. After such hearing, and within 90 days after the Director has notified the parties that the case has been submitted to it for final decision, it shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2), and thereafter until the record in the proceeding has been filed as so provided, the Director may at any time, upon such notice and in such manner as it shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Director may modify, terminate, or set aside any such order with permission of the court.

"(2) REVIEW OF ORDER.—Any party to any proceeding under paragraph (1) may obtain a review of any order served pursuant to paragraph (1) (other than an order issued with the consent of the regulated entity or the regulated entity-affiliated party concerned, or an order issued under subsection (h) of this section) by the filing in the United States Court of Appeals for the District of Columbia Circuit or court of appeals of the United States for the circuit in which the headquarters of the regulated entity is located, within 30 days after the date of service of such order, a written petition praying that the order of the Director be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Director, and thereupon the Director shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall (except as provided in the last sentence of paragraph (1)) be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Director. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

"(3) PROCEEDINGS NOT TREATED AS STAY.—The commencement of proceedings for judicial review under paragraph (2) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Director.".

(b) CONFORMING AMENDMENTS.—

(1) 1992 ACT.—Section 1317(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 4517(f)) is amended by striking "section 1379B" and inserting "section 1379D".

(2) FANNIE MAE CHARTER ACT.—The second sentence of subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended by striking "The" and inserting "Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the".

(3) FREDDIE MAC ACT.—The second sentence of subparagraph (A) of section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended by striking "The" and inserting "Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the".

SEC. 167. CRIMINAL PENALTY.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.) is amended by inserting after section 1377 (as added by the preceding provisions of this Act) the following new section:

"SEC. 1378. CRIMINAL PENALTY.

"Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any regulated entity shall, notwithstanding section 3571 of title 18, be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.".

SEC. 168. SUBPOENA AUTHORITY.

Section 1379D(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4641(c)), as so redesignated by section 166(a)(1) of this Act, is further amended—

(1) by striking "request the Attorney General of the United States to" and inserting ", in the discretion of the Director,";

(2) by inserting "or request that the Attorney General of the United States bring such an action," after "District of Columbia,"; and

(3) by striking "or may, under the direction and control of the Attorney General, bring such an action".

SEC. 169. CONFORMING AMENDMENTS.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.), as amended by the preceding provisions of this Act, is amended—

(1) in section 1372(c)(1) (12 U.S.C. 4632(c)), by striking "that enterprise" and inserting "that regulated entity";

(2) in section 1379 (12 U.S.C. 4637), as so redesignated by section 166(a)(1) of this Act—

(A) by inserting ", or of a regulated entity-affiliated party," before "shall not affect"; and

(B) by striking "such director or executive officer" each place such term appears and inserting "such director, executive officer, or regulated entity-affiliated party";

(3) in section 1379A (12 U.S.C. 4638), as so redesignated by section 166(a)(1) of this Act, by inserting "or against a regulated entity-affiliated party," before "or impair";

(4) by striking "An enterprise" each place such term appears in such subtitle and inserting "A regulated entity";

(5) by striking "an enterprise" each place such term appears in such subtitle and inserting "a regulated entity";

(6) by striking "the enterprise" each place such term appears in such subtitle and inserting "the regulated entity"; and

(7) by striking "any enterprise" each place such term appears in such subtitle and inserting "any regulated entity".

Subtitle E—General Provisions

SEC. 181. BOARDS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended—

(A) in the first sentence, by striking "eighteen persons, five of whom shall be appointed annually by the President of the United States, and the remainder of whom" and inserting "13 persons, or such other number that the Director determines appropriate, who";

(B) in the second sentence, by striking "appointed by the President";

(C) in the third sentence—

(i) by striking "appointed or"; and

(ii) by striking ", except that any such appointed member may be removed from office by the President for good cause";

(D) in the fourth sentence, by striking "elective"; and

(E) by striking the fifth sentence.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under Section 185 occurs.

(b) FREDDIE MAC.—

(1) IN GENERAL.—Section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)) is amended—

(A) in subparagraph (A)—

(i) in the first sentence, by striking "18 persons, 5 of whom shall be appointed annually by the President of the United States and the remainder of whom" and inserting "13 persons, or such other number as the Director determines appropriate, who"; and

(ii) in the second sentence, by striking "appointed by the President of the United States";

(B) in subparagraph (B)—

(i) by striking "such or"; and

(ii) by striking ", except that any appointed member may be removed from office by the President for good cause"; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) by striking "elective".

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under Section 185 occurs.

SEC. 182. REPORT ON PORTFOLIO OPERATIONS, SAFETY AND SOUNDNESS, AND MISSION OF ENTERPRISES.

Not later than the expiration of the 12-month period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall submit a report to the Congress which shall include—

(1) a description of the portfolio holdings of the enterprises (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) in mortgages (including whole loans and mortgage-backed securities), non-mortgages, and other assets;

(2) a description of the risk implications for the enterprises of such holdings and the consequent risk management undertaken by the enterprises (including the use of derivatives for hedging purposes), compared with off-balance sheet liabilities of the enterprises (including mortgage-backed securities guaranteed by the enterprises);

(3) an analysis of portfolio holdings for safety and soundness purposes;

(4) an assessment of whether portfolio holdings fulfill the mission purposes of the enterprises under the Federal National Mortgage Association Charter Act and the Federal Home Loan Mortgage Corporation Act; and

(5) an analysis of the potential systemic risk implications for the enterprises, the housing and capital markets, and the financial system of portfolio holdings, and whether such holdings should be limited or reduced over time.

SEC. 183. CONFORMING AND TECHNICAL AMENDMENTS.

(a) 1992 ACT.—Title XIII of the Housing and Community Development Act of 1992 is amended by striking section 1383 (12 U.S.C. 1451 note).

(b) TITLE 18, UNITED STATES CODE.—Section 1905 of title 18, United States Code, is amended by striking "Office of Federal Housing Enterprise Oversight" and inserting "Federal Housing Finance Agency".

(c) FLOOD DISASTER PROTECTION ACT OF 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Director of the Federal Housing Finance Agency".

(d) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(e) TITLE 5, UNITED STATES CODE.—

(1) DIRECTOR'S PAY RATE.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

"Director of the Federal Housing Finance Agency.".

(2) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(D) of title 5, United States Code, is amended—

(A) by striking "the Federal Housing Finance Board,"; and

(B) by striking "the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "the Federal Housing Finance Agency".

(f) INSPECTOR GENERAL ACT OF 1978.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(g) FEDERAL DEPOSIT INSURANCE ACT.—Section 11(t)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C.1821(t)(2)(A)) is amended by adding at the end the following new clause:

"(vii) The Federal Housing Finance Agency.".

(h) 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT.—Section 10001 of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those In Bosnia (42 U.S.C. 3548) is amended—

(1) by striking "the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight" and inserting "and the Government National Mortgage Association"; and

(2) by striking ", the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight" and inserting "or the Government National Mortgage Association".

(i) NATIONAL HOMEOWNERSHIP TRUST ACT.—Section 302(b)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12851(b)(4)) is amended by striking "the chairperson of the Federal Housing Finance Board" and inserting "the Director of the Federal Housing Finance Agency".

SEC. 184. STUDY OF ALTERNATIVE SECONDARY MARKET SYSTEMS.

(a) IN GENERAL.—The Director of the Federal Housing Finance Agency, in consultation with the Board of Governors of the Federal Reserve System, the Secretary of the Treasury, and the Secretary of Housing and Urban Development, shall conduct a comprehensive study of the effects on financial and housing finance markets of alternatives to the current secondary market system for housing finance, taking into consideration changes in the structure of financial and housing finance markets and institutions since the creation of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(b) CONTENTS.—The study under this section shall—

(1) include, among the alternatives to the current secondary market system analyzed—

(A) repeal of the chartering Acts for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation;

(B) establishing bank-like mechanisms for granting new charters for limited purposed mortgage securitization entities;

(C) permitting the Director of the Federal Housing Finance Agency to grant new charters for limited purpose mortgage securitization entities, which shall include analyzing the terms on which such charters should be granted, including whether such charters should be sold, or whether such charters and the charters for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation should be taxed or otherwise assessed a monetary price; and

(D) such other alternatives as the Director considers appropriate;

(2) examine all of the issues involved in making the transition to a completely private secondary mortgage market system;

(3) examine the technological advancements the private sector has made in providing liquidity in the secondary mortgage market and how such advancements have affected liquidity in the secondary mortgage market; and

(4) examine how taxpayers would be impacted by each alternative system, including the complete privatization of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(c) REPORT.—The Director of the Federal Housing Finance Agency shall submit a report to the Congress on the study not later than the expiration of the 24-month period beginning on the effective date under section 185.

SEC. 185. EFFECTIVE DATE.

Except as specifically provided otherwise in this title, this title shall take effect on and the amendments made by this title shall take effect on, and shall apply beginning on, the expiration of the 6-month period beginning on the date of the enactment of this Act.

TITLE II—FEDERAL HOME LOAN BANKS

SEC. 201. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) by striking paragraphs (1), (10), and (11);

(2) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively;

(3) by redesignating paragraphs (12) and (13) as paragraphs (9) and (10), respectively; and

(4) by adding at the end the following:

"(11) DIRECTOR.—The term 'Director' means the Director of the Federal Housing Finance Agency.

"(12) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency.".

SEC. 202. DIRECTORS.

(a) ELECTION.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) NUMBER; ELECTION; QUALIFICATIONS; CONFLICTS OF INTEREST.—

"(1) IN GENERAL.—The management of each Federal Home Loan Bank shall be vested in a board of 13 directors, or such other number as the Director determines appropriate, each of whom shall be a citizen of the United States. All directors of a Bank who are not independent directors pursuant to paragraph (3) shall be elected by the members.

"(2) Member directors.—A majority of the directors of each Bank shall be officers or directors of a member of such Bank that is located in the district in which such Bank is located.

"(3) Independent directors.—At least two-fifths of the directors of each Bank shall be independent directors, who shall be appointed by the Director of the Federal Housing Finance Agency from a list of individuals recommended by the Federal Housing Enterprise Board, and shall meet the following criteria:

"(A) In general.—Each independent director shall be a bona fide resident of the district in which such Bank is located.

"(B) Public interest directors.—At least 2 of the independent directors under this paragraph of each Bank shall be representatives chosen from organizations with more than a 2-year history of representing consumer or community interests on banking services, credit needs, housing, community development, economic development, or financial consumer protections.

"(C) Other directors.—

"(i) Qualifications.—Each independent director that is not a public interest director under subparagraph (B) shall have demonstrated knowledge of, or experience in, financial management, auditing and accounting, risk management practices, derivatives, project development, or organizational management, or such other knowledge or expertise as the Director may provide by regulation.

"(ii) Consultation with banks.—In appointing other directors to serve on the board of a Federal home loan bank, the Director of the Federal Housing Finance Agency may consult with each Federal home loan bank about the knowledge, skills, and expertise needed to assist the board in better fulfilling its responsibilities.

"(D) Conflicts of interest.—Notwithstanding subsection (f)(2), an independent director under this paragraph of a Bank may not, during such director's term of office, serve as an officer of any Federal Home Loan Bank or as a director or officer of any member of a Bank.

"(E) Community demographics.—In appointing independent directors of a Bank pursuant to this paragraph, the Director shall take into consideration the demographic makeup of the community most served by the Affordable Housing Program of the Bank pursuant to section 10(j).";

(2) in the first sentence of subsection (b), by striking "elective directorship" and inserting "member directorship established pursuant to subsection (a)(2)";

(3) in subsection (c)—

(A) by striking "elective" each place such term appears and inserting "member", except—

(i) in the second sentence, the second place such term appears; and

(ii) each place such term appears in the fifth sentence; and

(B) in the second sentence—

(i) by inserting "(A) except as provided in clause (B) of this sentence," before "if at any time"; and

(ii) by inserting before the period at the end the following: ", and (B) clause (A) of this sentence shall not apply to the directorships of any Federal home loan bank resulting from the merger of any two or more such banks"; and

(4) by striking "elective" each place such term appears (except in subsections (c), (e), and (f)).

(b) Terms.—

(1) In general.—Section 7(d) of the Federal Home Loan Bank Act (12 U.S.C. 1427(d)) is amended—

(A) in the first sentence, by striking "3 years" and inserting "4 years"; and

(B) in the second sentence—

(i) by striking "Federal Home Loan Bank System Modernization Act of 1999" and inserting "Federal Housing Finance Reform Act of 2007"; and

(ii) by striking "1/3" and inserting "1/4".

(2) Savings provision.—The amendments made by paragraph (1) shall not apply to the term of office of any director of a Federal home loan bank who is serving as of the effective date of this title under section 211, including any director elected to fill a vacancy in any such office.

(c) Continued Service of Independent Directors After Expiration of Term.—Section 7(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(2)) is amended—

(1) in the second sentence, by striking "or the term of such office expires, whichever occurs first";

(2) by adding at the end the following new sentence: "An independent Bank director may continue to serve as a director after the expiration of the term of such director until a successor is appointed.";

(3) in the paragraph heading, by striking "Appointed" and inserting "Independent"; and

(4) by striking "appointive" each place such term appears and inserting "independent".

(d) Conforming Amendments.—Section 7(f)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(3)) is amended—

(1) in the paragraph heading, by striking "Elected" and inserting "Member"; and

(2) by striking "elective" each place such term appears in the first and third sentences and inserting "member".

(e) Compensation.—Subsection (i) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(i)) is amended to read as follows:

"(i) Directors' Compensation.—

"(1) In general.—Each Federal home loan bank may pay the directors on the board of directors for the bank reasonable and appropriate compensation for the time required of such directors, and reasonable and appropriate expenses incurred by such directors, in connection with service on the board of directors, in accordance with resolutions adopted by the board of directors and subject to the approval of the Director.

"(2) Annual report by the board.—The Director shall include, in the annual report submitted to the Congress pursuant to section 1319B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, information regarding the compensation and expenses paid by the Federal home loan banks to the directors on the boards of directors of the banks.".

(f) Transition Rule.—Any member of the board of directors of a Federal Home Loan Bank serving as of the effective date under section 211 may continue to serve as a member of such board of directors for the remainder of the term of such office as provided in section 7 of the Federal Home Loan Bank Act, as in effect before such effective date.

SEC. 203. FEDERAL HOUSING FINANCE AGENCY OVERSIGHT OF FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), other than in provisions of that Act added or amended otherwise by this Act, is amended—

(1) by striking sections 2A and 2B (12 U.S.C. 1422a, 1422b);

(2) in section 6 (12 U.S.C. 1426(b)(1))—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "Finance Board approval" and inserting "approval by the Director"; and

(B) in each of subsections (c)(4)(B) and (d)(2), by striking "Finance Board regulations" each place that term appears and inserting "regulations of the Director";

(3) in section 8 (12 U.S.C. 1428), in the section heading, by striking "by the board";

(4) in section 10(b) (12 U.S.C. 1430(b)), by striking "by formal resolution";

(5) in section 10 (12 U.S.C. 1430), by adding at the end the following new subsection:

"(k) Monitoring and Enforcing Compliance With Affordable Housing and Community Investment Program Requirements.—The requirements under subsection (i) and (j) that the Banks establish Community Investment and Affordable Housing Programs, respectively, and contribute to the Affordable Housing Program, shall be enforceable by the Director with respect to the Banks in the same manner and to the same extent as the housing goals under subpart B of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 et seq.) are enforceable under section 1336 of such Act with respect to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.";

(6) in section 11 (12 U.S.C. 1431)—

(A) in subsection (b)—

(i) in the first sentence—

(I) by striking "The Board" and inserting "The Office of Finance, as agent for the Banks,"; and

(II) by striking "the Board" and inserting "such Office": and

(ii) in the second and fourth sentences, by striking "the Board" each place such term appears and inserting "the Office of Finance";

(B) in subsection (c)—

(i) by striking "the Board" the first place such term appears and inserting "the Office of Finance, as agent for the Banks,"; and

(ii) by striking "the Board" the second place such term appears and inserting "such Office"; and

(C) in subsection (f)—

(i) by striking the two commas after "permit" and inserting "or"; and

(ii) by striking the comma after "require";

(7) in section 15 (12 U.S.C. 1435), by inserting "or the Director" after "the Board";

(8) in section 18 (12 U.S.C. 1438), by striking subsection (b);

(9) in section 21 (12 U.S.C. 1441)—

(A) in subsection (b)—

(i) in paragraph (5), by striking "Chairperson of the Federal Housing Finance Board" and inserting "Director"; and

(ii) in the heading for paragraph (8), by striking "federal housing finance board" and inserting "director"; and

(B) in subsection (i), in the heading for paragraph (2), by striking "Federal housing finance board" and inserting "Director";

(10) in section 23 (12 U.S.C. 1443), by striking "Board of Directors of the Federal Housing Finance Board" and inserting "Director";

(11) by striking "the Board" each place such term appears in such Act (except in section 15 (12 U.S.C. 1435), section 21(f)(2) (12 U.S.C. 1441(f)(2)), subsections (a), (k)(2)(B)(i), and (n)(6)(C)(ii) of section 21A (12 U.S.C. 1441a), subsections (f)(2)(C), and (k)(7)(B)(ii) of section 21B (12 U.S.C. 1441b), and the first two places such term appears in section 22 (12 U.S.C. 1442)) and inserting "the Director";

(12) by striking "The Board" each place such term appears in such Act (except in sections 7(e) (12 U.S.C. 1427(e)), and 11(b) (12 U.S.C. 1431(b)) and inserting "The Director";

(13) by striking "the Board's" each place such term appears in such Act and inserting "the Director's";

(14) by striking "The Board's" each place such term appears in such Act and inserting "The Director's";

(15) by striking "the Finance Board" each place such term appears in such Act and inserting "the Director";

(16) by striking "Federal Housing Finance Board" each place such term appears and inserting "Director";

(17) in section 11(i) (12 U.S.C. 1431(i), by striking "the Chairperson of"; and

(18) in section 21(e)(9) (12 U.S.C. 1441(e)(9)), by striking "Chairperson of the".

SEC. 204. JOINT ACTIVITIES OF BANKS.

Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by adding at the end the following new subsection:

"(l) JOINT ACTIVITIES.—Subject to the regulation of the Director, any two or more Federal Home Loan Banks may establish a joint office for the purpose of performing functions for, or providing services to, the Banks on a common or collective basis, or may require that the Office of Finance perform such functions or services, but only if the Banks are otherwise authorized to perform such functions or services individually.".

SEC. 205. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

(a) IN GENERAL.—The Federal Home Loan Bank Act is amended by inserting after section 20 (12 U.S.C. 1440) the following new section:

"SEC. 20A. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

"(a) REGULATORY AUTHORITY.—The Director shall prescribe such regulations as may be necessary to ensure that each Federal Home Loan Bank has access to information that the Bank needs to determine the nature and extent of its joint and several liability.

"(b) NO WAIVER OF PRIVILEGE.—The Director shall not be deemed to have waived any privilege applicable to any information concerning a Federal Home Loan Bank by transferring, or permitting the transfer of, that information to any other Federal Home Loan Bank for the purpose of enabling the recipient to evaluate the nature and extent of its joint and several liability.".

(b) REGULATIONS.—The regulations required under the amendment made by subsection (a) shall be issued in final form not later than 6 months after the effective date under section 211 of this Act.

SEC. 206. REORGANIZATION OF BANKS AND VOLUNTARY MERGER.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended—

(1) by inserting "(a) REORGANIZATION.—" before "Whenever"; and

(2) by striking "liquidated or" each place such phrase appears;

(3) by striking "liquidation or"; and

(4) by adding at the end the following new subsection:

"(b) VOLUNTARY MERGERS.—Any two or more Banks may, with the approval of the Director, and the approval of the boards of directors of the Banks involved, merge. The Director shall promulgate regulations establishing the conditions and procedures for the consideration and approval of any such voluntary merger, including the procedures for Bank member approval.".

SEC. 207. SECURITIES AND EXCHANGE COMMISSION DISCLOSURE.

(a) IN GENERAL.—The Federal Home Loan Banks shall be exempt from compliance with—

(1) sections 13(e), 14(a), 14(c), and 17A of the Securities Exchange Act of 1934 and related Commission regulations; and

(2) section 15 of that Act and related Securities and Exchange Commission regulations with respect to transactions in capital stock of the Banks.

(b) MEMBER EXEMPTION.—The members of the Federal Home Loan Banks shall be exempt from compliance with sections 13(d), 13(f), 13(g), 14(d), and 16 of the Securities Exchange Act of 1934 and related Securities and Exchange Commission regulations with respect to their ownership of, or transactions in, capital stock of the Federal Home Loan Banks.

(c) EXEMPTED AND GOVERNMENT SECURITIES.—

(1) CAPITAL STOCK.—The capital stock issued by each of the Federal Home Loan Banks under section 6 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933; and

(B) "exempted securities" within the meaning of section 3(a)(12)(A) of the Securities Exchange Act of 1934.

(2) OTHER OBLIGATIONS.—The debentures, bonds, and other obligations issued under section 11 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933;

(B) "government securities" within the meaning of section 3(a)(42) of the Securities Exchange Act of 1934;

(C) excluded from the definition of "government securities broker" within section 3(a)(43) of the Securities Exchange Act of 1934;

(D) excluded from the definition of "government securities dealer" within section 3(a)(44) of the Securities Exchange Act of 1934; and

(E) "government securities" within the meaning of section 2(a)(16) of the Investment Company Act of 1940.

(d) EXEMPTION FROM REPORTING REQUIREMENTS.—The Federal Home Loan Banks shall be exempt from periodic reporting requirements pertaining to—

(1) the disclosure of related party transactions that occur in the ordinary course of business of the Banks with their members; and

(2) the disclosure of unregistered sales of equity securities.

(e) TENDER OFFERS.—The Securities and Exchange Commission's rules relating to tender offers shall not apply in connection with transactions in capital stock of the Federal Home Loan Banks.

(f) REGULATIONS.—In issuing any final regulations to implement provisions of this section, the Securities and Exchange Commission shall consider the distinctive characteristics of the Federal Home Loan Banks when evaluating the accounting treatment with respect to the payment to Resolution Funding Corporation, the role of the combined financial statements of the twelve Banks, the accounting classification of redeemable capital stock, and the accounting treatment related to the joint and several nature of the obligations of the Banks.

SEC. 208. COMMUNITY FINANCIAL INSTITUTION MEMBERS.

(a) TOTAL ASSET REQUIREMENT.—Paragraph (10) of section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(10)), as so redesignated by section 201(3) of this Act, is amended by striking "$500,000,000" each place such term appears and inserting "$1,000,000,000".

(b) USE OF ADVANCES FOR COMMUNITY DEVELOPMENT ACTIVITIES.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) in paragraph (2)(B)—

(A) by striking "and"; and

(B) by inserting ", and community development activities" before the period at the end;

(2) in paragraph (3)(E), by inserting "or community development activities" after "agriculture,"; and

(3) in paragraph (6)—

(A) by striking "and"; and

(B) by inserting ", and 'community development activities' " before "shall".

SEC. 209. TECHNICAL AND CONFORMING AMENDMENTS.

(a) RIGHT TO FINANCIAL PRIVACY ACT OF 1978.—Section 1113(o) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(o)) is amended—

(1) by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency"; and

(2) by striking "Federal Housing Finance Board's" and inserting "Federal Housing Finance Agency's".

(b) RIEGLE COMMUNITY DEVELOPMENT AND REGULATORY IMPROVEMENT ACT OF 1994.—Section 117(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4716(e)) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(c) TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by striking "Federal Housing Finance Board" each place such term appears in each of sections 212, 657, 1006, 1014, and inserting "Federal Housing Finance Agency".

(d) MAHRA ACT OF 1997.—Section 517(b)(4) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(e) TITLE 44, UNITED STATES CODE.—Section 3502(5) of title 44, United States Code, is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(f) ACCESS TO LOCAL TV ACT OF 2000.—Section 1004(d)(2)(D)(iii) of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1103(d)(2)(D)(iii)) is amended by striking "Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(g) SARBANES-OXLEY ACT OF 2002.—Section 105(b)(5)(B)(ii)(II) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(B)(5)(b)(ii)(II)) is amended by inserting "and the Director of the Federal Housing Finance Agency" after "Commission,".

SEC. 210. STUDY OF AFFORDABLE HOUSING PROGRAM USE FOR LONG-TERM CARE FACILITIES.

The Comptroller General shall conduct a study of the use of affordable housing programs of the Federal home loan banks under section 10(j) of the Federal Home Loan Bank Act to determine how and the extent to which such programs are used to assist long-term care facilities for low- and moderate-income individuals, and the effectiveness and adequacy of such assistance in meeting the needs of affected communities. The study shall examine the applicability of such use to the affordable housing programs required to be established by the enterprises pursuant to the amendment made by section 139 of this Act. The Comptroller General shall submit a report to the Director of the Federal Housing Finance Agency and the Congress regarding the results of the study not later than the expiration of the 1-year period beginning on the date of the enactment of this Act. This section shall take effect on the date of the enactment of this Act.

SEC. 211. EFFECTIVE DATE.

Except as specifically provided otherwise in this title, this title shall take effect on and the amendments made by this title shall take effect on, and shall apply beginning on, the expiration of the 6-month period beginning on the date of the enactment of this Act.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, FEDERAL HOUSING FINANCE BOARD, AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of Federal Housing Enterprise Oversight

SEC. 301. ABOLISHMENT OF OFHEO.

(a) In General.—Effective at the end of the 6-month period beginning on the date of the enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) Disposition of Affairs.—During the 6-month period beginning on the date of the enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight shall, for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight and in addition to carrying out its other responsibilities under law—

(1) manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee pursuant to section 303; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) Status of Employees Before Transfer.—The amendments made by title I and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee pursuant to section 303.

(d) Use of Property and Services.—

(1) Property.—The Director of the Federal Housing Finance Agency may use the property of the Office of Federal Housing Enterprise Oversight to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred pursuant to any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) Agency services.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) Savings Provisions.—

(1) Existing rights, duties, and obligations not affected.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under or pursuant to the title XIII of the Housing and Community Development Act of 1992, the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act, or any other provision of law applicable with respect to such Office; and

(B) existed on the day before the abolishment under subsection (a) of this section.

(2) Continuation of suits.—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Director of the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 302. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

All regulations, orders, determinations, and resolutions that—

(1) were issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight; or

(B) a court of competent jurisdiction and that relate to functions transferred by this subtitle; and

(2) are in effect on the date of the abolishment under section 301(a) of this Act, shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, as the case may be, any court of competent jurisdiction, or operation of law.

SEC. 303. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) Transfer.—Each employee of the Office of Federal Housing Enterprise Oversight shall be transferred to the Federal Housing Finance Agency for employment no later than the date of the abolishment under section 301(a) of this Act and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) Guaranteed Positions.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) Appointment Authority for Excepted Service Employees.—

(1) In general.—In the case of employees occupying positions in the excepted service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) Decline of transfer.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character.

(d) Reorganization.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the date of the abolishment under section 301(a), that a reorganization of the combined work force is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) Employee Benefit Programs.—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Director of the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Office of Federal Housing Enterprise Oversight, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 301(a) if—

(1) the employee does not elect to give up the benefit or membership in the program; and

(2) the benefit or program is continued by the Director of the Federal Housing Finance Agency,

The difference in the costs between the benefits which would have been provided by such agency and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

SEC. 304. TRANSFER OF PROPERTY AND FACILITIES.

Upon the abolishment under section 301(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Director of the Federal Housing Finance Agency.

Subtitle B—Federal Housing Finance Board

SEC. 321. ABOLISHMENT OF THE FEDERAL HOUSING FINANCE BOARD.

(a) In General.—Effective at the end of the 6-month period beginning on the date of enactment of this Act, the Federal Housing Finance Board (in this title referred to as the "Board") is abolished.

(b) Disposition of Affairs.—During the 6-month period beginning on the date of enactment of this Act, the Board, for the purpose of winding up the affairs of the Board and in addition to carrying out its other responsibilities under law—

(1) shall manage the employees of such Board and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 323; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Board.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and II and the abolishment of the Board under subsection (a) may not be construed to affect the status of any employee of such Board as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 323.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Board to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Board before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, a member of the Board, or any other person, which—

(A) arises under the Federal Home Loan Bank Act or any other provision of law applicable with respect to such Board; and

(B) existed on the day before the effective date of the abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Board or any member thereof as a party to any such action or proceeding.

SEC. 322. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, determinations, and resolutions described under subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, determination, or resolution is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Board; or

(B) a court of competent jurisdiction and relates to functions transferred by this subtitle; and

(2) is in effect on the effective date of the abolishment under section 321(a).

SEC. 323. TRANSFER AND RIGHTS OF EMPLOYEES OF THE FEDERAL HOUSING FINANCE BOARD.

(a) TRANSFER.—Each employee of the Board shall be transferred to the Federal Housing Finance Agency for employment not later than the effective date of the abolishment under section 321(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 321(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Board accepting employment with the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Board, as applicable, including insurance, to which such employee belongs on the effective date of the abolishment under section 321(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by the Board and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 324. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of the abolishment under section 321(a), all property of the Board shall transfer to the Director of the Federal Housing Finance Agency.

Subtitle C—Department of Housing and Urban Development

SEC. 341. TERMINATION OF ENTERPRISE-RELATED FUNCTIONS.

(a) TERMINATION DATE.—For purposes of this subtitle, the term "termination date" means the date that occurs 6 months after the date of the enactment of this Act.

(b) DETERMINATION OF TRANSFERRED FUNCTIONS AND EMPLOYEES.—

(1) IN GENERAL.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary, in consultation with the Director of the Office of Federal Housing Enterprise Oversight, shall determine—

(A) the functions, duties, and activities of the Secretary of Housing and Urban Development regarding oversight or regulation of the enterprises under or pursuant to the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, and any other provisions of law, as in effect before the date of the enactment of this Act, but not including any such functions, duties, and activities of the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and such Office; and

(B) the employees of the Department of Housing and Urban Development necessary to perform such functions, duties, and activities.

(2) ENTERPRISE-RELATED FUNCTIONS.—For purposes of this subtitle, the term "enterprise-related functions of the Department" means the functions, duties, and activities of the Department of Housing and Urban Development determined under paragraph (1)(A).

(3) ENTERPRISE-RELATED EMPLOYEES.—For purposes of this subtitle, the term "enterprise-related employees of the Department" means the employees of the Department of Housing and Urban Development determined under paragraph (1)(B).

(c) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development (in this title referred to as the "Secretary"), for the purpose of winding up the affairs of the Secretary regarding the enterprise-related functions of the Department of Housing and Urban Development (in this title referred to as the "Department") and in addition to carrying out the Secretary's other responsibilities under law regarding such functions—

(1) shall manage the enterprise-related employees of the Department and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of any such employee under section 343; and

(2) may take any other action necessary for the purpose of winding up the enterprise-related functions of the Department.

(d) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and

II and the termination of the enterprise-related functions of the Department under subsection (b) may not be construed to affect the status of any employee of the Department as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 343.

(e) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Secretary to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Secretary regarding enterprise-related functions of the Department before the termination date under subsection (a) in connection with such functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Secretary, or any other person, which—

(A) arises under the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, or any other provision of law applicable with respect to the Secretary, in connection with the enterprise-related functions of the Department; and

(B) existed on the day before the termination date under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Secretary in connection with the enterprise-related functions of the Department shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Secretary or any member thereof as a party to any such action or proceeding.

SEC. 342. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described in subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Secretary; or

(B) a court of competent jurisdiction and that relate to the enterprise-related functions of the Department; and

(2) is in effect on the termination date under section 341(a).

SEC. 343. TRANSFER AND RIGHTS OF EMPLOYEES OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2), each enterprise-related employee of the Department shall be transferred to the Federal Housing Finance Agency for employment not later than the termination date under section 341(a) and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(2) AUTHORITY TO DECLINE.—An enterprise-related employee of the Department may, in the discretion of the employee, decline transfer under paragraph (1) to a position in the Federal Housing Finance Agency and shall be guaranteed a position in the Department with the same status, tenure, grade, and pay as that held on the day immediately preceding the date that such declination was made. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date that the transfer would otherwise have occurred, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(b) GUARANTEED POSITIONS.—Each enterprise-related employee of the Department transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the termination date under section 341(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any enterprise-related employee of the Department accepting employment with the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Department, as applicable, including insurance, to which such employee belongs on the termination date under section 341(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by the Department and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 344. TRANSFER OF APPROPRIATIONS, PROPERTY, AND FACILITIES.

Upon the termination date under section 341(a), all assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department in connection with enterprise-related functions of the Department shall transfer to the Director of the Federal Housing Finance Agency. Unexpended funds transferred by this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

H.R. 1427

OFFERED BY: MR. DOOLITTLE

AMENDMENT NO. 25: Page 128, line 6, strike "and".

Page 128, line 10, strike the period and insert "; and".

Page 128, after line 10, insert the following:

"(6) to increase the investment in public infrastructure activities in counties determined to be economically disadvantaged by virtue of receiving payments under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note).".

Page 140, line 3, strike "and".

Page 140, line 6, strike the period and insert "; and".

Page 140, after line 6, insert the following:

"(4) public infrastructure activities, including activities to benefit the public safety, law enforcement, public education, and public lands, carried out only in counties which are determined to be economically disadvantaged by virtue of receiving payments under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note).".

Page 140, line 22, strike "or".

Page 140, line 25, after the semicolon insert "or".

Page 140, after line 25, insert the following:

"(E) in the case of an eligible activity under subsection (g)(4), administer such activities in counties described in such subsection, except that this subparagraph shall apply only to government agencies;".

Page 144, after line 19, insert the following:

"(8) REQUIRED AMOUNT FOR CERTAIN PUBLIC INFRASTRUCTURE ACTIVITIES.—In the case of any grantee that is a State in which are located counties determined to be economically disadvantaged by virtue of receiving payments under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note), all of the affordable housing fund grant amounts provided for each year other than 2007 to such grantee shall be used for activities under paragraph (4) of subsection (g).".

H.R. 1427

Offered By: Mr. Blumenauer

Amendment No. 26: Page 93, after line 9, insert the following new section:

SEC. 134. CONSIDERATION OF LOCATION AND ENERGY EFFICIENCY IN ENTERPRISE UNDERWRITING GUIDELINES.

(a) Fannie Mae.—Section 302(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)) is amended by adding at the end the following new paragraph:

"(7)(A) In establishing requirements with respect to quality, type, class, and other purchase standards for mortgages on one- to four-family residences, the corporation shall—

"(i) consider the location efficiency and energy efficiency of the residence;

"(ii) treat any savings resulting from location efficiency or energy efficiency as an equivalent reduction in recurrent monthly expenses of the mortgagor; and

"(iii) increase any limit on the amount of debt under the mortgage allowable for the mortgagor that is based on mortgagor income to account for the present value of location efficiency savings and for the present value of energy efficiency savings.

"(B) For purposes of this paragraph, the following definitions shall apply:

"(i) The term 'location efficiency' means, with respect to a mortgage for a residence, the difference between—

"(I) the average monthly transportation expenses predicted for the family of the mortgagor residing in the residence subject to the mortgage; and

"(II) the average monthly transportation expenses, for families of the same size and income as the family of the mortgagor, residing in the lower quintile of homes in the same metropolitan area or in the nation as a whole.

Location efficiency shall be determined on a neighborhood-scale basis by the use of statistically valid methods.

"(ii) The term 'present value of location efficiency savings' means, with respect to a mortgage, the monthly value of location efficiency savings multiplied by the number of months in the term of the mortgage.

"(iii) The term 'energy efficiency' means, with respect to a residence, the difference between the average monthly energy consumption predicted for the residence and the average monthly energy consumption for a similar home that minimally complies with State and local laws, codes, and regulations regarding housing quality and safety.

"(iv) The term 'present value of energy efficiency savings' means, with respect to a mortgage, the monthly value of energy efficiency savings multiplied by the number of months in the term of the mortgage.

"(v) The term 'recurrent monthly expenses' includes, with respect to a mortgage, the monthly amount of principal and interest due under the mortgage and the monthly amount paid for taxes and insurance for the residence subject to the mortgage, as calculated in accordance with standard practices in the financial services industry for calculating the qualifying ratio for a mortgagor.".

(b) Freddie Mac.—Section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)) is amended by adding at the end the following new paragraph:

"(6)(A) In establishing requirements with respect to quality, type, class, and other purchase standards for mortgages on one- to four-family residences, the Corporation shall—

"(i) consider the location efficiency and energy efficiency of the residence;

"(ii) treat any savings resulting from location efficiency or energy efficiency as an equivalent reduction in recurrent monthly expenses of the mortgagor; and

"(iii) increase any limit on the amount of debt under the mortgage allowable for the mortgagor that is based on mortgagor income to account for the present value of location efficiency savings and for the present value of energy efficiency savings.

"(B) For purposes of this paragraph, the following definitions shall apply:

"(i) The term 'location efficiency' means, with respect to a mortgage for a residence, the difference between—

"(I) the average monthly transportation expenses predicted for the family of the mortgagor residing in the residence subject to the mortgage; and

"(II) the average monthly transportation expenses, for families of the same size and income as the family of the mortgagor, residing in the lower quintile of homes in the same metropolitan area or in the nation as a whole.

Location efficiency shall be determined on a neighborhood-scale basis by the use of statistically valid methods.

"(ii) The term 'present value of location efficiency savings' means, with respect to a mortgage, the monthly value of location efficiency savings multiplied by the number of months in the term of the mortgage.

"(iii) The term 'energy efficiency' means, with respect to a residence, the difference between the average monthly energy consumption predicted for the residence and the average monthly energy consumption for a similar home that minimally complies with State and local laws, codes, and regulations regarding housing quality and safety.

"(iv) The term 'present value of energy efficiency savings' means, with respect to a mortgage, the monthly value of energy efficiency savings multiplied by the number of months in the term of the mortgage.

"(v) The term 'recurrent monthly expenses' includes, with respect to a mortgage, the monthly amount of principal and interest due under the mortgage and the monthly amount paid for taxes and insurance for the residence subject to the mortgage, as calculated in accordance with standard practices in the financial services industry for calculating the qualifying ratio for a mortgagor.".

H.R. 1427

Offered By: Mr. Roskam

Amendment No. 27: Page 128, line 14, strike "paragraph (2)" and insert "paragraphs (2) and (4)".

Page 129, after line 22, insert the following new paragraph:

(4) LIMITING CONTRIBUTIONS TO AFFORDABLE HOUSING FUND WHEN THE GOVERNMENT HAS AN ON-BUDGET (EXCLUDING SOCIAL SECURITY) DEFICIT AND AN OFF-BUDGET (INCLUDING SOCIAL SECURITY) SURPLUS.—

(A) Limitation.—For any year referred to in paragraph (1) that immediately follows a fiscal year in which the Government has an actual on-budget deficit and an actual off-budget surplus, the amount of money required to be allocated to the affordable housing fund shall not exceed the amount allocated to such fund in the preceding year.

(B) Definitions.—For purposes of this paragraph:

(i) The term "actual on-budget deficit" means, with respect to a fiscal year, that for the fiscal year the total outlays of the Government, excluding outlays from Social Security programs, exceed the total receipts of the Government, excluding receipts from Social Security programs.

(ii) The term "actual off-budget surplus" means, with respect to a fiscal year, that for the fiscal year the receipts from Social Security programs exceed the outlays from Social Security programs.

(iii) The term "Social Security programs" means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

H.R. 1427

Offered By: Mr. Hensarling

Amendment No. 28: Page 141, line 9, strike "and".

Page 141, line 17, strike the period and insert "; and".

Page 141, after line 17, insert the following:

"(5) in the case of any recipient who is not a for-profit entity or a government agency or authority, the organization, agency, or entity—

"(A) has as its primary purpose the provision of affordable housing, as defined by the Director;

"(B) has made such assurances to the grantee as the Director shall, by regulation, require to ensure that such affordable housing fund grant amounts—

"(i) are used only to supplement, and to the extent practical, to increase the level of funds that would, in the absence of such affordable housing fund grant amounts, be made available from other sources for the recipient to carry out activities of the type that are eligible under subsection (g) for funding with affordable housing fund grant amounts; and

"(ii) are not in any case used so as to supplant any funds from other sources that are made available for such activities of the recipient; and

"(C) does not, at the time during the period that begins 12 months before submission of an application for funding from the affordable housing fund grant amounts of the grantee and ending upon the expiration of the period referred to in paragraph (4)—

"(i) engage in any Federal election activity, as such term is defined in paragraph (20) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(20)), except that, notwithstanding the 120-day limitation in subparagraph (A)(i) of such paragraph, such term shall include voter registration activity during any period;

"(ii) make any expenditure for any electioneering communication (as such term is defined in section 304(f)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(f)(3));

"(iii) make any lobbying expenditure, (as such term is defined in such section 501(h)(2)), except that this clause shall not apply to any such expenditure by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under subsection (a) of such section 501, to the extent that such expenditure does not exceed the amount under such Code for which such exemption may be denied; or

"(iv) maintain any affiliation with any organization, agency, or other entity that does not comply with clauses (i), (ii), and (iii) of this subparagraph.

Page 141, before line 18, insert the following:

For purposes of this subsection:

"(I) A recipient organization, agency, or entity shall be considered to be affiliated with another entity, for purposes of subparagraph (C)(iv), if such recipient entity controls, is controlled by, or is under common control with such other entity.

"(II) The existence of any of the following relationships between a recipient entity and another entity shall indicate that control exists for purposes of clause (I):

"(aa) Iindividuals serve in a similar capacity as officers, executives, or staff of both the recipient entity and the other entity.

"(bb) The recipient entity and the other entity share office space, staff members, supplies, resources, or marketing materials, including Internet and other forms of public communication.

"(cc) The recipient entity receives more than 20 percent of its total funding from such other entity or provides more than 20 percent of the total funding of such other entity.

"(dd) The recipient entity or such other entity exhibits any other indicia of substantial overlap or common control as may be set forth in regulation by the Director.

"(III) The term 'for-profit entity' means any entity any part of the net earnings of which inure to the benefit of any private shareholder, member, founder, contributor, or individual.".

H.R. 1427

Offered By: Mr. Hensarling

Amendment No. 29: Page 128, line 22, strike "temporarily".

Page 129, line 4, strike "or".

Page 129, line 7, strike the period and insert "; or".

Page 129, after line 7, insert the following:

"(D) are contributing to an increase in the cost of mortgages to homebuyers.".

H.R. 1427

Offered By: Mr. Hensarling

Amendment No. 30: Page 153, line 14, after the period insert close quotation marks and a period.

Strike line 15 on page 153 and all that follows through line 6 on page 154.

H.R. 1427

Offered By: Mr. Baker

Amendment No. 31: Page 23, line 16, strike "5 members" and insert "3 members".

Page 23, line 20, after the semicolon insert "and".

Page 23, line 22, strike "; and" and insert a period.

Strike line 23 on page 23 and all that follows through line 5 on page 24.

H.R. 1427

Offered By: Mr. Hensarling

Amendment No. 32: Strike line 23 on page 85 and all that follows through line 15 on page 86.

Strike line 19 on page 87 and all that follows through line 10 on page 88.

Strike line 12 on page 90 and all that follows through line 9 on page 93.

H.R. 1427

Offered By: Mr. Gary G. Miller of California

Amendment No. 33: Page 86, strike ", except that" in line 9 and all that follows through "corporation" in lines 14 and 15.

Page 88, strike ", except that" in line 4 and all that follows through "Corporation" in line 10.

Strike line 12 on page 90 and all that follows through line 9 on page 93.

H.R. 1427

Offered By: Mr. Brady of Texas

Amendment No. 34: Page 130, line 8, strike "75 percent" and insert "70 percent".

Page 130, line 11, strike "25 percent" and insert "20 percent".

Page 130, after line 11, insert the following:

"(iii) The allocation percentage for the Texas Department of Housing and Community Affairs shall be 10 percent.".

Page 130, line 19, after "in connection with" insert the following: "(i) in the case of the grantees specified in clauses (i) and (ii) of subparagraph (A),".

Page 130, line 20, before the period insert ", and (ii) in the case of the grantee specified in clause (iii) of subparagraph (A), Hurricane Rita of 2005".

Page 149, line 16, strike "and" and insert a comma.

Page 149, line 17, before the semicolon insert the following: ", and the Texas Department of Housing and Community Affairs".

H.R. 1427

Offered By: Mr. King of Iowa

Amendment No. 35: Page 144, after line 19, insert the following:

"(8) Identification and evidence of lawful status requirements for homeownership assistance.—

"(A) Required identification information.—The Director shall, by regulation, provide that homeownership assistance described in subparagraph (D) may not be provided to, or on behalf of any individual unless the individual has, at a minimum, presented and had verified the information specified in section 202(c)(1) of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

"(B) Required evidence of lawful status.—The Director shall, by regulation, provide that homeownership assistance described in subparagraph (D) may not be provided to, or on behalf of any individual unless there is valid documentary evidence that the individual has the status specified in section 202(c)(2)(B)(i) of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

"(C) Other invalid forms of identification.—Matricula Consular cards and any other forms of identification not referred to in this paragraph shall not be valid forms of identity verification.

"(D) Homeownership assistance.—Homeownership assistance described in this subparagraph is occupancy in housing assisted, or homeownership assistance provided—

"(i) under subsection (g)(2); or

"(ii) from the affordable housing trust fund specified in subsection (o).".

H.R. 1427

Offered By: Mr. King of Iowa

Amendment No. 36: Strike line 16 on page 50 and all that follows through line 11 on page 51 and insert the following:

"(f) Agency Workforce.—The Agency shall return to the basis of American values and shall limit its criteria for hiring to an evaluation of the lawful presence of the applicant and strictly to the merits of the applicants. In an effort to return to a colorblind society, the Agency shall strictly adhere to the Equal Protection clause of the Constitution of the United States and to the statutory protections in title VII of the Civil Rights Act of 1965. The Agency shall not hire, promote, or demote based upon the criteria in such title VII. The Agency shall not deny any person equal protection of the laws in contravention of the Fourteenth Amendment to the Constitution of the United States.".

EXTENSIONS OF REMARKS

RECOGNIZING THE MILITARY FAMILIES OF THE 101ST AIRBORNE DIVISION DURING "THE WEEK OF THE EAGLES"

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. TANNER. Madam Speaker, I rise today to honor the Screaming Eagles of the 101st Airborne Division of the United States Army, based at Fort Campbell, a portion of which I am honored to represent in this Chamber. This week marks the biennial celebration known as "The Week of the Eagles," when we acknowledge the immeasurable contributions to our country from the current, veteran and fallen members of the 101st Airborne Division and their families, all of whom have made great personal sacrifices in service to our Nation.

The inspiration for the book and television mini-series "The Band of Brothers," the Screaming Eagles have historically played prominent roles in World War I, World War II, Korea, Vietnam and Desert Storm. They were instrumental in successes in Operation Anaconda, a tough early front in the War on Terrorism in Afghanistan. They have also answered the call of duty repeatedly to serve in Iraq, and many of these courageous men and women will deploy to Iraq again later this year.

The tradition of "The Week of the Eagles" began in 1973 when the Screaming Eagles returned home from the Vietnam War and held a community festival to showcase the division's combat readiness. The celebration was resurrected in 1996 by 101st Airborne Division Commander Major General William Kernan to remember those service members who made the ultimate sacrifice in service to the United States Army. We now celebrate "The Week of the Eagles" biennially to both honor the fallen troops and their families and showcase the readiness of the 101st Airborne's mighty combat units.

I trust that, even if there is healthy difference of opinion among some of our colleagues and the international community about the civilian leadership of the United States Armed Forces, every member of this body supports those families who are bravely serving our country and is proud of the families of the 101st Airborne Division, whose efforts throughout the division's long and storied history have served our country well.

Madam Speaker, I join you and our colleagues in the House of Representatives in honoring the 101st Airborne Division, thanking the Screaming Eagles and their families for their dedication and patriotism, remembering those 101st Airborne members who have given their lives in service to our country, and recognizing "The Week of the Eagles."

IN HONOR OF THE STUDENT GRADUATES OF ORADELL'S D.A.R.E. PROGRAM

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. GARRETT of New Jersey. Madam Speaker, on Monday, May 14th, I participated in the D.A.R.E. graduation ceremony in Oradell, New Jersey. More than 100 elementary school students participated in this important program that gives young people the support they need to say no to drugs, underage drinking, and gang violence.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our Nation's school districts and in more than 43 other nations. It uses positive peer pressure to help children defeat the negative cultural influences that bombard them daily.

I am proud of the young boys and girls who participated in this program in Oradell, and I would like to recognize them all for taking this step toward positive citizenship: Rachel Bahng, Shamus Barnes, Edward Caiazzo, Christie Candrilli, Nicole Carney, Estee Chaimson, Christopher Colon, Colleen Dakay, Phillip Giuffre, Kandai Iso, Dana Johnson, Tyler Kane, Kevin Loh, Hayley Murphy, Gerard Quinn, Laura Rivera, Julia Shats, Griffin Suess, Gabriela Valenzuela, Mark Wittkamp, Anna Yasouka, Haylee Alonso, Ashley Anzalone, Esther Bae, Ryan Bauman, Troy Bendian, Thomas Browning, Liam Cameron, Raymond Cannarozzi.

Daniel Christmann, Marissa Conti, Melanie Culha, Conor Davidson, Hunter DeGregorio, Ciara Enright, Jacqueline Galbraith, Daniel Gladston, Kevin Hanrahan, Emily Hyman, Tyler Kallensee, Maria Karim, Emily McGovern, Dillon Ross, Cathy Antonelli, Michael Bruno, Lauren Chagachbanian, Michelle Chakansky, Katie Dantoni, Gianni DaSilva, Sumie Kakehi.

Adam Kunkel, Emily Lewis, David Lo, Robbie Lombardi, Brett Lubben, Kayleen Melvin, Emily O'Boyle, Emily Reynolds, Andrew Rivera, Hannah Schultz, Alissa Settembrino, Sara Starr, Meghana Yarde, Ryan Zaccaria, Chris Bastable, Taylor Bavlitschko, Jack Bertini, Tyler Bisig, Scott Callison, Emily Croonquist, Cami Didio, Sharon Galperin, Gregory Gerbino, Michelle Hao, Colleen Kelly, Natalie Ortega, Michael Santucci, Samantha Sender, Madeline Toohey.

Jessica Toufayan, Melonie Ward, Rebecca Weimer, Austin Williams, Zack Wynne, Kaitlyn Brady, Alexandra Braun, Daniel DaSilva, Kalette deMarrais, Jared Finkel, Ryan Gallow, Rebecca Goldstein, Martin Gross, Sonya Koh, Simon Kramer, Meagan McCorry, Emanuel Nobile, David Pagan, Daniel Ross, Ana Song, Maryssa Spiniella, David Tirelli, Karen Triunfo, Rebecca Wasserman, and Brenna Wiegand.

IN HONOR OF MS. BARBARA KING

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. TURNER. Madam Speaker, I wish to acknowledge an outstanding community leader from Ohio's Third Congressional District.

Ms. Barbara King was recently honored as a recipient of the 2006 Community Ambassador Awards, presented by the Dayton/Montgomery County Convention & Visitors Bureau. This prestigious award was given in honor of Ms. King's dedication to her community, and for her efforts in coordinating the Sesquicentennial Conference of the Wilberforce University Alumni Association.

Wilberforce University is the Nation's oldest, private African-American university, and last year this unique institution commemorated its 150th anniversary. Ms. King was recently elected national president of the Wilberforce University Alumni Association, and she chose the city of Dayton as the site for the school's 2006 Alumni Conference.

She was selected for her work in bringing over 400 Wilberforcean alumni and friends to downtown Dayton. Ms. King was selected as a 2006 Community Ambassador by the Dayton/Montgomery County Convention & Visitors Bureau at its 15th Annual Community Ambassador Awards Breakfast.

Ms. King is an active member of the General Daniel "Chappie" James American Legion Auxiliary, Unit 776, in Riverside Ohio. She also serves as one of five faculty advisors in the Department of Early Childhood Education, ECE, at Sinclair Community College.

I am pleased to have the opportunity to recognize a remarkable citizen, Ms. Barbara King, for her leadership and dedication to our community, and I congratulate her on receiving this prestigious award.

IN MEMORY OF WILLIAM THOMAS BENNETT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. GALLEGLY. Madam Speaker, I rise in memory of my friend, Bill Bennett, who died last week at 84 years young.

I met Bill and his wife, Marty, when I decided to run for Congress more than 20 years ago. We shared a love of politics, a dedication to our communities and country, and a love and dedication to our families.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Born in West Virginia, Bill Bennett came to California while serving in the U.S. Navy. Like many who venture to the Golden State, he fell in love and stayed. After being discharged from the Navy, Bill joined the Los Angeles City Fire Department. It would prove to be one of his long-term commitments. He retired from the Department 31 years later as Assistant Chief, in 1980.

Another of his long-term commitments was to Marty. They married in 1951 and partnered in life for the next 56 years.

In 1965, Bill and Marty moved with their children to Thousand Oaks, which I have represented for the better part of my congressional career. They became involved in their church, Emmanuel Presbyterian, and many other aspects of their community. Bill served on the board of the former Timber School District, Community Leaders Club, Republican Central Committee, Ventura County Grand Jury, Ventura County Planning Committee, Neighborhood Watch, and many other community organizations, for which he was duly recognized. He also became a supporter and friend to me.

At the same time Bill was making his community a better place, he dedicated himself to being a loving father and husband. In addition to Marty, Bill leaves behind daughter, Sue and her husband, Kim Force; daughter, Nancy and her husband, Jim Berg; daughter, Bonnie; and son Tom and his wife, Jane. Bill and Marty also have seven grandchildren, Michael, Christopher, Joshua, Brian, Janelle, Jilee and Justine; and two great-grandchildren, Hannah and Emily.

Madam Speaker, I know my colleagues will join me in remembering William Thomas Bennett as a good friend, a loving family man, and a lover of life, whose talents helped to make our community stronger. In addition, I know they join me in extending our condolences to Marty and their family and to all who called Bill a friend.

Godspeed, Bill.

A TRIBUTE TO DIXON OSBURN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Ms. BALDWIN. Madam Speaker, I rise today to pay tribute to C. Dixon Osburn, who, as co-founder and Executive Director of Servicemembers Legal Defense Network (SLDN), led the national movement to repeal "Don't Ask, Don't Tell" for the past fourteen years. Under his leadership, SLDN has moved our Nation many miles closer to its goal of freedom to serve in our Nation's Armed Forces without regard to sexual orientation.

It has been my honor to work with Dixon for many years to improve the lives of lesbian, gay and bisexual service members. Our work is not done, but one day "Don't Ask, Don't Tell" will take its place among the relics of history and be replaced by a fairer, better policy that truly honors the patriotism of all Americans. And we will remember Dixon and the foundation he built with Servicemembers Legal Defense Network.

I wish Dixon all the best in his future endeavors, and I thank him for his significant contribution to improving our Nation's Armed Forces.

HONORING ACACIA MASONIC LODGE #163

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. MAHONEY of Florida. Madam Speaker, I rise tonight to congratulate the Acacia Masonic Lodge of Martin County, Florida on their 100th anniversary and commend them for all the good work they do throughout the community.

This very special anniversary in Florida's 16th District makes the Acacia Masonic Lodge, #163 of Free and Accepted Masons, the oldest organization in Martin County. Knowing what good work they do in the area, I wanted to honor them by highlighting some of their achievements.

Graduating seniors from all of Martin County's high schools, sick children in local hospitals and senior citizens residing in local residential homes are just a few of the beneficiaries of the Acacia Masons' charity. Over the years, they have donated over $100,000 to worthy causes throughout Martin County.

Not only have the Acacia Masons given financial support to Martin County, they have also been a visible bastion of good work in our community. Since 1964, the Acacia Masons have laid the cornerstone of every Martin County public school, symbolizing the value they place on education for all the children in the area.

The Masons' motto is, "Take a good man and make him a better man." Having met many of them personally, I can confirm that the Free Masons in Martin County are certainly practicing what they preach; and judging by the strength of their organization, I am certain they will still be supporting the Martin County community a hundred years from now.

Madam Speaker, please join me in commending the Acacia Masonic Lodge for a century of unwavering commitment and support of Martin County and all who reside there.

HONORING BURGESS (B.J.) ETZEL

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to honor a life-long Texan, a personal friend, and a great leader in our community. Burgess Etzel, or B.J. as most of us know him, was born in Roundtop, Texas. After finishing high school there, he went on to attend Blinn College, and then to my alma mater, the University of Houston.

After graduation, B.J. began his work in the communications industry. Hired as a cable splicing helper in 1957 in what was then the Plant Department in Houston, he continued this work until 1969. At that time he was transferred to Network Operations as a Communications Technician.

In 1987, after serving as Job, Chief, and District Stewards for over two decades, B.J. was elected President of the Communications Workers of America Local 6222. In this position, he represented over 7,000 bargaining unit employees working for SWB Telephone, SWB Yellow Pages, SWB Wireless, AT&T, Lucent Technologies, and printing sector in metro Houston and surrounding areas in the Southeast Texas region.

Despite his busy schedule as President of the CWA Local 6222, B.J. also found time to serve on the board of trustees of the United Way of the Texas Gulf Coast, and raise four children with his wife Frances.

B.J. has served as a leader in all phases of local organizing drives, and all legislative and community service work. I would like to thank B.J. for his service to the CWA and its members, and congratulate him for having the flag pole dedicated to him on May 19, 2007.

BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. BISHOP of New York. Madam Speaker, I rise today on behalf of the over 3 million women living with breast cancer, in strong support of the Breast Cancer and Environmental Research Act. Breast cancer remains the leading cause of death among women between the ages of 40 and 55. My sister-in-law was among them, having died at the age of only 41. While important advances have been made, we still do not know what causes this disease, or how to prevent it.

Scientific evidence as to the role the environment plays in the development of breast cancer is scarce. There is a clear need for research on the relationship between environmental factors and breast cancer. The Breast Cancer and Environmental Research Act would facilitate such research by establishing a national strategy to study the link between the environment and breast cancer by creating multi-institutional, multi-disciplinary centers that study the environmental factors that contribute to the disease.

Although there are currently 221 cosponsors, this legislation has yet to have a hearing in committee. If we are going to make a serious commitment to preventing and curing breast cancer we must pass this legislation so that one day we can announce that our mothers, daughters, sisters, and friends are free of this disease.

Madam Speaker, I urge all of my colleagues to support this bill and pass the Breast Cancer and Environmental Research Act.

IN RECOGNITION OF THE PASSING OF SERGEANT TIMOTHY PADGETT, UNITED STATES ARMY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. MILLER of Florida. Madam Speaker, I rise to honor SGT Timothy Padgett, United States Army. Sergeant Padgett, known as Timmy, gave his life in defense of our Nation while serving in Tarin Kwot, Afghanistan, on May 8, 2007. Sergeant Padgett was serving as a Green Beret with the 1st Battalion, 7th Special Forces Group based in Fort Bragg, North Carolina.

Timmy was raised in DeFuniak Springs, Florida, and graduated from Walton High School in 1997. A former firefighter paramedic with the South Walton Fire District, our local paper, the Northwest Florida Daily News, reported "A lot of firefighters knew him well, and the close-knit group is taking the news of his death real hard, said Deputy Fire Chief Sean Hughes. 'He was a great guy,' Hughes said. Most people knew Padgett by his big smile, which he almost always wore. His fellow firefighters often called him 'smiling Tim,' Hughes said."

Timmy's mother, Glenda Penton, resides in DeFuniak Springs and has been remarkably steady since her son's passing. I spoke with Glenda two days after the horrible news and she was gracious and proud of her son. I was so impressed and inspired by her. I don't know if I could have been the same way so soon after learning of the loss of a loved one.

I am always reminded of the greatness of our country due to the resiliency of people like Glenda Penton and the bravery of people like her son Timmy. We have an all volunteer military and continue to ask our sons and daughters to travel to faraway lands to fight for our freedom and these sons and daughters continue to answer the call.

The people of DeFuniak Springs have reason to be proud of Sergeant Padgett, and I am humbled to be able to represent those people, as well as the memory of Sergeant Padgett, for am I equally proud. Vicki and I will keep Timmy's entire family, especially his 8-year-old daughter, Summer Lynn, in our thoughts and prayers. I hope all the people of Northwest Florida and our Nation do the same.

PERSONAL EXPLANATION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. CRENSHAW. Madam Speaker, on Monday, May 14, 2007, I was unable to cast several votes because I was meeting with Forest Service and fire fighting personnel to assess the hazardous situation and current evacuation of several areas in the Fourth Congressional District threatened by wildfires.

Had I been present, I would have voted "no" on rollcall 342, the D.C. Tuition Assistance Grant Program Reauthorization; "yea" on rollcall 343, Supporting National Day of Remembrance for Murder Victims; and "yea" on rollcall 344, Recognizing National AmeriCorps Week.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. GALLEGLY. Madam Speaker, I was unable to make the following rollcall votes on May 14, 2007:

H.R. 1124, To extend the District of Columbia College Access Act of 1999, On Motion to Suspend the Rules and Pass, I would have voted "nay."

H. Res. 223, Supporting the goals and ideals of a National Day of Remembrance for Murder Victims, On Motion to Suspend the Rules and Agree, I would have voted "aye."

H. Res. 385, Recognizing National AmeriCorps Week, On Motion to Suspend the Rules and Agree, I would have voted "aye."

INTRODUCING THE NATIONAL AMUSEMENT PARK RIDE SAFETY ACT OF 2007

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. MARKEY. Madam Speaker, Memorial Day is the beginning of the season when American families take their children to our amusement parks for a day of fun and sun. Unfortunately, it is also the case that over 75 percent of the serious injuries suffered on these rides occur between the months of May and September. Most of America thinks that the rides at these parks are subject to oversight by the Nation's top consumer safety watchdog—the Consumer Product Safety Commission (CPSC). But this is not true. The industry was subject to federal safety regulation, but in 1981 it succeeded in carving out a special-interest political exemption in the law—the so-called Roller Coaster Loophole.

It is time to put the safety of our children first—it is time to close the Roller Coaster Loophole. Today I am introducing the National Amusement Park Ride Act to restore safety oversight to a largely unregulated industry. I am pleased to be joined in this effort by Representatives JAN SCHAKOWSKY (D–IL), CHARLIE RANGEL (D–NY), JIM MCGOVERN (D–MA), ELEANOR HOLMES NORTON (D–DC), CAROLYN MALONEY (D–NY) and ANNA ESHOO (D–CA).

"Fixed" or "fixed-site" rides are found predominantly in destination theme parks. When an accident occurs on such rides, the law actually prevents the CPSC from even setting foot in the park to find out what happened. In some States, an investigation may occur, but in many, there is literally no regulatory oversight at all. And no matter how diligent a particular state might be, there is no substitute for Federal oversight of an industry where park visitors often come from out-of-state; a single manufacturer will sell versions of the same ride to park operators in many different States; and no state has the jurisdiction, resources or mission to ensure that the safety lessons learned within its borders are shared systematically with every other State.

Although the overall risk of death on an amusement park ride is very small, it is not zero. Sixty-four deaths have occurred on amusement park rides since 1987, and over two-thirds occur on "fixed-site" rides in our theme parks. In August 1999, 4 deaths occurred on roller coasters in just one week, "one of the most calamitous weeks in the history of America's amusement parks," according to U.S. News and World Report:

> Every one of these is an unspeakable horror for the families, and every one of them deserves to be investigated by a Federal safety expert with the knowledge and the power to ensure that what happened at the accident site does not get repeated in other states.

It is simply inexcusable that when a loved one dies or is seriously injured on these rides, there is no system in place to ensure that the ride is investigated, the causes determined, and the flaws fixed, not just on that ride, but on every similar ride in every other State. The reason this system does not exist is the Roller Coaster Loophole.

The industry attempts to justify its special-interest exemption by pretending that there is no risk in riding machines that carry human beings 70, 80 or 90 miles an hour. The rides are very short, and most people are not injured. But in fact, the number of fatalities per passenger mile on roller coasters is higher than on passenger trains, passenger buses, and passenger planes. The National Safety Council uses a standard method of comparing risk of injury per distance traveled. Riding on a roller coaster is generally safer than driving a car, but is not generally safer than riding a passenger bus, train or airplane:

> Fatalities are just the tip of problem, however. Broken bones, gashes, and other serious injuries have been rising much faster than attendance. The CPSC is prohibited from requiring the submission of injury data directly from ride operators, so it is forced to fall back on an indirect method, the National Electronic Injury Surveillance System (NEISS), which gathers information from a statistical sample of hospital emergency rooms and then estimates national numbers. Nevertheless, NEISS has been gathering these statistics systematically over many years, so that trends become clear over time.

Beginning in 1996, a sharp upward trend can be seen in hospital emergency room visits by passengers on unregulated "fixed" rides—the category of rides exempt from CPSC regulation under the Roller Coaster Loophole. These injuries soared 96 percent over the next 5 years. Meanwhile, such emergency room visits were falling for passengers on rides that the CPSC still regulates.

The theme park industry likes to tell the public that its rides are safer than the mobile rides because they are overseen by a permanent park staff, but according to this independent government safety agency report, the mobile parks have less of an injury problem than the theme parks.

For the most part, these rides are designed, operated and ridden safely. But clearly, the margin for error is much narrower for a child on a ride traveling at 100 mph than on a ride traveling 50 mph. Children often do foolish things, and the operators themselves are often teenagers. People make mistakes. The design of these rides must anticipate that their patrons will act like children, because they often are children.

The bill we are introducing today will close the loophole that prevents effective Federal safety oversight of amusement park rides. It would, therefore, restore to the CPSC the standard safety jurisdiction over "fixed-site" amusement park rides that it used to have before the Roller Coaster Loophole was adopted. There would no longer be an artificial and unjustifiable split between unregulated "fixed-site" rides and regulated "mobile" rides. When a family traveled to a park anywhere in the United States, a mother or father would know that their children were being placed on a ride that was subject to basic safety regulation by the CPSC.

It would restore CPSC's authority to investigate accidents; develop and enforce action plans to correct defects, and act as a national clearinghouse for accident and defect data.

The bill would also authorize appropriations of $500,000 annually to enable the CPSC to carry out the purposes of the Act.

The bill I am introducing today is supported by the Nation's leading consumer-protection advocates, including Saferparks.org, the Consumer Federation of America, the U.S. Public Interest Research Group, the National SAFE KIDS Campaign, and Kids in Danger.

I urge my colleagues to join us in this effort to make this the safest summer ever in our theme parks. Let's pass the National Amusement Park Ride Safety Act.

CONGRATULATING THE DAYTON NAACP YOUTH COUNCIL

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. TURNER. Madam Speaker, it is my pleasure to recognize and congratulate the members of the Dayton, OH branch of the National Association for the Advancement of Colored People, NAACP, for its positive accomplishments on behalf of our young people.

On Saturday, April 14, 2007, the Dayton NAACP Youth Council, under the guidance of Youth Advisor Barbara Mack, hosted its first annual Youth Leadership Summit 100 at Sinclair Community College. The NAACP Youth Council is an organization involving some 67,000 youth nationwide, whose mission is to educate, motivate, and inspire civic-minded young people to become effective community leaders. The Dayton chapter is the first NAACP Youth Council in the State of Ohio to host an annual youth leadership summit. The theme of this year's event is: "In It To Win It." The summit consisted of a series of panel discussions to inform and educate the community on timely topics ranging from violence and drug activity in the community, to health, political action and finances, faith and the community, and youth with disabilities.

Under the leadership of Barbara Mack, the Dayton NAACP Youth Council has earned recognition from the national organization for its recent accomplishments. The Dayton chapter ranked first among NAACP Youth Councils in the seven-State Midwestern region for signing up the most new members. The recruitment of 122 new members increased the total membership to over 600–strong, giving the council more clout at the national level. As a reward for their efforts, 15 members of the Youth Council attended the 38th annual NAACP Image Awards held at the Shrine Auditorium on March 2, 2007 in Los Angeles, which was broadcast live on FOX.

I am proud to acknowledge the Dayton NAACP Youth Council on the success of its inaugural Leadership Summit, and congratulate Barbara Mack for her leadership on behalf of the young people of Ohio's Third Congressional District.

HONORING THE MENTAL HEALTH ASSOCIATION IN PASSAIC COUNTY AND THE DISTINGUISHED HONOREES OF ITS 4TH ANNUAL VISION AND ACHIEVEMENT AWARDS DINNER

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend the Mental Health Association in Passaic County for its outstanding dedication to the well-being of the people of Passaic. For two decades, the committed staff and volunteers of this organization have provided County residents with the services and support that they need to take care of themselves. From a listening ear to prescription drugs and therapy to education and public awareness efforts, the Mental Health Association serves Passaic residents from childhood to retirement, often without payment for all they provide.

At their Fourth Annual Vision and Achievement Awards Dinner tonight, the Mental Health Association in Passaic County will honor seven tremendous citizens whose individual efforts also work to support the well-being of Passaic residents. Each, in his or her own way, helps to make the quality of life in this North Jersey community top-notch, and I wish to recognize them all for their outstanding accomplishments:

Mohamed El Filali, Outreach Director at the Islamic Center of Passaic County and the Muslim Chaplain at the Passaic County Jail.

Sister Gloria Perez, Executive Director of Eva's Kitchen and Sheltering Programs.

Dr. Steven D. Rose, President of Passaic County Community College.

Dr. Sybil C. Schreiber, Executive Director of the Passaic County Mental Clinic.

Jerry Speziale, Passaic County Sheriff.

Jack McElligott, a licensed clinical social worker and member of the Board of Directors of the Mental Health Association in Passaic County.

Linda Shapiro, a loving wife and mother and volunteer for the Mental Health Association in Passaic County.

It is an honor to recognize the public service of these seven individuals and all the men and women who make the Mental Health Association in Passaic County such an important part of the Passaic community.

INTRODUCTION OF THE GLOBAL WARMING WILDLIFE SURVIVAL ACT

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. DICKS. Madam Speaker, as the chairman of the Interior Appropriations Subcommittee, I am very much aware of the need to take action to address global warming, and I recently held a hearing to examine the impact of climate change on many of the agencies and resources under my subcommittee's jurisdiction. At the beginning of that hearing, I stated my belief that climate change may be the emerging issue of our time. Climate change may alter the face of our planet in ways we cannot yet comprehend, and I believe it is our responsibility not only to do as much as possible to halt or slow it, but also to do everything in our power to protect the earth's resources from its impacts so that future generations will be able to benefit from them as we and past generations have done.

Our Nation's wildlife is one critically important resource that is particularly vulnerable to climate change and is also a resource that is a fundamental part of America's history and character. Conservation of wildlife and wildlife habitat is a core value shared by all Americans.

America's wildlife is vital to our Nation for many reasons. Wildlife conservation provides economic, social, educational, recreational, emotional, and spiritual benefits. The economic value of hunting, fishing, and wildlife-associated recreation alone is estimated to contribute $100 billion annually to the U.S. economy. Wildlife habitat, including forests, grasslands, riparian lands, wetlands, rivers and other water bodies, is an essential component of the American landscape, and is protected and valued by Federal, State, and local governments, tribes, private landowners, and conservation organizations.

Unfortunately, it is becoming increasingly apparent that the effect of climate change on wildlife will be profound. The recently released reports from the Intergovernmental Panel on Climate Change IPCC have made clear that global warming is occurring, that it is exacerbated by human activity, and that it will have devastating impacts on wildlife and wildlife habitat. Wildlife is already suffering from massive changes in habitat, particularly in the arctic, and shifts in ranges and timing of migration and breeding cycles. Continued global warming could lead to large-scale species extinctions. These impacts add to and compound the adverse effects wildlife and its habitat already suffer from land development, energy development, road construction, and other human activities, and from other threats such as invasive species and disease.

According to the IPCC, global warming and associated sea level rise will continue for centuries due to the timescales associated with climate processes and feedbacks, even if greenhouse gas concentrations are stabilized now or in the very near future. I believe that, as a nation, we must craft responses and mechanisms now to help wildlife navigate the threats caused by global warming.

To conserve wildlife in the face of the far-reaching effects of global warming, there is a need for a coordinated, national strategy based on sound scientific information to ensure that impacts on wildlife that span government jurisdictions are effectively addressed and to ensure that Federal funds are prudently committed. Ensuring strategic and efficient allocation of funding is something of particular interest to me as an appropriator.

Today I am introducing the "Global Warming Wildlife Survival Act" as a first step in ensuring our Nation is using all possible means to help America's wildlife survive the impacts of global warming.

The "Global Warming Wildlife Survival Act" has four elements:

First, it includes a congressional declaration of national policy recognizing that global warming is having profound impacts on wildlife and its habitat and committing the Federal Government, in cooperation with State, tribal and local governments and other concerned organizations, to use all practicable means to assist wildlife in adapting to and surviving the effects of global warming.

Second, the bill requires development of a national strategy for assisting wildlife impacted by global warming developed by the Secretary of the Interior, in consultation with the Secretaries of Agriculture and Commerce, States, tribes, local governments, conservation organizations and scientists, and coordinated with State wildlife action plans, the national fish habitat action plan, and other relevant wildlife conservation plans. A committee of scientists is established to advise the Secretary in development of the national strategy. The Secretaries of the Interior, Agriculture and Commerce are charged with implementing the national strategy on Federal lands and in conservation programs they administer.

Third, the bill will support improved science capacity for Federal agencies to respond to global warming, including establishment of a National Global Warming and Wildlife Science Center in the United States Geological Survey, and enhanced science capacity in Federal land management and wildlife agencies.

Finally, the bill directs strategic allocation of funding for implementation of the national strategy and State and tribal actions to enhance wildlife resilience to global warming. The Act allocates Federal funding to implement the National Strategy 45 percent to Federal land management agencies, 25 percent to federally funded and implemented fish and wildlife programs, and 30 percent to States. I am very pleased to say that the State and tribal funding allocated in the bill is made available through the State and Tribal Wildlife Grants Program. The bill also authorizes the State and Tribal Wildlife Grants Program which was created by our subcommittee in the fiscal year 2001 Interior appropriations bill as an upstream solution to help conserve species before they decline to the point where they need Endangered Species Act protection. Now this important program, and the comprehensive State wildlife action plans that were required for states to get funding, will be on the forefront of our Nation's efforts to help mitigate the impacts of global warming on wildlife.

This bill will help ensure that the pressing needs that are faced by the agencies and programs under the Interior and Environment appropriations subcommittee to help wildlife and wildlife habitat are addressed strategically, based on a foundation of sound scientific information, and that funding is allocated among the Federal agencies and the States in the most efficient way possible.

As I introduce this important bill, I also have one additional very significant point to make about funding to address impacts to wildlife from global warming. As Congress moves forward in considering comprehensive legislation to address global warming, it is possible that new sources of funding for the Federal Government will be generated. For example, in legislation to cap greenhouse gas emissions, it is likely that a system of emissions credits that can be traded would be created. In the process, there is an opportunity to auction some of these credits, producing substantial revenue for the Federal Treasury. Although the "Global Warming Wildlife Survival Act" as I am introducing it authorizes funding to implement the provisions of the bill, I believe that a portion of any revenues that will be generated by upcoming global warming legislation should be specifically dedicated to implement the provisions of the "Global Warming Wildlife Survival Act."

The Interior and Environment appropriations subcommittee allocation is woefully stressed just dealing with the current needs of the agencies and programs under its jurisdiction. Our Federal land management agencies have tremendous backlogs for operations and maintenance of our national wildlife refuges, parks, forests and other public lands. This situation has been greatly exacerbated by the past 6 years of Bush administration budgets and prior Congresses. Hundreds of important biologist positions have been cut, and the agencies' budgets are far below what they have needed just to keep up with inflation. These programs have been starved to the point where they are on life support. It became apparent in the recent hearing on global warming held by the subcommittee that the land management agencies are already seeing the results of climate change on the ground, but that they have few, if any, resources to deal with these changes. With the effects of global warming only expected to increase in severity in the coming years, I believe it is crucial to infuse dedicated new funding into our efforts to address this crisis, and I will work to make this happen.

This is a great Nation with a unique and irreplaceable natural heritage. We must take steps now to protect our wonderful wildlife from the ravages of climate change.

TRIBUTE TO KEITH YODER

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. UPTON. Madam Speaker, I rise today to recognize Mr. Keith Yoder of Kalamazoo, Michigan for his 32 years of distinguished public service with the Social Security Administration.

Keith began his career with Social Security in July 1975 as a Claims Authorizer in Philadelphia, PA. While it would take 25 years for Keith to make his way to our corner of southwest Michigan, he continued to develop an impressive professional track record throughout Indiana and Michigan.

Over the past 7 years, Keith has managed the Social Security field office in Kalamazoo, from which he and his staff have faithfully served the residents of Allegan, Kalamazoo and St. Joseph counties. During an age in which government bureaucracy has too often become synonymous with the impersonal and lethargic, Keith and, under direction, his team have always been a reliable, informative and affable resource for my constituents and staff. His support of shelter-based and follow-up assistance to the Hurricane Katrina evacuees who made their way to my district in 2005 serves as a testament to both the good will and dedication that characterize his career.

Once again, I would like to personally congratulate and thank Keith Yoder for his many years of public service to the citizens of this great country. Southwest Michigan is truly a better place because of his contributions.

HONORING THE MEMORY OF THE HONORABLE JUANITA MILLENDER-McDONALD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. BONNER. Madam Speaker, it is with great sadness that I rise today to honor the memory of former California Congresswoman Juanita Millender-McDonald and her lifetime of dedication to the people of California and the United States. I was deeply saddened to learn our colleague passed away so suddenly. We have not only lost a wonderful friend but an individual who during her lifetime made countless contributions toward the betterment of our Nation.

A native of Alabama—there is some dispute as to whether she was born in Gee's Bend or Birmingham—Juanita's ties to her home state remained strong throughout her life. In fact, just a few short years ago, she was extremely involved with her family reunion which was held in Monroeville, in Alabama's First District. She was always so very proud of her family and naturally, they are so very proud of her.

Juanita began her career as a teacher in Los Angeles. She was also the editor-writer for the Los Angeles Unified School District and worked as a manuscript editor for Images, a textbook designed to enhance the self-esteem of young women. She began her political career in 1990, when she was elected to the Cason City Council. Just 2 years later, she was elected to the California State Assembly.

In 1996, Juanita was elected to represent the 37th District of California in the United States House of Representatives. Throughout her seven terms, she was a champion of election reform and women's health issues. She made history in the 110th Congress when she was named chairwoman of the House Administration Committee becoming the first African American woman to chair a House committee.

We are privileged to have known and worked with such a passionate and loyal individual. Juanita will be greatly missed and always remembered. Madam Speaker, I ask my colleagues to join me in remembering a dedicated public servant.

Juanita Millender-McDonald will be deeply missed by her family—her husband, James McDonald Jr., her five children, and five grandchildren—as well as the countless friends she leaves behind. Our thoughts and prayers are with them all at this difficult time.

TRIBUTE TO SYLVIA BERKOWITZ

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Ms. SCHAKOWSKY. Madam Speaker, it is my honor to recognize and pay tribute to an esteemed member of my community, Sylvia Berkowitz as she celebrates her 100th birthday on May 30th.

I know that her love and kindness have been an inspiration to her family and friends. Her dedication to her family—as a mother, grandmother, great-grandmother and recently a great-great-grandmother—is to be revered.

Throughout the last century, Sylvia has not only dedicated her energies and remarkable abilities to her family but also to others. I applaud her work in volunteering for numerous charitable organizations including helping those struggling with Leukemia, Multiple Sclerosis and other incapacitating diseases.

On behalf of the people of the 9th Congressional District of Illinois, it is my privilege to congratulate Sylvia Berkowitz on this momentous occasion. You are a true inspiration and a wonderful human being. I wish you continued success, good health, and happiness in the years ahead.

RECOGNIZING KEELIN BROUGHAN ON THE 2006 PRESIDENTIAL AWARD OF EXCELLENCE IN MATH AND SCIENCE TEACHING

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. EMANUEL. Madam Speaker, I rise today to congratulate Keelin Broughan on winning the 2006 Presidential Award of Excellence in Math and Science Teaching.

Ms. Broughan is a kindergarten teacher at Paul Revere Elementary School in Chicago. I often say that we need to start teaching math and science to our children as early as possible, and it doesn't get much earlier than kindergarten.

Paul Revere Elementary is a Chicago Public School with a very long tradition in the community. Thanks to excellent teachers like Keelin Broughan, students from a variety of backgrounds are able to have access to an outstanding education.

This week, Ms. Broughan will be presented with her award and have an opportunity to meet the President of the United States and her fellow award winners from across the country.

Since 1983, over 3,700 teachers have received Presidential Awards for Excellence in Mathematics and Science Teaching. The effort and ability of these educators will help ensure that our children are ably prepared for the coming years.

Madam Speaker, I hope that my colleagues will join me in congratulating Keelin Broghan on her outstanding work in the classroom, and I wish her the best of luck in her future endeavors.

HONORING THE LIFE OF ALIDA DIETRICH BEGINA, ED.D.

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Ms. DELAURO. Madam Speaker, it is with the heaviest of hearts that I rise today to honor and pay tribute to a dear friend and outstanding community member, Dr. Alida Dietrich Begina, who was taken from us all too soon in late April of this year after losing her battle with breast cancer. As a wife, mother, educator, administrator, colleague and friend, Alida gave so much of herself to others and has left an indelible mark on the lives of all of those she touched.

Alida's dedication to education—at every level—was unparalleled. She began her career as an English, Latin, and Spanish teacher in several school systems eventually working her way to administrative positions. She worked in both public school systems as well as alternative education systems, even spending 2 years as an Instructor in English as a Second Language at Indiana Central University in Nicosia, Cyprus. She would end her career as the Superintendent of Hamden Public Schools where she was respected and loved by students, faculty and community members alike. In the 12 years she served in this position, Alida worked diligently to provide Hamden's students with access to the best possible education on which to build their future success. She was a reflection of all that we hope our education leaders will be.

Through all of her efforts Alida became one of the most highly regarded administrators in the State, In addition to serving as the Superintendent for the Hamden Public School system, she served as an adjunct professor at both Sacred Heart University and Southern Connecticut State University, where she taught graduate courses for obtaining superintendents' certification as well as curriculum development and theories of learning for administrator certification. Alida was often looked to by professionals and public policy makers for input—the myriad of honors, awards, and commendations that she earned throughout her career are a testimony to her distinguished reputation as a leader in public education. Perhaps most telling was her selection as the only superintendent in Connecticut to design and write the revised version of the Connecticut Administrator Test that is used for certification of administrators. Indeed, I and my staff often called upon Alida's vast knowledge and experience when faced with challenging choices in public policy concerning education. The loss of her expertise and unique perspective on public education and its impact on our young people will certainly be missed by many.

One of her most invaluable contributions and lasting legacies is her work to establish the Hamden Education Foundation—a non-profit organization that, since its inception, has raised hundreds of thousands of dollars which has been used to fund innovative student programs and scholarships. In addition to several annual scholarships, funds are used for such programs as the purchase of library books and periodicals for all Hamden public schools as well as mini-grants aimed at encouraging teachers and other certified staff to implement exciting and often long-cherished ideas. The Foundation looks to the community to raise the funds it uses—creating a special bond between the community and its young people. I have no doubt that the Hamden Education Foundation and Alida's vision in which it was created will continue to enrich the lives and education of Hamden students for many years to come.

Dr. Alida Dietrich Begina will long be remembered for her many invaluable contributions to education, both locally and state-wide. She was a mentor to so many—most notably her two loving daughters, Lauren and Courtney. I stand today to offer my sincerest condolences to her husband, Bill; her daughter, Lauren and her husband Ryan; her daughter Courtney and her husband Daniel; as well as her beloved grandson, Jackson—the inspiration for her two children's books published shortly before her passing. Mere words cannot express the sorrow we all feel at the loss of such an extraordinary woman.

PERSONAL EXPLANATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. BONNER. Madam Speaker, on Monday, May 14, 2007, I attended an event in my district announcing a major economic development project and was absent for 3 votes.

Had I been present, I would have voted "yea" on rollcall 342, "yea" on rollcall 343, and "yea" on rollcall 344.

HONORING SONIA GUTIERREZ

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. BACA. Madam Speaker, on May 18, 2007, the Latino and immigrant communities of the Greater Washington Region will gather to celebrate with Ms. Sonia Gutierrez her 35 years of selfless dedication to the larger community and to the Carlos Rosario International School.

Sonia Gutierrez was born in Santurce, Puerto Rico. She received a Bachelors Degree in Business Administration and a Masters Degree in Adult Education specializing in Supervision and Administration of Adult Education Programs.

Ms. Gutierrez, is the CEO & Founder of the Carlos Rosario International Career Center and Public Charter School, and has spent 35 years as a principal, counselor, advocate, and organizer to more than 60,000 adult immigrant students.

Ms. Gutierrez began her career in the District of Columbia Public Schools in May 1972 as a counselor in the Program for English Instruction to Latin Americans (PEILA). There she began her mission: to provide holistic education to adult immigrants with little formal education in their native countries, enabling them to succeed by addressing their social and academic needs.

In October 1972, Ms. Gutierrez became the Director of PEILA and transformed the small, under-funded English as a Second Language (ESL) program into a comprehensive adult education program. In 1974, the Office of Right to Read of the U.S. Department of Health, Education and Welfare designated it as one of the best literacy programs in the Nation. As PEILA outgrew its facility, Ms. Gutierrez began a 2-year effort to secure a school building for the program. In 1978 she was successful in relocating the program to the old Gordon Junior High School in Georgetown; PEILA then merged with the old Americanization School with an initial enrollment of 800.

Sonia Gutierrez has made a tremendous impact on the Washington, DC region and on the field of adult education. She has had a direct impact on the lives of over 60,000 people in the last 35 years. Many thousands more have benefited as the adult education model she developed has proliferated across the globe. The students served by the Carlos Rosario International School have been given the chance to achieve their dreams because of her belief in them and their potential, and her passionate leadership of the school.

Ms. Gutierrez has triumphed over great adversity in leading the school to be the thriving model it is today. Today, it is arguably the most recognized school in the District of Columbia Public School System. Under her leadership it was recognized as a national model for adult education by the United States Department of Education. She has helped other schools replicate the model across the Nation as well as in Korea and Germany. When many adult schools were closed by the District of Columbia in 1996, she pushed on, ignored suggestions to retire, and reestablished the Carlos Rosario International School.

Sonia Gutierrez is a civil rights activist, a leader and visionary. She is a fierce defender and advocate for urban school systems and the families who attend them. Sonia has been a model of leadership. Her commitment to fairness, excellence, and compassion has inspired many to make a difference in this world.

It is for this perseverance, passion, visionary leadership, and the immeasurable impact on the lives touched by her work that we recognize Ms. Sonia Gutierrez' 35 years of service to the community.

BREAST CANCER ENVIRONMENTAL RESEARCH ACT

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. FOSSELLA. Madam Speaker, as we return from Mother's Day weekend, I would like to take this opportunity to express my support for H.R. 1157, the Breast Cancer Environmental Research Act, and urge my colleagues to cosponsor this important legislation.

This weekend we honored our mothers and grandmothers and the immense contributions they have made in our lives. As we celebrate these women, we should also take the opportunity to renew our focus and efforts on an issue that affects far too many women in the United States: breast cancer.

There are more than three million women currently living with breast cancer, and each year tens of thousands of women die from the disease. While we have made important progress in treatments and research, we still do not know what causes breast cancer or how to prevent it. And the alarming nature of these uncertainties is compounded by the fact breast cancer rates are on the rise. A woman in the United States has a 1 in 7 chance of developing invasive breast cancer in her lifetime—this risk was only 1 in 11 in 1975.

While it is generally believed the environment plays some role in the development of breast cancer, scientific evidence about the extent of its role is minimal. Studies have explored the effect of isolated environmental factors such as diet, pesticides and electromagnetic fields, but in most cases there is no conclusive evidence, and they cannot be translated into real ways in which women can better protect themselves.

The Breast Cancer Environmental Research Act will create a competitive, peer-reviewed research program at the National Institutes of Health to study the potential links between breast cancer and the environment. Less than 30 percent of breast cancers are explained by known risk factors, and there are many understudied factors suspected to play a role that could be valuable in understanding the causes of breast cancer. H.R. 1157 will start a collaborative, comprehensive and national strategy to study these issues.

I proudly stand in support of the Breast Cancer Environmental Research Act. I hope you will join me in cosponsoring this important, bipartisan investment in breast cancer research.

CONGRATULATING BROWARD COUNTY ANNUAL SENIOR HALL OF FAME HONOREES

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. WEXLER. Madam Speaker, today in Tamarac, Florida, 11 outstanding Broward elders will be honored at the Annual Senior Hall of Fame Breakfast. These 11 seniors being honored have volunteered in their communities and have contributed countless hours to helping others. Their outstanding character and compassion have truly set them apart. Those being honored are Dr. Kamala Anadam, Lucille D'Orso, Ron English, Elizabeth "Betty" Mate, Evelyn Miller, Pearl Monchek, Commissioner Allegra Webb Murphy, Sister Germana Sala, Charles Singer, Eleanor Sobel, and Willie Mae Williams.

Dr. Kamala Anadam of Weston, a former professor of Child Development in India, has been participating in the Interfaith Volunteer Caregivers Project since 1998. She personally coordinated the Project in her congregation, overseeing 22 volunteers and visiting frail homebound elderly in their homes. Dr. Anadam is a Member of the Fort Lauderdale Branch of America Association of University Women, a member of the Broward County Chapter of the United Nations of U.S.A., and a Member of the Advisory Committee of Senior Volunteer Services, Inc.

Lucille D'Orso of Lauderdale Lakes, a retired hairdresser, has been volunteering for the Foster Grandparents Program for over 32 years and has spent a majority of her time at several Broward County elementary schools, including Pinewood Elementary in North Lauderdale for 10 years, Northside Elementary in Fort Lauderdale for 15 years, Oriole Elementary in Lauderdale Lakes, and Larkdale Elementary in Fort Lauderdale.

Ron English of Fort Lauderdale has a passion for caring for the marginalized and less fortunate members of the community, leading to the creation of ground-breaking institutions such as AmFar (American Foundation for AIDS Research), the Sunshine Cathedral Foundation, and SunServe, the world's first senior center designed to meet the needs of gay and lesbian frail seniors and their caregivers.

Elizabeth "Betty" Mate of Fort Lauderdale has been associated with the Alzheimer's Family Center since 1997 and has served on the agency's Board of Directors. In 2000, she became Chairman of the Alzheimer's Family Center's Black Tie Gala Committee, and she recently completed a training program to volunteer for Project Lifesaver.

Evelyn Miller of Tamarac is Broward President of the National Alliance for Mental Illness. She also serves on the Board of the Florida Alliance for Mental Illness, and through her legislative advocacy and facilitation of model programs, has established the local Mental Health Court, the Court Project, the Florida Assertive Community Treatment Teams, the Crisis Intervention team Model within local law enforcement, and the Peer-to-Peer and Family-to-Family Programs.

Pearl Monchek of Hollywood is a lifetime member of the Jewish War Veterans Auxiliary and the Disabled American Veterans Auxiliary. She also discovered the Southeast Focal Point Senior Center more man 10 years ago and often fills in for the Site Manager for Broward Meals on Wheels. During the aftermath of Hurricane Wilma, Pearl came to the aid of residents of the apartment complex adjacent to the Senior Center, purchasing and delivering food and supplies to needy individuals.

Commissioner Allegra Webb Murphy of Oakland Park has served on the City of Oakland Park's Beautification Advisory Board, Charter Review Board, and Oakland Park Main Street Inc., in the offices of Vice President and Executive Board Secretary, and has contributed time as President of the Harris Chapel United Methodist Women's Group. Allegra actively participates with the Lakeside Homeowners Association, Zeta Phi Beta Sorority, and the Oakland Park Kiwanis Club, and she holds the distinction of being the first African American Mayor of the City of Oakland Park.

Sister Germana Sala of Davie spent 15 years teaching mentally disabled children in North Miami and since then, has spent a majority of her time at Hope Outreach, providing Social Services to the low-income, poor, and multicultural residents in and around the Davie area. Germana also visits the homebound, disabled, and frail elderly at home, nursing facilities, and hospitals.

Charles Singer of Pompano Beach helped pursue the creation of Broward Homebound Program, Inc., an affordable in-home program to prevent the need for premature institutionalization. Charles has also served as President of the Central Bureau for Jewish Aged Association, Founder of the National Association of Jewish Homes for the Aged, Treasurer of the Men's Golf Association of Palm Aire and the B'nai B'rith Housing in Deerfield, and Vice President of the Auxiliary of the Memory Disorder Center.

Eleanor Sobel of Hollywood was elected to the Broward School Board in 2006 and is a former Florida State Representative. Eleanor served as Chair for Women in Power in the 1980s and as President of the Hollywood Chapter for the National Council for Jewish Women, and was the City Commissioner in Hollywood for 6 years in the 1990s. As a State Representative, Eleanor brought the concerns of citizens in Hollywood and Pembroke Pines before the state legislature and was influential in enacting reforms on many issues of importance.

Willie Mae Williams of Lauderdale Lakes served as the Northwest Federated Woman's Club of Broward County for more than 25 years. As Second Vice President, Willie Mae diligently chairs the Food and Social Committee, and has raised funds for the organization by coordinating and implementing a weekly fish fry.

Madam Speaker, I would like to again congratulate these 11 outstanding Broward County citizens who are being honored at the Annual Senior Hall of Fame, and thank them for their years of service to their fellow Floridians.

OUTSTANDING HIGH SCHOOL SENIORS FIRST CONGRESSIONAL DISTRICT OF NEW MEXICO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mrs. WILSON of New Mexico. Madam Speaker, the following graduating high school students from the First Congressional District of New Mexico have been awarded the Congressional Certificate of Merit. These students have excelled during their academic careers and proven themselves to be exceptional students and leaders with their scholastic achievements, community service, and participation in school and civic activities. It is my pleasure to be able to recognize these outstanding students for their accomplishments. Their parents, their teachers, their classmates, the people of New Mexico and I are proud of them.

CERTIFICATE OF MERIT AWARD WINNERS 2007

Daniel Lerma, Robert F. Kennedy Charter High School; Jennifer Roberts, Mountainair High School; Jennifer Johnston, Del Norte High School; James H. Caughren, Sandia Preparatory School; Arthur Chacon, Manzano High School; Siobhan Degnan, Southwest Secondary Learning Center; Abigail Martinez, South Valley Academy; Molly Nelson, Albuquerque Academy; Ashley Marie Maturino, Evangel Christian Academy; Ruby Trujillo, Rio Grande High School; Nicholas A. Maestas, Highland High School; David Aaron Parks, Cibola High School; Kelsey Byrne, Moriarty High School; Mathew Garcia, West Mesa High School; Eric Layer, Sandia High School; and Austin Baker, Temple Baptist Academy.

Angelica Aguilar, Los Puentes Charter School; Amanda Fernandez May, St. Pius X High School; Ashley Hope Darnell, Bernalillo High School; Sara Beth Dunham, Victory Christian School; Geri Lucia Lia, Menaul School; Corina Franco, New Futures School; Kelly Walker, Bosque School; Kelly D. Clingenpeel, Sierra Alternative High School; Audrey Wofford, Hope Christian School; Desiree J. Sandoval, Cesar Chavez Community School; Katie Gilliam, La Cueva High School; James C. Bohnhoff, El Dorado High School; Elizabeth McConaghy, Los Lunas High School; Charles Andres Padilla, East Mountain High School; Stacy Daniels, Valley High School; and Lindsay Riblett, Moriarty High School.

STATEMENT OF REPRESENTATIVE TOM DAVIS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Mr. John H. La Raia for over 37 years of dedicated military and Federal service.

Following his graduation from the University of Rochester in 1968, John joined the Air Force's Strategic Air Command in Southeast Asia. During his 5 years at this post, John served courageously and valiantly, flying in 155 missions. After completing his active duty, John continued to serve in the Air Force Reserves for an additional 21 years as a logistics plans officer.

Compelled to further serve his government and his Nation, John then began a career in the federal service at the Bureau of Naval Personnel. After his initial training period, he quickly rose through the ranks of the Bureau, serving in a variety of assignments dealing with financial management, systems analysis and both civilian and military personnel.

In 1999, he joined the Senior Executive Service as an assistant for administration to the Under Secretary of the Navy. Through this role John managed duties concerning the Navy's budget, human resources, manpower, facilities and services, IT services and various other functions for the secretary.

During his distinguished career he was awarded the Department of the Navy Distinguished Civilian Service Medal three times. Additionally, he received the Department of Defense Medal for Distinguished Civilian Service. Finally, last year he was recognized by President Bush and awarded the Presidential Rank of Meritorious Service.

Madam Speaker, in closing, I would like to commend and congratulate Mr. John H. La Raia for his distinguished career and his service to our Nation. He exemplifies everything our great Nation could hope for in a public servant. I call upon my colleagues to join me in congratulating Mr. La Raia and in wishing him continued success in the years to come.

TRIBUTE TO CORPORAL JEREMY R. GREENE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great sadness and deep respect that I wish to commend Army Corporal Jeremy R. Greene for his bravery and his willingness to fight for his country. Corporal Greene was assigned to A Company 2nd Battalion, 87th Infantry Regiment, 10th Mountain Division out of Fort Drum, New York. In an unfortunate accident, Corporal Greene lost his life on Saturday, April 28, 2007, at Forward Operating Base Tillman in Afghanistan. His sacrifice for his country will forever be remembered by a community that has been struck hard by the devastating loss of one of its own.

A native of Springfield, Ohio, Jeremy graduated in 2001 from Shawnee High School in Springfield, Ohio. Jeremy is remembered as being the adventurous type, always enjoying activities like rock climbing and rapelling. Based on his desire to participate in exciting activities, even as a child, it came as no surprise that he would eventually choose to join the military. In 2004, Jeremy enlisted in the United States Army and began his next adventure.

Corporal Greene felt tremendous pride for his country, and it will never be forgotten that he was willing to endanger his own life to protect the lives of his fellow citizens. His courage and heroism will always be remembered, and his sacrifice will forever live in the hearts and minds of those for whom he battled. Corporal Greene enlisted in the United States Army being fully aware that danger could arise in any situation. He accepted this so the freedoms and values he treasured could be enjoyed by men, women, and children around the world.

For his efforts, Corporal Greene was awarded several military medals and honors, including: the Army Commendation Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, and the Global War on Terrorism Service Medal, to name a few. In addition, to further exemplify his dedication and patriotism, Corporal Greene was posthumously awarded the Bronze Star Medal.

Although he loved his unit and his country, Jeremy treasured his family above all else. He is survived by his father, Richard Greene, of Springfield, Ohio, his mother, Cindy Greene (Mike White), of Oxford, Indiana, and two brothers, Mickey and Christopher Webster, as well as his loving nieces, Zoe, Sierra, and Jordan, whom Jeremy adored. Jeremy also leaves to cherish his memory many other friends and family members whose lives he has touched.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Army Corporal Jeremy R. Greene. He will forever remain a hero in the eyes of his family, his community, and his country; thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

THE RESERVISTS AND GUARDSMEN TAX RELIEF ACT OF 2007

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. WELDON of Florida. Madam Speaker, I rise to introduce the Reservists and Guardsmen Tax Relief Act of 2007. As Reservists and Guardsmen are activated, this can cause financial strains on many of them, and my legislation is meant to help provide some financial relief during the time in which they are called to active duty.

My bill would extend the penalty-free withdrawals from retirement accounts for Reservists and Guardsmen who are called to active duty for more than 179 days. This benefit is set to expire on December 31, 2007. My bill extends this benefit through December 31, 2008.

Under this tax benefit, Guardsmen and Reservists called to active duty can receive payments from their individual retirement accounts, 401(k) plans and 403(b) tax-sheltered annuities, without having to pay the 10 percent early-distribution surtax. Some Reservists and Guardsmen have already taken advantage of this benefit. While premature withdrawals from retirement accounts should be very carefully considered by anyone who has a retirement account, this proposal may assist in dealing with economic difficulties that may occur when a self-employed reservist, or any Reservist or Guardsman, is called to active duty service. This would be one way to allow them increased access to their money at a time when they are defending our liberties.

Some Reservists and Guardsmen, including small business owners and employees of small businesses, experience loss of income when they are called to active duty. The drop in income is real for many Reservists and Guardsmen. Removal of the early withdrawal penalty would be one way to help alleviate some of the income loss that a Reservist or Guardsman's family might suffer as a result of activation.

Our Reservists and Guardsmen should have access to their own money in order to help them make ends meet while activated. This is a small step to help out those who are serving in defense of our Nation. As a former active duty and reserve Army officer, I am committed to doing what I can to make active duty service easier for all of our servicemembers, both active and reserve.

IN SUPPORT OF THE BUX-MONT KATRINA RELIEF PROJECT

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, it is with great honor and personal gratitude that I recognize ther remarkable work of the Bux-Mont Katrina Relief Project (BMKP), whose organizers took bold initiative to provide much needed disaster relief services to Hancock County, Mississippi in the aftermath of Katrina Hurricane.

In partnership with the Salvation Army, the Bux-Mont Katrina Relief Project developed a community-to-community disaster response model. By creating a partnership between Bucks and Montgomery Counties in Pennsylvania and Hancock County in Mississippi, a $1.25 million child care center was created. Furthermore, homes were rebuilt, schools were repaired and community projects were aided. In addition, the University of Pennsylvania School of Society Policy and Practice is partnering with the BMKP to help fix the Hancock County human services system. Funding for these projects came solely from private and corporate donations and in-kind services.

Through outstanding effort and vision, this project brought hope to the Gulf Coast community by establishing a proactive disaster relief program. Madam Speaker, the experience gained by BMKP and its partner organizations has inspired them to present their program as a national disaster relief model designed to bring together the military, governmental agencies, regional groups and national organizations.

Madam Speaker, as you know, the victims of Hurricane Katrina have been slow to receive the necessary and promised support from our government. The Bux-Mont Katrina Relief Project has successfully provided private support to one community. Their disaster relief model, if promoted nationally, will expand on that success and greatly improve our Nation's ability to respond to man-made and natural disasters.

IN MEMORIAL OF DONALD N. BUIE

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. ETHERIDGE. Madam Speaker, today I rise to honor the life of Donald N. Buie of Sanford, North Carolina, who died Monday, May 7, 2007. In his passing I lost a good friend, and North Carolina lost one of its most outstanding citizens and a man who was instrumental in his church, community, county, and State.

One of the area's most beloved men, my friend Don, passed away peacefully with his family by his side following a brief battle with Creutzfeldt Jakob disease, a rare degenerative neurological disorder. He was only 63, Don loved hunting, raising beagles, barbecuing, and shagging the night away,

Don was a native of Western Harnett County and graduated from Benhaven High School in 1961. In 1965 Don received his undergraduate degree from East Carolina University in Physical Education and completed his master's degree from UNC-Chapel Hill in 1971, Don taught school in both Harnett and Lee County for 6 years. During this time, he coached basketball, baseball, and football. In 1973, he began working at Central Carolina Community College. During his tenure at CCCC, Don was very active in expanding its curriculum, finding new talent and bringing culture in Lee, Harnett, and Chatham Counties. Don retired from CCCC in 2002 as the Dean of Continuing Education.

Don served Lee County in many capacities, and when he joined an organization he typically became the leader. Don was the chairman of the Lee County Democratic party where he helped lead us to victory in past elections. He was also past president and member of the Sanford Rotary Club, past president and member of the Lee County Wildlife Club, the past president of the Lee County Farm Bureau, and a host of others. Don is survived by his lovely wife of 38 years, Jeanne Johnson Buie, and their three children Melanie Hawes, Dixie Simpson, and David Buie.

Madam Speaker, Donald Buie used every minute of his long and productive life to make the world a better place. He was a respected and successful coach, a dedicated public servant, and a great North Carolinian. It is fitting that we honor him and his family today.

A TRIBUTE TO MARIO M. VITTONE COAST GUARD ENLISTED PERSON OF THE YEAR

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. BUTTERFIELD. Madam Speaker it is with tremendous pride that I rise today to pay tribute to Petty Officer Mario M. Vittone of the United States Coast Guard. The Coast Guard selected him as the Coast Guard Enlisted Person of the Year for 2006. Officer Vittone demonstrated outstanding resourcefulness, leadership, and competence while serving at Coast

Guard Air Station Elizabeth City, North Carolina from January 1, 2006 to December 2006.

While performing the demanding duties of a Night Shift Supervisor for the Aviation Survival Technician Shop as the Senior Duty Rescue Swimmer, he applied his experience in rescue swimmer procedures, aviation maintenance techniques, and team management toward creating a standard operating procedures handbook. A brilliant mentor, he also designed a web-based service-wide exam study guide for all members of the unit and conducted daily training sessions to aid them in exam preparation. His unmatched efforts directly improved the readiness posture of the entire station and helped junior Coast Guard personnel score higher on exams.

Petty Officer Vittone used his expertise to author more than eight separate articles in areas ranging from survival to leadership. An accomplished writer, many of his articles have been published and are used as a reference by the Leadership Development Center at the Coast Guard Academy. Most recently, one of his articles was submitted for publication in the Winter 2006 issue of On-Scene Magazine.

With his stellar reputation for instilling commitment to operational excellence, he has delivered inspirational speeches to graduating companies as well as visitors at Training Center Cape May. Repeatedly, his motivating words capture the audience's attention and draw compliments from attendees.

His selfless contributions go beyond the Coast Guard and are evident in the community. As a testament to his unquestionable character, he endured a rigorous screening process to be hand-selected as an advocate for abused and neglected children in the Virginia Court System.

Petty Officer Mario M. Vittone's previous awards include the Distinguished Flying Cross, Coast Guard Achievement Medal (3), Commandant's Letter of Commendation, Coast Guard Basic Training Honor Graduate, Coast Guard Rifle Expert Medal, Navy Good Conduct Medal, Navy Sea Service Deployment Ribbon and Coast Guard Good Conduct Medal (2). Through his exceptional achievement and performance, he has proven himself as a worthy and distinguished recipient of this award. His dedication, judgment, and devotion to duty are most heartily commended and uphold the highest traditions of the United States Coast Guard.

THANKING THE HONORABLE JAMES M. EAGEN III FOR HIS SERVICE TO THE HOUSE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. HOYER. Madam Speaker, on the occasion of his retirement, I rise to thank James Eagen III, for 25 years of distinguished service to the House of Representatives.

Jay began his House career in 1982 as a Legislative Assistant and then Administrative Assistant to Representative Steve Gunderson of Wisconsin. From 1985 to 1991, he served as the Chief of Staff to Representative Bill Goodling of Pennsylvania. Following his Member office service, Jay assumed the role of Staff Director on the Committee on Education and Workforce—currently the Committee on Education and Labor. Jay served the Committee and Chairman Goodling for six years before being nominated and elected to the office of Chief Administrative Officer of the House. He was sworn in to this prestigious position on July 31, 1997.

Jay has served as Chief Administrative Officer in the last six Congresses, and under his leadership, the Office of the CAO dutifully fulfilled its mission to provide first-rate administrative, technical, and support services. During his tenure, the CAO achieved customer satisfaction ratings in the 90th percentile and set new benchmark standards for customer service by Government agencies. Thanks in large part to Jay, the CAO truly is a world-class organization.

Furthermore, the House achieved nine consecutive clean annual financial statement audits, and successfully responded to the anthrax contamination of House office buildings in 2001. Jay led efforts to strengthen the House's business continuity and disaster recovery readiness following the September 11 attacks, and to modernize the committee hearing rooms to upgrade broadcasting capabilities, which enhanced the House's ability to share the legislative process with a greater number of citizens across the country.

Jay Eagen has served the U.S. House of Representatives, and our Nation, with honor and distinction. And on behalf of our entire community, I extend a heartfelt thank you to Jay and wish him many wonderful years as he moves on to the next phase of his life with his wife, Cathy, and son, Keiran.

ON TALMADGE E. KING, JR., M.D. OF UCSF RECEIVING THE EDWARD LIVINGSTON TRUDEAU MEDAL

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Ms. LEE. Madam Speaker, I rise to recognize and offer my personal congratulations to Talmadge E. King, Jr., MD. The American Thoracic Society has awarded Dr. King the Edward Livingston Trudeau Medal to recognize Dr. King's lifelong contribution to the prevention, diagnosis and treatment of lung disease. Dr. King, throughout his career, has made significant contributions to pulmonary medicine, in-patient care, research, specialty organization, and academic medicine.

As a scientist Dr. King has contributed greatly to the fundamental understanding of interstitial lung diseases. His contributions have served to bridge the gap between basic investigations and clinical science and have guided both research and clinical care. He has been instrumental in developing and leading rigorous clinical research in interstitial lung diseases. The studies, many of which involved multiple centers and were led by Dr King, have served to define specific diagnostic criteria and to determine the role of various tests in establishing a diagnosis. Dr. King has played a major role in creating the international classification system now used to make sense of the different interstitial lung diseases and also to define histological-radiographic correlations that now enable many diagnoses to be established without biopsy. Currently, Dr. King is involved in a reassessment of the histopathologic basis of classification that will permit even further refinements of therapeutic trials.

Dr. King has made great strides in clinical and academic medicine. He has been a member of the American Board of Internal Medicine, Subspecialty Board on Pulmonary Disease and is currently on the board of directors of the American Board of Internal Medicine, as well as serving as the ABIM representative to the American Board of Medical Specialties. He either has served or is currently serving on several NIH-wide advisory and/or governing groups, including the board of governors of the Clinical Center at NIH, the board of external advisors, and the advisory board for clinical research. Dr. King has received numerous awards and was recently named to the Institute of Medicine.

In all of these roles, Dr. King has not only excelled as a clinician and academic, but has taken a leading role in calling attention to the inequality of health care and lack of diversity in its own ranks. We expect Dr. King will have a significant and far-reaching impact. He has written about disparities in health care as, for example, with his editorial in the American Journal of Medicine, "Inequality in health care: Unjust, inhumane, and unattended!" More recently, Dr. King led a group of faculty at San Francisco General Hospital in writing a textbook devoted to diseases of vulnerable and underserved populations.

Dr. King continues to serve as a mentor to young enthusiastic investigators, obtaining funding and building a clinical base of operations and he continues to publish prodigiously.

Dr. King is recognized in the scientific community for his teaching and lecturing skills. He is prized as a lecturer all over the world. He is equally impressive when teaching students one-on-one as when lecturing to a packed crowd in the largest auditorium at an international meeting. During his career, he has trained many pulmonologists, a number of whom now have assumed leadership roles in academic pulmonary medicine and in the field of interstitial lung disease.

As a clinician, Dr. King is truly exceptional. He has incredible experience and clinical judgment honed by years of caring for patients with interstitial lung disease. In his interactions with patients, he demonstrates intelligence, skill and respect and, in so doing, inspires countless students to aspire to the role of clinician. His calm demeanor and straight-forward approach fosters near immediate rapport. He maintains the highest standards of excellence in patient care and expects that from all his colleagues and trainees. His professional competence has been recognized at all levels. He is on multiple lists of the finest doctors, such as the Top Doctors and Best Doctors in America. Above all, he is sought after for his opinions by pulmonary specialists all over the world. Dr. King is the epitome of the clinician's clinician.

It is truly my pleasure to join the American Thoracic Society in recognizing my constituent, Talmadge E. King, Jr., MD for his receipt of the prestigious Trudeau Award.

TRIBUTE TO JIM HORNAK

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. VISCLOSKY. Madam Speaker, it is with deep sadness that I take this time to remember one of Northwest Indiana's most distinguished citizens, Jim Hornak of Hammond, Indiana. On Monday, May 14, 2007, Jim passed away at the age of 56 as the result of an automobile accident. Known for his commitment to his union and his community, Jim will surely be missed by his family, friends, and the people with whom he worked.

Always a champion of developing the minds of young people in the community, Jim served as School Board President for the School City of Hammond. As a member of the board, Jim was fully committed to establishing and continuing educational programs that would afford the children of Hammond with the best opportunity for a productive future. Jim was focused on providing students the tools necessary to be successful in their academic careers. Furthermore, Jim was a firm believer that in order for students to achieve success and reach their full potential, they need the best teachers to serve as their guides. For this reason, Jim was a strong advocate for these teachers when it came to their professional development, and he constantly sought opportunities that would help make them better and more efficient in their position to help shape their students' futures.

Not only was Jim focused on improving his community's school system, he also played a major role in the betterment of his union, Carpenters Local 1406. Though he retired in 2006, Jim was a true leader among the carpenters of Northwest Indiana. For 20 years, Jim served as a business agent for the union. During that time, he also served as a board member for regional organizations and the Northwest Indiana Joint Carpenters Apprentice Program, as well as President of the Northwest Indiana District Council of the United Brotherhood of Carpenters and Joiners of America.

From his involvement in improving the school system in Hammond to his unwavering commitment to his fellow carpenters, Jim always has been a pillar of the Northwest Indiana community. Evidence of his devotion to his community was further demonstrated in his service as board chairman for the Millennium Project and his participation in several organizations, including: the Pirates, Lake Area United Way, Calumet Project for Industrial Jobs, Hammond Parks Foundation, and the Hammond Education Foundation.

Jim's commitment to the community and his colleagues is matched only by his devotion to his family. Jim leaves to cherish his memory his wife, State Senator Linda Lawson; parents, Paul and Theresa Hornak; sister, Paula (David) Barancyk; and daughters, Heather Hornak, Jennifer (Jeff) Bacino, and Laura Wozniak. Jim's adoring grandchildren, Jake Hornak, Maya Strong, and Genavive Bacino, also will treasure the memories of their grandpa, as will many other family members, colleagues, and friends whose lives he has touched.

Madam Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring Mr. James Hornak for his outstanding devotion to his community. His dedication to his family, friends, colleagues, and to all students in Hammond, Indiana, is worthy of the highest admiration. Jim's selflessness, his commitment to improving educational opportunities for children and improving the workplace for his fellow union members, as well as his devotion to his family are an inspiration to us all, and he will sorely be missed.

HONORING PRINCE WILLIAM COUNTY PUBLIC SCHOOLS' YOUTH ART MONTH

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to celebrate the efforts of Prince Wiilliam County Public Schools during the 2007 Youth Art Month.

Youth Art Month is an annual effort to recognize and promote art education in schools across the country. Specifically, this program seeks to emphasize the importance and benefits of incorporating art into youth education. Since 1984, the Council for Art Education has acted as a primary sponsor of Youth Art Month alongside fellow organizations, such as the National Art Education Association, to consistently make this effort a success.

Prince William County has a strong tradition of promoting art education and has been celebrating Youth Art Month for 29 years. The Virginia Art Education Association, working in concert with Prince Williams County Public Schools, selected "Start with Art, Learn for Life" as the 2007 theme and launched this year's celebration on March 10, 2007, by exhibiting student artwork on the Manassas Mall. This year's Youth Art Month saw tremendous participation from county elementary, middle, and high schools and highlighted the works of many talented student artists.

Madam Speaker, in closing, I would like to take this opportunity to thank all the men and women who contributed to making this year's Youth Art Month a success. I ask my colleagues to join me in applauding this group of remarkable young artists and congratulate them on a job well done.

PERSONAL EXPLANATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I was absent from the House of Representatives last week due to the birth of my son, I would like to state how I would have voted on the following pieces of legislation if I had been able to be present:

H.R. 1873, to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes, rollcall No. 319, "yea"; rollcall No. 320, "yea"; rollcall No. 321, "yea"; rollcall No. 322, "yea"; rollcall No. 323, "yea";

H.R. 1684 To authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes, rollcall No. 314, "nay"; rollcall No. 315, "nay"; rollcall No. 316, "nay"; rollcall No. 317, "yea"; rollcall No. 318, "yea."

Ordering the Previous Question for H.R. 2082, Intelligence Authorization Act, rollcall No. 324, "nay."

Providing for the consideration of H.R. 2082, Intelligence Authorization Act, rollcall No. 325, "nay."

Providing for the consideration of H.R. 2237, H.R. 2206, and H.R. 2207, on ordering the previous question, rollcall No. 326, "nay."

Providing for the consideration of H.R. 2237, H.R. 2206, and H.R. 2207, on agreeing to the resolution rollcall No. 327, "nay"; on holding a secret session rollcall No. 328, "yea."

H.R. 2237, to provide for the redeployment of United States Armed Forces and defense contractors from Iraq, motion to recommit, rollcall No. 329, "yea"; on passage, rollcall No. 330, "nay"; on holding a secret session rollcall No. 331, "yea."

H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, rollcall No. 332, "yea"; rollcall No. 333, "nay"; on motion to table the motion to hold a secret session, rollcall No. 334, "nay."

H.R. 2207, making supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, on motion to recommit with instructions, rollcall No. 335, "nay"; on passage rollcall No. 336, "yea."

H.R. 2082, to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, rollcall No. 337, "yea"; rollcall No. 338, "yea"; rollcall No. 339, "nay"; motion to recommit, rollcall No. 340, "yea"; final passage, rollcall No. 341, "nay."

ENERGY SAVINGS AMENDMENT TO H.R. 1427

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. BLUMENAUER. Madam Speaker, today I am introducing the "Energy Saving Mortgages Amendment" to H.R. 1427. This amendment calls on Fannie Mae and Freddie Mac work with lenders to quantify a household's monthly savings for purchasing an energy-efficient home or from living in a neighborhood providing transit and other transportation alternatives and shifts those savings into the "shelter" category of expenses. The amendment forces lenders to recognize the added purchasing power homebuyers generate by saving on energy and transportation costs. This allows the homebuyer, based on their enhanced buying power, either to qualify for a mortgage or to qualify for a larger mortgage.

By requiring lenders to quantify these savings, the amendment helps lower-income or first-time homebuyers qualify for mortgages to purchase homes located in transit-friendly locations or for homes that incorporate greater energy efficient building technologies. It also increases the lending ceiling for homebuyers purchasing a home in a neighborhood that allows for transportation savings from access to transit or other forms of transportation and for home buyers purchasing an energy efficient home.

TRIBUTE TO DR. ROBERT (BOB) UBBELOHDE AND MRS. SUSAN UBBELOHDE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2007

Mr. STUPAK. Madam Speaker, I rise today to honor two of my constituents who together have dedicated nearly 40 years of service to one of the great educational institutions in Michigan's Upper Peninsula (U.P.): Finlandia University. This week, Finlandia University President Dr. Robert (Bob) Ubbelohde and Mrs. Susan Ubbelohde, the manager of "North Wind Bookstore" at Finlandia University, will both retire.

Dr. and Mrs. Ubbelohde first came to the U.P. in 1988 when Dr. Ubbelohde was named Dean of Faculty at Suomi College (later to become Finlandia University) in Hancock, Michigan. In 1991, Dr. Ubbelohde was named the 15th president of Suomi College.

When they came to the U.P., the Ubbelohdes did not expect to remain at Finlandia University for 20 years. In fact, as a self-described "city person," Dr. Ubbelohde has been known to say that he expected to stay in the U.P. only three to five years. However, the Ubbelohdes fell in love with Hancock, Michigan, with the local area, which is commonly referred to as the Copper Country, and with Finlandia University itself.

Dr. Ubbelohde's contributions to Finlandia University cannot be overstated. In fact, as much if not more than any other single person, he can be credited with saving and revitalizing the school. When Dr. Ubbelohde came to what was then Suomi College, he inherited an institution that, while enjoying a rich history, faced an uncertain future. Enrollment was declining by 8 percent a year. By Dr. Ubbelohde's own admission, the administration of the school at the time even contemplated whether to close the school altogether. Thankfully, under Dr. Ubbelohde's guidance, the decision was made to keep the school open and to move the institution forward.

Under Dr. Ubbelohde's leadership, new programs were adopted at Suomi College and the school was largely re-vamped. In 1996, after being in existence for 100 years, the school was transformed from a two-year college offering, to a baccalaureate degree-granting university and was re-named Finlandia University. In 1998, athletics were re-introduced to the school, further strengthening the school's reputation. Over the past 10 years, thanks to Dr. Ubbelohde's vision, the school has enjoyed a 65 percent increase in student enrollment, major upgrades to campus technology and capital improvements.

Although Finlandia University has thrived under Dr. Ubbelohde's leadership, this humble man is perhaps best known for his passion for seeing students grow, learn and succeed. When asked what his greatest accomplishment is, he tellingly replies, "I don't even think that way. What I think about are students crossing the stage at Commencement to receive their diplomas. I can't claim to know the life story of each student, but I've learned enough about our students to know when a graduate has overcome or accomplished something extraordinary to earn that degree."

Just as Dr. Ubbelohde has done great things as the President of Finlandia University, Mrs. Ubbelohde has also contributed significantly to the university and to the surrounding community. While Dr. Ubbelohde served as the University President, Mrs. Ubbelohde has earned a well deserved reputation as the "ideal first lady" for the university. Well regarded for her warmth, kindness, grace and hospitality, Mrs. Ubbelohde has made friends throughout the community and acted as an ambassador for the school.

Mrs. Ubbelohde managed North Wind Books, the university bookstore that was founded under Dr. Ubbelohde's administration. North Wind Books not only supplies Finlandia University students their books, but is in many ways a cultural center for Finlandia University, offering Finnish rugs, tablecloths, Finnish books and other items that celebrate the Finnish traditions that the university honors. Under Mrs. Ubbelohde's management, North Wind Books has grown. Today, the thriving store continues to serve as a resource for students, teachers, Finlandia University alumni and visitors. Just as Dr. Ubbelohde has left his mark on Finlandia University in many ways, Mrs. Ubbelohde leaves a legacy in North Wind Books, which will be enjoyed by many future generations of Finlandia University Lions.

Madam Speaker, Finlandia University is in many ways a special place. It is a place that cultivates character among young people, provides them a first-rate education, while embracing traditional Finnish values and teaching in the tradition of the Lutheran faith. Because of Dr. Robert Ubbelohde's and Mrs. Susan Ubbelohde's leadership, Finlandia University will continue to grow and prosper for years to come. While they will be missed at Finlandia University by the students and staff, this retirement is well deserved. Madam Speaker, I would ask that you and the entire U.S. House of Representatives join me in congratulating Dr. Robert and Mrs. Susan Ubbelohde on their well deserved retirement and in thanking them for their decades of service to higher education.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 17, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 18

10:30 a.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine growth trends in health care premiums for active and retired federal employees.

SD–342

MAY 21

Time to be announced

Homeland Security and Governmental Affairs

To hold hearings to examine S.1352, to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building", H.R. 1402, to designate the facility of the United States Postal Servicelocated at 320 South Lecanto Highway in Lecanto, Florida, as the "Sergeant Dennis J. Flanagan Lecanto Post Office Building", H.R. 414, to designate the facility of the United States Postal Servicelocated at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the "Miguel Angel Garcia Mendez Post Office Building", H.R. 625, to designate the facility of the United States Postal Servicelocated at 4230 Maine Avenue in Baldwin Park, California, as the "Atanacio Haro-Marin Post Office", H.R. 988, to designate the facility of the United States Postal Servicelocated at 5757 Tilton Avenue in Riverside, California, as the "Lieutenant Todd Jason Bryant Post Office", H.R. 437, to designate the facility of the United States Postal Servicelocated at 500 West Eisenhower Street in Rio Grande City, Texas, as the "Lino Perez, Jr. Post Office", and the nomination of Howard Charles Weizmann, of Maryland, to be Deputy Director of the Office of Personnel Management.

S–216, Capitol

2 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To continue hearings to examine proposed budget estimates for fiscal year 2008 for the National Institutes of Health: A New Vision for Medical Research.

SD–116

MAY 22

Time to be announced

Veterans' Affairs

Business meeting to markup the nomination of Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.

Room to be announced

9 a.m.

Armed Services

SeaPower Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.

SR–222

10 a.m.

Health, Education, Labor, and Pensions

Employment and Workplace Safety Subcommittee

To hold hearings to examine the progress of the Mine Improvement and New Emergency Response Act (Public Law 109–236).

SD–628

Finance

To hold hearings to examine tax policy in the pipeline, focusing on oil and gas.

SD–215

Foreign Relations

To hold hearings to examine the nominations of James R. Keith, of Virginia, to be Ambassador to Malaysia, Miriam K. Hughes, of Florida, to be Ambassador to the Federated States of Micronesia, Hans G. Klemm, of Michigan, to be Ambassador to the Democratic Republic of Timor-Leste, and Cameron R. Hume, of New York, to be Ambassador to the Republic of Indonesia.

SD–419

Judiciary

To hold hearings to examine restoring habeas corpus, focusing on protecting American values and the Great Writ.

SD–226

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold joint hearings with the House Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia to examine Government Accountability Office Personnel reforms, focusing on expectations.

2154RHOB

Armed Services

Personnel Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.

SR–232A

Small Business and Entrepreneurship

To hold hearings to examine minority entrepreneurship, focusing on the effectiveness of the Small Business Administration programs for the minority business community.

SR–428A

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold hearings to examine rail safety reauthorization.

SR–253

12:30 p.m.

Armed Services

Airland Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.

SR–222

2:30 p.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine improving air service to small and rural communities.

SR–253

Energy and Natural Resources

Energy Subcommittee

To hold hearings to examine S.645, to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals, S.838, to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, S.1089, to amend the Alaska Natural Gas Pipeline Act to allow the Federal Coordinator for Alaska Natural Gas Transportation Projects to hire employees more efficiently, S.1203, to enhance the management of electricity programs at the Department of Energy, H.R. 85, to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies, and H.R. 1126, to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

SD–366

Environment and Public Works

To hold hearings to examine the case for the California waiver.

SD–406

3 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine implementing Federal Emergency Management Agency (FEMA) reform, focusing on the preparation for the 2007 hurricane season.

SD–342

4 p.m.

Armed Services

Readiness and Management Support Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.

SR–222

5:30 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.

SR–232A

MAY 23

9:30 a.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine rising crime in the United States, focusing on the federal role in helping communities prevent and respond to violent crime.

SD–226

Veterans' Affairs

To hold hearings to examine health legislation.

SD–562

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine communications, taxation and federalism.

SR–253

11:30 a.m.

Armed Services

Strategic Forces Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.

SR–222

1:30 p.m.

Judiciary

To hold hearings to examine S.1257, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives, focusing on ending taxation without representation.

SD–226

2:30 p.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for Fiscal Year 2008.

SR–222

Banking, Housing, and Urban Affairs

Security and International Trade and Finance Subcommittee

To hold hearings to examine United States economic relations with China, focusing on strategies and options on exchange rates and market access.

SD–538

MAY 24

9:30 a.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for Fiscal Year 2008.

SR–222

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Michael E. Baroody, of Virginia, to be Chairman and Commissioner of the Consumer Product Safety Commission, and Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.

SR–253

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine federal real property, focusing on the property management problems highlighted in a recent Government Accountability Office report.

SD–342

Commission on Security and Cooperation in Europe

To hold hearings to examine Russia, focusing on the reemergence of Russia as a major political and economic power.

B318RHOB

3 p.m.

Homeland Security and Governmental Affairs

Disaster Recovery Subcommittee

To hold hearings to examine issues relative to residents of Louisiana affected by Hurricane Katrina or Rita, focusing on the goals, costs, management and impediments facing Louisiana's Road Home Program.

SD–342

JUNE 13

9:30 a.m.

Veterans' Affairs

Business meeting to markup pending legislation.

SD–562

10 a.m.

Rules and Administration

To hold hearings to examine nominations to the Federal Election Commission.

SR–301

JUNE 27

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine the Department of Veterans Affairs and the Department of Defense, focusing on cooperation on employment issues.

SD–562

SENATE—*Thursday, May 17, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of love and judgment, show us Your mercy and forgiveness today. Pardon us for neglecting to do right; for remaining silent when we should speak; for ignoring the whisper of conscience; for looking away from the oppressed; and for being poor stewards of Your bounty. Show us Your mercy for our failure to embrace humility, for our excessive dependence upon our wisdom, and for our reluctance to build stronger bridges of cooperation and friendship.

God of love and judgment, gently lead our lawmakers to a growth in ethical fitness that will enable them to glorify Your Name. May their moral development bear such visible fruits that people will lift praises to You. We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 17, 2007.

To the Senate:

Under the provisions of rule I, Paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, following any time utilized by Senator MCCONNELL and myself, the Senate will begin consideration of H.R. 2206, the emergency supplemental legislation. There will be an hour of debate prior to a vote on the motion to invoke cloture on the Reid-McConnell substitute amendment. The time is also equally divided between the two leaders or their designees.

The cloture vote will occur around 10:45. If cloture is invoked, and we expect that it will be, the Senate will immediately agree to the amendment and then go to a vote on the passage of the legislation. Therefore, there will be 2 rollcall votes expected this morning.

Following the completion of the action on the supplemental, the Senate will begin debate on the conference report accompanying the budget resolution. Senators GREGG and CONRAD have worked on this through the entire process. They are two veteran legislators, and they understand this issue more than anyone else in the Senate and probably in the country. We will have that vote, hopefully, around 3:30, between 3:30 and 4:30 this afternoon, if all things go well. We are waiting for the House to pass it. I think they will do that around 3:30 this afternoon.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2206, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2206) making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

Pending:

Reid/McConnell amendment No. 1123, in the nature of a substitute.

Reid/McConnell amendment No. 1124 (to amendment No. 1123), expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions.

Reid amendment No. 1125 (to amendment No. 1124), expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions.

Reid amendment No. 1126 (to the instructions of the motion to commit H.R. 2206), expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions.

Reid amendment No. 1127 (to the instructions of the motion to commit (to amendment No. 1126)), expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions.

Reid amendment No. 1128 (to amendment No. 1127), expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 shall be equally divided and controlled by the two leaders or their designees.

Ms. KLOBUCHAR. Mr. President, I yield myself 10 minutes.

U.S. ATTORNEY INVESTIGATION

Ms. KLOBUCHAR. Mr. President, today I was shocked to read in the Washington Post that Tom Heffelfinger, the former U.S. attorney for the District of Minnesota, was among those recommended for removal by the Justice Department under Attorney General Alberto Gonzales. Tom Heffelfinger had previously been appointed U.S. attorney for Minnesota by the first Bush administration in 1991 and had the distinction of being appointed again in 2001 by George W. Bush.

During his second term as U.S. attorney, I had the privilege of working with Tom as a district attorney and chief prosecutor for Minnesota's largest county. The relationship between the U.S. attorney and the district attorney for a large metropolitan county is a very important one but also a difficult one. I can tell my colleagues this: It has been my experience that the people of this country don't care who prosecutes a case. They don't care if it is a local attorney or a State attorney or a Federal attorney. They just want us to get the job done. That was the spirit in which I worked with Tom Heffelfinger and his predecessor, B. Todd Jones, who was appointed by President Clinton.

When I was first elected in 1998, B. Todd Jones had been appointed by President Clinton. Todd Jones and I forged an excellent relationship. We

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

spoke often about the various cases in our jurisdiction and the surrounding area, and we worked together when jurisdictional lines were blurred, deciding if a case would be prosecuted federally or locally. It is not a small thing. In other jurisdictions there are often disputes that are not in the best interests of the citizens, but we were able to forge that relationship.

I remember we made a plan early on, and that is that we were going to work together. I remember when Mr. Jones and I decided we would have a party for our joint offices, and he invited the county attorney's prosecutors over to the U.S. attorneys, and I have to tell you, there is traditionally a little bit of jealousy that goes on. The county attorneys always look at the U.S. attorneys and figure they can have less cases and fewer resources to do those fewer cases, and the U.S. attorneys may look at the county attorneys and say, oh, why can't they spend more time on a case.

So we decided we would bring the people together. I still remember when we had the party at their beautiful offices. I got there first, and I never told my office, but U.S. attorney Todd Jones got on the intercom, and before my office came over, he said: Nail down the furniture; The cousins are coming over.

Since then, we forged an amazing relationship. So when George W. Bush appointed Tom Heffelfinger as U.S. attorney—Tom Heffelfinger, of course, was a Republican; I was a Democrat—you might think there would be problems. Well, there weren't. Tom Heffelfinger basically ran the office the same way Todd Jones did, in a professional manner. Many of the same people continued to work there and, in fact, the chief deputy remained the same under both the Republican-appointed U.S. attorney and the Democrat-appointed U.S. attorney.

An example of Tom's professionalism comes to mind. When there was an armored truck robbery in the southern suburbs in our metropolitan area, the victim was killed execution style, kneeling next to a truck. It was a Brink's truck driver. The case had gone unsolved for a number of years. Tom came to my office. I want my colleagues to know he didn't have to do this. He could have had just a press conference and announced the charges, and that would be the end of it. But he came to my office weeks before the case was charged to tell me he thought they were closing in on the suspect; to tell me he knew in most cases murders were handled by our office, but that this case was going to be different. It was different because the Feds had been investigating it for a number of years, and it was different because it involved an armored truck. It was also different because it could potentially be eligible for the death penalty, and he knew I was personally opposed to the death penalty and Minnesota didn't have a death penalty. Nothing required him to come and talk to me about that case, but Tom Heffelfinger did because he had the respect for me and he had the respect for our office that you don't always see with people in government service.

Our office jointly prosecuted many cases, and when there was a jurisdictional issue, Tom and I would always talk about it. We did a number of criminally focused initiatives together. We saw our offices as partners, not as rivals, and as time went on, as the years went on, the respect between both our offices grew. As I said, each came to see each other, the people in our office, not as rivals, but as partners in justice.

This is why I am so appalled that Tom Heffelfinger was targeted for firing. I take Tom at his word—and we have talked many times in the last few months—that he had made a decision to leave the office, that he never knew he was on such a list, and he made the decision based on the fact that his wife was going to retire. But the issue is not that he made the decision on his own, the issue is that someone of such integrity as Tom Heffelfinger was ever targeted by this Justice Department for firing.

I have always believed, as a prosecutor, you do your job without fear of favor. It may not be easy, but whatever your decisions—and you know they are not going to make everyone happy, but whatever your decisions, you want to know at the end of the day that you did the right thing and that you had no regrets.

We have learned these past few months that our Nation's chief law enforcement officer, our leading guardian of the rule of law in this country, has allowed politics to creep too close to the core of our legal system. This administration has determined that Washington politicians—not prosecutors out in the field, and even perhaps in some cases not the facts themselves—would dictate how prosecutions should proceed. The consequences are simply unacceptable. Good prosecutors like Tom Heffelfinger who, by all accounts, were just doing their jobs—upholding their oaths, following the principles of their professions—we find out were targeted for firing. The new information we also received this week is while this administration repeatedly said we were only focusing on these eight prosecutors, it turned out to be 26 people who they were considering.

This is why I am asking the Justice Department today to tell us why Tom Heffelfinger, someone of such integrity, would even be on this list. I am asking our Judiciary Committee to look into the fact that this man—this good man—was even on this list.

We have seen cases all over the country now where prosecutors were pressured, where they were fired, where they were unfairly slandered by this administration. All of this, it would seem, was motivated by rank politics.

This week was Law Enforcement Week. It made me a little melancholy for my previous job. I had many police officers come in and talk to me, so many I had known and worked with, and we talked about cases. I also treasured the work that I did with prosecutors throughout our State, from the smallest counties to the U.S. Attorney's Office. This is what our justice system is about in America. It is about putting justice first. It is about doing our jobs without fear of favor.

That is why I believe this Attorney General must resign. I have been saying it for months. You simply cannot have a cloud over the Justice Department, where they can't do their jobs because they are constantly plagued by investigations and by everything that has been going on because of the brute political decisions made by this administration.

This is just wrong. I call for the resignation of this Attorney General, and I ask that the country understand what a great man Tom Heffelfinger is, that he should never have been on this list. And I will stand tall to tell the people of my State how this is a man of integrity and that I respect him very much.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, here we are once again—deja vu—debating supplemental funding for the President's disastrous misadventure in Iraq. Now in its fifth year of occupation, the U.S. death toll in Iraq is over 3,380. What a shame, shame, shame. The death toll of innocent Iraqis is largely unknown, but it probably numbers in the tens of thousands.

The United States of America has spent over $378 billion in Iraq. Do you know how much a billion dollars is? That is $1 for every minute since Jesus Christ was born. So the United States has spent over $378 billion in Iraq, and we are all familiar with the horrendous tales of waste and abuse by U.S. contractors in Iraq. The taxpayer—that is you out there—has been ravaged by the profiteering in Iraq. But even worse, despite the billions, our brave troops have been shortchanged with inadequate equipment to protect their lives and shoddy medical care, if they make it back home, to treat wounds of the body and of the mind.

Now the President has threatened to veto the House bill, which is before the Senate, because it sets a date to withdraw, provides funding until late July and "could unreasonably burden the President's exercise of his constitutional authorities, including his authority as Commander in Chief."

President Bush has also objected to funding for rebuilding the Gulf Coast

States after Hurricane Katrina, funding to improve health care for our troops and our veterans, funding for the shortfall in the State Children's Health Insurance Program, funding for Low-Income Heating Assistance Program, and more funding for Homeland Security.

Mr. President, this President—our President—has a single-minded obsession with Iraq, and he appears to see no value in anything except continuing his chaotic "mission impossible." While tilting at windmills may have been a harmless procedure for Don Quixote, Mr. Bush's war is turning the sands of Iraq blood red.

Mr. Bush raises constitutional concerns in his latest veto threat. I don't know whether to laugh or to cry. I don't no whether to laugh or to cry. I suppose one could be encouraged that constitutional concerns exist in the Bush kingdom. After setting aside the Constitution whenever convenient to justify preemptive attacks, illegal searches, secret wiretapping, clandestine military tribunals, treaty violations, kidnapping, torture, and a rejection of habeas corpus, one has to wonder about the nature of these purported "constitutional concerns." If the Constitution is finally to be read, let us read it in its entirety, including the articles which give the people's representatives—that is us—the power over the purse—yes, the power over the purse; don't ever forget it. That is the real power. It gives the people's representatives the power over the purse and the power to declare war.

In its statement of administrative policy, the administration claims that the House bill before us " . . . is likely to unleash chaos in Iraq. . . ." Mr. President, what do we have now if not chaos in Iraq? Securing Iraq has unaccountably morphed into securing Baghdad, and even that goal eludes us. I doubt if building a wall around the green zone is going to be of much consequence in securing Baghdad, not to mention the very strange message such a wall conveys concerning our purported liberation of Iraq.

The President—our President—continues to miss the point. Iraq is at war with itself. America cannot create a stable democracy in Iraq at the point of a gun. While our troops succeeded in toppling Saddam Hussein, it is the President's profound misunderstanding of the dynamics in Iraq that have led to the failure of his Iraq policies. Why in the world should we now believe the claims that he makes in his veto threat?

There must be an end to this occupation of Iraq. Yes, I say occupation for it is no longer a war in which U.S. troops should be involved. Our troops won the war they were sent to fight, and they should not now be asked to serve as targets in a religious conflict between Sunni and Shiites that has raged for thousands of years. It is reported that even a majority in the Iraqi Parliament now supports legislation which demands a scheduled withdrawal and an immediate freeze on the number of foreign soldiers in Iraq.

In April, Congress set a new course for the war in Iraq. Sadly, the President—our stubborn, uncompromising President—chose to veto that bill. As we prepare to go to conference again, the President continues—our President—to close his eyes and cover his ears to the reality in Iraq, and the urgent need for a new direction. Whatever decision is made in conference will not be the last chapter in this sad story. God willing, this Senator will not close his eyes, nor will he cover his ears, nor will I stand by in silence. Hear me.

We need to conclude this terrible, awful mistake that we have made in Iraq. I said in the beginning that we ought not go into Iraq. But we are there. Anti-Americanism is more robust now than in any period in our history because of Iraq. Do you hear that? The international community is skeptical—why should they not be? They are skeptical of U.S. intentions because of Iraq. Our Constitution has been trampled—hear that. Our Constitution has been trampled because of Iraq. Thousands of U.S. troops and Iraqi citizens have lost their lives because of Iraq. Thousands more are maimed physically or mentally because of Iraq. Billions of U.S. dollars have been wasted because of Iraq.

President Bush has lost all credibility. President Bush, our President, has lost all—all—credibility because of Iraq.

Terrorism is on the rise worldwide because of Iraq. May God grant this Congress—that is, us—may God grant this Congress the courage to come together and answer the cries of a majority of the people who sent us here. Find a way to end this horrible catastrophe, this unspeakable—unspeakable—ongoing calamity called Iraq. May God help us in the United States.

Mr. FEINGOLD. Mr. President, I cannot support the procedure that the majority and minority leaders have concocted to speed a supplemental spending bill to conference without debate or amendments—and without even writing the actual bill. I share the desire of my colleagues to pass this important bill as soon as possible. But that is no excuse for us avoiding our responsibilities as legislators. Passing a symbolic resolution is not an acceptable alternative to writing, considering and working to improve legislation that provides tens of billions of dollars for a broad range of programs and that addresses the most pressing issue facing the country—the President's disastrous policies in Iraq.

When it comes to legislation as important as this, we need full debate and votes. We can do this quickly—I am prepared to have this debate and consider amendments right away, and to stay as long as it takes to get it done. But we should do it openly and on the record. The votes we had yesterday on Iraq amendments to an unrelated bill are no excuse for bypassing the regular legislative process today.

I admit, it is easier and quicker if we just send a placeholder bill to conference, so that the real work can be done there. But we do a disservice to our constituents, and to this institution, by passing the buck like that. The American people are calling on us to end the war in Iraq. They deserve to see this debate, even if it slows us down by a few hours. They deserve to know where their Senators stand, and which amendments they support. A decision about whether to continue our involvement in this misguided war should be made in open debate, not behind closed doors—particularly since neither house will have the opportunity to amend whatever final legislation emerges from conference.

The first supplemental that Congress recently passed was a step forward toward ending this war. I am concerned that the bill that emerges from the upcoming conference, thanks to this expedited procedure, will be a step back. Passing a weak supplemental bill that expresses disapproval of the President's policies but doesn't do anything to fix them may make some of us feel better. But this debate should not be about providing political comfort for folks here in Washington. It is about responding to the wishes of the American people and the needs of our national security. And it should take place on the Senate floor, before the American people, right here, right now.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. OBAMA). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, yesterday, the Senate held two important votes: one on the Feingold amendment, which called for transitioning the mission; and on the Warner amendment, which would require the President to certify the Iraqi Government is meeting benchmarks in order to receive United States aid.

I supported the Feingold amendment, which provides a real change of direction and course out of the war. I opposed the Warner amendment because, after more than 4 years of war, 3,400 American deaths, almost 30,000 wounded, and more than $500 billion—almost arriving at $1 trillion dollars in taxpayer dollars spent—we need action, not more reports, especially those without consequences.

Yet, while I supported one vote and opposed the other, I am encouraged by both. They show real and growing momentum on both sides of the aisle to move away from this tragic, endless war. As the Los Angeles Times reported this morning:

> The votes illustrated Congress' dramatic response to public dismay with the war.

As CNN's Dana Bash said:

> It was a milestone in the Iraq war debate. For the first time, the vast majority of the President's fellow Republicans voted to directly challenge his Iraq policy.

It is no wonder a broad bipartisan consensus for change is emerging. We are well into the fourth surge of U.S. forces since the start of the war, yet April was one of the deadliest months in the entire war, and attacks on our troops show no sign of decreasing. The Iraqi Government has failed to adopt an oil law, a law on de-Baathification, or any further constitutional amendments they are required to implement.

Iraqi Prime Minister Maliki is accused of sabotaging efforts of peace and stability by firing some of the top law enforcement officials for doing too good a job of combating violent Shiite militias.

Conditions are so chaotic, according to a report this morning by the Chatham House Research Institute—which is a respected institute in England—they say the Iraqi Government is:

> . . . on the verge of becoming a failed state with internecine fighting and a continual struggle for power threatening the nation's very existence.

The U.S. mission grows further and further disconnected from our strategic national interests. Instead of focusing on force protection, hunting down al-Qaida and other terrorists, and training the Iraqi military—missions that will make us more secure, help the Iraqi people, and reduce our troops' exposure to sectarian violence—United States forces, as we speak, are patrolling Baghdad streets, extremely vulnerable to snipers, kidnappers, and these explosive devices which have become so well-known over there.

Our brave fighting forces have done everything we have asked of them, and even more. Every day we debate the war, our troops remain in harm's way. The overwhelming veto-proof bipartisan majority of the Senate is now on record saying the status quo is unacceptable.

With that reality as a backdrop, this morning we will vote for cloture on Senator MURRAY's sense-of-the-Senate resolution that will move us to conference on the emergency supplemental bill and the important negotiations that will take place in the near future on the Iraq situation.

Last evening, I spoke to the father of one of the hostages in Iraq. He lives in Reno, NV. We talked, and it was difficult. He loves his son, he prays for his son's return, as we all do. We talked about how we have hope that he is alive.

I urge all my colleagues to support the resolution we are going to vote on. We can all agree we need to move swiftly to the supplemental bill that fully funds our troops. We all agree we can't "stay the course." That is not an option, as President Bush has done for more than 4 years.

As we move this debate to conference, the American people deserve to know that the Democrats' commitment to bring this war to a responsible end has never been stronger. If enough of our Republican colleagues decide to join with us, even the President will have to listen.

Mr. President, it is my understanding the parliamentary issue before this body is a vote that will occur at 10:30; is that right?

The PRESIDING OFFICER. At 10:35.

Mr. REID. At 10:35. And at 10:35, because the leaders used some of their time?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I think it would be in the best interest of the Senate if we go ahead and start the vote. I have not had an opportunity to check with the minority, so I don't want to move to do that before I do so. We will know that in a minute. But it would probably be better if we got the vote started, if there is no one here to speak in the next 5 minutes.

I think we will go ahead and start the vote, and if somebody is concerned about the extra 5 minutes, then we will extend the time an extra 5 minutes. I ask that we proceed with the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid-McConnell amendment No. 1123 relating to Iraq to H.R. 2206, the Emergency Supplemental Appropriations Act.
>
> Harry Reid, Debbie Stabenow, Daniel K. Inouye, Jon Tester, Bill Nelson of Florida, Jeff Bingaman, Barbara Boxer, Patty Murray, Frank R. Lautenberg, Benjamin L. Cardin, Tom Carper, Charles Schumer, Maria Cantwell, Carl Levin, Daniel K. Akaka, Ted Kennedy, Amy Klobuchar.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1123, offered by the Senator from Nevada and the Senator from Kentucky, expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mrs. DOLE), the Senator from Arizona (Mr. MCCAIN), and the Senator from New Hampshire (Mr. SUNUNU).

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 94, nays 1, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—94

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—1

Feingold

NOT VOTING—5

Coburn
Dole
Johnson
McCain
Sununu

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, all other amendments and motions are withdrawn, and the substitute amendment is agreed to.

The amendment (No. 1123) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2206), as amended, was passed, as follows:

H.R. 2206

Resolved, That the bill from the House of Representatives (H.R. 2206) entitled "An Act making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

Since under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring), that it is the sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair is authorized to appoint conferees.

The Senator from Pennsylvania is recognized.

IMMIGRATION

Mr. SPECTER. Mr. President, I have sought recognition to comment about the pending efforts to structure a comprehensive immigration reform bill. There are many questions which are being asked today in the corridors by members of the media as to what is happening on the efforts to structure a bill to come before the Senate next week, where a cloture vote is scheduled for Monday afternoon to proceed. The efforts to structure legislation have been in process now for 3 months. There have been approximately 30 meetings held for durations customarily of 2 hours or longer, customarily attended by 8, 10, or 12 Senators. It is unusual to have a dozen Senators sit still in a room for 2 hours, but that has happened repeatedly as we have struggled through the very complex issues while trying for comprehensive immigration reform.

We have bypassed the Judiciary Committee in this effort. Perhaps it was a mistake. In the 109th Congress, we laboriously worked through and produced a bill which came to the Senate floor and which was ultimately passed. There is a great deal to be said for regular order, where we have a text, amendments are proposed, there is debate, there are votes, and we move ahead through the committee system. The decision was made early on not to utilize regular order in the traditional committee system, and it may well have been an error, as we have been struggling to come to terms with a consensus.

First, there were extensive meetings with Republicans alone. Democrats met separately. Then there have been the bipartisan meetings, as we have struggled to come to terms. The meetings have virtually gone round the clock. The staff has literally worked round the clock, the past weekend, both Saturday and Sunday, and the previous weekend. The administration has been dedicated; the President has been personally involved in the discussions. A group of us met with the President yesterday. Immigration was discussed. The administration has devoted the time of the Secretary of Homeland Security and the Secretary of Commerce, who have been parties to these lengthy meetings, always present for the duration of the session. We think we are coming very close, but as we move through the analysis and discussion, it has been apparent that no matter what legislation is produced, it will be unsatisfactory to both ends of the political spectrum.

The bill has already been criticized for being too lenient on undocumented immigrants and providing amnesty at one end of the political spectrum. It has been criticized at the other end of the political spectrum for not being sufficiently humanitarian and compassionate to the immigrants. Even though we have yet to produce a bill, it has been subjected to criticism. We have found that around the country some 90 cities have been engaged in legislative efforts with either passed or rejected laws trying to deal with immigrants' landlords. In my State, the city of Hazleton is trying to deal with the issue. Recently, we had a conspiracy by six men charged with a terrorist plot to attack the soldiers at Fort Dix. Three of those who have been charged are undocumented immigrants from Yugoslavia, illegal immigrants. There has been a virtual breakdown of law and order, as we have in this country an estimated 12 million undocumented immigrants.

We have the criticism expressed at one end of the political spectrum that there is amnesty here. That is factually wrong. Those who will be placed at the end of the citizenship line will be those who do not have criminal records. Where we can identify those with criminal records, they should be deported. You can't deport 12 million undocumented immigrants who are here illegally, but you can deport those who have criminal records. Those who will be placed at the end of the line for citizenship will be those who have paid their taxes, those who have established a good work record, those who were contributing in a constructive way to the American way of life.

When objections are raised as to amnesty, the question is returned: What more can be done with these 12 million undocumented immigrants? What more hurdles can be placed to be sure we do the maximum to avoid the charge of amnesty? We are still open for suggestions. But the consequence of not moving to a solution on this issue is that we have anarchy. We have uncontrolled borders.

The legislation we are working on goes a long way. It increases the number of Border Patrol officers from 12,000 to 18,000. It will have 200 miles of vehicle barriers and 370 miles of fencing, 70 ground-based radar and camera towers, unmanned aerial vehicles, and detention space to hold some 27,500 daily on an annual basis. We have interior security provisions. We have tough employer sanctions because we are structuring a system where we can make a positive identification as to who is legal and who is illegal. This is an appropriate basis for imposing tough sanctions on employers if they hire illegal immigrants, because they are in a position to make a determination as to who is legal or who is illegal.

At the other end of the political spectrum, there are objections that the program is not sufficiently humanitarian, not sufficiently compassionate, and does not sufficiently provide for family unification. If we are to handle the backlog of people who have been waiting to come into this country with the existing requirements to gain citizenship, and if we are to deal with the millions of undocumented immigrants, we will have to have additional green cards. But there will have to be limitations so we do not have what is euphemistically referred to as chain immigration.

We are working on a points system which we are trying to balance. It is very hard to satisfy all competing interests, to balance the demand for Ph.D.s and highly skilled people with the desire to provide opportunities for people who are not highly skilled. Certain points are being given to recognize the family, to have as many family members and as much on family reunification as we can, within a balanced system.

The old adage that the devil is in the details is obviously present here. This morning one group of Senators met at a little after 9; another group of Senators met at 10:15. We are continuing the meetings as we try to come to grips and resolve these issues.

The whole immigration issue is another third rail in politics. Social Security has been described as the third rail of our political system. There is no doubt that immigration is another third rail. It may supplant Social Security as the third rail of the political system because, no matter what we do here, both ends of the political spectrum will criticize us—criticize us for amnesty on one hand, criticize us on the other end of the political spectrum for not being sufficiently compassionate. Politically, it is a loser for those who are engaged in it. But we have a public duty to come to grips with this issue and to have comprehensive immigration reform. We can do that and insist on having border patrols and employer sanctions before we work through the guest worker program. It is truly, as we are structuring it, a temporary worker program, where people come to the United States for a period of time and go back to their native countries. It is a system where we are giving as much support and as much preference for families as we can on a balanced system, and as much to the high-skilled workers to balance off against the low-skilled workers.

The most important thing, as I see it, is to move ahead and persevere, to try to structure a bill which is now 380 pages long—it is in text, thanks to the dedicated work of the staff—and to present it on the floor of the Senate and have the Senate work its will. Aside from the political perils, the object is to restore the rule of law and to bring these 11 to 12 million undocumented immigrants out of the shadows. The advantage to society generally is to eliminate this massive underclass, this massive number of individuals who are in the shadows, and to structure a system where they will, at the outset, have visas to stay here for as long as they like, so long as they comply with our laws and get into the citizenship line at the rear. We are looking to reestablish the rule of law and to avoid the anarchy which now characterizes our immigration system.

I thank the Chair, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will begin debate on the conference report to accompany S. Con. Res. 21.

Under the previous order, the time until 3 p.m. shall be equally divided between the Senator from North Dakota, Mr. CONRAD, and the Senator from New Hampshire, Mr. GREGG, or their designees.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent that all quorum calls be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we bring to the floor the conference report on the budget. It is a conference report that I believe is worthy of our support. Let me say why.

Under this budget plan, we will balance the budget in 5 years. In the fifth year, 2012, we will have, according to the projections, a $41 billion surplus. This is after 6 years of deficit, and in an additional 4 years, we will finally be returning to balance.

The budget resolution we bring to the floor will reduce spending as a share of gross domestic product each and every year, from 20.5 percent in 2008 down to 18.9 percent in 2012. It is that spending discipline that helps us reach balance in the fifth year. It also has the positive effect of bringing down the debt as a share of our gross domestic product in every year after 2010. This is gross debt. If we looked at publicly held debt, it will actually be bringing it down every year from 2009 on. So I believe this is a responsible budget that returns us to a fiscally responsible approach to our Nation's spending.

Some have said there is a big difference in spending between this budget and the President's budget. We have put it on a chart to visually compare over the 5 years the difference in spending in this proposal and what the President proposed.

As you can see, there is virtually no difference—virtually no difference—in spending between this proposal and the President's spending proposal. Yes, it is slightly more spending, but this slight addition is going for veterans health care, to expand children's health care, and to provide further investment in education. Those are the fundamental places where we have modest additions to spending.

As you can see, on a fair comparison basis, when you put the two spending lines together on the same axis, comparing apples to apples, you see the difference in spending is quite modest.

On the revenue side, we have included a 1-year fix to the alternative minimum tax, the old millionaire's tax. It is rapidly becoming a middle-class tax trap. If we had not acted, over 23 million people would be caught up by the alternative minimum tax in this next year. We have avoided that, providing dramatic tax relief to those people.

We also extend the middle-class tax cuts in this proposal. That includes continuation of marriage penalty relief, the child tax credit, and the 10-percent bracket. These provisions will benefit tens of millions of the American taxpayers.

We also include estate tax reform. It is well known under the current estate tax law, we will go to a $3.5 million exemption per person in 2009. Then there is no estate tax in 2010. Then we go back to an estate tax in 2011 that provides only $1 million of exemption per person or $2 million for a couple. Instead of having that anomalous situation, we will continue providing a $3.5 million exemption per person or $7 million for a couple indexed for inflation. I think that makes common sense.

Now, we have heard from some there is a big tax increase in this budget. There is no tax increase in this budget. Let me reemphasize that. There is no assumption of a tax increase in this budget. I do not know what I could say to be more clear.

Here, shown on this chart, is what the President said his budget would produce in revenue over the 5 years. This is the President's own estimate of what his budget would produce. He said his 5-year budget would produce $14.826 trillion of revenue over the 5 years. That is according to the scoring by his own Office of Management and Budget.

Our budget produces $14.828 trillion of revenue over the 5-year period. There is virtually no difference between what the President claimed his budget would produce in revenue and what our budget produces in revenue.

Now, our friends on the other side will be swift to say: Wait a minute, Senator, you are using Office of Management and Budget estimates and CBO estimates, two different estimates. That is true. The point I am making is the President said it was entirely reasonable to expect to raise $14.826 trillion of revenue over this 5 years. That is his own estimate of what his budget would produce. CBO says our budget would produce $14.828 trillion—a $2 billion difference on a $15 trillion base. That is statistically the same. If you put them both on a CBO baseline—in other words, have estimates done for both the President's revenue and our revenue by the CBO—we have 2 percent more revenue than the President—2 percent. We believe 2 percent can be achieved with no tax increase of any kind.

Let me reemphasize that. We believe, if you look at the CBO scoring that says we have 2 percent more revenue than the President, that can be achieved without any tax increase of any kind. I will explain why in a moment. If you look at what is shown on this chart, this is a 5-year budget. But all of us know we are going to write another budget next year, so what matters is next year.

Here shown on the chart is the revenue line in our budget and the President's revenue line. You will notice they are identical. There is no difference—none—not a penny, not a dime. In 2009, there is virtually no difference in the two.

So let's be serious. When somebody jumps up here and says this is the biggest tax increase in history, the only way that is possibly true is if the President has proposed the biggest tax increase in history. Because there is, for next year—and we will write another budget next year—for next year, there is no difference in the revenue in our proposals.

How can it be we could get 2 percent more revenue under the CBO scoring than the President proposes without a tax increase? How is that possible? Well, first of all, we have the tax gap, which back in 2001 was estimated to be $345 billion a year. I believe that tax gap now is in the range of $400 billion a year. That is the difference between what is owed and what is paid. I believe that is now $400 billion a year or thereabouts. Over 5 years that would be more than $2 trillion—money that is owed that is not being paid. But that is not the only source of revenue without a tax increase.

The second area of opportunity to get revenue with no tax increase is the explosion and the abuse of offshore tax havens. I have shown this building down in the Cayman Islands many times on the floor. This 5-story building is the home to 12,748 companies. It is remarkable that all of those companies—12,748—are doing business in this little 5-story building, but that is what they claim. Are they really doing business down there? The only business being done out of this building is monkey business because what they are doing is engaging in an enormous tax scam. They claim they are doing business down there because they don't have any taxes down there. So how does it work? It is a giant shell game.

They have entities in the United States that they say are making no profits, because they move the money offshore into these Cayman Islands subsidiaries where there are no taxes, and all of a sudden they show enormous profits. Who is being fooled by this? Shame on us if we are being fooled. But currently, we are. I would suggest we close down this scam.

The Permanent Subcommittee on Investigations has said we are losing $100 billion a year through these offshore tax havens. Let me quote from their report from earlier this year:

> Experts have estimated the total loss to the Treasury from offshore tax havens alone approaches $100 billion a year, including $40 to $70 billion from individuals and another $30 billion from corporations engaging in offshore tax evasion. Abusive tax shelters add tens of billions of dollars more.

Mr. President, $100 billion a year in tax havens, and tens of billions more——

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. CONRAD. I am happy to yield to the Senator.

Mr. DORGAN. Mr. President, I was listening to the description of these offshore tax havens. Senator CONRAD and I have worked on these issues for some while. It is interesting, with respect to the revenue stream into this country, that if we close down some of these tax shelters, the result would be increased revenues for the Federal Government and a requirement that those who benefit from the opportunities of being an American company, that they would start paying taxes.

Now, we have had example after example—the Senator used a chart showing a building called the Ugland House, a quiet little 4-story building on Church Street in the Cayman Islands which 12,748 corporations call home. Of course none of them are home there. If you go there—there is an enterprising reporter named David Evans who worked on that particular issue. He went there, and there is nobody there. There are just some windows in a building, and it is quiet in the lobby. Nothing is going on. This is a legal fiction created by lawyers for the purposes of allowing companies to avoid paying their U.S. taxes. It is not just that building, though. That building is an example of the unbelievable abuse of the creation of massive offshore tax shelters. There are hundreds and hundreds of tax shelters.

I asked the Senator to yield to make a point. When I chaired the hearings on the Enron scandal, when I had Ken Lay come by and raise his hand and take an oath and then refuse to testify, and then Jeffrey Skilling, whom you couldn't hardly get to stop talking—he is now in prison. But the fact is, the Enron Corporation, in addition to all of the other things—and part of that we understand now is a criminal enterprise; the evidence exists for that—in addition, they have hundreds of offshore entities. Why? For the purpose of avoiding taxes. That is the purpose of offshore entities and tax havens.

No one runs to these countries like the Cayman Islands for the purposes of creating a big manufacturing plant and saying: That is where we want to move our business. It seems to me what they do is they hire a lawyer to create a legal fiction saying: We now want to be a resident of a tax-haven country because we don't like the obligation of paying taxes to the Federal Government.

I would just ask the Senator, isn't it the case that the Senator's proposition, and mine, the one I have introduced with legislation, is very simple? It says: If you are going to be an American company, why don't you simply decide to pay taxes to this country? If you move your operation somewhere else, we understand that. We don't support that—there ought not be a tax incentive for it—but if you are creating a legal fiction through lawyers telling us you are moving, we are going to treat you for tax purposes as if you were right here, an American company that is required to pay its appropriate taxes.

I know the Senator is probably also going to talk about the sale and leaseback of sewer systems and trolley cars and all the nonsense that is going on. I would just commend Senator CONRAD for doing this, for finally saying in this budget that we are going to shut all this down. Those of you who want to get the revenue in order to move us toward fiscal sanity here, if you really want to help us get the revenue, then join us in shutting these tax scams down, shutting down these tax havens.

I am sorry I took more time for this lengthy question, which turns out not to be much of a question after all, but I did want to point out that I believe this is a very important part of this budget agreement, and I commend Senator CONRAD and those who have put this together because this significantly benefits our country.

Mr. President, I appreciate the Senator yielding.

Mr. CONRAD. Mr. President, first of all, in answering the question of the Senator, I would say what you find is quite stunning. We went on the Internet, I would say to my colleague—first of all, I thank him because the picture of this building down in the Cayman Islands came from him. I have used it repeatedly because it tells such a powerful story: 12,748 companies that call this little building home. We know what is going on. It is a giant scam.

I would say to the Senator, we went on the Internet and we entered in "offshore tax planning." Do you know how many hits you get if you enter in that phrase? You get 1.2 million hits. Here is my favorite. If you go online and you look at what is on the Internet——

Mr. GREGG. Mr. President, would the Senator yield for a question at this point in relationship to the Senator's question?

Mr. CONRAD. I am happy to yield.

Mr. GREGG. Mr. President, the New York Times today was reviewing the financial statements of the candidates for President, and I noticed that the former Senator from North Carolina who is running for President, John Edwards, received half a million dollars in payments last year for his work with Fortress, a hedge fund. I also noticed that the New York Times represents that the Fortress hedge fund is incorporated in the Cayman Islands, probably in that building to which you are referring.

I am just wondering, because the Senator asked who is being fooled here, is it the position of the Senator from North Dakota that Senator Edwards has been fooled here or that he is fooling the American people?

Mr. CONRAD. Look, I do not know what the status of that particular hedge fund is. What I do know is these offshore tax havens are being abused by lots of different entities, not only corporations but wealthy individuals. I don't have any evidence which would suggest that particular hedge fund did anything improper, and certainly you can be engaged in business in the Cayman Islands and not be engaged in anything improper.

The point we are making is that in this particular building, there are 12,700 companies calling it home. But more than that, when you go on the Internet—and by the way, we have yet to see the financial reports of some of the Republican candidates for President, some of whom report they have net worth over $100 million. It will be interesting to see their financial arrangements, and I hope the Senator will be just as focused on any abuse that might be in their portfolios. That will be very interesting.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. Mr. President, that was a clever question from our colleague from New Hampshire. I would observe that the discussion I just had about the Enron Corporation—I think the largest financial supporter of the current occupant of the White House for his first run for the Presidency—it was a corporation that had hundreds of offshore tax-haven subsidiaries. It is also the case that it is not new for us to try to shut these down. As we have tried to shut these down, it is not new, either, to find that the current White House by and large opposes the legislation on the floor of the Senate to shut down these tax scams.

I hope that perhaps we can get some support to do what Senator Conrad and I and others believe ought to be done, to shut down these kinds of tax scams.

Mr. GREGG. Mr. President, if the Senator would yield for a further question.

Mr. CONRAD. Mr. President, reclaiming my time, I will be happy, when I have completed my presentation—the Senator has half the time, and I know he will use it well. I hope he will give me the opportunity to complete my presentation, and then I am happy to answer all of his questions.

Mr. President, when you look on the Internet—this is my favorite one:

> Live tax free and worldwide on a luxury yacht. Moving offshore and living tax free just got easier.

That is the kind of scam which is going on that is costing the Treasury of the United States, according to our own Permanent Subcommittee on Investigations, over $100 billion a year.

It doesn't stop there. This is a picture of a sewer system in Europe. What does a sewer system in Europe have to do with the budget of the United States? Well, as it turns out, it has a lot to do with it because this sewer system in Europe was actually purchased by wealthy U.S. investors, depreciated on their books for U.S. tax purposes, and then leased back to the European city in which it is actually located. It has no business purpose. There is only one purpose, and that purpose is to operate as a scam. This is the kind of thing which should be shut down. Nobody can justify this. Nobody can defend this. That is what is going on.

So I believe the combination of closing the tax gap, just a tiny portion of it, combined with shutting down these offshore tax havens, combined with shutting down these abusive tax shelters, could easily provide the 2 percent of revenue we have that is over and above the President, according to a Congressional Budget Office score, with no tax increase to anyone.

The budget conference report we bring to the floor also funds a number of critically important priorities for the American people, including expanding health care coverage for children. When you look at the comparison, the President has provided $2 billion for this purpose over the 5 years. We provide $50 billion so that there is the prospect of covering every child in America who is not otherwise covered with health insurance. That is good policy, it is a good investment, and it is morally right. We ought to ensure that every child in America has health care coverage. It is good policy because if you solve a health care problem for a child, you get a return on that investment for their lifetime.

Another area that has been a priority in this budget is education. Under this budget, we provide some $6 billion in this next year over and above what the President provided because we think education is the future. If we are not world class in education, we are not going to be a world-class power. So we have provided that additional investment in education.

The third area of initiative is in veterans health care. If there is any scandal that I think has troubled the American people more than what we saw at Walter Reed where heroes returning from Iraq and Afghanistan have been subjected to subpar medical treatment, I don't know what it is. I don't know of anything that has so angered so many people, at least in my constituency. So we have adopted a budget here that closely follows the independent budget which is put forward by the veterans organizations themselves which provides for $43.1 billion in funding in the next fiscal year, compared to the President's $39.6 billion.

To recap, the budget resolution we bring to the floor, the conference report, puts the Nation back on a sound fiscal path. It balances by 2012 with a $41 billion surplus in 2012. It reduces spending as a share of gross domestic product each and every year of the 5 years of the budget. It reduces debt as a share of gross domestic product from 2010 on. It adopts spending caps and restores a strong pay-go rule. What is pay-go? Pay-go simply says that if you want to have more mandatory spending or more tax cuts, you can have them, but you have to pay for them, and if you don't pay for them, you have to get a super-majority vote.

This budget also meets the Nation's priorities. It fully funds the President's defense and war cost requests. It rejects the President's cuts in certain key priority areas. It provides increases for children's health, for education, and for our veterans health care, an area in which the American people overwhelmingly want us to invest.

In addition, this budget resolution keeps taxes low. It extends specifically the middle-class tax relief provisions, including marriage penalty relief, the child credit, and the 10-percent bracket. It provides alternative minimum tax relief so that more and more middle-class people don't get swept up in that tax. It provides for fundamental estate tax reform. It includes the deficit-neutral reserve funds for additional tax relief and for the extension of other expiring provisions. It includes no assumption of a tax increase.

This budget also prepares for the long term. It provides for program integrity initiatives to crack down on waste, fraud, and abuse in both Medicare and Social Security. It includes health information technology and comparative effectiveness reserve funds to address rising health care costs. According to the Rand Corporation, widespread health information technology alone could save $81 billion a year. It also adopts a new budget point of order against long-term deficit increases.

I will conclude by saying this budget has specific proposals addressing our long-term fiscal challenge. It provides program integrity initiatives to crack down on waste, fraud, and abuse. It provides new mandatory spending, and tax cuts must be paid for in the pay-go provision. It provides that long-term deficit increase face a point of order, a super-majority hurdle on the floor of the Senate. It provides for the health information technology reserve fund. I have already indicated that the Rand Corporation indicates that health information technology could save $81 billion a year. Finally, it includes the comparative effectiveness reserve fund, so that we look at the technologies and approaches being used across this country on how we could save money by using the best practices in health care.

We think this is a responsible budget, one that meets the needs of the American people. We believe it merits our colleagues' support.

Before I yield the floor, I want to thank my colleague, Senator GREGG. I acknowledge that we have differences about this budget. That is healthy. That is the strength of our democracy, that we have a debate and differences. But I wish to say that Senator GREGG has always conducted himself as a professional and has been extremely helpful as we have gone through the process. He and his staff have cooperated with us closely, while they have disagreed very strongly with respect to some of the conclusions we reached. I wish to acknowledge the way in which he and his staff have conducted themselves as we have gone through this difficult process. I thank him for the many courtesies he has extended to us as we have gone through the budget resolution this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, let me begin by returning that appreciation to the Senator. Obviously, there are strong disagreements on philosophy and policy, the differences between the parties. The Senator from North Dakota represents the party of tax-and-spend, and we represent the party of fiscal responsibility. Those differences are clear. Independent of those differences, the relationship is friendly, courteous, and generally cooperative. I believe that if the entire institution functioned the way the Budget Committee functions, we would get a lot more done around here.

That being said, I must point out some differences. I am inclined to almost use the—to paraphrase a quip made by, I think, Mark Twain, but it might have been Bill Buckley, who said:

> I do not wish to insult the Senator's intelligence by suggesting that he actually believes most of what he just said.

The fact is that this budget, as proposed, is not a good one. It has in it the largest tax increase in history. It is a tax increase that is especially unfortunate because it is going to take place in the context of a tax law that we finally got right around here, as shown by the revenues flowing into the Federal Government, and the fact that present tax law is generating more revenues than, historically, the Federal Government has received and is doing it in a more progressive way than has historically been done. High-income people are paying more than they have historically paid, and low-income people are getting more back in the way of tax benefits than they have historically gotten.

This bill will basically repeal most of the major tax proposals put in place in the early part of this administration which generated this economic recovery which has gone on for 22 months and has caused us to have 7.4 million jobs created. In fact, the report just came out that the jobs number fell another 5,000, so that we are literally under 300,000 in jobs claims, which is a number that shows we are even essentially at full employment. As a nation, we are under 4.4 percent unemployment. The jobs being created are good jobs, and they are generating revenues to this Government, which has caused us to have a huge burst in revenues, which has caused the deficit to come down. That is all going to be put at risk by the tax increases in this bill.

The tax increases in this bill are going to dramatically affect the capital gains rate, the dividends rate, the child tax credit, the education tax credit, the marriage tax penalty relief, and the middle-class income tax rates. All of those things are in serious jeopardy and, in fact, will probably end up being repealed under this budget if it goes forward under the present structure. We will get into that in a second.

They have created this extremely complex trigger mechanism, which can be and will be undermined by their own budget, should it go forward, and will make it impossible for the tax cuts to survive in this process.

Mr. President, $725 billion of tax increases are in this budget over 5 years. That will be the largest tax increase in the history of the country, no question about that. In addition, the discretionary spending in the budget is huge—$205 billion of new discretionary spending over the President's request, which was very generous, with a significant increase in spending. It is ironic that, as this left the Senate, there was less spending than this—still a significant increase of $140 billion, I think, in spending above the President's request in the discretionary spending. As it left the House, it was less than this. I don't even think it was $200 billion. It comes back at $205 billion. That is sort of like a microwave popcorn cooker, where you put it in the stove and put the House Democrats and the Senate Democrats in together, and it blows up into a great big huge spending package and a great big huge deficit—and tax package, too.

The debt goes up under this bill: $2.5 trillion of debt will be added to the famous "wall of debt." For those of you who haven't seen the wall of debt, you will see it sometime, somewhere. It is coming. So there is $2.5 trillion of new debt added.

Remember, on top of that, they are raiding the Social Security fund to the tune of a trillion dollars. Originally, when the budget left the Senate, at least the Social Security fund—under their projections, which are rosy scenarios, to say the least—wasn't going to be raided. There was going to be an on-balance budget. But now, as it comes back again from this tax-and-spend microwave called the Senate Democrat/House Democrat budget conference, which we were not included in, there is no on-budget surplus. Everything comes out of the Social Security fund. All this debt is added to our children's backs, and it is going to have to be paid for by our children.

In addition, there is absolutely no attempt to address the entitlement crisis we are facing. The fact that our children and our children's children are going to have to pay a cost they simply will not be able to afford, in the area of maintaining the benefit structure, because of the retirement of the baby boom generation and the fact that costs will actually exceed 20 to 25 percent of gross national product, just for the programs of Social Security, Medicare, and Medicaid—and there is no attempt to rein that coming fiscal meltdown in or to address it—that is totally irresponsible.

In fact, not only is there no attempt to address the coming fiscal meltdown as a result of the entitlement spending, there is actually a huge exercise in gamesmanship in this budget, which will allow the HELP Committee, under the leadership of Senator KENNEDY, to dramatically expand entitlement spending. Instead of reining in entitlement spending, under this budget there is a proposal to use reconciliation, which is supposed to reduce the deficit on the spending side of the ledger, to expand spending and the size of the Federal Government, grow the Government.

Why do they do that? Because they only need 51 votes under reconciliation. They could not get that proposal through here. It would be subject to a filibuster under the regular order. So they used reconciliation, which should limit the size of government, to expand government dramatically. That is a very cynical act, in my opinion, because that was never the purpose of the budget. In fact, there are some very good quotes from the chairman of the committee reflecting that exact position—the position I just related.

That brings me back to that statement of Mark Twain—or it could have been Bill Buckley—who said. "I will not insult the Senator's intelligence by suggesting that he actually believes everything he just said." because he didn't believe it, because what he said was the opposite, that reconciliation should not be used the way it is being used in this bill.

The Senator from North Dakota made a couple other statements. I think they were on point when made, but the budget does not reflect these statements. He said we need to be tough on spending. Yet, in this budget, there are zero cuts in spending. In fact, this $205 billion expansion in discretionary spending, entitlement spending, will expand under the reconciliation instruction also, and under the reserve funds, the Government will grow dramatically as a percentage of gross national product. We will bear that burden.

The Senator said:

> I am prepared to get savings out of long-term entitlement programs.

But there are no savings. There was a representation that they were going to do $15 billion in savings, but that representation was a little incomplete because the rest of that should have said: But we are going to spend $50 billion. So there are actually no savings. I think it ended up being $30 billion, but it is a net loss in the entitlement accounts, coupled with this reconciliation exercise, which could be as high as a $30 billion to $40 billion increase.

He also said:

> Here is where we are headed: Debt is up, up, and away.

Yes, it is, under this budget. That was a correct statement. It is up, up, and away by $2.5 trillion of new debt, which our generation passes on to the next generation, which is totally inappropriate and unfair

He said:

> I believe, first of all, we need more revenue.

He at least stuck to that statement. There is $736 billion of new taxes in this bill. What is the practical effect of a $736 billion tax increase? Remember, as I outlined before, we have now had 22 consecutive quarters of economic growth—actually, 23 now. That is pretty darn good. We have added 7.8 million new jobs. That is people being put to work. How did that happen? It happened, in large part, because we had an economy that was growing as a result of a tax policy that said to people in America: Go out, invest, take risks, be entrepreneurs, create jobs, and we are going to give you a reasonable return on the money you have invested. This is just called common sense in human nature. If you tax people at a rate that they appreciate and is fair, they are going to be willing to take a risk with their money, go out and invest it and create jobs. If you tax them at a rate they don't think is fair, they invest in tax shelters and inefficiently use their money, and as a result, the Government gets less and the economy doesn't grow as much. In fact, the growth in Federal revenues over the last few years has exceeded projections and has been dramatically higher.

The growth in Federal revenues has been in the last 3 years the highest rate of growth in the history of our country and has represented huge amounts of revenue coming into the Federal Government—huge amounts of revenue.

This revenue, of course, has allowed us to reduce the deficit from what was projected to be $450 billion a couple of years ago, to now probably falling below $200 billion or probably less than 1 percent of the gross national product, or somewhere in that range. It is, in large part, a function of two events: One, the fact these revenues have jumped so high and, two, this administration has been very aggressive in controlling nondefense discretionary spending.

But under this proposal that has been brought forward today by our colleagues on the other side of the aisle, the tax policies which have generated this economic expansion are targeted for extinction. The capital gains rate will jump back to almost 30 percent, 35 percent potentially; dividend rates will jump to 25, 32, 35 percent.

The bottom rate for most taxpayers who are in the low-income end of the economic scale will be increased, and there will be created a huge disincentive for people to be productive in our society. We will go back to the days when it didn't make a whole lot of sense to go out there and take that risk because the Government was going to take so much of your money.

We hear a lot on the other side of the aisle: These tax cuts disproportionately benefit the wealthy in America. I think it is important to remember this: That under the new tax law, or the tax law under which we are now functioning, which is generating all these huge revenues, high-income people pay a larger percentage of the general burden of income taxes than they did under the Clinton years. The top 20 percent of people paying income taxes is paying 85 percent. Eighty-five percent of the income tax burden is borne by the top 20 percent. Under the Clinton years, that same income bracket bore 81 percent of the tax burden, and the lower end of our economy, people who don't make quite so much money or don't make a great deal of money, the bottom 40 percent does not pay any income taxes actually on balance. They actually get money back under the earned-income tax credit, and today they are getting twice as much back as they did under the Clinton years.

It is interesting to note, in fact, that in that group, the low-income household receives far more in Government benefits than they ever pay in taxes. That is an interesting fact which should be pointed out, as well as the fact that on the tax side of the ledger, they get more money back; whereas, the higher income individual, of course, pays a lot more into the Federal Government than they ever get back from the Federal Government, and that is what this chart shows.

If your income is up to $23,000, you are going to get about $31,000. If your income is over $65,000, you are going to pay about $50,000. It is a very interesting fact that when you take not only the tax burden to Americans but the benefits which Americans receive, low-income Americans are, under this Government, under the Bush administration, getting a huge benefit from the Government in the area of tax benefits and also benefits which are structured on the basis of income, and high-income Americans are paying a significant amount more for the cost of the Government.

So we have a tax structure which is extremely progressive and which is much more progressive than under the Clinton years. In addition, this budget, which has such antipathy toward productive Americans, which essentially says to productive Americans, we don't like you, we want to tax you some more, in trying to get at those folks who the other side of the aisle thinks are such scofflaws because they make money and have income and actually pay 85 percent of the burden of income taxes in this country, in trying to get at those folks by raising the dividend tax and raising the capital gains tax, which is the primary target of the other side of the aisle, they are actually significantly impacting low-income seniors, or seniors generally, and this should be common sense because most seniors receive income, other than Social Security, that is dividend based because they are not working any longer.

So when the other side of the aisle decides they want to get people who have dividend income, which is exactly what this budget proposes—they are going to get those folks because they are the enemy—whom they are getting, for the most part, are senior citizens. Fifty-one percent of American seniors have dividend income. So when they decide to double or triple the dividend tax or 2½ times increase it, which is what this bill will do, the people who are going to be impacted are 50 percent of the seniors.

In the area of capital gains, it is also interesting that the same is true: When they decide to get people who make money by selling assets, all those wealthy small businessmen, you know, the guy who all his life worked to build a restaurant, a small company or maybe a gas station, spent his whole life working to get that business up to a level where it had some asset value, and then when he or she retires, they are not going to run it any longer, they are going to sell it, take those revenues and they are going to use it to live on in their retirement years or maybe to help their children out, that evil person who has done that in our society, as the other side of the aisle views that person, they are going to get them by doubling the capital gains rate.

Whom do they get? They get people who are 65 to 74 years old. Thirty percent of those people have capital gains income. People, as they start to age into the retirement years, start to generate capital gains income, and it is logical, when you get to that age, you are going to want to sell those assets which you probably built with the hard sweat of yourself and your family—a farm or a restaurant or a small company—so that you can take those assets and live on them in retirement and live a good retirement life or simply help out your children as they move forward in their life.

So when they get those people, whom are they getting? They are getting retirement people with this proposal. They are raising their taxes.

We are going to hear some of this "Wizard of Oz" language about, well, we really don't raise those taxes, we really don't. There is $180 billion of adjustment that we are going to be able to put toward capital gains or something else.

It is a fraudulent statement that it is almost not worth responding to. But let me move to the factual response, which is this: There is no capacity in this budget to institute any significant attempt to continue or to make permanent dividends and capital gains rates. None. In fact, that $180 billion, were it even to appear, which it will not under this budget—a point I will get to in a second—would benefit miscellaneous deductions which are good and right and appropriate but actually don't help the economy all that much because mostly they are socially driven. They involve the marriage tax penalty. They involve children's tax credits, tuition tax credits. They are not like economic drivers, such as dividend rates and capital gains rates which translate immediately into better investment of funds. What they have said is: We will give you that $180 billion if certain events occur in the third and fourth year of this budget.

This is a real Rube Goldberg exercise. It is one of those things where you have 16 different moving parts, and you know none of them are going to work, but you claim they are going to work so you can claim you are actually going to do something you know is never going to occur. That is exactly what this is all about.

For this $180 billion to kick in, the Democratic tax trigger requires the following: A budget resolution—we have the Rube Goldberg chart hot off the press. That is one of our better charts. It took a little bit of thought on this one. In order to get this tax cut or any part of it, the following has to happen: There has to be a budget resolution promising middle-class tax cuts. That is here. We have that. We are going to give you the promise; we are just not going to give them to you. The tax-writing committee marks up the legislation, but it stalls. Why does it stall? Because the way this thing works is there have to be offsets that can be found to satisfy the tax cuts, but if the Congress continues to spend money, that undermines the capacity to reach the factual obligation which would create the tax cuts.

So you can basically spend your way out of doing the tax cuts, which is exactly what the budget proposes. It says it promises the tax cuts and then it proposes $205 billion of new spending in the discretionary accounts and proposes a huge expansion of spending in the entitlement accounts. So it essentially guarantees that the trigger, which allegedly is in place, can't occur to generate the tax cuts because the spending eats away at the outyear surpluses and, of course, that leads to the business community getting a little skittish. It leads to the investors getting a little skittish. It leads to the economy starting to contract, which leads to a slower rate of growth, which leads to less tax revenues, which leads to—surprise—they are not going to give you the tax cuts. It is a self-fulfilling prophecy. It is a trigger that is guaranteed that when it is pulled, nothing happens. It is similar to a Rube Goldberg event.

There was some language which I loved—I have to see if I can find it—that describes this in the budget resolution. It is fascinating. It is so good it can't be not mentioned here. It defines how we get to this tax cut. I will find it or my crack staff will. They so want to destroy the ability to do this tax cut that even in the language of the budget itself they put in obfuscating language that is filled with obfuscation, that you know on the basis of it no one takes seriously the idea of doing the tax cuts. That is reasonable because let's face it, that is not the philosophy of the party of the other side of the aisle. The party of the other side of the aisle has shown itself historically to be a party to believe that it is not your money. It isn't your money. It is their money. You haven't figured out yet that you earned it, and you think you should be able to spend it. You haven't figured out yet that they think you earned it for them and that the Government should be able to spend it. That has been the philosophy of this party for a long time. It doesn't change over the years very much.

Now that they are back in a position of some responsibility—considerable responsibility; they are the party of both the Senate and the House—they have the capacity to execute that strategy which is: We will take your money and we will spend it on what we think is important because we are smarter than you, we know better what you need and, therefore, it shouldn't be your money in the first place because you earned it, the Government has a right to it, and the Government should make a decision as to how best to handle it.

So it should not come as a surprise to anyone that this budget is replete with new spending and dramatic expansions in taxes.

I did find—or my crack staff found it, as they always do—the language which I had seen in the conference report, which is so interesting it has to be read for the record. This is how this trigger works. It is written similar to a reserve trust fund, which is, on its face, a shell event. Almost all these trust funds are shell events. By the way, these trust funds are structured so that we start out with 5 or 6, now we have 23 of them.

I am sorry, reserve, not a trust fund. A reserve fund, not a trust fund. I used the wrong term. A very inappropriate term. A reverse reserve fund.

This is the way it works. In the House, the chairman of the House Budget Committee will increase the revenue aggregate—in other words, will take away tax cut revenue—if he determines the future tax relief legislation—and this is the language I love—does not contain a provision consistent with the provisions set forth in the joint statement of the managers.

What does the joint statement of the managers say? The statement of the managers says that the future tax relief legislation must contain a provision that makes the tax relief contingent on OMB's projection of a surplus. The second trigger would turn off the tax cuts unless a minimum surplus materialized, and the tax cuts can be $179.8 billion or 80 percent of the projected surplus, whichever is less.

Rube Goldberg couldn't have written this language any better. I mean, this language is designed to fail. It is designed to make sure the Government gets that money; that you don't get to keep it, and the Government makes the decision as to where it is spent. It is unfortunate.

We also have in this budget, regrettably, a total failure to address the entitlement accounts. Entitlement accounts are by far the most serious issue we have as a government and as a people, beyond the threat of being attacked by Islamic extremists with weapons of mass destruction. Why do I say that? That sounds like a statement that is a little over the top. Well, it is not. The simple fact is that as the baby boom generation retires, and it is going to retire—we exist; there are 80 million of us—we are going to double the size of the number of retirees in this country.

As I have said before on this floor, and I know the Senator from North Dakota agrees with me, this system is not structured to handle the retirement of a generation that is that large. The whole concept of our system of retirement benefits was that there would be a pyramid. There would always be many more people who paid into it than took out of it. That was the genius of Franklin Roosevelt when he created the Social Security System. In fact, when it started, there were 12 people paying in for every person taking out in 1950. Today, there are three and a half people paying in for every one taking out. By the time the baby boom generation is in full retirement, we will have two people paying in for every one person taking out.

The practical effect of that will be a meltdown of our system, and this chart reflects that. I have shown this before because I think this is probably the most serious issue which we face, beyond the issue of the threat of Islamic fundamentalism and the terrorist threat they represent.

Three accounts—Social Security, Medicare, and Medicaid—by the middle of the period 2020, when the full force of the baby boom retirement is in place, those three programs will absorb 20 percent of gross national product. Twenty percent of gross national product is what the Federal Government spends today. Another way to state this is that at that time the Federal Government will have no money left over for national defense, education, laying out roads or environmental protection. All the money will have to go to pay for those three programs.

But it doesn't stop there. The number continues to go up at a rate which is incredible, and which is totally unsustainable, until it hits about 27, 28 percent of gross national product for those three programs by about 2035. Now, this is a situation which will mean—and it is going to occur—which will mean, because it is going to occur, that our children and our children's children—these pages down here, who do such a great job and who are so personable and put up with our foolishness around here sometimes—they are going to have to pay a burden in taxes in order to support our generation. That will make it virtually impossible for them to have as high a quality of life as we have had in our generation. They would not be able to buy that home or put their children through college or have the enjoyment of a lifestyle that contains discretionary funds because those funds will have to be spent, through taxes, to support these programs. These three programs.

Regrettably, this budget does nothing—zero—to address this looming crisis. It is an act that I think fails our obligations as a generation. We are the governance party now. In the sense that most of us in this room who serve here today are baby boom members—there are some who aren't—it is inappropriate for us as a generation not to try to solve a problem which we are going to create for our children and our grandchildren. Yet this budget does nothing to do that. In fact, it aggravates it by suddenly creating this new concept that you can use reconciliation to expand and grow the size of Government dramatically, which is exactly what it does, which is unfortunate, and which is a terrible precedent for us as a government to pursue.

There was a proposal that came from the administration which I thought was reasonable and which would have reduced the outyear Medicare liability—the unfunded liability—by almost 25 percent. It would not have affected recipients except for those at the high end because all it did was that it impacted recipients, as was suggested, such as Warren Buffett or retired Senators, for example, who could and should pay a fair share of the burden of their cost of Medicare Part D.

Under Medicare Part D today, which is the drug program, if you are retired, it doesn't matter how wealthy you are, you still get the benefit fully subsidized by working Americans. So that a person who is working as a waitress or on an industrial line somewhere, or in a gas station, that person's taxes are subsidizing Warren Buffett's drug benefit, assuming he takes advantage of Part D, which being a conservative individual, I think he probably does, although I don't know whether he does. A retired Senator's drug benefit is subsidized by a working American today.

Well, that is wrong. I mean, obviously, if you have that type of income—and what the President suggested was that people who have over $80,000 of individual income or $160,000 of joint income, which is a lot of money—you should have to pay the full cost of your drug benefit, or at least a high percentage of the cost of your drug benefit. That was rejected. It was rejected by the other side of the aisle.

What a small step. That would have translated into a very significant savings in the long run, which was totally reasonable, but which was simply not pursued or brought to the table by the other side of the aisle. I mean, if they are going to do reconciliation instructions, which expands programs in this country dramatically, which is what this bill does, they ought to at least, on reconciliation, say to the Finance Committee, make former Senators pay the full cost of the drug benefit and people with incomes of over $160,000, or a large percentage of the cost of the drug benefit. But they didn't. They passed completely on that opportunity, even though it was a totally reasonable opportunity and something that should be done.

It should be done soon because the problem is—and it reminds me of that Fram oil filter ad of 10 years ago or so, which said: You can pay me now or you can pay me later. Well, the "later" is going to bankrupt our children and our children's children. Paying today, fixing this problem today, translates into long-term huge savings, and it is certainly something that should be done. But it was passed on in this budget.

So what is the practical effect of this budget? It is pretty simple. It is a big-spending, big-taxing, classic budget that comes from the left. It increases taxes by $730 billion, it increases discretionary spending by $205 billion, it raises the Social Security fund to the tune of a $1 trillion, it increases the debt of the Federal Government by $2.5 trillion, it dramatically expands the obligation which we are passing on to our children and which our children will have to pay, it eliminates some tax cuts which have caused this economy to grow and be vibrant and which have created jobs and generated huge revenues to the Federal Government, and it fails to even a little bit—by asking former Senators and wealthy Americans to pay the cost of their drug benefit—to address the looming crisis which we face as a nation, which is the Medicare, Social Security burden which we are going to pass on to our children.

It is not a budget which I would recommend, though I do appreciate the Senator from North Dakota and his energy in pursuing it.

There is one other small point, in the area of fiscal discipline, where we hear all this talk of pay-go. They shouldn't call this pay-go. They should call this "Swiss cheese go" because it is targeted to pick up the things they do not like, such as tax cuts. But the things they like, they basically exempt from it, such as agricultural entitlement spending. So it is a choose-the-things-you-like pay-go, or choose-the-things-you-don't-like pay-go. That enforcement mechanism is a nice term—it is a term of motherhood—but it is not going to have much discipline on the spending side of the ledger.

In addition, there are no caps in the outyears. For some reason, even at these very high spending numbers, which are egregious in their excess, they have put no caps in for 2009 or 2010. They have them in there for 2008 but not beyond that. They have expanded advanced appropriations, which is a way to basically get around caps to begin with, over what they have traditionally been.

I understand the President has sent up a letter, or his OMB Director has, and it says they are going to try to discipline the fiscal process through using the veto on appropriations bills. But we know the President can also be put in an untenable position because they can roll all these appropriations into the Defense bill and make it virtually impossible for the President to aggressively and effectively use the veto. It shouldn't be up to the President to discipline this place. We should do it.

There also should be effective points of order retained and carried out. In fact, the pay-go point of order is so neutralized they decided they wouldn't do it year by year. They decided to do a 5-year calculation of pay-go. This is all inside politics around here, or inside substance, but the practical effect of that is you can take credit for something you think is going to take effect in the outyears, when you know that 5-year scoring is sometimes a little sketchy. So you do spending this year with the claim that you are going to save in 5 years, and you can claim you have avoided pay-go. It is a way to game pay-go on the spending side of the ledger.

They basically have eviscerated a whole series of what are important spending restraints around here, or at least they have skewed them in a way that makes spending more capable of occurring and, of course, tax cuts will be aggressively disciplined so they can't occur. Because, after all, it is not your money. It is their money. You have to always remember that.

This budget is based on the basic theme that it is not your money, it is the Government's money, and we deign, we deign as a Congress, to allow you to keep some percentage of what you earn. But most of what you earn we want, and we are going to spend it. This budget does it very well.

Mr. President, I yield the floor.

Mr. CONRAD. Mr. President, I detect the Senator was blushing a bit when he suggested at the beginning of his statement that his party is the party of fiscal responsibility. Wow. That is breathtaking. Their party is the party of fiscal responsibility?

Let us look at what has happened on their watch when they controlled everything. They controlled the House, they controlled the Senate, they controlled the White House. Here is what happened to the debt on their watch.

They have built a wall of debt that is going to take us a generation to recover from. When this President came to office, at the end of his first year—we won't hold him responsible for the first year, although he inherited balanced budgets—the gross debt of the United States stood at $5.8 trillion. At the end of this year, it is going to be $9 trillion. So they have run up the debt $3 trillion in 5 years. If the President's plan is followed, in the next 5 years they are going to run it up to $12 trillion.

Their claim that they have been fiscally responsible is unfortunately contradicted by the facts. They talk about the performance of the economy. Let's look at the performance of the economy.

We have looked at what happened in this recovery compared to the nine previous recoveries, major recoveries since World War II. Here is what you find. Under this recovery we are running, on revenues, $127 billion short of the typical recovery since World War II.

On job creation, in the first 75 months, the previous administration, the Clinton administration, created 18.7 million jobs. In this administration for the same period, 5.2 million. The Clinton administration produced three times as many jobs.

On job creation compared to the nine previous recoveries since World War II, they are 7 million private sector jobs short of what has happened in the typical recovery.

On business investment, again, compared to the nine recoveries since World War II, they are 69 percent below the typical recovery since World War II.

When he talks about this burst of revenue under their fiscal management, you will notice that all his charts start in the year 2004. They forgot about 2001, when they were in charge; 2002, when they were in charge; 2003, when they were in charge. In fact, if you look back on the revenue of the United States, here is what you see. Tell the American people the whole story, not just the bits and pieces they talk about. Back in 2000, the revenue base of the United States was just over 2 trillion dollars. It has taken us until last year, it has taken us 6 years to get back to the real revenue base this country had in 2000.

Let's look at their record. The simple fact is, they increased spending—and they controlled every dime that was spent here. They increased spending by more than 40 percent. They stagnated the revenue base. The result was an explosion of debt. That is their record, and it is indelibly etched in the history of the country. Unfortunately, we are going to pay a long time.

Mr. DORGAN. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. Mr. President, regarding the first chart the Senator used, which showed the steps of additional debt, I was intrigued, as I was walking through the Chamber, to hear our colleague from New Hampshire say, "This is your money." I understand the origin of that comment. The implication is we don't have to fund schools and roads and law enforcement and defense, and so on.

We all have some responsibility to the country, so part of the money has to go to the Federal Government or State governments to pay for that. But when he says, "This is your money," should he not also, when you hold up that chart, say to the American people: This is your debt? Isn't it the case that in the years in which they ratcheted up that debt by spending money and not asking for the revenue for it, they are saying to the American people: We will load you up with some debt, and by the way, this is your debt. You pay it later. We will probably be done, but you pay it later. Shouldn't that be the second verse to that song?

Mr. CONRAD. What they should say is they have become the party of borrow and spend—because they spent the money. They increased spending more than 40 percent, but they didn't pay for their spending. Instead, they put it on the charge card, and they have run up the debt in a way that is unprecedented in American history.

They will have doubled the debt of the country and doubled foreign holdings of our debt. I have another chart that shows it took 224 years and 42 Presidents to run up $1 trillion of U.S. debt held abroad. This President has more than doubled that amount in 6 years.

That is the record. They can't run away from it because they own it.

When they say there is this huge tax increase—please. This is what the President said he was going to raise in taxes, $14.826 trillion. Here is what we raise, $14.828 trillion—virtually no difference.

That is what the President said his budget would raise. CBO has a little different take on it, the Congressional Budget Office. They show a difference, over the 5 years, of 2 percent; that we have 2 percent more money than they are proposing. The important thing about this budget—we all know we are going to write another budget next year—is what is the difference for revenue this year between our budget and the President's budget. Do you know what it is? Zero—nothing. No difference.

Where is this big world-class tax increase they are talking about? You certainly can't find it in the budget.

When he talks about spending, here is what has happened to the spending under our budget. They are the ones who ran up the spending, increased it 40 percent. We are talking about spending as a share of gross domestic product, down each and every year under this budget; from 20.5 percent of GDP in 2008 down to 18.9 percent of GDP in 2012.

We are turning the corner on debt. They have had it explode on their watch. We are turning the corner and starting to take debt down as a share of GDP.

I heard a lot of talk about this big increase in spending. Where are the increases that are in our budget? First of all, we increase the funding for veterans health care by $6.7 billion over last year. I am proud of it because we are going to keep the promise that was made to our Nation's veterans that they were going to receive quality health care. We have seen the scandal of the veterans being mistreated at Walter Reed under this administration, on their watch, when they were in charge. We are going to fix the problems in veterans health care by putting money where the speeches are.

On education and training, we increase by $3.6 billion because we understand that investment in our kids' education ought to be a top priority.

On justice and law enforcement, we add $3 billion because we are not going to cut the COPS program 94 percent and take police off the street when those additional 100,000 cops all across America have helped us reduce rates of crime. The President inexplicably says cut the COPS program 94 percent. We have rejected that proposal. We say keep the police on the street. Let's keep our streets safe.

On health care, we can begin to ensure the children of America, provide them with health insurance.

When we look at the reasons for the increases in spending under the budget resolution, 34 percent is because of defense and war cost; 25 percent is because of Social Security and Medicare. That is no change that we have made. It is simply the increased cost of those programs.

We also have a 7-percent increase in veterans' benefits and services, to take care of veterans health care.

Net interest up 10 percent. That is nothing we did. That is the debt that this President has run up. We have to pay the bill.

When they talk about this big increase in spending, do you know what it is? It is 2.6 percent. We have added 2.6 percent over the baseline to address veterans health care, to address the Nation's needs in education and health care of our kids. That is exactly what the American people expect and want us to do.

He says the tax cut will never come about. We have the middle-class tax cuts and estate tax reform in this proposal. He says none of it will ever happen because of the trigger. The way the trigger works, the Office of Management and Budget, controlled by the President, tells us what they expect the surplus to be in 2012. We can only use 80 percent of it for tax cuts. That is the way the trigger works.

Under the current scoring by OMB, there is sufficient room, as this chart shows, to fund all the tax cuts that are in this budget, all the middle-class tax cuts and the estate tax reform. Under current Office of Management and Budget scoring, if you take 80 percent of their projected surplus in 2012, their projected surplus, or 80 percent of it, in 2012 is $232 billion. The cost of the tax cuts is $180 billion. We can fund the tax cuts that are provided here, that go to hard-working, middle-class families, exactly where they ought to go.

He says we are raiding Social Security. He forgot how we got into this position. We got into this position because this President chose to provide tax cuts to the wealthiest among us instead of protecting Social Security. Under the President's plan, he is going to take, from 2008 to 2017, $2.5 trillion of Social Security funds to use it to pay other bills.

Let me say this. If anybody tried this in the private sector, what the President is doing, they would be on their way to a Federal institution, but it would not be the Congress of the United States, it would not be the White House, they would be on their way to the "big house." That is a violation of Federal law.

But, unfortunately, they have dug the hole so deep it is going to take us time to dig out of it. That is exactly what we have done under this budget because, unlike them, we have balanced the budget by 2012. Unlike the President, who even now has not balanced the budget by 2012—under his proposal, we would still be $30 billion in the red by 2012. We balance the budget by 2012 and have a $41 billion surplus. That is a real American value, paying your bills.

When they say their tax relief has somehow magically benefitted the middle class at the expense of the most wealthy among us—whoa, there is a whopper. Here is what happened. The millionaires of our society—and I have respect for those who have succeeded. I applaud them. I am delighted at their success. I hope everybody is financially successful.

But when they somehow say the middle class has been the ones who have gained by their tax policy and not those at the highest end of the income ladder, come on. I don't know whom they think they are fooling with that one. Here are the facts. This is according to the Urban-Brookings Tax Policy Center. Those earning more than $1 million in 2006—this is not a projection, this is what happened in 2006—those earning over $1 million a year got, on average, a tax cut of $118,000. Those earning between $100,000 to $200,000 got $3,700 dollars. Those earning less than $100,000 got less than $700. Please. There is no question who are the primary beneficiaries of these tax cuts. It has overwhelmingly gone to the wealthiest among us.

I am not being critical of the wealthy. I absolutely applaud their success. One of the great things about America is if you work hard and you are inventive and entrepreneurial, you can succeed. That is a great thing about America. We want to preserve it. One of the ways we preserve it is to pay our bills and quit running up the debt and quit running these massive deficits. That is why we worked hard to balance this budget by 2012. The President, even now, has not presented a plan that balances by 2012.

I have already talked about the things that are done within the long term. We have these reserve funds that were in our budget. But let's reflect—our friends on the other side, they criticize reserve funds. Here are all the reserve funds they had in their budget, reserve fund after reserve fund, and they criticize the ones that are in our budget? Please. That is the pot calling the kettle black.

Finally, with respect to the long term, I have said repeatedly, this is one place where Senator GREGG and I entirely agree. We have to tackle the long-term entitlement challenges—absolutely. The only way that is going to happen is bipartisan agreement. Neither party can tackle the long-term challenges on their own.

This is a 5-year budget resolution. Our long-term entitlement plan problems are 10- and 15-year problems.

The sooner we deal with it the better. But the budget resolution is not going to be the place because only one party is carrying the burden there. It has got to be a joint agreement between the two parties. That is why, along with Senator GREGG, he and I have proposed a plan to give, to empower, 16 Members—8 Democrats, 8 Republicans—the responsibility to come up with a long-term plan that would be dealt with separate from a budget resolution.

With that, Mr. President, I notice the Senator from Washington is here. I do not know whether the Senator——

Mr. ALLARD. Mr. President, I would like to have an opportunity to make some comments, if I might. Traditionally, we have always alternated this back and forth.

Mr. CONRAD. How much time would the Senator require?

Mr. ALLARD. Probably about 15 minutes.

Mrs. MURRAY. If I can have about 5 minutes before the Senator goes, I would appreciate it. If not, I will come back.

Mr. CONRAD. We can then go to two people on that side.

Mr. ALLARD. Fine.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I just wanted to come to the floor for a few minutes today and talk about the budget that is before us now. It reflects a lot of work. It reflects the priorities of families across this country. Importantly, it returns fiscal responsibility to Washington, DC. It invests in critical needs of all Americans.

I am very proud to be able to say I support it. It is tough and it is strong, which is exactly what we need to be doing today in the United States.

First and foremost, I do want to thank our chairman, Senator CONRAD, on his work on this most difficult task. I have served with him through this process time and time again. I am always amazed and impressed by his thoughtfulness, his attention to detail, and, of course, his amazing charts. He always works well, along with his partner from the House, Congressman SPRATT, to help us establish priorities of which all Americans can be proud.

Writing a budget of this size and scope is not easy, but Senator CONRAD has again proven this year he is up to the task. I am proud to call him a colleague and a friend.

Mr. President, Senator CONRAD and all of us as Democrats want a budget that reflects the priorities of American families. We do that in this budget by investing here at home—in our schools, in our infrastructure, and in our communities. We still provide every dollar the President asks for defense spending over the next 5 years.

At the same time, Americans want us to return to fiscal responsibility in Washington, DC. Every family knows the importance of balancing their own checkbooks and paying their own bills. They expect us, the Federal Government, to be responsible with their money as well.

Unfortunately, as Senator CONRAD pointed out, for too many years under Republican control we have seen a failure to manage those taxpayer dollars. Year after year, they have produced some of the largest debts this country has ever seen. This budget, our budget, says "no more."

Our plan does include strong pay-as-you-go rules, and that means we are being responsible for today and not burdening our grandchildren with future debt. In fact, this budget produces a $41 billion surplus by 2012. I really want to say we owe Senator CONRAD a debt for keeping us fiscally responsible yet investing in the right priorities, and still producing a surplus by 2012.

We recognize in this budget that American families want relief from taxes as well. This budget supports middle-class tax relief. It extends marriage penalty relief, child tax credit, and supports reform of the estate tax just to make sure that we protect small business and family farms, and, importantly, provides relief from the alternative minimum tax for 1 year, a tax that increasingly is a burden on middle-class families.

I am especially proud of what we have done in this budget that pays attention, finally, to our veterans when they come home. From stories we have heard of veterans who have been struggling to get mental health care for post-traumatic stress disorder, to some who had to wait months if not years to get the benefit checks they so need, or the lack of focus on traumatic brain injury, the signature issue of this war that is affecting thousands and thousands of our soldiers who have returned home.

What we have seen clearly is the President has not adequately funded veterans care. This budget reverses that terrible trend and provides $43.1 billion for addressing those problems. That is a critical component of this budget that every Member of this Senate ought to vote for.

Importantly, our budget rejects the President's proposal to impose new fees and higher copayments on veterans. The President's budget that came to us said that he wanted to impose fees and copays on the veterans themselves to pay for veterans health care. We say no. We say these men and women have paid the price by serving us. We are not going to charge them again.

Very importantly, we keep the promise to our Nation's heroes and restore that by saying we will not impose fees on our veterans to balance this Nation's budget.

This budget also invests in critical port security needs. I was very proud to work last year on a bipartisan basis to pass the Safe Ports Act. But that bill did not adequately fund the critical infrastructure we need to keep our ports safe. This bill begins that process.

We have increased funding for the Safe Ports Act, which means more radiation detection centers at our Nation's ports, more partners in safe trade, and importantly, the personnel, custom officials to make sure this bill actually works.

On education, our budget reverses the painful cuts that we have seen year after year to education and provides the largest increase in funding for elementary and secondary education programs in 5 years.

Like all of my colleagues, I have been home. I have listened to my teachers, my administrators, my parents, and students at home who tell us the lack of funding in the promise to No Child Left Behind has hindered them from being able to do the right thing, to make sure our children get a good education.

Our budget, this budget that is before us, increases Department of Education funding by $9.5 billion above the President's request and keeps the promise we made when No Child Left Behind was enacted.

As a parent, a former teacher, I know the importance of investing in our children's education. I am very proud this budget does just that.

This budget also provides very important funding for SCHIP; that is the program that Senator CONRAD talked about which is the children's health insurance program. Everyone talks about the incredible burden of health care in this country and who it is impacting most, our Nation's children. This budget expands health care coverage to nearly 6 million children.

Certainly, in this country today that ought to be our top priority. That is what Democrats are saying in the budget before us. We provided a very important step forward for American children with the investment in this budget.

I think it is important to note that in 3 of the last 5 years, the Republican majority failed to pass a budget. They had a much larger majority than we do here in the Senate today, and we saw what happened when a budget did not happen: historic debts that were passed on to our children and grandchildren.

Well, last November, in the election, Americans demanded a change. I believe this budget reflects that call. It returns fiscal responsibility to Washington, DC and, importantly, ensures our Nation's priorities are addressed. I am very proud to support this bill. I encourage all of our colleagues to do so.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator MURRAY for the extraordinary contributions she has made to this budget resolution. There is no more valuable member of the Senate Budget Committee than Senator MURRAY. She was a conferee. She has participated throughout the committee's deliberations on this budget.

Again, there is no one who played a more constructive role than Senator MURRAY. She has been a fierce advocate for education, for expansion of children's health care coverage, and for the transportation needs of the United States. So I thank Senator MURRAY for her very thoughtful participation in the deliberations of the Budget Committee.

I also want to take this moment to thank my colleague, Senator ALLARD, again for his courtesy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, first of all, I thank the chairman for his leadership on the Budget Committee and willingness to work with Republicans, to a certain degree, and I do appreciate his leadership.

We have a difference of opinion. I think these are reflected in the budget. I also recognize the ranking Republican, JUDD GREGG. I think he has it just right. I would like to associate myself with many of the comments he made on the Senate floor because I agree with him.

If you have been listening to this debate and what the Democrats on the other side of the aisle have been saying, you may be getting as confused as I am. You know, I listened to this debate, and it seems as though they want the argument all ways—at least four ways.

They want to argue that they are not increasing taxes but yet are increasing taxes. They want to argue that they are holding down spending, but yet they want to take credit for all of this spending they put in the budget. So I think that is confusing.

I think we are missing an opportunity to do more for future generations than what is reflected in this budget. In fact, I think this is a budget that is a disaster in the making for future generations. It took the majority Democrats only 4 months and 15 days to figure out how to raise taxes. Now, they say they are not raising taxes. But taxes are going to go up because of inaction on their part, because they make the rules and the procedures around here in the Senate so complicated that there is not going to be an opportunity for those of us who want to see taxes held down to make that effort without these very high hurdles.

They want to ignore the fact that the U.S. economy has done well; it has grown and prospered over the past several years with the creation of 7.9 million new jobs and tax revenues that have outpaced projections by $300 billion.

The economy has experienced smooth sailing, frankly. Now Democrats are about to pass a huge, bloated budget that will act as a heavy anchor weighing down our economy.

The Democrats do not want to recognize the fact that after we reduced taxes the economy grew. We have had this argument over the years in the Budget Committee, and with the now majority leader on the Budget Committee who does not want to recognize that when you are reducing taxes you actually have an opportunity to increase revenues, particularly when we start with a high tax rate.

If we look at what has happened with taxes before, the President came through with his economic growth packages, he had two growth packages, our economy was struggling, and we just finished, in 2001, what we call—the high-tech bubble had burst, the economy was regressing, and we had the 9/11 catastrophe. We had the war on terrorism. We moved into a time when we had a record hurricane year.

But despite all of those negative impacts, the economy did well. I can recall during the last part of the 1970s when we had high energy prices and we had a struggling economy. Remember, we got into double-digit inflation, double-digit unemployment. We referred to all of this as the misery index because our economy wasn't doing too well.

Most of that was attributed to the fact that energy prices were so high. But look at today and look where energy prices are and look at how the economy continues to grow, which I think speaks to the strength of the economic package that the President has put in place with the help of a Republican Congress.

What we did was reduce taxes in those areas where we thought we could really focus, particularly targeting the small business sector of our economy. That is where innovation occurs. That is where you can expect the greatest economic growth when you have right tax policy.

One of the things we did that really targeted the small businesses was we increased the amount of expenditures that they could write off so that small businesses make investments in their business, maybe it was computers, maybe it was—if they were in construction maybe it was a Bobcat. But it impacted all segments of small business.

The economy responded, and it is still responding. But this particular plan we have before us—and that is what this budget is, it is a plan. It is a plan that is put together by the House and the Senate. It is not anything that is signed by the President. It is an agreement.

So, now, in 4 months and 15 days, they have had this plan that lays out a pact to increase taxes.

It increases discretionary spending at least $205 billion over the President's request over 5 years. The debt increases $2.5 trillion over 5 years, and we don't do anything on mandatory spending. We had several hearings in the Budget Committee about the problem with entitlements, which is mandatory spending—Social Security, Medicare, and Medicaid—and how we needed to control future obligations in those programs because they are getting ready to bankrupt the country. We had testimony in front of the Budget Committee that said the way those programs are currently designed is unsustainable. It is completely ignored in this 5-year plan that has been put out on how they are going to grow the economy. I think it is headed in the wrong direction. It is going to be a disaster for future generations.

The Democratic budget contemplates a huge tax increase. The argument was made from the other side, as always, if you want to increase taxes, you blame the rich because they are making too much money. But everybody ignores the fact that the top 20 percent of taxpayers are paying 85 percent of the taxes. The bottom 40 percent is actually getting a refund, a handout from the Government. It is easy to point to the wealthy and say: They are not paying enough. But in reality, they are already paying a lot. If we allow the Republican tax plan to expire without taking any future action, the result is going to be a negative impact on our economy. I believe that.

This budget spends $23 billion over what the President suggested as far as discretionary spending for 2008, totaling about $82 billion over 2007. The budget spends $205 billion over the President's discretionary spending over 5 years. Entitlement spending grows unchecked by $416 billion over 5 years. It creates reserve funds. We did create a few reserve funds, but we didn't create 23 reserve funds, which is an opportunity to build a shield of smoke and mirrors, which allows spending to go on unchecked. I am concerned about the opportunity we are giving various committees to spend.

If we do this right, we can do a lot of things that will restrain spending, will hold down taxes, and actually provide for future generations of Americans. I am disappointed we haven't done more in those areas. In fact, we haven't done anything but move in the wrong direction.

I had an amendment I offered in the committee and on the floor that said: Let's look at the ineffective programs. This President, to his credit, has put together what they call the PART Program. PART goes into the various agencies and evaluates their programs. Then they rate them. Was it effective? Was it moderately effective? Is it ineffective, or have they made no effort at all? You can easily look into these programs where they didn't make an effort at all to try and establish a process where there is accountability in the way they spend tax dollars, or they can go into a program that was rated ineffective. I said: You know, if we go ahead and reduce spending by 25 percent on some of those ineffective programs, in the first year of this budget we could save about $4 billion, which is minimal, when you think about it, out of a total budget of $2.9 trillion. Over 5 years, that would amount to about a $17 billion reduction in debt, a relatively easy thing we could have done. We ignored that opportunity, as we ignored the opportunity to do something about entitlement spending. We talked about it and talked about it. This could have been a budget that actually called for some action. We have ignored all the recommendations of the hearings and gone ahead with business as usual—increasing taxes, increasing spending.

The Democratic budget literally ignored the entitlement crisis. They have done some manipulation so they can talk four ways about how they are not increasing taxes but in reality they are, about how they are holding down spending but in reality they are increasing spending much more than what Republicans are supporting. It would have been interesting to have seen how they would have created a budget during those 3 years the chairman of the Budget Committee criticized Republicans, when we had 9/11, we had the Internet bubble break, and we had record hurricanes. We had a lot of pressure on our budget. As Republicans, we did a good job. Those were tough times. This budget and these economic times are much better. This was an opportunity for us to do something to hold down spending. We could have done something to hold down the taxes so we could sustain our phenomenal economic growth.

Let me talk about one other issue. If you notice, when the Democrats talked about spending, they talked about it as a percent of gross domestic product. That is an easy argument to make. This economy has done so well that the gross domestic product is growing at a phenomenal rate. So you can increase spending at a phenomenal rate, and your figures can still look good. When you talk about spending as a percentage of gross domestic product, you are not talking about what is happening in the budget. You need to talk about it in terms of real figures from year to year and within the 5-year window of this budget. When you do, we have a tax increase of $736 billion. You have increased discretionary spending by $205 billion, debt by $2.5 trillion, and done nothing as far as entitlement spending is concerned.

I will not vote for this budget. I encourage my colleagues to join me. We can do better. This budget forgets about future generations, and we should do better on their behalf. That is the reason I came to the Congress, because I believed it was important that we eliminate deficit spending.

By the way, he talks about eliminating deficit spending by 2012. If we worked on it, I think we could have gotten rid of deficit spending in 2 years, with the current rate of growth and current incoming revenue, if we had only made the effort. But this budget ignores that effort. We continue to spend and tax as usual.

I am disappointed in this particular budget. We could have done much better. I think it is a disaster for future young Americans. Hopefully, this budget will not pass, and we can have another budget that deals more seriously with the future of this country and the future of America.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from South Dakota.

Mr. THUNE. Madam President, the conference report on the fiscal year 2008 budget resolution isn't only about a bunch of numbers; it is about our priorities for America. It is about our vision for America. A budget in a lot of ways is like a checkbook. A checkbook tells us about an individual's priorities. This is our national checkbook. It tells us where we are and where we want to go as a nation.

The proponents of this budget are proud of their budget, claiming it is fiscally responsible, it reduces the deficit, it makes hard choices, and leads to a balanced budget. Opponents of the budget resolution say it is nothing of the sort. It adds spending, raises taxes, does nothing about long-term entitlement programs and the crisis America faces there. They say it is a tax-and-spend budget doomed to fail because it grows the Government, slows the economy, and will fail to balance the budget. The question for the American people is, who is right. This is no trivial matter. It is not just about our Government's finances and the Nation's prosperity; it is about our jobs and paychecks. It is about our family's budget. It is about our hopes and dreams. So who is right? Is this a tax-and-spend budget or a fiscally responsible budget? In America, everyone is entitled to their own opinion, but not everyone is entitled to their own facts.

Fortunately, we have plenty of facts by which to judge this budget. We have the facts of the budget, the facts of history, and the hard facts of the IRS form 1040 to determine exactly what this budget is and exactly what this budget does for American taxpayers and families.

I believe a reasonable review of those facts will, sadly, conclude this is, in fact, a tax-and-spend budget, that it is based upon hundreds of billions of new spending, and almost a trillion dollars of new taxes, that it will grow the Government and slow the economy, and that it will fail to balance the budget because no tax-and-spend budget ever has, that it is diametrically opposed to the only solution we factually know to successfully balance the budget, and that is to cut spending and reduce taxes.

How do I reach that conclusion? It begins with two facts of any budget: What does the Government spend? What does the Government tax? From this budget we can tell three things about spending. First, we know every dime the Government is spending today. This budget says what the Government will spend tomorrow plus more to account for inflation and population and whatever other factors come into play. This budget does not require a single program termination, not a single program reduction, not a single program freeze. So we know spending doesn't go down. It goes up in a business-as-usual approach.

Next we also know new spending is added, over $200 billion in new spending over the next 5 years with no offset. Finally, we know there are some 24 reserve funds added where billions of new spending can be added. Some of them allow for tax relief, but mostly they add new spending programs or expand existing ones.

The authors of the budget will tell us that any of these new initiatives have to be offset with either spending cuts or new taxes. Given the fact that not one penny of spending is cut in this budget and that billions of new spending is added, I don't think we can expect to see any future spending cuts. That only leaves one thing to pay for it, and that is taxes.

Thus we see every penny of existing Government kept, we see billions of new spending, and we see promises of even more new spending beyond that. However, to be fair, the Democrats do point to one spending cut they may do. They point to provisions, so-called reconciliation instructions, to cut education spending by $750 million over a 5-year period. They want to use the reconciliation process so the provision cannot be filibustered. So to get this straight, out of a budget of $2.542 trillion this year, out of CBO estimated spending of $12 trillion, $37 billion over the next 5 years, the Democrats are going to try and squeeze $750 million out of savings. That is six one hundred thousandths of 1 percent.

This may turn out to become a spending cut, but consider two facts: First, the $750 million cut that might occur is dwarfed by $205 billion in new spending that is scheduled to occur. Second, that $750 million cut is a spending cut not to shrink Government but to actually grow Government.

The education reconciliation instruction is part of an effort to transfer subsidies that private lenders give to student loans and put the Government back in control of student loans. It is a cut not to shrink Government but a cut to shrink the private sector and expand the Government.

So in this budget, what do we have on the spending side? Well, as I said before, we have no spending cuts, no terminations, no freezes. We have $204 billion, $205 billion in new spending. We have numerous new spending initiatives promised, and the single, potential cut is infinitesimally small, is a fraction of new spending and is designed to use a special process to shrink private lenders and expand Government lending.

On the basis of no spending cuts, billions of new spending, promises of even more spending, and a miniscule cut that is actually a Government expansion—from all that—I think any reasonable person could conclude this budget spends more and more.

But what about taxes, the second part of our equation? Does this budget raise taxes? Does it help or harm taxpayers? Democrats insist there are no tax hikes in this budget. No one's taxes are going to go up, they assure us. But is that true?

If you are kind of boring and you care about budget numbers, you might come up with a different answer. If you are a taxpayer and know what it means to fill out your IRS Form 1040, you definitely will not agree with that assessment.

For those who care about the budget, here are the facts. Every budget passed since 2001 has excluded from its future revenue levels the tax cuts that were passed in 2001. In fact, each budget has excluded the revenue reductions from the 2001 tax relief, the 2003 tax relief, and the 2005 tax relief.

These budgets did not count as Federal tax revenue any of those revenues transferred back to taxpayers by those three tax cuts. Instead, every budget said the tax cuts are in your family's budget and not in the Government's budget; that is, until now.

This budget says those tax cuts are no longer part of your family's budget, but they are now part of the Federal Government's budget. Money cannot have two masters, and this budget says the money going to your tax cut has a new master, and it is not you. It is the Government.

In fact, over the next 5 years, some $736 billion in tax relief that Americans enjoyed yesterday and today to pay their bills, to feed their families, to invest in their dreams, will not be in their families' budgets tomorrow but in the Federal Treasury's coffers.

By transferring $736 billion of tax relief you enjoy today out of your families' budgets into the Government budget, the Federal Government revenue baseline makes a huge leap, and from that a deficit projected at $229 billion in 2012 suddenly becomes a surplus.

Do tax hikes account for that swing in the deficit? We know spending has not been cut. In fact, we know spending is going up. So the only reason the budget could swing from a deficit to a surplus in 2012 is because something has happened on the revenue side. Judging how big the deficit swings to surplus, something big must have happened on the revenue side in this budget, and the facts bear that out.

At $736 billion, that tax hike in this budget is not only the biggest tax hike in history, but it is more than double the largest tax hike in history. In fact, this tax hike is two times the record tax hike of $293 billion that was enacted back in 1993 by President Clinton and a Democratic Congress.

In fact, it is interesting to note, because we are talking about $736 billion in the conference report, if you look at the House-passed budget resolution when it left the House and went into conference, the tax increase was $917 billion. At that level, that would exceed and be greater than all the revenues collected to run all the Federal Government budgets for 156 years—from 1789 to 1957, from Washington to Eisenhower. It is a huge tax hike. So from a budgetary perspective, we know that spending goes up, and we know taxes go up. It is not the Government that will be spending less. The only folks spending less under this budget will be the American taxpayers.

That leads to the next tax hike test: the view of the taxpayer. This one is easier, but it is also more painful, as we look at the IRS Form 1040 that most of us filled out a month ago. We can ask the hard question—those of us who filled out the Form 1040 in the last few weeks or months—if losing various tax changes constitutes a tax hike in the mind of the average taxpayer.

So let's take a look at the Form 1040 and the tax changes this budget is specifically based upon and would include.

Now, obviously, as I said earlier, the House-passed version was a $917 billion level. The report that has come out of conference is at a $736 billion increase in taxes. But if you look at it on a Form 1040, you can see—when we started this process, when the budget was passed earlier this year—it eliminated the marriage penalty relief that was enacted a few years back.

It took the dividend income and capital gains income a lot of people have realized when they have sold stocks, or perhaps seniors in particular who have dividend income, and it takes the increase, or the rate on dividend income, from 15 percent—boom—up to 39.6 percent.

Capital gains as well—as shown right down here on the form—if you look at capital gains, which currently is taxed at a 15-percent rate, that is going up. Your tax rate, right there, is also going up to 20 percent. So you have dividend income and capital gains income tax rates going up in both those areas in this budget.

Now, if you turn to the next page of the tax form, you can see other areas in the budget where taxpayers are also going to see increases.

The Senate Democrats in the conference have restored a few of the Senate-passed items in the Tax Code, which I will get back to in a moment. But where we started out in this whole thing was we saw the standard deduction, itemized deduction, mortgage interest deduction, charitable contribution deduction—all those sorts of things that normally taxpayers are able to take—those went down. If you look at the credit for childcare, which is $1,000 today, and in the original budget, that would have gone down to $500, so you would have seen a decrease in that area of the Tax Code.

If you look down to the earned-income tax credit, which a lot of our men and women in uniform, our soldiers, are able to take advantage of, that, too, would have been slashed and gone down.

You can go up and down this Tax Code, and you can pretty much see every area in the Tax Code that was addressed in 2001, 2003, 2005—the tax relief that has been provided to the American taxpayer—those tax cuts are all going to expire and tax rates and everything else is going to go back up.

Now, the last chart I wish to show you is the tax rate schedule, which I think is also important. I am going to come back to this in a minute because, in fairness to my colleagues on the other side, they attempted, in the Senate resolution, to restore, put back, some of this tax relief.

But if you look at the original proposal, as it came forward from the House, the 10-percent lowest tax rate in the rate schedule, which benefits the lowest income taxpayers in this country, would have been slashed all the way through, completely cut, gone—no 10-percent rate.

Now, as I said, in fairness to the Democrats in the Senate, they put that back in, in an amendment, or at least they have alleged to have put it back in at some point, so some of these tax relief items that were knocked out in the House budget resolution get restored.

But the one thing that is clear—they may have done something that, as I said, only time will tell if we are actually going to realize that benefit and have the 10-percent rate restored—the one thing that is clear is that in the tax rate schedule, every other tax rate is going to go up.

So today, if you are paying at the 25-percent rate, your taxes are going to go up to the 28-percent rate. If you are paying at the 28-percent rate, your taxes are going to go up to the 31-percent rate. If today you are paying at the 33-percent rate, your taxes are going to go up to 36 percent—from 33 percent up to 36 percent. If you are paying at the high rate—the 35-percent tax rate—today, when this is all said and done, your tax rate is going to go up to 39.6 percent.

So as you can see throughout the entire rate schedule—this is even assuming the 10-percent rate gets restored for low-income taxpayers—for every other taxpayer in this country, every other rate in the rate schedule will go up.

What does that mean? That means higher taxes for a lot of Americans across this country. On this basis, I think it is fair to say that typical taxpayers are going to say, yes, these changes constitute a tax hike on them.

Senate Democrats insist there is no tax hike in this budget. So who is right, the taxpayers or the Senate Democrats in their budget? Well, my colleague from North Dakota sees the Democratic budget probably less like a taxpayer, maybe more like a Budget Committee chairman. But this budget, as it was originally proposed, as I said, got rid of the 1,000 tax credit, the 10-percent rate. It got rid of the death tax relief we were going to experience. Their claim now is they put an amendment in the Senate budget, which was adopted in conference, that will restore $180 billion of tax relief that this budget assumed would expire.

Now, if, in fact, there is no tax increase in this budget, why was it necessary to go through the exercise of having an amendment to extend the existing tax relief, such as the 10-percent tax bracket or the child tax credit, or some of the death tax relief that was enacted a few years ago and that will expire in a few years? I think the Senate Democrats saw billions of tax hikes in this budget, such as the taxpayers did, and decided to extend some but not all the tax relief this budget would allow to expire.

Now, by the action of the Baucus amendment that was adopted here, there was an admission, I believe, by the Democrats that billions and billions of dollars of what average taxpayers would call tax hikes actually are in the Democratic budget. If that were not true, we would not have needed an amendment, the Baucus amendment, to attempt to restore some of the tax relief that is set to expire in a few years constituting, as I said earlier, the largest tax increase in American history.

So it looks to me like what happened was an attempt to try and camouflage or disguise what clearly is a very large tax increase on the American people. No matter how they try—we will put this other chart up here—this budget cannot camouflage or disguise the extent to which taxes are going to go up on the American people.

The purpose of this whole exercise in having an amendment that allegedly would, as I said, restore some of the tax relief, was to provide a figleaf, not for the taxpayers in this country but for the tax raisers right here in the Congress.

Again, I wish to illustrate this was the $916 billion in new taxes that came out of the House budget resolution. The bill that left here, the Senate, and which is in the conference report we have before us today, as I said earlier, attempts to restore some of that tax relief.

So what did our colleagues on the other side do? They took a figleaf and said: We want to provide some cover for people here in the Congress who want to see taxes go up. Yet with the American people, what the American people see is a figleaf because this is a figleaf for the tax raisers and provides no cover whatsoever for the taxpayers; that is, the American people.

So even if you say we are going to restore the 10-percent tax rate, some of the death tax benefit that would accrue—and if not extended would expire—even if we do some of these other things they say they have done in their budget, you cannot address all the additional tax increases that are going to happen in this budget.

Let's say you cover some of the child tax credit, let's say you do some of the death tax repeal, let's say you even provide some of the marriage penalty relief that was enacted in 2001 and 2003 and allow that to be restored, you still just make a small dent in the overall tax increase of $900 billion.

So what do we have? We have $180 billion basically put back, restored, to try to provide a cover or some figleaf for over $900 billion in tax increases. So what we have ended up with is a $736 billion increase as opposed to a $900 billion increase.

So the bottom line in all this is, the amendment that passed the Senate—the $180 billion in the conference report—provides some level of coverage. It provides a little cover. There is a little figleaf of coverage there. But in the end, for the American taxpayer, it is about one-fifth of the expected tax hike, and it looks pretty doubtful we will even realize that.

So let me, if I might, say—looking at the other chart on the Form 1040—even if you assume the Democratic amendment puts that $180 billion of figleaf coverage back in there and does something about the child tax credit—which was $1,000 and went down to $500, but they say it goes back to up to $1,000—you are still going to pay more taxes because you are going to lose some of your mortgage interest deduction in the area of itemized deductions. Let's say they did something on the alternative minimum tax which they say they help correct in their $180 billion fig leaf amendment, but you still are going to pay higher taxes on line 43 because your tax rates are going up.

So the point of this whole thing is that in the Tax Code, if you look at a typical 1040 and you are a taxpayer, it is very clear what is happening here. If you are a tax-raiser in Washington, DC, obviously you come to a very different conclusion. But if you are someone who is out there and you are looking at the Tax Code and you are looking at your 1040—and let's just pop up this other chart for these purposes one last time—and you are going through this exercise and you say: OK, gee whiz, they gave us the marriage penalty relief back, well, you are still going to see, if you have dividend income, that going from the 15-percent rate up to the 39.6-percent rate. You are also going to see capital gains rates—if you have any kind of a mutual fund or anything like that which shows a capital gain, your tax rate is going to go from 15 percent up to 20 percent. You can't deny what is the reality of this whole exercise.

The other thing I will point out is that if you look at what works in terms of balancing a budget, it is pretty clear this formula isn't the one that works.

Back in 1997, I was a Member of the House of Representatives, and at that time, as we went through the process of balancing the budget, we had a Republican Congress, a Democratic President, and they agreed to a balanced budget plan that actually got the job done. In fact, the Republican budget plan President Clinton signed into law had two primary features: It had spending cuts of $263 billion, and it had $95 billion in tax cuts. So what did it do? It cut spending and it cut taxes. What was the result of that? Well, we saw the economy grow, we saw Government revenues grow, and pretty soon we were running surpluses.

This budget is very different from that one. This budget has $205 billion of new spending and, as I said earlier, $736 billion in new taxes.

So in 1997 when we had record spending cuts—$263 billion over a 5-year period, and tax cuts of $95 billion over a 5-year period—we saw a good result. We saw an economy that started to grow, we saw the Government start generating surpluses, and that is the exact opposite model of what we are talking about here today. We are talking about a budget today that increases spending by $200 billion a year, that increases taxes by $736 billion a year, and I think that ends up being a formula for higher spending, higher taxes, and a slower growing economy.

This budget is the mirror opposite of what was done in 1997 and yielded the good results that came as a result of a Republican Congress working with President Clinton at that time to get a balanced budget which actually cut taxes, which cut spending. Spending went down, taxes went down, the economy grew, we saw more Government revenue, and that is exactly what we would like to see out of this budget. But, as I said earlier, this budget is the mirror opposite of that budget. This budget increases taxes, it increases spending, and my fear is we are going to see the Government grow—which it will—and we are going to see the economy slow. I hope that doesn't happen, but I don't think, when you increase spending in Washington, DC, and grow the Government and increase and raise taxes, you are going to see the kind of effect on the economy we saw in 1997 when we cut Government spending and cut taxes.

I appreciate the opportunity to come speak to this budget resolution. I will join with many of my colleagues in opposing this because I believe it is the wrong formula for America's future. Higher spending, higher taxes, and more government is not what this economy needs, and it is not what the taxpayers of America need—the people who fill out those 1040s every single year. We ought to keep them in mind because they are the ones who are paying the bills.

With that, I yield the floor.

Mr. CONRAD. Mr. President, the Senator has a vivid imagination. I don't know what these charts refer to, but they certainly don't refer to the conference report that is before the body now. He has mixed up so many different proposals that have been before various bodies, but he has not referenced the matter that is before this body.

What is before the body is the conference report on the budget. The conference report on the budget does not increase spending; the conference report on the budget takes spending down as a share of gross domestic product, which all the economists say is the right way to measure because it takes out the effect of inflation. We are taking spending down from 20.5 percent, which is where they took it when they had control; they ran up the spending when they ran everything here. They controlled the House. They controlled the Senate. They controlled the White House. On their watch, they ran up the spending. We are taking it down, from 20.5 percent of GDP down to 18.9 percent of GDP. That is one of the key reasons we are able to actually balance the budget—something they have never done and something they still have no proposal to do. That is the fact. This is not increasing spending; this is taking spending down as a share of the gross domestic product.

Now, the Senator puts up charts that are people's tax returns and talks about this rate going up and that rate going up. There are no rate increases here. There just aren't. I know the Republicans have given this speech so many times, it is habit. So it doesn't really matter what the budget is; they just trot out the same speech they gave 5 years ago. The problem is it doesn't fit the facts.

The President said in his budget, by his own estimate, that he would raise $14.826 billion over the 5-year life of the budget. Our budget raises $14.828 billion—virtually no difference. Now, this is using his own agency's estimates, the Office of Management and Budget. We use the Congressional Budget Office on ours because they are the official scorekeeper for the Congress. If you put them on the same basis, the Congressional Budget Office basis, we do have 2 percent more revenue than the President's, but our revenue doesn't show up until beyond 2010. We are going to write another budget before then. This budget controls next year. There is no difference in revenue next year. There is no difference in revenue.

I don't know what speech you are going to give next year when there has been no tax increase. I know you will be terribly disappointed, because you believe that there has to be a tax increase. We are going to be here next year, and then we are going to have to trot out all of these speeches that have been given here. I am afraid some of those who have given these speeches are going to be terribly embarrassed.

Mr. SANDERS. Mr. President, would the Senator yield for about 3 minutes?

Mr. CONRAD. I would be happy to yield.

Mr. SANDERS. I would like to ask the Senator a question. Let me begin by thanking him as the chairman of the Budget Committee for his excellent work on the budget resolution. This conference report, despite what some may have heard, is a major achievement for our Nation's veterans, for children without health insurance, for the middle class, and for millions of Americans struggling to make ends meet. None of these achievements would have been possible without the strong work of Senator CONRAD, and I commend him as a member of the Budget Committee for all of his efforts.

As my colleagues know, one of the major issues I have been working on has been to expand federally qualified health centers in this country, and on that subject I would just like to ask the chairman the following question: Does the conference report accompanying the budget resolution assume that $2.6 billion in Federal funding would be provided for federally qualified health centers in fiscal year 2008—$536 million more than the 2007 level adjusted for inflation and $575 million more than the President's request?

Mr. CONRAD. Mr. President, I would say in response to the Senator that it does. This conference report includes the amendment that was offered by the Senator to increase funding for community health centers. As the Senator knows, this is one area of spending the President has supported. More than that, this is an area I think almost all of us believe has had remarkable success.

I have visited community health centers in my own State, and I have seen the remarkable work they are doing. In Fargo, ND, we have a community health center that is serving thousands of people and doing it in an extraordinarily cost-effective way. It is getting very good health care results for its clients.

So I was pleased to support the amendment of the Senator from Vermont. I think this is one of the most cost-effective things we can do to expand health care coverage for the people of our country and the people of our individual States, and I salute the Senator for offering that amendment. We vigorously defended that approach in the conference committee, and the conference agreed to support that level of funding.

Mr. SANDERS. Mr. President, I just want to thank the chairman very much, and I concur with everything he has said. For 40 years, federally qualified health centers have provided high quality primary health care for millions of Americans, regardless of their income, and as the chairman just indicated, they do that in a very cost-effective way. If the Appropriations Committee provides this funding, at least 4 million more Americans would gain access to the high-quality, affordable primary care available in our Nation's health centers in a very short period of time, with millions more getting access as the new centers get up and running. I thank the chairman again, and I look forward to working with him and my colleagues to make this a reality.

Mr. CONRAD. Mr. President, I thank very much the Senator from Vermont, who is an extremely constructive member of the Senate Budget Committee and a fierce advocate for those things he believes in. He is somebody who has done his homework, and we appreciate that very much on the Senate Budget Committee. I thank the Senator from Vermont.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. GREGG. Is the colloquy that just occurred part of the increased spending that doesn't occur in this budget?

Mr. CONRAD. Mr. President, let me just say that the spending in this budget, as I have said over and over—and I will be happy to put up the chart again—spending as a share of gross domestic product goes down under this budget each and every year. It goes down from 20.5 percent of GDP to 18.9 percent of GDP.

The Senator will recall it was on their watch that, not only did the spending go up dramatically, but the revenue stagnated. The result was to explode the debt of the country. That is the record of the other party. Unfortunately, it falls on our watch to begin to clean it up, and this budget does so.

Mr. President, is the Senator from Texas prepared?

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, with the permission of the bill managers, I would like to yield myself 10 minutes.

Mr. GREGG. Mr. President, was the Senator from North Dakota yielding time to the Senator from Texas?

Mr. CONRAD. No.

Mr. GREGG. I just got that impression, so I was willing to remain silent as the Senator from North Dakota yielded the Senator from Texas time.

Mr. CORNYN. Since I didn't hear any objection, I was assuming we were proceeding.

Mr. GREGG. I yield 10 minutes to the Senator from Texas.

Mr. CORNYN. I appreciate that. Listening to the comments of the distinguished chairman of the Budget Committee, just trying to summarize it, reminds me of a saying in my part of the country—and I will bet it is the same in his part of the country—the most feared words in the English language are "I am from the Federal Government, and I am here to help." That is basically how he summarizes this budget: We are just here to help the American people.

The problem is that this budget puts us on a tax-and-spend budget, which is really the worst of both worlds. It dramatically grows the size of Government over the next 5 years. This is not just 1 year, this is a 5-year budget, and it contemplates a record increase in taxes and explodes the debt. It contemplates the largest tax hike on the middle-class families and farmers and entrepreneurs in our Nation's history—about $736 billion over the next 5 years.

Unfortunately, this tax increase will take place without a vote of the Congress because what it will do is take advantage of expiring temporary tax relief we passed back in 2003 which has produced an economic explosion in this country and the creation of about 7.8 million new jobs just over the last 4 years. We all know this tax relief has helped the economy grow and create jobs.

On this point, I am especially disappointed that this conference report does not include an amendment I authored which passed the Senate on a bipartisan vote by 63 to 35. That amendment, which is not included in this conference report, created a 60-vote budget point of order against any legislation that raised income tax rates on taxpayers, including middle-class families, college students, and entrepreneurs. In addition, the Senate unanimously voted to instruct its conferees to include the point of order in the conference report. But, once again, I guess we are asked to suspend our disbelief because here in Washington, inside the beltway, things happen differently.

We pass amendments by a vote of 63 Senators, we unanimously vote to instruct conferees to include that point of order in the conference report, and that prohibits an increase in tax rates unless at least 60 Senators agree; and, miraculously, it doesn't appear in the conference report.

While I am aware of the procedural ramifications, I think it would have been a powerful message for the Senate to make taxpayers across the country, to make this point to them that, as the chairman of the Budget Committee has said, there will not be an increase in taxes, to reassure them that there won't be. But, frankly, I think the numbers belie some of the statements being made, to the extent that we are not contemplating tax increases over the next 5 years, when in fact this budget contemplates a historic increase in taxes, just to be able to keep up.

The fact is this amendment highlights an essential point—that 63 Members of the Senate, a bipartisan majority, believe tax rates should not be raised. Unfortunately, the way I read this budget, it does contemplate dramatic increases in taxes, and I don't see anything else at the end of the day happening.

Finally, a few comments on the spending side of the ledger. While the chairman said there will not be higher rates next year under this budget, there will be, with no question, higher Government spending—approximately $23 billion above what the President requested, which I may add is not paid for, which goes directly to the debt. In other words, it is an IOU we hand down to our children and grandchildren. In fact, this budget contains billions of dollars in new spending on Washington programs—$205 billion over the President's request over the next 5 years.

When it comes to entitlement reform, this budget does absolutely nothing to address the $69 trillion long-term entitlement crisis we are facing. I wonder when things are going to change around here, when our rhetoric is matched by action. We on this side of the aisle have said we are determined to work with our colleagues on the other side of the aisle to deal with this growing mountain of entitlement spending and debt. Yet we are told, no, not this year, maybe some time in the future.

My question is: If not now, then when? We need the answer to that question. The American people need an answer to that question because the debt continues to pile up through uncontrolled spending on entitlement programs that are on auto pilot, and the bill is being sent to our children and grandchildren. That is wrong and we need to fix it. If not now, I wish to know when.

In fact, if we do nothing over the next 30 years, we won't have a dime to pay for anything else, except four things: Social Security, Medicare, Medicaid, and a part of the interest on the debt. We will not have the resources necessary for other important priorities such as national security, fighting the global war on terror, securing our borders, veterans health care, or education.

For these reasons, I cannot support this budget, which would dramatically increase spending and return us to an era of big Government, known as tax and spend. It passes the IOU down to our children and grandchildren and, at the same time, increases the debt by $2.5 trillion.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I yield 15 minutes to the Senator from Michigan, who, by the way, is an extremely valuable member of the Budget Committee and has played a very constructive role in this process. I thank the Senator for her assistance at every step in the budget process.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I appreciate the kind words of the chairman. It has been a pleasure working with him and knowing that, given what he has had to deal with, in terms of the lack of budget resolutions and the deficit that has been created, he has done an extraordinary job of putting the fiscal ship of state back in order. It has been a pleasure to work with somebody who is grounded in what is important to the American people.

I find it so interesting; first, there is all of the rhetoric that is thrown around about Government, about tax and spend. What we have seen in the last few years has been a borrow-and-spend mentality—basically not paying for what we are spending. We had a $5.6 trillion surplus when I came into the Budget Committee in 2001, with President Bush coming into office. He was handed a $5.6 trillion surplus—a pretty nice gift for somebody coming into office. We debated what ought to be done with that. Unfortunately, a more balanced approach to focus on middle-class tax cuts, to grow the economy, investments in science, health care, education, and jobs, and putting some money aside for Social Security, for the long term, was rejected. That was our plan, but it was rejected by the majority at the time. Instead, a plan was put into place that has borrowed and spent us into the largest deficits in the history of the country.

When you look at the total debt right now, we are looking at a debt that is estimated to be $9 trillion by the end of this year. What concerns me as well about that is, who is buying that debt? Half of our foreign debt is owned by two countries, China and Japan. They turn around and don't follow the rules on trade. They manipulate their currency, which means their products come in with big discounts and compete unfairly against American workers and businesses. When we ask the administration to get tough, they don't do it. Why? Because it is pretty tough to try to enforce it.

This huge deficit that has been created is not only something we need to be concerned about from a fiscal standpoint, but jobs and what is happening in the global economy and our ability to fully enforce our trade laws—that is also impacted. That is why I am so pleased at what we are seeing with this budget resolution.

We have not had a budget resolution for a few years. When our colleagues were in charge, there wasn't one put together for a number of years. But now we have made a commitment to put together a budget resolution that is based on a couple of very important principles: first, a return to fiscal discipline. We are going to stop digging that hole that has put us into a deficit, and now we are going to work our way back out to fiscal responsibility. In fact, our budget comes into balance within 5 years. I am proud of that.

Secondly, we are putting middle-class families first. Throughout this budget, whether it be tax cuts or investments in education, or whether it be health care for our children, or making sure we fund law enforcement, or whether we are fully funding the military or homeland security, we are focusing on Americans and middle-class families—the folks who are working hard every day, who have been saying, hey, what about us? We have seen jobs go offshore and more and more dollars going to fewer and fewer people, in terms of spending. We have turned that around.

This is a new direction. I am very proud of the work that has been done with the House and the Senate. I am proud of our leader, Senator REID, and our leader on the budget, Senator CONRAD, who has done such an extraordinary job.

What are the elements we have put together relating to the budget? There are many pieces. We basically reversed what the President has done in terms of cuts in investments in Medicare and Medicaid and the COPS Program and a variety of others. Start with this. Basically, there are six areas we have focused on:

First, a return to fiscal responsibility. We put into place something called pay-as-you-go. At my house, it was called common sense, paying the bills and not spending more than you had coming in. That process has been put back into play so we can, in fact, balance the budget and return to fiscal responsibility.

We also have made investing in education and innovation a top priority. We know we are in a global economy and we are in a time and place where it is harder and harder for families to be able to afford college. Yet college is needed more than ever for advanced skills, for people who are going back to work, or for those who need to train for another type of job; and education from preschool and Head Start all the way up to college is a critical part of investing in the future of our country. America's young people are competing with students from around the world. We are competing in a global economy. Higher skills and focusing on education and opportunity are essential. So is innovation, because we know we have been the engine of great ideas. We have to keep that up, whether it is the National Institutes of Health or whether it is the advanced technology program relating to manufacturing technology—all kinds of ways in which America has been the leader. To maintain that, we have to make an investment, as any individual business makes an investment in the future, in innovation and ideas to be able to create more jobs. Our budget says we are going to return to fiscal responsibility and put education and innovation at the top for our families and for our future.

Then we are making a major commitment to cover health care for children. In fact, this budget puts a major commitment forward for the next 5 years of this budget resolution to cover every child with health insurance. We are talking about children of parents who are working. They may be working one or two jobs or three jobs, and we know the average single parent—the average mom today, to make ends meet, has to figure out how to work three different minimum wage jobs, and they probably don't have health care. We don't think it is right that in the greatest country in the world, the wealthiest country in the world, moms and dads are going to bed at night saying, please, God, don't let the kids get sick. Please help our son not break his arm and have to go to the hospital because he has been playing sports or don't let our daughter get sick or hurt playing in sports and break a leg.

We want to make sure every child in America has health insurance. We make that commitment in this budget to fully fund SCHIP, the children's health care program. That is a downpayment on making sure we provide health care for everybody.

In this budget, we start with children, making sure every child in America has access to health care. Then I hope we take the next step within the next couple of years to do what needs to happen, which is to fundamentally say health care is a right and not a privilege in the greatest country in the world, and fully provide access to health care for every American. So we have education and health care as an investment.

Then we do something incredibly important, which I think every American agrees with and, frankly, is shocked hasn't been done in previous budgets in the last 6 years under the previous majority and this President, and that is we are going to keep our promises to our veterans. We have 50 different veterans organizations, service organizations, supporting what we are doing because we are taking their numbers about what is needed. They put together a budget called the independent budget, and they estimate how many new veterans are coming home from the war and how many current veterans are going to need help. For the first time, we are meeting that number on health care and in other areas, which is critical. We are saying we are going to keep our promises to our veterans, and the American people want us to keep our promises.

By the way, all of these things are not "Washington" or "Government." It is all of us together. It is what we do in a civilized society, the greatest democracy in the world. We come together and decide how to allocate the precious resources. That is what we are doing. How do we invest these in a way that keeps our promises to veterans and creates opportunity for the future, for the American dream and for people in this country? We have a very important provision; we have middle-class tax cuts. We make sure the middle-class tax cuts that have been passed and are in place under the child credit and the marriage penalty and the tax cuts that affect middle-class families are extended.

We make sure that we put our focus where it ought to be—on middle-income families—because those are the folks being squeezed, those are the folks who are seeing their college costs go up, their health care costs go up, if they have it at all; their wages go down, if they have a job; their gas prices go up, and Lord knows they are going up and up and up. So it is our working families, our middle-class families, those who are barely scrimping by who are seeing all these costs descend on them.

When we look at that, we say we ought to make sure they are the ones who get the break. That is what our budget does.

Finally, we make sure we reverse the President's continual assault on the COPS Program and on other key investments in health care and technology, areas where every year the President has tried to eliminate, cut back. We have now in Michigan, since 2001, 1,600 fewer police officers on the streets. People can't believe that since 9/11 we actually have fewer police officers—and that number has been going up—on our streets in our communities than we had before 9/11.

We reject the President's further cuts in law enforcement. We restore those dollars. We put back dollars, we increase dollars for homeland security.

That is the picture. This is a picture of responsibility. We want to be fiscally responsible and, at the same time, we want to focus on putting middle-class families first. That is what our budget is all about.

Also, it is true there are some areas of the budget where we are raising revenue, and that comes in the category of closing outrageous tax loopholes for businesses and individuals who owe taxes, which is estimated anywhere up to $345 billion, folks who decided to take the money offshore, take the jobs offshore.

Our chairman has shown so many times the picture of the building in the Cayman Islands with over 12,000 businesses saying that is their business location. Obviously, it is not. We don't think they ought to get away with that.

Middle-class families, the majority of the people in this country, have a right to know if they are following the law, if they are paying their taxes, that we are making sure everybody is following the law and paying their taxes.

So, it is true, we do take some dollars from those folks who cheat, who leave the country, who too many times take jobs with them, and we say: You know what. You need to follow the law like everybody else. We take those dollars, and we put them back into making sure that education is available, health care for every child, police officers, firefighters in our communities, paying for our armed services, keeping our promises to our veterans. I call that setting the record straight, turning things around, and creating the right kind of priorities for our country. The budget is always about values and priorities. That is what it is, it is about values and priorities.

I am very proud of the values and priorities reflected in this budget.

The PRESIDING OFFICER (Mrs. McCaskill). The Senator has used 15 minutes.

Ms. STABENOW. Madam President, I urge my colleagues to join with us in this new direction set by this budget for the families of America.

Mr. OBAMA. Madam President, I rise today to speak about the conference agreement on the budget resolution that was just passed by the House of Representatives this afternoon.

This budget makes an important departure from the irresponsible budgets of the recent past and begins to restore balance. Instead of gutting programs that help our most vulnerable citizens and communities, this budget enables these programs—like the State Children's Health Insurance Program, the Low-Income Home Energy Assistance Program, Medicare, COPS and others—to keep serving those who rely on the commitments our Nation has made to help all its citizens. Instead of gimmicks and passing the buck to others, this budget brings greater transparency and responsibility back to Washington.

I am supporting this agreement as an important step in getting America's budget back on track. A large part of getting back on track is reinstating the pay-go rule in the Senate. Under pay-go, Congress will not be able simply to pass along the debt to future generations for the choices we make today. We will have to be accountable for paying our own bills and collecting our own revenue. Pay-go by itself will not bring our budget back to balance, but it will help those of us committed to fiscal responsibility to keep budget deficits from getting worse.

When I talk to families in Illinois and across the country, I hear the same sets of concerns and aspirations. The people I meet want affordable health care for themselves and their children. They want a quality education for their children. They are concerned about our national security and our domestic security. They want to retire with dignity. They are concerned about the costs of this war in the thousands of sacrificed lives and the hundreds of billions of dollars borrowed from abroad. They are concerned about their own credit card debts and our rising national debt.

The failure of our nation to guarantee access to affordable health care for children is shameful. This budget rejects the President's proposed cuts to the State Children's Health Insurance Program and makes children's healthcare a priority for Congress.

The security of our Nation is a critical priority, and honoring our veterans is our moral obligation. This budget fully funds our Defense and Homeland Security funding needs and makes it possible to provide the quality health care and services that our veterans deserve.

This budget calls for strong new measures to close the tax gap, shut down tax scams, and address offshore tax havens. I am particularly pleased to see the strong support for improved mandatory reporting by brokerage firms of the adjusted cost basis of their clients' stock, bond, and mutual fund investments.

During the Senate debate on the Budget Resolution, two of my amendments were adopted to increase summer-term education funding and to promote carbon sequestration technology. I am pleased that the conference agreement has laid the foundation to accommodate legislation that I have introduced in these important fields.

This budget fully funds the President's request for defense spending while prioritizing improvements in veterans health care, children's health coverage, and education. It eliminates the deficit by 2012 and reduces spending as a share of GDP. And it does this without raising taxes or requiring deep cuts to critical government services.

This budget demonstrates that we can rise above ideology and gimmicks and begin tackling the serious challenges we face as a nation. I commend the outstanding leadership of Chairman CONRAD and the good work of the House and Senate conferees.

I hope my colleagues will join me in voting for this conference agreement.

Mr. BUNNING. Madam President, I would like to talk today about the House-Senate budget resolution, S. Con. Res. 21, and the many reasons I oppose it. Overall, the budget resolution contemplates a staggering amount of spending: $15.5 trillion of total budget authority from fiscal year 2008 through fiscal year 2012. In fiscal year 2008 alone, the resolution provides for nearly $3 trillion in spending, yet a significant part of that spending is unfunded, or it comes from the Social Security surplus.

On its face, the budget resolution increases the gross debt by $2.5 trillion over 5 years, but this figure understates the true impact of this misguided decision on our economy. In order to fund $2.5 trillion in additional national debt, the Treasury Department will have to sell Government bonds. Its demand for credit will drive up interest rates, making homes more expensive and curtailing economic activity that creates jobs. There is no restraint. The resolution calls for $205 billion more in discretionary spending than called for in the President's fiscal year 2008 budget.

Not content to "tax" Americans with the higher interest rates that will result from deficit spending, the authors of this resolution are endorsing real tax increases as well. The budget resolution's failure to provide for extension of the 2001 and 2003 tax cuts will result in an enormous $736 billion tax hike on families, seniors, and businesses.

True, the resolution provides for the extension of certain popular tax cuts that Congress enacted, such as the child tax credit, but it also places a substantial new obstacle in the way of enacting even these cuts. This is the so-called trigger mechanism that Chairman GREGG and others have discussed in detail.

Finally, even with the higher interest rates, tax increases, and procedural barriers to tax cuts this resolution contains, it still relies on raiding the Social Security surplus to achieve the appearance of budget balance at the end of the day. I tried to stop this by including language in the Senate passed version of this resolution, but unfortunately, the conferees took this provision out of the final bill.

Get ready, America. Your taxes are about to go up.

Mr. LEVIN. Madam President, assuming this budget resolution conference report passes today, it will be only the second time in 5 years that Congress has finalized a budget. The annual budget resolution sets forth the necessary blueprint for the Government's spending and revenues, and I am pleased that we have an agreement to vote on this year. I am also pleased that it is a plan that can help put us back on a fiscally responsible path.

For too long now we have been digging deeper and deeper into a ditch of debt. President Bush's budget submitted to Congress in February would continue that trend by increasing the gross federal debt by nearly $3 trillion to $11.5 trillion by 2012. That's $38,000 per person. The budget resolution we are considering today can help reverse that trend.

The resolution reestablishes a strong pay-go rule, which would require any new spending or tax cuts to be paid for elsewhere in the budget or receive a supermajority of at least 60 votes in the Senate. While I know that balancing our many priorities will not become easier under this pay-go regime, I welcome its return. I am also pleased that this budget establishes a new 60-vote point of order against long-term deficit increases.

This budget also sets a blueprint for going after our country's massive $350 billion tax gap, which is the difference between the amount of taxes owed by taxpayers and the amount collected. One of the primary tax gap areas I hope Congress will focus on this year is the offshore tax haven and tax shelter abuses that are undermining the integrity of our tax system. I commend Chairman CONRAD and the Budget Committee members for their willingness to take on and push Congress to address these complicated areas. There are many ways Congress can go about tackling these problems, and I hope that one of them will be to enact the Stop Tax Haven Abuses Act of 2007 that I introduced earlier this year with Senators COLEMAN and OBAMA. Our bill would crack down on a number of the offshore abuses that shift the tax burden onto ordinary taxpayers, and would be a big step toward achieving fairness in our tax system.

This budget resolution also works toward fairness in our tax system by assuming an extension of middle class tax cuts, including extensions of marriage penalty relief, the child tax credit and the 10 percent bracket. It also assumes a year of alternative minimum tax relief and estate tax reform for small businesses and family farms. While the bulk of the President's unaffordable tax cuts since 2001 have benefited only the wealthiest among us, the tax cuts assumed in this budget are aimed at helping working families. I believe they are an important part of any economic plan and should be continued.

On the spending side of the ledger, I am pleased that this budget resolution supports our men and women in uniform both in the national defense program and the additional costs of operations in Iraq and Afghanistan.

I am also pleased that this resolution includes the resources needed to ensure that our veterans get the health care they deserve. In total, the resolution provides more than $43 billion for the Veterans Affairs healthcare system—$3.6 billion more than President Bush's budget.

I am also pleased that this budget provides a $50 billion increase over 5 years for the Children's Health Insurance Program, SCHIP, to expand children's health care and make sure states can maintain current caseloads. Making sure children have adequate health care should be one of our nation's top priorities. Unfortunately, President Bush's SCHIP budget proposal would have lead to the loss of critical coverage in many states. The Secretary of the Department of Heath and Human Services has even admitted that the intent of the President's proposal is to decrease the number of children enrolled in SCHIP. It is imperative that we reject that inadequate proposal, and this budget resolution does that.

This budget also represents a significant improvement over the President's budget for education. For 2008 alone, it provides an increase in discretionary funding for the education and training function of $9.5 billion above the President's request. That means more funds for Pell grants, IDEA, and No Child Left Behind Act than the President requested. It would be shameful to fail in our responsibility to our children by adopting a spending blueprint that does not provide our schools the resources they need.

It is a welcome change to be voting for a budget resolution that can change the failed fiscal policies and irresponsible tax cuts pushed by this administration. This resolution can help pave the way for important investments in America's future to put our country back on track and to begin the long process of climbing out of the ditch of debt.

Mr. ENZI. Madam President, as the Senate debates the fiscal year 2008 budget resolution conference agreement, I want to first acknowledge the hard work of Chairman CONRAD and Senator GREGG throughout this fiscal year 2008 budget cycle. While I do not always agree with the chairman of the Budget Committee, I do appreciate the hard work it takes to get a budget through Congress.

I also want to acknowledge the importance of writing and passing a budget resolution. This document is a vital part of the operation of Congress. It sets a fiscal blueprint that Congress will follow for the year and establishes procedural hurdles when these guidelines are not adhered to. Because this is such an important document, I am even more disappointed with the fact that this was not a bipartisan process.

Not being included in the crafting of this budget is far less important than the fact that this budget does little to help our economy. From the day we marked up this budget in committee, this document has been a tax-and-spend, big-government budget. It also fails to make meaningful reductions in mandatory spending—even though our Nation's mandatory health programs are growing each year by more than 6 percent, an unsustainable level.

It is not right to overspend now—and pass the bill on to our children and grandchildren to pay later. It is regrettable that during this budget debate, the Senate was unable to work across party lines and do more to shore up our economic future.

As my colleagues may know, this conference report contains a reconciliation instruction for the HELP Committee, where I serve as the senior Republican senator. This reconciliation instruction directs the HELP Committee to produce $750 million in deficit reduction over 6 years. The Senate-passed resolution did not contain any reconciliation instructions. However, the House-passed budget did contain such an instruction that called for $75 million in savings. Reconciliation became a "conferencable" item because the differences between the two Chambers needed to be resolved.

Recall that during Senate consideration of the budget resolution this year, we never debated reconciliation. Chairman CONRAD chose not to include it in his budget. That was his choice. He held hearings earlier this year relating to our Nation's long-term fiscal challenges, and I commend him for that. Health and Human Services Secretary Leavitt testified before the Budget Committee in March that the demand on Federal general revenues for Medicare, Medicaid and Social Security exceeds $50 trillion—that is trillion with a "t"—over the next 75 years based on current law and program operations. But the Senate-passed budget, which I voted against, failed to address these challenges.

Now today we are debating a conference agreement that directs the HELP Committee to reduce the deficit by just $750 million over 6 years. Mr. President, I said million, with an "m." I would like to explain to my colleagues what is really going on in this budget.

In his fiscal year 2008 budget request, the President proposed nearly $18 billion in savings related to higher education. Most of these savings are achieved by cutting subsidies the banks are currently receiving. Democratic leadership is also looking at reducing many of these same subsidies in the $20 billion range and possibly even larger.

This conference agreement allows for these mandatory higher education proposals to be advanced through the reconciliation process. That means limited debate, strict germaneness requirements on amendments, and a simple majority vote to pass the bill. But with just a $750 million savings requirement, the process will be used to fast-track massive new entitlement spending. A more honest reconciliation and deficit reduction debate would be to limit the new spending in a reconciliation bill to 30 or even 40 percent of the total savings. But right now this budget is teed up to allow $20 billion or more in new spending, with the deficit reduction component amounting to merely a rounding error in a gigantic spending proposal.

I wrote a reconciliation bill in 2005 when I had the privilege of chairing the HELP Committee. The title that I authored reduced the deficit by $15.5 billion over 5 years. In addition to the deficit reduction, the bill created new mandatory grant aid proposals, academic competitiveness and SMART grants. It also increased loan limits so students could better finance their education. That reconciliation bill spent roughly $9 billion on brand-new student benefits, all fully paid for. About 40 percent of my total savings was spent on new programs, and the remaining funds paid down the deficit.

But this budget we are debating today says if the majority party can find $20 billion or even $30 or more billion in savings, they can fast-track and spend 95 percent of those savings. This is an offensive use of the reconciliation process. This year, if just one-half of the Senate authorizing committees could equal the level of deficit reduction that the HELP Committee achieved in 2005, the deficit would be reduced by an additional $100 billion.

During the Budget Committee and floor consideration of the resolution, I also spent a great deal of time on health-related issues. I am greatly disappointed that this conference agreement contains a deficit neutral reserve fund that encourages repealing the "non-interference" clause from the Medicare law. This is an issue that came before the Senate a few weeks ago and failed. It failed because it is bad policy. The "non-interference" language in the Medicare law prevents the Federal Government from fixing prices on Medicare drugs or placing nationwide limits on the drugs that will be available to seniors and the disabled. I support this language 100 percent, but this conference agreement supports striking this language that protects patients. Decisions on what drugs should be available should be made by seniors and their doctors, not by politicians.

I am happy to see, however, that this conference agreement retains the reserve fund for health information technology legislation that I worked to get into the Senate budget resolution. The HELP Committee is currently working on a bill to increase the widespread adoption of health IT. What does that mean? That means we are working on a bill that will eventually do away with clipboards in doctors' offices. Every time I go to the doctor, someone hands me a clipboard to fill out everything I can remember about myself. This is no easy task, and as I get older, this task gets even harder. Wouldn't it be great if, instead, doctors had electronic medical records that could keep track of this information for me, if my doctor's computer in Wyoming could talk to my doctor's computer in Washington? Well, the bill I am about to introduce is the first step in making that happen. And if that does happen and most of the doctors and hospitals in this country start using health IT, the RAND Corporation estimates we could save between $80 and $162 billion a year. That is amazing savings, and I am happy to see that this language was included in this conference agreement.

I am also pleased to see that the conference agreement includes a deficit-neutral reserve fund for improvements in health insurance coverage. This spring, I have been talking to my colleagues on both sides of the aisle about writing legislation that reduces the number of uninsured, improves health care quality and access, and reduces the growth in the cost of private health insurance by facilitating market-based pooling across State lines. My hope is that a commonsense proposal similar to this would meet the criteria established in this reserve fund.

As we move forward and complete this resolution and start working on the fiscal year 2008 appropriations bills, I wanted to mention a few programs that are important to Wyoming.

As our Nation's most abundant energy source, coal must play a central role in electrical generation for years to come. In order for that to happen, we need to continue finding ways to make coal generation cleaner. Programs like the Clean Coal Power Initiative will play a major role in making that happen, and so I support increased funding of this program.

We also need to see proper funding of the Federal loan guarantee program. Federal loan guarantees can play an important role in developing new energy projects. It is my hope that we can provide enough funding to get some of these projects off the drawing board, and most specifically, I hope that we provide funding to the Department of Energy to move forward with loan guarantees for coal-to-liquids projects. Coal-to-liquids technology has the potential to help reduce our Nation's dependence on foreign energy barons and should be explored.

In addition, funding for rural air service and maintenance is essential for States such as Wyoming. Without Federal support through essential air service and airport improvement programs, many rural communities would have no commercial air service and extremely limited general aviation. I hope this issue will be part of the debate on the reauthorization of the Federal Aviation Administration this year. I encourage my colleagues to recognize the importance of this funding, not only as a matter of dependability but also as a public safety issue.

I want to mention two additional issues of great importance to Wyoming and other rural States: housing and homelessness. The McKinney Vento Homelessness Assistance Act is the primary law through which Congress funds homelessness programs in the United States. Unfortunately, rural States have historically received very little of this money. Yet rural States must confront homelessness too, and the geographic size of our States further complicates our efforts. In response to this, Congress authorized the Rural Homelessness Grant Program in 1992 under the McKinney-Vento Act. This program provides funding for transitional housing and education services in rural States, as well as rental or downpayment assistance. The intent of this program is to level the playing field between rural and urban States. Unfortunately, this program has never been appropriated funds since its creation, so the purpose of this program has never been fulfilled and rural States continue to suffer. This can be a valuable program for rural States like Wyoming.

I would like to briefly call attention to the Small Business Administration. I serve on the Small Business Committee and enjoy using my small business experience to help make a difference in the lives of many people in Wyoming and throughout the country. We are working in Wyoming to stabilize and steadily grow our small businesses through the utilization of the Small Business Innovation Research, SBIR, Program. The risk and expense of conducting serious research and development efforts are often beyond the means of many small businesses, especially rural small businesses. By reserving a specific percentage of Federal R&D funds for small business, SBIR enables small businesses to compete on the same level as larger businesses and stimulate high-tech innovation in their rural States.

The FAST and Rural Outreach programs are congressionally authorized programs that provide technical assistance that helps Wyoming's small businesses utilize the SBIR Program.

Finally, the Agriculture Committee has a big task in reauthorizing the farm bill this year. Writing a tight budget that will help us reach our long-term fiscal goals is a priority for me. Though you cannot tell by the name, the farm bill affects the lives of many unsuspecting Americans. Policies and projects for distance learning, conservation, food assistance, renewable fuels, and our forests are provided for in the farm bill, in addition to the well-known commodity programs.

So in closing, I want to inform my colleagues that this is not a courageous budget. It fails to make the tough choices and it passes the debts we carry today on to our children and grandchildren. I urge my colleagues to oppose this budget and vote no on the conference agreement.

Mr. AKAKA. Madam President, I express my strong support for the conference report on the fiscal year 2008 budget resolution. I also take this opportunity to congratulate Chairman CONRAD and the other conferees for their hard work on this resolution. This resolution reflects our commitment to fully fund veterans' health care and benefits.

This budget resolution would provide $43.1 billion in fiscal year 2008 for the VA discretionary account—$3.6 billion more than the President requested. I am very pleased that the conference report follows the recommendations of the Democratic and Independent members of the Committee on Veterans' Affairs to provide $2.9 billion over the President's request for veterans' medical care alone. This includes an additional $303 million for treatment of traumatic brain injuries, and $693 million for VA mental health programs—two areas of vital importance to servicemembers returning from Operations Iraqi and Enduring Freedom.

I also thank the Budget Committees for rejecting the President's proposals to impose an annual enrollment fee for VA health care and to increase the prescription drug copayment. These proposals would have unduly burdened thousands of veterans who cannot afford higher costs for the health care they have earned and deserve.

I again commend Chairman CONRAD and the other conferees for their work on the budget resolution, and for sending the right message to our Nation's veterans. We have made a commitment to their care, and this resolution honors that commitment. I urge my colleagues to support swift passage of the resolution before us today.

Mrs. FEINSTEIN. Madam President, I rise today to offer my support for the fiscal year 2008 budget resolution.

Last year, under the leadership of the President and his party, Congress failed to pass a budget resolution. The result was a failed budget process from start to finish, and Congress adjourned without passing 10 of 12 appropriations bills for fiscal year 2007.

Under Democratic leadership, the Senate passed a continuing resolution that funded fiscal year 2007 Government programs and sent an emergency supplemental appropriations bill to the President to give our troops over $95 billion in vital support.

I was disappointed that the President chose to veto the Appropriations bill, which called for benchmarks for the Iraqi government and funded our troops at a level higher than his initial request. But the Democratic majority signaled its willingness to fund the troops and fill the gaps left by the Republican Congress.

Now the Senate has taken the next step toward fiscal responsibility. We have a sensible fiscal year 2008 budget resolution. The $2.9 billion budget in fiscal year 2008 projects revenues expected to total $14.828 trillion over 5 years, only 2.1 percent above the President's expected revenues of $14.826 trillion.

This resolution corrects many of the misplaced priorities of the Bush administration and the Republican Congress.

These misplaced priorities include over $1 trillion in tax cuts, tax cuts that will cost $3 trillion more if extended over the next 10 years.

When President Clinton left office, the national debt was projected to be eliminated by 2010. These misplaced priorities created a $248 billion deficit this year, and an $8.9 trillion debt.

This budget resolution restores funding for over 141 programs slated for cuts or elimination by the President in his budget proposal. These were painful cuts that we have seen year after year under the Republican majority.

The proposed cuts were to programs vital to Californians and the American people. Programs like the Community Development Block Grant, Community Oriented Policing Services, and the State Criminal Alien Assistance Program. These do not sound to me like frivolous programs.

Unlike the President's budget proposal, this budget will create a surplus in 2012 and is near balance a year before that. This budget refocuses our priorities, extending the middle class tax-cuts and alternative minimum tax relief, and increasing veterans' and children's health care funding.

In fact, this budget provides over $43 billion for veterans' programs, $3.6 billion more than the President requested for 2008 and the largest increase ever provided for veterans. This is in accordance with a request of four leading veterans groups and a recommendation from the American Legion.

It also provides up to $50 billion to expand SCHIP coverage for children eligible for the program. Both of these increases help the people most vulnerable and most in need.

This budget restores a fiscally responsible pay-go rule that requires offsets for new spending or expensive tax cuts.

This budget adds $9.5 billion to help fund education, including higher education, to help increase the competitiveness of our students in an increasingly globalized world. We know there is a problem with education in the United States, and this budget looks to address it.

This budget allows for the committees to secure increased funding for programs like the State Children's Health Insurance Program, Medicare, Medicaid, middle-class tax relief, education, alternative energies, and other important priorities.

It also allows for a deficit-neutral reserve fund for the San Joaquin River Restoration Settlement Act, a provision I and my colleague Senator BOXER requested. This broadly supported bill will help bring about tremendous progress in the restoration of a waterway vital to the state of California, and the reserve fund will help ensure that we fund the restoration in the correct manner.

This budget is not perfect, and I am deeply concerned about the long-term fiscal implications of irresponsible tax cuts and a seemingly endless war. We are faced with a tremendous wall of debt, created by misplaced priorities and poor planning.

We must now turn to reversing the damage. This problem will not fix itself. We need to act now to reduce our budget deficit and pay down the debt.

The elimination of the deficit will not happen in one year, but will take years of careful planning and prioritization to ensure the best return for our Federal dollars. But I am encouraged that this budget will both fund the most beneficial programs and start us on the path of fiscal recovery.

Congress faced many tough choices in crafting this budget, and we have a long and difficult road ahead.

The budget resolution cannot provide permanent alternative minimum tax relief or even fully fund the most critical programs.

But it is a start. It refocuses our priorities. And it begins to reverse the years of damage.

I encourage my Democratic and Republican colleagues to consider the responsibility that the American public has given us. A responsibility to act in the best interest of this Nation. To pass a sensible and reasonable budget, and to use that budget as we craft and pass the appropriations bills in a reasonable amount of time. This budget fits that charge, and I hope my colleagues will join me in supporting the fiscal year 2008 budget resolution.

Mr. HATCH. Madam President, I wish to express my deep disappointment in the budget resolution conference report. It is a deceptive and defective declaration of flawed priorities that ignores this country's biggest challenges. If we follow this budget through to its natural conclusion, it will lead us from our current path of economic growth and prosperity onto a treacherous road to tax increases, economic recession, and needless pain for millions.

While there are many things to lament about this budget, I will concentrate my remarks on just three aspects of it—three features that I believe will hurt the families of my home State of Utah.

First, this budget opens the door to large increases in spending in both discretionary and in mandatory programs. On the discretionary side—these are the funds that must be appropriated each year—the budget resolution calls for an increase of $205 billion over what the President has requested over the next 5 years. And keep in mind, the President's budget represents an increase over spending in the current year. In fact, President Bush requested a 2-percent increase in discretionary spending for fiscal year 2008, but resolution before us represents an increase of 8 percent. This type of large spending increase hurts Utahns for years to come.

Mr. President, the national debt of the United States of America now exceeds $8,500 billion. Each U.S. citizen's share of this debt exceeds $29,000. Every cent that the U.S. Government borrows and adds to this debt is money stolen from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security. Large increases in discretionary spending only add to this growing multigenerational problem and I am disappointed to see such a large increase in this budget.

Second, the budget resolution before us is woefully inadequate in the area of dealing with the tax problems facing America. Of most immediate concern, the alternative minimum tax, AMT, hangs over middle-income earners like a giant sword. Unless we, at the very least, continue to temporarily increase the AMT thresholds, we will see about a five-fold increase in the number of taxpayers subjected this unfair and complex tax. However, the budget resolution, as it does with almost every problem, punts this issue into the future instead of making the tough decision to fix this problem.

It is common speculation that the only way Congress can deal with this problem is to waive the pay-as-you-go rules that also feature so prominently in this budget. The speculation that

Congress will easily waive pay-as-you-go rules is a joke, and we all know it. But millions of American taxpayers will not be laughing when this budget kicks in and leaves them paying the enormous price associated with the AMT tax, I am afraid.

This budget resolution also falls far short when it comes to dealing with the tax cuts that are due to expire over the next few years, including the so-called "extenders" that come to an end this December. The proponents of this resolution glibly state that the budget provides for the tax cuts to be extended. But it does so only if they are paid for with revenue from another source.

I cannot understand why some in this body do not see that the surges in revenue we have enjoyed over the past few years have come as a direct result of the tax cuts we passed in the early part of this decade. These have also kept the economy and job growth humming along. Does it not make sense to my colleagues that if we reverse these policies, this economic growth and job growth and revenue growth will all come to a screeching halt?

This budget actually contains the Cliff Notes version of Democratic economic policy—tax, spend, deny reality, and repeat. When the economy tanks, blame the Republicans and tax some more.

The third and ultimately fatal flaw of the budget resolution before us is also its most serious flaw. It totally ignores the entitlement crisis we have waiting for us just around the corner. Practically all Members of this body know and regularly acknowledge the profound challenges presented to this Nation as a result of the retiring baby boom generation, along with the corresponding growth in Social Security, Medicare, and Medicaid. We regularly reference it here on the Senate Chamber, as well in outside speeches and in letters to our constituents. We all know it is a colossal problem that is not going to go away by itself. Yet, instead of even the slightest recognition of this problem or even the tiniest movement toward a solution, both of which would be a start, this budget completely ignores it.

This is a travesty. I hear regularly from my Utahns that they want us to deal with these problems, and right away. Utahns are a thrifty and careful people who like to face problems head-on and solve them, rather than pawning them off on the next generation. I believe that it is simply inexcusable that Congress would shun this opportunity to deal with entitlement challenges at this time and I know my fellow Utahns agree.

Do my colleagues think that it is going to be easier in the future to begin to resolve our Social Security or health care system problems? We all know the answer to that. We all know that we should have started solving these problems already and that it would have been far less painful to deal with them a few years ago than it would be now. We also know that this pain will be greatly compounded as we wait to deal with these issues in the future.

When President Bush tried to get Congress to work on Social Security 2 years ago, my friends and colleagues on the other side of the aisle, pretty much to a person, decided that they would rather turn it into a partisan political issue than join hands in trying to find a solution. I recognize that not everyone liked the concepts the President put forth. I didn't like all of them myself. But, instead of meeting him even a tenth of the way, the other side saw a huge potential advantage by shunning his overtures. Some say it paid off for them, but at what price the next generation of Americans will have to pay because of this decision.

Yes, we can keep passing budgets like this every year and keep burying our heads in the sand about the need to confront our impending entitlement problems. But we are rapidly approaching the time when we can no longer solve these challenges without a huge amount of pain and suffering and perhaps without losing our preeminent place on the world economic scale.

Mr. President, there are many more things I could say about the shortcomings of this resolution, but I will withhold and simply urge my colleagues to defeat this resolution. We deserve better, and our children and grandchildren certainly deserve better.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, how much time remains on both sides?

The PRESIDING OFFICER. There is 33 minutes remaining on the side of the Senator from North Dakota, and on the minority side there is 23 minutes remaining.

Mr. CONRAD. Madam President, I wish to take 2 minutes to respond to Senator CORNYN, and then is it the intention on the other side to go to Senator VITTER?

Mr. GREGG. At the completion of the Senator's time, I suggest Senator VITTER be recognized for 5 minutes.

Mr. CONRAD. Why don't we lock that in right now? Senator VITTER has been waiting here patiently. I will consume such time as I might use, and then we will go to Senator VITTER for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, Senator CORNYN of Texas raised a concern about an amendment he offered that was adopted both in committee and on the floor with respect to creating a 60-vote hurdle for any increase in rates. He raised a concern about that being dropped in conference. I advised the Senator it was going to have to be dropped in conference because the Parliamentarian advised us that if it came back from conference, the whole privileged nature of a budget resolution would be eliminated. That is the reason it was dropped. It is a simple procedural matter that we could not include it.

Why couldn't we? The Budget Committee does not have the authority to tell the committees of jurisdiction how to raise money or how to spend it. I know that seems odd, but the reality is the Budget Committee is able to tell the Finance Committee how much money it can raise and the Appropriations Committee how much money it can spend. We do not have the authority to tell the Finance Committee how to raise it. We do not have the authority to tell the Appropriations Committee how to spend it. If we exceed our authority, then the whole privileged nature of the budget resolution—that is, that a budget resolution comes to the floor under special rules: there are 50 hours dedicated to the budget resolution and other special rules that apply—all of those would be out the window if we had allowed the amendment of the Senator from Texas to be included in the conference report.

That is just a simple fact. We could not do that. Nobody would want to eliminate the whole budget process. That is what would have happened because the Budget Committee would have exceeded its authority.

On the question of spending, the Senator from Texas raised that issue. This is spending as a percentage of GDP under this administration. When they came in, spending was 18.4 percent of GDP. They have raised it to 20.3 percent of GDP. That is their record.

Under this budget, we are taking spending down—20.5 percent GDP in 2008, and we are taking it down each and every year until we get to 18.9 percent of GDP in 2012.

Again, the Senator said we got a big tax increase here. There is no tax increase here. There just isn't. The President, in his budget, said he was going to raise $14.826 trillion over the next 5 years. Our budget, according to the Congressional Budget Office, which is nonpartisan and professional, says our budget raises $14.828 trillion. There is virtually no difference. That is what they said their budget would raise.

I see the Senator from New Mexico is in the Chamber. We have an order that the Senator from Louisiana would have the next 5 minutes. Then we are supposed to go back to our side to Senator WYDEN. It is Senator VITTER's time.

The PRESIDING OFFICER. The Senator from Louisiana.

NOMINATION OF ROBERT L. VAN ANTWERP, JR.

Mr. VITTER. Madam President, I rise very briefly to turn away from the budget for just a few minutes and focus on a matter of extreme importance for

Louisiana and, indeed, the country, and announce a very important and positive resolution to this matter to give us the right leadership we need in place at the U.S. Army Corps of Engineers in time for this upcoming hurricane season which is due to begin this June 1.

Today LTG Carl Strock is ending his tenure as the Chief of Engineers and Commander of the U.S. Army Corps of Engineers. He served the Army honorably for 36 years, and for the last 2 years of his career, I would say he has gone under intense work and pressure as he led the Corps through the extraordinary events of Hurricanes Katrina and Rita and those recovery efforts.

I join everyone here, Republicans and Democrats, in thanking General Strock for his service and wishing him all the best in the next phase of his life.

This comes, as I mentioned, right as our next hurricane season is due to begin on June 1. As we go into that threat and into that battle, as it were, it is very important we have a new commander in place to lead us. The President nominated LTG Robert Van Antwerp to replace General Strock.

I came to this floor literally just a half an hour ago very concerned that his nomination was being held up by a Democratic hold, and that threatened that we would not have our new commander in place for this new hurricane season.

One does not go into battle without a leader, and that battle, as I said, is just a few weeks away.

It is important to acknowledge that nobody wanted to rush into this nomination. We all wanted to make sure this nominee, General Van Antwerp, is the right person for the job. Indeed, we have. I spent weeks looking very carefully at the nomination, as did my colleague from Louisiana, Senator LANDRIEU. We held hearings on this nomination in the committee of jurisdiction for the Corps, on which I serve, the Senate Committee on Environment and Public Works. Everyone over that period of time got comfortable and very supportive of this nomination. That is why it is very appropriate that we move forward and make sure this nominee, this leader, is in place before the start of the next hurricane season.

As I mentioned, I literally came to the floor a half an hour ago, and this was very much uncertain because there was a Democratic hold on the nomination. I am very relieved and very happy to say that in that short period of time, that has been cleared up. That hold on this particular nomination has been lifted, and the nomination of the new head of the Corps, GEN Robert Van Antwerp, will be cleared through the Senate later today.

This is very positive. I thank Majority Leader REID for agreeing to this literally in the last hour in light of the crucial nature of this position and the impending start of this next hurricane season, June 1.

I, again, thank everyone for working toward this important goal. It is important that we have the right leader at the helm in time for the battle, in time for the start of the new hurricane season, June 1. Clearly, our work in overseeing the Corps, and our work in funding key work of the Corps in the gulf coast region continues. I will certainly redouble my efforts in that regard. But at least we have our general in place, our leader in place for the hurricane season, which is very appropriate and very necessary.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Madam President, I don't see Senator DOMENICI on the floor. How much time does the Senator require?

Here is Senator DOMENICI. We had previously thought that he might go next, if that is acceptable to the Senator from Oregon.

Mr. WYDEN. If I can ask the distinguished Senator from New Mexico, how long does the senior Senator from New Mexico anticipate talking?

Mr. DOMENICI. I don't want to go ahead of Senator WYDEN. I will take 15 to 20 minutes. Senator WYDEN ought to go, if it is his turn, and I will come after him.

Mr. CONRAD. How much time does the Senator require?

Mr. WYDEN. I was going to take 10 minutes. I would enjoy listening to the Senator from New Mexico. Whatever his pleasure.

Mr. DOMENICI. Let's take that.

Mr. CONRAD. I thank the Senator from Oregon. Not only is he an extremely important member of the Budget Committee, he is one of the conferees. He is somebody who has been incredibly important for these deliberations. I thank him for his cooperation and leadership.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I thank the chairman for his comments and would just say I think the Conrad budget goes a long way to restoring fiscal sanity in the Federal Government, but also allows for an opportunity for the Senate, on a bipartisan basis, to get behind two fixes to the critical domestic issues of our time, and those are health care and taxes.

I think if you listen to the technical lingo over the course of the debate—and the Senator from Missouri, now the Presiding Officer of the Senate, comes from the campaign trail, and we are glad to have her because she has just been through the debate in her State—the people in Missouri or in my State of Oregon do not talk about pay-go and fire walls and reserve funds and that kind of technical Washington lingo. They do talk an awful lot about what is going to be done to fix health care and what is going to be done to fix taxes.

One of the reasons I am so supportive of this Conrad budget is, it really does lay the foundation for the Congress to get serious about tax reform and serious about health reform. One of the areas Chairman CONRAD has zeroed in on as it relates to taxes, for example, has been this problem of tax havens and tax scams. There is an opportunity as a result of this budget to come together in a bipartisan way and fix the taxes. If you are serious about closing the tax gap, the hundreds of billions of dollars that we can't collect—and Chairman CONRAD and Chairman BAUCUS have been working hard to try to approve measures to make it easier to collect that money—you have to fix the tax system and simplify it.

I have offered a proposal, the fair flat tax, that would allow for just that kind of effort. Others here in the Senate have ideas as it relates to tax reform. The point is, the Conrad budget makes it possible for the Senate to come together on the tax issue and fix this code.

Chairman CONRAD has talked about the scams. He has talked about the tax havens and about the hundreds of billions of dollars we are losing. I have a proposal, the Fair Flat Tax Act, that would deal with it. There are other proposals in the Senate that would beef up the collection of these billions of dollars that are lost in the tax gap. The Conrad budget lays the foundation for tax reform.

I would say to my colleagues, we have had more than 14,000 changes in the Tax Code in recent years. It comes out to three changes in the Tax Code for every working day, three for every single working day. The tax system is broken in this country. We are laying the foundation in this proposal for a tax system based on simplicity: a one-page 1040 form and progressivity, where we are fair to those who are vulnerable in our society, but also reform that is sensitive to the question of holding down rates for all so that everyone would have a chance to get ahead.

In addition to taxes, which I think the Conrad budget deals with in a responsible fashion, the legislation allows for a bipartisan effort in this Congress to fix American health care, with a reserve fund that is established and would allow for bipartisan health reform efforts. Senator BENNETT of Utah and I are offering the first bipartisan effort in 13 years to fix American health care. Everybody would be covered, which is essential, because if you don't cover everybody, those who are uninsured shift their bills to those who are insured. We also fix the broken private marketplace.

Right now, we have an awful lot of insurance companies that cherry-pick, that take just healthy people and send sick people over to government programs more fragile than they are. We spend hundreds of billions of dollars through the Federal Tax Code disproportionately rewarding the most affluent in our country and also promoting inefficiency. Senator BENNETT and I are very hopeful that this year, not in 2009, not after the next Presidential election but this year, the Senate will come together on a bipartisan basis. We have the Healthy Americans Act, other Senators have other proposals, but the Conrad budget lays the foundation for fixing health care in this session of Congress.

I also believe as a result of the letter that 10 Senators sent—5 Democrats and 5 Republicans—to the President, indicating that we want to work in a bipartisan way, that if this budget passes, and if the White House will join the effort that Senator BENNETT and I are advocating in the Healthy Americans Act and the 10 Senators have outlined in their letter to the President—which very much mirrors what Senator BENNETT and I are talking about—we can get action on health care in 2007.

Finally—and I appreciate the thoughtfulness of the Senator from New Mexico in allowing me to speak before him—let me mention that Senator CONRAD has included in his budget a provision that is critical to the survival of timber-dependent communities in my State and around the country. His budget includes a reserve fund to provide for extension of the Secure Rural Schools Act, also known as the county payments program. This law provides funding for schools, roads, and other essential services in hundreds of resource-dependent communities around the country. This is a survival issue for many in rural America. Without county payments, rural communities around this country are telling us they are going to vanish from the map. These communities, in my view, should not be turned into sacrifice zones.

I am hopeful the extension of the county payments law will be addressed during the conference on the emergency supplemental spending bill. Earlier this year, 74 Senators voted to include an extension of the county payments program, and we were very pleased to have the support of Senator DOMENICI, who has been involved in this discussion and also the additional program, the Payment in Lieu of Taxes Program, which we have included in this legislation.

We have spoken to the majority leader, Senator REID, who has assured me he will do everything in his power to include county payments when the new version of the supplemental spending bill comes out of conference. If that doesn't happen, we are going to make this an effort on every single vehicle in this Congress. Our bipartisan group is going to try to get this support for county payments legislation done as soon as possible.

We believe it ought to be done along the lines of what 74 Senators have already voted for, and it ought to be done in the supplemental spending bill that is going into conference. But if it doesn't happen, we are going to try to make it happen on every single vehicle that comes before the Senate because of its extraordinary importance to our communities.

I thank Chairman CONRAD for making the inclusion of a county payments reserve fund in the budget so as to provide a backstop so that there would be another option to extend county payments quickly, if for some reason it doesn't happen in the budget.

In closing, I would urge colleagues to support this budget, especially because of the foundation it lays to tackle the two biggest domestic issues of our time, health care and taxes. There are certainly major issues that come before us, with Iraq obviously being the issue of paramount importance as it relates to the international front, but the big issues at home are fixing health care and taxes. The Conrad budget allows Democrats and Republicans to come together on both of those.

This is a budget that responsibly allows the Senate to address the critical issues, do so in a responsible way, and I urge the passage of this budget.

Madam President, I yield the floor.

Mr. DOMENICI. Madam President, I gather that I am next under the time agreement, and that I have up to 15 minutes; is that correct?

Mr. CONRAD. The Senator is correct, Madam President, but might I ask the Senator to yield for just a moment?

Mr. DOMENICI. Indeed.

Mr. CONRAD. Madam President, I want to just say this—and I fully anticipate the Senator may be critical of this budget, so I certainly respect his views. But I just want to say, after going through this budget process, that the Senator from New Mexico has been involved in the writing of 20 budgets, more than 20 budgets here, and my respect for him has grown geometrically after going through this one. I really do want to commend the Senator for what is truly an extraordinary thing, to be involved in more than 20 budgets for the United States.

Madam President, I yield the floor.

Mr. DOMENICI. Madam President, I thank the chairman very much, and let me say to the distinguished chairman that some of those budgets had some extraordinarily good things in them, some were just—well, you just had to do what you had to do.

I can remember how long and hard we worked and worried about giving drugs to our senior citizens as part of Medicare. Anybody that is interested in whether a budget act has any force should go back and look at how that happened. We did it with a reconciliation instruction. We started with $400 million—I think we ended up with about $500 million or $600 million before we finished it—and that is where we reconciled and said you can only use it for this. It was an experiment as to whether it would work because there is nothing in the law that says you can do that. When you do the right thing—things that people are otherwise frightened to do—they will let a budget act do things they would not otherwise let happen. It wouldn't be part of the expectation when you read the fine lines in the Budget Act.

The Senator has done some of that here. He has extended it, and I commend him for it. I don't like it, but that is what we are here for, to agree and disagree. I don't like the budget as the Senator has prepared it, but I give him great credit for getting it done. It is a most difficult job. Senator CONRAD also had a House that had just changed, and that was very hard for him to figure out with whom he was working and what they wanted and how they wanted to negotiate. So I really think it was probably as onerous and difficult as any, but the Senator is here, and you are a hero when you can finish a budget.

People don't stay here and applaud afterward, but it is something very extraordinary to get it done and be able to say we are through tonight. So I commend him for that.

Having said that, Madam President, I want to start with a little editorial piece that was found in the Wall Street Journal a couple of days ago. It is called "April Revenue Shower," and in it, it says:

> Here's the "surge" you aren't reading about: The continuing flood of tax revenue into the Federal Treasury. Tax receipts for April were $70 billion above the same month in 2006, and April 24 marked the single biggest day of tax collections in U.S. history, at $48,700 billion, according to the latest Treasury report.

It goes on to compare other months and to further document the validity of the April shower of revenue coming to the Government.

If I were on the other side and writing a budget, I would be very frightened to read about April showers and see how much April showers, if continued into the next 2 or 3 years, would do to correct and rectify the deficit of the United States and take care of the biggest problem we have, which is deficit spending each year. In just a few years, 2 years, if these April shower rates of revenue continue, we will be approaching a balanced budget in the United States. I, for one, would like to have seen us stay closer to the budget that brought us those April showers than to change dramatically away from those budget concepts that got us those April showers for so many months.

We all know it wasn't just 1 month, it was many months. If you look back, we have had many months of strong economic performance in this economy, and that strong performance brought with it showers of revenues to the Treasury of the United States beyond anything we expected. We never put down as an estimate during the last two or three budgets anything close to the revenues that came spewing into the Treasury because things were going right.

That leads me to the conclusion that we ought to be careful when things are going right. We ought to be careful about changing big concepts within that budget for fear that it may stop going right and April showers may turn into something far different. Instead of showers, it may turn into hailstorms. It may turn into blizzards, instead of nice, friendly showers that are yielding tax dollars and revenues to the American Treasury.

From my standpoint, this budget goes the wrong way. This budget I have seen, the estimates I have been shown, say this budget before us would increase taxes by $736 billion. These tax increases include all marginal rates except the 10-percent bracket, capital gains rates, dividend rates, and the alternative minimum tax and education tax relief.

As we understand from those who do the estimating, in my State—so it must be in all States—93,000 New Mexico investors, including senior citizens, would pay more because of an increase in capital gains rates and dividend rates in this budget. Right off, I believe we ought to be careful with that. Maybe it is the capital gains and the dividends, which were major changes in policies, that might have had more to do with sustaining the budget and bringing those April showers that didn't just occur in April but occurred in May, June, July, and August, those large revenue chunks that were coming to the Federal Government which were not expected.

I submit it is extremely easy to balance a budget and show a surplus when you utilize one of the largest tax increases in our country's history. Obviously, when you have a budget such as we had, where you had tax cuts and they were multiyear, and then you stop them, you can say you didn't increase any taxes. But the impact on the taxpayer will be felt as a tax increase because if they were expecting what they had last year, and it goes up because you did not continue with the cut, then they obviously look around to see who raised their taxes. Obviously, if you stop the tax cuts, then you get increases and the public should know where they come from. It is obvious they will come from this budget, carrying it out.

Once again, let me call to the attention of the Senate that according to this Wall Street Journal editorial, in April alone the U.S. Government collected $70 billion in tax receipts more than the same month last year for the current fiscal year taxes. Tax receipts are 11.3 percent, or $153 billion from last year. I am not sure if most people are aware of the fact that on April 24, 2007, the United States collected a record-setting $48 billion in taxes. I am sure the people do not know. There is no reason they should. But we ought to tell them on a day like this that they did. Tax receipts went up enormously, as I have indicated, and as this editorial indicates. That means if changes in policies in this budget are such that they change the winds that brought these showers the Wall Street Journal is talking about, then you will stop getting the showers of dollars that are there and you will get something that will be bad for the American people: The economy will go down instead of up and the kinds of things that yield good April showers filled with revenues will stop being the order of the day.

I think we should worry and look long and hard at these numbers before we consider making changes to the budget policy. Because of these record tax revenues, the budget deficit could be slashed in more than half from this year to the same time next year. The deficit could be reduced to $150 billion this year, which equates to approximately 1 percent of gross domestic product.

I believe our current budget policy is paying off. The next 18 to 24 months the deficit could be caused to disappear if we do not vary off the course. This is one point in time where the status quo may be the better alternative.

However, under the budget we are considering if budget surpluses do not materialize, the so-called "trigger" will stop the extension of any tax relief and we will see firsthand the largest tax hike in American history.

We are not doing enough to ensure economic stability to the bulk of the Nation.

This budget will result in the expiration of the tax breaks that we gave to the middle class, causing an enormous tax burden to be placed on these families.

One can clearly see that on a national level, the middle class stands to lose the most under this proposal.

In my home state of New Mexico, the impact of repealing the current tax relief would be felt widely by the middle class.

Added to these concerns is that fact that this budget does not thoroughly address the alternative minimum tax.

Providing a patch for the AMT only leaves us in the position of correcting this problem in the future.

Absent legislative action, the middle class will bear the brunt of the AMT, which will affect significantly more taxpayers.

The reverberations of this inaction will be seen all over the country and will be especially evident in a state like New Mexico.

Coupled with the nonexistent tax relief, this budget fails to address the 800 pound gorilla in the room, otherwise known as entitlement spending.

After 2010, spending related to the aging of the baby-boom generation will begin to raise the growth rate of total outlays.

The annual growth rate of Social Security spending is expected to increase from about 4.5 percent in 2008 to 6.5 percent by 2017.

In addition, because the cost of health care is likely to continue rising rapidly, spending for Medicare and Medicaid is projected to grow even faster—in the range of 7 or 8 percent annually. Total outlays for Medicare and Medicaid are projected to more than double by 2017, increasing by 124 percent, while nominal GDP is projected to grow only 63 percent.

The budget currently under consideration does not offer solutions, much less even address, entitlement spending or reform.

I do not support this budget in its current form because it increases taxes and it does not offer any meaningful solution for entitlement spending.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I ask unanimous consent that the debate time with respect to the conference report to accompany S. Con. Res. 21 be extended until 3:30, and that time be equally divided and controlled between the Chair and the ranking member, and all other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, how much time now remains?

The PRESIDING OFFICER. With the additional time requested under the unanimous consent request, the Senator has 32 minutes.

Mr. CONRAD. And on the other side?

The PRESIDING OFFICER. That is 22½ minutes.

Mr. CONRAD. Madam President, I say to the manager on the other side, I might take a few minutes. Senator DORGAN is our next speaker. Would that be acceptable?

Mr. GREGG. Madam President, I recommend the Senator take 32 minutes.

Mr. CONRAD. That is an interesting endorsement of the persuasiveness of my appeal.

Let me say in response, I want to speak of my respect for the Senator from New Mexico. The thought of being the person who produced over 20 budgets through the Budget Committee is a stunning concept to me, after going through this budget.

I want to go back to the question he raised about the tax increase. I must say there has been a certain consistency on the other side with respect to tax increases. They have said over and over there is a $700 billion tax increase here. There is only that big a tax increase if the President's budget also had a big tax increase. Do the math. There is only a 2-percent difference between what our budget raises and the President's budget raises on a Congressional Budget Office score, and 2 percent of $15 trillion is $300 billion. They are talking about $736 billion, so they are saying the President had a $436 billion tax increase. I don't think the President would agree with that math. So if that math is wrong, their assertions about our budget are wrong.

It is very simple, at least in the math I learned in Bismarck, ND. I go back to what the President said about his own budget. A previous President said facts are stubborn things. Indeed they are. The President's budget, estimated by his own Office of Management and Budget, which he controls, said they would produce $14.826 trillion in revenue over the next 5 years. That is the President's estimate of what his budget would do. Our budget, according to the Congressional Budget Office, will raise $14.828 trillion of revenue over 5 years. That is virtually identical. The President said it was reasonable to raise this amount of revenue. Guess what. That is what we are doing.

Some will say, wait a minute, you are using OMB numbers for the President and CBO numbers for Congress. Yes, because the President controls OMB. That is his own estimate of what his budget would do.

Let's use CBO numbers for both. Then you get that our budget will raise 2 percent more money than the President's; 2 percent on $15 trillion, which is the amount over 5 years, which is $300 billion.

I believe you can easily get 2 percent more revenue by going after the tax gap, the difference between what is owed and what is paid; going after these tax havens, which the Permanent Committee on Investigations says is costing the Treasury $100 billion a year, and these egregious tax shelters, which I have shown repeatedly. We have the remarkable circumstance where wealthy investors in this country are buying European sewer systems, European metro systems, European city halls, depreciating them on the books in the United States to lower their tax obligation here, and then leasing them back to the cities in Europe that built them in the first place. Come on. The vast majority of us do not engage in that kind of charade.

This is a budget for 5 years, but we all know we are going to write another budget next year. Let's look at the revenue for next year in our budget and the President's budget. These two lines represent the President's budget request for next year, and ours. Do you see any difference? Do you see any daylight? No, because they are identical. There is no tax increase in this budget. I don't know what our colleagues are going to say next year when there has been no tax increase. I don't know what they are going to say.

With respect to spending, I want to go back to that question because the spending under our budget is going to go down as a share of GDP. Here it is. We are going to go from a spending of 20.5 percent in 2008, and each and every year we are going to bring it down until in the fifth year we have spending at 18.9 percent of GDP.

Let's look at the record on the other side. Let's look at what our friends did when they controlled the budget. They took spending from 18.4 percent of GDP and ran it up to 20.3 percent of GDP. That is the difference in the spending records.

We go back even further to the previous Democratic administration. Let's look at what they did. When President Clinton was in office, he inherited a spending level of 22.1 percent of GDP. Look at what happened under his administration. Each and every year, spending as a share of GDP—which is what the economists say should be the measure because that corrects for inflation—under the Clinton administration it took spending from 22.1 percent of GDP, which is what they inherited from the previous Bush administration, and they took it down to 18.4 percent of GDP.

Again, I know this is painful for my colleagues, but it is the record. This is no projection. This is what actually happened. They took that 18.4 percent of GDP they inherited in spending from the Clinton administration, and they ran it up to 20.3 percent of GDP.

So when we are talking about who is spending around here, the record shows it has been the other side that increased the spending. At the same time they increased the spending, they basically froze the revenue of the United States. Maybe we could put that chart up for a minute because it is good to look at history and look at facts and not use these tired, old nostrums.

Here is what has happened to the revenue while the other side has been in charge. In 2000, the revenue of the United States was just over $2 trillion. The Bush administration came in and real revenue went down. In 2001, they had tax cuts; in 2002, revenue went down further; in 2003, real revenue went down further; 2004, it stayed down; in 2005, it stayed down. Only in 2006 did we get back to the revenue base we had in 2000, in real terms.

We had this combination, under our colleagues, of a stagnant revenue base for 6 years combined with a 40-percent increase in spending during their period of control.

In dollar terms, 2002 spending was $2 trillion. They have run it up to $2.8 trillion on their watch, or a 40-percent increase. With a stagnant revenue base, what is the result? The result is that debt has exploded. If we can put up the chart that shows what happened to the debt of the United States on their watch, the debt exploded.

The word you will never hear leave the lips of our colleagues on the other side of the aisle is "debt." They will never mention it. Here is what has happened to the debt while they have been in charge. It has gone from $5.8 trillion at the end of the President's first year—we will not hold him responsible for the first year—it has gone to $9 trillion on his watch, and if his budget is followed over the next 5 years, it goes to $12 trillion.

Even worse, foreign holdings of U.S. debt have more than doubled under this President, putting us deep in hock to the Japanese, the Chinese, the British, the oil-exporting countries. Sometimes I get confused because we are borrowing money from so many different entities right around the world under this President, putting us deeper and deeper in debt.

Mr. President, I see that my colleague, Senator DORGAN, has come. The previous agreement we had was that he would go. But Senator GRASSLEY is also here. Perhaps you could inform us of the time remaining. Perhaps we could work it out so Senator GRASSLEY can go next.

The PRESIDING OFFICER (Mr. OBAMA.) The Senator from New Hampshire has 22½ minutes remaining. The Senator from North Dakota has 21½ minutes remaining.

Mr. CONRAD. Mr. President, I think the fair thing would be, if I can say to the manager on the other side, Senator GRASSLEY has been here, and we really intended him to go next.

Mr. GREGG. How much time will Senator DORGAN take?

Mr. DORGAN. Twelve or fourteen minutes.

Mr. CONRAD. Mr. President, if we could——

Mr. GREGG. Why don't we go to Senator GRASSLEY for 15 minutes, then Senator DORGAN for 15 minutes? But before we do that, I wish to respond quickly—no more than 2 minutes—to some of the comments made by the Senator from North Dakota.

The first point is this: It truly is a budget from the land of Oz when you make representations that you are not increasing spending when, by your own terms, you are increasing discretionary spending $205 billion over the President's number.

It is equally a budget from the land of Oz when you say you are not raising taxes when, in fact, you are raising taxes not $726 billion but $916 billion because you have put in place a phony trigger mechanism to allege that $180 billion of tax increases will not go into effect when it is absolutely clear that they will.

It is equally disingenuous and from the land of Oz to claim that you are not increasing the debt of the Federal Government when the debt of the Federal Government is going to go up $2.5 trillion and almost all the surplus that you allege to have reached is going to be borrowed from the Social Security fund, debt borrowed from the Social Security fund, and all of the deficit over this period is going to be debt borrowed from the Social Security fund.

So it is an attack on the Social Security fund, it is an attack on the taxpayers of America with the largest increase in history, and it is a dramatic expansion of spending of this Government and growth in the great size of this Government.

I would note that the Senator's charts conveniently ignore the fact that we had an Internet bubble which melted and caused a significant recession which was increased dramatically by the attacks on 9/11, and that is why your GDP numbers are skewed during that period, because the gross national product did not grow in the face of a recession and what happened as a result of 9/11; and that your outyear numbers are equally skewed because you basically presume we are not at war, which hopefully we won't be, and hopefully we can all take credit for that, but the fact is you don't even account for the cost of the war should the war extend beyond 2009, and so that creates different projections on costs.

Mr. President, I yield 15 minutes to the Senator from Iowa.

Mr. CONRAD. Mr. President, if I might just for 30 seconds say that when the Senator calls this the Wizard of Oz budget, I would accept that characterization of courage, brains, and heart. That is this budget.

Mr. GREGG. Mr. President, that was not the Wizard of Oz, that was the lion—that was the scarecrow, and clearly, if Dorothy looked at this budget, she would find the Wizard of Oz still behind the curtain.

Mr. CONRAD. Courage, brains, and heart.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, over the last 26 years, the budget resolution provided the necessary resources to allow the committee that I used to chair and now am ranking member on, the Finance Committee, jurisdiction over taxes. It provided us the necessary resources, usually in a bipartisan manner, to realistically address the demands of tax, trade, health and welfare policies—all things within the jurisdiction of our committee. So reading this budget compromise, I am very disappointed to say that this year is very much different than over the last few years.

Now, I know the people spoke in November, and for the first time in 12 years the Democrats are in the majority and in control of the congressional budget process. As ranking Republican on the Finance Committee, I was not consulted at any point by our distinguished chairman of the Budget Committee on this year's budget resolution. Unfortunately, after reviewing the resolution conference agreement, the agreement that is before us now, it is clear it does not realistically address the needs of the very important work of the Finance Committee.

Despite claims to the contrary, this budget does not provide for even 1 year, not even 1 year of alternative minimum tax relief, the tax that is going to hit 23 million Americans this very year, right now, who were not paying that AMT last year. Now, that is even for 1 year, let alone 2 years or even a 1-year extension of the provisions that will expire this year. So this budget puts the burden on the Finance Committee, the tax-writing committee, to come up with the offsets to pay for the alternative minimum tax relief and for other extenders that it is necessary for us to pass.

On these immediate needs, on the AMT and other extenders, the Democratic Budget Committee's press release says:

> AMT relief. The conference agreement prevents the spread of the alternative minimum tax so that it does not impose a higher tax on middle income families. It ensures that the number of taxpayers subject to the AMT will not be allowed to increase in 2007, protecting some 20 million middle class taxpayers from being subject to that tax.

Now, if that were really happening, I would applaud it. I have looked over the resolution, I have looked over the statement of managers, and I cannot find the basis for what is in the press release. If you look at the numbers, unlike the past 6 years of Republican budgets, you will not find tax relief room to accommodate the alternative minimum tax. You will not find any tax relief room for anything, including very important extenders which are popular around here which everyone wants to extend from year to year.

The chairman, I am sure, will respond that the Finance Committee tax tab will find revenue-raising offsets. More on that in a few minutes. Without question, however, this resolution does not provide the tax-writing committees of both Houses with the resources to prevent the spread of the alternative minimum tax for this year or next year to those more than 23 million middle-income taxpayers who were never supposed to be paying the alternative minimum tax. It is simply not in the black-and-white print of this resolution, regardless of what the press releases say.

Let's turn to the offset point. As a farmer, I would like to think we country folks can teach people in the city a lesson or two. The first chart involves the method a lot of us farmers use to get water. It is a well. Here is the top of the well. I am pointing to the top of the well. You can see it is a long well, and there is some water way down at the bottom of the well, but you will see the well is almost dry.

Now, as I indicated a few months ago, the budget resolution does not contain tax relief room sufficient to cover the revenue loss of the alternative minimum tax and other time-sensitive tax extenders. What we are told by those who drew up this budget is that the tax-writing committees will find the money.

The offset well shows about $44 billion in known, identified, and scored revenue-raisers which the Senate Democratic caucus has supported in the past. I used this chart about 2 months ago. Now I have updated it to account for $2 billion in new revenue-raisers developed by the Finance Committee tax tab. That figure of $1 billion a month is in line with historical averaging. How reliable is that average, and can we count on it?

As a farmer, I know something about the predictability of well water. You hope you will get rain and it will give you a decent level of well water. As a former chairman and now ranking member of the committee, I know something about revenue-raisers. I have been here, done that, been through all of that. When I was chairman, I aggressively led efforts to identify and enact sensible revenue-raisers aimed at closing the tax gap and shutting down tax shelters. As ranking member, I continue to look for ways to shut off unintended tax benefits. So I consider myself to be credible on what is realistic when it comes to revenue-raisers.

From 2001 through 2006, Congress extended over 100 offsets with combined revenue scores of $1.7 billion over 1 year, $51 billion over 5 years, and $157 billion over 10 years. That figure is reflected in this chart. It is reflected in that $51 billion figure you have up there at the top. So if you look at the recent history, we can realistically figure the tax tab will find about $1 billion a month.

Right now, all we can find that is specified, drafted and scored by the scorers of the Joint Tax Committee is a big amount of money, but compared to what is needed, a mere $44 billion. The revenue-raising well shows about $44 billion in available, defined, and scored offsets at the waterline there.

The defenders of this resolution now will say a virtual cornucopia of revenue-raisers is there in this well from the tax gap and shutting down offshore tax scams. I take a backseat to no one on reducing the tax gap and shutting down offshore tax shelters. I have the scars to show for those efforts over the past few years. But the defined and scored tax gap proposals are already included. That is that figure of $6 billion up there on the chart. Likewise, a proposal targeting tax-haven countries and other offshore activities is included at $2 billion.

The well has, then, about $44 billion of offset water. This budget anticipates a Congress which will be thirsty for this limited group of offsets. On the thirst or demand side, you will see the bucket will be very busy.

On the demand side, I have talked about the alternative minimum tax fix. There is $115 billion for that fix for this year and next year. That is what it is going to take to get that job done, the $115 billion there. That is the biggest sum of money which is going to be demanded.

There is $20 billion for other extenders that run out at the end of the year. Then there is $15 billion for Children's Health Insurance Program expansion, and there is another $30 billion for the rest of the so-called reserve funds. Here is a chart that lists the other 20-some-odd reserve funds. You can see there is a massive demand for revenue out there. Each of these reserve funds are an arena for popular new spending and maybe new taxes. I will not take the time to read them all, but veterans, affordable housing, Indian claims settlement, childcare—all have a basis in this budget. Every one of those would be popular expenditures. Since we know from almost a decade of fiscal history that the Democratic leadership can't propose spending cuts, we know the new reserve fund spending will be paid for with tax increases.

These figures reflect only the demands of the first year of a 5-year budget. If you add them up, they add up to $180 billion in demand on the spending and tax side. As you can see, there is about $44 billion in revenue offsets. If you assume the tax staff will follow the historical average of $1 billion per month, then figure about $15 billion more at best. So if we assume, in a manner most favorable to the proponents of the resolution, that there will be $59 billion, then this budget is short by $121 billion for the first year of the 5-year budget. The demands on the tax-and-spending side then exceed projected offsets by $121 billion for the first year of the resolution.

It is time for all of us to get real about what the proposed spending is in this budget, the needs for tax policy that is promised in this budget, and the small amount of offsets that are available.

So what is going to happen? How do we bridge that $121 billion gap? Either the tax relief and new spending is not going to happen or we will add that to the deficit. That is a frightening proposition, adding it to the deficit.

Let's take a look at the rest of the agenda to those numbers. Over the 5-year budget, going out to the year 2012, keeping existing policies in place will have a revenue effect of $916 billion. This includes AMT relief, if they are serious about not having those 23 million middle-income people paying taxes that they were never supposed to pay in the first place, and extending other broadly supported expiring positions. In the aggregate, this budget appears to provide $180 billion in new resources for extending these policies over the 5-year window. Look further and you will find a trigger. It is the very trigger I talked about last week. Senator GREGG described in great detail how the trigger will work. Suffice it to say the trigger conditions the $180 billion in tax relief targeted for 2011 on no future spending.

Is that the real world, no future spending? Does anyone believe this Democratic majority will not spend future tax increases if given a chance? If your answer is yes, then you are buying a pig in a poke. A pig in a poke is what you are going to get, if you believe that. If you think you are going to get a pig, you are going to get cheated. And I have grown a few pigs in my day, so I know the difference between a pig and a pig in a poke. This trigger mechanism is a pig in a poke. Don't buy it. You will regret it.

So we have a situation where we have $736 billion that we have to figure out what to do about. It is not done about in this budget. You have to deal with tax realities, if you are going to give this sort of tax relief. The answer is that we are going to have to find this money, and it is not here. So it is not a real budget.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from North Dakota.

Mr. CONRAD. Madam President, first of all, I wish to say the Senator from Iowa, the ranking member of the Finance Committee, has been a true gentleman during consideration of the budget resolution. Obviously, we have strong differences with respect to some of the policies here. I wish to say that this man has been a gentleman. I also wish to say, on our side, we will not forget his courtesy during consideration of the budget.

I do want to say with respect to one of the charts he had up here, he had 2 years of AMT relief. It is true in the Senate budget we had 2 years of AMT relief. In the conference report, we have 1 year. That would change the numbers in his chart from $115 billion to $52 billion. Second, in what passed in the Senate, we had $15 billion of SCHIP funding within the budget and up to another $35 billion in a reserve fund. Now all of the funding in what has come out of the conference committee is in the reserve fund. So the Senator's chart, which I know was prepared some months ago, is not consistent with what the conference report is.

I wanted to make those two points. I again would say to others who are listening, we don't believe there is any requirement for a tax increase in this budget. We only have a 2-percent difference in revenue between the President's budget and our budget and the CBO score. If you look at what the President said his budget would produce in revenue, it is virtually identical to what our budget produces.

With that, I yield 11 minutes to the Senator from North Dakota, my colleague, Mr. DORGAN.

Mr. DORGAN. I thank my colleague for his leadership. I don't know where to start with the issues of the pig in the poke and the hog rules and all these issues. But I will talk a little about issues that are probably close to something I called the hog rule.

First, let me say this: Mark Twain once said, when asked if he would engage in a debate, he said: Sure, as long as I can take the negative side. They said: We haven't told you what the subject is. He said: It doesn't matter. The negative side will take no preparation. It is easy to oppose. That takes no preparation.

We have brought a budget to the floor of the Senate and have kind of broken tradition. We haven't had a budget on the floor that got passed for a year. Under the leadership of Senator CONRAD, we are going to have a budget today. That is a pretty big step forward.

Let me say that with all the budget talk, we went to war a few years ago and we sent soldiers halfway around the world to go to war. The country didn't go to war. This Congress didn't go to war. Every single dollar we have used to fight that war has been borrowed. We say to the soldiers: Go, fight, put on America's uniform, go represent your country. But the fact is, the President says: I want emergency supplemental appropriations for it all, and we will add it all to the debt. It is an unbelievable fiscal policy. Send the soldiers to war; Americans, go shopping. That is what we were told to do by the President. By the way, let's not ask anybody to sacrifice.

We see significant fiscal policy problems. This budget begins to start to try to deal with them. They have been growing now for about 6 or 7 years. This administration inherited a surplus and very quickly turned it into a large budget deficit.

This is a budget. Someone once asked the question, if you were asked to write an obituary about someone and knew nothing about the person, had never met the person but only had their checkbook registry as a frame of reference, what kind of obituary would you write? You would probably be able to take a look at what they spent their money on and tell a little something about their value system, what did they think was important, what did they treasure, what did they value. You can do the same thing with this country's budget.

It is true that 100 years from now we will all be dead. But history will record what we have done. They can look at the budget we passed, and they can see what we believed were the priorities for this Nation.

The President sends us a proposal and says: Here are my priorities. Let's propose spending in a way that loses ground on the issue of funding the National Institutes of Health and making the investments in needed cancer research and research into other dread diseases. Let's cut back on Head Start relative to the money that is needed to continue Head Start for young children. Let's decide that energy efficiency and renewable energy are not as important. These are priorities from the President. I could go on at some great length.

I disagree with that. I think many of these things represent investments in the country's future. My colleague and those who work with him on the Budget Committee have put together a different set of priorities. It is a better set of priorities that says: Yes, there are some areas that are just spending money. There are other areas that represent an investment in the future. That is why I think this budget is a good document. I am pleased today to support it.

Let me go to one other piece because I feel so strongly about it. I have offered amendment after amendment on this subject. My colleague has included proposed revenues in this budget from those who are not now paying their fair share. Some say that is a mirage, that is a shell game. You know what is happening. We have a pernicious tax break that says: Shut down your manufacturing plants in America, fire your workers, move your jobs overseas, and we will give you a big tax cut. I can't believe anything quite as foolish as that, but we have it. We have voted on it four times here. I am going to offer an amendment this year again that says: Let's not subsidize moving jobs overseas with a tax cut for those who do it.

Even more than that, I have used this on many occasions for 2 years now. This is the Ugland House. It sits on a quiet little street in the Cayman Islands called Church Street. It is a 5-story building, home to 12,748 corporations. Thanks to some enterprising reporting by David Evans from Bloomberg——

Mr. GREGG. Will the Senator yield for a question?

Mr. DORGAN. I regret I don't have the time.

Mr. GREGG. I will use my time. I will take the question off my time, not the answer.

Mr. DORGAN. Let me finish my comments. If I have time, I will be happy to engage. This represents a legal fiction, 12,748 corporations say that this is their home. No, it is not. This is a playhouse for tax avoidance. That is what this is about. They get to run their income through here so they don't to have pay taxes to the U.S. Government. They want all the opportunities that come with being an American except the responsibility to pay taxes.

Thousands of companies take up residence in tax haven countries for the purpose of avoiding taxes. Many other companies use entirely different, yet legal, tax avoidance schemes. One example is the sale of a German sewage system in Bochum, Germany, that nets Wachovia Bank $175 million in tax savings. I don't even understand how the transaction works. Does someone walk into an investment banking firm and say: Do you have a sewer section here, or do you have a sewer specialist I could talk to? Because I would like to avoid taxes by investing in a German sewer system. Maybe the receptionist says: We have a section over here in our investment banking firm that actually specializes in foreign sewers. Wachovia apparently found one. They saved $175 million. Does that mean they used the sewage system? No. Does it mean they actually have a need for it? Does it actually change hands? No, it is still underground in Germany. What it does is, it allows this company to avoid paying U.S. taxes.

How about an American company leasing a city hall in Germany? This is a town hall in Germany, leased by an American company. For what purpose? To avoid paying U.S. taxes. Wouldn't it be great if folks down the block or up the street or out on the farm who have to pay taxes in this country could say: You know what, I have a new idea. You and I are going to buy a sewage system in England. People would say: Are you nuts? That is what is happening in corporate boardrooms.

Another example is leasing transaction involving streetcars in Germany. An American corporation wants to operate German streetcars. Why? Because they enjoy riding in streetcars? No. They will never get in them. It is because they particularly want to avoid paying U.S. taxes.

In Chicago, they put together something called a 911 emergency call system. They put that together. Guess what: When Chicago shoppers hunted for bargains a few days after Christmas last year, two big financial firms landed their own sweet deal. FleetBoston Financial and Sumitomo Mitsui Banking bought Chicago's 911 emergency call system. No, Chicago was not in the throes of privatization, the story says from the Wall Street Journal. This was companies again deciding: We would like to buy assets we have no need for that belong to the public, and what we would like to do is use them to avoid paying U.S. taxes.

That is unbelievable to me. I would think every single Member of the Senate would look at this and say: That makes me sick, and it has to stop—not tomorrow; no, we are not going to begin to wean off this system—but, right now, we are going to say that nobody is going to be able to buy a foreign sewer system in order to decide they are not going to pay U.S. taxes.

Go to any restaurant in this country, any small town café in this country, and sit around and order a cup of coffee and ask the folks you are sitting with: Do you think this should be allowed? They would look at you and say: Are you out of your mind?

Well, the reason I talk about this is because this is in this budget to be shut down. Senator CONRAD has said—and I have offered amendments on the floor of the Senate—we are going to shut this kind of thing down. The other side kind of laughs and scoffs at this and says: Well, you can't shut that down.

I know, in fact, no one will stand up, if I ask: Will someone today come over to the floor of the Senate and stand up and say: Do you know what? Count me in. I am a big fan of having U.S. companies buy foreign sewer systems. Sign my name to it. Give me credit for it. Nobody will do that. It is kind of in the dark of the night that all this tax policy gets made.

That is what my colleague says in this budget: Let's begin to shut that down. Let's begin to collect the revenues, reduce the Federal deficits.

These deficits—at some point somebody is going to have to pay them. This administration inherited a very large budget surplus. I stood on the floor of the Senate and said maybe we ought to be a little conservative here, and the President and his minions said: No, no, no. Let's decide that we want to give it all back, despite the fact we did not have it yet. It was 10 years of projected surplus.

Guess what. In a matter of months, we found out we were in a recession. Then we had 9/11. Then we had a war in Afghanistan. Then we had a war in Iraq. Huge surpluses were turned into huge deficits and much more spending for a war, for which the President said: Oh, by the way, we are not going to pay for that. We are going to ask that all of it be funded with zero requests in the budget because we are going to send you emergency requests, and you can add it to the deficit. So we send soldiers to war, and when they come back, they can help pay the cost of the war because we are not going to do it.

That is what is wrong with this fiscal policy. We were on a road to nowhere and a road to real trouble, and finally we have a budget that begins to force change. Is it going to happen overnight? No. It is going to take some time. But this budget is a budget that moves us finally in the right direction.

I commend Senator CONRAD and all those who worked on it. I am proud to be part of it and will be proud to vote for it.

Madam President, how much time remains?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Madam President, I yield the floor.

Mr. GRASSLEY. Madam President, I was struck by the exchange between the Senators from North Dakota regarding abusive leasing transactions called SILOs and so-called corporate inversion transactions. They seemed to express dismay that this body can't shut down these deals. Listening to them, it seemed like they had no idea that:

No. 1, the American Jobs Creation Act of 2004 stopped the SILO deals on a prospective basis—no new deals can be done after March 12, 2004. As enacted, JCT scored this provision as raising $7 billion over 5 years and $27 billion over 10 years.

No. 2, the Senate-passed version of the JOBS bill, which received the vote of 92 Senators, would have shut off future tax benefits from foreign SILO deals, like the deals for European sewer systems and townhalls, that were entered into before March 12, 2004, but the Republican House conferees blocked it.

No. 3, the American Jobs Creation Act also stopped corporate inversion transactions for deals done after March 4, 2003, raising $830 million over 10 years, according to JCT.

No. 4, the Senate-passed JOBS bill would have applied the anti-inversion legislation back to March 20, 2002, when I put companies on notice that legislation would shut these deals down.

No. 5, just this year, the Senate passed a minimum wage/small business bill, which had the vote of 94 Senators. One provision in that bill would shut off future tax benefits for foreign SILOs. That provision would raise about $4 billion over 5 and 10 years. Another provision would have denied prospective tax benefits for inversions entered into after March 20, 2002. That provision would have raised over $1 billion.

But the Democratic chairman of the Ways and Means Committee refuses to agree with the Senate on these points. In fact, he held a hearing earlier this year to sympathize with lobbyists wanting to preserve these illicit tax benefits.

So, in this body, there is near unanimous agreement that Congress should act to stop the future tax benefits from foreign SILOs no matter when they were entered into. So I am not sure what the Senators from North Dakota are complaining about. They should be complaining to their brethren across the Capitol, not this body.

The North Dakota Senators are preaching to the choir when it comes to shutting down tax shelters. Look at my track record. Nobody has been more of a tax shelter hawk than me when it comes to Senate-passed and enacted legislation. I want to close the tax gap. I want to shut down tax shelters. My track record proves that. But we need to be realistic in looking at the amount of JCT scored revenue we can expect to get with sensible, effective legislation. But the assumptions in this budget are just not realistic.

Mr. President, the distinguished chairman made a couple of comments on the charts I used a short time ago.

The senior Senator from North Dakota stated first the chart incorrectly reflected the SCHIP number. The number used in the chart reflects an estimate of the first year, fiscal year 2008, of the Democratic SCHIP proposal. In addition, the senior Senator from North Dakota said the chart reflected 2 years of the AMT patch. He was correct. These are, however, 2 years of the patch, tax years 2007 and 2008, to consider with respect to fiscal year 2008.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I would like to yield 5 minutes to the Senator from New Jersey, Mr. MENENDEZ. I thank him for his very important leadership in the Budget Committee. He has been an extremely valuable member on the Budget Committee and has helped us write this budget.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, let me say, as a member of the Senate Budget Committee, I am extremely proud of the budget resolution conference report before us. I commend the distinguished chairman of the committee for his leadership and for succeeding in the daunting goal of putting together a final budget resolution. It would not have happened without him. I appreciate his depth of experience in changing the direction of our values in this budget.

This budget accomplishes what we set out to achieve at the outset of this Congress. It fulfills our responsibilities in key priorities, such as children's health care, education, and veterans services. It sets us on a strong fiscal path, balancing in 5 years, and achieving a surplus in 2012. It allows for key tax relief for middle-class families.

Now, I have heard a lot of claims being made today about what the budget does and does not do. So let's be clear. I think Americans should know the choices that are at stake because this budget makes some clear choices and sets a very different set of priorities than the budget the President sent to us.

Our budget allows for up to $50 billion to be spent on reauthorizing SCHIP, so we can ensure that America's neediest children get the care and health coverage they need. Now, making the health coverage of our Nation's most vulnerable children a top priority would seem like a no-brainer for Members of Congress who have access to some of the best health coverage in the world, but that was not the case in the President's budget. His budget fell far short of what is needed to continue coverage for children who are already enrolled, let alone enough to expand coverage moving forward.

Our budget provides more than $9 billion—$9 billion more than the President for education. Now, why such a high increase? Well, look back at the past few years of education funding under the President, and you will see how much damage we are trying to repair.

For the next year alone, the President would have slashed $1.5 billion in Federal education funds, stifled student aid, deepened the hole in No Child Left Behind funding, and eliminated 44 programs, from education technology, to dropout prevention, to low-cost Perkins loans.

This budget rejects that long list of cuts to education. We increase funding by $3.5 billion over last year, so we can start to reverse the downward spiral that has plagued education under this President and the Republican majorities of the past and provide students the opportunities they deserve.

Our budget will increase funding for veterans' benefits and health services by $6.7 billion. It meets the request of the independent veterans groups and would increase veterans funding by $3.5 billion over the President's request. For far too long, under this administration's watch, our veterans have been held hostage to a subpar system that has failed to provide the care they deserve. Our budget puts an end to the funding deficiencies that have set that system up for failure. It also rejects the President's proposal to raise fees and copays for veterans.

Our budget shows our first responders that we will put our money where our mouth is. We will not tell our fire fighters, police officers, and emergency responders that we support them day in and day out but then provide them a fraction of the resources they need to do their jobs. So in addition to rejecting the President's mind-boggling proposal to cut first responder grants by more than $1 billion, we provide key increases for homeland security programs, including enough to double grants for port, rail, transit, and chemical security. We also restore funds that would have decimated the COPS

Program—to put police officers on the streets of our communities—and the SAFER fire grants.

Despite all the rhetoric from the other side of the aisle about our budget plan, the fact is, we extend tax cuts that we all agree are pivotal for middle-class families. Our budget would continue marriage tax relief, extend the child tax credit, and lower tax brackets targeted to help the middle class. It would ensure that no new taxpayers would fall subject to higher taxes because of the alternative minimum tax next year.

Madam President, does the chairman have an additional minute?

Mr. CONRAD. Madam President, I yield an additional minute to the Senator from New Jersey.

Mr. MENENDEZ. I thank the Senator.

But what is key in our budget is how we achieve this tax relief. The difference is, we pay for it. Under our strong pay-go rule, we will end the days of promising tax cuts now and paying for them 10 years down the road.

Madam President, I think our plan is clear. This budget is a significant departure from the debt-drenched plans we have seen from the President and Republicans year after year. This budget ends an era of dumping the fiscal burden on our children, our schools, and our veterans. Instead of undermining education, abdicating our responsibilities in health care, and neglecting our veterans, this budget restores a commonsense balance to our values that we should expect from the greatest Nation in the world.

We have a long road to digging ourselves out of the holes this President has created. But this budget is a first and sound step toward building a stronger nation.

Mr. GREGG. Madam President, will the Senator entertain a question?

Mr. MENENDEZ. Madam President, I say to the Senator, if you have time, I will be happy to.

Mr. GREGG. The Senator listed a whole series of accounts where spending has been increased. I was wondering if the Senator has added up that list he listed there. Is there a total? The Senator listed a specific set of numbers.

I added it up to be about $14 billion. Is that incorrect?

Mr. MENENDEZ. Madam President, I do not have that listing before me right now. But the bottom line is, in this budget, whatever are those increases I cited, they are paid for and ultimately meet the challenges we have as a country.

Does the Senator disagree with any of those priorities we have?

Mr. GREGG. Madam President, I am trying to get to the bottom of the question of whether this budget increases spending over the President's number.

The Senator from North Dakota has represented it does not. Yet Senator after Senator from the other side of the aisle has come to the floor and told us how much spending has increased.

Mr. MENENDEZ. Madam President, I think it is a reprioritization of those values within the context of the budget.

Mr. GREGG. Madam President, of course it is not. It is a $205 billion increase over the President's number.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I make no assertion—I make no assertion—that we have not increased spending over the President's proposal. Certainly, we do because we have more spending for this Nation's veterans and for health care for our veterans. We have more spending for children's health care. We have more spending for education. We have more money for law enforcement. Why? Because the President cut the COPS Program 94 percent—the COPS Program to put 100,000 police officers on the streets. The President says: Cut it 94 percent. We do not agree with that. The President says we are not going to have the funding for our Nation's veterans, which the Nation's veterans say is essential.

Madam President, I ask for the time circumstance on both sides.

The PRESIDING OFFICER. The Senator from North Dakota has 5 seconds. The Republican side has 4 minutes 1 second.

Mr. CONRAD. Madam President, I ask unanimous consent that we now extend the time until 3:45 and equally divided between the two managers.

Mr. GREGG. Madam President, that is presuming after this time has expired, so we would not be equally dividing my 4 minutes.

Mr. CONRAD. Absolutely. I am extending the time past 3:30.

Mr. GREGG. The additional time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Madam President, there is a consistent inconsistency about the presentation from the other side of the aisle about this budget. The representation it does not raise taxes, on its face, is not consistent with the language in this budget.

Why would we have had to have the Baucus amendment, which extended tax cuts and reduced taxes—or represented it did—by $180 billion, if there had not been a tax increase in the bill?

There is a tax increase in the bill. In fact, the trigger language in this bill, which is now placed on top of the Baucus language, means the Baucus tax cuts—which were the original tax cuts of the President and they are being extended—will not come into fruition. They cannot possibly come into fruition because of the complexity of the trigger mechanism. They are subject to 60 votes. It is a Pyrrhic statement that those tax cuts exist. So this budget has a $916 billion tax increase in it.

Then, the representation that it does not increase spending—it increases spending dramatically. This is a budget that does what Democrats do: It raises taxes and it spends a lot of money. That is the game plan.

Then, there is the representation on the other side that they do not want to impact Social Security. Yet the budget takes $1 billion out of the Social Security trust fund in order to spend on their initiatives. They have a $200 billion domestic spending proposal on the discretionary side over what the President has. That spending comes directly out of the Social Security trust fund. It is a direct attack on the Social Security trust fund.

There is, of course, no effort on the entitlement side at all to control spending. The debt goes up by about $2.5 trillion.

But one of the key elements is this question of the trigger. I asked my staff to try to explain in layman's terms what this mechanism is that will allow the Baucus language to go forward, which would extend the tax cuts of the President of the United States. Well, in layman's terms, it is an alleged $180 billion extension of those tax cuts, which is subject to conditions only Rube Goldberg could appreciate. So we took a Rube Goldberg chart and we showed the different numbers that reflect what is happening. Essentially, the way this works is the tax legislation must include the following contingent provisions:

> None of the tax relief in this act shall have legal force and effect unless the Secretary of the Treasury and the Director of OMB project a surplus in 2012.

So these tax cuts do not get extended if there is no surplus, and we already know the capacity to spend money on the other side of the aisle will wipe out that surplus because the surplus is such a close number. Secondly, the tax relief can cost $180 billion or 20 percent of the projected surplus, whichever is smaller. So not only do they probably not have a surplus so they can't have the tax cut they allege they have—and it is not a tax cut; it is an extension of the tax policies which are in place today—but they create a mechanism which says you are not going to get all of that, you are only going to get 20 percent of it, and you know it is not going to be $20 billion.

What if the tax writing committees in their wisdom do not include the contingency clause? Well, then we switch to an entirely whole new set of miscellaneous conditions on the trigger. The House Budget Committee then has the following authority, the chairman: He will increase revenue numbers in the budget resolution to take away the tax cut if the Finance Committee doesn't include the contingency, and so instead of a budget increasing taxes to $736 billion, it actually ends up increasing taxes $916 billion.

There were a number of people who were wandering around this Senate after the last budget left here saying: Oh, hey, we included the Baucus language which extends those tax cuts which we agreed with the President on, which are things such as the child tax credit, protection of married people from the spousal tax, the tuition tax credit, credits for teachers who use money from their own personal accounts to help out in their schoolroom. We extended all those. But now we find out they didn't, and they don't, because they have created this trigger mechanism which came from the House which had none of those extensions, which makes it virtually impossible to presume these extensions are going to occur.

There are a lot of folks around here who are going to walk away with egg on their face, I believe. They are going to say they voted for a budget last time through where they extended those tax cuts, and this time they are going to try to claim they are doing it again when, in fact, what they are doing is setting up a clear action that can't be accomplished. It is another example of a consistent inconsistency of this budget.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

I have concluded from the Senator's remarks today he remains undecided on the budget. No. I know the Senator is opposed. He has done a very good job, I might say, of making his side of the case. The great thing about our country and about this institution is we have the right to come here and debate openly and even passionately our different views, and we have the right at the end of the day here to vote, and the majority rules. For 3 of the last 5 years, this country has had no budget. Hopefully, at the end of today, we will have put in place a budget for our country. That is our obligation and our responsibility, and I believe at the end of the day we will have accomplished this.

Even though the Senator from New Hampshire and I disagree with respect to the specifics of this budget, we agree on certain very important things. No. 1, we agree on the importance of having a budget. No. 2, the Senator and I happen to agree—and you would certainly miss this if you were listening to the debate today—but the Senator from New Hampshire and I have strong agreement on the unsustainability of our long-term budget situation. The Senator has talked about where we are headed in the long term, and I entirely agree with him, that in the long term we have a budget circumstance that is unsustainable, and it is going to be important for us to discipline the long-term entitlements. It is also going to be important to address these fiscal imbalances we face as a nation. We have begun the process by writing a budget that does balance by 2012, with a $41 billion surplus in 2012. The President still has not presented a budget that balances.

The Senator has questioned this whole trigger mechanism. It is true we did not have one in the Senate. The House insisted on a trigger mechanism in the conference. Let me indicate where we are with respect to the way the trigger works.

Under Office of Management and Budget numbers, the surplus in 2012 will currently exceed the amount needed to fully implement the Baucus amendment. The budget resolution surplus, excluding the Baucus amendment in 2012, is $290 billion. The trigger says you can only use 80 percent of that amount for tax relief. That would be $232 billion. The Baucus amendment costs $180 billion. So under the current OMB projections, the full middle-class tax relief that was provided for in the budget in the Senate will still be eligible, and that includes the relief for the estate tax reform as well.

In terms of how the trigger actually works, under current scoring by the Office of Management and Budget, there is sufficient room to have all of the middle-class tax reductions extended and to provide for estate tax relief.

What happens if this changes? What happens is we go through the year. For example, what happens when we pass a supplemental appropriations bill? That will certainly change the outyear forecast. There will be other things that may change the outyear forecast. Hopefully, revenue will come in above forecast. Other things will occur. None of us know. What happens if there is a future military conflict? What happens if there is a horrible natural disaster? We don't know.

What we do know is if there are not sufficient resources to permit the middle-class tax cuts being extended, that will not preclude us from providing the middle-class tax cuts; it would simply mean to whatever extent there is not budget room, we would have to find offsets. We would have to find a way to pay for it, or we would have to have a supermajority vote in the Senate. We would have to have at least 60 votes. Does anyone doubt this Chamber would produce a super-majority vote for middle-class tax relief?

Let's revisit the Baucus amendment that passed here on the floor of the Senate to provide middle-class tax relief and to provide estate tax reform. What was the vote? It was 97 to 1. That was the vote, 97 to 1. In the House, the vote was 364 to 57. Let's not be scaring people out across the country suggesting that the middle class will see their taxes go up. That is not what this budget provides. This budget provides all the money necessary to extend the middle-class tax relief and to provide for estate tax reform. Those provisions passed the Senate on a vote of 97 to 1 and passed the House of Representatives on a vote of 364 to 57. So even if we get to the point where the trigger is pulled because there are not sufficient resources in 2012, Congress retains the flexibility to extend the middle-class tax cuts and to reform the estate tax, and the evidence is pretty clear, the vote is going to be overwhelming to do it.

I thank the Chair. I ask at this point the time remaining.

The PRESIDING OFFICER. There is 13 seconds remaining on the Democratic side and 4 minutes 50 seconds remaining on the Republican side.

The Senator from New Hampshire.

Mr. GREGG. I suggest we extend the time until 3:50 and that the additional time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Make it 3:55.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, we heard the Senator represent that the administration doesn't have a surplus projected, and yet he used administration numbers to project a surplus, so more consistent inconsistency.

But I think a more substantive issue here is the irony of the fact that the other side has such an aversion to letting people keep their own money through having reasonable tax rates, such as the spousal—not having penalties for people who are married, not having a child tax credit, having a tuition tax credit, paying teachers a credit for when they buy extra supplies for their classroom. They have such an aversion to those types of initiatives which let people keep their own money that they put in place a trigger mechanism to try to stop those things from occurring should they want to spend money to basically absorb that tax relief. The irony is they don't put in any trigger mechanism for the new spending they are proposing. There is a trigger mechanism here that says: Well, you can't keep your own tax dollars, you can't keep your own money; we are going to take it away from you in taxes, but there is no trigger mechanism that says when we spend a lot more money, which this proposal does, there should be some second-look mechanism to see if we can afford it. If we are running a deficit, why should we be adding new spending? There should be a trigger mechanism.

Well, I think it is because there is a philosophical difference here, obviously. On our side of the aisle, we believe it is the people's money and it shouldn't be taken from them unless you absolutely have to take it, and that the Government doesn't spend the money better than people spend their own money. On the other side of the aisle, it is the opposite view.

The additional irony or the additional inconsistency is those tax rates which have most benefited this economy and caused it to grow dramatically, and which have most benefited the Federal Treasury in that they have generated a huge amount of revenue we didn't expect, capital gains rates and the dividend rates are not included under any circumstances in this trigger exercise. The people who benefit the most from those are seniors, because seniors are the ones on fixed incomes and have dividend incomes. Seniors are the ones, when they get to that point in their life where they try to sell that asset which they have built up over the years—maybe a restaurant or a small business or their home—and they now are going to, under this proposal, get hit with a doubling of the capital gains tax, or almost a doubling, and a doubling to a 2½ times increase in dividend tax rates. No trigger mechanism, no matter how fallacious or fraudulent it is—which this one is—is even put in to try to protect them.

This is a budget which is truly in the tradition and which is the philosophy of the other side of the aisle, which is that you raise taxes, you spend money, and we in Washington know a heck of lot better how to spend your money than you do, the American wage-earner, the American individual.

We have been over this ground a lot, and you may think we are going over it again and again, and that is because we are stalling for time, actually. We are waiting for the House to take action, and we are hoping they take it fairly soon so we can move to a vote.

Pending that, however, I do want to take a couple of minutes and thank my staff, led by Scott Gudes, who has done such an extraordinary job. They work ridiculous hours for low pay and they do it extraordinarily well. I want to thank the Democratic staff, led by Mary Naylor, who do an equal amount of hard work and probably get paid a lot more, I don't know. But they are special people, these folks who make this place run and work well, and we appreciate all they do. I also want to thank the chairman for his unrelenting courtesy and professionalism in running this committee. He is always fair with the minority.

We appreciate that. We try to run a committee that has comity, with a "t"; although there is a fair amount of comedy, with a "d." As a result, I think of the personality of the chairman, and we are able to do that. I appreciate his efforts in that arena.

He made the point that the country needs a budget. A bad budget we don't need. This is a bad budget. The fact is, the institution substantively does need a budget. We should not be running a government of this size—or any government—without something that gives you a blueprint. This blueprint is, obviously, a very poor one, a detrimental one, because it will grow the size of government and increase the burden of taxes, the deficit, and it raids the Social Security trust fund. Other than that, it is excellent. The fact is, a budget is important. So I am obviously of the view that should the Senator from North Dakota succeed in passing this budget, and we actually have a budget this year, to some degree that is an effort that he should be congratulated for, and it is something the Congress needed to do.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, the Senator talks about a philosophical difference, that this is the people's money. I agree with that entirely. It is the people's money. It is also the people's debt, and I deeply believe we have an obligation to pay the bills around here. The easiest thing in the world is to come to Washington and be for every spending program and every tax cut. The problem is, that has led to our current circumstance—a debt that is running away from us.

Now, this budget does not solve all of our problems. I make no assertion that it does. But it begins the process of balancing the budget by 2012, and it begins the process of controlling the growth of the debt, and that is critically important to us as a country.

Let me just say that the House vote is underway. I will take a few minutes but, first, what is the time situation?

The PRESIDING OFFICER. The Democratic side has 3 minutes 49 seconds. The Republican side has 3 minutes 33 seconds.

Mr. CONRAD. Madam President, let me indicate this is the estimate of what this budget would do. It would take the deficit from $252 billion to a balance of $41 billion in 2012—a surplus in 2012 of $41 billion. It would reduce spending as a share of gross domestic product from 20.5 percent in 2008 down to 18.9 percent in 2012. It would begin to control the growth of the debt after 2010. It would bring down gross debt as a share of gross domestic product from 67.7 percent to 66.5 percent in 2012.

On the question of revenue, I go back to this point because it is inescapable. The President, when he produced his budget, said he was going to produce $14.826 trillion of revenue over the next 5 years. Ours produces $14.828 trillion. There is virtually no difference. The President said, when he put out his budget proposal, that was a responsible amount of revenue to raise. $14.826 trillion. Our budget raises virtually the identical amount that he said was the responsible amount to raise for this 5-year period.

Now, it is true CBO later came back and said: Mr. President, your budget doesn't raise as much as you said it would. That doesn't take away from the fact that the President, when he proposed his budget, thought that the amount of revenue that should be raised over this 5-year period is $14.826 trillion. It doesn't take away from the fact that our budget raises virtually the identical amount.

Not only do we deal with the revenue question that has been raised, we also provide alternative minimum tax relief so that tens of millions of people are not caught up in that tax. We extend the middle-class tax cuts. We fully provide for, in the numbers, marriage penalty relief, the child tax credit, the 10-percent bracket, and estate tax reform. At the same time, we move to fund the priorities of this country, expanding health care coverage for children because, not only is it a good investment, but it is the right thing to do. We have up to $50 billion over the next 5 years dedicated to that purpose. We have increased what the President called for in education funding because we think it is critical to help parents who have their kids in college or other higher education. So we have increased the President's budget by some 10 percent for education.

Also, our third major priority is veterans health care. Goodness knows, I think every Member of this body believes we need more resources than are provided for in the President's budget to meet the promises that have been made to this Nation's veterans. We closely followed the independent budget advocated by the Nation's veterans organizations.

We think this is a responsible budget worthy of our support.

Mr. GREGG. What is the time situation?

The PRESIDING OFFICER. The Senator has 3 minutes 33 seconds on the Republican side. No time remains on the majority side.

Mr. GREGG. Madam President, we were summarizing the budget. I think this is important. I think the Senator makes my case because he holds up the chart about all the new spending they are doing, which is my point. They do $205 billion in discretionary spending. There is this tax increase issue. He holds up a chart that says we are doing the same tax as the President, but he doesn't allude to the fact that one of those bars is calculated under OMB and the other under CBO. If you used the same scoring mechanism, it would show a significant difference in taxes. The facts establish that they do not extend the tax cuts that the President was going to extend. They don't extend them.

Then they have this phony trigger mechanism, which is a totally false presentation, which alleges they are going to extend some tax cuts when there is no way that triggering mechanism can work. If you were to accurately put this number down, it would be $916 billion because the trigger mechanism is clearly not going to be exercised, and the true tax increase in this budget is the same as the House tax increase as it left the House, which was $916 billion.

I think people of fairness would look at the House budget and say, yes, the House won the debate, but there was this fig leaf put on to make it look as if there was some tax relief in here from the initial proposal. Clearly, the House number is the one that survived this process—the $916 billion in tax increases, which is the biggest in history, no two ways about it.

Then you add to the debt. Yes, the debt will go up no matter whose budget you follow—the President's budget or the Democratic budget. The debt will grow. I take that as a given. But the fact is, the debt is going to grow significantly—$2.5 trillion—and it is the growth in debt that is going to be passed on to our children. A lot of it doesn't have to occur. At least $205 billion of it doesn't have to occur. That is the debt that will be incurred by spending which exceeds what the President proposed in the discretionary accounts.

Then, of course, is this issue of mandatory savings, which I happen to think is the core failure of this budget, besides the tax increases and spending increases because it is the outyear when our children are going to have to start paying these bills, when their lifestyle is going to be contracted dramatically because of the cost burdens of the baby boom generation, and nothing is done in this budget to try to address that.

The proposals out there are not radical. They don't even impact most beneficiaries—the reasonable proposals. We could have saved one-third of the outyear unfunded liability in the Medicare accounts by simply doing a couple of things which would not have impacted beneficiaries, other than really high-income beneficiaries, people who make more than $80,000 or $160,000, retired Senators for example, asking them to pay a fair share of their cost of Medicare Part D, the drug program.

I see that my time is up. I am not sure we are ready to vote yet. I hope we are. I am not sure what the status in the House is.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I so appreciate the work these two fine men have done on this bill. This was so difficult to get from that point to where we are now. It could not have been done but for the fact that these are two of our most experienced legislators, who work well together. They have political differences, but they understand the importance of getting a budget resolution.

Having said that, and recognizing some urgency in getting the vote done, I ask unanimous consent that the next 5 minutes be equally divided between the two managers of the bill, and if the House vote is completed at that time—and we believe it will be—the vote occur within 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Madam President, I thank the majority leader. He has been an enormous and able leader going through this process. I can tell you on our side that we would not be here today without his absolute commitment to getting this job done, and getting it done right. My admiration for this leader has grown dramatically, and it was already high. Let me just say what an important leadership role he has played.

Mr. GREGG. Reserving the right to object, I wish to join the chairman in expressing my appreciation to the majority leader and to our leader on this side, Senator McCONNELL. This was a complicated exercise, and the majority leader has been very cooperative with the Republican side of the aisle. We very much appreciate his courtesy to us.

Am I to understand that the request was that we would now have 5 minutes—well, now we are down to 4 minutes equally divided, which gives the Senator from North Dakota 2 more minutes to make my case; is that correct?

The PRESIDING OFFICER. The Republican side has 2 minutes. The majority party has 1 minute 57 seconds.

Mr. CONRAD. Madam President, I will conclude by saying I think the debate has been vigorous on both sides. I have made my points.

At this moment, I thank, first of all, my own staff. Mary Naylor, my staff director. Each and every member of this staff has worked extraordinary hours. I cannot even begin to say what it has been like—weekend after weekend, night after night. The other night, they were here until 3:30 in the morning. I deeply appreciate the sacrifice and the commitment this staff has made.

I also thank very much Senator GREGG, the Republican manager, the Republican ranking member. He is absolutely committed to dealing with our long-term fiscal imbalances in a responsible way. While we may have disagreements with respect to this budget agreement, the truth is, our larger agreement about the need to take on these long-term fiscal challenges, to me, overshadows the disagreements we might have on a 5-year budget resolution.

I also appreciate the professionalism of his staff, including Scott Gudes and his entire organization. I thank them. Although I don't like some of the charts they produce, they are really in the best traditions of the Senate. They are serious about public service, and we owe them a deep debt of gratitude as well.

Finally, I will conclude by again thanking my staff. My goodness, I will never forget the extraordinary effort they put in.

I yield the floor.

Mr. GREGG. Madam President, I reiterate what I said earlier about the work of the staff, which was extraordinary and exceptional on both sides of the aisle. It was fair and very professional.

These staff are truly outstanding public servants who work long hours and bring a commanding knowledge of policy, program, and, as one might expect, financial analysis. These are professionals who possess the skills to dig into the specifics of Federal programs and budgetary data, and they are just as comfortable dealing with "the big picture" and policy context of spending, revenues, and the overall budget of the United States.

The Budget Committee staff members are truly an integral part of the Gregg team, which also includes my personal office staff in Washington and New Hampshire and my appropriations staff.

Our Budget Committee staff is led by Scott Gudes and Denzel McGuire. The core of the Committee is our budget review group, professionals who are among the Nation's top budget experts: Jim Hearn, Cheri Reidy, David Pappone and Jason Delisle. Allison Parent provides our legal expertise as general counsel, assisted by Seema Mittal. Dan Brandt is our chief economist. Our health policy unit is headed by David Fisher and includes Jay Khosla, Liz Wroe, Melissa Pfaff, and until very recently Conwell Smith and Richie Weiblinger. Our team has a number of talented analysts who handle various, what we call "budget functions" or programmatic areas and various departments and agencies. This includes Vanessa Green, Winnie Chang, Mike Lofgren, Kevin Bargo, Jennifer Pollom and Matt Giroux. Along with some of the previously named staff, these analysts are experts on programs ranging from Department of Defense weapons systems to agricultural subsidies to FAA fees and modernization.

Our communications office is headed by Betsy Holahan and also includes Jeff Turcotte and David Myers. Senator CONRAD has mentioned our charts a number of times today. This office, and especially our webmaster David Myers, has worked tirelessly producing these—sometimes most creative—visual aids.

Mr. President, I would be remiss if I did not recognize the outstanding nonpartisan staff that keeps the committee operating. This includes Lynne Seymour, one of the most professional and decent staff members ever to work in this institution of the Senate. Lynne, Andrew Kermick, George Woodall and Leticia Fletcher serve Democratic and Republican staff with dedication.

Finally, I would like to reiterate our appreciation to Senator CONRAD and the majority staff. They are a pleasure to work with. Mary Naylor and her staff, people like John Righter, Lisa Konwinski, Joel Friedman, Joan Huffer, Jamie Morin, David Vandivier, Ann Page, Sarah Kuehl, Cliff Isenberg, Jim Klupner, Stu Nagurka—just to name a few—they are hard-working professionals who give Senator CONRAD and the Democratic membership on the committee 100 percent.

Of course, the Senator and I have great respect for each other. I reiterate my praise of him and the majority leader's efforts in trying to get this conference report going and doing it in a fair and honest way.

I yield back the remainder of my time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, this will be the last vote this week. Our first vote next week will be a 5:30 p.m. cloture vote on the immigration matter. It appears the Democrats and Republicans have reached an agreement on immigration, so we will spend a lot of time on that legislation next week, along with the supplemental.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will report the conference report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the House to the concurrent resolution (S. Con. Res. 21), revising the congressional budget for the United States Government for fiscal year 2008, and setting forth appropriate budgetary levels for fiscal year 2009 through 2012, having met, have agreed that the Senate recede from its disagreement to the amendment of the House to the text of the concurrent resolution, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of Wednesday, May 16, 2007, on page 12655 (Vol. 153, No. 81).

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mrs. DOLE), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Oregon (Mr. SMITH), and the Senator from New Hampshire (Mr. SUNUNU).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "nay".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 40, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—40

Alexander
Allard
Bennett
Bond
Bunning
Burr
Chambliss
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Specter
Stevens
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—8

Brownback
Coburn
Dole
Hatch
Johnson
McCain
Smith
Sununu

The conference report was agreed to.

Mr. CONRAD. Madam President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Madam President, I just want to thank all my colleagues who supported this budget resolution. It is a responsible first step to restoring fiscal responsibility and meeting the priority needs of the country.

I thank my colleagues, I thank the Chair, and I yield the floor.

GENERAL LUTE TO BE ASSISTANT TO PRESIDENT

Mr. WARNER. Madam President, we have seen recently where it is the intention of the President to designate Lieutenant General Lute to take a position in the administration as an Assistant to the President and Deputy National Security Advisor for Iraq and Afghanistan, as well as working with the National Security Council. I have known this fine officer for some time. I have done an overseas trip with him to Africa. We went down to Liberia at a time of great trouble down there with a change in the administration. I have seen him working on the Joint Staff. I have had the opportunity to be briefed by him. I want to lend my strongest endorsement for this nomination.

I also wish to have printed in the RECORD the history of how active-duty military officers have been assistants to Presidents. I point out, from 1969 to 1970, General Haig was Military Assistant to the Presidential Assistant for National Security Affairs. General Haig then moved up in 1970 to be Deputy National Security Advisor. Then in 1973–1974, he was White House Chief of Staff and, following that, he had other important positions.

General Scowcroft, while on active duty, was Deputy National Security Advisor from 1973 to 1975. Admiral John Poindexter was National Security Advisor from 1983 to 1985, National Security Advisor from 1985 to 1986. Lieutenant General Colin Powell was Deputy National Security Advisor in 1987 and then Colin Powell moved up to National Security Advisor from 1987 to 1989.

I will have printed in the RECORD a list of those individuals who served our Presidents in the past in a comparable way.

I think it would be advisable if the President were to determine that General Lute would have an exemption, a security exemption granted by the President, such that he does not have to respond to the committees of the Congress, to come up as a witness. Otherwise, he should get an annex office up on Capitol Hill to respond to the many inquiries that will be generated here on the Hill and focused on General Lute to make a response. I think he can be more effective to the President if he is given that waiver authority.

I urge my colleagues to look with an open mind at this nomination. I spoke to Chairman LEVIN today. He indicated as soon as the papers were forwarded, our committee, the Senate Armed Services Committee, would review it in the context of our authority to review the change of position and assignments of general and flag officers. It is in that context that we would have a hearing on this nomination. I hope thereafter we can report it to the floor and that the Senate will act favorably upon it.

I thank the Chair for its customary indulgence on this, and thank my colleague from Connecticut. I ask unanimous consent that list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Rank/name	Position	From	To
GEN Alexander Haig	Military Assistant to the Presidential Assistant for National Security Affairs	1969	1970
GEN Alexander Haig	Deputy National Security Advisor	1970	1973
GEN Alexander Haig	White House Chief of Staff (Nixon)	1973	1974
LTG Brent Scowcroft	Deputy National Security Advisor	1973	1975
ADM John Poindexter	Deputy National Security Advisor	1983	1985
ADM John Poindexter	National Security Advisor	1985	1986
LTG Colin Powell, USA	Deputy National Security Advisor	1987	1987
LTG Colin Powell, USA	National Security Advisor	1987	1989
LTG Donald Kerrick, USAF	Deputy Assistant to the President for National Security Affairs	1997	1999
LTG Donald Kerrick, USAF	Deputy National Security Advisor	2000	2000
GEN Michael Hayden, USAF	Director of Central Intelligence	2006	Present

MORNING BUSINESS

Mr. DODD. Madam President, I ask unanimous consent the Senate be in morning business, and each Senator be allowed to speak for no more than 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the submission of S. Res. 207 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from Florida is recognized.

CONGRATULATING SENATOR CONRAD

Mr. NELSON of Florida. I congratulate Senator CONRAD, the chairman of the Budget Committee, who has done an absolutely masterful job in charting the boat of the Budget Committee through considerably hazardous waters, to be able to end up with a vote like he did today, 52 to 40, in the passage of the budget.

It is a budget that clearly is trying to accommodate enormous spending that we have to do for the defense establishment, for the national security needs of this country, and at the same time, to attack the issue of how we are going to pay for it.

The reality is, there are certain taxes we recognize we are going to have to do something about, because if we don't, it is going to hit the middle class. We have to do something about the 10-percent level for the lower income group. We have to do something about the child tax credit. Since all of them are tax cuts, it is going to cost revenue. We even have to tackle the issue of the estate tax, trying to craft a compromise which in this bill allows for then the Finance Committee to approach an exemption of $3.5 million per person of the estate tax and then reduce the tax rate from 55 to 45 percent that the balance of the estate would be taxed. That would protect the family farms, the family businesses, the vast majority of them in the country.

I compliment the Senator from North Dakota, who has had to be so dextrous and so insightful. Every little jot and tittle, every nuance he has had to attend to. It is a real confirmation of his ability that he gets a resounding vote as he did today on passage of the budget.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 2206

The PRESIDING OFFICER. The Chair, as to H.R. 2206, appoints Mr. BYRD, Mr. INOUYE, Mr. REID, Mr. COCHRAN, and Mr. MCCONNELL conferees on the part of the Senate.

Mr. NELSON of Florida. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 1495

The PRESIDING OFFICER. The Chair, as to H.R. 1495, appoints Mrs. BOXER, Mr. BAUCUS, Mr. LIEBERMAN, Mr. CARPER, Mrs. CLINTON, Mr. LAUTENBERG, Mr. INHOFE, Mr. WARNER, Mr. VOINOVICH, Mr. ISAKSON, and Mr. VITTER conferees on the part of the Senate.

Mr. NELSON of Florida. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. MENENDEZ. Mr. President, over the coming week the Senate has a historic opportunity to move forward with tough, smart, and fair comprehensive immigration reform that secures our borders, that ensures our economy continues to thrive, that protects American workers, and that at the same time undoes the process of committing millions of people to languish in the darkness and be exploited, or we can choose to abdicate our responsibilities and tacitly maintain the status quo of failed laws and a broken immigration system that is weak enforcement, that leaves our borders and our citizens unsecured and at the same time permits human exploitation to continue.

As a group, several Senators, including myself, have been meeting and negotiating on comprehensive immigration reform over the past couple of months. I appreciate the President making Secretary Chertoff and Secretary Gutierrez available to try to reach an agreement that would do those things.

I have come, during the course of that process with other colleagues, to a better understanding of my colleagues and their thoughts on this issue through the many hours we have spent talking together about solving the immigration problems, though I have not always agreed with them. I would like to believe our discussions were serious, thorough, and in good faith. At times they were productive, at other times they hit obstacles, but when one considers the enormity of the task at hand, along with what is at stake, one would have to be naive in thinking this would be an easy process.

One thing we know for sure is that beginning next week, if cloture is invoked, an immigrating bill, in some form, will be considered on the floor of the Senate. I sincerely appreciate the commitment in regard to the time spent and the thought invested on this issue from all sides involved. The amount of work that has been put into this effort represents the interest level, not to mention the stakes.

I will say, however, that in large part, part of the problem in getting agreement this year was where the administration started off in their proposal, which acted as a marker in these negotiations. From the minute I saw that proposal, it was clear to me we were no longer where we were last year on this issue.

Last year, we passed a bipartisan bill, one that a majority of Americans could get behind. It was a historic effort that joined 23 Republicans with 39 Democrats to address an issue of urgent national importance. The bill is the basis of what Majority Leader REID has scheduled a cloture vote for next Monday afternoon. I do hope we will be able to get a vote to be able to continue to proceed. I appreciate the majority leader making this issue a priority, having given us 2 months of lead time, telling us a very significant part of the Senate's calendar was being reserved for this debate. I appreciate his leadership in that regard.

However, unfortunately, the administration, along with several of our colleagues on the other side of the aisle, decided to radically alter their views and began the process this year with a far more impractical, in my mind, far more partisan proposal. Evidently; the White House convinced itself that it must have the support of some Republican Senators who opposed and worked to defeat last year's bill in order to pass something this year. Therefore, the White House has proposed an immigration reform plan that is far to the right of the Senate's passed bill of a year ago.

Let me tell you what I believe the principles should be as to how the Senate should guide itself as it debates next week. I believe any immigration reform we pass must be tough in terms of the security of our country, it must be fair, it must be workable, it must be comprehensive in nature; that preserves, among other things, family values, keeps us safe as a country, rewards hard work and sacrifice, benefits all Americans, and promotes safe, legal, and orderly immigration. Now, I could not sign on to the agreement announced in principle earlier today because, in my mind, it does not meet the principles I just described.

Mr. President, I ask unanimous consent to just state that very briefly in Spanish.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. (Speaking in Spanish.)

Mr. President, what I just said is I could not sign on to the agreement announced in principle because it tears families apart, and it says to many that they are only good enough to work here but not good enough to stay. Depending upon the category of individuals, it levies rather high penalties and fines, and it does not provide the confidentiality or judicial review necessary to bring those people who are undocumented in the country out of the shadows and into the light.

Now, I have serious concerns about the workability and the fairness of the agreement announced earlier because, first and foremost, it tears at the fabric of family reunification by limiting and eliminating the ability of U.S. citizens and lawful permanent residents to petition for their children, their parents, and siblings to join them in this country.

I took it very much to heart when President Bush said family values don't stop at the Rio Grande, that we all share those family values. Yet here we are with a piece of legislation which I gather is largely supported by the White House which undermines the very essence of that. Even under a new point structure that is envisioned under this bill, it seems to me the essence of family could get much more weighty within the context of a whole new process of how we are going to move our immigration system forward. Family is a critical value—I thought—in our country.

It calls for a truly temporary and, I am concerned, potentially Bracero-style worker program that labor ultimately will not support and that could repeat the same problem all over, having us face this challenge in the years ahead by the way it is devised.

It does not have confidentiality and judicial review, at least not of the standard I have seen to date; it is still one of those floating things out there. The reality is, if we want people to come out of the shadows into the light, to know who is here to pursue the American dream versus who is here to destroy it, then we need to be able to have those individuals understand that they will, in fact, and should come forth so that, in fact, they can go through the process envisioned by the framework agreement but that they will have confidentiality and judicial review in the process. Without addressing those issues, the system that would be created under the proposal would do little to fix our broken immigration system in the long term.

Now, I support fines for those who have broken the law. But the fines that are proposed are prohibitive, and they make a pathway to legalization a path in name only. A family of four would have to pay $10,000 in fines and fees, which is more than last year's bill even after it was amended twice on the floor to increase those fines. That does not even include the cost of their trip to "touch back" when they seek to become a permanent resident. Unable to pay these fines and fees, some of the undocumented workers will be unable to come out of the shadows and into the light of American's progress and promise.

Giving people the opportunity to come out of the shadows is an essential and necessary component of immigration reform because it will allow us to recognize who is here to seek the American dream versus who is here to destroy it through criminal or terrorist acts such as those which were recently almost carried out at Fort Dix in my home State of New Jersey.

If we had the right set of standards, which I envision us having in our bill, and people would come forward, we would have caught those individuals by the background checks we would have conducted. But for those people to come forth, obviously, there has to be some sense that in fact there is a real opportunity; otherwise, no one will come forward.

They also propose virtually doing away with provision for family reunification which has been the bedrock of our immigration policy throughout our history. This idea not only changes the spirit of our immigration policy, it also emphasizes the family structure. If this system had been in place when my mother and father attempted to come to this country, they certainly would not have qualified.

As I have listened to the stories of so many of our fellow colleagues in the Senate and in the House of Representatives, I know many of their parents would never have qualified to come to this country. I would like to think that they made, and continue to make, some very significant contributions to our Nation. It seems to me a new paradigm could have been structured where family values and reunification have more of a fighting chance than under the framework agreement.

As for the temporary worker program, we are inviting in temporary workers but, of course, we expect them to leave. Yes, temporary is temporary, and we are going to rotate them through, but how we do that and what pathway at the end of the day we might provide for saying you are human capital is incredibly important to this country. As if you perform enough of it, there may be an opportunity for you to adjust your status. But the way that the framework document envisions, it can simply create another undocumented workforce. It also sends the message that there are some people good enough to work here but not good enough to stay here; there are others good enough to work here and to stay here. If one didn't know what year it was, one might think we were discussing the National Origins Act of 1924. These and other problems with the proposed deal have to be improved to be able to support the type of reform that will meet the principles I have outlined.

Generally speaking, it seems to me we have taken a radical departure from what we were able to collectively achieve last year. We need to take a hard look at it as we open the debate next week. For the sake of much needed reform, many Democrats, including myself, showed a willingness, even more than I would have envisioned, to make strides toward the White House's proposal. Even so there are certain issues where too much bend ultimately creates an impractical and ineffective immigration system.

Unfortunately, that is what I believe will occur under the agreement announced earlier this afternoon.

I, for one, cannot settle for something that isn't sufficiently responsible in terms of meeting these values—security of the country, making sure we deal with our economy in a way that doesn't depress wages but at the same time realizes certain economic sectors need help and preserves family values, and at the same time makes sure we end the exploitation that often takes place when those people are languishing in the darkness. It doesn't have to be perfect, but it does have to be fair, humane, and practical.

Part of the magic of our Constitution is that it eventually allows the better parts of our nature to prevail. The better part of our national character is found in the strength we have achieved through our diversity. But that better nature must be fought for and fostered; in my mind, one of the greatest parts of America's experiment that has made it the great country that it is. I look forward to leading efforts on the floor of the Senate that will strengthen our security, protect American workers, deal with the necessities of our economy, while at the same time upholding the promise and the value of the American story that we hold so dear. We need to improve the framework document that has been announced through the legislative process next week. This is too important an issue to allow partisan politics to play a role. It is too important an issue to only be concerned about appeasing a relatively small part of a political base that is unrepresentative of the American public at large.

We must come together not as Democrats and Republicans, or liberals and conservatives, but as statesmen and, in doing so, honor the traditions of the Senate as a body that values reasoning, honest debate, and compromise over sound bites, talking points, fear, and smear tactics.

I know in my heart this is possible. I pray that it is practical and that we can end up with a bill next week that does these things: secures our country in a meaningful way and at the same time makes sure that we can preserve the economic interests of our country in all of the different aspects of our economy; that can say that the promise of family values we hold so dear and that has been at the core for over four decades of our immigration system can continue to be a reality; that we can end the human exploitation of people within our country, and in doing so, we actually make our country safer, more secure, and more robust in its economy. That is where I hope to lead efforts on the Senate floor next week.

I appreciate the work that has been done by the Senators who have agreed to the framework agreement. I just believe it falls too short in some of the key principles for me to be supportive.

I am looking forward to a bill on which we can join together and say: We did the best for the Nation. We did what is humanely right. We did what is right for the Nation in terms of its security and its economy, and we have preserved the very essence of what this Nation has been about.

From my home State of New Jersey, which was a gateway to millions of people across this country, particularly during the period of Ellis Island, we can almost touch Lady Liberty. Ellis Island is a short bridge walk across. The reality is that because of those people who have contributed so dramatically to our country, we all have a relationship to immigration—whether you can trace your history to the Mayflower and the voyage of that first opportunity, whether you are part of the Daughters of the American Revolution, whether you came with the millions in the European experience that crossed a great ocean through Ellis Island and then throughout our country, whether you came, as my parents did, in search of freedom, the reality is, we all have a connection. Let's honor that connection in a way that meets these values. Let' meet that challenge.

I hope we can do so next week as the Senate convenes on this historic debate. I look forward to that opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I wanted to have an opportunity to speak for a moment on this very timely issue of immigration. I heard my colleague from New Jersey speaking. I know how hard he has worked with us to try to achieve a solution to this very difficult problem the country has faced for now over 20 years. I am disappointed that what we did fell short of his hopes. I thought I would take a moment and respond to some of his comments, but also in the hopes of inviting him back into the process where his support would be so welcome and so vital.

First, I should say there is nothing easy about this issue. There is nothing easy about the solution that we crafted, nor does it claim any sort of perfection associated with it because it is an imperfect bill. But it is a compromise. So what it implies by a compromise is that there are some things in it that I wholeheartedly support. There are some things that I might have liked to have seen differently. At the end of the day, that is how legislation is made. That is how it happens. We all give a little, and we end up someplace where we can move the country forward and provide the country with a way to resolve this very difficult issue that we call immigration.

One of the notions I would appreciate dispelling is the fact that this is a White House bill. It is not. This is just as much a Senator KENNEDY bill as it is a Senator KYL bill, and a Senator MARTINEZ bill as it is a Senator SALAZAR bill. I could name others: Senator GRAHAM, Senator MCCAIN, Senator ISAKSON. This bill has a great deal of balance because it not only enforces our borders first and foremost, which is what all Americans want at a time when our shores are threatened by potential terrorists, but it, secondly, does not do any of the other things that will be done in the bill until certain triggers are met, those triggers to have been in place as far as border security is concerned, the hiring of border agents, building the fencing, building of other physical and electronic barriers.

Then we move into another phase which is to provide a tamper-proof ID. This will ensure that those who are working will work legally. It then moves into other areas such as a guest worker program. This is a guest worker program which is a temporary worker program. It is not intended as a vehicle to immigration. It is to provide the labor that America needs in certain places and also to provide a good-paying job to certain people in other parts of the world who want to work here, but with a clear understanding before ever coming that they are coming to work for a limited period of time, much as a student visa holder comes for 2 years to go to school, coming for 2 years to go to work. Then they go home. They can renew that visa a couple of times.

Then a number of them will, if they acquire certain prerequisites, apply for permanent status here. Obviously, if they learned English, that would help them. If they learn a trade, that would help them. If their employer says they are a good worker, that would help them. That will be the basis for future immigration.

There still is a family component to immigration. Husband, wife, children, can come, grandparents—40,000 a year of parents can come. What we are going to do is change the paradigm to one where more merit is included in the equation. There will be a point system. Family will often be a tiebreaker. That will be maintained. But the paradigm of immigration will shift to a different one. It will then give the 12 million people who are here today living in the shadows an opportunity to come out of the shadows.

I don't know how anyone can overlook the significance of that act, the fact that this country of immigrants and this country of laws will be generous enough to say to those 12 million that are here, having come illegally to our country but who have worked, as long as they pay fines, as long as they obey the law and have not gotten in trouble, and as long as they are willing to learn the English language, they can have a path forward to stay here and continue to work. If they go back to their home country, they also can apply for permanent residence and get in back of the line as any fairness would dictate.

Fines, of course there will be fines. They can be paid over a period of years. They are not exorbitant, and they are only to the head of household. In this bill is the DREAM Act, an incredible achievement for the dream of education. The 12 million people living in the shadows in this country today find oftentimes their future dreams of a college education truncated by the inability to pay the tuition and the out-of-State fees. The DREAM Act is in this bill. That is an important consideration.

Part of this bill is going to take care of the agricultural needs of the country which is significant. I know in Florida, whether it is agricultural or hotel workers, whether it is theme park workers, in the tourism industry we desperately need workers. There are not enough there today. So the temporary worker program will help our economy while it helps people to have a good and decent job.

I think there are some things here that are tremendously positive. It is a very exciting day, and I am delighted to be a part of the compromise. Obviously, there will be politics all over the place. The right and the left will be criticizing many of us for having taken what I think is a very strong bipartisan step forward.

This is a coalition of many Senators working to pull something together that has been difficult, that is never going to be easy to do. I look forward to the debate in the Senate next week as we try to craft a solution for America going forward.

I thank the President for his leadership on this issue, and Secretary Chertoff and Secretary Gutierrez, who have been here countless hours, and my other colleagues who have been in the room—Senator MENENDEZ, who was finding it difficult to support the bill today but who has been there time and time again—and the Senator from Texas, Mr. CORNYN, who has tried, also, and may not be completely satisfied, but they have been in the very dynamics of seeing good, dedicated servants, such as these two Senators who are finding it difficult. We see the difficulty of this bill.

What I would hope is that a good nucleus of us will pull together, will come together. My hope is Senators CORNYN and SALAZAR and MENENDEZ, and many others, will find it possible to support this bill as we go into the debate next week. There will be opportunities to offer amendments. There may be ways of making it better. There could also be ways to make it a lot worse. My hope is we can hang together on this nucleus of a compromise that will make America stronger, that will give some charity to people who are here, while at the same time giving America the assurance that our borders are going to be secured.

It is not perfect. It is the best solution we could find today working together in good faith, in a bipartisan way. I hope the Senate will pass it. I hope it moves swiftly through the House, and we get it to the President's desk as soon as possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, earlier this week, I spoke to my colleagues on fleshing out some of the options that may be circulating among the current Democratic majority in the other body, meaning the House of Representatives, for resolving the crescendo of the alternative minimum tax crisis that faces us right now in May of 2007, and for all the months before—and if we do not do something, all the months for the rest of this year, in which 23 million taxpayers who do not pay the alternative minimum tax, will be hit by it. These are 23 million people who were never intended to pay the alternative minimum tax because they are not considered the superwealthy.

As I said earlier this week, I do not like what I am hearing about what is going on in the other body, what they may put on the table in terms of paying for the alternative minimum tax, and the solution for that problem that is a fact of tax law right now.

However, I want to make perfectly clear a point on which I agree with the other party and the other body. I completely agree that dealing with the AMT is a priority issue and that Congress needs to address it.

The alternative minimum tax is an absolutely maddening tax that has insidiously crept into the homes of more and more families each year. I have spoken on this floor about its repeal—about its repeal—because, No. 1, it is hitting people it was not intended to hit, and also there are thousands it was intended to hit who have found ways out of paying the alternative minimum tax. So then you get into the ridiculous situation of people paying it who are not superrich, and you have superrich people it was intended to hit in 1969, when it was first put in place, who have found ways around it. So if it "ain't" working, then it is obviously broken, and you need to fix it.

The numbers of families paying the alternative minimum tax will rise from 4 million families, last year, to 23 million families in 2007—unless we take legislative action.

Chairman BAUCUS, my Democratic leader in our committee, and I introduced legislation on the first day of the 110th Congress to repeal the individual alternative minimum tax beginning in the 2007 tax year. But, of course, it does not appear that the Democratic leadership is eager to take up that legislation.

In each of the past 6 years, Congress has, in fact, passed legislation which at least for a temporary period of time successfully kept more people from paying the alternative minimum tax by increasing the amount of income that is exempt from the alternative minimum tax. In other words, by increasing the exempt amount, additional people were not hit by the alternative minimum tax.

These temporary exemptions that have happened over the last 6 years have prevented the alternative minimum tax from harming more and more middle-class Americans. Most recently, Congress acted to prevent millions of taxpayers from receiving a surprise on their 2006 tax returns by including an extension of this temporary AMT exemption increase in what is called the Tax Increase Prevention and Reconciliation Act of 2005.

In that 2005 bill, the exemption for married couples filing jointly was increased from $58,000 to $62,550 for the 2006 tax year.

This week marks the 1-year anniversary of the enactment of that bill in 2005—well, actually, it was not signed by the President until 2006. Nearly 20 million American families who were exempt from the AMT because of the temporary exemption increase in 2006 knew at this time last year Congress was moving to not tax many more millions of people by the alternative minimum tax in last year's tax earnings season.

This year, those families have no such assurance because the Democratic leadership—now in the majority as a result of the last election—in this Congress does not appear to be moving any legislation to address the alternative minimum tax.

Some of you may wonder why this is a pressing issue. Maybe you take the view that you need not address this because the AMT is such a stealth tax that millions of Americans who are going to owe AMT for 2007 have not even thought of that issue yet. It is something for which you might get the rude awakening after the first of next year as you prepare your income tax, and all of a sudden—boom—23 million more Americans are hit by this tax. So you do not worry about it during this 12 months. But do not play the American people for a fool.

I can understand why the taxpayers may not be thinking about it because for the past 6 years, as a second point, the Congress has addressed the issue on a timely basis, and the taxpayers did not miss a beat. When the Republicans were in the majority, American families could count on Congress to make sure this AMT issue was taken care of.

Now, it is nearing the summertime under Democratic leadership, and there is no clear path to a credible temporary or permanent solution. We need to address this now for the folks who do not even know what is about to hit them in the year 2007. And some were hit in April already. I will explain that. That is why it cannot wait. It is here and now for some taxpayers.

I hope, however, my colleagues have heard, then, from some of these constituents who are being hit by it. That happened through the estimated tax payment in April 2007, when at least some Americans were hit with paying this when they prepared that estimated tax payment you do four times a year. Those families have made that first payment and are painfully aware, then, of Congress's failure to act on the AMT this year, whereas 12 months ago we had already acted.

Until recently, I had hoped the Senate was unified in not wanting to collect the AMT for this year or any year in the future. On March 23—almost 2 months ago—I offered an amendment to the fiscal year 2008 Senate budget resolution that would have required Congress to stop spending amounts that are scheduled to come into Federal coffers through the alternative minimum tax. The legitimacy of that amendment was based on the proposition that the budget, which we just adopted today, the conference report—assumes these 23 million Americans are going to pay this tax they were never intended to pay. So get it out of the budget if you are taxing people who are not superrich and who were not supposed to pay it in the first place, and particularly when a few thousand of the superrich have even found ways to get legally around not paying a tax that was intended for them to pay. My amendment was not adopted because I think if my amendment had been adopted, we would have some honesty in the budgeting process. However, not a single one of my colleagues on the other side of the aisle voted in its favor.

On the House side, we hear the Ways and Means Committee is doing a lot of talking about the alternative minimum tax, but they have yet to move to action. It has been reported that House Democrats plan to exempt everyone who earns less than $250,000 from the AMT. Now, that is not eliminating it like I want to do, but it sounds to me as if that is a step in the right direction.

However, the new Democratic majority has pledged to offset any tax cuts. Some staggering proposals are bouncing around to offset a $250,000 exemption from the AMT. I outlined two of them on Monday when I spoke to my colleagues. One option would raise the top marginal income tax rate to over 46 percent—a rate that we have not seen since it was 50 percent between 1963 and 1981. Now, that 46 percent is up from the 35-percent marginal tax rate under current law.

There is another option the House may be considering, and that is to raise the top alternative minimum tax rate to 37 percent, up from 28 percent under current law.

I have to believe that anyone would shy away from actually proposing a double-digit tax rate increase. So let's take a minute to explore another approach we have heard floated for alternative minimum tax relief—paying for it by raising marginal tax rates on the top three income tax brackets.

Except for that 35 percent bracket, you are definitely talking about raising the tax on middle-income people to pay for or to offset the alternative minimum tax, now hitting those same middle-income people who were not intended to pay it in the first place.

Raising the top three income tax brackets—I do not know why Congress would want to raise taxes on top income tax brackets, let alone on the top three brackets. However, if that idea is getting serious attention, then we need to look behind the lipstick and examine the pig. So I have a chart in the Chamber to show you how many taxpayers would be impacted.

In 2004, there were nearly 6 million individuals and families in the top three tax brackets. If you go through an analysis to show what the grim scenario of raising taxes on the top three income tax brackets might look like, it is not a very good picture.

There is another chart which lays out the numbers on an option prepared by the Tax Policy Center. I do not want you to think I am highlighting a partisan Republican analysis. The Tax Policy Center has undertaken an extensive analysis of multiple options on the alternative minimum tax. I think it would be more than fair to say they are a group that my colleagues on the other side of the aisle often look to for reasoned analysis of policy issues. In fact, I believe they recently testified at the Ways and Means Committee in the other body on precisely this point. They outlined many options in their study, and this is just one that I want to walk through for illustration purposes.

This option—they call it the "broad reform and increase top income tax rates" option—would reduce the number of AMT taxpayers by almost 90 percent in the year 2007. So that would mean you would have 300,000 people paying the alternative minimum tax instead of the 23 million middle-income taxpayers who are being hit with it right now, as I speak. Only 100,000 taxpayers with incomes below $200,000 would owe the alternative minimum tax under their plan.

Again, I think this is a step in the right direction, until you take a look at their plan to offset it, to offset this AMT relief. The plan would raise income tax rates on 6 million families in the top three income tax brackets. This chart shows then where the ordinary tax rates would go as a result of this suggestion.

For taxpayers in the current 28 percent bracket, and that includes single taxpayers earning $74,000 and married families earning $124,000, their tax rates would increase from 28 percent to 35.4 percent. That is higher than the current tax rate for the wealthiest Americans under present law. The current 33-percent bracket would go up to 41 percent, and the top tax bracket would go from the current 35 percent up to 45 percent. So again we would be facing another option that requires a double-digit, marginal tax rate increase.

So while I applaud the efforts of many to analyze potential AMT solutions, I urge my colleagues to be aware of anyone bearing marginal tax rate increases in their basket of goodies to solve this horrendous problem of 23 million middle-income taxpayers paying the alternative minimum tax. It was never supposed to be paid by middle-income people because it was a tax reserved for the superwealthy in 1969, numbering about 155 people. So how do you get from 155 people to 23 million people, if the tax policies are working the way they were intended to work?

Now, there is another alternative, and that is something Congress isn't apt to do and something in the budget that was adopted shows that the majority is not inclined to do. But Congress should control spending and stop budgeting with revenues flowing in on the ledger from the AMT instead of increasing taxes to solve the problem. AMT tax relief that relies on increases in ordinary tax rates to move the ball turns out to be no tax relief at all. I think we have the issue of whether we want to keep this economy going, and I speak of Chairman Greenspan. Maybe he was beyond his chairmanship when he said that the tax policies of 2001 and 2003 were responsible for the 7.8 million jobs, the growth in the economy that we have now, and bringing in three-quarters of a trillion dollars of revenue that nobody anticipated would be coming in when we gave those tax reductions. So why would you want to raise the marginal tax rates when Chairman Greenspan says the lower rates are responsible for the revitalization of the economy and kill the goose that laid the golden egg? It doesn't make sense.

Those are the ideas that are floating around this Hill to solve the problem of 23 million Americans being hit by a tax they were never intended to pay, counting revenue coming in from people who were never intended to pay it to show that the budget is balanced. Intellectually dishonest? Yes. Fraudulent? Yes. It is something that is unexplainable. Yet we are stuck with it and it ought to end. It is not going to end until we repeal a tax that shouldn't be on the books in the first place because it isn't hitting all of the superwealthy the way it was intended to, and it is beginning to hit 23 million middle-income people, and in the process, when you start raising taxes like that on that group of people, pretty soon you are going to ruin the middle class. The middle class is the stability of any society in the world, but particularly in the last 150 years, it has been the stability of America's society.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THIS WEEK IN THE SENATE

Mr. REID. Mr. President, let me say we have had some really good work this week in the Senate. When I came here on Monday and indicated we would have to work into the weekend, that wasn't just for fluff. I really thought we would have to do that because we had so much to do. We were heavily involved in WRDA, a bill that was so important to be done, but a lot of hiccups come in complex legislation like that. We were able to finish that in a few days. I was concerned about the budget and the time limits that are statutory in that regard. We completed that. I was concerned about the supplemental, getting something to the House, which was a tremendously difficult job. We were able to get that done. Finally, there has been an agreement in principle on immigration, which we will take up, I hope, Monday evening.

Any one of these things gives no bragging rights to Democrats or Republicans, but it gives bragging rights to Democrats and Republicans because none of this could have been done but for the recognition that you have to work together to get things done. There is no better example of that—and I said it briefly on the floor yesterday—than Senator BOXER and Senator INHOFE. They are really two political opposites in most everything. But they are also experienced legislators, both having served in the House and in the Senate. Senator BOXER is chairman of the committee now, and Senator INHOFE was chairman of the committee. Senator INHOFE knew how important WRDA is. He worked together with Senator BOXER, and vice versa, and they got that done. That is tremendously good work.

On the budget, I boast about the managers all the time because I think they work well together—Senators CONRAD and GREGG. What they were able to piece together with this budget was very difficult. It wasn't mechanical, but it was difficult.

On the supplemental, I give a little credit to me, a little credit to Senator MCCONNELL, and the rest of the credit to the Senate because we were able to get that done and get a bill to conference with the House. We have had a number of meetings with the President's chief of staff—Senator MCCONNELL and I, Speaker PELOSI, and other representatives of the President. We hope to be able to complete that very important conference report by next week at this time.

Finally, on the immigration issue, at this stage, I have kept this to myself, but Senator MCCONNELL was one of those who urged me to stick to my timeline, stick to the 2 weeks. He said, "If we are going to get anything done, you have to set a time limit." We did that. I don't know if the immigration legislation will bear fruit and we will be able to pass it. At least we have something to talk about as a legislative vehicle on the floor that is bipartisan in nature. You may not agree on the respective parts, but that can be debated. We are going to start Monday night.

The reason I mention that this evening is all Senators and all staffs are watching. The players on that—Senators SPECTER, LEAHY, KENNEDY, KYL, and others—have recognized they are going to have to work into the night. If we are going to finish this bill next week, we are going to have to work nights, and that doesn't mean 6:30 at night. We have one Senate event that we are locked into Tuesday evening, but that doesn't mean the managers cannot work while we do that. It is an event at the Botanical Gardens for Senators. So we are going to work long, hard hours to complete that most important legislation.

In short, this was a very good week for the Senate and for the American people.

We need a lot more weeks like this, and we hope to do that in the future.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, if I can add briefly, I commend the majority leader for this week. I think we did have a good week. I am particularly pleased that we seem to be on a glidepath to completion of the important troop funding bill. There is a bipartisan agreement we need to have a signed bill providing funding for the troops before Memorial Day, and the distinguished majority leader and myself, and the President's representative, Chief of Staff Josh Bolten, have been working toward that end and will continue to do that tomorrow in an additional meeting with the Speaker and Leader BOEHNER from the House.

I, too, am pleased a bipartisan agreement on immigration appears to be coming together. On the day I was elected Republican leader, I said I hope this Congress will do two important things that will make a difference for our country. I thought the divided Government was uniquely situated to tackle both of these issues. One of them was Social Security. I am not as optimistic on that issue as I would like to be. And the other issue is immigration. There is reason for optimism today that the Senate, on a bipartisan basis, will come together and pass a landmark piece of legislation. We will find out next week, but I think the compromise announced today certainly gives room for optimism that might occur.

I did support the majority leader's decision to turn to that issue before Memorial Day. I thought it gave us the best chance of passing legislation, and with those kinds of deadlines, it gave us the best chance of coming together. Hopefully, that process of coming together was achieved earlier today.

Mr. President, I yield the floor.

ARMED FORCES DAY

HONORING FRANK WOODRUFF BUCKLES, AN AMERICAN HERO

Mr. BYRD. Mr. President, May 19 is Armed Forces Day. This is the day our country sets aside each year to remember and to honor the brave and patriotic Americans who serve today in the United States Armed Forces.

On Armed Forces Day in 1953, President Dwight David Eisenhower noted, "It is fitting and proper that we devote one day each year to paying special tribute to those whose constancy and courage constitute one of the bulwarks guarding the freedom of this nation and the peace of the free world."

More than a half century later, his words still ring true. The survival of freedom still costs the commitment and sacrifice of America's sons and daughters. I want to use this opportunity to let them know that we in the United States Congress are thinking of them, and that we thank them for their service to our country.

I would also like to use this opportunity to pay tribute to another brave and patriotic American, Mr. Frank Woodruff Buckles, who currently resides in the historic town of Charles Town, WV, and who served in the Armed Forces of the United States 90 years ago.

That's right—90 years ago.

Mr. President, last month, April 6 marked the 90th anniversary of the America's entrance into World War I.

That was the "war to end all wars." That was the "war to make the world safe for democracy." We know that did not happen. But World War I was the historic, global conflict that brought the United States onto the international scene. And it marked the emergence of the United States as a superpower.

Mr. President, 4.7 million Americans served in the U.S. military during that war—the "great war" as it was called.

Of the 4.7 million Americans who served in World War I, only 4 are still living. One of them is Mr. Frank Woodruff Buckles of Charles Town, WV.

Mr. Buckles was born in Harrison County, MO, on February 1, 1901, about 40 miles from the birthplace of his future commander, GEN John J. Pershing, the commander of the American Expeditionary Force in World War I.

Mr. Buckles was only 16 years of age when the United States entered the war.

Therefore, when he went to enlist in the Marines in order to fight the kaiser, he was rejected because he was too young.

So he then tried the Navy. This time he was rejected because he was flatfooted.

Determined to serve his country, Mr. Buckles went into the Army. This time, he was successful in enlisting because he lied about his age. On August 14, 1917, Mr. Buckles enlisted in the United States Army. Four months later, in December, 1917, he sailed "over there" aboard the RMS *Carpathia*, the vessel that had rescued the survivors of the *Titanic* 5 years earlier.

As a doughboy, Private Buckles drove dignitaries around England and an ambulance around France. Mr. Buckles usually downplays his wartime experience, explaining: "There was nothing dramatic about it. Sometimes I was driving in Winchester, England, sometimes France." But his experience was indeed dramatic and it was important. Once war was declared, Mr. Buckles did not wait for his country to call him. He went from one military service to another until he was able to enlist, even if it meant fabricating his age. It was the willingness of 4.7 million brave and patriotic Americans to enter the military and to serve our country that won that war. On this Armed Forces day, we need to remember them as well as the men and women currently wearing our Nation's uniforms. We must keep all of them in our hearts and prayers, and make sure our country serves them, just the way they have served our country.

Mr. Buckles was discharged from the Army in 1920 at the age of 18. He attended business school, and then worked in various jobs in the United States and Canada, including a stint in the bond department at Bankers Trust in New York City.

But his love of adventure and sense of excitement eventually led him out to sea again, this time working for different shipping lines as a purser and quartermaster. He first worked off the coast of South America, then on to Europe.

In the 1930s, his work on a steamship line took him to Nazi Germany, where he attended the 1936 Olympics in Munich. Here he saw the great Jessie Owens win a gold medal to the great embarrassment of German Chancellor Adolph Hitler, who he also saw at the games.

In 1940, his work on steamship lines then landed him in the Philippines. He was working in Manila when the Japanese invaded. Mr. Buckles was captured and spent the next 3½ years in Japanese prison camps. Although he was a civilian, he was treated as a prisoner of war. At dawn, February 23, 1945, the same day that the American flag was raised on Iwo Jima's Mount Suribachi, the 11th Airborne Division liberated Mr. Buckles and his fellow prisoners.

After his release from prison camps, Mr. Buckles finally decided he had enough adventure and excitement. "I had been bouncing around from one place to another for years at sea," he explained. "It was time to settle down." So he married Audrey Mayo.

I am pleased to point out that in 1954, Mr. Buckles and his wife settled on a 330-acre farm in the Eastern Panhandle of West Virginia, the same area where his ancestor, Robert Buckles, had settled in 1732.

For the next five decades—that's right, five decades—Mr. Buckles has continued to operate his beloved farm.

Maybe it is from breathing that good, clean West Virginia mountain air, or, perhaps, it is his own eternal youth and vigor. Whatever the reason, at the age of 106, this hardy West Virginian is still going strong. He will serve as grand marshal of the World War I section of the Memorial Day parade, here in Washington DC. A few years ago, the President of France presented Mr. Buckles with the Legion of Honor at a ceremony honoring World War I veterans at the French embassy here in Washington, DC. And he has been the subject of feature stories in USA Today, the Charleston Daily Mail, and "America's Young Warriors," and a number of other newspapers and magazines.

Mr. President, on this Armed Forces Day, I salute this brave and patriotic American. And I again salute and thank all those men and women serving in our Armed Forces today for their commitment and their sacrifice.

Mr. MARTINEZ. Mr. President, this Saturday, May 19, is Armed Forces Day. Celebrated annually on the third Saturday of May, this is a day for all of us as Americans to rally around our military members—wherever they are serving—and thank them for their patriotism and duty to country. This day has a long and proud history. With President Harry S. Truman leading the effort for this holiday, it came to fruition just a few years after the close of World War II. It was at the end of August 1949 that Secretary of Defense Louis Johnson announced the creation of Armed Forces Day to replace separate days of celebration for the Army, Navy, Marine Corps, and Air Force. While the roots of this celebration may have resulted from the unification of the Armed Forces under the Department of Defense, it serves much more than a consolidative purpose.

The account of the first Armed Forces Day is particularly riveting—as recorded in a page on the official web site of the Department of Defense: "The first Armed Forces Day was celebrated by parades, open houses, receptions, and air shows. In Washington DC, 10,000 troops of all branches of the military, cadets, and veterans marched pas[t] the President and his party. In Berlin, 1,000 U.S. troops paraded for the German citizens at Templehof Airfield. In New York City, an estimated 33,000 participants initiated Armed Forces Day "under an air cover of 250 military planes of all types." In the harbors across the country were the famed mothballed "battlewagons" of World War II, the *Missouri*, the *New Jersey*, the *North Carolina*, and the *Iowa*, all open for public inspection. Precision flying teams dominated the skies as tracking radar [was] exhibited on the ground. All across the country, the American people joined together to honor the Armed Forces."

It is that last sentence that stands out to me: "All across the country, the American people joined together to honor the Armed Forces." Let this Saturday be another one of those days. Wherever our brave military men and women are this Saturday—be it on the front lines in Iraq or Afghanistan, stationed along the DMZ that divides North and South Korea, on the open sea across the globe, or training in the great American skies above, let's honor them. Let us not forget their service and dedication to protecting our freedoms and defending our way of life this Saturday and every Saturday, this day and every day.

To all our brave men and women in uniform and your families: thank you for your selfless service and sacrifice.

WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION NATIONAL TEAM

Mr. REID. Mr. President, from April 28 to 30, 2007, approximately 1,200 students from across the country participated in the national finals of We the People: The Citizen and the Constitution, an educational program developed to educate young people about the U.S. Constitution and Bill of Rights. The We the People program is administered by the Center for Civic Education and funded by the U.S. Department of Education through an act of Congress.

During the 3-day competition, students from all 50 States demonstrated their knowledge and understanding of constitutional principles. The students testified before a panel of judges in a congressional hearing simulation focusing on constitutional topics. I am pleased to announce that Damonte Ranch High School from Reno, NV, won their statewide competition and earned the opportunity to compete in the national finals.

The names of these outstanding students from Damonte Ranch High School are as follows: Fabien Dior-Siwajian, Ashley Fanning, Morgan Holmgren, Stephanie Kover, Tony Miller, Amy O'Brien, Stephany Pitts, Austin Wallis, and Eben Webber.

I would also like to commend the teacher of the class, Angela Orr, who donated her time and energy to prepare these students for the national finals competition. Also worthy of recognition is Marcia Stribling Ellis, the state coordinator, and Shane Piccinini, the district coordinator, who are among those responsible for implementing the We the People program in Nevada.

Please join me in congratulating these students on their outstanding achievement at the We the People national finals and wish them the best of luck in the years ahead.

COPS IMPROVEMENTS ACT

Mr. LEAHY. Mr. Presdient, this Congress has been making important efforts to show our support and commitment to our Nation's law enforcement officers. This week marks the 44th year that we have celebrated National Police Week. On May 1, the Senate passed a resolution sponsored by my colleague Senator SPECTER, the ranking member of the Judiciary Committee, and myself, marking May 15, 2007 as National Peace Officers Memorial Day. Earlier this week, I was honored to participate in that ceremony here at the Capitol hosted by the Grand Lodge of the Fraternal Order of Police and its auxiliary. As we do each year, we gathered with the families of those who lost loved ones in 2006 while serving in the line of duty. We commemorated their sacrifice to keep us safe and secure.

On Tuesday, the House passed H.R. 1700, the COPS Improvements Act of 2007, by an overwhelming vote of 381 to 34. The Senate Judiciary Committee has voted to report the Senate's companion bill which I joined with Senator BIDEN to introduce. Despite tremendous support for this legislation, a Republican objection to passing the House bill has prevented this important legislation from passing the Senate. I am disappointed that Senate action on these vital improvements to the COPS Program has stalled, and I hope the objection is withdrawn so that the Senate can pass H.R. 1700.

This legislation would reauthorize and expand the ability of the Attorney General to award grants aimed at increasing the number of cops on the streets and in our schools. To accomplish this goal, this bill would authorize $600 million in designated funds to hire more officers to improve and expand community policing, which will in turn help reduce crime. In Vermont, for example, passage of the COPS Improvements Act would likely mean that 110 new officers would be put on the beat. Additionally, the COPS Improvements Act would authorize $200 million annually for district attorneys to hire community prosecutors and $350 million annually for technology grants.

The COPS Program has been a resounding success, and the improvements to the program that are contained in this bill would help our State and local law enforcement agencies cope with the substantial reductions in funding they have endured in recent years. Despite these reductions in funding, law enforcement officers have an increased role in homeland security responsibilities. H.R. 1700 includes "Terrorism Cops," officers who are focused specifically on homeland security, and would also include the Troops to Cops Program to help soldiers returning from the battlefields of Iraq and Afghanistan. In short, this legislation gives our law enforcement officers the tools they need to reduce crime and protect our citizens.

The Government Accountability Office has reported that between 1998 and 2000, COPS hiring grants were responsible for 200,000 to 225,000 less criminal acts—one-third of which were violent. With violent crime on the rise and our State and local law enforcement officers stretched thin with new responsibilities, it is essential that we pass this legislation. I urge those on the other side of the aisle to withdraw their objections and support our State and local law enforcement agencies by passing H.R. 1700.

340B PROGRAM IMPROVEMENT AND INTEGRITY ACT

Mr. THUNE. Mr. President, this Chamber has spent a good deal of time recently discussing an important topic that affects all consumers in this country—the high cost of prescription drugs. Not only do rising prescription drug costs contribute to all individuals' health insurance costs—but our health care providers feel the burden of these rising costs as well.

In my home State of South Dakota, rural hospitals serve as a lifeline to thousands of constituents living in medically underserved areas—and the rising cost of drugs continues to squeeze their budgets. As we continue to see in all regions of the country, cost directly impacts access.

In 1992, Congress created the 340B program under Medicaid to lower the cost of drugs purchased by a limited number of entities serving a high number of low-income and uninsured individuals—such as Federally Qualified Health Care Centers and nonprofit hospitals providing care to a disproportionate share of Medicaid patients. Under the 340B program, pharmaceutical manufacturers are required to provide these entities discounts on outpatient drugs as part of each manufacturer's Medicaid participation agreement.

This week, I was pleased to reintroduce legislation with my colleague from New Mexico, Senator BINGAMAN, to improve the 340B program and extend these discounts so that they not only apply to outpatient drug purchases, but also inpatient prescription drug purchases for qualifying hospitals.

Additionally, this bill would expand eligibility in the program to all critical access hospitals, as well as sole community hospitals and rural referral centers that serve a high percentage of low-income and indigent patients.

This legislation includes important provisions to improve the integrity of the program and generate savings to Medicaid. Specifically, the bill would generate savings for the Medicaid program by requiring participating hospitals to credit Medicaid with a percentage of their savings on inpatient drugs. Additionally, the bill seeks to enhance the overall efficiency of the 340B program through improved enforcement and compliance measures with respect to manufacturers and covered entities.

Hospitals serving predominately rural areas, such as the 38 critical access hospitals in South Dakota, play a crucial role in my State in providing care to patients in underserved communities. Extending the 340B drug discount program to these hospitals will help them to afford their prescription drugs—and at the same time lower the overall cost of care at these hospitals and to the Federal Government.

The 340B Program Improvement and Integrity Act of 2007 is commonsense legislation that reduces the cost of drugs for health care providers serving society's most vulnerable citizens. I look forward to working with my colleagues on both sides of the aisle to get this bipartisan legislation passed and signed into law.

AGREEMENT ON TRADE

Mr. FEINGOLD. Mr. President, last week, amid great fanfare, several Members of the House and Senate announced they had reached an agreement with the administration on language that facilitates the implementation of two trade agreements, and paves the way for the possible consideration of additional trade agreements as well as the extension of so-called fast-track trade agreement implementing authority.

No sooner had the announcement been made than questions were raised about just what the agreement was. A comparison of the representations made by the parties to the agreement revealed several potentially contradictory interpretations of the deal. And when details of the agreement were sought, it was discovered that there really weren't any, that what the parties had agreed to was a set of principles. We now understand that the actual details of the agreement may not be fully spelled out until legislation implementing the trade agreements is presented to Congress for approval. Until then, everyone is free to spin this agreement as they wish.

Given the parties that were involved, hearing the announcement was a bit like hearing that the foxes and wolves had reached a deal on guarding the hen house. For the most part, the people who were negotiating this agreement have a nearly unbroken record of supporting the deeply flawed trade policies of the past decade and more. From the North American Free Trade Agreement, NAFTA, to the General Agreement on Tariffs and Trade, GATT, which created the World Trade Organization, to granting China permanent Most Favored Nation status, to the more recent agreements like the Central America Free Trade Agreement, the actors in this deal have all been singing from the same hymn book. While I don't question the good intentions of those who were involved, no one should have expected last week's announcement to produce significant changes to that hymn book.

Our trade policy has been disastrous. It has contributed to the loss of several million family-supporting jobs in this country. It has left communities across my State devastated, and I know the same is true in communities around this country.

Our trade deficit reaches new heights every year, as we send more and more of our wealth overseas, much of it in the form of factories that provided entire communities with decent, good-paying jobs. I hold listening sessions in each of Wisconsin's 72 counties every year. This is my 15th year holding those listening sessions, listening to tens of thousands of people from all over Wisconsin. I completed my 1000th of those sessions last fall, and I can tell you that there is nearly universal frustration and anger with the trade policies we have pursued since the late 1980s. Even among those who would have called themselves traditional free-traders, it is increasingly obvious that the so-called NAFTA model of trade has been a tragic failure.

I voted against NAFTA, GATT, and permanent most favored nation status for China, in great part because I felt they were bad deals for Wisconsin businesses and Wisconsin workers. At the time I voted against those agreements, I thought they would result in lost jobs for my State. But, as I have noted before, even as an opponent of those trade agreements, I had no idea just how bad things would be.

Nor does the problem end with the loss of businesses and jobs. The model on which our recent trade agreements have been based fundamentally undermines our democratic institutions. It replaces the judgment of the people, as reflected in the laws and standards set forth by their elected representatives, with rules written by organizations dominated by multinational corporations. Food, environmental, and safety standards set by our democratic institutions are subject to challenge if they conflict with those approved by unelected international trade bureaucracies. Even laws that require the government to use our tax dollars to buy goods made here, rather than overseas, can be challenged.

Our trade policy is a mess, and it needs to be fixed.

As bad as our trade policies have been, they have not been partisan policies. I wish they were. I wish I could lay the blame at the feet of our colleagues in the other party. But Members of both parties have aided and abetted these flawed policies. Presidents of both parties have advanced them, and Members of Congress from both sides of the aisle have approved them.

It should not come as a shock to anyone, then, that while the agreement announced last week was bipartisan, because it was negotiated by people who largely supported the flawed trade agreements of recent years, it fails to address in a meaningful way the concerns of those who have opposed those same agreements.

It is noteworthy that while the announced agreement is primarily related to enhancing international worker standards, not a single union has endorsed it. While the agreement reportedly enhances international environmental standards, no environmental groups have endorsed it. Nor have those business groups that have been critical of our trade policies.

We are making progress, albeit slow progress, in educating the public and policymakers on the true nature of our trade agreements. In the past, when opponents of these flawed trade deals raised questions about the actual provisions in those agreements, supporters were quick to play the free trade card and label those who questioned the agreements as "protectionist."

This charge resonated with many of our newspaper editorial boards, who have parroted the elegant theories of 18th century economist Adam Smith.

But the trade agreements into which we have entered in recent years are not simply reductions in tariffs, as Adam Smith envisioned. If these agreements were just reductions in tariffs, they could be implemented by a bill that is only one or two pages long. Of course, that is not the case. These agreements are lengthy. The bills that implement them are so massive as to be almost bullet proof. And the reason is that they go far beyond merely lowering tariffs. As Thea Lee wrote in the Wall Stree Journal:

> We should all understand by now that modern, (post-NAFTA) free-trade agreements are not just about lowering tariffs. They are about changing the conditions attached to trade liberalization, in ways that benefit some players and hurt others. These are not your textbook free-trade deals. These are finely orchestrated special-interest deals that boost the profits and power of multinational corporations, leaving workers, family farmers, many small businesses, and the environment more vulnerable than ever.

Increasingly, some who blindly accepted these trade agreements in the past now are beginning to read the fine print. They recognize the role these agreements have played in our skyrocketing trade deficits and the loss of millions of jobs. They understand that if we are to have a sustainable trade policy, then we must dramatically alter the NAFTA model of trade on which our recent trade agreements are based.

The agreement announced last week does not do that. And until our trade agreements better reflect a more sustainable relationship with our trading partners as well as the broader interests of our own national priorities—keeping businesses and good-paying jobs here, ensuring strong protections for our environment, our food safety, and even the ability of our democratic institutions to set those national priorities—I will continue to oppose them.

DARFUR

Mr. FEINGOLD. Mr. President, I am pleased to join my colleagues Senators MENENDEZ and BROWNBACK this week in introducing a resolution that recognizes the unique diplomatic and economic leverage that China possesses, and that offers that country a rare opportunity to be a force for peace in the troubled Darfur region of Sudan.

By now, we are all aware of the devastation being wrought upon the innocent people of Darfur. Over the past 4 years, hundreds of thousands of people have been killed and more than 2.5 million displaced as a result of the ongoing and escalating violence caused by the Sudanese Government, associated Janjaweed militia attacks, and even the numerous rebel factions. Congress declared the Sudanese Government's atrocities to be genocide nearly 3 years ago, and my colleagues and I have been actively demanding that the United States do everything in its power to bolster the hard-working but inadequate African Union peacekeeping mission, support the efforts of courageous humanitarian workers, hold those responsible accountable for their actions, and persuade all parties to commit to a legitimate political resolution that can end the conflict and ensure people can safely and voluntarily return to their homes.

Although I am frustrated that the United States' efforts to achieve these key objectives have been inadequate, I am even more upset by the Sudanese Government's persistent obstruction of all efforts to address Darfur's deep security, humanitarian, and political crises. The United States and other Western governments have made significant political and material investments in Sudan in an attempt to bring peace to that conflict-torn country, but as long as Khartoum continues to thwart its international obligations and pursue its violent campaign, these investments will not bring Sudan closer to peace.

All parties agree that the tipping point in Sudan will come when the government there sees the costs of continuing to break existing promises and obstruct new agreements as greater than the benefits it can achieve by doing so.

The country perhaps best positioned to affect the calculus of this cost-benefit analysis is China. Over the last decade, Beijing's energy firms have invested between $3 billion and $10 billion in the Sudanese energy sector, and China now exports seventy percent of Sudan's oil. China recently cancelled over $100 million in Sudanese debt and is building roads, bridges, an oil refinery, a hydroelectric dam, government offices and a new $20 million presidential palace. With these debt savings and oil revenues, Sudan has doubled its defense budget in recent years, spending 60 percent to 80 percent of its oil revenue on weapons—arms mostly made in China. I was very disturbed to see that the chief of Sudan's armed forces was so warmly welcomed in Beijing last week and promised increased military exchanges and cooperation.

Eleven States, half a dozen cities, and more than 30 academic institutions across the United States have decided to divest from companies that do business with the Sudanese Government. Many of these companies are Chinese, which sends a signal to both Beijing and Khartoum that Americans—and others around the world—are willing to put their money where their mouths are when it comes to defending the people of Darfur.

Africa can benefit from Chinese investment, but China's increasingly important role on the continent also carries responsibilities. As the 2008 summer Olympics in Beijing approach, China is keen to be perceived as a key player on the world stage, but that means it needs to play by the rules. According to a recent Amnesty International report, China is, and I quote "allowing ongoing flows of arms to parties to Sudan that are diverted for the conflict in Darfur and used there and across the border in Chad to commit grave violations of international law." This is, I note, also in violation of the U.N. arms embargo.

Recently, China has begun to play a more constructive role in Sudan, by offering to contribute an engineering unit to the U.N.-led peacekeeping force that awaits admission into Darfur and by appointing a special representative to Africa who will focus specifically on the Darfur issue. These are notable, and welcomed developments, but they are not sufficient. We need to see a substantial policy shift in China's relationship with Khartoum that is reflected in both their public and their private efforts. China must send an unequivocal message that the relentless violence is unacceptable—and it must do so by working collaboratively and constructively with the rest of the international community to ensure a consistent message.

The resolution introduced today urges China to be more constructive, consistent, and collaborative in its policy towards Sudan. It is our hope that through political messages like this resolution, diplomatic communication through formal and informal channels, and economic signals sent by the divestment campaign, China will be persuaded to take advantage of the unique opportunity it possesses to change the political calculus of the government in Khartoum so that the equation results in peace for the people of Darfur.

IBM CELEBRATION

Mr. LEAHY. Mr. President, today I proudly tell my friends in the Senate about an impressive milestone in the history of Vermont business. This winter marked 50 years since IBM President Tom Watson Jr. opened a manufacturing plant in Essex Junction. Today, IBM is Vermont's largest private employer and one of the foundations to a growing technology sector throughout our State.

Many events have and will be planned to celebrate the many achievements IBM and its workforce have made in the Green Mountain State. Most recently, Vermont Business Magazine ran a collection of news pieces and special features in its April 2007 issue about IBM's history in Vermont.

I ask unanimous consent that an oped I wrote recognizing the successes that IBM and Vermont have enjoyed during the past 50 years be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Vermont Business Magazine, Apr. 2007]

IBM'S 50 YEARS OF INNOVATION AND EVOLUTION

(By Senator Patrick Leahy)

In 1957, then IBM President Tom Watson Jr. selected Vermont's Essex Junction to build one of his company's key manufacturing facilities. Five decades later, the technology and family of employees at IBM Essex have come to define Northern Vermont as much as the snowy winters, short summers and Yankee ingenuity that lured Tom Watson to the Green Mountains in the first place.

The Essex Junction plant has been an integral part of IBM's global strategy since its inception. In what has to be considered an incredible "run," IBM Essex has been a worldwide leader in the development, design and manufacture of semiconductor technology for the past 50 years. That is quite an achievement in the cyclical and volatile semiconductor industry and a testament to the tens of thousands of Vermonters—and newly minted Vermonters—who have worked tirelessly to maintain this world-class status for the past five decades. That has meant adroitly adopting strategies and new manufacturing processes over the years. The plant has transformed itself from a general semiconductor manufacturing facility to a high-end specialty logic semiconductor manufacturing facility. This growth—and this change—was possible with the vision and dedication of the designers, engineers, inventors and technicians who work along the banks of the Winooski River.

IBM, its partners and clients have literally and figuratively altered the economy of Chittenden County and Vermont for generations to come. From software companies big and small, to cutting-edge nano-technology engineering firms, the businesses attracted to IBM and the companies started by former IBM employees have created high-paying jobs and a culture of innovation that are envied across the New England region.

During my 30 years representing Vermont in the United States Senate, I have worked frequently with IBM's corporate leadership, IBM's local leadership and many of the frontline employees. The federal government recognizes that IBM Essex is a national asset: a world class domestic production facility with the highest reputation for ingenuity and productivity and quality. That is why the Defense Advanced Research Project Agency (DARPA) invested millions in the mask house in Vermont. And that is why it made complete sense for the federal government to select Essex Junction as a "Trusted Foundry" to design and produce critical semiconductors resulting in orders as high as $600 million over the next decade.

The innovation at IBM Essex has played an important role in helping IBM lead the nation in patent creation for more than a decade. Last year alone, 360 patents came directly from the IBM Essex Junction facility—making it one of IBM's top five patent-producing facilities. The fostering and protection of intellectual property is important not only to Vermont but to the nation. During my tenure in the Senate I have made reforms of our patent laws a high priority and I'll continue to press that cause as the chairman of the Senate Judiciary Committee.

The technology sector has changed dramatically over the past five decades. That IBM Essex has successfully maintained world class leadership despite all of these changes is simply incredible. IBM Essex designs and manufactures microchips for some of the world's leading computer, communications and consumer products companies. Products and technology from IBM in Vermont have helped make computers and electronic products smaller, faster, cheaper and more reliable.

I would venture to say that Tom Watson's vision for IBM in Vermont has turned out to be a great success. On behalf of all Vermonters, I offer everyone who has made IBM Essex a success a heartfelt thank you, for job after job, done well. Congratulations on fifty years of innovation and prosperity.

TRIBUTE TO DETECTIVE KEVIN ORR

Mr. HATCH. Mr. President, I wish to pay tribute to a special man who died in the line of duty in Utah—Uintah County Sheriff's Detective Kevin Orr. His wife Holley and their four children, Tyler, Kaylee, Jessica, and Ashlee, were in Washington, DC this week to participate in a ceremony where Detective Orr's name was added to the National Peace Officers Memorial. The Orr family had the opportunity to join with other survivors of law enforcement officers to commemorate their loved ones' lives and sacrifices.

I had the pleasure of meeting with the Orr family as they were paying respects to him through his addition to the National Peace Officers Memorial. Many from his extended family visited with me in my office, including Kevin's parents, Eugene and Claudia Orr, and Holley's parents, Glen and Dixie Hartle. Extended family members who were also visiting included Eric Hartle, Lisa Howe, Julie Luceor, Jolynn Orr, Jeffrey Orr, Larry Orr, Damon Orr, and Jason Pazour. Their loss is tragic, but their unity as a family is unbreakable.

Detective Orr sustained fatal injuries in November 2006 when he joined in a search for a missing 25-year-old woman. The helicopter he was riding in hit an unmarked power line hanging across the Green River and plummeted to the ground. Sadly, Detective Orr lost his life early the next morning as a result of the injuries he sustained in the accident.

At the time of his death, Detective Orr had worked for the Uintah Sheriff's Department for 11 years and was known for his dedication and commitment to law enforcement and the people he served. In 1999 he was named Uintah County Deputy of the Year for the example he set and the work he performed. He spent several years working with people in the Drug Court, making a difference in the lives of many who passed through the program. One young woman who had been a participant in Drug Court stated that she owed her life to Kevin. He believed in people and wanted to see them succeed and become happier, more productive citizens.

I was touched by what retired Vernal police officer Robert Roth said about Kevin. He stated: "He was the caliber of person that lived his life as an example to all of us . . . We traditionally think of gun battles or car chases, but it's about service. Some of us are willing to die for that cause and some of us have."

When I met with Kevin's family this week, I was touched by their humble, courageous spirits and their commitment to the legacy he left behind as a valiant law enforcement officer. It reminded me of a quote I have always appreciated by an unknown source that says: "You make a living by what you get, but you make a life by what you give."

Mr. President, Officer Orr was willing to give it all to help others. He truly epitomized the ideals of sacrifice and service. I know that his family misses him and grieves for their loss, but I also know that they can find great peace and comfort from the example he left behind. He was a valiant, dedicated public servant and his influence will be felt by many generations.

ADDITIONAL STATEMENTS

RETIREMENT OF JAMES F. AHRENS

• Mr. BAUCUS. Mr. President, I wish to recognize the distinguished career of James F. Ahrens, who will soon retire as head of the Montana Hospital Association. Jim Ahrens has been a mainstay of Montana's health care community for over two decades, and I know that I speak for that community when I say that his presence as the head of MHA will be missed.

Jim Ahrens has served as president of MHA . . . An Association of Montana Health Care Providers, for nearly 21 years. Health care has changed a lot since the mid-1980s, in good ways and bad. Our scientists have developed remarkable new treatments. Yet, as ranks of the uninsured grow, many Americans can't take advantage of those treatments. We have prevented Medicare's trust fund from going broke. Yet the program still faces serious long-term fiscal challenges. We have enacted the most significant change Part D—in Medicare's history. Yet the new benefit has been marred by early administrative missteps.

As a key player in health care over the last two decades, I have relied on Jim to gain a better understanding of these ever-changing events. I have also come to know Jim as a close personal friend. When it comes to Jim, I don't have any 'and yets.' I can think of no better example than that than his work on the Critical Access Hospital program.

Back in the late 1980s, a citizens' task force came up with the idea of a limited service hospital for rural and frontier areas. This new type of hospital would provide access to primary care in the most remote stretches of the country, while receiving a break from the strict regulatory requirements governing hospitals and health facilities. The Montana Legislature took the recommendations for this new type of facility and created a special licensure category.

As incoming leader of MHA, Jim's job was to bring the concept to life. Having just moved from Chicago to run the Montana Hospital Association, he hit the ground running. Jim worked with the Montana Department of Public Health and Human Services to develop a demonstration project for this new type of facility. He and I then worked with the Federal Department of Health and Human Services' regional office in Denver to establish a demonstration project and secure a Federal grant to fund it.

This demonstration project—the Medical Assistance Facility Project—was hugely successful and served as the model for the Critical Access Hospital Program that I authored in 1997. Today, more than 1,300 hospitals around the Nation enjoy CAH status, ensuring access to high-quality medical treatment in some of the most remote parts of our land.

I am very proud to have written that bill and to have made changes to improve the CAH program since then. I am just as proud to have worked with Jim in the process. With over 45 CAHs operating in Montana, the idea of a limited-service rural hospital has moved from concept to the mainstream. I have no doubt that the CAH Program has kept a number of Montana hospitals from closing. And when you are dealing with Montana-sized distances in health care, that can mean the difference between life and death.

Through it all, Jim has been a mainstay. Always patient and kind but always thinking ahead, his innovative style and vision have brought people together for a healthier Montana. He changed MHA . . . from a collection of hospitals to MHA . . . An Association of Montana Health Care Providers—a united group of hospitals, nursing homes, home health organizations, hospices, and physicians. He applied the same philosophy to form the Alliance for a Healthy Montana—a coalition of more than 25 health care organizations. The Alliance is now an effective and cohesive voice for health care change in Montana and came about almost solely because of Jim's efforts. Over the past 8 years, the Alliance has spearheaded three ballot initiatives, including one that reformed Montana's tobacco tax rate and two others that earmarked national tobacco settlement funds to pay for health care programs in Montana.

It makes sense that Jim would take the consensus approach that he did, working to build a coalition from a group constituencies that weren't obvious allies. After all, Jim has spent his entire career as an executive in health care associations. He understood—and showed by example—the powerful role associations can play in representing members' needs before Congress, legislatures, regulatory agencies, and private organizations.

As I said, Jim has been a trusted adviser to me throughout the last two decades. I have come to trust his perspective, judgment, and knowledge on health issues great and small. I have also benefited from Jim's friendship. He is a gracious, compassionate, and generous person—the kind of guy people like to be around. And while the people of MHA will miss having Jim around, I know that his family and friends look forward to seeing a bit more of this exceptional individual. Jim's transition will be complete on June 30, when he makes his retirement official. On behalf of a healthier Montana, we wish Jim Ahrens well.•

EMS WEEK

• Mr. BINGAMAN. Mr. President, I wish to pay tribute to the men and women throughout my home State of New Mexico who provide lifesaving emergency medical services, EMS, and to commemorate EMS Week.

During my time in the Senate, I have come to understand the necessity of a highly trained EMS team. Such teams provide lifesaving care to those who are in need, 24 hours a day, 7 days a week.

An important example of such care is provided to the people of Northern Rio Arriba County by the highly dedicated members of La Clinica EMS, which consists of:

Joseph Baca, Paramedic; Phyllis Richards, Paramedic; Wenona Garcia, EMT–1; Rose Rash, EMT–1; Sarah Johnson, EMT–1; Paul Lisco, EMT–1; J.R. Gallegos, EMT–B; James Holiday, EMT–B; Tomas Casados, EMT–B; Stella Martinez, EMT–B; Kathy Morrison, EMT–B; Dave Morrison, EMT–B; Laurel Baker, EMT–B; Ramona Hays, EMT–B; Michael Hays, EMT–B; Emery Baca, EMT–B; B.J. Samora, FR; Josie Maestas, FR; and Marty Madrid, FR.

I am proud to join the citizens of New Mexico in expressing my sincere gratitude to EMS professionals and their unwavering dedication to the community.•

NEW MEXICO PECAN GROWERS

• Mr. DOMENICI. Mr. President, I would like to congratulate the pecan growers of New Mexico for being No. 1 in the Nation in pecan production. This is the first time New Mexico has claimed this title.

The recently released preliminary numbers from last year indicate that New Mexico growers produced 46 million pounds of pecans valued at $86.1 million. This is 6 million more pounds of pecans than second-ranked Georgia and 10 million more pounds than third-ranked Texas. This is quite an achievement given the size of the pecan industry in both Georgia and Texas.

I am proud of New Mexico's pecan growers and their hard work. I am sure this will not be the last time they take this title, and I wish them luck this season.•

MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate by one of his secretaries:

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—PM 14

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication, stating that the Burma emergency is to continue beyond May 20, 2007.

The crisis between the United States and Burma arising from the actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma, that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 17, 2007.*

MESSAGE FROM THE HOUSE

At 4:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 1419. A bill to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1958. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed amendment to a manufacturing license agreement for the manufacture of defense articles in Turkey in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–1959. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the determination of five countries that are not cooperating fully with U.S. antiterrorism efforts; to the Committee on Foreign Relations.

EC–1960. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of payment-in-kind compensation negotiated with the United Kingdom for the return of U.S.-funded housing and improvements in Bentwaters, Bishop's Green, Blackbushe, Burtonwood, Caversfield, Chicksands, Clayhill, Greenham Common, Sculthorpe, Upper Heyford, Welford, and Woodbridge; to the Committee on Armed Services.

EC–1961. A communication from the Director, Office of Administration and Management, Department of Defense, transmitting, pursuant to law, a report certifying that the cost of Wedges 2 through 5 of the Pentagon Renovation will be within the specified limitation; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-95. A resolution adopted by the House of Representatives of the State of New Hampshire supporting the U.S. Mayors Climate Protection Agreement; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 9

Whereas, the people of New Hampshire value clean air and water, and prioritize natural resources protection for economic growth, and better health, and quality of life for our citizens;

Whereas, the governor of New Hampshire has declared in executive order number 2005-4 that New Hampshire will lead-by-example in energy efficiency to protect public health, future economic growth, our environment, quality of life, and taxpayer dollars; and

Whereas, the use of energy for electricity, heating, cooling, and transportation has a significant effect on public health and the environment, contributing to such problems as ground-level ozone, acid rain, eutrophication of water bodies, soot, haze, mercury contamination, and climate change; and

Whereas, 5 New Hampshire cities, Dover, Keene, Manchester, Nashua, and Portsmouth, and many cities across the United States, have signed onto the U.S. Mayors Climate Protection Agreement and have reduced global warming pollution through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, economic development, and job creation through energy conservation and new energy technologies, and have recognized that energy efficiency and conservation will save taxpayer money; and

Whereas, rural communities and agriculture sectors will benefit from energy efficiency and conservation and the development of a broad spectrum of renewable energy sources including wind power, biodiesel, biomass, methane digesters, and solar, including establishing additional markets for agricultural commodities, creating new uses for crops, livestock, and their byproducts, more productive use of marginal lands, improving wildlife habitat, and providing new employment opportunities; and

Whereas, significant reduction in New Hampshire's greenhouse gas emissions, diversification of in-state energy sources, and collaboration with other northeastern states will have a measurable effect on global warming and New Hampshire will lead the region with sustainable economic growth, the next generation of new technology, and dynamic job creation; and

Whereas, producing 25 percent of New Hampshire's energy demand from renewable sources by the year 2025 is realistic and presents numerous benefits for the state's communities, diversifies the business sector, protects the environment and public health, and promotes national security; now, therefore, be it

Resolved by the House of Representatives: That the New Hampshire house of representatives supports the vision of a "25 by 25" goal, whereby renewable energy will provide 25 percent of the total energy consumed in New Hampshire by the year 2025; and

That the New Hampshire house of representatives supports incentives to consumers to increase energy efficiency and conservation; and

That the New Hampshire house of representatives agrees that smart energy measures, like anti-idling policies, expanding public transportation choices, and appropriate vehicle selection for state agency uses, will help reduce air pollution and global warming gases; and

That copies of this resolution, signed by the speaker of the house of representatives be forwarded by the house clerk to the governor of New Hampshire, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the New Hampshire congressional delegation.

POM-96. A resolution adopted by the House of Representatives of the State of New Hampshire urging Congress to take actions relative to veterans' benefits and the war in Iraq; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 10

Whereas, in the history of military campaigns for over 2 centuries beginning with the Revolutionary War, the people of the United States of America have engaged in military and diplomatic initiatives to gain and preserve freedom for all people; and

Whereas, the citizens of the state of New Hampshire strongly support the men and women serving in the United States Armed Forces in Iraq, Afghanistan, and arenas known and not yet known; and

Whereas, over 3,000 American military personnel, including 17 from New Hampshire, have died since March of 2003 in the hostilities in Iraq, and tens of thousands have returned home with significant unmet physical and other health care needs; and

Whereas, the citizens of the state of New Hampshire recognize, appreciate, and are forever thankful for the sacrifices that all of our American and New Hampshire soldiers have made, especially those who have given their lives or been wounded in previous and current battles to protect our freedoms; and

Whereas, the unknown time line of the war in Iraq has stretched thin our National Guard and Reserves, including the New Hampshire national guard, and created a severe equipment shortage, thereby reducing the readiness level of our National Guard to fully meet its missions of responding to natural disasters, terrorism, and protecting us at home; and

Whereas, the New Hampshire house of representatives has an obligation to speak out on matters which affect the people of our state, and the ability of our government to protect us at home; now, therefore, be it

Resolved by the House of Representatives: That the New Hampshire house of representatives and the American people will continue to support and protect the members of the United States Armed Forces and the New Hampshire national guard who are serving or who have served bravely and honorably in Iraq and elsewhere; and

That the New Hampshire house of representatives disapproves of the decision of President George W. Bush, announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq; and

That the New Hampshire house of representatives calls on the Bush Administration and Congress to fund fully all benefits for veterans to appropriately care for our brave men and women when they return from this war and other combat; and

That the New Hampshire house of representatives urges the President and Congress to commence talks with the neighbors in the Middle East and begin the orderly withdrawal of American military forces from Iraq; and

That the clerk of the New Hampshire house of representatives send copies of this resolution to governor John Lynch, the president and minority leader of the New Hampshire state senate, the President of the United States, the United States Secretary of Defense, the United States Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, and the New Hampshire congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

H.R. 1675. A bill to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors.

H.R. 1676. A bill to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 130. A resolution designating July 28, 2007, as "National Day of the American Cowboy".

S. Res. 132. A resolution recognizing the Civil Air Patrol for 65 years of service to the United States.

S. Res. 138. A resolution honoring the accomplishments and legacy of Cesar Estrada Chavez.

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

S. 254. A bill to award posthumously a Congressional gold medal to Constantino Brumidi.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

Michael W. Tankersley, of Texas, to be Inspector General, Export-Import Bank.

*David George Nason, of Rhode Island, to be an Assistant Secretary of the Treasury.

*Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration.

*Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development.

*Janis Herschkowitz, of Pennsylvania, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

*David George Nason, of Rhode Island, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

*Nguyen Van Hanh, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 1417. A bill to direct the Secretary of Veterans Affairs to submit a report to Congress providing a master plan for the use of the West Los Angeles Department of Veterans Affairs Medical Center, California, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DODD (for himself, Mr. BROWN, Mr. SMITH, and Mr. LEAHY):

S. 1418. A bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. REID:

S. 1419. A bill to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; placed on the calendar.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 1420. A bill to amend title XIX of the Social Security Act to require staff working with developmentally disabled individuals to call emergency services in the event of a life-threatening situation; to the Committee on Finance.

By Mr. AKAKA:

S. 1421. A bill to provide for the maintenance, management, and availability for research of assets of Air Force Health Study; to the Committee on Veterans' Affairs.

By Mr. LUGAR:

S. 1422. A bill to direct the Secretary of Agriculture to establish a program to provide to agricultural operators and producers a reserve to assist in the stabilization of farm income during low-revenue years, to assist operators and producers to invest in value-added farms, to promote higher levels of environmental stewardship, and for other purposes; to the Committee on Finance.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 1423. A bill to extend tax relief to the residents and businesses of an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or public assistance from the Federal Government under such Act; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. LIEBERMAN, Mr. KERRY, and Mr. KENNEDY):

S. 1424. A bill to provide for the continuation of agricultural programs through fiscal year 2013, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself, Ms. COLLINS, and Mr. WARNER):

S. 1425. A bill to enhance the defense nanotechnology research and development program; to the Committee on Armed Services.

By Mrs. BOXER (for herself and Mr. DURBIN):

S. 1426. A bill to amend the Agricultural Trade Act of 1978 to reauthorize the market access program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CLINTON (for herself, Mrs. BOXER, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. LEAHY, Ms. LANDRIEU, and Mr. AKAKA):

S. 1427. A bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH (for himself and Mr. CONRAD):

S. 1428. A bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. ISAKSON, Mr. CRAIG, Mr. THOMAS, and Mr. WARNER):

S. 1429. A bill to amend the Safe Drinking Water Act to reauthorize the provision of technical assistance to small public water systems; to the Committee on Environment and Public Works.

By Mr. OBAMA (for himself and Mr. BROWNBACK):

S. 1430. A bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 1431. A bill to provide for a statewide early childhood education professional development and career system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN (for himself, Mrs. CLINTON, Mr. KERRY, Mr. SANDERS, and Mr. REED):

S. 1432. A bill to amend the Food Stamp Act of 1977 and the Richard B . Russell National School Lunch Act to improve access to healthy foods, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORNYN (for himself and Mr. ALLARD):

S. Res. 206. A resolution to provide for a budget point of order against legislation that increases income taxes on taxpayers, including hardworking middle-income families, entrepreneurs, and college students; to the Committee on Rules and Administration.

By Mr. DODD:

S. Res. 207. A resolution calling on the President of the United States immediately to recommend new candidates for the positions of the Attorney General of the United States and the President of the International Bank for Reconstruction and Development (commonly known as the "World Bank") in order to preserve the integrity and the efficacy of the Department of Justice and the World Bank; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. COCHRAN, Ms. CANTWELL, Ms. SNOWE, Mr. LOTT, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. BOXER, Mr. SUNUNU, Ms. LANDRIEU, Ms. COLLINS, Mr. KERRY, Mr. LAUTENBERG, and Mr. VITTER):

S. Res. 208. A resolution encouraging the elimination of harmful fishing subsidies that contribute to overcapacity in the world's commercial fishing fleet and lead to the overfishing of global fish stocks; considered and agreed to.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. BIDEN, Ms. COLLINS, Mr. KERRY, Mrs. CLINTON, Mr. LEAHY, Mr. MCCAIN, Mr. SCHUMER, Mr. SMITH, and Mr. OBAMA):

S. Res. 209. A resolution expressing support for the new power-sharing government in Northern Ireland; considered and agreed to.

By Mr. LIEBERMAN (for himself, Mr. ENZI, and Mr. INOUYE):

S. Res. 210. A resolution honoring the accomplishments of Stephen Joel Trachtenberg as president of the George Washington University in Washington, D.C., in recognition of his upcoming retirement in July 2007; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 254

At the request of Mr. ENZI, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 368

At the request of Mr. BIDEN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 383

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr.

DURBIN) was added as a cosponsor of S. 383, a bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release.

S. 399

At the request of Mr. BUNNING, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 465

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 465, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 506

At the request of Mr. LAUTENBERG, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 506, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 579

At the request of Mr. REID, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 600

At the request of Mr. SMITH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 718

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 718, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 749

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 749, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 777

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 799

At the request of Mr. HARKIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 807

At the request of Mrs. LINCOLN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 822

At the request of Ms. SNOWE, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Washington (Ms. CANTWELL) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 822, a bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 982

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 982, a bill to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes.

S. 1019

At the request of Mr. COBURN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1019, a bill to provide comprehensive reform of the health care system of the United States, and for other purposes.

S. 1026

At the request of Mr. CHAMBLISS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1026, a bill to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center".

S. 1042

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1065

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1065, a bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of

Veterans Affairs, and for other purposes.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1175

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1226

At the request of Mr. BAYH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1226, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 1254

At the request of Ms. MIKULSKI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1254, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1263

At the request of Ms. CANTWELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1263, a bill to protect the welfare of consumers by prohibiting price gouging with respect to gasoline and petroleum distillates during natural disasters and abnormal market disruptions, and for other purposes.

S. 1277

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1277, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the Medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 1312

At the request of Mr. DEMINT, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1312, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 1359

At the request of Mrs. MURRAY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1379

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1379, a bill to amend chapter 35 of title 28, United States Code, to strike the exception to the residency requirements for United States attorneys.

S. 1382

At the request of Mr. REID, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Ohio (Mr. BROWN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1398

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1411

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1411, a bill to amend the Clean Air Act to establish within the Environmental Protection Agency an office to measure and report on greenhouse gas emissions of Federal agencies.

S. 1412

At the request of Mr. HARKIN, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Montana (Mr. BAUCUS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1412, a bill to amend the Farm Security and Rural Development Act of 2002 to support beginning farmers and ranchers, and for other purposes.

S. 1413

At the request of Ms. MIKULSKI, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1413, a bill to provide for research and education with respect to uterine fibroids, and for other purposes.

S. RES. 82

At the request of Mr. HAGEL, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Alabama (Mr. SESSIONS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

S. RES. 116

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 116, a resolution designating May 2007 as "National Autoimmune Diseases Awareness Month" and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research.

S. RES. 132

At the request of Mr. CARDIN, his name was added as a cosponsor of S. Res. 132, a resolution recognizing the Civil Air Patrol for 65 years of service to the United States.

S. RES. 171

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

S. RES. 198

At the request of Mr. GRAHAM, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. Res. 198, a resolution designating May 15, 2007, as "National MPS Awareness Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1417. A bill to direct the Secretary of Veterans Affairs to submit a report to Congress providing a master plan for the use of the West Los Angeles Department of Veterans Affairs Medical Center, California, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to maintain the land on the West Los Angeles Veterans Affairs Medical Center campus for the exclusive use of America's Veterans.

This legislation is a companion to an identical bill introduced by Congressman Waxman in the House earlier this month.

The bill would:

Prohibit the Department of Veterans Affairs, VA, from issuing enhanced-use lease agreements on the West Los Angeles VA property; expand the scope of the Cranston Act, which already prohibits the disposal of land and the use of enhanced-use leases on 109 acres, to cover the entire 388-acre West Los Angeles VA property; prohibit the VA from exchanging, trading, auctioning or transferring any land connected to the West Los Angeles VA; require that a master plan related to the West Los Angeles VA property be completed no later than 1 year after this legislation is enacted; prohibit the VA from receiving funding to enact the provisions of a master plan for the West Los Angeles VA without first receiving Congressional authorization; and establish a public advisory committee, consisting of federally elected representatives, local elected officials, local Veterans, and community members to provide input on the master plan.

The bill I am introducing today is absolutely essential in light of a number of unacceptable actions previously taken by the VA that, in my view, violate the spirit, if not the letter, of the law.

In March, I joined with my colleagues Senator BARBARA BOXER and Congressman HENRY WAXMAN in writing a letter to VA Secretary James Nicholson, strongly objecting to recent decisions made by the VA relating to the West Los Angeles VA facility and land.

For example, the VA has signed sharing agreements to allow an Enterprise-Rent-A-Car facility to operate on the VA land. The VA also continues to film on the property and recently allowed Fox Studios to construct a set storage building there.

In 1996, a 65,000-seat NFL Football stadium was proposed for the open space on the West Los Angeles VA land until Congress passed a resolution to prohibit this action.

This legislation also ensures that the VA never issues an enhanced-use lease agreement on the West Los Angeles VA property that would have little or nothing to do with direct veterans services.

The VA now has a number of other effective tools at its disposal to provide services directly to veterans, including sharing agreements and existing legislation to address homeless veterans' needs.

If the VA is already exceeding the scope of its sharing agreements, it is likely to also pursue enhanced-use leases for developing the property. Enhanced-use leases are disposal tools and should not be permitted on the West Los Angeles VA land, as the community and local veterans overwhelmingly oppose them.

Notably, Congress mandated that the VA create a Land Use master plan for the entire West Los Angeles Veterans' property in 1998, Public Law 105-368.

Last year, the Senate approved language in the fiscal year 2007 MILCON/VA Appropriations bill that required the VA to provide the Appropriations Committees a report on the master plan for the West Los Angeles VA Medical Center and connected land.

The fiscal year 2007 MILCON/VA Appropriations Act passed the Senate on November 18, 2006.

Unfortunately, all but 2 of the 11 Appropriations bills, including MILCON/VA, were ultimately packaged together in a continuing resolution for fiscal year 2007, and the language was never considered by the full Congress.

For too long, commercial interests have trumped the needs of our Veterans.

These 388 acres of land were donated to the Government in 1888 specifically for serving and supporting our Nation's veterans and I strongly believe they should remain that way.

This bill would make sure that this happens.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "West Los Angeles Department of Veterans Affairs Medical Center Preservation Act of 2007".

SEC. 2. PROHIBITION ON DISPOSAL OF DEPARTMENT OF VETERANS AFFAIRS LANDS AND IMPROVEMENTS AT WEST LOS ANGELES MEDICAL CENTER, CALIFORNIA.

(a) IN GENERAL.—The Secretary of Veterans Affairs may not declare as excess to the needs of the Department of Veterans Affairs, or otherwise take any action to exchange, trade, auction, transfer, or otherwise dispose of, or reduce the acreage of, Federal land and improvements at the Department of Veterans Affairs West Los Angeles Medical Center, California, encompassing approximately 388 acres on the north and south sides of Wilshire Boulevard and west of the 405 Freeway.

(b) SPECIAL PROVISION REGARDING LEASE WITH REPRESENTATIVE OF THE HOMELESS.—Notwithstanding any provision of this Act, Section 7 of the Homeless Veterans Comprehensive Services Act of 1992 (Public Law 102-590) shall remain in effect.

(c) CONFORMING AMENDMENT.—Section 8162(c)(1) of title 38, United States Code, is amended by inserting "or section 2(a) of the West Los Angeles Department of Veterans Affairs Medical Center Preservation Act of 2007" after "section 421 (b)(2) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 553)".

SEC. 3. MASTER PLAN REGARDING USE OF DEPARTMENT OF VETERANS AFFAIRS LANDS AT WEST LOS ANGELES MEDICAL CENTER, CALIFORNIA.

(a) FINDING.—Congress finds that section 707 of the Veterans Programs Enhancement Act of 1998 (Public Law 105-368) required the Secretary of Veterans Affairs to submit to Congress a report on the master plan of the Department of Veterans Affairs, or a plan for the development of such a master plan, relating to the use of Department land at the West Los Angeles Department of Veterans Affairs Medical Center, California.

(b) MASTER PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report providing a master plan, consistent with the provisions of this Act, for the use of the Federal land and improvements described in section 2(a).

(c) ADVISORY COMMITTEE.—The Secretary shall appoint a committee to advise the Secretary in developing the master plan. The committee shall include representatives of State and local governments, veterans, veterans' service organizations, and community organizations. The committee shall be composed of 9 members, who shall be appointed by the Secretary, of whom two shall be appointed on the recommendation of the Member of Congress representing the 30th district of California, and two each shall be appointed on the recommendation of each of the Senators from California.

(d) LIMITATION ON FUNDING.—Except for direct veterans' services, no funding shall be available to implement the master plan except pursuant to provisions of law enacted after the date of the receipt by the appropriate congressional committees of the report providing such plan.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(2) DIRECT VETERANS' SERVICES.—The term "direct veterans' services" means services directly related to maintaining the health, welfare, and support of veterans.

By Mr. DODD (for himself, Mr. BROWN, Mr. SMITH, and Mr. LEAHY):

S. 1418. A bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, I rise today to introduce, on behalf of myself and good friend, Senator GORDON SMITH, the United States Commitment to Global Child Survival Act of 2007.

This bill seeks to drastically reduce child and maternal mortality rates abroad. It is a goal entirely within our reach, relying on tools that are already within our grasp. We have the power to save millions of innocent lives; and there is no better measure for the success of our foreign aid.

The legislation would perform three simple yet vital functions. First, it would require the administration to develop and implement a strategy to improve the health of, and reduce mortality rates among, newborns, children, and mothers in developing countries.

Second, it would establish a task force to monitor and evaluate the progress of the relevant departments and agencies of our Government in meeting by 2015 the U.N. Millennium Development Goals related to reducing mortality rates for mothers and for children under 5.

Third, it would authorize appropriations for programs that improve the health of newborns, children, and mothers in developing countries. Specifically, it would increase funding for child survival programs from the current level of around $350 million to $600 million in fiscal year 2008, $900 million in fiscal year 2009, $1.2 billion in fiscal year 2010, and up to $1.6 billion in fiscal year 2011–2012.

I know that some of my colleagues will dispute the wisdom of such a large investment. None of them would deny this issue's importance; but some may question its priority. How can we answer them?

In a world of seemingly intractable problems, we have here an opportunity for quick and uncomplicated success. Each dollar we spend in this cause helps to save a vulnerable life.

And what is more, we have already given our word. As part of the Millennium Development Goals, the United States made an explicit commitment, along with 188 other countries, to reducing child and maternal mortality. But at current funding levels, we are set to renege on that promise by a wide margin.

On September 14, 2005, President Bush stated that the United States is "committed to the Millennium Development Goals." I commend the President for his words, but they have not been matched with action.

As we reach the goals' halfway mark, the world's progress is distressingly slow. The leading medical journal The Lancet reports that, of the 60 countries accounting for 90 percent of child deaths, "only 7 are on track to meet the goal for reducing child mortality, 39 are making some progress, and 14 are cause for serious concern."

Now what does that mean in real, human terms? It means each year over 10 million children under the age of 5 die in the developing world, that's approximately 30,000 each day. About 4 million of those children die in their first 4 weeks of life. In many cases, they aren't even provided with a fighting chance. Preventable or treatable diseases such as measles, tetanus, diarrhea, pneumonia, and malaria are the most common causes of death.

Similarly, more than 525,000 women die from causes related to pregnancy and childbirth, more than 1,400 each day. Some of the most common risk factors for maternal death include early pregnancy and childbirth, closely spaced births, infectious diseases, malnutrition, and complications during childbirth.

Nearly every one of those deaths is entirely preventable. And that fact makes a poor American commitment inexcusable.

That commitment will not require new medicine. It will not require sophisticated technology. The tools we need are already at hand. Even now, simple measures are saving lives in the developing world.

Studies in the Lancet tell us that, for just over $5 billion, the world could prevent two-thirds of under-5 child deaths with proven, low-cost, high-impact interventions. For 6 million lives, that is a bargain.

How cheap are these lifesaving measures? Oral rehydration therapy for diarrhea costs 6 cents per treatment. Antibiotics to treat respiratory infections cost a quarter per treatment. Encouraging breastfeeding, providing vitamin supplements and immunizations, and expanding basic clinical care are just as cost effective.

This bill incrementally scales up U.S. funding for child and maternal health programs up to $1.6 billion by 2011. That is a third of the money the world needs to save those 6 million children's lives, and it is proportionate to our efforts against HIV/AIDS, TB, and malaria. And it is less money than we spend in Iraq in just 1 week. Yes, 1 week.

To be clear, America is not new to this battle. We've had some significant successes: Between 1960 and 1990, U.S. investment in reducing child mortality in the developing world contributed to a 50 percent reduction in under-5 deaths. Over the past 20 years, we have devoted over $6 billion to child survival programs.

But as I have noted, at current funding levels in the U.S. and abroad, the world will not meet the Millennium Development Goals. Certainly, America cannot meet them alone. But with a strong effort, we can galvanize other nations to do their part and come forward with the funds we need to save lives.

So I am proud to offer the Global Child Survival Act of 2007, a bill with widespread, bipartisan, bicameral support. It has been endorsed by Save the Children, the US Fund for UNICEF, and the One Campaign; is being jointly introduced with my good friend Senator GORDON SMITH from across the aisle; and was introduced last week in the House in a bipartisan manner by Congresswoman BETTY MCCOLLUM and Congressman CHRIS SHAYS.

For me it's simple. As the world's only superpower and largest economy, the United States is in a unique position to tackle the toughest challenges of our times. Where we can make a concrete difference, we must not fail to act. Where we have the tools to alleviate death and suffering, we must deliver them.

So I urge my colleagues to support this bill. Millions of lives are in the balance.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Commitment to Global Child Survival Act of 2007".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2000, the United States joined 188 countries in committing to achieve 8 Millennium Development Goals (MDGs) by 2015, including "MDG 4" and "MDG 5" that aim to reduce the mortality rate of children under the age of 5 by ⅔ and maternal mortality rate by ¾ in developing countries, respectively.

(2) The significant commitment of the United States to reducing child mortality in the developing world contributed to a 50-percent reduction in the mortality rate of children under the age of 5 between 1960 and 1990, and over the past 20 years, the United States has invested over $6,000,000,000 in child survival programs run by the United States Agency for International Development.

(3) According to one of the world's leading medical journals, the Lancet, despite United States and global efforts to achieve MDG 4, of the 60 countries that account for 94 percent of under-5 child deaths, "only seven countries are on track to meet MDG 4, thirty-nine countries are making some progress, although they need to accelerate the speed, and fourteen countries are cause for serious concern".

(4) 10,500,000 children under the age of 5 die annually, over 29,000 children per day, from easily preventable and treatable causes, including 4,000,000 newborns who die in the first 4 weeks of life.

(5) 3,000,000 children die each year due to lack of access to low-cost antibiotics and antimalarial drugs, and 1,700,000 die from diseases for which vaccines are readily available.

(6) Maternal health is an important determinant of neonatal survival with maternal death increasing death rates for newborns to as high as 100 percent in certain countries in the developing world.

(7) Approximately 525,000 women die every year in the developing world from causes related to pregnancy and childbirth.

(8) Risk factors for maternal death in developing countries include pregnancy and childbirth at an early age, closely spaced births, infectious diseases, malnutrition, and complications during childbirth.

(9) According to the Lancet, nearly ⅔ of annual child and newborn deaths, 6,000,000 children, can be avoided in accordance with MDG 4 if a package of high impact, low-cost interventions were made available at a total, additional, annual cost of $5,100,000,000, including oral rehydration therapy for diarrhea ($0.06 per treatment) and antibiotics to treat respiratory infections ($0.25 per treatment).

(10) 2,000,000 lives could be saved annually by providing oral rehydration therapy prepared with clean water.

(11) Exclusive breastfeeding—giving only breast milk for the first 6 months of life—could prevent an estimated 1,300,000 newborn and infant deaths each year, primarily by protecting against diarrhea and pneumonia.

(12) Expansion of clinical care for newborns and mothers, such as clean delivery by skilled attendants, emergency obstetric care, and neonatal resuscitation, can avert 50 percent of newborn deaths and reduce maternal mortality.

(13) The United Nations Children's Fund (UNICEF), with support from the World Health Organization, the World Bank, and

the African Union, has successfully demonstrated the accelerated child survival and development program in Senegal, Mali, Benin, and Ghana, reducing mortality of children under the age of 5 by 20 percent in targeted areas using low-cost, high-impact interventions.

(14) On September 14, 2005, President George W. Bush stated before the United Nations High-Level Plenary Meeting that the United States is "committed to the Millennium Development Goals".

(15) Nearing the halfway point of attaining the MDGs by 2015 with thousands of avoidable newborn, child, and maternal deaths still occurring, the United States must immediately scale up its funding and delivery of proven low-cost, life-saving interventions in order to fulfill its commitment to help ensure that MDGs 4 and 5 are met.

(b) PURPOSES.—The purposes of this Act are—

(1) to develop a strategy to reduce mortality and improve the health of newborns, children, and mothers, and authorize assistance for its implementation; and

(2) to establish a task force to assess, monitor, and evaluate the progress and contributions of relevant departments and agencies of the United States Government in achieving MDGs 4 and 5.

SEC. 3. ASSISTANCE TO IMPROVE THE HEALTH OF NEWBORNS, CHILDREN, AND MOTHERS IN DEVELOPING COUNTRIES.

(a) IN GENERAL.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) in section 104(c)—

(A) by striking paragraphs (2) and (3); and

(B) by redesignating paragraph (4) as paragraph (2); and

(2) by inserting after section 104C the following new section:

"SEC. 104D. ASSISTANCE TO REDUCE MORTALITY AND IMPROVE THE HEALTH OF NEWBORNS, CHILDREN, AND MOTHERS.

"(a) AUTHORIZATION.—Consistent with section 104(c), the President is authorized to furnish assistance, on such terms and conditions as the President may determine, to reduce mortality and improve the health of newborns, children, and mothers in developing countries.

"(b) ACTIVITIES SUPPORTED.—Assistance provided under subsection (a) shall, to the maximum extent practicable, be used to carry out the following activities:

"(1) Activities to improve newborn care and treatment.

"(2) Activities to treat childhood illness, including increasing access to appropriate treatment for diarrhea, pneumonia, and other life-threatening childhood illnesses.

"(3) Activities to improve child and maternal nutrition, including the delivery of iron, zinc, vitamin A, iodine, and other key micronutrients and the promotion of breastfeeding.

"(4) Activities to strengthen the delivery of immunization services, including efforts to eliminate polio.

"(5) Activities to improve birth preparedness and maternity services.

"(6) Activities to improve the recognition and treatment of obstetric complications and disabilities.

"(7) Activities to improve household-level behavior related to safe water, hygiene, exposure to indoor smoke, and environmental toxins such as lead.

"(8) Activities to improve capacity for health governance, health finance, and the health workforce, including support for training clinicians, nurses, technicians, sanitation and public health workers, community-based health works, midwives, birth attendants, peer educators, volunteers, and private sector enterprises.

"(9) Activities to address antimicrobial resistance in child and maternal health.

"(10) Activities to establish and support the management information systems of host country institutions and the development and use of tools and models to collect, analyze, and disseminate information related to newborn, child, and maternal health.

"(11) Activities to develop and conduct needs assessments, baseline studies, targeted evaluations, or other information-gathering efforts for the design, monitoring, and evaluation of newborn, child, and maternal health efforts.

"(12) Activities to integrate and coordinate assistance provided under this section with existing health programs for—

"(A) the prevention of the transmission of HIV from mother-to-child and other HIV/AIDS counseling, care, and treatment activities;

"(B) malaria;

"(C) tuberculosis; and

"(D) child spacing.

"(c) GUIDELINES.—To the maximum extent practicable, programs, projects, and activities carried out using assistance provided under this section shall be—

"(1) carried out through private and voluntary organizations, including faith-based organizations, and relevant international and multilateral organizations, including the GAVI Alliance and UNICEF, that demonstrate effectiveness and commitment to improving the health of newborns, children, and mothers;

"(2) carried out with input by host countries, including civil society and local communities, as well as other donors and multilateral organizations;

"(3) carried out with input by beneficiaries and other directly affected populations, especially women and marginalized communities; and

"(4) designed to build the capacity of host country governments and civil society organizations.

"(d) ANNUAL REPORT.—Not later than January 31 of each year, the President shall transmit to Congress a report on the implementation of this section for the prior fiscal year.

"(e) DEFINITIONS.—In this section:

"(1) AIDS.—The term 'AIDS' has the meaning given the term in section 104A(g)(1) of this Act.

"(2) HIV.—The term 'HIV' has the meaning given the term in section 104A(g)(2) of this Act.

"(3) HIV/AIDS.—The term 'HIV/AIDS' has the meaning given the term in section 104A(g)(3) of this Act.".

(b) CONFORMING AMENDMENTS.—The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) in section 104(c)(2) (as redesignated by subsection (a)(1)(B) of this section), by striking "and 104C" and inserting "104C, and 104D";

(2) in section 104A—

(A) in subsection (c)(1), by inserting "and section 104D" after "section 104(c)"; and

(B) in subsection (f), by striking "section 104(c), this section, section 104B, and section 104C" and inserting "section 104(c), this section, section 104B, section 104C, and section 104D";

(3) in subsection (c) of section 104B, by inserting "and section 104D" after "section 104(c)";

(4) in subsection (c) of section 104C, by inserting "and section 104D" after "section 104(c)"; and

(5) in the first sentence of section 119(c), by striking "section 104(c)(2), relating to Child Survival Fund" and inserting "section 104D".

SEC. 4. DEVELOPMENT OF STRATEGY TO REDUCE MORTALITY AND IMPROVE THE HEALTH OF NEWBORNS, CHILDREN, AND MOTHERS IN DEVELOPING COUNTRIES.

(a) DEVELOPMENT OF STRATEGY.—The President shall develop and implement a comprehensive strategy to improve the health of newborns, children, and mothers in developing countries.

(b) COMPONENTS.—The comprehensive United States Government strategy developed pursuant to subsection (a) shall include the following:

(1) An identification of not less than 60 countries with priority needs for the 5-year period beginning on the date of the enactment of this Act based on—

(A) the number and rate of neonatal deaths;

(B) the number and rate of child deaths; and

(C) the number and rate of maternal deaths.

(2) For each country identified in paragraph (1)—

(A) an assessment of the most common causes of newborn, child, and maternal mortality;

(B) a description of the programmatic areas and interventions providing maximum health benefits to populations at risk and maximum reduction in mortality;

(C) an assessment of the investments needed in identified programs and interventions to achieve the greatest results;

(D) a description of how United States assistance complements and leverages efforts by other donors and builds capacity and self-sufficiency among recipient countries; and

(E) a description of goals and objectives for improving newborn, child, and maternal health, including, to the extent feasible, objective and quantifiable indicators.

(3) An expansion of the Child Survival and Health Grants Program of the United States Agency for International Development, at least proportionate to any increase in child and maternal health assistance, to provide additional support programs and interventions determined to be efficacious and cost-effective.

(4) Enhanced coordination among relevant departments and agencies of the United States Government engaged in activities to improve the health and well-being of newborns, children, and mothers in developing countries.

(5) A description of the measured or estimated impact on child morbidity and mortality of each project or program.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to Congress a report that contains the strategy described in this section.

SEC. 5. INTERAGENCY TASK FORCE ON CHILD SURVIVAL AND MATERNAL HEALTH IN DEVELOPING COUNTRIES.

(a) ESTABLISHMENT.—There is established a task force to be known as the Interagency Task Force on Child Survival and Maternal Health in Developing Countries (in this section referred to as the "Task Force").

(b) DUTIES.—

(1) In General.—The Task Force shall assess, monitor, and evaluate the progress and contributions of relevant departments and agencies of the United States Government in achieving MDGs 4 and 5 in developing countries, including by—

(A) identifying and evaluating programs and interventions that directly or indirectly contribute to the reduction of child and maternal mortality rates;

(B) assessing effectiveness of programs, interventions, and strategies toward achieving the maximum reduction of child and maternal mortality rates;

(C) assessing the level of coordination among relevant departments and agencies of the United States Government, the international community, international organizations, faith-based organizations, academic institutions, and the private sector;

(D) assessing the contributions made by United States-funded programs toward achieving MDGs 4 and 5;

(E) identifying the bilateral efforts of other nations and multilateral efforts toward achieving MDGs 4 and 5; and

(F) preparing the annual report required by subsection (f).

(2) Consultation.—To the maximum extent practicable, the Task Force shall consult with individuals with expertise in the matters to be considered by the Task Force who are not officers or employees of the United States Government, including representatives of United States-based nongovernmental organizations (including faith-based organizations and private foundations), academic institutions, private corporations, the United Nations Children's Fund (UNICEF), and the World Bank.

(c) Membership.—

(1) Number and Appointment.—The Task Force shall be composed of the following members:

(A) The Administrator of the United States Agency for International Development.

(B) The Assistant Secretary of State for Population, Refugees and Migration.

(C) The Coordinator of United States Government Activities to Combat HIV/AIDS Globally.

(D) The Director of the Office of Global Health Affairs of the Department of Health and Human Services.

(E) The Under Secretary for Food, Nutrition and Consumer Services of the Department of Agriculture.

(F) The Chief Executive Officer of the Millennium Challenge Corporation.

(G) Other officials of relevant departments and agencies of the Federal Government who shall be appointed by the President.

(H) Two ex officio members appointed by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives.

(I) Two ex officio members appointed by the Majority Leader of the Senate in consultation with the Minority Leader of the Senate.

(2) Chairperson.—The Administrator of the United States Agency for International Development shall serve as chairperson of the Task Force.

(d) Meetings.—The Task Force shall meet on a regular basis, not less often than quarterly, on a schedule to be agreed upon by the members of the Task Force, and starting not later than 90 days after the date of the enactment of this Act.

(e) Definition.—In this subsection, the term "Millennium Development Goals" means the key development objectives described in the United Nations Millennium Declaration, as contained in United Nations General Assembly Resolution 55/2 (September 2000).

(f) Report.—Not later than 120 days after the date of the enactment of this Act, and not later than April 30 of each year thereafter, the Task Force shall submit to Congress and the President a report on the implementation of this section.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this Act, and the amendments made by this Act, $600,000,000 for fiscal year 2008, $900,000,000 for fiscal year 2009, $1,200,000,000 for fiscal year 2010, and $1,600,000,000 for each of fiscal years 2011 and 2012.

(b) Availability of Funds.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

By Mr. REID:

S. 1419. A bill to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; placed on the calendar.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Relationship to other law.

TITLE I—BIOFUELS FOR ENERGY SECURITY AND TRANSPORTATION

Sec. 101. Short title.
Sec. 102. Definitions.

Subtitle A—Renewable Fuel Standard

Sec. 111. Renewable fuel standard.
Sec. 112. Production of renewable fuel using renewable energy.

Subtitle B—Renewable Fuels Infrastructure

Sec. 121. Infrastructure pilot program for renewable fuels.
Sec. 122. Bioenergy research and development.
Sec. 123. Bioresearch centers for systems biology program.
Sec. 124. Loan guarantees for renewable fuel facilities.
Sec. 125. Grants for renewable fuel production research and development in certain States.
Sec. 126. Grants for infrastructure for transportation of biomass to local biorefineries.
Sec. 127. Biorefinery information center.
Sec. 128. Alternative fuel database and materials.
Sec. 129. Fuel tank cap labeling requirement.
Sec. 130. Biodiesel.

Subtitle C—Studies

Sec. 141. Study of advanced biofuels technologies.
Sec. 142. Study of increased consumption of ethanol-blended gasoline with higher levels of ethanol.
Sec. 143. Pipeline feasibility study.
Sec. 144. Study of optimization of flexible fueled vehicles to use E-85 fuel.
Sec. 145. Study of credits for use of renewable electricity in electric vehicles.
Sec. 146. Study of engine durability associated with the use of biodiesel.
Sec. 147. Study of incentives for renewable fuels.
Sec. 148. Study of streamlined lifecycle analysis tools for the evaluation of renewable carbon content of biofuels.
Sec. 149. Study of the adequacy of railroad transportation of domestically-produced renewable fuel.
Sec. 150. Study of effects of ethanol-blended gasoline on off road vehicles.

TITLE II—ENERGY EFFICIENCY PROMOTION

Sec. 201. Short title.
Sec. 202. Definition of Secretary.

Subtitle A—Promoting Advanced Lighting Technologies

Sec. 211. Accelerated procurement of energy efficient lighting.
Sec. 212. Incandescent reflector lamp efficiency standards.
Sec. 213. Bright Tomorrow Lighting Prizes.
Sec. 214. Sense of Senate concerning efficient lighting standards.
Sec. 215. Renewable energy construction grants.

Subtitle B—Expediting New Energy Efficiency Standards

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TITLE VII—ENERGY DIPLOMACY AND SECURITY

Sec. 701. Short title.
Sec. 702. Definitions.
Sec. 703. Sense of Congress on energy diplomacy and security.
Sec. 704. Strategic energy partnerships.
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SEC. 2. RELATIONSHIP TO OTHER LAW.

Except to the extent expressly provided in this Act or an amendment made by this Act, nothing in this Act or an amendment made by this Act supersedes, limits the authority provided or responsibility conferred by, or authorizes any violation of any provision of law (including a regulation), including any energy or environmental law or regulation.

TITLE I—BIOFUELS FOR ENERGY SECURITY AND TRANSPORTATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Biofuels for Energy Security and Transportation Act of 2007".

SEC. 102. DEFINITIONS.

In this title:

(1) ADVANCED BIOFUEL.—

(A) IN GENERAL.—The term "advanced biofuel" means fuel derived from renewable biomass other than corn starch.

(B) INCLUSIONS.—The term "advanced biofuel" includes—

(i) ethanol derived from cellulose, hemicellulose, or lignin;

(ii) ethanol derived from sugar or starch, other than ethanol derived from corn starch;

(iii) ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and food waste and yard waste;

(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

(v) biogas produced through the conversion of organic matter from renewable biomass; and

(vi) butanol or higher alcohols produced through the conversion of organic matter from renewable biomass.

(2) CELLULOSIC BIOMASS ETHANOL.—The term "cellulosic biomass ethanol" means ethanol derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass.

(3) CONVENTIONAL BIOFUEL.—The term "conventional biofuel" means ethanol derived from corn starch.

(4) RENEWABLE BIOMASS.—The term "renewable biomass" means—

(A) biomass (as defined by section 210 of the Energy Policy Act of 2005 (42 U.S.C. 15855)) (excluding the bole of old-growth trees of a forest from the late successional state of forest development) that is harvested where permitted by law and in accordance with applicable land management plans from—

(i) National Forest System land; or

(ii) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)); or

(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

(i) renewable plant material, including—

(I) feed grains;

(II) other agricultural commodities;

(III) other plants and trees; and

(IV) algae; and

(ii) waste material, including—

(I) crop residue;

(II) other vegetative waste material (including wood waste and wood residues);

(III) animal waste and byproducts (including fats, oils, greases, and manure); and

(IV) food waste and yard waste.

(5) RENEWABLE FUEL.—

(A) IN GENERAL.—The term "renewable fuel" means motor vehicle fuel, boiler fuel, or home heating fuel that is—

(i) produced from renewable biomass; and

(ii) used to replace or reduce the quantity of fossil fuel present in a fuel or fuel mixture used to operate a motor vehicle, boiler, or furnace.

(B) INCLUSION.—The term "renewable fuel" includes—

(i) conventional biofuel; and

(ii) advanced biofuel.

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy

(7) SMALL REFINERY.—The term "small refinery" means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

Subtitle A—Renewable Fuel Standard

SEC. 111. RENEWABLE FUEL STANDARD.

(a) RENEWABLE FUEL PROGRAM.—

(1) REGULATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that motor vehicle fuel, home heating oil, and boiler fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with paragraph (2).

(B) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under subparagraph (A)—

(i) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(I) the requirements of this subsection are met; and

(II) renewable fuels produced from facilities built after the date of enactment of this Act achieve at least a 20 percent reduction in life cycle greenhouse gas emissions compared to gasoline; but

(ii) shall not—

(I) restrict geographic areas in the contiguous United States in which renewable fuel may be used; or

(II) impose any per-gallon obligation for the use of renewable fuel.

(C) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance, and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2008 THROUGH 2022.—

(i) RENEWABLE FUEL.—For the purpose of paragraph (1), subject to clause (ii), the applicable volume for any of calendar years 2008 through 2022 shall be determined in accordance with the following table:

Calendar year:	**Applicable volume of renewable fuel (in billions of gallons):**
2008	8.5
2009	10.5
2010	12.0
2011	12.6
2012	13.2
2013	13.8
2014	14.4
2015	15.0
2016	18.0
2017	21.0
2018	24.0
2019	27.0
2020	30.0
2021	33.0
2022	36.0

(ii) ADVANCED BIOFUELS.—For the purpose of paragraph (1), of the volume of renewable fuel required under clause (i), the applicable volume for any of calendar years 2016 through 2022 for advanced biofuels shall be determined in accordance with the following table:

Calendar year:	**Applicable volume of advanced biofuels (in billions of gallons):**
2016	3.0
2017	6.0
2018	9.0
2019	12.0
2020	15.0
2021	18.0
2022	21.0

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2007 through 2022, including a review of—

(i) the impact of renewable fuels on the energy security of the United States;

(ii) the expected annual rate of future production of renewable fuels, including advanced biofuels;

(iii) the impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and products other than renewable fuel, and the sufficiency of infrastructure to deliver renewable fuel; and

(iv) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—Subject to subparagraph (D), for the purpose of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of gasoline that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 36,000,000,000 gallons of renewable fuel; bears to

(II) the number of gallons of gasoline sold or introduced into commerce in calendar year 2022.

(D) MINIMUM PERCENTAGE OF ADVANCED BIOFUEL.—For the purpose of paragraph (1) and subparagraph (C), at least 60 percent of the minimum applicable volume for calendar year 2023 and each calendar year thereafter shall be advanced biofuel.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2008 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of gasoline projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2008 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under subsection (g).

(c) VOLUME CONVERSION FACTORS FOR RENEWABLE FUELS BASED ON ENERGY CONTENT OR REQUIREMENTS.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of advanced biofuels for the purpose of satisfying the fuel volume requirements of subsection (a)(2) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO ETHANOL.—For advanced biofuel, 1 gallon of the advanced biofuel shall be considered to be the equivalent of 1 gallon of renewable fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the advanced biofuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of pure ethanol (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(3) TRANSITIONAL ENERGY-RELATED CONVERSION FACTORS FOR CELLULOSIC BIOMASS ETHANOL.—For any of calendar years 2008 through 2015, 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall implement a credit program to manage the renewable fuel requirement of this section in a manner consistent with the credit program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers and agricultural producers.

(e) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

(1) STUDY.—For each of calendar years 2008 through 2022, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

(2) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under paragraph (1), makes the determinations specified in paragraph (3), the President shall promulgate regulations to ensure that 25 percent or more of the quantity of renewable fuel necessary to meet the requirements of subsection (a) is used during each of the 2 periods specified in paragraph (4) of each subsequent calendar year.

(3) DETERMINATIONS.—The determinations referred to in paragraph (2) are that—

(A) less than 25 percent of the quantity of renewable fuel necessary to meet the requirements of subsection (a) has been used during 1 of the 2 periods specified in paragraph (4) of the calendar year;

(B) a pattern of excessive seasonal variation described in subparagraph (A) will continue in subsequent calendar years; and

(C) promulgating regulations or other requirements to impose a 25 percent or more seasonal use of renewable fuels will not significantly—

(i) increase the price of motor fuels to the consumer; or

(ii) prevent or interfere with the attainment of national ambient air quality standards.

(4) PERIODS.—The 2 periods referred to in this subsection are—

(A) April through September; and

(B) January through March and October through December.

(f) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary of Energy, the

Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by one or more States by reducing the national quantity of renewable fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced renewable fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 90 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency.

(4) REPORT TO CONGRESS.—If the Secretary makes a determination under paragraph (1)(B) that railroad transportation of domestically-produced renewable fuel is inadequate, based on either the service provided by, or the price of, the railroad transportation, the President shall submit to Congress a report that describes—

(A) the actions the Federal Government is taking, or will take, to address the inadequacy, including a description of the specific powers of the applicable Federal agencies; and

(B) if the President finds that there are inadequate Federal powers to address the railroad service or pricing inadequacies, recommendations for legislation to provide appropriate powers to Federal agencies to address the inadequacies.

(g) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to—

(i) small refineries (other than a small refinery described in clause (ii)) until calendar year 2013; and

(ii) small refineries owned by a small business refiner (as defined in section 45H(c) of the Internal Revenue Code of 1986) until calendar year 2015.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2008, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(h) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(i) VOLUNTARY LABELING PROGRAM.—

(1) IN GENERAL.—The President shall establish criteria for a system of voluntary labeling of renewable fuels based on life cycle greenhouse gas emissions.

(2) CONSUMER EDUCATION.—The President shall ensure that the labeling system under this subsection provides useful information to consumers making fuel purchases.

(3) FLEXIBILITY.—In carrying out this subsection, the President may establish more than 1 label, as appropriate.

(j) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on January 1, 2008.

SEC. 112. PRODUCTION OF RENEWABLE FUEL USING RENEWABLE ENERGY.

(a) DEFINITIONS.—In this section:

(1) FACILITY.—The term "facility" means a facility used for the production of renewable fuel.

(2) RENEWABLE ENERGY.—

(A) IN GENERAL.—The term "renewable energy" has the meaning given the term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).

(B) INCLUSION.—The term "renewable energy" includes biogas produced through the conversion of organic matter from renewable biomass.

(b) ADDITIONAL CREDIT.—

(1) IN GENERAL.—The President shall provide a credit under the program established under section 111(d) to the owner of a facility that uses renewable energy to displace more than 90 percent of the fossil fuel normally used in the production of renewable fuel.

(2) CREDIT AMOUNT.—The President may provide the credit in a quantity that is not more than the equivalent of 1.5 gallons of renewable fuel for each gallon of renewable fuel produced in a facility described in paragraph (1).

Subtitle B—Renewable Fuels Infrastructure

SEC. 121. INFRASTRUCTURE PILOT PROGRAM FOR RENEWABLE FUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a competitive grant pilot program (referred to in this section as the "pilot program"), to be administered through the Vehicle Technology Deployment Program of the Department of Energy, to provide not more than 10 geographically-dispersed project grants to State governments, Indian tribal governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—A grant under this section shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for gasoline blends that contain not less than 11 percent, and not more than 85 percent, renewable fuel or diesel fuel that contains at least 10 percent renewable fuel, including—

(1) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuels within the corridor;

(2) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuels; and

(3) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(B) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this section—

(i) be submitted by—

(I) the head of a State, tribal, or local government or a metropolitan transportation authority, or any combination of those entities; and

(II) a registered participant in the Vehicle Technology Deployment Program of the Department of Energy; and

(ii) include—

(I) a description of the project proposed in the application, including the ways in which the project meets the requirements of this section;

(II) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuel available within the geographic region of the corridor, measured as a total quantity and a percentage;

(III) an estimate of the potential petroleum displaced as a result of the project (measured as a total quantity and a percentage), and a plan to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(IV) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(V) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(VI) a description of which costs of the project will be supported by Federal assistance under this subsection.

(2) PARTNERS.—An applicant under paragraph (1) may carry out a project under the pilot program in partnership with public and private entities.

(d) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(1) consider the experience of each applicant with previous, similar projects; and

(2) give priority consideration to applications that—

(A) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(B) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of advanced biofuels;

(C) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed;

(D) represent a partnership of public and private entities; and

(E) exceed the minimum requirements of subsection (c)(1)(B).

(e) PILOT PROJECT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall provide not more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(2) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel infrastructure development carried out using funds from a grant under this section shall be not less than 20 percent.

(3) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(4) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this section.

(5) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) SCHEDULE.—

(1) INITIAL GRANTS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(2) ADDITIONAL GRANTS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(g) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this section, the Secretary shall submit to Congress a report containing—

(A) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(B) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(C) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(2) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000, to remain available until expended.

SEC. 122. BIOENERGY RESEARCH AND DEVELOPMENT.

Section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)) is amended—

(1) in paragraph (2), by striking "$251,000,000" and inserting "$377,000,000"; and

(2) in paragraph (3), by striking "$274,000,000" and inserting "$398,000,000".

SEC. 123. BIORESEARCH CENTERS FOR SYSTEMS BIOLOGY PROGRAM.

Section 977(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16317(a)(1)) is amended by inserting before the period at the end the following: ", including the establishment of at least 11 bioresearch centers of varying sizes, as appropriate, that focus on biofuels, of which at least 2 centers shall be located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts and 1 center shall be located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts".

SEC. 124. LOAN GUARANTEES FOR RENEWABLE FUEL FACILITIES.

(a) IN GENERAL.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding at the end the following:

"(f) RENEWABLE FUEL FACILITIES.—

"(1) IN GENERAL.—The Secretary may make guarantees under this title for projects that produce advanced biofuel (as defined in section 102 of the Biofuels for Energy Security and Transportation Act of 2007).

"(2) REQUIREMENTS.—A project under this subsection shall employ new or significantly improved technologies for the production of renewable fuels as compared to commercial technologies in service in the United States at the time that the guarantee is issued.

"(3) ISSUANCE OF FIRST LOAN GUARANTEES.—The requirement of section 20320(b) of division B of the Continuing Appropriations Resolution, 2007 (Public Law 109-289, Public Law 110-5), relating to the issuance of final regulations, shall not apply to the first 6 guarantees issued under this subsection.

"(4) PROJECT DESIGN.—A project for which a guarantee is made under this subsection shall have a project design that has been validated through the operation of a continuous process pilot facility with an annual output of at least 50,000 gallons of ethanol or the energy equivalent volume of other advanced biofuels.

"(5) MAXIMUM GUARANTEED PRINCIPAL.—The total principal amount of a loan guaranteed under this subsection may not exceed $250,000,000 for a single facility.

"(6) AMOUNT OF GUARANTEE.—The Secretary shall guarantee 100 percent of the principal and interest due on 1 or more loans made for a facility that is the subject of the guarantee under paragraph (3).

"(7) DEADLINE.—The Secretary shall approve or disapprove an application for a guarantee under this subsection not later than 90 days after the date of receipt of the application.

"(8) REPORT.—Not later than 30 days after approving or disapproving an application under paragraph (7), the Secretary shall submit to Congress a report on the approval or disapproval (including the reasons for the action).".

(b) IMPROVEMENTS TO UNDERLYING LOAN GUARANTEE AUTHORITY.—

(1) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

"(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

"(i) a demonstration plant; or

"(ii) a project for which the Secretary approved a loan guarantee.".

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

"(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

"(1) IN GENERAL.—No guarantee shall be made unless—

"(A) an appropriation for the cost has been made; or

"(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

"(2) LIMITATION.—The source of payments received from a borrower under paragraph

(1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

"(3) Relation to other laws.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).".

(3) Amount.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

"(c) Amount.—

"(1) In general.—Subject to paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

"(2) Limitation.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.".

(4) Subrogation.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(5) Fees.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

"(2) Availability.—Fees collected under this subsection shall—

"(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

"(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.".

SEC. 125. GRANTS FOR RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) In General.—The Secretary shall provide grants to eligible entities to conduct research into, and develop and implement, renewable fuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol, as determined by the Secretary.

(b) Eligibility.—To be eligible to receive a grant under the section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) located in a State described in subsection (a);

(B) be an institution—

(i) referred to in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382; 7 U.S.C. 301 note);

(ii) that is eligible for a grant under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.), including Diné College; or

(iii) that is eligible for a grant under the Navajo Community College Act (25 U.S.C. 640a et seq.); or

(C) be a consortium of such institutions of higher education, industry, State agencies, Indian tribal agencies, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 126. GRANTS FOR INFRASTRUCTURE FOR TRANSPORTATION OF BIOMASS TO LOCAL BIOREFINERIES.

(a) In General.—The Secretary shall conduct a program under which the Secretary shall provide grants to Indian tribal and local governments and other eligible entities (as determined by the Secretary) (referred to in this section as "eligible entities") to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries.

(b) Phases.—The Secretary shall conduct the program in the following phases:

(1) Development.—In the first phase of the program, the Secretary shall make grants to eligible entities to assist the eligible entities in the development of local projects to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries.

(2) Implementation.—In the second phase of the program, the Secretary shall make competitive grants to eligible entities to implement projects developed under paragraph (1).

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 127. BIOREFINERY INFORMATION CENTER.

(a) In General.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biorefinery information center to make available to interested parties information on—

(1) renewable fuel resources, including information on programs and incentives for renewable fuels;

(2) renewable fuel producers;

(3) renewable fuel users; and

(4) potential renewable fuel users.

(b) Administration.—In administering the biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available to interested parties on the process for establishing a biorefinery; and

(3) make information and assistance provided by the center available through a toll-free telephone number and website.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 128. ALTERNATIVE FUEL DATABASE AND MATERIALS.

The Secretary and the Director of the National Institute of Standards and Technology shall jointly establish and make available to the public—

(1) a database that describes the physical properties of different types of alternative fuel; and

(2) standard reference materials for different types of alternative fuel.

SEC. 129. FUEL TANK CAP LABELING REQUIREMENT.

Section 406(a) of the Energy Policy Act of 1992 (42 U.S.C. 13232(a)) is amended—

(1) by striking "The Federal Trade Commission" and inserting the following:

"(1) In general.—The Federal Trade Commission"; and

(2) by adding at the end the following:

"(2) Fuel tank cap labeling requirement.—Beginning with model year 2010, the fuel tank cap of each alternative fueled vehicle manufactured for sale in the United States shall be clearly labeled to inform consumers that such vehicle can operate on alternative fuel.".

SEC. 130. BIODIESEL.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on any research and development challenges inherent in increasing to 5 percent the proportion of diesel fuel sold in the United States that is biodiesel (as defined in section 757 of the Energy Policy Act of 2005 (42 U.S.C. 16105)).

(b) Regulations.—The President shall promulgate regulations providing for the uniform labeling of biodiesel blends that are certified to meet applicable standards published by the American Society for Testing and Materials.

(c) National Biodiesel Fuel Quality Standard.—

(1) Quality regulations.—Within 180 days following the date of enactment of this Act, the President shall promulgate regulations to ensure that only biodiesel that is tested and certified to comply with the American Society for Testing and Materials (ASTM) 6751 standard is introduced into interstate commerce.

(2) Enforcement.—The President shall ensure that all biodiesel entering interstate commerce meets the requirements of paragraph (1).

(3) Funding.—There are authorized to be appropriated to the President to carry out this section:

(A) $3,000,000 for fiscal year 2008.

(B) $3,000,000 for fiscal year 2009.

(C) $3,000,000 for fiscal year 2010.

Subtitle C—Studies

SEC. 141. STUDY OF ADVANCED BIOFUELS TECHNOLOGIES.

(a) In General.—Not later than October 1, 2012, the Secretary shall offer to enter into a contract with the National Academy of Sciences under which the Academy shall conduct a study of technologies relating to the production, transportation, and distribution of advanced biofuels.

(b) Scope.—In conducting the study, the Academy shall—

(1) include an assessment of the maturity of advanced biofuels technologies;

(2) consider whether the rate of development of those technologies will be sufficient to meet the advanced biofuel standards required under section 111;

(3) consider the effectiveness of the research and development programs and activities of the Department of Energy relating to advanced biofuel technologies; and

(4) make policy recommendations to accelerate the development of those technologies to commercial viability, as appropriate.

(c) Report.—Not later than November 30, 2014, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under this section.

SEC. 142. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) In General.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, and equipment; and

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 143. PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Transportation, shall conduct a study of the feasibility of the construction of dedicated ethanol pipelines.

(b) FACTORS.—In conducting the study, the Secretary shall consider—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in those areas and help ensure the construction of 1 or more dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, identifying remedial and preventative measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 144. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E-85 FUEL.

(a) IN GENERAL.—The Secretary shall conduct a study of methods of increasing the fuel efficiency of flexible fueled vehicles by optimizing flexible fueled vehicles to operate using E-85 fuel.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 145. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.

(a) DEFINITION OF ELECTRIC VEHICLE.—In this section, the term "electric vehicle" means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) STUDY.—The Secretary shall conduct a study on the feasibility of issuing credits under the program established under section 111(d) to electric vehicles powered by electricity produced from renewable energy sources.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 111(d).

SEC. 146. STUDY OF ENGINE DURABILITY ASSOCIATED WITH THE USE OF BIODIESEL.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study on the effects of the use of biodiesel on engine durability.

(b) COMPONENTS.—The study under this section shall include—

(1) an assessment of whether the use of biodiesel in conventional diesel engines lessens engine durability; and

(2) an assessment of the effects referred to in subsection (a) with respect to biodiesel blends at varying concentrations, including—

(A) B5;

(B) B10;

(C) B20; and

(D) B30.

SEC. 147. STUDY OF INCENTIVES FOR RENEWABLE FUELS.

(a) STUDY.—The President shall conduct a study of the renewable fuels industry and markets in the United States, including—

(1) the costs to produce conventional and advanced biofuels;

(2) the factors affecting the future market prices for those biofuels, including world oil prices; and

(3) the financial incentives necessary to enhance, to the maximum extent practicable, the biofuels industry of the United States to reduce the dependence of the United States on foreign oil during calendar years 2011 through 2030.

(b) GOALS.—The study shall include an analysis of the options for financial incentives and the advantage and disadvantages of each option.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the President shall submit to Congress a report that describes the results of the study.

SEC. 148. STUDY OF STREAMLINED LIFECYCLE ANALYSIS TOOLS FOR THE EVALUATION OF RENEWABLE CARBON CONTENT OF BIOFUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall conduct a study of—

(1) published methods for evaluating the lifecycle fossil and renewable carbon content of fuels, including conventional and advanced biofuels; and

(2) methods for performing simplified, streamlined lifecycle analyses of the fossil and renewable carbon content of biofuels.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study under subsection (a), including recommendations for a method for performing a simplified, streamlined lifecycle analysis of the fossil and renewable carbon content of biofuels that includes—

(1) carbon inputs to feedstock production; and

(2) carbon inputs to the biofuel production process, including the carbon associated with electrical and thermal energy inputs.

SEC. 149. STUDY OF THE ADEQUACY OF RAILROAD TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of the adequacy of railroad transportation of domestically-produced renewable fuel.

(2) COMPONENTS.—In conducting the study under paragraph (1), the Secretary shall consider—

(A) the adequacy of, and appropriate location for, tracks that have sufficient capacity, and are in the appropriate condition, to move the necessary quantities of domestically-produced renewable fuel within the timeframes required by section 111;

(B) the adequacy of the supply of railroad tank cars, locomotives, and rail crews to move the necessary quantities of domestically-produced renewable fuel in a timely fashion;

(C)(i) the projected costs of moving the domestically-produced renewable fuel using railroad transportation; and

(ii) the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(D) whether there is adequate railroad competition to ensure—

(i) a fair price for the railroad transportation of domestically-produced renewable fuel; and

(ii) acceptable levels of service for railroad transportation of domestically-produced renewable fuel;

(E) any rail infrastructure capital costs that the railroads indicate should be paid by the producers or distributors of domestically-produced renewable fuel;

(F) whether Federal agencies have adequate legal authority to ensure a fair and reasonable transportation price and acceptable levels of service in cases in which the domestically-produced renewable fuel source does not have access to competitive rail service;

(G) whether Federal agencies have adequate legal authority to address railroad service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States; and

(H) any recommendations for any additional legal authorities for Federal agencies to ensure the reliable railroad transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study conducted under subsection (a).

SEC. 150. STUDY OF EFFECTS OF ETHANOL-BLENDED GASOLINE ON OFF ROAD VEHICLES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the effects of ethanol-blended gasoline on off-road vehicles and recreational boats.

(2) EVALUATION.—The study shall include an evaluation of the operational, safety, durability, and environmental impacts of ethanol-blended gasoline on off-road and marine engines, recreational boats, and related equipment.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study.

TITLE II—ENERGY EFFICIENCY PROMOTION

SEC. 201. SHORT TITLE.

This title may be cited as the "Energy Efficiency Promotion Act of 2007".

SEC. 202. DEFINITION OF SECRETARY.

In this title, the term "Secretary" means the Secretary of Energy.

Subtitle A—Promoting Advanced Lighting Technologies

SEC. 211. ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.

Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended by adding the following:

"(f) ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.—

"(1) IN GENERAL.—Not later than October 1, 2013, in accordance with guidelines issued by the Secretary, all general purpose lighting in Federal buildings shall be Energy Star products or products designated under the Federal Energy Management Program.

"(2) GUIDELINES.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall issue guidelines to carry out this subsection.

"(B) REPLACEMENT COSTS.—The guidelines shall take into consideration the costs of replacing all general service lighting and the reduced cost of operation and maintenance expected to result from such replacement.".

SEC. 212. INCANDESCENT REFLECTOR LAMP EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (30)(C)(ii)—

(A) in the matter preceding subclause (I)—

(i) by striking "or similar bulb shapes (excluding ER or BR)" and inserting "ER, BR, BPAR, or similar bulb shapes"; and

(ii) by striking "2.75" and inserting "2.25"; and

(B) by striking "is either—" and all that follows through subclause (II) and inserting "has a rated wattage that is 40 watts or higher"; and

(2) by adding at the end the following:

"(52) BPAR INCANDESCENT REFLECTOR LAMP.—The term 'BPAR incandescent reflector lamp' means a reflector lamp as shown in figure C78.21-278 on page 32 of ANSI C78.21-2003.

"(53) BR INCANDESCENT REFLECTOR LAMP; BR30; BR40.—

"(A) BR INCANDESCENT REFLECTOR LAMP.—The term 'BR incandescent reflector lamp' means a reflector lamp that has—

"(i) a bulged section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RB) on page 7 of ANSI C79.1-1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

"(ii) a finished size and shape shown in ANSI C78.21-1989, including the referenced reflective characteristics in part 7 of ANSI C78.21-1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

"(B) BR30.—The term 'BR30' means a BR incandescent reflector lamp with a diameter of 30/8ths of an inch.

"(C) BR40.—The term 'BR40' means a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

"(54) ER INCANDESCENT REFLECTOR LAMP; ER30; ER40.—

"(A) ER INCANDESCENT REFLECTOR LAMP.—The term 'ER incandescent reflector lamp' means a reflector lamp that has—

"(i) an elliptical section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RE) on page 7 of ANSI C79.1-1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

"(ii) a finished size and shape shown in ANSI C78.21-1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

"(B) ER30.—The term 'ER30' means an ER incandescent reflector lamp with a diameter of 30/8ths of an inch.

"(C) ER40.—The term 'ER40' means an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

"(55) R20 INCANDESCENT REFLECTOR LAMP.—The term 'R20 incandescent reflector lamp' means a reflector lamp that has a face diameter of approximately 2.5 inches, as shown in figure 1(R) on page 7 of ANSI C79.1-1994.".

(b) STANDARDS FOR FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6925(i)) is amended by striking paragraph (1) and inserting the following:

"(1) STANDARDS.—

"(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph (other than subparagraph (D)), the term 'effective date' means, with respect to each type of lamp specified in a table contained in subparagraph (B), the last day of the period of months corresponding to that type of lamp (as specified in the table) that follows October 24, 1992.

"(B) MINIMUM STANDARDS.—Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables contained in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

"FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
	≤35 W	45	75.9	36
2-foot U-shaped	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≤100 W	45	80.0	18

"INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40-50	10.5	36
51-66	11.0	36
67-85	12.5	36
86-115	14.0	36
116-155	14.5	36
156-205	15.0	36

"(C) EXEMPTIONS.—The standards specified in subparagraph (B) shall not apply to the following types of incandescent reflector lamps:

"(i) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

"(ii) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

"(iii) R20 incandescent reflector lamps rated 45 watts or less.

"(D) EFFECTIVE DATES.—

"(i) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (B) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008.

"(ii) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (B) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after January 1, 2008.".

SEC. 213. BRIGHT TOMORROW LIGHTING PRIZES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, as part of the program carried out under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish and award Bright Tomorrow Lighting Prizes for solid state lighting in accordance with this section.

(b) PRIZE SPECIFICATIONS.—

(1) 60-WATT INCANDESCENT REPLACEMENT LAMP PRIZE.—The Secretary shall award a 60-Watt Incandescent Replacement Lamp Prize to an entrant that produces a solid-state light package simultaneously capable of—

(A) producing a luminous flux greater than 900 lumens;

(B) consuming less than or equal to 10 watts;

(C) having an efficiency greater than 90 lumens per watt;

(D) having a color rendering index greater than 90;

(E) having a correlated color temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a soft 60-watt incandescent A19 bulb;

(H) having a size and shape that fits within the maximum dimensions of an A19 bulb in accordance with American National Standards Institute standard C78.20–2003, figure C78.20–211;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(2) PAR TYPE 38 HALOGEN REPLACEMENT LAMP PRIZE.—The Secretary shall award a Parabolic Aluminized Reflector Type 38 Halogen Replacement Lamp Prize (referred to in this section as the "PAR Type 38 Halogen Replacement Lamp Prize") to an entrant that produces a solid-state-light package simultaneously capable of—

(A) producing a luminous flux greater than or equal to 1,350 lumens;

(B) consuming less than or equal to 11 watts;

(C) having an efficiency greater than 123 lumens per watt;

(D) having a color rendering index greater than or equal to 90;

(E) having a correlated color coordinate temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a PAR 38 halogen lamp;

(H) having a size and shape that fits within the maximum dimensions of a PAR 38 halogen lamp in accordance with American National Standards Institute standard C78–21–2003, figure C78.21–238;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(3) TWENTY-FIRST CENTURY LAMP PRIZE.—The Secretary shall award a Twenty-First Century Lamp Prize to an entrant that produces a solid-state-light-light capable of—

(A) producing a light output greater than 1,200 lumens;

(B) having an efficiency greater than 150 lumens per watt;

(C) having a color rendering index greater than 90;

(D) having a color coordinate temperature between 2,800 and 3,000 degrees Kelvin; and

(E) having a lifetime exceeding 25,000 hours.

(c) PRIVATE FUNDS.—The Secretary may accept and use funding from private sources as part of the prizes awarded under this section.

(d) TECHNICAL REVIEW.—The Secretary shall establish a technical review committee composed of non-Federal officers to review entrant data submitted under this section to determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may competitively select a third party to administer awards under this section.

(f) AWARD AMOUNTS.—Subject to the availability of funds to carry out this section, the amount of—

(1) the 60-Watt Incandescent Replacement Lamp Prize described in subsection (b)(1) shall be $10,000,000;

(2) the PAR Type 38 Halogen Replacement Lamp Prize described in subsection (b)(2) shall be $5,000,000; and

(3) the Twenty-First Century Lamp Prize described in subsection (b)(3) shall be $5,000,000.

(g) FEDERAL PROCUREMENT OF SOLID-STATE-LIGHTS.—

(1) 60-WATT INCANDESCENT REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the 60-Watt Incandescent Replacement Lamp Prize under subsection (b)(1), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with a goal of replacing the use of 60-watt incandescent lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(1) by not later than the date that is 5 years after the date the award is made.

(2) PAR 38 HALOGEN REPLACEMENT LAMP REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the PAR Type 38 Halogen Replacement Lamp Prize under subsection (b)(2), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with the goal of replacing the use of PAR 38 halogen lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(2) by not later than the date that is 5 years after the date the award is made.

(3) WAIVERS.—

(A) IN GENERAL.—The Secretary or the Administrator of General Services may waive the application of paragraph (1) or (2) if the Secretary or Administrator determines that the return on investment from the purchase of a solid-state-light package described in paragraph (1) or (2) of subsection (b), respectively, is cost prohibitive.

(B) REPORT OF WAIVER.—If the Secretary or Administrator waives the application of paragraph (1) or (2), the Secretary or Administrator, respectively, shall submit to Congress an annual report that describes the waiver and provides a detailed justification for the waiver.

(h) BRIGHT LIGHT TOMORROW AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the United States Treasury a Bright Light Tomorrow permanent fund without fiscal year limitation to award prizes under paragraphs (1), (2), and (3) of subsection (b).

(2) SOURCES OF FUNDING.—The fund established under paragraph (1) shall accept—

(A) fiscal year appropriations; and

(B) private contributions authorized under subsection (c).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 214. SENSE OF SENATE CONCERNING EFFICIENT LIGHTING STANDARDS.

(a) FINDINGS.—The Senate finds that—

(1) there are approximately 4,000,000,000 screw-based sockets in the United States that contain traditional, energy-inefficient, incandescent light bulbs;

(2) incandescent light bulbs are based on technology that is more than 125 years old;

(3) there are radically more efficient lighting alternatives in the market, with the promise of even more choices over the next several years;

(4) national policy can support a rapid substitution of new, energy-efficient light bulbs for the less efficient products in widespread use; and,

(5) transforming the United States market to use of more efficient lighting technologies can—

(A) reduce electric costs in the United States by more than $18,000,000,000 annually;

(B) save the equivalent electricity that is produced by 80 base load coal-fired power plants; and

(C) reduce fossil fuel related emissions by approximately 158,000,000 tons each year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should—

(1) pass a set of mandatory, technology-neutral standards to establish firm energy efficiency performance targets for lighting products;

(2) ensure that the standards become effective within the next 10 years; and

(3) in developing the standards—

(A) establish the efficiency requirements to ensure that replacement lamps will provide consumers with the same quantity of light while using significantly less energy;

(B) ensure that consumers will continue to have multiple product choices, including energy-saving halogen, incandescent, compact fluorescent, and LED light bulbs; and

(C) work with industry and key stakeholders on measures that can assist consumers and businesses in making the important transition to more efficient lighting.

SEC. 215. RENEWABLE ENERGY CONSTRUCTION GRANTS.

(a) DEFINITIONS.—In this section:

(1) ALASKA SMALL HYDROELECTRIC POWER.—The term "Alaska small hydroelectric power" means power that—

(A) is generated—

(i) in the State of Alaska;

(ii) without the use of a dam or impoundment of water; and

(iii) through the use of—

(I) a lake tap (but not a perched alpine lake); or

(II) a run-of-river screened at the point of diversion; and

(B) has a nameplate capacity rating of a wattage that is not more than 15 megawatts.

(2) ELIGIBLE APPLICANT.—The term "eligible applicant" means any—

(A) governmental entity;

(B) private utility;

(C) public utility;

(D) municipal utility;

(E) cooperative utility;

(F) Indian tribes; and

(G) Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(3) OCEAN ENERGY.—

(A) INCLUSIONS.—The term "ocean energy" includes current, wave, and tidal energy.

(B) EXCLUSION.—The term "ocean energy" excludes thermal energy.

(4) RENEWABLE ENERGY PROJECT.—The term "renewable energy project" means a project—

(A) for the commercial generation of electricity; and

(B) that generates electricity from—

(i) solar, wind, or geothermal energy or ocean energy;

(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)));

(iii) landfill gas; or

(iv) Alaska small hydroelectric power.

(b) RENEWABLE ENERGY CONSTRUCTION GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts appropriated under this section to make grants for use in carrying out renewable energy projects.

(2) CRITERIA.—Not later than 180 days after the date of enactment of this Act, the Secretary shall set forth criteria for use in awarding grants under this section.

(3) APPLICATION.—To receive a grant from the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

(A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141-3144, 3146, and 3147 of title 40, United States Code; and

(B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(4) NON-FEDERAL SHARE.—Each eligible applicant that receives a grant under this subsection shall contribute to the total cost of the renewable energy project constructed by the eligible applicant an amount not less than 50 percent of the total cost of the project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

Subtitle B—Expediting New Energy Efficiency Standards

SEC. 221. DEFINITION OF ENERGY CONSERVATION STANDARD.

Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by striking paragraph (6) and inserting the following:

"(6) ENERGY CONSERVATION STANDARD.—

"(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that prescribe a minimum level of energy efficiency or a maximum quantity of energy use and, in the case of a showerhead, faucet, water closet, urinal, clothes washer, and dishwasher, water use, for a covered product, determined in accordance with test procedures prescribed under section 323.

"(B) INCLUSIONS.—The term 'energy conservation standard' includes—

"(i) 1 or more design requirements, as part of a consensus agreement under section 325(hh); and

"(ii) any other requirements that the Secretary may prescribe under subsections (o) and (r) of section 325.

"(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product.".

SEC. 222. REGIONAL EFFICIENCY STANDARDS FOR HEATING AND COOLING PRODUCTS.

(a) IN GENERAL.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following:

"(e) REGIONAL EFFICIENCY STANDARDS FOR HEATING AND COOLING PRODUCTS.—

"(1) IN GENERAL.—

"(A) DETERMINATION.—The Secretary may determine, after notice and comment, that more stringent Federal energy conservation standards are appropriate for furnaces, boilers, or central air conditioning equipment than applicable Federal energy conservation standards.

"(B) FINDING.—The Secretary may determine that more stringent standards are appropriate for up to 2 different regions only after finding that the regional standards—

"(i) would contribute to energy savings that are substantially greater than that of a single national energy standard; and

"(ii) are economically justified.

"(C) REGIONS.—On making a determination described in subparagraph (B), the Secretary shall establish the regions so that the more stringent standards would achieve the maximum level of energy savings that is technologically feasible and economically justified.

"(D) FACTORS.—In determining the appropriateness of 1 or more regional standards for furnaces, boilers, and central and commercial air conditioning equipment, the Secretary shall consider all of the factors described in paragraphs (1) through (4) of section 325(o).

"(2) STATE PETITION.—After a determination made by the Secretary under paragraph (1), a State may petition the Secretary requesting a rule that a State regulation that establishes a standard for furnaces, boilers, or central air conditioners become effective at a level determined by the Secretary to be appropriate for the region that includes the State.

"(3) RULE.—Subject to paragraphs (4) through (7), the Secretary may issue the rule during the period described in paragraph (4) and after consideration of the petition and the comments of interested persons.

"(4) PROCEDURE.—

"(A) NOTICE.—The Secretary shall provide notice of any petition filed under paragraph (2) and afford interested persons a reasonable opportunity to make written comments, including rebuttal comments, on the petition.

"(B) DECISION.—Except as provided in subparagraph (C), during the 180-day period beginning on the date on which the petition is filed, the Secretary shall issue the requested rule or deny the petition.

"(C) EXTENSION.—The Secretary may publish in the Federal Register a notice—

"(i) extending the period to a specified date, but not longer than 1 year after the date on which the petition is filed; and

"(ii) describing the reasons for the delay.

"(D) DENIALS.—If the Secretary denies a petition under this subsection, the Secretary shall publish in the Federal Register notice of, and the reasons for, the denial.

"(5) FINDING OF SIGNIFICANT BURDEN ON MANUFACTURING, MARKETING, DISTRIBUTION, SALE, OR SERVICING OF COVERED PRODUCT ON NATIONAL BASIS.—

"(A) IN GENERAL.—The Secretary may not issue a rule under this subsection if the Secretary finds (and publishes the finding) that interested persons have established, by a preponderance of the evidence, that the State regulation will significantly burden manufacturing, marketing, distribution, sale, or servicing of a covered product on a national basis.

"(B) FACTORS.—In determining whether to make a finding described in subparagraph (A), the Secretary shall evaluate all relevant factors, including—

"(i) the extent to which the State regulation will increase manufacturing or distribution costs of manufacturers, distributors, and others;

"(ii) the extent to which the State regulation will disadvantage smaller manufacturers, distributors, or dealers or lessen competition in the sale of the covered product in the State; and

"(iii) the extent to which the State regulation would cause a burden to manufacturers to redesign and produce the covered product type (or class), taking into consideration the extent to which the regulation would result in a reduction—

"(I) in the current models, or in the projected availability of models, that could be shipped on the effective date of the regulation to the State and within the United States; or

"(II) in the current or projected sales volume of the covered product type (or class) in the State and the United States.

"(6) APPLICATION.—No State regulation shall become effective under this subsection with respect to any covered product manufactured before the date specified in the determination made by the Secretary under paragraph (1).

"(7) PETITION TO WITHDRAW FEDERAL RULE FOLLOWING AMENDMENT OF FEDERAL STANDARD.—

"(A) IN GENERAL.—If a State has issued a rule under paragraph (3) with respect to a covered product and subsequently a Federal energy conservation standard concerning the product is amended pursuant to section 325, any person subject to the State regulation may file a petition with the Secretary requesting the Secretary to withdraw the rule issued under paragraph (3) with respect to the product in the State.

"(B) BURDEN OF PROOF.—The Secretary shall consider the petition in accordance with paragraph (5) and the burden shall be on the petitioner to show by a preponderance of the evidence that the rule received by the State under paragraph (3) should be withdrawn as a result of the amendment to the Federal standard.

"(C) WITHDRAWAL.—If the Secretary determines that the petitioner has shown that the rule issued by the Secretary under paragraph (3) should be withdrawn in accordance with subparagraph (B), the Secretary shall withdraw the rule.".

(b) CONFORMING AMENDMENTS.—

(1) Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking "subsection (e)" and inserting "subsection (f)"; and

(ii) in paragraph (3)—

(I) by striking "subsection (f)(1)" and inserting "subsection (g)(1)"; and

(II) by striking "subsection (f)(2)" and inserting "subsection (g)(2)"; and

(B) in subsection (c)(3), by striking "subsection (f)(3)" and inserting "subsection (g)(3)".

(2) Section 345(b)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(2)) is amended by adding at the end the following:

"(E) RELATIONSHIP TO CERTAIN STATE REGULATIONS.—Notwithstanding subparagraph (A), a standard prescribed or established under section 342(a) with respect to the equipment specified in subparagraphs (B), (C), (D), (H), (I), and (J) of section 340 shall not supersede a State regulation that is effective under the terms, conditions, criteria, procedures, and other requirements of section 327(e).".

SEC. 223. FURNACE FAN RULEMAKING.

Section 325(f)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)(3)) is amended by adding at the end the following:

"(E) FINAL RULE.—

"(i) IN GENERAL.—The Secretary shall publish a final rule to carry out this subsection not later than December 31, 2014.

"(ii) CRITERIA.—The standards shall meet the criteria established under subsection (o).".

SEC. 224. EXPEDITED RULEMAKINGS.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

"(hh) EXPEDITED RULEMAKING FOR CONSENSUS STANDARDS.—

"(1) IN GENERAL.—The Secretary shall conduct an expedited rulemaking based on an energy conservation standard or test procedure recommended by interested persons, if—

"(A) the interested persons (demonstrating significant and broad support from manufacturers of a covered product, States, utilities, and environmental, energy efficiency, and consumer advocates) submit a joint comment or petition recommending a consensus energy conservation standard or test procedure; and

"(B) the Secretary determines that the joint comment or petition includes evidence that (assuming no other evidence were considered) provides an adequate basis for determining that the proposed consensus energy conservation standard or test procedure proposed in the joint comment or petition complies with the provisions and criteria of this Act (including subsection (o)) that apply to the type or class of covered products covered by the joint comment or petition.

"(2) PROCEDURE.—

"(A) IN GENERAL.—Notwithstanding subsection (p) or section 336(a), if the Secretary receives a joint comment or petition that meets the criteria described in paragraph (1), the Secretary shall conduct an expedited rulemaking with respect to the standard or test procedure proposed in the joint comment or petition in accordance with this paragraph.

"(B) ADVANCED NOTICE OF PROPOSED RULEMAKING.—If no advanced notice of proposed rulemaking has been issued under subsection (p)(1) with respect to the rulemaking covered by the joint comment or petition, the requirements of subsection (p) with respect to the issuance of an advanced notice of proposed rulemaking shall not apply.

"(C) PUBLICATION OF DETERMINATION.—Not later than 60 days after receipt of a joint comment or petition described in paragraph (1)(A), the Secretary shall publish a description of a determination as to whether the proposed standard or test procedure covered by the joint comment or petition meets the criteria described in paragraph (1).

"(D) PROPOSED RULE.—

"(i) PUBLICATION.—If the Secretary determines that the proposed consensus standard or test procedure covered by the joint comment or petition meets the criteria described in paragraph (1), not later than 30 days after the determination, the Secretary shall publish a proposed rule proposing the consensus standard or test procedure covered by the joint comment or petition.

"(ii) PUBLIC COMMENT PERIOD.—Notwithstanding paragraphs (2) and (3) of subsection (p), the public comment period for the proposed rule shall be the 30–day period beginning on the date of the publication of the proposed rule in the Federal Register.

"(iii) PUBLIC HEARING.—Notwithstanding section 336(a), the Secretary may waive the holding of a public hearing with respect to the proposed rule.

"(E) FINAL RULE.—Notwithstanding subsection (p)(4), the Secretary—

"(i) may publish a final rule at any time after the 60-day period beginning on the date of publication of the proposed rule in the Federal Register; and

"(ii) shall publish a final rule not later than 120 days after the date of publication of the proposed rule in the Federal Register.".

SEC. 225. PERIODIC REVIEWS.

(a) TEST PROCEDURES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by striking "(1)" and all that follows through the end of the paragraph and inserting the following:

"(1) TEST PROCEDURES.—

"(A) AMENDMENT.—At least once every 7 years, the Secretary shall review test procedures for all covered products and—

"(i) amend test procedures with respect to any covered product, if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3); or

"(ii) publish notice in the Federal Register of any determination not to amend a test procedure.".

(b) ENERGY CONSERVATION STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by striking subsection (m) and inserting the following:

"(m) FURTHER RULEMAKING.—

"(1) IN GENERAL.—After issuance of the last final rules required for a product under this part, the Secretary shall, not later than 5 years after the date of issuance of a final rule establishing or amending a standard or determining not to amend a standard, publish a final rule to determine whether standards for the product should be amended based on the criteria described in subsection (n)(2).

"(2) ANALYSIS.—Prior to publication of the determination, the Secretary shall publish a notice of availability describing the analysis of the Department and provide opportunity for written comment.

"(3) FINAL RULE.—Not later than 3 years after a positive determination under paragraph (1), the Secretary shall publish a final rule amending the standard for the product.

"(4) APPLICATION OF AMENDMENT.—An amendment prescribed under this subsection shall apply to a product manufactured after a date that is 5 years after—

"(A) the effective date of the previous amendment made pursuant to this part; or

"(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years after publication of the final rule establishing a standard.".

(c) STANDARDS.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking paragraph (6) and inserting the following:

"(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

"(A) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, packaged terminal central and commercial air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

"(B) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

"(i) IN GENERAL.—Except as provided in clause (ii), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in subparagraph (A), the Secretary shall establish an amended uniform national standard for the product at the minimum level for the applicable effective date specified in the amended ASHRAE/IES Standard 90.1.

"(ii) MORE STRINGENT STANDARD.—Clause (i) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

"(C) RULE.—If the Secretary makes a determination described in subparagraph (B)(ii) for a product described in subparagraph (A), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.

“(D) Amendment of standards.—

“(i) In general.—After issuance of the most recent final rule for a product under this subsection, not later than 5 years after the date of issuance of a final rule establishing or amending a standard or determining not to amend a standard, the Secretary shall publish a final rule to determine whether standards for the product should be amended based on the criteria described in subparagraph (A).

“(ii) Analysis.—Prior to publication of the determination, the Secretary shall publish a notice of availability describing the analysis of the Department and provide opportunity for written comment.

“(iii) Final rule.—Not later than 3 years after a positive determination under clause (i), the Secretary shall publish a final rule amending the standard for the product.”.

(d) Test Procedures.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking “(a)” and all that follows through the end of paragraph (1) and inserting the following:

“(a) Prescription by Secretary; Requirements.—

“(1) Test procedures.—

“(A) Amendment.—At least once every 7 years, the Secretary shall conduct an evaluation of each class of covered equipment and—

“(i) if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraphs (2) and (3), shall prescribe test procedures for the class in accordance with this section; or

“(ii) shall publish notice in the Federal Register of any determination not to amend a test procedure.”.

(e) Effective Date.—The amendments made by subsections (b) and (c) take effect on January 1, 2012.

SEC. 226. ENERGY EFFICIENCY LABELING FOR CONSUMER PRODUCTS.

(a) In General.—Not later than 2 years after the date of enactment of this Act or not later than 18 months after test procedures have been developed for a consumer electronics product category described in subsection (b), whichever is later, the Federal Trade Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency shall promulgate regulations, in accordance with the Energy Star program and in a manner that minimizes, to the maximum extent practicable, duplication with respect to the requirements of that program and other national and international energy labeling programs, to add the consumer electronics product categories described in subsection (b) to the Energy Guide labeling program of the Commission.

(b) Consumer Electronics Product Categories.—The consumer electronics product categories referred to in subsection (a) are the following:

(1) Televisions.

(2) Personal computers.

(3) Cable or satellite set-top boxes.

(4) Stand-alone digital video recorder boxes.

(5) Computer monitors.

(c) Label Placement.—The regulations shall include specific requirements for each product on the placement of Energy Guide labels.

(d) Deadline for Labeling.—Not later than 1 year after the date of promulgation of regulations under subsection (a), the Commission shall require labeling electronic products described in subsection (b) in accordance with this section (including the regulations).

(e) Authority To Include Additional Product Categories.—The Commission may add additional product categories to the Energy Guide labeling program if the product categories include products, as determined by the Commission—

(1) that have an annual energy use in excess of 100 kilowatt hours per year; and

(2) for which there is a significant difference in energy use between the most and least efficient products.

SEC. 227. RESIDENTIAL BOILER EFFICIENCY STANDARDS.

Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) Boilers.—

“(A) In general.—Subject to subparagraphs (B) and (C), boilers manufactured on or after September 1, 2012, shall meet the following requirements: ”

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot. Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

“(B) Pilots.—The manufacturer shall not equip gas hot water or steam boilers with constant-burning pilot lights.

“(C) Automatic means for adjusting water temperature.—

“(i) In general.—The manufacturer shall equip each gas, oil, and electric hot water boiler (other than a boiler equipped with tankless domestic water heating coils) with an automatic means for adjusting the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of water supplied.

“(ii) Certain boilers.—For a boiler that fires at 1 input rate, the requirements of this subparagraph may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

“(iii) No inferred heat load.—When there is no inferred heat load with respect to a hot water boiler, the automatic means described in clauses (i) and (ii) shall limit the temperature of the water in the boiler to not more than 140 degrees Fahrenheit.

“(iv) Operation.—A boiler described in clause (i) or (ii) shall be operable only when the automatic means described in clauses (i), (ii), and (iii) is installed.”.

SEC. 228. TECHNICAL CORRECTIONS.

(a) Definition of Fluorescent Lamp.—Section 321(30)(B)(viii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(B)(viii)) is amended by striking “82” and inserting “87”.

(b) Standards for Commercial Package Air Conditioning and Heating Equipment.—Section 342(a)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(1)) is amended in the matter preceding subparagraph (A) by striking “but before January 1, 2010,”.

(c) Mercury Vapor Lamp Ballasts.—

(1) Definitions.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 212(a)(2)) is amended—

(A) in paragraph (46)(A)—

(i) in clause (i), by striking “bulb” and inserting “the arc tube”; and

(ii) in clause (ii), by striking “has a bulb” and inserting “wall loading is”;

(B) in paragraph (47)(A), by striking “operating at a partial” and inserting “typically operating at a partial vapor”;

(C) in paragraph (48), by inserting “intended for general illumination” after “lamps”; and

(D) by adding at the end the following:

“(56) The term ‘specialty application mercury vapor lamp ballast’ means a mercury vapor lamp ballast that—

“(A) is designed and marketed for medical use, optical comparators, quality inspection, industrial processing, or scientific use, including fluorescent microscopy, ultraviolet curing, and the manufacture of microchips, liquid crystal displays, and printed circuit boards; and

“(B) in the case of a specialty application mercury vapor lamp ballast, is labeled as a specialty application mercury vapor lamp ballast.”.

(2) Standard setting authority.—Section 325(ee) of the Energy Policy and Conservation Act (42 U.S.C. 6295(ee)) is amended by inserting “(other than specialty application mercury vapor lamp ballasts)” after “ballasts”.

SEC. 229. ELECTRIC MOTOR EFFICIENCY STANDARDS.

(a) Definitions.—Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) is amended by striking subparagraph (A) and inserting the following:

“(A)(i) The term ‘electric motor’ means—

“(I) a general purpose electric motor—subtype I; and

“(II) a general purpose electric motor—subtype II.

“(ii) The term ‘general purpose electric motor—subtype I’ means any motor that is considered a general purpose motor under section 431.12 of title 10, Code of Federal Regulations (or successor regulations).

“(iii) The term ‘general purpose electric motor—subtype II’ means a motor that, in addition to the design elements for a general purpose electric motor—subtype I, incorporates the design elements (as established in National Electrical Manufacturers Association MG–1 (2006)) for any of the following:

“(I) A U-Frame Motor.

“(II) A Design C Motor.

“(III) A close-coupled pump motor.

“(IV) A footless motor.

“(V) A vertical solid shaft normal thrust (tested in a horizontal configuration).

“(VI) An 8-pole motor.

“(VII) A poly-phase motor with voltage of not more than 600 volts (other than 230 or 460 volts).”.

(b) Standards.—Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C.

6313(13)) is amended by striking paragraph (1) and inserting the following:

"(1) STANDARDS.—

"(A) GENERAL PURPOSE ELECTRIC MOTORS—SUBTYPE I.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, a general purpose electric motor—subtype I with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12–12 of National Electrical Manufacturers Association (referred to in this paragraph as 'NEMA') MG–1 (2006).

"(ii) FIRE PUMP MOTORS.—A fire pump motor shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).

"(B) GENERAL PURPOSE ELECTRIC MOTORS—SUBTYPE II.—A general purpose electric motor—subtype II with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).

"(C) DESIGN B, GENERAL PURPOSE ELECTRIC MOTORS.—A NEMA Design B, general purpose electric motor with a power rating of not less than 201, and not more than 500, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of the enactment of this subparagraph shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 230. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321(6)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(A)) is amended by striking "or, in the case of" and inserting "and, in the case of residential clothes washers, residential dishwashers,".

(b) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.—Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by adding at the end the following:

"(4) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS MANUFACTURED ON OR AFTER JANUARY 1, 2014.—Not later than December 31, 2010, the Secretary shall publish a final rule determining whether to amend the standards in effect for refrigerators, refrigerator-freezers, and freezers manufactured on or after January 1, 2014, and including any amended standards.".

(c) RESIDENTIAL CLOTHES WASHERS AND DISHWASHERS.—Section 325(g)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(4)) is amended by adding at the end the following:

"(D) CLOTHES WASHERS.—

"(i) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—A residential clothes washer manufactured on or after January 1, 2011, shall have—

"(I) a modified energy factor of at least 1.26; and

"(II) a water factor of not more than 9.5.

"(ii) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2012.—Not later than January 1, 2012, the Secretary shall publish a final rule determining whether to amend the standards in effect for residential clothes washers manufactured on or after January 1, 2012, and including any amended standards.

"(E) DISHWASHERS.—

"(i) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—A dishwasher manufactured on or after January 1, 2010, shall use not more than—

"(I) in the case of a standard-size dishwasher, 355 kWh per year or 6.5 gallons of water per cycle; and

"(II) in the case of a compact-size dishwasher, 260 kWh per year or 4.5 gallons of water per cycle.

"(ii) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—Not later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards for dishwashers manufactured on or after January 1, 2018, and including any amended standards.".

(d) DEHUMIDIFIERS.—Section 325(cc) of the Energy Policy and Conservation Act (42 U.S.C. 6295(cc)) is amended—

(1) in paragraph (1), by inserting "and before October 1, 2012," after "2007,"; and

(2) by striking paragraph (2) and inserting the following:

"(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:"

Product Capacity (pints/day):	Minimum Energy Factor liters/kWh
Up to 35.00	1.35
35.01–45.00	1.50
45.01–54.00	1.60
54.01–75.00	1.70
Greater than 75.00	2.5."

(e) ENERGY STAR PROGRAM.—Section 324A(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(d)(2)) is amended by striking "2010" and inserting "2009".

SEC. 231. IMPROVED ENERGY EFFICIENCY FOR APPLIANCES AND BUILDINGS IN COLD CLIMATES.

(a) RESEARCH.—Section 911(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in cold climates, including combined heat and power units and increased use of renewable resources, including fuel.".

(b) REBATES.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended—

(1) in subsection (b)(1), by inserting ", or products with improved energy efficiency in cold climates," after "residential Energy Star products"; and

(2) in subsection (e), by inserting "or product with improved energy efficiency in a cold climate" after "residential Energy Star product" each place it appears.

SEC. 232. DEPLOYMENT OF NEW TECHNOLOGIES FOR HIGH-EFFICIENCY CONSUMER PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) ENERGY SAVINGS.—The term "energy savings" means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under the energy efficiency standard applicable to the product.

(2) HIGH-EFFICIENCY CONSUMER PRODUCT.—The term "high-efficiency consumer product" means a product that exceeds the energy efficiency of comparable products available in the market by a percentage determined by the Secretary to be an appropriate benchmark for the consumer product category competing for an award under this section.

(b) FINANCIAL INCENTIVES PROGRAM.—Effective beginning October 1, 2007, the Secretary shall competitively award financial incentives under this section for the manufacture of high-efficiency consumer products.

(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall make awards under this section to manufacturers of high-efficiency consumer products, based on the bid of each manufacturer in terms of dollars per megawatt-hour or million British thermal units saved.

(2) ACCEPTANCE OF BIDS.—In making awards under this section, the Secretary shall—

(A) solicit bids for reverse auction from appropriate manufacturers, as determined by the Secretary; and

(B) award financial incentives to the manufacturers that submit the lowest bids that meet the requirements established by the Secretary.

(d) FORMS OF AWARDS.—An award for a high-efficiency consumer product under this section shall be in the form of a lump sum payment in an amount equal to the product obtained by multiplying—

(1) the amount of the bid by the manufacturer of the high-efficiency consumer product; and

(2) the energy savings during the projected useful life of the high-efficiency consumer product, not to exceed 10 years, as determined under regulations issued by the Secretary.

SEC. 233. INDUSTRIAL EFFICIENCY PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term eligible entity means—

(A) an institution of higher education under contract or in partnership with a nonprofit or for-profit private entity acting on behalf of an industrial or commercial sector or subsector;

(B) a nonprofit or for-profit private entity acting on behalf on an industrial or commercial sector or subsector; or

(C) a consortia of entities acting on behalf of an industrial or commercial sector or subsector.

(2) ENERGY-INTENSIVE COMMERCIAL APPLICATIONS.—The term "energy-intensive commercial applications" means processes and facilities that use significant quantities of energy as part of the primary economic activities of the processes and facilities, including—

(A) information technology data centers;

(B) product manufacturing; and

(C) food processing.

(3) FEEDSTOCK.—The term "feedstock" means the raw material supplied for use in manufacturing, chemical, and biological processes.

(4) MATERIALS MANUFACTURERS.—The term "materials manufacturers" means the energy-intensive primary manufacturing industries, including the aluminum, chemicals, forest and paper products, glass, metal casting, and steel industries.

(5) PARTNERSHIP.—The term "partnership" means an energy efficiency and utilization partnership established under subsection (c)(1)(A).

(6) PROGRAM.—The term "program" means the industrial efficiency program established under subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary, in cooperation with materials manufacturers, companies engaged in energy-intensive commercial applications, and national industry trade associations representing the manufactures and companies, shall support, develop, and promote the use of new materials manufacturing and industrial and commercial processes, technologies, and techniques to optimize energy efficiency and the economic competitiveness of the United States.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—As part of the program, the Secretary shall—

(A) establish energy efficiency and utilization partnerships between the Secretary and eligible entities to conduct research on, develop, and demonstrate new processes, technologies, and operating practices and techniques to significantly improve energy efficiency and utilization by materials manufacturers and in energy-intensive commercial applications, including the conduct of activities to—

(i) increase the energy efficiency of industrial and commercial processes and facilities in energy-intensive commercial application sectors;

(ii) research, develop, and demonstrate advanced technologies capable of energy intensity reductions and increased environmental performance in energy-intensive commercial application sectors; and

(iii) promote the use of the processes, technologies, and techniques described in clauses (i) and (ii); and

(B) pay the Federal share of the cost of any eligible partnership activities for which a proposal has been submitted and approved in accordance with paragraph (3)(B).

(2) ELIGIBLE ACTIVITIES.—Partnership activities eligible for financial assistance under this subsection include—

(A) feedstock and recycling research, development, and demonstration activities to identify and promote—

(i) opportunities for meeting manufacturing feedstock requirements with more energy efficient and flexible sources of feedstock or energy supply;

(ii) strategies to develop and deploy technologies that improve the quality and quantity of feedstocks recovered from process and waste streams; and

(iii) other methods using recycling, reuse, and improved industrial materials;

(B) industrial and commercial energy efficiency and sustainability assessments to—

(i) assist individual industrial and commercial sectors in developing tools, techniques, and methodologies to assess—

(I) the unique processes and facilities of the sectors;

(II) the energy utilization requirements of the sectors; and

(III) the application of new, more energy efficient technologies; and

(ii) conduct energy savings assessments;

(C) the incorporation of technologies and innovations that would significantly improve the energy efficiency and utilization of energy-intensive commercial applications; and

(D) any other activities that the Secretary determines to be appropriate.

(3) PROPOSALS.—

(A) IN GENERAL.—To be eligible for financial assistance under this subsection, a partnership shall submit to the Secretary a proposal that describes the proposed research, development, or demonstration activity to be conducted by the partnership.

(B) REVIEW.—After reviewing the scientific, technical, and commercial merit of a proposals submitted under subparagraph (A), the Secretary shall approve or disapprove the proposal.

(C) COMPETITIVE AWARDS.—The provision of financial assistance under this subsection shall be on a competitive basis.

(4) COST-SHARING REQUIREMENT.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $184,000,000 for fiscal year 2008;

(B) $190,000,000 for fiscal year 2009;

(C) $196,000,000 for fiscal year 2010;

(D) $202,000,000 for fiscal year 2011;

(E) $208,000,000 for fiscal year 2012; and

(F) such sums as are necessary for fiscal year 2013 and each fiscal year thereafter.

(2) PARTNERSHIP ACTIVITIES.—Of the amounts made available under paragraph (1), not less than 50 percent shall be used to pay the Federal share of partnership activities under subsection (c).

Subtitle C—Promoting High Efficiency Vehicles, Advanced Batteries, and Energy Storage

SEC. 241. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a research and development program to determine ways in which—

(1) the weight of vehicles may be reduced to improve fuel efficiency without compromising passenger safety; and

(2) the cost of lightweight materials (such as steel alloys, fiberglass, and carbon composites) required for the construction of lighter-weight vehicles may be reduced.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2007 through 2012.

SEC. 242. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE PARTS MANUFACTURERS.

(a) IN GENERAL.—Section 712(a) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)) is amended in the second sentence by striking "grants to automobile manufacturers" and inserting "grants and loan guarantees under section 1703 to automobile manufacturers and suppliers".

(b) CONFORMING AMENDMENT.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by striking paragraph (8) and inserting the following:

"(8) Production facilities for the manufacture of fuel efficient vehicles or parts of those vehicles, including electric drive transportation technology and advanced diesel vehicles.".

SEC. 243. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADJUSTED AVERAGE FUEL ECONOMY.—The term "adjusted average fuel economy" means the average fuel economy of a manufacturer for all light duty vehicles produced by the manufacturer, adjusted such that the fuel economy of each vehicle that qualifies for an award shall be considered to be equal to the average fuel economy for vehicles of a similar footprint for model year 2005.

(2) ADVANCED TECHNOLOGY VEHICLE.—The term "advanced technology vehicle" means a light duty vehicle that meets—

(A) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(C) at least 125 percent of the average base year combined fuel economy, calculated on an energy-equivalent basis, for vehicles of a substantially similar footprint.

(3) COMBINED FUEL ECONOMY.—The term "combined fuel economy" means—

(A) the combined city/highway miles per gallon values, as reported in accordance with section 32908 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an off-board source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers recommended practice for that configuration or a similar practice recommended by the Secretary, using a petroleum equivalence factor for the off-board electricity (as defined in section 474 of title 10, Code of Federal Regulations).

(4) ENGINEERING INTEGRATION COSTS.—The term "engineering integration costs" includes the cost of engineering tasks relating to—

(A) incorporating qualifying components into the design of advanced technology vehicles; and

(B) designing new tooling and equipment for production facilities that produce qualifying components or advanced technology vehicles.

(5) QUALIFYING COMPONENTS.—The term "qualifying components" means components that the Secretary determines to be—

(A) specially designed for advanced technology vehicles; and

(B) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(b) ADVANCED VEHICLES MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(1) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

(2) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2017; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2017.

(d) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award under this section during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not less than the average fuel economy for all light duty vehicles of the manufacturer for model year 2005.

SEC. 244. ENERGY STORAGE COMPETITIVENESS.

(a) Short Title.—This section may be cited as the "United States Energy Storage Competitiveness Act of 2007".

(b) Energy Storage Systems for Motor Transportation and Electricity Transmission and Distribution.—

(1) Definitions.—In this subsection:

(A) Council.—The term "Council" means the Energy Storage Advisory Council established under paragraph (3).

(B) Compressed air energy storage.—The term "compressed air energy storage" means, in the case of an electricity grid application, the storage of energy through the compression of air.

(C) Department.—The term "Department" means the Department of Energy.

(D) Flywheel.—The term "flywheel" means, in the case of an electricity grid application, a device used to store rotational kinetic energy.

(E) Ultracapacitor.—The term "ultracapacitor" means an energy storage device that has a power density comparable to conventional capacitors but capable of exceeding the energy density of conventional capacitors by several orders of magnitude.

(2) Program.—The Secretary shall carry out a research, development, and demonstration program to support the ability of the United States to remain globally competitive in energy storage systems for motor transportation and electricity transmission and distribution.

(3) Energy storage advisory council.—

(A) Establishment.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an Energy Storage Advisory Council.

(B) Composition.—

(i) In general.—Subject to clause (ii), the Council shall consist of not less than 15 individuals appointed by the Secretary, based on recommendations of the National Academy of Sciences.

(ii) Energy storage industry.—The Council shall consist primarily of representatives of the energy storage industry of the United States.

(iii) Chairperson.—The Secretary shall select a Chairperson for the Council from among the members appointed under clause (i)

(C) Meetings.—

(i) In general.—The Council shall meet not less than once a year.

(ii) Federal advisory committee act.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to a meeting of the Council.

(D) Plans.—No later than 1 year after the date of enactment of this Act, in conjunction with the Secretary, the Council shall develop 5-year plans for integrating basic and applied research so that the United States retains a globally competitive domestic energy storage industry for motor transportation and electricity transmission and distribution.

(E) Review.—The Council shall—

(i) assess the performance of the Department in meeting the goals of the plans developed under subparagraph (D); and

(ii) make specific recommendations to the Secretary on programs or activities that should be established or terminated to meet those goals.

(4) Basic research program.—

(A) Basic research.—The Secretary shall conduct a basic research program on energy storage systems to support motor transportation and electricity transmission and distribution, including—

(i) materials design;

(ii) materials synthesis and characterization;

(iii) electrolytes, including bioelectrolytes;

(iv) surface and interface dynamics; and

(v) modeling and simulation.

(B) Nanoscience centers.—The Secretary shall ensure that the nanoscience centers of the Department—

(i) support research in the areas described in subparagraph (A), as part of the mission of the centers; and

(ii) coordinate activities of the centers with activities of the Council.

(5) Applied research program.—The Secretary shall conduct an applied research program on energy storage systems to support motor transportation and electricity transmission and distribution technologies, including—

(A) ultracapacitors;

(B) flywheels;

(C) batteries;

(D) compressed air energy systems;

(E) power conditioning electronics; and

(F) manufacturing technologies for energy storage systems.

(6) Energy storage research centers.—

(A) In general.—The Secretary shall establish, through competitive bids, 4 energy storage research centers to translate basic research into applied technologies to advance the capability of the United States to maintain a globally competitive posture in energy storage systems for motor transportation and electricity transmission and distribution.

(B) Program management.—The centers shall be jointly managed by the Under Secretary for Science and the Under Secretary of Energy of the Department.

(C) Participation agreements.—As a condition of participating in a center, a participant shall enter into a participation agreement with the center that requires that activities conducted by the participant for the center promote the goal of enabling the United States to compete successfully in global energy storage markets.

(D) Plans.—A center shall conduct activities that promote the achievement of the goals of the plans of the Council under paragraph (3)(D).

(E) Cost sharing.—In carrying out this paragraph, the Secretary shall require cost-sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(F) National laboratories.—A national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) may participate in a center established under this paragraph, including a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

(G) Intellectual property.—A participant shall be provided appropriate intellectual property rights commensurate with the nature of the participation agreement of the participant.

(7) Review by national academy of sciences.—Not later than 5 years after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences to assess the performance of the Department in making the United States globally competitive in energy storage systems for motor transportation and electricity transmission and distribution.

(8) Authorization of appropriations.—There are authorized to be appropriated to carry out—

(A) the basic research program under paragraph (4) $50,000,000 for each of fiscal years 2008 through 2017;

(B) the applied research program under paragraph (5) $80,000,000 for each of fiscal years 2008 through 2017; and;

(C) the energy storage research center program under paragraph (6) $100,000,000 for each of fiscal years 2008 through 2017.

SEC. 245. ADVANCED TRANSPORTATION TECHNOLOGY PROGRAM.

(a) Electric Drive Vehicle Demonstration Program.—

(1) Definition of electric drive vehicle.—In this subsection, the term "electric drive vehicle" means a precommercial vehicle that—

(A) draws motive power from a battery with at least 4 kilowatt-hours of electricity;

(B) can be recharged from an external source of electricity for motive power; and

(C) is a light-, medium-, or heavy-duty onroad or nonroad vehicle.

(2) Program.—The Secretary shall establish a competitive program to provide grants for demonstrations of electric drive vehicles.

(3) Eligibility.—A State government, local government, metropolitan transportation authority, air pollution control district, private entity, and nonprofit entity shall be eligible to receive a grant under this subsection.

(4) Priority.—In making grants under this subsection, the Secretary shall give priority to proposals that—

(A) are likely to contribute to the commercialization and production of electric drive vehicles in the United States; and

(B) reduce petroleum usage.

(5) Scope of demonstrations.—The Secretary shall ensure, to the extent practicable, that the program established under this subsection includes a variety of applications, manufacturers, and end-uses.

(6) Reporting.—The Secretary shall require a grant recipient under this subsection to submit to the Secretary, on an annual basis, data relating to vehicle, performance, life cycle costs, and emissions of vehicles demonstrated under the grant, including emissions of greenhouse gases.

(7) Cost sharing.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(8) Authorizations of appropriations.—There are authorized to be appropriated to carry out this subsection $60,000,000 for each of fiscal years 2008 through 2012, of which not less than $20,000,000 shall be available each fiscal year only to make grants local and municipal governments.

(b) Near-Term Oil Saving Transportation Deployment Program.—

(1) Definition of qualified transportation project.—In this subsection, the term "qualified transportation project" means—

(A) a project that simultaneously reduces emissions of criteria pollutants, greenhouse gas emissions, and petroleum usage by at least 40 percent as compared to commercially available, petroleum-based technologies used in nonroad vehicles; and

(B) an electrification project involving onroad commercial trucks, rail transportation, or ships, and any associated infrastructure (including any panel upgrades, battery chargers, trenching, and alternative fuel infrastructure).

(2) PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall establish a program to provide grants to eligible entities for the conduct of qualified transportation projects.

(3) PRIORITY.—In providing grants under this subsection, the Secretary shall give priority to large-scale projects and large-scale aggregators of projects.

(4) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry this subsection $90,000,000 for each of fiscal years 2008 through 2013.

Subtitle D—Setting Energy Efficiency Goals

SEC. 251. NATIONAL GOALS FOR ENERGY SAVINGS IN TRANSPORTATION.

(a) GOALS.—The goals of the United States are to reduce gasoline usage in the United States from the levels projected under subsection (b) by—

(1) 20 percent by calendar year 2017;

(2) 35 percent by calendar year 2025; and

(3) 45 percent by calendar year 2030.

(b) MEASUREMENT.—For purposes of subsection (a), reduction in gasoline usage shall be measured from the estimates for each year in subsection (a) contained in the reference case in the report of the Energy Information Administration entitled "Annual Energy Outlook 2007".

(c) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for reduction in gasoline usage established under subsection (a).

(2) PUBLIC INPUT AND COMMENT.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public comment.

(d) PLAN CONTENTS.—The strategic plan shall—

(1) establish future regulatory, funding, and policy priorities to ensure compliance with the national goals;

(2) include energy savings estimates for each sector; and

(3) include data collection methodologies and compilations used to establish baseline and energy savings data.

(e) PLAN UPDATES.—

(1) IN GENERAL.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) CONTENTS.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) to the maximum extent practicable, verify energy savings resulting from the policies.

(f) REPORT TO CONGRESS AND PUBLIC.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (c) and each updated plan.

SEC. 252. NATIONAL ENERGY EFFICIENCY IMPROVEMENT GOALS.

(a) GOALS.—The goals of the United States are—

(1) to achieve an improvement in the overall energy productivity of the United States (measured in gross domestic product per unit of energy input) of at least 2.5 percent per year by the year 2012; and

(2) to maintain that annual rate of improvement each year through 2030.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for improvement in energy productivity established under subsection (a).

(2) PUBLIC INPUT AND COMMENT.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public input and comment.

(c) PLAN CONTENTS.—The strategic plan shall—

(1) establish future regulatory, funding, and policy priorities to ensure compliance with the national goals;

(2) include energy savings estimates for each sector; and

(3) include data collection methodologies and compilations used to establish baseline and energy savings data.

(d) PLAN UPDATES.—

(1) IN GENERAL.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) CONTENTS.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) verify, to the maximum extent practicable, energy savings resulting from the policies.

(e) REPORT TO CONGRESS AND PUBLIC.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (b) and each updated plan.

SEC. 253. NATIONAL MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the "Secretary"), shall develop and conduct a national media campaign—

(1) to increase energy efficiency throughout the economy of the United States over the next decade;

(2) to promote the national security benefits associated with increased energy efficiency; and

(3) to decrease oil consumption in the United States over the next decade.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for the following:

(A) ADVERTISING COSTS.—

(i) The purchase of media time and space.

(ii) Creative and talent costs.

(iii) Testing and evaluation of advertising.

(iv) Evaluation of the effectiveness of the media campaign.

(B) ADMINISTRATIVE COSTS.—Operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of energy consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration whether the media campaign contributed to reduction of energy consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

(2) DECREASED OIL CONSUMPTION.—The Secretary shall use not less than 50 percent of the amount that is made available under this section for each fiscal year to develop and conduct a national media campaign to decrease oil consumption in the United States over the next decade.

SEC. 254. MODERNIZATION OF ELECTRICITY GRID SYSTEM.

(a) STATEMENT OF POLICY.—It is the policy of the United States that developing and deploying advanced technology to modernize and increase the efficiency of the electricity grid system of the United States is essential to maintain a reliable and secure electricity transmission and distribution infrastructure that can meet future demand growth.

(b) PROGRAMS.—The Secretary, the Federal Energy Regulatory Commission, and other Federal agencies, as appropriate, shall carry out programs to support the use, development, and demonstration of advanced transmission and distribution technologies, including real-time monitoring and analytical software—

(1) to maximize the capacity and efficiency of electricity networks;

(2) to enhance grid reliability;

(3) to reduce line losses;

(4) to facilitate the transition to real-time electricity pricing;

(5) to allow grid incorporation of more onsite renewable energy generators;

(6) to enable electricity to displace a portion of the petroleum used to power the national transportation system of the United States; and

(7) to enable broad deployment of distributed generation and demand side management technology.

Subtitle E—Promoting Federal Leadership in Energy Efficiency and Renewable Energy

SEC. 261. FEDERAL FLEET CONSERVATION REQUIREMENTS.

(a) Federal Fleet Conservation Requirements.—

(1) In general.—Part J of title III of the Energy Policy and Conservation Act (42 U.S.C. 6374 et seq.) is amended by adding at the end the following:

"SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

"(a) Mandatory Reduction in Petroleum Consumption.—

"(1) In general.—The Secretary shall issue regulations (including provisions for waivers from the requirements of this section) for Federal fleets subject to section 400AA requiring that not later than October 1, 2015, each Federal agency achieve at least a 20 percent reduction in petroleum consumption, and that each Federal agency increase alternative fuel consumption by 10 percent annually, as calculated from the baseline established by the Secretary for fiscal year 2005.

"(2) Plan.—

"(A) Requirement.—The regulations shall require each Federal agency to develop a plan to meet the required petroleum reduction levels and the alternative fuel consumption increases.

"(B) Measures.—The plan may allow an agency to meet the required petroleum reduction level through—

"(i) the use of alternative fuels;

"(ii) the acquisition of vehicles with higher fuel economy, including hybrid vehicles, neighborhood electric vehicles, electric vehicles, and plug-in hybrid vehicles if the vehicles are commercially available;

"(iii) the substitution of cars for light trucks;

"(iv) an increase in vehicle load factors;

"(v) a decrease in vehicle miles traveled;

"(vi) a decrease in fleet size; and

"(vii) other measures.

"(b) Federal Employee Incentive Programs for Reducing Petroleum Consumption.—

"(1) In general.—Each Federal agency shall actively promote incentive programs that encourage Federal employees and contractors to reduce petroleum usage through the use of practices such as—

"(A) telecommuting;

"(B) public transit;

"(C) carpooling; and

"(D) bicycling.

"(2) Monitoring and support for incentive programs.—The Administrator of General Services, the Director of the Office of Personnel Management, and the Secretary of Energy shall monitor and provide appropriate support to agency programs described in paragraph (1).

"(3) Recognition.—The Secretary may establish a program under which the Secretary recognizes private sector employers and State and local governments for outstanding programs to reduce petroleum usage through practices described in paragraph (1).

"(c) Replacement Tires.—

"(1) In general.—Except as provided in paragraph (2), the regulations issued under subsection (a)(1) shall include a requirement that, to the maximum extent practicable, each Federal agency purchase energy-efficient replacement tires for the respective fleet vehicles of the agency.

"(2) Exceptions.—This section does not apply to—

"(A) law enforcement motor vehicles;

"(B) emergency motor vehicles; or

"(C) motor vehicles acquired and used for military purposes that the Secretary of Defense has certified to the Secretary must be exempt for national security reasons.

"(d) Annual Reports on Compliance.—The Secretary shall submit to Congress an annual report that summarizes actions taken by Federal agencies to comply with this section.".

(2) Table of contents amendment.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part J of title III the following:

"Sec. 400FF. Federal fleet conservation requirements.".

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out the amendment made by this section $10,000,000 for the period of fiscal years 2008 through 2013.

SEC. 262. FEDERAL REQUIREMENT TO PURCHASE ELECTRICITY GENERATED BY RENEWABLE ENERGY.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Requirement.—

"(1) In general.—The President, acting through the Secretary, shall require that, to the extent economically feasible and technically practicable, of the total quantity of domestic electric energy the Federal Government consumes during any fiscal year, the following percentages shall be renewable energy from facilities placed in service after January 1, 1999:

"(A) Not less than 10 percent in fiscal year 2010.

"(B) Not less than 15 percent in fiscal year 2015.

"(2) Capitol complex.—The Architect of the Capitol, in consultation with the Secretary, shall ensure that, of the total quantity of electric energy the Capitol complex consumes during any fiscal year, the percentages prescribed in paragraph (1) shall be renewable energy.

"(3) Waiver authority.—The President may reduce or waive the requirement under paragraph (1) on a fiscal-year basis if the President determines that complying with paragraph (1) for a fiscal year would result in—

"(A) a negative impact on military training or readiness activities conducted by the Department of Defense;

"(B) a negative impact on domestic preparedness activities conducted by the Department of Homeland Security; or

"(C) a requirement that a Federal agency provide emergency response services in the event of a natural disaster or terrorist attack."; and

(2) by adding at the end the following:

"(e) Contracts for Renewable Energy From Public Utility Services.—Notwithstanding section 501(b)(1)(B) of title 40, United States Code, a contract for renewable energy from a public utility service may be made for a period of not more than 50 years.".

SEC. 263. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) Retention of Savings.—Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

(b) Sunset and Reporting Requirements.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking subsection (c).

(c) Definition of Energy Savings.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) by striking "means a reduction" and inserting "means—

"(A) a reduction";

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(B) the increased efficient use of an existing energy source by cogeneration or heat recovery, and installation of renewable energy systems;

"(C) if otherwise authorized by Federal or State law (including regulations), the sale or transfer of electrical or thermal energy generated on-site from renewable energy sources or cogeneration, but in excess of Federal needs, to utilities or non-Federal energy users; and

"(D) the increased efficient use of existing water sources in interior or exterior applications.".

(d) Notification.—

(1) Authority to enter into contracts.—Section 801(a)(2)(D) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)) is amended—

(A) in clause (ii), by inserting "and" after the semicolon at the end;

(B) by striking clause (iii); and

(C) by redesignating clause (iv) as clause (iii).

(2) Reports.—Section 548(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)(2)) is amended by inserting "and any termination penalty exposure" after "the energy and cost savings that have resulted from such contracts".

(3) Conforming amendment.—Section 2913 of title 10, United States Code, is amended by striking subsection (e).

(e) Energy and Cost Savings in Nonbuilding Applications.—

(1) Definitions.—In this subsection:

(A) Nonbuilding application.—The term "nonbuilding application" means—

(i) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(I) that transportation; or

(II) maintaining a controlled environment within the vehicle, device, or equipment; and

(ii) any federally-owned equipment used to generate electricity or transport water.

(B) Secondary savings.—

(i) In general.—The term "secondary savings" means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(ii) Inclusions.—The term "secondary savings" includes—

(I) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(II) personnel cost savings and environmental benefits; and

(III) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(2) STUDY.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the potential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(B) REQUIREMENTS.—The study under this subsection shall include—

(i) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(ii) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to such use; and

(iii) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

SEC. 264. ENERGY MANAGEMENT REQUIREMENTS FOR FEDERAL BUILDINGS.

Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking the table and inserting the following:

“Fiscal Year	Percentage reduction
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30.”.

SEC. 265. COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

“(f) COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Secretary, in consultation with the Administrator of General Services and the Secretary of Defense, shall identify Federal sites that could achieve significant cost-effective energy savings through the use of combined heat and power or district energy installations.

“(2) INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary shall provide agencies with information and technical assistance that will enable the agencies to take advantage of the energy savings described in paragraph (1).

“(3) ENERGY PERFORMANCE REQUIREMENTS.—Any energy savings from the installations described in paragraph (1) may be applied to meet the energy performance requirements for an agency under subsection (a)(1).”.

SEC. 266. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) is amended—

(1) in the matter preceding clause (i), by striking “this paragraph” and by inserting “the Energy Efficiency Promotion Act of 2007”; and

(2) in clause (i)—

(A) in subclause (I), by striking “and” at the end;

(B) by redesignating subclause (II) as subclause (III); and

(C) by inserting after subclause (I) the following:

“(II) the buildings be designed, to the extent economically feasible and technically practicable, so that the fossil fuel-generated energy consumption of the buildings is reduced, as compared with the fossil fuel-generated energy consumption by a similar Federal building in fiscal year 2003 (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency), by the percentage specified in the following table:

Fiscal Year	Percentage Reduction
2007	50
2010	60
2015	70
2020	80
2025	90
2030	100;

and”.

SEC. 267. APPLICATION OF INTERNATIONAL ENERGY CONSERVATION CODE TO PUBLIC AND ASSISTED HOUSING.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)(1)(C), by striking “, where such standards are determined to be cost effective by the Secretary of Housing and Urban Development”;

(2) in subsection (a)(2)—

(A) by striking “the Council of American Building Officials Model Energy Code, 1992” and inserting “2006 International Energy Conservation Code”; and

(B) by striking “, and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code”;

(3) in subsection (b)—

(A) in the heading, by striking “MODEL ENERGY CODE.—” and inserting “INTERNATIONAL ENERGY CONSERVATION CODE.—”;

(B) after “all new construction” in the first sentence insert “and rehabilitation”; and

(C) by striking “, and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code”;

(4) in subsection (c)—

(A) in the heading, by striking “MODEL ENERGY CODE AND”; and

(B) by striking “, or, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code”;

(5) by adding at the end the following:

“(d) FAILURE TO AMEND THE STANDARDS.—If the Secretaries have not, within 1 year after the requirements of the 2006 IECC or the ASHRAE Standard 90.1-2004 are revised, amended the standards or made a determination under subsection (c) of this section, and if the Secretary of Energy has made a determination under section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) that the revised code or standard would improve energy efficiency, all new construction and rehabilitation of housing specified in subsection (a) shall meet the requirements of the revised code or standard.”;

(6) by striking “CABO Model Energy Code, 1992” each place it appears and inserting “the 2006 IECC”; and

(7) by striking “1989” each place it appears and inserting “2004”.

SEC. 268. ENERGY EFFICIENT COMMERCIAL BUILDINGS INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term “consortium” means a working group that is comprised of—

(A) individuals representing—

(i) 1 or more businesses engaged in—

(I) commercial building development;

(II) construction; or

(III) real estate;

(ii) financial institutions;

(iii) academic or research institutions;

(iv) State or utility energy efficiency programs;

(v) nongovernmental energy efficiency organizations; and

(vi) the Federal Government;

(B) 1 or more building designers; and

(C) 1 or more individuals who own or operate 1 or more buildings.

(2) ENERGY EFFICIENT COMMERCIAL BUILDING.—The term “energy efficient commercial building” means a commercial building that is designed, constructed, and operated—

(A) to require a greatly reduced quantity of energy;

(B) to meet, on an annual basis, the balance of energy needs of the commercial building from renewable sources of energy; and

(C) to be economically viable.

(3) INITIATIVE.—The term “initiative” means the Energy Efficient Commercial Buildings Initiative.

(b) INITIATIVE.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the consortium to develop and carry out the initiative—

(A) to reduce the quantity of energy consumed by commercial buildings located in the United States; and

(B) to achieve the development of energy efficient commercial buildings in the United States.

(2) GOAL OF INITIATIVE.—The goal of the initiative shall be to develop technologies and practices and implement policies that lead to energy efficient commercial buildings for—

(A) any commercial building newly constructed in the United States by 2030;

(B) 50 percent of the commercial building stock of the United States by 2040; and

(C) all commercial buildings in the United States by 2050.

(3) COMPONENTS.—In carrying out the initiative, the Secretary, in collaboration with the consortium, may—

(A) conduct research and development on building design, materials, equipment and controls, operation and other practices, integration, energy use measurement and benchmarking, and policies;

(B) conduct demonstration projects to evaluate replicable approaches to achieving energy efficient commercial buildings for a variety of building types in a variety of climate zones;

(C) conduct deployment activities to disseminate information on, and encourage widespread adoption of, technologies, practices, and policies to achieve energy efficient commercial buildings; and

(D) conduct any other activity necessary to achieve any goal of the initiative, as determined by the Secretary, in collaboration with the consortium.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) ADDITIONAL FUNDING.—In addition to amounts authorized to be appropriated under paragraph (1), the Secretary may allocate funds from other appropriations to the initiative without changing the purpose for which the funds are appropriated.

Subtitle F—Assisting State and Local Governments in Energy Efficiency

SEC. 271. WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking "$700,000,000 for fiscal year 2008" and inserting "$750,000,000 for each of fiscal years 2008 through 2012".

SEC. 272. STATE ENERGY CONSERVATION PLANS.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "fiscal year 2008" and inserting "each of fiscal years 2008 through 2012".

SEC. 273. UTILITY ENERGY EFFICIENCY PROGRAMS.

(a) ELECTRIC UTILITIES.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(16) INTEGRATED RESOURCE PLANNING.—Each electric utility shall—

"(A) integrate energy efficiency resources into utility, State, and regional plans; and

"(B) adopt policies establishing cost-effective energy efficiency as a priority resource.

"(17) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

"(A) IN GENERAL.—The rates allowed to be charged by any electric utility shall—

"(i) align utility incentives with the delivery of cost-effective energy efficiency; and

"(ii) promote energy efficiency investments.

"(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

"(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;

"(ii) providing utility incentives for the successful management of energy efficiency programs;

"(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives;

"(iv) adopting rate designs that encourage energy efficiency for each customer class; and

"(v) allowing timely recovery of energy efficiency-related costs.".

(b) NATURAL GAS UTILITIES.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 3203(b)) is amended by adding at the end the following:

"(5) ENERGY EFFICIENCY.—Each natural gas utility shall—

"(A) integrate energy efficiency resources into the plans and planning processes of the natural gas utility; and

"(B) adopt policies that establish energy efficiency as a priority resource in the plans and planning processes of the natural gas utility.

"(6) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

"(A) IN GENERAL.—The rates allowed to be charged by a natural gas utility shall align utility incentives with the deployment of cost-effective energy efficiency.

"(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

"(i) separating fixed-cost revenue recovery from the volume of transportation or sales service provided to the customer;

"(ii) providing to utilities incentives for the successful management of energy efficiency programs, such as allowing utilities to retain a portion of the cost-reducing benefits accruing from the programs;

"(iii) promoting the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives; and

"(iv) adopting rate designs that encourage energy efficiency for each customer class.".

SEC. 274. ENERGY EFFICIENCY AND DEMAND RESPONSE PROGRAM ASSISTANCE.

The Secretary shall provide technical assistance regarding the design and implementation of the energy efficiency and demand response programs established under this title, and the amendments made by this title, to State energy offices, public utility regulatory commissions, and nonregulated utilities through the appropriate national laboratories of the Department of Energy.

SEC. 275. ENERGY AND ENVIRONMENTAL BLOCK GRANT.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following:

"SEC. 123. ENERGY AND ENVIRONMENTAL BLOCK GRANT.

"(a) DEFINITIONS.—In this section

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State;

"(B) an eligible unit of local government within a State; and

"(C) an Indian tribe.

"(2) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term 'eligible unit of local government' means—

"(A) a city with a population—

"(i) of at least 35,000; or

"(ii) that causes the city to be 1 of the top 10 most populous cities of the State in which the city is located; and

"(B) a county with a population—

"(i) of at least 200,000; or

"(ii) that causes the county to be 1 of the top 10 most populous counties of the State in which the county is located.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

"(4) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico; and

"(D) any other territory or possession of the United States.

"(b) PURPOSE.—The purpose of this section is to assist State and local governments in implementing strategies—

"(1) to reduce fossil fuel emissions created as a result of activities within the boundaries of the States or units of local government;

"(2) to reduce the total energy use of the States and units of local government; and

"(3) to improve energy efficiency in the transportation sector, building sector, and any other appropriate sectors.

"(c) PROGRAM.—

"(1) IN GENERAL.—The Secretary shall provide to eligible entities block grants to carry out eligible activities (as specified under paragraph (2)) relating to the implementation of environmentally beneficial energy strategies.

"(2) ELIGIBLE ACTIVITIES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Secretary of Housing and Urban Development, shall establish a list of activities that are eligible for assistance under the grant program.

"(3) ALLOCATION TO STATES AND ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

"(A) IN GENERAL.—Of the amounts made available to provide grants under this subsection, the Secretary shall allocate—

"(i) 70 percent to eligible units of local government; and

"(ii) 30 percent to States.

"(B) DISTRIBUTION TO ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

"(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(i) to eligible units of local government, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible units of local government.

"(ii) CRITERIA.—Amounts shall be distributed to eligible units of local government under clause (i) only if the eligible units of local government meet the criteria for distribution established by the Secretary for units of local government.

"(C) DISTRIBUTION TO STATES.—

"(i) IN GENERAL.—Of the amounts provided to States under subparagraph (A)(ii), the Secretary shall distribute—

"(I) at least 1.25 percent to each State; and

"(II) the remainder among the States, based on a formula, to be determined by the Secretary, that takes into account the population of the States and any other criteria that the Secretary determines to be appropriate.

"(ii) CRITERIA.—Amounts shall be distributed to States under clause (i) only if the States meet the criteria for distribution established by the Secretary for States.

"(iii) LIMITATION ON USE OF STATE FUNDS.—At least 40 percent of the amounts distributed to States under this subparagraph shall be used by the States for the conduct of eligible activities in nonentitlement areas in the States, in accordance with any criteria established by the Secretary.

"(4) REPORT.—Not later than 2 years after the date on which an eligible entity first receives a grant under this section, and every 2 years thereafter, the eligible entity shall submit to the Secretary a report that describes any eligible activities carried out using assistance provided under this subsection.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

"(d) ENVIRONMENTALLY BENEFICIAL ENERGY STRATEGIES SUPPLEMENTAL GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall provide to each eligible entity that meets the applicable criteria under subparagraph (B)(ii) or (C)(ii) of subsection (c)(3) a supplemental grant to pay the Federal share of the total costs of carrying out an activity relating to the implementation of an environmentally beneficial energy strategy.

"(2) REQUIREMENTS.—To be eligible for a grant under paragraph (1), an eligible entity shall—

"(A) demonstrate to the satisfaction of the Secretary that the eligible entity meets the applicable criteria under subparagraph (B)(ii) or (C)(ii) of subsection (c)(3); and

"(B) submit to the Secretary for approval a plan that describes the activities to be funded by the grant.

"(3) COST-SHARING REQUIREMENT.—

"(A) FEDERAL SHARE.—The Federal share of the cost of carrying out any activities under this subsection shall be 75 percent.

"(B) NON-FEDERAL SHARE.—

"(i) FORM.—Not more than 50 percent of the non-Federal share may be in the form of in-kind contributions.

"(ii) LIMITATION.—Amounts provided to an eligible entity under subsection (c) shall not be used toward the non-Federal share.

"(4) MAINTENANCE OF EFFORT.—An eligible entity shall provide assurances to the Secretary that funds provided to the eligible entity under this subsection will be used only to supplement, not to supplant, the amount of Federal, State, and local funds otherwise expended by the eligible entity for eligible activities under this subsection.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

"(e) GRANTS TO OTHER STATES AND COMMUNITIES.—

"(1) IN GENERAL.—Of the total amount of funds that are made available each fiscal year to carry out this section, the Secretary shall use 2 percent of the amount to make competitive grants under this section to States and units of local government that are not eligible entities or to consortia of such units of local government.

"(2) APPLICATIONS.—To be eligible for a grant under this subsection, a State, unit of local government, or consortia described in paragraph (1) shall apply to the Secretary for a grant to carry out an activity that would otherwise be eligible for a grant under subsection (c) or (d).

"(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to—

"(A) States with populations of less than 2,000,000; and

"(B) projects that would result in significant energy efficiency improvements, reductions in fossil fuel use, or capital improvements.".

SEC. 276. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

Part G of title III of the Energy Policy and Conservation Act is amended by inserting after section 399 (42 U.S.C. 371h) the following:

"SEC. 399A. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

"(a) DEFINITIONS.—In this section:

"(1) ENERGY SUSTAINABILITY.—The term 'energy sustainability' includes using a renewable energy resource and a highly efficient technology for electricity generation, transportation, heating, or cooling.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

"(b) GRANTS FOR ENERGY EFFICIENCY IMPROVEMENT.—

"(1) IN GENERAL.—The Secretary shall award not more than 100 grants to institutions of higher education to carry out projects to improve energy efficiency on the grounds and facilities of the institution of higher education, including not less than 1 grant to an institution of higher education in each State.

"(2) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to—

"(A) implement a public awareness campaign concerning the project in the community in which the institution of higher education is located; and

"(B) submit to the Secretary, and make available to the public, reports on any efficiency improvements, energy cost savings, and environmental benefits achieved as part of a project carried out under paragraph (1).

"(c) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—

"(1) IN GENERAL.—The Secretary shall award not more than 250 grants to institutions of higher education to engage in innovative energy sustainability projects, including not less than 2 grants to institutions of higher education in each State.

"(2) INNOVATION PROJECTS.—An innovation project carried out with a grant under this subsection shall—

"(A) involve—

"(i) an innovative technology that is not yet commercially available; or

"(ii) available technology in an innovative application that maximizes energy efficiency and sustainability;

"(B) have the greatest potential for testing or demonstrating new technologies or processes; and

"(C) ensure active student participation in the project, including the planning, implementation, evaluation, and other phases of the project.

"(3) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to submit to the Secretary, and make available to the public, reports that describe the results of the projects carried out under paragraph (1).

"(d) AWARDING OF GRANTS.—

"(1) APPLICATION.—An institution of higher education that seeks to receive a grant under this section may submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may prescribe.

"(2) SELECTION.—The Secretary shall establish a committee to assist in the selection of grant recipients under this section.

"(e) ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION WITH SMALL ENDOWMENTS.—Of the amount of grants provided for a fiscal year under this section, the Secretary shall provide not less 50 percent of the amount to institutions of higher education that have an endowment of not more than $100,000,000, with 50 percent of the allocation set aside for institutions of higher education that have an endowment of not more than $50,000,000.

"(f) GRANT AMOUNTS.—The maximum amount of grants for a project under this section shall not exceed—

"(1) in the case of grants for energy efficiency improvement under subsection (b), $1,000,000; or

"(2) in the case of grants for innovation in energy sustainability under subsection (c), $500,000.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.".

SEC. 277. WORKFORCE TRAINING.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) WORKFORCE TRAINING.—

"(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Labor, shall promulgate regulations to implement a program to provide workforce training to meet the high demand for workers skilled in the energy efficiency and renewable energy industries.

"(2) CONSULTATION.—In carrying out this subsection, the Secretary shall consult with representatives of the energy efficiency and renewable energy industries concerning skills that are needed in those industries.".

SEC. 278. ASSISTANCE TO STATES TO REDUCE SCHOOL BUS IDLING.

(a) STATEMENT OF POLICY.—Congress encourages each local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to develop a policy to reduce the incidence of school bus idling at schools while picking up and unloading students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, working in coordination with the Secretary of Education, $5,000,000 for each of fiscal years 2007 through 2012 for use in educating States and local education agencies about—

(1) benefits of reducing school bus idling; and

(2) ways in which school bus idling may be reduced.

TITLE III—CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION

SEC. 301. SHORT TITLE.

This title may be cited as the "Carbon Capture and Sequestration Act of 2007".

SEC. 302. CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(1) in the section heading, by striking "**RESEARCH AND DEVELOPMENT**" and inserting "**AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION**";

(2) in subsection (a)—

(A) by striking "research and development" and inserting "and storage research, development, and demonstration"; and

(B) by striking "capture technologies on combustion-based systems" and inserting "capture and storage technologies related to energy systems";

(3) in subsection (b)—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(5) to expedite and carry out large-scale testing of carbon sequestration systems in a range of geological formations that will provide information on the cost and feasibility of deployment of sequestration technologies."; and

(4) by striking subsection (c) and inserting the following:

"(c) PROGRAMMATIC ACTIVITIES.—

"(1) ENERGY RESEARCH AND DEVELOPMENT UNDERLYING CARBON CAPTURE AND STORAGE TECHNOLOGIES AND CARBON USE ACTIVITIES.—

"(A) IN GENERAL.—The Secretary shall carry out fundamental science and engineering research (including laboratory-scale experiments, numeric modeling, and simulations) to develop and document the performance of new approaches to capture and store, recycle, or reuse carbon dioxide.

"(B) PROGRAM INTEGRATION.—The Secretary shall ensure that fundamental research carried out under this paragraph is appropriately applied to energy technology development activities, the field testing of carbon sequestration, and carbon use activities, including—

"(i) development of new or improved technologies for the capture of carbon dioxide;

"(ii) development of new or improved technologies that reduce the cost and increase the efficacy of the compression of carbon dioxide required for the storage of carbon dioxide;

"(iii) modeling and simulation of geological sequestration field demonstrations;

"(iv) quantitative assessment of risks relating to specific field sites for testing of sequestration technologies; and

"(v) research and development of new and improved technologies for carbon use, including recycling and reuse of carbon dioxide.

"(2) CARBON CAPTURE DEMONSTRATION PROJECT.—

"(A) IN GENERAL.—The Secretary shall carry out a demonstration of large-scale carbon dioxide capture from an appropriate gasification facility selected by the Secretary.

"(B) LINK TO STORAGE ACTIVITIES.—The Secretary may require the use of carbon dioxide from the project carried out under subparagraph (A) in a field testing validation activity under this section.

"(3) FIELD VALIDATION TESTING ACTIVITIES.—

"(A) IN GENERAL.—The Secretary shall promote, to the maximum extent practicable, regional carbon sequestration partnerships to conduct geologic sequestration tests involving carbon dioxide injection and monitoring, mitigation, and verification .operations in a variety of candidate geological settings, including—

"(i) operating oil and gas fields;

"(ii) depleted oil and gas fields;

"(iii) unmineable coal seams;

"(iv) deep saline formations;

"(v) deep geological systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity; and

"(vi) deep geologic systems containing basalt formations.

"(B) OBJECTIVES.—The objectives of tests conducted under this paragraph shall be—

"(i) to develop and validate geophysical tools, analysis, and modeling to monitor, predict, and verify carbon dioxide containment;

"(ii) to validate modeling of geological formations;

"(iii) to refine storage capacity estimated for particular geological formations;

"(iv) to determine the fate of carbon dioxide concurrent with and following injection into geological formations;

"(v) to develop and implement best practices for operations relating to, and monitoring of, injection and storage of carbon dioxide in geologic formations;

"(vi) to assess and ensure the safety of operations related to geological storage of carbon dioxide; and

"(vii) to allow the Secretary to promulgate policies, procedures, requirements, and guidance to ensure that the objectives of this subparagraph are met in large-scale testing and deployment activities for carbon capture and storage that are funded by the Department of Energy.

"(4) LARGE-SCALE TESTING AND DEPLOYMENT.—

"(A) IN GENERAL.—The Secretary shall conduct not less than 7 initial large-volume sequestration tests for geological containment of carbon dioxide (at least 1 of which shall be international in scope) to validate information on the cost and feasibility of commercial deployment of technologies for geological containment of carbon dioxide.

"(B) DIVERSITY OF FORMATIONS TO BE STUDIED.—In selecting formations for study under this paragraph, the Secretary shall consider a variety of geological formations across the United States, and require characterization and modeling of candidate formations, as determined by the Secretary.

"(5) PREFERENCE IN PROJECT SELECTION FROM MERITORIOUS PROPOSALS.—In making competitive awards under this subsection, subject to the requirements of section 989, the Secretary shall give preference to proposals from partnerships among industrial, academic, and government entities.

"(6) COST SHARING.—Activities under this subsection shall be considered research and development activities that are subject to the cost-sharing requirements of section 988(b).

"(7) PROGRAM REVIEW AND REPORT.—During fiscal year 2011, the Secretary shall—

"(A) conduct a review of programmatic activities carried out under this subsection; and

"(B) make recommendations with respect to continuation of the activities.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $150,000,000 for fiscal year 2008;

"(2) $200,000,000 for fiscal year 2009;

"(3) $200,000,000 for fiscal year 2010;

"(4) $180,000,000 for fiscal year 2011; and

"(5) $165,000,000 for fiscal year 2012.".

SEC. 303. CARBON DIOXIDE STORAGE CAPACITY ASSESSMENT.

(a) DEFINITIONS.—In this section

(1) ASSESSMENT.—The term "assessment" means the national assessment of capacity for carbon dioxide completed under subsection (f).

(2) CAPACITY.—The term "capacity" means the portion of a storage formation that can retain carbon dioxide in accordance with the requirements (including physical, geological, and economic requirements) established under the methodology developed under subsection (b).

(3) ENGINEERED HAZARD.—The term "engineered hazard" includes the location and completion history of any well that could affect potential storage.

(4) RISK.—The term "risk" includes any risk posed by geomechanical, geochemical, hydrogeological, structural, and engineered hazards.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(6) STORAGE FORMATION.—The term "storage formation" means a deep saline formation, unmineable coal seam, or oil or gas reservoir that is capable of accommodating a volume of industrial carbon dioxide.

(b) METHODOLOGY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting an assessment under subsection (f), taking into consideration—

(1) the geographical extent of all potential storage formations in all States;

(2) the capacity of the potential storage formations;

(3) the injectivity of the potential storage formations;

(4) an estimate of potential volumes of oil and gas recoverable by injection and storage of industrial carbon dioxide in potential storage formations;

(5) the risk associated with the potential storage formations; and

(6) the Carbon Sequestration Atlas of the United States and Canada that was completed by the Department of Energy in April 2006.

(c) COORDINATION.—

(1) FEDERAL COORDINATION.—

(A) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on issues of data sharing, format, development of the methodology, and content of the assessment required under this title to ensure the maximum usefulness and success of the assessment.

(B) COOPERATION.—The Secretary of Energy and the Administrator shall cooperate with the Secretary to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(2) STATE COORDINATION.—The Secretary shall consult with State geological surveys and other relevant entities to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(d) EXTERNAL REVIEW AND PUBLICATION.—On completion of the methodology under subsection (b), the Secretary shall—

(1) publish the methodology and solicit comments from the public and the heads of affected Federal and State agencies;

(2) establish a panel of individuals with expertise in the matters described in paragraphs (1) through (5) of subsection (b) composed, as appropriate, of representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international geoscience organizations to review the methodology and comments received under paragraph (1); and

(3) on completion of the review under paragraph (2), publish in the Federal Register the revised final methodology.

(e) PERIODIC UPDATES.—The methodology developed under this section shall be updated periodically (including at least once every 5 years) to incorporate new data as the data becomes available.

(f) NATIONAL ASSESSMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of publication of the methodology under subsection (d)(1), the Secretary, in consultation with the Secretary of Energy and State geological surveys, shall complete a national assessment of capacity for carbon dioxide in accordance with the methodology.

(2) GEOLOGICAL VERIFICATION.—As part of the assessment under this subsection, the Secretary shall carry out a drilling program to supplement the geological data relevant to determining storage capacity of carbon dioxide in geological storage formations, including—

(A) well log data;

(B) core data; and

(C) fluid sample data.

(3) PARTNERSHIP WITH OTHER DRILLING PROGRAMS.—As part of the drilling program under paragraph (2), the Secretary shall enter, as appropriate, into partnerships with other entities to collect and integrate data from other drilling programs relevant to the

storage of carbon dioxide in geologic formations.

(4) INCORPORATION INTO NATCARB.—

(A) IN GENERAL.—On completion of the assessment, the Secretary of Energy shall incorporate the results of the assessment using the NatCarb database, to the maximum extent practicable.

(B) RANKING.—The database shall include the data necessary to rank potential storage sites for capacity and risk, across the United States, within each State, by formation, and within each basin.

(5) REPORT.—Not later than 180 days after the date on which the assessment is completed, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings under the assessment.

(6) PERIODIC UPDATES.—The national assessment developed under this section shall be updated periodically (including at least once every 5 years) to support public and private sector decisionmaking.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for the period of fiscal years 2008 through 2012.

SEC. 304. CARBON CAPTURE AND STORAGE INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL SOURCES OF CARBON DIOXIDE.—The term "industrial sources of carbon dioxide" means one or more facilities to—

(A) generate electric energy from fossil fuels;

(B) refine petroleum;

(C) manufacture iron or steel;

(D) manufacture cement or cement clinker;

(E) manufacture commodity chemicals (including from coal gasification); or

(F) manufacture transportation fuels from coal.

(2) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(b) PROGRAM ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall carry out a program to demonstrate technologies for the large-scale capture of carbon dioxide from industrial sources of carbon dioxide.

(2) SCOPE OF AWARD.—An award under this section shall be only for the portion of the project that carries out the large-scale capture (including purification and compression) of carbon dioxide, as well as the cost of transportation and injection of carbon dioxide.

(3) QUALIFICATIONS FOR AWARD.—To be eligible for an award under this section, a project proposal must include the following:

(A) CAPACITY.—The capture of not less than eighty-five percent of the produced carbon dioxide at the facility, and not less than 500,000 short tons of carbon dioxide per year.

(B) STORAGE AGREEMENT.—A binding agreement for the storage of all of the captured carbon dioxide in—

(i) a field testing validation activity under section 963 of the Energy Policy Act of 2005, as amended by this Act; or

(ii) other geological storage projects approved by the Secretary.

(C) PURITY LEVEL.—A purity level of at least 95 percent for the captured carbon dioxide delivered for storage.

(D) COMMITMENT TO CONTINUED OPERATION OF SUCCESSFUL UNIT.—If the project successfully demonstrates capture and storage of carbon dioxide, a commitment to continued capture and storage of carbon dioxide after the conclusion of the demonstration.

(4) COST-SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 shall apply to this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $100,000,000 per year for fiscal years 2009 through 2013.

TITLE IV—PUBLIC BUILDINGS COST REDUCTION

SEC. 401. SHORT TITLE.

This title may be cited as the "Public Buildings Cost Reduction Act of 2007".

SEC. 402. COST-EFFECTIVE TECHNOLOGY ACCELERATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator of General Services (referred to in this section as the "Administrator") shall establish a program to accelerate the use of more cost-effective technologies and practices at GSA facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of cost reduction recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants in order to achieve the goals identified in subsection (c)(2)(A); and

(C) establish methods to track the success of departments and agencies with respect to the goals identified in subsection (c)(2)(A).

(b) ACCELERATED USE OF COST-EFFECTIVE LIGHTING TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this subsection, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of cost-effective lighting technologies in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) identify, in consultation with the Environmental Protection Agency, cost-effective lighting technology standards that could be used for all types of GSA facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this subsection, not later than 180 days after the date of enactment of this Act, the Administrator shall establish a cost-effective lighting technology acceleration program to achieve maximum feasible replacement of existing lighting technologies with more cost-effective lighting technologies in each GSA facility using available appropriations.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable including milestones for specific activities needed to replace existing lighting technologies with more cost-effective lighting technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations, maximum feasible replacement of existing lighting technologies with more cost-effective lighting technologies by not later than the date that is 5 years after the date of enactment of this Act.

(c) GSA FACILITY COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(1) ensure that a manager responsible for accelerating the use of cost-effective technologies and practices is designated for each GSA facility; and

(2) submit to Congress a plan, to be implemented to the maximum extent feasible (including at the maximum rate feasible) using available appropriations, by not later than the date that is 5 years after the date of enactment of this Act, that—

(A) identifies the specific activities needed to achieve a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act;

(B) describes activities required and carried out to estimate the funds necessary to achieve the reduction described in subparagraph (A);

(C) describes the status of the implementation of cost-effective technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this title; and

(ii) the status of funding requests and appropriations for those programs;

(D) identifies within the planning, budgeting, and construction process all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies and practices;

(E) recommends language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices;

(F) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(i) permitting Federal agencies to retain all identified savings accrued as a result of the use of cost-effective technologies and practices; and

(ii) identifying short- and long-term cost savings that accrue from cost-effective technologies and practices;

(G) achieves cost savings through the application of cost-effective technologies and practices sufficient to pay the incremental additional costs of installing the cost-effective technologies and practices by not later than the date that is 5 years after the date of installation; and

(H) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 403. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall establish a demonstration program under which the Administrator shall provide

competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—

(A) to deploy cost-effective technologies and practices; and

(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.

(B) WAIVER OF NON-FEDERAL SHARE.—The Administrator may waive up to 100 percent of the local share of the cost of any grant under this section should the Administrator determine that the community is economically distressed, pursuant to objective economic criteria established by the Administrator in published guidelines.

(3) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $1,000,000.

(b) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue guidelines to implement the grant program established under subsection (a).

(2) REQUIREMENTS.—The guidelines under paragraph (1) shall establish—

(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;

(B) standards for grantees to implement training programs, and to provide technical assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and

(C) a requirement that each local government that receives a grant under this section shall achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2012.

(e) REPORTS.—

(1) IN GENERAL.—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.

(2) FINAL REPORT.—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.

(f) TERMINATION.—The program under this section shall terminate on September 30, 2012.

SEC. 404. DEFINITIONS.

In this title:

(1) COST-EFFECTIVE LIGHTING TECHNOLOGY.—

(A) IN GENERAL.—The term "cost-effective lighting technology" means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95-619 (42 U.S.C. 8259b); and

(II) Federal acquisition regulation 23-203.

(B) INCLUSIONS.—The term "cost-effective lighting technology" includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(2) COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—The term "cost-effective technologies and practices" means a technology or practice that—

(A) will result in substantial operational cost savings by reducing utility costs; and

(B) complies with the provisions of section 553 of Public Law 95-619 (42 U.S.C. 8259b) and Federal acquisition regulation 23-203.

(3) OPERATIONAL COST SAVINGS.—

(A) IN GENERAL.—The term "operational cost savings" means a reduction in end-use operational costs through the application of cost-effective technologies and practices, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 403(b), that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices by not later than the date that is 5 years after the date of installation.

(B) INCLUSIONS.—The term "operational cost savings" includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) EXCLUSION.—The term "operational cost savings" does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

(4) GSA FACILITY.—

(A) IN GENERAL.—The term "GSA facility" means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility) that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term "GSA facility" includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of "GSA facility" under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95-619 (42 U.S.C. 8253(c)).

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the "Ten-in-Ten Fuel Economy Act".

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES, MEDIUM-DUTY TRUCKS, AND HEAVY DUTY TRUCKS.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking "**Non-Passenger Automobiles**.—" in subsection (a) and inserting "**Prescription of Standards by Regulation**.—";

(2) by striking "automobiles (except passenger automobiles)" in subsection (a) and inserting "automobiles, medium-duty trucks, and heavy-duty trucks"; and

(3) by striking subsection (b) and inserting the following:

"(b) STANDARDS FOR AUTOMOBILES, MEDIUM-DUTY TRUCKS, AND HEAVY-DUTY TRUCKS.—

"(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for automobiles, medium-duty trucks, and heavy-duty trucks manufactured by a manufacturer in each model year beginning with model year 2011 in accordance with subsection (c).

"(2) ANNUAL INCREASES IN FUEL ECONOMY STANDARDS.—

"(A) BASELINE AVERAGE FUEL ECONOMY STANDARDS FOR MEDIUM- AND HEAVY-DUTY TRUCKS.—For the first 2 model years beginning after the submission to Congress of the initial report by the National Academy of Sciences required by section 510 of the Ten-in-Ten Fuel Economy Act, the average fuel economy required to be attained for each attribute class of medium-duty trucks and heavy-duty trucks shall be the average combined highway and city miles-per-gallon performance of all vehicles within that class in the model year immediately preceding the first of those 2 model years (rounded to the nearest ⅒ mile per gallon).

"(B) MEDIUM- AND HEAVY-DUTY TRUCK FUEL ECONOMY AVERAGE AFTER BASELINE MODEL YEAR.—For each model year beginning after the 2 model years specified in subparagraph (A), the average fuel economy required to be attained by the fleet of medium-duty trucks and heavy-duty trucks manufactured in the United States shall be at least 4 percent greater than the average fuel economy required to be attained for the fleet in the previous model year (rounded to the nearest ⅒ mile per gallon). Standards shall be issued for medium-duty trucks and heavy-duty trucks for 20 model years.

"(3) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

"(A) BASELINE AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy standard for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

"(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be at least 4 percent greater than the average fuel economy standard required to be attained for the fleet in the previous model year (rounded to the nearest 1⁄10 mile per gallon).".

(b) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

"(k) AUTHORITY OF THE SECRETARY.—

"(1) VEHICLE ATTRIBUTES.—The authority of the Secretary to prescribe by regulation average fuel economy standards for automobiles, medium-duty trucks, and heavy-duty trucks under this section includes the authority—

"(A) to prescribe standards based on vehicle attributes and to express the standards in the form of a mathematical function; and

"(B) to issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

"(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.".

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

"(c) AMENDING FUEL ECONOMY STANDARDS.—

"(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

"(A) may prescribe a standard higher than that required under subsection (b); or

"(B) may prescribe an average fuel economy standard for a class of automobiles, medium-duty trucks, or heavy-duty trucks that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for that class of vehicles in that model year is shown not to be cost-effective.

"(2) REQUIREMENTS FOR LOWER STANDARD.—Before adopting an average fuel economy standard for a class of automobiles, medium-duty trucks, or heavy-duty trucks in a model year under paragraph (1)(B), the Secretary of Transportation shall do the following:

"(A) NOTICE OF PROPOSED RULE.—Except for standards to be promulgated by 2011, at least 30 months before the model year for which the standard is to apply, the Secretary shall post a notice of proposed rulemaking for the proposed standard. The notice shall include a detailed analysis of the basis for the Secretary's determination under paragraph (1)(B).

"(B) FINAL RULE.—At least 18 months before the model year for which the standard is to apply, the Secretary shall promulgate a final rule establishing the standard.

"(C) REPORT.—The Secretary shall submit a report to Congress that outlines the steps that need to be taken to avoid further reductions in average fuel economy standards.

"(3) MAXIMUM FEASIBLE STANDARD.—An average fuel economy standard prescribed for a class of automobiles, medium-duty trucks, or heavy-duty trucks in a model year under paragraph (1) shall be the maximum feasible standard.".

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

"(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

"(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

"(A) economic practicability;

"(B) the effect of other motor vehicle standards of the Government on fuel economy;

"(C) environmental impacts; and

"(D) the need of the United States to conserve energy.

"(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

"(A) is technologically achievable;

"(B) can be achieved without materially reducing the overall safety of automobiles, medium-duty trucks, and heavy-duty trucks manufactured or sold in the United States;

"(C) is not less than the standard for that class of vehicles from any prior year; and

"(D) is cost-effective.

"(3) DETERMINING COST-EFFECTIVENESS.—

"(A) IN GENERAL.—In determining cost effectiveness under paragraph (2)(D), the Secretary shall take into account the total value to the United States of reduced fuel use, including the monetary value of the reduced fuel use over the life of the vehicle.

"(B) ADDITIONAL FACTORS FOR CONSIDERATION BY SECRETARY.—The Secretary shall consider in the analysis the following factors:

"(i) Economic security.

"(ii) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

"(iii) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

"(iv) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

"(v) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

"(vi) Such additional factors as the Secretary deems relevant.

"(4) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the value of the gasoline prices projected by the Energy Information Administration for the period covered by the standard beginning in the year following the year in which the standards are established.

"(5) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the total value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the total cost to the United States of such standard. Notwithstanding this definition, the Secretary shall not base the level of any standard on any technology whose cost to the United States is substantially more than the value to the United States of the reduction in fuel use attributable to that technology.".

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting "and the Administrator of the Environmental Protection Agency" after "Energy".

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting:

"(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 10 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice."; and

(2) by inserting "and the Administrator" after "Energy" each place it appears in paragraph (2).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking "passenger" each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking "subsection (a) or (d)" each place it appears in paragraph (1) and inserting "subsection (b), (c), or (d)"; and

(B) striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)" in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways (except a vehicle operated only on a rail line), and rated at not more than 10,000 pounds gross vehicle weight.";

(2) by inserting after paragraph (10) the following:

"(10) 'heavy-duty truck' means a truck (as defined in section 30127) with a gross vehicle weight in excess of 26,000 pounds.";

(3) by inserting after paragraph (13) the following:

"(13) 'medium-duty truck' means a truck (as defined in section 30127) with a gross vehicle weight of at least 10,000 pounds but not more than 26,000 pounds."; and

(4) by striking paragraph (16).

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of the enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) In General.—The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that automobiles (as defined in section 32901 of title 49, United States Code) are safe.

(b) Vehicle Safety.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§30129. Vehicle compatibility and aggressivity reduction standard

"(a) Standards.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility and aggressivity. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

"(b) Consumer Information.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.".

(c) Rulemaking Deadlines.—

(1) Rulemaking.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2010; and

(B) a final rule under such section not later than December 31, 2012.

(2) Effective date of requirements.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2013.

(d) Conforming Amendment.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

"30129. Vehicle compatibility and aggressivity reduction standard".

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking "passenger" each place it appears;

(2) by striking "section 32902(b)-(d) of this title" each place it appears and inserting "subsection (a), (c), or (d) of section 32902";

(3) by striking "3 consecutive model years" in subsections (a)(1) and (a)(2) and inserting "5 consecutive model years";

(4) in subsection (a)(2), by striking "clause (1) of this subsection," and inserting "paragraph (1)"; and

(5) by striking "3 model years" in subsection (b)(2) and inserting "5 model years"; and

(6) by striking subsection (e) and inserting the following:

"(e) Credit Trading Among Manufacturers.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards.".

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

"(F) a label (or a logo imprinted on a label required by this paragraph) that—

"(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

"(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

"(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

"(G) a fuelstar under paragraph (5)."; and

(2) by adding at the end of subsection (b) the following:

"(4) Green Label Program.—

"(A) Marketing analysis.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

"(B) Eligibility.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

"(i) meets or exceeds the applicable fuel economy standard; or

"(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

"(5) Fuelstar Program.—

"(A) In general.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

"(B) Green stars.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

"(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

"(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

"(C) Gold stars.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.".

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) In General.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile, medium-duty truck, or heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive, medium-duty truck, or heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) Quinquennial Updates.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) Report.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) In General.—Section 32917 of title 49, United States Code, is amended to read as follows:

"§32917. Standards for Executive agency automobiles

"(a) Fuel Efficiency.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

"(b) Definitions.—In this section:

"(1) Executive agency.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

"(2) New automobile.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.".

(b) Report.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. ENSURING AVAILABILITY OF FLEXIBLE FUEL AUTOMOBILES.

(a) Amendment.—

(1) In general.—Chapter 329 of title 49, United States Code, is amended by inserting after section 32902 the following:

"§32902A. Requirement to manufacture flexible fuel automobiles

"(a) In General.—For each model year, each manufacturer of new automobiles described in subsection (b) shall ensure that the percentage of such automobiles manufactured in a particular model year that are flexible fuel vehicles shall be not less than the percentage set forth for that model year in the following table:

"If the model year is:	**The percentage of flexible fuel automobiles shall be:**
2012	50 percent
2013	60 percent
2014	70 percent
2015	80 percent

"(b) Automobiles to Which Section Applies.—An automobile is described in this subsection if it—

"(1) is capable of operating on gasoline or diesel fuel;

"(2) is distributed in interstate commerce for sale in the United States; and

"(3) does not contain certain engines that the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, may temporarily exclude from the definition because it is technologically infeasible for the engines to have flexible fuel capability at any time during a period that the Secretaries and the Administrator are engaged in an active research program with the vehicle manufacturers to develop that capability for the engines.".

(2) Definition of flexible fuel automobile.—Section 32901(a) of title 49, United States Code, is amended by inserting after paragraph (8), the following:

"(8) 'flexible fuel automobile' means an automobile described in paragraph (8)(A).".

(3) Clerical amendment.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

"Sec. 32902A. Requirement to manufacture flexible fuel automobiles".

(b) Rulemaking.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out the amendments made by subsection (a).

(2) Hardship exemption.—The regulations issued pursuant to paragraph (1) shall include a process by which a manufacturer may be exempted from the requirement under section 32902A(a) upon demonstrating that such requirement would create a substantial economic hardship for the manufacturer.

SEC. 512. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

"(g) Increasing Consumer Awareness of Flexible Fuel Automobiles.—(1) The Secretary of Transportation shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

"(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

"(B) to include information in the owner's manual of each such automobile information that describes—

"(i) the capability of the automobile to operate using alternative fuel;

"(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

"(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

"(2) The Secretary of Transportation shall collaborate with autombile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

"(A) the renewable nature of alternative fuel; and

"(B) the environmental benefits of using alternative fuel.".

SEC. 513. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 514. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) In General.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

"§ 30123A. Tire fuel efficiency consumer information

"(a) Rulemaking.—

"(1) In general.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

"(2) Items included in rule.—The rulemaking shall include—

"(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

"(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

"(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

"(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

"(3) Applicability.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

"(b) Consultation.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

"(c) Report to Congress.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

"(d) Tire Marking.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

"(e) Preemption.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.".

(b) Enforcement.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

"(4) Section 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.".

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the folllowing:

"30123A. Tire fuel efficiency consumer information".

SEC. 515. ADVANCED BATTERY INITIATIVE.

(a) In General.—The Secretary of Transportation shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) Industry Alliance.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) Research.—

(1) Grants.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) Industry alliance.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology needs relevant to electric drive technology;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology roadmaps.

(d) Availability to the Public.—The information and roadmaps developed under this section shall be available to the public.

(e) Preference.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) Cost Sharing.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 516. BIODIESEL STANDARDS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the President, in consultation with the Secretary of Transportation, the Secretary of Energy, and the Administrator of the Environmental Protection Administration, shall promulgate standards for biodiesel blend sold or introduced into commerce in the United States.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term "biodiesel" means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term "biodiesel" includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term "biodiesel blend" means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as "B5"); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as "B20").

SEC. 517. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

"(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

"(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

"(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 518(a) of the Ten-in-Ten Fuel Economy Act.

"SEC. 118. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

"(a) ESTABLISHMENT OF FUND.—

"(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the 'Energy Security Fund' (referred to in this section as the 'Fund'), consisting of—

"(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

"(B) amounts credited to the Fund under paragraph (2)(C)."

(1) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(2) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(3) ALTERNATIVE FUELS GRANT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(4) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(5) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(6) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

TITLE VI—PRICE GOUGING

SEC. 601. SHORT TITLE.

This title may be cited as the "Petroleum Consumer Price Gouging Protection Act".

SEC. 602. DEFINITIONS.

In this title:

(1) AFFECTED AREA.—The term "affected area" means an area covered by a Presidential declaration of energy emergency.

(2) SUPPLIER.—The term "supplier" means any person engaged in the trade or business of selling or reselling, at retail or wholesale, or distributing crude oil, gasoline, or petroleum distillates.

(3) PRICE GOUGING.—The term "price gouging" means the charging of an unconscionably excessive price by a supplier in an affected area.

(4) UNCONSCIONABLY EXCESSIVE PRICE.—The term "unconscionably excessive price" means a price charged in an affected area for crude oil, gasoline, or petroleum distillates that—

(A)(i) represents a gross disparity between the price at which it was offered for sale in the usual course of the supplier's business immediately prior to the President's declaration of an energy emergency;

(ii) grossly exceeds the price at which the same or similar crude oil, gasoline, or petroleum distillate was readily obtainable by other purchasers in the affected area; or

(iii) represents an exercise of unfair leverage or unconscionable means on the part of the supplier, during a period of declared energy emergency; and

(B) is not attributable to increased wholesale or operational costs outside the control of the supplier, incurred in connection with the sale of crude oil, gasoline, or petroleum distillates.

(5) COMMISSION.—The term "Commission" means the Federal Trade Commission.

SEC. 603. PROHIBITION ON PRICE GOUGING DURING ENERGY EMERGENCIES.

(a) IN GENERAL.—During any energy emergency declared by the President under section 606 of this title, it is unlawful for any supplier to sell, or offer to sell, crude oil, gasoline, or petroleum distillates in, or for use in, the area to which that declaration applies at an unconscionably excessive price.

(b) FACTORS CONSIDERED.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, the price that would reasonably equate supply and demand in a competitive and freely functioning market.

SEC. 604. PROHIBITION ON MARKET MANIPULATION.

It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil, gasoline, or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

SEC. 605. PROHIBITION ON FALSE INFORMATION.

(a) IN GENERAL.—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, or petroleum distillates to the Commission if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by the Commission for statistical or analytical purposes with respect to the market for crude oil, gasoline, or petroleum distillates.

SEC. 606. PRESIDENTIAL DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, or petroleum distillates due to a disruption in the national distribution system for crude oil, gasoline, or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))), or significant pricing anomalies in national energy markets for crude oil, gasoline, or petroleum distillates, the President may declare that a Federal energy emergency exists.

(b) Scope and Duration.—The emergency declaration shall specify—

(1) the period, not to exceed 30 days, for which the declaration applies;

(2) the circumstance or condition necessitating the declaration; and

(3) the area or region to which it applies, which, for the 48 contiguous states may not be limited to a single State.

(c) Extensions.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 30 days; and

(2) extend such a declaration more than once.

SEC. 607. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) Enforcement.—This title shall be enforced by the Federal Trade Commission. In enforcing section 603 of this title, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of $500,000,000 or less per year.

(b) Violation Is Unfair or Deceptive Act or Practice.—The violation of any provision of this title shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) Commission Actions.—Following the declaration of an energy emergency by the President under section 606 of this title, the Commission shall—

(1) establish within the Commission—

(A) a toll-free hotline that a consumer may call to report an incident of price gouging in the affected area; and

(B) a program to develop and distribute to the public informational materials to assist residents of the affected area in detecting and avoiding price gouging;

(2) consult with the Attorney General, the United States Attorney for the districts in which a disaster occurred (if the declaration is related to a major disaster), and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for crude oil, gasoline, or petroleum distillates in the affected area; and

(3) conduct an investigation to determine whether any supplier in the affected area has violated section 603 of this title, and upon such finding, take any action the Commission determines to be appropriate to remedy the violation.

SEC. 608. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) In General.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 603 of this title, or to impose the civil penalties authorized by section 609 for violations of section 603, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a supplier engaged in the sale or resale, at retail or wholesale, or distribution of crude oil, gasoline, or petroleum distillates in violation of section 603 of this title.

(b) Notice.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating the action. The notice shall include a copy of the complaint to be filed to initiate the civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting the civil action.

(c) Authority to Intervene.—Upon receiving the notice required by subsection (b), the Commission may intervene in the civil action and, upon intervening—

(1) may be heard on all matters arising in such civil action; and

(2) may file petitions for appeal of a decision in such civil action.

(d) Construction.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the Attorney General by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) Venue; Service of Process.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) Limitation on State Action While Federal Action Is Pending.—If the Commission has instituted a civil action or an administrative action for violation of this title, a State attorney general, or official or agency of a State, may not bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this title alleged in the Commission's civil or administrative action.

(g) No Preemption.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of that State.

SEC. 609. PENALTIES.

(a) Civil Penalty.—

(1) In general.—In addition to any penalty applicable under the Federal Trade Commission Act, any supplier—

(A) that violates section 604 or section 605 of this title is punishable by a civil penalty of not more than $1,000,000; and

(B) that violates section 603 of this title is punishable by a civil penalty of—

(i) not more than $500,000, in the case of an independent small business marketer of gasoline (within the meaning of section 324(c) of the Clean Air Act (42 U.S.C. 7625(c))); and

(ii) not more than $5,000,000 in the case of any other supplier.

(2) Method of assessment.—The penalties provided by paragraph (1) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) Multiple offenses; mitigating factors.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) Criminal Penalty.—Violation of section 603 of this title is punishable by a fine of not more than $5,000,000, imprisonment for not more than 5 years, or both.

SEC. 610. EFFECT ON OTHER LAWS.

(a) Other Authority of the Commission.—Nothing in this title shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) State Law.—Nothing in this title preempts any State law.

TITLE VII—ENERGY DIPLOMACY AND SECURITY

SEC. 701. SHORT TITLE.

This title may be cited as the "Energy Diplomacy and Security Act of 2007".

SEC. 702. DEFINITIONS.

In this title:

(1) Major energy producer.—The term "major energy producer" means a country that—

(A) had crude oil, oil sands, or natural gas to liquids production of 1,000,000 barrels per day or greater average in the previous year;

(B) has crude oil, shale oil, or oil sands reserves of 6,000,000,000 barrels or greater, as recognized by the Department of Energy;

(C) had natural gas production of 30,000,000,000 cubic meters or greater in the previous year;

(D) has natural gas reserves of 1,250,000,000,000 cubic meters or greater, as recognized by the Department of Energy; or

(E) is a direct supplier of natural gas or liquefied natural gas to the United States.

(2) Major energy consumer.—The term "major energy consumer" means a country that—

(A) had an oil consumption average of 1,000,000 barrels per day or greater in the previous year;

(B) had an oil consumption growth rate of 8 percent or greater in the previous year;

(C) had a natural gas consumption of 30,000,000,000 cubic meters or greater in the previous year; or

(D) had a natural gas consumption growth rate of 15 percent or greater in the previous year.

SEC. 703. SENSE OF CONGRESS ON ENERGY DIPLOMACY AND SECURITY.

(a) Findings.—Congress makes the following findings:

(1) It is imperative to the national security and prosperity of the United States to have reliable, affordable, clean, sufficient, and sustainable sources of energy.

(2) United States dependence on oil imports causes tremendous costs to the United States national security, economy, foreign policy, military, and environmental sustainability.

(3) Energy security is a priority for the governments of many foreign countries and increasingly plays a central role in the relations of the United States Government with foreign governments. Global reserves of oil and natural gas are concentrated in a small number of countries. Access to these oil and natural gas supplies depends on the political

will of these producing states. Competition between governments for access to oil and natural gas reserves can lead to economic, political, and armed conflict. Oil exporting states have received dramatically increased revenues due to high global prices, enhancing the ability of some of these states to act in a manner threatening to global stability.

(4) Efforts to combat poverty and protect the environment are hindered by the continued predominance of oil and natural gas in meeting global energy needs. Development of renewable energy through sustainable practices will help lead to a reduction in greenhouse gas emissions and enhance international development.

(5) Cooperation on energy issues between the United States Government and the governments of foreign countries is critical for securing the strategic and economic interests of the United States and of partner governments. In the current global energy situation, the energy policies and activities of the governments of foreign countries can have dramatic impacts on United States energy security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States national security requires that the United States Government have an energy policy that pursues the strategic goal of achieving energy security through access to clean, affordable, sufficient, reliable, and sustainable sources of energy;

(2) achieving energy security is a priority for United States foreign policy and requires continued and enhanced engagement with foreign governments and entities in a variety of areas, including activities relating to the promotion of alternative and renewable fuels, trade and investment in oil, coal, and natural gas, energy efficiency, climate and environmental protection, data transparency, advanced scientific research, public-private partnerships, and energy activities in international development;

(3) the President should ensure that the international energy activities of the United States Government are given clear focus to support the national security needs of the United States, and to this end, there should be established a mechanism to coordinate the implementation of United States international energy policy among the Federal agencies engaged in relevant agreements and activities; and

(4) the Secretary of State should ensure that energy security is integrated into the core mission of the Department of State, and to this end, there should be established within the Office of the Secretary of State a Coordinator for International Energy Affairs with responsibility for—

(A) developing United States international energy policy in coordination with the Department of Energy and other relevant Federal agencies;

(B) working with appropriate United States Government officials to develop and update analyses of the national security implications of global energy developments;

(C) incorporating energy security priorities into the activities of the Department;

(D) coordinating activities with relevant Federal agencies; and

(E) coordinating energy security and other relevant functions currently undertaken by offices within the Bureau of Economic, Business, and Agricultural Affairs, the Bureau of Democracy and Global Affairs, and other offices within the Department of State.

SEC. 704. STRATEGIC ENERGY PARTNERSHIPS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States Government partnership with foreign governments and entities, including partnership with the private sector, for securing reliable and sustainable energy is imperative to ensuring United States security and economic interests, promoting international peace and security, expanding international development, supporting democratic reform, fostering economic growth, and safeguarding the environment.

(2) Democracy and freedom should be promoted globally by partnership with foreign governments, including in particular governments of emerging democracies such as those of Ukraine and Georgia, in their efforts to reduce their dependency on oil and natural gas imports.

(3) The United States Government and the governments of foreign countries have common needs for adequate, reliable, affordable, clean, and sustainable energy in order to ensure national security, economic growth, and high standards of living in their countries. Cooperation by the United States Government with foreign governments on meeting energy security needs is mutually beneficial. United States Government partnership with foreign governments should include cooperation with major energy consuming countries, major energy producing countries, and other governments seeking to advance global energy security through reliable and sustainable means.

(4) The United States Government participates in hundreds of bilateral and multilateral energy agreements and activities with foreign governments and entities. These agreements and activities should reflect the strategic need for energy security.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to advance global energy security through cooperation with foreign governments and entities;

(2) to promote reliable, diverse, and sustainable sources of all types of energy;

(3) to increase global availability of renewable and clean sources of energy;

(4) to decrease global dependence on oil and natural gas energy sources; and

(5) to engage in energy cooperation to strengthen strategic partnerships that advance peace, security, and democratic prosperity.

(c) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish and expand strategic energy partnerships with the governments of major energy producers and major energy consumers, and with governments of other countries (but excluding any countries that are ineligible to receive United States economic or military assistance).

(d) PURPOSES.—The purposes of the strategic energy partnerships established pursuant to subsection (c) are—

(1) to strengthen global relationships to promote international peace and security through fostering cooperation in the energy sector on a mutually beneficial basis in accordance with respective national energy policies;

(2) to promote the policy set forth in subsection (b), including activities to advance—

(A) the mutual understanding of each country's energy needs, priorities, and policies, including interparliamentary understanding;

(B) measures to respond to acute energy supply disruptions, particularly in regard to petroleum and natural gas resources;

(C) long-term reliability and sustainability in energy supply;

(D) the safeguarding and safe handling of nuclear fuel;

(E) human and environmental protection;

(F) renewable energy production;

(G) access to reliable and affordable energy for underdeveloped areas, in particular energy access for the poor;

(H) appropriate commercial cooperation;

(I) information reliability and transparency; and

(J) research and training collaboration;

(3) to advance the national security priority of developing sustainable and clean energy sources, including through research and development related to, and deployment of—

(A) renewable electrical energy sources, including biomass, wind, and solar;

(B) renewable transportation fuels, including biofuels;

(C) clean coal technologies;

(D) carbon sequestration, including in conjunction with power generation, agriculture, and forestry; and

(E) energy and fuel efficiency, including hybrids and plug-in hybrids, flexible fuel, advanced composites, hydrogen, and other transportation technologies; and

(4) to provide strategic focus for current and future United States Government activities in energy cooperation to meet the global need for energy security.

(e) DETERMINATION OF AGENDAS.—In general, the specific agenda with respect to a particular strategic energy partnership, and the Federal agencies designated to implement related activities, shall be determined by the Secretary of State and the Secretary of Energy.

(f) USE OF CURRENT AGREEMENTS TO ESTABLISH PARTNERSHIPS.—Some or all of the purposes of the strategic energy partnerships established under subsection (c) may be pursued through existing bilateral or multilateral agreements and activities. Such agreements and activities shall be subject to the reporting requirements in subsection (g).

(g) REPORTS REQUIRED.—

(1) INITIAL PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on progress made in developing the strategic energy partnerships authorized under this section.

(2) ANNUAL PROGRESS REPORTS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for 20 years, the Secretary of State shall submit to the appropriate congressional committees an annual report on agreements entered into and activities undertaken pursuant to this section, including international environment activities.

(B) CONTENT.—Each report submitted under this paragraph shall include details on—

(i) agreements and activities pursued by the United States Government with foreign governments and entities, the implementation plans for such agreements and progress measurement benchmarks, United States Government resources used in pursuit of such agreements and activities, and legislative changes recommended for improved partnership; and

(ii) polices and actions in the energy sector of partnership countries pertinent to United States economic, security, and environmental interests.

SEC. 705. INTERNATIONAL ENERGY CRISIS RESPONSE MECHANISMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Cooperation between the United States Government and governments of other countries during energy crises promotes the national security of the United States.

(2) The participation of the United States in the International Energy Program established under the Agreement on an International Energy Program, done at Paris November 18, 1974 (27 UST 1685), including in the coordination of national strategic petroleum reserves, is a national security asset that—

(A) protects the consumers and the economy of the United States in the event of a major disruption in petroleum supply;

(B) maximizes the effectiveness of the United States strategic petroleum reserve through cooperation in accessing global reserves of various petroleum products;

(C) provides market reassurance in countries that are members of the International Energy Program; and

(D) strengthens United States Government relationships with members of the International Energy Program.

(3) The International Energy Agency projects that the largest growth in demand for petroleum products, other than demand from the United States, will come from China and India, which are not members of the International Energy Program. The Governments of China and India vigorously pursue access to global oil reserves and are attempting to develop national petroleum reserves. Participation of the Governments of China and India in an international petroleum reserve mechanism would promote global energy security, but such participation should be conditional on the Governments of China and India abiding by customary petroleum reserve management practices.

(4) In the Western Hemisphere, only the United States and Canada are members of the International Energy Program. The vulnerability of most Western Hemisphere countries to supply disruptions from political, natural, or terrorism causes may introduce instability in the hemisphere and can be a source of conflict, despite the existence of major oil reserves in the hemisphere.

(5) Countries that are not members of the International Energy Program and are unable to maintain their own national strategic reserves are vulnerable to petroleum supply disruption. Disruption in petroleum supply and spikes in petroleum costs could devastate the economies of developing countries and could cause internal or interstate conflict.

(6) The involvement of the United States Government in the extension of international mechanisms to coordinate strategic petroleum reserves and the extension of other emergency preparedness measures should strengthen the current International Energy Program.

(b) ENERGY CRISIS RESPONSE MECHANISMS WITH INDIA AND CHINA.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a petroleum crisis response mechanism or mechanisms with the Governments of China and India.

(2) SCOPE.—The mechanism or mechanisms established under paragraph (1) should include—

(A) technical assistance in the development and management of national strategic petroleum reserves;

(B) agreements for coordinating drawdowns of strategic petroleum reserves with the United States, conditional upon reserve holdings and management conditions established by the Secretary of Energy;

(C) emergency demand restraint measures;

(D) fuel switching preparedness and alternative fuel production capacity; and

(E) ongoing demand intensity reduction programs.

(3) USE OF EXISTING AGREEMENTS TO ESTABLISH MECHANISM.—The Secretary may, after consultation with Congress and in accordance with existing international agreements, including the International Energy Program, include China and India in a petroleum crisis response mechanism through existing or new agreements.

(c) ENERGY CRISIS RESPONSE MECHANISM FOR THE WESTERN HEMISPHERE.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a Western Hemisphere energy crisis response mechanism.

(2) SCOPE.—The mechanism established under paragraph (1) should include—

(A) an information sharing and coordinating mechanism in case of energy supply emergencies;

(B) technical assistance in the development and management of national strategic petroleum reserves within countries of the Western Hemisphere;

(C) technical assistance in developing national programs to meet the requirements of membership in a future international energy application procedure as described in subsection (d);

(D) emergency demand restraint measures;

(E) energy switching preparedness and alternative energy production capacity; and

(F) ongoing demand intensity reduction programs.

(3) MEMBERSHIP.—The Secretary should seek to include in the Western Hemisphere energy crisis response mechanism membership for each major energy producer and major energy consumer in the Western Hemisphere and other members of the Hemisphere Energy Cooperation Forum authorized under section 706.

(d) INTERNATIONAL ENERGY PROGRAM APPLICATION PROCEDURE.—

(1) AUTHORITY.—The President should place on the agenda for discussion at the Governing Board of the International Energy Agency, as soon as practicable, the merits of establishing an international energy program application procedure.

(2) PURPOSE.—The purpose of such procedure is to allow countries that are not members of the International Energy Program to apply to the Governing Board of the International Energy Agency for allocation of petroleum reserve stocks in times of emergency on a grant or loan basis. Such countries should also receive technical assistance for, and be subject to, conditions requiring development and management of national programs for energy emergency preparedness, including demand restraint, fuel switching preparedness, and development of alternative fuels production capacity.

(e) REPORTS REQUIRED.—

(1) PETROLEUM RESERVES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report that evaluates the options for adapting the United States national strategic petroleum reserve and the international petroleum reserve coordinating mechanism in order to carry out this section.

(2) CRISIS RESPONSE MECHANISMS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Energy, shall submit to the appropriate congressional committees a report on the status of the establishment of the international petroleum crisis response mechanisms described in subsections (b) and (c). The report shall include recommendations of the Secretary of State and the Secretary of Energy for any legislation necessary to establish or carry out such mechanisms.

(3) EMERGENCY APPLICATION PROCEDURE.—Not later than 60 days after a discussion by the Governing Board of the International Energy Agency of the application procedure described under subsection (d), the President should submit to Congress a report that describes—

(A) the actions the United States Government has taken pursuant to such subsection; and

(B) a summary of the debate on the matter before the Governing Board of the International Energy Agency, including any decision that has been reached by the Governing Board with respect to the matter.

SEC. 706. HEMISPHERE ENERGY COOPERATION FORUM.

(a) FINDINGS.—Congress makes the following findings:

(1) The engagement of the United States Government with governments of countries in the Western Hemisphere is a strategic priority for reducing the potential for tension over energy resources, maintaining and expanding reliable energy supplies, expanding use of renewable energy, and reducing the detrimental effects of energy import dependence within the hemisphere. Current energy dialogues should be expanded and refocused as needed to meet this challenge.

(2) Countries of the Western Hemisphere can most effectively meet their common needs for energy security and sustainability through partnership and cooperation. Cooperation between governments on energy issues will enhance bilateral relationships among countries of the hemisphere. The Western Hemisphere is rich in natural resources, including biomass, oil, natural gas, coal, and has significant opportunity for production of renewable hydro, solar, wind, and other energies. Countries of the Western Hemisphere can provide convenient and reliable markets for trade in energy goods and services.

(3) Development of sustainable energy alternatives in the countries of the Western Hemisphere can improve energy security, balance of trade, and environmental quality and provide markets for energy technology and agricultural products. Brazil and the United States have led the world in the production of ethanol, and deeper cooperation on biofuels with other countries of the hemisphere would extend economic and security benefits.

(4) Private sector partnership and investment in all sources of energy is critical to providing energy security in the Western Hemisphere.

(b) HEMISPHERE ENERGY COOPERATION FORUM.—

(1) ESTABLISHMENT.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a regional-based ministerial forum to be known as the Hemisphere Energy Cooperation Forum.

(2) PURPOSES.—The Hemisphere Energy Cooperation Forum should seek—

(A) to strengthen relationships between the United States and other countries of the Western Hemisphere through cooperation on energy issues;

(B) to enhance cooperation between major energy producers and major energy consumers in the Western Hemisphere, particularly among the governments of Brazil, Canada, Mexico, the United States, and Venezuela;

(C) to ensure that energy contributes to the economic, social, and environmental enhancement of the countries of the Western Hemisphere;

(D) to provide an opportunity for open dialogue and joint commitments between member governments and with private industry; and

(E) to provide participating countries the flexibility necessary to cooperatively address broad challenges posed to the energy supply of the Western Hemisphere that are practical in policy terms and politically acceptable.

(3) ACTIVITIES.—The Hemisphere Energy Cooperation Forum should implement the following activities:

(A) An Energy Crisis Initiative that will establish measures to respond to temporary energy supply disruptions, including through—

(i) strengthening sea-lane and infrastructure security;

(ii) implementing a real-time emergency information sharing system;

(iii) encouraging members to have emergency mechanisms and contingency plans in place; and

(iv) establishing a Western Hemisphere energy crisis response mechanism as authorized under section 705(c).

(B) An Energy Sustainability Initiative to facilitate long-term supply security through fostering reliable supply sources of fuels, including development, deployment, and commercialization of technologies for sustainable renewable fuels within the region, including activities that—

(i) promote production and trade in sustainable energy, including energy from biomass;

(ii) facilitate investment, trade, and technology cooperation in energy infrastructure, petroleum products, natural gas (including liquefied natural gas), energy efficiency (including automotive efficiency), clean fossil energy, renewable energy, and carbon sequestration;

(iii) promote regional infrastructure and market integration;

(iv) develop effective and stable regulatory frameworks;

(v) develop renewable fuels standards and renewable portfolio standards;

(vi) establish educational training and exchange programs between member countries; and

(vii) identify and remove barriers to trade in technology, services, and commodities.

(C) An Energy for Development Initiative to promote energy access for underdeveloped areas through energy policy and infrastructure development, including activities that—

(i) increase access to energy services for the poor;

(ii) improve energy sector market conditions;

(iii) promote rural development though biomass energy production and use;

(iv) increase transparency of, and participation in, energy infrastructure projects;

(v) promote development and deployment of technology for clean and sustainable energy development, including biofuel and clean coal technologies; and

(vi) facilitate use of carbon sequestration methods in agriculture and forestry and linking greenhouse gas emissions reduction programs to international carbon markets.

(c) HEMISPHERE ENERGY INDUSTRY GROUP.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Commerce and the Secretary of Energy, should approach the governments of other countries in the Western Hemisphere to seek cooperation in establishing a Hemisphere Energy Industry Group, to be coordinated by the United States Government, involving industry representatives and government representatives from the Western Hemisphere.

(2) PURPOSE.—The purpose of the forum should be to increase public-private partnerships, foster private investment, and enable countries of the Western Hemisphere to devise energy agendas compatible with industry capacity and cognizant of industry goals.

(3) TOPICS OF DIALOGUES.—Topics for the forum should include—

(A) promotion of a secure investment climate;

(B) development and deployment of biofuels and other alternative fuels and clean electrical production facilities, including clean coal and carbon sequestration;

(C) development and deployment of energy efficient technologies and practices, including in the industrial, residential, and transportation sectors;

(D) investment in oil and natural gas production and distribution;

(E) transparency of energy production and reserves data;

(F) research promotion; and

(G) training and education exchange programs.

(d) ANNUAL REPORT.—The Secretary of State, in coordination with the Secretary of Energy, shall submit to the appropriate congressional committees an annual report on the implementation of this section, including the strategy and benchmarks for measurement of progress developed under this section.

SEC. 707. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 1420. A bill to amend title XIX of the Social Security Act to require staff working with developmentally disabled individuals to call emergency services in the event of a life-threatening situation; to the Committee on Finance.

Mr. MENENDEZ. Mr. President, I rise today with my good friend Senator LAUTENBERG to reintroduce Danielle's Act, an important piece of legislation that I know will save countless lives. I would also like to recognize Representative RUSH HOLT, who has championed the bill in the House and has been a tireless advocate for individuals with disabilities. This bill is named in memory of a young woman from New Jersey. Danielle Gruskowski, whose life was cut tragically short by a failure to call 9-1-1. The great State of New Jersey has already passed Danielle's Law, and it is time for Congress to act as well.

In order to understand the importance of this legislation, I would like to share Danielle's story. She was born December 6, 1969, to Diane and Doug Gruskowski and raised in Carteret, NJ. Danielle was developmentally disabled and diagnosed with Rett Syndrome, a neurological disorder that causes a delay or regression in development, including speech, hand skills, and coordination. While Danielle needed help with daily activities, she managed to lead a full and active life. As a young adult, Danielle moved to a group home to experience the positive benefits of independent living. Tragically, on November 5, 2002, Danielle passed away at the age of 32 because no one in the group home called 9-1-1 when she was clearly in need of emergency medical attention.

So that no other mother would lose her child in such a tragic circumstance, Danielle's mother and her aunt, Robin Turner, developed a strong coalition of supporters and worked with their State representatives to develop and pass what we know as Danielle's Law. Like the New Jersey law, my bill will require staff working with individuals who have a developmental disability or traumatic brain injury to call emergency services in the event of a life-threatening situation. The legislation would raise the standard of care by improving staff training and ensuring that individuals with developmental disabilities get emergency care when they need it.

All Americans deserve an advocate, and today I am speaking for those who often cannot speak for themselves. I am proud to be an advocate for individuals with disabilities, and I am proud to be an advocate for the families in New Jersey who are counting on safe, secure, and healthy independent living environments for their loved ones with disabilities. I also would like to recognize the hard-working caregivers and staff who help provide for the needs of those with disabilities. They show their compassion every day when they show up for work, performing one of the most difficult but rewarding jobs in our society—caring for someone's mother, father, son, or daughter. These caregivers play such a critical role in our society and their contributions are to be commended. By raising awareness and education about Danielle's Law, my hope is that more caregivers will realize how important it is to call 9-1-1 for all life-threatening situations and that better training and support will be provided to staff across the country.

I am reintroducing this legislation to remember Danielle and to make sure no other family or community experiences the pain and suffering of losing a loved one to an avoidable death. I hope my colleagues will join me in supporting this important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Danielle's Act".

SEC. 2. REQUIREMENT OF STAFF WORKING WITH DEVELOPMENTALLY DISABLED INDIVIDUALS TO CALL EMERGENCY SERVICES IN THE EVENT OF A LIFE-THREATENING SITUATION.

(a) REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (69), by striking "and" at the end;

(2) in paragraph (70), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (70) the following new paragraph:

"(71) provide, in accordance with regulations of the Secretary, that direct care staff providing health-related services to a individual with a developmental disability or traumatic brain injury are required to call the 911 emergency telephone service or equivalent emergency management service for assistance in the event of a life-threatening emergency to such individual and to report such call to the appropriate State agency or department.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on January 1, 2008.

By Mr. AKAKA:

S. 1421. A bill to provide for the maintenance, management, and availability for research of assets of Air Force Health Study; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I am introducing legislation intended to ensure that valuable biological specimens and data from a seminal Air Force Health Study will be properly maintained and safeguarded for future research opportunities.

In 1979, the U.S. Air Force began a study that lasted over 20 years to evaluate the health outcomes of occupational exposure to agent orange among the men who were members of Operation Ranch Hand during the Vietnam War. That study is now completed.

During six cycles of examinations—1982, 1985, 1987, 1992, 1997, and 2002—in which 2,758 members of the Air Force participated, data and specimens were gathered. No other epidemiological data set of Vietnam veterans contains as detailed information over as long a time period. Analysis of this data has contributed to a greater understanding of the long-term health effects of exposure to agent orange. Approximately $143 million was spent on this study.

An amendment I authored last year, which was included in the 2006 National Defense Authorization Act, resulted in transferring Ranch Hand Study materials from the Air Force to the Medical Follow-Up Agency of the Institute of Medicine for preservation and future use. In order to make the most effective use of this material, the Medical Follow-Up Agency requires small amounts of funding for several years to ensure that the specimens and data are properly maintained in a useful format and made available for further research.

My bill is consistent with the recommendations of the Institute of Medicine's report on the disposition of the study. I urge my colleagues to support this legislation.

By Mr. LUGAR:

S. 1422. A bill to direct the Secretary of Agriculture to establish a program to provide to agricultural operators and producers a reserve to assist in the stabilization of farm income during low-revenue years, to assist operators and producers to invest in value-added farms, to promote higher levels of environmental stewardship, and for other purposes; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise to introduce the Farm Risk Management Act for the 21st Century. This bill is a blueprint on how to transition away from the farm programs linked to the Great Depression into a new market driven system. We have also suggested how Congress could utilize achieved savings to improve our farm economy, our environment, alleviate hunger, promote renewable energy, and reduce our Federal deficit.

Current Federal Farm Programs target payments to a relatively narrow sector of American farmers and provide direct payments regardless of commodity prices. The bulk of these payments are made to growers of just 5 crops. Cotton, rice, corn, wheat, and soybean farmers receive about 85 percent of the annual payments provided by U.S. taxpayers. Notably, about 70 percent of these payments go to only 10 percent of our nation's farmers.

The current farm subsidy system is inequitable, inefficient, and disconnected from the core goal of maintaining a family farm safety net. It is also self-perpetuating, in that it stimulates over-production and stagnant prices that produce calls for greater Government support. I believe that what we need is a true safety net that would embrace all farmers, avoid incentives to overproduce commodities when market signals do not exist, and lower costs for taxpayers.

On my farm in Marion County, IN, we have 604 acres of corn, soybeans, and trees. This farm currently qualifies and receives direct payments as well as counter-cyclical and loan deficiency payments when prices dictate. Under this new plan we would continue to receive these payments for one year. After that year the farm will receive direct payments that decline over the next 5 years, and most of those payments would be deposited in an individual risk management account held in conjunction with the Secretary of Agriculture at a lending institution of our choice. We would be able to use funds from this risk management account to purchase crop or revenue insurance, to invest in enterprises that add value to the crops we produce, or to cover losses not covered by crop or revenue insurance compared to the 5 year revenue average of our operation. This legislation would also provide incentives for employing environmentally responsible farming techniques and other conservation practices.

In addition to being a more market oriented approach, the plan also has the added advantage of saving Federal resources, which will be invested in conservation activities, domestic and international nutrition programs, bioenergy research and deployment, and deficit reduction.

By Mr. PRYOR (for himself, Ms. COLLINS, and Mr. WARNER):

S. 1425. A bill to enhance the defense nanotechnology research and development program; to the Committee on Armed Services.

Mr. PRYOR. Mr. President, I rise today with my colleagues Senator COLLINS from Maine and Senator WARNER from Virginia to introduce legislation to strengthen the Department of Defense nanotechnology initiative. I greatly appreciate their strong leadership on this issue and their understanding of the importance of how the development of nanotechnology will impact our armed forces in the future.

This bill, the Defense Nanotechnology Research and Development Act of 2007, sustains the Department's nanotechnology research and development program while at the same time transitioning the technologies developed into products that can enhance the United States military capability.

The Department of Defense has done a tremendous job conducting nanotechnology research and development. Examples of this nanotechnology research include improved energy absorbing body armor, lightweight batteries, and novel chemical and biological sensor. I believe now is the time to start the transition of this research into new technologies and products to protect our military personnel and enhance our war fighting capability.

The Department of Defense has a long history of successfully supporting innovative nanotechnology research efforts for the future advancement of the war fighter and battle systems. Congress established the defense nanotechnology research program Section 246 of the Bob Stump National Defense Authorization Act for fiscal year 2003, Public Law 107-314, which this bill updates and enhances. Section 246 requires the Secretary of Defense to carry out a defense nanotechnology research and development program in coordination with other Federal agencies performing nanotechnology research and development activities established by the 21st Century Nanotechnology Research and Development Act, Public Law 108-153. The investment strategy described in the National Nanotechnology Initiative, or NNI, Strategic Plan identifies and defines 7 major subject categories, or program component areas, relating to areas of investment that are critical to accomplishing the overall goals of the NNI. The Department of Defense has organized its nanotechnology research to align with these 7 program component areas and each year since 2004 has submitted to Congress an annual report on the nanotechnology programs within the Department of Defense.

This bill requires the Secretary of Defense to act through the Under Secretary for Acquisition, Technology and Logistics, who shall supervise the planning, management, and coordination of the program. We believe this office can best achieve the goals of maintaining a state-of-the-art research and development program while simultaneously accomplishing technology transition. The bill directs the Department to coordinate all nanoscale research and development within the Department of Defense with other departments and agencies of the United States that are involved in the NNI and with the National Nanotechnology Coordination Office, NNCO, including providing appropriate funds to support the NNCO. The bill also directs the Department to develop a strategic plan for defense nanotechnology research and development that integrates with the NNI strategic plan, issue policy guidance each year to the defense agencies and services that prioritizes the Program's research initiatives, state a clear strategy for transitioning the research into products needed by the Department of Defense, and develop a plan to transition nanoscale research and development within the Department of Defense, including the Small Business Innovative Research and Small Business Technology Transfer Research programs, to the Department of Defense Manufacturing Technology program.

Finally, the bill requires the Department to submit a biennial report to the congressional defense committees describing the Department's coordination with the other departments and agencies participating in the NNI, a review of the findings relating to the Department by the NNI triennial external review, an assessment of the Department's technology transition from research to enhanced war fighting capability, an evaluation of nanotechnology used in foreign defense systems, and an appraisal of the defense nanotechnology manufacturing and industrial base. Because there is a need for metrics and goals to ensure that the Department's nanotechnology program is well structured and successfully developing needed defense technologies, the bill requires a review by the Government Accountability Office of the overall Department nanotechnology program.

Nanotechnology is one of the next great scientific frontiers with the potential to enable novel applications that can enhance war fighting and battle system capabilities. I am proud to say that in Arkansas several universities including the University of Arkansas, the University of Arkansas at Little Rock, and Arkansas State University are performing research and technology development in support of the Department of Defense nanotechnology program. One example of particular note is the Center for Ferroelectric Electronic-Photonic Nanodevices that is developing new nanomagnetic devices for high performance information and communication technology. Our Arkansas small businesses are also contributing to the defense nanotechnology industrial base by developing novel nanoscale materials, devices, and products.

I am very excited by the future nanotechnology holds for Arkansas and the United States. As a member of the Senate Armed Services Committee I look forward to working to strengthen the Department of Defense nanotechnology program.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENHANCEMENT OF DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) PROGRAM PURPOSES.—Subsection (b) of section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2500; 10 U.S.C. 2358 note) is amended—

(1) in paragraph (2), by striking "in nanoscale research and development" and inserting "in the National Nanotechnology Initiative and with the National Nanotechnology Coordination Office under section 3 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7502)"; and

(2) in paragraph (3), by striking "portfolio of fundamental and applied nanoscience and engineering research initiatives" and inserting "portfolio of nanotechnology research and development initiatives".

(b) PROGRAM ADMINISTRATION.—

(1) ADMINISTRATION THROUGH UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Subsection (c) of such section is amended—

(A) by striking "the Director of Defense Research and Engineering" and inserting "the Under Secretary of Defense for Acquisition, Technology, and Logistics"; and

(B) by striking "The Director" and inserting "The Under Secretary".

(2) OTHER ADMINISTRATIVE MATTERS.—Such subsection is further amended—

(A) in paragraph (2), by striking "the Department's increased investment in nanotechnology and the National Nanotechnology Initiative; and" and inserting "investments by the Department and other departments and agencies participating in the National Nanotechnology Initiative in nanotechnology research and development;";

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) oversee interagency coordination of the program with other departments and agencies participating in the National Nanotechnology Initiative, including providing appropriate funds to support the National Nanotechnology Coordination Office.".

(c) PROGRAM ACTIVITIES.—Such section is further amended—

(1) by striking subsection (d); and

(2) by adding at the end the following new subsection (d):

"(d) ACTIVITIES.—Activities under the program shall include the following:

"(1) The development of a strategic plan for defense nanotechnology research and development that is integrated with the strategic plan for the National Nanotechnology Initiative.

"(2) The issuance on an annual basis of policy guidance to the military departments and the Defense Agencies that—

"(A) establishes research priorities under the program;

"(B) provides for the determination and documentation of the benefits to the Department of Defense of research under the program; and

"(C) sets forth a clear strategy for transitioning the research into products needed by the Department.

"(3) Advocating for the transition of nanotechnologies in defense acquisition programs, including the development of nanomanufacturing capabilities and a nanotechnology defense industrial base.".

(d) REPORTS.—Such section is further amended by adding at the end the following new subsection:

"(e) REPORTS.—(1) Not later than March 1 of each of 2009, 2011, and 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the program.

"(2) Each report under paragraph (1) shall include the following:

"(A) A review of—

"(i) the long-term challenges and specific technical goals of the program; and

"(ii) the progress made toward meeting such challenges and achieving such goals.

"(B) An assessment of current and proposed funding levels for the program, including an assessment of the adequacy of such funding levels to support program activities.

"(C) A review of the coordination of activities under the program within the Department of Defense, with other departments and agencies of the United States, and with the National Nanotechnology Initiative.

"(D) A review and analysis of the findings and recommendations relating to the Department of Defense of the most recent triennial external review of the National Nanotechnology Program under section 5 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 1704), and a description of initiatives of the Department to implement such recommendations.

"(E) An assessment of technology transition from nanotechnology research and development to enhanced warfighting capabilities, including contributions from the Department of Defense Small Business Innovative Research and Small Business Technology Transfer Research programs, and the Department of Defense Manufacturing Technology program, and an identification of acquisition programs and deployed defense systems that are incorporating nanotechnologies.

"(F) An assessment of global nanotechnology research and development in areas of interest to the Department, including an identification of the use of nanotechnologies in any foreign defense systems.

"(G) An assessment of the defense nanotechnology manufacturing and industrial base and its capability to meet the near and far term requirements of the Department.

"(H) Such recommendations for additional activities under the program to meet emerging national security requirements as the Under Secretary considers appropriate.

"(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.".

(e) COMPTROLLER GENERAL REPORT ON PROGRAM.—Not later than March 31, 2010, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment of the Comptroller General of the progress made by the Department of Defense in achieving the purposes of the defense nanotechnology research and development program required by section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (as amended by this section).

By Mrs. CLINTON (for herself, Mrs. BOXER, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. LEAHY, Ms. LANDRIEU, and Mr. AKAKA):

S. 1427. A bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mrs. CLINTON. Mr. President, today I am introducing legislation to remove the Federal Emergency Management Agency, FEMA, from the Department of Homeland Security and restore it as an independent, cabinet-level agency.

In the days after Hurricanes Katrina and Rita, Americans witnessed incompetence on the part of FEMA, the Department of Homeland Security, and the Administration in responding to a catastrophe of this magnitude. Countless Americans who were left behind were failed by their government when they needed help the most.

Sadly, the tragedy continues for the more than 80,000 people still living in trailers and for the cities and towns still struggling to rebuild. In the years since the catastrophes of Katrina and Rita, FEMA's failures have continued.

The Inspector General for the Department of Homeland Security found that FEMA awarded $3.6 billion in contracts to maintain trailers for hurricane victims to companies with no ties to the Gulf Coast region and bad paperwork.

In the aftermath of Hurricanes Katrina and Rita, FEMA wasted $1 billion in improper payments to individuals. FEMA spent $900 million on trailers that could not be used in flood zones. And FEMA paid $1.8 billion for hotel rooms and cruise ship cabins that were more expensive than apartments.

It was reported recently that more than $40 million worth of stockpiled food for the 2006 hurricane season spoiled due to FEMA's lack of preparation.

FEMA also disclosed in recent days that it will not have a new national response plan ready in time for the start of this year's hurricane season.

It is past time to restore competence and accountability, and to reestablish FEMA as an independent agency outside the Department of Homeland Security.

In the Clinton administration, the head of FEMA reported directly to the President of the United States and that direct communication meant the buck stopped with the President, instead of being lost in the bureaucracy.

The Government Accountability Office says that managing the transformation of an agency of the size and complexity of the Department of Homeland Security will likely span a number of years. Unfortunately with regard to preparing and recovering from a disaster, we cannot wait years for the Department of Homeland Security to live up to its intended mission. When the next disaster or catastrophe happens, we cannot afford to say that we'll be ready next time.

Under my legislation, the Director of FEMA reports directly to the President and would have full authority to coordinate with all agencies and to take the necessary action to ensure resources and recovery personnel are deployed quickly in an emergency to impacted areas.

When we created the Department of Homeland Security, in the Homeland Security Act of 2002, I said then that I was deeply concerned about moving FEMA under the Department of Homeland Security because when it operated as an independent agency, especially on September 11 and in the response thereafter, it was highly-functioning, and well-run.

I remarked then that moving FEMA under the Department of Homeland Security must not force a highly-functioning and competent agency into a bureaucracy that will challenge integration and diminish FEMA's effectiveness in responding to crises of all kinds. Unfortunately, that seems to be exactly what has happened and that is exactly what we must fix.

The bureaucracy created by moving FEMA under the Department of Homeland Security is clearly not working and we must ensure that FEMA has the ability and the authority to respond to a disaster or catastrophe. I thank all of my colleagues who have cosponsored this legislation and I hope that every Senator in this chamber will cosponsor this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Emergency Management Improvement Act of 2007".

TITLE I—FEDERAL EMERGENCY MANAGEMENT AGENCY

SEC. 101. DEFINITIONS.

In this title—

(1) the term "catastrophic incident" means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

(2) the term "Director" means the Director of the Federal Emergency Management Agency ;

(3) the term "Federal coordinating officer" means a Federal coordinating officer as described in section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143);

(4) the term "interoperable" has the meaning given the term "interoperable communications" under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1));

(5) the term "National Advisory Council" means the National Advisory Council established under section 508 of the Homeland Security Act of 2002;

(6) the term "National Incident Management System" means a system to enable effective, efficient, and collaborative incident management;

(7) the term "National Response Plan" means the National Response Plan or any successor plan prepared under section 104(b)(6);

(8) the term "Nuclear Incident Response Team" means a resource that includes—

(A) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

(B) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions; and

(9) the term "tribal government" means the government of any entity described under section 2(10)(B) of the Homeland Security Act of 2002 (6 U.S.C. 101).

SEC. 102. ESTABLISHMENT OF AGENCY AND DIRECTOR AND DEPUTY DIRECTOR.

(a) ESTABLISHMENT.—The Federal Emergency Management Agency is established as an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(b) DIRECTOR.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall be the head of the Federal Emergency Management Agency. The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the President.

(2) QUALIFICATIONS.—The Director of the Federal Emergency Management Agency shall have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) EXECUTIVE SCHEDULE POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Director of the Federal Emergency Management Agency.".

(4) PRINCIPAL ADVISOR ON EMERGENCY MANAGEMENT.—

(A) IN GENERAL.—The Director of the Federal Emergency Management Agency is the principal advisor to the President, the Homeland Security Council, and the Secretary of Homeland Security for all matters relating to emergency management in the United States.

(B) ADVICE AND RECOMMENDATIONS.—

(i) IN GENERAL.—In presenting advice with respect to any matter to the President, the Homeland Security Council, or the Secretary of Homeland Security, the Director of the Federal Emergency Management Agency shall, as the Director considers appropriate, inform the President, the Homeland Security Council, or the Secretary, as the case may be, of the range of emergency preparedness, protection, response, recovery, and mitigation options with respect to that matter.

(ii) ADVICE ON REQUEST.—The Director of the Federal Emergency Management Agency, as the principal advisor on emergency management, shall provide advice to the President, the Homeland Security Council, or the Secretary of Homeland Security on a particular matter when the President, the Homeland Security Council, or the Secretary requests such advice.

(iii) RECOMMENDATIONS TO CONGRESS.—After informing the President, the Director of the Federal Emergency Management Agency may make such recommendations to Congress relating to emergency management as the Director considers appropriate.

(5) CABINET STATUS.—The President shall designate the Administrator to serve as a member of the Cabinet in the event of natural disasters, acts of terrorism, or other man-made disasters.

(c) DEPUTY DIRECTOR.—

(1) IN GENERAL.—The Deputy Director of the Federal Emergency Management Agency shall assist the Director of the Federal Emergency Management Agency. The Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Deputy Director of the Federal Emergency Management Agency shall have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) EXECUTIVE SCHEDULE POSITION.—Section 5313 of title 5, United States Code, is amended—

(A) by striking the following:

"Administrator of the Federal Emergency Management Agency."; and

(B) by adding at the end the following:

"Deputy Director of the Federal Emergency Management Agency.".

SEC. 103. MISSION.

(a) PRIMARY MISSION.—The primary mission of the Federal Emergency Management Agency is to reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.

(b) SPECIFIC ACTIVITIES.—In support of the primary mission of the Federal Emergency Management Agency, the Director shall—

(1) lead the Nation's efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

(2) partner with State, local, and tribal governments and emergency response providers, with other Federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency management that can effectively and efficiently utilize the full measure of the Nation's resources to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

(3) develop a Federal response capability that, when necessary and appropriate, can act effectively and rapidly to deliver assistance essential to saving lives or protecting or preserving property or public health and safety in a natural disaster, act of terrorism, or other man-made disaster;

(4) integrate the Federal Emergency Management Agency's emergency preparedness, protection, response, recovery, and mitigation responsibilities to confront effectively the challenges of a natural disaster, act of terrorism, or other man-made disaster;

(5) develop and maintain robust Regional Offices that will work with State, local, and tribal governments, emergency response providers, and other appropriate entities to identify and address regional priorities;

(6) coordinate with the Secretary of Homeland Security, the Commandant of the Coast Guard, the Director of Customs and Border Protection, the Director of Immigration and Customs Enforcement, the National Operations Center, and other agencies and offices in the Department of Homeland Security to take full advantage of the substantial range of resources in that Department;

(7) provide funding, training, exercises, technical assistance, planning, and other assistance to build tribal, local, State, regional, and national capabilities (including communications capabilities), necessary to respond to a natural disaster, act of terrorism, or other man-made disaster; and

(8) develop and coordinate the implementation of a risk-based, all-hazards strategy for preparedness that builds those common capabilities necessary to respond to natural disasters, acts of terrorism, and other man-made disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation.

SEC. 104. AUTHORITY AND RESPONSIBILITIES.

(a) IN GENERAL.—The Director of the Federal Emergency Management Agency shall provide Federal leadership necessary to prepare for, protect against, respond to, recover from, or mitigate against a natural disaster, act of terrorism, or other man-made disaster, including—

(1) helping to ensure the effectiveness of emergency response providers to terrorist attacks, major disasters, and other emergencies;

(2) with respect to the Nuclear Incident Response Team, regardless of whether it is operating as an organizational unit of the Department of Homeland Security, and in consultation with the Secretary of Homeland Security—

(A) establishing standards and certifying when those standards have been met;

(B) conducting joint and other exercises and training and evaluating performance; and

(C) providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment;

(3) providing the Federal Government's response to terrorist attacks and major disasters, including—

(A) managing such response;

(B) directing the Domestic Emergency Support Team, the National Disaster Medical System, and, in consultation with the Secretary of Homeland Security, the Nuclear Incident Response Team (when that team is operating as an organizational unit of the Department of Homeland Security);

(C) overseeing the Metropolitan Medical Response System; and

(D) coordinating other Federal response resources, including requiring deployment of the Strategic National Stockpile, in the event of a terrorist attack or major disaster;

(4) aiding the recovery from terrorist attacks and major disasters;

(5) building a comprehensive national incident management system with Federal, State, and local government personnel, agencies, and authorities, to respond to such attacks and disasters;

(6) consolidating existing Federal Government emergency response plans into a single, coordinated national response plan;

(7) helping ensure the acquisition of operable and interoperable communications capabilities by Federal, State, local, and tribal governments and emergency response providers;

(8) assisting the President in carrying out the functions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and carrying out all functions and authorities given to the Director under that Act;

(9) carrying out the mission of the Federal Emergency Management Agency to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a risk-based, comprehensive emergency management system of—

(A) mitigation, by taking sustained actions to reduce or eliminate long-term risks to people and property from hazards and their effects;

(B) preparedness, by planning, training, and building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard;

(C) response, by conducting emergency operations to save lives and property through positioning emergency equipment, personnel, and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services; and

(D) recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards;

(10) increasing efficiencies, by coordinating efforts relating to preparedness, protection, response, recovery, and mitigation;

(11) helping to ensure the effectiveness of emergency response providers in responding to a natural disaster, act of terrorism, or other man-made disaster;

(12) supervising grant programs administered by the Federal Emergency Management Agency;

(13) administering and ensuring the implementation of the National Response Plan, including coordinating and ensuring the readiness of each emergency support function under the National Response Plan;

(14) coordinating with the National Advisory Council established under section 508 of the Homeland Security Act of 2002;

(15) preparing and implementing the plans and programs of the Federal Government for—

(A) continuity of operations;

(B) continuity of government; and

(C) continuity of plans;

(16) minimizing, to the extent practicable, overlapping planning and reporting requirements applicable to State, local, and tribal governments and the private sector;

(17) maintaining and operating within the Federal Emergency Management Agency the National Response Coordination Center or its successor;

(18) developing a national emergency management system that is capable of preparing for, protecting against, responding to, recovering from, and mitigating against catastrophic incidents;

(19) assisting the President in carrying out the functions under the national preparedness goal and the national preparedness system and carrying out all functions and authorities of the Director under the national preparedness System;

(20) carrying out all authorities of the Federal Emergency Management Agency; and

(21) otherwise carrying out the mission of the Federal Emergency Management Agency as described in section 103.

(b) ALL-HAZARDS APPROACH.—In carrying out the responsibilities under this section, the Director shall coordinate the implementation of a risk-based, all-hazards strategy that builds those common capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against natural disasters, acts of terrorism, and other man-made disasters, while also building the unique capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against the risks of specific types of incidents that pose the greatest risk to the Nation.

(c) CONFLICT OF AUTHORITIES.—If the Director determines that there is a conflict between any authority of the Director under this Act, the amendments made by this Act, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and any authority of another Federal officer, the Director shall request that the President make such determinations as may be necessary regarding such authorities.

SEC. 105. REGIONAL OFFICES.

(a) IN GENERAL.—There are in the Federal Emergency Management Agency 10 regional offices, as identified by the Director of the Federal Emergency Management Agency.

(b) MANAGEMENT OF REGIONAL OFFICES.—

(1) REGIONAL ADMINISTRATOR.—Each Regional Office shall be headed by a Regional Administrator who shall be appointed by the Director, after consulting with State, local, and tribal government officials in the region. Each Regional Administrator shall report directly to the Director and be in the Senior Executive Service.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—Each Regional Administrator shall be appointed from among individuals who have a demonstrated ability in and knowledge of emergency management and homeland security.

(B) CONSIDERATIONS.—In selecting a Regional Administrator for a Regional Office, the Director shall consider the familiarity of an individual with the geographical area and demographic characteristics of the population served by such Regional Office.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Regional Administrator shall work in partnership with State, local, and tribal governments, emergency managers, emergency response providers, medical providers, the private sector, nongovernmental organizations, multijurisdictional councils of governments, and regional planning commissions and organizations in the geographical area served by the Regional Office to carry out the responsibilities of a Regional Administrator under this section.

(2) RESPONSIBILITIES.—The responsibilities of a Regional Administrator include—

(A) ensuring effective, coordinated, and integrated regional preparedness, protection, response, recovery, and mitigation activities and programs for natural disasters, acts of terrorism, and other man-made disasters (including planning, training, exercises, and professional development);

(B) assisting in the development of regional capabilities needed for a national catastrophic response system;

(C) coordinating the establishment of effective regional operable and interoperable emergency communications capabilities;

(D) staffing and overseeing 1 or more strike teams within the region under subsection (f), to serve as the focal point of the Federal Government's initial response efforts for natural disasters, acts of terrorism, and other man-made disasters within that region, and otherwise building Federal response capabilities to respond to natural disasters, acts of terrorism, and other man-made disasters within that region;

(E) designating an individual responsible for the development of strategic and operational regional plans in support of the National Response Plan;

(F) fostering the development of mutual aid and other cooperative agreements;

(G) identifying critical gaps in regional capabilities to respond to populations with special needs;

(H) maintaining and operating a Regional Response Coordination Center or its successor; and

(I) performing such other duties relating to such responsibilities as the Director may require.

(3) TRAINING AND EXERCISE REQUIREMENTS.—

(A) TRAINING.—The Director shall require each Regional Administrator to undergo specific training periodically to complement the qualifications of the Regional Administrator. Such training, as appropriate, shall include training with respect to the National Incident Management System, the National Response Plan, and such other subjects as determined by the Director.

(B) EXERCISES.—The Director shall require each Regional Administrator to participate as appropriate in regional and national exercises.

(d) AREA OFFICES.—

(1) IN GENERAL.—There is an Area Office for the Pacific and an Area Office for the Caribbean, as components in the appropriate Regional Offices.

(2) ALASKA.—The Director shall establish an Area Office in Alaska, as a component in the appropriate Regional Office.

(e) REGIONAL ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—Each Regional Administrator shall establish a Regional Advisory Council.

(2) NOMINATIONS.—A State, local, or tribal government located within the geographic area served by the Regional Office may nominate officials, including Adjutants General and emergency managers, to serve as members of the Regional Advisory Council for that region.

(3) RESPONSIBILITIES.—Each Regional Advisory Council shall—

(A) advise the Regional Administrator on emergency management issues specific to that region;

(B) identify any geographic, demographic, or other characteristics peculiar to any State, local, or tribal government within the region that might make preparedness, protection, response, recovery, or mitigation more complicated or difficult; and

(C) advise the Regional Administrator of any weaknesses or deficiencies in preparedness, protection, response, recovery, and mitigation for any State, local, and tribal government within the region of which the Regional Advisory Council is aware.

(f) REGIONAL OFFICE STRIKE TEAMS.—

(1) IN GENERAL.—In coordination with other relevant Federal agencies, each Regional Administrator shall oversee multiagency strike teams authorized under section 303 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5144) that shall consist of—

(A) a designated Federal coordinating officer;

(B) personnel trained in incident management;

(C) public affairs, response and recovery, and communications support personnel;

(D) a defense coordinating officer;

(E) liaisons to other Federal agencies;

(F) such other personnel as the Director or Regional Administrator determines appropriate; and

(G) individuals from the agencies with primary responsibility for each of the emergency support functions in the National Response Plan.

(2) OTHER DUTIES.—The duties of an individual assigned to a Regional Office strike team from another relevant agency when such individual is not functioning as a member of the strike team shall be consistent with the emergency preparedness activities of the agency that employs such individual.

(3) LOCATION OF MEMBERS.—The members of each Regional Office strike team, including representatives from agencies other than the Department, shall be based primarily within the region that corresponds to that strike team.

(4) COORDINATION.—Each Regional Office strike team shall coordinate the training and exercises of that strike team with the State, local, and tribal governments and private sector and nongovernmental entities which the strike team shall support when a natural disaster, act of terrorism, or other man-made disaster occurs.

(5) PREPAREDNESS.—Each Regional Office strike team shall be trained as a unit on a regular basis and equipped and staffed to be well prepared to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.

(6) AUTHORITIES.—If the Director determines that statutory authority is inadequate

for the preparedness and deployment of individuals in strike teams under this subsection, the Director shall report to Congress regarding the additional statutory authorities that the Director determines are necessary.

SEC. 106. NATIONAL INTEGRATION CENTER.

(a) IN GENERAL.—There is established in the Federal Emergency Management Agency a National Integration Center.

(b) RESPONSIBILITIES.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency, through the National Integration Center, and in consultation with other Federal departments and agencies and the National Advisory Council, shall ensure ongoing management and maintenance of the National Incident Management System, the National Response Plan, and any successor to such system or plan.

(2) SPECIFIC RESPONSIBILITIES.—The National Integration Center shall periodically review, and revise as appropriate, the National Incident Management System and the National Response Plan, including—

(A) establishing, in consultation with the Director of the Corporation for National and Community Service, a process to better use volunteers and donations;

(B) improving the use of Federal, State, local, and tribal resources and ensuring the effective use of emergency response providers at emergency scenes; and

(C) revising the Catastrophic Incident Annex, finalizing and releasing the Catastrophic Incident Supplement to the National Response Plan, and ensuring that both effectively address response requirements in the event of a catastrophic incident.

(c) INCIDENT MANAGEMENT.—

(1) IN GENERAL.—

(A) NATIONAL RESPONSE PLAN.—The Director of the Federal Emergency Management Agency, in consultation with the Secretary, shall ensure that the National Response Plan provides for a clear chain of command to lead and coordinate the Federal response to any natural disaster, act of terrorism, or other man-made disaster.

(B) DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.—The chain of the command specified in the National Response Plan shall—

(i) provide for a role for the Director of the Federal Emergency Management Agency consistent with the role of the Director under this Act and the amendments made by this Act; and

(ii) provide for a role for the Federal Coordinating Officer consistent with the responsibilities under section 302(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143(b)).

(2) PRINCIPAL FEDERAL OFFICIAL.—The Principal Federal Official (or the successor thereto) shall not—

(A) direct or replace the incident command structure established at the incident; or

(B) have directive authority over the Senior Federal Law Enforcement Official, Federal Coordinating Officer, or other Federal and State officials.

SEC. 107. CREDENTIALING AND TYPING.

The Director of the Federal Emergency Management Agency shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, and organizations that represent emergency response providers, to collaborate on developing standards for deployment capabilities, including credentialing of personnel and typing of resources likely needed to respond to natural disasters, acts of terrorism, and other man-made disasters.

SEC. 108. DISABILITY COORDINATOR.

(a) IN GENERAL.—After consultation with organizations representing individuals with disabilities, the National Council on Disabilities, and the Interagency Coordinating Council on Preparedness and Individuals with Disabilities, established under Executive Order No. 13347 (6 U.S.C. 312 note), the Director of the Federal Emergency Management Agency shall appoint a Disability Coordinator. The Disability Coordinator shall report directly to the Director, in order to ensure that the needs of individuals with disabilities are being properly addressed in emergency preparedness and disaster relief.

(b) RESPONSIBILITIES.—The Disability Coordinator shall be responsible for—

(1) providing guidance and coordination on matters related to individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

(2) interacting with the staff of the Federal Emergency Management Agency, the National Council on Disabilities, the Interagency Coordinating Council on Preparedness and Individuals with Disabilities established under Executive Order No. 13347 (6 U.S.C. 312 note), other agencies of the Federal Government, and State, local, and tribal government authorities regarding the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

(3) consulting with organizations that represent the interests and rights of individuals with disabilities about the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

(4) ensuring the coordination and dissemination of best practices and model evacuation plans for individuals with disabilities;

(5) ensuring the development of training materials and a curriculum for training of emergency response providers, State, local, and tribal government officials, and others on the needs of individuals with disabilities;

(6) promoting the accessibility of telephone hotlines and websites regarding emergency preparedness, evacuations, and disaster relief;

(7) working to ensure that video programming distributors, including broadcasters, cable operators, and satellite television services, make emergency information accessible to individuals with hearing and vision disabilities;

(8) ensuring the availability of accessible transportation options for individuals with disabilities in the event of an evacuation;

(9) providing guidance and implementing policies to ensure that the rights and wishes of individuals with disabilities regarding post-evacuation residency and relocation are respected;

(10) ensuring that meeting the needs of individuals with disabilities are included in the components of the national preparedness system established under section 644 of the Post-Katrina Emergency Management Reform Act of 2006; and

(11) any other duties as assigned by the Director of the Federal Emergency Management Agency.

SEC. 109. NATIONAL OPERATIONS CENTER.

(a) DEFINITION.—In this section, the term "situational awareness" means information gathered from a variety of sources that, when communicated to emergency managers and decision makers, can form the basis for incident management decisionmaking.

(b) ESTABLISHMENT.—The National Operations Center is the principal operations center for the Federal Emergency Management Agency and shall—

(1) provide situational awareness and a common operating picture for the entire Federal Government, and for State, local, and tribal governments as appropriate, in the event of a natural disaster, act of terrorism, or other man-made disaster; and

(2) ensure that critical terrorism and disaster-related information reaches government decision-makers.

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS.

(1) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—

(A) in section 501, by striking all after "In this title" and inserting "the term 'tribal government' means the government of any entity described under section 2(10)(B).";

(B) by striking sections 503 through 507, 509, 510, 513, and 515;

(C) in section 508—

(i) by striking "Administrator" each place that term appears and inserting "Director of Federal Emergency Management Agency"; and

(ii) in subsection (c)—

(I) in paragraph (1), by inserting "in consultation with the Secretary," before "and shall, to the extent practicable"; and

(II) in paragraph (3), by inserting ", in consultation with the Secretary," before "shall designate";

(D) in section 512(c), by striking "Administrator" each place that term appears and inserting "Secretary"; and

(E) in section 514—

(i) by striking subsection (a); and

(ii) redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(2) TABLE OF CONTENTS.—The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by striking the items relating to sections 503 through 510, 513 and 515.

SEC. 111. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to detract from the Department of Homeland Security's primary mission to secure the homeland from terrorist attacks.

TITLE II—TRANSFER AND SAVINGS PROVISIONS

SEC. 201. DEFINITIONS.

In this title, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

SEC. 202. TRANSFER OF FUNCTIONS.

There are transferred to the Federal Emergency Management Agency established under section 101 of this Act all functions which the Director of the Federal Emergency Management Agency of the Department of Homeland Security exercised before the date of the enactment of this title, including all the functions described under section 505 of the Homeland Security Act of 2002 (before the repeal of that section under section 104 of this Act).

SEC. 203. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The Director of the Federal Emergency Management Agency may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Director of the Federal Emergency Management Agency may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The Director of the Federal Emergency Management Agency may pay experts and consultants who are serving away from their homes or regular place of business, travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 204. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Director of the Federal Emergency Management Agency may delegate any of the functions transferred to the Director of the Federal Emergency Management Agency by this title and any function transferred or granted to such Director after the effective date of this title to such officers and employees of the Federal Emergency Management Agency as the Director may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Director of the Federal Emergency Management Agency under this section or under any other provision of this title shall relieve such Director of responsibility for the administration of such functions.

SEC. 205. REORGANIZATION.

The Director of the Federal Emergency Management Agency is authorized to allocate or reallocate any function transferred under section 202 among the officers of the Federal Emergency Management Agency, and to establish, consolidate, alter, or discontinue such organizational entities in the Federal Emergency Management Agency as may be necessary or appropriate.

SEC. 206. RULES.

The Director of the Federal Emergency Management Agency is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director determines necessary or appropriate to administer and manage the functions of the Federal Emergency Management Agency.

SEC. 207. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Federal Emergency Management Agency. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 208. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 209. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Federal Emergency Management Agency to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

SEC. 210. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Federal Emergency Management Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Federal Emergency Management Agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Federal Emergency Management Agency, or by or against any individual in the official capacity of such individual as an officer of the Federal Emergency Management Agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Federal Emergency Management Agency relating to a function transferred under this title may be continued by the Federal Emergency Management Agency with the same effect as if this title had not been enacted.

SEC. 211. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 212. TRANSITION.

The Director of the Federal Emergency Management Agency is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Federal Emergency Management Agency with respect to functions transferred by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 213. REFERENCES.

Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department, agency, or office from which a function is transferred by this title—

(1) to the head of such department, agency, or office is deemed to refer to the head of the department, agency, or office to which such function is transferred; or

(2) to such department, agency, or office is deemed to refer to the department, agency, or office to which such function is transferred.

SEC. 214. ADDITIONAL CONFORMING AMENDMENTS.

(a) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of the Congress and the Director of the Office of Management and Budget, the Director of the Federal Emergency Management Agency shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this Act.

(b) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this title, the Director of the Federal Emergency Management Agency shall submit the recommended legislation referred to under subsection (a).

By Mr. HATCH (for himself and Mr. CONRAD):

S. 1428. A bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program; to the Committee on Finance.

Mr. HATCH. Mr. President, I am pleased to join Senators CONRAD and ROBERTS in introducing the Medicare Durable Medical Equipment Access Act of 2007.

Some background on why this bill is necessary might be useful.

Among the provisions of the Medicare Modernization Act, MMA, was a provision that instituted a bidding process for durable medical equipment. It was a good concept—we have all seen the advantages to Medicare beneficiaries and to the Federal Government of competitive bidding in Medicare Part D. The government and beneficiaries are paying lower prices for prescription drugs as a result of fair competition.

At the time of the passage of the MMA, it was known that Medicare was overpaying substantially for certain durable medical equipment. The MMA instituted a bidding process for durable medical equipment in order to bring market discipline to the purchasing process. It also directed the Secretary of Health and Human Services, HHS, to establish badly needed quality standards for Medicare's suppliers of durable medical equipment and related services.

The purpose of S. 1428, the Medicare Durable Equipment Access Act, is to correct problems arising from provisions in the MMA that apply to rural areas and urban areas of low population density. The bill seeks to protect the access of Medicare beneficiaries in these areas to homecare equipment and services. It also will allow small businesses to participate in the program, but only if they meet the quality standards established in this legislation and can meet the competitively bid price.

The bill protects Medicare beneficiaries in three ways.

First, the MMA permits the HHS Secretary to exempt from the bidding process rural areas and areas with low population density that are not competitive unless there is a significant national market through mail order for a particular item or service. The law also permits suppliers in rural areas to be exempted from the program's quality standards. Medicare patients must be assured that they are dealing with qualified suppliers and our bill assures them that they will be.

Second, the MMA allows the Secretary of HHS to exempt rural areas and sparsely populated urban areas from the bidding process if they lack health care infrastructure, a vague and subjective judgment. This bill defines areas eligible for exemption as metropolitan service areas with fewer than 500,000 people.

Finally, the MMA established a Program Advisory and Oversight Committee to advise the Secretary on implementation of the program. The MMA exempted the Program Advisory and Oversight Committee from The Federal Advisory Committee Act, FACA. FACA was enacted by Congress in 1972. Its purpose is to ensure that committees that advise the executive branch be accessible to the public and objective in their judgments. This bill places this program under FACA.

This legislation also provides important protection to small businesses. The MMA provides that there shall be no administrative or judicial review for businesses participating in competitive bidding. Our bill provides for judicial appeal rights, giving legal recourse to businesses that participate in the competitive bidding process.

The MMA also directs the HHS Secretary to take appropriate steps to ensure that small suppliers have an opportunity to participate. Our bill specifies that such appropriate steps shall include permitting suppliers that are classified as small businesses under the Small Business Act to continue to participate at the single payment amount, so long as they submit bids at less than the fee schedule amount.

In addition, the MMA permits the HHS Secretary to use competitive acquisition bid rates from one region to determine payment rates in another noncompetitive acquisition area. Our bill requires the HHS Secretary to complete a comparability analysis to ensure that payments in non-competitive areas are fair. It requires the Secretary to publish the analysis in the Federal Register.

Finally, the purpose of the competitive bidding process is to save the Medicare program and its beneficiaries' money from the purchase of durable medical equipment, but a new bureaucracy must be created to implement the program. Our bill requires the HHS Secretary to exempt from competitive acquisition requirements any items and services not likely to result in savings of at least 10 percent.

Twenty-five small suppliers of durable medical equipment in Utah have banded together to support this legislation and I believe they speak for hundreds of small suppliers around the United States. They support the establishment of quality standards for all suppliers of durable medical equipment to Medicare. They are willing to price their products competitively. They are used to providing personal services to their customers in small Utah towns. Their customers are also their neighbors. They all fear that their businesses, which are built on personal service, may be sacrificed to large suppliers from distant cities who cannot educate Medicare beneficiaries. A flyer in the mail may not be enough to teach a disabled diabetic how to use a walker.

I urge my colleagues to support this legislation which permits the potential savings from competitive bidding, mandates quality standards for all of Medicare's durable medical equipment suppliers, and protects small businesses and Medicare beneficiaries in rural areas and in low density urban areas.

Mr. CONRAD. Mr. President, today I am pleased to join my colleague, Senator HATCH, in reintroducing the Medicare Durable Medical Equipment, DME, Access Act. This bill will help protect rural DME providers from the negative consequences of competitive bidding and ensure that seniors have access to the highest quality of DME supplies. It will also help to rid the system of fraudulent suppliers who are filing improper and illegal claims.

As many of my colleagues know, the Medicare Modernization Act, MMA, required Medicare to replace the current DME payment methodology for certain items with a competitive acquisition process, which is currently underway. In fact, the first round of bids are due on July 13. Our bill would address several issues that could negatively impact the ability of rural suppliers to compete and ensure that seniors are getting high-quality products.

Specifically, our bill would strengthen language in the MMA that allows the Secretary to exempt rural areas by requiring the Secretary to exempt metropolitan statistical areas with fewer than 500,000 people. In addition, the legislation would require that the Centers for Medicare and Medicaid Services, CMS, include the attainment of quality standards as a factor in computing the winning bid to ensure that patients receive both high-quality and low-cost equipment. Third, the Medicare Durable Medical Equipment Access Act would allow small businesses to continue providing DME in Medicare at the acquisition bid rate, even if the businesses didn't have the winning bid. Finally, the bill would take additional steps to ensure that competitive acquisition results in savings, that providers have access to administrative and judicial review, and that any meetings of the newly created CMS Program Advisory and Oversight Committee on competitive bidding be open to the public.

Many argue that there is fraudulent activity in the Medicare DME benefit and that is why competitive bidding is necessary. I agree that it is far too easy to obtain a supplier number and start filing improper and illegal claims. That is why I applaud the efforts of CMS and others who are cracking down on the inappropriate behavior. However, it is also imperative that we ensure sufficient access to quality DME care in the program and protect those suppliers who are acting appropriately. I believe this bill achieves the appropriate balance between these two goals. I urge all of my colleagues to support this important legislation.

By Mr. OBAMA (for himself and Mr. BROWNBACK):

S. 1430. A bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. OBAMA. I rise today, along with Senator BROWNBACK, to introduce the Iran Sanctions Enabling Act of 2007. Before proceeding, I want to commend Chairman FRANK for introducing similar legislation on the House side—he is a major force behind this legislation and should be recognized for his work on this issue.

This bill will enable citizens, institutional investors, and State and local governments to ensure that their money is not being used by companies that help develop Iran's oil and gas industry. This would place additional economic pressure on the Iranian regime with the goal of changing Iranian policies.

The Obama-Brownback legislation does this in three ways:

First, this legislation requires the U.S. government, every 6 months, to publish a list of companies that are investing more than $20 million in Iran's energy sector. This sunshine provision accomplishes two important objectives. It provides investors with the knowledge they need to make informed decisions about the consequences of their investments. And, since it is already illegal for U.S. companies to make such investments, it provides a powerful incentive for foreign companies to discontinue investments in Iran.

Second, this legislation authorizes State and local governments to divest the assets of their pension funds and other funds under their control from any company on the list. Several states, such as Florida and Missouri, have already taken actions to achieve these ends. But the States' authority to undertake these measures is unclear, so an explicit authorization from Congress, contained in this bill, will resolve this issue.

Third, this legislation seeks to give fund managers safe harbor and also provide investors with more choices. For fund managers who divest from companies on this list, the Obama-Brownback bill helps protect these managers from lawsuits brought by unhappy investors. The bill also expresses the sense of Congress that the government's own 401(k) fund, the Thrift Savings Plan, should create a "terror-free" and "genocide-free" investment options for government employees.

We need this bill, as Iranian actions have been well-documented. Iran's pursuit of a nuclear program, and its unwillingness to allow comprehensive international oversight, pose unacceptable risks to the United States and our allies. The international community has voiced its opposition to Iran's nuclear ambitions. For example, the U.N. Security Council passed resolutions last December, and again in March of this year, increasing sanctions on Iran for its failure to suspend uranium enrichment.

The Iranian regime has been actively sowing the seeds of instability and violence in Iraq, with deadly consequences for American soldiers. Beyond Iraq's borders, Iranian leaders are exporting militancy, sectarianism, and rejectionism throughout the Middle East. Fueled by the billions of dollars it earns from oil and gas exports, Iran has been pumping money into radical Islamist terror groups like Hezbollah and Hamas. Every bit as worrying is the rhetoric of President Mahmoud Ahmadinejad publicly calling to "wipe Israel off the map."

It is quite a list. But in the midst of all of this, there are signs that some Iranians understand the impact their regime's behavior is having on Iran's national interests. Conservatives in Iran look where the radicals are trying to take the country—more confrontation and more radicalism, and they are worried.

We should send a message that, if Iran wishes to benefit from the international system, it must play by international rules. If it chooses to flout those rules, then the world will turn its back on Iran. Pressuring companies to cut their financial ties with Iran is an important piece of that process, and we should allow pension funds to do so.

For all of its bluster, Iran is not a strong country. Its oil infrastructure is weak and badly in need of investment. The economy lurches under the weight of quasi-state run industries, and billions of dollars in Iranian cash sit offshore because Iranians have so little faith in their government's management of the economy. This is precisely why we need legislation along the lines of what I am introducing here today.

In general, we need to think carefully about allowing divestment, which is a tool that can be misused. However, I believe that Iran is a special case. And, in this case, divestment legislation can dissuade foreign companies from investing in energy operations whose profits will be used to threaten us. It is not a magic bullet—there is none in this situation—but is one of a menu of actions, each of which can help us to deter Iranian aggression.

We are currently involved in one ruinous war, and we need to avoid indiscriminate saber-rattling which could involve us in another. This administration's failure in Iraq has emboldened and empowered Iran, and the forces allied with it, including Hamas and Hezbollah. And while we should take no option, including military action, off the table, sustained and aggressive diplomacy combined with tough sanctions should be our primary means to deal with Iran. It is incumbent upon us to find and implement ways to pressure Iran short of war, ways that demonstrate our deep concern about Iran's behavior, and ways that will help us to exert leadership on this issue. This bill is one of those ways.

I have called for direct engagement with Iran over its efforts to acquire nuclear weapons. But, direct dialogue, as we conducted with the Soviet Union during the Cold War, should be part of a comprehensive diplomatic strategy to head off this unacceptable threat. So should the legislation Senator BROWNBACK and I are introducing today.

I hope my colleagues will cosponsor the Obama-Brownback legislation. On the House side, I hope my colleagues in that Chamber sign on to the Frank bill. I look forward to working with others to get this bill signed into law.

In closing, I want to thank Daniel McGlinchey and James Segel of Chairman FRANK's staff for their work on this bill. They were extraordinarily helpful in putting together this legislation, and I would be remiss I did not recognize their efforts.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 206—TO PROVIDE FOR A BUDGET POINT OF ORDER AGAINST LEGISLATION THAT INCREASES INCOME TAXES ON TAXPAYERS, INCLUDING HARDWORKING MIDDLE-INCOME FAMILIES, ENTREPRENEURS, AND COLLEGE STUDENTS

Mr. CORNYN (for himself and Mr. ALLARD) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 206

Resolved, That

SECTION 1. POINT OF ORDER AGAINST LEGISLATION THAT RAISES INCOME TAX RATES.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal income tax rate increase. In this subsection, the term "Federal income tax rate increase" means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SENATE RESOLUTION 207—CALLING ON THE PRESIDENT OF THE UNITED STATES IMMEDIATELY TO RECOMMEND NEW CANDIDATES FOR THE POSITIONS OF THE ATTORNEY GENERAL OF THE UNITED STATES AND THE PRESIDENT OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (COMMONLY KNOWN AS THE "WORLD BANK") IN ORDER TO PRESERVE THE INTEGRITY AND THE EFFICACY OF THE DEPARTMENT OF JUSTICE AND THE WORLD BANK

Mr. DODD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 207

Whereas the Department of Justice is responsible for upholding and enforcing the law throughout the United States of America;

Whereas the Attorney General, as the Nation's chief law enforcement official, must place the rule of law above partisan political gain;

Whereas Attorney General Alberto Gonzales has consistently provided misleading and incomplete testimony to Congress regarding his role in the inappropriate and politically motivated firings of at least 8 United States Attorneys, as well as refusing to acknowledge widespread concern within the Department of Justice on the legality of its domestic surveillance program;

Whereas, according to the testimony of former Deputy Attorney General James Comey, Attorney General Alberto Gonzales, while White House Counsel, attempted to pressure then-Attorney General John Ashcroft to authorize a domestic surveillance program that the Department of Justice itself had determined had "no legal basis", while he was in the intensive care unit of George Washington University Hospital and had relinquished the powers of the Attorney General;

Whereas the current controversies surrounding the Attorney General have undermined the effectiveness and integrity of the Department of Justice and have contributed to a reduction in morale among employees who have important work to accomplish;

Whereas the International Bank for Reconstruction and Development, in this resolution referred to as the "World Bank", plays a vital role in global efforts to reduce poverty, aid development, and promote good governance in all nations in which it operates;

Whereas anti-corruption efforts have been a key element of the World Bank strategy under both the current and previous Bank Presidents;

Whereas Paul D. Wolfowitz, President of the World Bank, arranged for a pay and promotion package for Shaha Ali Riza, a bank employee with whom he had a personal relationship, upon becoming President in 2005;

Whereas, on May 14, 2007, an Ethics Committee of the World Bank investigating this incident reported to the World Bank's Board of Directors that "Mr. Wolfowitz's contract requiring that he adhere to the Code of Conduct for board officials and that he avoid any conflict of interest, real or apparent, were violated" in arranging for a pay raise and promotion for Shaha Ali Riza, thus contravening World Bank ethical and governance rules;

Whereas, on April 26, 2007, more than 40 members of the Bank's anti-corruption unit issued a statement declaring that due to corruption allegations against Mr. Wolfowitz, "The credibility of our front-line staff is eroding in the face of legitimate questions from our clients about the bank's ability to practice what it preaches on governance";

Whereas several of the World Bank's largest donors, including European nations who supply a major portion of the World Bank's operating revenue, have warned that they might withhold funds for the World Bank so long as Mr. Wolfowitz remains in office; and

Whereas the actions of Attorney General Gonzales and Mr. Wolfowitz have created a crisis of confidence and credibility within two vital institutions with serious national and international consequences and merit decisive action by the President of the United States: Now, therefore, be it

Resolved, That the Senate calls on the President of the United States immediately to recommend new candidates for the positions of the Attorney General of the United States and the President of the World Bank in order to preserve the integrity and the efficacy of the Department of Justice and the World Bank.

Mr. DODD. Mr. President, I send a resolution to the desk, which next week I will ask my colleagues to consider. I do so with some reluctance, but we have reached a point where the concerns revolving around the Attorney General's Office as well as the head of the World Bank have come to a point where I think this body ought to express itself, given the concerns that are mounting about these individuals' ability to perform their functions.

Washington, DC, has always been home to controversies. We know that. But the ones currently swirling around the Department of Justice and the World Bank are simply unacceptable and I think must come to an end. The President, in my view, must assume the responsibility here.

We are focused on calling for resignations, but the Commander in Chief, the President, is where the buck stops. He bears the responsibility to replace these individuals if they have reached a point where they no longer have the ability to run these institutions, instilling the kind of confidence and global support the American public would expect.

I do not say this with any sense of glee at all, but I think we have arrived at a moment where a change of leadership in these two offices is essential.

Let me begin with Mr. Gonzales, if I may, whose saga continues to unfold, with each revelation more disturbing than the last.

The Attorney General is the chief law enforcement officer of the country. He must be above politics, and put administration of justice above partisan gain. Clearly, that is not the case here. It is now abundantly clear the Attorney General has placed his friendship and allegiance to the President above the sworn duty to defend and protect the Constitution. These are not allegations I have made alone; others have also made these points.

We heard Tuesday in the Senate Judiciary Committee hearing the shocking testimony of the former Deputy Attorney General of the United States about Mr. Gonzales' role while White House Counsel, attempting to pressure then-Attorney General John Ashcroft to authorize domestic surveillance despite the fact that the Justice Department, under John Ashcroft, determined that would be illegal. He went to Attorney General Ashcroft's bedside when he was in critical condition to try to secure his signature to allow those practices to go forward. This is not healthy. It is hurting our country, hurting the morale of the Justice Department, and it is time for the President to step forward and appoint a new Attorney General.

Let me, if I quickly can, turn to the President of the World Bank, Mr. Wolfowitz. The World Bank, as we all know, plays a vital role in global efforts to reduce poverty, aid development, and promote good governance in all nations in which it operates. Mr. Wolfowitz in particular made fighting corruption his signature issue at the bank; yet we know of the allegations here. I don't need to go into detail about them. My colleagues know what they are; they have been widely reported. A World Bank ethics committee investigating this incident reported to the World Bank's Board of Directors:

> Mr. Wolfowitz's contract requiring that he adhere to the Code of Conduct for board officials and that he avoid any conflict of interest, real or apparent, was violated.

That is their conclusion. In short, I believe Mr. Wolfowitz broke the World Bank's ethical and governance rules, and instead of combating corruption abroad, as he pledged to do, his actions brought it to the heart of the World Bank.

I point out that 40 members of the Bank's anti-corruption unit issued a statement saying this:

> The credibility of our front-line staff is eroding in the face of legitimate questions from our clients about the bank's ability to practice what it preaches on governance.

These are not my words; again, these are the words of the World Bank staff. Their work is being compromised by the actions of their President.

Moreover, several of the World Bank's largest donors, including European nations who supply a major portion of the World Bank's operating revenue, have warned they might withhold these funds for the World Bank so long as Mr. Wolfowitz remains in office.

I don't take any pleasure in suggesting this. But when the Justice Department and the World Bank are under assault because of the actions of their two leaders, it is time for the American President, who has the authority to replace these individuals, to do so. I know there is reluctance on the part of my colleagues to involve themselves in some of these matters, but when institutions as important as the Justice Department and the World Bank are suffering from loss of credibility, I think it is incumbent on this body to express itself.

At an appropriate time next week I will ask for this resolution to be considered by this body. I know we have the important matter of immigration to consider, but this matter is also important.

Of course, should the President move forward and call for the resignations and replace these individuals, then this resolution would be moot. In the meantime, I intend to press forward with this idea. I urge my colleagues in both parties to support this resolution, regardless of their feelings about these individuals or their personal relationships with them—we bear a responsibility that goes beyond personalities here.

The Justice Department deserves better. The World Bank deserves better. I hope my colleagues will join in a bipartisan way to express the sense of the Senate that the President ought to replace these individuals and restore the confidence and the good feelings we all ought to have about both of these institutions.

SENATE RESOLUTION 208—ENCOURAGING THE ELIMINATION OF HARMFUL FISHING SUBSIDIES THAT CONTRIBUTE TO OVERCAPACITY IN THE WORLD'S COMMERCIAL FISHING FLEET AND LEAD TO THE OVERFISHING OF GLOBAL FISH STOCKS

Mr. STEVENS (for himself, Mr. INOUYE, Mr. COCHRAN, Ms. CANTWELL, Ms. SNOWE, Mr. LOTT, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. BOXER, Mr. SUNUNU, Ms. LANDRIEU, Ms. COLLINS, Mr. KERRY, Mr. LAUTENBERG, and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 208

Whereas 2.6 billion people in the world get at least 20 percent of their total dietary animal protein intake from fish;

Whereas the Food and Agriculture Organization of the United Nations has found that 25 percent of the world's fish population are currently overexploited, depleted, or recovering from overexploitation;

Whereas scientists have estimated that populations of many large predator fish such as tuna, marlin, and swordfish have been overfished by foreign industrial fishing fleets;

Whereas the global fishing fleet capacity is estimated to be considerably greater than is needed to catch what the ocean can sustainably produce;

Whereas the United States Congress recognized the threat of overfishing to our oceans and economy and therefore included the requirement to end overfishing in United States commercial fisheries by 2011 in the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479);

Whereas the United States Commission on Ocean Policy and the Pew Oceans Commission identified overcapitalization of the global commercial fishing fleets as a major contributor to the decline of economically important fish populations;

Whereas harmful foreign fishing subsidies encourage overcapitalization and overfishing, support destructive fishing practices that would not otherwise be economically viable, and amount to $10 to $15 billion annually, an amount equivalent to 20 to 25 percent of the global commercial trade in fish;

Whereas such subsidies have also been documented to support illegal, unregulated, and unreported fishing, which impacts commercial fisheries in the United States and around the world both economically and ecologically;

Whereas harmful fishing subsidies are concentrated in relatively few countries, putting other fishing countries, including the United States, at an economic disadvantage;

Whereas the United States is a world leader in advancing policies to eliminate harmful fishing subsidies that support overcapacity and promote overfishing; and

Whereas members of the World Trade Organization, as part of the Doha Development Agenda (Doha Development Round), are engaged in historic negotiations to end harmful fishing subsidies that contribute to overcapacity and overfishing: Now, therefore, be it

Resolved by the Senate, That the United States should continue to promote the elimination of harmful foreign fishing subsidies that promote overcapitalization, overfishing, and illegal, unregulated, and unreported fishing.

SENATE RESOLUTION 209—EXPRESSING SUPPORT FOR THE NEW POWER-SHARING GOVERNMENT IN NORTHERN IRELAND

Mr. KENNEDY (for himself, Mr. DODD, Mr. BIDEN, Ms. COLLINS, Mr. KERRY, Mrs. CLINTON, Mr. LEAHY, Mr. MCCAIN, Mr. SCHUMER, Mr. SMITH, and Mr. OBAMA) submitted the following resolution; which was considered and agreed to:

S. RES. 209

Whereas, on May 8, 2007, the Reverend Ian Paisley and Martin McGuinness became Northern Ireland's first minister and deputy first minister, marking the beginning of a new era of power-sharing;

Whereas Reverend Paisley, the Democratic Unionist leader, and Mr. McGuinness, the Sinn Féin negotiator, have put aside decades of conflict and moved towards historic reconciliation and unity in Northern Ireland;

Whereas, on May 8, 2007, Reverend Paisley declared, "I believe that Northern Ireland has come to a time of peace, a time when hate will no longer rule.";

Whereas Mr. McGuinness declared this new government to be "a fundamental change of approach, with parties moving forward together to build a better future for the people that we represent";

Whereas British Prime Minister Tony Blair declared that "today marks not just the completion of the transition from conflict to peace, but also gives the most visible expression to the fundamental principle on which the peace process has been based. The acceptance that the future of Northern Ireland can only be governed successfully by both communities working together, equal before the law, equal in the mutual respect shown by all and equally committed both to sharing power and to securing peace. That is the only basis upon which true democracy can function and by which normal politics can at last after decades of violence and suffering come to this beautiful but troubled land.";

Whereas the Taoiseach of Ireland, Bertie Ahern, declared that "on this day, we mark the historic beginning of a new era for Northern Ireland. An era founded on peace and partnership. An era of new politics and new realities."; and

Whereas President George W. Bush, like his predecessor President William J. Clinton, has worked tirelessly to bring the parties in Northern Ireland together in support of fulfilling the promises of the Good Friday Accords.

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States stands strongly in support of the new power-sharing government in Northern Ireland;

(2) political leaders of Northern Ireland, Prime Minister Tony Blair, and Taoiseach Bertie Ahern should be commended for acting in the best interest of the people of Northern Ireland by forming the new power-sharing government;

(3) May 8, 2007, will be remembered as an historic day and an important milestone in cementing peace and unity for Northern Ireland and a shining example for nations around the world plagued by internal conflict and violence; and

(4) the United States stands ready to support this new government and to work with the people of Northern Ireland as they achieve their goal of lasting peace for those who reside in Northern Ireland.

SENATE RESOLUTION 210—HONORING THE ACCOMPLISHMENTS OF STEPHEN JOEL TRACHTENBERG AS PRESIDENT OF THE GEORGE WASHINGTON UNIVERSITY IN WASHINGTON, D.C., IN RECOGNITION OF HIS UPCOMING RETIREMENT IN JULY 2007

Mr. LIEBERMAN (for himself, Mr. ENZI, and Mr. INOUYE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 210

Whereas Stephen Joel Trachtenberg has served since 1988 as the 15th president of The George Washington University;

Whereas Stephen Joel Trachtenberg served as the third president of the University of Hartford in Hartford, Connecticut, from 1977 to 1988;

Whereas Stephen Joel Trachtenberg, a native of Brooklyn, New York, was an accomplished author, scholar, and educator, and has earned the respect and admiration of his colleagues, peers, and students;

Whereas Stephen Joel Trachtenberg earned a bachelor of arts degree from Columbia University in 1959, a juris doctor degree from Yale University in 1962, and a master of public administration degree from Harvard University in 1966;

Whereas Stephen Joel Trachtenberg was selected as a Winston Churchill Traveling Fellow for study in Oxford, England, in 1968;

Whereas Stephen Joel Trachtenberg was celebrated by the Connecticut Region of Hadassah with the Myrtle Wreath Award in 1982, was presented with The Mt. Scopus Award from Hebrew University in Jerusalem in 1984, and received the Human Relations Award from the National Conference of Christians and Jews in 1987;

Whereas Stephen Joel Trachtenberg was honored with the Distinguished Public Service Award from the Connecticut Bar Association in 1988, and was recognized by the Hartford branch of the National Association for the Advancement of Colored People for his contributions to the education of minority students;

Whereas Stephen Joel Trachtenberg received the International Salute Award in honor of Martin Luther King, Jr. in 1992, and the Hannah G. Solomon Award from the National Council of Jewish Women;

Whereas Stephen Joel Trachtenberg was awarded the John Jay Award for Outstanding Professional Achievement in 1995 by Columbia University, the Newcomen Society Award, and the Spirit of Democracy Award from the American Jewish Congress;

Whereas Stephen Joel Trachtenberg received an honorary doctor of medicine degree from the Odessa State Medical University in Ukraine in 1996, the Distinguished Service Award from the American Association of University Administrators, and the B'nai B'rith Humanitarian Award;

Whereas Stephen Joel Trachtenberg received the Department of State Secretary's Open Forum Distinguished Public Service Award in 1997, and the Grand Cross, the highest honor of the Scottish Rite of Freemasonry;

Whereas "Stephen Joel Trachtenberg Day" was declared by resolution of the Council of the District of Columbia on January 22, 1998, in honor of his commitments to minority students, scholarship programs, public school partnerships, and community service;

Whereas Stephen Joel Trachtenberg was honored by Boston University in 1999, where he previously served as a vice president and as an academic dean, with an honorary doctor of humane letters degree;

Whereas Stephen Joel Trachtenberg received the Tree of Life Award from the Jewish National Fund;

Whereas Stephen Joel Trachtenberg was named a Washingtonian of the Year 2000 by Washingtonian Magazine, was decorated as a Grand Officier Du Wissam Al Alaoui by King Mohammed VI of Morocco in 2000, and was awarded the Order of St. John of Jerusalem. Knight Grand Cross for Distinguished Service to Freemasonry and Humanity;

Whereas Stephen Joel Trachtenberg received honorary doctor of laws degrees from Southern Connecticut State University, the University of New Haven, Mount Vernon College, and Richmond College in London;

Whereas Stephen Joel Trachtenberg was named a Fellow of the American Academy of Arts and Sciences, and was awarded the Department of the Treasury's Medal of Merit;

Whereas Stephen Joel Trachtenberg received the Humanitarian Award from the Albert B. Sabin Institute, and the District of Columbia Business Leader of the Year Award from the District of Columbia Chamber of Commerce;

Whereas Stephen Joel Trachtenberg performed public service as an attorney with the Atomic Energy Commission, as an aide to former Indiana Representative John Brademas, and as a special assistant at the Department of Health, Education, and Welfare;

Whereas Stephen Joel Trachtenberg authored "Reflections on Higher Education", published in 2002, "Thinking Out Loud", published in 1998, and "Speaking His Mind", published in 1994;

Whereas Stephen Joel Trachtenberg serves on the boards of the Chief of Naval Operations Executive Panel and the International Association of University Presidents, and as a member of the Council on Foreign Relations;

Whereas Stephen Joel Trachtenberg, as president of The George Washington University, opened new buildings for the School of Business and the Elliott School of International Affairs and a new hospital, and added the Mount Vernon Campus, formerly the Mount Vernon College for Women, to the university;

Whereas Stephen Joel Trachtenberg, as president of The George Washington University, created 5 new schools, the School of Public Health and Health Services, the School of Public Policy and Public Administration, the College of Professional Studies, the Graduate School of Political Management, and the School of Media and Public Affairs;

Whereas Stephen Joel Trachtenberg, as president of The George Washington University, "reinvented" the university's position and positive reputation as Washington, D.C.'s center of scholarship;

Whereas Stephen Joel Trachtenberg will continue, after retiring as the third-longest-serving president of The George Washington University, as University Professor of Public Service and President Emeritus; and

Whereas Stephen Joel Trachtenberg and his wife, Francine Zorn Trachtenberg, have 2 sons, Adam and Ben: Now, therefore, be it

Resolved, That the Senate—

(1) honors and salutes the accomplishments of Stephen Joel Trachtenberg and recognizes his deeds throughout his 19 years of service as president of The George Washington University in Washington, D.C.;

(2) recognizes the accomplishments and achievements of Stephen Joel Trachtenberg in higher education, as an author, as an attorney, and as a public official; and

(3) based upon his service, extends its appreciation to Stephen Joel Trachtenberg in recognition of his retirement as president of The George Washington University.

Mr. LIEBERMAN. Mr. President, I rise today to introduce a resolution, along with my colleague Senators ENZI and INOUYE, to honor the accomplishments of Stephen Joel Trachtenberg. This resolution honors a remarkable man. President Trachtenberg is about to retire in July 2007 as the third-longest serving President of George Washington University, one of this country's premier educational organizations; an institution that contributes deeply, year after year, to our understanding of the world around us.

I have known Steve Trachtenberg for a long time, since his service in Connecticut as the third President of the University of Hartford from 1977 to 1988. He is a proud native of Brooklyn, N.Y., and as an accomplished author, scholar, and educator, he has earned the respect and admiration of his colleagues, peers and students. I know he is also proud of his wife, Francine Zorn Trachtenberg, and his two sons, Adam and Ben.

President Trachtenberg earned his bachelor's degree from Columbia University in 1959, and showed his skill at making sound decisions by going to Yale to get his law degree in 1962. A Master of Public Administration degree followed later from Harvard.

Prior to his illustrious career in academia, he served in government as a special assistant to the U.S. Education Commissioner at the Department of Health, Education and Welfare, as an attorney with the U.S. Atomic Energy Commission, and on the Hill as a legislative aide to former Indiana Congressman John Brademas.

President Trachtenberg's has won numerous well-deserved awards and honorary degrees. I will only site a few examples here. In 1982 he was celebrated by the Connecticut Region of Hadassah with the Myrtle Wreath Award. In 1984 he was presented with The Mt. Scopus Award from Hebrew University in Jerusalem, and in 1987 received the Human Relations Award from the National Conference of Christians and Jews.

In 1988 he was honored with the Distinguished Public Service Award from the Connecticut Bar Association. and was proudly recognized by the Hartford NAACP for his contributions to the education of minority students. In 1992 he received the International Salute Award in honor of Martin Luther King, Jr.

He was even named "Washingtonian of the Year 2000" by Washingtonian Magazine, was decorated in 2000 with a medal by King Mohammed VI of Morocco, and was awarded the Order of St. John of Jerusalem, Knight Grand Cross for Distinguished Service to Freemasonry and Humanity.

For all he has done, "Stephen Joel Trachtenberg Day" was declared by resolution of the Council of the District of Columbia, on January 22, 1998, in honor of his commitments to minority students, scholarship programs, public school partnerships and community service. Not to be outdone, "Stephen Joel Trachtenberg Day in San Francisco!" was declared by Proclamation of the City and County of San Francisco, on February 2, 1999.

He is also a respected author writing Reflections on Higher Education in 2002, Thinking Out Loud in 1998, and Speaking His Mind in 1994.

As President of George Washington University he opened new buildings for the School of Business and the Elliott School of International Affairs, a new hospital, and added the Mount Vernon Campus, formerly the Mount Vernon College for Women. He also created five new schools: Public Health and Health Services, Public Policy and Public Administration, College of Professional Studies, Graduate School of Political Management, and Media and Public Affairs. Importantly he "reinvented" the University's position and positive reputation as Washington, D.C.'s center of scholarship.

After all of these accomplishments he is retiring as President of the George Washington University, but will continue as President Emeritus and as a University Professor of Public Service.

In this resolution, the Senate:

1. honors and salutes the accomplishments of Stephen Joel Trachtenberg and recognizes his deeds throughout his 19 years of service as President of The George Washington University in Washington, D.C.;

2. recognizes his accomplishments and achievements in higher education, as an author, as an attorney and as a public official; and

3. based upon his service extends its appreciation to him in recognition of his retirement as President of The George Washington University in Washington, D.C.

Mr. President, I urge the Senate to act quickly on this resolution to honor the efforts of President Trachtenberg on behalf of so many who have benefited from his extraordinary service.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, May 24, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The hearing will address opportunities and challenges associated with coal gasification, including coal-to-liquids and industrial gasification.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Michael Carr or Rachel Pasternack.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 17, 2007, at 10:15 a.m., in open session, to receive testimony on United States European Command in review of the Defense authorization request for fiscal year 2008 and the future years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 17, 2007, at 3 p.m., in executive session, to consider a pending military nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, May 17, 2007, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on law enforcement in Indian Country.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 17, 2007, at 10 a.m. in Dirksen Room 226.

Agenda

I. Committee Authorization

Authorization of Subpoenas in Connection with Investigation into Replacement of U.S. Attorneys.

II. Bills

S. 221, Fair Contracts for Growers Act of 2007 (Grassley, Feingold, Kohl, Leahy, Durbin).

S. 376, Law Enforcement Officers Safety Act of 2007 (Leahy, Specter, Grassley, Kyl, Sessions, Cornyn).

S. 1079, Star-Spangled Banner and War of 1812 Bicentennial Commission Act (Cardin, Warner, Kennedy).

S. 1327, A bill to create and extend certain temporary district court judgeships (Leahy, Brownback, Feinstein).

S. 1027, Prevent All Cigarette Trafficking Act of 2007 (Kohl, Kyl, Leahy, Schumer, Specter).

III. Resolutions

S. Res. 138, Honoring the accomplishments and legacy of Cesar Estrada Chavez (Salazar, Durbin).

S. Res. 132, Recognizing the Civil Air Patrol (Stevens, Inouye).

S. Res. 130, Resolution designating a National Day of the American Cowboy (Craig, Cornyn, Hatch).

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 17, 2007, at 2:30 p.m. to hold a closed mark-up.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Thursday, May 17, 2007, at 9:30 a.m. for a hearing entitled, Evaluating the Progress and Identifying Obstacles in Improving the Federal Government's Security Clearance Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on May 17, 2007, at 2:30 p.m., to conduct a hearing on "Consolidation of NASD and the Regulatory Functions of the NYSE: Working Towards Improved Regulation."

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER RESOURCES DEVELOPMENT ACT OF 2007

On Wednesday, May 16, 2007, the Senate passed H.R. 1495, as amended, as follows:

H.R. 1495

Resolved, That the bill from the House of Representatives (H.R. 1495) entitled "An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.
Sec. 1002. Enhanced navigation capacity improvements and ecosystem restoration plan for Upper Mississippi River and Illinois Waterway System.

Sec. 1003. Louisiana Coastal Area ecosystem restoration, Louisiana.

Sec. 1004. Small projects for flood damage reduction.

Sec. 1005. Small projects for navigation.

Sec. 1006. Small projects for aquatic ecosystem restoration.

Sec. 1007. Small projects to prevent or mitigate damage caused by navigation projects.

Sec. 1008. Small projects for aquatic plant control.

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

Sec. 2001. Credit for in-kind contributions.

Sec. 2002. Interagency and international support authority.

Sec. 2003. Training funds.

Sec. 2004. Fiscal transparency report.

Sec. 2005. Planning.

Sec. 2006. Water Resources Planning Coordinating Committee.

Sec. 2007. Independent peer review.

Sec. 2008. Mitigation for fish and wildlife losses.

Sec. 2009. State technical assistance.

Sec. 2010. Access to water resource data.

Sec. 2011. Construction of flood control projects by non-Federal interests.

Sec. 2012. Regional sediment management.

Sec. 2013. National shoreline erosion control development program.

Sec. 2014. Shore protection projects.

Sec. 2015. Cost sharing for monitoring.

Sec. 2016. Ecosystem restoration benefits.

Sec. 2017. Funding to expedite the evaluation and processing of permits.

Sec. 2018. Electronic submission of permit applications.

Sec. 2019. Improvement of water management at Corps of Engineers reservoirs.

Sec. 2020. Federal hopper dredges.

Sec. 2021. Extraordinary rainfall events.

Sec. 2022. Wildfire firefighting.

Sec. 2023. Nonprofit organizations as sponsors.

Sec. 2024. Project administration.

Sec. 2025. Program administration.

Sec. 2026. Extension of shore protection projects.

Sec. 2027. Tribal partnership program.

Sec. 2028. Project deauthorization.

Subtitle B—Continuing Authorities Projects

Sec. 2031. Navigation enhancements for waterborne transportation.

Sec. 2032. Protection and restoration due to emergencies at shores and streambanks.

Sec. 2033. Restoration of the environment for protection of aquatic and riparian ecosystems program.

Sec. 2034. Environmental modification of projects for improvement and restoration of ecosystems program.

Sec. 2035. Projects to enhance estuaries and coastal habitats.

Sec. 2036. Remediation of abandoned mine sites.

Sec. 2037. Small projects for the rehabilitation and removal of dams.

Sec. 2038. Remote, maritime-dependent communities.

Sec. 2039. Agreements for water resource projects.

Sec. 2040. Program names.

Subtitle C—National Levee Safety Program

Sec. 2051. Short title.

Sec. 2052. Definitions.

Sec. 2053. National Levee Safety Committee.

Sec. 2054. National Levee Safety Program.

Sec. 2055. Authorization of appropriations.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 3001. St. Herman and St. Paul Harbors, Kodiak, Alaska.

Sec. 3002. Sitka, Alaska.

Sec. 3003. Black Warrior-Tombigbee Rivers, Alabama.

Sec. 3004. Nogales Wash and tributaries flood control project, Arizona.

Sec. 3005. Rio de Flag, Flagstaff, Arizona.

Sec. 3006. Tucson drainage area (Tucson Arroyo), Arizona.

Sec. 3007. Augusta and Clarendon, Arkansas.

Sec. 3008. Eastern Arkansas Enterprise Community, Arkansas.

Sec. 3009. Red-Ouachita River Basin levees, Arkansas and Louisiana.

Sec. 3010. St. Francis Basin, Arkansas and Missouri.

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Sec. 3012. McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma.

Sec. 3013. Cache Creek Basin, California.

Sec. 3014. CALFED levee stability program, California.

Sec. 3015. Hamilton Airfield, California.

Sec. 3016. LA–3 dredged material ocean disposal site designation, California.

Sec. 3017. Larkspur Ferry Channel, California.

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Sec. 3021. Pine Flat Dam fish and wildlife habitat, California.

Sec. 3022. Redwood City Navigation Project, California.

Sec. 3023. Sacramento and American Rivers flood control, California.

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Sec. 3026. Salton Sea restoration, California.

Sec. 3027. Santa Barbara Streams, Lower Mission Creek, California.

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Sec. 3034. Additional program authority, comprehensive Everglades restoration, Florida.

Sec. 3035. Brevard County, Florida.

Sec. 3036. Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida.

Sec. 3037. Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida.

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Sec. 3070. Aunt Lydia's Cove, Massachusetts.

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Sec. 3076. Project for environmental enhancement, Mississippi and Louisiana estuarine areas, Mississippi and Louisiana.

Sec. 3077. Land exchange, Pike County, Missouri.

Sec. 3078. L–15 levee, Missouri.

Sec. 3079. Union Lake, Missouri.

Sec. 3080. Lower Yellowstone project, Montana.

Sec. 3081. Yellowstone River and tributaries, Montana and North Dakota.

Sec. 3082. Western Sarpy and Clear Creek, Nebraska.

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Sec. 3088. Orchard Beach, Bronx, New York.

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Sec. 3095. Toussaint River Navigation Project, Carroll Township, Ohio.

Sec. 3096. Arcadia Lake, Oklahoma.

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Sec. 3102. Waurika Lake, Oklahoma.
Sec. 3103. Lookout Point project, Lowell, Oregon.
Sec. 3104. Upper Willamette River Watershed ecosystem restoration.
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SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) HAINES HARBOR, ALASKA.—The project for navigation, Haines Harbor, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $14,040,000, with an estimated Federal cost of $11,232,000 and an estimated non-Federal cost of $2,808,000.

(2) TANQUE VERDE CREEK, ARIZONA.—The project for ecosystem restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $5,906,000, with an estimated Federal cost of $3,836,000 and an estimated non-Federal cost of $2,070,000.

(3) SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA.—

(A) IN GENERAL.—The project for ecosystem restoration, Salt River (Va Shlyay Akimel), Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $162,100,000, with an estimated Federal cost of $105,200,000 and an estimated non-Federal cost of $56,900,000.

(B) COORDINATION WITH FEDERAL RECLAMATION PROJECTS.—The Secretary, to the maximum extent practicable, shall coordinate the development and construction of the project described in subparagraph (A) with each Federal reclamation project located in the Salt River Basin to address statutory requirements and the operations of those projects.

(4) MAY BRANCH, FORT SMITH, ARKANSAS.—The project for flood damage reduction, May Branch, Fort Smith, Arkansas: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $30,850,000, with an estimated Federal cost of $15,010,000 and an estimated non-Federal cost of $15,840,000.

(5) HAMILTON CITY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $52,400,000, with an estimated Federal cost of $34,100,000 and estimated non-Federal cost of $18,300,000.

(6) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $13,700,000, with an estimated Federal cost of $8,521,000 and an estimated non-Federal cost of $5,179,000, and at an estimated total cost of $42,500,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $21,250,000 and an estimated non-Federal cost of $21,250,000.

(7) MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for ecosystem restoration, Matilija Dam and Ventura River Watershed, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $144,500,000, with an estimated Federal cost of $89,700,000 and an estimated non-Federal cost of $54,800,000.

(8) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $45,200,000, with an estimated Federal cost of $29,500,000 and an estimated non-Federal cost of $15,700,000.

(9) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $134,500,000, with an estimated Federal cost of $87,500,000 and an estimated non-Federal cost of $47,000,000.

(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(10) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for ecosystem restoration, Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers dated May 16, 2003, at a total cost of $20,100,000, with an estimated Federal cost of $13,065,000 and an estimated non-Federal cost of $7,035,000.

(11) COMPREHENSIVE EVERGLADES RESTORATION PLAN, CENTRAL AND SOUTHERN FLORIDA, SITE 1.—The project for ecosystem restoration, Comprehensive Everglades restoration plan, central and southern Florida, Site 1 impoundment project, Palm Beach County, Florida: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $80,840,000, with an estimated Federal cost of $40,420,000 and an estimated non-Federal cost of $40,420,000.

(12) INDIAN RIVER LAGOON, SOUTH FLORIDA.—

(A) IN GENERAL.—The Secretary may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Indian River Lagoon, south Florida, at a total cost of $1,365,000,000, with an estimated first Federal cost of $682,500,000 and an estimated first non-Federal cost of $682,500,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers dated August 6, 2004.

(B) DEAUTHORIZATIONS.—As of the date of enactment of this Act, the following projects are not authorized:

(i) The uncompleted portions of the project authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), C–44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, at a total cost of $147,800,000, with an estimated Federal cost of $73,900,000 and an estimated non-Federal cost of $73,900,000.

(ii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), Martin County, Florida, modifications to Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session, at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000 and an estimated non-Federal cost of $7,398,000.

(iii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), East Coast Backpumping, St. Lucie–Martin County, Spillway Structure S–311 of the Central and South Florida Project, as contained in House Document 369, 90th Congress, 2d Session, at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000 and an estimated non-Federal cost of $21,994,000.

(13) MIAMI HARBOR, MIAMI, FLORIDA.—The project for navigation, Miami Harbor, Miami, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of $125,270,000, with an estimated Federal cost of $75,140,000 and an estimated non-Federal cost of $50,130,000.

(14) PICAYUNE STRAND, FLORIDA.—The project for ecosystem restoration, Picayune Strand, Florida: Report of the Chief of Engineers dated September 15, 2005, at a total cost of $375,330,000 with an estimated Federal cost of $187,665,000 and an estimated non-Federal cost of $187,665,000.

(15) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for ecosystem restoration and recreation, East St. Louis and Vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $208,260,000, with an estimated Federal cost of $134,910,000 and an estimated non-Federal cost of $73,350,000.

(16) PEORIA RIVERFRONT, ILLINOIS.—The project for ecosystem restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers dated July 28, 2003, at a total cost of $18,220,000, with an estimated Federal cost of $11,840,000 and an estimated non-Federal cost of $6,380,000.

(17) WOOD RIVER LEVEE SYSTEM, ILLINOIS.—The project for flood damage reduction, Wood River, Illinois: Report of the Chief of Engineers dated July 18, 2006, at a total cost of $17,220,000, with an estimated Federal cost of $11,193,000 and an estimated non-Federal cost of $6,027,000.

(18) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $10,780,000, with an estimated Federal cost of $6,967,000 and an estimated non-Federal cost of $3,813,000.

(19) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $9,680,000. The

costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(20) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of $886,700,000 with an estimated Federal cost of $576,355,000 and an estimated non-Federal cost of $310,345,000.

(B) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212; Public Law 99–662).

(21) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana: Report of the Chief of Engineers dated December 31, 2006, at a total cost of $131,250,000, with an estimated Federal cost of $105,315,000 and an estimated non-Federal cost of $25,935,000, except that the Secretary, in consultation with Vermillion and Iberia Parishes, Louisiana, is directed to use available dredged material and rock placement on the south bank of the Gulf Intracoastal Waterway and the west bank of the Freshwater Bayou Channel to provide incidental storm surge protection.

(22) POPLAR ISLAND EXPANSION, MARYLAND.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), and modified by section 318 of the Water Resources Development Act of 2000 (114 Stat. 2678), is further modified to authorize the Secretary to construct the expansion of the project in accordance with the Report of the Chief of Engineers dated March 31, 2006, at an additional total cost of $260,000,000, with an estimated Federal cost of $195,000,000 and an estimated non-Federal cost of $65,000,000.

(23) SMITH ISLAND, MARYLAND.—The project for ecosystem restoration, Smith Island, Maryland: Report of the Chief of Engineers dated October 29, 2001, at a total cost of $15,580,000, with an estimated Federal cost of $10,127,000 and an estimated non-Federal cost of $5,453,000.

(24) ROSEAU RIVER, ROSEAU, MINNESOTA.—The project for flood damage reduction, Roseau River, Roseau, Minnesota: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $25,100,000, with an estimated Federal cost of $13,820,000 and an estimated non-Federal cost of $11,280,000.

(25) MISSISSIPPI COASTAL IMPROVEMENT PROJECT, HANCOCK, HARRISON, AND JACKSON COUNTIES, MISSISSIPPI.—The project for hurricane and storm damage reduction and ecosystem restoration, Mississippi coastal improvement project, Hancock, Harrison, and Jackson Counties, Mississippi: Report of the Chief of Engineers dated December 31, 2006, at a total cost of $107,690,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,690,000.

(26) ARGENTINE, EAST BOTTOMS, FAIRFAX-JERSEY CREEK, AND NORTH KANSAS LEVEES UNITS, MISSOURI RIVER AND TRIBUTARIES AT KANSAS CITIES, MISSOURI AND KANSAS.—The project for flood damage reduction, Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees units, Missouri River and tributaries at Kansas Cities, Missouri and Kansas: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $65,430,000, with an estimated Federal cost of $42,530,000 and an estimated non-Federal cost of $22,900,000.

(27) SWOPE PARK INDUSTRIAL AREA, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Missouri: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $16,980,000, with an estimated Federal cost of $11,037,000 and an estimated non-Federal cost of $5,943,000.

(28) GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Great Egg Harbor Inlet to Townsends Inlet, New Jersey: Report of the Chief of Engineers dated October 24, 2006, at a total cost of $54,360,000, with an estimated Federal cost of $35,069,000 and an estimated non-Federal cost of $19,291,000, and at an estimated total cost of $202,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $101,250,000 and an estimated non-Federal cost of $101,250,000.

(29) HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—The project for environmental restoration, Hudson Raritan Estuary, Liberty State Park, New Jersey: Report of the Chief of Engineers dated August 25, 2006, at a total cost of $34,100,000, with an estimated Federal cost of $22,200,000 and an estimated non-Federal cost of $11,900,000.

(30) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlets, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $71,900,000, with an estimated Federal cost of $46,735,000 and an estimated non-Federal cost of $25,165,000, and at an estimated total cost of $119,680,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $59,840,000 and an estimated non-Federal cost of $59,840,000.

(31) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey: Report of the Chief of Engineers dated January 4, 2006, at a total cost of $115,000,000, with an estimated Federal cost of $74,800,000 and an estimated non-Federal cost of $40,200,000, and at an estimated total cost of $6,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $3,250,000 and an estimated non-Federal cost of $3,250,000.

(32) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and ecosystem restoration, South River, New Jersey: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $122,300,000, with an estimated Federal cost of $79,500,000 and an estimated non-Federal cost of $42,800,000.

(33) SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Albuquerque, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $24,840,000, with an estimated Federal cost of $16,150,000 and an estimated non-Federal cost of $8,690,000.

(34) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, New York: Report of the Chief of Engineers dated March 31, 2006, at a total cost of $14,600,000, with an estimated Federal cost of $7,300,000 and an estimated non-Federal cost of $7,300,000.

(35) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—

(A) IN GENERAL.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio: Report of the Chief of Engineers dated August 24, 2006, at a total cost of $20,980,000, with an estimated Federal cost of $13,440,000 and an estimated non-Federal cost of $7,540,000.

(B) WAYNE NATIONAL FOREST.—

(i) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, may construct other project features on property that is located in the Wayne National Forest, Ohio, owned by the United States and managed by the Forest Service as described in the report of the Corps of Engineers entitled "Hocking River Basin, Ohio, Monday Creek Sub-Basin Ecosystem Restoration Project Feasibility Report and Environmental Assessment".

(ii) COST.—Each project feature carried out on Federal land shall be designed, constructed, operated, and maintained at full Federal expense.

(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $1,270,000.

(36) BLOOMSBURG, PENNSYLVANIA.—The project for flood damage reduction, Bloomsburg, Pennsylvania: Report of the Chief of Engineers dated January 25, 2006, at a total cost of $44,500,000, with an estimated Federal cost of $28,925,000 and an estimated non-Federal cost of $15,575,000

(37) PAWLEYS ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawleys Island, South Carolina: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $8,980,000, with an estimated Federal cost of $5,840,000 and an estimated non-Federal cost of $3,140,000, and at an estimated total cost of $21,200,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $10,600,000 and an estimated non-Federal cost of $10,600,000.

(38) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—

(A) IN GENERAL.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $188,110,000, with an estimated Federal cost of $87,810,000 and an estimated non-Federal cost of $100,300,000.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subparagraph (A), the Secretary shall enforce navigational servitude in the Corpus Christi Ship Channel, including, at the sole expense of the owner of the facility, the removal or relocation of any facility obstructing the project.

(39) GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY RE-ROUTE, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers dated December 24, 2002, at a total cost of $17,280,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(40) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Sabine River to Corpus Christi, Texas: Report of the Chief of Engineers dated April 16, 2004, at a total cost of $14,450,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(41) LOWER COLORADO RIVER BASIN PHASE I, TEXAS.—The project for flood damage reduction and ecosystem restoration, Lower Colorado River Basin Phase I, Texas: Report of the Chief of Engineers dated December 31, 2006, at a total cost of $110,730,000, with an estimated Federal cost of $69,640,000 and an estimated non-Federal cost of $41,090,000.

(42) CRANEY ISLAND EASTWARD EXPANSION, VIRGINIA.—The project for navigation, Craney Island Eastward Expansion, Virginia: Report of

the Chief of Engineers dated October 24, 2006, at a total cost of $712,103,000, with an estimated Federal cost of $31,229,000 and an estimated non-Federal cost of $680,874,000.

(43) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers dated March 3, 2003, at a total cost of $37,200,000.

(44) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—The project for flood damage reduction, Centralia, Washington, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4126)—

(A) is modified to be carried out at a total cost of $123,770,000, with a Federal cost of $74,740,000, and a non-Federal cost of $49,030,000; and

(B) shall be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated September 27, 2004.

SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

(a) DEFINITIONS.—In this section:

(1) PLAN.—The term "Plan" means the project for navigation and ecosystem improvements for the Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers dated December 15, 2004.

(2) UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.—The term "Upper Mississippi River and Illinois Waterway System" means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

(b) AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.—

(1) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan—

(i) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock;

(ii) provide switchboats at Locks 20 through 25; and

(iii) conduct development and testing of an appointment scheduling system.

(B) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $256,000,000. The costs of construction of the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(2) NEW LOCKS.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan, construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(B) MITIGATION.—The Secretary shall conduct mitigation for the new locks and small scale and nonstructural measures authorized under paragraphs (1) and (2).

(C) CONCURRENCE.—The mitigation required under subparagraph (B) for the projects authorized under paragraphs (1) and (2), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests for the projects authorized under paragraphs (1) and (2), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

(D) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $1,948,000,000. The costs of construction on the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) ECOSYSTEM RESTORATION AUTHORIZATION.—

(1) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(B) PROJECTS INCLUDED.—Ecosystem restoration projects may include, but are not limited to—

(i) island building;

(ii) construction of fish passages;

(iii) floodplain restoration;

(iv) water level management (including water drawdown);

(v) backwater restoration;

(vi) side channel restoration;

(vii) wing dam and dike restoration and modification;

(viii) island and shoreline protection;

(ix) topographical diversity;

(x) dam point control;

(xi) use of dredged material for environmental purposes;

(xii) tributary confluence restoration;

(xiii) spillway, dam, and levee modification to benefit the environment;

(xiv) land easement authority; and

(xv) land acquisition.

(C) COST SHARING.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the cost of carrying out an ecosystem restoration project under this paragraph shall be 65 percent.

(ii) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this subparagraph for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(I) is located below the ordinary high water mark or in a connected backwater;

(II) modifies the operation or structures for navigation; or

(III) is located on federally owned land.

(iii) SAVINGS CLAUSE.—Nothing in this paragraph affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(iv) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(D) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing owner through conveyance of—

(i) fee title to the land; or

(ii) a flood plain conservation easement.

(3) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(A) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(i) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(ii) establish the without-project condition or baseline for each performance indicator; and

(iii) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(B) OUTCOMES.—Performance measures identified under subparagraph (A)(i) should comprise specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(C) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under subparagraph (A)(i), including—

(i) a timeline to achieve the identified target goals; and

(ii) a timeline for the demonstration of project completion.

(4) SPECIFIC PROJECTS AUTHORIZATION.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $1,717,000,000, of which not more than $245,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than $48,000,000 shall be available for projects described in paragraph (2)(B)(x). Such sums shall remain available until expended.

(B) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under subparagraph (A), not more than $35,000,000 for each fiscal year shall be available for land acquisition under paragraph (2)(D).

(C) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in clauses (ii) and (x) of paragraph (2)(B), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.

(5) IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Not later than June 30, 2008, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(i) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(ii) measures the progress in meeting the goals.

(B) ADVISORY PANEL.—

(i) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under subparagraph (A).

(ii) PANEL MEMBERS.—Panel members shall include—

(I) 1 representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(II) 1 representative of the Department of Agriculture;

(III) 1 representative of the Department of Transportation;

(IV) 1 representative of the United States Geological Survey;

(V) 1 representative of the United States Fish and Wildlife Service;

(VI) 1 representative of the Environmental Protection Agency;

(VII) 1 representative of affected landowners;

(VIII) 2 representatives of conservation and environmental advocacy groups; and

(IX) 2 representatives of agriculture and industry advocacy groups.

(iii) CHAIRPERSON.—The Secretary shall serve as chairperson of the advisory panel.

(iv) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Panel or any working group established by the Advisory Panel.

(6) RANKING SYSTEM.—

(A) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(B) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in paragraph (2)(B).

(d) COMPARABLE PROGRESS.—

(1) IN GENERAL.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this section, the Secretary shall—

(A) select appropriate milestones; and

(B) determine, at the time of such selection, whether the projects are being carried out at comparable rates.

(2) NO COMPARABLE RATE.—If the Secretary determines under paragraph (1)(B) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects will be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA.

(a) IN GENERAL.—The Secretary may carry out a program for ecosystem restoration, Louisiana Coastal Area, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated January 31, 2005.

(b) PRIORITIES.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary shall give priority to—

(A) any portion of the program identified in the report described in subsection (a) as a critical restoration feature;

(B) any Mississippi River diversion project that—

(i) protects a major population area of the Pontchartrain, Pearl, Breton Sound, Barataria, or Terrebonne Basin; and

(ii) produces an environmental benefit to the coastal area of the State of Louisiana; and

(C) any barrier island, or barrier shoreline, project that—

(i) is carried out in conjunction with a Mississippi River diversion project; and

(ii) protects a major population area.

(c) MODIFICATIONS.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to make modifications as necessary to the 5 near-term critical ecosystem restoration features identified in the report referred to in subsection (a), due to the impact of Hurricanes Katrina and Rita on the project areas.

(2) INTEGRATION.—The Secretary shall ensure that the modifications under paragraph (1) are fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(3) CONSTRUCTION.—

(A) IN GENERAL.—The Secretary is authorized to construct the 5 near-term critical ecosystem restoration features, as modified under this subsection.

(B) REPORTS.—Before beginning construction of the projects, the Secretary shall submit a report documenting any modifications to the 5 near-term critical projects, including cost changes, to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(4) APPLICABILITY OF OTHER PROVISIONS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall not apply to the 5 near-term critical projects authorized by this subsection.

(d) DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to conduct a demonstration program within the applicable project area to evaluate new technologies and the applicability of the technologies to the program.

(2) COST LIMITATION.—The cost of an individual project under this subsection shall be not more than $25,000,000.

(e) BENEFICIAL USE OF DREDGED MATERIAL.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to use such sums as are necessary to conduct a program for the beneficial use of dredged material.

(2) CONSIDERATION.—In carrying out the program under subsection (a), the Secretary shall consider the beneficial use of sediment from the Illinois River System for wetlands restoration in wetlands-depleted watersheds.

(f) REPORTS.—

(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall submit to Congress feasibility reports—

(A) on the features included in table 3 of the report referred to in subsection (a); and

(B) that are consistent with the estimates in the table, subject to section 902 of the Water Resources Development Act of 1986 (100 Stat. 4183).

(2) PROJECTS IDENTIFIED IN REPORTS.—

(A) CONSTRUCTION.—The Secretary is authorized to construct the projects identified in the reports substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, if a favorable report of the Chief is completed by not later than December 31, 2010.

(B) REQUIREMENT.—No appropriations shall be made to construct any project under this subsection if the report under paragraph (1) has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(g) NONGOVERNMENTAL ORGANIZATIONS.—

(1) IN GENERAL.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this section.

(2) USE OF FUNDS FROM OTHER PROGRAMS.—The non-Federal interest for a study or project conducted under this section may use, and the Secretary shall accept, funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the study or project, if the head of the Federal agency certifies that the funds may be used for that purpose.

(h) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—The Secretary, in coordination with the Governor of the State of Louisiana, shall—

(A) develop a plan for protecting, preserving, and restoring the coastal Louisiana ecosystem;

(B) not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, submit to Congress the plan, or an update of the plan; and

(C) ensure that the plan is fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(2) INCLUSIONS.—The comprehensive plan shall include a description of—

(A) the framework of a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including the Barataria-Terrebonne estuary), barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of a critical resource, habitat, or infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(B) the means by which a new technology, or an improved technique, can be integrated into the program under subsection (a);

(C) the role of other Federal agencies and programs in carrying out the program under subsection (a); and

(D) specific, measurable ecological success criteria by which success of the comprehensive plan shall be measured.

(3) CONSIDERATION.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program under subsection (a)—

(A) a related Federal or State project carried out on the date on which the plan is developed;

(B) an activity in the Louisiana Coastal Area; or

(C) any other project or activity identified in—

(i) the Mississippi River and Tributaries program;

(ii) the Louisiana Coastal Wetlands Conservation Plan;

(iii) the Louisiana Coastal Zone Management Plan;

(iv) the plan of the State of Louisiana entitled "Coast 2050: Toward a Sustainable Coastal Louisiana"; or

(v) the Comprehensive Master Coastal Protection Plan authorized and defined by Act 8 of the First Extraordinary Session of the Louisiana State Legislature, 2005.

(i) TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to be known as the "Coastal Louisiana Ecosystem Protection and Restoration Task Force" (referred to in this subsection as the "Task Force").

(2) MEMBERSHIP.—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Secretary of Homeland Security.

(I) 3 representatives of the State of Louisiana appointed by the Governor of that State.

(3) DUTIES.—The Task Force shall make recommendations to the Secretary regarding—

(A) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(B) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(i) that identify funds from current agency missions and budgets; and

(ii) for coordinating individual agency budget requests; and

(C) the comprehensive plan under subsection (h).

(4) WORKING GROUPS.—

(A) IN GENERAL.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(B) INTEGRATION TEAM.—

(i) IN GENERAL.—The Task Force shall establish, for the purposes described in clause (ii), an integration team comprised of—

(I) independent experts with experience relating to—

(aa) coastal estuaries;

(bb) diversions;

(cc) coastal restoration;

(dd) wetlands protection;

(ee) ecosystem restoration;

(ff) hurricane protection;

(gg) storm damage reduction systems; and

(hh) navigation and ports; and

(II) representatives of—

(aa) the State of Louisiana; and

(bb) local governments in southern Louisiana.

(ii) PURPOSES.—The purposes referred to in clause (i) are—

(I) to advise the Task Force and the Secretary regarding opportunities to integrate the planning, engineering, design, implementation, and performance of Corps of Engineers projects for hurricane and storm damage reduction, flood damage reduction, ecosystem restoration, and navigation in areas of Louisiana declared to be a major disaster as a result of Hurricane Katrina or Rita;

(II) to review reports relating to the performance of, and recommendations relating to the future performance of, the hurricane, coastal, and flood protection systems in southern Louisiana, including the reports issued by the Interagency Performance Evaluation Team, the National Science Foundation, the American Society of Civil Engineers, and Team Louisiana to advise the Task Force and the Secretary on opportunities to improve the performance of the protection systems; and

(III) to carry out such other duties as the Task Force or the Secretary determine to be appropriate.

(5) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force or any working group of the Task Force.

(j) SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Secretary shall establish a coastal Louisiana ecosystem science and technology program.

(2) PURPOSES.—The purposes of the program established by paragraph (1) shall be—

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana;

(B) to improve knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana; and

(C) to identify and develop technologies, models, and methods to carry out this subsection.

(3) WORKING GROUPS.—The Secretary may establish such working groups as the Secretary determines to be necessary to assist the Secretary in carrying out this subsection.

(4) CONTRACTS AND COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into a contract or cooperative agreement with an individual or entity (including a consortium of academic institutions in Louisiana) with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal restoration and enhancement through science and technology.

(k) ANALYSIS OF BENEFITS.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out an activity to conserve, protect, restore, or maintain the coastal Louisiana ecosystem, the Secretary may determine that the environmental benefits provided by the program under this section outweigh the disadvantage of an activity under this section.

(2) DETERMINATION OF COST-EFFECTIVENESS.—If the Secretary determines that an activity under this section is cost-effective, no further economic justification for the activity shall be required.

(l) STUDIES.—

(1) DEGRADATION.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to identify—

(A) the cause of any degradation of the Louisiana Coastal Area ecosystem that occurred as a result of an activity approved by the Secretary; and

(B) the sources of the degradation.

(2) FINANCING.—On completion, and taking into account the results, of the study conducted under paragraph (1), the Secretary, in consultation with the non-Federal interest, shall study—

(A) financing alternatives for the program under subsection (a); and

(B) potential reductions in the expenditure of Federal funds in emergency responses that would occur as a result of ecosystem restoration in the Louisiana Coastal Area.

(m) PROJECT MODIFICATIONS.—

(1) REVIEW.—The Secretary, in cooperation with any non-Federal interest, shall review each federally-authorized water resources project in the coastal Louisiana area in existence on the date of enactment of this Act to determine whether—

(A) each project is in accordance with the program under subsection (a); and

(B) the project could contribute to ecosystem restoration under subsection (a) through modification of the operations or features of the project.

(2) MODIFICATIONS.—Subject to paragraphs (3) and (4), the Secretary may carry out the modifications described in paragraph (1)(B).

(3) PUBLIC NOTICE AND COMMENT.—Before completing the report required under paragraph (4), the Secretary shall provide an opportunity for public notice and comment.

(4) REPORT.—

(A) IN GENERAL.—Before modifying an operation or feature of a project under paragraph (1)(B), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the modification.

(B) INCLUSION.—A report under subparagraph (A) shall include such information relating to the timeline and cost of a modification as the Secretary determines to be relevant.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000.

(n) LOUISIANA WATER RESOURCES COUNCIL.—The Secretary shall establish a council, to be known as the "Louisiana Water Resources Council", which shall serve as the exclusive peer review panel for activities conducted by the Corps of Engineers in the areas in the State of Louisiana declared as major disaster areas in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in response to Hurricane Katrina or Rita of 2005, in accordance with the requirements of section 2007.

(o) EXTERNAL REVIEW.—The Secretary shall enter into a contract with the National Academy of Science to perform an external review of the demonstration program under subsection (d), and the results of the review shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(p) NEW ORLEANS AND VICINITY.—

(1) IN GENERAL.—The Secretary is authorized—

(A) to raise levee heights as necessary, and to otherwise enhance the Lake Pontchartrain and Vicinity Project and the West Bank and Vicinity Project to provide the levels of protection necessary to achieve the certification required for the 100-year level of flood protection, in accordance with the National Flood Insurance Program under the base flood elevations current at the time of the construction;

(B) to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals, including installing pumps and closure structures at or near the lakefront at Lake Pontchartrain;

(C) to armor critical elements of the New Orleans hurricane and storm damage reduction system;

(D) to improve and otherwise modify the Inner Harbor Navigation Canal to increase the reliability of the flood protection system for the city of New Orleans;

(E) to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the New Orleans to Venice Hurricane Protection Project;

(F) to reinforce or replace flood walls in the existing Lake Pontchartrain and Vicinity Project and the existing West Bank and Vicinity Project to improve performance of the flood protection systems;

(G) to perform onetime storm-proofing of interior pump stations to ensure the operability of the stations during hurricanes, storms, and high-water events;

(H) to repair, replace, modify, and improve non-Federal levees and associated protection measures in Terrebonne Parish; and

(I) to reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands through—

(i) measures to begin to reverse wetland losses in areas affected by navigation, oil and gas exploration and extraction, and other channels; and

(ii) modification of the Caernarvon Freshwater Diversion structure or its operations.

(2) FUNDING AUTHORITY.—An activity under paragraph (1) shall be carried out in accordance with the cost-sharing requirements of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(3) CONDITIONS.—

(A) IN GENERAL.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a notice in any case in which an estimate for the expenditure of funds on any project or activity described in paragraph (1) exceeds the amount specified for that project or activity in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(B) APPROPRIATIONS LIMITATION.—No appropriation in excess of an amount equal to 25 percent more than the amount specified for a project or activity in that Act shall be made until an increase in the level of expenditure has been approved by resolutions adopted by the Committees referred to in subparagraph (A).

(q) LAROSE TO GOLDEN MEADOW.—

(1) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of

the House of Representatives a report describing any modification required to the project for flood damage reduction, Larose to Golden Meadow, Louisiana, to achieve the certification necessary for participation in the National Flood Insurance Program.

(2) MODIFICATIONS.—The Secretary is authorized to carry out a modification described in paragraph (1) if—

(A) the Secretary submits a recommendation for authorization of the modification in the report under paragraph (1); and

(B) the total cost of the modification does not exceed $90,000,000.

(3) REQUIREMENT.—No appropriation shall be made to construct any modification under this subsection if the report under paragraph (1) has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(4) CREDIT.—The Secretary shall credit to the non-Federal share of the cost of the project under this subsection any amount otherwise eligible to be credited under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) (as amended by section 2001).

(r) CONSOLIDATION.—

(1) IN GENERAL.—The Secretary may consolidate the flood damage reduction projects in Lower Jefferson Parish, Louisiana, that have been identified for implementation under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) as of the date of enactment of this Act.

(2) TOTAL COST.—The Secretary may implement the consolidated project referred to in paragraph (1) if the total cost of the consolidated project does not exceed $100,000,000.

(s) MISSISSIPPI RIVER GULF OUTLET.—

(1) DEAUTHORIZATION.—

(A) IN GENERAL.—Effective beginning on the date of submission of the plan required under subparagraph (C), the navigation channel portion of the project for navigation, Mississippi River Gulf outlet, authorized by the Act of March 29, 1956 (70 Stat. 65, chapter 112;100 Stat. 4177; 110 Stat. 3717), which extends from the Gulf of Mexico to Mile 60 at the southern bank of the Gulf Intracoastal Waterway, is not authorized.

(B) SCOPE.—Nothing in this paragraph modifies or deauthorizes the Inner Harbor navigation canal replacement project authorized by that Act.

(C) CLOSURE AND RESTORATION PLAN.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the deauthorization of the Mississippi River Gulf outlet, as described under the heading "INVESTIGATIONS" under chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 453).

(ii) INCLUSIONS.—At a minimum, the report under clause (i) shall include—

(I) a comprehensive plan to deauthorize navigation on the Mississippi River Gulf outlet;

(II) a plan to physically modify the Mississippi River Gulf outlet and restore the areas affected by the navigation channel;

(III) a plan to restore natural features of the ecosystem that will reduce or prevent damage from storm surge;

(IV) a plan to prevent the intrusion of saltwater into the waterway;

(V) efforts to integrate the recommendations of this report with the program authorized under subsection (a) and the analysis and design authorized by title I of the Energy and Water Develop Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247); and

(VI) consideration of—

(aa) use of native vegetation; and

(bb) diversions of fresh water to restore the Lake Borgne ecosystem.

(D) CONSTRUCTION.—The Secretary shall carry out a plan to close the Mississippi River Gulf outlet and restore and protect the ecosystem substantially in accordance with the plan required under subparagraph (C), if the Secretary determines that the project is cost-effective, environmentally acceptable, and technically feasible.

(t) HURRICANE AND STORM DAMAGE REDUCTION.—With respect to the projects identified in the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), the Secretary shall—

(1) to the maximum extent practicable, submit specific project recommendations in any report developed under that Act; and

(2) submit the reports to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(u) EMERGENCY PROCEDURES.—

(1) IN GENERAL.—If the President determines that a feature recommended in the analysis and design of comprehensive hurricane protection under title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2447), could—

(A) address an imminent threat to life and property;

(B) prevent a dangerous storm surge from reaching a populated area;

(C) prevent the loss of coastal areas that reduce the impact of storm surge;

(D) benefit national energy security;

(E) protect emergency hurricane evacuation routes or shelters; or

(F) address inconsistencies in hurricane protection standards;

the President may submit to the Speaker of the House of Representatives and the President pro tempore of the Senate for authorization a legislative proposal relating to the feature, as the President determines to be appropriate.

(2) PRIORITIZATION.—In submitting legislative proposals under paragraph (1), the President shall give highest priority to any project that, as determined by the President, would—

(A) to the maximum extent practicable, reduce the risk—

(i) of loss of human life;

(ii) to public safety; and

(iii) of damage to property; and

(B) minimize costs and environmental impacts.

(3) EXPEDITED CONSIDERATION.—

(A) IN GENERAL.—Beginning after December 31, 2008, any legislative proposal submitted by the President under paragraph (1) shall be eligible for expedited consideration in accordance with this paragraph.

(B) INTRODUCTION.—As soon as practicable after the date of receipt of a legislative proposal under paragraph (1), the Chairman of the Committee on Environment and Public Works of the Senate and the Chairman of the Committee on Transportation and Infrastructure of the House of Representatives shall introduce the proposal as a bill, by request, in the Senate or the House of Representatives, as applicable.

(C) REFERRAL.—A bill introduced under subparagraph (B) shall be referred to the Committee on Environment and Public Works of the Senate and as applicable the Committee on Transportation and Infrastructure of the House of Representatives.

(D) COMMITTEE CONSIDERATION.—

(i) IN GENERAL.—Not later than 45 legislative days after a bill under subparagraph (B) is referred to a Committee in accordance with subparagraph (C), the Committee shall act on the bill.

(ii) FAILURE TO ACT.—If a Committee fails to act on a bill by the date specified in clause (i), the bill shall be discharged from the Committee and placed on the calendar of the Senate or the House of Representatives, as applicable.

(E) SENATE FLOOR CONSIDERATION.—

(i) IN GENERAL.—Floor consideration in the Senate regarding a bill introduced under subparagraph (B) shall be limited to 20 hours, to be equally divided between the Majority Leader and the Minority Leader of the Senate (or a designee).

(ii) NONGERMANE AMENDMENTS.—An amendment that is nongermane to a bill introduced under subparagraph (B) shall not be in order.

(4) EFFECTIVE DATE.—This requirements of, and authorities under, this subsection shall expire on December 31, 2010.

SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—Project for flood damage reduction, Cache River Basin, Grubbs, Arkansas.

(2) BIBB COUNTY AND THE CITY OF MACON LEVEE, GEORGIA.—Project for flood damage reduction, Bibb County and the City of Macon Levee, Georgia.

(3) FORT WAYNE AND VICINITY, INDIANA.—Project for flood control, St. Mary's River, Fort Wayne and Vicinity, Indiana.

(4) SALEM, MASSACHUSETTS.—Project for flood damage reduction, Salem, Massachusetts.

(5) CROW RIVER, ROCKFORD, MINNESOTA.—Project for flood damage reduction, Crow River, Rockford, Minnesota.

(6) SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA.—Project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota.

(7) CHEYENNE, WYOMING.—Project for flood control, Capitol Basin, Cheyenne, Wyoming.

SEC. 1005. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) BARROW HARBOR, ALASKA.—Project for navigation, Barrow Harbor, Alaska.

(2) NOME HARBOR, ALASKA.—Project for navigation, Nome Harbor, Alaska.

(3) OLD HARBOR, ALASKA.—Project for navigation, Old Harbor, Alaska.

(4) LITTLE ROCK PORT, ARKANSAS.—Project for navigation, Little Rock Port, Arkansas River, Arkansas.

(5) EAST BASIN, MASSACHUSETTS.—Project for navigation, East Basin, Cape Cod Canal, Sandwich, Massachusetts.

(6) LYNN HARBOR, MASSACHUSETTS.—Project for navigation, Lynn Harbor, Lynn, Massachusetts.

(7) MERRIMACK RIVER, MASSACHUSETTS.—Project for navigation, Merrimack River, Haverhill, Massachusetts.

(8) OAK BLUFFS HARBOR, MASSACHUSETTS.—Project for navigation, Oak Bluffs Harbor, Oak Bluffs, Massachusetts.

(9) WOODS HOLE GREAT HARBOR, MASSACHUSETTS.—Project for navigation, Woods Hole Great Harbor, Falmouth, Massachusetts.

(10) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

(11) CLINTON RIVER, MICHIGAN.—Project for navigation, Clinton River, Michigan.

(12) ONTONAGON RIVER, MICHIGAN.—Project for navigation, Ontonagon River, Ontonagon, Michigan.

(13) TRAVERSE CITY, MICHIGAN.—Project for navigation, Traverse City, Michigan.

(14) SEBEWAING RIVER, MICHIGAN.—Project for navigation, Sebewaing River, Michigan.

(15) TOWER HARBOR, MINNESOTA.—Project for navigation, Tower Harbor, Tower, Minnesota.

(16) OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

(17) MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.—Project for navigation, Middle Bass Island State Park, Middle Bass Island, Ohio.

(18) MILWAUKEE HARBOR, WISCONSIN.—Project for navigation, Milwaukee Harbor, Milwaukee, Wisconsin.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) BLACK LAKE, ALASKA.—Project for aquatic ecosystem restoration, Black Lake, Alaska, at the head of the Chignik Watershed.

(2) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

(3) SUISON MARSH, SAN PABLO BAY, CALIFORNIA.—Project for aquatic ecosystem restoration, San Pablo Bay, California.

(4) CHATTAHOOCHEE FALL-LINE, GEORGIA.—Project for aquatic ecosystem restoration, Chattahoochee Fall-Line, Georgia.

(5) LAWRENCE GATEWAY, MASSACHUSETTS.—Project for aquatic ecosystem restoration at the Lawrence Gateway quadrant project along the Merrimack and Spicket Rivers in Lawrence, Massachusetts, in accordance with the general conditions established by the project approval of the Environmental Protection Agency, Region I, including filling abandoned drainage facilities and making improvements to the drainage system on the Lawrence Gateway to prevent continued migration of contaminated sediments into the river systems.

(6) MILL POND, LITTLETON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Mill Pond, Littleton, Massachusetts.

(7) MILFORD POND, MILFORD, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Milford Pond, Milford, Massachusetts.

(8) PINE TREE BROOK, MILTON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Pine Tree Brook, Milton, Massachusetts.

(9) CLINTON RIVER, MICHIGAN.—Project for aquatic ecosystem restoration, Clinton River, Michigan.

(10) CALDWELL COUNTY, NORTH CAROLINA.—Project for aquatic ecosystem restoration, Caldwell County, North Carolina.

(11) MECKLENBERG COUNTY, NORTH CAROLINA.—Project for aquatic ecosystem restoration, Mecklenberg County, North Carolina.

(12) JOHNSON CREEK, GRESHAM, OREGON.—Project for aquatic ecosystem restoration, Johnson Creek, Gresham, Oregon.

(13) BLACKSTONE RIVER, RHODE ISLAND.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

(14) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—Project for aquatic ecosystem restoration, College Lake, Lynchburg, Virginia.

SEC. 1007. SMALL PROJECTS TO PREVENT OR MITIGATE DAMAGE CAUSED BY NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i):

(1) Tybee Island, Georgia.

(2) Burns Waterway Harbor, Indiana.

SEC. 1008. SMALL PROJECTS FOR AQUATIC PLANT CONTROL.

The Secretary is authorized to carry out a project for aquatic nuisance plant control in the Republican River Basin, Nebraska, under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610).

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

SEC. 2001. CREDIT FOR IN-KIND CONTRIBUTIONS.

Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by striking "SEC. 221" and inserting the following:

"SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.";

and

(2) by striking subsection (a) and inserting the following:

"(a) COOPERATION OF NON-FEDERAL INTEREST.—

"(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.

"(2) LIQUIDATED DAMAGES.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform.

"(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

"(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

"(A) IN GENERAL.—An agreement under paragraph (1) shall provide that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented under general continuing authority, the value of in-kind contributions made by the non-Federal interest, including—

"(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project;

"(ii) the value of materials or services provided before execution of an agreement for the project, including efforts on constructed elements incorporated into the project; and

"(iii) materials and services provided after an agreement is executed.

"(B) CONDITION.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the property or service provided as an in-kind contribution is integral to the project.

"(C) LIMITATIONS.—Credit authorized for a project—

"(i) shall not exceed the non-Federal share of the cost of the project;

"(ii) shall not alter any other requirement that a non-Federal interest provide land, an easement or right-of-way, or an area for disposal of dredged material for the project; and

"(iii) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.".

SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary may engage in activities (including contracting) in support of other Federal agencies, international organizations, or foreign governments to address problems of national significance to the United States.";

(2) in subsection (b), by striking "Secretary of State" and inserting "Department of State"; and

(3) in subsection (d)—

(A) by striking "$250,000 for fiscal year 2001" and inserting "$1,000,000 for fiscal year 2007 and each fiscal year thereafter"; and

(B) by striking "or international organizations" and inserting ", international organizations, or foreign governments".

SEC. 2003. TRAINING FUNDS.

(a) IN GENERAL.—The Secretary may include individuals from the non-Federal interest, including the private sector, in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines that it is in the best interest of the Federal Government to include those individuals as participants.

(b) EXPENSES.—

(1) IN GENERAL.—An individual from a non-Federal interest attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) PAYMENTS.—Payments made by an individual for training received under subsection (a), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriation or account used for paying training costs; and

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) EXCESS AMOUNTS.—Any payments received under paragraph (2) that are in excess of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

SEC. 2004. FISCAL TRANSPARENCY REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the expenditures for the preceding fiscal year and estimated expenditures for the current fiscal year.

(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

SEC. 2005. PLANNING.

(a) MATTERS TO BE ADDRESSED IN PLANNING.—Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended—

(1) by striking "Enhancing" and inserting the following:

"(a) IN GENERAL.—Enhancing"; and

(2) by adding at the end the following:

"(b) ASSESSMENTS.—For all feasibility reports completed after December 31, 2005, the Secretary shall assess whether—

"(1) the water resource project and each separable element is cost-effective; and

"(2) the water resource project complies with Federal, State, and local laws (including regulations) and public policies.".

(b) PLANNING PROCESS IMPROVEMENTS.—The Chief of Engineers—

(1) shall, not later than 2 years after the date on which the feasibility study cost sharing agreement is signed for a project, subject to the availability of appropriations—

(A) complete the feasibility study for the project; and

(B) sign the report of the Chief of Engineers for the project;

(2) may, with the approval of the Secretary, extend the deadline established under paragraph (1) for not to exceed 4 years, for a complex or controversial study; and

(3)(A) shall adopt a risk analysis approach to project cost estimates; and

(B) not later than 1 year after the date of enactment of this Act, shall—

(i) issue procedures for risk analysis for cost estimation; and

(ii) submit to Congress a report that includes suggested amendments to section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

(c) CALCULATION OF BENEFITS AND COSTS FOR FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(1) a calculation of the residual risk of flooding following completion of the proposed project;

(2) a calculation of the residual risk of loss of human life and residual risk to human safety following completion of the proposed project; and

(3) a calculation of any upstream or downstream impacts of the proposed project.

(d) CENTERS OF SPECIALIZED PLANNING EXPERTISE.—

(1) ESTABLISHMENT.—The Secretary may establish centers of expertise to provide specialized planning expertise for water resource projects to be carried out by the Secretary in order to enhance and supplement the capabilities of the districts of the Corps of Engineers.

(2) DUTIES.—A center of expertise established under this subsection shall—

(A) provide technical and managerial assistance to district commanders of the Corps of Engineers for project planning, development, and implementation;

(B) provide peer reviews of new major scientific, engineering, or economic methods, models, or analyses that will be used to support decisions of the Secretary with respect to feasibility studies;

(C) provide support for external peer review panels convened by the Secretary; and

(D) carry out such other duties as are prescribed by the Secretary.

(e) COMPLETION OF CORPS OF ENGINEERS REPORTS.—

(1) ALTERNATIVES.—

(A) IN GENERAL.—Feasibility and other studies and assessments of water resource problems and projects shall include recommendations for alternatives—

(i) that, as determined by the non-Federal interests for the projects, promote integrated water resources management; and

(ii) for which the non-Federal interests are willing to provide the non-Federal share for the studies or assessments.

(B) SCOPE AND PURPOSES.—The scope and purposes of studies and assessments described in subparagraph (A) shall not be constrained by budgetary or other policy as a result of the inclusion of alternatives described in that subparagraph.

(C) REPORTS OF CHIEF OF ENGINEERS.—The reports of the Chief of Engineers shall be based solely on the best technical solutions to water resource needs and problems.

(2) REPORT COMPLETION.—The completion of a report of the Chief of Engineers for a project—

(A) shall not be delayed while consideration is being given to potential changes in policy or priority for project consideration; and

(B) shall be submitted, on completion, to—

(i) the Committee on Environment and Public Works of the Senate; and

(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

(f) COMPLETION REVIEW.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 90 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resource project, the Secretary shall—

(A) review the report; and

(B) provide any recommendations of the Secretary regarding the water resource project to Congress.

(2) PRIOR REPORTS.—Not later than 90 days after the date of enactment of this Act, with respect to any report of the Chief of Engineers recommending a water resource project that is complete prior to the date of enactment of this Act, the Secretary shall complete review of, and provide recommendations to Congress for, the report in accordance with paragraph (1).

SEC. 2006. WATER RESOURCES PLANNING COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish a Water Resources Planning Coordinating Committee (referred to in this subsection as the "Coordinating Committee").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Coordinating Committee shall be composed of the following members (or a designee of the member):

(A) The Secretary of the Interior.

(B) The Secretary of Agriculture.

(C) The Secretary of Health and Human Services.

(D) The Secretary of Housing and Urban Development.

(E) The Secretary of Transportation.

(F) The Secretary of Energy.

(G) The Secretary of Homeland Security.

(H) The Secretary of Commerce.

(I) The Administrator of the Environmental Protection Agency.

(J) The Chairperson of the Council on Environmental Quality.

(2) CHAIRPERSON AND EXECUTIVE DIRECTOR.—The President shall appoint—

(A) 1 member of the Coordinating Committee to serve as Chairperson of the Coordinating Committee for a term of 2 years; and

(B) an Executive Director to supervise the activities of the Coordinating Committee.

(3) FUNCTION.—The function of the Coordinating Committee shall be to carry out the duties and responsibilities set forth under this section.

(c) NATIONAL WATER RESOURCES PLANNING AND MODERNIZATION POLICY.—It is the policy of the United States that all water resources projects carried out by the Corps of Engineers shall—

(1) reflect national priorities;

(2) seek to avoid the unwise use of floodplains;

(3) minimize vulnerabilities in any case in which a floodplain must be used;

(4) protect and restore the functions of natural systems; and

(5) mitigate any unavoidable damage to natural systems.

(d) WATER RESOURCE PRIORITIES REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Coordinating Committee, in collaboration with the Secretary, shall submit to the President and Congress a report describing the vulnerability of the United States to damage from flooding and related storm damage, including—

(A) the risk to human life;

(B) the risk to property; and

(C) the comparative risks faced by different regions of the United States.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the extent to which programs in the United States relating to flooding address flood risk reduction priorities;

(B) the extent to which those programs may be unintentionally encouraging development and economic activity in floodprone areas;

(C) recommendations for improving those programs with respect to reducing and responding to flood risks; and

(D) proposals for implementing the recommendations.

(e) MODERNIZING WATER RESOURCES PLANNING GUIDELINES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary and the Coordinating Committee shall, in collaboration with each other, review and propose updates and revisions to modernize the planning principles and guidelines, regulations, and circulars by which the Corps of Engineers analyzes and evaluates water projects. In carrying out the review, the Coordinating Committee and the Secretary shall consult with the National Academy of Sciences for recommendations regarding updating planning documents.

(2) PROPOSED REVISIONS.—In conducting a review under paragraph (1), the Coordinating Committee and the Secretary shall consider revisions to improve water resources project planning through, among other things—

(A) requiring the use of modern economic principles and analytical techniques, credible schedules for project construction, and current discount rates as used by other Federal agencies;

(B) eliminating biases and disincentives to providing projects to low-income communities, including fully accounting for the prevention of loss of life under section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281);

(C) eliminating biases and disincentives that discourage the use of nonstructural approaches to water resources development and management, and fully accounting for the flood protection and other values of healthy natural systems;

(D) promoting environmental restoration projects that reestablish natural processes;

(E) assessing and evaluating the impacts of a project in the context of other projects within a region or watershed;

(F) analyzing and incorporating lessons learned from recent studies of Corps of Engineers programs and recent disasters such as Hurricane Katrina and the Great Midwest Flood of 1993;

(G) encouraging wetlands conservation; and

(H) ensuring the effective implementation of the policies of this Act.

(3) PUBLIC PARTICIPATION.—The Coordinating Committee and the Secretary shall solicit public and expert comments regarding any revision proposed under paragraph (2).

(4) REVISION OF PLANNING GUIDANCE.—

(A) IN GENERAL.—Not later than 180 days after the date on which a review under paragraph (1) is completed, the Secretary, after providing notice and an opportunity for public comment in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act"), shall implement such proposed updates and revisions to the planning principles and guidelines, regulations, and circulars of the Corps of Engineers under paragraph (2) as the Secretary determines to be appropriate.

(B) EFFECT.—Effective beginning on the date on which the Secretary implements the first update or revision under paragraph (1), subsections (a) and (b) of section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17) shall not apply to the Corps of Engineers.

(5) REPORT.—

(A) IN GENERAL.—The Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, and to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, a report describing any revision of planning guidance under paragraph (4).

(B) PUBLICATION.—The Secretary shall publish the report under subparagraph (A) in the Federal Register.

SEC. 2007. INDEPENDENT PEER REVIEW.

(a) DEFINITIONS.—In this section:

(1) CONSTRUCTION ACTIVITIES.—The term "construction activities" means development of detailed engineering and design specifications during the preconstruction engineering and design phase and the engineering and design phase of a water resources project carried out by the Corps of Engineers, and other activities carried out on a water resources project prior to completion of the construction and to turning the project over to the local cost-share partner.

(2) PROJECT STUDY.—The term "project study" means a feasibility report, reevaluation report, or environmental impact statement prepared by the Corps of Engineers.

(b) DIRECTOR OF INDEPENDENT REVIEW.—The Secretary shall appoint in the Office of the Secretary a Director of Independent Review. The Director shall be selected from among individuals who are distinguished experts in engineering, hydrology, biology, economics, or another discipline related to water resources management. The Secretary shall ensure, to the maximum extent practicable, that the Director does not have a financial, professional, or other conflict of interest with projects subject to review. The Director of Independent Review shall carry out the duties set forth in this section and such other duties as the Secretary deems appropriate.

(c) SOUND PROJECT PLANNING.—

(1) PROJECTS SUBJECT TO PLANNING REVIEW.—The Secretary shall ensure that each project study for a water resources project shall be reviewed by an independent panel of experts established under this subsection if—

(A) the project has an estimated total cost of more than $40,000,000, including mitigation costs;

(B) the Governor of a State in which the water resources project is located in whole or in part, or the Governor of a State within the drainage basin in which a water resources project is located and that would be directly affected economically or environmentally as a result of the project, requests in writing to the Secretary the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency with authority to review the project determines that the project is likely to have a significant adverse impact on public safety, or on environmental, fish and wildlife, historical, cultural, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines on his or her own initiative, or shall determine within 30 days of receipt of a written request for a controversy determination by any party, that the project is controversial because—

(i) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(ii) there is a significant dispute regarding the economic, or environmental costs or benefits of the project.

(2) PROJECT PLANNING REVIEW PANELS.—

(A) PROJECT PLANNING REVIEW PANEL MEMBERSHIP.—For each water resources project subject to review under this subsection, the Director of Independent Review shall establish a panel of independent experts that shall be composed of not less than 5 nor more than 9 independent experts (including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist) who represent a range of areas of expertise. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that members have no conflict with the project being reviewed, and shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this subsection. An individual serving on a panel under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(B) DUTIES OF PROJECT PLANNING REVIEW PANELS.—An independent panel of experts established under this subsection shall review the project study, receive from the public written and oral comments concerning the project study, and submit a written report to the Secretary that shall contain the panel's conclusions and recommendations regarding project study issues identified as significant by the panel, including issues such as—

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

(vii) models used in evaluation of economic or environmental impacts of proposed projects; and

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW RECORD.—

(i) IN GENERAL.—After receiving a report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet.

(ii) RECOMMENDATIONS.—The Secretary shall prepare a written explanation of any recommendations of the independent panel of experts established under this subsection not adopted by the Secretary. Recommendations and findings of the independent panel of experts rejected without good cause shown, as determined by judicial review, shall be given equal deference as the recommendations and findings of the Secretary during a judicial proceeding relating to the water resources project.

(iii) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—The report of the independent panel of experts established under this subsection and the written explanation of the Secretary required by clause (ii) shall be included with the report of the Chief of Engineers to Congress, shall be published in the Federal Register, and shall be made available to the public on the Internet.

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

(i) IN GENERAL.—Independent review of a project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(ii) DEADLINE FOR PROJECT PLANNING REVIEW PANEL STUDIES.—An independent panel of experts established under this subsection shall complete its review of the project study and submit to the Secretary a report not later than 180 days after the date of establishment of the panel, or not later than 90 days after the close of the public comment period on a draft project

study that includes a preferred alternative, whichever is later. The Secretary may extend these deadlines for good cause.

(iii) FAILURE TO COMPLETE REVIEW AND REPORT.—If an independent panel of experts established under this subsection does not submit to the Secretary a report by the deadline established by clause (ii), the Chief of Engineers may continue project planning without delay.

(iv) DURATION OF PANELS.—An independent panel of experts established under this subsection shall terminate on the date of submission of the report by the panel. Panels may be established as early in the planning process as deemed appropriate by the Director of Independent Review, but shall be appointed no later than 90 days before the release for public comment of a draft study subject to review under subsection (c)(1)(A), and not later than 30 days after a determination that review is necessary under subsection (c)(1)(B), (c)(1)(C), or (c)(1)(D).

(E) EFFECT ON EXISTING GUIDANCE.—The project planning review required by this subsection shall be deemed to satisfy any external review required by Engineering Circular 1105–2–408 (31 May 2005) on Peer Review of Decision Documents.

(d) SAFETY ASSURANCE.—

(1) PROJECTS SUBJECT TO SAFETY ASSURANCE REVIEW.—The Secretary shall ensure that the construction activities for any flood damage reduction project shall be reviewed by an independent panel of experts established under this subsection if the Director of Independent Review makes a determination that an independent review is necessary to ensure public health, safety, and welfare on any project—

(A) for which the reliability of performance under emergency conditions is critical;

(B) that uses innovative materials or techniques;

(C) for which the project design is lacking in redundancy, or that has a unique construction sequencing or a short or overlapping design construction schedule; or

(D) other than a project described in subparagraphs (A) through (C), as the Director of Independent Review determines to be appropriate.

(2) SAFETY ASSURANCE REVIEW PANELS.—At the appropriate point in the development of detailed engineering and design specifications for each water resources project subject to review under this subsection, the Director of Independent Review shall establish an independent panel of experts to review and report to the Secretary on the adequacy of construction activities for the project. An independent panel of experts under this subsection shall be composed of not less than 5 nor more than 9 independent experts selected from among individuals who are distinguished experts in engineering, hydrology, or other pertinent disciplines. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that panel members have no conflict with the project being reviewed. An individual serving on a panel of experts under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(3) DEADLINES FOR SAFETY ASSURANCE REVIEWS.—An independent panel of experts established under this subsection shall submit a written report to the Secretary on the adequacy of the construction activities prior to the initiation of physical construction and periodically thereafter until construction activities are completed on a publicly available schedule determined by the Director of Independent Review for the purposes of assuring the public safety. The Director of Independent Review shall ensure that these reviews be carried out in a way to protect the public health, safety, and welfare, while not causing unnecessary delays in construction activities.

(4) SAFETY ASSURANCE REVIEW RECORD.—After receiving a written report from an independent panel of experts established under this subsection, the Secretary shall—

(A) take into consideration recommendations contained in the report, provide a written explanation of recommendations not adopted, and immediately make the report and explanation available to the public on the Internet; and

(B) submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) EXPENSES.—

(1) IN GENERAL.—The costs of an independent panel of experts established under subsection (c) or (d) shall be a Federal expense and shall not exceed—

(A) $250,000, if the total cost of the project in current year dollars is less than $50,000,000; and

(B) 0.5 percent of the total cost of the project in current year dollars, if the total cost is $50,000,000 or more.

(2) WAIVER.—The Secretary, at the written request of the Director of Independent Review, may waive the cost limitations under paragraph (1) if the Secretary determines appropriate.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(g) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Secretary to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SEC. 2008. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

"(3) COMPLETION OF MITIGATION.—In any case in which it is not technically practicable to complete mitigation by the last day of construction of the project or separable element of the project because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.".

(b) USE OF CONSOLIDATED MITIGATION.—Section 906(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(b)) is amended by adding at the end the following:

"(3) USE OF CONSOLIDATED MITIGATION.—

"(A) IN GENERAL.—If the Secretary determines that other forms of compensatory mitigation are not practicable or are less environmentally desirable, the Secretary may purchase available credits from a mitigation bank or conservation bank that is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigations Banks (60 Fed. Reg. 58605) or other applicable Federal laws (including regulations).

"(B) SERVICE AREA.—To the maximum extent practicable, the service area of the mitigation bank or conservation bank shall be in the same watershed as the affected habitat.

"(C) RESPONSIBILITY RELIEVED.—Purchase of credits from a mitigation bank or conservation bank for a water resources project relieves the Secretary and the non-Federal interest from responsibility for monitoring or demonstrating mitigation success.".

(c) MITIGATION REQUIREMENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "to the Congress unless such report contains" and inserting "to Congress, and shall not select a project alternative in any final record of decision, environmental impact statement, or environmental assessment, unless the proposal, record of decision, environmental impact statement, or environmental assessment contains"; and

(B) in the second sentence, by inserting ", and other habitat types are mitigated to not less than in-kind conditions" after "mitigated in-kind"; and

(2) by adding at the end the following:

"(3) MITIGATION REQUIREMENTS.—

"(A) IN GENERAL.—To mitigate losses to flood damage reduction capabilities and fish and wildlife resulting from a water resources project, the Secretary shall ensure that the mitigation plan for each water resources project complies fully with the mitigation standards and policies established pursuant to section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

"(B) INCLUSIONS.—A specific mitigation plan for a water resources project under paragraph (1) shall include, at a minimum—

"(i) a plan for monitoring the implementation and ecological success of each mitigation measure, including a designation of the entities that will be responsible for the monitoring;

"(ii) the criteria for ecological success by which the mitigation will be evaluated and determined to be successful;

"(iii) land and interests in land to be acquired for the mitigation plan and the basis for a determination that the land and interests are available for acquisition;

"(iv) a description of—

"(I) the types and amount of restoration activities to be conducted; and

"(II) the resource functions and values that will result from the mitigation plan; and

"(v) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that mitigation measures are not achieving ecological success in accordance with criteria under clause (ii).

"(4) DETERMINATION OF SUCCESS.—

"(A) IN GENERAL.—A mitigation plan under this subsection shall be considered to be successful at the time at which the criteria under paragraph (3)(B)(ii) are achieved under the plan, as determined by monitoring under paragraph (3)(B)(i).

"(B) CONSULTATION.—In determining whether a mitigation plan is successful under subparagraph (A), the Secretary shall consult annually with appropriate Federal agencies and each State in which the applicable project is located on at least the following:

"(i) The ecological success of the mitigation as of the date on which the report is submitted.

"(ii) The likelihood that the mitigation will achieve ecological success, as defined in the mitigation plan.

"(iii) The projected timeline for achieving that success.

"(iv) Any recommendations for improving the likelihood of success.

"(C) REPORTING.—Not later than 60 days after the date of completion of the annual consultation, the Federal agencies consulted shall, and each State in which the project is located may, submit to the Secretary a report that describes the results of the consultation described in (B).

"(D) ACTION BY SECRETARY.—The Secretary shall respond in writing to the substance and recommendations contained in each report under subparagraph (C) by not later than 30 days after the date of receipt of the report.

"(5) MONITORING.—Mitigation monitoring shall continue until it has been demonstrated that the mitigation has met the ecological success criteria.".

(d) Status Report.—

(1) In general.—Concurrent with the submission of the President to Congress of the request of the President for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283) and the status of that mitigation.

(2) Projects included.—The status report shall include the status of—

(A) all projects that are under construction as of the date of the report;

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(e) Mitigation Tracking System.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a recordkeeping system to track, for each water resources project undertaken by the Secretary and for each permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344)—

(A) the quantity and type of wetland and any other habitat type affected by the project, project operation, or permitted activity;

(B) the quantity and type of mitigation measures required with respect to the project, project operation, or permitted activity;

(C) the quantity and type of mitigation measures that have been completed with respect to the project, project operation, or permitted activity; and

(D) the status of monitoring of the mitigation measures carried out with respect to the project, project operation, or permitted activity.

(2) Requirements.—The recordkeeping system under paragraph (1) shall—

(A) include information relating to the impacts and mitigation measures relating to projects described in paragraph (1) that occur after November 17, 1986; and

(B) be organized by watershed, project, permit application, and zip code.

(3) Availability of information.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

SEC. 2009. STATE TECHNICAL ASSISTANCE.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) by striking "Sec. 22. (a) The Secretary" and inserting the following:

"SEC. 22. PLANNING ASSISTANCE TO STATES.

"(a) Federal-State Cooperation.—

"(1) Comprehensive plans.—The Secretary";

(2) in subsection (a), by adding at the end the following:

"(2) Technical assistance.—

"(A) In general.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to the agency or non-Federal interest in managing water resources.

"(B) Types of assistance.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.";

(3) in subsection (b)(1), by striking "this section" each place it appears and inserting "subsection (a)(1)";

(4) in subsection (b)(2), by striking "up to ½ of the" and inserting "the";

(5) in subsection (c)—

(A) by striking "(c) There is" and inserting the following:

"(c) Authorization of Appropriations.—

"(1) Federal and state cooperation.—There is";

(B) in paragraph (1) (as designated by subparagraph (A)), by striking "the provisions of this section except that not more than $500,000 shall be expended in any one year in any one State." and inserting "subsection (a)(1)."; and

(C) by adding at the end the following:

"(2) Technical assistance.—There is authorized to be appropriated to carry out subsection (a)(2) $5,000,000 for each fiscal year, of which not more than $2,000,000 for each fiscal year may be used by the Secretary to enter into cooperative agreements with nonprofit organizations and State agencies to provide assistance to rural and small communities."; and

(6) by adding at the end the following:

"(e) Annual Submission.—For each fiscal year, based on performance criteria developed by the Secretary, the Secretary shall list in the annual civil works budget submitted to Congress the individual activities proposed for funding under subsection (a)(1) for the fiscal year.".

SEC. 2010. ACCESS TO WATER RESOURCE DATA.

(a) In General.—The Secretary, acting through the Chief of Engineers, shall carry out a program to provide public access to water resource and related water quality data in the custody of the Corps of Engineers.

(b) Data.—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resource project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) Partnerships.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $2,000,000 for each fiscal year.

SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) In General.—Section 211(e)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(6)) is amended by adding at the end following:

"(E) Budget priority.—

"(i) In general.—Budget priority for projects under this section shall be proportionate to the percentage of project completion.

"(ii) Completed project.—A completed project shall have the same priority as a project with a contractor on site.".

(b) Construction of Flood Control Projects by Non-Federal Interests.—Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

"(9) Thornton reservoir, cook county, illinois.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

"(10) Buffalo bayou, texas.—The project for flood control, Buffalo Bayou, Texas, authorized by the first section of the Act of June 20, 1938 (52 Stat. 804, chapter 535) (commonly known as the 'River and Harbor Act of 1938') and modified by section 3a of the Act of August 11, 1939 (53 Stat. 1414, chapter 699) (commonly known as the 'Flood Control Act of 1939'), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

"(11) Halls bayou, texas.—The Halls Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (33 U.S.C. 2201 note), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

"(12) Menomonee river watershed, wisconsin.—The project for the Menomonee River Watershed, Wisconsin, including—

"(A) the Underwood Creek diversion facility project (Milwaukee County Grounds); and

"(B) the Greater Milwaukee Rivers watershed project.".

SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.

(a) In General.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended to read as follows:

"SEC. 204. REGIONAL SEDIMENT MANAGEMENT.

"(a) In General.—In connection with sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project, the Secretary, acting through the Chief of Engineers, shall develop Regional Sediment Management plans and carry out projects at locations identified in the plan prepared under subsection (e), or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects, for—

"(1) the protection of property;

"(2) the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands; and

"(3) the transport and placement of suitable sediment

"(b) Secretarial Findings.—Subject to subsection (c), projects carried out under subsection (a) may be carried out in any case in which the Secretary finds that—

"(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost of the project; and

"(2) the project would not result in environmental degradation.

"(c) Determination of Planning and Project Costs.—

"(1) In general.—In consultation and cooperation with the appropriate Federal, State, regional, and local agencies, the Secretary, acting through the Chief of Engineers, shall develop at Federal expense plans and projects for regional management of sediment obtained in conjunction with construction, operation, and maintenance of Federal water resources projects.

"(2) Costs of construction.—

"(A) In general.—Costs associated with construction of a project under this section or identified in a Regional Sediment Management plan shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of an authorized Federal water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.

"(B) Cost sharing.—The determination of any non-Federal share of the construction cost shall be based on the cost sharing as specified in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for the type of Federal water resource project using the dredged resource.

"(C) Total cost.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.

“(3) OPERATION, MAINTENANCE, REPLACEMENT, AND REHABILITATION COSTS.—Operation, maintenance, replacement, and rehabilitation costs associated with a project are a non-Federal sponsor responsibility.

“(d) SELECTION OF SEDIMENT DISPOSAL METHOD FOR ENVIRONMENTAL PURPOSES.—

“(1) IN GENERAL.—In developing and carrying out a Federal water resources project involving the disposal of material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of the disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion.

“(2) FEDERAL SHARE.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

“(e) STATE AND REGIONAL PLANS.—The Secretary, acting through the Chief of Engineers, may—

“(1) cooperate with any State in the preparation of a comprehensive State or regional coastal sediment management plan within the boundaries of the State;

“(2) encourage State participation in the implementation of the plan; and

“(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

“(f) PRIORITY AREAS.—In carrying out this section, the Secretary shall give priority to regional sediment management projects in the vicinity of—

“(1) Fire Island Inlet, Suffolk County, New York;

“(2) Fletcher Cove, California;

“(3) Delaware River Estuary, New Jersey and Pennsylvania; and

“(4) Toledo Harbor, Lucas County, Ohio.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 during each fiscal year, to remain available until expended, for the Federal costs identified under subsection (c), of which up to $5,000,000 shall be used for the development of regional sediment management plans as provided in subsection (e).

“(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.”.

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) EXISTING PROJECTS.—The Secretary, acting through the Chief of Engineers, may complete any project being carried out under section 145 on the day before the date of enactment of this Act.

SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 3 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426g), is amended to read as follows:

“SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

“(a) CONSTRUCTION OF SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.—

“(1) IN GENERAL.—The Secretary may carry out construction of small shore and beach restoration and protection projects not specifically authorized by Congress that otherwise comply with the first section of this Act if the Secretary determines that such construction is advisable.

“(2) LOCAL COOPERATION.—The local cooperation requirement under the first section of this Act shall apply to a project under this section.

“(3) COMPLETENESS.—A project under this section—

“(A) shall be complete; and

“(B) shall not commit the United States to any additional improvement to ensure the successful operation of the project, except for participation in periodic beach nourishment in accordance with—

“(i) the first section of this Act; and

“(ii) the procedure for projects authorized after submission of a survey report.

“(b) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—

“(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall conduct a national shoreline erosion control development and demonstration program (referred to in this section as the ‘program’).

“(2) REQUIREMENTS.—

“(A) IN GENERAL.—The program shall include provisions for—

“(i) projects consisting of planning, design, construction, and adequate monitoring of prototype engineered and native and naturalized vegetative shoreline erosion control devices and methods;

“(ii) detailed engineering and environmental reports on the results of each project carried out under the program; and

“(iii) technology transfers, as appropriate, to private property owners, State and local entities, nonprofit educational institutions, and nongovernmental organizations.

“(B) DETERMINATION OF FEASIBILITY.—A project under this section shall not be carried out until the Secretary, acting through the Chief of Engineers, determines that the project is feasible.

“(C) EMPHASIS.—A project carried out under the program shall emphasize, to the maximum extent practicable—

“(i) the development and demonstration of innovative technologies;

“(ii) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

“(iii) new and enhanced shore protection project design and project formulation tools the purposes of which are to improve the physical performance, and lower the lifecycle costs, of the projects;

“(iv) natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the shoreline;

“(v) the avoidance of negative impacts to adjacent shorefront communities;

“(vi) the potential for long-term protection afforded by the technology; and

“(vii) recommendations developed from evaluations of the program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962–5 note; 88 Stat. 26), including—

“(I) adequate consideration of the subgrade;

“(II) proper filtration;

“(III) durable components;

“(IV) adequate connection between units; and

“(V) consideration of additional relevant information.

“(D) SITES.—

“(i) IN GENERAL.—Each project under the program shall be carried out at—

“(I) a privately owned site with substantial public access; or

“(II) a publicly owned site on open coast or in tidal waters.

“(ii) SELECTION.—The Secretary, acting through the Chief of Engineers, shall develop criteria for the selection of sites for projects under the program, including criteria based on—

“(I) a variety of geographic and climatic conditions;

“(II) the size of the population that is dependent on the beaches for recreation or the protection of private property or public infrastructure;

“(III) the rate of erosion;

“(IV) significant natural resources or habitats and environmentally sensitive areas; and

“(V) significant threatened historic structures or landmarks.

“(3) CONSULTATION.—The Secretary, acting through the Chief of Engineers, shall carry out the program in consultation with—

“(A) the Secretary of Agriculture, particularly with respect to native and naturalized vegetative means of preventing and controlling shoreline erosion;

“(B) Federal, State, and local agencies;

“(C) private organizations;

“(D) the Coastal Engineering Research Center established by the first section of Public Law 88-172 (33 U.S.C. 426–1); and

“(E) applicable university research facilities.

“(4) COMPLETION OF DEMONSTRATION.—After carrying out the initial construction and evaluation of the performance and lifecycle cost of a demonstration project under this section, the Secretary, acting through the Chief of Engineers, may—

“(A) at the request of a non-Federal interest of the project, amend the agreement for a federally-authorized shore protection project in existence on the date on which initial construction of the demonstration project is complete to incorporate the demonstration project as a feature of the shore protection project, with the future cost of the demonstration project to be determined by the cost-sharing ratio of the shore protection project; or

“(B) transfer all interest in and responsibility for the completed demonstration project to the non-Federal or other Federal agency interest of the project.

“(5) AGREEMENTS.—The Secretary, acting through the Chief of Engineers, may enter into an agreement with the non-Federal or other Federal agency interest of a project under this section—

“(A) to share the costs of construction, operation, maintenance, and monitoring of a project under the program;

“(B) to share the costs of removing a project or project element constructed under the program, if the Secretary determines that the project or project element is detrimental to private property, public infrastructure, or public safety; or

“(C) to specify ownership of a completed project that the Chief of Engineers determines will not be part of a Corps of Engineers project.

“(6) REPORT.—Not later than December 31 of each year beginning after the date of enactment of this paragraph, the Secretary shall prepare and submit to the Committee on Environment and Public works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

“(A) the activities carried out and accomplishments made under the program during the preceding year; and

“(B) any recommendations of the Secretary relating to the program.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than $30,000,000 during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under the program.

"(2) LIMITATION.—The total amount expended for a project under this section shall—

"(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

"(B) be not more than $3,000,000.".

(b) REPEAL.—Section 5 the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is repealed.

SEC. 2014. SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—In accordance with the Act of July 3, 1930 (33 U.S.C. 426), and notwithstanding administrative actions, it is the policy of the United States to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) PREFERENCE.—In carrying out the policy, preference shall be given to—

(1) areas in which there has been a Federal investment of funds; and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

(c) APPLICABILITY.—The Secretary shall apply the policy to each shore protection and beach renourishment project (including shore protection and beach renourishment projects in existence on the date of enactment of this Act).

SEC. 2015. COST SHARING FOR MONITORING.

(a) IN GENERAL.—Costs incurred for monitoring for an ecosystem restoration project shall be cost-shared—

(1) in accordance with the formula relating to the applicable original construction project; and

(2) for a maximum period of 10 years.

(b) AGGREGATE LIMITATION.—Monitoring costs for an ecosystem restoration project—

(1) shall not exceed in the aggregate, for a 10-year period, an amount equal to 5 percent of the cost of the applicable original construction project; and

(2) after the 10-year period, shall be 100 percent non-Federal.

SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.

For each of the following projects, the Corps of Engineers shall include ecosystem restoration benefits in the calculation of benefits for the project:

(1) Grayson's Creek, California.

(2) Seven Oaks, California.

(3) Oxford, California.

(4) Walnut Creek, California.

(5) Wildcat Phase II, California.

SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND PROCESSING OF PERMITS.

Section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594, 117 Stat. 1836, 119 Stat. 2169, 120 Stat. 318, 120 Stat. 3197) is amended by striking subsection (c).

SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a program to allow electronic submission of permit applications for permits under the jurisdiction of the Corps of Engineers.

(b) LIMITATIONS.—This section does not preclude the submission of a hard copy, as required.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT CORPS OF ENGINEERS RESERVOIRS.

(a) IN GENERAL.—As part of the operation and maintenance, by the Corps of Engineers, of reservoirs in operation as of the date of enactment of this Act, the Secretary shall carry out the measures described in subsection (c) to support the water resource needs of project sponsors and any affected State, local, or tribal government for authorized project purposes.

(b) COOPERATION.—The Secretary shall carry out the measures described in subsection (c) in cooperation and coordination with project sponsors and any affected State, local, or tribal government.

(c) MEASURES.—In carrying out this section, the Secretary may—

(1) conduct a study to identify unused, underused, or additional water storage capacity at reservoirs;

(2) review an operational plan and identify any change to maximize an authorized project purpose to improve water storage capacity and enhance efficiency of releases and withdrawal of water;

(3) improve and update data, data collection, and forecasting models to maximize an authorized project purpose and improve water storage capacity and delivery to water users; and

(4) conduct a sediment study and implement any sediment management or removal measure.

(d) REVENUES FOR SPECIAL CASES.—

(1) COSTS OF WATER SUPPLY STORAGE.—In the case of a reservoir operated or maintained by the Corps of Engineers on the date of enactment of this Act, the storage charge for a future contract or contract renewal for the first cost of water supply storage at the reservoir shall be the lesser of the estimated cost of purposes foregone, replacement costs, or the updated cost of storage.

(2) REALLOCATION.—In the case of a water supply that is reallocated from another project purpose to municipal or industrial water supply, the joint use costs for the reservoir shall be adjusted to reflect the reallocation of project purposes.

(3) CREDIT FOR AFFECTED PROJECT PURPOSES.—In the case of a reallocation that adversely affects hydropower generation, the Secretary shall defer to the Administrator of the respective Power Marketing Administration to calculate the impact of such a reallocation on the rates for hydroelectric power.

(e) SAVINGS CLAUSE.—Nothing in this section affects any authority in existence on the date of enactment of this Act under—

(1) the Water Supply Act of 1958 (72 Stat 319);

(2) the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 887, chapter 665);

(3) the Water Resources Development Act of 1986 (100 Stat. 4082); or

(4) section 322 of the Water Resource Development Act of 1990 (33 U.S.C. 2324).

SEC. 2020. FEDERAL HOPPER DREDGES.

Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: "This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.".

SEC. 2021. EXTRAORDINARY RAINFALL EVENTS.

In the State of Louisiana, extraordinary rainfall events such as Hurricanes Katrina and Rita, which occurred during calendar year 2005, and Hurricane Andrew, which occurred during calendar year 1992, shall not be considered in making a determination with respect to the ordinary high water mark for purposes of carrying out section 10 of the Act of March 3, 1899 (33 U.S.C. 403) (commonly known as the "Rivers and Harbors Act").

SEC. 2022. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102–154 (42 U.S.C. 1856a–1; 105 Stat. 1034) is amended by inserting "the Secretary of the Army," after "the Secretary of Energy,".

SEC. 2023. NONPROFIT ORGANIZATIONS AS SPONSORS.

Section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)) is amended—

(1) by striking "A non-Federal interest shall be" and inserting the following:

"(1) IN GENERAL.—In this section, the term 'non-Federal interest' means"; and

(2) by adding at the end the following:

"(2) INCLUSIONS.—The term 'non-Federal interest' includes a nonprofit organization acting with the consent of the affected unit of government.".

SEC. 2024. PROJECT ADMINISTRATION.

(a) PROJECT TRACKING.—The Secretary shall assign a unique tracking number to each water resources project under the jurisdiction of the Secretary, to be used by each Federal agency throughout the life of the project.

(b) REPORT REPOSITORY.—

(1) IN GENERAL.—The Secretary shall maintain at the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, record of decision, and report to Congress prepared by the Corps of Engineers.

(2) AVAILABILITY TO PUBLIC.—

(A) IN GENERAL.—Each document described in paragraph (1) shall be made available to the public for review, and an electronic copy of each document shall be made permanently available to the public through the Internet website of the Corps of Engineers.

(B) COST.—The Secretary shall charge the requestor for the cost of duplication of the requested document.

SEC. 2025. PROGRAM ADMINISTRATION.

Sections 101, 106, and 108 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2252–2254), are repealed.

SEC. 2026. EXTENSION OF SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—Before the date on which the applicable period for Federal financial participation in a shore protection project terminates, the Secretary, acting through the Chief of Engineers, is authorized to review the shore protection project to determine whether it would be feasible to extend the period of Federal financial participation relating to the project.

(b) REPORT.—The Secretary shall submit to Congress a report describing the results of each review conducted under subsection (a).

SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.

Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting "carry out water-related planning activities and" after "the Secretary may"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

"(B) watershed assessments and planning activities."; and

(2) in subsection (e), by striking "2006" and inserting "2012".

SEC. 2028. PROJECT DEAUTHORIZATION.

Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended as follows:

(1) In the first sentence by striking "two years" and inserting "year";

(2) In the last sentence by striking "30 months after the date" and inserting "the last date of the fiscal year following the fiscal year in which"; and

(3) In the last sentence by striking "such 30 month period" and inserting "such period".

Subtitle B—Continuing Authorities Projects

SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATERBORNE TRANSPORTATION.

Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) by striking "Sec. 107. (a) That the Secretary of the Army is hereby authorized to" and inserting the following:

"SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBORNE TRANSPORTATION.

"(a) In General.—The Secretary of the Army may";

(2) in subsection (b)—

(A) by striking "(b) Not more" and inserting the following:

"(b) Allotment.—Not more"; and

(B) by striking "$4,000,000" and inserting "$7,000,000";

(3) in subsection (c), by striking "(c) Local" and inserting the following:

"(c) Local Contributions.—Local";

(4) in subsection (d), by striking "(d) Non-Federal" and inserting the following:

"(d) Non-Federal Share.—Non-Federal";

(5) in subsection (e), by striking "(e) Each" and inserting the following:

"(e) Completion.—Each"; and

(6) in subsection (f), by striking "(f) This" and inserting the following:

"(f) Applicability.—This".

SEC. 2032. PROTECTION AND RESTORATION DUE TO EMERGENCIES AT SHORES AND STREAMBANKS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking "$1,000,000" and inserting "$1,500,000".

SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.";

(2) in subsection (a), by striking "an aquatic" and inserting "a freshwater aquatic"; and

(3) in subsection (e), by striking "$25,000,000" and inserting "$30,000,000".

SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.

Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.";

and

(2) in subsection (h), by striking "$25,000,000" and inserting "$30,000,000".

SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COASTAL HABITATS.

(a) In General.—The Secretary may carry out an estuary habitat restoration project if the Secretary determines that the project—

(1) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902));

(2) is in the public interest; and

(3) is cost-effective.

(b) Cost Sharing.—The non-Federal share of the cost of construction of any project under this section—

(1) shall be 35 percent; and

(2) shall include the costs of all land, easements, rights-of-way, and necessary relocations.

(c) Agreements.—Construction of a project under this section shall commence only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required under subsection (b); and

(2) in accordance with regulations promulgated by the Secretary, 100 percent of the costs of any operation, maintenance, replacement, or rehabilitation of the project.

(d) Limitation.—Not more than $5,000,000 in Federal funds may be allocated under this section for a project at any 1 location.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2011.

SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) is amended—

(1) by striking subsection (f);

(2) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

"(a) Definition of Non-Federal Interest.—In this section, the term 'non-Federal interest' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).";

(4) in subsection (b) (as redesignated by paragraph (2))—

(A) by inserting ", and construction" before "assistance"; and

(B) by inserting ", including, with the consent of the affected local government, nonprofit entities," after "non-Federal interests";

(5) in paragraph (3) of subsection (c) (as redesignated by paragraph (2))—

(A) by inserting "physical hazards and" after "adverse"; and

(B) by striking "drainage from";

(6) in subsection (d) (as redesignated by paragraph (2)), by striking "50" and inserting "25"; and

(7) by adding at the end the following:

"(g) Operation and Maintenance.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

"(h) No Effect on Liability.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

"(i) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, for each of fiscal years 2008 through 2011, $20,000,000, to remain available until expended.".

SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION AND REMOVAL OF DAMS.

(a) Authorization.—

(1) In general.—The Secretary may carry out a small dam removal or rehabilitation project if the Secretary determines that the project will improve the quality of the environment or is in the public interest.

(2) Priority projects.—In carrying out this section, the Secretary shall give priority to carrying out the following small dam removal or rehabilitation projects:

(A) Mountain Park, Georgia.

(B) Keith Creek, Rockford, Illinois.

(C) Mount Zion Mill Pond Dam, Fulton County, Indiana.

(D) Hamilton Dam, Flint River, Michigan.

(E) Ingham Spring Dam, Solebury Township, Pennsylvania.

(F) Stillwater Lake Dam, Monroe County, Pennsylvania.

(b) Cost Sharing.—A non-Federal interest shall provide 35 percent of the cost of the removal or remediation of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(c) Agreements.—Construction of a project under this section shall be commenced only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required by this section; and

(2) 100 percent of any operation and maintenance cost.

(d) Cost Limitation.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single location.

(e) Funding.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2011.

SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.

(a) In General.—The Secretary shall develop eligibility criteria for Federal participation in navigation projects located in economically disadvantaged communities that are—

(1) dependent on water transportation for subsistence; and

(2) located in—

(A) remote areas of the United States;

(B) American Samoa;

(C) Guam;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Commonwealth of Puerto Rico; or

(F) the United States Virgin Islands.

(b) Administration.—The criteria developed under this section—

(1) shall—

(A) provide for economic expansion; and

(B) identify opportunities for promoting economic growth; and

(2) shall not require project justification solely on the basis of National Economic Development benefits received.

SEC. 2039. AGREEMENTS FOR WATER RESOURCE PROJECTS.

(a) Partnership Agreements.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

"(e) Public Health and Safety.—If the Secretary determines that a project needs to be continued for the purpose of public health and safety—

"(1) the non-Federal interest shall pay the increased projects costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily-determined cost share; and

"(2) notwithstanding the statutorily-determined Federal share, the Secretary shall pay all increased costs remaining after payment of 20 percent of the increased costs by the non-Federal interest under paragraph (1).

"(f) Limitation.—Nothing in subsection (a) limits the authority of the Secretary to ensure that a partnership agreement meets the requirements of law and policies of the Secretary in effect on the date of execution of the partnership agreement.".

(b) Local Cooperation.—Section 912(b) of the Water Resources Development Act of 1986 (100 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by striking "shall" and inserting "may"; and

(B) by striking the second sentence; and

(2) in paragraph (4)—

(A) in the first sentence—

(i) by striking "injunction, for" and inserting "injunction and payment of liquidated damages, for"; and

(ii) by striking "to collect a civil penalty imposed under this section,"; and

(B) in the second sentence, by striking "any civil penalty imposed under this section," and inserting "any liquidated damages,".

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall apply only to partnership agreements entered into after the date of enactment of this Act.

(2) EXCEPTION.—Notwithstanding paragraph (1), the district engineer for the district in which a project is located may amend the partnership agreement for the project entered into on or before the date of enactment of this Act—

(A) at the request of a non-Federal interest for a project; and

(B) if construction on the project has not been initiated as of the date of enactment of this Act.

(d) REFERENCES.—

(1) COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be considered to be a reference to a partnership agreement or a project partnership agreement, respectively.

(2) PARTNERSHIP AGREEMENTS.—Any reference to a partnership agreement or project partnership agreement in this Act (other than in this section) shall be considered to be a reference to a cooperation agreement or a project cooperation agreement, respectively.

SEC. 2040. PROGRAM NAMES.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking "SEC. 205. That the" and inserting the following:

"SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOODING AND OBTAIN RISK MINIMIZATION.

"The".

Subtitle C—National Levee Safety Program

SEC. 2051. SHORT TITLE.

This subtitle may be cited as the "National Levee Safety Program Act of 2007".

SEC. 2052. DEFINITIONS.

In this subtitle:

(1) ASSESSMENT.—The term "assessment" means the periodic engineering evaluation of a levee by a registered professional engineer to—

(A) review the engineering features of the levee; and

(B) develop a risk-based performance evaluation of the levee, taking into consideration potential consequences of failure or overtopping of the levee.

(2) COMMITTEE.—The term "Committee" means the National Levee Safety Committee established by section 2053(a).

(3) INSPECTION.—The term "inspection" means an annual review of a levee to verify whether the owner or operator of the levee is conducting required operation and maintenance in accordance with established levee maintenance standards.

(4) LEVEE.—The term "levee" means an embankment (including a floodwall) that—

(A) is designed, constructed, or operated for the purpose of flood or storm damage reduction;

(B) reduces the risk of loss of human life or risk to the public safety; and

(C) is not otherwise defined as a dam by the Federal Guidelines for Dam Safety.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(6) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(7) STATE LEVEE SAFETY AGENCY.—The term "State levee safety agency" means the State agency that has regulatory authority over the safety of any non-Federal levee in a State.

(8) UNITED STATES.—The term "United States", when used in a geographical sense, means all of the States.

SEC. 2053. NATIONAL LEVEE SAFETY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a National Levee Safety Committee, consisting of representatives of Federal agencies and State, tribal, and local governments, in accordance with this subsection.

(2) FEDERAL AGENCIES.—

(A) IN GENERAL.—The head of each Federal agency and the head of the International Boundary Waters Commission may designate a representative to serve on the Committee.

(B) ACTION BY SECRETARY.—The Secretary shall ensure, to the maximum extent practicable, that—

(i) each Federal agency that designs, owns, operates, or maintains a levee is represented on the Committee; and

(ii) each Federal agency that has responsibility for emergency preparedness or response activities is represented on the Committee.

(3) TRIBAL, STATE, AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—The Secretary shall appoint 8 members to the Committee—

(i) 3 of whom shall represent tribal governments affected by levees, based on recommendations of tribal governments;

(ii) 3 of whom shall represent State levee safety agencies, based on recommendations of Governors of the States; and

(iii) 2 of whom shall represent local governments, based on recommendations of Governors of the States.

(B) REQUIREMENT.—In appointing members under subparagraph (A), the Secretary shall ensure broad geographic representation, to the maximum extent practicable.

(4) CHAIRPERSON.—The Secretary shall serve as Chairperson of the Committee.

(5) OTHER MEMBERS.—The Secretary, in consultation with the Committee, may invite to participate in meetings of the Committee, as appropriate, 1 or more of the following:

(A) Representatives of the National Laboratories.

(B) Levee safety experts.

(C) Environmental organizations.

(D) Members of private industry.

(E) Any other individual or entity, as the Committee determines to be appropriate.

(b) DUTIES.—

(1) IN GENERAL.—The Committee shall—

(A) advise the Secretary in implementing the national levee safety program under section 2054;

(B) support the establishment and maintenance of effective programs, policies, and guidelines to enhance levee safety for the protection of human life and property throughout the United States; and

(C) support coordination and information exchange between Federal agencies and State levee safety agencies that share common problems and responsibilities relating to levee safety, including planning, design, construction, operation, emergency action planning, inspections, maintenance, regulation or licensing, technical or financial assistance, research, and data management.

(c) POWERS.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Committee may secure directly from a Federal agency such information as the Committee considers to be necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Committee, the head of a Federal agency shall provide the information to the Committee.

(2) CONTRACTS.—The Committee may enter into any contract the Committee determines to be necessary to carry out a duty of the Committee.

(d) WORKING GROUPS.—

(1) IN GENERAL.—The Secretary may establish working groups to assist the Committee in carrying out this section.

(2) MEMBERSHIP.—A working group under paragraph (1) shall be composed of—

(A) members of the Committee; and

(B) any other individual, as the Secretary determines to be appropriate.

(e) COMPENSATION OF MEMBERS.—

(1) FEDERAL EMPLOYEES.—A member of the Committee who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

(2) OTHER MEMBERS.—A member of the Committee who is not an officer or employee of the United States shall serve without compensation.

(f) TRAVEL EXPENSES.—

(1) REPRESENTATIVES OF FEDERAL AGENCIES.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a Federal agency shall be reimbursed with appropriations for travel expenses by the agency of the member, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of services for the Committee.

(2) OTHER INDIVIDUALS.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a State levee safety agency, a member of the Committee who represents the private sector, and a member of a working group created under subsection (d) shall be reimbursed for travel expenses by the Secretary, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter 1 of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in performance of services for the Committee.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 2054. NATIONAL LEVEE SAFETY PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Committee and State levee safety agencies, shall establish and maintain a national levee safety program.

(b) PURPOSES.—The purposes of the program under this section are—

(1) to ensure that new and existing levees are safe through the development of technologically and economically feasible programs and procedures for hazard reduction relating to levees;

(2) to encourage appropriate engineering policies and procedures to be used for levee site investigation, design, construction, operation and maintenance, and emergency preparedness;

(3) to encourage the establishment and implementation of effective levee safety programs in each State;

(4) to develop and support public education and awareness projects to increase public acceptance and support of State levee safety programs;

(5) to develop technical assistance materials for Federal and State levee safety programs;

(6) to develop methods of providing technical assistance relating to levee safety to non-Federal entities; and

(7) to develop technical assistance materials, seminars, and guidelines to improve the security of levees in the United States.

(c) STRATEGIC PLAN.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall prepare a strategic plan—

(1) to establish goals, priorities, and target dates to improve the safety of levees in the United States;

(2) to cooperate and coordinate with, and provide assistance to, State levee safety agencies, to the maximum extent practicable;

(3) to share information among Federal agencies, State and local governments, and private entities relating to levee safety; and

(4) to provide information to the public relating to risks associated with levee failure or overtopping.

(d) FEDERAL GUIDELINES.—

(1) IN GENERAL.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall establish Federal guidelines relating to levee safety.

(2) INCORPORATION OF FEDERAL ACTIVITIES.—The Federal guidelines under paragraph (1) shall incorporate, to the maximum extent practicable, any activity carried out by a Federal agency as of the date on which the guidelines are established.

(e) INCORPORATION OF EXISTING ACTIVITIES.—The program under this section shall incorporate, to the maximum extent practicable—

(1) any activity carried out by a State or local government, or a private entity, relating to the construction, operation, or maintenance of a levee; and

(2) any activity carried out by a Federal agency to support an effort by a State levee safety agency to develop and implement an effective levee safety program.

(f) INVENTORY OF LEVEES.—The Secretary shall develop, maintain, and periodically publish an inventory of levees in the United States, including the results of any levee assessment conducted under this section and inspection.

(g) ASSESSMENTS OF LEVEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), as soon as practicable after the date of enactment of this Act, the Secretary shall conduct an assessment of each levee in the United States that protects human life or the public safety to determine the potential for a failure or overtopping of the levee that would pose a risk of loss of human life or a risk to the public safety.

(2) EXCEPTION.—The Secretary may exclude from assessment under paragraph (1) any non-Federal levee the failure or overtopping of which would not pose a risk of loss of human life or a risk to the public safety.

(3) PRIORITIZATION.—In determining the order in which to assess levees under paragraph (1), the Secretary shall give priority to levees the failure or overtopping of which would constitute the highest risk of loss of human life or a risk to the public safety, as determined by the Secretary.

(4) DETERMINATION.—In assessing levees under paragraph (1), the Secretary shall take into consideration the potential of a levee to fail or overtop because of—

(A) hydrologic or hydraulic conditions;

(B) storm surges;

(C) geotechnical conditions;

(D) inadequate operating procedures;

(E) structural, mechanical, or design deficiencies; or

(F) other conditions that exist or may occur in the vicinity of the levee.

(5) STATE PARTICIPATION.—On request of a State levee safety agency, with respect to any levee the failure of which would affect the State, the Secretary shall—

(A) provide information to the State levee safety agency relating to the construction, operation, and maintenance of the levee; and

(B) allow an official of the State levee safety agency to participate in the assessment of the levee.

(6) REPORT.—As soon as practicable after the date on which a levee is assessed under this section, the Secretary shall provide to the Governor of the State in which the levee is located a notice describing the results of the assessment, including—

(A) a description of the results of the assessment under this subsection;

(B) a description of any hazardous condition discovered during the assessment; and

(C) on request of the Governor, information relating to any remedial measure necessary to mitigate or avoid any hazardous condition discovered during the assessment.

(7) SUBSEQUENT ASSESSMENTS.—

(A) IN GENERAL.—After the date on which a levee is initially assessed under this subsection, the Secretary shall conduct a subsequent assessment of the levee not less frequently than once every 5 years.

(B) STATE ASSESSMENT OF NON-FEDERAL LEVEES.—

(i) IN GENERAL.—Each State shall conduct assessments of non-Federal levees located within the State in accordance with the applicable State levee safety program.

(ii) AVAILABILITY OF INFORMATION.—Each State shall make the results of the assessments under clause (i) available for inclusion in the national inventory under subsection (f).

(iii) NON-FEDERAL LEVEES.—

(I) IN GENERAL.—On request of the Governor of a State, the Secretary may assess a non-Federal levee in the State.

(II) COST.—The State shall pay 100 percent of the cost of an assessment under subclause (I).

(III) FUNDING.—The Secretary may accept funds from any levee owner for the purposes of conducting engineering assessments to determine the performance and structural integrity of a levee.

(h) STATE LEVEE SAFETY PROGRAMS.—

(1) ASSISTANCE TO STATES.—In carrying out the program under this section, the Secretary shall provide funds to State levee safety agencies (or another appropriate State agency, as designated by the Governor of the State) to assist States in establishing, maintaining, and improving levee safety programs.

(2) APPLICATION.—

(A) IN GENERAL.—To receive funds under this subsection, a State levee safety agency shall submit to the Secretary an application in such time, in such manner, and containing such information as the Secretary may require.

(B) INCLUSION.—An application under subparagraph (A) shall include an agreement between the State levee safety agency and the Secretary under which the State levee safety agency shall, in accordance with State law—

(i) review and approve plans and specifications to construct, enlarge, modify, remove, or abandon a levee in the State;

(ii) perform periodic evaluations during levee construction to ensure compliance with the approved plans and specifications;

(iii) approve the construction of a levee in the State before the date on which the levee becomes operational;

(iv) assess, at least once every 5 years, all levees and reservoirs in the State the failure of which would cause a significant risk of loss of human life or risk to the public safety to determine whether the levees and reservoirs are safe;

(v) establish a procedure for more detailed and frequent safety evaluations;

(vi) ensure that assessments are led by a State-registered professional engineer with related experience in levee design and construction;

(vii) issue notices, if necessary, to require owners of levees to perform necessary maintenance or remedial work, improve security, revise operating procedures, or take other actions, including breaching levees;

(viii) contribute funds to—

(I) ensure timely repairs or other changes to, or removal of, a levee in order to reduce the risk of loss of human life and the risk to public safety; and

(II) if the owner of a levee does not take an action described in subclause (I), take appropriate action as expeditiously as practicable;

(ix) establish a system of emergency procedures and emergency response plans to be used if a levee fails or if the failure of a levee is imminent;

(x) identify—

(I) each levee the failure of which could be reasonably expected to endanger human life;

(II) the maximum area that could be flooded if a levee failed; and

(III) necessary public facilities that would be affected by the flooding; and

(xi) for the period during which the funds are provided, maintain or exceed the aggregate expenditures of the State during the 2 fiscal years preceding the fiscal year during which the funds are provided to ensure levee safety.

(3) DETERMINATION OF SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives an application under paragraph (2), the Secretary shall approve or disapprove the application.

(B) NOTICE OF DISAPPROVAL.—If the Secretary disapproves an application under subparagraph (A), the Secretary shall immediately provide to the State levee safety agency a written notice of the disapproval, including a description of—

(i) the reasons for the disapproval; and

(ii) changes necessary for approval of the application, if any.

(C) FAILURE TO DETERMINE.—If the Secretary fails to make a determination by the deadline under subparagraph (A), the application shall be considered to be approved.

(4) REVIEW OF STATE LEVEE SAFETY PROGRAMS.—

(A) IN GENERAL.—The Secretary, in conjunction with the Committee, may periodically review any program carried out using funds under this subsection.

(B) INADEQUATE PROGRAMS.—If the Secretary determines under a review under subparagraph (A) that a program is inadequate to reasonably protect human life and property, the Secretary shall, until the Secretary determines the program to be adequate—

(i) revoke the approval of the program; and

(ii) withhold assistance under this subsection.

(i) REPORTING.—Not later than 90 days after the end of each odd-numbered fiscal year, the Secretary, in consultation with the Committee, shall submit to Congress a report describing—

(1) the status of the program under this section;

(2) the progress made by Federal agencies during the 2 preceding fiscal years in implementing Federal guidelines for levee safety;

(3) the progress made by State levee safety agencies participating in the program; and

(4) recommendations for legislative or other action that the Secretary considers to be necessary, if any.

(j) RESEARCH.—The Secretary, in coordination with the Committee, shall carry out a program of technical and archival research to develop and support—

(1) improved techniques, historical experience, and equipment for rapid and effective levee construction, rehabilitation, and assessment or inspection;

(2) the development of devices for the continued monitoring of levee safety;

(3) the development and maintenance of information resources systems required to manage levee safety projects; and

(4) public policy initiatives and other improvements relating to levee safety engineering, security, and management.

(k) Participation by State Levee Safety Agencies.—In carrying out the levee safety program under this section, the Secretary shall—

(1) solicit participation from State levee safety agencies; and

(2) periodically update State levee safety agencies and Congress on the status of the program.

(l) Levee Safety Training.—The Secretary, in consultation with the Committee, shall establish a program under which the Secretary shall provide training for State levee safety agency staff and inspectors to a State that has, or intends to develop, a State levee safety program, on request of the State.

(m) Effect of Subtitle.—Nothing in this subtitle—

(1) creates any Federal liability relating to the recovery of a levee caused by an action or failure to act;

(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability relating to the ownership or operation of the levee; or

(3) except as provided in subsection (g)(7)(B)(iii)(III), preempts any applicable Federal or State law.

SEC. 2055. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $20,000,000 to establish and maintain the inventory under section 2054(f);

(2) $42,000,000 to carry out levee safety assessments under section 2054(g);

(3) to provide funds for State levee safety programs under section 2054(h)—

(A) $15,000,000 for fiscal year 2007; and

(B) $5,000,000 for each of fiscal years 2008 through 2011;

(4) $2,000,000 to carry out research under section 2054(j);

(5) $1,000,000 to carry out levee safety training under section 2054(l); and

(6) $150,000 to provide travel expenses to members of the Committee under section 2053(f).

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

SEC. 3002. SITKA, ALASKA.

The Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as is necessary to correct design deficiencies in the Sitka Harbor Breakwater, at full Federal expense. The estimated cost is $6,300,000.

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

Section 111 of title I of division C of the Consolidated Appropriations Act, 2005 (118 Stat. 2944), is amended by striking subsections (a) and (b) and inserting the following:

"(a) Construction of New Facilities.—

"(1) Definitions.—In this subsection:

"(A) Existing facility.—The term 'existing facility' means the administrative and maintenance facility for the project for Black Warrior-Tombigbee Rivers, Alabama, in existence on the date of enactment of the Water Resources Development Act of 2007.

"(B) Parcel.—The term 'Parcel' means the land owned by the Federal Government in the City of Tuscaloosa, Alabama, as in existence on the date of enactment of the Water Resources Development Act of 2007.

"(2) Authorization.—In carrying out the project for Black Warrior-Tombigbee Rivers, Alabama, the Secretary is authorized—

"(A) to purchase land on which the Secretary may construct a new maintenance facility, to be located—

"(i) at a different location from the existing facility; and

"(ii) in the vicinity of the City of Tuscaloosa, Alabama;

"(B) at any time during or after the completion of, and relocation to, the new maintenance facility—

"(i) to demolish the existing facility; and

"(ii) to carry out any necessary environmental clean-up of the Parcel, all at full Federal expense; and

"(C) to construct on the Parcel a new administrative facility.

"(b) Acquisition and Disposition of Property.—The Secretary—

"(1) may acquire any real property necessary for the construction of the new maintenance facility under subsection (a)(2)(A); and

"(2) shall convey to the City of Tuscaloosa fee simple title in and to any portion of the Parcel not required for construction of the new administrative facility under subsection (a)(2)(C) through—

"(A) sale at fair market value;

"(B) exchange of other Federal land on an acre-for-acre basis; or

"(C) another form of transfer.".

SEC. 3004. NOGALES WASH AND TRIBUTARIES FLOOD CONTROL PROJECT, ARIZONA.

The project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606; 110 Stat. 3711; 114 Stat. 2600), is modified to authorize the Secretary to construct the project at a total cost of $25,410,000, with an estimated Federal cost of $22,930,000 and an estimated non-Federal cost of $2,480,000.

SEC. 3005. RIO DE FLAG, FLAGSTAFF, ARIZONA.

The project for flood damage reduction, Rio De Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary to construct the project at a total cost of $54,100,000, with an estimated Federal cost of $35,000,000 and a non-Federal cost of $19,100,000.

SEC. 3006. TUCSON DRAINAGE AREA (TUCSON ARROYO), ARIZONA.

The project for flood damage reduction, environmental restoration, and recreation, Tucson Drainage Area (Tucson Arroyo), Arizona, authorized by section 101(a)(5) of the Water Resources Development Act of 1999 (113 Stat. 274), is modified to authorize the Secretary to construct the project at a total cost of $66,700,000, with an estimated Federal cost of $43,350,000 and an estimated non-Federal cost of $23,350,000.

SEC. 3007. AUGUSTA AND CLARENDON, ARKANSAS.

The Secretary may carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

SEC. 3008. EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.

Federal assistance made available under the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project described in section 219(c)(20) of the Water Resources Development Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219), if the funds are authorized to be used for the purpose of that project.

SEC. 3009. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA.

(a) In General.—Section 204 of the Flood Control Act of 1950 (64 Stat. 170) is amended in the matter under the heading "RED-OUACHITA RIVER BASIN" by striking "at Calion, Arkansas" and inserting "improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)".

(b) Modification.—Section 3 of the Act of August 18, 1941 (55 Stat. 642, chapter 377), is amended in the second sentence of subsection (a) in the matter under the heading "LOWER MISSISSIPPI RIVER" by inserting before the period at the end the following: "Provided, That the Ouachita River Levees, Louisiana, authorized by the first section of the Act of May 15, 1928 (45 Stat. 534, chapter 569), shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as directed in section 3 of that Act (45 Stat. 535)".

SEC. 3010. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.

(a) In General.—The project for flood control, St. Francis River Basin, Arkansas, and Missouri, authorized the Act of June 15, 1936 (49 Stat. 1508, chapter 548), as modified, is further modified to authorize the Secretary to undertake channel stabilization and sediment removal measures on the St. Francis River and tributaries as an integral part of the original project.

(b) No Separable Element.—The measures undertaken under subsection (a) shall not be considered to be a separable element of the project.

SEC. 3011. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI.

(a) In General.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to subsection (b), all right, title, and interest to land within the State acquired by the Federal Government as mitigation land for the project for flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the Act of May 15, 1928 (33 U.S.C. 702a et seq.) (commonly known as the "Flood Control Act of 1928").

(b) Terms and Conditions.—

(1) In general.—The conveyance by the United States under this section shall be subject to—

(A) the condition that the State of Arkansas (including the successors and assigns of the State) agree to operate, maintain, and manage the land at no cost or expense to the United States and for fish and wildlife, recreation, and environmental purposes; and

(B) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(2) Reversion.—If the State (or a successor or assign of the State) ceases to operate, maintain, and manage the land in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

SEC. 3012. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

(a) Navigation Channel.—The Secretary shall continue construction of the McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma, to operate and maintain the *navigation channel to the authorized depth of the channel, in accordance with section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1842).*

(b) Mitigation.—

(1) In general.—As mitigation for any incidental taking relating to the McClellan-Kerr Navigation System, the Secretary shall determine the need for, and construct modifications in, the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma, including the construction of low water dams and islands to provide nesting and foraging habitat for the interior least tern, in accordance with the study entitled "Arkansas River Corridor Master Plan Planning Assistance to States".

(2) Cost sharing.—The non-Federal share of the cost of a project under this subsection shall be 35 percent.

(3) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. 3013. CACHE CREEK BASIN, CALIFORNIA.

(a) In General.—The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the storm drainage system of the city of Woodland, including all appurtenant features, erosion control measures, and environmental protection features.

(b) Objectives.—Mitigation under subsection (a) shall restore the pre-project capacity of the city (1,360 cubic feet per second) to release water to the Yolo Bypass, including—

(1) channel improvements;

(2) an outlet work through the west levee of the Yolo Bypass; and

(3) a new low flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. 3014. CALFED LEVEE STABILITY PROGRAM, CALIFORNIA.

In addition to funds made available pursuant to the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361) to carry out section 103(f)(3)(D) of that Act (118 Stat. 1696), there is authorized to be appropriated to carry out projects described in that section $106,000,000, to remain available until expended.

SEC. 3015. HAMILTON AIRFIELD, CALIFORNIA.

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to include the diked bayland parcel known as "Bel Marin Keys Unit V" at an estimated total cost of $221,700,000, with an estimated Federal cost of $166,200,000 and an estimated non-Federal cost of $55,500,000, as part of the project to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated July 19, 2004.

SEC. 3016. LA–3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended in the third sentence by striking "January 1, 2003" and inserting "January 1, 2011".

SEC. 3017. LARKSPUR FERRY CHANNEL, CALIFORNIA.

(a) Report.—The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible.

(b) Authorization of Project.—If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

SEC. 3018. LLAGAS CREEK, CALIFORNIA.

The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to complete the project, in accordance with the requirements of local cooperation as specified in section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), at a total remaining cost of $105,000,000, with an estimated remaining Federal cost of $65,000,000 and an estimated remaining non-Federal cost of $40,000,000.

SEC. 3019. MAGPIE CREEK, CALIFORNIA.

The project for Magpie Creek, California, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements of section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

SEC. 3020. PETALUMA RIVER, PETALUMA, CALIFORNIA.

The project for flood damage reduction, Petaluma River, Petaluma, California, authorized by section 112 of the Water Resources Development Act of 2000 (114 Stat. 2587), is modified to authorize the Secretary to construct the project at a total cost of $41,500,000, with an estimated Federal cost of $26,975,000 and an estimated non-Federal cost of $14,525,000.

SEC. 3021. PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA.

(a) Cooperative Program.—

(1) In general.—The Secretary shall participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in Pine Flat Reservoir and in the 14-mile reach of the Kings River immediately below Pine Flat Dam, California, in a manner that—

(A) provides for long-term aquatic resource enhancement; and

(B) avoids adverse effects on water storage and water rights holders.

(2) Goals and principles.—The cooperative program described in paragraph (1) shall be carried out—

(A) substantially in accordance with the goals and principles of the document entitled "Kings River Fisheries Management Program Framework Agreement" and dated May 29, 1999, between the California Department of Fish and Game and the Kings River Water Association and the Kings River Conservation District; and

(B) in cooperation with the parties to that agreement.

(b) Participation by Secretary.—

(1) In general.—In furtherance of the goals of the agreement described in subsection (a)(2), the Secretary shall participate in the planning, design, and construction of projects and pilot projects on the Kings River and its tributaries to enhance aquatic habitat and water availability for fisheries purposes (including maintenance of a trout fishery) in accordance with flood control operations, water rights, and beneficial uses in existence as of the date of enactment of this Act.

(2) Projects.—Projects referred to in paragraph (1) may include—

(A) projects to construct or improve pumping, conveyance, and storage facilities to enhance water transfers; and

(B) projects to carry out water exchanges and create opportunities to use floodwater within and downstream of Pine Flat Reservoir.

(c) No Authorization of Certain Dam-Related Projects.—Nothing in this section authorizes any project for the raising of Pine Flat Dam or the construction of a multilevel intake structure at Pine Flat Dam.

(d) Use of Existing Studies.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the document entitled "Final Feasibility Report and Report of the Chief of Engineers for Pine Flat Dam Fish and Wildlife Habitat Restoration" and dated July 19, 2002.

(e) Cost Sharing.—

(1) Project planning, design, and construction.—The Federal share of the cost of planning, design, and construction of a project under subsection (b) shall be 65 percent.

(2) Non-Federal share.—

(A) Credit for land, easements, and rights-of-way.—The Secretary shall credit toward the non-Federal share of the cost of construction of any project under subsection (b) the value, regardless of the date of acquisition, of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for use in carrying out the project.

(B) Form.—The non-Federal interest may provide not more than 50 percent of the non-Federal share required under this clause in the form of services, materials, supplies, or other in-kind contributions.

(f) Operation and Maintenance.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3022. REDWOOD CITY NAVIGATION PROJECT, CALIFORNIA.

The Secretary may dredge the Redwood City Navigation Channel, California, on an annual basis, to maintain the authorized depth of –30 mean lower low water.

SEC. 3023. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) Credit for Non-Federal Work.—

(1) In general.—The Secretary shall provide credit to the Sacramento Area Flood Control Agency, in the amount of $20,503,000, for the nonreimbursed Federal share of costs incurred by the Agency in connection with the project for flood control and recreation, Sacramento and American Rivers, California (Natomas Levee features), authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(2) Allocation of credit.—The Secretary shall allocate the amount to be credited under paragraph (1) toward the non-Federal share of such projects as are requested by the Sacramento Area Flood Control Agency.

(3) No reimbursement.—An amount credited under this subsection shall not be available for reimbursement.

(b) Project for Flood Control.—

(1) In general.—The project for flood control, American and Sacramento Rivers, California, authorized by section 101(a)(6)(A) of the Water Resources Development Act of 1999 (113 Stat. 274), as modified by section 128 of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2259), is further modified to authorize the Secretary to construct the auxiliary spillway generally in accordance with the Post Authorization Change Report, American River Watershed Project (Folsom Dam Modification and Folsom Dam Raise Projects), dated March 2007, at a total cost of $683,000,000, with an estimated Federal cost of $444,000,000 and an estimated non-Federal cost of $239,000,000.

(2) DAM SAFETY.—Nothing in this section limits the authority of the Secretary of the Interior to carry out dam safety activities in connection with the auxiliary spillway in accordance with the Bureau of Reclamation Safety of Dams Program.

(3) TRANSFER OF FUNDS.—

(A) IN GENERAL.—The Secretary and the Secretary of the Interior are authorized to transfer between the Department of the Army and the Department of the Interior appropriated amounts and other available funds (including funds contributed by non-Federal interests) for the purpose of planning, design, and construction of the auxiliary spillway.

(B) TERMS AND CONDITIONS.—Any transfer made pursuant to this subsection shall be subject to such terms and conditions as may be agreed on by the Secretary and the Secretary of the Interior.

SEC. 3024. SACRAMENTO RIVER BANK PROTECTION PROJECT, CALIFORNIA.

Section 202 of the River Basin Monetary Authorization Act of 1974 (88 Stat. 49) is amended by striking "and the monetary authorization" and all that follows through the end of the section and inserting "except that the lineal feet in the second phase shall be increased from 405,000 lineal feet to 485,000 lineal feet.".

SEC. 3025. CONDITIONAL DECLARATION OF NONNAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA.

(a) CONDITIONAL DECLARATION OF NONNAVIGABILITY.—If the Secretary determines, in consultation with appropriate Federal and non-Federal entities, that projects proposed to be carried out by non-Federal entities within the portions of the San Francisco, California, waterfront described in subsection (b) are in the public interest, the portions shall be declared not to be navigable water of the United States for the purposes of section 9 of the Act of March 3, 1899 (33 U.S.C. 401), and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(b) PORTIONS OF WATERFRONT.—The portions of the San Francisco, California, waterfront referred to in subsection (a) are those that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures and that are located as follows: beginning at the intersection of the northeasterly prolongation of the portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet from the existing southern boundary of Pier 40 to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32, thence westerly along last said parallel line to its intersection with the United States Government pier-head line; to the northwesterly line of Bryan Street northwesterly; thence southwesterly along said northwesterly line of Bryant Street to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—If, by the date that is 20 years after the date of enactment of this Act, any portion of the San Francisco, California, waterfront described in subsection (b) has not been bulkheaded, filled, or otherwise occupied by 1 or more permanent structures, or if work in connection with any activity carried out pursuant to applicable Federal law requiring a permit, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401), is not commenced by the date that is 5 years after the date of issuance of such a permit, the declaration of nonnavigability for the portion under this section shall cease to be effective.

SEC. 3026. SALTON SEA RESTORATION, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) SALTON SEA AUTHORITY.—The term "Salton Sea Authority" means the Joint Powers Authority established under the laws of the State of California by a joint power agreement signed on June 2, 1993.

(2) SALTON SEA SCIENCE OFFICE.—The term "Salton Sea Science Office" means the Office established by the United States Geological Survey and currently located in La Quinta, California.

(b) PILOT PROJECTS.—

(1) IN GENERAL.—

(A) REVIEW.—The Secretary shall review the preferred restoration concept plan approved by the Salton Sea Authority to determine whether the pilot projects are economically justified, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105–372).

(B) IMPLEMENTATION.—If the Secretary determines that the pilot projects meet the requirements of subparagraph (A), the Secretary may enter into an agreement with the Salton Sea Authority and, in consultation with the Salton Sea Science Office, carry out pilot projects for improvement of the environment in the area of the Salton Sea, except that the Secretary shall be a party to each contract for construction under this subsection.

(2) LOCAL PARTICIPATION.—In prioritizing pilot projects under this section, the Secretary shall—

(A) consult with the Salton Sea Authority and the Salton Sea Science Office; and

(B) consider the priorities of the Salton Sea Authority.

(3) COST SHARING.—Before carrying out a pilot project under this section, the Secretary shall enter into a written agreement with the Salton Sea Authority that requires the non-Federal interest to—

(A) pay 35 percent of the total costs of the pilot project;

(B) provide any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the pilot project; and

(C) hold the United States harmless from any claim or damage that may arise from carrying out the pilot project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $30,000,000, of which not more than $5,000,000 may be used for any 1 pilot project under this section.

SEC. 3027. SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.

The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, authorized by section 101(b)(8) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

SEC. 3028. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project generally in accordance with the Upper Guadalupe River Flood Damage Reduction, San Jose, California, Limited Reevaluation Report, dated March, 2004, at a total cost of $244,500,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $113,900,000.

SEC. 3029. YUBA RIVER BASIN PROJECT, CALIFORNIA.

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project at a total cost of $107,700,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,700,000.

SEC. 3030. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.

The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the first section of the Act of September 19, 1890 (26 Stat. 426), shall be known and designated as the "Charles Hervey Townshend Breakwater".

SEC. 3031. ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel described in subsection (b), is deauthorized.

(b) DESCRIPTION OF CHANNEL.—The channel referred to in subsection (a) may be described as beginning at a point along the western limit of the existing project, N. 188, 802.75, E. 779, 462.81, thence running northeasterly about 1,373.88 feet to a point N. 189, 554.87, E. 780, 612.53, thence running southeasterly about 439.54 feet to a point N. 189, 319.88, E. 780, 983.98, thence running southwesterly about 831.58 feet to a point N. 188, 864.63, E. 780, 288.08, thence running southeasterly about 567.39 feet to a point N. 188, 301.88, E. 780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin.

SEC. 3032. NORWALK HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portions of a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1276) and described in subsection (b), are not authorized.

(b) DESCRIPTION OF PORTIONS.—The portions of the channel referred to in subsection (a) are as follows:

(1) RECTANGULAR PORTION.—An approximately rectangular-shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as commencing at a point N. 104,165.85, E. 417,662.71, thence running south 24°06′55″ E. 395.00 feet to a point N. 103,805.32, E. 417,824.10, thence running south 00°38′06″ E. 87.84 feet to a point N. 103,717.49, E. 417,825.07, thence running north 24°06′55″ W. 480.00 feet, to a point N. 104,155.59, E. 417.628.96, thence running north 73°05′25″ E. 35.28 feet to the point of origin.

(2) PARALLELOGRAM-SHAPED PORTION.—An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in paragraph (1), approximately 20 feet wide and 260 feet long, and further described as commencing at a point N. 103,855.48, E. 417,849.99, thence running south 33°07′30″ E. 133.40 feet to a point N. 103,743.76, E. 417,922.89, thence running south 24°07′04″ E. 127.75 feet to a point N. 103,627.16, E. 417,975.09, thence running north

33°07′30″ W. 190.00 feet to a point N. 103,786.28, E. 417,871.26, thence running north 17°05′15″ W. 72.39 feet to the point of origin.

(c) Modification.—The 10-foot channel portion of the Norwalk Harbor, Connecticut navigation project described in subsection (a) is modified to authorize the Secretary to realign the channel to include, immediately north of the area described in subsection (b)(2), a triangular section described as commencing at a point N. 103,968.35, E. 417,815.29, thence running S. 17°05′15″ east 118.09 feet to a point N. 103,855.48, E. 417,849.99, thence running N. 33°07′30″ west 36.76 feet to a point N. 103,886.27, E. 417,829.90, thence running N. 10°05′26″ west 83.37 feet to the point of origin.

SEC. 3033. ST. GEORGE'S BRIDGE, DELAWARE.

Section 102(g) of the Water Resources Development Act of 1990 (104 Stat. 4612) is amended by adding at the end the following: "The Secretary shall assume ownership responsibility for the replacement bridge not later than the date on which the construction of the bridge is completed and the contractors are released of their responsibility by the State. In addition, the Secretary may not carry out any action to close or remove the St. George's Bridge, Delaware, without specific congressional authorization.".

SEC. 3034. ADDITIONAL PROGRAM AUTHORITY, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

"(C) Maximum cost of program authority.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).".

SEC. 3035. BREVARD COUNTY, FLORIDA.

(a) In General.—The project for shoreline protection, Brevard County, Florida, authorized by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637), is amended by striking "7.1-mile reach" and inserting "7.6-mile reach".

(b) References.—Any reference to a 7.1-mile reach with respect to the project described in subsection (a) shall be considered to be a reference to a 7.6-mile reach with respect to that project.

SEC. 3036. CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in clause (i), by striking "$75,000,000" and all that follows and inserting "$95,000,000."; and

(2) by striking clause (ii) and inserting the following:

"(ii) Federal share.—

"(I) In general.—Except as provided in subclause (II), the Federal share of the cost of carrying out a project under subparagraph (A) shall not exceed $25,000,000.

"(II) Seminole water conservation plan.—The Federal share of the cost of carrying out the Seminole Water Conservation Plan shall not exceed $30,000,000.".

SEC. 3037. LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended by adding at the end the following:

"(v) Hillsboro and Okeechobee aquifer, Florida.—The pilot projects for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for the purposes of this section as being in the Plan and carried out in accordance with this section, except that costs of operation and maintenance of those projects shall remain 100 percent non-Federal.".

SEC. 3038. LIDO KEY, SARASOTA COUNTY, FLORIDA.

The Secretary shall carry out the project for hurricane and storm damage reduction in Lido Key, Sarasota County, Florida, based on the report of the Chief of Engineers dated December 22, 2004, at a total cost of $14,809,000, with an estimated Federal cost of $9,088,000 and an estimated non-Federal cost of $5,721,000, and at an estimated total cost $63,606,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $31,803,000 and an estimated non-Federal cost of $31,803,000.

SEC. 3039. PORT SUTTON CHANNEL, TAMPA HARBOR, FLORIDA.

The project for navigation, Port Sutton Channel, Tampa Harbor, Florida, authorized by section 101(b)(12) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to carry out the project at a total cost of $12,900,000.

SEC. 3040. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.

SEC. 3041. ALLATOONA LAKE, GEORGIA.

(a) Land Exchange.—

(1) In general.—The Secretary may exchange land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for land on the north side of Allatoona Lake that is required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) Terms and conditions.—The basis for all land exchanges under this subsection shall be a fair market appraisal to ensure that land exchanged is of equal value.

(b) Disposal and Acquisition of Land, Allatoona Lake, Georgia.—

(1) In general.—The Secretary may—

(A) sell land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1); and

(B) use the proceeds of the sale, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) Terms and conditions.—

(A) Willing sellers.—Land acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) Basis.—The basis for all transactions under this subsection shall be a fair market value appraisal acceptable to the Secretary.

(C) Sharing of costs.—Each purchaser of land under this subsection shall share in the associated environmental and real estate costs of the purchase, including surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) Other conditions.—The Secretary may impose on the sale and purchase of land under this subsection such other conditions as the Secretary determines to be appropriate.

(c) Repeal.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

SEC. 3042. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.

(a) In General.—The Secretary shall carry out additional general construction measures to allow for operation at lower pool levels to satisfy the recreation mission at Dworshak Dam, Idaho.

(b) Improvements.—In carrying out subsection (a), the Secretary shall provide for appropriate improvements to—

(1) facilities that are operated by the Corps of Engineers; and

(2) facilities that, as of the date of enactment of this Act, are leased, permitted, or licensed for use by others.

(c) Cost Sharing.—The Secretary shall carry out this section through a cost-sharing program with Idaho State Parks and Recreation Department, with a total estimated project cost of $5,300,000, with an estimated Federal cost of $3,900,000 and an estimated non-Federal cost of $1,400,000.

SEC. 3043. LITTLE WOOD RIVER, GOODING, IDAHO.

The project for flood control, Gooding, Idaho, as constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.), is modified—

(1) to direct the Secretary to rehabilitate the Gooding Channel Project for the purposes of flood control and ecosystem restoration, if the Secretary determines that the rehabilitation and ecosystem restoration is feasible;

(2) to authorize and direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000;

(3) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(4) to authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if the use of the funds is permitted under the other Federal program; and

(5) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the ability to pay of the non-Federal interest.

SEC. 3044. PORT OF LEWISTON, IDAHO.

(a) Extinguishment of Reversionary Interests and Use Restrictions.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;

(2) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

(3) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(4) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(b) Deeds.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's Instrument No. 399218 of Nez Perce County, Idaho, 2.07 acres.

(2) Auditor's Instrument No. 487437 of Nez Perce County, Idaho, 7.32 acres.

(c) No Effect on Other Rights.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes with respect to property covered by deeds described in subsection (b).

SEC. 3045. CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee created for flood control at the Cache River, Illinois, and authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to add environmental restoration as a project purpose.

SEC. 3046. CHICAGO, ILLINOIS.

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting "Lake Michigan and" before "the Chicago River".

SEC. 3047. CHICAGO RIVER, ILLINOIS.

The Federal navigation channel for the North Branch Channel portion of the Chicago River authorized by section 22 of the Act of March 3, 1899 (30 Stat. 1156, chapter 425), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois, is redefined to be no wider than 66 feet.

SEC. 3048. ILLINOIS RIVER BASIN RESTORATION.

Section 519 of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended—

(1) in subsection (c)(3), by striking "$5,000,000" and inserting "$20,000,000"; and

(2) by adding at the end the following:

"(h) COOPERATION.—In carrying out this section, the Secretary may enter into cooperative agreements, including with the State of Illinois, academic institutions, units of local governments, and soil and water conservation districts, to facilitate more efficient partnerships in developing and implementing the Illinois River Basin Restoration Program.".

SEC. 3049. MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM.

(a) DEFINITION OF RECONSTRUCTION.—In this section:

(1) IN GENERAL.—The term "reconstruction" means any action taken to address 1 or more major deficiencies of a project caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with the authorized purposes of the project.

(2) INCLUSIONS.—The term "reconstruction" includes the incorporation by the Secretary of current design standards and efficiency improvements in a project if the incorporation does not significantly change the authorized scope, function, or purpose of the project.

(b) PARTICIPATION BY SECRETARY.—The Secretary may participate in the reconstruction of flood control projects within Missouri and Illinois as a pilot program if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance by the non-Federal interest.

(c) COST SHARING.—

(1) IN GENERAL.—Costs for reconstruction of a project under this section shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) OPERATION, MAINTENANCE, AND REPAIR COSTS.—The costs of operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility.

(d) CRITICAL PROJECTS.—In carrying out this section, the Secretary shall give priority to the following projects:

(1) Clear Creek Drainage and Levee District, Illinois.

(2) Fort Chartres and Ivy Landing Drainage District, Illinois.

(3) Wood River Drainage and Levee District, Illinois.

(4) City of St. Louis, Missouri.

(5) Missouri River Levee Drainage District, Missouri.

(e) ECONOMIC JUSTIFICATION.—Reconstruction efforts and activities carried out under this section shall not require economic justification.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000, to remain available until expended.

SEC. 3050. SPUNKY BOTTOM, ILLINOIS.

(a) IN GENERAL.—The project for flood control, Illinois and Des Plaines River Basin, between Beardstown, Illinois, and the mouth of the Illinois River, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1583, chapter 688), is modified to authorize ecosystem restoration as a project purpose.

(b) MODIFICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding the limitation on the expenditure of Federal funds to carry out project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), modifications to the project referred to in subsection (a) shall be carried out at Spunky Bottoms, Illinois, in accordance with subsection (a).

(2) FEDERAL SHARE.—Not more than $7,500,000 in Federal funds may be expended under this section to carry out modifications to the project referred to in subsection (a).

(3) POST-CONSTRUCTION MONITORING AND MANAGEMENT.—Of the Federal funds expended under paragraph (2), not less than $500,000 shall remain available for a period of 5 years after the date of completion of construction of the modifications for use in carrying out post-construction monitoring and adaptive management.

(c) EMERGENCY REPAIR ASSISTANCE.—Notwithstanding any modifications carried out under subsection (b), the project described in subsection (a) shall remain eligible for emergency repair assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), without consideration of economic justification.

SEC. 3051. STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, acting through the Tulsa District of the Corps of Engineers, shall transfer to Pleasant Township, Coffey County, Kansas, for use as the New Strawn Cemetery, all right, title, and interest of the United States in and to the land described in subsection (c).

(b) REVERSION.—If the land transferred under this section ceases at any time to be used as a nonprofit cemetery or for another public purpose, the land shall revert to the United States.

(c) DESCRIPTION.—The land to be conveyed under this section is a tract of land near John Redmond Lake, Kansas, containing approximately 3 acres and lying adjacent to the west line of the Strawn Cemetery located in the SE corner of the NE¼ of sec. 32, T. 20 S., R. 14 E., Coffey County, Kansas.

(d) CONSIDERATION.—

(1) IN GENERAL.—The conveyance under this section shall be at fair market value.

(2) COSTS.—All costs associated with the conveyance shall be paid by Pleasant Township, Coffey County, Kansas.

(e) OTHER TERMS AND CONDITIONS.—The conveyance under this section shall be subject to such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. 3052. MILFORD LAKE, MILFORD, KANSAS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value by quitclaim deed to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the description of the real property referred to in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 3053. OHIO RIVER BASIN COMPREHENSIVE PLAN.

The Secretary is authorized to conduct a comprehensive, basin-wide plan of the Ohio River Basin to identify the investments and reinvestments in system components that would be necessary and advisable—

(1) to ensure protection of lives and property in the area of the Basin; and

(2) to sustain the purposes (including flood damage reduction, ecosystem restoration and protection, water supply, recreation, and related purposes) for which the Basin system was developed.

SEC. 3054. HICKMAN BLUFF STABILIZATION, KENTUCKY.

The project for Hickman Bluff, Kentucky, authorized by chapter II of title II of the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (109 Stat. 85), is modified to authorize the Secretary to repair and restore the project, at full Federal expense, with no further economic studies or analyses, at a total cost of not more than $250,000.

SEC. 3055. MCALPINE LOCK AND DAM, KENTUCKY AND INDIANA.

Section 101(a)(10) of the Water Resources Development Act of 1990 (104 Stat. 4606) is amended by striking "$219,600,000" each place it appears and inserting "$430,000,000".

SEC. 3056. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) IN GENERAL.—The public access feature of the Atchafalaya Basin Floodway System, Louisiana project, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest (exclusive of oil, gas, and minerals) of an additional 20,000 acres of land in the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, Louisiana project.

(b) MODIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), effective beginning November 17, 1986, the public access feature of the Atchafalaya Basin Floodway System, Louisiana project, is modified to remove the $32,000,000 limitation on the maximum Federal expenditure for the first costs of the public access feature.

(2) FIRST COST.—The authorized first cost of $250,000,000 for the total project (as defined in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142)) shall not be exceeded, except as authorized by section 902 of that Act (100 Stat. 4183).

(c) TECHNICAL AMENDMENT.—Section 315(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2603) is amended by inserting before the period at the end the following: "and may include Eagle Point Park, Jeanerette, Louisiana, as 1 of the alternative sites".

SEC. 3057. REGIONAL VISITOR CENTER, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) PROJECT FOR FLOOD CONTROL.—Notwithstanding paragraph (3) of the report of the Chief of Engineers dated February 28, 1983 (relating to recreational development in the Lower

Atchafalaya Basin Floodway), the Secretary shall carry out the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by chapter IV of title I of the Act of August 15, 1985 (Public Law 99–88; 99 Stat. 313; 100 Stat. 4142).

(b) Visitors Center.—

(1) In general.—The Secretary, acting through the Chief of Engineers and in consultation with the State of Louisiana, shall study, design, and construct a type A regional visitors center in the vicinity of Morgan City, Louisiana.

(2) Cost sharing.—

(A) In general.—The cost of construction of the visitors center shall be shared in accordance with the recreation cost-share requirement under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

(B) Cost of upgrading.—The non-Federal share of the cost of upgrading the visitors center from a type B to type A regional visitors center shall be 100 percent.

(3) Agreement.—The project under this subsection shall be initiated only after the Secretary and the non-Federal interests enter into a binding agreement under which the non-Federal interests shall—

(A) provide any land, easement, right-of-way, or dredged material disposal area required for the project that is owned, claimed, or controlled by—

(i) the State of Louisiana (including agencies and political subdivisions of the State); or

(ii) any other non-Federal government entity authorized under the laws of the State of Louisiana;

(B) pay 100 percent of the cost of the operation, maintenance, repair, replacement, and rehabilitation of the project; and

(C) hold the United States free from liability for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project, except for damages due to the fault or negligence of the United States or a contractor of the United States.

(4) Donations.—In carrying out the project under this subsection, the Mississippi River Commission may accept the donation of cash or other funds, land, materials, and services from any non-Federal government entity or nonprofit corporation, as the Commission determines to be appropriate.

SEC. 3058. CALCASIEU RIVER AND PASS, LOUISIANA.

The project for the Calcasieu River and Pass, Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), is modified to authorize the Secretary to provide $3,000,000 for each fiscal year, in a total amount of $15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16 as the Chief of Engineers determines to be advisable to reduce maintenance dredging needs and facilitate protection of valuable disposal areas for the Calcasieu River and Pass, Louisiana.

SEC. 3059. EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), as amended by section 116 of the Consolidated Appropriations Resolution, 2003 (117 Stat. 140), is modified to authorize the Secretary to carry out the project substantially in accordance with the Report of the Chief of Engineers dated December 23, 1996, and the subsequent Post Authorization Change Report dated December 2004, at a total cost of $178,000,000.

SEC. 3060. MISSISSIPPI RIVER GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA.

(a) Port Facilities Relocation.—

(1) Authorization of appropriations.—There is authorized to be appropriated $75,000,000, to remain available until expended, to support the relocation of Port of New Orleans deep draft facilities from the Mississippi River Gulf Outlet (referred to in this section as the "Outlet"), the Gulf Intercoastal Waterway, and the Inner Harbor Navigation Canal to the Mississippi River.

(2) Administration.—

(A) In general.—Amounts appropriated pursuant to paragraph (1) shall be administered by the Assistant Secretary for Economic Development (referred to in this section as the "Assistant Secretary") pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233).

(B) Requirement.—The Assistant Secretary shall make amounts appropriated pursuant to paragraph (1) available to the Port of New Orleans to relocate to the Mississippi River within the State of Louisiana the port-owned facilities that are occupied by businesses in the vicinity that may be impacted due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(b) Revolving Loan Fund Grants.—There is authorized to be appropriated to the Assistant Secretary $85,000,000, to remain available until expended, to provide assistance pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233) to 1 or more eligible recipients to establish revolving loan funds to make loans for terms up to 20 years at or below market interest rates (including interest-free loans) to private businesses within the Port of New Orleans that may need to relocate to the Mississippi River within the State of Louisiana due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(c) Coordination With Secretary.—The Assistant Secretary shall ensure that the programs described in subsections (a) and (b) are fully coordinated with the Secretary to ensure that facilities are relocated in a manner that is consistent with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(d) Administrative Expenses.—The Assistant Secretary may use up to 2 percent of the amounts made available under subsections (a) and (b) for administrative expenses.

SEC. 3061. RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2604), is further modified—

(1) to authorize the Secretary to carry out the project at a total cost of $33,200,000;

(2) to permit the purchase of marginal farmland for reforestation (in addition to the purchase of bottomland hardwood); and

(3) to incorporate wildlife and forestry management practices to improve species diversity on mitigation land that meets habitat goals and objectives of the Corps of Engineers and the State of Louisiana.

SEC. 3062. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $25,000,000.

SEC. 3063. ROCKLAND HARBOR, MAINE.

As of the date of enactment of this Act, the portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act of June 3, 1896 (29 Stat. 202, chapter 314), consisting of a 14-foot channel located in Lermond Cove and beginning at a point with coordinates N. 99977.37, E. 340290.02, thence running easterly about 200.00 feet to a point with coordinates N. 99978.49, E. 340490.02, thence running northerly about 138.00 feet to a point with coordinates N. 100116.49, E. 340289.25, thence running westerly about 200.00 feet to a point with coordinates N. 100115.37, E. 340289.25, thence running southerly about 138.00 feet to the point of origin, is not authorized.

SEC. 3064. ROCKPORT HARBOR, MAINE.

(a) In General.—The portion of the project for navigation, Rockport Harbor, Maine, authorized by the first section of the Act of August 11, 1888 (25 Stat. 400), located within the 12-foot anchorage described in subsection (b) is not authorized.

(b) Description of Anchorage.—The anchorage referred to in subsection (a) is more particularly described as—

(1) beginning at the westernmost point of the anchorage at N. 128800.00, E. 349311.00;

(2) thence running north 12 degrees, 52 minutes, 37.2 seconds, east 127.08 feet to a point at N. 128923.88, E349339.32;

(3) thence running north 17 degrees, 40 minutes, 13.0 seconds, east 338.61 feet to a point at N. 129246.51, E/ 349442.10;

(4) thence running south 89 degrees, 21 minutes, 21.0 seconds, east 45.36 feet to a point at N. 129246.00, E. 349487.46;

(5) thence running south 44 degrees, 13 minutes, 32.6 seconds, east 18.85 feet to a point at N. 129232.49, E. 349500.61;

(6) thence running south 17 degrees, 40 minutes 13.0 seconds, west 340.50 feet to a point at N. 128908.06, E. 349397.25;

(7) thence running south 12 degrees, 52 minutes, 37.2 seconds, west 235.41 feet to a point at N. 128678.57, E. 349344.79; and

(8) thence running north 15 degrees, 32 minutes, 59.3 seconds, west 126.04 feet to the point of origin.

SEC. 3065. SACO RIVER, MAINE.

The portion of the project for navigation, Saco River, Maine, authorized under section 107 of the River and Harbor Act of 1960 (74 Stat. 486), and described as a 6-foot deep, 10-acre maneuvering basin located at the head of navigation, is redesignated as an anchorage area.

SEC. 3066. UNION RIVER, MAINE.

The project for navigation, Union River, Maine, authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N. 315,975.13, E. 1,004,424.86, thence running N. 61°27'20.71" W. about 132.34 feet to a point N. 316,038.37, E. 1,004,308.61.

SEC. 3067. BALTIMORE HARBOR AND CHANNELS, MARYLAND AND VIRGINIA.

(a) In General.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Baltimore Harbor and Channels, Maryland and Virginia, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), shall remain authorized to be carried out by the Secretary.

(b) Limitation.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act, unless, during that period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 3068. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) Authorization of Appropriations.—Section 510 of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended—

(1) in subsection (a)(1), by striking "pilot";

(2) in subsection (d)(2), by adding at the end the following:

"(C) In-kind services.—The non-Federal share of the project costs of a partnership agreement entered into under this section may include in-kind services.";

(3) by striking subsection (f) and inserting the following:

"(f) Projects.—The Secretary may carry out projects under this section in the States of Delaware, New York, Maryland, Pennsylvania, Virginia, and West Virginia, and the District of Columbia."; and

(4) in subsection (i), by striking "$10,000,000" and inserting "$30,000,000".

(b) Nonnative Oyster Species.—The matter under the heading "construction, general" under the heading "Corps of Engineers-Civil" under the heading "Department of the Army" of title I of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1828) is amended in the twenty-first proviso by striking "$2,000,000" and inserting "$3,500,000".

SEC. 3069. FLOOD PROTECTION PROJECT, CUMBERLAND, MARYLAND.

Section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) is amended—

(1) by striking "$15,000,000" and inserting "$25,750,000";

(2) by striking "$9,750,000" and inserting "$16,378,000"; and

(3) by striking "$5,250,000" and inserting "$9,012,000".

SEC. 3070. AUNT LYDIA'S COVE, MASSACHUSETTS.

(a) Deauthorization.—The portion of the project for navigation, Aunt Lydia's Cove, Massachusetts, authorized August 31, 1994, pursuant to section 107 of the Act of July 14, 1960 (33 U.S.C. 577) (commonly known as the "River and Harbor Act of 1960"), consisting of the 8-foot deep anchorage in the cove described in subsection (b) is deauthorized.

(b) Description.—The portion of the project described in subsection (a) is more particularly described as the portion beginning at a point along the southern limit of the existing project, N. 254332.00, E. 1023103.96, thence running northwesterly about 761.60 feet to a point along the western limit of the existing project N. 255076.84, E. 1022945.07, thence running southwesterly about 38.11 feet to a point N. 255038.99, E. 1022940.60, thence running southeasterly about 267.07 feet to a point N. 254772.00, E. 1022947.00, thence running southeasterly about 462.41 feet to a point N. 254320.06, E. 1023044.84, thence running northeasterly about 60.31 feet to the point of origin.

SEC. 3071. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.

(a) In General.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), shall remain authorized to be carried out by the Secretary, except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet.

(b) Feasibility.—The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge Fall River and Somerset, Massachusetts.

(c) Limitation.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act unless, during that period, funds have been obligated for construction (including planning and design) of the project.

SEC. 3072. NORTH RIVER, PEABODY, MASSACHUSETTS.

The Secretary shall expedite completion of the report for the project North River, Peabody, Massachusetts, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 3073. ECORSE CREEK, MICHIGAN.

(a) In General.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for flood control, Ecorse Creek, Wayne County, Michigan, authorized by section 101(a)(14) of the Water Resources Development Act of 1990 (104 Stat. 4607) shall remain authorized to be carried out by the Secretary.

(b) Limitation.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act, unless, during that period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 3074. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

Section 426 of the Water Resources Development Act of 1999 (113 Stat. 326) is amended to read as follows:

"SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

"(a) Definitions.—In this section:

"(1) Management plan.—The term 'management plan' means the management plan for the St. Clair River and Lake St. Clair, Michigan, that is in effect as of the date of enactment of this section.

"(2) Partnership.—The term 'Partnership' means the partnership established by the Secretary under subsection (b)(1).

"(b) Partnership.—

"(1) In general.—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

"(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

"(B) develop and implement projects consistent with the management plan.

"(2) Coordination with actions under other law.—

"(A) In general.—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

"(B) No effect on other law.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

"(c) Implementation of St. Clair River and Lake St. Clair Management Plan.—

"(1) In general.—The Secretary shall—

"(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

"(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

"(C) plan, design, and implement projects consistent with the management plan; and

"(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

"(2) Specific measures.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

"(d) Supplements to Management Plan and Strategic Implementation Plan.—In consultation with the Partnership and after providing an opportunity for public review and comment, the Secretary shall develop information to supplement—

"(1) the management plan; and

"(2) the strategic implementation plan developed under subsection (c)(1)(A).

"(e) Cost Sharing.—

"(1) Non-federal share.—The non-Federal share of the cost of technical assistance, or the cost of planning, design, construction, and evaluation of a project under subsection (c), and the cost of development of supplementary information under subsection (d)—

"(A) shall be 25 percent of the total cost of the project or development; and

"(B) may be provided through the provision of in-kind services.

"(2) Credit for land, easements, and rights-of-way.—The Secretary shall credit the non-Federal sponsor for the value of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided for use in carrying out a project under subsection (c).

"(3) Nonprofit entities.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity.

"(4) Operation and maintenance.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be non-Federal responsibilities.

"(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000.".

SEC. 3075. DULUTH HARBOR, MINNESOTA.

(a) In General.—Notwithstanding the cost limitation described in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry out the project for navigation, Duluth Harbor, Minnesota, pursuant to the authority provided under that section at a total Federal cost of $9,000,000.

(b) Public Access and Recreational Facilities.—Section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605) is amended by inserting ", and to provide public access and recreational facilities" after "including any required bridge construction".

SEC. 3076. PROJECT FOR ENVIRONMENTAL ENHANCEMENT, MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA.

(a) Violet Diversion Project.—The Secretary shall redesign and implement the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and

Louisiana, authorized by section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4014), in lieu of diversion of freshwater at the Bonnet Carre Spillway using a diversion of water at or near Violet, Louisiana, if the following criteria can be met by the redesign:

(1) Achieve the salinity targets to at least the same extent as the diversion of freshwater at the Bonnet Carre Spillway for the Mississippi Sound identified in the feasibility study entitled "Mississippi and Louisiana Estuarine areas: Freshwater Diversion to Lake Pontchartrain Basin and Mississippi Sound" and dated 1984.

(2) Not delay the completion of the design and construction of the project beyond the dates identified in subsections (e) and (f).

(3) Not change the cost-share attributable to the Bonnet Carre Freshwater Diversion Project.

(b) DEFINITION.—For the purposes of this section, the term "Bonnet Carre Freshwater Diversion Project" is defined as the recommended alternative as described in the report of the Chief of Engineers for the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, May, 1986, and referenced in Public Law 104–303 and described in the Report to Congress on the Bonnet Carre Freshwater Diversion Project Status and Potential Options and Enhancement of December 1996.

(c) BONNET CARRE FRESHWATER DIVERSION PROJECT.—If the redesign in subsection (a) does not meet the criteria therein, the Secretary shall implement the Bonnet Carre Freshwater Diversion Project.

(d) NON-FEDERAL FINANCING REQUIREMENTS.—

(1) The States of Mississippi and Louisiana shall provide the funds needed during any fiscal year for meeting each State's respective non-Federal cost sharing requirements for the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, that fiscal year by making deposits of the necessary funds into an escrow account or into such other account as the Secretary determines to be acceptable. Any deposits required pursuant to this paragraph shall be made by the affected State within 30 days after receipt of notification from the Secretary that such funds are due.

(2) In the case of deposits required to be made by the State of Louisiana, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out in the State of Louisiana pursuant to section 1003 if the State of Louisiana is not in compliance with paragraph (1).

(3) In the case of deposits required to be made by the State of Mississippi, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out as a part of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana if the State of Mississippi is not in compliance with paragraph (1).

(4) The non-Federal share of project costs shall be allocated between the States of Mississippi and Louisiana as described in the Report to Congress on the Bonnet Carre Freshwater Diversion Project Status and Potential Options and Enhancement of December 1996.

(5) The modification of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, by this section shall not reduce the percentage of the cost of the project that shall be paid by the Federal government as it was determined upon enactment of section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4014).

(e) DESIGN SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete the design of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, not later than 2 years after the date of enactment of this Act.

(2) MISSED DEADLINE.—If the Secretary does not complete the design described in paragraph (1) by such date, the Secretary shall assign such resources as available and necessary to complete the design and the Secretary's authority to expend funds for travel, official receptions, and official representations is suspended until such design is complete.

(f) CONSTRUCTION SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete construction of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, not later than September 30, 2012.

(2) MISSED DEADLINE.—If the Secretary does not complete the construction described in paragraph (1) by such date, the Secretary shall assign such resources as available and necessary to complete the construction and the Secretary's authority to expend funds for travel, official receptions, and official representations is suspended until such construction is complete.

SEC. 3077. LAND EXCHANGE, PIKE COUNTY, MISSOURI.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means the 2 parcels of Corps of Engineers land totaling approximately 42 acres, located on Buffalo Island in Pike County, Missouri, and consisting of Government Tract Numbers MIS–7 and a portion of FM–46.

(2) NON-FEDERAL LAND.—The term "non-Federal land" means the approximately 42 acres of land, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

(b) LAND EXCHANGE.—Subject to subsection (c), on conveyance by S.S.S., Inc., to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to S.S.S., Inc., all right, title, and interest of the United States in and to the Federal land.

(c) CONDITIONS.—

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the non-Federal land to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The conveyance of the Federal land to S.S.S., Inc., shall be—

(i) by quitclaim deed; and

(ii) subject to any reservations, terms, and conditions that the Secretary determines to be necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(C) LEGAL DESCRIPTIONS.—The Secretary shall, subject to approval of S.S.S., Inc., provide a legal description of the Federal land and non-Federal land for inclusion in the deeds referred to in subparagraphs (A) and (B).

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—The Secretary may require the removal of, or S.S.S., Inc., may voluntarily remove, any improvements to the non-Federal land before the completion of the exchange or as a condition of the exchange.

(B) NO LIABILITY.—If S.S.S., Inc., removes any improvements to the non-Federal land under subparagraph (A)—

(i) S.S.S., Inc., shall have no claim against the United States relating to the removal; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvements.

(3) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the exchange.

(4) CASH EQUALIZATION PAYMENT.—If the appraised fair market value, as determined by the Secretary, of the Federal land exceeds the appraised fair market value, as determined by the Secretary, of the non-Federal land, S.S.S., Inc., shall make a cash equalization payment to the United States.

(5) DEADLINE.—The land exchange under subsection (b) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 3078. L–15 LEVEE, MISSOURI.

The portion of the L–15 levee system that is under the jurisdiction of the Consolidated North County Levee District and situated along the right descending bank of the Mississippi River from the confluence of that river with the Missouri River and running upstream approximately 14 miles shall be considered to be a Federal levee for purposes of cost sharing under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).

SEC. 3079. UNION LAKE, MISSOURI.

(a) IN GENERAL.—The Secretary shall offer to convey to the State of Missouri all right, title, and interest in and to approximately 205.50 acres of land described in subsection (b) purchased for the Union Lake Project that was deauthorized as of January 1, 1990 (55 Fed. Reg. 40906), in accordance with section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is described as follows:

(1) TRACT 500.—A tract of land situated in Franklin County, Missouri, being part of the SW¼ of sec. 7, and the NW¼ of the SW¼ of sec. 8, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 112.50 acres.

(2) TRACT 605.—A tract of land situated in Franklin County, Missouri, being part of the N½ of the NE, and part of the SE of the NE of sec. 18, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 93.00 acres.

(c) CONVEYANCE.—On acceptance by the State of Missouri of the offer by the Secretary under subsection (a), the land described in subsection (b) shall immediately be conveyed, in its current condition, by Secretary to the State of Missouri.

SEC. 3080. LOWER YELLOWSTONE PROJECT, MONTANA.

The Secretary may use funds appropriated to carry out the Missouri River recovery and mitigation program to assist the Bureau of Reclamation in the design and construction of the Lower Yellowstone project of the Bureau, Intake, Montana, for the purpose of ecosystem restoration.

SEC. 3081. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA.

(a) DEFINITION OF RESTORATION PROJECT.—In this section, the term "restoration project" means a project that will produce, in accordance with other Federal programs, projects, and activities, substantial ecosystem restoration and related benefits, as determined by the Secretary.

(b) PROJECTS.—The Secretary shall carry out, in accordance with other Federal programs, projects, and activities, restoration projects in the watershed of the Yellowstone River and tributaries in Montana, and in North Dakota, to produce immediate and substantial ecosystem restoration and recreation benefits.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall—

(1) consult with, and consider the activities being carried out by—

(A) other Federal agencies;

(B) Indian tribes;

(C) conservation districts; and

(D) the Yellowstone River Conservation District Council; and

(2) seek the full participation of the State of Montana.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with the *non-Federal interest for the restoration project under which the non-Federal interest shall agree—*

(1) to provide 35 percent of the total cost of the restoration project, including necessary land, easements, rights-of-way, relocations, and disposal sites;

(2) to pay the non-Federal share of the cost of feasibility studies and design during construction following execution of a project cooperation agreement;

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of enactment of this Act that are associated with the restoration project; and

(4) to hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government in carrying out the restoration project.

(e) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of a restoration project carried out under this section may be provided in the form of in-kind credit for work performed during construction of the restoration project.

(f) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the applicable local government, a nonprofit entity may be a non-Federal interest for a restoration project carried out under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 3082. WESTERN SARPY AND CLEAR CREEK, NEBRASKA.

The project for ecosystem restoration and flood damage reduction, Western Sarpy and Clear Creek, Nebraska, authorized by section 101(b)(21) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified to authorize the Secretary to construct the project at a total cost of $21,664,000, with an estimated Federal cost of $14,082,000 and an estimated non-Federal cost of $7,582,000.

SEC. 3083. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA.

The maximum amount of Federal funds that may be expended for the project being carried out, as of the date of enactment of this Act, under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for environmental restoration of McCarran Ranch, Nevada, shall be $5,775,000.

SEC. 3084. COOPERATIVE AGREEMENTS, NEW MEXICO.

The Secretary may enter into cooperative agreements with any Indian tribe any land of which is located in the State of New Mexico and occupied by a flood control project that is owned and operated by the Corps of Engineers to assist in carrying out any operation or maintenance activity associated with the flood control project.

SEC. 3085. MIDDLE RIO GRANDE RESTORATION, NEW MEXICO.

(a) RESTORATION PROJECTS.—

(1) DEFINITION.—The term "restoration project" means a project that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration and recreation benefits.

(2) PROJECTS.—The Secretary shall carry out restoration projects in the Middle Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(b) PROJECT SELECTION.—The Secretary shall select restoration projects in the Middle Rio Grande.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall consult with, and consider the activities being carried out by—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—

(1) PROJECTS ON FEDERAL LAND.—Each restoration project under this section located on Federal land shall be carried out at full Federal expense.

(2) OTHER PROJECTS.—For any restoration project located on non-Federal land, before carrying out the restoration project under this section, the Secretary shall enter into an agreement with non-Federal interests that requires the non-Federal interests to—

(A) provide 35 percent of the total cost of the restoration projects including provisions for necessary lands, easements, rights-of-way, relocations, and disposal sites;

(B) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of the enactment of this Act that are associated with the restoration projects; and

(C) hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government.

(e) NON-FEDERAL INTERESTS.—Not withstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest for any project carried out under this section may include a nonprofit entity, with the consent of the local government.

(f) RECREATIONAL FEATURES.—

(1) IN GENERAL.—Subject to paragraph (2), any recreational feature included as part of a restoration project shall comprise not more than 30 percent of the cost of the restoration project.

(2) REQUIREMENT.—The cost of any recreational feature included as part of a restoration project in excess of the amount described in paragraph (1) shall be paid by the non-Federal interest.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3086. LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT.

(a) IN GENERAL.—The Secretary shall plan, design, and construct projects to increase aquatic habitats within Long Island Sound and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat.

(b) COST SHARING.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3087. MAMARONECK AND SHELDRAKE RIVERS WATERSHED MANAGEMENT, NEW YORK.

(a) WATERSHED MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the State of New York and local entities, shall develop watershed management plans for the Mamaroneck and Sheldrake River watershed for the purposes of evaluating existing and new flood damage reduction and ecosystem restoration.

(2) EXISTING PLANS.—In developing the watershed management plans, the Secretary shall use existing studies and plans, as appropriate.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any eligible critical restoration project in the Mamaroneck and Sheldrake Rivers watershed in accordance with the watershed management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the watershed management plan developed under subsection (a); and

(B) with respect to the Mamaroneck and Sheldrake Rivers watershed in New York, consists of flood damage reduction or ecosystem restoration—

(i) bank stabilization of the mainstem, tributaries, and streams;

(ii) wetland restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) structural and nonstructural flood damage reduction measures; or

(vii) any other project or activity the Secretary determines to be appropriate.

(c) COST SHARING.—The Federal share of the cost of implementing any project carried out under this section shall be 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000, to remain available until expended.

SEC. 3088. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking "$5,200,000" and inserting "$18,200.000".

SEC. 3089. NEW YORK HARBOR, NEW YORK, NEW YORK.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) DREDGED MATERIAL FACILITY.—

"(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

"(2) PERFORMANCE.—One or more of the parties to the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

"(3) MULTIPLE FEDERAL PROJECTS.—If appropriate, the Secretary may combine portions of separate Federal projects with appropriate combined cost-sharing between the various projects, if the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

"(4) PUBLIC FINANCING.—

"(A) AGREEMENTS.—

"(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify—

"(I) the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects; and

"(II) the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

"(ii) MANAGEMENT OF SEDIMENTS.—

"(I) IN GENERAL.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnerships agreements.

"(II) PAYMENTS.—The cost-sharing agreement may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

"(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

"(B) CREDIT.—

"(i) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any other non-Federal interest for the cost-sharing, construction, and operation and maintenance of a Federal navigation project.

"(ii) CREDIT FOR FUNDS.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project.

"(iii) NON-FEDERAL INTEREST RESPONSIBILITIES.—The non-Federal interest shall—

"(I) be responsible for providing all necessary land, easement rights-of-way, or relocations associated with the facility; and

"(II) receive credit for those items."; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as redesignated by paragraph (1))—

(A) by inserting "and maintenance" after "operation" each place it appears; and

(B) by inserting "processing, treatment, or" after "dredged material" the first place it appears in each of those paragraphs.

SEC. 3090. NEW YORK STATE CANAL SYSTEM.

Section 553 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking subsection (c) and inserting the following:

"(c) DEFINITION OF NEW YORK STATE CANAL SYSTEM.—In this section, the term 'New York State Canal System' means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany, Rochester, and Buffalo.".

SEC. 3091. SUSQUEHANNA RIVER AND UPPER DELAWARE RIVER WATERSHED MANAGEMENT, NEW YORK.

(a) WATERSHED MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the State of New York, the Delaware or Susquehanna River Basin Commission, as appropriate, and local entities, shall develop watershed management plans for the Susquehanna River watershed in New York State and the Upper Delaware River watershed for the purposes of evaluating existing and new flood damage reduction and ecosystem restoration.

(2) EXISTING PLANS.—In developing the watershed management plans, the Secretary shall use existing studies and plans, as appropriate.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any eligible critical restoration project in the Susquehanna River or Upper Delaware Rivers in accordance with the watershed management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the watershed management plan developed under subsection (a); and

(B) with respect to the Susquehanna River or Upper Delaware River watershed in New York, consists of flood damage reduction or ecosystem restoration through—

(i) bank stabilization of the mainstem, tributaries, and streams;

(ii) wetland restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) structural and nonstructural flood damage reduction measures; or

(vii) any other project or activity the Secretary determines to be appropriate.

(c) COST SHARING.—The Federal share of the cost of implementing any project carried out under this section shall be 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000, to remain available until expended.

SEC. 3092. MISSOURI RIVER RESTORATION, NORTH DAKOTA.

Section 707(a) of the Water Resources Act of 2000 (114 Stat. 2699) is amended in the first sentence by striking "$5,000,000" and all that follows through "2005" and inserting "$25,000,000".

SEC. 3093. OHIO.

Section 594 of the Water Resources Development Act of 1999 (113 Stat. 381) is amended by adding at the end the following:

"(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

SEC. 3094. LOWER GIRARD LAKE DAM, GIRARD, OHIO.

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended—

(1) by striking "$2,500,000" and inserting "$16,000,000"; and

(2) by striking "Repair and rehabilitation" and inserting "Correct structural deficiencies".

SEC. 3095. TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO.

Increased operation and maintenance activities for the Toussaint River Federal Navigation Project, Carroll Township, Ohio, that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance, shall be carried out at full Federal expense.

SEC. 3096. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56–79–C–0072 shall satisfy the obligations of the city under that contract.

SEC. 3097. LAKE EUFAULA, OKLAHOMA.

(a) PROJECT GOAL.—

(1) IN GENERAL.—The goal for operation of Lake Eufaula shall be to maximize the use of available storage in a balanced approach that incorporates advice from representatives from all the project purposes to ensure that the full value of the reservoir is realized by the United States.

(2) RECOGNITION OF PURPOSE.—To achieve the goal described in paragraph (1), recreation is recognized as a project purpose at Lake Eufaula, pursuant to the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 887, chapter 665).

(b) LAKE EUFAULA ADVISORY COMMITTEE.—

(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the Lake Eufaula, Canadian River, Oklahoma project authorized by the Act of July 24, 1946 (commonly known as the "River and Harbor Act of 1946") (Public Law 79–525; 60 Stat. 634).

(2) PURPOSE.—The purpose of the committee shall be advisory only.

(3) DUTIES.—The committee shall provide information and recommendations to the Corps of Engineers regarding the operations of Lake Eufaula for the project purposes for Lake Eufaula.

(4) COMPOSITION.—The Committee shall be composed of members that equally represent the project purposes for Lake Eufaula.

(c) REALLOCATION STUDY.—

(1) IN GENERAL.—Subject to the appropriation of funds, the Secretary, acting through the Chief of Engineers, shall perform a reallocation study, at full Federal expense, to develop and present recommendations concerning the best value, while minimizing ecological damages, for current and future use of the Lake Eufaula storage capacity for the authorized project purposes of flood control, water supply, hydroelectric power, navigation, fish and wildlife, and recreation.

(2) FACTORS FOR CONSIDERATION.—The reallocation study shall take into consideration the recommendations of the Lake Eufaula Advisory Committee.

(d) POOL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, to the extent feasible within available project funds and subject to the completion and approval of the reallocation study under subsection (c), the Tulsa District Engineer, taking into consideration recommendations of the Lake Eufaula Advisory Committee, shall develop an interim management plan that accommodates all project purposes for Lake Eufaula.

(2) MODIFICATIONS.—A modification of the plan under paragraph (1) shall not cause significant adverse impacts on any existing permit, lease, license, contract, public law, or project purpose, including flood control operation, relating to Lake Eufaula.

SEC. 3098. RELEASE OF REVERSIONARY INTEREST, OKLAHOMA.

(a) RELEASE.—Any reversionary interest relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled "An Act to authorize the sale of certain lands to the State of Oklahoma" (67 Stat. 63, chapter 118), shall terminate on the date of enactment of this Act.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended

deed, or another appropriate instrument to release each reversionary interest described in subsection (a).

(c) PRESERVATION OF RESERVED RIGHTS.—A release of a reversionary interest under this section shall not affect any other right of the United States in any deed of conveyance pursuant to the Act entitled "An Act to authorize the sale of certain lands to the State of Oklahoma" (67 Stat. 63, chapter 118).

SEC. 3099. OKLAHOMA LAKES DEMONSTRATION PROGRAM, OKLAHOMA.

(a) IMPLEMENTATION OF PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement an innovative program at the lakes located primarily in the State of Oklahoma that are a part of an authorized civil works project under the administrative jurisdiction of the Corps of Engineers for the purpose of demonstrating the benefits of enhanced recreation facilities and activities at those lakes.

(b) REQUIREMENTS.—In implementing the program under subsection (a), the Secretary shall, consistent with authorized project purposes—

(1) pursue strategies that will enhance, to the maximum extent practicable, recreation experiences at the lakes included in the program;

(2) use creative management strategies that optimize recreational activities; and

(3) ensure continued public access to recreation areas located on or associated with the civil works project.

(c) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for the implementation of this section, to be developed in coordination with the State of Oklahoma.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the program under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include a description of the projects undertaken under the program, including—

(A) an estimate of the change in any related recreational opportunities;

(B) a description of any leases entered into, including the parties involved; and

(C) the financial conditions that the Corps of Engineers used to justify those leases.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall make the report available to the public in electronic and written formats.

(e) TERMINATION.—The authority provided by this section shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 3100. OTTAWA COUNTY, OKLAHOMA.

(a) IN GENERAL.—There is authorized to be appropriated $30,000,000 for the purposes set forth in subsection (b).

(b) PURPOSES.—Notwithstanding any other provision of law, funds appropriated under subsection (a) may be used for the purpose of—

(1) the buy-out of properties and permanently relocating residents and businesses in or near Picher, Cardin, and Hockerville, Oklahoma, from areas determined by the State of Oklahoma to be at risk of damage caused by land subsidence and remaining properties; and

(2) providing funding to the State of Oklahoma to buyout properties and permanently relocate residents and businesses of Picher, Cardin, and Hockerville, Oklahoma, from areas determined by the State of Oklahoma to be at risk of damage caused by land subsidence and remaining properties.

(c) LIMITATION.—The use of funds in accordance with subsection (b) shall not be considered to be part of a Federally assisted program or project for purposes of Public Law 91-646 (42 U.S.C. 4601 et seq.), consistent with section 2301 of Public Law 109–234 (120 Stat. 455–456).

(d) CONSISTENCY WITH STATE PROGRAM.—Any actions taken under subsection (b) shall be consistent with the relocation program in the State of Oklahoma under 27A O.S. Supp. 2006, sections 2201 et seq.

(e) AMENDMENT.—Section 111 of Public Law 108–137 (117 Stat. 1835) is amended—

(1) by adding the following language at the end of subsection (a): "Such activities also may include the provision of financial assistance to facilitate the buy out of properties located in areas identified by the State as areas that are or will be at risk of damage caused by land subsidence and associated properties otherwise identified by the State; however, any buyout of such properties shall not be considered to be part of a Federally assisted program or project for purposes of Public Law 91-646 (42 U.S.C. 4601 et seq.), consistent with section 2301 of Public Law 109–234 (120 Stat. 455–456)."; and

(2) by striking the first sentence of subsection (d) and inserting the following: "Non-Federal interests shall be responsible for operating and maintaining any restoration alternatives constructed or carried out pursuant to this section.".

SEC. 3101. RED RIVER CHLORIDE CONTROL, OKLAHOMA AND TEXAS.

Section 203 of the Flood Control Act of 1966 (80 Stat. 1420; 100 Stat. 4229) is further modified to direct the Secretary to provide operation and maintenance for the Red River Chloride Control project, Oklahoma and Texas, at full Federal expense.

SEC. 3102. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules—

(1) is set at the amounts, rates of interest, and payment schedules that existed on June 3, 1986; and

(2) may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States.

SEC. 3103. LOOKOUT POINT PROJECT, LOWELL, OREGON.

(a) IN GENERAL.—Subject to subsection (c), the Secretary shall convey at fair market value to the Lowell School District No. 71, all right, title, and interest of the United States in and to a parcel consisting of approximately 0.98 acres of land, including 3 abandoned buildings on the land, located in Lowell, Oregon, as described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—The parcel of land to be conveyed under subsection (a) is more particularly described as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded on page 56 of volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; and thence east 250.0 feet to the true point of beginning of this description in sec. 14, T. 19 S., R. 1 W. of the Willamette Meridian, Lane County, Oregon.

(c) CONDITION.—The Secretary shall not complete the conveyance under subsection (a) until such time as the Forest Service—

(1) completes and certifies that necessary environmental remediation associated with the structures located on the property is complete; and

(2) transfers the structures to the Corps of Engineers.

(d) EFFECT OF OTHER LAW.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section..

(2) LIABILITY.—

(A) IN GENERAL.—Lowell School District No. 71 shall hold the United States harmless from any liability with respect to activities carried out on the property described in subsection (b) on or after the date of the conveyance under subsection (a).

(B) CERTAIN ACTIVITIES.—The United States shall be liable with respect to any activity carried out on the property described in subsection (b) before the date of conveyance under subsection (a).

SEC. 3104. UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the upper Willamette River watershed from Albany, Oregon, to the headwaters of the Willamette River and tributaries.

(b) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Upper Willamette River watershed in consultation with the Governor of the State of Oregon, the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Bureau of Land Management, the Forest Service, and local entities.

(c) AUTHORIZED ACTIVITIES.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(d) COST SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—

(i) IN GENERAL.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section.

(ii) CREDIT TOWARD PAYMENT.—The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under paragraph (1) shall be credited toward the payment required under subsection (a).

(C) IN-KIND CONTRIBUTIONS.—100 percent of the non-Federal share required under subsection (a) may be satisfied by the provision of in-kind contributions.

(3) OPERATIONS AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 3105. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) COOPERATION AGREEMENTS.—

"(1) IN GENERAL.—In conducting the study and implementing the strategy under this section, the Secretary shall enter into cost-sharing and project cooperation agreements with the Federal Government, State and local governments (with the consent of the State and local governments), land trusts, or nonprofit, nongovernmental organizations with expertise in wetland restoration.

"(2) FINANCIAL ASSISTANCE.—Under the cooperation agreement, the Secretary may provide assistance for implementation of wetland restoration projects and soil and water conservation measures."; and

(2) by striking subsection (d) and inserting the following:

"(d) IMPLEMENTATION OF STRATEGY.—

"(1) IN GENERAL.—The Secretary shall carry out the development, demonstration, and implementation of the strategy under this section in cooperation with local landowners, local government officials, and land trusts.

"(2) GOALS OF PROJECTS.—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.".

SEC. 3106. NARRAGANSETT BAY, RHODE ISLAND.

The Secretary may use amounts in the Environmental Restoration Account, Formerly Used Defense Sites, under section 2703(a)(5) of title 10, United States Code, for the removal of abandoned marine camels at any Formerly Used Defense Site under the jurisdiction of the Department of Defense that is undergoing (or is scheduled to undergo) environmental remediation under chapter 160 of title 10, United States Code (and other provisions of law), in Narragansett Bay, Rhode Island, in accordance with the Corps of Engineers prioritization process under the Formerly Used Defense Sites program.

SEC. 3107. SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, all right, title, and interest of the United States in and to the parcels of land described in subsection (b)(1) that are managed, as of the date of enactment of this Act, by the South Carolina Department of Commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the parcels of land referred to in subsection (a) are the parcels contained in the portion of land described in Army Lease Number DACW21-1-92-0500.

(2) RETENTION OF INTERESTS.—The United States shall retain—

(A) ownership of all land included in the lease referred to in paragraph (1) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

(B) such other land as is determined by the Secretary to be required for authorized project purposes, including easement rights-of-way to remaining Federal land.

(3) SURVEY.—The exact acreage and legal description of the land described in paragraph (1) shall be determined by a survey satisfactory to the Secretary, with the cost of the survey to be paid by the State.

(c) GENERAL PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—

(A) IN GENERAL.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance under this section.

(B) FORM OF CONTRIBUTION.—As determined appropriate by the Secretary, in lieu of payment of compensation to the United States under subparagraph (A), the State may perform certain environmental or real estate actions associated with the conveyance under this section if those actions are performed in close coordination with, and to the satisfaction of, the United States.

(4) LIABILITY.—The State shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The State shall pay fair market value consideration, as determined by the United States, for any land included in the conveyance under this section.

(2) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy (ER-1130-2-406) of the Corps of Engineers shall not be changed or altered for any proposed development of land conveyed under this section.

(3) FEDERAL STATUTES.—The conveyance under this section shall be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public review under that Act) and other Federal statutes.

(4) COST SHARING.—In carrying out the conveyance under this section, the Secretary and the State shall comply with all obligations of any cost sharing agreement between the Secretary and the State in effect as of the date of the conveyance.

(5) LAND NOT CONVEYED.—The State shall continue to manage the land not conveyed under this section in accordance with the terms and conditions of Army Lease Number DACW21-1-92-0500.

SEC. 3108. MISSOURI RIVER RESTORATION, SOUTH DAKOTA.

(a) MEMBERSHIP.—Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) in clause (vii), by striking "and" at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

"(viii) rural water systems; and".

(b) REAUTHORIZATION.—Section 907(a) of the Water Resources Development Act of 2000 (114 Stat. 2712) is amended in the first sentence by striking "2005" and inserting "2010".

SEC. 3109. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514 of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

(1) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(2) in subsection (h) (as redesignated by paragraph (1)), by striking paragraph (1) and inserting the following:

"(1) NON-FEDERAL SHARE.—

"(A) IN GENERAL.—The non-Federal share of the cost of projects may be provided—

"(i) in cash;

"(ii) by the provision of land, easements, rights-of-way, relocations, or disposal areas;

"(iii) by in-kind services to implement the project; or

"(iv) by any combination of the foregoing.

"(B) PRIVATE OWNERSHIP.—Land needed for a project under this authority may remain in private ownership subject to easements that are—

"(i) satisfactory to the Secretary; and

"(ii) necessary to assure achievement of the project purposes.";

(3) in subsection (i) (as redesignated by paragraph (1)), by striking "for the period of fiscal years 2000 and 2001." and inserting "per year, and that authority shall extend until Federal fiscal year 2011."; and

(4) by inserting after subsection (e) the following:

"(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a regional or national nonprofit entity with the consent of the affected local government.

"(g) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality."

SEC. 3110. NONCONNAH WEIR, MEMPHIS, TENNESSEE.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modified by the section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), is modified to authorize the Secretary—

(1) to reconstruct, at full Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek; and

(2) to make repairs and maintain the weir in the future so that the weir functions properly.

SEC. 3111. OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as "Easter Seals Tennessee") at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by subsection (a).

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining right or interest of the Corps of Engineers with respect to an authorized purpose of any project.

SEC. 3112. SANDY CREEK, JACKSON COUNTY, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy Creek, Jackson County, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Sandy Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Sandy Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. 3113. CEDAR BAYOU, TEXAS.

Section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632) is amended by striking "except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide" and inserting "except that the project is authorized for construction of a navigation channel that is 10 feet deep by 100 feet wide".

SEC. 3114. DENISON, TEXAS.

(a) IN GENERAL.—The Secretary shall offer to convey at fair market value to the city of Denison, Texas (or a designee of the city), all right, title, and interest of the United States in and to the approximately 900 acres of land located in Grayson County, Texas, which is currently subject to an Application for Lease for Public Park and Recreational Purposes made by the city of Denison, dated August 17, 2005.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and description of the real property referred to in subsection (a) shall be determined by a survey paid for by the city of Denison, Texas (or a designee of the city), that is satisfactory to the Secretary.

(c) CONVEYANCE.—On acceptance by the city of Denison, Texas (or a designee of the city), of an offer under subsection (a), the Secretary may immediately convey the land surveyed under subsection (b) by quitclaim deed to the city of Denison, Texas (or a designee of the city).

SEC. 3115. CENTRAL CITY, FORT WORTH, TEXAS.

For the purposes of achieving efficiencies, enhanced benefits, and complementary implementation, as compared with construction of the projects separately, the project for flood control and other purposes authorized by section 116 of division C of title I of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2944), is modified to include the project for ecosystem restoration, as generally defined in the report of the report of the Chief of Engineers entitled "Riverside Oxbow, Fort Worth, Texas" and dated May 29, 2003, at a total cost of $247,110,000, with an estimated Federal cost of $121,210,000 and a non-Federal cost of $125,900,000.

SEC. 3116. FREEPORT HARBOR, TEXAS.

(a) IN GENERAL.—The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to provide that—

(1) all project costs incurred as a result of the discovery of the sunken vessel COMSTOCK of the Corps of Engineers are a Federal responsibility; and

(2) the Secretary shall not seek further obligation or responsibility for removal of the vessel COMSTOCK, or costs associated with a delay due to the discovery of the sunken vessel COMSTOCK, from the Port of Freeport.

(b) COST SHARING.—This section does not affect the authorized cost sharing for the balance of the project described in subsection (a).

SEC. 3117. HARRIS COUNTY, TEXAS.

Section 575(b) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding the following:

"(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).".

SEC. 3118. CONNECTICUT RIVER RESTORATION, VERMONT.

Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with respect to the study entitled "Connecticut River Restoration Authority", dated May 23, 2001, a nonprofit entity may act as the non-Federal interest for purposes of carrying out the activities described in the agreement executed between The Nature Conservancy and the Department of the Army on August 5, 2005.

SEC. 3119. DAM REMEDIATION, VERMONT.

Section 543 of the Water Resources Development Act of 2000 (114 Stat. 2673) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b)."; and

(2) in subsection (b), by adding at the end the following:

"(11) Camp Wapanacki, Hardwick.
"(12) Star Lake Dam, Mt. Holly.
"(13) Curtis Pond, Calais.
"(14) Weathersfield Reservoir, Springfield.
"(15) Burr Pond, Sudbury.
"(16) Maidstone Lake, Guildhall.
"(17) Upper and Lower Hurricane Dam.
"(18) Lake Fairlee.
"(19) West Charleston Dam.".

SEC. 3120. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT.

Under authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall revise the existing General Design Memorandum to permit the use of chemical means of control, when appropriate, of Eurasian milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

SEC. 3121. UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary, in cooperation with the States of Vermont and New Hampshire, shall carry out a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Upper Connecticut River watershed.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of the study and development of the strategy under subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy may be provided through the contribution of in-kind services and materials.

(c) NON-FEDERAL INTEREST.—A nonprofit organization with wetland restoration experience may serve as the non-Federal interest for the study and development of the strategy under this section.

(d) COOPERATIVE AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into 1 or more cooperative agreements to provide technical assistance to appropriate Federal, State, and local agencies and nonprofit organizations with wetland restoration experience, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(e) IMPLEMENTATION.—The Secretary shall carry out development and implementation of the strategy under this section in cooperation with local landowners and local government officials.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SEC. 3122. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) GENERAL MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and in consultation with the States of Vermont and New Hampshire and the Connecticut River Joint Commission, shall conduct a study and develop a general management plan for ecosystem restoration of the Upper Connecticut River ecosystem for the purposes of—

(A) habitat protection and restoration;
(B) streambank stabilization;
(C) restoration of stream stability;
(D) water quality improvement;
(E) invasive species control;
(F) wetland restoration;
(G) fish passage; and
(H) natural flow restoration.

(2) EXISTING PLANS.—In developing the general management plan, the Secretary shall depend heavily on existing plans for the restoration of the Upper Connecticut River.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any critical restoration project in the Upper Connecticut River Basin in accordance with the general management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the general management plan developed under subsection (a); and

(B) with respect to the Upper Connecticut River and Upper Connecticut River watershed, consists of—

(i) bank stabilization of the main stem, tributaries, and streams;

(ii) wetland restoration and migratory bird habitat restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) implementation of an intergovernmental agreement for coordinating ecosystem restoration, fish passage installation, streambank stabilization, wetland restoration, habitat protection and restoration, or natural flow restoration;

(vii) water quality improvement;

(viii) invasive species control;

(ix) wetland restoration and migratory bird habitat restoration;

(x) improvements in fish migration; and

(xi) conduct of any other project or activity determined to be appropriate by the Secretary.

(c) COST SHARING.—The Federal share of the cost of any project carried out under this section shall not be less than 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) CREDITING.—

(1) FOR WORK.—The Secretary shall provide credit, including credit for in-kind contributions of up to 100 percent of the non-Federal share, for work (including design work and materials) if the Secretary determines that the work performed by the non-Federal interest is integral to the product.

(2) FOR OTHER CONTRIBUTIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, dredged material disposal areas, and relocations necessary to implement the projects.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3123. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking "or" at the end;

(B) by redesignating subparagraph (E) as subparagraph (G); and

(C) by inserting after subparagraph (D) the following:

"(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

"(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or";

(2) in subsection (e)(2)—

(A) in subparagraph (A)—

(i) by striking "The non-Federal" and inserting the following:

"(i) IN GENERAL.—The non-Federal"; and

(ii) by adding at the end the following:

"(ii) APPROVAL OF DISTRICT ENGINEER.—Approval of credit for design work of less than $100,000 shall be determined by the appropriate district engineer."; and

(B) in subparagraph (C), by striking "up to 50 percent of"; and

(3) in subsection (g), by striking "$20,000,000" and inserting "$32,000,000".

SEC. 3124. CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) in paragraph (1)—

(A) in the second sentence, by striking "$30,000,000" and inserting "$50,000,000"; and

(B) in the third sentence, by striking "Such projects" and inserting the following:

"(2) INCLUSIONS.—Such projects";

(3) by striking paragraph (2)(D) (as redesignated by paragraph (2)(B)) and inserting the following:

"(D) the restoration and rehabilitation of habitat for fish, including native oysters, in the Chesapeake Bay and its tributaries in Virginia and Maryland, including—

"(i) the construction of oyster bars and reefs;

"(ii) the rehabilitation of existing marginal habitat;

"(iii) the use of appropriate alternative substrate material in oyster bar and reef construction;

"(iv) the construction and upgrading of oyster hatcheries; and

"(v) activities relating to increasing the output of native oyster broodstock for seeding and monitoring of restored sites to ensure ecological success.

"(3) RESTORATION AND REHABILITATION ACTIVITIES.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

"(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

"(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery."; and

(4) by adding at the end the following:

"(5) DEFINITION OF ECOLOGICAL SUCCESS.—In this subsection, the term 'ecological success' means—

"(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

"(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.".

SEC. 3125. JAMES RIVER, VIRGINIA.

The Secretary shall accept funds from the National Park Service to provide technical and project management assistance for the James River, Virginia, with a particular emphasis on locations along the shoreline adversely impacted by Hurricane Isabel.

SEC. 3126. TANGIER ISLAND SEAWALL, VIRGINIA.

Section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by striking "at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000." and inserting "at a total cost of $3,000,000, with an estimated Federal cost of $2,400,000 and an estimated non-Federal cost of $600,000.".

SEC. 3127. EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON.

(a) IN GENERAL.—The Lower Columbia River levees and bank protection works authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178) is modified with regard to the Wahkiakum County diking districts No. 1 and 3, but without regard to any cost ceiling authorized before the date of enactment of this Act, to direct the Secretary to provide a 1-time placement of dredged material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47, and the shoreline of Westport Beach, Clatsop County, Oregon, between river miles 43 to 45, to protect economic and environmental resources in the area from further erosion.

(b) COORDINATION AND COST SHARING REQUIREMENTS.—The Secretary shall carry out subsection (a)—

(1) in coordination with appropriate resource agencies;

(2) in accordance with all applicable Federal law (including regulations); and

(3) at full Federal expense.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 3128. LOWER GRANITE POOL, WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required for the use of fill material.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's File Numbers 432576, 443411, 499988, and 579771 of Whitman County, Washington.

(2) Auditor's File Numbers 125806, 138801, 147888, 154511, 156928, and 176360 of Asotin County, Washington.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining rights and interests of the Corps of Engineers for authorized project purposes in or to property covered by a deed described in subsection (b).

SEC. 3129. MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the United States Fish and Wildlife Service under Cooperative Agreement Number DACW68-4-00-13 with the Corps of Engineers, Walla Walla District, is transferred from the Secretary to the Secretary of the Interior.

(b) EASEMENTS.—The transfer of administrative jurisdiction under subsection (a) shall be subject to easements in existence as of the date of enactment of this Act on land subject to the transfer.

(c) RIGHTS OF SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall retain rights described in paragraph (2) with respect to the land for which administrative jurisdiction is transferred under subsection (a).

(2) RIGHTS.—The rights of the Secretary referred to in paragraph (1) are the rights—

(A) to flood land described in subsection (a) to the standard project flood elevation;

(B) to manipulate the level of the McNary Project Pool;

(C) to access such land described in subsection (a) as may be required to install, maintain, and inspect sediment ranges and carry out similar activities;

(D) to construct and develop wetland, riparian habitat, or other environmental restoration features authorized by section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(E) to dredge and deposit fill materials; and

(F) to carry out management actions for the purpose of reducing the take of juvenile salmonids by avian colonies that inhabit, before, on, or after the date of enactment of this Act, any island included in the land described in subsection (a).

(3) COORDINATION.—Before exercising a right described in any of subparagraphs (C) through (F) of paragraph (2), the Secretary shall coordinate the exercise with the United States Fish and Wildlife Service.

(d) MANAGEMENT.—

(1) IN GENERAL.—The land described in subsection (a) shall be managed by the Secretary of the Interior as part of the McNary National Wildlife Refuge.

(2) CUMMINS PROPERTY.—

(A) RETENTION OF CREDITS.—Habitat unit credits described in the memorandum entitled "Design Memorandum No. 6, LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION PLAN, Wildlife Compensation and Fishing Access Site Selection, Letter Supplement No. 15, SITE DEVELOPMENT PLAN FOR THE WALLULA HMU" provided for the Lower Snake River Fish and Wildlife Compensation Plan through development of the parcel of land formerly known as the "Cummins property" shall be retained by the Secretary despite any changes in management of the parcel on or after the date of enactment of this Act.

(B) SITE DEVELOPMENT PLAN.—The United States Fish and Wildlife Service shall obtain prior approval of the Washington State Department of Fish and Wildlife for any change to the previously approved site development plan for the parcel of land formerly known as the "Cummins property".

(3) MADAME DORIAN RECREATION AREA.—The United States Fish and Wildlife Service shall continue operation of the Madame Dorian Recreation Area for public use and boater access.

(e) ADMINISTRATIVE COSTS.—The United States Fish and Wildlife Service shall be responsible for all survey, environmental compliance, and other administrative costs required to implement the transfer of administrative jurisdiction under subsection (a).

SEC. 3130. SNAKE RIVER PROJECT, WASHINGTON AND IDAHO.

The Fish and Wildlife Compensation Plan for the Lower Snake River, Washington and Idaho, as authorized by section 101 of the Water Resources Development Act of 1976 (90 Stat. 2921), is modified to authorize the Secretary to conduct studies and implement aquatic and riparian ecosystem restorations and improvements specifically for fisheries and wildlife.

SEC. 3131. WHATCOM CREEK WATERWAY, BELLINGHAM, WASHINGTON.

That portion of the project for navigation, Whatcom Creek Waterway, Bellingham, Washington, authorized by the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the "River and Harbor Act of 1910") and the River and Harbor Act of 1958 (72 Stat. 299), consisting of the last 2,900 linear feet of the inner portion of the waterway, and beginning at station 29+00 to station 0+00, shall not be authorized as of the date of enactment of this Act.

SEC. 3132. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood damage reduction at Lower Mud River, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790; 114 Stat. 2612), is modified to authorize the Secretary to carry out the project in accordance with the recommended plan described in the Draft Limited Reevaluation Report of the Corps of Engineers dated May 2004, at a total cost of $57,100,000, with an estimated Federal cost of $42,825,000 and an estimated non-Federal cost of $14,275,000.

SEC. 3133. MCDOWELL COUNTY, WEST VIRGINIA.

(a) IN GENERAL.—The McDowell County nonstructural component of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide protection, throughout McDowell County, West Virginia, from the reoccurrence of the greater of—

(1) the April 1977 flood;

(2) the July 2001 flood;

(3) the May 2002 flood; or

(4) the 100-year frequency event.

(b) UPDATES AND REVISIONS.—The measures under subsection (a) shall be carried out in accordance with, and during the development of, the updates and revisions under section 2006(e)(2).

SEC. 3134. GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN.

The portion of the inner harbor of the Federal navigation channel of the Green Bay Harbor project, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 5, 1884 (commonly known as the "River and Harbor Act of 1884") (23 Stat. 136, chapter 229), from Station 190+00 to Station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

SEC. 3135. MANITOWOC HARBOR, WISCONSIN.

(a) IN GENERAL..—The portion of the project for navigation, Manitowoc Harbor, Wisconsin, authorized by the first section of the River and Harbor Act of August 30, 1852 (10 Stat. 58), consisting of the channel in the south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176), may be carried out by the Secretary.

(b) LIMITATION.—No construction on the project may be initiated until the Secretary determines that the project is feasible.

SEC. 3136. OCONTO HARBOR, WISCONSIN.

(a) IN GENERAL.—The portion of the project for navigation, Oconto Harbor, Wisconsin, authorized by the Act of August 2, 1882 (22 Stat. 196, chapter 375), and the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the "River and Harbor Act of 1910"), consisting of a 15-foot-deep turning basin in the Oconto River, as described in subsection (b), is no longer authorized.

(b) PROJECT DESCRIPTION.—The project referred to in subsection (a) is more particularly described as—

(1) beginning at a point along the western limit of the existing project, N. 394,086.71, E. 2,530,202.71;

(2) thence northeasterly about 619.93 feet to a point N. 394,459.10, E. 2,530,698.33;

(3) thence southeasterly about 186.06 feet to a point N. 394,299.20, E. 2,530,793.47;

(4) thence southwesterly about 355.07 feet to a point N. 393,967.13, E. 2,530,667.76;

(5) thence southwesterly about 304.10 feet to a point N. 393,826.90, E. 2,530,397.92; and

(6) thence northwesterly about 324.97 feet to the point of origin.

SEC. 3137. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking "1276.42" and inserting "1278.42";

(B) by striking "1218.31" and inserting "1221.31"; and

(C) by striking "1234.82" and inserting "1235.30"; and

(2) by striking subsection (b) and inserting the following:

"(b) EXCEPTION.—

"(1) IN GENERAL.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established under subsection (a) in accordance with water control regulation manuals (or revisions to those manuals) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users.

"(2) EFFECTIVE DATE OF MANUALS.—The water control regulation manuals referred to in paragraph (1) (and any revisions to those manuals) shall be effective as of the date on which the Secretary submits the manuals (or revisions) to Congress.

"(3) NOTIFICATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not less than 14 days before operating any headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a), the Secretary shall submit to Congress a notice of intent to operate the headwaters reservoir.

"(B) EXCEPTION.—Notice under subparagraph (A) shall not be required in any case in which—

"(i) the operation of a headwaters reservoir is necessary to prevent the loss of life or to ensure the safety of a dam; or

"(ii) the drawdown of the water level of the reservoir is in anticipation of a flood control operation.".

SEC. 3138. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.

Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking "property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge" and inserting "riverfront property".

SEC. 3139. UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.

(a) IN GENERAL.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any Upper Mississippi River fish and wildlife habitat rehabilitation and enhancement project carried out under section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)), with the consent of the affected local government, a nongovernmental organization may be considered to be a non-Federal interest.

(b) CONFORMING AMENDMENT.—Section 1103(e)(1)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by inserting before the period at the end the following: ", including research on water quality issues affecting the Mississippi River, including elevated nutrient levels, and the development of remediation strategies".

SEC. 3140. UPPER BASIN OF MISSOURI RIVER.

(a) USE OF FUNDS.—Notwithstanding the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), funds made available for recovery or mitigation activities in the lower basin of the Missouri River may be used for recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota.

(b) CONFORMING AMENDMENT.—The matter under the heading "**MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA**" of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), as modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is amended by adding at the end the following: "The Secretary may carry out any recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota, using funds made available under this heading in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and consistent with the project purposes of the Missouri River Mainstem System as authorized by section 10 of the Act of December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 897).".

SEC. 3141. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM.

(a) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

"(2) RECONNAISSANCE STUDIES.—Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study—

"(A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and

"(B) to determine whether planning of a project under paragraph (3) should proceed."; and

(3) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking "paragraph (2)" and inserting "paragraph (3)".

(b) COST SHARING.—Section 506(f) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(f)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by inserting after paragraph (1) the following:

"(2) RECONNAISSANCE STUDIES.—Any reconnaissance study under subsection (c)(2) shall be carried out at full Federal expense.";

(3) in paragraph (3) (as redesignated by paragraph (1)), by striking "(2) or (3)" and inserting "(3) or (4)"; and

(4) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking "subsection (c)(2)" and inserting "subsection (c)(3)".

SEC. 3142. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 *note) is amended by striking "through 2006" and inserting "through 2011".*

SEC. 3143. GREAT LAKES TRIBUTARY MODELS.

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking "through 2006" and inserting "through 2011".

SEC. 3144. UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM NEW TECHNOLOGY PILOT PROGRAM.

(a) DEFINITION OF UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM.—In this section, the term "Upper Ohio River and Tributaries Navigation System" means the Allegheny, Kanawha, Monongahela, and Ohio Rivers.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to evaluate new technologies applicable to the Upper Ohio River and Tributaries Navigation System.

(2) INCLUSIONS.—The program may include the design, construction, or implementation of innovative technologies and solutions for the Upper Ohio River and Tributaries Navigation System, including projects for—

(A) improved navigation;

(B) environmental stewardship;

(C) increased navigation reliability; and

(D) reduced navigation costs.

(3) PURPOSES.—The purposes of the program shall be, with respect to the Upper Ohio River and Tributaries Navigation System—

(A) to increase the reliability and availability of federally-owned and federally-operated navigation facilities;

(B) to decrease system operational risks; and

(C) to improve—

(i) vessel traffic management;

(ii) access; and

(iii) Federal asset management.

(c) FEDERAL OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is federally owned.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall enter into local cooperation agreements with non-Federal interests to provide for the design, construction, installation, and operation of the projects to be carried out under the program.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall include the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a navigation improvement project, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project.

(3) COST SHARING.—Total project costs under each local cooperation agreement shall be cost-shared in accordance with the formula relating to the applicable original construction project.

(4) EXPENDITURES.—

(A) IN GENERAL.—Expenditures under the program may include, for establishment at federally-owned property, such as locks, dams, and bridges—

(i) transmitters;

(ii) responders;

(iii) hardware;

(iv) software; and

(v) wireless networks.

(B) EXCLUSIONS.—Transmitters, responders, hardware, software, and wireless networks or other equipment installed on privately-owned vessels or equipment shall not be eligible under the program.

(e) REPORT.—Not later than December 31, 2008, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether the program or any component of the program should be implemented on a national basis.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,100,000, to remain available until expended.

SEC. 3145. PERRY CREEK, IOWA.

(a) IN GENERAL.—On making a determination described in subsection (b), the Secretary shall increase the Federal contribution for the project for flood control, Perry Creek, Iowa, authorized under section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4116; 117 Stat. 1844).

(b) DETERMINATION.—A determination referred to in subsection (a) is a determination that a modification to the project described in that subsection is necessary for the Federal Emergency Management Agency to certify that the project provides flood damage reduction benefits to at least a 100-year level.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000.

SEC. 3146. RATHBUN LAKE, IOWA.

(a) RIGHT OF FIRST REFUSAL.—The Secretary shall provide, in accordance with the recommendations in the Rathbun Lake Reallocation Report approved by the Chief of Engineers on July 22, 1985, the Rathbun Regional Water Association with the right of first refusal to contract for or purchase any increment of the remaining allocation (8,320 acre-feet) of water supply storage in Rathbun Lake, Iowa.

(b) PAYMENT OF COST.—The Rathbun Regional Water Association shall pay the cost of any water supply storage allocation provided under subsection (a).

SEC. 3147. JACKSON COUNTY, MISSISSIPPI.

(a) MODIFICATION.—Section 331 of the Water Resources Development Act of 1999 (113 Stat. 305) is amended by striking "$5,000,000" and inserting "$9,000,000".

(b) APPLICABILITY OF CREDIT.—The credit provided by section 331 of the Water Resources Development Act of 1999 (113 Stat. 305) (as modified by subsection (a)) shall apply to costs incurred by the Jackson County Board of Supervisors during the period beginning on February 8, 1994, and ending on the date of enactment of this Act for projects authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 113 Stat. 1494; 114 Stat. 2763A–219).

SEC. 3148. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804; 114 Stat. 2612), is modified to authorize the Secretary to review the project to determine whether any additional Federal interest exists with respect to the project, taking into consideration conditions and development levels relating to the project in existence on the date of enactment of this Act.

TITLE IV—STUDIES

SEC. 4001. SEWARD BREAKWATER, ALASKA.

The Secretary shall review the Seward Boat Harbor element of the project for navigation, Seward Harbor, Alaska, authorized by section 101(a)(3) of the Water Resources Development Act of 1999 (113 Stat. 274), to determine whether the failure of the outer breakwater to protect the harbor from heavy wave damage resulted from a design deficiency.

SEC. 4002. NOME HARBOR IMPROVEMENTS, ALASKA.

The Secretary shall review the project for navigation, Nome Harbor improvements, Alaska, authorized by section 101(a)(1) of the Water Resources Development Act of 1999 (113 Stat. 273), to determine whether the project cost increases, including the cost of rebuilding the entrance channel damaged in a September 2005 storm, resulted from a design deficiency.

SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION CHANNEL.

(a) IN GENERAL.—To determine with improved accuracy the environmental impacts of the project on the McClellan-Kerr Arkansas River Navigation Channel (referred to in this section as the "MKARN"), the Secretary shall carry out the measures described in subsection (b) in a timely manner.

(b) SPECIES STUDY.—

(1) IN GENERAL.—The Secretary, in conjunction with Oklahoma State University, shall convene a panel of experts with acknowledged expertise in wildlife biology and genetics to review the available scientific information regarding the genetic variation of various sturgeon species and possible hybrids of those species that, as determined by the United States Fish and Wildlife Service, may exist in any portion of the MKARN.

(2) REPORT.—The Secretary shall direct the panel to report to the Secretary, not later than 1 year after the date of enactment of this Act and in the best scientific judgment of the panel—

(A) the level of genetic variation between populations of sturgeon sufficient to determine or establish that a population is a measurably distinct species, subspecies, or population segment; and

(B) whether any pallid sturgeons that may be found in the MKARN (including any tributary of the MKARN) would qualify as such a distinct species, subspecies, or population segment.

SEC. 4004. FRUITVALE AVENUE RAILROAD BRIDGE, ALAMEDA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall prepare a comprehensive report that examines the condition of the existing Fruitvale Avenue Railroad Bridge, Alameda County, California (referred to in this section as the "Railroad Bridge"), and determines the most economic means to maintain that rail link by either repairing or replacing the Railroad Bridge.

(b) REQUIREMENTS.—The report under this section shall include—

(1) a determination of whether the Railroad Bridge is in immediate danger of failing or collapsing;

(2) the annual costs to maintain the Railroad Bridge;

(3) the costs to place the Railroad Bridge in a safe, "no-collapse" condition, such that the Railroad Bridge will not endanger maritime traffic;

(4) the costs to retrofit the Railroad Bridge such that the Railroad Bridge may continue to serve as a rail link between the Island of Alameda and the Mainland; and

(5) the costs to construct a replacement for the Railroad Bridge capable of serving the current and future rail, light rail, and homeland security needs of the region.

(c) SUBMISSION OF REPORT.—The Secretary shall—

(1) complete the Railroad Bridge report under subsection (a) not later than 180 days after the date of enactment of this Act; and

(2) submit the report to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives.

(d) LIMITATIONS.—The Secretary shall not—

(1) demolish the Railroad Bridge or otherwise render the Railroad Bridge unavailable or unusable for rail traffic; or

(2) reduce maintenance of the Railroad Bridge.

(e) EASEMENT.—

(1) IN GENERAL.—The Secretary shall provide to the city of Alameda, California, a nonexclusive access easement over the Oakland Estuary that comprises the subsurface land and surface approaches for the Railroad Bridge that—

(A) is consistent with the Bay Trail Proposal of the City of Oakland; and

(B) is otherwise suitable for the improvement, operation, and maintenance of the Railroad Bridge or construction, operation, and maintenance of a suitable replacement bridge.

(2) COST.—The easement under paragraph (1) shall be provided to the city of Alameda without consideration and at no cost to the United States.

SEC. 4005. LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in coordination with the city of Los Angeles, shall—

(1) prepare a feasibility study for environmental ecosystem restoration, flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals of the Los Angeles River Revitalization Master Plan published by the city of Los Angeles; and

(2) consider any locally-preferred project alternatives developed through a full and open evaluation process for inclusion in the study.

(b) USE OF EXISTING INFORMATION AND MEASURES.—In preparing the study under subsection (a), the Secretary shall use, to the maximum extent practicable—

(1) information obtained from the Los Angeles River Revitalization Master Plan; and

(2) the development process of that plan.

(c) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Secretary is authorized to construct demonstration projects in order to provide information to develop the study under subsection (a)(1).

(2) FEDERAL SHARE.—The Federal share of the cost of any project under this subsection shall be not more than 65 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000.

SEC. 4006. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.

The Secretary shall carry out a study for bank stabilization and shore protection for Nicholas Canyon, Los Angeles, California, under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

SEC. 4007. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking "32 months" and inserting "44 months".

SEC. 4008. COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA.

(a) FLOOD PROTECTION PROJECT.—

(1) REVIEW.—The Secretary shall review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with Enhanced Minimum Plan A, as described in the final environmental impact report prepared by the city of St. Helena, California, and certified by the city to be in compliance with the California Environmental Quality Act on February 24, 2004.

(2) ACTION ON DETERMINATION.—If the Secretary determines under paragraph (1) that the project is economically justified, technically sound, and environmentally acceptable, the Secretary is authorized to carry out the project at a total cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000.

(b) COST SHARING.—Cost sharing for the project described in subsection (a) shall be in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 4009. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA.

The Secretary shall carry out a study of the feasibility of a project to use Sherman Island, California, as a dredged material rehandling facility for the beneficial use of dredged material to enhance the environment and meet other water resource needs on the Sacramento-San Joaquin Delta, California, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 4010. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal interests, shall conduct a study of the feasibility of carrying out a project for—

(1) flood protection of South San Francisco Bay shoreline;

(2) restoration of the South San Francisco Bay salt ponds (including on land owned by other Federal agencies); and

(3) other related purposes, as the Secretary determines to be appropriate.

(b) INDEPENDENT REVIEW.—To the extent required by applicable Federal law, a national science panel shall conduct an independent review of the study under subsection (a).

(c) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include recommendations of the Secretary with respect to the project described in subsection (a) based on planning, design, and land acquisition documents prepared by—

(A) the California State Coastal Conservancy;

(B) the Santa Clara Valley Water District; and

(C) other local interests.

SEC. 4011. SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall complete work as expeditiously as practicable on the study for the San Pablo watershed, California, authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1196) to determine the feasibility of opportunities for restoring, preserving, and protecting the San Pablo Bay Watershed.

(b) REPORT.—Not later than March 31, 2008, the Secretary shall submit to Congress a report that describes the results of the study.

SEC. 4012. FOUNTAIN CREEK, NORTH OF PUEBLO, COLORADO.

Subject to the availability of appropriations, the Secretary shall expedite the completion of the Fountain Creek, North of Pueblo, Colorado, watershed study authorized by a resolution adopted by the Committee on Public Works and Transportation of the House of Representatives on September 23, 1976.

SEC. 4013. SELENIUM STUDY, COLORADO.

(a) IN GENERAL.—The Secretary, in consultation with State water quality and resource and conservation agencies, shall conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado, including studies—

(1) to measure selenium on specific sites; and

(2) to determine whether specific selenium measures studied should be recommended for use in demonstration projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 4014. DELAWARE INLAND BAYS AND TRIBUTARIES AND ATLANTIC COAST, DELAWARE.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Indian River Inlet and Bay, Delaware.

(b) FACTORS FOR CONSIDERATION AND PRIORITY.—In carrying out the study under subsection (a), the Secretary shall—

(1) take into consideration all necessary activities to stabilize the scour holes threatening the Inlet and Bay shorelines; and

(2) give priority to stabilizing and restoring the Inlet channel and scour holes adjacent to the United States Coast Guard pier and helipad and the adjacent State-owned properties.

SEC. 4015. HERBERT HOOVER DIKE SUPPLEMENTAL MAJOR REHABILITATION REPORT, FLORIDA.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall publish a supplemental report to the major rehabilitation report for the Herbert Hoover Dike system approved by the Chief of Engineers in November 2000.

(b) INCLUSIONS.—The supplemental report under subsection (a) shall include—

(1) an evaluation of existing conditions at the Herbert Hoover Dike system;

(2) an identification of additional risks associated with flood events at the system that are equal to or greater than the standard projected flood risks;

(3) an evaluation of the potential to integrate projects of the Corps of Engineers into an enhanced flood protection system for Lake Okeechobee, including—

(A) the potential for additional water storage north of Lake Okeechobee; and

(B) an analysis of other project features included in the Comprehensive Everglades Restoration Plan; and

(4) a review of the report prepared for the South Florida Water Management District dated April 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. 4016. BOISE RIVER, IDAHO.

The study for flood control, Boise River, Idaho, authorized by section 414 of the Water Resources Development Act of 1999 (113 Stat. 324), is modified to include ecosystem restoration and water supply as project purposes to be studied.

SEC. 4017. PROMONTORY POINT THIRD-PARTY REVIEW, CHICAGO SHORELINE, CHICAGO, ILLINOIS.

(a) REVIEW.—

(1) IN GENERAL.—The Secretary is authorized to conduct a third-party review of the Promontory Point project along the Chicago Shoreline, Chicago, Illinois, at a cost not to exceed $450,000.

(2) JOINT REVIEW.—The Buffalo and Seattle Districts of the Corps of Engineers shall jointly conduct the review under paragraph (1).

(3) STANDARDS.—The review shall be based on the standards under part 68 of title 36, Code of Federal Regulations (or successor regulation), for implementation by the non-Federal sponsor for the Chicago Shoreline Chicago, Illinois, project.

(b) CONTRIBUTIONS.—The Secretary shall accept from a State or political subdivision of a State voluntarily contributed funds to initiate the third-party review.

(c) TREATMENT.—While the third-party review is of the Promontory Point portion of the Chicago Shoreline, Chicago, Illinois, project, the third-party review shall be separate and distinct from the Chicago Shoreline, Chicago, Illinois, project.

(d) EFFECT OF SECTION.—Nothing in this section affects the authorization for the Chicago Shoreline, Chicago, Illinois, project.

SEC. 4018. VIDALIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation improvement at Vidalia, Louisiana.

SEC. 4019. LAKE ERIE AT LUNA PIER, MICHIGAN.

The Secretary shall study the feasibility of storm damage reduction and beach erosion protection and other related purposes along Lake Erie at Luna Pier, Michigan.

SEC. 4020. WILD RICE RIVER, MINNESOTA.

The Secretary shall expedite the completion of the general reevaluation report authorized by section 438 of the Water Resources Development Act of 2000 (114 Stat. 2640) for the project for flood protection, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), to develop alternatives to the Twin Valley Lake feature of that project.

SEC. 4021. ASIAN CARP DISPERSAL BARRIER DEMONSTRATION PROJECT, UPPER MISSISSIPPI RIVER.

(a) In General.—The Secretary is authorized to carry out a study to determine the feasibility of constructing a fish barrier demonstration project to delay, deter, impede, or restrict the invasion of Asian carp into the northern reaches of the Upper Mississippi River.

(b) Requirement.—In conducting the study under subsection (a), the Secretary shall take into consideration the feasibility of locating the fish barrier at the lock portion of the project at Lock and Dam 11 in the Upper Mississippi River Basin.

SEC. 4022. FLOOD DAMAGE REDUCTION, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction in Cuyahoga, Lake, Ashtabula, Geauga, Erie, Lucas, Sandusky, Huron, and Stark Counties, Ohio.

SEC. 4023. MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.

The Secretary shall carry out a study of the feasibility of a project for navigation improvements, shoreline protection, and other related purposes, including the rehabilitation the harbor basin (including entrance breakwaters), interior shoreline protection, dredging, and the development of a public launch ramp facility, for Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. 4024. OHIO RIVER, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction on the Ohio River in Mahoning, Columbiana, Jefferson, Belmont, Noble, Monroe, Washington, Athens, Meigs, Gallia, Lawrence, and Scioto Counties, Ohio.

SEC. 4025. TOLEDO HARBOR DREDGED MATERIAL PLACEMENT, TOLEDO, OHIO.

The Secretary shall study the feasibility of removing previously dredged and placed materials from the Toledo Harbor confined disposal facility, transporting the materials, and disposing of the materials in or at abandoned mine sites in southeastern Ohio.

SEC. 4026. TOLEDO HARBOR, MAUMEE RIVER, AND LAKE CHANNEL PROJECT, TOLEDO, OHIO.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of constructing a project for navigation, Toledo, Ohio.

(b) Factors for Consideration.—In conducting the study under subsection (a), the Secretary shall take into consideration—

(1) realigning the existing Toledo Harbor channel widening occurring where the River Channel meets the Lake Channel from the northwest to the southeast side of the Channel;

(2) realigning the entire 200-foot wide channel located at the upper river terminus of the River Channel southern river embankment towards the northern river embankment; and

(3) adjusting the existing turning basin to accommodate those changes.

SEC. 4027. WOONSOCKET LOCAL PROTECTION PROJECT, BLACKSTONE RIVER BASIN, RHODE ISLAND.

The Secretary shall conduct a study, and, not later than June 30, 2008, submit to Congress a report that describes the results of the study, on the flood damage reduction project, Woonsocket, Blackstone River Basin, Rhode Island, authorized by the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 887, chapter 665), to determine the measures necessary to restore the level of protection of the project as originally designed and constructed.

SEC. 4028. PROJECTS FOR IMPROVEMENT, SAVANNAH RIVER, SOUTH CAROLINA AND GEORGIA.

(a) In General.—The Secretary shall determine the feasibility of carrying out projects—

(1) to improve the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, in the vicinity of Mile 6 of the Savannah Harbor entrance channel; and

(2) to remove from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project.

(b) Factors for Consideration.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area as a consequence of removing from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project; and

(3) the results of the proposed bistate compact between the State of Georgia and the State of South Carolina to own, develop, and operate port facilities at the proposed Jasper County port site, as described in the term sheet executed by the Governor of the State of Georgia and the Governor of the State of South Carolina on March 12, 2007.

SEC. 4029. JOHNSON CREEK, ARLINGTON, TEXAS.

The Secretary shall conduct a feasibility study to determine the technical soundness, economic feasibility, and environmental acceptability of the plan prepared by the city of Arlington, Texas, as generally described in the report entitled "Johnson Creek: A Vision of Conservation, Arlington, Texas", dated March 2006.

SEC. 4030. ECOSYSTEM AND HYDROPOWER GENERATION DAMS, VERMONT.

(a) In General.—The Secretary shall conduct a study of the potential to carry out ecosystem restoration and hydropower generation at dams in the State of Vermont, including a review of the report of the Secretary on the land and water resources of the New England–New York region submitted to the President on April 27, 1956 (published as Senate Document Number 14, 85th Congress), and other relevant reports.

(b) Purpose.—The purpose of the study under subsection (a) shall be to determine the feasibility of providing water resource improvements and small-scale hydropower generation in the State of Vermont, including, as appropriate, options for dam restoration, hydropower, dam removal, and fish passage enhancement.

(c) Authorization of Appropriations.—There is authorized to carry out this section $500,000, to remain available until expended.

SEC. 4031. EURASIAN MILFOIL.

Under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall carry out a study, at full Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

SEC. 4032. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK.

(a) Dispersal Barrier Project.—The Secretary shall determine, at full Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal.

(b) Construction, Maintenance, and Operation.—If the Secretary determines that the project described in subsection (a) is feasible, the Secretary shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at full Federal expense.

SEC. 4033. BAKER BAY AND ILWACO HARBOR, WASHINGTON.

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine whether the siltation is the result of a Federal navigation project.

SEC. 4034. ELLIOT BAY SEAWALL REHABILITATION STUDY, WASHINGTON.

The study for the rehabilitation of the Elliot Bay Seawall, Seattle, Washington, is modified to direct the Secretary to determine the feasibility of reducing future damage to the seawall from seismic activity.

SEC. 4035. JOHNSONVILLE DAM, JOHNSONVILLE, WISCONSIN.

The Secretary shall conduct a study of the Johnsonville Dam, Johnsonville, Wisconsin, to determine whether the structure prevents ice jams on the Sheboygan River.

SEC. 4036. DEBRIS REMOVAL.

(a) Reevaluation.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary, in coordination with the Administrator of the Environmental Protection Agency and in consultation with affected communities, shall conduct a complete reevaluation of Federal and non-Federal demolition, debris removal, segregation, transportation, and disposal practices relating to disaster areas designated in response to Hurricanes Katrina and Rita (including regulated and nonregulated materials and debris).

(2) Inclusions.—The reevaluation under paragraph (1) shall include a review of—

(A) compliance with all applicable environmental laws;

(B) permits issued or required to be issued with respect to debris handling, transportation, storage, or disposal; and

(C) administrative actions relating to debris removal and disposal in the disaster areas described in paragraph (1).

(b) Report.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes the findings of the Secretary with respect to the reevaluation under subsection (a);

(2)(A) certifies compliance with all applicable environmental laws; and

(B) identifies any area in which a violation of such a law has occurred or is occurring;

(3) includes recommendations to ensure—

(A) the protection of the environment;

(B) sustainable practices; and

(C) the integrity of hurricane and flood protection infrastructure relating to debris disposal practices;

(4) contains an enforcement plan that is designed to prevent illegal dumping of hurricane debris in a disaster area; and

(5) contains plans of the Secretary and the Administrator to involve the public and non-Federal interests, including through the formation of a Federal advisory committee, as necessary, to seek public comment relating to the

removal, disposal, and planning for the handling of post-hurricane debris.

SEC. 4037. MOHAWK RIVER, ONEIDA COUNTY, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a watershed study of the Mohawk River watershed, Oneida County, New York, with a particular emphasis on improving water quality and the environment.

(b) RECOMMENDATIONS.—In conducting the study under subsection (a), the Secretary shall take into consideration impacts on the Sauquoit Creek Watershed and the economy.

SEC. 4038. WALLA WALLA RIVER BASIN, OREGON AND WASHINGTON.

In conducting the study to determine the feasibility of carrying out a project for ecosystem restoration, Walla Walla River Basin, Oregon and Washington, the Secretary shall—

(1) provide a credit toward the non-Federal share of the cost of the project for the cost of any activity carried out by the non-Federal interest before the date of the partnership agreement for the project, if the Secretary determines that the activity is integral to the project; and

(2) allow the non-Federal interest to provide the non-Federal share of the cost of the study in the form of in-kind services and materials.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) in paragraph (18), by striking "and" at the end;

(2) in paragraph (19), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(20) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(21) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

"(22) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

"(23) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.".

SEC. 5002. ESTUARY RESTORATION.

(a) PURPOSES.—Section 102 of the Estuary Restoration Act of 2000 (33 U.S.C. 2901) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: "by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage";

(2) in paragraph (2), by inserting "and implement" after "to develop"; and

(3) in paragraph (3), by inserting "through cooperative agreements" after "restoration projects".

(b) DEFINITION OF ESTUARY HABITAT RESTORATION PLAN.—Section 103(6)(A) of the Estuary Restoration Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by striking "Federal or State" and inserting "Federal, State, or regional".

(c) ESTUARY HABITAT RESTORATION PROGRAM.—Section 104 of the Estuary Restoration Act of 2000 (33 U.S.C. 2903) is amended—

(1) in subsection (a), by inserting "through the award of contracts and cooperative agreements" after "assistance";

(2) in subsection (c)—

(A) in paragraph (3)(A), by inserting "or State" after "Federal"; and

(B) in paragraph (4)(B), by inserting "or approach" after "technology";

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "Except" and inserting the following:

"(i) IN GENERAL.—Except"; and

(ii) by adding at the end the following:

"(ii) MONITORING.—

"(I) COSTS.—The costs of monitoring an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

"(II) GOALS.—The goals of the monitoring shall be—

"(aa) to measure the effectiveness of the restoration project; and

"(bb) to allow adaptive management to ensure project success.";

(B) in paragraph (2), by inserting "or approach" after "technology"; and

(C) in paragraph (3), by inserting "(including monitoring)" after "services";

(4) in subsection (f)(1)(B), by inserting "long-term" before "maintenance"; and

(5) in subsection (g)—

(A) by striking "In carrying" and inserting the following:

"(1) IN GENERAL.—In carrying"; and

(B) by adding at the end the following:

"(2) SMALL PROJECTS.—

"(A) DEFINITION OF SMALL PROJECT.—In this paragraph, the term 'small project' means a project carried out under this title at a Federal cost of less than $1,000,000.

"(B) SMALL PROJECT DELEGATION.—In carrying out this title, the Secretary, upon the recommendation of the Council, may delegate implementation of a small project to—

"(i) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service);

"(ii) the Under Secretary for Oceans and Atmosphere of the Department of Commerce;

"(iii) the Administrator of the Environmental Protection Agency; or

"(iv) the Secretary of Agriculture.

"(C) FUNDING.—The implementation of a small project delegated to the head of a Federal department or agency under this paragraph may be carried out using—

"(i) funds appropriated to the department or agency under section 109(a)(1); or

"(ii) any other funds available to the department or agency.

"(D) AGREEMENTS.—The Federal department or agency to which implementation of a small project is delegated shall enter into an agreement with the non-Federal interest generally in conformance with the criteria in subsections (d) and (e). Cooperative agreements may be used for any delegated project.".

(d) ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.—Section 105(b) of the Estuary Restoration Act of 2000 (33 U.S.C. 2904(b)) is amended—

(1) in paragraph (4), by striking "and" after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(6) cooperating in the implementation of the strategy developed under section 106;

"(7) recommending standards for monitoring for restoration projects and contribution of project information to the database developed under section 107; and

"(8) otherwise using the respective agency authorities of the Council members to carry out this title.".

(e) MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.—Section 107(d) of the Estuary Restoration Act of 2000 (33 U.S.C. 2906(d)) is amended by striking "compile" and inserting "have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under this section, including compilation of".

(f) REPORTING.—Section 108(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2907(a)) is amended by striking "third and fifth" and inserting "sixth, eighth, and tenth".

(g) FUNDING.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "to the Secretary"; and

(B) by striking subparagraphs (A) through (D) and inserting the following:

"(A) to the Secretary, $25,000,000 for each of fiscal years 2007 through 2011;

"(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), $2,500,000 for each of fiscal years 2007 through 2011;

"(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2007 through 2011;

"(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2007 through 2011; and

"(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2007 through 2011."; and

(2) in the first sentence of paragraph (2)—

(A) by inserting "and other information compiled under section 107" after "this title"; and

(B) by striking "2005" and inserting "2011".

(h) GENERAL PROVISIONS.—Section 110 of the Estuary Restoration Act of 2000 (33 U.S.C. 2909) is amended—

(1) in subsection (b)(1)—

(A) by inserting "or contracts" after "agreements"; and

(B) by inserting ", nongovernmental organizations," after "agencies"; and

(2) by striking subsections (d) and (e).

SEC. 5003. ENVIRONMENTAL INFRASTRUCTURE.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 113 Stat. 1494; 114 Stat. 2763A–219) is amended—

(1) in subsection (c)(5), by striking "a project for the elimination or control of combined sewer overflows" and inserting "projects for the design, installation, enhancement or repair of sewer systems";

(2) in subsection (e)(1), by striking "$20,000,000" and inserting "$32,500,000"; and

(3) in subsection (f)—

(A) in paragraph (30), by striking "$55,000,000" and inserting "$75,000,000"; and

(B) by adding at the end the following:

"(77) CHATTOOGA COUNTY, GEORGIA.—$8,000,000 for waste and drinking water infrastructure improvement, Chattooga County, Georgia.

"(78) ALBANY, GEORGIA.—$4,000,000 storm drainage system, Albany, Georgia.

"(79) MOULTRIE, GEORGIA.—$5,000,000 for water supply infrastructure, Moultrie, Georgia.

"(80) STEPHENS COUNTY/CITY OF TOCCOA, GEORGIA.—$8,000,000 water infrastructure improvements, Stephens County/City of Toccoa, Georgia.

"(81) DAHLONEGA, GEORGIA.—$5,000,000 for water infrastructure improvements, Dahlonega, Georgia.

"(82) BANKS COUNTY, GEORGIA.—$5,000,000 for water infrastructure improvements, Banks County, Georgia.

"(83) BERRIEN COUNTY, GEORGIA.—$5,000,000 for water infrastructure improvements, Berrien County, Georgia.

"(84) CITY OF EAST POINT, GEORGIA.—$5,000,000 for water infrastructure improvements, City of East Point, Georgia.

"(85) ARMUCHEE VALLEY: CHATTOOGA, FLOYD, GORDON, WALKER, AND WHITFIELD COUNTIES, GEORGIA.—$10,000,000 for water infrastructure improvements, Armuchee Valley: Chattooga,

Floyd, Gordon, Walker, and Whitifield Counties, Georgia.

“(86) ATCHISON, KANSAS.—$20,000,000 for combined sewer overflows, Atchison, Kansas.

“(87) LAFOURCHE PARISH, LOUISIANA.—$2,300,000 for measures to prevent the intrusion of saltwater into the freshwater system, Lafourche Parish, Louisiana.

“(88) SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION, LOUISIANA.—$2,500,000 for water and wastewater improvements, South Central Planning and Development Commission, Louisiana.

“(89) RAPIDES AREA PLANNING COMMISSION, LOUISIANA.—$1,000,000 for water and wastewater improvements, Rapides, Louisiana.

“(90) NORTHWEST LOUISIANA COUNCIL OF GOVERNMENTS, LOUISIANA.—$2,000,000 for water and wastewater improvements, Northwest Louisiana Council of Governments, Louisiana.

“(91) LAFAYETTE, LOUISIANA.—$1,200,000 for water and wastewater improvements, Lafayette, Louisiana.

“(92) LAKE CHARLES, LOUISIANA.—$1,000,000 for water and wastewater improvements, Lake Charles, Louisiana.

“(93) OUACHITA PARISH, LOUISIANA.—$1,000,000 water and wastewater improvements, Ouachita Parish, Louisiana.

“(94) UNION-LINCOLN REGIONAL WATER SUPPLY PROJECT, LOUISIANA.—$2,000,000 for the Union-Lincoln Regional Water Supply project, Louisiana.

“(95) CENTRAL LAKE REGION SANITARY DISTRICT, MINNESOTA.—$2,000,000 for sanitary sewer and wastewater infrastructure for the Central Lake Region Sanitary District, Minnesota to serve Le Grande and Moe Townships, Minnesota.

“(96) GOODVIEW, MINNESOTA.—$3,000,000 for water quality infrastructure, Goodview, Minnesota.

“(97) GRAND RAPIDS, MINNESOTA.—$5,000,000 for wastewater infrastructure, Grand Rapids, Minnesota.

“(98) WILLMAR, MINNESOTA.—$15,000,000 for wastewater infrastructure, Willmar, Minnesota.

“(99) CITY OF CORINTH, MISSISSIPPI.—$7,500,000 for a surface water program, Corinth, Mississippi.

“(100) CLEAN WATER COALITION, NEVADA.—$20,000,000 for the Systems Conveyance and Operations Program, Clark County, Henderson, Las Vegas, and North Las Vegas, Nevada.

“(101) TOWN OF MOORESVILLE, NORTH CAROLINA.—$4,000,000 for water and wastewater infrastructure improvements, Mooresville, North Carolina.

“(102) CITY OF WINSTON-SALEM, NORTH CAROLINA.—$3,000,000 for storm water upgrades, Winston-Salem, North Carolina.

“(103) NEUSE REGIONAL WATER AND SEWER AUTHORITY, NORTH CAROLINA.—$4,000,000 for the Neuse regional drinking water facility, Neuse, North Carolina.

“(104) TOWN OF CARY/WAKE COUNTY, NORTH CAROLINA.—$4,000,000 for a water reclamation facility, Cary, North Carolina.

“(105) CITY OF FAYETTEVILLE, NORTH CAROLINA.—$6,000,000 for water and sewer upgrades, Fayetteville, North Carolina.

“(106) WASHINGTON COUNTY, NORTH CAROLINA.—$1,000,000 for water and wastewater infrastructure, Washington County, North Carolina.

“(107) CITY OF CHARLOTTE, NORTH CAROLINA.—$3,000,000 for the Briar Creek Relief Sewer project, Charlotte, North Carolina.

“(108) CITY OF ADA, OKLAHOMA.—$1,700,000 for sewer improvements and other water infrastructure, City Of Ada, Oklahoma.

“(109) NORMAN, OKLAHOMA.—$10,000,000 for carrying out the Waste Water Master Plan and water related infrastructure, Norman, Oklahoma.

“(110) EASTERN OKLAHOMA STATE UNIVERSITY, WILBERTON, OKLAHOMA.—$1,000,000 for sewer and utility upgrades and water related infrastructure, Eastern Oklahoma State University, Wilberton, Oklahoma.

“(111) CITY OF WEATHERFORD, OKLAHOMA.—$500,000 for arsenic program and water related infrastructure, City of Weatherford, Oklahoma.

“(112) CITY OF BETHANY, OKLAHOMA.—$1,500,000 for water improvements and water related infrastructure, City of Bethany, Oklahoma.

“(113) WOODWARD, OKLAHOMA.—$1,500,000 for water improvements and water related infrastructure, Woodward, Oklahoma.

“(114) CITY OF DISNEY AND LANGLEY, OKLAHOMA.—$2,500,000 for water and sewer improvements and water related infrastructure, City of Disney and Langley, Oklahoma.

“(115) CITY OF DURANT, OKLAHOMA.—$3,300,000 for bayou restoration and water related infrastructure, City of Durant, Oklahoma.

“(116) CITY OF MIDWEST CITY, OKLAHOMA.—$2,000,000 for improvements to water related infrastructure, City of Midwest City, Oklahoma.

“(117) CITY OF ARDMORE, OKLAHOMA.—$1,900,000 for water and sewer infrastructure improvements, City of Ardmore, Oklahoma.

“(118) CITY OF GUYMON, OKLAHOMA.—$16,000,000 for water related waste water treatment related infrastructure projects.

“(119) LUGERT-ALTUS IRRIGATION DISTRICT, ALTUS, OKLAHOMA.—$5,000,000 for water related infrastructure improvement project.

“(120) CITY OF CHICKASHA, OKLAHOMA.—$650,000 for industrial park sewer infrastructure project.

“(121) OKLAHOMA PANHANDLE STATE UNIVERSITY, GUYMON, OKLAHOMA.—$275,000 for water testing facility and water related infrastructure development.

“(122) CITY OF BARTLESVILLE, OKLAHOMA.—$2,500,000 for waterline transport infrastructure project.

“(123) CITY OF KONAWA, OKLAHOMA.—$500,000 for water treatment infrastructure improvements.

“(124) CITY OF MUSTANG, OKLAHOMA.—$3,325,000 for water improvements and water related infrastructure.

“(125) CITY OF ALVA, OKLAHOMA.—$250,000 for waste water improvement infrastructure.

“(126) VINTON COUNTY, OHIO.—$1,000,000 to construct water lines in Vinton and Brown Townships, Ohio.

“(127) BURR OAK REGIONAL WATER DISTRICT, OHIO.—$4,000,000 for construction of a water line to extend from a well field near Chauncey, Ohio, to a water treatment plant near Millfield, Ohio.

“(128) FREMONT, OHIO.—$2,000,000 for construction of off-stream water supply reservoir, Fremont, Ohio.

“(129) FOSTORIA, OHIO.—$2,000,000 for wastewater infrastructure, Fostoria, Ohio.

“(130) DEFIANCE COUNTY, OHIO.—$1,000,000 for wastewater infrastructure, Defiance County, Ohio.

“(131) AKRON, OHIO.—$5,000,000 for wastewater infrastructure, Akron, Ohio.

“(132) MEIGS COUNTY, OHIO.—$1,000,000 to extend the Tupper Plains Regional Water District water line to Lebanon Township, Ohio.

“(133) CITY OF CLEVELAND, OHIO.—$2,500,000 for Flats East Bank water and wastewater infrastructure, Cleveland, Ohio.

“(134) CINCINNATI, OHIO.—$1,000,000 for wastewater infrastructure, Cincinnati, Ohio.

“(135) DAYTON, OHIO.—$1,000,000 for water and wastewater infrastructure, Dayton, Ohio.

“(136) LAWRENCE COUNTY, OHIO.—$5,000,000 for Union Rome wastewater infrastructure, Lawrence County, Ohio.

“(137) CITY OF COLUMBUS, OHIO.—$4,500,000 for wastewater infrastructure, Columbus, Ohio.

“(138) BEAVER CREEK RESERVOIR, PENNSYLVANIA.—$3,000,000 for projects for water supply and related activities, Beaver Creek Reservoir, Clarion County, Beaver and Salem Townships, Pennsylvania.

“(139) MYRTLE BEACH, SOUTH CAROLINA.—$10,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach, South Carolina.

“(140) CHARLESTON AND WEST ASHLEY, SOUTH CAROLINA.—$6,000,000 for wastewater tunnel replacement, Charleston and West Ashley, South Carolina.

“(141) CHARLESTON, SOUTH CAROLINA.—$3,000,000 for stormwater control measures and storm sewer improvements, Spring Street/Fishburne Street drainage project, Charleston, South Carolina.

“(142) NORTH MYRTLE BEACH, SOUTH CAROLINA.—$3,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

“(143) SURFSIDE, SOUTH CAROLINA.—$3,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

“(144) CHEYENNE RIVER SIOUX RESERVATION (DEWEY AND ZIEBACH COUNTIES) AND PERKINS AND MEADE COUNTIES, SOUTH DAKOTA.—$40,000,000 for water related infrastructure, Cheyenne River Sioux Reservation (Dewey and Ziebach counties) and Perkins and Meade Counties, South Dakota.

“(145) CITY OF OAK RIDGE, TENNESSEE.—$4,000,000 for water supply and wastewater infrastructure, City of Oak Ridge, Tennessee.

“(146) NASHVILLE, TENNESSEE.—$5,000,000 for water supply and wastewater infrastructure, Nashville, Tennessee.

“(147) COUNTIES OF LEWIS, LAWRENCE, AND WAYNE, TENNESSEE.—$2,000,000 for water supply and wastewater infrastructure projects in the Counties of Lewis, Lawrence and Wayne, Tennessee.

“(148) COUNTY OF GILES, TENNESSEE.—$2,000,000 for water supply and wastewater infrastructure projects in the County of Giles, Tennessee.

“(149) CITY OF KNOXVILLE, TENNESSEE.—$5,000,000 for water supply and wastewater infrastructure projects in the City of Knoxville, Tennessee.

“(150) SHELBY COUNTY, TENNESSEE.—$4,000,000 for water-related environmental infrastructure projects in County of Shelby, Tennessee.

“(151) JOHNSON COUNTY, TENNESSEE.—$600,000 for water supply and wastewater infrastructure projects in Johnson County, Tennessee.

“(152) PLATEAU UTILITY DISTRICT, MORGAN COUNTY, TENNESSEE.—$1,000,000 for water supply and wastewater infrastructure projects in Morgan County, Tennessee.

“(153) CITY OF HARROGATE, TENNESSEE.—$2,000,000 for water supply and wastewater infrastructure projects in City of Harrogate, Tennessee.

“(154) HAMILTON COUNTY, TENNESSEE.—$500,000 for water supply and wastewater infrastructure projects in Hamilton County, Tennessee.

“(155) GRAINGER COUNTY, TENNESSEE.—$1,250,000 for water supply and wastewater infrastructure projects in Grainger County, Tennessee.

“(156) CLAIBORNE COUNTY, TENNESSEE.—$1,250,000 for water supply and wastewater infrastructure projects in Claiborne County, Tennessee.

“(157) BLAINE, TENNESSEE.—$500,000 for water supply and wastewater infrastructure projects in Blaine, Tennessee.

“(158) CHESAPEAKE BAY.—$30,000,000 for environmental infrastructure projects to benefit the Chesapeake Bay, including the nutrient removal

project at the Blue Plains Wastewater Treatment facility in Washington, DC.

"(159) ARKANSAS VALLEY CONDUIT, COLORADO.—$10,000,000 for the Arkansas Valley Conduit, Colorado.

"(160) BOULDER COUNTY, COLORADO.—$10,000,000 for water supply infrastructure, Boulder County, Colorado.

"(161) PLAINVILLE, CONNECTICUT.—$6,280,000 for wastewater treatment, Plainville, Connecticut.

"(162) SOUTHINGTON, CONNECTICUT.—$9,420,000 for water supply infrastructure, Southington, Connecticut.

"(163) NORWALK, CONNECTICUT.—$3,000,000 for the Keeler Brook Storm Water Improvement Project, Norwalk, Connecticut.

"(164) ENFIELD, CONNECTICUT.—$1,000,000 for infiltration and inflow correction, Enfield, Connecticut.

"(165) NEW HAVEN, CONNECTICUT.—$300,000 for storm water system improvements, New Haven, Connecticut.

"(166) MIAMI-DADE COUNTY, FLORIDA.—$6,250,000 for water reuse supply and a water transmission pipeline, Miami-Dade County, Florida.

"(167) HILLSBOROUGH COUNTY, FLORIDA.—$6,250,000 for water infrastructure and supply enhancement, Hillsborough County, Florida.

"(168) PALM BEACH COUNTY, FLORIDA.—$7,500,000 for water infrastructure, Palm Beach County, Florida.

"(169) CHESAPEAKE BAY REGION, MARYLAND AND VIRGINIA.—$40,000,000 for water pollution control projects, Chesapeake Bay Region, Maryland and Virginia.

"(170) MICHIGAN COMBINED SEWER OVERFLOWS.—$35,000,000 for correction of combined sewer overflows, Michigan.

"(171) MIDDLETOWN TOWNSHIP, NEW JERSEY.—$1,100,000 for storm sewer improvements, Middletown Township, New Jersey.

"(172) RAHWAY VALLEY, NEW JERSEY.—$25,000,000 for sanitary sewer and storm sewer improvements in the service area of the Rahway Valley Sewerage Authority, New Jersey.

"(173) CRANFORD TOWNSHIP, NEW JERSEY.—$6,000,000 for storm sewer improvements in Cranford Township, New Jersey.

"(174) YATES COUNTY, NEW YORK.—$5,000,000 for drinking water infrastructure, Yates County, New York.

"(175) VILLAGE OF PATCHOGUE, NEW YORK.—$5,000,000 for wastewater infrastructure, Village of Patchogue, New York.

"(176) ELMIRA, NEW YORK.—$5,000,000 for wastewater infrastructure, Elmira, New York.

"(177) ESSEX HAMLET, NEW YORK.—$5,000,000 for wastewater infrastructure, Essex Hamlet, New York.

"(178) NIAGARA FALLS, NEW YORK.—$5,000,000 for wastewater infrastructure, Niagara Falls, New York.

"(179) VILLAGE OF BABYLON, NEW YORK.—$5,000,000 for wastewater infrastructure, Village of Babylon, New York.

"(180) FLEMING, NEW YORK.—$5,000,000 for drinking water infrastructure, Fleming, New York.

"(181) VILLAGE OF KYRIAS-JOEL, NEW YORK.—$5,000,000 for drinking water infrastructure, Village of Kyrias-Joel, New York.

"(182) DEVILS LAKE, NORTH DAKOTA.—$15,000,000 for water supply infrastructure, Devils Lake, North Dakota.

"(183) NORTH DAKOTA.—$15,000,000 for water-related infrastructure, North Dakota.

"(184) CLARK COUNTY, NEVADA.—$50,000,000 for wastewater infrastructure, Clark County, Nevada.

"(185) WASHOE COUNTY, NEVADA.—$14,000,000 for construction of water infrastructure improvements to the Huffaker Hills Reservoir Conservation Project, Washoe County, Nevada.

"(186) GLENDALE DAM DIVERSION STRUCTURE, NEVADA.—$10,000,000 for water system improvements to the Glendale Dam Diversion Structure for the Truckee Meadows Water Authority, Nevada.

"(187) RENO, NEVADA.—$13,000,000 for construction of a water conservation project for the Highland Canal, Mogul Bypass in Reno, Nevada.

"(188) LOS ANGELES COUNTY, CALIFORNIA.—$12,000,000 for the planning, design and construction of water-related environmental infrastructure for Santa Monica Bay and the coastal zone of Los Angeles County, California.

"(189) MONTEBELLO, CALIFORNIA.—$4,000,000 for water infrastructure improvements in south Montebello, California.

"(190) LA MIRADA, CALIFORNIA.—$4,000,000 for the planning, design, and construction of a stormwater program in La Mirada, California.

"(191) EAST PALO ALTO, CALIFORNIA.—$4,000,000 for a new pump station and stormwater management and drainage system, East Palo Alto, California.

"(192) PORT OF STOCKTON, STOCKTON, CALIFORNIA.—$3,000,000 for water and wastewater infrastructure projects for Rough and Ready Island and vicinity, Stockton, California.

"(193) PERRIS, CALIFORNIA.—$3,000,000 project for recycled water transmission infrastructure, Eastern Municipal Water District, Perris, California.

"(194) AMADOR COUNTY, CALIFORNIA.—$3,000,000 for wastewater collection and treatment, Amador County, California.

"(195) CALAVERAS COUNTY, CALIFORNIA.—$3,000,000 for water supply and wastewater improvement projects in Calaveras County, California, including wastewater reclamation, recycling, and conjunctive use projects.

"(196) SANTA MONICA, CALIFORNIA.—$3,000,000 for improving water system reliability, Santa Monica, California.

"(197) MALIBU, CALIFORNIA.—$3,000,000 for municipal waste water and recycled water, Malibu Creek Watershed Protection Project, Malibu, California.

"(198) EASTERN UNITED STATES.—$29,450,000 for water supply and wastewater infrastructure in the Eastern United States.

"(199) WESTERN UNITED STATES.—$29,450,000 for water supply and wastewater infrastructure in the Western United States.".

SEC. 5004. ALASKA.

Section 570(h) of the Water Resources Development Act of 1999 (113 Stat. 369) is amended by striking "25,000,000" and inserting "40,000,000".

SEC. 5005. CALIFORNIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in California.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in California, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL:—The Federal share of the cost of the project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work on a project completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land), but the credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) NONPROFIT ENTITY.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity.

(g) EXPENSES OF CORPS OF ENGINEERS.—Not more than 10 percent of amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 5006. CONVEYANCE OF OAKLAND INNER HARBOR TIDAL CANAL PROPERTY.

Section 205 of the Water Resources Development Act of 1990 (104 Stat. 4633; 110 Stat. 3748) is amended to read as follows:

"SEC. 205. CONVEYANCE OF OAKLAND INNER HARBOR TIDAL CANAL PROPERTY.

"(a) IN GENERAL.—The Secretary may convey, without consideration, by separate quitclaim deeds, as soon as the conveyance of each individual portion is practicable, the title of the United States in and to all or portions of the approximately 86 acres of upland, tideland, and submerged land, commonly referred to as the 'Oakland Inner Harbor Tidal Canal,', California (referred to in this section as the 'Canal Property'), as follows:

"(1) To the City of Oakland, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the City of Oakland.

"(2) To the City of Alameda, or to an entity created by or designated by the City of Alameda that is eligible to hold title to real property, the

title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the City of Alameda.

"(3) To the adjacent land owners, or to an entity created by or designated by 1 or more of the adjacent landowners that is eligible to hold title to real property, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the city in which the adjacent land owners reside.

"(b) REQUIREMENTS.—

"(1) RESERVATIONS.—The Secretary may reserve and retain from any conveyance under this section a right-of-way or other rights as the Secretary determines to be necessary for the operation and maintenance of the authorized Federal channel in the Canal Property.

"(2) COST.—The conveyances under this section, and the processes involved in the conveyances, shall be at no cost to the United States, except for administrative costs.

"(c) ANNUAL REPORTS.—Until the date on which each conveyance described in subsection (a) is complete, the Secretary shall submit, by not later than 60 days after the end of each fiscal year, to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives an annual report that describes the efforts of the Secretary to complete the conveyances during the preceding fiscal year.".

SEC. 5007. STOCKTON, CALIFORNIA.

(a) IN GENERAL.—Unless the Secretary determines, by not later than 30 days after the date of enactment of this Act, that the relocation of the project described in subsection (b) would be injurious to the public interest, a non-Federal interest may reconstruct and relocate that project approximately 300 feet in a westerly direction.

(b) PROJECT DESCRIPTION.—

(1) IN GENERAL.—The project referred to in subsection (a) is the project for flood control, Calaveras River and Littlejohn Creek and tributaries, California, authorized by section 10 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 902).

(2) SPECIFIC DESCRIPTION.—The portion of the project to be reconstructed and relocated is that portion consisting of approximately 5.34 acres of dry land levee beginning at a point N. 2203542.3167, E. 6310930.1385, thence running west about 59.99 feet to a point N. 2203544.6562, E. 6310870.1468, thence running south about 3,874.99 feet to a point N. 2199669.8760, E. 6310861.7956, thence running east about 60.00 feet to a point N. 2199668.8026, E. 6310921.7900, thence running north about 3,873.73 feet to the point of origin.

(c) COST SHARING.—The non-Federal share of the cost of reconstructing and relocating the project described in subsection (b) shall be 100 percent.

SEC. 5008. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.

(a) SHORT TITLE.—This section may be cited as the "Rio Grande Environmental Management Act of 2007".

(b) DEFINITIONS.—In this section:

(1) RIO GRANDE COMPACT.—The term "Rio Grande Compact" means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155), and ratified by the States.

(2) RIO GRANDE BASIN.—The term "Rio Grande Basin" means the Rio Grande (including all tributaries and their headwaters) located—

(A) in the State of Colorado, from the Rio Grande Reservoir, near Creede, Colorado, to the New Mexico State border;

(B) in the State of New Mexico, from the Colorado State border downstream to the Texas State border; and

(C) in the State of Texas, from the New Mexico State border to the southern terminus of the Rio Grande at the Gulf of Mexico.

(3) STATES.—The term "States" means the States of Colorado, New Mexico, and Texas.

(c) PROGRAM AUTHORITY.—The Secretary shall carry out, in the Rio Grande Basin—

(1) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(2) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(d) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs described in subsection (c), the Secretary shall consult with the States and other appropriate entities in the States the rights and interests of which might be affected by specific program activities.

(e) COST SHARING.—

(1) IN GENERAL.—

(A) PROJECTS ON FEDERAL LAND.—Each project under this section located on Federal land shall be carried out at full Federal expense.

(B) OTHER PROJECTS.—For each project under subsection (c)(1) located on non-Federal land, the non-Federal share of the cost of the project—

(i) shall be 35 percent;

(ii) may be provided through in-kind services or direct cash contributions; and

(iii) shall include the provision of necessary land, easements, relocations, and disposal sites.

(f) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the affected local government, a nonprofit entity may be included as a non-Federal interest for any project carried out under subsection (c)(1).

(g) EFFECT ON OTHER LAW.—

(1) WATER LAW.—Nothing in this section preempts any State water law.

(2) COMPACTS AND DECREES.—In carrying out this section, the Secretary shall comply with the Rio Grande Compact, and any applicable court decrees or Federal and State laws, affecting water or water rights in the Rio Grande Basin.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $15,000,000 for each of fiscal years 2008 through 2011.

SEC. 5009. DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND.

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the States on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

SEC. 5010. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and sections 2.2 of the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be—

(A) the ex officio United States member under the Susquehanna River Basin Compact and the Delaware River Basin Compact; and

(B) 1 of the 3 members appointed by the President under the Potomac River Basin Compact;

(2) shall serve without additional compensation; and

(3) may designate an alternate member in accordance with the terms of those compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91–407)) to fulfill the equitable funding requirements of the respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE, DELAWARE RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(d) WATER SUPPLY AND CONSERVATION STORAGE, SUSQUEHANNA RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Susquehanna River Basin, during any period in which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(e) WATER SUPPLY AND CONSERVATION STORAGE, POTOMAC RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Interstate Commission on the Potomac River Basin to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Potomac River Basin for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5011. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.

(a) COMPREHENSIVE ACTION PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the county executives of Montgomery County and Prince George's County, Maryland, and other stakeholders, shall develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

(b) PUBLIC AVAILABILITY.—On completion of the comprehensive action plan under subsection (a), the Secretary shall make the plan available to the public.

SEC. 5012. BIG CREEK, GEORGIA, WATERSHED MANAGEMENT AND RESTORATION PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, is authorized to cooperate with, by providing technical, planning, and construction assistance to, the city of Roswell, Georgia, as local sponsor and coordinator with other local governments in the Big Creek watershed, Georgia, to assess the quality and quantity of water resources, conduct comprehensive watershed management planning, develop and implement water efficiency technologies and programs, and plan, design, and construct water resource facilities to restore the watershed.

(b) FEDERAL SHARE.—The Federal share of the cost of the project under this section—

(1) shall be 65 percent; and

(2) may be provided in any combination of cash and in-kind services.

(c) AUTHORIZATION OF APPROPRIATIONS.—here is authorized to be appropriated to the Secretary $5,000,000 to carry out this section.

SEC. 5013. METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the Metropolitan North Georgia Water Planning District.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in north Georgia, including projects for wastewater treatment and related facilities, elimination or control of combined sewer overflows, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection—

(i) shall be 75 percent; and

(ii) may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of the project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 5014. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, RURAL UTAH, AND WYOMING.

Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383; 117 Stat. 139; 117 Stat. 142; 117 Stat. 1836; 118 Stat. 440) is amended—

(1) in the section heading, by striking "**AND RURAL UTAH**" and inserting "**RURAL UTAH, AND WYOMING**";

(2) in subsections (b) and (c), by striking "and rural Utah" each place it appears and inserting "rural Utah, and Wyoming"; and

(3) by amending subsection (h) to read as follows:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2001 $150,000,000 for rural Nevada, and $25,000,000 for each of Montana and New Mexico, $55,000,000 for Idaho, $50,000,000 for rural Utah, and $30,000,000 for Wyoming, to remain available until expended.".

SEC. 5015. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) TREATMENT AS SINGLE PROJECT.—The Chicago Sanitary and Ship Canal Dispersal Barrier Project (Barrier I) (as in existence on the date of enactment of this Act), constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and Barrier II, as authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), shall be considered to constitute a single project.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, is authorized and directed, at full Federal expense—

(A) to upgrade and make permanent Barrier I;

(B) to construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;

(C) to operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) to conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a full range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) to provide to each State a credit in an amount equal to the amount of funds contributed by the State toward Barrier II.

(2) USE OF CREDIT.—A State may apply a credit received under paragraph (1)(E) to any cost sharing responsibility for an existing or future Federal project with the Corps of Engineers in the State.

(c) FEASIBILITY STUDY.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall conduct a feasibility study, at full Federal expense, of the range of options and technologies available to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins and through the Chicago Sanitary and Ship Canal and other aquatic pathways.

(d) CONFORMING AMENDMENTS.—

(1) NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking ", to carry out this paragraph, $750,000" and inserting "such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph".

(2) BARRIER II AUTHORIZATION.—Section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), is amended to read as follows:

"SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, ILLINOIS.

"There are authorized to be appropriated such sums as are necessary to carry out the Barrier II project of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note; 100 Stat. 4251).".

SEC. 5016. MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA, AND WYOMING.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Missouri River Recovery and Implementation Committee established by subsection (b)(1), shall conduct a study of the Missouri River and its tributaries to determine actions required—

(A) to mitigate losses of aquatic and terrestrial habitat;

(B) to recover federally listed species under the Endangered Species Act (16 U.S.C. 1531 et seq.); and

(C) to restore the ecosystem to prevent further declines among other native species.

(2) FUNDING.—The study under paragraph (1) shall be funded under the Missouri River Fish and Wildlife Mitigation Program.

(b) MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE.—

(1) ESTABLISHMENT.—Not later than June 31, 2006, the Secretary shall establish a committee to be known as the "Missouri River Recovery Implementation Committee" (referred to in this section as the "Committee").

(2) MEMBERSHIP.—The Committee shall include representatives from—

(A) Federal agencies;

(B) States located near the Missouri River Basin; and

(C) other appropriate entities, as determined by the Secretary, including—

(i) water management and fish and wildlife agencies;

(ii) Indian tribes located near the Missouri River Basin; and

(iii) nongovernmental stakeholders.

(3) DUTIES.—The Commission shall—

(A) with respect to the study under subsection (a), provide guidance to the Secretary and any other affected Federal agency, State agency, or Indian tribe;

(B) provide guidance to the Secretary with respect to the Missouri River recovery and mitigation program in existence on the date of enactment of this Act, including recommendations relating to—

(i) changes to the implementation strategy from the use of adaptive management; and

(ii) the coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the program;

(C) exchange information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation program;

(D) establish such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues;

(E) facilitate the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation program;

(F) coordinate scientific and other research associated with the Missouri River recovery and mitigation program; and

(G) annually prepare a work plan and associated budget requests.

(4) Compensation; travel expenses.—

(A) Compensation.—Members of the Committee shall not receive compensation from the Secretary in carrying out the duties of the Committee under this section.

(B) Travel expenses.—Travel expenses incurred by a member of the Committee in carrying out the duties of the Committee under this section shall be paid by the agency, Indian tribe, or unit of government represented by the member.

(c) Nonapplicability of FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 5017. SOUTHEAST LOUISIANA REGION, LOUISIANA.

(a) Definition of Southeast Louisiana Region.—In this section, the term "Southeast Louisiana Region" means any of the following parishes and municipalities in the State of Louisiana:

(1) Orleans.
(2) Jefferson.
(3) St. Tammany.
(4) Tangipahoa.
(5) St. Bernard.
(6) St. Charles.
(7) St. John.
(8) Plaquemines.

(b) Establishment of Program.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Southeast Louisiana Region.

(c) Form of Assistance.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the Southeast Louisiana Region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development (including projects to improve water quality in the Lake Pontchartrain Basin).

(d) Ownership Requirement.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) Partnership Agreements.—

(1) In general.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) Requirements.—Each partnership agreement of a project entered into under this subsection shall provide for the following:

(A) Plan.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) Legal and institutional structures.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) Cost sharing.—The Federal share of the cost of the project under this section—

(A) shall be 75 percent; and

(B) may be provided in the form of grants or reimbursements of project costs.

(C) Credit for design work.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of the project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(D) Credit for interest.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(E) Credit for land, easements, and rights-of-way.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land), but not to exceed 25 percent of total project costs.

(F) Operation and maintenance.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) Applicability of Other Federal and State Laws.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) Nonprofit Entity.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity.

(h) Expenses of Corps of Engineers.—Not more than 10 percent of amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $17,000,000, to remain available until expended.

SEC. 5018. MISSISSIPPI.

Section 592(g) of the Water Resources Development Act of 1999 (113 Stat. 380; 117 Stat. 1837) is amended by striking "$100,000,000" and inserting "$110,000,000".

SEC. 5019. ST. MARY PROJECT, BLACKFEET RESERVATION, MONTANA.

(a) In General.—The Secretary, in consultation with the Bureau of Reclamation, shall conduct all necessary studies, develop an emergency response plan, provide technical and planning and design assistance, and rehabilitate and construct the St. Mary Diversion and Conveyance Works project located within the exterior boundaries of the Blackfeet Reservation in the State of Montana, at a total cost of $140,000,000.

(b) Federal Share.—The Federal share of the total cost of the project under this section shall be 75 percent.

(c) Participation by Blackfeet Tribe and Fort Belknap Indian Community.—

(1) In general.—Except as provided in paragraph (2), no construction shall be carried out under this section until the earlier of—

(A) the date on which Congress approves the reserved water rights settlements of the Blackfeet Tribe and the Fort Belknap Indian Community; and

(B) January 1, 2011.

(2) Exception.—Paragraph (1) shall not apply with respect to construction relating to—

(A) standard operation and maintenance; or

(B) emergency repairs to ensure water transportation or the protection of life and property.

(3) Requirement.—The Blackfeet Tribe shall be a participant in all phases of the project authorized by this section.

SEC. 5020. LOWER PLATTE RIVER WATERSHED RESTORATION, NEBRASKA.

(a) In General.—The Secretary, acting through the Chief of Engineers, may cooperate with and provide assistance to the Lower Platte River natural resources districts in the State of Nebraska to serve as local sponsors with respect to—

(1) conducting comprehensive watershed planning in the natural resource districts;

(2) assessing water resources in the natural resource districts; and

(3) providing project feasibility planning, design, and construction assistance for water resource and watershed management in the natural resource districts, including projects for environmental restoration and flood damage reduction.

(b) Funding.—

(1) Federal share.—The Federal share of the cost of carrying out an activity described in subsection (a) shall be 65 percent.

(2) Non-federal share.—The non-Federal share of the cost of carrying out an activity described in subsection (a)—

(A) shall be 35 percent; and

(B) may be provided in cash or in-kind.

(c) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $12,000,000.

SEC. 5021. NORTH CAROLINA.

(a) Establishment of Program.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of North Carolina.

(b) Form of Assistance.—Assistance under this section may be in the form of design and construction assistance for environmental infrastructure and resource protection and development projects in North Carolina, including projects for—

(1) wastewater treatment and related facilities;

(2) combined sewer overflow, water supply, storage, treatment, and related facilities;

(3) drinking water infrastructure including treatment and related facilities;

(4) environmental restoration;

(5) storm water infrastructure; and

(6) surface water resource protection and development.

(c) Public Ownership Requirement.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) Project Cooperation Agreements.—

(1) In general.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) Requirements.—Each project cooperation agreement entered into under this subsection shall provide for the following:

(A) Plan.—Development by the Secretary, in consultation with appropriate Federal and State

officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of the project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of the project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land).

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $13,000,000.

SEC. 5022. OHIO RIVER BASIN ENVIRONMENTAL MANAGEMENT.

(a) DEFINITIONS.—In this section:

(1) OHIO RIVER BASIN.—The term "Ohio River Basin" means the Ohio River, its backwaters, its side channels, and all tributaries (including their watersheds) that drain into the Ohio River and encompassing areas of any of the States of Indiana, Ohio, Kentucky, Pennsylvania, West Virginia, Illinois, New York, and Virginia.

(2) COMPACT.—The term "Compact" means the Ohio River Watershed Sanitation Commission flood and pollution control compact between the States of Indiana, West Virginia, Ohio, Kentucky, Pennsylvania, New York, Illinois, and Virginia, approved by Congress in 1936 pursuant to the first section of the Act of June 8, 1936 (33 U.S.C. 567a), and chartered in 1948.

(b) ASSISTANCE.—The Secretary may provide planning, design, and construction assistance to the Compact for the improvement of the quality of the environment in and along the Ohio River Basin.

(c) PRIORITIES.—In providing assistance under this section, the Secretary shall give priority to reducing or eliminating the presence of organic pollutants in the Ohio River Basin through the renovation and technological improvement of the organic detection system monitoring stations along the Ohio River in the States of Indiana, Ohio, West Virginia, Kentucky, and Pennsylvania.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

SEC. 5023. STATEWIDE COMPREHENSIVE WATER PLANNING, OKLAHOMA.

(a) IN GENERAL.—The Secretary shall provide technical assistance for the development of updates of the Oklahoma Comprehensive Water Plan.

(b) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (a) may include—

(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(2) expansion of surface water and groundwater monitoring networks;

(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(5) participation in State planning forums and planning groups;

(6) coordination of Federal water management planning efforts; and

(7) technical review of data, models, planning scenarios, and water plans developed by the State.

(c) ALLOCATION.—The Secretary shall allocate, subject to the availability of appropriations, $6,500,000 to provide technical assistance and for the development of updates of the Oklahoma Comprehensive water plan.

(d) COST SHARING REQUIREMENT.—The non-Federal share of the total cost of any activity carried out under this section—

(1) shall be 25 percent; and

(2) may be in the form of cash or any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

SEC. 5024. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) DISBURSEMENT PROVISIONS OF STATE OF SOUTH DAKOTA AND CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting "and the Secretary of the Treasury" after "Secretary"; and

(B) by striking clause (ii) and inserting the following:

"(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized."; and

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

"(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.".

(b) INVESTMENT PROVISIONS OF STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) INVESTMENTS.—

"(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

"(2) INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with all of the requirements of this paragraph.

"(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

"(i) PRINCIPAL ACCOUNT.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

"(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

"(iii) CREDITING.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

"(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

"(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

"(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

"(D) INVESTMENT OF INTEREST ACCOUNT.—

"(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

"(ii) AFTER FULL CAPITALIZATION.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the

Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

"(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

"(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

"(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

"(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.

"(4) AUDITS.—

"(A) IN GENERAL.—The activities of the State of South Dakota (referred to in this subsection as the 'State') in carrying out the plan of the State for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the State is required to prepare under the Office of Management and Budget Circular A–133 (or a successor circulation).

"(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

"(i) determine whether funds received by the State under this section during the period covered by the audit were used to carry out the plan of the State in accordance with this section; and

"(ii) include the determination under clause (i) in the written findings of the audit.

"(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

"(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the State regarding the proposed modification.";

(2) in subsection (d)(2), by inserting "of the Treasury" after "Secretary"; and

(3) by striking subsection (f) and inserting the following:

"(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury, to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

"(1) up to $500,000 for each of fiscal years 2006 and 2007; and

"(2) such sums as are necessary for each subsequent fiscal year.".

(c) INVESTMENT PROVISIONS FOR CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) INVESTMENTS.—

"(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

"(2) INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest each of the Funds in accordance with all of the requirements of this paragraph.

"(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

"(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

"(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

"(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

"(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

"(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

"(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

"(D) INVESTMENT OF THE INTEREST ACCOUNT.—

"(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

"(ii) AFTER FULL CAPITALIZATION.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

"(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

"(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

"(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

"(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe (referred to in this subsection as the 'Tribes') the results of the investment activities and financial status of the Funds during the preceding 12-month period.

"(4) AUDITS.—

"(A) IN GENERAL.—The activities of the Tribes in carrying out the plans of the Tribes for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the Tribes are required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

"(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

"(i) determine whether funds received by the Tribes under this section during the period covered by the audit were used to carry out the plan of the appropriate Tribe in accordance with this section; and

"(ii) include the determination under clause (i) in the written findings of the audit.

"(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

"(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the Tribes regarding the proposed modification."; and

(2) by striking subsection (f) and inserting the following:

"(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

"(1) up to $500,000 for each of fiscal years 2006 and 2007; and

"(2) such sums as are necessary for each subsequent fiscal year.".

SEC. 5025. TEXAS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of Texas.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects in Texas, including projects for water supply, storage, treatment, and related facilities, water quality protection, wastewater treatment, and related facilities, environmental restoration, and surface water resource protection, and development, as identified by the Texas Water Development Board.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest.

(e) COST SHARING.—

(1) IN GENERAL.—The Federal share of the cost of the project under this section—

(A) shall be 75 percent; and

(B) may be provided in the form of grants or reimbursements of project costs.

(2) IN-KIND SERVICES.—The non-Federal share may be provided in the form of materials and in-kind services, including planning, design, construction, and management services, as the Secretary determines to be compatible with, and necessary for, the project.

(3) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(4) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs.

(5) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 5026. CONNECTICUT RIVER DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall evaluate, design, and construct structural modifications at full Federal cost to the Union Village Dam (Ompompanoosuc River), North Hartland Dam (Ottauquechee River), North Springfield Dam (Black River), Ball Mountain Dam (West River), and Townshend Dam (West River), Vermont, to regulate flow and temperature to mitigate downstream impacts on aquatic habitat and fisheries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 5027. COST SHARING PROVISIONS FOR THE TERRITORIES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended—

(1) by striking "The Secretary" and inserting the following:

"(a) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(b) USE OF FEDERAL FUNDS BY NON-FEDERAL INTERESTS.—A non-Federal interest may use Federal funds to provide the non-Federal share of the costs of a study or project carried out at a location referred to in subsection (a), if the agency or department that provides the Federal funds determines that the funds are eligible to be used for that purpose.".

SEC. 5028. INNER HARBOR NAVIGATION CANAL LOCK PROJECT.

Not later than July 1, 2008, the Secretary shall—

(1) issue a final environmental impact statement relating to the Inner Harbor Navigation Canal Lock project; and

(2) develop and maintain a transportation mitigation program relating to that project in coordination with—

(A) St. Bernard Parish;

(B) Orleans Parish;

(C) the Old Arabi Neighborhood Association; and

(D) other interested parties.

SEC. 5029. GREAT LAKES NAVIGATION.

(a) DEFINITION OF GREAT LAKES AND CONNECTING CHANNELS.—In this section, the term "Great Lakes and connecting channels" includes—

(1) Lakes Superior, Huron, Michigan, Erie, and Ontario;

(2) any connecting water between or among those lakes that is used for navigation;

(3) any navigation feature in those lakes or water the operation or maintenance of which is a Federal responsibility; and

(4) any area of the Saint Lawrence River that is operated or maintained by the Federal Government for navigation.

(b) NAVIGATION.—Using available funds, the Secretary shall expedite the operation and maintenance, including dredging to authorized project depths, of the navigation features of the Great Lakes and connecting channels for the purpose of supporting navigation.

TITLE VI—PROJECT DEAUTHORIZATIONS

SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

The project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized by the Supplemental Appropriations Act, 1985 (99 Stat. 312), is not authorized.

SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

The project for flood control, Goleta and Vicinity, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826), is not authorized.

SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described in subsection (b), is not authorized.

(b) DESCRIPTION OF PROJECT.—The project referred to in subsection (a) is described as beginning at a point along the eastern limit of the existing project, N. 123,649.75, E. 481,920.54, thence running northwesterly about 52.64 feet to a point N. 123,683.03, E. 481,879.75, thence running northeasterly about 1,442.21 feet to a point N. 125,030.08, E. 482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N. 125,133.87, E. 482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

SEC. 6004. INLAND WATERWAY FROM DELAWARE RIVER TO CHESAPEAKE BAY, PART II, INSTALLATION OF FENDER PROTECTION FOR BRIDGES, DELAWARE AND MARYLAND.

The project for the construction of bridge fenders for the Summit and St. Georges Bridge for the Inland Waterway of the Delaware River to the C & D Canal of the Chesapeake Bay, authorized by the River and Harbor Act of 1954 (68 Stat. 1249), is not authorized.

SEC. 6005. SHINGLE CREEK BASIN, FLORIDA.

The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is not authorized.

SEC. 6006. ILLINOIS WATERWAY, SOUTH FORK OF THE SOUTH BRANCH OF THE CHICAGO RIVER, ILLINOIS.

(a) IN GENERAL.—The portion of the Illinois Waterway project authorized by the Act of January 21, 1927 (commonly known as the "River and Harbor Act of 1927") (44 Stat. 1013), in the South Fork of the South Branch of the Chicago River, as identified in subsection (b) is not authorized.

(b) DESCRIPTION OF PROJECT PORTION.—The portion of the project referred to in subsection (a) is the portion of the SW ¼ of sec. 29, T. 39 N., R. 14 E., Third Principal Meridian, Cook County, Illinois, and more particularly described as follows:

(1) Commencing at the SW corner of the SW ¼.

(2) Thence north 1 degree, 32 minutes, 31 seconds west, bearing based on the Illinois State Plane Coordinate System, NAD 83 east zone, along the west line of that quarter, 1810.16 feet to the southerly line of the Illinois and Michigan Canal.

(3) Thence north 50 degrees, 41 minutes, 55 seconds east along that southerly line 62.91 feet to the easterly line of South Ashland Avenue, as widened by the ordinance dated November 24, 1920, which is also the east line of an easement to the State of Illinois for highway purposes numbered 12340342 and recorded July 13, 1939, for a point of beginnings.

(4) Thence continuing north 50 degrees, 41 minutes, 55 seconds east along that southerly line 70.13 feet to the southerly line of the South Branch Turning Basin per for the plat numbered 3645392 and recorded January 19, 1905.

(5) Thence south 67 degrees, 18 minutes, 31 seconds east along that southerly line 245.50 feet.

(6) Thence north 14 degrees, 35 minutes, 13 seconds east 145.38 feet.

(7) Thence north 10 degrees, 57 minutes, 15 seconds east 326.87 feet.

(8) Thence north 17 degrees, 52 minutes, 44 seconds west 56.20 feet.

(9) Thence north 52 degrees, 7 minutes, 32 seconds west 78.69 feet.

(10) Thence north 69 degrees, 26 minutes, 35 seconds west 58.97 feet.

(11) Thence north 90 degrees, 00 minutes, 00 seconds west 259.02 feet to the east line of South Ashland Avenue.

(12) Thence south 1 degree, 32 minutes, 31 seconds east along that east line 322.46 feet.

(13) Thence south 00 degrees, 14 minutes, 35 seconds east along that east line 11.56 feet to the point of beginnings.

SEC. 6007. BREVOORT, INDIANA.

The project for flood control, Brevoort, Indiana, authorized by section 5 of the Flood Control Act of 1936 (49 Stat. 1587), is not authorized.

SEC. 6008. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.

The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649), is not authorized.

SEC. 6009. LAKE GEORGE, HOBART, INDIANA.

The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), is not authorized.

SEC. 6010. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO. 2, IOWA.

The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a)(1) of the Water Resources Development Act of 1992 (106 Stat. 4821), is not authorized.

SEC. 6011. MUSCATINE HARBOR, IOWA.

The project for navigation at the Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166), is not authorized.

SEC. 6012. BIG SOUTH FORK NATIONAL RIVER AND RECREATIONAL AREA, KENTUCKY AND TENNESSEE.

The project for recreation facilities at Big South Fork National River and Recreational Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43), is not authorized.

SEC. 6013. EAGLE CREEK LAKE, KENTUCKY.

The project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is not authorized.

SEC. 6014. HAZARD, KENTUCKY.

The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (102 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621), is not authorized.

SEC. 6015. WEST KENTUCKY TRIBUTARIES, KENTUCKY.

The project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129), is not authorized.

SEC. 6016. BAYOU COCODRIE AND TRIBUTARIES, LOUISIANA.

The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the of the Act of August 18, 1941 (55 Stat. 644, chapter 377), and section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12), is not authorized.

SEC. 6017. BAYOU LAFOURCHE AND LAFOURCHE JUMP, LOUISIANA.

The uncompleted portions of the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831), and the River and Harbor Act of 1960 (74 Stat. 481), are not authorized.

SEC. 6018. EASTERN RAPIDES AND SOUTH-CENTRAL AVOYELLES PARISHES, LOUISIANA.

The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), is not authorized.

SEC. 6019. FORT LIVINGSTON, GRAND TERRE ISLAND, LOUISIANA.

The project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Act of August 13, 1946 (commonly known as the "Flood Control Act of 1946") (33 U.S.C. 426e et seq.), is not authorized.

SEC. 6020. GULF INTERCOASTAL WATERWAY, LAKE BORGNE AND CHEF MENTEUR, LOUISIANA.

The project for the construction of bulkheads and jetties at Lake Borgne and Chef Menteur, Louisiana, as part of the Gulf Intercoastal Waterway authorized by the first section of the River and Harbor Act of 1946 (60 Stat. 635), is not authorized.

SEC. 6021. RED RIVER WATERWAY, SHREVEPORT, LOUISIANA TO DAINGERFIELD, TEXAS.

The project for the Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6022. CASCO BAY, PORTLAND, MAINE.

The project for environmental infrastructure, Casco Bay in the Vicinity of Portland, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6023. NORTHEAST HARBOR, MAINE.

The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12, chapter 19), is not authorized.

SEC. 6024. PENOBSCOT RIVER, BANGOR, MAINE.

The project for environmental infrastructure, Penobscot River in the Vicinity of Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6025. SAINT JOHN RIVER BASIN, MAINE.

The project for research and demonstration program of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized by section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230), is not authorized.

SEC. 6026. TENANTS HARBOR, MAINE.

The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275, chapter 95), is not authorized.

SEC. 6027. FALMOUTH HARBOR, MASSACHUSETTS.

The portion of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172), beginning at a point along the eastern side of the inner harbor N200,415.05, E845,307.98, thence running north 25 degrees 48 minutes 54.3 seconds east 160.24 feet to a point N200,559.20, E845,377.76, thence running north 22 degrees 7 minutes 52.4 seconds east 596.82 feet to a point N201,112.15, E845,602.60, thence running north 60 degrees 1 minute 0.3 seconds east 83.18 feet to a point N201,153.72, E845,674.65, thence running south 24 degrees 56 minutes 43.4 seconds west 665.01 feet to a point N200,550.75, E845,394.18, thence running south 32 degrees 25 minutes 29.0 seconds west 160.76 feet to the point of origin, is not authorized.

SEC. 6028. ISLAND END RIVER, MASSACHUSETTS.

The portion of the project for navigation, Island End River, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), described as follows: Beginning at a point along the eastern limit of the existing project, N507,348.98, E721,180.01, thence running northeast about 35 feet to a point N507,384.17, E721,183.36, thence running northeast about 324 feet to a point N507,590.51, E721,433.17, thence running northeast about 345 feet to a point along the northern limit of the existing project, N507,927.29, E721,510.29, thence running southeast about 25 feet to a point N507,921.71, E721,534.66, thence running southwest about 354 feet to a point N507,576.65, E721,455.64, thence running southwest about 357 feet to the point of origin, is not authorized.

SEC. 6029. MYSTIC RIVER, MASSACHUSETTS.

The portion of the project for navigation, Mystic River, Massachusetts, authorized by the first section of the River and Harbor Appropriations Act of July 13, 1892 (27 Stat. 96), between a line starting at a point N515,683.77, E707,035.45 and ending at a point N515,721.28, E707,069.85 and a line starting at a point N514,595.15, E707,746.15 and ending at a point N514,732.94, E707,658.38 shall be relocated and reduced from a 100-foot wide channel to a 50-foot wide channel after the date of enactment of this Act described as follows: Beginning at a point N515,721.28, E707,069.85, thence running southeasterly about 840.50 feet to a point N515,070.16, E707,601.27, thence running southeasterly about 177.54 feet to a point N514,904.84, E707,665.98, thence running southeasterly about 319.90 feet to a point with coordinates N514,595.15, E707,746.15, thence running northwesterly about 163.37 feet to a point N514,732.94, E707,658.38, thence running northwesterly about 161.58 feet to a point N514.889.47, E707,618.30, thence running northwesterly about 166.61 feet to a point N515.044.62, E707,557.58, thence running northwesterly about 825.31 feet to a point N515,683.77, E707,035.45, thence running northeasterly about 50.90 feet returning to a point N515,721.28, E707,069.85.

SEC. 6030. GRAND HAVEN HARBOR, MICHIGAN.

The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093), is not authorized.

SEC. 6031. GREENVILLE HARBOR, MISSISSIPPI.

The project for navigation, Greenville Harbor, Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is not authorized.

SEC. 6032. PLATTE RIVER FLOOD AND RELATED STREAMBANK EROSION CONTROL, NEBRASKA.

The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (100 Stat. 4149), is not authorized.

SEC. 6033. EPPING, NEW HAMPSHIRE.

The project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835), is not authorized.

SEC. 6034. NEW YORK HARBOR AND ADJACENT CHANNELS, CLAREMONT TERMINAL, JERSEY CITY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is not authorized.

SEC. 6035. EISENHOWER AND SNELL LOCKS, NEW YORK.

The project for navigation, Eisenhower and Snell Locks, New York, authorized by section 1163 of the Water Resources Development Act of 1986 (100 Stat. 4258), is not authorized.

SEC. 6036. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.

The project for navigation, Olcott Harbor, Lake Ontario, New York, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), is not authorized.

SEC. 6037. OUTER HARBOR, BUFFALO, NEW YORK.

The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817), is not authorized.

SEC. 6038. SUGAR CREEK BASIN, NORTH CAROLINA AND SOUTH CAROLINA.

The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121), is not authorized.

SEC. 6039. CLEVELAND HARBOR 1958 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is not authorized.

SEC. 6040. CLEVELAND HARBOR 1960 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is not authorized.

SEC. 6041. CLEVELAND HARBOR, UNCOMPLETED PORTION OF CUT #4, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion of Cut #4), Ohio, authorized by the first section of the Act of July 24, 1946 (60 Stat. 636, chapter 595), is not authorized.

SEC. 6042. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAMMOND, OREGON.

The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by title I of the Energy and Water Development Appropriations Act, 1991 (104 Stat. 2078), is not authorized.

SEC. 6043. TIOGA-HAMMOND LAKES, PENNSYLVANIA.

The project for flood control and recreation, Tioga-Hammond Lakes, Mill Creek Recreation, Pennsylvania, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 313), is not authorized.

SEC. 6044. TAMAQUA, PENNSYLVANIA.

The project for flood control, Tamaqua, Pennsylvania, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 14), is not authorized.

SEC. 6045. NARRAGANSETT TOWN BEACH, NARRAGANSETT, RHODE ISLAND.

The project for navigation, Narragansett Town Beach, Narragansett, Rhode Island, authorized by section 361 of the Water Resources Development Act of 1992 (106 Stat. 4861), is not authorized.

SEC. 6046. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788), is not authorized.

SEC. 6047. ARROYO COLORADO, TEXAS.

The project for flood damage reduction, Arroyo Colorado, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is not authorized.

SEC. 6048. CYPRESS CREEK-STRUCTURAL, TEXAS.

The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6049. EAST FORK CHANNEL IMPROVEMENT, INCREMENT 2, EAST FORK OF THE TRINITY RIVER, TEXAS.

The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), is not authorized.

SEC. 6050. FALFURRIAS, TEXAS.

The project for flood damage reduction, Falfurrias, Texas, authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6051. PECAN BAYOU LAKE, TEXAS.

The project for flood control, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is not authorized.

SEC. 6052. LAKE OF THE PINES, TEXAS.

The project for navigation improvements affecting Lake of the Pines, Texas, for the portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), as amended by the Act of July 24, 1946 (60 Stat. 635, chapter 595), the Act of May 17, 1950 (64 Stat. 163, chapter 188), and the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6053. TENNESSEE COLONY LAKE, TEXAS.

The project for navigation, Tennessee Colony Lake, Trinity River, Texas, authorized by section 204 of the River and Harbor Act of 1965 (79 Stat. 1091), is not authorized.

SEC. 6054. CITY WATERWAY, TACOMA, WASHINGTON.

The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the Waterway beginning at Station 70+00 and ending at Station 80+00, is not authorized.

SEC. 6055. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.

The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153), is not authorized.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 44 and 108; that the nominations be confirmed; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE ARMY

The following named officer for appointment as the Chief of Engineers/Commanding General, United States Army Corps of Engineers, and appointment to the grade indicated in the United States Army, while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3036:

To be lieutenant general

Lt. Gen. Robert L. Van Antwerp, Jr., 8468

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) Craig E. Bone, 3199
Rear Adm. (lh) Robert S. Branham, 0852
Rear Adm. (lh) John S. Burhoe, 4205
Rear Adm. (lh) Ronald T. Hewitt, 6030
Rear Adm. (lh) Wayne E. Justice, 8632
Rear Adm. (lh) Daniel B. Lloyd, 2035
Rear Adm. (lh) Joseph L. Nimmich, 9821
Rear Adm. (lh) Robert C. Parker, 1236
Rear Adm. (lh) Brian M. Salerno, 5789

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MEASURE PLACED ON THE CALENDAR—S. 1419

Mr. REID. Mr. President, S. 1419 is at the desk. I ask for its first and second readings, and then ask unanimous consent that the measure be placed on the calendar today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1419) to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

ENCOURAGING THE ELIMINATION OF HARMFUL FISHING SUBSIDIES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 208.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 208) encouraging the elimination of harmful fishing subsidies that contribute to overcapacity in the world's commercial fishing fleet and lead to the overfishing of global fish stocks.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I have come to the floor to discuss the overcapitalization of the world's fishing fleets, which is being fueled by the subsidies foreign governments direct to their fishing industries. The problems caused by these subsidies affect not only our global fisheries resources, but also the coastal communities which depend upon them. I introduced a Senate resolution condemning these subsidies and the unsustainable fishing practices they enable.

Fisheries resources—especially large predatory species and other commercially valuable fish stocks—have been overexploited by foreign industrial fishing fleets for years. As a result, these stocks have declined precipitously. In fact, the Food and Agriculture Organization of the United Nations estimates that one-quarter of global fish stocks are overexploited, depleted, or recovering from overexploitation.

To a significant extent, the decline of fisheries resources around the world is intensified by the outdated and mistaken assumption—still held by many nations—that our oceans' productivity is infinite and that fish stocks can be harvested without consequence.

In the United States, we know this is not the case. While we once used subsidies to increase our harvesting capacity, we have since eliminated this practice. Today, we have developed a fisheries management system which respects and conforms to the requirements of fisheries conservation. The Magnuson-Stevens Act, including the amendments added in January, continues to ensure our harvests are guided by science-based catch limits. These controls prevent overfishing and provide managers with the tools they need to limit entry and prevent overcapitalization.

Unfortunately, sustainable fishing policies are not the norm among all fishing nations. Many countries with subsidized industrial fishing fleets have sought to exploit not only their own waters, but also the high seas. Fisheries in international waters are largely unregulated, but even where international management bodies do exist, these damaging practices are carried out in defiance of international quotas and other harvest limits. Not surprisingly, those countries engaged in illegal, unregulated, and unreported—or "IUU" fishing—are often the same ones that use subsidies to expand their fleets.

These subsidies, and the IUU fishing associated with them, must end. Today, the capacity of the global fishing fleet is far greater than what is needed to catch the oceans' sustainable level of production. Subsidies also create an uneven playing field among fish trading countries by masking the true cost of fishing. To the economic detriment of the U.S. and other nonsubsidizing nations, up to one-quarter of global fish trade is currently generated by subsidized fisheries. Ultimately, if nations are allowed to stay on this unsustainable path, fish stocks in the global ocean commons will be reduced even further.

The United States, with the support of other countries opposed to subsidies, is now leading an international initiative against harmful fisheries subsidies. Last month, the United States Trade Representative presented a proposal to the World Trade Organization which would eliminate this type of subsidy among WTO members. This proposal, being negotiated in the Doha Development Round, holds great promise for ending those subsidies which distort trade, weaken economic conditions in fishing communities, and lead to IUU fishing and other unsustainable harvesting practices.

This resolution condemns these harmful foreign fishing subsidies, and I urge each of my colleagues to give it their full support.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 208) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 208

Whereas 2.6 billion people in the world get at least 20 percent of their total dietary animal protein intake from fish;

Whereas the Food and Agriculture Organization of the United Nations has found that 25 percent of the world's fish population are currently overexploited, depleted, or recovering from overexploitation;

Whereas scientists have estimated that populations of many large predator fish such as tuna, marlin, and swordfish have been overfished by foreign industrial fishing fleets;

Whereas the global fishing fleet capacity is estimated to be considerably greater than is needed to catch what the ocean can sustainably produce;

Whereas the United States Congress recognized the threat of overfishing to our oceans and economy and therefore included the requirement to end overfishing in United States commercial fisheries by 2011 in the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479);

Whereas the United States Commission on Ocean Policy and the Pew Oceans Commission identified overcapitalization of the global commercial fishing fleets as a major contributor to the decline of economically important fish populations;

Whereas harmful foreign fishing subsidies encourage overcapitalization and overfishing, support destructive fishing practices that would not otherwise be economically viable, and amount to $10 to $15 billion annually, an amount equivalent to 20 to 25 percent of the global commercial trade in fish;

Whereas such subsidies have also been documented to support illegal, unregulated, and unreported fishing, which impacts commercial fisheries in the United States and around the world both economically and ecologically;

Whereas harmful fishing subsidies are concentrated in relatively few countries, putting other fishing countries, including the United States, at an economic disadvantage;

Whereas the United States is a world leader in advancing policies to eliminate harmful fishing subsidies that support overcapacity and promote overfishing; and

Whereas members of the World Trade Organization, as part of the Doha Development Agenda (Doha Development Round), are engaged in historic negotiations to end harmful fishing subsidies that contribute to overcapacity and overfishing: Now, therefore, be it

Resolved by the Senate, That the United States should continue to promote the elimination of harmful foreign fishing subsidies that promote overcapitalization, overfishing, and illegal, unregulated, and unreported fishing.

EXPRESSING SUPPORT FOR NEW POWER-SHARING GOVERNMENT IN NORTHERN IRELAND

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to S. Res. 209.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 209) expressing support for the new power-sharing government in Northern Ireland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, I am delighted to join Senators DODD, BIDEN, COLLINS, KERRY, MCCAIN, CLINTON, LEAHY, SMITH, SCHUMER and OBAMA in support of a Senate resolution commending the extraordinary success of achievement last week in the peace process in northern Ireland.

Ten days ago, on May 8, I was in Belfast to witness the dawn of a new day in the history of northern Ireland—a day that reaffirmed that peace is possible, even in the face of tragic history.

It was an honor to participate in a White House delegation to Belfast and to join Prime Minister Blair of Great Britain and Prime Minister Ahern of Ireland, who have been powerful forces for peace and reconciliation, as former foes in northern Ireland took the oath of office and agreed to share power on an equal basis.

This success could not have been achieved without the courage and determination of the political leaders of northern Ireland over many years in securing a new way forward and forming a new government that offers hope for a brighter future for all the people of that land and a healing of the terrible wounds of the past.

The courageous example of the people of northern Ireland, who have chosen peace and reconciliation, also offers a lesson of hope to other troubled areas of the world.

The resolution we are introducing expresses the strong support of the United States for the new power-sharing Government. It recognizes the contributions of British and Irish and American leaders whose efforts over the years have been indispensable in to the formation of the new Government and the achievement of lasting peace and stability in northern Ireland.

May 8 will long be remembered as a historic day for peace in northern Ireland. All friends of Ireland in the United States commend the First Minister of the new Government, Reverend Ian Paisley of the Democratic Unionist Party and the Deputy First Minister, Martin McGuinness of Sinn Fein for coming together in peace to begin this new era of hope for all the people of northern Ireland, and we wish them continuing success in meeting the challenges that lie ahead.

The United States stands ready to support their new Government. I urge my colleagues to support this resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 209) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 209

Whereas, on May 8, 2007, the Reverend Ian Paisley and Martin McGuinness became Northern Ireland's first minister and deputy first minister, marking the beginning of a new era of power-sharing;

Whereas Reverend Paisley, the Democratic Unionist leader, and Mr. McGuinness, the Sinn Féin negotiator, have put aside decades of conflict and moved towards historic reconciliation and unity in Northern Ireland;

Whereas, on May 8, 2007, Reverend Paisley declared, "I believe that Northern Ireland has come to a time of peace, a time when hate will no longer rule.";

Whereas Mr. McGuinness declared this new government to be "a fundamental change of approach, with parties moving forward together to build a better future for the people that we represent";

Whereas British Prime Minister Tony Blair declared that "today marks not just the completion of the transition from conflict to peace, but also gives the most visible expression to the fundamental principle on which the peace process has been based. The acceptance that the future of Northern Ireland can only be governed successfully by both communities working together, equal before the law, equal in the mutual respect shown by all and equally committed both to sharing power and to securing peace. That is the only basis upon which true democracy can function and by which normal politics can at last after decades of violence and suffering come to this beautiful but troubled land.";

Whereas the Taoiseach of Ireland, Bertie Ahern, declared that "on this day, we mark the historic beginning of a new era for Northern Ireland. An era founded on peace and partnership. An era of new politics and new realities."; and

Whereas President George W. Bush, like his predecessor President William J. Clinton, has worked tirelessly to bring the parties in Northern Ireland together in support of fulfilling the promises of the Good Friday Accords.

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States stands strongly in support of the new power-sharing government in Northern Ireland;

(2) political leaders of Northern Ireland, Prime Minister Tony Blair, and Taoiseach Bertie Ahern should be commended for acting in the best interest of the people of Northern Ireland by forming the new power-sharing government;

(3) May 8, 2007, will be remembered as an historic day and an important milestone in cementing peace and unity for Northern Ireland and a shining example for nations around the world plagued by internal conflict and violence; and

(4) the United States stands ready to support this new government and to work with the people of Northern Ireland as they achieve their goal of lasting peace for those who reside in Northern Ireland.

ORDERS FOR MONDAY, MAY 21, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 1 p.m., Monday, May 21; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of the motion to proceed to S. 1348, comprehensive immigration legislation; and Senator SESSIONS be recognized, as provided for under a previous order; that following Senator SESSIONS, the remaining time until 5:30 p.m., be equally divided and controlled between the two leaders, or their designees; provided further that at 5:30 p.m., without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, MAY 21, 2007, AT 1 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:04 p.m., adjourned until Monday, May 21, 2007, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, May 17, 2007:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) CRAIG E. BONE, 3199
REAR ADM. (LH) ROBERT S. BRANHAM, 0852
REAR ADM. (LH) JOHN S. BURHOE, 4205
REAR ADM. (LH) RONALD T. HEWITT, 6030
REAR ADM. (LH) WAYNE E. JUSTICE, 8632
REAR ADM. (LH) DANIEL B. LLOYD, 2035
REAR ADM. (LH) JOSEPH L. NIMMICH, 9821
REAR ADM. (LH) ROBERT C. PARKER, 1236
REAR ADM. (LH) BRIAN M. SALERNO, 5789

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF ENGINEERS/COMMANDING GENERAL, UNITED STATES ARMY CORPS OF ENGINEERS, AND APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3036:

To be lieutenant general

LT. GEN. ROBERT L. VAN ANTWERP, JR., 8468

HOUSE OF REPRESENTATIVES—*Thursday, May 17, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEINER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 17, 2007.

I hereby appoint the Honorable ANTHONY D. WEINER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, who graces the open field with wild flowers and will not allow the sparrow to fall from the sky, You invite us not to worry about needless things.

Certainly there are problems this Congress and every American must face and do their best to solve. It is the unsolvable problem, the indifferent attitude, and the cold heart we must turn over to You.

Because anxiety and anger often enough create heat but no light, we also turn to You in prayer and seek Your wisdom.

With faith in Your faithfulness, Lord, we can reduce fear and hesitancy. By living in Your presence and knowing Your love for us, for others, even our enemies, we can conquer internal conflicts and be better in our self-defense and wiser in our judgments.

So be with us, Lord, and with our military forces now and in the hour of our greatest need. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. PORTER) come forward and lead the House in the Pledge of Allegiance.

Mr. PORTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 62. Concurrent resolution supporting the goals and ideals of a National Children and Families Day, in order to encourage adults in the United States to support and listen to children and to help children throughout the Nation achieve their hopes and dreams, and for other purposes.

H. Con. Res. 79. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 121. Concurrent resolution recognizing the benefits and importance of school-based music education, and for other purposes.

H. Con. Res. 123. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 one-minute speeches on each side.

FIGHT FOR OUR RIGHT TO PARTICIPATE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday Republicans were forced repeatedly to use procedural maneuvers to protest the unjust proposed change of current House rules denying the minority's right to participate in floor debate.

The political headlines today are correct: "Dems Bend Rules, Break Pledge." If enacted, this would be the first change to such a rule since 1822.

After declaring to run the "most open Congress in history," Democrat leaders have repeatedly broken this promise and sought to stifle the minority's voice, beginning with their first 100 hours and now even through 100 days.

If Democrat leaders are intent on suppressing the representative voice of nearly half of the American population, Republicans are left with no choice but to fight for our right of participation in the legislative process.

In conclusion, God bless our troops and we will never forget September 11.

ETHICS REFORM

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, as the ethical cloud of the last dozen years has hovered over Congress, I am proud that the new Democratic Members are aggressively pursuing an agenda of ethics reform. Long overdue.

I have introduced bipartisan legislation with my Oregon colleague, GREG WALDEN, to help establish an independent commission to do the hard work of professionally investigating and evaluating ethics charges. I am hopeful that some provision of that nature will find its way to the floor. The Democratic leadership has indicated that they will allow votes on key provisions and allow the votes on such proposals, the chips to fall where they may.

I am confident with a wide range of choices that we will be able to have a longer, stronger prohibition from the congressional lobby revolving door and independent oversight. I hope that Members from both sides of the aisle will seize this opportunity to strengthen our ethics framework.

THE HOUSE BUDGET RAISES TAXES AND SPENDING AT UNPRECEDENTED LEVELS

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. RYAN of Wisconsin. Mr. Speaker, today the Democrat majority is going to bring the House budget resolution to the floor. Last month when they passed the budget resolution, it was the largest tax increase in American history. Today they are bringing a budget resolution to the floor that is slightly an improvement: It is the second largest tax increase in American history. And the only thing that is separating this budget from being the largest tax increase in American history is what they call the "tax trigger," and under their tax trigger, if they actually get to spend all of the money they are hoping to spend, then the surpluses will not materialize and no taxes will be spared and it will yet again become the largest tax increase in American history.

This budget is unprecedented in its scope of its ability to tax and spend. The highest levels of taxes we have ever seen in this country and the highest levels of spending. That is not a way to balance the budget and set our

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

fiscal house in order. We should vote against this budget, which raises taxes and raises spending at unprecedented levels.

ALTMIRE-UDALL AMENDMENT TO H.R. 1585

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, last night the House adopted the Altmire-Udall amendment to provide military families with very simple but much needed support while loved ones are away on combat duty.

Under the amendment that was agreed to, a worker can take family and medical leave to deal with the issues that arise as a result of a spouse, parent, or child's deployment to a combat zone like Iraq or Afghanistan. Under this amendment family members can use the leave to take care of issues like making legal and financial arrangements and making child care arrangements or other family obligations that arise and double when family members are on active duty deployments.

Supporting the troops is more than a bumper sticker. We must support the troops with all of the support that they need so their families can continue to function during the difficult times of deployment. These deployments and extended tours are not easy on families, and two-parent households can suddenly become a single-parent household and one parent is left alone to deal with paying the bills, going to the bank, picking up the kids from school, watching the kids, providing emotional support to the rest of the family. You have got to deal with these predeployment preparations.

This amendment is a good amendment. I hope that the House will support it with the passage of the legislation. Last year, tragically, it was thrown out in the conference committee and was given no consideration by the majority party of the last Congress.

AMERICANS' LUST FOR NARCOTICS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the border war is increasingly more violent because of the drug cartels seizing control of areas in Mexico to manufacture drugs.

According to the Associated Press, President Calderon has called out the Mexican military to take out the drug smugglers. But some say the drug cartels have more money and outgun even the military. Recently, seven journalists reporting on the "drug war" have been murdered, the second most dangerous place for a reporter in the world next to Iraq. Thousands of Mexican citizens have been killed in the violence.

But the problem is not just in Mexico. As long as the United States does not protect our borders, the drug barons will continue to ship those drugs to America.

Some estimate the cartels make between $10 and $30 billion a year shipping that cancer to America.

But the problem has a third ingredient. It is not enough for the military to control the violence in Mexico. It is not enough for us to secure our borders. But the violence will continue until the American consumers curb their lustful appetite for narcotics.

And that's just the way it is.

THE PRESIDENT SHOULD HAVE SUPPORT OF THE CONGRESS REGARDING WAR

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, in 2002 this House gave the President a blank check to go to war. He has gone to war on a very, very shaky basis in Iraq.

Last night, with 10 minutes' debate, we extended the presidential blank check to Iran.

Every morning as I come into my office, I pass the pictures of 75 members of the military from Washington State who have died. How many more are going to die in the war in Iran? We need more than 10 minutes to debate that.

When this country went to war in Vietnam and we extended the war to bombing Cambodia, there was no debate on this floor about that issue. There should be debate, and the President should have a vote of the Congress. They left off the roof with that escalation in Vietnam. They'll do it again if they don't have the support of the Congress.

HOUSE LEADERSHIP BENDING THE RULES TO PASS EGREGIOUS TAX-AND-SPEND POLICIES

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, though I am only in my fifth month of service in this Chamber, I have developed a deep admiration and respect for the men and women in this body. But, frankly, Mr. Speaker, I am concerned that the new House leadership has been inflicted with a severe case of amnesia.

In March of 2005, the then Democratic minority in the House released a report accusing the then Republican majority leadership of abusing their power through parliamentary tactics designed to suppress dissent. The same leadership that published that report over 2 years ago pledged, at the beginning of this very year, to run the "most honest, most open, and most ethical Congress" in history.

Yesterday these leaders attempted to change a 185-year-old House rule to dramatically increase taxes and government spending against the will of the minority party and the American people. Is this really the way to run the self-proclaimed most honest and most open Congress in America's history?

While House leadership may suffer from amnesia, the American people most certainty do not, and bending the rules to pass egregious tax-and-spend policies will not stand in this people's House.

TRAVEL AND TOURISM: AMERICA'S FRONT DOOR

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Mr. Speaker, today we are going to debate and vote on the Defense bill. And I stand today to talk about a different issue. About an offense. An offense that celebrates the greatness of America.

I join today with Representative JON PORTER, my cochair for the Congressional Tourism and Travel Caucus. What we want to point out is that the greatest strengths of America lie in its land and its people and the best way to know that is to get out and about, or be a tourist.

One doesn't have to go far. They can be in their own community. We will also see many people from other parts of the world coming to the United States this summer. And our issue is to make awareness of this. Reach out. Thank people who are in the tourism industry, whether it is a bus driver or an airplane pilot or a waitress in a restaurant. Celebrate the greatness of America. Look at this building, this town, this great city, the great people that have built the history of this town.

Tourism is everywhere, and tourism is the greatest asset America has to expose.

□ 1015

NATIONAL TOURISM WEEK

(Mr. PORTER asked and was given permission to address the House for 1 minute.)

Mr. PORTER. Mr. Speaker, I stand today with the gentleman from California (Mr. FARR) celebrating America, and that's great news. There are a lot of things that challenge us as a country, but there are some great things happening. Mr. FARR and I are cochairmen of the Travel and Tourism Caucus, and we are here today to talk about National Tourism Week.

I represent the great State of Nevada, where we have about 45 million visitors a year to our communities. But more importantly, the tour and travel industry in this country represents number one, two and three in every economy across the United States of America. Seven hundred billion dollars annually is spent on tour and travel, and that's about $109 billion in tax revenues. That's $22,000 a second, $1.3 million a minute, $80 million an hour, and $1.9 billion a day is spent on tour and travel in the United States. It is the largest employer in the country, with 7.5 million jobs. International spending is $108 billion.

I would like to recognize, for all those communities, and all those folks that represent the tour and travel industry how important it is to our economy, but also how important is to the world to share in this great America.

HOUSE WORKS IN STRONG BIPARTISAN FASHION TO ADDRESS THE NEEDS OF OUR ARMED FORCES

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, at the end of the day today, this House will send our military a strong message, that we are going to provide them the equipment and the benefits that they so desperately need and deserve as they continue to fight two different wars in Iraq, and certainly in Afghanistan.

This legislation, Mr. Speaker, will help protect our troops on the battlefield by providing $4 billion for special vehicles, transportation, that is going to be used in these two wars.

At a time when our equipment is being worn out, the legislation also creates a Defense Readiness Production Board that will identify serious readiness issues and will then allow the board to address those issues through funds that are placed in a Strategic Readiness Funds.

In this House, we certainly have differences on how to proceed in Iraq, but we are united in ensuring that our troops are taken care of, both on the battlefield and here at home.

Let's support this bill today.

MARIETTA

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to congratulate the city of Marietta, Georgia on being named one of the Nation's top best communities. The National Civic League has designated Marietta as an All-American city for its exemplary and innovative work to strengthen the community through citizen participation.

Marietta was recognized for several programs that cut to the heart of the city's commitment to improving the lives of its residents. The Marietta Reads program helps children develop critical literary skills. The M–STAR program helps reduce crime. And the Marietta Revitalization Program helps to create affordable housing and foster safe communities.

Mr. Speaker, this is a tremendous and well-deserved honor, as the citizens of Marietta have put their hearts and souls into strengthening our community. In fact, Marietta is only the fourth Georgia city to ever achieve this distinction in its 57-year history.

We all know that when our friends and neighbors come together for the common good, something special happens in our cities. Schools improve, the economy is bolstered, and our streets are safer. I am incredibly proud that Marietta is leading the way on these important initiatives. I ask my colleagues to join me in congratulating the city of Marietta, its Mayor, Bill Dunaway, its members of Council, and especially my councilman, Van Pearlberg.

ROTELLA INTERDISTRICT MAGNET SCHOOL

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, I am especially proud to rise today in honor or the Rotella Interdistrict Magnet School in Waterbury, Connecticut, which recently received the Ronald Simpson Deserved Merit Award. This award, considered the highest recognition for magnet schools in the Nation, is given to only one school a year for its exceptional academic standards and achievements.

The Rotella School is a dynamic learning community of 600 students in pre-kindergarten through fifth grade. Rotella serves urban and suburban students who represent a diverse group of backgrounds from around Waterbury. Its unique, art-based curriculum challenges students to excel, and encourages them to express themselves through arts.

Students who are exposed to the arts have higher test scores, better school attendance and increased self-discipline. Rotella is a testament to the power of arts in education.

Mr. Speaker, I am deeply proud to stand here today in recognition of Rotella, its administrators, its students for their contribution to our community. They are truly an inspiration to Waterbury. I also commend Rotella's principal, Gina Calabrese, for outstanding work at Rotella and receiving this distinguished award.

CARSON FARIS, RN

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, on Monday, we passed a resolution recognizing AmeriCorps Week. While AmeriCorps' particular design provides a tuition reward, true volunteering comes with the expectation of nothing in return.

A woman from my hometown of Ocala, Florida so embodies pure selflessness that I would like to praise her today publicly.

Carson Faris is a registered nurse and a certified occupational health nurse specialist with E–One. However, her caregiving nature does not end there. Nurse Faris mentors addicted women through the rocky path of recovery. Further, in addition to her own 10 pets, she shelters at-risk cats and serves on the board of directors for the Humane Society of Marion County and volunteers at the animal shelter. Also, she serves as an advisory board member for the Marion County unit of the Florida Blood Centers. Oh, and by the way, she is the treasurer of the Florida State Association of Occupational Health Nurses.

Nurse Faris shines as a beacon of true volunteerism.

PRAISING EOSINOPHIL AWARENESS WEEK RESOLUTION

(Mrs. BOYDA of Kansas asked and was given permission to address the House for 1 minute.)

Mrs. BOYDA of Kansas. Mr. Speaker, last month my congressional office was flooded with letters asking me to cosponsor the National Eosinophil Awareness Week Resolution. All of these heartfelt notes, as it turned out, were authored by the family and friends of an 11-year-old girl who lives in my district, Jessica Seidel. Jessica and her mother are here with us today.

Jessica suffers from a rare eosinophil disorder that causes her body to mistake common proteins as foreign bodies. The disorder makes Jessica's life very hard. Only last week, she had to move out of her house because her basement flooded, rendering the house unliveable for her.

Despite these challenges, Jessica remains a remarkable girl. She is visiting me here in Washington today, and I am impressed by her poise and her courage. I am very pleased that on Monday, the House unanimously approved the Eosinophil Awareness Week Resolution. Our vote was meaningful and it was important, not only to Jessica and her family and friends, but to every sufferer of an eosinophilic disorder across the United States.

OPEN SEASON ON THE AMERICAN TAXPAYER

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, the Democrat budget being brought to the floor today is not about leadership, it's about passing the buck, billions of them, onto our children.

This Democrat budget will raise taxes by more than $200 billion over the next 5 years. And if these massive tax hikes don't bring in the revenue they want to keep expanding government, they will trigger more tax increases so they can pay for future spending. This is not leadership.

Despite the repeated warnings of every expert, this does nothing to deal with our Social Security and Medicare crisis. This is not leadership.

Tax-and-spend season is alive and well here in the House of Representatives.

Now, we can eliminate the deficit without raising taxes, but it will take setting priorities, making tough decisions to rein in our colossal government spending and working together. That's leadership.

This budget is forcing the American people to pay for a lack of leadership, and that's wrong. And the American people are watching.

THE ENSURING ACCESS TO CONTRACEPTIVES ACT

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, I rise today in strong support of international family planning.

In the developing world today, contraceptive supplies are often unavailable, placing the health and well-being of millions of people at risk.

Currently, the global gag rule limits access to contraceptives by prohibiting the U.S. to giving family planning aid to certain foreign nongovernmental organizations. That's why I have introduced the bipartisan Ensuring Access to Contraceptives Act of 2007 with my colleague, Representative CHRIS SHAYS.

Our bill carves out a specific exception to allow the U.S. to provide contraceptives to developing countries. In addition, this bill will double the amount of funding USAID is authorized to spend on these programs.

I urge my colleagues to join us as cosponsors. This bill will help prevent unintended pregnancies, reduce incidents of maternal and child mortality, improve the health of women, and prevent the transmission of sexually transmitted infections.

IN HONOR OF WILLIAM E. COCHRAN

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to offer my heartfelt congratulations and thanks to a fellow optometrist, a leader in our profession, Dr. William Cochran. For 24 years, he has led my alma mater, the Southern College of Optometry, and under his guidance the institution has flourished, turning out highly-trained optometrists and serving 60,000 patients a year. His commitment to his faculty, his patients and students are examples we can all follow here in the Nation's capital.

I congratulate Dr. Cochran on his retirement from the Southern College of Optometry and thank him for the example he has left for optometrists now and in the future. He has made a lasting, positive impact on hundreds of young students and continued to enhance and build a wonderful institution that I am very proud of, the Southern College of Optometry.

GUANTANAMO BAY

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Mr. Speaker, I would like to address America's legal black hole, known as Guantanamo Bay.

The administration would like us to believe that the 15 prisoners that were very recently sent to Guantanamo are typical of the other 772 that have been sent there over the last 4½ years. Many of them are still languishing 4½ years later, even though only four of those 772 have ever been charged with a crime. In fact, only 8 percent are alleged to have ever acted as a "fighter" against the United States. Only 5 percent were actually captured by American forces. The vast majority were turned in for bounties by Pakistani or other northern alliance Afghan forces.

That is why, Mr. Speaker, we need to shine the light of the law on this situation, to ask the administration what are they going to do about people who are being illegally detained there without charges and with no plans as to how to fix this situation, which continues to undermine America's reputation and credibility throughout the world.

BUDGET GUARANTEED TO RAISE TAXES

(Mr. CAMPBELL of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL of California. Mr. Speaker, later today we will have a budget on this floor proposed by the Democratic majority which is guaranteed to raise taxes by about $200 billion. Now, that budget will also increase spending by about $200 billion over and above the budget that the President proposed.

Do we think that those two numbers are the same by coincidence? No. And it's not an increase in spending by $200 billion, it's an increase over the increase proposed by the President by $200 billion. This is not a tax increase that we need to have. This is a tax increase that they want to have because they want to spend a lot more money than we are already spending, and we are already spending too much.

PROVIDING FOR CONSIDERATION OF H.R. 1427, FEDERAL HOUSING FINANCE REFORM ACT OF 2007

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 404 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 404

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1427) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII before the beginning of consideration of the bill and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1427 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

□ 1030

The SPEAKER pro tempore (Mr. POMEROY). The gentleman from Vermont (Mr. WELCH) is recognized for 1 hour.

Mr. WELCH of Vermont. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of this rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 404.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WELCH of Vermont. Mr. Speaker, as the Clerk just described, H. Res. 404 provides for consideration of H.R. 1427, the Federal Housing Finance Reform Act of 2007, under an open rule with a preprinting requirement. As of the date required for filing, 36 proposed amendments have been printed and met the preprinting requirement.

Mr. Speaker, affordable housing is absolutely critical as an issue to many Americans and certainly to folks in my State of Vermont, as well as yours. Along with food, health care and energy costs, affordable housing can make all the difference in economic survival, and we must begin to take seriously the challenge of affordable housing for renters and perspective homeowners.

In Vermont, just to give an example, affordable rental units, we have a shortage of about 20,891 rental units, short of what we need for working families in Vermont. They need in Vermont an annual income of $29,000 to afford a statewide average two-bedroom apartment.

The challenge of home ownership, in addition to renting, is daunting. While many low- and moderate-income households aspire to own their own home, limited supply, rising costs and other significant barriers can make that dream out of reach. Beginning in 2005, the new construction of 12,300 owner-occupied homes in Vermont was needed to meet the demand expected in 2010, not something that most Vermonters think will be possible.

The average purchase price for an average single-family home in Vermont in 2000 was $144,000, a lot less than it might be in the City of Washington, but beyond the reach of many Vermonters. But 5 years later, in 2005, the average price had increased a staggering 60 percent to $232,000, and very few families have seen their paychecks rise 60 percent in the past 5 years.

More than 1 million low-income households across New England, including the elderly, disabled and families, live in federally assisted housing. Most of these households have annual incomes of less than $8,000, well below the poverty line. They are at serious risk of homelessness. Even larger numbers of households are struggling to survive in the private housing market and are paying more than 50 percent of their income for rent.

In 1995, the housing community started facing dramatic changes in Federal housing policy, including funding cutbacks, program reforms and the devolution of responsibilities to State agencies who lack the funds to meet the need. Budget cuts aimed primarily at low income people presented an enormous challenge for communities across the country. Vermont and the whole of New England region, due to its high housing cost and large stock of subsidized housing, was one of the most heavily impacted regions in the country, but by no means unique. In the past few years, we have witnessed even more dramatic cuts to the important Federal housing programs, such as section 8, again imposing enormous burdens on our local communities.

The crisis of affordability is not just a well-crafted political phrase. It is a fundamental fact in Vermont and around the country, and it is a problem we must begin to address, as this bill, H.R. 1427, does.

What H.R. 1427 does is ensure that Fannie Mae and Freddie Mac operate in a safe and sound financial manner and they fulfill the responsibilities assigned under their charters given to them by Congress. These government-sponsored enterprises, or GSEs as they are called, support the mortgage market, and this bill establishes strong independent regulation and enhances GSE responsibilities under their mission.

The bill also creates the first new funding source for affordable housing since the HOME program was created in the early 1990s, and it does it without asking the taxpayers to pick up the tab. The $500 million affordable housing fund, which housing advocates in Vermont and around the country are very excited about, will be used for the badly needed construction and preservation of affordable housing.

Freddie Mac and Fannie Mae and several of the Federal Home Loan Banks have experienced considerable accounting, financial reporting and managerial problems in recent years. Unacceptable. Significant operational safety and soundness issues have arisen since 2001 that highlight the need to fortify the supervisory structure for all the regulated GSEs. This bill will do that.

The Federal National Mortgage Association, or Fannie Mae, and the Federal Home Loan Corporation, Freddie Mac, were chartered, as you know, by Congress in 1934 and 1970, respectively, in order to create a secondary market for mortgages and increase liquidity.

Through their charters, GSEs are granted special privileges not available to other private sector firms. For example, the Secretary of the Treasury is authorized to purchase up to $2.25 billion of the enterprises' obligations. Additionally, GSEs are exempt from State regulation, State income tax and SEC registration, substantial benefits conferred to meet a public need of providing affordable housing.

In January 2003, Freddie Mac announced that it needed to revise its financial statements, resulting in a special review by the Office of Federal Housing Enterprise Oversight, known as OFHEO.

In November of the same year, following the discovery of accounting irregularities and a reorganization of its management, Freddie Mac announced that it had overstated its earnings by $1 billion in 2001. An investigation into that is ongoing. The company said that the error, restating its earnings by that $1 billion, stemmed from failure to properly account for derivatives activity.

In December 2003, OFHEO reported that Freddie Mac disregarded accounting rules, internal controls and disclosure standards, again all completely unacceptable. Furthermore, the report found that the company had misstated its earnings overall by $5 billion between 2001 and 2003, and that the Board of Directors had failed to exercise its oversight responsibility. This has got to be corrected.

This bipartisan bill takes an important first step to provide effective oversight of GSEs in response to the lack of affordable housing that plagues so many of our communities.

Specifically, H.R. 1427 does the following:

Federal Housing Finance Agency: It establishes this as an independent regulator that oversees the safe and sound operation and mission function of the housing GSEs, Fannie Mae, Freddie Mac and the 12 Federal Home Loan Banks.

Director and Deputy Director: The FHFA will be led by a Director appointed by the President and confirmed by the Senate for a 5-year term.

A Federal Housing Enterprise Board is established.

Affordable housing goals: GSEs will be required to meet goals established by the FHFA for single and multi-family home purchasers in low income or very low income areas. The goals would be based on data using 3-year averages to determine the market and they would be set annually, but could be set for a multi-year period, allowing flexibility. It requires GSEs to serve underserved markets such as manufactured housing and affordable housing preservation in rural areas.

It also establishes an Affordable Housing Fund. The bill creates this with funds sent directly to the States to be administered as the States see fit. So we have a local control element here, enhancing the prospects that the money will be used for its intended purpose. The fund is intended to be a down payment toward the eventual creation of a much larger National Housing Trust. In fact, the bill provides that funds allocated for the Affordable Housing Fund may be transferred at a later date to the National Affordable Housing Trust Fund that hopefully we will enact that into law.

The bill also makes sure we take care of the victims of Hurricanes Katrina and Rita. The individuals living in the devastated gulf coast need the money immediately. Seventy-five percent of the Affordable Housing Fund available in the first year will go to Louisiana and 25 percent will go to Mississippi for affordable housing needs arising out of the hurricanes.

Also the bill is deficit neutral and directs that all of the spending is fully offset. Seventy-five percent of the contributions made by the GSEs would be used for the Affordable Housing fund. Twenty-five percent would be allocated to the Federal Government to keep the bill deficit neutral.

All of us applaud the work of Chairman FRANK for recommending an open rule to this bill and for the content of this bill, and providing the first new infusion of funds into an ever rising crisis about affordable housing.

Chairman FRANK came before the Rules Committee and testified we should allow consideration of all amendments, and we have done that, with the limitation of a preprinting requirement so as to allow us to manage and the Members to know what it is they will be debating on the floor. The rule was agreed to with the chairman, and I am pleased to bring forth such an open rule.

This is a bipartisan measure. It is supported by a diverse group of financial institutions, lenders, housing industry participants, housing groups and other financial service providers. The administration also supports the bill.

I urge all Members to support this open rule that allows the House to consider H.R. 1427.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Vermont, my friend, for not only his friendship, but also for our opportunity to engage today on this important bill.

Mr. Speaker, I rise in opposition to this unorthodox rule and to a number of provisions in the underlying legislation in its current form. While I do appreciate and support the committee's effort to provide for the safety and soundness of our Nation's housing finance system and broader financial system, this legislation has a number of fatal shortcomings that I hope will be corrected during the modified open amendment process provided for by this rule.

Unfortunately, I cannot support this rule, which breaks with the longstanding, bipartisan precedent of providing Members with the certainty of a specific date by which their amendments must be printed in the CONGRESSIONAL RECORD so that they may be included in the debate under this rule. By changing this longstanding, established practice and only providing Members with the requirement that their amendments must be printed at an undetermined, unannounced time before the consideration that this bill begins, Members from both sides of the aisle are left vulnerable to the scheduling whims of the majority, which is neither an open nor a transparent way to run the House of Representatives.

I also find it odd that a majority of the Rules Committee members would vote to provide for such an open deadline. Just this week, they demanded such precision in timing from Members and an overworked Legislative Counsel Office with a filing deadline for the Defense authorization bill. That is an unprecedented move. Amendments filed less than 12 hours after this deadline were simply turned away at the door.

□ 1045

Members were informed that their noncompliance with the arbitrary deadline meant that their voices would not even have the opportunity to be heard in the House.

I wish I could say that I was surprised by this decision made by the Democrat members of the Rules Committee. Unfortunately, the majority's selective enforcement of amendment deadlines and disregard for other longstanding House precedents has become the status quo in the Democrat Rules Committee. So much for all of those campaign promises to run the most honest, ethical and transparent House in history.

While this bill does provide for a stronger regulator with increased powers to ensure the safe and sound operations of the housing government sponsored enterprises, I must rise in strong opposition to this bill's worst flaw: A new housing fund mandate that would create a de facto tax on the middle-class homeowners to finance an expensive and ill-defined big government housing program.

In its budget score of the legislation, the Congressional Budget Office acknowledges that the new government-mandated assessments on the GSEs could very easily be passed on to their customers in the form of higher fees, meaning that this fund would unfairly target the most modest home prices to finance this unprecedented government-mandated redistribution of wealth from the middle class.

I believe it is bad public policy to tie the fate of families that need housing support to the success or failure of Fannie Mae or Freddie Mac's portfolios. Even worse because the affordable housing funds would come from loans that are less than $417,000, which in 12 metropolitan areas in the country is dangerously close to or below the median home price, this bill levies a new stealth tax on the most modest home buyers without even disclosing to them the costs associated with this new Federal mandate. Mr. Speaker, it is the same as a tax increase to these middle income home buyers.

To deal with this problem, I will be offering an amendment that provides useful information to home buyers about the real costs of this stealth tax. This amendment would require that the director of the Federal Housing Finance Agency determine what the cost per $1,000 finance would be to home buyers whose mortgages are purchased by the housing GSEs. This information would need to be disclosed to the home buyer at or before closing for these mortgages, who qualify for future GSE purchase, and any additional cost for mortgage originators created by this new disclosure regulation would be paid for by the housing fund so that the new disclosure requirement does not create a new, costly private sector mandate.

Mr. Speaker, if we are going to pass along a brand new, stealth $2.5 billion tax increase on the middle class to pay for their affordable housing, I think that Congress should at the very least be up front about the true cost of this fund with those who are being asked to foot the bill. My amendment simply provides for transparency for mortgage consumers about the true cost of this new government $2.5 billion mandate, and I would encourage all of my colleagues on both sides of the aisle to support it.

Mr. Speaker, I encourage all my colleagues to oppose this restrictive rule and the underlying legislation in its current form, particularly this stealth tax contained in the affordable housing fund provision.

Mr. Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Before yielding to my friend from Massachusetts, I just want to emphasize that every single Member of this House did have an opportunity to preprint an amendment, as was done by my friend from Texas.

In a recent rule, we had a specific deadline by which that had to be filed. There were complaints from our friends on the other side of the aisle about a specific deadline. In this case, we extended it so that depending on what the floor schedule was, there would be the maximum time available for folks to put their amendments in printed form, and now there are complaints about that process as well.

Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, first I ask the indulgence of the House for the fact that I am dressed a little less spiffily than is my norm, but I have a cast on my arm and this is all that would go over it.

Mr. Speaker, I have rarely heard anyone repudiate as much of his party's past as I just heard from the gentleman from Texas. First he said this is a restrictive rule. Why, because we said anyone who wanted to file an amendment could file an amendment. There would be no rejection of any amendments by the Rules Committee, and the deadline for that was the day before the bill was to come to the floor. Now we didn't know when that was. And, in fact, what happened was there was a possibility that there would have been an extra day. So the gentleman apparently objects to the possibility of an extra day.

I was also struck that he had two objections to deadlines. One was the fact that a rule had a deadline; and one was the fact that a rule didn't have a deadline. He objected to the fact that there was a deadline on the defense bill. He objects to the fact that there isn't a deadline on this bill.

Mr. Speaker, let's be very clear: The gentleman objects to the being in the minority. When you object to a deadline and the absence of a deadline, you have pretty much exhausted the logical possibilities of argument, and the gentleman has done that.

Then we talk about this being restrictive. This bill, a very similar bill, was reported out of the committee under Republican rule in the previous Congress. Nine amendments were allowed by the Rules Committee; 36 amendments are pending to this bill. So because we only had four times as many amendments to this bill as when they were in power, we have become restrictive.

The gentleman says we have upset a long-standing tradition. He is right. During their rule, the long-standing tradition was amendments they didn't like and were afraid might pass couldn't be offered. We have upset that.

Every amendment that anyone wanted to offer is before us. In fact, the last time this bill came before us, and apparently the gentleman voted for the rule, the bill came out of committee. In the Rules Committee, a self-executing rule was adopted that was very controversial limiting much of what could be done with housing funds, and the Rules Committee then refused to allow a vote on that self-executing rule.

So here are the comparisons as the gentleman from Texas laments: Our lack of openness. When he was in power, the Rules Committee took a bill that came out of the committee by a bipartisan majority, inserted its own amendment and insulated that amendment from being voted on. We instead said here is the bill, offer any amendment you want. This is pretty topsy-turvy. I understand the demands of partisanship, but shouldn't logic put some limits on what people would say just to make a partisan point?

The fact is this bill came out of committee in the last Congress with an amendment that the Rules Committee put in and wouldn't allow us to vote on, and we have done exactly the opposite. Then he talks about the housing funds, and once again, we have the zeal of a convert. He finds this housing fund a terrible thing, Mr. Speaker. It is a tax on people. It was in the bill that the Republicans brought to the floor. It was in the bill that received more than 300 votes, many of the "no" votes, my own included, were from Democrats who objected to the unfair restrictions on the fund that the self-executing rule imposed.

So when the Republicans were in power, this housing fund was not so bad. This housing fund came out of committee by a bipartisan majority, came to the floor, and was voted on in a final bill by over 300 Members. This same housing fund, exactly the same principle, it is financed a little differently, but with all of the same effects, when did it become so terrible? What turns a fund to build affordable housing for lower-income people from a thing to be proud of into a terrible tax? An election.

When the Republicans were in the majority, this was apparently a good thing. It was overwhelmingly passed. But now that the Democrats are in the majority, this same housing fund becomes something that is awful. It is a housing fund that is supported by the realtors, by the home builders, by everybody in the housing business because it does not have the effects the gentleman talks about.

Here is the inconsistency which lies at the root of many of my colleague's arguments. The purpose of this bill is to put some checks on Fannie Mae and Freddie Mac. People have said Fannie Mae and Freddie Mac get certain assistance from the Federal Government that allows them to borrow money more cheaply from the market, and too little of that goes to public benefit and too much goes to the stockholders.

So this bill, as did the last bill from the Republicans, headed by Chairman Oxley, and poor Chairman Oxley, he did Sarbanes-Oxley, he did this bill. I always thought well of Mike Oxley. I guess I have to defend him against his former colleagues who now are apparently ready to tear down everything the poor man did. Mike Oxley deserves better of you than for you to repudiate all of the good work that he did, and I speak out. I know you are not supposed to address people who are not here, Mr. Speaker, so let me say that I want Mike Oxley to know that there are many of us, and I think a few on his own side, too, who do respect his work on the housing fund and who respect his work on other things.

But what we said to Fannie Mae and Freddie Mac was we are going to have you make a contribution. You should not keep all of the money for yourself and for your shareholders. We are going to take some of it for affordable housing.

By the way, this is an affordable housing fund that a great majority of Republicans voted for 2 years ago. It became terrible because we won the election. Well, wisdom comes in various ways, and I suppose it came late to some of my colleagues over there, but better late than never by their standards.

But the fact is this: In this bill, there will be amendments proposed that would impose far greater restrictions on Fannie Mae and Freddie Mac than the housing fund. There is an amendment that I assume many of them are going to vote for, that would severely restrict what they could put in the portfolio. Now they make a lot of money off their portfolio, Fannie Mae and Freddie Mac, and that is part of the money that goes to help them keep down housing costs. An amendment will be offered that would severely restrict, that would say only low-income-type mortgages can go in the portfolio. That would have a far greater financial impact in reducing funds available to Fannie Mae and Freddie Mac than the housing fund. The problem is that the housing fund would help State governments and others build affordable housing, and apparently there is this ideological opposition to doing that.

By the way, where is this housing fund going to go in the first year, this terrible tax? It is going to go to Mississippi and Louisiana. It is going to go to a place where there was terrible devastation of affordable housing in Louisiana and Mississippi, 75 percent to Louisiana and 25 percent to Mississippi.

In future years, the money won't be spent until this House and the Senate and the President pass a subsequent bill deciding how to spend it. This bill sets it aside, but it leaves to a later bill the collective decision about how to spend it.

So we have a rule that allows 36 amendments. Last year they did nine.

We have a rule where the Rules Committee does not add substance. Last year they did and wouldn't allow us to vote on it.

We do have one thing in common in the bill last Congress and this Congress: An affordable housing fund. The difference is that the affordable housing fund which my Republican friends took credit for 2 years ago has transmogrified into a terrible beast solely because the Democrats are now in power. That doesn't make any sense.

Mr. SESSIONS. Mr. Speaker, I want to notify my colleague from the Rules Committee that I have no additional speakers at this time. We had spoken about that before. But, in fact, as a result of the scheduling that has taken place this morning, none of my colleagues on my side are available to come down this morning.

Mr. Speaker, as is generally always understood in this House, the gentleman is generally correct, that the Rules Committee, in fact, did provide a good number of wonderful amendments that would be made in order.

The fact of the matter is that as part of this House majority and minority being able to understand what the Rules Committee is going to do, we were looking for some transparency and some consistency. I believe it is important for Members to be able to know when they can submit those amendments that they might want to have.

It is also true that the majority is the one that determines what this schedule would be. Members generally have no clue exactly when amendments are going to be due if you do not give them a deadline and if you simply say well, before the bill is called up.

The bottom line is we are simply asking that the Rules Committee would state very clearly when amendments would need to be placed for consideration, and that is what our point is.

The gentleman also makes other points about the GSEs and about this House voting on this money that would become available for affordable housing.

□ 1100

I recall that earlier this year this House provided for Katrina housing relief. We've done that, and yet that's now what this bill that is left over for, that was passed last year was for. And so now what we're doing is taking a bill that was passed last year through a huge number of votes in this House, did not pass the other body, was not signed into law, and yet earlier this year we provided for a housing fund for Katrina earlier.

Now we're asking for $2.5 billion increase on middle class homeowners. We're simply saying that we believe that there should be transparency. We believe that the processes by which this takes place should be more apparent to Members where they would have these opportunities to come down.

If the gentleman wants to support a $2.5 billion increase for middle class consumers, as he did last year by bringing the bill forward, as he's doing this year, then we will let the Members decide by voting on that. But I think there should be transparency to the people who will be footing or paying the bill as to why there's additional costs that may keep people out of the marketplace because of additional costs related to them by buying their new home.

Mr. Speaker, evidently at this time I have created an opportunity to continue dialogue, so I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Well, I again would repeat that the gentleman said last year I supported this Housing trust fund. So did almost all the Republicans, but the basic point here is that he misstated the nature of the hurricane bill.

In the hurricane bill, and the gentlewoman from California who was its main author is here and will speak shortly, we did not provide any additional funds for the construction of affordable housing to replace what was lost. That was mostly with vouchers. We did have some project-based vouchers in the amount of a couple of thousand, but if the gentleman will go back to that bill, he will note frequently in the debate we alluded in that debate to this bill. That is, much of the rental housing in New Orleans was destroyed. The rental housing was destroyed in much of the gulf.

This was always a two-bill approach, and the gentleman is simply wrong to state that in the hurricane bill we provided funds for additional affordable housing. We stated at the time, we set some rules about vouchers. We talked about public housing, but we were always clear it would be this bill that would provide the funds.

So the point that we already did this could not be more incorrect.

Mr. WELCH of Vermont. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise to support the rule on this very important piece of legislation and to commend Chairman FRANK and the members of the Financial Services Committee for the wonderful work that they have done in getting this important reform measure back to the floor of this House.

As it was said earlier, and I will simply repeat, that this is a good rule. This is a rule that has opened up opportunities for those who have amendments to get those amendments before the floor. As Mr. FRANK said, there are more amendments that are being allowed on this bill today than were allowed on the bill that came before the House last year on the reform of these GSEs.

This is an important piece of legislation where a lot of work has been done to get a consensus about how to reform the GSEs and to open up more opportunities for those who need to be supported on the secondary market for mortgages.

This is important because we have had a lot of fights in the Congress of the United States about the GSEs. There were those who for many, many months simply defended the GSEs. We were frightened that we would lose this important resource, and we were suspicious of accusations that were being made about the way that they managed the GSEs, and we did not go along with some of the changes that were being recommended some time ago.

But we have all worked very hard and we have compromised. Not only have the defenders of the GSEs decided that it was time for strong regulation and that OFHEO had indeed not done the job and given the oversight that they should have given, we also looked very closely at what was going on with the FM Watch organization that had been created. And while we will agree that there were those in the financial services community who thought that the GSEs were creeping into the retail market, and we still believe that some of what was done was all about potential competition, the one thing that we have agreed on is this.

The GSEs are extremely important. They were organized to provide these opportunities to support them on the secondary market, and we cannot lose it, and there were some management problems. There were some accounting problems. Many careers have been destroyed in all of the fighting that has gone on. OFHEO has been dismantled. We have come up with good regulation and oversight, and it is time for us to move forward and not to simply oppose this bill and this rule because we think one has to be the loyal opposition, opposing whatever comes to the floor.

It's time to recognize that if we want to do something about creating and supporting housing opportunities, if we want to deal with what is happening in the subprime market, if we understand what we're going through in America today, with all of these foreclosures, with people being very frightened about whether or not they are going to be able to hold on to their home, if we understand all of this, we will move very quickly, not only to support the rule but to support the bill and a very important aspect of this bill, and that is the housing trust fund.

How can you be against helping Americans who just want a little piece of the American dream, to be able to own a home? We need to supply more spots. We need more housing. We need to build affordable housing. We're not taking any money away from our general fund. We're not taking any of the revenue that is being counted on to be used for other things in this huge budget. This is new money. This is money that's created from the after-profit taxes of these GSEs. It does not threaten our budget at all.

How can you be against building new affordable homes for people who need it all over this country, not just in the cities but in the towns and in the suburbs and certainly in the rural communities? We have people who are living in homes that are not fit for humans to live in. We have people still in some places in the deep South that don't have toilets and running water. We have folks who are living in some of the housing and trailers that are falling apart. We need the housing trust fund. We need this reform. We need this rule, and I would ask support for it all.

Mr. WELCH of Vermont. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, on October 26, 2005, the House passed the GSE bill that came out of the committee chaired by Mr. Oxley that had a housing trust fund virtually identical to this one. This one is financed a little differently at the request of the Treasury Department, but it's essentially the same thing.

The vote was 331–90. Republicans voted in favor of this bill containing this housing tax 209–15, and among those who joined in the majority, the gentleman from Texas (Mr. SESSIONS). So I appreciate his concern for this. It did not appear to be evident in October of 2005 when he joined 208 of his Republican colleagues in voting for essentially this same fund.

Mr. WELCH of Vermont. Mr. Speaker, I'd inquire of the gentleman from Texas if he has any remaining speakers at this point?

Mr. SESSIONS. I appreciate the gentleman asking. At this time I have no additional speakers.

Mr. WELCH of Vermont. Mr. Speaker, I'm the last speaker on this side. So I will reserve my time until the gentleman has closed for his side and has yielded back his time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Massachusetts makes important points. I think that the gentleman should also hear that we believe there should be transparency to make sure that these middle class homeowners who would be buying and paying for this $2.5 billion increase, that they would understand why that additional cost is being placed on them, and these are the transparency things that we think that good government can be about.

The process also has developed itself to where we began talking about the Rules Committee once again, and Mr. Speaker, two nights ago I was provided with a summary by the majority party of a breakdown of the rules, what we have done when I was in the majority in the Rules Committee versus the Democrats now being the majority party.

And the fact of the matter is through May 15, which is what this is talking about, the Democrats have had 13 closed rules. The Republicans had six closed rules over the same period of time. Six closed rules for Republicans; 13 closed rules for Democrats. Eight open rules for the Democrats, which they call open rules but that had a preprinting requirement, so they really should be modified open rules, but the bottom line is a number of those have been over suspensions that Republicans did not even place a rule on. We just brought them to the floor of the House of Representatives and let them see what that outcome would be.

Mr. Speaker, I would insert this into the RECORD at this point.

110TH RULE BREAKDOWN THROUGH MAY 15, 2007

43 Total rules:

8 open rules (7 with a preprinting requirement).
20 structured rules.
Thirteen closed rules.
1 conference report rule.
1 procedural rule.
60—Republican/minority amendments in order.

109TH RULE BREAKDOWN THROUGH MAY 15, 2005

29 Total rules:

2 open rules (1 appropriations bill).
15 structured rules.
Six closed rules.
2 conference report rules.
4 procedural rules.
51—Democratic/minority amendments in order.

Mr. Speaker, the Republican Party, my party, is very aware of the dramatic needs of housing in this country, the needs that people have, families who have children, elderly people, disabled people, who do need more affordable and better housing, and that's why you have seen in our past, as was undisputed on the floor today, about the number of people who have voted for providing these funds that would be available.

We do believe that there should be transparency. We believe that the people, the consumers, who will be paying this additional $2.5 billion should be told why, what it's for, just as anyone who closes on a house should understand if there's going to be a FedEx package that would be delivered or a title fee or some fee that would be associated even with a notary public, that that should be included as part of the closing cost of a house to make sure that the consumer knows why and what they are paying for.

So I would be offering an amendment that was made in order by the Rules Committee as part of our discussion about how to improve this opportunity to make transparency available to all the consumers.

Mr. Speaker, I yield back the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1427, the Federal Housing Finance Reform Act of 2007 ensures that Fannie Mae and Freddie Mac, the GSEs that support the mortgage markets, operate in a safe and sound manner and fulfill the missions assigned to them under their charters.

The bill does this through the establishment of a strong, independent regulator and through the enhancements to the GSEs mission responsibilities. The bill also creates the first new funding source for affordable housing. Since the HOME program was created in the early 1990s, it's been almost 20 years since we have put any infusion of money from a new source into a growing crisis in housing. The $500 million Affordable Housing Fund, which housing advocates in Vermont, in your State and States all across this country are very excited about, will be used by them for badly needed construction and the preservation of affordable housing.

Very similar legislation, as has been discussed between my colleagues from Texas and from Massachusetts, passed this House on a strong 331–90 vote last Congress, and this bill, H.R. 1427, was approved in the Financial Services Committee by a bipartisan vote of 45–19.

I urge a "yes" vote on the rule and on the previous question.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Pursuant to House Resolution 403 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1585.

□ 1116

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes, with Mr. PASTOR (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 16, 2007, amendment No. 1 printed in House Report 110–151 by the gentleman from Missouri (Mr. SKELTON) had been disposed of.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 30 by Mr. TIERNEY of Massachusetts.

Amendment No. 11 by Mr. FRANKS of Arizona.

Amendment No. 41 by Mr. KING of Iowa.

Amendment No. 15 by Mr. MORAN of Virginia.

Amendment No. 32 by Mr. HOLT of New Jersey.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 30 OFFERED BY MR. TIERNEY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. TIERNEY:

Title II, subtitle C, add at the end the following:

SEC. 2 . MISSILE DEFENSE FUNDING REDUCTIONS AND PROGRAM TERMINATIONS.

The amount in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by $1,084,400,000, to be derived from amounts for the Missile Defense Agency as follows:

(1) $298,800,000 from the termination of the Airborne Laser program.

(2) $177,500,000 from the termination of the Kinetic Energy Interceptor (KEI) program.

(3) $229,100,000 from the termination of the Multiple KillVehicle (MKV) program.

(4) $170,000,000 from the termination of the Third Interceptor Field at Ft. Greeley, Alaska.

(5) $150,000,000 from the termination of the Third Ground-Based Midcourse Defense site in Europe.

(6) $59,000,000 from the Space Tracking and Surveillance System (STSS) Block 2008 work and "follow on" constellation.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 127, noes 299, not voting 11, as follows:

[Roll No. 367]

AYES—127

Ackerman
Allen
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Boswell
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Ellison
Eshoo
Farr
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hastings (FL)
Hinchey
Hodes
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Kaptur
Kildee
Kilpatrick
Kind
Kucinich
Larson (CT)
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Michaud
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Paul
Payne
Price (NC)
Rahall
Roybal-Allard
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Shuler
Slaughter
Solis
Stark
Stupak
Sutton
Thompson (MS)
Tierney
Udall (NM)
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—299

Abercrombie
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castor
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kennedy
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matsui
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Saxton
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Upton
Van Hollen
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Baird
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Jones (OH)
McCarthy (NY)
McMorris Rodgers
Miller (FL)
Shays
Wexler

□ 1143

Mr. CROWLEY, Ms. MATSUI, Ms. SHEA-PORTER and Messrs. MILLER of North Carolina, KENNEDY, CONAWAY, HARE and DANIEL E. LUNGREN of California changed their vote from "aye" to "no."

Ms. WATSON, Messrs. DAVIS of Illinois, GONZALEZ and GRIJALVA, Mrs. MALONEY of New York, Ms. LINDA T. SÁNCHEZ of California and Mr. AL GREEN of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. MCCARTHY of New York. Mr. Chairman, earlier today I was questioning administration witnesses on school safety at a Homeland Security Committee hearing. I missed one vote. I would like the RECORD to reflect how I would have voted had I been able to get to the floor in time.

Rollcall No. 367 on the Tierney amendment to HR 1585, I would have voted "no."

AMENDMENT NO. 11 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FRANKS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. FRANKS of Arizona:

Title II, subtitle C, add at the end the following:

SEC. 2___. INCREASED FUNDS FOR BALLISTIC MISSILE DEFENSE.

(a) INCREASE.—The amount in section 201(4), research, development, test, and evaluation, Defense-wide, is hereby increased by $764,000,000, to be available for ballistic missile defense.

(b) OFFSET.—The amounts in title I and title II are hereby reduced by an aggregate of $764,000,000, to be derived from amounts other than amounts for ballistic missile defense, as determined by the Secretary of Defense.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 226, not voting 12, as follows:

[Roll No. 368]

AYES—199

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Melancon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ruppersberger
Ryan (WI)
Sali
Saxton
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—226

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baldwin
Barrow
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—12

Baird
Berman
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Jones (OH)
McMorris Rodgers
Miller (FL)
Shays
Sullivan
Wexler

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 1 minute remains in this vote.

□ 1149

Mr. COSTELLO changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 41 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. KING of Iowa:

In section 1222 of the bill, strike "Section 1519" and insert "(a) CONTINUATION OF PROHIBITION.—Section 1519".

In section 1222 of the bill, add at the end the following new subsection:

(b) RULE OF CONSTRUCTION.—Congress recognizes that the United States has not established any permanent military installations inside or outside the United States. Nothing in this Act or any other provision of law shall be construed to prevent the Government of the United States from establishing temporary military installations or bases by entering into a basing rights agreement between the United States and Iraq.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 219, not voting 17, as follows:

[Roll No. 369]

AYES—201

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow

Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carney
Carter
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Melancon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ruppersberger
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—219

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—17

Baird
Cantor
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Green, Gene
Gutierrez
Jones (OH)
Keller
Lowey
McMorris Rodgers
Miller (FL)
Rangel
Rogers (MI)
Schakowsky
Shays

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 1 minute remains in this vote.

□ 1152

So the amendment was rejected.

The result of the vote was announced as above recorded. Stated against:

Mr. GENE GREEN of Texas. Mr. Chairman, on rollcall No. 369, the King amendment, had I been present, I would have voted "no."

Ms. SCHAKOWSKY. Mr. Chairman, on rollcall No. 369, had I been present, I would have voted "no."

AMENDMENT NO. 15 OFFERED BY MR. MORAN OF VIRGINIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. MORAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. MORAN of Virginia:

At the end of subtitle E of title X, insert the following new section:

SEC. 1055. A REPORT ON TRANSFERRING INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains a plan for the transfer of each individual presently detained at Naval Station, Guantánamo Bay, Cuba, under the control of the Joint Task Force Guantanamo, who is or has ever been classified as an "enemy combatant" (referred to in this section as a "detainee").

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) An identification of the number of detainees who, as of December 31, 2007, the Department estimates—

(A) will have been charged with one or more crimes and may, therefore, be tried before a military commission;

(B) will be subject of an order calling for the release or transfer of the detainee from the Guantanamo Bay facility; or

(C) will not have been charged with any crimes and will not be subject to an order calling for the release or transfer of the detainee from the Guantanamo Bay facility, but whom the Department wishes to continue to detain.

(2) A description of the actions required to be undertaken, by the Secretary of Defense, possibly the heads of other Federal agencies, and Congress, to ensure that detainees who are subject to an order calling for their release or transfer from the Guantanamo Bay facility have, in fact, been released.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 208, not voting 9, as follows:

[Roll No. 370]

AYES—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich

Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano

Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter

Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—208

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.

Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)

Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Melancon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi

Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus

Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi

Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Baird
Cubin
Davis, Jo Ann
Engel

Faleomavaega
Jones (OH)
McMorris Rodgers

Miller (FL)
Shays

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 1 minute remains in this vote.

□ 1157

Mr. RYAN of Wisconsin and Mr. FLAKE changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 32 OFFERED BY MR. HOLT

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

AMENDMENT NO. 32 OFFERED BY MR. HOLT:

At the end of subtitle E of title X, add the following new section:

SEC. 1055. REQUIREMENT FOR VIDEOTAPING RECORDINGS OF STRATEGIC INTERROGATIONS AND OTHER PERTINENT INTERACTIONS AMONG DETAINEES OR PRISONERS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE UNITED STATES AND MEMBERS OF THE ARMED FORCES, INTELLIGENCE OPERATIVES OF THE UNITED STATES, AND CONTRACTORS OF THE UNITED STATES.

(a) IN GENERAL.—In accordance with the Geneva Conventions of 1949, the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and prohibitions against any cruel, unusual, and inhuman treatment or punishment under the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, the President shall take such actions as are necessary to ensure that any strategic interrogation or other pertinent interaction between an individual who is a detainee or prisoner in the custody or under the effective control of the Armed Forces pursuant to a strategic interrogation, or other pertinent interaction, for the purpose of gathering intelligence and a member of the Armed Forces, an intelligence operative of the United States, or a contractor of the United States, is videotaped.

(b) COMMENCEMENT OF REQUIREMENT.—The videotaping requirement under subsection (a) shall be applicable to any strategic interrogation of an individual that takes place on or after the earlier of—

(1) the day on which the individual is confined in a facility owned, operated or controlled, in whole or in part, by the United States, or any of its representatives, agencies, or agents; or

(2) 7 days after the day on which the individual is taken into custody by the United States or any of its representatives, agencies, or agents.

(c) CLASSIFICATION OF INFORMATION.—The President shall provide for the appropriate classification to protect United States national security and the privacy of detainees or prisoners held by the United States, of video tapes referred to in subsection (a). Videotapes shall be made available, under seal if appropriate, to both prosecution and defense to the extent they are material to any military or civilian criminal proceeding.

(d) STRATEGIC INTERROGATION DEFINED.—For purposes of this section, the term "strategic interrogation" means an interrogation of a detainee or prisoner at—

(1) a corps or theater-level detention facility, as defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006); or

(2) a detention facility outside of the area of operations (AOR) where the detainee or prisoner was initially captured, including—

(A) a detention facility owned, operated, borrowed, or leased by the United States Government; and

(B) a detention facility of a foreign government at which United States Government personnel, including contractors, are permitted to conduct interrogations by the foreign government in question.

(e) ACCESS TO PRISONERS AND DETAINEES OF THE UNITED STATES TO ENSURE INDEPENDENT MONITORING AND TRANSPARENT INVESTIGATIONS.—Consistent with the obligations of the United States under international law and related protocols to which the United States is a party, the President shall take such actions as are necessary to ensure that representatives of the following organizations are granted access to detainees or prisoners in the custody or under the effective control of the Armed Forces:

(1) The International Federation of the International Committee of the Red Cross and the Red Crescent.

(2) The United Nations High Commissioner for Human Rights.

(3) The United Nations Special Rapporteur on Torture.

(f) GUIDELINES FOR VIDEOTAPE RECORDINGS.—

(1) DEVELOPMENT OF GUIDELINES.—The Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)) shall jointly develop uniform guidelines designed to ensure that the videotaping required under subsection (a) is sufficiently expansive to prevent any abuse of detainees and prisoners referred to in subsection (a) and violations of law binding on the United States, including treaties specified in subsection (a).

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the guidelines developed under paragraph (1).

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 229, not voting 9, as follows:

[Roll No. 371]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Bartlett (MD)
Bean
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Price (NC)
Rahall
Rangel
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—229

Aderholt
Akin
Alexander
Altmire
Arcuri
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Holden
Hulshof
Hunter
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Sali
Sanchez, Loretta
Saxton
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Baird
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Jones (OH)
McMorris Rodgers
Miller (FL)
Shays

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 1201

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MILLER of Florida. Mr. Speaker, I would like to offer a personal explanation of the reason I missed rollcall Nos. 367 through 374 on May 17, 2007. I was down in my district attending the funeral of Staff Sgt. Timothy P. Padgett.

If present, I would have voted: rollcall vote No. 367, Tierney Amendment on Defense Authorization to reduce the $8.1 billion specified for Missile Defense Agency activities by $1.084 billion from specified programs, "no"; rollcall vote No. 368, Franks Amendment on Defense Authorization to increase by $764 million the amount authorized for ballistic missile defense, "aye"; rollcall vote No. 369, King Amendment on Defense Authorization to clarify that neither the bill nor any other provision of law shall prevent the U.S. government from establishing temporary military installations or bases by entering into a basing rights agreement with the government of Iraq, "aye"; rollcall vote No. 370, Moran Amendment on Defense Authorization to require the Secretary of Defense to submit a report that contains a plan for the transfer of every enemy combatant at Naval Station, Guantanamo Bay, Cuba, "no"; rollcall vote No. 371, Holt Amendment on Defense Authorization to require the videotaping of interrogations and other pertinent interactions between military personnel and/or contractors and detainees, "no".

Ms. BORDALLO. Mr. Chairman, I rise today in support of H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008. The provisions of this bill are critical to our national security and to improving the readiness for our fighting men and women who serve our country so ably. I commend Chairman IKE SKELTON, Ranking Member DUNCAN HUNTER, and my colleagues on the Committee on Armed Services for their leadership and work on writing this important legislation. The work of the committee ensures that this Congress will make a meaningful and positive impact on our Armed Forces.

Many members of the United States armed services, including scores of servicemembers from Guam, are at duty stations in the United States, at sea, or are deployed to combat zones and elsewhere around the world today. I have had the unique opportunity, since I was elected to Congress in 2002 and sworn into office in 2003, to travel to many of the combat zones and visit with our servicemembers there. I remain impressed by the professionalism of the members of the United States armed services. I am inspired by their continued, steadfast commitment to their achieving their missions. And I am heartened by their daily, unquestioned acts of bravery performed in defense of the American way of life, despite the hostile intentions and aggressive actions of persistent and deadly enemies.

The responsibilities and obligations of members of the United States armed services are significant and honorable, but not without great risk. The tenth soldier from Guam to be killed in action during operations support of the war on terror will soon be laid to rest by his family, friends, and a grateful country. I, like all of my colleagues, am deeply saddened when we learn that the life of one of our country's finest young men and women has been ended as a result of their service to our country. Such a loss is grave to the United States and to the United States armed services. But there is no doubt their passing is a more grievous loss to their family, friends, and communities who knew and loved them as individuals. All of us should try to find comfort in the thought that our service men and women serve so that others might someday know the joys of liberty and justice. And for that, we should all be proud and thankful.

We have the opportunity today to act and renew our commitment to our servicemembers. Supporting this legislation will help provide for our military heroes and their families. There are few who deserve our support and gratitude more than these individuals and their spouses and children. At home and abroad, they serve and represent our country and government in a manner that is both honorable and admirable.

This legislation in particular addresses many critical issues that face Guam, our community and the existing and planned military facilities for our island. Included in this bill are authorizations for a total of over $300 million of military construction projects on Guam for fiscal year 2008. This amount represents a significant increase above the amount of military construction funding that was authorized and appropriated for Guam for fiscal year 2007. I welcome this significant increase in investment in Guam. These increases improve the facilities and capabilities of the military bases on Guam. But they also help Guam's business community to begin to build the capacity that it will need in order to successfully compete for, and complete the scopes of work of, the tremendous amount of military construction planned to support the rebasing of United States Marines from Okinawa, Japan, to Guam.

The bill before us today includes approvals for full funding of several key infrastructure projects at Naval Base Guam. Among them is an authorization for $59.4 million to improve the base's electrical system security; for $57.2 million for Naval family housing; for $51.8 million to expand wharf capacity at Kilo Wharf in Apra Harbor; for $42.5 million for a new fitness center on base; for $40.8 million to repair and upgrade the base's wastewater treatment plant; and for $31.4 million to build Phase I of a potable water distribution system on base. This legislation would also provide authorizations to fund needed projects at Andersen Air Force Base on Guam. The authorizations are for $15.8 million for two projects at Northwest Field to support the 607th Training Flight "Commando Warrior" unit that will soon relocate from Osan Air Base, Korea, to Guam.

In addition to military construction projects, H.R. 1585 addresses quality of life issues for military retirees and military dependents on Guam. The Department of Defense has been unresponsive to the needs of retirees on Guam who are reliant on the TRICARE system. Military retirees who live on Guam who are referred off island for specialty care are forced to travel to those locations at their own expense. These trips to access referred specialty care in Hawaii or California cost in the thousands of dollars. The Department of Defense used to cover this significant expense. But in 2005 it suddenly changed its policy and practice and discontinued reimbursements to retirees for the travel expenses they incur as a result of such referrals. I raised this matter repeatedly during committee hearings since 2005. I have written to Department officials regarding this issue, and discussed it with them during meetings. The committee included report language on this matter in the report that accompanied H.R. 1815, the National Defense Authorization Act for fiscal year 2005. Unfortunately, the Department has taken no action to provide relief to Guam's retirees.

I understand that this is a challenging issue. But Guam's retirees deserve to be treated better and deserve resolution brought to this matter. This is why I requested that H.R. 1585 include a provision that would authorize retirees requiring specialty care at off-island medical facilities to receive space-available category 4 level seating priority. Additionally, I have requested that the Department of Defense be required to submit to the committee a report that would identify the administrative actions needed to be executed in order to provide relief to the affected TRICARE beneficiaries residing in the territories of the United States. I most sincerely hope that the Department takes a very close look at its current policies and provides the committee with a thoughtful, innovative, and actionable plan to resolve this matter. I remain committed to working with the Department toward this end.

The report accompanying H.R. 1585 includes language that directs the Department of Defense to conduct a study on the treatment of general and flag officers, and other servicemembers who are called out of retirement to serve their country. It has come to my attention that there are numerous instances where officers left active duty or reserve status only to return and were not allowed to retire at the highest grade attained. In an era where our Reserve components are operational forces, we can ill afford losing any servicemembers who have the institutional knowledge and expertise that is critical to maintaining a ready and operational force. Moreover, we must ensure that our Reserve component members are treated equitably and fairly. I am committed to ensuring that the affected servicemembers receive a fair and equitable solution to this issue and that they be able to retire with the benefits they have earned. I commit that I will work closely with the Department to ensure that we come to a fair solution to this matter.

Finally, I was honored to co-sponsor the National Guard Empowerment Act under the leadership of Mr. TAYLOR of Mississippi, Mr. DAVIS of Virginia, and Mr. HAYES of North Carolina. I am pleased that a substantial portion this legislation has been incorporated into H.R. 1595. After comprehensive studies undertaken by various research institutions and by the Commission on the National Guard and Reserve we finally have legislation that addresses the concerns brought forward in these studies. We will finally give the National Guard a seat at the table. As Lieutenant Governor, I know firsthand, how brave, valiant, and essential the National Guard is to the safety and security of our country. Elevating the Chief of the National Guard Bureau to a four-star general allows the Bureau to overcome certain cultural dynamics within the Department of Defense. The provisions making the National Guard Bureau a joint activity and the requirement to have the Chief of the National Guard Bureau help identify Department of Defense civil support requirements are even more essential. If we are to give the National Guard a seat at the table, then we must ensure that the root problems are rectified. Nothing can be more important than ensuring that we have a ready force to respond to natural disasters and terrorist attacks. Where other departments and agencies have failed in previous years, I am confident that the National Guard will develop a solid lay down of requirements so that we, as a country, are truly ready to respond to emergencies. I also believe, consistent with my other initiatives, that the Department should give very serious consideration to allowing State Adjutants Generals joint credit for their service to the State. The National Guard is truly a joint force and the work of their general officers should be recognized as such.

I support this bill Mr. Chairman. There are quality provisions in it that will benefit the bases on Guam. The quality of life experienced by military personnel who are stationed there and their families who accompany them will be improved as a result of passage of this bill. The provisions of this bill moreover will help us better serve retirees who have served us so nobly in their careers. Indeed, this bill will make notable contributions to the security of the United States and to defending our country's interests around the world. But I want to take this opportunity to note my concern regarding a couple of matters contained in or related to the provisions of this bill.

The Committee has authorized the funding for the Kilo Wharf project at Naval Base Guam, but has directed a phased approach to executing this project. The administration opposes this approach. I share these concerns. I am particularly concerned that the funding for this project will receive further cuts as this bill proceeds through the legislative process. I encourage the Department of the Navy to redouble its efforts to ensure that this project can proceed according to plan and to engage with me in dialogue regarding potential barriers to success for it. The Kilo Wharf project is critical to increasing wharf capacity at Naval Base Guam. Guam offers the United States Armed Forces a strategic location to counter threats posed by the People's Republic of China, North Korea, and al Qaeda affiliated terrorist forces in Southeast Asia. Further funding reductions for the Kilo Wharf project will negatively impact the ability of our commander to re-fit and re-supply vessels operating in, and to respond to contingencies, in the region.

Mr. UDALL of Colorado. Mr. Chairman, I rise in strong support of this bill.

I applaud Chairman SKELTON for his leadership in guiding this bill to the floor today. He and Ranking Member HUNTER have done a tremendous job, and they have been ably supported by the expert staff of our committee.

I'm grateful to Chairman SKELTON for working with me to include things important for Colorado, including limits on how the Army can pursue possible expansion of the Pinon Canyon Maneuver Site in Colorado. I agree with Senator SALAZAR and others in the Colorado delegation that any expansion, if it takes place at all, must be conducted in a way that it is a win-win situation for the Army and for Colorado and that any expansion plan should not involve condemnation of private land. My proposal will shine a necessary caution light before the Army charges forward, and force the Army to do what it has so far failed to do—that is, to make a compelling case for why the proposed expansion is necessary to meet the training needs of our soldiers in the 21st century.

Other provisions I offered in the bill include—funding for a new squadron operations facility for the Colorado Air National Guard; promoting agreement between the Air Force and the city of Pueblo about flight operations at the Pueblo airport; urging the Defense Department to use on-site disposal of chemical weapons stockpiled at the Pueblo Chemical Depot; asking the Army to track pilots who train at the High-Altitude Aviation Training School in Eagle, Colorado; and reporting on opportunities for leveraging Defense Department funds with States' funds to prevent disruption in the event of electric grid or pipeline failures and encouraging the Defense Department to leverage Energy Savings Performance Contracts with Energy Conservation Investment Program funds to provide additional opportunity for renewable energy projects; and naming a housing facility at Fort Carson in honor of our former colleague Joel Hefley.

I am also pleased that the committee adopted two of my amendments, including one to repeal a provision adopted last year that makes it easier for the president to federalize the National Guard for domestic law enforcement purposes during emergencies. By repealing this, my amendment restores the role of the Governors with regard to this subject. My other amendment will continue the office of the Ombudsman that assists people claiming benefits under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) and expands its authority.

Mr. Chairman, this bill rightly focuses on our military's readiness needs. After 5 years at war, both the active duty and reserve forces are stretched to their limits. The bill will provide what's needed to respond, including a substantial Strategic Readiness Fund, adding funds for National Guard equipment and training, and establishing a Defense Readiness Production Board to mobilize the industrial base to address equipment shortfalls.

It also provides important funds for the Base Realignment and Closure process, including $62 million to assist communities expected to absorb large numbers of personnel as a result of the BRAC decision. This funding is especially important to Colorado, given that Fort Carson in Colorado Springs will add 10,000 soldiers and will be home to 25,000 troops by 2009.

The bill provides substantial resources to improve protection of our troops, including additional funds for Mine Resistant Ambush Protected Vehicles, body armor, and up-armored Humvees for our troops in the field. The bill enlarges the Army and Marine Corps, consistent with the Tauscher-Udall Army expansion bill in the last Congress. And it will provide for a 3.5 percent across-the-board pay raise for service members, boost funding for the Defense Health Program, and prohibit increasing TRICARE and pharmacy user fee increases.

The bill incorporates provisions from the Wounded Warrior Assistance Act, which recently passed the House and was driven by the revelations of mistreatment and mismanagement at Walter Reed Army Medical Center. These provisions establish new requirements to provide the people, training, and oversight needed to ensure high-quality care and efficient administrative processing at Walter Reed and throughout the active duty military services. The bill also establishes a Military Mental Health Initiative to coordinate all mental health research and development within the Defense Department, and establishes a Traumatic Brain Injury Initiative to allow emerging technologies and treatments to compete for funding.

Given the increased use of the National Guard and Reserves in recent years, the bill gives important new authorities to the National Guard to fulfill its expanded role, including authorizing a fourth star for the Chief of the National Guard Bureau, making the National Guard Bureau a joint activity of the Department of Defense, and creating a bipartisan Council of Governors to advise the President on how best to use the National Guard for civil support missions. The bill also requires the Chairman of the Joint Chiefs of Staff to consider how to incorporate more National Guard and Reserve personnel into positions at Northern Command, based in Colorado.

I'm pleased that the bill fully supports the goals of the Department of Energy nonproliferation programs and the Department of Defense Cooperative Threat Reduction program, consistent with the 9/11 Commission recommendations. The bill also slows development of a Reliable Replacement Warhead and the construction of a new plutonium production facility, and establishes a bipartisan commission to evaluate U.S. strategic posture for the future, including the role that nuclear weapons should play in our national security strategy.

I also want to mention funding for missile defense in the bill. The bill increases missile defense funding for systems that address current needs and vulnerabilities, while reducing funding for less mature and higher risk systems. The cuts in missile defense programs in the bill have been cause for concern among some on the other side of the aisle. But the bill funds 93 cents of every dollar of the President's missile defense request, so the cuts are far from extreme. It fully funds the budget request for the Patriot PAC–3 missile, the Ground Based Missile Defense System, and THAAD development and deployment, and adds funding for Aegis Ballistic Missile Defense. But it makes reductions to the Airborne Laser program and funding for the 3rd BMD Site which the Administration has proposed building in Eastern Europe.

Importantly, the bill provides for an independent study to examine the political, technical, operational, force structure, and budgetary aspects of the proposed European missile defense deployment; an independent study to examine the future roles and missions of the Missile Defense Agency; a two year extension of the requirement for GAO to annually assess the missile defense program; and assurance that the Director of Operational Test and Evaluation has access to all MDA operational test evaluation information.

In my view, the bill strikes the right balance with regard to missile defense. I did not support the amendment by Representative FRANKS to increase missile defense funds because I believe the Committee takes a better approach in its bill. Likewise, I did not support the amendment offered by Representative TIERNEY to decrease missile defense funds because I thought it went too far in the other direction. There are emerging and real, near-term threats facing the Nation, the warfighter, and our allies that we need to be able to counter, so I think it would be irresponsible to terminate the longer-term missile defense as Representative TIERNEY's amendment proposed to do.

Finally but no less importantly, the bill requires the Secretary of Defense to submit a detailed report on the implementation of the Joint Campaign Plan for Iraq, on national reconciliation efforts on the part of the Iraqi government, and on metrics to measure American efforts in Iraq, based on assessments by GEN David Petraeus and U.S. Ambassador to Iraq Ryan Crocker. The bill also requires the Secretary to produce a report outlining the direction of U.S. activities in Afghanistan along with indicators of progress, and the bill establishes a Special Inspector General for Afghanistan Reconstruction.

Mr. Chairman, the bill we are considering today does an excellent job of balancing the need to sustain our current warfighting abilities with the need to prepare for the next threat to our national security. It is critical that we are able to meet the operational demands of today even as we continue to prepare our men and women in uniform to be the best trained and equipped force in the world.

This is a good bill, a carefully drafted and bipartisan bill, and I urge its passage.

Mr. BLUMENAUER. Mr. Chairman, this year's Defense Authorization presented us with a great opportunity to bring the focus of the American military back in line with American values. Unfortunately, that opportunity was missed. This bill does little to correct the President's misplaced priorities of missile defense, indefinite detainment of prisoners, preemptive war, and weapons for wars we are not fighting today.

Last year the House passed the Military Commissions Act which attempted to add legitimacy to the improper actions of the Bush administration to ignore habeas corpus rights for prisoners at Guantanamo Bay. By not adhering to the strictest standards when putting suspected terrorists on trial, we run the risk of punishing innocent people who could simply have been in the wrong place at the wrong time. It is now widely known that hundreds of inmates at Guantanamo Bay may in fact have had nothing to do with terrorism. Sadly this bill does nothing to change the status quo of wrongdoing.

It perplexes me that while we are fighting an urban war against improvised explosive devices, snipers, and suicide bombers in Baghdad, we continue to spend precious resources on weapons that are unproven or designed for an obsolete Cold War. We had an opportunity today to push the Department of Defense to review these weapons and report back to Congress on their viability and value, but unfortunately the amendment failed. I also voted for an amendment to ensure that the power to declare war solely resided with Congress, as our forefathers intended, and not with the Executive Branch. This amendment also failed. This administration has repeatedly shown that it will make bad judgment and has repeatedly crossed the line of its constitutional powers. I am deeply concerned that the House is unprepared to rein in the President's stance of preemptive war with Iran and it is my hope that we will not regret this decision in the future.

Finally, I planned to offer an amendment that would have simply required the Department of Defense to create a database of incidents involving unexploded ordnance. I am disappointed that it was not made in order, and that we were not able to deal with that critical issue today.

With so little progress made in this year's authorization, I am forced to vote against this bill. I will continue to work for the changes that the American people and our men and women in the military deserve.

Mr. JORDAN of Ohio. Mr. Chairman, the principal role of our Federal Government is to help keep America safe.

As such, we in Congress must make our national defense a top budget priority.

This means we must pledge our steadfast support to American troops serving both at home and abroad, and we must renew our unwavering commitment to homeland security, in recognition of the dangerous world in which we live.

H.R. 1585, the National Defense Authorization Act, makes a genuine effort to achieve each of these goals. That's why I will vote for it, and I urge my colleagues to do the same.

In 1945, at the end of World War II, the defense budget of the United States represented 34.5 percent of our Gross Domestic Product. By 1968, that number had shrunk to 9.8 percent. Today, the number is less than half of that: about 4.3 percent.

Certainly, the overall dollars spent on defense have increased as our economy has grown, but it is clear that our priorities have shifted. This bill, while not perfect, commits to funding our defense budget in a way that many of us would have thought impossible just a few months ago, given the nature of the debate at that time. Some would argue that the tenor of the debate on national defense has shifted from talk of cutting off funds for our troops in battle to this bipartisan bill.

Some of the bipartisan provisions contained in this defense funding blueprint include: Continued support for our troops in harm's way, serving in Operation Enduring Freedom and Operation Iraqi Freedom and elsewhere. $4.1 billion for state-of-the-art Mine-Resistant Ambush Protected (MRAP) vehicles to help protect our soldiers from IEDs. Increased Army and Marine Corps active duty end strength, as well as a 3.5 percent pay raise for all members of the armed forces in 2008, and guaranteed pay raises in 2009, 2010, and 2011. $1 billion in new funding for National Guard equipment to benefit both our homeland security and national defense missions.

These are great and welcome achievements for our national defense—achievements that each of us can be proud to support. But make no mistake: this bill is far from perfect. The measure contains some critical funding cuts that, in my opinion, will hurt our ability to protect our homeland and our national defense interests from missile attacks.

The Democratic bill guts funding for a ballistic missile defense system capable of intercepting missiles in each phase of flight. This type of program can help protect against growing threats in a changing world. Though I was pleased we Republicans were able to restore some of the funding for this important program through the amendment process, I am disappointed that cuts still exist. But in terms of helping achieve our most critical role—keeping America safe—this bill has, and deserves, bipartisan support.

Again, Mr. Chairman, though there are some aspects of this legislation that I clearly oppose, it is an important step in the direction of making national defense and homeland security a continued priority of this Congress.

Mr. UDALL of Colorado. Mr. Chairman, I rise in stong support of this bill.

I applaud Chairman SKELTON for his leadership in guiding this bill to the floor today. He and Ranking Member HUNTER have done a tremendous job, and they have been ably supported by the expert staff of our committee.

I'm grateful to Chairman SKELTON for working with me to include things important for Colorado, including limits on how the Army can pursue possible expansion of the Pinon Canyon Maneuver Site in Colorado. I agree with Senator SALAZAR and others in the Colorado delegation that any expansion, if it takes place at all, must be conducted in a way that it is a win-win situation for the Army and for Colorado and that any expansion plan should not involve condemnation of private land. My proposal will shine a necessary caution light before the Army charges forward, and force the Army to do what it has so far failed to do—that is, to make a compelling case for why the proposed expansion is necessary to meet the training needs of our soldiers in the 21st Century.

Other provisions I offered in the bill include: Funding for a new squadron operations facility for the Colorado Air National Guard; promoting agreement between the Air Force and the city of Pueblo about flight operations at the Pueblo airport; urging the Defense Department to use on-site disposal of chemical weapons stockpiled at the Pueblo Chemical Depot; asking the Army to track pilots who train at the High-Altitude Aviation Training School in Eagle, Colorado; reporting on opportunities for leveraging Defense Department funds with States' funds to prevent disruption in the event of electric grid or pipeline failures and encouraging the Defense Department to leverage Energy Savings Performance Contracts with Energy Conservation Investment Program funds to provide additional opportunity for renewable energy projects; and naming a housing facility at Fort Carson in honor of our former colleague Joel Hefley.

I am also pleased that the Committee adopted two of my amendments, including one to repeal a provision adopted last year that makes it easier for the president to federalize the National Guard for domestic law enforcement purposes during emergencies. By repealing this, my amendment restores the role of the Governors with regard to this subject. My other amendment will continue the office of the Ombudsman that assists people claiming benefits under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) and expands its authority.

Mr. Chairman, this bill rightly focuses on our military's readiness needs.

After 5 years at war, both the active duty and reserve forces are stretched to their limits. The bill will provide what's needed to respond, including a substantial Strategic Readiness Fund, adding funds for National Guard equipment and training, and establishing a Defense Readiness Production Board to mobilize the industrial base to address equipment shortfalls.

It also provides important funds for the Base Realignment and Closure process, including $62 million to assist communities expected to absorb large numbers of personnel as a result of the BRAC decision. This funding is especially important to Colorado, given that Fort Carson in Colorado Springs will add 10,000 soldiers and will be home to 25,000 troops by 2009.

The bill provides substantial resources to improve protection of our troops, including additional funds for Mine Resistant Ambush Protected Vehicles, body armor, and up-armored Humvees for our troops in the field. The bill enlarges the Army and Marine Corps, consistent with the Tauscher-Udall Army expansion bill in the last Congress. And it will provide for a 3.5 percent across-the-board pay raise for service members, boost funding for the Defense Health Program, and prohibit increasing TRICARE and pharmacy user fee increases.

The bill incorporates provisions from the Wounded Warrior Assistance Act, which recently passed the House and was driven by the revelations of mistreatment and mismanagement at Walter Reed Army Medical Center. These provisions establish new requirements to provide the people, training, and oversight needed to ensure high-quality care and efficient administrative processing at Walter Reed and throughout the active duty military services. The bill also establishes a Military Mental Health Initiative to coordinate all mental health research and development within the Defense Department, and establishes a Traumatic Brain Injury Initiative to allow emerging technologies and treatments to compete for funding.

Given the increased use of the National Guard and Reserves in recent years, the bill gives important new authorities to the National Guard to fulfill its expanded role, including authorizing a fourth star for the Chief of the National Guard Bureau, making the National Guard Bureau a joint activity of the Department of Defense, and creating a bipartisan Council of Governors to advise the president on how best to use the National Guard for civil support missions. The bill also requires the Chairman of the Joint Chiefs of Staff to consider how to incorporate more National Guard and Reserve personnel into positions at Northern Command, based in Colorado.

I'm pleased that the bill fully supports the goals of the Department of Energy nonproliferation programs and the Department of Defense Cooperative Threat Reduction program, consistent with the 9–11 Commission recommendations. The bill also slows development of a Reliable Replacement Warhead and the construction of a new plutonium production facility, and establishes a bipartisan commission to evaluate U.S. strategic posture for the future, including the role that nuclear weapons should play in our national security strategy.

I also want to mention funding for missile defense in the bill. The bill increases missile defense funding for systems that address current needs and vulnerabilities, while reducing funding for less mature and higher risk systems. The cuts in missile defense programs in the bill have been cause for concern among some on the other side of the aisle. But the bill funds 93 cents of every dollar of the president's missile defense request, so the cuts are far from extreme. It fully funds the budget request for the Patriot PAC-3 missile, the Ground Based Missile Defense System, and THAAD development and deployment, and adds funding for Aegis Ballistic Missile Defense. But it makes reductions to the Airborne Laser program and funding for the 3rd BMD Site which the Administration has proposed building in Eastern Europe.

Importantly, the bill provides for an independent study to examine the political, technical, operational, force structure, and budgetary aspects of the proposed European missile defense deployment; an independent study to examine the future roles and missions of the Missile Defense Agency; a 2 year extension of the requirement for GAO to annually assess the missile defense program; and assurance that the Director of Operational Test and Evaluation has access to all MDA operational test evaluation information.

In my view, the bill strikes the right balance with regard to missile defense. I did not support the amendment by Rep. FRANKS (R–AZ) to increase missile defense funds because I believe the Committee takes a better approach in its bill. Likewise, I did not support the amendment offered by Rep. TIERNEY (D–MA) to decrease missile defense funds because I thought it went too far in the other direction. There are emerging and real, near-term threats facing the Nation, the warfighter, and our allies that we need to be able to counter, so I think it would be irresponsible to terminate the longer-term missile defense programs, as Rep. TIERNEY's amendment proposed to do.

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Mr. Chairman, the bill we are considering today does an excellent job of balancing the need to sustain our current warfighting abilities with the need to prepare for the next threat to our national security. It is critical that we are able to meet the operational demands of today even as we continue to prepare our men and women in uniform to be the best trained and equipped force in the world.

This is a good bill, a carefully drafted and bipartisan bill, and I urge its passage.

Mr. ROGERS of Michigan. Mr. Chairman, I rise today to share my concerns with Section 703 of the FY 2008 Defense Authorization Bill, H.R. 1585. This provision would allow the Secretary to exclude prescription drugs that our soldiers and their families rely on to treat diabetes, asthma, cholesterol and hypertension from the TRICARE uniform formulary. This provision would create a fundamental change in the TRICARE pharmacy benefit program. Currently our military personnel have access to all drugs, even non-formulary drugs, but with a substantially higher co-pay. This provision could exclude altogether access to important lifesaving treatments and medicines.

This provision is indirectly a price control. It places a ceiling on prices that can be negotiated. The GAO and CBO previously have said that when price controls are expanded, it could have the effect of raising prices for other programs. The provision could have the unintended consequence of affecting the prices paid by the Veterans Administration, which could impact veterans' access to medicine. Price controls are also harmful to innovation, which could impede the discoveries of cures and treatments for the illnesses suffered by our soldiers, veterans and their families.

I urge my colleagues to strike this provision in conference to ensure that our soldiers and their families have access to the treatments that will allow them to continue to live healthy and productive lives.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. PASTOR, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes, pursuant to House Resolution 403, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HUNTER. Yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hunter moves to recommit the bill H.R. 1585 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

Title II, subtitle C, add at the end the following:

SEC. 2 . EXPAND UNITED STATES BALLISTIC MISSILE DEFENSE SYSTEM INTEGRATION WITH ISRAEL.

(a) REQUIREMENT.—The Secretary of Defense shall expand the ballistic missile defense system of the United States to better integrate with the defenses of Israel to provide robust, layered protection against ballistic missile attack.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a progress report on the status of integrating the ballistic missile defense system of the United States with the defenses of Israel including the status of implementation of those programs identified in subsection (c). This report may be provided in classified form as necessary to protect U.S. national security interests.

(2) CONTENT.—The report submitted under this subsection shall include the following:

(A) A description of the capabilities needed to fully integrate the ballistic missile defense system of the United States with the ballistic missile defense system of Israel.

(B) A description of systems and capabilities currently providing ballistic missile defense of Israel and the United States, an assessment of the sufficiency of current capabilities; and identification of the Department's actions for addressing any insufficiencies, if required.

(C) A description of the policy, doctrine, operational concepts, tactics, techniques and procedures, exercises, and training that currently support the integrated ballistic missile defense of Israel and the United States, an assessment of the sufficiency of current policy, programs, and processes; and identification of the Department's actions for addressing any insufficiencies, if required.

(3) DEFINITION.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(c) INCREASE.—The amount in section 201(4), research, development, test, and evaluation, Defense-wide, is hereby increased by $205,000,000, of which—

(1) $25,000,000 is to be available to complete accelerated co-production of Arrow missiles and continue integration with the ballistic missile defense system of the United States;

(2) $45,000,000 is to be available to continue system development of the Missile Defense Agency and Israel Missile Defense Organization joint program to develop a short-range ballistic missile defense capability, David's Sling weapon system, and integrate the weapon system with the ballistic missile defense system and force protection efforts of the United States; and

(3) $135,000,000 is to be made available to begin acquisition of a Terminal High Altitude Area Defense (THAAD) fire unit, which would provide Israel with a follow-on missile defense system of greater performance than

the current Arrow system and provide a capability which is already fully integrated with the ballistic missile defense system of the United States.

(d) OFFSET.—The amounts in title I and title II are hereby reduced by an aggregate of $205,000,000, to be derived from amounts other than amounts for ballistic missile defense, as determined by the Secretary of Defense.

Mr. HUNTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. WICKER. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes in support of his motion.

Mr. HUNTER. Mr. Speaker, this is a good Defense bill, and I want to compliment my great friend the gentleman from Missouri for his leadership in helping to put together this bill that passed the committee unanimously, came to the floor, and we can expect a big vote, I think, of support from the Members of this body. We are about to make this bill better.

In 1987 this committee, the Armed Services Committee, sent a letter to the leadership in Israel, and we told them that there were lots of things that they could defend against very effectively, that if tactical aircraft were sent into Israel in an attack they would shoot down all of them, and they have proven that, but that if ballistic missiles were launched for Tel Aviv, every single one of them would impact because they had no defenses. And we urged them to join with the United States in developing a system of missile defense. And upon our urging, they started what is known as the Arrow missile program. It has come a long way. It has been deployed.

And that prophetic letter that we sent them in 1987, of course, was followed by real missile attacks on Israel. They didn't quite have that system up at that time. We rushed PATRIOTs over. They now have the Arrow missile defense system up. But in the most recent attacks we have seen short-range missiles that also impacted in Israel.

This motion to recommit is $200 million that is dedicated to integrating our missile defense systems with those of Israel, using the great innovation of Americans along with their great innovative capabilities, to defend against this new era of terrorists with high technology.

Mr. Speaker, I yield at this time such time as he may consume to the gentleman from Illinois (Mr. KIRK), who has been a leader in putting this motion to recommit together.

Mr. KIRK. Mr. Speaker, I thank the gentleman for yielding.

If you could vote against a second genocide against the Jewish people, would you? If you could defend America's best ally in the Middle East from an attack by Iran, would you? If you could stand with the people of Israel and tell them that their children could feel safer in the new and dangerous 21st century, would you?

History teaches us that dictators say what they will do and then do what they say. The Iranian leader has indicated that one Holocaust against the Jewish people is not enough. Last April he said that Israel was headed towards annihilation.

This week the United Nations International Atomic Energy Agency Director General announced that Iran has fully mastered uranium enrichment technology and Iran's military test fired a missile that can now harm the people of Israel.

This amendment restores funding for the missile defense of our country and says that the defenses of our country should be fully integrated with the missile defense of Israel. This motion to recommit stands for the principle that democracies are best when they stand together; as our Founding Fathers said, when we face the threat from a tyrant that we will either hang separately or hang together.

Unless this motion to recommit carries, we will fail to put the full missile defenses of the American people against the full threat facing the people of Israel. But if this motion carries, then those who would seek to harm the people of Israel would know that they face the full weight of the great democracy across the sea who is standing behind the safety and security of our best ally in the Middle East, the State of Israel.

Mr. HUNTER. Mr. Speaker, I thank the gentleman.

And let me just remind all my colleagues that the day will come when missiles from other countries, adversarial countries, will not fall harmlessly into the Sea of Japan. They will not fall harmlessly into desert sands. We will have a time when we have to defend against incoming ballistic missiles in this country and across the borders of our allies, including Israel.

Do what is right for the United States, and what we do today in providing missile defense will protect the next generation of Americans. Vote "yes" on this motion to recommit.

Mr. SKELTON. Mr. Speaker, I ask unanimous consent to claim the time in opposition though I am not opposed to the motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The gentleman from Missouri is recognized for 5 minutes.

Mr. SKELTON. I am somewhat disturbed, Mr. Speaker, procedurally on something this important not being shown to anyone on this side until moments ago and it takes a speed reader to go over the amendment and digest it.

We are going to accept this amendment. In truth, in fact, the committee, the Armed Services Committee, fully funded, and I will say it again, fully funded the administration's request for Israeli missile defenses. The committee strongly supports efforts to work with Israel on missile defense. This has been true for years. The bill fully funds the President's request of $73.5 million for the Arrow missile defense system. It fully funds the President's request of $7 million for the joint U.S.-Israeli "David's Sling" short-range ballistic missile.

□ 1215

The committee also supports Israel's effort to obtain information on the THAAD system, which is being held up by the Pentagon.

It's interesting to point out that Representative TERRY EVERETT and I wrote a letter on March 12 of this year to the Secretary of Defense asking that he work to release the THAAD information to Israel.

Mr. Speaker, at this moment, I yield 1 minute to the gentlelady from California, the chairman of the Subcommittee on Strategic Forces (Mrs. TAUSCHER).

Mrs. TAUSCHER. I thank the chairman.

Mr. Speaker, as my colleagues are rushing to clap and pat themselves on the back, I just want to make very clear; this is not new, this is just more, and that is why we're happy to accept it.

If you look at the report language on page 242, we make it very clear that our cooperative relationship with Israel is not only significant, but primary, and that our efforts to invest with them over these many years on programs like David's Sling and Arrow are significant and are fully funded at the President's request in this bill.

What we don't have, however, which perhaps you could help with, is the cooperation of the Department of Defense to share critical information with Israel on THAAD.

So I think, frankly, that this is of more of a "me too" than it is anything else. We are happy to accept it. But I think if you check the language on 242, you will see that this committee has done all that needs to be done, going along with the President to fully fund these programs, but we could use some help with the administration and the Pentagon to get them to work cooperatively on THAAD.

Mr. SKELTON. At this time, Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I associate myself with the remarks of the chairwoman of the committee, and I will support the amendment.

I just am curious as to why, in a process of bipartisan negotiation, the amendment wasn't raised before now; why in a 14-hour markup it wasn't raised before now; why in a rule that made dozens of amendments in order it wasn't raised until now. The chairman of the committee saw the amendment 5 minutes before it was issued. It says a lot about the devotion of the minority to this cause.

Mr. HUNTER. Will the gentleman yield?

Mr. SKELTON. I yield, Mr. Speaker, 30 seconds to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. I thank the gentleman for yielding.

Mr. Speaker, I just want to get one sense of anger off my chest.

I have great respect for the gentleman from Illinois, but to talk about the Holocaust, to talk about Ahmadinejad, to talk about the historic deep commitment of this Congress and this country to the survival and the security of the State of Israel in the context of an unshown, unshared motion to recommit on a very sensitive issue partisanizes and cheapens a very important question, and I resent it.

Mr. SKELTON. Mr. Speaker, may I inquire if I have any additional time?

The SPEAKER pro tempore. The chairman has 30 additional seconds.

Mr. SKELTON. Mr. Speaker, we will accept this amendment.

Mr. HUNTER. Will the gentleman yield for just 5 seconds?

Mr. SKELTON. I will yield to the gentleman from California 15 seconds.

Mr. HUNTER. I thank my friend for yielding.

This amendment was offered by Mr. CANTOR and was not ruled in order by the Rules Committee. So this was not without precedent.

Mr. SKELTON. That was not the same amendment, I must point out to my friend from California; that was not the one that was offered to the Rules Committee.

Nevertheless, let's point out that we have fully funded. We have worked with in the past and we will continue to work with Israel. It is of primary importance. No one can doubt the commitment of the Armed Services Committee in this regard.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HUNTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the passage of H.R. 1585, if ordered, and adoption of House Resolution 404.

The vote was taken by electronic device, and there were—ayes 394, noes 30, not voting 8, as follows:

[Roll No. 372]

AYES—394

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—30

Abercrombie
Blumenauer
Clay
Conyers
Dingell
Eshoo
Farr
Hinchey
Hirono
Holt
Jackson (IL)
Jackson-Lee (TX)
Kaptur
Kucinich
Lee
Loebsack
McDermott
Miller, George
Moore (WI)
Moran (VA)
Oberstar
Obey
Olver
Paul
Price (NC)
Rahall
Stark
Tierney
Watt
Woolsey

NOT VOTING—8

Baird
Cubin
Davis, Jo Ann
Engel
Harman
Jones (OH)
McMorris Rodgers
Shays

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain.

☐ 1238

Messrs. TIERNEY, BLUMENAUER, HOLT, FARR and CONYERS changed their vote from "aye" to "no."

Messrs. CLYBURN, HALL of New York and ELLISON changed their vote from "no" to "aye."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. SKELTON. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I hereby report H.R. 1585 back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Title II, subtitle C, add at the end the following:

SEC. 2 . EXPAND UNITED STATES BALLISTIC MISSILE DEFENSE SYSTEM INTEGRATION WITH ISRAEL.

(a) REQUIREMENT.—The Secretary of Defense shall expand the ballistic missile defense system of the United States to better integrate with the defenses of Israel to provide robust, layered protection against ballistic missile attack.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a progress report on the status of integrating the ballistic missile defense system of the United States with the defenses of Israel including the status of implementation of those programs identified in subsection (c). This report may be provided in classified form as necessary to protect U.S. national security interests.

(2) CONTENT.—The report submitted under this subsection shall include the following:

(A) A description of the capabilities needed to fully integrate the ballistic missile defense system of the United States with the ballistic missile defense system of Israel.

(B) A description of systems and capabilities currently providing ballistic missile defense of Israel and the United States, an assessment of the sufficiency of current capabilities; and identification of the Department's actions for addressing any insufficiencies, if required.

(C) A description of the policy, doctrine, operational concepts, tactics, techniques and procedures, exercises, and training that currently support the integrated ballistic missile defense of Israel and the United States, an assessment of the sufficiency of current policy, programs, and processes; and identification of the Department's actions for addressing any insufficiencies, if required.

(3) DEFINITION.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(c) INCREASE.—The amount in section 201(4), research, development, test, and evaluation, Defense-wide, is hereby increased by $205,000,000, of which—

(1) $25,000,000 is to be available to complete accelerated co-production of Arrow missiles and continue integration with the ballistic missile defense system of the United States;

(2) $45,000,000 is to be available to continue system development of the Missile Defense Agency and Israel Missile Defense Organization joint program to develop a short-range ballistic missile defense capability, David's Sling weapon system, and integrate the weapon system with the ballistic missile defense system and force protection efforts of the United States; and

(3) $135,000,000 is to be made available to begin acquisition of a Terminal High Altitude Area Defense (THAAD) fire unit, which would provide Israel with a follow-on missile defense system of greater performance than the current Arrow system and provide a capability which is already fully integrated with the ballistic missile defense system of the United States.

(d) OFFSET.—The amounts in title I and title II are hereby reduced by an aggregate of $205,000,000, to be derived from amounts other than amounts for ballistic missile defense, as determined by the Secretary of Defense.

Mr. SKELTON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HUNTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 397, noes 27, not voting 8, as follows:

[Roll No. 373]

AYES—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—27

Baldwin
Blumenauer
Capuano
Conyers
Delahunt
Duncan
Ellison
Frank (MA)
Jackson (IL)
Kucinich
Lee
Lewis (GA)
Markey
McDermott
McNulty
Michaud
Miller, George
Moore (WI)
Olver
Paul
Serrano
Stark
Tierney
Waters
Watson
Watt
Woolsey

NOT VOTING—8

Baird
Cubin
Davis, Jo Ann
Engel
Harman
Jones (OH)
McMorris Rodgers
Shays

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remaining in this vote.

□ 1248

Ms. WATSON changed her vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.".

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1427, FEDERAL HOUSING FINANCE REFORM ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 404, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 186, not voting 23, as follows:

[Roll No. 374]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—23

Baird
Braley (IA)
Capito
Cubin
Davis, Jo Ann
Emanuel
Engel
Franks (AZ)
Harman
Hunter
Jones (OH)
Keller
Linder
Marshall
Matsui
McMorris Rodgers
Melancon
Rothman
Shays
Stark
Sullivan
Tancredo
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded they have 2 minutes remaining to record their votes.

□ 1254

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1585, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. CON. RES. 21, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 409 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 409

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. SUTTON) is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 409.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the Clerk just described, House Resolution 409 provides for consideration of the conference report for S. Con. Res. 21, the fiscal year 2008 concurrent budget resolution.

The rule waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read.

The rule also provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

Mr. Speaker, I said it before and I will say it again: Budgets, more than anything else this government produces are moral documents. For this reason, I am proud to report that this Democratic budget is a victory for our working families and our communities. It is a budget that embodies the highest ideals of our government.

The fiscal path set by past Congresses was unsustainable, and it put the economic future of our children and grandchildren at risk. But we are charting a new path, a path that is fiscally responsible and in line with the needs and the priorities of the American people.

Our budget reverses years of reckless Republican mismanagement, and restores fiscal responsibility to our government. The $5.6 trillion in surpluses projected at the beginning of the Bush administration have disappeared, and have sadly been replaced by a national debt that was swelled to an estimated $9 trillion.

This Democratic budget, in contrast to that reckless spending, reaches balance by 2012 and strictly adheres to the pay-as-you-go principle. And at the same time, it rebalances our priorities to help our communities and those most in need.

Our budget increases funding for jobs and education, essential to my home State of Ohio, which has lost over 200,000 manufacturing jobs since 2001.

Our budget rejects the President's cuts to vital health care programs such as SCHIP, Medicare and Medicaid. In fact, our budget provides for a significant increase in SCHIP funding that, in contrast to the President's proposal, will help cover the 242,000 children in Ohio who remain uninsured. And our budget increases funding for our veterans and our veterans health care programs. These brave men and women who have served our Nation so heroically, deserve only the best services and treatment when they return home.

□ 1300

Our budget increases funding for the Community Development Block Grant and the Social Services Block Grant, and it saves the Community Services Block Grant, which the President completely zeroed out.

I'm especially proud to have fought for these increases because almost 100,000 people in my congressional district alone have experienced the benefits of the CDBG funding.

This budget provides a new direction for our Nation, and let me be clear, Mr. Speaker, no matter what may be said by those on the other side of the aisle, this budget does not call for a single cent in tax increases. Let me repeat, no matter what may be said by those on the other side of the aisle, this budget does not call for a single cent in tax increases.

We have also ensured that no additional taxpayers will be ensnared by the Alternative Minimum Tax in 2007 and have provided a reserve fund for a permanent fix.

For three of the last 5-years, the Federal Government has had to operate without a budget resolution because the past Congresses failed to pass one, which is why it is critical that we adopt the resolution before us today. It is a budget that reaches balance in 5 years and restores fiscal responsibility through PAYGO rules. We do all this while keeping our priorities in line with the needs and priorities of the people we have been elected to serve.

As a moral document that reflects the priority of our Nation, I believe we have crafted a strong budget, and I'm proud to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentlewoman from Ohio (Ms. SUTTON) for yielding me the time, the gentlewoman from Ohio, my friend on the Rules Committee.

Mr. Speaker, I rise today in strong opposition to this rule and to the outrageous tax increase conference report that the Democrat majority is bringing to the House floor today.

Mr. Speaker, once again, we will reiterate, the Democrat Party says it's not a tax increase, but if it's not a tax increase, then it's several hundred billion dollars more worth of spending. It's one or the other, because what we see here today is exactly that. They are going to give us the largest single tax increase in the history of this country, and even though they say it's not a tax increase, then it's going to be an outrageous spending spree because they intend to spend more money or have more taxation, and that's why we're opposed to this bill.

I wish I could report to my colleagues that the majority Democrats had seen the downside of their tax-and-spend ways since the House last considered the budget in March, but on the positive side this budget does contain a 1 year Alternative Minimum Tax patch which prevents over 20 million middle class Americans from being slammed by this tax.

And this tax in this budget also represents the largest tax increase in history, not the first anyway, but I'm sorry to report that it's about as good as it gets from here because the massive and irresponsible tax increase included in the House budget would still be the second largest in American history, weighing in at least $217 billion over the next 5 years.

It also contains a trigger that could nearly double it by including increases in taxes in marginal rates, capital gains and dividend taxes, among other tax relief that was provided previously by the Republican majority.

As further evidence that the Democrats continue to ignore their campaign trail promises to demonstrate fiscal discipline, the additional spending envisioned by this plan will trigger an automatic tax hike that will affect every single taxpaying American.

This means that as Democrats continue to implement their true tax-and-spend agenda, important middle class tax relief provisions passed by the Republican majorities of the past, such as the marriage penalty and the child tax credit, will shrink or disappear, raising the Democrats' tax increase right back to the original House-passed level of $400 billion, or restoring it to its historic infamy, which it would truly be, as the largest tax increase in American history.

And if this insatiable appetite for taxing were not enough, Democrats leave themselves enough room in this budget to raise taxes even further to pay for more than $190 million of additional, unfunded spending promises.

This budget also promises and provides for a massive new spending spree by increasing nondefense appropriations by $22 billion over 2007 levels. This is in addition to the $26 billion that they have already proposed to spend outside the normal appropriations process through the omnibus and supplemental legislation that they have forced through the House.

This conference report abandons the emergency set-aside fund included in last year's budget and opens the way for unlimited future spending by dropping any limitation on what can be considered emergency spending. But it has new funds for peanut farmers and spinach growers, so I guess that's a good thing.

But in a surprising bit of consistency, the Democrats do hold true to their pay-for rules and allow the 23 shell reserve funds to spend an additional $190 billion, as soon as appropriate because these will be tax increases that they intend to identify and then pay for.

This irresponsible budget continues to ignore the brewing entitlement crisis and puts off any major reform for at least another 5 years. This is despite the fact that around 77 million baby boomers will be retiring in the near future and will begin collecting Social Security, Medicare and Medicaid. Funding this new spending represents the greatest economic challenge of our era, and it is a challenge that the Democrat budget has chosen to completely ignore while going on their own spending spree everywhere else.

And what's worse, this budget completely shirks its oversight responsibility to root out waste, fraud and abuse in Federal spending by providing only $750 million of reconciliation spending out of an $8.5 trillion Federal budget. This is the legislative equivalent of checking under the seat cushions to pay the Federal Government's rent, and I believe, for one, that the American people deserve better.

Finally, Mr. Speaker, despite these massive tax increases, the Democrats fail to provide a surplus large enough to halt the raid on Social Security, directly contradicting their previous campaign trail promises to do precisely that. This is something that the Republican budget provided a surplus large enough to do starting in the next 5 years, and it did so by controlling, among other things, spending, not raising taxes.

Mr. Speaker, I believe the voters watching this debate on C–SPAN can understand what these tax increases will mean for our economy and for our ability to compete globally. I think that they can see through this charade, and I know that they deserve better than this massive tax increase and spending spree that is on their dime and against the future of our children.

I urge my colleagues to reject this rule and the underlying tax increase.

Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's permission to speak on this bill because I am pleased, as having joined with her as a member of the Budget Committee, to embrace a new direction in terms of the Democratic management of the budget.

I have been in this Chamber for the last 11 years and watched Republican performance fall short of what Republican promises were made. We have watched people who are preaching austerity fall short time after time after time, record deficits, coupled with tax benefits concentrated for those who need it the least and truly Draconian budget cuts.

We have watched, in a particular that I have specialized in in terms of the environment, the natural resource funding, the Function 300, has been cut 16 percent, and anybody who's been in our national parks has a chance to see the consequences. There have been lost conservation opportunities and Superfund cleanup has languished.

I am pleased that we have a budget framework that focuses on tax relief for those who need it the most, and there will be extended obviously those areas where there is broad bipartisan consensus dealing with the lowest income tax brackets, protection of family, marriage benefit, but the Democrats will be focusing on the tax tsunami that is bearing down on the American public, and that's the Alternative Minimum Tax which once was supposed to be limited to the wealthiest of Americans and now has morphed into a tax on middle America.

It's not the hedge fund managers that are going to be paying it, but every middle class two-income family with children is going to be threatened with this if we don't act, and that's what we have focused on.

Last but not least, we have rejected further Draconian budget cuts. They were offered up here on the floor, rejected, because people didn't want to further erode environmental protections, erode educational benefits, erode benefits for our veterans.

Instead, you have a budget that is on a path towards balance, tax relief for those who need it most, and being able to focus on critically neglected programs in the past.

Anybody who wants to look at the difference can look at what we have supported with what the Republicans have failed to deliver over the last 6 years when they controlled everything.

I appreciate the rule that's brought forward, look forward to its passage and the passage of this ultimate legislation.

Mr. SESSIONS. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. RYAN), the ranking member.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding.

I'd like to get into this tax issue. I think we just heard this, there's no tax increase in this budget. You're going to hear that claim over and over and over.

The last speaker just mentioned that they are preserving some tax relief for some people, marriage penalty, for child tax credit, the 10 percent bracket. What they mean, they're saying, they're acknowledging, I'll give them credit on the face of it, they are going to preserve some tax relief and prevent those tax increases from coming.

What that means is they are going to let all these other tax cuts expire. More importantly, the fact is they are banking on the fact, they are requiring all those other tax cuts to expire and all those taxes to increase.

Numbers don't lie, Mr. Speaker, and what a budget is is basically a page full of numbers, and the numbers don't lie.

This chart shows you how it works. The lower line, the green line, is the line that our budget used, which assumes and requires the extension of all the tax cuts, the per child tax credit, the income tax rates, the abolishment of the death tax, cap gains, dividends, all tax cuts. The dotted red line is what the Democrats are using in their budget, and that line says they're going to raise all those taxes, marginal rates, across the board, except we hope not to raise the child tax credit tax or the marriage penalty tax or the 10 percent bracket. And we're putting a trigger in the law, and I call this the trigger tax, and that's the red line, the solid red line. And that is in the year 2010, if the Treasury Department says the surplus will be big enough in 2012 that we the government can afford tax cuts for some people, these three tax cuts, then they will have their tax cuts.

But here's the vicious cycle that we're going into and the vicious cycle is this. Their budget starts with a new $24 billion spending spree just next year in domestic spending. Then they have a $217 billion tax increase in their budget. Then they have 23 promises, 23 wish lists, 23 reserve funds that amount to a call to spend another $190 billion.

□ 1315

They are going to have to raise taxes to pay for all of that. That's going to have the fact that there is no entitlement reforms. What their budget says is, tax more, spend more; tax more, spend more. Then come 2010, when those surpluses don't materialize, because we have done all this spending, they won't even get those three tax cuts that they want to extend, and this budget will go from having the second largest tax increase in American history to having the largest tax increase in American history.

Let's look at what the true intention of this budget was when it passed the House just a month ago. The budget that passed the House a month ago had a $392.5 billion tax increase in it. All the 2001 and 2003 tax cuts that got us out of recession, that created 7.6 million new jobs, that gave us 3 years of double digit revenue growth, they wanted to get rid of it.

Then in conference with the other body, with the Senate, they agreed to the Senate to say, okay, we won't raise every one of these taxes, we would like to preserve three of those tax cuts, but raise all the rest. So they have a $217 billion tax increase in this budget.

But that's not even enough, because their trigger tax will say, if they don't spend as much money now as they are saying now they want to spend, then maybe the taxpayer will get some of those tax benefits. But if they don't, then we are back to a $400 billion tax increase.

The point is this, this is a vicious cycle of tax taxing and spending. The biggest problem with this budget is not what it includes, it's what it doesn't include. It doesn't include any spending control at all. There is no control on spending anywhere in the government, at all, anywhere, no control, no reform of our entitlement programs, even though witness after witness after witness, Democrats and Republicans, the left and right came to Congress and told us, you guys in Congress better get a handle on entitlements. You better get a handle on the fact that next year the baby boomers start retiring, and we are not ready for them. They say for 5 years let's do nothing, but let's just spend more money.

The worst thing we could do is put this budget on a trajectory of more spending and more taxes. What they will do, they will compromise the economic growth we have had over the last 3 years. They will compromise the recipe for success that have given us 3 years of double-digit revenue growth, 7.6 million new jobs.

To tie it all up, they came into the majority 5 months ago declaring new fiscal rules. more fiscal security, PAYGO, pay-as-you-go principle. So what are they doing in this budget? They are getting rid of PAYGO. In this budget, they are turning their PAYGO rules upside down.

This budget actually revises and turns upside down their entire PAYGO principle. The idea that they came in the majority just 5 months ago saying well, we will pay as we go, well, they are violating with this budget, into itself.

The last final point, which I think is really a shame, because 2 weeks ago we had a vote here in the House, 364 Members of Congress, Democrats and Republicans said, let's stop the raid of the Social Security trust fund once and for all. Let's stop that. That's what we said. We agreed that this budget should not raid Social Security. Both parties are responsible for this.

I am not saying it's the Democrats' fault, it's the Republicans' also. But what does this budget do? It raises the Social Security trust fund. Every year that this budget has a proposal, they are raiding the Social Security trust fund every year, even though 2 weeks ago 364 out of 435 of us said let's stop doing that. They turned around and said, and they are brining us a budget that continues to raid the Social Security trust fund. That's wrong. Both parties have been responsible for it. Both parties should fix it.

This budget should be defeated.

Ms. SUTTON. Mr. Speaker, I would inquire of the gentleman from Texas if he has any remaining speakers. I am the last speaker on this side.

Mr. SESSIONS. Mr. Speaker, as a matter of fact, I do have an additional speaker.

Ms. SUTTON. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the opportunity to be on the House floor today to raise a significant concern I have with the budget proposal that will be before the House of Representatives this week before its final passage.

At the moment, as we speak here on the House floor, Republican and Democrat members of the House Agriculture Committee are gathered in the House Agriculture Committee room to talk about a plan for a new 2002 farm bill. As we gather together, it's a wonderful thing that those of us who care about the farmers and ranchers of the country, who care about the environmental and conservation needs, who care about the food and nutrition needs of Americans, have decided we want to craft a farm bill together. We want to work side-by-side to reach the right priorities within the farm bill.

The problem is the budget priorities established under this budget are inadequate to provide a safety net for the farmers of America. There is a ruse going on here. The budget provides for a $20 billion reserve fund that the farm bill can access in the process of developing a new farm bill, but only if we cut spending someplace else, or we raise taxes.

So we are sitting in the Agriculture Committee trying to determine how do we meet the needs of the agriculture producers and the consumers of America, how do we meet the land and environmental and conservation needs of the people of our cities and our countryside, and we are going to try to determine that in a vacuum that suggests there is actually $20 billion in the budget that's not there.

It is simply a gimmick to allow us to try to write a farm bill to appeal to all the variety of interests that care about the outcome of this farm bill debate. But the money is not available.

For too long we have had the gimmicks in the budgetary process. To me, this is one of the biggest I have seen in my time in Congress in which we pretend there is a fund to draft farm bill legislation.

The farmers of America, certainly the farmers of Kansas, struggle today. We are in perhaps the beginning of an end of a 6-year drought. Commodity prices are higher. The last farm bill, 2002 farm bill, spent $18 billion less than was expected. But do we get the advantage of that in agriculture spending? The answer is no. It's taken away from us because commodity prices at the moment are higher than they were. But we know, in agriculture, we know the laws of supply and demand and economic rules that govern our economy, that the result of higher commodity prices is lower commodity prices.

So as we draft a farm bill, we are going to pretend there's money there to meet the safety net needs of farmers when it's not there. Commodity prices will be lower. That's a natural result of higher commodity prices.

Conservation environmental needs will be greater. Food stamps and nutrition programs will need to be funded. Yet, this budget fails to meet those needs. Even the administration's proposal had a better offer for American agriculture than the Democrat-passed budget on the House floor today.

Finally, Mr. Speaker, there is talk about higher commodity prices for our farmers, but very few people talk about the purpose of the farm bill, which is to provide a safety net when the cost of production to produce the crop is higher than the commodity price that the farmer receives. Yes, commodity prices are higher this year than they were last year or the year before, but let me remind people of this body what has happened to the input costs that a farmer, in fact, all Americans, face.

Agriculture is an energy dependent business, with the increasing cost of fuel, fertilizer and natural gas. the price, the cost of producing agricultural commodities in this country has skyrocketed since the 2002 farm bill. Yet the budget that we are presented with today will allow us to do less for farmers, not more.

I rise just to raise serious objection to the budget, and to make my colleagues aware, as we work together in a bipartisan fashion in the Agriculture Committee, to craft a farm bill. the parameters that have been laid out by the budget make that process almost impossible to accomplish.

I thank the gentleman from Texas for yielding me the time. Again, I rise to oppose this budget and its failure to meet the agricultural. environmental and food safety needs of Americans.

Ms. SUTTON. Has the gentleman had all of his people speak?

Mr. SESSIONS. I thank the inquiry from the gentlewoman. I will assume that the gentlewoman is still going to hold her time with no additional speakers?

Ms. SUTTON. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman from Texas for yielding.

It's an interesting discussion that we have here about taxation policy. As you know, this budget is going to increase the taxes to the American consumer more than any single time in our history.

But why should that matter? Why is that important? I will tell you that the Governor of New Mexico, Governor Bill Richardson, a staunch Democrat said it best, when he is passing tax increases for New Mexico, tax cuts create jobs. He said Democrats should get over it. They should understand the economic principle. If tax cuts create jobs, then the reverse is true, that tax increases are going to outsource jobs.

So what we have here is one of the largest outsourcing of jobs in American history.

Now, if you would like an example of it, you could take a look at Irish miracle. We are all familiar with an Irish economy that was slugging along, so what they did is they cut taxes to their internal companies. If you are internal, you paid like an 8 percent or maybe a 10 percent tax. If you were an external company, maybe someone outside of Ireland, they still paid a 36 percent tax. Their economy began to boom.

At that point the European Union said, you know, you Irish people have got it wrong. You must change the tax structure. We are not going to listen to this. We are not going to allow for it.

The Irish, being the Irish, looked at it and said, yes, you are right. Our tax structure is wrong. So they lowered the taxes to all the external companies. They did increase to 12 percent their internal companies, lowered everyone to 12 percent, and that boom continued tremendously.

New Mexico had a boom after we began to cut taxes. The United States government, people would ask me, why did we cut taxes in a period of deficit spending? We cut taxes to grow the economy. It has worked, and over the last 3 or 4 years we have created over 7 million jobs in this economy, which has been spurred on by tax cuts.

So what our friends on the other side of the aisle are doing is it does not matter about the health of the economy. It does not matter about the jobs that we are going to outsource. We are going to tax people more in this country.

That's the fundamental difference between Republicans, Democrats, and I would bring that to the attention of our audience today and ask you to oppose the Democrat budget that increases taxes more than any other budget in American history.

Ms. SUTTON. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I will be urging my colleagues to defeat the previous question so that I may offer an amendment to the rule, which will stop this Chamber from hiding behind a cheap procedural maneuver invented by former Democrat Majority Leader Dick Gephardt. This rule allows Members to duck the responsibility of taking a vote on raising a limit on a public debt, a painful but necessary exercise of this Chamber's legislative responsibilities.

Because of this rule invented by Democrats, Members who vote for this underlying conference report will also be recorded as voting to raise the public debt. Members need to be aware of this. They need to know exactly what they are voting for.

For a long time, Members on both sides of the aisle have been appalled by this practice. Members of growths as ideologically diverse as the RSC, Blue Dogs and the New Democrat Coalition alike have called for its repeal. It's time for members of the Blue Dogs and New Democrat Coalition to demonstrate the courage of their convictions and end this bait-and-switch practice.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment and extraneous material just prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. PASTOR). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, what we are debating here today is the largest tax increase that will take place in American history. As the Republican majority has done for a number of years, we recognize that America needs to be more competitive with the world in cutting taxes, making sure that the budgets, very clearly, help protect this country, help protect the men and women of the United States military. They are doing their daily job in trying to not only protect this country, but to defeat terrorists all around the world.

Today we have an opportunity to stand very clearly, talking about what a budget does. We have heard it's a moral piece of paper. It defines very clearly about what someone's priorities are. Well, we know what those priorities are. They are tax and spend.

Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. MCHENRY).

□ 1330

Mr. MCHENRY. Mr. Speaker, I appreciate my colleague from Texas (Mr. SESSIONS) yielding time to me.

As a member of the Budget Committee, we worked very hard to craft a budget that was reasonable in previous Congresses and in this Congress as well. And I want to congratulate the ranking member on the Budget Committee, Mr. RYAN from Wisconsin, on his hard work, and I also want to congratulate my colleague to the south, in South Carolina, for his leadership as chairman of the Budget Committee. But I respectfully disagree on this budget, and I will tell you why. The Democrats are poised to pass a $217 billion tax increase on the American people. This is the second largest tax increase in American history.

A quick history lesson here. You might be wondering who holds the record for the largest tax increase. A Democrat Congress and President Bill Clinton, and they raised taxes by $241 billion in 1993, one year before the 1994 Republican revolution.

Back to the present day, though. The American people should know, when Democrats spend too much and future surpluses fail to materialize, a second tax hike triggers automatically. Therefore, the $217 billion tax hike could nearly double to $400 billion. In other words, the Democrats will eclipse Bill Clinton's record for the largest tax increase in American history. It is outrageous, and the American people need to know that. The Democrats said that they would raise taxes, and they actually are doing it, and as part of this $2.9 trillion Federal budget, again, the largest spending bill ever passed by Congress. So it is not just the largest tax increase, but it is the largest spending piece as well. It shows their priorities, that they actually want to take more from the American people.

Their tired old philosophy ignores the fact that tax receipts this month were $70 billion above the same month in 2006. Tax cuts have worked. In fact, this year government revenue is the highest it has ever been in the history of our country. Let me repeat that. The revenue to the Federal Government is the largest it has ever been in the history of our country. And, in fact, there is more government revenue coming in to our Federal Treasury this year than any time in the Earth's history for any government, period.

Yet, it is not enough for the Democrats. They want to spend more, they want to tax more, they want every American to pay more in taxes, and they are going to do it through this budget.

And that is why, Mr. Speaker, I think this tax and spend, tax and spend, tax and spend policy of the Democrat Party is the wrong thing for our economy, it is the wrong thing for our communities, it is the wrong thing for small business people who will be paying more taxes. It is wrong for the single mother who is trying to make ends meet, it is wrong for the American people and our economy. And that is why we should vote down this rule and vote down this budget.

Mr. SESSIONS. Mr. Speaker, the Republican majority a few years ago heard the American people loud and clear that they wanted America to be competitive with the world. We were tired of losing jobs overseas. That is not happening. It has not happened in a couple years. As a matter of fact, there are signs all over this country that say "workers needed." We need more workers in this country. And that comes as a result of the tax cuts that were offered to allow American business, corporations become competitive with the world, an opportunity to attract new capital, to retool our companies here in this country to give us the newest tools and the tool kits that are available.

We have a strong and vibrant economy. We have a strong and vibrant economy because we have people who have money in their own pockets creating jobs. We have some 5 million new jobs just in the last few years, 7 million since 2001, that have been created.

This economy is doing the right thing. It is giving the Americans their own dreams, their dreams to not only have their own homes, the highest level ever of people who own their own homes, but it is also giving America to save for our future because our stock market is back.

Just a few years ago, after 9/11, everybody was worried about their retirement. Big worries. At that time, what did we hear from the Democrat Party? Raise taxes. But that is not what the Republican majority or President Bush did. We cut taxes; we grew our economy. We have a strong and great economy today.

The Republican Party stands forth today on this day in Washington, D.C., to say we will vote against the largest or second largest tax increase in the history of the United States of America.

This budget that comes from the Democrat Party will raise taxes and raise spending. The Republican Party disagrees with that. The Republican Party disagrees with saying that we will have taxpayers who will be without jobs in this country, because we will take away the investment and the opportunity that goes forth to make investment possible to where jobs are available. The Republican Party stands today and says we are opposed to this new bill because of what it does by having all sorts of special accounts, just spending opportunities that sit out there in the future, undefined, but ready to spend money if the money comes in.

We believe that we should have had more responsibility, as we have tried to do for years, to do something responsible about Social Security. But we have heard from the Democrats for the last 6 years, there is nothing wrong with Social Security. There is no problem. Mr. Speaker, we disagree with that. Republicans are going to oppose this today. I ask my Members to join me in defeating the previous question.

Mr. Speaker, I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, I would like to begin my closing remarks by returning us to the painful reality of what we begin with today.

This administration and these past Congresses took a $5.6 trillion surplus and turned it into a $9 trillion debt. This Democratic budget, in contrast, reaches balance by 2012, and strictly adheres to PAYGO rules.

This budget contains not a dollar, not a quarter, not a dime, not a penny of tax increases. And you don't just have to take my word for it. The Concord Coalition says that the budget resolution does not have a tax increase. "Thus to be clear, the budget resolution does not call for or require a tax increase," the Concord Coalition said on March 28. The Center on the Budget and Policy Priorities says the budget resolution does not have a tax increase. "This claim is incorrect. The House plan does not include a tax increase," made on March 28, 2007. The Brookings Institution says, "The Democratic budget would not raise taxes." "The budget would not raise taxes." March 28.

Mr. Speaker, we have made it clear why passing this rule and passing this budget is so important for our Nation, so let me wrap up this debate by highlighting the facts about our budget.

The Democratic budget puts together the broken pieces left to us by the mismanagement of previous Congresses and this administration. Our budget returns fiscal responsibility to Congress, and allocates funding for some of our most important national priorities. Our children, our veterans, and our working families will be provided with the key resources they need and deserve. Our budget protects tax cuts for middle class families, and it does not raise taxes on anyone.

Mr. Speaker, this is the responsible budget that the American people have been calling for, and it deserves our support. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 409 OFFERED BY REP. SESSIONS OF TEXAS

At the end of the resolution, add the following new section:

SEC. 2. Rule XXVII shall not apply with respect to the adoption by the Congress of the conference report to accompany the concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative Plan.)

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 224, nays 193, not voting 15, as follows:

[Roll No. 375]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Baird
Cubin
Davis, Jo Ann
Engel
Harman
Hunter
Inglis (SC)
Jones (OH)
Kaptur
Knollenberg
Lewis (KY)
McMorris Rodgers
Olver
Shays
Smith (NJ)

☐ 1402

Mr. YOUNG of Alaska and Ms. GINNY BROWN-WAITE of Florida changed their vote from "yea" to "nay."

Mr. COSTELLO changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 225, noes 194, not voting 13, as follows:

[Roll No. 376]

AYES—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)

Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Baird
Cubin
Davis, Jo Ann
Engel
Harman
Jones (OH)
Kaptur
Lewis (KY)
McMorris Rodgers
Reynolds
Shays
Tiahrt
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes are remaining in this vote.

☐ 1409

Mr. MARCHANT changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. TIAHRT. Mr. Speaker, on rollcall No. 376 I was unavoidably detained. Had I been present, I would have voted "no."

Mr. DUNCAN. Mr. Speaker, I inadvertently voted "aye" on rollcall No. 376, adoption of the rule for the Conf. Rpt. on the FY '08 budget. I would like the RECORD to reflect that I meant to vote "nay."

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–35)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication, stating that the Burma emergency is to continue beyond May 20, 2007.

The crisis between the United States and Burma arising from the actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma, that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 17, 2007*.

CONFERENCE REPORT ON S. CON. RES. 21, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

Mr. SPRATT. Mr. Speaker, pursuant to House Resolution 409, I call up the conference report on the Senate concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. POMEROY). Pursuant to House Resolution 409, the conference report is considered read.

(For conference report and statement, see proceedings of the House of May 16, 2007, at page 12655.)

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPRATT) and the gentleman from Wisconsin (Mr. RYAN) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

This budget resolution which we present today did not come easily. It comes from months of hard work, hearings, and negotiations. The end product is a good budget, not perfect, I will admit. Not complete but worthy of support. Indeed, it requires our support if we do not want the process to fail again, as it did last year when no concurrent resolution was passed and only two of 11 appropriation bills were enacted.

This budget moves us to balance over the next 5 years. Along the way, it posts smaller deficits than the President's budget. It adheres to the pay-as-you-go principle and contains no new mandatory spending that is not paid for, and it funds "program integrity initiatives" to root out wasteful spending, fraud, and tax evasion.

Within this framework, our budget does more for veterans' health care, more for children's health care, and more for education. Here in a nutshell are the basics of this budget:

This budget comes to balance in 5 years and runs a surplus of $41 billion in the year 2012. Contrast that with the President's budget, which remains always in deficit. This budget allocates $954 billion to discretionary spending, or about $75 billion more than this year, of which about $50 billion is for national defense. This total includes $450 billion for nondefense discretionary, or about $23 billion more than this year.

This budget not only abides by the PAYGO principles, it extends them, establishing a Senate PAYGO rule and calling for statutory PAYGO as well.

The concurrent resolution before us, like the House resolution, sets defense spending at levels the President requested, though it targets resources to the troops and conventional forces. It provides more for homeland security than the administration requested, and it funds the recommendations of the 9/11 Commission. So it is strong on defense, internal and external.

This budget does all of the above, and I would emphasize this, it does all of the above without raising taxes. The tax cuts enacted in 2001 and 2003 all remain in force, unaffected in any way by this resolution. As originally written and enacted, most of the tax cuts expire on December 31, 2010. In our budget resolution, we separated out the middle income tax cuts and made it the policy of our resolution to extend those tax cuts when they expire.

□ 1415

In this concurrent resolution, we go even further. We install a trigger that facilitates the extension of these tax cuts so long as the House waives its PAYGO rule and so long as the tax cuts extended do not exceed 80 percent of the surplus projected by OMB for the year 2012.

This budget's basic objective is to get back to balance. That is the bottom line. In such a budget, we can't have everything we want, but we do believe that some promises should be kept above all others, for example, the promises we've made to our veterans. This resolution increases funding for veterans health care in 2008 by $6.7 billion, 18.3 percent above the current year.

We also do not believe that children's health care and education should be sidetracked while we seek to work out ways to balance the budget. This budget accommodates an increase of $50 billion to expand the Childrens Health Insurance Program, so-called SCHIP, and cover millions of uninsured children. This budget also provides $4.6 billion over current services for education, job training and employment services. That includes more money for No Child Left Behind, for special education and student loans.

Lacking any other arguments, our friends from across the aisle, our Republican adversaries, will claim that this budget resolution raises taxes, as they have repeatedly and wrongly. Let me answer that claim emphatically. This budget does not raise taxes by one penny. Period. Not by one penny.

On the contrary, the 2008 budget resolution accommodates the extension of the middle income tax cuts, pays for a 1-year patch to prevent the AMT from coming down on middle income taxpayers, and calls for reform of the AMT, consistent with PAYGO principles, to save middle income taxpayers from this stealthy tax.

This budget is fiscally sound, a solid framework, is balanced from the top line to the bottom, and I urge support for it.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

I would like to start off by congratulating Chairman SPRATT and the majority staff on the Budget Committee for reaching this point in the budget process. This is not easy. And they are to be commended for getting the budget up to this point.

I have long believed that the budget resolution is an important statement of congressional policy and a critical act of governing. So in a sense, I am glad to see this conference report here today. And the gentleman from South Carolina deserves credit for that.

That said, the choices in this budget, or some would argue, the complete lack thereof, represents an enormous missed opportunity, an enormous missed bipartisan opportunity.

The Democrats' fiscal year 2008 budget sets off a vicious cycle, Mr. Speaker. Higher taxes fuel higher spending and greater spending demand. In order to meet this appetite for greater spending, we are going to have to raise taxes again and again and again. Let's take a look at how this will work.

First, the linchpin of this budget, and numbers do not lie, check with the Congressional Budget Office, its only one binding fiscal policy is the same one that Democrats have been bringing to the floor time and again, "raise taxes." This budget will raise taxes on the American economy and American workers by at least $217 billion. That is the second largest tax increase in American history. And to be clear, their $217 billion tax increase is just an opening bid. It will last only until the majority can raise the ante.

As you may recall, Mr. Speaker, the House Democrats wanted and included in their budget a $400 billion tax increase. That would have been the largest in history. But the Senate made it clear by a vote of 97–1 that they would not accept the House's number. So from this conference report, it would initially appear that the House Democrats receded to the Senate's smaller tax number, the smaller tax increase, that's according to the CBO, that is, until you take a closer look at some of the procedures and gimmicks included in this report.

First let's look at the trigger. There is this so-called tax trigger. In short, this trigger will provide the majority with an immense loophole allowing them to renege on their promise to protect certain high-profile tax benefits, and they can do it without leaving any fingerprints because it would all be automatic. All the Democrats have to do, believe it or not, is spend too much money, and that will set off the trigger and raise those taxes.

Mr. Speaker, they are saying in this budget they want to extend marriage penalty relief, the child tax credit and the 10 percent bracket. But if they spend too much money, guess what happens automatically? Those tax cuts go away.

Then there is the $190 billion worth of unfunded spending increases promised in this budget's 23 reserve funds. If they actually deliver on these promised 23 wish list reserve funds, that's another tax hike.

Mr. Speaker, even their version of PAYGO, which they touted as proof of their commitment to fiscal discipline, is just a means to make it easier to raise taxes. What happens if they raise mandatory spending, Mr. Speaker? You guessed it. They have to raise taxes to pay for it.

So again, this $217 billion tax hike is just the starting bid. You can expect them to draw from that well again and again and again. Why is this a problem? Why do we have this huge difference of opinion, difference in philosophy of ideology of economic doctrines? Because the enormous tax increases will threaten the economic and fiscal progress our Nation has made these past several years.

As I have said many times before, the tax decreases, the tax cuts we passed in 2001 and 2003 have turned this economy around, it brought us out of recession. It improved job growth, GDP growth. It lowered the unemployment rate. Business investment and the entire market rebounded. And all that growth has led to surging revenues coming into the Federal Treasury. Three years of double digit revenue growth at these lower tax rates. The tax hikes contained in this budget threaten to reverse all of this.

And think of the impact this tax hike will have on the small businesses that it hits. Our small businesses, who are already paying the second highest tax burden in the industrialized world, will be told that they are just not paying enough. In this increasingly global economy, where these companies are struggling to compete with China and India, imposing an even larger tax burden will be crushing. It will severely threaten our ability to compete, and let alone lead, in the global economy.

So what will taxpayers get in return for sending Congress ever higher cuts of their paychecks? Better working, more efficient, less wasteful spending? No. The majority doesn't even pretend they are going to control spending.

There is no control on the existing trajectory of spending we have in this budget. We are only 5 months into this Congress, and at every opportunity the new majority has chosen the path of higher spending. They increased discretionary spending by $6 billion in the omnibus, another $20 billion or so of extraneous spending in the supplemental, and now they're increasing nondefense discretionary appropriations next year by another $23 billion.

For all we've heard about how the Democrats had to clean up the mess the Republicans gave them, their only response to this seems to be spend more and tax more. This formula has never worked for getting control of the budget in the past, and it won't work now. It's also the reverse of what's going on in the rest of the world. Across Europe, governments are moving away from their welfare state, big government tax policies and toward more market-oriented policies. For instance, the latest, most clear example. But here in the States, where we should be leading the tide toward free markets, Democrats are taking us in the other direction.

Finally, I think the biggest failure of this budget is not what it does do, it's what it doesn't do. This budget does nothing to reform entitlement programs, to extend their solvency. We had a parade of witnesses from the left and from the right, Democrat witnesses, Republican witnesses, the Chairman of the Federal Reserve, the OMB Director, the CBO Director, all come to us and say, you've got to get a handle on entitlements. You have to reform the entitlement programs to make them more solvent, to stop this enormous unfunded liability that is hitting American taxpayers.

Even with the Democrats' $400 billion tax increase, they had in the House-passed version, that would quickly outpace revenues, entitlements would swamp us.

So Mr. Speaker, even if we hit a temporary balanced budget, as this might achieve, it will be temporary because you can't raise taxes enough again and again to outpace the trajectory of entitlement spending growth. We will go back into deficits because this budget does nothing to control spending.

So why have the Democrats failed to even address this dire situation? Because as Senate Budget Chairman Senator CONRAD told 60 Minutes, "It's always easier not to. It's always easier to defer, to kick the can down the road, to avoid making choices." "You know, you get into trouble in politics when you make choices." I appreciate that sentiment, but we all know that is not what budgeting is about. Budgeting is about making choices even when they're tough, even when they are not politically popular because that is what we came here to do.

In closing, I believe this budget fails to make any real choices, let alone the right ones. It will impose on American families and businesses at least the second largest tax increase in American history, if not the largest, add immense new government spending, and put off critical entitlement reforms for at least another 5 years. Our House Republican budget proved we can balance the budget without raising taxes and stop the rate on Social Security.

It is my genuine hope that the House will vote today to change this dangerous course and send the Democrat budget back to the drawing board.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, before yielding to the majority leader, let me set the record straight with respect to revenue flows.

If you look in the Congressional Budget Office projections of revenues in the budget, you will see that for the period 2008 through 2012, cumulative revenues are projected to be $15.3 trillion. If you subtract 176 for that to account for the agreement we've made with the Senate, which will facilitate the adoption and extension of the middle income tax cuts adopted between 2001 and 2003, then our number for total revenues, according to CBO is $14.828 trillion. The President's budget, total revenues are $14.826 trillion. We are $14.828 trillion, the President is $14.826 trillion; $2 billion difference. This is the biggest tax increase in history? Give me a break.

And how about the Republican's own revenue stream. You start from the same baseline. They have to use CBO numbers too. $15.3 trillion. Deduct from that $447 billion, which they have in tax cuts during that period of time, the baseline number for them becomes $14.556 trillion. That is a difference of $272 billion over 5 years, less than $50 billion a year over that period of time. This is absurd. This has gone on and on and on, as the speeches claim, and we will refute it every time it's raised today.

Mr. Speaker, I now yield 1 minute to the gentleman from Maryland, the distinguished majority leader.

Mr. HOYER. I thank my friend for yielding.

As my friend from Wisconsin has heard me say so often, I am at once amused, and at the same time deeply disappointed because I have watched an unending series of young, earnest, very bright Republican leaders stand on this floor or stand in the OMB or in the White House, led by David Stockman, and then John Kasich, then Jim Nussle, and now PAUL RYAN, all very able representatives who served in this body, who come before us and assert, with a certitude that is unflappable, that they have the answer to bringing economic well-being to America.

During that 26 years that I have observed those serious, I believe, conscientious young men make that representation, without fail they have presented budgets that have put this country, without exception, every year of their budgets $4.1 trillion further in debt. And then they said in 1993, when we adopted an economic program sent down by President Clinton, "this is going to destroy our country." They called it the largest tax increase in history. They were, of course, not telling the truth. That was not the fact.

In fact, the largest tax increase that has occurred in this country since I have been in Congress, in terms of real dollars, was the Dole-Reagan tax increase in the early 1980s.

So I come before this House to say I hope the American people will understand that the representation we have just heard has been made over and over and over again. And the results of the policies promoted by that rhetoric have been unending and inevitable large deficits. In fact, of course, the revenues are substantially below, as the gentleman knows, the projections that were made.

□ 1430

Mr. Speaker, today the Members of this House can proudly vote for a budget conference report that addresses our Nation's critical needs on national security, education, health care, the environment and many other areas, while also making a 180-degree turn away from the most reckless fiscal policies in the history of our Nation.

My young friend from Wisconsin knows well that spending over the last 6 years was twice the rate of spending in terms of percentage increase under the Clinton years. Twice. Of course, the Republicans controlled the House, the Senate and the presidency, and spending was at twice the rate of growth that it was during the Clinton years.

I urge every Member of this House, on both sides of the aisle, to vote for this responsible Democratic budget conference report. It will be a change from the past, because we will adopt a budget, and I say you are probably even going to adopt appropriations bills, unlike last year.

First and foremost, this Democratic budget provides robust defense spending levels, because our national security is our highest priority. This budget provides more homeland security funding than the Bush administration requested. It funds the 9/11 Commission recommendations, and it increases funding for veterans health care and services by $6.7 billion.

We talk about supporting our troops. If we support our troops, we need to honor our veterans, and we need to honor our veterans with more than just talk. We need to make sure that their health care is provided. This budget does that. In fact, this budget is $3.6 billion more than the President requested. Of course, he requested that before Walter Reed, before the long lines, before the American public was aware of how underfunded veterans health care is.

Furthermore, after 6 years of fiscal irresponsibility, this budget will bring our budget back into balance in 2012. President Reagan, President Bush I and the 7 years of Bush II, never one balanced budget year in those 19 years. During the Clinton administration, 4, half of the budget years had surpluses.

Now, the great falsehood, the great deceit, the great misrepresentation perpetrated by many of our friends on the other side of the aisle is that the budget somehow raises taxes. That is simply and absolutely untrue.

Now, the Republicans pride themselves on not raising taxes. They simply borrow money from the Chinese, the Japanese, the Saudis, the Germans. In fact, they borrowed over $1.2 trillion over the last 6½ years to fund their spending increases.

It is somewhat humorous, I think, that our Republican friends are claiming that this budget raises taxes by failing to extend cuts that the Republicans themselves designed to expire in

2010. By their logic, last year, when the Republicans still controlled both Chambers of this Congress and chose not to extend the taxes, in your budget proposal, remember that, my friends on the other side of the aisle, you did not suggest extending these tax cuts. It is ridiculous.

Don't take it from me, just listen to the Hamilton Project at the Brookings Institution, which yesterday stated, "The budget conference report would not raise taxes. If anything, the budget resolution assumes that Congress will cut taxes."

This is true. In fact, Mr. Speaker, the budget accommodates the extension of middle income tax cuts, as the chairman has said, and provides immediate relief for middle income taxpayers affected by the Alternative Minimum Tax. We want to fix the Alternative Minimum Tax. In fact we want to fix it by giving 81 million Americans a tax cut.

In addition, this budget increases funding for Head Start, LIHEAP, accommodates a $50 billion increase to cover millions of uninsured children, and rejects the administration's harmful cuts to environmental programs.

Finally, Mr. Speaker, for our friends on the other side to complain that this budget provides for an increase in the debt ceiling strains credibility. The rule that is in this bill was in your budgets repeatedly.

In just 6 years, this administration and Republican Congress turned a projected budget surplus of $5.6 trillion into an over $3 trillion deficit, an $8.6 trillion turnaround to the red side of the budget on your watch when you controlled all of the levers of this House. And you raised the debt ceiling 4 years in a row.

The new Democratic majorities in this Congress have inherited a fiscal debacle that today, through this conference report, we can begin to address and make right. This is a budget that we can be proud of, and it stands in stark contrast to the extraordinarily irresponsible policies of the last 6 years.

I urge all of my colleagues, vote for fiscal responsibility and a brighter future for our children and for our country. Vote for this Democratic budget.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I will be glad to yield to my friend from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Speaker, just a point of clarification. I think the gentleman said that our budget did not extend the tax cuts. It did. In fact, it extended all the 2001 and 2003 tax cuts. I just wanted to state that for the record. That is all.

Mr. HOYER. Mr. Speaker, reclaiming my time, I don't have it in front of me, but what your budget did was you assumed that the tax cuts were going to be extended. You did not extend them in your budget legally, which you could have done under the rules. You claim you didn't do it initially because of the rules in the Senate. I think that is accurate.

Mr. RYAN of Wisconsin. Well, I can go back into that, but I think we have belabored the point.

Mr. HOYER. Mr. Speaker, I thank the chairman for his work, I thank him for yielding me the time, and I urge a yes vote on this responsible, effective budget for our country.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 30 seconds simply to ask a rhetorical question, if the Democrats chose to extend some of the tax cuts in this budget and therefore not all of the others, how is this not a tax increase?

If the Senate said that the Democrat House budget raised taxes and they didn't want to raise them as much and they forced the conference to negotiate to keep some of the tax cuts at bay, how is this not a tax increase? If they are saying they are preserving some of the tax cuts, then by definition they are raising the other taxes.

You can't have it both ways.

Mr. Speaker, I yield 2 minutes to a young, earnest, conscientious Republican leader, the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Mr. Speaker, I thank the young ranking member for yielding.

Mr. Speaker, unlike the majority leader, protocol does not allow me unlimited time to rebut his numerous inaccuracies, but let me lay out this fact first: The Democratic budget that we will vote on this evening raises taxes. And if you don't believe it, just wait until your tax bill comes due in a couple of years when you are asked to pay more then than you are today. And you will be asked to pay the largest tax increase in American history.

The marriage penalty will be back. The death tax, back. The bracket creep, back. Small businesses paying more than Fortune 100 companies. It will crimp the economy that is robust and strong and creating a record Dow as we speak.

The majority leader said national security is their highest priority. If it is your highest and first priority, why are we now in May with troops running out of funds, running out of resources, and a President begging for a supplemental for men and women who are in harm's way, if national security is your highest priority?

If you care to honor the veterans, then in addition to paying for veterans health care, in addition to dealing with veterans retirement, why are you not similarly honoring those veterans by reforming entitlements, so that when those young veterans come back, that every think tank in this town is in agreement that Social Security and Medicare will be bankrupt before those young veterans are eligible to receive those promised benefits, and you do nothing about it.

Why don't you honor those young veterans, why don't you honor those future generations, those first year teachers, this spring's graduates from high schools and colleges, why don't you honor them by dealing with the crisis that our country faces in Social Security, Medicare and Medicaid consuming the Federal budget? It already makes up over half of Federal expenditures.

This budget raises taxes, skyrockets the spending and does nothing to deal with the generational crisis we face in entitlements. I urge you to defeat this irresponsible document.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Texas (Mr. GENE GREEN) for the purpose of making a unanimous consent request.

Mr. GENE GREEN of Texas. Mr. Speaker, I support the conference committee report and thank both the chairman and the Budget Committee for their good work.

Mr. Speaker, I rise today in support of the conference report accompanying the fiscal year 2008 budget resolution. This budget resolution represents a return to fiscal soundness for our country, which has operated without a budget resolution in 3 of the last 5 years. This budget will help our country emerge from a sea of red ink and put us on a path toward a budget surplus in the next 5 years, with a $41 billion surplus projected for 2012.

Key to the fiscal responsibility in this budget is the inclusion of critical budget enforcement provisions known as PAYGO. This budget extends to the Senate the PAYGO rules adopted earlier this year in the House, which ensure that any future tax cuts or increases in mandatory spending are offset elsewhere in the budget. This budget hews to that principle and does not include any new mandatory spending that is not offset.

Mr. Speaker, I also applaud our House and Senate Budget Committee Chairmen for their attention to the domestic needs of this country and the resources this budget dedicates for health care programs and research that have suffered in previous budgets. The conference report provides a reserve fund of up to $50 billion for the reauthorization of the State Children's Health Insurance Program. As a member of the Energy and Commerce Committee, which is working to reauthorize the SCHIP program, I want to make sure the program is available to the 6 million American children who are currently eligible but not enrolled in the program. The reserve fund in this budget will allow us to expand the program for these children while also maintaining fiscal discipline under PAYGO.

On the discretionary side, the budget resolution includes an additional $20 billion over last year's level for health programs. In years past, worthy health care programs like trauma systems funding, Emergency Medical Services for Children, Health Centers and NIH research funding have been forced to compete for funding that was not sufficient to meet our health care needs. This budget recognizes the importance of adequately funding domestic priorities like health care and education programs that are true investments in our country's future.

I thank our House conferees for their work on this budget resolution and congratulate them on this truly balanced budget, in terms of both the deficit and the needs of the American people.

Mr. SPRATT. I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, how remarkable and refreshing this budget is. Finally a budget that ends the Republican commitment to endless seas of red ink and deficit spending. Finally a budget that ends the Republicans' commitment to squandering the $5 trillion that they inherited from the Clinton administration.

But more remarkable about this budget is it takes us in a new direction. It takes us in a direction where once again we see ourselves as a country and a national government investing in young people in this country, investing in their education, investing in the effort to make college more affordable for families and students who have to borrow money. That is what this budget does.

With a $9 billion increase over and above the President's budget, for the first time we are able to change the trendlines from reducing the expenditure on behalf of students with disabilities, on behalf of the elementary and secondary education of America's students, on behalf of job training. That is what this money does. This is an investment in the future of our young people. This is an investment in the elementary-secondary education system of young people in this country. This is an investment in reducing the cost of college.

That is a markedly different direction than we have been going over the last 6 years, where we just headed headlong into seas of red ink, where it overwhelmed everything else the government was about to do, where it started taking its toll on the education budgets of this country, where we denied the opportunities for people to have an affordable student loan, where we now see in excess of a quarter of a million young people deciding they won't be able to borrow the money, they won't be able to pay it back, and so they have decided maybe they will have to postpone or defer a college education permanently.

This budget also gives us the opportunity to address in a comprehensive fashion the reducing of the cost of college, to remake the student loan program, to get rid of these mindless, endless subsidies that the previous budgets have contained for the lenders, subsidies that fueled the corruption that we have seen in the program.

This is a remarkably refreshing, exciting budget for this country, for its young people and for its future.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1½ minutes to the ranking member of the Education and Labor Committee, the gentleman from California (Mr. McKEON).

Mr. McKEON. Mr. Speaker, I thank the gentleman for yielding and I thank him for his work on this budget.

I rise in opposition to the second largest tax hike in American history. This agreement before us includes a tax hike of at least $217 billion by fiscal year 2012. Worse yet, the budget includes a troubling tax hike trigger that would automatically raise taxes even higher if surpluses do not materialize due to unrestrained Federal spending, a habit I don't expect Congressional Democrats will break any time soon.

This agreement also includes a reconciliation instruction for the Education and Labor Committee. I have supported reconciliation as a means to reduce the deficit in the past, in just the last Congress in fact. But clearly deficit reduction is not a priority in this budget. The fact that our committee is the only panel with this instruction reflects this. Instead, I am afraid this instruction might leave the door open for the majority to abuse the process in order to give Washington bureaucrats a greater stranglehold on student loans than ever before through a greater emphasis on the government-run direct loan program.

Let me be clear: I stand ready to strengthen Federal student aid programs by promoting competition among and within the loan programs while providing additional funds for low income students to attend college. This is just what we did through reconciliation in the last Congress.

However, Mr. Speaker, I won't stand idly by while the majority attempts to drive a stake through the heart of the market-based loan program. This would be terrible news for students and taxpayers alike, and I will do all I can to fight against it.

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Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I am proud that we have come together and finally agree on a fiscally responsible budget. And I am proud of the work that we have done to address our most urgent priorities as a Congress and as a Nation.

Last year, the previous majority failed to pass a budget and in the process left us without the framework to pass critical appropriations bills. In 1998, 2002, 2004, we also went without a budget resolution. We have to do better, and that begins today. We have a responsibility in this Congress to do our jobs and to put our Nation back on track.

At last we are beginning to get our House in order with a real commitment to spend our tax dollars wisely and with fiscal responsibility, finally honoring our long-standing commitments and making a modest investment in our future. By balancing our budget and even providing for a slight $41 billion surplus by the year 2012 without raising taxes, this plan reflects our priorities and takes our Nation in a new direction.

Today we have a budget that makes an investment in children and families for the first time in 6 years. We have a budget that expands SCHIP, the hugely successful children's health insurance program to give kids without coverage the attention and care that they need.

We have a budget that ensures new resources for No Child Left Behind to make student achievement a reality, and a new commitment for Pell Grants to make college education more affordable.

We have a budget that honors our veterans with the resources our VA facilities need to handle increased patient load, and provide the care our servicemembers deserve.

We face great challenges, challenges that the Federal Government has the ability, the capacity, the resources and the moral obligation to help us meet. Let us embrace that obligation, create real opportunity today, and give people the tools they need to grow and to thrive tomorrow.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I rise today in opposition to conference report S. Con. Res. 21, the Democratic congressional budget for 2008.

By not addressing the Bush tax cuts, the Democratic budget resolution conference report calls for at least a $217 billion tax hike, the second highest in American history.

This budget resolution also includes a trigger which would automatically turn the tax increase into the largest in American history.

Mr. Speaker, the government spends too much money. We have serious challenges facing this Nation and spending more money is not a solution. The conference report increases non-defense appropriations by $22 billion above 2007, and $21 billion above the President's request.

It fails to maintain emergency funds included in last year's budget resolution. Also, emergency spending is loosely defined in this budget resolution and does not prevent future abuses in emergency supplemental appropriations.

The conference report has 23 reserve funds which include the promise of more than $190 billion in additional spending which I can only assume will be paid by additional taxes.

The House Budget Committee listened to many testimonies from budget experts, indicating our Nation was facing a fiscal crisis when it comes to entitlement spending; yet the conference report does nothing to address this issue. We cannot simply raise taxes and hope our entitlement problems will solve themselves.

Mr. Speaker, I hoped at least some of the commonsense solutions put forth in the Republican substitute would have been settled, and I urge my colleagues to vote against this budget resolution.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Speaker, as a member of the Budget Committee, I first want to recognize the leadership of Chairman SPRATT. It is under his leadership that we have a budget before us that is both responsible and attentive to America's priorities. It reaches balance in 5 years, and it does so without raising taxes, and it meets our obligations while making important investments in America's future.

First, it provides for our national defense. It targets resources to the most urgent military and security concerns, including implementation of the 9/11 Commission recommendations.

Second, our budget honors our commitment to our servicemen and women. It provides funding that will enable the Veterans Administration to provide for the increasing needs of our veterans.

Third, our budget recognizes the priorities of hardworking Americans. It provides tax relief to middle-income families by fixing the AMT, extending lower tax rates, and continuing the earned income and child tax credits. And it expands SCHIP to provide health coverage to 7 million uninsured children in this country of middle-income families.

Fourth, our budget enhances our Nation's economic competitiveness and makes key investments to ensure that our future workforce has the education and skills needed to compete in the global economy.

Our budget is fiscally disciplined. It ends the unsustainable borrow-and-spend policies of the last 6 years, and it balances the budget in 5 years, setting us on a course to pay down our debt while meeting our Nation's obligations.

We should all be proud of this budget. It is a new direction, and it is the right direction for America.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HERGER), a member of the Ways and Means Committee.

Mr. HERGER. Mr. Speaker, I recently served on the Budget Committee for 8 years, during which time we had the only four balanced budgets in recent history. I am sad to see, however, that today's budget envisions what could amount to the largest tax increase in American history to pay for higher spending.

The budget would increase discretionary spending at roughly three times the inflationary rate while failing to achieve real savings for taxpayers. Taxes will grow by at least $217 billion as pro-growth tax relief is allowed to expire. Even the child tax credit and marriage penalty relief may not be extended. I urge Members to reject this budget.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I rise in strong support of this conference report. We can be proud that this budget finally produces a vision for our future that reflects our hopes and dreams and the promise of economic prosperity and security in the years ahead.

I commend my distinguished chairman and his staff for their hard work, which has resulted in a balanced budget within 5 years, and restoration of middle-class priorities to the budget process. While restoring fiscal responsibility, we also raise funding for veterans, for health care, and for education.

This budget contains reconciliation instructions regarding education expenditures. I believe we have the opportunity to use these instructions to the benefit of students and their families. This budget guarantees that increasing college access and affordability are paramount goals of our majority, and prove that we have followed through on our promise to set a new direction for America.

As our chairman has said repeatedly, if you can't budget, you can't govern. With this budget conference report today, we demonstrate our commitment to govern.

Mr. Speaker, I urge my colleagues to vote for this conference report.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. CONAWAY), a member of the Budget Committee.

Mr. CONAWAY. Mr. Speaker, I want to speak to one issue in this budget, and that is the tax trigger. I believe this is a ruse to hide behind a tax increase.

I know my colleagues on the other side will argue it is not a tax increase, but I can assure you that American families in 2010 whose financial circumstances are similar in 2011, will pay more in taxes in 2011 than they pay in 2010. Call that what you may, but I believe it is a tax increase.

It is a ruse, Mr. Speaker, because it is built on a foundation of brittle clay. One of the pillars of the foundation is that spending will be restrained. This Democratic majority can spend their way to a point where these tax cuts won't be triggered.

They have already shown a great penchant for spending, a wanton disregard for fiscal restraint. There is $6 billion extra in the omnibus bill, $20 billion extra on the supplemental that is yet to pass, and another $23 billion of new spending in this bill. So they will spend their way.

The other thing it is built on the good graces of the Secretary of the Treasury and the director of OMB, both of whom have to agree that the tax cuts can in fact go forward.

I believe this is a ruse to hide behind the fact that American families will pay more taxes in 2011 and 2012 than they do in 2010 because rates will go up. I urge my colleagues to vote against this budget.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, last November, American voters sent a very clear message that they wanted to change the status quo in Washington. That is exactly what this budget does.

It represents a positive change that reflects the solid values of American families. To begin with, this budget puts the higher priority on national defense and homeland security because we understand that defending our Nation and families is the Federal Government's first responsibility.

We match the President's defense budget, and invest even more to make our airlines, seaports and communities safer from terrorist attacks. This budget, importantly, honors America's veterans by providing for the largest single increase in VA health care services in the 77-year history of the Veterans Administration, a $6 billion increase, and our veterans deserve every dollar of that commitment.

Why did we do this? Because we understand that we cannot have a strong and secure America unless we keep our promises to our servicemen and women and veterans who have defended America.

Make no mistake, a vote against this budget is a vote against the most significant increase in veterans health care in VA history. A vote against this budget is a vote against hiring hundreds of new VA claim processors who are needed to reduce the huge backlog of combat-wounded American veterans who are having to wait far too long to get their earned benefits approved.

Mr. Speaker, let me say I have heard some partisan criticism, let's call it, of this bill. Let me point out the source of that criticism is from the same Members of Congress who wrote partisan budgets for the last 6 years, the 6 years of budgets that took this Nation and the largest surpluses in American history to turn them into the largest deficits in American history. These are the same folks who in 3 of the last 5 years couldn't even pass a budget resolution through the House and Senate.

We are putting America on a new course, the right course for our country and for our veterans.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. CAMPBELL), a member of the Budget Committee.

Mr. CAMPBELL of California. Mr. Speaker, I have been listening to this debate and listening to the arguments on the Democratic side of the aisle, and I am waiting for David Copperfield to show up as a member of their Budget Committee because what they are doing is magic. They are over here bragging about all of the additional money they are spending. And bragging, which they are, and bragging that they are balancing the budget, which they say they are, but then saying they are not raising taxes. Which they are.

This budget contains over $200 billion in tax increases. That is about $1,000 for every taxpayer in America. And oddly enough, isn't it strange that it also contains about $200 billion in additional spending over the President's proposed budget.

So they want to raise Americans' taxes by $1,000 a taxpayer so they can spend it on new spending. Make no mistake about it, a vote for this budget is a vote for at least the second largest tax increase in American history, if not the largest.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, the defense spending in this budget is much, much, much higher than I would like. But I rise today in support of this conference report and the very good work of Chairman SPRATT, of his committee, and his staff.

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Thanks go to Chairman SPRATT and the conferees for including my language in this bill to steer more defense dollars to military personnel for their health care, including Walter Reed and TRICARE, and away from outdated, misguided, and unneeded weapons systems that are still being built to fight the threat of the Soviet Union, to protect against the Cold War.

This budget also takes on waste at the Pentagon, insisting that DOD presses ahead in implementing over 1,300 unaddressed suggestions from the GAO to reduce waste, fraud and abuse.

Mr. Speaker, whenever any Member of this Congress has to stand on the floor and defend what they did in years past, you know it's pretty sure that they made some big mistakes. This budget is a big step in correcting the fiscal mess that the Democratic majority inherited, and I urge my colleagues to support its passage.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING), a member of the Budget Committee.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding, and when my friends from the other side of the aisle do something that I think is laudatory, I want to laud them for it.

They have taken a budget that contained the single largest tax increase in American history and turned it into a budget that has the second largest tax increase in American history, but before I get too effusive with my praise, they have something in there called a trigger which tells the American people that somehow, if you can prevent us from spending all of your money, maybe, maybe you can get a little of it back. So I suspect, Mr. Speaker, we are again looking at the single largest tax increase in American history.

Now, speaker after speaker on the other side get up and tell us, oh, we're balancing the budget, we're increasing spending that they call investments, but no, no, no, we're not raising taxes. Mr. Speaker, this is Orwellian doublespeak. The numbers don't add up. I have got a 5-year-old daughter who can perform better math than that, and she's not very good at it. You can't balance the budget, increase spending and then claim you're not raising taxes. It's shameful.

Mr. Speaker, this is an easy conclusion that the Americans should draw. If they believe that the growth of the Federal budget is more important than the growth of their family budget, they should support this Democrat budget. And if they can sleep well at night knowing that this budget is going to double the taxes of their children and grandchildren, they should embrace that budget. But if they want freedom and opportunity for the next generation, reject this budget.

Mr. SPRATT. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL), the distinguished chairman of our caucus.

Mr. EMANUEL. Mr. Speaker, I'd like to thank my colleague from South Carolina for his leadership and, most importantly, his leadership because the Democrats promised in November that we're going to bring a new direction and new priorities to Washington.

We've accomplished in 6 months what my colleagues have failed to do in 6 years and that is produce a budget that produces a surplus.

Let me say what a surplus is since you've had such a recognition of not being able to produce one. Surpluses are the fact when the government puts its fiscal house in order and matches up its needs with the American people and produces a surplus, because your financial legacy is $4 trillion of new debt.

When it comes to economic policy, the one thing that can be said about the Republicans' fiscal mess is that we will forever be in your debt. That is the one thing that's for sure. $4 trillion in 6-years, the largest increase in the Nation's debt in the shortest period of time is your legacy, and I don't think you've quite gotten the recognition for what you've done to America, left it nothing but red ink.

This budget is not only in balance, but it's in balance with our values, our values that ensures that 8 million children who do not have health care but parents work full-time, they will get health care; in balance with our values to make sure that we're not subsidizing the financial industry by making sure that middle class parents have the financial resources to send their kids to college; making sure that when it comes to our veterans that in fact we are rewarding our veterans who have fought for this country and say the proper recognition for their service to America, that they get taken care of. And every step of the way. this budget is not only in balance fiscally but is in balance with our values.

The entire legacy in 6 years of the Republican stewardship was one of $400 trillion of debt left for the Americans to clean up that mess, and we have produced in 6 months a budget that's balanced, and at the end of the process also creates a surplus.

There are different and stark choices. President Kennedy once said, To govern is to choose. We've made the choices to make sure that middle class families get a tax cut, kids get health care, veterans get the respect and the resources that they need to move on with their life, and our families who know that an education and a college education in an era like this where you earn what you learn, that a middle class family does not need a second mortgage or a third job to send their kids to college.

I commend my colleagues for this new direction budget, a budget that is in balance and is also in balance with our values.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 10 seconds simply to say that's correct, the majority did make choices. They chose to raise taxes, they chose to raise spending, and they chose to violate their own PAYGO rules.

With that, Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART), a member of the Budget Committee.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, to borrow an old cliche, the more things change, the more they remain the same.

The speaker who spoke a little while ago from the Democrats said that the Democrats in just 6 months have achieved what the Republicans did not do in 6 years. That's true.

In 6 months they've achieved increasing the taxes on the American people, the second largest tax increase in the history of this country. Again, $217 billion in additional taxes. Mr. Speaker, that's going to hit everybody, middle income families, low income earners, families with children, small businesses. Every American who pays Federal taxes is going to get a huge tax increase.

Mr. Speaker, the American people do not deserve a $217 billion tax increase to fund more bureaucracy and more bureaucrats in Washington, D.C. If you think that there are not enough bureaucracy, enough bureaucrats in D.C., vote for this budget. If you think the American people deserve a tax cut, reject this high spending, highly irresponsible tax raising budget.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend from South Carolina, the chairman, for producing an excellent budget for which every Member should vote.

Responsible people do not pay their bills by borrowing from their children. Responsible people analyze what they can afford, spend only that and save what they can.

For too long, this Congress has labored under a culture of irresponsibility: focus on the next election, spend what you want to, hand out tax cuts to your supporters, and let someone else worry about it down the line.

This budget ends that culture of irresponsibility, and it stands for one clear principle over and over again. We will not run this government on borrowed money, period. We wish to double the number of children covered by the children's health insurance program and we will. But when we do so, we will pay for it without borrowing more money.

Most of us absolutely are committed to extending the tax breaks for middle class families that help them survive, but when we do so, we will do so without borrowing more money from the Chinese, from the Germans, and from our grandchildren.

The easy thing to do around here is to spend more, tax less and borrow more. What it gets you is higher mortgage rates, higher car loan rates, more unemployment, more debt and no explanation whatsoever to the next generation in this country.

Today marks a turning point away from the culture of irresponsibility, toward a culture of responsibility for the future of people of this country.

I urge both Republican and Democratic Members to vote "yes" on this budget.

PARLIAMENTARY INQUIRIES

Mr. RYAN of Wisconsin. Mr. Speaker, given the stated concerns about borrowing by the majority, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. POMEROY). The gentleman may state his inquiry.

Mr. RYAN of Wisconsin. Mr. Speaker, it's my understanding that pursuant to rule XXVII of the rules of the House, upon adoption of the conference report by both the House and the Senate, the Clerk of the House will be instructed to prepare a joint resolution adjusting the public debt limit; is that correct?

The SPEAKER pro tempore. That is correct.

Mr. RYAN of Wisconsin. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. RYAN of Wisconsin. Am I further correct, that by operation of rule XXVII, upon adoption of this conference report by both the House and the Senate, this joint resolution adjusting the debt limit will be considered as passed by the House and transmitted to the Senate?

The SPEAKER pro tempore. The gentleman is correct.

Mr. RYAN of Wisconsin. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. RYAN of Wisconsin. Will there be a separate vote in the House on passing this joint resolution adjusting upwards the debt limit?

The SPEAKER pro tempore. Not by operation of rule XXVII.

Mr. RYAN of Wisconsin. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. RYAN of Wisconsin. Mr. Speaker, by operation of this rule, will the vote by which the conference report is passed by the House be considered the vote on passage of the joint resolution adjusting the debt limit?

The SPEAKER pro tempore. That is correct.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we have just learned is that if a Member votes for this conference report, and it is adopted by the Senate, then they will be recorded as having voted for the joint resolution raising the public debt limit to $9.815 trillion, an increase in the public debt of borrowing of $850 billion. If a Member votes against this conference report, and it is adopted by the Senate, then they will not be recorded as having voted to increase the debt limit or borrowing by $850 billion.

So it's very clear that the passage of this budget increases borrowing by $850 billion and that is, in fact, the effect of this.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, could I inquire of the Chair how much time is left and who has the right to close?

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPRATT) has 8 minutes left and will have the right to close. The gentleman from Wisconsin (Mr. RYAN) has 9½ minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield myself 3½ minutes.

We can't have this debate without having a few charts on the floor, and it always bears reminding what's happened over the last 6 years because it is truly a fiscal phenomenon.

When President Bush came to office in 2001, he had an advantage that few Presidents in recent history have enjoyed, a budget in surplus. I'm talking big-time surplus, $5.6 trillion by his estimate, over the next 10 years, $5.6 trillion. That was the year 2001. In the previous year, a Clinton year, we ran a surplus of $236 billion.

By the year 2004, under the stewardship of this administration and this Congress, because Republicans controlled the House, controlled the Senate and controlled the White House, under their stewardship, the $5.6 trillion surplus was converted to a $2.8 trillion deficit, enormous swing of $8 trillion in the wrong direction, and that $236 billion surplus in the year 2004 became a deficit of $412 billion.

Incredible, but that is what we have had for the last 6 years. That's the record over the last 6 years which cannot be denied. Here it is right here.

As a consequence of the deficits that have been run, this simple little chart that I bring down here again and again, because it bears reminding everybody what's happened over the last 6 years, shows that when Bush came into office we had a debt of $5.7 trillion. The debt today is over $8 trillion, $8.8 trillion. That means there's been an increase in the national debt of $3.1 trillion, and if we continue upon the fiscal path that this administration has taken, by the time they leave office the debt of the United States will be $90.6 trillion.

Look at the accumulation of debt over this 8-year period of time. We've never seen anything like it. These are the people who would criticize what we are doing.

□ 1515

Now, there has been a lot of talk about tax increases. Let me show you this little chart here, because it shows graphically, and emphatically, something called debt service. The increase in the interest on the national debt that has to be paid, talk about entitlement reform, this is the one true entitlement. It's obligatory, it has to be paid. Interest on the national debt has increased from about $156 billion a couple of years ago to $256 billion, and it's on its way north to $300 billion in a short period of time. This is a debt tax.

Yes, you may have cut taxes in 2001 and 2003, but, because you have borrowed to make up for the loss of revenues and added to the debt of the United States, you, we, our children and their children, will be paying this debt for years to come, and compare this huge mountain of debt service, interest on the national debt, to other priorities.

Education, the light blue block; veterans health care, the green block;

Homeland Security, the blue block, all of them are dwarfed by interest on the national debt. So here is the debt tax that you have left us owing, left our children owing, left generations to come owing.

This is the debt tax that will have to be paid because it simply cannot be cut. That's what we are struggling with today because of the fiscal management of this government over the last 6 years.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 30 seconds to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I want to thank Mr. RYAN.

There is a group of Democrats here who came to be fiscal conservatives. They call themselves the Blue Dogs. They have a budget reform plan, a good budget reform plan. Point 7 of the Blue Dogs 12-point budget reform plan calls for not hiding votes on the debt limit increase.

Yet a vote for this conference report is a vote to automatically raise, without a separate vote, the national debt by $850 billion. Where are the Blue Dogs today? They are not here on the floor talking for this. Where will they be when we have this vote?

Mr. SPRATT. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2½ minutes to our distinguished minority whip, Mr. BLUNT.

Mr. BLUNT. I thank the gentleman for yielding.

Mr. Speaker, we will be talking about this budget for a long time. Everybody has their own view of this, but you can't have your own view of the facts. One of my good friends got up a minute ago and talked about the size of the deficit.

This budget is going to add $850 billion this year to the deficit. I think that's almost $1 trillion, though I am sure people who are listening to this here in the Chamber and anywhere else are confused now by all these numbers they are hearing. This budget, without a single other vote, adds to the national debt.

It raises the debt ceiling. In spite of the many Members in this Chamber who ran for office saying they would never try to hide this vote on the debt, that's exactly what this vote does today.

Entitlement reform, one of my other friends said, we hadn't passed a budget. Well, my friend, you can't have entitlement reform unless you pass a budget. You can't have reconciliation.

We cut the growth of the entitlement spending $40 billion in the last Congress. By definition, to do that, we had to have a budget. So somebody who suggested we hadn't had a budget also was the person who had some explanation as to why this budget doesn't do entitlement reform.

In fact, then we even make entitlement reform somehow the interest on the national debt. The programs that are growing out of control are the programs that this budget refuses to address.

Then the very interesting topic of tax cuts, tax policies in 2001 and 2003 that have produced record levels of income to the Federal Government; 2005, 14.5 percent more income than 2004; 2006, 11.8 percent, more income than 2005. These tax cuts grew the economy. That grew Federal income. If you raise the wrong taxes, you will reduce Federal income.

This whole budget debate, our friends in the majority have said, there is no tax increase in this budget. But suddenly, in the budget report, we are told that, well, we have accepted the Senate levels of tax increases, so we are only raising tax revenue by $217 billion for sure instead of $400 billion.

This is a huge tax increase. It doesn't deal with entitlements. It raises, without a vote, the national debt ceiling. I urge a "no" vote on this budget. Let's get a blueprint that really works for the future.

Mr. SPRATT. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, may I inquire of the chairman, the gentleman from South Carolina, is he the last speaker on their side? You are reserving the right to close?

Mr. SPRATT. I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, may I inquire how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Wisconsin has 6½ minutes remaining. The gentleman from South Carolina has 4½ minutes remaining.

Mr. RYAN of Wisconsin. At this time I would like to yield 2 minutes to the distinguished chief minority whip from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the ranking member, Mr. RYAN.

Mr. Speaker and Members of the House, you know, when I sit here in almost astonishment and thinking, it's the fact that even though we are witnessing the massive tax hikes that are embedded in the Democrat budget, in fact, the largest tax increase in American history, what the majority's budget fails to do, it fails to stop the raid on Social Security.

In the year 2012, the Social Security fund will be running a surplus of $99 billion. As we know, the Federal Government has experience and has collected more in Social Security taxes than it pays out in benefits since 1984. Instead of using this money to shore up Social Security, instead of using it to do something to honor the contract that this government has made with the seniors, the Democrat budget spends that cash surplus on other programs.

What is astonishing is the fact that this very House, last week, in a vote on the Republican motion to recommit to stop the raid on Social Security, this House, in an overwhelmingly bipartisan vote, supported the end of that raid. But here we have the Democrat budget that goes back on that word represented by the bipartisan vote and starts again with the raid on Social Security surplus.

In contrast, the Republican budget that was offered several weeks ago does just the opposite, and, in fact, uses the surplus that will exist in 2012 to begin to shore up the Social Security system and to improve and enhance the vitality of that program for today's seniors.

Mr. Speaker, I strongly recommend a "no" vote on this conference budget report.

Mr. SPRATT. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, let's just be really clear. You are hearing this debate about taxes. Nowhere is the difference between the two parties ever clear than it is right now. We brought a budget to the floor that not only did not raise taxes, it kept taxes low, and it reduced spending, and it balanced the budget, and it finally stopped the raid of the Social Security Trust Fund.

That's what we proposed. We are not in the majority. Our view did not prevail. The Democrat budget did prevail. What did that budget do? It passed the largest tax increase in American history. That's not what we say, that's what the Congressional Budget Office says, our scorekeepers.

So what did they do in conference? They decided to accede to the Senate and have a slightly smaller tax increase. They started off with the red line, largest tax increase in American history as measured by the Congressional Budget Office. No matter what you say, the numbers in the budget just don't lie.

Then they said, let's have a trigger. If we don't spend too much money, and if the surplus is big enough in 2010, then maybe some taxpayers could get some tax relief, and we won't raise all of their taxes. We will extend the marriage penalty and the child tax credit, 10 percent bracket, but will all the other tax increases occur? So we will have the second highest tax increase in American history.

That's what their proposal does. They simply cannot have it both ways. They cannot say there is no tax increase in this budget and then say we are preserving some of the tax cuts and not others. You can't have it both ways.

Here is what this budget does. It puts us on a vicious cycle of taxing and spending. They start off by spending $24 billion, next year, brand new spending.

Then they have a $217 billion tax increase. Then they have 23 reserve funds, 23 wish lists, which equal $190 billion in new spending. Then they have no entitlement reforms, which means our entitlement programs are going to grow and grow and grow at unsustainable rates. Guess what, $190 billion in wish lists, 23 new wish lists of spending. What do they get? If they get the spending, they get another $190 billion tax increase to pay for it, a vicious cycle of new spending.

The trigger tax says we would like to give some people some tax relief, but if we continue to whet our appetite, taxpayers won't get it. All this trigger says is it puts the taxpayer at the back of the line and the government and spending at the front of line. We have a different core set of values.

We believe the money that people make is their money, not the government's money. If you are making money, working hard and paying taxes, that's your money, not ours. We have a different set of beliefs. They believe the opposite. They believe that more and more and more money ought to come out of workers' paychecks. They believe that they can spend your money better than you can.

That is not what we believe. The reason that we don't believe it is because if you have more money in your paycheck, you have more for yourself and more freedom for your family, we know, by golly, the American economy grows. We succeed. We improve in the global economy.

We created 7 million new jobs since this last run of tax cuts. We increased revenues to the Federal Government from these lower tax raises, 3 years in a row, double digit revenue growth. Let's not turn that recipe upside down. Let's not ruin a good thing.

Defeat this budget.

Mr. SPRATT. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield the remainder of our time to the distinguished minority leader, Mr. BOEHNER.

Mr. BOEHNER. Mr. Speaker and my colleagues, here we go again, a higher spending, higher taxes, and people don't think there is a difference between the two major political parties. One only has to look at what's happened so far this year. We have the continuing resolution that was passed in February, there was $6 billion worth of excess spending in it.

Now we have got an emergency supplemental to fund our troops in Afghanistan and Iraq that has another $22 billion worth of excess spending in it. If you look at the discretionary spending levels in this budget for this next fiscal year, we have another $22 billion worth of additional spending that's outlined.

Now if that's not bad enough, we are only 4½ months into this calendar year, and my friends across the aisle have authorized an additional $62.5 billion of additional spending. How much spending and how many taxes do we want to impose on the American people?

We all know that the tax cuts of 2001 and the tax cuts of 2003 have led us to one of the most robust economies that we have seen in our history. Why? Because we lowered tax rates, we gave people reasons to invest in our economy. Jobs were created, 5 million new jobs were created, more people were earning money, raising their families, paying their bills, and, guess what else they are doing? They are also paying more in taxes.

□ 1530

That is why revenues to the Federal Government over the last 3 years have increased at over 12 percent per year. They are likely to do the same again this year if we don't impose upon this economy the largest tax increase in American history. It is coming. There is $200 billion worth of tax increases needed to fill this hole. There is this reserve fund, all these promises: If we can raise taxes somewhere, we will give you this extra spending. And so we are going to see the largest tax increase in our Nation's history once again.

I was listening to this debate earlier in my office and I began to ask myself, what is the essence of this? Let me go back to the 1970s.

I grew up in a household with 11 brothers and sisters; my dad owned a bar, and we were Democrats, all of us. And I remember starting a new business in 1975; I remember paying taxes. I remember not owing many taxes because I was starting a new business. But in 1978, as my small business was beginning to grow, the top tax rate in our country was 70 percent. That means 70 cents out of every dollar over that minimum, which was about $75,000, 70 cents of every dollar I got to give to the Federal Government. That is when I began to realize that maybe I wasn't a Democrat any longer.

Here I was trying to grow a small business; I was a subchapter S, so everything that my business made, I had to pay taxes on personally. That meant I could only leave 30 cents of every dollar in my business to help make it grow. And even under those tax rates that were suffocating, I was able to succeed.

But let's think about the last 25 years. When Ronald Reagan got elected in 1980, in 1981 in a bipartisan way we started a process of lowering tax rates. Over the last 25 years, by and large we have lowered tax rates dozens of times, only a couple of bumps, a couple increases along the way. The result of all of that over the last 25 years has been a growing economy. Better jobs in America, more jobs in America, and more revenues to the Federal Government. It is a prescription that has worked.

Look again at the 2003 and the 2001 tax cuts. We reduced tax rates, and the result was more investment, more jobs, and more revenue to the Federal Government.

Now, at some point there is a point of diminishing returns, but I will suggest to all of you that we are nowhere close to it yet.

Ladies and gentlemen, I became a Republican and I came to Congress because I thought that we paid too much in taxes and that government was too big. The heart and core of who I am and why I am here is to fight for a smaller, less costly, more accountable government here in Washington, D.C. This budget represents every reason that I decided to become a Republican, and every reason I decided to come to Washington and to do something about it.

The big difference is simple right here. My friends across the aisle believe that government knows best what to do with the American people's money. More of my colleagues on my side believe that the money that the American people earn is theirs, and that they can make better decisions on behalf of themselves and their family and their future if we allow them to keep more of the hard-earned money that they make.

I can't just sit back and be quiet about higher taxes and higher spending. This is the largest tax increase in American history. This will in fact disinvest money from our economy, will put people out of work, and put us on a path to higher deficits.

And if the largest tax increase in American history isn't the saddest part of this bill, I will tell you what it is: No entitlement reform.

There is an economic tsunami coming at us; it is Social Security, it is Medicare, and it is Medicaid. And while Republicans over the last years have made several attempts and made some changes, and I would argue not nearly as many changes as we should have, there is no entitlement reform in this bill. That means that the amount of debt that will build up over the next 5 years, as outlined in this budget, will far surpass the debt that accumulated over the last 5 years.

You all know what is happening. There is not a Member in this Chamber that doesn't understand that if we don't deal with entitlement our kids and our grandkids can never afford the benefits that we have promised ourselves. We can look the other way, we can act like it doesn't exist, but we have made promises to ourselves as baby boomers that our kids and grandkids can't afford. And yet, we see the tsunami coming at us, we can measure it; we can measure the speed and the size of it, and yet we do nothing about it.

My colleagues, this is not the direction that I believe we should go in. I would ask all my colleagues to stand up and do the right thing and to say "no" to this budget resolution.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is a good budget. I would be the first to say it is not a perfect budget, but I would be the first to argue that it is worthy of our support.

Indeed, I think it requires our support if we don't want to see the budget process fail abjectly once again, as it did last year under Republican control when no concurrent budget resolution was ever enacted, passed, and only two of 11 appropriation bills were passed.

The bottom line, this budget moves us to balance over the next 5 years. Along the way, it posts smaller deficits than the President proposes, it adheres to the pay-as-you-go principle, which is the rule of this House, contains no new mandatory spending that is not paid for, and it funds five program integrity initiatives to root out wasteful spending and fraud and tax evasion.

Within this framework, it does more for veterans health care, far more, more for children's health care, far more, and more for education, lots more.

Here in a nutshell are the basics of the budget: This budget runs to surplus of $41 billion in the year 2012. Contrast that with the President's budget which is always in deficit. This budget not only abides by pay-as-you-go principles, it enhances them by establishing a new Senate PAYGO rule and calling for reinstatement of the statutory PAYGO rule as well. This budget does all of the above, I will say this emphatically one last time, does all of the above without raising taxes.

The tax cuts that were enacted in 2001 and 2003 remain in full force and effect, unaffected in any way by this budget resolution. As enacted and originally written, most of these tax cuts expire on December 31, 2010, and that has nothing to do with our budget resolution.

But in our budget resolution, we identified all of the middle income tax cuts, many of which we supported at the time passed, and we made it the policy of our resolution to extend these tax cuts when they expire.

In this concurrent resolution, we go even further. We install a trigger that will facilitate the extension of these tax cuts so long as, number one, the House waives PAYGO; and, number two, the tax cuts extended do not exceed 80 percent of the surplus projected by OMB by the year 2012.

This concurrent resolution in other respects sets defense spending levels that the President requested. Why is spending so high? It contains $145 billion in supplemental expenditures.

And let me say one thing about the argument one of the leaders of the other party made on the House floor just a few minutes ago about the amount of debt that is being added to the national debt. What we are talking about is taking a big battleship and turning it around slowly. We have inherited the basics of this budget. Much of the spending that we are carrying forward was dictated over the last 6 years. The same for the revenue flow of the budget we are undertaking. It is going to take time to turn this big battleship around. But as we do, the best we can do is, number one, have a concurrent budget resolution with the binding effect of budget law for the first time in a long time; and, secondly, this concurrent resolution which will put us back on the path to a balanced budget.

For those for whom a balanced budget is something of a moral imperative because of the debt we are leaving our children, the right vote today, the only vote today is the vote for this budget resolution, and I commend it to every Member of this House, Democrat and Republican, and urge their support.

Mr. CONYERS. Mr. Speaker, today is a historic day. After years of rising deficits and draconian Republican budgets, the vote on the Budget Conference Report finally puts us on the right course. The Democratic budget will take America in a new direction by funding national priorities such as health care services, educational programs, and veterans services while providing middle class tax assistance. The Democratic budget rejects the Administration's attempts to cut funding to many social programs that support American children and families such as State Children's Health Insurance Program (S–CHIP), Pell grants, Medicare, and Medicaid. This forward looking budget will help all Americans progress towards social and economic security.

The Democratic budget will also provide tax relief for middle-income workers and will extend popular tax credits such as the child tax credit, marriage penalty relief, and more deductions for state and local sales taxes.

After our troops have defended our great country, we need to give our servicemen and veterans the best possible health care. The budget provides sufficient funds to treat traumatic injuries and improve health care facilities for veterans, as well as to treat the more than twenty-six thousand service members who have been wounded in Iraq and Afghanistan. Funding measures to veterans healthcare is a well deserved and necessary expense providing $3.6 billion above the President's proposal.

Mr. Speaker, many Americans have economic concerns, and are seeking leadership from us, the people's House, the United States Congress. After six years of misplaced priorities, the Democratic budget resolution seeks to provide services and support that are essential to the well-being of the American people; millions who are hard working tax paying citizens that deserve some well justified and reasonable assistance. This legislation is clearly the people's budget.

Mr. HOLT. Mr. Speaker, a budget is a moral document that demonstrates our values and priorities. This budget Conference Report, brought to us by Chairman JOHN SPRATT represents values I can be proud of. This budget makes real investments in education, healthcare, housing and research and development while bringing the budget back to surplus by 2012.

At a time when more than ten percent of students drop out of high school before graduating and only four out of ten children eligible for Head Start are able to participate, this budget reverses the Administration's policy of under-investing in education for our children. The budget rejects the President's proposal to cut funding for the Department of Education by $1.5 billion below the 2007 enacted level and to eliminate 44 entire programs. It instead provides for substantial new investments in vital programs such as Head Start, special education (IDEA), Title I and other programs under the No Child Left Behind Act. The bill also funds an increase in Pell Grants so that high school students will know that if they work hard, they can go to college.

The budget rejects the President's proposal to cut funding for the Community Development Block Grant program by $1.1 billion below last year's level, and instead provides for the first CDBG increase since 2005. The cut advocated by the President would endanger job creation, economic development, and affordable housing efforts, cutting CDBGs for nearly 1,200 state and local governments.

This budget rejects the President's proposal to cut Child Care Development Block Grants and Social Services Block Grants by $520 million below the 2007 level. The President's budget would lead to a decline in valuable assistance for child care that allows many working parents to earn a living. The Conference Report would allow for the first increase in this funding since 2002.

Further, knowing that we now have more uninsured Americans than six years ago, this budget blocks the President's proposed cuts to Medicare and Medicaid. These cuts would have made healthcare less affordable and accessible for millions of Americans. This budget ensures that up to $50 billion over the next five years will be devoted to the State Children's Health Insurance Program (SCHIP) so that millions of uninsured children can be covered. New Jersey is a national leader in covering children through the SCHIP program and this additional funding is desperately needed to ensure our state's good work, and that of other states, can continue.

This budget reverses the President's dangerous cuts to our nation's first responders. What sense would it make to cut the Local Law Enforcement Terrorism Prevention program, Firefighter assistance grants, Byrne Justice Assistance Grants, or the Community Oriented Policing Services (COPS) program? Our budget stands up for first responders and ensures that each of the programs receives appropriate levels of funding.

Mr. Speaker, I commend Mr. SPRATT and the Budget Committee conferees for demonstrating that we can provide for our nation's defense in a responsible way—both fiscally and from a policy standpoint. This budget will provide $507 billion in Department of Defense budget authority, an $18 billion increase over the President's request. This budget also emphasizes the right priorities for meeting our security needs.

For example, this resolution opposes TRICARE fee increases and calls for a substantial increase in the veterans' health care system. The budget resolution notes the upcoming recommendations of the President's Commission on Care for America's Returning Wounded Warriors and other government investigations in connection with the Walter Reed scandal, and allows funds for action when those recommendations are received. To help protect our nation from a terrorist-sponsored nuclear attack, non-proliferation programs such as the Cooperative Threat Reduction program are given greater priority and higher funding.

This budget also helps us keep our promises to our nation's veterans. I'm pleased the committee has recommended increasing discretionary funding for the Department of Veterans Affairs from $36.5 billion to $43.1 billion—a $6.6 billion (18.1%) increase over FY07, and a $3.5 billion increase (8.9%) over the Administration request for FY08. This budget provides a far more realistic spending plan than the President's proposal. Our proposed increase in this area will help meet critical needs, including ensuring that medical inflation does not erode VA's ability to deliver quality health care to our veterans.

In order to maintain American competitiveness, we must make substantial investments in scientific research and education. The budget provides funding for initiatives to educate new scientists, engineers, and mathematicians in the next four years, and places more highly-qualified teachers in math and science K–12 classrooms. It makes critical investments in basic research, putting us on the path to doubling funding for the National Science Foundation, and bolstering investments in research and development throughout the budget.

America's dependence on oil endangers our environment, our national security, and our economy. A sustained investment in research and development is crucial to creating cutting-edge technologies that allow us to develop clean, sustainable energy alternatives and capitalize on America's vast renewable natural resources. The budget provides increased funding for basic and applied energy research.

For the first time in 6 years, the Budget Resolution reflects a real commitment to protecting our most valuable natural resources by providing needed funding for our National Parks, the Land and Water Conservation Fund, and the national wildlife refuge system. H. Con. Res. 99 provides a total of $31.4 billion for environmental programs, which is $2.6 billion more than the President's request. I have been an advocate for the Land and Water Conservation Fund since I came to Congress eight years ago and I am pleased that we are finally at a place where the budget includes adequate funding for both the state-side grant program and the federal program. LWCF and the Forest Legacy program have done tremendous work in states across the country, including New Jersey, to protect open space, restore wetlands, and conserve forests lands. In the face of mounting evidence on the perilous state of our environment, it continues to amaze me why President Bush continues to turn a blind eye to our growing needs in this area. Finally, we have a budget that realizes how important this investment is to preserving our natural resources and promoting conservation.

This budget achieves all of these objectives and investments without an increase in taxes. The budget would accommodate immediate relief for the tens of millions of middle income households who would otherwise be subject to the Alternative Minimum Tax (AMT), while supporting the efforts of the Committee on Ways and Means to achieve permanent, revenue-neutral AMT reform. Unless the AMT is reformed, 19 million additional families will have to pay higher taxes in 2007. The budget would also accommodate extension of other middle-income tax relief provisions, consistent with the Pay-As-You-Go principle that include: the child tax credit, marriage penalty relief, the 10 percent bracket, and the deduction for state and local sales taxes.

The past 6 years of fiscal irresponsibility have caused America's national debt to increase by 50 percent, an amount of nearly $9 trillion, or $29,000 for every American. Our ability to invest in the Nation's shared priorities is constrained by the cost of the debt run up over the last 6 years, when the administration and its partners in previous Congresses turned the largest surplus in American history into a record debt. About 75 percent of America's new debt has been borrowed from foreign creditors such as China, making our fiscal integrity a matter of national security. Over the last 6 years, President Bush has borrowed more money from foreign nations than the previous 42 U.S. Presidents combined.

Mr. Speaker, this budget reflects values that we can all be proud of. It meets the basic needs of Americans, invests in priorities important to our future while putting us on the path to fiscal responsibility. I ask my colleagues to vote for the Budget Conference Report.

Mr. UDALL of Colorado. Mr. Speaker, I support this conference report because it will begin the process of changing our budgetary course. While it is not identical to the version passed by the House earlier this year, like that resolution it is clearly preferable to budgets adopted by the House in previous years.

For the 6 years before the convening of this 110th Congress, the administration and the Republican leadership insisted on speeding ahead with misguided fiscal and economic policies. Ignoring all warning lights, they plowed ahead, taking us from projections of surpluses to the reality budgets deep in deficit and heaping higher the mountain of debt that our children will have to repay.

Many of us said it was urgent to stop persisting in that error and voted for alternatives, including those proposed by the Blue Dog Caucus.

But year after year our Republican colleagues insisted on taking their marching orders from the White House, moving in lockstep to endorse the Bush administration's insistence that its economic and fiscal policies must continue without change.

I admired their discipline, but I could not support their insistence on driving us deeper into the swamp of fiscal irresponsibility that has left a debt burden of more than $30,000 for a typical middle-income family of four in Colorado.

But that was then—and now, in this new Congress under new management, by passing this conference report we can begin to undo the damage they have done. The conference report is better in its fiscal responsibility and in its priorities.

It follows the tough "pay as you go" budget rules to begin to reverse the budget deficits and to put us onto the path to a balanced budget. And under this plan, by 2012, domestic discretionary funding would fall to the lowest level, as a share of the economy, in at least a half century while spending as a percentage of GDP will be lower in 2012 than it has been in any budget adopted under President Bush—1 percent lower than it will be this year and lower than it has been in any year since 2001.

Despite assertion by its critics, the conference report does not include any tax increases. To the contrary, it supports tax relief that would benefit the middle class—including extension of the child tax credit, 10 percent bracket, and marriage penalty relief—and provides for estate tax reform.

And it provides for immediate Alternative Minimum Tax relief, preventing more than 20 million middle-class taxpayers from being hit by the tax. This is important because while in 2004 only 32,000 Colorado families were subject to the AMT, if nothing is done, this year that number will rise to 234,000 families in Colorado and hundreds of thousands more in other States.

At the same time, it takes steps to crack down on wasteful or fraudulent spending in Social Security, Medicare, and Unemployment Insurance programs and it supports actions to collect unpaid taxes as well as providing additional resources to reduce claims backlogs in the Veterans Administration, Social Security Administration, and other agencies.

Further, it directs House committees to identify wasteful and lower priority spending that can be cut. As a member of the Armed Services Committee, I am particularly glad to note that the conference report is also realistic and responsible about the need to maintain our national defense and honor our promises to our troops and veterans.

In addition to meeting the needs of the active-duty force, it allows for increasing funding for veterans' health care and services by $6.7 billion above the 2007 enacted level, and $3.6 billion above the President's budget.

This is a priority for me, because it will help ensure that the 427,957 veterans in Colorado receive care worthy of their sacrifice. It is also critical for the 17,419 Coloradans, who have served their country in Afghanistan and Iraq since September 2001, many of whom will need VA health care services.

It also provides more funding for urgent homeland security needs and to implement the 9/11 Commission recommendations. In doing so, it rejects cuts to vital first responder and terrorism prevention programs that would happen if we adopted the President's budget for fiscal 2008.

Like the House-passed version, it recognizes the importance of research, development, and education in keeping our economy strong and our country secure. As a member of the Science and Technology Committee and chairman of its Subcommittee on Space and Aeronautics, I am particularly supportive of it for that reason—and as one of the Chairs of the Renewable Energy and Energy Efficiency Caucus, I welcome its support for research and development of renewable and alternative energy technologies.

As for education, the conference report allows for substantially more funding for helping Colorado's public elementary, middle and high schools educate the 768,600 children now enrolled, with more resources to implement the No Child Left Behind Act, special education and Head Start. By contrast, if we followed the President's budget, 31,296 Colorado children would not receive promised help in reading and math and the Head Start program—which serves 9,820 Colorado children—would be cut by 1.5 percent below the 2007 level.

These investments to a growing economy for America's families are needed because, according to the Census Bureau, family income in Colorado has dropped by $4,041 since 2000, while health care and energy prices are climbing. But still more is needed.

So, I am glad that the conference report provides for increasing funding for State Children's Health Insurance Program (SCHIP)—to help cover the 176,230 of Colorado's children who do not have health insurance. And because it is so important for Colorado's ranchers, farmers, and rural communities, I strongly support the part of the conference report that supports policies to strengthen the farm bill's economic benefits.

Mr. Speaker, I can understand why the Bush Administration does not like this conference report. After all, it rejects the Administration's misguided priorities. But it's disappointing that so many of our Republican colleagues still are so willing to unquestioningly follow the President's lead. And, while I suppose it's to be expected, it's particularly unfortunate that they have decided to attack this conference report by resorting to recycling the old, tired and false claim that it is "the largest tax increase in history."

But the facts are otherwise. The conference report does not affect the top-heavy tax cuts the Bush administration and the Republican leadership pushed through since 2001—they remain in place as they stand, which means they will not expire for 4 years.

I did not vote for all of those tax cuts, but I did support some that are most important for middle-income Coloradans. So, I am glad that the conference report provides for extensions of those in 2011, including an extension of the child tax credit, marriage penalty relief, and the ten percent individual income tax bracket. And when the rest of the tax cuts come up for reconsideration, Congress can and should consider whether to extend them, as they are now or in modified form.

I support that approach, which is quite different from the alternative approach that would have been taken by the Republican alternative that the House rightly rejected earlier this year. It would have insisted on locking in all of the Bush tax cuts—the ones I did not support as well as those I did—and would have put top priority on making them all permanent.

I did like some things in the Republican alternative—including a constitutionally-sound line-item veto similar to my Stimulating Leadership in Cutting Expenditures ("SLICE") legislation—but overall I thought it was not a responsible approach and I could not support it, just as I could not support the other alternatives debated in the House.

Regarding one of those alternatives, in reviewing the formal record of rollcall 209, the vote on the Kilpatrick substitute, I found I am recorded as having voted "yes." However, I had intended to vote "no," and my recollection is that I did vote "no."

Unlike all those alternatives, and like the resolution passed by the House, this conference report is well balanced in its combination of fiscal responsibility and refocusing priorities. I will support it and I urge its approval by the House.

Mr. FOSSELLA. Mr. Speaker, I rise today in opposition to this budget, which significantly raises taxes on the American people. The Conference Report represents an enormous tax increase on hard-working American families—families that cannot afford to send more of their money for politicians and bureaucrats to spend.

My staff analyzed the original House budget resolution and determined that it would cost an average family on Staten Island or Brooklyn nearly $4,000 more a year in Federal taxes. My friends across the aisle hail this resolution because they say it raises taxes less than the budget Resolution—as if that is an achievement to be proud of. The simple truth is that this Budget still raises taxes when we should instead be working to reduce them.

In fact, the reduced tax increase is only achieved if certain triggers are hit—triggers that are based on projected surpluses. But you don't need a degree in economics to know that surpluses will only be hit by restraining spending, which this Resolution most certainly does not do.

How are we supposed to have a surplus large enough to avoid raising taxes when this Resolution does nothing to reign in spending—and also includes hundreds of billions of dollars in new spending without proper offsets? The math does not add up.

I cannot support a budget resolution that will ultimately cost families on Staten Island and Brooklyn $4,000 more every year in Federal taxes or a New York City Police Officer $1,300 more, a New York City public school teacher $1,500 more, and a New York City Firefighter $2,000 more.

The other side claims to support a "Pay As You Go" system when, in reality, this budget Resolution amounts to "Buy Now, Pay $400 Billion More in Taxes Later."

I urge my colleagues to vote against what is one of the largest tax increases—if not the largest tax increase—in American history.

Mr. ENGEL. Mr. Speaker. I rise today in support of S. Con. Res. 21, a budget resolution designed and drafted by Democrats to end over a decade of Republican fiscal irresponsibility.

One of the best results of the Democrats gaining the majority in the Congress is the fact that we can realign the priorities of the Federal government. Instead of Republican tax cuts for the richest 1 percent, we can put those same resources into health care for our children and veterans. Instead of driving our Nation deeper and deeper into debt, we can put us back on track towards a balanced budget.

Twelve years of Republican budgets have left our fiscal house in shambles. We are nearly $9 trillion in debt, and if Republicans had their way, we would never end the deficit. However, the Democratic budget resolution is a good first step towards ending the sea of red ink on our budget. Within the next 5 years, we will have balanced the budget, while at the same time providing necessary services to those who need them most.

This budget resolution incorporates the pay-as-you-go rule that the Democrats passed as one of our first acts in the majority. The rule is simple. Any additional funds we spend, or any taxes that we cut, have to be paid for with cuts in other areas.

The budget resolution finally fulfills some of the promises we made to our military veterans. This legislation includes a $6.6 billion increase in veterans spending, which is the largest increase in history. The Congress has failed to meet our obligations for over a decade in providing necessary services to our veterans, and this budget aims to correct some of this neglect.

In addition, this budget also provides $50 billion over 5 years towards children's health care. The State Children's Health Insurance Program (SCHIP) has been extremely successful in improving access to healthcare for children whose parents earn too much money to qualify for Medicaid, but not enough to purchase private health insurance. Two-thirds of all uninsured children in this nation are actually eligible but not enrolled in SCHIP. With this budget, we can significantly improve health care coverage to millions more children across the country.

This budget resolution will also help protect our Nation from its enemies. The 9/11 recommendations, most of which have been ignored by the Republican Congress, can be implemented under this budget framework. We have also included additional funding for homeland security in order to better ensure the safety of our citizens.

It is no great secret that the Administration has severely underfunded schools across the nation with the No Child Left Behind Act. This is another program we intend to fix with our budget resolution. In this budget, we have included $9.5 billion over what the President requested for fiscal year 2008. This necessary funding will help stop the decline in our Nation's education system.

Mr. Speaker, I do not have nearly enough time to speak about all the benefits of this budget resolution. Programs such as Head Start, LIHEAP, Social Security and Medicare all benefit. Residents of New Orleans and Mississippi benefit from the money to rebuild after Katrina. Higher education students will benefit from increased Pell Grants and we avoid cutting other student aid programs such as Perkins loans and special opportunity block grants, which was proposed in the President's failed budget plan.

I am strongly supportive of this Democratic budget resolution. This bill will go a long way towards putting our fiscal house in order, without relying on the massive middle class tax increase that the President's budget relies upon. I would urge all of my colleagues to support this budget resolution.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 214, nays 209, not voting 10, as follows:

[Roll No. 377]

YEAS—214

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—209

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Baird
Cubin
Davis, Jo Ann
Engel
Harman
Jones (OH)
Lewis (KY)
McMorris Rodgers
Shays
Stark

□ 1601

Mr. GOHMERT and Mrs. BACHMANN changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

EXPRESSING APPRECIATION TO COMMITTEE ON THE BUDGET STAFF

(Mr. SPRATT asked and was given permission to address the House for 1 minute.)

Mr. SPRATT. Mr. Speaker, I speak for myself, as the chairman of the Budget Committee, and for Mr. RYAN, as the ranking member, expressing our appreciation to our staff, who have done a marvelous job on both sides of the aisle in working together on this budget resolution that ultimately prevailed today.

I place into the RECORD the names of the staffers who have been key participants in the effort on our side of the aisle.

HOUSE BUDGET COMMITTEE STAFF

Tom Kahn
Sarah Abernathy
Ellen Balis
Arthur Burris
Linda Bywaters
Barbara Chow
Marsha Douglas
Stephen Elmore
Chuck Fant
Jose Guillen
Jennifer Hanson-Kilbride
Chris Long
Sheila McDowell
Richard Magee
Diana Meredith
Mark Middaugh
Gail Millar
Morna Miller
Namrata Mujumdar
Ifeoma Okwuje
Kimberly Overbeek
Kitty Richards
Diane Rogers
Scott Russell
Nicole Silver
Naomi Stem
Meaghan Strickland
Lisa Venus
Greg Waring
Andrea Weathers
Jason Weller

LEADERSHIP STAFF

Ed Lorenzen
Wendell Primus

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 1427, FEDERAL HOUSING FINANCE REFORM ACT OF 2007

Mr. SPRATT. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 1427, pursuant to House Resolution 404, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1427 and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FEDERAL HOUSING FINANCE REFORM ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 404 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1427.

☐ 1608

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1427) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to begin by again asking the indulgence of the House for my less than usual sartorial splendor, but the cast on my left arm would misalign my jacket, and I wouldn't want to wear a suit unless I could do it full justice. So I am wearing a sweater that Mr. ROGERS no longer needs.

The bill before us today is a version of a bill that came before this House in October of 2005 after a lot of work by the former chairman, the gentleman from Ohio (Mr. OXLEY), and many of us now on the committee. That bill passed the House by a vote of 331–90. Many of those who voted in opposition, myself included, were motivated to it by a specific provision regarding the affordable housing fund that is no longer in the bill.

Mr. Chairman, the bill has two major components. First, it significantly increases the strength of the regulator of the two major Federal housing government-sponsored enterprises, Fannie Mae and Freddie Mac. It also deals with the Federal Home Loan System. That was seen as less in need of drastic change. There is, in fact, less change there. There will be an amendment regarding that offered by the gentleman from Pennsylvania (Mr. KANJORSKI), which I strongly support, to increase public participation in that system. But this is a bill fundamentally about Fannie Mae and Freddie Mac.

There is general agreement among a wide range of parties that this bill, building on the bill that Mr. OXLEY brought to the floor, does do what needs to be done in creating a strong regulator. There are some controversial elements here, but very few deal with the powers of the regulator that we have set up. And I am pleased that the Treasury Department, Under Secretary Paulson and Under Secretary Steel, has agreed. In fact, this is a bill which, with regard to regulation and the regulator, is a little bit stronger than the one we passed a few years ago. We had some negotiations. They were useful, and we have a fully empowered regulator here, independently funded and empowered to do whatever needs to be done to deal with any safety and soundness issues that arise from Fannie Mae and Freddie Mac.

The most controversial areas of the bill involve a provision that was also in the bill when it last passed, and that is an affordable housing fund. A number of people have argued over the years that Fannie Mae and Freddie Mac receive from the Federal Government advantages which help them borrow money cheaply in the market, and that is true. There is a connection between Fannie Mae and Freddie Mac and the Federal Government. Those who borrow that money thinking that the Federal Government guarantees it are wrong. There is no Federal guarantee implicit, explicit, or any other way. But it is the case that the market does see these entities in a very favorable light and lends them money at a somewhat lower rate than other entities can borrow. The reason for its having been set up that way was to try to help housing, especially home ownership because these entities buy the mortgages and help bring down the cost of mortgages, but they have also been given for years goals by the law where they are particularly to help lower income housing.

Now, a number of people have argued over the years that Fannie Mae and Freddie Mac's shareholders, and in the past some of their executives, received too large a share of those benefits. The argument was, with some accuracy, that Fannie Mae and Freddie Mac benefited very much and not enough of that reached the public.

There are two ways you could deal with that. You could reduce the benefits that Fannie Mae and Freddie Mac get. Some people have advocated that. Alternatively, you could do what this bill does: leave the existing situation which provides some benefits to them but increase the share of those benefits that go for public purposes. We do that in two ways in this bill: First of all, and this does not appear to be terribly controversial, Fannie Mae and Freddie Mac have statutorily imposed goals. Some people have said these are private corporations and you shouldn't tell them what to do. Well, we have been doing that for a very long time. They are told that they must, in purchasing mortgages in the secondary market, make certain purchases that help certain goals, low income housing, et cetera. We increase those goals. Secretary Jackson at HUD had been critical of them for not doing enough. We increase both the mechanism by which they held to those goals and the goals themselves.

☐ 1615

But the newly controversial element to this is the Affordable Housing Fund. I say newly controversial because an affordable housing fund virtually identical to this one, financed through a different formula, but essentially the same in the amount of money and in the function, was in the bill that passed the House in October of 2005. At that time, the Republicans in the House voted for it 209–15. Now Members having once had an opinion are not required to hold it forever. But I do note that in October of 2005, 209 Republicans voted for the bill that had an affordable housing fund. Now that the fund has been, in the minds of some, transmogrified into all kinds of things which it is not. In economic terms, it very likely reduces the return, not by a huge amount, to Fannie and Freddie shareholders. Some have argued that it is going to raise the cost of mortgages. But ironically, many of those who argued that this will raise the cost of mortgages have supported even greater restrictions on Fannie Mae and Freddie Mac, particularly by limiting their portfolios, which would have many, many times greater impact on Fannie Mae and Freddie Mac's profitability, and therefore, their ability to help mortgages, than the Affordable Housing Fund.

The affordable housing fund takes some of the profit that Fannie and Freddie make, arguably a part of what they get from their Federal benefits, and said that it will be used for the construction of affordable housing. We have a serious crisis in America and a lack of affordable housing. We have been dealing with this for years by vouchers. Vouchers add to the demand for housing, but an annual voucher cannot create new housing, it does not add to the supply. We have a mechanism here where, without impinging on the Federal budget, without adding a penny to the deficit, in an entirely self-paid way, we take some money from Fannie and Freddie which reflects some of the benefit they get from their Federal arrangements and we recycle it into affordable housing. In the first year, all of that money, maybe $500 million, will go to Louisiana and Mississippi under this bill to replace the severe destruction of housing that has not yet been replaced a year and a half after the terrible hurricanes there.

For the future, the bill says it should be used for affordable housing annually, but leads to a later decision by this House and the Senate. I say optimistically, hoping we can get a decision from the Senate, and then to be signed by the President as to how to further distribute it. It creates the concept of an affordable housing fund. But we had in our committee various arguments. Some people wanted it to go through HUD, some through the State housing agencies. I believe that is a decision that we should make collectively, first in our committee, and then on the floor.

But we are not here doing anything other than saying the money will be available for a subsequent decision by the House that it will be spent. We do say that it has to be spent for housing, for bricks and mortar.

And there are going to be amendments that are going to be offered, let me say we tried to put safeguards in here against abuse. There are several amendments being offered, the minority whip has one, the gentleman from Texas, Mr. MCCAUL, has one, and some others have amendments, that will further tighten the constraints on this fund. I intend to argue for the acceptance of several of those amendments, at least three, that further tighten up the use of the fund. And I believe we will have accomplished that.

The question then will be, given that Fannie and Freddie get great benefits from the Federal Government, given that we have a housing shortage and a budget crunch in this country, does it make sense to take several hundred million dollars of the profits of Fannie and Freddie, which are enhanced by their Federal regulations and rules, and make them available for affordable housing? I believe the answer should be yes.

Virtually every entity involved with housing in America, from low-income housing advocates to the nonprofit and religious groups that help build housing, to the home builders and the realtors and the mortgage bankers, all support the notion of beginning to get the Federal Government back in the business of trying to do some affordable housing.

I hope that we can go forward with the bill. I do note we had 36 amendments; a couple I believe will be ruled nongermane. Nine or 10 I hope will be accepted without any controversy, including about five from each party. I did note that many of the others, about 18 of the others, are various ways of accomplishing three essential goals, making sure that illegal immigrants don't get the housing, either abolishing the fund altogether or restricting it.

I would hope that we could work out among ourselves some kind of representational thing so that we don't have to vote on all 18 amendments, many of which are duplicative of the others. And if we are able to work that out, I believe we will be able to get the bill through.

There is an important decision to be made about affordable housing. I believe many of the other issues the House previously voted on, I don't think there's a lot of controversy. We do have an important, legitimate, philosophic discussion about affordable housing. I am hoping that between us, we can structure things so we will have a couple of strong votes on that and we can send the bill forward.

Mr. Chairman, I submit the following correspondence:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, April 25, 2007.

Hon. BARNEY FRANK,
Chairman, Financial Services Committee, Rayburn House Office Building, Washington, DC.

DEAR BARNEY, I am writing regarding H.R. 1427, the Federal Housing Reform Act of 2007, which was reported to the House by the Committee on Financial Services on Wednesday, March 28, 2007.

As you know, a provision within section 144 of H.R. 1427 would provide an exemption for a limited-life enterprise from Federal taxes, an authority which falls within the jurisdiction of the Committee on Ways and Means. The Ways and Means Committee has jurisdiction over all matters concerning taxes and the Internal Revenue Code of 1986.

In order to expedite this legislation for floor consideration. the Committee will forgo action on this bill, and will not oppose the inclusion of tax provisions within H.R. 1427. This is being done with the understanding that it does not in any way prejudice the Committee or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1427, and would ask that a copy of our exchange of letters on this matter be included in the Record.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, April 25, 2007.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHARLIE: Thank you for your letter concerning H.R. 1427, the "Federal Housing Finance Reform Act of 2007". This bill was ordered reported by the Committee on Financial Services last month. It is my expectation that this bill will be scheduled for floor consideration in the near future.

I acknowledge your committee's interest in a provision contained in section 144 of the bill which would provide an exemption for a limited-life enterprise from Federal taxes. Such matters concerning Federal taxation fall under the jurisdiction of the Committee on Ways and Means. However, I appreciate your willingness to forego action on H.R. 1427 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation.

I will include this exchange of correspondence in the committee report and in Congressional Record when this bill is considered by the House. Thank you again for your assistance.

Sincerely,

BARNEY FRANK,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, April 27, 2007.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN FRANK: I am writing about H.R. 1427, the Federal Housing Financing Reform Act of 2007, which the Committee on Financial Services ordered reported to the House on March 29, 2007.

I appreciate your effort to consult with the Committee on Oversight and Government Reform regarding those provisions of H.R. 1427 that fall within the Oversight Committee's jurisdiction. These provisions involve the federal civil service and the Freedom of Information Act.

In the interest of expediting consideration of H.R. 1427, the Oversight Committee will not request a sequential referral of this bill. I would, however, request your support for the appointment of conferees from the Oversight Committee should H.R. 1427 or a similar Senate bill be considered in conference with the Senate.

This letter should not be construed as a waiver of the Oversight Committee's legislative jurisdiction over subjects addressed in H.R. 1427 that fall within the jurisdiction of the Oversight Committee.

Finally, I request that you include our exchange of letters on this matter in the Financial Services Committee Report on H.R. 1427 and in the Congressional Record during consideration of this legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

HENRY A. WAXMAN,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, April 27, 2007.

Hon. HENRY WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: Thank you for your letter concerning H.R. 1427, the "Federal Housing Finance Reform Act of 2007," which the Committee on Financial Services has ordered reported. This bill will be considered by the House shortly.

I want to confirm our mutual understanding with respect to the consideration of this bill. I acknowledge that portions of the bill as reported fall within the jurisdiction of the Committee on Oversight and Government Reform and I appreciate your cooperation in moving the bill to the House floor expeditiously. I further agree that your decision to not to proceed on this bill will not prejudice the Committee on Oversight and Government Reform with respect to its prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction in the event of a House-Senate conference.

I will include a copy of this letter and your response in the Congressional Record and in the Committee on Financial Services report on the bill. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

COMMITTEE ON THE JUDICIARY,
Washington, DC, May 16, 2007.
Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that the Committee on the Judiciary has now had an opportunity to review the provisions in H.R. 1427, the Federal Housing Finance Reform Act of 2007, as approved by your Committee, that fall within our Rule X jurisdiction. I appreciate your consulting with us on those provisions. The Judiciary Committee has no objection to your including them in the bill for consideration on the House floor, and to expedite that consideration is willing to waive sequential referral, with the understanding that we do not thereby waive any future jurisdictional claim over those provisions or their subject matters.

In the event a House-Senate conference on this or similar legislation is convened, the Judiciary Committee reserves the right to request an appropriate number of conferees to address any concerns with these or similar provisions that may arise in conference.

Please place this letter into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our committees.

Sincerely,
JOHN CONYERS, Jr.,
Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first let me thank the chairman of the Financial Services Committee, Mr. FRANK, for his openness throughout this whole process. We have engaged in committee, in both hearings and in markup, in quite a long discussion. On most occasions, we came together; there was a consensus. And that's good. On other issues in this legislation we parted company, we had disagreements. That was the bad. There were one or two occasions where we had strong disagreements. Let's first talk about the things we agree as a body, both Republicans and Democrats.

I think we all agree that the government-sponsored entities, Fannie Mae, Freddie Mac, Federal home loan banks, that they play an important role in the American economy, and more importantly and more specifically, in homeownership.

Homeownership in America is at an all-time high. You go to any country in the world and homeownership rates come nowhere near what they are in America. I think it was the legislation that this Congress, many, many years ago, passed in setting up these GSEs that has resulted in more affordable housing, readily available opportunities to own a home and realize the American Dream.

Now, in recent years, the growth of our government-sponsored entities has been astounding. In fact, let me give you three figures. And if you hear nothing else that I say out here today in support of establishing a strong independent regulator over these entities, it is this fact: Fannie Mae and Freddie Mac, excluding the Federal home loan banks, but those two entities hold $3 trillion worth of debt. When you add mortgage base security obligations, it is $5.2 trillion. Now, you may say well, what is $5.2 trillion? I can't visualize that. And I don't know any of us that could get our arms around that. I'm not sure any of us appreciate how big that is. But let me compare it to the public debt held by the U.S. Treasury. The entire public debt of the U.S. treasure is $4.9 billion. In other words, the debt of Fannie Mae and Freddie Mac is greater than the debt of the U.S. Treasury. That is an astounding number.

We came together, both in 2005 and again this year, and we said we must establish a strong, independent regulator with power to make changes and oversight, and if necessary, forbid it to ever be the case that these entities became illiquid, to step in and prevent what would be, in either occasion, a devastating blow to the U.S. economy.

In 2005, we brought a bill to the floor and we passed a bill establishing a small regulator. Now, the chairman has pointed out that this is almost the same bill that we had in 2005, yet many Republicans who are going to vote no today voted yes then. That appears to be a contradiction. He has pointed that out. The lady from California has mentioned 2 years ago I was in support of the bill that came out of this floor. I voted to send it to the Senate. They pointed out earlier today, in debate on the rule, that the gentleman from Texas (Mr. SESSIONS), he voted for the bill, now he is voting against the bill. There are differences.

Now, the gentleman from Massachusetts says there are no differences. If you are voting against the bill today, why did you vote for it 2 years ago? He asked that question a few minutes ago. Why did we? Why did we vote for it 2 years ago and vote against it today? Different circumstances.

Two years ago, I will remind the chairman, the gentleman from Massachusetts, the gentlelady from California, the ranking member of the subcommittee, the gentleman sitting there from Texas, Mr. GREEN, Mrs. MALONEY, who is here, the gentlelady from New York, they have all said why in the world are you changing your vote? Well, let me say to the entire body, there is a change in circumstances. And let me offer this as proof.

Two years ago, this was "the same bill." The chairman, the gentleman from Massachusetts, voted against the bill 2 years ago. The gentlelady from California, who says why are you changing your position, she voted against the bill 2 years ago. The gentleman from Texas voted against the bill. The gentlewoman from New York voted against the bill. Let me tell you what some of those circumstances are.

Let me say this to the gentleman: This bill, in many respects, is better than the bill 2 years ago, and we need to pass this bill. And I predict, the gentleman from Massachusetts, the gentlelady, the subcommittee chair from California, this bill is going to go to the Senate. But we do have objections to this bill, and we are going to protest those objections by voting against the bill.

Two years ago, this is exactly, when you all were in the minority, the reason you voted against it. You voted against it. It's not the same bill.

Now, what is it that we find uncomfortable about this bill? It is not that we are establishing a strong regulator. It's that we are doing things that run contradictory, counter to what we are trying to do here today. And what are we trying to do? We are trying to assure the safety and the soundness of Fannie Mae and Freddie Mac. We are also trying to make them more independent and not beholding on the government. We are saying, quote, this implicit guarantee that the government will stand behind the GSEs, that we are going to establish an independent regulator and we are going to try to move in a direction where they are more independent and they function more like a private corporation, which was as originally conceived. But then, right in the midst of saying that, we established additional costs on Fannie and Freddie. And they are opposed to that, they are opposed to the additional costs.

We say we are going to make them sounder, more independent, more stable, and then we put on them an obligation of $3 billion, a cost. We say that we are going to take this occasion, the reason for this bill is because we are going to establish a strong regulator. We are going to do that to make them safer. And yet at the same time you say, we're going to increase their costs by $3 billion over the next 5 years.

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We are going to make them pay a part of their profits into a fund.

Yes, let me say this: There is a problem in our country, a problem of the lowest income Americans, and I have said this, I have said this in committee, I will say it on the floor of the House; probably the group of Americans most in need of shelter are the lowest income Americans. And they, and the chairman and I are in agreement on this, are the ones who need affordable rental properties. We need to do something about that. We need to address that. We have presently 50 or 60 housing programs, and part of their responsibility is to address that need.

Now, what we ought to do before we establish yet another Affordable Housing Fund, we ought to see why the 50 or

60 that we have that are spending hundreds of billions of dollars, why they are not meeting this need, why money is being wasted, why there is still an unacceptable amount of fraud. Why don't we clean up and make more effective and efficient those housing programs that address those needs, instead of turning around and creating yet another housing program?

Not only do we address a goal that we have 50 or 60 other Federal programs which are supposed to address this, but how do we address it? First, we talk about how important the financial stability of the GSEs are, but yet we say that over the next 5 years we are going to make you pay $3 billion, $500 million a year, into yet another Federal housing program.

Then we do something else, because there is a chain reaction. Where does this money come from? Well, it comes from middle and low income American homeowners that Fannie Mae and Freddie Mac are holding their mortgages or mortgage-backed securities. So where do Fannie and Freddie get that money? Because they don't print money. Well, they will have to get it from only one place, and that is their customers, their clients. That is every low and middle income American that takes out a mortgage. They will pay into this fund.

Now, who won't pay into this fund? Upper class Americans, and many upper-middle class Americans, they won't. There will be no obligation on their part on this $3 billion. In fact, what is the mission of Fannie and Freddie? It is to promote affordable housing for low and middle income Americans. And yet those are the very Americans that you are going to make it not quite as affordable for, because you create a $3 billion obligation.

Mr. BLUNT, the gentleman from Missouri, calls it a tax on middle class Americans. Now, I would say it is not a tax on all middle class Americans, it is a tax on middle class American homeowners, and he has said that. But we probably should, in fairness, include the low income Americans who will pay into this fund. We probably ought to include them.

Because we are establishing a $3 billion obligation, on behalf of American homeowners, low and middle income, we are going to offer an amendment to take out what is really an extraneous provision in this bill, and that is a bill to create yet another Federal Affordable Housing Fund.

We are going to do a second thing. We are going to offer amendments that say if there are benefits to this Affordable Housing Fund, and if it does pass, it ought to inure to the benefit of American citizens, those who live in America and who are citizens of America. There will be four or five amendments to do that.

We are going to oppose this fund. We are going to lose later tonight when the vote is taken. It will move over to the Senate, and, if it passes the Senate, there will be another $3 billion Federal housing program.

We are particularly concerned about, because when the FHA bill came up 3 weeks after this bill came up and we created in committee a $3 billion new Federal housing program, we raised FHA fees and we created another placeholder in that bill that will move out here, we created another Federal housing program to add to the tens of programs we have, or maybe it is over 100 programs. I am not sure. I have quit counting.

But in every bill that we bring out of the Financial Services Committee, are we going to establish a new multi-billion dollar plan to help low income Americans with affordable housing? And if we do, if we do, are we going to raise the cost to low and middle income Americans to purchase a home, the cost of that mortgage? Or are we going to increase their FHA fees when they do use and utilize FHA, have an FHA-backed mortgage?

What we said in committee during this whole subprime situation, and I will say the chairman and I tried to address that last year, and I really wish we had, we both have seen this coming for a long time. He and I are both happy that the regulators have started moving, and we will just see if that is enough.

But with all these problems in subprime lending and a reduction in liquidity in the mortgage market, we have said many times people are going to need to avail themselves of the FHA. But yet, just like we did in this bill, we increase the cost to those homeowners. It simply does not make sense.

Now, the chairman from Massachusetts says, oh, no, we are not increasing the cost to those who avail themselves of an FHA mortgage. We are not increasing the cost for the tens of millions of Americans who depend on Fannie and Freddie to reduce the cost of their mortgage. We are not getting it from them. We are getting it from Fannie. We are getting it from Freddie. We are getting it from the FHA.

Where do they get their money? They get it all from the homeowners. They don't get it from the Treasury. They get it from the homeowners, and these are the people we are going to tax when we pass this bill today.

So we are opposed to this bill. We are protesting the inclusion in this bill of yet another Federal housing assistance program, and we are taxing low and middle income Americans.

Now, in fairness to the chairman, a lot of this money will go to Louisiana and Mississippi over the first 2 or 3 years. In fact, because of that, there were Republicans, particularly 2 years ago, that rushed into helping on this bill because a lot of it was going to Katrina. But just 3 months ago we passed a massive bill in this House in Katrina relief. We agreed on the number it would take and we passed it.

Yet, here we go again with more money for Katrina, if we need more money for Katrina relief, and that relief is going to go into 2009 now, we are going to pay for years in the future for people who are displaced by that to continue to have shelter. We keep saying, well, 6 more months. Then we extend it another 6 months and another 6 months. And here we go again. Three months ago we passed what we said would probably be an amount we pretty much all agreed on, I thought, for Katrina relief. But yet here we go again.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am disappointed frankly at a number of inaccuracies in my colleague's statement. In the first place, with regard to Katrina, the bill that we passed had zero money for new construction, and if he will go back, he apparently forgot, he will see we constantly said during the Katrina bill that we intended to provide the new housing construction money through this bill.

His assertion that there is some duplication could not be more wrong. We were very clear then. The Katrina bill dealt with vouchers. It had one 4,500-unit section with regard to some project vouchers. But throughout the Katrina bill, it was clear that it was a two-step process. This was the second step. There is zero duplication. Nothing in that Katrina bill did any significant increase in housing construction.

Secondly, he notes that I and the gentleman from California and the others voted against the bill last time, as I said earlier today, for one specific reason. The Rules Committee, over the objection of the Committee on Financial Services at that time, injected into the housing fund amendments that would have kept the Catholic Church and the Methodists and all the other religious organizations that were interested in building housing from participating.

We had one very specific objection. At that time the fund was going to be administered directly by Fannie and Freddie. There was a fear that they would use it politically. So one specific amendment was put in by the Rules Committee, we weren't even allowed to vote on it on the floor, and it would have restricted religious groups from participating. For that reason only, we voted against the bill. Since this does not allow Fannie and Freddie to spend the funds, that is out there. That is why we are being perfectly consistent in now voting for it.

The gentleman from Alabama, everything he said about the housing fund was in the bill he and 208 other Republicans voted for in 2005. Every single thing.

The gentleman has told me that he is philosophically opposed to the Housing Trust Fund. Then why did they all vote for it, those who share that opposition, 2 years ago?

The final thing, the gentleman from Illinois is here. The gentleman from Alabama inaccurately said we were raising FHA fees. In fact, the FHA under the Bush administration asked us to raise fees. Last year, the House passed a bill that would have allowed them to raise fees. The gentleman from California and I objected to some of those increases. Our bill restricts the FHA's ability to raise fees above what they wanted. In fact, what we got was an amendment at that markup from the gentleman from Illinois substituting last year's bill that most of the Republicans voted for. That would have allowed the FHA to raise fees far more than us.

So I don't understand how the gentleman from Alabama, who voted with the gentleman from Illinois to allow the FHA to raise fees further now blames us when we passed a bill that would have restricted their ability to raise fees above what they wanted. Maybe people got to go back and look at what they voted for and look at what they offered. The staff will have time. We have time to do that.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I rise in support of this legislation, and I commend the chairman for the work that he has done, the leadership he has provided and the hard work of the Members of this committee to get this bill to the floor.

There are no great issues that separate us on this bill. We have worked out all of those issues. We all agree there should be stronger oversight. We all agree that we had to get rid of OFHEO, we had to have a stronger agency. We were all concerned about the tremendous debt of the GSEs. So that is all behind us. There is only one thing that separates us, and that is the Housing Trust Fund, and that is philosophical.

We believe that given the housing crisis in America we have a responsibility to assist those who cannot afford decent housing, who are living on the streets, who are paying much more than 30 percent of their income. We believe we have a responsibility to assist them, to help them.

☐ 1645

The other side of the aisle does not believe that government should play any role in helping the least of these get into public housing.

The generally accepted definition of affordability is for a household to pay no more than 30 percent of its annual income on housing. Families who pay more than 30 percent of their income for housing are considered cost burdened, and often have difficulty affording necessities such as food, clothing, transportation and medical care.

We are not talking about housing for any one section of this country. It is all over this country. In Mr. BOEHNER's district, the Eighth District: 64,759 renter households, including 14,713 extremely low-income households. Of these extremely poor households, 57 percent are paying more than half of their incomes for housing. In the Eighth District, there is a deficit of 7,497 units that are affordable and available to extremely poor households.

In Mr. BLUNT's district, the Seventh District of Missouri: 76,034 rental households, including 13,885 extremely low-income households. Of these extremely poor households, 57 percent are paying more than half of their incomes for housing. In the Seventh District, there is a deficit of 7,580 units that are affordable and available to extremely poor households.

But let's not stop there. In Mr. BACHUS' district, in the Sixth District of Alabama: 55,217 renter households, including 9,525 extremely low-income households. Of these extremely poor households, 50 percent are paying more than half of their incomes for housing. In the Sixth District, there is a deficit of 4,141 units that are affordable and available to extremely poor households.

I could go on and on. This is about the housing trust fund. I would ask my colleagues to support the least of us in America, and reject the argument from the other side of the aisle.

Mr. BACHUS. Mr. Chairman, I yield 5 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman for yielding. I rise to talk about this bill and I will hold the debate on FHA until that bill comes to the floor.

I would like to thank Chairman FRANK and Mr. BAKER for introducing this year's GSE bill to establish a new and stronger regulator for the GSEs and the Federal Home Loan Banks.

Like last year's legislation, this bill aims to give the new regulator clear direction about its authority, available tools and mission. With this enhanced authority and guidance, the new GSE regulator can guide the GSEs to be most effective for homeowners, market participants, financial institutions, and taxpayers.

The overall purpose of the GSE reform bill is to create a strong, world-class regulator, and I think in this bill we direct the new regulator to review and set portfolio limits, establish minimum capital requirements, and review new programs and products.

However, unlike last year's legislation, I think this year's bill introduces a new, extraneous provision that does not permit the new regulator to focus solely on these very important duties. This bill does not isolate this regulator from political influence, but rather establishes a stream of cash that is financed on the backs of the American homeowners. Why do I say this? What is the affordable housing trust fund; does anyone know? And why would we allow GSE money to be diverted to an unknown, non-existent entity? This was not in last year's bill.

Last year's bill permitted Fannie Mae and Freddie Mac to manage an affordable housing fund. This year's bill permits the new regulator to establish and regulate the fund. I don't think that it is appropriate for this new regulator to manage the affordable housing fund.

The provision establishes a formula to allocate funds to States and Indian tribes which would in turn determine which organizations receive the funds. The new GSE regulator is tasked with establishing regulations to determine the prescription for States to distribute the funds. And as stated in House Report 110-142, "This bill provides that funds allocated for the affordable housing fund, may be transferred at a later date to a national affordable housing trust fund that may be subsequently enacted into law."

We just don't know what is going to be the amount of money, where it is coming from, except if we determine that it is estimated that it would extract $3 billion in assessments from Fannie Mae and Freddie Mac over a 5-year period. There is no dollar limit as to how large this fund can become. Where will this money for the fund ultimately come from? It will come from low and middle income Americans seeking to purchase a home or refinance an existing mortgage. Hardworking, low income and middle income Americans who are trying to have their part of the American dream will ultimately be footing the bill for a national housing trust fund, the purpose of which has not yet been determined in law. Taxing hardworking American homeowners is not the way to fund new affordable housing.

I share the chairman's commitment to increasing the stock of affordable housing for low-income Americans, but this fund is the wrong way to achieve this objective.

Therefore, I would urge my colleagues to take a look at the Bachus amendment to strike the affordable housing fund section of this bill. I think we have a really good bill here. It is similar to last year's bill. I know that we have talked about this in the committee, we should have hearings and further discussions on the need to build more affordable housing in this country, how it can be done and how it can be financed, and particularly what this new affordable housing fund means.

So with that, I urge my colleagues to, at this time, not support this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the chairman of the Subcommittee on Capital Markets, the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Chairman, I would like to extend my congratulations to Chairman FRANK and to Ranking Member BACHUS, two individuals that may sound more in disagreement today than they really are.

I want to talk about, particularly, the passage of this bill, and let us understand that since March of 2000, we have had hearings and have attempted to get to a new regulator for the government-sponsored enterprises of Fannie Mae and Freddie Mac, and ultimately the Federal Home Loan Banks. We came very close 2 years ago. We passed it through this House. It didn't make it through the other body. We have an opportunity in this Congress to accomplish that.

As a matter of fact, one of the compliments to Mr. FRANK is he didn't run out there wholesale and create all kinds of new gadgets in this bill. Basically, this bill is 99.44 of 100 percent the same as we did in 2005.

What will it accomplish? It is going to get us a world-class independent regulator, as the ranking member said, for $4.9 trillion worth of securities. I think that is important.

Here the major opposition that is being discussed is really philosophical in nature. I think MAXINE WATERS was very correct in that analysis. We are arguing over $500 million a year, and we are talking about an institution that has $4.9 trillion that we have to regulate, and know that in the last several years, there were errors and mistakes and potentially even fraud committed in these organizations as a result of the weakness of our regulators.

So we went to great lengths in a bipartisan way to have these hearings over the last 7 years and to say, let's create a regulator that we can all be proud of. But more than being proud of, that we can be relatively certain that the securities market and the investments of the United States in the real estate area are going to be safe and secure, and I think this bill does that.

Now this little argument that we have over the trust fund, $500 million a year potentially, if you think about it, it amounts to about a day and a half of what we spend in Iraq every damn day. A day and a half.

Now you can argue that we don't need any housing in the United States, and I think you can credibly make that argument if you are of that philosophical bent. And of course, on this side of the aisle, because we probably are closer to the people who do need that housing, we can make the argument that there is need. But never in anybody's mind should an argument of that minute an amount stop the passage of legislation which will allow us to get control and containment over $4.9 trillion of American taxpayer money.

Mr. BACHUS. Mr. Chairman, I thank the gentleman from Pennsylvania for his sincerity, and I yield 2 minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. FRANK of Massachusetts. Mr. Speaker, I will yield an additional 2 minutes to the gentleman from California.

Mr. BACHUS. I appreciate that. That really is evidence again of the bipartisan approach we have had on this committee.

Mr. FRANK of Massachusetts. Well, it will be if you vote with him.

Mr. GARY G. MILLER of California. Mr. Chairman, I want to thank the chairman and Mr. BACHUS for yielding me this time.

I know this has been an issue that they have been working on for years, the same as I have. For the last 3 years, this has been a focus for us dealing with this issue that has been impacting and in many ways very beneficial to the housing market.

I commend Chairman FRANK and Secretary Paulson for their hard work to strike an agreement so we can move this important reform legislation forward.

We must provide for a strong regulator for the GSEs so that investors and the markets are assured that these companies are sound and that their investments in America's housing markets are safe.

This bill recognizes that strong regulation provides a means to achieve our ultimate goal of expanding supply of affordable mortgage credit throughout this Nation.

The goal in the process we have taken today is to preserve the mission while strengthening the authority of the regulator. We have been working on this issue for a number of years. Through this lengthy legislative process, I have asked my colleagues to be mindful that as we addressed deficiencies in GSE supervision, we must not lose sight of Congress's original intent that chartered the GSEs. The mission of Fannie Mae and Freddie Mac is to provide stability and on ongoing assistance to the secondary market for residential mortgages, and to promote access to mortgage credit and homeownership throughout the United States.

The bill before us today builds upon the bill that passed the House under the leadership of former Chairman Oxley in 2005. That bill passed by an overwhelming vote of 331–90. As I was looking back at the RECORD at that point in time, it surprised me that based on the comments made by the administration at that time, they are saying that the bill today creates a stronger regulator than the one we passed in 2005.

And I was surprised to read that the bill before us today, the administration, unlike the bill passed in 2005, which Treasury opposed then because it failed to provide a strong regulator that could protect the safety and soundness of the housing financial system, today the bill they say "provides for a fully empowered, independent world-class regulator that can deal with any safety and soundness issue that might arise." I had no idea back at that time they opposed it; but I knew they supported it today.

The affordable housing fund, I vote repeatedly to strike that. I have never supported it. I didn't support it when Chairman Oxley put it in the original bill. I know many Members on my side oppose this. However, I continue to share the view of former Chairman Oxley that a stronger, more effective regulator of the housing GSEs is absolutely critical and outweighs our philosophical opposition to the fund.

I voted for that bill then, and I am going to vote for this bill tonight. This legislation provides for a strong regulator for the GSEs so that investors and the markets are assured that those companies are sound and an investment in the American housing markets are safe.

Improved regulation will provide a means to achieve our ultimate goal of expanding the supply of affordable mortgage credit across this country. GSEs have been at the forefront of creating affordable housing opportunities for families, and we must ensure that they are successful in the future.

This bill does something that I am very supportive of, and I worked on for 3 or 4 years now. It deals with conforming loan limits in high-cost areas. If you happen to live in Hawaii, Alaska, Guam or the Virgin Islands, you can get a loan for 150 percent of conforming today. But if you live in a high-cost area of California or other parts of this country, you cannot. If you look at the benefit on the marketplace today, especially in California, we are having severe problems in the jumbo market area where the foreclosures and defaults are excessive, and I believe if the conforming marketplace were there today, we would have less problem than we are seeing today.

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The foreclosure rates are out of control. If you look at the jumbo market in California, the problem we're facing is that only 18.1 percent of the jumbo loans that are made are fixed, 30-year loans; compared to conforming marketplace, 82 percent are fixed 30-year loans. In the jumbo marketplace, 34.9 percent of the jumbo loans are interest-only ARMs.

I thank you.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs.

MALONEY), the chairwoman of the Financial Institutions Subcommittee.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding and for his strong and creative leadership in the passage of this tremendously important bill for American homeowners and for those who are in desperate need of affordable housing.

I wish to be associated with the comments of Mr. FRANK and Mr. GARY MILLER on these conforming loan limits in high income areas such as the area I represent in New York City. It's very important for affordable housing.

Keeping with the bipartisan spirit of the Financial Services Committee, this bill was reported out with a strong bipartisan vote of 45–19, and when it passes today, it will completely overhaul and strengthen the regulatory oversight of the GSEs, the government-sponsored enterprises, of Fannie Mae, Freddie Mac and the Federal Home Loan Banking System, and it will create a new independent regulator with broad powers, similar to those of current banking regulators.

It also requires Fannie and Freddie to establish an Affordable Housing Fund, something that should have been done long ago. It's important for affordable housing in our country, and I congratulate the leadership of Mr. FRANK and Mr. BAKER and Mr. Oxley in moving this fund forward. Contributions will be based on the average total mortgage portfolio which will include all mortgages, whether held for investment or securitized. It will be distributed through the States.

And very importantly, the first year the money will go to the ravaged area of Katrina and Rita where people are living without housing. It is tremendously important. It is creative and it addresses a desperate need in our country.

In addition to the affordable housing goals that apply to Fannie and Freddie, we enhanced the bill in a number of ways, including a provision that I sponsored along with Mr. BAKER, to encourage the creation of home-based child care centers. My Kiddie Mac amendment will do that. It will make day care more affordable and available.

I congratulate everyone. Please vote for this bill.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Let me close by acknowledging the many positive aspects of this bill and just reiterate that had it not been for the creation of our new Affordable Housing Fund, a new government program, we would have had consensus here. But that should not distract from the fact that we do need a strong independent regulator, as the gentleman from Pennsylvania said.

Mr. Chairman, with that I yield the balance of my time to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the ranking member for yielding, and I thank him for his leadership on this bill.

I also wish to thank our chairman who, although I have deep philosophical differences with, was certainly fair in his deliberations and more than fair in the amendments that he has allowed here this evening.

Indeed, I think that the conflict today comes down to the so-called Affordable Housing Fund. Many on this side of the aisle do not feel that in this bill, which is supposed to provide a strong regulator for Fannie and Freddie, that we need to be expanding big government.

And regardless of the rhetoric on the other side, according to OMB, Federal housing assistance has grown 73.8 percent in the last 10 years. Yet, this bill creates another new housing program on top of the 90 other HUD programs ostensibly designed to make housing more affordable.

Meanwhile, the Democrat majority earlier this afternoon made housing less affordable by imposing the single largest tax increase in American history on the American people, threatening the home ownership of millions.

Next, this fund is supposed to be transferred to some shadowy, amorphous, ill-defined housing trust fund, which to many of us appears nothing less than a new entitlement spending program for the 21st century. This is on top of the entitlement spending that threatens to bankrupt the next generation, will force them to double their taxes, will shatter their dreams of home ownership, and yet we appear to be adding yet another entitlement spending program.

Next, the fund represents a dangerous precedent and another surreptitious tax increase. On top of the single largest tax increase in American history, now our friends from the other side of the aisle are going to impose a home mortgage tax on the American people, using the Federal nexus to levy a special tax on Fannie and Freddie, which due to their duopoly status in the marketplace they can effectively pass on to home buyers in the way of higher mortgage interest so that this can be conduited into third party groups.

This bill ignores the greatest affordable housing program known in this country, a good job and a low tax rate. The bill imposes new mortgage taxes on Americans and must be rejected.

Mr. FRANK of Massachusetts. Mr. Chairman, may I inquire how much time remains on my side?

The CHAIRMAN. The gentleman from Massachusetts has 9 minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT), the Chair of the Oversight and Investigations Subcommittee.

Mr. WATT. Mr. Chairman, I thank the chairman of the committee for yielding time.

I rise in support of the bill. The bill deserves our support for two important reasons. First of all, it establishes a strong regulator in an area that has cried out for greater regulation, and I think we understand that looking back on what has happened at Fannie Mae and Freddie Mac over the last several years.

Second of all, the bill establishes a trust fund that is very similar to the housing trust fund for which over 200 of the Republicans voted last year. So I really am surprised to find that this year all of the sudden there is all of this opposition to the trust fund.

So I want to spend a minute talking about the trust fund. First of all, it is a housing trust fund, and Fannie Mae and Freddie Mac are designed to incentivize more housing for middle income and low income people. So it's absolutely consistent with the purposes for which they were founded.

Second, the ranking member of our committee made it sound like this is going to increase the cost of housing for middle income people and low income people. In fact, what we need to focus on is that this money will either go to the stockholders of Fannie and Freddie or it will go to the purpose for which Fannie and Freddie was originally formed.

So this is not a choice between raising taxes or not. This is fulfilling the purpose of these two entities.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. SIRES), a member of the committee.

Mr. SIRES. Mr. Chairman, I first would like to thank Chairman FRANK for his efforts in bringing this bill to the floor today, and it's because of him this bill is supported by the Treasury Department and the very government-sponsored entities the bill impacts.

I rise today in strong support of H.R. 1427. It creates a single regulator of the three government-sponsored entities. By having one regulator, future problems in the housing economy will be prevented by providing real and strong oversight of the secondary mortgage market.

Secondly, this bill creates an Affordable Housing Fund. This fund will provide an opportunity for millions of working Americans to afford housing that will allow them to raise their families in a safe and stable environment. Some will even be able to buy a home because of this new fund.

Hardworking Americans want a safe and stable place to call their own. We have the opportunity here today to support the American dream of home ownership by passing H.R. 1427. And just as important, we can do this with proper oversight.

I urge all my colleagues to join me in supporting H.R. 1427.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1½ minutes to the gentleman from New Hampshire (Mr. HODES), another very able freshman member of the committee.

Mr. HODES. Mr. Chairman, I thank the gentleman for yielding and for his tremendous leadership on this committee.

I rise in support of H.R. 1427. This bill provides an overhaul of the government-sponsored entities, and it creates a much-needed, unified regulator for all GSEs.

Now, it was the high-profile accounting scandals at Fannie and Freddie in recent years that demanded that Congress restore accountability and strengthen oversight in these institutions.

So this bill creates a strong, independent regulator at Fannie Mae, Freddie Mac and the Federal Home Loan Bank System with broad powers comparable to those of Federal bank regulators. The bill also creates an Affordable Housing Fund to be managed by the new GSE regulator.

I want to thank Chairman FRANK for creating the Energy Efficiency Task Force on the Financial Services Committee. I am pleased to serve on this task force, chaired by my colleague from Colorado, Mr. PERLMUTTER. The task force is dedicated to greening the financial services community, and in connection with H.R. 1427, we included an important provision that would incentivize Fannie and Freddie to purchase green mortgages. This provision is a great first step toward our goal.

This is a bipartisan bill, and it is widely supported by financial institutions, lenders, housing industry participants, housing groups and other financial service providers.

So when I hear the colleagues on the other side of the aisle speaking against the unified regulator, they are standing against accountability and oversight. And when I hear them speaking against an Affordable Housing Fund, they are standing against poor people in this country who need our help.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE), an alumni of our committee who despite having left us still thinks of us from time to time, and she's one of the originators of the notion of an Affordable Housing Trust Fund.

Ms. LEE. Mr. Chairman, let me first of all thank our Chair, Congressman FRANK, for his leadership and for yielding; also, Congresswoman Maxine Waters for her very diligent and hard work in crafting this bill.

The American dream of home ownership is quickly turning into a nightmare for many, and this bill really does begin to turn this around. And yes, as a former member of the Financial Services Committee, I had the opportunity to work with our Chair. This was when I was first elected, probably in my first or second term, to really craft a housing trust fund, along with our former colleague, now-Senator, BERNIE SANDERS, and this bill incorporates and would authorize and create a new Affordable Housing Trust Fund.

For many years, housing has been a big issue for many of us here. Many of our districts are unaffordable, and this American dream of home ownership is turning into a nightmare.

This bill, the Federal Housing Reform Act of 2007, will really help accomplish the objective of our first national housing trust fund. It increases home ownership for extremely low and very low income families. It provides for increasing investment in housing in low income areas; for increasing and preserving the supply of rental and owner-occupied housing for extremely low and very low income families. It also increases investments in our public infrastructure and development in connection with housing assistance. And it also leverages investments from other sources in affordable housing and in public infrastructure development.

I want to commend our colleagues again for engaging with our 5,200 national, State and local organizations and leaders that worked for many, many years to create a national housing trust fund. Just yesterday, I met with my board of realtors from Oakland, California.

I just want to say thank you again to Mr. FRANK for making sure that this is real.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Ms. KAPTUR), another dedicated advocate for housing in many capacities.

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Ms. KAPTUR. Thank you very much, Mr. Chairman.

Mr. Chairman, I want to express deep appreciation to Chairman FRANK, Ranking Member BACHUS and certainly to Congresswoman MAXINE WATERS of California and CAROLYN MALONEY of New York, who really fashioned a bill that deals with the prolonged housing market slump, due in large measure to increasing rates of foreclosure.

The State of Ohio welcomes this measure. We have been particularly hard hit. The credit gap in Ohio is estimated between $14 and $21 billion, as over 200,000 more mortgages will reset at higher rates over the next 2 years. We don't need any more vacant units depressing the housing market in our region.

Government-sponsored entities can and should play a major role in reversing this trend. This bill does that. I would oppose any amendments designed to weaken or eliminate the much-needed National Housing Trust Fund. Homeownership is the most important savings account that any American family accumulates.

In passing this legislation, we assure that this Congress understands that as well as the necessity of keeping our housing market strong as fundamental to bolstering the economy of our entire country and helping it grow.

Chairman FRANK, I deeply thank you on behalf of the Governor of Ohio and all the people of Ohio who are looking to us for leadership to help them hold on to their most important asset, their home.

Mr. FRANK of Massachusetts. All the people of Ohio are welcome. How much time do I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Massachusetts has 30 seconds remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I would take it to say that we often focus on what we disagree on. Let's be clear.

We agree on the strongest regulator that you could possibly have and still be workable. The gentleman from Louisiana is here, he was one of those who started on it; the gentleman from Ohio who has left, Mr. Oxley. Many of us worked on this. We will be arguing about the housing fund.

But let's be clear that what this House will be doing overwhelmingly is create a strong regulator. As to the affordable housing fund, I would just say this, the notion that all of this comes out of the mortgages and not out of the shareholders is bad economics. Fannie and Freddie do not have monopoly power such that they can pass on every cost to the customer and absorb none of it themselves.

Mr. HOLDEN. Mr. Chairman, I rise in support of H.R. 1427, the Federal Housing Finance Reform Act of 2007.

Appropriate regulation for Fannie Mae, Freddie Mac and the Federal Home Loan Banks is crucial to the overall health of housing and communities throughout America. I commend both Chairman FRANK and GSE Subcommittee Chairman KANJORSKI for their diligent and thoughtful work on this legislation.

An issue of concern to me and many in my district is the effect of the legislation on the FHLBank System. Their inclusion in this bill is not due to a perceived lack of proper regulation, but from a widely held desire to place the three housing GSEs under one "world-class" regulator capable of monitoring their complex financial information. Despite their similar benefit to the housing market and use of complex hedging transactions, the GSEs are different, and I believe the new regulator must recognize the differences in their business models, products, and missions.

This legislation recognizes these differences by creating separate divisions within the new regulator: one for the FHLBanks, and for Fannie Mae and Freddie Mac. In fact, the bill also makes clear that the mission of FHLBanks is different, and not only deals with housing finance but economic and community development as well.

In addition to the Affordable Housing Program (AHP), which has provided $5 million in funds supporting over 1,000 units of housing in my district, the FHLBank of Pittsburgh operates a number of programs that support community and economic development.

Their "Banking on Business" (BOB) program helps eligible small businesses with start-up and expansion costs. Each dollar in BOB funding typically leverages an additional six dollars in financial resources to small businesses in the region, thereby creating or retaining jobs. Since 2000, FHLBank Pittsburgh has funded more than $27.5 million in BOB funding to assist small businesses in their three-state region, creating or retaining more than 3,821 jobs.

In my district alone, the FHLBank Pittsburgh has provided over $1.5 million in BOB financing, supporting 18 small businesses and leveraging over $17 million in additional funding. The BOB program works in partnership with leading community banks in a number of very important efforts. For example, Leesport Bank used BOB to provide $180,000 for Hamburg Industries, Inc. to assist in expansion costs. Hamburg Industries, Inc. is a manufacturer of brooms, mops and brushes in Hamburg, PA. Legacy Bank used BOB to lend $21,000 to Math Inc. to assist in start-up costs. Math Inc. is engaged in manufacturing countertops, cabinets and architectural millwork for commercial applications. Further, First National Community Bank provided $200,000 in BOB funds to Keystone Potato Products, LLC to assist in start-up costs. Keystone Potato Products, LLC. is a dehydrated food producer in Hegins, PA.

The Pittsburgh Bank also operates the Community Lending Program (CLP), an $825 million non-competitive revolving loan pool that offers loans to member financial institutions for community and economic development projects that create housing, improve business districts, and strengthen neighborhoods. In my district, CLP has provided over $40 million for 16 projects. One of these involved Mid-Penn Bank, a leading community bank in my district, using the CLP to provide $4.5 million in low-cost FHLBank funds for the rehabilitation of Cole Crest: a low income elderly, disabled, and family apartment complex in Steelton, PA. The funds were provided through Mid-Penn Bank as an alternative to traditional bond financing, saving the Dauphin County Housing Authority significant costs over the life of the loan.

As a Member of Congress representing a rural region with community and economic development needs, I appreciate the partnership between the Federal Home Loan Banks and the community banks of my district. The mission of the Federal Home Loan Banks in the area of economic and community development is vital, and I applaud the clarification of that mission in H.R. 1427.

I want to add my voice to those in the Congress advocating that the new regulator encourage this mission by applying a new emphasis on community and economic development to all Federal Home Loan Banks' activities. I see this language as fostering a statutory and regulatory environment that will support and encourage further development of new ways to support economic development, public finance and infrastructure in a partnership with Federal Home Loan Banks, their members, and local governments that will bring needed help to the small and rural communities of my district.

Mr. CONYERS. Mr. Chairman, I rise in support of passage of H.R. 1427, "The Federal Housing Finance Reform Act."

I believe this legislation is one of the most cost effective ways to provide cities across the country with desperately needed federal funding so they can construct, or renovate housing stock for working families on public housing waiting lists, homeless veterans, homeless Katrina victims, and homeless working families.

I believe that passage of this legislation is a "historic" moment in this Congress, and makes me proud to be a member of this body.

In Detroit, there are thousands of working individuals and families living in homeless shelters or staying with friends and extended family members because they can not afford the skyrocketing costs of private market housing.

We have a homeless shelter in Detroit where hundreds of veterans live each year, and most are working minimum wage jobs, or work in low to moderate wage employment.

It is a moral outrage that soldiers who have fought in wars and served their country honorably come home to cities like Detroit, only to find out that they can not afford an apartment or a home.

This bill will help reduce these problems, and provide decent affordable housing to more veterans and working families without raising taxes.

It will also help victims of Katrina who are currently living in hotels or homeless shelters in other cities to return to the Gulf Coast, or remain where they are, because there will be expanded housing opportunities due to passage of H.R. 1427.

Passage of "The Federal Housing Finance Reform Act" will provide billions of dollars to cash starved cities across the Nation to successfully build new affordable housing units for working families by utilizing existing non-profit housing developers, public housing agencies, and for-profit housing developers.

Passage of H.R. 1427 will help hundreds of thousands of Americans across this Nation who are currently on waiting lists for public housing to be able to get out of homeless shelters and into homes or apartments, since there will now be more federal funding for affordable housing production.

Passage of "The Federal Housing Finance Reform Act" will provide $600 million per year to cash starved cities across the Nation and could create approximately 8,000 new affordable housing units for working families by utilizing existing non-profit housing developers, public housing agencies, and for-profit housing developers.

If America is ever to be a great nation, we must ensure that all Americans, as a basic human right, have decent and affordable housing. Passage of H.R. 1427 will get our Nation on the road to having a real national affordable housing policy; which we currently do not have.

The United States, the wealthiest country in the world, shamefully has one million homeless children, and over 40 percent of those living in homeless shelters are working in jobs. Our current affordable housing problem is building more homeless shelters where there is a lack of affordable housing.

I ask this question, Mr. Chairman. How many Members of Congress would want to come home after a hard day's work, and sleep in a homeless shelter? Probably nobody! We need affordable housing for all now.

I urge this body to pass H.R. 1427 with all deliberate speed.

Mr. BACA. Mr. Chairman, I rise to support H.R. 1427 and thank my friend, Chairman FRANK, for leading the bipartisan effort in the Financial Services Committee on this important legislation.

This bill restores accountability by creating a modern, world-class regulator of the GSEs. It will also help us meet the critical shortage of affordable housing across the country through the creation of an Affordable Housing Fund.

In addition, Representatives BEAN, NEUGEBAUER, MOORE and MILLER have offered an amendment which I support. It clarifies that the new GSE regulator does not have the power to reduce the portfolios of Fannie Mae and Freddie Mac based on artificial, so-called "systemic risk."

This bill already gives the new regulator the FULL authority to supervise the GSE portfolios for safety, soundness and mission. I am not convinced that we should give it powers that bank regulators don't already have. I'm also not convinced that this amendment would in any way weaken the regulator's ability to make sure these companies operate safely and soundly.

It is critical that we do not limit the GSE's ability to provide homeownership for low, middle income, and minority families.

With their help, the GSEs have been able to increase homeownership rates across this country to a record level of 68 percent. That's impressive, but there is still much work to be done.

Homeownership rates in our minority communities are still far below the national average and nearly 2.2 million American families across the country are facing foreclosures.

This issue has a great deal of personal meaning for me. I grew up in a family of 15 children without a lot of money. I have been lucky enough to have worked hard and been able to achieve the American dream of owning a home.

Yet the dream of homeownership remains unattainable for millions of families. And many other families stand to lose their homes this year.

The new affordable housing fund created by H.R. 1427 will go far to help these families. And the new regulator created by this bill will ensure the safety and soundness of the GSEs so that they can continue their important mission in underserved communities for many years to come.

I urge my colleagues to support this bill.

Mr. ENGEL. Mr. Chairman, I rise today in support of H.R. 1427, the Federal Housing Finance Reform Act of 2007. This legislation is many years in the making, and its consideration today is timely, given the problems we face in the mortgage industry.

In recent years, we have seen serious problems in the subprime mortgage market. Without an effective regulator in the mortgage market, these problems will continue to grow, and we will continue to see more families losing their home to foreclosure.

In addition, H.R. 1427 creates an affordable housing fund for low income individuals and families. This fund will receive a percentage of the investments that Fannie Mae and Freddie Mac hold, totaling approximately $500 million a year. This money will help those with low incomes purchase a new home.

The recent problems in the mortgage market have hit those with low incomes harder than any other income bracket. This is exactly the group of people who will be helped most by this bill. And for the first year, the entire reserve fund will be dedicated to those affected by Hurricane Katrina in Louisiana and Mississippi. These hurricane stricken areas are in desperate need of assistance, and this bill will provide at least a portion of what they need.

Having a strong regulatory body overseeing Fannie Mae, Freddie Mac and the Federal Home Loan Banks will give consumers and markets confidence that the housing market is safe. When housing lenders started going under due to the increased number of foreclosures, consumers became increasingly reluctant to invest hundreds of thousands of dollars into a new home. If people are confident that a strong regulator will be overseeing the GSEs, it will help to increase consumer confidence in the housing market.

This bill is specifically good for my District in the Bronx, Rockland County and Westchester County in New York. The price of purchasing a home there is staggering, and Fannie Mae and Freddie Mac are limited in the amount of money they can loan for a new home. This limitation makes it more difficult for people in my District to buy their first home. This legislation will help to fix this problem by increasing the limit on loans.

Even though H.R. 1427 will put additional money into low low-income housing assistance, I am proud to say that this bill will not add a single dollar to the national deficit. The majority in this Congress has consistently stuck to the pay-as-you-go rules that we created as one of our first acts of the year.

Madam Chairman, the Federal Housing Finance Reform Act is eight years in the making, and it is long overdue. I am happy to support this bill, and I urge my colleagues to support it as well. I yield back the balance of my time.

Mr. LOEBSACK. Mr. Chairman, I rise today in support of H.R. 1427, the Federal Housing Finance Reform Act of 2007. Specifically, I rise in support of Section 139, establishing the Affordable Housing Fund.

In Congress we often talk about the American dream. Many believe that if an individual works hard and plays by the rules they are able to provide for their families, and keep a roof over their heads. Unfortunately, it isn't always that easy. Access to affordable, safe, and clean housing is often difficult to come by. According to the National Low Income Housing Coalition, in Iowa the Fair Market Rent for a two-bedroom apartment is $594. The estimated average wage for a renter is $9.62 per hour, meaning a renter must work 47 hours per week, 52 weeks a year in order to afford a two-bedroom apartment. If you earn the minimum wage, which remains only $5.15 an hour, you would need to work 89 hours per week, 52 weeks per year to afford a two-bedroom home in Iowa.

Thankfully, this bill establishes the Affordable Housing Fund which provides greater access for our neediest citizens to pursue the American dream and raise their families in a safe environment, which ultimately leads to greater productivity and a better life for themselves and their children.

I was raised in poverty and know first hand the every-day struggle to survive that millions of Americans face on a low or very-low income. Not only will this legislation help those individuals find and afford adequate housing, it will also encourage investment and infrastructure improvements in some of the most underserved areas of our country.

This term "underserved" applies to both low-income urban areas and to the many rural areas in our country. Many rural areas of Iowa have seen good-paying jobs leave our towns at an astonishing rate, in turn devastating our communities. Affordable and accessible housing helps keep communities whole.

In 1949, The U. S. Housing Act established the admirable goal of "a decent home and a suitable living environment for every American Family." I believe the Federal Housing Finance Reform Act remains true to this goal. It is an important step in improving and reviving our cities and rural areas. I urge my colleagues to vote yes on this legislation.

Mr. PAUL. Mr. Chairman, H.R. 1427 fails to address the core problems with the Government Sponsored Enterprises, GSEs. Furthermore, since this legislation creates new government programs that will further artificially increase the demand for housing, H.R. 1427 increases the economic damage that will occur from the bursting of the housing bubble. The main problem with the GSEs is the special privileges the Federal Government gives the GSEs. According to the Congressional Budget Office, the housing-related GSEs received almost 20 billion dollars worth of indirect Federal subsidies in fiscal year 2004 alone, while Wayne Passmore of the Federal Reserve estimates the value of the GSE's Federal subsides to be between $122 and $182 billion dollars.

One of the major privileges the Federal Government grants to the GSEs is a line of credit from the United States Treasury. According to some estimates, the line of credit may be worth over 2 billion dollars. GSEs also benefit from an explicit grant of legal authority given to the Federal Reserve to purchase the debt of the GSEs. GSEs are the only institutions besides the United States Treasury granted explicit statutory authority to monetize their debt through the Federal Reserve. This provision gives the GSEs a source of liquidity unavailable to their competitors.

This implicit promise by the Government to bail out the GSEs in times of economic difficulty helps the GSEs attract investors who are willing to settle for lower yields than they would demand in the absence of the subsidy. Thus, the line of credit distorts the allocation of capital. More importantly, the line of credit is a promise on behalf of the Government to engage in a massive unconstitutional and immoral income transfer from working Americans to holders of GSE debt.

The connection between the GSEs and the Government helps isolate the GSEs' managements from market discipline. This isolation from market discipline is the root cause of the mismanagement occurring at Fannie and Freddie. After all, if investors did not believe that the Federal Government would bail out Fannie and Freddie if the GSEs faced financial crises, then investors would have forced the GSEs to provide assurances that the GSEs are following accepted management and accounting practices before investors would consider Fannie and Freddie to be good investments.

Federal Reserve Chairman Alan Greenspan has expressed concern that the government subsidies provided to the GSEs makes investors underestimate the risk of investing in Fannie Mae and Freddie Mac. Although he has endorsed many of the regulatory "solutions" being considered here today, Chairman Greenspan has implicitly admitted the subsidies are the true source of the problems with Fannie and Freddie.

Mr. Chairman, H.R. 1427 compounds these problems by further insulating the GSEs from market discipline. By creating a "world-class" regulator, Congress would send a signal to investors that investors need not concern themselves with investigating the financial health and stability of Fannie and Freddie since a "world-class" regulator is performing that function.

However, one of the forgotten lessons of the financial scandals of a few years ago is that the market is superior at discovering and punishing fraud and other misbehavior than are government regulators. After all, the market discovered, and began to punish, the accounting irregularities of Enron before the government regulators did.

Concerns have been raised about the new regulator's independence from the Treasury Department. This is more than a bureaucratic "turf battle" as there are legitimate worries that isolating the regulator from Treasury oversight may lead to regulatory capture. Regulatory capture occurs when regulators serve the interests of the businesses they are supposed to be regulating instead of the public interest. While H.R. 1427 does have some provisions that claim to minimize the risk of regulatory capture, regulatory capture is always a threat where regulators have significant control over the operations of an industry. After all, the industry obviously has a greater incentive than any other stakeholder to influence the behavior of the regulator.

The flip side of regulatory capture is that mangers and owners of highly subsidized and regulated industries are more concerned with pleasing the regulators than with pleasing consumers or investors, since the industries know that investors will believe all is well if the regulator is happy. Thus, the regulator and the regulated industry may form a symbiosis where each looks out for the other's interests while ignoring the concerns of investors.

Furthermore, my colleagues should consider the constitutionality of an "independent regulator." The Founders provided for three branches of government—an executive, a judiciary, and a legislature. Each branch was created as sovereign in its sphere, and there were to be clear lines of accountability for each branch. However, independent regulators do not fit comfortably within the three branches; nor are they totally accountable to any branch. Regulators at these independent agencies often make judicial-like decisions, but they are not part of the judiciary. They often make rules, similar to the ones regarding capital requirements, that have the force of law, but independent regulators are not legislative. And, of course, independent regulators enforce the laws in the same way, as do other parts of the executive branch; yet independent regulators lack the day-to-day accountability to the executive that provides a check on other regulators.

Thus, these independent regulators have a concentration of powers of all three branches and lack direct accountability to any of the democratically chosen branches of government. This flies in the face of the Founders' opposition to concentrations of power and government bureaucracies that lack accountability. These concerns are especially relevant considering the remarkable degree of power and autonomy this bill gives to the regulator. For example, in the scheme established by H.R. 1427 the regulator's budget is not subject to appropriations. This removes a powerful mechanism for holding the regulator accountable to Congress. While the regulator is accountable to a board of directors, this board may conduct all deliberations in private because it is not subject to the Sunshine Act.

Ironically, by transferring the risk of widespread mortgage defaults to the taxpayers through Government subsidies and convincing investors that all is well because a "world-class" regulator is ensuring the GSEs' soundness, the Government increases the likelihood of a painful crash in the housing market. This is because the special privileges of Fannie and Freddie have distorted the housing market by allowing Fannie and Freddie to attract capital they could not attract under pure market conditions. As a result, capital is diverted from its most productive uses into housing. This reduces the efficacy of the entire market and thus reduces the standard of living of all Americans.

Despite the long-term damage to the economy inflicted by the Government's interference in the housing market, the Government's policy of diverting capital into housing creates a short-term boom in housing. Like all artificially created bubbles, the boom in housing prices cannot last forever. When housing prices fall, homeowners will experience difficulty as their equity is wiped out. Furthermore, the holders of the mortgage debt will also have a loss. These losses will be greater than they would have been had government policy not actively encouraged overinvestment in housing.

H.R. 1427 further distorts the housing market by artificially inflating the demand for housing through the creation of a national housing trust fund. This fund further diverts capital to housing that, absent Government intervention, would be put to a use more closely matching the demands of consumers. Thus, this new housing program will reduce efficacy and create yet another unconstitutional redistribution program.

Perhaps the Federal Reserve can stave off the day of reckoning by purchasing the GSEs' debt and pumping liquidity into the housing market, but this cannot hold off the inevitable drop in the housing market forever. In fact, postponing the necessary and painful market corrections will only deepen the inevitable fall. The more people are invested in the market, the greater the effects across the economy when the bubble bursts.

Instead of addressing Government polices encouraging the misallocation of resources to the housing market, H.R. 1427 further introduces distortion into the housing market by expanding the authority of Federal regulators to approve the introduction of new products by the GSEs. Such regulation inevitability delays the introduction of new innovations to the market, or even prevents some potentially valuable products from making it to the market. Of course, these new regulations are justified in part by the GSEs' government subsidies. We once again see how one bad intervention in the market (the GSEs' government subsides) leads to another (the new regulations).

In conclusion, H.R. 1427 compounds the problems with the GSEs and may increase the damage that will be inflicted by a bursting of the housing bubble. This is because this bill creates a new unaccountable regulator and introduces further distortions into the housing market via increased regulatory power. H.R. 1427 also violates the Constitution by creating yet another unaccountable regulator with quasi-executive, judicial, and legislative powers. Instead of expanding unconstitutional and market distorting government bureaucracies, Congress should act to remove taxpayer support from the housing GSEs before the bubble bursts and taxpayers are once again forced to bailout investors who were misled by foolish Government interference in the market.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110–152, shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose before the beginning of consideration of the bill and pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent that the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the bill is as follows:

H.R. 1427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Housing Finance Reform Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—REFORM OF REGULATION OF ENTERPRISES AND FEDERAL HOME LOAN BANKS

Subtitle A—Improvement of Safety and Soundness

Sec. 101. Establishment of the Federal Housing Finance Agency.
Sec. 102. Duties and authorities of Director.
Sec. 103. Federal Housing Enterprise Board.
Sec. 104. Authority to require reports by regulated entities.
Sec. 105. Disclosure of income and charitable contributions by enterprises.
Sec. 106. Assessments.
Sec. 107. Examiners and accountants.
Sec. 108. Prohibition and withholding of executive compensation.
Sec. 109. Reviews of regulated entities.
Sec. 110. Inclusion of minorities and women; diversity in Agency workforce.
Sec. 111. Regulations and orders.
Sec. 112. Non-waiver of privileges.
Sec. 113. Risk-Based capital requirements.
Sec. 114. Minimum and critical capital levels.
Sec. 115. Review of and authority over enterprise assets and liabilities.
Sec. 116. Corporate governance of enterprises.
Sec. 117. Required registration under Securities Exchange Act of 1934.
Sec. 118. Liaison with Financial Institutions Examination Council.
Sec. 119. Guarantee fee study.
Sec. 120. Conforming amendments.

Subtitle B—Improvement of Mission Supervision

Sec. 131. Transfer of product approval and housing goal oversight.
Sec. 132. Review of enterprise products.
Sec. 133. Conforming loan limits.
Sec. 134. Annual housing report regarding regulated entities.
Sec. 135. Annual reports by regulated entities on affordable housing stock.
Sec. 136. Revision of housing goals.
Sec. 137. Duty to serve underserved markets.
Sec. 138. Monitoring and enforcing compliance with housing goals.
Sec. 139. Affordable Housing Fund.
Sec. 140. Consistency with mission.
Sec. 141. Enforcement.
Sec. 142. Conforming amendments.

Subtitle C—Prompt Corrective Action

Sec. 151. Capital classifications.
Sec. 152. Supervisory actions applicable to undercapitalized regulated entities.
Sec. 153. Supervisory actions applicable to significantly undercapitalized regulated entities.
Sec. 154. Authority over critically undercapitalized regulated entities.
Sec. 155. Conforming amendments.

Subtitle D—Enforcement Actions

Sec. 161. Cease-and-desist proceedings.
Sec. 162. Temporary cease-and-desist proceedings.
Sec. 163. Prejudgment attachment.
Sec. 164. Enforcement and jurisdiction.
Sec. 165. Civil money penalties.
Sec. 166. Removal and prohibition authority.
Sec. 167. Criminal penalty.
Sec. 168. Subpoena authority.
Sec. 169. Conforming amendments.

Subtitle E—General Provisions

Sec. 181. Boards of enterprises.
Sec. 182. Report on portfolio operations, safety and soundness, and mission of enterprises.
Sec. 183. Conforming and technical amendments.
Sec. 184. Study of alternative secondary market systems.

TITLE II—FEDERAL HOME LOAN BANKS
Sec. 201. Definitions.
Sec. 202. Directors.
Sec. 203. Federal Housing Finance Agency oversight of Federal Home Loan Banks.
Sec. 204. Joint activities of Banks.
Sec. 205. Sharing of information between Federal Home Loan Banks.
Sec. 206. Reorganization of Banks and voluntary merger.
Sec. 207. Securities and Exchange Commission disclosure.
Sec. 208. Community financial institution members.
Sec. 209. Technical and conforming amendments.
Sec. 210. Study of affordable housing program use for long-term care facilities.
Sec. 211. Effective date.
TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, FEDERAL HOUSING FINANCE BOARD, AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Subtitle A—Office of Federal Housing Enterprise Oversight
Sec. 301. Abolishment of OFHEO.
Sec. 302. Continuation and coordination of certain regulations.
Sec. 303. Transfer and rights of employees of OFHEO.
Sec. 304. Transfer of property and facilities.
Subtitle B—Federal Housing Finance Board
Sec. 321. Abolishment of the Federal Housing Finance Board.
Sec. 322. Continuation and coordination of certain regulations.
Sec. 323. Transfer and rights of employees of the Federal Housing Finance Board.
Sec. 324. Transfer of property and facilities.
Subtitle C—Department of Housing and Urban Development
Sec. 341. Termination of enterprise-related functions.
Sec. 342. Continuation and coordination of certain regulations.
Sec. 343. Transfer and rights of employees of Department of Housing and Urban Development.
Sec. 344. Transfer of appropriations, property, and facilities.

SEC. 2. DEFINITIONS.

Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) is amended—

(1) in paragraph (7), by striking "an enterprise" and inserting "a regulated entity";

(2) by striking "the enterprise" each place such term appears (except in paragraphs (4) and (18)) and inserting "the regulated entity";

(3) in paragraph (5), by striking "Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Federal Housing Finance Agency";

(4) in each of paragraphs (8), (9), (10), and (19), by striking "Secretary" each place that term appears and inserting "Director";

(5) in paragraph (13), by inserting ", with respect to an enterprise," after "means";

(6) by redesignating paragraphs (16) through (19) as paragraphs (20) through (23), respectively;

(7) by striking paragraphs (14) and (15) and inserting the following new paragraphs:

"(18) REGULATED ENTITY.—The term 'regulated entity' means—

"(A) the Federal National Mortgage Association and any affiliate thereof;

"(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and

"(C) each Federal home loan bank.

"(19) REGULATED ENTITY-AFFILIATED PARTY.—The term 'regulated entity-affiliated party' means—

"(A) any director, officer, employee, or agent for, a regulated entity, or controlling shareholder of an enterprise;

"(B) any shareholder, affiliate, consultant, or joint venture partner of a regulated entity, and any other person, as determined by the Director (by regulation or on a case-by-case basis) that participates in the conduct of the affairs of a regulated entity, except that a shareholder of a regulated entity shall not be considered to have participated in the affairs of that regulated entity solely by reason of being a member or customer of the regulated entity;

"(C) any independent contractor for a regulated entity (including any attorney, appraiser, or accountant), if—

"(i) the independent contractor knowingly or recklessly participates in—

"(I) any violation of any law or regulation;

"(II) any breach of fiduciary duty; or

"(III) any unsafe or unsound practice; and

"(ii) such violation, breach, or practice caused, or is likely to cause, more than a minimal financial loss to, or a significant adverse effect on, the regulated entity; and

"(D) any not-for-profit corporation that receives its principal funding, on an ongoing basis, from any regulated entity.".

(8) by redesignating paragraphs (8) through (13) as paragraphs (12) through (17), respectively; and

(9) by inserting after paragraph (7) the following new paragraph:

"(11) FEDERAL HOME LOAN BANK.—The term 'Federal home loan bank' means a bank established under the authority of the Federal Home Loan Bank Act.";

(10) by redesignating paragraphs (2) through (7) as paragraphs (5) through (10), respectively; and

(11) by inserting after paragraph (1) the following new paragraphs:

"(2) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency.

"(3) AUTHORIZING STATUTES.—The term 'authorizing statutes' means—

"(A) the Federal National Mortgage Association Charter Act;

"(B) the Federal Home Loan Mortgage Corporation Act; and

"(C) the Federal Home Loan Bank Act.

"(4) BOARD.—The term 'Board' means the Federal Housing Enterprise Board established under section 1313B.".

TITLE I—REFORM OF REGULATION OF ENTERPRISES AND FEDERAL HOME LOAN BANKS

Subtitle A—Improvement of Safety and Soundness

SEC. 101. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1311 and 1312 and inserting the following:

"SEC. 1311. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

"(a) ESTABLISHMENT.—There is established the Federal Housing Finance Agency, which shall be an independent agency of the Federal Government.

"(b) GENERAL SUPERVISORY AND REGULATORY AUTHORITY.—

"(1) IN GENERAL.—Each regulated entity shall, to the extent provided in this title, be subject to the supervision and regulation of the Agency.

"(2) AUTHORITY OVER FANNIE MAE, FREDDIE MAC, AND FEDERAL HOME LOAN BANKS.—The Director of the Federal Housing Finance Agency shall have general supervisory and regulatory authority over each regulated entity and shall exercise such general regulatory and supervisory authority, including such duties and authorities set forth under section 1313 of this Act, to ensure that the purposes of this Act, the authorizing statutes, and any other applicable law are carried out. The Director shall have the same supervisory and regulatory authority over any joint office of the Federal home loan banks, including the Office of Finance of the Federal Home Loan Banks, as the Director has over the individual Federal home loan banks.

"(c) SAVINGS PROVISION.—The authority of the Director to take actions under subtitles B and C shall not in any way limit the general supervisory and regulatory authority granted to the Director.

"SEC. 1312. DIRECTOR.

"(a) ESTABLISHMENT OF POSITION.—There is established the position of the Director of the Federal Housing Finance Agency, who shall be the head of the Agency.

"(b) APPOINTMENT; TERM.—

"(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance.

"(2) TERM AND REMOVAL.—The Director shall be appointed for a term of 5 years and may be removed by the President only for cause.

"(3) VACANCY.—A vacancy in the position of Director that occurs before the expiration of the term for which a Director was appointed shall be filled in the manner established under paragraph (1), and the Director appointed to fill such vacancy shall be appointed only for the remainder of such term.

"(4) SERVICE AFTER END OF TERM.—An individual may serve as the Director after the expiration of the term for which appointed until a successor has been appointed.

"(5) TRANSITIONAL PROVISION.—Notwithstanding paragraphs (1) and (2), the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development shall serve as the Director until a successor has been appointed under paragraph (1).

"(c) DEPUTY DIRECTOR OF THE DIVISION OF ENTERPRISE REGULATION.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Enterprise Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of financial management or oversight and of mortgage securities markets and housing finance.

"(2) FUNCTIONS.—The Deputy Director of the Division of Enterprise Regulation shall have such functions, powers, and duties with respect to the oversight of the enterprises as the Director shall prescribe.

"(d) DEPUTY DIRECTOR OF THE DIVISION OF FEDERAL HOME LOAN BANK REGULATION.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Federal Home Loan Bank Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight and of the Federal Home Loan Bank System and housing finance.

"(2) FUNCTIONS.—The Deputy Director of the Division of Federal Home Loan Bank Regulation shall have such functions, powers, and duties with respect to the oversight of the Federal home loan banks as the Director shall prescribe.

"(e) DEPUTY DIRECTOR FOR HOUSING.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director for Housing, who shall be appointed by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of the housing markets and housing finance and of community and economic development.

"(2) FUNCTIONS.—The Deputy Director for Housing shall have such functions, powers, and duties with respect to the oversight of the housing mission and goals of the enterprises, and with respect to oversight of the housing finance and community and economic development mission of the Federal home loan banks, as the Director shall prescribe.

"(f) LIMITATIONS.—The Director and each of the Deputy Directors may not—

"(1) have any direct or indirect financial interest in any regulated entity or regulated entity-affiliated party;

"(2) hold any office, position, or employment in any regulated entity or regulated entity-affiliated party; or

"(3) have served as an executive officer or director of any regulated entity, or regulated entity-affiliated party, at any time during the 3-year period ending on the date of appointment of such individual as Director or Deputy Director.

"(g) OMBUDSMAN.—The Director shall establish the position of the Ombudsman in the Agency. The Director shall provide that the Ombudsman will consider complaints and appeals from any regulated entity and any person that has a business relationship with a regulated entity and shall specify the duties and authority of the Ombudsman.".

(b) APPOINTMENT OF DIRECTOR.—Notwithstanding any other provision of law or of this Act, the President may, any time after the date of the enactment of this Act, appoint an individual to serve as the Director of the Federal Housing Finance Agency, as such office is established by the amendment made by subsection (a). This subsection shall take effect on the date of the enactment of this Act.

SEC. 102. DUTIES AND AUTHORITIES OF DIRECTOR.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4513) is amended by striking section 1313 and inserting the following new sections:

"SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

"(a) DUTIES.—

"(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be—

"(A) to oversee the operations of each regulated entity and any joint office of the Federal Home Loan Banks; and

"(B) to ensure that—

"(i) each regulated entity operates in a safe and sound manner, including maintenance of adequate capital and internal controls;

"(ii) the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets that minimize the cost of housing finance (including activities relating to mortgages on housing for low- and moderate- income families involving a reasonable economic return that may be less than the return earned on other activities);

"(iii) each regulated entity complies with this title and the rules, regulations, guidelines, and orders issued under this title and the authorizing statutes; and

"(iv) each regulated entity carries out its statutory mission only through activities that are consistent with this title and the authorizing statutes.

"(2) SCOPE OF AUTHORITY.—The authority of the Director shall include the authority—

"(A) to review and, if warranted based on the principal duties described in paragraph (1), reject any acquisition or transfer of a controlling interest in an enterprise; and

"(B) to exercise such incidental powers as may be necessary or appropriate to fulfill the duties and responsibilities of the Director in the supervision and regulation of each regulated entity.

"(b) DELEGATION OF AUTHORITY.—The Director may delegate to officers or employees of the Agency, including each of the Deputy Directors, any of the functions, powers, or duties of the Director, as the Director considers appropriate.

"(c) LITIGATION AUTHORITY.—

"(1) IN GENERAL.—In enforcing any provision of this title, any regulation or order prescribed under this title, or any other provision of law, rule, regulation, or order, or in any other action, suit, or proceeding to which the Director is a party or in which the Director is interested, and in the administration of conservatorships and receiverships, the Director may act in the Director's own name and through the Director's own attorneys, or request that the Attorney General of the United States act on behalf of the Director.

"(2) CONSULTATION WITH ATTORNEY GENERAL.—The Director shall provide notice to, and consult with, the Attorney General of the United States before taking an action under paragraph (1) of this subsection or under section 1344(a), 1345(d), 1348(c), 1372(e), 1375(a), 1376(d), or 1379D(c), except that, if the Director determines that any delay caused by such prior notice and consultation may adversely affect the safety and soundness responsibilities of the Director under this title, the Director shall notify the Attorney General as soon as reasonably possible after taking such action.

"(3) SUBJECT TO SUIT.—Except as otherwise provided by law, the Director shall be subject to suit (other than suits on claims for money damages) by a regulated entity or director or officer thereof with respect to any matter under this title or any other applicable provision of law, rule, order, or regulation under this title, in the United States district court for the judicial district in which the regulated entity has its principal place of business, or in the United States District Court for the District of Columbia, and the Director may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.

"SEC. 1313A. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

"(a) STANDARDS.—The Director shall establish standards, by regulation, guideline, or order, for each regulated entity relating to—

"(1) adequacy of internal controls and information systems, including information security and privacy policies and practices, taking into account the nature and scale of business operations;

"(2) independence and adequacy of internal audit systems;

"(3) management of credit and counterparty risk, including systems to identify concentrations of credit risk and prudential limits to restrict exposure of the regulated entity to a single counterparty or groups of related counterparties;

"(4) management of interest rate risk exposure;

"(5) management of market risk, including standards that provide for systems that accurately measure, monitor, and control market risks and, as warranted, that establish limitations on market risk;

"(6) adequacy and maintenance of liquidity and reserves;

"(7) management of any asset and investment portfolio;

"(8) investments and acquisitions by a regulated entity, to ensure that they are consistent with the purposes of this Act and the authorizing statutes;

"(9) maintenance of adequate records, in accordance with consistent accounting policies and practices that enable the Director to evaluate the financial condition of the regulated entity;

"(10) issuance of subordinated debt by that particular regulated entity, as the Director considers necessary;

"(11) overall risk management processes, including adequacy of oversight by senior management and the board of directors and of processes and policies to identify, measure, monitor, and control material risks, including reputational risks, and for adequate, well-tested business resumption plans for all major systems with remote site facilities to protect against disruptive events; and

"(12) such other operational and management standards as the Director determines to be appropriate.

"(b) FAILURE TO MEET STANDARDS.—

"(1) PLAN REQUIREMENT.—

"(A) IN GENERAL.—If the Director determines that a regulated entity fails to meet any standard established under subsection (a)—

"(i) if such standard is established by regulation, the Director shall require the regulated entity to submit an acceptable plan to the Director within the time allowed under subparagraph (C); and

"(ii) if such standard is established by guideline, the Director may require the regulated entity to submit a plan described in clause (i).

"(B) CONTENTS.—Any plan required under subparagraph (A) shall specify the actions that the regulated entity will take to correct the deficiency. If the regulated entity is undercapitalized, the plan may be a part of the capital restoration plan for the regulated entity under section 1369C.

"(C) DEADLINES FOR SUBMISSION AND REVIEW.—The Director shall by regulation establish deadlines that—

"(i) provide the regulated entities with reasonable time to submit plans required under subparagraph (A), and generally require a regulated entity to submit a plan not later than 30 days after the Director determines that the entity fails to meet any standard established under subsection (a); and

"(ii) require the Director to act on plans expeditiously, and generally not later than 30 days after the plan is submitted.

"(2) REQUIRED ORDER UPON FAILURE TO SUBMIT OR IMPLEMENT PLAN.—If a regulated entity fails to submit an acceptable plan within the time allowed under paragraph (1)(C), or fails in any material respect to implement a plan accepted by the Director, the following shall apply:

"(A) REQUIRED CORRECTION OF DEFICIENCY.—The Director shall, by order, require the regulated entity to correct the deficiency.

"(B) OTHER AUTHORITY.—The Director may, by order, take one or more of the following actions until the deficiency is corrected:

"(i) Prohibit the regulated entity from permitting its average total assets (as such term is defined in section 1316(b)) during any calendar quarter to exceed its average total assets during the preceding calendar quarter, or restrict the rate at which the average total assets of the entity may increase from one calendar quarter to another.

"(ii) Require the regulated entity—

"(I) in the case of an enterprise, to increase its ratio of core capital to assets.

"(II) in the case of a Federal home loan bank, to increase its ratio of total capital (as such term is defined in section 6(a)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(5)) to assets.

"(iii) Require the regulated entity to take any other action that the Director determines will

better carry out the purposes of this section than any of the actions described in this subparagraph.

"(3) MANDATORY RESTRICTIONS.—In complying with paragraph (2), the Director shall take one or more of the actions described in clauses (i) through (iii) of paragraph (2)(B) if—

"(A) the Director determines that the regulated entity fails to meet any standard prescribed under subsection (a);

"(B) the regulated entity has not corrected the deficiency; and

"(C) during the 18-month period before the date on which the regulated entity first failed to meet the standard, the entity underwent extraordinary growth, as defined by the Director.

"(c) OTHER ENFORCEMENT AUTHORITY NOT AFFECTED.—The authority of the Director under this section is in addition to any other authority of the Director.".

(b) INDEPENDENCE IN CONGRESSIONAL TESTIMONY AND RECOMMENDATIONS.—Section 111 of Public Law 93–495 (12 U.S.C. 250) is amended by striking "the Federal Housing Finance Board" and inserting "the Director of the Federal Housing Finance Agency".

SEC. 103. FEDERAL HOUSING ENTERPRISE BOARD.

(a) IN GENERAL.—Title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313A, as added by section 102 of this Act, the following new section:

"SEC. 1313B. FEDERAL HOUSING ENTERPRISE BOARD.

"(a) IN GENERAL.—There is established the Federal Housing Enterprise Board, which shall advise the Director with respect to overall strategies and policies in carrying out the duties of the Director under this title.

"(b) LIMITATIONS.—The Board may not exercise any executive authority, and the Director may not delegate to the Board any of the functions, powers, or duties of the Director.

"(c) COMPOSITION.—The Board shall be comprised of 5 members, of whom—

"(1) one member shall be the Secretary of the Treasury;

"(2) one member shall be the Secretary of Housing and Urban Development;

"(3) one member shall be the Director, who shall serve as the Chairperson of the Board; and

"(4) two members, who shall be appointed by the President, by and with the advise and consent of the Senate, who are experts or experienced in the field of financial services, housing finance, affordable housing, or mortgage lending.

The members pursuant to paragraph (4) shall be appointed for a term of four years. The Board may not, at any time, have more than three members of the same political party.

"(d) MEETINGS.—

"(1) IN GENERAL.—The Board shall meet upon notice by the Director, but in no event shall the Board meet less frequently than once every 3 months.

"(2) SPECIAL MEETINGS.—Either the Secretary of the Treasury or the Secretary of Housing and Urban Development may, upon giving written notice to the Director, require a special meeting of the Board.

"(e) TESTIMONY.—On an annual basis, the Board shall testify before Congress regarding—

"(1) the safety and soundness of the regulated entities;

"(2) any material deficiencies in the conduct of the operations of the regulated entities;

"(3) the overall operational status of the regulated entities;

"(4) an evaluation of the performance of the regulated entities in carrying out their respective missions;

"(5) operations, resources, and performance of the Agency; and

"(6) such other matters relating to the Agency and its fulfillment of its mission, as the Board determines appropriate.".

(b) ANNUAL REPORT OF THE DIRECTOR.—Section 1319B(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4521 (a)) is amended—

(1) in paragraph (3), by striking "and" at the end; and

(2) by striking paragraph (4) and inserting the following new paragraphs:

"(4) an assessment of the Board or any of its members with respect to—

"(A) the safety and soundness of the regulated entities;

"(B) any material deficiencies in the conduct of the operations of the regulated entities;

"(C) the overall operational status of the regulated entities; and

"(D) an evaluation of the performance of the regulated entities in carrying out their missions;

"(5) operations, resources, and performance of the Agency;

"(6) a description of the demographic makeup of the workforce of the Agency and the actions taken pursuant to section 1319A(b) to provide for diversity in the workforce; and

"(7) such other matters relating to the Agency and its fulfillment of its mission.".

SEC. 104. AUTHORITY TO REQUIRE REPORTS BY REGULATED ENTITIES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514) is amended—

(1) in the section heading, by striking "**ENTERPRISES**" and inserting "**REGULATED ENTITIES**";

(2) in subsection (a)—

(A) in the subsection heading, by striking "SPECIAL REPORTS AND REPORTS OF FINANCIAL CONDITION" and inserting "REGULAR AND SPECIAL REPORTS";

(B) in paragraph (1)—

(i) in the paragraph heading, by striking "FINANCIAL CONDITION" and inserting "REGULAR REPORTS"; and

(ii) by striking "reports of financial condition and operations" and inserting "regular reports on the condition (including financial condition), management, activities, or operations of the regulated entity, as the Director considers appropriate"; and

(C) in paragraph (2), after "submit special reports" insert "on any of the topics specified in paragraph (1) or such other topics"; and

(3) by adding at the end the following new subsection:

"(c) REPORTS OF FRAUDULENT FINANCIAL TRANSACTIONS.—

"(1) REQUIREMENT TO REPORT.—The Director shall require a regulated entity to submit to the Director a timely report upon discovery by the regulated entity that it has purchased or sold a fraudulent loan or financial instrument or suspects a possible fraud relating to a purchase or sale of any loan or financial instrument. The Director shall require the regulated entities to establish and maintain procedures designed to discover any such transactions.

"(2) PROTECTION FROM LIABILITY FOR REPORTS.—

"(A) IN GENERAL.—If a regulated entity makes a report pursuant to paragraph (1), or a regulated entity-affiliated party makes, or requires another to make, such a report, and such report is made in a good faith effort to comply with the requirements of paragraph (1), such regulated entity or regulated entity-affiliated party shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such report or for any failure to provide notice of such report to the person who is the subject of such report or any other person identified in the report.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating—

"(i) any inference that the term 'person', as used in such subparagraph, may be construed more broadly than its ordinary usage so as to include any government or agency of government; or

"(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.".

SEC. 105. DISCLOSURE OF INCOME AND CHARITABLE CONTRIBUTIONS BY ENTERPRISES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsections:

"(d) DISCLOSURE OF CHARITABLE CONTRIBUTIONS BY ENTERPRISES.—

"(1) REQUIRED DISCLOSURE.—The Director shall, by regulation, require each enterprise to submit a report annually, in a format designated by the Director, containing the following information:

"(A) TOTAL VALUE.—The total value of contributions made by the enterprise to nonprofit organizations during its previous fiscal year.

"(B) SUBSTANTIAL CONTRIBUTIONS.—If the value of contributions made by the enterprise to any nonprofit organization during its previous fiscal year exceeds the designated amount, the name of that organization and the value of contributions.

"(C) SUBSTANTIAL CONTRIBUTIONS TO INSIDER-AFFILIATED CHARITIES.—Identification of each contribution whose value exceeds the designated amount that were made by the enterprise during the enterprise's previous fiscal year to any nonprofit organization of which a director, officer, or controlling person of the enterprise, or a spouse thereof, was a director or trustee, the name of such nonprofit organization, and the value of the contribution.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'designated amount' means such amount as may be designated by the Director by regulation, consistent with the public interest and the protection of investors for purposes of this subsection; and

"(B) the Director may, by such regulations as the Director deems necessary or appropriate in the public interest, define the terms officer and controlling person.

"(3) PUBLIC AVAILABILITY.—The Director shall make the information submitted pursuant to this subsection publicly available.

"(e) DISCLOSURE OF INCOME.—Each enterprise shall include, in each annual report filed under section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), the income reported by the issuer to the Internal Revenue Service for the most recent taxable year. Such income shall—

"(1) be presented in a prominent location in each such report and in a manner that permits a ready comparison of such income to income otherwise required to be included in such reports under regulations issued under such section; and

"(2) be submitted to the Securities and Exchange Commission in a form and manner suitable for entry into the EDGAR system of such Commission for public availability under such system.".

SEC. 106. ASSESSMENTS.

Section 1316 of the Housing and Community Development Act of 1992 (12 U.S.C. 4516) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) Annual Assessments.—The Director shall establish and collect from the regulated entities annual assessments in an amount not exceeding the amount sufficient to provide for reasonable costs and expenses of the Agency, including—

"(1) the expenses of any examinations under section 1317 of this Act and under section 20 of the Federal Home Loan Bank Act;

"(2) the expenses of obtaining any reviews and credit assessments under section 1319;

"(3) such amounts in excess of actual expenses for any given year as deemed necessary by the Director to maintain a working capital fund in accordance with subsection (e); and

"(4) the wind up of the affairs of the Office of Federal Housing Enterprise Oversight and the Federal Housing Finance Board under title III of the Federal Housing Finance Reform Act of 2007.";

(2) in subsection (b)—

(A) in the subsection heading, by striking "Enterprises" and inserting "Regulated Entities";

(B) by realigning paragraph (2) two ems from the left margin, so as to align the left margin of such paragraph with the left margins of paragraph (1);

(C) in paragraph (1)—

(i) by striking "Each enterprise" and inserting "Each regulated entity";

(ii) by striking "each enterprise" and inserting "each regulated entity"; and

(iii) by striking "both enterprises" and inserting "all of the regulated entities"; and

(D) in paragraph (3)—

(i) in subparagraph (B), by striking "subparagraph (A)" and inserting "clause (i)";

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii) and (ii), respectively, and realigning such clauses, as so redesignated, so as to be indented 6 ems from the left margin;

(iii) by striking the matter that precedes clause (i), as so redesignated, and inserting the following:

"(3) Definition of total assets.—For purposes of this section, the term 'total assets' means as follows:

"(A) Enterprises.—With respect to an enterprise, the sum of—"; and

(iv) by adding at the end the following new subparagraph:

"(B) Federal home loan banks.—With respect to a Federal home loan bank, the total assets of the Bank, as determined by the Director in accordance with generally accepted accounting principles.";

(3) by striking subsection (c) and inserting the following new subsection:

"(c) Increased Costs of Regulation.—

"(1) Increase for inadequate capitalization.—The semiannual payments made pursuant to subsection (b) by any regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized may be increased, as necessary, in the discretion of the Director to pay additional estimated costs of regulation of the regulated entity.

"(2) Adjustment for enforcement activities.—The Director may adjust the amounts of any semiannual payments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by a regulated entity, as necessary in the discretion of the Director, to ensure that the costs of enforcement activities under this Act for a regulated entity are borne only by such regulated entity.

"(3) Additional assessment for deficiencies.—If at any time, as a result of increased costs of regulation of a regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized or as the result of supervisory or enforcement activities under this Act for a regulated entity, the amount available from any semiannual payment made by such regulated entity pursuant to subsection (b) is insufficient to cover the costs of the Agency with respect to such entity, the Director may make and collect from such regulated entity an immediate assessment to cover the amount of such deficiency for the semiannual period. If, at the end of any semiannual period during which such an assessment is made, any amount remains from such assessment, such remaining amount shall be deducted from the assessment for such regulated entity for the following semiannual period.";

(4) in subsection (d), by striking "If" and inserting "Except with respect to amounts collected pursuant to subsection (a)(3), if"; and

(5) by striking subsections (e) through (g) and inserting the following new subsections:

"(e) Working Capital Fund.—At the end of each year for which an assessment under this section is made, the Director shall remit to each regulated entity any amount of assessment collected from such regulated entity that is attributable to subsection (a)(3) and is in excess of the amount the Director deems necessary to maintain a working capital fund.

"(f) Treatment of Assessments.—

"(1) Deposit.—Amounts received by the Director from assessments under this section may be deposited by the Director in the manner provided in section 5234 of the Revised Statutes (12 U.S.C. 192) for monies deposited by the Comptroller of the Currency.

"(2) Not government funds.—The amounts received by the Director from any assessment under this section shall not be construed to be Government or public funds or appropriated money.

"(3) No apportionment of funds.—Notwithstanding any other provision of law, the amounts received by the Director from any assessment under this section shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

"(4) Use of funds.—The Director may use any amounts received by the Director from assessments under this section for compensation of the Director and other employees of the Agency and for all other expenses of the Director and the Agency.

"(5) Availability of oversight fund amounts.—Notwithstanding any other provision of law, any amounts remaining in the Federal Housing Enterprises Oversight Fund established under this section (as in effect before the effective date under section 185 of the Federal Housing Finance Reform Act of 2007), and any amounts remaining from assessments on the Federal Home Loan banks pursuant to section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)), shall, upon such effective date, be treated for purposes of this subsection as amounts received from assessments under this section.

"(6) Treasury investments.—

"(A) Authority.—The Director may request the Secretary of the Treasury to invest such portions of amount received by the Director from assessments paid under this section that, in the Director's discretion, are not required to meet the current working needs of the Agency.

"(B) Government obligations.—Pursuant to a request under subparagraph (A), the Secretary of the Treasury shall invest such amounts in government obligations guaranteed as to principal and interest by the United States with maturities suitable to the needs of Agency and bearing interest at a rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

"(g) Budget and Financial Management.—

"(1) Financial operating plans and forecasts.—The Director shall provide to the Director of the Office of Management and Budget copies of the Director's financial operating plans and forecasts as prepared by the Director in the ordinary course of the Agency's operations, and copies of the quarterly reports of the Agency's financial condition and results of operations as prepared by the Director in the ordinary course of the Agency's operations.

"(2) Financial statements.—The Agency shall prepare annually a statement of assets and liabilities and surplus or deficit; a statement of income and expenses; and a statement of sources and application of funds.

"(3) Financial management systems.—The Agency shall implement and maintain financial management systems that comply substantially with Federal financial management systems requirements, applicable Federal accounting standards, and that uses a general ledger system that accounts for activity at the transaction level.

"(4) Assertion of internal controls.—The Director shall provide to the Comptroller General an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Agency, using the standards established in section 3512(c) of title 31, United States Code.

"(5) Rule of construction.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any reports, plans, forecasts, or other information referred to in paragraph (1) or any jurisdiction or oversight over the affairs or operations of the Agency.

"(h) Audit of Agency.—

"(1) In general.—The Comptroller General shall annually audit the financial transactions of the Agency in accordance with the U.S. generally accepted government auditing standards as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Agency are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Agency pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Agency shall remain in possession and custody of the Agency. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

"(2) Report.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Agency, together with such recommendations with respect

thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Agency at the time submitted to the Congress.

"(3) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 5 of title 41, United States Code, professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Agency shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.".

SEC. 107. EXAMINERS AND ACCOUNTANTS.

(a) EXAMINATIONS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended—

(1) in subsection (a), by adding after the period at the end the following: "Each examination under this subsection of a regulated entity shall include a review of the procedures required to be established and maintained by the regulated entity pursuant to section 1314(c) (relating to fraudulent financial transactions) and the report regarding each such examination shall describe any problems with such procedures maintained by the regulated entity.";

(2) in subsection (b)—

(A) by inserting "of a regulated entity" after "under this section"; and

(B) by striking "to determine the condition of an enterprise for the purpose of ensuring its financial safety and soundness" and inserting "or appropriate"; and

(3) in subsection (c)—

(A) in the second sentence, by inserting "to conduct examinations under this section" before the period; and

(B) in the third sentence, by striking "from amounts available in the Federal Housing Enterprises Oversight Fund".

(b) Enhanced Authority To Hire Examiners and Accountants.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following new subsection:

"(g) Appointment of Accountants, Economists, Specialists, and Examiners.—

"(1) Applicability.—This section applies with respect to any position of examiner, accountant, specialist in financial markets, specialist in information technology, and economist at the Agency, with respect to supervision and regulation of the regulated entities, that is in the competitive service.

"(2) Appointment authority.—The Director may appoint candidates to any position described in paragraph (1)—

"(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

"(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.

"(3) Rule of construction.—The appointment of a candidate to a position under the authority of this subsection shall not be considered to cause such position to be converted from the competitive service to the excepted service.".

(c) Repeal.—Section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440) is amended—

(1) by striking the section heading and inserting the following: "EXAMINATIONS AND GAO AUDITS";

(2) in the third sentence, by striking "the Board and" each place such term appears; and

(3) by striking the first two sentences and inserting the following: "The Federal home loan banks shall be subject to examinations by the Director to the extent provided in section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517).".

SEC. 108. PROHIBITION AND WITHHOLDING OF EXECUTIVE COMPENSATION.

(a) In General.—Section 1318 of the Housing and Community Development Act of 1992 (12 U.S.C. 4518) is amended—

(1) in the section heading, by striking "**OF EXCESSIVE**" and inserting "**AND WITHHOLDING OF EXECUTIVE**";

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections:

"(b) Factors.—In making any determination under subsection (a), the Director may take into consideration any factors the Director considers relevant, including any wrongdoing on the part of the executive officer, and such wrongdoing shall include any fraudulent act or omission, breach of trust or fiduciary duty, violation of law, rule, regulation, order, or written agreement, and insider abuse with respect to the regulated entity. The approval of an agreement or contract pursuant to section 309(d)(3)(B) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)(3)(B)) or section 303(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)(2)) shall not preclude the Director from making any subsequent determination under subsection (a).

"(c) Withholding of Compensation.—In carrying out subsection (a), the Director may require a regulated entity to withhold any payment, transfer, or disbursement of compensation to an executive officer, or to place such compensation in an escrow account, during the review of the reasonableness and comparability of compensation.".

(b) Conforming Amendments.—

(1) Fannie Mae.—Section 309(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding any other provision of this section, the corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

(2) Freddie Mac.—Section 303(h) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding any other provision of this section, the Corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

(3) Federal home loan banks.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended by adding at the end the following new subsection:

"(l) Withholding of Compensation.—Notwithstanding any other provision of this section, a Federal home loan bank shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

SEC. 109. REVIEWS OF REGULATED ENTITIES.

Section 1319 of the Housing and Community Development Act of 1992 (12 U.S.C. 4519) is amended—

(1) by striking the section designation and heading and inserting the following:

"SEC. 1319. REVIEWS OF REGULATED ENTITIES."; and

(2) by striking "is a nationally recognized" and all that follows through "1934" and inserting the following: "the Director considers appropriate, including an entity that is registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78a) as a nationally registered statistical rating organization".

SEC. 110. INCLUSION OF MINORITIES AND WOMEN; DIVERSITY IN AGENCY WORKFORCE.

Section 1319A of the Housing and Community Development Act of 1992 (12 U.S.C. 4520) is amended—

(1) in the section heading, by striking "**EQUAL OPPORTUNITY IN SOLICITATION OF CONTRACTS**" and inserting "**MINORITY AND WOMEN INCLUSION; DIVERSITY REQUIREMENTS**";

(2) in subsection (a), by striking "(a) In General.—Each enterprise" and inserting "(e) Outreach.—Each regulated entity"; and

(3) by striking subsection (b);

(4) by inserting before subsection (e), as so redesignated by paragraph (2) of this section, the following new subsections:

"(a) Office of Minority and Women Inclusion.—Each regulated entity shall establish an Office of Minority and Women Inclusion, or designate an office of the entity, that shall be responsible for carrying out this section and all matters of the entity relating to diversity in management, employment, and business activities in accordance with such standards and requirements as the Director shall establish.

"(b) Inclusion in All Levels of Business Activities.—Each regulated entity shall develop and implement standards and procedures to ensure, to the maximum extent possible, the inclusion and utilization of minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)) and women, and minority- and women-owned businesses (as such terms are defined in section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(r)(4)) (including financial institutions, investment banking firms, mortgage banking firms, asset management firms, broker-dealers, financial services firms, underwriters, accountants, brokers, investment consultants, and providers of legal services) in all business and activities of the regulated entity at all levels, including in procurement, insurance, and all types of contracts (including contracts for the issuance or guarantee of any debt, equity, or mortgage-related securities, the management of its mortgage and securities portfolios, the making of its equity investments, the purchase, sale and servicing of single- and multi-family mortgage loans, and the implementation of its affordable housing program and initiatives). The processes established by each regulated entity for review and evaluation for contract proposals and to hire service providers shall include a component that gives consideration to the diversity of the applicant.

"(c) Applicability.—This section shall apply to all contracts of a regulated entity for services of any kind, including services that require the services of investment banking, asset management entities, broker-dealers, financial services entities, underwriters, accountants, investment consultants, and providers of legal services.

"(d) INCLUSION IN ANNUAL REPORTS.—Each regulated entity shall include, in the annual report submitted by the entity to the Director pursuant to section 309(k) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(k)), section 307(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(c)), and section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440), as applicable, detailed information describing the actions taken by the entity pursuant to this section, which shall include a statement of the total amounts paid by the entity to third party contractors since the last such report and the percentage of such amounts paid to businesses described in subsection (b) of this section."; and

(5) by adding at the end the following new subsection:

"(f) DIVERSITY IN AGENCY WORKFORCE.—The Agency shall take affirmative steps to seek diversity in its workforce at all levels of the agency consistent with the demographic diversity of the United States, which shall include—

"(1) heavily recruiting at historically Black colleges and universities, Hispanic-serving institutions, women's colleges, and colleges that typically serve majority minority populations;

"(2) sponsoring and recruiting at job fairs in urban communities, and placing employment advertisements in newspapers and magazines oriented toward women and people of color;

"(3) partnering with organizations that are focused on developing opportunities for minorities and women to place talented young minorities and women in industry internships, summer employment, and full-time positions; and

"(4) where feasible, partnering with inner-city high schools, girls' high schools, and high schools with majority minority populations to establish or enhance financial literacy programs and provide mentoring.".

SEC. 111. REGULATIONS AND ORDERS.

Section 1319G of the Housing and Community Development Act of 1992 (12 U.S.C. 4526) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) AUTHORITY.—The Director shall issue any regulations, guidelines, and orders necessary to carry out the duties of the Director under this title and each of the authorizing statutes to ensure that the purposes of this title and such statutes are accomplished.";

(2) in subsection (b), by inserting ", this title, or any of the authorizing statutes" after "under this section"; and

(3) by striking subsection (c).

SEC. 112. NON-WAIVER OF PRIVILEGES.

Part 1 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4511) is amended by adding at the end the following new section:

"SEC. 1319H. PRIVILEGES NOT AFFECTED BY DISCLOSURE.

"(a) IN GENERAL.—The submission by any person of any information to the Agency for any purpose in the course of any supervisory or regulatory process of the Agency shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than the Agency.

"(b) RULE OF CONSTRUCTION.—No provision of subsection (a) may be construed as implying or establishing that—

"(1) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which subsection (a) does not apply; or

"(2) any person would waive any privilege applicable to any information by submitting the information to the Agency, but for this subsection.".

SEC. 113. RISK-BASED CAPITAL REQUIREMENTS.

(a) IN GENERAL.—Section 1361 of the Housing and Community Development Act of 1992 (12 U.S.C. 4611) is amended to read as follows:

"SEC. 1361. RISK-BASED CAPITAL LEVELS FOR REGULATED ENTITIES.

"(a) IN GENERAL.—

"(1) ENTERPRISES.—The Director shall, by regulation, establish risk-based capital requirements for the enterprises to ensure that the enterprises operate in a safe and sound manner, maintaining sufficient capital and reserves to support the risks that arise in the operations and management of the enterprises.

"(2) FEDERAL HOME LOAN BANKS.—The Director shall establish risk-based capital standards under section 6 of the Federal Home Loan Bank Act for the Federal home loan banks.

"(b) CONFIDENTIALITY OF INFORMATION.—Any person that receives any book, record, or information from the Director or a regulated entity to enable the risk-based capital requirements established under this section to be applied shall—

"(1) maintain the confidentiality of the book, record, or information in a manner that is generally consistent with the level of confidentiality established for the material by the Director or the regulated entity; and

"(2) be exempt from section 552 of title 5, United States Code, with respect to the book, record, or information.

"(c) NO LIMITATION.—Nothing in this section shall limit the authority of the Director to require other reports or undertakings, or take other action, in furtherance of the responsibilities of the Director under this Act.".

(b) FEDERAL HOME LOAN BANKS RISK-BASED CAPITAL.—Section 6(a)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(3)) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) RISK-BASED CAPITAL STANDARDS.—The Director shall, by regulation, establish risk-based capital standards for the Federal home loan banks to ensure that the Federal home loan banks operate in a safe and sound manner, with sufficient permanent capital and reserves to support the risks that arise in the operations and management of the Federal home loans banks."; and

(2) in subparagraph (B), by striking "(A)(ii)" and inserting "(A)".

SEC. 114. MINIMUM AND CRITICAL CAPITAL LEVELS.

(a) MINIMUM CAPITAL LEVEL.—Section 1362 of the Housing and Community Development Act of 1992 (12 U.S.C. 4612) is amended—

(1) in subsection (a), by striking "IN GENERAL" and inserting "ENTERPRISES"; and

(2) by striking subsection (b) and inserting the following new subsections:

"(b) FEDERAL HOME LOAN BANKS.—For purposes of this subtitle, the minimum capital level for each Federal home loan bank shall be the minimum capital required to be maintained to comply with the leverage requirement for the bank established under section 6(a)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(2)).

"(c) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—Notwithstanding subsections (a) and (b) and notwithstanding the capital classifications of the regulated entities, the Director may, by regulations issued under section 1319G, establish a minimum capital level for the enterprises, for the Federal home loan banks, or for both the enterprises and the banks, that is higher than the level specified in subsection (a) for the enterprises or the level specified in subsection (b) for the Federal home loan banks, to the extent needed to ensure that the regulated entities operate in a safe and sound manner.

"(d) AUTHORITY TO REQUIRE TEMPORARY INCREASE.—Notwithstanding subsections (a) and (b) and any minimum capital level established pursuant to subsection (c), the Director may, by order, increase the minimum capital level for a regulated entity on a temporary basis for such period as the Director may provide if the Director—

"(1) makes any determination specified in subparagraphs (A) through (C) of section 1364(c)(1);

"(2) determines that the regulated entity has violated any of the prudential standards established pursuant to section 1313A and, as a result of such violation, determines that an unsafe and unsound condition exists; or

"(3) determines that an unsafe and unsound condition exists, except that a temporary increase in minimum capital imposed on a regulated entity pursuant to this paragraph shall not remain in place for a period of more than 6 months unless the Director makes a renewed determination of the existence of an unsafe and unsound condition.

"(e) AUTHORITY TO ESTABLISH ADDITIONAL CAPITAL AND RESERVE REQUIREMENTS FOR PARTICULAR PROGRAMS.—The Director may, at any time by order or regulation, establish such capital or reserve requirements with respect to any program or activity of a regulated entity as the Director considers appropriate to ensure that the regulated entity operates in a safe and sound manner, with sufficient capital and reserves to support the risks that arise in the operations and management of the regulated entity.

"(f) PERIODIC REVIEW.—The Director shall periodically review the amount of core capital maintained by the enterprises, the amount of capital retained by the Federal home loan banks, and the minimum capital levels established for such regulated entities pursuant to this section. The Director shall rescind any temporary minimum capital level increase if the Director determines that the circumstances or facts justifying the temporary increase are no longer present.".

(b) CRITICAL CAPITAL LEVELS.—

(1) IN GENERAL.—Section 1363 of the Housing and Community Development Act of 1992 (12 U.S.C. 4613) is amended—

(A) by striking "For" and inserting "(a) ENTERPRISES.—FOR"; and

(B) by adding at the end the following new subsection:

"(b) FEDERAL HOME LOAN BANKS.—

"(1) IN GENERAL.—For purposes of this subtitle, the critical capital level for each Federal home loan bank shall be such amount of capital as the Director shall, by regulation require.

"(2) CONSIDERATION OF OTHER CRITICAL CAPITAL LEVELS.—In establishing the critical capital level under paragraph (1) for the Federal home loan banks, the Director shall take due consideration of the critical capital level established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises.".

(2) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1363(b) of the Housing and Community Development Act of 1992 (as added by paragraph (1) of this subsection) establishing the critical capital level under such section.

SEC. 115. REVIEW OF AND AUTHORITY OVER ENTERPRISE ASSETS AND LIABILITIES.

(a) IN GENERAL.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

"Subtitle B—Required Capital Levels for Regulated Entities, Special Enforcement Powers, and Reviews of Assets and Liabilities";

and

(2) by adding at the end the following new section:

“SEC. 1369E. REVIEWS OF ENTERPRISE ASSETS AND LIABILITIES.

“(a) In General.—The Director shall, by regulation, establish standards by which the portfolio holdings, or rate of growth of the portfolio holdings, of the enterprises will be deemed to be consistent with the mission and the safe and sound operations of the enterprises. In developing such standards, the Director shall consider—

“(1) the size or growth of the mortgage market;

“(2) the need for the portfolio in maintaining liquidity or stability of the secondary mortgage market (including the market for the mortgage-backed securities the enterprises issue);

“(3) the need for an inventory of mortgages in connection with securitizations;

“(4) the need for the portfolio to directly support the affordable housing mission of the enterprises;

“(5) the liquidity needs of the enterprises;

“(6) any potential risks posed by the nature of the portfolio holdings; and

“(7) any additional factors that the Director determines to be necessary to carry out the purpose under the first sentence of this subsection to establish standards for assessing whether the portfolio holdings are consistent with the mission and safe and sound operations of the enterprises.

“(b) Temporary Adjustments.—The Director may, by order, make temporary adjustments to the established standards for an enterprise or both enterprises, such as during times of economic distress or market disruption.

“(c) Authority To Require Disposition or Acquisition.—The Director shall monitor the portfolio of each enterprise. Pursuant to subsection (a) and notwithstanding the capital classifications of the enterprises, the Director may, by order, require an enterprise, under such terms and conditions as the Director determines to be appropriate, to dispose of or acquire any asset, if the Director determines that such action is consistent with the purposes of this Act or any of the authorizing statutes.”.

(b) Regulations.—Not later than the expiration of the 180-day period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1369E(a) of the Housing and Community Development Act of 1992 (as added by subsection (a) of this section) establishing the portfolio holdings standards under such section.

SEC. 116. CORPORATE GOVERNANCE OF ENTERPRISES.

The Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

“SEC. 1322A. CORPORATE GOVERNANCE OF ENTERPRISES.

“(a) Board of Directors.—

“(1) Independence.—A majority of seated members of the board of directors of each enterprise shall be independent board members, as defined under rules set forth by the New York Stock Exchange, as such rules may be amended from time to time.

“(2) Frequency of meetings.—To carry out its obligations and duties under applicable laws, rules, regulations, and guidelines, the board of directors of an enterprise shall meet at least eight times a year and not less than once a calendar quarter.

“(3) Non-management board member meetings.—The non-management directors of an enterprise shall meet at regularly scheduled executive sessions without management participation.

“(4) Quorum; prohibition on proxies.—For the transaction of business, a quorum of the board of directors of an enterprise shall be at least a majority of the seated board of directors and a board member may not vote by proxy.

“(5) Information.—The management of an enterprise shall provide a board member of the enterprise with such adequate and appropriate information that a reasonable board member would find important to the fulfillment of his or her fiduciary duties and obligations.

“(6) Annual review.—At least annually, the board of directors of each enterprise shall review, with appropriate professional assistance, the requirements of laws, rules, regulations, and guidelines that are applicable to its activities and duties.

“(b) Committees of Boards of Directors.—

“(1) Frequency of meetings.—Any committee of the board of directors of an enterprise shall meet with sufficient frequency to carry out its obligations and duties under applicable laws, rules, regulations, and guidelines.

“(2) Required committees.—Each enterprise shall provide for the establishment, however styled, of the following committees of the board of directors:

“(A) Audit committee.

“(B) Compensation committee.

“(C) Nominating/corporate governance committee.

Such committees shall be in compliance with the charter, independence, composition, expertise, duties, responsibilities, and other requirements set forth under section 10A(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(m)), with respect to the audit committee, and under rules issued by the New York Stock Exchange, as such rules may be amended from time to time.

“(c) Compensation.—

“(1) In general.—The compensation of board members, executive officers, and employees of an enterprise—

“(A) shall not be in excess of that which is reasonable and appropriate;

“(B) shall be commensurate with the duties and responsibilities of such persons;

“(C) shall be consistent with the long-term goals of the enterprise;

“(D) shall not focus solely on earnings performance, but shall take into account risk management, operational stability and legal and regulatory compliance as well; and

“(E) shall be undertaken in a manner that complies with applicable laws, rules, and regulations.

“(2) Reimbursement.—If an enterprise is required to prepare an accounting restatement due to the material noncompliance of the enterprise, as a result of misconduct, with any financial reporting requirement under the securities laws, the chief executive officer and chief financial officer of the enterprise shall reimburse the enterprise as provided under section 304 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7243). This provision does not otherwise limit the authority of the Agency to employ remedies available to it under its enforcement authorities.

“(d) Code of Conduct and Ethics.—

“(1) In general.—An enterprise shall establish and administer a written code of conduct and ethics that is reasonably designed to assure the ability of board members, executive officers, and employees of the enterprise to discharge their duties and responsibilities, on behalf of the enterprise, in an objective and impartial manner, and that includes standards required under section 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7264) and other applicable laws, rules, and regulations.

“(2) Review.—Not less than once every three years, an enterprise shall review the adequacy of its code of conduct and ethics for consistency with practices appropriate to the enterprise and make any appropriate revisions to such code.

“(e) Conduct and Responsibilities of Board of Directors.—The board of directors of an enterprise shall be responsible for directing the conduct and affairs of the enterprise in furtherance of the safe and sound operation of the enterprise and shall remain reasonably informed of the condition, activities, and operations of the enterprise. The responsibilities of the board of directors shall include having in place adequate policies and procedures to assure its oversight of, among other matters, the following:

“(1) Corporate strategy, major plans of action, risk policy, programs for legal and regulatory compliance and corporate performance, including prudent plans for growth and allocation of adequate resources to manage operations risk.

“(2) Hiring and retention of qualified executive officers and succession planning for such executive officers.

“(3) Compensation programs of the enterprise.

“(4) Integrity of accounting and financial reporting systems of the enterprise, including independent audits and systems of internal control.

“(5) Process and adequacy of reporting, disclosures, and communications to shareholders, investors, and potential investors.

“(6) Extensions of credit to board members and executive officers.

“(7) Responsiveness of executive officers in providing accurate and timely reports to Federal regulators and in addressing the supervisory concerns of Federal regulators in a timely and appropriate manner.

“(f) Prohibition of Extensions of Credit.—An enterprise may not directly or indirectly, including through any subsidiary, extend or maintain credit, arrange for the extension of credit, or renew an extension of credit, in the form of a personal loan to or for any board member or executive officer of the enterprise, as provided by section 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(k)).

“(g) Certification of Disclosures.—The chief executive officer and the chief financial officer of an enterprise shall review each quarterly report and annual report issued by the enterprise and such reports shall include certifications by such officers as required by section 302 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241).

“(h) Change of Audit Partner.—An enterprise may not accept audit services from an external auditing firm if the lead or coordinating audit partner who has primary responsibility for the external audit of the enterprise, or the external audit partner who has responsibility for reviewing the external audit has performed audit services for the enterprise in each of the five previous fiscal years.

“(i) Compliance Program.—

“(1) Requirement.—Each enterprise shall establish and maintain a compliance program that is reasonably designed to assure that the enterprise complies with applicable laws, rules, regulations, and internal controls.

“(2) Compliance officer.—The compliance program of an enterprise shall be headed by a compliance officer, however styled, who reports directly to the chief executive officer of the enterprise. The compliance officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current compliance policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the compliance officer considers necessary and appropriate.

“(j) Risk Management Program.—

“(1) Requirement.—Each enterprise shall establish and maintain a risk management program that is reasonably designed to manage the risks of the operations of the enterprise.

“(2) Risk management officer.—The risk management program of an enterprise shall be

headed by a risk management officer, however styled, who reports directly to the chief executive officer of the enterprise. The risk management officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current risk management policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the risk management officer considers necessary and appropriate.

"(k) COMPLIANCE WITH OTHER LAWS.—

"(1) DEREGISTERED OR UNREGISTERED COMMON STOCK.—If an enterprise deregisters or has not registered its common stock with the Securities and Exchange Commission under the Securities Exchange Act of 1934, the enterprise shall comply or continue to comply with sections 10A(m) and 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(m), 78m(k)) and sections 302, 304, and 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241, 7243, 7264), subject to such requirements as provided by subsection (l) of this section.

"(2) REGISTERED COMMON STOCK.—An enterprise that has its common stock registered with the Securities and Exchange Commission shall maintain such registered status, unless it provides 60 days prior written notice to the Director stating its intent to deregister and its understanding that it will remain subject to the requirements of the sections of the Securities Exchange Act of 1934 and the Sarbanes-Oxley Act of 2002, subject to such requirements as provided by subsection (l) of this section.

"(l) OTHER MATTERS.—The Director may from time to time establish standards, by regulation, order, or guideline, regarding such other corporate governance matters of the enterprises as the Director considers appropriate.

"(m) MODIFICATION OF STANDARDS.—In connection with standards of Federal or State law (including the Revised Model Corporation Act) or New York Stock Exchange rules that are made applicable to an enterprise by section 1710.10 of the Director's rules (12 C.F.R. 1710.10) and by subsections (a), (b), (g), (i), (j), and (k) of this section, the Director, in the Director's sole discretion, may modify the standards contained in this section or in part 1710 of the Director's rules (12 C.F.R. Part 1710) in accordance with section 553 of title 5, United States Code, and upon written notice to the enterprise.".

SEC. 117. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

The Housing and Community Development Act of 1992 is amended by adding after section 1322A, as added by the preceding provisions of this Act, the following new section:

"SEC. 1322B. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

"(a) IN GENERAL.—Each regulated entity shall register at least one class of the capital stock of such regulated entity, and maintain such registration with the Securities and Exchange Commission, under the Securities Exchange Act of 1934.

"(b) ENTERPRISES.—Each enterprise shall comply with sections 14 and 16 of the Securities Exchange Act of 1934.".

SEC. 118. LIAISON WITH FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

Section 1007 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3306) is amended—

(1) in the section heading, by inserting after "STATE" the following: "AND FEDERAL HOUSING FINANCE AGENCY"; and

(2) by inserting after "financial institutions" the following: ", and one representative of the Federal Housing Finance Agency,".

SEC. 119. GUARANTEE FEE STUDY.

(a) IN GENERAL.—The Director of the Federal Housing Finance Agency, in consultation with the heads of the federal banking agencies, shall, not later than 18 months after the date of the enactment of this Act, submit to the Congress a study concerning the pricing, transparency and reporting of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal home loan banks with regard to guarantee fees and concerning analogous practices, transparency and reporting requirements (including advances pricing practices by the Federal Home Loan Banks) of other participants in the business of mortgage purchases and securitization.

(b) FACTORS.—The study required by this section shall examine various factors such as credit risk, counterparty risk considerations, economic value considerations, and volume considerations used by the regulated entities (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) included in the study in setting the amount of fees they charge.

(c) CONTENTS OF REPORT.—The report required under subsection (a) shall identify and analyze—

(1) the factors used by each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) in determining the amount of the guarantee fees it charges;

(2) the total revenue the enterprises earn from guarantee fees;

(3) the total costs incurred by the enterprises for providing guarantees;

(4) the average guarantee fee charged by the enterprises;

(5) an analysis of how and why the guarantee fees charged differ from such fees charged during the previous year;

(6) a breakdown of the revenue and costs associated with providing guarantees, based on product type and risk classifications; and

(7) other relevant information on guarantee fees with other participants in the mortgage and securitization business.

(d) PROTECTION OF INFORMATION.—Nothing in this section may be construed to require or authorize the Director of the Federal Housing Finance Agency, in connection with the study mandated by this section, to disclose information of the enterprises or other organization that is confidential or proprietary.

(e) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 120. CONFORMING AMENDMENTS.

(a) 1992 ACT.—Part 1 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4511 et seq.), as amended by the preceding provisions of this Act, is further amended—

(1) by striking "an enterprise" each place such term appears in such part (except in sections 1313(a)(2)(A), 1313A(b)(2)(B)(ii)(I), and 1316(b)(3)) and inserting "a regulated entity";

(2) by striking "the enterprise" each place such term appears in such part (except in section 1316(b)(3)) and inserting "the regulated entity";

(3) by striking "the enterprises" each place such term appears in such part (except in sections 1312(c)(2), and 1312(e)(2)) and inserting "the regulated entities";

(4) by striking "each enterprise" each place such term appears in such part and inserting "each regulated entity";

(5) by striking "Office" each place such term appears in such part (except in sections 1311(b)(2), 1312(b)(5), 1315(b), and 1316(a)(4), (g), and (h), 1317(c), and 1319A(a)) and inserting "Agency";

(6) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) in the subsection heading, by striking "OFFICE PERSONNEL" and inserting "IN GENERAL"; and

(ii) by striking "The" and inserting "Subject to title III of the Federal Housing Finance Reform Act of 2007, the";

(B) by striking subsections (d) and (f); and

(C) by redesignating subsection (e) as subsection (d);

(7) in section 1319B (12 U.S.C. 4521), by striking "Committee on Banking, Finance and Urban Affairs" each place such term appears and inserting "Committee on Financial Services"; and

(8) in section 1319F (12 U.S.C. 4525), striking all that follows "United States Code" and inserting ", the Agency shall be considered an agency responsible for the regulation or supervision of financial institutions.".

(b) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place such term appears, and inserting "Director of the Federal Housing Finance Agency", in—

(A) section 303(c)(2) (12 U.S.C. 1718(c)(2));

(B) section 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)); and

(C) section 309(k)(1); and

(2) in section 309—

(A) in subsections (d)(3)(A) and (n)(1), by striking "Banking, Finance and Urban Affairs" each place such term appears and inserting "Financial Services"; and

(B) in subsection (m)—

(i) in paragraph (1), by striking "Secretary" the second place such term appears and inserting "Director";

(ii) in paragraph (2), by striking "Secretary" the second place such term appears and inserting "Director"; and

(iii) by striking "Secretary" each other place such term appears and inserting "Director of the Federal Housing Finance Agency"; and

(C) in subsection (n), by striking "Secretary" each place such term appears and inserting "Director of the Federal Housing Finance Agency".

(c) AMENDMENTS TO FREDDIE MAC ACT.—The Federal Home Loan Mortgage Corporation Act is amended—

(1) by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place such term appears, and inserting "Director of the Federal Housing Finance Agency", in—

(A) section 303(b)(2) (12 U.S.C. 1452(b)(2));

(B) section 303(h)(2) (12 U.S.C. 1452(h)(2)); and

(C) section 307(c)(1) (12 U.S.C. 1456(c)(1));

(2) in sections 303(h)(1) and 307(f)(1) (12 U.S.C. 1452(h)(1), 1456(f)(1)), by striking "Banking, Finance and Urban Affairs" each place such term appears and inserting "Financial Services";

(3) in section 306(i) (12 U.S.C. 1455(i))—

(A) by striking "1316(c)" and inserting "306(c)"; and

(B) by striking "section 106" and inserting "section 1316"; and

(4) in section 307 (12 U.S.C. 1456))—

(A) in subsection (e)—

(i) in paragraph (1), by striking "Secretary" the second place such term appears and inserting "Director";

(ii) in paragraph (2), by striking "Secretary" the second place such term appears and inserting "Director"; and

(iii) by striking "Secretary" each other place such term appears and inserting "Director of the Federal Housing Finance Agency"; and

(B) in subsection (f), by striking "Secretary" each place such term appears and inserting "Director of the Federal Housing Finance Agency".

Subtitle B—Improvement of Mission Supervision

SEC. 131. TRANSFER OF PRODUCT APPROVAL AND HOUSING GOAL OVERSIGHT.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking the designation and heading for the part and inserting the following:

"PART 2—PRODUCT APPROVAL BY DIRECTOR, CORPORATE GOVERNANCE, AND ESTABLISHMENT OF HOUSING GOALS";

and

(2) by striking sections 1321 and 1322.

SEC. 132. REVIEW OF ENTERPRISE PRODUCTS.

(a) In General.—Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

"SEC. 1321. PRIOR APPROVAL AUTHORITY FOR PRODUCTS OF ENTERPRISES.

"(a) In General.—The Director shall require each enterprise to obtain the approval of the Director for any product of the enterprise before initially offering the product.

"(b) Standard for Approval.—In considering any request for approval of a product pursuant to subsection (a), the Director shall make a determination that—

"(1) in the case of a product of the Federal National Mortgage Association, the Director determines that the product is authorized under paragraph (2), (3), (4), or (5) of section 302(b) or section 304 of the Federal National Mortgage Association Charter Act, (12 U.S.C. 1717(b), 1719);

"(2) in the case of a product of the Federal Home Loan Mortgage Corporation, the Director determines that the product is authorized under paragraph (1), (4), or (5) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a));

"(3) the product is in the public interest;

"(4) the product is consistent with the safety and soundness of the enterprise or the mortgage finance system; and

"(5) the product does not materially impair the efficiency of the mortgage finance system.

"(c) Procedure for Approval.—

"(1) Submission of Request.—An enterprise shall submit to the Director a written request for approval of a product that describes the product in such form as prescribed by order or regulation of the Director.

"(2) Request for Public Comment.—Immediately upon receipt of a request for approval of a product, as required under paragraph (1), the Director shall publish notice of such request and of the period for public comment pursuant to paragraph (3) regarding the product, and a description of the product proposed by the request. The Director shall give interested parties the opportunity to respond in writing to the proposed product.

"(3) Public Comment Period.—During the 30-day period beginning on the date of publication pursuant to paragraph (2) of a request for approval of a product, the Director shall receive public comments regarding the proposed product.

"(4) Offering of Product.—

"(A) In General.—Not later than 30 days after the close of the public comment period described in paragraph (3), the Director shall approve or deny the product, specifying the grounds for such decision in writing.

"(B) Failure to Act.—If the Director fails to act within the 30-day period described in subparagraph (A), the enterprise may offer the product.

"(d) Expedited Review.—

"(1) Determination and Notice.—If an enterprise determines that any new activity, service, undertaking, or offering is not a product, as defined in subsection (f), the enterprise shall provide written notice to the Director prior to the commencement of such activity, service, undertaking, or offering.

"(2) Director Determination of Applicable Procedure.—Immediately upon receipt of any notice pursuant to paragraph (1), the Director shall make a determination under paragraph (3).

"(3) Determination and Treatment as Product.—If the Director determines that any new activity, service, undertaking, or offering consists of, relates to, or involves a product—

"(A) the Director shall notify the enterprise of the determination;

"(B) the new activity, service, undertaking, or offering described in the notice under paragraph (1) shall be considered a product for purposes of this section; and

"(C) the enterprise shall withdraw its request or submit a written request for approval of the product pursuant to subsection (c).

"(e) Conditional Approval.—The Director may conditionally approve the offering of any product by an enterprise, and may establish terms, conditions, or limitations with respect to such product with which the enterprise must comply in order to offer such product.

"(f) Definition of Product.—For purposes of this section, the term 'product' does not include—

"(1) the automated loan underwriting system of an enterprise in existence as of the date of the enactment of the Federal Housing Finance Reform Act of 2007, including any upgrade to the technology, operating system, or software to operate the underwriting system; or

"(2) any modification to the mortgage terms and conditions or mortgage underwriting criteria relating to the mortgages that are purchased or guaranteed by an enterprise: *Provided*, That such modifications do not alter the underlying transaction so as to include services or financing, other than residential mortgage financing, or create significant new exposure to risk for the enterprise or the holder of the mortgage.

"(g) No Limitation.—Nothing in this section shall be deemed to restrict—

"(1) the safety and soundness authority of the Director over all new and existing products or activities; or

"(2) the authority of the Director to review all new and existing products or activities to determine that such products or activities are consistent with the statutory mission of the enterprise.".

(b) Conforming Amendments.—

(1) Fannie Mae.—Section 302(b)(6) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(6)) is amended—

(A) by striking "implement any new program" and inserting "initially offer any product";

(B) by striking "section 1303" and inserting "section 1321(f)"; and

(C) by striking "before obtaining the approval of the Secretary under section 1322" and inserting "except in accordance with section 1321".

(2) Freddie Mac.—Section 305(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(c)) is amended—

(A) by striking "implement any new program" and inserting "initially offer any product";

(B) by striking "section 1303" and inserting "section 1321(f)"; and

(C) by striking "before obtaining the approval of the Secretary under section 1322" and inserting "except in accordance with section 1321".

(3) 1992 Act.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by section 2 of this Act, is further amended—

(A) by striking paragraph (17) (relating to the definition of "new program") ; and

(B) by redesignating paragraphs (18) through (23) as paragraphs (17) through (22), respectively.

SEC. 133. CONFORMING LOAN LIMITS.

(a) Fannie Mae.—

(1) General Limit.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended—

(A) in the 4th sentence, by striking "the Resolution Trust Corporation,"; and

(B) by striking the 7th and 8th sentences and inserting the following new sentences: "For 2007, such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 2008, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or four-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541)).".

(2) High-Cost Area Limit.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act is (12 U.S.C. 1717(b)(2)) is amended by adding after the period at the end the following: "Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence, except that, subject to the order, if any, issued by the Director of the Federal Housing Finance Agency pursuant to section 133(d)(3) of the Federal Housing Finance Reform Act of 2007, such increase shall apply only with respect to mortgages on which are based securities issued and sold by the corporation.".

(b) Freddie Mac.—

(1) General Limit.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended—

(A) in the 3rd sentence, by striking "the Resolution Trust Corporation,"; and

(B) by striking the 6th and 7th sentences and inserting the following new sentences: "For 2007, such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 2008, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or four-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541))."

(2) High-Cost Area Limit.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by adding after the period at the end the following: "Such foregoing limitations shall also be increased with respect to

properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence, except that, subject to the order, if any, issued by the Director of the Federal Housing Finance Agency pursuant to section 133(d)(3) of the Federal Housing Finance Reform Act of 2007, such increase shall apply only with respect to mortgages on which are based securities issued and sold by the Corporation.".

(c) HOUSING PRICE INDEX.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (as amended by the preceding provisions of this Act) is amended by inserting after section 1321 (as added by section 132 of this Act) the following new section:

"SEC. 1322. HOUSING PRICE INDEX.

"(a) IN GENERAL.—The Director shall establish and maintain a method of assessing the national average 1-family house price for use for adjusting the conforming loan limitations of the enterprises. In establishing such method, the Director shall take into consideration the monthly survey of all major lenders conducted by the Federal Housing Finance Agency to determine the national average 1-family house price, the House Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date under section 185 of the Federal Housing Finance Reform Act of 2007, any appropriate house price indexes of the Bureau of the Census of the Department of Commerce, and any other indexes or measures that the Director considers appropriate.

"(b) GAO AUDIT.—

"(1) IN GENERAL.—At such times as are required under paragraph (2), the Comptroller General of the United States shall conduct an audit of the methodology established by the Director under subsection (a) to determine whether the methodology established is an accurate and appropriate means of measuring changes to the national average 1-family house price.

"(2) TIMING.—An audit referred to in paragraph (1) shall be conducted and completed not later than the expiration of the 180-day period that begins upon each of the following dates:

"(A) ESTABLISHMENT.—The date upon which such methodology is initially established under subsection (a) in final form by the Director.

"(B) MODIFICATION OR AMENDMENT.—Each date upon which any modification or amendment to such methodology is adopted in final form by the Director.

"(3) REPORT.—Within 30 days of the completion of any audit conducted under this subsection, the Comptroller General shall submit a report detailing the results and conclusions of the audit to the Director, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate.".

(d) CONDITIONS ON CONFORMING LOAN LIMIT FOR HIGH-COST AREAS.—

(1) STUDY.—The Director of the Federal Housing Finance Agency shall conduct a study under this subsection during the six-month period beginning on the effective date under section 185 of this Act.

(2) ISSUES.—The study under this subsection shall determine—

(A) the effect that restricting the conforming loan limits for high-cost areas only to mortgages on which are based securities issued and sold by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (as provided in the last sentence of section 302(b)(2) of the Federal National Mortgage Association Charter Act and the last sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act, pursuant to the amendments made by subsections (a)(2) and (b)(2) of this section) would have on the cost to borrowers for mortgages on housing in such high-cost areas;

(B) the effects that such restrictions would have on the availability of mortgages for housing in such high-cost areas; and

(C) the extent to which the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation will be able to issue and sell securities based on mortgages for housing located in such high-cost areas.

(3) DETERMINATION.—

(A) IN GENERAL.—Not later than the expiration of the six-month period specified in paragraph (1), the Director of the Federal Housing Finance Agency shall make a determination, based on the results of the study under this subsection, of whether the restriction of conforming loan limits for high-cost areas only to mortgages on which are based securities issued and sold by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (as provided in the amendments made by subsections (a)(2) and (b)(2) of this section) will result in an increase in the cost to borrowers for mortgages on housing in such high-cost areas.

(B) ORDER.—If such determination is that costs to borrowers on housing in such high-cost areas will be increased by such restrictions, the Director may issue an order terminating such restrictions, in whole or in part.

(4) PUBLICATION.—Not later than the expiration of the six-month period specified in paragraph (1), the Director of the Federal Housing Finance Agency shall cause to be published in the Federal Register—

(A) a report that—

(i) describes the study under this subsection; and

(ii) sets forth the conclusions of the study regarding the issues to be determined under paragraph (2); and

(B) notice of the determination of the Director under paragraph (3); and

(C) the order of the Director under paragraph (3).

(5) DEFINITION.—For purposes of this subsection, the term "conforming loan limits for high-cost areas" means the dollar amount limitations applicable under the section 302(b)(2) of the Federal National Mortgage Association Charter Act and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (as amended by subsections (a) and (b) of this section) for areas described in the last sentence of such sections (as so amended).

SEC. 134. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking section 1324 (12 U.S.C. 4544) and inserting the following new section:

"SEC. 1324. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

"(a) IN GENERAL.—After reviewing and analyzing the reports submitted under section 309(n) of the Federal National Mortgage Association Charter Act, section 307(f) of the Federal Home Loan Mortgage Corporation Act, and section 10(j)(11) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(11)), the Director shall submit a report, not later than October 30 of each year, to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, on the activities of each regulated entity.

"(b) CONTENTS.—The report shall—

"(1) discuss the extent to which—

"(A) each enterprise is achieving the annual housing goals established under subpart B of this part;

"(B) each enterprise is complying with section 1337;

"(C) each Federal home loan bank is complying with section 10(j) of the Federal Home Loan Bank Act; and

"(D) each regulated entity is achieving the purposes of the regulated entity established by law;

"(2) aggregate and analyze relevant data on income to assess the compliance by each enterprise with the housing goals established under subpart B;

"(3) aggregate and analyze data on income, race, and gender by census tract and other relevant classifications, and compare such data with larger demographic, housing, and economic trends;

"(4) examine actions that—

"(A) each enterprise has undertaken or could undertake to promote and expand the annual goals established under subpart B and the purposes of the enterprise established by law; and

"(B) each Federal home loan bank has taken or could undertake to promote and expand the community investment program and affordable housing program of the bank established under section subsections (i) and (j) of section 10 of the Federal Home Loan Bank Act;

"(5) examine the primary and secondary multifamily housing mortgage markets and describe—

"(A) the availability and liquidity of mortgage credit;

"(B) the status of efforts to provide standard credit terms and underwriting guidelines for multifamily housing and to securitize such mortgage products; and

"(C) any factors inhibiting such standardization and securitization;

"(6) examine actions each regulated entity has undertaken and could undertake to promote and expand opportunities for first-time homebuyers, including the use of alternative credit scoring;

"(7) describe any actions taken under section 1325(5) with respect to originators found to violate fair lending procedures;

"(8) discuss and analyze existing conditions and trends, including conditions and trends relating to pricing, in the housing markets and mortgage markets; and

"(9) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime loans (as identified in accordance with the regulations issued pursuant to section 134(b) of the Federal Housing Finance Reform Act of 2007) and compare the characteristics of subprime loans purchased and securitized by the enterprises to other loans purchased and securitized by the enterprises.

"(c) DATA COLLECTION AND REPORTING.—

"(1) IN GENERAL.—To assist the Director in analyzing the matters described in subsection (b) and establishing the methodology described in section 1322, the Director shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

"(2) DATA POINTS.—Each monthly survey conducted by the Director under paragraph (1) shall collect data on—

"(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

"(i) the price of the house that secures the mortgage;

"(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

"(iii) the terms of the mortgage;

"(iv) the creditworthiness of the borrower or borrowers; and

"(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise; and

"(B) such other matters as the Director determines to be appropriate.

"(3) PUBLIC AVAILABILITY.—The Director shall make any data collected by the Director in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Director may modify the data released to the public to ensure that the data is not released in an identifiable form.

"(4) DEFINITION.—For purposes of this subsection, the term 'identifiable form' means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.".

(b) STANDARDS FOR SUBPRIME LOANS.—The Director shall, not later than one year after the effective date under section 185, by regulations issued under section 1316G of the Housing and Community Development Act of 1992, establish standards by which mortgages purchased and mortgages purchased and securitized shall be characterized as subprime for the purpose of, and only for the purpose of, complying with the reporting requirement under section 1324(b)(9) of such Act.

SEC. 135. ANNUAL REPORTS BY REGULATED ENTITIES ON AFFORDABLE HOUSING STOCK.

The Housing and Community Development Act of 1992 is amended by inserting after section 1328 (12 U.S.C. 4548) the following new section:

"SEC. 1329. ANNUAL REPORTS ON AFFORDABLE HOUSING STOCK.

"(a) IN GENERAL.—To obtain information helpful in applying the formula under section 1337(c)(2) for the affordable housing program under such section and for other appropriate uses, the regulated entities shall conduct, or provide for the conducting of, a study on an annual basis to determine the levels of affordable housing inventory, and the changes in such levels, in communities throughout the United States.

"(b) CONTENTS.—The annual study under this section shall determine, for the United States, each State, and each community within each State—

"(1) the level of affordable housing inventory, including affordable rental dwelling units and affordable homeownership dwelling units;

"(2) any changes to the level of such inventory during the 12-month period of the study under this section, including—

"(A) any additions to such inventory, disaggregated by the category of such additions (including new construction or housing conversion);

"(B) any subtractions from such inventory, disaggregated by the category of such subtractions (including abandonment, demolition, or upgrade to market-rate housing);

"(C) the number of new affordable dwelling units placed in service; and

"(D) the number of affordable housing dwelling units withdrawn from service;

"(3) the types of financing used to build any dwelling units added to such inventory level and the period during which such units are required to remain affordable;

"(4) any excess demand for affordable housing, including the number of households on rental housing waiting lists and the tenure of the wait on such lists; and

"(5) such other information as the Director may require.

"(c) REPORT.—For each annual study conducted pursuant to this section, the regulated entities shall submit to the Congress, and make publicly available, a report setting forth the findings of the study.

"(d) REGULATIONS AND TIMING.—The Director shall, by regulation, establish requirements for the studies and reports under this section, including deadlines for the submission of such annual reports and standards for determining affordable housing.".

SEC. 136. REVISION OF HOUSING GOALS.

(a) HOUSING GOALS.—The Housing and Community Development Act of 1992 is amended by striking sections 1331 through 1334 (12 U.S.C. 4561-4) and inserting the following new sections:

"SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

"(a) IN GENERAL.—The Director shall establish, effective for the first year that begins after the effective date under section 185 of the Federal Housing Finance Reform Act of 2007 and each year thereafter, annual housing goals, with respect to the mortgage purchases by the enterprises, as follows:

"(1) SINGLE FAMILY HOUSING GOALS.—Three single-family housing goals under section 1332.

"(2) MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOALS.—A multifamily special affordable housing goal under section 1333.

"(b) ELIMINATING INTEREST RATE DISPARITIES.—

"(1) IN GENERAL.—Upon request by the Director, an enterprise shall provide to the Director, in a form determined by the Director, data the Director may review to determine whether there exist disparities in interest rates charged on mortgages to borrowers who are minorities as compared with comparable mortgages to borrowers of similar creditworthiness who are not minorities.

"(2) REMEDIAL ACTIONS UPON PRELIMINARY FINDING.—Upon a preliminary finding by the Director that a pattern of disparities in interest rates with respect to any lender or lenders exists pursuant to the data provided by an enterprise in paragraph (1), the Director shall—

"(A) refer the preliminary finding to the appropriate regulatory or enforcement agency for further review;

"(B) require the enterprise to submit additional data with respect to any lender or lenders, as appropriate and to the extent practicable, to the Director who shall submit any such additional data to the regulatory or enforcement agency for appropriate action; and

"(C) require the enterprise to undertake remedial actions, as appropriate, pursuant to section 1325(5) (12 U.S.C. 4545(5)).

"(3) ANNUAL REPORT TO CONGRESS.—The Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the actions taken, and being taken, by the Director to carry out this subsection. No such report shall identify any lender or lenders who have not been found to have engaged in discriminatory lending practices pursuant to a final adjudication on the record, and after opportunity for an administrative hearing, in accordance with subchapter II of chapter 5 of title 5, United States Code.

"(4) PROTECTION OF IDENTITY OF INDIVIDUALS.—In carrying out this subsection, the Director shall ensure that no property-related or financial information that would enable a borrower to be identified shall be made public.

"(c) TIMING.—The Director shall establish an annual deadline by which the Director shall establish the annual housing goals under this subpart for each year, taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such annual goals.

"SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

"(a) IN GENERAL.—The Director shall establish annual goals for the purchase by each enterprise of conventional, conforming, single-family, purchase money mortgages financing owner-occupied and rental housing for each of the following categories of families:

"(1) Low-income families.

"(2) Families that reside in low-income areas.

"(3) Very low-income families.

"(b) REFINANCE SUBGOAL.—

"(1) IN GENERAL.—The Director shall establish a separate subgoal within each goal under subsection (a)(1) for the purchase by each enterprise of mortgages for low-income families on single family housing given to pay off or prepay an existing loan secured by the same property. The Director shall, for each year, determine whether each enterprise has complied with the subgoal under this subsection in the same manner provided under this section for determining compliance with the housing goals.

"(2) ENFORCEMENT.—For purposes of section 1336, the subgoal established under paragraph (1) of this subsection shall be considered to be a housing goal established under this section. Such subgoal shall not be enforceable under any other provision of this title (including subpart C of this part) other than section 1336 or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.

"(c) DETERMINATION OF COMPLIANCE.—The Director shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing goals established under this section for such year. An enterprise shall be considered to be in compliance with such a goal for a year only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target for the year for such type of family that is established under subsection (d).

"(d) ANNUAL TARGETS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), for each of the types of families described in subsection (a), the target under this subsection for a year shall be the average percentage, for the three years that most recently precede such year and for which information under the Home Mortgage Disclosure Act of 1975 is publicly available, of the number of conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages originated in such year that serves such type of family, as determined by the Director using the information obtained and determined pursuant to paragraphs (3) and (4).

"(2) AUTHORITY TO INCREASE TARGETS.—

"(A) IN GENERAL.—The Director may, for any year, establish by regulation, for any or all of the types of families described in subsection (a), percentage targets that are higher than the percentages for such year determined pursuant to paragraph (1), to reflect expected changes in market performance related to such information under the Home Mortgage Disclosure Act of 1975.

"(B) FACTORS.—In establishing any targets pursuant to subparagraph (A), the Director shall consider the following factors:

"(i) National housing needs.

"(ii) Economic, housing, and demographic conditions.

"(iii) The performance and effort of the enterprises toward achieving the housing goals under this section in previous years.

"(iv) The size of the conventional mortgage market serving each of the types of families described in subsection (a) relative to the size of the overall conventional mortgage market.

"(v) The ability of the enterprise to lead the industry in making mortgage credit available.

"(vi) The need to maintain the sound financial condition of the enterprises.

"(3) HMDA INFORMATION.—The Director shall annually obtain information submitted in compliance with the Home Mortgage Disclosure Act of 1975 regarding conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages originated and purchased for the previous year.

"(4) CONFORMING MORTGAGES.—In determining whether a mortgage is a conforming mortgage for purposes of this paragraph, the Director shall consider the original principal balance of the mortgage loan to be the principal balance as reported in the information referred to in paragraph (3), as rounded to the nearest thousand dollars.

"(e) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

"(1) NOTICE.—Within 30 days of making a determination under subsection (c) regarding a compliance of an enterprise for a year with a housing goal established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (d).

"(2) COMMENT PERIOD.—The Director shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

"(f) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be such income at the time of origination of the mortgage.

"(g) CONSIDERATION OF UNITS IN SINGLE-FAMILY RENTAL HOUSING.—In establishing any goal under this subpart, the Director may take into consideration the number of housing units financed by any mortgage on single-family rental housing purchased by an enterprise

"SEC. 1333. MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Director shall establish, by regulation, an annual goal for the purchase by each enterprise of each of the following types of mortgages on multifamily housing:

"(A) Mortgages that finance dwelling units for low-income families.

"(B) Mortgages that finance dwelling units for very low-income families.

"(C) Mortgages that finance dwelling units assisted by the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986.

"(2) ADDITIONAL REQUIREMENTS FOR SMALLER PROJECTS.—The Director shall establish, within the goal under this section, additional requirements for the purchase by each enterprise of mortgages described in paragraph (1) for multifamily housing projects of a smaller or limited size, which may be based on the number of dwelling units in the project or the amount of the mortgage, or both, and shall include multifamily housing projects of such smaller sizes as are typical among such projects that serve rural areas.

"(3) FACTORS.—In establishing the goal under this section relating to mortgages on multifamily housing for an enterprise for a year, the Director shall consider—

"(A) national multifamily mortgage credit needs;

"(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

"(C) the size of the multifamily mortgage market;

"(D) the ability of the enterprise to lead the industry in making mortgage credit available, especially for underserved markets, such as for small multifamily projects of 5 to 50 units, multifamily properties in need of rehabilitation, and multifamily properties located in rural areas; and

"(E) the need to maintain the sound financial condition of the enterprise.

"(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Director shall give credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing that otherwise qualifies under such goal and that is financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, but only if such bonds—

"(1) are secured by a guarantee of the enterprise; or

"(2) are not investment grade and are purchased by the enterprise.

"(c) USE OF TENANT INCOME OR RENT.—The Director shall monitor the performance of each enterprise in meeting the goals established under this section and shall evaluate such performance (for purposes of section 1336) based on—

"(1) the income of the prospective or actual tenants of the property, where such data are available; or

"(2) where the data referred to in paragraph (1) are not available, rent levels affordable to low-income and very low-income families.

A rent level shall be considered to be affordable for purposes of this subsection for an income category referred to in this subsection if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

"(d) DETERMINATION OF COMPLIANCE.—The Director shall, for each year that the housing goal under this section is in effect pursuant to section 1331(a), determine whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

"SEC. 1334. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

"(a) AUTHORITY.—An enterprise may petition the Director in writing at any time during a year to reduce the level of any goal for such year established pursuant to this subpart.

"(b) STANDARD FOR REDUCTION.—The Director may reduce the level for a goal pursuant to such a petition only if—

"(1) market and economic conditions or the financial condition of the enterprise require such action; or

"(2) efforts to meet the goal would result in the constraint of liquidity, over-investment in certain market segments, or other consequences contrary to the intent of this subpart, or section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)) or section 301(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

"(c) DETERMINATION.—The Director shall make a determination regarding any proposed reduction within 30 days of receipt of the petition regarding the reduction. The Director may extend such period for a single additional 15-day period, but only if the Director requests additional information from the enterprise. A denial by the Director to reduce the level of any goal under this section may be appealed to the United States District Court for the District of Columbia or the United States district court in the jurisdiction in which the headquarters of an enterprise is located.".

(b) CONFORMING AMENDMENTS.—The Housing and Community Development Act of 1992 is amended—

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking "low- and moderate-income housing goal" and all that follows through "section 1334" and inserting "housing goals established under this subpart"; and

(2) in section 1336(a)(1) (12 U.S.C. 4566(a)(1)), by striking "sections 1332, 1333, and 1334," and inserting "this subpart".

(c) DEFINITIONS.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by the preceding provisions of this Act, is further amended—

(1) in paragraph (22) (relating to the definition of "very low-income"), by striking "60 percent" each place such term appears and inserting "50 percent";

(2) by redesignating paragraphs (19) through (22) as paragraphs (23) through (26), respectively;

(3) by inserting after paragraph (18) the following new paragraph:

"(22) RURAL AREA.—The term 'rural area' has the meaning given such term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490), except that such term includes micropolitan areas and tribal trust lands.".

(4) by redesignating paragraphs (13) through (18) as paragraphs (16) through (21), respectively;

(5) by inserting after paragraph (12) the following new paragraph:

"(15) LOW-INCOME AREA.—The term 'low income area' means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located, and, for the purposes of section 1332(a)(2), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts.";

(6) by redesignating paragraphs (11) and (12) as paragraphs (13) and (14), respectively;

(7) by inserting after paragraph (10) the following new paragraph:

"(12) EXTREMELY LOW-INCOME.—The term 'extremely low-income' means—

"(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

"(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.";

(8) by redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively; and

(9) by inserting after paragraph (6) the following new paragraph:

"(7) CONFORMING MORTGAGE.—The term 'conforming mortgage' means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the dollar limitation, in effect at the time of such origination, under, as applicable—

"(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

"(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.".

SEC. 137. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Housing and Community Development Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting "**DUTY TO SERVE UNDERSERVED MARKETS AND**" before "**OTHER**";

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "and to carry out the duty under subsection (a) of this section" before ", each enterprise shall";

(B) in paragraph (3), by inserting "and" after the semicolon at the end;

(C) in paragraph (4), by striking "; and" and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as so redesignated by paragraph (3)(E) of this subsection) the following new subsection:

"(a) Duty To Serve Underserved Markets.—

"(1) Duty.—In accordance with the purpose of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets.

"(2) Underserved markets.—To meet its duty under paragraph (1), each enterprise shall comply with the following requirements with respect to the following underserved markets:

"(A) Manufactured housing.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

"(B) Affordable housing preservation.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to very low-, low-, and moderate-income families, including housing projects subsidized under—

"(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

"(ii) the program under section 236 of the National Housing Act;

"(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

"(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

"(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

"(vi) the programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), but only permanent supportive housing projects subsidized under such programs; and

"(vii) the rural rental housing program under section 515 of the Housing Act of 1949.

"(C) Rural and other underserved markets.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Secretary identifies as lacking adequate credit through conventional lending sources. Such underserved markets may be identified by borrower type, market segment, or geographic area."; and

(5) by adding at the end the following new subsection:

"(c) Evaluation and Reporting of Compliance.—

"(1) In general.—Not later than 6 months after the effective date under section 185 of the Federal Housing Finance Reform Act of 2007, the Director shall establish a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets and for rating the extent of such compliance. Using such method, the Director shall, for each year, evaluate such compliance and rate the performance of each enterprise as to extent of compliance. The Director shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

"(2) Separate evaluations.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Director shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

"(A) the development of loan products and more flexible underwriting guidelines;

"(B) the extent of outreach to qualified loan sellers in each of such underserved markets; and

"(C) the volume of loans purchased in each of such underserved markets.

"(3) Manufactured housing market.—In determining whether an enterprise has complied with the duty under subparagraph (A) of subsection (a)(2), the Director may consider loans secured by both real and personal property.".

(b) Enforcement.—Subsection (a) of section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting "and with the duty under section 1335(a) of each enterprise with respect to underserved markets," before "as provided in this section"; and

(2) by adding at the end of such subsection, as amended by the preceding provisions of this title, the following new paragraph:

"(4) Enforcement of duty to provide mortgage credit to underserved markets.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under this subpart are enforceable. Such duty shall not be enforceable under any other provision of this title (including subpart C of this part) other than this section or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.".

SEC. 138. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

(a) Additional Credit for Certain Mortgages.—Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (2), by inserting ", except as provided in paragraph (4)," after "which"; and

(2) by adding at the end the following new paragraph:

"(5) Additional credit.—The Director shall assign more than 125 percent credit toward achievement, under this section, of the housing goals for mortgage purchase activities of the enterprises that comply with the requirements of such goals and support—

"(A) housing that meets energy efficiency or other environmental standards that are established by a Federal, State, or local governmental authority with respect to the geographic area where the housing is located or are otherwise widely recognized; or

"(B) housing that includes a licensed childcare center.

The availability of additional credit under this paragraph shall not be used to increase any housing goal, subgoal, or target established under this subpart.".

(b) Monitoring and Enforcement.—Section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting "Preliminary" before "Determination";

(B) by striking paragraph (1) and inserting the following new paragraph:

"(1) Notice.—If the Director preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail, to meet any housing goal established under this subpart, the Director shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Director based the determination.";

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting "finally" before "determining";

(ii) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

"(B) Extension or shortening of period.—The Director may—

"(i) extend the period under subparagraph (A) for good cause for not more than 30 additional days; and

"(ii) shorten the period under subparagraph (A) for good cause."; and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(D) in paragraph (3)—

(i) in subparagraph (A), by striking "determine" and inserting "issue a final determination of";

(ii) in subparagraph (B), by inserting "final" before "determinations"; and

(iii) in subparagraph (C)—

(I) by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services"; and

(II) by inserting "final" before "determination" each place such term appears; and

(2) in subsection (c)—

(A) by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

"(c) Cease and Desist Orders, Civil Money Penalties, and Remedies Including Housing Plans.—

"(1) Requirement.—If the Director finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed, to meet any housing goal under this subpart and that the achievement of the housing goal was or is feasible, the Director may require that the enterprise submit a housing plan under this subsection. If the Director makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan or the Director finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, or order other remedies as set forth in paragraph (7) of this subsection.";

(B) in paragraph (2)—

(i) by striking "Contents.—Each housing plan" and inserting "Housing plan.—If the Director requires a housing plan under this section, such a plan"; and

(ii) in subparagraph (B), by inserting "and changes in its operations" after "improvements";

(C) in paragraph (3)—

(i) by inserting "comply with any remedial action or" before "submit a housing plan"; and

(ii) by striking "under subsection (b)(3) that a housing plan is required";

(D) in paragraph (4), by striking the first two sentences and inserting the following: "The Director shall review each submission by an enterprise, including a housing plan submitted under this subsection, and not later than 30 days after submission, approve or disapprove the plan or other action. The Director may extend the period for approval or disapproval for a single additional 30-day period if the Director determines such extension necessary."; and

(E) by adding at the end the following new paragraph:

"(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing cease and desist orders under section 1341, and ordering civil money penalties under section 1345, the Director may seek other actions when an enterprise fails to meet a goal, and exercise appropriate enforcement authority available to the Director under this Act to prohibit the enterprise from initially offering any product (as such term is defined in section 1321(f)) or engaging in any new activities, services, undertakings, and offerings and to order the enterprise to suspend products and activities, services, undertakings, and offerings pending its achievement of the goal.".

SEC. 139. AFFORDABLE HOUSING FUND.

(a) In General.—The Housing and Community Development Act of 1992 is amended by striking sections 1337 and 1338 (12 U.S.C. 4562 note) and inserting the following new section:

"SEC. 1337. AFFORDABLE HOUSING FUND.

"(a) Establishment and Purpose.—The Director, in consultation with the Secretary of Housing and Urban Development, shall establish and manage an affordable housing fund in accordance with this section, which shall be funded with amounts allocated by the enterprises under subsection (b). The purpose of the affordable housing fund shall be to provide formula grants to grantees for use—

"(1) to increase homeownership for extremely low-and very low-income families;

"(2) to increase investment in housing in low-income areas, and areas designated as qualified census tracts or an area of chronic economic distress pursuant to section 143(j) of the Internal Revenue Code of 1986 (26 U.S.C. 143(j));

"(3) to increase and preserve the supply of rental and owner-occupied housing for extremely low- and very low-income families;

"(4) to increase investment in public infrastructure development in connection with housing assisted under this section; and

"(5) to leverage investments from other sources in affordable housing and in public infrastructure development in connection with housing assisted under this section.

"(b) Allocation of Amounts by Enterprises.—

"(1) In general.—In accordance with regulations issued by the Director under subsection (m) and subject to paragraph (2) of this subsection and subsection (i)(5), each enterprise shall allocate to the affordable housing fund established under subsection (a), in each of the years 2007 through 2011, an amount equal to 1.2 basis points for each dollar of the average total mortgage portfolio of the enterprise during the preceding year.

"(2) Suspension of contributions.—The Director shall temporarily suspend the allocation under paragraph (1) by an enterprise to the affordable housing fund upon a finding by the Director that such allocations—

"(A) are contributing, or would contribute, to the financial instability of the enterprise;

"(B) are causing, or would cause, the enterprise to be classified as undercapitalized; or

"(C) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

"(3) 5-YEAR SUNSET AND REPORT.—

"(A) Sunset.—The enterprises shall not be required to make allocations to the affordable housing fund in 2012 or in any year thereafter.

"(B) Report on Program Continuance.—Not later than June 30, 2011, the Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report making recommendations on whether the program under this section, including the requirement for the enterprises to make allocations to the affordable housing fund, should be extended and on any modifications for the program.

"(c) Affordable Housing Needs Formulas.—

"(1) ALLOCATION FOR 2007.—

"(A) ALLOCATION PERCENTAGES FOR LOUISIANA AND MISSISSIPPI.—For purposes of subsection (d)(1)(A), the allocation percentages for 2007 for the grantees under this section for such year shall be as follows:

"(i) The allocation percentage for the Louisiana Housing Finance Agency shall be 75 percent.

"(ii) The allocation percentage for the Mississippi Development Authority shall be 25 percent.

"(B) Use in Disaster Areas.—Affordable housing grant amounts for 2007 shall be used only as provided in subsection (g) only for such eligible activities in areas that were subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina or Rita of 2005.

"(2) ALLOCATION FORMULA FOR OTHER YEARS.—The Secretary of Housing and Urban Development shall, by regulation, establish a formula to allocate, among the States (as such term is defined in section 1303) and federally recognized Indian tribes, the amounts provided by the enterprises in each year referred to subsection (b)(1), other than 2007, to the affordable housing fund established under this section. The formula shall be based on the following factors, with respect to each State and tribe:

"(A) The ratio of the population of the State or federally recognized Indian tribe to the aggregate population of all the States and tribes.

"(B) The percentage of families in the State or federally recognized Indian tribe that pay more than 50 percent of their annual income for housing costs.

"(C) The percentage of persons in the State or federally recognized Indian tribe that are members of extremely low- or very low-income families.

"(D) The cost of developing or carrying out rehabilitation of housing in the State or for the federally recognized Indian tribe.

"(E) The percentage of families in the State or federally recognized Indian tribe that live in substandard housing.

"(F) The percentage of housing stock in the State or for the federally recognized Indian tribe that is extremely old housing.

"(G) Any other factors that the Secretary determines to be appropriate.

"(3) Failure to establish.—If, in any year referred to in subsection (b)(1), other than 2007, the regulations establishing the formula required under paragraph (2) of this subsection have not been issued by the date that the Director determines the amounts described in subsection (d)(1) to be available for affordable housing fund grants in such year, for purposes of such year any amounts for a State (as such term is defined in section 1303 of this Act) that would otherwise be determined under subsection (d) by applying the formula established pursuant to paragraph (2) of this subsection shall be determined instead by applying, for such State, the percentage that is equal to the percentage of the total amounts made available for such year for allocation under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.) that are allocated in such year, pursuant to such subtitle, to such State (including any insular area or unit of general local government, as such terms are defined in section 104 of such Act (42 U.S.C. 12704), that is treated as a State under section 1303 of this Act) and to participating jurisdictions and other eligible entities within such State.

"(d) Allocation of Formula Amount; Grants.—

"(1) Formula amount.—For each year referred to in subsection (b)(1), the Director shall determine the formula amount under this section for each grantee, which shall be the amount determined for such grantee—

"(A) for 2007, by applying the allocation percentages under subparagraph (A) of subsection (c)(1) to the sum of the total amounts allocated by the enterprises to the affordable housing fund for such year, less any amounts used pursuant to subsection (i)(1); and

"(B) for any other year referred to in subsection (b)(1) (other than 2007), by applying the formula established pursuant to paragraph (2) of subsection (c) to the sum of the total amounts allocated by the enterprises to the affordable housing fund for such year and any recaptured amounts available pursuant to subsection (i)(4), less any amounts used pursuant to subsection (i)(1).

"(2) Notice.—In each year referred to in subsection (b)(1), not later than 60 days after the date that the Director determines the amounts described in paragraph (1) to be available for affordable housing fund grants to grantees in such year, the Director shall cause to be published in the Federal Register a notice that such amounts shall be so available.

"(3) Grant amount.—

"(A) In general.—For each year referred to in subsection (b)(1), the Director shall make a grant from amounts in the affordable housing fund to each grantee in an amount that is, except as provided in subparagraph (B), equal to the formula amount under this section for the grantee. A grantee may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)) or other qualified instrumentality of the grantee to receive such grant amounts.

"(B) Reduction for failure to obtain return of misused funds.—If in any year a grantee fails to obtain reimbursement or return of the full amount required under subsection (j)(1)(B) to be reimbursed or returned to the grantee during such year—

"(i) except as provided in clause (ii)—

"(I) the amount of the grant for the grantee for the succeeding year, as determined pursuant to subparagraph (A), shall be reduced by the amount by which such amounts required to be reimbursed or returned exceed the amount actually reimbursed or returned; and

"(II) the amount of the grant for the succeeding year for each other grantee whose grant is not reduced pursuant to subclause (I) shall be increased by the amount determined by applying the formula established pursuant to subsection (c)(2) to the total amount of all reductions for all grantees for such year pursuant to subclause (I); or

"(ii) in any case in which such failure to obtain reimbursement or return occurs during a year immediately preceding a year in which grants under this subsection will not be made, the grantee shall pay to the Director for reallocation among the other grantees an amount *equal to the amount of the reduction for the grantee that would otherwise apply under clause (i)(I).*

"(e) Grantee Allocation Plans.—

"(1) In general.—For each year that a grantee receives affordable housing fund grant amounts, the grantee shall establish an allocation plan in accordance with this subsection, which shall be a plan for the distribution of such grant amounts of the grantee for such year that—

"(A) is based on priority housing needs, as determined by the grantee in accordance with the regulations established under subsection (m)(2)(C);

"(B) complies with subsection (f); and

"(C) includes performance goals, benchmarks, and timetables for the grantee for the production, preservation, and rehabilitation of affordable rental and homeownership housing with such grant amounts that comply with the requirements established by the Director pursuant to subsection (m)(2)(F).

"(2) Establishment.—In establishing an allocation plan, a grantee shall notify the public of the establishment of the plan, provide an opportunity for public comments regarding the plan, consider any public comments received, and make the completed plan available to the public.

"(3) Contents.—An allocation plan of a grantee shall set forth the requirements for eligible recipients under subsection (h) to apply to the grantee to receive assistance from affordable housing fund grant amounts, including a requirement that each such application include—

"(A) a description of the eligible activities to be conducted using such assistance; and

"(B) a certification by the eligible recipient applying for such assistance that any housing units assisted with such assistance will comply with the requirements under this section.

"(f) Selection of Activities Funded Using Affordable Housing Fund Grant Amounts.—Affordable housing fund grant amounts of a grantee may be used, or committed for use, only for activities that—

"(1) are eligible under subsection (g) for such use;

"(2) comply with the applicable allocation plan under subsection (e) of the grantee; and

"(3) are selected for funding by the grantee in accordance with the process and criteria for such selection established pursuant to subsection (m)(2)(C).

"(g) Eligible Activities.—Affordable housing fund grant amounts of a grantee shall be eligible for use, or for commitment for use, only for assistance for—

"(1) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B), except that such grant amounts may be used for the benefit only of extremely low- and very low-income families;

"(2) the production, preservation, and rehabilitation of housing for homeownership, including such forms as downpayment assistance, closing cost assistance, and assistance for interest-rate buy-downs, that—

"(A) is available for purchase only for use as a principal residence by families that qualify both as—

"(i) extremely low- and very-low income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

"(ii) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this section be considered to refer to assistance from affordable housing fund grant amounts;

"(B) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act;

"(C) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

"(D) is made available for purchase only by, or in the case of assistance under this paragraph, is made available only to, homebuyers who have, before purchase, completed a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Director; and

"(3) public infrastructure development activities in connection with housing activities funded under paragraph (1) or (2).

"(h) Eligible Recipients.—Affordable housing fund grant amounts of a grantee may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity, a nonprofit entity, and a faith-based organization) that—

"(1) has demonstrated experience and capacity to conduct an eligible activity under (g), as evidenced by its ability to—

"(A) own, construct or rehabilitate, manage, and operate an affordable multifamily rental housing development;

"(B) design, construct or rehabilitate, and market affordable housing for homeownership;

"(C) provide forms of assistance, such as downpayments, closing costs, or interest-rate buy-downs, for purchasers; or

"(D) construct related public infrastructure development activities in connection with such housing activities;

"(2) demonstrates the ability and financial capacity to undertake, comply, and manage the eligible activity;

"(3) demonstrates its familiarly with the requirements of any other Federal, State or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

"(4) makes such assurances to the grantee as the Director shall, by regulation, require to ensure that the recipient will comply with the requirements of this section during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all activities under subsection (g) that are engaged in by the recipient and funded with such grant amounts.

"(i) Limitations on Use.—

"(1) Required amount for REFCORP.—Of the aggregate amount allocated pursuant to subsection (b) in each year to the affordable housing fund, 25 percent shall be used as provided in section 21B(f)(2)(E) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)(E)).

"(2) Required amount for homeownership activities.—Of the aggregate amount of affordable housing fund grant amounts provided in each year to a grantee, not less than 10 percent shall be used for activities under paragraph (2) of subsection (g).

"(3) Maximum amount for public infrastructure development activities in connection with affordable housing activities.—Of the aggregate amount of affordable housing fund grant amounts provided in each year to a grantee, not more than 12.5 percent may be used for activities under paragraph (3) of subsection (g).

"(4) Deadline for commitment or use.—Any affordable housing fund grant amounts of a grantee shall be used or committed for use within two years of the date of that such grant amounts are made available to the grantee. The Director shall recapture into the affordable housing fund any such amounts not so used or committed for use and allocate such amounts under subsection (d)(1) in the first year after such recapture.

"(5) Use of returns.—The Director shall, by regulation provide that any return on a loan or other investment of any affordable housing fund grant amounts of a grantee shall be treated, for purposes of availability to and use by the grantee, as affordable housing fund grant amounts.

"(6) Prohibited uses.—The Director shall—

"(A) by regulation, set forth prohibited uses of affordable housing fund grant amounts, which shall include use for—

"(i) political activities;

"(ii) advocacy;

"(iii) lobbying, whether directly or through other parties;

"(iv) counseling services;

"(v) travel expenses; and

"(vi) preparing or providing advice on tax returns;

"(B) by regulation, provide that, except as provided in subparagraph (C), affordable housing fund grant amounts of a grantee may not be used for administrative, outreach, or other costs of—

"(i) the grantee; or

"(ii) any recipient of such grant amounts; and

"(C) by regulation, limit the amount of any affordable housing fund grant amounts of the grantee for a year that may be used for administrative costs of the grantee of carrying out the program required under this section to a percentage of such grant amounts of the grantee for such year, which may not exceed 10 percent.

"(7) Prohibition of consideration of use for meeting housing goals or duty to serve.—In determining compliance with the housing goals under this subpart and the duty to serve underserved markets under section 1335, the Director may not consider any affordable housing fund grant amounts used under this section for eligible activities under subsection (g). The Director shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from affordable housing fund grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

"(j) Accountability of Recipients and Grantees.—

"(1) Recipients.—

"(A) Tracking of funds.—The Director shall—

"(i) require each grantee to develop and maintain a system to ensure that each recipient of assistance from affordable housing fund grant amounts of the grantee uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and—

"(ii) establish minimum requirements for agreements, between the grantee and recipients, regarding assistance from the affordable housing fund grant amounts of the grantee, which shall include—

"(I) appropriate continuing financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

"(II) any other requirements that the Director determines are necessary to ensure appropriate grant administration and compliance.

"(B) Misuse of funds.—

"(i) Reimbursement requirement.—If any recipient of assistance from affordable housing

fund grant amounts of a grantee is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided, the grantee shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the grantee for such misused amounts and return to the grantee any amounts from the affordable housing fund grant amounts of the grantee that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law.

"(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is—

"(I) made by the Director; or

"(II)(aa) made by the grantee;

"(bb) the grantee provides notification of the determination to the Director for review, in the discretion of the Director, of the determination; and

"(cc) the Director does not subsequently reverse the determination.

"(2) GRANTEES.—

"(A) REPORT.—

"(i) IN GENERAL.—The Director shall require each grantee receiving affordable housing fund grant amounts for a year to submit a report, for such year, to the Director that—

"(I) describes the activities funded under this section during such year with the affordable housing fund grant amounts of the grantee; and

"(II) the manner in which the grantee complied during such year with the allocation plan established pursuant to subsection (e) for the grantee.

"(ii) PUBLIC AVAILABILITY.—The Director shall make such reports pursuant to this subparagraph publicly available.

"(B) MISUSE OF FUNDS.—If the Director determines, after reasonable notice and opportunity for hearing, that a grantee has failed to comply substantially with any provision of this section and until the Director is satisfied that there is no longer any such failure to comply, the Director shall—

"(i) reduce the amount of assistance under this section to the grantee by an amount equal to the amount affordable housing fund grant amounts which were not used in accordance with this section;

"(ii) require the grantee to repay the Director an amount equal to the amount of the amount affordable housing fund grant amounts which were not used in accordance with this section;

"(iii) limit the availability of assistance under this section to the grantee to activities or recipients not affected by such failure to comply; or

"(iv) terminate any assistance under this section to the grantee.

"(k) CAPITAL REQUIREMENTS.—The utilization or commitment of amounts from the affordable housing fund shall not be subject to the risk-based capital requirements established pursuant to section 1361(a).

"(l) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) AFFORDABLE HOUSING FUND GRANT AMOUNTS.—The term 'affordable housing fund grant amounts' means amounts from the affordable housing fund established under subsection (a) that are provided to a grantee pursuant to subsection (d)(3).

"(2) GRANTEE.—The term 'grantee' means—

"(A) with respect to 2007, the Louisiana Housing Finance Agency and the Mississippi Development Authority; and

"(B) with respect to the years referred to in subsection (b)(1), other than 2007, each State (as such term is defined in section 1303) and each federally recognized Indian tribe.

"(3) RECIPIENT.—The term 'recipient' means an entity meeting the requirements under subsection (h) that receives assistance from a grantee from affordable housing fund grant amounts of the grantee.

"(4) TOTAL MORTGAGE PORTFOLIO.—The term 'total mortgage portfolio' means, with respect to a year, the sum, for all mortgages outstanding during that year in any form, including whole loans, mortgage-backed securities, participation certificates, or other structured securities backed by mortgages, of the dollar amount of the unpaid outstanding principal balances under such mortgages. Such term includes all such mortgages or securitized obligations, whether retained in portfolio, or sold in any form. The Director is authorized to promulgate rules further defining such term as necessary to implement this section and to address market developments.

"(5) VERY LOW-INCOME FAMILY.—The term 'very low-income family' has the meaning given such term in section 1303, except that such term includes any family that resides in a rural area that has an income that does not exceed the poverty line (as such term is defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size involved.

"(m) REGULATIONS.—

"(1) IN GENERAL.—The Director, in consultation with the Secretary of Housing and Urban Development, shall issue regulations to carry out this section.

"(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

"(A) a requirement that the Director ensure that the program of each grantee for use of affordable housing fund grant amounts of the grantee is audited not less than annually to ensure compliance with this section;

"(B) authority for the Director to audit, provide for an audit, or otherwise verify a grantee's activities, to ensure compliance with this section;

"(C) requirements for a process for application to, and selection by, each grantee for activities meeting the grantee's priority housing needs to be funded with affordable housing fund grant amounts of the grantee, which shall provide for priority in funding to be based upon—

"(i) greatest impact;

"(ii) geographic diversity;

"(iii) ability to obligate amounts and undertake activities so funded in a timely manner;

"(iv) in the case of rental housing projects under subsection (g)(1), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families;

"(v) in the case of rental housing projects under subsection (g)(1), the extent of the duration for which such rents will remain affordable;

"(vi) the extent to which the application makes use of other funding sources; and

"(vii) the merits of an applicant's proposed eligible activity;

"(D) requirements to ensure that amounts provided to a grantee from the affordable housing fund that are used for rental housing under subsection (g)(1) are used only for the benefit of extremely low- and very-low income families;

"(E) limitations on public infrastructure development activities that are eligible pursuant to subsection (g)(3) for funding with affordable housing fund grant amounts and requirements for the connection between such activities and housing activities funded under paragraph (1) or (2) of subsection (g); and

"(F) requirements and standards for establishment, by grantees (including the grantees for 2007 pursuant to subsection (l)(2)(A)), of performance goals, benchmarks, and timetables for the production, preservation, and rehabilitation of affordable rental and homeownership housing with affordable housing fund grant amounts.

"(n) ENFORCEMENT OF REQUIREMENTS ON ENTERPRISE.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.

"(o) AFFORDABLE HOUSING TRUST FUND.—If, after the enactment of this Act, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, and the subsequent year is a year referred to in subsection (b)(1), the Director shall in such subsequent year and any remaining years referred to in subsection (b)(1) transfer to such affordable housing trust fund the aggregate amount allocated pursuant to subsection (b) in such year to the affordable housing fund under this section, less any amounts used pursuant to subsection (i)(1). For such subsequent and remaining years, the provisions of subsections (c) and (d) shall not apply. Nothing in this subsection shall be construed to alter the terms and conditions of the affordable housing fund under this section or to extend the life of such fund.".

(b) TIMELY ESTABLISHMENT OF AFFORDABLE HOUSING NEEDS FORMULA.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall, not later than the effective date under section 185 of this Act, issue the regulations establishing the affordable housing needs formulas in accordance with the provisions of section 1337(c)(2) of the Housing and Community Development Act of 1992, as such section is amended by subsection (a) of this section.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of the enactment of this Act.

(c) REFCORP PAYMENTS.—Section 21B(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)) is amended—

(1) in subparagraph (E), by striking "and (D)" and inserting "(D), and (E)";

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) PAYMENTS BY FANNIE MAE AND FREDDIE MAC.—To the extent that the amounts available pursuant to subparagraphs (A), (B), (C), and (D) are insufficient to cover the amount of interest payments, each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (42 U.S.C. 4502)) shall transfer to the Funding Corporation in each calendar year the amounts allocated for use under this subparagraph pursuant to section 1337(i)(1) of such Act.".

(d) GAO REPORT.—The Comptroller General shall conduct a study to determine the effects that the affordable housing fund established under section 1337 of the Housing and Community Development Act of 1992, as added by the amendment made by subsection (a) of this section, will have on the availability and affordability of credit for homebuyers, including the effects on such credit of the requirement under such section 1337(b) that the Federal National Mortgage Association and Federal Home Loan Mortgage Corporation make allocations of amounts to such fund based on the average total mortgage portfolios, and the extent to which the costs of such allocation requirement will be borne by such entities or will be passed on to homebuyers. Not later than the expiration

of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress setting forth the results and conclusions of such study. This subsection shall take effect on the date of the enactment of this Act.

SEC. 140. CONSISTENCY WITH MISSION.

Subpart B of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 et seq.) is amended by adding after section 1337, as added by section 139 of this Act, the following new section:

"SEC. 1338. CONSISTENCY WITH MISSION.

"This subpart may not be construed to authorize an enterprise to engage in any program or activity that contravenes or is inconsistent with the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.".

SEC. 141. ENFORCEMENT.

(a) CEASE-AND-DESIST PROCEEDINGS.—Section 1341 of the Housing and Community Development Act of 1992 (12 U.S.C. 4581) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) GROUNDS FOR ISSUANCE.—The Director may issue and serve a notice of charges under this section upon an enterprise if the Director determines—

"(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

"(2) the enterprise has failed to submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

"(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

"(4) the enterprise has violated any provision of this part or any order, rule or regulation under this part;

"(5) the enterprise has failed to submit a housing plan that complies with section 1336(c) within the applicable period; or

"(6) the enterprise has failed to comply with a housing plan under section 1336(c).";

(2) in subsection (b)(2), by striking "requiring the enterprise to" and all that follows through the end of the paragraph and inserting the following: "requiring the enterprise to—

"(A) comply with the goal or goals;

"(B) submit a report under section 1314;

"(C) comply with any provision this part or any order, rule or regulation under such part;

"(D) submit a housing plan in compliance with section 1336(c);

"(E) comply with a housing plan submitted under section 1336(c); or

"(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act, as applicable.";

(3) in subsection (c), by inserting "date of the" before "service of the order"; and

(4) by striking subsection (d).

(b) AUTHORITY OF DIRECTOR TO ENFORCE NOTICES AND ORDERS.—Section 1344 of the Housing and Community Development Act of 1992 (12 U.S.C. 4584) is amended by striking subsection (a) and inserting the following new subsection:

"(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the enterprise is located, for the enforcement of any effective and outstanding notice or order issued under section 1341 or 1345, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.".

(c) CIVIL MONEY PENALTIES.—Section 1345 of the Housing and Community Development Act of 1992 (12 U.S.C. 4585) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) AUTHORITY.—The Director may impose a civil money penalty, in accordance with the provisions of this section, on any enterprise that has failed to—

"(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

"(2) submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

"(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

"(4) comply with any provision of this part or any order, rule or regulation under this part;

"(5) submit a housing plan pursuant to section 1336(c) within the required period; or

"(6) comply with a housing plan for the enterprise under section 1336(c).

"(b) AMOUNT OF PENALTY.—The amount of the penalty, as determined by the Director, may not exceed—

"(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $50,000 for each day that the failure occurs; and

"(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $20,000 for each day that the failure occurs.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "and" after the semicolon at the end;

(ii) in subparagraph (B), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (C); and

(B) in paragraph (2), by inserting after the period at the end the following: "In determining the penalty under subsection (a)(1), the Director shall give consideration to the length of time the enterprise should reasonably take to achieve the goal.";

(3) in the first sentence of subsection (d)—

(A) by striking "request the Attorney General of the United States to" and inserting ", in the discretion of the Director,"; and

(B) by inserting ", or request that the Attorney General of the United States bring such an action" before the period at the end;

(4) by striking subsection (f); and

(5) by redesignating subsection (g) as subsection (f).

(d) ENFORCEMENT OF SUBPOENAS.—Section 1348(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4588(c)) is amended—

(1) by striking "request the Attorney General of the United States to" and inserting ", in the discretion of the Director,"; and

(2) by inserting "or request that the Attorney General of the United States bring such an action," after "District of Columbia,"

(e) CONFORMING AMENDMENT.—The heading for subpart C of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended to read as follows:

"Subpart C—Enforcement".

SEC. 142. CONFORMING AMENDMENTS.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking "Secretary" each place such term appears in such part and inserting "Director";

*(2) in the section heading for section 1323 (12 U.S.C. 4543), by inserting "**OF ENTERPRISES**" before the period at the end;*

(3) by striking section 1327 (12 U.S.C. 4547);

(4) by striking section 1328 (12 U.S.C. 4548);

(5) by redesignating section 1329 (as amended by section 135) as section 1327;

(6) in sections 1345(c)(1)(A), 1346(a), and 1346(b) (12 U.S.C. 4585(c)(1)(A), 4586(a), and 4586(b)), by striking "Secretary's" each place such term appears and inserting "Director's"; and

(7) by striking section 1349 (12 U.S.C. 4589).

Subtitle C—Prompt Corrective Action

SEC. 151. CAPITAL CLASSIFICATIONS.

(a) IN GENERAL.—Section 1364 of the Housing and Community Development Act of 1992 (12 U.S.C. 4614) is amended—

(1) in the heading for subsection (a), by striking "IN GENERAL" and inserting "ENTERPRISES".

(2) in subsection (c)—

(A) by striking "subsection (b)" and inserting "subsection (c)";

(B) by striking "enterprises" and inserting "regulated entities"; and

(C) by striking the last sentence;

(3) by redesignating subsections (c) (as so amended by paragraph (2) of this subsection) and (d) as subsections (d) and (f), respectively;

(4) by striking subsection (b) and inserting the following new subsections:

"(b) FEDERAL HOME LOAN BANKS.—

"(1) ESTABLISHMENT AND CRITERIA.—For purposes of this subtitle, the Director shall, by regulation—

"(A) establish the capital classifications specified under paragraph (2) for the Federal home loan banks;

"(B) establish criteria for each such capital classification based on the amount and types of capital held by a bank and the risk-based, minimum, and critical capital levels for the banks and taking due consideration of the capital classifications established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises; and

"(C) shall classify the Federal home loan banks according to such capital classifications.

"(2) CLASSIFICATIONS.—The capital classifications specified under this paragraph are—

"(A) adequately capitalized;

"(B) undercapitalized;

"(C) significantly undercapitalized; and

"(D) critically undercapitalized.

"(c) DISCRETIONARY CLASSIFICATION.—

"(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify a regulated entity under paragraph (2) if—

"(A) at any time, the Director determines in writing that the regulated entity is engaging in conduct that could result in a rapid depletion of core or total capital or, in the case of an enterprise, that the value of the property subject to mortgages held or securitized by the enterprise has decreased significantly;

"(B) after notice and an opportunity for hearing, the Director determines that the regulated entity is in an unsafe or unsound condition; or

"(C) pursuant to section 1371(b), the Director deems the regulated entity to be engaging in an unsafe or unsound practice.

"(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of a regulated entity for any reason not specified in this subsection, if the Director takes any action described in paragraph (1) the Director may classify a regulated entity—

"(A) as undercapitalized, if the regulated entity is otherwise classified as adequately capitalized;

"(B) as significantly undercapitalized, if the regulated entity is otherwise classified as undercapitalized; and

"(C) as critically undercapitalized, if the regulated entity is otherwise classified as significantly undercapitalized."; and

(5) by inserting after subsection (d) (as so redesignated by paragraph (3) of this subsection), the following new subsection:

"(e) Restriction on Capital Distributions.—

"(1) In general.—A regulated entity shall make no capital distribution if, after making the distribution, the regulated entity would be undercapitalized.

"(2) Exception.—Notwithstanding paragraph (1), the Director may permit a regulated entity, to the extent appropriate or applicable, to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

"(A) is made in connection with the issuance of additional shares or obligations of the regulated entity in at least an equivalent amount; and

"(B) will reduce the financial obligations of the regulated entity or otherwise improve the financial condition of the entity.".

(b) Regulations.—Not later than the expiration of the 180-day period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall issue regulations to carry out section 1364(b) of the Housing and Community Development Act of 1992 (as added by paragraph (4) of this subsection), relating to capital classifications for the Federal home loan banks.

SEC. 152. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED REGULATED ENTITIES.

Section 1365 of the Housing and Community Development Act of 1992 (12 U.S.C. 4615) is amended—

(1) in the section heading, by striking "**ENTERPRISES**" and inserting "**REGULATED ENTITIES**";

(2) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A) of this paragraph, the following paragraph:

"(1) Required monitoring.—The Director shall—

"(A) closely monitor the condition of any regulated entity that is classified as undercapitalized;

"(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed under this section; and

"(C) periodically review the plan, restrictions, and requirements applicable to the undercapitalized regulated entity to determine whether the plan, restrictions, and requirements are achieving the purpose of this section."; and

(C) by inserting at the end the following new paragraphs:

"(4) Restriction of asset growth.—A regulated entity that is classified as undercapitalized shall not permit its average total assets (as such term is defined in section 1316(b) during any calendar quarter to exceed its average total assets during the preceding calendar quarter unless—

"(A) the Director has accepted the capital restoration plan of the regulated entity;

"(B) any increase in total assets is consistent with the plan; and

"(C) the ratio of total capital to assets for the regulated entity increases during the calendar quarter at a rate sufficient to enable the entity to become adequately capitalized within a reasonable time.

"(5) Prior approval of acquisitions, new products, and new activities.—A regulated entity that is classified as undercapitalized shall not, directly or indirectly, acquire any interest in any entity or initially offer any new product (as such term is defined in section 1321(f)) or engage in any new activity, service, undertaking, or offering unless—

"(A) the Director has accepted the capital restoration plan of the regulated entity, the entity is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

"(B) the Director determines that the proposed action will further the purpose of this section.";

(3) in the subsection heading for subsection (b), by striking "From Undercapitalized to Significantly Undercapitalized"; and

(4) by striking subsection (c) and inserting the following new subsection:

"(c) Other Discretionary Safeguards.—The Director may take, with respect to a regulated entity that is classified as undercapitalized, any of the actions authorized to be taken under section 1366 with respect to a regulated entity that is classified as significantly undercapitalized, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.".

SEC. 153. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED REGULATED ENTITIES.

Section 1366 of the Housing and Community Development Act of 1992 (12 U.S.C. 4616) is amended—

(1) in the section heading, by striking "**ENTERPRISES**" and inserting "**REGULATED ENTITIES**";

(2) in subsection (a)(2)(A), by striking "enterprise" the last place such term appears;

(3) in subsection (b)—

(A) in the subsection heading, by striking "Discretionary Supervisory Actions" and inserting "Specific Actions".

(B) in the matter preceding paragraph (1), by striking "may, at any time, take any" and inserting "shall carry out this section by taking, at any time, one or more";

(C) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(D) by inserting after paragraph (4) the following new paragraph:

"(5) Improvement of management.—Take one or more of the following actions:

"(A) New election of board.—Order a new election for the board of directors of the regulated entity.

"(B) Dismissal of directors or executive officers.—Require the regulated entity to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the entity became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the Director's enforcement powers provided in section 1377.

"(C) Employ qualified executive officers.—Require the regulated entity to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director)."; and

(E) by inserting at the end the following new paragraph:

"(8) Other action.—Require the regulated entity to take any other action that the Director determines will better carry out the purpose of this section than any of the actions specified in this paragraph.";

(4) by redesignating subsection (c) as subsection (d); and

(5) by inserting after subsection (b) the following new subsection:

"(c) Restriction on Compensation of Executive Officers.—A regulated entity that is classified as significantly undercapitalized may not, without prior written approval by the Director—

"(1) pay any bonus to any executive officer; or

"(2) provide compensation to any executive officer at a rate exceeding that officer's average rate of compensation (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the regulated entity became undercapitalized.".

SEC. 154. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

(a) In General.—Section 1367 of the Housing and Community Development Act of 1992 (12 U.S.C. 4617) is amended to read as follows:

"SEC. 1367. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

"(a) Appointment of Agency as Conservator or Receiver.—

"(1) In general.—Notwithstanding any other provision of Federal or State law, if any of the grounds under paragraph (3) exist, at the discretion of the Director, the Director may establish a conservatorship or receivership, as appropriate, for the purpose of reorganizing, rehabilitating, or winding up the affairs of a regulated entity.

"(2) Appointment.—In any conservatorship or receivership established under this section, the Director shall appoint the Agency as conservator or receiver.

"(3) Grounds for appointment.—The grounds for appointing a conservator or receiver for a regulated entity are as follows:

"(A) Assets insufficient for obligations.—The assets of the regulated entity are less than the obligations of the regulated entity to its creditors and others.

"(B) Substantial dissipation.—Substantial dissipation of assets or earnings due to—

"(i) any violation of any provision of Federal or State law; or

"(ii) any unsafe or unsound practice.

"(C) Unsafe or unsound condition.—An unsafe or unsound condition to transact business.

"(D) Cease-and-desist orders.—Any willful violation of a cease-and-desist order that has become final.

"(E) Concealment.—Any concealment of the books, papers, records, or assets of the regulated entity, or any refusal to submit the books, papers, records, or affairs of the regulated entity, for inspection to any examiner or to any lawful agent of the Director.

"(F) Inability to meet obligations.—The regulated entity is likely to be unable to pay its obligations or meet the demands of its creditors in the normal course of business.

"(G) Losses.—The regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the regulated entity to become adequately capitalized (as defined in section 1364(a)(1)).

"(H) Violations of law.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

"(i) cause insolvency or substantial dissipation of assets or earnings; or

"(ii) weaken the condition of the regulated entity.

"(I) Consent.—The regulated entity, by resolution of its board of directors or its shareholders or members, consents to the appointment.

"(J) Undercapitalization.—The regulated entity is undercapitalized or significantly *undercapitalized (as defined in section 1364(a)(3) or in regulations issued pursuant to section 1364(b), as applicable), and—*

“(i) has no reasonable prospect of becoming adequately capitalized;

“(ii) fails to become adequately capitalized, as required by—

“(I) section 1365(a)(1) with respect to an undercapitalized regulated entity; or

“(II) section 1366(a)(1) with respect to a significantly undercapitalized regulated entity;

“(iii) fails to submit a capital restoration plan acceptable to the Agency within the time prescribed under section 1369C; or

“(iv) materially fails to implement a capital restoration plan submitted and accepted under section 1369C.

“(K) CRITICAL UNDERCAPITALIZATION.—The regulated entity is critically undercapitalized, as defined in section 1364(a)(4) or in regulations issued pursuant to section 1364(b), as applicable.

“(L) MONEY LAUNDERING.—The Attorney General notifies the Director in writing that the regulated entity has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 or 5324 of title 31, United States Code.

“(4) MANDATORY RECEIVERSHIP.—

“(A) IN GENERAL.—The Director shall appoint the Agency as receiver for a regulated entity if the Director determines, in writing, that—

“(i) the assets of the regulated entity are, and during the preceding 30 calendar days have been, less than the obligations of the regulated entity to its creditors and others; or

“(ii) the regulated entity is not, and during the preceding 30 calendar days has not been, generally paying the debts of the regulated entity (other than debts that are the subject of a bona fide dispute) as such debts become due.

“(B) PERIODIC DETERMINATION REQUIRED FOR CRITICALLY UNDER CAPITALIZED REGULATED ENTITY.—If a regulated entity is critically undercapitalized, the Director shall make a determination, in writing, as to whether the regulated entity meets the criteria specified in clause (i) or (ii) of subparagraph (A)—

“(i) not later than 30 calendar days after the regulated entity initially becomes critically undercapitalized; and

“(ii) at least once during each succeeding 30-calendar day period.

“(C) DETERMINATION NOT REQUIRED IF RECEIVERSHIP ALREADY IN PLACE.—Subparagraph (B) shall not apply with respect to a regulated entity in any period during which the Agency serves as receiver for the regulated entity.

“(D) RECEIVERSHIP TERMINATES CONSERVATORSHIP.—The appointment under this section of the Agency as receiver of a regulated entity shall immediately terminate any conservatorship established under this title for the regulated entity.

“(5) JUDICIAL REVIEW.—

“(A) IN GENERAL.—If the Agency is appointed conservator or receiver under this section, the regulated entity may, within 30 days of such appointment, bring an action in the United States District Court for the judicial district in which the principal place of business of such regulated entity is located, or in the United States District Court for the District of Columbia, for an order requiring the Agency to remove itself as conservator or receiver.

“(B) REVIEW.—Upon the filing of an action under subparagraph (A), the court shall, upon the merits, dismiss such action or direct the Agency to remove itself as such conservator or receiver.

“(6) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of a regulated entity shall not be liable to the shareholders or creditors of the regulated entity for acquiescing in or consenting in good faith to the appointment of the Agency as conservator or receiver for that regulated entity.

“(7) AGENCY NOT SUBJECT TO ANY OTHER FEDERAL AGENCY.—When acting as conservator or receiver, the Agency shall not be subject to the direction or supervision of any other agency of the United States or any State in the exercise of the rights, powers, and privileges of the Agency.

“(b) POWERS AND DUTIES OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

“(1) RULEMAKING AUTHORITY OF THE AGENCY.—The Agency may prescribe such regulations as the Agency determines to be appropriate regarding the conduct of conservatorships or receiverships.

“(2) GENERAL POWERS.—

“(A) SUCCESSOR TO REGULATED ENTITY.—The Agency shall, as conservator or receiver, and by operation of law, immediately succeed to—

“(i) all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director of such regulated entity with respect to the regulated entity and the assets of the regulated entity; and

“(ii) title to the books, records, and assets of any other legal custodian of such regulated entity.

“(B) OPERATE THE REGULATED ENTITY.—The Agency may, as conservator or receiver—

“(i) take over the assets of and operate the regulated entity with all the powers of the shareholders, the directors, and the officers of the regulated entity and conduct all business of the regulated entity;

“(ii) collect all obligations and money due the regulated entity;

“(iii) perform all functions of the regulated entity in the name of the regulated entity which are consistent with the appointment as conservator or receiver; and

“(iv) preserve and conserve the assets and property of such regulated entity.

“(C) FUNCTIONS OF OFFICERS, DIRECTORS, AND SHAREHOLDERS OF A REGULATED ENTITY.—The Agency may, by regulation or order, provide for the exercise of any function by any stockholder, director, or officer of any regulated entity for which the Agency has been named conservator or receiver.

“(D) POWERS AS CONSERVATOR.—The Agency may, as conservator, take such action as may be—

“(i) necessary to put the regulated entity in a sound and solvent condition; and

“(ii) appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity, including, if two or more Federal home loan banks have been placed in conservatorship contemporaneously, merging two or more such banks into a single Federal home loan bank.

“(E) ADDITIONAL POWERS AS RECEIVER.—The Agency may, as receiver, place the regulated entity in liquidation and proceed to realize upon the assets of the regulated entity, having due regard to the conditions of the housing finance market.

“(F) ORGANIZATION OF NEW REGULATED ENTITIES.—The Agency may, as receiver, organize a successor regulated entity that will operate pursuant to subsection (i).

“(G) TRANSFER OF ASSETS AND LIABILITIES.—The Agency may, as conservator or receiver, transfer any asset or liability of the regulated entity in default without any approval, assignment, or consent with respect to such transfer. Any Federal home loan bank may, with the approval of the Agency, acquire the assets of any Bank in conservatorship or receivership, and assume the liabilities of such Bank.

“(H) PAYMENT OF VALID OBLIGATIONS.—The Agency, as conservator or receiver, shall, to the extent of proceeds realized from the performance of contracts or sale of the assets of a regulated entity, pay all valid obligations of the regulated entity in accordance with the prescriptions and limitations of this section.

“(I) SUBPOENA AUTHORITY.—

“(i) IN GENERAL.—

“(I) IN GENERAL.—The Agency may, as conservator or receiver, and for purposes of carrying out any power, authority, or duty with respect to a regulated entity (including determining any claim against the regulated entity and determining and realizing upon any asset of any person in the course of collecting money due the regulated entity), exercise any power established under section 1348.

“(II) APPLICABILITY OF LAW.—The provisions of section 1348 shall apply with respect to the exercise of any power exercised under this subparagraph in the same manner as such provisions apply under that section.

“(ii) AUTHORITY OF DIRECTOR.—A subpoena or subpoena duces tecum may be issued under clause (i) only by, or with the written approval of, the Director, or the designee of the Director.

“(iii) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit any rights that the Agency, in any capacity, might otherwise have under section 1317 or 1379D.

“(J) CONTRACTING FOR SERVICES.—The Agency may, as conservator or receiver, provide by contract for the carrying out of any of its functions, activities, actions, or duties as conservator or receiver.

“(K) INCIDENTAL POWERS.—The Agency may, as conservator or receiver—

“(i) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section, and such incidental powers as shall be necessary to carry out such powers; and

“(ii) take any action authorized by this section, which the Agency determines is in the best interests of the regulated entity or the Agency.

“(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

“(A) IN GENERAL.—The Agency may, as receiver, determine claims in accordance with the requirements of this subsection and any regulations prescribed under paragraph (4).

“(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed regulated entity, shall—

“(i) promptly publish a notice to the creditors of the regulated entity to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the publication of such notice; and

“(ii) republish such notice approximately 1 month and 2 months, respectively, after the publication under clause (i).

“(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph (B)(i) at the time of such publication to any creditor shown on the books of the regulated entity—

“(i) at the last address of the creditor appearing in such books; or

“(ii) upon discovery of the name and address of a claimant not appearing on the books of the regulated entity within 30 days after the discovery of such name and address.

“(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—Subject to subsection (c), the Director may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determination of claims and review of such determination.

“(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

“(A) DETERMINATION PERIOD.—

“(i) IN GENERAL.—Before the end of the 180-day period beginning on the date on which any

claim against a regulated entity is filed with the Agency as receiver, the Agency shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

“(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Agency.

“(iii) MAILING OF NOTICE SUFFICIENT.—The notification requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

“(I) on the books of the regulated entity;

“(II) in the claim filed by the claimant; or

“(III) in documents submitted in proof of the claim.

“(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

“(I) a statement of each reason for the disallowance; and

“(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

“(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i), or the date specified in the notice required under paragraph (3)(C), which is proved to the satisfaction of the receiver.

“(C) DISALLOWANCE OF CLAIMS FILED AFTER END OF FILING PERIOD.—Claims filed after the date specified in the notice published under paragraph (3)(B)(i), or the date specified under paragraph (3)(C), shall be disallowed and such disallowance shall be final.

“(D) AUTHORITY TO DISALLOW CLAIMS.—

“(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

“(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against a regulated entity which is secured by any property or other asset of such regulated entity, the receiver—

“(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the regulated entity; and

“(II) may not make any payment with respect to such unsecured portion of the claim other than in connection with the disposition of all claims of unsecured creditors of the regulated entity.

“(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to any extension of credit from any Federal Reserve Bank, Federal home loan bank, or the Treasury of the United States.

“(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (D).—No court may review the determination of the Agency under subparagraph (D) to disallow a claim. This subparagraph shall not affect the authority of a claimant to obtain de novo judicial review of a claim pursuant to paragraph (6).

“(F) LEGAL EFFECT OF FILING.—

“(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

“(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of the appointment of the receiver, subject to the determination of claims by the receiver.

“(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

“(A) IN GENERAL.—The claimant may file suit on a claim (or continue an action commenced before the appointment of the receiver) in the district or territorial court of the United States for the district within which the principal place of business of the regulated entity is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim), before the end of the 60-day period beginning on the earlier of—

“(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against a regulated entity for which the Agency is receiver; or

“(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i).

“(B) STATUTE OF LIMITATIONS.—A claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver), and such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim, if the claimant fails, before the end of the 60-day period described under subparagraph (A), to file suit on such claim (or continue an action commenced before the appointment of the receiver).

“(7) REVIEW OF CLAIMS.—

“(A) OTHER REVIEW PROCEDURES.—

“(i) IN GENERAL.—The Agency shall establish such alternative dispute resolution processes as may be appropriate for the resolution of claims filed under paragraph (5)(A)(i).

“(ii) CRITERIA.—In establishing alternative dispute resolution processes, the Agency shall strive for procedures which are expeditious, fair, independent, and low cost.

“(iii) VOLUNTARY BINDING OR NONBINDING PROCEDURES.—The Agency may establish both binding and nonbinding processes, which may be conducted by any government or private party. All parties, including the claimant and the Agency, must agree to the use of the process in a particular case.

“(B) CONSIDERATION OF INCENTIVES.—The Agency shall seek to develop incentives for claimants to participate in the alternative dispute resolution process.

“(8) EXPEDITED DETERMINATION OF CLAIMS.—

“(A) ESTABLISHMENT REQUIRED.—The Agency shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

“(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any regulated entity for which the Agency has been appointed receiver; and

“(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

“(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date any claim is filed in accordance with the procedures established under subparagraph (A), the Director shall—

“(i) determine—

“(I) whether to allow or disallow such claim; or

“(II) whether such claim should be determined pursuant to the procedures established under paragraph (5); and

“(ii) notify the claimant of the determination, and if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining agency review or judicial determination.

“(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the appointment of the receiver, seeking a determination of the rights of the claimant with respect to such security interest after the earlier of—

“(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

“(ii) the date the Agency denies the claim.

“(D) STATUTE OF LIMITATIONS.—If an action described under subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed under subparagraph (B), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

“(E) LEGAL EFFECT OF FILING.—

“(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

“(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action that was filed before the appointment of the receiver, subject to the determination of claims by the receiver.

“(9) PAYMENT OF CLAIMS.—

“(A) IN GENERAL.—The receiver may, in the discretion of the receiver, and to the extent funds are available from the assets of the regulated entity, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

“(i) allowed by the receiver;

“(ii) approved by the Agency pursuant to a final determination pursuant to paragraph (7) or (8); or

“(iii) determined by the final judgment of any court of competent jurisdiction.

“(B) AGREEMENTS AGAINST THE INTEREST OF THE AGENCY.—No agreement that tends to diminish or defeat the interest of the Agency in any asset acquired by the Agency as receiver under this section shall be valid against the Agency unless such agreement is in writing, and executed by an authorized official of the regulated entity, except that such requirements for qualified financial contracts shall be applied in a manner consistent with reasonable business trading practices in the financial contracts market.

“(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The receiver may, in the sole discretion of the receiver, pay from the assets of the regulated entity dividends on proved claims at any time, and no liability shall attach to the Agency, by reason of any such payment, for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

“(D) RULEMAKING AUTHORITY OF THE DIRECTOR.—The Director may prescribe such rules, including definitions of terms, as the Director deems appropriate to establish a single uniform interest rate for, or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estates of regulated entities following satisfaction by the receiver of the principal amount of all creditor claims.

“(10) SUSPENSION OF LEGAL ACTIONS.—

“(A) IN GENERAL.—After the appointment of a conservator or receiver for a regulated entity, the conservator or receiver may, in any judicial action or proceeding to which such regulated entity is or becomes a party, request a stay for a period not to exceed—

“(i) 45 days, in the case of any conservator; and

“(ii) 90 days, in the case of any receiver.

“(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by any conservator or receiver under subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.

"(11) ADDITIONAL RIGHTS AND DUTIES.—

"(A) PRIOR FINAL ADJUDICATION.—The Agency shall abide by any final unappealable judgment of any court of competent jurisdiction which was rendered before the appointment of the Agency as conservator or receiver.

"(B) RIGHTS AND REMEDIES OF CONSERVATOR OR RECEIVER.—In the event of any appealable judgment, the Agency as conservator or receiver shall—

"(i) have all the rights and remedies available to the regulated entity (before the appointment of such conservator or receiver) and the Agency, including removal to Federal court and all appellate rights; and

"(ii) not be required to post any bond in order to pursue such remedies.

"(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may issue by any court upon assets in the possession of the receiver.

"(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

"(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets of any regulated entity for which the Agency has been appointed receiver; or

"(ii) any claim relating to any act or omission of such regulated entity or the Agency as receiver.

"(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of a regulated entity for which the Agency has been appointed conservator or receiver, the Agency shall conduct its operations in a manner which maintains stability in the housing finance markets and, to the extent consistent with that goal—

"(i) maximizes the net present value return from the sale or disposition of such assets;

"(ii) minimizes the amount of any loss realized in the resolution of cases; and

"(iii) ensures adequate competition and fair and consistent treatment of offerors.

"(12) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY CONSERVATOR OR RECEIVER.—

"(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Agency as conservator or receiver shall be—

"(i) in the case of any contract claim, the longer of—

"(I) the 6-year period beginning on the date the claim accrues; or

"(II) the period applicable under State law; and

"(ii) in the case of any tort claim, the longer of—

"(I) the 3-year period beginning on the date the claim accrues; or

"(II) the period applicable under State law.

"(B) DETERMINATION OF THE DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

"(i) the date of the appointment of the Agency as conservator or receiver; or

"(ii) the date on which the cause of action accrues.

"(13) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

"(A) IN GENERAL.—In the case of any tort claim described under subparagraph (B) for which the statute of limitations applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Agency as conservator or receiver, the Agency may bring an action as conservator or receiver on such claim without regard to the expiration of the statute of limitation applicable under State law.

"(B) CLAIMS DESCRIBED.—A tort claim referred to under subparagraph (A) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the regulated entity.

"(14) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

"(A) IN GENERAL.—The Agency as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Agency, maintain a full accounting of each conservatorship and receivership or other disposition of a regulated entity in default.

"(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each conservatorship or receivership, the Agency shall make an annual accounting or report available to the Board, the Comptroller General of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

"(C) AVAILABILITY OF REPORTS.—Any report prepared under subparagraph (B) shall be made available by the Agency upon request to any shareholder of a regulated entity or any member of the public.

"(D) RECORDKEEPING REQUIREMENT.—After the end of the 6-year period beginning on the date that the conservatorship or receivership is terminated by the Director, the Agency may destroy any records of such regulated entity which the Agency, in the discretion of the Agency, determines to be unnecessary unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

"(15) FRAUDULENT TRANSFERS.—

"(A) IN GENERAL.—The Agency, as conservator or receiver, may avoid a transfer of any interest of a regulated entity-affiliated party, or any person who the conservator or receiver determines is a debtor of the regulated entity, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the Agency was appointed conservator or receiver, if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the regulated entity, the Agency, the conservator, or receiver.

"(B) RIGHT OF RECOVERY.—To the extent a transfer is avoided under subparagraph (A), the conservator or receiver may recover, for the benefit of the regulated entity, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

"(i) the initial transferee of such transfer or the regulated entity-affiliated party or person for whose benefit such transfer was made; or

"(ii) any immediate or mediate transferee of any such initial transferee.

"(C) RIGHTS OF TRANSFEREE OR OBLIGEE.—The conservator or receiver may not recover under subparagraph (B) from—

"(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

"(ii) any immediate or mediate good faith transferee of such transferee.

"(D) RIGHTS UNDER THIS PARAGRAPH.—The rights under this paragraph of the conservator or receiver described under subparagraph (A) shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

"(16) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (17), any court of competent jurisdiction may, at the request of the conservator or receiver, issue an order in accordance with Rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the Agency or such conservator under the control of the court, and appointing a trustee to hold such assets.

"(17) STANDARDS OF PROOF.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (16) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(18) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE RECEIVER OR CONSERVATOR.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against a receiver or conservator for the breach of an agreement executed or approved in writing by such receiver or conservator after the date of its appointment, shall be paid as an administrative expense of the receiver or conservator.

"(B) NO LIMITATION OF POWER.—Nothing in this paragraph shall be construed to limit the power of a receiver or conservator to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

"(19) GENERAL EXCEPTIONS.—

"(A) LIMITATIONS.—The rights of a conservator or receiver appointed under this section shall be subject to the limitations on the powers of a receiver under sections 402 through 407 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402 through 4407).

"(B) MORTGAGES HELD IN TRUST.—

"(i) IN GENERAL.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, held in trust, custodial, or agency capacity by a regulated entity for the benefit of persons other than the regulated entity shall not be available to satisfy the claims of creditors generally.

"(ii) HOLDING OF MORTGAGES.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, described under clause (i) shall be held by the conservator or receiver appointed under this section for the beneficial owners of such mortgage, pool of mortgages, or interest in a pool of mortgages in accordance with the terms of the agreement creating such trust, custodial, or other agency arrangement.

"(iii) LIABILITY OF RECEIVER.—The liability of a receiver appointed under this section for damages shall, in the case of any contingent or unliquidated claim relating to the mortgages held in trust, be estimated in accordance set forth in the regulations of the Director.

"(c) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

"(1) IN GENERAL.—Unsecured claims against a regulated entity, or a receiver, that are proven to the satisfaction of the receiver shall have priority in the following order:

"(A) Administrative expenses of the receiver.

"(B) Any other general or senior liability of the regulated entity and claims of other Federal home loan banks arising from their payment obligations (including joint and several payment obligations).

"(C) Any obligation subordinated to general creditors.

"(D) Any obligation to shareholders or members arising as a result of their status as shareholder or members.

"(2) CREDITORS SIMILARLY SITUATED.—All creditors that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the Agency may make such other payments to creditors necessary to maximize the present value return from the sale or disposition or such regulated entity's assets or to minimize the amount of any loss realized in the resolution of cases so long as all creditors similarly situated receive not less than the amount provided under subsection (e)(2).

"(3) DEFINITION.—The term 'administrative expenses of the receiver' shall include the actual, necessary costs and expenses incurred by the receiver in preserving the assets of the regulated entity or liquidating or otherwise resolving the affairs of the regulated entity. Such expenses shall include obligations that are incurred by the receiver after appointment as receiver that the Director determines are necessary and appropriate to facilitate the smooth and orderly liquidation or other resolution of the regulated entity.

"(d) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

"(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for any regulated entity may disaffirm or repudiate any contract or lease—

"(A) to which such regulated entity is a party;

"(B) the performance of which the conservator or receiver, in its sole discretion, determines to be burdensome; and

"(C) the disaffirmance or repudiation of which the conservator or receiver determines, in its sole discretion, will promote the orderly administration of the affairs of the regulated entity.

"(2) TIMING OF REPUDIATION.—The conservator or receiver shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

"(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

"(A) IN GENERAL.—Except as otherwise provided under subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

"(i) limited to actual direct compensatory damages; and

"(ii) determined as of—

"(I) the date of the appointment of the conservator or receiver; or

"(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

"(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term 'actual direct compensatory damages' shall not include—

"(i) punitive or exemplary damages;

"(ii) damages for lost profits or opportunity; or

"(iii) damages for pain and suffering.

"(C) MEASURE OF DAMAGES FOR REPUDIATION OF FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

"(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

"(ii) paid in accordance with this subsection and subsection (e), except as otherwise specifically provided in this section.

"(4) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSEE.—

"(A) IN GENERAL.—If the conservator or receiver disaffirms or repudiates a lease under which the regulated entity was the lessee, the conservator or receiver shall not be liable for any damages (other than damages determined under subparagraph (B)) for the disaffirmance or repudiation of such lease.

"(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which that subparagraph applies shall—

"(i) be entitled to the contractual rent accruing before the later of the date—

"(I) the notice of disaffirmance or repudiation is mailed; or

"(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

"(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

"(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (e).

"(5) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSOR.—

"(A) IN GENERAL.—If the conservator or receiver repudiates an unexpired written lease of real property of the regulated entity under which the regulated entity is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

"(i) treat the lease as terminated by such repudiation; or

"(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

"(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described under subparagraph (A) remains in possession of a leasehold interest under clause (ii) of such subparagraph—

"(i) the lessee—

"(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

"(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, and any damages which accrue after such date due to the nonperformance of any obligation of the regulated entity under the lease after such date; and

"(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II).

"(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

"(A) IN GENERAL.—If the conservator or receiver repudiates any contract for the sale of real property and the purchaser of such real property under such contract is in possession, and is not, as of the date of such repudiation, in default, such purchaser may either—

"(i) treat the contract as terminated by such repudiation; or

"(ii) remain in possession of such real property.

"(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described under subparagraph (A) remains in possession of such property under clause (ii) of such subparagraph—

"(i) the purchaser—

"(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

"(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the regulated entity under the contract; and

"(ii) the conservator or receiver shall—

"(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II);

"(II) deliver title to the purchaser in accordance with the provisions of the contract; and

"(III) have no obligation under the contract other than the performance required under subclause (II).

"(C) ASSIGNMENT AND SALE ALLOWED.—

"(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described under subparagraph (A), and sell the property subject to the contract and the provisions of this paragraph.

"(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described under clause (i) is consummated, the conservator or receiver shall have no further liability under the contract described under subparagraph (A), or with respect to the real property which was the subject of such contract.

"(7) PROVISIONS APPLICABLE TO SERVICE CONTRACTS.—

"(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any regulated entity for which the Agency has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or the receiver shall be—

"(i) a claim to be paid in accordance with subsections (b) and (e); and

"(ii) deemed to have arisen as of the date the conservator or receiver was appointed.

"(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described under subparagraph (A), the conservator or receiver accepts performance by the other person before the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

"(i) the other party shall be paid under the terms of the contract for the services performed; and

"(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

"(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by any conservator or receiver of services referred to under subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver to repudiate such contract under this section at any time after such performance.

"(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

"(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10) and notwithstanding any other provision of this Act, any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

"(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity that arises upon the appointment of the Agency as receiver for such regulated entity at any time after such appointment;

"(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more qualified financial contracts described in clause (i); or

"(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts and agreements described in clause (i), including any master agreement for such contracts or agreements.

"(B) APPLICABILITY OF OTHER PROVISIONS.—Paragraph (10) of subsection (b) shall apply in the case of any judicial action or proceeding brought against any receiver referred to under subparagraph (A), or the regulated entity for which such receiver was appointed, by any party to a contract or agreement described under subparagraph (A)(i) with such regulated entity.

"(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

"(i) IN GENERAL.—Notwithstanding paragraph (11) or any other Federal or State laws relating to the avoidance of preferential or fraudulent transfers, the Agency, whether acting as such or as conservator or receiver of a regulated entity, may not avoid any transfer of money or other property in connection with any qualified financial contract with a regulated entity.

"(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a regulated entity if the Agency determines that the transferee had actual intent to hinder, delay, or defraud such regulated entity, the creditors of such regulated entity, or any conservator or receiver appointed for such regulated entity.

"(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—In this subsection:

"(i) QUALIFIED FINANCIAL CONTRACT.—The term 'qualified financial contract' means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Agency determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

"(ii) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

"(III) means any option entered into on a national securities exchange relating to foreign currencies;

"(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(V) means any margin loan;

"(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) means any combination of the agreements or transactions referred to in this clause;

"(VIII) means any option to enter into any agreement or transaction referred to in this clause;

"(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(iv) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

"(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).

"(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, *future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;*

"(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.

"(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

"(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the regulated entity's equity of redemption.

"(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this Act (other than paragraph (13) of this subsection), any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

"(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity in a conservatorship based upon a default under such financial contract which is enforceable under applicable noninsolvency law;

"(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more such qualified financial contracts; or

"(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Agency, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Agency to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (d)(1) of this section.

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a regulated entity in default.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—In making any transfer of assets or liabilities of a regulated entity in default which includes any qualified financial contract, the conservator or receiver for such regulated entity shall either—

"(A) transfer to 1 person—

"(i) all qualified financial contracts between any person (or any affiliate of such person) and the regulated entity in default;

"(ii) all claims of such person (or any affiliate of such person) against such regulated entity under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such regulated entity);

"(iii) all claims of such regulated entity against such person (or any affiliate of such person) under any such contract; and

"(iv) all property securing or any other credit enhancement for any contract described in clause (i) or any claim described in clause (ii) or (iii) under any such contract; or

"(B) transfer none of the financial contracts, claims, or property referred to under subparagraph (A) (with respect to such person and any affiliate of such person).

"(10) NOTIFICATION OF TRANSFER.—

"(A) IN GENERAL.—If—

"(i) the conservator or receiver for a regulated entity in default makes any transfer of the assets and liabilities of such regulated entity, and

"(ii) the transfer includes any qualified financial contract,

the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the regulated entity (or the insolvency or financial condition of the regulated entity for which the receiver has been appointed)—

"(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the regulated entity (or the insolvency or financial condition of the regulated entity for which the conservator has been appointed).

"(iii) NOTICE.—For purposes of this paragraph, the Agency as receiver or conservator of a regulated entity shall be deemed to have notified a person who is a party to a qualified financial contract with such regulated entity if the Agency has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term 'business day' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which a regulated entity is a party, the conservator or receiver for such institution shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the regulated entity in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

"(12) CERTAIN SECURITY INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any regulated entity, except where such an interest is taken in contemplation of the insolvency of the regulated entity, or with the intent to hinder, delay, or defraud the regulated entity or the creditors of such regulated entity.

"(13) AUTHORITY TO ENFORCE CONTRACTS.—

"(A) IN GENERAL.—Notwithstanding any provision of a contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of a conservator or receiver, the conservator or receiver may enforce any contract or regulated entity bond entered into by the regulated entity.

"(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a director's or officer's liability insurance contract or surety bond under other applicable law.

"(C) CONSENT REQUIREMENT.—

"(i) IN GENERAL.—Except as otherwise provided under this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which a regulated entity is a party, or to obtain possession of or exercise control over any property of the regulated entity, or affect any contractual rights of the regulated entity, without the consent of the conservator or receiver, as appropriate, for a period of—

"(I) 45 days after the date of appointment of a conservator; or

"(II) 90 days after the date of appointment of a receiver.

"(ii) EXCEPTIONS.—This paragraph shall—

"(I) not apply to a director's or officer's liability insurance contract;

"(II) not apply to the rights of parties to any qualified financial contracts under subsection (d)(8); and

"(III) not be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contracts.

"(14) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

"(15) EXCEPTION FOR FEDERAL RESERVE AND FEDERAL HOME LOAN BANKS.—No provision of this subsection shall apply with respect to—

"(A) any extension of credit from any Federal home loan bank or Federal Reserve Bank to any regulated entity; or

"(B) any security interest in the assets of the regulated entity securing any such extension of credit.

"(e) VALUATION OF CLAIMS IN DEFAULT.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method which the Agency determines to utilize with respect to a regulated entity in default or in danger of default, including transactions authorized under subsection (i), this subsection shall govern the rights of the creditors of such regulated entity.

"(2) MAXIMUM LIABILITY.—The maximum liability of the Agency, acting as receiver or in any other capacity, to any person having a claim against the receiver or the regulated entity for which such receiver is appointed shall equal the lesser of—

"(A) the amount such claimant would have received if the Agency had liquidated the assets and liabilities of such regulated entity without exercising the authority of the Agency under subsection (i) of this section; or

"(B) the amount of proceeds realized from the performance of contracts or sale of the assets of the regulated entity.

"(f) LIMITATION ON COURT ACTION.—Except as provided in this section or at the request of the Director, no court may take any action to restrain or affect the exercise of powers or functions of the Agency as a conservator or a receiver.

"(g) LIABILITY OF DIRECTORS AND OFFICERS.—

"(1) IN GENERAL.—A director or officer of a regulated entity may be held personally liable for monetary damages in any civil action by, on behalf of, or at the request or direction of the Agency, which action is prosecuted wholly or partially for the benefit of the Agency—

"(A) acting as conservator or receiver of such regulated entity, or

"(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by such receiver or conservator,

for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care (than gross negligence) including intentional tortious conduct, as such terms are defined and determined under applicable State law.

"(2) NO LIMITATION.—Nothing in this paragraph shall impair or affect any right of the Agency under other applicable law.

"(h) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to a regulated entity, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the regulated entity shall include principal losses and appropriate interest.

"(i) LIMITED-LIFE REGULATED ENTITIES.—

"(1) ORGANIZATION.—

"(A) PURPOSE.—If a regulated entity is in default, or if the Agency anticipates that a regulated entity will default, the Agency may organize a limited-life regulated entity with those powers and attributes of the regulated entity in default or in danger of default that the Director determines necessary, subject to the provisions of this subsection. The Director shall grant a temporary charter to the limited-life regulated entity, and the limited-life regulated entity shall operate subject to that charter.

"(B) AUTHORITIES.—Upon the creation of a limited-life regulated entity under subparagraph (A), the limited-life regulated entity may—

"(i) assume such liabilities of the regulated entity that is in default or in danger of default as the Agency may, in its discretion, determine to be appropriate, provided that the liabilities assumed shall not exceed the amount of assets of the limited-life regulated entity;

"(ii) purchase such assets of the regulated entity that is in default, or in danger of default, as the Agency may, in its discretion, determine to be appropriate; and

"(iii) perform any other temporary function which the Agency may, in its discretion, prescribe in accordance with this section.

"(2) CHARTER.—

"(A) CONDITIONS.—The Agency may grant a temporary charter if the Agency determines that the continued operation of the regulated entity in default or in danger of default is in the best interest of the national economy and the housing markets.

"(B) TREATMENT AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A limited-life regulated entity shall be treated as a regulated entity in default at such times and for such purposes as the Agency may, in its discretion, determine.

"(C) MANAGEMENT.—A limited-life regulated entity, upon the granting of its charter, shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Agency.

"(D) BYLAWS.—The board of directors of a limited-life regulated entity shall adopt such bylaws as may be approved by the Agency.

"(3) CAPITAL STOCK.—No capital stock need be paid into a limited-life regulated entity by the Agency.

"(4) INVESTMENTS.—Funds of a limited-life regulated entity shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with the Agency, or any Federal Reserve bank.

"(5) EXEMPT STATUS.—Notwithstanding any other provision of Federal or State law, the limited-life regulated entity, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

"(6) WINDING UP.—

"(A) IN GENERAL.—Subject to subparagraph (B), unless Congress authorizes the sale of the capital stock of the limited-life regulated entity, not later than 2 years after the date of its organization, the Agency shall wind up the affairs of the limited-life regulated entity.

"(B) EXTENSION.—The Director may, in the discretion of the Director, extend the status of the limited-life regulated entity for 3 additional 1-year periods.

"(7) TRANSFER OF ASSETS AND LIABILITIES.—

"(A) IN GENERAL.—

"(i) TRANSFER OF ASSETS AND LIABILITIES.—The Agency, as receiver, may transfer any assets and liabilities of a regulated entity in default, or in danger of default, to the limited-life regulated entity in accordance with paragraph (1).

"(ii) SUBSEQUENT TRANSFERS.—At any time after a charter is transferred to a limited-life regulated entity, the Agency, as receiver, may transfer any assets and liabilities of such regulated entity in default, or in danger in default, as the Agency may, in its discretion, determine to be appropriate in accordance with paragraph (1).

"(iii) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of a regulated entity in default, or in danger of default, transferred to a limited-life regulated entity shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

"(8) PROCEEDS.—To the extent that available proceeds from the limited-life regulated entity exceed amounts required to pay obligations, such proceeds may be paid to the regulated entity in default, or in danger of default.

"(9) POWERS.—

"(A) IN GENERAL.—Each limited-life regulated entity created under this subsection shall have all corporate powers of, and be subject to the same provisions of law as, the regulated entity in default or in danger of default to which it relates, except that—

"(i) the Agency may—

"(I) remove the directors of a limited-life regulated entity; and

"(II) fix the compensation of members of the board of directors and senior management, as determined by the Agency in its discretion, of a limited-life regulated entity;

"(ii) the Agency may indemnify the representatives for purposes of paragraph (1)(B), and the directors, officers, employees, and agents of a limited-life regulated entity on such terms as the Agency determines to be appropriate; and

"(iii) the board of directors of a limited-life regulated entity—

"(I) shall elect a chairperson who may also serve in the position of chief executive officer, except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Agency; and

"(II) may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Agency.

"(B) STAY OF JUDICIAL ACTION.—Any judicial action to which a limited-life regulated entity becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a regulated entity in default shall be stayed from further proceedings for a period of up to 45 days at the request of the limited-life regulated entity. Such period may be modified upon the consent of all parties.

"(10) OBTAINING OF CREDIT AND INCURRING OF DEBT.—

"(A) IN GENERAL.—The limited-life regulated entity may obtain unsecured credit and incur unsecured debt in the ordinary course of business.

"(B) INABILITY TO OBTAIN CREDIT.—If the limited-life regulated entity is unable to obtain unsecured credit the Director may authorize the obtaining of credit or the incurring of debt—

"(i) with priority over any or all administrative expenses;

"(ii) secured by a lien on property that is not otherwise subject to a lien; or

"(iii) secured by a junior lien on property that is subject to a lien.

"(C) LIMITATIONS.—

"(i) IN GENERAL.—The Director, after notice and a hearing, may authorize the obtaining of credit or the incurring of debt secured by a senior or equal lien on property that is subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by the regulated entity) only if—

"(I) the limited-life regulated entity is unable to obtain such credit otherwise; and

"(II) there is adequate protection of the interest of the holder of the lien on the property which such senior or equal lien is proposed to be granted.

"(ii) BURDEN OF PROOF.—In any hearing under this subsection, the Director has the burden of proof on the issue of adequate protection.

"(D) EFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this paragraph to obtain credit or incur debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so incurred, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the incurring of such debt, or the granting of such priority or lien, were stayed pending appeal.

"(11) ISSUANCE OF PREFERRED DEBT.—A limited-life regulated entity may, subject to the approval of the Director and subject to such terms and conditions as the Director may prescribe, issue notes, bonds, or other debt obligations of a class to which all other debt obligations of the limited-life regulated entity shall be subordinate in right and payment.

"(12) NO FEDERAL STATUS.—

"(A) AGENCY STATUS.—A limited-life regulated entity is not an agency, establishment, or instrumentality of the United States.

"(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), interim directors, directors, officers, employees, or agents of a limited-life regulated entity are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Agency or of any Federal instrumentality who serves at the request of the Agency as a representative for purposes of paragraph (1)(B), interim director, director, officer, employee, or agent of a limited-life regulated entity shall not—

"(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

"(ii) receive any salary or benefits for service in any such capacity with respect to a limited-life regulated entity in addition to such salary or benefits as are obtained through employment with the Agency or such Federal instrumentality.

"(13) ADDITIONAL POWERS.—In addition to any other powers granted under this subsection, a limited-life regulated entity may—

"(A) extend a maturity date or change in an interest rate or other term of outstanding securities;

"(B) issue securities of the limited-life regulated entity, for cash, for property, for existing securities, or in exchange for claims or interests, or for any other appropriate purposes; and

"(C) take any other action not inconsistent with this section.

"(j) OTHER EXEMPTIONS.—When acting as a receiver, the following provisions shall apply with respect to the Agency:

"(1) EXEMPTION FROM TAXATION.—The Agency, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation imposed by any State, country, municipality, or local taxing authority, except that any real property of the Agency shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, and the tax thereon, shall be determined as of the period for which such tax is imposed.

"(2) EXEMPTION FROM ATTACHMENT AND LIENS.—No property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency, nor shall any involuntary lien attach to the property of the Agency.

"(3) EXEMPTION FROM PENALTIES AND FINES.—The Agency shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due.

"(k) PROHIBITION OF CHARTER REVOCATION.—In no case may a receiver appointed pursuant to this section revoke, annul, or terminate the charter of a regulated entity.".

(b) CONFORMING AMENDMENTS.—

(1) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 is amended by striking sections 1369 (12 U.S.C. 4619), 1369A (12 U.S.C. 4620), and 1369B (12 U.S.C. 4621).

(2) FEDERAL HOME LOAN BANKS.—Section 25 of the Federal Home Loan Bank Act (12 U.S.C. 1445) is amended to read as follows:

"SEC. 25. SUCCESSION OF FEDERAL HOME LOAN BANKS.

"Each Federal Home Loan Bank shall have succession until it is voluntarily merged with another Bank under this Act, or until it is merged, reorganized, rehabilitated, liquidated, or otherwise wound up by the Director in accordance with the provisions of section 1367 of the Housing and Community Development Act of 1992, or by further Act of Congress.".

SEC. 155. CONFORMING AMENDMENTS.

Title XIII of the Housing and Community Development Act of 1992, as amended by the preceding provisions of this Act, is further amended—

(1) in sections 1365 (12 U.S.C. 4615) through 1369D (12 U.S.C. 4623), but not including section 1367 (12 U.S.C. 4617) as amended by section 154 of this Act—

(A) by striking "An enterprise" each place such term appears and inserting "A regulated entity";

(B) by striking "an enterprise" each place such term appears and inserting "a regulated entity"; and

(C) by striking "the enterprise" each place such term appears and inserting "the regulated entity";

(2) in section 1366 (12 U.S.C. 4616)—

(A) in subsection (b)(7), by striking "section 1369 (excluding subsection (a)(1) and (2))" and inserting "section 1367"; and

(B) in subsection (d), by striking "the enterprises" and inserting "the regulated entities";

(3) in section 1368(d) (12 U.S.C. 4618(d)), by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services";

(4) in section 1369C (12 U.S.C. 4622)—

(A) in subsection (a)(4), by striking "activities (including existing and new programs)" and inserting "activities, services, undertakings, and offerings (including existing and new products (as such term is defined in section 1321(f))"; and

(B) in subsection (c), by striking "any enterprise" and inserting "any regulated entity"; and

(5) in subsections (a) and (d) of section 1369D, by striking "section 1366 or 1367 or action under section 1369)" each place such phrase appears and inserting "section 1367)".

Subtitle D—Enforcement Actions

SEC. 161. CEASE-AND-DESIST PROCEEDINGS.

Section 1371 of the Housing and Community Development Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) ISSUANCE FOR UNSAFE OR UNSOUND PRACTICES AND VIOLATIONS OF RULES OR LAWS.—If, in the opinion of the Director, a regulated entity or any regulated entity-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the regulated entity or is violating or has violated, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the regulated entity or any written agreement entered into with the Director, the Director may issue and serve upon the regulated entity or such party a notice of charges in respect thereof. The Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) of section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)).

"(b) ISSUANCE FOR UNSATISFACTORY RATING.—If a regulated entity receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the Director may (if the deficiency is not corrected) deem the regulated entity to be engaging in an unsafe or unsound practice for purposes of this subsection.";

(2) in subsection (c)(2), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party"; and

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party";

(B) in paragraph (1)—

(i) by striking "an executive officer or a director" and inserting "a regulated entity affiliated party"; and

(ii) by inserting "(including reimbursement of compensation under section 1318)" after "reimbursement";

(C) in paragraph (6), by striking "and" at the end;

(D) by redesignating paragraph (7) as paragraph (8); and

(E) by inserting after paragraph (6) the following new paragraph:

"(7) to effect an attachment on a regulated entity or regulated entity-affiliated party subject to an order under this section or section 1372; and".

SEC. 162. TEMPORARY CEASE-AND-DESIST PROCEEDINGS.

Section 1372 of the Housing and Community Development Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) Grounds for Issuance.—Whenever the Director determines that the violation or threatened violation or the unsafe or unsound practice or practices specified in the notice of charges served upon the regulated entity or any regulated entity-affiliated party pursuant to section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of the regulated entity, or is likely to weaken the condition of the regulated entity prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373, the Director may issue a temporary order requiring the regulated entity or such party to cease and desist from any such violation or practice and to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings. Such order may include any requirement authorized under section 1371(d).";

(2) in subsection (b), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party";

(3) in subsection (d)—

(A) by striking "An enterprise, executive officer, or director" and inserting "A regulated entity or regulated entity-affiliated party"; and

(B) by striking "the enterprise, executive officer, or director" and inserting "the regulated entity or regulated entity-affiliated party"; and

(4) by striking subsection (e) and in inserting the following new subsection: .

"(e) Enforcement.—In the case of violation or threatened violation of, or failure to obey, a temporary cease-and-desist order issued pursuant to this section, the Director may apply to the United States District Court for the District of Columbia or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for an injunction to enforce such order, and, if the court determines that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.".

SEC. 163. PREJUDGMENT ATTACHMENT.

The Housing and Community Development Act of 1992 is amended by inserting after section 1375 (12 U.S.C. 4635) the following new section:

"SEC. 1375A. PREJUDGMENT ATTACHMENT.

"(a) In General.—In any action brought pursuant to this title, or in actions brought in aid of, or to enforce an order in, any administrative or other civil action for money damages, restitution, or civil money penalties brought pursuant to this title, the court may, upon application of the Director or Attorney General, as applicable, issue a restraining order that—

"(1) prohibits any person subject to the proceeding from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets or other property; and

"(2) appoints a person on a temporary basis to administer the restraining order.

"(b) Standard.—

"(1) Showing.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under subsection (a) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(2) State Proceeding.—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of such State provide substantially similar protections to a party's right to due process as Rule 65 (as modified with respect to such proceeding by paragraph (1)), the relief sought under subsection (a) may be requested under the laws of such State.".

SEC. 164. ENFORCEMENT AND JURISDICTION.

Section 1375 of the Housing and Community Development Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) Enforcement.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for the enforcement of any effective and outstanding notice or order issued under this subtitle or subtitle B, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order."; and

(2) in subsection (b), by striking "or 1376" and inserting "1376, or 1377".

SEC. 165. CIVIL MONEY PENALTIES.

Section 1376 of the Housing and Community Development Act of 1992 (12 U.S.C. 4636) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ", or any executive officer or director" and inserting "or any regulated-entity affiliated party"; and

(B) in paragraph (1)—

(i) by striking "the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act" and inserting "any provision of any of the authorizing statutes";

(ii) by striking "or Act" and inserting "or statute";

(iii) by striking "or subsection" and inserting ", subsection"; and

(iv) by inserting ", or paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act" before the semicolon at the end;

(2) by striking subsection (b) and inserting the following new subsection:

"(b) Amount of Penalty.—

"(1) First tier.—Any regulated entity which, or any regulated entity-affiliated party who—

"(A) violates any provision of this title, any provision of any of the authorizing statutes, or any order, condition, rule, or regulation under any such title or statute, except that the Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act;

"(B) violates any final or temporary order or notice issued pursuant to this title;

"(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

"(D) violates any written agreement between the regulated entity and the Director,

shall forfeit and pay a civil money penalty of not more than $10,000 for each day during which such violation continues.

"(2) Second tier.—Notwithstanding paragraph (1)—

"(A) if a regulated entity, or a regulated entity-affiliated party—

"(i) commits any violation described in any subparagraph of paragraph (1);

"(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of such regulated entity; or

"(iii) breaches any fiduciary duty; and

"(B) the violation, practice, or breach—

"(i) is part of a pattern of misconduct;

"(ii) causes or is likely to cause more than a minimal loss to such regulated entity; or

"(iii) results in pecuniary gain or other benefit to such party,

the regulated entity or regulated entity-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which such violation, practice, or breach continues.

"(3) Third tier.—Notwithstanding paragraphs (1) and (2), any regulated entity which, or any regulated entity-affiliated party who—

"(A) knowingly—

"(i) commits any violation or engages in any conduct described in any subparagraph of paragraph (1);

"(ii) engages in any unsafe or unsound practice in conducting the affairs of such regulated entity; or

"(iii) breaches any fiduciary duty; and

"(B) knowingly or recklessly causes a substantial loss to such regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach,

shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues.

"(4) Maximum amounts of penalties for any violation described in paragraph (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in such paragraph is—

"(A) in the case of any person other than a regulated entity, an amount not to exceed $2,000,000; and

"(B) in the case of any regulated entity, $2,000,000.";

(3) in subsection (c)(1)(B), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party";

(4) in subsection (d), by striking the first sentence and inserting the following: "If a regulated entity or regulated entity-affiliated party fails to comply with an order of the Director imposing a civil money penalty under this section, after the order is no longer subject to review as provided under subsection (c)(1) and section 1374, the Director may, in the discretion of the Director, bring an action in the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, to obtain a monetary judgment against the regulated entity or regulated entity affiliated party and such other relief as may be available, or request that the Attorney General of the United States bring such an action."; and

(5) in subsection (g), by striking "subsection (b)(3)" and inserting "this section, unless authorized by the Director by rule, regulation, or order".

SEC. 166. REMOVAL AND PROHIBITION AUTHORITY.

(a) In General.—Subtitle C of title XIII of the Housing and Community Development Act of 1992 is amended—

(1) by redesignating sections 1377, 1378, 1379, 1379A, and 1379B (12 U.S.C. 4637–41) as sections

1379, 1379A, 1379B, 1379C, and 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following new section:

“SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

“(a) AUTHORITY TO ISSUE ORDER.—Whenever the Director determines that—

“(1) any regulated entity-affiliated party has, directly or indirectly—

“(A) violated—

“(i) any law or regulation;

“(ii) any cease-and-desist order which has become final;

“(iii) any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

“(iv) any written agreement between such regulated entity and the Director;

“(B) engaged or participated in any unsafe or unsound practice in connection with any regulated entity; or

“(C) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

“(2) by reason of the violation, practice, or breach described in any subparagraph of paragraph (1)—

“(A) such regulated entity has suffered or will probably suffer financial loss or other damage; or

“(B) such party has received financial gain or other benefit by reason of such violation, practice, or breach; and

“(3) such violation, practice, or breach—

“(A) involves personal dishonesty on the part of such party; or

“(B) demonstrates willful or continuing disregard by such party for the safety or soundness of such regulated entity, the Director may serve upon such party a written notice of the Director's intention to remove such party from office or to prohibit any further participation by such party, in any manner, in the conduct of the affairs of any regulated entity.

“(b) SUSPENSION ORDER.—

“(1) SUSPENSION OR PROHIBITION AUTHORITY.—If the Director serves written notice under subsection (a) to any regulated entity-affiliated party of the Director's intention to issue an order under such subsection, the Director may—

“(A) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the regulated entity, if the Director—

“(i) determines that such action is necessary for the protection of the regulated entity; and

“(ii) serves such party with written notice of the suspension order; and

“(B) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party.

“(2) EFFECTIVE PERIOD.—Any suspension order issued under this subsection—

“(A) shall become effective upon service; and

“(B) unless a court issues a stay of such order under subsection (g) of this section, shall remain in effect and enforceable until—

“(i) the date the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

“(ii) the effective date of an order issued by the Director to such party under subsection (a).

“(3) COPY OF ORDER.—If the Director issues a suspension order under this subsection to any regulated entity-affiliated party, the Director shall serve a copy of such order on any regulated entity with which such party is affiliated at the time such order is issued.

“(c) NOTICE, HEARING, AND ORDER.—A notice of intention to remove a regulated entity-affiliated party from office or to prohibit such party from participating in the conduct of the affairs of a regulated entity shall contain a statement of the facts constituting grounds for such action, and shall fix a time and place at which a hearing will be held on such action. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Director at the request of (1) such party, and for good cause shown, or (2) the Attorney General of the United States. Unless such party shall appear at the hearing in person or by a duly authorized representative, such party shall be deemed to have consented to the issuance of an order of such removal or prohibition. In the event of such consent, or if upon the record made at any such hearing the Director shall find that any of the grounds specified in such notice have been established, the Director may issue such orders of suspension or removal from office, or prohibition from participation in the conduct of the affairs of the regulated entity, as it may deem appropriate, together with an order prohibiting compensation described in subsection (b)(1)(B). Any such order shall become effective at the expiration of 30 days after service upon such regulated entity and such party (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

“(d) PROHIBITION OF CERTAIN SPECIFIC ACTIVITIES.—Any person subject to an order issued under this section shall not—

“(1) participate in any manner in the conduct of the affairs of any regulated entity;

“(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any regulated entity;

“(3) violate any voting agreement previously approved by the Director; or

“(4) vote for a director, or serve or act as a regulated entity-affiliated party.

“(e) INDUSTRY-WIDE PROHIBITION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), any person who, pursuant to an order issued under this section, has been removed or suspended from office in a regulated entity or prohibited from participating in the conduct of the affairs of a regulated entity may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of, any regulated entity.

“(2) EXCEPTION IF DIRECTOR PROVIDES WRITTEN CONSENT.—If, on or after the date an order is issued under this section which removes or suspends from office any regulated entity-affiliated party or prohibits such party from participating in the conduct of the affairs of a regulated entity, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the regulated entity described in the written consent. If the Director grants such a written consent, it shall publicly disclose such consent.

“(3) VIOLATION OF PARAGRAPH (1) TREATED AS VIOLATION OF ORDER.—Any violation of paragraph (1) by any person who is subject to an order described in such subsection shall be treated as a violation of the order.

“(f) APPLICABILITY.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business enterprise.

“(g) STAY OF SUSPENSION AND PROHIBITION OF REGULATED ENTITY-AFFILIATED PARTY.—Within 10 days after any regulated entity-affiliated party has been suspended from office and/or prohibited from participation in the conduct of the affairs of a regulated entity under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the regulated entity is located, for a stay of such suspension and/or prohibition and any prohibition under subsection (b)(1)(B) pending the completion of the administrative proceedings pursuant to the notice served upon such party under this section, and such court shall have jurisdiction to stay such suspension and/or prohibition.

“(h) SUSPENSION OR REMOVAL OF REGULATED ENTITY-AFFILIATED PARTY CHARGED WITH FELONY.—

“(1) SUSPENSION OR PROHIBITION.—

“(A) IN GENERAL.—Whenever any regulated entity-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year under State or Federal law, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, by written notice served upon such party—

“(i) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any regulated entity; and

“(ii) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the period of any such suspension or with any resignation, removal, retirement, or other termination of employment or office of the party.

“(B) PROVISIONS APPLICABLE TO NOTICE.—

“(i) COPY.—A copy of any notice under paragraph (1)(A) shall also be served upon the regulated entity.

“(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in such subparagraph is finally disposed of or until terminated by the Director.

“(2) REMOVAL OR PROHIBITION.—

“(A) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against a regulated entity-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, issue and serve upon such party an order that—

“(i) removes such party from office or prohibits such party from further participation in any manner in the conduct of the affairs of the regulated entity without the prior written consent of the Director; and

“(ii) prohibits the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the termination of employment or office of the party.

“(B) PROVISIONS APPLICABLE TO ORDER.—

“(i) COPY.—A copy of any order under paragraph (2)(A) shall also be served upon the regulated entity, whereupon the regulated entity-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such regulated entity.

"(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove such party from office or to prohibit further participation in regulated entity affairs, and to prohibit compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party, pursuant to subsections (a), (d), or (e) of this section.

"(iii) EFFECTIVE PERIOD.—Any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4) unless terminated by the Director.

"(3) AUTHORITY OF REMAINING BOARD MEMBERS.—If at any time, because of the suspension of one or more directors pursuant to this section, there shall be on the board of directors of a regulated entity less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors. In the event all of the directors of a regulated entity are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors in their place and stead pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the regulated entity and their respective successors take office.

"(4) HEARING REGARDING CONTINUED PARTICIPATION.—Within 30 days from service of any notice of suspension or order of removal issued pursuant to paragraph (1) or (2) of this subsection, the regulated entity-affiliated party concerned may request in writing an opportunity to appear before the Director to show that the continued service to or participation in the conduct of the affairs of the regulated entity by such party does not, or is not likely to, pose a threat to the interests of the regulated entity or threaten to impair public confidence in the regulated entity. Upon receipt of any such request, the Director shall fix a time (not more than 30 days after receipt of such request, unless extended at the request of such party) and place at which such party may appear, personally or through counsel, before one or more members of the Director or designated employees of the Director to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument. Within 60 days of such hearing, the Director shall notify such party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the regulated entity will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity, and prohibiting compensation in connection with termination will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for the Director's decision, if adverse to such party. The Director is authorized to prescribe such rules as may be necessary to effectuate the purposes of this subsection.

"(i) HEARINGS AND JUDICIAL REVIEW.—

"(1) VENUE AND PROCEDURE.—Any hearing provided for in this section shall be held in the District of Columbia or in the Federal judicial district in which the headquarters of the regulated entity is located, unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5, United States Code. After such hearing, and within 90 days after the Director has notified the parties that the case has been submitted to it for final decision, it shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2), and thereafter until the record in the proceeding has been filed as so provided, the Director may at any time, upon such notice and in such manner as it shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Director may modify, terminate, or set aside any such order with permission of the court.

"(2) REVIEW OF ORDER.—Any party to any proceeding under paragraph (1) may obtain a review of any order served pursuant to paragraph (1) (other than an order issued with the consent of the regulated entity or the regulated entity-affiliated party concerned, or an order issued under subsection (h) of this section) by the filing in the United States Court of Appeals for the District of Columbia Circuit or court of appeals of the United States for the circuit in which the headquarters of the regulated entity is located, within 30 days after the date of service of such order, a written petition praying that the order of the Director be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Director, and thereupon the Director shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall (except as provided in the last sentence of paragraph (1)) be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Director. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

"(3) PROCEEDINGS NOT TREATED AS STAY.—The commencement of proceedings for judicial review under paragraph (2) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Director.".

(b) CONFORMING AMENDMENTS.—

(1) 1992 ACT.—Section 1317(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 4517(f)) is amended by striking "section 1379B" and inserting "section 1379D".

(2) FANNIE MAE CHARTER ACT.—The second sentence of subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended by striking "The" and inserting "Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the".

(3) FREDDIE MAC ACT.—The second sentence of subparagraph (A) of section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended by striking "The" and inserting "Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the".

SEC. 167. CRIMINAL PENALTY.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.) is amended by inserting after section 1377 (as added by the preceding provisions of this Act) the following new section:

"SEC. 1378. CRIMINAL PENALTY.

"Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any regulated entity shall, notwithstanding section 3571 of title 18, be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.".

SEC. 168. SUBPOENA AUTHORITY.

Section 1379D(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4641(c)), as so redesignated by section 166(a)(1) of this Act, is further amended—

(1) by striking "request the Attorney General of the United States to" and inserting ", in the discretion of the Director,";

(2) by inserting "or request that the Attorney General of the United States bring such an action," after "District of Columbia,"; and

(3) by striking "or may, under the direction and control of the Attorney General, bring such an action".

SEC. 169. CONFORMING AMENDMENTS.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.), as amended by the preceding provisions of this Act, is amended—

(1) in section 1372(c)(1) (12 U.S.C. 4632(c)), by striking "that enterprise" and inserting "that regulated entity";

(2) in section 1379 (12 U.S.C. 4637), as so redesignated by section 166(a)(1) of this Act—

(A) by inserting ", or of a regulated entity-affiliated party," before "shall not affect"; and

(B) by striking "such director or executive officer" each place such term appears and inserting "such director, executive officer, or regulated entity-affiliated party";

(3) in section 1379A (12 U.S.C. 4638), as so redesignated by section 166(a)(1) of this Act, by inserting "or against a regulated entity-affiliated party," before "or impair";

(4) by striking "An enterprise" each place such term appears in such subtitle and inserting "A regulated entity";

(5) by striking "an enterprise" each place such term appears in such subtitle and inserting "a regulated entity";

(6) by striking "the enterprise" each place such term appears in such subtitle and inserting "the regulated entity"; and

(7) by striking "any enterprise" each place such term appears in such subtitle and inserting "any regulated entity".

Subtitle E—General Provisions

SEC. 181. BOARDS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended—

(A) in the first sentence, by striking "eighteen persons, five of whom shall be appointed annually by the President of the United States, and the remainder of whom" and inserting "13 persons, or such other number that the Director determines appropriate, who";

(B) in the second sentence, by striking "appointed by the President";

(C) in the third sentence—

(i) by striking "appointed or"; and

(ii) by striking ", except that any such appointed member may be removed from office by the President for good cause";

(D) in the fourth sentence, by striking "elective"; and

(E) by striking the fifth sentence.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association

until the expiration of the annual term for such position during which the effective date under Section 185 occurs.

(b) Freddie Mac.—

(1) In general.—Section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)) is amended—

(A) in subparagraph (A)—

(i) in the first sentence, by striking "18 persons, 5 of whom shall be appointed annually by the President of the United States and the remainder of whom" and inserting "13 persons, or such other number as the Director determines appropriate, who"; and

(ii) in the second sentence, by striking "appointed by the President of the United States";

(B) in subparagraph (B)—

(i) by striking "such or"; and

(ii) by striking ", except that any appointed member may be removed from office by the President for good cause"; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) by striking "elective".

(2) Transitional provision.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under Section 185 occurs.

SEC. 182. REPORT ON PORTFOLIO OPERATIONS, SAFETY AND SOUNDNESS, AND MISSION OF ENTERPRISES.

Not later than the expiration of the 12-month period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall submit a report to the Congress which shall include—

(1) a description of the portfolio holdings of the enterprises (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) in mortgages (including whole loans and mortgage-backed securities), non-mortgages, and other assets;

(2) a description of the risk implications for the enterprises of such holdings and the consequent risk management undertaken by the enterprises (including the use of derivatives for hedging purposes), compared with off-balance sheet liabilities of the enterprises (including mortgage-backed securities guaranteed by the enterprises);

(3) an analysis of portfolio holdings for safety and soundness purposes;

(4) an assessment of whether portfolio holdings fulfill the mission purposes of the enterprises under the Federal National Mortgage Association Charter Act and the Federal Home Loan Mortgage Corporation Act; and

(5) an analysis of the potential systemic risk implications for the enterprises, the housing and capital markets, and the financial system of portfolio holdings, and whether such holdings should be limited or reduced over time.

SEC. 183. CONFORMING AND TECHNICAL AMENDMENTS.

(a) 1992 Act.—Title XIII of the Housing and Community Development Act of 1992 is amended by striking section 1383 (12 U.S.C. 1451 note).

(b) Title 18, United States Code.—Section 1905 of title 18, United States Code, is amended by striking "Office of Federal Housing Enterprise Oversight" and inserting "Federal Housing Finance Agency".

(c) Flood Disaster Protection Act of 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Director of the Federal Housing Finance Agency".

(d) Department of Housing and Urban Development Act.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(e) Title 5, United States Code.—

(1) Director's pay rate.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

"Director of the Federal Housing Finance Agency.".

(2) Exclusion from senior executive service.—Section 3132(a)(1)(D) of title 5, United States Code, is amended—

(A) by striking "the Federal Housing Finance Board,"; and

(B) by striking "the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "the Federal Housing Finance Agency".

(f) Inspector General Act of 1978.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(g) Federal Deposit Insurance Act.—Section 11(t)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C.1821(t)(2)(A)) is amended by adding at the end the following new clause:

"(vii) The Federal Housing Finance Agency.".

(h) 1997 Emergency Supplemental Appropriations Act.—Section 10001 of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those In Bosnia (42 U.S.C. 3548) is amended—

(1) by striking "the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight" and inserting "and the Government National Mortgage Association"; and

(2) by striking ", the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight" and inserting "or the Government National Mortgage Association".

(i) National Homeownership Trust Act.—Section 302(b)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12851(b)(4)) is amended by striking "the chairperson of the Federal Housing Finance Board" and inserting "the Director of the Federal Housing Finance Agency".

SEC. 184. STUDY OF ALTERNATIVE SECONDARY MARKET SYSTEMS.

(a) In General.—The Director of the Federal Housing Finance Agency, in consultation with the Board of Governors of the Federal Reserve System, the Secretary of the Treasury, and the Secretary of Housing and Urban Development, shall conduct a comprehensive study of the effects on financial and housing finance markets of alternatives to the current secondary market system for housing finance, taking into consideration changes in the structure of financial and housing finance markets and institutions since the creation of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(b) Contents.—The study under this section shall—

(1) include, among the alternatives to the current secondary market system analyzed—

(A) repeal of the chartering Acts for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation;

(B) establishing bank-like mechanisms for granting new charters for limited purposed mortgage securitization entities;

(C) permitting the Director of the Federal Housing Finance Agency to grant new charters for limited purpose mortgage securitization entities, which shall include analyzing the terms on which such charters should be granted, including whether such charters should be sold, or whether such charters and the charters for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation should be taxed or otherwise assessed a monetary price; and

(D) such other alternatives as the Director considers appropriate;

(2) examine all of the issues involved in making the transition to a completely private secondary mortgage market system;

(3) examine the technological advancements the private sector has made in providing liquidity in the secondary mortgage market and how such advancements have affected liquidity in the secondary mortgage market; and

(4) examine how taxpayers would be impacted by each alternative system, including the complete privatization of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(c) Report.—The Director of the Federal Housing Finance Agency shall submit a report to the Congress on the study not later than the expiration of the 24-month period beginning on the effective date under section 185.

SEC. 185. EFFECTIVE DATE.

Except as specifically provided otherwise in this title, this title shall take effect on and the amendments made by this title shall take effect on, and shall apply beginning on, the expiration of the 6-month period beginning on the date of the enactment of this Act.

TITLE II—FEDERAL HOME LOAN BANKS

SEC. 201. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) by striking paragraphs (1), (10), and (11);

(2) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively;

(3) by redesignating paragraphs (12) and (13) as paragraphs (9) and (10), respectively; and

(4) by adding at the end the following:

"(11) Director.—The term 'Director' means the Director of the Federal Housing Finance Agency.

"(12) Agency.—The term 'Agency' means the Federal Housing Finance Agency.".

SEC. 202. DIRECTORS.

(a) Election.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Number; Election; Qualifications; Conflicts of Interest.—

"(1) In general.—The management of each Federal Home Loan Bank shall be vested in a board of 13 directors, or such other number as the Director determines appropriate, each of whom shall be a citizen of the United States. All directors of a Bank who are not independent directors pursuant to paragraph (3) shall be elected by the members.

"(2) Member directors.—A majority of the directors of each Bank shall be officers or directors of a member of such Bank that is located in the district in which such Bank is located.

"(3) Independent directors.—At least two-fifths of the directors of each Bank shall be independent directors, who shall be appointed by the Director of the Federal Housing Finance Agency from a list of individuals recommended by the Federal Housing Enterprise Board, and shall meet the following criteria:

"(A) In general.—Each independent director shall be a bona fide resident of the district in which such Bank is located.

"(B) Public interest directors.—At least 2 of the independent directors under this paragraph of each Bank shall be representatives chosen from organizations with more than a 2-year history of representing consumer or community interests on banking services, credit

needs, housing, community development, economic development, or financial consumer protections.

"(C) OTHER DIRECTORS.—

"(i) QUALIFICATIONS.—Each independent director that is not a public interest director under subparagraph (B) shall have demonstrated knowledge of, or experience in, financial management, auditing and accounting, risk management practices, derivatives, project development, or organizational management, or such other knowledge or expertise as the Director may provide by regulation.

"(ii) CONSULTATION WITH BANKS.—In appointing other directors to serve on the board of a Federal home loan bank, the Director of the Federal Housing Finance Agency may consult with each Federal home loan bank about the knowledge, skills, and expertise needed to assist the board in better fulfilling its responsibilities.

"(D) CONFLICTS OF INTEREST.—Notwithstanding subsection (f)(2), an independent director under this paragraph of a Bank may not, during such director's term of office, serve as an officer of any Federal Home Loan Bank or as a director or officer of any member of a Bank.

"(E) COMMUNITY DEMOGRAPHICS.—In appointing independent directors of a Bank pursuant to this paragraph, the Director shall take into consideration the demographic makeup of the community most served by the Affordable Housing Program of the Bank pursuant to section 10(j).";

(2) in the first sentence of subsection (b), by striking "elective directorship" and inserting "member directorship established pursuant to subsection (a)(2)";

(3) in subsection (c)—

(A) by striking "elective" each place such term appears and inserting "member", except—

(i) in the second sentence, the second place such term appears; and

(ii) each place such term appears in the fifth sentence; and

(B) in the second sentence—

(i) by inserting "(A) except as provided in clause (B) of this sentence," before "if at any time"; and

(ii) by inserting before the period at the end the following: ", and (B) clause (A) of this sentence shall not apply to the directorships of any Federal home loan bank resulting from the merger of any two or more such banks"; and

(4) by striking "elective" each place such term appears (except in subsections (c), (e), and (f)).

(b) TERMS.—

(1) IN GENERAL.—Section 7(d) of the Federal Home Loan Bank Act (12 U.S.C. 1427(d)) is amended—

(A) in the first sentence, by striking "3 years" and inserting "4 years"; and

(B) in the second sentence—

(i) by striking "Federal Home Loan Bank System Modernization Act of 1999" and inserting "Federal Housing Finance Reform Act of 2007"; and

(ii) by striking "1/3" and inserting "1/4".

(2) SAVINGS PROVISION.—The amendments made by paragraph (1) shall not apply to the term of office of any director of a Federal home loan bank who is serving as of the effective date of this title under section 211, including any director elected to fill a vacancy in any such office.

(c) CONTINUED SERVICE OF INDEPENDENT DIRECTORS AFTER EXPIRATION OF TERM.—Section 7(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(2)) is amended—

(1) in the second sentence, by striking "or the term of such office expires, whichever occurs first";

(2) by adding at the end the following new sentence: "An independent Bank director may continue to serve as a director after the expiration of the term of such director until a successor is appointed.";

(3) in the paragraph heading, by striking "APPOINTED" and inserting "INDEPENDENT"; and

(4) by striking "appointive" each place such term appears and inserting "independent".

(d) CONFORMING AMENDMENTS.—Section 7(f)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(3)) is amended—

(1) in the paragraph heading, by striking "ELECTED" and inserting "MEMBER"; and

(2) by striking "elective" each place such term appears in the first and third sentences and inserting "member".

(e) COMPENSATION.—Subsection (i) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(i)) is amended to read as follows:

"(i) DIRECTORS' COMPENSATION.—

"(1) IN GENERAL.—Each Federal home loan bank may pay the directors on the board of directors for the bank reasonable and appropriate compensation for the time required of such directors, and reasonable and appropriate expenses incurred by such directors, in connection with service on the board of directors, in accordance with resolutions adopted by the board of directors and subject to the approval of the Director.

"(2) ANNUAL REPORT BY THE BOARD.—The Director shall include, in the annual report submitted to the Congress pursuant to section 1319B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, information regarding the compensation and expenses paid by the Federal home loan banks to the directors on the boards of directors of the banks.".

(f) TRANSITION RULE.—Any member of the board of directors of a Federal Home Loan Bank serving as of the effective date under section 211 may continue to serve as a member of such board of directors for the remainder of the term of such office as provided in section 7 of the Federal Home Loan Bank Act, as in effect before such effective date.

SEC. 203. FEDERAL HOUSING FINANCE AGENCY OVERSIGHT OF FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), other than in provisions of that Act added or amended otherwise by this Act, is amended—

(1) by striking sections 2A and 2B (12 U.S.C. 1422a, 1422b);

(2) in section 6 (12 U.S.C. 1426(b)(1))—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "Finance Board approval" and inserting "approval by the Director"; and

(B) in each of subsections (c)(4)(B) and (d)(2), by striking "Finance Board regulations" each place that term appears and inserting "regulations of the Director";

(3) in section 8 (12 U.S.C. 1428), in the section heading, by striking "BY THE BOARD";

(4) in section 10(b) (12 U.S.C. 1430(b)), by striking "by formal resolution";

(5) in section 10 (12 U.S.C. 1430), by adding at the end the following new subsection:

"(k) MONITORING AND ENFORCING COMPLIANCE WITH AFFORDABLE HOUSING AND COMMUNITY INVESTMENT PROGRAM REQUIREMENTS.—The requirements under subsection (i) and (j) that the Banks establish Community Investment and Affordable Housing Programs, respectively, and contribute to the Affordable Housing Program, shall be enforceable by the Director with respect to the Banks in the same manner and to the same extent as the housing goals under subpart B of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 et seq.) are enforceable under section 1336 of such Act with respect to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.";

(6) in section 11 (12 U.S.C. 1431)—

(A) in subsection (b)—

(i) in the first sentence—

(I) by striking "The Board" and inserting "The Office of Finance, as agent for the Banks,"; and

(II) by striking "the Board" and inserting "such Office"; and

(ii) in the second and fourth sentences, by striking "the Board" each place such term appears and inserting "the Office of Finance";

(B) in subsection (c)—

(i) by striking "the Board" the first place such term appears and inserting "the Office of Finance, as agent for the Banks,"; and

(ii) by striking "the Board" the second place such term appears and inserting "such Office"; and

(C) in subsection (f)—

(i) by striking the two commas after "permit" and inserting "or"; and

(ii) by striking the comma after "require";

(7) in section 15 (12 U.S.C. 1435), by inserting "or the Director" after "the Board";

(8) in section 18 (12 U.S.C. 1438), by striking subsection (b);

(9) in section 21 (12 U.S.C. 1441)—

(A) in subsection (b)—

(i) in paragraph (5), by striking "Chairperson of the Federal Housing Finance Board" and inserting "Director"; and

(ii) in the heading for paragraph (8), by striking "FEDERAL HOUSING FINANCE BOARD" and inserting "DIRECTOR"; and

(B) in subsection (i), in the heading for paragraph (2), by striking "FEDERAL HOUSING FINANCE BOARD" and inserting "DIRECTOR";

(10) in section 23 (12 U.S.C. 1443), by striking "Board of Directors of the Federal Housing Finance Board" and inserting "Director";

(11) by striking "the Board" each place such term appears in such Act (except in section 15 (12 U.S.C. 1435), section 21(f)(2) (12 U.S.C. 1441(f)(2)), subsections (a), (k)(2)(B)(i), and (n)(6)(C)(ii) of section 21A (12 U.S.C. 1441a), subsections (f)(2)(C), and (k)(7)(B)(ii) of section 21B (12 U.S.C. 1441b), and the first two places such term appears in section 22 (12 U.S.C. 1442)) and inserting "the Director";

(12) by striking "The Board" each place such term appears in such Act (except in sections 7(e) (12 U.S.C. 1427(e)), and 11(b) (12 U.S.C. 1431(b)) and inserting "The Director";

(13) by striking "the Board's" each place such term appears in such Act and inserting "the Director's";

(14) by striking "The Board's" each place such term appears in such Act and inserting "The Director's";

(15) by striking "the Finance Board" each place such term appears in such Act and inserting "the Director";

(16) by striking "Federal Housing Finance Board" each place such term appears and inserting "Director";

(17) in section 11(i) (12 U.S.C. 1431(i), by striking "the Chairperson of"; and

(18) in section 21(e)(9) (12 U.S.C. 1441(e)(9)), by striking "Chairperson of the".

SEC. 204. JOINT ACTIVITIES OF BANKS.

Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by adding at the end the following new subsection:

"(l) JOINT ACTIVITIES.—Subject to the regulation of the Director, any two or more Federal Home Loan Banks may establish a joint office for the purpose of performing functions for, or providing services to, the Banks on a common or collective basis, or may require that the Office of Finance perform such functions or services, but only if the Banks are otherwise authorized to perform such functions or services individually.".

SEC. 205. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

(a) In General.—The Federal Home Loan Bank Act is amended by inserting after section 20 (12 U.S.C. 1440) the following new section:

"SEC. 20A. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

"(a) Regulatory Authority.—The Director shall prescribe such regulations as may be necessary to ensure that each Federal Home Loan Bank has access to information that the Bank needs to determine the nature and extent of its joint and several liability.

"(b) No Waiver of Privilege.—The Director shall not be deemed to have waived any privilege applicable to any information concerning a Federal Home Loan Bank by transferring, or permitting the transfer of, that information to any other Federal Home Loan Bank for the purpose of enabling the recipient to evaluate the nature and extent of its joint and several liability.".

(b) Regulations.—The regulations required under the amendment made by subsection (a) shall be issued in final form not later than 6 months after the effective date under section 211 of this Act.

SEC. 206. REORGANIZATION OF BANKS AND VOLUNTARY MERGER.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended—

(1) by inserting "(a) Reorganization.—" before "Whenever"; and

(2) by striking "liquidated or" each place such phrase appears;

(3) by striking "liquidation or"; and

(4) by adding at the end the following new subsection:

"(b) Voluntary Mergers.—Any two or more Banks may, with the approval of the Director, and the approval of the boards of directors of the Banks involved, merge. The Director shall promulgate regulations establishing the conditions and procedures for the consideration and approval of any such voluntary merger, including the procedures for Bank member approval.".

SEC. 207. SECURITIES AND EXCHANGE COMMISSION DISCLOSURE.

(a) In General.—The Federal Home Loan Banks shall be exempt from compliance with—

(1) sections 13(e), 14(a), 14(c), and 17A of the Securities Exchange Act of 1934 and related Commission regulations; and

(2) section 15 of that Act and related Securities and Exchange Commission regulations with respect to transactions in capital stock of the Banks.

(b) Member Exemption.—The members of the Federal Home Loan Banks shall be exempt from compliance with sections 13(d), 13(f), 13(g), 14(d), and 16 of the Securities Exchange Act of 1934 and related Securities and Exchange Commission regulations with respect to their ownership of, or transactions in, capital stock of the Federal Home Loan Banks.

(c) Exempted and Government Securities.—

(1) Capital stock.—The capital stock issued by each of the Federal Home Loan Banks under section 6 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933; and

(B) "exempted securities" within the meaning of section 3(a)(12)(A) of the Securities Exchange Act of 1934.

(2) Other obligations.—The debentures, bonds, and other obligations issued under section 11 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933;

(B) "government securities" within the meaning of section 3(a)(42) of the Securities Exchange Act of 1934;

(C) excluded from the definition of "government securities broker" within section 3(a)(43) of the Securities Exchange Act of 1934;

(D) excluded from the definition of "government securities dealer" within section 3(a)(44) of the Securities Exchange Act of 1934; and

(E) "government securities" within the meaning of section 2(a)(16) of the Investment Company Act of 1940.

(d) Exemption From Reporting Requirements.—The Federal Home Loan Banks shall be exempt from periodic reporting requirements pertaining to—

(1) the disclosure of related party transactions that occur in the ordinary course of business of the Banks with their members; and

(2) the disclosure of unregistered sales of equity securities.

(e) Tender Offers.—The Securities and Exchange Commission's rules relating to tender offers shall not apply in connection with transactions in capital stock of the Federal Home Loan Banks.

(f) Regulations.—In issuing any final regulations to implement provisions of this section, the Securities and Exchange Commission shall consider the distinctive characteristics of the Federal Home Loan Banks when evaluating the accounting treatment with respect to the payment to Resolution Funding Corporation, the role of the combined financial statements of the twelve Banks, the accounting classification of redeemable capital stock, and the accounting treatment related to the joint and several nature of the obligations of the Banks.

SEC. 208. COMMUNITY FINANCIAL INSTITUTION MEMBERS.

(a) Total Asset Requirement.—Paragraph (10) of section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(10)), as so redesignated by section 201(3) of this Act, is amended by striking "$500,000,000" each place such term appears and inserting "$1,000,000,000".

(b) Use of Advances for Community Development Activities.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) in paragraph (2)(B)—

(A) by striking "and"; and

(B) by inserting ", and community development activities" before the period at the end;

(2) in paragraph (3)(E), by inserting "or community development activities" after "agriculture,"; and

(3) in paragraph (6)—

(A) by striking "and"; and

(B) by inserting ", and 'community development activities'" before "shall".

SEC. 209. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Right to Financial Privacy Act of 1978.—Section 1113(o) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(o)) is amended—

(1) by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency"; and

(2) by striking "Federal Housing Finance Board's" and inserting "Federal Housing Finance Agency's".

(b) Riegle Community Development and Regulatory Improvement Act of 1994.—Section 117(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4716(e)) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(c) Title 18, United States Code.—Title 18, United States Code, is amended by striking "Federal Housing Finance Board" each place such term appears in each of sections 212, 657, 1006, 1014, and inserting "Federal Housing Finance Agency".

(d) MAHRA Act of 1997.—Section 517(b)(4) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(e) Title 44, United States Code.—Section 3502(5) of title 44, United States Code, is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(f) Access to Local TV Act of 2000.—Section 1004(d)(2)(D)(iii) of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1103(d)(2)(D)(iii)) is amended by striking "Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(g) Sarbanes-Oxley Act of 2002.—Section 105(b)(5)(B)(ii)(II) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(B)(5)(b)(ii)(II)) is amended by inserting "and the Director of the Federal Housing Finance Agency" after "Commission,".

SEC. 210. STUDY OF AFFORDABLE HOUSING PROGRAM USE FOR LONG-TERM CARE FACILITIES.

The Comptroller General shall conduct a study of the use of affordable housing programs of the Federal home loan banks under section 10(j) of the Federal Home Loan Bank Act to determine how and the extent to which such programs are used to assist long-term care facilities for low- and moderate-income individuals, and the effectiveness and adequacy of such assistance in meeting the needs of affected communities. The study shall examine the applicability of such use to the affordable housing programs required to be established by the enterprises pursuant to the amendment made by section 139 of this Act. The Comptroller General shall submit a report to the Director of the Federal Housing Finance Agency and the Congress regarding the results of the study not later than the expiration of the 1-year period beginning on the date of the enactment of this Act. This section shall take effect on the date of the enactment of this Act.

SEC. 211. EFFECTIVE DATE.

Except as specifically provided otherwise in this title, this title shall take effect on and the amendments made by this title shall take effect on, and shall apply beginning on, the expiration of the 6-month period beginning on the date of the enactment of this Act.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, FEDERAL HOUSING FINANCE BOARD, AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of Federal Housing Enterprise Oversight

SEC. 301. ABOLISHMENT OF OFHEO.

(a) In General.—Effective at the end of the 6-month period beginning on the date of the enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) Disposition of Affairs.—During the 6-month period beginning on the date of the enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight shall, for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight and in addition to carrying out its other responsibilities under law—

(1) manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee pursuant to section 303; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by title I and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee pursuant to section 303.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Office of Federal Housing Enterprise Oversight to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred pursuant to any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under or pursuant to the title XIII of the Housing and Community Development Act of 1992, the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act, or any other provision of law applicable with respect to such Office; and

(B) existed on the day before the abolishment under subsection (a) of this section.

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Director of the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 302. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

All regulations, orders, determinations, and resolutions that—

(1) were issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight; or

(B) a court of competent jurisdiction and that relate to functions transferred by this subtitle; and

(2) are in effect on the date of the abolishment under section 301(a) of this Act, shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, as the case may be, any court of competent jurisdiction, or operation of law.

SEC. 303. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) TRANSFER.—Each employee of the Office of Federal Housing Enterprise Oversight shall be transferred to the Federal Housing Finance Agency for employment no later than the date of the abolishment under section 301(a) of this Act and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character.

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the date of the abolishment under section 301(a), that a reorganization of the combined work force is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Director of the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Office of Federal Housing Enterprise Oversight, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 301(a) if—

(1) the employee does not elect to give up the benefit or membership in the program; and

(2) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

The difference in the costs between the benefits which would have been provided by such agency and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

SEC. 304. TRANSFER OF PROPERTY AND FACILITIES.

Upon the abolishment under section 301(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Director of the Federal Housing Finance Agency.

Subtitle B—Federal Housing Finance Board

SEC. 321. ABOLISHMENT OF THE FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Effective at the end of the 6-month period beginning on the date of enactment of this Act, the Federal Housing Finance Board (in this title referred to as the "Board") is abolished.

(b) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of enactment of this Act, the Board, for the purpose of winding up the affairs of the Board and in addition to carrying out its other responsibilities under law—

(1) shall manage the employees of such Board and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 323; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Board.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and II and the abolishment of the Board under subsection (a) may not be construed to affect the status of any employee of such Board as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 323.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Board to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Board before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, a member of the Board, or any other person, which—

(A) arises under the Federal Home Loan Bank Act or any other provision of law applicable with respect to such Board; and

(B) existed on the day before the effective date of the abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Board or any member thereof as a party to any such action or proceeding.

SEC. 322. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, determinations, and resolutions described under subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated,

set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, determination, or resolution is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Board; or

(B) a court of competent jurisdiction and relates to functions transferred by this subtitle; and

(2) is in effect on the effective date of the abolishment under section 321(a).

SEC. 323. TRANSFER AND RIGHTS OF EMPLOYEES OF THE FEDERAL HOUSING FINANCE BOARD.

(a) TRANSFER.—Each employee of the Board shall be transferred to the Federal Housing Finance Agency for employment not later than the effective date of the abolishment under section 321(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 321(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Board accepting employment with the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Board, as applicable, including insurance, to which such employee belongs on the effective date of the abolishment under section 321(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by the Board and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 324. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of the abolishment under section 321(a), all property of the Board shall transfer to the Director of the Federal Housing Finance Agency.

Subtitle C—Department of Housing and Urban Development

SEC. 341. TERMINATION OF ENTERPRISE-RELATED FUNCTIONS.

(a) TERMINATION DATE.—For purposes of this subtitle, the term "termination date" means the date that occurs 6 months after the date of the enactment of this Act.

(b) DETERMINATION OF TRANSFERRED FUNCTIONS AND EMPLOYEES.—

(1) IN GENERAL.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary, in consultation with the Director of the Office of Federal Housing Enterprise Oversight, shall determine—

(A) the functions, duties, and activities of the Secretary of Housing and Urban Development regarding oversight or regulation of the enterprises under or pursuant to the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, and any other provisions of law, as in effect before the date of the enactment of this Act, but not including any such functions, duties, and activities of the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and such Office; and

(B) the employees of the Department of Housing and Urban Development necessary to perform such functions, duties, and activities.

(2) ENTERPRISE-RELATED FUNCTIONS.—For purposes of this subtitle, the term "enterprise-related functions of the Department" means the functions, duties, and activities of the Department of Housing and Urban Development determined under paragraph (1)(A).

(3) ENTERPRISE-RELATED EMPLOYEES.—For purposes of this subtitle, the term "enterprise-related employees of the Department" means the employees of the Department of Housing and Urban Development determined under paragraph (1)(B).

(c) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development (in this title referred to as the "Secretary"), for the purpose of winding up the affairs of the Secretary regarding the enterprise-related functions of the Department of Housing and Urban Development (in this title referred to as the "Department") and in addition to carrying out the Secretary's other responsibilities under law regarding such functions—

(1) shall manage the enterprise-related employees of the Department and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of any such employee under section 343; and

(2) may take any other action necessary for the purpose of winding up the enterprise-related functions of the Department.

(d) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and II and the termination of the enterprise-related functions of the Department under subsection (b) may not be construed to affect the status of any employee of the Department as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 343.

(e) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Secretary to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Secretary regarding enterprise-related functions of the Department before the termination date under subsection (a) in connection with such functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Secretary, or any other person, which—

(A) arises under the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, or any other provision of law applicable with respect to the Secretary, in connection with the enterprise-related functions of the Department; and

(B) existed on the day before the termination date under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Secretary in connection with the enterprise-related functions of the Department shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Secretary or any member thereof as a party to any such action or proceeding.

SEC. 342. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described in subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Secretary; or

(B) a court of competent jurisdiction and that relate to the enterprise-related functions of the Department; and

(2) is in effect on the termination date under section 341(a).

SEC. 343. TRANSFER AND RIGHTS OF EMPLOYEES OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2), each enterprise-related employee of the Department shall be transferred to the Federal Housing Finance Agency for employment

not later than the termination date under section 341(a) and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(2) Authority to decline.—An enterprise-related employee of the Department may, in the discretion of the employee, decline transfer under paragraph (1) to a position in the Federal Housing Finance Agency and shall be guaranteed a position in the Department with the same status, tenure, grade, and pay as that held on the day immediately preceding the date that such declination was made. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date that the transfer would otherwise have occurred, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(b) Guaranteed Positions.—Each enterprise-related employee of the Department transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) Appointment Authority for Excepted and Senior Executive Service Employees.—

(1) In general.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) Decline of transfer.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) Reorganization.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the termination date under section 341(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) Employee Benefit Programs.—

(1) In general.—Any enterprise-related employee of the Department accepting employment with the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Department, as applicable, including insurance, to which such employee belongs on the termination date under section 341(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) Cost differential.—The difference in the costs between the benefits which would have been provided by the Department and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 344. TRANSFER OF APPROPRIATIONS, PROPERTY, AND FACILITIES.

Upon the termination date under section 341(a), all assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department in connection with enterprise-related functions of the Department shall transfer to the Director of the Federal Housing Finance Agency. Unexpended funds transferred by this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

AMENDMENT NO. 12 OFFERED BY MR. BACHUS

Mr. BACHUS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. Bachus:

Page 94, strike lines 8 and 9.

Page 98, strike "helpful" in line 20 and all that follows through line 22, and insert "for".

Strike line 4 on page 127 and all that follows through line 7 on page 156.

Page 156, lines 11 and 12, strike "adding after section 1337, as added by section 139 of this Act," and insert "striking sections 1337 and 1338 and inserting".

Page 156, line 14, strike "**SEC. 1338.**" and insert "**SEC. 1337.**".

Page 261, line 17, strike "or 1337".

Page 268, line 10, strike "or 1337".

Page 318, strike "The study" in line 17 and all that follows through "this Act." in line 20.

Mr. BACHUS. Mr. Chairman, I yield to the gentleman from California (Mr. Royce).

Mr. ROYCE. Before I begin my general statement, if I could, I would like to engage Chairman Frank and thank him for agreeing to engage in a colloquy on the receivership provision of the legislation.

Chairman Frank, with your consent, with your consent I would like to introduce into the Record a statement that has been agreed to by your staff and by my staff, and I look forward to working on these issues going forward with you, and I would just yield to you for your affirmation.

Mr. FRANK of Massachusetts. I thank the gentleman. First of all, let me say, given that our staffs have worked this out, it would be a good thing for neither one of us to mess it up. I have read it over. It does correctly reinforce the point this is not creating any new governmental involvement. We don't want anyone to misinterpret this.

This is not to increase regulation, not to increase any kind of entitlement or entanglement. I thank the gentleman for this initiative. I very much agree this ought to go on the Record as something that is universally agreed to in the Congress.

Mr. ROYCE. Reclaiming my time, Mr. Chairman, I rise today to express my opposition to H.R. 1427.

H.R. 1427 is supposed to be legislation to reform oversight of the Nation's 14 housing government-sponsored enterprises. That would be our two GSEs, Fannie Mae, Freddie Mac and 12 Federal Home Loan Banks.

Over the past number of years, I have worked very hard to reform legislation of these GSEs. I believe better oversight is needed to protect our Nation's housing sector from disruption should one of the GSEs face financial difficulty.

I am disappointed that I will not be able to support the bill authored by our committee's chairman. However, to be fair, I do acknowledge that the chairman has added a number of positive provisions to this year's bill. And I would also like to thank the chairman for his willingness to work on improving the section on receivership.

Improvements aside, I am deeply troubled that legislation intended to improve the safety and soundness of the GSEs has become a vehicle to redistribute wealth. The Affordable Housing Fund in this bill unnecessarily confiscates money from the mortgage market. I adamantly oppose the creation of an Affordable Housing Fund today, as I have since its inception.

In 2005, I was the first Member of Congress to offer an amendment in a Financial Services Committee to strike the reform from GSE legislation. Since then, I have continuously and consistently opposed the housing fund in any form, shape or size. As I said over 2 years ago, the creation of this fund is an experiment in socialism, and anyone supporting its adoption is attempting to countermand the basic principles of free markets and limited government.

With that expression, I will yield back to the ranking member.

Mr. BACHUS. I thank the gentleman from California.

Mr. Chairman, I said earlier in the debate, we do not need another housing program. If we determine that the 90 some-odd housing programs are not being effective in addressing the needs of low-income and middle-income Americans, then we need to first reform those programs.

But, in passing legislation to strengthen the financial stability of our GSEs, we do not need at the same time to impose a $3 billion cost on them. Those are opposing actions.

If we are to do it, we certainly don't need to do what we are doing in this bill, and that's impose it on those who depend on Freddie and Fannie. Those are low- and middle-income American homeowners. In fact, regrettably, that's what we do in this fund. While we do a lot of great things, we do that.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

I appreciate the gentleman for offering this. This is the central question we will be debating today, and I realize we are going to be debating it in a number of forums, I hope not all 17 that are offered, but several.

There was a legitimate question here. I have to say I do want to defend my friend, the gentleman from Alabama, from my friend, the gentleman from California, who said that anybody who would support such an idea is advocating socialism. I do not think the gentleman from Alabama was advocating socialism when he joined 208 other Republicans in voting for the Housing Trust Fund 2 years ago. I think that's a little bit excessive.

We have, I think, some economic disputes here. First of all, the notion that all of this money, $500 million, roughly 5 percent of the profits of the two institutions together, the notion that all of it will be passed along to the people who take out the mortgages, the banks and everybody else, incorrectly assumes that Fannie Mae and Freddie Mac have a degree of pricing power that virtually allows them to set prices however they wish.

In fact, there was a time when they had a very large share of the market, and might have had such monopoly power. They no longer do. There is economic competition. Fannie Mae and Freddie Mac are not the only games in town. The notion that this will all get passed along and none of it go to the shareholders is faulty economics.

In fact, this will come out of the profits of these institutions, and it will, I believe, reduce the return of the shareholders. Now, I think that's legitimate. These are institutions that receive significant benefits because of various Federal laws and the way those laws are interpreted by the market.

We say that they shouldn't keep all of the benefits. By the way, those who believe this ought not just to be opposing the Affordable Housing Fund. We have long had goals of, affordable housing goals, which dictate to Fannie Mae and Freddie Mac that they must buy certain kinds of loans rather than others. We have got that to the point where they have to give preference to people whose incomes are at 80 percent and medium and below. That also impinges upon the profitability of Fannie Mae.

In other words, the argument is that anything that impinges on the argument of Fannie and Freddie will automatically be passed along to the home buyers. I think that's faulty economics. But if you think that's true, then why are you supporting, I would ask the Members on the other side, the housing goals.

Why would Members be voting for the amendment offered by the gentleman from New Jersey, which would severely restrict the portfolio? Eighty-five percent of the profits of Fannie Mae are being made on the portfolio. Now many on the administration and many on the other side want to severely restrict the portfolio, reduce it or say they can only be used for the lowest income mortgages.

That amendment, which many on the other side apparently plan to vote for, would have a far more serious impact on the profitability of Fannie Mae and Freddie Mac than on this housing fund by 8, 10 times as much. It is simply inconsistent to argue that you cannot impinge on the profitability of Fannie Mae and Freddie Mac without hurting the average mortgage buyer, and then be for this much more significant impact on the profitability, and the economics are the same.

The argument is no direct pass-through here. The argument is that if you impinge on that profitability, they will raise their prices. First of all, the answer is, of course, they wish. They wish they had that kind of pricing power. I don't think they do.

To the extent that there is some impact, it will be far more greatly achieved if the amendment were to be adopted by the gentleman from New Jersey and other efforts to restrict the portfolio.

The gentleman from Alabama also said we have all these other housing programs. No. We do not have enough programs currently being funded that build affordable housing for families. We have 202 for the elderly. We have 811 for the disabled, both of which the administration has tried to cut back.

We are not building public housing. We have the voucher program. The voucher program, on an annual basis, adds to the demand for housing in a way that does not increase supply. There is not now a generally funded affordable housing construction program for families, for working people.

So the notion, and I would challenge Members who say there is duplication, show me which program this duplicates. It doesn't restrict it to the elderly and the disabled. It is a general family affordable housing program. That's what we think we should get into. It does it without taking money from the general Treasury. It pays for itself.

Finally, people have said, well, how is it going to be spent? We made this point very clear.

In the first year, it will go to Mississippi and Louisiana State authorities. Subsequently, none of it will be spent until a second bill passes this House and the Senate, and we will collectively decide how to spend it. I know there are people who think the Federal Government should provide affordable housing. That's the only argument for this amendment.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the requisite number of words, and I yield to my good friend from Alabama.

Mr. BACHUS. I thank the gentleman from Georgia and I thank the chairman.

I would like to briefly respond to two things that the chairman said. But before I do, I would like to acknowledge and thank the chairman. He said, in voting against this bill 2 years ago, I was not promoting and voting for it, I was not promoting socialism. Let me also acknowledge that 2 years ago, when the chairman voted for this bill, he was not opposing socialism. So, I think we both acknowledge that I was not promoting socialism, and you certainly weren't opposing socialism, nor are you today.

Now, the chairman has said that this isn't going to cost anything. It's out of the profits. It's not going to come from homeowners, it's not going to come from Fannie Mae, it's not going to come from Freddie Mac.

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. BACHUS. Yes.

Mr. FRANK of Massachusetts. I said it would come from the shareholders. I didn't say it wouldn't come from Fannie Mae or Freddie Mac.

Mr. BACHUS. Oh, it would come from shareholders.

Mr. FRANK of Massachusetts. Yes.

Mr. PRICE of Georgia. Reclaiming my time.

I yield to the gentleman from Alabama.

Mr. BACHUS. Let me say this, the shareholders, that's the profits of the company, and the profits have to be generated somewhere. This idea that it doesn't cost anybody anything, and there is not a cost to the customers of the corporations, who are homeowners, it would be, indeed, a historic moment in this body if we passed legislation that cost billions of dollars, but it didn't cost anybody anything.

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It would probably be the first time in the history of this universe. And if it does happen, we should pause, because we will have figured out basically how to defy the principles of mathematics and economics.

Third, the chairman mentioned Katrina, and I mentioned Katrina earlier in this debate, and let me point out, and I think this is probably conclusive evidence of why we do not need to pass a $3 billion additional housing fund.

The chairman correctly said that we passed this bill before, and I voted for it and it had money in there for Katrina. Well, this bill creates $3 billion, much of which will go to Katrina. Well, it was only 2 months ago that we appropriated $3 billion for Katrina. That is the 3 billion that we voted for; and there is no reason to pass legislation, which actually passed this body, went to the President and passed appropriating $3 billion, and here we come appropriating another $3 billion.

So I will continue to say we determined we needed $3 billion when I voted for this bill before, and I stand by that. We didn't need $6 billion, we needed $3 billion. That is why we voted for $3 billion. That is why 2 months ago we said this is what it will cost.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Do we not go back and forth between the parties in recognition?

The CHAIRMAN. The Chair accords priority to members of the committee.

Mr. FRANK of Massachusetts. Without regard to party? The gentleman from Colorado is a member of the committee.

The CHAIRMAN. The Chairman did not see the gentleman from Colorado standing at the time he recognized the gentlewoman from Illinois.

The Chair will go to the gentlewoman from Illinois, and that will be followed by the gentleman from Colorado. So there is an understanding, the Chair intends to recognize members of the committee first in the order in which they are standing, regardless of which side of the aisle they may come from.

Mrs. BIGGERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment to strike the Affordable Housing Fund.

I think the reason that we are having so much trouble talking about this, I know that in our March 15 hearing we urged the chairman if we could spend some time working this out prior to coming to the floor, and obviously that hasn't happened. But I think, because of all the questions, because we haven't had a hearing on this and we don't know what the national fund is; and he keeps saying we have got an Affordable Housing Fund now.

It is estimated by CBO that it is going to be $3 billion over a 5-year period. If that is 1.2 basis points, then it will be the $3 billion. But there is still no dollar limit as to how large the fund can become. Where will the money for the fund ultimately come from? We don't know, talking about is it going to be from lower and middle Americans, or is it going to be from shareholders?

But I think these are all things that need to be considered before we have the fund. And I know it is, "Trust me. We are going to have a national fund and we will figure out how it is going to work." But I think that, in this day and age, that we really need to give the regulator some idea of what their job is.

I agree with so much of this bill. I think it is a shame. I voted for the bill last time, and I was very proud to do that. A lot of people didn't vote for the bill. And suddenly, most of the bill that was in that bill is now in this bill.

But unlike last year's legislation, I think this bill has included in this provision that doesn't permit the regulator to focus on the very important duties in this bill, and rather to have this Affordable Housing Trust Fund I think it is too bad. The new regulator has the duty to write those regulations and then administer an Affordable Housing Grant Fund program from day one, when we don't know what this national trust fund is going to end up being. I don't think that this is an appropriate time to do it.

So I urge that we would strike the Affordable Housing Trust Fund from this bill, and would urge support of that amendment.

Mr. PERLMUTTER. Mr. Chairman, I move to strike the last word, and I yield to Mr. FRANK from Massachusetts.

Mr. FRANK of Massachusetts. I unfortunately have to again correct the ranking member. There was no money for affordable housing construction of any significance for Katrina affected areas.

The gentleman from Alabama incorrectly stated that we already voted $3 billion for Katrina. In the bill that we passed for the hurricane, there was one proposal for project-based section 8 that could help build 4,500 units. There was no other money in that bill for housing construction. Members will go back and read the debate, and they will see it was always contemplated by those of us for the bill that would be accompanied by this bill.

The assertion that this duplicates money voted for housing construction in Katrina has zero accuracy. This was always contemplated to be the second bill.

Additionally, the gentleman said I said the money wouldn't come from anywhere. No, quite to the contrary. I said several times in this hearing that it would come from the shareholders. I do not believe that Fannie and Freddie have monopoly pricing power that allows them simply to pass along every cost. Beyond that, I did note know that there were other positions being taken that would reduce the portfolio of Fannie and Freddie that would have far more impact on the profitability than the housing fund.

So those who believe that when you impact Fannie and Freddie's profitability you raise the cost of mortgages, they should not be for any other reductions in the housing fund.

I thank the gentleman from Colorado and I return his time to him.

Mr. PERLMUTTER. I would like to say something to the gentlelady from Illinois. The Affordable Housing Fund has specific and definite parameters as to how it is derived and how it is built. So I am not sure what she is saying is there is no certainty attached to it.

And the other thing is this is a classic tail wagging the dog argument. My friends on the other side, here we have, as Mr. BACHUS aptly pointed out, an entity. And it is a government entity, these GSEs with trillions of dollars of assets. And what we are talking about here is $500 million of affordable housing passing from one government entity to potentially another. It is less than one one-thousandth of the overall asset base of the particular GSEs, and less than 10 or 13 percent of the several billion dollars misstatement in accounting, which is what we are really trying to get to in this bill.

These entities could not account for their funds properly. They need more oversight. And I find my friends on the other side disregarding the purpose of this bill, which is the oversight to rail against the affordable housing for people in low and very low income situations from profits that are generated by a government entity.

They are saying that is wrong, that is socialism.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. PERLMUTTER. I yield to the gentleman from Alabama.

Mr. BACHUS. The gentleman keeps saying this is a government entity. This actually is a government-sponsored entity. And what we do in this bill is we try to separate and say that there is no implied guarantee by the government for this entity; it needs to generate its own profits. And it does that from homeowners whose mortgages they purchase or back.

Mr. PERLMUTTER. Reclaiming my time. Government-sponsored entity, government entity. In this instance, this is minute compared to the assets of this government-sponsored entity, and this is a classic tail wagging the dog. I would urge a "no" vote on this amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the last word.

First of all, let me commend the chairman on his work on this legislation with regard to the underlying and the basic principle where this whole legislation came from; and that is, to create a world class regulator, I think was the buzz word when we first started working on this, with regard to the GSEs. And when the night is done and we vote on final passage of this, I hope that the language in the bill, I see the chairman is leaving. But I hope that the chairman will stick to his promise and the assertions that what we have in this is a good regulator, and it will not have any amendments that will water that down.

But to the point of the ranking member's amendment, I stand in support of the amendment. We should look at this and realize that what we have in this housing fund is an MTI, a mortgage tax increase. After this bill becomes law and a prospective homeowner goes to buy his next house and he sits there at the lawyer's office with the stack of papers this high that they have to fill out, somewhere in those documents buried in all the fine print and other costs that always are found in a home purchase at the last minute will be increased costs to them, an MTI, a mortgage tax increase.

Why is that? Because, as the ranking member indicates, you can't pull money out of thin air. We are not creating perpetual motion by this bill. They are trying to set with the housing fund a new flow of money to go into this. But where does it come from?

Now, the chairman of the committee constantly retorts that it is not coming from the perspective home buyer, it is not coming from the low and moderate income individual, who is just getting enough money together to buy that first house. And yet the door is slammed shut on them because one more tax, an MTI, a mortgage tax increase, is coming through this bill.

The chairman would suggest that it is coming exclusively from the stockholders. I don't see the chairman on floor at this time, but I would offer and entertain from the chairman whether he would accept an amendment to the bill right now that would specifically say that: That no increase in fees can be charged: that we cannot raise any taxes on the individual; and that all the money has to come from the stockholders.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I wouldn't accept such an amendment because it would be impossible to enforce the economics of what's involved, to the extent that an entity has pricing power, monopoly pricing power or duopoly that can pass along the costs.

I would just note that the gentleman from New Jersey has an amendment that would have a far more significant negative impact on the profitability of these institutions than this bill.

Mr. GARRETT of New Jersey. Reclaiming my time. Because I have heard the gentleman make that charge with regard to my amendment, which has not come to the floor yet and I will be glad to get into a debate on my amendment later on. But the amendment that is before us right now addresses the issue as far as this MTI, mortgage tax increase.

And I appreciate the chairman now coming to the floor and saying specifically that his comments earlier was not absolutely correct when he said it would all come from the stockholders. Before he said it would come from the stockholders and not from the home buyers. Now he just indicated that you can't put that in language because you cannot actually prove that is going to occur. And that is my point, that at the end of the day the GSEs are in control of this. They will have the tax on them; they will have to decide where this tax is going to be placed. Is it on the poor, low income family, who has no bargaining rights with the GSEs at all; or will be with their stockholders, which the chairman just admitted that we as a legislative body cannot control.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I am disappointed in the gentleman's naive economics. No, you cannot by statute affect this economic question.

My point is that is a measure of where the pricing power is, and it is impossible to sort out where it comes from when you are talking about profits. A corporation will maximize profit. One of the restraints on that will be competition.

My belief is that there is sufficient competition in this field so their ability to put all the costs on the customers and not have much on the company shareholders is far less than the gentleman from New Jersey thinks. That is not something you do by statute, as in every other context he would recognize.

Mr. GARRETT of New Jersey. And I am not naive in my politics or on economics at all. Because we know that, in business, at the end of the day the cost of anything that we buy is eventually paid for by whom? By the consumer.

You can say that you are pushing it off onto the stockholders or the investors of the company, but at that point in time you realize that if it raises the price too much for the stockholders or investors to invest in that company, what will they do? They will step back and they will not invest in that entity anymore, they will not invest in that company anymore, which raises the overall cost for investment for that entity. In this situation, then where does the cost go to? It goes to the consumer.

Mr. Chairman, we should be opposed to this mortgage tax increase.

☐ 1745

Mr. SCOTT of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to talk about this for a moment. First of all, let me just address the gentleman from Alabama's amendment, who's a very honorable person and a very, very good and highly thought-of colleague.

But it's very important that we recognize that his amendment is designed to do one and one thing only, and that is to gut this bill. And that's what the design is. So no matter which way you talk, whatever the arguments you use, it's designed to gut the bill.

Now, for the last year and a half, 2 years in our Committee on Financial Services, we've talked about the affordable housing trust fund. It has been moved out in many respects as a bipartisan measure.

Now, this is tailored. It's tailored specifically. I want to put into the RECORD a letter. It comes from the Most Reverend Nicholas DiMarzio, who is the Bishop of Brooklyn, Chairman of the Domestic Policy Committee for the United States Conference of Catholic Bishops. Here is what he says.

He says, "As Chairman of the Domestic Policy Committee of the United States Conference of Catholic Bishops, I write in strong support of a provision in H.R. 1427, the Federal Housing Financial Reform Act of 2007, that provides some $500 million a year from Fannie Mae and Freddie Mac as a dedicated source of funding for an affordable housing trust fund.

"As you know, the Catholic community serves tens of thousands of men and women and children who struggle to avoid homelessness and maintain adequate housing. Besides sheltering homeless people who turn to us for help, our Catholic Charities, agencies, dioceses and parishes have built and continue to maintain thousands of affordable units. But despite our efforts and the efforts of so many others, there is just not enough affordable housing available. And we believe that a trust fund will be a stable source of money for building and rehabilitating affordable housing for very low income people.

"Our experience demonstrates to us how homelessness and inadequate, substandard housing destroys lives, undermines families, hurts communities and weakens the very social fabric of our Nation. By setting aside money for a National Housing Trust Fund, Congress acts to make the shelter needs of low income families a national priority."

This brings us to the crux of this matter. And the crux of this matter, gentleman from Alabama, and my colleagues on the other side of the aisle, is that we have a pressing need. We have a pressing need for affordable housing. And nowhere is that pressing need more pressing than in Louisiana and Mississippi, where this is targeted to.

How those people have suffered; how much they've begged and pleaded for help. And yes, we have passed Katrina funds, but not for this.

And in committee, time and time again, we've raised these issues, and your very amendment, my distinguished friend from Alabama, was defeated in committee.

Now, it's very clear that 75 percent of the affordable housing funds available in the first year will go to Louisiana. 25 percent of such funds will go to Mississippi for affordable housing arising out of the costs and out of the terrible agonies of Hurricanes Katrina and Rita.

It's about time that we responded to these needs. And there's no better way of dealing with it than through Fannie Mae and Freddie Mac.

But I do want to set the record straight so we understand, from the point from the gentleman from New Jersey and others, and the public who's listening to this debate and watching this debate, to make sure that you understand exactly what this housing fund is based upon. It is funds and where the funds are derived from. They're derived through contributions by Fannie Mae and Freddie Mac in amounts equal to 1.2 basic points on each GSE's total outstanding mortgages, including both those held in the portfolio and those that have been securitized each year, from 2007 through 2011. And the program sunsets in 5 years. This is not a permanency. This is an emergency situation where affordable housing is needed. We're infusing this in. We're targeting it to the area in this country where the greatest need is, and then we're sunsetting it in 5 years. That's the responsible way of doing it. And I submit that the gentleman's amendment should be defeated.

Mr. HENSARLING. Mr. Chairman, I move to strike the requisite number of words.

I'd like to yield 30 seconds to the ranking member.

Mr. BACHUS. I appreciate the gentleman from Texas.

Let me say this to the gentleman from Georgia. He said that my amendment guts the bill because, as he sees it, the bill is this pressing need for affordable housing, when I say this bill is all about establishing an independent world class regulator for Fannie and Freddie. So I think that is true. I think you're acknowledging that what we're doing is establishing a strong regulator. What y'all are doing is establishing an affordable housing fund.

Mr. SCOTT of Georgia. Will the gentleman yield for one moment, please? Who better to deal with affordable housing than Fannie Mae and Freddie Mac?

Mr. HENSARLING. Reclaiming my time.

The CHAIRMAN. The gentleman from Texas controls the time.

Mr. HENSARLING. Mr. Chairman, I heard the gentleman from Georgia earlier read some correspondence from a bishop. I don't have any correspondence from a bishop this evening, but I do have some correspondence from some hard working families in the Fifth Congressional District of Texas talking about what we could do to make their housing affordable. And I think it's particularly important when we think about my friends from the other side of the aisle earlier today, literally just a couple of hours ago, passing the single largest tax increase in American history that will amount to roughly $2,700 a year on the families in the Fifth District of Texas.

I heard from the Freeman family in Mesquite, and they wrote me, that "With the extra $2,700 being forced to pay to Washington, my family could lose our home, or we may be forced to give up education because the money won't be there to pay for it. It is really unfair that the low man on the totem pole is always having to give everything up. These extra taxes are not needed."

Well, one way we can make housing affordable is not tax people with homes in the first place.

I heard from the Kirkendoll family in Garland, Texas. "Dear Congressman Hensarling, I am unemployed on Social Security and my wife works. At this point, between taxes and utilities, we're at the breaking point of being able to keep a home."

You know, one of the greatest ways that a home is affordable is you don't take money away from the family in the first place. And so, besides the single largest tax increase in American history that the Democrat majority passed earlier today, now they want to pass on a mortgage tax on hard working families struggling to make ends meet as well.

I heard from the Stevens family in Mesquite, Texas. "Congressman Hensarling, I wanted to let you know that I'm a single mom that does not receive any type of child support, and a tax increase of this amount would break me. I would be at risk of losing my home with this type of increase. I'm writing to ask your help to keep this from happening. This will be devastating to middle income families and families in my situation."

Mr. Chairman, I have many more letters like this. And so we've heard so much rhetoric from our friends on the other side of the aisle that somehow we don't care about affordable housing. The greatest affordable housing program in the history of this Nation is a good job and a low tax rate. And yet, with the single largest tax increase in American history passed by the majority earlier today, they threaten the almost 8 million new jobs empowering people to buy homes. You take the tax relief away. You increase taxes on capital dividends, capital gains, you start taking those jobs away.

And then you pass on this roughly $2,700 a year on hard working families all over America, you've got a double whammy. You start taking their jobs away, and then you start taking their ability to pay for these mortgages.

I listened very closely to the chairman of the committee earlier when he accused the gentleman of New Jersey from, I guess, subscribing to naive economics. I will admit, it's been a number of years ago, but I actually studied economics. I have a degree in economics. I spent 10 years in private business. And what I know about economics is that when you have a government sanctioned duopoly, as opposed to an atomistic competitive marketplace, they have a great ability to pass on costs to their customers, in this case, ultimately, the homeowner.

So I guess the gentleman, our chairman, has studied a different economics than I do. And I did listen when the chairman said that it's the shareholders that will pay. So I'm offering an amendment later this evening that says this so-called affordable housing fund will go away if the regulator determines that interest rates go up. And since the chairman believes that only shareholders will pay, I look forward to him accepting that amendment.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and Members, I am surprised at the information that is being given from my friends on the opposite side of the aisle about this bill. Mr. GARRETT from New Jersey gets up and talks about the mortgage tax increase. There is no MTI. He made that up. There is no MTI identified in and for this bill. I don't know where they're getting this from. They have vivid imaginations, and they would have you believe that somehow, in order to create this housing trust fund and have the GSEs participate in it, there must be something that they've made up called a mortgage tax increase.

Did anyone tell my friends on the opposite side of the aisle that the GSEs have many places they can take the money from?

First of all, it is important for everyone to know and understand, this money does not come from the general fund. This money does not come from something called an MTI. This is after-profit tax from the GSEs. And they have all of these programs, they have not only programs that they could eliminate, they could rearrange, and get millions of dollars from, but the investors, instead of getting huge profits, they could be reduced a little bit so that money could go into this housing trust fund.

You would think that the Members on the opposite side of the aisle don't have a housing crisis in their district. Well, I've been to Alabama. I've been in Mr. BACHUS' district. I want to tell you, he's got some terrible housing problems. He's got a crisis.

But Mr. HENSARLING does, too. I don't know where those letters are coming from, but let me tell you about his district. Renter households, 81,740 including 14,931 extremely low income households in Mr. HENSARLING's district.

Of these extremely poor households, 56 percent of them are paying more than half of their incomes for housing. In this district, there's a deficit of 9,571 units that are affordable and available to extremely poor households.

I don't mind speaking up for the least of these and poor. I don't mind trying to help the people in my district. But I do mind carrying the burden for all over America, for districts where there are people in need, and somehow their representatives forget to represent them.

And my friend would have you believe that he's so concerned about the safety and soundness of these GSEs, and that they want independent world class regulation. And we've created that in this bill, we have compromised, we have worked with them, we have put a new agency in. We have done a great job.

Are you willing to sacrifice that because you don't believe the government should participate in helping the least of these get some low income housing? Are you willing to give up all that we have worked for to ensure that we have GSEs that are safe and sound because you don't want to help poor people, low income people, people who work every day but simply cannot afford to own a home or have a decent place to live?

□ 1800

I don't think so. I know some of my friends on the opposite side of the aisle may have some questions about how this is all going to work, but I really don't believe that what you mean is that you would give up this bill; that you would rather not see this bill passed, with all of the good that is in it, even FM Watch that was organized some time ago to deal with bringing down the GSEs or supporting this housing trust fund. These are your friends that you have worked with. They like the bill and they like the housing trust fund, and they have letters of support that they have passed out all over this Congress.

So I would say that even if you have some questions, you don't quite understand it, understand this: A housing crisis, people in need, moneys that can be gotten from GSEs that does not create something called an MTI, that can help people to have a decent quality of life. Just understand that. And couple that with the knowledge that you have worked very hard to make sure that these GSEs are safe and sound and you don't want to give that up at this point.

The Acting CHAIRMAN (Mr. HASTINGS of Florida). The question is on the amendment offered by the gentleman from Alabama (Mr. BACHUS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BACHUS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alabama will be postponed.

AMENDMENT NO. 22 OFFERED BY MR. KANJORSKI

Mr. KANJORSKI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. KANJORSKI:

Page 300, line 24, strike ", and" and insert the following: ". The Federal Housing Enterprise Board may recommend individuals who are identified by the Board's own independent process or included on a list of individuals recommended by the board of directors of the Bank involved, which shall be submitted to the Federal Housing Enterprise Board by such board of directors. The number of individuals on any such list submitted by a Bank's board of directors shall be equal to at least two times the number of independent directorships to be filled. All independent directors appointed".

Mr. KANJORSKI. Mr. Chairman, this amendment is drawn for the purposes of clarifying the process used by the new regulator's advisory committee to recommend candidates to serve as independent directors on the boards of each of the Federal Home Loan Banks. This proposal is a simple, yet important, corporate governance reform.

Today, the Federal Home Loan Banks benefit from the service and the guidance of individuals appointed by the regulator to serve on the boards of each of the Federal Home Loan Banks in addition to those board directors elected by member financial institutions. Because the public-private partnership in guiding and monitoring the activities of a Federal Home Loan Bank is an important one, H.R. 1427 would preserve the election and appointment systems for constituting the Federal Home Loan Bank boards.

Under the bill the advisory committee would recommend a list of individuals to serve as appointed independent directors to the head of the new regulatory agency. This individual would then make the final determination about whom to appoint to the independent director seats on the boards of each of the Federal Home Loan Banks.

Independent directors help to focus a Federal Home Loan Bank on its statutory mission. These public appointees also help to ensure that each board has the knowledge, skills, and expertise needed to properly direct and supervise the management of the Federal Home Loan Bank. For this appointment system to work best and for independent directors to perform the role that Congress intended, the director of the new regulatory agency overseeing the housing government-sponsored enterprises should have a choice among a variety of qualified candidates when making appointments just as the voters should have a choice of candidates in elections. My amendment would allow such a choice to occur via two specific methods:

First, it would allow the advisory board to establish its own independent process for identifying individuals to serve as appointed directors. Second, the amendment would build on the rulemaking recently adopted by the existing regulator that has the boards at each of the Federal Home Loan Banks recommending individuals to serve as independent directors.

Under this second route, each board of directors at a Federal Home Loan Bank would put forward at least two candidates for each vacant independent director seat. If a board submitted just one name for consideration, we could create a system by which the independent directors could become beholden to the group that nominated them.

For the appointed directors to remain effective and push the system's mission, we need to make sure that we keep their independence in place. By mandating that a Federal Home Loan Bank board provide at least two recommendations, we will help to prevent these unusually cozy relationships from ever developing.

In sum, Mr. Chairman, my amendment refines the processes to be used by the Federal Housing Enterprise Board in recommending individuals to serve as appointed directors on the boards of the Federal Home Loan Banks in a way that helps to preserve their independence and to ensure that they help a Federal Home Loan Bank to achieve its intended mandatory objectives.

I urge the adoption of this proposal.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding.

I want to express my support for this. We have talked to Members on the other side. My understanding, this is one of nine that was going to be agreed to.

The gentleman from Pennsylvania has been one of the leading Members of the House in insisting on the public functioning of this board and the members, and this is another chapter in the book he is writing about how to protect the input here from citizens. So I strongly hope that the amendment is adopted. It is my understanding that it was acceptable on the Republican side as well.

Mr. HASTINGS of Florida. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI).

The amendment was agreed to.

AMENDMENT NO. 29 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. HENSARLING:

Page 128, line 22, strike "temporarily".

Page 129, line 4, strike "or".

Page 129, line 7, strike the period and insert "; or".

Page 129, after line 7, insert the following:

"(D) are contributing to an increase in the cost of mortgages to homebuyers.".

Mr. HENSARLING. Mr. Chairman, I actually had alluded to this. I hope that the chairman was able to listen at the time. This goes further into the discussion of the mortgage tax that those of us on this side of the aisle believe is being imposed upon the American people by this so-called Affordable Housing Fund.

Earlier this evening the chairman said that he believes that this will be paid by the shareholders. We believe on this side of the aisle that, due to the duopoly power, the Fannie and Freddie, that they already control roughly 80 percent of the market in which they operate, that a substantial portion of the cost of the so-called Affordable Housing Fund will, indeed, be imposed upon homeowners in the form of higher mortgages, indeed, functionally a mortgage tax, a new mortgage tax on the American people.

I was heartened to hear, although I disagree with his economic analysis, that the chairman has concluded that this will be paid by the shareholders.

My amendment is fairly simple. It amends the section dealing with having the regulator suspend the program. Now, we know that within the language the program can be suspended, essentially, dealing with systemic risk of the economy. What my amendment does is, if the regulator finds out that, contrary to the chairman's opinion, that there is a mortgage tax, that indeed it has an adverse impact upon the cost of housing in America, that mortgages rise, that the program will be terminated.

So, again, I hope I understood the chairman correctly when he said that he thought this cost would go to shareholders. If he does, I would hope that he would accept the amendment. And if the chairman chooses not to accept the amendment, and I am sure the gentleman will let us know soon, then I guess what we are admitting is that, indeed, there is a mortgage tax to be imposed on hardworking homeowners, some of which we heard from earlier this evening from the Fifth District of Texas, and we know how an additional tax is going to adversely impact them in the ability to keep their homes.

So I hope the chairman is right that shareholders, as opposed to homeowners, end up paying this if we are going to be stuck with this particular program.

So this is a very simple amendment that says if we have a mortgage tax, the program is suspended. If we are confident there is no mortgage tax, then there shouldn't be any opposition to this particular legislation.

With that, Mr. Chairman, I request an "aye" vote.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is another effort to try to kill the fund, this time by obfuscation.

We have tried to work out some agreement. There are about 11 different amendments that try to do the same thing. Members should just be ready to be here all night and maybe until Tuesday or come back on Tuesday.

I understand the objections to the fund. What I don't understand is why Members wouldn't be willing to accept two, maybe three chances to defeat it.

Now, with regard to the economics, first of all, there is this myth that we have said it's not coming from anywhere. We do believe that it will come primarily from the shareholders.

By the way, in earlier debates on this, some of the opponents of the bill said the same thing. If you go back and look at the transcripts of our committee, although I can't understand why anybody would want to do that, you will find people saying we were unfairly levying on the shareholders. That didn't work.

There are people who do not believe that the Federal Government should be encouraging the construction of affordable housing, and understand that however we propose to do it, they will object to it. If we try to do it through appropriations, that will be a problem because of the deficit. Here we try to do it by taking, we believe, essentially from the profits of Fannie Mae and Freddie Mac.

Now, as to the legitimacy of their concern, I will repeat, and the gentleman from New Jersey seemed annoyed when I mentioned it, he has an amendment that, by making restrictions on the portfolio of Fannie Mae and Freddie Mac, their main profit generators, would hit their profits far more than anything you could conceivably attribute to this amendment. So it would have, if you believe that this is going to hurt the borrowers, a much more negative effect.

I heard the gentleman from Texas say this is a government-sanctioned duopoly. At one point it might have been. In fact, today, the securitization market is far more competitive. It's not atomistic, but there are states, economic states, between duopoly and atomic, and this is where we are here. There are significant private competitors to Fannie Mae and Freddie Mac. You will know that because some Members, Mr. Chairman, have heard from them who don't like what we are doing here. And we believe that the primary burden here will come from the shareholders. The notion that Fannie Mae and Freddie Mac can raise prices at will does not seem to me to reflect economic reality.

Now, the gentleman from New Jersey said why don't you pass a statute saying that? That is the naivete of economics. You can't pass a law that says economic reality shall be X or Y or Z. There is an interplay among various forces. We do believe that the great bulk of this will come from the shareholders.

By the way, it amounts to 5 percent of the profit. Other amendments would restrict the profit by far more. And if people legitimately believe that any restriction on the profit was going to hurt the mortgage borrowers, then they wouldn't be offering those other amendments.

There is a common thread here. They don't think the Federal Government should help build affordable housing. We strongly disagree with that. We believe that the Federal Government should. The calculation that is being asked to be made here is a very difficult one to make.

The gentleman prides himself on his economic expertise that he learned some time ago. I don't know where he learned that you could easily make this kind of calculation. There will be legitimate debate.

□ 1815

And by the way, what he does say here is that if at any point it turns out that there is an impact, you know, things can happen slow, the competitive situation can be more or less, a lot of factors will affect this. If at any point it happens, then the fund is permanently shut down. You will note that he strikes the word "temporarily." This is an effort, once again, to kill the fund.

Mr. HENSARLING. Will the gentleman yield?

Mr. FRANK of Massachusetts. Not yet.

I understand people who don't like it. And by the way, I would note again, not the gentleman from Texas, but 209 Republicans in October 2005 voted for legislation that included exactly this sort of fund. Some of us voted against it because of a provision that is not now in this bill that would have kept the Catholic Church and others in the religious field from building housing. But I don't understand why, if it's so terrible today, it wasn't then.

Mr. Chairman, now I will yield to the gentleman.

Mr. HENSARLING. I thank the chairman for yielding.

I want to make it very clear; I have agendas. I don't have hidden agendas. I want to make it very clear, I do disagree with this program. But if we are going to have the program——

Mr. FRANK of Massachusetts. I'm sorry, I didn't hear what you said.

Mr. HENSARLING. Again, I thank the chairman for yielding.

I simply said that you seem to imply that this was designed to somehow kill the program. I just wanted to make it very clear that any way I could get rid of this program, I would. But I would ask the chairman for a clarification.

Mr. FRANK of Massachusetts. I thank the gentleman, and I understand that. And that's clearly what's involved here. And we will hear four or five different ways to do it.

Let me just say this; this has now become a late night TV commercial, it might be a late night debate. It will slice, it will dice, it will cut. We are going to see the magic nine cut knife as a way to kill the Affordable Housing Program. And we will have everybody but a TV pitchman demonstrating it. And maybe he will throw in a few Ginsu knives as well to knock off a couple other programs, but this is simply one more assault out of many that we will hear today on affordable housing.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Texas.

Mr. HENSARLING. I thank the gentleman for yielding.

I was going to ask the chairman for a clarification. What I heard earlier in the evening is that shareholders will pay the cost of the Affordable Housing Fund. And what I think I'm hearing now is that the shareholders will pay substantially most of the housing fund, which leaves some portion paid by somebody else.

So I am asking the chairman, in his opinion, if it is no longer being paid totally by the shareholders, doesn't that mean that some portion is indeed being paid by the homeowner? Thus, we can debate the quantity of the mortgage tax that will be imposed upon the homeowner. But it seems to me if we've gone from total shareholder payment to substantial shareholder payment, there is a mortgage tax. And I might request the gentleman from Georgia to yield to the chairman for clarification.

Mr. PRICE of Georgia. I yield to the chairman.

Mr. FRANK of Massachusetts. Well, in the first place, the universe is not exhausted by the borrowers and the shareholders. There are banks involved. There are many other people in the transaction. And yes, I think there will be various distributions, of course, and it will differ at different times and different economic circumstances, depending on the competitive situation.

I believe that it is possible in some circumstances a very small percentage of the 5 percent might go on to the mortgages. It is likely to be de minimis. And the answer is it doesn't come just from the shareholders, it comes from the banks, from the mortgage brokers——

Mr. HENSARLING. Thank you.

Mr. PRICE of Georgia. Reclaiming my time.

Mr. FRANK of Massachusetts. I'm sorry for trying to answer the question.

Mr. PRICE of Georgia. I appreciate the chairman's candor, because what we have just heard from the chairman is important because it's the first time that the chairman has recognized and appreciated that, in fact, mortgages will go up, and they will go up on individuals that may be the least able to afford them in this Nation. And therefore, I think the contention of my good friend from Texas, that this is indeed a mortgage tax on individuals least likely to be able to afford them is accurate. I appreciate the gentleman pointing that out.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite words.

Mr. Chairman, one listens to the ebb and flow of this debate, and you sort of lose track of what it is that we are about here this evening.

As Senator Moynihan said, that we're entitled to our own opinions, we're not entitled to our own facts. And perhaps if my friend from Texas had spent less time making up things to try and scare people back home in terms of political fantasy and spent some time dealing with the substance that we have here this evening, we would have less disagreement.

It was cited earlier that this proposal is an experiment in socialism. Well, one can look at the history of how the special status of these entities evolved from being government agencies to being in this special hybrid status of the government-sponsored enterprises. The fact is that the Federal Government sets the ground rules. Congress sets the ground rules.

As my friend, the chairman of the committee, pointed out, that there are costs associated with everything we do. Goals for affordable housing entail some cost. The regulations entail some cost and consequence. Focusing in on the lowest income has some costs and consequences. This is all right. This is what we are about here this evening is to determine whether or not, as Congress exercises its oversight, its focus, that it is appropriate in nature and it is reasonable in its outcome.

Mr. FRANK has pointed out that what we are talking about here, in terms of this fund, is a tiny fraction of the overall profits of multi trillion dollar holdings. He has also pointed out, and something that has not been refuted by our friends who are trying to kill it, is that there are other proposals that they are talking about which would bear far greater impact on the profitability of the enterprises. The question we should be asking is whether the goal is one that is appropriate. And it seems to me very strongly that what has been identified here is an appropriate goal. It is consistent with the creation of these entities. It speaks to a crying need in community after community.

I would strongly urge that we vote down this and each of these proposals to gut this essential provision that would help us make substantial progress in providing affordable housing for those who need it most.

Mr. SCOTT of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I really believe that it is so comical to see our friends on the other side of the aisle come up with the various and different ways to so-called "skin this cat" and gut the bill. This is very clever way my great friend from Texas, whom I have great respect for (Mr. HENSARLING), but, Mr. Chairman, let me just read for the RECORD exactly what his amendment says so that we can really fully understand the lengths to creative linguistic judgments that they will go to cleverly try to skin the cat and gut the bill.

Mr. HENSARLING says his amendment will permanently eliminate the Affordable Housing Fund contributions in the case of certain factors in the bill that, as written, merely require a suspension of fund contributions. And two, also requires permanent eliminations of the Affordable Housing Fund contributions if a determination is made that such contributions are contributing to an increase in the cost of mortgages to home buyers. Putting the issue in a considerably complex box.

Now, we know from the dynamics of economics what is happening in our society today, especially in the housing market. We know what the ravages of Hurricane Rita and Katrina has done to the area which we are targeting the bill. We also know that there is no segment in society that is most impacted and in need of affordable housing than the very, very poor, those people who need the help. This is where this bill is being targeted.

And his amendment would prevent the reinstatement of affordable housing funds when a GSE's financial problems temporarily cause a suspension of funds contributions is resolved, and would also create a new condition to shut down the fund that could arbitrarily result in the permanent elimination of the Affordable Housing Fund. That is exactly what the gentleman's amendment does, and that is exactly why we need to defeat it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 21 OFFERED BY MR. HINOJOSA

Mr. HINOJOSA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. HINOJOSA:

Page 140, line 3, before the semicolon insert the following: "; except that the Director may, at the request of a State, waive the requirements of this subparagraph with respect to a geographic area or areas within the State if (i) the travel time or distance involved in providing counseling with respect to such area or areas, as otherwise required under this subparagraph, on an in-person basis is excessive or the cost of such travel is prohibitive, and (ii) the State provides alternative forms of counseling for such area or areas, which may include interactive telephone counseling, on-line counseling, interactive video counseling, and interactive home study counseling".

Mr. HINOJOSA. Mr. Chairman, today I am offering an amendment to the housing counseling amendment that I passed in committee. Today's amendment will permit States to seek a waiver of the in-person pre-purchase housing counseling requirement if the person obtaining the mortgage lives in a remote area of the country, which includes the majority of rural America.

I urge my colleagues to support the amendment.

Mr. Chairman, during the Financial Services Committee mark up of H.R. 1427, I offered an amendment to the Affordable Housing Fund section of H.R. 1427 that requires that homebuyers who fall below 50 percent of the median income obtain pre-purchase in-person housing counseling. The Committee adopted the amendment by voice vote.

My amendment recognizes the fact that we have a very unstable housing market at the moment.

It also acknowledges that minorities are becoming victims of predatory lending, and that the poorest of the poor, which includes a considerable percentage of my congressional district and other rural districts, need financial literacy in general—and in-person housing counseling in particular—before they enter into any kind of loan agreement.

The amendment that passed in committee does not require any funding from the Affordable Housing Fund. The funding for such counseling usually comes from the Department of Housing and Urban Development or the States. My amendment merely requires that existing counseling information be provided in-person for those who fall below 50 percent of the median income, which tends to be renters.

Today, I am offering an amendment to the housing counseling amendment that passed in committee. Today's amendment will permit states to seek a waiver of the in-person pre-purchase housing counseling requirement if the person obtaining that mortgage lives in a remote area of the country, which includes the majority of rural America.

The alternative forms of housing counseling may include interactive telephone counseling, on-line counseling, interactive video conferencing, or interactive home study counseling. A complete waiver of the counseling requirement under Section (g)(2)(d) may be granted only for borrowers for whom it is not possible to provide such alternative forms of counseling. Very few households meet this criteria.

Mr. Chairman, I believe that this amendment No. 21, provides states with the appropriate waiver authority they need to take into account the difficulties of providing in-person housing counseling, Financial Literacy Education, to those living in remote areas of the United States.

I urge my colleagues to support amendment No. 21.

Mr. FRANK of Massachusetts. Mr. Chairman, I am impressed with the precision and exactitude of my friend from Texas. I am actually used to Texans talking slower. I appreciate my friend getting to the point so quickly, and I apologize for my not being there.

It is a very good amendment and I think has been agreed to by both sides.

The gentleman from Texas has been a strong proponent of housing counseling. We all agree that if we had had more of that earlier, we might have less of a problem than we have today. He has been very strong on the questions of literacy. So I very much appreciate this amendment and hope it is adopted.

Mr. HINOJOSA. Mr. Chairman, I yield to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Chairman, we have no objection to the amendment.

Mr. FRANK of Massachusetts. Thank you, Mr. Chairman. Not elegant, but effective. I hope the amendment is adopted.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HINOJOSA).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. NEUGEBAUER

Mr. NEUGEBAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. NEUGEBAUER:

Page 60, line 2, after "posed" insert "to the enterprises".

☐ 1830

Mr. NEUGEBAUER. Mr. Chairman, I rise tonight to make a clarifying amendment on this bill. One of the things that this bill does is it clarifies the amendment to ensure that the portfolio standard be based solely on the safety and soundness to the enterprises and not any of the broader systemic concerns.

We have the financial housing industry financing model of the world. Because of the model we have in place today, America enjoys one of the highest home ownership rates in the history of this country. More people own a home today than at any time in the history of this country. Primarily a lot of that housing affordability and the ability for Americans has been because of our tremendous secondary market, the ability to provide home mortgages for Americans all over this country.

This legislation clarifies that when the regulator looks at regulating this entity, that he looks at the safety and soundness of that entity and not external factors. Just like when we regulate banks, we set certain standards for their capital, for their loan ratios and all of those other factors, and we should not look at this entity any different than we look at other entities. So really this is a clarifying amendment. It just says we are going to look at the safety and soundness of how this company is running their business.

We shouldn't put things out there that the regulator is not able to, quite honestly, articulate, because what is a systemic risk? That becomes a point of order that sometimes the regulator cannot explain what exactly the systemic risk is they believe it is. It is a way to limit their portfolios.

I want to thank Ms. BEAN of Illinois and Mr. MOORE of Kansas and Mr. MILLER of California for joining me in clarifying the importance of making sure that as we put together a first class world regulator for these very important entities to the American home ownership, that we do not put in place things that would inhibit the ability of these entities to be able to deliver the quality mortgage products that they have delivered to the country over these years.

So I think this is a very clear amendment. It clarifies the language and makes sure we don't have any question about what the intent of the regulator is and what the duty of the regulator is. I encourage my colleagues to support this amendment.

Ms. BEAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of H.R. 1427. I want to thank Chairman FRANK for his hard work in crafting such a strong GSE reform bill, and I am pleased that the Financial Services Committee was able to move this bill to the floor so quickly. Passage of this legislation is necessary to further strengthen the U.S. financial system and is essential in establishing a sound regulatory environment for the housing GSEs, Fannie Mae, Freddie Mac and the Federal Home Loan Banks.

In order to ensure that the GSEs are able to perform their Congressionally chartered functions as efficiently, successfully and safely as possible, Congress must put into place a robust, world class regulator capable of overseeing the safety and soundness of Fannie Mae and Freddie Mac's operations as well as their housing mission.

However, over the last several months, as Congress has considered how best to achieve this goal, much attention has been drawn to the scope of the new regulator's authority in developing criteria to oversee Fannie Mae and Freddie Mac's portfolios, which are critical in providing liquidity and stability to our Nation's housing market.

On this issue in particular, I believe Chairman FRANK's intent in crafting this legislation has been clear from the beginning, to provide bank-like oversight authority, to ensure the safe and sound operations of the GSE portfolios.

However, when asked about the portfolio language Chairman FRANK negotiated with Secretary Paulson, James Lockhart, the current GSE regulator, was quoted in January as saying, "My view is that inherent in any safety and soundness activity, one has to be concerned about systemic risk, and I don't think it has to say the word to have that as a potential consideration." In contrast, during the committee's oversight hearing, Chairman FRANK once again reiterated what has been his consistent view, that the language was envisioned to only cover mission and safety and soundness concerns.

This apparent ambiguity about the interpretation of the bill's portfolio language fueled concerns on both sides of the aisle and underscores the need to clarify its intent.

Mr. Chairman, the term "safety and soundness" is a well-defined term in banking law and regulation. What is less clear is the application of a so-called systemic risk standard. First, there is no systemic risk standard applicable to banks or financial services holding companies, and certainly no such standard imposed on the mortgages they hold.

Second, the question of whether or not to apply a systemic risk standard to Fannie Mae and Freddie Mac has already been asked and answered definitively by this House. In the 109th Congress, Representative ROYCE offered an amendment to the GSE reform authorizing systemic risk as a consideration for regulating the GSE portfolios. This amendment was overwhelmingly rejected on a bipartisan vote of 346–73.

Such a strong repudiation highlights several of the questions the proponents of systemic risk have been unable to adequately address. Number one, how to define it; two, demonstrate how there could be a systemic risk to the overall economy that would not first trigger safety and soundness concerns to the enterprises themselves; and, three, why should GSEs be held to a different standard than other holders of mortgage assets.

Furthermore, Mr. Chairman, I was extremely concerned yesterday following the administration's release of its official Statement of Administration Policy. In it, the administration suggests that the portfolio authority contained in H.R. 1427 helps to address the systemic risk that Fannie Mae and Freddie Mac pose to our financial system.

The SAP leaves no doubt that the administration interprets the current language of H.R. 1427 to authorize an application of systemic risk, which is why I urge my colleagues to support this bipartisan amendment I am offering today with Representatives NEUGEBAUER, MOORE and MILLER. As it did in the 109th Congress, the House must once again reject the vague notion of systemic risk and be clear that it is not intended to be a criterion applied by the new GSE regulator.

This amendment is very straightforward. It would ensure if there is sufficient risk posed to each company, the regulator would have the authority to adjust the portfolio. However, the regulator would not be authorized to shrink, cap or limit the size of the GSE portfolios based simply upon a nebulous determination that the portfolios are too large or that they might pose a risk to the overall system.

Again, I want to thank Representatives RANDY NEUGEBAUER, DENNIS MOORE and GARY MILLER for their support and hard work on this issue. I am pleased the amendment has received such strong and broad-based support. I am equally pleased to see that portrayed associations representing the leaders have endorsed this amendment.

Mr. GARY G. MILLER of California. Mr. Chairman, I move to strike the requisite word.

I rise in support of this amendment. The GSE regulator should have authority to limit the size and growth of a GSE portfolio, but specifically addressing safety and soundness are mission concerns with respect to the institution. This was clearly the intent of the language that was introduced within the bill, and this merely clarifies the language in this amendment.

This is a clarifying amendment, not a weakening of the regulator, and that needs to be clearly understood. The amendment mitigates concerns that the regulator could establish an overly broad scope in viewing possible risk to the portfolio.

The goal of this bill is to create a strong regulator. This bill creates that. But such an overly broad view could lead to unnecessary limits on the enterprise's portfolio activity to the detriment of the housing financing system.

The amendment would simply add three words, those are "to the enterprise," to Factor 6 of section 115, so the language would read "any potential risks posed to the enterprise by the nature of the portfolio holding."

Systemic risk can be considered by the regulator, it just must be in the context of safety and soundness and the mission of a GSE. The problems we are having in the housing market today are basically in the subprime and the jumbo market. The reason is because about 18.1 percent of those loans are fixed-rate, 30-year loans. If you look at the conforming marketplace, 82 percent is a fixed-rate, 30-year loan.

The problem in the marketplace is not GSEs in the conforming. The problem is in the subprime and jumbo. So you don't want a regulator to look at the problem in the marketplace and say let's limit the portfolio of a GSE, and restrict the only sector of the marketplace that is not having a high amount of defaults and foreclosures, to the detriment of the marketplace.

If you go back to the 1980s and the 1990s when this country was in a major housing recession, if you went to a lender, it was almost impossible to get a loan if you did not comply with the conforming requirements. They would not make you a loan to build a house. And if you wanted to buy a house, it had to be based on the underwriting criteria of the conforming marketplace. Thereby, the lender could take and sell that loan off to the conforming market, which are the GSEs.

Lenders at that point in time were facing foreclosures and default rates and having to set aside reserves to deal with it. They did not have the assets to go make loans and hold those loans in their portfolios, because they were limited based on the defaults they currently had. But they would make loans that met the criteria of the GSEs and the conforming marketplaces. Thereby you could go get loans.

This amendment takes no authority out of the regulator's hands to address systemic risk related to safety and soundness or mission of the enterprise. But that is what we need to understand. If the enterprises' portfolio are properly regulated from the standpoint of safety and soundness, the issue of systemic risk becomes moot. Therefore, a broader scope of regulation of portfolios is overreaching and unnecessary in addressing this safety and soundness.

The House previously rejected systemic risk in an amendment in the 2005 bill by a vote of 73 to 346. At that point in the bill, in the 109th Congress, we wanted to make sure that systemic risk only applied within the GSEs, not something outside, and it was clearly defeated. We did the right thing.

The amendment is consistent with the agreement and with the statements by the Treasury and OFHEO and the portfolio provisions. The language is not intended in any way to weaken the agreement with the Treasury. Rather, it is an attempt to clarify the language in the bill to better reflect that agreement.

As an original cosponsor of this bill, I believe this amendment is consistent with our intention for the portfolio provisions. Treasury Under Secretary Robert Steel confirmed this in his testimony to the committee on March 15 in an exchange with Chairman FRANK, when Chairman FRANK noticed that the current language "could go beyond the safety and soundness mission."

Chairman FRANK suggested to Secretary Steel that the language should be improved to ensure that the provisions would not be used beyond the scope, and Steel agreed at that point in time.

Similarly, OFHEO Director Lockhart testified, "My reading of the systemic risk is it's part of a regulator's job; it's part of safety and soundness."

Further, in a letter following the hearing, Lockhart wrote, "We did agree that systemic risk outside of safety and soundness should not be a part of the regulator's approach."

What they are saying in our bill is that this needs to be clarified. This language does that. It is harmful to the housing markets to reduce GSE portfolios when it is absolutely unnecessary.

We have to look at history and this GSE market has been very good. This amendment has been supported by the National Association of Realtors, the National Association of Homebuilders, the National Association of Mortgage Brokers, the National Association of Federal Credit Unions and the Independent Community Bankers of America.

This is a good amendment, and I request an "aye" vote.

Mr. MOORE of Kansas. Mr. Chairman, I move to strike the last word.

As a cosponsor of this amendment, I rise in support of the effort of my colleagues from Illinois, Texas and California to amend and clarify language in H.R. 1427. I have served on the Financial Services Committee since I was elected to Congress in 1998, and in that time I have learned about the regulation of financial institutions.

I strongly believe, Mr. Chairman, that the regulators of financial institutions likes GSEs, should have its authority to assess the risk of an enterprise and to protect the safety and soundness of those entities.

H.R. 1427 grants the new regulators strong authority to promote safety and soundness. Within the scope of that authority is the power to require the GSEs to alter their portfolios in accordance with that goal. I am not aware of any financial institution whose regulator has the power to alter their business on the basis of potential risks it poses to the broader financial markets.

Passage of this amendment would clarify the duties of the new regulator to focus on risk to the enterprises, which is consistent with the authority that other regulators to financial institutions currently possess.

Mr. Chairman, GSEs fill a vital role in the housing market by providing stability, liquidity and affordability. The new regulator has the responsibility of ensuring the safety and soundness of GSEs, and in doing so it will protect the viability of the GSEs.

In keeping with the purpose of H.R. 1427, the Bean-Neugebauer-Moore-Miller amendment will ensure that there is certainty within the markets so that Freddie Mac and Fannie Mae will be able to continue to serve their charter, while being subject to new, robust regulation.

Mr. Chairman, I urge my colleagues to adopt this.

□ 1845

Mr. BAKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, reluctantly, I must speak with concern about the gentleman's underlying proposed amendment. There are more than sufficient reasons for me to express these concerns in my opinion.

Going back briefly into the record of the difficulties of Fannie Mae and Freddie Mac of their derivatives portfolio, I bring to the House's attention this OFHEO special report issued in 2003 in which they determined that senior management and the board were quite aware that the skills and systems in corporate accounting were at the least challenged, and that the derivatives group lacked sufficient knowledge and training to administer the risk.

Nonetheless, they chose to move forward with an approach to FAS 133 hedging that was complicated requiring huge volume of monthly accounting events as hedges were designated, and chose to structure some very complicated securitization transactions without proper guidance.

In looking at the annual shareholder report, under their derivatives disclosure, they state: "We principally used the following types of derivatives: Euro Interbank offered rate interest rate swaps; LIBOR based options including swaptions; LIBOR exchange traded futures and foreign currency swaps.

If we go further and look to the counterparties with which the enterprises now must engage hedging strategies, we find that Deutsche Bank holds $38.952 billion of Freddie's; BNP Paribas, $28.156 billion; Barclays, $22 billion; Dresdner Bank, $4 billion; and please excuse me because my German is poor, Kreditanstalt fur Wiederaufbau holds $2.5 billion.

Now in understanding why we should have concern about the restraint of a regulator's authority to analyze the portfolio, the underlying safety and soundness conditions, and the elements of world economy that surround their hedging strategies, one only has to remember for a short moment the days surrounding LTCM when there was a Russian currency liquidity crisis, and people who had no expectation across several different currency transactions and swaps, were called upon to liquidate their positions and make cash available and were unable to do so.

It led the Federal Reserve to meet an emergency session in the New York Fed office, and they were surprised to see who was sitting around the table holding these positions, including many commercial banks of whom they had no knowledge were participants.

Let me say it this way, if you don't care about any of that, of our insured depository institutions in this country, almost 8,000, of the tier one capital requirement, that is money you have to have by law in your sock drawer. That says if it rains, you have money to mop up the floor. Almost 50 percent of them meet their tier one capital requirement by holding GSE securities. My goodness, if there were to be the slightest of stumble, it goes to the core of our financial depository institution's safety and soundness.

There are foreign central banks invested in Fannies and Freddies, and if you don't care about that, at least think about your pensioners. There are billions of dollars of Fannies and Freddies spread across this economic fabric woven together in an extrinsically complicated matter, and we are going to tell this regulator you can only look through the keyhole, you can't look at the room? It makes no sense.

Now I know I will probably lose on this position. The home builders are a powerful enterprise. But for the record, I want to be loud and clear, this is a mistake.

Mr. Chairman, I would be happy to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman from Louisiana has consistently been one of the most constructive Members in this regard. Some of us were not as tuned in as we should have been earlier, and I appreciate that.

I differ with him somewhat in emphasis here because I do think if there were to be any of the threats that he very lucidly and cogently outlines, they would have to involve a threat to the safety and soundness of Freddie and Fannie. That is, I have a metaphor problem. I don't see Freddie and Fannie as pulling down the temple without getting a couple of rocks in their own head. But I do understand it is a matter of concern.

Let me also add, I have some uneasiness because I have worked very closely, and all of us here have been the beneficiary of the very thoughtful approach of Secretary of the Treasury Paulson and Under Secretary Steel. We have come to some agreements.

The Acting CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

As I was saying, Secretary Paulson and Under Secretary Steel made it possible for us to come to agreement.

I would like to say to Mr. BAKER, as he looks and as I look at who has come there, and I think some statements were made that shouldn't have been made that made people nervous. I want to give my friend from Louisiana and others the assurance, Mr. Chairman, that assuming this wins, and it looks likely to, I don't consider it to be the last word on the subject. I think the concerns he has talked about are legitimate.

We are going to have a bill from the other body, and we will get to a conference. I want to promise that I plan to continue to work with the gentleman from Louisiana, as well as the ranking members on the other side, the Secretary of the Treasury. We win here and we are going there. Maybe we have to move back a little bit. I understand where this comes from.

I agree with him that I don't think there is a point now in trying to fight it here, but I do want to acknowledge that I don't consider it a solely settled issue, and I am hoping that we will find some way to accommodate the very legitimate concerns that he has as we go further.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Louisiana.

Mr. BAKER. I certainly appreciate the chairman's comments and his recognition that the posture of the bill, if this amendment is adopted, may need further examination. I look forward to working with him on it.

On a broader matter, let me say as to the construction of the bill generally, the chairman has done an extraordinary job of giving the regulator the powers and tools that he needs, save in this one area. I hope in moving forward, we can construct a box that makes appropriate regulatory sense. The Treasury has expressed these concerns to me tonight, and I am expressing those views on their behalf as well.

Mr. FRANK of Massachusetts. Let me say, I appreciate that. The Treasury has chosen well in having you do it. I just want to give you my commitment that we will continue to work on this issue.

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to associate myself with the comments of the gentleman from Louisiana. I, too, wish to raise my voice loud and clear on the issue, but certainly in a far less articulate manner than the gentleman from Louisiana who is well versed on this issue.

In my opinion, Mr. Chairman, the only thing worse than a regulated monopoly is an unregulated monopoly. I don't necessarily trust private companies. I trust competitive marketplaces, and wherever Fannie and Freddie goes, I feel the competitive marketplace leaves.

Since I have been on the committee 4½ years now, we have heard frequently from our past Federal Reserve chairman and our present Federal Reserve chairman. Their voices could not be more clear on the matter that they believe the GSEs pose a very significant systemic risk to our economy.

Now in a competitive marketplace, you are punished for misleading accounting. In a competitive marketplace, you are punished for bad business decisions. In a competitive marketplace, you are certainly, certainly punished for fraud. We no longer have an Enron. We no longer have a WorldCom. We no longer have an Arthur Andersen. We no longer have a New Century.

A competitive marketplace, before they could lead to systemic risk, took care of those who may have engaged in faulty accounting, fraud, or poor business decisions.

But that is not the case with Fannie and Freddie. And now where we finally have empowered the regulator to do something, the first thing we do is clip his wings. I just feel on this matter, I am going to listen to Chairman Greenspan and I am going to listen to Chairman Bernanke, and I don't totally know the impact of the language of the people who offered the amendment, including my dear friend from Texas, completely. I don't know if I completely understand its impact, but what it seems to do, all of a sudden it seems to say well, the regulator can make sure that Fannie and Freddie can't harm themselves, but they can't make sure that they don't harm the rest of us. That is my interpretation of this amendment.

So again, if we are going to sanction a government, if we are going to create essentially a duopoly, and the last time I looked at the records controlled 80 percent of the market in which they operate, and as opposed to retrenching, they seem to prosper when they misstate their earnings, when they have billions and billions of misstated earnings, when they mislead the government and when they mislead their investors, when they couldn't produce audited financials in years, and, I believe, hold more debt than the publicly held debt of the Federal Government, I think we ought to err on the side of strengthening the regulator's ability to protect us by the systemic risk of what we, we in Congress, have created in the first place.

So I, too, wanted to raise my voice loud and clear on this issue. I certainly appreciate the chairman's willingness to work with the gentleman from Louisiana and others of us on the committee who are very concerned about the potential systemic risk posed by the activities of Fannie and Freddie.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The amendment was agreed to.

AMENDMENT EN BLOC OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, as the designee of the Members I am about to name, I ask unanimous consent that the following amendments be considered en bloc: No. 2 from Ms. EDDIE BERNICE JOHNSON of Texas with a modification which is at the desk; No. 3 from Mr. BOOZMAN; No. 6 from Mr. TERRY; No. 7 from Mr. DONNELLY; No. 11 from Mr. BLUNT; No. 20 from Mr. MCCAUL of Texas; and No. 31 from Mr. BAKER.

I ask further that the debate on the amendment en bloc and any amendment thereto be limited to 20 minutes, equally divided and controlled by the majority and minority.

I am proud to report that I am the designee of all these people. I have rarely been so popular.

The Acting CHAIRMAN. The Clerk will designate the amendments.

Amendment en bloc consisting of amendment Nos. 2, 3, 6, 7, 11, 20 and 31 offered by Mr. FRANK of Massachusetts:

AMENDMENT NO. 2 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The text of the amendment is as follows:

Page 140, line 3, before the semicolon insert the following: "and a program of financial literacy and education to promote an understanding of consumer, economic, and personal finance issues and concepts, including saving for retirement, managing credit, long-term care, and estate planning and education on predatory lending, identity theft, and financial abuse schemes, that is approved by the Director".

AMENDMENT NO. 3 OFFERED BY MR. BOOZMAN

The text of the amendment is as follows:

Page 139, strike lines 22 through 25 and insert the following:

"(D) is made available for purchase only by, or in the case of assistance under this paragraph, is made available only to, homebuyers who have, before purchase—

"(i) completed a program".

Page 140, after line 3, insert the following:

"(ii) demonstrated, in accordance with regulations as the Director shall issue setting forth requirements for sufficient evidence, that they are lawfully present in the United States; and".

AMENDMENT NO. 6 OFFERED BY MR. TERRY

The text of the amendment is as follows:

Page 303, line 4, strike "and".

Page 303, after line 4, insert the following:

(B) in the first sentence, by inserting after "less than one" the following: "or two, as determined by the board of directors of the appropriate Federal home loan bank,"; and

Page 303, line 5, strike "(B)" and insert "(C)".

AMENDMENT NO. 7 OFFERED BY MR. DONNELLY

The text of the amendment is as follows:

Page 140, line 3, before the semicolon insert the following: ", except that entities providing such counseling shall not discriminate against any particular form of housing".

AMENDMENT NO. 11 OFFERED BY MR. BLUNT

The text of the amendment is as follows:

Page 154, line 6, strike the closing quotation marks and the last period.

Page 154, after line 6, insert the following:

"(p) FUNDING ACCOUNTABILITY AND TRANSPARENCY.—Any grant under this section to a grantee from the affordable housing fund established under subsection (a), any assistance provided to a recipient by a grantee from affordable housing fund grant amounts, and any grant, award, or other assistance from an affordable housing trust fund referred to in subsection (o) shall be considered a Federal award for purposes of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note). Upon the request of the Director of the Office of Management and Budget, the Director of the Federal Housing Finance Agency shall obtain and provide such information regarding any such grants, assistance, and awards as the Director of the Office of Management and Budget considers necessary to comply with the requirements of such Act, as applicable pursuant to the preceding sentence.".

AMENDMENT NO. 20 OFFERED BY MR. MCCAUL OF TEXAS

The text of the amendment is as follows:

Page 154, line 3, after the period insert the following: "Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in clauses (i) through (vi) of subsection (i)(6).".

AMENDMENT NO. 31 OFFERED BY MR. BAKER

The text of the amendment is as follows:

Page 23, line 16, strike "5 members" and insert "3 members".

Page 23, line 20, after the semicolon insert "and".

Page 23, line 22, strike "; and" and insert a period.

Strike line 23 on page 23 and all that follows through line 5 on page 24.

MODIFICATION TO AMENDMENT NO. 2 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The Acting CHAIRMAN. The Clerk will report the modification to amendment No. 2.

The Clerk read as follows:

Modification to amendment No. 2 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

In lieu of amendment No. 2, on page 140, line 3, before the semicolon insert the following: "and a program of financial literacy and education to promote an understanding of consumer, economic, and personal finance issues and concepts, including saving for retirement, managing credit, long-term care, and estate planning and education on predatory lending, identity theft, and financial abuse schemes relating to homeownership that is approved by the Director".

Mr. FRANK of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Acting CHAIRMAN. Without objection, amendment No. 2 is modified and the amendments shall be considered en bloc.

There was no objection.

The Acting CHAIRMAN. Without objection, the gentleman from Massachusetts (Mr. FRANK) and a member of the minority each will control 10 minutes.

There was no objection.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to one of the authors, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today to support this amendment and certainly want to thank the chairman of the committee and other members of the committee.

My amendment, as modified, addresses the need for public knowledge and understanding of basic financial principles. It also seeks to reduce our Nation's already enormous consumer debt. My amendment requires that anyone who receives Federal assistance through the affordable housing fund committee attend a financial literacy program.

We must educate our Nation's consumers to make informed decisions when managing their personal finances. Many consumers, especially first time homeowners, do not fully understand the complex financial agreements into which they are entering. For most families, their home is their single largest financial investment.

Therefore, it is vital to provide working families with the knowledge on how to buy and keep their homes. The number of foreclosures rise every month all over the country. And in the Dallas area, we have one of the highest foreclosure rates in the Nation.

My amendment will work to reduce the number of foreclosures and solidify a strong housing market. Education truly is the key to building a strong housing market and strong communities. Homeownership is a dream for many Americans. It represents security and it builds pride in our neighborhoods, and it is essential in creating positive, productive communities.

My amendment will help families fully understand their financial commitments and allow them to successfully achieve their part of the American dream.

I appreciate the chairman including my amendment en bloc.

The Acting CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. NEUGEBAUER) for 10 minutes.

Mr. NEUGEBAUER. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. BOOZMAN).

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Mr. BOOZMAN. Mr. Chairman, I thank the gentleman from Texas for yielding me so much time.

In the interest of trying to curry favor with the gentleman from Massachusetts and the gentleman from Texas, I'll be very, very brief.

My amendment is a very commonsense amendment that ensures that any homeowner applying for or receiving assistance through the affordable housing funds are in the United States legally.

Not passing this amendment will only make it possible and probable, highly probable, that people residing in this country illegally will receive these benefits at the expense of U.S. taxpayers.

Mr. FRANK of Massachusetts. Mr. Chairman, first I yield myself 30 seconds to thank the gentleman from Arkansas.

There are actually four amendments trying to achieve the same purpose. I must say I thought his did it in the best possible way, leaving flexibility. There may be legislation adopted. I am hoping this may save us some time later, but I do want to say we completely agree.

Let's be clear now, with the adoption of this amendment, no one will be able to benefit from the Affordable Housing Fund who cannot demonstrate that he or she is legally in this country. I think that was very helpful. I'm glad that it's going to go through unanimously, and I thank the gentleman from Arkansas for the straightforward way in which he did it.

Mr. Chairman, I believe there are no Members left on our side who need to be recognized, so I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, it's my pleasure to yield 5 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Chairman, I rise today in support of an important amendment to H.R. 1427. As we all know, the underlying bill creates an Affordable Housing Fund. In addition, the bill provides for the establishment of an Affordable Housing Trust Fund, should Congress decide to create one in the future. All the moneys from the Affordable Housing Fund would then be transferred into the Affordable Housing Trust Fund.

While I have serious concerns that a fund like this creates the opportunity for fraud, waste and abuse, and detracts from the bipartisan goal of GSE reform, I would like to commend the chairman of the Financial Services Committee for including in the bill a list of prohibited uses for the housing fund grants. These prohibitions include political activities, advocacy and lobbying.

I know that my friends on the other side of the aisle agree with me when I say that government grants should not be used to fund political activities of any sort. If they didn't, they would not have included it in this bill.

My amendment simply applies the exact same restrictions on any future trust fund. While an argument can be made against this amendment that the prohibitions are implied in the text of the bill, it is important in my view that when we are dealing with the taxpayers' dollars that we are as clear and explicit as possible.

I thank the chairman.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MCCAUL of Texas. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman. I really appreciate his offering this amendment. As I said, I understand there will be some philosophical differences over the existence of the fund, but it certainly is incumbent upon us to make sure that that's all we're debating, not whether it would be misused or abused.

We tried to deal with that. You never anticipate everything, and the gentleman's amendment is a very good addition of the kind of safeguards we want so that we can be debating the real issue and not other things, and so I am grateful that you're offering it.

Mr. MCCAUL of Texas. I thank the chairman.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY. Mr. Chairman, my amendment, along with my good friend and colleague, Mr. FEENEY from Florida, will ensure that pre-purchase financial counselors for low income, first-time home buyers who are to receive Affordable Housing Fund grant moneys do not discriminate against any particular form of housing in the performance of their duties or rendering financial advice.

My amendment will prohibit any existing biases from entering into the financial advice that counselors administer to first-time home buyers, and it ensures that the advice that they are providing is strictly financial, not editorial.

These first-time home buyers need to have access to information about all of the types of affordable housing that is available to them, whether it is a manufactured home, condominium or any other form of quality affordable housing.

We want to ensure that the people who benefit from this program have all of the information they need to make a sound decision based on their financial needs, but counselors should not steer them to or away from specific types of housing.

Mr. Chairman, I urge my colleagues to support this amendment, and I see that my good friend Mr. FEENEY is on the floor as well.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Chairman, I will not need that much. I thank the chairman. I thank Congressman DONNELLY.

I think it is important as we get people into counseling to give them the best advice about how they can qualify for good loans and how can get good credit and how they can take care of their financial needs as they move into housing that we not allow counselors to be biased in the forms of the housing that they may like or not, but give all of the options out to the customers.

I want to applaud the gentleman for his good amendment. I want to encourage my colleagues to join in supporting it.

Mr. FRANK of Massachusetts. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Massachusetts (Mr. FRANK) has 6 minutes remaining. The gentleman from Texas (Mr. NEUGEBAUER) has 7½ minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 2 minutes. I don't see other sponsors.

Just to say, in the absence of the minority, I don't mean to be presumptuous and others may want to speak as well, but one of the amendments we're adopting was offered by the gentleman from Missouri, the minority whip, to require that any assistance provided in the fund from the National Affordable Housing Trust Fund be considered a Federal award for the purposes of the Federal Funding Accountability and Transparency Act, full disclosure, et cetera.

I appreciate, once again, the gentleman from Missouri offering this. I have heard the gentleman from Texas' amendment. These are two safeguards that we neglected to put in.

What it makes clear is that while this is not going to be Federal funding, it will be treated, since it comes from this Federal enactment, with all of the safeguards that would apply if it were Federal funds. And I think the whip has done a very good job in doing this. He's picked up an existing set of rules, and this is one more example I think of the extent to which, and I know this doesn't do away with all the controversies, but it does allow us to argue, as I said, on a philosophical basis.

So I just want to acknowledge my appreciation to the whip for coming up with this, and I'm glad we're able to adopt it.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Speaker, we have no other people to speak on this en bloc, and so I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment en bloc offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment en bloc was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. MCHENRY

Mr. MCHENRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. MCHENRY:

Page 156, line 4, after "Congress" insert "and the Director of the Federal Housing Finance Agency".

Page 156, after line 4, insert the following new subsection:

(e) DETERMINATION AND SUSPENSION OF ALLOCATIONS.—Not later than the expiration of the 3-month period that begins upon the expiration of the period referred to in subsection (d), the Director of the Federal Housing Finance Agency shall review the report submitted pursuant to such subsection and shall make an independent determination of whether the requirement under section 1337(b) of the Housing and Community Development Act of 1992 (as added by the amendment made by subsection (a) of this section) that the enterprises make allocations to the affordable housing fund established under section 1337(a) of such Act—

(1) will decrease the availability or affordability of credit for homebuyers of one- to four-family residences; or

(2) will increase the costs, to homebuyers, involved in purchasing such residences.

If the Director determines that such requirement will decrease such availability or affordability, or will increase the costs of purchasing such residences, notwithstanding such section 1337(b) or any other provision of law, the requirement under such section to allocate amounts to the affordable housing fund shall not apply, and shall not have any force or effect, with respect to the year in which such determination is made or any year thereafter.

Mr. MCHENRY. Mr. Chairman, I want to start by commending the ranking member, SPENCER BACHUS, and the chairman of the Financial Services Committee, Mr. FRANK, for the open dialogue that we've had in the Financial Services Committee and here on the floor. This amendment process I think has been a healthy one, and I appreciate the chairman engaging in this debate.

The amendment that I offer today builds on an amendment offered and passed in the committee during markup, which I participated in and which I voted for the amendments as well. It requires a GAO study to investigate the Affordable Housing Fund's effects on availability and affordability of credit for home buyers. That's what the amendment added to the bill.

Essentially the GAO study will tell if the costs of the funds are being passed on to home buyers. Some of us on this side of the aisle, many free market conservatives, believe that what is deemed the Affordable Housing Fund, the Housing Trust Fund, will be passed on straight to the mortgage consumers of America; in essence, a tax increase on those who have mortgages, especially middle income individuals.

My amendment takes what is in the bill and goes it one step further. If, as a result of the GAO's report, the Director of the Federal Housing Finance Agency determines that the Affordable

Housing Fund is increasing mortgage costs for consumers, my amendment suspends the assessment of Freddie and Fannie. I think this is a healthy thing.

As the bill stands, Freddie and Fannie will allocate an amount equal to 1.2 basis points of their total portfolio to the fund for fiscal years 2007 through 2011. Over these 5 years, the fund will accumulate an estimated $3 billion for the purposes of these housing initiatives. But Fannie and Freddie are publicly traded companies, and as someone who analyzed the economics of this, I'm concerned that a 1.2 basis point assessment of the total portfolio will simply be a 1.2 percent tax increase on those that have mortgages.

And what I want to make sure is those costs are not going to be passed on to the consumer. What I'm concerned about is that it will be a mortgage tax increase, and that is the reason why I have concerns about the housing fund as it now stands.

So what my amendment does is alleviate those concerns, and if my amendment passes, I think it would be far easier to accept the housing fund as it now stands, and that is my big concern with the bill.

I want to commend the chairman for putting in much-needed reforms to Fannie and Freddie and the government-sponsored enterprises, and we want to make sure that middle income Americans, middle income home buyers will be able to have affordable access to mortgages. That's what Fannie and Freddie are there for. We want to make sure that this does not raise and increase the cost of home buying.

I would ask my colleagues to support my simple amendment that would alleviate some concerns that we, on this side of the aisle, a few on this side of the aisle, have with this bill, and I encourage my colleagues to vote for it.

Mr. SCOTT of Georgia. Mr. Chairman, I move to strike the last word.

In response to the gentleman's amendment, let me just try to cut through a lot of this to get to exactly why we oppose this amendment and why it's important. And again, this amendment is again designed to obliterate the program.

Now, it's very important for us to understand, we're dealing right now with a very volatile housing market. We're dealing with a situation where the subprime market has melted down. We're dealing with a situation where we've had record foreclosures. We're dealing with a situation where the area we're targeting this to go to first for the first year has suffered the worst natural disaster, where people are homeless as we speak.

There is a need for government. We have a constitutional responsibility to take care of the public interests. If there ever was a need for the public interest, it is needed in affordable housing. We do not need this kind of amendment that in effect does this, all the studying he may want to say, and I respect the gentleman from North Carolina. I do not question his motives, and I do not dislike him as a person. I just dislike greatly his amendment because his amendment goes, again, at the effort to cut this bill, which is totally designed for the least of us, for people that can't afford it, for people that need our help.

That's why we have this measure, and when you look at the marketplace, you cannot apply the activities of the free marketplace dealing with housing and put all of the convertibles you want to put on it as it applies to middle class or upper class individuals. We're not dealing with people with money. We're dealing with people that don't have any money. That's why we're providing this measure to them.

So that if your amendment goes into effect, in effect you will be requiring the Director to determine if the GSE's allocations to the fund will decrease the availability or affordability of credit to home buyers or will increase the costs to home buyers. If the Director determines that the GSE's allocation to the fund will decrease the availability or affordability of credit to the home buyer will increase the costs to the home buyers, the requirement to allocate amounts to the funds shall be terminated.

□ 1915

All of that power you are putting arbitrarily into a person's hands to say, on his whim, kill the program, done with the program, based upon what he sees and what he says. That's why this bill, this amendment, must be defeated, and we recommend strongly a "no" vote on your amendment for that reason.

The Acting CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. AL GREEN of Texas) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1495. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

H.R. 2206. An act making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1495) "An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and that on May 17, appoints Mrs. BOXER, Mr. BAUCUS, Mr. LIEBERMAN, Mr. CARPER, Mrs. CLINTON, Mr. LAUTENBERG, Mr. INHOFE, Mr. WARNER, Mr. VOINOVICH, Mr. ISAKSON, and Mr. VITTER, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2206) "An Act making emergency supplemental appropriations and additional supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. INOUYE, Mr. REID, Mr. COCHRAN and, Mr. MCCONNELL, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of committee of conference accompanying the bill (S. Con. Res. 21) entitled "Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.".

The SPEAKER pro tempore. The Committee will resume its sitting.

FEDERAL HOUSING FINANCE REFORM ACT OF 2007

The Committee resumed its sitting.

Mr. NEUGEBAUER. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from North Carolina.

Mr. MCHENRY. Mr. Chairman, I thank my colleague from Texas for yielding. I want to thank my colleague across the aisle for his informative discussion. I respect him immensely. I appreciate him laying out his arguments against my amendment.

What I would say is that we both have the same intent, affordable housing for as many Americans as possible. That should be the intent with this legislation, and I think it does, in terms of the reforms implemented for the government-sponsored enterprises that we are talking about today. The concern that I have is that, in essence, we are going to be taxing the middle class, and those that are on, let's say, lower middle class, which the government-sponsored enterprises, Fannie and Freddie were provided to provide liquidity in the marketplace.

We are going to be taxing those mortgages to pass it on to people who, you said, don't have money. So it's a transfer from that middle-class group to some folks that are on the edges of society.

My concern with that is that rather than us designing programs to bring them into the mortgage marketplace, so that they can provide for themselves, that this simply will supplement additional government programs and further lock people into receiving government money, rather than receiving a help out.

So my concern is that we are going to be taxing those that can really afford to deal with additional taxes.

Mr. SCOTT of Georgia. Would the gentleman yield just for a clarification.

The Acting CHAIRMAN. The gentleman from Texas controls the time.

Mr. SCOTT of Georgia. I am asking if he would yield for a moment to let me correct something, if he would.

The Acting CHAIRMAN. The gentleman from Texas controls the time.

Mr. NEUGEBAUER. I yield to the gentleman.

Mr. SCOTT of Georgia. I very much appreciate that. It is very important that I clear this up.

First of all, there is no inclusion of taxes here. This money is coming from the shareholders. It's coming from the shareholders of these GSEs. That's exactly where it's coming from.

Mr. NEUGEBAUER. Reclaiming my time and yielding back to Mr. MCHENRY.

Mr. MCHENRY. That is what a tax is. You are taking it from one group and giving it to another group. What this is 1.2 basis points on a portfolio. If you are talking about taking it from the shareholders, go ahead and raise the capital gains tax, because I know it is part of the budget that was passed today.

I know many of you all believe in that on your side of the aisle, some, probably, on my side of the aisle. But my point is, I don't think we should tax them. With this 1.2 basis points on a portfolio is, in fact, a tax.

The Acting CHAIRMAN. The gentleman will suspend. The gentleman from Texas controls the time and has to remain on his feet.

Mr. MCHENRY. What I would contend though is the 1.2 basis points on the portfolio is simply a tax on every mortgage that flows through Fannie and Freddie. If you are taxing the profits on Fannie and Freddie as originally designed, you can make the contention that you are taxing the shareholders of Fannie and Freddie.

But, with this design of the current bill before us, if, in fact, you believe in affordable housing, and encouraging more people into the middle class and moving people up, then what we need to do is ensure that we are not decreasing the affordability.

Mr. WATT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am always reluctant to rise in opposition to my colleague from North Carolina, because he is my close colleague from North Carolina. He is right next door to my congressional district, well, one county removed, I guess. So it's burdensome when I have to rise in opposition to his amendments.

But this one I feel strongly about. First of all, I have heard this argument several times today that this imposes some kind of tax on middle-class and low-income homeowners. I think, if you look into this, you will find that this money is either going into a trust fund, which we all support to increase homeownership and affordable housing in this country, or, as has been the case throughout Fannie and Freddie's existence, it is going to the shareholders of Fannie and Freddie.

There is no passing along of savings, no enhancement of credit to additional home buyers. This is a choice between whether the shareholders get it or if we were going to finance affordable housing by the government, whether the taxpayers would be paying for it, which this trust fund really shields the taxpayers from having put up this money. That's my first argument.

The second concern I have is that this trust fund would sunset in 5 years, and we have, as a Congress, if we pass this bill and it survives through the whole process, we will have legislated this into existence.

The effect of this amendment would be to allow the director of this new agency with all these enhanced powers that we have given to him, to unlegislate what we have legislated, which I think is an inappropriate delegation of our authority.

Now, it may be that we make a bad decision to legislate it, but we recognize that by putting a 5-year sunset in the provision and allowing ourselves to come back and correct our own decision if we find that the decision was erroneous.

It is not good from my vantage point, to say to a director of any Federal agency, we passed this as a policy matter, and we are going to give you the authority to reverse it.

Now, if some independent body were making this determination, it were a study, as the gentleman indicated, we agreed to a study by the GAO and put it in the bill. That would be an appropriate mechanism for us to get feedback where we could undo this at the end of 5 years or renew it at the end of 5 years, but that's different than saying to the director, you can go if you determine that A, B or C exists, and you can unwind what the Congress of the United States told you is the law of the land.

So if the gentleman were inclined to offer this as part of this study, which we approve, I think it might be an appropriate way to proceed, because it would help to inform us. The GAO would do the study, they would tell us what their results were, and if we agreed with them that it was a big enough mistake, then we could, even before the 5 years, we could go back and correct it. But I don't want any director of some agency to be passing legislation either directly or indirectly.

For that reason, I think this is not a good amendment. I encourage my colleagues to defeat it.

Mr. FRANK of Massachusetts. Mr. Chairman, I fully agree with my friend from North Carolina.

I rise only on one specific factual point. The gentleman from North Carolina said this would levy 1.2 basis points on the mortgages. That's in lieu of a profit. The Treasury asked us to change it.

The gentleman from North Carolina said 1.2 basis points. That's equivalent to a 1.2 percent tax. No, that's 100 times wrong. A basis point is one one-hundredth of 1 percent. So 1.2 basis points is not 1.2 percent as the gentleman said, but .012 percent.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MCHENRY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. KANJORSKI

Mr. KANJORSKI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. KANJORSKI:

Strike line 22 on page 290 and all that follows through line 4 on page 293, and insert the following:

SEC. 181. BOARDS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended in the first sentence by striking "eighteen persons," and inserting "not less than 7 and not more than 15 persons,".

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under section 185 occurs.

(b) Freddie Mac—

(1) IN GENERAL.—Paragraph (2) of section 303(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2) is amended in subparagraph (A) by striking

"eighteen persons," and inserting "not less than 7 and not more than 15 persons,".

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the Board of Directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under section 185 occurs.

Mr. KANJORSKI. Mr. Chairman, simply stated, my amendment would ensure a continued independent public voice in the corporate governance of Fannie Mae and Freddie Mac.

This amendment also has the support of the National Association of Home Builders and the National Association of Realtors. The bill before us would make a dramatic change in the board structures of the two government-sponsored enterprises, and this issue deserves a public debate. The charters of Fannie Mae and Freddie Mac presently require that the boards of both enterprises shall, at all times, have five members appointed by the President.

Unfortunately, the bill before us today would eliminate the requirement for presidential appointees on the boards of Fannie Mae and Freddie Mac. In my view, requiring presidential appointees to serve on the boards of Fannie Mae and Freddie Mac is entirely appropriate, given the unique nature of their charters and their important public missions.

Government-sponsored enterprises, by their very nature, are public, private entities, and they need to have a public voice at the highest levels of governance. The Presidential appointments, therefore, signal that each entity is not only accountable to its shareholders, but also to a broader national public policy interest. Additionally, the presidential appointment system gives citizens a needed voice in ensuring the viability of our Nation's housing finance system, and that the benefits of this system are widely distributed. Maintaining public representation on the GSE boards is therefore critical to ensuring continued public trust in these very important financial institutions.

This amendment would accordingly restore the presidential board appointment assistance for the GSEs. It would also restore a change made in the bill that passed the House in the last Congress by a voice vote. This change provides flexibility in the size of the corporate boards that Fannie Mae and Freddie Mac established.

This commonsense amendment to retain an independent voice on the GSE boards also has the backing of those who know our housing markets best, like the National Association Home Builders and the National Association of Realtors.

In a recent letter to me about this amendment, the home builders note that "a diverse governing board of directors that is well balanced in knowledge and expertise in the full range of GSE-related issues and activities is critical." They also believe that the amendment "will help ensure that the GSEs' board of directors are best equipped to make informed, sound judgments in fulfilling their duties, including monitoring risk management activities of the GSEs' executives."

In sum, this amendment is one that deserves the support of everyone who wants to preserve a public voice within these public, private entities and promote good corporate governance. It has the support, as I said before, of the homeowners and the realtors.

Mr. Chairman, I urge its adoption.

Mr. FEENEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to oppose the gentleman from Pennsylvania's amendment. I can tell you that we dealt with this issue in committee on a bipartisan basis, and we decided that we wanted to take away the political operations of Fannie Mae and Freddie Mac.

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We believe that you cannot serve two masters and do a good, faithful job to both masters.

One of the reasons that Fannie and Freddie got in accounting problems in the first place is because of a complacent board of directors that was populated with political employees.

We believe in a post-Enron era that it becomes very, very important that we take advantage of corporate governance standards that are second to none. Even those of us that have criticized certain portions of Sarbanes-Oxley like section 404 as being overzealous believe deeply that Sarbanes-Oxley had some good corporate governance and conflict of interest rules that has imposed. That is why we decided that the trustees should owe a duty to the shareholders and to good corporate governance, not to the political people that may have appointed them.

And I think Mr. KANJORSKI has an understandable sympathy for having some public-oriented representatives, but the truth of the matter is you end up with members of the board of trustees that are going to have to decide between whether they owe loyalty to the person that appointed them, or to good, tough corporate governance and to the shareholders that are seeking their best wisdom.

I would ask that we strongly defer to the considered opinion on a bipartisan basis of the Financial Services Committee on this one, and that we reject the Kanjorski amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. BACHUS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 27 OFFERED BY MR. ROSKAM

Mr. ROSKAM. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. ROSKAM:

Page 128, line 14, strike "paragraph (2)" and insert "paragraphs (2) and (4)".

Page 129, after line 22, insert the following new paragraph:

(4) LIMITING CONTRIBUTIONS TO AFFORDABLE HOUSING FUND WHEN THE GOVERNMENT HAS AN ON-BUDGET (EXCLUDING SOCIAL SECURITY) DEFICIT AND AN OFF-BUDGET (INCLUDING SOCIAL SECURITY) SURPLUS.—

(A) LIMITATION.—For any year referred to in paragraph (1) that immediately follows a fiscal year in which the Government has an actual on-budget deficit and an actual off-budget surplus, the amount of money required to be allocated to the affordable housing fund shall not exceed the amount allocated to such fund in the preceding year.

(B) DEFINITIONS.—For purposes of this paragraph:

(i) The term "actual on-budget deficit" means, with respect to a fiscal year, that for the fiscal year the total outlays of the Government, excluding outlays from Social Security programs, exceed the total receipts of the Government, excluding receipts from Social Security programs.

(ii) The term "actual off-budget surplus" means, with respect to a fiscal year, that for the fiscal year the receipts from Social Security programs exceed the outlays from Social Security programs.

(iii) The term "Social Security programs" means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

Mr. ROSKAM. Mr. Chairman, this amendment would take the conversation this evening in a little bit of a different direction. It simply would postpone the diversion of funds to the Affordable Housing Trust Fund that is created in this bill until such time as Congress stops raiding the Social Security Trust Fund to pay for unrelated government programs.

This year, the majority proposed and passed a budget that assumes it will raid the entire Social Security surplus, an estimated $190 billion, to spend on other government programs, and that amount will increase to $203 billion for the year 2008.

During the course of many of our journeys to this office in this last election cycle, we stood up in senior centers and in conversations and in coffee and corner conversations, and we said, "We will stand firmly with the seniors on behalf of Social Security."

The chairman of the Financial Services Committee has sort of quietly admonished the Republicans on this side of the aisle who were here in the year 2005 for voting on a past bill and so forth. But there are 54 new Members of the House of Representatives, and we all took the oath of office. I took it right over there where Congressman FEENEY is sitting, took my oath; my wife was in the audience, my children were by my side, my mom and dad were here. Fifty-four of us all came in, 13 on our side, 41 on the other side, and we took that oath of office. We were not part of the conversation in the year 2005, but many of us campaigned on the integrity of the Social Security system.

Mr. Chairman, I don't know what the parliamentary rule is on referring to quotes and so forth, and I know that it is not what in our family is called cool, so I am not going to name names. But a quick Google search of the new Members of Congress who joined me in this class, the class of 110th, criticized opponents that they defeated for voting to rob the Social Security Trust Fund and spend it on other programs.

"Those were documented votes. Those are budget votes, and they used the Social Security Trust Fund to mask the overall Federal deficit."

Someone else said, "We are going to make sure we have real substantive programs about how we make sure Social Security is secure."

Or, Mr. Chairman, how about this. Another new Member said in their campaign that they would "fight for Social Security for seniors."

Or how about this language. That they would "stop the raids on the Social Security Trust Fund that are used to help cover our Nation's huge Federal budget deficits."

You get the point.

You know, life is choices. And I respect the chairman and his passion on this bill and the intellectual honesty with which he has approached this. When I saw the chairman, who was injured, I sort of thought that he might have tripped and fell over one of those Blue Dog signs that are littered all over the Cannon Building in my office. They are everywhere. Mr. Chairman, I have a copy of one of the Blue Dog signs that says, "The Blue Dog Coalition. The national debt is $8.8 trillion, and your share of the national debt is $29,000."

You know what? Those signs are getting a little bit faded. There is not quite so much interest in that issue right now on the part of the Blue Dogs, it seems to me.

I think we have choices to make, and I would submit that the choice that we have to make is a choice of priorities. And voting "yes" on this amendment says our highest priority in this conversation that we are having is to ensure the integrity of the Social Security system. It simply says, it transcends this last hour or two of debate. It doesn't get into the profitability and loss, the shareholders, and so forth. It admits, okay, great idea. But put it on pause, and take the money that the chairman has found, take the money and put it into the Social Security Trust Fund. That is what this amendment says. It says put it on pause, and use it to fund our obligations.

Look, we have got a lot of moving parts in terms of problems in this country. We have got the national debt, we have got veterans obligations, we have got pension obligations. We have got to lower gas prices. You name it. There is one thing after another that we need to do. And all this bill does is it says, great idea, terrific idea even; wrong time.

So I think the majority owes a great debt of gratitude to the chairman of the committee, because he has come up with $3 billion that can be enacted in one rollcall this evening to make the Blue Dog Coalition promise come true.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to oppose the amendment.

Sometimes I am more impressed with the gentleman's work product than others. He just made a misstatement of his own amendment, if I have the right amendment. He says, instead of putting it in the Affordable Housing Fund, put it into Social Security.

Nothing in this amendment does that. This amendment says that if there is a deficit in the Federal budget, then you don't put the money from Fannie Mae and Freddie Mac into the Affordable Housing Fund. It does not say you put it anywhere else. It is unrelated. It simply says that if you don't have enough money to meet the deficit, then you don't take money that would not otherwise go to the deficit.

There is no connection between the money being spent from Fannie Mae and Freddie Mac. This one is scored at zero by CBO; so, not spending the Affordable Housing Fund would in no way reduce the deficit.

I would yield to the gentleman if he would show me where in his amendment it says that, if we don't spend on affordable housing, we would put it into reducing the deficit. I am reading the amendment. There is nothing like that in here. I yield to the gentleman.

Mr. ROSKAM. Here's the point.

Mr. FRANK of Massachusetts. No. I am yielding for the purpose of a question. Answer the question. The gentleman said, the choice is to either put it into affordable housing or put it into the deficit. It doesn't go into the deficit now. It is Fannie Mae and Freddie Mac profit. Nothing in his amendment that I read would put it into the deficit.

Would he please explain to me what his statement meant and how it is accurate, and I will yield for that purpose.

Mr. ROSKAM. Page 2, paragraph I, the term "actual on budget deficit" means, with respect to the fiscal years, for fiscal year the total outlies of the government, excluding for Social Security program, exceeds the total receipts of——

Mr. FRANK of Massachusetts. I understand that. That is a definition of the deficit. Good for the gentleman. But it does not put any money into the deficit. The gentleman said that if we passed his amendment, we would be choosing to put the money, instead of into affordable housing, into helping Social Security. The amendment doesn't say that.

Mr. ROSKAM. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I will yield if the gentleman will give me an answer to the question. Reading his amendment doesn't get to the question. How does your amendment transfer money into Social Security?

Mr. ROSKAM. Maybe it is a two-step dance.

Mr. FRANK of Massachusetts. No.

Mr. ROSKAM. Will you yield?

Mr. FRANK of Massachusetts. I will yield, it is a two-step dance. Is the gentleman asking me to dance?

Mr. ROSKAM. The first step is to push the pause button, Mr. Chairman, and to recognize the current obligation—

Mr. FRANK of Massachusetts. I take back my time. The gentleman has now acknowledged that his statement was not accurate. The gentleman has now acknowledged that nothing in his amendment does anything about the deficit. He says it is a two-step dance. It is a Kabuki dance. It is a Dance of Seven Veils. It has got an unrepresentative argument here.

Nothing in this puts the money into Social Security. There is nothing in here that would do that. What it says is, let's not put any money into affordable housing from Fannie Mae and Freddie Mac if there is a deficit.

Frankly, the gentleman did not, it seems to me, clearly represent his amendment. He says it is a two-step dance. Is he proposing that we would then take the money from Fannie Mae and Freddie Mac, the 1.2 basis points, not 1.2 percent, and put that into the Social Security Trust Fund? He has now acknowledged that nothing in his amendment would help Social Security. I guess we will learn later what is the second step of the dance.

I am kind of older; I used to watch Arthur and Kathryn Murray teach dance, but I don't think even they could have taught us how this is going to spin into putting money into Social Security. So this amendment is a perfect definition of a non sequitur.

Mr. WATT. Mr. Chairman, will the gentleman yield?

Mr. ROSKAM. Maybe it is a two-step dance.

Mr. FRANK of Massachusetts. I yield to the gentleman from North Carolina.

Mr. WATT. I want to suggest the second step of the dance, from my perspective, is the money goes into the trust fund; housing is built; that generates economic activity and reduces the deficit. So the second step to this dance is a deficit reduction using the trust fund, not under the gentleman's amendment though.

Mr. FRANK of Massachusetts. That is a far more plausible explanation than we have got.

Does the gentleman want me to yield?

Mr. ROSKAM. I thank the gentleman.

In the same way, Mr. Chairman, you have demonstrated it to the committee, and you have been a leader in this dance, basically, by saying, "Trust me in how we are going to fund this."

Mr. FRANK of Massachusetts. I take back my time. That is absolutely untrue. I have never asked people to trust me. If he is talking about spending affordable housing later, what I have said is it will be spent in accordance with a bill to be passed by the Congress. That is not trusting me.

And I have never said that one thing was going to accomplish the other. We have said we would set some money aside and later decide how to spend it. It doesn't do that here. It leaves the money with Fannie Mae and Freddie Mac. This isn't public money. It is a non sequitur. I repeat.

It says we have a deficit in Social Security. That is too bad. Let's keep fighting the war in Iraq for hundreds of billions of dollars, let's keep doing all these other things, but let's not take money from Fannie Mae and Freddie Mac that would not otherwise contribute a penny to Social Security and spend it on affordable housing.

Mr. MCHENRY. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I don't want to speak to the dancing capabilities of any of my colleagues, whether it be a Kabuki dance or an Arthur Murray class or however else they want to dance.

But I would like to yield to my colleague from Illinois.

Mr. ROSKAM. I thank my colleague for yielding.

Mr. Chairman, I think it is important within this context to realize who has the gavel and who has the majority.

Mr. Chairman, you have the majority. You have the ability to direct vast sums of money. And what I am suggesting is that in your earlier conversation regarding those that were a part of the 2005 vote that you sort of felt like was somehow binding into perpetuity, 54 of us, Mr. Chairman, were not part of that conversation, and 54 of us didn't really find it informative.

There are 54 of us that came in this Congress totally new, fresh. We are the Etch-A-Sketch that is clean; 41 on your side of the aisle and 13 of us.

And so what I am suggesting is in the course of the campaigns that brought us here, many, many of us, and I Googled and searched several of yours and I didn't want to string them out by naming names and so forth. But many of your new freshmen said they were champions of Social Security. Well, you know what? They have got an opportunity to vote in favor of this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ROSKAM. Let me make my point, and I will reciprocate. But, like you do, you tend to finish your point.

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Mr. Chairman, we have to make priorities.

You know, I come from the O'Hare Airport area. O'Hare is in my district. And you know, the biggest challenge in O'Hare and why everybody hates flying through it is because there are so many planes in the air. This puts another plane in the air when nationally, you know what, we've got so many things circling, we've got one obligation after another that we're not doing well.

I commend the chairman. Look, you found $3 billion. The Democrats should give you a legislative, well, I was going to say something that was a little over top. They should congratulate you for finding that type of, those type of resources. And what I'm suggesting, Mr. Chairman, is that we put this on pause. I'm not getting involved in the debate earlier about whether it's a good idea or a bad idea. Say, for the sake of argument, it's fabulous. Say, for the sake of argument, western civilization won't process forward without it. I still say that there are higher priorities. And I named any number of them.

And what you have done, Mr. Chairman, in your advocacy and the way that you have asked us to, I would characterize it as trust you on how this is going to be articulated and distributed in the future based on legislation that you will have a profound influence on. And I would also say that we've got the ability, it's a two-step process.

Mr. MCHENRY. Mr. Chairman, reclaiming my time. May I inquire how much time I have remaining?

The Acting CHAIRMAN. The gentleman from North Carolina has 2 minutes.

Mr. MCHENRY. At this point, I'd like to yield to the chairman of the Financial Services Committee for a question which is, I know the C–SPAN audience, Mr. Chairman, is very interested in my colleague's injury, and I know he circulated a Dear Colleague, but if you could explain your injury.

Mr. FRANK of Massachusetts. I decline to take up the time of the House at this late date.

Mr. SCOTT of Georgia. I move to strike the requisite number of words.

I will yield a word to my distinguished chairman.

Mr. FRANK of Massachusetts. Mr. Chairman, I'm disappointed in the gentleman from Illinois, having yielded to him, refused the same courtesy. It's my time, the gentleman from Georgia's time.

I never asked anyone to trust me. He repeats that. It is simply inaccurate.

I've said that I thought we should set some money aside for low income housing, a specific purpose, low income housing, and then in a later bill, not me personally, but the Congress, decide how best to disburse it. That is hardly saying trust me and I'm disappointed. The gentleman generally it seems to me is fairer than that.

Secondly, he says higher priority. Again, this is fantasyland. Nothing in his amendment does a penny for Social Security. And he says temporarily suspend. Hit the pause button until the deficit is over.

Let's be very straightforward. That means kill it forever. There's no pause here. No one is assuming that the deficit is going to be ended within the next 7 or 8 years, so the argument that the gentleman makes that it is more important to do Social Security trust fund than the housing fund is irrelevant because nothing, nothing in the gentleman's amendment puts a penny into the Social Security. It's one more way to kill the affordable housing fund reflecting an ideological opposition to the existence of the Federal Government helping build affordable housing.

Mr. SCOTT of Georgia. Reclaiming my time, I'd like to get into this dance just a little bit myself, because here we've got this little program that we're trying to offer to help the very, very poor. To show you how desperate the opposition is on the other side, they want to segue this program as a saviour for Social Security, when they spent the last 2 years trying to kill Social Security with private accounts.

And then to try to use, when you mentioned the Blue Dog Coalition, I want you to know I'm a member of the Blue Dog Coalition, and I take offense to that particular point. Nobody has been working harder to bring down the deficit that you all created.

Let the record speak for itself. How can you even think to take this little poor program here that we're trying to help, would get low income housing, and then claim it to try to use it to try to offset the deficit, when, in fact, we had over a $3 trillion deficit, and under your control of this Congress for the past 4 years, since 2001, you and this President sitting in the White House has borrowed more money from foreign governments and foreign nations, yes indeed, you weren't here, your party, than all of the previous 42 Presidents put together, in other words, since 1789.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The gentleman is reminded to address his remarks to the Chair.

Mr. SCOTT of Georgia. Mr. Chairman, what I am saying is that there is very serious hypocrisy here that must be pointed out so the American people can make plain and understand the debate that is before us. This issue has nothing to do with tax increases, nothing to do with raiding Social Security savings and nothing to do with anything dealing with the debt. And my whole point is that the reason it's so hypocritical is the opposition on this side has done so much to destroy Social Security, to raise the debt and not respond. And then to pour this on the backs of this little program that we have targeted to poor people is about as hypocritical as you can get.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

What we've said on both sides of the aisle tonight, one thing we ought to be able to agree on is that last year we took $185 billion from the Social Security surplus, including everything that we've paid in and all the interest earned last year, and we spent it.

This year, Republicans, Democrats, we passed a budget earlier today that takes $190 billion, every bit of it, every bit of the FICA taxes paid in by all of us, citizens, young and old, we spent it. We spent the interest owed from previous years on the surplus. We spent every dime of it. Next year we're going to do $200 billion.

And we can play the blame game. But I don't think the American people are interested in how much the majority is at fault, how much the minority is at fault. I think what the American people want is they want it to stop. It's, you can call it borrowing, that's a nice word. You can call it raiding. You can call it taking. But the long and short of it is we're taking money every day that the American people, the people we represent, are paying into Social Security, and they're expecting, upon their retirement, to start drawing that money out. And we all know it's not going to be there unless we change our behavior. Not you, not us, we.

In 2017, 10 years from now, 10 years from now, we're going to start having to reduce our benefits on Social Security.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. BACHUS. I will yield.

Mr. FRANK of Massachusetts. I thank the gentleman. Will he explain to me what in the world that has to do with an amendment that does not provide a penny for Social Security?

Mr. BACHUS. Let me explain what it has to do. And I think it's a good point the tape. You said, well this doesn't come to that. Let me tell you, if there is validity in taking $3 billion, there's $3 billion over there that we can take from the GSEs and we can do it without affecting their stability, and let's just presuppose for the sake of argument that we can do it without increasing the cost to middle and lower income home owners. Let's just suppose we can do all that, or shareholders. Let's suppose we can take it from the shareholders, take it from the profits and it won't cost us anything. If we can do it, if we can do it, why don't we put it in Social Security? Why don't we start a new program?

No matter how much need there is, and the gentleman from Georgia continues to talk about the need. And I, listen, I agree with you. There is a need for affordable housing for low income Americans. I'm with you. There are 90 programs right now. A lot of them don't work, and for that reason, there is a need.

And so we're passing another $3 billion over 5 years. I understand that. I understand there's a need. But you know, before we start addressing that need, let's keep our promises to the American people.

Isn't Social Security a sacred promise? How many of us, if we would raise our hands, how many of us would say no? And it is a sacred promise, why don't we start tonight with this amendment and keep that promise to the American people?

We're going to, you know, the FHA bill was in committee. We made an amendment. Okay. If we can take some of the surplus fees, the chairman, others felt like it ought to go on to housing programs.

We said, let's start putting it all in Social Security. Let's start tonight. We said 2 weeks ago, let's start 2 weeks ago and let's start putting it in to the Social Security until we reach a situation where we're not taking everything out. And once we get to, and this is what this amendment says. It says once we get to the situation where we're not borrowing, then this money can go into this new housing program. But until the day that this Congress gets to the point where we can honor our promise to seniors and not have to borrow their money from them, instead of letting it earn interest and a return, until that day to where we quit borrowing from the Social Security trust fund no new programs, no new programs.

Mr. WATT. Mr. Chairman, I move to strike the requisite number of words.

I won't take 5 minutes. I just want to remind Members that we've just spent an awful lot of time arguing about something that has nothing to do with this bill, and that there are a number of other amendments. And I fear that at some point tonight, we will regret this detour on which we have engaged.

It illustrates, and the gentleman who is in his first term here will appreciate why the rules of the House are constructed as they are. You don't have a provision to transfer this to the debt because if there were a provision in your amendment to transfer it to the debt or to Social Security, this amendment would be non germane to this bill. And without germaneness rules, you can go off and talk about, for as long as you want, as they do in the Senate sometimes, about anything that they want to talk about.

But the amendment that you have offered is marginally germane because you didn't do what you say you wanted to do. And you've made the point that, Mr. Chairman, he's made the point that he wanted to make, I'm sure, to his constituents.

So I would hope that we could get back to the amendments that are germane and relevant to this bill, and maybe finish this bill tonight. It would be wonderful.

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Let me just say this very briefly, that I believe that the issue of the solvency of Social Security is significantly an important issue. And I appreciate your comments on germaneness. But I appreciate the opportunity for our constituents at home to be able to hear this debate and this discussion with regard to how we see it as important and doing everything humanly possible to make sure that it is solvent and there for our seniors in the future.

I yield my time to the gentleman from Illinois.

Mr. ROSKAM. I thank the gentleman for yielding, and I appreciate my colleague's instruction on germaneness. I have drunk of that cup. I offered what I thought was a relevant but nongermane amendment and sort of learned the hard way the buzz saw of the parliamentarian on a previous bill and sort of learned my lesson. I thank the gentleman for that.

Mr. WATT. Would the gentleman yield just long enough to let me clarify that I'm not arguing about whether this is important. I'm arguing about whether it is germane, and there is a difference. I acknowledge that it is important.

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Mr. ROSKAM. Mr. Chairman, if the gentleman from New Jersey will continue to yield, we can have a wonderful conversation about germaneness. But getting back to the chairman's point earlier about what I characterize as a "trust in me" argument. No, you didn't use the "words trust in me," but I think it is important that the body not be left confused about the implication at least that we took about a verbal interchange that the chairman had with the gentlewoman from Illinois (Mrs. BIGGERT) when she asked, and I am quoting from the committee transcript: "I know we have discussed the fact that there might be other ways to do this, but it seems if it is the chairman's plan to reconsider the details of the housing fund in the future, why not just take the fund out of here and then have the hearings and then make the decision."

And at that point Mrs. BIGGERT continued: "I cannot remember a time where we put something in and said maybe we will do this in this way but then we might do it another way and then we will go back and re-do it."

And then she yielded to the chairman, who then said: "The reason I do not want to leave it out now is I am very strongly committed to it, perhaps more than some other members. It is, I think, a rational part of this bill. It is a part of, frankly, an agreement.

"Let me be very clear. I believe that there is a great deal of interest on the part of the administration and some others in having a greatly increased regulatory structure for Fannie Mae and Freddie Mac.

"Not everybody who wants an increased regulatory structure for Fannie Mae and Freddie Mac is committed to that Affordable Housing Fund. If the Affordable Housing Fund was not established in this bill and was a stand-alone bill, it might get vetoed.

"I think it is less likely to cause vetoing of the whole bill. I like very much the idea of the Affordable Housing Fund. I do not believe it could stand on its own necessarily, and that is the reason for including it in this bill."

Now, I took from that, and I think it is a very reasonable inference, Mr. Chairman, the "trust in me" argument, and I think that that is a consistent argument.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield.

Mr. FRANK of Massachusetts. Mr. Chairman, that, I must say, totally disappoints me. For the third time the gentleman has tried to put words in my mouth. The words "trust in me," the gentleman read that, and the gentleman's distortion, systematic distortion, has gone beyond what I can deal with in a brief intervention. But I will say this: I continually said we should address that in separate legislation. If the gentleman doesn't know the difference between passing legislation which sets guidelines and saying "trust me," then the gentleman understands less in this place than I had hoped he did.

Mr. GARRETT of New Jersey. Mr. Chairman, reclaiming my time, I yield to Mr. ROSKAM.

Mr. ROSKAM. Mr. Chairman, I am always one to learn and I am always open to instruction, and I appreciate that very much. But the point is when a question is asked in committee and the ranking member of a subcommittee asks it and it is essentially not answered, I think the subtext is "trust in me." And I think that the opportunity as we move forward is to say, look, we have got an opportunity to take a $3 billion fund here that has been created that the chairman of the committee has found and to do the right thing with it.

Mr. PERLMUTTER. Mr. Chairman, I move to strike the last word.

I would like to yield to the chairman of the committee, Mr. FRANK.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman from Illinois apparently misremembered something. He looked diligently to try to find what he said, and he couldn't find what he imputed to me. I never said "trust in me." I didn't imply it. His subtext notion makes as little sense as his argument that we are going to somehow help Social Security in an amendment that doesn't touch Social Security.

What I said repeatedly was I want to reserve this now because I think this bill will not be vetoed and we will get the reservation, and for budgetary purposes, CBO scoring, it is a better way to do it, and we will then pass a separate piece of legislation. And his equation of my calling for a separate piece of legislation with my saying "trust in me" falls below the level that I had thought we would debate here.

I would again repeat, the gentleman from Alabama eloquently said let's start now. Let's do this. I want to be very clear, Mr. Chairman. I have never stopped him. The gentleman from Alabama had a new-found passion to help Social Security. Where is his amendment doing that? Where is his legislation doing that? This notion of let's get to Social Security, the central point is: The gentleman from Illinois' amendment does not put one penny into Social Security. Passing it would not help it. It would kill this fund forever.

What we have had is a variety of amendments. This is the fifth one tonight that finds a different way to kill affordable housing. The gentleman from Alabama was straightforward. He said he just wanted to kill it. So this has nothing to do with Social Security. It has to do with killing the Affordable Housing Trust Fund.

And I would just add this, and I thank the gentleman from Colorado for yielding, I find it somewhat ironic that Members who continue to support spending hundreds of billions of dollars on that terrible war in Iraq, which does America more harm than good, lecture me because we are going to spend half a billion dollars a year on Affordable Housing Fund out of nontax funds. Yes, let's do something about Social Security. Let's do something about the war in Iraq. Let's do something about other wasteful programs. But to take $500 million, I didn't see this concern for Social Security when we were doing the defense budget. I didn't see it when we did the authorization earlier today. I didn't see it when we were adding money.

I must be very clear, Mr. Chairman, within the rules, I am unpersuaded that the real motive of Members here is to do anything about Social Security. It is clear if you look at this pattern, they don't like the notion of the Federal Government's helping to build affordable housing, even if we do it, as we have succeeded in finding a way to do it in this bill, in a way that has no impact on the taxpayer, no impact on Social Security, and no negative consequences on the other government programs.

Mr. PERLMUTTER. Mr. Chairman, reclaiming my time, the bottom line here and the reason that I believe my friend from Illinois' amendment is irrelevant and it isn't germane is we are dealing with a government-sponsored entity that deals with affordable housing, and the purpose here is to provide affordable housing from a piece of the profits of the GSE that we are regulating tonight and we are trying to deal with. Over 5 years, this goes to $3 billion, which is less than half of the misstatement in earnings from one year from one of the entities.

This amendment needs to be defeated. I urge my colleagues to vote "no."

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FEENEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 26 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. BLUMENAUER:

Page 93, after line 9, insert the following new section:

SEC. 134. CONSIDERATION OF LOCATION AND ENERGY EFFICIENCY IN ENTERPRISE UNDERWRITING GUIDELINES.

(a) FANNIE MAE.—Section 302(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)) is amended by adding at the end the following new paragraph:

"(7)(A) In establishing requirements with respect to quality, type, class, and other purchase standards for mortgages on one- to four-family residences, the corporation shall—

"(i) consider the location efficiency and energy efficiency of the residence;

"(ii) treat any savings resulting from location efficiency or energy efficiency as an equivalent reduction in recurrent monthly expenses of the mortgagor; and

"(iii) increase any limit on the amount of debt under the mortgage allowable for the mortgagor that is based on mortgagor income to account for the present value of location efficiency savings and for the present value of energy efficiency savings.

"(B) For purposes of this paragraph, the following definitions shall apply:

"(i) The term 'location efficiency' means, with respect to a mortgage for a residence, the difference between—

"(I) the average monthly transportation expenses predicted for the family of the mortgagor residing in the residence subject to the mortgage; and

"(II) the average monthly transportation expenses, for families of the same size and income as the family of the mortgagor, residing in the lower quintile of homes in the same metropolitan area or in the nation as a whole.

Location efficiency shall be determined on a neighborhood-scale basis by the use of statistically valid methods.

"(ii) The term 'present value of location efficiency savings' means, with respect to a mortgage, the monthly value of location efficiency savings multiplied by the number of months in the term of the mortgage.

"(iii) The term 'energy efficiency' means, with respect to a residence, the difference between the average monthly energy consumption predicted for the residence and the average monthly energy consumption for a similar home that minimally complies with State and local laws, codes, and regulations regarding housing quality and safety.

"(iv) The term 'present value of energy efficiency savings' means, with respect to a mortgage, the monthly value of energy efficiency savings multiplied by the number of months in the term of the mortgage.

"(v) The term 'recurrent monthly expenses' includes, with respect to a mortgage, the monthly amount of principal and interest due under the mortgage and the monthly amount paid for taxes and insurance for the residence subject to the mortgage, as calculated in accordance with standard practices in the financial services industry for calculating the qualifying ratio for a mortgagor.".

(b) FREDDIE MAC.—Section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)) is amended by adding at the end the following new paragraph:

"(6)(A) In establishing requirements with respect to quality, type, class, and other purchase standards for mortgages on one- to four-family residences, the Corporation shall—

"(i) consider the location efficiency and energy efficiency of the residence;

"(ii) treat any savings resulting from location efficiency or energy efficiency as an equivalent reduction in recurrent monthly expenses of the mortgagor; and

"(iii) increase any limit on the amount of debt under the mortgage allowable for the mortgagor that is based on mortgagor income to account for the present value of location efficiency savings and for the present value of energy efficiency savings.

"(B) For purposes of this paragraph, the following definitions shall apply:

"(i) The term 'location efficiency' means, with respect to a mortgage for a residence, the difference between—

"(I) the average monthly transportation expenses predicted for the family of the mortgagor residing in the residence subject to the mortgage; and

"(II) the average monthly transportation expenses, for families of the same size and income as the family of the mortgagor, residing in the lower quintile of homes in the same metropolitan area or in the nation as a whole.

Location efficiency shall be determined on a neighborhood-scale basis by the use of statistically valid methods.

"(ii) The term 'present value of location efficiency savings' means, with respect to a mortgage, the monthly value of location efficiency savings multiplied by the number of months in the term of the mortgage.

"(iii) The term 'energy efficiency' means, with respect to a residence, the difference between the average monthly energy consumption predicted for the residence and the average monthly energy consumption for a similar home that minimally complies with State and local laws, codes, and regulations regarding housing quality and safety.

"(iv) The term 'present value of energy efficiency savings' means, with respect to a mortgage, the monthly value of energy efficiency savings multiplied by the number of months in the term of the mortgage.

"(v) The term 'recurrent monthly expenses' includes, with respect to a mortgage, the monthly amount of principal and interest due under the mortgage and the monthly amount paid for taxes and insurance for the residence subject to the mortgage, as calculated in accordance with standard practices in the financial services industry for calculating the qualifying ratio for a mortgagor.".

Mr. BLUMENAUER. Mr. Chairman, I appreciate the effort that has gone into this evening's debate. It has been lively and at times amusing.

I rise to offer an amendment to extend the effort that is intended here to extend home ownership to a greater number of families.

The problem that I seek to focus on is that by having a uniform threshold for the loan limits understates the purchasing power of people in often high-cost, low-impact areas, people who live, for example, in urban areas, in central cities, who spend far less on energy and transportation than the typical person but often is faced with much higher home costs and they get caught in a double whammy. They are actually better credit risks because they have more disposable income, but they are running up against loan limits that discriminate against them.

The average American family spent over $5,100 in gasoline, home heating, and electricity last year. Families routinely list transportation cost as their second largest household expenditure on average. Sometimes it is the greatest.

Research shows that when these families live locally near where they work, shop, and socialize close to public transportation, they actually have more disposable income.

My amendment would instruct Fannie Mae and Freddie Mac to credit mortgage applications for the savings that a transportation-friendly location and energy-efficient home generate, making it easier for these homeowners to purchase these homes. By recognizing the added purchasing power home buyers generate from both transportation and energy savings, lenders can quantify these savings and place them in the "shelter" category of expenses. This would allow home buyers, based on his or her enhanced buying power, to either qualify for a mortgage or qualify for a larger mortgage.

This would have a particular benefit for lower income and first-time home buyers in locations that they tend to congregate that are more efficient. It will strengthen the communities that we wish to celebrate that are less impactful on the environment, requiring this energy. It would encourage families to reduce vehicle and energy use. This will translate into benefits for the larger community in terms of congestion, cleaner air, and reduced dependence on foreign oil.

Now, this is not an unknown concept. I know there are some that have some concerns about it. Fannie Mae has been a partner in pilot programs offering what are termed location and energy efficient mortgages in the past. It has been limited to just a few cities, but these programs have demonstrated that they make a difference on the lives of the families that have been able to benefit from them.

There was a pilot project in Illinois, in Chicago, for the first time, the first initiative, with the location, energy efficient mortgage, and it provided a $53,000 benefit for the people involved in terms of the home that they could qualify for.

I would respectfully suggest that this amendment would extend the effort that the committee has to promote affordable housing. It would eliminate the discrimination against people in these energy and transportation efficient areas, and it would provide more justice to people in terms of what we are trying to provide in this system.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not think we are ready to put this into a nationwide operation at this point. It has a great deal to commend it, and the gentleman is right to talk about pilot projects.

In the Committee on Financial Services we have created a task force, headed by the gentleman from Colorado (Mr. PERLMUTTER), to look at all housing programs to promote energy efficiency. This is something that we should have looked at a while ago. We have been late. There are some various programs. There are some in public housing. We tried to put some into the FHA. The chairman of the Appropriations subcommittee, my colleague from Massachusetts (Mr. OLVER), is interested in doing this, along with the gentleman from California in HOPE VI.

What I think would be best would be if we could defer this now and give it some study. There are some implications for how you carry it. There are some fairly specific calculations. It is one thing when you do it in a pilot project; it is another for Fannie and Freddie to do this nationally. And, of course, they don't do it directly. They do it through their various lenders.

So while I think in concept this is something we should be moving towards, I would hope we could do some further work on it. It is our expectation to bring out an overall housing energy promotion bill sometime this fall, and this would be an ideal candidate for inclusion in that.

I yield to my friend.

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding.

I have great respect for the chairman, and I do appreciate what he is saying, that there are some issues involved in going from a pilot project to a national effort.

I look forward to working with your task force under the chairmanship of my friend from Colorado. I understand what the gentleman is saying, and I would be happy to withdraw my amendment at the appropriate time and work with the committee in that fashion.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

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AMENDMENT NO. 17 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. MORAN of Virginia). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. GARRETT of New Jersey:

Page 61, after line 4, insert the following new section:

SEC. 116. PORTFOLIO GUIDELINES.

Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.), as amended by section 115, is further amended by adding at the end the following new section:

"SEC. 1369F. PORTFOLIO GUIDELINES.

"(a) AFFORDABLE HOUSING REQUIREMENT.—In order for the enterprises to meet their mission of providing for and promoting affordable housing, the Director shall require the enterprises to only hold, in their retained portfolios, mortgages and mortgage-backed securities that exclusively support affordable housing, and particularly mortgages extended to households having incomes below the median income for the area in which the property subject to the mortgage is located.

"(b) MORTGAGE-RELATED ASSETS LIMITATION.—The enterprises may purchase and retain mortgage-related assets only to the extent that the Director determines such actions are necessary for the enterprise to maintain a liquid secondary mortgage market in a manner that cannot be achieved through the activities described in subsection (a) and are consistent with the public interest.".

Mr. GARRETT of New Jersey. Mr. Chairman, this amendment seeks to refocus the GSEs on what is their congressionally mandated responsibility, and that is, providing for and promoting affordable housing.

The amendment would direct the new regulator to require the enterprises to only hold mortgages and mortgage-backed securities that exclusively support affordable housing. That is, those mortgages that are extended to households falling below the area's median income in their retained portfolios.

Mr. Chairman, the GSEs were created by Congress to do a couple of things. First of all, to create liquidity in the secondary market, and, very importantly here, to provide affordable housing for low and moderate families. Now, to effect this worthy goal, Congress granted these enterprises a number of advantages over private firms, including exemptions from State and local taxation, and also the ability to borrow at lower rates. In fact, Mr. Chairman, Fannie and Freddie used these advantages to borrow at interest rates barely above the Treasury rate. They then buy mortgages from originators and do one of two things; either they package these securities into MBSs, that's mortgage-backed securities, and securitize them, or they retain the purchased mortgages on their own portfolio.

Interesting, the combined GSE portfolios have increased from $130 billion in the early 1990s, today it is over $1.5 trillion. The current practice of the GSEs buying derivatives to hedge against the interest rate risks created by these huge portfolios creates an enormous risk for us. And there should be some commensurate level of return on that risk to the taxpayer in the form of lower housing prices for low and moderate homeowners.

Federal Reserve studies, however, and those conducted by other organizations, have concluded, and this is important, that consumers receive no direct benefit from the GSE's expansive portfolio holding. Although GSEs as business enterprises should return a profit to their investors, they really can't lose sight of the purpose for which they were created and the additional people to whom they answer, given their special status. They are not simply another business entity.

Currently, GSE shareholders receive all of the benefits for the portfolios and none of the risk. In contrast, low and moderate income families bear all the risk and receive few of the benefits. By buying mortgages from banks that are part of the CRA requirement or holding more low income mortgages on their portfolios that might be difficult to securitize, this amendment will help the low and middle income American buyer buy their home and give low and middle income homeowners the benefits comparable to the risk.

Let me just end with this quote. Federal Reserve Chairman Bernanke, "Tying portfolios to a purpose that provides measurable benefits to the public would help ensure that society in general, and not just the shareholders, receive a meaningful return in exchange for accepting the risk inherent in the portfolios. Moreover, defining the scope and purpose of the portfolios in this way would reduce the potential for unbridled growth in those portfolios, while avoiding the imposition of arbitrary caps."

Mr. Chairman, this is a commonsense, good government amendment that will provide the taxpayers, particularly low and middle income taxpayers, more benefits for the risks they bear by helping Fannie and Freddie refocus their job, which is affordable housing.

I ask my colleagues on both sides of the aisle to support this commonsense amendment.

Mr. SCOTT of Georgia. Mr. Chairman, I move to strike the last word.

The gentleman from New Jersey (Mr. GARRETT), I don't know what his intention is, but this is probably the most terrible of all of the amendments to come before us tonight. This amendment not just guts the affordable housing program, this amendment guts Fannie Mae and Freddie Mac as a viable enterprise. And it would have significant adverse effects on the entire U.S. housing financial system.

Now, here's what the amendment does that I understand. It would require that the new GSE regulator restrict Fannie Mae and Freddie Mac's portfolio holdings to only mortgage and mortgage-backed securities that exclusively support affordable housing. That is devastating. Particularly mortgages that are extended to households who are having incomes below the median income.

Mr. Chairman, that's like taking an orange and squeezing all of the juice out of it and then passing it off to somebody to get orange juice out of it. You are squeezing out of this operation the ability for it to have a very healthy, market-driven portfolio by restricting it to the lower elements of our economy, where there is no juice.

The portfolios of Fannie Mae and Freddie Mac play an important role in stabilizing the supply and reducing the cost of mortgage credit totally within the whole housing financial industry. So enter this effort, just to go after, I have never seen anything like it.

Mr. GARRETT of New Jersey. Will the gentleman yield?

Mr. SCOTT of Georgia. Not just yet.

This is just, again, a program designed to help very, very poor people. And you are willing to bring down the whole housing finance system just to get at it. Because this amendment would require a drastic reduction in the enterprise's portfolio holdings and subject them to micromanagement by the regulator. And the amendment would require a drastic reduction in the GSE's portfolios, which, in effect, reduces the access to competitive financing options from community banks and their home buying customers. This is a far-reaching, devastating amendment and must be rejected.

Mr. BAKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to compliment the gentleman from New Jersey on his intended goal and merely point out the defects that exist in the current system.

I want to make clear, I am a strong advocate of affordable housing and have gone to some trouble to examine the current portfolio of both Freddie Mac and Fannie Mae.

The one thing I think is consistent and hopefully will not be objected to is to observe that poor people generally don't have money. And so when you go to a closing of a house, regardless of the price, that's not an issue, you are going to try to get as much of that appraised value financed as possible, maybe come up with the closing costs. In a lot of cases, people are actually financing the closing costs too.

So it would make sense, if you looked at an analysis of the GSE's portfolio mortgage holdings and determined the loan-to-value ratio, meaning, if it was a $100,000 house and you were borrowing at least $95,000, or up, 96, 97, 98, 99, maybe 101 because you needed help with the closing costs, that there ought to be a disproportionate amount of those loans in their portfolio as compared to, say, a commercial bank.

When you look at Fannie and Freddie's portfolio holdings, you find that Freddie has 1.5 percent of their mortgages in a 95 percent plus range. You find Fannie Mae slightly better at 2.8, 95 percent plus. So then you back off and say, my goodness, if only 1 or 2 percent is in those very high-leveraged loans, where are they making their money? And where you find the bulk of their loans is in two wage earners per household who are buying a second, third home because they have 60 to 70 LTV, meaning they are putting down a bunch of money. So even if you are a person buying a modest home of $100,000, that means that you are putting down $30,000 or $40,000 at time of closing. That is not my definition of "poor person."

If we really want to get focused, and this is a sincere observation about these corporations, they are driven to make a profit my their shareholders. Nothing wrong with that. But they have been given special privilege by this Congress to accomplish a particular mission, and that is to help low-income first-time home buyers. That is why I am not as affronted by the chairman's concept as some may be. This is a specific requirement to spend $500 million on affordable housing.

But to suggest that the gentleman is trying to somehow constrain the target of helping low-income people because they do such a wonderful job now, I have to suggest to you that that is really off the mark. They do a very poor job of helping first-time home buyers and low-income individuals get access to homeownership. They are in the business to make money. They do it quite well. They are the only corporation of their scale that returns double digit rates of return year after year, whether there is a housing crisis or a finance crisis, it's the facts.

I would love to work with the other side in focusing these huge corporations into the mission that Congress has described for them to perform.

Mr. Chairman, I would be happy to yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. As many Members have said when they have come to this microphone in the past, that when you come to the floor, we can all have our own opinion on these matters, but we can't have all our own facts. To use the gentleman from Georgia and also Florida, too, I think said when it comes to the expression of squeezing all the juice out, that's maybe an appropriate expression, but then the question is where did that juice go to and what should it be used for?

Well, my suggestion is that the juice should not necessarily always be used for the benefit of the stockholders, but the juice should be basically used for, what was the intent here, to provide for affordable housing for low and moderate income. And as the gentleman from Louisiana just indicated, as we've heard from all the testimony in the committees, the GSEs have not been doing the job that we wanted them to do. And one of the reasons I believe that we now see a bill before us to put on this new housing fund is in part because they have not been doing their job. Had they been doing their job as Congress directed them to some time ago, we may not have come to this position today where we have to be debating the issue of the housing fund, which is a separate issue.

The point, though, as far as where the juice goes to and what the real facts are, we also heard testimony of Chairman Bernanke when he came to the floor, and there are also GAO studies that have looked at this as well, and what do they say? Where does the juice really go to when the portfolios expand to this level? And they include not just the low and moderate income, but the higher ones, since the low moderate income is so small. Where does the juice go to now? The juice goes to the stockholders. That is not what I am interested in making sure happens. I am interested in making sure that the juice ends up with affordable housing.

Mr. FRANK of Massachusetts. I move to strike the last word.

I will yield briefly to my friend from Georgia.

Mr. SCOTT of Georgia. Let me explain carefully what the juice is of what we're squeezing out.

Your amendment, by limiting the portfolio, does an important thing to bring the juice out. It threatens the viability of Fannie Mae and Freddie Mac by bringing the juice out by what I mean is by limiting their portfolios to less liquid, lower yielding assets, which eliminates their ability to cross subsidize affordable housing products using the earnings of their more diverse——

Mr. FRANK of Massachusetts. I am going to take back my time.

Mr. GARRETT of New Jersey. Will the gentleman yield?

Mr. FRANK of Massachusetts. I will yield to the gentleman at the end.

First, let me say to the gentleman from Louisiana, I agree with him in many ways. Yes, they haven't done enough. I do find a great inconsistency, not on the part of the gentleman from Louisiana, who has been completely consistent on this issue for years, but first, we were being told that we should not interfere with the profitability of Fannie Mae and Freddie Mac because we would be driving up the cost for middle-income homeowners. We heard that in several of the arguments in trying to get rid of the Affordable Housing Fund.

Now we have a much more serious attack on the ability of Fannie Mae and Freddie Mac to help middle-income homeowners. This says no more middle-income homeowners, only people below the median. We were told before that if we took $500 million from Fannie Mae and Freddie Mac's profits each year, we would inevitably be driving up the cost for middle-income borrowers. This would reduce Fannie Mae and Freddie Mac's profits by 7, 8, 10 times that amount. They get most of their profit from things held in the portfolio.

Mr. GARRETT of New Jersey. Will the gentleman yield now?

Mr. FRANK of Massachusetts. Yes, I will yield.

Mr. GARRETT of New Jersey. I appreciate that argument. But your argument before, if I heard you correctly, when we had a little dialogue before, was that it is your intent with the overall housing fund and where the money would come from is not from the homeowners. Your intention, if I understood correctly, was from the stockholders, from the investors.

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My bill would do the exact same thing and say that it would not be coming from the homeowner or the investor as far as any burden on them.

Mr. FRANK of Massachusetts. Mr. Chairman, taking back my time, the gentleman has completely misstated for about the fourth time my arguments.

Mr. GARRETT of New Jersey. I only stated it once. How can it be four times?

Mr. FRANK of Massachusetts. Regular order, Mr. Chairman. I yielded to the gentleman.

I have said that I do not think it is my intent or anybody else's intent that will override the economics of the situation. I do not think we can legislate that it comes either out of this or out of that. The money is fungible. My view is that in the competitive situation in which they find themselves, much of this will come out of shareholders' profits. Some may come out of the banks and others they deal with.

The point I am making is this: The gentleman and others on the Republican side argue, they were arguing before about a mortgage tax increase. They kept saying we are going to raise the cost of mortgages, not by anything we did directly. Their argument was that when you reduce the profitability of these entities, they will be driven to raise their prices and that will cost other people more.

I believe they are far more constrained in their ability to raise prices. I don't think they are holding prices down now out of love. I think they are getting them up as high as they can now in the competitive situation.

But if you believe that reducing their profits will cause them to increase their prices and thus hurt other people, in this amendment that has a much greater impact of that kind than the housing fund, because this restriction on the portfolio will cause a far greater reduction in the profit than 1.2 basis points. And it again emphasizes to me that what we have are people who don't like the Affordable Housing Fund, because they have had various contradictory ways of trying to get rid of it. Now, the gentleman from Louisiana is correct, they haven't done enough to help low income people.

One of the things we do in this bill is to greatly increase the goals. We impose goals on Fannie Mae and Freddie Mac which also reduce their profitability. We tell them to do more of this kind of thing and we increase the enforcement mechanism for doing it. So we do try to increase the goals in the enforcement mechanism and we create the Affordable Housing Fund.

I would say this: Maybe they shouldn't have created these hybrids in the first place. They are part profit making and part with the public enterprise. It is hard to run them that way, I understand that. That is why many of us decided that we will try to get them in the direction of helping low income people. but given the pull of profit, some of what we should do is to take a piece of the profit and put it directly into affordable housing.

That is why we have a hybrid solution dealing with a hybrid. That is why I hope the amendment is defeated.

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the gentleman.

To the point of the chairman, I am a little bit confused. He said that I have repeated his position four times differently. I have only been on the microphone three times now. But I am also confused on his position as to whether or not there really is an MTI, a mortgage tax increase, because initially he said it is going to be on the homeowners and it is not going to be on the stockholders. Now he says that money is fungible so it really can come from either place.

So, at the end of the day, I guess my original assertion was that there is an MTI, there is a mortgage tax increase, because they can come from the homeowners.

From the gentleman from Georgia, when he says there is a cross-subsidization from the larger portfolio, I would like to see the evidence of that. The evidence that we heard in committee on that point was from Chairman Bernanke and from the studies was there was not that cross-subsidization, and that in fact all the benefit comes not to the homeowners, the benefit comes to who? It comes to the shareholders.

In fact, under Chairman Bernanke's testimony, it would be better if the portfolios would be limited to this. Why? Because then they would do better than what the gentleman from Louisiana said, there is a fractional amount of work they are doing as far as helping the low income homeowners, and instead they would be holding those in their portfolios, those mortgages, as he said "difficult to securitize." That would help out. That is giving real juice to the low and moderate income homeowner.

The Acting CHAIRMAN. The Chair would remind Members that under the 5-minute rule, the Members recognized may not yield specific amounts of time to be enforced by the Chair, but rather must reclaim their time as they see fit.

Mr. HENSARLING. Mr. Chairman, reclaiming my time, I tried to listen carefully to my friend from Georgia, his comments. I am not going to follow with the juice analogy and I don't care to put words in his mouth, but what I think I heard was he described the gentleman from New Jersey's amendment as perhaps the worst one that had been offered this evening, that would essentially gut the ability of Fannie and Freddie to achieve their affordable housing mission, or to achieve the mission that Congress has set up for them, and the gentleman is certainly entitled to his own opinion.

But when it comes to the use of the portfolio holdings of Fannie and Freddie, which we know, number one, according to the last two, the present and the past Chairmen of the Federal Reserve, creates huge systemic risk to our economy, which ultimately can bring down housing opportunities for all.

But if I could quote from a speech from Chairman Greenspan, who said, "The Federal Reserve Board has been unable to find any credible purpose for the huge balance sheets built by Fannie and Freddie other than the creation of profit through the exploitation of the market-granted subsidy."

To paraphrase, "Their purchase of their own or each other's mortgage-backed securities with their market-subsidized debt do not contribute usefully to the mortgage market liquidity, to the enhancement of capital markets in the United States, or to the lowering of mortgage rates for the homeowners."

Mr. Chairman, I would be happy to yield to the gentleman from Georgia.

Mr. SCOTT of Georgia. Thank you very much.

Let's get this right now. Anybody with any just basic common sense of how our investment system works in this country knows that if this amendment were effected here, if you were to put this amendment on any other enterprise, to dictate to that enterprise that your portfolio must exist at the lower yielding end of returns, you know good and well that that is not going to be helpful to that enterprise.

Mr. HENSARLING. Mr. Chairman, reclaiming my time, I am sure the gentleman from Georgia can get plenty of time from his side. All I am saying is the gentleman from Georgia is entitled to his own opinion, former Chairman Greenspan seems to have a different opinion of the use of the portfolio holdings in the housing mission. So in this particular case, I prefer to take the word of Chairman Greenspan and of Chairman Bernanke as opposed to my colleague from Georgia's expertise on the matter.

These portfolios have nothing, nothing to do with their mission and have everything, everything to do with systemic risk. And if we are going to leave them in place, they ought to at least be dedicated, somehow dedicated, to low income housing purposes, which ostensibly is what the purposes of Fannie and Freddie were in the first place.

Again, these are not operating, the GSEs are not operating in a competitive marketplace. They are operating in a government-sanctioned duopoly to where they have 80 percent of the market. There is not effective competition, there is not a check here, and we should approve the gentleman's amendment from New Jersey.

Ms. WATERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would yield to the chairman so that he can straighten out some of that misinformation on the other side.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentlewoman, and I will yield to my friend from New

Jersey after I have propounded a question.

My position consistently today has been that it is not possible with absolute specificity to say an enterprise is paying for this out of this pot or that pot or the other pot. I do believe most of this will come from the shareholders.

But people on the other side argue no, reducing the profitability by $500 million a year for both enterprises, levying 1.2 basis points on the portfolio, was going to raise the mortgage rates for the middle class. For people who believe that, I want them to explain to me how reducing the portfolio so substantially would not cost even more to the middle class?

Again, Members said taking $500 million in profit, 1.2 basis points on the portfolio, would raise the rates on the middle class. I assume it doesn't do it specifically. It does it by reducing the profitability and inducing them to raise prices.

Since it would reduce profitability by many multiples of the housing fund, why would it not have a much greater effect?

I yield to the gentleman.

Mr. GARRETT of New Jersey. Well, it is a good question, but it was a question that was essentially raised during the committee and answered by Chairman Bernanke at the time.

If Chairman Bernanke said, yes, there was with regard to the portfolios held by the GSEs a cross-subsidization of the market and therefore a benefit to the low and moderate income mortgages that they have, then the chairman's argument would be a correct one. But Chairman Bernanke did not say that.

Mr. FRANK of Massachusetts. Excuse me, I am taking back my time to apologize for apparently not being clear in my question. I wasn't talking about cross-subsidization. Here is the point. I would have thought it was clearer, and I apologize for my inarticulateness.

The argument was that by taking $500 million from profits, 1.2 basis points on the portfolio, we would be reducing profitability and inducing the enterprises to raise prices and therefore that would be a mortgage tax.

The gentleman's amendment would reduce the profitability by far more than $500 million a year. It would be a far greater levy on them than 1.2 basis points. Now, the mechanism by which they claim that the fund is a mortgage tax is that as you reduce their profitability, they are driven to raise prices and that will cost more.

Now, it has nothing to do with cross-subsidy. Why does an amendment which would substantially reduce the profitability not have an even greater effect in terms of the middle class, who would not be benefiting from the portfolio, in raising what they have to pay?

The Acting CHAIRMAN. The Chair will remind Members that the Member who has the time decides whether to yield.

Mr. FRANK of Massachusetts. I just yielded. I said I yield.

The Acting CHAIRMAN. The Chair would remind the gentleman that it is the gentlewoman from California who has the time.

Mr. FRANK of Massachusetts. I apologize. I would ask the gentlelady to yield.

Ms. WATERS. I am not likely to want to yield to him. I want you to finish this up.

Mr. FRANK of Massachusetts. Please yield.

Ms. WATERS. If you insist.

Mr. FRANK of Massachusetts. I do. I hope the Chair is happy.

The Acting CHAIRMAN. The Chair is trying to maintain order.

Mr. FRANK of Massachusetts. I apologize. The gentlelady has yielded.

Ms. WATERS. Reluctantly.

The Acting CHAIRMAN. The gentleman from New Jersey has been yielded to by the gentlewoman from California.

Mr. GARRETT of New Jersey. The gentleman, first of all, misstates the actual language of the underlying bill when he says that the housing fund is a tax on profits of the GSEs. It is not a tax simply on the profits of the GSEs. It is a tax of the overall activity.

Ms. WATERS. Reclaiming my time, I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman.

That is not what I said. I said reducing the profitability. I would ask the gentlewoman not to yield any further. We are not going to get an answer. I apologize for starting the whole thing.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased to yield to my good friend from New Jersey.

Mr. GARRETT of New Jersey. Just one final point, and I do believe that the gentleman was saying that it was a tax on the profits of the GSEs as opposed to that. But be that as it may, remember, to the point the gentleman from Georgia made, the GSEs, even with this amendment, would still be allowed to securitize those larger loans.

This doesn't preclude them from doing that. It simply says that they should not be holding them in their portfolios, whereas the gentleman from Texas reiterated the point of Chairman Bernanke, that raises the overall risk to the overall functioning of the GSEs.

Finally, since they are able to continue to issue those large loans and therefore securitize those loans, the overall market of the GSEs is not hurt in one sense, and the profitability at the end of the day, as far as the money going to the low and moderate incomes, is not impacted.

Low and moderate income families are benefited by this bill. Taxpayers are benefited by this bill inasmuch as we reduce the risk of the GSEs on the one hand and we address and make sure that the GSEs return to their basic function of providing liquidity to the marketplace and providing access for low and moderate income housing in this country.

Mr. PRICE of Georgia. Mr. Chairman, reclaiming my time, I commend the gentleman for his amendment.

Mr. TAYLOR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I followed this debate for several hours now, both here on the House floor and in my office, and what I sense is some people having a lot of fun at the expense of the least among us.

In my State tonight, 75,000 people will go to sleep in a FEMA trailer that the United States Department of Health has ruled is a health hazard because they have carcinogens in them. They have formaldehyde in them. But it beats the heck out of sleeping in a Chevy Astro Van. It beats the heck out of sleeping on their mother-in-law's couch, if their mother-in-law has a couch.

□ 2045

In the State of Louisiana, there are 49,000 families who will go to sleep in a FEMA trailer. Down around Bayou La Batre, Alabama, another thousand; in Texas, another thousand. This isn't a joke. This is trying to help the least among us. That is why you see Mr. BAKER trying to help this bill, and that is why you see me trying to help this bill. It is not a joke.

We talk about we ought to be doing better things with this money. What is better than helping people who 2 years ago who were middle class, who had homeowners insurance, who got screwed by the insurance company and woke up to find out they were poor because they lost everything in one night and their insurance company didn't pay.

No, I won't yield. You've had hours.

And they can't get any housing built because the workers can't move is because there is no place for the workers to live to build the houses. And yes, it is still going on, for those of you who wonder.

I am a U.S. Congressman. I am living in my third place since the storm. You all know what we make. We make lots of money. It's not that I can't afford one, there is none to get.

I am a Congressman. If that is happening to me at my salary, what do you think is happening to a schoolteacher or a retired chief petty officer or a policeman or a fireman. I thought that was what we were about, was helping people.

All of a sudden you are concerned about borrowing and where this money should go. It didn't bother you when you borrowed money from the communist Chinese. It didn't bother you for the past 12 years when you took money out of the Social Security trust fund. It bothers you now when we want to help the average Joes? Well, that bothers me.

The chairman is exactly right. The same folks who say we should have no accountability of where the billions of dollars go in Iraq, all of a sudden, demand that this money that might help somebody who used to be an average Joe who now finds himself in a horrible situation, my God, you don't want to do that.

Cut the games out. This is serious. This is about housing, a basic need. A basic need for our fellow Americans, not Iraqis. Our fellow Americans.

I have sat here and watched this game go on for hours, and I have had enough. I think the people of America, if they are following this debate, they've had enough.

It is time to move this bill. If you don't think it is a good idea to take the profits from this organization and ask that they be directed towards the housing needs of our fellow Americans, vote against the bill. But I happen to think that is a pretty good idea because I know guys who used to live in 6,000 square foot houses who are going to spend tonight in a FEMA trailer. Not because they want to, because they got screwed by their insurance company. They are still going to work. They can't find somebody to build a house.

When you lose 60.000 houses overnight, it puts a heck of a strain on the system. And when the workers who want to come there and build those houses have no place to live, it makes it even worse. We are trying to address that. These are real needs for real people.

You've made whatever political points you want to make to your constituency, but now it is time to move on and help our fellow Americans.

Mr. FEENEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before I yield to the gentleman from New Jersey to respond, I would say that, as has been pointed out earlier, this Congress has already provided some $3 billion in housing relief, and I have an amendment coming up that would put the first year's funding into Hurricane Katrina relief for housing.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FEENEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. People keep talking about $3 billion for Katrina. There was no housing construction fund in the hurricane bill. If that is meant to be construction, it is simply not the case. We put vouchers into the hurricane bill, but there was not $3 billion in any housing construction in the Katrina bill.

Mr. FEENEY. Reclaiming my time, my amendment up next, will help veterans in the long run, and in the short run will go to Hurricane Katrina relief.

I yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentleman from Florida and the gentleman from Mississippi, although I cringe when Members on the other side of the aisle characterize what our motivation is and our interest in these things.

I wonder whether the gentleman from Mississippi heard the gentleman from Louisiana speak about the dismal job that the GSEs have done so far with regard to what I believe both of us agree should be their intention which is to provide for low and moderate-income housing, such as the gentleman from Mississippi was talking about. A dismal job.

Part of the reason they do that dismal job, their explanation is, these loans, some of these loans are difficult to securitize. If you can't securitize the loans, they are not going to take them. That is their record. The numbers were given before that they hold in their portfolio. A very small percentage of these type of loans, which is the type of loans that the gentleman from Mississippi was talking about holding.

All this amendment does is this. It says GSEs, you are supposed to be doing everything the gentleman from Mississippi says we should be doing, and that is providing for housing for low and moderate-income individuals. You are not doing a good job right now. We are going to focus your attention on it. If you are having a problem securitizing these lower loans, fine, don't securitize them, but hold them in your portfolio and make that the crux of your business. Your business should not be, as it has been in the past, simply making larger profits than normal, the raises and salaries given to the top executives. Your business is helping the people in Mississippi and Louisiana.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. AL GREEN OF TEXAS

Mr. AL GREEN of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. AL GREEN of Texas:

Page 130, strike lines 6 through 11 and insert the following:

"(i) The allocation percentage for the Louisiana Housing Finance Agency shall be 45 percent.

"(ii) The allocation percentage for the Mississippi Development Authority shall be 18.333 percent.

"(iii) The allocation percentage for the Alabama Housing Finance Authority shall be 18.333 percent.

"(iv) The allocation for the Texas Department of Housing and Community Affairs shall be 18.333 percent.".

Page 149, lines 16 and 17, strike "and the Mississippi Development Authority" and insert the following: ", the Mississippi Development Authority, the Alabama Housing Finance Authority, and the Texas Department of Housing and Community Affairs".

Mr. AL GREEN of Texas. Mr. Chairman, I support the affordable housing trust fund. Why, because I believe at some point on the infinite continuum that we know as time, I will have to account for my time. And at that point when I have to explain what I did for the least, the last, and the lost, I will be able to say I supported clothing the naked, I supported feeding the hungry, and I supported shelter for the homeless.

At a time when we are spending $353 million a day on the war, what did you do, AL? I stood before the House and I requested that we support an affordable housing trust fund.

In a country where every day we have millionaires, in fact one of every 110 persons in this country is a millionaire. The question becomes what did you do when you had a chance to help the least, the last and the lost.

So today, I stand here to say I will try to help the least in Alabama. In Alabama, where we need an additional $146 million to $164 million to help Alabama recover from Katrina and Rita. In Texas, where we need an additional $1.5 billion, I support an affordable housing trust fund to get the job done.

So, Mr. Chairman, my amendment is a simple one. My amendment would not only recognize that Louisiana and Mississippi have been harmed. My amendment also recognizes that Katrina and Rita have done damage in Texas and Alabama. And my amendment would also allow funds to go to these two States as well. Forty-five percent of the funds would go to Louisiana, and the remaining funds would be divided equally among Mississippi, Alabama and Texas.

Mr. Chairman, I yield to the chairman.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

There has literally been no Member of the House who has been more dedicated to helping those who are in trouble than the gentleman from Texas. He represents a community that is a model community: Houston.

We don't always show neighborliness in reaching out to others. The city of

Houston, its mayor, its congressional delegation, its citizens, its police department, has known an extraordinary degree of compassion for fellow human beings in trouble. There are few examples in this country's history of one community reaching out as generously as the people of Houston have to the people who were forced to evacuate the gulf, particularly Louisiana.

The gentlewoman from California and I listened to the gentleman from Texas, and we put some language into the bill that we did last time on the hurricane.

On this one, at this point I would ask the gentleman to withdraw his amendment. We appreciate what has gone on. The destruction was greater in Mississippi and Louisiana. There are still unmet needs in Texas. We appreciate that. We have done something, and I acknowledge we have not done enough.

I promise the gentleman, we will continue to work with him to that end, but we have commitments in terms of the physical reconstruction to go to these two States.

There will be further years in this bill. Texas continues, particularly Houston, to have a big claim on us, and we will continue to try to work with the gentleman to try to resolve it, but we hope not to do it in a kind of zero-sum situation.

Mr. BAKER. Will the gentleman yield?

Mr. AL GREEN of Texas. I yield to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Chairman, I appreciate your courtesy. I will be very brief. I know your time is limited.

I just wish to express to you on behalf of the Louisiana delegation, our appreciation to you, your constituents, the city of Houston, and Texas, for your outstanding generosity and assistance. We hope to continue those feelings by having you leave our money alone.

Mr. AL GREEN of Texas. I thank the gentleman from Louisiana. I also thank the ranking member, MAXINE WATERS, for her efforts. I thank my chairman.

Mr. Chairman, I appreciate all you have done to help the least, the last and the lost. I assure you, I look forward to working with you as we continue on this journey.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word just to acknowledge the graciousness of the gentleman from Texas.

We will continue to work with him. Houston is entitled to more help and it will get it. The only thing, I want to be partially modest. He said I have the least, the last and the lost. I have tried hard tonight to help the least and the last. But in my debates with the other side, I haven't been able to make much of an impression on the lost.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 12 by Mr. BACHUS of Alabama.

Amendment No. 29 by Mr. HENSARLING of Texas.

Amendment No. 14 by Mr. MCHENRY of North Carolina.

Amendment No. 15 by Mr. KANJORSKI of Pennsylvania.

Amendment No. 27 by Mr. ROSKAM of Illinois.

Amendment No. 17 by Mr. GARRETT of New Jersey.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIRMAN. The gentleman may state it.

Mr. FRANK of Massachusetts. The subsequent votes, do I understand correctly, will be 2-minute votes, Mr. Chairman?

The Acting CHAIRMAN. The gentleman is correct. After the first vote, subsequent votes will be 2-minute votes.

AMENDMENT NO. 12 OFFERED BY MR. BACHUS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Alabama (Mr. BACHUS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 269, not voting 20, as follows:

[Roll No. 378]

AYES—148

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf

NOES—269

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emerson
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz

Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Baird
Bordallo
Burgess
Clay
Cubin
Davis, Jo Ann
Emanuel
Engel
Faleomavaega
Fortuño
Harman
Hastert
Johnson (IL)
Jones (OH)
Lewis (KY)
Maloney (NY)
McMorris Rodgers
Peterson (PA)
Radanovich
Shays

☐ 2125

Messrs. ISRAEL, FERGUSON, ALEXANDER, DAVIS of Kentucky, YOUNG of Alaska, McCRERY, TIAHRT, WELLER of Illinois, LATHAM, FRELINGHUYSEN, YOUNG of Florida and Mrs. EMERSON changed their vote from "aye" to "no."

Mr. NEUGEBAUER and Mr. HALL of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 29 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 253, not voting 20, as follows:

[Roll No. 379]

AYES—164

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—253

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—20

Baird
Bordallo
Burgess
Clay
Cubin
Davis, Jo Ann
Emanuel
Engel
Faleomavaega
Fortuño
Harman
Hastert
Johnson (IL)
Jones (OH)
Lewis (KY)
Maloney (NY)
McMorris Rodgers
Peterson (PA)
Radanovich
Shays

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 2129

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. MCHENRY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. McHENRY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 240, not voting 21, as follows:

[Roll No. 380]

AYES—176

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—240

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—21

Baird
Bordallo
Burgess
Clay
Cubin
Davis, Jo Ann
Emanuel
Engel
Faleomavaega
Fortuño
Harman
Hastert
Johnson (IL)
Jones (OH)
LaTourette
Lewis (KY)
Maloney (NY)
McMorris Rodgers
Peterson (PA)
Radanovich
Shays

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 1 minute remains in this vote.

☐ 2133

Mr. GERLACH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. KANJORSKI

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 154, noes 263, not voting 20, as follows:

[Roll No. 381]

AYES—154

Abercrombie
Ackerman
Akin
Andrews
Arcuri
Baca
Baldwin
Barrow
Barton (TX)
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Capuano
Cardoza
Carnahan
Carney
Carson
Chabot
Clarke
Clay
Cole (OK)
Conyers
Costa
Costello
Courtney
Cuellar
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Dicks
Doggett
Doyle
Edwards
English (PA)
Eshoo
Farr
Fattah
Filner
Frelinghuysen
Gonzalez
Gordon
Green, Gene
Grijalva
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Holden
Holt
Honda
Hooley
Israel
Jackson (IL)
Jackson-Lee (TX)
Kanjorski
Kaptur
Kennedy
Kildee
Knollenberg
Kucinich
LaHood
Langevin
Lantos
Larson (CT)
Levin
Lipinski
Loebsack
Lowey
Marshall
Matsui
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Neal (MA)
Obey
Olver
Ortiz
Pascrell
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Reynolds
Rodriguez
Rogers (MI)
Rothman
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schwartz
Sensenbrenner
Serrano
Sestak
Shimkus
Skelton
Smith (WA)
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Visclosky
Wamp
Wasserman Schultz
Waters
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wu

NOES—263

Aderholt
Alexander
Allen
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bean
Becerra
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Carter
Castle
Castor
Chandler
Christensen
Cleaver
Clyburn
Coble
Cohen
Conaway
Cooper
Cramer
Crenshaw
Crowley
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emerson
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor

Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Gutierrez
Hall (NY)
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinchey
Hirono
Hodes
Hoekstra
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kuhl (NY)
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller, Gary
Moran (KS)
Murphy (CT)
Musgrave
Myrick
Napolitano
Neugebauer
Norton
Nunes
Oberstar
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Sali
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Sullivan
Tancredo
Tanner
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Watson
Watt
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Baird
Bordallo
Burgess
Cubin
Davis, Jo Ann
Emanuel
Engel
Faleomavaega
Fortuño
Harman
Hastert
Hobson
Johnson (IL)
Jones (OH)
Lewis (KY)
Maloney (NY)
McMorris Rodgers
Peterson (PA)
Radanovich
Shays

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 1 minute remains in this vote.

□ 2138

Mr. MORAN of Virginia and Mr. HASTINGS of Florida changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 27 OFFERED BY MR. ROSKAM

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. ROSKAM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 245, not voting 19, as follows:

[Roll No. 382]

AYES—173

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—245

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—19

Baird
Bordallo
Burgess
Cubin
Davis, Jo Ann
Emanuel
Engel
Faleomavaega
Fortuño
Harman
Hastert
Johnson (IL)
Jones (OH)
Lewis (KY)
Maloney (NY)
McMorris Rodgers
Peterson (PA)
Radanovich
Shays

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 1 minute remains in this vote.

□ 2142

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 92, noes 322, not voting 23. as follows:

[Roll No. 383]

AYES—92

Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bono
Brown (SC)
Brown-Waite, Ginny
Buyer
Campbell (CA)
Cannon
Carter
Chabot
Coble
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Fallin
Feeney
Flake
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Graves
Hastings (WA)
Hayes
Hensarling
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
McCarthy (CA)
McHenry
McKeon
Mica
Miller (FL)
Musgrave
Myrick
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)

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Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
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Baca
Bachmann
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Bean
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Berkley
Berman
Berry
Biggert
Bishop (GA)
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Blumenauer
Blunt
Boehner
Bonner
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Boren
Boswell
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Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
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Braley (IA)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cantor
Capito
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Capuano
Cardoza
Carnahan
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Carson
Castle
Castor
Chandler
Christensen
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Clay
Cleaver
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Cohen
Cole (OK)
Conaway
Conyers
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Costa
Costello
Courtney
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Crenshaw
Crowley
Cuellar
Culberson
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Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emerson
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Heller
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Higgins
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Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—23

Baird
Bordallo
Burgess
Cubin
Davis, Jo Ann
Emanuel
Engel
Faleomavaega
Fortuño
Harman
Hastert
Herger
Hunter
Johnson (IL)
Jones (OH)
Lewis (KY)
Maloney (NY)
McMorris Rodgers
Meehan
Olver
Peterson (PA)
Radanovich
Shays

□ 2146

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Chairman, ladies and gentlemen, I want to inform my colleagues that we expect no further votes tonight. We expect to proceed to completion of this bill tonight. All votes, further votes that are called for will be rolled and will be voted upon on Tuesday. But as long as the Members want to go tonight, we're going to go. We're going to finish this bill tonight.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. HOYER. I yield to my friend

Mr. FRANK of Massachusetts. I wish the gentleman would have said that last sentence a little less assertively.

Mr. BLUNT. Would the gentleman yield?

Mr. HOYER. I'd be glad to yield to my friend.

Mr. BLUNT. While the gentleman has the floor, could you give us an idea of what else to expect next week?

Mr. HOYER. Well, we're coming back Monday. There will be votes at 6:30. There'll be suspensions. On Monday the House will meet at 10:30 a.m. for morning-hour business and noon for legislative business. We'll consider several bills under suspension of the rule as is usual. Notice of those bills will be given by the end of the week.

On Tuesday, the House will meet at 9 a.m. for morning hour business, 10 a.m. for legislative business. We'll consider additional bills under suspension of the rules. A complete list, as I said, will be announced by the close of business tomorrow. On Wednesday and Thursday the House will meet at 10 a.m. We expect to consider H.R. 1100, the Carl Sandburg Home National Historic Site Boundary Provision, and H.R. 2316, Honest Leadership and Open Government Act, and the conference report on the supplemental appropriations to fund Iraq, Katrina, veterans health and other matters.

Mr. BLUNT. If the gentleman would further yield. Our Members, I think, in agreement with the gentleman's view on this, said we'd prefer to stay until this supplemental is done. And is that your inclination at this time?

Mr. HOYER. It is our intention to pass the supplemental before we break for the Memorial Day Break, yes.

Mr. BLUNT. I thank the gentleman.

AMENDMENT NO. 16 OFFERED BY MR. FEENEY

Mr. FEENEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. FEENEY:

Line 16 on page 127, strike the dash and all that follows through line 10 on page 128 and insert the following: "to provide housing assistance, in 2007, for areas affected by Hurricane Katrina or Rita of 2005 and, after 2007, to provide housing assistance for supported rental housing for disabled homeless veterans.".

Page 130, lines 23 and 24, strike "establish a formula to allocate" and insert the following: "provide for the allocation".

Page 131, line, 1 insert "of" before "the".

Strike line 4 on page 131 and all that follows through line 2 on page 132 and insert the following:

"The funding shall be distributed to public entities and allocated based on the formula used for the Continuum of Care competition of the Department of Housing and Urban Development."

Page 136, lines 7 through 9, strike "For each year that a grantee receives affordable housing fund grant amounts, the grantee" and insert "Each grantee for 2007 that receives affordable housing fund grant amounts".

Page 138, line 1, strike "the" and insert "any".

Page 138, line 5, before the period insert ", if applicable".

Page 138, line 7, after "grantee" insert "for 2007".

Page 140, after line 6 insert the following:

"Affordable housing fund grant amounts of a grantee for any year after 2007 shall be eligible for use, or for commitment for use, only for rental housing voucher assistance in accordance with paragraph (19) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19).".

Page 140, line 22, strike "or".

Page 140, line 25, after the semicolon insert "or".

Page 140, after line 25, insert the following:

"(E) administer voucher assistance described in the matter in subsection (g) after and below paragraph (3);".

Page 142, line 3, strike "each year" and insert "2007".

Page 142, line 10, strike "each year" and insert "2007".

Page 147, line 20, before "the manner" insert "for each grantee in 2007,".

Page 151, line 15, before "requirements" insert "with respect to affordable housing fund grant amounts for 2007,".

Page 153, strike lines 1 through 3 and insert the following:

"(F) for the grantees for 2007, requirements and standards for establishment, by the grantees, of per-".

Mr. FEENEY. Mr. Chairman, picking up where we left off, we've had a considerable amount of debate about the affordable housing fund concerns that many of us in the minority party have about this fund. And I'm not going to put words in the chairman's mouth, as some people did. I promise not to do that to Chairman FRANK.

But there has been an ongoing debate from about 5 o'clock on about whether or not the affordable housing fund amounts to a tax. The truth of the matter is, government only gets money one of three ways. It either prints money, and there's nothing in this bill that tells the Treasury Department or the Mint to print any money. It borrows money, as in Treasury bonds, and nothing in this bill suggests that anybody's going to be repaid the $3 billion that the GAO says this will cost over the next 5 years. Clearly, the only other way government gets money is a tax. Whether we are taxing the shareholders, whether we are taxing ultimately the consumers of low income, middle income mortgages, or a combination of both, this is a tax.

Now, the question is what to do with this tax money. A lot of us have concerns about the fact that we're going to dump this $3 billion into a fund that has not been created, does not have a specific mission, does not have guidelines and does not have any controlling organization or entity. It may turn out to be a wonderful way to spend $3 billion. But we are very concerned with what we see.

I have fashioned a compromise here because some of the amendments on the minority side get rid of the fund or don't fund the fund. I actually fully fund the fund with the Feeney amendment. And we fund it to deal with housing issues for people that are needy. We've heard a lot of talk about lack of compassion for the needy.

What my amendment does is to take the first year's $500 million plus and send it to the victims of Katrina. We heard passionately from the gentleman from Mississippi, from my friend from Louisiana about the needs in the aftermath of Katrina. We keep that funding in place in year one.

But beyond that, in the balance of the years, what we do is to fund necessary housing for disabled American veterans. We use a system to make sure that disabled American veterans who are homeless have access to an opportunity to have a home and a place to live through rental assistance.

I spoke to Secretary Nicholson today of the VA. He tells me that we estimate there are 195,000 homeless veterans. Many of those veterans are disabled, either mental disabilities that come from their battle scars, their battle wounds or physical disabilities. What better way to honor the commitment that the majority has made. We're going to deal with the truly needy in America. But also rest assured that we're going to be dealing with people that have earned the right to get housing assistance, than to suggest that after we take care of Katrina hurricane victims in year one, that we are going to take care of those veterans that are disabled, that are needy and that need a roof over their head.

Mr. Chairman, I commend this as a compromise between the majority's compassion for the needy and the minority's concern that the trust fund that has not been established and has no guidelines may go wayward with this $3 billion.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the author of the amendment clearly indicates he would like to kill the housing fund altogether. He voted to do that in several ways. We had several votes to do that. We're going to have about 10 votes on the same issue on this bill. I don't know, there's seven different ways to kill your lover. We have about 11 different ways to try to kill the affordable housing fund. Some of them contradict each other because they are joined only by the common opposition to the Federal Government constructing affordable housing. This bill continues that, this amendment, because the key change it makes is to strike the provision that says it will be used for the construction of affordable rental housing and says only vouchers. Now, the vouchers are useful as part of a balanced program. But the vouchers now have been, under the Republicans policy, annual vouchers. We haven't been able to change that yet. Maybe we will.

Mr. FEENEY. Would the gentleman yield?

Mr. FRANK of Massachusetts. Yes.

Mr. FEENEY. Will the gentleman show me in my amendment where we refer to the voucher program? I would express to him our intent clearly is not to participate in the voucher. This is a new program.

Mr. FRANK of Massachusetts. I will be glad to read to the gentleman his amendment, or at least the one that I have. Is this No. 16?

Mr. FEENEY. It's a modification. With the permission of the chairman and unanimous consent, we have a modification.

Mr. FRANK of Massachusetts. When did we get unanimous consent to modify? I don't remember hearing that request. Parliamentary inquiry.

The Acting CHAIRMAN. The Chair wishes to make clear the amendment has not yet been modified.

Mr. FRANK of Massachusetts. Well, I will then take back my time. The gentleman chides me apparently for telling the truth. I have the amendment as printed. I am reading the amendment. He says where in it is the voucher program? Here on page 2 on lines 2, 3 and 4. And it's not very arcane. Let me read it. Affordable housing fund grant amounts of a grantee for any year after 2007 shall be eligible for use or for commitment for use only for rental housing voucher assistance in accordance with paragraph 19.

Now, I apologize to the gentleman for reading his amendment. I had previously to apologize to the gentleman from Illinois for reading his amendment. The gentleman corrected me incorrectly. I would like to go on and correct his incorrect correction before I again yield. The gentleman's purpose may be confusing to people, but I just want to be clear.

Mr. FEENEY. Mr. Chairman, may I make a parliamentary inquiry?

Mr. FRANK of Massachusetts. I do not yield for the purposes of a parliamentary inquiry. Parliamentary inquiries are only done after the holder of the floor yields. And the fact is that I do want to make it clear I am reading the gentleman's amendment. It says only for vouchers, and that's why I said that. Now I will be glad to yield to him.

Mr. FEENEY. Well, thank you. And when the gentleman had yielded previously, I had made a motion for unanimous consent to use the modified amendment which does not refer to the voucher program. And so I had made that motion and had not got a ruling.

Mr. FRANK of Massachusetts. I object.

The Acting CHAIRMAN. The gentleman from Florida has made a motion requiring unanimous consent.

Objection is heard.

Mr. FEENEY. Will the gentleman yield?

Mr. FRANK of Massachusetts. Yes.

Mr. FEENEY. Now we're back on the voucher program that the chairman has a problem with. But I still suggest that the voucher program is better than putting it back.

Mr. FRANK of Massachusetts. I take back my time. I've yielded to the gentleman for varying explanations of his varying amendments. But I want to talk about the one we have. First of all, I do not give consent because we had a pre-filing deadline precisely so that we can study these things. They are somewhat complicated. I think having them come right off the top of people's heads, particularly at 10 o'clock at night, after we've debated the same issue about seven times, it's not a good idea to come up with something brand new.

Here's the amendment. It says only vouchers, and it says it in several places, that it's for vouchers. And here's the problem with vouchers. He says it's still better than constructing housing. No, it is not, because a voucher program helps you compete for existing rental housing. But an annual voucher program, which is referenced in this bill, in this amendment, does not give you the ability to build new housing.

In parts of this country there is a housing shortage, that's a problem. In the gulf it's a problem because the housing was destroyed. So when you only do vouchers and do not help build affordable housing, you run into that problem.

Now, under our proposal, communities would have the ability to make choices. But what the gentleman says is in parts of the country where there is already a shortage of physical affordable housing, all his amendment would do would be to drive up the price by increasing the demand for it without in any way adding to the supply.

Now the gentleman's apparently acknowledged the flaws in the amendment by trying to modify it after he had previously submitted it. I don't believe this kind of last minute changes ought to be made at this point. And so we are left with the flawed amendment.

I understand the gentleman's desire to kind of disown it. But the fact is, it is what it is. And a voucher-only program does not add to affordable housing supply and that's what we need.

Mr. BUYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I'm not going to get into the detail here that you have. We have an opportunity to utilize a fund that will help our disabled veterans and get many of them off the street. I would yield to the gentleman and ask him is that not yet a worthy cause.

Mr. FRANK of Massachusetts. Yes, it is. And here's the point. And if the gentleman would yield to me. I do not think, and it says, disabled homeless veterans. I would agree between now and when we get to conference to give a first preference to disabled homeless veterans. I have two problems with this amendment. First of all, it is not clear that there are that many disabled homeless veterans to absorb 800 million a year. If there are you could deal with it.

But secondly, I do not think in many parts of the country, including my own, that if you only did vouchers you would be doing enough for them. I'd like to build some housing, some with supportive services. But I will give the gentleman my commitment that in the final bill we should be giving a very high preference to disabled homeless veterans.

Mr. BUYER. Thank you very much. I reclaim my time. That's the commitment that I came to the floor here today knowing that yes, you wanted to create this trust fund and understanding whether or not there are any guidelines, your commitment to me to work with me and others who have an interest, that you'll give preference to homeless veterans, I take you at your word, Mr. Chairman, and I'll work with you.

□ 2200

Mr. FRANK of Massachusetts. And the localities will have the ability to do it by voucher or by construction, including, as the gentleman well understands from his work, maybe places that have supportive housing as part of it. That would be an eligible use.

Mr. BUYER. I rise here today to work with you as we go here and into conference.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FEENEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FEENEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. PRICE of Georgia:

Page 144, after line 19, insert the following:

"(8) ACCEPTABLE IDENTIFICATION REQUIREMENT FOR OCCUPANCY OR ASSISTANCE.—

"(A) IN GENERAL.—Any assistance provided with any affordable housing grant amounts may not be made available to, or on behalf of, any individual or household unless the individual provides, or, in the case of a household, all adult members of the household provide, personal identification in one of the following forms:

"(i) SOCIAL SECURITY CARD WITH PHOTO IDENTIFICATION CARD OR REAL ID ACT IDENTIFICATION.—

"(I) A social security card accompanied by a photo identification card issued by the Federal Government or a State Government; or

"(II) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109-13; 49 U.S.C. 30301 note).

"(ii) PASSPORT.—A passport issued by the United States or a foreign government.

"(iii) USCIS PHOTO IDENTIFICATION CARD.—A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).

"(B) REGULATIONS.—The Director shall, by regulation, require that each grantee and recipient take such actions as the Director considers necessary to ensure compliance with the requirements of subparagraph (A).".

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the conversation that just went on and the gentleman from Florida's amendment and his desire to modify his amendment because I think it brings out the point clearly that this is, in fact, a closed rule and should be recognized as such by our colleagues and by the American people.

This amendment I am offering, along with Representatives CAPITO and CAMPBELL and PEARCE, and I want to thank them for their leadership on this issue and urge my colleagues to look at this amendment carefully. This amendment would prevent illegal immigrants from owning or renting housing built by funds from the Affordable Housing Fund by requiring the adult occupants of that housing to establish their legal residency through the use of secure forms of identification.

Across the country, whether it is Denver, where in 2006 there was an estimated 20,000 illegal immigrants holding FHA-insured loans, or L.A., where banks have begun offering them credit cards, clear reform and oversight is necessary.

In some of these cases, like the FHA loans, the documents submitted with their applications to GSE are later proved to be false, resident alien numbers that have never been issued, Social Security numbers that belong to other people, and W-2 forms that are fabricated.

In the case of financial institutions, minimal documents are required by their regulators to establish a new customer's identity to open accounts, and then after a few short months pass, banks are giving these illegal immigrants credit cards.

So the current loopholes in Federal law are an invitation to illegal immigration, and we shouldn't reward those coming here illegally with the privilege of the services afforded to American citizens. This would clearly result in back-door amnesty.

Our amendment would require the Director of the Federal Housing Finance Agency to ensure that any assistance provided from the Affordable Housing Fund should be for adults who are legal residents in the United States. Occupants of this housing may either use a foreign service or U.S. passport; a Citizenship and Immigration Services, CIS, photo ID card; or a Social Security card in conjunction with a State or Federal ID. These forms of identification are considered to be the most secure types of identification because they are harder to forge or to duplicate. They are all issued by a government agency which has more checks and balances against illegal immigrants, criminals, or terrorists from obtaining these documents.

The current regulations to establish a customer's identity do a disservice to the American people. And I am confident that greater clarification in this area will help stem the tide of illegal aliens, which has been promoted due to a lack of clarity on this issue. The Federal Government should not be operated under obscure parameters that do not serve our Nation. We can strengthen these regulations to help protect America.

The CBO estimates that over the period from 2008 to 2011 that the housing fund created by this bill will generate roughly $3 billion. This is not an insignificant amount of money, and that will be available to build new housing as a result of this legislation.

To the best of our ability, we must eliminate the ability of someone here illegally to use new taxes from hard-working Americans to "buy a home." That is not leadership and it is the wrong incentive.

So I urge my colleagues to reject back-door amnesty for illegal immigrants and to support this commonsense amendment.

Mr. SCOTT of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, to my distinguished friend from Georgia, whom we served in the legislature together there in Georgia, whom I respect greatly, but I have got to disagree with this amendment, with all due respect.

First of all, we already have this in an accepted amendment by Mr. BOOZMAN that requires that recipients of housing assistance under the bill's Affordable Housing Fund be able to demonstrate with sufficient evidence that they are lawfully present in the United States. That is sufficient. It is already in there.

But let me just point out the real problems and the complexities with this REAL ID. First of all, the REAL ID Act would have States implement new standards, new technology, and new procedures for processing and approving driver's license applications by May of 2008. On March 1 the Department of Homeland Security issued 162 pages of proposed REAL ID regulations acknowledging this one undeniable fact, that compliance by May 2008 would be in their statement an "impossible task." So we could not even do it. By the time the comment period closed last week, the Department of Homeland Security had received over 12,000 comments opposing what the gentleman from Georgia is talking about. The proposed cost for the states, by DHS's own estimation, would be $23.1 million that would be added if the gentleman from Georgia's idea would be incorporated. Only $40 million has been appropriated so far, an amount that wouldn't even begin to cover the costs in one State alone, which would be, let's say, Maine, where the estimate for compliance there is $180 million.

The astronomical cost of this mandate is not our only concern with the gentleman from Georgia's amendment. REAL ID requires that States would have to link their DMF databases with every other State in the Union, raising major concerns about privacy issues and security risks of a nationwide interoperable system.

The amendment by the gentleman from Georgia may be well intended, but it would throw our entire system on top of its head and would not even begin to even deal with this issue that is already being dealt with in a more appropriate way by Mr. BOOZMAN's amendment, which has been accepted. We have got to ensure that all of our identity documents are secure, but REAL ID will not work in its current form. We need to bring together DHS, DOT, States, and experts in privacy, civil liberties, constitutional rights to establish national standards that will protect both our national security and the privacy of American citizens. This amendment would not deal with that, so we must urge everyone to oppose it.

Finally, my point is that immigration is, indeed, a big issue. It is a complex issue, and we are going to deal with that. But, again, you have tried it with the veterans. You have tried it with the debt. You tried it with restricting portfolios. You have even tried to tie it to Social Security and the veterans. And now you are trying to tie this immigration fight onto this simple program to try to bring some affordable housing to the most needy people that need it in our country and especially those that have been devastated from the hurricanes down in Louisiana and in Mississippi.

So, Mr. Chairman, I urge defeat of this amendment. Vote "no" on the gentleman from Georgia's amendment.

Mr. PEARCE. Mr. Chairman, I move to strike the last word.

I thank both gentlemen from Georgia for their work, either plus or against this amendment.

I offer to support the amendment tonight, have helped cosponsor it. I appreciate the work that the gentleman from Georgia has done.

Mr. Chairman, our amendment simply requires secure forms of identification. It can be any form. It can be a foreign passport, a U.S. passport. It can be a Citizenship and Immigration Services photo ID card, a Social Security card with some State or Federal ID.

These secure forms of identification are relatively easy for legal residents and citizens to accomplish and to acquire. They are relatively difficult for illegals to acquire. So I think that the gentleman's amendment is very appropriate.

We are finding that more and more services that should go to legal American citizens are being soaked up by those who come here illegally. In the Second District of New Mexico, we are on the southern border of the United States bordering Mexico, and I will tell you that our hospitals are overwhelmed. Good tax-paying citizens come to me and ask why is it that one's daughter whose husband and she make $30,000 or $40,000 a year just paid $5,000 to have a baby and the girl in the bed next to her got it for free?

We are finding that this is the case over and over. And so requiring this fund to establish some sort of legality, some sort of legal residency or citizenship is not an onerous burden, and in fact it is one that most Americans would expect that we would accomplish.

I will tell you that the underlying bill, in establishing one of the trust funds, is a very problematic situation. We heard the left declare when they came into power in this Congress that they would spend the profits of companies like Exxon, and now we are seeing them actually reach down and pluck those profits away, put them into a fund, and with no discretion, no declaration of how those funds are to be spent. I don't think that is what Americans want.

And just so we understand the real process, this same technique of establishing funds that simply appear in the authorization bills is also accomplished in H.R. 6 and the Hardrock Mining bill. Those attempts to reach out and take money from corporations to spend it because the left declared that to be their intent when they came to power in this House of Representatives.

So my friends, I would suggest that making a requirement for U.S. citizenship is not too much.

I would say also we have received a lecture tonight about hypocrisy, we on the Republican side. I would comment that just earlier today we have heard promises from the other side that they were not going to have secret votes to increase the debt limit, and yet even today almost $1 trillion in debt limit was increased without a vote, without the transparency that we were promised. We were promised under the new majority earmark reform, and within the last couple of weeks we have seen a little $23 million earmark slid into the bottom of a bill with no ability to even comment about it.

We were told that we are going to protect the American soldiers, and yet we see funding mechanisms that take money from the operational troops and placed only for training.

So my friends, when we are told to trust us, that we will create this fund and we will write the specifications later, I say in New Mexico we have a saying "trust your neighbor but brand your cows."

This bill with the Affordable Housing Fund is no cow. It is mostly bull. But we had still better brand it and watch for what we are doing.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

I also want to strike a few misconceptions. First, the gentleman quite inaccurately said that the money here is authorized with no direction about how it is spent. The only money that will be spent if the bill becomes law, unless there is further action by the Congress of the United States, is the money that will go to Mississippi and Alabama, and the bill is quite clear that that will go to the States of Mississippi and Alabama. No further expenditures will be authorized until a second bill goes forward describing how they will be done. So the bill does describe how they will be done for Mississippi and Alabama. And, yes, there will be a second bill that will, we believe, describe how this money will be spent.

Secondly, he said we are reaching down to corporations like Exxon and taking their money. Well, Fannie Mae and Freddie Mac are very different than other corporations. They are federally chartered and have very specific Federal advantages. So, no, there is not an analogy between directing them and, in fact, other corporations, as was recognized, for instance, by Secretary Jackson of HUD as he began to criticize them for not doing enough in their affordable housing goals.

□ 2215

But the more important issue I have to say, Mr. Chairman, is I am somewhat puzzled by the, I don't know if it's a clash of egos or what, the inability of people on the other side to coordinate.

There were four separate amendments that seek to do exactly the same thing. Yes, we agree; people who are in the country illegally should not be the beneficiaries of this program. In fact, we accepted the amendment offered by the gentleman from Arkansas (Mr. BOOZMAN) who says that very clearly. It does say that you can't be here unless you are here legally, and says that the director shall issue requirements calling for sufficient evidence to show that. Now, one difference between that amendment and this one is this one gets people back into the controversy over the REAL ID Act. That was controversial when passed. A number of States, governors and legislatures have expressed disagreement.

Now, we already have accepted into the bill the amendment of the gentleman from Arkansas to deal with the question of keeping out people who are here illegally. Three other amendments, I guess people all want to get credit for the same thing, but one of the things they do is to get into the REAL ID Act.

So Members should understand that in voting for this amendment, you will be going beyond simply keeping people out of this program who are here illegally; we've already accepted an amendment directing that that be done. Instead, you will be getting the privilege of getting back into the controversy of the REAL ID Act. If you come from a State where that's not popular, then you get a chance to vote for it unnecessarily, since we already have the restriction.

Mr. Chairman, I will now yield to the gentleman from New Mexico.

Mr. PEARCE. I thank the gentleman for yielding.

I would point out that the REAL ID Act is not the only source of documents, that people who are here illegally should have some sort of U.S.—

Mr. FRANK of Massachusetts. Mr. Chairman, I will take back my time to say yes, that's true. That is why the gentleman from Arkansas' amendment, which was adopted, sets forward the requirements.

This does mention the REAL ID Act. It is an affirmation of the REAL ID Act. It doesn't say it's the only way. But Members should understand, in adding this to what we have already accepted from the gentleman from Arkansas, what Members will be doing will be getting a chance to, once again, tell their State they may have a problem. Yes, we like the REAL ID Act and you've got to stick with the REAL ID Act. I don't understand why Members would want to reintroduce that controversy when we already have accepted an amendment that says there shall not be anybody in here who is not here legally. And it says, "Regulations, as the director shall issue, setting forth requirements for sufficient evidence that they are lawfully present in the United States."

So we have an amendment that has been accepted that will be part of the bill if it becomes law that says you must, according to the director, be able to show, the gentleman said there are various ways to do it. Now, this bill gets more specific and it gives some examples, including, they said, the REAL ID Act. And I don't think all the Members are eager once again to take a position about the REAL ID Act in the face of a lot of opposition from governors and legislatures when exactly the same purpose has been identified here.

You know, people used a cliche before, everybody's entitled to his own opinion, but everybody's not entitled to his own facts. But I guess on the Republican side, the rule is everybody is entitled to his own amendment on a popular issue, because we have four identically on this. We had 11 on the fund. We have six on something else.

Now, far be it from me to try to get them to coordinate, but we're going to be here for a couple more hours mostly debating amendments that were offered by people on the same subject of a previous amendment, some of which were offered because somebody didn't get the credit for it. So maybe this isn't the REAL ID Act, it's the "Real-Credit-For-Me Act." And we already have in the bill, as I said, an amendment that accomplishes this purpose.

Mr. NEUGEBAUER. Mr. Chairman, I move to strike the last word.

Certainly the distinguished chairman would want to make sure that anybody that got any of the funds from this housing fund would want to make sure that they are United States citizens. We would never want to deprive a United States citizen the ability to get homeownership at the expense of someone who is here in this country illegally.

And someone was talking about this as being an immigration bill. Immigration is about a legal process. We are talking about someone who has committed an illegal process.

Mr. Chairman, I yield to the gentleman from Georgia (Mr. PRICE).

Mr. FRANK of Massachusetts. Will the gentleman yield for 30 seconds?

Mr. PRICE of Georgia. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the concerns that have been voiced from the other side, but in fact, they are not legitimate concerns. We've heard a lot about the REAL ID Act. We're not debating the REAL ID Act. What we are debating is the requirement of specific pieces of identification in order to be eligible for these loans.

As the gentleman from New Mexico stated over and over, the Social Security card with photo identification works, a driver's license works, a passport works, U.S. Citizenship and Immigration Services works. So we are not debating the REAL ID Act.

We've heard from a couple of gentlemen on the other side of the aisle that this has already been adopted in the amendment that was accepted by the gentleman from Arkansas. And although we appreciate the magnanimous nature of the chairman, in fact, this is a significantly different amendment because it provides specificity to the documents that would be required.

If the chairman truly believes that the director or a regulatory body makes certain that individuals are here legally, then I would suggest that the gentleman look at the issue of the ability to gain access to credit from illegals in many areas across this Nation with banks that are indeed regulated. And they are regulated with the same kind of language that says that you ought not provide credit to individuals who are here illegally.

So I would urge my colleagues to appreciate and understand that greater clarification, greater specificity in the documents that ought to be required should be accepted. I think it's a commonsense amendment. I appreciate my colleagues for supporting it.

Mr. FRANK of Massachusetts. Will the gentleman from Texas yield to me?

Mr. NEUGEBAUER. I yield 30 seconds to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Yes, I do agree that it should only be—the gentleman didn't mean citizens, because it means citizens or lawful immigrants. Yes, I agree. That is why I supported the amendment from the gentleman from Arkansas.

I would say the other language that the gentleman from Georgia was talking about does not have this direction. It directs the director to require sufficient evidence that they are lawfully present in the United States. Yes, I do think some flexibility is there.

And while the gentleman from Georgia wants to back away from the REAL ID Act, if you vote for his amendment, you are once again reaffirming the REAL ID Act and saying only drivers licenses from those States are good, and it specifically gives very great prominence to the REAL ID Act, as opposed to telling the director, with some flexibility as things change, to accomplish the same goal.

Mr. NEUGEBAUER. Reclaiming my time, I yield to my good friend from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman for yielding.

We are not trying to engage the REAL ID Act at all, what we are trying to engage is a situation that exists right here in Arlington County, Virginia, the immigration status of applicants for local housing subsidies is not checked. Illegal immigrants are allowed to receive taxpayer-funded rent assistance. That is the thing that we are trying to address.

Also, the chairman says that somehow these firms are not the same as other firms that get profits. The truth is that they were commissioned as government-sponsored enterprises, but then the government sponsorship was pulled away. They are simply for-profit businesses. The government does not anymore, and if the gentleman from Texas will yield, are you saying that the government still backs up, with full faith and credit of the United States Government, to the transactions of these——

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. NEUGEBAUER. I will yield to the gentleman.

Mr. FRANK of Massachusetts. No. I did not say that, never have. But I have said that there are a number of links, and everybody except the gentleman from New Mexico, apparently agrees that government-sponsored, enterprises, we do many things to them that we wouldn't do to a purely private corporation. They have a line of credit, they have a supervisory board. There is no OFEHO for private corporations. So, no; we treat them very differently, because they continue to be linked to the government, than other corporations in a variety of ways, including giving them housing goals, having OFEHO set up, giving them a line of credit and doing other things. They are subject to many more restrictions than a purely private corporation.

Mr. NEUGEBAUER. Reclaiming my time, I yield again to the gentleman from New Mexico.

Mr. PEARCE. I would point out that one similarity, that we are willing to treat them similar with for-profit businesses is reach down and extract profits away from them in the way that we're going to do under the Hard Rock Mining Act, and the way we are going to do under H.R. 6. And then these three assistances, and I suspect more instances than this, we are actually fulfilling a promise of the left to take the profits of large companies and spend it. And that to me is an abomination in this free enterprise society.

The Acting CHAIRMAN (Mr. WEINER). The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SESSIONS:

Page 100, after line 17, insert the following new section:

SEC. 136. COST INCREASE DISCLOSURE REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

(a) IN GENERAL.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"SEC. 1330. COST INCREASE DISCLOSURE REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

"(a) LIMITATION.—The Director shall by regulation establish standards, and shall enforce compliance with such standards, that—

"(1) prohibit the enterprises from the purchase, service, holding, selling, lending on the security of, or otherwise dealing with any mortgage on a one- to four-family residence that does not meet the requirements under subsection (b); and

"(2) prohibit the Federal home loan banks from providing any advances to a member for use in financing, and from accepting as collateral for any advance to a member, any mortgage on a one- to four-family residence that does not meet the requirements under subsection (b).

"(b) DISCLOSURE REQUIREMENTS.—The requirements under this subsection with respect to a mortgage are that, before or at settlement on the mortgage, the mortgagor is provided a written disclosure in such form as the Director shall require, clearly stating the dollar amount by which the requirements on the enterprises to make allocations under section 1337(b) to the affordable housing fund established under section 1337(a), if borne by mortgagors on a pro rata basis, could have increased the amount to be paid under the mortgage by the mortgagor over the entire term of the mortgage (in comparison with such amount paid absent such requirements), as determined in accordance with the determination of the Director pursuant to section 1337(o) for the applicable year.".

(b) FANNIE MAE.—Section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719) is amended by adding at the end the following new subsection:

"(g) PROHIBITION REGARDING DISCLOSURE REQUIREMENT.—Nothing in this Act may be construed to authorize the corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

(c) FREDDIE MAC.—Section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454) is amended by adding at the end the following new subsection:

"(d) PROHIBITION REGARDING DISCLOSURE REQUIREMENTS.—Nothing in this Act may be construed to authorize the Corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the Corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

(d) FEDERAL HOME LOAN BANKS.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) PROHIBITION REGARDING DISCLOSURE REQUIREMENTS.—Nothing in this Act may be construed to authorize a Federal Home Loan Bank to provide any advance to a member for use in financing, or accept as collateral for an advance under this section, any mortgage that a Bank is prohibited from so accepting under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

Page 144, after line 19, insert the following:

"(8) USE OF AMOUNTS FOR COSTS OF REQUIRED MORTGAGE DISCLOSURES.—Of the amount allocated pursuant to subsection (b) in each year to the affordable housing fund, the Director shall set aside the amount necessary to cover any costs to lenders, mortgagees, and other entities of making disclosures required under section 1330, and shall use such amounts to reimburse lenders, mortgagees, and other entities for such costs. The Director shall by regulation provide for lenders, mortgagees, and other entities to apply for such reimbursements and to identify such costs.".

Page 153, after line 14, insert the following:

"(o) DETERMINATION OF COST INCREASES.—For each year referred to in section 1337(b)(1), the Director shall make a determination, taking into account the results of the study conducted pursuant to section 139(d) of the Federal Housing Finance Reform Act of 2007, if available, and the amount of allocations made under section subsection (b) of this section to the affordable housing fund established under subsection (a), of the amount by which the requirements on the enterprises to make such allocations have increased the amount to be paid by mortgagors under mortgages for one- to four-family residences over the entire terms of such mortgages in comparison with such amount to be paid absent such requirements, expressed as an increased cost per $1,000 financed under a mortgage. The Director shall make such determination for each such year publicly available and shall provide for dissemination of such determination to lenders, mortgagees, and other entities incurring costs of making disclosures required under section 1330.".

Page 153, line 15, strike "(o)" and insert "(p)".

Mr. SESSIONS. Mr. Chairman, my amendment will provide useful information to middle-class home buyers about the real cost of the $2.5 billion stealth tax included in this legislation, and how it will affect these consumers' wallets.

The amendment requires that the director of the Federal Housing Finance Agency will determine how much the new tax created by this housing fund will increase total costs for home buyers whose mortgages are purchased by housing GSEs.

This information would then be disclosed to the home buyer at or before closing for these mortgages to qualify for future GSE purchase. To ensure that it does not create a costly regulatory burden for mortgage originators, the amendment also provides that additional costs created by this new disclosure requirement would be paid for by the Housing Fund.

I believe that if we are going to pass a new stealth $2.5 billion tax on the middle class to pay for affordable housing, then Congress should, at the very least, be up front about the true cost of this fund with those who are being asked to foot the bill.

My amendment simply provides for transparencies for consumers about the true cost of this new government mandate. I would encourage all my colleagues from both sides of the aisle to support it.

Mr. Chairman, a consistent fact about the free market is that new taxes to build big government programs are always passed on to the consumer. The Housing Fund created by this legislation raids the portfolios of the GSEs for funding. And the GSEs in turn, you guessed it, have to pass the increased costs associated with compliance with this new Federal mandate along to the middle-class home buyers in the conforming loan bracket.

I think it is bad public policy to tie the fate of families that need housing support to the success or failure of Fannie Mae and Freddie Mac's portfolios, as this Housing Fund does. I think that it is bad policy to discourage middle-class home buyers from achieving their American Dream of homeownership by creating a new $2.5 billion stealth tax.

But I think it is absolutely awful public policy to pass this stealth tax and not let consumers know how their pockets are being picked to fund this new big government program brought to us as the courtesy of the Democrat majority in Congress.

I encourage all my Members to support this amendment to provide transparency and funding for the Housing Fund.

Mr. WATT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

I have been reading the amendment. And the first part of the amendment really does exactly what the bill does, it tells the director to set up some guidelines, and that is what the director is authorized to do under this bill. So that's not troublesome.

But then you get to page 2 of the amendment, and then you have the requirement that there be a settlement procedure which is duplicative of the settlement procedure that already exists under law. You have the Home Mortgage Disclosure Act already in place. There is going to be a separate set of disclosures now related to this. And then the gentleman has the nerve to say that we are creating a bureaucracy and adding costs to the closing process.

□ 2230

I, for the life of me, can't understand why this would be a good idea.

The first part of the amendment is fine, because that is what the bill is all about. But it is already in the bill. Why would you have two disclosures, two sets of disclosures? We have had hearing after hearing after hearing about how to simplify the disclosure process at closings. Mr. MCHENRY from my own State offered an amendment to the bill in committee that tried to put forth a one-page disclosure statement, and here we are now with you all telling us we ought to have a second set of disclosures at a closing under this trust fund. It is inconsistent, and it is obvious what this is about, is to throw every stumbling block in the way that you can to discourage the trust fund.

We had an amendment earlier that was defeated in the last series of votes. Mr. BACHUS offered the amendment, the ranking member of the full committee, that would have stripped the trust fund out of the bill. You lost that amendment. You lost that amendment. To go every other conceivable way to try to do identically what the overwhelming majority of this House has already said it is not willing to do seems to me to be counterproductive.

Let me just address one other issue. Mr. PRICE from Georgia raised this earlier. We have to at some point say, look, we have had more open rules out of committee under Chairman FRANK's chairmanship this year than all of the last 8 years in this House, and at some point the notion that we can continue to bring bills to the floor under open rules when we have 15 different amendments that essentially say the same thing over and over again, and then have one of your Members get up and say, well, because one of your Members was not allowed to amend his faulty amendment it is not an open rule, it is insulting to the Chair of this committee and it is insulting to this institution.

So this is yet another example to do what was failed to be done in the ranking member's amendment, and I ask my colleagues to defeat it once again.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair would remind all Members to address their remarks to the Chair.

Mr. NEUGEBAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to my good friend from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I thank the gentleman for yielding, and I do thank the gentleman from North Carolina. So that he is aware, this is unlike any of the other amendments.

This is very straightforward. It offers an opportunity for consumers to see straight up exactly what those costs are that are being passed to them. There is no duplication. There is nothing about this amendment or about the reporting process that would be duplicative. It would be straightforward, and it would be full transparency.

As I recall it, just a few weeks ago the new Democrat majority was intensely interested in making sure that every single person who was a shareholder would have transparency and understanding about the compensation of executives, in the best interests of shareholders.

Now, here we are talking about middle class home buyers who are attempting to understand, to know what costs they are to pay for, whether there is a FedEx package, if there is a notary charge. We are trying to make sure that this money, which would add up to be about $2.5 billion over a short period of time that would be passed to them, they would simply have a statement of exactly what that charge was for.

I think this is good government. I think it is transparency. I do not find any way that it is duplicative. I do not find where there is necessarily additional work. It would be paid for by the fund. The fund that we are saying tonight we are supportive of would simply need to make sure that it becomes transparent to those people who will be paying the money.

I think if you checked out of any restaurant, if you checked out of any store, that you would want to know what you paid for. There would be a line item for it. That is what we are asking for. This is really not very confusing. It makes the bill a little bit better.

It provides transparency. In my opinion, that is still what Congress, both sides, Republicans and Democrats, should strive for, if middle class taxpayers are having to pay for it. I think it makes sense.

Mr. SCOTT of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to talk about this amendment very, very briefly, but just prior to getting to that, I wanted to make a very, very important point about the previous amendment, because I think it is very, very important for the record to reflect, for there was denial about the REAL ID Act and its implications on the gentleman from Georgia's amendment.

It is very important that I read the language in the bill, in the amendment, that the gentleman from Georgia had previous to this.

It says on page 2, starting at line 3, that a driver's license or identification card issued by a State, a State that is in compliance with title II of the REAL ID Act of 2005, title II of division B of Public Law 109–13; 49 USC 30301 note.

That is the language that is in the bill. The REAL ID is in the bill. Now, it is there. This is the amendment. This is what we are voting for. The REAL ID is in the language.

Now I want to spend the remainder of my time on the gentleman from Texas' amendment. Let us talk about your amendment, the gentleman from Texas, Mr. SESSIONS.

That disclosure that you are requiring, you must admit first of all it is a highly speculative cost. Number two, it does not provide a benefit to consumers. It will add another disclosure to an already cumbersome settlement process, further confusing the homeowners and the home buyers. Again, these are basically poor people who we are trying to help who have been victims of a hurricane. We are also going to, in the process after that first year, apply it to States so that they can apply their own criterion.

But, Mr. SESSIONS, where your amendment really causes a problem is in the broader community of the housing financial market. For example, your amendment would also make it difficult for a Federal Home Loan Bank, for example, to make advances or loans to a community bank member based on a blanket lien on the bank's overall mortgage portfolio, thus raising mortgage costs. These community banks depend on these advances to provide home buyers with competitive credit.

So, again, in each of the previous amendments, I cannot understand for the life of me why the Republicans want to so overreach to basically undermine the entire housing financial market just to get at this one small effort to help low income people get relief and get some assistance in becoming homeowners, in the rental capacity as well as the construction of new homes.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the comments of my good friend and colleague from Georgia about the previous amendment. I wasn't interested in revisiting it, but I was compelled to do so because of the obfuscation that I believe occurred.

The amendment, my amendment, states on line 9, page 1, that the personal identification shall be one of the following forms. "One of the following forms."

The first item is Social Security card. The second item is in fact a driver's license with a State complying with REAL ID. And then there is an "or" between the two. An "or" means one of them. Not all of them. Not always in compliance with REAL ID.

Then it goes on to have the two small ii's on page 2, line 9, where it says a passport.

Then there is even a third way that you can do it. Line 12, page 2, United States Citizenship and Immigration Services Documentation.

Lo and behold, it is just one of those, Mr. Chairman. It is not all of them.

So I would suggest that my good friend from Georgia be complete in his characterization of my amendment.

Mr. Chairman, I am pleased to yield to my good friend from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I thank the gentleman.

In reply to the gentleman from Georgia, this amendment does not require originators to provide this disclosure to home buyers. It simply says that the disclosure must be given if the originator wants the mortgage to qualify for the purchase by the GSEs.

This is not the first time that Congress has asked that mortgage originators provide blanket disclosures to home buyers, regardless of whether or not the disclosure applies to their specific mortgage. The Cranston-Gonzalez National Affordable Housing Act mandated disclosure to consumers about the mere likelihood that a mortgage's servicing rights would be transferred without regard to whether any specific mortgage servicing rights would actually be transferred. The gentleman, Mr. FRANK, was an original cosponsor of the bill in the 101st Congress, and voted in favor of it on August 1, 1990.

Mr. Chairman, I will insert into the RECORD an example of the precedent for this nonspecific mandated mortgage disclosure requirement supported by our chairman, Chairman FRANK.

RESPA SERVICING DISCLOSURE

Lender: Indiana Members Credit Union, 4790 East 96th Street, Ste. 120, Indianapolis, IN 46240, Notice to first lien mortgage loan applicants: the right to collect your mortgage loan payments may be transferred. Federal law gives you certain related rights. If your loan is made, save this statement with your loan documents. Sign the acknowledgment at the end of this statement only if you understand its contents.

Because you are applying for a mortgage loan covered by the Real Estate Settlement Procedures Act (RESPA)(12 U.S.C. Section 2601 et seq.) you have certain rights under the Federal law. This statement tells you about those rights. It also tells you what the chances are that the servicing for this loan may be transferred to a different loan servicer. "Servicing" refers to collecting your principal, interest and escrow account payments, if any. If your loan servicer changes, there are certain procedures that must be followed. This statement generally explains those procedures.

TRANSFER PRACTICES AND REQUIREMENTS

If the servicing of your loan is assigned, sold, or transferred to a new servicer, you must be given written notice of that transfer. The present loan servicer must send you notice in writing of the assignment, sale or transfer of the servicing not less than 15 days before the effective date of the transfer. The new loans servicer must also send you notice within 15 days after the effective date of the transfer. The present servicer and the new servicer may combine this information in one notice, so long as the notice is sent to you 15 days before the effective date of transfer. The 15-day period is not applicable if a notice of prospective transfer is provided to you at settlement. The law allows a delay in the time (not more than 30 days after a transfer) for servicers to notify you, upon the occurrence of certain business emergencies. Notices must contain certain information. They must contain the effective date of the transfer of the servicing of your loan to the new servicer, and the name, address, and toll-free or collect call telephone number of the new servicer, and toll-free or collect call telephone numbers of a person or department for both your present servicer and your new servicer to answer your questions. During the 60-day period following the effective date of the transfer of the loan servicing, a loan payment received by your old servicer before its due date may not be treated by the new loan servicer as late, and a late fee may not be imposed on you.

COMPLAINT RESOLUTION

Section 6 of RESPA (12 U.S.C. Section 2605) gives you certain consumer rights, whether or not your loan servicing is transferred. If you send a "qualified written request" to your servicer, your servicer must provide you with a written acknowledgment with 20 Business Days of receipt of your request. A "qualified written request" is a written correspondence, other than notice on a payment coupon or other payment medium supplied by the servicer which includes your name and account number, and the information regarding your request. Not later than 60 Business Days after receiving your request, your servicer must make any appropriate corrections to your account, or must provide you with a written clarification regarding any dispute. During this 60 Business Day period, your servicer may not provide information to a consumer-reporting agency concerning any overdue payment related to such period or qualified written request. A Business Day is any day in which the offices of the business entity are open to the public for carrying on substantially all of its business functions.

DAMAGES AND COSTS

Section 6 of RESPA also provides for damages and costs for individuals or classes of individuals in circumstances where servicers are shown to have violated the requirements of that Section.

SERVICING TRANSFER ESTIMATES

1. The following is the best estimate of what will happen to the servicing of your mortgage loan:

We may assign, sell or transfer the servicing of your loan while the loan is outstanding. We are able to service your loan and we will not have not decided whether to service your loan. or

We do not service mortgage loans, and we have not serviced mortgage loans in the past three years.

We presently intend to assign, sell or transfer the servicing of your mortgage loan. You will be informed about your servicer.

We assign, sell or transfer the servicing of some of our loans while the loan is outstanding depending on the type of loan and other factors. For the program you have applied for, we expect to:

Sell all of the mortgage servicing retain all the mortgage servicing assign, sell or transfer % of the mortgage servicing.

2. For all the first lien mortgage loans that we make in the 12-month period after your mortgage loan is funded, we estimate that the percentage of mortgage loans for which we will transfer servicing is between: to 25% (or None) 26 to 50% 0 51 to 75% 0 76 to 100% (or ALL)

This estimate does not include assignments, sales or transfers to affiliates or subsidiaries. This is only our best estimate and it is not binding. Business conditions or other circumstances may affect our future transferring.

3. We have previously assigned, sold or transferred the servicing of first lien mortgage loans. or

This is our record of transferring the servicing of the first lien mortgage loans we have made in the past:

Year percentage of loans transferred (Rounded to the nearest quartile—0%, 25%, 50%, 75%, or 100%).

2003: 50%;
2004: 50%; and
2005: 25%.

This information does not include assignments, sales or transfers to affiliates or subsidiaries.

Date:_____

Present Servicer or Lender: Indiana
Members Credit Union.

ACKNOWLEDGMENT OF MORTGAGE LOAN APPLICANT

I/We have read this disclosure form and understand its contents, as evidenced by my/our signature(s) below.

I/We understand that this acknowledgment is a required part of the mortgage loan application.

_________ Applicant _________ Date
Applicant Date

Mr. Chairman, it is clear to me that what we are talking about here is that our friends on the other side simply don't want people to know who is footing or paying the bill. It is so important to get this money to poor people that middle class taxpayers can't be told the truth. It is that simple.

It is not duplicative. It is not anything that requires a great calculation. There would simply be one line that says for every $1,000 of your loan, it is estimated that you are paying X amount. It would be aggregate totals. It would be something that could be calculated very quickly. It is not by a loan, a particular loan; it is by an aggregate total. It could be done. It would be disclosure. It would be the right thing to do.

Mr. Chairman, I think if anybody is confused by this, they simply do not want consumers to know the truth about who is making laws, who is making people pay extra money, where the money comes from and how much money they would be expected to pay themselves. I find that blatantly anti-American not to be open about who is doing what and how much the cost might be.

□ 2245

Americans are entitled to know these sorts of things as consumers. As consumers, they are entitled to know. That is what this amendment is about. If you don't want to be for it, I encourage you to vote "no." But people who are for full disclosure and who want to let the middle class know what they are paying for, who are equally entitled to the American dream, are entitled to know under this amendment.

Mr. PRICE of Georgia. I thank the gentleman for his amendment and appreciate his leadership on this issue, and I appreciate his leadership in defending the hardworking American taxpayer.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

I have heard the pejorative "anti-American" used in some ludicrous contexts, and I think I have seen now the champion application of that inappropriately.

If you are not for a complicated amendment, adding some language to a disclosure that is somewhat controversial, you are anti-American. I hope the debate bounces up from here.

I would then also say to the gentleman from Georgia, my colleague from Georgia quite correctly pointed out that his amendment would call on people to reaffirm the value of the REAL ID Act. And it is true that the REAL ID Act is only one of four things, but some Americans don't have passports. In fact, the majority of American citizens don't have passports.

A Social Security card with a photo ID issued by the Federal Government, some people don't have that.

And a certificate from the Department of Homeland Security Immigration, if you are a regular American citizen, you don't have that. So of the things people would have of those four, that would be the most common. We don't prescribe it in the amendment adopted by the gentleman from Arkansas. We leave it up to the director because things may change. Things may evolve. There may be new documents. Prescribing this now for 4 and 5 years from now seems to be an error. But it is true, the gentleman from Georgia does give Members a chance to vote once again in favor of the REAL ID Act, as a major, not as an exclusive, but a major premise here.

As to the gentleman from Texas's amendment, I note that he makes a point of saying that the cost of the disclosure will be paid for by the housing fund. He also believes that the housing fund comes at the cost of the mortgage borrowers. I don't understand why with this great flourish he says, hey, we'll make the housing fund pay for this because by his reasoning, that is an additional amount for the mortgage borrowers.

If the existence of the housing fund costs them money, adding to the housing fund simply would add to their costs.

My objection to it is this. It is a complicated, additional calculation of a sum that is de minimus. Even if all of the cost of the housing fund went to individual mortgages, we are talking about a very small, 1.2 basis points of the portfolio. In fact, I believe most of it won't come from the mortgage holder, it will come from the shareholders. It is a complicated calculation. People will differ about how to make it.

So this notion that if it is going to be a real calculation, and if it is just plucked out of the air it is some pro rata thing and it doesn't mean anything, but to impose additional bureaucracy for a cost that is de minimus is a mistake.

That is why my friend from North Carolina said this is part of the "we don't like the housing trust fund."

And by the way, when the gentleman said a housing trust fund created by the Democrats, we were being given too much credit; 43 Republicans joined us in voting against the amendment of the gentleman from Alabama to kill the housing trust fund. So it wasn't just Democrats; 43 Republicans is a pretty significant chunk. It was somewhat bipartisan.

But the point is only if you believe the housing trust fund is going to be some significant cost does it make sense to go through all of this trouble to add this line.

We who believe it is will be de minimus in terms of how it affects each mortgagor, think it will probably cost them more to do this calculation and charge them for it than they would otherwise have to pay.

I yield to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. I thank the gentleman. The gentleman wants to argue that shareholders should pay for this. Yet just a couple of weeks ago we were arguing on this floor about who should pay to know about executive compensation. We definitely understood it shouldn't be shareholders there. But tonight it is okay.

Mr. FRANK of Massachusetts. Reclaiming my time, reclaiming my time, first of all, to say that is the most baffling thing I have ever had said. It is going to take me a while to figure out what it could possibly mean, if anything.

But secondly, with regard to executive compensation, of course the shareholders would bear the cost if there was one. Our point there was since the SEC has mandated the disclosure and mandated the disclosure be printed in the proxy, there will be no cost to voting on it.

Mr. PEARCE. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. I thank the gentleman for yielding.

You know, we are once again arguing what, first, is a "de minimus" amount of money. Then it turns out to be a lot of money. And now we understand it is really not that much money at all that these consumers are having to pay.

But somebody has to pay the $2.5 billion, and that is a new tax. And it is in this legislation. This money is just not going to come out of anywhere. We do expect if there is going to be money that is going to be owed by somebody, that they ought to know where it comes from. It just doesn't come from home buyers. It will come from Fannie Mae and Freddie Mac shareholders. And excluding them from the decision-making process seems like a significant backward step for shareholder rights. But just a few weeks ago the chairman brought legislation to the floor that would mandate a new, nonbinding shareholder vote on executive compensation.

I think that shareholders and Fannie Mae and Freddie Mac, if they are, in fact, the ones to foot the bill for this new fund, at least deserve a little bit of participation. They ought to understand it and know.

I ask the chairman in the name of shareholder rights and shareholder participation to include the language during any conference negotiations, and to make sure he does the same thing thereto.

The bottom line is that shareholders or middle class home buyers all deserve a right to know how much they are being charged. It is a simple request. The gentleman almost got it right. I think it is an American thing that consumers ought to know what they are paying for, and it is unAmerican not to know what you are paying for.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 34 OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. BRADY of Texas:

Page 130, line 8, strike "75 percent" and insert "70 percent".

Page 130, line 11, strike "25 percent" and insert "20 percent".

Page 130, after line 11, insert the following:

"(iii) The allocation percentage for the Texas Department of Housing and Community Affairs shall be 10 percent.".

Page 130, line 19, after "in connection with" insert the following: "(i) in the case of the grantees specified in clauses (i) and (ii) of subparagraph (A),".

Page 130, line 20, before the period insert ", and (ii) in the case of the grantee specified in clause (iii) of subparagraph (A), Hurricane Rita of 2005".

Page 149, line 16, strike "and" and insert a comma.

Page 149, line 17, before the semicolon insert the following: ", and the Texas Department of Housing and Community Affairs".

Mr. BRADY of Texas. Mr. Chairman, we have had a lot of debate tonight about the need for the affordable housing fund. This amendment relates to what I hope will be the fairness of the affordable housing fund. Right now in the first year the allocation for the affordable housing fund is restricted to Hurricanes Rita and Katrina, but only in Louisiana and Mississippi.

This is Hurricane Rita, the fourth largest hurricane in the gulf coast history. It was actually larger than Hurricane Katrina. On the Texas side, the area that I represent, as you can see here, we had 70,000 homes damaged or destroyed. That is 70,000 homes damaged or destroyed by Hurricane Rita.

Today, 18 months after that hurricane, what no one in America knows is that 10 percent of those who fled Hurricane Rita have yet to return to southeast Texas. Ten percent have not come home because they have no home in southeast Texas.

What this amendment does is provides a fair treatment for Texas communities devastated by Hurricane Rita. It takes the principle, same hurricane, same devastation, we should have same treat.

Under this amendment, Louisiana and Mississippi would still receive the bulk of the allocation at 70 percent and 20 percent, and Texas would be eligible for 10 percent. My preference would be to not take a dime from Louisiana and Mississippi. I understand how devastated those communities are. But I have seen the devastation in our southeast Texas communities. Our roofs are torn off and our homes are destroyed. Our people can't come back to their communities because there is no housing. And these counties are predominantly Democratic, poor, with heavy African American populations. Ironically, these were the same counties across the Louisiana line who were the very first to open their homes and shelters and churches to those fleeing Hurricane Katrina. Yet today, they can't rebuild their own homes, they can't return to their own communities because this is often called "the forgotten hurricane."

What I am hopeful is that the current allocation is an oversight. And the fact of the matter is that the national media moved over so quickly over Hurricane Rita that not many people understand just how badly the communities were devastated.

I am hopeful that the majority will agree with me that we don't divide a hurricane along State lines and don't provide different treatment for the same hurricane for the same communities. Where we don't have homeowners in Orange whose homes have been destroyed with no help, but their cousin down the road in Lake Charles gets the help they deserve. That is not what this government is about.

Mr. Chairman, I urge support for my amendment. We ought not have two classes of citizens in America: Those who have help from hurricanes and those who are left stranded. I think this Congress is better than that.

Mr. JEFFERSON. Mr. Chairman, I move to strike the last word.

I appreciate the arguments that are being made. I thank the people of Texas and Georgia and of Tennessee and all over the country who have taken in our residents who have had to flee in the face of a devastating storm.

Louisiana lost 225,000 housing units. The bulk were homeowner units, and the rest were rental properties. The city was 80 percent underwater and severely devastated.

Louisiana suffered 75 percent of the gulf coast housing damage, and that is why the number is as it is. It wasn't pulled out of the air. They tried to apply some remedy here. Initially when the money was first allocated, Louisiana, although it suffered 75 percent of the housing damage, and overall, about 80 percent of the damage of the storm, it nonetheless got some number around 50 percent of the allocation.

This is an effort to correct what was not done properly in the first place, and try to line it up with the damage in Louisiana.

Mississippi had some number in the 20s with respect to their losses. So it is an attempt to line it up with the damage there.

I can tell you we are looking to get, in the case of folks who are in the east part of Texas, we hope that we are making arrangements to get a whole lot of those folks back home and out of Texas. This is about rebuilding. It is not really about housing people.

I heard some arguments early on about how many folks are still in Houston. There are about 30,000 people in Houston from my home area, and there are a number of people in San Antonio and Dallas, also. There are also people in Atlanta and Memphis, as I have said. We want to get all of these folks back home. We still have 225,000 of our citizens not back in town. It is a great tragedy that has occurred there.

You might remember, a great part of what happened to us in Louisiana, at least, maybe less so in Mississippi, is not really because of the hurricane itself, it was because of the failure of the Federal levees that drowned our city. The design was poor. Construction was inadequate, and the maintenance was not good. As a consequence, the levees broke and it drowned our city.

We believe there is not just a legal responsibility, but a moral responsibility to fix the problem because the Federal Government broke it and we think it ought to fix it.

So we have a devastated area. Half of our city's tax base is back. Half our schools and hospitals are closed. Our housing isn't there, and our people need a lot of help. The money so far hasn't done it, and we want to get more to apply to the problem. That is all we are saying.

That is why the committee has gone to great pains to try to make this allocation. I know there is pain in some other places, but we have to apply the limited resources we have to take care of the place that is the most devastated, and that is clearly in Louisiana and Mississippi.

I would urge the House to reject this amendment. I do understand there is a need to help in other places, but I hope we find a way to do it in some other bill and some other time, but not here and not now and not in this particular place.

Mr. NEUGEBAUER. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, I appreciate the arguments that my friend from Louisiana has made, but I think it is important to understand that you can't tell someone in one State, your home is destroyed, your roof has been torn off, a tree has gone through it; but you are in this State, so we will help you. The exact same hurricane and the exact same devastation, forget it, take a hike. You deserve no help from us.

□ 2300

I don't think any citizen in America who has seen their home destroyed ought to have to compete against someone else in another State to get Federal help. I mean, aren't we supposed to be treating our citizens equally?

And when you have a hurricane that's devastated both sides of the State line, why are we dividing that hurricane along the State line? Mother Nature can't do it, and Congress shouldn't either.

We should help those people, regardless. One hurricane, same treatment, same devastation. I think we have a moral responsibility to help people who no longer can return to their homes, whether it is in New Orleans or whether it is in Orange, Texas. We have the exact same moral responsibility to help, and I cannot see how we, as a government, can justify different treatments, treating one group as second-class citizens when they've done nothing but suffer devastating damage and open their own homes and hearts and churches to help others. It is wrong.

Let's not divide this hurricane along State lines. Let's help these folks.

Mr. NEUGEBAUER. Mr. Chairman, I reclaim my time and I ask the gentleman so I make sure I understand your amendment here, but currently the allocation is 75 percent for Louisiana and 25 percent for Mississippi. And all the gentleman is asking here is that Texas get 10 percent of this housing fund, 5 percent taken from Louisiana and 5 percent from Mississippi. So you're requesting 10 percent for the people of Texas that suffered the same devastation and loss as the people in Louisiana and Mississippi; is that correct?

I yield to the gentleman.

Mr. BRADY of Texas. It is a negligible change for our friends in Louisiana and Mississippi. It is a huge help for the people in southeast and east Texas who have no homes.

Mr. NEUGEBAUER. I thank the gentleman, and I, like the gentleman, encourage this is a fair amendment. We have passed out a tremendous amount of resources for Mississippi and Louisiana.

I've been to the gentleman from Louisiana's and to the gentleman from Mississippi's district. I have seen the recovery efforts down there, obviously a lot of devastation in those States, and a rebuilding program is going on. Quite honestly, I have to compliment the gentleman from Mississippi. They are doing a much better job of moving forward with their rebuilding program.

But one of the things that we need to understand is these natural disasters affect all Americans, and that when we begin to ask this Congress to pass out resources to help people in America rebuild their lives, that we don't do it along State lines.

And I agree with the gentleman, and I encourage everyone to support the gentleman's amendment. I think it is a very fair amendment.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. WEINER). The gentleman will remove the visual aid while he is not under recognition.

Mr. TAYLOR. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the events of the fall of 2005 were horrible to a large portion of the gulf coast. I understand the gentleman's concern. I would have appreciated if he'd have voted against the Bachus amendment, which would have struck all of this money, but you voted for it.

But one thing I wanted to point out is the somewhat arbitrary nature of his amendment. There's no real good way to judge who lost a house. One of the things we can look at, though, is those who asked for the help which was offered by our President which was delivered by FEMA.

They said if your house is uninhabitable or if it's gone, we'll make a trailer available for every four inhabitants. In Louisiana today, based on FEMA's numbers, there's still 49,000 FEMA trailers being occupied. In my home State, there are 24,500 FEMA trailers still being occupied. In the gentleman's State, there's 1,700 FEMA trailers being occupied.

What I have a problem with is arbitrarily taking a substantial amount of money from a State like Mississippi, that had substantially, according to this, more people lose their homes and just giving it to Texas.

Now, if the gentleman is now for the bill, that's wonderful. If the gentleman would ask the chairman to include the word "Texas" so that when this goes to conference hopefully with the other body, in the time between now and then we can find some fair way to adjudicate those claims, I think that would be wonderful.

But what I object to is literally picking a number out of the sky in a State that's got less than 1/10th of the people living in those trailers tonight, as my State, and asking for half the money that my State is getting.

I have been for this proposal. I have sat on this floor for this proposal. The gentleman has objected to this proposal.

So, again, if the gentleman wants to make the request of the chairman that somehow the words Louisiana, Texas, Alabama and Mississippi are included in there, and that between now and conference we find a fair way to distribute these funds, I'm with you. But to just pick a number out of the sky and say just because we're from Texas and we've got a huge delegation, we think we ought to get half as much money as Mississippi, even though 1/10th of the people that are in trailers in Mississippi are in trailers in Texas, I just can't buy that. That's not responsible.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word, and I'm pleased to yield to my good friend from Texas.

Mr. BRADY of Texas. I appreciate the gentleman from Georgia giving me a few minutes.

I don't know anyone who would support a housing fund that turns its back on your citizens who were devastated by the fourth largest hurricane in gulf coast history. I also don't understand a Congress that has citizens compete against each other who have both lost their homes, who aren't just living in trailers.

My people, maybe we have 1,700 living in trailers, but we have another 10 percent who don't live in trailers who can't even come back to the communities that they used to live in, can't even come back. They're not living in trailers. They've moved away. They can't come back because there is no housing.

Their only fault apparently is that they were on the wrong side of the State line for the exact same hurricane, and it seems to me I would prefer not to pick a 70 percent, a 20 percent, a 10 percent figure. I wish there were a better way to do it.

But I do know this. We ought not pit families against each other for competing for dollars that they all need and provide one on one State line all the help they can get and another, we just turn their back.

I know how much this has harmed Louisiana, Mississippi and Alabama. There's no question about the need there. What I'm saying, there is an equal need for each family in southeast Texas who are poor, who are predominantly Democratic counties, heavily African American communities, the ones who rely and need this housing. I just think this body ought to look at all of them equally to provide that help if we can do it.

Perhaps this body will turn its back on these people. Well, I will tell you what, when it came to Hurricane Katrina, they didn't turn their back on the evacuees from New Orleans. One little town of 500 took in 500 evacuees on the very first night, doubled their whole population just to help. We had folks in Orange who stayed up for 72 hours straight helping people from New Orleans on buses who had lost everything and lost families. These are the same people we're turning our backs on tonight.

I don't know what the allocation is, Mr. Chairman, a fair one is. I honestly don't. I do know that we ought to provide equal help and equal hope to these communities devastated by the exact same hurricane.

Mr. WATT. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, I would like to ask the gentleman a question. Did the gentleman vote for the Bachus amendment that would have not provided any assistance to any of these people? Didn't the gentleman vote for that amendment?

Mr. PRICE of Georgia. Reclaiming my time, I'd be glad to yield to the gentleman from Texas.

Mr. BRADY of Texas. If the question is did I vote for a housing fund that would turn its back on my communities, well, no, I did not vote for that housing fund.

Mr. WATT. Will the gentleman yield once again?

Mr. PRICE of Georgia. Be pleased to.

Mr. WATT. Is the gentleman saying that his community is just Texas? He's not worried about Mississippi or Louisiana, in the general context—

Mr. PRICE of Georgia. Reclaiming my time, I'd be glad to yield to the gentleman from Texas.

Mr. BRADY of Texas. I don't know anyone in this body who intentionally turns their back on any communities. I do know that my district is Texas, but with redistricting I never know what State I may end up in.

But as of this moment, I know my communities well and I think, just as Mr. JEFFERSON, just as Gene and others know their communities and how much heartache they've gone through, I feel strongly that this body ought to try to help equally communities devastated by the exact same hurricane.

Our policy ought to be no second-class citizens in recovery and hurricane relief. Treat them equally for the same hurricane.

Mr. PRICE of Georgia. Mr. Chairman, I commend the gentleman for his amendment and urge my colleagues to adopt it.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

My problem with the answer the gentleman from Texas gave my friend from North Carolina is he voted for the amendment from the gentleman from Alabama to kill this fund before he knew whether his amendment would be accepted or not.

The gentleman says he doesn't know anybody in this body who would turn his back on communities. He has a far more limited circle of acquaintances than I would have thought for someone who had been here this long.

The fact, though, is that the amendment from the gentleman from Alabama would have, if it passed, killed the fund. The gentleman from Texas voted for it. Had he been successful in that vote, there would be no fund for him now to ask for.

Now, I thought my friend from Mississippi who has been an eloquent and passionate defender of the interests of all the people in the gulf made a very good point. As I said to the gentleman from Houston, Mr. GREEN, yes, I think we should look at the needs of Texas. We did some in the hurricane bill in terms of vouchers.

I'm prepared, if this bill gets to conference, to accommodate. We may have underestimated the physical destruction in parts of Texas. I don't think we should now pick a number, but no one had approached me. Mr. GREEN from Texas had approached me, and I said I would work with him. I would be glad to work on it.

I do think when the gentleman says we couldn't expect him to vote for a housing fund that ignored his community, he voted to abolish that fund before he knew what would happen to his amendment. Maybe he just thought the die was cast, but I'm perfectly prepared to work on this.

I hope the amendment is defeated. I don't expect the gentleman to withdraw it, and I would be glad to then look at the arguments about how much destruction there was in Texas, and I would undertake to find some way to try to help in Texas. Of course, the gentleman will probably vote against the whole bill, and if he succeeds, I won't be able to help him, but you can't help everybody all the time. All you can do is offer.

So I hope that we do get a bill through, that it has the housing fund. I hope this amendment is defeated, but I do think that when we look at the concentrated destruction in the part of Texas, something not statewide, and the reason we did Mississippi and Louisiana was we felt the destruction there was more statewide, not the whole State, but it was fairly widely distributed. It would appear there was a more narrow geographic impact in Texas, and I would think that is worth looking at.

And if the housing fund survives the four or five more Republican efforts to kill it, chop it, dice it and slice it, which are probably coming in their infinite list of amendments, and we do get it to conference, I will be glad to work with the gentleman.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BRADY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BRADY of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 25 OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. DOOLITTLE:

Page 128, line 6, strike "and".

Page 128, line 10, strike the period and insert "; and".

Page 128, after line 10, insert the following:

"(6) to increase the investment in public infrastructure activities in counties determined to be economically disadvantaged by virtue of receiving payments under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note).".

Page 140, line 3, strike "and".

Page 140, line 6, strike the period and insert "; and".

Page 140, after line 6, insert the following:

"(4) public infrastructure activities, including activities to benefit the public safety, law enforcement, public education, and public lands, carried out only in counties which are determined to be economically disadvantaged by virtue of receiving payments under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note).".

Page 140, line 22, strike "or".

Page 140, line 25, after the semicolon insert "or".

Page 140, after line 25, insert the following:

"(E) in the case of an eligible activity under subsection (g)(4), administer such activities in counties described in such subsection, except that this subparagraph shall apply only to government agencies;".

Page 144, after line 19, insert the following:

"(8) REQUIRED AMOUNT FOR CERTAIN PUBLIC INFRASTRUCTURE ACTIVITIES.—In the case of any grantee that is a State in which are located counties determined to be economically disadvantaged by virtue of receiving payments under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note), all of the affordable housing fund grant amounts provided for each year other than 2007 to such grantee shall be used for activities under paragraph (4) of subsection (g).".

Mr. FRANK of Massachusetts. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The gentleman from Massachusetts reserves a point of order.

Mr. DOOLITTLE. Mr. Chairman, in 1908 in response to the mounting opposition to the creation of forest reserves in the West, Congress passed a bill which created a revenue sharing mechanism to offset for counties the effects of removing those lands from economic development.

The 1908 act specified that 25 percent of all revenues generated from the national forests would be shared with the counties where those revenues were generated to support public roads and public schools. From 1986 to the present, these payments, because of the decline in timber sales, have decreased precipitously.

Responding to this urgent need, in 2000, the Congress passed the Secure Rural Schools and Community Self-Determination Act to compensate for the loss in revenue for these counties, providing the necessary funds for schools, roads and public lands.

This funding benefited 4,400 school districts in 615 counties throughout 37 States.

In September of 2006, this authorization expired, and in December the last payments were made. While several attempts have been made to reauthorize this legislation, none has succeeded to this point, and as a result, our counties are left without the funds that they were promised and they depend upon to provide public infrastructure activities to maintain their roads and send their children to school.

□ 2315

The results have been devastating. In California's Fourth Congressional District, let me just talk about three instances. In Plumas County, where 70 percent of the land is owned by the Federal Government, layoff notices went to 55 teachers and its school districts, and the county is compensating for this by increasing class sizes, closing all school libraries, closing cafeterias and possibly even closing entire schools.

In Sierra County, which is 75 percent opened by the Federal Government, the county is planning to lay off almost 40 percent of its entire education staff, and the superintendent spoke to me about the potential of shutting down one entire school district and being forced to bus children across State lines into the adjoining State of Nevada to receive a public education.

Finally, in Modoc County, which is 75 percent owned by the Federal Government, they will layoff one-third of its entire roads department and over 12 percent of its teachers.

These hardships are not unique and have spread to other States. You will hear in a minute from Mr. WALDEN of Oregon. Before the government makes any new promise for funding, it should make good on the obligation it already made to the 615 counties across the country which are now struggling to deal with a lack of funding for basic infrastructure needs.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. DOOLITTLE. Well, I would like to yield to Mr. WALDEN.

Mr. FRANK of Massachusetts. I will cede to Mr. WALDEN. If only the gentleman will yield to somebody.

Mr. DOOLITTLE. I yield to Mr. WALDEN.

Mr. WALDEN of Oregon. I thank the chairman. I want to thank the gentleman from California for bringing this amendment. This is the newspaper from the largest county in my district. This is the April 7 edition. All 15 branches of the library system in Jackson County closed the day before because the Congress did not keep its commitment dating back 100 years.

Yesterday afternoon, after the local counties tried to pass resolutions to fund these services, make up for the lost Federal funding that has been there for 100 years, the county workers in virtually every county, I will pick on Josephine right here, got together to get their pink slips. The county workers, dedicated public servants, laid off their jobs; 28 juvenile justice employees in Josephine County, gone; 11 in the District Attorney's Office, gone; half the sheriff's office, gone. There will be no sheriff's patrols, period, end of discussion.

You all are familiar with the case of the Kim family that was lost, devastatingly so in the Federal forest of Oregon last winter, and Mr. Kim died. This is the county. This is the county where these sheriffs' deputies and others tried to find and rescue them. Because the government isn't keeping its commitment, no sheriff's patrol, period; 1642 square miles will have no sheriff's patrol. Sheriff Gilbertson is beside himself. He has to meet the State mandates to keep the jail open, but they are going to end up going from 140 beds to 30 beds.

Senator WYDEN and I were at the White House today passionately making our case to the President to help us on this. This Congress needs to help us on this. We are extraordinarily frustrated, as you can tell, by Mr. DOOLITTLE and others, that even though I supported this housing trust fund, if we've got money we ought to take care of these commitments first so the Federal Government keeps its word, so we can reopen libraries so we can have search and rescue and sheriffs' deputies out on patrol, not only in my counties, but out in the west.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

POINT OF ORDER

Mr. FRANK of Massachusetts. Mr. Chairman, I am going to insist on my point of order.

I am moved, and I mean this, by the eloquence of these arguments for adequately funded public service. I hope all Members will listen to this.

But unfortunately, this is beyond the scope of this bill, which is housing related. I, therefore, must insist on the point of order, not out of lack of sympathy for my two colleagues, but because if we open the floodgates, we would get swamped. So I do insist on the point of order. It is not germane.

The Acting CHAIRMAN. Will the gentleman state the point of order.

Mr. FRANK of Massachusetts. Yes, the point of order. This is beyond the scope of this bill.

The Acting CHAIRMAN. Does the gentleman wish to be heard on the point of order.

Mr. DOOLITTLE. Mr. Chairman, the underlying bill makes numerous references to public infrastructure. We feel this, indeed, is public infrastructure, and that it deals with roads and schools. There are certainly needy counties by virtue of being included in this Secure Rural Schools Act. That's why we thought the amendment would be germane.

Mr. FRANK of Massachusetts. Mr. Chairman, if I might say in response, it is all within the context of housing. This is a very narrowly specifically defined housing bill.

The Acting CHAIRMAN. Does the gentleman of Massachusetts make a point of order that the amendment is not germane?

Mr. FRANK of Massachusetts. Yes.

The Acting CHAIRMAN. Without further discussion, the Chair is prepared to rule.

The amendment offered by the gentleman from California provides funding for various infrastructure projects, including law enforcement and public education.

The bill is confined to housing and housing-related matters. Clause 7 of rule XVI precludes amendments on a subject different from that under consideration.

In the opinion of the Chair, the infrastructure projects addressed in the amendment represent a subject matter different from that under consideration. As such, the amendment is not germane.

The point of order is sustained.

AMENDMENT NO. 32 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. HENSARLING:

Strike line 23 on page 85 and all that follows through line 15 on page 86.

Strike line 19 on page 87 and all that follows through line 10 on page 88.

Strike line 12 on page 90 and all that follows through line 9 on page 93.

Mr. HENSARLING. Mr. Chairman, the purpose of this amendment is quite simple, and that is to keep the status quo with respect to the conforming loan limits. The underlying bill would raise it to 150 percent in what are known as certain high-cost areas. I think there are several reasons, Mr. Chairman, why I think the underlying bill contains misguided policy.

Number 1, when you look at why were the GSEs chartered in the first place, they receive a panoply of Federal benefits that we are all familiar with. But supposedly, they received these benefits from the Federal Government for a specific purpose, to support the purchases of mortgages made to low- and moderate-income families, mortgages on properties located in underserved areas, mortgages made to very low-income families and low-income families in low-income areas.

I do not believe that the charter was to help subsidize housing by the government for the wealthiest in our society. That's not why they were chartered. The Conforming Loan Limit right now, I believe, is already too high. To qualify for the $417,000 mortgage right now, a family would have to earn at least $130,000, more than twice the median family income in this country, not by the standards of the Nation, a low or moderate income.

But in the House bill to increase the conforming loan limit by 50 percent to $625,000 in any area where the average home price is over the limit, to qualify for that mortgage, a family's income on an 80/20 LTV would have to be $180,000, almost three times the national median, and that ranks at roughly the top 5 percent of all family incomes in America.

According to OFHEO, the regulator, of the GSEs, using data supplied by the National Association of Realtors in 2007, there were only seven areas that would be affected by this, and that would be comprised of areas in about eight or nine different States, which means that 40 to 42 other States would gain nothing by this and arguably might lose something.

The other argument that I would pose is that after all the behavior of the GSEs, all of the misrepresentations to the public, misrepresentations to investors, misrepresentations to Congress, billions and billions of dollars of accounting misstatements, earnings being manipulated so that executives could receive bonuses, what does Congress do? We reward them. We expand their market share. We give them an opportunity to make even greater profits.

I mean, it leads one to believe that if Enron had been clever enough to change their name to the Enron Housing Corp. we might have done something to still keep them in business. We are expanding their market share.

Another point to make is that, and I will grant that any time you have a Federal subsidy, certainly you can lower the price, but the arguments that somehow people can't get in a home without increasing the loan limits to 150 percent, I don't understand.

The industry experts have estimated the rate on the spread on the rate to be about 20 basis points, and a current 30-year rate fixed mortgage, that amounts to about $80-a-month difference we are talking about. At least under one scenario, CRS, we are looking at about $28 a month. I am having a hard time believing that knowing how competitive the marketplace is, in almost all communities in the jumbo market area, that this is somehow preventing people from getting into a home.

Now, some will speak to a disparity, and I agree. There is the disparity, but I don't think raising the conforming loan limits to 150 percent in only a limited number of areas in the Nation is the solution to that particular challenge.

So I have great reservations about expanding the conforming loan limits. But having said that, given the lateness of the hour, given the outcome of this particular amendment in committee, I do think these were important points to be made.

But at this point, Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. GARY G. MILLER of California. Mr. Chairman, I move to strike the last word.

I thank Mr. HENSARLING for withdrawing the amendment, but I think it's only fair to place on the RECORD the other side of the argument. To assume there's only seven areas that benefit from this is a wrong assumption.

If you look at the current law, Guam, the Virgin Islands, Alaska and Hawaii all benefit from 150 percent of the amount conforming allows in the rest of this country. All we are saying in our high-cost area is saying aren't we as good as Alaska, Hawaii, Guam, and the Virgin Islands.

I have been working on this thing for 3 years, I asked that this be put in the bill. I didn't say let's do it like Alaska, Guam, the Virgin Islands and Hawaii. Let's not make it statewide. Let's go specifically to a region. You could have a situation where Brea, in Orange County, could qualify for $625,000; yet Pomona, within 8 miles, might only need $400,000. But it's easy to extract something from a bill that has no impact on you at all.

For example, the Dallas region that the gentleman represents, the median home price is $146,400. Yet, you can borrow $417,000 through a GSE, three times the amount of the median.

Yet, in Maxine Waters' district, which is four times the median, which is no fault of any of ours, it just happens to be $565,000, she can only borrow $418,000. In my part of Orange County, it's $695,000. I can only borrow $418,600. So we are saying if it is fair for other parts of the country, why isn't it far for all of the country.

Now had the gentleman had introduced an amendment that said, well, we think we should have fairness throughout the country, and let's limit it to the median as my amendment did, in this bill that got enacted in the bill so far, that says you can have it conforming, but it cannot exceed median. Well, the gentleman, I am sure, would have a very difficult time going home and telling his people that now they can only borrow $146,400 from Freddie and Fannie because that is the median we are willing to apply to the rest of our districts.

Now the argument was made in the past that while the people in these high-cost areas make more money, the median income in Dallas, Texas is $65,500; the median income L.A. County is $61,300. They make $400,000 or more a year in his district, that has a median income, median home price of $146,000. Yet in Maxine's and part of my area of L.A. county, people have to pay $565,000 for a median income home, and yet they make $4,000 less.

So, yes, in many cases it's easy to present something to a body and make a very good statement that you are concerned about the quality of a GSE. But let me state, based on the requirements and the restrictions placed upon the GSEs, these loans are very safe.

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AMENDMENT NO. 33 OFFERED BY MR. GARY G. MILLER OF CALIFORNIA

Mr. GARY G. MILLER of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. GARY G. MILLER of California:

Page 86, strike ", except that" in line 9 and all that follows through "corporation" in lines 14 and 15.

Page 88, strike ", except that" in line 4 and all that follows through "Corporation" in line 10.

Strike line 12 on page 90 and all that follows through line 9 on page 93.

Mr. GARY G. MILLER of California. Mr. Chairman, I rise to offer an amendment to strike the requirement that high-cost area loans be securitized. And what we have done in this bill is we have said that, in these high-cost areas, to eliminate concerns by many, we are willing to say that the GSE must securitize those loans in high-cost areas; so, therefore, they cannot keep those loans. Those loans have to be transferred to the bond market. And there is no concern nor could there ever be any risk to the GSE, because those loans are not being kept by the GSE.

Now, understand clearly that when a loan is made in Alaska, Hawaii, Guam and the Virgin Islands, they are not securitized, and it has not proven to be a risk or a problem so far at all. And if you look at the problems in the real estate market today, they are not in the conforming market at all; they are not even in the high-cost areas that complies with. They are in areas that are not available, such as the jumbo loan market in California and other areas.

I am going to withdraw this amendment, but I am making a statement that it is not fair that we try to provide fairness throughout this country, and yet in doing that we are creating a situation that is less fair to those high-cost areas than it is to the rest of the Nation. It is only fair that borrowers in high-cost areas should be able to get a loan through a GSE, that that loan be kept by a GSE, thereby reducing the cost to the person getting the loan. And the statement that there is only a statement of $25, in a high-cost area this saves a buyer $175 a month in payment or a loan through a GSE.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GARY G. MILLER of California. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman, and he and I have been working together on a lot of this. I am glad he is going to withdraw it and we won't be proceeding further, but I would note that a number of recent developments in the mortgage field have made it clear that securitization is not the absolute unmixed blessing that people once thought it was. There are advantages to portfolio and there are some disadvantages. There are obviously advantages in terms of liquidity being created through securitization, but there are some problems. So I thank the gentleman for raising this issue, and it is one we will continue to work.

Mr. GARY G. MILLER of California. And I think there is more reason to eliminate securitization than there ever was to place it there in the first place. But, irrespective of that, I withdraw my amendment.

The SPEAKER pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 9 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. PRICE of Georgia:

Strike line 21 on page 128 and all that follows through line 7 on page 129, and insert the following:

"(2) REQUIREMENTS FOR CONTRIBUTIONS.—

"(A) TIMING.—An enterprise shall not be required to make an allocation for a year pursuant to paragraph (1) unless the Director, pursuant to the study under paragraph (2) for such year, makes a determination that such allocation by the enterprise for the year—

"(i) will not contribute to the financial instability of the enterprise or impair the safe and sound operation of the enterprise;

"(ii) will not cause the enterprise to be classified as undercapitalized;

"(iii) will not prevent the enterprise from successfully completing a capital restoration plan under section 1369C; and

"(iv) will not result in increased costs to borrowers under residential mortgages.

"(B) STUDY.—The Director shall, for each year referred to in paragraph (1)—

"(i) conduct a study to determine the effects on each enterprise of making allocations in such year under such paragraph; and

"(ii) submit to the Congress a report containing the findings of such study and the determinations of the Secretary regarding the issues set forth in clauses (i) through (iv) of subparagraph (A).".

Mr. PRICE of Georgia. Mr. Chairman, I offer this amendment which I believe enhances the oversight of the Director over the payments into the Affordable Housing Fund.

The underlying legislation takes the responsible step of providing criteria that the Director of the new regulatory agency should use to suspend contributions to the Affordable Housing Fund created by this bill, and that is a responsible step. However, I and others are concerned that this language doesn't go far enough to ensure the GSE safety and soundness, which indeed is the intent of this important legislation that we are dealing with today.

In the underlying legislation, if the Director finds that contributing to the Affordable Housing Fund would contribute to the instability of the GSE, would cause the GSE to become undercapitalized, or would prevent the GSE from successfully completing a capital restoration plan, then payments to the Housing Fund would be suspending.

I have three specific concerns.

First, nowhere in this language does this legislation provide an explicit requirement for the Director to actively seek out this information and to report on his or her findings.

Second, the language in this section doesn't explicitly list the safe and sound operation of the GSE as one of the factors that the Director should consider.

And, third, the Director does not consider the extent to which these payments into the Housing Trust Fund will result in an increase in costs to the borrowers under residential mortgages.

This amendment very simply would require the Director to study the additional factors that I just mentioned, safety and soundness, and increased costs to the borrowers. Along with those factors already in the text of the underlying bill, and to certify to Congress that they won't be adversely affected before the GSE makes a payment into the Housing Fund, it is imperative that we make certain that all of the hard work that went into creating this new world-class regulator in the underlying legislation isn't undone because of the mandatory payments the GSE will have to make into the Affordable Housing Fund. And we can do that by requiring the Director to look at all of these safety and soundness issues that might be affected, and to provide a responsible signoff requirement before payments are made into the Housing Fund.

I think this greatly improves the accountability and the success and the appropriateness of this bill, and I urge my colleagues to adopt the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is another version of the effort to kill the fund. It is very similar to amendments we have had before. I will ask Members to draw on their memories. I think at this point they would try to remember than stay up an extra 10 minutes listening to the debate very similar to what they have had before.

It is subject to the frailty which the gentleman from North Carolina (Mr. WATT) pointed out before, since we have had a similar amendment before; namely, that it would give to the Director the right to cancel this. It doesn't ask just for information from the Director for us to take into account when we do this after the sunset; it empowers the Director to end it.

And it also says: Will not result in increased costs to borrowers on their residential mortgages.

There may be a de minimis cost increase. The way this is worded, a director would have to find that there would be no cost increase at all, not 10 cents, not $1 a mortgage.

I do not think it is intended mainly to deal with the soundness of the enterprise; I think it is dealing, once again, with an effort to try to kill the fund, which we have had five or six votes on already and a couple of more pending amendments.

The other factors, other than it might raise the cost of the mortgage, are already in the text of the bill and they are already factors that the Director is required to study.

So since we have talked about this before, I do not think at this hour anybody is going to bring any new knowledge.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 19 OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. DOOLITTLE:

Page 100, after line 17, insert the following new section:

SEC. 136. MORTGAGOR IDENTIFICATION REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

(a) IN GENERAL.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"SEC. 1330. MORTGAGOR IDENTIFICATION REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

"(a) LIMITATION.—The Director shall by regulation establish standards, and shall enforce compliance with such standards, that—

"(1) prohibit the enterprises from the purchase, service, holding, selling, lending on the security of, or otherwise dealing with any mortgage on a one- to four-family residence that will be used as the principal residence of the mortgagor that does not meet the requirements under subsection (b); and

"(2) prohibit the Federal home loan banks from providing any advances to a member for use in financing, and from accepting as collateral for any advance to a member, any mortgage on a one- to four-family residence that will be used as the principal residence of the mortgagor that does not meet the requirements under subsection (b).

"(b) IDENTIFICATION REQUIREMENTS.—The requirements under this subsection with respect to a mortgage are that the mortgagor have, at the time of settlement on the mortgage, a Social Security account number.".

(b) FANNIE MAE.—Section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719) is amended by adding at the end the following new subsection:

"(g) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENT.—Nothing in this Act may be construed to authorize the corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

(c) FREDDIE MAC.—Section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454) is amended by adding at the end the following new subsection:

"(d) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENTS.—Nothing in this Act may be construed to authorize the Corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the Corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

(d) FEDERAL HOME LOAN BANKS.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENTS.—Nothing in this Act may be construed to authorize a Federal Home Loan Bank to provide any advance to a member for use in financing, or accept as collateral for an advance under this section, any mortgage that a Bank is prohibited from so accepting under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

Mr. DOOLITTLE. Mr. Chairman, this amendment will prevent the government-sponsored enterprises, or GSEs, from purchasing any mortgage from a lender where the person who received the mortgage did not use a valid Social Security number.

In my State of California, it has been calculated that each legal resident in the State pays approximately $1,200 every year for illegal immigrants to use taxpayer-funded resources, including our highways, hospitals, and schools. Reducing the opportunities for illegal immigrants to purchase primary residences in the United States will be an important step toward decreasing the burden illegal immigrants impose upon our society.

Fannie Mae and Freddie Mac support the residential mortgage market by purchasing mortgages from lenders that, in turn, use the proceeds to make more loans available to home buyers. These organizations, chartered by Congress, should not be in the business of assisting illegal immigrants to purchase homes.

The size of the GSE's portfolios represents a concentration of mortgage market risks, and this has been observed before, that led former Federal Reserve Board Chairman Alan Greenspan and others to urge Congress to consider ways to shrink the size of the GSE's asset portfolios.

What better way to reduce the size of these portfolios than to prohibit mortgages for illegal immigrants. Not only will this change decrease the market risk, but it will also eliminate one more incentive that draws illegal immigrants to our country.

When a person applies for a mortgage, he is asked whether the loan is for a primary residence, a secondary home, or an investment property. According to my amendment, only a person seeking to buy a primary residence would be required to have a Social Security number. Therefore, this amendment does not discourage foreign investment in the United States. Should a foreign investor wish to obtain a mortgage for a real estate investment, he would be able to do so. However, no person illegally in this country should be allowed to purchase a primary residence here.

Since all people who are legally allowed to work in the United States are able to receive a work authorized Social Security number, this bill only targets those that are here illegally. Lending institutions should not be allowed to reward individuals violating U.S. law. Please vote "yes" on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

And I do want to congratulate the gentleman from California for a very nonduplicative amendment. It is an amendment that is different from all the other amendments, and I am glad to see it. I almost feel like it was Passover; we finally have an amendment that is different from all the other amendments.

The question I have for the gentleman that was raised here, and he may have explained it as I was going over this. He did submit it in a timely fashion, so we should have checked it earlier. What about a foreign visitor who is in the country legally, say on a student visa. Would you be able to purchase a home on this?

I would yield to the gentleman.

Mr. DOOLITTLE. Yes. I did indicate that this only applies to a primary residence. A foreign investor could indicate that——

Mr. FRANK of Massachusetts. Not an investor, but someone who is here under a student visa that might not have a Social Security number, is not working, is here under a student visa and maybe can't work. Could that individual buy a home?

Mr. DOOLITTLE. You would have to be entitled to have a Social Security number, which, as I understand it, would be someone who is employed here.

Mr. FRANK of Massachusetts. But we do have people here, for instance, who are here as students. There are wealthy people who come here to study. In fact, if you find someone paying full tuition in a college, she is probably from another country. And if that parent wanted to buy a home for that student, I don't believe they would have to get a Social Security number; I believe under a student visa you might not be able to work.

Mr. DOOLITTLE. A parent wouldn't need the Social Security number.

Mr. FRANK of Massachusetts. I understand that. But does every student here under student visa have to get a Social Security number? I am told in some cases under a student visa you can't work. If you are here as a student with wealthy parents, the parents want to buy you a home, you might not have a Social Security number and this would keep you from buying a home.

Mr. DOOLITTLE. Well, if the parents want to buy you a home, it would be their investment.

Mr. FRANK of Massachusetts. No, excuse me. The gentleman first said it wasn't the parents. The parents live in another country. The student is here under a student visa, not working, for a 4-year course of study. Could the parents from another country buy that student a home under this bill if the student didn't have a Social Security number?

Mr. DOOLITTLE. As I understand it, Mr. Chairman, the answer to that would be yes.

Mr. FRANK of Massachusetts. How could they if the students don't have a Social Security number, how could you buy them a home?

Mr. DOOLITTLE. Well, because the owner of the home is the parents.

Mr. FRANK of Massachusetts. No. The gentleman is obfuscating now. The parents live in another country. The parents give the student the money so that the student can buy the home. What about a student lawfully in the U.S., under a student visa, whose parents in another country want to finance the purchase of that home? The student doesn't have a Social Security number, maybe under the visa can't work. I think that is the case. The student wouldn't be able to buy a home.

And I do agree that we should tighten up the rules on people here illegally, but as I read this I think it may sweep too far, impose too broad a mandate on Fannie and Freddie over things they can't control. And there may be other categories, but somebody here under a student visa whose family lives in another country, is prepared to finance the purchase of a home, it would appear to me that would make that impossible.

I yield to the gentleman.

Mr. DOOLITTLE. It is true the student himself wouldn't be able to purchase the home. But the parents——

Mr. FRANK of Massachusetts. Again, the gentleman is simply misrepresenting the question. The parents live in another country. People in Saudi Arabia don't have to have Social Security numbers. So the parents are in another country; the student is here without a Social Security number. How does the student buy the home?

Mr. DOOLITTLE. Mr. Chairman, I thought I made clear, the bill allows for foreign investment in the country. The student, under the provisions of this amendment, himself would not be able to buy the home if he were a student not able to work, therefore not having a Social Security.

Mr. FRANK of Massachusetts. The gentleman's interpretation in foreign investment is the parents buy the home for the student. Well, if the student had enough money on his or her own, then the student couldn't buy it.

Mr. DOOLITTLE. Then the student couldn't buy it.

Mr. FRANK of Massachusetts. Well, I don't understand why we would say that. There might be students who have the money to buy it. And this fiction that students who buy a home, parents who buy a home for their own child to live in are foreign investors seems to me to import a fiction to get around an excessively rigid bill. And there may be other categories of people who are lawfully in this country who don't have Social Security numbers and could have the money to buy a home, and I am unpersuaded that we should prohibit that.

Mr. SCOTT of Georgia. Mr. Chairman, I move to strike the last word.

Are you saying that this amendment would prevent home buyers without Social Security numbers from obtaining home loans? Is that correct?

Mr. DOOLITTLE. That is correct.

Mr. SCOTT of Georgia. Is it Social Security number, or valid Social Security number?

Mr. DOOLITTLE. Well, obviously the intent is valid Social Security numbers.

Mr. SCOTT of Georgia. But you don't have valid Social Security number in here. And my point is this: That one of the problems we have got in immigration is there are many illegals, if you are getting at illegal immigrants, who have Social Security numbers. We would place on these this system, much like it is in the employer system, where employers will come and tell you that all of our employees are legal because they have Social Security numbers.

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But I will also tell you, there is a burgeoning industry within the illegal immigration area of falsified Social Security numbers. That's a big deal. So I think that this raises a very serious problem within your amendment, because if you simply say Social Security Number, you're not really getting at the problem that you feel you're getting at.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. SCOTT of Georgia. Yes, I yield to the chairman.

Mr. FRANK of Massachusetts. We might be able to work this out. I am really concerned about the students and others. I am prepared to say that I would be willing to see that this bill is in conference. The gentleman obviously can press ahead. I going to vote against it at this point because it does seem to me that there are categories of people who can lawfully be in the country who have money who could buy a house, and I don't think we want to stop it.

There will be some enforcement issues that we could work out, but I would hope we could more clearly define it; that is, I do think it's important that we say that this be confined to people who are illegally here. But relying on the Social Security number as the exclusive validator of someone's legal presence in the U.S. seems to me not good policy.

Mr. SCOTT of Georgia. Reclaiming my time, again, that does create a problem with your amendment. And further, another problem it creates is because under current requirements, lenders may use any legitimate form of identification, so it would compound the difficulty, because it would make it difficult, again, for community banks to use blanket liens to pledge collateral, raising costs. The point I'm trying to get at is while the intention is good, I think that when you look at all of the problems with immigration, when you look at the problem of the fact of the cottage industry of providing bogus Social Security numbers, unless you put into this feature some mechanism to check to make sure that the Social Security number is valid, then the amendment seems to be moot.

The Acting CHAIRMAN (Mr. ALTMIRE). The question is on the amendment offered by the gentleman from California (Mr. DOOLITTLE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. DOOLITTLE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

SECOND AMENDMENT NO. 22 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Second Amendment No. 22 offered by Mr. GARRETT of New Jersey:

Page 129. after line 22, insert the following:

"(4) PROHIBITION OF PASS-THROUGH OF COST OF ALLOCATIONS.—The Director shall, by regulation, prohibit each enterprise from—

"(A) treating the costs to the enterprise of making the allocations required under paragraph (1) as a regular business expense of the enterprise; and

"(B) redirecting such costs, through increased charges or fees, or decreased premiums, or in any other manner, to the originators of mortgages purchased or securitized by the enterprise.".

Mr. GARRETT of New Jersey. Mr. Chairman, I come to the floor at this late evening time now to offer this amendment and, in essence, what we're trying too do here is to, bottom line is to help protect middle class American home owners as we move forward with this legislation with the housing fund in it, with the world class regulator, and to protect the American taxpayer from what we heard not only on the floor tonight, but going all the way back to testimony when this bill was being first considered from Chairman Bernanke, the potential for an MTI, a mortgage tax increase.

We know how the underlying bill works. H.R. 1427 takes 1.2 basis points of the GSE's total annual business, not their profit, but the total annual business and directs those funds to help in an appropriate manner, some would say, to provide for low income housing.

What this amendment does not do, and I know we have heard from the other side every time we tried to make any improvement to this legislation, that we characterize our efforts to improve the legislation to try to kill the underlying fund in this bill. Anyone making a clear reading of this amendment would realize this amendment does not do that in any way shape or form. This does not kill the fund. It improves the fund and it does so in a manner consistent with what the chairman said he has intended for the underlying bill in the first place, and that is to say that the increased tax would not hit those who we're trying to help, the low and moderate income earners.

How does it do that? Well, if you just look to the text of the amendment, section 4, prohibits pass through of costs of allocation. The director shall by regulation prohibit such enterprises, the GSEs from treating the cost of enterprises of making allocation required under paragraph 1 as regular business expenses. In essence, what the amendment does is says it cannot pass those costs down the line to the originator and to the home owners. It has to be just where the chairman has said he intended it to be all along, on the stockholders and the investors in the GSEs.

So I would hope that this commonsense amendment which basically effectuates what the Chairman said he intended for this legislation would seek unanimous support.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word. The gentleman overstated what I said. I do agree as to B. I would say this, and B, I think is perfectly reasonable. I think it might be hard to administer, but I would certainly, I would want to agree to B.

I have a problem with A for this reason. We got CBO to score this. CBO scored it based on a tax reduction, and then there's a repayment in the REFCORP bonds. There's a fairly complicated proposal that we accepted from CBO to keep it revenue neutral, and it includes a tax deduction at one end, but a payment back at the other end. If the gentleman would be willing to ask unanimous consent to strike A, I would be prepared to be in favor of B. We could go back into the whole House, we could get unanimous consent. The problem is that if we strike A, I'm afraid it could unravel or scoring from CBO which assumes that they could deduct it and they would get the deduction, but CBO then said the government will lose money because you deducted it and we make up for another way with payments for the REFCORP bonds. I don't always understand what CBO says, but I can say that it's revenue neutral, recognizing the tax deduction, but making a payment that offsets that.

So if the gentleman would agree, I would certainly agree, because I think B is a reasonable effort to do this. I'm not sure how effective it will be, but I agree we should try. We are not sure about the pricing. I know procedurally we could do this, so if the gentleman would be agreeable, I would hope we could do that. If you would ask unanimous consent to modify the amendment by dropping A. If not, I will oppose this amendment, but I will move to, if I am successful in opposing it move to incorporate B when we get to conference. But I think a better way to do it would be to get unanimous consent to modify the amendment.

I will yield to the gentleman.

Mr. GARRETT of New Jersey. Thank you. Would the gentleman, by chance, have at your fingertips there the language from the CBO?

Mr. FRANK of Massachusetts. No. I do not. I can tell the gentleman that what CBO, we asked them about the scoring, they said there would be a cost because it would be a tax deduction. But they then made up for that by requiring some of the funds to go to help pay off the REFCORP bonds which are left over from the S&L bailout. And I do know that's what was done.

I yield to the gentleman.

Mr. GARRETT of New Jersey. I'm not looking for a yield. I'm looking for a moment.

Mr. FRANK of Massachusetts. I will just talk for a while, Mr. Chairman.

Mr. GARRETT of New Jersey. I'm not looking for that either. Just for a moment.

Mr. FRANK of Massachusetts. Yes, I was just going to kill time while you were looking so that, you know, we look like even though it's midnight, we're not all comatose. And as I said, alternatively, because it does cause us problems in the scoring and technical ways. It does seem to me the key is section B, and I would be agreeable to accepting section B now. Alternatively, I would hope that it would be defeated and we would put section B in conference.

I'll yield to the gentleman.

Mr. GARRETT of New Jersey. I would agree with the gentleman's comments. And we can proceed with the procedural matters.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. What steps would be needed for us to have the gentleman get unanimous consent to modify his amendment by striking section A?

The Acting CHAIRMAN. The gentleman from New Jersey could request unanimous consent to modify his amendment the way he so chooses.

MODIFICATION TO SECOND AMENDMENT NO. 22 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I ask unanimous consent to modify my amendment by striking lines 4 through 7, which would be paragraph A, and I guess appropriately renumbering or relettering paragraph line A, paragraph B to correspond.

Mr. FRANK of Massachusetts. If it's only one paragraph, we probably don't have to call it A. It can just be the paragraph.

Mr. GARRETT of New Jersey. That's why I say to appropriately reflect the change and deletion of that.

The Acting CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Second amendment No. 22 offered by Mr. GARRETT of New Jersey, as modified:

Page 129, after line 22, insert the following:

"(4) PROHIBITION OF PASS-THROUGH OF COST OF ALLOCATIONS.—The Director shall, by regulation, prohibit each enterprise from—

"(A) redirecting such costs, through increased charges or fees, or decreased premiums, or in any other manner, to the originators of mortgages purchased or securitized by the enterprise.".

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIRMAN. The question is on the amendment of the gentleman from New Jersey (Mr. GARRETT), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 30 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. HENSARLING:

Page 153, line 14, after the period insert close quotation marks and a period.

Strike line 15 on page 153 and all that follows through line 6 on page 154.

Mr. HENSARLING. Mr. Chairman, the first thing I'd like to do is really thank the chairman of the full committee. There are many on this side of the aisle who talk a lot about making this the most open and democratic and fair Congress. Many of their deeds do not match their words. But I want to congratulate the committee chairman for this open process this evening and his commitment to the institution, his commitment to democracy and permitting these amendments to be offered. And although I have two remaining, Mr. Chairman, I have decided to only offer one. The amendment I offer at this moment, No. 30, achieves one very simple purpose.

I understand that our side has lost on the creation of the so-called affordable housing fund, but in the underlying legislation, there is a place holder for something called an affordable housing trust fund. And apparently, if this fund, which is rather ill-defined, is created at some later time, the bill would authorize funds to be transferred from the affordable housing fund to the housing trust fund. I've been pretty diligent in my attendance of our subcommittee and committee hearings. I don't recall a hearing on the housing trust fund. I don't remember a markup on the housing trust fund. And I don't know exactly what the housing trust fund is, but I'm nervous about it. I'm nervous about it because when I look at almost every other government trust fund, what I see is an entitlement. Entitlement spending, Mr. Chairman. And the last thing we need to do is to be authorizing spending for a yet to be created entitlement spending fund.

The number one fiscal challenge in the Nation is to reform entitlement spending. And I believe the Chairman's passion about wanting to create affordable housing. I have profound philosophical differences with our chairman, but I don't doubt his passion. I don't doubt his sincerity.

But I have my passion. I have my passion. And right now, according to the Office of Management and Budget, the Congressional Budget Office, the Federal Reserve chairman, we are on the road to bankrupt the next generation. Ask anybody who has looked at the long-term spending patterns of entitlement spending in America today and they're going to tell you, we're facing a fiscal fork in the road. In one generation, in one generation, either there will be almost no Federal Government except for Medicare, Medicaid and Social Security, there will be no HUD. None of these housing programs will exist. And the other fork in the road, Mr. Chairman, is that we're going to have to double taxes, on the next generation just to balance the budget. Don't take my word for it. Go to the Web site of OMB, GAO, CBO. They're all going to tell you the same thing.

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And yet here we are tonight deciding that we are going to transfer funds to this yet-to-be-created housing trust fund, create yet another entitlement spending.

I am a Member of Congress, but let me tell you something else. I also happen to be a father of a 5-year-old daughter and a 3-year-old son who are already looking at paying for unfunded obligations in this entitlement spending of $50 trillion and now we are going to add to it. And I have heard many speakers on this side of the aisle eloquently speak about the least of these among us. Well, I maintain the least of these among us are those who cannot vote and those who are yet to be born. So I don't particularly care to take it on trust or faith that I am not somehow enabling the next new entitlement to hopefully hasten the bankruptcy of next generation.

The Comptroller General of America has said we are on the verge of being the very first generation in America's history to leave the next generation with a lower standard of living. I myself will not sit idly by and allow that to happen.

So perhaps the chairman has a good idea of what he intends to with the housing trust fund. I do not and I will not create another entitlement program.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is not an entitlement. It isn't close to one. It cannot get out of control. The only money that can come from this is very clearly limited to 1.2 basis points on the mortgage portfolio of Fannie Mae and Freddie Mac.

The gentleman misstates the problem of entitlements if he thinks this is a problem. An entitlement is when the Federal Government, without necessarily a funding source, says if you are X, if you have these characteristics, you are entitled to this amount of money. That is Social Security and that is Medicare. That is not this bill. This bill does not entitle anybody to an affordable housing fund. It does not say if the population grows at a certain rate, then there is the demand for spending. It defines the spending source, a nontax spending source. It says 1.2 basis points of the mortgage portfolio. It doesn't entitle anyone to housing.

Social Security and Medicare, he mentioned. Those are entitlements. That means if you are a certain age and have a certain characteristic, you are entitled to receive the funding.

No one is entitled under this bill to receive housing funding. This is an authorization of spending, but it is not an entitlement to receive it.

Secondly, there is nothing secret here. It says it will be transferred if there is enacted a provision of Federal law establishing the Affordable Housing Trust Fund. That means it only becomes operational if this Congress decides in open session, with another 47 duplicate amendments from the Republican side, to deal with it. We will have a dozen roll calls to make sure that it happens.

I should also point this out. Why do we do it this way? To make sure we meet the PAYGO issue. This bill creates a fund out of Fannie Mae and Freddie Mac profits. We have not yet got any consensus on how best to spend it after the first year when it goes to Louisiana and Mississippi. So we say to meet budgetary requirements, we don't want to be in a situation where we create a pot of money in one bill and then in the second bill decide how to spend it. This means that when we get to the collective decision in open session about how to spend it, whether it goes through the States, whether it is goes through HUD, whatever method we choose, we will not be charged with a source of funding. We will simply take the source of funding and hold it in limbo after Mississippi and Alabama and it will catch up if this Congress decides to do it with the method of distribution. That is not an entitlement. An entitlement is when you as an individual are legally entitled to receive money from the Federal Government because of your status. No one is entitled under this bill. No one gets the right to say I'm such and such, build me a house, rent me an apartment. This says a fixed sum will go at a limited rate, a percentage of the mortgage portfolio, and Congress will decide how it will be distributed.

Mr. NEUGEBAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to my good friend from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding.

And, again, I guess the chairman has a whole lot more confidence on the attributes of an ill-defined housing trust fund than I do. I have read earlier comments that the chairman has made: "The placeholder would similarly preserve from this bill to the next bill our ability to spend money on a housing trust fund." And I know that the chairman, I believe in the same markup of March 28, in responding to a question: "Would the gentleman be willing to accept an amendment that explicitly states that it would be subject to PAYGO?" the chairman replied, "No."

So knowing that PAYGO, as the Democratic side has defined it, applies to new entitlement spending and to tax relief, it makes one a little bit suspicious thinking maybe there could be a new entitlement here. The housing trust fund does not appear to be defined; so maybe it is an entitlement; maybe it is not an entitlement. But if it is defined, I don't know. I just happen to be very passionate about not wanting to be part of an effort that might ultimately lead to helping create a new entitlement program and exacerbate the number one fiscal challenge in America. But I don't know how the chairman can say with such great definition if we are going to potentially create a funding stream for a housing trust fund, we don't define it, that he knows absolutely it will not or ever have the attributes of an entitlement.

I thank the gentleman for yielding.

Mr. SCOTT of Georgia. Mr. Chairman, I move to strike the last word.

I yield to the chairman of the committee.

Mr. FRANK of Massachusetts. Mr. Chairman, I very much resent the gentleman from Texas simply doubting my words so blatantly. You do not create an entitlement by accident. Secondly, of course, he misstates the word "entitlement." An entitlement means that you as an individual are entitled to receive the money. That has never been contemplated here. Nothing I ever suggested says it. I repudiated the notion. The gentleman says, yeah, but who knows what he is thinking? I really do not believe the gentleman has any basis for impugning these kinds of motives to me. I am simply repeating what the gentleman said. Well, he says it is not an entitlement but how can we be sure?

Because the committee which I chair where I have talked frequently with all the members, including certainly the majority, I know what we intend. It is not to create anything remotely like an entitlement. An entitlement means that individuals will be able to say give me housing, I am entitled to it legally. What we are saying is we will set up a housing fund. We will debate how it is distributed, but it will never be close to an entitlement. No one has ever suggested that any individual would have the right to demand, as you do on Social Security and Medicare, which makes then entitlements, the funding.

I said no to PAYGO because I rejected the assumption that it was necessary. This meets PAYGO. It totally meets PAYGO. Has scored this as revenue neutral. We asked them from the standpoint of the Federal Government, and it is revenue neutral. You don't need PAYGO with something that is revenue neutral. What it says is that the Congress, not me personally or a small cabal, will decide that we are going to create an entitlement when no one is looking. It says that having reserved this money in a revenue-neutral way, we will then decide as a Congress how best to distribute it but to distribute it as a housing fund, not as an entitlement. There has never been any suggestion that it would be an entitlement. It is not remotely going to be like Social Security and Medicare, and it cannot be a runaway fund. It is limited to 1.2 basis points of the mortgage portfolio of Fannie Mae. That is an entirely different funding mechanism than an entitlement funding mechanism.

I thank the gentleman for yielding.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. NEUGEBAUER

Mr. NEUGEBAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. NEUGEBAUER:

Page 128, strike lines 18 through 20 and insert the following: "amount equal to the lesser of (A) 1.2 basis points for each dollar of the average total mortgage portfolio of the enterprise during the preceding year, (B) the number of basis points for each dollar of the average total mortgage portfolio of the enterprise during the preceding year, which when applied to such average portfolios of both enterprises, results in an aggregate allocation under this paragraph by the enterprises for the year of $520,000,000, or (C) a lesser amount, as determined by the Director, if the Director determines for such year that allocation of the lesser of the amounts under subparagraphs (A) and (B) poses a safety or soundness concern to the enterprise.".

Mr. NEUGEBAUER. Mr. Chairman, this is a pretty simple amendment. We have had a lot of debate this evening about whether to have a housing fund or not to have a housing fund, and the votes are in and we are going to have a housing fund.

One of the things that I feel very strongly about is this is a substantial amount of money to any entity. While these are large entities, $520 million, over $3 billion over a 5-year period, is a lot of money. If we are going to ask these entities to make this kind of commitment, I think we owe them some certainty here.

Now, the current formula is that we will take 1.2 basis points times the portfolio. But what I believe is fair is to set a ceiling on what that amount can be. Now, the current scoring by is that at 1.2 on the total portfolio that we would have about $520 million. What I am saying is let's cap it at $520 million.

When you start looking at an entity, you don't want them making a decision on whether to make additional loans available for people in America that need loans, affordable loans, of saying if we increase our portfolio, we are going to have to pay more money into the housing fund. So what I believe is a fair balance is saying that as they bring their portfolio up and down to meet the market demands and adjust to the market conditions that we just give them a number that they know that is not going to exceed so what when they are budgeting, making sure that they are going to have a safe and sound entity, that they know what the number is.

I am a small businessman, Mr. Chairman, and when I was sitting down every year, I made a budget for my business. And one of the things that we tried to do was to fix a lot of our costs so that we would know what our costs would be because variable costs many times are causing you not to be able to control those or they are counter to being profitable in many cases. These are entities that have provided housing opportunities for Americans for many, many years. And I was in the real estate business and the home building business in the 1980s, and I will tell you if it was not for Fannie Mae and Mae and the Federal Home Loan Bank board buying mortgages in America, many people would not have been able to buy a house during that time because a lot of the players got out of the market.

So, number one, the original purpose of this legislation was safety and soundness. That is how this debate got started. So if we are really concerned about the safety and soundness of it we have come up with a number here, and it is a big number. This is a lot of money. When I came to Washington, I was a little surprised. People use a billion around here like it is not a lot of money. But everybody in this room should understand what $1 billion is. If you and I started a business the day that Jesus Christ was born and that business lost $1 million not every week, not every year, but that business lost $1 million every day since the birth of Christ, we wouldn't have yet lost $1 billion. So we are talking about a large sum of money. That may not be large to people in Washington, but let me tell you to people in West Texas it is a lot of money.

So if we are going to ask a company to make that kind of contribution to a housing fund, I think we owe them some certainty. And I believe that $520 million a year is a certain number. It is a big number. It a accomplishes a lot of the things that the other side, I think, wants to do with this fund. So whether you agree with the fund or not agree with the fund, I don't see how you can disagree with the opportunity to come up with a fair compromise for these entities to say that we are going to cap this contribution requirement at this level.

As I mentioned, and it was somewhat turned around in our committee meeting when I offered this, when I sit down and make a commitment to a charity, they say to me sometimes we want you to make a multi-year commitment. Now, I don't always make that multi-year commitment based on whether I am going to make money that year or lose money that year. I make a commitment and I stick to it. But I always make a commitment that I think I can live up to.

So it is important for several reasons: That, number one, that we give some certainty; and, number two, that we make sure that when these contributions are asked for that the regulator is given some ability to be able to say we think in this particular year, because of the market conditions, because of the profitability of this company, that that may be less.

So I encourage Members on both sides let's give some certainty.

The Acting CHAIRMAN. The gentleman's time has expired.

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Ms. WATERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have reached a very interesting point in this debate and in this discussion. It has been a long one and it has been a rather interesting one. This amendment that my friend, Mr. NEUGEBAUER, is attempting was attempted in committee and it was defeated.

I find it very interesting because we have seen all kinds of attempts here this evening by the opposite side of the aisle to deny this Housing Fund. We have seen attempts to try to diminish or cut the Housing Fund, to redefine the Housing Fund, to use it for economic development. We have seen everything. And we are at the point now that I guess if you can't stop it, somehow cap it. Cap it no matter how much money under this formula it will bring in. We are going to take an arbitrary amount at $520 million or so and just cap it, even if the actual funds under the formula exceed the estimated $600 million a year. I don't think so.

I would ask my colleagues to vote against this amendment again because it does not make good sense. This particular fund that has been developed by our chairman is one of the most creative items that have happened here in this House in a long time.

We don't have a lot of money to do some of the things we need to be doing for the domestic agenda. As a matter of fact, yes, we support PAYGO because our deficit has gotten out of hand. Our friends on the opposite side of the aisle, in cooperation with this administration, have been spending like drunken sailors. So now we have a way that we can help the least of these in our society attain quality, decent housing, low and moderate income people, and not tap the general fund at all.

And so we have this very, very creative way to do this led by our chairman. And a lot of people are going to benefit from it. And again, we have had attempts to deny it, and now we have an attempt to cap it.

I am saying we should not support this amendment. We should debate it in the way that we have been debating basically this Housing Trust Fund all evening. You have tried everything that you can possibly think of. You have tried to redefine it. You have tried to talk about it in different ways that certainly it was not meant to be described. And you are not winning at this. As a matter of fact, I am hoping that since you are now at the point where you see that there is a lot of support for this Housing Trust Fund, and that you have tried everything that you can possibly try and it hasn't worked, that you will just fold your tent, roll over, come on in, and in the final analysis, vote for this bill which will include this Housing Trust Fund.

I am so tired. I don't have another word that I can share about it. And I hope you feel the same way, too, so we can wrap it up and go home.

Mr. HENSARLING. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Texas.

Mr. NEUGEBAUER. I thank the gentleman, and I thank the distinguished chairwoman of the Housing Committee. I enjoy serving with her.

You know, I think one of the points I would make here is my bill does not try to kill the Housing Fund. My bill tries to say that, you know what? We're asking these entities to step up and make a big contribution, and we want to make sure that they do it in a safe and sound manner.

You know, I will tell you, the problem here is that if these entities, if we do something that jeopardizes the health of these entities by taking money out of their capital structure, these entities will not be able to perform the functions that they have been performing in the marketplace. And so what this is, I believe, is a realistic approach at looking at how we begin to go down this road.

Now, even the majority has put a sunset in this bill, a 5-year sunset I believe, if I am correct. What that allows us to do is we are going to see, you know, $520 million roughly over a 5-year period, we are going to see what happens to how does that Housing Fund perform, how does that impact the entity that is paying these monies? If we want to come back at the end of 5 years and you want to raise the cap, let's look at the cap. But let's also let the regulator look at the cap during that process and make sure that we're not doing something that is causing harm.

The worst thing we can do for the housing market in this country is to disrupt one of the envies of the world, and that is our financial structure, how we finance housing in this country.

When I was in the home building industry, I was on the National Board of Directors of Home Builders, people from all over the world wanted to come and say how is it that America has such a high ownership rate and such a robust financial market for housing. They wanted to know how to copy ours. So we need to preserve that and not sit around and figure out ways to necessarily harm it.

So I encourage Members to support this. This is a fair proposition. This is not killing anything. This is a fair proposition. It's saying that we believe that how we got to the ownership rate that we have in America today is by protecting the companies and the entities and the financial structure that allowed us to get here, and not by trying to somehow cause it harm.

In closing, I want to say this to Chairman FRANK and to the ranking member, this has been a very deliberative process. And Mr. FRANK, in our full committee, allowed us the opportunity to offer as many amendments as we would like to. We had a lot of dialogue there. We've had a lot of dialogue here tonight, and maybe some of it has been duplicative. But I think the good thing about it is that we have aired all of the concerns that people have about this. Because this is a very important piece of legislation. It has a tremendous amount of impact on the future of the financial markets in America. And so if it takes 1 day or it takes 2 days, and if it takes 20 amendments or 100 amendments to get to the right place, then I think that is a good process. But I want to thank the chairman for allowing us to get to this point.

Mr. SCOTT of Georgia. I move to strike the last word.

Let me see if we can put some of this in perspective for tonight as we wind down in this successful debate.

Here we've got an extraordinary emergency problem affecting the very poorest of people. Not just the very poorest of people, but people who have been devastated by the worst natural disaster in the modern history of our country; and on top of that, people who have been denied and denied. What comes to my mind are those images of those individuals who lost everything standing on rooftops to get saved. In a way, they are still standing on those rooftops, without homes. And here we've got a measure to go and address that.

This evening has just been an illustrative of attempt after attempt. First you wanted to make this equate to saving Social Security or raiding Social Security. Then you put this program in as being a measure to add to the deficit. Then came immigration. That wasn't enough. Then you want to restrict the means of the GSEs to have the most profitable way of arranging their portfolios. And you want to clamp down and make it so that the only investments they could get would be those at the bottom of the economic heap yielding the lowest return. Because you knew that this would not require a tax increase. You knew that this was based upon shareholders, nontaxable funds, a very creative way. And yet you tried to slam it in. Here are these Democrats raising your taxes again. But the American people are not buying that. That is not the case.

Then the game comes that again, this is an entitlement, where nowhere in the legislation is it an entitlement. All of tonight just reminded me, when I remember those images of those poor people still looking for help, but what you have offered them tonight is a massive cut, cutting the legs out from under them and then condemning them for being a cripple. That's devastating.

Now we come to the last amendment. Having failed all of that, my good friend from Texas says we're going to cap it. Oh, that's not going to do anything. But your fellow Congressman from Texas game down to that floor, Congressman GREEN and Congressman BRADY asking for help, wanting to help, but no money, and here you are wanting to crimp it, wanting to cap it.

Now, you say the cap doesn't mean anything, that it is going to be the lesser of 1.2 basis point average total mortgage portfolio for the prior year, or $520 million, or a lesser amount determined by the director. The director determines either the higher amount possesses a safety or soundness concern.

But what this amendment actually does, it reduces the amount available in the affordable housing program from an estimated $600 million a year down to $520 million a year. But it goes more than that. It just doesn't cap that. It would also cap the amount that the $520 million, even if the actual funds under the formula exceeded the estimated $600 million a year.

Chairman FRANK has put a very creative measure in. He has tagged it to no set amount, he just put it at 1.2 of the basic points so it allows a free marketplace. And then it allows these GSEs and the shareholders, based upon the profit that they make, to take some of that and help the most needy among us.

This has, indeed, been a tremendous debate tonight. We have been going at it since 5 o'clock this afternoon. But it has been worth it because there is no greater thing you can do for your fellow citizens than make sure they have a roof over their heads.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members on both sides are reminded to address their comments to the Chair.

Ms. JACKSON-LEE of Texas. I move to strike the requisite number of words.

I want, first of all, to start with a loud applause for the Financial Services Committee. As I said in my office, to see this story unfold, something that has never happened in this Congress during the tenure that I have had, is a real legislative initiative that addresses the question of the deficit in housing in America.

This bill, for the first time, will provide a stable and well-regulated mortgage market. And my good friend from Texas, the spirit that he has offered this amendment, I assume that he is both serious, and, of course, concerned. But coming from Texas as well, I don't know how many Texans my good friend speaks for because this particular Affordable Housing Fund does start off the first year in funding the devastation of Louisiana and Mississippi, but what it continues to do is provide a $500, $600 million affordable Housing Trust Fund that the people of Texas will benefit from.

□ 0030

Maybe my good friend has not been to East Texas and seen the devastation of Hurricane Rita. Those people, just a few miles down from Houston, are still living without housing.

This is a very measured legislative initiative, for the fund prohibits any hanky-panky. It has nothing to do with administrative costs, political activities, advocacy, lobbying, counseling, travel expense, preparation or advice on tax returns. It is all about housing. It even limits administrative costs. And it is sunsetted after 5 years.

We in Houston are still suffering from Storm Allison, and an affordable housing plan will allow housing to be restored to those who are unable to find housing. In fact, what this particular legislation will do is to answer the question why 71 percent of extremely low income renters pay more than half of their income for housing and 64 percent of homeowners who are low income pay more than half. There is a housing crisis. Right now there is an epidemic of foreclosures because of a broken mortgage system that has preyed upon eager Americans to be able to buy a home.

The capping of this strategic and innovative formula for affordable housing will only dumb-down the opportunities for people to gain housing. I can assure you that the throngs of Americans are begging for the passage of this legislation tonight, because all an American wants to do when you hear them talk about we all are created equal with certain inalienable rights, it is all about the quality of life, the ability to send a child to school for a good education, a good home and good healthcare.

My friend talks about money, $520 million, it may go up a bit, for one year. We are spending $1 billion a day almost in Iraq and certainly we have a difference of opinion on that use of money. But the real question is, what can we do to fix the broken predatory lending system, the broken mortgage system, the lack of housing for people who want housing? We can pass H.R. 1427.

It is interesting that I am looking at a letter to our colleagues, and it says signed by BARNEY FRANK, MEL WATT, RICHARD BAKER and GARY MILLER. To me, that seems like a bipartisan commitment to this reform.

So I am confused by the gentleman's amendment to cap and to dumb down this affordable housing trust fund that would in fact provide money for Texas. Those of us in Houston in districts like mine and districts that are surrounding all know of the many hardworking survivors who are in our community trying to make it from Hurricane Katrina and Hurricane Rita. We have ceased calling anyone a deadbeat or someone who doesn't want to work or doesn't want housing. I would venture to say if you walked along any block, inner-city block, you would find people saying give me an opportunity.

Chairman FRANK, all I see in this bill is an opportunity; a regulated, precise opportunity for affordable housing, and I ask my colleagues to defeat the Neugebauer amendment and vote for H.R. 1427.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. NEUGEBAUER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. FRANK of Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. JACKSON-LEE of Texas) having assumed the chair, Mr. ALTMIRE, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1427) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes, had come to no resolution thereon.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADJOURNMENT TO MONDAY, MAY 21, 2007

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DAY THREE OF THE FOOD STAMP CHALLENGE

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Madam Speaker, today is the third day of my week on the Food Stamp Challenge, where public officials live for 1 week on a food stamp budget in order to raise awareness about the Food Stamp Program. Representatives JO ANN EMERSON, TIM RYAN, and JAN SCHAKOWSKY are also taking part.

Although critics of the Food Stamp Program frequently speculate that it runs rampant with fraud, waste, and abuse, this is simply and utterly untrue. Don't just take my word for it. Go ask the Government Accountability Office. According to the GAO, the Food Stamp program currently operates at historically low error rates. Between 1999 and 2005, the national payment error rate declined 40 percent to an all-time low of 5.84 percent. In addition, there are incentives built into the program so that States are rewarded for low error rates and may be fined if they are underperforming.

By any measure the Food Stamp Program is an example of an efficiently run government program. I will insert into the RECORD the highlights of the GAO testimony before the Senate on payment errors and trafficking.

[From Highlights, Jan. 31, 2007]

FOOD STAMP PROGRAM

WHY GAO DID THIS STUDY

The U.S. Department of Agriculture's (USDA) Food Stamp Program is intended to help low-income individuals and families obtain a better diet by supplementing their income with benefits to purchase food. USDA's Food and Nutrition Service (FNS) and the states jointly implement the Food Stamp Program, which is to be authorized when it expires in fiscal year 2007. This testimony discusses our past work on two issues related to ensuring integrity of the program: (1) improper payments to food stamp participants, and (2) trafficking in food stamp benefits.

This testimony is based on a May 2005 report on payment errors (GAO–05–245) and an October 2006 report on trafficking (GAO-07-53). For the payment error report, GAO analyzed program quality control data and interviewed program stakeholders, including state and local officials. For the trafficking report, GAO interviewed agency officials, visited field offices, conducted case file reviews, and analyzed data from the FNS retailer database.

WHAT GAO FOUND

The national payment error rate for the Food Stamp Program combines states' overpayments and underpayments to program participants and has declined by about 40 percent between 1999 and 2005, from 9.86 percent to a record low of 5.84 percent, due in part to options made available to states that simplified program reporting rules. In 2005, the program made payment errors totaling about $1.7 billion. However, if the 1999 error rate was in effect in 2005, program payment errors would have been $1.1 billion higher. FNS and the states we reviewed have taken several steps to improve food stamp payment accuracy, most of which are consistent with internal control practices known to reduce improper payments. These include practices to improve accountability, perform risk assessments, implement changes based on such assessments, and monitor program performance.

FNS estimates indicate that the national rate of food stamp trafficking declined from about 3.8 cents per dollar of benefits redeemed in 1993 to about 1.0 cent per dollar during the years 2002 to 2005 and that trafficking occurs more frequently in smaller stores. FNS has taken advantage of electronic benefit transfer and other new technology to improve its ability to detect trafficking and disqualify retailers who traffic. Law enforcement agencies have investigated and referred for prosecution a decreasing number of traffickers; they are instead focusing their efforts on fewer high-impact investigations. Despite the progress FNS has made in combating retailer trafficking, the Food Stamp Program remains vulnerable because retailers can enter the program intending to traffic and do so, often without fear of severe criminal penalties, as the declining number of investigations referred for prosecution suggests.

While both payment errors and trafficking of benefits have declined in a time of rising participation, ensuring program integrity remains a fundamental challenge facing the Food Stamp Program. To reduce program vulnerabilities and ensure limited compliance-monitoring resources are used efficiently, GAO recommended in its October 2006 trafficking report that FNS take additional steps to target and provide early oversight of stores most likely to traffic; develop a strategy to increase penalties for trafficking, working with the Inspector General as needed; and promote state efforts to pursue recipients suspected of trafficking. FNS generally agreed with GAO's findings, conclusions, and recommendations. However, FNS believes it does have a strategy for targeting resources through their use of food stamp transaction data to identify suspicious transaction patterns. GAO believes that FNS has made good progress in its use of these transaction data; however, it is now at a point where it can begin to formulate more sophisticated analyses.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HARMAN (at the request of Mr. HOYER) for today after 12 noon on account of official travel.

Mrs. JONES of Ohio (at the request of Mr. HOYER) for today on account of death in the family.

Mrs. JONES of Ohio (at the request of Mr. HOYER) for May 14.

Mr. WYNN (at the request of Mr. HOYER) for May 16 after 4 p.m.

Mr. BAIRD (at the request of Mr. HOYER) for today through May 22.

ADJOURNMENT

Mr. FRANK of Massachusetts. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 36 minutes a.m.), under its previous order, the House adjourned until Monday, May 21, 2007, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1816. A letter from the Comptroller, Department of Defense, transmitting the Secretary's certification that the current Future Years Defense Program (FYDP) fully funds the support costs associated a multiyear procurement for the V-22 Osprey, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on Armed Services.

1817. A letter from the General, Department of the Army, Department of Defense, transmitting a letter regarding the U.S. Army Training and Doctrine Command (TRADOC); to the Committee on Armed Services.

1818. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Steven W. Boutelle, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1819. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

1820. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Title I — Improving the Academic Achievement of the Disadvantaged; Individuals With Disabilities Education Act (IDEA) — Assistance to States for the Education of Children with Disabilities (RIN: 1810-AA98) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

1821. A letter from the Secretary, Department of Labor, transmitting a copy of proposed legislation entitled, "Workforce Investment Act Amendments of 2007"; to the Committee on Education and Labor.

1822. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's report on the amount of the acquisitions made from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2006, pursuant to Public Law 109-115, section 837; to the Committee on Education and Labor.

1823. A letter from the Director,. International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 02-07 informing of an intent to sign the Special Forces Equipment Capability Memorandum of Understanding between the United States and Australia, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

1824. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

1825. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

1826. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003 a six-month periodic report on the national emergency with respect to Burma declared by Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

1827. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

1828. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

1829. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-39, "Human Papillomavirus Vaccination and Reporting Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1830. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-40, "Looraine H. Whitlock Memorial Bridge Designation Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1831. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-41, "Verizon Center Sales Tax Revenue Bond Approval Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1832. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Auditor's Concerns Regarding Matters that May Adversely Affect the Financial Operations of the District of Columbia Water and Sewer Authority," pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

1833. A letter from the Director, Office of Management, Department of Energy, transmitting the Department's Year 2006 Inventory of Commercial Activities, as required by the Federal Activities Reform Act of 1997, Pub. L. 105-270; to the Committee on Oversight and Government Reform.

1834. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1835. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation: ULHRA Hydroplane Rces, Columbia Park, Kennewick, Washington. [CGD13-07-013] (RIN: 1625-AA00) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1836. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Western Branch, Elizabeth River, Portsmouth, VA [CGD05-07-013] (RIN: 1625-AA08) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1837. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Martin Lagoon, Middle River, MD [CGD05-07-009] (RIN: 1625-AA08) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1838. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation: Venetian Causeway (West) Drawbridge, Atlantic Intracoastal Waterway, Mile 1088.6, and Venetian Causeway (East) Drawbridge, Biscayne Bay, Miami, Miami-Dade County, FL [CGD07-06-050] (RIN: 1625-AA09) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1839. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Illinois Waterway, Illinois [CGD08-06-013] (RIN: 1625-AA09) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1840. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area: Cumberland River, Clarksville, TN. [CGD08-07-010] (RIN: 1625-AA11) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1841. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Charles River and its tributaries, Boston, MA [CGD01-07-048] (RIN: 1625-AA09) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1842. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Intracoastal Waterway (ICW); Inside Thorofare, Atlantic City, NJ [CGD05-07-047] (RIN: 1625-AA-09) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1843. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Venetian Causeway (West) Drawbridge, Atlantic Intracoastal Waterway, Mile 1088.6, and Venetian Causeway (East) Drawbridge, Biscayne Bay, Miami, Miami-Dade County, FL; Correction [CGD07-06-050] (RIN: 1625-AA09) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1844. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebration 2007, Appomattox River, Hopewell, VA [CCGD05-07-024] (RIN: 1625-AA00) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1845. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Florence Rhodie Days Fireworks Display, Siuslaw River, Florence, OR [CGD13-07-012] (RIN: 1625-AA00) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1846. A letter from the Chief, Regulations and Administrative Law, Department of

Homeland Security, transmitting the Department's final rule — Safety Zone: Willoughby Point located on Langley Air Force Base, Back River, Hampton, VA. [CCGD05-07-023] (RIN: 1625-AAOO) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1847. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Michigan Aerospace Challenge, Muskegon Lake, Muskegon, MI. [CGD09-07-011] (RIN: 1625-AA00) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1848. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Potomac River, Oxon Hill, MD [CGD05-07-034] (RIN: 1625-AA00) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1849. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Intracoastal Waterway, Treasure Island, Florida [COTP Sector St. Petersburg 07-048] (RIN: 1625-AA00) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1850. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; South Portland, Maine, Gulf Blasting Project [CGD01-07-33] (RIN: 1625-AA00) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1851. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Satellite Launch, NASA Wallops Flight Facility, Wallops Island, VA. [CCGD05-07-035] (RIN: 1625-AA00) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1852. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kimmelman's Wedding Party Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 07-007] (RIN: 1625-AA00) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1853. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port Pirate Festival Fireworks, Port Washington Harbor, Port Washington, WI. [CGD09-07-015] (RIN: 1625-AA00) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1854. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Pamlico River, Washington, North Carolina [CGD05-07-040] (RIN: 1625-AA00) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1855. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; KFOG "Kaboom" Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 07-006] (RIN: 1625-AA00) received May 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1856. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320 Airplanes [Docket No. FAA-2006-26595; Directorate Identifier 2006-NM-208-AD; Amendment 39-14998; AD 2007-06-17] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1857. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2006-26272; Directorate Identifier 2006-NM-153-AD; Amendment 39-14999; AD 2007-06-18] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1858. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS350B, AS350B1, AS350B2, AS350B3, AS350BA, AS350C, AS350D, and AS350D1 Helicopters [Docket No. FAA-2006-25085; Directorate Identifier 2006-SW-02-AD; Amendment 39-14996; AD 2007-06-15] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1859. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Peru, IL [Docket No. FAA-2007-27110; Airspace Docket No. 07-AGL-1] (RIN: 2120-AA66) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1860. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Changes to the Definition of Certain Light-Sport Aircraft [Docket No. FAA-2007-27160; Amendment No. 1-56] (RIN: 2120-AI97) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 1100. A bill to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes; with an amendment (Rept. 110–157). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

[Omitted from the Record of May 16, 2007]

By Mr. DICKS (for himself, Mr. INSLEE, and Mr. SAXTON):

H.R. 2338. A bill to establish the policy of the Federal Government to use all practicable means and measures to assist wildlife population in adapting to and surviving the effects of global warming, and for other purposes; referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

[Submitted May 17, 2007]

H.J. Res. 43. A joint resolution increasing the statutory limit on the public debt.

By Mr. SCOTT of Georgia:

H.R. 2356. A bill to amend title 4, United States Code, to encourage the display of the flag of the United States on Father's Day; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BERMAN, Mrs. CHRISTENSEN, Mr. CLAY, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HONDA, Mr. KUCINICH, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. RUSH, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Mr. SHERMAN, and Mr. WU):

H.R. 2357. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2008; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILDEE (for himself, Mr. FRANK of Massachusetts, Mr. BOREN, Mr. RENZI, and Mr. COLE of Oklahoma):

H.R. 2358. A bill to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes; to the Committee on Financial Services.

By Mr. SESTAK (for himself, Ms. VELÁZQUEZ, and Mr. SHULER):

H.R. 2359. A bill to reauthorize programs to assist small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. EHLERS (for himself, Mr. DANIEL E. LUNGREN of California, and Mr. MCCARTHY of California):

H.R. 2360. A bill to amend the Help America Vote Act of 2002 to require States to meet Federal guidelines for the operation of electronic voting equipment, and for other purposes; to the Committee on House Administration.

By Mr. DOGGETT (for himself, Mr. HULSHOF, Mr. LARSON of Connecticut, Mr. ANDREWS, Mr. BECERRA, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mr. CARNAHAN, Ms. CARSON, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CONYERS, Mr. CROWLEY, Mr. DEFAZIO, Ms. DELAURO, Mr. ELLISON, Mr. EMANUEL, Mr. FARR, Mr. FILNER, Mr. FORTENBERRY, Mr. GRIJALVA, Mr. HARE, Mr. HINCHEY, Mr. INSLEE, Ms. KAPTUR, Ms. KILPATRICK, Mr. KIND, Ms. LEE, Mr. LEVIN, Mr. LEWIS of

Georgia, Mr. LIPINSKI, Mr. LOEBSACK, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. OBERSTAR, Mr. PASCRELL, Ms. SCHWARTZ, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Ms. SUTTON, Mr. TIERNEY, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WATSON, Mr. WELCH of Vermont, Mr. WAXMAN, Ms. WATERS, Mrs. CAPPS, Ms. SCHAKOWSKY, and Ms. WOOLSEY):

H.R. 2361. A bill to amend the Internal Revenue Code of 1986 to disallow the credit for renewable diesel in the case of fuel coproduced with petroleum, natural gas, or coal feedstocks; to the Committee on Ways and Means.

By Mr. BILBRAY (for himself and Mr. THOMPSON of California):

H.R. 2362. A bill to reduce the duty on certain golf club components; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself and Mr. TOM DAVIS of Virginia):

H.R. 2363. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees and members of the Armed Forces on active duty under Federal student loan repayment programs; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mrs. BOYDA of Kansas, Mr. KAGEN, Mrs. GILLIBRAND, Mr. RUSH, Mr. PAYNE, Ms. SCHAKOWSKY, and Mr. ALLEN):

H.R. 2364. A bill to promote expanded economic opportunities for farmers and ranchers through local and regional markets, expand access to healthy food in underserved communities, provide access to locally and regionally grown food for schools, institutions, and consumers, and strengthen rural-urban linkages, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself, Mr. GOODLATTE, and Mr. CHABOT):

H.R. 2365. A bill to amend title 35, United States Code, to limit damages and other remedies with respect to patents for tax planning methods; to the Committee on the Judiciary.

By Mr. BUCHANAN (for himself, Ms. VELÁZQUEZ, Mr. SHULER, and Mr. CHABOT):

H.R. 2366. A bill to reauthorize the veterans entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. CARNAHAN (for himself, Ms. LEE, Mr. RYAN of Ohio, Mr. CROWLEY, Mr. MOORE of Kansas, Ms. MCCOLLUM of Minnesota, Mr. SHAYS, Mr. OBERSTAR, Mr. MICHAUD, and Mr. MCGOVERN):

H.R. 2367. A bill to amend the Foreign Assistance Act of 1961 to authorize assistance to provide contraceptives in developing countries in order to prevent unintended pregnancies, abortions, and the transmission of sexually transmitted infections, including HIV/AIDS; to the Committee on Foreign Affairs.

By Mr. CARTER:

H.R. 2368. A bill to provide for updated and secure Social Security cards; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 2369. A bill to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2011; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRENSHAW (for himself, Mr. MEEK of Florida, Mr. CAMP of Michigan, Mr. SESSIONS, Mr. TOM DAVIS of Virginia, Mr. RAMSTAD, Mrs. BONO, Mr. MACK, Ms. CORRINE BROWN of Florida, Mr. PUTNAM, and Mr. WEXLER):

H.R. 2370. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of financial security accounts for the care of family members with disabilities; to the Committee on Ways and Means.

By Mr. CUMMINGS (for himself, Mr. WAXMAN, and Mr. KUCINICH):

H.R. 2371. A bill to amend the Public Health Service Act to expand and improve the provision of pediatric dental services to medically underserved populations, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Ms. KAPTUR, Mr. COHEN, and Mr. FATTAH):

H.R. 2372. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil, to make the revenues from such tax available for investments in renewable energy and energy efficiency, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH (for himself, Mr. KANJORSKI, Mr. MOORE of Kansas, Mr. CONYERS, Ms. DELAURO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JEFFERSON, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, Mrs. NAPOLITANO, Mr. RUSH, Mr. RANGEL, Mr. ALLEN, Ms. KILPATRICK, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. GONZALEZ, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. BISHOP of Georgia, Ms. SCHWARTZ, Mr. MEEKS of New York, Mr. TIERNEY, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Ms. NORTON, Mr. BUTTERFIELD, Mr. WYNN, Ms. WOOLSEY, Mr. HOLDEN, Mr. DOYLE, Mr. CLAY, Mr. AL GREEN of Texas, Mr. MORAN of Virginia, Ms. CARSON, Mr. OLVER, Mr. MURTHA, Mrs. MALONEY of New York, Mr. HONDA, Mr. KUCINICH, Mr. JACKSON of Illinois, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Ms. LEE, Mr. PAYNE, Mrs. CHRISTENSEN, Ms. WATSON, Ms. BORDALLO, Mr. CARDOZA, and Mr. WATT):

H.R. 2373. A bill to provide for adequate and equitable educational opportunities for students in State public school systems, and for other purposes; to the Committee on Education and Labor.

By Mr. FORTENBERRY:

H.R. 2374. A bill to authorize the Secretary of the Interior to expand the boundary of the Homestead National Monument of America, in the State of Nebraska, and for other purposes; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. MCGOVERN, Mr. KENNEDY, and Mr. LANGEVIN):

H.R. 2375. A bill to provide wage parity for certain prevailing rate employees in Southeastern Massachusetts and Rhode Island; to the Committee on Oversight and Government Reform.

By Mr. FRANKS of Arizona:

H.R. 2376. A bill to prohibit the rewarding of suicide bombings, to prohibit terrorist kidnappings and sexual assaults, and for other purposes; to the Committee on the Judiciary.

By Mr. GINGREY:

H.R. 2377. A bill to amend the Internal Revenue Code of 1986 to increase the deduction under section 179 for the purchase of qualified health care information technology by medical care providers, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN:

H.R. 2378. A bill to amend title 38, United States Code, to establish a financial assistance program to facilitate the provision of supportive services for very low-income veteran families in permanent housing, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HOLT (for himself, Mr. LOBIONDO, Mr. SMITH of New Jersey, Mr. PAYNE, Mr. TOWNS, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. FERGUSON, Ms. ROYBAL-ALLARD, Mr. PASCRELL, Ms. LINDA T. SÁNCHEZ of California, Mr. BISHOP of Georgia, Mr. SAXTON, Mr. COHEN, and Ms. NORTON):

H.R. 2379. A bill to amend title XIX of the Social Security Act to require staff working with developmentally disabled individuals to call emergency services in the event of a life-threatening situation; to the Committee on Energy and Commerce.

By Mr. HULSHOF (for himself, Mr. CRAMER, Mrs. EMERSON, Mr. AKIN, Mrs. BIGGERT, Mr. CANNON, Mrs. BACHMANN, Mr. FRANKS of Arizona, Mr. LOBIONDO, Mr. BRADY of Texas, Mr. KNOLLENBERG, Mr. CULBERSON, Mr. HENSARLING, Mr. GRAVES, Mr. PAUL, Mr. CARTER, Mr. CANTOR, Mr. SULLIVAN, Mr. LATHAM, Mr. FERGUSON, Mr. SENSENBRENNER, Mr. KUHL of New York, Mr. GERLACH, Mr. FRELINGHUYSEN, Mr. WAMP, Mrs. DRAKE, Mr. ENGLISH of Pennsylvania, Mr. REYNOLDS, Mr. HALL of Texas, Mr. MILLER of Florida, Mr. KELLER, Mr. FOSSELLA, Mr. DOOLITTLE, Mr. MARIO DIAZ-BALART of Florida, Mr. NUNES, Mr. DAVIS of Kentucky, Mr. MCCARTHY of California, Mr. GOODE, Mr. PORTER, Mr. LAMBORN, Mr. TERRY, Mrs. MCMORRIS RODGERS, Mr. RENZI, Mr. RAMSTAD, Mrs. MYRICK, Mr. CAMP of Michigan, Mr. EVERETT, Mr. RADANOVICH, Mr. SHIMKUS, Mr. MACK, Mr. TIAHRT, Ms. PRYCE of Ohio, Mr. GALLEGLY, Mr. MCCAUL of Texas, Mr. PITTS, Mr. BOUSTANY, Mr. ROSKAM, Mr. HERGER, Mr. BARTLETT of Maryland, Mr. KIRK, Mr. STEARNS, Mr. BONNER, Mr. SESSIONS, Mrs. CUBIN, Mr. WHITFIELD, Mr. PRICE of Georgia, Mr. PETERSON of Pennsylvania, and Mr. SHUSTER):

H.R. 2380. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. ELLISON, Mr. HARE, Mr. LOEBSACK, Ms. McCOLLUM of Minnesota, Mr. WALZ of Minnesota, and Mr. BERRY):

H.R. 2381. A bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; to the Committee on Natural Resources.

By Mr. KIRK:

H.R. 2382. A bill to promote a return to democracy in Thailand; to the Committee on Foreign Affairs.

By Mr. MATHESON:

H.R. 2383. A bill to protect public health and safety, should the testing of nuclear weapons by the United States be resumed; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. McCARTHY of New York (for herself and Mr. BOUSTANY):

H.R. 2384. A bill to create a pilot program to increase the number of graduate educated nurse faculty to meet the future need for qualified nurses, and for other purposes; to the Committee on Education and Labor.

By Mr. PATRICK MURPHY of Pennsylvania:

H.R. 2385. A bill to provide and enhance education, housing, and entrepreneur assistance for veterans who serve in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 2386. A bill to amend title XVIII of the Social Security Act to provide special treatment of certain cancer hospitals under the Medicare Program; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. MILLER of Florida, Mr. EVERETT, Mr. BURTON of Indiana, Mrs. BLACKBURN, Mr. HUNTER, Mr. SIMPSON, Mr. McCOTTER, Mr. NEUGEBAUER, Mr. HENSARLING, Mr. BARTLETT of Maryland, Mr. TANCREDO, and Mr. DOOLITTLE):

H.R. 2387. A bill to prohibit the use of Federal funds for any universal or mandatory mental health screening program; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY:

H.R. 2388. A bill to amend the Immigration and Nationality Act to enhance protections for immigrant victims of domestic violence, sexual assault, and trafficking; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Agriculture, Financial Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHULER (for himself and Ms. VELÁZQUEZ):

H.R. 2389. A bill to help small businesses to develop, invest in, and purchase energy efficient buildings, fixtures, equipment, and technology; to the Committee on Small Business.

By Mr. SMITH of New Jersey (for himself and Mr. DOYLE):

H.R. 2390. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for education and training expenses relating to autism spectrum disorders to increase the number of teachers with such expertise; to the Committee on Ways and Means.

By Mr. STUPAK (for himself and Mr. RAMSTAD):

H.R. 2391. A bill to amend title 5, United States Code, to make family members of public safety officers killed in the line of duty eligible for coverage under the Federal employees health benefits program, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. WOOLSEY (for herself, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. ELLISON, Mrs. CAPPS, Ms. CARSON, Mr. CONYERS, Mr. FARR, Mr. HINCHEY, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. LEE, Mrs. LOWEY, Mrs. MALONEY of New York, Ms. MATSUI, Mr. McDERMOTT, Mr. McGOVERN, Mr. McNULTY, Ms. MOORE of Wisconsin, Mr. OLVER, Mr. PAYNE, Ms. SCHAKOWSKY, Ms. SOLIS, Ms. WATSON, Ms. KILPATRICK, Mr. JOHNSON of Georgia, Mr. DELAHUNT, Mr. COHEN, Ms. CORRINE BROWN of Florida, Mr. TOWNS, Ms. CLARKE, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. KILDEE, Mr. KUCINICH, Mr. LANTOS, Mr. LEWIS of Georgia, Mrs. McCARTHY of New York, Mr. MEEKS of New York, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Mr. WAXMAN, Mr. WEXLER, Mr. STARK, Mr. CLAY, Mrs. DAVIS of California, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HONDA, Mr. RAHALL, Mr. ROTHMAN, Ms. NORTON, Ms. BORDALLO, and Ms. WATERS):

H.R. 2392. A bill to improve the lives of working families by providing family and medical need assistance, child care assistance, in-school and afterschool assistance, family care assistance, and encouraging the establishment of family-friendly workplaces; to the Committee on Education and Labor, and in addition to the Committees on House Administration, Oversight and Government Reform, Financial Services, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself and Mr. SALI):

H.R. 2393. A bill to amend the American Bald Eagle Recovery and National Emblem Commemorative Coin Act; to the Committee on Financial Services.

By Mrs. WILSON of New Mexico (for herself, Mrs. BACHMANN, Mrs. BIGGERT, Mrs. BLACKBURN, Mrs. BONO, Ms. GINNY BROWN-WAITE of Florida, Mrs. CAPITO, Mrs. DRAKE, Ms. GRANGER, Mrs. EMERSON, Ms. FALLIN, Ms. FOXX, Mrs. MILLER of Michigan, Mrs. MUSGRAVE, Mrs. MYRICK, Ms. PRYCE of Ohio, Ms. ROS-LEHTINEN, and Mrs. SCHMIDT):

H.R. 2394. A bill to study the needs of Wounded Women Warriors; to the Committee on Armed Services.

By Mr. ROHRABACHER:

H. Con. Res. 150. Concurrent resolution expressing gratitude to the people and Government of the Republic of Georgia for their support and commitment in combating Islamist terrorism worldwide and their specific efforts to bring security and stability in Iraq and Afghanistan; to the Committee on Foreign Affairs.

By Mr. BOOZMAN:

H. Res. 412. A resolution expressing gratitude to Her Majesty Queen Elizabeth II and His Royal Highness, Prince Philip, Duke of Edinburgh, for their State Visit to the United States and reaffirming the friendship that exists between the United States and the United Kingdom; to the Committee on Foreign Affairs.

By Mr. FILNER:

H. Res. 413. A resolution recognizing the service of United States Merchant Marine veterans; to the Committee on Transportation and Infrastructure.

By Mr. GOODLATTE (for himself and Mr. SCHIFF):

H. Res. 414. A resolution expressing the sense of the House of Representatives that foreign governments should work diligently to legalize all computer software used by such foreign governments, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HONDA (for himself, Mr. WU, Mr. RADANOVICH, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GUTIERREZ, Mr. GRIJALVA, Ms. BORDALLO, Mr. RANGEL, Mrs. NAPOLITANO, Ms. BERKLEY, Ms. HIRONO, Mr. LANTOS, Ms. ZOE LOFGREN of California, Ms. McCOLLUM of Minnesota, Mr. SALAZAR, Mr. BECERRA, Mr. McDERMOTT, Mr. WYNN, and Mr. LARSON of Connecticut):

H. Res. 415. A resolution honoring Edward Day Cohota, Joseph L. Pierce, and other veterans of Asian and Pacific Islander descent who fought in the United States Civil War; to the Committee on Armed Services.

By Mr. KING of New York (for himself, Mr. NEAL of Massachusetts, Mr. SHAYS, Mr. McNULTY, Mr. McCOTTER, Ms. JACKSON-LEE of Texas, Mr. PUTNAM, Mr. COSTELLO, Mr. FOSSELLA, Mr. HINCHEY, Mr. WALSH of New York, Mr. TANNER, Mr. DANIEL E. LUNGREN of California, Mr. WILSON of South Carolina, Mrs. MILLER of Michigan, Mr. WOLF, Mr. McHUGH, Mr. REYNOLDS, Mr. BURTON of Indiana, Mr. CHABOT, Mr. MILLER of Florida, Mrs. MYRICK, Mr. PEARCE, Mr. LEWIS of California, Mrs. JO ANN DAVIS of Virginia, Mr. MARIO DIAZ-BALART of Florida, Mr. HAYES, Mr. CAMPBELL of California, Mr. YOUNG of Florida, Mr. BROWN of South Carolina, Mr. FEENEY, Mrs. McMORRIS RODGERS, Mr. CONAWAY, Ms. BORDALLO, Mr. BILIRAKIS, Mr. McCAUL of Texas, Mr. POE, Mr. KIRK, Mr. WICKER, Mr. DREIER, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. McCARTHY of New York, Mr. TIAHRT, and Mr. BLUNT):

H. Res. 416. A resolution expressing the sense of the House of Representatives regarding the public service of Tony Blair, Prime Minister of the United Kingdom; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. Emanuel.

H.R. 65: Mr. Alexander and Mr. Smith of New Jersey.

H.R. 67: Mr. Engel and Mr. McDermott.

H.R. 77: Mr. Weldon of Florida.

H.R. 111: Mr. Crenshaw, Mr. King of Iowa, and Mr. Weller.

H.R. 141: Mr. Al Green of Texas.

H.R. 180: Mr. Braley of Iowa.

H.R. 245: Mr. McCotter.

H.R. 260: Mr. Higgins.

H.R. 303: Mr. Tiahrt.

H.R. 333: Mr. Pearce.

H.R. 346: Mrs. Boyda of Kansas.

H.R. 418: Ms. Shea-Porter.

H.R. 450: Mr. McDermott.

H.R. 468: Ms. Schakowsky and Ms. Roybal-Allard.

H.R. 480: Mr. Poe and Mr. McCotter.

H.R. 491: Mrs. McCarthy of New York.

H.R. 507: Mr. Chandler, Mr. Filner, and Mr. Davis of Kentucky.

H.R. 562: Mr. Baker and Ms. Herseth Sandlin.

H.R. 618: Mr. Aderholt.

H.R. 621: Mr. Cramer, Mr. Lynch, Mr. Thompson of Mississippi, and Mr. Tiahrt.

H.R. 628: Mr. Tiahrt.

H.R. 642: Mr. Davis of Illinois and Mrs. McCarthy of New York.

H.R. 643: Mr. Meeks of New York, Mr. Delahunt, Mr. Cole of Oklahoma, Mrs. Biggert, Mr. Davis of Illinois, Mr. Forbes, Ms. Baldwin, Mr. Hayes, and Mr. Cantor.

H.R. 657: Mr. Walz of Minnesota.

H.R. 662: Mr. Moran of Virginia, Mr. Reyes, and Mr. George Miller of California.

H.R. 670: Ms. Shea-Porter.

H.R. 695: Mr. Mollohan and Mr. Smith of New Jersey.

H.R. 715: Mr. Rush, Mr. Cleaver, Mr. Hinchey, and Mrs. Jones of Ohio.

H.R. 743: Mr. Gordon and Ms. Ginny Brown-Waite of Florida.

H.R. 758: Mr. Gordon.

H.R. 819: Mr. Udall of New Mexico and Mr. Perlmutter.

H.R. 864: Mr. Price of North Carolina and Mr. Larsen of Washington.

H.R. 926: Mrs. Boyda of Kansas.

H.R. 971: Mr. Duncan.

H.R. 989: Mr. Davis of Kentucky and Ms. Fallin.

H.R. 1014: Mr. Burton of Indiana, Mr. Carter, and Ms. Bean.

H.R. 1017: Mrs. Napolitano.

H.R. 1038: Mr. Wolf.

H.R. 1043: Mr. Kuhl of New York.

H.R. 1069: Mr. Clay.

H.R. 1070: Mr. Clay.

H.R. 1105: Mr. David Davis of Tennessee.

H.R. 1107: Mr. Pitts.

H.R. 1111: Ms. Norton.

H.R. 1113: Mr. Ackerman, Mr. Marshall, Mr. Olver, Mr. Dicks, and Mr. Gillmor.

H.R. 1137: Mr. Tiahrt.

H.R. 1187: Mr. Higgins, Ms. Matsui, Mr. Grijalva, Mr. Cohen, Ms. Loretta Sanchez of California, and Mr. Meeks of New York.

H.R. 1192: Mr. McIntyre.

H.R. 1201: Mr. Filner.

H.R. 1222: Mr. Moran of Virginia.

H.R. 1225: Mr. McGovern.

H.R. 1230: Ms. Carson.

H.R. 1252: Mrs. Lowey and Mrs. Davis of California.

H.R. 1278: Mr. English of Pennsylvania.

H.R. 1279: Mr. Moore of Kansas.

H.R. 1282: Mr. Ortiz and Mr. Hinchey.

H.R. 1293: Mr. Walsh of New York.

H.R. 1304: Mr. McCarthy of California, Mrs. Bono, Mr. Ramstad, and Mr. Renzi.

H.R. 1338: Mrs. Davis of California, Mrs. Gillibrand, and Mr. Jackson of Illinois.

H.R. 1343: Mr. Simpson, Mr. Frank of Massachusetts, Mr. Bilirakis, Mr. Davis of Kentucky, Mr. Jackson of Illinois, and Mr. Gillmor.

H.R. 1354: Mr. Allen.

H.R. 1366: Mr. Blunt, Mr. LoBiondo, Mr. Bonner, and Mr. Thornberry.

H.R. 1381: Mr. Ellison.

H.R. 1391: Ms. Shea-Porter.

H.R. 1419: Mr. Honda and Mr. Pascrell.

H.R. 1422: Mr. Kildee and Ms. Lee.

H.R. 1426: Mr. Gene Green of Texas.

H.R. 1439: Mr. Tiahrt.

H.R. 1440: Mr. Marshall and Mr. Jefferson.

H.R. 1456: Mr. Rothman and Mr. Hinchey.

H.R. 1459: Mrs. Emerson, Mr. Butterfield, Mr. Grijalva, Mr. Oberstar, and Mr. Brown of South Carolina.

H.R. 1461: Mr. Ryan of Ohio and Mr. Farr.

H.R. 1475: Mr. Sires.

H.R. 1500: Mr. Kucinich.

H.R. 1506: Mr. Walz of Minnesota, Mr. Miller of North Carolina, Mrs. Gillibrand, Mr. Israel, and Mr. Bishop of New York.

H.R. 1514: Ms. Watson, Mr. Walberg, and Mr. Michaud.

H.R. 1532: Mr. Sires.

H.R. 1535: Mr. Pastor.

H.R. 1537: Mr. Herger and Mr. Wynn.

H.R. 1542: Mr. Cummings and Mr. Hinchey.

H.R. 1551: Mr. Yarmuth.

H.R. 1552: Mr. Smith of Nebraska, Mr. Wilson of Ohio, Ms. Herseth Sandlin, Mr. Markey, and Mr. Feeney.

H.R. 1567: Mr. Wynn and Mr. Serrano.

H.R. 1576: Mr. Davis of Alabama, Mr. Boyd of Florida, Mr. Kildee, and Mr. Brady of Texas.

H.R. 1583: Mr. Olver, Mr. Hodes, Mr. Walz of Minnesota, Mr. Carney, Mr. Kagen, Mr. Perlmutter, and Mr. Holt.

H.R. 1584: Mr. Shays, Mr. Loebsack, Mr. Souder, Mrs. Capito, Mr. Whitfield, Mr. Ross, Mr. McCarthy of California, Mr. Lucas, Mr. Hoekstra, and Mr. LaTourette.

H.R. 1589: Mr. Rogers of Alabama and Mr. Wolf.

H.R. 1590: Ms. Norton.

H.R. 1600: Ms. Linda T. Sánchez of California, Mr. English of Pennsylvania, and Mr. Michaud.

H.R. 1610: Mr. Porter, Mr. Kind, Mr. Clay, Mrs. Bachmann, Mr. McHenry, Mr. Melancon, Mr. Akin, Mr. Cole of Oklahoma, and Mr. Pickering.

H.R. 1629: Mr. Davis of Alabama.

H.R. 1647: Mr. Gilchrest.

H.R. 1687: Mrs. Maloney of New York.

H.R. 1713: Mr. Crowley, Mr. Wynn, and Mr. Scott of Virginia.

H.R. 1735: Mr. Putnam, Mr. Bilbray, Mrs. Jo Ann Davis of Virginia, Mr. Roskam, Mr. Lamborn, Mr. Miller of Florida, Mr. Gingrey, Mr. Rohrabacher, Mr. McCarthy of California, and Mr. Herger.

H.R. 1738: Mr. Burton of Indiana.

H.R. 1747: Mr. Barrow.

H.R. 1754: Mr. Abercrombie, Mr. Pomeroy, Mr. Ross, Mr. Welch of Vermont, Mr. Bishop of New York, Mr. Sires, Ms. Herseth Sandlin, Ms. Clarke, Mr. Perlmutter, Mr. Boyd of Florida, and Mr. Costa.

H.R. 1776: Mr. Clay.

H.R. 1779: Mr. Tim Murphy of Pennsylvania.

H.R. 1781: Mr. Scott of Georgia, Mr. McNulty, Mr. Wu, Ms. Hirono, Mr. Doggett, Mr. George Miller of California, Mr. Berry, Mr. Cramer, and Mr. Pastor.

H.R. 1789: Mr. Reichert.

H.R. 1845: Mr. Lynch and Mrs. Emerson.

H.R. 1866: Mr. Paul, Mr. McCaul of Texas, Mr. Putnam, Mr. Doggett, Mr. Ortiz, and Mr. McHugh.

H.R. 1921: Ms. Baldwin.

H.R. 1932: Mr. Gordon and Mr. Hare.

H.R. 1933: Mr. Marshall and Mr. Schiff.

H.R. 1938: Mr. Moore of Kansas and Mr. Kuhl of New York.

H.R. 1940: Mr. Gary G. Miller of California, Mr. Pence, and Mr. Jones of North Carolina.

H.R. 1945: Mrs. Lowey.

H.R. 1954: Ms. Herseth Sandlin.

H.R. 1956: Mr. Kind, Mr. Davis of Alabama, and Mr. Smith of Washington.

H.R. 1957: Mr. McDermott and Mr. Spratt.

H.R. 1960: Mr. Peterson of Minnesota, Mr. Hodes, and Mr. Davis of Illinois.

H.R. 1968: Mr. Honda, Mr. Jefferson, Mr. Meeks of New York, Ms. Norton, and Ms. Linda T. Sánchez of California.

H.R. 1971: Mr. Cohen, Mr. McGovern, Mr. McNulty, Mr. Gonzalez, Mr. Al Green of Texas, Mr. Moran of Virginia, and Mr. Ryan of Ohio.

H.R. 1975: Ms. Linda T. Sánchez of California, and Mr. Weiner.

H.R. 1990: Mr. Abercrombie, Ms. McCollum of Minnesota, Ms. DeGette, and Ms. Hirono.

H.R. 2036: Mr. Bilbray, Mr. Marshall, and Mr. Honda.

H.R. 2040: Mr. Rush, Mr. Higgins, Mr. Al Green of Texas, Mr. Jefferson, Ms. Jackson-Lee of Texas, Mr. Clay, Mr. Butterfield, Mr. Bishop of Georgia, Mr. Barrow, Mr. Cummings, Mr. Davis of Alabama, Mr. Grijalva, Ms. Carson, Mr. Hastings of Florida, Mrs. Christensen, Mr. Payne, Mr. Thompson of Mississippi, Ms. Eddie Bernice Johnson of Texas, Mr. Shays, Mr. McCotter, and Mrs. Emerson.

H.R. 2046: Mr. Towns and Ms. Linda T. Sánchez of California.

H.R. 2048: Ms. Bean.

H.R. 2051: Mr. Baca.

H.R. 2060: Mr. Deal of Georgia and Ms. Carson.

H.R. 2061: Ms. Berkley.

H.R. 2073: Mr. Gerlach.

H.R. 2086: Mr. Campbell of California and Mr. Poe.

H.R. 2087: Mr. Jackson of Illinois, Mr. Shays, and Mr. Honda.

H.R. 2090: Ms. Hooley, Mrs. McMorris Rodgers, Mr. English of Pennsylvania, and Mr. McCotter.

H.R. 2102: Mr. Towns, Mr. Larson of Connecticut, Ms. DeLauro, Mr. Gonzalez, Ms. Baldwin, Ms. Eshoo, Mrs. Capps, Ms. Castor, and Mr. Radanovich.

H.R. 2108: Mr. Rothman.

H.R. 2111: Mr. McGovern.

H.R. 2118: Mr. Clay.

H.R. 2128: Mr. Poe.

H.R. 2129: Mr. Jefferson, Mr. Rangel, Ms. Kilpatrick, Mr. Crowley, Mr. McHugh, Ms. Norton, and Mr. Al Green of Texas.

H.R. 2131: Mr. Platts, Mr. Gordon, Mr. McCotter, Mrs. Davis of California, Mr. Boswell, Mr. Bishop of Utah, and Mr. Cohen.

H.R. 2138: Mr. Farr, Mr. Wamp, Mr. Scott of Georgia, and Mr. Hoekstra.

H.R. 2144: Mrs. Gillibrand and Mr. Michaud.

H.R. 2161: Mr. Dingell, Ms. Schakowsky, and Mr. Carney.

H.R. 2165: Ms. Schwartz, Ms. Matsui, Mr. Rodriguez, Mr. Cohen, and Ms. DeLauro.

H.R. 2192: Mr. Gonzalez, Mr. Conaway, Mr. Scott of Virginia, Mr. Lynch, Mr. Moore of Kansas, Mrs. McCarthy of New York, Mrs. Gillibrand, Mr. Gilchrest, Mr. McDermott, Mr. Waxman, and Mr. Braley of Iowa.

H.R. 2205: Mr. Campbell of California, Mr. Ruppersberger, Mr. Souder, and Mr. McKeon.

H.R. 2208: Mr. COSTELLO and Mrs. CAPITO.

H.R. 2210: Mr. WYNN and Mr. SIRES.

H.R. 2212: Mr. ELLISON, Mr. MCDERMOTT, Mr. WELCH of Vermont, Ms. WOOLSEY, and Mr. MCGOVERN.

H.R. 2221: Mr. LARSON of Connecticut.

H.R. 2239: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. CARNEY.

H.R. 2240: Mr. HOYER and Ms. NORTON.

H.R. 2244: Mr. UPTON.

H.R. 2253: Mr. MCHUGH.

H.R. 2279: Mr. WELDON of Florida and Mr. HALL of Texas.

H.R. 2280: Mr. LATHAM, Mr. MCHUGH, and Mr. WHITFIELD.

H.R. 2295: Mr. YOUNG of Florida, Mr. SMITH of Washington, Mr. DAVID DAVIS of Tennessee, Mr. SIMPSON, Mr. WOLF, Mr. CALVERT, Mr. MARSHALL, Mr. LOBIONDO, Mr. COBLE, Mr. PLATTS, Ms. LINDA T. SÁNCHEZ of California, Mr. RYAN of Ohio, and Mr. WALZ of Minnesota.

H.R. 2297: Mr. GRIJALVA, Mr. MITCHELL, and Mr. PASTOR.

H.R. 2298: Mr. MCHUGH.

H.R. 2303: Mr. TIAHRT.

H.R. 2317: Mr. SPACE and Mr. MURPHY of Connecticut.

H.R. 2327: Mr. DEFAZIO and Mr. NADLER.

H.R. 2329: Ms. BALDWIN and Mr. JINDAL.

H.R. 2351: Mr. HASTINGS of Florida and Mr. GRIJALVA.

H.J. Res. 28: Mr. BUTTERFIELD and Mr. CLAY.

H. Con. Res. 25: Mr. HASTERT and Mr. NEUGEBAUER.

H. Con. Res. 81: Mr. MARKEY.

H. Con. Res. 94: Mr. SAXTON.

H. Con. Res. 120: Mr. PERLMUTTER, Mr. WICKER, Mr. PICKERING, Mr. PAYNE, Mr. CLEAVER, Mr. WOLF, Mr. KUHL of New York, and Mr. HAYES.

H. Con. Res. 130: Mrs. CAPPS and Mr. COHEN.

H. Con. Res. 131: Mr. HENSARLING and Mr. POE.

H. Con. Res. 149: Mr. KIND.

H. Res. 37: Ms. LORETTA SANCHEZ of California, Mr. WELCH of Vermont, and Mr. UDALL of New Mexico.

H. Res. 71: Mrs. MCCARTHY of New York.

H. Res. 111: Mr. TIAHRT.

H. Res. 147: Mr. TIAHRT.

H. Res. 185: Mr. CHABOT.

H. Res. 226: Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 233: Mr. WEXLER and Mr. BROWN of South Carolina.

H. Res. 282: Mr. MCNULTY, Mr. PORTER, and Mrs. BOYDA of Kansas.

H. Res. 326: Mr. ELLSWORTH and Mr. SCOTT of Virginia.

H. Res. 329: Mr. COBLE.

H. Res. 341: Mrs. BLACKBURN.

H. Res. 351: Mr. PRICE of Georgia, Mr. MCCAUL of Texas, and Mr. DAVID DAVIS of Tennessee.

H. Res. 356: Mr. HINCHEY.

H. Res. 369: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 384: Mr. TERRY and Mr. WU.

H. Res. 397: Mr. GOODLATTE.

H. Res. 401: Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. BLUMENAUER, Mr. FORTUÑO, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. HOLT, Mr. COBLE, and Mr. GRIJALVA.

H. Res. 402: Mrs. DRAKE and Ms. BORDALLO.

H. Res. 407: Mr. SARBANES.

EXTENSIONS OF REMARKS

TRIBUTE TO LOUIS MINCARELLI

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. GERLACH. Madam Speaker, I rise today to honor Louis Mincarelli for his long-time service to the Norriton Fire Engine Company and surrounding communities.

Mr. Mincarelli has been a member of the Norriton Fire Engine Company since 1976. He has served tirelessly on the banquet, by-laws, and legislative committees and was instrumental in raising the funding necessary to simultaneously purchase two new fire trucks. In 1995, he was awarded Life Membership for his service and sacrifice to the Company. Additionally, Mr. Mincarelli held the position of president of the Norriton Fire Engine Company for 15 years from 1979 to 1994.

For 34 years, Mr. Mincarelli also served his country as a First Sergeant in the United States Army. As an honored veteran, he takes pride in continuing to serve the citizens of East Norriton Township and surrounding communities.

Madam Speaker, I ask that my colleagues join me today in honoring Mr. Louis Mincarelli for his exemplary and dedicated service to the Norriton Fire Engine Company and the East Norriton Township area. His commitment and energy to make his community a better place is an example for all citizens to follow.

INTRODUCTION OF THE FINANCIAL SECURITY ACCOUNTS FOR INDIVIDUALS WITH DISABILITIES ACT OF 2007

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. CRENSHAW. Madam Speaker, today, along with several of my colleagues, I introduced the Financial Security Accounts for Individuals with Disabilities Act of 2007. As we know, the federal government gives American families a helping hand in saving for the future. Accounts with special tax advantages help people save for college, retirement, and other life events. But people with disabilities don't always have the same expectations for the future.

Individuals with disabilities may have very different needs and concerns for their long-term care. However, no matter how different the needs or the financial demands that face a family, all parents have a common interest—to ensure the financial security of their children. Although several savings tools exist for all families, increased costs for care, long-term security, more flexibility, and the desire to foster greater independence for children with disabilities warrant the establishment of a new savings instrument.

Many of you know about typical tax-deferred savings plans—such as a "529" and college tuition plans. These savings tools, which are available to all Americans, can't help a family with a child who may not go to college. Yet, one could argue that the need for savings and planning for the future is even greater for a child with a disability because he or she will likely be less able to earn a self-supporting income. And may require continued expenditures on medical treatment or adaptive equipment.

Without a new savings tool, parents of children with disabilities must choose between turning down the advantages of savings plans available to others or risk a hefty penalty if their child cannot use the funds according to the account restrictions.

The Financial Security Accounts for Individuals with Disabilities (FSAID) Act of 2007 will provide families of people with physical, cognitive, or developmental disabilities access to the savings tools that everyone else enjoys. Individuals with disabilities, or their families, could create a Financial Security Account (FSA) that accrues tax-free interest during the life of the beneficiary. The FSA will help families of individuals with disabilities to pay for a variety of current and long-term essential expenses including medical care, community based support services, education, employment training and support, and assistive technology. As adults, beneficiaries can also use these accounts to pay for housing and transportation needs.

FSAs differ from existing savings tools by providing much needed flexibility for families and beneficiaries:

Accounts can be established as easily as a typical savings account, without overburdensome paperwork, administrative fees, or ongoing legal fees;

Beneficiaries are allowed to control their own financial destinies; and if they are unable to serve in this capacity, parents, guardians or other designees can serve in this capacity;

Qualified expenses under the FSAID are purposefully broad to accommodate the greater needs of people with disabilities and the financial demands of their individual care plan;

Qualified expenses are not limited to adulthood or retirement age so resources can be used whenever they are needed;

The flexibility in expenses also allows families to save with confidence even though they cannot always predict how independent their children will become;

A family who saves money in a traditional account for a child who becomes disabled later in life can roll over the funds into an FSA without penalty; and

Unlike some savings instruments, FSA would be created and regulated on a federal level so any eligible individual in the United States would have access to this savings tool.

The Financial Security Accounts for Individuals with Disabilities Act of 2007 will give families of people with disabilities the ability to save for their children's futures just like other American families. Today, we are taking the first step toward that realization by giving all American families the tools they need to provide for their families—no matter what their specialized needs might be.

A new approach to savings for these families—one that fosters ownership, self-control and flexibility—is needed today. I urge my colleagues to support this innovative approach to saving for the long-term, specialized needs of children with disabilities.

FSAs will bring families the much needed peace of mind by giving them the tools to provide for their children and helping ensure that children with disabilities are able to live life to the fullest and be as productive as possible.

Our legislation offers hope to families to provide resources that are life-enhancing and meaningful and the control necessary to ensure that their loved ones obtain essential services. I urge my colleagues to support the Financial Security Accounts for Individuals with Disabilities Act of 2007.

IN HONOR OF ARABY COLTON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. FARR. Madam Speaker, I rise today to honor Mrs. Araby Colton, a great lady who passed away recently at the age of 95. Araby was a passionate activist of uncompromising principles throughout her life.

Araby and her husband, Vie, founded the Canadian-American Wolf Defenders, which was instrumental in stopping a wolf hunt in Canada. She was a member of the Monterey County Peace Coalition, the World Society for the Protection of Animals, and a valued member of the Alaska Wildlife Alliance. She raised Arabian horses and a wolf-dog. Her children inherited her love of animals.

During consideration of the 1972 Endangered Species Act, testimony was entered on the subject of aerial wolf hunting in Alaska. Araby's passionate "Letter to Wolf Defenders" from her HOWL newsletter detailing the horrors of such hunting practices was read before the Subcommittee on Fisheries and Wildlife Conservation in their hearings on predatory mammals and endangered species.

Throughout the 90's, she wrote "Your World and Mine," a newspaper column for the Carmel Valley Sun and other local newspapers. Her articles reported on the environment, animals, politics and book reviews. She kept up with current events, and was writing a letter to the editor on global warming when she passed away.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In her later years, Araby and some friends formed a confab they called "The Coffeehouse." They named their group in memory of the American rebels that met in coffeehouses in the 1770's to discuss separation from a tyrannical government. "The Coffeehouse" members discussed the great issues of the day.

Madam Speaker, the life of Araby Colton was full of joy and purpose. She cared about the world around her and worked tirelessly to make it a better place, not just for humans, but for all creatures. She would be delighted to think that she was a thorn in the sides of politicians, but I have only respect and admiration for a lady with such deep convictions. I know I speak for the whole House in extending condolences to her family. Araby will be greatly missed.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. MILLER of Florida. Madam Speaker, I missed rollcall vote Nos. 345 through 349 on May 15, 2007. I was down in my district attending the funeral of SSG Timothy P. Padgett.

I would have voted: rollcall vote No. 345, final passage on H.R. 634—American Veterans Disabled for Life Commemorative Coin Act, "aye"; rollcall vote No. 346, final passage on H.R. 692—Army Specialist Joseph P. Micks Federal Flag Code Amendment Act, "aye"; rollcall vote No. 347, final passage on H.R. 916—John R. Justice Prosecutors and Defenders Incentive Act, "nay"; rollcall vote No. 348, final passage on H.R. 1700—COPS Improvement Act of 2007, "aye"; rollcall vote No. 349, final passage on H.R. 1773—Safe American Roads Act, "aye".

TRIBUTE TO DESCHUTES COUNTY SHERIFF LES STILES

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. WALDEN of Oregon. Madam Speaker, I rise today to pay tribute to a great American, a dedicated Oregonian, and a tremendous public servant: . former Deschutes County Sheriff Les Stiles. Sheriff Stiles retired last month, and tomorrow night his many years of achievements on behalf of the residents of Central Oregon will be celebrated at a public event in Bend, OR. Sheriff Stiles dedicated his career to keeping the city of Bend and Deschutes County a safe and desirable place to live and visit.

Sheriff Stiles has always exuded an interest in public policy and making our communities better and safer. His commitment to our country dates back to his service with the U.S. Army where he was commissioned as a second lieutenant with the Corps of Engineers. Les also served with the U.S. Army Reserves as a captain in the infantry from 1968 until 1974. After serving in defense of the United States of America, Les turned toward educational pursuits that would provide him with the knowledge that, complemented with his life experience, would ultimately allow him to better serve the citizens of Oregon.

In 1974, Les received a bachelor's degree in English from Illinois State University. From there, he went on to earn a masters degree in public administration from the University of Northern Colorado. In 1982, Les focused exclusively on law enforcement and completed the grueling training session at the FBI National Academy's 128th session. Madam Speaker, this was not the end of the sheriff's commitment to education. Later in life he graduated from the National Sheriffs Institute and in 2005 he graduated from the FBI Executive Leadership Program. He spent 15 years teaching at Central Oregon Community College and was always willing to address a community group on a pending issue.

Madam Speaker, the city of Bend, OR, received great fortune when Les and his family moved to the beautiful central Oregon region after his training at the FBI Academy. During 25 years of law enforcement in central Oregon, Les served first as a patrolman, eventually as Bend's chief of police, and ultimately as the sheriff of Deschutes County. Sheriff Stiles has been a strong advocate in combating the scourge of methamphetamine and its devastating impact on communities across the country. Sheriff Stiles quickly recognized the significant harm and damage this terrible poison inflicts on families and communities and was a real leader in bringing the problems associated with methamphetamine use to the forefront and attention of the general public. He's been diligent in his efforts to get this deadly drug off the streets, a vocal proponent and promoter of prevention efforts, and tireless in his efforts to support and promote treatment programs for those in desperate need of help.

My colleagues, when Les Stiles took office as the sheriff of Deschutes County, he inherited quite a mess. His predecessor pled guilty to Federal charges of embezzlement. Under Les's leadership, the county made great progress in correcting the problems of the past. Sheriff Stiles helped restore public trust and once again brought honor to the position of sheriff. He restored fiscal restraint and helped stabilize funding for a department that otherwise would have lost significant public services this past year.

Today I illustrate but a few of the tremendous successes Sheriff Stiles achieved over a long and distinguished career. I appreciate my colleagues joining me in thanking Sheriff Stiles for all he's done on behalf of the people of Deschutes County, the Second Congressional District and the great State of Oregon. I wish him and his wife, Carol, many good days ahead with their family, complete with many hours of good fishing for the sheriff.

RECOGNIZING THE 40TH ANNIVERSARY OF THE CLERGY CONSULTATION SERVICE ON ABORTION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Ms. SLAUGHTER. Madam Speaker, I rise today to recognize the 40th anniversary of the Clergy Consultation Service on Abortion on May 21st, 2007, and the many fine clergy women and men of the Religious Coalition for Reproductive Choice who continue this tradition of service. At the time the Clergy Service was founded, hundreds, if not thousands, of women died each year because of unsafe, illegal abortions. Many of the women suffering the health hazards of an illegal abortion were the most vulnerable, including women of color and low-income women.

The heroic clergy who came together to form the Clergy Consultation Service felt a moral responsibility to help women in need. The Clergy Service provided comfort, hope, and access to doctors who performed safe abortions and treated women with dignity and respect. Participating ministers and rabbis risked public censure and criminal prosecution to provide compassionate counseling and spiritual support to women with an unintended pregnancy. Today, the tradition of support for women has continued through the Religious Coalition for Reproductive Choice and the Clergy for Choice Network.

Over one million American women sought illegal abortions annually at the time the Clergy Consultation Service on Abortion was established. In 1965 alone, 17 percent of all pregnancy-related deaths were due to illegal abortions. The largest percentage of abortion deaths was among women ages 35–39 with five or six children.

In my home State of New York in 1967, the only legal reason for performing an abortion was to save the life of the woman. Senior minister of the Judson Memorial Church in New York City, Reverend Howard R. Moody, along with social justice activist Arlene Carmen, recognized that women needed reliable information on how and where to obtain safe, albeit illegal, abortions. With a small group of ministers and rabbis, Reverend Moody founded the Clergy Service. The New York Times ran the statement announcing the service.

> "Confronted with a difficult decision and means of implementing it, women today are forced by ignorance, misinformation and desperation into courses of action that require humane concern on the part of religious leaders."

The statement continued:

> "We believe that it is our pastoral responsibility and religious duty to give aid and assistance to all women with problem pregnancies. To that end we are establishing a Clergymen's Consultation Service on Abortion which will include referral to the best available medical advice and aid to women in need."

Following the announcement, the Clergy Service was inundated with calls and visitors from around the country seeking assistance. From its inception until 1970 the service grew from 26 ministers and rabbis in New York to 2,000 clergy in 25 States referring almost 100,000 women to doctors.

I commend Reverend Moody and the clergy men and women who joined the service over the years. Their selfless service is an inspiration to all who honor women as moral decision-makers and all who seek dignity and justice for women.

COMMEMORATING THE 66TH ANNIVERSARY OF THE BATTLE OF CRETE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise today to commemorate the 66th anniversary of the Battle of Crete, the historic battle that contributed to the Allies' victory of World War II.

Because of its strategic location as part of the lifeline to India and its proximity to both Palestine and Egypt, both the Allies and Nazis wanted Crete. At that time the British controlled the island.

On May 20, 1941, the Nazi invasion force, including thousands of German paratroopers and glider troops began landing on Crete. Hitler felt this was to be an easy victory, yet he is quoted to have said shortly after the invasion, "France fell in 8 days. Why is Crete free?"

During the 11-day invasion of Crete, more than 6,000 German troopers were listed as killed, wounded, or missing in action. The losses to the elite seventh parachute division marked the end of the German military's large-scale airborne operations.

This valiant fight by the Cretan people began in the first hour of the Nazi airborne invasion while other underground movements did not begin until a year or more after being invaded.

Young boys, old men, and women displayed breathtaking bravery in defending Crete. Because German soldiers were not accustomed to facing women in battle, they would tear the dress from the shoulders of suspected Cretan women to find bruises from the recoil of the rifle. The penalty was death. On July 28, 1941, The Times (London) reported that "five hundred Cretan women have been deported to Germany for taking part in the defense of their native island."

The German soldiers who invaded Crete also faced the heroic resistance of the clergy. A priest leading his parishioners into battle was not what the Germans anticipated. At Paleochora, Father Stylianos Frantzeskis, hearing of the German airborne invasion, rushed to his church, sounded the bell, took his rifle and marched his volunteers toward Maleme.

This struggle became an example for all Europe to follow in defying German occupation and aggression.

The Cretans paid a heavy price for their valiant resistance to Nazi forces with thousands of civilians executed, starved, or imprisoned. The Germans burned and destroyed entire communities as a reprisal for the Cretan resistance movement. Yet this resistance lasted for 4 years.

The Battle of Crete changed history by delaying Hitler's plan to invade Russia. The invasion was delayed from April to June of 1941. The 2-month delay in the invasion made Hitler's forces face the Russian winter. The Russian snowstorms and the subzero temperatures eventually stalled the Nazi invasion before they could take Moscow or Leningrad. This was the beginning of the downfall of the Nazi reign of terror.

We must always remember and honor this significant battle and the heroic drive of the Cretan people. Democracy came from Greece, and the Cretan heroes exemplified the courage it takes to preserve it.

To honor these heroes, I have introduced H. Res. 148, which recognizes and appreciates the historical significance and the heroic human endeavor and sacrifice of the people of Crete during World War II and commends the PanCretan Association of America.

Today, the courage and fortitude of the Cretan people are seen in the members of the United Cretan Associations of New York which are located in Astoria, Queens.

I urge my colleagues to join me in honoring the Cretans in the United States, Greece, and the diaspora.

HONORING ROGER AND DIANA SENECHAL

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. McGOVERN. Madam Speaker, I rise today to honor Roger and Diana Senechal of Auburn, MA for their many years of dedicated community service and volunteerism.

Roger Senechal and Diana (Sullivan) Senechal dedicated their lives to religion at an early age. They met while volunteering their services for families in Cambridge, Massachusetts, and were married in 1978.

The Senechals moved to New Hampshire, where they continued their lives of service. Diana volunteered extensively and Roger served as the Executive Director for the American Cancer Society. After their son Gerald was born, Roger was received into the Episcopal Church and the family moved to Auburn, Massachusetts, where Roger became a priest at St. Thomas Episcopal Church.

Roger and Diana have contributed their time to countless organizations. Their record of volunteerism is astounding.

Roger has served the town of Auburn as President of the Auburn Clergy Association, Treasurer of the Worcester City Computer Society, Bee School Director of the Worcester City Beekeepers Association, and Ride Director for the Seven Hills Wheelman. Roger was also involved with Auburn Youth and Family Services, serving on the Advisory Board, Board of Directors, as President-elect, and as President. While working with Auburn Youth and Family Services, Roger helped extend the services provided by the agency. He has also continued to work with the Episcopal Church, serving on the Episcopalian Church Diocesan Evangelism Committee, as Dean of the Deanery, on the Bishops Standing Committee, Revisioning Committee, and the Diocesan Reconciliation Committee.

Diana has also been active in Auburn. She worked with Auburn Youth and Family Services as a tutor, mentor, and with the Peaceful Pals and the Family to Family Mentoring programs. She has also worked as a secretary for three churches and as the co-director for a vacation Bible School.

The Senechals have embarked together on many volunteer efforts. They have worked for the St. Thomas Episcopal Church through Auburn Youth and Family Services, which provides dinners for conflict resolution groups and the Auburn Comes Together program, along with providing funding for summer camps. They were involved with the Boy Scouts of America, Diana serving as a Den leader and Roger as a Merit Badge Counselor. They have also been involved in Habitat for Humanity and the Auburn Youth Peace Vigils.

Roger and Diana have worked tirelessly for the betterment of their community and have served their faith admirably. Their achievements must not go unrecognized, although they humbly assert, "God gets the credit." The Senechals have touched countless people and dedicated their lives in the service of others. Their altruism deserves to be honored.

Madam Speaker, I am sure the entire U.S. House of Representatives joins me in thanking Roger and Diana Senechal for their wonderful contributions to the community.

TRIBUTE TO MIKE ALLEN

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor Mr. Mike Allen, the former President and CEO of the McAllen Economic Development Corporation (MEDC) for his exemplary leadership in fostering the economic growth of the City of McAllen in South Texas.

Mr. Allen was responsible for the management of the McAllen Foreign Trade Zone, one of the largest inland ports in the United States responsible for over one billion dollars worth in commerce annually. He is currently on the Board of Regents for South Texas College and chairman of the Texas Border Infrastructure Coalition (TBIC), which was formed to develop and advocate for solutions to economic development needs along the Texas-Mexico border.

Mr. Allen is an active member of the community. He is a member of numerous organizations such as the American Economic Development Council, Texas Border Infrastructure Coalition, Mexican Chamber of Commerce, American Chamber of Commerce, Reynosa Maquila Association, Texas Good Roads and Transportation Association, McAllen Citizens League, and Rio Grande Valley Chamber of Commerce. In addition, he has served as a member of the Texas Governor's Task Force on Management and Labor Relations for five years. Recently, he attended

Presidential and Vice-Presidential briefings on the North American Free Trade Agreement and was actively involved in the Empowerment Zone designation process for the Rio Grande Valley. His vast knowledge of the economic development issues along the U.S.-Mexico border region has led to the continuous economic growth of my district. Mr. Allen has spent his life working to help better the lives of those in his community, and I commend him for his commitment to the economic development of South Texas and to improving our economic relations with Mexico.

Madam Speaker, I am honored to have had this time to recognize the dedication and commitment of Mike Allen to furthering economic development of the City of McAllen and to the South Texas border community in general.

LOCAL FOOD AND FARM ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. BLUMENAUER. Madam Speaker, this year we have an opportunity to reform our nation's farm policies, and a fundamental element of my vision to do this is the Local Food and Farm Act. By increasing the availability of fresh foods in cities, schools, and underserved communities, my bill not only strengthens market opportunities for local fanners and ranchers, but it also protects the environment and gets healthy food into our communities.

This legislation, which I am introducing today with Reps. NANCY BOYDA, STEVE KAGEN, KIRSTEN GILLIBRAND, BOBBY RUSH, DONALD PAYNE, JAN SCHAKOWSKY, TOM ALLEN, strengthens and expands existing programs that support value-added agriculture and fanners markets, promote the availability and affordability of healthy and fresh foods, increase fruits and vegetables in school meals, and remove barriers that keep local fanners from selling products into schools. It also establishes a new program to provide innovative financing for the processing and distribution businesses that create local jobs and are best-suited to help innovative, small and midsized farmers and ranchers take advantage of local and regional markets.

Increasing the availability of healthy and fresh foods in our communities is critical to improving the overall health and food security of the United States. By growing and distributing some of these foods locally and regionally, we can create profitable markets for many small and midsized family fanners and ranchers, help to preserve farmland, and protect the environment with reduced transportation costs and more sustainable farming practices.

IN HONOR OF EUNICE LASTINGER MIXON

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. MARSHALL. Madam Speaker, it is with great pleasure I rise today to honor Eunice Lastinger Mixon for her continuing contributions to the City of Tifton, Tift County and the State of Georgia. Those accomplishments will be celebrated today with the establishment of the Eunice Lastinger Mixon Scholarship at Abraham Baldwin Agricultural College.

Mrs. Mixon is affectionately known by her friends and colleagues as "Miss Eunice" and has spent her life in service to others. She has been described as a "joiner" and her many hours of service in a wide range of organizations justifies that description.

In addition to the 30 years "Miss Eunice" spent teaching in the Tift County schools and helping her husband, Albert Mixon, run their farm, she also served with the Georgia Civil War Commission, including an appointment as chairman, served on the Board of Directors for the Tift County Library and was one of only a handful of non-attorneys to hold an appointment with the Georgia State Bar Association.

Ms. Eunice continues to make innumerable contributions to the community through her service on the Georgia Student Finance Commission, the Georgia Agrirama Foundation Board, the Democratic Party State Committee and the United Daughters of the Confederacy.

Miss Eunice's presence fills whatever room she enters or whatever group she joins. She cares deeply and passionately for others, particularly the least among us. Few Americans have provided a better example of service to others.

Madam Speaker, I am confident my colleagues will join me in recognizing the accomplishments of this great Georgian and great American.

HONORING RENOWNED JAZZ MUSICIAN ON HIS 94TH BIRTHDAY

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. ARCURI. Madam Speaker, I would like to pay tribute to the extraordinary musical career of Al Gallodoro of Oneonta, New York, and take part in the celebration of his 94th birthday on June 23, 2007. A master of the saxophone and clarinet, Mr. Gallodoro has impressed audiences all over the world for decades.

Mr. Gallodoro began playing the clarinet at the age of 7 and entered the music business at the young age of 13. He spent the next 40 years of his career performing with a well-known jazz musician, Paul Whiteman, playing alto saxophone, clarinet, and bass clarinet. Mr. Gallodoro was also a soloist for live broadcasts, performing more on-air solos during his career than any other performer.

Mr. Gallodoro has traveled all over the world to perform, and holds the world's record for performing the Rhapsody in Blue, playing the piece over 10,000 times throughout the 1930s and 1940s. Additionally, in 2005, Mr. Gallodoro received an Honorary Doctoral Degree from Hartwick College, which recognized a lifetime of extraordinary achievement in music performance and teaching.

After moving to Oneonta in 1981, he has become an active entertainer in our community. Mr. Gallodoro performs each month at Oneonta's very own live music venue, the Sego Café. He is notably one of only thirteen artists who began recording before 1940 that is actively recording today.

Mr. Gallodoro has undoubtedly made an unforgettable impact on the music community and will always be remembered for his invaluable contributions to the field of music. I do not doubt that his 94th birthday celebration at the Sego Café in Oneonta will be one to remember.

Madam Speaker, it is with great pride today that I celebrate the incredible accomplishments of Mr. Gallodoro and wish him a wonderful 94th birthday.

IN RECOGNITION OF ROBERT R. RICE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor Robert R. Rice, for his lifelong commitment to educating our youth and for sharing his many talents with our community.

Since his days with the United States Armed Service Forces Band, Robert has been graciously sharing his musical talent. In the Band, he played trumpet and sang lead vocals. After leaving the service, Robert dedicated himself to educating children and introducing them to the wonders of music. As a result of his commitment, thousands of children have cultivated an appreciation for music. Harding School has been the fortunate benefactor of Robert's musical talents for 25 years, culminating in his composition of "The Harding March."

Hardly one to hold back his love of music, Robert has also volunteered thousands of hours with community organizations and numerous churches.

Madam Speaker and colleagues, please join me in honoring Robert R. Rice for a life spent bringing the gift of music to the youth of Northeast Ohio. May all his students who have cultivated a love of music pass it along to future generations.

PERSONAL EXPLANATION

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. SIRES. Madam Speaker, on May 16, 2007, I missed rollcall votes Nos. 350, 351, 352. Had I been present, I would have voted "no" on rollcall 350, "yea" on rollcall 351, "yea" on rollcall 352, "no" on rollcall 353, "present" on rollcall 354, and "no" on rollcall 355.

IN PRAISE OF ARMY PFC DANIEL COURNEYA

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. WALBERG. Madam Speaker, I rise today to honor and praise Army PFC Daniel Courneya, a constituent of mine who died while serving his country in Iraq; PFC Courneya's convoy was ambushed in Iraq on May 12, 2007.

PFC Courneya of Vermontville was 19 years old. He grew up dreaming of serving in the military. Daniel grew up wishing to carry on the legacy of service to our great Nation which has run through his family. He grew up with the heart of a hero. Enlisting in the United States Army at 17 years old during his senior year of high school, his mother had to sign a waiver to allow her son to enlist.

As a student at Maple Valley High School, Daniel was well known and well respected. Daniel ran track at Maple Valley, played on the soccer team and played the clarinet in the school band.

In Vermontville, the members of the community hold parades to welcome home returning members of the military and have done so to honor PFC Courneya. What impresses me the most is the way the community has rallied around Daniel's family and provided caring support during this time of grieving.

My thoughts and prayers are with Daniel's family. I thank them for their beloved sons' dedicated service to the United States. May God be with them.

HONORING THE SOUTHWEST CONFERENCE OF MAYORS ON ITS 25TH ANNIVERSARY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor the Southwest Conference of Mayors, SCM, on its 25th anniversary. Through dedicated and distinguished leadership, the Mayors' Conference continues to foster the improvement of local government, provide services to citizens, and enhance the overall quality of life for residents in southwest Cook County.

Since its inception in 1982, the Southwest Conference of Mayors has served as the regional council of governments, COG, in southwest Cook County. Currently, the Mayors' Conference has five standing committees, which focus on the areas of economic development, legislative advocacy, public works, transportation, and utilities. The committees strive to lower the costs of government, promote managerial expertise, coordinate experience and find solutions to problems of mutual concern, and develop a common voice on municipal concerns.

Today, the Southwest Conference of Mayors encompasses 21 municipalities that include: the village of Alsip; the village of Bedford Park; the city of Blue Island; the village of Bridgeview; the city of Burbank; the village of Chicago Ridge; the village of Crestwood; the village of Evergreen Park; the city of Hickory Hills; the city of Hometown; the village of Justice; the village of Lemont; the village of Merrionette Park; the village of Oak Lawn; the village of Orland Hills; the village of Orland Park; the city of Palos Heights; the city of Palos Hills; the village of Palos Park; the village of Willow Springs; and the village of Worth.

Given the outstanding service and direction of the Southwest Conference of Mayors, I am especially privileged to acknowledge the founding and current SCM President, Mayor Jerry Bennett of Palos Hills; SCM vice president, Mayor Gene Siegel of Chicago Ridge; SCM vice president, Mayor Jim Sexton of Evergreen Park; and SCM treasurer, Mayor Bob Straz of Palos Heights. The hard work, insight, and leadership of these mayors ensure the future success of the Mayors' Conference and its positive impact on southwest Cook County.

The contributions made by the Southwest Conference of Mayors to the citizens of southwest Cook County are extraordinary. Today, I am pleased to recognize the organization's current and past leadership, member villages and cities, staff members, and all those who make the activities of the Mayors' Conference possible. As we celebrate this 25-year milestone, I look forward to continuing to work with SCM leaders to serve our communities and improve the lives of all area residents.

IN SUPPORT OF ONCOLOGY NURSES

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. McNULTY. Madam Speaker, I rise today to call attention to the important and essential role that oncology nurses play in providing quality cancer care and to recognize May as Oncology Nursing Month.

Oncology nurses are the health professionals involved in the administration and monitoring of chemotherapy and managing the associated side-effects patients may experience. Every day oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional and financial challenges that people with cancer face throughout their diagnosis and treatment.

Since 1975, the Oncology Nursing Society (ONS) has been dedicated to excellence in patient care, teaching, research, administration and education in the field of oncology. The Society's mission is to promote excellence in oncology nursing and quality cancer care. I am pleased that ONS has 13 chapters throughout New York State which support oncology nurses in their efforts to provide high quality cancer care to patients and their families.

I urge my colleagues to support ONS in its important endeavors and to recognize the oncology nurses in their communities for all they do for people with cancer.

TRIBUTE TO THE OLATHE NORTHWEST HIGH SCHOOL RAVONICS REVOLUTION ROBOTICS TEAM UPON THEIR PARTICIPATION IN THE 'FIRST ROBOTICS' NATIONAL COMPETITION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. MOORE of Kansas. Madam Speaker, I am pleased to have this opportunity today to recognize the Ravonics Revolution robotics team from Olathe Northwest High School in Olathe, KS. The Ravonics Revolution team was one of over 1,100 schools across the country to participate in the 2007 FIRST Robotics competition, and were so successful that they were named Midwest Regional Champions.

FIRST Robotics, which was founded by Dean Kamen, the inventor of the Segway, is creating programs where kids can compete in sports-like environments, using math/engineering/technology/science skills rather than traditional athletic skills. The organization's vision is: "To create a world where science and technology are celebrated . . . where young people dream of becoming science and technology heroes."

Olathe Northwest High School formed their FIRST Robotics team two years ago and has been led by Sue Rippe, a Kansas Teacher of the Year in 2000. Sue and her husband, Cliff, have dedicated themselves to this program, providing guidance and support, but the kids are the real leaders of the team. They appointed a CEO, COO, CIO, CFO and other leaders within their group to divide responsibilities.

The team raised their own money to attend competition—more than $38,000 this year—and obtained sponsorships from over 25 companies and individuals. And, their hard work and dedication has not gone unnoticed. In addition to winning their regional championship in Chicago, IL, earlier this year, they won other awards in entrepreneurship, website design, video production and safety. They were further recognized at the championship event in Atlanta, GA, with the Autodesk Visualization Award for Best Lighting (CG Animation).

Success isn't enough for them, however, which is why they will be hosting a robot scrimmage this summer for all area teams to encourage more students and schools to join the FIRST Robotics league.

Thanks to their teacher, Sue Rippe, the leadership of the Olathe school district and the FIRST Robotics organization, these students are able to focus on subjects they enjoy and on what they're good at. The program not only allows kids to be surrounded with teachers and classes that help to build on their strengths, but it also brings together kids with like interests so that they can learn from each other and develop their leadership and teamwork skills.

A very wise man once said that the really fundamental debts, like the ones that students owe to their teachers and parents, can't be paid back. They are too big for that. They can only be paid forward to those who will come after us. I know that each of these students will find a way to "pay forward" the debt they owe by using their amazing talents to help explore worlds and ideas we never thought possible.

Madam Speaker, the Ravonics Revolution team at Olathe Northwest High School is an example of what happens when students work together to create a highly talented, focused team and seek to achieve a goal greater than themselves. I join the residents of the entire Third Congressional District of Kansas in applauding the Olathe Northwest High School Ravonics Revolution team for their success in the 2007 FIRST Robotics competition and look forward to their continued success in all future endeavors.

IN HONOR OF THE CENTENNIAL ANNIVERSARY OF THE EAST END NEIGHBORHOOD HOUSE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the East End Neighborhood House, EENH, whose leaders, staff and volunteers have uplifted and energized all aspects of Cleveland's urban neighborhoods for 100 years.

In 1907, Miss Hedwig Kosbab formed the EENH in her mother's home as a place that offered sewing classes for immigrant women. As the classes quickly began expanding to include others, the location of EENH changed several times but found its final home on the Van Sweringen estate in 1916.

Beyond providing services to residents on an individual level and six major programs for those young and old, the EENH nurtures community pride and identity while assisting individuals in uniting to identify and resolve its issues collectively. As public needs change, EENH redirects its efforts to focus on the eroding areas of community influence and life such as church, family and schools. Their efforts and services help to maintain stability in those areas and provide the lacking influence that is necessary for neighborhood prosperity, especially for children. One program provided by the EENH is the Cleveland Foster Grandparent Program, which brings neighborhood seniors and youth together. The unification of these two generations allows elders to continue to contribute by leading and sharing wisdom with the young people of the community, while providing the youth with the support and guidance that they need to become active members of the community as well.

Madam Speaker and colleagues, please join me in honor and recognition of the volunteers, staff and leaders, past and present, of the East End Neighborhood House. Their collective dedication, vision, volunteerism and work on behalf of all residents has served to preserve the historic integrity and pride of the neighborhood, promote community accord and maintain a healthy sense of neighborhood unity fo residents, young and old.

TRIBUTE TO THE RECENT ACCOMPLISHMENTS OF THE DURANGO HIGH SCHOOL AEROSPACE DESIGN TEAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today in order to congratulate the Durango High School Aerospace Design Team for their recent selection as finalists in the International Space Settlement Design Competition. As one of only eight teams chosen worldwide—and only three from the United States—the Durango High School team represents the best that our public education system has to offer.

The International Space Settlement Design Competition is a serious endeavor, incorporating elements of engineering, logistics, creativity, business sense, and scientific acumen into a grand proposal where the competitors design a future habitat for humans on another planetary body. Students are held to rigorous standards; scientific concepts must be realistic extensions of current technologies and proposals are expected to provide budgetary details as well as specificities on how humans would live in the proposed settlement. The winning results are proposals that one would expect to see decades in the future, and are judged by engineers with expertise in the relevant fields.

As chairman of the Space and Aeronautics Subcommittee of the House Science and Technology Committee and a co-chair of the House Science, Technology, Engineering, and Mathematics (STEM) Education Caucus, I have a deep appreciation of what the Durango team has accomplished. I have long advocated the inclusion of a rigorous science program in our public education system and I applaud the results of Durango High School's emphasis on science education. Their success is a consequence of their strong education in the hard sciences and I am sure that these students will help ensure a better future for our Nation.

The Durango High School Aerospace Design Team will soon be competing against the rest of the finalists at the NASA Johnson Space Center in Houston, Texas. I ask my colleagues to join me in congratulating the team on its success so far and to wish them the best of luck in the next and final leg of the competition.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. MILLER of Florida. Madam Speaker, I missed rollcall vote Nos. 350 through 366 on May 16, 2007. I was down in my district attending the funeral of Staff Sgt. Timothy P. Padgett.

I would have voted:

Rollcall vote No. 350, Motion to Adjourn, "aye"; rollcall vote No. 351, Previous Question on Rule for H.R. 1585—National Defense Authorization Act for FY '08, "nay"; rollcall vote No. 352, Rule providing for H.R. 1585—National Defense Authorization Act for FY '08, "nay"; rollcall vote No. 353, Motion to Adjourn, "aye"; rollcall vote No. 354, Quorum Call, "present"; rollcall vote No. 355, Motion to Rise, "aye"; rollcall vote No. 356, Quorum Call, "present"; rollcall vote No. 357, Motion to Rise, "aye"; rollcall vote No. 358, Quorum Call, "present"; rollcall vote No. 359, Motion to Rise, "aye"; rollcall vote No. 360, Quorum Call, "present"; rollcall vote No. 361, Motion to Rise, "aye"; rollcall vote No. 362, Quorum Call, "present"; rollcall vote No. 363, Motion to Rise, "aye"; rollcall vote No. 364, Andrews Amendment to Defense Authorization to prevent funds authorized in the bill for the wars in Iraq and Afghanistan from being obligated or expended to plan a contingency operation in Iran, "nay"; rollcall vote No. 365, DeFazio Amendment to Defense Authorization to clarify that no previously enacted law authorizes military action against Iran, "nay"; rollcall vote No. 366, Woolsey Amendment to Defense Authorization to require the Secretary of Defense to issue a report on the continued use, need, relevance, and cost of weapons systems designed to fight the Cold War and the former Soviet Union, "nay".

INTRODUCING THE PARENTAL CONSENT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Parental Consent Act. This bill forbids Federal funds from being used for any universal or mandatory mental health screening of students without the express, written, voluntary, informed consent of their parents or legal guardian. This bill protects the fundamental right of parents to direct and control the upbringing and education of their children.

The New Freedom Commission on Mental Health has recommended that the Federal and State governments work toward the implementation of a comprehensive system of mental health screening for all Americans. The commission recommends that universal or mandatory mental health screening first be implemented in public schools as a prelude to expanding it to the general public. However, neither the commission's report nor any related mental health screening proposal requires parental consent before a child is subjected to mental health screening. Federally-funded universal or mandatory mental health screening in schools without parental consent could lead to labeling more children as "ADD" or "hyperactive" and thus force more children to take psychotropic drugs, such as Ritalin, against their parents' wishes.

Already, too many children are suffering from being prescribed psychotropic drugs for nothing more than children's typical rambunctious behavior. According to Medco Health Solutions, more than 2.2 million children are receiving more than one psychotropic drug at one time. In fact, according to Medico Trends, in 2003, total spending on psychiatric drugs for children exceeded spending on antibiotics or asthma medication.

Many children have suffered harmful side effects from using psychotropic drugs. Some of the possible side effects include mania, violence, dependence, and weight gain. Yet, parents are already being threatened with child abuse charges if they resist efforts to drug their children. Imagine how much easier it will be to drug children against their parents' wishes if a Federally-funded mental health screener makes the recommendation.

Universal or mandatory mental health screening could also provide a justification for stigmatizing children from families that support traditional values. Even the authors of mental health diagnosis manuals admit that mental health diagnoses are subjective and based on social constructions. Therefore, it is all too easy for a psychiatrist to label a person's disagreement with the psychiatrist's political beliefs a mental disorder. For example, a Federally-funded school violence prevention program lists "intolerance" as a mental problem that may lead to school violence. Because "intolerance" is often a code word for believing in traditional values, children who share their parents' values could be labeled as having mental problems and a risk of causing violence. If the mandatory mental health screening program applies to adults, everyone who believes in traditional values could have his or her beliefs stigmatized as a sign of a mental disorder. Taxpayer dollars should not support programs that may label those who adhere to traditional values as having a "mental disorder."

Madam Speaker, universal or mandatory mental health screening threatens to undermine parents' right to raise their children as the parents see fit. Forced mental health screening could also endanger the health of children by leading to more children being improperly placed on psychotropic drugs, such as Ritalin, or stigmatized as "mentally ill" or a risk of causing violence because they adhere to traditional values. Congress has a responsibility to the Nation's parents and children to stop this from happening. I, therefore, urge my colleagues to cosponsor the Parental Consent Act.

HONORING THE NATURE CONSERVANCY OF ILLINOIS ON THEIR 50TH ANNIVERSARY

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. LAHOOD. Madam Speaker, I rise today to voice congratulations to The Nature Conservancy of Illinois in honor of its 50th Anniversary, and for the outstanding conservation work it has accomplished in Illinois. Since its establishment in 1957, The Nature Conservancy of Illinois has acquired, restored and preserved nearly 80,000 acres of natural lands at 120 sites throughout the entire State for the benefit of Illinois citizens.

The Nature Conservancy is a leading conservation organization, with more than 35,000 members in the state of Illinois and nearly 1 million members around the world working to protect ecologically important lands and waters for nature and people. For the past 50 years The Nature Conservancy in Illinois has been an effective, innovative partner in conservation with local, State, and Federal public land management agencies, other conservation not for profit organizations, corporations, foundations and individual private landowners to create science-based conservation solutions that benefit nature and enhance the well being of people who depend on vital natural resources for their lives and livelihoods.

The Nature Conservancy works to improve river life, water quality and restore aquatic ecosystems through projects along the Illinois River including the preserves at Emiquon and Spunky Bottoms, the Cache River in Southern Illinois and the Mackinaw River in central Illinois. By using the best available science, The Nature Conservancy works to conserve our grasslands, prairies, forests at places like Kankakee Sands, Indian Boundary Prairies, Nachusa Grasslands, Chinquapin, and the Illinois Ozarks.

The Nature Conservancy is a founding member of Chicago Wilderness, a consortium of more than 200 public and private organizations working together to protect, restore, study and manage the natural ecosystems of the Chicago region, contribute to the conservation of global biodiversity, and enrich local residents' quality of life. In addition, The Nature Conservancy has spearheaded and supported various state policy initiatives that made meaningful contributions to Illinois natural resource management including public funding initiatives, and the Volunteer Stewardship Network to help public and private landowners manage their lands by removing invasive species, collecting native seeds, conducting prescribed burns, reducing pollution and managing precious parcels of land and waterways, and assisting with environmental youth education programs.

The Nature Conservancy's Board of Trustees and staff use a non-confrontational and collaborative approach to their work with all sectors of society to achieve meaningful conservation results in Illinois. That is why The Nature Conservancy is a leader in raising awareness of the benefits of nature, conservation and sound environmental practices among Illinois communities, elected officials, and the public at large.

I am proud to recognize the contributions The Nature Conservancy has made to significantly improve Illinois landscape and waterways, and congratulate The Nature Conservancy, Illinois Chapter, for its 50 years of conservation work in the State and applaud their efforts across the United States and around the globe to protect and conserve the biodiversity of the Earth.

IN HONOR OF JOSEPH PEZZINI

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. FARR. Madam Speaker, Members of the House, I rise today to honor Mr. Joseph Pezzini, a quiet and unassuming man who has become one of the seminal leaders in our Nation's fresh produce industry. The occasion for this recognition is Joe's departure from the chairmanship of the Salinas, California, based Grower Shipper Association. His work as chairman over the course of the past year, particularly around the issues of food safety, has contributed tremendously to the continued health and vitality of the American fresh produce industry.

Joe is a senior officer with Ocean Mist Farms, the leading U.S. producer and shipper of fresh artichokes. Along with a team of highly skilled and dedicated colleagues, Joe helps produce and ship high quality artichokes, lettuce, broccoli, spinach, and a variety of other specialty vegetable crops. All things that the federal government says we should eat more of. If you have ever eaten an artichoke, Joe likely had a hand in putting it on your plate. If you have never eaten an artichoke, then Joe would like to speak with you. But Joe's business acumen only begins his catalogue of achievements.

In 2006, Joe became president of the Grower Shipper Association, which serves as local and regional voice of the California Central Coast's large and dynamic produce industry. His focus was predominantly on local and regional issues. Then, last year on September 14, FDA advised consumers to avoid eating fresh spinach because it had been linked to an outbreak of E. coli. In a matter of minutes, Joe transformed himself from just a Salinas Valley business leader to the national face of the fresh produce industry. As a prominent spinach producer himself whose product remained unlinked to the outbreak and the Grower Shipper Association chairman, Joe became the natural spokesperson for the produce industry. Every major news outlet in the country wanted to speak with a Salinas Valley farmer. Amid all the commotion and frenzy, Joe remained the calm and credible voice, always speaking to realities of farming and his industry's concern for safety whether to a national news anchor or a local beat reporter. In the months since, Joe has taken a leading role in the produce industry's response to the crisis. He helped shape and now chairs the State of California's new leafy green food safety marketing agreement.

Joe's work has not only benefited the producers in my Central California district, but fresh produce farmers across the country. In recognition of his work, The Packer, a leading Produce Industry trade publication, recently honored Joe as its Produce Man of the Year. This honor is clearly well deserved.

Madam Speaker, please allow me to convey to Mr. Pezzini this body's gratitude for his vision, hard work and grace under fire on behalf of fresh produce consumers and producers everywhere.

IN RECOGNITION OF THOMAS P. CORRIGAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Thomas P. Corrigan, the 2007 Fairview Park Citizen of the Year. Tom has been a tireless advocate for Fairview Park, and has devoted hundreds of volunteer hours in service to his neighbors.

Tom has been an active leader in the community for many years, and has been a fantastic influence in the lives of hundreds of Fairview Park youth. He has provided valuable leadership to St. Angela Cub Scout Pack 401, sponsored School to Work programs for Fairview Park High School and Ohio Boys Town, has coordinated numerous fundraising programs for Fairview Park students, and chaired levy campaigns to ensure that the schools have adequate resources to educate Fairview Park children.

Hardly a person to temper his enthusiasm for his community, Tom has also contributed significant time and resources to Fairview Park's economic prosperity and social growth. For many years Tom served as a board member for the Chamber of Commerce, and currently serves on the board of the Fairview Municipal Foundation. He has been active with the Business Advisory Council, and has been instrumental in the growth and success of Summerfest. He builds benches and playgrounds, chairs golf outings, and even plays the bagpipes.

His dedication to Northeastern Ohio has been an inspiration to all that know him. In addition to being an invaluable asset to Fairview Park, Tom is a doting father to Elisabeth, Rebecca, and Christopher, as well as a loving husband to Jeanne Ann.

Madam Speaker and colleagues, please join me in honoring Thomas P. Corrigan as the 2007 Fairview Park Citizen of the Year. His reliability, thoughtfulness and selflessness have been integral to the success of Fairview Park and the development of the city's vibrant personality. May Fairview Park continue to thrive from his efforts.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Ms. CARSON. Madam Speaker, on Wednesday, May 16, 2007, I was unable to vote on rollcall Nos. 350 and 356. Had I been present, I would have voted "no" on both.

TRIBUTE TO PRUE AND AMI ROSENTHAL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. DINGELL. Madam Speaker, I rise today to pay tribute to Prue and Ami Rosenthal of Ann Arbor, MI. For 30 years the Rosenthals have given much to the City of Ann Arbor and its community. Mr. and Mrs. Rosenthal are the 2007 recipients of the Washtenaw County Jewish Federation's Humanitarian Award, the highest honor the Jewish Federation bestows upon recipients.

The Rosenthals were married in Massachusetts in 1962 and came to Ann Arbor in 1977. For these 30 years the duo of Prue and Ami have served Ann Arbor's Jewish community. Prue has spread her time and efforts among several organizations, such as a volunteer for the Beth Israel Congregation, Hadassah, the Jewish Federation, as well as serving as president of the Hebrew Day School. Prue is also a student of art history and has devoted herself to the University of Michigan (UM) Museum of Art, currently serving on the National Advisory Board and contributing her talent and knowledge to the creation of the new museum. She has also served on the board of the University Musical Society for 7 years, 3 as the Chair.

Ami came to Ann Arbor after he was recruited from Harvard to direct the division of Pediatric Cardiology at the University of Michigan Medical Center. Since then he has established an international reputation for this remarkable program and created a network of 13 pediatric cardiology clinics throughout Michigan, using both his medical knowledge and his personal humor to help patients. He is now instrumentally involved in the development of the new Mott Children's hospital.

Prue and Ami have placed tremendous emphasis on the future of their community and together they helped found Save a Heart Foundation to raise funds for the Pediatric Congenital Heart Center, which has helped young people receive treatment. The Rosenthals have also provided significant funds to education programs at the Museum of Art and the Musical Society and they have a special interest in creating programs for children in Israel that encourage understanding and tolerance. Ami has also greatly impacted many young people at the collegiate level as chairman of the U–M Board of Student Publications and as a board member of the Hillel Foundation. In addition to all that the Rosenthals have done both professionally and philanthropically, they also have three sons and three grandchildren. Family is at the center of the Rosenthal's lives and they are intensely involved in their extended family as well.

I thank the Rosenthals for all that they have done for the Ann Arbor community. They serve as an example of all that individuals can do to help the greater good. This award is a tremendous accomplishment and it is certainly well deserved. For all that they have done and for the great love they have shown to Ann Arbor, I salute the Rosenthals and extend my appreciation to them for their great contributions to the people and institutions of their community.

TRIBUTE TO NILES TOWNSHIP HIGH SCHOOL DISTRICT 219 FINE ARTS AND PERFORMING ARTS PROGRAM

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Ms. SCHAKOWSKY. Madam Speaker, today I rise to congratulate Niles Township High School District 219, which is in the Ninth District of Illinois, for being named the best fine and performing arts program in the United States by the Kennedy Center for the Performing Arts. District 219 was singled out for its outstanding arts education programs on April 17 when it was presented with the 19th annual Kennedy Center Alliance for Arts Education Network and National School Boards Association Award at the National School Boards Association annual conference in San Francisco. Since 1989, only 38 school boards in 23 States have received this prestigious award, which recognizes achievements in arts education, from the Kennedy Center.

The Niles Township High School District 219 does not take arts education for granted. District 219 recognizes that it is fortunate to be able to dedicate $2.1 million—or 4.5 percent—to the art programs. Students are given the opportunity to take a range of classes and instruction and even drive the arts curriculum that is offered.

With such commitment to the arts by the school, faculty, and students, the arts programs continually receive honors and awards from noteworthy organizations. For example, Niles North High School, located in District 219, has been honored three times with the National Academy of Recording Arts and Sciences, NARAS, designation as a Grammy Signature School. District 219's theater programs have been invited twice by the American High School Theater Festival to perform at the Fringe Festival in Edinburgh, Scotland. And, numerous arts teachers have received "teacher of the year" honors.

Madam Speaker, I am so proud of District 219 because it understands the importance of bringing the wonders of the arts to a broader community, especially to our young adults. Niles Township High School District 219 is truly a model for arts education in Illinois and nationwide. Once again, I congratulate them on their latest achievement.

[From the Chicago Tribune, Apr. 25. 2007]

One Fine Fine-Arts Program: Schools' Dedication Pays Off in a National Award for Programs and Immeasurable Benefits for Students

(By Lisa Black)

On any given day at Skokie's two public high schools, you might find a student stretching goat skin over a hand-crafted drum, or a math class learning geometric concepts through art mosaics.

A fashion class could be designing costumes for the schools' elaborate plays and musicals, while others listen to a renowned resident artist.

At Niles North and Niles West High Schools, the diverse collection of students celebrates the arts with a passion more in keeping with the reverence for football in West Texas.

At home, more than half the students speak a language other than English—led by Korean, Urdu, Assyrian, Spanish, Tagalog and Russian—yet when it comes to the arts, they share a language.

Now, the Kennedy Center for the Performing Arts in Washington, D.C., has singled out Niles Township High School District 219 and its school board for having the nation's best arts program, calling it "a model for arts education in Illinois and throughout the country."

The Kennedy Center presented the award, along with $10,000, during the National

School Boards Association's annual conference in San Francisco last week.

"It's an amazing accomplishment," said Lori Real, fine-arts teacher at Niles North, as her students painted on silk screens. She pointed out handcrafted African instruments, called doumbek drums, that her students also are working on.

"The arts provide that hands-on experience our students crave," Real said. "It's that hands-on experience of connecting with yourself. I think we're kind of a disconnected society now."

The Kennedy Center for the Performing Arts is a public-private partnership that has given out the award for 19 years, basing its decision on a school district's quality and breadth of programs, student involvement and parent support, quality of teaching, and partnerships with the community.

Students filled the gymnasiums at both Skokie campuses Friday, cheering student artists, actors, musicians, dancers and their teachers.

"This is the first time I think we had a fine-arts assembly," said a delighted school board President Robert Silverman. "The kids in fine arts were on the gym floor being recognized. I think it made them feel terrific."

While athletes may rule the roost at other schools, in District 219, it's the arts students who get the most attention.

"It's nice to have a few of my jock friends come to see a production and really be blown away," said Clayton Fox, 18, of Skokie, president of the Niles North Thespian Troupe.

The arts have long been treasured in District 219, but in 2004 the school board decided to push the program to a higher level by creating a position of fine-arts director. Before that, the position combined the job of director for the English and Fine Arts Departments, officials said.

The 4,800-student district pulls from a robust tax base in Skokie, Lincolnwood, Morton Grove and Niles and devotes $2.1 million—or about 4.5 percent of its annual instructional budget—to the arts. That's about $442 per student, according to district figures. That compares to arts spending of 2 to 3 percent of school budgets statewide, according to a 2005 survey of school administrators.

In 2006 District 219 spent $17,422 per pupil in operating expenses, ranking it third among all districts in statewide. High school districts spent an average $12,365 per pupil, according to the Illinois State Board of Education.

Within the past two years the District 219 equipped both schools with $250,000 fine-arts resource laboratories, each with 25 computers, keyboards, a teacher workstation and specialized art and music software. Before that, the district completed black box theaters at each school. They are small, unadorned rooms with dark floors and curtained walls that provide an intimate and versatile performing space.

Some District 219 teachers and students said they felt a bit guilty about the award, because it reminds them of the disparities between their school and the less affluent. Real, who taught in the Chicago Public Schools for 12 years, said District 219 participates in student exchange programs with inner-city schools.

The Kennedy Center judges noted that the depth of courses allows students to take art classes during all four years of high school and that many programs are student-driven, said Barbara Shepherd, director of the center's national partnerships division.

On a recent afternoon at Niles North, students in jeans and flip-flops plunked down on band room chairs, lifted their stringed instruments and dove into a Brahms piece. Their no-nonsense orchestra director, Pam Hendrix, grabbed a late slip from a new arrival without missing a stroke of her baton.

The district has just added guitar lessons and digital piano to its music program, "filling a niche for students who don't fit into traditional band and choir," Hendrix said later. "The kids want to jam."

In the same classroom wing, Tim Ortmann led a drama class for students with physical and mental disabilities in the black box theater.

Ortmann, the school's theater director, led his students through sweeping motions and vocal exercises, prompting giggles when he asked students to say, then sing the phrase, "Open-Pit barbecue sauce."

"Do I have to come and push your tummy?" he joked when one student's song came out high-pitched and breathless.

Niles North and Niles West students present about eight musicals and plays at each campus per year, designing their own costumes and sets. The theater program has twice been invited by the American High School Theatre Festival to perform at the Fringe Festival in Edinburgh, Scotland.

Students said they are thrilled, but not surprised, that their district won the Kennedy Center award.

Sari Weintraub, 17, a junior at Niles West who plays oboe, described her school's concerts as a multimedia affair, complete with audiovisual presentations and musicians who move around the auditorium for a "surround sound" effect.

"He likes to incorporate everything," she said of her band director.

"It keeps people from getting bored."

Fox was one of three students chosen as a member of the Niles North "director's circle" this year.

After being selected through an extensive audition, the circle members produce and perform the first play the following school year. In return, they serve the theater department, completing tasks and mentoring other students, throughout the rest of the year. "He will push you as far as you can possibly go," Fox said. "He wants you to be the best. And once you get there, no one will give you more respect than he will. It's tough love. He wants to see us succeed."

TRIBUTE TO RABBI JONATHAN JAFFE BERNHARD

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. BERMAN. Madam Speaker, I rise today to pay tribute to my good friend Rabbi Jonathan Jaffe Bernhard in recognition of his installation as Senior Rabbi of Adat Ari El. As a long-time member of the synagogue, I know firsthand of his excellent work and outstanding accomplishments, and have been the beneficiary of his ability to offer solace and comfort at difficult times.

Jonathan Bernhard was born in Great Neck, Long Island, NY. From age seven to fourteen, he lived with his parents in London and then they returned to make their home in Manhattan. His interest in Judaism was sparked by reading Elie Wiesel's book, "Night." While attending Haverford College, he majored in religious studies and he also worked on a Kibbutz. After receiving his BA in 1988, he traveled to Los Angeles to attend Brandeis-Bardein Summer Institute and then continued extensive studies at Yeshiva (Yeshivat Hamivtar) in Efrat on the West Bank.

Jonathan's experiences in Israel inspired him to become an observant Jew. He wanted to become a professor of religion when he moved back to the United States. While living in Boston, he rekindled his friendship with Laurie Jaffe who encouraged him to pursue the rabbinate. They met at Brandeis-Bardein Institute in California in 1988.

Upon completing his studies at the Jewish Theological Seminary, Rabbi Bernhard was ordained in 1996 and took a position at Adat Ari El. Adat Ari El is in the heart of my congressional district and was the first conservative synagogue in the San Fernando Valley. Rabbi Bernhard is at the spiritual center of the Congregation and deserves commendation for his dedication to Jewish principles, education and culture. He continues to create and maintain a wonderful sense of Jewish community by helping provide an Early Childhood Center, Day School, Religious Schools, Adult Education and Sisterhood programs as well as Holiday services, daily Minyan services and the life cycle services (weddings, funerals, baby namings, bar/bat mitzvahs, unveilings).

Jonathan and Laurie married in 1992 and they are proud parents of three sons, Nathaniel, Micah and Elijah.

I ask my colleagues to join me in saluting and honoring Rabbi Bernhard for his invaluable role at Adat Ari El and within the Jewish community, and wishing him our fervent hope for continued success.

IN RECOGNITION OF RICHARD BERNSTEIN, THE JEWISH COMMUNITY RELATIONS COUNCIL'S 2007 ACTIVIST OF THE YEAR

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. KNOLLENBERG. Madam Speaker, I want to recognize the accomplishments of Richard Bernstein and congratulate him as he receives the Jewish Community Relations Council's Activist of the Year Award for 2007. His unparalleled dedication to upholding and defending the rights of the disabled is a priceless commodity to the citizens of the State of Michigan.

Mr. Bernstein has been an inspiration to many throughout his career. Blind since birth, he is a graduate of the University of Michigan and Northwestern University Law School and currently serves as an attorney with the Law Offices of Sam Bernstein in Farmington Hills. His tireless work ethic and advocacy for disabled rights and the public interest has ensured that the disabled have an equal footing with the entire community. His penchant for running marathons epitomizes his work ethic; he does not shy away from daunting tasks and knows how to finish them.

I am proud to have been able to work with Mr. Bernstein to help blind and dyslexic students to access textbooks and keep up with students that can read the printed word. After securing federal funding, Mr. Bernstein and I were able to work together with the Recording for the Blind and Dyslexic—Michigan Unit to provide blind and dyslexic students access to audio texts so that they can learn and succeed in school, providing them with the knowledge and skills to find jobs after graduation. This important work underscores Mr. Bernstein's commitment to helping the disabled achieve an equal footing in our society.

Madam Speaker, Richard Bernstein has been and will continue to be a pillar for our community. I congratulate him upon receiving this well-deserved award and look forward to working with him in the future as he continues to devote his work to bettering the lives of so many.

HONORING THE LIFE AND SERVICE TO THE UNITED STATES OF AMERICA OF ARMY SPECIALIST JOHN D. FLORES OF GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Ms. BORDALLO. Madam Speaker, I rise today in remembrance and recognition of United States Army Specialist John D. Flores of Barrigada, Guam. Specialist Flores died on May 3, 2007, as a result to injuries sustained when his unit came under attack in Baghdad, Iraq. SPC Flores was 21 years old. He is the tenth son of Guam to make the ultimate sacrifice for his country in the ongoing war on terror. The loss of an outstanding soldier like Specialist Flores is grave for the entire Nation. But the pain of John's passing is most severely felt by Guam and its people—his beloved home and neighbors.

SPC John Flores was a fine soldier who, like many before him from Guam, served the United States and our community with selfless dedication. He answered our country's call to duty and he made the ultimate sacrifice in our defense.

John was not only a dedicated soldier, but also a kind and generous person, a devoted husband, and a loving father. He had been married to his wife Charlene for just over a year. They graduated together from George Washington High School in 2004. John was immensely proud of, and loved dearly, his daughter, Chloe. His family will always remember him being a young man who celebrated life to its fullest and one who possessed maturity beyond his years. His love for his family, his devotion to his island, and his dedication to his country and flag will always serve as an outstanding role model for and inspiration to his family, friends, and future generations of Guam soldiers.

I was deeply saddened to learn of Specialist Flores's passing, as I have been for all of the servicemembers from our island and communities across the United States who have given their lives in service to our country. I join the people of Guam and all Americans in offering my most sincere condolences and heartfelt prayers to SPC John Flores' family, friends, and fellow soldiers during this difficult time. In particular, on behalf of a grateful country, I extend my deepest sympathies to John's wife, Charlene, and his daughter, Chloe. Our country and our island owe Specialist Flores and his loved ones an unpayable debt of gratitude for the sacrifice they have made on our behalf.

John was an admirable son of Guam, a proud American soldier. He proved that he was willing and prepared to defend his country and his home island, no matter what the price. He lost his life in the noble effort to rebuild a nation in freedom so that others might some day know the joys of liberty and justice. And for that sacrifice, we are eternally grateful. God Bless John Flores, and God Bless our great country, the United States of America.

TRIBUTE TO JUSTICE JOSEPH RATTIGAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Ms. WOOLSEY. Madam Speaker, I rise with sadness today to honor my good friend and respected mentor, Justice Joseph Rattigan, who passed away after a long illness on May 12, 2007, in Santa Rosa, California. He was 87 years old.

Joe Rattigan is a legend in Sonoma County and in California. During a long career as an activist, a civic leader, a State legislator, and a jurist, he earned respect from all whose lives he touched, whether political ally or rival. Known for his eloquence, wit, intelligence, and passion, this remarkable man always had time for people and their concerns. He mentored other lawyers and judges as well as generations of Democratic politicians. In fact, his counsel meant a great deal to me when he unexpectedly volunteered his support in my first congressional primary with a field of nine candidates. His endorsement—unsolicited, unequivocal and from the man widely respected as the dean of Sonoma County politics—instilled in me the confidence I needed to succeed.

Born in 1920, Joe grew up in politics in Washington, DC, where his father was a law partner with Senator O'Mahoney from Wyoming. He attended Catholic University and, after graduating in 1940, worked briefly for the Department of Agriculture before joining the Navy to fight in World War II. He served as an intelligence officer and then commanded a PT boat in the Pacific, earning a decoration for heroism in combat.

After the war, Joe enrolled in Stanford Law School, graduating in 1948. He was part of a post-war generation of young lawyers who settled in California at that time and made their mark on a booming State. He soon joined a Santa Rosa law firm and plunged into local affairs and Democratic politics. He served as president of the Sonoma County Bar Association, county chairman for Adlai Stevenson's 1956 Presidential bid, and a member of the Santa Rosa Board of Public Utilities.

Joe jumped into electoral politics on his own behalf in 1958. He became the youngest State senator in the county's history at age 38, as the Democrats took back the legislature and Edmund G. "Pat" Brown became governor, ushering in a new golden era for the California. He served two terms, authoring or co-authoring several key bills, including measures establishing medical care services for the elderly, a model for the Federal Medicare program, the Department of Rehabilitation, and the State university system. In 1960, his last minute maneuvering created Sonoma State College, later University, which is now an integral part of the county as well as of the State's education system.

During his time in the legislature and his subsequent 18 years as a justice on the Court of Appeal for Northern California, Joe fought for the oppressed. Having grown up in a segregated city, he was fiercely opposed to discrimination. He supported the controversial Rumsford Fair Housing Act which ended the use of restrictive covenants in housing. He also carried the one-man, one-vote reapportionment measure that altered the way state senators were elected even at a personal cost. This measure split Sonoma County into two districts, causing Joe to lose his seat.

Principle always came before politics with Joe Rattigan. He fought against the death penalty, attempting to save convicted felon Caryl Chessman when he was a freshman senator. It is widely believed that his principled opposition cost him a seat on the State Supreme Court. During his time as an appellate justice, however, he continued to make a mark on California; for example, he supported separation of church and state (despite his Catholic upbringing), championed a first in the Nation requirement for cities and counties to adopt general plans, and wrote a decision overturning Black Panther Party leader Huey Newton's murder conviction, which was later upheld.

Joe is survived by Elizabeth (Betty), his wife of 65 years, whom he met in the second grade, by his 6 children—daughters Catharine Kalin and Anne Paine and sons Michael, Thomas, Patrick, and Timothy Rattigan—as well as 12 grandchildren.

Madam Speaker, this week Sonoma County residents mourn the passing of Joseph Rattigan. Whether people agreed with him or not—and many in the far more conservative Sonoma County of the 50s and 60s did not—he was respected for his integrity, his political acumen, his sharp legal mind, and a heart as big as the Golden State. In 1997, the State building in downtown Santa Rosa was named the Joseph Rattigan State Building. I would hope that those who pass who pass through its doors into the bright sunlit foyer will stop for a moment and consider the greatest legacy of Joseph Rattigan: A life that demonstrated that good government isn't only desirable, it is possible.

INTRODUCTION OF FOREIGN PIRACY RESOLUTION

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. GOODLATTE. Madam Chairman, as co-chairman of the Congressional International Anti-Piracy Caucus, I rise today to introduce, along with my fellow co-chairman, Representative ADAM SCHIFF, this resolution calling on foreign governments to lead by example in the fight against copyright piracy.

Our Nation's Framers had the foresight to place language in our Constitution to protect creators' inventions and works. Article I, Section 8 of the Constitution lays the framework for all of our intellectual property laws. Because the United States has been the pioneer for intellectual property protections, it is no surprise that the copyright industries are so successful and are so crucial to our national economy. The U.S. copyright industries have created millions of high-skilled, high-paying U.S. jobs and have contributed billions to our economy.

However, widespread piracy is taking its toll on the copyright industries. Copyright piracy results in billions of dollars in lost revenue for the U.S. copyright industries each year and even greater losses to the U.S. economy in terms of reduced job growth and exports. Much of the piracy these industries are facing is in foreign countries, and portions of this foreign piracy are attributable to unauthorized software use by government agencies, as well as the use of official government computers and networks to commit all types of copyright infringement.

While the United States is the world's leader in intellectual property protections, the problem does not stop at our borders. Piracy in today's economy is a global problem. We must encourage other countries to enact and enforce strong intellectual property laws in order to fully protect America's inventors and authors.

Foreign governments would do well to start by setting an example and denouncing piracy within their own agencies. One particularly disturbing trend is the growing willingness of many foreign governments to condone the use of, and even use, pirated materials. At its best, government sets the standards for the protection of rights. At its worst, government encourages and even participates in the breach of those rights.

Today, I am introducing this resolution to call on all foreign governments to publicly denounce pirated products. Specifically, this resolution calls on foreign governments to follow the example set by the United States to discourage software piracy by the government, and to prevent the use of government computers to facilitate other types of piracy. Specifically, our resolution calls on foreign governments (1) to stop using unauthorized software, (2) to enact usage policies for government computers and networks that will prevent all types of copyright piracy over their systems, and (3) to make these efforts to combat piracy in government public to their citizens.

It is my hope that this resolution will send a strong message to foreign governments to lead by example and set the standards regarding intellectual property protection for their countries.

I urge each of my colleagues to support this commonsense resolution.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. SHAYS. Madam Speaker, on May 16 and 17, 2007, I was participating in the World Economic Forum in Amman, Jordan and, therefore, missed 14 recorded votes.

I take my voting responsibility very seriously. Had I been present, I would have voted "no" on recorded vote number 364; "no" on recorded vote 365; "no" on recorded vote 366; "yes" on recorded vote number 367; "no" on recorded vote 368; "yes" on recorded vote 369; "yes" on recorded vote number 370; "no" on recorded vote 371; "yes" on recorded vote 372; "yes" on recorded vote number 373; "no" on recorded vote 374; "no" on recorded vote 375; "no" on recorded vote number 376; and "no" on recorded vote 377.

IN HONOR OF THE TREMENDOUS PUBLIC SERVICE OF FRED WINKLER

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to the tremendous public service of Fred Winkler of Hillsdale, New Jersey. At 80 years old, he is the longest-serving volunteer in the Hillsdale Fired Department and he shows no signs of slowing down.

Fred Winkler joined the fire department about 60 years ago when he returned from his service in the Navy Air Corps during World War II. He helped to start their ambulance corps and served as the fire department's chief in 1956 and president in 1958. His extraordinary dedication to the Hillsdale Fire Department earned him the Firefighter of the Year award in 1982.

In addition to the time he devotes to the fire department, Fred Winkler is also committed to his role in other parts of his community. He helped to start a fishing program for young people through his involvement with Friends of the Pascack Brook. He is active with the veterans' community through his local American Legion. And, Fred Winkler spent 10 years helping to renovate the landmark Hillsdale Railroad Station.

About 10 years ago, the borough of Hillsdale honored Fred Winkler for his true sense of service to his community by naming a street after him. This coming Sunday, the Hillsdale Fire Department will honor him with a firehouse open house. It is a great privilege to join his proud neighbors in honoring the shining example of public service that is the life of Fred Winkler and I commend him for his dedication to his community.

RECOGNITION OF PATHWAYS TO POSITIVE AGING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. STARK. Madam Speaker, I rise today to pay tribute to Pathways to Positive Aging, a collaborative project between the city of Fremont California's Human Services Department and the Tri-City Elder Coalition. This exciting Robert Wood Johnson funded project is helping seniors and communities to make choices for a healthier future. This community plan enables all older adults living in the Tri-City area of Fremont, Newark and Union City, California to understand, choose and access culturally enriched affordable services and opportunities that enhance their quality of life.

The Tri-City Elder Coalition is comprised of over 60 organizations and individuals including health care and long-term care providers, community and government agencies, faith-based/cultural organizations, senior service organizations, universities, elected officials and older adults.

The city of Fremont and the Tri-City Elder Coalition have identified five initiatives that support the health, well-being and independence of older adults. These include increased access to older adult services, increasing and sustaining older adult mobility, increasing the capacity of community groups to serve all older adults, and fostering cross cultural and intergenerational exchange that create meaningful opportunities for older adults.

Pathways to Positive Aging will focus on older adults who are at increased risk of disability due to poverty, race, ethnicity, chronic illness or advanced age as well as older adults with physical or cognitive impairments who require long-term care and supportive services.

It takes a community to support successful aging. Pathways to Positive Aging is a community partnership focused on improving long-term care and supportive service systems to meet the current and future needs of older adults.

I applaud the city of Fremont Human Services Department and the Tri-City Elder Coalition for meeting the challenge to build a community that is safe and welcoming; one that respects diversity and values senior participation; a place where information is easily available for all seniors; where seniors can be actively involved and where cultures and generations come together to support one another.

Pathways to Positive Aging will bring awareness, acceptance and a call to action that will embrace the aging process for all Tri-City residents. I join the community in thanking the city of Fremont Human Services Department and the Tri-City Elder Coalition for their commitment and dedication to make a positive difference toward successful aging.

HONORING THE 17TH ANNUAL DC BLACK PRIDE CELEBRATION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Ms. NORTON. Madam Speaker, Memorial Day Weekend, May 23–27, is the 17th Annual Black Pride celebration in Washington, DC.

DC Black Pride is an exciting 5-day event complete with dynamic workshops, receptions, cultural arts activities, small and large nightclub events that culminates in the world's oldest, most inclusive Black Pride Festival in the Washington Convention Center. Many consider DC's festival one of the world's preeminent Black Pride celebrations. The festival consistently draws more than 30,000 people to the Nation's Capital. Attendees come from every major urban area in the United States as well as Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands. The Black Pride Festival features activities for the entire family, including performances by national recording artists, 200 exhibition booths, book signings from noted writers, participation from national and local health organizations, and arts and crafts.

Black Lesbian and Gay Pride Day, Inc. (BLGPD), the celebration's organizing body, chose the theme "Black All Over: Liberty-Unity-Strength" to encourage the Black lesbian, gay, bisexual, and trans gender (LGBT) community to work together towards combating homophobia, promoting health and wellness, strengthening their community, and encouraging Black LGBT people everywhere to live their lives with pride.

Black Lesbian and Gay Pride Day, Inc., a non-profit organization with a volunteer Board of Directors, coordinates this annual event. BLGPD's 2007 Board consists of James W. Hawkins, President; Ray Daniels, Vice President; Janisha Gabriel, Secretary; Lisa Washington, Treasurer; and the following Members at Large: Donovan Anderson, Khalid Parker, Courtney Snowden, Sterling A. Washington, Shanika Whitehurst, DaJuan Xavier; and these Members Emeritus: Earl Fowlkes, Eric E. Richardson, Clarence J. Fluker, and Cheryl Dunn, who lead BLGPD in its mission to build knowledge of and to create greater pride in the Black LGBT community's diversity, while raising funds to ameliorate and prevent health problems in this community, especially HIV/AIDS.

I ask the House to join me in welcoming all attending the 17th annual DC Black Pride celebration in Washington, DC, and I take this opportunity to remind the celebrants that United States citizens who reside in Washington, DC, are taxed without full voting representation in Congress.

HONORING THE LIFE AND SERVICE OF PAUL JOSEPH BORDALLO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Ms. BORDALLO. Madam Speaker, I rise today to recognize the life of Paul Joseph Bordallo, a leader whose service to Guam as a senator, a businessman, and as a community activist, leaves an indelible mark in the history of our island and will be remembered for many years to come. Paul passed away on May 12, 2007, leaving his wife, the former Arlene Perez Bias; his children, Penelope, Oliver, Renata, Jonathan, Paul, Alethea, and Rosalia; his grandchildren, and a large extended family, which includes myself. Paul was my brother-in-law, the younger brother of my late husband, Ricardo J. Bordallo, the sons of Balthazar J. Bordallo.

But Paul did not stand in the shadow of his father or brother. He cast a very long shadow of his own, in both the business and political arenas on Guam. Paul Bordallo was a statesman and a visionary in his own right and our island has lost a truly great man.

The impact of his ideals and accomplishments has been profound and lasting. Paul was proud of his Chamorro heritage and was a staunch proponent of indigenous civil, political, cultural, and land rights, but he did not clamor for attention to these issues. Where other activists sought action through protests and demonstrations, Paul instead worked diligently to address and secure these rights through the political process. He was a soft-spoken intellectual who relied on reason and logic to make his point.

As a member of the 11th and 12th Guam Legislatures, Paul authored the Chamorro Land Trust Act, which reserves public land for the use and benefit of Guam's indigenous people; the Guam Historic Preservation Act and the law making English and Chamorro the official languages of Guam. He co-authored the Guam Territorial Seashore Protection Act and the Ocean Shore and Territory Beach Access Act, mandating public access to all beaches and shorelines. He co-authored legislation to establish the first Political Status Commission, which sought to address the still-unresolved issue of political self-determination for the people of Guam. Paul was a member of the Commission on Self-Determination, which crafted Guam's Draft Commonwealth Act, a proposed transition which was to culminate in a final political status for Guam. Paul was the author and major proponent of the provisions for the Chamorro only vote and a political relationship with the United States based on mutual consent. These issues remain highly controversial, even to this day, and although Paul played a pivotal role in advancing them, his insight and his wisdom won him the admiration and respect of many in our community.

As evidenced by his legislative agenda, Paul Bordallo's love for Guam's natural environment was visionary and uncompromising. In the 1970s, he was instrumental in the efforts which thwarted the Navy's plans to condemn land surrounding Sella and Cetti Bays, two of Guam's most scenic vistas and visitor attractions, for a new ammunition wharf. This ultimately resulted in the construction of the new ammunition wharf on Orote Peninsula, land already controlled by the Navy, and the release of the old ammunition wharf, on Cabras Island, to the civilian government for development of its ocean freight capacity. Although ahead of his time, Paul's opposition to the condemnation of additional land for military purposes paved the way for cooperative efforts between the federal government and the people of Guam to resolve land issues.

Paul served on the board of the Guam Memorial Hospital for 9 years, from 1961 to 1970, including three terms as board chairman. In the wake of Supertyphoon Karen, Paul served on the Small Business Administration's Disaster Loan Board from 1963 to 1966. Paul also served as the Chairman of the Board of Directors of the Guam Economic Development Authority from 1996 to 1998. He was an advisor to the National Trust for Historic Preservation in Washington, DC, and a long-time member of the Democratic Party of Guam, the Guam Chamber of Commerce, and the Guam Visitors Bureau.

As class president, Paul graduated from Guam's George Washington High School in 1948. He attended St. Mary's College in Moraga, California, with a 4.0 grade average. He then transferred to Stanford University and, as a member of Phi Beta Kappa, graduated cum laude with degrees in economics and anthropology in 1952. He earned a master's in business administration and finance from Harvard University's School of Business in 1954. Upon returning to Guam, Paul went to work for Guam Savings and Loan Association, headed by Joseph Flores. He was drafted into the army in 1956 and served for 2 years. In 1959, he started his own business, Family Finance Company, Incorporated. An avid boater and fisherman, he also established Marianas Boats and Motors, Inc., to serve Guam's boating and fishing community. Both firms are still in business today.

Despite his failing health in recent years, Paul remained a pillar of strength and courage for the entire Bordallo family. I often turned to him for his wisdom and good judgment. We all will miss him dearly and we find solace in knowing that the people of Guam join us in mourning his passing and honoring his memory.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Ms. DELAURO. Madam Speaker, I was unavoidably detained and so I missed rollcall vote No. 328 regarding "Holding a Secret Session." Had I been present, I would have voted "no".

IN RECOGNITION OF GLYNNA COLE

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. LAMBORN. Madam Speaker, I rise today to recognize Mrs. Glynna Cole on the occasion of her reelection as American Legion Post Commander at Post 5 in Colorado Springs. The first woman ever to hold this office at Post 5, since it was founded in 1919, Mrs. Cole joined the Women's Army Corps in 1964.

Mrs. Cole has contributed a lifetime of honorable service to the Armed Forces. Assigned to the Pentagon at the start of her career, Mrs. Cole went on to work at the Draft Board in Stanton, Texas, the Army Reserves, and the Air Force Academy in Civilian Personnel until her retirement in 1995.

Like so many great Americans, Mrs. Cole has continued, in retirement, to make a positive contribution to society. She is an active member in several groups and organizations including the Worthy Matron Order of the Eastern Star and Daughters of the Nile, and was President of both the Auxiliary Aerie 3260 and Women's Army Corps Veterans Chapter. In 2004, she became Adjutant at the American Legion Post 5 and was first elected Post Commander in 2006. Mrs. Cole is both an asset to our Colorado Springs community and to our Nation, and I am honored to recognize her today.

REQUESTING A NAVAL ROTC PROGRAM AT UNIVERSITY OF MIAMI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to express my strong support for a Naval Reserve Officer Training Corps program at the University of Miami. The students at this prestigious university deserve the opportunity to engage in this tremendous program. Located in South Florida the university provides an ideal location to offer a quality program that can utilize many of the resources that are within close proximity. The success of Army and Air Force ROTC programs at the university are clear indicators of the interest and dedication the students have to serving our country in the Armed Services. A program at the University of Miami would be an incredible addition to the proud tradition of the Naval Reserve Officer Training Program, and so I request that my colleagues support this amendment.

HONORING MR. AND MRS. JOSEPH AND SANDRA MORROW FOR THEIR SERVICE AND DEDICATION TO THE NORTHWEST INDIANA COMMUNITY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great respect and sincerity that I take this time to honor Mr. and Mrs. Joseph and Sandra Morrow of Schererville, Indiana. On Wednesday, May 23, 2007, Joe and Sandy will be honored by the Calumet Council, Boy Scouts of America for their many years of service and many contributions to their community. The Calumet Council will be honoring Joe and Sandra at the 2007 Distinguished Citizens Dinner, which will be held at the Center for Visual and Performing Arts in Munster, Indiana.

Joseph Morrow, originally from Huntington, Indiana, has always proven himself to be a dedicated member of the Northwest Indiana community. From a very young age, Joe realized the need for community participation and joined the Boy Scouts, where he would eventually attain the rank of Life Scout. After graduating from Huntington High School in 1949, Joe continued his commitment to his community and country as he enlisted and served in the United States Air Force from 1950–1954. From there, Joe went on to further his education and decided to pursue a career in the legal profession. Upon graduating from law school in 1958, Joe entered the practice of law. From there, the law firm of Schroer, Eichhorn, and Morrow emerged, where Joe remained until 1979. At that time, Joe left the firm and was named Chairman of Mercantile National Bank of Indiana, First National Bank of Illinois, and Home State Bank of Crystal Lake, Illinois, as well as President of the Lake Commercial Group.

Throughout the years, Joe has been a constant fixture in his community. He serves or has served in various capacities on the boards for many organizations, including: Indiana Bond Bank, Hoosier Boys Town, Northern Indiana Arts Association, Trade Winds Rehabilitation Center, Calumet Council—Boy Scouts of America, Indiana University Northwest-Chancellor's Advisory Board, Indiana University-Purdue University Calumet Region Campus Advisory Board, Purdue University Calumet-Chancellor's Council, Northwest Indiana Urban League, Gary Accord, Campaign America, Hammond Bar Association, Community Foundation of Northwest Indiana, Munster Medical Research Foundation, Indiana University Foundation, Indiana University Varsity Club, First National Bank of Illinois, Home State Bank, and the Audubon Country Club Foundation.

Sandra (Murray) Morrow, a native of Hammond, Indiana, has always shared the same compassion and willingness to serve her community. As a child, Sandy was always involved in community-oriented activities, such as the Brownies and Girl Scouts, and she attended Camp Paxton for summer camp. Upon her graduation from Hammond High School, Sandy went on to Indiana University, where she earned her Bachelor of Science degree in speech and hearing therapy. In 1956, she and Joe were married, and she continued to teach, traveling between Indianapolis, Bloomington, and Hammond.

Sandy's lifelong commitment to her community is an inspiring testament to her character. Sandy, like her husband, has served in many capacities with many organizations in the Northwest Indiana community, including: President of the Service League of Hammond, the Women's Board of the Bethany Home for Girls, the Women's Board of Hoosier Boys' Town, and she served on the boards for the Northwest Indiana Symphony, Beta Gamma Upsilon Sorority, Audubon Country Club, and the South Shore Arts Board.

While they remain truly committed to the Northwest Indiana community, Joe and Sandy's greatest enjoyment is the time spent with their beautiful family. The couple has one son, Chris, and one daughter, Gale Morrow Crabtree, as well as four adoring grandchildren.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in congratulating Mr. and Mrs. Joseph and Sandra Morrow as they are honored for their service and dedication to the Northwest Indiana community. Their years of service have touched and improved the lives of countless individuals. Their unselfish and lifelong dedication is worthy of the highest commendation, and I am proud to represent them in Congress.

IN HONOR OF THE OPENING OF THE KAPLEN FAMILY SENIOR RESIDENCE IN RIVER VALE, NEW JERSEY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today in honor of the opening of the latest addition to the Bergen County Jewish Home Family, the Kaplen Family Senior Residence in River Vale, New Jersey. The local Jewish community has worked hard to plan and prepare for this home for more than a decade, and its doors are being opened to great exuberance.

Assisted living homes have become a very popular option for senior living. More and more families are working to care for young children and aging parents simultaneously. Assisted living facilities offer a loving and supportive environment for seniors. Families can rest easy that their parents are being cared for in a homestyle environment. And, seniors can have the independence they desire, knowing all the while they have access to quality medical and life services that they may need.

What sets this assisted living home apart from others is that it is the first to offer a kosher environment. I commend Bill and Maggie Kaplen and the Kaplen Foundation for taking the initiative to meet this community need and to make this dream a reality.

I've worked for years with the Jewish Home community in Bergen County. With each visit to the Jewish Home in Rockleigh, I have encountered friendly, thoughtful staff and happy, content residents. I am certain that this newest facility will offer the same caring environment and neighborly feel.

RECOGNIZING THE ACCOMPLISHMENTS OF DAVID HEARN

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Ms. NORTON. Madam Speaker, I rise today to recognize the achievements of one of my constituents, David Hearn, who will retire this month after almost 46 years as the organist for St. Paul's Lutheran Church here in the District of Columbia.

For more than four decades, Mr. Hearn has graced the congregation of St. Paul's and this city with classical and religious music including hymns, spirituals, and music from other lands.

Mr. Hearn's love of church music was influenced early by his mother, a singer and choir director, as well as his father who had a fine tenor voice. He earned a music degree from Ashland University in Ohio and a graduate degree from Case Western Reserve University in Cleveland. He also completed summer courses at Oberlin College and Baldwin Wallace Conservatory in Ohio.

After a stint in the Army, Mr. Hearn came to the Washington area when offered a teaching contract in the Montgomery County school system. While there, he taught in all grades and eventually became Choral Director and Head of the Music Department at Wheaton High School. Under his direction, the choir performed in many local venues, including St. Paul's. They also traveled widely and were honored to sing a Sunday morning service at Old North Church in Boston during the Bicentennial year celebrations. The Madrigal singers also sang in Montreal, Boston, and Washington Cathedral.

When Mr. Hearn became Music Director at St. Paul's on a snowy Sunday morning many years ago, he played a small Hammond organ in the chancel of the church. As the church grew and prospered, Mr. Hearn led the effort by the church to acquire the impressive Shantz pipe organ that today attracts prominent organists from around the country for recitals.

In addition to directing the St. Paul's choir and participating in services for decades, Mr. Hearn has hosted innumerable choirs and solo artists at St. Paul's for performances that have touched the lives of countless District residents. He has placed a special emphasis on developing the talents of gifted young singers and musicians and providing them with an opportunity to perform for appreciative audiences.

Mr. Hearn has spent decades enriching the cultural and religious life of District residents. I am pleased to join the congregation of St. Paul's Lutheran Church in recognizing Mr. Hearn's service to his church and contributions to our community as he begins a well deserved retirement.

INTRODUCING THE MEDIKIDS HEALTH INSURANCE ACT OF 2007

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. STARK. Madam Speaker, it is with great pride that I rise today to introduce the MediKids Health Insurance Act of 2007, legislation to provide universal health coverage to our Nation's children.

In February, I was appalled when the Washington Post reported that 12-year-old Deamonte Driver passed away because his mother could not afford a basic dental procedure. An untreated infection in Deamonte's molar had spread to his brain. By the time he was brought to an emergency room, no amount of money could save him.

Deamonte Driver did not have to die. He would be still alive today if his mother had been insured, if more dentists accepted Medicaid, or if his family had not lost their Medicaid coverage.

This tragic story speaks to the shortcomings of our fragmented health care system. Millions of children are covered by their parents' health insurance plans. Medicaid and SCHIP provide care to millions of kids in families that meet their eligibility standards. Unfortunately, both programs have unnecessarily complex enrollment and review processes. Nearly 9 million children slip through the cracks of this incomplete system and go without health insurance each year.

Enough is enough. The wealthiest nation in the world can and should guarantee quality health care to all of our children. With insurance costs skyrocketing and employers dropping care, an overwhelming majority of Americans agrees. According to a February 2007 New York Times/CBS News poll, 84 percent favor expanding public programs to cover all uninsured children. If that's not a mandate for Congressional action, I don't know what is.

Rather than reinvent the wheel to provide care to our children, we should build on what works in our health care system. When Congress created Medicare more than 40 years ago, our Nation's seniors were more likely to be living in poverty than any other age group. Most senior citizens were unable to afford needed medical services and unable to find health insurance in the private market even if they could afford it. Today, as a result of Medicare's success, seniors are much less likely to be shackled by the bonds of poverty or to go without needed health care.

Now it is our Nation's children who are most likely to be poor. Kids in America are nearly twice as vulnerable to poverty as adults. This travesty is not only morally reprehensible; it also has grave consequences for the future of our country. Our future rests on our ability to provide our children with the basic conditions to thrive and become healthy, educated, and productive adults.

Poor children are often malnourished and have difficulty succeeding in school. Untreated illnesses only worsen their chance for success. Providing these children with guaranteed health care would help realize their potential as individuals and our potential as a Nation.

The MediKids Health Insurance Act would create a new Federal health insurance program for children called MediKids. Modeled after Medicare, MediKids would provide comprehensive benefits appropriate to children, simplified cost sharing, prescription drug coverage and mental health parity.

Every child in America would be automatically enrolled in MediKids at birth and maintain that eligibility until age 23. Parents would retain the choice to enroll their kids in private plans or government programs such as Medicaid or SCHIP. However, if a lapse in other insurance coverage occurs, MediKids automatically fills in the gap.

MediKids doesn't have complicated enrollment and eligibility hoops. Instead, it assures that families will always have access to affordable health insurance for their children.

I can think of no better use of Congress' time—or our Nation's money—than to enact MediKids and provide health insurance to every child. Providing a simple, stable, and flexible health insurance option will afford millions of parents the peace of mind of knowing that their children will be cared for when they are sick. Our Nation's priorities should be centered on creating a bright future for our children and MediKids helps to achieve this goal.

I look forward to working with my colleagues and the many endorsing organizations, including the American Academy of Pediatrics and the Children's Defense Fund to enact the MediKids Health Insurance Act.

Below is a summary of MediKids that provides additional details.

MEDIKIDS HEALTH INSURANCE ACT OF 2007
BILL SUMMARY

The MediKids Health Insurance Act provides health insurance for all children in the United States regardless of family income level by 2014. The program is modeled after Medicare, but the benefits are improved and targeted toward children.

MediKids is the ultimate safety net, with maximum simplicity, stability, and flexibility for families. Parents may choose to enroll their children in private plans or government programs such as Medicaid or S-CHIP. However, if a lapse in other insurance coverage occurs, MediKids automatically picks up the children's health insurance. MediKids follows children across State lines when families move, and fills the gaps when families climbing out of poverty become ineligible for means-tested programs.

ENROLLMENT AND ELIGIBILITY

Every child born after December 31, 2008 is automatically enrolled in MediKids. Older children are enrolled over a 5-year phase-in as described below. Children who immigrate to the U.S. are enrolled when they receive their immigration cards. Materials describing the program's benefits, along with a MediKids insurance card, are issued to the parent(s) or legal guardian(s) of each child. Once enrolled, children remain enrolled in MediKids until they reach the age of 23. There are no re-determination hoops to jump through because MediKids is not means tested.

BENEFITS

The benefit package is based on the Medicare and the Medicaid Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefits for children, with simplified cost sharing mechanisms and comprehensive prescription drug coverage. The benefits will be reviewed annually and updated by the Secretary of Health and Human Services to reflect age-appropriate benefits as needed with input from the pediatric community.

PREMIUMS, DEDUCTIBLES, AND COPAYS

MediKids assures that families will always have access to affordable health insurance for their children. Families below 150 percent of poverty pay no premiums or cost sharing. Families between 150 percent and 300 percent of poverty pay reduced premiums and cost sharing. Parents above 300 percent of poverty are responsible for a small premium equal to one-fourth of the average annual cost per child. Premiums are collected at the time of income tax filing. Premiums are not assessed during periods of equivalent alternative coverage. Families will never pay more than 5 percent of their adjusted gross income (AGI) for premiums.

Cost sharing is similar to the largest plans available to Members of Congress. There is no cost sharing for preventive and well childcare for any children. A refundable tax credit is provided for cost sharing above 5 percent of AGI.

FINANCING

Initial funding to be determined by Congress. In future years, the Secretary of the Treasury would develop a package of progressive, gradual tax changes to fund the program, as the numbers of enrollees grows.

STATES

Medicaid and S-CHIP are not altered by MediKids. States can choose to maintain these programs. To the extent that the States save money from the enrollment of children into MediKids, States are required to maintain current funding levels in other programs and services directed toward the Medicaid population. This can include expanding eligibility or offering additional services. For example, States could expand eligibility for parents and single individuals, increase payment rates to providers, or enhance quality initiatives in nursing homes.

PHASE-IN

MediKids is phased-in over a 5-year period according to the following schedule: Year 1 = the child has not attained age 6; Year 2 = the child has not attained age 11; Year 3 = the child has not attained age 16; Year 4 = the child has not attained age 21; Year 5 = the child has not attained age 23.

SUPPORTING ORGANIZATIONS

American Academy of Family Physicians; American Academy of Pediatrics; American Medical Student Association; Children's Defense Fund; Consumers Union; Families USA; March of Dimes; National Association of Children's Hospitals; National Association of Community Health Centers; National Association of Public Hospitals and Health Systems; National Health Law Program; and NETWORK: A National Catholic Social Justice Lobby.

PERSONAL EXPLANATION

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Ms. BORDALLO. Madam Speaker, I was absent from the Chamber during the early morning hours of Friday, May 11, 2007, and was therefore unable to record my vote on three postponed votes that were taken in the Committee of the Whole House on the State of the Union. Had I been present for those votes on amendments to H.R. 2082, the Intelligence Authorization Act for Fiscal Year 2008, I would have voted as follows: "no" on rollcall No. 337; "no" on rollcall No. 338; and "yea" on rollcall No. 339.

HONORING JAMES C. HAGUE, JR.

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. UDALL of Colorado. Madam Speaker, I am pleased to recognize the life-long accomplishments of a Coloradan who has served as a role model for achievement and made a substantial impact on our State, Mr. James C. Hague, Jr. On Saturday, February 25, 2007, a group of family and friends met to celebrate the 98th birthday of this truly wonderful and special person.

Jim was born on February 24, 1909 in Plainview, Texas and moved to Dallas, Texas in 1912. After working in the oil refining industry as a helper in 1927, he became a chemist. During the Hoover Administration he worked for the government and was initiated into Pipefitters Local 195 in Beaumont, Texas on May 31, 1937.

In 1939, Jim married his wife Ethel, a union which lasted for 58 years. He has two stepsons, 2 grandsons and 1 granddaughter. He and Ethel moved to Denver in October 1951 at which time Jim transferred his union card to Pipefitters Local 208, a membership still active today. Jim worked at the Rocky Flats Weapons Plant as a pipefitter in the initial construction of the facility.

Jim has always been active in the civic arena. He became a member of the Westminster City Charter Convention in 1957 and, as a result of his participation, Westminster established a City Manager/Home Rule government. Jim assisted in writing the Charter for Westminster which was approved by the voters in 1958. Jim was also instrumental in establishing the Central Colorado Library District for Arapahoe, Adams, Boulder, Denver, Clear Creek, Gilpin and Jefferson Counties. He remained a member of the Library District for 14 years and was Chairman for 12 years.

Jim is an active member of the Adams County Democratic Party; he has walked many miles in precincts and made many phone calls for candidates and was even featured in several commercials for former Senator Tim Wirth. Jim is well known by Democrats throughout the State of Colorado.

Jim is a truly interesting and fascinating person. He has tales to tell of yesterdays and always makes a contribution to today. Our future is much brighter for having Jim Hague in our lives. I ask my colleagues to join me in wishing him the very best and a long healthy life with much happiness.

AFRICA'S WATER CRISIS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. SMITH of New Jersey. Madam Speaker, yesterday the House Subcommittee on Africa and Global Health held a briefing and hearing on the important issue of Africa's water crisis. We tend to take for granted this basic necessity for human existence, and yet we are told by the United Nations Development Programme that over 1.1 billion people in developing countries do not have adequate access to safe water. Access to water is closely correlated to basic sanitation, and there too the world is facing a crisis. Some 2.6 billion people live without this second essential aspect of good health.

In its Human Development Report for 2006, the UNDP presents a heavy indictment against the international community, noting that every year 1.8 million children die from causes related to unclean water and poor sanitation. This is equivalent to 4,900 deaths every day, and diarrheal disease is the second highest cause of death in the world for children under 5. This occurs despite the fact that we now have oral rehydration therapy. These numbers dwarf the number of deaths resulting from violent conflict, and yet the UNDP points out that water and sanitation are rarely highlighted as an international concern.

In sub-Saharan Africa—the focus of the hearing—over 300 million people lack access to safe water, and some 460 million do not have access to proper sanitation. These overwhelming numbers hide the even deeper tragedy that it is the poor, both poor individuals and poor countries, who carry the greatest burden. Sub-Saharan Africa loses about 5 percent of its GDP, or about $28.4 billion each year, to the water and sanitation deficit. This figure exceeds the total amount of aid and debt relief provided to the region in 2003. And most of this loss is suffered by those households that are below the poverty line, those who can least afford to pay the cost. The lack of water also unduly affects women and girls, who in many societies have the responsibility of collecting and transporting water, which can occupy their energy and time for several hours each day.

Beyond the apparent costs in human suffering and loss of life, there are broader social and economic costs as well. Improper water management impacts agricultural and industrial development, economic growth, and the preservation of land, coastal and marine ecosystems. Equitable access to sufficient quantities of safe water is necessary for a secure, peaceful society, and threats to such access can become a source of conflict and even violence.

It is worthwhile to note that, according to the UNDP, the scarcity of water worldwide is not the result of physical availability. The Human Development Report states that household water requirements represent a very small fraction of water use, often less than 5 percent of the total. Instead the UNDP asserts that the source of the problem lies in power, poverty and inequality. Households in high-income urban areas of Asia, Latin America and Sub-Saharan Africa have access to several hundred liters of water each day through public utilities, while slum dwellers and poor households in the rural areas of those same countries have access to far less than the 20 liters a day per person required to meet the most basic human needs. The same analysis is said to apply to the areas of agriculture and industry. Income levels and access to water and sanitation systems are key elements. UNDP explicitly rejects the notion that the global water shortage is due to population increases.

Fortunately, the United States Government is acting to provide more safe water and proper sanitation to the poor of the world. Thanks to the Senator Paul Simon Water for the Poor Act of 2005, authored by our good friend Congressman EARL BLUMENAUER who we welcomed as a witness at the hearing, the provision of affordable and equitable access to safe water and sanitation in developing countries is a legislative component of our country's foreign assistance programs.

I have learned that the lack of access can be addressed by relatively simple means by an amazingly few but deeply committed people. I learned this first-hand when I was in

Uganda last year and met Robert Wright from Living Waters International. I often emphasize the importance of faith-based organizations in meeting the global health needs of the world, and Living Waters is a Christian ministry that implements water development through training, equipping and consulting. Robert was living a comfortable life in my home state of New Jersey when he decided to move himself and his family to the remote regions of Uganda to assist the poor. He went to a school operated by Living Waters to learn how to drill a well to provide water for the hospital he was building. Although he was suffering from a bout of malaria, he drove several hours to Kampala to inform our delegation of the work of Living Waters and to press the need for water for the peoples of Africa. Therefore, I was particularly pleased to welcome Mr. Malcolm Morris, the chairman of Millennium Water Alliance, which represents a number of partners including Living Water International, who informed the Subcommittee of the work being done by faith-based organizations on this issue.

RECOGNIZING THE LIFE AND LEGACY OF MR. FRANKIE CRUZ, MS. JADE CRUZ, AND MR. CHRISTOPHER CRUZ

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Ms. BORDALLO. Madam Speaker, I rise today to pay tribute to SFC (Ret.) Frankie Salas Cruz for his service to his community. I commend the United States Army on Fort Hood for dedicating a Family Readiness building in honor of Sergeant Frankie Cruz. Sergeant Cruz and his 2 children, Jade Christine, and Christopher Frankie, tragically passed away on February 14, 2007 after a terrible car accident.

Sergeant Cruz was born on September 20, 1958 in Tamuning, Guam, the loving son of Juan Camacho and Luisa Borja Cruz. Sergeant Cruz was dedicated to public service from his earliest years. Many fondly remember his service as a Scoutmaster for Troop 200 and to the First Baptist Church of Lampasas, Texas. After graduating from Guam Vocational-Technical High School, he completed his Associates Degree from the University of Maryland in 1984.

During college, Sergeant Cruz, began his distinguished service to the Nation. He completed 3 years of Reserve Officer Training Corps, ROTC, leadership training then enlisted in the U.S. Army. He retired from the Army after 22 years of honorable and faithful service to our Nation. Most notably, Sergeant Cruz served our Nation honorably during the First Gulf War in 1991 and, most recently, in Operation Iraqi Freedom.

It is only appropriate that the Army name this facility after Sergeant Cruz to honor his 22 years of dedicated service. Employees and friends throughout his career note Sergeant Cruz's "can do" attitude with every project or task he was assigned. In fact, at the time of his passing, Sergeant Cruz had embarked as team lead for a $39 million base building rehabilitation project. The respect and admiration everyone had for Sergeant Cruz will be eternally memorialized at this building on Fort Hood.

Sergeant Cruz's daughter Jade, and son Christopher, will also be remembered fondly. Jade was born on April 12, 1988 in Fort Eustis, Virginia. Her beauty, energy and vitality were just some of the attributes that made her an accomplished athlete and cheerleader. Beyond her athletic prowess, Jade took her academics seriously and was a student at Central Texas College at the time of her passing.

Christopher was born on September 7, 1989 in Fort Eustis, Virginia. Christopher will be remembered as an accomplished scholar and member of the Junior National Honor Society. Like many other in his generation, Christopher volunteered many of his hours toward various goodwill projects. Also, much like his father, he was a highly decorated Boy Scout earning the highest rank of Eagle Scout. Christopher's talents also transcended into music. He was the drum major in the Lampasas Marching Band and played the saxophone in the high school jazz band.

The tremendous accomplishments of Jade and Christopher are reflective of their father's love, care and passion for his children. Learning of these accomplishments makes their passing even more difficult to bear. I take solace in that the memory of their love, passion and hard work will always be on display for the Fort Hood community.

I join the people of Guam and the Fort Hood community in mourning the passing of Sergeant Frankie Cruz and his children, Jade and Christopher. I offer my condolences to their wife and mother, Mrs. Linda Cruz, Sergeant Cruz's other sons and their extended family. I thank Sergeant Cruz for his admirable service to our Nation in times of great difficulty and to the support his children provided. The Cruz family can all be proud of their family's achievements and strength.

CELEBRATING 100TH BIRTHDAY OF MRS. LILLIAN BIJOU (THORTON) REVORD

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. STUPAK. Madam Speaker, I rise today to honor a constituent who has led a remarkable life. On Sunday, Mrs. Revord's family and friends will come together to celebrate and observe her 100th birthday, celebrating the rich life of Mrs. Lillian Bijou (Thorton) Revord.

Over the course of her life, Mrs. Revord has truly seen the history of northern Michigan unfold before her, while she herself led a life rich in experience. As a child, Mrs. Revord attended the Methodist Church in Morristown, Michigan. The church has now been removed as an historical site to Grayling, Michigan, but the church gave her a strong anchor of faith to guide her.

In the spring of 1918, Mrs. Revord first moved north to Michigan's Upper Peninsula, U.P., specifically, Grand Island in Alger County. While young Lillian was just 12 years old on Grand Island, her father worked as a teamster for a logging company and her mother did the camp's laundry and cooking. In the fall of 1918, Lillian and her family moved to the mainland so that she and her sisters could attend school.

On the mainland, in Munising, Michigan, a few years later, Lillian met Orville Revord. As she tells it, Lillian and her best friend, Leta, were walking down the Munising City Dock. Some young men were nearby and one of them took note of Lillian's pigtails by commenting, "Well, if this one isn't a cute bunch of 'Onion Tops!'" This teasing remark was the first interaction between the two, who started dating when Lillian was 15.

In 1924, Orville and Lillian eloped and were married in Rapid River, Michigan. Lillian was 17 and Orville was 20. Lillian's friend, Leta and Lillian's cousin James served as witnesses. There were no wedding showers or receptions, Lillian did not have a special wedding dress (just a satin dress she had made for herself for the 4th of July) and the couple's wedding gifts were a pair of pillow cases from Leta and a week's board and room from Lillian's sister, Zeph. As Lillian recalls, the Reverend Kitchen performed the ceremony. Before the ceremony, the Reverend looked up over his spectacles to say to the young couple, "Do you two kids know what you are doing?" Nonetheless, Orville and Lillian were married. Apparently the two did "know what they were doing," as their marriage would ultimately produce five children and last 66 years. As Lillian says, "We had nothing to start a long married career with, but we had our love and commitment and our marriage endured for better or for worse and both categories got a good workout!"

One of the challenges Orville and Lillian would face during the course of their marriage was the Great Depression, which hit five years after they were married. Orville's job on the railroad was whittled down to two days a week and the young couple, already working to raise two children, was surviving on $11.52 every two weeks. Their two sons, Orville Jr. and Billy, would sit on the sidewalk waiting for their father to come home from work swinging his lunch bucket, which held a piece of a sandwich that Orville Sr. had saved from lunchtime for the two brothers to share. Despite these challenges, the Revord family would persevere and persist during these dark times, a testament to the love and commitment between Orville and Lillian and of their faith.

Throughout her entire life, Lillian has remained a passionate lover of art and an active painter. She was the first Munising artist to be hired by the Munising Woodenware and was the last to be laid off, following the financial demise of her employer. Lillian's artwork has been cherished by locals and visitors to Munising, alike. Today, one can occasionally stumble upon one of her painted antique woodenwares on the Internet, for a considerable price. Lillian also worked for some time as a telephone operator for the Munising Telephone Company, until electronic switching was innovated.

While Lillian has remained active throughout her life pursuing a range of pursuits and challenges, early in life, she did not have the benefit of much formal education. Nonetheless, at the age of fifty, she returned to High School to take courses in typing and drivers' education, another testament to her strength.

Madam Speaker, on Sunday, the Munising community, Mrs. Revord's friends and her family will gather in the basement of the local Methodist Church, a fitting location for a woman who has made faith such a cornerstone of her life. Together, they will congratulate her on her many accomplishments over her many years. As Mrs. Revord's 100th birthday is celebrated, I would ask that you join me in congratulating her and in wishing Mrs. Lillian Revord, her children, Orville, Jr., Raoul, and Joanne and her many grandchildren all the best.

SMALL BUSINESS ADMINISTRATION ENTREPRENEURIAL DEVELOPMENT PROGRAMS REAUTHORIZATION ACT OF 2007

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. SESTAK. Madam Speaker, I rise today to introduce a piece of legislation to enhance two, critical Small Business Administration, SBA, Entrepreneurial Development programs, Small Business Development Centers, SBDCs, and the Service Corps for Retired Executives, SCORE.

Serving as the Representative in a District that has been historically driven economically by vibrant local, small businesses, I greatly appreciate and support the entrepreneurial development assistance that the SBA provides.

We know that entrepreneurial development assistance programs work. Businesses who receive SBA entrepreneurial assistance are twice as likely to succeed. In addition, every Federal dollar spent on entrepreneurial development generates seven dollars in increased tax revenue.

In the past three years, due to changes in our ever-changing globalizing economy, my District has lost 607 small businesses, and 1 out of 5 manufacturing establishments. This is a trend that I am committed to reversing through fostering entrepreneurial development and creating the right set of conditions to help businesses flourish, stay and be attracted to in my District, and I believe that supporting effective small business entrepreneurial development programs is a key part of that strategy.

In 1980, Congress established the SBDC program to foster economic development by providing management, technical and research assistance to current and prospective small businesses. As you know, SBDCs provide services which include, but are not limited to, assisting small businesses with financial, marketing, production, organization, engineering and technical problems and feasibility studies.

SBDCs serve Americans with the desire to start their own venture, but lack the technical expertise associated with starting and running a successful business, and in the past few decades, have provided assistance to millions of entrepreneurs across the United States.

The SBDC program also represents the effective and efficient use of allocated Federal monies through public/private collaboration to provide necessary technical and mentoring assistance. To that end, SBDCs are funded by matching monies by state legislatures, foundations, State and local chambers of commerce, public and private universities, vocational and technical schools, and community colleges. In fact, sponsors' contributions have been increasingly exceeding the minimum 50 percent matching share, signifying greater participation among such groups and institutions.

This is why I feel especially fortunate to have several Small Business Development Sub-Centers located at local universities, such as Widener University, Kutztown University, and the University of Pennsylvania, Wharton, which provides critical business resources and technical assistance to small businesses in and around my District.

I would like to stress that the core SBDC program has been extremely effective, but there are certain operational improvements that can be implemented to increase flexibility of Small Business Development Centers to better support and serve our local small businesses and our aspiring entrepreneurs.

To that end, changes proposed in this legislation will ensure the quality of grant recipients to host SBDCs; help SBDCs maintain their autonomy from undue SBA interference; protect the confidentiality of SBDC clients; ensure that taxpayer dollars are being spent as efficiently as possible by not using SBDC funds except for the sole purpose of business development; and allowing exemptions to the current cap on non-matching portability grants in the event of Federally-designated natural or human-caused disasters.

In addition to these operation changes, it is important to strengthen the SBDC core program, which successfully navigates entrepreneurs in managing their business, by establishing specific grant programs that will allow SBDCs to tailor their services to meet the needs of particular business constituencies.

For instance, the Capital Access Initiative would establish grants to assist entrepreneurs in processing loan applications and obtaining private equity. An Innovation and Competitiveness Initiative would establish grants to allow SBDCs to become "Technology Centers," to help market technologies and advanced projects to manufacturers. A Disaster Recovery Program would establish grants to allow SBDCs to assist and coordinate the Federal response for small business disaster victims.

The Older Entrepreneurial Assistance program will target older Americans interested in transitioning to become business owners, while the Small Business Sustainability Initiative will promote the development and implementation of energy efficient and clean energy improvements and technology. A National Regulatory Assistance Initiative will provide assistance to small businesses to comply with Federal regulatory requirements, and an Affordable Health Care Initiative, will help small business owners provide affordable health care insurance options to their employees.

As I also mentioned, a second program which this legislation will address is SCORE, which provides entrepreneurs with free counseling assistance by former executives. SCORE provides a valuable service to small businesses, and I believe it will be even stronger with a provision to actively recruit volunteer mentors who will greater reflect the social and economic diversity of those who utilize SBA services, such as women and underrepresented minorities.

Again, thank you for allowing me to speak this morning about this important bill, which will greatly enhance the business development resources available to America's small business owners and aspiring entrepreneurs.

THAILAND DEMOCRACY ACT OF 2007

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. KIRK. Madam Speaker, on September 19, 2006, the Thai military and police overthrew the elected government of Prime Minister Thaksin Shinawatra. At the time, the popularly-elected premier was in New York City for a meeting of the United Nations General Assembly.

General Boonyaratkalin, leader of the military coup, suspended the constitution and dissolved the Cabinet, both houses of Parliament, and the Constitutional Court.

The Department of State immediately issued a statement saying, "There's no justification for a military coup in Thailand or in anyplace else . . . we certainly are extremely disappointed by this action. It's a step backward for democracy in Thailand."

Following the military coup, the United States suspended $24 million in bilateral assistance to the Thai government.

Now eight months after the military coup, despite promises by the military leaders to the contrary, Thailand still has not drafted a permanent constitution, held a referendum, or called for elections.

In addition, Thailand seized American patents in clear violation of international law.

On December 30, 2003, the United States Government designated Thailand as a major non-NATO ally. This status gives Thailand a range of benefits, preferred American lending, participation in military exercises and preferential bidding on Department of Defense contracts.

A military dictatorship that disposes an elected government and then seizes American intellectual property should not be considered a major non-NATO ally.

Therefore, today I am introducing the Thailand Democracy Act of 2007 to push Thailand's military government to hold democratic elections.

Under this legislation, the President is required to terminate Thailand's status as a major non-NATO ally until he can certify to the Congress that democracy has been restored to the Thai people. I urge my colleagues to condemn the continued military rule of Thailand and support this important legislation.

CONGRATULATING CLYDE TIDWELL ON HIS RETIREMENT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2007

Mr. DUNCAN. Madam Speaker, in this day and age, it is very unusual for a person to work in a company for 40 or 50 years.

For someone to work for the same company for 66 years is truly incredible.

One of my constituents, Clyde Tidwell, recently retired from the Alcoa Company, where he worked since May 16, 1941.

I want to congratulate him on his well-deserved retirement.

I also want to salute him for his contributions to our Country and its economy.

This Nation is a better place because of Clyde Tidwell, who I believe can accurately be called a great American.

I would like to include the following article about Mr. Tidwell that ran in the Knoxville News-Sentinel on May 16, 2007 and call it to the attention of my colleagues and the other readers of the RECORD.

[From the Knoxville News-Sentinel, May 16, 2007]

IT'S TIGER'S TURN: AFTER 66 YEARS AT ALCOA, TIDWELL'S JOB IS DONE

(By Michael Silence)

Clyde "Tiger" Tidwell today hangs up the hard hat after working 66 years at Alcoa Tennessee.

At 87, and with his son having retired three years ago, Tidwell figures it's time to put away the safety goggles and the earplugs.

When he began May 16, 1941, he made 55 cents an hour, and a meal cost 25 cents. Tidwell was 21.

He felt fortunate because the week he started, pay increased by 10 cents an hour.

"That was pretty good" for that time, the Blount County resident said Tuesday.

Tidwell is believed to be Alcoa Inc.'s longest active employee. The company is hosting a reception for him today.

While he describes himself as timid, Tidwell said he appreciates the gesture and he will have family and friends at the reception.

He took a break from work in 1944 to serve as a paratrooper with the 82nd Airborne in World War II.

The overhead crane operator and machinist attributes his longevity to a good job and working with good people.

"I enjoyed the work and the people," he said in an interview at Alcoa's North Plant.

Pittsburg-based Alcoa Inc.'s Blount County operation, which produces aluminum used for beverage cans, and its primary metals and materials management office in Knoxville employ about 1,850 workers.

Tidwell said the biggest change at Alcoa during his years with the company were the safety measures. When he started in 1941, the plant didn't have such things as safety belts and a sprinkler system, which it now does.

And, he added, there's one building in the factory now that if a gate is opened the mill shuts down.

Tidwell served in the Army several months in 1944. During that time his daughter, Judy Lynn Carter of Knoxville, was born while he was at sea headed to Europe. It was seven months before he learned of her birth.

Tidwell said during the 66 years he's worked for Alcoa there have been some "not too rosy" events. Two thirds of the people he started work with have died.

Tidwell himself has had two heart surgeries, but on Monday, he visited the doctor and got "a clean bill of health."

Now that he has some time on this hands, Tidwell said he might get back into some farming. He used to raise tobacco but has no crops now.

He never thought of retirement, but Alcoa came along with an attractive incentive plan, so he took it.

And he said it's probably time to retire. His son, Clyde Eugene Tidwell, retired from TVA three years ago.

As much as their health allows, Tidwell and his wife, Floy, want to do some traveling and spend some time at their boathouse on Fort Loudon Lake.

"We haven't loafed around a lot," he said of those years.

And he added, "Life has been good to me."

Looking back—Other events of 1941, the year Clyde "Tiger" Tidwell started working for Alcoa Inc.: Japanese attack Pearl Harbor; Cheerios introduced by General Mills as CheeriOats; Orson Welles' film Citizen Kane premieres; Joe DiMaggio's 56-game hitting streak; and Joan Baez and Vice President Dick Cheney were born.

SENATE—*Monday, May 21, 2007*

The Senate met at 1 p.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

High and Holy God, we praise Your Name. Bless Your work in all the places of this world. Strengthen those who labor in distant mission fields and protect those who fight for our freedoms in foreign lands. Touch the lives of Third World victims of disease and destruction, of poverty and pathology, of tyranny and neglect.

Lord, remember our own land. Quicken the hearts of our lawmakers that they may be forces for good. Guide the efforts of those who work in our Government's executive and judicial branches, providing wisdom for the challenges they face. Redeem us from selfishness as You build into us a holy reverence for others and a desire to pursue Your purposes. We pray in Your blessed Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 21, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Today, following any time that will be used by the leaders, the Senate will resume consideration of the motion to proceed to S. 1348, the immigration bill.

When the Senate resumes the motion, Senator SESSIONS will be recognized for up to 3 hours. Following that time, the remaining time will be divided between the two leaders.

A cloture vote on the motion to proceed to the bill will occur at 5:30 today.

If cloture is invoked on the motion to proceed, by a previous order, the Senate would then adopt the motion and proceed to the bill.

As we know, all those who negotiated on this worked very hard over the weekend. I appreciate their work. The provisions of that agreement will be the form of a substitute agreement, which I understand will be laid down this evening.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS ALEJANDRO VARELA

Mr. REID. Mr. President, over the weekend, 7 U.S. soldiers were killed in Iraq—in 2 days—bringing the total this month to over 70 and the total since the war started to 3,422 American soldiers.

On Friday, the State of Nevada lost PFC Alejandro Varela, a 19-year-old from Fernley, NV. As he traveled south from Baghdad, his vehicle was hit by a makeshift bomb, and he was killed.

Alejandro was known in high school and by his family as Alex. Serving in the military was his ambition, and he worked very hard to earn his GED so he could arrive at the goal of being able to join the military.

For lack of a better description, my heart and the hearts of Nevadans and all Americans ache with the loss of this 19-year-old man. Yet we have to be proud of his willingness to serve and his courage and we are certainly humbled by the sacrifice he made in giving his life.

EMERGENCY SUPPLEMENTAL

Mr. President, this week the Senate will continue the conference on the emergency supplemental bill. Negotiations have not been easy as President Bush continues to stand isolated to his commitment to this endless war. We will continue to negotiate in good faith and in the spirit of bipartisanship. We will send the President a bill that fully funds our troops. We stand firm in our commitment to change course and bring the war to a responsible end.

IMMIGRATION REFORM

While the supplemental conference committee continues to meet, we will begin addressing the complex, crucial issue of immigration reform, and we will do that today. We all agree the current system is broken.

Employers don't know whom they can hire and whom they can fire. Produce is dying on the vine because farmers cannot find enough workers to harvest crops. There are no winners under the current system, only losers.

The Senate will have an opportunity this afternoon to vote on whether to begin debate on comprehensive immigration reform.

The bill we debate and eventually pass will give us the chance to strengthen border security, put in place an effective and efficient employer verification system, design a new worker program to take pressure off the borders, and give the 12 million undocumented immigrants the opportunity to come out of the shadows and into the light of America. Improving border security is only part of the puzzle. As long as the identities of those who cross the border are unknown, our national security is at risk.

There is no question but that we need more Border Patrol agents with better technology and equipment. But there is also no question that enforcement alone cannot solve the problems of immigration.

We have tripled the number of Border Patrol agents over the last 20 years and increased the Border Patrol budget 10 times over. Yet the probability of catching someone illegally crossing the border has fallen from one-third to only 5 percent. That is a startling figure.

A population as high as that of Las Vegas crosses the border every year. That is almost a million people who find their way into the country, despite our best efforts at enforcement. Fences alone would not stop them. Years of dangerous border crossings show us that millions will risk their lives for the opportunity to reach what is on the other side of that border.

We must not forget that just as these immigrants depend on America for opportunity, our economy depends on them as well. The overwhelming majority of undocumented immigrants have lived here for years, contributing to our economy lawfully and honestly, causing harm to no one.

Many have children and spouses who are U.S. citizens or permanent residents. Many own property and contribute to their communities. Yet, unlike us, they live their lives in hiding. If they are a victim of a crime, they cannot report it. They cannot do that because they have to avoid contact

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

with the police. If they are treated unfairly in the workplace, they have almost no recourse. If they are discovered, they face deportation and separation from their families. Their families, as we have indicated, are, many times, U.S. citizens.

We should not allow them to jump to the front of the line for a green card, in front of those who have played by the rules, but we should give them a place in line—a chance for citizenship—if they do what we ask of them. We could continue to track down the undocumented housekeepers, dishwashers, and farm laborers who live among us or we can provide them the chance to earn their citizenship with all the responsibilities it requires and refocus our limited resources on those who would do us harm, rather than those who would do us proud. We could embrace the unrealistic rhetoric calling for mass deportation, or we could pass laws that require them to pay taxes and learn English. If we put rhetoric aside, we have the opportunity to pass a law that treats people fairly and strengthens our economy.

Over the past several weeks, a group of Senators has spent countless hours and days negotiating in good faith and in the spirit of compromise.

Last week, Democrats and Republicans, standing with the Secretaries of Homeland Security and Commerce, announced they had finally reached an agreement on immigration reform. The bill they have drafted will be offered as a substitute amendment this evening for us to debate and amend this week.

I am grateful to my colleagues for their hard work. Reaching agreement on an issue as controversial as immigration requires extraordinarily hard work, compromise, and consensus building. They have taken that important first step.

I was not heavily involved in the negotiations, but similar to some of my colleagues, I have reservations about the agreement that was reached. The bill impacts families in a number of ways that I believe are unwise. The bill also allows 400,000 low-skilled workers to come to America for three 2-year terms but requires them to go home for a year in between. This is impractical both for the worker and for the American employers who need a stable, reliable workforce.

Senator Bingaman will offer an amendment almost immediately when the bill is laid down to reduce that number to at least 200,000.

We must not create a law that guarantees a permanent underclass—people who are here to work in low-wage, low-skill jobs but don't have the chance to put down roots or benefit from the opportunities that American citizenship affords.

Allowing these temporary workers to apply for possible citizenship through a new points system is not good enough. There must be certain opportunities for those who are willing to work hard and contribute to our economy.

Finally, I will say a word about the idea of this so-called touchback, which would require the head of each household eligible for legalization to return to their home country to file their application for a green card.

I understand this concept is important to many of my colleagues, but it seems to be a plan that will cause needless hardship for immigrants and needless bureaucracy for the Government.

Nearly everyone agrees that the existing bill is imperfect. The problems I have outlined will be addressed in the Senate and in the House and, of course, in conference. What we have now, though, is a starting point.

I urge my colleagues to vote for cloture so we can begin an open debate. The bipartisan legislation before us is not perfect, but I think we can agree the spirit of bipartisanship behind it is encouraging.

If we continue along that road in the coming days, I am confident we can write another chapter in America's great immigration story that makes our county safer, treats people with dignity, and keeps our economy moving in the right direction.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1348, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to Calendar No. 144, a bill (S. 1348) to provide for comprehensive immigration reform, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alabama, Mr. Sessions, is recognized for up to 3 hours.

Mr. SESSIONS. Mr. President, there are more than 3 hours' worth of discussion that needs to go on concerning this bill, that is for certain.

I appreciate Senator Reid's comments, but I express some concerns about what I understood him to say a few moments ago. He is the Democratic leader. He does have the power to call up legislation in the end and to try to set the agenda but not the total power to do so. I think I heard him say he would like to see this bill—he wants to see debate and amendments this week.

I have to say there is no way this bill can be voted on and amended only this week. We have had legislation such as WRDA that we took up for 2 weeks, a re-authorization of the water resources bill. When we worked on the bankruptcy reform bill, which mainly was a reworking of the existing bankruptcy law, with some changes, we debated that for months. So there is no way we can or should produce this bill after 1 week of debate.

If that is so, the American people can know we have had a railroad job for sure. Hopefully, that does not reflect Senator Reid's firm and final opinion on the question of the schedule for this week.

Also, I wish to say I am not pleased, and I oppose the motion to proceed to last year's bill.

When we talked about the comprehensive immigration bill last year, I pointed out 17 loopholes in the bill in a series of speeches, and people began to take to heart a number of points I made, frankly. The negotiators of the new bill have come back with a bill that has some of the intention to or at least purports to deal with some of the concerns I had last year.

I have to say I was pleased to hear that we were considering a point system, such as Canada's, that we were considering a temporary worker program. I was told by the people who met and drafted this legislation, that the guest worker program would be for temporary workers and it could work to serve our economy.

I am afraid, that if you read the legislation, that the needed immigration reform is not so. That is not what we have in either case and to any significant degree; it is a bit of window-dressing of some movements in those areas and some fairly significant steps, frankly, that we need to hold on to and need to be a part of a fundamental reform of immigration. There are some positive steps, but they are just not effective enough, as I will discuss later.

I reject the idea that a movement to a system such as Canada's or Australia's that is based on merit and skills for immigration is somehow, as I think Senator Reid said, an attack on the family. I am offended by that statement. A person who wants to come to this country, has to ask to be admitted into the United States of America, and say that: I have not been a criminal, I meet the standards for admission, and I want to be a productive citizen. Then after we give that person a green card, that person can become a citizen and have the right to demand that his or her parents be allowed to come here, the aging parents who will be fundamentally supported by the American taxpayers, demand that his or her brothers and sisters and their spouses and children be allowed to come. So how is this an attack on your family if we say: You can come, you can be a citizen, but right up front, you cannot bring your parents, adult children, and siblings, you don't have any special rights to do so, but they can apply if they qualify, just like everybody else, based on their own merit. But why should the fact that we give one person a glorious thing—citizenship in the United States—entitle them to bring maybe tens of other people? It just does not make sense. I reject the argument that moving to a merit based system is an attack on family. Canada does not believe it. Sure, you can bring your nuclear family—spouse and children. I am not talking about stopping nuclear family from being together. I am talking about a reform of the current system that focuses on the extended family.

This chart shows three approaches to immigration by nations similar to the United States. Fifty-eight percent of the people who come to our country are family based—58 percent are family based, and only 22 percent are skill based. We have a policy that gives 16-percent of green cards for humanitarian reasons and those are unconnected to the skills they might bring. And 4-percent of green cards are given through a visa lottery. I may talk about that issue later. This bill wisely eliminates the lottery.

Look at Canada. They had 60 percent merit based immigrants; that is, they asked those people: Are you educated? Do you have language skills? Can you speak in English or French? What kind of skills do you have that Canada needs? What prospects do you have as an immigrant to be successful in Canada, to be a productive citizen who will contribute to Canada, make Canada a stronger and better nation? That is what Canada does. Australia does the same. They have 62 percent skill, merit based immigration. I reject the idea that it is some sort of an attack on the family to do that.

Senator REID and others have said that this bill which will be introduced—it has not yet been introduced—is a good starting point. That makes me a bit nervous, I have to say, because the bill can be moved through perhaps this week with some real strong-arm tactics, which would be a very sad thing, but perhaps it could be. The House of Representatives does not have the free period of debate that the Senate does. The House leadership, Speaker PELOSI, could bring this bill up and hammer it through in a matter of days even and then it goes to a conference committee. The conference committee will be picked by and will be dominated by and absolutely controlled by the appointees of Senator REID and Speaker PELOSI. They can alter the bill in any fashion they wish. So it is a good starting point, they say. Well, what might happen in conference?

The American people have a right to be nervous. They have a right to be cynical about how we in Congress have handled immigration. We have consistently protested that we want a lawful system of immigration. People have run for President for the last 25 years or last 50 years saying they believed in a lawful system of immigration, but, in fact, they don't do anything about it. They never take the steps necessary to make the system lawful, to make it principled, and to do what it absolutely must do as a matter of national priority; that is, the bill should serve our national interests. Think about that simple concept. Any legislation we pass should be a product that serves our national interest, not special interests.

One of the things that has worried me about my colleagues who have been having these secret meetings is that there is some talk about them having stakeholders, I believe Senator KENNEDY said that. I think Secretary Gutierrez from the White House, Secretary of Commerce, said interest groups. I don't know whom they pretend to be meeting with and deciding these issues, but I will tell you who was not in those meetings, and that was the American people. Not only were we not there, we were excluded from those meetings, and we had not been informed how those decisions were reached or what is in the bill—until perhaps Saturday morning.

This started brewing last week when Majority Leader REID said he was going to bring up last year's bill. He gave the people who were working on this legislation a limited amount of time. He told them they had to come up with a bill by Wednesday. So they fiddled around and worked hard and compromised and rushed and rushed and rushed and came forward with a bill on Thursday. They announced they had reached a grand compromise and that all Americans could take a deep breath and relax because they had met and fixed the problem of immigration, a comprehensive fix, that we could all just relax and not worry about it anymore because they fixed this problem.

We were told—and I was promised directly—that the bill would be ready Thursday. Senator KENNEDY, at the press conference, said it would be ready Thursday, and it wasn't ready Thursday. They said it would be ready Friday. It wasn't ready Friday. It came in early Saturday morning, 2 a.m. Staff had been working all night, bleary-eyed, trying to put this grand compromise together in some sort of fashion. Small print, it is 326 pages, I believe. That is about this thick, all these pages together. That is about what the stack looks like at 326 pages.

One of the few times since I have been in the Senate, perhaps the only time I can recall, we have had a major piece of legislation not written, not reviewed by the committee that is here to review language and write it in bill format. They didn't do it. So all we have seen is a bill written on a computer by somebody who works for the executive branch, as I understand it. It is about 300-something pages. Why didn't they ask the Legislative Research Service to write up a good bill? They can't do it. How can you take 326 pages and put it in proper legislative language overnight when the thing comes in at 2 a.m. Saturday morning? And truly, if it is put in proper bill language—and I hope it will be at some point because the group that works on the language really does a good job of professionally making sure it is written in a proper way, and they find a lot of errors just doing that. If the bill is re-formatted by legislative counsel, it will turn out not to be 326 pages but closer to 1,000 pages of bill language, about two times or more this thickness.

Are we going to pass that bill this week? How many amendments will we be able to take up this week? People need to talk about, first and foremost, the fundamental principles and policies embodied in good immigration reform. We should also talk about what is going to be coming up in the legislation.

As I understand the plan, the majority leader intends to file cloture this afternoon on last year's bill, and then he purports that he—and that uses up a lot of time, see. If we started with a new bill, we would have to wait until it is printed, then bring it up, then move cloture on the motion to proceed, cloture on final passage, and other procedural matters. They have been moving on a bill they said they never intended to bring up anyway, last year's fatally flawed bill that should never ever become law. That is what we are going to do this afternoon. We are going to move to cloture on that bill.

Then we are told this entirely new bill is going to be substituted as an amendment. So the first amendment will be a substitute to wipe out the old bill, last year's bill, and get an accelerated start without the opportunities for debate on a new bill. Presumably that is how we can ram this bill through in record time. I predicted that is what the plan was last week several times, and it does look as if that is where we are going.

So we have a flawed process, I suggest, in a lot of ways, and it should cause the American people to be troubled and Members of the Senate to be troubled.

I don't deny that the people who attempted to work on the legislation, draft this new bill, are good people, good Senators, but they put themselves in a situation, based on what I see of their results, in which the document does not have the strength, the effectiveness needed to be a solution for our immigration problems today. I wish it was different. I wish I could say it is something we could be excited about and should support.

It is all right that they met. I have affectionately referred to them as "masters of the universe." They would go into these secret meetings, and they would get together and talk to special interest groups and would listen to everybody, I guess, but the American people and put together a bill. But that is what they have done. The bill has some good parts and some troubling parts.

So we are at a point in our history when the time is right for comprehensive immigration reform. The Senate, however, in my view, is not ready for debate today. The plan, as we are moving today, is unwise. It has been produced as a result of undue pressure and artificial timelines, which we have no responsibility or need to meet, on the Members who are meeting in this group involved in the negotiations. So the majority leader says: OK, you guys go off and meet, but you only have so many days or we won't bring up this bill, we will bring up the old bill, and we will do these things. They felt this pressure, and they produced.

When I first heard about the plan on Friday, May 4, I stated that the Democratic leadership in the Senate acts as if this is just another piece of everyday legislation, but it is not. The immigration bill is one of the most important bills to come through the Senate in the decade I have been here.

Staff drafting of the bill was not finished until Saturday morning, and legislative counsel has not yet converted the bill into the proper format. Even today, we have no assurances that the product they produced that had across the top of it "Draft: For Discussion Purposes Only," are the final agreements in the bill and will be the document actually introduced, presumably tonight.

At last week's press conference, two individuals remarked, and with great pride and enthusiasm, they were taught as children that is—what they had been doing—how a bill becomes law. One said:

> I have never been more proud to be a member of the Congress and a member of the Senate. This is what my ninth grade teacher told me government was all about, and I finally got to experience it a bit. We have been in rooms together, early in the morning and late at night.

Hopefully, they weren't smoke-filled rooms. They used to be smoke-filled rooms.

> Going line by line trying to figure out what started to be how to deal with illegal immigration and it wound up being what it means to be an American.

Well, that is good. Actually, Secretary Chertoff said:

> This is pretty much what I was taught in grade school about the way the process works; not that everybody gets what they want, but everybody works together to achieve the best results for the most people.

Well, I want to share a few things about how a bill should become law and what we were taught in grade school about it. Last Tuesday, I agreed to move forward. We have a cloture vote today. We were told we would have a bill by Wednesday or Thursday. We were not given that. So we have moved forward and the bill is being rushed forward at this point. I remain concerned that what I heard Senator REID say earlier, that he hoped to debate and amend the bill this week, indicates, I am afraid, that he intends to see it passed this week.

How does a bill normally become law? A bill normally becomes law, if it is a bill of importance, when it is filed in the Senate and referred to the proper committee. To a degree, that was done last year, although there was a tremendous effort last year to rush that bill through to completion. Many of the tactics utilized this year are very similar to the tactics utilized last year.

Let us talk about what happened last year. The bill was introduced—McCain-Kennedy—and it went through the Judiciary Committee. It was referred to the Judiciary Committee. Senator SPECTER, I believe, had his own bill as a working document, but it wasn't long in committee negotiations before the Kennedy-McCain bill was substituted for it. Then the majority leader, Bill Frist, gave them a deadline: You have to finish this bill, as I recall it, by next Monday. If you don't bring up the bill out of the committee next Monday, I am going to offer on the floor of the Senate a tough law enforcement bill that will focus on border security. This was supposed to be an incentive for the committee to act. Apparently, it worked, because a bill passed out of committee, worse by far than the bill Senator SPECTER had introduced, and here it was on the floor and hardly had been written. Nobody had seen what was in it. Yet they were bringing it up the next morning, Tuesday morning, and we were on the floor in debate.

Senator REID, then the Democratic leader, pushed to have no amendments and have the bill voted on that week. It became a big brouhaha. Senator KYL, Senator CORNYN, myself, and others had amendments we wanted to talk about. So we pushed back and complained and complained. Finally, then Majority Leader Frist said, let's pull the bill down. We are not going to bring it up until we have an agreement to have a full debate and an opportunity to offer amendments. And that is what happened. It was brought back up and we spent 2 or more weeks on it.

I point out, however, the legislation which was on the floor was in the Judiciary Committee and, even though rushed out, it passed out of the Judiciary Committee and it had several weeks of debate on the floor. That was that fatally flawed bill from last year, the bill we are now talking about going to but will be substituted by an entirely new piece of legislation which Senators have not had an opportunity to see, except from Saturday morning, if they were here, and most Senators have been at home this weekend.

So that is what is going to be brought up. It has not gone through the committee process, as classically a piece of legislation should, and it is not known to the Members of this body what is in this bill of perhaps a thousand pages, and we are hearing they might want to move to it this week. That is a matter that is breathtaking in its scope. We should not do that.

This is how the Heritage Foundation describes the process on its Web site. The Heritage Foundation is one of our Nation's most august and respected institutions that deals with public policy. They have been engaged in major issues for several decades. They say this on their Web site:

> Working behind closed doors for months, a handful of Democrat and Republican staffers, along with a few Senators and principals from the administration, have been drafting a "comprehensive immigration reform package." Until Saturday morning, the legislation was unavailable to any other Senator or staff, let alone the media, policy analysts, or the general public. This legislation would be the most significant reform of immigration policy in 40 years, affecting not only our national security and homeland defense but the fiscal, economic, and social future of the United States for several generations. For the sake of open deliberation and public education, the Heritage Foundation—which got a copy of the bill somehow—is making this legislation in draft form publicly available to encourage widespread debate and discussion.

Well, thank goodness they did make it public, but who knew they had it on their Web site? I don't know, maybe it was Sunday they did so, but it is not an opportunity for the American people to know what is involved. The Heritage Web site goes on to say:

> The document made available here, although marked "Draft: For Discussion Purposes Only," is being relied upon by Senators and staff as the final language to be debated beginning Monday, May 21st, with the expectation of a vote on final passage without congressional hearings, committee markup, fiscal analysis—and we will talk about that in a little bit, that means how much it costs—expert testimony, or public comment before the end of the week.

As Mr. Hugh Hewitt wrote yesterday, in an on-line article entitled "Summary of the Fine Print":

> I have spent a lot of my weekend reading the draft bill, as requested by both JOHN KYL and TONY SNOWE. There are so many problems with this bill that it should not be introduced in the Senate absent a period of open hearings on it and the solicitation of expert opinion from various analysts across the ideological spectrum. Even if it were somehow to improbably make its way to the President's desk, if it does so before these problems are aired and confronted, the Congress would be inviting a monumental distrust of the institution.

In other words, a monumental distrust of the Congress and the Senate. He goes on to say:

> There is simply too much here to say "trust us and move on." The jam-down of

> such a far-reaching measure, drafted in secret and very difficult for laymen, much less lawyers to read, is fundamentally inconsistent with how we govern ourselves.

Not what we were taught in grade school, I assure you, and I couldn't agree more. This is not how the process is supposed to work. We should not be asked to trust our colleagues and vote to put a bill on the floor when we do not know that the bill text is even finalized, that the bill has not been drafted by legislative counsel, the bill has not been introduced or even given a bill number, the committee process was skipped and not followed, a Congressional Budget Office score may not have been requested.

What is that, a Congressional Budget Office score? Before a piece of legislation is passed, you are supposed to have a score, which is how much it costs. How much will the bill cost? How much will it impact our budget and our deficit if we pass the legislation? How basic is that? Congress shouldn't be passing bills if we don't know what they cost. Last week, they haven't even asked for a CBO score, although we had one from last year that said the bill was exceedingly costly in the first 10 years and much more costly in the years outside of that.

I am going to talk a little bit about what Heritage Foundation says about a score, and it will take your breath away when we discuss that. It is almost something you hate to discuss, but it is something we have to discuss because this is supposed to be a serious institution.

One reason, of course, they haven't requested a score last week is you have to send the bill language to the Congressional Budget Office. Well, they don't even have the language, I guess, yet. It is still being called draft language, and it will be over 800 pages in the proper format. How would you score how much a bill like that will cost? How long do you think it would take? So there is some sort of problem here.

The majority leader is saying we are to spend 1 week on this bill, and we don't have a score, we don't have an idea of how much it is going to cost from the official institution, the Congressional Budget Office, that is charged with doing those things? Not good policy, in my view.

In 1914, former Supreme Court Justice Louis Brandeis wrote:

> Sunlight is said to be the best of disinfectants, electric light the most efficient policeman.

So I want to trust my colleagues. I do trust them. But I have to verify, because this bill is very complicated. It should be introduced in the proper way, as a new bill. It is very different from last year's bill in a number of areas. It should have been introduced as a new piece of legislation. It should have been referred to the Committee on the Judiciary, the primary committee of responsibility, and we should have had hearings and debate on it. We should have called policy experts from Harvard and the University of Chicago, as we did a little bit last time, at my insistence, to find out what it means to our economy, to the working people of America. Are they going to have their wages crushed down because of a flood of low-wage workers, which is what those experts told us last year would occur? That is what they told us.

That is what should have happened. We are not there. Maybe these Members of the Senate who have been meeting think they got it right and the bill is ready to come to the floor, but there are 85 other Senators here who have no idea what is in it. There is no way they could. For many, today is the first day they are back in DC after the new bill text has been made available for them to read. This bill needs some time to be disinfected by the light of day before it is ready for this floor and before we should be voting on it. That is fundamental, because it is so important.

We have small bills, and bills that come before us that we have dealt with that are legitimate to bring up on fairly close notice. But a bill of this importance, one of the longest piece of legislation, possibly the greatest number of pages of any legislative bill since I have been in the Senate, is not something that ought to be popped through here, plopped down as an amendment to the bill, substituting out an entire bill and then going forward to final passage. I don't like that and I don't think we should do it. It is not the right thing to do, and it is not fair to the American public.

The American public cares about this issue. They know more about this issue, oftentimes, than the politicians themselves. The American people, for the last 40 years, have had the right instincts. They want a lawful and fair immigration system. They do not want to end all immigration. They know we are a nation of immigrants. They believe in immigration. But they want a system that works, that does not pull down the wages of working Americans, that furthers our economy, does not enhance the welfare state and is lawful—is consistent with our principle of law. They want the law enforced.

It is the politicians who have failed them consistently. The politicians, similar to last year, seem to be on the move. Their move is we don't want this bill on our floor long. The longer it stays here the more the people will get upset, the more they are going to find out about it, the angrier they will get with us. So we do not want them to know what is in it. We will bring this new bill up, we will plop it down, we will vote it out this week, and get it off our plate. Maybe they would not know. Maybe they would not care.

But it is too important for that. We are beyond that. The American people do care. They are engaged. We might as well have a public and open debate about it and discuss these hard choices—and there are some tough choices to be made. We know that.

It would have been better if this group had conducted their meetings in public, had open meetings and everybody discussed it for several months. They might have made the American people feel better about the system.

When I first heard the White House PowerPoint presentation, this was a presentation made by Secretaries Chertoff and Gutierrez, members of the President's Cabinet. They had a PowerPoint presentation. It leaked to the press at some point. They presented it to certain Senators. I was invited to participate. I believed we had made some big strides from last year. It did, in fact, indicate a movement to a Canadian-type point system. They did assert they had created a temporary worker program that was actually temporary. Last year's temporary worker program was exactly the opposite of what they said it was. It was not temporary at all. The big print in the bill last year was "temporary guest worker." Do you know what those workers were and how it would actually be carried out? A person could come to the United States as a temporary guest worker and, when you got to the fine print, they could come with their family, they could stay for 3 years, they could reup for another 3 years, another 3 years and another 3 years and they could apply for citizenship—or apply for a green card, permanent resident status in the United States the first year they were here.

That was not a temporary guest worker program. It was a joke, a sham, an attempt to mislead the American people. Forgive me if I am a little bit cautious this time about reading the fine print.

We were told we would have a better temporary worker program this year. Let me discuss some of the concerns I have about this legislation, as we understand it today, and how it actually meets with the public presentation of the principles and outlines and framework, as stated in the White House PowerPoint.

It has been my hope that negotiations would produce a bill that followed the principles laid out in the 23 White House PowerPoint presentation. That was released in March. Those were much closer, those principles, to the framework of a bill that I said last year should be in any legislation. I stated I thought the framework from the PowerPoint could produce a bipartisan piece of legislation that could become law and could even become law this year. But I stated clearly I intend on reading the fine print.

I have not had time to read all the fine print, but I have had time enough to know I will have to oppose the bill in its current form. The question Members should ask themselves is this: If we invoke cloture today on last year's fatally flawed bill, this old bill, will the new bill the leader will file as a substitute amendment fulfill the promises laid out in the White House plan? Let's look at the four principles and see.

Principle No. 1 is an enforcement trigger. Among the first principles, the PowerPoint was to "secure the U.S. borders" and "not repeat the 1986 failure." Before any new immigration programs or green card adjustment could begin, the White House PowerPoint stated "enforcement triggers" would have to be met.

Several items were listed under the trigger: 18,300 Border Patrol agents; so many miles of fencing; the end of catch and release; and the initial implementation of a workplace verification system. That is the system at the workplace that ends the job magnet so the businesspeople will stop hiring people illegally because they will have to produce a work card, an identification card, that is very difficult to forge. That is something I think could be very effective.

But I didn't think this list was going to be exhaustive, the things they had on their agenda as a trigger would be the only things in the trigger, that they would be the only things needed to ensure that we "secure U.S. borders" and make sure we did "not repeat the 1986 failure."

Does the new bill fulfill the principle No. 1? Will the enforcement trigger guarantee we are not repeating past mistakes? No, it falls short. It will not ensure that the same promises of enforcement made in 1986 do not meet the same fate.

First, the trigger only applies to the guest worker program. All other amnesty programs will begin immediately—the Z visa probationary status begins 24 hours after the Department of Homeland Security begins accepting applications. If the trigger is not met, it is unclear that status will ever expire.

Second, the trigger only requires enforcement benchmarks we are already planning on meeting. It requires nothing new, and it leaves out many very important enforcement items. Let me tell you about the debate on the trigger. It was a very important debate. Senator **ISAKSON** offered it. It was something I had offered in committee. He worked on it. I offered it on the floor of the Senate. The trigger basically said nobody gets amnesty until we fix this system.

The reason that was important was because, in 1986, when that big amnesty occurred, people said: OK, we are giving you amnesty. American people, we will not have amnesty again. We are going to fix the border. We are going to have a law enforced at the border. But of course it never happened. Three million people were given amnesty in 1986, they were given that on the promise we would have enforcement in the future, and today we have 12 million people here illegally and that enforcement never occurred. So the American people are cynical on this point. I am cynical on this point. I know how this institution works. The concept in the trigger was we would insist on the critical components of the enforcement mechanism being in place before any kind of legalization or amnesty occur.

That is that. That is why it was important. It was a very important part. We have been told: Don't worry, we have a trigger in the bill.

Let me tell you some of the things that are not in it. The US–VISIT exit system is not included as a requirement of the trigger. In 1996, 11 years ago, Congress required the administration—it was the Clinton administration then—to set up a system that recorded the exit and entry of persons across the border. I mean, people go to work, they put their cards in the machine. You go to the bank, you take out money by sticking a card in the machine. It is not difficult to have an exit/entry system at the border if you make up your mind to do so.

We later gave ourselves more time to finish the exit portion because the exit portion was not completed. We moved the date of the exit portion from US–VISIT to the end of 2005. The exit portion of US–VISIT is essential to ensure that future guest workers or new-parent visa recipients or new-family visa recipients do not overstay.

It is one thing to be recorded when you come in. But if you come in for a 30-day visa or you come in for a 1-year work permit, how do we know you left? This is fundamental, to know when the person leaves. Anybody who suggests this is beyond the capability of the United States of America technologically to accomplish, I think is blowing smoke. Of course, we have the capability of doing this if we desire to do so.

It is not a part of the trigger, so I am not sure how valuable it is to have an entry check as part of the US–VISIT but not have the exit check. It is important, I would say, if you intend, when we pass this bill, to actually see it enforced and actually have people go home when the bill says they are supposed to go home. But if you do not put it in, then we have a problem.

A separate section of the bill, section 130, only requires the Department of Homeland Security to submit to Congress a schedule for developing and deploying the exit component. There is no requirement that it be finished as part of the trigger. But I would say the trigger has been very much weakened. They promised a trigger. They knew what the debate was all about and why it was important. The masters of the universe, I affectionately call them, who wrote this thing, said they put a trigger in. But it is not an effective trigger.

Operational control of the border is not required by the trigger. Current law requires that by April 26, 2008, 18 months after the Secure Fence Act was passed and was signed into law, that:

> The Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

Eighty Senators voted on that last year right before the elections, that this should be the standard that we would have, operational control over the border.

Only 18,000 Border Patrol agents have to be deployed by the Department of Homeland Security under this deal. This is 300 agents less than the PowerPoint listed. The Intelligence Reform and Terrorism Prevention Act of 2004 requires 2,000 new Border Patrol agents to be hired each year through 2010, so we are already on track now to have that many people in the next 2 or 3 years. We have already funded the hiring of over 14,000 Border Patrol agents, and DHS is already planning on hiring the 18,000 with upcoming appropriations.

This trigger didn't require anything new, nothing other than what we had done.

The 370 miles of fencing, which was part of the bill offered last year, and 200 miles of vehicle barriers, are yet to be built. So they are being built. But that was a key part of the trigger.

The trigger said we must end the catch and release, and some progress has been made to end this situation that happened when individuals coming across the boarder are apprehended. If they are from Mexico, it would be pretty easy to transport them back to Mexico, or Canada if it were on the Canadian border, but what about somebody caught on the border who is from Brazil? What about someone caught on the border who is from China? Or Indonesia? Or India? Or Africa? What about that? What happens to them?

What we were doing was apprehending people such as that, taking them before some administrative officer, releasing them on bail and asking them to come back for a hearing to be deported. Of course, 95 percent, the numbers show, were not showing up.

We have ended some of that already. Secretary Chertoff has made some progress in ending that situation, where those other than Mexicans are actually moved out rather quickly, except in a few instances.

The catch-and-release provision of the bill directly conflicts with the bill sponsors' claim that the catch-and-release will be eliminated forever as part of the trigger. That section, found on page 10, lines 3 through 23, allows persons "other than Mexicans" caught at the border to be released on $5,000 bond. Being released on a bond is being released. The practice of catch-and-release of the persons "other than Mexicans" isn't ended by this bill; it just now calls for bond. People pay $5,000 to have some coyote bring them across, and they bring another $5,000 bond and they can post the bond and be released immediately into the country.

Another question that came up as part of that debate was to have sufficient prison capacity to detain people while they are being deported instead of releasing them on bail. You cannot end the catch-and-release if there is no place to hold persons apprehended.

The Senate has appropriated money for 9,000 new beds already, bringing us to a total of 27,500 beds. This is the money already appropriated. It is the current level of funding. So nothing new is added by this trigger that would strengthen our capacity.

Later in the bill, a separate section, 137, requires Homeland Security to conduct or acquire 20,000 additional beds. That should be in the trigger. How do we know it will ever be done? Well, we want to authorize or require 20,000 more beds to be built because we have decided we need those. But let me tell you, American people, just because we authorize something like this does not mean in any sense that somewhere down the line a future Congress will put up the money to pay for it. You cannot build bed spaces without money. What is not appropriated will not be built.

Additionally, 27,500 beds is far less than the 43,000 detention beds required under current law to be in use by the end of 2007, as required by the Intelligence Reform and Terrorism Prevention Act. So we are below where we need to be. That should be in part of the trigger if we are to guarantee we are moving in that direction.

Finally, there is no guarantee that the additional enforcement items in title I, Border Enforcement, and title II, Interior Enforcement, will ever be funded. There is no guarantee that the additional enforcement items will be funded. The phrase "subject to the availability of appropriations" is used 18 times in the first two titles. The phrase "authorized to be appropriated" is used 20 times in Titles I and II of the bill.

We all know this does not require any money to be available or any money to be appropriated. So that should make us nervous, ladies and gentlemen, that the language in the bill says we will do this and we will do that, build the items in title I and title II of the bill, but it will be done "subject to the availability of appropriations."

Then they go on to repeat many times, "moneys that are authorized to be appropriated." In other words, this bill is an authorization bill. It would authorize border enforcement. It would authorize bed spaces. But it does not fund it. It does not require it to be done.

Two other trigger elements—workplace enforcement tools and processing of applications of aliens—are fine, but they do nothing to make sure the border is secured before the new guest worker amnesty program begins.

So I am disappointed that the promise of an effective trigger is not what we see in the reality of the bill language.

Principle 2: a future flow temporary worker program, the so-called Y visa. The principle is outlined in a new program for temporary foreign workers. That is what was in the framework in the PowerPoint. The PowerPoint proposed a new program where workers would be admitted for 2 years and could have their visas renewed two times, for a total of 6 years. Each period of admission would be separated by 6 months at home.

Get that. This is what is in this new bill, as we understand it and read it. So this is going to be a temporary worker program. Workers would be admitted for 2 years. That could be renewed two times, for a total of 6 years, but each period would be separated by 6 months at home.

I stated I was very concerned about this time frame. I argued last year that a genuine temporary worker program should be a 1-year program and that workers would come without their families and work on the max to be about 10 months, was my suggestion, then they would return home to be with their families, and that this could be renewed year after year as long as they were satisfactorily employed and the employers desired to hire them again and they had work to do.

But I like the fact that the PowerPoint stated—this is what they promoted a few weeks ago or a month or so ago in the PowerPoint—that workers would not be allowed to bring spouses or children but could return home for visits with their spouses and children. The PowerPoint did not say spouses and children would be coming to the United States to visit the worker.

Though no numerical cap was specified in the plan, the plan envisioned an annual cap set by the Secretary of Homeland Security, in consultation with the Secretaries of Labor and Commerce to set this cap, how many would come.

Secretary Gutierrez told me he thought it might be around 200,000—200,000. If workers wanted to apply for green cards, the PowerPoint stated they would be able to apply for permanent residence—a green card—but they would have to follow the normal merit-based channels and compete for the green card. Just because you are allowed to come into the program and work temporarily in a low-skilled job did not give you a leg up on somebody who was applying because they had a master's degree in mathematics. Also, they would have to leave the country when their work period expired, even if their green card status had not been granted but was pending. That is essential to the success of the project.

Well, does the new bill fulfill the principles in principle No. 2 that were stated to us? Will a truly temporary worker program be created that is comparatively simple and efficient as promised? I have to say the answer is no. There are at least three flaws that will make this program unworkable.

First, the periods are too long. The bill sets up a program where workers come for 2 years at a time. I strongly believe 1 year is a better time period. I think 2 years is just too long.

The periods, curiously, are limited. The bill only permits workers to come for two or three 2-year periods. Why do you limit that? It makes no sense to me to prohibit a worker who has come here for 2 years, gone home, 2 years, gone home, is a fine, skilled worker, the employer wants them, why they cannot keep coming, although I prefer 10 months at a time every year. After 6 years, the bill would cut off the worker from their employer unless they apply for a green card.

So this is a plan, I suggest, that is not supportive of circularity, where a person comes and circulates back to their home country, maintains their base in their home country, but encourages persons—in fact, puts pressure on them, if they want to continue to work—to do everything they can to become a citizen when they may have no desire to be a citizen.

We were in Colombia last year with Senator SPECTER. I met with President Uribe, and he talked about their temporary worker program. He was concerned. He thought the United States was being hostile to immigration. He expressed concern about that. He said: Why don't you do like Canada. We have people who fly up to Canada, they work and come back, and nobody ever has any problem. Well, I said: Mr. President, that is exactly what we should do. We would love to see that. But our system is so convoluted and so lawless, it is not working at all. We are not against immigration. We are not against the workers. But we want to make sure the number of workers is a legitimate number and that the system works. Our system is not working. I would love to have your system.

Now, the numbers are way too high, I have to tell you. The bill sets the initial number of guest workers at 400,000 per year, not 200,000, then it adds an escalator clause based on "market demand." So the real cap is 600,000 a year after a few years. Due to the fact that the bill's market escalator—15 percent—is available in the first year of the program, the new program can result in just under 1 million workers being present in the United States in the second and third years of the program. About one million guest workers will be present in any given year under that program after the second year.

Now, that will have an impact on wages in America. It will be about 920,000 in year 2 here, the 2-year program, and 989,000 in year 3. These numbers do not include the 20 percent of workers who will be allowed to bring their families with them for their 2-year stay. So instead of complying with the promises that we would have a temporary worker program without families, we ended up with 20 percent of the temporary workers being able to bring their families with them for the full 2 years.

So that is what makes this new temporary worker program unworkable. Families can come with a worker. The new temporary worker program allows workers to bring their families—spouses and children—with them in one of their 2-year stays and for 30 days at a time on parent-visitor visas. So there is going to be a parent-visitor visa, which means you can bring children and spouses for 30 days at a time.

There is no reason for a temporary worker program that should allow workers to bring their families with them. Workers can easily go home for a week or two at a time. The cost of travel for one person to travel would be cheaper than for a family to travel for a visit.

Allowing workers to bring their families for either the 2-year period or the 30-day period will cause many practical, complicated ripple effects. Now we have got to be serious about this. We do not have enough Federal people to go out and search for everybody who is overstaying in our country and not complying with our laws. We need to create a good framework that reduces the number of people who are here illegally so they do not have to be run down and apprehended.

So these are some of the things which will happen with children coming for 2 years: Local school costs will escalate as the children of these guest workers attend schools; the language barrier will create additional problems for No Child Left Behind requirements; difficult problems for teachers and principals who have to have language skills they did not have to have before; local emergency room and health care costs will likely escalate.

So we are creating a magnet for dual citizenship. What worker would not want to bring their spouse in during her eighth month in pregnancy on a 30-day visa? This would guarantee that the spouse would receive great medical care during her delivery and would give the child dual citizenship.

Down the road, Members of Congress now purporting to be enforcement hawks, when they have to talk about removing a family, leaving a child here who is a citizen of the United States, what will they do then? I submit they will crumble. You have to create a situation in which that is not likely to occur, not create a bill that encourages or incentivizes this kind of thing to happen. It is going to be too hard to require families who overstay go home. They have kids who are going to be in school; some will be U.S. citizens. That is not going to work.

The temporary guest worker program in this legislation is set up to fail.

Principle 3 in the PowerPoint presentation was that green card allocations would be adjusted to focus more on merit and chain migration, and the visa lottery program would be ended. This is a good deal. That was a good principle, a historic move in the right direction, following Canada and Australia. It was something that was never even discussed last year, except by me. Senator MIKE ENZI on the Health, Education, Labor, and Pensions Committee agreed to have a hearing at my request to discuss that. We could never get a hearing in the Judiciary Committee where the immigration bill came forward. We learned a lot about it. Everybody who learned about the merit-based system liked it. So the White House PowerPoint stated the bill would change the way we distribute green cards to focus more on merit. It described how the current green card system is "out of balance" and "favors those lucky enough to have a relative over those with talent and education."

It noted how the United States currently dedicates 58 percent of the 1.1 million green cards issued each year to relatives and only 22 percent to people selected for their disabilities.

This is the chart we had. It reflects that this is what the United States does; 58 percent of the immigration was based on relative ability, not merit. The PowerPoint noted how in other developed countries, Canada specifically, 60 percent of the green cards go to employment-based immigrants selected for their abilities. The PowerPoint described that in the initial years "all diversity visas and some parent-preference visas would be used for merit based selection—creating 100,000 openings in year one."

Finally, the PowerPoint stated we would "launch a visa system that sorts applicants according to national needs and merit." The system was described as a way to "boost U.S. competitiveness, emphasize education," and "make it easier for the best foreign students earning STEM (science, technology, engineering, or math) degrees at U.S. colleges to stay and work."

Negotiators describing the merit system described the implementation of a point system which selects legal permanent resident applicants based on their skills, education, language abilities, and age. That is good, isn't it? You would evaluate people who apply based on their skills, education, language, and age.

To give you an insight into how significant this is, we have a lottery. Anybody in the world from any country can apply to be a resident of the United States. They can submit their name and it goes into a pot. They draw 50,000 names from that pot. If your name is drawn out, you get in regardless of whether you have any skills, merit, or anything else, other than perhaps you couldn't get in if you had a bad criminal record. To give some perspective on the situation the United States now finds itself in, 1 million people in the year 2000 applied for those 50,000 slots. Correction. My fabulous staffer Cindy Hayden has corrected me. Hold your hat. I was wrong. Not 1 million people applied for the 50,000 lottery slots; 11 million people applied for the 50,000 lottery slots. What does this mean if we are trying to establish an immigration policy that serves our national interest? What does that mean? It means we have far more people who have applied to come to our country than we can ever accept. Professor Borjas at the Kennedy School at Harvard, himself a Cuban refugee, has said in his book "Heaven's Door" that for a poor person anywhere in the globe, coming to the United States is a tremendous benefit to them. All of them will benefit; almost universally they will benefit by coming here. It is not a question of whether the individual will benefit if they come here; it is a question of who can come here since we can't allow and have no capacity to come close to allowing everybody to come to America who would like to come here.

What have Canada and Australia done? They said: We are going to set an immigration policy that serves our national interest. How commonsensical is that? Our national interest. We had a committee hearing on it. I asked Secretary Chertoff at one of the hearings: Do you believe that policies should serve our national interest? I was proud of him. He said, just like that: Yes, sir, it should serve our national interest.

I believe it was the columnist Charles Krauthammer, in one of his columns about this subject, who mused as to whether we shouldn't be like the NFL football draft and look out all over the world and pick the best and brightest who would flourish in America and strengthen our Nation and make us a better, stronger, more vigorous, and talented country. There is much to be said there. That was the promise we were made, that this new bill was going to make a move toward the Canadian system. There are some steps in that direction but, unfortunately, not enough.

I expressed concern at the time that the White House plan appeared to increase the number of green cards available each year. Page 21 of the bill indicated 1.4 million would be available each year, now at 1.1. I also stated it would be critical to examine how the point system was actually written, that the actual test had to ensure that low-skilled workers would not receive preference for green cards over high-skilled workers. Even though some business may think that is great, to have a bunch of low-skilled workers, that may not be the best thing for the national interest. Nor does the bill fulfill that principle we were told should be included in an immigration bill. Will green card allocations be adjusted to focus more on merit? Will chain migration be ended? The new bill will only do a fraction of the good it could have done. That is what is so frustrating to me. It came close. It made some progress, but it could have been so much better. We could have made a cleaner move to this kind of enlightened approach to immigration.

They say we are going to end chain migration. Chain migration would be the ability to bring brothers and sisters into the country if you have been made a citizen. Also I thought it meant you would end the ability to bring in aging parents, but typical of the cutting the baby in half, the political compromise basically cut the number of parents in half who could come. So a number of aging parents will still be able to chain migrate in if their children have obtained citizenship. That is in the future, however. But between now and 2015, chain migration does not end but is actually accelerated. I kid you not. Instead of actually ending chain migration, the new bill only stops accepting new chain migration applications. The bill's sponsors take the numbers they eliminate from chain migration categories, about 200,000 per year, and then allocate those to adjusting the backlogged chain migration applications. In other words, people who have applied for chain migration get to come in.

If this were not enough, the bill's sponsors then take the green card numbers freed up through elimination of the visa lottery program—50,000—and also dedicate those numbers to processing not high-skilled people but the chain migration backlog applications. Even after 8 years, when the chain migration backlog is supposed to be eliminated, points for family members will be issued through the merit system. So we are creating a so-called merit system, but it is skewed also, not to merit but to family. Six points are given for adult sons and daughters of permanent residents; four points for siblings of citizens and permanent residents; and two extra points if you have applied for a chain migration category between May 1, 2005 and now. So we are giving substantial points, tipping value points to lower skilled workers because they happen to be involved in the chain migration process. I don't think that is a good principle. It undermines the move we have been promised occurs through a merit-based system.

Let me make this point. The merit system as proposed in the legislation will not receive "100,000 openings in year one" alone, as the PowerPoint presentation we were given promised. For the first 5 years, current employment-based visa levels are kept the same—140,000—until 2015. Only after 8 years will the number of employment-based, skill-based, green cards be increased to 380,000. So in reality, chain migration numbers between now and 2015 will skyrocket. Chain migration is going to increase until 2015. The portion of family-based migration versus merit-based migration will be worse than it is today, perhaps much worse. Think about that. The PowerPoint we have been sold is that this is going to move to merit. Yes, it says that. Yes, it does. But when you look at the real numbers through the next 8 years, the numbers are going to be more chain migration, and it will be worse in terms of merit-based migration than exists today.

Additionally, several characteristics of the merit-based system will work to undermine its stated purpose, which is "to boost U.S. competitiveness," to "emphasize education," and "make it easier for the best foreign students earning STEM degrees at U.S. colleges to stay here and work."

The merit-based system will set aside 10,000 green cards a year for temporary workers, new Y visa holders. These workers will not have to compete on a level playing field with all other merit system applicants. Instead, they will only be competing among themselves for the 10,000 annual slots. Additionally, the merit-based system includes points for characteristics that low-skilled workers in the United States are sure to have. In other words, you create a temporary worker program that can bring in almost a million people in a 2-year period to do low-skilled work. Then you create a permanent system of immigration for those low-skilled workers when it is supposed to focus on merit. But the system then turns around and provides extra points for low-skilled workers to help them get into this system. Sixteen points, for example, are given for employment in a "high demand occupation." This list, to be produced by the Bureau of Labor Statistics, is sure to conclude jobs in the service industry, the construction industry, food processing industry, et cetera.

Two points per year—up to 10—are given for the years of work the applicant has done for a U.S. firm. It is easy to see how a temporary worker, who is allowed to work in the United States for 6 years, will get 10 points here. That undermines the merit system in many ways, so there are a lot of subtleties here.

Now, when Senator KENNEDY and the others had their press conference to announce the grand compromise, Senator KENNEDY or his staff, about that time, indicated only 30 percent of the people would come into our country based on merit and that, not to worry, we were still going to be, as one of his staffers said, a family-based system, a chain migration system, not a merit-based system. As we look at the numbers, I am afraid Senator KENNEDY is more correct than I wish were so.

There is another principle: the illegal alien population program, the Z visas. These are the people who are here illegally.

The White House PowerPoint described how the proposal would give legal status to illegal aliens currently in the United States through new Z visas, but would provide them with "no special path to citizenship." The Z visa sounded better to me than the plan last year, which was very bad and should never have become law.

Specifically, the PowerPoint told us the Z visa holder would be able to apply for green cards, but "only through regular programs," through "point-based merit selection." According to the PowerPoint, Z visa holders would be "ineligible for 'adjustment of status' from the U.S. . . . Heads of household would need to return to their home country and follow the normal channel" to be admitted into the country on a permanent basis.

Well, does the new bill we have been presented with Saturday morning at 2 a.m. fulfill principle No. 4? Will the current illegal alien population be treated compassionately but not given a special path to citizenship, as they promised? The answer, I am afraid, and I am sad to say, is no. The new bill clearly creates a system whereby current illegal aliens are treated differently than those who try to come to the United States lawfully. It may not be "jackpot" amnesty, but it is some form of amnesty.

My definition has been: Those who broke the law to come here should not receive every benefit this Nation has to offer, like those who come lawfully; namely, citizenship and certain economic benefits. If you come unlawfully, you should never get those things. That is an important principle.

Mr. President, 1986 should have told us that. We need to establish and say from 1986 onward we are never going to let you be a citizen if you come unlawfully. We may say you can stay here with your family and your children—you are working, you have been here many years—maybe we can accept those kinds of compassionate realities. But to give them every benefit of citizenship as a result of breaking in line ahead of other persons is not the right thing.

I was very glad our Republican leader in the Senate, Senator McCONNELL, when interviewed yesterday by George Stephanopoulos on "This Week," drew a line in the sand for the Republican position on this issue. He stated:

> One thing is for sure: If this bill gives them any preferential treatment toward citizenship over people who came into the country in the proper way, that's a non-starter.

Well, I agree. The one thing we can all agree we should not do is treat the illegal alien preferentially. So I am sad to say that after reading the bill I think there are several ways in which the language gives preferential treatment toward citizenship to the illegal alien population over people who have waited in line to come the proper way.

First, illegal aliens who rushed across the border between January 7, 2004—the date contained in last year's Senate bill—and July 1, 2007, will be eligible for amnesty. That is on page 260, line 25 of the legislation. This includes illegal aliens who have been here a mere 5 months.

I want to repeat that. Last year, the bill that was so fatally flawed—I thought was not principled—said if you wanted to be part of the amnesty it contained, you would at least have to have been in the country before January 1, 2004. This bill says you get amnesty if you were in the country up to January 1, 2007—just a few months ago, 4 or 5 months ago.

We put National Guard on the border. We have enhanced our Border Patrol. We put up fencing and all of this. But if somebody beat the system last October, last November, last December 31, and got into our country, they are going to be given amnesty under this bill. That is not sensible. It indicates we are thinking politically and not as a matter of principle.

Advocates for this bill claim this bill is necessary because illegal aliens have deep roots in the United States and are, therefore, impossible to remove. This is simply not true in all cases. It is not true in all cases. For some cases, they are tough situations, I admit. But illegal aliens who have rushed across the border in the last few years, without their family—and including those who came 5 months ago—will be given all the same amnesty benefits as those who have been living here for 10 or more years in the United States, and raised children in the United States, and have never been arrested or done anything wrong.

The American people may want us to treat the illegal alien population compassionately—and they do—but there is no reason to lump all illegal aliens into the same amnesty program regardless of when they got here or how deep their roots are into the United States.

The bill also contains a provision that makes anyone who filed an application to come lawfully after May 1, 2005, have to start the process over by applying for a green card through the merit system. So if you applied lawfully after May 1, 2005, you have to start your process all over again—a burden to the lawful applicant. It is fundamentally unfair those who would come here 5 months ago should be put on this guaranteed path.

Second, under this bill, only illegal aliens will be eligible for Z visas—visas that allow them to live and work here forever, as long as they are renewed every 4 years, and they have a special point system that allows the Z visa holder to adjust status to permanent status without regard to numerical limits. These visas are not available to anyone living in the United States who came here to work legally and who will have to go home once their visa expires.

Third, under the bill, unlike any alien who wants to come the proper way, those illegally here will get legal status 24 hours after they apply, even if their background checks are not completed.

Fourth, under the bill, unlike any alien who wants to come the proper way, illegal aliens may be exempted from a long list of inadmissibility grounds, including fraud or misrepresentation to obtain immigration benefits, and false claims of U.S. citizenship; and their prior deportation or removal orders can be waived, even if they never left. In other words, if they have been apprehended in some fashion, have been ordered deported and given a removal order, they can still be exempted from that, even if they refused to leave the country, as they were ordered to do so, if they can show hardship to their families.

Fifth, it is important to remember that under the bill, unlike an alien who wants to come the proper way, a Z visa holder will be able to get a green card through their own separate point system, and without being subjected to the regular annual numerical limits, which is a real advantage, I would submit, to them.

I see my colleague Senator BUNNING is in the Chamber. I understood he wants to speak, and I will be pleased to yield to him at this time.

But we do have a responsibility to fix this immigration system we have today. It is comprehensively broken. It is a lawless system. We arrest at the borders of the United States every year—hold your hat—1.1 million people. That is because the word is out all over that we do not enforce our laws and you can come into this country unlawfully and get away with it.

Now, we have to make a decision as a nation: Will we create a system that is lawful, that is principled, and that will work? Will we do that, or will we not?

I have said in the last couple years when someone comes up with an idea that will actually work to enforce our law and end the lawlessness, that is what gets objected to. If you come up with an idea that will not work, will only have an incremental benefit, people are glad to pass it and say they did something about immigration. But that is not the way we have been doing it.

In my mind, it is no good—this is the analogy I use—if someone attempts to jump across a 10-foot ravine and he jumps fully 9 feet but does not get across and falls to the bottom, how good is that? That is what we have been doing in immigration law. We have been passing bills. They have had loophole after loophole, gimmick after gimmick, impossibility after impossibility, and they have never worked. I think it is because in our base, in the Congress—we and the Presidents—they have not wanted it to work.

It is time for us to listen to the American people. Their heart is right on this subject. They believe in immigration. They believe in a lawful system of immigration that can serve our national interest.

Mr. President, it is a pleasure to yield the floor to my colleague from Kentucky. He understands this issue with great clarity. He is a man of principle and courage. He also is a man you do not want to be battling against with two outs and two people on base, our Hall of Fame baseball pitcher, JIM BUNNING.

I yield the floor.

The ACTING PRESIDENT pro tempore. The junior senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I thank Senator SESSIONS and thank him for his input and insight into what has gone on for the last 8 weeks or 10 weeks. I thank the Senator for his explanation today on his perception of what is in this bill. I wish to add a few other comments, and I do have a couple charts that are on their way down to the Chamber.

I rise to address some of the concerns I have about last week's so-called immigration compromise and the way it is being shoved—or trying to be shoved—through the Senate this week. Last week's so-called immigration agreement is not a compromise in the traditional sense of the word. The proposal was written in secret by a small group of Senators and our current administration. This bill may not be a compromise, but it is compromising to this country's economy, national security, and the very foundation as a democracy rooted in the rule of law.

America is a democracy operating under the rule of law. Since the very beginning of the American experiment, people came from all over this world—many countries with corrupt governments—where the law only applied to some and could be bought by the highest bidder for others. They came to live where the Government respects the individual and where the individual respects the law.

From our recent history, we have seen an alarming increase in immigration from people who don't think they have to wait in line or play by our rules. Instead of punishing these people, a few Senators and the administration have crafted a large-scale "get out of jail free" pass. No matter what you call it—X, Y, or Z visas—this bill will grant amnesty to millions of illegal immigrants all over this country. My wife and I, our 9 kids, and our 35 grandkids are all descendants of immigrants. Mary and I have taught our family to be grateful for our Nation's rich tradition of immigration. But more importantly, we have tried to instill in our family a deep respect of law. Appreciating the contributions the immigrant brings to our Nation does not mean we will surrender the right of our Nation and its citizens to decide who comes here.

Like many people in the Commonwealth of Kentucky and all over this Nation, I have serious concerns about an immigration policy that rewards lawbreakers. Is granting amnesty to those who were lucky enough to be born or get to one of our border countries, and enter our country illegally, fair to those potential immigrants who have been waiting in other parts of the world? I wonder what message does rewarding those who willfully break the law send to our Nation's young people? What message does it send to the rest of the world? Doesn't it make everyone who is trying to play by the rules seem foolish? More practically, how many people do you think are going to come over our borders? Are you going to reward 5 million people for breaking the law or will it be 10 million or maybe 20 million? Isn't it a distinct possibility this bill will grant amnesty to those who came here only to do our Nation harm? These are questions I am willing to get serious about for the American people, but is anyone else?

Today we are going to have a vote to move the process forward. Some things are clear. This bill will grant amnesty to millions of illegal immigrants, period. It is true. It also creates a massive new guest worker program for low-skilled workers that does not truly limit costs to the system. What remains unclear is how much this great compromise will cost. If you look closely, the numbers are staggering.

In 2004, there were about 4.5 million low-skill immigrant households in the United States—about 5 percent of our population. That number has only gone up. Let's look at this chart. Each of these households pays about $10,500 in taxes. That is less than almost every other American household. What is more alarming is how much they are receiving. Each of these households receives an average of $30,000 a year in immediate benefits. So they earn, or bring in, $10,000, and they get benefits of $30,000. That means each low-skilled amnesty household could cost the American taxpayer approximately $20,000 each year. Well, actually, $19,588, or twice what they are paying in.

Let's go to the second chart. If we look at a breakdown in what they are receiving, that $30,000 a year in Social Security, Medicare, and transfer programs, cash, food, housing, social services, medical care, public education, and population-based services such as police and fire, $30,000 seems like a pretty hefty welcome basket just for crossing our borders. Here shows all the other benefits, and it all adds up to $30,160. These are the benefits I described.

We will go now to chart 3. Most American families are taxpayers during their working years and tax-takers during their retirement years. Not so with the low-skilled amnesty family. The low-skilled amnesty household takes more from the Government than it pays in at every level. Therefore, claims that we save Social Security and other programs by importing young immigrant workers are simply a myth. You can see that households under 25 pay in $8,000 and take out $14,295; heads of household from 25 to 34, $10,000 paid in, benefits of $25,485; households whose head is 35 to 44, $12,000 paid in, $34,000 in benefits, all the way down to where the biggest burden is when that immigrant family and the head of that household becomes 65 or over, and they pay in $4,500 in taxes and other things, and receive $37,500 in benefits.

The most expensive group, of course, is the 65 and older crowd. They cost the American taxpayers on an average of almost $32,000 every year. If we consider only the illegals given amnesty, those costs would add up to over—and this is shocking if you want to think about it—$2 trillion—that is trillion with a T—over the lifetime they are here, from very young when they come in at 25 to when they become 65. There are currently 8 million nonelderly immigrants in low-skilled households. Eight million. Can you imagine the strain on Social Security when these people reach retirement age? Right here, where they are receiving the $32,000 in benefits that they don't pay in—they don't match. At that moment the program will be going into crisis—that very moment—because if you add them now, the baby boomers, and they will reach the age of 65 about at the same time. Our Social Security system can't handle that now. What are we to do if we add 10, 15, 20 million more?

The upcoming budget stifles the economy by levying the largest tax increase ever—ever—on American businesses and taxpayers, and what have we left our kids and grandkids? The biggest bill ever that they will not—I say will not—be able to pay.

These may be hard numbers for some people to understand, but I wish to talk for a moment about who will be paying these bills. Look no further than your neighbor, families who have two mid-wage earners, now fall into the top 40 percent of our Nation's wealthy, according to the Internal Revenue Code—wealthy. My daughter Amy and her husband are now wealthy—with four children to raise.

A recent study by the Tax Foundation found these working families, the middle class, are carrying the weight of the Nation's tax burden on their back. And let's not forget about our small business owners. Forty-three percent of the people in the top 20 percent of the tax bracket have business income, meaning they are creating jobs and wealth in our economy. Can you imagine the effect that continued tax increases, which will be inevitable to fund this kind of amnesty program, will have on our middle-class families and our economy? Is anyone willing to get serious about this for the American people?

I don't know about my colleagues, but these numbers, over $2 trillion, are pretty hard for me to comprehend. What is even more unbelievable is no one is talking about them. In fact, the Senate is being asked to pass this incredibly expensive bill in less than 1 week—less than 1 week.

How our Nation chooses to deal with immigration is one of the most serious questions Congress must address. Our immigration policy directly affects our economy, communities, and the rule of law. It requires a thorough, thoughtful, and serious debate. We should be debating each and every one of these issues I have put up here on the chart on the floor of the Senate—not rushing to get something through so that the President can sign it.

But here we are about to vote to proceed to a bill that is not even in bill form. It is 326 written pages. By the time it goes into bill form, it will be close to 1,000 pages, and we don't even have a CBO estimate on the cost—not one CBO estimate. It didn't go through the committee process. At least last year we had a bill that went through the committee process. It was voted out. We spent 2 weeks on the floor of the Senate debating it. So at least last year we had a much more thorough discussion.

The bill we dealt with and are dealing with this year has not even been considered in committee, and we are supposed to pass it by Memorial Day. That is a seriously flawed process. With the many questions that are currently being asked about this bill, we need to debate it thoroughly—each and every questionable paragraph—when they finally get it into bill form.

We are going to have a substitute amendment shortly, after we pass a bill that means absolutely nothing. If they do pass cloture on last year's bill, then the majority leader will propose a substitute to this new bill. Wouldn't it be interesting if someone objected and made the clerk read every sentence in that bill? How long do you think that would take? Two days, maybe more. I know the clerk would be very tired by the time the reading of the bill would be over. I am sure everyone in the Senate would realize exactly the seriousness of this bill. So I am asking all my colleagues in the Senate, let's not rush to judgment on this so-called compromise immigration bill we have before us. Let's consider it like the Senate should consider it. If we are the most deliberative body in the whole world, we should deliberately look at all the nooks and crannies in this compromise bill. I ask my colleagues to do this.

I yield the floor and thank the Senator from Alabama for the time.

Mr. SESSIONS. Mr. President, I thank the Senator from Kentucky. I hope people heard what he said and saw the import of the charts he produced. The numbers are so large it almost goes beyond our ability to comprehend. But according to the senior fellow at the Heritage Foundation, Robert Rector, one of the most acknowledged experts on social welfare in America and the architect of the historic welfare reform that worked far better than critics ever said it would work, at a press conference that Senator BUNNING hosted this morning to give those figures, he said in his opinion—correct me if I am wrong—and he studied this and added up the numbers for days, weeks, and months, and he came up with the figure of $2.3 trillion as a net loss to the U.S. Treasury over the lifetime of those persons who would be given amnesty out of the 12 million; is that correct?

Mr. BUNNING. He used the figure 12.5 million.

Mr. SESSIONS. Based on the fact that half of those were high school graduates, that was a key factor. He was passionate; would you not agree?

Mr. BUNNING. Absolutely.

Mr. SESSIONS. Regarding the damage this would do to the financial well-being of our country.

Mr. BUNNING. Will the Senator yield?

Mr. SESSIONS. Yes.

Mr. BUNNING. I know how desperate some of my construction people are in Kentucky, my horse farmers, the general farm community, the service industry, and the motels and hotels, for workers to be here, but they have to be here in legal form. They cannot be here and cheating to get across the border. We have to have legal immigration to service those jobs. I don't think this bill gets us there. That is why I have serious doubts that it is the right vehicle to take care of those workers we want to make sure get here to service our economy.

Mr. SESSIONS. I thank the Senator. I agree. We are at the point of needing historic reform. I believe we could do that, but we ought to consider what Canada, Australia, and New Zealand have done to avoid the financial catastrophe we are headed for if we don't watch out.

I yield such time as he might use to Senator VITTER from Louisiana, who is a lawyer and a Tulane graduate.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. VITTER. I, too, rise today to strongly oppose the motion to proceed that we will be voting on in a few hours and to strongly oppose this absolute rush to judgment on this bill, rush to pass legislation that will have a huge impact on our country for 25 to 50 years or more.

I start by thanking Senator SESSIONS for his hard work in defending the Senate procedure that is in place for a very good reason—to ensure the deliberative process, to ensure that important, weighty matters get careful consideration. That is what the American people deserve.

That is what is absolutely threatened by this rush to pass this legislation, starting with the motion to proceed that we will be voting on in a few hours.

The Senate is supposed to be the world's most deliberative body. Yet I and many other Senate offices have not had adequate time to look carefully at this so-called compromise proposal before this very important vote this afternoon. The first time the legislation was available to me or any other Senator was at 2 a.m. on Saturday. Yet right now, Monday, in a few hours, we are being asked to essentially start voting on it through the motion to proceed.

I am especially disappointed because I joined 16 fellow Senators urging the Senate leadership to provide 1-week prior notice before we are asked to cast votes on this massive immigration reform bill. Rather than 1 week, of course, we barely get a day of the work week. As I said, this bill was not available for anyone's consideration until 2 a.m. Saturday. Here we are on Monday about to start voting on this massive bill of 800 to 900 pages, at least. Maybe it will be near a thousand pages when it is put into proper bill form, which hasn't happened yet.

There has been no committee consideration, no committee markups and vetting, which is the normal course of action, which at least happened last year during Senate consideration of immigration reform. Senator REID, the majority leader, is rushing and urging us to finish this week before the Memorial Day recess. Folks haven't had any chance to study the bill yet and we are going to rush to try to finish it this week and there is no estimate whatsoever of its cost, no CBO score.

In fact, the proponents of the bill haven't even requested, as I understand it, a CBO score to date. That should tell you something. I urge my fellow Senators to vote against this motion to rush to judgment, because that is what it is, and join the American public in urging the leadership to postpone any vote until it has had a proper chance to review carefully this massive proposal.

I am not against all immigration reform. I am against voting on a bill that only a few Senators participated in crafting and that all Senators have not had adequate time to study carefully.

Mr. President, an obvious question: Why are we in the midst of this rush to judgment, rush to pass this bill? I believe there is a very simple political answer, and it is that if the American people fully understood what was buried in this bill, there would be a massive outcry against it, and Senators—politicians at heart—would have to react to that outcry. I believe that is the simple, cold, hard political fact behind this rush to judgment and rush to pass this bill.

Of course, the biggest item that I would argue falls into that category is the Z visa section of this massive immigration reform proposal. It would grant amnesty—I truly believe there is no other appropriate word for it—to millions of illegal aliens who have broken our laws to come into this country, who have broken more laws to stay in this country and, in many cases, get jobs. But this Z visa section of this proposal—better known as Z visa amnesty—would give all these millions and millions of illegal aliens the opportunity for pure, unadulterated amnesty. Make no mistake, this Z visa is amnesty, pure and simple. It rewards folks for breaking the law and lets them stay in this country without ever having to return to their homeland forever.

I have an amendment that will strike the entire text of title VI and remove the Z visa amnesty program from the bill. I hope at least we have time for consideration of that and other crucial amendments. I will certainly offer this amendment, and the American public absolutely wants to have all Senators vote on record on that amendment and other important amendments.

Again, we should not absolutely rush to judgment and rush to pass this bill, 800 to 900 pages or more. We don't know because it is not in proper bill form yet, with language only available to all Senators starting 2 a.m. on Saturday, and yet here we are Monday, the first day of the workweek, rushing to start voting on this bill.

What is more, there is no estimate of the cost of this measure, costs that will be with us for decades and decades to come, no estimate of the cost, and to date the proponents of the bill haven't even asked the Congressional Budget Office to start working on an estimate, which should give us some inkling of what that cost estimate might look like. Yet in the midst of this, the majority leader is pushing for final consideration of the bill this week, before we leave this week. Yet most of us have only begun to look at its exact language.

Surely our Founding Fathers did not intend for this to be the legislative process. Surely they did not intend for a very few to represent the many, even in the Senate. We have 100 Senators who have votes in this body. All of them, not just the proponents and crafters of the bill, all of them, all of us should have a reasonable opportunity to digest this massive bill.

The legislative process should afford elected officials and our citizens the opportunity to read, amend, and debate bills. Can we honestly say we have honored that principle by going forward with votes on this legislation starting today, with the leadership rushing to try to finish the entire process in the Senate by the end of the week?

I ask my fellow Senators, is this a precedent we really want to establish for future very important legislation, legislation such as this that will affect our country for decades and decades to come? Clearly, this is not the right precedent. Clearly, we should have time to read the bill before we start voting on it, and we don't here. Clearly, we should have time to hear from the American people about the very important elements in this bill, and we don't. Clearly, all of us should know the cost estimate of this bill. We should get a CBO score before we start voting on this bill. And we don't. We are not likely to have that score before the end of Senate consideration with the proponents not even having asked for a CBO score, to my knowledge, to date. Clearly, something is up with this rushed process.

Clearly, this process needs to go beyond this week, through the Memorial Day recess, so we can have an adequate and full national debate; not just Senate debate but a national debate among all our citizens and then be allowed to come back, flesh out details, offer more amendments, having digested the entire bill.

On any vitally important matter, on any key bill numbering 1,000 pages or so, on any legislation that will affect our country for decades and pose costs in the trillions and trillions of dollars, that is the right course of action. One has to wonder in that context why the Senate leadership is pushing for exactly the opposite course of action.

Again, I urge all of my colleagues, however they are leaning on this bill, which they have only begun to read, to vote no on this motion to proceed to preserve the integrity of the Senate, the deliberative process, and to respect the American people enough to give them, as well as ourselves, the time to digest all important aspects of this massive bill.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Louisiana and value his insight into these matters and so many other matters in the Senate. He has an incisive mind and is committed to the principles that have made America great.

I wish to follow up on a few points that indicate to me the unhealthiness of where we are. Here is an Associated Press article from Saturday. Once again, we are hearing statements from the people who met to write this bill, as we did last year, that any amendments threaten the whole bill and it may not pass. It might fall apart if somebody in the Senate were to disagree and offer an amendment that was different than something the self-appointed negotiators agreed upon; and not just they agreed upon, but maybe some outside influences and special interests who have been working behind the scenes to see this legislation become reality from the beginning.

I remember last year in the debate having an exchange with one of my colleagues who objected to amendments and said that we couldn't do this amendment, that the compromise that these groups had worked on together might collapse if a trigger amendment, I believe it was, that Senator ISAKSON was offering passed.

I remember asking: Who was in this room where you all met? Were you elected to be in this room? Did outside groups submit information and approve or disapprove various provisions contained in the legislation? Are those the people who are going to be unhappy if some Member of the Senate, duly elected by the people of their State, disagrees and votes it down? Who gets to decide what is in a piece of legislation? The whole Senate or not? I just see some of that same little tendency out there today.

I have an article by the Associated Press. This article goes on to note:

> Any one of the changes has the potential to sink the whole measure, which was unveiled with fanfare Thursday but still was being drafted late Friday.

That is what Julia Hirschfield Davis said. She goes on to quote Commerce Secretary Gutierrez, who helped negotiate the compromise who "cautioned against revisions that could upset the framework."

I would like to have seen the bill follow the framework that Secretary Gutierrez and Secretary Chertoff provided when they said we were going to have a new bill. That framework sounded pretty good to me, but the details of it are not holding up to the principles of that framework.

Secretary Gutierrez said:

> You take something out and you're creating a problem throughout the system—you may think that you're only tweaking one part. . . . We've got to be very careful as to what is proposed to change.

In other words, don't be messing with what we worked on.

Interest groups also seem to be well informed:

> "We're going to fight like mad to fix the parts we don't like," said Tom Snyder, the national political director of Unite Here!, a service workers union comprised largely of immigrants.

Not a normal union, a service worker union, comprised of immigrants.

Then liberal activists who call the measure a good start but object to parts, but they say they have "'a couple of bites at the apple' to change it as it makes its way to President Bush's desk, said Frank Sharry, the executive director of the National Immigration Forum."

And another:

> "We're not sure that our support will continue if the bill that approaches the finish line has these kind of problems in it," says Cecilia Munoz of the National Council of La Raza.

So they make their points. All I am saying to my colleagues is that it is our responsibility as Members of this body to take extremely seriously the responsibility we have been given to craft an immigration policy that will serve—surely we can all agree—the national interest of the United States and the people who live here—a just, legitimate national interest. That has to be the pole star of what we are doing, a guiding star of how we are going to do our work. If we don't commit to that, then we are going to have real problems. We are going to try to adjust immigration policy based on special interest groups, what they think is important to them in the short run.

If you are a business and hire people and don't have to have health care for them and they get sick, you don't have to take care of them, but they can go down to the local emergency room and have it paid for by the city and the county in which that person lives and you have gained an economic advantage.

Why would you want to hire a lawful American citizen if you have to have more benefits or pay more wages? This is a real factor. We have to talk about it. You can bring in enough workers and, in fact, we are already doing it, to the degree it will drive down the wages of decent, honest, hard-working American citizens and prohibit them in this time of economic growth and prosperity of seeing their wages rise as those corporate leaders are seeing their wages rise in this time of prosperity with profits up.

In fact, Professor Borjas of Harvard, who has written the book "Heaven's

Door," himself a Cuban refugee, is very concerned about the large flow of low-skilled immigration workers into America. Professor Borjas says, in his estimate it has reduced the wages of lower skilled American workers by 8 percent. That is real money. Not only that, it has prohibited people from having a chance to progress and rise in the ranks and be promoted and get an even larger paycheck than just the lower scale at which they may have started.

On the Mall—not even on the Mall, at the foot of this Capitol—last year during this debate, I was taking a Saturday morning walk. An individual, an African American from Montgomery, AL, spoke with me. I went over and talked with him. He was going to visit relatives in New Jersey, and he stopped by with the family to see the Capitol.

I asked him what he did. He said he was in the drywall business in Montgomery. I asked him how he was doing. We first talked about how good the economy in Alabama was doing. We had good economic growth and a lot of building had been going on. I asked him how things were going with him. He said: Yes, the county and the city are doing wonderful, but we're not doing so well.

I said: What do you mean?

He said: My father started this business as a young man, and we have been carrying it on. Really these are as bad a times as we have ever had.

Why? Montgomery is growing, houses are popping up everywhere. There is economic growth in the commercial area in addition. I said: Why? Do you think it has anything to do with immigration?

He said: I don't have anything against immigrants. I like them. But, yes, it really has. We have lost a lot of work.

So I am saying to my colleagues, it is not always true that nobody will do this work. Sometimes it is a question of whether they will or can do it at a salary and an income level we want them to have, at a salary and income level that will allow them to take care of their family, that will provide a retirement benefit or health care for their family if someone gets sick. There are thousands, tens of thousands and hundreds of thousands of individuals similar to this man I just described who are seeing their piece of the economic pie being eroded.

People disagree about that. They say it is not so. But I submit it is basic economics.

We grow cotton and corn in Alabama. If someone were to bring into this country huge amounts of cotton, causing the price of cotton to fall, we would hear from our farmers, and people would oppose that, saying that is not proper. If they brought in huge amounts of corn and depressed the price of corn, wouldn't we be concerned about that? Is anybody concerned about the low-skilled worker, where we are seeing unprecedented numbers of people doing low-skilled work and adversely impacting the wages of workers in America today? It is happening.

Do we need immigration? Do we have jobs that can't be filled by American workers? I think so. I have talked to business people in my State. I have had them tell me what is happening and share their ideas, and I am convinced we do. That is why I proposed last year that we create a legitimate temporary worker program, one that would actually work.

The proposal in last year's bill was breathtaking in its lack of wisdom. The bill last year had a provision called temporary guest worker. But when you read it, what it said was that a temporary guest worker could come to America for 3 years as a temporary worker and they could bring their families with them; after 3 years, they could reup again for another 3 years and another 3 years and another 3 years. After the first 3 years here, they could apply to be a green card holder or a permanent resident and then be put on the road to citizenship. That is not a temporary worker program. Those people were supposed to go home after a certain period of time. But the way that proposal was set, they would not go home. Their children would be born here, their families would be settled here, and their roots would be deep in American soil and in the American community. Their kids would now be in junior high school, and somebody is going to walk in and say: Sorry, it is time for you to go back home to Mexico or Honduras or China or wherever they may have come from? That is not a practical solution. That makes no sense.

We know we are not going to want to confront that kind of situation, so we objected to that and urged the idea that they have a legitimate temporary worker program and a legitimate program that is a temporary worker program, which would mean the worker came here without their family for a limited period of time and, with circularity, would go back home after their period of work had occurred.

That is being done throughout the world today. A group from Colombia applies, and they go to Canada and they work for a season and then return home to Colombia. They never have any problem with that. They do not bring their families. They do not settle in for 3 years and then the Government of Canada expects them to go home. They have created a system that actually works because it is based on common sense and human nature.

What I suggest is that we create a genuine temporary worker program where people can come to our country to meet those needs certified by the Department of Labor and that are in crisis. For example, my colleague, Senator VITTER from New Orleans, and I have talked about Hurricane Katrina. That is a national crisis. There are not enough workers to do the roofing and other things that need to be done. That would provide a basis for the Department of Labor to allow temporary workers—maybe more than normal—to come to the United States to help us through this crisis program. You could do that and still not pull down the wages of American workers, yet fill a critical need.

I believe that if we are to avoid the problem of permanence, avoid the problem of a system that will not work because it invites people to sink their roots into the United States, it must be a system that does not allow families to come with the temporary workers. I believe strongly and I urge my colleagues to let us have a temporary guest worker program that allows people to come for 10 months and no more and spend at least 10 months at home. With a good ID, they could go back and forth throughout the year if they chose to. That would work.

Some say: Well, some companies aren't seasonal. Some companies need people all year. Well, you could stagger the number, for heaven's sake. The return-home periods could be staggered. Maybe you would need for a given business 12 workers instead of 10, but you could cover the whole period. The system would be clear that the person would come just for temporary work and would go home. Frankly, I am not aware of why we would want to say that type of program should end. As long as a person wanted to come and as long as a business wanted them there to work, I don't see why they should be required to end after 6 years or 8 years or however many.

Now, under this bill, what we find is this: Under the temporary worker program that is supposed to be without family, we find that 20 percent of them do bring their families. Not only that, they do not come for 1 year or less; they would come for 2 years, have to go home for 6 months, come back for 2 years, go home for 6 months, come back for 2 years, go home, and never return, which is sort of weird, to me. So I am just not sure that this has been thought out carefully.

I believe we could create a better, more practical immigration system—one which we could be proud of and which would actually work—and provide the amount of labor we really need in our economy without having an amount that depresses the wages of American workers. We have to be careful about that. We really do.

Mr. President, I see Senator CORKER from Tennessee is here, my neighbor, super mayor of Chattanooga, just across the Alabama line. If you can't be from Alabama, Chattanooga is a good place to be. I yield such time as the Senator would consume.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I thank my neighbor from the great State of Alabama, and I rise today to express concerns over the speed at which this legislation is being addressed this week.

I thank the many Senators and all the staff members who have worked for weeks and months to put forward this piece of legislation—a piece of legislation we received at 1:58 on Saturday morning. This is a condensed form. In its bigger form, it could be three times this size. This evening, at 6 o'clock, I will be meeting with other Senators to walk through this legislation to see its impact on the citizens of this country, to see its impact on neighborhoods, on public hospitals, on schools, on counties, on judicial systems, on sheriffs, on businesses, and on people throughout this country.

Many of the pieces of legislation we deal with in this body relate to tax reform or they are pieces of legislation that may deal with a program. I don't know of any piece of legislation that touches as many people in as many ways as does this piece of legislation. So I rise today to encourage my fellow Senators to take a break, to give us the opportunity to actually digest this legislation.

Again thanking the Senators who spent so much time in giving us this piece of work here for us now to debate, I rise today to encourage my fellow Senators not to rush into this debate, to give us the time to actually look through the intricacies of this bill and see how it affects everyone involved.

This is one of the most major pieces of legislation we will deal with in this Congress. My attempt today is in no way to stonewall, in no way to not deal with an issue that is important to our country, but instead to make sure we, the "greatest deliberative body in the world," actually deliberate, that we actually look at this bill in detail, that we actually take our responsibilities seriously.

I have great concerns over the content of this legislation. My guess is that many of the people involved in drafting this legislation have great concerns over this legislation. We all should take the time this week to go through and look at what this legislation actually says and to hear from groups that are actually affected seriously by this piece of legislation. Perhaps we should take our normal recess, or work through it if we need to, but come back and then, as the "greatest deliberative body in the world," actually deliberate and debate this legislation.

Again, I have great concerns, and I am rising here in the Senate to ask other Senators to join me in urging caution, to make sure we put forth a piece of legislation that truly reflects the values of this country and addresses this immigration issue in the way it ought to be addressed.

Mr. President, I yield to the great Senator from the State of Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Tennessee, and I believe he is telling us correctly that the way we were taught in school is that Senators ought to have an opportunity to understand what is before them before they vote. We are dealing with an extremely complex piece of legislation, and the more you get into it, the more I have been involved in it as a member of the Judiciary Committee and in the floor debate last year, the more I see you have to be realistic and practical and thoughtful and principled if you want to make this system work, and we are a long way from that.

I think what Senator BUNNING said earlier about the cost of this bill is important for us to consider. I understand some work is being done on a CBO score. I don't know if that is true, but I have heard that the Congressional Budget Office is attempting to score this, but it is difficult, I assume. They can't give a real score because we don't even have the bill in final form yet. It is still referred to as a draft and hasn't even been introduced. So until something is actually introduced, there is no way we can get a score. But I can tell you a little bit about the way this thing was handled last year.

Those of us who were concerned about it last year asked for a score on the bill from the Congressional Budget Office to find out how much it would actually cost. We got a troubling number, and we used that number a day before we had a final vote, and then a month or so later, we got a more complete score from the Congressional Budget Office. I think that bill was probably less complicated than the one we are dealing with today, and they scored the bill, over 10 years, to be $127 billion in cost. Now, they excluded from that the money we spent on enforcement. I didn't count that. This was based on lost tax revenue, it was based on the welfare and other direct benefits to people who would be legalized under that bill and how much more they would draw from the Treasury than they would pay into the Treasury, and they came up with a cost of $127 billion over 10 years. Similar to last year's bill, this bill puts things off for 10 years. That is what the Budget Office scores normally on, a 10-year cycle. They score it on that basis, and that is how they came up with $127 billion.

When we asked them—I believe at a public hearing—what about the next 10 years, they said: Well, it would definitely escalate. It will definitely be higher. Okay. Why? Well, because the lineup and the movement of people to green cards and citizenship was delayed by the bill. They were legalized in our country and they could stay, but they didn't get a permanent resident status, which gives you many welfare benefits and other benefits and citizenship, until the second 10 years. Do you understand that? That is when the big money is out there. That is what Robert Rector told us today at this press conference. That is what his study at the Heritage Foundation points out. He convinced us all last year. One thing you don't hear as much as you used to—oh, we need this immigration flow, these hard-working, low-skilled immigrants; they do a good job for us, and that is going to help us with Social Security and Medicare because we are an aging population, and we need those people coming into the country. They are going to help us with Social Security and Medicare.

Mr. Rector demolished that argument. It is completely bogus. It is off the table. I hope nobody will suggest that anymore. Those were the people I called the masters of the universe up on Wall Street somewhere thinking they know: "Oh, well, we don't want to be like Europe, we will just bring in this immigration and that will solve our debt problems for the future."

Isn't that wonderful. But it doesn't work that way. Mr. Rector explained it last year and today with tremendous passion at a press conference. Half of the 12 million people here—at least half, maybe more, maybe 60 percent, there are different estimates—do not have a high school degree. Some of them are illiterate even in their own language. Mr. Rector studied the numbers on that. He used a framework of the National Academy of Sciences study in 1990. That study tried to analyze the economic impact of immigration. He took this disproportionate number of low-skilled and uneducated workers and he demonstrated, as Senator BUNNING told us, that it is not this year and not next year the crisis will hit us, but in the outyears. Do you know what Mr. Rector said? He said they will begin to draw the biggest amount of money about the time the baby boomers are drawing the biggest amount of money out of the Treasury, and Medicare and Social Security will be damaged tremendously by this program.

It is hard to talk about that. It is painful to talk about it in those terms, I have to tell you. We hate to do that. But a nation like Canada has had to deal with it. They wrestled with it and they decided it makes sense for them, since they cannot accept everybody who wishes to come to Canada—it would overflow the country, and more people want to come than they can accept—that they would accept people who have the job skills, the education, and the language skills that will be successful in Canada and therefore they will pay more in taxes than they will take out in benefits.

Mr. Rector calculated what happens when you take the workers, the low-skilled workers who will be provided permanent legal status—call it amnesty or not—in this country, who will all be able to stay. He factored out a mortality rate. He was very complex and detailed in the analysis, following the principles of the National Academy of Sciences. He concludes it would cost the U.S. Treasury, over the lifetime of the people who will be provided amnesty, $2.3 trillion.

A trillion is 1,000 billion. I got into an argument down here about attorneys' fees and I talked about attorneys getting $50 million and $100 million. One attorney in Mississippi got a $100 million check and no bank in Mississippi could cash the check. I was winning the argument. Then we started finding out they got billion dollar fees. The Baltimore Orioles guy got $2 billion in legal fees. We started talking about billions and I lost everybody. Nobody understood what we were talking about. It was too big; nobody could comprehend it and the steam went out of the debate.

But I am telling you, $2.3 trillion is a lot of money: $2,300 billion is what that is. Pretty soon you are talking about real money. We have to think about this. I hope we will—very much.

I will raise it as a moral issue. Remember, we have a certain zero sum game. We will put an ultimate level on the number of people who can enter our country. The question is, who will enter our country? We know, as I noted earlier, in the year 2000, 11 million applied for the 50,000 lottery slots. Think about that, 11 million want to come to America and they applied for those lottery slots. Only 50,000 names were drawn out of that 11 million. We can't accept everybody, and we should focus on what we can do for the people who will most likely flourish here, will pay more in taxes than they will take out in revenues, and who have proven themselves acceptable. Since we can't take everybody, let's raise this question.

Under the current law, here is the choice for the immigration official. You have a person who dropped out of high school, has not done very well, has no English skills, but has a brother in the United States who is a citizen. Compare that to another young man in Honduras, say, who finished at the top of his class, and was the valedictorian. He took English classes because he wanted to take English. People all over the world learn English today. It is an international language. Millions of people know English all over the world. So he knows English. He took the technical and college courses he could get there. He had a couple of years in college. They both apply to be citizens. Who gets in? The answer is crystal clear: The brother with no education, no skills, is going to get in, and the other one will have zero chance to get in.

We need family reunification. Everybody who becomes a citizen needs to be able to bring their parents. Why? Church groups are asking that. I ask, Why? If somebody leaves their family, goes to the United States of America, decides to be an American citizen and now feels they have a constitutional right to bring their aging parents in to be taken care of by the American health care system, why is that? If that parent is brought in, it denies that young person in Honduras, who has worked hard, studied hard, learned English, and dreams of being an American and dreams of the opportunity of coming to this country—because we have a limit to how many people can come. See? If we can't accept everybody, what basis do we use to decide who gets to come?

I think that is an important concept. I urged and was very pleased when the White House and members of this group who are negotiating this bill said they were going to move to the Canadian point system, a merit-based system. That is the right thing for us to do. It only makes common sense. It is what Australia, New Zealand, as well as Canada, are doing. I understand the Brits are moving in that direction. I think they are moving towards it in The Netherlands and other advanced countries.

We ought to be moving in that direction. I am disappointed the move was so small, and such an incremental step. I am not even sure that is going to be acceptable because prominent Democratic Senators have said—and Senator REID earlier today used this phrase, which made me nervous,—"this is a good start."

What does a "good start" mean? It means, well, it may change on the floor of the Senate. Then it could go to NANCY PELOSI and the House of Representatives, and they may take out the merit-based point system. Or it could go to conference where the conference committee will be formed to work out differences between the House bill and the Senate bill, and who will dominate the conference? HARRY REID and NANCY PELOSI. She will appoint a majority of the House Members and HARRY REID will appoint a majority of the Senate Members, and the bill then comes right out. What they say is going to be in it. Senator REID a while ago indicated his concern about a move away from family migration.

I don't know; I am nervous about this legislation. Here we go, are we going to get together and hit the bait? They throw out a point system, a merit-based system like Canada, and this is going to be a big deal and we all bite it and it is not there. We get hooked.

What we do know is it is a very small step. It may be an important step, but a small step. According to Senator KENNEDY in his press conference and his statements through his staff, they calculate this will move the merit-based system in the United States from the 22 percent we have today to 30 percent. About 8 or 10 percent is all it is going to increase merit-based immigration into America. That is what he said.

He said it to the leftist groups that have all been hollering about this and objecting. He says, Don't worry, there is nothing to it, it is not a point system at all. His staff, I believe his press secretary, said flat out, "This is a family-based immigration system."

You tell me what it is. Canada got to 60 percent, Australia 62 percent, on merit based. They are very happy with that. I have met with the director of the Canadian system. I met with an individual from Australia who is involved with it. I asked him how it was working, are they happy? Yes, they are.

They considered things such as if you are willing to go to a more rural province that needs workers, you get more points. Because that serves the Canadian or Australian interest. A lot of things such as that can be made part of a thoughtful bill, which we do not have here, I am afraid.

Why is it important we go to the merit-based system? There are 2.3 trillion reasons why.

Look at immigration. Rector explained it to us last year. He is a senior fellow at Heritage. You get sort of a skewed picture. If you take the smaller number who come to America with any college, he said—2 years of college or above—they tend to do fabulously well. They tend to be very successful. They and their children almost never go on welfare. They pay their medical bills. They do well and they prosper. Many of them are providing scientific expertise that may be the cure for cancer and other diseases and have other capabilities, so that has tremendous benefits to us.

When you add it all up and average them out, it makes the fundamental system look better than it is. But if you take the lower skilled workers, their productivity is not as great.

I do not believe we ought to create a system that denies people, those who come in initially on a lower skilled workforce basis, the right to apply and compete on a merit basis. So if you choose to come as a low-skilled worker, you work as a bricklayer or something of the kind, you take advantage of junior college courses and you learn English and you get a few hours or some years of credit in college, and then you apply. They should be very competitive. They will know English probably by that time. We are not creating an underclass that gives them no chance to apply. But the system should apply. I suggest, in such a way that temporary workers can apply for permanent resident status and compete against anybody else. I believe that will work.

We have very little increase in the bill as we see it in the high-skilled workers. We have not made a lot of progress toward dealing with those, many of the highly educated people who graduate from our best universities. They come here, advance to the top of their class at a university, and we often send them straight home.

I think we have a strong feeling that we should fix that. But, so far, our evaluation of the bill indicates that it is not fixed very well at all.

Congress needs to seize the moment. We need to pass legislation that will improve our immigration policy, a policy that serves our national interests, our legitimate, just national interests, and that will secure our border and create a lawful system.

These goals will not be accomplished by last year's bill. That is what we will be voting on in a few minutes, cloture on last year's bill, which I have a great deal of concern with and could delineate a host of reasons it is a total disaster. And they won't be accomplished with a new bill that we are forcing through today.

So that is a concern for us. I do believe the principles set forth in the PowerPoint presentation attracted my attention, got my interest up because I thought it would move from a framework that last year's bill had, which was a failed framework, to a framework that could actually be effective to accomplish what we want.

I am disappointed, almost heartbroken, because we made some progress toward getting to this new framework, but the political wheeling and dealing and compromising and splitting the baby has resulted in a circumstance that—we just did not get far enough. I wish we could do better. We have got to do better. This is a historic opportunity.

If we do not grab the bull by the horns now, we are going to be sorry. I would suggest that my colleagues say now is the time to pass a bill. I agree. But what I would say in addition is, let's pass a good bill.

Mr. President, I see my colleague from Nebraska, Senator NELSON. I believe he wanted to share some remarks. I would be glad to yield to him in a moment and just say that I appreciate his service to the country on the Armed Services Committee. I was a member of his delegation. We got back a few weeks ago from Iraq.

Senator NELSON, thank you for your leadership of that delegation. It was a meaningful visit to Fallujah and other places. Thank you for your principled and effective leadership on immigration. I yield to you at this time.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Alabama. It is true that we did have a very eventful trip to Iraq to talk about what needs to be done there.

But today the opportunity arises to discuss the concern that I have with the latest attempt by some of my colleagues to push forward with a "comprehensive" immigration reform bill.

We have been here before. Last year, the Senate pushed through a mammoth bill that sought to reform our immigration laws on a comprehensive basis. Yet, as predicted, that bill failed. It was a "do everything" bill that ended up doing nothing.

Well, here we are again this year watching efforts to push through another "do everything" bill. What is more, this year the language has yet to be finalized, and certainly no Member of this body has been given the kind of time needed to review the proposal and analyze its provisions.

Our immigration system is broken. But, apparently, so is our system for fixing it. That is why last year I tried to change the debate on immigration reform. Along with my colleague, Senator SESSIONS, and our colleague, Senator COBURN, we introduced a bill that focused solely on the most important component of immigration reform, and the first component of immigration reform, border security.

Last year during this debate, I tried time and time again to convince my colleagues that a comprehensive bill would get nothing accomplished and that we needed to concentrate on securing the border first. Today we find ourselves right back where we were last year: Debating a comprehensive bill that has not been finalized, has not been given proper consideration, and that, again, will not achieve any of the goals we had. So, again this year, I emphasize to my colleagues we must concentrate on border security first.

We can only hope to solve our immigration problems if we take it one step at a time. There are three steps to resolving this problem: First is border security; second is fixing legal immigration and the process of legal immigration; and third is addressing those who are here illegally.

Now, we can take steps 1 and 2 at the same time. So we made some progress on the first step last year. We passed the Secure Fence Initiative, and the folks at DHS have made some progress on fixing and securing the border. We should give the border security provisions a chance to prove that they will work and can effectively slow and stop illegal immigration. But instead we are being asked to jump to step 3 before steps 1 and 2 are completed.

We need to concentrate on accomplishing border security first, as the first step for the first leg of this stool. We still have a lot of work to do to fix our current system of legal immigration. Why would we jump this step and reward these who are here illegally and effectively punish those trying to enter this country legally, the right way?

The current immigration process has left so many people frustrated with trying to do the right thing and enter this country legally. Clearly, we should make sure to help those individuals first. As I have said time and again, we need to close the back door to illegal immigration while we open the front door to legal immigration. Instead, this bill adds more complications and more complexity to our legal immigration system that is currently overworked with backlogs and long wait times for people who want to enter this country the right way.

We cannot change the letters for a visa from H to Y or Z and expect it to work better. We cannot add some complicated and difficult point system and expect it to work. We have to fix the system for legal immigration, not make it more complicated and even more unworkable. This bill will add more problems onto a broken system. We are digging ourselves deeper.

Therefore, I believe only after we have accomplished the first two steps, which we can do, and can demonstrate that we have made considerable progress toward solving those problems, only then can we proceed to the third step and turn our attention to handling 10 or 12 or more million people who are here illegally.

We must secure the borders so we do not have millions more illegal immigrants. If we do not, we will only encourage millions more to cross the border illegally in the hopes of being part of the amnesty offered under this legislation.

From what I have seen and read thus far, I think this bill is only about half right. Since it has a series of so-called triggers, the current compromise certainly seems to recognize that we have to do border security first. So if we recognize we cannot solve our immigration problems without first securing the border, then why do we continue to insist on mixing in the comprehensive provisions at the same time?

If we can understand the need for triggers based on border security and workplace enforcement, then we should understand that we cannot solve this problem all at once. Why do we continue to rush to pass some "comprehensive" measure when we can approach this problem one step at a time?

I propose that instead of triggers, we should consider only passing those provisions dealing with border security and enforcement and those provisions dealing with worksite and interior enforcement. Instead of pushing through everything at once, we need to start solving the problem at the border and working from there.

In conclusion, I will vote for cloture on the motion to proceed, but not because I support the underlying bill. I will support cloture only because I hope we can significantly improve this bill so that it addresses the problem properly: at the border first and then fixing the legal immigration system. If we do not come up with a bill that properly addresses the issue the way I believe it needs to be addressed, then I will not be able to support the final product.

I will vote to give us a chance to create a bill that focuses on securing the border first and that fixes our broken system for legal immigration. I will not, however, support a comprehensive amnesty-based bill that creates more problems and that fails to secure our borders first.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I had time set aside. Has that time expired? How much time is left?

The PRESIDING OFFICER. The Senator from Alabama has 1 minute 20 seconds remaining.

Mr. SESSIONS. Madam President, well, I see my colleagues here. I thank Senator NELSON for his work on immigration last year and this year. I see others here prepared to speak. I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the remaining time until 5:30 p.m. shall be equally divided and controlled by the two leaders or their designees.

Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator has 38 minutes.

Mr. KENNEDY. Madam President, I yield such time as the Senator from Colorado might use.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, let me first begin by making some acknowledgments as we move forward on this debate on immigration reform for our country.

First, to the majority leader, Senator REID, for having kept the feet to the fire in this Chamber so that we finally will have an opportunity to move on to one of the most important national security issues that our Nation faces today. I appreciate his efforts and his leadership to help lead our country in a way where we deal effectively with this very difficult and contentious issue of immigration reform.

I also thank the President of the United States, President Bush, and his Cabinet Secretaries Chertoff and Gutierrez for the work they have done now over the last 3 months as we have tried to put together a comprehensive immigration reform proposal that will work for our country.

I thank my colleagues in the Senate, both Republicans and Democrats, who have come together in good faith to try to deal with this very important issue. I know we have a long week ahead of us as we move forward with the immigration debate on the reform proposal in the Senate. I am confident at the end of the day the national security of this country will require us to move forward with passage of legislation that will bring our Nation into the 21st-century reality of the immigration challenges that we face.

As I approach this debate and I have worked on this legislation over the last 4 years—I am mindful of several things: First, that this is not a new debate; this is a debate where last year, for 1 month, we spent 1 month of the time of the Senate on this floor dealing with the very same issues that we are going to deal with again.

So for those on the other side who might say this is coming upon us too fast, I will simply remind them of two things: First, we spent an entire month dealing with immigration reform last year, and we were able to get a bipartisan consensus to vote a bill out of the Senate last year. And, secondly, we were given very ample warning by Senator REID when he said to all of us that this was an important issue that we would be working on in the last timeframe remaining before the Memorial Day break.

So here we are now. The time has arrived. We must not let our country down. We must move forward and deal with immigration reform in a way that makes the most sense.

Now, as I approached this issue, I asked myself the following question: What is the aim? What is the aim?

Well, the aim is about the national security of the United States. How is it that we are going to provide a greater amount of security to the United States of America? In my view, the bipartisan legislation that has been put together is a tough law-and-order bill and a real bill, a realistic bill that provides realistic solutions.

It is not a bill that is liked by those who want essentially not to have any progress on immigration reform because they would rather the debate go on not 2 years, not 5 years, but 10 or 20 years. It is not about satisfying them. This issue, from our point of view, is making sure the national objectives are objectives that we are able to address.

Let me talk to you to let you know what it is that is on my mind. First, we need to secure our borders. As a nation, we have a sovereign right to make sure our borders are secure. As a nation that is very concerned—rightfully so—about the threat of terrorism, it is important we know who it is that is coming in and leaving our country. We need to know our borders are, in fact, secure.

Second, we need to know the laws within our country are being enforced. For far too long on the issue of immigration, our enforcement mechanisms have looked the other way. That has allowed a system of lawlessness and illegality to continue. We need to have a system of laws that will, in fact, be enforced. That honors a fundamental value of our Nation, which is that we are a nation of laws. For us simply to look the other way is not the American way. This bill will accomplish that.

Third, we need to secure the future of America's economic realities and challenges. We do that with a process that will penalize those who are here illegally. We will have them pay fines that will put them at the back of the line, that will require them to learn English and to remain crime free. Then if they survive a purgatory of, on average, 11 years, at that point in time they would be eligible for a green card. So for those on the other side who might say this is an issue of amnesty, they are wrong. When you have to march through that kind of pain and pay the fine and do the time for having violated the law, it is far from anything that anyone ought to be labeling as amnesty.

Let me spend a few minutes talking about each of the components; first, securing America's borders. It is true that there are about half a million, maybe 600,000 people who come across our borders illegally every year. What we have done in the legislation we crafted together is we have required that there be a set of triggers that have to be met with respect to securing our borders. We will require that there be 18,000 new Border Patrol officers helping us secure our borders. We will require 370 miles of fencing to make sure that in those areas that are vulnerable on our border, those areas are secure. We will require 200 miles of vehicle barriers in other places to make sure that that border is secure both on the south end as well as the northern. We will require 70 ground-based radar and camera towers so we can keep watch on the entire border. We will require seven UAVs, unmanned aerial vehicles, to make sure we know what is happening across our borders, and we will require new checkpoints for ports of entry.

When this legislation is introduced, passed, and when this legislation gets implemented, as it will be, one thing we can tell the American people is we will have a secure border. Securing our borders is not enough, because the other aim has to be enforcing our laws within the interior of the country. Some people say it is all of the illegals across the southern border that has led to the current reality of 12 million undocumented workers. The fact is, many of the people who are undocumented workers entered this country through legal means. They simply overstayed their visas. Time and time again, it is estimated that probably more than one-third of those who are here illegally actually came into this country legally. We need to create a system that will make sure that at the end of the day, we are enforcing our laws against those who are here illegally.

How have we done that? We have done that in a variety of ways in this legislation. We increase the detention capacity to 27,500 beds daily. We add 1,000 new I.C.E. investigative personnel. We add 2,500 Customs and border protection workers. We require reimbursement to State and local communities that detain criminal aliens. We create a new employer verification system. We require 1,000 new worksite compliance personnel. I could go on and on with respect to how this legislation will create interior enforcement on immigration that will be effective.

Finally, the third thing this legislation does is secure America's economic future. It secures America's economic future through the adoption of a program which Senator CRAIG and Senator FEINSTEIN and 67 of us have cosponsored, the AgJOBS Program, because we know that across America our farmers and ranchers are suffering because they have not had the labor they need. We also have included in this legislation the President's new temporary worker program. It is a program that will allow employers to match up with employees on a temporary basis, to create circularity with respect to those workers who will come into this country.

Finally, it will create a realistic solution for America's undocumented workforce, the 12 million or so people who are here. That will be accomplished by requiring them to pay significant penalties and fees. We will make sure that as they move forward in the process, they also go to the back of the line so they don't get any advantage over those who enter the country legally.

We will require them to return home prior to the time they apply for a green card. We will require them to learn English, and we will require them to remain crime free.

Let me conclude by urging my colleagues to vote yes on the motion to proceed. The time is now for us to deal with the immigration reform issue which is so difficult and so contentious. At the end of the day, this bipartisan proposal which we have put on the table will allow us, first, to secure our borders. It will allow us to make sure we are enforcing our laws. Lastly, it will deal in a realistic and humane manner with the economic realities that face our businesses and workers in America today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I thank my friend and colleague from Colorado for his statement and his inspired leadership. We have worked on a number of different issues. I can recall the extraordinary leadership the Senator from Colorado provided last year when we debated comprehensive immigration reform. He brings to this issue a knowledge and understanding and perspective which is very special in terms of any issue, particularly this one. I have enjoyed working with him and look forward to continuing to do so. I hope our colleagues listened carefully to his message because he has demonstrated a thoughtfulness about this issue, as so many others have, a very strong, balanced judgment on these questions. I thank him, as always, for an excellent presentation and look forward to continuing to work closely with him as we move through the debate on whether we are going to take the opportunity to mend our broken immigration laws.

I thank the Senator from Colorado.

Madam President, today, we take up the solemn task of immigration reform—not just because we may but because we must.

Our security is threatened in the post-9/11 world by borders out of control.

Our values are tarnished when we allow 12 million human beings to live in the dark shadows of abuse as undocumented immigrants.

Our economy is harmed when our immigration system fails to protect the American dream of a good job and decent wages.

Our competitiveness in the global economy is at risk when our employers cannot find the able workers they need.

Our immigration system is adrift and urgently needs an overhaul from top to bottom.

The answers are not simple or easy. We cannot meet this challenge by simply building fences. We need comprehensive and commonsense solutions that meet the immigration needs of this century.

We begin this debate mindful that immigration issues are always controversial. There are strong views on every side of this question because the issue goes to the heart of who we are as a nation and as an American people.

But we should remember in this debate that we are writing the next chapter of American history. Immigrants made the America of today and will help make the America of the future.

I am reminded of this awesome responsibility each time I gaze from the windows of my office in Boston. I can see the Golden Stairs from Boston Harbor where all eight of my great-grandparents set foot on this great land for the first time. They walked up to Boston's Immigration Hall on their way to a better life for themselves and their families.

So many Americans can tell similar stories of ancestors who came from somewhere else. Some built our cities. Some toiled on our railroads. Some came in slavery—others to raise their families and live and worship in freedom.

That immigrant spirit of limitless possibility animates America even today.

Today, immigrants harvest our crops, care for our children, and own small businesses.

They serve with pride in our armed forces—70,000 in all. At this very moment, many are risking their lives for America in Iraq and Afghanistan.

Immigrants contribute to scientific discovery, to culture and the arts. They help make our economy the most vibrant one on the planet.

Our strength, our diversity, our innovation, our music, our hard work, our love of country, our dedication to family, faith and community—these are the fruits of our immigrant heritage and the source of our national strength. They have made America the envy of the world.

As President John F. Kennedy so eloquently wrote, the secret of America is that we are "a nation of people with the fresh memory of old traditions who dared to explore new frontiers, people eager to build lives for themselves in a spacious society that did not restrict their freedom of choice and action."

Last week, we reached a historic agreement on a far reaching bipartisan immigration plan that lives up to this heritage. It involved hard negotiations between Democrats and Republicans, and it has the support of President Bush. Our plan is strong, realistic, and fair. It is a commonsense immigration policy for our times.

It is tough at the border. It doubles our Border Patrol from 14,000 agents to 28,000. It hires 800 new investigators and 800 antismuggling officers. It builds more fences and more detention centers, and provides more state-of-the-art, high-tech border enforcement equipment.

It is tough on employers who hire illegal immigrants in defiance of the law. Today, it is too easy for an employer to hire an undocumented worker and pay them substandard wages in sweatshop conditions. That hurts American workers. It depresses wages. It allows employers to avoid paying payroll taxes.

Our bill says no more worker abuse. Under our plan, employers must verify that they hire only legal workers. If they do not, they can be fined up to $5,000 for a first offense and up to $75,000 for subsequent offenses. They can even go to jail.

Our bill says that these tough enforcement measures must be in place first before we move forward with changes in future immigration. Future workers cannot come in until we have doubled the Border Patrol, built more fences, enhanced our equipment and technology along the border, and the employer verification system has begun. It is enforcement first and future workers later.

Our plan also addresses the 12 million undocumented immigrants who are in America today. They have something to contribute. They are men and women of dignity. They work hard every day. They care for their families. They revitalize decaying neighborhoods. They sit in our pews on Sundays.

We witnessed this recently in my own State of Massachusetts. An immigration raid in New Bedford disrupted the lives of scores of families who had laid down roots in the New Bedford community. Their children were in our schools, many of them born in America. They worked every day in a factory making equipment for our troops in Iraq.

We are not going to round up these 12 million men, women and children and send them home. That is not the American way. So our plan allows these families to earn the privilege of remaining here and working legally.

They have to pay a $5,000 fine over an 8-year period. They have to work and pay taxes. They have to learn English. They cannot be criminals or national security risks and they must obey our laws.

The heads of family must make a trip home for a day or two sometime in the next 8 years to submit their applications for a green card at an American consulate just like other immigrants applying to come here. Then they are guaranteed the right to come right back to America right away to rejoin their families while they wait for their green card applications to be considered.

Finally, they have to get in line for their green cards behind everyone else who has been waiting to come here legally.

If they meet these tests, they will be welcomed into the sunshine of America. They will have no fear in coming forward and joining the American family. They will not be deported. Instead, we welcome them as our neighbors and as our friends and as future citizens of this great land.

Our plan also continues to stress family reunification—a longstanding tradition under our immigration laws.

Today, if you are trying to bring your relatives here legally, you might have to wait 22 years to get visas for them. As a result of this backlog, 4 million family members of American citizens and legal immigrants are on the waiting list to come here. Our plan expedites the reunion of these families and eliminates the waiting list in 8 years.

In the future, our plan continues to make family reunion the highest priority. It says if you are an American citizen or a legal immigrant, you can bring your immediate family here to join you—your wife or husband, your minor children, and your parents.

Of the 1 million green cards we issue each year, two-thirds will be dedicated to reuniting these families.

But under our plan, more distant relatives will no longer have an automatic right to immigrate. They must first prove that they have the skills, education, and English abilities to contribute fully to our economic strength.

Finally, our plan recognizes that our economy will continue to need hardworking people who are willing to come here for a few years. We need nurses and home health care aides. We need farm workers and janitors and hotel workers. We need computer programmers and scientists and engineers. So our program will allow them to come as guest workers under a program with strong labor laws that protect American jobs and wages.

Our plan is a compromise. It involved give and take in the best traditions of the U.S. Senate. For each of us who crafted it, there are elements that we strongly support and elements we believe could be improved. No one believes this is a perfect bill.

But after weeks of negotiations and years of debate, this bill accomplishes our core goals. It provides tough new enforcement at the border and the work site. It allows a realistic path to family security and eventual citizenship for millions of men, women, and children already here. And it provides a new system for allocating visas in the future that stresses family reunion and national economic needs.

I don't usually quote Republican Presidents, but President Reagan understood the integral role that immigration plays in our country's future. As he said so eloquently in one of his last speeches before leaving the White House:

> We lead the world because, unique among nations, we draw our people—our strength—from every country and every corner of the world. And by doing so we continuously renew and enrich our nation. While other countries cling to the stale past, here in America we breathe new life into dreams. We create the future, and the world follows us into tomorrow. Thanks to each wave of new arrivals to this land of opportunity, we're a nation forever young, forever bursting with energy and new ideas, and always on the cutting edge, always leading the world to the next frontier. This quality is vital to our future as a nation. If we ever closed the door to new Americans, our leadership in the world would soon be lost.

The world is watching to see how we respond to the current crisis. Let's not disappoint them.

I urge my colleagues to vote to proceed to this debate and to support our new plan.

Madam President, we have two of our colleagues on our side, I believe, who are on their way to the floor at the present time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. GRAHAM. What is the status of the time allocation?

The PRESIDING OFFICER. The time remaining on the Republican side is 38 minutes 45 seconds.

Mr. GRAHAM. Madam President, I ask unanimous consent to be recognized for 10 minutes, and afterwards I add to that Senator MARTINEZ be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I am delighted to hear the Senators. Would you like to have one speaker on our time and one on the Republican time?

Mr. GRAHAM. Madam President, that would be fine. My 10 minutes will come from Senator KENNEDY's time. Is that OK?

Mr. KENNEDY. Is that agreeable?

Mr. GRAHAM. Absolutely.

Mr. KENNEDY. We have a couple Senators who are on their way over. I thank the Senator.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I thank Senator KENNEDY and Senator MARTINEZ.

I am in the fifth year of my first term, and we are finally dealing with an issue I think the country would love to have dealt with years ago. We are on the verge of doing something big and important. There are many reasons why you never do the big things and the hard things. That is why they stay unresolved.

The country is running out of time on this particular issue to think of reasons why we won't solve this problem. Before 9/11, I would argue illegal immigration was a social and economic problem. After 9/11, I would argue it is a national security problem. We have millions of people in our country roaming around and we do not know who they are or what they are up to. The good news is most of them are here, unfortunately illegally, to work and to try to make something of themselves and add value to our country.

It is clear from Fort Dix, NJ—and maybe other things to come—some people are here illegally who are up to no good. They want to hurt us. The hijackers on 9/11—all of them came here. Most of them overstayed their visas. They did not come across the border. They had four or five fake drivers licences. It should be a wake-up call to this country we have people in our midst and we do not know who they are and there is no way to find out who they are.

One thing every Member of the Senate, I hope, will agree upon is that if you wanted to, you could get a Social Security card made by midnight tonight somewhere that would pass for the real thing. When you drive by a construction site, and you see people working who are Hispanic or other folks you think are here from outside the country, I bet you every employer has documentation on file that appears to be legal. It is almost a nightmare for employers to comply with the current system.

People tell me, enforce the law. If you can enforce this law, you are doing better than anybody since 1986. There is a reason this has happened. Why do 12 million people come here? Because we do not have a way to bring people here legally so they can work in a legal status. There are not enough Americans doing these jobs. Unemployment is below 5 percent. It is illogical to say this illegal workforce has driven Americans out of work. We are at historically low unemployment. We need workers. But what we need more than anything else is we need to be able to secure our border, control who comes, on our terms, and have verifiable information about what status you are in. Because if we do not do that, then what happened on 9/11 is more likely to happen again.

So there are many reasons to say no to this bill. There are many reasons to say no to someone else's proposal. But there is no good reason to not solve this problem. I do hope those who come down on the floor to amend this bill, to make it better, will lead us to a better solution. Those who come down on the floor with a goal of taking this bill down, I hope you feel some obligation to substitute it with something else that could pass.

Democracy is a wonderful thing. When I was at my State convention, a lady told me: I don't like compromise. I said: Well, don't run for office. Because this is all about compromising. Isn't it, Senator KENNEDY? It is. What I like about my country is that Republicans, Democrats, and Independents historically have been able to do the hard things to make us a better nation.

I say to my friend from Florida, Senator MARTINEZ, you have been a delight to work with.

Breaking the law is something that has occurred in large proportion when it comes to immigration. The reason people have been breaking the law to this extent is the rest of us have not been that excited about enforcing it. I think the rest of us have sort of looked the other way and allowed the illegal immigration problem to grow because we have not asked the hard questions about: Where are all these people coming from? And what are they doing?

There are lots of people, to their credit, who have been very upset about this issue for a very long time. I think many people in this country have gotten the benefit of this illegal workforce in terms of the labor and have sort of turned their eye, and now everybody is looking at it anew.

To those who have been shouting from the rooftops that the immigration system is broken, you have done us a great service. To those who believe illegal immigration is a national security threat, an economic threat, and a social threat, you have done us a great service. But you are not going to do us a great service if you only shout about the problem. I want you to do more than tell me it is broken and it needs to be fixed. I want you to do more than just say: LINDSEY GRAHAM and KEN SALAZAR have it wrong. I want you to do what we have done. That is the only thing I ask of any of my colleagues: Sit down with a Democrat and Republican and try to fix it—and good luck because it is hard.

You are right to come here and amend this bill and change it, and to take the floor and tell us why we have it wrong. I will listen. If we can fix it, we will. But do more than just tell me where I am wrong. Do more than just tell the American public we have to do something about this illegal immigration problem. Do more than just shout "amnesty." If you think saying "amnesty" absolves you from having to participate in this debate, you are wrong. This debate is about the future of the United States when it comes to our national security, our employment needs, our ability to compete with the world for the labor force that exists. At the heart of this debate, it is about who we are as a people.

Now, tomorrow, I am going to read a report issued by the Government about immigrants. Some of it is very tough. Let me give you a preview:

> As a class, the new immigrants are largely unskilled laborers coming from countries where the highest wage is small compared to the lowest wage in the United States. They bring little money into the country and they send or take a considerable part of their earnings out. More than 35 percent are illiterate as compared with less than 3 percent of the old immigrant class.
>
> The new immigration movement is very large. There are few if any indications of its natural abatement. The new immigration coming in in such large numbers has provoked a widespread feeling of apprehension as to its effect on the economic and social welfare of the country. They usually live in cooperative groups and crowd together. Consequently, they have been able to save a greater part of their earnings, much of which is sent or carried abroad. Moreover, there is a strong tendency on the part of the unaccompanied men to return to their native countries after a few years of labor here.
>
> These groups have little or no contact with American life, learn little of American institutions, and aside from the wages earned, profit little by their stay in the country.
>
> Unquestionably, the hordes of immigrants that are coming here have a good deal to do with crimes against women and children. You will notice these particular crimes are done by fellows who can't talk the English language.

Now, this is a Government report about the effect of immigrants, the new immigrants, on our country. These quotes were taken in 1910 from the Dillingham Report, and one of the Senators on that commission was from South Carolina. It went on, and I will talk more about it, to talk about how these immigrants are ruining America. They live among themselves. They have disease. They won't learn our language. They commit crimes. They are a burden on society, and we need to do something about it. The report was begun in 1910, it was finally issued in 1913. The people they were talking about became the "greatest generation."

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, as the Senate prepares to vote on the majority leader's motion to proceed to a comprehensive immigration reform bill, I continue to have concerns about the proposal announced last week. But I wish to commend Senator KENNEDY for working so hard over the last several months to revive a bipartisan bill. He worked closely behind the scenes with Senator MCCAIN for several months. When those efforts failed, he didn't give up. In fact, he was not deterred. as many who supported this process before went the other way. On the contrary, he spoke to a number of Republican Senators who had actively worked with us last year. When they wouldn't join him in a bipartisan effort, he continued on and joined the process Secretary Chertoff had begun with opponents of last year's bill. In extended discussions he and others have had, they have now come forward with a proposal. I commend Senator KENNEDY's commitment and his efforts.

I would also like to thank the majority leader. He had intended to set aside 2 full weeks this month for Senate consideration of comprehensive immigration reform. When the informal discussions were not completed on time, he gave those discussions more time. He was right that this issue warrants a significant commitment of the Senate's time, and I am glad to work with him to make sure that consideration is fair and comprehensive.

Now, I am going to support the motion to proceed and the majority leader's cloture petition to go to the bill in order to allow the Senate the opportunity to work its will on the matter. Obviously, that doesn't presuppose how I will vote on the final product. Many of us have said that the bipartisan proposal, the Kennedy-Kyl-Chertoff proposal, represents a starting point for consideration.

As the authors of the proposal know, this Senator from Vermont feels very strongly about the provisions that affect dairy workers and the circumstances of that important industry. But I also take a particular interest in the provisions that affect seasonal workers for the hundreds of Vermont businesses that require them, as well as the needs of our leading high-technology companies, many of which have significant operations in Vermont. The diverse coalition that put the AgJOBS bill together recognized that certain sectors of agriculture require special circumstances.

It is really a shame that the AgJOBS legislation which Republicans and Democrats worked so hard to produce and which had gotten strong bipartisan agreement will not be fully respected. I believe that is a significant mistake and one I will consider in my final determination of how to vote. Notwithstanding that mistake, I will continue to work with the bill's authors to make sure our Nation's dairy farmers have a viable temporary worker program for the future.

Beyond these provisions, I have a number of fundamental concerns I hope the Senate will address in the days and perhaps weeks ahead. In his radio address of May 12, President Bush restated that comprehensive reform must "treat people with dignity." He said we must "honor the great American tradition of the melting pot" and that we must help immigrants "embrace our common identity as Americans." I agree with President Bush. I believe part of that common heritage is our welcoming of immigrants and families.

America is a land in which families matter, in which our values call for us to provide not just for ourselves at the cost of severing family ties but for our families. As the Statue of Liberty proclaims, America is a country that welcomes the poor and those yearning to breathe free, not just the well-educated and those who already speak English. It welcomed my grandparents who did not speak English and were not wealthy. We never know who among those immigrating to our shores will turn out to be the next great military leader, the next great entrepreneur, the next great inventor, the next to lift this Nation to greater heights.

I want the bill we pass to recognize the best of America and our values and the best of our traditions as a land of immigrants, the land that brought my grandparents and my parents-in-law to this country. I also want it to be practical and workable.

The so-called triggers in the White House proposal do two things. First, they appear to put off implementation of most immigration reform to the next President and the next Congress. Somehow, I don't understand that, why we can't face up to it ourselves. Second, they require absolute faith in the Department of Homeland Security and the Bush administration. Given the record of this administration, I see little basis for such faith.

When this administration's representatives say to us that in the next 18 months they will secure the borders and they will devise and implement identification verification measures and they will do that without fail, I remember the last 24 months in which they failed the victims of Hurricane Katrina and the Gulf States. I see an administration that has ignored immigration enforcement for years. I see an administration that does not deal realistically with the northern border. I see an administration that has all but destroyed the Justice Department and severely undermined its traditions as a neutral law enforcement agency above politics. I see an administration that denied global warming, disregarded science and, most egregiously, has disregarded the realities of its current disastrous engagement in Iraq.

I say this because we are called upon to just put total faith in the administration. Some of us believe very much in the slogan President Reagan made up for the Russians when he said, "Trust, but verify." In that regard, I am a Reaganite.

I have urged the President to invest himself in the process and work with Congress. I did so on the first day of this Congress and at the one Senate hearing held on this matter in February. The path chosen by the administration was not one I recommended. Instead, the administration remained on the far right of the immigration debate and has pushed the bill and the debate in that direction.

We have before us a measure that is the product of closed-door meetings between the administration and Republican Senators, which was then put to Democratic Senators as the framework from which any further negotiations could proceed. Senator KENNEDY has done his best. He has made improvements in the proposal. He deserves our thanks. But whether the proposal is where it should be is what this debate will begin to determine.

The substitute bill the administration endorses creates a temporary worker program with no opportunity to pursue the American dream. This bill risks the creation of a permanent, revolving underclass of workers with limited rights. A temporary worker program with no opportunity to share in the promise of America creates an incentive for overstays and risks creating a new population of undocumented individuals, just as we work hard to bring millions of people out of the shadows of our society. I also worry that the temporary worker program included in the bill doesn't effectively serve the needs of American employers. I am worried that it is unrealistic. This part of the proposal is opposed by a wide array of interests and constituencies, including organized labor, business, and advocates for immigrants. I hope we listen carefully to their concerns as we proceed.

The substitute bill also erodes our traditional commitment to family unity by removing whole segments of family-based immigration. No longer will certain family members be allowed to be sponsored by their loved ones in the United States. Instead, proponents seek to create a supposedly merit-based green card system subject to a point system, where family ties are deemphasized, and immediate contributions through education and job skills already attained are valued. I recognize that we may benefit in the short run from a more highly-skilled foreign labor pool, but I have grave concerns about doing so at the expense of our traditional commitment to family unity and fostering strong families. Where are the family values here?

The substitute bill also will require all Americans—not just foreign workers—to verify their citizenship before obtaining a job. Like the REAL ID Act that was forced on the American people outside the normal legislative process, this requirement is yet another example of the Administration's consistent denigration of Americans' rights, including the right to privacy. The Administration is telling all Americans that we can no longer trust you—that Big Brother will control hiring for all jobs in America. From America's country stores to our largest corporations, employers will now be de facto immigration officials, and potential employees will be presumed illegal until they prove themselves citizens. I hope we can reconsider this ill-conceived program, which cuts so hard against the presumptive decency and honesty of American citizens. America's democracy works because law-abiding Americans choose to comply with our laws, pay their taxes, and participate in our civil society.

I am pleased that significant parts of AGJOBS have been included in this bill. The legalization provisions for currently undocumented farm workers will go a long way toward helping farmers and removing the cloud of fear from so many workers. I commend Senator FEINSTEIN and Senator CRAIG for their work in this regard. But the bill also rejects parts of the monumental compromise reached between farm workers and agricultural employers in the AGJOBS bill, which provides much needed reforms for America's farmers, dairy operators, and farm workers. I am extremely disappointed that American dairy farmers who want to hire future legal foreign workers end up losing out to the talking point that "temporary means temporary."

The bill also neglects the real needs of the high-tech community, which has been vigilant in seeking reliable sources of high-skilled workers. Instead of adding sufficient H-1B visa numbers to allow companies to stay competitive and remain the world's leaders, the bill creates a green card system that doesn't truly address the technology industry's needs and removes hiring decisions from the company and places them with the Federal Government. It says: Trust us; we are from the Federal Government; we can make a better decision for you. Some of us are skeptical.

But there are some good aspects of the bill. It incorporates the DREAM Act, a bill I have long supported. It has provisions that can move millions of undocumented people in this country on a path to citizenship, if not unrealistically delayed by the so-called triggers.

Regrettably, it currently includes a provision to require immigrants to return to their home country before applying. In my view, that is unrealistic in many circumstances, and it is inflexibly harsh in others. Those who struggled to get here—who escaped oppressive and dysfunctional governments—should not be required to repeat that journey to share in the promise of America. This provision is driven by ideology, not by an American sense of fairness, and it should be revisited in our legislative process.

I am also encouraged that we may be past the anti-immigrant opposition that stalled our efforts last year. I hope that we are past trying to make criminals out of undocumented immigrants. I hope that we are past trying to make criminals out of the clergy and advocates that try to help hard-working immigrants seeking a better life for their children. I hope we are past trying to build fences and walls around America and the American dream. I hope that we are past the anti-immigrant rhetoric and the anti-Hispanic slurs that accompanied the debate and electioneering last year.

We need to keep working to make sure our legislation is one that takes a commonsense, realistic approach to this situation. I will continue working to produce legislation that treats people with dignity and respects our great traditions as a welcoming nation. We have much work to do before this bill becomes worthy of the Senate and of our great history and tradition as a nation of immigrants, a nation that brought my grandparents and my great-great-grandparents and my parents-in-law to this country.

I will vote to support the Majority Leader's effort to proceed to debate on comprehensive immigration reform. I hope that as we move through amendments and debate, the Senate will work toward making this a better bill. We all know that had we insisted on taking up the Senate-passed bill of last year, we would not have the votes to proceed. Many who voted for last year's Senate's bill were prepared to abandon their support. The Majority Leader has demonstrated his good faith. I hope that Senators will join together and work together to produce a bill of which we can be proud and that will honor our parents and grandparents as well as our neighbors and grandchildren.

Madam President, I yield the floor.

Mr. CORNYN. Madam President, for over 3 months, I have engaged with a number of my colleagues and administration officials in an extraordinary series of meetings and discussions designed to reach bipartisan consensus for solutions to the many problems we face regarding our immigration system. I have done so in good faith and in keeping with my long held belief that we must have a comprehensive approach to immigration reform.

I believe we should continue to try to move forward, generally, and that this problem is too important not to come up with an appropriate solution.

That having been said—I am very concerned about the process that led to today. First, we have not undertaken the normal legislative pocess—bypassing the Senate Judiciary Committee—leading to a public perception of nontransparency and distrust. Second, most of the Members of the Senate and their staff did not receive even a draft of the "final" language until 2 a.m. on Saturday morning, just a little over 48 hours ago. Third, I am told that the bill will not go to Senate legislative counsel—a significant departure from the normal course and a departure that makes it more difficult for legislative counsel to draft amendments due to lack of familiarity with the text. Finally, I am told the CBO cost estimate for the bill will not come out until Wednesday—only 2 days before the legislation may well receive a final vote depending on leadership decisions in the coming days.

Moreover, I remain very concerned about the substance of the bill. For instance, my staff's preliminary review indicates that there are potentially some very problematic provisions in the language. In addition, because of the "rush" to produce language to meet the Monday deadline for a cloture vote, there are a number of technical drafting errors which also have a substantive effect and were being worked on as late as this afternoon.

I have been open about my concerns with respect to interior enforcement—concerns that I still hold today. For example, the draft bill does not, to my knowledge, do enough to curb one of the core flaws that undermined the 1986 amnesty bill—that of unlimited judicial review. Indeed, just 2 weeks ago a judge ordered DHS to revisit whether a class of aliens should get the 1986 amnesty. It appears that if this bill passes, these aliens whose only real claim to participate in our system, will be able to take advantage of the new visa holder because they were able to delay through litigation. There are no limits on the number of motions to reopen the administrative process or times an alien can appeal to an article III court. If the American public is going to have confidence in this system, they need to be assured there will be limits.

In addition, I would note that the New York Times wrote that the 1986 amnesty bill produced the largest immigration fraud in the history of the United States. President Clinton's INS general counsel testified that statutory restrictions on law enforcement's ability to use the information contained in amnesty applications impeded their ability to detect the fraud. To my knowledge, this bill continues to require confidentiality in certain cases where the application is denied.

In the end, as much as I believe we should continue to work together to reach consensus on the critical issue of immigration reform—a matter of national import but that is particularly important to my home State of Texas—I cannot in good conscience agree to proceed to legislation which we anticipate replacing with language we received at 2 a.m. on Saturday—without appropriate committee review—the text of which is hundreds of pages in length, the provisions of which are as complicated as any legislation we will take up and the impact of which will be felt, for better or worse, for generations to come.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Madam President, I am delighted we have come to this point where, after much hard work and discussion for days and weeks and even months, we can present to the Senate for its consideration an immigration reform bill that I believe seeks to serve the needs of this country. I have had the pleasure and the privilege of working with a number of colleagues from this body during the last many weeks as we sought to put together something that would serve the country's interests.

We have worked bipartisanly, with help from very dedicated Cabinet members, the Secretary of Homeland Security and the Secretary of Commerce, in a very comprehensive and dedicated way over days and days of discussions and difficult negotiations that were oftentimes emotional and always, I think, with the idea that we would do something that was good for the country and that obviously was not going to be unanimously praised. Hearing the Senator from Vermont express misgivings about it and having earlier heard the Senator from Alabama equally express himself, each from different sides of the spectrum, it adds to the thought I have had that this is a bill which strikes it down the middle pretty well.

Mr. DOMENICI. Madam President, will the Senator yield?

Mr. MARTINEZ. Yes.

Mr. DOMENICI. I wanted to ask unanimous consent that the time from now until the vote be allotted to the Senator from Florida and to the senior Senator from New Mexico and that there is no time remaining on the Democrat side, unless Senator KENNEDY wants some of my time.

Mr. KENNEDY. Madam President, the Senator is typically kind and courteous. There were one or two Senators who said they might need a moment or two, but they haven't been back in touch. If they are, I might ask for a minute or two from the Senator. I thank him for his thoughtfulness.

Mr. DOMENICI. So I ask unanimous consent that the remaining time be allotted to the two of us and, if necessary, we can allot time to somebody else.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Senator for yielding and thank him for all the hard work he has put into this bill.

Mr. MARTINEZ. Madam President, it is a pleasure to be on the floor talking about this subject with the Senator from New Mexico. We did that last year, as I recall, as well, and the Senator has a rich immigrant history in his family that all of us in different ways share.

I guess I should say, as the only person who has the privilege of serving in this body who is an immigrant and as truly someone who has come here having been born elsewhere, it is an incredible privilege for me to talk on this subject and have an opportunity to be a part of this debate.

I really think it is a moment that brings us all to the roots of what our Nation is about. We understand that this is a nation of immigrants, a nation that through its history has had this tradition of welcoming people from all over the world, from all different lands, and manages in this magical way to bring people into the fullness of what it means to be an American. I have experienced it in my own life. I can speak about that for days. It has been that same kind of miracle I have seen happen to others.

And I think that opportunity is still out there for many to enjoy, at the same time understanding we are a country that has a tradition of laws and they ought to be obeyed and observed. So it is in that tug between those two principles that are so ingrained in our country that we come to this very important moment and debate.

I don't think there is any question that much has been said about this bill before people have had an opportunity to even know what is in it. I will say some things about it I think are important. I believe it is a product of a bipartisan compromise. Anytime you come together with people from different points of view, there are going to be those who will say it goes too much in one direction or the other.

Here are some of the things it does do. It provides for border security. It will secure our borders in a way that will make Americans understand that the Government is serious about securing our borders. Before mentioning any of the other elements of this bill, I thank our colleague from Georgia, Senator ISAKSON, for the idea that we should have triggers in it. Before those other issues would be implemented, there will be an opportunity for a certification—not subjectively but objectively—with measurable results: How much fence has been built? How many border agents were hired? How many other promises were fulfilled toward the issue?

One of the important ones is a tamperproof ID card that employees must have to present to employers so we can verify that they are working in America legally and that there are no phony Social Security numbers that can be used. That is a tamperproof, biometrically induced ID. We need to have those in place before the bill becomes a reality. Border security must and ought to be first and foremost. I have heard a lot of discussion from people who have not read the bill who suggest that 12 million illegal aliens are receiving a guaranteed, automatic right to remain in the United States. That is not the case. They are going to have an opportunity—after paying fines, after coming out of the shadows and registering, after background checks—to pay a fine for breaking the law and then go on probationary status. They will then have a card, which will become a visa, if they apply for it.

It is a paradigm shift in what immigration is like in our country. It will require a new paradigm, which some find that, for a country that wants to be competitive in the 21st century, may be a wise thing. It is a merit-based system, without throwing aside the issue of family. It continues to involve family consideration, but it is not the only consideration.

Illegal aliens who are here and wish to regularize their status should have an opportunity to become citizens, but it ought not be an automatic or direct path to citizenship. They will have to return to their home country under this bill and apply outside the country legally. It will be a long and difficult road, where they have to pay additional fines and other backgrounds checks will be done and, at the earliest, anybody who would be in this country illegally today, after having applied outside the country, it is going to be as lengthy as 13 to 15 years before they can become citizens of this country.

The people in line and the people who have done it the right way will be first to become citizens, ahead of those who have come illegally.

As to the guest worker program, this is truly a guest worker program. When somebody outside the country comes here to go to school, they ask for a student visa and they understand they are coming for a period of time to study and go to school and then they are to return to their country. The guest worker program will be much the same thing. They will come for 2 years, understanding it is a 2-year visa. At the end of that 2 years, they have to return home. They are not coming to immigrate; they are coming to work. That is the understanding. It is the understanding before they ever come here. As they do, they will have an opportunity to work and taste the American dream, but they also have an obligation to return to their country. At the end of 6 years, or three work periods, they will return home and not be allowed to return again as a guest worker. They could have a path to citizenship, if they so chose to apply for regular immigrant status. They could be considered for that, but at the same time there would be no guarantees by the fact that they were here. They will have earned points by working here, and it is going to be a merit-based system. So they will have an opportunity to be considered for citizenship.

This is a problem that begs an answer. There are many who would say this is amnesty, and therefore it should not even be considered. I suggest to them they ought to read the bill so they understand the details and how it is not amnesty. So to those who dismiss it as something that is no good and not workable, I suggest this: What is your answer? What do you suggest? What is your solution to this problem that for over 20 years has been vexing our country?

It is time to grapple with this and tackle it. We know how to solve problems in the United States. We can solve this problem if we continue to work together in the spirit of this group of ours, which at times has been quite contentious but is also forging ahead to solve a problem. The spirit that group has had is the spirit that the Senate and the Congress needs to tackle this issue.

I commend the President for having had the steadfast support on the proposal. He has been there with criticism even for members of our own party. He has been terrific in terms of sticking to it, continuing to support it, having members of his Cabinet working with us day and night. We are at the threshold of a tremendous opportunity to do something truly good for the country. I thank the Senator from New Mexico for his interest. I will yield to him for his comment on this important legislation.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I thank the Senator from Florida for his dedicated work on this bill and for his efforts heretofore a couple of years ago, when he worked very hard on this issue. We didn't have success, but maybe this bill, in spite of all the early talk against it, may succeed. Maybe with some amendments and some work it may become the new law with reference to illegal aliens for the United States of America. It is good enough for America. It is sufficiently clear for America. It will clear up the status of the 10 to 12 million undocumented aliens who live here. It will clear that problem up. Everywhere you look, we have let the problems of illegal aliens grow out of all proportions.

It is a hard job to put a bill like this together. It is not easy. It is one of the most difficult jobs you can have to put legislation together to try to fix the last 15 years of letting our laws be ignored. We have not cared about them, letting the borders become porous, letting millions of people in illegally, which has caused all kinds of problems. But I can tell you, if you look at this bill carefully and you don't look at it with any preconceived ideas or ideology, but look at it and ask: What are the practical problems and what are the practical solutions here? I submit that it comes close to solving these problems in the very best way possible.

I am sorry I already heard this morning Senators talking for a very long period of time about why they are against this bill. In the end, I listened and, after listening, I concluded that most of them had it wrong. I don't like to say that about my fellow Senators, but they had it wrong on the major issues, which they said made up their mind to be against the bill.

Let me tell you what is going to happen under this bill. Before anything else in this bill is used or implemented, our borders must be secure. Let me repeat: whatever you hear from Senators that this bill is going to do, none of those provisions are going to be implemented unless and until we have secured the border. I don't know how we can say it any clearer. Senator KENNEDY and Senator JON KYL from Arizona, the leaders on each side on this issue with Senator SPECTER, maybe what you are going to have to do is pull the text of this bill that secures the border and distribute it to the Senators so they will have it right in front of them to see that there is a border security part of this bill. It is there. It says, before you can implement the other provisions of this bill, the border will be made secure.

It doesn't stop there. It tells you what a secure border is. It says 18,000 Border Patrol agents must be hired. We are well on a path of getting them hired and trained. We can do this because we finally, for the last 3 years, we have been funding. We have been hiring thousands of them. But the bill says none of the bill's other provisions shall go into effect until the border is made secure.

Then it says that secure means 370 miles of border fencing must be built. The Department of Homeland Security is committed to building 370 miles by December 31, 2008. We are being honest. We didn't have to say that date. We didn't have to talk about it. But we cannot get fencing built any sooner. So that period of time is going to have to be used before we do other things in the bill. The bill cannot change anybody's status this year because those provisions are dormant until the border is made secure. They are dormant.

It also says 200 miles of vehicular barriers must be in place. It says 70 radar and camera towers must be on the southern border. It says four unmanned aerial vehicles must be in operation we have to leave undocumented aliens apprehended on the border in detention facilities to wait until they are deported. Right now if you don't have a place for them, the judges release them. That has been one of our problems. The bill has 27,500 detention beds to end the "catch and release program", which we are aware of, those of us who represent the border. You have to have all that done before the bill becomes operative.

So if any one of those is not done, it is just like not having an immigration reform bill; isn't that correct?

Mr. MARTINEZ. That is right.

Mr. DOMENICI. People say you are going to do immigration reform before the border is secured. How are we going to do that when the law says you throw the rest of the bill away until we have secured the border, and then it tells you what border security is? That has been worked on day and night. That has been done to try to calm so many thousands of people who have been indoctrinated to believe that the only thing we should do is make the border secure. So all they are going to ask you when you go home is: Did you secure the border, Senator? And, Senator, I heard from such and such that you didn't secure the border.

Senators ought to carry around a piece of paper that has this border security provision on it, and you ought to take it out and read it to your constituents. They deserve the truth. They want the truth. We are not trying to do anything to hide what we did. We are trying to make sure they know it.

I mentioned the name of a Senator from Arizona. He is not here, but JON KYL will be here tomorrow, so all the Americans out there will understand that JON KYL was one of the Republican who spent literally hundreds upon hundreds of hours as a dedicated leader on this issue, with Senator KENNEDY on the other side. Senator KENNEDY will acknowledge—if he hasn't already—that without JON KYL we could not have this proposal. People should know that Senator KYL knew this was the chance of a lifetime for this great country. You could not get everything you wanted because there are other people playing. If you have 10 Senators working on it, and they are Democrats and Republicans and they each believe one thing or another, you have to come to a practical compromise.

That is what it means to be a Senator who writes the law well. He works with his fellow Senators to come up with what they can use and do in a practical manner. That is what happened with this bill. It is practical, yet it is doable; and it is not only doable, it is right.

If America accomplishes this bill in its totality, we will have made one of the largest changes for the better for the United States, and I don't think there is any doubt about that. It is tough, and it is going to be hard.

I wish to talk about another provision, and then if Senator SPECTER is back and wants time, I will yield to him.

This bill is difficult because everybody wants to know two things about this bill. There are other pieces, but there are two major questions. One is, did you secure the border, and I just talked about that because I am just like every other Senator. My telephone is ringing and most people want to know: Did you secure the border? Or they tell you that you did not secure the border and you have to be sure that you set them straight and they understand that you did secure the border.

The money has been rolling in every year to secure the border, and it will be coming in again this year to get this work finished because if it can't get finished, the other provisions cannot be carried out. One of those other provisions is a brand new effort on the part of this great country to take 10 to 12 million aliens who live in our country, who live kind of as hideouts—they are everywhere and they are nowhere. Some live running from one place to another. Others have found a way with illegal cards to find their way into society. They are your neighbors with their kids going to school just like yours. We have decided, because the country has asked us to, that we have to do something about that 10 to 12 million people.

For those who are interested, just ask your Senators about the bill as it is written, ask what we are going to do.

We are going to tell those illegal aliens who are here working: If you want to take advantage of this law, you have to come forward and turn yourself in, and the United States will then begin to work with you on a path toward giving you a document that you can carry with you, that you can use to obtain work, and you will be legal 4 years at a time.

The bill also says after 8 years of that process, you will have an opportunity to choose, if you want, to move in the direction of becoming a citizen. But you still have at least 5 years to wait, and you must return to your home country and file your application. You must pay another fine. You must learn English. That is the first time we have had that provision. And you must learn U.S. civics.

All of that must happen: 8 years of work, make a choice to pursue citizenship, wait at least 5 more years for a total of 13 years, and then if you can pass the citizenship test, you can become a citizen if you so choose. You can choose another route and you don't have to become a citizen or ultimately you can go home. There might be many people who will do that. We don't know.

Before I turn the time over to Senator SPECTER—and I don't have time—but my friends, a couple of Senators have heard me talk before about my family, average people who got involved with the laws of our land as immigrants.

Madam President, how much time would Senator SPECTER like?

Mr. SPECTER. Six minutes.

Mr. DOMENICI. It looks like we have 6 minutes. Is that what it is?

Mr. SPECTER. I think there is 10 minutes.

Mr. DOMENICI. I will take 4 minutes telling about my family, and Senator SPECTER can have the rest.

Mr. MENENDEZ. Madam President, will the Senator from New Mexico yield for a unanimous consent request?

Mr. DOMENICI. I will be pleased to yield.

Mr. MENENDEZ. Madam President, I appreciate the distinguished Senator yielding. I ask unanimous consent that at the end of the time on the Republican side, I have 5 minutes to speak before the cloture vote.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I would normally not object, but I understand the leaders have set the time at 5:30 p.m. for the vote, and this request will extend the time. I don't think I have the authority to extend the time for a vote. Madam President, I ask Senator KENNEDY, am I thinking right? I wasn't here when we agreed to take this up.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as I look at it, we have 11 minutes. The leaders had indicated to different Senators earlier that they wanted 5:30 p.m., and everyone is on notice for that to happen.

Mr. DOMENICI. It is at 5:30 p.m. we are going to vote.

Mr. KENNEDY. That is the time we were told.

Mr. DOMENICI. I have to object.

Mr. MENENDEZ. I say to the distinguished Senator that before his time expires, we are going to try to work it out with the two leaders to make sure it will be appropriate to ask consent again. So before the Senator's time expires, I will again ask unanimous consent.

Mr. DOMENICI. That is fine. If the Senator from New Jersey has permission, he can come back and do that.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. Madam President, I wish to tell about both my parents who came to this country as aliens, but I don't believe in 3 or 4 minutes that I can do that adequately. So I will try to find another time in the next 5 or 6 days to tell you, Americans, who are listening, that you have a Senator whose parents were both born in a foreign country, whose parents came here as youngsters.

It is a very interesting story because on my mother's side, she married my father after consultation with a lawyer about citizenship requirements. They were told that my mother was a citizen once they got married because my father was a citizen. He became a citizen because he served in the First World War. He came over right at the turn of the century and was drafted into the First World War.

It turned out that the lawyer gave them wrong advice, and my mother was not a citizen. She raised her children here and lived here as a perfect model citizen.

Then one day during the Second World War, she was arrested by several men who came in black cars to the back door while we four children were playing with marbles, or whatever we did. In came the people, the agents that work for the U.S., saying this lady was an illegal alien and she should be arrested.

Of course, that was a shock, needless to say. My father came hurrying home from work and, guess what, the lawyer who had given him advice, my dad brought him along. He went over to his office and got him and said: You got us in this trouble, maybe you ought to come over and get us out.

Sure enough, the lawyer was very upset. By evening, my poor mother was released because she had a good lawyer. A lot of people don't have that, and we know what happens to them under our laws.

Next, I will tell you about my father and what happened to him. That will be the next episode, shall we say. For now, I yield the remainder of the time that we have to Senator SPECTER.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I have been told by the leadership that we can extend the debate by 10 minutes—5 minutes for the Senator from New Jersey and, if necessary, 5 minutes on the other side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I am always fascinated by Senator DOMENICI's floor statements, about his immigrant parents. I will take just 60 seconds to talk about my immigrant parents.

My mother came here when she was 6 years old in 1906. My father came in 1911 when he was 18. The Czar wanted to send my father to Siberia. He lived in Ukraine. That is where the Czar wanted to send all the young Jewish men, to Siberia. My father didn't want to go to Siberia because he heard it was cold there. He wanted to go to Kansas instead. It was a close call, and he got to Kansas where I was born.

They didn't have enough money to hire a lawyer, but, fortunately, they didn't have any problems either. In Wichita, there weren't many big black cars, so the family lived happily ever after.

On the issue before the Senate, I urge my colleagues to vote for cloture to proceed. We have been engaged for the better part of 3 months in extraordinarily extensive and complicated negotiations. Every week from 4 to 6 p.m. on Tuesdays, Wednesdays, and Thursdays, we would meet. Those hours were extended. We are trying to tabulate the total number of hours we worked. So far, nobody can count that high. But we had 10 Senators working almost full time, and we came to a compromise and a combination, which is the way we work around here.

I knew at the outset that working on immigration was going to be the third rail. The third rail is that rail that electrocutes you. We have long talked about Social Security as the third rail. Immigration is equally a third rail.

There is no way to satisfy all facets of the political spectrum. We are accused on the right of amnesty. We have done everything we could to avoid that charge. I think we succeeded. Those undocumented immigrants will have to pay a fine, they will have to pay back taxes, they have to learn English, they have to fit into our culture, they have to hold jobs and be responsible, and go to the end of the line. They can't begin to qualify until 8 years have passed. It may be as long as 13 years which have passed. So it is not amnesty.

Right now we have anarchy—anarchy. Those 12 million undocumented immigrants are going to be in this country one way or another. We can't deport them. If we have a registration procedure, there is a chance that we will identify undocumented immigrants who have criminal records who ought to be deported. It is possible to deport a small number, but certainly not all 12 million.

The new program will have detention space for 27,500 people, but we can't begin to detain 12 million people, to litigate the deportation process. It cannot be done. But that is not stopping those on the right from calling it amnesty.

Those on the left think it is not sufficiently compassionate and object to the provisions on the touchback and think that there is not sufficient emphasis on family unification. If I had my druthers, many of those provisions would not be in the bill. But every time we find a point which is objected to, that point doubtless is in the bill in order to get two other considerations that somebody would like. It is an accommodation.

The old saying, you never want to see legislation or sausage made doesn't apply here because what we have had to deal with wouldn't even qualify for sausage. It would be so unpalatable really. But what we are really facing here is a broken system. We have anarchy. We have borders which are porous. This bill will fix that with fencing, with barriers, with 6,000 additional Border Patrol to the 12,000 there now, and we will eliminate the magnet for jobs for illegal immigrants because now we have a way to identify who is legal and who is not legal.

So we are in a position to impose tough sanctions on employers who hire those who are illegal. We have the need for a workforce for restaurants, for hotels, for landscapers, for farms. The Chamber of Commerce doesn't like the bill because it doesn't provide a sufficient workforce.

We have tried to calculate a point system. We have to produce a lot of green cards for the undocumented immigrants, and we have tried to provide a point system which will give due regard for the low-skilled workers for the workforce and due regard for the high-skilled workers so we can be competitive. We have also given consideration to family ties. So we have done the best that could be done under these circumstances. If anybody has a better idea, we are open to suggestions. At least we should be able to proceed to have a debate and to proceed to the consideration of the bill. If people have amendments, the Senate will work its will.

We have a fragile coalition, however, it ought to be noted. The coalition is fragile. If the basic tenets of the proposed legislation are not fulfilled, some will withdraw their support. At a bare minimum, after what has been done in a very forceful, good-faith effort by Democrats and Republicans working very hard, very sincerely, in good faith to come up with a bill, we have one pending. At a minimum, it ought to be considered.

Whether it will be passed remains to be seen, but we have drawn from all segments of the political spectrum, and the consideration of this legislation ought to proceed. I urge my colleagues to vote cloture on the motion to proceed.

Mr. KENNEDY. Madam President, I think we have 5 minutes remaining, and I yield the time to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. I thank the Chair.

Madam President, I don't support and can't embrace the underlying agreement that has been struck, but I do believe every Senator should vote for cloture, and I want to talk about that.

If you vote "yes" on cloture, you are voting to give the Senate an opportunity to move forward with tough, smart, and comprehensive immigration reform that secures our Nation's borders. If you vote "no" on cloture, you are voting to maintain the status quo of failed laws and a broken immigration system that is weak on enforcement, leaves our borders and our citizens unsecured, while also allowing for continued exploitation and human trafficking.

If we have to wait a couple of years, and that is what will happen if we don't move this now, then States and municipalities will pass their own laws, which often violate equal protection laws, can discriminate against those who are U.S. citizens and lawful permanent residents, and create conflict within otherwise peaceful communities.

By invoking cloture, we have the opportunity to strengthen the screening process at our consulates and points of entry, to better use technology along our borders, to make sure our agencies have both the necessary staff and the resources to do their jobs, thus effectively tightening our border security and workplace enforcement. By invoking cloture we have the opportunity to create an equal playing field and ensure that America's workers, wages, benefits, and health and safety standards are not undercut.

Finally, by invoking cloture we have the opportunity to realize the economic realities in our society in which undocumented workers are doing the worst work that we cannot get many Americans to do, such as picking the fruits you had for breakfast, cleaning the hotel rooms for your stay, or plucking the chicken you had for dinner last night. We have an opportunity to vote to create a pathway to earned legalization—not amnesty but earned legalization that will take many years, considerable fines, payment of taxes, and a new English standard that will be required for permanent residency for the first time in our history.

That is what is at stake in the vote this evening. It seems to me we have to move closer to once again controlling our borders, restoring the rule of law, and maintaining our long, proud history as a nation of immigrants.

Last Thursday, the administration and a group of our colleagues came to an agreement that is often referred to as the "grand bargain." Unfortunately, there are a number of details in this deal that, in my mind, create an unfair and impractical immigration system, undercutting the more sensible provisions. It is my intention, working with many colleagues, through a series of amendments, to help lead a charge to improve the deal by ultimately creating on the Senate floor tough, smart, and fair immigration reform.

Very briefly, I believe the "grand bargain" has at least three serious flaws that must be fixed—an antifamily bias that clogs the system, a temporary worker program that creates a permanent working underclass, and exorbitant fines. If we don't improve the "grand bargain," we could tear at the fabric of family reunification by eliminating four out of five family-based green card categories and capping green cards for parents at 40,000 a year. So much for family values not stopping at the Rio Grande River, as the President has talked about.

If we don't improve the "grand bargain," we would enact a truly temporary worker program that labor doesn't support and that bars most temporary workers from any path to permanent residence. Without such a chance, these workers would be driven underground and could be exploited while creating yet another underclass of undocumented workers.

If we don't improve the "grand bargain," we will require a family of four to pay up to $19,000 in fines and fees, which is far more punitive than what I have seen in the Federal criminal code for a variety of criminal offenses, such as the possession of firearms, possession of narcotics, and other things, and is impractical to luring those in the shadows to come forward and be identified and regularize their stays in this country.

I believe what this country does on immigration represents the core of American values. How we treat this subject will either show the best or worst of America, and so while I am not supportive at this stage of the bipartisan comprehensive agreement that has been reached here, I urge Senators on both sides of the aisle to stand up, to vote for cloture, and to permit a comprehensive debate to start in the Senate and, hopefully, to work a bill we can ultimately be proud of, that can secure the Nation, fuel our economy, and at the same time guarantee we bring millions of people out of the darkness and into the light.

Madam President, I yield the floor.

Mr. KENNEDY. Madam President, do we have 1 minute or so?

The PRESIDING OFFICER. The majority's time has expired. The minority's time is 4 minutes.

Mr. SPECTER. Madam President, I am advised Senator MCCONNELL, our leader, is on his way to the floor, so he will be arriving shortly and we will use the balance of our time.

Until he arrives, would either Senator on our side of the aisle care to make a statement?

Well, if no one else will, I will use the time.

Mr. KENNEDY. Madam President, will the Senator yield for a question? Perhaps we could mention, so all the Members understand, this then is the cloture vote on the motion to proceed, which will permit the Senate to begin the debate. So a vote in favor would permit at least the debate on this issue, which is of fundamental importance in terms of our country; am I correct?

Mr. SPECTER. Madam President, the Senator from Massachusetts is correct, this is a cloture vote on the motion to proceed. This will enable the Senate to take up the bill.

Again, I emphasize the very laborious efforts of more than a dozen Senators, meeting many hours, structuring what has occurred. It is easy for anyone to pick out a provision of this bill he or she would not like, but for every provision that is in the bill which the Senator might object to, that was probably placed there in consideration for other provisions in the bill which that Senator might agree to. There are many tradeoffs in coming to the conclusions which we have, so that when we proceed to the consideration of the bill, obviously any Senator may offer any amendment he or she chooses, but I would again comment that the coalition which has brought this bill to the floor is a very fragile coalition. If there are any changes on the fundamental so-called "grand bargain," a term originated by Senator LINDSEY GRAHAM, we are going to run the risk of losing Senators.

The issues are enormous. This is an enormous issue facing the country. No domestic issue is of greater importance than this one, and we ought to do our utmost to find an answer to it because today, on immigration, we have anarchy. There are people complaining about amnesty, but the 12 million will be here no matter what we do. When we take a look at the specifics, it is not amnesty. There are fines to be paid, there are taxes to be paid, there is English to be learned, there is hard work to be done, and undocumented immigrants are going to have to earn their way to citizenship. They start at the end of the line with a minimum of 8 years and perhaps as long as 13 years.

Madam President, I am told Senator MCCONNELL is within sight. How much time remains, Madam President?

The PRESIDING OFFICER. There is 1½ minutes remaining.

Mr. SPECTER. Maybe we will head him off at the pass and tell him not to come.

Senator MCCONNELL is here, and he has 1½ minutes remaining, according to the timekeeper. He may have some leadership time, who knows.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, voting for cloture is a vote simply to begin the debate on this legislation. Normally, cloture is used to end debate, but here it is to begin.

This is an extremely complicated, comprehensive piece of legislation, worked at on a bipartisan basis over a period of time. It needs to be finalized. I understand there was a modification to the substitute this afternoon, agreed to, I believe, by Senator KENNEDY and Senator KYL. We need to make sure whatever substitute is offered is, in fact, reflective of exactly where this legislation is.

The other point I would make is we shouldn't be in a hurry to finish this bill. Last year, there were 35 immigration amendments. Twenty-three amendments were voted on before cloture and 12 after cloture. This is, by any standard, at least a 2-week bill, and I think any effort to finish up this bill, one way or the other, this particular week would be unsuccessful. This is clearly a 2-week bill.

This is an important subject. I think there is widespread discontent with the status quo in our country on the status of illegal immigration. It is time for the Senate to take this up and to give it adequate time for consideration. Hopefully, at the end of 2 weeks, we will be able to pass a bill on a broad bipartisan basis that improves the current situation.

With that, Madam President, I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 144, S. 1348, Comprehensive Immigration Reform.

Barbara Boxer, Harry Reid, Patrick Leahy, Carl Levin, Jack Reed, Dick Durbin, Daniel K. Inouye, B.A. Mikulski, Robert Menendez, Amy Klobuchar, Daniel K. Akaka, Maria Cantwell, Jeff Bingaman, Ken Salazar, Dianne Feinstein, Christopher Dodd, Edward Kennedy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Florida (Mr. NELSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 23, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—69

Akaka
Alexander
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Craig
Domenici
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Inouye
Isakson
Kennedy
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—23

Allard
Baucus
Bunning
Byrd
Coburn
Corker
Cornyn
Crapo
DeMint
Dole
Dorgan
Enzi
Hutchison
Inhofe
Roberts
Sanders
Sessions
Shelby
Sununu
Tester
Thomas
Thune
Vitter

NOT VOTING—8

Biden
Clinton
Dodd
Johnson
Kerry
McCain
Nelson (FL)
Obama

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 23. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Mr. President, for all Senators, I have had a number of conversations with the distinguished Republican leader. I think it would be in the best interests of the Senate—I am confident that Senator McCONNELL agrees because it was his suggestion—that we not try to finish this bill this week.

I think we could, but I am afraid that conclusion wouldn't be anything that anyone wanted. There simply is not enough time on this massive, massively important piece of legislation to do it all on Tuesday, Wednesday, Thursday, and Friday.

So, reluctantly; I kind of guard this schedule like my best friend, I think I am going to have to give my best friend 1 less week to do other things. When we come back the week after the Memorial Day break, we will spend that on immigration. I think the country deserves it. I think the Senate deserves it. We can come up with a better piece of legislation in that period of time.

I do appreciate the suggestion of my distinguished Republican counterpart. Also, Mr. President, as I have said, this is an imperfect piece of legislation. But what in the world would anyone expect? This is a tremendously important piece of legislation. The immigration system in our country is broken. It needs fixing. We have an obligation to fix it, as hard as it is, because it is required that we take positions on issues we would rather not.

So I would hope, during the next couple of weeks as we are working on this matter, that people will legislate in a bipartisan manner. No one is trying to get an advantage over anyone else with this piece of legislation. We have blame for both Democrats and Republicans.

But whatever we do in the Senate is not the last word. After we complete the legislation, the House will have to do something on that. They will come up with what they feel is the best way to handle immigration. We will then go to conference.

During these entire three steps, we will be working with the White House to try to come up with something to fix a broken system. Now, are we going fix it perfectly? Probably not. But it is something that is badly in need of fixing. We are going to make it much better at the end of the process than it is now.

I yield the floor

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, I appreciate the remarks of the majority leader. It reflects the conversation he and I had earlier this afternoon, where I indicated there was a strong feeling on this side of the aisle that this was a 2-week bill.

Last year when we took up this matter, there were 35 amendments voted on. Twenty-three amendments were voted on before cloture, 12 were voted on after cloture. Clearly, this is an extraordinarily complex and challenging piece of legislation.

So I wish to thank my friend, the majority leader, for realizing this is not going to go anywhere unless we have a full and thorough debate of at least 2 weeks.

I yield the floor.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The PRESIDING OFFICER. Under the previous order the motion to proceed is agreed to.

The Senate will proceed to the consideration of S. 1348, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform, and for other purposes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the chair for the effort he has taken. I hesitate very much to impose on the time of the Senate. But there ought to be a time now and then when one might impose on the time of the Senate.

Let me read from the Standing Orders of the Senate, Standing Order 105.

Hear this: "Resolved, That it is a standing order of the Senate that during yea and nay votes in the Senate, each Senator shall vote from the assigned desk of the Senator."

I always try to do that, Mr. President. That was by S. Res. 480, 90th Congress, second session. October 11, 1984. I will tell you who authored that resolution. That was my former colleague, my former late colleague Jennings Randolph. I have never forgotten it. Once in a while, I vote from the well of the Senate, and sometimes I cast my vote from here. But that is what this book says: "Resolved, that it is a standing order of the Senate that during yea and nay votes in the Senate, each Senator shall vote from the assigned desk of the Senator."

There was a reason for that. I won't take the time of the Senate this evening to talk about this further, but I will have something to say one day about that. "[E]ach Senator shall vote from the assigned desk of the Senator. S. Res. 480, 90th Congress, second session, October 11, 1984.

May God bless his name, Jennings Randolph.

I thank the Senate, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as always, we thank the Senator from West Virginia for insisting that Senate decorum be enforced. All of us understand his devotion to this institution and to its ability to function in an effective and efficient way. He reminds us, and we need to be reminded at times. We thank him. I remember Jennings Randolph making those points time and time again about standing at one's desk. That was back at another time, but I certainly remember his service to the country.

So we have some idea of the way we are going to proceed, I have been notified, although I haven't had an opportunity to talk either to Senator SPECTER or Senator KYL or others on the other side, that we have two amendments at least that are going to deal with the temporary worker provision, one which would effectively strike all of the temporary worker provisions that will be probably offered by the Senator from North Dakota, and another amendment which will be the amendment to reduce the number of temporary workers from 400,000 to 200,000. Those were amendments similar to the ones we had the last time we had the immigration bill. We had a good discussion, and we will have that debate, but we don't expect, obviously, that we will be voting this evening. We are prepared to involve or engage in the debate or discussion, if those Members want to, but it will be our hope that those amendments would be done in a timely way for tomorrow. It is a good way to get the debate started because it is an issue that is broad enough in scope that certainly those of us who were here during the last debate remember it quite clearly. Others can understand it quite well because it is a fairly obvious issue. It is about what is going to be the number, whether we are going to have a temporary worker program and whether we are going to have temporary workers at this dimension, 400,000 reduced to 200,000.

I hope that will be the beginning of the debate. We will talk to those Members to try to give the membership as much notice as possible to address those issues in a timely way. They have indicated their desire to start with those. We would expect that to be done.

MORNING BUSINESS

Mr. KENNEDY. I ask unanimous consent that until 7 p.m., there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

IMMIGRATION

Mr. KYL. Mr. President, let me comment a little bit on the same points Senator KENNEDY made.

This is an extraordinarily important piece of legislation. The American people—certainly our colleagues in the Senate—need plenty of time to digest and debate and discuss it. It is certainly nobody's intention that this would be rushed. That is why the majority leader made comments earlier this evening that assures all of the

Members of this body that not only will we have this week to debate and perhaps amend the legislation, but that upon our return from the Memorial Day recess, we will take up the bill again and, as he indicated, would have another week, if we needed it, to continue work on the legislation.

While it is true the legislation did not go through the committee process, I assure my colleagues it was never anyone's intent that there not be the fullest opportunity for discussion and debate. That will in fact occur. We are now on the bill formally. It is also my understanding that technical changes from the draft legislation will be completed tonight and the first amendment will be the amendment of that substitute version. If the distinguished chairman of the committee has any other point on that, perhaps he could make it. But that would then put before the body the exact language we would begin the debate and discussion on.

I have about another 5 minutes of comments unless Senator KENNEDY wants to say anything else.

It would be in order to thank Secretary Chertoff and Secretary Gutierrez for their work in helping us in the Senate to craft this bipartisan consensus legislation. So much of the enforcement of the legislation will depend upon action by the administration. They had to help us ensure this was a bill that could be enforced in the future.

I know during the last election so many of my constituents asked the question: Why should we create a new law for you to enforce when the current law is not being enforced? That is a good question. So one of the things we tried to do in drafting this legislation was to put together a bill that actually would and could be enforced, and the administration has helped us by providing expertise in what it would take for Homeland Security and other departments to actually provide the enforcement the American people so desperately want.

There was general agreement that return to the rule of law was the central component of any bipartisan compromise, starting with securing the border, working right up to more enforcement in the interior of the country, and especially at the workplace, to make sure nobody in the future would be hired unless it could be established they were entitled to be hired. That is one of the critical changes in this legislation from the previous law which was not enforceable and, as virtually everybody who knows this subject appreciates, the law is not being assiduously enforced particularly at the workplace. So that is a critical component of what we have talked about doing.

There are a great many other things that will be discussed as we proceed with the legislation. Referring back to my recent campaign, the voters in my State of Arizona, which is being overrun by illegal immigration, had one message loudly and clearly: Do something about this problem of illegal immigration. So I was returned to the Senate by my constituents with an obligation to do my best to get in and do as much as we could to secure the border, return to the rule of law, ensure that only people who are eligible to work here are permitted to do so, deal with the people who are here illegally in a humane and just way, and try to set up a temporary worker program for temporary workers only, rather than to recreate the problem we have today with a great deal of foreign-born workforce that isn't legal in the United States and is now demanding to become legal.

In order to get engaged in that process and do something about it, it was important to sit down with people of the other side as well as the administration. Of all the criticism I have received for being one of the sponsors of this legislation, the one I don't quite understand from my constituents is, why would I sit down with Senator KENNEDY? What I have tried to tell them is, I understand your anxiety about sitting down with Senator KENNEDY, but on the other hand, in a body of 100 Senators who are supposed to try to work together to find solutions to problems, do you not at least acknowledge that every now and then you have to sit down and talk to each other, even when you are on the other side of the aisle? Senator KENNEDY right now happens to be in the majority, in addition.

As a result, it is, in my position, important to sit down, articulate what the people of Arizona have told me they would like in any immigration reform, and do my best to try to see that those principles, as much as possible, are included in this legislation. If I didn't sit down with Senator KENNEDY, I doubt he would include very much of what I wanted in the legislation he could otherwise draft. So what we have done, in a bipartisan fashion, is to get Senators on both sides of the aisle, with many different views, agreeing to try to put together something that can pass this body, pass the House of Representatives, and be signed into law. I know every one of us will stand up here and say: This is not the bill I would have drafted if I were king of the world or queen of the world. There is a lot in this bill I don't like very much. But I know that in order to get something, you have to give something. At the end of the day, in order to do something about the problem of illegal immigration that is hurting my own State of Arizona in ways I can't begin to describe, we have to try our very best to work together to get something that will actually pass the Senate. That means an agreement with the administration, with Democrats, and with Republicans.

I hope as my colleagues consider what we have put together, they will acknowledge you have to start somewhere, but that if there are amendments that go to the heart of this agreement and that break the agreement apart in substantial ways—not ways at the periphery or tangentially but that go to the guts of this agreement—that they can fully expect it will no longer enjoy the support of those of us who worked hard to put the agreement together. If you want to try to kill this legislation, go right to the heart of it and change any of the major pieces of it, you will find it will quickly lose support, including mine.

We fully expect Members to have a lot of amendments that deal with different aspects of the bill. There are a million different details, and that is all fine. But if we go to the guts of the legislation and that basic agreement is destroyed, then I think we will see support for it evaporate quickly, including mine.

I am looking forward to working with my colleagues and debating and discussing this legislation. But at the end of the day, I conclude there is no option of doing nothing, that our only option is to do something. That means sitting down, working together, and trying to get a good bill passed.

I appreciate the spirit in which all of my colleagues who have joined in this effort have worked toward this end.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from Arizona for his comments and for his general assessment of the circumstances we find ourselves with. I can certainly give the assurance to the people of Arizona that Senator KYL is a person of extremely strong views, who has felt very deeply about the positions he has, but is a person who believes in comity and respect for other views. He understands you can fight for your views and still compromise without compromising your values. I respect Senator KYL for that position.

As has been pointed out at other times, this has been a long, complex, difficult process, but it is one for which I share with Senator KYL that failure is not an option. This country cannot tolerate a continued border system which is fractured, which it is today, and with all the uncertainty that exists, whether it is on the borders, or the exploitation of workers, or in terms of the lives of many of the people who are here. We have tried to fashion a program, and we are going to work together to try to see that it is successful.

I thank the Senator for his comments, and we are looking forward to getting good discussion and debates on these issues.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, first, I thank my colleague from Arizona. I do not know if there is a greater champion in this body on the rule of law on border security. I thank my colleague from Massachusetts for being the master at the art of figuring out how to get it done. As a former mayor, I have great appreciation for that. When I was mayor, if it snowed, and the snow wasn't plowed, the next day I heard about it. I think we are here to fix problems. The system we have today is broken and needs to be fixed.

I thank both my colleagues for their work on this issue. There will be a lot of conversations as time goes on, a lot of debates, but in the end the status quo is not acceptable and we have to fix it.

CLIMATE CHANGE

Mr. COLEMAN. Mr. President, I want to switch subjects.

I see my colleague from Connecticut in the Chamber.

I rise to engage in a colloquy with truly my friend, the Senator from Connecticut, about an issue facing every American and every citizen of this world—an issue on which he is a true leader in the Senate, and for which he has had great vision, great perseverance, and for which I applaud him. That is the issue of climate change.

There is now a preponderance of evidence from the scientific community that human activities, particularly the burning of fossil fuels, have increased the atmospheric concentrations of carbon dioxide by 36 percent from preindustrial levels, leading to a dangerous increase in global average temperatures.

The temperatures speak for themselves. According to NASA, 2005 was the warmest year globally on record since readings began in 1880, with 1998 a close second. And 8 of the last 10 years are amongst the warmest years on record. The effects are increasingly tangible. Since 1979, more than 20 percent of the polar ice cap has melted.

So often in this Chamber we talk about the future. We talk about doing things for our kids. Well, if we care about our kids, and we care about our future, we better care about what will happen if we do not take action soon to reduce greenhouse gas emissions sufficiently to prevent the temperature increases forecasted for this century.

Thankfully, we are a nation of innovators, of entrepreneurs, of individuals with bold initiative. The technologies necessary to stabilize our atmospheric concentration of greenhouse gases in time to prevent a dangerous increase in temperature are right at our fingertips—from biofuels and plug-in hybrid vehicles to nuclear energy and carbon sequestration for coal plants, and many more. It is time for Congress to provide the strong market signals necessary to press these technologies forward, which is why I believe Congress should work for an economywide response to climate change with an idea I have championed: provide utilities incentives to increase the percentage of their electricity sales they generate using clean energy sources such as renewables, nuclear, and clean coal with carbon capture technology.

Yet it is not enough for the United States to act alone. China is projected to be the largest greenhouse gas emitter by the end of this year. Climate change legislation must not put America's workers at a competitive disadvantage with the Chinese, and it must not send manufacturing jobs overseas. A greenhouse gas reduction program must not put Americans out of work or drive more hard-working families into poverty.

When I drive on the streets, such as Grand Avenue in St. Paul, and it is minus 10 degrees, minus 15 degrees, and I see that mom sitting at a bus stop waiting to catch a bus, or see that senior, I care about the costs they have to pay for energy. So those are things we have to think about. I refuse to look at this, or any other issue, without considering the effect it will have on those who are trying to support their family or, as I said before, the effect it will have on the elderly, struggling to survive on a fixed income.

Accordingly, I have been working with Senator LIEBERMAN over the last several months on an agreement that allows us to work together on his Climate Stewardship and Innovation Act in a way that meets my concerns about what mandatory greenhouse gas reduction legislation should look like.

Today, we have arrived at that agreement, and I believe together we can work in a bipartisan way to address this very serious issue.

I earlier introduced a sense-of-the-Senate resolution stating that any comprehensive, mandatory greenhouse gas emissions reduction program enacted by Congress should include provisions requiring a process of review of the program if it is found that other countries are not taking comparable action and if the unemployment or the poverty rates are found to be increasing as a result of the program. This sense of the Senate also states such a program should include incentives for utilities that increase their portfolio of clean energy.

I say to Senator LIEBERMAN, I wish to ask to be added as a cosponsor to your Climate Stewardship and Innovation Act and thank you for your cosponsorship of this sense-of-the-Senate resolution, and finally your commitment to work on EPW to examine my clean energy portfolio proposal in a committee hearing, and to fight during EPW markup of climate change legislation for inclusion of: No. 1, congressional review of greenhouse gas caps, if other countries are not taking comparable climate change action; No. 2, congressional review of greenhouse gas caps, if the unemployment and poverty rates are increasing due to a U.S. greenhouse gas reduction program; and, No. 3, provisions to reward electric utilities that increase the percentage of their electricity sales generated with "clean energy" or energy for noncarbon-emitting sources such as nuclear and clean coal.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I rise to thank my friend, the Senator from Minnesota, for his kind words. More importantly, I thank him for the commitment he has expressed to protecting all of our children and grandchildren from the impacts of unchecked global warming.

Senator COLEMAN, in stepping forward today, has put himself at the vanguard of the next crucial wave of bipartisan support in the Senate for climate stewardship legislation.

I am proud to cosponsor his resolution which, in a very thoughtful way—not an obstructionist way—recognizes two of the most significant reasons why people have hesitated to step forward and do something about climate change. One is the equities here: that no matter how much we do in the United States of America to curb the emission of greenhouse gases—and we must because we are the largest emitter of such gases; we must lead here; it is our responsibility, ultimately our moral responsibility—but no matter how much we assume that leadership role, if other developing nations such as China and India do not do their part, because we all live in the same global environment, the problem of global warming will continue to increase and be more serious for those who follow us here on Earth.

Second is his recognition of a thoughtful way to deal with the concerns people have—even those who desperately want to do something to impede the advance of global warming—as to the impact of what we do will have on our economy. It is clear Senator COLEMAN has been a leader here, and that is why his cosponsorship of our legislation makes a critical point. There is no conflict between protecting our world and all who live in it from catastrophic climate change and also protecting America's economy, protecting America's consumers, and protecting America's workers. We can, must, and will do both. For those who may have had doubts about our capacity to do that, I think Senator COLEMAN's cosponsorship of the Climate Stewardship and Innovation Act is critically important. The fact is everyone who works with Senator COLEMAN knows he cares deeply about the well-being of low- and middle-income Americans and of America's workers, and he would not be cosponsoring the Climate Stewardship and Innovation Act—stepping forward to take a leadership role in the battle against global warming—if he felt the components of that act would adversely affect our economy.

I am very honored to have earned the support of my friend from Minnesota on this crucial issue. I promise him I will work to ensure he is not disappointed by the outcome of our efforts. In particular, it is my honor to chair a subcommittee on climate change in the Environment and Public Works Committee, and I will work to ensure that the bill we report from our subcommittee and full committee embraces the principles set forth in the resolution my friend from Minnesota has introduced today, and of which I am proud to be a cosponsor.

The good news is I will not be working alone. I believe a bipartisan majority of the Environment and Public Works Committee wants to report to the Senate floor this year comprehensive legislation that reduces greenhouse gas emissions substantially enough and quickly enough to forestall the disastrous climate change so many reputable scientists are warning us of, and that does so in a way that does not weaken the position of the United States economically or otherwise impose hardship on our citizens.

I further say to my friend from Minnesota that before we vote on that legislation in our subcommittee, we are going to be having additional hearings. Senator WARNER, my ranking member, is committed also to seeing that the subcommittee produces legislation this year that deals with the problem of global warming and the challenge of its impact on our world. I want to ensure my friend from Minnesota that one of those hearings will include a witness who can educate the committee and discuss the proposal of the Senator from Minnesota for a clean energy portfolio standard. Personally, I think his idea is a constructive one, a thoughtful one, a progressive one, and deserves serious consideration.

I am eager to explore ways to further encourage electric power producers to increase their use of advanced technologies that can provide reliable, affordable baseload electricity without injecting more greenhouse gases into the atmosphere.

Mr. President, I conclude by again thanking my friend from Minnesota and asking unanimous consent—and I do so with great gratitude to him, as I believe his leadership here is significant—that the Senator from Minnesota, Mr. COLEMAN, be added as a cosponsor to S. 280, the Climate Stewardship and Innovation Act of 2007, which Senator MCCAIN and I introduced earlier this year.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I thank my dear friend from Connecticut for his remarks, his commitments. Let me say, first, I am proud to be working with him as cosponsor of S. 280, the Climate Stewardship and Innovation Act of 2007.

The Senator from Connecticut approaches this issue, which is an important issue—it is a real issue; we have to deal with it—in a way which he is known for in this Senate, which is in a thoughtful, constructive way, a way which takes into account the concerns and the impact upon employees, upon consumers, and, perhaps most importantly, upon our kids and grandkids in the next generation. For that I thank him and say it is a privilege to work with him—a man of great character and great dedication.

Mr. President, with that I yield the floor.

U.S. TRADE POLICY

Mr. BROWN. Mr. President, the trade policies set in Washington and negotiated across the globe have a direct impact on places such as Toledo and Steubenville, on Cleveland and Hamilton. That is why voters in my State of Ohio and across the country sent a message loudly and clearly in November demanding a new direction, a very different direction for our Nation's trade policy.

Working men and women in Ohio know that job loss doesn't just affect the worker or just the worker's family; job loss—especially the kind of job loss we have seen in the last 5 years, the kind of manufacturing job loss—when we see that kind of job loss in the thousands, that job loss devastates communities. It hurts the local business owner, the drugstore, the grocery store, the neighborhood restaurant. It hurts communities. It hurts schools. It hurts police forces. It hurts fire departments.

Two weeks ago, leadership in the House of Representatives and in the White House announced a new outline for trade policy, one that included labor and environmental standards. The fact that the Bush administration was willing to negotiate at all, the fact that they were willing to pay even lip service to labor and environmental standards, underscores the November elections' importance.

Every Member of Congress, in the Senate and in the other body, the House of Representatives, is now on notice that we will be held accountable for our trade votes—accountable to workers, accountable to business owners—accountable for our trade votes and accountable for American trade policy when we go home. However, since the announcement made by the Bush administration and some congressional leaders in the House about labor and environmental standards, backpedaling by the administration and sidestepping by supporters of the deal indicate that we may be in for another round of more of the same in our trade policy.

The administration already has hinted at side deals for labor standards instead of putting those standards in the central, core part of the agreement. They are talking now about not reopening negotiations with Peru and not reopening negotiations with Panama but instead adding a little sidebar, a little letter, a little statement of support for environmental labor standards but not actually putting them in the central core of the agreement. If that is the case, if these labor and environmental standards are not in the agreement but in a side letter of some sort, then really, frankly, nothing new is being offered. It is the same old jalopy with a new coat of paint.

Voters in my State demanded real change, not symbolic gestures.

What is even more disturbing about the new outline is it appears to rely in good faith on the administration to enforce standards. Given this administration's abysmal record on enforcement of labor standards and environmental standards, not just in trade agreements but enforcement of those standards in our domestic economy, we know what this administration—we know its failed environmental policies. Given this administration's abysmal record on enforcement, relying on blind trust isn't just foolish, it is downright irresponsible.

The Jordan Free Trade Agreement passed by the House—I supported it and many others did; it passed in both Houses overwhelmingly—the Jordan Free Trade Agreement was once held up as a standard in labor provisions. It had strong labor and environmental standards in it. It passed in the year 2000, but come 2001, with a new President of the United States, George Bush, and a new U.S. Trade Representative, Bob Zoellick, the Bush administration simply turned the other way while rampant human-trafficking plagues that nation of Jordan. Shortly after the Jordan agreement was enacted, the new USTR, Bob Zoellick, sent a letter to Jordan's Trade Minister saying the United States simply wouldn't enforce the labor provisions. So even though we passed a trade agreement with labor standards inside the core agreement, this administration, this same crowd who now says they will enforce labor standards and they now will enforce environmental standards, this same crowd sent a letter to the Jordan Trade Minister saying: We are not enforcing, we are not going to push you, we are not going to push you on dispute resolution to enforce those labor standards.

Today, as a result, Bangladeshi workers enter Jordan—from one of the poorest countries in the world—they have their passports confiscated, and work in some cases up to 20 hours a day without breaks. Then Jordan exports those goods to the United States. There is no enforcement of labor standards, no enforcement of environmental standards. There is simply the continuation of the exploitation of some of the poorest workers in the world in order to reap more profits and backdoor those products into the United States.

If that is the plan, if that is the Bush administration plan—forget what they talk about on labor standards, forget what they promise on environmental standards—if that is the plan for Peru, if that is the plan for Panama, if that is the plan for Colombia, if that is the plan for South Korea, then they will simply not get the support for these trade agreements. They will not get the support from those who talked about fair trade in their campaigns, not from small business owners, not from small manufacturers such as the local tool and die shop in Akron, the local machine shop in Dayton, not from workers across the country who say: We don't want more of the same.

That is what the elections last fall were all about. I believe every single new Democratic Member of the Senate—there are nine of us—every single one of us has talked about fair trade, not free trade. If this administration thinks by simply saying: We are for labor standards, we are for environmental standards, we will put it in a little side letter here, and then a wink and a nod to their friends in the National Association of Manufacturers, a wink and a nod to the large corporations that benefit from slave labor and child labor, simply giving them a wink and a nod, if they think this Senate and the other body are going to pass this kind of legislation, they are wrong. We know our trade policies have failed. As I said, if they bring back this kind of trade agreement for Peru, for Panama, for Colombia, for Korea without labor and environmental standards in the core agreement and without real commitments to enforce those labor and environmental standards, then those trade agreements aren't going to fly here.

We know our trade policies have failed. When I first ran for Congress, our trade deficit in 1992 was $38 billion. Even in those days, President Bush—the first President Bush—said a $1 billion trade deficit represented about 13,000 jobs, mostly manufacturing—many manufacturing jobs. So if you had a $1 billion trade deficit, it meant it was costing your country a net loss of 13,000 jobs. If you had a trade surplus, it was a gain of 13,000 jobs. That was then a $38 billion trade deficit in 1992. In 2006, our trade deficit was in the vicinity of $800 billion—$800 billion. That means the trade deficit has grown by a factor of 20. If it is 13,000 jobs for every $1 billion trade deficit, you do the math. It is clear this trade policy has failed. It has failed our workers. It has failed our small manufacturers. It has failed our restaurants and our drugstores in those communities that suffer devastating job loss. It has failed our families. It has failed our country.

The current system is not sustainable. Senator DORGAN has said: We want trade, and plenty of it, but under new rules. That means benchmarks. When we pass trade agreements, we have to show how much this has done for America's wages, how much it has done for American job creation, and we want accountability, something we have never brought to the table on these trade agreements. That does not mean trying to pass off more of the same kind of trade policy, packaging it in a different way, speaking of all the platitudes of the administration and that some others in the House and Senate have spoken about, just simply saying it is new and improved.

Now is not the time for more bad trade deals. We need to pause. We need to have a national conversation about a new direction for trade in the 21st century, a conversation that includes everybody.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. SESSIONS. Mr. President, I wish to express some thoughts about the earlier statement of the Democratic leader, Senator REID, that he was not going to attempt to bring this bill up for a vote this week. I think that is the only right choice that could have been made. He has been talking about bringing it up this week and actually getting a vote on Friday on a bill that we only got the paperwork on Saturday morning at 2 a.m. It hasn't been substituted yet, to my knowledge.

This is a piece of legislation of enormous complexity which has not gone through the proper committee—the Judiciary Committee. It was written by a group of people who claim they have reached an agreement. The agreement is that on both sides, they are saying nobody can offer an amendment that goes to what they consider the core of it because they will all band together and vote against it. So I guess that means if anybody has a different view about how immigration should be handled, the people I really love and respect, whom I affectionately call "masters of the universe," are just going to all get together and vote no. So I am not sure what the purpose of having votes is. But presumably, the rest of us, now that we have had a chance to read it, will be able to at least nibble around the edges and offer a few amendments that might make it a little better, and I look forward to that opportunity.

I think it is very important that this bill was not rammed through this week and no attempt was made to do that. I think it would have poisoned the atmosphere. It would have been a very bad scene had that occurred. So now we are talking about 2 weeks of debate. There is no doubt in my mind that this Senate could spend a month easily on this bill—maybe more. It is a critically important piece of legislation. It has much impact on our whole economy, our culture, and our rule of law. We could do better with it if we spend time on it. So I hope we are not in a situation where the leadership—the conferee group which has been meeting—is going to lock together and just vote down anything that displeases them or one side or the other says this is important and shouldn't be amended. So I am worried about that. We will see how it goes.

I hope the American people will take the opportunity to study the legislation. It does have some good things in it. It does have provisions in it that are quite superior to the bill I referred to as fatally flawed last year. But the cloture vote we just took was to move to last year's bill, and unless I am mistaken, we have not seen the new bill that is supposed to be substituted. We haven't seen anything other than a draft of the former bill. It has not been put in legislative language, even in the smaller print in the draft version that has been floated since Saturday. It is 326 pages, but in normal bill language, it will turn out to be probably 800, maybe 1,000 pages with each one of the clauses and phrases. Based on our history of dealing with immigration, it has to be read carefully because experts seem to have the ability—some of these lawyers, particularly—to slip in phrases that can have significance far beyond what might appear to be the case when you first read it. So it needs to be studied carefully.

A lot of people wanted to ram this through before the Memorial Day recess.

I am glad Senator REID has abandoned that and will allow the American people the opportunity to have an extra week to look at it.

I thank my colleagues who have worked on the bill. They are good people. They have it in their heads that they want to fix immigration, and it is time for a comprehensive fix of immigration. There are tough decisions to be made. But I get a little bit worried when time after time I hear people say: Well, there is a lot in it I don't like, but you know, you just have to live with it. I am not sure we ought to live with anything that doesn't make sense. I am not sure we ought to live with anything that is bad policy. Why do we have to do that? Because this group has met and they said no serious amendments can be changed—adopted that would alter the core of the bill, the basic philosophy of it, I worry about that. We are troubled that a number of things don't quite reach the promised principles that have been floated as part of this discussion.

The trigger is in the bill, but I think it is far too weak. The temporary guest worker program is preferable to last year's, but it is very unsettling to me. I have an odd feeling that this temporary worker program that is in the bill is not going to work. We should not pass anything that won't work. It needs to be done in a better way.

The hoped-for move to a more merit-based system, a point system like Canada does, is troubling because no significant move in that direction appears to be on the horizon for 8 years. It is 8 years before the point system will really take effect. So I am worried about that.

These are fundamental. Will the workplace system be effective? We need to study that language because if it is not done right, it won't work. I will have an opportunity to talk more about this.

I thank my staff and a lot of other staff who have worked their hearts out Saturday, Sunday, and into the night last night and all morning today, trying to read and digest this bill to see what it really means so we can do a better job of serving our constituents.

Finally, the guiding principle, the overarching goal of an immigration bill, must be to serve the national interest. It is not to serve special interests, groups of special interests, businesses, or immigration advocacy groups. It is to serve the national interests, and that means a principled approach that creates a lawful system that serves our economy and our society.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DEAN RICHARD MORGAN

Mr. REID. Mr. President, I rise today to recognize the founding dean of the William S. Boyd School of Law at the University of Nevada Las Vegas, Richard "Dick" Morgan. Dick came to Nevada to take on the daunting task of starting Nevada's first law school. When given the timeframe for starting the school, Dick said it could not be done; then he went out and proved himself wrong many times over. Dick's outstanding success with Boyd School of Law now serves as the model on how to create a new law school of exceptional quality.

Under the Dean's steady hand, Boyd Law School has achieved both provisional and full accreditation with the American Bar Association in record time. The school has received special recognition for its work with the Saltman Center for Conflict Resolution, the Nevada Law Journal, client counseling training, Society of Advocates, and legal writing programs. With amazing rapidity, the school has earned an outstanding reputation for scholarship and high-quality graduates. Already, the school's alumnae are having a tremendous impact on the legal profession in Nevada. They serve as judicial clerks, pro bono attorneys, respected members of law firms throughout the State, legal counsel in Federal and State agencies, and even on my own staff.

On June 30, 2007, Dean Morgan is stepping down as the head of the law school. Although he will be sorely missed, his legacy is tremendous. UNLV's law school dean is leaving us with an outstanding institution that will continue to train the minds of many of our best and brightest students. I am confident that the attorneys trained by the school will be instrumental in guiding the future growth and progress of our State.

When he came to Nevada, he had served as a law professor and as dean of both the Wyoming and Arizona State Colleges of Law. Reflecting on his experience in legal education, Dean Morgan recently honored Nevada by characterizing his 10 years with Boyd School of Law as "the best" of his 27 years in legal education. I am grateful he spent his best years with us. He has certainly been invaluable to the Nevada legal community.

Going forward, Dean Morgan plans a community-service semiretirement. Based on his dedication to UNLV, I am confident that he will be a tremendous asset to any organization he is associated with. I offer Dean Morgan my sincere thanks for all he has done for Nevada and wish him the best on his retirement.

TRIBUTE TO SENATOR TED STEVENS

Mr. GRASSLEY. Mr. President, look up Senator STEVENS' name in media reports and you will find a long list of adjectives: tenacious, temperamental, scrappy, gruff, hot-tempered, tireless. And you will come across a long list of nicknames: one of the Senate's "old bulls" for his institutional knowledge, "Uncle Ted" to the people of Alaska who are grateful for his aggressive advocacy for their interests, pioneer for flying Army Air Corps missions during World War II and migrating to our rugged 49th State after law school, a mentor to up-and-coming elected officials, reportedly by his wife, a nutrition enthusiast for his devoted consumption of greens and whole grains, in the case of his longtime friend, Senator INOUYE of Hawaii, "my brother."

I would like to add a few adjectives of my own.

First, TED STEVENS is an Alaskan. It is impossible to think of Alaska without thinking of its senior Senator. Alaska and TED STEVENS are inseparable. Anyone who knows Senator STEVENS knows he wakes up every morning fighting for the people of Alaska and doesn't stop until he sleeps, which apparently isn't much. Their commercial industry, health care, electricity, water, transportation—even the cost of rural mail delivery—all earn his scrutiny. He has delivered again and again on policy to improve Alaskans' quality of life.

Second, and just as important, TED STEVENS is loyal. He is loyal to the institution of the United States Senate. Bipartisanship is natural for him. He understands that the art of compromise is critical to getting things done. For example, he is known to have helped reach a bipartisan deal on how to conduct the impeachment trial of President Clinton to minimize the partisan bickering that would have sullied the Senate and made a tense time even more tense.

He is more than willing to look across the aisle and find kinship with people of like interests. His friendship with Senator INOUYE, a Democrat, is steadfast and legendary. They have found plenty of common ground in delivering good policy to the people of their uniquely situated States. Despite what seems like a gruff exterior sometimes, Senator STEVENS has a reputation for extending generous kindness to his colleagues, such as flying across country to attend the funeral of a former Senator whose vote had once been helpful.

Senator STEVENS' approach to policymaking is guided by Rotary International's "Four-Way Test," a copy of which is framed on his desk in the Senate Chamber. The test reads: "Is it the truth? Is it fair to all concerned? Will it build goodwill and better friendships? Will it be beneficial to all concerned?"

That four-way test was written in 1932, but like Senator STEVENS—and here are more adjectives—it is common sense, inspirational, and timeless.

IDAHO COURTHOUSE AND CHURCH SHOOTINGS

Mr. LEAHY. Mr. President, this weekend we witnessed an act of senseless violence in Moscow, ID, the home of the University of Idaho, where someone reportedly laid siege to a courthouse, killing a police officer and wounding a sheriff's deputy and another person. The gunman then retreated into a church, where he apparently killed a church sexton and then took his own life.

The attack at the courthouse in Idaho is another reminder of the need to provide resources and protections crucial to our Federal and State courts. It was 2 years ago when the mother and husband of Judge Joan Lefkow of Chicago were murdered in their home. Judge Lefkow's courageous testimony in our committee hearing in May 2005 is something none of us will forget. Later that year a Georgia State court judge was killed at a courthouse in Atlanta and there was an attack on a State judge in Nevada.

Last month, by a vote of 97–0, the Senate passed S. 378, the bipartisan Court Security Improvement Act of 2007. I introduced this measure in January along with Senator SPECTER, the majority leader, Senator DURBIN, Senator CORNYN and others. House Judiciary chairman JOHN CONYERS introduced an identical measure in the House also with bipartisan support.

Among the bill's many protections are provisions expanding the access of State courts to grant programs for their security. The additional resources provided by this bill may not have prevented what occurred this weekend, but we must do what we can. I wish this legislation had been enacted last year. Despite our efforts, despite Senate passage of this measure twice last year, the House last Congress did not take up and pass these measures to improve court security. I expect that the new House soon will take up and pass S. 378 in this Congress. It should not be a struggle to enact these measures to improve court security.

Our Nation's Founders knew that without an independent judiciary to protect individual rights from the political branches of Government, those rights and privileges would not be preserved. The courts are the ultimate check and balance in our system. We need to do our part to ensure that the dedicated women and men of the Federal and State judiciary have the resources, security, and independence necessary to fulfill their crucial responsibilities. This weekend serves as another tragic reminder that we owe it to our judges and those protecting our courthouses to better protect them and their families from violence and to ensure that they have the peace of mind necessary to do their vital and difficult jobs.

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that I was unable to vote the afternoon of May 9 on the confirmation of the nomination of Debra Ann Livingston, of New York, to be U.S. circuit judge for the Second Circuit of New York. I wish to address this confirmation so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 158, I support the confirmation of Debra Ann Livingston. My vote would not have altered the outcome of this confirmation.

Mr. President, I regret that on May 2, 3, 7, and 9 I was unable to vote on certain provisions and passage of S. 1082, the prescription drug user fee amendments of 2007. I wish to address these votes, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 148, on amendment No. 982, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 149, on amendment No. 1022, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 150, on amendment No. 990, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 151, on amendment No. 1010, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 152, on the motion to invoke cloture on the committee substitute as modified and amended to S. 1082, I would have voted in favor of this motion. My vote would not have altered the result of this motion.

Regarding vote No. 154, on amendment No. 1039, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 155 on amendment No. 998, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 156 on amendment No. 1034, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 157, on passage of S. 1082, the prescription drug user fee amendments of 2007, I would have voted in favor of passage of this bill. My vote would not have altered the final result of this vote.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

CIVIL RIGHTS ACT

• Mr. OBAMA. Mr. President, the struggle to protect the civil rights of all Americans remains an unfinished project, but we have come a long way. I am proud of our country's progress, and I am proud to be an original cosponsor of the Civil Rights Act of 1964 Commemorative Coin Act, which marks the 50th anniversary of one of the most significant civil rights victories in American history.

The Civil Rights Act of 1964 provided affirmation to Americans who knew this country could do better. This legislation outlawed discrimination based on sex, national origin, color, race, and religion. Access to offices, schools, housing, the voting booth, and public spaces would no longer depend on the color of one's skin or the country of one's birth. Heeding President Kennedy's call for "the kind of equality of treatment which we would want for ourselves," this historic legislation affirmed that all Americans were equal under before law. Years passed before the Civil Rights Act was enforced fully, but its passage represented a necessary step in the advancement of civil rights.

Passage of the Civil Rights Act was possible because of the persistent, nonviolent efforts of countless Americans. Heroes like Dr. Martin Luther King, Rosa Parks, and JOHN LEWIS inspired a generation, and the marches, sit-ins, freedom rides, and individual acts of civil disobedience reminded our country's leaders that the time to act had arrived. All Americans are indebted to these patriots for their courage and success, and we honor them with this legislation.

In addition to marking the Civil Rights Act in word, this bill also commemorates the act in deed. Proceeds from the sale of these coins will go to the United Negro College Fund, UNCF, an organization that embodies the spirit of the Civil Rights Act. The United Negro College Fund works to uproot the core causes of discrimination by providing minorities with opportunities that discrimination stole from them. Education provides students the opportunity to fulfill their potential and overcome stereotypes and, indeed, discrimination. Frederick Douglass described education as "the pathway from slavery to freedom." The days of slavery have passed, but education still enables young people to take advantage of their faculties and their freedom.

The United Negro College Fund achieves this aim by providing support to more minority students and higher institutions than any other organization in the country. Since its founding in 1944, UNCF has helped hundreds of thousands of students attend college. It includes in its alumni some of the foremost leaders in American history, including Dr. King and Congressman LEWIS. Today, the United Negro College Fund raises money for operating funds for member colleges and universities, provides access to new technology to historically Black colleges and universities, and provides assistance to young people who hope to further their careers and their lives by going to college.

This legislation commemorates historic sacrifices and victories and reminds us that we must continue to work for a more equal America.●

SAFETY OF AVANDIA

Mr. GRASSLEY. Mr. President, I am here today to talk about another potential failure by the FDA that may have endangered the lives of millions of Americans. Avandia is a drug that was approved by the FDA in 1999. It is a diabetes drug and is used to lower blood sugar. This is important because lowering a diabetic's blood sugar can help prevent or at least postpone two of the biggest killers among diabetics: heart attacks and strokes.

But today, Dr. Steven Nissen, the chairman of Cardiovascular Medicine at the Cleveland Clinic and the immediate past president of the American College of Cardiology, and his colleague, Ms. Kathy Wolski, reported in the New England Journal of Medicine that there is a serious problem with Avandia. Avandia, according to Dr. Nissen and Ms. Wolski is increasing the likelihood that a diabetic will have a heart attack and maybe even die. I want everyone to pay attention to the fact that the New England Journal of Medicine accepted this analysis of Avandia on a "fast track" review. The New England Journal of Medicine did that because it was requested by the authors and because in its opinion, the analysis of adverse effects related to Avandia suggests serious patient health risks.

Dr. Nissen and Ms. Wolski based their finding on an analysis of 42 clinical trials.

FDA also decided to say something to the American people today in response to Dr. Nissen's analysis. Around 1 p.m. today, the FDA told the American people that they intend to call for an advisory board meeting to discuss Avandia and that they could not yet reach a "firm conclusion" on what to recommend to people taking Avandia. It was interesting to listen to the call because Dr. Dal Pan, who is the head of the Office of Surveillance and Epidemiology, didn't say a word, although he is in charge of postmarketing surveillance. I guess the FDA thinks that the decision to go to an advisory committee meeting takes the heat off what looks like another failed decision-making process. We will see.

Avandia has a long history. It has been on the market for about 8 years. Tens of millions of prescriptions have been written for Avandia, and Medicare and Medicaid have paid hundreds of millions of dollars for this drug.

There have been many clinical trials involving Avandia over the years and there have been numerous postmarketing changes to Avandia's label. I also understand that FDA has known about the possibility of problems with this drug since about October 2005. That is about 19 months ago.

The article appearing today in the New England Journal of Medicine raises a lot of serious questions for me about the real story behind the safety of Avandia. When I couple that article with the FDA conference call that ducked lots of questions I become very suspicious.

Over the last 3 years, my investigations into the FDA showed that the agency was too cozy with the drug industry and did not always put safety of the American people first. The FDA is supposed to regulate the drug industry, but in the case of Vioxx, just to name one debacle, American lives were endangered unnecessarily.

My question today is, Do we have another Vioxx on our hands with Avandia? I am not sure, but I intend to find out. In fact, today Senator BAUCUS and I sent out several document requests including one to the FDA and one to the drug sponsor. We want to understand what did FDA know about this drug, when did it know it, and what did it do about it?

The authors of the New England Journal of Medicine article report a 43 percent increase in the risk of myocardial infarction/heart attack and potentially a 64 percent increase in the risk of cardiovascular death. I need the FDA to tell me why a diabetic would take a drug that may increase the risk of the very thing they are trying to avoid—a heart attack. I also want to know why the FDA did not require the drug sponsor to conduct long-term safety studies instead of small, short-term trials that resulted in few adverse cardiovascular events or death. I want to know what the FDA has been doing for the last 18 months. We want to know the same from the drug sponsor.

Interestingly, in an editorial that accompanied the study, two other veterans of the Vioxx controversy—Dr. Bruce Psaty of the University of Washington and Dr. Furberg of Wake Forest University—write that: ". . . the rationale for prescribing rosiglitazone at this time is unclear." Additionally they call for the FDA to take regulatory action and note that bigger and better long-term studies of long-term treatments for conditions such as diabetes should be completed as soon as possible after a drug is approved.

Let me also say something else to all those FDA employees trying to do their job who probably know the answers to many of my questions: Please feel free to call the Finance Committee if you have any information about this drug and how the FDA handled the situation. You can also call or contact us anonymously if you want. If you want to fax information to me, here is my fax number: 202–228–2131. We welcome your help and insight because I know that many of you want to protect the American public first and foremost and sometimes that is not as easy as it should be at the FDA.

You will also remember that just a few weeks ago I came before the Senate several times to talk about drug safety. I told everyone then—as we were discussing S. 1082, a bill that was intended to dramatically improve postmarketing drug safety, that I was concerned that the bill would not do that. In my mind and in light of all the work I have done over the past 3 years on the FDA, I told everyone that the litmus test for me was whether or not the new drug safety bill would prevent another Vioxx.

My position has consistently been that S. 1082 did not go far enough and would not prevent another Vioxx. That was why I proposed and insisted on a vote giving joint authority between the office that approves new drugs for the market and the office that is responsible for postmarket safety. Forty-six Senators listened to what I had to say, but I was one vote short and the amendment did not pass.

Drs. Psaty and Furberg also said in their editorial, and I quote, "On May 10, 2007, the Senate passed the Food and Drug Administration Revitalization Act. Although the Senate bill has many strengths, including the allocation of new authority to the FDA, none of its provisions would necessarily have identified the cardiovascular risks of rofecoxib or rosiglitazone in a timely fashion."

The drug industry has brought us miracle drugs. These drugs have vastly improved the lives of millions throughout the world. At the same time, we all know that drugs have risks and benefits. Each of us tries to consider those risks and benefits when we consult with our doctors to make the best decision for ourselves or our family members as to whether we will take a particular drug. But we can't do what is best for ourselves or our family members if we don't know all the relevant information in a timely manner.

ISLANDER AMERICAN HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, during the month of May we celebrate Asian Pacific Islander American Heritage Month. I would like to join the Nation in honoring the many contributions of Americans of Asian Pacific Islander descent and pay tribute to their efforts in strengthening and nourishing our history, commerce, cultural identity, and resolve.

This month-long tribute would not be complete without recognizing the visionaries who founded Asian Pacific Islander American Heritage Month: U.S. Senator DANIEL INOUYE, former U.S. Senator Spark Matsunaga, former Secretary of Transportation Norman Y. Mineta, and former U.S. Representative Frank Horton. As a result of their steadfast leadership, a joint resolution established Asian Pacific American Heritage Week in 1978, and the celebration was later expanded to an entire month in 1992.

This celebration takes place in May to mark the first Japanese immigrants' arrival in America in 1843, as well as the completion of the Transcontinental Railroad in 1869 which would not have been finished without the hard work and dedication of Chinese laborers.

This month is also a time to honor the Japanese-American survivors of the forced internment camps established during World War II. The internment of Japanese Americans during World War II was a grim chapter in America's history. But by sustaining this history, we can hope to prevent a similar travesty from occurring.

That is why it was so important to designate Tule Lake as a National Historic Landmark within the lifetimes of the few surviving Japanese-American internees, before many of their stories were lost. And thanks to the efforts of Interior Secretary Gale Norton, the Tule Lake Segregation Center will help future generations understand the pain and suffering that Japanese Americans endured during World War II.

Despite these hardships, members of the Asian Pacific Islander community have continued to take positions of leadership and have worked hard to secure a brighter future for all.

Today, California boasts 20 elected officials of Asian Pacific Islander heritage. There are now nine Asian Pacific Islander Americans in the State legislature; four on the State board of equalization, including John Chiang as the State controller; and a number of others in local government. A new generation of leaders has emerged with a vision of a politically empowered Asian Pacific Islander American electorate.

Additionally, over 62,000 Asian Pacific Islander Americans are on active duty in the military, and nearly 8,000 are deployed across the world to fight terrorism. And Asian Pacific Islander Americans are among the thousands of Americans who have sacrificed their lives for our country.

The United States draws great strength from the diversity of this population. At present, Asian Pacific Islander Americans constitute one of the fastest growing minority communities in the United States. And California is home to the greatest number of Asian Pacific Islander Americans. In fact, there are over 13 million Asian Pacific Islander Americans in the Nation, with more than 4.5 million living in California.

As the second largest ethnic minority group in California, Asian Pacific Islander heritage continues to enrich our State with famous enclaves such as San Francisco's Chinatown, Los Angeles' Koreatown, Westminster's Little Saigon, and the city of Artesia's Little India.

We must recognize that the Asian Pacific Islander American community is diverse, not only in language, culture, and foods but in education and socioeconomic levels as well. That is why it is so important to provide talented students who have clearly embraced the American dream the incentive to take the path toward being a responsible, contributing member in our civic society.

I have cosponsored the DREAM Act of 2007 to give undocumented high school students who wish to attend college or serve in the Armed Forces an opportunity to adjust to a lawful status and pursue these goals. If it becomes law, the DREAM Act would help Asian Pacific Islander Americans and others triumph over adversity.

As future generations of Asian Pacific Islander Americans continue to strive for excellence in our educational system, economy, and communities, I am pleased to honor and distinguish the many triumphs and accomplishments of the Asian Pacific Islander American community and their role in shaping our Nation's identity.

ADDITIONAL STATEMENTS

IN RECOGNITION OF STAFF SERGEANT HAROLD GEORGE DANLEY

• Mr. NELSON of Nebraska. Mr. President, I wish to recognize a man who died in the service of his country 64 years ago, but never received the proper recognition he was due.

Harold George Danley was one of four brothers from Lincoln, NE, who joined the armed services during World War II. Three of those brothers returned home to their families; Sergeant Danley, who was 22 years old, did not.

Sergeant Danley was serving in the 18th Army/Air Force Anti-Submarine Squadron aboard a B-24D Bomber, which crashed while patrolling the East Coast of the United States somewhere near the Virginia/North Carolina shoreline on April 21, 1943. Despite the efforts of search parties, his body was never recovered; therefore, no memorial service was ever performed on his behalf. It was some time later that the family was notified that Sergeant Danley was officially listed as FOD, "Finding of Death."

Sergeant Danley left behind his wife Thelma; his daughter Merriam, who was born several months after her father's death; his father Harrison and stepmother Anna; three brothers, LTC Earl E. Danley, SGT Bob E. Danley, and SGT Lloyd K. Danley, now deceased; and three half-siblings, Marvin, Delores, and Betty. His mother Ella preceded him in death.

On May 18, 2007, a memorial service was held at Arlington National Cemetery to honor Harold G. Danley as a son, brother, husband, and father, as well as a man who made the ultimate sacrifice in the service of his country. My thoughts are with the Danley family as they honor the memory of Staff Sergeant Danley, a Nebraska hero from the Second World War.•

RECOGNIZING HEIDI WENTZLAFF

• Mr. THUNE. Mr. President, today I recognize Heidi Wentzlaff, an intern in my Sioux Falls, SD office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Heidi is a graduate of Centerville Public High School in Centerville, SD. Currently she is attending Augustana College, where she is majoring in government and international affairs. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Heidi for all of the fine work she has done and wish her continued success in the years to come.•

TRIBUTE TO KEN CROCKETT

• Mr. ROCKEFELLER. Mr. President, I wish to recognize the decade-plus of service that Ken Crockett has dedicated to the State of West Virginia. For the last 11 years, Ken has served as the director of the West Virginia Japan Office in Nagoya, which sits in the Aichi Prefecture of Japan.

West Virginia has opened trade offices throughout the world in order to encourage economic relationships with our State. The Japan Office has helped draw a number of Japanese businesses to open new locations in West Virginia, as well as helped the businesses already in West Virginia export their products to Japan. In addition to the economic benefits of this relationship, the Japan office has facilitated a number of cultural and educational exchanges—all under Ken's leadership.

In Ken's years as director of the West Virginia Japan Office, our State and Japan have seen a dramatic, if not astronomical, rise in their economic relations. West Virginia is currently home to 19 Japanese companies that have created thousands of direct and indirect jobs for our State's citizens. Japanese investors have been, and continue to be, outstanding corporate citizens of

West Virginia—contributing economically and culturally to the quality of the State.

I have seen Ken's work firsthand on a number of occasions in Japan on trade missions with various Governors. Ken's relationships and his presence in Nagoya have been very valuable for our development efforts. He operated with a strong dedication to our collective goals and an understanding of both Japan and West Virginia.

Very soon, Ken will be embarking on a new career with NGK Spark Plugs—West Virginia's first major Japanese investor—and a trailblazer for our State's Japanese automotive industry. Ken will bring to that job the same determination, commitment, and hard work ethic he brought to the State's economic development efforts. We look forward to working with him in his new position as we continue to strengthen our ties with our State's existing Japanese investors.

Mr. President, I thank the Senate and ask that my colleagues join me in recognizing Ken's service to my State and wish him the best in his future endeavors.●

TRIBUTE TO CHARLES WOFFORD

● Mr. SESSIONS. Mr. President, I wish to recognize Charles Wofford. Mr. Wofford is retiring from the position of Alabama area director of the Social Security Administration after over 45 years of dedicated service. He has served as the Area Director in Alabama since September 1979.

Mr. Wofford graduated from the University of Alabama in 1961 with a B.S. degree in biology. He began work with Social Security that same year as a claims representative trainee. He held additional increasingly responsible jobs as a claims authorizer, field representative, operations supervisor, branch manager, assistant district manager, district manager, and has been an area director since April 1977 and came to Alabama in 1979 to serve as the Alabama area director at that time.

He is the senior area director in the United States, and has received numerous awards throughout his career for superior performance. He received a service award for spearheading an intense direct deposit campaign and a cash award in recognition of exemplary achievement in the area of DDS and field office relations. He has strived to build a strong management team and has worked to ensure that all employees are fully trained to perform to the best of their ability. He received the Deputy Commissioner's Citation for Outstanding Contributions as a member of the National Training Vision Workgroup.

I congratulate Mr. Wofford on his retirement. He has been a valued employee and wise mentor to many other employees. He enjoys traveling, and we wish him well in the future as he has more time to enjoy this favored pastime.●

HONORING DR. DAVID TAWEI LEE

● Mr. ROCKEFELLER. Mr. President, I wish to honor Dr. David Tawei Lee, who has been Taiwan's chief representative to the United States. Dr. Lee will be assuming his new post as Taiwan's top envoy in Canada this month, leaving his post in Washington to take on this new role in Ottawa.

I have known David for decades, and he has been a staunch ally and strong advocate for West Virginia. He has helped me, and our State, to make inroads in the Taiwanese economy and has been instrumental in the continuing success of businesses with roots in both Taiwan and West Virginia. This ongoing economic relationship is enormously important for both sides and has allowed West Virginia to continue to grow its burgeoning aviation industry and to explore business opportunities we never thought possible.

As a result of the hard work of Representative Lee and others, Sino Swearingen Aircraft Company continues its push toward mass production of one of the most impressive business jets in the world. In addition, in my personal interactions with David, he has always been straightforward, honest, compassionate, and well-informed. I knew he would level with me during any difficult time and that I could count on him to fairly and accurately relay the results of our meetings to his people.

Representative Lee has worked hard during the last 2½ years to renew and strengthen the political, economic, and social ties that bind the United States and Taiwan. On many difficult occasions, David Lee has risen to the challenge, and as Taiwan's Chief Representative to the United States he has given countless hours assisting lawmakers, administration officials, and the private sector in understanding the complex relationship between our people and ensuring that our longstanding friendship continues.

Representative Lee was educated at the National Taiwan University and received his Ph.D. in foreign affairs from the University of Virginia. David is a true democrat, firmly committed to the principles of democracy and capitalism. He has been an asset for both Taiwan and the United States, and he has served Taiwan with honor, integrity, and distinction.

Dr. Lee's record of distinguished public service to his people spans more than two decades. He began his career at the Coordination Council for North American Affairs, Office in Washington, DC, in 1982 as a staff consultant and soon rose to various important posts in Taiwan's foreign ministry. From 1997 to 1998, he was Director-General, Government Information Office, and Government spokesman for Taiwan. From 1998 to 2001, he served as Deputy Foreign Minister; from 2001 to 2004, he was Taiwan's Representative to the European Union, stationed in Belgium. Since the summer of 2004, he has served as the Republic of China's chief representative in the United States.

Our loss here in Washington will be Canada's gain. In his new role as Taiwan's representative to Canada, David will continue to be a strong advocate for policies that will encourage expanded trade and a continuing good relationship between Taiwan and the rest of the world. Again, I would like to take this opportunity to wish Representative and Madame Lee the very best of luck. They are our good friends, and we will miss them.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate by one of his secretaries:

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ AS DECLARED IN EXECUTIVE ORDER 13303 OF MAY 22, 2003, AS RECEIVED DURING THE RECESS OF THE SENATE ON MAY 18, 2007—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication. This notice states that the national emergency declared in Executive Order 13303 of May 22, 2003, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, and Executive Order 13364 of November 29, 2004, is to continue in effect beyond May 22, 2007.

The threats of attachment or other judicial process against (i) the Development Fund for Iraq, (ii) Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, and interests therein, or (iii) any accounts, assets, investments, or any other property of any kind owned by, belonging to, or held by, on behalf of, or otherwise for the Central Bank of Iraq obstruct the orderly reconstruction of Iraq. These threats also impede the restoration and maintenance of peace and security and the development of political, administrative, and economic institutions in Iraq. These threats continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency protecting the Development Fund for Iraq, certain other property in which Iraq has an interest, and the Central Bank of Iraq and maintain in force the measures to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 18, 2007.*

MESSAGE FROM THE HOUSE

At 1:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 43. Joint resolution increasing the statutory limit on the public debt.

MEASURES REFERRED

The following joint resolution was read the first and the second times by unanimous consent, and referred as indicated:

H.J. Res. 43. Joint resolution increasing the statutory limit on the public debt; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1962. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aspergillus flavus AF36 on Pistachio; Temporary Exemption From the Requirement of a Tolerance" (FRL No. 8129–4) received on May 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1963. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Coumaphos; Pesticide Tolerance" (FRL No. 8131–4) received on May 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1964. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Famoxadone; Pesticide Tolerance" (FRL No. 8128–6) received on May 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1965. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propanil, Phenmedipham, Triallate, and MCPA; Tolerance Actions" (FRL No. 8126–6) received on May 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1966. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly; Addition of Quarantined Area" (Docket No. APHIS–2007–0051) received on May 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1967. A communication from the Secretary of Agriculture, transmitting, a legislative proposal that would shift funding for the research, development, and maintenance of information technology functions of the Federal Crop Insurance Corporation from the Government to the insurance companies participating in the program; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1968. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the National Guard Counterdrug Schools; to the Committee on Armed Services.

EC–1969. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Former Liberian Regime of Charles Taylor Sanctions Regulations" (31 C.F.R. Part 593) received on May 17, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1970. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, the report of a draft bill intended to "amend the Mineral Leasing Act to provide for Net Receipts Sharing and for other purposes"; to the Committee on Energy and Natural Resources.

EC–1971. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Update to Materials Incorporated by Reference" (FRL No. 8313–2) received on May 18, 2007; to the Committee on Environment and Public Works.

EC–1972. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia; Removal of Douglas County Transportation Control Measure; Correcting Amendment" (FRL No. 8317–3) received on May 18, 2007; to the Committee on Environment and Public Works.

EC–1973. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Rule on the Treatment of Data Influenced by Exceptional Events; Correction" (FRL No. 8316–5) received on May 18, 2007; to the Committee on Environment and Public Works.

EC–1974. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances-n-Propyl Bromide in Solvent Cleaning" ((RIN2060–AO10)(FRL No. 8316–8)) received on May 18, 2007; to the Committee on Environment and Public Works.

EC–1975. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled "Report to Congress on Abnormal Occurrences: Fiscal Year 2006"; to the Committee on Environment and Public Works.

EC–1976. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Statistical Sampling for Purposes of Section 199" (Rev. Proc. 2007–35) received on May 17, 2007; to the Committee on Finance.

EC–1977. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualifying In-Kind Partnerships Involving Mining" (Rev. Rul. 2007–30) received on May 17, 2007; to the Committee on Finance.

EC–1978. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Universal Service Support" (Rev. Rul. 2007–31) received on May 17, 2007; to the Committee on Finance.

EC–1979. A communication from the Secretary, Judicial Conference of the United States, transmitting, the report of a legislative proposal entitled "Student Loan Fairness Act of 2007"; to the Committee on Health, Education, Labor, and Pensions.

EC–1980. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–41, "Verizon Center Sales Tax Revenue Bond Approval Act of 2007" received on May 17, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1981. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–39, "Human Papillomavirus Vaccination and Reporting Act of 2007" received on May 17, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1982. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-40, "Lorraine H. Whitlock Memorial Bridge Designation Act of 2007" received on May 17, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1983. A communication from the Acting Director, U.S. Trade and Development Agency, transmitting, pursuant to law, the report of a vacancy in the position of Director, received on May 17, 2007; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 1079. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive report of a nomination was submitted on May 21, 2007:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Howard Charles Weizmann, of Maryland, to be Deputy Director of the Office of Personnel Management.

The following executive reports of nominations were submitted on May 17, 2007:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

Michael W. Tankersley, of Texas, to be Inspector General, Export-Import Bank.

David George Nason, of Rhode Island, to be an Assistant Secretary of the Treasury.

Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration.

Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development.

Janis Herschkowitz, of Pennsylvania, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

David George Nason, of Rhode Island, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

Nguyen Van Hanh, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MURKOWSKI:

S. 1433. A bill to amend the Alaska National Interest Lands Conservation Act to provide competitive status to certain Federal employees in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. PRYOR (for himself and Mr. BINGAMAN):

S. 1434. A bill to amend the National Energy Conservation Policy Act to promote the use of energy and water efficiency measures in Federal buildings, to promote energy savings performance contracts and utility energy service contracts, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN:

S. 1435. A bill to amend the Energy Policy and Conservation Act to increase the capacity of the Strategic Petroleum Reserve, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1436. A bill to amend the Agricultural Adjustment Act to add clementines to the list of fruits and vegetables subject to minimum quality import requirements issued by the Secretary of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. STABENOW (for herself, Mr. OBAMA, Mr. BROWN, Mr. REID, Mrs. BOXER, Mr. LIEBERMAN, Mr. KERRY, Mr. CARDIN, Mr. DURBIN, Mr. MENENDEZ, Mrs. FEINSTEIN, and Ms. LANDRIEU):

S. 1437. A bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 1438. A bill to improve railroad safety; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBERTS (for himself and Mr. SALAZAR):

S. 1439. A bill to reauthorize the broadband loan and loan guarantee program under title VI of the Rural Electrification Act of 1936; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER (for himself, Mr. ROCKEFELLER, and Mr. CASEY):

S. 1440. A bill to provide for judicial determination of injury in certain cases involving dumped and subsidized merchandise imported into the United States, and for other purposes; to the Committee on Finance.

By Mr. CRAIG:

S. 1441. A bill to amend title 38, United States Code, to modify authorities for the Secretary of Veterans Affairs to accept new applications for grants for State home construction projects to authorize the Secretary to award grants for construction of facilities used in non-institutional care programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMAS:

S. 1442. A bill to authorize the Secretary of Homeland Security to establish new units of Customs Patrol Officers; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THOMAS (for himself and Mr. BUNNING):

S. 1443. A bill to provide standards for renewable fuels and coal-derived fuels; to the Committee on Energy and Natural Resources.

By Mr. LEAHY:

S.J. Res. 13. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself and Mr. DODD):

S. Res. 211. A resolution expressing the profound concerns of the Senate regarding the transgression against freedom of thought and expression that is being carried out in Venezuela, and for other purposes; to the Committee on Foreign Relations.

By Mr. COLEMAN (for himself and Mr. LIEBERMAN):

S. Res. 212. A resolution to express the sense of the Senate relating to legislation to curb global warming; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 231

At the request of Mrs. FEINSTEIN, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Oregon (Mr. WYDEN), the Senator from Nebraska (Mr. NELSON), the Senator from Montana (Mr. TESTER) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 280

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 280, a bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to support the deployment of new climate change-related technologies, and to ensure benefits to consumers from trading in such allowances, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 413

At the request of Mrs. CLINTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 442

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 458

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 458, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 558

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 615

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 615, a bill to provide the nonimmigrant spouses and children of nonimmigrant aliens who perished in the September 11, 2001, terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from New York (Mr. SCHUMER), the Senator from Connecticut (Mr. DODD) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 700

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes.

S. 749

At the request of Mr. NELSON of Florida, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 749, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 764

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 764, a bill to amend title XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP).

S. 773

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 807

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 849

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 893

At the request of Mr. DEMINT, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 893, a bill to allow a State to combine certain funds and enter into a performance agreement with the Secretary of Education to improve the academic achievement of students.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Arkansas (Mr. PRYOR) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 946

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 946, a bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 969

At the request of Mr. DODD, the names of the Senator from Rhode Island (Mr. REED), the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1012

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1012, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1013

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1013, a bill to amend title XIX of the Social Security Act to encourage States to provide pregnant women enrolled in the Medicaid program with access to comprehensive tobacco cessation services.

S. 1027

At the request of Mr. KOHL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1027, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1183

At the request of Mr. HARKIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1213

At the request of Mr. LUGAR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1213, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the Medicaid and State Children's Health Insurance Programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1257

At the request of Mr. LIEBERMAN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1312

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1312, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 1340

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1340, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care coordination services, and for other purposes.

S. 1363

At the request of Mrs. CLINTON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1363, a bill to improve health care for severely injured members and former members of the Armed Forces, and for other purposes.

S. 1382

At the request of Mr. REID, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. SANDERS), the Senator from Idaho (Mr. CRAIG) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1415

At the request of Mr. HARKIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. CON. RES. 26

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States.

S. CON. RES. 27

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Con. Res. 27, a concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day".

S. RES. 205

At the request of Ms. MURKOWSKI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 205, a resolution designating June 2007 as "National Internet Safety Month".

S. RES. 210

At the request of Mr. LIEBERMAN, the names of the Senator from Nevada (Mr. REID) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. Res. 210, a resolution honoring the accomplishments of Stephen Joel Trachtenberg as president of the George Washington University in Washington, D.C., in recognition of his upcoming retirement in July 2007.

AMENDMENT NO. 1139

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 1139 intended to be proposed to H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI:

S. 1433. A bill to amend the Alaska National Interest Lands Conservation Act to provide competitive status to certain Federal employees in the State of Alaska; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, last year, as we approached the beginning of National Police Week 2006, our Nation was saddened by the tragic loss of two Fairfax County, VA, police officers, Detective Vicki Armel and Master Police Officer Michael Gambarino, in an ambush at the Sully District Police Station. Once again, as National Police Week 2007 drew to a close, the Nation found itself in mourning at the loss of an officer who was ambushed over the weekend. I am referring to Moscow, ID, Police Officer Lee Newbill, a husband and a father of three who was fatally shot on Saturday night. We do not remember our fallen law enforcement officers for the way they gave their lives but for the way they lived them. The people of the State of Alaska extend our condolences to Officer Newbill's wife and three children. We are also thinking about Brannon Jordan, a Latah County sheriff s deputy who was shot in the incident, but who is expected to recover, according to media reports.

I would like to take this opportunity once again to speak about the life and accomplishments of the late Thomas P. O'Hara, a National Park Service protection ranger and pilot who gave his life in the line of duty, an Alaskan hero.

Thomas P. O'Hara was assigned to the Katmai National Park and Preserve in the Bristol Bay region of western Alaska. On December 19, 2002, Ranger O'Hara and his passenger, a Fish and Wildlife Service employee, were on a mission in the Alaska Peninsula National Wildlife Refuge. Their plane went down on the tundra.

When the plane was reported overdue, a rescue effort consisting of 14 single-engine aircraft, an Alaska Air National Guard plane, and a Coast Guard helicopter quickly mobilized. Many of the single-engine aircraft were piloted by Torn's friends. The wreckage was located late in the afternoon of December 20. The passenger survived the crash, but Ranger Torn did not.

Tom O'Hara was an experienced pilot with 11,000 hours as a pilot-in-command. He was active in the communities of Naknek and King Salmon where he grew up, flying children to Bible camp and coaching young wrestlers. Tom provided a strong link between the residents of Bristol Bay and the National Park Service.

Although Tom O'Hara was a most valued employee of the National Park Service, he did not enjoy the same status as National Park Service employees with competitive career status. Tom was hired under a special hiring authority established under the Alaska National Interest Lands Conservation Act, ANILCA, which permits land management agencies like the National Park Service to hire, on a noncompetitive basis, Alaskans who by reason of having lived or worked in or near public lands in Alaska, have special knowledge or expertise concerning the natural or cultural resources of public lands and the management thereof.

Tom O'Hara possessed this knowledge and offered it freely to the National Park Service. But because he was hired under this special authority, his opportunities for transfer and promotion within the Park Service were limited, even though his service was exemplary.

As a lasting memorial to Tom O'Hara's exemplary career, I am introducing legislation today that will grant competitive status to ANILCA local hire employees who hold permanent appointments with the Federal land management agencies after the completion of 2 years of satisfactory service. In Tom's honor, the short title of this legislation is the Thomas P. O'Hara Public Land Career Opportunity Act of 2007.

It is my sincere hope that the enactment of this legislation will encourage other Alaskans, particularly Alaska Natives, to follow in Tom O'Hara's footsteps and seek lifelong careers with the Federal land management agencies.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Thomas P. O'Hara Public Land Career Opportunity Act of 2007".

SEC. 2. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) COMPETITIVE STATUS.—An individual appointed to a permanent position under subsection (a) shall be converted to competitive status after—

"(1) if the appointment is full time, the completion of 2 years of competitive and satisfactory full time service; or

"(2) if the appointment is less than full time, the period that is equivalent to 2 years of competitive and satisfactory full time service.".

By Mr. COCHRAN:

S. 1435. A bill to amend the Energy Policy and Conservation Act to increase the capacity of the Strategic Petroleum Reserve, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. COCHRAN. Mr. President, in 1975, the Strategic Petroleum Reserve was established, after the Arab oil embargo, to lessen the impact of future severe energy supply disruptions. Since 1975, the Strategic Petroleum Reserve, SPR, has served as our Nation's energy insurance policy.

The legislation I offer today expands the capacity of the SPR from 1 billion barrels, as authorized in the Energy Policy and Conservation Act, to 1.5 billion barrels.

Memorial day marks the beginning of the summer vacation season, and this summer all of our constituents are facing escalating gasoline prices. Expanding our domestic supplies of oil, gas, and petroleum has become crucial.

Increasingly, internationally traded oil originates from unstable regions of the world. The United States' economic security is threatened by vulnerability to disruptions in world oil supply and volatile oil prices. The Nation's transportation sector, major industries, and military are dependent upon petroleum, and so it is crucial that we do what we can to minimize disruptions in the world oil supply.

The existing inventory in the SPR represents only 56 days of net imports. The United States' obligation to the member countries of the International Energy Agency requires it to maintain the equivalent of 90 days of net petroleum imports. Though the inclusion of private inventories allows the U.S. to satisfy the IEA obligation, increasing the authorized capacity of the SPR to 1.5 billion barrels will help ensure the United States meets its international obligations, regardless of commercial inventory trends.

In December of 2006, the Department of Energy chose the salt domes in Richton, Mississippi as their preferred site for the construction of a new Strategic Petroleum Reserve facility to lead the expansion efforts. I am proud that Mississippi was chosen to lead the efforts of such an important program, and I know that the community of Richton, which suffered in the wake of Hurricane Katrina, is thrilled to begin construction on a project that will strengthen its economic development. Current SPR sites in Texas and Louisiana will also gain reserves.

I urge the Senate to support this bill. The entire country's energy security and stability depends on a combination of efforts to increase domestic supplies of oil, gas, and petroleum. I am pleased that my colleagues in the Senate are promoting new renewable energy technologies through legislation, and it is through a combination of these efforts that we might finally reduce our dependence upon foreign oil.

By Ms. STABENOW (for herself, Mr. OBAMA, Mr. BROWN, Mr. REID, Mrs. BOXER, Mr. LIEBERMAN, Mr. KERRY, Mr. CARDIN, Mr. DURBIN, Mr. MENENDEZ, Mrs. FEINSTEIN, and Ms. LANDRIEU):

S. 1437. A bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964; to the Committee on Banking, Housing, and Urban Affairs.

Ms. STABENOW. Mr. President, I rise today in strong support of a bill that directs the Treasury Department to mint 350,000 $1 coins marking the semi-centennial of the passage of the Civil Rights Act of 1964.

The Civil Rights Act of 1964 greatly expanded civil rights protections by outlawing racial discrimination and segregation in public places and places of public accommodation, in federally funded programs and employment, and encouraging desegregation in public schools, and has served as a model for subsequent antidiscrimination laws.

This landmark legislation once implemented, had effects that were far reaching and that, clearly from its inception to today, fundamentally changed the course of our Nation.

Equality and access to education were two of the hallmarks of the civil rights movement.

The United Negro College Fund, UNCF, is the Nation's largest, oldest, most successful and comprehensive minority higher education assistance organization. UNCF provides operating funds and technology enhancement services for 39 member historically black colleges and universities, HBCUs, scholarships and internships for students at about 900 institutions and faculty and administrative professional training.

Since its inception in 1943, the UNCF has raised more than $2 billion to help a total of more than 350,000 students attend college and has distributed more funds to help minorities attend school than any entity outside of the government.

Besides being a noble tribute, this commemorative coin will assist the UNCF provide scholarships and internships for minority students and assist with technology enhancement services for historically black colleges and universities.

In Michigan, the on-time graduation rate for African American students is less than half that of the overall rate for high school students. Moreover, the percentage of Michigan high school freshmen enrolling in college within 4 years is just 38 percent, the rate for the top States is 53 percent. These statistics are astounding. Michigan currently is working to invest more State dollars into improving high school education and reforming graduation requirements to some of the most rigorous in the Nation. If we make scholarships like this one available to students, and organizations like the UNCF helping African Americans get into colleges and stay in colleges, not just historically black colleges and universities, these statistics will improve. I am confident this coin bill is a step toward improving the state of college attendance and graduation rates for African American students.

I urge my colleagues to support this legislation.

By Mr. SPECTER (for himself, Mr. ROCKEFELLER, and Mr. CASEY):

S. 1440. A bill to provide for judicial determination of injury in certain cases involving dumped and subsidized merchandise imported into the United States, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce the Unfair Foreign Competition Act of 2007, legislation providing a private right of action for domestic manufacturers injured by the illegal subsidization and dumping of foreign products into U.S. markets. These unfair, and illegal, trade practices steal jobs from our workers, profits from our companies, and economic growth from our economy.

Dumping occurs when a foreign producer sells a product in the United States at a price that is below that producer's sales price in its home market, or at a price that is lower than its cost of production. Subsidizing occurs when a foreign government provides financial assistance to benefit the production, manufacture, or exportation of a good. Under current law, the International Trade Commission, ITC, and the Department of Commerce conduct antidumping and countervailing duty investigations and 5-year reviews under title VII of the Tariff Act of 1930. U.S. industries may petition the ITC and Commerce for relief from dumped and subsidized imports. If Commerce finds that an imported product is dumped or subsidized and the ITC finds that the petitioning U.S. industry is materially injured or threatened with material injury, an antidumping duty order or countervailing duty order will be imposed to offset the dumping or subsidies.

However, since current administrative remedies are not consistently and effectively enforced, I am introducing private right of action legislation to enforce the law. My legislation allows petitioners to choose between the ITC and their local U.S. district court for the injury determination phase of their investigation. Doing so gives our injured domestic producers the opportunity to display their vigor as private plaintiffs in seeking enforcement of our trade laws. If injury is found, U.S. Customs and Border Protection would then assess duties on future importation of the article in question. The legal standard for determining dumping margins which is established by the Commerce Department would remain unchanged.

I believe that introduction of this legislation will have an important deterrent effect on the practices of China and our other trading partners. Aggressive policy measures such as this legislation are necessary to prevent China, in particular, from causing a major crisis in the near future for our domestic steel industry. China has a well-documented history of engaging in unfair trade practices, as evidenced by the 61 antidumping orders in place with respect to various products as of October 23, 2006. The statistics on China's steel output are staggering. In 2005, China made more steel than the next four largest producers combined and data show that China continues to become more export-oriented. Through the first 10 months of 2006, China's steel tonnage exports to the U.S. market more than doubled over 2005. In total, Chinese steel output grew 26 percent or more than 71 million metric tons in 2005. The explosive growth of Chinese steel over the past decade would not have been possible without the support of the Chinese Government.

This legislation is similar to legislation which I have introduced as far back as 1982 where I originally sought injunctive relief. Since its last introduction in the 106th Congress, several relevant statutes have been challenged at the World Trade Organization, WTO, prompting further modification to its current form. In each case, the United States has taken action to comply and avoid retaliatory actions by protesting WTO member countries. The United States took action in December 2004 to comply with WTO rulings on the Antidumping Act of 1916, which provided a private cause of action and criminal penalties for dumping, by prospectively repealing the act. Also, the United States took action in February 2006 to comply with WTO rulings on the Continued Dumping and Subsidy Offset Act, CDSOA, which required the distribution of collected antidumping and countervailing duties to petitioners and interested parties in the underlying trade proceedings. In both cases, the WTO panel found that U.S. law allowed an impermissible specific action against dumping and subsidization. The legislation I introduce today adapts to these changes in law and allows for a determination of injury in accordance with our international obligations.

We have too long sacrificed American industry and American jobs because the executive branch, whether it is a Democratic administration or a Republican administration, has made concessions for foreign policy and defense interests. For many years, foreign policy and defense policy have superseded basic fairness on trade policy. I received a comprehensive education on this subject back in 1984 when there was a favorable ruling by the ITC for the American steel industry, but it was subject to review by the President. At that time my colleague Senator Heinz and I visited every one of the Cabinet officers in an effort to get support to see to it that the International Trade Commission ruling in favor of the American steel industry was upheld. Then-Secretary of Commerce Malcolm Baldrige was favorable, and International Trade Representative Bill Brock was favorable. We received a favorable hearing in all quarters until we spoke with then-Secretary of State Shultz and then-Secretary of Defense Weinberger who were absolutely opposed to the ITC ruling. President Reagan decided to overrule the ITC, and U.S. trade policy and workers again took second place to foreign policy concerns.

I was reminded of this reality again in 2005 when I testified on behalf of the domestic pipe and tube industry in a section 421 safeguard case against China. This safeguard provision was inserted as a protective measure when unique and permanent trade status was granted to China, a measure which I opposed. It seemed to me that based upon the record that China had, that normal relations could not exist because they have a record of not observing the law. With these concerns in mind, Congress inserted the section 421 safeguard provision. The ITC agreed with the overwhelming evidence supporting the claim that a surge of imports from China were creating a market disruption. However, President

Bush decided not to uphold the ITC's ruling. Since that time, jobs in my state have been lost. The Section 421 provision was included to provide protection for our domestic manufacturing base. Yet, none of the five petitions previously filed had been granted either. It is difficult to understand how safeguards for situations where China's conduct is excessive and unfair could be ignored, especially after giving special consideration by way of trade.

While it is my hope that the administration, whether Democrat or Republican, would take a more objective look at trade remedies for our injured domestic manufacturers, I introduce this legislation today to provide a valuable tool for domestic industry. Strict enforcement of our trade laws is critical to ensuring that our domestic manufacturers have a fair shot at competing with foreign steel. In the current environment, I believe that it is necessary for an injured industry to have an opportunity to go into Federal court and seek reliable enforcement of America's trade laws, which are currently not being enforced adequately.

I ask my colleagues to join me now in supporting this legislation. I believe in free trade. But the essence of free trade is selling goods at a price equal to the cost of production and a reasonable profit. Where you have dumping or subsidization, it is the antithesis of free trade. The significant advances made by our manufacturers are insufficient to compete in the face of illegal trade practices such as dumping and subsidies. Our steel industry is made up of some of the most innovative, skilled, and efficient producers in the world. Our industry can compete if the playing field is level, but if foreign exporters are not held accountable, and can freely undercut American producers with dumped goods and government subsidies, the future of our steel industry will be at risk.

By Mr. CRAIG:

S. 1441. A bill to amend title 38, United States Code, to modify authorities for the Secretary of Veterans Affairs to accept new applications for grants for State home construction projects to authorize the Secretary to award grants for construction of facilities used in non-institutional care programs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I rise today to introduce legislation to make, what I believe to be, vital and necessary changes to one of the most successful Federal-State partnership programs in the Nation today. I am speaking of the State Veterans Home Program at the Department of Veterans Affairs.

For those of my colleagues who do not know very much about this great program, the Federal-State partnership known as the State Home Program dates back nearly 120 years. It was August 7, 1888, when a $100 check from the Federal government helped the State of Connecticut offset the financial burden of caring for aging Civil War veterans. Since that time, of course, the program has greatly matured. And it has grown into the largest institutional provider of long-term care services for our Nation's aging veterans.

Today, the grant part of the program receives an annual appropriation of about $100 million. VA uses the money to pay for two-thirds of the costs of constructing State home beds pursuant to applications submitted by the States. After a home is built, the State operates the nursing facility and maintains the property for the benefit of veterans. VA, in turn, pays a daily stipend to the State of approximately $60 for each veteran in the home. The States then support the rest of the cost of care either by collecting some money from the veterans or through direct appropriation from the State legislature.

I realize that my description of this program may have some of my colleagues scratching their heads trying to find out why I believe the program needs to change and modernize. Let me explain.

As many of you know, during the 107th Congress, I served as chairman of the Senate Special Committee on Aging. I did a lot of work on long-term care issues and held many hearings on the topic. What I learned is that there is a big shift across the country from the traditional institutional care to a less restrictive, family oriented, home and community based approach to care.

When I became chairman of the Senate Committee on Veterans' Affairs, I found that VA's system is strongly biased toward institutional care. We spend most of our long-term care budget on institutional beds.

I realize that nursing homes are sometimes the best place for a sick, aging person to be properly cared for. Therefore, clearly VA needs to provide that service. But, let's face it. All of us would prefer that we never end up in a nursing home. We would do everything within our power to remain in the comfort and safety of our homes and with our families.

The interesting thing about our human desire to remain in our own homes and out of nursing homes is that our human desire is also a positive financial desire. Noninstitutional long-term care services are much more cost-effective than care provided in an institutional setting. Providing people with long-term care options and the opportunity to remain in their homes for as long as possible is exactly what my legislation is about.

There is an old saying that goes "when all you have is a hammer, the whole world looks like nails." Essentially what that means is, we use the tools we have to solve whatever problem arises, even if a different tool might be more appropriate.

For nearly 120 years, with little exception, the only tool available through the State Veterans Home Program has been a bed: an institutional nursing home bed. So, whenever a veteran in a local community has independent living challenges, the State home program has a tool to help them: it has a bed. My Legislation would give the State homes additional tools to offer our veterans.

My bill would establish a noninstitutional care State home grant program. The premise of the new program would be the same as the current institutional program. States would submit an application to construct a building or renovate part of an existing state home to offer noninstitutional services to veterans. The State would have to provide one-third of the cost for construction and then take ownership and operational responsibility for the building and the care after the facility opens.

Similar to the payment structure today, VA would provide a daily payment for each veteran who receives services from the facility.

My legislation would also make some changes in the state home grant program that would help it transition into a more modern care delivery system.

As my colleagues may be aware, under the current program, States submit applications to VA to receive construction assistance. If the State can demonstrate that the project meets VA's requirements for quality; that its use will be primarily for veterans; and that the State has its one-third matching funds, then VA approves the project and places it on list according to a statutory priority.

My bill would create a 2-year window, starting with the date of enactment, for States to submit their new bed applications. Similarly, it would create a 2-year window for any State to come up with matching funds for any approved application that currently lacks the required match. After the 2-year window, VA would be prohibited from accepting any new applications for new bed construction.

I believe the reason we need this change is simple. For fiscal year 2007, there are $808 million in grant proposals on VA's approved list. Approximately $490 million in project proposals are in priority one status, meaning that the States have provided the required one-third matching funds.

At the rate of $100 million per year provided by Congress to fund these grants, it will take nearly 9 more years for Congress to fund all of the current projects on the list. That, of course, is assuming that no new projects will be added to it. And construction of all of those projects would probably not be completed until about 15 years from now.

All of that may sound like long-term planning for future care needs. However, as I mentioned earlier, the Nation as a whole is moving away from institutionalizing the elderly.

Our aging years are supposed to be our golden years. We conjure up images of sitting on a porch, sipping tea with our spouse of 50 plus years watching the sun set. The reality, unfortunately, is that in many cases those years are spent separated from one another as one spouse is no longer able to fully care for the other. And the only option available for assistance is institutionalization. We can do better. And this bill will move us in that direction for our veterans.

I ask all of us to consider why we have a policy at VA that encourages spending nearly $1 billion building 5,300 more new beds in a system that already has about 20,000 beds when we as a nation are trying to move in a direction that provides home and community based care programs that keep the elderly in their homes and out of long-term care institutions. I think VA and the States should change course for the betterment of our Nation's heroes.

I believe that by phasing out the current institutional bias and focusing the energy and finances of the program on noninstitutional alternatives, VA and the States will serve more veterans and keep those veterans in their homes, where they want to be, for a much longer time.

I realize that we will still probably fund 5 or 6 thousand more new beds in the State home program just because of the 2-year window. But I recognize that Senators and Representatives will strongly support the institutional grants so long as their State has an application pending. I do not blame the Members. I would do the same thing if Idaho had submitted an application. So, I want to give everyone's State a fair chance to participate in the program.

But, I also believe that we need to transition beyond beds. And if we fail to set out the transition soon, I believe we will find ourselves 20 years from now undertaking a painful study on what to do with 15,000 empty nursing home beds in all of our States. Noninstitutional service is simply the direction of long-term care and health care today because families want to be together and home is where they want to be.

VA's partnership with the States to provide long-term care to our Nation's veterans is an unmitigated success. We must continue to support the 20,000 beds we currently have. And we will. They provide the most compassionate, cost-effective institutional care in the Nation. But, we also must modernize the program.

We must keep up with the trends in health care that are pointing us in the direction of home and community-based services and away from institutions. We must change to find a way to serve more veterans with the same amount of resources. But, most importantly, we must modernize because it is the humane and right thing to do in responding to the wishes of our constituents to stay home in their later years and grow old with the people they love.

I urge all of my colleagues to join in this effort by cosponsoring this legislation.

By Mr. LEAHY:

S.J. Res. 13. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce a joint resolution that would grant the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding, IEMAMOU compact. This joint resolution would formally approve of the IEMAMOU compact, a mutual emergency assistance agreement entered into by the New England States, including my home State of Vermont and several Canadian Provinces, who are our neighbors to the north. This mutual assistance compact, which has been agreed to and operating in principle for more than 5 years, allows for cooperation between emergency responders in the United States and Canada during natural disasters and other serious emergencies. This compact is an extraordinary example of the international cooperation and good will which makes our countries more secure and our citizens safer. Congress should pass this joint resolution to give this vital compact the full force of law.

We must all do our best to prepare for the most serious emergencies that can harm our communities. These crises may arise from natural or manmade disasters, or from technological hazards or civil emergencies. As those who live in the Northeast know, extreme weather is not uncommon in New England, or in the eastern Provinces of Canada. Together with our Canadian neighbors, we have endured catastrophic blizzards and ice storms over the years that have closed roads and highways, shut down power for extended periods, and stranded travelers and rural residents for days, or longer. At times, we have also suffered the misfortune of responding to serious accidents, such as train or plane crashes. Of course, our concerns for safety surrounding nuclear powerplants and other industrial sites warrants extensive planning and preparedness for even the possibility of technological disasters. During these events, we turn to our first responders and our emergency management professionals to provide assistance and secure public safety no matter how grave the danger, and no matter how challenging the task.

The IEMMOU compact was created in response to the devastating ice storm of 1998. In January of that year, an unprecedented 3-day ice storm paralyzed portions of the northern New England States and the adjacent Canadian Provinces causing massive damage to the electrical and transportation infrastructure. Millions were left in the dark for days and even weeks, leaving more than 30 dead and shutting down normal activities in large cities like Montreal and Ottawa. Following this devastation, the governors and premiers of those regions affected recognized the need for greater cross-border emergency cooperation, and they directed their emergency management leaders to develop and create a memorandum of understanding on these issues that benefit all parties north and south of the border. The IEMAMOU compact was the result of this collaborative, international process, and now stands as a model compact for cross-border mutual emergency assistance.

The compact allows for international sharing of resources and expertise in times of extreme emergency or disaster. For example, rural States, such as my own, may need to call upon specialized resources found in other larger States or neighboring Provinces to respond immediately to events, such as chemical disasters or mass transit accidents. With natural disasters, such as prolonged, severe winter storms, the areas affected may be so vast, stretching across several States or Provinces that no single jurisdiction alone could respond fully to the crisis. There are also events that occur along or near our border with Canada which require the immediate response and full cooperation of States and Provinces in both nations. The IEMAMOU compact meets these needs with a thoughtful and forward-looking outline of how to address issues that face first responders and their managers in times of cross-border emergency.

This international compact provides a legal framework for cooperation and mutual assistance between the States of Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, and Connecticut, and the Canadian Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland and Labrador. The compact requires each participating member, whether State or Province, to formulate plans and programs to facilitate international and interstate or provincial cooperation in case of natural or manmade disaster, technological hazard, or civil emergency. The compact also provides for the temporary suspension of statutes or ordinances in each jurisdiction that may impede the implementation of these plans. For example, under the compact, government officials and law enforcement authorities from one member State or Province can officially work in other jurisdictions during times of emergency, a circumstance that would not be permitted otherwise.

The compact also creates a formal mechanism for making assistance requests from one state or province to another, and encourages frequent consultation between the emergency management leaders to develop free exchange of information and resources across borders. In addition, the compact provides a Good Samaritan provision, which gives liability protection for emergency responders who act in good faith in providing assistance in a legal jurisdiction outside their own, and creates reciprocal workers compensation and other benefits to emergency responders who may get injured in responding to an emergency under the compact. Finally, the compact allows for reimbursement between members States or Provinces for losses or damages incurred in responding under the agreement.

All members of this compact have agreed to its terms and join in requesting Congress's consent for the agreement. Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, and Connecticut have joined the IEMAMOU compact, and many of these States have passed legislation adopting the compact under State law. The Premiers of Quebec, Prince Edward Island, Labrador, Nova Scotia, and New Brunswick have similarly approved of the compact. The IEMAMOU compact has been functioning in principle for more than 5 years, as the emergency management leaders from each member State and Province meet twice a year. Planning among the constituent members of the compact is also ongoing. This compact works well and should be supported by Congress.

The IEMAMOU compact is an international agreement between States and a foreign power, and it cannot have the full force of law without the formal approval of Congress. The U.S. Constitution requires that "[n]o state shall . . . enter into any Agreement or Compact with another State, or with a foreign Power" unless with the "consent of Congress." U.S. Const. Art. 1, § 10, cl. 3. The joint resolution introduced today provides this necessary consent, and would give legal force to the compact. Congressional approval of this compact would also provide jurisdiction for Federal courts to resolve any disputes under the agreement.

This joint resolution is vitally important to the New England States and our Canadian Provinces to the north. Congress should support their cooperative, international leadership in creating and implementing this unique emergency management compact. The Governor of Vermont supports this joint resolution as do the leaders of the North East States Emergency Consortium, which represents each of the New England States in the compact.

This is not the first time I have supported this joint resolution. In 2001, this joint resolution was introduced by my colleague from New Hampshire, Senator ROBERT SMITH, and I joined him as a cosponsor along with Senators LIEBERMAN, JEFFORDS, CHAFEE, and GREGG. As Chairman of the Judiciary Committee, I moved the joint resolution through Committee where it passed by unanimous consent on October 31, 2001. With my support and that of other Senators, the joint resolution passed the Senate by unanimous consent on December 20, 2001, in the last month of the Democratic majority in the 107 Congress. Unfortunately, the House never came to consider the joint resolution, and it failed to become law. Since then, under the Republican leadership of the 108 and 109 Congresses, the joint resolution has only been introduced once and has not moved beyond referral to committee.

It is time to take action and pass this joint resolution without further delay. The IEMAMOU compact provides invaluable international cooperation and mutual assistance in times of natural disaster and extreme emergency. This compact works well for New England and the eastern Canadian provinces, and it stands as a model for emergency management planning and cooperation across this country. It is a crucial element of the security and safety planning for all communities in New England and eastern Canada, and we can wait no longer for it to become law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 13

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the International Emergency Management Assistance Memorandum of Understanding entered into between the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland. The compact is substantially as follows:

"Article I—International Emergency Management Assistance Memorandum of Understanding Purpose and Authorities

"The International Emergency Management Assistance Memorandum of Understanding, hereinafter referred to as the 'compact,' is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as 'party jurisdictions.' For the purposes of this agreement, the term 'jurisdictions' may include any or all of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland, and such other states and provinces as may hereafter become a party to this compact.

"The purpose of this compact is to provide for the possibility of mutual assistance among the jurisdictions entering into this compact in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of resources shortages.

"This compact also provides for the process of planning mechanisms among the agencies responsible and for mutual cooperation, including, if need be, emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions or subdivisions of party jurisdictions during emergencies, with such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of emergency forces by mutual agreement among party jurisdictions.

"Article II—General Implementation

"Each party jurisdiction entering into this compact recognizes that many emergencies may exceed the capabilities of a party jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few, if any, individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

"The prompt, full, and effective utilization of resources of the participating jurisdictions, including any resources on hand or available from any other source that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster, shall be the underlying principle on which all articles of this compact are understood.

"On behalf of the party jurisdictions participating in the compact, the legally designated official who is assigned responsibility for emergency management is responsible for formulation of the appropriate inter-jurisdictional mutual aid plans and procedures necessary to implement this compact, and for recommendations to the jurisdiction concerned with respect to the amendment of any statutes, regulations, or ordinances required for that purpose.

"Article III—Party Jurisdiction Responsibilities

"(a) FORMULATE PLANS AND PROGRAMS.—It is the responsibility of each party jurisdiction to formulate procedural plans and programs for inter-jurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating and implementing such plans and programs the party jurisdictions, to the extent practical, shall—

"(1) review individual jurisdiction hazards analyses that are available and, to the extent reasonably possible, determine all those potential emergencies the party jurisdictions might jointly suffer, whether due to natural disaster, technological hazard, manmade disaster or emergency aspects of resource shortages;

"(2) initiate a process to review party jurisdictions' individual emergency plans and develop a plan that will determine the mechanism for the inter-jurisdictional cooperation;

"(3) develop inter-jurisdictional procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

"(4) assist in warning communities adjacent to or crossing jurisdictional boundaries;

"(5) protect and ensure delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services and resources, both human and material to the extent authorized by law;

"(6) inventory and agree upon procedures for the inter-jurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

"(7) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances, over which the province or state has jurisdiction, that impede the implementation of the responsibilities described in this subsection.

"(b) Request Assistance.—The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 15 days of the verbal request. Requests must provide the following information:

"(1) A description of the emergency service function for which assistance is needed and of the mission or missions, including but not limited to fire services, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

"(2) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed.

"(3) The specific place and time for staging of the assisting party's response and a point of contact at the location.

"(c) Consultation Among Party Jurisdiction Officials.—There shall be frequent consultation among the party jurisdiction officials who have assigned emergency management responsibilities, such officials collectively known hereinafter as the International Emergency Management Group, and other appropriate representatives of the party jurisdictions with free exchange of information, plans, and resource records relating to emergency capabilities to the extent authorized by law.

"Article IV—Limitation

"Any party jurisdiction requested to render mutual aid or conduct exercises and training for mutual aid shall undertake to respond as soon as possible, except that it is understood that the jurisdiction rendering aid may withhold or recall resources to the extent necessary to provide reasonable protection for that jurisdiction. Each party jurisdiction shall afford to the personnel of the emergency forces of any party jurisdiction, while operating within its jurisdictional limits under the terms and conditions of this compact and under the operational control of an officer of the requesting party, the same powers, duties, rights, privileges, and immunities as are afforded similar or like forces of the jurisdiction in which they are performing emergency services. Emergency forces continue under the command and control of their regular leaders, but the organizational units come under the operational control of the emergency services authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed, by the jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect or loaned resources remain in the receiving jurisdiction or jurisdictions, whichever is longer. The receiving jurisdiction is responsible for informing the assisting jurisdictions of the specific moment when services will no longer be required.

"Article V—Licenses and Permits

"Whenever a person holds a license, certificate, or other permit issued by any jurisdiction party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party jurisdiction, such person is deemed to be licensed, certified, or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by Executive order or otherwise.

"Article VI—Liability

"Any person or entity of a party jurisdiction rendering aid in another jurisdiction pursuant to this compact are considered agents of the requesting jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another jurisdiction pursuant to this compact are not liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

"Article VII—Supplementary Agreements

"Because it is probable that the pattern and detail of the machinery for mutual aid among 2 or more jurisdictions may differ from that among the jurisdictions that are party to this compact, this compact contains elements of a broad base common to all jurisdictions, and nothing in this compact precludes any jurisdiction from entering into supplementary agreements with another jurisdiction or affects any other agreements already in force among jurisdictions. Supplementary agreements may include, but are not limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

"Article VIII—Workers' Compensation and Death Benefits

"Each party jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency forces of that jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

"Article IX—Reimbursement

"Any party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the party jurisdiction receiving such aid for any loss or damage to, or expense incurred in, the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding party jurisdiction may assume in whole or in part any such loss, damage, expense, or other cost or may loan such equipment or donate such services to the receiving party jurisdiction without charge or cost. Any 2 or more party jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under article VIII are not reimbursable under this section.

"Article X—Evacuation

"Each party jurisdiction shall initiate a process to prepare and maintain plans to facilitate the movement of and reception of evacuees into its territory or across its territory, according to its capabilities and powers. The party jurisdiction from which the evacuees came shall assume the ultimate responsibility for the support of the evacuees, and after the termination of the emergency or disaster, for the repatriation of such evacuees.

"Article XI—Implementation

"(a) This compact is effective upon its execution or adoption by any 2 jurisdictions, and is effective as to any other jurisdiction upon its execution or adoption thereby: subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or State legislation that may be required for the effectiveness of the Memorandum of Understanding.

"(b) Any party jurisdiction may withdraw from this compact, but the withdrawal does not take effect until 30 days after the governor or premier of the withdrawing jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other party jurisdictions. The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

"(c) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party jurisdictions.

"Article XII—Severability

"This compact is construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstances are not affected.

"Article XIII—Consistency of Language

"The validity of the arrangements and agreements consented to in this compact shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.

"Article XIV—Amendment

"This compact may be amended by agreement of the party jurisdictions.".

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 211—EXPRESSING THE PROFOUND CONCERNS OF THE SENATE REGARDING THE TRANSGRESSION AGAINST FREEDOM OF THOUGHT AND EXPRESSION THAT IS BEING CARRIED OUT IN VENEZUELA, AND FOR OTHER PURPOSES

Mr. LUGAR (for himself and Mr. DODD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 211

Whereas, for several months, the President of Venezuela, Hugo Chávez, has been announcing over various media that he will not renew the current concession of the television station "Radio Caracas Televisión", also known as RCTV, which is set to expire on May 27, 2007, because of its adherence to an editorial stance different from his way of thinking;

Whereas President Chávez justifies this measure based on the alleged role RCTV played in the unsuccessful unconstitutional attempts in April 2002 to unseat President Chávez, under circumstances where there exists no filed complaint or judicial sentence that would sustain such a charge, nor any legal sanction against RCTV that would prevent the renewal of its concession, as provided for under Venezuelan law;

Whereas the refusal to renew the concession of any television or radio broadcasting station that complies with legal regulations in the matter of telecommunications constitutes a transgression against the freedom of thought and expression, which is prohibited by Article 13 of the American Convention on Human Rights, signed at San Jose, Costa Rica, July 18, 1978, which has been signed by the United States;

Whereas that convention establishes that "the right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions";

Whereas the Inter-American Declaration of Principles on Freedom of Expression, approved by the Inter-American Commission on Human Rights, states in Principle 13, "The exercise of power and the use of public funds by the state, the granting of customs duty privileges, the arbitrary and discriminatory placement of official advertising and government loans; the concession of radio and television broadcast frequencies, among others, with the intent to put pressure on and punish or reward and provide privileges to social communicators and communications media because of the opinions they express threaten freedom of expression, and must be explicitly prohibited by law. The means of communication have the right to carry out their role in an independent manner. Direct or indirect pressures exerted upon journalists or other social communicators to stifle the dissemination of information are incompatible with freedom of expression.";

Whereas, according to the principles of the American Convention on Human Rights and the Inter-American Declaration of Principles on Freedom of Expression, to both of which Venezuela is a party, the decision not to renew the concession of the television station RCTV is an assault against freedom of thought and expression and cannot be accepted by democratic countries, especially by those in North America who are signatories to the American Convention on Human Rights;

Whereas the most paradoxical aspect of the decision by President Chávez is that it strongly conflicts with two principles from the Liberator Simón Bolívar's thinking, principles President Chávez says inspire him, which state that "[p]ublic opinion is the most sacred of objects, it needs the protection of an enlightened government which knows that opinion is the fountain of the most important of events," and that "[t]he right to express one's thoughts and opinions, by word, by writing or by any other means, is the first and most worthy asset mankind has in society. The law itself will never be able to prohibit it."; and

Whereas the United States should raise its concerns about these and other serious restrictions on freedoms of thought and expression being imposed by the Government of Venezuela before the Organization of American States: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its profound concern about the transgression against freedom of thought and expression that is being attempted and committed in Venezuela by the refusal of the President of Venezuela, Hugo Chávez, to renew the concession of the television station "Radio Caracas Televisión" (RCTV) merely because of its adherence to an editorial and informational stance distinct from the thinking of the Government of Venezuela; and

(2) strongly encourages the Organization of American States to respond appropriately, with full consideration of the necessary institutional instruments, to such transgression.

SENATE RESOLUTION 212—TO EXPRESS THE SENSE OF THE SENATE RELATING TO LEGISLATION TO CURB GLOBAL WARMING

Mr. COLEMAN (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 212

Resolved, That it is the sense of the Senate that any comprehensive, mandatory greenhouse gas emissions reduction program enacted by Congress should include—

(1) periodic determinations of the extent to which other countries that are major contributors of atmospheric greenhouse gas concentrations have established for those countries emissions reduction programs that are comparable in effectiveness to the program established by the United States;

(2) in the event of an authoritative determination that the emissions reduction programs established by other countries that are major contributors of atmospheric greenhouse gas concentrations are substantially less effective than the program established by the United States, consequences in the form of—

(A) a review of provisions of the emissions reduction program established by the United States; or

(B) 1 or more changes to other policies of the United States;

(3) periodic determinations relating to whether the emissions reduction program established by the United States is increasing the rate of poverty or unemployment in the United States;

(4) in the event of an authoritative determination that the emissions reduction program established by the United States is increasing the rate of poverty or unemployment in the United States, a process of review of provisions of the emissions reduction program established by the United States; and

(5) in addition to the imposition of limits relating to the emission of greenhouse gases, effective incentives for private entities that sell electricity to increase the percentage of sales by the entities of electricity that is generated by clean energy sources.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1146. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1147. Mr. LEAHY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 849, to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; which was ordered to lie on the table.

SA 1148. Mrs. MCCASKILL (for herself and Mr. DODD) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1149. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1150. Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) proposed an amendment to the bill S. 1348, supra.

TEXT OF AMENDMENTS

SA 1146. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE

SEC. _01. SHORT TITLE.

This title may be cited as the "Unaccompanied Alien Child Protection Act of 2007".

SEC. _02. DEFINITIONS.

(a) IN GENERAL.—In this title:

(1) COMPETENT.—The term "competent", in reference to counsel, means an attorney, or a representative authorized to represent unaccompanied alien children in immigration proceedings or matters, who—

(A) complies with the duties set forth in this title;

(B) is—

(i) properly qualified to handle matters involving unaccompanied alien children; or

(ii) working under the auspices of a qualified nonprofit organization that is experienced in handling such matters; and

(C) if an attorney—

(i) is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia; and

(ii) is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting the attorney in the practice of law.

(2) DIRECTOR.—The term "Director" means the Director of the Office.

(3) OFFICE.—The term "Office" means the Office of Refugee Resettlement established by section 411 of the Immigration and Nationality Act (8 U.S.C. 1521).

(4) UNACCOMPANIED ALIEN CHILD.—The term "unaccompanied alien child" has the meaning given the term in 101(a)(51) of the Immigration and Nationality Act, as added by subsection (b).

(5) VOLUNTARY AGENCY.—The term "voluntary agency" means a private, nonprofit voluntary agency with expertise in meeting the cultural, developmental, or psychological needs of unaccompanied alien children, as certified by the Director.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following:

"(51) The term 'unaccompanied alien child' means a child who—

"(A) has no lawful immigration status in the United States;

"(B) has not attained 18 years of age; and

"(C) with respect to whom—

"(i) there is no parent or legal guardian in the United States; or

"(ii) no parent or legal guardian in the United States is available to provide care and physical custody.

"(52) The term 'unaccompanied refugee children' means persons described in paragraph (42) who—

"(A) have not attained 18 years of age; and

"(B) with respect to whom there are no parents or legal guardians available to provide care and physical custody.".

(c) RULE OF CONSTRUCTION.—

(1) STATE COURTS ACTING IN LOCO PARENTIS.—A department or agency of a State, or an individual or entity appointed by a State court or a juvenile court located in the United States, acting in loco parentis, shall not be considered a legal guardian for purposes of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this title.

(2) CLARIFICATION OF THE DEFINITION OF UNACCOMPANIED ALIEN CHILD.—For the purposes of section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) and this title, a parent or legal guardian shall not be considered to be available to provide care and physical custody of an alien child unless such parent is in the physical presence of, and able to exercise parental responsibilities over, such child at the time of such child's apprehension and during the child's detention.

Subtitle A—Custody, Release, Family Reunification, and Detention

SEC. _11. PROCEDURES WHEN ENCOUNTERING UNACCOMPANIED ALIEN CHILDREN.

(a) UNACCOMPANIED CHILDREN FOUND ALONG THE UNITED STATES BORDER OR AT UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—Subject to paragraph (2), an immigration officer who finds an unaccompanied alien child described in paragraph (2) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall—

(A) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)); and

(B) return such child to the child's country of nationality or country of last habitual residence.

(2) SPECIAL RULE FOR CONTIGUOUS COUNTRIES.—

(A) IN GENERAL.—Any child who is a national or habitual resident of a country, which is contiguous with the United States and has an agreement in writing with the United States that provides for the safe return and orderly repatriation of unaccompanied alien children who are nationals or habitual residents of such country, shall be treated in accordance with paragraph (1) if the Secretary determines, on a case-by-case basis, that—

(i) such child is a national or habitual resident of a country described in this subparagraph;

(ii) such child does not have a fear of returning to the child's country of nationality or country of last habitual residence owing to a fear of persecution;

(iii) the return of such child to the child's country of nationality or country of last habitual residence would not endanger the life or safety of such child; and

(iv) the child is able to make an independent decision to withdraw the child's application for admission due to age or other lack of capacity.

(B) RIGHT OF CONSULTATION.—Any child described in subparagraph (A) shall have the right, and shall be informed of that right in the child's native language—

(i) to consult with a consular officer from the child's country of nationality or country of last habitual residence prior to repatriation; and

(ii) to consult, telephonically, with the Office.

(3) RULE FOR APPREHENSIONS AT THE BORDER.—The custody of unaccompanied alien children not described in paragraph (2) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with subsection (b).

(b) CARE AND CUSTODY OF UNACCOMPANIED ALIEN CHILDREN FOUND IN THE INTERIOR OF THE UNITED STATES.—

(1) ESTABLISHMENT OF JURISDICTION.—

(A) IN GENERAL.—Except as otherwise provided under subparagraphs (B) and (C) and subsection (a), the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be under the jurisdiction of the Office.

(B) EXCEPTION FOR CHILDREN WHO HAVE COMMITTED CRIMES.—Notwithstanding subparagraph (A), the Department of Justice shall retain or assume the custody and care of any unaccompanied alien who is—

(i) in the custody of the Department of Justice pending prosecution for a Federal crime other than a violation of the Immigration and Nationality Act; or

(ii) serving a sentence pursuant to a conviction for a Federal crime.

(C) EXCEPTION FOR CHILDREN WHO THREATEN NATIONAL SECURITY.—Notwithstanding subparagraph (A), the Department shall retain or assume the custody and care of an unaccompanied alien child if the Secretary has substantial evidence, based on an individualized determination, that such child could personally endanger the national security of the United States.

(2) NOTIFICATION.—

(A) IN GENERAL.—Each department or agency of the Federal Government shall promptly notify the Office upon—

(i) the apprehension of an unaccompanied alien child;

(ii) the discovery that an alien in the custody of such department or agency is an unaccompanied alien child;

(iii) any claim by an alien in the custody of such department or agency that such alien is younger than 18 years of age; or

(iv) any suspicion that an alien in the custody of such department or agency who has claimed to be at least 18 years of age is actually younger than 18 years of age.

(B) SPECIAL RULE.—The Director shall—

(i) make an age determination for an alien described in clause (iii) or (iv) of subparagraph (A) in accordance with section 15; and

(ii) take whatever other steps are necessary to determine whether such alien is eligible for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or under this title.

(3) TRANSFER OF UNACCOMPANIED ALIEN CHILDREN.—

(A) TRANSFER TO THE OFFICE.—Any Federal department or agency that has an unaccompanied alien child in its custody shall transfer the custody of such child to the Office—

(i) not later than 72 hours after a determination is made that such child is an unaccompanied alien, if the child is not described in subparagraph (B) or (C) of paragraph (1);

(ii) if the custody and care of the child has been retained or assumed by the Attorney General under paragraph (1)(B) or by the Department under paragraph (1)(C), following a determination that the child no longer meets the description set forth in such subparagraphs; or

(iii) if the child was previously released to an individual or entity described in section 12(a)(1), upon a determination by the Director that such individual or entity is no longer able to care for the child.

(B) TRANSFER TO THE DEPARTMENT.—The Director shall transfer the care and custody of an unaccompanied alien child in the custody of the Office or the Department of Justice to the Department upon determining that the child is described in subparagraph (B) or (C) of paragraph (1).

(C) PROMPTNESS OF TRANSFER.—If a child needs to be transferred under this paragraph, the sending office shall make prompt arrangements to transfer such child and the receiving office shall make prompt arrangements to receive such child.

(c) AGE DETERMINATIONS.—If the age of an alien is in question and the resolution of questions about the age of such alien would affect the alien's eligibility for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this title, a determination of whether or not such alien meets such age requirements shall be made in accordance with section _15, unless otherwise specified in subsection (b)(2)(B).

(d) ACCESS TO ALIEN.—The Secretary and the Attorney General shall permit the Office to have reasonable access to aliens in the custody of the Secretary or the Attorney General to ensure a prompt determination of the age of such alien, if necessary under subsection (b)(2)(B).

SEC. _12. FAMILY REUNIFICATION FOR UNACCOMPANIED ALIEN CHILDREN WITH RELATIVES IN THE UNITED STATES.

(a) PLACEMENT OF RELEASED CHILDREN.—

(1) ORDER OF PREFERENCE.—Subject to the discretion of the Director under paragraph (4), section 13(a)(2), and section 462(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied alien child in the custody of the Office shall be promptly placed with 1 of the following individuals or entities in the following order of preference:

(A) A parent who seeks to establish custody under paragraph (3)(A).

(B) A legal guardian who seeks to establish custody under paragraph (3)(A).

(C) An adult relative.

(D) An individual or entity designated by the parent or legal guardian that is capable and willing to care for the well being of the child.

(E) A State-licensed family foster home, small group home, or juvenile shelter willing to accept custody of the child.

(F) A qualified adult or entity, as determined by the Director by regulation, seeking custody of the child if the Director determines that no other likely alternative to long-term detention exists and family reunification does not appear to be a reasonable alternative.

(2) SUITABILITY ASSESSMENT.—

(A) GENERAL REQUIREMENTS.—Notwithstanding paragraph (1), and subject to the requirements of subparagraph (B), an unaccompanied alien child may not be placed with a person or entity described in any of subparagraphs (A) through (F) of paragraph (1) unless the Director provides written certification that the proposed custodian is capable of providing for the child's physical and mental well-being, based on—

(i) with respect to an individual custodian—

(I) verification of such individual's identity and employment;

(II) a finding that such individual has not engaged in any activity that would indicate a potential risk to the child, including the people and activities described in paragraph (4)(A)(i);

(III) a finding that such individual is not the subject of an open investigation by a State or local child protective services authority due to suspected child abuse or neglect;

(IV) verification that such individual has a plan for the provision of care for the child;

(V) verification of familial relationship of such individual, if any relationship is claimed; and

(VI) verification of nature and extent of previous relationship;

(ii) with respect to a custodial entity, verification of such entity's appropriate licensure by the State, county, or other applicable unit of government; and

(iii) such other information as the Director determines appropriate.

(B) HOME STUDY.—

(i) IN GENERAL.—The Director shall place a child with any custodian described in any of subparagraphs (A) through (F) of paragraph (1) unless the Director determines that a home study with respect to such custodian is necessary.

(ii) SPECIAL NEEDS CHILDREN.—A home study shall be conducted to determine if the custodian can properly meet the needs of—

(I) a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)); or

(II) a child who has been the object of physical or mental injury, sexual abuse, negligent treatment, or maltreatment under circumstances which indicate that the child's health or welfare has been harmed or threatened.

(iii) FOLLOW-UP SERVICES.—The Director shall conduct follow-up services for at least 90 days on custodians for whom a home study was conducted under this subparagraph.

(C) CONTRACT AUTHORITY.—The Director may, by grant or contract, arrange for some or all of the activities under this section to be carried out by—

(i) an agency of the State of the child's proposed residence;

(ii) an agency authorized by such State to conduct such activities; or

(iii) an appropriate voluntary or nonprofit agency.

(D) DATABASE ACCESS.—In conducting suitability assessments, the Director shall have access to all relevant information in the appropriate Federal, State, and local law enforcement and immigration databases.

(3) RIGHT OF PARENT OR LEGAL GUARDIAN TO CUSTODY OF UNACCOMPANIED ALIEN CHILD.—

(A) PLACEMENT WITH PARENT OR LEGAL GUARDIAN.—If an unaccompanied alien child is placed with any person or entity other than a parent or legal guardian, and subsequent to that placement a parent or legal guardian seeks to establish custody, the Director shall—

(i) assess the suitability of placing the child with the parent or legal guardian; and

(ii) make a written determination regarding the child's placement within 30 days.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) supersede obligations under any treaty or other international agreement to which the United States is a party, including—

(I) the Convention on the Civil Aspects of International Child Abduction, done at The Hague, October 25, 1980 (TIAS 11670);

(II) the Vienna Declaration and Program of Action, adopted at Vienna, June 25, 1993; and

(III) the Declaration of the Rights of the Child, adopted at New York, November 20, 1959; or

(ii) limit any right or remedy under such international agreement.

(4) PROTECTION FROM SMUGGLERS AND TRAFFICKERS.—

(A) POLICIES AND PROGRAMS.—

(i) IN GENERAL.—The Director shall establish policies and programs to ensure that unaccompanied alien children are protected from smugglers, traffickers, or other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity.

(ii) WITNESS PROTECTION PROGRAMS INCLUDED.—Programs established pursuant to clause (i) may include witness protection programs.

(B) CRIMINAL INVESTIGATIONS AND PROSECUTIONS.—Any officer or employee of the Office or of the Department, and any grantee or contractor of the Office or of the Department, who suspects any individual of involvement in any activity described in subparagraph (A) shall report such individual to Federal or State prosecutors for criminal investigation and prosecution.

(C) DISCIPLINARY ACTION.—Any officer or employee of the Office or the Department, and any grantee or contractor of the Office, who believes that a competent attorney or representative has been a participant in any activity described in subparagraph (A), shall report the attorney to the State bar association of which the attorney is a member, or to other appropriate disciplinary authorities, for appropriate disciplinary action, including private or public admonition or censure, suspension, or disbarment of the attorney from the practice of law.

(5) GRANTS AND CONTRACTS.—The Director may award grants to, and enter into contracts with, voluntary agencies to carry out this section or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(b) CONFIDENTIALITY.—

(1) IN GENERAL.—All information obtained by the Office relating to the immigration status of a person described in subparagraphs (A), (B), and (C) of subsection (a)(1) shall remain confidential and may only be used to determine such person's qualifications under subsection (a)(1).

(2) NONDISCLOSURE OF INFORMATION.—In consideration of the needs and privacy of unaccompanied alien children in the custody of the Office or its agents, and the necessity to guarantee the confidentiality of such children's information in order to facilitate their trust and truthfulness with the Office, its agents, and clinicians, the Office shall maintain the privacy and confidentiality of all information gathered in the course of the care, custody, and placement of unaccompanied alien children, consistent with its role and responsibilities under the Homeland Security Act to act as guardian in loco parentis in the best interest of the unaccompanied alien child, by not disclosing such information to other government agencies or nonparental third parties.

(c) REQUIRED DISCLOSURE.—The Secretary or the Secretary of Health and Human Services shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. _13. APPROPRIATE CONDITIONS FOR DETENTION OF UNACCOMPANIED ALIEN CHILDREN.

(a) STANDARDS FOR PLACEMENT.—

(1) ORDER OF PREFERENCE.—An unaccompanied alien child who is not released pursuant to section 12(a)(1) shall be placed in the least restrictive setting possible in the following order of preference:

(A) Licensed family foster home.

(B) Small group home.

(C) Juvenile shelter.

(D) Residential treatment center.

(E) Secure detention.

(2) PROHIBITION OF DETENTION IN CERTAIN FACILITIES.—Except as provided under paragraph (3), an unaccompanied alien child shall not be placed in an adult detention facility or a facility housing delinquent children.

(3) DETENTION IN APPROPRIATE FACILITIES.—An unaccompanied alien child who has exhibited violent or criminal behavior that endangers others may be detained in conditions appropriate to such behavior in a facility appropriate for delinquent children.

(4) STATE LICENSURE.—A child shall not be placed with an entity described in section 12(a)(1)(E), unless the entity is licensed by an appropriate State agency to provide residential, group, child welfare, or foster care services for dependent children.

(5) CONDITIONS OF DETENTION.—

(A) IN GENERAL.—The Director and the Secretary shall promulgate regulations incorporating standards for conditions of detention in placements described in paragraph (1) that provide for—

(i) educational services appropriate to the child;

(ii) medical care;

(iii) mental health care, including treatment of trauma, physical and sexual violence, and abuse;

(iv) access to telephones;

(v) access to legal services;

(vi) access to interpreters;

(vii) supervision by professionals trained in the care of children, taking into account the special cultural, linguistic, and experiential needs of children in immigration proceedings;

(viii) recreational programs and activities;

(ix) spiritual and religious needs; and

(x) dietary needs.

(B) NOTIFICATION OF CHILDREN.—Regulations promulgated under subparagraph (A) shall provide that all children in such placements are notified of such standards orally and in writing in the child's native language.

(b) PROHIBITION OF CERTAIN PRACTICES.—The Director and the Secretary shall develop procedures prohibiting the unreasonable use of—

(1) shackling, handcuffing, or other restraints on children;

(2) solitary confinement; or

(3) pat or strip searches.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede procedures favoring release of children to appropriate adults or entities or placement in the least secure setting possible, as described in paragraph 23 of the Stipulated Settlement Agreement under Flores v. Reno.

SEC. 14. REPATRIATED UNACCOMPANIED ALIEN CHILDREN.

(a) COUNTRY CONDITIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party, and to the extent practicable, the United States Government should undertake efforts to ensure that it does not repatriate children in its custody into settings that would threaten the life and safety of such children.

(2) ASSESSMENT OF CONDITIONS.—

(A) IN GENERAL.—The Secretary of State shall include, in the annual Country Reports on Human Rights Practices, an assessment of the degree to which each country protects children from smugglers and traffickers.

(B) FACTORS FOR ASSESSMENT.—The Secretary shall consult the Country Reports on Human Rights Practices and the Trafficking in Persons Report in assessing whether to repatriate an unaccompanied alien child to a particular country.

(b) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on efforts to repatriate unaccompanied alien children.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States;

(B) a description of the type of immigration relief sought and denied to such children;

(C) a statement of the nationalities, ages, and gender of such children;

(D) a description of the procedures used to effect the removal of such children from the United States;

(E) a description of steps taken to ensure that such children were safely and humanely repatriated to their country of origin; and

(F) any information gathered in assessments of country and local conditions pursuant to subsection (a)(2).

SEC. _15. ESTABLISHING THE AGE OF AN UNACCOMPANIED ALIEN CHILD.

(a) PROCEDURES.—

(1) IN GENERAL.—The Director, in consultation with the Secretary, shall develop procedures to make a prompt determination of the age of an alien, which procedures shall be used—

(A) by the Secretary, with respect to aliens in the custody of the Department;

(B) by the Director, with respect to aliens in the custody of the Office; and

(C) by the Attorney General, with respect to aliens in the custody of the Department of Justice.

(2) EVIDENCE.—The procedures developed under paragraph (1) shall—

(A) permit the presentation of multiple forms of evidence, including testimony of the alien, to determine the age of the unaccompanied alien for purposes of placement, custody, parole, and detention; and

(B) allow the appeal of a determination to an immigration judge.

(b) PROHIBITION ON SOLE MEANS OF DETERMINING AGE.—Radiographs or the attestation of an alien may not be used as the sole means of determining age for the purposes of determining an alien's eligibility for treatment under this title or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to place the burden of proof in determining the age of an alien on the Government.

SEC. _16. EFFECTIVE DATE.

This subtitle shall take effect on the date which is 90 days after the date of the enactment of this Act.

Subtitle B—Access by Unaccompanied Alien Children to Child Advocates and Counsel

SEC. 21. CHILD ADVOCATES.

(a) ESTABLISHMENT OF CHILD ADVOCATE PROGRAM.—

(1) APPOINTMENT.—The Director may appoint a child advocate, who meets the qualifications described in paragraph (2), for an unaccompanied alien child. The Director is encouraged, if practicable, to contract with a voluntary agency for the selection of an individual to be appointed as a child advocate under this paragraph.

(2) QUALIFICATIONS OF CHILD ADVOCATE.—

(A) IN GENERAL.—A person may not serve as a child advocate unless such person—

(i) is a child welfare professional or other individual who has received training in child welfare matters;

(ii) possesses special training on the nature of problems encountered by unaccompanied alien children; and

(iii) is not an employee of the Department, the Department of Justice, or the Department of Health and Human Services.

(B) INDEPENDENCE OF CHILD ADVOCATE.—

(i) INDEPENDENCE FROM AGENCIES OF GOVERNMENT.—The child advocate shall act independently of any agency of government in making and reporting findings or making recommendations with respect to the best interests of the child. No agency shall terminate, reprimand, de-fund, intimidate, or retaliate against any person or entity appointed under paragraph (1) because of the findings and recommendations made by such person relating to any child.

(ii) PROHIBITION OF CONFLICT OF INTEREST.—No person shall serve as a child advocate for a child if such person is providing legal services to such child.

(3) DUTIES.—The child advocate of a child shall—

(A) conduct interviews with the child in a manner that is appropriate, taking into account the child's age;

(B) investigate the facts and circumstances relevant to the child's presence in the United States, including facts and circumstances—

(i) arising in the country of the child's nationality or last habitual residence; and

(ii) arising subsequent to the child's departure from such country;

(C) work with counsel to identify the child's eligibility for relief from removal or voluntary departure by sharing with counsel relevant information collected under subparagraph (B);

(D) develop recommendations on issues relative to the child's custody, detention, release, and repatriation;

(E) take reasonable steps to ensure that—

(i) the best interests of the child are promoted while the child participates in, or is subject to, proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

(ii) the child understands the nature of the legal proceedings or matters and determinations made by the court, and that all information is conveyed to the child in an age-appropriate manner;

(F) report factual findings and recommendations consistent with the child's best interests relating to the custody, detention, and release of the child during the pendency of the proceedings or matters, to the Director and the child's counsel;

(G) in any proceeding involving an alien child in which a complaint has been filed with any appropriate disciplinary authority against an attorney or representative for criminal, unethical, or unprofessional conduct in connection with the representation of the alien child, provide the immigration judge with written recommendations or testimony on any information the child advocate may have regarding the conduct of the attorney; and

(H) in any proceeding involving an alien child in which the safety of the child upon repatriation is at issue, and after the immigration judge has considered and denied all applications for relief other than voluntary departure, provide the immigration judge with written recommendations or testimony on any information the child advocate may have regarding the child's safety upon repatriation.

(4) TERMINATION OF APPOINTMENT.—The child advocate shall carry out the duties described in paragraph (3) until the earliest of the date on which—

(A) those duties are completed;

(B) the child departs from the United States;

(C) the child is granted permanent resident status in the United States;

(D) the child reaches 18 years of age; or

(E) the child is placed in the custody of a parent or legal guardian.

(5) POWERS.—The child advocate—

(A) shall have reasonable access to the child, including access while such child is being held in detention or in the care of a foster family;

(B) shall be permitted to review all records and information relating to such proceedings that are not deemed privileged or classified;

(C) may seek independent evaluations of the child;

(D) shall be notified in advance of all hearings or interviews involving the child that are held in connection with proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), and shall be given a reasonable opportunity to be present at such hearings or interviews;

(E) shall be permitted to accompany and consult with the child during any hearing or interview involving such child; and

(F) shall be provided at least 24 hours advance notice of a transfer of that child to a different placement, absent compelling and unusual circumstances warranting the transfer of such child before such notification.

(b) TRAINING.—

(1) IN GENERAL.—The Director shall provide professional training for all persons serving as child advocates under this section.

(2) TRAINING TOPICS.—The training provided under paragraph (1) shall include training in—

(A) the circumstances and conditions faced by unaccompanied alien children; and

(B) various immigration benefits for which such alien child might be eligible.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director shall establish and begin to carry out a pilot program to test the implementation of subsection (a). Any pilot program existing before the date of the enactment of this Act shall be deemed insufficient to satisfy the requirements of this subsection.

(2) PURPOSE.—The purpose of the pilot program established pursuant to paragraph (1) is to—

(A) study and assess the benefits of providing child advocates to assist unaccompanied alien children involved in immigration proceedings or matters;

(B) assess the most efficient and cost-effective means of implementing the child advocate provisions under this section; and

(C) assess the feasibility of implementing such provisions on a nationwide basis for all unaccompanied alien children in the care of the Office.

(3) SCOPE OF PROGRAM.—

(A) SELECTION OF SITE.—The Director shall select 3 sites at which to operate the pilot program established under paragraph (1).

(B) NUMBER OF CHILDREN.—Each site selected under subparagraph (A) should have not less than 25 children held in immigration custody at any given time, to the greatest extent possible.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date on which the first pilot program site is established under paragraph (1), the Director shall submit a report on the achievement of the purposes described in paragraph (2) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 22. COUNSEL.

(a) ACCESS TO COUNSEL.—

(1) IN GENERAL.—The Director shall ensure, to the greatest extent practicable, that all unaccompanied alien children in the custody of the Office or the Department, who are not described in section __11(a)(2), have competent counsel to represent them in immigration proceedings or matters.

(2) PRO BONO REPRESENTATION.—To the greatest extent practicable, the Director shall—

(A) make every effort to utilize the services of competent pro bono counsel who agree to provide representation to such children without charge; and

(B) ensure that placements made under subparagraphs (D), (E), and (F) of section __12(a)(1) are in cities in which there is a demonstrated capacity for competent pro bono representation.

(3) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—The Director shall develop the necessary mechanisms to identify and recruit entities that are available to provide legal assistance and representation under this subsection.

(4) CONTRACTING AND GRANT MAKING AUTHORITY.—

(A) IN GENERAL.—The Director shall enter into contracts with, or award grants to, nonprofit agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out the responsibilities of this title, including providing legal orientation, screening cases for referral, recruiting, training, and overseeing pro bono attorneys.

(B) SUBCONTRACTING.—Nonprofit agencies may enter into subcontracts with, or award grants to, private voluntary agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out this subsection.

(C) CONSIDERATIONS REGARDING GRANTS AND CONTRACTS.—In awarding grants and entering into contracts with agencies under this paragraph, the Director shall take into consideration the capacity of the agencies in question to properly administer the services covered by such grants or contracts without an undue conflict of interest.

(5) MODEL GUIDELINES ON LEGAL REPRESENTATION OF CHILDREN.—

(A) DEVELOPMENT OF GUIDELINES.—The Director of the Executive Office for Immigration Review of the Department of Justice, in consultation with voluntary agencies and national experts, shall develop model guidelines for the legal representation of alien children in immigration proceedings. Such guidelines shall be based on the children's asylum guidelines, the American Bar Association Model Rules of Professional Conduct, and other relevant domestic or international sources.

(B) PURPOSE OF GUIDELINES.—The guidelines developed under subparagraph (A) shall be designed to help protect each child from any individual suspected of involvement in any criminal, harmful, or exploitative activity associated with the smuggling or trafficking of children, while ensuring the fairness of the removal proceeding in which the child is involved.

(C) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Director of the Executive Office for Immigration Review shall—

(i) adopt the guidelines developed under subparagraph (A); and

(ii) submit the guidelines for adoption by national, State, and local bar associations.

(b) DUTIES.—Counsel under this section shall—

(1) represent the unaccompanied alien child in all proceedings and matters relating to the immigration status of the child or other actions involving the Department;

(2) appear in person for all individual merits hearings before the Executive Office for Immigration Review and interviews involving the Department; and

(3) owe the same duties of undivided loyalty, confidentiality, and competent representation to the child as is due to an adult client.

(c) ACCESS TO CHILD.—

(1) IN GENERAL.—Counsel under this section shall have reasonable access to the unaccompanied alien child, including access while the child is—

(A) held in detention;

(B) in the care of a foster family; or

(C) in any other setting that has been determined by the Office.

(2) RESTRICTION ON TRANSFERS.—Absent compelling and unusual circumstances, a child who is represented by counsel may not be transferred from the child's placement to another placement unless advance notice of at least 24 hours is made to counsel of such transfer.

(d) NOTICE TO COUNSEL DURING IMMIGRATION PROCEEDINGS.—

(1) IN GENERAL.—Except when otherwise required in an emergency situation involving the physical safety of the child, counsel shall be given prompt and adequate notice of all immigration matters affecting or involving an unaccompanied alien child, including adjudications, proceedings, and processing, before such actions are taken.

(2) OPPORTUNITY TO CONSULT WITH COUNSEL.—An unaccompanied alien child in the custody of the Office may not give consent to any immigration action, including consenting to voluntary departure, unless first afforded an opportunity to consult with counsel.

(e) ACCESS TO RECOMMENDATIONS OF CHILD ADVOCATE.—Counsel shall be given an opportunity to review the recommendations of the child advocate affecting or involving a client who is an unaccompanied alien child.

(f) COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN.—Nothing in this title may be construed to require the Government of the United States to pay for counsel to any unaccompanied alien child.

SEC. 23. EFFECTIVE DATE; APPLICABILITY.

(a) EFFECTIVE DATE.—This subtitle shall take effect on the date which is 180 days after the date of the enactment of this Act.

(b) APPLICABILITY.—The provisions of this subtitle shall apply to all unaccompanied alien children in Federal custody before, on, or after the effective date of this subtitle.

Subtitle C—Strengthening Policies for Permanent Protection of Alien Children

SEC. _31. SPECIAL IMMIGRANT JUVENILE CLASSIFICATION.

(a) J CLASSIFICATION.—

(1) IN GENERAL.—Section 101(a)(27)(J) (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

"(J) an immigrant, who is 18 years of age or younger on the date of application for classification as a special immigrant and present in the United States—

"(i) who, by a court order supported by written findings of fact, which shall be binding on the Secretary of Homeland Security for purposes of adjudications under this subparagraph—

"(I) was declared dependent on a juvenile court located in the United States or has been legally committed to, or placed under the custody of, a department or agency of a State, or an individual or entity appointed by a State or juvenile court located in the United States; and

"(II) should not be reunified with his or her parents due to abuse, neglect, abandonment, or a similar basis found under State law;

"(ii) for whom it has been determined by written findings of fact in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

"(iii) with respect to a child in Federal custody, for whom the Office of Refugee Resettlement of the Department of Health and Human Services has certified to the Director of U.S. Citizenship and Immigration Services that the classification of an alien as a special immigrant under this subparagraph has not been made solely to provide an immigration benefit to that alien.".

(2) Rule of construction.—Nothing in section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by paragraph (1), shall be construed to grant, to any natural parent or prior adoptive parent of any alien provided special immigrant status under such subparagraph, by virtue of such parentage, any right, privilege, or status under such Act.

(b) Adjustment of Status.—Section 245(h)(2)(A) (8 U.S.C. 1255(h)(2)(A)) is amended to read as follows:

"(A) paragraphs (4), (5)(A), (6)(A), (7)(A), 9(B), and 9(C)(i)(I) of section 212(a) shall not apply; and".

(c) Eligibility for Assistance.—

(1) In general.—A child who has been certified under section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by subsection (a)(1), and who was in the custody of the Office at the time a dependency order was granted for such child, shall be eligible for placement and services under section 412(d) of such Act (8 U.S.C. 1522(d)) until the earlier of—

(A) the date on which the child reaches the age designated in section 412(d)(2)(B) of such Act (8 U.S.C. 1522(d)(2)(B)); or

(B) the date on which the child is placed in a permanent adoptive home.

(2) State reimbursement.—If foster care funds are expended on behalf of a child who is not described in paragraph (1) and has been granted relief under section 101(a)(27)(J) of the Immigration and Nationality Act, the Federal Government shall reimburse the State in which the child resides for such expenditures by the State.

(d) Transition Rule.—Notwithstanding any other provision of law, a child described in section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by subsection (a)(1), may not be denied such special immigrant juvenile classification after the date of the enactment of this Act based on age if the child—

(1) filed an application for special immigrant juvenile classification before the date of the enactment of this Act and was 21 years of age or younger on the date such application was filed; or

(2) was younger than 21 years of age on the date on which the child applied for classification as a special immigrant juvenile and can demonstrate exceptional circumstances warranting relief.

(e) Rulemaking.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall promulgate rules to carry out this section.

(f) Effective Date.—The amendments made by this section shall apply to all aliens who were in the United States before, on, or after the date of the enactment of this Act.

SEC. _32. TRAINING FOR OFFICIALS AND CERTAIN PRIVATE PARTIES WHO COME INTO CONTACT WITH UNACCOMPANIED ALIEN CHILDREN.

(a) Training of State and Local Officials and Certain Private Parties.—

(1) In general.—The Secretary of Health and Human Services, acting jointly with the Secretary, shall provide appropriate training materials, and upon request, direct training, to State and county officials, child welfare specialists, teachers, public counsel, and juvenile judges who come into contact with unaccompanied alien children.

(2) Curriculum.—The training required under paragraph (1) shall include education on the processes pertaining to unaccompanied alien children with pending immigration status and on the forms of relief potentially available. The Director shall establish a core curriculum that can be incorporated into education, training, or orientation modules or formats that are currently used by these professionals.

(3) Video conferencing.—Direct training requested under paragraph (1) may be conducted through video conferencing.

(b) Training of Department Personnel.—The Secretary, acting jointly with the Secretary of Health and Human Services, shall provide specialized training to all personnel of the Department who come into contact with unaccompanied alien children. Training for agents of the Border Patrol and immigration inspectors shall include specific training on identifying—

(1) children at the international borders of the United States or at United States ports of entry who have been victimized by smugglers or traffickers; and

(2) children for whom asylum or special immigrant relief may be appropriate, including children described in section 11(a)(2)(A).

SEC. _33. REPORT.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains, for the most recently concluded fiscal year—

(1) data related to the implementation of section 462 of the Homeland Security Act (6 U.S.C. 279);

(2) data regarding the care and placement of children under this title;

(3) data regarding the provision of child advocate and counsel services under this title; and

(4) any other information that the Director or the Secretary of Health and Human Services determines to be appropriate.

Subtitle D—Children Refugee and Asylum Seekers

SEC. _41. GUIDELINES FOR CHILDREN'S ASYLUM CLAIMS.

(a) Sense of Congress.—Congress—

(1) commends the former Immigration and Naturalization Service for its "Guidelines for Children's Asylum Claims", issued in December 1998;

(2) encourages and supports the Department to implement such guidelines to facilitate the handling of children's affirmative asylum claims;

(3) commends the Executive Office for Immigration Review of the Department of Justice for its "Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children", issued in September 2004;

(4) encourages and supports the continued implementation of such guidelines by the Executive Office for Immigration Review in its handling of children's asylum claims before immigration judges; and

(5) understands that the guidelines described in paragraph (3)—

(A) do not specifically address the issue of asylum claims; and

(B) address the broader issue of unaccompanied alien children.

(b) Training.—

(1) Immigration officers.—The Secretary shall provide periodic comprehensive training under the "Guidelines for Children's Asylum Claims" to asylum officers and immigration officers who have contact with children in order to familiarize and sensitize such officers to the needs of children asylum seekers.

(2) Immigration judges.—The Director of the Executive Office for Immigration Review shall—

(A) provide periodic comprehensive training under the "Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children" and the "Guidelines for Children's Asylum Claims" to immigration judges and members of the Board of Immigration Appeals; and

(B) redistribute the "Guidelines for Children's Asylum Claims" to all immigration courts as part of its training of immigration judges.

(3) Use of voluntary agencies.—Voluntary agencies shall be allowed to assist in the training described in this subsection.

(c) Statistics and Reporting.—

(1) Statistics.—

(A) Department of justice.—The Attorney General shall compile and maintain statistics on the number of cases in immigration court involving unaccompanied alien children, which shall include, with respect to each such child, information about—

(i) the age;

(ii) the gender;

(iii) the country of nationality;

(iv) representation by counsel;

(v) the relief sought; and

(vi) the outcome of such cases.

(B) Department of homeland security.—The Secretary shall compile and maintain statistics on the instances of unaccompanied alien children in the custody of the Department, which shall include, with respect to each such child, information about—

(i) the age;

(ii) the gender;

(iii) the country of nationality; and

(iv) the length of detention.

(2) Reports to congress.—Not later than 90 days after the date of the enactment of this Act, and annually, thereafter, the Attorney General, in consultation with the Secretary, Secretary of Health and Human Services, and any other necessary government official, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary House of Representatives on the number of alien children in Federal custody during the most recently concluded fiscal year. Information contained in the report, with respect to such children, shall be categorized by—

(A) age;

(B) gender;

(C) country of nationality;

(D) length of time in custody;

(E) the department or agency with custody; and

(F) treatment as an unaccompanied alien child.

SEC. 42. UNACCOMPANIED REFUGEE CHILDREN.

(a) Identifying Unaccompanied Refugee Children.—Section 207(e) (8 U.S.C. 1157(e)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) An analysis of the worldwide situation faced by unaccompanied refugee children, categorized by region, which shall include an assessment of—

"(A) the number of unaccompanied refugee children;

"(B) the capacity of the Department of State to identify such refugees;

"(C) the capacity of the international community to care for and protect such refugees;

"(D) the capacity of the voluntary agency community to resettle such refugees in the United States;

"(E) the degree to which the United States plans to resettle such refugees in the United States in the following fiscal year; and

"(F) the fate that will befall such unaccompanied refugee children for whom resettlement in the United States is not possible.".

(b) TRAINING ON THE NEEDS OF UNACCOMPANIED REFUGEE CHILDREN.—Section 207(f)(2) (8 U.S.C. 1157(f)(2)) is amended—

(1) by striking "and" after "countries,"; and

(2) by inserting ", and instruction on the needs of unaccompanied refugee children" before the period at the end.

SEC. _43. EXCEPTIONS FOR UNACCOMPANIED ALIEN CHILDREN IN ASYLUM AND REFUGEE-LIKE CIRCUMSTANCES.

(a) PLACEMENT IN REMOVAL PROCEEDINGS.—Any unaccompanied alien child apprehended by the Department, except for an unaccompanied alien child subject to exceptions under paragraph (1)(A) or (2) of section _11(a), shall be placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(b) EXCEPTION FROM TIME LIMIT FOR FILING ASYLUM APPLICATION.—Section 208 (8 U.S.C. 1158(a)(2)) is amended—

(1) in subsection (a)(2), by adding at the end the following:

"(E) APPLICABILITY.—Subparagraphs (A) and (B) shall not apply to an unaccompanied alien child."; and

(2) in subsection (b)(3), by adding at the end the following:

"(C) INITIAL JURISDICTION.—United States Citizenship and Immigration Services shall have initial jurisdiction over any asylum application filed by an unaccompanied alien child.".

Subtitle E—Amendments to the Homeland Security Act of 2002

SEC. 51. ADDITIONAL RESPONSIBILITIES AND POWERS OF THE OFFICE OF REFUGEE RESETTLEMENT WITH RESPECT TO UNACCOMPANIED ALIEN CHILDREN.

(a) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR.—Section 462(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)) is amended—

(1) in subparagraph (K), by striking "and" at the end;

(2) in subparagraph (L), by striking the period at the end and inserting ", including regular follow-up visits to such facilities, placements, and other entities, to assess the continued suitability of such placements; and"; and

(3) by adding at the end the following:

"(M) ensuring minimum standards of care for all unaccompanied alien children—

"(i) for whom detention is necessary; and

"(ii) who reside in settings that are alternative to detention.".

(b) ADDITIONAL AUTHORITY OF THE DIRECTOR.—Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)) is amended by adding at the end the following:

"(4) AUTHORITY.—In carrying out the duties under paragraph (3), the Director may—

"(A) contract with service providers to perform the services described in sections 12, _13, _21, and _22 of the Unaccompanied Alien Child Protection Act of 2007; and

"(B) compel compliance with the terms and conditions set forth in section 13 of such Act, by—

"(i) declaring providers to be in breach and seek damages for noncompliance;

"(ii) terminating the contracts of providers that are not in compliance with such conditions; or

"(iii) reassigning any unaccompanied alien child to a similar facility that is in compliance with such section.".

SEC. 52. TECHNICAL CORRECTIONS.

Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)), as amended by section 51, is further amended—

(1) in paragraph (3), by striking "paragraph (1)(G)" and inserting "paragraph (1)"; and

(2) by adding at the end the following:

"(5) RULE OF CONSTRUCTION.—Nothing in paragraph (2)(B) may be construed to require that a bond be posted for unaccompanied alien children who are released to a qualified sponsor.".

SEC. 53. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect as if included in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

Subtitle F—Prison Sexual Abuse Prevention

SEC. _61. SHORT TITLE.

This subtitle may be cited as the "Prison Sexual Abuse Prevention Act of 2007".

SEC. _62. SEXUAL ABUSE.

Sections 2241, 2242, 2243, and 2244 of title 18, United States Code, are each amended by striking "the Attorney General" each place that term appears and inserting "the head of any Federal department or agency".

Subtitle G—Authorization of Appropriations

SEC. _71. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department, the Department of Justice, and the Department of Health and Human Services, such sums as may be necessary to carry out—

(1) the provisions of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279); and

(2) the provisions of this title.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

SA 1147. Mr. LEAHY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 849, to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6 and insert the following:

SEC. 6. TIME LIMITS FOR AGENCIES TO ACT ON REQUESTS.

(a) TIME LIMITS.—

(1) IN GENERAL.—Section 552(a)(6)(A)(i) of title 5, United States Code, is amended by striking "determine within 20 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request" and inserting "within the 20-day period commencing on the date on which the request is first received by the agency (excepting Saturdays, Sundays, and legal public holidays), which shall not be tolled without the consent of the party filing the request, determine".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act.

(b) APPLICABILITY OF AGENCY FEES.—

(1) LIMITATION.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end the following:

"(viii) An agency shall refund any fees collected under this subparagraph if the agency fails to comply with any time limit that applies under paragraph (6). Such refunds shall be paid from annual appropriations provided to that agency.".

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act and shall apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SA 1148. Mrs. MCCASKILL (for herself and Mr. DODD) submitted an amendment intended to be proposed by her to the bill S. 1348, to promote for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 123, strike line 5 and all that follows through page 124, line 6, and insert the following:

"(1) EMPLOYERS.—Whenever an employer who does not hold Federal contracts, grants, or cooperative agreements is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. The Secretary or the Attorney General shall advise the Administrator of General Services of any such debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for the period of the debarment.

"(2) CONTRACTORS AND RECIPIENTS.—Whenever an employer who holds Federal contracts, grants, or cooperative agreements is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. Prior to debarring the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies holding contracts, grants, or cooperative agreements with the employer of the proceedings to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not less than 5 years.".

SA 1149. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1348, to promote for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 281, between lines 40 and 41, insert the following:

(vi) MISDEMEANOR OFFENSE.—The alien shall admit to a misdemeanor offense for being in the United States illegally, and such offense shall be punishable by at least 416 hours of community service.

SA 1150. Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) proposed an amendment to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

(The amendment will be printed in a future edition of the RECORD.)

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the- floor markup during the session of the Senate on Monday, May 21, 2007, at 5:30 p.m., in S–216 of the Capitol, to consider pending committee business.

Agenda

Nomination

Howard C. Weizmann to be Deputy Director, Office of Personnel Management.

Post Office naming bills

(1) S. 1352, a bill to designate the facility of the U.S. Postal Service located at 127 East Locust Street In Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building";

(2) H.R. 1402, a bill to designate the facility of the U.S. Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the "Sergeant Dennis J. Flanagan Lecanto Post Office Building";

(3) H.R. 625, a bill to designate the facility of the U.S. Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the "Atanacio Haro-Marin Post Office";

(4) H.R. 988, a bill to designate the facility of the U.S. Postal Service located at 5757 Tilton Avenue in Riverside, California, as the "Lieutenant Todd Jason Bryant Post Office";

(5) H.R. 437, a bill to designate the facility of the U.S. Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the "Lino Perez Jr. Post Office";

(6) H.R. 414, a bill to designate the facility of the U.S. Postal Service located at 60 Calle McKinley West in Mayaguez, Puerto Rico, as the "Miguel Angel Garcia Mendez Post Office Building."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Madam President, I ask unanimous consent that Ellen Gallagher, a detailee to my staff from the Department of Homeland Security, be given floor privileges for the duration of debate on the comprehensive immigration reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

POSTHUMOUSLY AWARDING A CONGRESSIONAL GOLD MEDAL TO CONSTANTINO BRUMIDI

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 150, S. 254.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 254) to award posthumously a Congressional gold medal to Constantino Brumidi.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment on page 5, line 13 to strike "Unites" and insert in lieu thereof "United".

Mr. REID. Madam President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

The committee amendment was agreed to.

The bill (S. 254), as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL DAY OF THE AMERICAN COWBOY

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to Calendar No. 153, S. Res. 130.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 130) designating July 28, 2007, as the "National Day of the American Cowboy."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res 130) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 130

Whereas pioneering men and women, recognized as cowboys, helped establish the American West;

Whereas that cowboy spirit continues to infuse the Nation with its solid character, sound family values, and good common sense;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy loves, lives off of, and depends on the land and its creatures, and is an excellent steward, protecting and enhancing the environment;

Whereas the cowboy continues to play a significant role in the culture and economy of the United States;

Whereas approximately 800,000 ranchers in all 50 States are conducting business and contributing to the economic well-being of nearly every county in the Nation;

Whereas rodeo is the sixth most-watched sport in the United States;

Whereas membership in rodeo and other organizations encompassing the livelihood of a cowboy transcends race and sex and spans every generation;

Whereas the cowboy is an American icon;

Whereas to recognize the American cowboy is to acknowledge the ongoing commitment of the United States to an esteemed and enduring code of conduct; and

Whereas the ongoing contributions made by cowboys to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 28, 2007, as "National Day of the American Cowboy"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is closed.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007—Continued

AMENDMENT NO. 1150

Mr. REID. Madam President, on behalf of Senators KENNEDY and SPECTER, I call up an amendment that is now at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KENNEDY, for himself, and Mr. SPECTER, proposes an amendment numbered 1150.

Mr. REID. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment will be printed in a future edition of the RECORD.)

ORDERS FOR TUESDAY, MAY 22, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until Tuesday at 10 a.m.; that on Tuesday, May 22, following the prayer and pledge, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled, with the Republicans controlling the first half and the majority controlling the final half; that at the close of morning business, the Senate resume consideration of S. 1348, the immigration bill, and Senator SESSIONS be recognized to speak until 12:30 p.m., at which time the Senate stand in recess until 2:15 p.m. in order to accommodate the respective party conference meetings; that at 2:15 p.m., if Senator SESSIONS has not concluded his remarks, he then be recognized to conclude those remarks, with no amendments in order during the time of his remarks. He will complete his remarks to the extent of 2 hours for tomorrow. Under the order we previously entered, he has 2 hours tomorrow. So at 2:15, whatever time he didn't use prior to 12:30, he would have that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, I ask unanimous consent that the Senate now stand in adjournment.

There being no objection, the Senate, at 8:14 p.m., adjourned until Tuesday, May 22, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 21, 2007:

DEPARTMENT OF ENERGY

THOMAS P. D'AGOSTINO, OF MARYLAND, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY, VICE LINTON F. BROOKS, RESIGNED.

DEPARTMENT OF STATE

ERIC G. JOHN, OF INDIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHARLES W. GRIM, OF OKLAHOMA, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR THE TERM OF FOUR YEARS. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

JASON D. RIMINGTON, 8958

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

JEFFERY J. RASNAKE, 8595

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD P. ZAHNER, 3707

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOSEPH MAGUIRE, 0399

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KENNETH C. SIMPKISS, 9979

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ANTHONY G. HOFFMAN, 0134
PATRICIA L. WOOD, 5108

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROY V. MCCARTY, 7509
PETER C. VANAMBURGH, 6225
HUNG Q. VU, 0733

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

To be major

ERIC M. ARBOGAST, 1523
DAVID A. BECKER, 9232
MEREDITH E. BROWN, 2600
MICHAEL R. BUNTING, 5707
LOUIS D. CAPORALE, JR., 4637
ANDREW J. FOREMAN, 6507
CHRISTOPHER W. HAMPTON, 8585
MATTHEW J. LANDRY, 7606
CHRISTOPHER B. LOGAN, 3674
PATRICK W. MCCUEN, 2128
WILLIAM G. MITCHELL, 4348
KEITH A. PARRY, 7959
MICHAEL J. PEITZ, 8077
JAMES L. WETZEL IV, 2759

HOUSE OF REPRESENTATIVES—*Monday, May 21, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. SALAZAR of Colorado).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 21, 2007.

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. ROYBAL-ALLARD) for 5 minutes.

SAFE ACT RE-INTRODUCTION

Ms. ROYBAL-ALLARD. Mr. Speaker, to help address domestic violence in our country, I rise to announce the reintroduction of the Security and Financial Empowerment Act, or as it is better known, the SAFE Act. Domestic violence is a personal and social tragedy that negatively impacts all of our society.

On average, every day in our country, more than three women are murdered by their husband or boyfriend, and nearly one-third of American women report being physically or sexually abused by a husband or boyfriend at some point in their lives.

The physical and psychological consequences of domestic violence are exacerbated by the less obvious economic consequences. For example, one of the key reasons survivors stay in or return to an abusive environment is because they are financially dependent upon their abuser to provide for them and their children. As a result of the abuse, employed women often lose their jobs due to frequent tardiness or absenteeism or because their abuser stalks and harasses them at work.

To help break this cycle of violence, I have introduced the SAFE Act with representative TED POE.

The SAFE Act would provide employed survivors of domestic violence with greater employment protections and increased economic stability.

Specifically, the SAFE Act would enable the survivors of domestic violence to pursue legal assistance, medical care and meet other immediate needs associated with violence in their lives without the fear of losing their job.

If survivors of abuse are fired or forced to leave their job as a result of the abuse, the SAFE Act makes them eligible for unemployment benefits. The SAFE Act also helps employers address the negative impact of domestic violence in the workplace.

While it is true that domestic violence is a personal tragedy, it is also true that it has costly negative consequences to employers who pay an estimated $3–13 billion a year in sick leave, absenteeism and lost productivity.

The SAFE Act helps businesses save money by helping to reduce absenteeism and lost productivity and by enabling businesses to retain valuable and experienced employees, thereby avoiding the high cost associated with training new staff.

In summary, the SAFE Act empowers survivors of domestic violence. It protects the bottom line of business, and it improves the quality of life of our American society.

Mr. Speaker, I thank the many advocacy groups for their support of the SAFE Act and for the work they do every day to end domestic and sexual violence in our country.

And I sincerely thank Representative POE for his cosponsorship, and I look forward to working with him and my colleagues in Congress to pass the SAFE Act and empower women against the violence in their life.

FOOD STAMP CHALLENGE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized during morning-hour debate for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, today is my final day on the Food Stamp Challenge, an initiative where public officials eat for 1 week on a food stamp budget, $21 for the week. That is $3 a day, or $1 per meal. This amount reflects the national average of the food stamp benefit.

Mr. Speaker, the purpose of the Food Stamp Challenge is to raise awareness of the crucial role the food stamp program serves in the lives of 26 million Americans each month, including over 450,000 in my State of Massachusetts.

Three of my esteemed colleagues, Representatives JO ANN EMERSON, JAN SCHAKOWSKY and TIM RYAN, joined me in taking the challenge over the past week. And although we may be less energetic and perhaps crankier than when we started the challenge nearly a week ago, each of us has learned a great deal.

Certainly my wife, Lisa, and I have gained valuable insights from our experience on a very tight budget. We have much more sympathy over how the lack of energy and the hard choices of how to stretch the budget and put food on the table might also stretch one's patience and stress a marriage. We can imagine the worry and pain of parents if we had to feed our children on this kind of budget.

These are just a few of our reflections over the past week. Yet truly our most valuable lesson came from the scores of individuals who reached out to us to share their personal experiences struggling to put food on the table for their families. Whether they posted comments on our blog or called my office and spoke with my staff, these individuals taught Lisa and me about how hardworking Americans manage to provide for themselves and their families in spite of inadequate food stamp benefit levels.

They talked about having to make tough trade-offs between paying utility bills, buying clothes for their children, addressing medical needs and purchasing food. They also described the trade-off between eating to be healthy or eating to be full. These kinds of trade-offs are unfair and unacceptable.

Mr. Speaker, America can and should do more for low-income individuals and families working hard to survive each and every day. One way we can do that is through the Feeding America's Families Act, a bill that I introduced earlier this month with my colleague, Congresswoman JO ANN EMERSON.

The Feeding America's Families Act would strengthen the food stamp program to better meet the needs of low-income Americans. It raises the minimum benefit from $10 a month—an amount that has not increased since the 1970s—to about $30 a month. It also indexes current benefit levels to the rate of inflation, ensuring that the purchasing power of food stamps remains constant.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Furthermore, because access to the food stamp program should be the right of every lawfully residing person in this country, the bill restores eligibility to all legal immigrants, a provision that was removed in 1996.

On Sunday, May 13, Mother's Day, the New York Times editorial stated that "bolstering food stamps must be Congress's top priority in this year's farm bill." Well, I could not agree more. My week on the Food Stamp Challenge has not only strengthened my conviction, I encourage all of my colleagues to cosponsor H.R. 2129, Feeding America's Families Act, and other legislative efforts to bolster and improve our Federal hunger and nutrition programs.

The cliche tells us that where there's a will there's a way. But in this case, there is a very clear way. The question is, do we have the political will? I believe we do.

EVA R. BACA

The SPEAKER pro tempore (Mr. McGOVERN). Pursuant to the order of the House of January 4, 2007, the gentleman from Colorado (Mr. SALAZAR) is recognized during morning-hour debate for 5 minutes.

Mr. SALAZAR. Mr. Speaker, this morning as we stand here in our Nation's Capitol, family and friends in Colorado are gathered together to celebrate the life of a truly great American, a wonderful human being. The child of Mexican immigrants, Eva Baca was born on January 1, 1929 in Pueblo, Colorado. She graduated from Pueblo Central High School and attended Colorado State College. Ms. Baca, as a member of the first graduating class in 1965. As a widowed mother of two, she balanced motherhood and her studies while attending Adams State College, receiving her master's in education in 1968.

Upon graduation, Ms. Baca taught at Lakeview and Hellbeck Elementary Schools. She went on to get her principal's certificate, and in 1972 she took her first administrative position at the new Eastwood Heights Elementary School. There she instituted new reading programs for children from low-income families.

Eva Baca was a strong advocate for the community in which she lived and worked to provide opportunities and increased accessibility to Pueblo's isolated, east side neighborhood. In 1983, Eva Baca was named director of Title I programs for Pueblo School District No. 60, a position she held for a decade until her retirement. Eva Baca has been recognized throughout Colorado and across the country with various honors and awards. Everyone who had the privilege of knowing her has a wonderful story to tell.

Most recently, she received the lifetime achievement award by the Pueblo Latino Chamber of Commerce for her outstanding educational leadership and contributions to the lives of countless children in her community.

On Thursday, Eva Baca passed away in Pueblo. She was a loving mother to Joyce and Robert Anderson, and Gilbert Baca; a cherished grandmother to Karl, Megan, Lindsey and Nick. She was a fearless educator and dear friend.

In 1993, Eastwood Heights Elementary School, the school that she gave so many years of her life, was renamed in her honor. Today, 250 children attend Eva R. Baca Elementary School, a living tribute to a woman who spent her life focused on those around her.

John Lubbock wrote, "The important thing is not so much that every child should be taught, as that every child should be given the wish to learn."

For the countless children that Eva Baca has given the wish to learn, we thank her.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 44 minutes a.m.), the House stood in recess until noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CLEAVER) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

On this day, May 21, 1944, Judge Learned Hand gave a speech at "I Am an American Day" in Central Park, New York. In it he expressed his faith in You, O Lord, and Your designs for this country. He said, "Liberty lies in the hearts of men and women; when it dies, there is no constitution, no law, no court can even do much to help it. While it lies there it needs no constitution, no law, no court to save it.

"What then is the spirit of liberty?" he asked rhetorically in 1944.

"I cannot define it," he said.

"I can only tell you my own faith. The spirit of liberty is the spirit which is not too sure that it is right . . . "

But he went on: "In the spirit of that America for which our young men and women are at this moment fighting and dying; in that spirit of liberty and of America, I ask you to rise with me and pledge our faith in the glorious destiny of our beloved country."

Lord, to this kind of act of faith we add our own prayer and hope today and say: "Amen."

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HONORING CAPTAIN LARRY BAUGUESS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to honor the incredible sacrifice, patriotism and valor of the life of Captain Larry Bauguess of Moravian Falls, North Carolina. Captain Bauguess, an officer in the 82nd Airborne, fell in the line of duty last week as he left a meeting on the Pakistan and Afghanistan border and came under enemy fire. He was a man of true courage and principle who served our Nation with distinction with the United States Army since 1993.

He was a man who not only knew the value of liberty but also cherished his family, never taking their love or respect for granted. He will be remembered as a paratrooper of great valor, impeccable honor and tremendous faith, a father who gave his children an unblemished legacy, a husband of unflagging commitment, a son who evoked the greatest pride.

Captain Bauguess is survived by his wife, Wesley, and two daughters, Ryann and Ellie. His absence leaves a hole in the Bauguess family, the 82nd Airborne and in his community.

I am confident that he will long be remembered as a man who knew the meaning of sacrifice and the call of duty to family and country.

Mr. Speaker, my thoughts and my prayers are with Captain Bauguess' wife, daughters and extended family. May they sense God's comforting presence during this trying time. Our Nation is blessed to call him an honored son. We pledge our commitment to the family he left behind, and we mourn his passing.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 18, 2007.
Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 18, 2007, at 3:10 p.m. and said to contain a message from the President whereby he notifies the Congress he has extended the national emergency with respect to the Development Fund for Iraq.

With best wishes, I am
Sincerely,
LORRAINE C. MILLER,
Clerk of the House.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE DEVELOPMENT FUND FOR IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–36)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication. This notice states that the national emergency declared in Executive Order 13303 of May 22, 2003, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, and Executive Order 13364 of November 29, 2004, is to continue in effect beyond May 22, 2007.

The threats of attachment or other judicial process against (i) the Development Fund for Iraq, (ii) Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, and interests therein, or (iii) any accounts, assets, investments, or any other property of any kind owned by, belonging to, or held by, on behalf of, or otherwise for the Central Bank of Iraq obstruct the orderly reconstruction of Iraq. These threats also impede the restoration and maintenance of peace and security and the development of political, administrative, and economic institutions in Iraq. These threats continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency protecting the Development Fund for Iraq, certain other property in which Iraq has an interest, and the Central Bank of Iraq and maintain in force the measures to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 18, 2007.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3 p.m. today.

Accordingly (at 12 o'clock and 8 minutes p.m.), the House stood in recess until approximately 3 p.m.

☐ 1502

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 3 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

INDUSTRIAL BANK HOLDING COMPANY ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 698) to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Industrial Bank Holding Company Act of 2007".

SEC. 2. INDUSTRIAL BANK HOLDING COMPANY REGULATION.

(a) DEFINITIONS.—

(1) INDUSTRIAL BANK.—Section 3(a) of the Federal Deposit Insurance Act (12 U.S.C. 1813(a)) is amended by adding at the end the following new paragraph:

"(4) INDUSTRIAL BANK.—The term 'industrial bank' means any insured State bank that is an industrial bank, industrial loan company, or other institution that is excluded, pursuant to section 2(c)(2)(H) of the Bank Holding Company Act of 1956, from the definition of the term 'bank' for purposes of such Act.".

(2) INDUSTRIAL BANK HOLDING COMPANY.—Section 3(w) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)) is amended by adding at the end the following new paragraphs:

"(8) INDUSTRIAL BANK HOLDING COMPANY.—The term 'industrial bank holding company' means any company that—

"(A) controls (as determined by the Corporation pursuant to section 2(a) of the Bank Holding Company Act of 1956), directly or indirectly, any industrial bank; and

"(B) is not—

"(i) 1 or more of the following: a bank holding company, a savings and loan holding company, a company that is subject to the Bank Holding Company Act of 1956 pursuant to section 8(a) of the International Banking Act of 1978, or a holding company regulated by the Securities and Exchange Commission pursuant to section 240.15c3-1(a)(7) of title 17 of the Code of Federal Regulations (as in effect on January 29, 2007); or

"(ii) controlled by a company described in clause (i).

"(9) CAPITAL TERMS RELATING TO INDUSTRIAL BANK HOLDING COMPANIES.—

"(A) ADEQUATELY CAPITALIZED.—With respect to an industrial bank holding company, the term 'adequately capitalized' means a level of capitalization which meets or exceeds all applicable Federal regulatory capital standards.

"(B) WELL CAPITALIZED.—With respect to an industrial bank holding company, the term 'well capitalized' means a level of capitalization which meets or exceeds the required capital levels for well capitalized industrial bank holding companies established by the Corporation.".

(3) TECHNICAL AND CONFORMING AMENDMENTS TO OTHER DEFINITIONS.—

(A) APPROPRIATE FEDERAL BANKING AGENCY.—Section 3(q)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)(3)) is amended—

(i) by striking "or a foreign" and inserting ", any foreign"; and

(ii) by inserting ", and any industrial bank holding company and any subsidiary of an industrial bank holding company (other than a bank)" after "insured branch".

(B) DEPOSITORY INSTITUTION HOLDING COMPANY.—Section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)) is amended—

(i) by striking "or a savings" and inserting ", any savings"; and

(ii) by inserting ", and any industrial bank holding company" before the period at the end.

(b) INDUSTRIAL BANK HOLDING COMPANY REGISTRATION AND OWNERSHIP.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 51. INDUSTRIAL BANK HOLDING COMPANY REGULATION.

"(a) ACQUISITION OF INDUSTRIAL BANK SHARES OR ASSETS.—Section 3 of the Bank Holding Company Act of 1956 (other than section 3(c)(3)(B) of that Act) shall apply to any company that is or would become an industrial bank holding company in the same manner as such section applies to a company that is or would become a bank holding company, except that for purposes of applying this subsection—

"(1) any reference to a 'bank holding company' in such section 3 shall be deemed to be a reference to an 'industrial bank holding company';

"(2) any reference to a 'bank' in such section 3 shall be deemed to be a reference to an 'industrial bank';

"(3) any reference to the 'Board' in such section 3 shall be deemed to be a reference to the Corporation;

"(4) any reference to the 'Bank Holding Company Act Amendments of 1970' in such section 3 shall be deemed to be a reference to the 'Industrial Bank Holding Company Act of 2007';

"(5) any reference to a 'home State' in such section 3 shall be deemed to be a reference to—

"(A) with respect to an industrial bank holding company, the State in which the total deposits of all banking subsidiaries of such company were the largest on the later of—

"(i) January 28, 2007; or

"(ii) the date on which the company becomes an industrial bank holding company under this section; and

"(B) with respect to an industrial bank, the home State of the bank as determined under section 44(g);

"(6) any reference to a 'host State' in such section 3 shall be deemed to be a reference to—

"(A) with respect to an industrial bank holding company, a State, other than the home State of the company, in which the company controls, or seeks to control, an industrial bank subsidiary; and

"(B) with respect to an industrial bank, the host State of the bank as determined under section 44(g);

"(7) any reference to an 'out-of-State bank holding company' in such section 3 shall be deemed to be a reference to, with respect to any State, an industrial bank holding company whose home State is another State; and

"(8) any reference to an 'out-of-State bank' in such section 3 shall be deemed to be a reference to, with respect to any State, an industrial bank whose home State is another State.

"(b) Application Process.—An application filed under subsection (a) to acquire control of an industrial bank shall be treated as an application for a deposit facility for purposes of this Act and any other Federal law.

"(c) Registration.—

"(1) In general.—Each industrial bank holding company shall register with the Corporation on forms prescribed by the Corporation before the end of the 180-day period beginning on the later of—

"(A) the date the company becomes an industrial bank holding company; or

"(B) the date of the enactment of the Industrial Bank Holding Company Act of 2007.

"(2) Information to be included.—Each registration submitted under paragraph (1) shall include such information, under oath, with respect to the financial condition, ownership, operations, management, and intercompany relationships of the industrial bank holding company and subsidiaries of such holding company, and other factors (including information described in subsection (d)(1)(C)), as the Corporation may determine to be appropriate to carry out the purposes of this section.

"(3) Extension of time for submitting complete information.—Upon application by an industrial bank holding company and subject to such requirements, factors, and evidence as the Corporation may require, the Corporation may extend the period described in paragraph (1) within which such company shall register and file the requisite information.

"(d) Reports and Examinations.—

"(1) Reports.—

"(A) Reports required.—Each industrial bank holding company and each subsidiary of an industrial bank holding company, other than an industrial bank, shall file with the Corporation such reports as may be required by the Corporation.

"(B) Form and manner.—Reports filed under subparagraph (A) shall be made under oath and shall be in such form and for such periods, as the Corporation may prescribe.

"(C) Information.—Each report filed under subparagraph (A) shall contain such information as the Corporation may require concerning—

"(i) the operations of the industrial bank holding company and the holding company's subsidiaries;

"(ii) the financial condition of the industrial bank holding company and such subsidiaries, together with information on systems maintained within the holding company or within any such subsidiary for monitoring and controlling financial and operating risks, and transactions with insured depository institution subsidiaries of the holding company;

"(iii) compliance by the industrial bank holding company and the holding company's subsidiaries with all applicable Federal and State law; and

"(iv) such other information as the Corporation may require.

"(D) Acceptance of existing reports.—For purposes of this paragraph, the Corporation may accept reports that an industrial bank holding company or any subsidiary of such company has provided or has been required to provide to any other Federal or State supervisor or to any appropriate self-regulatory organization.

"(2) Examinations.—

"(A) In general.—Each industrial bank holding company and each subsidiary of each such holding company (other than an industrial bank) shall be subject to such examinations by the Corporation as the Corporation may prescribe for purposes of this section.

"(B) Furnishing reports to other agencies.—Examination and other reports made or received under this section may be furnished by the Corporation to any other appropriate Federal agency or any appropriate State bank supervisor or other State financial supervisory agency.

"(C) Use of reports from other agencies.—The Corporation may use, for the purposes of this subsection, reports of examination made by any other appropriate Federal agency, any appropriate State bank supervisor, or any other State financial supervisory authority with respect to any industrial bank holding company or subsidiary of any such holding company, to the extent the Corporation may determine such use to be feasible for such purposes.

"(3) Capital.—

"(A) In general.— The Corporation may not, by regulation, guideline, order, or otherwise, prescribe or impose any capital or capital adequacy rules, guidelines, standards, or requirements on any functionally regulated affiliate (as defined in section 45) of any depository institution that is controlled by an industrial bank holding company that—

"(i) is not a depository institution; and

"(ii) is—

"(I) in compliance with the applicable capital requirements of the appropriate Federal supervisory agency of the affiliate (including the Securities and Exchange Commission or State insurance authority);

"(II) properly registered as an investment adviser under the Investment Advisers Act of 1940, or with any State; or

"(III) is licensed as an insurance agent with the appropriate State insurance authority.

"(B) Rule of construction.—Subparagraph (A) shall not be construed as preventing the Corporation from imposing capital or capital adequacy rules, guidelines, standards, or requirements with respect to—

"(i) activities of a registered investment adviser other than with respect to investment advisory activities or activities incidental to investment advisory activities; or

"(ii) activities of a licensed insurance agent other than insurance agency activities or activities incidental to insurance agency activities.

"(e) Access to Information.—

"(1) Information provided by Corporation.—Any confidential supervisory information, including examination or other reports, pertaining to an industrial bank furnished by the Corporation to any other Federal agency or any appropriate State supervisory agency shall remain confidential unless the Corporation, in writing, otherwise consents.

"(2) Deference to depository institution examinations.—Any appropriate Federal supervisory agency of a holding company of an industrial bank shall, to the fullest extent possible, forego any examination of any depository institution subsidiary of the holding company and use the reports of examinations of the institution made by the appropriate Federal banking agency and the appropriate State bank supervisor in lieu of a direct examination.

"(3) Information to be provided to Corporation.—

"(A) Request to agency.—Upon request by the Corporation, an appropriate Federal supervisory agency may provide to the Corporation information regarding the condition of an industrial bank, any holding company that controls such industrial bank, or any other affiliate of any such holding company that is necessary to assess risk to the industrial bank.

"(B) Availability from holding company directly.—Notwithstanding section 45, section 115 of the Gramm-Leach-Bliley Act, or any other provision of law (including any regulation), if the information requested under subparagraph (A) is not provided to the Corporation, and the information is necessary to assess risk to the industrial bank, the Corporation may require the holding company or affiliate referred to in such subparagraph with respect to such bank to provide such information to the Corporation.

"(4) Examinations by Corporation.—

"(A) In general.—Subject to subparagraph (B) and notwithstanding section 45, section 115 of the Gramm-Leach-Bliley Act, or any other provision of law (including any regulation), no law shall be construed as preventing the Corporation from examining an affiliate of an industrial bank pursuant to paragraph (2), (3), or (4) of section 10(b), as may be necessary to disclose fully the relationship between the industrial bank and the affiliate, and the effect of such relationship on the industrial bank, if the Corporation finds such examination necessary to determine the condition of an industrial bank.

"(B) Functionally regulated affiliates.— Before the Corporation may examine any affiliate of an industrial bank that is—

"(i) a broker, a dealer, an investment company, or an investment advisor, or "(ii) an entity that is subject to consolidated supervision by the Securities and Exchange Commission, other than a depository institution,

the Corporation shall request the Commission to provide the information that the Corporation is seeking to obtain through examination and may proceed with the examination only if the requested information is not provided by the Commission in a timely manner.

"(f) LIMITATION ON CONTROL.—

"(1) IN GENERAL.—Except as provided in paragraph (3) or (4), no industrial bank may be controlled, directly or indirectly, by a commercial firm.

"(2) COMMERCIAL FIRM DEFINED.—For purposes of this section, the term 'commercial firm' means any entity at least 15 percent of the annual gross revenues of which on a consolidated basis, including all affiliates of the entity, were derived from engaging, on an on-going basis, in activities that are not financial in nature or incidental to a financial activity during at least 3 of the prior 4 calendar quarters, as determined by the Corporation in accordance with regulations which the Corporation shall prescribe.

"(3) PRE-2003 EXCLUSIONS.—

"(A) GRANDFATHERED INSTITUTIONS.—Paragraph (1) shall not apply with respect to any industrial bank—

"(i) which became an insured depository institution before October 1, 2003, or pursuant to an application for deposit insurance which was approved by the Corporation before such date; and

"(ii) with respect to which there is no change in control, directly or indirectly, of the bank after September 30, 2003, that requires a registration under this section or an application under section 7(j) or 18(c), section 3 of the Bank Holding Company Act of 1956, or section 10 of the Home Owners' Loan Act, except a direct or indirect change of control in which—

"(I) immediately prior to such change in control neither the ultimate acquiring holding company nor the ultimate acquired holding company is a commercial firm;

"(II) immediately after such change of control the resulting ultimate holding company is not a commercial firm; and

"(III) the resulting ultimate holding company is subject to consolidated supervision by the Office of Thrift Supervision or a holding company regulated by the Securities and Exchange Commission pursuant to section 240.15c3-1(a)(7) of title 17 of the Code of Federal Regulations (as in effect on January 29, 2007).

"(B) CORPORATE REORGANIZATIONS PERMITTED.—The acquisition of direct or indirect control of the industrial bank referred to in subparagraph (A)(ii) shall not be treated as a 'change in control' for purposes of such subparagraph if—

"(i) the company acquiring control is itself directly or indirectly controlled by a company that was an affiliate of such bank on the date referred to in such subparagraph, and remains an affiliate at all times after such date; and

"(ii) the transaction through which the company acquired control of the industrial bank constituted solely a corporate reorganization of a company that controlled the industrial bank on the date referred to in such subparagraph.

"(4) PRE-2007 EXCLUSIONS.—

"(A) GRANDFATHERED COMMERCIAL FIRMS.—Paragraph (1) shall not apply to any commercial firm—

"(i) which became a holding company of an industrial bank by virtue of acquiring control of an industrial bank on or after October 1, 2003, and before January 29, 2007;

"(ii) which does not acquire control of any other depository institution after January 28, 2007;

"(iii) with respect to which there is no change in control, directly or indirectly, of any depository institution subsidiary after January 28, 2007, that requires a registration under this section or an application under section 7(j) or 18(c), section 3 of the Bank Holding Company Act of 1956, or section 10 of the Home Owners' Loan Act; and

"(iv) each industrial bank subsidiary of which remains in compliance with the limitations contained in subparagraph (B).

"(B) ACTIVITY AND BRANCHING LIMITATIONS.—An industrial bank subsidiary of a commercial firm described in clauses (i), (ii) and (iii) of subparagraph (A) is in compliance with the requirements of this subparagraph for purposes of subparagraph (A)(iv) so long as the industrial bank—

"(i) engages only in activities in which the industrial bank was engaged on January 28, 2007; and

"(ii) does not acquire, establish, or operate any branch, deposit production office, loan production office, automated teller machine, or remote service unit in any State other than the home State of the bank or any host State in which such bank operated branches on January 28, 2007.

"(C) CORPORATE REORGANIZATIONS PERMITTED.—The acquisition of direct or indirect control of a depository institution subsidiary referred to in subparagraph (A)(iii) shall not be treated as a 'change in control' for purposes of such subparagraph if—

"(i) the company acquiring control is itself directly or indirectly controlled by a company that was an affiliate of such subsidiary on the date referred to in such subparagraph, and remains an affiliate at all times after such date; and

"(ii) the transaction through which the company acquired control of the depository institution constituted solely a corporate reorganization of a company that controlled the depository institution on the date referred to in such subparagraph.

"(g) PROCEDURES AND TIMING FOR TERMINATION OF ACTIVITIES OR DIVESTITURE.—

"(1) TRANSITION PROVISION.—

"(A) IN GENERAL.—Any company that fails to comply with the provisions of subsection (f) shall divest its ownership or control of each industrial bank subsidiary of the company not later than the end of the 2-year period beginning on the first date that the company ceased to comply with subsection (f).

"(B) EXTENSION OF TIME PERIOD.—

"(i) IN GENERAL.—Upon application by a holding company that controls an industrial bank, the appropriate Federal supervisory agency of such holding company may extend the 2-year period referred to in subparagraph (A) with respect to such company for not more than 1 year if, in such agency's judgment, such an extension would not be detrimental to the public interest.

"(ii) FACTORS.—In making any decision to grant an extension under clause (i) to a holding company of an industrial bank, the appropriate Federal supervisory agent of such holding company shall consider whether—

"(I) the company has made a good faith effort to divest such interests; and

"(II) such extension is necessary to avert substantial loss to the company.

"(2) CONDITIONS BEFORE DIVESTITURE.—During the 2-year period referred to in paragraph (1)(A) with respect to any company and any extension of such period, the appropriate Federal supervisory agency may impose any conditions or restrictions on the company or any subsidiary of the company (other than a bank), including restricting or prohibiting transactions between the company or subsidiary and any depository institution subsidiary of the company, as are appropriate under the circumstances.

"(3) TERMINATION OF ACTIVITIES OR DIVESTITURE OF NONBANK SUBSIDIARIES CONSTITUTING SERIOUS RISK.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, the appropriate Federal supervisory agency may, whenever such agency has reasonable cause to believe that the continuation by a holding company of an industrial bank of any activity or of ownership or control of any nonbank subsidiary of such holding company, other than a nonbank subsidiary of a depository institution, constitutes a serious risk to the financial safety, soundness, or stability of a depository institution subsidiary of the holding company and is inconsistent with sound banking principles or with the purposes of this section, at the election of the holding company—

"(i) order such holding company or any such nonbank subsidiary, after due notice and opportunity for hearing, and after considering the views of the appropriate Federal banking agency and, if applicable, appropriate State bank supervisor, to terminate such activities or to terminate (within 120 days or such longer period as the appropriate Federal supervisory agency may direct in unusual circumstances) the ownership or control by such holding company or nonbank subsidiary of any such depository institution subsidiary either by sale or by distribution of the shares of the depository institution subsidiary, in accordance with subparagraph (B), to the shareholders of the holding company of the industrial bank; or

"(ii) order the holding company of the industrial bank, after due notice and opportunity for hearing, and after consultation with the appropriate State bank supervisor for the industrial bank, to terminate (within 120 days or such longer period as the appropriate Federal supervisory agency may direct) the ownership or control of any such industrial bank by such company.

"(B) PRO RATA DISTRIBUTION.—Any distribution to shareholders referred to in clause (i) shall be pro rata with respect to all of the shareholders of the distributing company, and such company shall not make any charge to any shareholder in connection with such distribution.

"(4) FOREIGN BANK OWNERSHIP.—

"(A) INDUSTRIAL BANKS.—After January 28, 2007, no foreign bank may acquire, directly or indirectly, control of an industrial bank unless the Board of Governors of the Federal Reserve System has determined by order, or in the case of a foreign bank that is a savings and loan holding company the Board of Governors of the Federal Reserve System and the Director of Office of Thrift Supervision have jointly determined by order, in connection with the change in control or acquisition of the industrial bank and after consultation with the Corporation, that the foreign bank is subject to comprehensive supervision or regulation on a consolidated basis by the appropriate authorities in the bank's home country in accordance with the standard in section 3(c)(3)(B) of the Bank Holding Company Act of 1956.

"(B) CONFORMING AMENDMENT.—Notwithstanding any other provision of law, after the date of enactment of the Industrial Bank Holding Company Act of 2007, the Director of the Office of Thrift Supervision shall not approve any acquisition of a savings association under section 10(e)(2) of the Home Owners' Loan Act by a foreign bank that is subject to the Bank Holding Company Act of 1956 pursuant to section 8(a) of the International Banking Act of 1978 and that is not a bank holding company unless the Director of the Office of Thrift Supervision and the Board of Governors of the Federal Reserve System have jointly determined, by order, in connection with the acquisition of the savings association that the foreign bank is subject to comprehensive supervision or regulation on a consolidated basis by the appropriate authorities in the bank's home country in accordance with the standard in section 3(c)(3)(B) of the Bank Holding Company Act of 1956.

"(5) HOLDING COMPANY RESPONSIBILITY.—

"(A) SOURCE OF STRENGTH.—Notwithstanding section 45, a holding company of an industrial bank—

"(i) shall serve as a source of financial and managerial strength to the subsidiary banks of such holding company; and

"(ii) shall not conduct the operations of the holding company in an unsafe or unsound manner.

"(B) IMPLEMENTATION.—The appropriate Federal supervisory agency of the holding company of an industrial bank shall implement the requirements under subparagraph (A).

"(h) ADMINISTRATIVE PROVISIONS.—

"(1) AGENT FOR SERVICE OF PROCESS.—The Corporation may require any industrial bank holding company, or persons connected with such holding company if it is not a corporation, to execute and file a prescribed form of irrevocable appointment of agent for service of process.

"(2) RELEASE FROM REGISTRATION.—The Corporation may at any time, upon the Corporation's own motion or upon application, release a registered industrial bank holding company from any registration previously made by such company, if the Corporation determines that such company no longer controls any industrial bank.

"(i) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) APPROPRIATE FEDERAL SUPERVISORY AGENCY.—The term 'appropriate Federal supervisory agency' means, with respect to a company that controls an industrial bank—

"(A) the Corporation, in the case of a company that is an industrial bank holding company;

"(B) the Board of Governors of the Federal Reserve System, in the case of a company that is a bank holding company or that is subject to the Bank Holding Company Act of 1956 pursuant to section 8(a) of the International Banking Act of 1978;

"(C) the Office of Thrift Supervision, in the case of a company that is a savings and loan holding company; and

"(D) the Securities and Exchange Commission, in the case of a company that is regulated by the Commission pursuant to section 240.15c3-1(a)(7) of title 17 of the Code of Federal Regulations (as in effect on January 29, 2007).

"(2) RULE OF CONSTRUCTION.—Under the definition of the term 'appropriate Federal supervisory agency' in paragraph (1), more than 1 agency may be an appropriate Federal supervisory agency with respect to any given company that controls an industrial bank.".

(c) ENFORCEMENT.—

(1) Section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)) is amended by adding at the end the following new paragraph:

"(11) INDUSTRIAL BANK HOLDING COMPANIES.—This subsection and subsections (c) through (s) and subsection (u) of this section shall apply to any industrial bank holding company, and to any subsidiary (other than a bank) of an industrial bank holding company in the same manner as such subsections apply to State nonmember insured banks.".

(2) Section 8(h)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1818(h)(2)) is amended by striking "(2) Any party to" and inserting "(2) Any party aggrieved by an order of any appropriate Federal supervisory agency under section 51 or any party to".

(3) Section 8(i) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)) is amended by striking "or 39" each place such term appears and inserting ", 39, or 51".

(d) PROMPT CORRECTIVE ACTION.—Section 38(f)(2)(H) of the Federal Deposit Insurance Act (12 U.S.C. 1831o(f)(2)(H)) is amended by—

(1) by striking "BANK HOLDING COMPANY.—Prohibiting any bank" and inserting "HOLDING COMPANY.—

"(i) BANK HOLDING COMPANY.—Prohibiting any bank"; and

(2) by adding at the end the following new clause:

"(ii) INDUSTRIAL BANK HOLDING COMPANY.—Prohibiting any industrial bank holding company having control of the insured depository institution from making any capital distribution without the prior approval of the Corporation.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 10(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1820(e)(2)) is amended by inserting "or section 51" after "subsection (b)(4)".

(2) Section 1101(6) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401(6)) is amended—

(A) in subparagraph (B), by striking "and" after the semicolon;

(B) in subparagraph (C), by inserting "and" after the semicolon; and

(C) by inserting after paragraph (C) the following new paragraph:

"(D) any industrial bank holding company (as defined in section 3(w)(8) of the Federal Deposit Insurance Act);".

(3) Section 115 of the Gramm-Leach-Bliley Act (12 U.S.C. 1820a) is amended—

(A) in subsection (a), by striking "or" after "bank holding company" and inserting ", industrial bank holding company, or";

(B) in subsection (d)—

(i) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(ii) by inserting after paragraph (4) the following new paragraph:

"(5) INDUSTRIAL BANK HOLDING COMPANY.—The term 'industrial bank holding company' has the same meaning as in section 3(w)(8) of the Federal Deposit Insurance Act.".

(4) Section 304(g)(1) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(g)(1)) is amended by inserting ", industrial bank holding company," after "bank holding company".

SEC. 3. REGULATIONS.

The Corporation shall prescribe such regulations as the Corporation determines to be appropriate to carry out the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Ohio (Mr. GILLMOR) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, at the outset, I ask that all Members have 5 legislative days to revise and extend their remarks on this legislation and to include in the RECORD extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, the House today revisits the subject of the industrial loan corporation.

Industrial loan corporations were created early in the last century as a kind of a niche at a time when it was felt that banks did not adequately serve working people, people of lower incomes.

When Congress dealt with the situation of banking reform in the 1980s, Congress decided to limit this form to six States, which now have the right to issue industrial loan charters, and recognize that the general business of banking was now being carried out in a way that did not require these niche banks, which Congress did not want to at that time wipe out banks that had been appropriately established under existing law.

But it's clear that they were regarded as a somewhat nonconforming use. There are people today who talk about what a good thing the industrial loan corporations are. None of them, however, seem to me to have shown the courage of their convictions, because those who believe that the industrial loan corporation should continue to flourish and grow, as will happen if we don't pass the bill, ought to be abolishing that restriction that says only six States can issue those charters.

I cannot think of any other financial instrument of which we have general approval where only six States are allowed to charter them. People who genuinely believe in the ILCs are the ones who ought to be pushing legislation. They do not. They implicitly accept the fact that they are an exception to a general principle.

The particular general principle to which they are an exception is the one which we have affirmed recently when we did the Gramm-Leach-Bliley bill, namely that banking and commerce should be separate.

Now, let me be very clear. If an entity that is in the manufacturing business or the retail business or any other business wants to get into financing its purchases, or even wants to lend money to people, they wouldn't be affected by this as long as they were willing to forgo deposit insurance.

We are here because if you become an official bank, as ILCs can be to this extent, you get various benefits from the Federal Government, including deposit insurance. So this is not the Federal Government intruding on purely private business decisions, it is the Federal Government saying, look, we have set up the system of deposit insurance. We have set up other things that apply to banks. We want to restrict those services to entities which are only in the banking business. We do not want people who have as their primary business a manufacturer or wholesale or retail sales also dealing with banking. We think that is an unwise mixture. We think that the decisions that are made that we want to insure through the depository insurance system ought to be made purely on the banking aspects of this and not because the bank will make money on the side from where the purchase goes.

Now, people have asked, why this legislation now? The answer is that for a variety of reasons, I am not fully aware of why, this situation changed drastically in the last few years.

ILCs, as they exist today, are not a problem. No one is talking about abolishing them. In the State of Utah, where they are most important, and where there continues to be strong support for them, there is opposition to them even in some of the other States that have the right to charter them, the estimate we received from the Utah bank supervisor was that 93 percent of the assets of ILCs meet the test that we would apply here in this bill to everybody.

That test, by the way, is the one that we took out of Gramm-Leach-Bliley; namely, that to be in the banking business, you have to be at least 85 percent a financial institution, though we do recognize there will be some incidentals. Ninety-three percent of the Utah ILCs meet this.

The problem is over the last few years, a number of large manufacturing and commercial entities have decided that they would like to get into the ILC business. So people have said to us, why are you upsetting the status quo? We are not. Here, to be honest, we are preserving, we think, the status quo, which is the principle of the separation of banking, commerce, a banking system which exists under that rubric and a small niche for some banks which, for historical reasons, were allowed not necessarily to follow this.

What's changing the status quo is the application from a number of large entities, Wal-Mart, Home Depot, many others, to get into the ILC business. We believe that does not really reflect what Congress intended in the 1980s. It's not illegal under current law, but we think that Congress did not anticipate then that large commercial and manufacturing entities would seek substantially to broaden the ILC approach.

There were people who disagreed with us that we should preserve the distinction between banking and commerce. I asked them, where is that bill?

Again, those who would support by not changing the law a broad expansion of the ILCs are the ones who are seeking drastic change in our banking laws. They are, in effect, saying, you know, this distinction between banking and commerce you make is arbitrary, it has been outdated, let's get rid of it.

Well, the way to get rid of that is for people to bring forward a bill. I can promise them as chairman of the Financial Services Committee, we will have a hearing, we will consider it. But let them bring forward a bill, and let's do that as a conscious decision of the Congress of the United States.

I will oppose it, I think most Members will, which is probably why they don't want to bring it forward. But let's not do it in a kind of a back-door way by the expansion of what had been intended to be a residual niche kind of banking. This bill today would say that going forward, it doesn't wipe out existing entities, but going forward, ILC charters will only be granted to those that are at least 85 percent financial.

I want to give my thanks to the Chair of the Federal Deposit Insurance Commission, Chairman Bair. They have been put in a tough situation, because the law theoretically allows them to create an infinite number of new ILCs with no respect whatsoever for the banking and commerce distinction. Once this House passed a bill on the subject, although it did not pass the Senate, a phrase one often hears, the FDIC at our request has imposed a moratorium on new ILC charters.

But the FDIC is a law-abiding organization. Chairwoman Bair has an appropriate understanding of the role of the regulatory body in a democratic system. She will not forever maintain a moratorium, nor should she. What she did was, quite appropriately, give Congress the chance to legislate. We are beginning that process today.

I hope that we will pass the bill, that it will go to the Senate and they will pass something, and we will be able to work out legislation which will essentially preserve the distinction between banking and commerce. The necessity for us to act now is that if we do not act, the status quo will be greatly transformed, and the distinction we have long maintained in our law between banking and commerce, instead of admitting a fairly small exception where six States can do it, and where even in the State where it is most prominent only 7 percent of the assets under this form are the exception, we will then see a general erosion. Erosion may understate it; a general abolition of the line between banking and commerce. We do not think that is appropriate, and passing this bill is the way to stop it.

Mr. Speaker, I reserve the balance of my time.

Mr. GILLMOR. I want to thank Chairman FRANK for all his leadership on this issue, not just in this session, but in previous sessions, and also thank Ranking Member SPENCER BACHUS for his consistent support of the principles embodied in this legislation.

Chairman FRANK and I have cosponsored meaningful reform of the ILC charter option for a number of years now. We have gotten a bill, passed the House twice, it died in the Senate. I think this year, though, the third time may be the charm. I think we have substantially more support for this legislation in the Senate than in the past.

While it's available in only a handful of States, the ILC charter is the last loophole remaining for commercial firms wishing to engage in full-service banking.

While a majority of current commercial owners of industrial banks refrain from using all the banking powers available to them, the broad ILC charter does allow for a complete mixing of banking and commerce, which I and other objective observers, such as Alan Greenspan, Chairman Ben Bernanke and others, consider to be financially unwise.

The trend in Congress over the past several decades has been one of removing loopholes and exceptions in the bank law. We did it most recently in 1987 and in 1999, and the trend is clear: If you want to engage in full-service banking, you must become a bank or a thrift holding company.

Chartering an ILC in Utah is really your only option to make an end run around our bank laws, and the secret is out. ILC assets have grown more than 3,500 percent over the past decade. Applications for new ILCs look nothing like they did 80 years ago when this charter was created. States such as California, Maryland and others have taken notice of this alarming trend in ILC applications and have installed roadblocks to an extension of the charter.

State action alone is insufficient, however. It's time that Congress address this policy concern, using the time which was wisely given to us by the FDIC-imposed moratorium. I also want to commend Chairman Bair and the FDIC for listening to the concerns of Congress and imposing that moratorium.

Should Congress fail to send H.R. 698 to the President, we will be increasingly in danger of creating a parallel banking system to that which we have now and which has served the country very well. Both financial and commercial firms will look to this industrial bank option as a way to escape the rules that apply to everybody else. The banking system is well served by the different charter options available to them, but the universe in which an industrial bank can operate is more expansive than any other.

This is poor public policy. Simply saying that since no ILC has yet taken full advantage, that Congress shouldn't act, is wrong.

We are currently in a time of banking stability. Up until recently the FDIC had gone a record 952 days without a bank failure. But I don't like to think about the type of hit that the deposit insurance fund would have taken, and the hit that taxpayers would have taken, if Enron had had an industrial bank prior to their collapse.

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This bill is a combination of significant bipartisan effort undertaken by myself and Chairman FRANK to strike a balance between protecting those ILCs already in existence and preventing any further widening of this loophole by commercial firms.

The list of supporters for this reform measure is long and growing. We have 145 cosponsors of this measure to date, and the other body has already begun its deliberations of an identical bill.

So I want to sincerely thank Chairman FRANK, Ranking Member BACHUS, and their staff for the hard work on this bill, and urge my colleagues to support this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I now yield as much time as he may consume to the gentleman from Utah (Mr. MATHESON), a former member of our committee with whom many of us disagree but who, representing the State of Utah, has been a very staunch and articulate defender of a form of banking which is very important in his State.

Mr. MATHESON. I thank Chairman FRANK for his good work. I have great respect for Chairman FRANK, and I have great respect for my colleague Mr. GILLMOR. On this particular issue, I respectfully have a different point of view, but I do understand the time and effort that has gone into looking at this issue.

I think it is important to note that when we look at legislation, we often are trying to solve problems and achieve progress. That is what Congress does, and my concern here is this is legislation that is a solution in search of the problem.

We already have a number of banks that have been chartered with commercial parents, and we have a track record of regulation of this type of institution that is a stellar track record. Quite frankly, I think the Federal Deposit Insurance Corporation, the FDIC, and the State of Utah, which regulates these particular banks, has a great track record. So I fear that we have moved down a path where we said, "Oh, gee, these things could happen; therefore, let's stop this industry from moving in the direction that it has been moving."

I think it is important for us to show concern and make sure we don't go down a path that could have negative implications, but in this case where we have already had a number of banks chartered and a track record that is so solid and none of these potential problems have manifested themselves, I question whether Congress should be moving in this direction.

As this debate has moved along, we have also said, well, what about the auto companies? Maybe we should carve out an exemption for them. What about the ones that already exist? Like Target already has one. We need to cut out an exemption for them.

As you start to slice and dice this industry and allow certain exemptions here and there, that calls into question the basic premise of if there really is a problem to have commercial ownership of this industry.

I will close with just one other point of fact. I noted in the hearing before the Financial Services Committee a couple weeks ago a comment by one of the witnesses was made that I have heard periodically throughout this debate. They said: My gosh, what if Enron and WorldCom had one of these? Where would we be then?

And my answer is: Based on the track record of this industry, I would like to think that, while those parent companies had their financial difficulties, the subsidiary bank would have been fine. We have examples right now where the parent company, like Conseco, went into bankruptcy, and their industrial loan company based in Utah was shielded from all those financial problems and, quite frankly, sold at a premium.

So that shows that the style of regulation, which is different, it is a different style of regulation called "bottom up" or "bank centric" regulation, it shows that type of regulation has worked, it has protected against transgressions, and I think that track record is something we need to keep in mind.

So as this issue percolates along, it is clear this bill is going to pass the House today. I suspect the Senate may have a different type of bill as well. And as this issue perks along, I just encourage everyone to keep an open mind about looking at the actual track record, understanding the magnitude of the potential problems, but also keeping in mind that more choices for consumers, greater efficiency for our economy, those are good things, too, and they ought to be balanced in this overall debate.

Again, I really thank the chairman for giving me some time when I am speaking out. Quite frankly, I am going to vote against the bill, but I appreciate him giving me time to speak today.

Again, I respect all my colleagues that worked on this, and I look forward to continuing to work with them on the adjusted loan bank issue in the future.

Mr. GILLMOR. Mr. Speaker, let me commend the gentleman from Utah for an articulate presentation. He is protecting the hometown industry, and there is nothing wrong with that.

I think this bill, though, involves something much broader than that; and it involves a very important financial principle that has been recognized for decades, which is a separation of banking and commerce.

Really, the fact that some of these ILCs have not utilized all the powers they could have isn't really an argument against this bill. Because the business plan of some of the new industrial companies trying to take over ILCs, Home Depot is a great example, is totally different than what the history in the past has been. So that history I don't think is really relevant to what this bill is aimed at.

But that having been said, I am very pleased to yield as much time as he may consume to the ranking member, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I rise in support of this legislation. I really believe that we do need enhanced regulatory supervisions over the ILCs, and this legislation does that. The Federal Reserve and other Federal regulators have urged us to enhance the regulation, and that is what this does.

It also does two things; and every year that we wait to pass this, it becomes a bigger problem. But we grandfather the existing ILCs. If we had done this bill 2 or 3 years ago, we would have had much fewer of these and we wouldn't have the problems that we have today, talking about, well, this commercial firm has one, this commercial doesn't.

But it was through no fault of the chairman of the full committee. Mr. FRANK, when he was ranking member, pushed this very hard as a solution to this problem, as did the subcommittee chairman, Mr. GILLMOR, and I want to commend both of them for their hard work over the past several years.

I also want to particularly commend the chairman of the committee, Mr. FRANK. He has really made this a collaborative effort. It has been a bipartisan effort; and I hope the bill, because of that, is a better bill.

I think we are going to have a good vote here. I do think, because it is a bipartisan effort and it is a compromise, that we will have, hopefully, better success in not only passing this bill out of the House but seeing it ultimately enacted into law.

These ILCs, and they are ILCs, industrial loan companies, now they are industrial bank holding. This is the Industrial Bank Holding Company Act, because they really have evolved into bank holding companies; and what these started out primarily as is just a small loan company where industrial employees were able to borrow money. It is very similar to a credit union. The only difference is they didn't join as members. They just borrowed money, because they really didn't have access to a commercial bank at that time, and that was the whole reason for these.

As the chairman said and as the subcommittee Chair said, all of these exist in six States. The vast majority of the assets of ILCs are chartered in Utah; California and Nevada being the other States that have significant numbers of them.

As the subcommittee Chair has said, these things have grown 3,500 percent just since we started focusing on this. It is really growing out of control. And what it does, we made a policy decision several years ago in this Congress that we would not allow commercial firms to operate banks, and this will really enforce that policy decision that we made.

As they have grown in size and nature and complexity, several not only regulatory but policy issues have been presented, not only to the Congress, but to the regulators. One of the concerns, as the subcommittee Chair and the chairman have both referred to, is a concern over mixing banking and commerce, which is really not what the American financial system is all about. Japan and other systems have allowed a mixing of commerce and banking, and we are evolving, but they have run into problems. We would like to avoid those problems.

An exemption in the current law permits any type of company, including a commercial firm, to acquire an ILC in six States. We want to close that loophole. We want to stop that.

Let me conclude by saying I do have one concern, and I am going to have a colloquy with the chairman in a moment. But I am concerned that this bill, and it is not intended and I know the chairman has said previously we hope to address this in the Senate or in conference, but I am concerned that it may discriminate against our domestic automobile manufacturing dealers.

The reason I say that is most automobile companies today, including the large foreign automobile manufacturers, have set up ILCs. General Motors has set up an ILC. But Chrysler and Ford do not have ILCs. And, as drafted today, the bill would allow the foreign automobile manufacturers as well as GM, and I am going to clarify that in the colloquy, to continue their ILCs. However, Ford and Chrysler, or DaimlerChrysler, which may end up to be Chrysler, does not have an ILC.

I am concerned not only that that is a disadvantage to the automobile companies but to the Nation's dealers that sell Ford and Chrysler products. People are going into this every day, they are thinking ILCs give them a competitive advantage, and I don't want to see Chrysler and Ford shut out of having an opportunity to have this advantage.

As the process moves forward, I would like to work with both the chairman and the ranking member to ensure the legislation does not create an unlevel playing field that harms our domestic automobile industry.

At this time, I would like to pose a question to the chairman.

Under the committee reported bill, Chairman FRANK, a number of firms that already controlled industrial banks before January 29, 2007, are grandfathered from the new prohibition on control of industrial banks by commercial firms. The grandfathered firms that control a particular industrial bank are subject to a disposition agreement with the FDIC that is affected by the outcome of this legislation. Under the agreement, the FDIC has the power to waive the disposition requirement, depending on the state of the law, in 2008.

My question is whether it is the committee's intention that the decision to grandfather these firms supercedes this particular prior agreement and makes a waiver unnecessary, provided the grandfathered firms abide by all of the limitations imposed on grandfathered firms and operate under the supervision of the appropriate Federal supervisory agency.

Mr. FRANK of Massachusetts. If the gentleman would yield to me, let me say, and I want to pay tribute to members of the staffs on both sides, Mr. Paese and Mr. Yi on my side here, who did a lot of negotiating. There are a lot of regulators involved here, the FDIC as the primary regulator, but the Federal Reserve and the Securities and Exchange Commission, the Comptroller, and we did the best we could to try and not have this be a means of changing existing relationships.

So I can assure the gentleman from Alabama that he has precisely stated our intent. When we grandfathered these firms in this bill, it was our purpose and is our purpose to let them continue to operate the existing industrial banks under the limitations of the bill and under the supervision of each grandfathered firm's appropriate supervisory agency.

So I hope that would respond to the question. It is our intention essentially to ratify the existing arrangements by law, which would, of course, preclude the need for a waiver if the law is clear about what it does.

Mr. BACHUS. Chairman, your response does indeed clarify the situation, and I thank you for doing that. And I again thank you and the gentleman from Ohio (Mr. GILLMOR) for their work on this important bill.

I would also like to join with you. You have both praised Chairman Bair, and I think she has done an exceptional job of trying to sort through this difficult situation. And I would also like to commend the OTS and the Federal Reserve for working a compromise on some of the supervisory questions that were presented by this bill. Late last week, they came to an agreement between themselves.

Mr. FRANK of Massachusetts. If the gentleman would yield. With some encouragement.

Mr. BACHUS. Yes, and I appreciate that encouragement; and I know they do, too.

At this time, I again commend the chairman. I think this is a very good bill that deserves the support of all the membership.

Mr. GILLMOR. Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. I just want to respond to my good friend from Utah. He made an interesting point which is, well, if these are terrible, why don't you abolish them? That, of course, becomes a Catch-22. I guarantee you that if we had proposed in fact to abolish or severely restrict existing ones, he would have been justifiably a lot less happy than he is today.

☐ 1530

Congress made a decision. We don't always make the best decisions when we look back; we often make good decisions, but not perfect ones. We believe it would be unfair to undo what was originally done by law.

I would note again that even in the State of Utah, which has become the primary focal point for the industrial loan corporations, 93 percent of the entities functioning as industrial loan corporations in Utah would be unaffected by this bill. They would be able to expand because they meet the 85 percent financial test.

As to the others, we believe that it is those who have finally figured out the potential of the industrial loan corporation going forward who are trying to change things. People have said to us, well, there's been no problem. Why are you doing this? Well, for once, maybe not once, let's not be too self-denigratory, we're doing this to get ahead of the problem. Yes, that's precisely the case. The ILCs have not caused problems. It is the, I believe, overwhelming view of people here and people who have watched the banking business and who believe in the separation of banking and commerce that if we don't act, we will see some problems. So that is what we are doing here. And I hope that this bill passes with a large margin, and we can pretty soon engage with our colleagues in the Senate about putting a final product on the desk of the President.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts

(Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 698, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

LEONARD W. HERMAN POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1722) to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the "Leonard W. Herman Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEONARD W. HERMAN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, shall be known and designated as the "Leonard W. Herman Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Leonard W. Herman Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleague in the consideration of H.R. 1722, which names the postal facility in Boca Raton, Florida, after Leonard W. Herman.

H.R. 1722, which was introduced by Representative ROBERT WEXLER on March 27, 2007, was reported from the Oversight Committee on May 1, 2007, by a voice vote. This measure, which has been cosponsored by 24 Members, has the support of the entire Florida congressional delegation.

Mr. Leonard Herman was a bombardier in the United States Army, and he flew numerous missions over Germany during World War II. He displayed heroic actions and earned high honors and several distinguished medals for his bravery.

Perhaps one of Mr. Herman's greatest achievements was his contribution in seeking to save the lives of thousands of "survivors" of German concentration camps who were dying because of the lack of adequate food, clothing and medical supplies. According to accounts by Professor Robert L. Hilliard, "Leonard Herman took it upon himself to advise and seek help from many of our government leaders regarding the plight of the survivors. His efforts were instrumental in President Truman's learning about displaced persons' situations in the U.S.-occupied Germany. The President changed U.S. policy and issued orders to provide the assistance and materials needed by the Holocaust survivors. Lieutenant Herman played an important role in saving thousands of these lives."

And so, Mr. Speaker, I commend my colleague, Representative ROBERT WEXLER from Florida, for introducing this legislation, and I urge swift passage.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

It is an honor for me to speak today about a true American hero who epitomized bravery and loyalty to his country. Leonard Herman was a decorated World War II veteran who helped save the lives of his fellow servicemen, as well as thousands of civilian victims of the war. He was also instrumental in bringing appropriate attention to President Truman regarding the needs of Holocaust survivors and other displaced persons.

Leonard Herman served as a bombardier with the U.S. Army and flew in countless combat missions over Germany. Honoring his country, he proudly completed two tours of duty. Among his awards are the Purple Heart, the Air Medal, three Oak Leaf Clusters, and the Distinguished Flying Cross. Fighting against heavy enemy fire, his valiant skills as a bombardier directly saved the lives of his fellow crewmen on repeated occasions.

During the war he saw firsthand the plight of his fellow Jews, the Holocaust survivors, and urgently began a letter-writing campaign to senior U.S. Government officials, as well as to President Truman.

Through his determination, U.S. policies towards these victims and other displaced persons were enacted so as to provide the food, shelter and clothing they desperately needed to begin new lives.

Today we honor Leonard Herman for his great service to his country and his humanitarian achievements by naming this post office for him.

Mr. WEXLER. Mr. Speaker, I rise to honor a distinguished and decorated Jewish war veteran, Mr. Leonard Herman, by naming the postal facility at 601 Banyan Trail in Boca Raton, Florida, as the Leonard W. Herman Post Office. Mr. Herman signed up for two tours of duty during World War II, serving as First Lieutenant from December 12, 1942 through January 29, 1946. His courage during the war and the tenacity with which he fought, after the war, to change U.S. policy towards the survivors and displaced persons of concentration camps makes him a real American hero.

As a bombardier in the United States Army, Leonard Herman flew numerous combat missions over Germany and committed numerous acts of bravery that helped save countless lives. On October 8, 1943, he shot down an enemy fighter aircraft as it closed in on his plane. This courageous act saved his crewmen and earned him the Distinguished Flying Cross Award. In addition, the heroism he displayed during his tour won him several high honors, including an Air Medal, three Oak Leaf Clusters and the Purple Heart.

Perhaps one of Mr. Herman's greatest achievements was his contribution to the efforts of a few young soldiers, including his brother Edward Herman, who sought to save the lives of thousands of "survivors" of German concentration camps who continued to die because of the lack of adequate food, clothing and medical supplies. According to the accounts of Professor Robert L. Hilliard, "Lt. Leonard Herman took it upon himself to advise and seek the help from many of our government leaders regarding the plight of the survivors. His efforts were instrumental in President Truman's learning about the Displaced Persons situation in U.S. occupied Germany. The President changed U.S. policy and issued orders to provide the assistance and material needed by the Holocaust survivors. Lt. Herman played an important role in saving thousands of their lives."

It is my greatest honor to sponsor this legislation that will recognize Mr. Leonard Herman for his bravery and service to this country. The Post Office designation is a fitting and long overdue tribute. I urge Members of the Committee to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, to close, I want to commend the gentleman from Florida for introducing this resolution. We have no further speakers, and I would yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1722.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

STAFF SERGEANT OMER "O.T." HAWKINS POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2078) to designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the "Staff Sergeant Omer 'O.T.' Hawkins Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STAFF SERGEANT OMER T. "O.T." HAWKINS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, shall be known and designated as the "Staff Sergeant Omer T. 'O.T.' Hawkins Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Staff Sergeant Omer T. 'O.T.' Hawkins Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleague in the consideration of H.R. 2078, which names the postal facility in Cherry Fork, Ohio, after Omer T. "O.T." Hawkins.

H.R. 2078 was introduced by Representative JEAN SCHMIDT on April 30, 2007, and was reported from the Oversight Committee on May 1, 2007, by voice vote. This measure, which has been cosponsored by 16 Members, has the support of the entire Ohio congressional delegation.

Staff Sergeant Omer T., better known as "O.T.," Hawkins, died on Thursday, October 14, 2004, in Ar Ramadi, Iraq, when his convoy was hit by a roadside bomb. He was assigned to the 44th Engineer Battalion based in Camp Howze, Korea. His Army colleagues have described him as "a tremendous warrior coupled with compassion" and said that "his skill as a superb non-commissioned officer who could influence any soldier defined his life and the principles he defended."

Staff Sergeant Hawkins graduated from North Adams High School on a Friday in 1991, and that following Monday he enlisted in the Army. Miss Cherry Frederick, his sister, said, and I quote, "The only thing that he ever wanted to do was go into the military." Family and friends will forever remember Staff Sergeant Hawkins' dedication and service to his country.

Mr. Speaker, I commend my colleague, Representative SCHMIDT from Ohio, for introducing this legislation. I urge swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise this afternoon to pay tribute to a remarkable soldier and another true American hero. On October 14, 2004, SSGT Omer "O.T." Hawkins from Cherry Fork, Ohio, gave his life in service to our Nation. He was killed when his convoy hit a roadside bomb outside Ar Ramadi, Iraq. O.T. was only 31 years old.

Born on November 29, 1972, O.T. always knew that he wanted to join the Army. When he was only 10 years old, O.T. wrote a letter to the Army asking if he could sign up despite his being so young. At North Adams High School, O.T. showed his leadership while participating in many school activities. He was a member of the Academic Team, played baseball and was voted "Most Likely to Succeed" by his senior class.

After high school he could have pursued just about any career, yet the military remained his number one love and lifelong goal. Only 2 days after his high school graduation, and 8 years after he wrote that priceless letter to the Army expressing his desire to join, he reported to basic training.

O.T. was not only following his personal dream, he was following in the footsteps of his father who served proudly as an engineer in the Marine Corps.

Once in the Army, O.T. quickly developed a leadership style armed with an arsenal of wit and knowledge, a perfect combination that was recognized by his comrades and superiors. Having served on tours of duty in Afghanistan, Bosnia, Egypt, Kosovo and Somalia, O.T. was a deeply respected and beloved leader. His colleagues have described him, as "a stunning leader and a great man," and said that "his aura always gave great hope to his soldiers."

O.T. loved this country more than anything else and was proud to serve in the protection of its citizens. Friends and family will forever remember O.T.'s dedication to the cause of freedom and his commitment to bringing that cherished freedom to people around the world where he served.

It is with gratitude for his bravery and sacrifice and for the sacrifice of those who loved him that I ask all Members to join me in naming the Cherry Fork, Ohio, postal facility in his honor.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield as much time as she may consume to my distinguished colleague from the State of Ohio (Mrs. SCHMIDT).

☐ 1545

Mrs. SCHMIDT. Mr. Speaker, I rise today in support of H.R. 2078, legislation to name the United States Postal Facility in Cherry Fork, Ohio, as the "Staff Sergeant Omer T. 'O.T.' Hawkins Post Office." I would urge my colleagues to support this legislation to honor an American hero who made the ultimate sacrifice for our Nation.

Born on November 29, 1972, O.T. always knew he wanted to be a soldier; and at the age of 10 he actually wrote the Army requesting that he become a member of the Army. In high school, he was a member of the academic team and was voted "Most Likely to Succeed." Instead of going to college or taking another career path, just shortly after graduation he joined the Army.

In the Army, O.T. quickly developed a leadership style armed with an arsenal of wit and knowledge that was admired by all who served with him. His deployments took him across the globe, including Desert Storm, Somalia, Haiti, Egypt twice, Bosnia, and Kosovo. His colleagues described him as a tremendous soldier, someone who loved his country.

U.S. Army SSGT Omer O.T. Hawkins died on Thursday, October 14, 2004, in Ar Ramadi, Iraq, when his convoy was hit by a roadside bomb. His letter as an innocent young boy illustrates the lifelong desire O.T. had to serve his country and why I am humbled to sponsor this bill honoring him.

He believed in what he did, and his last message was:

> "I will continue to fight when others falter and grow weary of their duty. I firmly believe in the Constitution. In fact, I believe it applies to all humanity, not just America."

I would like to share a poem written by O.T.'s nephew Joshua for his funeral:

> "A soldier isn't judged by how good his aim is or how many bullets he's used. He isn't judged by how many lives he's taken or how many ribbons decorate his uniform. He won't be judged by how many wars he's fought or enemies he's made.

"A soldier is judged by how many flags hang for him and how many yellow ribbons decorate cars for him.

"I know my Uncle O.T. is above us smiling because he knows that in 20 years people won't remember how many medals he received but how hard he fought for his country."

Please help ensure that future generations of SSGT O.T. Hawkins' family, friends, and neighbors in Cherry Fork, Ohio, never forget how hard he fought for his country.

Please support H.R. 2078.

Ms. FOXX. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Just to close, let me just indicate there are heroes and heroes all around us. Many of them are indeed giants who give of themselves in such a way that others pay little note to. And so when we take the time to name a Federal installation after a soldier who gave his or her life, in essence we are taking some of the dirt from around, taking the person out of the hole, and elevating them to the status of giant that they really are and have been.

So I commend my colleague from Ohio for introducing this legislation, and I urge its passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 2078.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

STAFF SERGEANT MARVIN "REX" YOUNG POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1425) to designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the "Staff Sergeant Marvin 'Rex' Young Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STAFF SERGEANT MARVIN "REX" YOUNG POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, shall be known and designated as the "Staff Sergeant Marvin 'Rex' Young Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Staff Sergeant Marvin 'Rex' Young Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in consideration of H.R. 1425, which names a postal facility in Odessa, Texas, after Marvin "Rex" Young.

H.R. 1425, which was introduced by Representative MICHAEL CONAWAY on March 9, 2007, was reported from the Oversight Committee on March 29, 2007, by voice vote. This measure, which has been cosponsored by 31 Members, has the support of the entire Texas congressional delegation.

On August 21, 1968, Staff Sergeant Marvin Young was assigned to Company C, 1st Battalion (Mechanized), 5th Infantry. He was leading a patrol when the 25th Infantry Division came under attack by a large force of North Vietnamese. The squad leader was killed, and Staff Sergeant Young assumed command and repeatedly exposed himself to enemy fire to help his men. Despite orders to pull back, he remained behind to assist several of his men who were unable to withdraw. With critical injuries to his body, he continued to fight to cover the withdrawal of his troops. The enemy engulfed his position, and he was killed.

Staff Sergeant Young's parents were presented the Medal of Honor at the White House on April 7, 1970, by President Richard Nixon.

Mr. Speaker, I commend my colleague Representative MICHAEL CONAWAY from Texas for introducing this legislation and urge swift passage.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is an honor for me to speak on the floor today to name a post office in Odessa, Texas, for a truly great American.

Marvin "Rex" Young was a genuine war hero at the young age of 21. He grew up in Odessa, Texas, and was quite athletic during high school, playing both football and baseball. A smart student, he also enjoyed art and spent time painting. His plans were to attend Texas Tech University after graduating from high school, but, unfortunately, he never got the chance.

Rex Young joined the U.S. Army in September of 1966 and was deployed to Vietnam in 1967. He served with Company C, 1st Battalion (Mechanized), 5th Infantry, 25th Infantry Division as a staff sergeant. He was wounded twice during the war, once in December, 1967, and again in February, 1968. But it was on August 21, 1968, in a true act of heroism that he would provide the ultimate sacrifice for his country.

He was acting as a squad leader on a reconnaissance mission in South Vietnam. His unit was attacked by the enemy and received a barrage of incoming fire. The forward platoon lost its commander, so Rex Young instinctively took command and organized his men into a defensive position, all the while under heavy enemy fire.

In attempting to withdraw, he allowed his men to retreat while he stayed behind providing covering fire. It was during this action that he was critically injured. Heroically, he still managed to help the other members of his unit to retreat while continuing to cover for them. As more infantrymen pulled back, he remained behind to ensure their safe withdrawal. While the group fought its way back, he was hit again in the leg and in the arm. Fearing that seeking medical aid would slow down his team, he refused it. It was there that he sacrificed himself for the safety of his comrades.

It was this act of selfless bravery, courageous leadership, and heroism that earned him the country's highest military award, the Congressional Medal of Honor. The medal was posthumously awarded to his family by President Nixon on April 17, 1970. It is for those same reasons that we name this post office for Marvin "Rex" Young in his hometown.

I ask all Members to join me in supporting H.R. 1425

Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of Texas and the person who introduced this resolution (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I appreciate the gentlewoman's yielding.

Next Monday, our Nation will pay tribute to all the young men and women who fought and died so bravely and honorably for our Nation. On Memorial Day, we will celebrate with parades and speeches and flag waving and fireworks, as we should. From the Revolutionary War to the war we are fighting today, we celebrate and remember the fallen as a group. For those of us who have lost a loved one in a war or through the service of this country, Memorial Day has a deep meaning.

For the family and friends of the men who served with Marvin "Rex" Young, the last Monday of May is much more than just symbolic. On this day, Rex's family and friends and fellow soldiers remember and honor his brave actions on behalf of his country.

On August 21, 1968, while in battle in Vietnam, Rex sacrificed his life to save the lives of his friends and comrades. He was awarded the Medal of Honor for his bravery and sacrifice. Mr. Speaker, today I ask my colleagues to honor the life and memory and heroism of Staff Sergeant "Rex" Young.

Rex was born in Alpine, Texas, on May 11, 1947, the third and youngest child to Marilyn and Roy Young. Rex's mother has provided this picture of Rex serving in Vietnam back in 1967 and 1968.

The family moved to Odessa when Rex was a child. I met Rex when we were both attending Odessa Permian High School. Rex was a year ahead of me and graduated in 1965. He was a gifted athlete, played both football and baseball while at Permian. His mother said Rex was more interested in just being on the team and contributing, but he was much more than that. He was a star player. Childhood friends remember Rex as an exceptional athlete who could have written his own ticket in baseball. And they remember him as a very unselfish guy, so they were not surprised when he was awarded the Medal of Honor for his bravery in battle.

After graduation, Rex attended Odessa College and Kentfield Junior College in California and then joined the United States Army on September 15, 1966. He completed basic training at Fort Bliss, Texas, and advanced infantry training at Fort Lewis, Washington, and then departed for Vietnam on October 20, 1967. He was assigned to Company C, 1st Battalion (Mechanized), 5th Infantry of the 25th Infantry Division, known as the "Bobcats." Rex earned his first Purple Heart from a shrapnel wound on December 7, 1967; and he earned his second Purple Heart on February 1, 1968, during the TET Offensive.

On August 21, 1968, Rex was killed by enemy fire as he provided protective fire to shelter elements of his platoon as they were withdrawn to safety. It was in these final selfless acts that Rex saved so many of his friends' lives.

Jesus said in John 15:13, "Greater love hath no man than this, that he lay down his life for his friends."

I would like to read from the citation that describes Rex's final moments on this Earth:

"Staff Sergeant Young distinguished himself at the cost of his life while serving as a squad leader with Company C. While conducting a reconnaissance mission, Company C was suddenly engaged by an estimated regimental-size force of the North Vietnamese Army. During the initial volley of fire, the point element of the 1st Platoon was pinned down, sustaining several casualties, and the active platoon leader was killed. Sergeant Young unhesitatingly assumed command of the platoon and immediately began to organize and deploy his men into a defensive position in order to repel the attacking force. As a human wave attack advanced on Sergeant Young's platoon, he moved from position to position, encouraging and directing fire on the hostile insurgents while exposing himself to the hail of enemy bullets.

"After receiving orders to withdraw to a better defensive position, he remained behind to provide covering fire for the withdrawal. Observing that a small element of the point squad was unable to extract itself from its position, and completely disregarding his personal safety, Sergeant Young began moving toward their position, firing as he maneuvered.

☐ 1600

"When halfway to their position, he sustained a critical head injury, yet he continued his mission and ordered the element to withdraw.

"Remaining with the squad as it fought its way to the rear, he was twice seriously wounded, once in the arm and once in the leg. Although his leg was badly shattered, Sergeant Young refused assistance that would have slowed down the retreat of his comrades, and he ordered them to continue their withdrawal while he provided protective covering fire. With indomitable courage and heroic self-sacrifice, he continued his self-assigned mission until the enemy engulfed his position. By his gallantry, at the cost of his life, and which is in the highest tradition of military service, Staff Sergeant Young has reflected great credit on himself, his unit and the United States Army."

In the heavy fighting that day, Company C suffered 17 men killed, 21 wounded. And no one knows how many other men would have died that day had Rex not stepped in to save his friends.

For his gallantry and self-sacrifice, Sergeant Young was posthumously promoted to staff sergeant. Rex earned his country's highest award for bravery, the Medal of Honor. In addition to the medal, Staff Sergeant Young was awarded the Combat Infantryman's Badge, the Bronze Star with "V" Device, Purple Heart with two Oak Leaf Clusters, the National Defense Service Medal, the Vietnam Service Medal, the Republic of Vietnam Military Merit Medal and the Republic of Vietnam Cross of Gallantry with Palm.

Rex was buried with full military honors at Sunset Memorial Gardens Cemetery in Odessa, Texas. Near him lie many other Odessans who perished in the Vietnam War. Fifty feet north rests another Medal of Honor recipient, Alfred "Mac" Wilson, Corporal, United States Marine Corps.

Rex's sister Margaret now lies next to him. His brother Charles Ray and his father are also deceased. His mother lived in Odessa for many years. She has recently moved to McKinney to be close to her friends.

Rex's last day on Earth was almost 39 years ago. Because he and I are close to the same age, I think often of all the experiences that I have had that he willingly gave up that hot, fateful day halfway around the world.

I am loved by a wonderful woman, and together we have raised four children. I have watched them grow into responsible adults. I have watched the boys play football and basketball, baseball and golf. I watched my daughters lead cheers as a cheerleader and a team mascot. I have watched our sons take beautiful young women to be their wives. I walked one of my daughters down the aisle so that her mother and I could give her in marriage to a starry-eyed young man. I have held our seven grandchildren in my arms and looked into the eyes of America's future. And I buried a wife and a father. These are life experiences that Rex should have had. All of these experiences that I know Rex must have looked forward to, the good and the bad, were sacrificed on freedom's altar in his heroic acts that day so long ago.

Mr. Speaker, next Monday our Nation celebrates Memorial Day, a day set aside each year to honor all of the Rex Youngs our country has produced and who have made that same supreme sacrifice that Rex made. This includes, of course, the brave men and women who for the past 5-plus years have stood between us and some very bad, soulless people that want to destroy our way of life.

I would like to challenge each of us that in addition to honoring these men and women as a group, that we think about them on an individual basis. By that I mean that each of us should have a specific person that we think about, honor and celebrate each and every time sacrifices are mentioned. It could be somebody in our family, it could be a friend or somebody that you know through a history lesson, but my challenge to you is this: That every time you are reminded of all the lives that have been given in defense of this country, that you think about a specific life given. For me, Mr. Speaker, that life is Rex Young.

With that, Mr. Speaker, it is with great pleasure and gratitude that I ask this House to honor SSG Marvin "Rex" Young by naming the post office at 4551 East 52nd Street in Odessa, Texas, after him. By doing so, his memory will live on not just in the hearts of those of us who knew him, but also by everyone that uses or drives by that post office and sees his name.

His Nation honored him with its highest honor for bravery. I now ask that his Nation honor his memory by taking one more official act. I ask each of you to vote in favor of this legislation.

Ms. FOXX. Mr. Speaker, I think it is very appropriate that this week, just before Memorial Day, we are honoring these several people who have sacrificed their lives so that the rest of us can be here and be free. I particularly want to thank Mr. CONAWAY for his comments about not just recognizing in a collective way the people who have given their lives and who have served, but who have done it in a personal way. This morning I had the honor to recognize Mr. Larry Bauguess, who has recently lost his life in Afghanistan on behalf of our country.

I urge all Members to support the passage of H.R. 1425.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, to close, I want to thank the gentleman from Texas for his introduction of this legislation. I also want to thank Mr. CONAWAY for his passionate description of the life of one of our heroes. I would certainly concur and urge that we pass this resolution. I am very pleased to support it, and I urge passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1425.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GEORGE B. LEWIS POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2077) to designate the facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, as the "George B. Lewis Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GEORGE B. LEWIS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, shall be known and designated as the "George B. Lewis Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "George B. Lewis Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H.R. 2077, which names the postal facility in Blue Creek, Ohio, after George B. Lewis.

H.R. 2077 was introduced by Representative JEAN SCHMIDT on April 30, 2007, and was reported from the Oversight Committee on May 1, 2007, by a voice vote.

This measure, which has been cosponsored by 16 Members, has the support of the entire Ohio congressional delegation.

George Lewis began his career in public service with the Federal Government on February 1, 1946, when he enlisted in the United States Navy. After his discharge from the Navy, George returned from Adams County to work on the family cattle farm until September 1, 1950, when he was drafted by the Army and sent to Korea. He rose in the ranks quickly, earning the rank of tank sergeant. He was honorably discharged from the Army on June 12, 1952.

George was hired as the Blue Creek Postmaster on November 5, 1955, where he served ably until his retirement on September 27, 1992.

Mr. Speaker, I commend my colleague, Representative JEAN SCHMIDT from Ohio, for introducing this legislation, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today to honor the dedicated public servants working for American citizens in making our neighborhoods a better place in which to live. George B. Lewis, the Blue Creek Postmaster, is one such man.

Lewis' career serving his country began when he enlisted in the United States Navy in February 1946. He then returned to his work on the family cattle farm in Adams County until September 1950, when at the age of 22 he was drafted by the Army and sent to Korea. In Korea, Lewis was recognized as a leader, and he earned the rank of tank sergeant.

Honorably discharged in 1952, Lewis again returned to work on the family farm. Three years later, Lewis was appointed to the position of the Blue Creek Postmaster, a job he held until retirement. Not only did George Lewis serve his community as postmaster for 47 years, but he played a major role in forming the Jefferson Township Volunteer Fire Department and then went on to serve as the chief of that department.

He was also very active in the community, sitting on the Adams County Hospital Board, the Adams County Agricultural Society and Fair Board director. As the proud father of five children, he also served as the president of the Jefferson Township Parent-Teacher Association.

Lewis died on October 25, 2000, from lung cancer. With his recognized accomplishments in the Armed Forces, his devotion and services to Blue Creek as postmaster, and his longtime record of community service, it is fitting for to us pay tribute to the lifetime achievements of George B. Lewis by naming the Blue Creek Ohio, postal facility in his honor.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield as much time as she may consume to my distinguished colleague from the State of Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I rise in strong support of H.R. 2077, legislation to name the United States postal facility in Blue Creek, Ohio, the "George B. Lewis Post Office Building."

George Lewis is the perfect example of what it is to be an American. This is an individual who served his country on the battlefield, and then came back home to serve his country on the farm field.

George Lewis was born on April 22, 1928, in Peebles, Ohio, a farming community in Adams County, the second of five children. George spent his entire life, save 2 years fighting the Korean War, in Adams County, where he devoted his entire life to improve it.

George Lewis began his career in public service with the Federal Government on February 1, 1946, still a few months short of his 18th birthday when he enlisted in the Navy. After his discharge from the Navy, George returned to Adams County to work on the family cattle farm until September 1, 1950, when he was called to duty and drafted into the Army and sent to Korea at the age of 22.

He rose in the ranks quickly, earning the rank of tank sergeant. He saw battle on several occasions and earned several medals and awards for his service.

He was honorably discharged in 1952 and returned back to the family farm to do the work.

George was hired as the Blue Creek Postmaster on November 5, 1955, where he served ably until his retirement on September 27, 1992. He was known to all in his community as the Blue Creek Postmaster. He retired with 40 years of Federal Government service.

During his career as postmaster, George remained active in his community, not just only on the family farm which his family has held for over 200 years. He was instrumental, as was mentioned, in forming the Jefferson Township Volunteer Fire Department, serving as its chief, and was an honorary lifetime member. He also continued in his public service with the Adams County Hospital Board, the Adams County Agricultural Society, the Fair Board director, and was president of the Jefferson Township Parent-Teacher Association. Lastly, he was a member of the Moores Chapel United Methodist Church.

George was known as the "go-to guy" because he could fix anything from a tractor to a toaster, and he never said no to anyone. He was known for his willingness to help everyone, friends or strangers, and had a quick wit and a common sense which made him universally respected in his community.

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George died on October 25, 2000, after a battle with lung cancer. He was survived by his wife of over 45 years, Juanita, five children and six great-grandchildren.

George B. Lewis lived as a humble and practical man. He was not afraid of hard work, hard situations or hard decisions. He faced life with courage, common sense and a feeling of responsibility for Blue Creek, where his entire family still resides to this day on that same family farm.

I urge my colleagues to honor this man and support this legislation.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 2077, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 2077.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORING THE LIFE, LEGACY AND ACCOMPLISHMENTS OF LAMAR HUNT

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 53) recognizing the life of Lamar Hunt and his outstanding contributions to the Kansas City Chiefs, the National Football League, and the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 53

Whereas Lamar Hunt was born on August 2, 1932, in El Dorado, Arkansas;

Whereas Lamar Hunt graduated from Southern Methodist University with a Bachelor of Science in Geology in 1956, and was a 3 year reserve end on the varsity football team and was a distinguished alumni and avid supporter;

Whereas at the age of 27, Lamar Hunt created the American Football League and founded the Dallas Texans, which were later renamed the Kansas City Chiefs when Hunt relocated the team in 1963;

Whereas for 40 years Lamar Hunt owned and was a vital participant in the Kansas City Chiefs Football Club and created the Championship Game between the American Football League and the National Football League that became known as the Super Bowl, a moniker Hunt coined;

Whereas under the leadership of Lamar Hunt, the Kansas City Chiefs won the American Football League Championship game in 1962, 1966, and 1969, and won the National Football League Super Bowl IV Championship in 1970;

Whereas Lamar Hunt, a man of unwavering and deep humility, played an important role in the design, ongoing development, and direction of the modern-day National Football League and served as the driving force behind the merger of the American and National football leagues in 1970;

Whereas Lamar Hunt advocated for innovative and progressive changes to enhance football in the National Football League, including the installation of the 2-point conversion option for professional football, names on the backs of the uniforms, that the trophy given to the winner of the Super Bowl be named in honor of the late and revered Vince Lombardi, and an additional Thanksgiving game be added to the National Football League schedule;

Whereas Lamar Hunt's biggest influence on the professional football over the years was his quiet, yet persuasive voice of reason;

Whereas Lamar Hunt's name is rightfully mentioned alongside other legends in professional football history for his commitment to putting the betterment of the professional football leagues ahead of any potential individual gain, few individuals helped change the face of American football for the better than this quiet Texan;

Whereas Lamar Hunt, as the founder of the American Football League, helped pave the way for much of the modern growth of professional football;

Whereas possibly the greatest tribute to his contributions to the sport was the naming by the American Football League of the Lamar Hunt Trophy, which is presented annually to the champion of the American Football Conference;

Whereas Lamar Hunt was also one of the founding investors in the 6-time World Champion Chicago Bulls of the National Basketball Association and was the owner of 13 distinctive championship rings from 5 different professional sports associations, including the American Football League and National Football League, Major League Soccer, National Basketball Association, North American Soccer League, and the United States Soccer "Open Cup";

Whereas in total, Lamar Hunt was selected to 8 Halls of Fame, including the United States Soccer Hall of Fame in 1982, the International Tennis Hall of Fame in 1993, the Missouri Sports Hall of Fame in 1995, the Texas Sports Hall of Fame in 1984, the Texas Business Hall of Fame 1997, and the Kansas City Business Hall of Fame 2004;

Whereas Lamar Hunt was the first American Football League figure to be enshrined into the Professional Football Hall of Fame in 1972;

Whereas in 1981 Lamar Hunt was inducted into the National Football League Alumni Association's prestigious Order of the Leather Helmet and in February of 1993, and received the Francis J. "Reds" Bagnell Award from the Maxwell Football Club of Philadelphia for continuing positive contributions to the game;

Whereas in 1991 the 91-year-old U.S. Open Cup was renamed the "Lamar Hunt U.S. Open Cup.";

Whereas that same year Lamar Hunt received the U.S. Soccer Federation Hall of Fame Medal of Honor, joining former U.S. Soccer President Alan Rothenberg as the only other individual to earn that prestigious distinction;

Whereas in 2005 the U.S. Soccer Foundation honored Lamar Hunt with its Lifetime Achievement Award;

Whereas Lamar Hunt brought smiles to millions of children who walked through the gates of his twin theme parks in Kansas City, Worlds and Oceans of Fun;

Whereas in addition to his outstanding leadership of the Kansas City Chiefs, Lamar Hunt served his community throughout his lifetime through philanthropic endeavors and the donation of his time in both Kansas City and Dallas;

Whereas 2 of the projects closest to Lamar Hunt included Southern Methodist University, his alma mater where he served as co-chairman of the university's campaign that raised $60,000,000 to build a new 32,000-seat football stadium that opened in 2000 and to which he and his wife Norma donated $5,000,000; and the Heart of a Champion Foundation, a nonprofit foundation that he launched in 2001;

Whereas Lamar Hunt was also a supporter of the Nelson-Atkins Museum in Kansas City, and was a benefactor of the Dallas Symphony Orchestra, the Dallas Museum of Art, and a host of causes related to children's charities, education, and fine arts; and

Whereas on December 13, 2006, Lamar Hunt succumbed to cancer at the Dallas Presbyterian Hospital in Dallas, Texas at the age of 74: Now, therefore, be it

Resolved, That the House of Representatives, on this occasion less than one month after the death of Lamar Hunt—

(1) expresses its deepest condolences to Lamar Hunt's wife of 42 years, Norma, his 4 children, Lamar Jr., Sharon Munson, Clark, and Daniel, and his 14 grandchildren; and

(2) recognizes the outstanding contributions that Lamar Hunt made to the Kansas City Chiefs, the National Football League, and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Kansas City, Missouri, Representative EMANUEL CLEAVER, the sponsor of this legislation.

Mr. CLEAVER. Mr. Speaker, the National Football League, the American sports community and the business leadership in Western Missouri lost a true treasure on December 13, 2006, when the Kansas City Chiefs founder, Lamar Hunt, peacefully passed away at Presbyterian Hospital in Dallas, Texas, at the age of 74.

Mr. Speaker, this great American is survived by his wife, Norma, and their four children, some of whom are here with us today.

Lamar Hunt is recognized as one of the greatest sportsmen in American history. He served as the guiding force behind the formation of both the American Football League and the Kansas City Chiefs franchise. Hunt served as a positive influence on the game of football for 47 years, dating back to his conception of the American Football League in 1959.

He was the first AFL figure to be enshrined into the Pro Football Hall of Fame. This was a remarkable feat, if you consider that he had become involved in the game just 13 years earlier.

It was Lamar Hunt who served as the catalyst, who brought together a group of people whimsically known as the "Foolish Club." He was able to convince eight men to put money up to start a football league that no one thought could survive. This was truly an impossible dream. But the fledgling league took foot on the field for the 1960 season; and on June 8, 1966, the AFL-NFL merger was announced by the NFL Commissioner, Pete Rozelle. On January 15, Lamar Hunt's Kansas City Chiefs were participating in the first Super Bowl.

It is worth noting that when the owners met after the merger and began to discuss this football game that would be the bowl game of bowl games, far more noteworthy than the Rose Bowl or the Cotton Bowl or the Sugar Bowl, it was Lamar Hunt who said the bowl game of bowl games should be called the Super Bowl, and thus was born what is now one of the most watched events on this planet.

Before there was a player, coach or general manager in the league, there was Lamar Hunt. There was the late Patriots' owner William Sullivan who remarked at Hunt's Hall of Fame induction ceremony that "Hunt was the cornerstone, the integrity, of the league. Without him, there would have been no AFL."

Mr. Speaker, I had the opportunity to serve as Mayor of Kansas City for 8 years. But even before that, during my time on the City Council, I had the great pleasure of meeting and working with Lamar Hunt. Over the years, I can tell you that I have met many, many men and women, some heads of state. I have met kings and one queen. I have never met a person on this Earth yet who had the humility of Lamar Hunt. I have never seen a man who did so much, who accomplished great things at the level of Lamar Hunt, who could walk around this Capitol and no one would know him because he would be opening doors for everyone and trying to serve.

In the tradition of my religion, humility is held perhaps higher than any other characteristic. In fact, in my tradition, the great prophets all praised people with humility, and the pharisees, who did not have humility, who praised themselves, were denounced.

Lamar Hunt was an innovator. For years and years he advocated the two-point conversion in the NFL. Finally, in 1994, the owners bought into the concept, which is why today there is a two-point conversion. This man would create things in his mind, and he had the ability to share those things.

I attribute, as well as many other African Americans, Lamar Hunt with the credit for African Americans moving into all realms of pro football. Before the AFL, there were only a few African Americans playing in the NFL. For a lot of the young people who watch TV today, they would probably find that somewhat amusing. But it was quite possible in the 1950s and even the early 1960s to watch an NFL game and see maybe one or two and, in some instances, maybe no African Americans at all.

But when Lamar Hunt started the AFL, he went to the Historically Black Colleges and Universities and began to create players. And what a crop of players he brought in.

Willie Lanier, middle linebacker. In those days, and young people will probably find this amazing, people in sports would say African Americans can't play middle linebacker. That is the quarterback of defense. They can't play quarterback. Willie Lanier, who is in the building at this time, Mr. Speaker, became a member of the Pro Football Hall of Fame. He was the starting middle linebacker for the Kansas City Chiefs for 11 years.

Then there was Buck Buchanan at a little school that most people had never even heard of, a black college called Grambling. Buck Buchanan, Pro Football Hall of Fame. Otis Taylor. And the list goes on and on. And when you look at all of the other teams in the AFL, they, too, would go into these schools. So in addition to being an innovator, he was a great humanitarian.

Hunt was not able to ever see his long-held dream of hosting a Super Bowl in Kansas City. It was something that he worked on. But, before he died, the NFL owners passed a proposal to bring the NFL's championship game to Kansas City in February of the year 2015.

Mr. Hunt was a great man, a great leader. He did a lot for our community. I had the pleasure of traveling with him around the world. I had the chance to see him in many, many situations; and I can tell you, this was a giant, even though he never tried to project himself as a giant in any situation, he tried to just blend in. But there is no way the history of the National Football League can be complete without a major section entitled "Lamar Hunt."

Mr. Speaker, I ask all Members to join me in supporting H. Res. 53, which is to honor the life and legacy and accomplishments of Lamar Hunt.

The National Football League, the American sports community, and the Business Community of Kansas City lost a true treasure on December 13, 2006 when Chiefs Founder Lamar Hunt peacefully passed away at Presbyterian Hospital in Dallas, Texas at the age of 74.

He is survived by his wife, Norma and their four children, Lamar, Jr., Sharron Munson, Clark and Daniel. He was also the proud grandfather of 14 grandchildren. Recognized as one of the greatest sportsmen in American history, Hunt served as the guiding force behind the formation of both the American Football League and the Kansas City Chiefs franchise. Hunt served as a positive influence on the game for 47 years dating back to his conception of the American Football League in '59. He was the first AFL figure to be enshrined into the Pro Football Hall of Fame in '72, a remarkable feat considering he became involved in the game just 13 years earlier. Hunt served as the catalyst, who brought together the whimsically-named "Foolish Club" comprised of the eight original AFL owners. His "impossible dream" became a reality when his fledgling league took foot on the field for the '60 season. On June 8, 1966, the AFL–NFL merger was announced by NFL Commissioner Pete Rozelle and on January 15, 1967, Hunt's Kansas City Chiefs were participating in the inaugural Super Bowl.

"Before there was a player, coach or a general manager in the league there was Lamar Hunt," late Patriots owner William Sullivan remarked at Hunt's Hall of Fame induction ceremony. "Hunt was the cornerstone, the integrity of the league. Without him, there would have been no AFL." Despite his many accomplishments, Hunt's humility was one of his most unwavering and most endearing traits. While he modestly declined to take credit for his efforts, he truly played an important role in the design, ongoing development and direction of the modern-day National Football League. Whether it was serving as the driving force behind the formation of the AFL, serving as a key player in the AFL–NFL merger talks in the '60s, or overseeing many crucial issues concerning pro football and the Chiefs franchise during the past 4 decades, few individuals helped change the face of America's favorite game for the better than this quiet Texan. In addition to being a principal negotiator in the merger of the AFL and NFL in the late '60s, he was a contributor to the design of the NFL playoff format. He is also credited with accidentally putting the name "Super Bowl" on the NFL's championship game—the name coming from his children's toy "Super Ball."

For many years, he was a persistent advocate of the 2-point conversion option for pro football—an old college and AFL rule that was finally adopted by the NFL in '94. Hunt had also lobbied for many years that an additional Thanksgiving game be added to the NFL schedule and in 2006, those efforts were rewarded when the Chiefs hosted the first-ever Thanksgiving contest at Arrowhead Stadium. Perhaps Hunt's biggest influence on the league over the years was his quiet, yet persuasive voice of reason. Hunt's name is rightfully mentioned alongside other legendary family surnames in pro football history such as Halas, Mara and Rooney for his commitment to putting the betterment of the league ahead of any potential individual gain. As the founder of the AFL, he helped pave the way for much of the modern growth of pro football. Possibly the greatest tribute to his contributions to the sport was the naming by the league of the Lamar Hunt Trophy, which is presented annually to the champion of the American Football Conference. The early days of the AFL were problem-filled and often tenuous, but Hunt saw his Dallas Texans franchise achieve on-field success. In 1962, the Texans won the AFL Championship with a double-overtime victory over the Houston Oilers, the first of 3 titles won by the Texans/Chiefs during the league's 10-year existence.

After three years in Dallas, Hunt moved his team to Kansas City in '63, where the organization was renamed the Chiefs. Hunt truly helped put Kansas City on the "big-league" map, thanks to a star-studded football team that was the winningest in the 10-year history of the American Football League. Hunt's team repeated as AFL champions in both 1966 and 1969. By winning the 1966 AFL title, the Chiefs earned the right to play in the first Super Bowl against the NFL Champion Green Bay Packers. Three years later, the Chiefs claimed Kansas City's first major sports championship by defeating the Minnesota Vikings in Super Bowl IV. In the late 1960s, Hunt was closely involved in the original development plans for Arrowhead Stadium, a facility which provided the Chiefs and their fans with one of the most decided home-field advantages in all of sports. While other venues of a similar vintage have long since been termed obsolete or have been demolished, Arrowhead continues to serve as a point of pride for the Chiefs and the Kansas City community.

Thanks in large part to the vision and lobbying efforts of Hunt, Jackson County Missouri voters approved a 3/8 cent sales tax in April of 2006. That measure is expected to raise $425 million for the Truman Sports Complex, of which $325 million has been earmarked to renovate Arrowhead in order to bring the facility up to today's state-of-the-art standards. Those improvements should only further solidify Arrowhead's status as one of America's foremost sporting venues.

Hunt's longtime dream of hosting a Super Bowl in Kansas City appeared to become a reality when NFL Commissioner Paul Tagliabue announced on November 16, 2005 that NFL owners had passed a proposal to bring the NFL's championship game to Kansas City in February of 2015.

Unfortunately, a provision in April's election that would have resurrected the "rolling roof" concept for Arrowhead Stadium did not pass. The "rolling roof" was part of Hunt's initial vision for Arrowhead Stadium in the '60s. In its 21st century incarnation, the "rolling roof" would have provided a climate-controlled facility suitable for hosting the Super Bowl, the Final Four and other prestigious events.

While Hunt did not realize his goal of seeing an NFL title game played in Kansas City, he worked diligently to bring other prominent sporting contests to Arrowhead over the years. The "Home of the Chiefs" served as host of the Dr Pepper Big 12 Conference Championship Game in 2000, 2003, 2004 and 2006. In addition to numerous other collegiate football contests, the Chiefs hosted several international soccer matches at Arrowhead thanks to Hunt's influence.

Hunt's decision to hire Chiefs President, General Manager and CEO Carl Peterson in December '88 set the stage for a football renaissance in Kansas City. During the decade of the '90s, Hunt and Peterson, earned the distinction of becoming just the fourth Owner/General Manager combination to preside over a franchise for all 10 years of a 100-win decade as Kansas City compiled a stellar 102–58 (.638) regular season record from '90–99. Under Hunt's stewardship, the Chiefs developed an intensely-loyal fan following, not just in Mid-America, but across the country and around the globe. Hunt took great satisfication in the fact that the Chiefs boasted season-ticket holders from 48 of the 50 states (all but Maine and Vermont), the District of Columbia, Puerto Rico and Canada. He was also appreciative of the fact that Kansas City was selected to represent the NFL in 4 American Bowl contests—Berlin, Germany ('90), Tokyo, Japan ('94, '98) and Monterrey, Mexico ('96).

While the Chiefs always remained Hunt's most prized sporting entity, his passion for athletics encompassed more than just the game of football. Appropriately nicknamed "Games" during his childhood, Hunt's love of sports was his true lifeblood, an enthusiasm which led to his involvement in 6 different professional sports leagues and 7 sports franchises.

In addition to his formative role in the creation of the American Football League, Hunt was involved in the development of both the North American Soccer League and a tennis promotion company, World Championship Tennis. Hunt's involvement in those ventures resulted years later in his induction into the respective Halls of Fame of both United States Soccer (located in Oneonta, New York) in '82 and International Tennis (located in Newport, Rhode Island) in '93. He was also inducted into the state Sports Halls of Fame of both Missouri ('95) and Texas ('84). In total, Hunt was selected to 8 "Halls of Fame," including the Texas Business Hall of Fame ('97) and the Kansas City Business Hall of Fame (2004). In '81, Hunt was inducted into the NFL Alumni Association's prestigious Order of the Leather Helmet and in February of '93, he received the Francis J. "Reds" Bagnell Award from the Maxwell Football Club of Philadelphia for continuing positive contributions to the game.

Truly a sportsman for all seasons, Soccer America Magazine named Hunt one of its "25 Most Influential People" in '99 after the 91-year-old U.S. Open Cup was renamed the "Lamar Hunt U.S. Open Cup." That same year he also received the U.S. Soccer Federation Hall of Fame Medal of Honor, joining former U.S. Soccer President Alan Rothenberg as the only other individual to earn that prestigious distinction. In 2005, the U.S. Soccer Foundation honored Hunt with its Lifetime Achievement Award. The Hunt Family served as the Investor/Operators of the Kansas City Wizards franchise of Major League Soccer from '95–06 and reveled as the Wizards claimed the 2000 MLS Cup. The Hunt Family still oversees the operations of 2 MLS franchises, F.C. Dallas and the Columbus Crew.

The Hunt Sports Group has been at the forefront of stadium development in the United States, beginning with America's first soccer-specific stadium, 22,555-seat Crew Stadium which opened in '99. In 2005, Pizza Hut Park was completed in Frisco, Texas, giving the Dallas area one of the world's most unique and futuristic soccer facilities. Hunt was also one of the founding investors in the 6-time World Champion Chicago Bulls of the National Basketball Association. In total, Hunt was the owner of 13 distinctive championship rings from 5 different professional sports associations (AFL/NFL, MLS, NBA, NASL and the U.S. Soccer "Open Cup"). His football championship litany included a Super Bowl IV ring from the '69 Chiefs, as well as AFL title rings from the '62 Texans and '66 Chiefs. A highly-successful businessman outside of sports, one of Hunt's most notable innovations was SubTropolis, the world's largest underground business complex, located just north of Arrowhead Stadium. This naturally climate-controlled, subterranean industrial park serves as home to over 50 local, national and international businesses. Hunt also envisioned and developed Worlds of Fun, a 165-acre family entertainment complex which opened in '73, as well as the 60-acre family water recreation park, Oceans of Fun which was completed in '82. While both of those entities were sold in '95, Hunt Midwest Enterprises, Inc. continues to oversee a diverse range of business interests, including limestone mining and real estate development.

Hunt was born on August 2, 1932 in El Dorado, Arkansas and graduated from SMU with a B.S. in Geology in '56. While at SMU, he was a 3-year reserve end on the Varsity Football Team. Hunt was an avid supporter of his alma mater and was an annual fixture at the Cotton Bowl. He and his wife Norma were also involved in numerous philanthropic and civic efforts in Dallas, across the state of Texas and in the Kansas City community.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the world of professional sports lost one of its strongest enthusiasts this past December when Lamar Hunt lost his long battle with prostate cancer.

Widely known throughout the professional sports industry, his inspirational career helped the National Football League, the Major Soccer League and the National Hockey League become the massive successes they are today.

Born in El Dorado, Arkansas, and raised in Dallas, Texas, Lamar Hunt was a passionate sports fanatic. He played on his college football team at Southern Methodist University, but his real involvement began when he applied for an expansion to the National Football League in 1959. He was turned down, and a year later he decided with a group of eight others to form the American Football League. Facing tough competition from the NFL, he was determined to become the owner of a Texas football team. His first team ownership came with the founding of the Dallas Texans.

A few years later, the team moved to Kansas City and became the Kansas City Chiefs, which Hunt would continue to own until the time of his death. His Chiefs went on to play in the first-ever Super Bowl game, which, by the way, was the term he coined as the championship game between the two leagues.

Lamar Hunt was instrumental in the merger between the National Football League and the American football League in 1970. Beyond football, he made similar efforts in the fields of soccer, tennis and hockey. He helped establish the World Championship Tennis Circuit, Major League Soccer, and its predecessor, the North American Soccer League. At the time of his death, he owned two MLS teams, the FC Dallas and the Columbus Crew. He even furthered his ownership enterprise as one of the original owners of the Chicago Bulls NBA team.

Among his numerous awards and honors, he has been inducted into the Pro Football Hall of Fame, the National Soccer Hall of Fame and the International Tennis Hall of Fame. The American Football League trophy presented each year to the AFL champion team is aptly named the Lamar Hunt Trophy.

It is only right that we honor Lamar Hunt for his innovation, dedication and enthusiasm to the national sports industry. His achievements in sports and charitable contributions, as well as his work in theme parks and industrial parks, are to be commended. He was an inspiration to those in the NFL, and his legacy will continue through his teams.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H. Res. 53, which honors the life of Lamar Hunt and his outstanding contributions to the Kansas City Chiefs, the National Football League and the United States of America.

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H. Res. 53, which has 52 cosponsors, was introduced by the gentleman from Missouri (Mr. CLEAVER) on January 11, 2007. H. Res. 53 was reported from the Oversight Committee on May 1, 2007, by voice vote.

Mr. Speaker, as already has been indicated, America lost a great sportsman and businessman when the Kansas City Chiefs football team owner, Mr. Lamar Hunt, passed away on December 13, 2006, at Presbyterian Hospital in Dallas, Texas, at the age of 74.

Mr. William Sullivan, the late Patriots football team owner, said, "Before there was a player, coach or a general manager in the league, there was Lamar Hunt. Hunt was the cornerstone, the integrity of the league. Without him, there would have been no American Football League."

In the 1950s, Mr. Hunt on several occasions approached the National Football League to buy a franchise for his hometown of Dallas, Texas, but he was repeatedly denied. Frustrated by this, he decided to organize a rival pro football circuit, the American Football League, in 1960. Mr. Hunt was the owner of the Dallas Texans, one of the eight original teams that formed the AFL. Mr. Hunt's Dallas Texans won the championship in 1962. Soon after, he moved the team to Kansas City in 1963. He renamed them the Kansas City Chiefs. The team won the AFL championship in 1966, and the Super Bowl IV title in 1969.

I want to commend my colleague Mr. CLEAVER not only for introduction of this legislation, but his passionate indication of what the life of Lamar Hunt was, for his personal experiences and contributions not only to the game of football, but to the game of life.

Listening to Representative CLEAVER it becomes clear that not only was Mr. Hunt a giant of a football man, but he was a giant of a humanitarian, a giant of a man who could take ideas and convey those in such a way that others would buy into them, while at the same time continuing to live out the thoughts that Kipling had: If you can talk with kings and queens and not lose the common touch; if all men count with you, but none too much; and if you can fill the unforgiving moment with 60 seconds' worth of distance run, yours will be the world and all that is in it. And what is more, you will be a man, my son.

Lamar Hunt was indeed a giant of a man. I urge passage of this legislation.

Mr. GRAVES. Mr. Speaker, I rise to celebrate the life of one of Kansas City's legendary figures.

Lamar Hunt made a positive and lasting impression on Kansas City. He was a man who seemingly touched every life that crossed his path. He was known for his easy-going, engaging personality. He will be remembered not only for what he accomplished, but for the way he treated people.

Mr. Hunt was an innovator. He is credited with making the National Football League what it is today. He coined the term "Super Bowl", championed the 2-point conversion and brought American soccer into the mainstream. He was inducted into 3 different professional sports halls of Fame—football, tennis and soccer.

His beloved Kansas City Chiefs played in the American Football League and won the Super Bowl in 1969. The Chiefs are as much a part of Kansas City as barbeque and jazz, thanks to Mr. Hunt's leadership.

Mr. Hunt though was an innovator in other ways too. He built both Worlds of Fun and Oceans of Fun as state of the art theme parks in Kansas City. He also built the Subtropolis Office Complex in the limestone caves around Kansas City.

Mr. Speaker, simply stated, Lamar Hunt was a giant among men.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 53, to recognize the life of Lamar Hunt and his outstanding contributions to the Kansas City Chiefs, the National Football League, and the United States.

The National Football League and the American sports community lost a true treasure on December 13, 2006 when Chiefs Founder Lamar Hunt passed away in Dallas, Texas at the age of 74. Lamar Hunt was an independent thinker, a trailblazer who refused to be denied his dream. Recognized as one of the greatest sportsmen in American history, Hunt served as the guiding force behind the formation of both the American Football League and the Kansas City Chiefs franchise.

Hunt served as a positive influence on the game for 47 years dating back to his conception of the American Football League in 1959. He was the first AFL figure to be enshrined into the Pro Football Hall of Fame in 1972, a remarkable feat considering he became involved in the game just 13 years earlier.

Hunt served as the catalyst who brought together the "Foolish Club" comprised of the 8 original AFL owners. His "impossible dream" became a reality when his fledgling league took foot on the field for the 1960 season. On June 8, 1966, the AFL–NFL merger was announced by NFL Commissioner Pete Rozelle and on January 15, 1967, Hunt's Kansas City Chiefs were participating in the inaugural Super Bowl. Lamar Hunt's Kansas City Chiefs returned to the Super Bowl in 1970 and defeated the Minnesota Vikings by a score of 23–7 in Super Bowl IV.

Despite his many accomplishments, Hunt's humility was one of his most unwavering and most endearing traits. While he modestly declined to take credit for his efforts, Hunt truly played an important role in the design, ongoing development and direction of the modern-day National Football League. Lamar Hunt was also a risk taker. He signed a great number of African-American players onto the Kansas City Chiefs football team at a time when few other football teams took that chance. So, Lamar Hunt rose above the crowd and nestled on top of the football and sports apex where few others sat.

Whether it was employing more African-Americans, serving as the driving force behind the formation of the AFL, serving as a key player in the AFL–NFL merger talks in the '60s, or overseeing many crucial issues concerning pro football and the Chiefs franchise during the past 4 decades, few individuals helped change the face of America's favorite game for the better than this quiet Texan.

In addition to being a principal negotiator in the merger of the AFL and NFL in the late '60s, he was a contributor to the design of the NFL playoff format. He is also credited with accidentally putting the name "Super Bowl" on the NFL's championship game—the name coming from his children's toy "Super Ball."

As the founder of the AFL, he helped pave the way for much of the modern growth of pro football. Possibly the greatest tribute to his contributions to the sport was the naming by the league of the Lamar Hunt Trophy, which is presented annually to the champion of the American Football Conference.

Mr. Speaker, I ask all of my colleagues to join me in recognizing the enormous contributions Lamar Hunt has made the sports world and beyond.

Mr. SKELTON. Mr. Speaker, let me congratulate the gentleman from Missouri, the Honorable EMANUEL CLEAVER, for spearheading the effort in Congress to honor Kansas City Chiefs Founder Lamar Hunt, who passed away in December 2006 after living a long and distinguished life. As the Fifth District's U.S. representative and the former mayor of Kansas City, Missouri, Mr. CLEAVER understands better than anyone in the House how special Lamar Hunt's Chiefs are to the Kansas City community and to people all throughout the Show-Me State.

Missouri's Fourth District, which I am privileged to represent, includes portions of the Kansas City suburbs and most of the rural, west central section of the State. Many of the Missourians who call the Fourth District home are proud Chiefs fans. They don jerseys, t-shirts, hats, and flags emblazoned with the red team color of the Chiefs and travel great distances to watch the Chiefs play at Arrowhead Stadium. Among the people, there is a great deal of pride for the Chiefs.

Missourians who love the Kansas City Chiefs and the National Football League, NFL, owe a debt of gratitude to Chiefs founder Lamar Hunt, who in 1963 moved the Dallas Texans to Kansas City. For 40 years, Mr. Hunt owned and was a critical participant in the Chiefs football club. Under his leadership, the Chiefs won the American Football League Championship game in 1966 and in 1969 and won the National Football League Super Bowl IV Championship in 1970. And, while the team has been competitive through most of its history, it experienced a renaissance after Mr. Hunt hired General Manager Carl Peterson in 1988.

Mr. Hunt also helped mold the direction of the modern-day NFL and served as the driving force behind the merger of the American and National football leagues in 1970. He founded the American Football League at the age of 27 and created and named the championship game known as the Super Bowl. Throughout his career, he advocated for innovative and progressive changes to enhance the NFL, including the inclusion of the two point conversion option for professional football, placing names on the backs of the uniforms, naming the Super Bowl trophy after Vince Lombardi, and adding another Thanksgiving game to the NFL schedule.

In recognition of Mr. Hunt's work in football, he was enshrined in the Professional Football Hall of Fame in 1972, was inducted into the NFL Alumni Association's prestigious Order of the Leather Helmet, and received the Francis J. "Reds" Bagnell Award from the Maxwell Football Club of Philadelphia. The NFL also named the American Football Conference, AFC, trophy, which is presented each year to the AFC champion, the "Lamar Hunt Trophy."

In addition to football, Mr. Hunt was dedicated to other sports, including soccer, basketball, and tennis. He was also a highly successful businessman and philanthropist.

Mr. Speaker, Lamar Hunt was a remarkable man. Though he was born in Arkansas and lived much of his life in Texas, his decision to establish the Kansas City Chiefs in Missouri has endeared him to Show-Me State residents. And, he made his mark in the history of the United States by helping to create the NFL, which is revered by so many Americans. As the House of Representatives prepares to pass legislation today to honor Mr. Hunt's life and legacy, let us remember his unique contributions to Missouri and to our country.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize the late Lamar Hunt, a tireless contributor to the National Football League, NFL, and to the United States.

Originally from El Dorado, Arkansas, Lamar Hunt was educated in Texas at Southern Methodist University, where he obtained a Bachelor of Science degree in Geology and served as a 3-year reserve end on the varsity football team.

At the young age of 27, Hunt persevered through much criticism and founded the Dallas Texans, now known as the Kansas City Chiefs, and facilitated the creation of the American Football League. By undertaking these two tasks, he paved the way for the expansion of professional football.

Hunt's impeccable management skills and keen perception of the game propelled him to spearhead groundbreaking developments in the NFL. These developments include, among many others, the installation of the 2-point conversion option and the inclusion of names on the back of game jerseys. Although known for such contributions to the NFL, Hunt's commitment to the community went far beyond the football field.

Hunt was an avid supporter of societal betterment, hosting and sponsoring many philanthropic efforts. He made significant financial contributions to higher learning institutions, the Heart of a Champion foundation, and the fine arts, notably the Dallas Symphony Orchestra and the Dallas Museum of Art.

In closing, Lamar Hunt was a very special man who touched the lives of many Americans. I am delighted and honored to recognize such a distinguished, forward thinking gentleman, and I urge my colleagues to join me in saluting this remarkable citizen.

Mr. DAVIS of Illinois. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H. Res. 53, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 53.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL HURRICANE PREPAREDNESS WEEK

Mr. MELANCON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 402) supporting the goals and ideals of National Hurricane Preparedness Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 402

Whereas the Atlantic and Central Pacific hurricane season begins June 1 and ends November 30, and the East Pacific hurricane season runs from May 15 through November 30;

Whereas an average of 11 tropical storms develop per year over the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico and an average of 6 of these storms become hurricanes;

Whereas in an average 3-year period roughly 5 hurricanes strike the United States coastline, sometimes resulting in multiple deaths, with 2 typically being "major" or "intense" category 3 hurricanes, as measured on the Saffir-Simpson Hurricane Scale;

Whereas millions of Americans face great risk from tropical storms or hurricanes, because 50 percent of Americans live along the coast and millions of tourists visit the oceans each year;

Whereas the 2005 Atlantic hurricane season was the busiest on record and extends the active hurricane cycle that began in 1995—a trend experts agree is likely to continue for years to come;

Whereas the 2005 Atlantic hurricane season included 28 named storms, including 15 hurricanes in which 7 were category 3 or higher;

Whereas, during a hurricane, homes, businesses, public buildings, and infrastructure may be damaged or destroyed by heavy rain, strong winds, and storm surge; debris can break windows and doors; roads and bridges can be washed away; homes can be flooded; and destructive tornadoes can occur well away from the storm's center;

Whereas experts at the National Oceanic and Atmospheric Administration's National Hurricane Center in the National Weather Service agree that it is critical to know if you live in a hurricane prone area, to know your home's vulnerability to storm surge, flooding, and wind, and to develop a written family disaster plan based on this knowledge;

Whereas the National Hurricane Center recommends that people in hurricane-prone areas prepare a personal evacuation plan that identifies ahead of time their home's vulnerability to storm surge, flooding, and wind; the safest areas in their home for each hurricane hazard; several options of places to go if ordered to evacuate; and the telephone numbers of these places as well as a road map of the local area;

Whereas the National Hurricane Center recommends that people in hurricane-prone areas assemble a disaster supply kit before hurricane season begins that includes a first aid kit and essential medications; canned food and can opener; at least three gallons of water per person per day for three to seven days; protective clothing, rainwear, and bedding or sleeping bags; a battery-powered radio, flashlight, and extra batteries; special items (including medications) for infants, elderly, or disabled family members; and written instructions on how to turn off electricity, gas, and water in case authorities advise these actions;

Whereas the National Hurricane Center recommends that prior to hurricane season people prepare for high winds by installing hurricane shutters or having available precut outdoor plywood boards for each window of a home; ensuring they can reinforce garage doors; and making trees more wind resistant by removing diseased and damaged limbs;

Whereas the National Hurricane Center recommends that citizens know that the term "Hurricane Watch" means hurricane conditions are possible in the specified area of the Watch, usually within 36 hours, and that the term "Hurricane Warning" means hurricane conditions are expected in the specified area of the Warning, usually within 24 hours;

Whereas the National Hurricane Center recommends that people know what to do when a Hurricane Watch is issued, that is, listen to NOAA Weather Radio or local radio or TV stations for up-to-date storm information; prepare to bring inside any lawn furniture, outdoor decorations, and anything that can be picked up by the wind; prepare to cover all windows of their homes and reinforce their garage door; fill their car's gas tank; recheck manufactured home tie-downs; and recheck their disaster supply kit;

Whereas the National Hurricane Center recommends that people know what to do when a Hurricane Warning is issued, that is, listen to the advice of local officials, and leave if told to do so; complete preparation activities; if they are not advised to evacuate, stay indoors, away from windows; be aware that the calm "eye" is deceptive and does not mean the storm is over; and be alert for tornadoes;

Whereas in the 1970s, '80s, and '90s, inland flooding was responsible for more than half of the deaths associated with tropical storms and hurricanes in the United States and the National Weather Service recommends that when a hurricane threatens the United States, people determine whether they live in a potential flood zone; if advised to evacuate, do so immediately; keep abreast of road conditions through the news media; move to a safe area before access is cut off by flood water; do not attempt to cross flowing water because as little as six inches of water may cause one to lose control of a vehicle; and develop a flood emergency action plan;

Whereas the National Oceanic and Atmospheric Administration provides more detailed information about hurricanes and hurricane preparedness via its Web site http://www.nhc.noaa.gov/HAW2/; and

Whereas a National Hurricane Preparedness Week will be the week of May 20–26, 2007: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Hurricane Preparedness Week;

(2) encourages the staff of the National Oceanic and Atmospheric Administration, especially at the National Weather Service and the National Hurricane Center, and other appropriate Federal agencies, to continue their outstanding work to educate people in the United States about hurricane preparedness; and

(3) urges the people of the United States to recognize such a week as an opportunity to learn more about the work of the National Hurricane Center to forecast hurricanes and to educate citizens about the potential risks associated with hurricanes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. MELANCON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. MELANCON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H. Res. 402.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MELANCON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am here today with a resolution with my friend, the gentleman from Florida (Mr. MARIO DIAZ-BALART), that will help to make America aware of hurricanes and the devastation. This resolution supports the goals and ideals of National Hurricane Preparedness Week. It encourages the staff of the National Oceanic and Atmospheric Administration, especially at the National Weather Service and the National Hurricane Center and other appropriate Federal agencies, to continue their outstanding work to educate people in the United States about hurricane preparedness.

It also urges the people of the United States to recognize such a week as an opportunity to learn more about the work of the National Hurricane Center to forecast hurricanes and to educate citizens about the potential risks associated with hurricanes.

In light of the storms and devastation caused by Katrina and Rita in August and September of 2005, I think it is appropriate that America be aware of the situations with hurricanes, particularly since some 53 percent of all Americans live along the coastal areas of this country.

Mr. Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Louisiana for his help. Before I discuss this important issue, I want to thank Chairman GORDON and Ranking Member HALL and their great staffs for allowing this important resolution that has been brought here before you to move forward so quickly.

Mr. Speaker, I rise today in support of House Resolution 402, supporting the goals and ideals of National Hurricane Preparedness Week as established by the National Hurricane Center. Hurricane Preparedness Week began yesterday, May 20, and lasts through May 26 of this year.

Next Friday, June 1, marks the beginning of the hurricane season, unfortunately, in the Atlantic and central Pacific Oceans. Hurricane season lasts 6 months, until November 30, and those are 6 months that those of us in Florida pay close attention to.

The goal of Hurricane Preparedness Week is to inform the public about hurricane hazards and to provide knowledge that can be used to take action. We have to be ready. This information can be used to save lives and to protect your home and your property.

History has taught us that a lack of hurricane awareness and preparation are common among all major hurricane disasters, but by knowing your vulnerability and what actions you as an individual and family can take, you can reduce the effects of a hurricane disaster.

One of the biggest lessons learned from the recent wave of hurricanes is that residents should have enough supplies to survive for at least 3 days after the landfall of a hurricane. Oftentimes government and law enforcement personnel are engaged in restoring safety and calming the situation and trying to reach people after a landfall of a hurricane. Ideally residents should have enough food, water and supplies to at least last them 3 days until the authorities can actually get there and lend a hand.

Millions of Americans face great risks from tropical storms and hurricanes. More than 50 percent of Americans live along the coast, and millions of tourists visit the oceans and the coasts each year.

The statistics associated with hurricanes are frankly staggering. An average of 11 tropical storms develop each year over the Atlantic Ocean, the Caribbean Sea, and the Gulf of Mexico. Six of those storms will probably become hurricanes.

The 2005 Atlantic hurricane season was the busiest on record, including 28 named storms, 15 hurricanes in which 7 were a Category 3 or higher. As a Coastal State, Floridians are keenly aware of Mother Nature's wrath and fury, especially when it comes to hurricanes.

In just 2 short years, eight hurricanes have made landfall in Florida from

2004–2005. They were Charlie, Frances, Ivan, Jeanne, Dennis, Katrina, Wilma and Rita. We have heard and read and had to deal with the consequences of those storms.

As we have learned in the past few years, hurricanes pose serious threats to our country. Unfortunately, massive storms can result in casualties, deaths, and millions of dollars in economic damage and destruction. During hurricanes, homes, businesses and other buildings can be damaged by heavy rain, strong winds, and storm surge. Homes can be flooded. Tornadoes can be spun off, and power can be wiped out for days or weeks and sometimes longer.

Experts at NOAA's National Hurricane Center in the National Weather Service agree that it is critical to do a few things: Number one, to determine if you live in a hurricane-prone area. Much of Florida is. Also, know your home's vulnerabilities to storm surge, flooding, wind, and develop a written family disaster plan based on this knowledge.

Once you determine your vulnerability to a hurricane, the National Hurricane Center recommends that people in hurricane-prone areas, such as Florida, assemble a disaster supply kit before the hurricane season begins. Be ready now; don't wait until the storm is on its way. That includes things like a first aid kit with essential medications, and nonperishable food items such as canned goods; at least 3 gallons of water per person per day for at least 3 to 7 days, and that is crucial. You might be able to survive without a lot of things, but you cannot survive without clean water. They recommend battery-powered radios and flashlights and extra batteries; and special items, including formula for infants, and medications for elderly or disabled family members.

As we have learned in south Florida, the forecasters, the meteorologists and hurricane specialists at the National Hurricane Center are often the best source of the most valuable information on hurricane preparedness. They spend countless hours providing valuable information and warnings to individuals located in the potential path of a hurricane, and millions of Americans have come to rely on their steady advice and counsel.

Mr. Speaker, I urge all Americans living in hurricane-prone areas to use Hurricane Preparedness Week as an opportunity to learn more about the approaching hurricane season and to be prepared before a hurricane threatens our land. We must all learn from our experiences and be prepared.

Mr. Speaker, I reserve the balance of my time.

Mr. MELANCON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Mr. MARIO DIAZ-BALART covered the subject matter of the resolution with a tremendous explanation of why we need to be attentive to National Hurricane Week. This June 1 begins the 2007 hurricane season here in the United States, and I hope that recognition here on the floor today will make people aware throughout this country, particularly the people affected by these hurricanes, aware of the dangers and the need to pay attention to oncoming storms.

Mr. Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. BILIRAKIS), who I served with in the State legislature.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Louisiana (Mr. MELANCON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) for sponsoring this resolution, which I strongly support. It is a very important resolution.

Mr. Speaker, I rise today in strong support of this resolution supporting the goals and ideals of National Hurricane Preparedness Week.

As we approach what is expected to be yet another very active hurricane season, it is imperative that we help raise awareness on the importance of being the best prepared for the worst-case scenario.

How can any of us ever forget the horrific scenes etched into our minds after witnessing the devastation caused by Hurricanes Katrina and Rita? Nearly 2 years later, the gulf coast region and those affected by these storms are still suffering.

I was alarmed when FEMA Director David Paulison testified before the Homeland Security Committee last week and informed us that FEMA's revised national response plan will not be completed until sometime in June.

Given that we have already had a named storm before the official beginning of hurricane season, I hope FEMA is working expeditiously to get this plan finalized.

□ 1645

Mr. Speaker, we all agree that the response of the State, local and Federal Governments were inadequate, and there is much work to be done. However, disaster readiness should not solely lie on the shoulders of government. I hope that individuals will use this week as a reminder that they, too, must prepare themselves, as Mr. DIAZ-BALART said.

I have urged my constituents to develop family disaster plans and create supply kits. It is also important that they follow local weather forecasts and heed any emergency hurricane warnings they receive. These and other simple steps can help save lives.

Mr. Speaker, while I'm pleased that we are here today to debate this vitally important issue, I also must express some frustration. Most of our States are plagued with some form of natural disaster. In my State, these menaces have caused the most financially crippling crisis we have been confronted with in years, namely, the unaffordable costs of homeowners' insurance.

Due to the onslaught of hurricanes and tornados in recent years, these rates have doubled or even tripled. This has caused many of my constituents throughout Florida, of course, to leave their homes or risk everything by opting not to get coverage.

While there are no overnight solutions to help solve this crisis, I believe that this body can take steps to help encourage citizens in disaster-prone areas to better mitigate their property from their storms. I have introduced H.R. 913, the Hurricane Tornado and Mitigation Investment Act, which would accomplish that goal. I'm proud my good friend from Florida is an original cosponsor.

Mr. Speaker, some Members have raised concerns that this is only a Florida or a coastal State issue. However, I will conclude my remarks with this statistic. For every dollar spent by FEMA for mitigating disasters, about $4 is saved on what would have eventually been spent fixing damage from a storm. That's significant.

Taxpayers from every State have contributed billions of dollars spent recovering from the aftermaths of hurricanes such as Katrina and Rita. Encouraging our citizens to safeguard their property will save Americans in every State billions of dollars.

Furthermore, it would reduce the skyrocketing costs of homeowners' insurance and allow my constituents and constituents all over the country, your constituents, Mr. Speaker, to raise their children in the State that they want to and retire in the State that they want to retire.

I'm seeing some big problems in my State, Mr. Speaker. As I said, people are leaving the State, and it's a real shame. It's a real shame. They can't afford the homeowners' insurance.

I encourage my colleagues to cosponsor H.R. 913 and pray that this hurricane season is not as active as predicted.

Mr. MELANCON. Mr. Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, we have no further speakers, and I yield back the remaining part of my time.

Ms. BORDALLO. Mr. Speaker, I rise in support of H. Res. 402, a resolution to support the goals and ideals of National Hurricane Preparedness Week. I thank my colleague from Florida (Mr. DIAZ-BALART) for his leadership on this issue and for introducing this resolution.

Sponsored by the National Oceanic and Atmospheric Administration, NOAA, this year the National Hurricane Preparedness Week will be observed from May 20–26, 2007. National Hurricane Preparedness Week is aimed to inform and educate people in the United States about how to prepare for major storms and hurricanes and mitigate the risks to individuals, families, and communities associated with potentially deadly storms. A lack of awareness and preparation by individuals, families, and communities can contribute to the destructive effects of hurricanes, major storms, and other natural disasters.

The people of Guam know well the devastating effects of major storms. This resolution correctly notes that the Central Pacific hurricane season begins on June 1 and ends November 30. Guam, during that period of time, routinely is hit by powerful typhoons that have winds in excess 150 miles per hour.

The hazards associated with hurricanes or typhoons and other major storms are not limited to high winds and massive rains. Storm surges, flooding, and the loss of essential services are also among the serious threats to safety, health, and public order associated with such storms.

The key to managing the full range of threats is planning and coordination among local, State, and Federal officials. The government and people of Guam are well prepared for these storms and to manage their aftermaths largely as a result of the high level of coordination that exists between local and Federal representatives on Guam. In fact, communities across the United States can learn from the model practiced and utilized by the Government of Guam in order to achieve effective coordination between local, State, and Federal authorities.

I encourage other at-risk communities across the United States to heed the advice provided by Federal authorities during National Hurricane Preparedness Week. I also encourage at-risk communities to, throughout the year, be vigilant in their efforts to review, revise, and modernize their planning and capabilities to respond to major storms.

Planning and preparation is also the responsibility of each family in at-risk communities. Some simple strategies can be followed to help mitigate the risk to individual and families before, during and after major storms. They are: development of a family plan; the creation of a disaster supply kit; the securing of home and property; and the sharing of information.

I urge my colleagues to support H. Res. 402.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 402, which puts this House on record in strong support of the goals and ideals of National Hurricane Preparedness Week. As we near the 2-year anniversary of Hurricane Katrina, one of the most devastating natural disasters that our country has ever known, we still have a great deal of work to do to secure our Nation from further weather catastrophes. I strongly urge my colleagues to support this legislation, which encourages increased public awareness about how to prepare for a hurricane.

Mr. Speaker, Hurricane Katrina was one of the worst storms in American history, its magnitude rivaled only by the catastrophic failure of the Federal Government to adequately respond to the resulting suffering in a manner befitting our great Nation.

This year's hurricane season officially begins on June 1, and scientific predictions do not bode well. Forecasters anticipate a "very active" year for storms along the Atlantic coastline, with researchers at Colorado State University anticipating 17 named storms, including 9 hurricanes. According to these predictions, there is a 74 percent chance that at least one major hurricane will strike the U.S. coastline.

This time we have fair warning. We know how devastating a hurricane can be, and we know we are likely to see another storm of the magnitude of Hurricane Katrina. We know that our disaster prevention, preparedness, and relief mechanisms and agencies are woefully inadequate. We can no longer use ignorance as an excuse, and we cannot allow ourselves to be caught unprepared once again.

This legislation recognizes the extreme destructive power of hurricanes; their potential to destroy homes and livelihoods as well as essential infrastructure. We may not be able to predict exactly how, when, or where a hurricane will make landfall, but we do know what areas of the country are particularly vulnerable to hurricanes. We know what basic steps, such as developing a written family disaster plan or establishing evacuation routes, residents of these areas can and should take to prepare themselves. And most of all, we know that hurricanes will continue to pose a threat in the years to come, a threat which we cannot ignore.

In recognition of this knowledge, this bill acknowledges this week, May 20–26, as National Hurricane Preparedness Week. It encourages the staff of the National Oceanic and Atmospheric Administration, especially at the National Weather Service and the National Hurricane Center, and other appropriate Federal agencies, to continue to educate people in the United States about hurricane preparedness.

Additionally, this legislation urges the people of the United States to recognize such a week as an opportunity to learn more about the work of the National Hurricane Center in forecasting hurricanes and in educating citizens about the potential risks associated with hurricanes.

Mr. Speaker, Hurricane Katrina was responsible for $81.2 billion in damage, as well as for the deaths of 1,836 persons. We have a responsibility to provide the American people with a disaster preparedness system that works. We must ensure that, should another storm of Katrina's magnitude make landfall on America's coastline, we will not have to witness the atrocious suffering that we saw in the summer of 2005. I strongly support this legislation, and I urge my colleagues to do so as well.

Mr. MELANCON. Mr. Speaker, I thank Mr. DIAZ-BALART so much and Mr. BILIRAKIS. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. MELANCON) that the House suspend the rules and agree to the resolution, H. Res. 402.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

21ST CENTURY COMPETITIVENESS ACT OF 2007

Mr. WU. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2272) to invest in innovation through research and development, and to improve the competitiveness of the United States.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "21st Century Competitiveness Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SCIENCE AND MATHEMATICS SCHOLARSHIPS AND EDUCATION IMPROVEMENT

Sec. 101. Findings.
Sec. 102. Definitions.

Subtitle A—Science Scholarships

Sec. 111. Short title.
Sec. 112. Findings.
Sec. 113. Policy objective.
Sec. 114. Robert Noyce Teacher Scholarship Program.

Subtitle B—Mathematics and Science Education Improvement

Sec. 121. Mathematics and science education partnerships amendments.
Sec. 122. Teacher institutes.
Sec. 123. Graduate degree program.
Sec. 124. Curricula.
Sec. 125. Science, Technology, Engineering, and Mathematics Talent Expansion Program.
Sec. 126. High-need local educational agency definition.
Sec. 127. Teacher leaders.
Sec. 128. Laboratory science pilot program.
Sec. 129. Study on laboratory equipment donations for schools.

TITLE II—SCIENCE AND ENGINEERING RESEARCH

Sec. 201. Short title.
Sec. 202. National Science Foundation early career awards for science and engineering researchers.
Sec. 203. Department of Energy early career awards for science and engineering researchers.
Sec. 204. Integrative graduate education and research traineeship program.
Sec. 205. Presidential innovation award.
Sec. 206. National Coordination Office for Research Infrastructure.
Sec. 207. Research on innovation and inventiveness.
Sec. 208. Report on National Institute of Standards and Technology efforts to recruit and retain early CAREER science and engineering researchers.
Sec. 209. NASA's contribution to innovation.
Sec. 210. Undergraduate scholarships for science, technology, engineering, and mathematics.

TITLE III—NATIONAL SCIENCE FOUNDATION

Sec. 301. Short title.

Sec. 302. Definitions.
Sec. 303. Authorization of appropriations.
Sec. 304. Centers for research on learning and education improvement.
Sec. 305. Interdisciplinary research.
Sec. 306. Pilot program of grants for new investigators.
Sec. 307. Broader impacts merit review criterion.
Sec. 308. Postdoctoral research fellows.
Sec. 309. Responsible conduct of research.
Sec. 310. Reporting of research results.
Sec. 311. Sharing research results.
Sec. 312. Funding for successful stem education programs.
Sec. 313. Cost sharing.
Sec. 314. Donations.
Sec. 315. Additional reports.
Sec. 316. Administrative amendments.
Sec. 317. National Science Board reports.
Sec. 318. National Academy of Science Report on Diversity in STEM fields.
Sec. 319. Sense of the Congress regarding the mathematics and science partnership programs of the Department of Education and the National Science Foundation.
Sec. 320. Hispanic-serving institutions undergraduate program.
Sec. 321. Communications training for scientists.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Sec. 401. Short title.

Subtitle A—Authorization of Appropriations

Sec. 411. Scientific and technical research and services.
Sec. 412. Industrial technology services.

Subtitle B—Innovation and Technology Policy Reforms

Sec. 421. Institute-wide planning report.
Sec. 422. Report by Visiting Committee.
Sec. 423. Manufacturing extension partnership.
Sec. 424. Technology Innovation Program.
Sec. 425. Research fellowships.
Sec. 426. Collaborative manufacturing research pilot grants.
Sec. 427. Manufacturing fellowship program.
Sec. 428. Meetings of Visiting Committee on Advanced Technology.
Sec. 429. Manufacturing research database.

Subtitle C—Miscellaneous

Sec. 441. Post-doctoral fellows.
Sec. 442. Financial agreements clarification.
Sec. 443. Working capital fund transfers.
Sec. 444. Retention of depreciation surcharge.
Sec. 445. Non-Energy Inventions Program.
Sec. 446. Redefinition of the metric system.
Sec. 447. Repeal of redundant and obsolete authority.
Sec. 448. Clarification of standard time and time zones.
Sec. 449. Procurement of temporary and intermittent services.
Sec. 450. Malcolm Baldrige awards.

TITLE V—HIGH-PERFORMANCE COMPUTING

Sec. 501. High-performance computing research and development program.
Sec. 502. Definitions.

TITLE I—SCIENCE AND MATHEMATICS SCHOLARSHIPS AND EDUCATION IMPROVEMENT

SEC. 101. FINDINGS.

Congress finds the following:

(1) The National Science Foundation has made significant and valuable contributions to the improvement of K-12 and undergraduate science, technology, engineering, and mathematics education throughout its 56 year history.

(2) Under section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862), the National Science Foundation is explicitly required to strengthen science, mathematics, and engineering research potential and education programs at all levels.

SEC. 102. DEFINITIONS.

In this title:

(1) The term "cost of attendance" has the meaning given that term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(2) The term "Director" means the Director of the National Science Foundation.

(3) The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) The term "mathematics and science teacher" means a mathematics, science, or technology teacher at the elementary school or secondary school level.

Subtitle A—Science Scholarships

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "10,000 Teachers, 10 Million Minds Science and Math Scholarship Act".

SEC. 112. FINDINGS.

Congress finds the following:

(1) The prosperity the United States enjoys today is due in no small part to investments the Nation has made in research and development over the past 50 years.

(2) Corporate, government, and national scientific and technical leaders have raised concerns that current trends affecting the science and technology enterprise of the Nation could result in erosion of this past success and jeopardize future prosperity.

(3) The National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine were tasked in a congressional request to recommend actions that the Federal Government could take to enhance the science and technology enterprise so that the United States can successfully compete, prosper, and be secure in the global community of the 21st century.

(4) The Academies' highest priority recommendation in its report, "Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future", is to improve K-12 mathematics and science education, and the Academies' first recommended action item is to institute a major scholarship program to recruit and educate annually 10,000 mathematics and science teachers.

SEC. 113. POLICY OBJECTIVE.

In carrying out the program under section 10 of the National Science Foundation Authorization Act of 2002, the National Science Foundation shall seek to increase by up to 10,000 per year the number of elementary and secondary mathematics and science teachers in the Nation's schools having both exemplary subject knowledge and pedagogical skills.

SEC. 114. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

(a) PROGRAM AMENDMENTS.—Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-1) is amended—

(1) by inserting "teacher" after "noyce" in the section heading;

(2) in subsection (a)(1)—

(A) by striking "to provide scholarships, stipends, and programming designed";

(B) by inserting "and to provide scholarships and stipends to students participating in the program" after "science teachers"; and

(C) by inserting "Teacher" after "Noyce";

(3) in subsection (a)(3)(A)—

(A) by striking "encourage top college juniors and seniors" and inserting "recruit and prepare undergraduate students"; and

(B) by inserting "qualified as" after "to become";

(4) in subsection (a)(3)(A)(ii)—

(A) by striking "programs to help scholarship recipients" and inserting "academic courses and early field teaching experiences designed to prepare students participating in the program";

(B) by striking "programs that will result in" and inserting "such preparation as is necessary to meet requirements for"; and

(C) by striking "licensing; and" and inserting "licensing;";

(5) in subsection (a)(3)(A)(iii)—

(A) by striking "scholarship recipients" and inserting "students participating in the program";

(B) by striking "enable the recipients" and inserting "enable the students"; and

(C) by striking "; or" and inserting "; and";

(6) in subsection (a)(3)(A) by inserting at the end the following new clause:

"(iv) providing summer internships for freshman students participating in the program; or";

(7) in subsection (a)(3)(B)—

(A) by striking "encourage" and inserting "recruit and prepare"; and

(B) by inserting "qualified as" after "to become";

(8) by amending clause (ii) of subsection (a)(3)(B) to read as follows:

"(ii) offering academic courses and field teaching experiences designed to prepare stipend recipients to teach in elementary schools and secondary schools, including such preparation as is necessary to meet requirements for teacher certification or licensing; and";

(9) in subsection (a) by inserting at the end the following new paragraph:

"(4) ELIGIBILITY REQUIREMENT.—To be eligible for an award under this section, an institution of higher education (or consortia of such institutions) shall ensure that specific faculty members and staff from the institution's mathematics, science, or engineering departments and specific education faculty are designated to carry out the development and implementation of the program. An institution of higher education may also include teacher leaders to participate in developing the pedagogical content of the program and to supervise students participating in the program in their field teaching experiences. No institution of higher education shall be eligible for an award unless faculty from the institution's mathematics, science, or engineering departments are active participants in the program.

"(5) AWARDS.—In awarding grants under this section, the Director shall endeavor to ensure that the recipients are from a variety of types of institutions of higher education. In support of this goal, the Director shall broadly disseminate information about when and how to apply for grants under this section, including by conducting outreach to Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3)))."

(10) in subsection (b)(1)(A)—

(A) by striking "scholarship or stipend";

(B) by inserting "and summer internships" after "number of scholarships"; and

(C) by inserting "the type of activities proposed for the recruitment of students to the program," after "intends to award,";

(11) in subsection (b)(1)(B)—

(A) by striking "scholarship or stipend"; and

(B) by striking "; and" and inserting ", which may include a description of any existing programs at the applicant's institution that are targeted to the education of mathematics and science teachers and the number of teachers graduated annually from such programs;";

(12) in subsection (b)(1), by striking subparagraph (C) and inserting the following:

"(C) a description of the academic courses and field teaching experiences required under subsection (a)(3)(A)(ii) and (B)(ii), including—

"(i) a description of the undergraduate program that will enable a student to graduate within 5 years with a major in mathematics, science, or engineering and to obtain teacher certification or licensing;

"(ii) a description of the field teaching experiences proposed; and

"(iii) evidence of agreements between the applicant and the schools or school districts that are identified as the locations at which field teaching experiences will occur;

"(D) a description of the programs required under subsection (a)(3)(A)(iii) and (B)(iii), including activities to assist new teachers in fulfilling their service requirements under this section; and

"(E) an identification of the applicant's mathematics, science, or engineering faculty and its education faculty who will carry out the development and implementation of the program as required under subsection (a)(4).";

(13) in subsection (b)(2)—

(A) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (C), (D), (E) and (F), respectively;

(B) by inserting after subparagraph (A) a new subparagraph as follows:

"(B) the extent to which the applicant's mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or revised curricula that recognizes the specialized pedagogy required to teach mathematics, science, and technology effectively in elementary and secondary schools;"; and

(C) by amending subparagraph (F), as so redesignated by subparagraph (A) of this paragraph, to read as follows:

"(F) the ability of the applicant to recruit students who are individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).";

(14) in subsection (c)(1)(B), by striking "2 years" and inserting "3 years";

(15) in subsection (c)(3)—

(A) by striking "$7,500" and inserting "$10,000"; and

(B) by striking "2 years of scholarship support" and inserting "3 years of scholarship support, unless the Director establishes a policy by which part-time students may receive additional years of support";

(16) in subsection (c)(4)—

(A) by striking "6 years" and inserting "8 years";

(B) by inserting ", with a maximum service requirement of 6 years" after "was received"; and

(C) by striking "Service required under this paragraph shall be performed in a high-need local educational agency.";

(17) in subsection (c), by adding at the end a new paragraph as follows:

"(5) Exception.—The period of service obligation under paragraph (4) is reduced by 1 year for scholarship recipients whose service is performed in a high-need local educational agency. The Director shall establish and maintain a central clearinghouse of information on teaching opportunities available in high-need local educational agencies throughout the United States, which shall be made available to individuals having a service obligation under this section.";

(18) in subsection (d)(1), by striking "to receive certification or licensing to teach" and inserting "established under subsection (a)(3)(B)";

(19) in subsection (d)(2), by inserting "and professional achievement" after "academic merit";

(20) in subsection (d)(3), by striking "1 year" and inserting "16 months";

(21) in subsection (d)(4)—

(A) by striking "6 years" and inserting "4 years"; and

(B) by striking "for each year a stipend was received";

(22) in subsection (e)—

(A) by inserting "or section 10A" after "under this section"; and

(B) in paragraph (1) by inserting "or section 10A" after "subsection (d)";

(23) in subsection (f)(1), by inserting "or section 10A" after "under this section";

(24) in subsection (g)(2)(A)—

(A) by striking "Treasurer of the United States," and inserting "Treasurer of the United States."; and

(B) by striking "multiplied by 2.";

(25) in subsection (h), by inserting "or section 10A" after "under this section";

(26) in subsection (i)(3), by inserting "or had a career in" after "is working in";

(27) in subsection (i)—

(A) by striking "and" at the end of paragraph (4);

(B) in paragraph (5), by inserting "or section 10A" after "subsection (d)";

(C) by striking the period at the end of paragraph (5) and inserting "; and"; and

(D) by adding at the end the following:

"(6) the term 'teacher leader' means a mathematics or science teacher who works to improve the instruction of mathematics or science in kindergarten through grade 12 through—

"(A) participating in the development or revision of science, mathematics, engineering, or technology curricula;

"(B) serving as a mentor to mathematics or science teachers;

"(C) coordinating and assisting teachers in the use of hands-on inquiry materials, equipment, and supplies, and when appropriate, supervising acquisition and repair of such materials;

"(D) providing in-classroom teaching assistance to mathematics or science teachers; and

"(E) providing professional development, for the purposes of training other teacher leaders, to mathematics and science teachers."; and

(28) by adding at the end the following:

"(j) Mathematics and Science Scholarship Gift Fund.—In accordance with section 11(f) of the National Science Foundation Act of 1950, the Director is authorized to accept donations from the private sector to support scholarships, stipends, or internships associated with programs under this section.

"(k) Assessment of Teacher Service and Retention.—Not later than 4 years after the date of enactment of this subsection, the Director shall transmit to Congress a report on the effectiveness of the program carried out under this section. The report shall include the proportion of individuals receiving scholarships or stipends under the program who—

"(1) fulfill their service obligation required under this section in a high-need local educational agency;

"(2) elect to fulfill their service obligation in a high-need local educational agency but fail to complete it, as defined in subsection (g);

"(3) remain in the teaching profession beyond their service obligation; and

"(4) remain in the teaching profession in a high-need local educational agency beyond their service obligation.".

(b) Special Partnership Program for Stipends.—The National Science Foundation Authorization Act of 2002 is amended by inserting after section 10 the following new section:

"SEC. 10A. SPECIAL PARTNERSHIP PROGRAM FOR STIPENDS.

"(a) In General.—As part of the Robert Noyce Teacher Scholarship Program established under section 10, the Director shall establish a separate type of award for eligible entities described in subsection (b). Stipends under this section shall be available only to mathematics, science, and engineering professionals who, while receiving the stipend, are enrolled in a program to receive certification or licensing to teach.

"(b) Eligibility.—In order to be eligible to receive a grant under this section, an institution of higher education (or consortia of such institutions) shall enter into a partnership with one or more private sector nonprofit organizations, local or State government organizations, and businesses. The members of the partnership shall provide the teaching supplements described in subsection (f).

"(c) Use of Grants.—Grants provided under this section shall be used by institutions of higher education or consortia to develop and implement a program to encourage science, mathematics, or engineering professionals to become qualified as mathematics and science teachers, through—

"(1) administering stipends in accordance with this section;

"(2) offering academic courses and field teaching experiences designed to prepare stipend recipients to teach in elementary and secondary schools, including such preparation as is necessary to meet the requirements for certification or licensing; and

"(3) offering programs to stipend recipients, both during and after matriculation in the program for which the stipend is received, to enable recipients to become better mathematics and science teachers, to fulfill the service requirements of this section, and to exchange ideas with others in their fields.

"(d) Selection Process.—

"(1) Merit review.—Grants shall be provided under this section on a competitive, merit-reviewed basis.

"(2) Applications.—An eligible institution of higher education or consortium seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

"(A) a description of the program that the applicant intends to operate, including the number of stipends the applicant intends to award, the type of activities proposed for the recruitment of students to the program, and the amount of the teaching supplements to be provided in accordance with subsection (f);

"(B) a description of the selection process that will be used in awarding stipends, including a description of the rigorous, nationally recognized test that will be administered during the selection process in order to determine whether individuals applying for stipends have advanced content knowledge of science or mathematics;

"(C) evidence that the applicant has the capability to administer the program in accordance with the provisions of this section, which may include a description of any existing programs at the applicant's institution that are targeted to the education of mathematics and science teachers and the number of teachers graduated annually from such programs;

"(D) a description of the academic courses and field teaching experiences described in subsection (c)(2), including—

"(i) a description of an educational program that will enable a student to obtain teacher certification or licensing within 16 months; and

"(ii) evidence of agreements between the applicant and the schools or school districts that are identified as the locations at which field teaching experiences will occur;

"(E) a description of the programs described in subsection (c)(3), including activities to assist new teachers in fulfilling their service requirements under this section; and

"(F) evidence that the partnership will provide the teaching supplements required under subsection (f).

"(3) Criteria.—In evaluating the applications submitted under paragraph (2), the Director shall consider, at a minimum—

"(A) the ability of the applicant to effectively carry out the program and to meet the requirement of subsection (f);

"(B) the extent to which the applicant's mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or revised curricula that recognizes the specialized pedagogy required to teach mathematics and science effectively in elementary and secondary schools;

"(C) the extent to which the applicant is committed to making the program a central organizational focus;

"(D) the degree to which the proposed programming will enable stipend recipients to become successful mathematics and science teachers;

"(E) the number and quality of the students that will be served by the program; and

"(F) the ability of the applicant to recruit students who would otherwise not pursue a career in teaching.

"(e) Stipends.—Individuals shall be selected to receive stipends under this section primarily on the basis of their content knowledge of science or mathematics as demonstrated by their performance on a test designated in accordance with subsection (d)(2)(B). Among individuals demonstrating equivalent content knowledge, consideration may be given to financial need and to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

"(f) Teaching Supplements.—The members of a partnership shall identify a source of non-Federal funding to provide salary supplements to individuals who participate in the program under this section during the period of their service obligation under subsection (h).

"(g) Amount and Duration.—Stipends under this section shall be not less than $10,000 per year, except that no individual shall receive for any year more than the cost of attendance at that individual's institution. Individuals may receive a maximum of 16 months of stipend support.

"(h) Service Obligation.—If an individual receives a stipend under this section, that individual shall be required to complete, within 6 years after completion of the educational program for which the stipend was awarded, 4 years of service as a mathematics or science teacher in a public secondary school.".

(c) Conforming Amendment.—Section 8(6) of the National Science Foundation Authorization Act of 2002 is amended—

(1) in the paragraph heading by inserting "Teacher" after "Noyce"; and

(2) by inserting "Teacher" after "Noyce".

Subtitle B—Mathematics and Science Education Improvement

SEC. 121. MATHEMATICS AND SCIENCE EDUCATION PARTNERSHIPS AMENDMENTS.

Section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n) is amended—

(1) in subsection (a)(2)—

(A) by striking "(A)";

(B) by striking subparagraph (B);

(C) by inserting ", through 1 or more of its departments in science, mathematics, or engineering," after "institution of higher education"; and

(D) by striking "a State educational agency" and inserting "education faculty from the participating institution or institutions of higher education, a State educational agency,";

(2) in subsection (a)(3)(B)—

(A) by inserting "content-specific" before "professional development programs";

(B) by inserting "which are" before "designed"; and

(C) by inserting "and which may include teacher training activities to prepare mathematics and science teachers to teach challenging mathematics, science, and technology college-preparatory courses, including Advanced Placement and International Baccalaureate courses" after "and science teachers";

(3) in subsection (a)(3)(C)—

(A) by inserting "and laboratory experiences" after "technology"; and

(B) by inserting "and laboratory" after "provide technical";

(4) in subsection (a)(3)(I) by inserting "including model induction programs for teachers in their first 2 years of teaching," after "and science,";

(5) in subsection (a)(3)(K) by striking "developing and offering mathematics or science enrichment programs for students, including after-school and summer programs;" and inserting "developing educational programs and materials and conducting mathematics, science, and technology enrichment programs for students, including after-school programs and summer camps for students described in subsection (b)(2)(G);";

(6) in subsection (a) by inserting at the end the following:

"(8) Master's degree programs.—Activities carried out in accordance with paragraph (3)(B) shall include the development and offering of master's degree programs for in-service mathematics and science teachers that will strengthen their subject area knowledge and pedagogical skills, as described in section 123 of the Act enacting this paragraph. Grants provided under this section may be used to develop and implement courses of instruction for the master's degree programs, which may involve online learning, and develop related educational materials.

"(9) Mentors for teachers and students of challenging courses.—Partnerships carrying out activities to prepare mathematics and science teachers to teach challenging mathematics, science, and technology college-preparatory courses, including Advanced Placement and International Baccalaureate courses, in accordance with paragraph (3)(B) shall encourage companies employing scientists, mathematicians, or engineers to provide mentors to teachers and students and provide for the coordination of such mentoring activities.

"(10) Inventiveness.—Activities carried out in accordance with paragraph (3)(H) may include the development and dissemination of curriculum tools that will help foster inventiveness and innovation.";

(7) in subsection (b)(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and inserting after subparagraph (D) the following new subparagraph:

"(E) the extent to which the evaluation described in paragraph (1)(E) will be independent and based on objective measures;";

(8) in subsection (b) by inserting at the end the following:

"(4) Minimum and maximum grant size.—A grant awarded under this section shall be not less than $75,000 or greater than $2,000,000 for any fiscal year.";

(9) in subsection (c)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(C) by inserting after paragraph (1) the following new paragraphs:

"(2) Report on model projects.—The Director shall determine which completed projects funded through the program under this section should be seen as models to be replicated on a more expansive basis at the State or national levels. Not later than 1 year after the date of enactment of this paragraph, the Director shall transmit a report describing the results of this study to the Committee on Science and Technology and the Committee on Education and Labor of the House of Representatives and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate.

"(3) Report on evaluations.—Not later than 4 years after the date of enactment of this paragraph, the Director shall transmit a report summarizing the evaluations required under subsection (b)(1)(E) of grants received under this program and describing any changes to the program recommended as a result of these evaluations to the Committee on Science and Technology and the Committee on Education and Labor of the House of Representatives and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate. Such report shall be made widely available to the public."; and

(10) by adding at the end the following new subsection:

"(d) Definitions.—In this section—

"(1) the term 'mathematics and science teacher' means a mathematics, science, or technology teacher at the elementary school or secondary school level; and

"(2) the term 'science', in the context of elementary and secondary education, includes technology and pre-engineering.".

SEC. 122. TEACHER INSTITUTES.

(a) National Science Foundation Institutes.—

(1) In general.—The Director shall establish a grant program to provide for summer or academic year teacher institutes or workshops authorized by section 9(a)(3)(B) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(a)(3)(B)) and shall allow grantees under the Teacher Institutes for the 21st Century program to operate 1 to 2 week summer teacher institutes with the goal of reaching the maximum number of inservice mathematics and science teachers, particularly elementary and middle school teachers, to improve their content knowledge and pedagogical skills.

(2) Preparation to teach challenging courses.—The Director shall ensure that activities supported for awards under paragraph (1) include the development and implementation of teacher training activities to prepare mathematics and science teachers to teach challenging mathematics, science, and technology college-preparatory courses, including Advanced Placement and International Baccalaureate courses.

(3) Awards.—In awarding grants under this section, the Director shall give priority to applications that propose programs that will attract mathematics and science teachers from local educational agencies that—

(A) are receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq) as a result of having within their jurisdictions concentrations of children from low income families; and

(B) are experiencing a shortage of highly qualified teachers, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), in the fields of science, mathematics, or technology.

(b) Laboratory Science Teacher Professional Development.—There are authorized to be appropriated to the Secretary of Energy for the Laboratory Science Teacher Professional Development program, $3,000,000 for fiscal year 2008, $8,000,000 for fiscal year 2009, $10,000,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, and $10,000,000 for fiscal year 2012.

SEC. 123. GRADUATE DEGREE PROGRAM.

(a) In General.—The Director shall ensure that master's degree programs for in-service mathematics and science teachers that will strengthen their subject area knowledge and pedagogical skills are instituted in accordance with section 9(a)(8) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(a)(8)). The degree programs shall be designed for current teachers, who will enroll as part-time students, and to allow participants to obtain master's degrees within a period of 3 years.

(b) Distribution of Awards.—The Director shall, in awarding grants to carry out subsection (a), consider the distribution of awards among institutions of higher education of different sizes and geographic locations.

(c) Program Activities.—Activities supported through master's degree programs established under subsection (a) may include—

(1) development of courses of instruction and related educational materials;

(2) stipends to defray the cost of attendance for students in the degree program; and

(3) acquisition of computer and networking equipment needed for online instruction under the degree program.

SEC. 124. CURRICULA.

Nothing in this title, or the amendments made by this title, shall be construed to limit the authority of State governments or local school boards to determine the curricula of their students.

SEC. 125. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS TALENT EXPANSION PROGRAM.

(a) Amendments.—Section 8(7) of the National Science Foundation Authorization Act of 2002 is amended—

(1) in subparagraph (A) by striking "competitive, merit-based" and all that follows through "in recent years." and inserting "competitive, merit-reviewed multiyear grants for eligible applicants to improve undergraduate education in science, mathematics, engineering, and technology through—

"(i) the creation of programs to increase the number of students studying toward and completing associate's or bachelor's degrees in science, technology, engineering, and mathematics, particularly in fields that have faced declining enrollment in recent years; and

"(ii) the creation of centers (in this paragraph referred to as 'Centers') to develop undergraduate curriculum, teaching methods for undergraduate courses, and methods to better train professors and teaching assistants who teach undergraduate courses to increase the number of students completing undergraduate courses in science, technology, engineering, and mathematics, including the number of nonmajors, and to improve student academic achievement in those courses.

Grants made under clause (ii) shall be awarded jointly through the Education and Human Resources Directorate and at least 1 research directorate of the Foundation.";

(2) by amending subparagraph (B) to read as follows:

"(B) In selecting projects under subparagraph (A)(i), the Director shall strive to increase the number of students studying toward and completing baccalaureate degrees, concentrations, or certificates in science, mathematics, engineering, or technology who are—

"(i) individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b); or

"(ii) graduates of a secondary school that is administered by a local educational agency that is receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq) as a result of having within its jurisdiction concentrations of children from low income families.";

(3) in subparagraph (C)—

(A) by inserting "(i)" before "The types of";

(B) by redesignating clauses (i) through (vi) as subclauses (I) through (VI), respectively;

(C) by striking "under this paragraph" and inserting "under subparagraph (A)(i)"; and

(D) by adding at the end the following new clause:

"(ii) The types of activities the Foundation may support under subparagraph (A)(ii) include—

"(I) creating model curricula and laboratory programs;

"(II) developing and demonstrating research-based instructional methods and technologies;

"(III) developing methods to train graduate students and faculty to be more effective teachers of undergraduates;

"(IV) conducting programs to disseminate curricula, instructional methods, or training methods to faculty at the grantee institutions and at other institutions;

"(V) conducting assessments of the effectiveness of the Center at accomplishing the goals described in subparagraph (A)(ii); and

"(VI) conducting any other activities the Director determines will accomplish the goals described in subparagraph (A)(ii).";

(4) in subparagraph (D)(i), by striking "under this paragraph" and inserting "under subparagraph (A)(i)";

(5) in subparagraph (D)(ii), by striking "under this paragraph" and inserting "under subparagraph (A)(i)";

(6) after subparagraph (D)(iii), by adding at the end the following new clause:

"(iv) A grant under subparagraph (A)(ii) shall be awarded for 5 years, and the Director may extend such a grant for up to 2 additional 3 year periods.";

(7) in subparagraph (E), by striking "under this paragraph" both places it appears and inserting "under subparagraph (A)(i)";

(8) by redesignating subparagraph (F) as subparagraph (J); and

(9) by inserting after subparagraph (E) the following new subparagraphs:

"(F) Grants awarded under subparagraph (A)(ii) shall be carried out by a department or departments of science, mathematics, or engineering at institutions of higher education (or a consortia thereof), which may partner with education faculty. Applications for awards under subparagraph (A)(ii) shall be submitted to the Director at such time, in such manner, and containing such information as the Director may require. At a minimum, the application shall include—

"(i) a description of the activities to be carried out by the Center;

"(ii) a plan for disseminating programs related to the activities carried out by the Center to faculty at the grantee institution and at other institutions;

"(iii) an estimate of the number of faculty, graduate students (if any), and undergraduate students who will be affected by the activities carried out by the Center; and

"(iv) a plan for assessing the effectiveness of the Center at accomplishing the goals described in subparagraph (A)(ii).

"(G) In evaluating the applications submitted under subparagraph (F), the Director shall consider, at a minimum—

"(i) the ability of the applicant to effectively carry out the proposed activities, including the dissemination activities described in subparagraph (C)(ii)(IV); and

"(ii) the extent to which the faculty, staff, and administrators of the applicant institution are committed to improving undergraduate science, mathematics, and engineering education.

"(H) In awarding grants under subparagraph (A)(ii), the Director shall endeavor to ensure that a wide variety of science, technology, engineering, and mathematics fields and types of institutions of higher education, including 2-year colleges and minority-serving institutions, are covered, and that—

"(i) at least 1 Center is housed at a Doctoral/Research University as defined by the Carnegie Foundation for the Advancement of Teaching; and

"(ii) at least 1 Center is focused on improving undergraduate education in an interdisciplinary area.

"(I) The Director shall convene an annual meeting of the awardees under this paragraph to foster collaboration and to disseminate the results of the Centers and the other activities funded under this paragraph.".

(b) Report on Data Collection.—Not later than 180 days after the date of enactment of this Act, the Director shall transmit to Congress a report on how the Director is determining whether current grant recipients in the Science, Technology, Engineering, and Mathematics Talent Expansion Program are making satisfactory progress as required by section 8(7)(D)(ii) of the National Science Foundation Authorization Act of 2002 and what funding actions have been taken as a result of the Director's determinations.

SEC. 126. HIGH-NEED LOCAL EDUCATIONAL AGENCY DEFINITION.

Section 4(8) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n note) is amended to read as follows:

"(8) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency that—

"(A) is receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq) as a result of having within its jurisdiction concentrations of children from low income families; and

"(B) is experiencing a shortage of highly qualified teachers, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), in the fields of science, mathematics, or engineering.".

SEC. 127. TEACHER LEADERS.

The National Science Foundation Authorization Act of 2002 is amended—

(1) in section 4(11)—

(A) by striking "MASTER TEACHER" and inserting "TEACHER LEADER";

(B) by striking "master teacher" and inserting "teacher leader"; and

(C) in subparagraph (E), by striking "master teachers" and inserting "teacher leaders"; and

(2) in section 9—

(A) in subsection (a)(3)(E), by striking "master teachers" and inserting "teacher leaders"; and

(B) in subsection (a)(4)—

(i) by striking "MASTER TEACHERS" and inserting "TEACHER LEADERS"; and

(ii) by striking "master teachers" each place it appears and inserting "teacher leaders".

SEC. 128. LABORATORY SCIENCE PILOT PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) To remain competitive in science and technology in the global economy, the United States must increase the number of students graduating from high school prepared to pursue postsecondary education in science, technology, engineering, and mathematics.

(2) There is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that laboratory experience is so integral to the nature of science that it must be included in every science program for every science student.

(3) In America's Lab Report, the National Research Council concluded that the current quality of laboratory experiences is poor for most students and that educators and researchers do not agree on how to define high school science laboratories or on their purpose, hampering the accumulation of research on how to improve labs.

(4) The National Research Council found that schools with higher concentrations of non-Asian minorities and schools with higher concentrations of poor students are less likely to have adequate laboratory facilities than other schools.

(5) The Government Accountability Office reported that 49.1 percent of schools where the minority student population is greater than 50.5 percent reported not meeting functional requirements for laboratory science well or at all.

(6) 40 percent of those college students who left the science fields reported some problems related to high school science preparation, including lack of laboratory experience and no introduction to theoretical or to analytical modes of thought.

(7) It is in the national interest for the Federal Government to invest in research and demonstration projects to improve the teaching of laboratory science in the Nation's high schools.

(b) GRANT PROGRAM.—Section 8(8) of the National Science Foundation Authorization Act of 2002 is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively;

(2) by inserting "(A)" before "A program of competitive"; and

(3) by inserting at the end the following new subparagraphs:

"(B) In accordance with subparagraph (A)(v), the Director shall establish a research pilot program designated as 'Partnerships for Access to Laboratory Science' to award grants to partnerships to improve laboratories and provide instrumentation as part of a comprehensive program to enhance the quality of mathematics, science, engineering, and technology instruction at the secondary school level. Grants under this subparagraph may be used for—

"(i) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

"(ii) maintenance, renovation, and improvement of laboratory facilities;

"(iii) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with State mathematics and science academic achievement standards;

"(iv) training in laboratory safety for school personnel;

"(v) design and implementation of hands-on laboratory experiences to encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology and help prepare such individuals to pursue postsecondary studies in these fields; and

"(vi) assessment of the activities funded under this subparagraph.

"(C) Grants may be made under subparagraph (B) only to a partnership—

"(i) for a project that includes significant teacher training and professional development components; or

"(ii) that establishes that appropriate teacher training and professional development is being addressed, or has been addressed, through other means.

"(D) Grants awarded under subparagraph (B) shall be to a partnership that—

"(i) includes an institution of higher education or a community college;

"(ii) includes a high-need local educational agency;

"(iii) includes a business or eligible nonprofit organization; and

"(iv) may include a State educational agency, other public agency, National Laboratory, or community-based organization.

"(E) The Federal share of the cost of activities carried out using amounts from a grant under subparagraph (B) shall not exceed 50 percent.

"(F) The Director shall require grant recipients to submit a report to the Director on the results of the project supported by the grant.".

(c) REPORT.—The Director shall evaluate the effectiveness of activities carried out under the research pilot projects funded by the grant program established pursuant to the amendment made by subsection (b) in improving student performance in mathematics, science, engineering, and technology. A report documenting the results of that evaluation shall be submitted to the Committee on Science and Technology of the House of Representatives and the Committees on Commerce, Science, and Transportation and on Health, Education, Labor, and Pensions of the Senate not later than 5 years after the date of enactment of this Act. The report shall identify best practices and materials developed and demonstrated by grant awardees.

(d) AUTHORIZATION OF APPROPRIATIONS.—From the amount authorized in section 303(a)(2)(B), (b)(2)(B), and (c)(2)(B) of this Act, there are authorized to be appropriated to carry out this section and the amendments made by this section $5,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 2 succeeding fiscal years.

SEC. 129. STUDY ON LABORATORY EQUIPMENT DONATIONS FOR SCHOOLS.

Not later than 2 years after the date of enactment of this Act, the Director shall transmit a report to the Congress examining the extent to which institutions of higher education are donating used laboratory equipment to elementary and secondary schools. The Director, in consultation with the Secretary of Education, shall survey institutions of higher education to determine—

(1) how often, how much, and what type of equipment is donated;

(2) what criteria or guidelines the institutions are using to determine what types of equipment can be donated, what condition the equipment should be in, and which schools receive the equipment;

(3) whether the institutions provide any support to, or follow-up with the schools; and

(4) how appropriate donations can be encouraged.

TITLE II—SCIENCE AND ENGINEERING RESEARCH

SEC. 201. SHORT TITLE.

This title may be cited as the "Sowing the Seeds Through Science and Engineering Research Act".

SEC. 202. NATIONAL SCIENCE FOUNDATION EARLY CAREER AWARDS FOR SCIENCE AND ENGINEERING RESEARCHERS.

(a) IN GENERAL.—The Director of the National Science Foundation shall carry out a program to award grants to scientists and engineers at the early stage of their careers at institutions of higher education and organizations described in subsection (c)(2) to conduct research in fields relevant to the mission of the Foundation. The existing Faculty Early Career Development (CAREER) Program may be designated as the mechanism for awarding such grants.

(b) SIZE AND DURATION OF AWARD.—The duration of awards under this section shall be 5 years, and the amount per year shall be at least $80,000.

(c) ELIGIBILITY.—Award recipients shall be individuals who are employed in a tenure-track position as an assistant professor or equivalent title, or who hold an equivalent position, at—

(1) an institution of higher education in the United States; or

(2) an organization in the United States that is a nonprofit, nondegree-granting research organization such as a museum, observatory, or research laboratory.

(d) SELECTION.—Award recipients shall be selected on a competitive, merit-reviewed basis.

(e) SELECTION PROCESS AND CRITERIA FOR AWARDS.—An applicant seeking funding under this section shall submit a proposal to the Director at such time, in such manner, and containing such information as the Director may require. In evaluating the proposals submitted under this section, the Director shall consider, at a minimum—

(1) the intellectual merit of the proposed work;

(2) the innovative or transformative nature of the proposed research;

(3) the extent to which the proposal integrates research and education, including undergraduate education in science and engineering disciplines; and

(4) the potential of the applicant for leadership at the frontiers of knowledge.

(f) AWARDS.—In awarding grants under this section, the Director shall endeavor to ensure that the recipients are from a variety of types of institutions of higher education and nonprofit, nondegree-granting research organizations. In support of this goal, the Director shall broadly disseminate information about when and how to apply for grants under this section, including by conducting outreach to Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3))). In awarding grants under this section, the Director shall give special consideration to eligible early-career researchers who have followed alternative career paths such as working part-time or in nonacademic settings, or who have taken a significant career break or other leave of absence.

(g) AUTHORIZATION OF APPROPRIATION.—For each of the fiscal years 2008 through 2012, the Director shall allocate at least 3.5 percent of funds appropriated to the National Science Foundation for Research and Related Activities to the grants program under this section, except to the extent that a sufficient number of meritorious grant applications have not been received for a fiscal year.

(h) REPORT.—Not later than 6 months after the date of enactment of this Act, the Director shall transmit to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report describing the distribution of the institutions from which individuals have participated in the Faculty Early Career Development Program since fiscal year 2001 among each of the categories of institutions of higher education defined by the Carnegie Foundation for the Advancement of Teaching and the organizations in subsection (c)(2).

(i) EVALUATION.—Not later than 2 years after the date of enactment of this Act, the Director shall transmit to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report evaluating the impact of the program carried out under this section on the ability of young faculty to compete for National Science Foundation research grants.

SEC. 203. DEPARTMENT OF ENERGY EARLY CAREER AWARDS FOR SCIENCE AND ENGINEERING RESEARCHERS.

(a) IN GENERAL.—The Director of the Office of Science of the Department of Energy shall carry out a program to award grants to scientists and engineers at the early stage of their careers at institutions of higher education and organizations described in subsection (c)(2) to conduct research in fields relevant to the mission of the Department, giving priority to grants to expand domestic energy production and use through coal-to-liquids technology and advanced nuclear reprocessing.

(b) SIZE AND DURATION OF AWARD.—The duration of awards under this section shall be up to 5 years, and the amount per year shall be at least $80,000.

(c) ELIGIBILITY.—Award recipients shall be individuals who are employed in a tenure-track position as an assistant professor or equivalent title, or who hold an equivalent position, at—

(1) an institution of higher education in the United States; or

(2) an organization in the United States that is a nonprofit, nondegree-granting research organization such as a museum, observatory, or research laboratory.

(d) SELECTION.—Award recipients shall be selected on a competitive, merit-reviewed basis.

(e) SELECTION PROCESS AND CRITERIA FOR AWARDS.—An applicant seeking funding under this section shall submit a proposal to the Director of the Office of Science at such time, in such manner, and containing such information as the Director may require. In evaluating the proposals submitted under this section, the Director shall consider, at a minimum—

(1) the intellectual merit of the proposed work;

(2) the innovative or transformative nature of the proposed research;

(3) the extent to which the proposal integrates research and education, including undergraduate education in science and engineering disciplines; and

(4) the potential of the applicant for leadership at the frontiers of knowledge.

(f) COLLABORATION WITH NATIONAL LABORATORIES.—In awarding grants under this section, the Director shall give priority to proposals in which the proposed work includes collaboration with the Department of Energy National Laboratories.

(g) AWARDS.—In awarding grants under this section, the Director shall endeavor to ensure that the recipients are from a variety of types of institutions of higher education and nonprofit, nondegree-granting research organizations. In support of this goal, the Director shall broadly disseminate information about when and how to apply for grants under this section, including by conducting outreach to Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3))).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out the Director's responsibilities under this section $25,000,000 for each of the fiscal years 2008 through 2012.

(i) REPORT ON RECRUITING AND RETAINING EARLY CAREER SCIENCE AND ENGINEERING RESEARCHERS AT THE NATIONAL LABORATORIES.—Not later than 3 months after the date of enactment of this Act, the Director of the Office of Science shall transmit to the Committee on Science and Technology of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a report on efforts to recruit and retain young scientists and engineers at the early stages of their careers at the Department of Energy National Laboratories. The report shall include—

(1) a description of Department of Energy and National Laboratory policies and procedures, including financial incentives, awards, promotions, time set aside for independent research, access to equipment or facilities, and other forms of recognition, designed to attract and retain young scientists and engineers;

(2) an evaluation of the impact of these incentives on the careers of young scientists and engineers at Department of Energy National Laboratories, and also on the quality of the research at the National Laboratories and in Department of Energy programs;

(3) a description of what barriers, if any, exist to efforts to recruit and retain young scientists and engineers, including limited availability of full time equivalent positions, legal and procedural requirements, and pay grading systems; and

(4) the amount of funding devoted to efforts to recruit and retain young researchers and the source of such funds.

SEC. 204. INTEGRATIVE GRADUATE EDUCATION AND RESEARCH TRAINEESHIP PROGRAM.

(a) FUNDING.—For each of the fiscal years 2008 through 2012, the Director of the National Science Foundation shall allocate at least 1.5 percent of funds appropriated for Research and Related Activities to the Integrative Graduate Education and Research Traineeship program.

(b) COORDINATION.—The Director shall coordinate with Federal departments and agencies, as appropriate, to expand the interdisciplinary nature of the Integrative Graduate Education and Research Traineeship program.

(c) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Director is authorized to accept funds from other Federal departments and agencies to carry out the Integrative Graduate Education and Research Traineeship program.

SEC. 205. PRESIDENTIAL INNOVATION AWARD.

(a) ESTABLISHMENT.—The President shall periodically present the Presidential Innovation Award, on the basis of recommendations received from the Director of the Office of Science and Technology Policy or on the basis of such other information as the President considers appropriate, to individuals who develop one or more unique scientific or engineering ideas in the national interest at the time the innovation occurs.

(b) PURPOSE.—The awards under this section shall be made to—

(1) stimulate scientific and engineering advances in the national interest;

(2) illustrate the linkage between science and engineering and national needs;

(3) show the potential of such innovation to substantively enhance the economic competitiveness of the United States through development of commercializable intellectual property; and

(4) provide an example to students of the contribution they could make to society by entering the science and engineering profession.

(c) CITIZENSHIP.—An individual is not eligible to receive the award under this section unless at the time such award is made the individual—

(1) is a citizen or other national of the United States; or

(2) is an alien lawfully admitted to the United States for permanent residence who—

(A) has filed an application for naturalization in the manner prescribed by section 334 of the Immigration and Nationality Act (8 U.S.C. 1445); and

(B) is not permanently ineligible to become a citizen of the United States.

(d) PRESENTATION.—The presentation of the award shall be made by the President with such ceremonies as he may deem proper, including attendance by appropriate Members of Congress.

SEC. 206. NATIONAL COORDINATION OFFICE FOR RESEARCH INFRASTRUCTURE.

(a) IN GENERAL.—The Office of Science and Technology Policy shall establish a National Coordination Office for Research Infrastructure. Such Office shall—

(1) identify and prioritize the deficiencies in research facilities and major instrumentation located at academic institutions and at national laboratories that are available for use by academic researchers; and

(2) institute and coordinate the planning by Federal agencies for the acquisition, refurbishment, and maintenance of research facilities and major instrumentation required to address the deficiencies identified under paragraph (1).

In prioritizing the deficiencies identified under paragraph (1), the Office shall consider research needs in areas relevant to the Nation's economic competitiveness.

(b) STAFFING.—The Director of the Office of Science and Technology Policy shall appoint individuals to serve in the Office established under subsection (a) from among the principal Federal agencies that support research in the sciences, mathematics, and engineering, and shall at a minimum include individuals from the National Science Foundation and the Department of Energy.

(c) REPORT.—The Director of the Office of Science and Technology Policy shall provide annually a report to Congress at the time of the President's budget proposal—

(1) describing the research infrastructure needs identified in accordance with subsection (a);

(2) listing research facilities projects and budget proposals, by agency, for major instrumentation acquisitions that are included in the President's budget proposal; and

(3) explaining how these facilities projects and instrumentation acquisitions relate to the deficiencies and priorities arrived at in accordance with subsection (a).

SEC. 207. RESEARCH ON INNOVATION AND INVENTIVENESS.

In carrying out its research programs on science policy and on the science of learning, the National Science Foundation may support research on the process of innovation and the teaching of inventiveness.

SEC. 208. REPORT ON NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY EFFORTS TO RECRUIT AND RETAIN EARLY CAREER SCIENCE AND ENGINEERING RESEARCHERS.

Not later than 3 months after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall transmit to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report on efforts to recruit and retain young scientists and engineers at the early stages of their careers at the National Institute of Standards and Technology laboratories and joint institutes. The report shall include—

(1) a description of National Institute of Standards and Technology policies and procedures, including financial incentives, awards, promotions, time set aside for independent research, access to equipment or facilities, and other forms of recognition, designed to attract and retain young scientists and engineers;

(2) an evaluation of the impact of these incentives on the careers of young scientists and engineers at the National Institute of Standards and Technology, and also on the quality of the research at the National Institute of Standards and Technology's laboratories and in the National Institute of Standards and Technology's programs;

(3) a description of what barriers, if any, exist to efforts to recruit and retain young scientists and engineers, including limited availability of full time equivalent positions, legal and procedural requirements, and pay grading systems; and

(4) the amount of funding devoted to efforts to recruit and retain young researchers and the source of such funds.

SEC. 209. NASA'S CONTRIBUTION TO INNOVATION.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) a balanced science program as authorized by section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155) contributes significantly to innovation in and the economic competitiveness of the United States; and

(2) a robust National Aeronautics and Space Administration, funded at the levels authorized under sections 202 and 203 of that Act, would offer a balance among science, aeronautics, exploration, and human space flight programs, all of which can attract and employ scientists, engineers, and technicians across a broad range of fields in science, technology, mathematics, and engineering.

(b) PARTICIPATION IN INNOVATION AND COMPETITIVENESS PROGRAMS.—The Administrator of the National Aeronautics and Space Administration shall fully participate in any interagency efforts to promote innovation and economic competitiveness through scientific research and development within the spending levels cited in subsection (a).

SEC. 210. UNDERGRADUATE SCHOLARSHIPS FOR SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

(a) ESTABLISHMENT.—The National Science Foundation shall establish a program, to be known as the Undergraduate Scholarships for Science, Technology, Engineering, and Mathematics, or US–STEM, program, for awarding scholarships to undergraduate scholars in science, technology, engineering, and mathematics.

(b) ELIGIBILITY.—A student is eligible for a scholarship under this section only if the student—

(1) is enrolled at a public, 4-year college or university;

(2) will have completed at least one-half of the credit requirements for an undergraduate degree before beginning studies to be funded by the scholarship;

(3) has maintained a grade point average in undergraduate studies of at least 3.0 on a scale of 4.0, or an equivalent level as calculated by the National Science Foundation, except that if the student's institution appeals this criterion on the basis of undue hardship on the student, the National Science Foundation may waive this paragraph;

(4) has a total family income of less than $75,000 per year, with such amount to be adjusted annually by the National Science Foundation for inflation;

(5) has not been convicted of a felony; and

(6) is a citizen or permanent resident alien of the United States.

(c) SELECTION CRITERIA.—Scholarship recipients shall be selected on the basis of merit and such other criteria as the National Science Foundation shall establish.

(d) AWARDS.—The National Science Foundation shall announce awards before April 1 for each upcoming academic year, and may make up to 2,500 awards per year. Awards may be made for a maximum of 2 academic years for each student, and scholarship amounts shall be paid to the institution.

(e) ADVISORY BOARD.—The Director of the National Science Foundation shall establish an advisory board, which shall make recommendations to the Director for selection criteria for scholarship recipients, and provide guidance and oversight for the program.

TITLE III—NATIONAL SCIENCE FOUNDATION

SEC. 301. SHORT TITLE.

This title may be cited as the "National Science Foundation Authorization Act of 2007".

SEC. 302. DEFINITIONS.

In this title:

(1) BOARD.—The term "Board" means the National Science Board established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(2) DIRECTOR.—The term "Director" means the Director of the Foundation.

(3) ELEMENTARY SCHOOL.—The term "elementary school" has the meaning given that term by section 9101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(18)).

(4) FOUNDATION.—The term "Foundation" means the National Science Foundation.

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) SECONDARY SCHOOL.—The term "secondary school" has the meaning given that term by section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)).

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2008.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $6,500,000,000 for fiscal year 2008.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $5,080,000,000 shall be made available for research and related activities, of which $115,000,000 shall be made available for the Major Research Instrumentation program;

(B) $873,000,000 shall be made available for education and human resources, of which—

(i) $94,000,000 shall be for Mathematics and Science Education Partnerships established under section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n), of which $32,000,000 shall be made available for the purposes of section 122(a) of this Act and $46,000,000 shall be made available for the purposes of section 123 of this Act;

(ii) $70,000,000 shall be for the Robert Noyce Scholarship Program established under section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1);

(iii) $44,000,000 shall be for the Science, Mathematics, Engineering, and Technology Talent Expansion Program established under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368); and

(iv) $51,620,000 shall be for the Advanced Technological Education program established by section 3(a) of the Scientific and Advanced-Technology Act of 1992 (Public Law 102–476);

(C) $245,000,000 shall be made available for major research equipment and facilities construction;

(D) $285,600,000 shall be made available for agency operations and award management;

(E) $4,050,000 shall be made available for the Office of the National Science Board; and

(F) $12,350,000 shall be made available for the Office of Inspector General.

(b) FISCAL YEAR 2009.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $6,980,000,000 for fiscal year 2009.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $5,457,400,000 shall be made available for research and related activities, of which $123,100,000 shall be made available for the Major Research Instrumentation program;

(B) $934,000,000 shall be made available for education and human resources, of which—

(i) $100,600,000 shall be for Mathematics and Science Education Partnerships established under section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n), of which $35,200,000 shall be made available for the purposes of section 122(a) of this Act and $50,600,000 shall be made available for the purposes of section 123 of this Act;

(ii) $101,000,000 shall be for the Robert Noyce Scholarship Program established under section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1);

(iii) $55,000,000 shall be for the Science, Mathematics, Engineering, and Technology Talent Expansion Program established under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368); and

(iv) $55,200,000 shall be for the Advanced Technological Education program as established by section 3(a) of the Scientific and Advanced-Technology Act of 1992 (Public Law 102–476);

(C) $262,000,000 shall be made available for major research equipment and facilities construction;

(D) $309,760,000 shall be made available for agency operations and award management;

(E) $4,120,000 shall be made available for the Office of the National Science Board; and

(F) $12,720,000 shall be made available for the Office of Inspector General.

(c) FISCAL YEAR 2010.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $7,493,000,000 for fiscal year 2010.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $5,863,200,000 shall be made available for research and related activities, of which $131,700,000 shall be made available for the Major Research Instrumentation program;

(B) $1,003,000,000 shall be made available for education and human resources, of which—

(i) $107,600,000 shall be for Mathematics and Science Education Partnerships established under section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n), of which $38,700,000 shall be made available for the purposes of section 122(a) of this Act and $55,700,000 shall be made available for the purposes of section 123 of this Act;

(ii) $133,000,000 shall be for the Robert Noyce Scholarship Program established under section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1);

(iii) $60,000,000 shall be for the Science, Mathematics, Engineering, and Technology Talent Expansion Program established under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368); and

(iv) $59,100,000 shall be for the Advanced Technological Education program as established by section 3(a) of the Scientific and Advanced-Technology Act of 1992 (Public Law 102–476);

(C) $280,000,000 shall be made available for major research equipment and facilities construction;

(D) $329,450,000 shall be made available for agency operations and award management;

(E) $4,250,000 shall be made available for the Office of the National Science Board; and

(F) $13,100,000 shall be made available for the Office of Inspector General.

(d) MAJOR RESEARCH INSTRUMENTATION.—

(1) AWARD AMOUNT.—The minimum amount of an award under the Major Research Instrumentation program shall be $100,000. The maximum amount of an award under the program shall be $4,000,000, except if the total amount appropriated for the program for a fiscal year exceeds $125,000,000, in which case the maximum amount of an award shall be $6,000,000.

(2) USE OF FUNDS.—In addition to the acquisition of instrumentation and equipment, funds made available by awards under the Major Research Instrumentation program may be used to support the operations and maintenance of such instrumentation and equipment.

(3) COST SHARING.—

(A) IN GENERAL.—An institution of higher education receiving an award shall provide at least 30 percent of the cost from private or non-Federal sources.

(B) EXCEPTIONS.—Institutions of higher education that are not Ph.D.-granting institutions are exempt from the cost sharing requirement in subparagraph (A), and the Director may reduce or waive the cost sharing requirement for—

(i) institutions—

(I) which are not ranked among the top 100 institutions receiving Federal research and development funding, as documented by the statistical data published by the Foundation; and

(II) for which the proposed project will make a substantial improvement in the institution's capabilities to conduct leading edge research, to provide research experiences for undergraduate students using leading edge facilities, and to broaden the participation in science and engineering research by individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b); and

(ii) consortia of institutions of higher education that include at least one institution that is not a Ph.D-granting institution.

(e) UNDERGRADUATE EDUCATION PROGRAMS.—The Director shall continue to carry out programs in support of undergraduate education, including those authorized in section 17 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–6). Funding for these programs shall increase in proportion to the increase in the total amount appropriated to the Foundation in any year for which appropriations are authorized by this title.

(f) LIMIT ON PROPOSALS.—

(1) POLICY.—For programs that require as part of the selection process for awards the submission of preproposals and that also limit the number of preproposals that may be submitted by an institution, the Director shall allow the subsequent submission of a full proposal based on each preproposal that is determined to have merit following the Foundation's merit review process.

(2) REVIEW AND ASSESSMENT OF POLICIES.—The Board shall review and assess the effects on institutions of higher education of the policies of the Foundation regarding the imposition of limitations on the number of proposals that may be submitted by a single institution for programs supported by the Foundation. The Board shall determine whether current policies are well justified and appropriate for the types of programs that limit the number of proposal submissions. Not later that 1 year after the date of enactment of this Act, the Board shall summarize its findings and any recommendations regarding changes to the current policy on the restriction of proposal submissions in a report to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate.

(g) RESEARCH EXPERIENCES FOR UNDERGRADUATES.—The Director shall increase funding for the Research Experiences for Undergraduates program in proportion to the increase in the total amount appropriated to the Foundation for research and related activities in any year for which appropriations are authorized by this title.

(h) GLOBAL WARMING EDUCATION.—

(1) INFORMAL EDUCATION.—As part of Informal Science Education activities, the Director shall support activities to create informal educational materials, exhibits, and multimedia presentations relevant to global warming, climate science, and greenhouse gas reduction strategies.

(2) K–12 INSTRUCTIONAL MATERIALS.—As part of Discovery Research K–12 activities, the Director shall support the development of K–12 educational materials relevant to global warming, climate science, and greenhouse gas reduction strategies.

SEC. 304. CENTERS FOR RESEARCH ON LEARNING AND EDUCATION IMPROVEMENT.

(a) FUNDING FOR CENTERS.—The Director shall continue to carry out the program of Centers for Research on Learning and Education Improvement as established in section 11 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–2).

(b) ELIGIBILITY FOR CENTERS.—Section 11 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–2) is amended—

(1) in subsection (a)(1), by inserting "or eligible nonprofit organizations" after "institutions of higher education";

(2) in subsection (b)(1) by inserting "or an eligible nonprofit organization" after "institution of higher education"; and

(3) in subsection (b)(1) by striking "of such institutions" and inserting "thereof".

SEC. 305. INTERDISCIPLINARY RESEARCH.

(a) IN GENERAL.—The Board shall evaluate the role of the Foundation in supporting interdisciplinary research, including through the Major Research Instrumentation program, the effectiveness of the Foundation's efforts in providing information to the scientific community about opportunities for funding of interdisciplinary research proposals, and the process through which interdisciplinary proposals are selected for support. The Board shall also evaluate the effectiveness of the Foundation's efforts to engage undergraduate students in research experiences in interdisciplinary settings, including through the Research in Undergraduate Institutions program and the Research Experiences for Undergraduates program.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Board shall provide the results of its evaluation under subsection (a), including a recommendation for the proportion of the Foundation's research and related activities funding that should be allocated for interdisciplinary research, to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 306. PILOT PROGRAM OF GRANTS FOR NEW INVESTIGATORS.

(a) IN GENERAL.—The Director shall carry out a pilot program to award one-year grants to individuals to assist them in improving research proposals that were previously submitted to the Foundation but not selected for funding.

(b) USE OF FUNDS.—Grants awarded under this section shall be used to enable an individual to resubmit an updated research proposal for review by the Foundation through the agency's competitive merit review process. Uses of funds made available under this section may include the generation of new data and the performance of additional analysis.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an individual shall—

(1) not have previously received funding as the principal investigator of a research grant from the Foundation; and

(2) have submitted a proposal to the Foundation, which may include a proposal submitted to the Research in Undergraduate Institutions program, that was rated very good or excellent under the Foundation's competitive merit review process.

(d) SELECTION PROCESS.—The Director shall make awards under this section based on the advice of the program officers of the Foundation.

(e) PROGRAM ADMINISTRATION.—The Director may carry out this section through the Small Grants for Exploratory Research program.

(f) NATIONAL SCIENCE BOARD REVIEW.—The Board shall conduct a review and assessment of the pilot program under this section, including the number of new investigators funded, the distribution of awards by type of institution of higher education, and the success rate upon resubmittal of proposals by new investigators funded through this pilot program. Not later than 3 years after the date of enactment of this Act, the Board shall summarize its findings and any recommendations regarding changes to or the continuation of the pilot program in a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 307. BROADER IMPACTS MERIT REVIEW CRITERION.

(a) IN GENERAL.—In evaluating research proposals under the Foundation's broader impacts criterion, the Director shall give special consideration to proposals that involve partnerships between academic researchers and industrial scientists and engineers that address research areas that have been identified as having high importance for future national economic competitiveness, such as nanotechnology.

(b) PARTNERSHIPS WITH INDUSTRY.—The Director shall encourage research proposals from institutions of higher education that involve partnerships with businesses and organizations representing businesses in fields that have been identified as having high importance for future national economic competitiveness and that include input on the research agenda from and cost-sharing by the industry partners.

(c) REPORT ON BROADER IMPACTS CRITERION.—Not later than 1 year after the date of enactment of this Act, the Director shall transmit to Congress a report on the impact of the broader impacts grant criterion used by the Foundation. The report shall—

(1) identify the criteria that each division and directorate of the Foundation uses to evaluate the broader impacts aspects of research proposals;

(2) provide a breakdown of the types of activities by division that awardees have proposed to carry out to meet the broader impacts criterion;

(3) provide any evaluations performed by the Foundation to assess the degree to which the broader impacts aspects of research proposals were carried out and how effective they have been at meeting the goals described in the research proposals;

(4) describe what national goals, such as improving undergraduate science, mathematics, and engineering education, improving K–12 science and mathematics education, promoting university-industry collaboration and technology transfer, and broadening participation of underrepresented groups, the broader impacts criterion is best suited to promote; and

(5) describe what steps the Foundation is taking and should take to use the broader impacts criterion to improve undergraduate science, mathematics, and engineering education.

SEC. 308. POSTDOCTORAL RESEARCH FELLOWS.

(a) MENTORING.—The Director shall require that all grant applications that include funding to support postdoctoral researchers include a description of the mentoring activities that will be provided for such individuals, and shall ensure that this part of the application is evaluated under the Foundation's broader impacts merit review criterion. Mentoring activities may include career counseling, training in preparing grant applications, guidance on ways to improve teaching skills, and training in research ethics.

(b) REPORTS.—The Director shall require that annual reports and the final report for research grants that include funding to support postdoctoral researchers include a description of the mentoring activities provided to such researchers.

SEC. 309. RESPONSIBLE CONDUCT OF RESEARCH.

The Director shall require that each institution that applies for financial assistance from the Foundation for science and engineering research or education describe in its grant proposal a plan to provide appropriate training and oversight in the responsible and ethical conduct of research to undergraduate students, graduate students, and postdoctoral researchers participating in the proposed research project.

SEC. 310. REPORTING OF RESEARCH RESULTS.

The Director shall ensure that all final project reports and citations of published research documents resulting from research funded, in whole or in part, by the Foundation, are made available to the public in a timely manner and in electronic form through the Foundation's Web site.

SEC. 311. SHARING RESEARCH RESULTS.

An investigator supported under a Foundation award, whom the Director determines has failed to comply with the provisions of section 734 of the Foundation Grant Policy Manual, shall be ineligible for a future award under any Foundation supported program or activity. The Director may restore the eligibility of such an investigator on the basis of the investigator's subsequent compliance with the provisions of section 734 of the Foundation Grant Policy Manual and with such other terms and conditions as the Director may impose.

SEC. 312. FUNDING FOR SUCCESSFUL STEM EDUCATION PROGRAMS.

(a) EVALUATION OF PROGRAMS.—The Director shall, on an annual basis, evaluate all of the Foundation's grants that are scheduled to expire within one year and—

(1) that have the primary purpose of meeting the objectives of the Science and Engineering Equal Opportunity Act (42 U.S.C. 1885 et seq.); or

(2) that have the primary purpose of providing teacher professional development.

(b) CONTINUATION OF FUNDING.—For grants that are identified under subsection (a) and that are deemed by the Director to be successful in meeting the objectives of the initial grant solicitation, the Director may extend the duration of those grants for up to 3 additional years beyond their scheduled expiration without the requirement for a recompetition. The Director may extend such grants for an additional 3 years following a second review within 1 year before the extended completion date, in accordance with subsection (a), and the determination by the Director that the objectives of the grant are being achieved.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Director shall submit a report to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate that—

(1) lists the grants which have been extended in duration by the authority provided under this section; and

(2) provides any recommendations the Director may have regarding the extension of the authority provided under this section to programs other than those specified in subsection (a).

SEC. 313. COST SHARING.

(a) IN GENERAL.—The Board shall evaluate the impact of its policy to eliminate cost sharing for research grants and cooperative agreements for existing programs that were developed around industry partnerships and historically required industry cost sharing, such as the Engineering Research Centers and Industry/University Cooperative Research Centers. The Board shall also consider the impact that the cost sharing policy has on initiating new programs for which industry interest and participation are sought.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Board shall report to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate, on the results of the evaluation under subsection (a).

SEC. 314. DONATIONS.

Section 11(f) of the National Science Foundation Act of 1950 (42 U.S.C. 1870(f)) is amended by inserting at the end before the semicolon ", except that funds may be donated for specific prize competitions".

SEC. 315. ADDITIONAL REPORTS.

(a) REPORT ON FUNDING FOR MAJOR FACILITIES.—

(1) PRECONSTRUCTION FUNDING.—The Board shall evaluate the appropriateness of the requirement that funding for detailed design work and other preconstruction activities for major research equipment and facilities come exclusively from the sponsoring research division rather than being available, at least in part, from the Major Research Equipment and Facilities Construction account.

(2) MAINTENANCE AND OPERATION COSTS.—The Board shall evaluate the appropriateness of the Foundation's policies for allocation of costs for, and oversight of, maintenance and operation of major research equipment and facilities.

(3) REPORT.—Not later than 6 months after the date of enactment of this Act, the Board shall report on the results of the evaluations under paragraphs (1) and (2) and on any recommendations for modifying the current policies related to allocation of funding for major research equipment and facilities to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives, and to the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.

(b) INCLUSION OF POLAR FACILITIES UPGRADES IN MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION PLAN.—Section 201(a)(2)(D) of the National Science Foundation Authorization Act of 1998 (42 U.S.C. 1862l(a)(2)(D)) is amended by inserting "and for major upgrades of facilities in support of Antarctic research programs" after "facilities construction account".

(c) REPORT ON EDUCATION PROGRAMS WITHIN THE RESEARCH DIRECTORATES.—Not later than 6 months after the date of enactment of this Act, the Director shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate a report cataloging all elementary and secondary school, informal, and undergraduate educational programs and activities supported through appropriations for Research and Related Activities. The report shall display the programs and activities by directorate, along with estimated funding levels for the fiscal years 2006, 2007, and 2008, and shall provide a description of the goals of each program and activity. The report shall also describe how the programs and activities relate to or are coordinated with the programs supported by the Education and Human Resources Directorate.

(d) REPORT ON RESEARCH IN UNDERGRADUATE INSTITUTIONS PROGRAM.—The Director shall transmit to Congress along with the fiscal year 2011 budget request a report listing the funding success rates and distribution of awards for the Research in Undergraduate Institutions program, by type of institution based on the highest academic degree conferred by the institution, for fiscal years 2008, 2009, and 2010.

(e) ANNUAL PLAN FOR ALLOCATION OF EDUCATION AND HUMAN RESOURCES FUNDING.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of legislation providing for the annual appropriation of funds for the Foundation, the Director shall submit to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives, and to the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate, a plan for the allocation of education and human resources funds authorized by this title for the corresponding fiscal year, including any funds from within the research and related activities account used to support activities that have the primary purpose of improving education or broadening participation.

(2) SPECIFIC REQUIREMENTS.—The plan shall include a description of how the allocation of funding—

(A) will affect the average size and duration of education and human resources grants supported by the Foundation;

(B) will affect trends in research support for the effective instruction of mathematics, science, engineering, and technology;

(C) will affect the K–20 pipeline for the study of mathematics, science, engineering, and technology; and

(D) will encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology, and help prepare such individuals to pursue postsecondary studies in these fields.

SEC. 316. ADMINISTRATIVE AMENDMENTS.

(a) TRIANNUAL AUDIT OF THE OFFICE OF THE NATIONAL SCIENCE BOARD.—Section 15(a) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 4862n–5) is amended—

(1) in paragraph (3), by striking "an annual audit" and inserting "an audit every three years";

(2) in paragraph (4), by striking "each year" and inserting "every third year"; and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) MATERIALS RELATING TO CLOSED PORTIONS OF MEETINGS.—To facilitate the audit required under paragraph (3) of this subsection, the Office of the National Science Board shall maintain the General Counsel's certificate, the presiding officer's statement, and a transcript or recording of any closed meeting, for at least 3 years after such meeting.".

(b) LIMITED TERM PERSONNEL FOR THE NATIONAL SCIENCE BOARD.—Subsection (g) of section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863(g)) is amended to read as follows:

"(g) The Board may, with the concurrence of a majority of its members, permit the appointment of a staff consisting of not more than 5 professional staff members, technical and professional personnel on leave of absence from academic, industrial, or research institutions for a limited term and such operations and support staff members as may be necessary. Such staff shall be appointed by the Chairman and assigned at the direction of the Board. The professional members and limited term technical and professional personnel of such staff may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 of such title relating to classification, and shall be compensated at a rate not exceeding the maximum rate payable under section 5376 of such title, as may be necessary to provide for the performance of such duties as may be prescribed by the Board in connection with the exercise of its powers and functions under this Act. Section 14(a)(3) shall apply to each limited term appointment of technical and professional personnel under this subsection. Each appointment under this subsection shall be subject to the same security requirements as those required for personnel of the Foundation appointed under section 14(a).".

(c) INCREASE IN NUMBER OF WATERMAN AWARDS TO THREE.—Section 6(c) of the National Science Foundation Authorization Act of 1975 (42 U.S.C. 1881a) is amended to read as follows:

"(c) Up to three awards may be made under this section in any one fiscal year.".

SEC. 317. NATIONAL SCIENCE BOARD REPORTS.

Paragraphs (1) and (2) of section 4(j) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1) and (2)) are amended by striking ", for submission to" and "for submission to", respectively, and inserting "and".

SEC. 318. NATIONAL ACADEMY OF SCIENCE REPORT ON DIVERSITY IN STEM FIELDS.

(a) IN GENERAL.—The Foundation shall enter into an arrangement with the National Academy of Sciences for a report, to be transmitted to the Congress not later than 1 year after the date of enactment of this Act, about barriers to increasing the number of underrepresented minorities in science, technology, engineering, and mathematics fields and to identify strategies for bringing more underrepresented minorities into the science, technology, engineering, and mathematics workforce.

(b) SPECIFIC REQUIREMENTS.—The Director shall ensure that the study described in subsection (a) addresses—

(1) social and institutional factors that shape the decisions of minority students to commit to education and careers in the science, technology, engineering, and mathematics fields;

(2) specific barriers preventing greater minority student participation in the science, technology, engineering, and mathematics fields;

(3) primary focus points for policy intervention to increase the recruitment and retention of underrepresented minorities in America's future workforce;

(4) programs already underway to increase diversity in the science, technology, engineering, and mathematics fields, and their level of effectiveness;

(5) factors that make such programs effective, and how to expand and improve upon existing programs;

(6) the role of minority-serving institutions in the diversification of America's workforce in these fields and how that role can be supported and strengthened; and

(7) how the public and private sectors can better assist minority students in their efforts to join America's workforce in these fields.

SEC. 319. SENSE OF THE CONGRESS REGARDING THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAMS OF THE DEPARTMENT OF EDUCATION AND THE NATIONAL SCIENCE FOUNDATION.

It is the sense of the Congress that—

(1) although the mathematics and science education partnership program at the National Science Foundation and the mathematics and science partnership program at the Department of Education practically share the same name, the 2 programs are intended to be complementary, not duplicative;

(2) the National Science Foundation partnership programs are innovative, model reform initiatives that move promising ideas in education from research into practice to improve teacher quality, develop challenging curricula, and increase student achievement in mathematics and science, and Congress intends that the National Science Foundation peer-reviewed partnership programs found to be effective should be put into wider practice by dissemination through the Department of Education partnership programs; and

(3) the Director of the National Science Foundation and the Secretary of Education should have ongoing collaboration to ensure that the 2 components of this priority effort for mathematics and science education continue to work in concert for the benefit of States and local practitioners nationwide.

SEC. 320. HISPANIC-SERVING INSTITUTIONS UNDERGRADUATE PROGRAM.

(a) In General.—The Director is authorized to establish a new program to award grants on a competitive, merit-reviewed basis to Hispanic-serving institutions to enhance the quality of undergraduate science, mathematics, engineering, and technology education at such institutions and to increase the retention and graduation rates of students pursuing associate's or baccalaureate degrees in science, mathematics, engineering, or technology.

(b) Program Components.—Grants awarded under this section shall support—

(1) activities to improve courses and curriculum in science, mathematics, engineering, and technology;

(2) faculty development;

(3) stipends for undergraduate students participating in research; and

(4) other activities consistent with subsection (a), as determined by the Director.

(c) Instrumentation.—Funding for instrumentation is an allowed use of grants awarded under this section.

SEC. 321. COMMUNICATIONS TRAINING FOR SCIENTISTS.

(a) Grant Supplements for Communications Training.—The Director shall provide grant supplements, on a competitive, merit-reviewed basis, to institutions receiving awards under the Integrative Graduate Education and Research Traineeship program. The grant supplements shall be used to train graduate students in the communication of the substance and importance of their research to nonscientist audiences, including policymakers.

(b) Report to Congress.—Not later than 3 years after the date of enactment of this Act, the Director shall transmit a report to the Committee on Science and Technology of the House of Representatives, and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate, describing how the activities required under subsection (a) have been implemented. The report shall include data on the number of graduate students trained and the number and size of grant supplements awarded, and a description of the types of activities funded through the grant supplements.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SEC. 401. SHORT TITLE.

This title may be cited as the "Technology Innovation and Manufacturing Stimulation Act of 2007".

Subtitle A—Authorization of Appropriations

SEC. 411. SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) Laboratory Activities.—There are authorized to be appropriated to the Secretary of Commerce for the scientific and technical research and services laboratory activities of the National Institute of Standards and Technology—

(1) $470,879,000 for fiscal year 2008;

(2) $497,750,000 for fiscal year 2009; and

(3) $537,569,000 for fiscal year 2010.

(b) Malcolm Baldrige National Quality Award Program.—There are authorized to be appropriated to the Secretary of Commerce for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a)—

(1) $7,860,000 for fiscal year 2008;

(2) $8,096,000 for fiscal year 2009; and

(3) $8,339,000 for fiscal year 2010.

(c) Construction and Maintenance.—There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(1) $93,865,000 for fiscal year 2008;

(2) $86,371,000 for fiscal year 2009; and

(3) $49,719,000 for fiscal year 2010.

SEC. 412. INDUSTRIAL TECHNOLOGY SERVICES.

There are authorized to be appropriated to the Secretary of Commerce for Industrial Technology Services activities of the National Institute of Standards and Technology—

(1) $222,968,000 for fiscal year 2008, of which—

(A) $110,000,000 shall be for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), of which at least $45,000,000 shall be for new awards; and

(B) $112,968,000 shall be for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), of which not more than $1,000,000 shall be for the competitive grant program under section 25(f) of such Act;

(2) $263,505,000 for fiscal year 2009, of which—

(A) $141,500,000 shall be for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), of which at least $45,000,000 shall be for new awards; and

(B) $122,005,000 shall be for the Manufacturing Extension Partnership Program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), of which not more than $4,000,000 shall be for the competitive grant program under section 25(f) of such Act; and

(3) $282,266,000 for fiscal year 2010, of which—

(A) $150,500,000 shall be for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), of which at least $45,000,000 shall be for new awards; and

(B) $131,766,000 shall be for the Manufacturing Extension Partnership Program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), of which not more than $4,000,000 shall be for the competitive grant program under section 25(f) of such Act.

Subtitle B—Innovation and Technology Policy Reforms

SEC. 421. INSTITUTE-WIDE PLANNING REPORT.

Section 23 of the National Institute of Standards and Technology Act (15 U.S.C. 278i) is amended by adding at the end the following new subsections:

"(c) Concurrent with the submission to Congress of the President's annual budget request in the first year after the date of enactment of the Technology Innovation and Manufacturing Stimulation Act of 2007, the Director shall transmit to the Congress a 3-year programmatic planning document for the Institute, including programs under the Scientific and Technical Research and Services, Industrial Technology Services, and Construction of Research Facilities functions.

"(d) Concurrent with the submission to the Congress of the President's annual budget request in each year after the date of enactment of the Technology Innovation and Manufacturing Stimulation Act of 2007, the Director shall transmit to the Congress an update to the 3-year programmatic planning document transmitted under subsection (c), revised to cover the first 3 fiscal years after the date of that update.".

SEC. 422. REPORT BY VISITING COMMITTEE.

Section 10(h)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278(h)(1)) is amended—

(1) by striking "on or before January 31 in each year" and inserting "within 30 days after the submission to Congress of the President's annual budget request in each year"; and

(2) by adding to the end the following: "Such report also shall comment on the programmatic planning document and updates thereto transmitted to the Congress by the Director under section 23(c) and (d).".

SEC. 423. MANUFACTURING EXTENSION PARTNERSHIP.

(a) MEP Advisory Board.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by adding at the end the following new subsection:

"(e) MEP Advisory Board.—(1) There is established within the Institute a Manufacturing Extension Partnership Advisory Board (in this Act referred to as the 'MEP Advisory Board'). The MEP Advisory Board shall consist of 10 members broadly representative of stakeholders, to be appointed by the Director. At least 2 members shall be employed by or on an advisory board for the Centers, and at least 5 other members shall be from United States small businesses in the manufacturing sector. No member shall be an employee of the Federal Government.

"(2)(A) Except as provided in subparagraph (B) or (C), the term of office of each member of the MEP Advisory Board shall be 3 years.

"(B) The original members of the MEP Advisory Board shall be appointed to 3 classes. One class of 3 members shall have an initial term of 1 year, one class of 3 members shall have an initial term of 2 years, and one class of 4 members shall have an initial term of 3 years.

"(C) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(D) Any person who has completed two consecutive full terms of service on the MEP Advisory Board shall thereafter be ineligible for appointment during the one-year period following the expiration of the second such term.

"(3) The MEP Advisory Board shall meet no less than 2 times annually, and provide to the Director—

"(A) advice on Manufacturing Extension Partnership programs, plans, and policies;

"(B) assessments of the soundness of Manufacturing Extension Partnership plans and strategies; and

"(C) assessments of current performance against Manufacturing Extension Partnership program plans.

"(4) In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

"(5) The MEP Advisory Board shall transmit an annual report to the Secretary for transmittal to the Congress within 30 days after the submission to the Congress of the President's annual budget request in each year. Such report shall address the status of the Manufacturing Extension Partnership program and comment on the relevant sections of the programmatic planning document and updates thereto transmitted to the Congress by the Director under section 23(c) and (d).".

(b) ACCEPTANCE OF FUNDS.—Section 25(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(d)) is amended to read as follows:

"(d) ACCEPTANCE OF FUNDS.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers program, the Secretary and Director also may accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing. Such funds, if allocated to a Center or Centers, shall not be considered in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).".

(c) MANUFACTURING EXTENSION CENTER COMPETITIVE GRANT PROGRAM.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C 278k), as amended by subsection (a) of this section, is further amended by adding at the end the following new subsection:

"(f) COMPETITIVE GRANT PROGRAM.—

"(1) ESTABLISHMENT.—The Director shall establish, within the Manufacturing Extension Partnership program under this section and section 26 of this Act, a program of competitive awards among participants described in paragraph (2) for the purposes described in paragraph (3).

"(2) PARTICIPANTS.—Participants receiving awards under this subsection shall be the Centers, or a consortium of such Centers.

"(3) PURPOSE.—The purpose of the program under this subsection is to develop projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Manufacturing Extension Partnership program, the Manufacturing Extension Partnership Advisory Board, and small and medium-sized manufacturers. One or more themes for the competition may be identified, which may vary from year to year, depending on the needs of manufacturers and the success of previous competitions. These themes shall be related to projects associated with manufacturing extension activities, including supply chain integration and quality management, and including the transfer of technology based on the technological needs of manufacturers and available technologies from institutions of higher education, laboratories, and other technology producing entities, or extend beyond these traditional areas.

"(4) APPLICATIONS.—Applications for awards under this subsection shall be submitted in such manner, at such time, and containing such information as the Director shall require, in consultation with the Manufacturing Extension Partnership Advisory Board.

"(5) SELECTION.—Awards under this subsection shall be peer reviewed and competitively awarded. The Director shall select proposals to receive awards—

"(A) that utilize innovative or collaborative approaches to solving the problem described in the competition;

"(B) that will improve the competitiveness of industries in the region in which the Center or Centers are located; and

"(C) that will contribute to the long-term economic stability of that region.

"(6) PROGRAM CONTRIBUTION.—Recipients of awards under this subsection shall not be required to provide a matching contribution.".

SEC. 424. TECHNOLOGY INNOVATION PROGRAM.

Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended to read as follows:

"TECHNOLOGY INNOVATION PROGRAM

"SEC. 28. (a) ESTABLISHMENT.—There is established in the Institute a Technology Innovation Program for the purpose of assisting United States businesses and institutions of higher education or other organizations, such as national laboratories and nonprofit research institutes, to accelerate the research and development and application of challenging, high-risk, high-reward technologies in areas of critical national need that promise widespread economic benefits for the Nation.

"(b) GRANTS.—

"(1) IN GENERAL.—The Director shall make grants under this section for research and development on high-risk, high-reward emerging and enabling technologies (including any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use) that address critical national needs and have a wide breadth of potential application, and form an important technical basis for future innovations. Such grants shall be made to—

"(A) eligible companies that are small- or medium-sized businesses that are substantially involved in the research and development, including having a leadership role in programmatically steering the project and defining the research agenda; or

"(B) joint ventures.

"(2) SINGLE COMPANY GRANTS.—No grant made under paragraph (1)(A) shall exceed $3,000,000 over 3 years. The Federal share of a project funded by such a grant shall not be more than 50 percent of total project costs. An award under paragraph (1)(A) may be extended beyond 3 years only if the Director transmits to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a full and complete explanation of such award, including reasons for exceeding 3 years. Federal funds granted under paragraph (1)(A) may be used only for direct costs and not for indirect costs, profits, or management fees of a contractor.

"(3) JOINT VENTURE GRANTS.—No grant made under paragraph (1)(B) shall exceed $9,000,000 over 5 years. The Federal share of a project funded by such a grant shall not be more than 50 percent of total project costs.

"(c) AWARD CRITERIA.—The Director shall award grants under this section only to an eligible company—

"(1) whose proposal has scientific and technological merit;

"(2) whose application establishes that the proposed technology has strong potential to generate substantial benefits to the Nation that extend significantly beyond the direct return to the applicant;

"(3) whose application establishes that the research has strong potential for advancing the state-of-the-art and contributing significantly to the United States scientific and technical knowledge base;

"(4) whose application establishes that the research is aimed at overcoming a scientific or technological barrier;

"(5) who has provided a technical plan that clearly identifies the core innovation, the technical approach, major technical hurdles, and the attendant risks, and that clearly establishes the feasibility of the technology through adequately detailed plans linked to major technical barriers;

"(6) whose application establishes that the team proposed to carry out the work has a high level of scientific and technical expertise to conduct research and development, has a high level of commitment to the project, and has access to appropriate research facilities;

"(7) whose proposal explains why Technology Innovation Program support is necessary;

"(8) whose application includes a plan for advancing the technology into commercial use; and

"(9) whose application assesses the project's organizational structure and management plan.

"(d) EXTERNAL REVIEW OF PROPOSALS.—In order to analyze the need for or the value of any proposal made by a joint venture or company requesting the Director's assistance under this section, or to monitor the progress of any project which receives funds under this section, the Director shall consult with industry or other expert sources that do not have a proprietary or financial interest in the proposal or project.

"(e) INTELLECTUAL PROPERTY RIGHTS OWNERSHIP.—

"(1) IN GENERAL.—Title to any intellectual property developed by a joint venture from assistance provided under this section may vest in any participant in the joint venture, as agreed by the members of the joint venture, notwithstanding section 202(a) and (b) of title 35, United States Code. The United States may reserve a nonexclusive, nontransferable, irrevocable paid-up license, to have practiced for or on behalf of the United States in connection with any such intellectual property, but shall not in the exercise of such license publicly disclose proprietary information related to the license. Title to any such intellectual property shall not be transferred or passed, except to a participant in the joint venture, until the expiration of the first patent obtained in connection with such intellectual property.

"(2) LICENSING.—Nothing in this subsection shall be construed to prohibit the licensing to any company of intellectual property rights arising from assistance provided under this section.

"(3) DEFINITION.—For purposes of this subsection, the term 'intellectual property' means an invention patentable under title 35, United States Code, or any patent on such an invention, or any work for which copyright protection is available under title 17, United States Code.

"(f) Program Operation.—Not later than 9 months after the date of enactment of the Technology Innovation and Manufacturing Stimulation Act of 2007, the Director shall issue regulations—

"(1) establishing criteria for the selection of recipients of assistance under this section;

"(2) establishing procedures regarding financial reporting and auditing to ensure that contracts and awards are used for the purposes specified in this section, are in accordance with sound accounting practices, and are not funding existing or planned research programs that would be conducted in the same time period in the absence of financial assistance under this section; and

"(3) providing for appropriate dissemination of Technology Innovation Program research results.

"(g) Continuation of ATP Grants.—The Director shall, through the Technology Innovation Program, continue to provide support originally awarded under the Advanced Technology Program, in accordance with the terms of the original award.

"(h) Coordination With Other State and Federal Technology Programs.—In carrying out this section, the Director shall, as appropriate, coordinate with other senior State and Federal officials to ensure cooperation and coordination in State and Federal technology programs and to avoid unnecessary duplication of efforts.

"(i) Acceptance of Funds From Other Federal Agencies.—In addition to amounts appropriated to carry out this section, the Secretary and the Director may accept funds from other Federal agencies to support awards under the Technology Innovation Program. Any award under this section which is supported with funds from other Federal agencies shall be selected and carried out according to the provisions of this section.

"(j) TIP Advisory Board.—

"(1) Establishment.—There is established within the Institute a Technology Innovation Program Advisory Board. The TIP Advisory Board shall consist of 10 members appointed by the Director, at least 7 of which shall be from United States industry, chosen to reflect the wide diversity of technical disciplines and industrial sectors represented in Technology Innovation Program projects. No member shall be an employee of the Federal Government.

"(2) Terms of office.—(A) Except as provided in subparagraph (B) or (C), the term of office of each member of the TIP Advisory Board shall be 3 years.

"(B) The original members of the TIP Advisory Board shall be appointed to 3 classes. One class of 3 members shall have an initial term of 1 year, one class of 3 members shall have an initial term of 2 years, and one class of 4 members shall have an initial term of 3 years.

"(C) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(D) Any person who has completed two consecutive full terms of service on the TIP Advisory Board shall thereafter be ineligible for appointment during the one-year period following the expiration of the second such term.

"(3) Purpose.—The TIP Advisory Board shall meet no less than 2 times annually, and provide to the Director—

"(A) advice on programs, plans, and policies of the Technology Innovation Program;

"(B) reviews of the Technology Innovation Program's efforts to assess its economic impact;

"(C) reports on the general health of the program and its effectiveness in achieving its legislatively mandated mission;

"(D) guidance on areas of technology that are appropriate for Technology Innovation Program funding; and

"(E) recommendations as to whether, in order to better assess whether specific innovations to be pursued are being adequately supported by the private sector, the Director could benefit from advice and information from additional industry and other expert sources without a proprietary or financial interest in proposals being evaluated.

"(4) Advisory capacity.—In discharging its duties under this subsection, the TIP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

"(5) Annual report.—The TIP Advisory Board shall transmit an annual report to the Secretary for transmittal to the Congress within 30 days after the submission to Congress of the President's annual budget request in each year. Such report shall address the status of the Technology Innovation Program and comment on the relevant sections of the programmatic planning document and updates thereto transmitted to the Congress by the Director under section 23(c) and (d).

"(k) Definitions.—For purposes of this section—

"(1) the term 'eligible company' means a company that is incorporated in the United States and does a majority of its business in the United States, and that either—

"(A) is majority owned by citizens of the United States; or

"(B) is owned by a parent company incorporated in another country and the Director finds that—

"(i) the company's participation in the Technology Innovation Program would be in the economic interest of the United States, as evidenced by—

"(I) investments in the United States in research and manufacturing (including the manufacture of major components or subassemblies in the United States);

"(II) significant contributions to employment in the United States; and

"(III) agreement with respect to any technology arising from assistance provided under this section to promote the manufacture within the United States of products resulting from that technology (taking into account the goals of promoting the competitiveness of United States industry); and

"(ii) the company is incorporated in a country which—

"(I) affords to United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those receiving funding under this section;

"(II) affords to United States-owned companies local investment opportunities comparable to those afforded any other company; and

"(III) affords adequate and effective protection for the intellectual property rights of United States-owned companies;

"(2) the term 'high-risk, high-reward research' means research that—

"(A) has the potential for yielding results with far-ranging or wide-ranging implications;

"(B) addresses critical national needs related to technology and measurement standards; and

"(C) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process.

"(3) the term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

"(4) the term 'joint venture' means a joint venture that—

"(A) includes either—

"(i) at least 2 separately owned for-profit companies that are both substantially involved in the project and both of which are contributing to the cost-sharing required under this section, with the lead entity of the joint venture being one of those companies that is a small or medium-sized business; or

"(ii) at least one small or medium-sized business and one institution of higher education or other organization, such as a national laboratory or nonprofit research institute, that are both substantially involved in the project and both of which are contributing to the cost-sharing required under this section, with the lead entity of the joint venture being either that small or medium-sized business or that institution of higher education; and

"(B) may include additional for-profit companies, institutions of higher education, and other organizations, such as national laboratories and nonprofit research institutes, that may or may not contribute non-Federal funds to the project; and

"(5) the term 'TIP Advisory Board' means the advisory board established under subsection (j).".

SEC. 425. RESEARCH FELLOWSHIPS.

Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended by striking "up to 1 per centum of the" and inserting "up to 1.5 percent of the".

SEC. 426. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

The National Institute of Standards and Technology Act is amended—

(1) by redesignating the first section 32 (15 U.S.C. 271 note) as section 34 and moving it to the end of the Act; and

(2) by inserting before the section moved by paragraph (1) the following new section:

"SEC. 33. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

"(a) Authority.—

"(1) Establishment.—The Director shall establish a pilot program of awards to partnerships among participants described in paragraph (2) for the purposes described in paragraph (3). Awards shall be made on a peer-reviewed, competitive basis.

"(2) Participants.—Such partnerships shall include at least—

"(A) 1 manufacturing industry partner; and

"(B) 1 nonindustry partner.

"(3) Purpose.—The purpose of the program under this section is to foster cost-shared collaborations among firms, educational institutions, research institutions, State agencies, and nonprofit organizations to encourage the development of innovative, multidisciplinary manufacturing technologies. Partnerships receiving awards under this section shall conduct applied research to develop new manufacturing processes, techniques, or materials that would contribute to improved performance, productivity, and competitiveness of United States manufacturing, and build lasting alliances among collaborators.

"(b) Program Contribution.—Awards under this section shall provide for not more than one-third of the costs of a partnership. Not more than an additional one-third of such costs may be obtained directly or indirectly from other Federal sources.

"(c) APPLICATIONS.—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require. Such applications shall describe at a minimum—

"(1) how each partner will participate in developing and carrying out the research agenda of the partnership;

"(2) the research that the grant would fund; and

"(3) how the research to be funded with the award would contribute to improved performance, productivity, and competitiveness of the United States manufacturing industry.

"(d) SELECTION CRITERIA.—In selecting applications for awards under this section, the Director shall consider at a minimum—

"(1) the degree to which projects will have a broad impact on manufacturing;

"(2) the novelty and scientific and technical merit of the proposed projects; and

"(3) the demonstrated capabilities of the applicants to successfully carry out the proposed research.

"(e) DISTRIBUTION.—In selecting applications under this section the Director shall ensure, to the extent practicable, a distribution of overall awards among a variety of manufacturing industry sectors and a range of firm sizes.

"(f) DURATION.—In carrying out this section, the Director shall run a single pilot competition to solicit and make awards. Each award shall be for a 3-year period.".

SEC. 427. MANUFACTURING FELLOWSHIP PROGRAM.

Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-1) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Director is authorized"; and

(2) by adding at the end the following new subsection:

"(b) MANUFACTURING FELLOWSHIP PROGRAM.—

"(1) ESTABLISHMENT.—To promote the development of a robust research community working at the leading edge of manufacturing sciences, the Director shall establish a program to award—

"(A) postdoctoral research fellowships at the Institute for research activities related to manufacturing sciences; and

"(B) senior research fellowships to established researchers in industry or at institutions of higher education who wish to pursue studies related to the manufacturing sciences at the Institute.

"(2) APPLICATIONS.—To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(3) STIPEND LEVELS.—Under this subsection, the Director shall provide stipends for postdoctoral research fellowships at a level consistent with the National Institute of Standards and Technology Postdoctoral Research Fellowship Program, and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position.".

SEC. 428. MEETINGS OF VISITING COMMITTEE ON ADVANCED TECHNOLOGY.

Section 10(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278(d)) is amended by striking "quarterly" and inserting "twice each year".

SEC. 429. MANUFACTURING RESEARCH DATABASE.

(a) ESTABLISHMENT.—The National Institute of Standards and Technology shall provide for the establishment of a manufacturing research database to enable private sector individuals and Federal officials to access a broad range of information on manufacturing research carried out with funding support from the Federal Government.

(b) CONTENTS.—The database established under subsection (a) shall contain—

(1) all publicly available information maintained by a Federal agency relating to manufacturing research projects funded in whole or in part by the Federal Government; and

(2) information about all Federal programs that may be of interest to manufacturers.

(c) ACCESSIBILITY.—Information contained in the database shall be accessible in a manner to enable users of the database to easily retrieve information of specific interest to them.

(d) FEES.—The National Institute of Standards and Technology may authorize charging a nominal fee for using the database to access information described in subsection (b)(1) as necessary to recover the costs of maintaining the database.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Institute of Standards and Technology $2,000,000 for carrying out this section.

Subtitle C—Miscellaneous

SEC. 441. POST-DOCTORAL FELLOWS.

Section 19 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-2) is amended by striking "nor more than 60 new fellows" and inserting "nor more than 120 new fellows".

SEC. 442. FINANCIAL AGREEMENTS CLARIFICATION.

Section 2(b)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(4)) is amended by inserting "and grants and cooperative agreements," after "arrangements,".

SEC. 443. WORKING CAPITAL FUND TRANSFERS.

Section 12 of the National Institute of Standards and Technology Act (15 U.S.C. 278b) is amended by adding at the end the following:

"(g) AMOUNT AND SOURCE OF TRANSFERS.—Not more than one-quarter of one percent of the amounts appropriated to the Institute for any fiscal year may be transferred to the fund, in addition to any other transfer authority. In addition, funds provided to the Institute from other Federal agencies for the purpose of production of Standard Reference Materials may be transferred to the fund.".

SEC. 444. RETENTION OF DEPRECIATION SURCHARGE.

Section 14 of the National Institute of Standards and Technology Act (15 U.S.C. 278d) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Within"; and

(2) by adding at the end the following:

"(b) RETENTION OF FEES.—The Director is authorized to retain all building use and depreciation surcharge fees collected pursuant to OMB Circular A-25. Such fees shall be collected and credited to the Construction of Research Facilities Appropriation Account for use in maintenance and repair of the Institute's existing facilities.".

SEC. 445. NON-ENERGY INVENTIONS PROGRAM.

Section 27 of the National Institute of Standards and Technology Act (15 U.S.C. 278m) is repealed.

SEC. 446. REDEFINITION OF THE METRIC SYSTEM.

Section 3570 of the Revised Statues of the United States (derived from section 2 of the Act of July 28, 1866, entitled "An Act to authorize the Use of the Metric System of Weights and Measures" (15 U.S.C. 205; 14 Stat. 339)) is amended to read as follows:

"SEC. 3570. METRIC SYSTEM DEFINED.

"The metric system of measurement shall be defined as the International System of Units as established in 1960, and subsequently maintained, by the General Conference of Weights and Measures, and as interpreted or modified for the United States by the Secretary of Commerce.".

SEC. 447. REPEAL OF REDUNDANT AND OBSOLETE AUTHORITY.

The Act of July 21, 1950, entitled "An Act To redefine the units and establish the standards of electrical and photometric measurements" (15 U.S.C. 223 and 224) is repealed.

SEC. 448. CLARIFICATION OF STANDARD TIME AND TIME ZONES.

(a) Section 1 of the Act of March 19, 1918, (commonly known as the "Calder Act") (15 U.S.C. 261) is amended—

(1) by striking the second sentence and the extra period after it and inserting "Except as provided in section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a), the standard time of the first zone shall be Coordinated Universal Time retarded by 4 hours; that of the second zone retarded by 5 hours; that of the third zone retarded by 6 hours; that of the four zone retarded by 7 hours; that of the fifth zone retarded by 8 hours; that of the sixth zone retarded by 9 hours; that of the seventh zone retarded by 10 hours; that of the eighth zone retarded by 11 hours; and that of the ninth zone shall be Coordinated Universal Time advanced by 10 hours."; and

(2) by adding at the end the following: "In this section, the term 'Coordinated Universal Time' means the time scale maintained through the General Conference of Weights and Measures and interpreted or modified for the United States by the Secretary of Commerce in coordination with the Secretary of the Navy.".

(b) Section 3 of the Act of March 19, 1918, (commonly known as the "Calder Act") (15 U.S.C. 264) is amended by striking "third zone" and inserting "fourth zone".

SEC. 449. PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology may procure the temporary or intermittent services of experts or consultants (or organizations thereof) in accordance with section 3109(b) of title 5, United States Code to assist on urgent or short-term research projects.

(b) EXTENT OF AUTHORITY.—A procurement under this section may not exceed 1 year in duration, and the Director shall procure no more than 200 experts and consultants per year.

(c) SUNSET.—This section shall cease to be effective after September 30, 2010.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on whether additional safeguards would be needed with respect to the use of authorities granted under this section if such authorities were to be made permanent.

SEC. 450. MALCOLM BALDRIGE AWARDS.

Section 17(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(3)) is amended to read as follows:

"(3) In any year, not more than 18 awards may be made under this section to recipients who have not previously received an award under this section, and no award shall be made within any category described in paragraph (1) if there are no qualifying enterprises in that category.".

TITLE V—HIGH-PERFORMANCE COMPUTING

SEC. 501. HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.

Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended—

(1) in the title heading, by striking "**AND THE NATIONAL RESEARCH AND EDUCATION NETWORK**" and inserting "**RESEARCH AND DEVELOPMENT**";

(2) in section 101(a)—

(A) by striking subparagraphs (A) and (B) of paragraph (1) and inserting the following:

"(A) provide for long-term basic and applied research on high-performance computing;

"(B) provide for research and development on, and demonstration of, technologies to advance the capacity and capabilities of high-performance computing and networking systems;

"(C) provide for sustained access by the research community in the United States to high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, including provision for technical support for users of such systems;

"(D) provide for efforts to increase software availability, productivity, capability, security, portability, and reliability;

"(E) provide for high-performance networks, including experimental testbed networks, to enable research and development on, and demonstration of, advanced applications enabled by such networks;

"(F) provide for computational science and engineering research on mathematical modeling and algorithms for applications in all fields of science and engineering;

"(G) provide for the technical support of, and research and development on, high-performance computing systems and software required to address Grand Challenges;

"(H) provide for educating and training additional undergraduate and graduate students in software engineering, computer science, computer and network security, applied mathematics, library and information science, and computational science; and

"(I) provide for improving the security of computing and networking systems, including Federal systems, including research required to establish security standards and practices for these systems.";

(B) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(C) in paragraph (2), as so redesignated by subparagraph (B) of this paragraph—

(i) by striking subparagraph (B);

(ii) by redesignating subparagraphs (A) and (C) as subparagraphs (D) and (F), respectively;

(iii) by inserting before subparagraph (D), as so redesignated by clause (ii) of this subparagraph, the following new subparagraphs:

"(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities;

"(B) establish Program Component Areas that implement the goals established under subparagraph (A), and identify the Grand Challenges that the Program should address;

"(C) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program;"; and

(iv) by inserting after subparagraph (D), as so redesignated by clause (ii) of this subparagraph, the following new subparagraph:

"(E) develop and maintain a research, development, and deployment roadmap for the provision of high-performance computing systems under paragraph (1)(C); and"; and

(D) in paragraph (3), as so redesignated by subparagraph (B) of this paragraph—

(i) by striking "paragraph (3)(A)" and inserting "paragraph (2)(D)";

(ii) by amending subparagraph (A) to read as follows:

"(A) provide a detailed description of the Program Component Areas, including a description of any changes in the definition of or activities under the Program Component Areas from the preceding report, and the reasons for such changes, and a description of Grand Challenges supported under the Program;";

(iii) in subparagraph (C), by striking "specific activities" and all that follows through "the Network" and inserting "each Program Component Area";

(iv) in subparagraph (D), by inserting "and for each Program Component Area" after "participating in the Program";

(v) in subparagraph (D), by striking "applies;" and inserting "applies; and";

(vi) by striking subparagraph (E) and redesignating subparagraph (F) as subparagraph (E); and

(vii) in subparagraph (E), as so redesignated by clause (vi) of this subparagraph, by inserting "and the extent to which the Program incorporates the recommendations of the advisory committee established under subsection (b)" after "for the Program";

(3) by striking subsection (b) of section 101 and inserting the following:

"(b) ADVISORY COMMITTEE.—(1) The President shall establish an advisory committee on high-performance computing consisting of non-Federal members, including representatives of the research, education, and library communities, network providers, and industry, who are specially qualified to provide the Director with advice and information on high-performance computing. The recommendations of the advisory committee shall be considered in reviewing and revising the Program. The advisory committee shall provide the Director with an independent assessment of—

"(A) progress made in implementing the Program;

"(B) the need to revise the Program;

"(C) the balance between the components of the Program, including funding levels for the Program Component Areas;

"(D) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in high-performance computing and networking technology; and

"(E) other issues identified by the Director.

"(2) In addition to the duties outlined in paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program, and shall report not less frequently than once every two fiscal years to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on its findings and recommendations. The first report shall be due within one year after the date of enactment of this paragraph.

"(3) Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established by this subsection."; and

(4) in section 101(c)(1)(A), by striking "Program or" and inserting "Program Component Areas or".

SEC. 502. DEFINITIONS.

Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) in paragraph (2), by inserting "and multidisciplinary teams of researchers" after "high-performance computing resources";

(2) in paragraph (3)—

(A) by striking "scientific workstations,";

(B) by striking "(including vector supercomputers and large scale parallel systems)";

(C) by striking "and applications" and inserting "applications"; and

(D) by inserting ", and the management of large data sets" after "systems software";

(3) in paragraph (4), by striking "packet switched";

(4) by striking "and" at the end of paragraph (5);

(5) by striking the period at the end of paragraph (6) and inserting "; and"; and

(6) by adding at the end the following new paragraph:

"(7) 'Program Component Areas' means the major subject areas under which are grouped related individual projects and activities carried out under the Program.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WU) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 2272, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WU. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2272 is the culmination of a year-and-a-half-long bipartisan effort by members of the Science and Technology Committee to pass a package of competitiveness bills in response to recommendations in the 2005 National Academy of Sciences report, Rising Above the Gathering Storm. H.R. 2272, the 21st Century Competitiveness Act of 2007, is simply a package of five bills, each of which already has passed the House of Representatives by an overwhelming majority over the last 2 months.

We created a single bill as a basis for initiating discussions with the other Chamber on a comprehensive competitiveness bill that we could send to the President for his signature this year.

The five bills rolled into H.R. 2272 are H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act; H.R. 363, the Sowing the Seeds through Science and Engineering Research Act; H.R. 1867, the National Science Foundation Authorization Act of 2007; H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007; and H.R. 1068, to amend the High-Performance Computing Act of 1991.

I want to thank Chairman GORDON and Ranking Member HALL of the Science and Technology Committee for their bipartisan leadership on this bill and, in particular, on the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.

I also want to thank the ranking member of the Technology and Innovation Subcommittee, Mr. GINGREY, and the Chair and ranking member of the Research and Science Education Subcommittee, Mr. BAIRD and Mr. EHLERS, for all of their hard work on the NIST and NSF bills.

I also want to thank all of the members of the Science and Technology Committee on both sides of the aisle for their contributions to these bills and for helping to move every one of them expeditiously and unanimously through the committee.

I especially want to thank the staff of the Science and Technology Committee on the majority side, Jim Wilson, Dahlia Sokolov, Colin McCormick, Mike Quear and our chief of staff, Chuck Atkins; on the minority side, Amy Carroll and Mele Williams. And my friend from the other side may have additional names to add to that list.

Let me spend just a moment reminding my colleagues why we introduced this bill and why we urge support today.

In 2005, the National Academies assembled a blue-ribbon committee of national leaders in academia, business and government to address concerns about national prosperity in the global economy of the 21st century. The Academies' report was titled Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future.

That report cataloged a number of worrisome indicators about the U.S. position in an increasingly competitive world and provided recommendations to enable the Nation to maintain its competitiveness. The core recommendations are as follows: Recruit and train highly qualified science and math teachers; sustain and strengthen the Nation's traditional commitment to long-term, basic research; make the United States the most attractive setting in which to study and perform research so that we can develop, recruit and retain the best and brightest minds; ensure that the U.S. is the premier place in the world in which to innovate.

The bill before us today goes a long way in addressing all of those recommendations.

H.R. 2272 puts and keeps the National Science Foundation and the NIST research labs on a 10-year path to doubling their projects.

The bill helps to train thousands of new teachers and provide current teachers with content and pedagogical expertise in their area of teaching.

The bill expands programs to enhance the undergraduate education of our future science and engineering workforce.

The bill expands early career grant programs for outstanding young investigators at both the NSF and the Department of Energy.

The bill strengthens interagency planning and coordination for research infrastructure and information technology.

Mr. Speaker, in this increasingly competitive world, where jobs are rapidly being outsourced and we are importing more high-tech products than we are exporting, now is the time to act. Now is the time to strengthen our support for the creativity, innovation and talented workforce that makes the United States unique and gives us our edge.

The day our universities are no longer the most sought after in the world, the day we see a brain drain because our best and brightest young scientists and entrepreneurs can't get the funding to do their research and technology development here at home, the day that our innovation is outsourced, that is the day that truly concerns me.

H.R. 2272 is a key piece of the innovation agenda to make sure that that day never comes. It has the support of many businesses, professional associations and higher education groups and has already been passed in its five pieces by an overwhelming majority of Members of the House on both sides of the aisle.

Mr. Speaker, I once again want to thank Chairman GORDON and Ranking Member HALL and all the members of the Science and Technology Committee for their hard work on this bill, and I urge my colleagues to support H.R. 2272.

Mr. Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 2272, the 21st Century Competitiveness Act.

As my dear friend and colleague, the gentleman from Oregon (Mr. WU) just stated, this legislation pretty much packages five bills that have already passed the House with, frankly, an overwhelming majority of the votes. In order to force a conference with the other body, we're now again trying to put these together.

As was stated here just a few weeks ago by Ranking Member HALL and, frankly, right now by my dear friend Mr. WU, H.R. 362 and H.R. 363 include many of the provisions from last year's competitiveness legislation, as well as additional recommendations from the National Academy of Sciences Rising Above the Gathering Storm report, again as Mr. WU just mentioned.

This report and the President's American Competitiveness Initiative, known as ACI, have emphasized the importance of strengthening science, technology, engineering and mathematics education in the United States to ensure that the Nation's workforce can compete globally in high-tech, high-value industries.

It's imperative, Mr. Speaker, that we do all we can to stay ahead of the curve and ensure that the next generation of high-tech industries and products are developed here in the United States, as Mr. WU just said. These provisions are steps in the right direction.

Also, as part of the ACI, President Bush targeted investment in physical science research to be doubled over the next 10 years at the National Science Foundation, the National Institute of Standards and Technology, and the Office of Science at the Department of Energy.

I want to thank Mr. EHLERS and Mr. GINGREY for their extensive input in developing these bills and my Democratic colleagues for incorporating our priorities into this bipartisan legislation.

I would be remiss, Mr. Speaker, if I didn't especially thank the staff. As you know, Mr. Speaker, they do an incredible amount of work. They do so usually behind the scenes, don't get a lot of the credit. There's a couple here that have done an incredible job. Margaret Caravelli is here to my left and Leslee Gilbert, who is also here, have done an incredible job, and we never thank them enough. So, therefore, I want to do that today here on the floor.

I'm glad that H.R. 2272 includes Mrs. BIGGERT's High Performance Computing Act. This part of the bill will improve our investment in high-performance computing research.

H.R. 2272 authorizes an investment in our future, an investment for continued technological advancement, and an investment to keep the United States as the leader, frankly, in the global marketplace.

I urge all my colleagues to support H.R. 2272. I thank all those who have worked on it. It's always a privilege to work with my dear friend, Mr. WU.

☐ 1700

Mr. Speaker, I reserve the balance of my time.

Mr. WU. Mr. Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I rise this afternoon to support H.R. 2272, the

21st Century Competitiveness Act, and I want to thank the gentleman from Florida for yielding. I want to thank my chairman on the Technology and Innovation Subcommittee, Mr. DAVID WU of Oregon.

This legislation we are voting on today is a combination of bills which the House has already overwhelmingly passed, reauthorization bills for both the National Science Foundation and the National Institute of Standards and Technology, as well as bills to promote science, technology, engineering and math, what we refer to as STEM education in our country.

Last year, with the American Competitiveness Initiative, President Bush laid out a vision to maintain America's edge in the global marketplace. These goals were spurred by a report issued by the National Academies, and it was entitled, as the gentleman from Florida said, "Rising Above the Gathering Storm."

This report looked at ways in which the Federal Government could enhance our country's science and technology enterprise so that we can continue to compete and prosper globally.

The Commission made a variety of recommendations. Some of them include reforming K–12 education, as well as expanding and strengthening the basic research and science and engineering conducted in America. This comprehensive innovation bill addresses these concerns, and it helps to fulfill this vision. That's why I am proud, proud, to be an original cosponsor of H.R. 2272.

One provision in this legislation reauthorizes the National Institute of Standards and Technology, NIST, an agency in the Department of Commerce, as one of the three agencies highlighted by the President's American Competitiveness Initiative, and it falls under the jurisdiction of the Technology and Innovation Subcommittee of which, as I said at the outset, I am a proud member.

The NIST employees play a critical role in NIST research, which enables cutting-edge technologies to make the leap from a basic research situation into successful commercial products. This is accomplished at NIST by conducting research that supports United States technology infrastructure by developing the tools to measure, to evaluate, and standardize processes and products in almost all industrial sectors, bullet-proof vests all the way to nanotechnology.

From rewarding younger students for continuing their work in the fields of science and engineering, to increasing the amount of grants available to teachers and students who pursue continuing education in the STEM, science, technology, engineering, math fields, to providing financial aid to students who make a commitment that after college they will teach, working to ensure that we have a strong United States manufacturing base, H.R. 2272 takes many important and critical first steps toward keeping America competitive.

Mr. Speaker, I again want to underline my wholehearted support for the 21st Century Competitiveness Act, and I urge all my colleagues, as I know they will, to do the same.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I just want to urge the adoption of this good legislation. I thank Mr. WU for his leadership.

Mr. Speaker, I yield back the balance of my time.

Mr. WU. I would also like to thank my colleague, Mr. MARIO DIAZ-BALART, for his leadership on the committee and for his good works on these bills.

Mr. Speaker, I just want to reiterate to my colleagues that these are five pieces of legislation which have already passed the House of Representatives by massive margins. I urge all of my colleagues to support this unified version of the bill.

Mr. UDALL of Colorado. Mr. Speaker, today I am pleased to support H.R. 2272, the 21st Century Competitiveness Act of 2007.

America has long been a center for science and engineering discovery. Just looking back over the 20th century, American ingenuity has been truly incredible. From Ford's Model T in 1908 and on to the personal computer in 1981, American innovations have transformed our Nation and the world, again and again, creating whole new industries and occupations. Going forward, new innovations will continue to be critical, both in maintaining a solid industrial and economic base and increasing our standard of living.

Federal agencies, such as the National Science Foundation, NSF, and the National Institute of Standards and Technology, NIST, play a key role by funding cutting-edge research and training the next generation of scientists and engineers. Without Federal investment in Science, Technology, Engineering, and Math, STEM, research and education, very little of this achievement would have been possible—and we must continue this strong Federal support to reinforce our global competitiveness and our prosperity.

H.R. 2272, of which I am a cosponsor, will help strengthen and improve research and education efforts at NSF and NIST, helping to ensure that the United States continues to be a science and technology leader. Specifically, the legislation will reauthorize both NIST and NSF, as well as update the High Performance Computing Act of 1991.

For NSF, H.R. 2272 will continue the effort to double its funding over a 10 year time period by authorizing almost $21 billion for fiscal years 2008–2010. The bill will also encourage the participation of more scientists who have not received NSF funding in the past through 1-year seed grants. By targeting these grants toward these new recipients, the legislation will help support early career researchers and encourage higher-risk research.

The legislation also includes a needed funding increase for overall laboratory research at NIST. As part of the American Competitiveness initiative, NIST will use these funds to expand upon its world-class research, ensuring that the United States will continue to be globally competitive in many industries. I am also pleased to see that the legislation reauthorizes and gradually increases funding for key technology transfer programs like the Manufacturing Extension Partnership, MEP, program and the Technology Innovation Program, TIP.

NIST is particularly important to me because one of its key laboratories is located in Boulder, Colorado, in my district. The Boulder labs employ more than 350 people and serve as a science and engineering center for significant research across the Nation.

A critical component of this legislation is that it includes funding for construction at these laboratories. NIST's Boulder facilities have contributed to great scientific advances, but they are now over 50 years old and have not been well maintained. Many environmental factors such as the humidity and vibrations from traffic can affect the quality of research performed at NIST. In fiscal year 2007, NIST-Boulder will begin an extension of Building 1 to make room for a Precision Metrology lab. This new facility will allow for incredibly precise control of temperature, relative humidity, air filtration and vibration to advance research on critical technologies, such as atomic clocks telecommunications, and nanomaterials. To complete this extension, NIST will need further funding in fiscal years 2008 and 2009. H.R. 2272 authorizes this critical funding.

As co-chair of the STEM Education caucus, I am also pleased that H.R. 2272 contains support and funding for NSF's STEM education programs. These programs include the Math and Science Partnerships program and the Noyce Scholarships program, as well as several STEM education grants that focus on teacher professional development. These will help increase the number of well-qualified science and math teachers across the country, both through creating more teachers from current college students and by providing better training for the teachers already in our schools.

I would like to thank Science and Technology Committee Chairman GORDON, as well as Ranking Member HALL and the other original cosponsors, for introducing this critical bipartisan legislation and working to bring it to the floor today.

I think we all recognize that investing in basic research and STEM education is critical for a strong economy and national security, and H.R. 2272 will help us improve the critical support for STEM education and research. I encourage all of my colleagues to vote for this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2272, the 21st Century Competitiveness Act of 2007. Innovation has been a priority of the new Democratic majority in the 110th Congress; we have worked to ensure that the United States continues to be the global leader in technological innovation and progress. I strongly support this legislation, which encourages our Nation to invest in research and development, and I urge my colleagues to do so as well.

According to a 2005 report by The National Academies, the United States is in danger of losing the competitive edge it currently enjoys in the global economy. Despite our proud tradition of innovation, this report warns that immediate action is necessary to ensure that the United States continues to be a leader in technological progress into the 21st century. This Congress is fully committed to answering that challenge.

Mr. Speaker, H.R. 2272 contains many important provisions to strengthen America's prospects for global competitiveness. It improves and strengthens a number of scholarship programs at all levels of study, encouraging students and young people to pursue further education in science, technology, engineering, mathematics, and computing. Additionally, the bill establishes programs to provide support for researchers in science and engineering fields.

H.R. 2272 also reaffirms our commitment to scientific excellence by reauthorizing the National Science Foundation, NSF, for 3 years. The NSF ensures a continued national supply of scientific and engineering personnel, while promoting basic research and education across a wide array of scientific and technological disciplines. By authorizing continued funding for this institution, H.R. 2272 is an important step towards ensuring continued American scientific progress.

In the interest of both economic prosperity and military capability, the United States must continue producing a workforce knowledgeable to maintain technological competitiveness. If we are to do this, this Congress must continue funding and strengthening needed investments in science, technology, engineering, and mathematics education and research. Supporting this bill is an important step, and I strongly urge my colleagues to join me in supporting this legislation.

Mr. WU. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WU) that the House suspend the rules and pass the bill, H.R. 2272.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 4 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCOTT of Virginia) at 6 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 698, by the yeas and nays;

H.R. 1425, by the yeas and nays.

The vote on H.R. 1722 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

INDUSTRIAL BANK HOLDING COMPANY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 698, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 698, as amended.

The vote was taken by electronic device, and there were—yeas 371, nays 16, answered "present" 1, not voting 44, as follows:

[Roll No. 384]

YEAS—371

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—16

Baker
Bishop (UT)
Campbell (CA)
Cannon
Feeney
Flake
Franks (AZ)
Hastert
Issa
Mack
Matheson
Poe
Rohrabacher
Royce
Shadegg
Westmoreland

ANSWERED "PRESENT"—1

Gingrey

NOT VOTING—44

Akin
Baird
Blumenauer
Brady (TX)
Brown, Corrine
Buchanan
Buyer
Carson
Clay
Costello
Davis (KY)
DeGette
Diaz-Balart, L.
Doggett
Fortenberry
Gerlach
Gutierrez
Hinojosa
Hulshof
Hunter
Johnson (GA)
Jones (OH)
Kind
King (NY)
Kirk
LaHood
Lofgren, Zoe
Marchant
McMorris Rodgers
Murtha
Pence
Peterson (PA)
Rush
Sanchez, Loretta
Shays
Shimkus
Simpson
Stupak
Sullivan
Tanner
Towns
Upton
Wamp
Wexler

☐ 1856

Messrs. FRANKS of Arizona, MACK, ISSA and HASTERT changed their vote from "yea" to "nay."

Mr. GOODLATTE and Mr. CANTOR changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. ROGERS of Michigan. Mr. Speaker, pursuant to clause 2(a), paragraph 1 of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

H. RES. —

Whereas the Code of Official Conduct provides that a Member "may not condition the inclusion of language to provide funding for a Congressional earmark . . . on any vote cast by another member";

Whereas Chairman Reyes filed the Report to accompany the bill H.R. 2082, the Intelligence Authorization Act for Fiscal Year 2008;

Whereas the report states that, with respect to the requirements of clause 9 of House Rule XXI, "The following table provides the list of such provisions included in the bill or report," and includes a table of 26 items identifying "Requesting Member," "Subject," and "Dollar Amount (in Thousands)";

Whereas the referenced table includes an item denoted as: Requesting Member, Mr. Murtha; Subject, NATIONAL INTELLIGENCE PROGRAM COMMUNITY MANAGEMENT ACCOUNT—National Drug Intelligence Center; Dollar Amount, $23 million;

Whereas the Gentleman from Michigan, Mr. Rogers, offered and voted for a motion to recommit the bill to change the provisions of the aforementioned Murtha earmark during its consideration in the House;

Whereas as a result of Mr. Rogers' motion and vote on the Murtha earmark, the Gentleman from Pennsylvania, Mr. Murtha subsequently threatened to withdraw support for earmarks providing funding for projects located in the Gentleman from Michigan's district;

Whereas on May 17, 2007, in the House Chamber, the Gentleman from Pennsylvania stated, in a loud voice words to the effect, to the Gentleman from Michigan as a result of offering and voting for the motion to recommit, "I hope you don't have any earmarks in the defense appropriation bill because they are gone and you will not get any earmarks now and forever.";

Whereas the Gentleman from Michigan responded, in words to the effect, "this is not the way we do things here and is that supposed to make me afraid of you?";

Whereas the Gentleman from Pennsylvania raised his voice, pointed his finger and stated, in words to the effect, "that's the way I do it.";

Whereas the gentleman from Pennsylvania (Mr. Murtha) is the ninth most senior member of Congress, whose seniority ranks him over 426 of his 433 colleagues in the House;

Whereas the gentleman from Pennsylvania chairs the Appropriations Subcommittee on Defense;

Whereas the gentleman from Pennsylvania (Mr. Murtha), the second-ranking and second longest serving Democrat on the Appropriations Committee, has been described in numerous media accounts as a master of the legislative process and an expert on earmarks; and

Whereas the gentleman from Pennsylvania (Mr. Murtha) has stated that he is a former member of the House Committee on Standards of Official Conduct, whose members are among the most knowledgeable in the House concerning the ethical obligations of Members of Congress: Now, therefore, be it

Resolved, That the Member from Pennsylvania, Mr. Murtha has been guilty of a violation of the Code of Official Conduct and merits the reprimand of the House for the same.

☐ 1900

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Michigan will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will resume.

There was no objection.

STAFF SERGEANT MARVIN "REX" YOUNG POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1425, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1425.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 0, not voting 47, as follows:

[Roll No. 385]

YEAS—385

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary

Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—47

Akin
Baird
Blumenauer
Brady (TX)
Brown, Corrine
Buchanan
Buyer
Carson
Clay
Costello
Davis (KY)
DeGette
Diaz-Balart, L.
Doggett
Fortenberry
Gerlach
Gilchrest
Grijalva
Gutierrez
Hinojosa
Hulshof
Hunter
Jones (OH)
Kind
King (NY)
Kirk
LaHood
Lofgren, Zoe
Marchant
McMorris Rodgers
Murtha
Pence
Peterson (PA)
Royce
Rush
Sanchez, Loretta
Shays
Shimkus
Shuster
Simpson
Stupak
Sullivan
Tanner
Towns
Upton
Wamp
Wexler

□ 1908

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Speaker, on Monday, May 21, 2007, I was absent from the House for medical reasons. Had I been present I would have voted: On rollcall No. 384–"yea"; on rollcall No. 385–"yea."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 384 and 385.

HONORING PRIVATE FIRST CLASS JONES

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as many of us have been doing over the past couple of years and months, I paid tribute to a fallen soldier in my district this past weekend. Private First Class Jones was young and vibrant and loved by his family. Those who loved him had to bury him, for he is another of those now fallen from the violence in Iraq. We pay tribute to him for his great service and his love of country.

It is time now for America to love her own even more. It is time for our soldiers to come home. As we prepare for the honoring of those fallen in many wars, it becomes more than a disservice to those brave men and women for the President not to join this Congress in the resolution of this misdirected mission, in order to ensure that our troops come home with accolades and recognition because their mission has been successful.

The political mission is a failure, and it's time now for us to vote on a supplemental that has benchmarks and, as well, timelines to redeploy our troops, whether to Kuwait or otherwise. Our troops must come home. I pay tribute to the fallen. I pay tribute to Private First Class Jones.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HILL). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1915

THE MYSTERIOUS MURDER OF TOM WALES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, in recent months, the American people have been riveted by the disclosure surrounding the firing of eight U.S. Attorneys, including John McKay of my hometown of Seattle.

The other day, the number two person at the Justice Department testified before the Senate Judiciary Committee. Even in jaded Washington, D.C., the revelations were so shocking that the Washington Post published an editorial, which I submit for printing in the RECORD. Let me read part of it.

"James B. Comey, the straight-as-an-arrow former number two official of the Justice Department, yesterday offered the Senate Judiciary Committee an account of Bush administration lawlessness so shocking it would have been unbelievable coming from a less reputable source."

The American people understand that political appointees are a fact of life when a new President takes office, but the American people demand that competence and integrity overrule political party affiliation.

The Justice Department has thousands of dedicated public servants who know what it means to be respected and uphold the law. And then there is Gonzalez.

The revelations began over the firing of eight U.S. Attorneys. Now there is a new revelation about Gonzalez trying to force the previous Attorney General to agree to anything the White House wanted. What else don't we know?

For the last 6 years, congressional oversight was nonexistent. What cases were priorities and what cases were not? And why not? What did and did not happen following the murder of an Assistant U.S. Attorney in Seattle?

My friend, Tom Wales, had been the Assistant U.S. Attorney in Seattle under the previous administration. He was a well-respected law enforcement officer known for his pursuit of white color criminals. He was also a vocal and strong advocate for gun control. Tom was shot and killed in his home while working at his computer one late night in October. If Tom was killed, as some suspect, because of those he brought to justice, then he died in the line of duty. No one has ever been charged, although there are news accounts that indicate authorities have a prime suspect.

Now there is a new suspicion. Did the White House want its appointee in Seattle, John McKay, fired in part because he was vigorously pursuing the Tom Wales case?

Someone sent me a blog recently asking the same fundamental question: Why would Justice not throw every available resource into finding Tom's killer? Why would they not want the investigation by their own U.S. Attorney in Seattle to proceed with every possible resource?

Some bloggers say it is all because of Tom's advocacy for gun control, but the answer may be tragically simpler. Maybe Gonzalez wanted the Republican U.S. Attorney appointee in Seattle to spend all his time on something else; to find or, if necessary, invent voter fraud in a close Washington governor's race, narrowly won by the Democrat. Could they have been that arrogant, that uncaring about the death of a good man, an Assistant U.S. Attorney? Most people would have dismissed that notion until recently. Now the revelations about the Attorney General and the attitude he took toward cases, perhaps including the murder of a Federal officer in Seattle, cannot be adequately described by words like shocking.

At this point, I believe there are two necessary mandatory actions that must be taken. The Attorney General must go, now. His allegiance to partisan political interests above his oath to uphold the laws of the United States is outrageous.

Secondly, even if it requires the appointment of an outside independent prosecutor, the Justice Department should immediately, vigorously and conclusively investigate the murder of Tom Wales and not stop until the killer is charged and brought to justice. We owe that to Tom Wales, his family, and every law enforcement officer who risks his or her life every day in service to the American people.

[From the Washington Post, May 16, 2007]

MR. COMEY'S TALE: A STANDOFF AT A HOSPITAL BEDSIDE SPEAKS VOLUMES ABOUT ATTORNEY GENERAL GONZALES

James B. Comey, the straight-as-an-arrow former No. 2 official at the Justice Department, yesterday offered the Senate Judiciary Committee an account of Bush administration lawlessness so shocking it would have been unbelievable coming from a less reputable source. The episode involved a 2004 nighttime visit to the hospital room of then-Attorney General John D. Ashcroft by Alberto Gonzales, then the White House counsel, and Andrew H. Card Jr., then the White House chief of staff. Only the broadest outlines of this visit were previously known: that Mr. Comey, who was acting as attorney general during Mr. Ashcroft's illness, had refused to recertify the legality of the administration's warrantless wiretapping program; that Mr. Gonzales and Mr. Card had tried to do an end-run around Mr. Comey; that Mr. Ashcroft had rebuffed them.

Mr. Comey's vivid depiction, worthy of a Hollywood script, showed the lengths to which the administration and the man who is now attorney general were willing to go to pursue the surveillance program. First, they tried to coerce a man in intensive care—a man so sick he had transferred the reins of power to Mr. Comey—to grant them legal approval. Having failed, they were willing to defy the conclusions of the nation's chief law enforcement officer and pursue the surveillance without Justice's authorization. Only in the face of the prospect of mass resignations—Mr. Comey, FBI Director Robert S. Mueller III and most likely Mr. Ashcroft himself—did the president back down.

As Mr. Comey testified, "I couldn't stay, if the administration was going to engage in conduct that the Department of Justice had said had no legal basis." The crisis was averted only when, the morning after the program was reauthorized without Justice's approval, President Bush agreed to fix whatever problem Justice had with it (the details remain classified). "We had the president's direction to do . . . what the Justice Department believed was necessary to put this matter on a footing where we could certify to its legality," Mr. Comey said.

The dramatic details should not obscure the bottom line: the administration's alarming willingness, championed by, among others, Vice President Cheney and his counsel, David Addington, to ignore its own lawyers. Remember, this was a Justice Department that had embraced an expansive view of the president's inherent constitutional powers, allowing the administration to dispense with following the Foreign Intelligence Surveillance Act. Justice's conclusions are supposed to be the final word in the executive branch about what is lawful or not, and the administration has emphasized since the warrantless wiretapping story broke that it was being done under the department's supervision.

Now, it emerges, they were willing to override Justice if need be. That Mr. Gonzales is now in charge of the department he tried to steamroll may be most disturbing of all.

FORMER U.S. BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is the 125th day since two U.S. Border Patrol agents entered Federal prison.

Agents Ramos and Compean were convicted in Federal court for wounding a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas. These agents should have been commended for their actions, but instead the U.S. Attorney's Office prosecuted the agents and granted full immunity to the drug smuggler. The extraordinary details surrounding the prosecution of this case assure that justice has not been served.

In an interview this Friday, May 18, 2007, with Glenn Beck of CNN Headline News, U.S. Attorney Johnny Sutton again repeated a false claim about this case, stating that the agent shot "an unarmed guy in the back." That is his quote.

Mr. Speaker, I do not know how anyone, especially this Federal prosecutor, would choose to accept the word of a criminal over two law enforcement officers who have sworn to uphold the Constitution and to protect the American people. Yet this prosecutor believed the word of a drug smuggler who claimed he was unarmed. It is a sad day in this Nation when a criminal has more influence over a Federal prosecutor than two law enforcement officers. I am going to repeat that, Mr. Speaker. It is a sad day in this Nation when a criminal has more influence over a Federal prosecutor than two law enforcement officers.

Both agents testified that the drug smuggler turned and pointed an object at them while he was running away, and they fired in self-defense. An Army doctor who removed the bullet fragment from the drug smuggler confirmed that the bullet entered into his lower left buttocks, passed through his pelvic triangle, and lodged in his right thigh, not in the back, as Mr. Sutton has repeatedly claimed. At the trial, the Army doctor testified that the drug smuggler's body was "bladed" away from the bullet that struck him, consistent with the motion of a left-handed person running away while pointing backward, causing the body to twist.

Mr. Speaker, there is only one logical object that the drug smuggler would have pointed at the agents in this circumstance: a firearm.

In addition to this physical evidence, an article published by the Inland Valley Daily Bulletin on October 26, 2006, quotes two of the drug smuggler's family members who said, and I quote, "He has been smuggling drugs since he was 14 and would not move drugs unless he had a gun on him." That is his own family that made a statement.

The facts have shown what countless citizens and Members of Congress already know: That the U.S. Attorneys office was on the wrong side of this issue and this case.

I am pleased and grateful that Chairman CONYERS and Chairman LEAHY have shown interest in holding hearings to investigate the injustice committed against these two Border Patrol agents. The conviction of these two agents is a travesty that cries out for oversight, and I hope that Members of Congress on both sides of the aisle will say thank you to Mr. CONYERS and also to Chairman LEAHY because they are willing to look for the truth and justice instead of injustice.

And I call on the President of the United States to, please, Mr. President, look at this case and pardon these two border agents that were only trying to protect the American people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

THE WORLD BANK AND INTERNATIONAL ECONOMICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I rise to address two issues involving international economics. The first is the World Bank.

The entire world has been fixated on whether Mr. Wolfowitz arranged $195,000 for his paramour, which shows how little attention we pay to things at the World Bank that really matter. Because while we were focused on that, no one focused in the media on the fact that the World Bank is sending over $1.3 billion, roughly a quarter of it our tax dollars, to the government of Iran.

Now we are told that this is for wonderful projects in Iran having nothing to do with the government. We here in the House understand something about politics. One of the ways you get reelected, one of the ways the Iranian government holds on to power is to bring home the bacon. I know it's not kosher, I know it is not halal, but that's what that government does, and the World Bank helps them do it.

Now, we saw how did the United States use its clout inside the World Bank? Not to stop these loans to Iran and not to stop their disbursements, over $200 million being disbursed by Mr. Wolfowitz himself, but for only two goals. One was to try to prevent the World Bank from being involved in family planning; and the other was to protect Mr. Wolfowitz's career, notwithstanding his errors of judgment.

Where is this administration when it comes to prioritizing and representing the national security interests of this country? Iran is developing nuclear weapons, and all we can do with our clout in the World Bank is try to protect one individual of flawed judgment.

Second, I would like to address the idea of granting Fast Track to this administration. I am sure that when the President seeks an extension of Fast Track, he will offer those of us on the Democratic side all kinds of wonderful promises. But keep one thing in mind: Any trade deal that requires on this President for enforcement will be enforced only to the extent this President wants it enforced.

Look at the Iran Sanctions Act. This President refuses to acknowledge that any facts exist that require him to even decide what to do with regard to investments in Iran.

I assure you that if we sign a deal with the best possible labor standards but Presidential enforcement and something were to come to pass, perhaps a coup in Peru and all of a sudden every labor leader in the country is shot in cold blood, this President will not act to enforce those labor standards. He may express some concerns, but any agreement involving our trade which requires this President to acknowledge facts occurring on the ground is a nullity except to the extent that the President chooses to. Because we could have a circumstance where there is no enforcement of corporate interests without Presidential action, and he will act; and we could have a circumstance where there is no enforcement of labor standards without Presidential action, and you can be sure he will not.

So I look forward to changing the policies of this administration. Let us hope that at the World Bank we focus on preventing loans to Iran, rather than irrelevancies involving one particular paramour; and let us hope that this House takes responsibility, its responsibilities under article I of the Constitution to deal with international trade issues in regular order and not to put American jobs on the Fast Track abroad.

HAITIAN FLAG DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. CLARKE) is recognized for 5 minutes.

Ms. CLARKE. Mr. Speaker, it gives me great pride and pleasure today to rise to inform the House, on this Friday, May 18, Haitians throughout the diaspora celebrated Haitian Flag Day.

Since the creation of the Haitian flag on May 18, 1803, the day has been observed as Haitian Flag Day to Haitian Americans throughout the diaspora. This day has become a source of pride synonymous with unity and a symbol of freedom and individual liberty for Haitian people.

Later this week, I will introduce legislation to commemorate this historic and celebrative event. The 18th of May, Haitian Flag Day, is the most celebrated holiday in Haiti.

Just to put this day in context for most Americans, there are some historical facts that I would like to share with you.

When Napoleon Bonaparte envisioned a great French empire in the New World, he had hoped to use the Mississippi Valley as a food and trade center to supply the island of Hispaniola. First, he had to restore French control of Hispaniola, where Haitian slaves under Toussaint L'Ouverture had seized power. Napoleon soon realized that Hispaniola must be abandoned. Accordingly, in April of 1803, he offered to sell Louisiana to the United States.

President Thomas Jefferson had already sent James Monroe and Robert R. Livingston to Paris to negotiate the purchase of a tract of land in the lower Mississippi, or at least guarantee of free navigation of the river. Surprised and delighted by the French offer of the whole territory, they immediately negotiated the treaty.

At one stroke, the United States would double in its size, an enormous tract of land would be open to settlement, and the free navigation of the Mississippi would be assured.

Although the Constitution did not specifically empower the Federal Government to acquire new territory by treaty, Jefferson concluded that the practical benefits to the Nation far outweighed the possible violation of the Constitution. The Senate concurred with this decision and voted ratification October 20, 1803, this all precipitated by the revolution of freed slaves on the island of Haiti.

The Spanish, who had never given up a physical possession of Louisiana to the French, did so in a ceremony at New Orleans on November 30, 1803. And in a second ceremony December 20, 1803, the French turned Louisiana over to the United States.

I would like to also honor those brave Haitians who fought for American independence at the siege of Savannah, Georgia, in 1779: The Chasseurs-Volontaires de Saint-Domingue, a regiment of soldiers who formed one-tenth of the allied army before Savannah in the fall of 1779. This unit was comprised of over 500 free men of color from the island of Haiti and was the largest unit of men of African descent to fight in the American revolution.

The battle of Savannah, on October 9, 1779, reminds us that significant foreign resources of men, money and material contributed to the eventual success of the cause of American independence.

The presence of the Chasseurs-Volontaires de Saint Domingue was made up of free men who volunteered for this expedition is startling to most people and surprising to most historians.

Men of African heritage were to be found on most battlefields of the revolution in large numbers. A subsequent unit of Haitians was part of the French and Spanish campaign against Pensacola, where they faced some of the same regiments of British troops that their comrades faced in Savannah.

Haiti, much smaller in population than the United States, was attacked by armies as large as those sent against America by Britain. The Haitian victory over the legions of Napoleon was achieved with much less foreign assistance than the United States enjoyed.

It is these types of historical events put in the context of our Nation today that we celebrate with the Haitian Americans in diaspora, their accomplishments and achievements in the growth and development of our Nation.

Many key figures in the Haitian War of Independence gained military experience and political insights through their participation in Savannah, most notably Henri Christophe, a youth at the time, but, in his adult years, a general of Haitian armies and King of his nation for 14 years.

There is little appreciation in the United States for the events that led to the formation of the Haitian nation. Influenced by both the events of the American Revolution and the rhetoric of the French Revolution, the people of Haiti began a struggle for self-government and liberty.

The first nation in the Western Hemisphere to form a government led by people of African descent, it was also the first nation to renounce slavery.

The Haitian national flag is indisputably a symbol of general pride whose origin is tightly linked to a history of struggle for freedom.

As you all already know, the Haitian flag was first presented in 1802 when Haiti was fighting against the French for independence and it was realized that both armies fought under the same flag.

After the modification of the flag in 1807, the phrase "L'UNION FAIT LA FORCE", meaning that through unity we find strength, was readopted.

The Haitian constitution of 1987 describes the new flag as: Two (2) equal-sized horizontal bands: a blue one on top and a red one underneath; The coat of arms of the Republic shall be placed in the center on a white square; The coat of arms of the Republic will be a Palm tree surmounted by the liberty cap and under the palms a trophy with the legend: In Union there is Strength;

This weekend, I joined with hundreds of my Haitian constituents as we celebrated Haitian Flag Day together. For as long as I can remember, Haitians have gathered in my district of Brooklyn, NY to recognize this historic day.

I ask my colleagues to please join me in recognizing the world's oldest black republic and the second-oldest republic in the Western Hemisphere celebrate the ideals of unity, strength and freedom embedded in the Haitian Flag by becoming a co-sponsor of the Haitian Flag Day resolution.

ARMENIA PARLIAMENTARY ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise to congratulate the people of Armenia on the May 12 Parliamentary elections. This is the first positive assessment of an election in the former Soviet Republic since it gained independence in 1991. This encouraging outcome will most certainly enhance and deepen U.S./Armenia relations, while also elevating Armenia's reputation regionally and internationally.

Over the past few months, U.S. administration officials in Washington and Yerevan have stressed the importance of these elections and explained that substantial improvement must be made. Based on public preliminary reports, Armenia has fulfilled the test set forth by the administration and received a free and fair stamp of approval.

The International Election Observation Mission issued a statement which read, in part, and I quote, "The election is assessed in line with OSCE and Council of Europe commitments, other international standards for democratic elections and national legislation."

I'm especially pleased that the U.S. Embassy in Armenia joined the chorus of praise with its own assessment which reads, and again I quote, "We share the satisfaction of international observers that the election infrastructure, both legal and technical, has been greatly improved."

Mr. Speaker, I join in sharing the pride of our embassy and the contributions we have helped make in advancing the course of democracy and the rule of law in Armenia. These results are the best evidence to date that our assistance to this fledgling Republic is indeed serving its intended purpose. Our shared values and the strong bonds between the United States and Armenia will no doubt continue to expand. In doing so, we will continue to foster democracy in Armenia and work towards stability in the South Caucus region.

Earlier this year, dozens of my colleagues joined me in sending a letter to the chairman of the House State, Foreign Operations Appropriations Subcommittee calling for $75 million in assistance for Armenia in fiscal year 2008. As the appropriation process continues, I'd like to remind my colleagues of this request and renew it again today. This assistance demonstrates our commitment to Armenia, which is a friend and a supporter of U.S. policies for peace and security in that part of the world.

Armenia's achievement also addresses concerns expressed by the Millennium Challenge Corporation with respect to these elections. Armenia has met the necessary threshold, and I'm confident that the people and the Government of Armenia will only continue to improve upon their accomplishments in achieving the standards and norms of a democratic society. And accordingly, I urge the MCC to fully fund its compact with Armenia in an expeditious manner.

These elections are an historic step towards a fully democratic Armenia, a goal to which the nation has demonstrated its commitment and leadership in the region through democratic reform. I congratulate the people of Armenia for this remarkable accomplishment.

I would also like to enter into the RECORD a letter I sent with Congressman KNOLLENBERG marking this achievement.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 18, 2007.

Hon. SERZH SARGSYAN,
Prime Minister, The Armenian Embassy, Washington, DC.

Hon. ROBERT KOCHARIAN,
President, The Armenian Embassy, Washington, DC.

DEAR PRIME MINISTER SARGSYAN AND PRESIDENT KOCHARIAN: We write to congratulate you both on the success of the May 12th Parliamentary elections in Armenia. The success of this free and fair election cycle reflects the great progress made by Armenia in recent years to move further away from its Soviet past and towards a flourishing democracy.

The importance of this round of elections was well-understood and carried out honorably by your government. We appreciate Armenia's willingness to work with the U.S. government to ensure the elections were indeed free and fair. Your hard work and dedication has led to the citizens of your country following the lead of their government officials in operating in a free and democratic way to elect a new Parliament.

We look forward to our continued work with you to advance the Armenian and Armenian-American agenda in the U.S. Congress.

Sincerely,

JOE KNOLLENBERG,
FRANK PALLONE, Jr.,
Members of Congress.

NEW VERSION OF NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, Congress is now faced with a so-called new trade policy with regard to Peru, Panama, Colombia and South Korea. But this deal is not a new direction for trade; it's a variation of the same old theme.

We have seen how NAFTA has sucked a million good jobs out of our country and ruined millions of lives in Mexico and driven so many desperate illegal immigrants across our border. We have seen how so-called free trade with a closed and manipulative China has led to soaring deficits, increasing outsourcing of our jobs, and lax labor and environmental standards not just in Asia, but around the world in a race to the bottom. Tainted Chinese food is not just being sent here for our pets, but for our people.

The trade policy released last week does not make any major changes to this trade regimen. It does not aim at yielding a more balanced set of trade accounts for our country, or even opening the closed markets of the world. It doesn't fix agreements that aren't working to our advantage or even to be fair to both sides. There is nothing in this deal about the privatization of public works, for example, in water or in sanitation or health care that are inherent in what has been negotiated. If Democrats oppose privatizing Social Security here in the United States, why would we require privatizing the Peruvian social security system? Now, why would we do that?

This NAFTA replica presents a nonbinding list of requests that has the illusion of enforceability, but sacrifices more of our middle class to global investors.

In fact, the U.S. Chamber of Commerce has said it supports this rehashed agenda because of, and I quote, assurances that the labor provisions cannot be read to comply with ILO conventions.

These repackaged NAFTA agreements do not reflect a desire for a new trade model that many Members of Congress and vast majorities of the American people expect. And I am truly saddened that those who have cobbled these deals together make light of the people of our country and other countries who have been so deeply hurt by these agreements, by denying them a seat at the tables of testimony in this very Congress. In fact, their methods are most undemocratic.

Last March NBC and the Wall Street Journal conducted a poll asking the American people, do you think free trade agreements between the United States and foreign countries have helped the United States, have hurt the United States or have not made much of a difference? Forty-six percent of respondents answered U.S. trade agreements have hurt this country. Only 28 responded, half as many, said they have helped.

The American people want free trade among free people, and they want a trade policy that encourages U.S. economic growth and job creation here at home.

It is irresponsible to continue to reword the same agreements and expect that our constituents are naive enough to accept it as real change.

A new trade policy must respect the dignity of work, the rule of law, the equality of sexes, the nobility of the environment and the value of the person.

We cannot continue to stand for trade policies, binding or not, that degrade the value of the working class and cost money, jobs and lives as we see in the wake of NAFTA and in all of the trade agreements that mirrored it.

Our constituents realize that our current trade policy is more harmful than helpful. And before we encourage the remaking of NAFTA for Peru, Colombia, Panama, South Korea, we need to revisit U.S. trade policy and make comprehensive changes. We cannot extend fast track until we fix what is wrong with existing agreements that yield these job hemorrhages.

I applaud those of our distinguished colleagues who are here this evening who are working very hard to change this trade model to make it thorough, to make it fair, to make it a balanced situation for the people of our country, and to treat the people of the Third World with respect.

I look forward to participating in genuinely reshaping the future of international trade to reshape jobs being created here at home and the economic policies that are so vital to the future for our people in order that they can move into the middle class again, rather than falling out. We have a long way to go.

JEWISH AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise in recognition of the second annual Jewish American Heritage Month, which takes place in communities across the country each May.

Jewish American Heritage Month promotes awareness of the contributions American Jews have made to the fabric of American life, from technology and literature to entertainment, politics and medicine.

As we are all well aware, the foundation of our country is built upon the strengths of our unique cultures and backgrounds. While our diversity is our strength, ignorance about many cultures is still prevalent.

Because Jews make up only 2 percent of our Nation's population, most Americans have had few interactions with Jews and Jewish culture. The limited understanding of Jewish traditions and the Jewish experience and the historical role Jews have played in our Nation's development contributes to stereotypes and prejudices about Jews and the Jewish community.

For example, according to the Federal Bureau of Investigation, most recent hate crime statistics report that 69 percent of criminal incidents motivated by religious bias stemmed from anti-Jewish prejudice.

Like Black History Month and Women's History Month, Jewish American Heritage Month recognizes the abundance of contributions American Jews have made to the United States over the last 353 years.

It is my hope that by providing the framework for the discussion of Jewish contributions to our Nation, we will be able to reduce the ignorance that ultimately leads to anti-Semitism. One way Jewish American Heritage Month counters these prejudices is by providing educators the opportunity to include American Jews in discussions of history, as well as highlighting the leadership of members of the Jewish community in significant historical events.

For example, it might surprise many to learn that it was an American Jew, Irving Berlin, who wrote the lyrics to the song God Bless America. Even the very foundations of our country were impacted by Jews. Haym Salomon, a Jewish man, was one of the largest financiers of the American Revolutionary War.

And Rabbi Joachim Prinz was a passionate civil rights activist, appearing on the podium just moments before Dr. Martin Luther King delivered his "I Have a Dream" speech. And the list goes on, Mr. Speaker.

Mr. Speaker, this is why communities across the country have come together to celebrate Jewish American Heritage Month. Two years ago the Jewish Community in south Florida approached me with the idea to honor the contributions of American Jews with a designated month each year. As the concept gained momentum, 250 of my colleagues joined me as original cosponsors of a resolution urging the President to issue a proclamation for this month. Senator Arlen Specter led the effort in the Senate, and together the House and Senate unanimously passed the resolution supporting the creation of Jewish American Heritage Month. President Bush proclaimed the month of May as Jewish American Heritage Month for the first time in 2006, and again issued a proclamation this year.

Mr. Speaker, I'm pleased to announce that a coalition of organizations has come together to develop curriculum and coordinate events. This coalition, called the Jewish American Heritage Month Coalition, is led by United Jewish Communities, the American Jewish Historical Society, the American Jewish Archives and the Jewish Women's Archives.

The events can all be found on the national calendar of the Jewish American Heritage Month Coalition's Web site at www.JewishHeritage.us.

Mr. Speaker, I want to pause for a moment and thank this coalition for their tireless efforts to promote the outstanding events across the country. Each day in May has been packed with programs celebrating the contributions of American Jewry to our country, with movies, plays, art exhibitions, speakers, musical performances, and innovative educational curricula.

The Jewish American Heritage Month Coalition and the Jewish Historical Society of Greater Washington kicked off the month with a reception attended by several Members of Congress and about 200 guests.

Right here in Washington, the Library of Congress and the National Archives and Records Administration have hosted films, lectures, and discussions about Jewish contributions to America.

In my home State of Florida, there was a celebration of Jewish music and a discussion of Jewish contributions to the civil rights movement.

A New Jersey middle school hosted an essay contest entitled "I'm Proud to be an American Jew Because . . ."

Philadelphia hosted "American Jewish History Through the Arts," a series of free programs that highlight the American Jewish experience.

And this past weekend, the New York Liberty, the women's pro basketball team, hosted the WNBA's first Jewish American Heritage Month basketball game.

Mr. Speaker, we have come a long way in recent years to promote appreciation for the multicultural fabric of the United States. It is our responsibility to continue this education. If we as a Nation are to prepare our children for the challenges that lie ahead, then teaching diversity is a fundamental part of that promise. Together, we can help achieve this goal of understanding with the celebration of Jewish American Heritage Month.

I thank my colleagues for their support and call on all Americans to observe this special month by celebrating the many contributions of Jewish culture throughout our Nation's history.

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TRADE AND LABOR

The SPEAKER pro tempore (Mr. HILL). Under the Speaker's announced policy of January 18, 2007, the gentleman from Illinois (Mr. HARE) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. HARE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HARE. Mr. Speaker, we are going to be doing several 1-hour Special Orders, and we have done them since January. I can't think of an issue that is more important and more pressing to us in this Chamber than trade and the saving of our jobs back in our districts.

We are going to be hearing tonight from a number of my colleagues on the Congressional Labor and Working Families Caucus, the House Trade Working Group, and Members of our side of the aisle that believe it is time that working people have somebody stand up and be their voices when their voices aren't heard.

So, Mr. Speaker, at this time I would like to recognize a fellow Illinoisan from the Illinois delegation, a good friend of mine, someone who has took taken it upon himself to stand up for working people. So at this time I would like to yield to my colleague, Representative Dan Lipinski.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from Illinois for yielding to me and also for all the hard work that he has done in his short career in Congress but in many years before that for America's workers.

I rise today with serious concerns about the trade policy of our country. This is a concern shared by tens of millions of Americans who have concerns every day about keeping their jobs or they have lost their jobs and being unable to find another job where they could possibly earn as much money as we see the trade policy of this country destroying so many good American jobs.

This trade policy has contributed to a record high, soaring trade deficit. There is wage depression and loss of quality, high-paying jobs. With the Panama, Peru, Colombia, and South Korea trade agreements pending congressional approval, we must take action now to correct the mistakes of previous trade agreements and ensure that any new trade agreements benefit all Americans, be enforceable, and be enforced.

It is clear that our previous trade agreements have not benefited everybody. For evidence of this, look no further than North American Free Trade agreement and the damaging record that it has provided us. Since NAFTA was signed into law, the U.S. has seen enormous amounts of production shift to Mexico and Canada, while real wages for U.S. workers have fallen.

My district, which includes parts of Chicago and its suburbs and the larger Great Lakes region, has been particularly hard hit by job losses. This has been the case especially in manufacturing. Between 1995 and 2005, the United States lost more than 3 million manufacturing jobs. More than one-third of this job loss occurred in the seven Great Lakes States, with Chicagoland losing over 100,000 manufacturing jobs.

Losses in manufacturing jobs are important. I know there are some people who say a job is a job. It doesn't matter. If you lose these jobs, you will get other jobs.

Well, first of all, manufacturing jobs are special. America must be able to make products, first for our national security, but these manufacturing jobs are high-paying jobs, and they are jobs that add so much value and create other jobs in this country. They offer high wages, good benefits, and they offer jobs to many Americans who do not have college degrees. When our manufacturing jobs leave to cheaper labor markets, weaker labor standards, lax environmental protections and to countries practicing unfair trade practices, workers are left behind.

In my district, I hear constantly from manufacturers who are talking about their struggles to compete largely today against China, China's manipulated currency, which is largely undervalued. All the work that these manufacturers are doing to try to keep jobs in the United States, unfortunately, we see so many of these jobs going and so many of these plants closing.

What happens to these workers? Many of them go looking for other jobs. They find jobs in the service sector. Ninety-eight percent of the net new jobs in 1990s were in the service sector. Unfortunately, compensation in the service industry is only 81 percent of the manufacturing sector's average; and then the influx of these displaced workers just drives down these wages even more.

Yet still we always hear from those in favor of these flawed trade deals that trade creates more jobs than it displaces. Unfortunately, the facts show this is not the case. In fact, in the first 10 years after NAFTA, the displacement in production from the United States to Mexico and Canada directly led to a net loss of 879,000 U.S. jobs. My State, Illinois, lost a net total of 47,000 jobs. Mr. HARE knows very well, he has seen it in his district, how hard these losses have hit, as I have seen them in my district. This has decreased our average earnings, our quality of life and our ability to provide for our families.

The fact that our government negotiated trade agreements that yielded these kinds of results is, at best, embarrassing. We must ensure that these mistakes are not repeated in future trade deals.

This year congressional leaders on trade have been negotiating with the administration to improve the pending trade deals with Panama, Peru, Colombia, and South Korea. On May 10, an agreement was announced that would incorporate some environmental and labor protections into the pending trade agreements with Panama and Peru. While this is certainly a start, these negotiations must not be viewed as complete. There is still a lot of work to be done to ensure that we do not repeat the mistakes of NAFTA, CAFTA, and all our other failed trade deals. I hope in the coming weeks and months that Congress can address these past failures and make trade work for everyone.

And in this, also, we must, we must, include addressing currency manipulation, especially by China. Lack of enforcement of intellectual property, which is, again, another problem that hits Americans very hard, unfair subsidies that are given by some countries to some of their industries and dumping that is done, all of these greatly hurt the United States, and we must make sure that all this is included anytime that we are dealing with trade. The livelihood of so many Americans, millions and millions of Americans and their families, depend on it.

We are working together with my colleagues here to make sure that we create good trade deals for America and Americans. The purpose of American trade policy should be to create good jobs for Americans. The bottom line should not just be profits. The bottom line has to be the lives and the work of millions of Americans, and we must make sure that we stand up strong every day for them.

Mr. HARE. I thank the gentleman.

At this time, Mr. Speaker, I would like to recognize a member of our freshmen class, someone who has worked very hard and campaigned on this issue of standing up for ordinary people, working men and women.

It is my honor to yield to Representative KEITH ELLISON.

Mr. ELLISON. Mr. HARE, thank you for leading us in this very important Special Order tonight. Trade is one of the critical issues facing our Nation.

Let me say that on the campaign trail, Mr. Speaker, I found myself talking about jobs, employment, and opportunity to people on a daily basis. Whether I went to the suburban areas or the heart of Minneapolis, I could talk to people about trade. And it wasn't just people who were in labor unions. Also, Mr. Speaker, it was people who had small businesses.

One particular business that does a metal plating service was very concerned about trade and expressed to me how vital it was that they be able to continue to compete with other companies around the world that do metal plating but that they were in jeopardy and loss of business all the time due to trade policy.

So whether you are a small business person, farmer, worker, no matter who you may happen to be, trade policies are affecting our country, and we need to be very clear about it.

As I was on the campaign trail, I ran into people who were recent immigrants who were concerned about immigration policy; and, Mr. Speaker, here is what they told me. They said, look, prior to NAFTA, we were doing okay where we lived, but after NAFTA it got a lot harder to run a farm in certain southern parts of our country, and we just couldn't make a go of it anymore. So some folks started moving north.

Now the fact is we have to understand that whether we are talking about small business people, trade unionists, people who have been forced to immigrate, no matter what you are talking about, trade policy is critical. So when I was on the campaign trail, Mr. Speaker, one of the things I made very clear to people is that I was concerned about trade, that I wanted to do something about trade, and we need a model for trade that said that we were not going to export our jobs. We were not going to incentivize sending our jobs away. We were going to care about the human rights of people abroad. We were going to care about our small businesses here, and we were going to have a new trade policy that said that Americans who are trying to live the American Dream and experience prosperity could do it right here and would not be subject to an unfair trade policy of our Nation.

So, Mr. Speaker, I set about this journey working hard, working with my colleagues in the freshmen class, talking about trade and how we could get a better trade deal, Mr. Speaker. So I am very concerned about these issues.

On May 10, 2007, the Bush administration and congressional leadership talked about a new, with bipartisan cooperation, deal on trade; and I am not saying that the deal is bad or good. What I am saying is that we have got to be very clear, very careful about how we proceed forward.

I am happy about the announcement of labor standards and environmental standards. Of course, those things are good. But, Mr. Speaker, we can't rearrange the deck chairs on the Titanic. We need a whole new boat. We need a new model. We need a new way of going forward.

The "deal" covers changes to certain provisions of the Bush-negotiated free trade agreement with Peru, Panama, but also Colombia and South Korea. The legal texts of the proposed agreement have not been made public, though summaries have been shared with Members of Congress.

We appreciate the chairman's willingness to work with the AFL–CIO on the labor chapter and are pleased to see a commitment to the International Labour Organization's standards on the May 10 agreement. However, we have got to be careful as we go forward, because, ultimately, it is going to be the Bush administration that is responsible for enforcing these labor standards; and we are a little skeptical. Let me be clear.

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We remain concerned, I remain concerned over the future of "fast track" authority, and the proposed Korea and Colombia Free Trade Agreements. Congress needs to reassert its authority over trade policy as we move forward.

We are concerned, and speaking for myself, I am concerned, that as we go forward, that we make sure that we have a new model on trade, a new commitment to the working people of America, a new commitment to the human rights and environmental rights around the world.

I fear there are remnants of the failed FTA-WTO trade model in the May 10 agreement which will only lead to further hemorrhaging of U.S. jobs and the erosion of American manufacturing and service industries.

Mr. Speaker, over 3 million U.S. manufacturing jobs, one in every six, have been lost under the FTA-WTO trade model. By the end of 2005, the U.S. had only 14,232,000 manufacturing jobs left, which is nearly down 17 million before NAFTA and the WTO went into effect in the early 1990s.

What makes these already horrible statistics worse is the fact that the U.S. job export crisis is expanding from manufacturing to high-tech and service-oriented jobs. Contrary to the belief of Big Business and the multinational corporations, the decline of U.S. manufacturing is not the result of Americans simply choosing different careers; in fact, job loss and wage stagnation are increasingly affecting workers from sectors where the U.S. is understood to have a competitive advantage, such as professional services and high technology.

Studies commissioned by the U.S. Government show that as many as 48,000 jobs in U.S. jobs, including many high-tech jobs, were off-shored in the first 3 months of 2004 alone. Economy.com estimates that nearly 1 million U.S. jobs have been lost to offshoring since 2000, with one in six of those being in IT, financial services and other services. Goldman Sachs estimates that about half a million U.S. service jobs were off-shored between 2002 and 2005.

Projections of future job losses are frightening. A University of California-Berkeley study concluded that 14 million jobs with an annual average salary of almost $40,000 are vulnerable to being sent overseas. That is a lot of food, clothing and shelter, Mr. Speaker, and we cannot tolerate the loss of these important jobs. Additionally, we can expect up to 25 percent of additional IT jobs will be relocated by 2010. We can't let it happen. Furthermore, since NAFTA, the U.S. trade deficit has risen from about $100 billion to about $717 billion, or 6 percent of national income. Mr. Speaker, we can't allow that to continue to happen.

Remember that real wages for U.S. workers are flat or declining, and jobs now available in the U.S. economy suffer and offer less pay and fewer benefits than jobs that we've lost since 1994.

Our Nation is in trouble when it comes to trade policy, and we've got to have a change. And we don't have confidence, or I don't have confidence, in this administration to make sure that any standards are being enforced, and we've got to demand that they are.

So, Mr. Speaker, there is a lot to be said about this. I look forward to the continuation of this Special Order because trade policy is important to the American people. It was a common theme on the campaign trail during my election, and from what I've heard from my freshman colleagues, they are very concerned about it, too. Mr. Speaker, we need a new trade policy.

I want to yield back at this time, but I want to commend my fellow Members and colleagues, and especially freshman Members, on standing up for American working people, business people, immigrants, and all kinds of people when it comes to trade policy.

Mr. HARE. I thank my colleague for taking time out of a very busy schedule to address this issue. He is an outstanding member of the freshman class.

Mr. Speaker, you are going to hear tonight, by the way, a number of Members talking, because this literally goes from Maine to California, in terms of the Midwest. This isn't just a regional 1-hour we're having this evening.

I would like to introduce at this time a Member from California. He is chairman of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation and Trade, and a very active member on the House Trade Working Group, my friend and colleague, Representative BRAD SHERMAN from California.

Mr. SHERMAN. I thank the gentleman from Illinois not only for recognizing me, but for his leadership in putting together this hour and so many other hours. I thank him also for mentioning that the subcommittee which I now chair has the trade jurisdiction of the Foreign Affairs Committee because there is a great debate in this country as to whether to continue, basically, our trade policy or whether to go in a completely different direction.

On the side of continuation, and those who favor continuation, they want to dress it up a little bit, add a little perfume, try to make it smell a little better, but those who basically want to continue the policy come in two forms. One is what I call "the chattering classes," the lawyers and

MBAs, because frankly trade has been a boom to those in those particular groups. The whole world looks to the United States for lawyering, for management, for advanced management classes. And in fact, those at the upper end of business and law have done extremely well under our trade agreements, notwithstanding the effect they've had on America.

The second group are those who took Economics 101 and became so enamored of the theory, so proud that they understood the basic theories, that they chose never to question whether those theories actually applied to real life.

On the other side of this debate are those from the heartland who have seen the actual effects of trade on their districts, and those of us who are just a little skeptical of a policy that has cost America a trade deficit last year of $800 billion.

What does that mean? That means that we bring in the Toyotas and the Volvos and the Mercedes, and what do we give in return? We give IOUs, promissory notes, investment assets, stocks and bonds. So every year we have to borrow $800 billion, and that number will be higher; it was a little less than $800 billion last year, it will be a little more than $800 billion this year. Now, when those Toyotas and Mercedes come over, they are never going back to Germany and Japan. But those promissory notes, those stock certificates, those bonds, those U.S. Government bonds, the private sector bonds, not only do we have to sell another $800 billion of them this year, but we have to fear that they are going to cash in the ones we gave them last year and the year before. The Mercedes are never going back to Germany, but the promissory notes we gave to Germany, they're coming back someday. And so those of us who are not on the front lines in terms of our districts have to worry about what our trade policy has meant.

So why is it that the theory breaks down? Isn't trade good for everyone? And isn't the way to encourage trade and fair access and open markets to negotiate a reduction in tariffs around the world? Sounds great, doesn't it? If you think the whole world operates the way America operates. You see, if you are sitting in Beijing, and you want access to the American market, then you realize that the only way we in Congress, the only way we in the Federal Government affect the behavior of consumers and businesses is to pass written laws and regulations. And so, if you're in Beijing and you want access to America's markets, you negotiate to change America's laws and regulations. And once you do, then your goods can come flooding into the United States because individual businesses and individual consumers will buy them.

And we, being basically ignorant of the world and in love with our theories, somehow picture China as just a poor, but larger, version of the United States, a place where their markets will be open if they only will change their written laws and regulations. And so we sign deals, and laws and regulations are changed. And when laws and regulations are changed, the United States, the effect is dramatic. And when laws and regulations are changed in an awful lot of countries, there is no effect at all, because if a society is not a society that follows the rule of law, then when we negotiate for a change in laws, we negotiate for an empty sack. And that is what happens, for example, with China.

Imagine yourself a Chinese business person, and you get a call from a commissar, maybe a member of their Parliament, saying, Don't buy the American goods, buy the French goods, because the French are smart enough to demand fair trade; they are going to insist on balanced trade. If we want access to the French market, we've got to buy their stuff. So buy the French stuff. That will help our international position. Don't buy the American goods.

You get that instruction orally. There is nothing America can do about it. Even with all of our wiretapping, it's highly unlikely that we will ever hear the conversation.

And what happens? We don't sell the American goods. That is where the theory breaks down. A society that follows the rule of law, negotiating for a change in laws with a society that does not follow the rule of law. That is why it is foolish for us to enter into these trade deals.

So, those who want to keep our trade policies pretty much the way they are are a little angry because the facts aren't on their side. Last year's trade deficit was bigger than the year before and bigger than the year before that, and this year's will be still higher. So they resort to ad hominem attacks on people like the gentleman from Illinois and myself. They describe us as simpletons, too dumb to understand their highfalutin theories, as Luddites, as xenophobes, and as people protecting the parochial interests of the heartland and Midwest.

Well, I am certainly no proof of whether we are all simpletons or not; I can't offer you anything there. I'm sure we are going to hear from quite a number of quite eloquent and brilliant legislators who will give the lie to that argument. But I can give the lie to the argument that we are here protecting parochial interests of the American heartland, because, as the gentleman points out, I am from Los Angeles. Our port is doing real well. The goods come into the ports of Long Beach and Los Angeles in enormous quantities in those containers, and then the containers go back empty or filled with raw materials and scrap iron.

And also, in addition to representing the city of Los Angeles and its port, the port isn't actually in my district, but my city runs it, I also represent half the city of Burbank. And if there are any industries that benefit from these trade agreements, there are those industries that don't really produce much of a physical product, but rely on getting paid for intellectual properties, our drug companies and our entertainment companies.

And so, if I was here out of parochial interest, I might point to this or that different industry in my district or my city. And if any district should support these trade deals, it ought to be mine, but no district in America should support these trade deals because they are undermining the value of the dollar, they are undermining the power of America, and, ultimately, they are unsustainable.

For how many years will the world loan us $600-, 700-, $800 billion a year? For how many years will the world send us the Toyotas and Mercedes and expect nothing but pieces of paper in return? The day of reckoning is coming. Perhaps the implosion of the U.S. dollar is coming. But things that cannot go on forever don't, and a trade deficit of $800 billion and growing is simply unsustainable.

I have a lot more to say, but so many others do as well. I will yield back to the gentleman from Illinois.

Mr. HARE. I thank my friend from California. And let me just say that those who would question your intelligence and your wisdom on this issue of trade do so at their own peril.

Now, if I could, Mr. Speaker, introduce someone I have known for many years prior to coming to the House of Representatives, a person who has stood up for senior citizens, working people in her legislative district here in Congress, and someone who serves as my mentor and a great friend, someone who is never afraid to take on the tough battles, my friend I would like to introduce, JAN SCHAKOWSKY.

Ms. SCHAKOWSKY. I thank the gentleman whose leadership I appreciate so much on this very important issue. You have beautifully filled the footsteps, the shoes, of your predecessor, Congressman Lane Evans, who was also a champion for workers' rights, for the rights of ordinary people. And I appreciate that you are standing up for millions of American workers who have suffered from the trade policies that we have had.

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I think it is important to note that the new class of Members who joined this Congress, far from being unsophisticated, understand that the trade policies that have been negotiated have harmed their constituents not just in the Rust Belt of the Midwest but around this country and brought those issues to their constituents and, vice versa, listened to their constituents.

Look, we all understand that this is a global world, that globalization is a reality, but now we need to control it and this Congress now has to reassert its authority over U.S. trade policy. We have an opportunity to do that now, to make sure that it works not only for the wealthiest multinational corporations but for workers and for our environment. So I appreciate very much the leadership that others have shown, particularly you, Mr. HARE, tonight with this special order.

On May 10, 2007, the Bush administration officials and congressional leaders announced a new trade deal. While the agreement does show real progress in terms of moving the Bush administration in the direction of enforcing labor and environmental standards, the details of the negotiated package and their real-life impact are not clear and are troubling.

So while I want to applaud the work of Chairman RANGEL and others to make major improvements to the labor and environmental provisions, I have to say, frankly, that I have no confidence that the Bush administration, the same administration that has relentlessly attacked the rights of workers right here at home, let alone in other countries, would enforce those standards.

We have yet to see the text of the proposed agreements, "the deal," but a detailed description has been made available by the Ways and Means Committee and the Office of the U.S. Trade Representative, and I am concerned that an outdated trade model that has decimated U.S. manufacturing remains intact.

Over 3 million manufacturing jobs have been lost since NAFTA took effect. I think many of those who voted for NAFTA would agree that it has not worked out in favor of the United States and its workers, or Mexican workers either, for that matter. American wages since then have stagnated and our trade deficit has ballooned to a staggering $717 billion. It is not a model we want to mimic. It is no wonder that no union or environmental group or small business has supported the deal, while all of big business has.

There are those who suggest that those of us who have serious questions about the deal on trade are just mad about being left out of a press conference or, similarly, are wasting time so we delay the process. But the truth is there are substantive critical issues that affect these millions of Americans that we are speaking for tonight.

The deal provides no assurances, for example, against a free trade agreement with Colombia, the country with the world's highest rate of labor union assassinations, or countries like Korea that continue to use every means to block American products, or the renewal of Fast Track trade authority.

Instead of delivering on the public's demand for a new trade policy, the deal facilitates more Bush trade deals that contain the worst provisions of NAFTA and CAFTA. Even if the deal is 100 percent implemented, resulting trade pacts would extend the NAFTA-CAFTA model.

The deal would ban U.S. efforts to prohibit offshoring jobs and to ban buy-American policies. How could Democrats, who have been fighting to expand and preserve such important U.S. policies, support a trade agreement that explicitly bans those very same policies?

The deal does absolutely nothing to address the free trade agreement threats to Federal and State prevailing wage guarantees. Nothing was done.

The deal allows the country of Peru to be sued if they dare to reverse its failed social security privatization plan. Seeing that Democrats actually beat back the Bush proposal for privatization of our Social Security plan, Peru's labor federation asked democratic trade leaders to fix this problem. Yet it is unaddressed in this deal.

The deal fails to remove the outrageous NAFTA Chapter 11 foreign investor privileges that create incentives for U.S. firms to move offshore and expose our most basic environmental, health, zoning and other laws to attack in foreign tribunals. We won't as a sovereign state even be able to protect those kinds of important laws.

The deal does nothing to address FTA- and NAFTA-style agricultural rules that will foreseeably result in widespread displacement of peasant farmers, increasing hunger, social unrest and desperate immigration. We talk about immigration and people crossing our border, and yet we have trade policies that impoverish farmers in Mexico, who quite naturally are going to do anything they can to protect their families and are willing to risk their lives in the desert to come to the United States. Trade is part and should be part of our immigration debate. This deal does absolutely nothing.

Mr. Speaker, what I want to say is that this is a moment of opportunity where a Democratic majority in Congress can get a grip on these trade policies to set a new direction that raises all workers around the world, that respects our environment at such a critical moment in history, that really does good, not just for the rights of multinational corporations who show no loyalty to any country but to our workers and hard-working people around the world.

We can do better. we should do better, and we have an obligation to our constituents to do better. That is all we are asking for. Let's go back to the drawing boards, not forever, not for an unlimited period of time, but let's go back to the drawing boards and create something that we all can be proud of in this country.

Thank you so much, Mr. HARE, for your leadership.

Mr. HARE. Thank you, Representative SCHAKOWSKY. Thank you for our leadership on the issue of trade.

Before I introduce our next speaker, I want to say one thing our colleague talked about regarding the President being able to enforce labor standards. If you look just in this country, you don't have to go to Peru, you don't have to go to Panama or Korea, in the over 6 years he has been in office, we have only had one major standard by the Occupational Safety and Health Administration by this administration; and they were sued to have to get it. So I am not about to put my eggs in the basket of this administration to enforce any type of workers' rights in other countries.

At this time, Mr. Speaker, I am honored to introduce someone who has taken the leadership role in our class, someone who ran on this issue of standing up for working people, someone who I look up to and I spent a great deal of time talking with about this issue of trade, who is not afraid to speak up on behalf of working people.

It is wonderful to have colleagues like my friend, BETTY SUTTON, who understands. She comes from an area in Ohio where there has been a loss of jobs. She has been a labor law attorney. She knows what working people have had to go through.

I am honored to be in her class. I am honored to call her my friend, and I am honored to introduce her this evening, Representative BETTY SUTTON.

Ms. SUTTON. Mr. Speaker, I thank the gentleman.

Congressman HARE, your leadership on this issue is unparalleled; and on behalf of not just myself but all those whom I represent in the Thirteenth District of Ohio, we thank you so much.

Thank you for organizing this Special Order hour. It is so important that we communicate the truth about what is going on and hopefully with the intent to influence it in a way that will make a difference in the lives of those we represent.

Last November, the American people and the people back in the Thirteenth District of Ohio cast their vote to put an end to the flawed trade model that has had a devastating impact on our families, our businesses, our workers, our farmers and our communities and the tax base of our communities.

Last week or a week or so ago, an announcement was made that the U.S. will require the inclusion of labor and environmental standards in the pending Peru and Panama free trade agreements. This is welcome news. But while it might appear encouraging that these deals seemingly provide for the possibility of stronger labor and environmental standards, any enforceability of those standards, unfortunately, is dependent upon the Bush administration; and, given its abominable record, you can be certain that enforcement will not happen.

Why do I say that? Well, for example, in 2000, Congress passed a free trade agreement with Jordan. That agreement had the support of many Members in this body who were committed to fair trade. Because it included those labor and environmental standards, they supported and voted for it. However, there has been no enforcement of those labor standards, even though documented violations have been extreme.

So there is really little reason to believe that the same result would not prove true with the pending FTAs, even if they contain similar standards. The language on a written paper is not enough. It has to be enforced.

My constituents and the people across this country voted for a much greater change in direction on trade than simply including labor and environmental standards which won't be enforced into our agreements. The American people cast their votes for a new majority in both the House and the Senate, hoping that we would help strengthen the shrinking middle-class, restore the American dream that has been offshored due to the harmful trade agreements and unfair trade practices that have persisted for more than a decade.

The American people are counting on this new Congress in this moment to finally address the devastation of our failed trade policies and the soaring trade deficit by developing a new trade model that will no longer leave American businesses and workers at a disadvantage. They are counting on us to enact a trade model that will not reward companies who move overseas or encourage them to outsource jobs or our future. They are counting on us to develop a trade model that will put an enforceable end to illegal subsidies and currency manipulation. They are counting on us to develop a trade model that will provide incentives to help our businesses and workers and our communities thrive. They are counting on us to develop a trade model that requires reciprocity of market access and ensures greater safety of products produced elsewhere and consumed here.

The American people are counting on the Democratic majority in this new Congress to provide a trade model that will truly allow for fair competition, because we know that, if given a fair playing field, we will excel in the global marketplace.

This is not about being pro-trade or anti-trade. This is about the rules of trade and making sure that they are fair and enforceable. The American people want nothing more, and they deserve nothing less.

I am committed to continuing the fight to deliver to the American people a truly new trade model that fixes this broken system that is fair and under which we will prosper.

With respect to the pending Panama and Peru FTAs, which represent only a minute portion of trade with the U.S., I have yet to see them in full. However, it should be understood that Congress must reclaim its constitutional authority and responsibility over trade and not continue down the path of ceding our responsibility to the administration. It is our job to assure a vibrant and fair trade policy. We must focus our attention on that task before it is too late.

My home State of Ohio has lost over 200,000 manufacturing jobs since 2001. Sometimes I am dismissed because I come from a State that has been hit hard. People say, oh, well, she is just from a place where it has felt it, but we can just write that off, because it is not affecting that many people.

Well, in the first instance, it is not okay to write off the people of Ohio. A lot of families are suffering, though, beyond my district's borders, and they need a new trade model now. The inclusion of labor standards and environmental standards in trade agreements means little if they won't be enforced.

□ 2030

And it means little if we don't fix the broken system.

When I arrived here as a freshman member of this class I am so honored to be a part of, I listened to my freshmen colleagues, and I heard them talking about how these issues, this issue, this issue of trade was hurting the people they represented. They came from one side of the country to the other, from the top to the bottom, from Florida to New Hampshire, Iowa to Ohio to Pennsylvania. All across this country people are feeling the ill effects of our failed trade model. We must develop a new trade model that is enforceable and comprehensive, and we must do it immediately to keep the faith with the American people.

Mr. HARE. Thank you, Ms. SUTTON, and I hope you can stick around and we can have a little dialogue in a few minutes.

Mr. Speaker, at this time I would like to introduce someone who is one of the strongest advocates for veterans in this country. He serves as the chairman of the Subcommittee on Health of the Veterans' Affairs Committee. He is a former mill worker who saw his company shut down. He is the cochair of the House Trade Working Group and probably the leading voice in this body to stand up for working men and women. I am honored to have him as my chairman and friend, and I yield to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. HARE, I, too, would like to thank you very much for taking a leadership role in the freshmen class along with Ms. SUTTON from Ohio. The freshmen class has done an outstanding job talking about trade issues, and I appreciate your leadership.

When I campaigned for office for my seat 5 years ago, the cornerstone of my campaign was fixing our broken trade policy. I firmly believe in order to address our trade imbalance, we have to change the model. It appears that the deal that was cut a few weeks ago by the administration and the leadership does not change that model. It is the same old NAFTA model with a couple of improvements. Americans don't want the same old model with a few Band-Aids. They want a fix. This election reaffirms that Americans are calling for an all-out new trade policy that puts our industry on a competitive playing field. Any deals between Capitol Hill and the Bush administration that fails to change this flawed model means that we are going to continue to see the U.S. trade deficit continue to rise, and it is going to destroy hundreds of thousands of our critical middle-class workers, our manufacturing base here in this country.

In Maine, we lost over 23 percent of our manufacturing base alone. The reason I know that, because they qualified for trade adjustment assistance. So trade has affected Maine very deeply.

This new deal, there are no unions, environmental groups, consumers, or small business groups support this deal, while all of the big businesses do. Some groups have remained neutral to find out what is actually in the deal. Those who have the most money to gain are praising the deal. Those who represent the working men and women of this country are not.

I am not the only Member of Congress who firmly believes that our trade model needs to be changed. There are countless others, especially those who are leading the freshmen class, believe we need a new model. They ran and fought for fair trade. They simply cannot go home and tell their constituents it is the same old model with a few improvements.

Adding new labor and environmental provisions is a step towards a new policy, but placing those provisions into a NAFTA-style pact is not going to solve the problem.

We also have concerns about those provisions and whether or not they are enforceable. There are those in this town who say it is a good deal because there are loopholes in the labor provisions. But since our membership has not seen the actual text of these agreements, how are we to know whether or not they are enforceable? From what we understand, the deal fails to address many of the damaging elements of the NAFTA model.

The deal does nothing to address the FTA's ban on anti-off-shoring or buy American policy. As you heard earlier, the deal does nothing to fix Peru's FTA terms that would allow Citibank or some other U.S. investors providing private retirement accounts to sue Peruvian taxpayers in Peru to reverse its failed social security privatization.

Does this deal fail to protect our intellectual property rights? No one knows.

But also when you look at trade, and trying to look at the globalization of what is going on around the world, there are other issues we have to address. The fact that there is a $327 billion disadvantage on U.S. goods because of the value-added tax, that has to be looked at. We have to look at the current trade deals that have been negotiated and see how we can bring the $800 billion worth of trade deficit back in line, because if we don't, we are heading on a collision course.

We have the largest trade deficit in our history. We have the largest budgetary deficit in our history. The debt limit was increased over $9 trillion with 45 percent owned by foreigners. We have to start addressing this issue. It is a serious issue, and I look forward to working with my colleagues from the freshmen class as well as my colleagues on the Republican side and the leadership to really put forward a trade model that will actually work for not only America, but for other countries as well.

I yield back.

Mr. HARE. I thank my colleague.

I worked in a clothing factory. I cut lining for men's suits. I have three plants left in my district. They are hanging on by a thread. I can't support trade agreements that are going to outsource jobs. I have done town hall meetings since I got elected. I ran on this issue of standing up for ordinary people.

I had a plant in my district, Maytag, with 1,600 workers. Two wage concessions those folks gave up. The company was given $9 million in State funds, and they bolted to Senora, Mexico. Thank you very much, Maytag.

They left people like David Brevard, whose wife has cancer, with very little, if any, health care left. I cannot go back to my district and say to the Dave Brevards, I hope you understand that we have some things, if we let Bush handle some of, if we let the administration handle some of this, we are going to be just fine. Just hang on a little longer.

I can't do that. I have drawn a line in the sand on this issue of trade. It is how I ran, and it is why I am here. I am not going to vote for a fast track bill that is going to take jobs away from this country. I'm not doing it.

Some people would say, here is a protectionist. Yes, if the definition means I'm trying to protect American jobs, then I am. I want the record to state that I'm a card-carrying capitalist. I believe in trade. I just want this thing fair.

I would ask the people and the Speaker tonight, look at the Korean trade agreement where 700,000 automobiles were shipped in here from Korea, and the United States was allowed to ship 2,500 to Korea. That isn't fair trade.

I am not asking them to be equal, I am asking for the playing field to be level. As Congresswoman SUTTON said, give us a chance to produce, and we will produce it. But when we don't even have the opportunity to do that, it is never going to work.

I think we need to look at other things. I think we need to invest in something like the bill Ms. SCHAKOWSKY spoke about earlier and is going to be introducing. It is about getting companies to stay here, and they get tax credits for helping their employees with their health care and their pensions. Instead, we give tax breaks when they outsource it. I would like to ask both of my colleagues, and maybe I just don't get it. I want you to know that I am not angry that I wasn't invited to the press conference, I am angry because I know what we can do. This is why we have this majority. If we are going to keep this majority, we have to stand up for ordinary people.

Before I turn this over, I want to end with a quote here. One of my political heroes is Hubert Humphrey, and he said in one of the last speeches he gave before he died to the Minnesota AFL–CIO, he said, "I would rather live 10 years like a tiger than 100 years like a chicken." These trade agreements are going to put us back more than 100 years. We are never going to be able to recoup these jobs we have lost. That is why I am here.

I am not going to go back to my district, and I am not going to be lobbied to change my mind unless I am convinced that these trade agreements are in the best interest of our American workers, and that there are provisions built in to help keep jobs.

While I applaud the efforts of the leadership to do some things, I want to make sure that the language is in here. I don't want to go back to Dave Brevard and say, if you can just hang on, we will work on the currency exchange. That is not going to help Mr. Brevard and the people in my district and in the State of Ohio.

Let me say to my colleague, it doesn't matter if you are just from Ohio or just from Illinois, we have lost manufacturing jobs all across this country. I have yet to see, yet to see, a fast track deal that has been in the best interests of the working people of this country. So as long as I am a Member, and I know that is going to be at least another 19 months, and hopefully a little longer, I am going to work very hard to make sure that American workers have somebody.

And I have wonderful people that I am honored to have here this evening, and I would like to enter into a discussion of how are we going to keep manufacturers here.

Does anybody see anything in this bill about how we keep our jobs?

Mr. MICHAUD. I think that remains to be seen. I have been in negotiations before when I worked at Great Northern Paper Company. We put together ideas, but the devil is in the details.

I think it is very clear that the American people want a new direction. They want us to look at the rules of trade. We have to give them that direction because we as Democrats, we are in the majority in both the House and the Senate. There is no excuses, no excuses. We have to give this country a new direction as it relates to trade. We have to look at the trade rules, and now is the time to do it. It is not let's pass a couple of them and see how it works out. We have to take a comprehensive view on what we want for a trade policy. The American people, they want that. We are here. They voted the Republicans out. They fired the Republicans.

As we heard from our leadership, they haven't hired the Democrats. This is our time to show them that the Democrats can lead this country. We must lead this country, and what better way to show that we can by taking a global look at trade and trade policies and how it affects us here in the United States.

Mr. HARE. I yield to my colleague from Ohio.

Ms. SUTTON. Thank you, Congressman HARE.

Let me start out by saying I am so honored to be a Representative from Ohio. The people of my district and my great State are the salt of the Earth. All they want is a job where they can work and raise their families and give them an opportunity for a future that we all dream of.

That is the kind of opportunity that my parents had. My dad worked in the boilermaker factory his whole life. Here I am, his daughter, standing in Congress. Every day that I am here, I am going to make sure that I am looking out for the people who have the same dream that probably your parents and my parents shared, and that is just for a good day for themselves and their family and a bright future based on those opportunities.

Now, I, like you, Congressman HARE and Congressman MICHAUD, I believe trade can benefit American businesses and workers and be a tool to help developing countries looking to access our markets. But this that has been presented is not a new trade model that will get us there.

Our window for creating a new trade model is closing because it is becoming increasingly hard for our businesses to survive here, and that is not the American way, is it? That is not acceptable. I, with you, I know will continue to fight to change that.

Mr. MICHAUD. That is a good point. It is not only about the workers and unions; the business community is very upset. Those small businesses, the United States Industry Council, which is an organization which represents small manufacturers all across the country, are very concerned about these trade deals, and we have to make sure that we look at it globally. That is why I think it is important for those of us who have seen it firsthand, not read about it in the paper, but actually seen it firsthand, that we are part of this discussion because it is very important.

I have seen my fellow mill workers end up on the unemployment line. They ended up in food lines as well where food banks actually in Maine went dry because there are so many people applying or getting food at food banks because paper mill after paper mill had shut down because of trade.

□ 2045

Yes, we did get trade assistance, but that's not what they want. They want their jobs, and that's why it's very important that we do look at the rules of trade, changing the trade model so it's fair. It is, as Ms. SUTTON mentioned, the American dream, and we have to bring that dream back once again.

Mr. HARE. Mr. Speaker, let me just say this, too. These are the very people who fought our wars, defended this country. They just want a decent pension. They'd like some health care, put their kids through school, play by the rules, pay their taxes. They're not the fat cats. These are the thin cats we're talking about

And for the life of me, I don't understand. As you said, we have both chambers, and I believe it's time that both of these chambers stand up because I'm afraid if we don't, we'll go back and our base, those folks who elected us here, are going to say what were you thinking.

I want to just close with this. I know we just have a few minutes remaining here. I want to thank you all for coming this evening, and this is going to be a tough battle. We don't make any bones about it, Mr. Speaker, but look, nothing comes easy for hardworking people, and we're going to work very hard on this. I don't care where you come from, I don't care what State, but I think we have a moral obligation.

I want to close. I did a commencement speech last night at a high school, and I ran into the grandfather of one of the kids that graduated. His father used to work with me in my factory that closed down because of trade, and he's out West now. And I got to thinking, what a shame we couldn't have the opportunity to see each other. He comes back periodically. He's a good, decent man.

I'll close by saying this. This isn't the end on this trade issue. Mr. Speaker, this is only the beginning. We're going to fight, and we're going to win this battle.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I am pleased to join my colleagues in addressing the House and the American people regarding our trade policy and its effect on working families.

I'd like to thank my colleague, PHIL HARE, who organized this special order debate and who is an active member of the Congressional Labor and Working Families Caucus and the House Trade Working Group.

On May 10, the Administration and Members of this House announced a "New Policy on Trade."

It's about time. Democrats have been calling for a new direction in trade for years. Finally, the Administration appears to be listening to these calls for improved provisions to protect workers, their families, and the environment. I applaud the baby steps the Administration has taken. But the Administration needs to take giant leaps to improve on its current, failing approach to trade.

This new "deal" on trade covers changes to certain provisions of the Bush-negotiated Free Trade Agreements, FTAs, with Peru and Panama. Though we have seen outlines and summaries of this new "deal" on trade, we have not seen the final, legal text. Yet we have been asked to trust the Administration's promises and support this new "deal."

To those of us in Congress who have been working to champion the rights of American working families and begin a new approach to trade, the Administration's promises sound awfully familiar.

And when I say awful, I mean awful.

Each time this Administration has presented one of its trade schemes to Congress, it has promised us that the agreement includes all sorts of so-called "innovative" worker protections. We heard this over and over again during the debate on the Central American Free Trade Agreement.

But the fact is, no matter what label you use to describe them, the so-called labor protections in CAFTA were disappointingly weak. For example, under CAFTA, countries can down-grade their own labor laws, without facing any trade penalties or sanctions.

Allowing our partners in free trade deals to erode their own labor standards is unfair to our workers here at home, who can't possibly compete with workers who are denied basic workplace rights, who are paid two dollars a day, or who face forced labor—as our own State Department reported was the case in Oman.

CAFTA passed the House by the narrowest of margins at a time when it was Republican controlled. You would think that the Administration would have gotten the message that it needed to do better.

You would think the Administration would have realized that from then on, it should include more of us in the process and work out a different type of trade deal.

But unfortunately no one was listening. Since CAFTA, we've seen the same weak labor provisions in the Oman FTA.

And now we are asked to have faith that the Administration has really turned over a new leaf? That enforceable labor and environmental standards will be included in the text of the Peru and Panama agreements?

I have faith in many things, but not in these promises.

This Administration has lost my faith. It has lied too many times, about too many things: that Iraq posed an imminent danger, that the mission in Iraq was accomplished, that at least nine U.S. attorneys were fired because they were incompetent, that the air around ground zero was safe to breathe, that we have not been experiencing any change in our climate.

Perhaps more importantly, even if these agreements are the best written, fairest trade agreements possible, so long as they rely on this Administration to enforce the labor and environmental standards they contain, they are not worth the paper they are written on.

This Administration has failed to protect workers here in the United States. The BP Texas City explosion, the Sago Mine Disaster, and the 9/11 first responders and clean-up workers who have developed serious breathing ailments—these are just the most notorious examples of this Administration's relinquishment of its responsibilities to provide even the most basic protection to workers: The right to work in a safe environment.

And that's not even mentioning the Administration's opposition to increasing the minimum wage, to protecting pensions and Social Security, and to ensuring that workers have the right to organize.

The Bush trade deal would give private corporations the ability to take action on their own to protect their rights. It would not, however, extend that same power to workers, who would have to rely on the Bush Administration to do that for them.

Trust this Administration to protect working American families? I don't think so. This new trade deal—like the previous bad deals—is a one-sided raw deal for workers.

We're continually told that NAFTA-style free trade will create more wealth in all the countries involved. Yet NAFTA-style free trade has meant the loss of jobs as those jobs have been shipped overseas.

Just as trickle-down economics proved to be a failure at lifting people out of poverty, the current free trade model has also proved to be a failure. Since NAFTA, the real income of working families has been on the decline or stagnant at best.

The middle class is getting squeezed from all directions. Downward pressure on wages is being accompanied by higher health care costs, higher gas prices, and higher education costs.

It's high time to develop a new trade policy that works for working families. American workers came out in droves in the last election, and they voted for a new majority. As part of the new majority, we owe it to them to stand with them for fair trade. To stand with them in creating a new America.

This is possible.

Fair trade is an option.

If we stand united for working Americans, we can deliver a real new deal on trade, not warmed over hash masquerading as caviar. You know the old saying about putting lipstick on a pig? Well, I smell bacon. I don't have to read the complete text of the deal to read between the lines.

The bottom line is this: minor adjustments to NAFTA-style deals are not good enough.

No more agreements based on the failed NAFTA model.

No more "Fast Track" trade negotiation authority.

We cannot give this Administration or future ones a blank check on trade deals that devastate our communities.

Trade can benefit our economy and the economies of our trading partners. We can negotiate deals that create new markets, bringing new jobs and new prosperity. We can achieve significant new foreign market access and reduce our trade deficit.

But to do so, we must embark on a new path. Not a slight detour from our current direction.

I challenge Republicans and Democrats, employers and employees, all those who care about shared prosperity in this country, and not just the rich getting richer, to work together to embark on this entirely new journey to fair trade.

HONORING JORDAN CARLSON AND THOR-LO

The SPEAKER pro tempore (Mr. HILL). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the minority leader.

Ms. FOXX. Mr. Speaker, I rise today to commend THOR-LO, Incorporated, of Statesville, North Carolina, for its commitment to fighting breast cancer. This company, which makes specialized socks for almost any activity, has pledged $250,000 as a national sponsor for the Breast Cancer 3-Day campaign.

The campaign will raise funds through a dozen 3-day 60-mile walks in cities across the Nation and will support the Susan G. Komen for the Cure foundation. But the story doesn't stop there.

THOR-LO first became involved in this effort through the example and spirit of a young woman in Mocksville, North Carolina. Jordan Carlson is the daughter of Jan Carlson, a woman who has twice fought off breast cancer. Jordan has the ambitious goal of participating in all 12 of the 60-mile walks. By walking more than 700 miles, Jordan plans to raise $1 million to help fight breast cancer.

It was her request for walking socks that brought THOR-LO into the picture last year. THOR-LO has not only committed $250,000 to the 3-day campaign, the company has also designed a sock especially for the thousands of 3-day walkers. They call it the HERO Everyday Walker and are donating one additional dollar for every new sock that they sell. The special HERO sock is almost entirely pink and sports a pink breast cancer ribbon to commemorate the cause for which 3-day walkers will be raising money.

THOR-LO employees designed the new sock after going on a trial walk with Jordan last year. The sock is specifically designed for the form of the female foot and is made to withstand the tough conditions of 3 days of almost nonstop walking.

The partnership of THOR-LO with Jordan Carlson is a triumph of the spirit of American compassion and generosity. Jordan's example has inspired THOR-LO to support a great philanthropic cause and to offer not only generous financial support, but to bring THOR-LO's sock making know-how to the thousands of walkers who will raise millions to find a cure for breast cancer.

It is my hope that Jordan's story and partnership with THOR-LO will serve to inspire her family, friends and classmates and everyone who hears about it to follow in her footsteps.

I commend her and all those at THOR-LO, especially the employees who worked to design and produce these special socks. How fortunate for us to live in a country where people care so much.

Jordan has discovered one of the secrets of a life well-lived: selfless devotion to a cause larger than herself. I believe that this young woman's passion to help find a cure will lead her to inspire countless Americans to grasp the great American ideals of generosity and hard work in the service of noble causes.

BROKEN PROMISES ON EARMARK REFORM AND ETHICS RULES

Now, Mr. Speaker, I am switching subjects, and I'm very sad for the occasion to have to do that. I much prefer to talk on this floor about the great things that American people are doing and hold them up as examples for others, but unfortunately, tonight, I need to talk about a very sad situation that has occurred in the House of Representatives.

Today, Representative MIKE ROGERS offered a privileged resolution to force the full House to vote on whether to reprimand senior Democrat JOHN MURTHA, Democrat from Pennsylvania, for threatening ROGERS on the House floor last week. The actions by Representative MURTHA constitute a violation of House rules which preclude Members from conditioning earmarks on another's vote.

Curiously, Speaker NANCY PELOSI chose to defend MURTHA yesterday even though, according to the Associated Press, Representative MURTHA did not deny that he violated House rules.

Congress Daily PM reports that Democratic leadership aides, "want to make this go away as soon as possible," but Representative MURTHA's violation is part of a growing pattern of abuses that show the House has moved away from earmark reform under Democrats, rather than toward it. Today Republican Leader JOHN BOEHNER sent a letter to Speaker PELOSI to renew his long-standing request for a bipartisan working group tasked with recommending fair, sensible and understandable House ethics rules. A little bit later in my comments, I'm going to read that letter and insert it into the RECORD.

As has been reported previously, this is the second incident where Representative MURTHA has threatened a GOP Member who dared challenge his questionable earmark, which has been deemed, "an expensive and duplicative use of scarce Federal drug enforcement resources," according to the May 8 edition of The Hill. Fox News has also previously reported on his threat to Representative TODD TIAHRT from Kansas, including the video of it on the House floor.

House Democrats have repeatedly promised the most open and ethical Congress in history. It's so ironic that during a week when Democrats will bring up their lobbying and ethics reform bill, which we hear has been watered down considerably, will they back Representative MURTHA and make a mockery of their own rules, or will they keep their pledge to the American people?

And let me remind everyone what some of those pledges were. I want to contrast some of the promises from the top two Democratic leaders with how they are running things today: violations of earmark disclosure rules, no debate, no amendments to strike, no transparency, no scrutiny, no sunlight. The American people are beginning to catch on to the Democrats' sham pledges and broken promises.

First, let me quote from the Majority Leader, Representative STENY HOYER, Democrat from Maryland. "We are going to adopt rules that make the system of legislation transparent so that we don't legislate in the dark of night, and the public and other Members can see what is being done."

Second quote. "We need to have [earmarks] subject to [more] debate. That's what debate and public awareness is all about. Democracy works if people know what's going on."

And this has appeared in www.tpmcafe.com, and I'm going again to make this available so that anyone who wants to go to check that quote can go to it without accepting what I'm saying for it.

Then Speaker PELOSI, the number one Democrat in the House, "There has to be transparency," on earmarks. That's in www.usatoday.com.

Here's a question that was asked of her. "Yes. They're saying that you would need to put the earmark into a text of a bill instead of in a conference report so that they can—"

And Representative PELOSI answers, "Well, I think, first of all—anything that is in any bill, any provision, whether it's an earmark or not, should be—there should be transparency, so that—that's why we have said—and I hope you would agree—that before Members vote on the bill, there should be an appropriate time for people to be able to read it, that it be a matter of public record. And if there's an earmark that can stand the scrutiny, then that transparency will give the opportunity for it to be there.

"There are many earmarks that are very worthy—all of mine, as a matter of fact—" and remember, I'm quoting Speaker PELOSI, "but it is—because we're talking about helping people in the community—it's the special interest earmarks that are the ones that go in there in the dark of night, that they don't want anybody to see, and that nobody does see and that are voted upon.

"So transparency—yes, by all means, let's subject them all to the scrutiny that they deserve and let them compete for the dollar. But myself, I would not be unhappy." And this was in her weekly press conference, 3/17/06.

Now, the earmark that is under question is an earmark that was in the Intelligence bill last week. There were many, many efforts to bring that out, all of them thwarted by the Democratic leadership.

Now, here is Congressman BOEHNER's letter to Speaker PELOSI. I don't have the exact text. I'm going to read what it said. But the process "has become less transparent and less accountable than it was during the 109th Congress, directly violating pledges made last year by Democratic leaders." BOEHNER's letter comes as the House prepares to consider a privileged resolution offered by Representative MIKE ROGERS concerning an earmark-related House rules violation by Representative JOHN MURTHA, Democrat of Pennsylvania, who was the Speaker's preferred choice for House majority leader.

BOEHNER'S letter lists a series of rules abuses by the Democratic majority he argues have made a mockery of House rules that are supposed to ensure that no taxpayer-funded earmark is passed without appropriate scrutiny and debate.

In addition to the MURTHA incidents, BOEHNER notes Democrats have refused to allow Members to challenge questionable earmarks on the House floor, certified a huge spending bill as earmark free though it contained hundreds of millions of dollars in earmarks, and preserved special privileges for State and local government lobbyists seeking earmarks from Congress, including lobbyists for public universities.

BOEHNER says in the letter, "At the outset of this Congress, Republicans and Democrats jointly pledged to make the earmark process more transparent and more accountable to the American people. A rules package was adopted that was supposed to enforce this pledge as one of its central objectives by ensuring no earmark would be passed by the House without appropriate scrutiny and opportunity for debate. Recent actions by the majority have begun to make a mockery of this vow and of the rules themselves."

□ 2100

I go on quoting from the letter.

"These actions by the majority have become increasingly flagrant and bold with each passing month of the 110th Congress, fueling public cynicism about our institution and disheartening many who believe fundamental change is needed in the way in which Washington spends the taxpayers' money."

Boehner goes on to say, in the letter, "We have now reached the point at which the congressional earmark process has become less transparent and less accountable than it was during the 109th Congress, directly violating pledges made last year by Democratic leaders."

What this is about is an action by Representative MURTHA to secure tens of millions of dollars for a questionable project in his district by highly suspect methods that either flaunted the new rules without penalty, or, at best, nominally complied with them, proving in either case how utterly ineffective the new rules really are.

Again, in February, the majority was able to certify a massive spending bill as earmark-free, despite the fact that it contained hundreds of millions of dollars in earmarks. Under the rules, there is no way a Member can challenge an earmark that is included in a bill brought to the House floor as long as the bill contains a list of earmarks, even if the list is inaccurate and fails to include the earmark the Member seeks to challenge. This is a terrible way to get around the situation and continued to fund questionable projects, which Members of the majority want to fund, and they are very disingenuous in this process.

But perhaps most appalling, the majority has twisted House rules and procedure to prevent questionable earmarks, once identified, from being challenged in any way on the House floor by Members seeking nothing more than up-or-down votes on these suspect provisions. In fact, on at least two occasions, Republican Members objecting to illegitimate earmarks have been directly threatened with retaliation by a senior Democratic Member in open defiance of the new rules.

I would like also to read a piece which Congressman MIKE ROGERS has written, and it's called "The Sopranos on Capitol Hill?"

"Bridges to nowhere, the $100 hammer. A rainforest in Iowa. Billions of taxpayer dollars unaccounted for.

"It's no wonder the American people are disgusted with the way Congress spends their money. In the latest incident certain to cement the public's frustration, a powerful chairman threatened and attempted to intimidate me when I tried to stop wasteful duplicative spending from what the U.S. News and World Report has called a taxpayer 'boondoggle.' Even more troubling, this pork-barrel project takes precious intelligence resources from spies on the ground catching terrorists in places like Fallujah, Iraq, and sends it to bureaucrats in Johnstown, Pennsylvania.

"Two weeks ago I offered a proposal to the Fiscal Year 2008 Intelligence Authorization Act that would have taken funding away from an illegitimate, wasteful earmark that happened to be in the district of House Defense Appropriations chairman JOHN MURTHA, Democrat, Pennsylvania. Chairman MURTHA's earmark would authorize tens of millions for the National Drug Intelligence Center, NDIC, a government office that the House Government Reform Committee has deemed an 'expensive and duplicative use of scarce Federal drug resources,' according to an article in the May 8 edition of The Hill.

"Last week, on the House floor, Chairman MURTHA violated House rules in an expletive-laced tirade, pointing his finger and threatening my priorities 'now and forever.' Just last week, Chairman MURTHA 'exploded' and 'unleashed a loud, finger-jabbing, spittle-spraying piece of his mind' at a colleague on his committee, according to The Hill. Chairman MURTHA then '. . . threatened to withdraw support from a defense project . . .' vital to his colleague's district, according to the article. This week he attempted to intimidate me, and when I had the audacity to question the merits of the project, his reaction was more finger pointing and intimidation.

"Today I will introduce a resolution outlining this egregious action which is not only beneath the dignity of Congress, it constitutes a violation of House rules, which preclude Members from conditioning spending in other districts on another Member's vote. The House should reprimand Chairman MURTHA for his conduct.

"This incident in the people's House highlighted arrogance of power at its worst, and both political parties are guilty. This is why the American people throw up their hands and are fed up with Washington politicians. If we are ever going to restore the trust of the American people, Congress can and must do better.

"This reminds me how far some in Congress have gotten away from America's founding. When General George Washington led a rag-tag group of Americans to defeat the most powerful military in the world, many in this new land wanted him to be King. Many feared without a strong, all-powerful leader, our new Nation would be vulnerable to attack. A beautiful painting hangs in the Rotunda of the U.S. Capitol Building highlighting Washington's next action, which was perhaps unprecedented in all of history. George Washington voluntarily resigned his commission as head of the Revolutionary Army, giving up personal gain for the greater good of the new Nation. Too many in Washington, D.C., of both parties have instead taken from the greater good for their own gain.

"The House floor is not the place for an episode of 'The Sopranos,' and protecting the public's tax dollars is a basic duty of all Members of Congress. The good news is this could be an opportunity for Republicans and Democrats to change the way Congress does business and to change the way taxpayer money is spent. The country and our citizens' pocketbooks would be better off for it."

That ends the article by Congressman MIKE ROGERS, a Republican from Michigan, and a former FBI Special Agent.

As has been said and alluded to by the comments that I have read here tonight, this is simply the latest but most egregious situation where the majority party is doing exactly the opposite of what it promised to do.

It promised many times on this floor last year, many times in campaigns, the most ethical Congress ever. That simply has not been the case.

We have people up here every day saying things that are not true. They keep saying they are not raising taxes in the budget. We know they are. Even some of their Members have said it. Some of their Members voted with the Republicans against the budget, and at least one of them said, I simply cannot vote to let these tax cuts expire. That means the tax increases are there.

They have said they would be the most ethical in terms of earmarks. I really dislike that term, "earmarks," it's very negative, but it means money sent to a special project by a Member. I don't have any problem with money going to certain projects by certain Members. That's part of our constitutional responsibility. It should be out in the open every time.

If we, as Members of Congress, are ashamed of where we are sending the money, then there must be something wrong with it. If I were to ask for money to go to a special project, I would be very proud of that and would want the people of my district to know it.

However, it's obvious that Congressman MURTHA does not want the people of his district or this country to know where he is sending certain dollars, partly because that project has been evaluated and deemed to be wasteful, as I gave you some quotes.

This was going to be the Congress that was going to do so much. Not any bill of any consequence has passed both Houses and been signed by the President. None of their bills that they promised, their Six in '06, small ideas. Even they don't do what they said they do.

I would like to use the example of the student loans. All for last year, the Democrats said over and over and over again, oh, we are going to bring down the cost of going to college. Students have to borrow too much money. We are going to lower the cost of interest rates.

Well, ladies and gentlemen, what they did was a giant shell game. It takes 5 years for them to lower the interest rate on one small program that students borrow money from, making up, probably, less than 20 percent or fewer than 20 percent of the loans out there. It takes 5 years to get that interest rate brought down to half. The interest rate stays half for 3 whole months, and then it goes straight back up to the full rate. But they would like the American people to believe that they really have done something that they said they were going to do, which is not true.

It's over and over again. They would not raise taxes, the budget raised taxes. They would cut spending. Everything that they have done is increase spending.

They said that they would always support our troops. They do not support our troops. They have played games here for the last month or so, trying to embarrass the President, they think, and try to get through, again, more of their pork-barrel projects by putting unnecessary spending onto a war supplemental, which, again, is a giant shell game, because it would allow them to take $24 billion off-line spending, because if it's in the supplemental, they don't have to count it against their budget. That gives them $24 billion more they can spend somewhere else, and they pass it off as emergency funding. It's not emergency funding at all.

So, they are not supporting our troops, and they are not doing anything that they promise to do last year. Again, this latest episode, with Congressman MURTHA, should send a clear signal to the American people that that is what is happening.

You know, there is an old saying, you can fool some of the people all of the time. You can fool all of the people some of the time. But you can't fool all of the people all of the time.

I think that the American people are waking up to the hypocrisy that has been going on here by the Democrats, and they are seeing not only aren't they fulfilling their promises, but they are doing even worse. They are trying to hide everything that they are doing and trying to make it look like they are fulfilling their promises, but they are not.

I want to say, in terms of their insisting on a surrender date, I have said this before on the floor, I have never in my life been around leaders in our country that talk about failure and impossibility as much as these people do. America is a place where we believe in things getting done, where everything is possible. We could do it all. We will win this war. We have to win the war, because our freedom is at stake.

All they talk about is surrender date. Every bill that they have passed has had surrender dates in it. It has been 105 days since the President first requested additional troop funding. While we are trying to help get that funding, Republicans are, the Democrats want to choke off or ration funding for American troops in harm's way. More of their hypocrisy. They don't want to fund the troops.

Sometimes I think they want failure just to prove a point. Yet, they would tear down the freedom that we have to stay in power and to prove a point.

We need a clean troop-funding bill. We need to give our troops the resources they need to be successful, no strings, no timelines, no pork, and it needs to be done by Memorial Day so that we show the troops how we really feel about them, and not this sham that the Democrats have been portraying here in the Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BUYER (at the request of Mr. BOEHNER) for today on account of medical reasons.

Mr. DAVIS of Kentucky (at the request of Mr. BOEHNER) for today on account of medical reasons.

Mr. GERLACH (at the request of Mr. BOEHNER) for today on account of illness.

Mr. KIRK (at the request of Mr. BOEHNER) for today on account of a family emergency.

Ms. DEGETTE (at the request of Mr. HOYER) for today and the balance of the week on account of family obligations.

Mr. ENGEL (at the request of Mr. HOYER for today on account of family medical emergency.

Mrs. JONES of Ohio (at the request of Mr. HOYER for today on account of death in the family.

Mr. KIND (at the request of Mr. HOYER for today on account of family commitment.

Mr. STUPAK (at the request of Mr. HOYER for today.

Mr. TANNER (at the request of Mr. HOYER) for today on account of family matter in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. CLARKE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

(The following Members (at the request of Mr. ROGERS of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. PETERSON of Pennsylvania, for 5 minutes, May 23.

Mr. BURTON of Indiana, for 5 minutes each, today and May 22, 23, and 24.

Mr. BISHOP of Utah, for 5 minutes each, today and May 23 and 24.

Mr. DAVIS of Kentucky, for 5 minutes, May 23.

ADJOURNMENT

Ms. FOXX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 22, 2007, at 9 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1861. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Acetochlor; Pesticide Tolerance [EPA-HQ-OPP-2006-0203; FRL-8126-2] received May 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1862. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Aspergillus flavus NRRL 21882 on Corn; Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0160; FRL-8130-6] received May 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1863. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Chlorantraniliprole; Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2006-0800; FRL-8128-2] received May 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1864. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pendimethalin; Pesticide Tolerance [EPA-HQ-OPP-2006-0995; FRL-8120-2] received May 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1865. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pythium Oligandrum DV 74; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2005-0121; FRL-7713-1] received May 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1866. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Corrections and Updates to Technical Guidelines for Voluntary Greenhouse Gas Reporting (RIN: 1901-AB23) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1867. A letter from the Secretary, Department of Energy, transmitting the Department's report on state and regional policies that promote energy and efficiency programs carried out by electric and gas utilities, pursuant to Section 139(c) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

1868. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Control of a Chemical Precursor Used in the Illicit Manufacture of Fentanyl As a List I Chemical [Docket No. DEA-299I] (RIN: 1117-AB12) received May 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1869. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Electronic Stability Control Systems; Controls and Displays [Docket No. NHTSA-2007-27662] (RIN: 2127-AJ77) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1870. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Update to Materials Incorporated by Reference [DE102-1100; FRL-8291-7] received April 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1871. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Weirton, WV Portion of the Steubenville-Weirton, OH-WV 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan [EPA-R03-OAR-2006-0692; FRL-8314-1] received May 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1872. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the West Virginia Portion of the Wheeling, WV-0H 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan [EPA-R03-OAR-2006-0682; FRL-8314-6] received May 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1873. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Redesignation of Flint, Grand Rapids, Kalamazoo-Battle Creek, Lansing-East Lansing, Muskegon, Benton Harbor, Benzie County, Cass County, Huron County, and Mason County 8-hour Ozone Nonattainment Areas to Attainment for Ozone [EPA-R05-OAR-2006-0517, EPA-R05-OAR-2006-0563; FRL-8314-4] received May 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1874. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, and National Emission Standards for Hazardous Air Pollutants for Source Categories [EPA-HQ-OAR-2006-0085; FRL-8315-2] (RIN: 2060-AN84) received May 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1875. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Definition, Emergency Episode, and Monitoring Regulations [EPA-R09-OAR-2007-0197; FRL-8300-5] received April 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1876. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Full Approval of Revisions to the State of Hawaii Operating Permit Program [EPA-R09-OAR-2007-0090; FRL-8303-5] received April 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1877. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's "Major" final rule — Mandatory Reliability Standards for the Bulk-Power System [FERC Docket No. RM06-16-000] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1878. A letter from the Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting the Department's final rule — Criteria and Procedures for Proposed Assessment of Civil Penalties (RIN: 1219-AB51) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1879. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 ft (18.3 m) LOA Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01; I.D. 022607B] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1880. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Elephant

Trunk Scallop Access Area to General Category Scallop Vessels [Docket No. 060314069-6069-01; I.D. 031307A] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1881. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No. 061020273-7001-03; I.D. 031207A] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1882. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01; I.D. 030907A] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1883. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the "21st Century Department of Justice Appropriations Authorization Act," related to certain settlements and injunctive relief; to the Committee on the Judiciary.

1884. A letter from the National Treasurer, American Ex-Prisoners of War, transmitting a copy of the Financial Statements with the Independent Auditors' report, for the year ended August 31, 2006, pursuant to 36 U.S.C. 1101 and 1103; to the Committee on the Judiciary.

1885. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting two legislative proposals relating to the implementation of treaties concerning maritime terrorism and the maritime transportation of weapons of mass destruction; to the Committee on the Judiciary.

1886. A letter from the Congressional Medal of Honor Society of the United States of America, transmitting the annual financial report of the Society for calendar year 2006, pursuant to 36 U.S.C. 1101; to the Committee on the Judiciary.

1887. A letter from the Staff Director, United States Sentencing Commission, transmitting a copy of the 2006 Annual Report and Sourcebook of Federal Sentencing Statistics, pursuant to 28 U.S.C. 994(w)(3); to the Committee on the Judiciary.

1888. A letter from the Chairman, United States Sentencing Commission, transmitting a report of amendments to the sentencing guidelines, policy statements, and offical commentary, together with the reasons for these amendments, pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

1889. A letter from the United States Sentencing Commission, transmitting the Commission's report entitled, "Cocaine and Federal Sentencing Policy"; to the Committee on the Judiciary.

1890. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a copy of the Mississippi Coastal Interim Report, Hancock, Harrison, and Jackson Counties; to the Committee on Transportation and Infrastructure.

1891. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a copy of the hurricane and storm damage reduction report for Montauk Point, New York; to the Committee on Transportation and Infrastructure.

1892. A letter from the Senior Attorney, Office of General Counsel, Department of Transportation, transmitting the Department's final rule — Standard Time Zone Boundary in the State of Indiana [OST DOCKET NO. 2005-22114] (RIN: 2105-AD53) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1893. A letter from the Secretary, Department of Transportation, transmitting the Twenty-Second Annual Report of Accomplishments Under the Airport Improvement Program for Fiscal Year 2005, pursuant to 49 U.S.C. 47131; to the Committee on Transportation and Infrastructure.

1894. A letter from the Deputy Director, Bureau of Transportation Statistics, Department of Transportation, transmitting the Transportation Statistics Annual Report 2006, pursuant to 49 U.S.C. 111(f); to the Committee on Transportation and Infrastructure.

1895. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention; Non-Transportation Related Onshore and Offshore Facilities [EPA-HQ-OPA-2006-00949; [FRL-8315-1]] (RIN: 2050-AG36) received May 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1896. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding Public Inspection of Unrelated Business Income Tax Returns [Notice 2007-45] received May 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1897. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 856.—Definition of Real Estate Investment Trust (Rev. Rul. 2007-33) received May 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1898. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Department's final rule — Tier II Issue — Industry Director Directive on the Proper Treatment of Upfront Fees, Milestone Payments, Royalties and Deferred Income Upon Entering into a Collaboration Agreement in Biotech and Pharmaceutical Industries [LMSB Control No.: LMSB-04-0407-037] received May 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1899. A letter from the Principal Deputy for Personnel and Readiness, Department of Defense, transmitting the Department's List of Institutions of Higher Education Ineligible for Federal Funds, pursuant to section 582 of the Bob Stump National Defense Authorization Act of Fiscal Year 2006; jointly to the Committees on Armed Services and Education and Labor.

1900. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 634A of the Foreign Assistance Act of 1961, notification for countries listed as approved for funding for the FY 2007 International Military Education and Training (IMET) program; jointly to the Committees on Foreign Affairs and Appropriations.

1901. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's memorandum of justification regarding the determination to transfer FY 2006 Funds to the FY 2007 peacekeeping operations account for Security Sector Reform in Liberia, pursuant to Section 610 of the Foreign Assistance Act of 1961; jointly to the Committees on Foreign Affairs and Appropriations.

1902. A letter from the Chief Executive Officer, Federal Bureau of Prisons, Department of Justice, transmitting a copy of the FY 2006 Annual Report for the Federal Prison Industries, Inc (FPI), pursuant to 31 U.S.C. 9106(b); jointly to the Committees on Oversight and Government Reform and the Judiciary.

1903. A letter from the Director, Office of Government Ethics, transmitting the Office's proposal entitled, "To amend the Ethics in Government Act of 1978 to reauthorize the Office of Government Ethics"; jointly to the Committees on Oversight and Government Reform and the Judiciary.

1904. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101-162, section 609(b); jointly to the Committees on Natural Resources and Appropriations.

1905. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a report required by the Foreign Intelligence Surveillance Act of 1978, pursuant to 50 U.S.C. 1807; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

1906. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 for Calendar Year 2006"; jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. S. 1104. An act to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants; with an amendment (Rept. 110–158). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1525. A bill to amend title 18, United States Code to discourage spyware, and for other purposes; with an amendment (Rept. 110–159). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 2264. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; with an amendment (Rept. 110–160). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 2316. A bill to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes; with an amendment (Rept. 110–161, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 2317. A bill to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes; with an amendment (Rept. 110-162). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. ROYBAL-ALLARD (for herself, Mr. POE, Mr. MOORE of Kansas, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. ALLEN, Ms. BERKLEY, Mr. HONDA, Mr. WYNN, Mr. JEFFERSON, and Mr. MCCOTTER):

H.R. 2395. A bill to promote the economic security and safety of victims of domestic violence, dating violence, sexual assault, or stalking, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of Texas (for himself, Mr. PICKERING, Mr. LAMPSON, and Mr. BARTON of Texas):

H.R. 2396. A bill to increase the capacity of the Strategic Petroleum Reserve, and for other purposes; to the Committee on Energy and Commerce.

By Ms. FALLIN:

H.R. 2397. A bill to reauthorize the women's entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. BARROW (for himself, Mr. BISHOP of Georgia, Mr. SPACE, and Mr. SCOTT of Georgia):

H.R. 2398. A bill to reauthorize and provide additional funding for essential agricultural research, extension, education, and related programs, to establish the National Institutes for Food and Agriculture as an independent agency reporting to and coordinating with the Secretary of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. HILL (for himself, Mrs. BOYDA of Kansas, Mr. DONNELLY, and Mr. MAHONEY of Florida):

H.R. 2399. A bill to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself, Mr. BROWN of South Carolina, Mr. SAXTON, and Mr. PALLONE):

H.R. 2400. A bill to direct the Administrator of the National Oceanic and Atmospheric Administration to establish an integrated Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the Continental Shelf of the United States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. SERRANO, Mr. GRIJALVA, Ms. SOLIS, Mr. REYES, Mr. ORTIZ, Ms. VELÁZQUEZ, Mr. HINOJOSA, Mr. BECERRA, Mr. SIRES, Mr. FORTUÑO, Mr. RODRIGUEZ, Mr. PASTOR, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CUELLAR, Ms. ROYBAL-ALLARD, Mr. GONZALEZ, Mr. SALAZAR, and Ms. ROS-LEHTINEN):

H.R. 2401. A bill to provide for greater access and opportunities for socially disadvantaged farmers, to create incentives for research, conservation, and market viability, to provide a healthy and just work environment for agricultural workers, to provide Americans with healthier food choices, to address hunger and poverty in the United States, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA:

H.R. 2402. A bill to amend title 18, United States Code, to provide increased imprisonment for certain offenses by public officials; to the Committee on the Judiciary.

By Mr. DAVIS of Alabama:

H.R. 2403. A bill to amend the Consolidated Farm and Rural Development Act to provide for comprehensive community and economic development in the distressed Southern Black Belt and Mississippi Delta region while leveraging existing efforts, entities, and resources; to the Committee on Agriculture, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Ms. BORDALLO, Mrs. MALONEY of New York, Ms. NORTON, Mr. ROTHMAN, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SUTTON, Mr. UDALL of New Mexico, and Ms. JACKSON-LEE of Texas):

H.R. 2404. A bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women; to the Committee on Energy and Commerce.

By Mr. FARR (for himself, Mr. HONDA, Mr. MCDERMOTT, Mr. LANTOS, and Ms. ESHOO):

H.R. 2405. A bill to require the Secretary of Homeland Security to provide for ceremonies on or near Independence Day for administering oaths of allegiance to legal immigrants whose applications for naturalization have been approved; to the Committee on the Judiciary.

By Mr. GORDON:

H.R. 2406. A bill to authorize the National Institute of Standards and Technology to increase its efforts in support of the integration of the healthcare information enterprise in the United States; to the Committee on Science and Technology.

By Mr. HASTINGS of Florida (for himself, Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, Mr. THOMPSON of Mississippi, Mr. MELANCON, Mr. TAYLOR, Mr. JINDAL, Mr. MEEK of Florida, Mr. KLEIN of Florida, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. MAHONEY of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MCINTYRE, Mr. ORTIZ, Mr. JEFFERSON, Mr. KELLER, Mr. MACK, and Mr. BUCHANAN):

H.R. 2407. A bill to establish the National Hurricane Research Initiative to improve hurricane preparedness, and for other purposes; to the Committee on Science and Technology.

By Mr. KAGEN (for himself, Mr. PETRI, Mr. OBEY, Mr. KIND, Ms. BALDWIN, Ms. MOORE of Wisconsin, Mr. SENSENBRENNER, and Mr. RYAN of Wisconsin):

H.R. 2408. A bill to designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the "Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mrs. LOWEY:

H.R. 2409. A bill to establish a program to provide child care through public-private partnerships; to the Committee on Education and Labor.

By Mrs. LOWEY:

H.R. 2410. A bill to authorize additional appropriations to the National Institutes of Health for research on the early detection of and the reduction of mortality rates attributed to breast cancer; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 2411. A bill to amend the Internal Revenue Code of 1986 to expand deductions allowed for education-related expenses and to allow an earned tuition credit against income tax for qualified tuition and related expenses; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 2412. A bill to require equitable coverage of prescription contraceptive drugs and devices and contraceptive services under health plans; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California:

H.R. 2413. A bill to amend the Immigration and Nationality Act to provide for an increase in border patrol agents and other immigration enforcement activities, for a temporary agricultural worker program, and for a program to adjust the status of certain qualified long-term residents; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 2414. A bill to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to adjust the Federal benefit payment required to be paid to certain retirees of the District of Columbia Metropolitan Police Department and the District of Columbia Fire Service to take into account service longevity payments which under District of Columbia law are considered basic compensation for purposes of retirement, survivor benefits, and annuities; to the Committee on Oversight and Government Reform.

By Mr. PAUL:

H.R. 2415. A bill to reduce the price of gasoline by allowing for offshore drilling, eliminating Federal obstacles to constructing refineries and providing incentives for investment in refineries, suspending Federal fuel taxes when gasoline prices reach a benchmark amount, and promoting free trade; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. MILLER of Florida, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. HAYES, Mr. FRANKS of Arizona, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. CONAWAY, Mr. FORBES, Mr. PENCE, Mrs. SCHMIDT, Mr. MANZULLO, and Mr. WALBERG):

H.R. 2416. A bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VISCLOSKY (for himself, Mr. VAN HOLLEN, Mr. BURTON of Indiana, Ms. MATSUI, Mrs. CHRISTENSEN, Mr. BERMAN, Mr. FORTUÑO, Mr. BRADY of Pennsylvania, Mr. BISHOP of Georgia, Mr. MOORE of Kansas, Mr. RUPPERSBERGER, Mr. HONDA, Mr. CLEAVER, Mr. PLATTS, Mr. HOBSON, Mr. McDERMOTT, Ms. KILPATRICK, Ms. CARSON, Mr. HINCHEY, Mr. TOWNS, Mr. RYAN of Ohio, Ms. WOOLSEY, Ms. BERKLEY, Mrs. BOYDA of Kansas, Mr. TAYLOR, Mr. CONYERS, Mr. MITCHELL, Mrs. JO ANN DAVIS of Virginia, Mr. CARNEY, Mr. PETERSON of Minnesota, Ms. DeLAURO, Ms. SCHAKOWSKY, and Mr. BRALEY of Iowa):

H.R. 2417. A bill to amend title 38, United States Code, and title 10, United States Code, to provide for an opportunity for active duty personnel to withdraw an election not to participate in the program of educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself, Mr. DAVIS of Alabama, Ms. WASSERMAN SCHULTZ, Mr. BOUCHER, Mr. COHEN, Mr. ELLISON, Mr. McGOVERN, Mr. THOMPSON of California, Mr. ACKERMAN, Ms. BERKLEY, Mr. STARK, Mr. FARR, Mr. GRIJALVA, and Mr. FATTAH):

H. Res. 417. A resolution expressing no confidence in the performance of Attorney General Alberto Gonzales, and urging the President to request his resignation; to the Committee on the Judiciary.

By Mr. ENGEL (for himself, Mr. LANTOS, Mr. BURTON of Indiana, Mr. RANGEL, Mr. CONYERS, Mr. SHERMAN, Mrs. JO ANN DAVIS of Virginia, Mr. PAYNE, Ms. LEE, Mr. CHABOT, Mr. FORTUÑO, Mr. MACK, Mr. SIRES, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. INGLIS of South Carolina, Mr. CROWLEY, Mr. ACKERMAN, Mr. DELAHUNT, Ms. WATSON, Ms. CLARKE, Mr. GALLEGLY, Ms. JACKSON-LEE of Texas, Mr. FALEOMAVAEGA, Mr. POE, and Mr. MEEKS of New York):

H. Res. 418. A resolution recognizing and welcoming the delegation of Presidents, Prime Ministers, and Foreign Ministers from the Caribbean to Washington, D.C., and commending the Caribbean Community (CARICOM) for holding the Conference on the Caribbean; to the Committee on Foreign Affairs.

By Mr. McCOTTER:

H. Res. 419. A resolution recognizing May 20-26, 2007, as National Dog Bite Prevention Week and calling upon all municipalities to work with the American Veterinary Medical Association, the United States Postal Service, and the American Academy of Pediatrics to adopt and implement effective dog bite injury prevention programs to protect Postal Service employees, including laws encouraging responsible dog ownership; to the Committee on Oversight and Government Reform.

By Mr. INGLIS of South Carolina (for himself, Mr. PAYNE, Mr. PENCE, Mr. McGOVERN, Mr. FORTUÑO, Mr. ADERHOLT, Mr. SALI, Mr. FRANKS of Arizona, Mr. AKIN, Mr. SMITH of New Jersey, Mrs. McMORRIS RODGERS, Mr. FEENEY, Mr. McHENRY, and Mr. SHIMKUS):

H. Res. 420. A resolution condemning the recent murders of three Christian workers in Turkey and expressing support for the efforts of the Government of Turkey to investigate and prosecute those individuals responsible for the murders under charges of terrorism; to the Committee on Foreign Affairs.

By Mr. KAGEN (for himself, Mr. SENSENBRENNER, Mr. KIND, and Mr. GORDON):

H. Res. 421. A resolution honoring the trailblazing accomplishments of the "Mercury 13" women, whose efforts in the early 1960s demonstrated the capabilities of American women to undertake the human exploration of space; to the Committee on Science and Technology.

By Ms. LEE (for herself, Mr. SMITH of New Jersey, Mr. PAYNE, Mr. MORAN of Kansas, Mr. McGOVERN, Mr. McCOTTER, Mr. LANTOS, Ms. ROS-LEHTINEN, and Mr. AL GREEN of Texas):

H. Res. 422. A resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan; to the Committee on Foreign Affairs.

By Mrs. MUSGRAVE:

H. Res. 423. A resolution commending the Poudre High School science bowl team on winning the 2007 United States Department of Energy Science Bowl; to the Committee on Education and Labor.

By Ms. SCHAKOWSKY (for herself and Mr. ROSKAM):

H. Res. 424. A resolution expressing the sense of the House of Representatives that there should be established a National Brain Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SERRANO (for himself, Mr. HINCHEY, Mr. GRIJALVA, Mr. KUCINICH, Mr. BERMAN, and Ms. LEE):

H. Res. 425. A resolution expressing the sense of the House of Representatives that Luis Posada Carriles, mastermind of the vicious attack on Cubana Airlines Flight 455 and perpetrator of numerous other acts of terrorism, should be certified as a terrorist and prosecuted to the fullest extent of the law; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. WATERS introduced a bill (H.R. 2418) for the relief of Rafael Camacho, Rosa B. Camacho, and Rosa Camacho; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 91: Mr. KELLER.

H.R. 111: Mrs. GILLIBRAND, Mr. STUPAK, Mr. HINCHEY, Ms. GIFFORDS, Mr. CUMMINGS, and Mr. WELCH of Vermont.

H.R. 171: Mr. HINCHEY.

H.R. 176: Mr. COSTA, Mr. CLEAVER, Mr. THOMPSON of Mississippi, Mr. KENNEDY, Mr. DAVIS of Alabama, Mrs. JONES of Ohio, Mr. JACKSON of Illinois, Mr. GEORGE MILLER of California, Mr. AL GREEN of Texas, and Mr. SCOTT of Virginia.

H.R. 197: Mr. PLATTS.

H.R. 201: Mr. PAYNE.

H.R. 234: Mrs. TAUSCHER.

H.R. 279: Mr. SALI.

H.R. 364: Mr. LAMPSON.

H.R. 373: Mr. PITTS.

H.R. 374: Mr. PITTS.

H.R. 379: Mr. PITTS.

H.R. 436: Mr. McCOTTER.

H.R. 463: Mr. ELLISON and Ms. CARSON.

H.R. 537: Ms. WATSON.

H.R. 558: Mr. BERRY.

H.R. 566: Mr. HINOJOSA.

H.R. 579: Mr. LIPINSKI.

H.R. 612: Mr. ELLISON.

H.R. 629: Ms. BORDALLO.

H.R. 699: Mr. DEAL of Georgia.

H.R. 711: Mr. TIAHRT.

H.R. 724: Mr. DEAL of Georgia.

H.R. 728: Mr. MITCHELL.

H.R. 780: Mr. BUYER and Mr. BURGESS.

H.R. 782: Mr. DEAL of Georgia and Mr. STUPAK.

H.R. 808: Mr. JOHNSON of Georgia.

H.R. 809: Mr. FILNER, Mrs. GILLIBRAND, and Mrs. DAVIS of California.

H.R. 840: Mr. YARMUTH.

H.R. 882: Mr. LYNCH, Mr. PATRICK MURPHY of Pennsylvania, and Mr. SHIMKUS.

H.R. 894: Mr. BLUMENAUER and Mr. LEVIN.

H.R. 920: Mr. BISHOP of New York, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, and Ms. KILPATRICK.

H.R. 926: Mr. NEUGEBAUER.

H.R. 947: Mr. SOUDER.

H.R. 948: Mr. COSTELLO and Mr. FILNER.

H.R. 954: Mr. HIGGINS, Mrs. MALONEY of New York, Mr. MEEKS of New York, Mr. BISHOP of New York, Mr. HALL of New York, Mr. ENGEL, Mr. ISRAEL, Mr. McNULTY, Mr. NADLER, Mr. SERRANO, Ms. CLARKE, Mr. HINCHEY, Mr. KING of New York, Ms. VELÁZQUEZ, Mr. ARCURI, Mrs. McCARTHY of New York, and Mr. TOWNS.

H.R. 971: Mr. LOEBSACK, Mr. WALBERG, Mr. RODRIGUEZ, Mr. MURPHY of Connecticut, and Mrs. MALONEY of New York.

H.R. 1023: Mrs. SCHMIDT, Mr. FORTENBERRY, Mr. BOOZMAN, Mrs. CAPITO, Mr. RYAN of Ohio, Mr. McHUGH, Mr. CALVERT, and Mr. CUMMINGS.

H.R. 1055: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1061: Mr. MCNULTY and Mr. HODES.

H.R. 1063: Mr. DEAL of Georgia and Mr. ADERHOLT.

H.R. 1064: Mr. TIERNEY, Mr. KNOLLENBERG, Mr. LIPINSKI, Mr. UDALL of Colorado, and Mr. INGLIS of South Carolina.

H.R. 1069: Mr. CUMMINGS.

H.R. 1070: Mr. CUMMINGS.

H.R. 1073: Mr. SHAYS.

H.R. 1093: Mr. LEWIS of Kentucky and Mr. CRAMER.

H.R. 1095: Mr. INGLIS of South Carolina.

H.R. 1125: Mr. TERRY and Mr. HASTINGS of Florida.

H.R. 1153: Mr. FEENEY.

H.R. 1157: Mr. LINCOLN DIAZ-BALART of Florida, Mr. WELCH of Vermont, Mr. STUPAK, Mr. MITCHELL, Mrs. JONES of Ohio, Mrs. JO ANN DAVIS of Viginia, Mr. MCNERNEY, Mr. UPTON, Mr. HONDA, Ms. WATSON, Mr. SPACE, Ms. BEAN, and Mr. BECERRA.

H.R. 1188: Ms. HOOLEY.

H.R. 1190: Mr. BRADY of Pennsylvania, Mr. BOOZMAN, Mr. WYNN, Mr. BOUCHER, Mr. COSTELLO, Mr. SCOTT of Georgia, Mr. MCNERNEY, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1192: Mr. WYNN.

H.R. 1233: Mr. PRICE of Georgia.

H.R. 1237: Mrs. MALONEY of New York, Mr. ROTHMAN, and Mr. SIRES.

H.R. 1248: Mr. FOSSELLA, Mr. MCNULTY, and Mr. GRIJALVA.

H.R. 1252: Mr. MURPHY of Connecticut, Mr. SESTAK, Ms. DELAURO, Mr. ELLISON, Mr. ARCURI, Mr. HALL of New York, and Mr. EMANUEL.

H.R. 1267: Mr. REHBERG, Mr. DAVIS of Kentucky, Mr. GILCHREST, and Mr. MOLLOHAN.

H.R. 1268: Mr. PASTOR and Ms. MCCOLLUM of Minnesota.

H.R. 1314: Mr. CARTER and Mr. DEAL of Georgia.

H.R. 1344: Mr. ORTIZ and Mr. HARE.

H.R. 1346: Ms. MOORE of Wisconsin.

H.R. 1350: Mr. ISRAEL.

H.R. 1399: Mr. POMEROY, Mr. MARSHALL, Mr. BLUNT, Mrs. SCHMIDT, Mr. MELANCON, Mr. LINCOLN DAVIS of Tennessee, Mr. EDWARDS, Mr. WILSON of Ohio, Mr. TANCREDO, Mr. RYAN of Ohio, Mr. DEAL of Georgia, and Mr. RYAN of Wisconsin.

H.R. 1400: Mr. MILLER of North Carolina, Ms. SUTTON, Mr. CARTER, Mr. KIND, Mr. BROWN of South Carolina, Mrs. DAVIS of California, Mr. PASCRELL, Mr. PUTNAM, Mr. YOUNG of Alaska, Mr. TIAHRT, Mr. DOOLITTLE, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. LANGEVIN.

H.R. 1416: Mr. TIERNEY.

H.R. 1422: Mr. MCCOTTER, Mr. ABERCROMBIE, and Ms. LORETTA SANCHEZ of California.

H.R. 1431: Ms. SCHAKOWSKY.

H.R. 1435: Mr. CALVERT.

H.R. 1439: Mr. ROGERS of Alabama.

H.R. 1458: Mr. BARTLETT of Maryland and Mr. PETERSON of Pennsylvania.

H.R. 1470: Mr. DOGGETT, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROGERS of Alabama, and Ms. SHEA-PORTER.

H.R. 1480: Mr. WEXLER.

H.R. 1506: Mr. PETERSON of Minnesota.

H.R. 1510: Mr. WAXMAN, Ms. LEE, and Mr. WYNN.

H.R. 1524: Mr. MOORE of Kansas, Ms. ESHOO, Mr. MURPHY of Connecticut, Ms. CARSON, and Ms. WOOLSEY.

H.R. 1537: Mr. LOBIONDO, Mr. BROWN of South Carolina, Mr. SARBANES, and Mr. UPTON.

H.R. 1540: Mr. DAVIS of Illinois, Mr. ARCURI, Mrs. MALONEY of New York, Mr. DAVIS of Alabama, Mr. BISHOP of New York, Mr. KUCINICH, Mr. MURPHY of Connecticut, and Mr. MANZULLO.

H.R. 1553: Mr. DOOLITTLE and Mr. ALLEN.

H.R. 1561: Mr. MURPHY of Connecticut.

H.R. 1582: Mr. WYNN and Mr. TIAHRT.

H.R. 1586: Mr. PAUL and Mr. BUYER.

H.R. 1600: Mr. ISRAEL and Mr. SHERMAN.

H.R. 1636: Mr. SMITH of New Jersey.

H.R. 1645: Mr. ISRAEL.

H.R. 1650: Mr. BERRY.

H.R. 1651: Ms. HOOLEY, Mr. GILCHREST, and Mr. WALZ of Minnesota.

H.R. 1653: Mr. WYNN.

H.R. 1665: Mr. WILSON of Ohio, Mr. TOWNS, Mr. ALTMIRE, and Mr. VAN HOLLEN.

H.R. 1687: Mr. MILLER of North Carolina and Mr. LARSEN of Washington.

H.R. 1709: Ms. ROS-LEHTINEN, Mr. THOMPSON of Mississippi, and Mr. MCNULTY.

H.R. 1713: Mrs. CAPPS.

H.R. 1719: Mr. DAVIS of Illinois.

H.R. 1733: Mr. NEUGEBAUER.

H.R. 1735: Mr. WILSON of South Carolina and Mr. MCCOTTER.

H.R. 1746: Ms. WASSERMAN SCHULTZ and Mr. WAXMAN.

H.R. 1754: Mr. BARROW, Mr. BLUMENAUER, and Mr. MICHAUD.

H.R. 1759: Mrs. WILSON of New Mexico, Mr. SENSENBRENNER, Mr. GALLEGLY, Mr. CANTOR, Mr. PUTNAM, Ms. WOOLSEY, Ms. SOLIS, Mr. FILNER, Ms. LORETTA SANCHEZ of California, Mr. ISSA, Mr. SHADEGG, and Mr. CAMPBELL of California.

H.R. 1768: Mr. GRIJALVA and Ms. KAPTUR.

H.R. 1776: Mr. HARE, Mr. STUPAK, Mr. BISHOP of New York, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1801: Mr. STARK.

H.R. 1806: Mr. WYNN.

H.R. 1823: Mr. MCCOTTER.

H.R. 1828: Mr. MOORE of Kansas and Mr. MEEKS of New York.

H.R. 1838: Ms. LORETTA SANCHEZ of California, Mr. MCHENRY, Mr. SOUDER, Mr. BARROW, Mr. MCHUGH, and Mr. ALLEN.

H.R. 1852: Mrs. CHRISTENSEN.

H.R. 1872: Mr. COHEN.

H.R. 1884: Mr. FILNER and Mr. CHANDLER.

H.R. 1919: Mr. VAN HOLLEN, Mr. BECERRA, Mr. DAVIS of Illinois, Mr. FILNER, Ms. SCHWARTZ, Mr. PASCRELL, Ms. KILPATRICK, Ms. MATSUI, Mr. LIPINSKI, Mrs. LOWEY, Mr. BARROW, Ms. CARSON, and Mr. HILL.

H.R. 1924: Mr. HASTINGS of Florida.

H.R. 1927: Ms. GIFFORDS, Mr. MCDERMOTT, Mr. SCOTT of Virginia, Mr. BERRY, Mr. LOEBSACK, and Mr. TAYLOR.

H.R. 1929: Mr. ELLSWORTH.

H.R. 1932: Mr. KENNEDY and Mr. PAUL.

H.R. 1937: Mr. ROGERS of Kentucky, Mr. JINDAL, Mr. GOODLATTE, Mr. DAVIS of Kentucky, Mr. MCCAUL of Texas, Mr. BLUNT, Mr. ROSS, Ms. HERSETH SANDLIN, Mr. CRAMER, Mr. ALEXANDER, and Mr. CONAWAY.

H.R. 1943: Mr. HASTINGS of Florida and Mr. STARK.

H.R. 1952: Mr. GERLACH and Mr. MARSHALL.

H.R. 1956: Mrs. TAUSCHER, and Mr. CROWLEY.

H.R. 1964: Mr. WELCH of Vermont and Ms. LORETTA SANCHEZ of California.

H.R. 1965: Mr. CLEAVER, Mr. WAMP, Mr. RAMSTAD, Mr. PLATTS, and Mr. WILSON of South Carolina.

H.R. 1985: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCGOVERN, and Ms. SCHAKOWSKY.

H.R. 2005: Mr. SPACE.

H.R. 2016: Mr. WAXMAN and Mr. MCDERMOTT.

H.R. 2017: Mr. PATRICK MURPHY of Pennsylvania and Mr. KUCINICH.

H.R. 2039: Mr. ENGEL.

H.R. 2052: Mrs. MCCARTHY of New York.

H.R. 2060: Mr. BRALEY of Iowa, Mr. HARE, Mr. PATRICK MURPHY of Pennsylvania, Mr. MOORE of Kansas, and Mr. NEAL of Massachusetts.

H.R. 2063: Mr. KUCINICH, Mr. GORDON, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2091: Mr. RAHALL.

H.R. 2095: Ms. HIRONO, Mr. DELAHUNT, Mr. BISHOP of New York, Mr. LIPINSKI, Ms. LINDA T. SÁNCHEZ of California, Mr. HASTINGS of Florida, Mr. ALLEN, Mr. SIRES, Mr. GONZALEZ, Mr. PATRICK MURPHY of Pennsylvania, Mr. REYES, Mr. SPACE, and Ms. MATSUI.

H.R. 2108: Ms. KAPTUR, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2111: Mr. KLEIN of Florida.

H.R. 2125: Mr. RAMSTAD, Mr. SPACE, and Mr. WAMP.

H.R. 2128: Mr. MCCOTTER.

H.R. 2133: Mr. PERLMUTTER.

H.R. 2134: Mr. DEAL of Georgia.

H.R. 2137: Mr. LEWIS of Kentucky and Mr. ENGLISH of Pennsylvania.

H.R. 2138: Mr. PAUL, Mr. BLUNT and Mr. WAXMAN.

H.R. 2164: Mr. WELCH of Vermont.

H.R. 2169: Ms. SLAUGHTER, Ms. CARSON, and Mr. HOLT.

H.R. 2189: Ms. BERKLEY and Mr. CHANDLER.

H.R. 2199: Mr. HINCHEY, Mr. PATRICK MURPHY of Pennsylvania, Mr. WELCH of Vermont, Ms. SHEA-PORTER, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HOLT, Mr. HODES, Mr. MATHESON, Mr. PERLMUTTER, Mr. BRALEY of Iowa, Mr. WALZ of Minnesota, Mr. ELLISON, Mr. TAYLOR, Mr. MELANCON, Mr. BOREN, Mr. POMEROY, Mr. BOSWELL, Mr. DONNELLY, Mr. BILIRAKIS, Mr. MCDERMOTT, Mr. ENGEL, Mr. ALLEN, and Mr. SOUDER.

H.R. 2211: Mr. PAYNE.

H.R. 2219: Mr. BRADY of Pennsylvania, Mr. FORTENBERRY, Ms. KAPTUR, Mrs. EMERSON, Mr. MCDERMOTT, Ms. SHEA-PORTER, Mr. CONAWAY, and Mr. CARNAHAN.

H.R. 2221: Mrs. TAUSCHER.

H.R. 2232: Mr. DINGELL.

H.R. 2234: Mr. BOYD of Florida, Mr. BURTON of Indiana, Mr. FATTAH, Mr. DELAHUNT, Mr. PAUL, Ms. MATSUI, and Mr. CARNEY.

H.R. 2239: Mr. ELLISON.

H.R. 2253: Mr. ENGLISH of Pennsylvania, Mr. NEUGEBAUER, and Mr. JORDAN.

H.R. 2264: Ms. CLARKE, Mr. ARCURI, Mr. SPACE, Mr. SESTAK, Mr. KUCINICH, Mr. MURPHY of Connecticut, and Mr. HALL of New York.

H.R. 2265: Mr. BERMAN and Mrs. CAPPS.

H.R. 2272: Ms. HOOLEY, Mr. HILL, Mr. ROTHMAN, Mr. CHANDLER, Ms. WOOLSEY, Mr. CARNAHAN, Mr. INGLIS of South Carolina, Mr. BARTLETT of Maryland, Mr. HONDA, Mr. MILLER of North Carolina, Ms. GIFFORDS, Mr. UDALL of Colorado, Mr. MCNERNEY, and Mrs. Boyda of Kansas.

H.R. 2287: Mr. GERLACH, Mr. LAMPSON, Mr. RENZI, Mr. WYNN, Mr. GONZALEZ, Mr. SHIMKUS, Mr. SIMPSON, Mr. MCINTYRE, and Mr. PAYNE.

H.R. 2290: Mr. MCNERNEY and Mr. MCCOTTER.

H.R. 2316: Mr. SPACE, Mrs. Boyda of Kansas, and Ms. CASTOR.

H.R. 2342: Mrs. DAVIS of California, Mr. HASTINGS of Florida, and Mr. GRIJALVA.

H.R. 2349: Mr. WAXMAN, Mr. RUSH, Mr. SHERMAN, and Mr. MEEKS of New York.

H.R. 2351: Ms. NORTON.

H.R. 2353: Mr. RAMSTAD, Mr. MARSHALL, Mr. WALSH of New York, Mr. BRALEY of Iowa, Mr. RAHALL, Mr. JINDAL, and Mr. HINOJOSA.

H.R. 2356: Mr. BURTON of Indiana.

H.R. 2364: Mr. MCNULTY.

H.R. 2371: Mr. PAYNE, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. COHEN, and Ms. MCCOLLUM of Minnesota.

H.R. 2372: Ms. SUTTON and Mr. CAPUANO.

H.R. 2373: Mr. CLEAVER.

H.R. 2389: Mr. SESTAK.

H. Con. Res. 50: Mr. BILIRAKIS.

H. Con. Res. 70: Mr. FILNER, Mr. ETHERIDGE, and Mr. BACHUS.

H. Con. Res. 73: Mr. FRANKS of Arizona.

H. Con. Res. 120: Mr. TERRY, Mr. KING of New York, Mr. MCCOTTER, and Mr. MOORE of Kansas.

H. Con. Res. 131: Ms. WATSON.

H. Con. Res. 133: Mr. BOSWELL and Mr. TANNER.

H. Con. Res. 134: Mr. KENNEDY, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 137: Ms. BORDALLO.

H. Con. Res. 142: Mr. FRANK of Massachusetts.

H. Con. Res. 148: Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. DAVIS of Illinois, and Ms. WATSON.

H. Res. 68: Mr. HONDA.

H. Res. 106: Mr. ROSKAM and Mr. MURPHY of Connecticut.

H. Res. 148: Mr. MCNULTY.

H. Res. 154: Mr. MOORE of Kansas, Mr. CUMMINGS, and Ms. CARSON.

H. Res. 163: Mr. MCGOVERN.

H. Res. 171: Mr. RAHALL, Mr. DINGELL, Mr. CLEAVER, Mr. BAKER, and Mr. DENT.

H. Res. 233: Mr. SMITH of New Jersey and Mr. ENGEL.

H. Res. 241: Mr. MEEK of Florida and Mr. MEEKS of New York.

H. Res. 247: Mr. MCDERMOTT, Mr. GRIJALVA, and Mrs. MALONEY of New York.

H. Res. 258: Mr. ALLEN, Mr. RAMSTAD, Mrs. CAPPS, and Mr. BERMAN.

H. Res. 284: Mr. FEENEY, Mr. NEUGEBAUER, and Mr. MILLER of Florida.

H. Res. 287: Mr. DANIEL E. LUNGREN of California.

H. Res. 294: Mr. RANGEL, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Ms. KILPATRICK, and Ms. KAPTUR.

H. Res. 295: Mr. WILSON of South Carolina, Mr. CHABOT, Mr. GALLEGLY, and Ms. JACKSON-LEE of Texas.

H. Res. 345: Mr. MCCOTTER.

H. Res. 351: Mr. POE.

H. Res. 361: Mr. GENE GREEN of Texas and Mr. CAPUANO.

H. Res. 369: Mr. PORTER.

H. Res. 384: Mr. PICKERING, Ms. GRANGER, and Mr. Lamborn.

H. Res. 397: Mr. MACK, Mr. MCCAUL of Texas, Mr. BOOZMAN, Mr. INGLIS of South Carolina, Mr. WEXLER, Mr. LANTOS, Ms. WATSON, Ms. ROS-LEHTINEN, and Mr. FORTUÑO.

H. Res. 401: Mr. PALLONE and Ms. NORTON.

H. Res. 402: Ms. CORRINE BROWN of Florida.

H. Res. 412: Mr. POE, Mr. MACK, Mr. BILIRAKIS, Mr. MCCRERY, Mr. MILLER of Florida, Mrs. JO ANN DAVIS of Virginia, Mr. PAYNE, Mr. COBLE, Mr. WOLF, Mr. HALL of Texas, Mr. PUTNAM, Mr. WILSON of South Carolina, Mr. GARY G. MILLER of California, Mr. FORBES, Mr. MANZULLO, Mr. MORAN of Kansas, Mr. PEARCE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. PETRI, Mr. SHIMKUS, Mr. CHANDLER, Mr. SCHIFF, Mr. STUPAK, Mr. EHLERS, Mr. REHBERG, Mr. SESSIONS, Mr. ENGLISH of Pennsylvania, Mr. CRENSHAW, Ms. BORDALLO, Mr. CAMPBELL of California, Mr. GINGREY, Mr. MCINTYRE, Mr. INGLIS of South Carolina, Mr. BURTON of Indiana, Ms. WATSON, Ms. ROS-LEHTINEN, Mrs. EMERSON, and Mr. TANNER.

H. Res. 413: Ms. SHEA-PORTER.

H. Res. 415: Mr. SCOTT of Virginia and Ms. LEE.

H. Res. 416: Mr. PETERSON of Pennsylvania and Mrs. DRAKE.

EXTENSIONS OF REMARKS

COMMENDING THE PARTICIPANTS OF THE NORTHERN NEW JERSEY WALK NOW FOR AUTISM

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. GARRETT of New Jersey. Madam Speaker, yesterday, people of all ages, of all races, of all religions and walks of life joined together in Montclair, New Jersey for the Northern New Jersey Walk Now for Autism. Many of those who walked deal with autism on a daily basis in their homes. They walked for their sons and daughters, grandchildren, and brothers and sisters. They are remarkable for their strength and their spirit, and I commend each and every one of them for their efforts.

Each year, more and more children are diagnosed with autism spectrum disorders, yet each year we seem to learn more and more about how little we know about autism and how to help those who must deal with it every day.

But, what we do know is that it can be a lonely world for many children with autism. It can be an equally lonely world for those who care for autistic children. What makes these walks so phenomenal is not just the awareness that they raise amongst the general public or the money they raise, but the community spirit that they generate. No parent or grandparent, sister or brother need feel alone. There is a whole family of people who know what you go through and are there to lend all the support that you need.

Because of the can-do spirit of autism families, today, we have new schools and new teaching methods to serve autistic children; we have new research to bring us closer to an understanding of autism spectrum disorders; and we have a fresh recognition of how bright and special children with autism are. I commend these families for taking on autism head-on, and I am certain that with the spirit they bring to this fight, they will change the future for all who struggle with autism.

IN RECOGNITION OF MAYOR FRANK JACKSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor Mayor Frank Jackson for his outstanding work and unyielding effort to assist the homeless population of Cleveland.

Ever since Mayor Jackson was elected to Cleveland City Council in 1989, he has been a leading force for bringing Cleveland together as one city and bridging the gaps that exist between communities. As a result, Cleveland has blossomed into a city that unites the lives of its children, seniors, disabled people, families, businesses, and all vulnerable populations.

During his service to Cleveland, Mayor Jackson has made strong contributions to the advancement of equality, and has worked tirelessly to increase opportunities for the economically and socially disadvantaged. Mayor Jackson has supported subsidized affordable housing in Cleveland to ensure everyone has a roof over their heads. Moreover he has labored to include low income Clevelanders in the decision making process, rather than alienating them. During his successful mayoral campaign, he empowered the homeless community by involving them in the campaign and encouraging them to organize and advocate for themselves.

Mayor Jackson's tremendous service to Cleveland is a shining example of how we should all do our utmost to create a society where rather than hide from problems like poverty and homelessness, we face them and commit ourselves to their eradication. He is the first Cleveland Mayor to attend the annual Homeless Memorial Day during his term, demonstrating his solidarity with the homeless community and his commitment to addressing the concerns they face.

It is therefore with great honor that I celebrate Mayor Jackson as the recipient of the Ione Biggs Award. The Award memorializes Ione and celebrates her lifelong efforts to breaking down barriers in our society. Ione listened to everyone, including those with whom she did not agree. Mayor Jackson possesses the very same qualities, and I am proud of the work he is doing for our city.

Madam Speaker and colleagues, please join me in honoring Mayor Frank Jackson for his outstanding and tireless efforts as an advocate for the homeless, as well as for bringing all people that share the great city of Cleveland together as one people.

CONGRATULATIONS TO GRADUATES OF LAKE COUNTY ELECTRICIANS JOINT APPRENTICESHIP COMPLETION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great sincerity and admiration that I offer congratulations to several of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Friday, June 1, 2007, the Lake County Electricians Joint Apprenticeship and Training Committee (JATC) will honor the class of 2007 at their annual Apprentice Completion Banquet, which will be held at the Avalon Manor Banquet Hall in Merrillville, Indiana.

This year, the Lake County Electricians JATC will be recognizing and honoring the following graduates, who have completed the apprentice training: Angel Alvarez, Gregory Breitzke, Ryan Cleveringa, Justin Copak, Christopher Curatolo, Matthew Deering, Sr., Steven Dodd, Brandon Fritzsche, Ryan Gregory, Brion Grooms, Dustin Hall, Daniel Kanelopoulos II, Michael Keilman, Antonio Kendrick, Christopher Levenson, Christopher Nighbert, Carlos Reices, Raymond Rodriguez, Jose Sanchez, Micah Schantz, Matthew Summers, Billy Thomas, Dave Waffler, Ryan Williams, and Robert Willis, Jr.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These outstanding graduates all exemplify these traits. They have mastered their trade and have demonstrated their loyalty to both the union and the community through their commitment, hard work, and selfless sacrifice.

Madam Speaker, I ask that you and my other distinguished colleagues join me in congratulating these committed, hardworking individuals. Along with the other extraordinary men and women of Northwest Indiana's unions, these individuals have contributed in many ways to the growth and development of the economy in Indiana's First Congressional District, and I am very proud to represent them in Washington, DC.

IN MEMORY OF MR. CLYDE R. WESTFALL

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mrs. CAPITO. Madam Speaker, I proudly pause to recognize the achievements of Clyde R. Westfall, husband, father, and devoted citizen of Braxton County, West Virginia, who passed away on April 13, 2007.

Mr. Westfall had a passion for infrastructure improvements in his community. His perseverance to the Curry Ridge Water Project was instrumental in bringing many parties together to complete the goal of running, potable water in the homes and businesses of this community.

Mr. Westfall not only provided his valuable service to his fellow citizens, but as a foreman in the coal industry. His character brought credibility to his works. He was steadfast in his desire for the betterment of his community. His diligent work, particularly to the Curry Ridge Water Project, will be beneficial to many citizens and industry for years to come.

Madam Speaker, I proudly ask you to join me in honoring the life of Clyde Westfall, whose dedication and service is truly admirable. He will be sadly missed by many.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING THE BEVERLY LIVING CENTER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to congratulate the Beverly Living Center in Maryville, MO, upon receiving the prestigious "Ten Karat" award, selected by Beverly Enterprise, to honor living centers that have consistently shown excellence through areas such as quality standards, employee retention, recognition and development.

The Beverly Living Center opened in 1977 as a 108-bed skilled nursing facility and in 1986 added an assisted living community consisting of 16 apartments known as "Maryville Chateau." This facility excels in a wide variety of assistance and rehabilitation areas, including physical, occupational, speech and joint replacement therapy.

Also, I want to recognize the great leadership by the Executive Director Kim Bram. I also want to acknowledge the hard work and dedication of the Beverly Living Centers employees as additional keys to success.

Madam Speaker, I ask you to join me in commending the Beverly Living Center, an exceptional employer in Missouri's Sixth Congressional District for winning the "Ten Karat" award. The Beverly Living Center's commitment to excellence is inspiring, and I am honored to represent so many of its fine employees and officers in the United States Congress.

IN HONOR OF THE PUBLIC SERVICE OF MARY ELLEN MILLER, JANICE LOSCHIAVO, META PITRELLI, AND CATHERINE ANN THABIT

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to honor four public servants from Bergen County, New Jersey—four school nurses in Bergen County public schools. Throughout their respected careers they've acted as medical experts and comforting friends to countless students. And, as they retire in a ceremony tonight, they leave with fond memories of all the children on whose lives they've left an indelible mark of kindness.

The days when school nurses tended to skinned knees and the unexpected onset of flu are long gone. For many children today, school nurses are their first real medical relationship. They catch diabetes early when children can still make important behavioral changes. And, far too often, they catch violence in the home while there's still time to save children's lives. They give children the chance to learn trust and to develop healthy living and to mend. And, quite simply, they give children the chance to learn because healthy minds are minds that can absorb all there is around them.

Only days after we celebrated the healing power of nurses with National Nurses Week and National School Nurses Day, it is an honor to commend these women for their service to the parents, children, and teachers of Bergen County: Catherine Anne Thabit—Westwood Regional Public Schools, Mary Ellen Miller—Bergenfield Public Schools, Janice Loschiavo—Glen Ridge Public Schools, and Meta Pitrelli—Bergenfield Public Schools.

IN RECOGNITION OF THE RIDGEWOOD YMCA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor the Ridgewood YMCA, for over 30 years of service to the Parma, Ohio community, and for its efforts in creating a healthier, stronger and more active Northeast Ohio.

Since its groundbreaking in 1971, Ridgewood has been an invaluable resource for Ohioans of all ages. Regardless of circumstance, Ridgewood and its dedicated staff have gone to all ends to ensure community members have the resources and motivation to get fit and lead healthier lives.

Their latest program, the Y Express, has just completed its first year with resounding success. As a program aimed at meeting the needs of today's busy families the Y Express, from its strategic location in the Parmatown Mall, has logged over 40,000 member visits and continues to build partnerships and programs for its members.

Madam Speaker and colleagues, please join me in honoring the Ridgewood YMCA and its successful Y Express program, as well as the efforts and energies of its committed and enthusiastic staff. Northeast Ohio is fortunate to have them.

TRIBUTE TO REV. DR. J.C. WADE, JR.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great pride and sincerity that I wish to honor Reverend Dr. J.C. Wade, Jr. on the 50th anniversary of his ministry, as well as his 42 years of service at Zion Missionary Baptist Church in East Chicago, Indiana. Zion Missionary Baptist Church will be honoring Reverend Wade on Friday, May 25, 2007, at the Pastor's Anniversary Banquet, which will take place at the Genesis Convention Center in Gary, Indiana. There will also be an anniversary service at Zion Missionary Baptist Church on Sunday, May 27, 2007.

Reverend Wade was born in Memphis, Tennessee and raised in Omaha, Nebraska. As a young child, Reverend Wade accepted Jesus Christ as his Savior. He was licensed in 1957 and ordained in 1961 at the Salem Missionary Baptist Church in Omaha, Nebraska. In 1961, he pastored at Samaria Baptist Church in Van Alstyne, Texas; then from 1964 to March 1965, he served the congregation at Pilgrim Rest Baptist Church in Van Buren, Arkansas. In 1965, Reverend Wade relocated to the Zion Missionary Baptist Church in East Chicago, where he has been serving as Pastor and leader for 42 years.

Reverend Wade has held many prominent positions within the community. He is the former President of the General Missionary Baptist State Convention of Indiana and the State Vice President of the National Baptist Convention, for which he also serves on the Board of Directors. In addition, Reverend Wade serves as a Devotional Leader for the National Sunday School and is involved with the B.T.U. Congress—Pastors Division. He is a current member of the National Association for the Advancement of Colored People and Operation Push, and he is active with the Northwest Indiana Food Bank and the Twin City Ministerial Alliance. As if this were not impressive enough, Reverend Wade has also found time to travel on a Foreign Mission's Preaching team to Africa. Further, he was Vice President of the East Chicago Board of Safety for 6 years, consultant to the Mayor of East Chicago from 2002–2004, and coordinator for "Operation Too Great to Wait" Hurricane Katrina Survivors, which took place at the Genesis Convention Center in Gary on September 11, 2005.

A true scholar, Reverend Wade has had a wide range of academic training. His degrees include a Bachelor of Arts, Bachelor of Theology, Doctorate of Bible Theology, Master of Religious Education, and an Honorary Doctorate of Divinity, and he has had extensive International Studies in Oxford, England.

Reverend Wade has also received many accolades throughout his lifetime. To name a few, Reverend Wade has received a proclamation from the City of East Chicago. In May 2000, the City of East Chicago dedicated and renamed Drummond Street to Reverend Dr. J.C. Wade Street for his many years of service and dedication to the community. On March 22, 2007, the Indiana State Senate also issued a proclamation in his honor for his dedicated service. Reverend Wade has also been recognized nationally as he was selected to travel on 3 pilgrimages to the Holy Land as a Nationwide Evangelist, and he has conducted a workshop at the District Association Board Meeting in Germany.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in congratulating Reverend Dr. J.C. Wade, Jr. as he is honored for his service and ministry. His 50 years of service have touched and improved the lives of all whom he has served. His unselfish and lifelong dedication is worthy of the highest commendation, and I am proud to represent him in Congress.

TRIBUTE TO ROBEY THEATER

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mrs. CAPITO. Madam Speaker, I rise today to honor the historic Robey Theater, one of the longest continuously operating motion picture theaters in the United States. Since its establishment in 1907 as the Dreamland Theater, it has been central to the lives of the citizens of Spencer, WV. The theatre actually changed locations 4 times across Main Street during its first decade.

When it first opened, the Robey family had to run movies as many as 6 times a night to meet demand. The facility mixed live theater with silent pictures by putting scenery around the screen.

Even remodeling couldn't keep the theater from entertaining locals. Upon refurbishment in 1926, Mr. Robey moved the screen to a local school field and created a 'tentorium.' The movie star Little Jackie "Hoo" Ray performed at this event. Later that year, the theater hosted Congressman Harry Woodyard to celebrate its grand reopening.

Robey Theater was added to the National Register of Historic Places in 1989. Despite numerous technological updates and the addition of new releases to the theaters' showings, the theatre remains a small intimate setting to watch a movie, just as it was 100 years ago.

I join with the residents of Spencer and Roane County to recognize the Robey Theater for its 100 years of service.

RECOGNIZING JOHN IGO FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize John Igo, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 138, and in earning the most prestigious award of Eagle Scout.

John has been very active with his troop, participating in many scout activities. Over the years John has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending John Igo for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

H.R. 1684

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today to express my support for H.R. 1684, the Department of Homeland Security, DHS, Authorization Act for fiscal year 2008. The legislation makes clear that this Congress is dedicated to providing the Department of Homeland Security with the proper tools to protect American citizens, and to ensure accountability and proper oversight of DHS.

With many entities rolled into the Department of Homeland Security at its inception in 2003 the bureaucratic structure of the department has consistently needed improvement. DHS has come under intense scrutiny and yielded many questions regarding its bloated size and its ability to function smoothly. This legislation will take necessary steps to correct large problems associated with the agency that includes streamlining the contracting and procurement process, and require the department to conduct comprehensive quadrennial reviews of its operations.

H.R. 1684 is a bipartisan effort to restore huge cuts by the Bush administration to important programs. The 52 percent cut to the State Homeland Security Grant Program, which funds first responder preparation and response, has been reinstated. The 55 percent cut to firefighter assistance grants has been added back into the bill. This bill also restores the previously eliminated Local Law Enforcement Terrorism Prevention Program to its entirety, and reverses the elimination of the SAFER program. Fully funding these crucial first responder programs dictates a dedication from Congress that is unparalleled.

The most important job of Congress is to keep America safe, and this legislation takes important steps to protect our communities. I want to commend the Chairman of the Homeland Security Committee, the gentleman from Mississippi, Mr. THOMPSON, for his work on this legislation and I urge all my colleagues to support it.

IN HONOR OF THE STUDENT GRADUATES OF PARAMUS' D.A.R.E. PROGRAM AT YAVNEH ACADEMY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. GARRETT of New Jersey. Madam Speaker, last week, the Paramus Police Department held its D.A.R.E. graduation ceremony with the students of Yavneh Academy. More than 70 students are participating in this important program that gives young people the support they need to say no to drugs, underage drinking, and gang violence.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our Nation's school districts and in more than 43 other Nations. It uses positive peer pressure to help children defeat the negative cultural influences that bombard them daily.

I am proud of the young boys and girls who participated in this program at Yavneh Academy, and I would like to recognize them all for taking this step toward positive citizenship: Hannah Ash, Benjamin Atwood, Hadassa Bendavid, Simcha Borodach, David Carr, Shimon Cohen, Orly Davis, Shoshana Edelman, Oriel Farjun, Nicole Feigenblum, Alexander Feldman, Jacob Felig, Jacob Finkelstein, Joshua Finkelstein, Michael Finkelstein, Miryam Fischer, Aaron Fox, Jacob Furer, Sheri Goldman, Ayelet Golubtchik, Marlee Goodman, Akiva Gottlieb, Abigail Greenbaum, Rochal Greenberg, Tova Greenberg, Yosef Greenfield, Yehoshua Hanfling, Justin Hod, Leora Hyman, Michael Kahan, Ilana Noa Karp, Rami Laifer, Jason Lang, Yael Ledner, Jacob Levy, Shmuel Levy, Miriam Lichtenberg, Sara Linder, Benjamin Marans, Ally Margulies, Joshua Meier, Esther Meir, Leo Metzger, Philip Meyer, Daniel Nagar, Jennifer Nir, Shaya Oster, Elisha Penn, Jordan Plaut, Noah Potash, Ori Putterman, Rebecca Raab, Daniel Raykher, Daniel Rehanian, Jake Reichel, Samuel Rochlin, Micayla Rosenbaum, Elan Samoohi, Liana Sandor, Risa Scharf, Eli Scharlat, Hillel Sebrow, Dafna Secemski, Gabriella Shankman, Mira Shapiro, Alan Socelof, Lauren Stein, Tamar Weglein, Judah Wertenteil, Solomon Wiener, Jonathan Wietschner, Shira Wolff, Alan Yomtobian, and Yehoshua Zirman.

BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT

HON. CAROL SHEA-PORTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Ms. SHEA-PORTER. Madam Speaker, I rise today to urge my colleagues to join me and over 200 other Members in cosponsoring H.R. 1157, the Breast Cancer and Environmental Research Act. With just one more day until Mother's Day, it is important for us in Congress to honor the women in our lives and work to bring an end to diseases such as breast cancer. Each year, tens of thousands of women die from this disease and more than 3 million women are currently living with breast cancer. Important advances have been made, but we still do not know what causes this disease, or how to prevent it.

This bill will establish a research program at the National Institutes of Health to study the potential links between breast cancer and the environment—authorizing $40 million a year for five years for NIH studies.

Hopefully, this research will help mitigate the devastating effects this disease inflicts on mothers, sisters, wives, daughters and families across the Nation. The National Breast Cancer Coalition has worked tirelessly to advance the fight against breast cancer, as we celebrate Mother's Day this year, I urge my colleagues to join me in co-sponsoring H.R. 1157, the Breast Cancer and Environmental Research Act.

TRIBUTE TO FATHER EDWIN LEAHY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. PAYNE. Madam Speaker, it is with a great deal of enthusiasm that I ask my colleagues here in the House of Representatives to join me as I rise to offer heartfelt congratulations to Father Edwin Leahy—Father Ed—as he receives an honorary degree from Rutgers-Newark. Father Ed will also serve as the commencement speaker on Thursday, May 17, 2007. He is the headmaster of St. Benedict's Preparatory School in Newark, NJ.

Father Ed graduated from St. Benedict's Prep in 1963 and from Seton Hall University in 1968. He received his training in theology, attaining an M.Div. with distinction in 1975 from the Woodstock College, the Jesuit School of Technology at Union Theological Seminary. He was ordained as a priest in 1972 after first taking vows as a monk in 1966 of the Benedictine Abbey of Newark.

Father Ed's appointment to headmaster of St. Benedict's Prep has been a true blessing to the young men who come through its door and to the community at large. Father Ed became headmaster at the age of 27 and took a school with an enrollment of 89 students and 14 faculty members to its current population of 550 and 46, respectively. In the process, he has touched the hearts of many of his young charges and their families. The students are mostly Black and Hispanic from humble backgrounds. Yet 95 percent of the school's graduates go to college; no small feat in a city where the dropout rate is very high.

Thanks to Father Ed and his perseverance, St. Benedict's Prep now has a waiting list with many suburban youngsters hoping to gain admission. The school received national attention when its comprehensive program was featured in Education Week.

Madam Speaker, Father Ed has served St. Benedict's and the greater community well for almost 25 years. I know my colleagues agree that Father Ed is a very good choice for commencement speaker and is a deserving recipient of an honorary degree from Rutgers-Newark. I wish him well as he continues his good works.

"FIFTY GOOD YEARS"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. FRANK of Massachusetts. Madam Speaker, yesterday, May 20, marked the 41st anniversary of the date on which Jose F. & Valentina C. Giesta emigrated from the Azores to Massachusetts, landing, fortunately for me, in New Bedford. I say fortunately for me because while I believe in general that hardworking immigrants like the Giestas have been a great boon to this country in so many ways, and have particularly added significantly to the economic and cultural richness of Southeastern Massachusetts, I've been a particular beneficiary of this immigration decision because their daughter, Maria, is my very capable Deputy Chief of Staff.

The Giestas are an excellent example of why so many of us continue to support an immigration policy that welcomes people from elsewhere in the world who want to come to America both to share in the life we have and to help it flourish. Next week, on June 1, the Giestas will mark another very important anniversary—that of their wedding. They were married in Faja de Baixo in the Azores on June 1, 1957—several weeks, I will note, with a politicians penchant for getting himself into the act, before I graduated from high school.

As the Giestas celebrate their 50th Anniversary with their family and friends in New Bedford, they will be with their five children, who are in addition to Maria Eugenia, Gualter, Jose Augusto, Aires, and Stephanie. Stephanie, incidentally, has become a very accomplished hairstylist of whose talents I regularly avail myself. Their five children have produced eight grandchildren, Melissa, Mark, Matthew, Jacob, Tyler, Austin, Quentin, and Daulton. As the family gathers in New Bedford next Saturday on this wonderful occasion, I take this opportunity to acknowledge this event here, not simply out of my personal feelings of gratitude and affection to the Giestas, as strong as they are, but because at a time when people have been hearing a lot of the negative arguments about immigration, the story of the Giestas—a representative one for my district and many other districts across the country—shows how in fact immigration has been of overwhelming benefit to this Nation of immigrants. I am delighted to send my best wishes to Jose and Valentina and to tell them that I regularly cite them as an example of why an open and welcoming immigration policy continues to be in our Nation's best interest.

TRIBUTE TO GALEN JAMISON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in honoring the memory of Galen Jamison. Galen passed away on Thursday, May 17, in my hometown of Flint, Michigan at the age of 71. Galen was a committed public servant, always striving to improve the quality of life for the people of the greater Flint area. He was a dear friend and a valued advisor. I will miss his knowledge and wisdom.

He was a graduate of Central Michigan University and he had attended Arkansas State College and GMI. Mr. Jamison married Shirley J. Earns in 1955 and moved to Flint Township where he resided for over 50 years. Galen worked for General Motors as a General Supervisor. He was deeply committed to public service. Galen was elected as Flint Township supervisor and served 4 years. He was also elected 2 terms as Trustee on Flint Township Board of Trustees. Galen held several appointed positions over the years. These included State of Michigan Registered Codes Official and Inspector, Commercial Plan Reviewer, and 11 years on the Liquor Advisory Board where he drafted the first ordinance. He served on the Planning Commission for 9 years, the Board of Appeals for 6 years, the Economic Development Authority, the Central Business District Authority, the Bicentennial Committee, and was the Anti Annexation Drive Coordinator.

Galen served on many Genesee County Boards including service as the Chairman of the Auto and Theft Grant Board. He held positions with the Water and Waste Board, the Retirement Board, the Parks Board, the Library Steering Committee, and as Genesee County Michigan Township Association Trustee. He had previously served on the CAMEO Executive Board and as a Flint Junior Achievement Advisor. He served as the Chairman for the Flushing Road Action Committee for Water for 4 years. At the time of his death Galen was currently serving as the Flint Township Chief Building Director and Chairman of the Genesee County Road Commission. Because of his commitment to public service Galen was awarded the G.M. Truck and Bus Plant Award for excellence in Community Activities.

Galen is survived by his wife of 51 years, Shirley, his children, grandchildren, great grandchildren, brothers, sister, numerous nieces and nephews and a Godchild.

Madam Speaker, please join me in paying respects to a wonderful man and a true public servant, Galen Jamison. The Flint area mourns his passing and will miss his leadership, insight and zeal to make the Flint community a better place to live and work.

TRIBUTE TO ROBERT RHEA, ARTHUR DALE JACKSON AND KEVIN DOAN

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. ROGERS of Kentucky. Madam Speaker, on May 20, 2006, five men lost their lives in a coal mine explosion in Harlan, Kentucky. The number of casualties would have been greater, were it not for the heroic efforts of three mine inspectors who decided to go in and save whomever they could.

There were only a few seconds to decide what to do in this situation. There were no second chances. Information was conflicting and incomplete in those rushed minutes late at night on May 20. These three men—Robert Rhea, Arthur Dale Jackson and Kevin Doan—heard enough and chose to descend into the smoke-filled blackness of the Darby Coal Mine.

They were driven to help whomever they could, inserting themselves into this hellish furnace not knowing whether there would be additional explosions or structural collapses.

The person they rescued, Paul Ledford, had succumbed to the carbon monoxide gases caused by the explosion and was unable to move any further. He was a half-mile down and never would have made it out on his own.

We are reminded that coal miners face potential hazards deep underground, everyday, so that we can keep the lights on and appliances running. When tragedy strikes one of our coal mines, we depend on those level-headed, brave individuals who do the best they can at the scene to save lives and manage the disaster.

While we sort out the lesson of the Darby mine tragedy, we must also recognize those who had little time to study, deliberate and analyze what to do. They acted.

And because they did, someone lived. I commend these three individuals for answering the most important call any of us could ever get—and having the courage that now provides some solace where there would otherwise be none.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. JOHNSON of Illinois. Madam Speaker, May 17, 2007, I was unable to cast my votes on the following amendments to H.R. 1427.

Had I been present for rollcall No. 378 on the amendment offered by Rep. BACHUS, I would have voted "nay."

Had I been present for rollcall No. 379 on the amendment offered by Rep. HENSARLING, I would have voted "nay."

Had I been present for rollcall No. 380 on the amendment offered by Rep. MCHENRY, I would have voted "nay."

Had I been present for rollcall No. 381 on the amendment offered by Rep. KANJORSKI, I would have voted "aye."

Had I been present for rollcall No. 382 on the amendment offered by Rep. ROSKAM, I would have voted "nay."

Had I been present for rollcall No. 383 on the amendment offered by Rep. GARRETT, I would have voted "nay."

TRIBUTE TO 34TH ANNUAL NATIONAL EMERGENCY MEDICAL SERVICES WEEK

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. BRADY of Texas. Madam Speaker, I rise today in support of the 34th Annual National Emergency Medical Services Week, designated this year May 20–26, 2007. It is truly a privilege to honor these brave men and women who provide essential lifesaving services to our communities throughout the Eighth Congressional District.

EMS Week serves as a time to honor and celebrate our medical emergency personnel. These men and women respond to tragedies and situations we pray never come to us or our loved ones. They respond at a moment's notice to people caught in unimaginable circumstances and work tirelessly to provide emergency treatment and offer hope.

As children we all learned the value of stop, drop, and roll. Today our children learn those lessons and more that help keep them safe. From paramedics and EMTs to police officers and fire fighters, each serves a crucial role in keeping our communities educated and prepared to prevent future emergencies.

As we observe EMS Week this year let us not forget those who have made the ultimate sacrifice while performing their duty. These great men and women who have dedicated themselves to protecting and saving the lives of our loved ones should not be forgotten. The safety of our friends and families depends on individuals like them who arrive to work every day prepared to respond, protect, and save lives.

As we celebrate this week I salute every hardworking American for their role in ensuring the safety of our communities. I also encourage you as residents to become aware of health and safety issues and familiarize yourself with emergency procedures. Let's all chip in and do our part to ensure our neighborhoods and streets remain safe for all to enjoy.

HONORING EDITH DUPIN

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay tribute to Edith Dupin, a constituent and good friend, retiring next month from the Elizabethtown Chamber of Commerce after twenty years of service.

Ms. Dupin has overseen a vast expansion of the Hardin County Chamber of Commerce over the course of the last two decades. Upon her arrival, the Chamber had fewer than 200 members. She leaves the Chamber with more than 700 members. During her tenure she has helped develop several local events that have become staples to the Hardin County community including the Heartland Festival, Leadership Elizabethtown, and the holiday favorite, Christmas in the Park.

Always a straight talker, she has found many friends in the community. Through her tenacity and straightforwardness, she has been able to accomplish many positive objectives for the Chamber and the Elizabethtown community. Her legacy is evident through, among many other things, the local farmers market, numerous job fairs, and laying the groundwork for a possible return of commuter flights to Addington Field.

I would like to congratulate Edith for her service to the Elizabethtown community. I join countless neighbors from the Hardin County community in wishing her well in her future endeavors.

It is my great privilege to recognize my friend, Ms. Edith Dupin today, before the entire House of Representatives, for her service to Hardin County. She is an outstanding American worthy of our collective honor and appreciation.

IN RECOGNITION OF THE HIGH SCHOOL FOR ENTERPRISE, BUSINESS AND TECHNOLOGY (EBT)

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Ms. VELÁZQUEZ. Madam Speaker, I rise today to recognize The High School for Enterprise, Business and Technology (EBT), of Williamsburg, Brooklyn in celebration of their 10th anniversary.

EBT's history has been one of hope, growth and a commitment to quality education for our community. More than ten years ago, the majority of local Williamsburg high school students attending the then Eastern District High School had bleak prospects of graduating from high school. Thanks to the leadership of concerned education advocates, Eastern District was replaced by three new high schools, EBT being one of those entities. The school has evolved into one that has fostered educational growth and training to students throughout Brooklyn.

Since it's inception in 1996, EBT has worked diligently to develop a solid learning and professional foundation, creating a wealth of opportunities for its students. The specialized curriculum serves as the school's cornerstone, offering our community's children an opportunity to pursue studies in areas, including: hospitality/tourism, computer science/networking, and business/finance. Through a classroom environment that emphasizes academic engagement, EBT has fostered the personal progress of countless residents.

The High School for Enterprise, Business and Technology's dedicated staff has been successful in nurturing the intellectual development of hundreds of Brooklyn's children. Their commitment to promoting academic opportunities has strengthened the institution's programs thereby enabling comprehensive support services and encouraging parent participation. Through the exceptional leadership of Principal Juan Mendez, this remarkable high school has effectively increased both the graduation as well as the college placement rate, resulting in socially-minded young adults devoted to the interests of Williamsburg—and our naton at large.

Therefore, Madam Speaker, I rise with my colleagues in the House of Representatives to honor The High School for Enterprise, Business and Technology. I would like to express my sincerest congratulations in commemoration of its 10th anniversary and express best wishes for a successful future.

PERSONAL EXPLANATION

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Ms. BORDALLO. Madam Speaker, I was absent from the chamber during the evening of Thursday, May 17, 2007. Had I been present for six rollcall votes taken that evening on amendments to H.R. 1427, the Federal Housing Finance Reform Act of 2007, I would have voted as follows: "no" on rollcall No. 378; "no" on rollcall No. 379; "no" on rollcall No. 380; "no" on rollcall No. 381; and "no" on rollcall No. 382; and "no" on rollcall No. 383.

IN RECOGNITION OF COLONEL ROBERT W. GATES, UNITED STATES AIR FORCE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of the life and dedicated service of Robert W. "Bob" Gates.

Robert Gates served this country for 31 years in the United States Air Force. Across three wars he flew in hostile skies from D-Day over France to the jungles of Vietnam. Colonel Gates was decorated with two Legions of Merit, two Distinguished Flying Crosses, the Silver Star, the French Croix-de-Guerre, eight Air Medals and a Presidential Citation from President Roosevelt. He was the first Commander of the 1st Special Operations Wing, Hurlburt Field, FL. He commanded Project "Ice Skate," and successfully built a permanent base with a 5000-foot runway on a floating island (called T–3) near the North Pole. Additionally, Colonel Gates commanded Task Force HIRAN, which established the SHORAN radar tracking stations on the Greenland ice cap.

On May 18 2007, Colonel Gates will add to his lengthy roll of accolades the Spirit of Hope Award. In 1942, during Mr. Hope's first USO tour, then Lieutenant Gates was assigned to fly Mr. Hope and his troupe around the Alaskan and Pacific theaters. Multiple times during his career, he piloted Mr. Hope and other USO entertainers. Over these years, Colonel Gates and Bob Hope formed a life-long personal friendship. Mr. Hope nicknamed Bob Gates "Growing Pains," and often referred to him as his son. Bob Hope so inspired the young officer that Colonel Gates decided to dedicate his entire life, energy, and compassion to helping the spouses and family members of fallen comrades, as well as others less fortunate in the Fort Walton Beach, Florida area.

Colonel Gates was instrumental in organizing twelve USO tours to raise money for the purchase of 79 acres from nearby Eglin Air Force Base to build two world-class assisted living facilities, "Bob Hope's Enlisted Widows Village" and "Theresa Village." Bob Hope's Village includes 256 one, and two-bedroom apartments, gardening plots, a gift shop, swimming pool, nature trails, and a community center that seats over 400 people. Theresa Village has 123 units with similar facilities. In 2003, the Bob and Dolores Hope Foundation donated $1 million to build a one-of-a-kind welcome center in honor of Bob Gates' many years of support, dedication, and selfless contributions. Colonel Gates is often consulted on future facility construction plans, such as building future nursing care facilities on the Bob Hope Village complex. Additionally, Colonel Gates is an avid contributor and supporter of the Fort Walton Beach Children's Society Golf Tournament and auction that helps raise funds to support local children's agencies.

On behalf of a grateful nation, I extend my deep appreciation to Robert W. Gates for his service to Florida and our country. As he is one of Fort Walton Beach's favorite sons, we are proud to see Bob receive the Spirit of Hope Award this year.

TRIBUTE TO CARTER CORNICK

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. FRANK of Massachusetts. Madam Speaker, I rise today with Ranking Member BACHUS to recognize L. Carter Cornick III for his dedicated service at the United States Department of Housing and Urban Development.

After serving nearly 5 years, an era of sorts, Mr. Cornick, the General Deputy Assistant Secretary for Congressional and Intergovernmental Relations, will return to the United States Senate as Chief of Staff to Senator JOHN WARNER. In his new role, he will once again be working for the people of the Commonwealth of Virginia, the state he loves and ever-so-proudly calls home.

During his tenure, we have had the pleasure of working closely with Mr. Cornick on many issues involving housing policy. We have relied on him to help turn some of the Committee's ideas into realities at HUD. Mr. Cornick has been helpful on several issues where it was important for us to work together.

In addition to his work as the Department's primary advocate before Congress, Mr. Cornick should also be recognized for the deep admiration he has earned within the halls of HUD. He has taken the time to learn and understand HUD's many complex programs, and has worked with and relied upon the career experts for their advice and historical knowledge of the issues.

We commend Carter Cornick for all of his tireless efforts in representing HUD before Congress, and congratulate him on his latest endeavor in public service. He will be missed.

HONORING THE ACHIEVEMENTS OF JUDITH JACKSON

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the achievements of Dr. Judith Jackson, principal of Franconia Elementary School in Fairfax County, Virginia, since 1996: and a dedicated public servant for nearly 3 decades. While Dr. Jackson is retiring, she will leave behind a lasting impression of her caring nature and tireless devotion to the school she served so well.

A graduate of Marygrove College, Dr. Jackson, earned her master's degree at the University of Michigan and her doctorate in education at Nova Southeastern University. She began her teaching career as an elementary school teacher in the Detroit Public School System, and has taught soldiers in Germany, where her husband, David Jackson, was stationed with the United States Army, and ex-offenders in Pennsylvania. She arrived in the Fairfax County School system in 1980, where she rose to the rank of Assistant Principal at Woodley Hills Elementary School. In 1996, she passed through a rigorous selection process to become principal of Franconia Elementary. Dr. Judith Jackson is also the mother of 3 wonderful children, Teresa, David, and Kevin.

Throughout her service as principal, she has been ever present in the halls and classrooms of Franconia Elementary. She knows every student by name, and is involved in every aspect of life at the school. Dr. Jackson never misses an opportunity to read to the children at school events, and is unmatched in her advocacy of the development of reading and writing skills at the elementary level. As one member of her staff put it, "All she does, day after day, is tirelessly search for ways in which every student can achieve, and every student can experience the joy of learning". Some of the innovative programs supported by Dr. Jackson to this end are the "Reading Restaurant", "Literary Lunch", "Friday Night Prime Time", and "Partners in Print", making learning, and reading in particular, fun for her students. In recognition of her efforts, the library at Franconia Elementary School has been renamed the "Judith Jackson Library."

A supporter of after-school programs, Dr. Jackson instituted Math and Science Nights, supported "CETA (Changing Education Through the Arts)", and regularly attended Parent-Teacher Association meetings that fostered dialogue with parents and teachers. She has also volunteered with the Red Cross, tutored members of the military at the United States Military Academy at West Point, and assisted with Koinonia's efforts to help the underprivileged.

The Franconia Mustangs will sorely miss her, but will not forget her any time soon. As the Ayoud triplets, second graders at Franconia put it, "We'll just have to retire too, since Franconia won't be the same without Dr. Jackson." Something tells me she won't let them.

I commend Dr. Jackson on her distinguished career in education, and wish her and her family health and happiness in her well-earned, much deserved retirement.

TRIBUTE TO THE U.S. ARMY CORPS OF ENGINEERS KANSAS CITY DISTRICT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. SKELTON. Madam Speaker, the United States Army Corps of Engineers Kansas City District is celebrating its 100th anniversary in 2007. Over the last century, the people who make up the Kansas City District have provided meaningful services to the people of Missouri and of our nation.

In the early days, the Kansas City District's primary mission was to develop and maintain a navigational channel along the Missouri River to encourage barge traffic. Barge traffic remains a vital concern along the river. Since the early 1900's, barges have been critical to moving farm products to markets and to control railroad freight rates via competition along the river. This commitment to navigation has always been so very important to those of us who hail from Missouri.

The Kansas City District has also played an important role in taming the turbulent and braided Missouri River. The men and women of the District have built numerous river control structures that have stabilized banks and used the force of the river's own current to carve a stable channel. They have constructed canals and river cutoffs that changed the course of the river. At the same time, they have offered easier navigation, opening the stream to, use, as a highway for goods.

In the 1930s and 1940s, the Kansas City District tackled flood control concerns and helped protect property and lives along the river and its tributaries. Because of flooding and the federal government's commitment to employ Army engineer officers returning from battle in World War II, dams were constructed along the main stem of the river and on adjacent streams. The Flood Control Act of 1944 shaped the development of the entire Missouri River Valley region and transformed the landscape of America's heartland. The legislation authorized hundreds of dam and levy projects and established substantial changes in federal policy with regard to the management of the Missouri River. The Kansas City District played a key role in this national effort.

In addition to its responsibilities along the Missouri River, the Kansas City District operates eighteen lakes across Missouri, Kansas, Iowa, and Nebraska. It also provides additional services to the nation, both inside and outside its own physical boundaries. Recently, the District has supported the United States Army by overseeing the construction of facilities for the 1st Infantry Division at Fort Riley, KS, and of the new Lewis and Clark Classroom Facility for the Army's Command and General Staff College at Fort Leavenworth, KS.

Madam Speaker, I know the members of the House will join me in congratulating the people who have worked to make the United States Army Corps of Engineers Kansas City District a successful organization and will join me in sending thanks to them on their 100th anniversary.

TRIBUTE TO CAROL AND PETER CARROLL CELEBRATING THEIR 50TH WEDDING ANNIVERSARY

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. FOSSELLA. Madam Speaker, on May 18, 1957, Carol and Peter Carroll were married in St. Malachy's Church and went on to raise five children: Kathleen, John, Peter, Helen, and Paul.

Peter and Carol met while they were students at St. John's University. Peter was a starting center for the St. John's Redmen, and he and Carol met at a post-basketball game party.

Peter Carroll spent 40 years as a supervisor for Brooklyn Union Gas and coached basketball and baseball for St. Charles Parish and the Great Kills Little League. Carol worked for New York Telephone and then worked full time raising five children while also volunteering at the St. Charles School.

The Carrolls are proud grandparents of 17: Kathleen, Virginia, Caroline, Thomas, Amanda, Lindsey, Katie, Kevin, Billy, Andrew, McKenzie, Jennifer, Thomas, James, Victoria, Lauren, and Matthew. They currently split their time between Staten Island, Florida, and Long Beach Island.

Madam Speaker, I would like to congratulate the Carrolls on this momentous occasion and wish them 50 more years of marriage.

RECOGNIZING THE RETIREMENT OF RONALD G. JOHNSON, PH.D., PRESIDENT OF MALONE COLLEGE, CANTON, OHIO

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. REGULA. Madam Speaker, a native of Michigan, Ron Johnson attended Malone College in 1960 and went on to earn a bachelor of arts degree in physics from Eastern Michigan University in 1963. He received a master's degree in radiation biophysics from the University of Kansas in 1967 and the doctorate in radiation biophysics, also from the University of Kansas, in 1970. Dr. Johnson returned to Malone College in 1970 to serve as assistant professor of physics, and was subsequently promoted to associate professor in 1974 and full professor in 1979. In 1981, he accepted the post of chief academic officer. His title was changed to provost in 1991 to more accurately describe his expanded duties and role at the College. He was named president in November 1994. At his inauguration in March of 1995 he announced the theme that would characterize his presidency—The Next Level of Excellence.

Throughout Dr. Johnson's 25 years of administrative leadership, Malone College has experienced unprecedented growth and development in academics, the number of students in attendance, and physical plant. Since 1981, the number of full-time faculty has increased from 33 to 111. In addition during his presidency, the percentage of faculty holding a terminal degree has increased from 48 percent to 71 percent. Enrollment has soared nearly 200 percent from 770 to 2300. Dr. Johnson has overseen the development of numerous academic programs, including the bachelor of science in nursing; two baccalaureate degree-completion programs in management and nursing; as well as graduate programs awarding master's degrees in education, counseling, Christian ministries, business administration, and nursing.

During his tenure Malone also has developed innovative academic programs in zoo biology, forensic chemistry, sports/youth ministry, commercial music technology, and community health education, to name only a few of the more than 90 programs of study. Also of note—it is within Dr. Johnson's presidency that Malone has been honored with 2 more prestigious distinctions: recognition by the Templeton Foundation as a national leader in character development, and ranking among the top colleges and universities in the Midwest under the category Universities—Master's according to U.S. News & World Report's America's Best Colleges 2006 and again in 2007. Dr. Johnson's experience and leadership have been instrumental during 3 of the Higher Learning Council of the North Central Association's decadal reaccreditations, including the most recent in the spring of 2004. During Johnson's presidency the College's endowment has grown nearly 500 percent from $3.1 million to approximately $18 million.

Appearances of such record growth are also evident in the physical changes that continue to take place on the campus. Dr. Johnson supervised the completion of Malone's newest structures—the Brehme Centennial Center, the Ewing Varsity Center, Mitchell Hall, and Haviland Hall, the School of Nursing building addition, Wellness Center, and the purchase/renovation of the Johnson Center for Worship and the Fine Arts (formerly First Christian Church). Other campus renovations under Dr. Johnson's guidance include the attractively landscaped Herbert W. Hoover Courtyard; the Marjorie Johnson Memory Garden, named in honor of Malone's beloved, late first lady; and the newly completed dining facility and entranceway to the Brehme Centennial Center.

A leader in Christian higher education, Dr. Johnson is a member of the board of directors of the Christian College Consortium and its Fund, the Council of Christian Colleges and Universities, Council of Presidents. At the state level he is vice-chair elect and a member of the executive committee of the Ohio Foundation of Independent Colleges. His service in the Evangelical Friends Church—Eastern Region has included serving as presiding clerk of the Yearly Meeting for 11 years and currently as a member of the executive board and the board of directors of Barclay Press. Locally, Dr. Johnson is a member of the Stark Development Board and the P–16 Compact. He has served the Canton Regional Chamber of Commerce and was chairman in 2000. He has served on the boards of Leadership Stark County and the Medical Education Foundation of the Northeastern Ohio Universities College of Medicine, and been involved with United Way of Stark County.

He is father to 2 married children, Mark and Kristin, and grandfather to Cameron. He attends Jackson Friends Church, where he serves as an elder and Sunday school teacher.

PERSONAL EXPLANATION

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. LEWIS of Kentucky. Madam Speaker, on May 17, 2007 I left Washington to return to Kentucky to be with my family for a medical emergency. As a result, I missed the following votes: rollcall 375, ordering the Previous Question for the rule on S. Con. Res. 21, and had I been present I would have voted "nay"; rollcall 376 on agreeing to the resolution for the debate of S. Con. Res. 21 and had I been present I would have voted "nay"; rollcall 377 on passage of S. Con. Res. 21 and had I been present I would have voted "nay."

I oppose the Democrat Budget Conference Report because of the massive spending increases and higher tax burdens it places on

Kentucky families. The budget outline includes $22 billion in new non-defense discretionary spending, three times more than the President's request. Worse still, this conference report sets the course for one of the largest tax increases in American history—at least $217 billion over the next five years.

The budget also ignores repeated warnings about the unsustainable rate of growth in entitlement spending, failing again to address the fiscal crisis facing Social Security, Medicare and Medicaid. Our economy continues to enjoy one of the longest stretches of positive gain in recent memory. The out-of-control spending and massive tax increases outlined in this conference report threatens to bring our vibrant economy to a screeching halt.

Also on May 17 during consideration of amendments to legislation concerning certain Government Sponsored Enterprises (H.R. 1427) I missed the following votes: rollcall 378, on agreeing to the Bachus amendment had I been present I would have voted, "yea"; rollcall 379, on agreeing to the Hensarling amendment had I been present I would have voted, "yea"; rollcall 380, on agreeing to the McHenry amendment had I been present I would have voted, "yea"; rollcall 381, on agreeing to the Kanjorski amendment had I been present I would have voted, "nay"; rollcall 382 on agreeing to the Roskam amendment had I been present I would have voted, "yea"; rollcall 383, on agreeing to the Garrett (NJ) amendment had I been present I would have voted, "yea".

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mrs. MALONEY of New York. Madam Speaker, I regret that I was unable to vote on six amendments to H.R. 1427, the Federal Housing Finance Reform Act of 2007.

Had I been present, I would have voted "no" on rollcall vote No. 378, the amendment offered by Mr. BACHUS. I would have voted "no" on rollcall vote No. 379, the amendment offered by Mr. HENSARLING. I would have voted "no" on rollcall vote No. 380, the amendment offered by Mr. MCHENRY. I would have voted "aye" on rollcall vote No. 381, the amendment offered by Mr. KANJORSKI. I would have voted "no" on rollcall vote No. 382, the amendment offered by Mr. ROSKAM. I would have voted "no" on rollcall vote No. 383, the amendment offered by Mr. GARRETT.

METROPOLITAN POLICE AND FIRE SERVICE ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Ms. NORTON. Madam Speaker, I rise today to introduce the Metropolitan Police Service Act of 2007. This bill would conform the federal formula for calculating its share of the District of Columbia's Firefighters and Police officers pension to the new 20 year threshold adopted by the District government.

The original bill introduced to the D.C. City Council in 1999 set the minimum to 20 years of service, but then Chief of Police Charles Ramsey asked that the minimum be increased to 25 years. He was concerned that 300 police officers serving on the Police Department in 1999 who were eligible to retire at 20 years might retire en masse. The timeframe for these retirees has passed and the DC government has stepped up to take care of its firefighters and police officers, by resetting the eligibility to 20 years. These firefighters and police officers now request that the United States Congress fulfill its promises to these first responders.

The Federal government made a commitment to pay District of Columbia firefighters and police officer annuity payments that accrued before 1997. Thus, it was necessary when the District of Columbia changed its formula from 25 to 20 years, that the Federal government make the same change for these first responders, so that every first responder has the opportunity for the same annuity payments that accrue at the same time.

This legislation is consistent with what happened in 2000. At that time, the District first changed the retirement plan for Metropolitan Police Department to permit service longevity payments to be considered part of the basic compensation used to calculate the retirement annuities. Congress then followed suit in 2001, by making the adjustment in the Federal Government's share of the payments, namely, the share attributable to service provided prior to July 1997. Thus, the federal formula for its share of each affected firefighter and police officer then mirrored the formula established by the District of Columbia government.

In January of 2007, Mayor Adrian Fenty signed a new law which amends the District of Columbia formula to provide that eligible firefighters and police officers must complete just 20 years of service to receive their long-term annuity. Chief Ramsey did not oppose the lowering of the threshold. Congress should now proceed, as it did it 2001, to change the federal formula for retirement annuities, so it mirrors the District of Columbia's.

TRIBUTE TO CALIFORNIA'S WOMEN VETERANS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Ms. WOOLSEY. Madam Speaker, I rise today, during Women Veterans Week, to honor California's more than 165,000 women veterans, whose proud service and unwavering dedication to our country deserve the highest recognition and commendation.

Throughout American history, women have courageously distinguished themselves by their service in the armed forces, even if they were not always under formal military command. Originally, women served as nurses, cooks, couriers, and spies during every American conflict from the Revolutionary War to the Spanish-American War, although it was only in 1901 that the Army Nurses Corps was established and uniformed women were formally incorporated into the military.

The role of women continued to expand throughout the early 20th century, and by the end of World War II, nearly 350,000 women had served in noncombatant military positions, stationed at the frontlines and often targeted by enemy soldiers. In 1948, President Truman signed into law the Women's Armed Services Integration Act, granting women permanent status in our armed forces and paving the way for full integration of women in the military. Each decade since then, women have enlisted in dramatically increasing numbers, taking on increasingly diverse roles as engineers, communication specialists, intelligence analysts, and special forces.

These service members have demonstrated tremendous courage and patriotism, and it's our responsibility to provide them with the strong support they deserve. We owe them no less.

Madam Speaker, I ask my colleagues to join me today in commending the women of armed forces. Their achievements have made our military the best in the world and their commitment to our country has safeguarded the freedom and way of life cherished by every American.

LARRY WELCH—LAWMAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. POE. Madam Speaker, "The police are the public and the public are police; the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence." These words spoken by Sir Robert Peel, founder of the Metropolitan Police Force in London, describe the obligation and dedication required to be a law enforcement officer in society.

Peace officers are the last strand of wire in the fence between the law and the lawless. They are all that stands between order and chaos. They are all that stands between the people and the outlaws. Peace officers are the rare breeds—the noble breed that wear the badge of Duty, Honor, Courage, and Service. Larry Welch is one of these Peace Officers.

For 46 years, Larry Welch has served his country and the citizens of the State of Kansas as a law enforcement officer. As a child, Larry knew that he wanted to be a law enforcement officer—specifically an Agent with the Federal Bureau of Investigation, FBI. While most kids in high school were thinking of football games and school dances and the coming college years, Larry was writing to the FBI, inquiring about becoming a Special Agent. After obtaining his bachelor's degree from the University of Kansas in 1958 and his Juris Doctorate in 1961, Larry graduated the FBI Academy and became a Special Agent in 1961.

For the next 25 years, Larry served as a dedicated FBI Agent, a career that spanned eight cities and Puerto Rico. He investigated and served the Bureau in a variety of positions, including serving on the protective detail of U.S. Attorney General Robert Kennedy, shortly after President Kennedy was assassinated. Larry also had the experience of serving in a supervisory position with the FBI, including director of FBI operations in Kansas.

In 1986, Larry left the FBI to become the Associate Director of the Kansas Law Enforcement Training Center in Huntchinson, KS. The Kansas Law Enforcement Training Center serves as the headquarters for all law enforcement training in Kansas. By 1989, Larry was promoted to the Director of the Kansas Law Enforcement Training Center and was responsible for the certification of all law enforcement officers within the State of Kansas—an incredible responsibility.

But Larry still had his eye on a position with an organization that he had strived to become a member of for over 30 years. Before Larry was hired as an FBI Agent, he had applied to the Kansas Bureau of Investigation, KBI. The KBI is the statewide law enforcement organization that provides investigative and laboratory services to criminal justice professionals across the State. A position with KBI appealed to Larry, so a family friend and mentor tried to pull some strings to get him hired; but, KBI refused to waive the 7 years of law enforcement experience requirement and instead Larry joined the FBI. This time, however, KBI was not saying no to Larry Welch and in 1994, he was hired as the 10th Director in the history of the Kansas Bureau of Investigation.

Under Larry's leadership, KBI flourished as one of the premiere law enforcement agencies in the State. During his tenure, KBI increased the number of forensic laboratories throughout the State. KBI's forensic laboratory achieved national accreditation, on its first try, from the American Society of Crime Laboratory Directors—the first State crime laboratory to do so. Larry's KBI also assisted the Wichita Police Department in solving the Bind, Torture, Kill, BTK, murders in 2004. He has expanded KBI's investigative focus on computer crimes, such as identity theft and child pornography, as well as the rapid growth of the methamphetamine epidemic across Kansas.

I have had the privilege of calling Larry Welch my good friend for so many years. As a former Judge in Texas for 22 years, I have always been impressed by Larry's dedication to the people of our Nation and upholding the tradition of public service. His integrity is above reproach and his competence is extraordinary.

For Larry Welch, being a lawman was his life's calling, and after 46 years, this dedicated and well-respected law enforcement official is hanging up the badge that he has so proudly worn. The citizens and the State of Kansas are fortunate to have his service. In life, there are not many individuals who have the drive or dedication to a career that Larry has had. He is truly one of a kind, and I am honored to pay him this tribute today.

And That's Just The Way It Is.

TRIBUTE TO DR. CASSIE STATUTO BEVAN

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. CANTOR. Madam Speaker, I rise today to pay tribute to Dr. Cassie Statuto Bevan, a woman who has served this House and the welfare of America's children for more than 20 years.

To Dr. Bevan, there was no such thing as liberal or conservative when it came to protecting the rights and safety of children. In her more than 20 years on the Hill, she worked with members on both sides of the aisle to write and pass meaningful, effective legislation that would keep kids off the streets and in safe, permanent homes. Widely considered the "in-House" expert on child welfare issues, there was rarely, if ever a piece of legislation dealing with the care of children that passed without the benefit of Cassie's expertise and passion.

And Dr. Bevan's service began before many of us were elected to serve in this chamber. She started her work in the House of Representatives in 1984 as a staff member for the newly established Select Committee on Children, Youth, and Families, and after several years, she became the Republican Staff Director. In 1993, Dr. Bevan joined the National Council for Adoption to become the Principal Investigator of the Child Protection Project and to head the Council's Office of Public Policy. In 1994, the Speaker of the House appointed Dr. Bevan to serve as a Commissioner on the U.S. Commission on Child and Family Welfare. The following year, Dr. Bevan returned to the House of Representatives as a Professional Staff Member to the Subcommittee on Human Resources of the Committee on Ways and Means and was promoted to Staff Director at the beginning of the 107th Congress.

In 2001, Dr. Bevan joined then House Majority Whip, Tom DeLay, to serve as his Senior Policy Advisor handling child welfare, welfare reform, and other domestic issues. She continued to serve as the principal staff member to House Majority Leader DeLay on a wide range of issues, including his successful efforts to develop the D.C. Family Court in the wake of the Brianna Blackmond tragedy. Dr. Bevan was the principal staff member on many key pieces of child welfare legislation, including the Inter-Ethnic Placement Act of 1996; the Adoption Tax Credit of 1996; the Adoption and Safe Families Act of 1997; the Foster Care Independence Act of 1999; the Intercountry Adoption Act of 2000, the D.C. Family Court Act of 2001 and the House passed welfare reform reauthorization—the Personal Responsibility, Work and Family Promotion Act of 2002.

Dr. Bevan's work has also been noted outside Capitol Hill and by many national organizations. The National Council for Adoption, the National Association of Psychiatric Treatment Centers for Children, the Centers for Disease Control and Prevention, and the National Committee to Prevent Child Abuse have all rightly honored Dr. Bevan for her leadership in child advocacy.

The House of Representatives may be losing one of our brightest, but her fight is not over. In her much-deserved retirement, Dr. Bevan will continue her commitment to helping abused and neglected children, and will raise awareness as a university professor, teaching future generations the battles she has fought, and won, on behalf of the kids who need it most.

We are very sorry to lose such a valuable member of our team, but I know our work together is not done. On behalf of all the members who have had the opportunity to work with and learn from Dr. Bevan, we wish her the best as she continues her fight outside these halls.

TRIBUTE TO VETERANS OF NORMANDY LANDINGS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. CAPUANO. Madam Speaker, I rise to pay tribute to sixteen heroic veterans of the D-Day landing on the beaches of Normandy. On Saturday, May 19, 2007, the 250th anniversary of the birth of the Marquis de La Fayette, M. François Gauthier, Consul General of France in Boston, presented the cross of a Chevalier of the Legion of Honor to sixteen citizens of Massachusetts: George Belesoz, Peter B. Bennan, Espen H. Christensen, John B. Crawford, James H. Curran, Mario J. De Cristofario, Michael Delisle, George DePaulo, James A. Foster, Milton Issengberg, George A. Jonic, Robert H. Lubker, John E. McBurney, Thomas I. Powers, Seymour L. Schnuer, and Riley P. Shirley. These remarkable men were already a highly decorated band of brothers: twelve had earned the Purple Heart; nine, the Bronze Star; two, the Silver Star; and three had previously been awarded the Croix de Guerre. Representatives of the Mohawk Nation also received honor and thanks for their contribution to the Allied victory.

M. Gauthier read a letter from His Excellency Jean-David Levitte, French Ambassador to the United States, who had returned to Paris to serve as national security adviser to President Nicolas Sarkozy. M. Levitte praised the heroes who, as young men, risked their lives for freedom: They came to Europe because they believed in the power of liberty and democracy; they believed in the power of human rights. They came to liberate populations from oppression and tyranny. And for this we are and we will always be grateful.

I thank the government and the people of France for the honor bestowed on the soldiers and sailors of Massachusetts, and, like them, we must never forget the sacrifices of the greatest generation. I look forward to close friendship and continuing cooperation between our sister Republics as we carry on the struggle for human rights and human dignity.

INTRODUCING THE NATIONAL HURRICANE RESEARCH INITIATIVE ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today with my colleague from Florida, Representative ROS-LEHTINEN and almost 20 bipartisan original cosponsors to introduce the National Hurricane Research Initiative Act.

Although the United States possesses the most capable research enterprise, the largest economy, and the most sophisticated social infrastructure in the world, it remains extremely vulnerable to damage and loss of life from natural disasters. Among weather hazards, hurricanes account for over half of the total economic damage inflicted in the United States.

Since 2001, hurricane damage has cost our nation an average of $35.8 billion in economic losses per year. Even more, the past two years, hurricanes have caused over 1,450 innocent lives to be lost.

With less than a month before this year's hurricane season is set to begin, now is the time to nationally invest in new research to better prepare, respond and mitigate these disasters.

The National Science Board task force, a 24-member independent advisory body to the President and Congress on national science and engineering issues, recently released a report on January 12, 2007 entitled, Hurricane Warning: The Critical Need for a National Hurricane Research Initiative. Their report warns that relative to the tremendous damage future hurricanes will inflict, the current federal investment in hurricane science and engineering is entirely insufficient. More than ever before, our nation needs a National Hurricane Research Initiative (NHRI) to provide vital hurricane research to adequately respond to these threats.

I come to the floor today to introduce the National Hurricane Research Initiative Act, a comprehensive hurricane research bill which will improve hurricane research dramatically in the United States. The bill authorizes $4.35 billion in critical hurricane research funding to help scientists study and better understand how hurricanes form and intensify. This bill also provides enhanced information on early warning systems, infrastructure durability standards, and hurricane tracking and prediction capabilities.

The National Hurricane Research Initiative Act of 2007 takes the general recommendations of the National Science Board and assembles the expertise of the nation's science and engineering experts to gain a better understanding of hurricane prediction and intensity. Under the bill, research is directed to further develop communications emergency networks for government agencies and non-government entities to improve disaster response and recovery. This bill also establishes a National Infrastructure Data Base to develop standards and establish public policy to better understand hurricanes and tropical storms.

Madam Speaker, our nation, and my State of Florida in particular, are all too familiar with the immense damage hurricanes can inflict. When faced with strong hurricane predictions for this year, it could not be more a more appropriate time for Congress to act. We need a forward thinking approach that collects and utilizes comprehensive and improved hurricane research. My legislation would do just that. By investing in scientific research now, before the hurricanes strike, we will be able to better plan and mitigate these disasters, saving infrastructure and lives.

I ask for my colleagues' support and urge the House Leadership to bring this legislation to the floor for its swift consideration.

CHRISTOPHER RYAN COOMES

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. POE. Madam Speaker, 11-year-old Christopher Ryan Coomes, or Ryan, as he is more familiarly called, is an outstanding young man. A native of Texas, born in Houston and raised in the suburb of Spring, Texas, Ryan lives a normal, average American life with his father, Tim, mother, Brenda, big sister, Candance, and little brother, Chase.

Ryan is finishing the 5th Grade at Salyers Elementary in Spring, Texas; however, he is no ordinary 5th grader because Ryan has a gift for excelling in school. In December 2005, when Ryan was a 4th grader, he competed in the Salyers Elementary Spelling Bee. Spelling the word, "walrus," Ryan was named the champion of the spelling competition. When he competed the following year, in 2006, Ryan beat out 30 other participants and would-be spelling bee champion hopefuls to win by spelling the word "staccato"—which is a musical term, meaning to cut short or crisply. Ryan also competed in the Spring ISD District Spelling Bee competition in February of 2007.

Spelling is not the only thing Ryan excels in. Ryan is also an outstanding student, who has been and is on the honor roll at Salyers Elementary. His favorite subjects are history (which also happens to be mine), science, and math. While most kids scheme to get out of going to school in the morning, Ryan eagerly gets up and goes. Currently, he is trying to maintain a perfect attendance record for the 2006–2007 school year. Ryan has a love of reading and is very skilled at writing, having his work continually used by his teacher as an example. He participates in several extra-curricular activities, such as the Chess Club and the Safety Patrol.

Already at 11, Ryan has set goals for himself: He wants to make Eagle Scout—an honor only 5 percent of Boy Scouts ever achieve; he wants to attend college at either Texas A&M, Rice, or an Ivy League college (Yale); he wants to visit England and see Stonehenge.

Ryan has been a long time member of the Cub Scouts, which is a division of the Boy Scouts. The Cub Scouts were formed for boys in the first through fifth grades and was established to promote character development, citizenship training, and personal fitness. Boys involved with Cub Scouts are required to go through 5 different award levels of the Cub Scouts before they are promoted to the highest award level, Arrow of Light.

To be awarded the Arrow of Light, the Cub Scout must demonstrate the specific skills and activities of each of the previous Cub Scout levels. The Cub Scout is also required to learn the Scout Promise and Scout Law. Finally, the Cub Scout is required to attend one Boy Scout Troop meeting and one Boy Scout Troop Activity. Ryan Coomes has met all of these requirements and on March 3, 2007, he was awarded the Arrow of Light for the Cub Scouts of America, Pack 355.

Madam Speaker, Ryan Coomes is a remarkable young man. An honor student, spelling bee champion, and Cub Scout recipient of the Arrow of Light award, Ryan is an example to his fellow students, his fellow citizens of Spring, and his fellow Texans. We need more young people like Ryan. I congratulate Ryan on being awarded the Arrow of Light for the Cub Scouts and I am proud to pay him this tribute today.

And that's just the way it is.

HONORING ARMY SPECIALIST ROBERT J. DIXON OF MINNEAPOLIS

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. ELLISON. Madam Speaker, I rise today to honor Army Specialist Robert J. Dixon of Minneapolis who died on May 6th in Baghdad. His funeral service occurred on Thursday May 18th in Minneapolis and I would like to read the following May 11th, 2007 Associated Press Article about Army Specialist Dixon into the record:

A Minneapolis soldier who graduated from high school in Gladwin and was just three months into his tour in Iraq was killed when an improvised explosive device detonated near his vehicle, the military said.

Army Spc. Robert J. Dixon, 27, died May 6 in Baghdad, the Defense Department said Wednesday. He was assigned to the 1st Squadron, 4th Cavalry Regiment, 4th Brigade Combat Team, 1st Infantry Division at Fort Riley, Kan.

Dixon was born in Portland, Ore., but moved to Gladwin in 1992, said Irene Dixon, who said she and her husband Daniel were Robert Dixon's legal guardians. In high school, Robert was a running back for the football team, set the school record in the 100-meter dash and also wrestled, his mother said.

"He especially enjoyed family activities," Irene Dixon told The Associated Press on Thursday. "We did a lot of family activities. He hunted, he paint-balled, he snowboarded. We went camping, snowmobiling.

"If you ever knew Bobby, you'd love him. Every time we got a report from a teacher it couldn't have been any better. We got a call from a commander who said everybody there (in Iraq) loved him."

After graduating from high school, Dixon attended Olivet College for a year and later was briefly enrolled at Northwood University in Midland.

Dixon joined the Army in the summer of 2005, shortly after he moved to Minneapolis in search of work, his mother said.

"He wanted to further his education, and he always had a desire to be in the Army," she said. "He had planned to make it his career."

Dixon said she last heard from her son last Friday, when he called during a funeral for her uncle to express his condolences.

Robert Dixon is survived by his wife of 1½ years, Rusty Rose-Dixon, and two children. Funeral arrangements were incomplete but were likely to take place at the Gladwin High School gymnasium.

"I can't even convey to you how we're going to miss not having him here," his mother said. "But I also know that he is a Christian and he is with the Lord now."

Madam Speaker, Specialist Dixon served our country, Minnesota and the 5th District with incredible distinction and made the ultimate sacrifice. I know I speak for you, the entire House of Representatives, and our country in sending my deepest condolences to Specialist Dixon's family and loved ones in their time of grief.

THE INTRODUCTION OF CREATE–21

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. BARROW. Madam Speaker, today I am pleased to introduce CREATE–21, a measure aimed at "Creating Research, Extension, and Teaching Excellence for the 21st Century."

America has arrived at a critical juncture with respect to the food, agricultural, and natural resource sciences. Ahead of us are two paths. The first is the path of the status quo. It is not a bad path—after all, it has provided the Nation and the world with bountiful and affordable food and numerous other benefits. No, this path is not bad; it's just not as good as it should be.

The other path—the CREATE–21 path—recognizes that the status quo, when it comes to the Federal-State Partnership in the Food and Agricultural Sciences (as that term is broadly defined by statute), is no longer sustainable and thus no longer acceptable. This Nation and the whole planet face both daunting challenges and tremendous opportunities that will require structural and funding improvements. Here are some examples:

Challenges such as the effects of changing climate on farms and forests cannot be solved with an inadequate USDA science organization and woefully inadequate funding.

Opportunities for replacing a substantial portion of U.S. petroleum consumption through increased production of renewable fuels (without raising grain and livestock prices unduly) cannot be attained without a major increase in funding for basic research and applied research and "integrated" efforts (where research is combined with education and technology transfer through extension agents).

Efforts to boost the U.S. specialty crops and organic food industries will not come to fruition in a timely manner—thereby threatening America's world leadership positions—if part of the responsibility for research continues to lie within one USDA agency and part in another, with inadequate coordination between the two!

Problems such as the twin (and related) epidemics of obesity and diabetes cannot be overcome with Federal research, education, and extension efforts divided among two USDA agencies (and some 105 land-grant universities) unless the Under Secretary for Research, Education, and Economics has under his immediate supervision a national program staff that can provide overarching vision, guidance, and leadership for those two agencies.

Madam Speaker, these are only four examples—among dozens that I could have chosen—but they make the case for the comprehensive approach embodied in CREATE–21. They demonstrate that the opportunities and challenges we face demand both an improved organizational structure and enhanced funding.

When the House Committee on Agriculture sits down in the next few weeks to develop the 2007 Farm Bill, I am hopeful that the foundational precepts and specific provisions embodied in the legislation I introduce today will form the basis for the Committee's Research Title. Therefore, I want to take a few minutes to highlight three key provisions:

CREATE–21 will increase planning and implementation across intramural (e.g., ARS and ERS) and extramural (e.g., land-grant) facilities through a single national program staff working directly for the USDA Under Secretary for Research, Education, and Economics.

CREATE–21 will also establish a new National Institutes for Food and Agriculture (replacing the current Cooperative State Research, Education, and Extension Service) to provide continuing and expanded support to America's land-grant and other universities and related institutions.

Finally, CREATE–21 will double authorized funding for the food, agriculture, and natural resource research, teaching, and extension programs currently administered by Cooperative State Research, Education, and Economics Service in order to address the enormous opportunities and daunting challenges that face the country and the greater global community.

Besides these distinctive elements, CREATE–21 has three other unique attributes:

CREATE–21 will strengthen the land-grant system with its integrated, National network of State Agricultural Experiment Stations, more than 3,000 Cooperative Extension offices, and universities in all 50 states, DC, and the U.S. territories.

CREATE–21 will augment "integrated" USDA funding programs so that many more grants which integrate research with extension and/or education are awarded through competitive, peer-reviewed procedures.

Lastly, CREATE–21 will bolster university capacity, especially for the historically black (1890), tribal (1994), insular area, and small 1862 land-grant universities and members of the American Association of State Colleges of Agriculture and Renewable Resources (AASCARR).

In addition to these provisions, the legislation I am introducing today contains many other amendments to USDA research, extension, and teaching statutes, reflecting the best thinking of a broad cross-section of America's land grant community. These provisions include critical updates that will enhance, among other things, the basic programs providing sustenance for the 1890 land-grant institutions and critical food, health, and nutritional information to low-income families and youth through the Expanded Food and Nutrition Education Program. In fact, this legislation addresses ALL of the Farm Bill priorities outlined by the Presidents of the 1890 colleges.

While I support the key tenets of this legislation and am pleased to introduce it in the House, we all recognize that difficult problems require consensus-based solutions and I remain open to suggestions. I look forward to working closely with my colleagues on the Agriculture Committee as we develop a Research Title for the 2007 Farm Bill that truly has at its core mission: "Creating Research, Extension, and Teaching Excellence for the 21st Century."

PERSONAL EXPLANATION

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Ms. WASSERMAN SCHULTZ. Madam Speaker, on Monday and Tuesday, May 14 and 15, 2007, I was attending to personal family matters in the District. Consequently, I missed Rollcall Votes No. 342, "To extend the District of Columbia College Access Act;" No. 343, "Supporting the Goals and Ideals of a National Day of Remembrance for Murder Victims;" No. 344, "Recognizing National Americorps Week;" No. 345, "American Veterans Disabled for Life Commemorative Coin;" No. 346, "Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007;" No. 347, "John R. Justice Prosecutors and Defenders Incentive Act of 2007;" No. 348, "COPS Improvement Act of 2007;" and No. 349, "Safe American Roads Act of 2007."

If present, I would have voted "aye" on all matters.

THE AFFORDABLE GAS PRICE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Affordable Gas Price Act. This legislation reduces gas prices by reforming government polices that artificially inflate the price of gas. As I need not remind my colleagues, the American people are being hard hit by skyrocketing gas prices. In some parts of the country, gas prices have risen to as much as $4 per gallon.

This increase in the price of gas threatens our already fragile economy and diminishes the quality of life for all Americans. One industry that is particularly hard hit is the trucking industry. The effects of high gas prices on the trucking industry will be reflected in increased costs for numerous consumer goods, thus further harming American consumers.

Unfortunately, many proposals to address the problem of higher energy prices involve increasing government interference in the market through policies such as price controls. These big government solutions will, at best, prove ineffective and, at worst, bring back the fuel shortages and gas lines of the seventies.

Instead of expanding government, Congress should repeal federal laws and polices that raise the price of gas, either directly through taxes or indirectly though regulations that. discourage the development of new fuel sources. This is why my legislation repeals the federal moratorium on offshore drilling and allows oil exploration in the ANWR reserve in Alaska. My bill also ensures that the National Environmental Policy Act's environmental impact statement requirement will no longer be used as a tool to force refiners to waste valuable time and capital on nuisance litigation. The Affordable Gas Price Act also provides tax incentives to encourage investment in new refineries.

Federal fuel taxes are a major part of gasoline's cost. The Affordable Gas Price Act suspends the federal gasoline tax any time the average gas prices exceeds $3.00 per gallon. During the suspension, the federal government will have a legal responsibility to ensure the federal highway trust fund remains funded. My bill also raises the amount of mileage reimbursement not subject to taxes, and, during times of high oil prices, provides the same mileage reimbursement benefit to charity and medical organizations as provided to businesses.

Misguided and outdated trade polices are also artificially raising the price of gas. For instance, even though Russia and Kazakhstan allow their citizens the right and opportunity to emigrate, they are still subject to Jackson-Vanik sanctions, even though Jackson-Vanik was a reaction to the Soviet Union's highly restrictive emigration policy. Eliminating Jackson-Vanik's threat of trade-restricting sanctions would increase the United States' access to oil supplies from non-Arab countries. Thus, my bill terminates the application of title IV of the Trade Act of 1974 to Russia and Khazaskin, allowing Americans to enjoy the benefits of free trade with these oil-producing nations.

Finally, the Affordable Gas Price Act creates a federal study on how the abandonment of the gold standard and the adoption of freely floating currencies are affecting the price of oil. It is no coincidence that oil prices first became an issue shortly after President Nixon unilaterally severed the dollar's last connection to gold. The system of fiat money makes consumers vulnerable to inflation and to constant fluctuations in the prices of essential goods such as oil.

In conclusion Madam Speaker, I urge my colleagues to support the Affordable Gas Price Act and end government polices that increase the cost of gasoline.

JAY EAGEN'S RETIREMENT

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Mr. EHLERS. Madam Speaker, I rise today to congratulate Jay Eagen on the occasion of his retirement from the position of Chief Administrative Officer (CAO) of the U.S. House of Representatives, effective May 31, 2007.

For the past 20 years, Jay Eagen has dedicated himself to serving the public through a variety of roles in the House of Representatives. He began his career as a Legislative Assistant in 1982 and a year later was appointed chief of staff to Rep. Steve Gunderson of Wisconsin. In 1985, he joined the office of Rep. Bill Goodling of Pennsylvania first as his chief-of-staff, then as minority and majority staff director of the Committee on Education and the Workforce under Goodling's leadership.

When Republicans assumed the majority in 1994, we were determined to professionalize the operations of the House, many of which currently exist within the Office of the Chief Administrative Officer. In 1997, Jay was chosen to become the CAO. For the past 10 years, Jay Eagen has demonstrated what a commitment to the effective, transparent administration of the House will yield. Once he assumed the role of CAO, Jay quickly established an environment of financial stewardship and responsibility, which would yield eight consecutive "clean opinions" on the House's annual financial statements. A considerable achievement considering that previously those records were so poorly kept they could not even be audited.

Although Jay was appointed and sworn in by Speaker Newt Gingrich, he always conducted himself as a steward of the institution, without regard to party or politics. He mastered that rare feat of catering to all Members, while being beholden to none. Members often sought Jay on this very floor to express their feelings on everything from the menu selections in the Members' Dining Room, to the preparations for such historic events as the passing, and subsequent lying in state in the Capitol Rotunda, of Presidents Reagan and Ford. Regardless of whether an "R" or "D" followed the Member's name, no issue was too large or too small for Jay to attend to. He personally took responsibility for countless requests, and worked with the staff of his organization to find a resolution to each one.

Madam Speaker, in an institution where it is rare for Members on both sides of the aisle to agree, few will dispute the dedication that Jay Eagen has demonstated to this body over the past 20 years. Soon Jay, his wife Cathy, and their son Keiran will leave the Washington, D.C., area for the tranquility of Durango, Colorado. While Jay will likely welcome the change provided by his newly sylvan surroundings, those Members whom he has so capably assisted for these many years will acutely feel the loss of this tireless public servant.

On behalf of the Members and staff of the House, I would like to extend my warmest wishes to Jay and his family in the months and years ahead as they embark upon the next chapter of their lives.

INTRODUCTION OF THE OCEAN AND COASTAL MAPPING INTEGRATION ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2007

Ms. BORDALLO. Madam Speaker, Thomas Jefferson, in 1807, signed into law an Act requiring the President "to cause a survey to be taken of the coast of the United States . . . together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts." The mapping and charting of our coasts and marine waters continues to be an issue of great national importance two hundred years later.

President Jefferson's original intent with that Act was to provide seafarers with nautical charts that would allow for them to safely navigate in the new nation's coastal waters. Since that time, our mapping needs have expanded significantly, and federal agencies have risen to the occasion. Today, at least ten federal agencies conduct mapping and surveying activities to support myriad U.S. interests. Mapping continues, of course, to be done to ensure safe navigation. Understanding the contours of our ocean's floors is imperative for national security. Hydrographic surveys are used to locate and protect cultural resources, such as shipwrecks, and natural formations and other areas worthy of protection. We use them to identify sensitive habitats, and to manage and conserve fishery resources and protected species. Mapping efforts are conducted to identify sources of energy for the country, and to ensure that energy development is done in a way that is compatible with other uses of our oceans, and that protects the natural resources that exist there. Mapping is, in addition, necessary to ensure that ocean observation platforms are sited in a similarly sensitive way.

These ten agencies, along with dozens of private entities, academic institutions, and state and territorial agencies, conduct these activities in a largely, if not entirely, uncoordinated matter. Agencies may use a variety of techniques and spatial frameworks in collecting data and developing products, which leads to incompatibility between data sets and products from one agency to another. One agency is generally unaware of mapping efforts being undertaken by other entities, leading to redundant efforts and unnecessary spending. In addition, these data are not easily accessible, and there exists no central portal through which they can be obtained. The lack of availability means that the public and private sectors both miss out on a significant and useful informational resource.

As you are well aware, the U.S. Commission on Ocean Policy released a report at the request of the President recommending actions needed to improve ocean policy in the United States. The work of this Commission, as well as that of the Pew Oceans Commission, is being carried on and championed by the Joint Ocean Commission Initiative. The Subcommittee on Fisheries, Wildlife and Oceans, which I chair, held a hearing on March 29, 2007, to learn of the most pressing problems with our current ocean management system. A recurring theme during this hearing was that the lack of coordination between federal agencies and other levels of government is a serious shortcoming of our current ocean management framework. It is in the spirit of this need for better coordination that I introduce today the Ocean and Coastal Mapping Integration Act.

Among the suggestions made by the U.S. Commission on Ocean Policy was a recommendation that existing federal mapping activities be consolidated and coordinated, and that the National Oceanic and Atmospheric Administration (NOAA) lead this effort. At the same time, the National Research Council (NRC) completed a study to identify the most pressing national needs for coastal mapping and charting. This study, requested by NOAA, the Environmental Protection Agency (EPA), and the United States Geological Survey (USGS), three of the primary agencies involved in ocean and coastal surveys, identified the same need for coordination. Their findings included a need for a consistent spatial framework, increased access to geospatial data and mapping products, and increased inter- and intra-agency communication, cooperation, and coordination. The bill that I have introduced today is a direct response to these recommendations.

I have already described the myriad reasons for mapping our oceans and coasts. As a resident of the island of Guam, whose Exclusive Economic Zone includes approximately 80,000 square miles of ocean, it is easy for me to understand the urgency of these needs. I recognize, however, that many Americans, especially those that do not live on the coast, may not share a similar appreciation for the need to improve our country's capabilities in this area. For them, I offer a more simple statement of need. And that is, are not the lands that lay beneath our waters as much a part of this country and our resources as those that lie on our highest peaks and in our deepest valleys? We have mapped every plateau, river, and canyon across our landscape, but have very little detailed information on what lies beneath the waters of our Exclusive Economic Zone and the Great Lakes. Where would we be if 200 years ago Thomas Jefferson had not sent Lewis and Clark out to explore the uncharted West? The need for improving our mapping and charting capabilities could be as simple as a desire to fully understand the extent and nature of our resources.

For some, the thirst for knowledge and to learn what lies beneath our waters may not be a compelling argument for seeking to improve our ocean and coastal mapping capabilities. The issue, however, can be further explained and reframed. If the United States Senate were to ratify the United Nations Convention on the Law of the Sea, we will have the opportunity to extend our seaward claim to the edge of our continental shelf, where an estimated $1.3 trillion in oil, mineral, and sedentary species resources lie. Without proof of the extent of that shelf, we forgo these claims.

It is in the interest of national and economic security, the advancement of ocean science, the protection of our cultural and natural resources, and safety of navigation to better coordinate the ocean and coastal mapping capabilities of the United States. By passing this Act, Congress will ensure that our mapping and charting needs are met in an efficient and coordinated manner, that ocean science will advance, and that ocean exploration technologies will continue to develop. It is my hope that my colleagues will support this bill and that they will join me in ensuring that federal agencies' mapping and charting capabilities and products are developed and utilized to their full potential.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 22, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 23

9:30 a.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine rising crime in the United States, focusing on the federal role in helping communities prevent and respond to violent crime.

SD–226

Veterans' Affairs

To hold hearings to examine health care legislation.

SD–562

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine communications, taxation and federalism.

SR–253

Finance

To hold hearings to examine funding Social Security's administrative costs, focusing on the budget resolution.

SD–215

Joint Economic Committee

To hold hearings to examine the United States petroleum industry, focusing on potentially harmful conditions for consumers.

SH–216

11:30 a.m.

Energy and Natural Resources

Business meeting to consider S. 126, to modify the boundary of Mesa Verde National Park, S. 175, to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District, S. 324, to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico, S. 542, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, S. 553, to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, S. Con. Res. 6, expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, should be designated as the "National Museum of Wildlife Art of the United States", S. 580, to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, S. 637, to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, S. 686, to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historical Trail, S. 797, to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail, S. 890, to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, S. 1037, to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon, S. 1110, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah, S. 1139, to establish the National Landscape Conservation System, S. 1152, to promote wildland firefighter safety, S. 1281, to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System, H.R. 161, to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, H.R. 235, to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, H.R. 247, to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives, H.R. 276, to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for otherpurposes, H.R. 376, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System, and for otherpurposes, H.R. 482, to direct the Secretary of the Interior to transfer ownershipof the American River Pump Station Project, and certain other pending calendar business and nominations.

SD–366

Armed Services

Strategic Forces Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.

SR–222

1:30 p.m.

Judiciary

To hold hearings to examine S. 1257, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives, focusing on ending taxation without representation.

SD–226

2:30 p.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for Fiscal Year 2008.

SR–222

Banking, Housing, and Urban Affairs

Security and International Trade and Finance Subcommittee

To hold hearings to examine United States economic relations with China, focusing on strategies and options on exchange rates and market access.

SD–538

MAY 24

9:30 a.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for Fiscal Year 2008.

SR–222

Energy and Natural Resources

To hold an oversight hearing to examine opportunities and challenges associated with coal gasification, including coal-to-liquids and industrial gasification.

SD–366

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Michael E. Baroody, of Virginia, to be Chairman and Commissioner of the Consumer Product Safety Commission, and Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.

SR–253

Environment and Public Works

To hold hearings to examine potential impacts of global warming on recreation and the recreation industry.

SD–406

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine federal real property, focusing on the property management problems highlighted in a recent Government Accountability Office report.

SD–342

Judiciary

Business meeting to consider S. 1327, to create and extend certain temporary district court judgeships, and S. 185, to restore habeas corpus for those detained by the United States, and possible authorization of subpoenas in the connection with investigation into the replacement of U.S. attorneys.

SD–226

Commission on Security and Cooperation in Europe

To hold hearings to examine Russia, focusing on the reemergence of Russia as a major political and economic power.

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11:30 a.m.

Foreign Relations

Business meeting to consider S. 392, to ensure payment of United States assessments for United Nations peacekeeping operations for the 2005 through 2008 time period, S. Con. Res. 25, condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society, S. Res. 110, expressing the sense of the Senate regarding the 30th Anniversary of ASEAN-United States dialogue and relationship, and the nominations of Phillip Carter, III, of Virginia, to be Ambassador to the Republic of Guinea, R. Niels Marquardt, of California, to be Ambassador of America to the Republic of Madagascar, and to serve concurrently and without additional compensation as Ambassador of America to the Union of Comoros, Janet E. Garvey, of Massachusetts, to be Ambassador to the Republic of Cameroon, Dell L. Dailey, of South Dakota, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large, Mark P. Lagon, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large, and James K. Glassman, of Connecticut, to be a Member of the Broadcasting Board of Governors, and a promotion list in the Foreign Service.

S–116, Capitol

2 p.m.

Finance

Energy, Natural Resources, and Infrastructure Subcommittee

To hold hearings to examine energy efficiency, focusing on tax incentives for reducing consumption.

SD–215

2:30 p.m.

Intelligence

To hold hearings to examine terrorist ideology.

SD–106

3 p.m.

Homeland Security and Governmental Affairs

Disaster Recovery Subcommittee

To hold hearings to examine issues relative to residents of Louisiana affected by Hurricane Katrina or Rita, focusing on the goals, costs, management and impediments facing Louisiana's Road Home Program.

SD–342

JUNE 7

2 p.m.

Judiciary

To hold hearings to examine S. 453, to prohibit deceptive practices in Federal elections.

SD–226

JUNE 13

9:30 a.m.

Veterans' Affairs

Business meeting to markup pending legislation.

SD–562

10 a.m.

Rules and Administration

To hold hearings to examine nominations to the Federal Election Commission.

SR–301

JUNE 27

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine the Department of Veterans Affairs and the Department of Defense, focusing on cooperation on employment issues.

SD–562

POSTPONEMENTS

MAY 23

2 p.m.

Commerce, Science, and Transportation

Space, Aeronautics, and Related Agencies Subcommittee

To hold hearings to examine the investigation of the National Aeronautics and Space Administration (NASA) Inpector General.

SR–253